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Representative Amstutz

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Thompson**

**Senators Beagle, Burke, Coley, Faber, Hite, Lehner, Oelslager, Peterson,
Schaffer, Uecker, Widener**

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of Sub. H.B. 34 of the 130th General Assembly; to 606
amend Sections 205.10, 506.10, and 755.30 of Am. 607
Sub. H.B. 51 of the 130th General Assembly; to 608
amend Section 753.30 of Am. Sub. H.B. 153 of the 609
129th General Assembly; to amend Section 4 of Am. 610
Sub. H.B. 279 of the 129th General Assembly; to 611
amend Section 11 of Sub. H.B. 303 of the 129th 612

General Assembly; to amend Section 4 of Am. Sub. 613
H.B. 472 of the 129th General Assembly; to amend 614
Sections 201.80, 205.83, and 509.40 of Sub. H.B. 615
482 of the 129th General Assembly; to amend 616
Sections 301.11, 301.12, and 301.13 of Am. Sub. 617
H.B. 487 of the 129th General Assembly; to amend 618
Section 205.80 of Sub. H.B. 482 of the 129th 619
General Assembly, as subsequently amended; to 620
amend Section 4 of Sub. S.B. 171 of the 129th 621
General Assembly, as subsequently amended; to 622
amend Section 105.05 of Am. Sub. H.B. 2 of the 623
128th General Assembly; to repeal Section 624
267.60.31 of Am. Sub. H.B. 153 of the 129th 625
General Assembly; to repeal Section 125.10 of Am. 626
Sub. H.B. 1 of the 128th General Assembly as 627
subsequently amended; to repeal Section 514.03 of 628
Am. Sub. H.B. 66 of the 126th General Assembly; to 629
repeal Section 153 of Am. Sub. H.B. 117 of the 630
121st General Assembly as subsequently amended; to 631
amend Sections 203.30.40, 203.30.70, 203.30.80, 632
203.90.10, 203.90.20, 205.10.20, 205.30.90, 633
205.50.70, and 207.10.10 of Sub. S.B. 312 of the 634
129th General Assembly; to amend the versions of 635
sections 109.57, 2151.011, 2923.126, 5104.012, 636
5104.013, 5104.03, 5104.08, and 5104.32 of the 637
Revised Code that are scheduled to take effect 638
January 1, 2014, to continue the provisions of 639
this act on and after that effective date; to 640
amend the versions of sections 4501.01, 4507.01, 641
and 4507.06 of the Revised Code that are scheduled 642
to take effect January 1, 2017, to continue the 643
provisions of this act on and after that effective 644
date; to amend section 3313.88 of the Revised Code 645

as it results from Section 101.01 of this act for 646
the purpose of adopting new section number 647
3313.482 on July 1, 2014; to make operating 648
appropriations for the biennium beginning July 1, 649
2013, and ending June 30, 2015; to provide 650
authorization and conditions for the operation of 651
state programs; to repeal sections 5168.20, 652
5168.21, 5168.22, 5168.23, 5168.24, 5168.25, 653
5168.26, 5168.27, and 5168.28 of the Revised Code 654
on October 1, 2015, to terminate the operation of 655
those sections on that date; to repeal sections 656
5168.01, 5168.02, 5168.03, 5168.04, 5168.05, 657
5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 658
5168.11, 5168.12, 5168.13, 5168.99, and 5168.991 659
of the Revised Code on October 16, 2015, to 660
terminate the operation of those sections on that 661
date; and to repeal section 5124.67 of the Revised 662
Code on July 1, 2018, to terminate the operation 663
of that section on that date. 664

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

Section 101.01. That sections 9.03, 9.15, 9.231, 9.239, 9.24, 665
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5736.11, 5736.12, 5736.13, 5736.14, 5736.99, 5741.032, 5751.55, 1102
5910.08, 5919.342, and 6133.041 of the Revised Code be enacted to 1103
read as follows: 1104

Sec. 1.611. As used in the Revised Code, "OSU extension" 1105
means the cooperative extension service that was established by 1106
the "Smith-Lever Act," 38 Stat. 372 (1914), 7 U.S.C. 341 et seq., 1107
and is administered in this state by the Ohio state university. 1108

Sec. 9.03. (A) As used in this section: 1109

(1) "Political subdivision" means any body corporate and 1110
politic, except a municipal corporation that has adopted a charter 1111
under Section 7 of Article XVIII, Ohio Constitution, and except a 1112
county that has adopted a charter under Sections 3 and 4 of 1113
Article X, Ohio Constitution, to which both of the following 1114
apply: 1115

(a) It is responsible for governmental activities only in a 1116
geographic area smaller than the state. 1117

(b) It is subject to the sovereign immunity of the state. 1118

(2) "Cigarettes" and "tobacco product" have the same meanings 1119
as in section 5743.01 of the Revised Code. 1120

(3) "Transaction" has the same meaning as in section 1315.51 1121
of the Revised Code. 1122

(4) "Campaign committee," "campaign fund," "candidate," 1123
"legislative campaign fund," "political action committee," 1124
"political committee," "political party," and "separate segregated 1125
fund" have the same meanings as in section 3517.01 of the Revised 1126
Code. 1127

(B) Except as otherwise provided in division (C) of this 1128
section, the governing body of a political subdivision may use 1129
public funds to publish and distribute newsletters, or to use any 1130
other means, to communicate information about the plans, policies, 1131
and operations of the political subdivision to members of the 1132
public within the political subdivision and to other persons who 1133
may be affected by the political subdivision. 1134

(C) Except as otherwise provided in division (A)(7) of 1135
section 340.03 ~~or division (A)(12) of section 340.033~~ of the 1136
Revised Code, no governing body of a political subdivision shall 1137
use public funds to do any of the following: 1138

(1) Publish, distribute, or otherwise communicate information 1139
that does any of the following: 1140

(a) Contains defamatory, libelous, or obscene matter; 1141

(b) Promotes alcoholic beverages, cigarettes or other tobacco 1142
products, or any illegal product, service, or activity; 1143

(c) Promotes illegal discrimination on the basis of race, 1144
color, religion, national origin, handicap, age, or ancestry; 1145

(d) Supports or opposes any labor organization or any action 1146
by, on behalf of, or against any labor organization; 1147

(e) Supports or opposes the nomination or election of a 1148
candidate for public office, the investigation, prosecution, or 1149
recall of a public official, or the passage of a levy or bond 1150

issue. 1151

(2) Compensate any employee of the political subdivision for 1152
time spent on any activity to influence the outcome of an election 1153
for any of the purposes described in division (C)(1)(e) of this 1154
section. Division (C)(2) of this section does not prohibit the use 1155
of public funds to compensate an employee of a political 1156
subdivision for attending a public meeting to present information 1157
about the political subdivision's finances, activities, and 1158
governmental actions in a manner that is not designed to influence 1159
the outcome of an election or the passage of a levy or bond issue, 1160
even though the election, levy, or bond issue is discussed or 1161
debated at the meeting. 1162

(D) Except as otherwise provided in division (A)(7) of 1163
section 340.03 ~~or division (A)(12) of section 340.033~~ of the 1164
Revised Code or in division (E) of this section, no person shall 1165
knowingly conduct a direct or indirect transaction of public funds 1166
to the benefit of any of the following: 1167

- (1) A campaign committee; 1168
- (2) A political action committee; 1169
- (3) A legislative campaign fund; 1170
- (4) A political party; 1171
- (5) A campaign fund; 1172
- (6) A political committee; 1173
- (7) A separate segregated fund; 1174
- (8) A candidate. 1175

(E) Division (D) of this section does not prohibit the 1176
utilization of any person's own time to speak in support of or in 1177
opposition to any candidate, recall, referendum, levy, or bond 1178
issue unless prohibited by any other section of the Revised Code. 1179

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

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

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

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

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

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

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

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

municipal corporation in which the person had a legal residence at 1210
the time of death. 1211

(C) If the person was an inmate of a correctional institution 1212
of the county or a patient or resident of a benevolent institution 1213
of the county, the person had no legal residence in the state, or 1214
the person's legal residence is unknown, the superintendent shall 1215
cause the person to be buried or cremated at the expense of the 1216
county. 1217

Such officials shall provide, at the grave of the person or, 1218
if the person's cremated remains are buried, at the grave of the 1219
person's cremated remains, a metal, stone, or concrete marker on 1220
which the person's name and age, if known, and date of death shall 1221
be inscribed. 1222

A political subdivision is not relieved of its duty to bury 1223
or cremate a person at its expense under this section when the 1224
body is claimed by an indigent person. As used in this section, 1225
"indigent person" means a person whose income does not exceed one 1226
hundred fifty per cent of the federal poverty line, as revised 1227
annually by the United States department of health and human 1228
services in accordance with section 673(2) of the "Omnibus Budget 1229
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as 1230
amended, for a family size equal to the size of the person's 1231
family. 1232

Sec. 9.231. (A)(1) Subject to divisions (A)(2) and (3) of 1233
this section, a governmental entity shall not disburse money 1234
totaling twenty-five thousand dollars or more to any person for 1235
the provision of services for the primary benefit of individuals 1236
or the public and not for the primary benefit of a governmental 1237
entity or the employees of a governmental entity, unless the 1238
contracting authority of the governmental entity first enters into 1239
a written contract with the person that is signed by the person or 1240

by an officer or agent of the person authorized to legally bind 1241
the person and that embodies all of the requirements and 1242
conditions set forth in sections 9.23 to 9.236 of the Revised 1243
Code. If the disbursement of money occurs over the course of a 1244
governmental entity's fiscal year, rather than in a lump sum, the 1245
contracting authority of the governmental entity shall enter into 1246
the written contract with the person at the point during the 1247
governmental entity's fiscal year that at least seventy-five 1248
thousand dollars has been disbursed by the governmental entity to 1249
the person. Thereafter, the contracting authority of the 1250
governmental entity shall enter into the written contract with the 1251
person at the beginning of the governmental entity's fiscal year, 1252
if, during the immediately preceding fiscal year, the governmental 1253
entity disbursed to that person an aggregate amount totaling at 1254
least seventy-five thousand dollars. 1255

(2) If the money referred to in division (A)(1) of this 1256
section is disbursed by or through more than one state agency to 1257
the person for the provision of services to the same population, 1258
the contracting authorities of those agencies shall determine 1259
which one of them will enter into the written contract with the 1260
person. 1261

(3) The requirements and conditions set forth in divisions 1262
(A), (B), (C), and (F) of section 9.232, divisions (A)(1) and (2) 1263
and (B) of section 9.234, divisions (A)(2) and (B) of section 1264
9.235, and sections 9.233 and 9.236 of the Revised Code do not 1265
apply with respect to the following: 1266

(a) Contracts to which all of the following apply: 1267

(i) The amount received for the services is a set fee for 1268
each time the services are provided, is determined in accordance 1269
with a fixed rate per unit of time or per service, or is a 1270
capitated rate, and the fee or rate is established by competitive 1271
bidding or by a market rate survey of similar services provided in 1272

a defined market area. The market rate survey may be one conducted 1273
by or on behalf of the governmental entity or an independent 1274
survey accepted by the governmental entity as statistically valid 1275
and reliable. 1276

(ii) The services are provided in accordance with standards 1277
established by state or federal law, or by rules or regulations 1278
adopted thereunder, for their delivery, which standards are 1279
enforced by the federal government, a governmental entity, or an 1280
accrediting organization recognized by the federal government or a 1281
governmental entity. 1282

(iii) Payment for the services is made after the services are 1283
delivered and upon submission to the governmental entity of an 1284
invoice or other claim for payment as required by any applicable 1285
local, state, or federal law or, if no such law applies, by the 1286
terms of the contract. 1287

(b) Contracts under which the services are reimbursed through 1288
or in a manner consistent with a federal program that meets all of 1289
the following requirements: 1290

(i) The program calculates the reimbursement rate on the 1291
basis of the previous year's experience or in accordance with an 1292
alternative method set forth in rules adopted by the Ohio 1293
department of job and family services. 1294

(ii) The reimbursement rate is derived from a breakdown of 1295
direct and indirect costs. 1296

(iii) The program's guidelines describe types of expenditures 1297
that are allowable and not allowable under the program and 1298
delineate which costs are acceptable as direct costs for purposes 1299
of calculating the reimbursement rate. 1300

(iv) The program includes a uniform cost reporting system 1301
with specific audit requirements. 1302

(c) Contracts under which the services are reimbursed through 1303
or in a manner consistent with a federal program that calculates 1304
the reimbursement rate on a fee for service basis in compliance 1305
with United States office of management and budget Circular A-87, 1306
as revised May 10, 2004. 1307

(d) Contracts for services that are paid pursuant to the 1308
earmarking of an appropriation made by the general assembly for 1309
that purpose. 1310

(B) Division (A) of this section does not apply if the money 1311
is disbursed to a person pursuant to a contract with the United 1312
States or a governmental entity under any of the following 1313
circumstances: 1314

(1) The person receives the money directly or indirectly from 1315
the United States, and no governmental entity exercises any 1316
oversight or control over the use of the money. 1317

(2) The person receives the money solely in return for the 1318
performance of one or more of the following types of services: 1319

(a) Medical, therapeutic, or other health-related services 1320
provided by a person if the amount received is a set fee for each 1321
time the person provides the services, is determined in accordance 1322
with a fixed rate per unit of time, or is a capitated rate, and 1323
the fee or rate is reasonable and customary in the person's trade 1324
or profession; 1325

(b) Medicaid-funded services, including administrative and 1326
management services, provided pursuant to a contract or medicaid 1327
provider agreement that meets the requirements of the medicaid 1328
program ~~established under Chapter 5111. of the Revised Code.~~ 1329

(c) Services, other than administrative or management 1330
services or any of the services described in division (B)(2)(a) or 1331
(b) of this section, that are commonly purchased by the public at 1332
an hourly rate or at a set fee for each time the services are 1333

provided, unless the services are performed for the benefit of 1334
children, persons who are eligible for the services by reason of 1335
advanced age, medical condition, or financial need, or persons who 1336
are confined in a detention facility as defined in section 2921.01 1337
of the Revised Code, and the services are intended to help promote 1338
the health, safety, or welfare of those children or persons; 1339

(d) Educational services provided by a school to children 1340
eligible to attend that school. For purposes of division (B)(2)(d) 1341
of this section, "school" means any school operated by a school 1342
district board of education, any community school established 1343
under Chapter 3314. of the Revised Code, or any nonpublic school 1344
for which the state board of education prescribes minimum 1345
education standards under section 3301.07 of the Revised Code. 1346

(e) Services provided by a foster home as defined in section 1347
5103.02 of the Revised Code; 1348

(f) "Routine business services other than administrative or 1349
management services," as that term is defined by the attorney 1350
general by rule adopted in accordance with Chapter 119. of the 1351
Revised Code; 1352

(g) Services to protect the environment or promote 1353
environmental education that are provided by a nonprofit entity or 1354
services to protect the environment that are funded with federal 1355
grants or revolving loan funds and administered in accordance with 1356
federal law. 1357

(3) The person receives the money solely in return for the 1358
performance of services intended to help preserve public health or 1359
safety under circumstances requiring immediate action as a result 1360
of a natural or man-made emergency. 1361

(C) With respect to an unincorporated nonprofit association, 1362
corporation, or organization established for the purpose of 1363
providing educational, technical, consulting, training, financial, 1364

or other services to its members in exchange for membership dues 1365
and other fees, any of the services provided to a member that is a 1366
governmental entity shall, for purposes of this section, be 1367
considered services "for the primary benefit of a governmental 1368
entity or the employees of a governmental entity." 1369

Sec. 9.239. (A) There is hereby created the government 1370
contracting advisory council. The attorney general and auditor of 1371
state shall consult with the council on the performance of their 1372
rule-making functions under sections 9.237 and 9.238 of the 1373
Revised Code and shall consider any recommendations of the 1374
council. The medicaid director ~~of job and family services~~ shall 1375
annually report to the council the cost methodology of the 1376
medicaid-funded services described in division (A)(3)(d) of 1377
section 9.231 of the Revised Code. The council shall consist of 1378
the following members or their designees: 1379

- (1) The attorney general; 1380
- (2) The auditor of state; 1381
- (3) The director of administrative services; 1382
- (4) The director of aging; 1383
- (5) ~~The director of alcohol and drug addiction services~~ The 1384
medicaid director; 1385
- (6) The director of budget and management; 1386
- (7) The director of development services; 1387
- (8) The director of job and family services; 1388
- (9) The director of ~~mental health~~ mental health and addiction 1389
services; 1390
- (10) The director of developmental disabilities; 1391
- (11) The director of rehabilitation and correction; 1392

(12) The administrator of workers' compensation;	1393
(13) The executive director of the county commissioners' association of Ohio;	1394 1395
(14) The president of the Ohio grantmakers forum;	1396
(15) The president of the Ohio chamber of commerce;	1397
(16) The president of the Ohio state bar association;	1398
(17) The president of the Ohio society of certified public accountants;	1399 1400
(18) The executive director of the Ohio association of nonprofit organizations;	1401 1402
(19) The president of the Ohio united way;	1403
(20) One additional member appointed by the attorney general;	1404
(21) One additional member appointed by the auditor of state.	1405
(B) If an agency or organization represented on the council ceases to exist in the form it has on September 29, 2005, the successor agency or organization shall be represented in its place. If there is no successor agency or organization, or if it is not clear what agency or organization is the successor, the attorney general shall designate an agency or organization to be represented in place of the agency or organization originally represented on the council.	1406 1407 1408 1409 1410 1411 1412 1413
(C) The two members appointed to the council shall serve three-year terms. Original appointments shall be made not later than sixty days after September 29, 2005. Vacancies on the council shall be filled in the same manner as the original appointment.	1414 1415 1416 1417
(D) The attorney general or the attorney general's designee shall be the chairperson of the council. The council shall meet at least once every two years to review the rules adopted under sections 9.237 and 9.238 of the Revised Code and to make	1418 1419 1420 1421

recommendations to the attorney general and auditor of state 1422
regarding the adoption, amendment, or repeal of those rules. The 1423
council shall also meet at other times as requested by the 1424
attorney general or auditor of state. 1425

(E) Members of the council shall serve without compensation 1426
or reimbursement. 1427

(F) The office of the attorney general shall provide 1428
necessary staff, facilities, supplies, and services to the 1429
council. 1430

(G) Sections 101.82 to 101.87 of the Revised Code do not 1431
apply to the council. 1432

Sec. 9.24. (A) Except as may be allowed under division (F) of 1433
this section, no state agency and no political subdivision shall 1434
award a contract as described in division (G)(1) of this section 1435
for goods, services, or construction, paid for in whole or in part 1436
with state funds, to a person against whom a finding for recovery 1437
has been issued by the auditor of state on and after January 1, 1438
2001, if the finding for recovery is unresolved. 1439

A contract is considered to be awarded when it is entered 1440
into or executed, irrespective of whether the parties to the 1441
contract have exchanged any money. 1442

(B) For purposes of this section, a finding for recovery is 1443
unresolved unless one of the following criteria applies: 1444

(1) The money identified in the finding for recovery is paid 1445
in full to the state agency or political subdivision to whom the 1446
money was owed; 1447

(2) The debtor has entered into a repayment plan that is 1448
approved by the attorney general and the state agency or political 1449
subdivision to whom the money identified in the finding for 1450
recovery is owed. A repayment plan may include a provision 1451

permitting a state agency or political subdivision to withhold 1452
payment to a debtor for goods, services, or construction provided 1453
to or for the state agency or political subdivision pursuant to a 1454
contract that is entered into with the debtor after the date the 1455
finding for recovery was issued. 1456

(3) The attorney general waives a repayment plan described in 1457
division (B)(2) of this section for good cause; 1458

(4) The debtor and state agency or political subdivision to 1459
whom the money identified in the finding for recovery is owed have 1460
agreed to a payment plan established through an enforceable 1461
settlement agreement. 1462

(5) The state agency or political subdivision desiring to 1463
enter into a contract with a debtor certifies, and the attorney 1464
general concurs, that all of the following are true: 1465

(a) Essential services the state agency or political 1466
subdivision is seeking to obtain from the debtor cannot be 1467
provided by any other person besides the debtor; 1468

(b) Awarding a contract to the debtor for the essential 1469
services described in division (B)(5)(a) of this section is in the 1470
best interest of the state; 1471

(c) Good faith efforts have been made to collect the money 1472
identified in the finding of recovery. 1473

(6) The debtor has commenced an action to contest the finding 1474
for recovery and a final determination on the action has not yet 1475
been reached. 1476

(C) The attorney general shall submit an initial report to 1477
the auditor of state, not later than December 1, 2003, indicating 1478
the status of collection for all findings for recovery issued by 1479
the auditor of state for calendar years 2001, 2002, and 2003. 1480
Beginning on January 1, 2004, the attorney general shall submit to 1481

the auditor of state, on the first day of every January, April, 1482
July, and October, a list of all findings for recovery that have 1483
been resolved in accordance with division (B) of this section 1484
during the calendar quarter preceding the submission of the list 1485
and a description of the means of resolution. The attorney general 1486
shall notify the auditor of state when a judgment is issued 1487
against an entity described in division (F)(1) of this section. 1488

(D) The auditor of state shall maintain a database, 1489
accessible to the public, listing persons against whom an 1490
unresolved finding for recovery has been issued, and the amount of 1491
the money identified in the unresolved finding for recovery. The 1492
auditor of state shall have this database operational on or before 1493
January 1, 2004. The initial database shall contain the 1494
information required under this division for calendar years 2001, 1495
2002, and 2003. 1496

Beginning January 15, 2004, the auditor of state shall update 1497
the database by the fifteenth day of every January, April, July, 1498
and October to reflect resolved findings for recovery that are 1499
reported to the auditor of state by the attorney general on the 1500
first day of the same month pursuant to division (C) of this 1501
section. 1502

(E) Before awarding a contract as described in division 1503
(G)(1) of this section for goods, services, or construction, paid 1504
for in whole or in part with state funds, a state agency or 1505
political subdivision shall verify that the person to whom the 1506
state agency or political subdivision plans to award the contract 1507
has no unresolved finding for recovery issued against the person. 1508
A state agency or political subdivision shall verify that the 1509
person does not appear in the database described in division (D) 1510
of this section or shall obtain other proof that the person has no 1511
unresolved finding for recovery issued against the person. 1512

(F) The prohibition of division (A) of this section and the 1513

requirement of division (E) of this section do not apply with 1514
respect to the companies, payments, or agreements described in 1515
divisions (F)(1) and (2) of this section, or in the circumstance 1516
described in division (F)(3) of this section. 1517

(1) A bonding company or a company authorized to transact the 1518
business of insurance in this state, a self-insurance pool, joint 1519
self-insurance pool, risk management program, or joint risk 1520
management program, unless a court has entered a final judgment 1521
against the company and the company has not yet satisfied the 1522
final judgment. 1523

(2) To medicaid provider agreements under ~~Chapter 5111. of~~ 1524
the ~~Revised Code~~ medicaid program. 1525

(3) When federal law dictates that a specified entity provide 1526
the goods, services, or construction for which a contract is being 1527
awarded, regardless of whether that entity would otherwise be 1528
prohibited from entering into the contract pursuant to this 1529
section. 1530

(G)(1) This section applies only to contracts for goods, 1531
services, or construction that satisfy the criteria in either 1532
division (G)(1)(a) or (b) of this section. This section may apply 1533
to contracts for goods, services, or construction that satisfy the 1534
criteria in division (G)(1)(c) of this section, provided that the 1535
contracts also satisfy the criteria in either division (G)(1)(a) 1536
or (b) of this section. 1537

(a) The cost for the goods, services, or construction 1538
provided under the contract is estimated to exceed twenty-five 1539
thousand dollars. 1540

(b) The aggregate cost for the goods, services, or 1541
construction provided under multiple contracts entered into by the 1542
particular state agency and a single person or the particular 1543
political subdivision and a single person within the fiscal year 1544

preceding the fiscal year within which a contract is being entered 1545
into by that same state agency and the same single person or the 1546
same political subdivision and the same single person, exceeded 1547
fifty thousand dollars. 1548

(c) The contract is a renewal of a contract previously 1549
entered into and renewed pursuant to that preceding contract. 1550

(2) This section does not apply to employment contracts. 1551

(H) As used in this section: 1552

(1) "State agency" has the same meaning as in section 9.66 of 1553
the Revised Code. 1554

(2) "Political subdivision" means a political subdivision as 1555
defined in section 9.82 of the Revised Code that has received more 1556
than fifty thousand dollars of state money in the current fiscal 1557
year or the preceding fiscal year. 1558

(3) "Finding for recovery" means a determination issued by 1559
the auditor of state, contained in a report the auditor of state 1560
gives to the attorney general pursuant to section 117.28 of the 1561
Revised Code, that public money has been illegally expended, 1562
public money has been collected but not been accounted for, public 1563
money is due but has not been collected, or public property has 1564
been converted or misappropriated. 1565

(4) "Debtor" means a person against whom a finding for 1566
recovery has been issued. 1567

(5) "Person" means the person named in the finding for 1568
recovery. 1569

(6) "State money" does not include funds the state receives 1570
from another source and passes through to a political subdivision. 1571

Sec. 9.833. (A) As used in this section, "political 1572
subdivision" has the meaning defined in sections 2744.01 and 1573

3905.36 of the Revised Code. For purposes of this section, 1574
"political subdivision" includes municipal corporations as defined 1575
in section 5705.01 of the Revised Code. 1576

(B) Political subdivisions that provide health care benefits 1577
for their officers or employees may do any of the following: 1578

(1) Establish and maintain an individual self-insurance 1579
program with public moneys to provide authorized health care 1580
benefits, including but not limited to, health care, prescription 1581
drugs, dental care, and vision care, in accordance with division 1582
(C) of this section; 1583

(2) Establish and maintain a health savings account program 1584
whereby employees or officers may establish and maintain health 1585
savings accounts in accordance with section 223 of the Internal 1586
Revenue Code. Public moneys may be used to pay for or fund 1587
federally qualified high deductible health plans that are linked 1588
to health savings accounts or to make contributions to health 1589
savings accounts. A health savings account program may be a part 1590
of a self-insurance program. 1591

(3) After establishing an individual self-insurance program, 1592
agree with other political subdivisions that have established 1593
individual self-insurance programs for health care benefits, that 1594
their programs will be jointly administered in a manner specified 1595
in the agreement; 1596

(4) Pursuant to a written agreement and in accordance with 1597
division (C) of this section, join in any combination with other 1598
political subdivisions to establish and maintain a joint 1599
self-insurance program to provide health care benefits; 1600

(5) Pursuant to a written agreement, join in any combination 1601
with other political subdivisions to procure or contract for 1602
policies, contracts, or plans of insurance to provide health care 1603
benefits, which may include a health savings account program for 1604

their officers and employees subject to the agreement; 1605

(6) Use in any combination any of the policies, contracts, 1606
plans, or programs authorized under this division. 1607

(7) Any agreement made under division (B)(3), (4), (5), or 1608
(6) of this section shall be in writing, comply with division (C) 1609
of this section, and contain best practices established in 1610
consultation with and approved by the department of administrative 1611
services. The best practices may be reviewed and amended at the 1612
discretion of the political subdivisions in consultation with the 1613
department. Detailed information regarding the best practices 1614
shall be made available to any employee upon that employee's 1615
request. 1616

(8) Purchase plans ~~approved~~ containing best practices 1617
established by the department of administrative services under 1618
section 9.901 of the Revised Code. 1619

(C) Except as otherwise provided in division (E) of this 1620
section, the following apply to individual or joint self-insurance 1621
programs established pursuant to this section: 1622

(1) Such funds shall be reserved as are necessary, in the 1623
exercise of sound and prudent actuarial judgment, to cover 1624
potential cost of health care benefits for the officers and 1625
employees of the political subdivision. A certified audited 1626
financial statement and a report of aggregate amounts so reserved 1627
and aggregate disbursements made from such funds, together with a 1628
written report of a member of the American academy of actuaries 1629
certifying whether the amounts reserved conform to the 1630
requirements of this division, are computed in accordance with 1631
accepted loss reserving standards, and are fairly stated in 1632
accordance with sound loss reserving principles, shall be prepared 1633
and maintained, within ninety days after the last day of the 1634
fiscal year of the entity for which the report is provided for 1635

that fiscal year, in the office of the program administrator 1636
described in division (C)(3) of this section. 1637

The report required by division (C)(1) of this section shall 1638
include, but not be limited to, the aggregate of disbursements 1639
made for the administration of the program, including claims paid, 1640
costs of the legal representation of political subdivisions and 1641
employees, and fees paid to consultants. 1642

The program administrator described in division (C)(3) of 1643
this section shall make the report required by this division 1644
available for inspection by any person at all reasonable times 1645
during regular business hours, and, upon the request of such 1646
person, shall make copies of the report available at cost within a 1647
reasonable period of time. The program administrator shall further 1648
provide the report to the auditor of state under Chapter 117. of 1649
the Revised Code. The report required by this division is in lieu 1650
of the records required by division (A) of section 149.431 of the 1651
Revised Code. 1652

(2) Each political subdivision shall reserve funds necessary 1653
for an individual or joint self-insurance program in a special 1654
fund that may be established for political subdivisions other than 1655
an agency or instrumentality pursuant to an ordinance or 1656
resolution of the political subdivision and not subject to section 1657
5705.12 of the Revised Code. An agency or instrumentality shall 1658
reserve the funds necessary for an individual or joint 1659
self-insurance program in a special fund established pursuant to a 1660
resolution duly adopted by the agency's or instrumentality's 1661
governing board. The political subdivision may allocate the costs 1662
of insurance or any self-insurance program, or both, among the 1663
funds or accounts established under this division on the basis of 1664
relative exposure and loss experience. 1665

(3) A contract may be awarded, without the necessity of 1666
competitive bidding, to any person, political subdivision, 1667

nonprofit corporation organized under Chapter 1702. of the Revised 1668
Code, or regional council of governments created under Chapter 1669
167. of the Revised Code for purposes of administration of an 1670
individual or joint self-insurance program. No such contract shall 1671
be entered into without full, prior, public disclosure of all 1672
terms and conditions. The disclosure shall include, at a minimum, 1673
a statement listing all representations made in connection with 1674
any possible savings and losses resulting from the contract, and 1675
potential liability of any political subdivision or employee. The 1676
proposed contract and statement shall be disclosed and presented 1677
at a meeting of the political subdivision not less than one week 1678
prior to the meeting at which the political subdivision authorizes 1679
the contract. 1680

A contract awarded to a nonprofit corporation or a regional 1681
council of governments under this division may provide that all 1682
employees of the nonprofit corporation or regional council of 1683
governments, the employees of all entities related to the 1684
nonprofit corporation or regional council of governments, and the 1685
employees of other nonprofit corporations that have fifty or fewer 1686
employees and have been organized for the primary purpose of 1687
representing the interests of political subdivisions, may be 1688
covered by the individual or joint self-insurance program under 1689
the terms and conditions set forth in the contract. 1690

(4) The individual or joint self-insurance program shall 1691
include a contract with a certified public accountant and a member 1692
of the American academy of actuaries for the preparation of the 1693
written evaluations required under division (C)(1) of this 1694
section. 1695

(5) A joint self-insurance program may allocate the costs of 1696
funding the program among the funds or accounts established under 1697
this division to the participating political subdivisions on the 1698
basis of their relative exposure and loss experience. 1699

(6) An individual self-insurance program may allocate the 1700
costs of funding the program among the funds or accounts 1701
established under this division to the political subdivision that 1702
established the program. 1703

(7) Two or more political subdivisions may also authorize the 1704
establishment and maintenance of a joint health care cost 1705
containment program, including, but not limited to, the employment 1706
of risk managers, health care cost containment specialists, and 1707
consultants, for the purpose of preventing and reducing health 1708
care costs covered by insurance, individual self-insurance, or 1709
joint self-insurance programs. 1710

(8) A political subdivision is not liable under a joint 1711
self-insurance program for any amount in excess of amounts payable 1712
pursuant to the written agreement for the participation of the 1713
political subdivision in the joint self-insurance program. Under a 1714
joint self-insurance program agreement, a political subdivision 1715
may, to the extent permitted under the written agreement, assume 1716
the risks of any other political subdivision. A joint 1717
self-insurance program established under this section is deemed a 1718
separate legal entity for the public purpose of enabling the 1719
members of the joint self-insurance program to obtain insurance or 1720
to provide for a formalized, jointly administered self-insurance 1721
fund for its members. An entity created pursuant to this section 1722
is exempt from all state and local taxes. 1723

(9) Any political subdivision, other than an agency or 1724
instrumentality, may issue general obligation bonds, or special 1725
obligation bonds that are not payable from real or personal 1726
property taxes, and may also issue notes in anticipation of such 1727
bonds, pursuant to an ordinance or resolution of its legislative 1728
authority or other governing body for the purpose of providing 1729
funds to pay expenses associated with the settlement of claims, 1730
whether by way of a reserve or otherwise, and to pay the political 1731

subdivision's portion of the cost of establishing and maintaining 1732
an individual or joint self-insurance program or to provide for 1733
the reserve in the special fund authorized by division (C)(2) of 1734
this section. 1735

In its ordinance or resolution authorizing bonds or notes 1736
under this section, a political subdivision may elect to issue 1737
such bonds or notes under the procedures set forth in Chapter 133. 1738
of the Revised Code. In the event of such an election, 1739
notwithstanding Chapter 133. of the Revised Code, the maturity of 1740
the bonds may be for any period authorized in the ordinance or 1741
resolution not exceeding twenty years, which period shall be the 1742
maximum maturity of the bonds for purposes of section 133.22 of 1743
the Revised Code. 1744

Bonds and notes issued under this section shall not be 1745
considered in calculating the net indebtedness of the political 1746
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 1747
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 1748
hereby made applicable to bonds or notes authorized under this 1749
section. 1750

(10) A joint self-insurance program is not an insurance 1751
company. Its operation does not constitute doing an insurance 1752
business and is not subject to the insurance laws of this state. 1753

(11) A joint self-insurance program shall pay the run-off 1754
expenses of a participating political subdivision that terminates 1755
its participation in the program if the political subdivision has 1756
accumulated funds in the reserves for incurred but not reported 1757
claims. The run-off payment, at minimum, shall be limited to an 1758
actuarially determined cap or sixty days, whichever is reached 1759
first. This provision shall not apply during the term of a 1760
specific, separate agreement with a political subdivision to 1761
maintain enrollment for a specified period, not to exceed three 1762
years. 1763

(D) A political subdivision may procure group life insurance 1764
for its employees in conjunction with an individual or joint 1765
self-insurance program authorized by this section, provided that 1766
the policy of group life insurance is not self-insured. 1767

(E) This section does not apply to individual self-insurance 1768
programs created solely by municipal corporations as defined in 1769
section 5705.01 of the Revised Code. 1770

(F) A public official or employee of a political subdivision 1771
who is or becomes a member of the governing body of the program 1772
administrator of a joint self-insurance program in which the 1773
political subdivision participates is not in violation of division 1774
(D) or (E) of section 102.03, division (C) of section 102.04, or 1775
section 2921.42 of the Revised Code as a result of either of the 1776
following: 1777

(1) The political subdivision's entering under this section 1778
into the written agreement to participate in the joint 1779
self-insurance program; 1780

(2) The political subdivision's entering under this section 1781
into any other contract with the joint self-insurance program. 1782

~~Sec. 9.90. (A) The following applies until the department of 1783
administrative services implements healthcare plans designed under 1784
section 9.901 of the Revised Code. If those plans do not include 1785
or address any benefits listed in this section, or if the board of 1786
trustees or other governing body of a state institution of higher 1787
education, as defined in section 3345.011 of the Revised Code, 1788
board of education of a school district, or governing board of an 1789
educational service center do not elect to be covered under a plan 1790
offered by the department of administrative services under section 1791
9.901 of the Revised Code, the following provisions continue in 1792
effect for those benefits. The board of trustees or other 1793
governing body of a state institution of higher education, as 1794~~

defined in section 3345.011 of the Revised Code, board of 1795
education of a school district, or governing board of an 1796
educational service center may, in addition to all other powers 1797
provided in the Revised Code: 1798

(1) Contract for, purchase, or otherwise procure from an 1799
insurer or insurers licensed to do business by the state of Ohio 1800
for or on behalf of such of its employees as it may determine, 1801
life insurance, or sickness, accident, annuity, endowment, health, 1802
medical, hospital, dental, or surgical coverage and benefits, or 1803
any combination thereof, by means of insurance plans or other 1804
types of coverage, family, group or otherwise, and may pay from 1805
funds under its control and available for such purpose all or any 1806
portion of the cost, premium, or charge for such insurance, 1807
coverage, or benefits. However, the governing board, in addition 1808
to or as an alternative to the authority otherwise granted by 1809
division (A)(1) of this section, may elect to procure coverage for 1810
health care services, for or on behalf of such of its employees as 1811
it may determine, by means of policies, contracts, certificates, 1812
or agreements issued by at least two health insuring corporations 1813
holding a certificate of authority under Chapter 1751. of the 1814
Revised Code and may pay from funds under the governing board's 1815
control and available for such purpose all or any portion of the 1816
cost of such coverage. 1817

(2) Make payments to a custodial account for investment in 1818
regulated investment company stock for the purpose of providing 1819
retirement benefits as described in section 403(b)(7) of the 1820
Internal Revenue Code of 1954, as amended. Such stock shall be 1821
purchased only from persons authorized to sell such stock in this 1822
state. 1823

Any income of an employee deferred under divisions (A)(1) and 1824
(2) of this section in a deferred compensation program eligible 1825
for favorable tax treatment under the Internal Revenue Code of 1826

1954, as amended, shall continue to be included as regular 1827
compensation for the purpose of computing the contributions to and 1828
benefits from the retirement system of such employee. Any sum so 1829
deferred shall not be included in the computation of any federal 1830
and state income taxes withheld on behalf of any such employee. 1831

(B) All or any portion of the cost, premium, or charge 1832
therefor may be paid in such other manner or combination of 1833
manners as the board or governing body may determine, including 1834
direct payment by the employee in cases under division (A)(1) of 1835
this section, and, if authorized in writing by the employee in 1836
cases under division (A)(1) or (2) of this section, by the board 1837
or governing body with moneys made available by deduction from or 1838
reduction in salary or wages or by the foregoing of a salary or 1839
wage increase. Nothing in section 3917.01 or section 3917.06 of 1840
the Revised Code shall prohibit the issuance or purchase of group 1841
life insurance authorized by this section by reason of payment of 1842
premiums therefor by the board or governing body from its funds, 1843
and such group life insurance may be so issued and purchased if 1844
otherwise consistent with the provisions of sections 3917.01 to 1845
3917.07 of the Revised Code. 1846

(C) The board of education of any school district may 1847
exercise any of the powers granted to the governing boards of 1848
public institutions of higher education under divisions (A) and 1849
(B) of this section. All health care benefits provided to persons 1850
employed by the public schools of this state shall be through 1851
health care plans that contain best practices established by the 1852
department of administrative services pursuant to section 9.901 of 1853
the Revised Code. 1854

~~(D) Once the department of administrative services releases 1855
in final form health care plans designed under section 9.901 of 1856
the Revised Code, all health care benefits provided to persons 1857
employed by state institutions of higher education, school 1858~~

~~districts, or educational service centers may be through those~~ 1859
~~plans.~~ 1860

Sec. 9.901. (A)(1) All health care benefits provided to 1861
persons employed by ~~the political subdivisions and public school~~ 1862
~~districts of employers as defined by this state section~~ shall be 1863
provided by health care plans that contain best practices 1864
established ~~pursuant to this section~~ by the former school 1865
employees health care board or the department of administrative 1866
services. ~~Twelve months after the release of best practices by the~~ 1867
~~board all~~ All policies or contracts for health care benefits 1868
~~provided to public school district employees~~ that are issued or 1869
renewed after the expiration of any applicable collective 1870
bargaining agreement must contain all best practices established 1871
pursuant to this section ~~by the board at the time of renewal.~~ Any 1872
~~or all of the health~~ Health care plans that contain the best 1873
practices ~~specified by the board~~ may be self-insured. 1874

(2) ~~Upon completion of the consultant's report under division~~ 1875
~~(E) of this section and once the plans are released in final form~~ 1876
~~by the department, all health care benefits provided to persons~~ 1877
~~employed by political subdivisions, public school districts, and~~ 1878
~~state institutions of higher education may be provided by health~~ 1879
~~care plans designed under this section by the department. The~~ 1880
~~department, in consultation with the superintendent of insurance,~~ 1881
~~may negotiate with and, in accordance with the competitive~~ 1882
~~selection procedures of Chapter 125. of the Revised Code, contract~~ 1883
~~with one or more insurance companies authorized to do business in~~ 1884
~~this state for the issuance of the plans. Any or all of the health~~ 1885
~~care plans designed by the department may be self-insured. All~~ 1886
~~self-insured plans adopted shall be administered by the department~~ 1887
~~in accordance with this section. The plans shall incorporate the~~ 1888
~~best practices adopted by the department under division (C)(3) of~~ 1889
~~this section consulting with the department of administrative~~ 1890

services, a political subdivision may adopt a delivery system of 1891
benefits that is not in accordance with the department's adopted 1892
best practices if it is considered by the department to be most 1893
financially advantageous to the political subdivision. 1894

~~(3) Before soliciting proposals from insurance companies for~~ 1895
~~the issuance of health care plans, the department, in consultation~~ 1896
~~with the superintendent of insurance, shall determine what~~ 1897
~~geographic regions exist in the state based on the availability of~~ 1898
~~providers, networks, costs, and other factors relating to~~ 1899
~~providing health care benefits. The department shall then~~ 1900
~~determine what health care plans offered by political~~ 1901
~~subdivisions, public school districts, state institutions, and~~ 1902
~~existing consortiums in the region offer the most cost-effective~~ 1903
~~plan.~~ 1904

~~(4) The department, in consultation with the superintendent~~ 1905
~~of insurance, shall develop a request for proposals and solicit~~ 1906
~~bids for health care plans for political subdivisions, public~~ 1907
~~school districts, and state institutions in a region similar to~~ 1908
~~the existing plans. The department shall also determine the~~ 1909
~~benefits offered by existing health care plans, the employees'~~ 1910
~~costs, and the cost-sharing arrangements used by political~~ 1911
~~subdivisions, schools, and institutions participating in a~~ 1912
~~consortium. The department shall determine what strategies are~~ 1913
~~used by the existing plans to manage health care costs and shall~~ 1914
~~study the potential benefits of state or regional consortiums~~ 1915
~~offering multiple health care plans. When options exist in a~~ 1916
~~defined regional service area that meet the benchmarks or best~~ 1917
~~practices prescribed by the department, public employees shall be~~ 1918
~~given the option of selecting from two or more health plans.~~ 1919

~~(5) No political subdivision, public school district, or~~ 1920
~~state institution may be required to offer the health care plans~~ 1921
~~designed under this section until action is taken under division~~ 1922

(E) of this section.	1923
In addition, political subdivisions, public school districts,	1924
or state institutions offering employee health care benefits	1925
through a plan offered by a consortium of two or more political	1926
subdivisions, districts, or state institutions, or a consortium of	1927
one or more political subdivisions, districts, or state	1928
institutions and one or more other political subdivisions may	1929
continue offering consortium plans to the political subdivisions',	1930
districts', or institutions' employees if plans contain best	1931
practices required under this section.	1932
(6) As used in this section:	1933
(a) "Public employer" means political subdivisions, public	1934
school districts, or state institutions of higher education.	1935
(b) "Public school district" means a city, local, exempted	1936
village, or joint vocational school district; a STEM school	1937
established under Chapter 3326. of the Revised Code; or an	1938
educational service center. "Public school district" does not mean	1939
a community school established under Chapter 3314. of the Revised	1940
Code.	1941
(b)(c) "State institution of higher education" or "state	1942
institution" means a state institution of higher education as	1943
defined in section 3345.011 of the Revised Code.	1944
(e)(d) "Political subdivision" has the same meaning as	1945
defined in section 9.833 of the Revised Code.	1946
(d)(e) A "health care plan" includes group policies,	1947
contracts, and agreements that provide hospital, surgical, or	1948
medical expense coverage, including self-insured plans. A "health	1949
care plan" does not include an individual plan offered to the	1950
employees of a political subdivision, public school district, or	1951
state institution, or a plan that provides coverage only for	1952
specific disease or accidents, or a hospital indemnity, medicare	1953

supplement, or other plan that provides only supplemental 1954
benefits, paid for by the employees of a political subdivision, 1955
public school district, or state institution. 1956

~~(e)(f)~~ A "health plan sponsor" means a political subdivision, 1957
public school district, a state institution of higher education, a 1958
consortium of political subdivisions, public school districts, or 1959
state institutions, or a council of governments. 1960

~~(B)(4)~~ The ~~political subdivisions and~~ public employees health 1961
care fund is hereby created in the state treasury. The department 1962
shall use all funds in the ~~political subdivisions and~~ public 1963
employees health care fund solely to carry out the provisions of 1964
this section and related administrative costs. 1965

~~(C)(B)~~ The department of administrative services shall do all 1966
of the following: 1967

(1) ~~Include disease management and consumer education~~ 1968
~~programs, which programs shall include, but are not limited to,~~ 1969
~~wellness programs and other measures designed to encourage the~~ 1970
~~wise use of medical plan coverage. These programs are not services~~ 1971
~~or treatments for purposes of section 3901.71 of the Revised Code.~~ 1972

~~(2) After action is taken under division (E) of this section,~~ 1973
~~design health care plans for political subdivisions, public school~~ 1974
~~districts, and state institutions of higher education in~~ 1975
~~accordance with division (A) of this section separate from the~~ 1976
~~plans for state agencies;~~ 1977

~~(3) Adopt and release a set of standards that shall be~~ 1978
~~considered the best practices for health care plans offered to~~ 1979
~~employees of political subdivisions, public school districts, and~~ 1980
~~state institutions.~~ 1981

~~(4) Require that the plans the health plan sponsors~~ 1982
~~administer make readily available to the public all cost and~~ 1983
~~design elements of the plan;~~ 1984

(5) Set employee and employer health care plan premiums for the plans designed under division (C)(2) of this section;	1985
	1986
(6) Promote cooperation among all organizations affected by this section in identifying the elements for the successful implementation of this section;	1987
	1988
	1989
(7) Promote cost containment measures aligned with patient, plan, and provider management strategies in developing and managing health care plans;	1990
	1991
	1992
(8) Prepare and disseminate to the public an annual report on the status of health plan sponsors' effectiveness in making progress to reduce the rate of increase in insurance premiums and employee out of pocket expenses, as well as progress in improving the health status of political subdivision, public school district, and state institution employees and their families.	1993
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(D) The sections in Chapter 3923. of the Revised Code regulating public employee benefit plans are not applicable to the health care plans designed pursuant to this section.	1999
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(E) Before the department's release of the initial health care plans, the department shall contract with an independent consultant to analyze costs related to employee health care benefits provided by existing political subdivision, public school district, and state institution plans. All political subdivisions shall provide information requested by the department that the department determines is needed to complete this study. The information requested shall be held confidentially by the department and shall not be considered a public record under Chapter 149. of the Revised Code. The department may release the information after redacting all personally identifiable information. The consultant shall determine the benefits offered by existing plans, the employees' costs, and the cost sharing arrangements used by political subdivisions, schools, and	2002
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~~institutions participating in a consortium. The consultant shall 2016
determine what strategies are used by the existing plans to manage 2017
health care costs and shall study the potential benefits of state 2018
or regional consortiums of political subdivisions, public schools, 2019
and institutions offering multiple health care plans. Based on the 2020
findings of the analysis, the consultant shall submit written 2021
recommendations to the department for the development and 2022
implementation of a successful program for pooling purchasing 2023
power for the acquisition of employee health care plans. The 2024
consultant's recommendations shall address, at a minimum, all of 2025
the following issues: 2026~~

~~(1) The development of a plan for regional coordination of 2027
the health care plans; 2028~~

~~(2) The establishment of regions for the provision of health 2029
care plans, based on the availability of providers and plans in 2030
the state at the time; 2031~~

~~(3) The viability of voluntary and mandatory participation by 2032
political subdivisions, public schools, and institutions of higher 2033
education; 2034~~

~~(4) The use of regional preferred provider and closed panel 2035
plans, health savings accounts, and alternative health care plans, 2036
to stabilize both costs and the premiums charged to political 2037
subdivisions, public school districts, and state institutions and 2038
their employees; 2039~~

~~(5) The use of the competitive bidding process for regional 2040
health care plans; 2041~~

~~(6) The use of information on claims and costs and of 2042
information reported by political subdivisions, public school 2043
districts, and state institutions pursuant to the Consolidated 2044
Omnibus Budget Reconciliation Act (COBRA) 100 Stat. 227, 29 U.S.C. 2045
1161, as amended in analyzing administrative and premium costs; 2046~~

(7) The experience of states that have statewide health care plans for political subdivision, public school district, and state institution employees, including the implementation strategies used by those states;	2047
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(8) Recommended strategies for the use of first year roll in premiums in the transition from political subdivision, district, and state institution health care plans to department plans;	2051
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	2053
(9) The option of allowing political subdivisions, public school districts, and state institutions to join an existing regional consortium as an alternative to department plans;	2054
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	2056
(10) Mandatory and optional coverages to be offered by the department's plans;	2057
	2058
(11) Potential risks to the state from the use of plans developed under this section;	2059
	2060
(12) Any legislation needed to ensure the long term financial solvency and stability of a health care purchasing system;	2061
	2062
(13) The potential impacts of any changes to the existing purchasing structure on all of the following:	2063
	2064
(a) Existing health care pooling and consortiums;	2065
(b) Political subdivision, school district, and state institution employees;	2066
	2067
(c) Individual political subdivisions, school districts, and state institutions.	2068
	2069
(14) Issues that could arise when political subdivisions, school districts, and state institutions transition from the existing purchasing structure to a new purchasing structure;	2070
	2071
	2072
(15) Strategies available to the department in the creation of fund reserves and the need for stop loss insurance coverage for catastrophic losses;	2073
	2074
	2075

(16) Impact on eliminating the premium tax or excise	2076
currently received on behalf of a public employer under division	2077
(A) of section 5725.18 and division (A) of 5729.03 of the Revised	2078
Code;	2079
(17) How development of the federal health exchange in Ohio	2080
may impact public employees;	2081
(18) Impact of joint health insurance regional program on	2082
insurance carriers and agents;	2083
(19) The benefits, including any cost savings to the state of	2084
establishing a benchmark for public employers to meet in lieu of	2085
establishing new plans administered by the department.	2086
(F) <u>The Identify strategies to manage health care costs;</u>	2087
<u>(2) Study the potential benefits of state or regional</u>	2088
<u>consortiums of public employers' health care plans;</u>	2089
<u>(3) Publish information regarding the health care plans</u>	2090
<u>offered by political subdivisions, public school districts, state</u>	2091
<u>institutions, and existing consortiums;</u>	2092
<u>(4) Assist in the design of health care plans for political</u>	2093
<u>subdivisions, public school districts, and state institutions of</u>	2094
<u>higher education in accordance with division (A) of this section</u>	2095
<u>separate from the plans for state agencies;</u>	2096
<u>(5) Adopt and release a set of standards that shall be</u>	2097
<u>considered the best practices for health care plans offered to</u>	2098
<u>employees of political subdivisions, public school districts, and</u>	2099
<u>state institutions;</u>	2100
<u>(6) Require that plans the health plan sponsors administer</u>	2101
<u>make readily available to the public all cost and design elements</u>	2102
<u>of the plan;</u>	2103
<u>(7) Promote cooperation among all organizations affected by</u>	2104
<u>this section in identifying the elements for successful</u>	2105

implementation of this section; 2106

(8) Promote cost containment measures aligned with patient, 2107
plan, and provider management strategies in developing and 2108
managing health care plans; and 2109

(9) Prepare and disseminate to the public an annual report on 2110
the status of health plan sponsors' effectiveness in complying 2111
with best practices and making progress to reduce the rate of 2112
increase in insurance premiums and employee out-of-pocket 2113
expenses, as well as progress in improving the health status of 2114
employees and their families. 2115

(C) The director of administrative services may convene a 2116
public health care advisory committee is hereby created under the 2117
department of administrative services. The committee shall make 2118
recommendations to the director of administrative services or the 2119
director's designee on the development and adoption of best 2120
practices under this section. The committee shall consist of 2121
fifteen members: five members appointed by the speaker of the 2122
house of representatives; five members appointed by the president 2123
of the senate; and five members appointed by the governor and 2124
shall include representatives from state and local government 2125
employers, state and local government employees, insurance agents, 2126
health insurance companies, and joint purchasing arrangements 2127
currently in existence. Nothing in this section prohibits a 2128
political subdivision from adopting a delivery system of benefits 2129
that is not in accordance with the department's adopted best 2130
practices if it is considered to be most financially advantageous 2131
to the political subdivision. Members shall serve without 2132
compensation. 2133

~~(G)~~(D) The department may adopt rules for the enforcement of 2134
health plan sponsors' compliance with the best practices standards 2135
adopted by the department pursuant to this section. 2136

~~(H)~~(E) Any health care plan providing coverage for the 2137
employees of political subdivisions, public school districts, or 2138
state institutions of higher education, or that have provided 2139
coverage within two years before the effective date of this 2140
amendment, shall provide nonidentifiable aggregate claims and 2141
administrative data for the coverage provided as required by the 2142
department, without charge, within thirty days after receiving a 2143
written request from the department. The claims data shall include 2144
data relating to employee group benefit sets, demographics, and 2145
claims experience. 2146

~~(I)~~(1)~~(F)~~ The department may ~~contract~~ work with other state 2147
agencies ~~for~~ to obtain services as the department deems necessary 2148
for the implementation and operation of this section, based on 2149
demonstrated experience and expertise in administration, 2150
management, data handling, actuarial studies, quality assurance, 2151
or for other needed services. 2152

~~(2)~~(G) The department shall hire staff as necessary to 2153
provide administrative support to the department and the public 2154
employee health care plan program established by this section. 2155

~~(J)~~ ~~Not more than ninety days before coverage begins for~~ 2156
~~political subdivision, public school district, and state~~ 2157
~~institution employees under health care plans designed by the~~ 2158
~~department, a political subdivision's governing body, public~~ 2159
~~school district's board of education, and a state institution's~~ 2160
~~board of trustees or managing authority shall provide detailed~~ 2161
~~information about the health care plans to the employees.~~ 2162

~~(K)~~(H) Nothing in this section shall be construed as 2163
prohibiting political subdivisions, public school districts, or 2164
state institutions from consulting with and compensating insurance 2165
agents and brokers for professional services or from establishing 2166
a self-insurance program. 2167

~~(L)~~(I) Pursuant to Chapter 117. of the Revised Code, the 2168
auditor of state shall conduct all necessary and required audits 2169
of the department. The auditor of state, upon request, also shall 2170
furnish to the department copies of audits of political 2171
subdivisions, public school districts, or consortia performed by 2172
the auditor of state. 2173

Sec. 101.39. (A) There is hereby created the joint 2174
legislative committee on health care oversight. The committee may 2175
review or study any matter related to the provision of health care 2176
services that it considers of significance to the citizens of this 2177
state, including the availability of health care, the quality of 2178
health care, the effectiveness and efficiency of managed care 2179
systems, and the operation of the ~~medical assistance~~ medicaid 2180
program ~~established under Chapter 5111. of the Revised Code~~ or 2181
other government health programs. 2182

The department of ~~job and family services~~ medicaid, 2183
department of health, department of aging, department of ~~mental~~ 2184
~~health~~ mental health and addiction services, department of 2185
developmental disabilities, ~~department of alcohol and drug~~ 2186
~~addiction services~~, and other state agencies shall cooperate with 2187
the committee in its study and review of health care issues. On 2188
request, the departments shall provide the committee with reports 2189
and other information sufficient for the committee to fulfill its 2190
duties. 2191

The committee may issue recommendations as it determines 2192
appropriate. The recommendations may be made to the general 2193
assembly, state agencies, private industry, or any other entity. 2194

(B) The committee shall consist of the following members of 2195
the general assembly: the chairperson of the senate's standing 2196
committee with primary responsibility for health legislation, the 2197
chairperson of the house of representatives' standing committee 2198

with primary responsibility for health legislation, four members 2199
of the house of representatives appointed by the speaker of the 2200
house of representatives, and four members of the senate appointed 2201
by the president of the senate. Not more than two members 2202
appointed by the speaker of the house of representatives and not 2203
more than two members appointed by the president of the senate may 2204
be of the same political party. Except in 1995, appointments shall 2205
be made not later than fifteen days after the commencement of the 2206
first regular session of each general assembly. The chairpersons 2207
of the standing committees with primary responsibility for health 2208
legislation shall serve as co-chairpersons of the committee. 2209

Each member of the committee shall hold office during the 2210
general assembly in which the member is appointed and until a 2211
successor has been appointed, notwithstanding the adjournment sine 2212
die of the general assembly in which the member was appointed or 2213
the expiration of the member's term as a member of the general 2214
assembly. Any vacancies occurring among the members of the 2215
committee shall be filled in the manner of the original 2216
appointment. 2217

The committee shall meet at least quarterly and at the call 2218
of the co-chairpersons. The co-chairpersons shall determine the 2219
time, place, and agenda for each meeting of the committee. 2220

The committee has the same powers as other standing or select 2221
committees of the general assembly. The committee may request 2222
assistance from the legislative service commission. 2223

Sec. 101.391. (A) There is hereby created the joint 2224
legislative committee on medicaid technology and reform. The 2225
committee may review or study any matter that it considers 2226
relevant to the operation of the medicaid program ~~established~~ 2227
~~under Chapter 5111. of the Revised Code,~~ with priority given to 2228
the study or review of mechanisms to enhance the program's 2229

effectiveness through improved technology systems and program 2230
reform. 2231

(B) The committee shall consist of five members of the house 2232
of representatives appointed by the speaker of the house of 2233
representatives and five members of the senate appointed by the 2234
president of the senate. Not more than three members appointed by 2235
the speaker of the house of representatives and not more than 2236
three members appointed by the president of the senate may be of 2237
the same political party. 2238

Each member of the committee shall hold office during the 2239
general assembly in which the member is appointed and until a 2240
successor has been appointed, notwithstanding the adjournment sine 2241
die of the general assembly in which the member was appointed or 2242
the expiration of the member's term as a member of the general 2243
assembly. Any vacancies occurring among the members of the 2244
committee shall be filled in the manner of the original 2245
appointment. 2246

(C) The committee has the same powers as other standing or 2247
select committees of the general assembly. The committee may 2248
employ an executive director. 2249

Sec. 101.392. (A) As used in this section, "Affordable Care 2250
Act" means the federal "Patient Protection and Affordable Care Act 2251
of 2010," Pub. L. 111-148, 124 Stat. 119, as amended by the 2252
federal "Health Care and Education Reconciliation Act of 2010," 2253
Pub. L. 111-152, 124 Stat. 1029, and any amendments to those acts, 2254
or any regulations or guidance issued under those acts. 2255

(B)(1) There is hereby created the joint legislative 2256
committee on the Affordable Care Act. The committee may review or 2257
study any matter that it considers relevant to the operation and 2258
impact of the Affordable Care Act in this state. 2259

(2) The committee shall study and assess the impact of the Affordable Care Act on the income of students attending colleges and universities in this state who are employed by state institutions of higher education, as defined in section 3345.011 of the Revised Code. 2260
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(C) The committee shall consist of three members of the house of representatives appointed by the speaker of the house of representatives, and three members of the senate appointed by the president of the senate. Two members appointed by the speaker of the house of representatives shall be from the majority party and one member shall be from the minority party, and two members appointed by the president of the senate shall be from the majority party and one member shall be from the minority party. 2265
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Each member of the committee shall hold office during the general assembly in which the member is appointed and until a successor has been appointed, notwithstanding the adjournment sine die of the general assembly in which the member was appointed or the expiration of the member's term as a member of the general assembly. Any vacancies occurring among the members of the committee shall be filled in the manner of the original appointment. 2273
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(D) The committee has the same powers as other standing or select committees of the general assembly. The committee may request assistance from the legislative service commission. 2281
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Sec. 102.02. (A) Except as otherwise provided in division (H) of this section, all of the following shall file with the appropriate ethics commission the disclosure statement described in this division on a form prescribed by the appropriate commission: every person who is elected to or is a candidate for a state, county, or city office or an office of a township with a population of five thousand or more, as determined by the most 2284
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recent federal decennial census, and every person who is appointed 2291
to fill a vacancy for an unexpired term in such an elective 2292
office; all members of the state board of education; the director, 2293
assistant directors, deputy directors, division chiefs, or persons 2294
of equivalent rank of any administrative department of the state; 2295
the president or other chief administrative officer of every state 2296
institution of higher education as defined in section 3345.011 of 2297
the Revised Code; the executive director and the members of the 2298
capitol square review and advisory board appointed or employed 2299
pursuant to section 105.41 of the Revised Code; all members of the 2300
Ohio casino control commission, the executive director of the 2301
commission, all professional employees of the commission, and all 2302
technical employees of the commission who perform an internal 2303
audit function; the individuals set forth in division (B)(2) of 2304
section 187.03 of the Revised Code; the chief executive officer 2305
and the members of the board of each state retirement system; each 2306
employee of a state retirement board who is a state retirement 2307
system investment officer licensed pursuant to section 1707.163 of 2308
the Revised Code; the members of the Ohio retirement study council 2309
appointed pursuant to division (C) of section 171.01 of the 2310
Revised Code; employees of the Ohio retirement study council, 2311
other than employees who perform purely administrative or clerical 2312
functions; the administrator of workers' compensation and each 2313
member of the bureau of workers' compensation board of directors; 2314
the bureau of workers' compensation director of investments; the 2315
chief investment officer of the bureau of workers' compensation; 2316
all members of the board of commissioners on grievances and 2317
discipline of the supreme court and the ethics commission created 2318
under section 102.05 of the Revised Code; every business manager, 2319
treasurer, or superintendent of a city, local, exempted village, 2320
joint vocational, or cooperative education school district or an 2321
educational service center; every person who is elected to or is a 2322
candidate for the office of member of a board of education of a 2323

city, local, exempted village, joint vocational, or cooperative 2324
education school district or of a governing board of an 2325
educational service center that has a total student count of 2326
twelve thousand or more as most recently determined by the 2327
department of education pursuant to section 3317.03 of the Revised 2328
Code; every person who is appointed to the board of education of a 2329
municipal school district pursuant to division (B) or (F) of 2330
section 3311.71 of the Revised Code; all members of the board of 2331
directors of a sanitary district that is established under Chapter 2332
6115. of the Revised Code and organized wholly for the purpose of 2333
providing a water supply for domestic, municipal, and public use, 2334
and that includes two municipal corporations in two counties; 2335
every public official or employee who is paid a salary or wage in 2336
accordance with schedule C of section 124.15 or schedule E-2 of 2337
section 124.152 of the Revised Code; members of the board of 2338
trustees and the executive director of the southern Ohio 2339
agricultural and community development foundation; all members 2340
appointed to the Ohio livestock care standards board under section 2341
904.02 of the Revised Code; and every other public official or 2342
employee who is designated by the appropriate ethics commission 2343
pursuant to division (B) of this section. 2344

The disclosure statement shall include all of the following: 2345

(1) The name of the person filing the statement and each 2346
member of the person's immediate family and all names under which 2347
the person or members of the person's immediate family do 2348
business; 2349

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 2350
and except as otherwise provided in section 102.022 of the Revised 2351
Code, identification of every source of income, other than income 2352
from a legislative agent identified in division (A)(2)(b) of this 2353
section, received during the preceding calendar year, in the 2354
person's own name or by any other person for the person's use or 2355

benefit, by the person filing the statement, and a brief 2356
description of the nature of the services for which the income was 2357
received. If the person filing the statement is a member of the 2358
general assembly, the statement shall identify the amount of every 2359
source of income received in accordance with the following ranges 2360
of amounts: zero or more, but less than one thousand dollars; one 2361
thousand dollars or more, but less than ten thousand dollars; ten 2362
thousand dollars or more, but less than twenty-five thousand 2363
dollars; twenty-five thousand dollars or more, but less than fifty 2364
thousand dollars; fifty thousand dollars or more, but less than 2365
one hundred thousand dollars; and one hundred thousand dollars or 2366
more. Division (A)(2)(a) of this section shall not be construed to 2367
require a person filing the statement who derives income from a 2368
business or profession to disclose the individual items of income 2369
that constitute the gross income of that business or profession, 2370
except for those individual items of income that are attributable 2371
to the person's or, if the income is shared with the person, the 2372
partner's, solicitation of services or goods or performance, 2373
arrangement, or facilitation of services or provision of goods on 2374
behalf of the business or profession of clients, including 2375
corporate clients, who are legislative agents. A person who files 2376
the statement under this section shall disclose the identity of 2377
and the amount of income received from a person who the public 2378
official or employee knows or has reason to know is doing or 2379
seeking to do business of any kind with the public official's or 2380
employee's agency. 2381

(b) If the person filing the statement is a member of the 2382
general assembly, the statement shall identify every source of 2383
income and the amount of that income that was received from a 2384
legislative agent during the preceding calendar year, in the 2385
person's own name or by any other person for the person's use or 2386
benefit, by the person filing the statement, and a brief 2387
description of the nature of the services for which the income was 2388

received. Division (A)(2)(b) of this section requires the 2389
disclosure of clients of attorneys or persons licensed under 2390
section 4732.12 of the Revised Code, or patients of persons 2391
certified under section 4731.14 of the Revised Code, if those 2392
clients or patients are legislative agents. Division (A)(2)(b) of 2393
this section requires a person filing the statement who derives 2394
income from a business or profession to disclose those individual 2395
items of income that constitute the gross income of that business 2396
or profession that are received from legislative agents. 2397

(c) Except as otherwise provided in division (A)(2)(c) of 2398
this section, division (A)(2)(a) of this section applies to 2399
attorneys, physicians, and other persons who engage in the 2400
practice of a profession and who, pursuant to a section of the 2401
Revised Code, the common law of this state, a code of ethics 2402
applicable to the profession, or otherwise, generally are required 2403
not to reveal, disclose, or use confidences of clients, patients, 2404
or other recipients of professional services except under 2405
specified circumstances or generally are required to maintain 2406
those types of confidences as privileged communications except 2407
under specified circumstances. Division (A)(2)(a) of this section 2408
does not require an attorney, physician, or other professional 2409
subject to a confidentiality requirement as described in division 2410
(A)(2)(c) of this section to disclose the name, other identity, or 2411
address of a client, patient, or other recipient of professional 2412
services if the disclosure would threaten the client, patient, or 2413
other recipient of professional services, would reveal details of 2414
the subject matter for which legal, medical, or professional 2415
advice or other services were sought, or would reveal an otherwise 2416
privileged communication involving the client, patient, or other 2417
recipient of professional services. Division (A)(2)(a) of this 2418
section does not require an attorney, physician, or other 2419
professional subject to a confidentiality requirement as described 2420
in division (A)(2)(c) of this section to disclose in the brief 2421

description of the nature of services required by division 2422
(A)(2)(a) of this section any information pertaining to specific 2423
professional services rendered for a client, patient, or other 2424
recipient of professional services that would reveal details of 2425
the subject matter for which legal, medical, or professional 2426
advice was sought or would reveal an otherwise privileged 2427
communication involving the client, patient, or other recipient of 2428
professional services. 2429

(3) The name of every corporation on file with the secretary 2430
of state that is incorporated in this state or holds a certificate 2431
of compliance authorizing it to do business in this state, trust, 2432
business trust, partnership, or association that transacts 2433
business in this state in which the person filing the statement or 2434
any other person for the person's use and benefit had during the 2435
preceding calendar year an investment of over one thousand dollars 2436
at fair market value as of the thirty-first day of December of the 2437
preceding calendar year, or the date of disposition, whichever is 2438
earlier, or in which the person holds any office or has a 2439
fiduciary relationship, and a description of the nature of the 2440
investment, office, or relationship. Division (A)(3) of this 2441
section does not require disclosure of the name of any bank, 2442
savings and loan association, credit union, or building and loan 2443
association with which the person filing the statement has a 2444
deposit or a withdrawable share account. 2445

(4) All fee simple and leasehold interests to which the 2446
person filing the statement holds legal title to or a beneficial 2447
interest in real property located within the state, excluding the 2448
person's residence and property used primarily for personal 2449
recreation; 2450

(5) The names of all persons residing or transacting business 2451
in the state to whom the person filing the statement owes, in the 2452
person's own name or in the name of any other person, more than 2453

one thousand dollars. Division (A)(5) of this section shall not be 2454
construed to require the disclosure of debts owed by the person 2455
resulting from the ordinary conduct of a business or profession or 2456
debts on the person's residence or real property used primarily 2457
for personal recreation, except that the superintendent of 2458
financial institutions shall disclose the names of all 2459
state-chartered savings and loan associations and of all service 2460
corporations subject to regulation under division (E)(2) of 2461
section 1151.34 of the Revised Code to whom the superintendent in 2462
the superintendent's own name or in the name of any other person 2463
owes any money, and that the superintendent and any deputy 2464
superintendent of banks shall disclose the names of all 2465
state-chartered banks and all bank subsidiary corporations subject 2466
to regulation under section 1109.44 of the Revised Code to whom 2467
the superintendent or deputy superintendent owes any money. 2468

(6) The names of all persons residing or transacting business 2469
in the state, other than a depository excluded under division 2470
(A)(3) of this section, who owe more than one thousand dollars to 2471
the person filing the statement, either in the person's own name 2472
or to any person for the person's use or benefit. Division (A)(6) 2473
of this section shall not be construed to require the disclosure 2474
of clients of attorneys or persons licensed under section 4732.12 2475
or 4732.15 of the Revised Code, or patients of persons certified 2476
under section 4731.14 of the Revised Code, nor the disclosure of 2477
debts owed to the person resulting from the ordinary conduct of a 2478
business or profession. 2479

(7) Except as otherwise provided in section 102.022 of the 2480
Revised Code, the source of each gift of over seventy-five 2481
dollars, or of each gift of over twenty-five dollars received by a 2482
member of the general assembly from a legislative agent, received 2483
by the person in the person's own name or by any other person for 2484
the person's use or benefit during the preceding calendar year, 2485

except gifts received by will or by virtue of section 2105.06 of 2486
the Revised Code, or received from spouses, parents, grandparents, 2487
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 2488
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 2489
fathers-in-law, mothers-in-law, or any person to whom the person 2490
filing the statement stands in loco parentis, or received by way 2491
of distribution from any inter vivos or testamentary trust 2492
established by a spouse or by an ancestor; 2493

(8) Except as otherwise provided in section 102.022 of the 2494
Revised Code, identification of the source and amount of every 2495
payment of expenses incurred for travel to destinations inside or 2496
outside this state that is received by the person in the person's 2497
own name or by any other person for the person's use or benefit 2498
and that is incurred in connection with the person's official 2499
duties, except for expenses for travel to meetings or conventions 2500
of a national or state organization to which any state agency, 2501
including, but not limited to, any legislative agency or state 2502
institution of higher education as defined in section 3345.011 of 2503
the Revised Code, pays membership dues, or any political 2504
subdivision or any office or agency of a political subdivision 2505
pays membership dues; 2506

(9) Except as otherwise provided in section 102.022 of the 2507
Revised Code, identification of the source of payment of expenses 2508
for meals and other food and beverages, other than for meals and 2509
other food and beverages provided at a meeting at which the person 2510
participated in a panel, seminar, or speaking engagement or at a 2511
meeting or convention of a national or state organization to which 2512
any state agency, including, but not limited to, any legislative 2513
agency or state institution of higher education as defined in 2514
section 3345.011 of the Revised Code, pays membership dues, or any 2515
political subdivision or any office or agency of a political 2516
subdivision pays membership dues, that are incurred in connection 2517

with the person's official duties and that exceed one hundred 2518
dollars aggregated per calendar year; 2519

(10) If the disclosure statement is filed by a public 2520
official or employee described in division (B)(2) of section 2521
101.73 of the Revised Code or division (B)(2) of section 121.63 of 2522
the Revised Code who receives a statement from a legislative 2523
agent, executive agency lobbyist, or employer that contains the 2524
information described in division (F)(2) of section 101.73 of the 2525
Revised Code or division (G)(2) of section 121.63 of the Revised 2526
Code, all of the nondisputed information contained in the 2527
statement delivered to that public official or employee by the 2528
legislative agent, executive agency lobbyist, or employer under 2529
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 2530
the Revised Code. 2531

A person may file a statement required by this section in 2532
person ~~or~~, by mail, or by electronic means. A person who is a 2533
candidate for elective office shall file the statement no later 2534
than the thirtieth day before the primary, special, or general 2535
election at which the candidacy is to be voted on, whichever 2536
election occurs soonest, except that a person who is a write-in 2537
candidate shall file the statement no later than the twentieth day 2538
before the earliest election at which the person's candidacy is to 2539
be voted on. A person who holds elective office shall file the 2540
statement on or before the fifteenth day of April of each year 2541
unless the person is a candidate for office. A person who is 2542
appointed to fill a vacancy for an unexpired term in an elective 2543
office shall file the statement within fifteen days after the 2544
person qualifies for office. Other persons shall file an annual 2545
statement on or before the fifteenth day of April or, if appointed 2546
or employed after that date, within ninety days after appointment 2547
or employment. No person shall be required to file with the 2548
appropriate ethics commission more than one statement or pay more 2549

than one filing fee for any one calendar year. 2550

The appropriate ethics commission, for good cause, may extend 2551
for a reasonable time the deadline for filing a statement under 2552
this section. 2553

A statement filed under this section is subject to public 2554
inspection at locations designated by the appropriate ethics 2555
commission except as otherwise provided in this section. 2556

(B) The Ohio ethics commission, the joint legislative ethics 2557
committee, and the board of commissioners on grievances and 2558
discipline of the supreme court, using the rule-making procedures 2559
of Chapter 119. of the Revised Code, may require any class of 2560
public officials or employees under its jurisdiction and not 2561
specifically excluded by this section whose positions involve a 2562
substantial and material exercise of administrative discretion in 2563
the formulation of public policy, expenditure of public funds, 2564
enforcement of laws and rules of the state or a county or city, or 2565
the execution of other public trusts, to file an annual statement 2566
on or before the fifteenth day of April under division (A) of this 2567
section. The appropriate ethics commission shall send the public 2568
officials or employees written notice of the requirement by the 2569
fifteenth day of February of each year the filing is required 2570
unless the public official or employee is appointed after that 2571
date, in which case the notice shall be sent within thirty days 2572
after appointment, and the filing shall be made not later than 2573
ninety days after appointment. 2574

Except for disclosure statements filed by members of the 2575
board of trustees and the executive director of the southern Ohio 2576
agricultural and community development foundation, disclosure 2577
statements filed under this division with the Ohio ethics 2578
commission by members of boards, commissions, or bureaus of the 2579
state for which no compensation is received other than reasonable 2580
and necessary expenses shall be kept confidential. Disclosure 2581

statements filed with the Ohio ethics commission under division 2582
(A) of this section by business managers, treasurers, and 2583
superintendents of city, local, exempted village, joint 2584
vocational, or cooperative education school districts or 2585
educational service centers shall be kept confidential, except 2586
that any person conducting an audit of any such school district or 2587
educational service center pursuant to section 115.56 or Chapter 2588
117. of the Revised Code may examine the disclosure statement of 2589
any business manager, treasurer, or superintendent of that school 2590
district or educational service center. Disclosure statements 2591
filed with the Ohio ethics commission under division (A) of this 2592
section by the individuals set forth in division (B)(2) of section 2593
187.03 of the Revised Code shall be kept confidential. The Ohio 2594
ethics commission shall examine each disclosure statement required 2595
to be kept confidential to determine whether a potential conflict 2596
of interest exists for the person who filed the disclosure 2597
statement. A potential conflict of interest exists if the private 2598
interests of the person, as indicated by the person's disclosure 2599
statement, might interfere with the public interests the person is 2600
required to serve in the exercise of the person's authority and 2601
duties in the person's office or position of employment. If the 2602
commission determines that a potential conflict of interest 2603
exists, it shall notify the person who filed the disclosure 2604
statement and shall make the portions of the disclosure statement 2605
that indicate a potential conflict of interest subject to public 2606
inspection in the same manner as is provided for other disclosure 2607
statements. Any portion of the disclosure statement that the 2608
commission determines does not indicate a potential conflict of 2609
interest shall be kept confidential by the commission and shall 2610
not be made subject to public inspection, except as is necessary 2611
for the enforcement of Chapters 102. and 2921. of the Revised Code 2612
and except as otherwise provided in this division. 2613

(C) No person shall knowingly fail to file, on or before the 2614

applicable filing deadline established under this section, a 2615
statement that is required by this section. 2616

(D) No person shall knowingly file a false statement that is 2617
required to be filed under this section. 2618

(E)(1) Except as provided in divisions (E)(2) and (3) of this 2619
section, the statement required by division (A) or (B) of this 2620
section shall be accompanied by a filing fee of sixty dollars. 2621

(2) The statement required by division (A) of this section 2622
shall be accompanied by the following filing fee to be paid by the 2623
person who is elected or appointed to, or is a candidate for, any 2624
of the following offices: 2625

For state office, except member of the		2626
state board of education	\$95	2627
For office of member of general assembly	\$40	2628
For county office	\$60	2629
For city office	\$35	2630
<u>For township office</u>	<u>\$35</u>	2631
For office of member of the state board		2632
of education	\$35	2633
For office of member of a city, local,		2634
exempted village, or cooperative		2635
education board of		2636
education or educational service		2637
center governing board	\$30	2638
For position of business manager,		2639
treasurer, or superintendent of a		2640
city, local, exempted village, joint		2641
vocational, or cooperative education		2642
school district or		2643
educational service center	\$30	2644

(3) No judge of a court of record or candidate for judge of a 2645
court of record, and no referee or magistrate serving a court of 2646

record, shall be required to pay the fee required under division 2647
(E)(1) or (2) or (F) of this section. 2648

(4) For any public official who is appointed to a nonelective 2649
office of the state and for any employee who holds a nonelective 2650
position in a public agency of the state, the state agency that is 2651
the primary employer of the state official or employee shall pay 2652
the fee required under division (E)(1) or (F) of this section. 2653

(F) If a statement required to be filed under this section is 2654
not filed by the date on which it is required to be filed, the 2655
appropriate ethics commission shall assess the person required to 2656
file the statement a late filing fee of ten dollars for each day 2657
the statement is not filed, except that the total amount of the 2658
late filing fee shall not exceed two hundred fifty dollars. 2659

(G)(1) The appropriate ethics commission other than the Ohio 2660
ethics commission and the joint legislative ethics committee shall 2661
deposit all fees it receives under divisions (E) and (F) of this 2662
section into the general revenue fund of the state. 2663

(2) The Ohio ethics commission shall deposit all receipts, 2664
including, but not limited to, fees it receives under divisions 2665
(E) and (F) of this section, investigative or other fees, costs, 2666
or other funds it receives as a result of court orders, and all 2667
moneys it receives from settlements under division (G) of section 2668
102.06 of the Revised Code, into the Ohio ethics commission fund, 2669
which is hereby created in the state treasury. All moneys credited 2670
to the fund shall be used solely for expenses related to the 2671
operation and statutory functions of the commission. 2672

(3) The joint legislative ethics committee shall deposit all 2673
receipts it receives from the payment of financial disclosure 2674
statement filing fees under divisions (E) and (F) of this section 2675
into the joint legislative ethics committee investigative fund. 2676

(H) Division (A) of this section does not apply to a person 2677

2678 elected or appointed to the office of precinct, ward, or district
2679 committee member under Chapter 3517. of the Revised Code; a
2680 presidential elector; a delegate to a national convention; village
2681 ~~or township~~ officials and employees; township officials of a
2682 township with a population of less than five thousand, as
2683 determined by the most recent decennial census; all township
2684 employees; any physician or psychiatrist who is paid a salary or
2685 wage in accordance with schedule C of section 124.15 or schedule
2686 E-2 of section 124.152 of the Revised Code and whose primary
2687 duties do not require the exercise of administrative discretion;
2688 or any member of a board, commission, or bureau of any county or
2689 city who receives less than one thousand dollars per year for
2690 serving in that position.

2691 Sec. 103.0521. If a rule currently in effect is obsolete
2692 because the rule was adopted by an agency that is no longer in
2693 existence and jurisdiction over the rule has not been transferred
2694 to another agency, and if that status is verified by the executive
2695 director of the joint committee on agency rule review, the
2696 executive director shall prepare, for consideration of the joint
2697 committee, a motion that the director of the legislative service
2698 commission remove the obsolete rule from the Administrative Code.

2699 The chairperson of the joint committee, or another member of
2700 the joint committee delegated by the chairperson, shall offer the
2701 motion at the next meeting of the joint committee. If the motion
2702 is agreed to by the joint committee, the executive director shall
2703 transmit a copy of the motion to the director of the legislative
2704 service commission. The executive director shall certify on the
2705 copy transmitted that the motion was agreed to by the joint
2706 committee.

2707 Upon receiving the certified motion, the director of the
2708 legislative service commission shall remove the obsolete rule from

the Administrative Code as directed in the motion. The director 2709
thereafter shall maintain the removed obsolete rule in a file of 2710
obsolete rules. The file of obsolete rules may be maintained in 2711
electronic form. 2712

Sec. 103.144. As used in sections 103.144 to 103.146 of the 2713
Revised Code: 2714

(A) "Mandated benefit" means the following, when considered 2715
in the context of a sickness and accident insurance policy or a 2716
health insuring corporation policy, contract, or agreement: 2717

(1) Any required coverage for a specific medical or 2718
health-related service, treatment, medication, or practice; 2719

(2) Any required coverage for the services of specific health 2720
care providers; 2721

(3) Any requirement that an insurer or health insuring 2722
corporation offer coverage to specific individuals or groups; 2723

(4) Any requirement that an insurer or health insuring 2724
corporation offer specific medical or health-related services, 2725
treatments, medications, or practices to existing insureds or 2726
enrollees; 2727

(5) Any required expansion of, or addition to, existing 2728
coverage; 2729

(6) Any mandated reimbursement amount to specific health care 2730
providers. 2731

(B) "Mandated benefit" does not include any required coverage 2732
or offer of coverage, any required expansion of, or addition to, 2733
existing coverage, or any mandated reimbursement amount to 2734
specific providers, as described in division (A) of this section, 2735
within the context of any public health benefits arrangement, 2736
including but not limited to, the coverage of beneficiaries 2737
enrolled in ~~Title XVIII of the "Social Security Act," 49 Stat. 620~~ 2738

~~(1935), 42 U.S.C.A. 301, as amended, medicare pursuant to a 2739
medicare risk contract or medicare cost contract, or to the 2740
coverage of beneficiaries enrolled in Title XIX of the "Social 2741
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 2742
known as the medical assistance program or medicaid, provided by 2743
the Ohio department of job and family services under Chapter 5111. 2744
of the Revised Code. 2745~~

Sec. 103.63. There is established an Ohio constitutional 2746
modernization commission consisting of thirty-two members. Twelve 2747
members shall be appointed from the general assembly as follows: 2748
three by the president of the senate, three by the minority leader 2749
of the senate, three by the speaker of the house of 2750
representatives, and three by the minority leader of the house of 2751
representatives. Not later than January 1, 2012, and every two 2752
years thereafter, the twelve general assembly members shall meet, 2753
organize, and elect two co-chairpersons, who shall be from 2754
different political parties. Beginning in 2014, the twelve general 2755
assembly members shall elect one co-chairperson from each house of 2756
the general assembly. The members shall then, by majority vote, 2757
appoint twenty commission members, not from the general assembly. 2758
All appointments shall end on the first day of January of every 2759
even-numbered year, and the commission shall then be re-created in 2760
the manner provided above. Members may be reappointed. Vacancies 2761
on the commission shall be filled in the manner provided for 2762
original appointments. 2763

The members of the commission shall serve without 2764
compensation, but each member shall be reimbursed for actual and 2765
necessary expenses incurred while engaging in the performance of 2766
the member's official duties. Membership on the commission does 2767
not constitute holding another public office. The joint 2768
legislative ethics committee is the appropriate ethics commission 2769
as described in division (F) of section 102.01 of the Revised Code 2770

for matters relating to the public members appointed to the Ohio 2771
constitutional modernization commission. 2772

Sec. 103.83. State-issued payment cards used by the general 2773
assembly or any legislative agency of this state shall be subject 2774
to a single-item purchase limit of ten thousand dollars and the 2775
monthly spending limit imposed by the office of budget and 2776
management on all other payment cardholders. Payment on a card 2777
used by the general assembly or a legislative agency shall not be 2778
required earlier than thirty days after the date of a transaction. 2779

Sec. 107.033. As part of the state budget the governor 2780
submits to the general assembly under section 107.03 of the 2781
Revised Code, the governor shall include the state appropriation 2782
limitations the general assembly shall not exceed when making 2783
aggregate general revenue fund appropriations for each respective 2784
fiscal year of the biennium covered by that budget. The aggregate 2785
general revenue fund appropriations the governor proposes in the 2786
state budget also shall not exceed those limitations for each 2787
respective fiscal year of the biennium covered by that budget. 2788

(A) For fiscal year 2008, the state appropriation limitation 2789
is the sum of the following: 2790

(1) The aggregate general revenue fund appropriations for 2791
fiscal year 2007; plus 2792

(2) The aggregate general revenue fund appropriations for 2793
fiscal year 2007 multiplied by either three and one-half per cent, 2794
or the sum of the rate of inflation plus the rate of population 2795
change, whichever is greater. 2796

(B) For each fiscal year thereafter that is not a recast 2797
fiscal year, the state appropriation limitation is the sum of the 2798
following: 2799

(1) The state appropriation limitation for the previous 2800

fiscal year; plus 2801

(2) The state appropriation limitation for the previous 2802
fiscal year multiplied by either three and one-half per cent, or 2803
the sum of the rate of inflation plus the rate of population 2804
change, whichever is greater. 2805

(C) For each recast fiscal year, the state appropriation 2806
limitation is the sum of the following: 2807

(1) The aggregate general revenue fund appropriations for the 2808
previous fiscal year; plus 2809

(2) The aggregate general revenue fund appropriations for the 2810
previous fiscal year multiplied by either three and one-half per 2811
cent, or the sum of the rate of inflation plus the rate of 2812
population change, whichever is greater. 2813

(D) The state appropriation limitation for a fiscal year 2814
shall be increased by the amount of a nongeneral revenue fund 2815
appropriation made in the immediately preceding fiscal year, if 2816
all of the following apply to the nongeneral revenue fund 2817
appropriation: 2818

(1) It was made on or after July 1, 2013. 2819

(2) It is included in the aggregate general revenue fund 2820
appropriations proposed for that fiscal year. 2821

(3) It is being made for the first time from the general 2822
revenue fund. 2823

Sec. 107.12. (A) As used in this section, "organization" 2824
means a faith-based or other organization that is exempt from 2825
federal income taxation under section 501(c)(3) of the "Internal 2826
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, 2827
and provides charitable services to needy residents of this state. 2828

(B) There is hereby established within the office of the 2829

governor the governor's office of faith-based and community 2830
initiatives. The office shall: 2831

(1) Serve as a clearinghouse of information on federal, 2832
state, and local funding for charitable services performed by 2833
organizations; 2834

(2) Encourage organizations to seek public funding for their 2835
charitable services; 2836

(3) Assist local, state, and federal agencies in coordinating 2837
their activities to secure maximum use of funds and efforts that 2838
benefit people receiving charitable services from organizations; 2839

(4) Advise the governor, general assembly, and the advisory 2840
board of the governor's office of faith-based and community 2841
initiatives on the barriers that exist to collaboration between 2842
organizations and governmental entities and on ways to remove the 2843
barriers. 2844

(C) The governor shall appoint an executive director and such 2845
other staff as may be necessary to manage the office and perform 2846
or oversee the performance of the duties of the office. Within 2847
sixty days after being appointed, and every twelve months 2848
thereafter, the executive director shall distribute to the 2849
advisory board and review with the board a strategic plan. The 2850
executive director shall report to the board at least quarterly on 2851
proposed initiatives and policies. A report shall include the 2852
condition of the budget and the finances of the office. 2853

(D)(1) There is hereby created the advisory board of the 2854
governor's office of faith-based and community initiatives. The 2855
board shall consist of the following members: 2856

(a) The directors of aging, ~~alcohol and drug addiction~~ 2857
~~services~~, rehabilitation and correction, health, job and family 2858
services, developmental disabilities, ~~mental health~~ mental health 2859
and addiction services, and youth services, or their designees; 2860

(b) The speaker of the house of representatives shall appoint 2861
to the board two members of the house of representatives, not more 2862
than one of whom shall be from the same political party and at 2863
least one of whom shall be from the legislative black caucus. The 2864
president of the senate shall appoint to the board two members of 2865
the senate, not more than one of whom shall be from the same 2866
political party. 2867

(c) The governor, the speaker of the house of 2868
representatives, and the president of the senate shall each 2869
appoint to the board three representatives of the nonprofit, 2870
faith-based and other nonprofit community. 2871

(2) Terms of the office shall be one year. Any vacancy that 2872
occurs on the board shall be filled in the same manner as the 2873
original appointment. 2874

(3) Members of the board are not entitled to compensation, 2875
but the members appointed by the governor, the speaker of the 2876
house of representatives, and the president of the senate who are 2877
representatives of the nonprofit, faith-based and other nonprofit 2878
community shall be reimbursed for their actual and necessary 2879
expenses that are incurred in relation to board meetings. 2880

(4) The board shall be presided over by a chairperson and a 2881
vice-chairperson, who shall be the members of the board who are 2882
also members of the house of representatives or the senate. 2883
Annually on the first day of January, the chairpersonship and 2884
vice-chairpersonship shall alternate between the members of the 2885
house of representatives and the senate. 2886

(E) The board shall have the following duties: 2887

(1) Provide direction, guidance, and oversight to the office; 2888

(2) Assist in the dissemination of information about, and in 2889
the stimulation of public awareness of, the service programs 2890
supported by the office; 2891

(3) Review the budget and finances of the office, proposed 2892
initiatives and policies, and the executive director's annual 2893
strategic plan at board meetings; 2894

(4) Provide feedback for and proposed modifications of the 2895
executive director's strategic plan. Within forty-five days after 2896
submitting a strategic plan, the executive director shall contact 2897
each advisory board member to obtain feedback. With the approval 2898
of the advisory board chairperson, the executive director shall 2899
lead a strategic plan discussion at the first board meeting 2900
following the distribution of the strategic plan. 2901

(5) Publish a report of its activities and accomplishments on 2902
or before the first day of August of each year, and deliver copies 2903
of the report to the governor, the speaker and minority leader of 2904
the house of representatives, and the president and minority 2905
leader of the senate. 2906

(F) No member of the board or organization that the member is 2907
affiliated or involved with is eligible to receive any grant that 2908
the office administers or assists in administering. 2909

Sec. 109.06. Before entering upon the discharge of the duties 2910
of ~~his~~ office, the attorney general shall give a bond to the state 2911
in the sum of five thousand dollars, with ~~two or more sureties~~ 2912
~~approved by the governor~~ a surety authorized to do business in the 2913
state, conditioned for the faithful discharge of the duties of ~~his~~ 2914
the office of attorney general. Such bond, ~~with the approval of~~ 2915
~~the governor~~ and the oath of office ~~indorsed thereon~~, shall be 2916
deposited with and kept by the secretary of state ~~and kept~~ in ~~his~~ 2917
the secretary of state's office. 2918

The first assistant attorney general shall give a bond to the 2919
state in the sum of five thousand dollars, and such other 2920
employees as are designated by the attorney general shall give a 2921
bond to the state in such amounts as the attorney general 2922

determines. Such bonds shall be approved by the attorney general, 2923
conditioned for the faithful discharge of the duties of their 2924
offices, and shall be deposited with and kept by the secretary of 2925
state ~~and kept~~ in ~~his~~ the secretary of state's office. 2926

Sec. 109.36. As used in this section and sections 109.361 to 2927
109.366 of the Revised Code: 2928

(A)(1) "Officer or employee" means any of the following: 2929

(a) A person who, at the time a cause of action against the 2930
person arises, is serving in an elected or appointed office or 2931
position with the state or is employed by the state. 2932

(b) A person that, at the time a cause of action against the 2933
person, partnership, or corporation arises, is rendering medical, 2934
nursing, dental, podiatric, optometric, physical therapeutic, 2935
psychiatric, or psychological services pursuant to a personal 2936
services contract or purchased service contract with a department, 2937
agency, or institution of the state. 2938

(c) A person that, at the time a cause of action against the 2939
person, partnership, or corporation arises, is rendering peer 2940
review, utilization review, or drug utilization review services in 2941
relation to medical, nursing, dental, podiatric, optometric, 2942
physical therapeutic, psychiatric, or psychological services 2943
pursuant to a personal services contract or purchased service 2944
contract with a department, agency, or institution of the state. 2945

(d) A person who, at the time a cause of action against the 2946
person arises, is rendering medical, nursing, dental, podiatric, 2947
optometric, physical therapeutic, psychiatric, or psychological 2948
services to patients in a state institution operated by the 2949
department of ~~mental health~~ mental health and addiction services 2950
pursuant to an agreement with the department. 2951

(2) "Officer or employee" does not include any person 2952

elected, appointed, or employed by any political subdivision of 2953
the state. 2954

(B) "State" means the state of Ohio, including but not 2955
limited to, the general assembly, the supreme court, courts of 2956
appeals, the offices of all elected state officers, and all 2957
departments, boards, offices, commissions, agencies, institutions, 2958
and other instrumentalities of the state of Ohio. "State" does not 2959
include political subdivisions. 2960

(C) "Political subdivisions" of the state means municipal 2961
corporations, townships, counties, school districts, and all other 2962
bodies corporate and politic responsible for governmental 2963
activities only in geographical areas smaller than that of the 2964
state. 2965

(D) "Employer" means the general assembly, the supreme court, 2966
courts of appeals, any office of an elected state officer, or any 2967
department, board, office, commission, agency, institution, or 2968
other instrumentality of the state of Ohio that employs or 2969
contracts with an officer or employee or to which an officer or 2970
employee is elected or appointed. 2971

Sec. 109.57. (A)(1) The superintendent of the bureau of 2972
criminal identification and investigation shall procure from 2973
wherever procurable and file for record photographs, pictures, 2974
descriptions, fingerprints, measurements, and other information 2975
that may be pertinent of all persons who have been convicted of 2976
committing within this state a felony, any crime constituting a 2977
misdemeanor on the first offense and a felony on subsequent 2978
offenses, or any misdemeanor described in division (A)(1)(a), 2979
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 2980
all children under eighteen years of age who have been adjudicated 2981
delinquent children for committing within this state an act that 2982
would be a felony or an offense of violence if committed by an 2983

adult or who have been convicted of or pleaded guilty to 2984
committing within this state a felony or an offense of violence, 2985
and of all well-known and habitual criminals. The person in charge 2986
of any county, multicounty, municipal, municipal-county, or 2987
multicounty-municipal jail or workhouse, community-based 2988
correctional facility, halfway house, alternative residential 2989
facility, or state correctional institution and the person in 2990
charge of any state institution having custody of a person 2991
suspected of having committed a felony, any crime constituting a 2992
misdemeanor on the first offense and a felony on subsequent 2993
offenses, or any misdemeanor described in division (A)(1)(a), 2994
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 2995
having custody of a child under eighteen years of age with respect 2996
to whom there is probable cause to believe that the child may have 2997
committed an act that would be a felony or an offense of violence 2998
if committed by an adult shall furnish such material to the 2999
superintendent of the bureau. Fingerprints, photographs, or other 3000
descriptive information of a child who is under eighteen years of 3001
age, has not been arrested or otherwise taken into custody for 3002
committing an act that would be a felony or an offense of violence 3003
who is not in any other category of child specified in this 3004
division, if committed by an adult, has not been adjudicated a 3005
delinquent child for committing an act that would be a felony or 3006
an offense of violence if committed by an adult, has not been 3007
convicted of or pleaded guilty to committing a felony or an 3008
offense of violence, and is not a child with respect to whom there 3009
is probable cause to believe that the child may have committed an 3010
act that would be a felony or an offense of violence if committed 3011
by an adult shall not be procured by the superintendent or 3012
furnished by any person in charge of any county, multicounty, 3013
municipal, municipal-county, or multicounty-municipal jail or 3014
workhouse, community-based correctional facility, halfway house, 3015
alternative residential facility, or state correctional 3016

institution, except as authorized in section 2151.313 of the Revised Code.

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

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

(b) The style and number of the case;

(c) The date of arrest, offense, summons, or arraignment;

(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed

by an adult, the date of an entry dismissing the charge, an entry 3048
declaring a mistrial of the offense in which the person is 3049
discharged, an entry finding that the person or child is not 3050
competent to stand trial, or an entry of a nolle prosequi, or the 3051
date of any other determination that constitutes final resolution 3052
of the case; 3053

(e) A statement of the original charge with the section of 3054
the Revised Code that was alleged to be violated; 3055

(f) If the person or child was convicted, pleaded guilty, or 3056
was adjudicated a delinquent child, the sentence or terms of 3057
probation imposed or any other disposition of the offender or the 3058
delinquent child. 3059

If the offense involved the disarming of a law enforcement 3060
officer or an attempt to disarm a law enforcement officer, the 3061
clerk shall clearly state that fact in the summary, and the 3062
superintendent shall ensure that a clear statement of that fact is 3063
placed in the bureau's records. 3064

(3) The superintendent shall cooperate with and assist 3065
sheriffs, chiefs of police, and other law enforcement officers in 3066
the establishment of a complete system of criminal identification 3067
and in obtaining fingerprints and other means of identification of 3068
all persons arrested on a charge of a felony, any crime 3069
constituting a misdemeanor on the first offense and a felony on 3070
subsequent offenses, or a misdemeanor described in division 3071
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 3072
Revised Code and of all children under eighteen years of age 3073
arrested or otherwise taken into custody for committing an act 3074
that would be a felony or an offense of violence if committed by 3075
an adult. The superintendent also shall file for record the 3076
fingerprint impressions of all persons confined in a county, 3077
multicounty, municipal, municipal-county, or multicounty-municipal 3078
jail or workhouse, community-based correctional facility, halfway 3079

house, alternative residential facility, or state correctional 3080
institution for the violation of state laws and of all children 3081
under eighteen years of age who are confined in a county, 3082
multicounty, municipal, municipal-county, or multicounty-municipal 3083
jail or workhouse, community-based correctional facility, halfway 3084
house, alternative residential facility, or state correctional 3085
institution or in any facility for delinquent children for 3086
committing an act that would be a felony or an offense of violence 3087
if committed by an adult, and any other information that the 3088
superintendent may receive from law enforcement officials of the 3089
state and its political subdivisions. 3090

(4) The superintendent shall carry out Chapter 2950. of the 3091
Revised Code with respect to the registration of persons who are 3092
convicted of or plead guilty to a sexually oriented offense or a 3093
child-victim oriented offense and with respect to all other duties 3094
imposed on the bureau under that chapter. 3095

(5) The bureau shall perform centralized recordkeeping 3096
functions for criminal history records and services in this state 3097
for purposes of the national crime prevention and privacy compact 3098
set forth in section 109.571 of the Revised Code and is the 3099
criminal history record repository as defined in that section for 3100
purposes of that compact. The superintendent or the 3101
superintendent's designee is the compact officer for purposes of 3102
that compact and shall carry out the responsibilities of the 3103
compact officer specified in that compact. 3104

(B) The superintendent shall prepare and furnish to every 3105
county, multicounty, municipal, municipal-county, or 3106
multicounty-municipal jail or workhouse, community-based 3107
correctional facility, halfway house, alternative residential 3108
facility, or state correctional institution and to every clerk of 3109
a court in this state specified in division (A)(2) of this section 3110
standard forms for reporting the information required under 3111

division (A) of this section. The standard forms that the 3112
superintendent prepares pursuant to this division may be in a 3113
tangible format, in an electronic format, or in both tangible 3114
formats and electronic formats. 3115

(C)(1) The superintendent may operate a center for 3116
electronic, automated, or other data processing for the storage 3117
and retrieval of information, data, and statistics pertaining to 3118
criminals and to children under eighteen years of age who are 3119
adjudicated delinquent children for committing an act that would 3120
be a felony or an offense of violence if committed by an adult, 3121
criminal activity, crime prevention, law enforcement, and criminal 3122
justice, and may establish and operate a statewide communications 3123
network to be known as the Ohio law enforcement gateway to gather 3124
and disseminate information, data, and statistics for the use of 3125
law enforcement agencies and for other uses specified in this 3126
division. The superintendent may gather, store, retrieve, and 3127
disseminate information, data, and statistics that pertain to 3128
children who are under eighteen years of age and that are gathered 3129
pursuant to sections 109.57 to 109.61 of the Revised Code together 3130
with information, data, and statistics that pertain to adults and 3131
that are gathered pursuant to those sections. 3132

(2) The superintendent or the superintendent's designee shall 3133
gather information of the nature described in division (C)(1) of 3134
this section that pertains to the offense and delinquency history 3135
of a person who has been convicted of, pleaded guilty to, or been 3136
adjudicated a delinquent child for committing a sexually oriented 3137
offense or a child-victim oriented offense for inclusion in the 3138
state registry of sex offenders and child-victim offenders 3139
maintained pursuant to division (A)(1) of section 2950.13 of the 3140
Revised Code and in the internet database operated pursuant to 3141
division (A)(13) of that section and for possible inclusion in the 3142
internet database operated pursuant to division (A)(11) of that 3143

section. 3144

(3) In addition to any other authorized use of information, 3145
data, and statistics of the nature described in division (C)(1) of 3146
this section, the superintendent or the superintendent's designee 3147
may provide and exchange the information, data, and statistics 3148
pursuant to the national crime prevention and privacy compact as 3149
described in division (A)(5) of this section. 3150

(4) The attorney general may adopt rules under Chapter 119. 3151
of the Revised Code establishing guidelines for the operation of 3152
and participation in the Ohio law enforcement gateway. The rules 3153
may include criteria for granting and restricting access to 3154
information gathered and disseminated through the Ohio law 3155
enforcement gateway. The attorney general shall permit the state 3156
medical board and board of nursing to access and view, but not 3157
alter, information gathered and disseminated through the Ohio law 3158
enforcement gateway. 3159

The attorney general may appoint a steering committee to 3160
advise the attorney general in the operation of the Ohio law 3161
enforcement gateway that is comprised of persons who are 3162
representatives of the criminal justice agencies in this state 3163
that use the Ohio law enforcement gateway and is chaired by the 3164
superintendent or the superintendent's designee. 3165

(D)(1) The following are not public records under section 3166
149.43 of the Revised Code: 3167

(a) Information and materials furnished to the superintendent 3168
pursuant to division (A) of this section; 3169

(b) Information, data, and statistics gathered or 3170
disseminated through the Ohio law enforcement gateway pursuant to 3171
division (C)(1) of this section; 3172

(c) Information and materials furnished to any board or 3173
person under division (F) or (G) of this section. 3174

(2) The superintendent or the superintendent's designee shall 3175
gather and retain information so furnished under division (A) of 3176
this section that pertains to the offense and delinquency history 3177
of a person who has been convicted of, pleaded guilty to, or been 3178
adjudicated a delinquent child for committing a sexually oriented 3179
offense or a child-victim oriented offense for the purposes 3180
described in division (C)(2) of this section. 3181

(E)(1) The attorney general shall adopt rules, in accordance 3182
with Chapter 119. of the Revised Code and subject to division 3183
(E)(2) of this section, setting forth the procedure by which a 3184
person may receive or release information gathered by the 3185
superintendent pursuant to division (A) of this section. A 3186
reasonable fee may be charged for this service. If a temporary 3187
employment service submits a request for a determination of 3188
whether a person the service plans to refer to an employment 3189
position has been convicted of or pleaded guilty to an offense 3190
listed or described in division (A)(1), (2), or (3) of section 3191
109.572 of the Revised Code, the request shall be treated as a 3192
single request and only one fee shall be charged. 3193

(2) Except as otherwise provided in this division, a rule 3194
adopted under division (E)(1) of this section may provide only for 3195
the release of information gathered pursuant to division (A) of 3196
this section that relates to the conviction of a person, or a 3197
person's plea of guilty to, a criminal offense. The superintendent 3198
shall not release, and the attorney general shall not adopt any 3199
rule under division (E)(1) of this section that permits the 3200
release of, any information gathered pursuant to division (A) of 3201
this section that relates to an adjudication of a child as a 3202
delinquent child, or that relates to a criminal conviction of a 3203
person under eighteen years of age if the person's case was 3204
transferred back to a juvenile court under division (B)(2) or (3) 3205
of section 2152.121 of the Revised Code and the juvenile court 3206

imposed a disposition or serious youthful offender disposition 3207
upon the person under either division, unless either of the 3208
following applies with respect to the adjudication or conviction: 3209

(a) The adjudication or conviction was for a violation of 3210
section 2903.01 or 2903.02 of the Revised Code. 3211

(b) The adjudication or conviction was for a sexually 3212
oriented offense, the juvenile court was required to classify the 3213
child a juvenile offender registrant for that offense under 3214
section 2152.82, 2152.83, or 2152.86 of the Revised Code, and that 3215
classification has not been removed. 3216

(F)(1) As used in division (F)(2) of this section, "head 3217
start agency" means an entity in this state that has been approved 3218
to be an agency for purposes of subchapter II of the "Community 3219
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 3220
as amended. 3221

(2)(a) In addition to or in conjunction with any request that 3222
is required to be made under section 109.572, 2151.86, 3301.32, 3223
3301.541, division (C) of section 3310.58, or section 3319.39, 3224
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, or 3225
5153.111 of the Revised Code or that is made under section 3226
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 3227
board of education of any school district; the director of 3228
developmental disabilities; any county board of developmental 3229
disabilities; any provider or subcontractor as defined in section 3230
5123.081 of the Revised Code; the chief administrator of any 3231
chartered nonpublic school; the chief administrator of a 3232
registered private provider that is not also a chartered nonpublic 3233
school; the chief administrator of any home health agency; the 3234
chief administrator of or person operating any child day-care 3235
center, type A family day-care home, or type B family day-care 3236
home licensed or certified under Chapter 5104. of the Revised 3237
Code; the administrator of any type C family day-care home 3238

certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 3239
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 3240
general assembly; the chief administrator of any head start 3241
agency; the executive director of a public children services 3242
agency; a private company described in section 3314.41, 3319.392, 3243
3326.25, or 3328.20 of the Revised Code; or an employer described 3244
in division (J)(2) of section 3327.10 of the Revised Code may 3245
request that the superintendent of the bureau investigate and 3246
determine, with respect to any individual who has applied for 3247
employment in any position after October 2, 1989, or any 3248
individual wishing to apply for employment with a board of 3249
education may request, with regard to the individual, whether the 3250
bureau has any information gathered under division (A) of this 3251
section that pertains to that individual. On receipt of the 3252
request, subject to division (E)(2) of this section, the 3253
superintendent shall determine whether that information exists 3254
and, upon request of the person, board, or entity requesting 3255
information, also shall request from the federal bureau of 3256
investigation any criminal records it has pertaining to that 3257
individual. The superintendent or the superintendent's designee 3258
also may request criminal history records from other states or the 3259
federal government pursuant to the national crime prevention and 3260
privacy compact set forth in section 109.571 of the Revised Code. 3261
Within thirty days of the date that the superintendent receives a 3262
request, subject to division (E)(2) of this section, the 3263
superintendent shall send to the board, entity, or person a report 3264
of any information that the superintendent determines exists, 3265
including information contained in records that have been sealed 3266
under section 2953.32 of the Revised Code, and, within thirty days 3267
of its receipt, subject to division (E)(2) of this section, shall 3268
send the board, entity, or person a report of any information 3269
received from the federal bureau of investigation, other than 3270
information the dissemination of which is prohibited by federal 3271

law. 3272

(b) When a board of education or a registered private 3273
provider is required to receive information under this section as 3274
a prerequisite to employment of an individual pursuant to division 3275
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 3276
may accept a certified copy of records that were issued by the 3277
bureau of criminal identification and investigation and that are 3278
presented by an individual applying for employment with the 3279
district in lieu of requesting that information itself. In such a 3280
case, the board shall accept the certified copy issued by the 3281
bureau in order to make a photocopy of it for that individual's 3282
employment application documents and shall return the certified 3283
copy to the individual. In a case of that nature, a district or 3284
provider only shall accept a certified copy of records of that 3285
nature within one year after the date of their issuance by the 3286
bureau. 3287

(c) Notwithstanding division (F)(2)(a) of this section, in 3288
the case of a request under section 3319.39, 3319.391, or 3327.10 3289
of the Revised Code only for criminal records maintained by the 3290
federal bureau of investigation, the superintendent shall not 3291
determine whether any information gathered under division (A) of 3292
this section exists on the person for whom the request is made. 3293

(3) The state board of education may request, with respect to 3294
any individual who has applied for employment after October 2, 3295
1989, in any position with the state board or the department of 3296
education, any information that a school district board of 3297
education is authorized to request under division (F)(2) of this 3298
section, and the superintendent of the bureau shall proceed as if 3299
the request has been received from a school district board of 3300
education under division (F)(2) of this section. 3301

(4) When the superintendent of the bureau receives a request 3302
for information under section 3319.291 of the Revised Code, the 3303

superintendent shall proceed as if the request has been received 3304
from a school district board of education and shall comply with 3305
divisions (F)(2)(a) and (c) of this section. 3306

(5) When a recipient of a classroom reading improvement grant 3307
paid under section 3301.86 of the Revised Code requests, with 3308
respect to any individual who applies to participate in providing 3309
any program or service funded in whole or in part by the grant, 3310
the information that a school district board of education is 3311
authorized to request under division (F)(2)(a) of this section, 3312
the superintendent of the bureau shall proceed as if the request 3313
has been received from a school district board of education under 3314
division (F)(2)(a) of this section. 3315

(G) In addition to or in conjunction with any request that is 3316
required to be made under section 3701.881, 3712.09, or 3721.121 3317
of the Revised Code with respect to an individual who has applied 3318
for employment in a position that involves providing direct care 3319
to an older adult or adult resident, the chief administrator of a 3320
home health agency, hospice care program, home licensed under 3321
Chapter 3721. of the Revised Code, or adult day-care program 3322
operated pursuant to rules adopted under section 3721.04 of the 3323
Revised Code may request that the superintendent of the bureau 3324
investigate and determine, with respect to any individual who has 3325
applied after January 27, 1997, for employment in a position that 3326
does not involve providing direct care to an older adult or adult 3327
resident, whether the bureau has any information gathered under 3328
division (A) of this section that pertains to that individual. 3329

In addition to or in conjunction with any request that is 3330
required to be made under section 173.27 of the Revised Code with 3331
respect to an individual who has applied for employment in a 3332
position that involves providing ~~ombudsperson~~ ombudsman services 3333
to residents of long-term care facilities or recipients of 3334
community-based long-term care services, the state long-term care 3335

~~ombudsperson~~ ombudsman, ombudsperson's designee, or the director 3336
of health aging, a regional long-term care ombudsman, or the 3337
designee of the ombudsman, director, or program may request that 3338
the superintendent investigate and determine, with respect to any 3339
individual who has applied for employment in a position that does 3340
not involve providing such ~~ombudsperson~~ ombudsman services, 3341
whether the bureau has any information gathered under division (A) 3342
of this section that pertains to that applicant. 3343

In addition to or in conjunction with any request that is 3344
required to be made under section ~~173.394~~ 173.38 of the Revised 3345
Code with respect to an individual who has applied for employment 3346
in a direct-care position ~~that involves providing direct care to~~ 3347
~~an individual,~~ the chief administrator of a ~~community based~~ 3348
~~long-term care agency~~ provider, as defined in section 173.39 of 3349
the Revised Code, may request that the superintendent investigate 3350
and determine, with respect to any individual who has applied for 3351
employment in a position that ~~does is not involve providing direct~~ 3352
~~care~~ a direct-care position, whether the bureau has any 3353
information gathered under division (A) of this section that 3354
pertains to that applicant. 3355

In addition to or in conjunction with any request that is 3356
required to be made under section 3712.09 of the Revised Code with 3357
respect to an individual who has applied for employment in a 3358
position that involves providing direct care to a pediatric 3359
respite care patient, the chief administrator of a pediatric 3360
respite care program may request that the superintendent of the 3361
bureau investigate and determine, with respect to any individual 3362
who has applied for employment in a position that does not involve 3363
providing direct care to a pediatric respite care patient, whether 3364
the bureau has any information gathered under division (A) of this 3365
section that pertains to that individual. 3366

On receipt of a request under this division, the 3367

superintendent shall determine whether that information exists 3368
and, on request of the individual requesting information, shall 3369
also request from the federal bureau of investigation any criminal 3370
records it has pertaining to the applicant. The superintendent or 3371
the superintendent's designee also may request criminal history 3372
records from other states or the federal government pursuant to 3373
the national crime prevention and privacy compact set forth in 3374
section 109.571 of the Revised Code. Within thirty days of the 3375
date a request is received, subject to division (E)(2) of this 3376
section, the superintendent shall send to the requester a report 3377
of any information determined to exist, including information 3378
contained in records that have been sealed under section 2953.32 3379
of the Revised Code, and, within thirty days of its receipt, shall 3380
send the requester a report of any information received from the 3381
federal bureau of investigation, other than information the 3382
dissemination of which is prohibited by federal law. 3383

(H) Information obtained by a government entity or person 3384
under this section is confidential and shall not be released or 3385
disseminated. 3386

(I) The superintendent may charge a reasonable fee for 3387
providing information or criminal records under division (F)(2) or 3388
(G) of this section. 3389

(J) As used in this section: 3390

(1) "Pediatric respite care program" and "pediatric respite 3391
care patient" have the same meanings as in section 3712.01 of the 3392
Revised Code. 3393

(2) "Sexually oriented offense" and "child-victim oriented 3394
offense" have the same meanings as in section 2950.01 of the 3395
Revised Code. 3396

(3) "Registered private provider" means a nonpublic school or 3397
entity registered with the superintendent of public instruction 3398

under section 3310.41 of the Revised Code to participate in the 3399
autism scholarship program or section 3310.58 of the Revised Code 3400
to participate in the Jon Peterson special needs scholarship 3401
program. 3402

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 3403
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 3404
a completed form prescribed pursuant to division (C)(1) of this 3405
section, and a set of fingerprint impressions obtained in the 3406
manner described in division (C)(2) of this section, the 3407
superintendent of the bureau of criminal identification and 3408
investigation shall conduct a criminal records check in the manner 3409
described in division (B) of this section to determine whether any 3410
information exists that indicates that the person who is the 3411
subject of the request previously has been convicted of or pleaded 3412
guilty to any of the following: 3413

(a) A violation of section 2903.01, 2903.02, 2903.03, 3414
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3415
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3416
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3417
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 3418
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 3419
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 3420
2925.06, or 3716.11 of the Revised Code, felonious sexual 3421
penetration in violation of former section 2907.12 of the Revised 3422
Code, a violation of section 2905.04 of the Revised Code as it 3423
existed prior to July 1, 1996, a violation of section 2919.23 of 3424
the Revised Code that would have been a violation of section 3425
2905.04 of the Revised Code as it existed prior to July 1, 1996, 3426
had the violation been committed prior to that date, or a 3427
violation of section 2925.11 of the Revised Code that is not a 3428
minor drug possession offense; 3429

(b) A violation of an existing or former law of this state, 3430
any other state, or the United States that is substantially 3431
equivalent to any of the offenses listed in division (A)(1)(a) of 3432
this section; 3433

(c) If the request is made pursuant to section 3319.39 of the 3434
Revised Code for an applicant who is a teacher, any offense 3435
specified in section 3319.31 of the Revised Code. 3436

(2) On receipt of a request pursuant to section 3712.09 or 3437
3721.121 of the Revised Code, a completed form prescribed pursuant 3438
to division (C)(1) of this section, and a set of fingerprint 3439
impressions obtained in the manner described in division (C)(2) of 3440
this section, the superintendent of the bureau of criminal 3441
identification and investigation shall conduct a criminal records 3442
check with respect to any person who has applied for employment in 3443
a position for which a criminal records check is required by those 3444
sections. The superintendent shall conduct the criminal records 3445
check in the manner described in division (B) of this section to 3446
determine whether any information exists that indicates that the 3447
person who is the subject of the request previously has been 3448
convicted of or pleaded guilty to any of the following: 3449

(a) A violation of section 2903.01, 2903.02, 2903.03, 3450
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3451
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3452
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3453
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3454
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3455
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3456
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3457
2925.22, 2925.23, or 3716.11 of the Revised Code; 3458

(b) An existing or former law of this state, any other state, 3459
or the United States that is substantially equivalent to any of 3460
the offenses listed in division (A)(2)(a) of this section. 3461

(3) On receipt of a request pursuant to section 173.27, 3462
~~173.394~~ 173.38, 3701.881, ~~5111.032~~ 5164.34, ~~5111.033~~ 5164.341, 3463
~~5111.034~~ 5164.342, 5123.081, or 5123.169 of the Revised Code, a 3464
completed form prescribed pursuant to division (C)(1) of this 3465
section, and a set of fingerprint impressions obtained in the 3466
manner described in division (C)(2) of this section, the 3467
superintendent of the bureau of criminal identification and 3468
investigation shall conduct a criminal records check of the person 3469
for whom the request is made. The superintendent shall conduct the 3470
criminal records check in the manner described in division (B) of 3471
this section to determine whether any information exists that 3472
indicates that the person who is the subject of the request 3473
previously has been convicted of, has pleaded guilty to, or 3474
(except in the case of a request pursuant to section 5164.34, 3475
5164.341, or 5164.342 of the Revised Code) has been found eligible 3476
for intervention in lieu of conviction for any of the following, 3477
regardless of the date of the conviction, the date of entry of the 3478
guilty plea, or (except in the case of a request pursuant to 3479
section 5164.34, 5164.341, or 5164.342 of the Revised Code) the 3480
date the person was found eligible for intervention in lieu of 3481
conviction: 3482

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 3483
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 3484
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 3485
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 3486
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 3487
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 3488
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 3489
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 3490
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 3491
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 3492
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 3493
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 3494

2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 3495
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 3496
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 3497
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 3498
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 3499
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 3500
2927.12, or 3716.11 of the Revised Code; 3501

(b) Felonious sexual penetration in violation of former 3502
section 2907.12 of the Revised Code; 3503

(c) A violation of section 2905.04 of the Revised Code as it 3504
existed prior to July 1, 1996; 3505

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 3506
the Revised Code when the underlying offense that is the object of 3507
the conspiracy, attempt, or complicity is one of the offenses 3508
listed in divisions (A)(3)(a) to (c) of this section; 3509

(e) A violation of an existing or former municipal ordinance 3510
or law of this state, any other state, or the United States that 3511
is substantially equivalent to any of the offenses listed in 3512
divisions (A)(3)(a) to (d) of this section. 3513

(4) On receipt of a request pursuant to section 2151.86 of 3514
the Revised Code, a completed form prescribed pursuant to division 3515
(C)(1) of this section, and a set of fingerprint impressions 3516
obtained in the manner described in division (C)(2) of this 3517
section, the superintendent of the bureau of criminal 3518
identification and investigation shall conduct a criminal records 3519
check in the manner described in division (B) of this section to 3520
determine whether any information exists that indicates that the 3521
person who is the subject of the request previously has been 3522
convicted of or pleaded guilty to any of the following: 3523

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 3524
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 3525

2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 3526
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 3527
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 3528
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 3529
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 3530
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 3531
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 3532
of the Revised Code, a violation of section 2905.04 of the Revised 3533
Code as it existed prior to July 1, 1996, a violation of section 3534
2919.23 of the Revised Code that would have been a violation of 3535
section 2905.04 of the Revised Code as it existed prior to July 1, 3536
1996, had the violation been committed prior to that date, a 3537
violation of section 2925.11 of the Revised Code that is not a 3538
minor drug possession offense, two or more OVI or OVUAC violations 3539
committed within the three years immediately preceding the 3540
submission of the application or petition that is the basis of the 3541
request, or felonious sexual penetration in violation of former 3542
section 2907.12 of the Revised Code; 3543

(b) A violation of an existing or former law of this state, 3544
any other state, or the United States that is substantially 3545
equivalent to any of the offenses listed in division (A)(4)(a) of 3546
this section. 3547

(5) Upon receipt of a request pursuant to section 5104.012 or 3548
5104.013 of the Revised Code, a completed form prescribed pursuant 3549
to division (C)(1) of this section, and a set of fingerprint 3550
impressions obtained in the manner described in division (C)(2) of 3551
this section, the superintendent of the bureau of criminal 3552
identification and investigation shall conduct a criminal records 3553
check in the manner described in division (B) of this section to 3554
determine whether any information exists that indicates that the 3555
person who is the subject of the request has been convicted of or 3556
pleaded guilty to any of the following: 3557

(a) A violation of section 2903.01, 2903.02, 2903.03, 3558
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 3559
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 3560
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 3561
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 3562
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 3563
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 3564
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 3565
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 3566
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 3567
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3568
3716.11 of the Revised Code, felonious sexual penetration in 3569
violation of former section 2907.12 of the Revised Code, a 3570
violation of section 2905.04 of the Revised Code as it existed 3571
prior to July 1, 1996, a violation of section 2919.23 of the 3572
Revised Code that would have been a violation of section 2905.04 3573
of the Revised Code as it existed prior to July 1, 1996, had the 3574
violation been committed prior to that date, a violation of 3575
section 2925.11 of the Revised Code that is not a minor drug 3576
possession offense, a violation of section 2923.02 or 2923.03 of 3577
the Revised Code that relates to a crime specified in this 3578
division, or a second violation of section 4511.19 of the Revised 3579
Code within five years of the date of application for licensure or 3580
certification. 3581

(b) A violation of an existing or former law of this state, 3582
any other state, or the United States that is substantially 3583
equivalent to any of the offenses or violations described in 3584
division (A)(5)(a) of this section. 3585

(6) Upon receipt of a request pursuant to section 5153.111 of 3586
the Revised Code, a completed form prescribed pursuant to division 3587
(C)(1) of this section, and a set of fingerprint impressions 3588
obtained in the manner described in division (C)(2) of this 3589

section, the superintendent of the bureau of criminal 3590
identification and investigation shall conduct a criminal records 3591
check in the manner described in division (B) of this section to 3592
determine whether any information exists that indicates that the 3593
person who is the subject of the request previously has been 3594
convicted of or pleaded guilty to any of the following: 3595

(a) A violation of section 2903.01, 2903.02, 2903.03, 3596
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3597
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3598
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3599
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 3600
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 3601
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 3602
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 3603
felonious sexual penetration in violation of former section 3604
2907.12 of the Revised Code, a violation of section 2905.04 of the 3605
Revised Code as it existed prior to July 1, 1996, a violation of 3606
section 2919.23 of the Revised Code that would have been a 3607
violation of section 2905.04 of the Revised Code as it existed 3608
prior to July 1, 1996, had the violation been committed prior to 3609
that date, or a violation of section 2925.11 of the Revised Code 3610
that is not a minor drug possession offense; 3611

(b) A violation of an existing or former law of this state, 3612
any other state, or the United States that is substantially 3613
equivalent to any of the offenses listed in division (A)(6)(a) of 3614
this section. 3615

(7) On receipt of a request for a criminal records check from 3616
an individual pursuant to section 4749.03 or 4749.06 of the 3617
Revised Code, accompanied by a completed copy of the form 3618
prescribed in division (C)(1) of this section and a set of 3619
fingerprint impressions obtained in a manner described in division 3620
(C)(2) of this section, the superintendent of the bureau of 3621

criminal identification and investigation shall conduct a criminal 3622
records check in the manner described in division (B) of this 3623
section to determine whether any information exists indicating 3624
that the person who is the subject of the request has been 3625
convicted of or pleaded guilty to a felony in this state or in any 3626
other state. If the individual indicates that a firearm will be 3627
carried in the course of business, the superintendent shall 3628
require information from the federal bureau of investigation as 3629
described in division (B)(2) of this section. Subject to division 3630
(F) of this section, the superintendent shall report the findings 3631
of the criminal records check and any information the federal 3632
bureau of investigation provides to the director of public safety. 3633

(8) On receipt of a request pursuant to section 1321.37, 3634
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 3635
Code, a completed form prescribed pursuant to division (C)(1) of 3636
this section, and a set of fingerprint impressions obtained in the 3637
manner described in division (C)(2) of this section, the 3638
superintendent of the bureau of criminal identification and 3639
investigation shall conduct a criminal records check with respect 3640
to any person who has applied for a license, permit, or 3641
certification from the department of commerce or a division in the 3642
department. The superintendent shall conduct the criminal records 3643
check in the manner described in division (B) of this section to 3644
determine whether any information exists that indicates that the 3645
person who is the subject of the request previously has been 3646
convicted of or pleaded guilty to any of the following: a 3647
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 3648
2925.03 of the Revised Code; any other criminal offense involving 3649
theft, receiving stolen property, embezzlement, forgery, fraud, 3650
passing bad checks, money laundering, or drug trafficking, or any 3651
criminal offense involving money or securities, as set forth in 3652
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 3653
the Revised Code; or any existing or former law of this state, any 3654

other state, or the United States that is substantially equivalent 3655
to those offenses. 3656

(9) On receipt of a request for a criminal records check from 3657
the treasurer of state under section 113.041 of the Revised Code 3658
or from an individual under section 4701.08, 4715.101, 4717.061, 3659
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 3660
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 3661
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 3662
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 3663
4762.06, 4776.021, ~~or~~ 4779.091, or 4783.04 of the Revised Code, 3664
accompanied by a completed form prescribed under division (C)(1) 3665
of this section and a set of fingerprint impressions obtained in 3666
the manner described in division (C)(2) of this section, the 3667
superintendent of the bureau of criminal identification and 3668
investigation shall conduct a criminal records check in the manner 3669
described in division (B) of this section to determine whether any 3670
information exists that indicates that the person who is the 3671
subject of the request has been convicted of or pleaded guilty to 3672
any criminal offense in this state or any other state. Subject to 3673
division (F) of this section, the superintendent shall send the 3674
results of a check requested under section 113.041 of the Revised 3675
Code to the treasurer of state and shall send the results of a 3676
check requested under any of the other listed sections to the 3677
licensing board specified by the individual in the request. 3678

(10) On receipt of a request pursuant to section 1121.23, 3679
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 3680
Code, a completed form prescribed pursuant to division (C)(1) of 3681
this section, and a set of fingerprint impressions obtained in the 3682
manner described in division (C)(2) of this section, the 3683
superintendent of the bureau of criminal identification and 3684
investigation shall conduct a criminal records check in the manner 3685
described in division (B) of this section to determine whether any 3686

information exists that indicates that the person who is the 3687
subject of the request previously has been convicted of or pleaded 3688
guilty to any criminal offense under any existing or former law of 3689
this state, any other state, or the United States. 3690

(11) On receipt of a request for a criminal records check 3691
from an appointing or licensing authority under section 3772.07 of 3692
the Revised Code, a completed form prescribed under division 3693
(C)(1) of this section, and a set of fingerprint impressions 3694
obtained in the manner prescribed in division (C)(2) of this 3695
section, the superintendent of the bureau of criminal 3696
identification and investigation shall conduct a criminal records 3697
check in the manner described in division (B) of this section to 3698
determine whether any information exists that indicates that the 3699
person who is the subject of the request previously has been 3700
convicted of or pleaded guilty or no contest to any offense under 3701
any existing or former law of this state, any other state, or the 3702
United States that is a disqualifying offense as defined in 3703
section 3772.07 of the Revised Code or substantially equivalent to 3704
such an offense. 3705

(12) On receipt of a request pursuant to section 2151.33 or 3706
2151.412 of the Revised Code, a completed form prescribed pursuant 3707
to division (C)(1) of this section, and a set of fingerprint 3708
impressions obtained in the manner described in division (C)(2) of 3709
this section, the superintendent of the bureau of criminal 3710
identification and investigation shall conduct a criminal records 3711
check with respect to any person for whom a criminal records check 3712
is required by that section. The superintendent shall conduct the 3713
criminal records check in the manner described in division (B) of 3714
this section to determine whether any information exists that 3715
indicates that the person who is the subject of the request 3716
previously has been convicted of or pleaded guilty to any of the 3717
following: 3718

(a) A violation of section 2903.01, 2903.02, 2903.03, 3719
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3720
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3721
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3722
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3723
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3724
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3725
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3726
2925.22, 2925.23, or 3716.11 of the Revised Code; 3727

(b) An existing or former law of this state, any other state, 3728
or the United States that is substantially equivalent to any of 3729
the offenses listed in division (A)(12)(a) of this section. 3730

(B) Subject to division (F) of this section, the 3731
superintendent shall conduct any criminal records check to be 3732
conducted under this section as follows: 3733

(1) The superintendent shall review or cause to be reviewed 3734
any relevant information gathered and compiled by the bureau under 3735
division (A) of section 109.57 of the Revised Code that relates to 3736
the person who is the subject of the criminal records check, 3737
including, if the criminal records check was requested under 3738
section 113.041, 121.08, 173.27, ~~173.394~~ 173.38, 1121.23, 1155.03, 3739
1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 3740
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3741
3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 3742
5104.013, ~~5111.032~~ 5164.34, ~~5111.033~~ 5164.341, ~~5111.034~~ 5164.342, 3743
5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant 3744
information contained in records that have been sealed under 3745
section 2953.32 of the Revised Code; 3746

(2) If the request received by the superintendent asks for 3747
information from the federal bureau of investigation, the 3748
superintendent shall request from the federal bureau of 3749
investigation any information it has with respect to the person 3750

who is the subject of the criminal records check, including 3751
fingerprint-based checks of national crime information databases 3752
as described in 42 U.S.C. 671 if the request is made pursuant to 3753
section 2151.86, 5104.012, or 5104.013 of the Revised Code or if 3754
any other Revised Code section requires fingerprint-based checks 3755
of that nature, and shall review or cause to be reviewed any 3756
information the superintendent receives from that bureau. If a 3757
request under section 3319.39 of the Revised Code asks only for 3758
information from the federal bureau of investigation, the 3759
superintendent shall not conduct the review prescribed by division 3760
(B)(1) of this section. 3761

(3) The superintendent or the superintendent's designee may 3762
request criminal history records from other states or the federal 3763
government pursuant to the national crime prevention and privacy 3764
compact set forth in section 109.571 of the Revised Code. 3765

(4) The superintendent shall include in the results of the 3766
criminal records check a list or description of the offenses 3767
listed or described in division (A)(1), (2), (3), (4), (5), (6), 3768
(7), (8), (9), (10), (11), or (12) of this section, whichever 3769
division requires the superintendent to conduct the criminal 3770
records check. The superintendent shall exclude from the results 3771
any information the dissemination of which is prohibited by 3772
federal law. 3773

(5) The superintendent shall send the results of the criminal 3774
records check to the person to whom it is to be sent not later 3775
than the following number of days after the date the 3776
superintendent receives the request for the criminal records 3777
check, the completed form prescribed under division (C)(1) of this 3778
section, and the set of fingerprint impressions obtained in the 3779
manner described in division (C)(2) of this section: 3780

(a) If the superintendent is required by division (A) of this 3781
section (other than division (A)(3) of this section) to conduct 3782

the criminal records check, thirty; 3783

(b) If the superintendent is required by division (A)(3) of 3784
this section to conduct the criminal records check, sixty. 3785

(C)(1) The superintendent shall prescribe a form to obtain 3786
the information necessary to conduct a criminal records check from 3787
any person for whom a criminal records check is to be conducted 3788
under this section. The form that the superintendent prescribes 3789
pursuant to this division may be in a tangible format, in an 3790
electronic format, or in both tangible and electronic formats. 3791

(2) The superintendent shall prescribe standard impression 3792
sheets to obtain the fingerprint impressions of any person for 3793
whom a criminal records check is to be conducted under this 3794
section. Any person for whom a records check is to be conducted 3795
under this section shall obtain the fingerprint impressions at a 3796
county sheriff's office, municipal police department, or any other 3797
entity with the ability to make fingerprint impressions on the 3798
standard impression sheets prescribed by the superintendent. The 3799
office, department, or entity may charge the person a reasonable 3800
fee for making the impressions. The standard impression sheets the 3801
superintendent prescribes pursuant to this division may be in a 3802
tangible format, in an electronic format, or in both tangible and 3803
electronic formats. 3804

(3) Subject to division (D) of this section, the 3805
superintendent shall prescribe and charge a reasonable fee for 3806
providing a criminal records check under this section. The person 3807
requesting the criminal records check shall pay the fee prescribed 3808
pursuant to this division. In the case of a request under section 3809
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 3810
2151.412, or ~~5111.032~~ 5164.34 of the Revised Code, the fee shall 3811
be paid in the manner specified in that section. 3812

(4) The superintendent of the bureau of criminal 3813

identification and investigation may prescribe methods of 3814
forwarding fingerprint impressions and information necessary to 3815
conduct a criminal records check, which methods shall include, but 3816
not be limited to, an electronic method. 3817

(D) The results of a criminal records check conducted under 3818
this section, other than a criminal records check specified in 3819
division (A)(7) of this section, are valid for the person who is 3820
the subject of the criminal records check for a period of one year 3821
from the date upon which the superintendent completes the criminal 3822
records check. If during that period the superintendent receives 3823
another request for a criminal records check to be conducted under 3824
this section for that person, the superintendent shall provide the 3825
results from the previous criminal records check of the person at 3826
a lower fee than the fee prescribed for the initial criminal 3827
records check. 3828

(E) When the superintendent receives a request for 3829
information from a registered private provider, the superintendent 3830
shall proceed as if the request was received from a school 3831
district board of education under section 3319.39 of the Revised 3832
Code. The superintendent shall apply division (A)(1)(c) of this 3833
section to any such request for an applicant who is a teacher. 3834

(F)(1) All information regarding the results of a criminal 3835
records check conducted under this section that the superintendent 3836
reports or sends under division (A)(7) or (9) of this section to 3837
the director of public safety, the treasurer of state, or the 3838
person, board, or entity that made the request for the criminal 3839
records check shall relate to the conviction of the subject 3840
person, or the subject person's plea of guilty to, a criminal 3841
offense. 3842

(2) Division (F)(1) of this section does not limit, restrict, 3843
or preclude the superintendent's release of information that 3844
relates to an adjudication of a child as a delinquent child, or 3845

that relates to a criminal conviction of a person under eighteen 3846
years of age if the person's case was transferred back to a 3847
juvenile court under division (B)(2) or (3) of section 2152.121 of 3848
the Revised Code and the juvenile court imposed a disposition or 3849
serious youthful offender disposition upon the person under either 3850
division, if either of the following applies with respect to the 3851
adjudication or conviction: 3852

(a) The adjudication or conviction was for a violation of 3853
section 2903.01 or 2903.02 of the Revised Code. 3854

(b) The adjudication or conviction was for a sexually 3855
oriented offense, as defined in section 2950.01 of the Revised 3856
Code, the juvenile court was required to classify the child a 3857
juvenile offender registrant for that offense under section 3858
2152.82, 2152.83, or 2152.86 of the Revised Code, and that 3859
classification has not been removed. 3860

(G) As used in this section: 3861

(1) "Criminal records check" means any criminal records check 3862
conducted by the superintendent of the bureau of criminal 3863
identification and investigation in accordance with division (B) 3864
of this section. 3865

(2) "Minor drug possession offense" has the same meaning as 3866
in section 2925.01 of the Revised Code. 3867

(3) "OVI or OVUAC violation" means a violation of section 3868
4511.19 of the Revised Code or a violation of an existing or 3869
former law of this state, any other state, or the United States 3870
that is substantially equivalent to section 4511.19 of the Revised 3871
Code. 3872

(4) "Registered private provider" means a nonpublic school or 3873
entity registered with the superintendent of public instruction 3874
under section 3310.41 of the Revised Code to participate in the 3875
autism scholarship program or section 3310.58 of the Revised Code 3876

to participate in the Jon Peterson special needs scholarship 3877
program. 3878

Sec. 109.71. There is hereby created in the office of the 3879
attorney general the Ohio peace officer training commission. The 3880
commission shall consist of nine members appointed by the governor 3881
with the advice and consent of the senate and selected as follows: 3882
one member representing the public; two members who are incumbent 3883
sheriffs; two members who are incumbent chiefs of police; one 3884
member from the bureau of criminal identification and 3885
investigation; one member from the state highway patrol; one 3886
member who is the special agent in charge of a field office of the 3887
federal bureau of investigation in this state; and one member from 3888
the department of education, trade and industrial education 3889
services, law enforcement training. 3890

This section does not confer any arrest authority or any 3891
ability or authority to detain a person, write or issue any 3892
citation, or provide any disposition alternative, as granted under 3893
Chapter 2935. of the Revised Code. 3894

As used in sections 109.71 to 109.801 of the Revised Code: 3895

(A) "Peace officer" means: 3896

(1) A deputy sheriff, marshal, deputy marshal, member of the 3897
organized police department of a township or municipal 3898
corporation, member of a township police district or joint police 3899
district police force, member of a police force employed by a 3900
metropolitan housing authority under division (D) of section 3901
3735.31 of the Revised Code, or township constable, who is 3902
commissioned and employed as a peace officer by a political 3903
subdivision of this state or by a metropolitan housing authority, 3904
and whose primary duties are to preserve the peace, to protect 3905
life and property, and to enforce the laws of this state, 3906
ordinances of a municipal corporation, resolutions of a township, 3907

or regulations of a board of county commissioners or board of township trustees, or any of those laws, ordinances, resolutions, or regulations;

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

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

(4) An undercover drug agent;

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

(6) An employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013, a park officer designated pursuant to section 1541.10, a forest officer designated pursuant to section 1503.29, a preserve officer designated pursuant to section 1517.10, a wildlife officer designated pursuant to section 1531.13, or a state watercraft officer designated pursuant to section 1547.521 of the Revised Code;

(7) An employee of a park district who is designated pursuant to section 511.232 or 1545.13 of the Revised Code;

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

(9) A police officer who is employed by a hospital that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by the

secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code; 3938
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(10) Veterans' homes police officers designated under section 5907.02 of the Revised Code; 3940
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(11) A police officer who is employed by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code; 3942
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(12) A state university law enforcement officer appointed under section 3345.04 of the Revised Code or a person serving as a state university law enforcement officer on a permanent basis on June 19, 1978, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program; 3945
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(13) A special police officer employed by the department of ~~mental health~~ mental health and addiction services pursuant to section ~~5119.14~~ 5119.08 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code; 3953
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(14) A member of a campus police department appointed under section 1713.50 of the Revised Code; 3958
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(15) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code; 3960
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(16) Investigators appointed by the auditor of state pursuant to section 117.091 of the Revised Code and engaged in the enforcement of Chapter 117. of the Revised Code; 3963
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3965

(17) A special police officer designated by the superintendent of the state highway patrol pursuant to section 3966
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5503.09 of the Revised Code or a person who was serving as a 3968
special police officer pursuant to that section on a permanent 3969
basis on October 21, 1997, and who has been awarded a certificate 3970
by the executive director of the Ohio peace officer training 3971
commission attesting to the person's satisfactory completion of an 3972
approved state, county, municipal, or department of natural 3973
resources peace officer basic training program; 3974

(18) A special police officer employed by a port authority 3975
under section 4582.04 or 4582.28 of the Revised Code or a person 3976
serving as a special police officer employed by a port authority 3977
on a permanent basis on May 17, 2000, who has been awarded a 3978
certificate by the executive director of the Ohio peace officer 3979
training commission attesting to the person's satisfactory 3980
completion of an approved state, county, municipal, or department 3981
of natural resources peace officer basic training program; 3982

(19) A special police officer employed by a municipal 3983
corporation who has been awarded a certificate by the executive 3984
director of the Ohio peace officer training commission for 3985
satisfactory completion of an approved peace officer basic 3986
training program and who is employed on a permanent basis on or 3987
after March 19, 2003, at a municipal airport, or other municipal 3988
air navigation facility, that has scheduled operations, as defined 3989
in section 119.3 of Title 14 of the Code of Federal Regulations, 3990
14 C.F.R. 119.3, as amended, and that is required to be under a 3991
security program and is governed by aviation security rules of the 3992
transportation security administration of the United States 3993
department of transportation as provided in Parts 1542. and 1544. 3994
of Title 49 of the Code of Federal Regulations, as amended; 3995

(20) A police officer who is employed by an owner or operator 3996
of an amusement park that has an average yearly attendance in 3997
excess of six hundred thousand guests and that employs and 3998
maintains its own proprietary police department or security 3999

department, and who is appointed and commissioned by a judge of 4000
the appropriate municipal court or county court pursuant to 4001
section 4973.17 of the Revised Code; 4002

(21) A police officer who is employed by a bank, savings and 4003
loan association, savings bank, credit union, or association of 4004
banks, savings and loan associations, savings banks, or credit 4005
unions, who has been appointed and commissioned by the secretary 4006
of state pursuant to sections 4973.17 to 4973.22 of the Revised 4007
Code, and who has been awarded a certificate by the executive 4008
director of the Ohio peace officer training commission attesting 4009
to the person's satisfactory completion of a state, county, 4010
municipal, or department of natural resources peace officer basic 4011
training program; 4012

(22) An investigator, as defined in section 109.541 of the 4013
Revised Code, of the bureau of criminal identification and 4014
investigation who is commissioned by the superintendent of the 4015
bureau as a special agent for the purpose of assisting law 4016
enforcement officers or providing emergency assistance to peace 4017
officers pursuant to authority granted under that section; 4018

(23) A state fire marshal law enforcement officer appointed 4019
under section 3737.22 of the Revised Code or a person serving as a 4020
state fire marshal law enforcement officer on a permanent basis on 4021
or after July 1, 1982, who has been awarded a certificate by the 4022
executive director of the Ohio peace officer training commission 4023
attesting to the person's satisfactory completion of an approved 4024
state, county, municipal, or department of natural resources peace 4025
officer basic training program; 4026

(24) A gaming agent employed under section 3772.03 of the 4027
Revised Code. 4028

(B) "Undercover drug agent" has the same meaning as in 4029
division (B)(2) of section 109.79 of the Revised Code. 4030

(C) "Crisis intervention training" means training in the use 4031
of interpersonal and communication skills to most effectively and 4032
sensitively interview victims of rape. 4033

(D) "Missing children" has the same meaning as in section 4034
2901.30 of the Revised Code. 4035

Sec. 109.746. (A) The attorney general may prepare public 4036
awareness programs that are designed to educate potential victims 4037
of violations of section 2905.32 of the Revised Code and their 4038
families of the risks of becoming a victim of a violation of that 4039
section. The attorney general may prepare these programs with 4040
assistance from the department of health, the department of ~~mental~~ 4041
~~health~~ mental health and addiction services, the department of job 4042
and family services, ~~the department of alcohol and drug addiction~~ 4043
~~services~~, and the department of education. 4044

(B) Any organization, person, or other governmental agency 4045
with an interest and expertise in trafficking in persons may 4046
submit information or materials to the attorney general regarding 4047
the preparation of the programs and materials permitted under this 4048
section. The attorney general, in developing the programs and 4049
materials permitted by this section, shall consider any 4050
information submitted pursuant to this division. 4051

Sec. 109.77. (A) As used in this section, "felony" has the 4052
same meaning as in section 109.511 of the Revised Code. 4053

(B)(1) Notwithstanding any general, special, or local law or 4054
charter to the contrary, and except as otherwise provided in this 4055
section, no person shall receive an original appointment on a 4056
permanent basis as any of the following unless the person 4057
previously has been awarded a certificate by the executive 4058
director of the Ohio peace officer training commission attesting 4059
to the person's satisfactory completion of an approved state, 4060

county, municipal, or department of natural resources peace	4061
officer basic training program:	4062
(a) A peace officer of any county, township, municipal	4063
corporation, regional transit authority, or metropolitan housing	4064
authority;	4065
(b) A natural resources law enforcement staff officer, park	4066
officer, forest officer, preserve officer, wildlife officer, or	4067
state watercraft officer of the department of natural resources;	4068
(c) An employee of a park district under section 511.232 or	4069
1545.13 of the Revised Code;	4070
(d) An employee of a conservancy district who is designated	4071
pursuant to section 6101.75 of the Revised Code;	4072
(e) A state university law enforcement officer;	4073
(f) A special police officer employed by the department of	4074
mental health <u>mental health and addiction services</u> pursuant to	4075
section 5119.14 <u>5119.08</u> of the Revised Code or the department of	4076
developmental disabilities pursuant to section 5123.13 of the	4077
Revised Code;	4078
(g) An enforcement agent of the department of public safety	4079
whom the director of public safety designates under section	4080
5502.14 of the Revised Code;	4081
(h) A special police officer employed by a port authority	4082
under section 4582.04 or 4582.28 of the Revised Code;	4083
(i) A special police officer employed by a municipal	4084
corporation at a municipal airport, or other municipal air	4085
navigation facility, that has scheduled operations, as defined in	4086
section 119.3 of Title 14 of the Code of Federal Regulations, 14	4087
C.F.R. 119.3, as amended, and that is required to be under a	4088
security program and is governed by aviation security rules of the	4089
transportation security administration of the United States	4090

department of transportation as provided in Parts 1542. and 1544. 4091
of Title 49 of the Code of Federal Regulations, as amended; 4092

(j) A gaming agent employed under section 3772.03 of the 4093
Revised Code. 4094

(2) Every person who is appointed on a temporary basis or for 4095
a probationary term or on other than a permanent basis as any of 4096
the following shall forfeit the appointed position unless the 4097
person previously has completed satisfactorily or, within the time 4098
prescribed by rules adopted by the attorney general pursuant to 4099
section 109.74 of the Revised Code, satisfactorily completes a 4100
state, county, municipal, or department of natural resources peace 4101
officer basic training program for temporary or probationary 4102
officers and is awarded a certificate by the director attesting to 4103
the satisfactory completion of the program: 4104

(a) A peace officer of any county, township, municipal 4105
corporation, regional transit authority, or metropolitan housing 4106
authority; 4107

(b) A natural resources law enforcement staff officer, park 4108
officer, forest officer, preserve officer, wildlife officer, or 4109
state watercraft officer of the department of natural resources; 4110

(c) An employee of a park district under section 511.232 or 4111
1545.13 of the Revised Code; 4112

(d) An employee of a conservancy district who is designated 4113
pursuant to section 6101.75 of the Revised Code; 4114

(e) A special police officer employed by the department of 4115
~~mental health~~ mental health and addiction services pursuant to 4116
section ~~5119.14~~ 5119.08 of the Revised Code or the department of 4117
developmental disabilities pursuant to section 5123.13 of the 4118
Revised Code; 4119

(f) An enforcement agent of the department of public safety 4120

whom the director of public safety designates under section 4121
5502.14 of the Revised Code; 4122

(g) A special police officer employed by a port authority 4123
under section 4582.04 or 4582.28 of the Revised Code; 4124

(h) A special police officer employed by a municipal 4125
corporation at a municipal airport, or other municipal air 4126
navigation facility, that has scheduled operations, as defined in 4127
section 119.3 of Title 14 of the Code of Federal Regulations, 14 4128
C.F.R. 119.3, as amended, and that is required to be under a 4129
security program and is governed by aviation security rules of the 4130
transportation security administration of the United States 4131
department of transportation as provided in Parts 1542. and 1544. 4132
of Title 49 of the Code of Federal Regulations, as amended. 4133

(3) For purposes of division (B) of this section, a state, 4134
county, municipal, or department of natural resources peace 4135
officer basic training program, regardless of whether the program 4136
is to be completed by peace officers appointed on a permanent or 4137
temporary, probationary, or other nonpermanent basis, shall 4138
include training in the handling of the offense of domestic 4139
violence, other types of domestic violence-related offenses and 4140
incidents, and protection orders and consent agreements issued or 4141
approved under section 2919.26 or 3113.31 of the Revised Code and 4142
crisis intervention training. The requirement to complete training 4143
in the handling of the offense of domestic violence, other types 4144
of domestic violence-related offenses and incidents, and 4145
protection orders and consent agreements issued or approved under 4146
section 2919.26 or 3113.31 of the Revised Code does not apply to 4147
any person serving as a peace officer on March 27, 1979, and the 4148
requirement to complete training in crisis intervention does not 4149
apply to any person serving as a peace officer on April 4, 1985. 4150
Any person who is serving as a peace officer on April 4, 1985, who 4151
terminates that employment after that date, and who subsequently 4152

is hired as a peace officer by the same or another law enforcement 4153
agency shall complete training in crisis intervention as 4154
prescribed by rules adopted by the attorney general pursuant to 4155
section 109.742 of the Revised Code. No peace officer shall have 4156
employment as a peace officer terminated and then be reinstated 4157
with intent to circumvent this section. 4158

(4) Division (B) of this section does not apply to any person 4159
serving on a permanent basis on March 28, 1985, as a park officer, 4160
forest officer, preserve officer, wildlife officer, or state 4161
watercraft officer of the department of natural resources or as an 4162
employee of a park district under section 511.232 or 1545.13 of 4163
the Revised Code, to any person serving on a permanent basis on 4164
March 6, 1986, as an employee of a conservancy district designated 4165
pursuant to section 6101.75 of the Revised Code, to any person 4166
serving on a permanent basis on January 10, 1991, as a preserve 4167
officer of the department of natural resources, to any person 4168
employed on a permanent basis on July 2, 1992, as a special police 4169
officer by the department of ~~mental health~~ mental health and 4170
addiction services pursuant to section ~~5119.14~~ 5119.08 of the 4171
Revised Code or by the department of developmental disabilities 4172
pursuant to section 5123.13 of the Revised Code, to any person 4173
serving on a permanent basis on May 17, 2000, as a special police 4174
officer employed by a port authority under section 4582.04 or 4175
4582.28 of the Revised Code, to any person serving on a permanent 4176
basis on March 19, 2003, as a special police officer employed by a 4177
municipal corporation at a municipal airport or other municipal 4178
air navigation facility described in division (A)(19) of section 4179
109.71 of the Revised Code, to any person serving on a permanent 4180
basis on June 19, 1978, as a state university law enforcement 4181
officer pursuant to section 3345.04 of the Revised Code and who, 4182
immediately prior to June 19, 1978, was serving as a special 4183
police officer designated under authority of that section, or to 4184
any person serving on a permanent basis on September 20, 1984, as 4185

a liquor control investigator, known after June 30, 1999, as an 4186
enforcement agent of the department of public safety, engaged in 4187
the enforcement of Chapters 4301. and 4303. of the Revised Code. 4188

(5) Division (B) of this section does not apply to any person 4189
who is appointed as a regional transit authority police officer 4190
pursuant to division (Y) of section 306.35 of the Revised Code if, 4191
on or before July 1, 1996, the person has completed satisfactorily 4192
an approved state, county, municipal, or department of natural 4193
resources peace officer basic training program and has been 4194
awarded a certificate by the executive director of the Ohio peace 4195
officer training commission attesting to the person's satisfactory 4196
completion of such an approved program and if, on July 1, 1996, 4197
the person is performing peace officer functions for a regional 4198
transit authority. 4199

(C) No person, after September 20, 1984, shall receive an 4200
original appointment on a permanent basis as a veterans' home 4201
police officer designated under section 5907.02 of the Revised 4202
Code unless the person previously has been awarded a certificate 4203
by the executive director of the Ohio peace officer training 4204
commission attesting to the person's satisfactory completion of an 4205
approved police officer basic training program. Every person who 4206
is appointed on a temporary basis or for a probationary term or on 4207
other than a permanent basis as a veterans' home police officer 4208
designated under section 5907.02 of the Revised Code shall forfeit 4209
that position unless the person previously has completed 4210
satisfactorily or, within one year from the time of appointment, 4211
satisfactorily completes an approved police officer basic training 4212
program. 4213

(D) No bailiff or deputy bailiff of a court of record of this 4214
state and no criminal investigator who is employed by the state 4215
public defender shall carry a firearm, as defined in section 4216
2923.11 of the Revised Code, while on duty unless the bailiff, 4217

deputy bailiff, or criminal investigator has done or received one 4218
of the following: 4219

(1) Has been awarded a certificate by the executive director 4220
of the Ohio peace officer training commission, which certificate 4221
attests to satisfactory completion of an approved state, county, 4222
or municipal basic training program for bailiffs and deputy 4223
bailiffs of courts of record and for criminal investigators 4224
employed by the state public defender that has been recommended by 4225
the Ohio peace officer training commission; 4226

(2) Has successfully completed a firearms training program 4227
approved by the Ohio peace officer training commission prior to 4228
employment as a bailiff, deputy bailiff, or criminal investigator; 4229

(3) Prior to June 6, 1986, was authorized to carry a firearm 4230
by the court that employed the bailiff or deputy bailiff or, in 4231
the case of a criminal investigator, by the state public defender 4232
and has received training in the use of firearms that the Ohio 4233
peace officer training commission determines is equivalent to the 4234
training that otherwise is required by division (D) of this 4235
section. 4236

(E)(1) Before a person seeking a certificate completes an 4237
approved peace officer basic training program, the executive 4238
director of the Ohio peace officer training commission shall 4239
request the person to disclose, and the person shall disclose, any 4240
previous criminal conviction of or plea of guilty of that person 4241
to a felony. 4242

(2) Before a person seeking a certificate completes an 4243
approved peace officer basic training program, the executive 4244
director shall request a criminal history records check on the 4245
person. The executive director shall submit the person's 4246
fingerprints to the bureau of criminal identification and 4247
investigation, which shall submit the fingerprints to the federal 4248

bureau of investigation for a national criminal history records 4249
check. 4250

Upon receipt of the executive director's request, the bureau 4251
of criminal identification and investigation and the federal 4252
bureau of investigation shall conduct a criminal history records 4253
check on the person and, upon completion of the check, shall 4254
provide a copy of the criminal history records check to the 4255
executive director. The executive director shall not award any 4256
certificate prescribed in this section unless the executive 4257
director has received a copy of the criminal history records check 4258
on the person to whom the certificate is to be awarded. 4259

(3) The executive director of the commission shall not award 4260
a certificate prescribed in this section to a person who has been 4261
convicted of or has pleaded guilty to a felony or who fails to 4262
disclose any previous criminal conviction of or plea of guilty to 4263
a felony as required under division (E)(1) of this section. 4264

(4) The executive director of the commission shall revoke the 4265
certificate awarded to a person as prescribed in this section, and 4266
that person shall forfeit all of the benefits derived from being 4267
certified as a peace officer under this section, if the person, 4268
before completion of an approved peace officer basic training 4269
program, failed to disclose any previous criminal conviction of or 4270
plea of guilty to a felony as required under division (E)(1) of 4271
this section. 4272

(F)(1) Regardless of whether the person has been awarded the 4273
certificate or has been classified as a peace officer prior to, 4274
on, or after October 16, 1996, the executive director of the Ohio 4275
peace officer training commission shall revoke any certificate 4276
that has been awarded to a person as prescribed in this section if 4277
the person does either of the following: 4278

(a) Pleads guilty to a felony committed on or after January 4279

1, 1997; 4280

(b) Pleads guilty to a misdemeanor committed on or after 4281
January 1, 1997, pursuant to a negotiated plea agreement as 4282
provided in division (D) of section 2929.43 of the Revised Code in 4283
which the person agrees to surrender the certificate awarded to 4284
the person under this section. 4285

(2) The executive director of the commission shall suspend 4286
any certificate that has been awarded to a person as prescribed in 4287
this section if the person is convicted, after trial, of a felony 4288
committed on or after January 1, 1997. The executive director 4289
shall suspend the certificate pursuant to division (F)(2) of this 4290
section pending the outcome of an appeal by the person from that 4291
conviction to the highest court to which the appeal is taken or 4292
until the expiration of the period in which an appeal is required 4293
to be filed. If the person files an appeal that results in that 4294
person's acquittal of the felony or conviction of a misdemeanor, 4295
or in the dismissal of the felony charge against that person, the 4296
executive director shall reinstate the certificate awarded to the 4297
person under this section. If the person files an appeal from that 4298
person's conviction of the felony and the conviction is upheld by 4299
the highest court to which the appeal is taken or if the person 4300
does not file a timely appeal, the executive director shall revoke 4301
the certificate awarded to the person under this section. 4302

(G)(1) If a person is awarded a certificate under this 4303
section and the certificate is revoked pursuant to division (E)(4) 4304
or (F) of this section, the person shall not be eligible to 4305
receive, at any time, a certificate attesting to the person's 4306
satisfactory completion of a peace officer basic training program. 4307

(2) The revocation or suspension of a certificate under 4308
division (E)(4) or (F) of this section shall be in accordance with 4309
Chapter 119. of the Revised Code. 4310

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

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

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

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

peace officer is required by this section to complete 4343
satisfactorily. 4344

(K) This section does not apply to any member of the police 4345
department of a municipal corporation in an adjoining state 4346
serving in this state under a contract pursuant to section 737.04 4347
of the Revised Code. 4348

Sec. 109.85. (A) Upon the written request of the governor, 4349
the general assembly, the auditor of state, the medicaid director 4350
~~of job and family services~~, the director of health, or the 4351
director of budget and management, or upon the attorney general's 4352
becoming aware of criminal or improper activity related to Chapter 4353
3721. and the ~~medical assistance~~ medicaid program established 4354
~~under section 5111.01 of the Revised Code~~, the attorney general 4355
shall investigate any criminal or civil violation of law related 4356
to Chapter 3721. of the Revised Code or the ~~medical assistance~~ 4357
medicaid program. 4358

(B) When it appears to the attorney general, as a result of 4359
an investigation under division (A) of this section, that there is 4360
cause to prosecute for the commission of a crime or to pursue a 4361
civil remedy, the attorney general may refer the evidence to the 4362
prosecuting attorney having jurisdiction of the matter, or to a 4363
regular grand jury drawn and impaneled pursuant to sections 4364
2939.01 to 2939.24 of the Revised Code, or to a special grand jury 4365
drawn and impaneled pursuant to section 2939.17 of the Revised 4366
Code, or the attorney general may initiate and prosecute any 4367
necessary criminal or civil actions in any court or tribunal of 4368
competent jurisdiction in this state. When proceeding under this 4369
section, the attorney general, and any assistant or special 4370
counsel designated by the attorney general for that purpose, have 4371
all rights, privileges, and powers of prosecuting attorneys. The 4372
attorney general shall have exclusive supervision and control of 4373

all investigations and prosecutions initiated by the attorney 4374
general under this section. The forfeiture provisions of Chapter 4375
2981. of the Revised Code apply in relation to any such criminal 4376
action initiated and prosecuted by the attorney general. 4377

(C) Nothing in this section shall prevent a county 4378
prosecuting attorney from investigating and prosecuting criminal 4379
activity related to Chapter 3721. of the Revised Code and the 4380
~~medical assistance~~ medicaid program established under section 4381
~~5111.01 of the Revised Code.~~ The forfeiture provisions of Chapter 4382
2981. of the Revised Code apply in relation to any prosecution of 4383
criminal activity related to the ~~medical assistance~~ medicaid 4384
program undertaken by the prosecuting attorney. 4385

Sec. 109.86. (A) The attorney general shall investigate any 4386
activity the attorney general has reasonable cause to believe is 4387
in violation of section 2903.34 of the Revised Code. Upon written 4388
request of the governor, the general assembly, the auditor of 4389
state, or the director of health, job and family services, aging, 4390
~~mental health~~ mental health and addiction services, or 4391
developmental disabilities, the attorney general shall investigate 4392
any activity these persons believe is in violation of section 4393
2903.34 of the Revised Code. If after an investigation the 4394
attorney general has probable cause to prosecute for the 4395
commission of a crime, the attorney general shall refer the 4396
evidence to the prosecuting attorney, director of law, or other 4397
similar chief legal officer having jurisdiction over the matter. 4398
If the prosecuting attorney decides to present the evidence to a 4399
grand jury, the prosecuting attorney shall notify the attorney 4400
general in writing of the decision within thirty days after 4401
referral of the matter and shall present the evidence prior to the 4402
discharge of the next regular grand jury. If the director of law 4403
or other chief legal officer decides to prosecute the case, the 4404
director or officer shall notify the attorney general in writing 4405

of the decision within thirty days and shall initiate prosecution 4406
within sixty days after the matter was referred to the director or 4407
officer. 4408

(B) If the prosecuting attorney, director of law, or other 4409
chief legal officer fails to notify the attorney general or to 4410
present evidence or initiate prosecution in accordance with 4411
division (A) of this section, the attorney general may present the 4412
evidence to a regular grand jury drawn and impaneled pursuant to 4413
sections 2939.01 to 2939.24 of the Revised Code, or to a special 4414
grand jury drawn and impaneled pursuant to section 2939.17 of the 4415
Revised Code, or the attorney general may initiate and prosecute 4416
any action in any court or tribunal of competent jurisdiction in 4417
this state. The attorney general, and any assistant or special 4418
counsel designated by the attorney general, have all the powers of 4419
a prosecuting attorney, director of law, or other chief legal 4420
officer when proceeding under this section. Nothing in this 4421
section shall limit or prevent a prosecuting attorney, director of 4422
law, or other chief legal officer from investigating and 4423
prosecuting criminal activity committed against a resident or 4424
patient of a care facility. 4425

Sec. 109.90. (A) The attorney general shall collaborate with 4426
the state board of pharmacy and director of ~~alcohol and drug~~ 4427
~~addiction services~~ mental health and addiction services in the 4428
establishment and administration of a drug take-back program, as 4429
provided under section 4729.69 of the Revised Code. The office of 4430
the attorney general is solely responsible for the costs incurred 4431
in the establishment and administration of the program. 4432

(B) The attorney general may accept grants, gifts, or 4433
donations for purposes of the program. Money received under this 4434
division or section ~~3793.22~~ 5119.49 or 4729.69 of the Revised Code 4435
shall be deposited into the state treasury to the credit of the 4436

drug take-back program fund, which is hereby created. Money 4437
credited to the fund shall be used solely for purposes of the 4438
program. 4439

Sec. 111.02. Before entering upon the discharge of the duties 4440
of ~~his~~ office, the secretary of state shall give a bond to the 4441
state in the sum of one hundred thousand dollars, with ~~two or more~~ 4442
~~sureties approved by the governor, auditor of state, and attorney~~ 4443
~~general~~ a surety authorized to do business in the state, 4444
conditioned for the faithful discharge of the duties of ~~his~~ the 4445
office of secretary of state. The bond, ~~with the approval of the~~ 4446
~~proper officials~~ and the oath of office ~~indorsed thereon,~~ shall be 4447
deposited with and kept by the director of administrative services 4448
~~and kept~~ in ~~his~~ the director's office. 4449

Sec. 111.15. (A) As used in this section: 4450

(1) "Rule" includes any rule, regulation, bylaw, or standard 4451
having a general and uniform operation adopted by an agency under 4452
the authority of the laws governing the agency; any appendix to a 4453
rule; and any internal management rule. "Rule" does not include 4454
any guideline adopted pursuant to section 3301.0714 of the Revised 4455
Code, any order respecting the duties of employees, any finding, 4456
any determination of a question of law or fact in a matter 4457
presented to an agency, or any rule promulgated pursuant to 4458
Chapter 119., section 4141.14, division (C)(1) or (2) of section 4459
5117.02, or section 5703.14 of the Revised Code. "Rule" includes 4460
any amendment or rescission of a rule. 4461

(2) "Agency" means any governmental entity of the state and 4462
includes, but is not limited to, any board, department, division, 4463
commission, bureau, society, council, institution, state college 4464
or university, community college district, technical college 4465
district, or state community college. "Agency" does not include 4466

the general assembly, the controlling board, the adjutant 4467
general's department, or any court. 4468

(3) "Internal management rule" means any rule, regulation, 4469
bylaw, or standard governing the day-to-day staff procedures and 4470
operations within an agency. 4471

(4) "Substantive revision" has the same meaning as in 4472
division (J) of section 119.01 of the Revised Code. 4473

(B)(1) Any rule, other than a rule of an emergency nature, 4474
adopted by any agency pursuant to this section shall be effective 4475
on the tenth day after the day on which the rule in final form and 4476
in compliance with division (B)(3) of this section is filed as 4477
follows: 4478

(a) The rule shall be filed in electronic form with both the 4479
secretary of state and the director of the legislative service 4480
commission; 4481

(b) The rule shall be filed in electronic form with the joint 4482
committee on agency rule review. Division (B)(1)(b) of this 4483
section does not apply to any rule to which division (D) of this 4484
section does not apply. 4485

An agency that adopts or amends a rule that is subject to 4486
division (D) of this section shall assign a review date to the 4487
rule that is not later than five years after its effective date. 4488
If no review date is assigned to a rule, or if a review date 4489
assigned to a rule exceeds the five-year maximum, the review date 4490
for the rule is five years after its effective date. A rule with a 4491
review date is subject to review under section 119.032 of the 4492
Revised Code. This paragraph does not apply to a rule of a state 4493
college or university, community college district, technical 4494
college district, or state community college. 4495

If all filings are not completed on the same day, the rule 4496
shall be effective on the tenth day after the day on which the 4497

latest filing is completed. If an agency in adopting a rule 4498
designates an effective date that is later than the effective date 4499
provided for by division (B)(1) of this section, the rule if filed 4500
as required by such division shall become effective on the later 4501
date designated by the agency. 4502

Any rule that is required to be filed under division (B)(1) 4503
of this section is also subject to division (D) of this section if 4504
not exempted by division (D)(1), (2), (3), (4), (5), (6), (7), or 4505
(8) of this section. 4506

If a rule incorporates a text or other material by reference, 4507
the agency shall comply with sections 121.71 to 121.76 of the 4508
Revised Code. 4509

(2) A rule of an emergency nature necessary for the immediate 4510
preservation of the public peace, health, or safety shall state 4511
the reasons for the necessity. The emergency rule, in final form 4512
and in compliance with division (B)(3) of this section, shall be 4513
filed in electronic form with the secretary of state, the director 4514
of the legislative service commission, and the joint committee on 4515
agency rule review. The emergency rule is effective immediately 4516
upon completion of the latest filing, except that if the agency in 4517
adopting the emergency rule designates an effective date, or date 4518
and time of day, that is later than the effective date and time 4519
provided for by division (B)(2) of this section, the emergency 4520
rule if filed as required by such division shall become effective 4521
at the later date, or later date and time of day, designated by 4522
the agency. 4523

An emergency rule becomes invalid at the end of the ninetieth 4524
day it is in effect. Prior to that date, the agency may file the 4525
emergency rule as a nonemergency rule in compliance with division 4526
(B)(1) of this section. The agency may not refile the emergency 4527
rule in compliance with division (B)(2) of this section so that, 4528
upon the emergency rule becoming invalid under such division, the 4529

emergency rule will continue in effect without interruption for 4530
another ninety-day period. 4531

(3) An agency shall file a rule under division (B)(1) or (2) 4532
of this section in compliance with the following standards and 4533
procedures: 4534

(a) The rule shall be numbered in accordance with the 4535
numbering system devised by the director for the Ohio 4536
administrative code. 4537

(b) The rule shall be prepared and submitted in compliance 4538
with the rules of the legislative service commission. 4539

(c) The rule shall clearly state the date on which it is to 4540
be effective and the date on which it will expire, if known. 4541

(d) Each rule that amends or rescinds another rule shall 4542
clearly refer to the rule that is amended or rescinded. Each 4543
amendment shall fully restate the rule as amended. 4544

If the director of the legislative service commission or the 4545
director's designee gives an agency notice pursuant to section 4546
103.05 of the Revised Code that a rule filed by the agency is not 4547
in compliance with the rules of the legislative service 4548
commission, the agency shall within thirty days after receipt of 4549
the notice conform the rule to the rules of the commission as 4550
directed in the notice. 4551

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 4552
of this section shall be recorded by the secretary of state and 4553
the director under the title of the agency adopting the rule and 4554
shall be numbered according to the numbering system devised by the 4555
director. The secretary of state and the director shall preserve 4556
the rules in an accessible manner. Each such rule shall be a 4557
public record open to public inspection and may be transmitted to 4558
any law publishing company that wishes to reproduce it. 4559

(D) At least sixty-five days before a board, commission, 4560
department, division, or bureau of the government of the state 4561
files a rule under division (B)(1) of this section, it shall file 4562
the full text of the proposed rule in electronic form with the 4563
joint committee on agency rule review, and the proposed rule is 4564
subject to legislative review and invalidation under division (I) 4565
of section 119.03 of the Revised Code. If a state board, 4566
commission, department, division, or bureau makes a substantive 4567
revision in a proposed rule after it is filed with the joint 4568
committee, the state board, commission, department, division, or 4569
bureau shall promptly file the full text of the proposed rule in 4570
its revised form in electronic form with the joint committee. The 4571
latest version of a proposed rule as filed with the joint 4572
committee supersedes each earlier version of the text of the same 4573
proposed rule. ~~Except as provided in division (F) of this section,~~ 4574
a A state board, commission, department, division, or bureau shall 4575
also file the rule summary and fiscal analysis prepared under 4576
section 127.18 of the Revised Code in electronic form along with a 4577
proposed rule, and along with a proposed rule in revised form, 4578
that is filed under this division. If a proposed rule has an 4579
adverse impact on businesses, the state board, commission, 4580
department, division, or bureau also shall file the business 4581
impact analysis, any recommendations received from the common 4582
sense initiative office, and the associated memorandum of 4583
response, if any, in electronic form along with the proposed rule, 4584
or the proposed rule in revised form, that is filed under this 4585
division. 4586

As used in this division, "commission" includes the public 4587
utilities commission when adopting rules under a federal or state 4588
statute. 4589

This division does not apply to any of the following: 4590

(1) A proposed rule of an emergency nature; 4591

(2) A rule proposed under section 1121.05, 1121.06, 1155.18, 4592
1163.22, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4593
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 4594
Code; 4595

(3) A rule proposed by an agency other than a board, 4596
commission, department, division, or bureau of the government of 4597
the state; 4598

(4) A proposed internal management rule of a board, 4599
commission, department, division, or bureau of the government of 4600
the state; 4601

(5) Any proposed rule that must be adopted verbatim by an 4602
agency pursuant to federal law or rule, to become effective within 4603
sixty days of adoption, in order to continue the operation of a 4604
federally reimbursed program in this state, so long as the 4605
proposed rule contains both of the following: 4606

(a) A statement that it is proposed for the purpose of 4607
complying with a federal law or rule; 4608

(b) A citation to the federal law or rule that requires 4609
verbatim compliance. 4610

(6) An initial rule proposed by the director of health to 4611
impose safety standards and quality-of-care standards with respect 4612
to a health service specified in section 3702.11 of the Revised 4613
Code, or an initial rule proposed by the director to impose 4614
quality standards on a facility listed in division (A)(4) of 4615
section 3702.30 of the Revised Code, if section 3702.12 of the 4616
Revised Code requires that the rule be adopted under this section; 4617

(7) A rule of the state lottery commission pertaining to 4618
instant game rules. 4619

If a rule is exempt from legislative review under division 4620
(D)(5) of this section, and if the federal law or rule pursuant to 4621

which the rule was adopted expires, is repealed or rescinded, or 4622
otherwise terminates, the rule is thereafter subject to 4623
legislative review under division (D) of this section. 4624

(E) Whenever a state board, commission, department, division, 4625
or bureau files a proposed rule or a proposed rule in revised form 4626
under division (D) of this section, it shall also file the full 4627
text of the same proposed rule or proposed rule in revised form in 4628
electronic form with the secretary of state and the director of 4629
the legislative service commission. ~~Except as provided in division~~ 4630
~~(F) of this section, a~~ A state board, commission, department, 4631
division, or bureau shall file the rule summary and fiscal 4632
analysis prepared under section 127.18 of the Revised Code in 4633
electronic form along with a proposed rule or proposed rule in 4634
revised form that is filed with the secretary of state or the 4635
director of the legislative service commission. 4636

~~(F) Except as otherwise provided in this division, the~~ 4637
~~auditor of state or the auditor of state's designee is not~~ 4638
~~required to file a rule summary and fiscal analysis along with a~~ 4639
~~proposed rule, or proposed rule in revised form, that the auditor~~ 4640
~~of state proposes under section 117.12, 117.19, 117.38, or 117.43~~ 4641
~~of the Revised Code and files under division (D) or (E) of this~~ 4642
~~section.~~ 4643

Sec. 111.28. (A) There is hereby created in the state 4644
treasury the help America vote act (HAVA) fund. All moneys 4645
received by the secretary of state from the United States election 4646
assistance commission shall be credited to the fund. The secretary 4647
of state shall use the moneys credited to the fund for activities 4648
conducted pursuant to the "Help America Vote Act of 2002," Pub. L. 4649
No. 107-252, 116 Stat. 1666. All investment earnings of the fund 4650
shall be credited to the fund. 4651

(B) There is hereby created in the state treasury the 4652

election reform/health and human services fund. All moneys 4653
received by the secretary of state from the United States 4654
department of health and human services shall be credited to the 4655
fund. The secretary of state shall use the moneys credited to the 4656
fund for activities conducted pursuant to grants awarded to the 4657
state under Title II, Subtitle D, Sections 261 to 265 of the Help 4658
America Vote Act of 2002 to assure access for individuals with 4659
disabilities. All investment earnings of the fund shall be 4660
credited to the fund. 4661

(C) There is hereby created in the state treasury the 4662
miscellaneous federal grants fund. All moneys the secretary of 4663
state receives as grants from federal sources that are not 4664
otherwise designated shall be credited to the fund. The secretary 4665
of state shall use the moneys credited to the fund for the 4666
purposes and activities required by the applicable federal grant 4667
agreements. All investment earnings of the fund shall be credited 4668
to the fund. 4669

Sec. 113.02. Before entering upon the discharge of the duties 4670
of ~~his~~ office, the treasurer of state shall give a bond to the 4671
state in the sum of one million dollars, with ~~sureties approved by~~ 4672
~~the governor~~ a surety authorized to do business in the state, 4673
conditioned for the faithful discharge of the duties of ~~his~~ the 4674
office of treasurer of state. The bond, ~~with the approval of the~~ 4675
~~governor~~ and the oath of office ~~endorsed thereon,~~ shall be 4676
deposited with and kept by the secretary of state ~~and kept~~ in ~~his~~ 4677
the secretary of state's office. 4678

Sec. 113.061. The treasurer of state shall adopt rules in 4679
accordance with Chapter 119. of the Revised Code governing the 4680
remittance of taxes by electronic funds transfer as required under 4681
sections 5726.03, 5727.311, 5727.83, 5733.022, 5735.062, 5736.04, 4682
5739.032, 5745.04, ~~and~~ 5747.072, 5749.06, and 5751.07 of the 4683

Revised Code and any other section of the Revised Code under which 4684
a person is required to remit taxes by electronic funds transfer. 4685
The rules shall govern the modes of electronic funds transfer 4686
acceptable to the treasurer of state and under what circumstances 4687
each mode is acceptable, the content and format of electronic 4688
funds transfers, the coordination of payment by electronic funds 4689
transfer and filing of associated tax reports and returns, the 4690
remittance of taxes by means other than electronic funds transfer 4691
by persons otherwise required to do so but relieved of the 4692
requirement by the treasurer of state, and any other matter that 4693
in the opinion of the treasurer of state facilitates payment by 4694
electronic funds transfer in a manner consistent with those 4695
sections. 4696

Upon failure by a person, if so required, to remit taxes by 4697
electronic funds transfer in the manner prescribed under section 4698
5726.03, 5727.83, 5733.022, 5735.062, 5736.04, 5739.032, 5745.04, 4699
~~or~~ 5747.072, 5749.06, or 5751.07 of the Revised Code and rules 4700
adopted under this section, the treasurer of state shall notify 4701
the tax commissioner of such failure if the treasurer of state 4702
determines that such failure was not due to reasonable cause or 4703
was due to willful neglect, and shall provide the tax commissioner 4704
with any information used in making that determination. The tax 4705
commissioner may assess an additional charge as specified in the 4706
respective section of the Revised Code governing the requirement 4707
to remit taxes by electronic funds transfer. 4708

The treasurer of state may implement means of acknowledging, 4709
upon the request of a taxpayer, receipt of tax remittances made by 4710
electronic funds transfer, and may adopt rules governing 4711
acknowledgments. The cost of acknowledging receipt of electronic 4712
remittances shall be paid by the person requesting acknowledgment. 4713

The treasurer of state, not the tax commissioner, is 4714
responsible for resolving any problems involving electronic funds 4715

transfer transmissions. 4716

Sec. 117.03. Before entering upon the discharge of the duties 4717
of ~~his~~ office, the auditor of state shall give a bond to the state 4718
in the sum of twenty thousand dollars, with a surety ~~approved by~~ 4719
~~the governor~~ authorized to do business in the state, conditioned 4720
for the faithful discharge of the duties of ~~his~~ the office of 4721
auditor of state. The bond, ~~with the approval of the governor~~ and 4722
the oath of office ~~endorsed thereon~~, shall be deposited with and 4723
kept by the secretary of state and kept in ~~his~~ the secretary of 4724
state's office. 4725

Sec. 117.10. The auditor of state shall audit all public 4726
offices as provided in this chapter. The auditor of state also may 4727
audit the accounts of private institutions, associations, boards, 4728
and corporations receiving public money for their use and may 4729
require of them annual reports in such form as the auditor of 4730
state prescribes. 4731

If the auditor of state performs or contracts for the 4732
performance of an audit, including a special audit, of the public 4733
employees retirement system, school employees retirement system, 4734
state teachers retirement system, state highway patrol retirement 4735
system, or Ohio police and fire pension fund, the auditor of state 4736
shall make a timely report of the results of the audit to the Ohio 4737
retirement study council. 4738

The auditor of state may audit the accounts of any medicaid 4739
provider, as defined in section ~~5111.06~~ 5164.01 of the Revised 4740
Code. 4741

If a public office has been audited by an agency of the 4742
United States government, the auditor of state may, if satisfied 4743
that the federal audit has been conducted according to principles 4744
and procedures not contrary to those of the auditor of state, use 4745

and adopt the federal audit and report in lieu of an audit by the auditor of state's own office.

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

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

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

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

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

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

(d) Conduct, on the date and at the time and place designated in the notice, a public hearing at which any person affected by the proposed rule, including statewide organizations of local government officials, may appear and be heard in person, by attorney, or both, and may present the person's or organization's

position or contentions orally or in writing. 4776

~~(2) Except as otherwise provided in division (A)(2) of this 4777
section, comply Comply with divisions (B) to (E) of section 111.15 4778
of the Revised Code. The auditor of state is not required to file 4779
a rule summary and fiscal analysis along with any copy of a 4780
proposed rule, or proposed rule in revised form, that is filed 4781
with the joint committee on agency rule review, the secretary of 4782
state, or the director of the legislative service commission under 4783
division (D) or (E) of section 111.15 of the Revised Code. 4784~~

(B) The auditor of state shall diligently discharge the 4785
duties imposed by divisions (A)(1)(a), (b), and (c) of this 4786
section, but failure to mail or send by electronic mail any notice 4787
or copy of a proposed rule, or to consult with any person or 4788
organization, shall not invalidate any rule. 4789

(C) Notwithstanding any contrary provision of the Revised 4790
Code, the auditor of state may prepare and disseminate, to public 4791
offices and other interested persons and organizations, advisory 4792
bulletins, directives, and instructions relating to accounting and 4793
financial reporting systems, budgeting procedures, fiscal 4794
controls, and the constructions by the auditor of state of 4795
constitutional and statutory provisions, court decisions, and 4796
opinions of the attorney general. The bulletins, directives, and 4797
instructions shall be of an advisory nature only. 4798

(D) As used in this section, "rule" includes the adoption, 4799
amendment, or rescission of a rule. 4800

Sec. 119.01. As used in sections 119.01 to 119.13 of the 4801
Revised Code: 4802

(A)(1) "Agency" means, except as limited by this division, 4803
any official, board, or commission having authority to promulgate 4804
rules or make adjudications in the civil service commission, the 4805

division of liquor control, the department of taxation, the 4806
industrial commission, the bureau of workers' compensation, the 4807
functions of any administrative or executive officer, department, 4808
division, bureau, board, or commission of the government of the 4809
state specifically made subject to sections 119.01 to 119.13 of 4810
the Revised Code, and the licensing functions of any 4811
administrative or executive officer, department, division, bureau, 4812
board, or commission of the government of the state having the 4813
authority or responsibility of issuing, suspending, revoking, or 4814
canceling licenses. 4815

Except as otherwise provided in division (I) of this section, 4816
sections 119.01 to 119.13 of the Revised Code do not apply to the 4817
public utilities commission. Sections 119.01 to 119.13 of the 4818
Revised Code do not apply to the utility radiological safety 4819
board; to the controlling board; to actions of the superintendent 4820
of financial institutions and the superintendent of insurance in 4821
the taking possession of, and rehabilitation or liquidation of, 4822
the business and property of banks, savings and loan associations, 4823
savings banks, credit unions, insurance companies, associations, 4824
reciprocal fraternal benefit societies, and bond investment 4825
companies; to any action taken by the division of securities under 4826
section 1707.201 of the Revised Code; or to any action that may be 4827
taken by the superintendent of financial institutions under 4828
section 1113.03, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 4829
1157.09, 1157.12, 1157.18, 1165.09, 1165.12, 1165.18, 1349.33, 4830
1733.35, 1733.361, 1733.37, or 1761.03 of the Revised Code. 4831

Sections 119.01 to 119.13 of the Revised Code do not apply to 4832
actions of the industrial commission or the bureau of workers' 4833
compensation under sections 4123.01 to 4123.94 of the Revised Code 4834
with respect to all matters of adjudication, or to the actions of 4835
the industrial commission, bureau of workers' compensation board 4836
of directors, and bureau of workers' compensation under division 4837

(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341, 4838
4123.342, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07, divisions 4839
(B), (C), and (E) of section 4131.04, and divisions (B), (C), and 4840
(E) of section 4131.14 of the Revised Code with respect to all 4841
matters concerning the establishment of premium, contribution, and 4842
assessment rates. 4843

(2) "Agency" also means any official or work unit having 4844
authority to promulgate rules or make adjudications in the 4845
department of job and family services, but only with respect to 4846
both of the following: 4847

(a) The adoption, amendment, or rescission of rules that 4848
section 5101.09 of the Revised Code requires be adopted in 4849
accordance with this chapter; 4850

(b) The issuance, suspension, revocation, or cancellation of 4851
licenses. 4852

(B) "License" means any license, permit, certificate, 4853
commission, or charter issued by any agency. "License" does not 4854
include any arrangement whereby a person, ~~institution,~~ or 4855
government entity furnishes medicaid services under a provider 4856
agreement with the department of ~~job and family services pursuant~~ 4857
~~to Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 4858
~~U.S.C. 301, as amended~~ medicaid. 4859

(C) "Rule" means any rule, regulation, or standard, having a 4860
general and uniform operation, adopted, promulgated, and enforced 4861
by any agency under the authority of the laws governing such 4862
agency, and includes any appendix to a rule. "Rule" does not 4863
include any internal management rule of an agency unless the 4864
internal management rule affects private rights and does not 4865
include any guideline adopted pursuant to section 3301.0714 of the 4866
Revised Code. 4867

(D) "Adjudication" means the determination by the highest or 4868

ultimate authority of an agency of the rights, duties, privileges, 4869
benefits, or legal relationships of a specified person, but does 4870
not include the issuance of a license in response to an 4871
application with respect to which no question is raised, nor other 4872
acts of a ministerial nature. 4873

(E) "Hearing" means a public hearing by any agency in 4874
compliance with procedural safeguards afforded by sections 119.01 4875
to 119.13 of the Revised Code. 4876

(F) "Person" means a person, firm, corporation, association, 4877
or partnership. 4878

(G) "Party" means the person whose interests are the subject 4879
of an adjudication by an agency. 4880

(H) "Appeal" means the procedure by which a person, aggrieved 4881
by a finding, decision, order, or adjudication of any agency, 4882
invokes the jurisdiction of a court. 4883

(I) "Rule-making agency" means any board, commission, 4884
department, division, or bureau of the government of the state 4885
that is required to file proposed rules, amendments, or 4886
rescissions under division (D) of section 111.15 of the Revised 4887
Code and any agency that is required to file proposed rules, 4888
amendments, or rescissions under divisions (B) and (H) of section 4889
119.03 of the Revised Code. "Rule-making agency" includes the 4890
public utilities commission. "Rule-making agency" does not include 4891
any state-supported college or university. 4892

(J) "Substantive revision" means any addition to, elimination 4893
from, or other change in a rule, an amendment of a rule, or a 4894
rescission of a rule, whether of a substantive or procedural 4895
nature, that changes any of the following: 4896

(1) That which the rule, amendment, or rescission permits, 4897
authorizes, regulates, requires, prohibits, penalizes, rewards, or 4898
otherwise affects; 4899

(2) The scope or application of the rule, amendment, or
rescission. 4900
4901

(K) "Internal management rule" means any rule, regulation, or
standard governing the day-to-day staff procedures and operations 4902
within an agency. 4903
4904

Sec. 120.06. (A)(1) The state public defender, when 4905
designated by the court or requested by a county public defender 4906
or joint county public defender, may provide legal representation 4907
in all courts throughout the state to indigent adults and 4908
juveniles who are charged with the commission of an offense or act 4909
for which the penalty or any possible adjudication includes the 4910
potential loss of liberty. 4911

(2) The state public defender may provide legal 4912
representation to any indigent person who, while incarcerated in 4913
any state correctional institution, is charged with a felony 4914
offense, for which the penalty or any possible adjudication that 4915
may be imposed by a court upon conviction includes the potential 4916
loss of liberty. 4917

(3) The state public defender may provide legal 4918
representation to any person incarcerated in any correctional 4919
institution of the state, in any matter in which the person 4920
asserts the person is unlawfully imprisoned or detained. 4921

(4) The state public defender, in any case in which the state 4922
public defender has provided legal representation or is requested 4923
to do so by a county public defender or joint county public 4924
defender, may provide legal representation on appeal. 4925

(5) The state public defender, when designated by the court 4926
or requested by a county public defender, joint county public 4927
defender, or the director of rehabilitation and correction, shall 4928
provide legal representation in parole and probation revocation 4929

matters or matters relating to the revocation of community control 4930
or post-release control under a community control sanction or 4931
post-release control sanction, unless the state public defender 4932
finds that the alleged parole or probation violator or alleged 4933
violator of a community control sanction or post-release control 4934
sanction has the financial capacity to retain the alleged 4935
violator's own counsel. 4936

(6) The state public defender, when designated by the court 4937
or requested by a county public defender, joint county public 4938
defender, the director of rehabilitation and correction, or the 4939
director of youth services, shall provide legal representation to 4940
a child confined in a facility operated, or contracted for, by the 4941
department of youth services, on administrative issues that may 4942
extend the period of the child's confinement in a facility 4943
operated, or contracted for, by the department of youth services, 4944
unless the state public defender finds that the child has the 4945
financial capacity to retain the child's own counsel. 4946

(7) If the state public defender contracts with a county 4947
public defender commission, a joint county public defender 4948
commission, or a board of county commissioners for the provision 4949
of services, under authority of division (C)(7) of section 120.04 4950
of the Revised Code, the state public defender shall provide legal 4951
representation in accordance with the contract. 4952

(B) The state public defender shall not be required to 4953
prosecute any appeal, postconviction remedy, or other proceeding 4954
pursuant to division (A)(3), (4), ~~or~~ (5), or (6) of this section, 4955
unless the state public defender first is satisfied that there is 4956
arguable merit to the proceeding. 4957

(C) A court may appoint counsel or allow an indigent person 4958
to select the indigent's own personal counsel to assist the state 4959
public defender as co-counsel when the interests of justice so 4960
require. When co-counsel is appointed to assist the state public 4961

defender, the co-counsel shall receive any compensation that the 4962
court may approve, not to exceed the amounts provided for in 4963
section 2941.51 of the Revised Code. 4964

(D)(1) When the state public defender is designated by the 4965
court or requested by a county public defender or joint county 4966
public defender to provide legal representation for an indigent 4967
person in any case, other than pursuant to a contract entered into 4968
under authority of division (C)(7) of section 120.04 of the 4969
Revised Code, the state public defender shall send to the county 4970
in which the case is filed a bill detailing the actual cost of the 4971
representation that separately itemizes legal fees and expenses. 4972
The county, upon receipt of an itemized bill from the state public 4973
defender pursuant to this division, shall pay the state public 4974
defender each of the following amounts: 4975

(a) For the amount identified as legal fees in the itemized 4976
bill, one hundred per cent of the amount identified as legal fees 4977
less the state reimbursement rate as calculated by the state 4978
public defender pursuant to section 120.34 of the Revised Code for 4979
the month the case terminated, as set forth in the itemized bill; 4980

(b) For the amount identified as expenses in the itemized 4981
bill, one hundred per cent. 4982

(2) Upon payment of the itemized bill under division (D)(1) 4983
of this section, the county may submit the cost of the expenses, 4984
excluding legal fees, to the state public defender for 4985
reimbursement pursuant to section 120.33 of the Revised Code. 4986

(3) When the state public defender provides investigation or 4987
mitigation services to private appointed counsel or to a county or 4988
joint county public defender as approved by the appointing court, 4989
other than pursuant to a contract entered into under authority of 4990
division (C)(7) of section 120.04 of the Revised Code, the state 4991
public defender shall send to the county in which the case is 4992

filed a bill itemizing the actual cost of the services provided. 4993
The county, upon receipt of an itemized bill from the state public 4994
defender pursuant to this division, shall pay one hundred per cent 4995
of the amount as set forth in the itemized bill. Upon payment of 4996
the itemized bill received pursuant to this division, the county 4997
may submit the cost of the investigation and mitigation services 4998
to the state public defender for reimbursement pursuant to section 4999
120.33 of the Revised Code. 5000

(4) There is hereby created in the state treasury the county 5001
representation fund for the deposit of moneys received from 5002
counties under this division. All moneys credited to the fund 5003
shall be used by the state public defender to provide legal 5004
representation for indigent persons when designated by the court 5005
or requested by a county or joint county public defender or to 5006
provide investigation or mitigation services, including 5007
investigation or mitigation services to private appointed counsel 5008
or a county or joint county public defender, as approved by the 5009
court. 5010

(E)(1) Notwithstanding any contrary provision of sections 5011
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code 5012
that pertains to representation by the attorney general, an 5013
assistant attorney general, or special counsel of an officer or 5014
employee, as defined in section 109.36 of the Revised Code, or of 5015
an entity of state government, the state public defender may elect 5016
to contract with, and to have the state pay pursuant to division 5017
(E)(2) of this section for the services of, private legal counsel 5018
to represent the Ohio public defender commission, the state public 5019
defender, assistant state public defenders, other employees of the 5020
commission or the state public defender, and attorneys described 5021
in division (C) of section 120.41 of the Revised Code in a 5022
malpractice or other civil action or proceeding that arises from 5023
alleged actions or omissions related to responsibilities derived 5024

pursuant to this chapter, or in a civil action that is based upon 5025
alleged violations of the constitution or statutes of the United 5026
States, including section 1983 of Title 42 of the United States 5027
Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that 5028
arises from alleged actions or omissions related to 5029
responsibilities derived pursuant to this chapter, if the state 5030
public defender determines, in good faith, that the defendant in 5031
the civil action or proceeding did not act manifestly outside the 5032
scope of the defendant's employment or official responsibilities, 5033
with malicious purpose, in bad faith, or in a wanton or reckless 5034
manner. If the state public defender elects not to contract 5035
pursuant to this division for private legal counsel in a civil 5036
action or proceeding, then, in accordance with sections 109.02, 5037
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 5038
attorney general shall represent or provide for the representation 5039
of the Ohio public defender commission, the state public defender, 5040
assistant state public defenders, other employees of the 5041
commission or the state public defender, or attorneys described in 5042
division (C) of section 120.41 of the Revised Code in the civil 5043
action or proceeding. 5044

(2)(a) Subject to division (E)(2)(b) of this section, payment 5045
from the state treasury for the services of private legal counsel 5046
with whom the state public defender has contracted pursuant to 5047
division (E)(1) of this section shall be accomplished only through 5048
the following procedure: 5049

(i) The private legal counsel shall file with the attorney 5050
general a copy of the contract; a request for an award of legal 5051
fees, court costs, and expenses earned or incurred in connection 5052
with the defense of the Ohio public defender commission, the state 5053
public defender, an assistant state public defender, an employee, 5054
or an attorney in a specified civil action or proceeding; a 5055
written itemization of those fees, costs, and expenses, including 5056

the signature of the state public defender and the state public 5057
defender's attestation that the fees, costs, and expenses were 5058
earned or incurred pursuant to division (E)(1) of this section to 5059
the best of the state public defender's knowledge and information; 5060
a written statement whether the fees, costs, and expenses are for 5061
all legal services to be rendered in connection with that defense, 5062
are only for legal services rendered to the date of the request 5063
and additional legal services likely will have to be provided in 5064
connection with that defense, or are for the final legal services 5065
rendered in connection with that defense; a written statement 5066
indicating whether the private legal counsel previously submitted 5067
a request for an award under division (E)(2) of this section in 5068
connection with that defense and, if so, the date and the amount 5069
of each award granted; and, if the fees, costs, and expenses are 5070
for all legal services to be rendered in connection with that 5071
defense or are for the final legal services rendered in connection 5072
with that defense, a certified copy of any judgment entry in the 5073
civil action or proceeding or a signed copy of any settlement 5074
agreement entered into between the parties to the civil action or 5075
proceeding. 5076

(ii) Upon receipt of a request for an award of legal fees, 5077
court costs, and expenses and the requisite supportive 5078
documentation described in division (E)(2)(a)(i) of this section, 5079
the attorney general shall review the request and documentation; 5080
determine whether any of the limitations specified in division 5081
(E)(2)(b) of this section apply to the request; and, if an award 5082
of legal fees, court costs, or expenses is permissible after 5083
applying the limitations, prepare a document awarding legal fees, 5084
court costs, or expenses to the private legal counsel. The 5085
document shall name the private legal counsel as the recipient of 5086
the award; specify the total amount of the award as determined by 5087
the attorney general; itemize the portions of the award that 5088
represent legal fees, court costs, and expenses; specify any 5089

limitation applied pursuant to division (E)(2)(b) of this section 5090
to reduce the amount of the award sought by the private legal 5091
counsel; state that the award is payable from the state treasury 5092
pursuant to division (E)(2)(a)(iii) of this section; and be 5093
approved by the inclusion of the signatures of the attorney 5094
general, the state public defender, and the private legal counsel. 5095

(iii) The attorney general shall forward a copy of the 5096
document prepared pursuant to division (E)(2)(a)(ii) of this 5097
section to the director of budget and management. The award of 5098
legal fees, court costs, or expenses shall be paid out of the 5099
state public defender's appropriations, to the extent there is a 5100
sufficient available balance in those appropriations. If the state 5101
public defender does not have a sufficient available balance in 5102
the state public defender's appropriations to pay the entire award 5103
of legal fees, court costs, or expenses, the director shall make 5104
application for a transfer of appropriations out of the emergency 5105
purposes account or any other appropriation for emergencies or 5106
contingencies in an amount equal to the portion of the award that 5107
exceeds the sufficient available balance in the state public 5108
defender's appropriations. A transfer of appropriations out of the 5109
emergency purposes account or any other appropriation for 5110
emergencies or contingencies shall be authorized if there are 5111
sufficient moneys greater than the sum total of then pending 5112
emergency purposes account requests, or requests for releases from 5113
the other appropriation. If a transfer of appropriations out of 5114
the emergency purposes account or other appropriation for 5115
emergencies or contingencies is made to pay an amount equal to the 5116
portion of the award that exceeds the sufficient available balance 5117
in the state public defender's appropriations, the director shall 5118
cause the payment to be made to the private legal counsel. If 5119
sufficient moneys do not exist in the emergency purposes account 5120
or other appropriation for emergencies or contingencies to pay an 5121
amount equal to the portion of the award that exceeds the 5122

sufficient available balance in the state public defender's 5123
appropriations, the private legal counsel shall request the 5124
general assembly to make an appropriation sufficient to pay an 5125
amount equal to the portion of the award that exceeds the 5126
sufficient available balance in the state public defender's 5127
appropriations, and no payment in that amount shall be made until 5128
the appropriation has been made. The private legal counsel shall 5129
make the request during the current biennium and during each 5130
succeeding biennium until a sufficient appropriation is made. 5131

(b) An award of legal fees, court costs, and expenses 5132
pursuant to division (E) of this section is subject to the 5133
following limitations: 5134

(i) The maximum award or maximum aggregate of a series of 5135
awards of legal fees, court costs, and expenses to the private 5136
legal counsel in connection with the defense of the Ohio public 5137
defender commission, the state public defender, an assistant state 5138
public defender, an employee, or an attorney in a specified civil 5139
action or proceeding shall not exceed fifty thousand dollars. 5140

(ii) The private legal counsel shall not be awarded legal 5141
fees, court costs, or expenses to the extent the fees, costs, or 5142
expenses are covered by a policy of malpractice or other 5143
insurance. 5144

(iii) The private legal counsel shall be awarded legal fees 5145
and expenses only to the extent that the fees and expenses are 5146
reasonable in light of the legal services rendered by the private 5147
legal counsel in connection with the defense of the Ohio public 5148
defender commission, the state public defender, an assistant state 5149
public defender, an employee, or an attorney in a specified civil 5150
action or proceeding. 5151

(c) If, pursuant to division (E)(2)(a) of this section, the 5152
attorney general denies a request for an award of legal fees, 5153

court costs, or expenses to private legal counsel because of the 5154
application of a limitation specified in division (E)(2)(b) of 5155
this section, the attorney general shall notify the private legal 5156
counsel in writing of the denial and of the limitation applied. 5157

(d) If, pursuant to division (E)(2)(c) of this section, a 5158
private legal counsel receives a denial of an award notification 5159
or if a private legal counsel refuses to approve a document under 5160
division (E)(2)(a)(ii) of this section because of the proposed 5161
application of a limitation specified in division (E)(2)(b) of 5162
this section, the private legal counsel may commence a civil 5163
action against the attorney general in the court of claims to 5164
prove the private legal counsel's entitlement to the award sought, 5165
to prove that division (E)(2)(b) of this section does not prohibit 5166
or otherwise limit the award sought, and to recover a judgment for 5167
the amount of the award sought. A civil action under division 5168
(E)(2)(d) of this section shall be commenced no later than two 5169
years after receipt of a denial of award notification or, if the 5170
private legal counsel refused to approve a document under division 5171
(E)(2)(a)(ii) of this section because of the proposed application 5172
of a limitation specified in division (E)(2)(b) of this section, 5173
no later than two years after the refusal. Any judgment of the 5174
court of claims in favor of the private legal counsel shall be 5175
paid from the state treasury in accordance with division (E)(2)(a) 5176
of this section. 5177

(F) If a court appoints the office of the state public 5178
defender to represent a petitioner in a postconviction relief 5179
proceeding under section 2953.21 of the Revised Code, the 5180
petitioner has received a sentence of death, and the proceeding 5181
relates to that sentence, all of the attorneys who represent the 5182
petitioner in the proceeding pursuant to the appointment, whether 5183
an assistant state public defender, the state public defender, or 5184
another attorney, shall be certified under Rule 20 of the Rules of 5185

Superintendence for the Courts of Ohio to represent indigent 5186
defendants charged with or convicted of an offense for which the 5187
death penalty can be or has been imposed. 5188

(G)(1) The state public defender may conduct a legal 5189
assistance referral service for children committed to the 5190
department of youth services relative to conditions of confinement 5191
claims. If the legal assistance referral service receives a 5192
request for assistance from a child confined in a facility 5193
operated, or contracted for, by the department of youth services 5194
and the state public defender determines that the child has a 5195
conditions of confinement claim that has merit, the state public 5196
defender may refer the child to a private attorney. If no private 5197
attorney who the child has been referred to by the state public 5198
defender accepts the case within a reasonable time, the state 5199
public defender may prepare, as appropriate, pro se pleadings in 5200
the form of a complaint regarding the conditions of confinement at 5201
the facility where the child is confined with a motion for 5202
appointment of counsel and other applicable pleadings necessary 5203
for sufficient pro se representation. 5204

(2) Division (G)(1) of this section does not authorize the 5205
state public defender to represent a child committed to the 5206
department of youth services in general civil matters arising 5207
solely out of state law. 5208

(3) The state public defender shall not undertake the 5209
representation of a child in court based on a conditions of 5210
confinement claim arising under this division. 5211

(H) A child's right to representation or services under this 5212
section is not affected by the child, or another person on behalf 5213
of the child, previously having paid for similar representation or 5214
services or having waived legal representation. 5215

(I) The state public defender shall have reasonable access to 5216

any child committed to the department of youth services, 5217
department of youth services institution, and department of youth 5218
services record as needed to implement this section. 5219

(J) As used in this section: 5220

(1) "Community control sanction" has the same meaning as in 5221
section 2929.01 of the Revised Code. 5222

(2) "Conditions of confinement" means any issue involving a 5223
constitutional right or other civil right related to a child's 5224
incarceration, including, but not limited to, actions cognizable 5225
under 42 U.S.C. 1983. 5226

(3) "Post-release control sanction" has the same meaning as 5227
in section 2967.01 of the Revised Code. 5228

Sec. 121.02. The following administrative departments and 5229
their respective directors are hereby created: 5230

(A) The office of budget and management, which shall be 5231
administered by the director of budget and management; 5232

(B) The department of commerce, which shall be administered 5233
by the director of commerce; 5234

(C) The department of administrative services, which shall be 5235
administered by the director of administrative services; 5236

(D) The department of transportation, which shall be 5237
administered by the director of transportation; 5238

(E) The department of agriculture, which shall be 5239
administered by the director of agriculture; 5240

(F) The department of natural resources, which shall be 5241
administered by the director of natural resources; 5242

(G) The department of health, which shall be administered by 5243
the director of health; 5244

- (H) The department of job and family services, which shall be administered by the director of job and family services; 5245
5246
- (I) Until July 1, 1997, the department of liquor control, which shall be administered by the director of liquor control; 5247
5248
- (J) The department of public safety, which shall be administered by the director of public safety; 5249
5250
- (K) The department of ~~mental health~~ mental health and addiction services, which shall be administered by the director of ~~mental health~~ mental health and addiction services; 5251
5252
5253
- (L) The department of developmental disabilities, which shall be administered by the director of developmental disabilities; 5254
5255
- (M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof; 5256
5257
- (N) The development services agency, which shall be administered by the director of development services; 5258
5259
- (O) The department of youth services, which shall be administered by the director of youth services; 5260
5261
- (P) The department of rehabilitation and correction, which shall be administered by the director of rehabilitation and correction; 5262
5263
5264
- (Q) The environmental protection agency, which shall be administered by the director of environmental protection; 5265
5266
- (R) The department of aging, which shall be administered by the director of aging; 5267
5268
- ~~(S) The department of alcohol and drug addiction services, which shall be administered by the director of alcohol and drug addiction services;~~ 5269
5270
5271
- ~~(T)~~ The department of veterans services, which shall be administered by the director of veterans services; 5272
5273

(T) The department of medicaid, which shall be administered 5274
by the medicaid director. 5275

The director of each department shall exercise the powers and 5276
perform the duties vested by law in such department. 5277

Sec. 121.03. The following administrative department heads 5278
shall be appointed by the governor, with the advice and consent of 5279
the senate, and shall hold their offices during the term of the 5280
appointing governor, and are subject to removal at the pleasure of 5281
the governor. 5282

(A) The director of budget and management; 5283

(B) The director of commerce; 5284

(C) The director of transportation; 5285

(D) The director of agriculture; 5286

(E) The director of job and family services; 5287

(F) Until July 1, 1997, the director of liquor control; 5288

(G) The director of public safety; 5289

(H) The superintendent of insurance; 5290

(I) The director of development services; 5291

(J) The tax commissioner; 5292

(K) The director of administrative services; 5293

(L) The director of natural resources; 5294

(M) The director of ~~mental health~~ mental health and addiction 5295
services; 5296

(N) The director of developmental disabilities; 5297

(O) The director of health; 5298

(P) The director of youth services; 5299

(Q) The director of rehabilitation and correction; 5300

(R) The director of environmental protection;	5301
(S) The director of aging;	5302
(T) The director of alcohol and drug addiction services;	5303
(U) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	5304 5305 5306
(V) (U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	5307 5308
(W) (V) The chancellor of the Ohio board of regents;	5309
<u>(W) The medicaid director.</u>	5310
Sec. 121.22. (A) This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law.	5311 5312 5313 5314
(B) As used in this section:	5315
(1) "Public body" means any of the following:	5316
(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;	5317 5318 5319 5320 5321 5322
(b) Any committee or subcommittee of a body described in division (B)(1)(a) of this section;	5323 5324
(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the	5325 5326 5327 5328 5329

Revised Code, if applicable, or for any other matter related to 5330
such a district other than litigation involving the district. As 5331
used in division (B)(1)(c) of this section, "court of 5332
jurisdiction" has the same meaning as "court" in section 6115.01 5333
of the Revised Code. 5334

(2) "Meeting" means any prearranged discussion of the public 5335
business of the public body by a majority of its members. 5336

(3) "Regulated individual" means either of the following: 5337

(a) A student in a state or local public educational 5338
institution; 5339

(b) A person who is, voluntarily or involuntarily, an inmate, 5340
patient, or resident of a state or local institution because of 5341
criminal behavior, mental illness or retardation, disease, 5342
disability, age, or other condition requiring custodial care. 5343

(4) "Public office" has the same meaning as in section 5344
149.011 of the Revised Code. 5345

(C) All meetings of any public body are declared to be public 5346
meetings open to the public at all times. A member of a public 5347
body shall be present in person at a meeting open to the public to 5348
be considered present or to vote at the meeting and for purposes 5349
of determining whether a quorum is present at the meeting. 5350

The minutes of a regular or special meeting of any public 5351
body shall be promptly prepared, filed, and maintained and shall 5352
be open to public inspection. The minutes need only reflect the 5353
general subject matter of discussions in executive sessions 5354
authorized under division (G) or (J) of this section. 5355

(D) This section does not apply to any of the following: 5356

(1) A grand jury; 5357

(2) An audit conference conducted by the auditor of state or 5358
independent certified public accountants with officials of the 5359

public office that is the subject of the audit;	5360
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;	5361 5362 5363
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	5364 5365
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	5366 5367 5368
(6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	5369 5370 5371
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	5372 5373 5374
(8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;	5375 5376 5377
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;	5378 5379 5380
(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;	5381 5382 5383 5384
(11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee thereof, and the board of directors of any subsidiary of that corporation or a committee thereof;	5385 5386 5387 5388
(12) An audit conference conducted by the audit staff of the	5389

department of job and family services with officials of the public 5390
office that is the subject of that audit under section 5101.37 of 5391
the Revised Code; 5392

(13) The occupational therapy section of the occupational 5393
therapy, physical therapy, and athletic trainers board when 5394
determining whether to suspend a license or limited permit without 5395
a hearing pursuant to division (D) of section 4755.11 of the 5396
Revised Code; 5397

(14) The physical therapy section of the occupational 5398
therapy, physical therapy, and athletic trainers board when 5399
determining whether to suspend a license without a hearing 5400
pursuant to division (E) of section 4755.47 of the Revised Code; 5401

(15) The athletic trainers section of the occupational 5402
therapy, physical therapy, and athletic trainers board when 5403
determining whether to suspend a license without a hearing 5404
pursuant to division (D) of section 4755.64 of the Revised Code. 5405

(E) The controlling board, ~~the industrial technology and 5406
enterprise advisory council~~, the tax credit authority, or the 5407
minority development financing advisory board, when meeting to 5408
consider granting assistance pursuant to Chapter 122. or 166. of 5409
the Revised Code, in order to protect the interest of the 5410
applicant or the possible investment of public funds, by unanimous 5411
vote of all board, ~~council~~, or authority members present, may 5412
close the meeting during consideration of the following 5413
information confidentially received by the authority, ~~council~~, or 5414
board from the applicant: 5415

(1) Marketing plans; 5416

(2) Specific business strategy; 5417

(3) Production techniques and trade secrets; 5418

(4) Financial projections; 5419

(5) Personal financial statements of the applicant or members 5420
of the applicant's immediate family, including, but not limited 5421
to, tax records or other similar information not open to public 5422
inspection. 5423

The vote by the authority, ~~council~~, or board to accept or 5424
reject the application, as well as all proceedings of the 5425
authority, ~~council~~, or board not subject to this division, shall 5426
be open to the public and governed by this section. 5427

(F) Every public body, by rule, shall establish a reasonable 5428
method whereby any person may determine the time and place of all 5429
regularly scheduled meetings and the time, place, and purpose of 5430
all special meetings. A public body shall not hold a special 5431
meeting unless it gives at least twenty-four hours' advance notice 5432
to the news media that have requested notification, except in the 5433
event of an emergency requiring immediate official action. In the 5434
event of an emergency, the member or members calling the meeting 5435
shall notify the news media that have requested notification 5436
immediately of the time, place, and purpose of the meeting. 5437

The rule shall provide that any person, upon request and 5438
payment of a reasonable fee, may obtain reasonable advance 5439
notification of all meetings at which any specific type of public 5440
business is to be discussed. Provisions for advance notification 5441
may include, but are not limited to, mailing the agenda of 5442
meetings to all subscribers on a mailing list or mailing notices 5443
in self-addressed, stamped envelopes provided by the person. 5444

(G) Except as provided in division (J) of this section, the 5445
members of a public body may hold an executive session only after 5446
a majority of a quorum of the public body determines, by a roll 5447
call vote, to hold an executive session and only at a regular or 5448
special meeting for the sole purpose of the consideration of any 5449
of the following matters: 5450

(1) To consider the appointment, employment, dismissal, 5451
discipline, promotion, demotion, or compensation of a public 5452
employee or official, or the investigation of charges or 5453
complaints against a public employee, official, licensee, or 5454
regulated individual, unless the public employee, official, 5455
licensee, or regulated individual requests a public hearing. 5456
Except as otherwise provided by law, no public body shall hold an 5457
executive session for the discipline of an elected official for 5458
conduct related to the performance of the elected official's 5459
official duties or for the elected official's removal from office. 5460
If a public body holds an executive session pursuant to division 5461
(G)(1) of this section, the motion and vote to hold that executive 5462
session shall state which one or more of the approved purposes 5463
listed in division (G)(1) of this section are the purposes for 5464
which the executive session is to be held, but need not include 5465
the name of any person to be considered at the meeting. 5466

(2) To consider the purchase of property for public purposes, 5467
or for the sale of property at competitive bidding, if premature 5468
disclosure of information would give an unfair competitive or 5469
bargaining advantage to a person whose personal, private interest 5470
is adverse to the general public interest. No member of a public 5471
body shall use division (G)(2) of this section as a subterfuge for 5472
providing covert information to prospective buyers or sellers. A 5473
purchase or sale of public property is void if the seller or buyer 5474
of the public property has received covert information from a 5475
member of a public body that has not been disclosed to the general 5476
public in sufficient time for other prospective buyers and sellers 5477
to prepare and submit offers. 5478

If the minutes of the public body show that all meetings and 5479
deliberations of the public body have been conducted in compliance 5480
with this section, any instrument executed by the public body 5481
purporting to convey, lease, or otherwise dispose of any right, 5482

title, or interest in any public property shall be conclusively 5483
presumed to have been executed in compliance with this section 5484
insofar as title or other interest of any bona fide purchasers, 5485
lessees, or transferees of the property is concerned. 5486

(3) Conferences with an attorney for the public body 5487
concerning disputes involving the public body that are the subject 5488
of pending or imminent court action; 5489

(4) Preparing for, conducting, or reviewing negotiations or 5490
bargaining sessions with public employees concerning their 5491
compensation or other terms and conditions of their employment; 5492

(5) Matters required to be kept confidential by federal law 5493
or regulations or state statutes; 5494

(6) Details relative to the security arrangements and 5495
emergency response protocols for a public body or a public office, 5496
if disclosure of the matters discussed could reasonably be 5497
expected to jeopardize the security of the public body or public 5498
office; 5499

(7) In the case of a county hospital operated pursuant to 5500
Chapter 339. of the Revised Code, a joint township hospital 5501
operated pursuant to Chapter 513. of the Revised Code, or a 5502
municipal hospital operated pursuant to Chapter 749. of the 5503
Revised Code, to consider trade secrets, as defined in section 5504
1333.61 of the Revised Code; 5505

(8) Details and terms relative to any application for an 5506
economic development project, if the economic development 5507
assistance is to be provided or administered under any provision 5508
of Chapter 715., 725., or 1728., sections 701.07, 3735.67 to 5509
3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5510
5709.75, or 5709.77 to 5709.81 of the Revised Code, or any other 5511
provision of law pursuant to which a political subdivision may 5512
provide economic development assistance. 5513

If a public body holds an executive session to consider any 5514
of the matters listed in divisions (G)(2) to ~~(7)~~(8) of this 5515
section, the motion and vote to hold that executive session shall 5516
state which one or more of the approved matters listed in those 5517
divisions are to be considered at the executive session. 5518

A public body specified in division (B)(1)(c) of this section 5519
shall not hold an executive session when meeting for the purposes 5520
specified in that division. 5521

(H) A resolution, rule, or formal action of any kind is 5522
invalid unless adopted in an open meeting of the public body. A 5523
resolution, rule, or formal action adopted in an open meeting that 5524
results from deliberations in a meeting not open to the public is 5525
invalid unless the deliberations were for a purpose specifically 5526
authorized in division (G) or (J) of this section and conducted at 5527
an executive session held in compliance with this section. A 5528
resolution, rule, or formal action adopted in an open meeting is 5529
invalid if the public body that adopted the resolution, rule, or 5530
formal action violated division (F) of this section. 5531

(I)(1) Any person may bring an action to enforce this 5532
section. An action under division (I)(1) of this section shall be 5533
brought within two years after the date of the alleged violation 5534
or threatened violation. Upon proof of a violation or threatened 5535
violation of this section in an action brought by any person, the 5536
court of common pleas shall issue an injunction to compel the 5537
members of the public body to comply with its provisions. 5538

(2)(a) If the court of common pleas issues an injunction 5539
pursuant to division (I)(1) of this section, the court shall order 5540
the public body that it enjoins to pay a civil forfeiture of five 5541
hundred dollars to the party that sought the injunction and shall 5542
award to that party all court costs and, subject to reduction as 5543
described in division (I)(2) of this section, reasonable 5544
attorney's fees. The court, in its discretion, may reduce an award 5545

of attorney's fees to the party that sought the injunction or not 5546
award attorney's fees to that party if the court determines both 5547
of the following: 5548

(i) That, based on the ordinary application of statutory law 5549
and case law as it existed at the time of violation or threatened 5550
violation that was the basis of the injunction, a well-informed 5551
public body reasonably would believe that the public body was not 5552
violating or threatening to violate this section; 5553

(ii) That a well-informed public body reasonably would 5554
believe that the conduct or threatened conduct that was the basis 5555
of the injunction would serve the public policy that underlies the 5556
authority that is asserted as permitting that conduct or 5557
threatened conduct. 5558

(b) If the court of common pleas does not issue an injunction 5559
pursuant to division (I)(1) of this section and the court 5560
determines at that time that the bringing of the action was 5561
frivolous conduct, as defined in division (A) of section 2323.51 5562
of the Revised Code, the court shall award to the public body all 5563
court costs and reasonable attorney's fees, as determined by the 5564
court. 5565

(3) Irreparable harm and prejudice to the party that sought 5566
the injunction shall be conclusively and irrebuttably presumed 5567
upon proof of a violation or threatened violation of this section. 5568

(4) A member of a public body who knowingly violates an 5569
injunction issued pursuant to division (I)(1) of this section may 5570
be removed from office by an action brought in the court of common 5571
pleas for that purpose by the prosecuting attorney or the attorney 5572
general. 5573

(J)(1) Pursuant to division (C) of section 5901.09 of the 5574
Revised Code, a veterans service commission shall hold an 5575
executive session for one or more of the following purposes unless 5576

an applicant requests a public hearing:	5577
(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;	5578 5579
(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;	5580 5581
(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.	5582 5583 5584
(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.	5585 5586 5587 5588 5589 5590 5591 5592
(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.	5593 5594 5595 5596 5597 5598 5599
Sec. 121.35. (A) Subject to division (B) of this section, the following state agencies shall collaborate to revise and make more uniform the eligibility standards and eligibility determination procedures of programs the state agencies administer:	5600 5601 5602 5603 5604
(1) The department of aging;	5605
(2) The department of alcohol and drug addiction services;	5606

~~(3)~~ The ~~department of~~ development services agency; 5607

~~(4)~~(3) The department of developmental disabilities; 5608

~~(5)~~(4) The department of education; 5609

~~(6)~~(5) The department of health; 5610

~~(7)~~(6) The department of job and family services; 5611

~~(8)~~(7) The department of medicaid; 5612

(8) The department of ~~mental health~~ mental health and
addiction services; 5613
5614

(9) The ~~rehabilitation services commission~~ opportunities for
Ohioans with disabilities agency. 5615
5616

(B) In revising eligibility standards and eligibility 5617
determination procedures, a state agency shall not make any 5618
program's eligibility standards or eligibility determination 5619
procedures inconsistent with state or federal law. To the extent 5620
authorized by state and federal law, the revisions may provide for 5621
the state agencies to share administrative operations. 5622

Sec. 121.37. (A)(1) There is hereby created the Ohio family 5623
and children first cabinet council. The council shall be composed 5624
of the superintendent of public instruction, the ~~administrator~~ 5625
executive director of the ~~rehabilitation services commission~~ 5626
opportunities for Ohioans with disabilities agency, the medicaid
director, and the directors of youth services, job and family 5627
services, ~~mental health~~ mental health and addiction services, 5628
health, ~~alcohol and drug addiction services~~, developmental 5629
disabilities, aging, rehabilitation and correction, and budget and 5630
management. The chairperson of the council shall be the governor 5631
or the governor's designee and shall establish procedures for the 5632
council's internal control and management. 5633
5634

The purpose of the cabinet council is to help families 5635

seeking government services. This section shall not be interpreted 5636
or applied to usurp the role of parents, but solely to streamline 5637
and coordinate existing government services for families seeking 5638
assistance for their children. 5639

(2) In seeking to fulfill its purpose, the council may do any 5640
of the following: 5641

(a) Advise and make recommendations to the governor and 5642
general assembly regarding the provision of services to children; 5643

(b) Advise and assess local governments on the coordination 5644
of service delivery to children; 5645

(c) Hold meetings at such times and places as may be 5646
prescribed by the council's procedures and maintain records of the 5647
meetings, except that records identifying individual children are 5648
confidential and shall be disclosed only as provided by law; 5649

(d) Develop programs and projects, including pilot projects, 5650
to encourage coordinated efforts at the state and local level to 5651
improve the state's social service delivery system; 5652

(e) Enter into contracts with and administer grants to county 5653
family and children first councils, as well as other county or 5654
multicounty organizations to plan and coordinate service delivery 5655
between state agencies and local service providers for families 5656
and children; 5657

(f) Enter into contracts with and apply for grants from 5658
federal agencies or private organizations; 5659

(g) Enter into interagency agreements to encourage 5660
coordinated efforts at the state and local level to improve the 5661
state's social service delivery system. The agreements may include 5662
provisions regarding the receipt, transfer, and expenditure of 5663
funds; 5664

(h) Identify public and private funding sources for services 5665

provided to alleged or adjudicated unruly children and children 5666
who are at risk of being alleged or adjudicated unruly children, 5667
including regulations governing access to and use of the services; 5668

(i) Collect information provided by local communities 5669
regarding successful programs for prevention, intervention, and 5670
treatment of unruly behavior, including evaluations of the 5671
programs; 5672

(j) Identify and disseminate publications regarding alleged 5673
or adjudicated unruly children and children who are at risk of 5674
being alleged or adjudicated unruly children and regarding 5675
programs serving those types of children; 5676

(k) Maintain an inventory of strategic planning facilitators 5677
for use by government or nonprofit entities that serve alleged or 5678
adjudicated unruly children or children who are at risk of being 5679
alleged or adjudicated unruly children. 5680

(3) The cabinet council shall provide for the following: 5681

(a) Reviews of service and treatment plans for children for 5682
which such reviews are requested; 5683

(b) Assistance as the council determines to be necessary to 5684
meet the needs of children referred by county family and children 5685
first councils; 5686

(c) Monitoring and supervision of a statewide, comprehensive, 5687
coordinated, multi-disciplinary, interagency system for infants 5688
and toddlers with developmental disabilities or delays and their 5689
families, as established pursuant to federal grants received and 5690
administered by the department of health for early intervention 5691
services under the "Individuals with Disabilities Education Act of 5692
2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended. 5693

(4) The cabinet council shall develop and implement the 5694
following: 5695

(a) An interagency process to select the indicators that will be used to measure progress toward increasing child well-being in the state and to update the indicators on an annual basis. The indicators shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood.

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

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

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

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

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

(b) The director of the board of alcohol, drug addiction, and

mental health services that serves the county, or, in the case of 5727
a county that has a board of alcohol and drug addiction services 5728
and a community mental health board, the directors of both boards. 5729
If a board of alcohol, drug addiction, and mental health services 5730
covers more than one county, the director may designate a person 5731
to participate on the county's council. 5732

(c) The health commissioner, or the commissioner's designee, 5733
of the board of health of each city and general health district in 5734
the county. If the county has two or more health districts, the 5735
health commissioner membership may be limited to the commissioners 5736
of the two districts with the largest populations. 5737

(d) The director of the county department of job and family 5738
services; 5739

(e) The executive director of the public children services 5740
agency; 5741

(f) The superintendent of the county board of developmental 5742
disabilities or, if the superintendent serves as superintendent of 5743
more than one county board of developmental disabilities, the 5744
superintendent's designee; 5745

(g) The superintendent of the city, exempted village, or 5746
local school district with the largest number of pupils residing 5747
in the county, as determined by the department of education, which 5748
shall notify each board of county commissioners of its 5749
determination at least biennially; 5750

(h) A school superintendent representing all other school 5751
districts with territory in the county, as designated at a 5752
biennial meeting of the superintendents of those districts; 5753

(i) A representative of the municipal corporation with the 5754
largest population in the county; 5755

(j) The president of the board of county commissioners or an 5756

individual designated by the board; 5757

(k) A representative of the regional office of the department 5758
of youth services; 5759

(l) A representative of the county's head start agencies, as 5760
defined in section 3301.32 of the Revised Code; 5761

(m) A representative of the county's early intervention 5762
collaborative established pursuant to the federal early 5763
intervention program operated under the "Individuals with 5764
Disabilities Education Act of 2004"; 5765

(n) A representative of a local nonprofit entity that funds, 5766
advocates, or provides services to children and families. 5767

Notwithstanding any other provision of law, the public 5768
members of a county council are not prohibited from serving on the 5769
council and making decisions regarding the duties of the council, 5770
including those involving the funding of joint projects and those 5771
outlined in the county's service coordination mechanism 5772
implemented pursuant to division (C) of this section. 5773

The cabinet council shall establish a state appeals process 5774
to resolve disputes among the members of a county council 5775
concerning whether reasonable responsibilities as members are 5776
being shared. The appeals process may be accessed only by a 5777
majority vote of the council members who are required to serve on 5778
the council. Upon appeal, the cabinet council may order that state 5779
funds for services to children and families be redirected to a 5780
county's board of county commissioners. 5781

The county's juvenile court judge senior in service or 5782
another judge of the juvenile court designated by the 5783
administrative judge or, where there is no administrative judge, 5784
by the judge senior in service shall serve as the judicial advisor 5785
to the county family and children first council. The judge may 5786
advise the county council on the court's utilization of resources, 5787

services, or programs provided by the entities represented by the 5788
members of the county council and how those resources, services, 5789
or programs assist the court in its administration of justice. 5790
Service of a judge as a judicial advisor pursuant to this section 5791
is a judicial function. 5792

(2) The purpose of the county council is to streamline and 5793
coordinate existing government services for families seeking 5794
services for their children. In seeking to fulfill its purpose, a 5795
county council shall provide for the following: 5796

(a) Referrals to the cabinet council of those children for 5797
whom the county council cannot provide adequate services; 5798

(b) Development and implementation of a process that annually 5799
evaluates and prioritizes services, fills service gaps where 5800
possible, and invents new approaches to achieve better results for 5801
families and children; 5802

(c) Participation in the development of a countywide, 5803
comprehensive, coordinated, multi-disciplinary, interagency system 5804
for infants and toddlers with developmental disabilities or delays 5805
and their families, as established pursuant to federal grants 5806
received and administered by the department of health for early 5807
intervention services under the "Individuals with Disabilities 5808
Education Act of 2004"; 5809

(d) Maintenance of an accountability system to monitor the 5810
county council's progress in achieving results for families and 5811
children; 5812

(e) Establishment of a mechanism to ensure ongoing input from 5813
a broad representation of families who are receiving services 5814
within the county system. 5815

(3) A county council shall develop and implement the 5816
following: 5817

(a) An interagency process to establish local indicators and 5818
monitor the county's progress toward increasing child well-being 5819
in the county; 5820

(b) An interagency process to identify local priorities to 5821
increase child well-being. The local priorities shall focus on 5822
expectant parents and newborns thriving; infants and toddlers 5823
thriving; children being ready for school; children and youth 5824
succeeding in school; youth choosing healthy behaviors; and youth 5825
successfully transitioning into adulthood and take into account 5826
the indicators established by the cabinet council under division 5827
(A)(4)(a) of this section. 5828

(c) An annual plan that identifies the county's interagency 5829
efforts to increase child well-being in the county. 5830

On an annual basis, the county council shall submit a report 5831
on the status of efforts by the county to increase child 5832
well-being in the county to the county's board of county 5833
commissioners and the cabinet council. This report shall be made 5834
available to any other person on request. 5835

(4)(a) Except as provided in division (B)(4)(b) of this 5836
section, a county council shall comply with the policies, 5837
procedures, and activities prescribed by the rules or interagency 5838
agreements of a state department participating on the cabinet 5839
council whenever the county council performs a function subject to 5840
those rules or agreements. 5841

(b) On application of a county council, the cabinet council 5842
may grant an exemption from any rules or interagency agreements of 5843
a state department participating on the council if an exemption is 5844
necessary for the council to implement an alternative program or 5845
approach for service delivery to families and children. The 5846
application shall describe the proposed program or approach and 5847
specify the rules or interagency agreements from which an 5848

exemption is necessary. The cabinet council shall approve or 5849
disapprove the application in accordance with standards and 5850
procedures it shall adopt. If an application is approved, the 5851
exemption is effective only while the program or approach is being 5852
implemented, including a reasonable period during which the 5853
program or approach is being evaluated for effectiveness. 5854

(5)(a) Each county council shall designate an administrative 5855
agent for the council from among the following public entities: 5856
the board of alcohol, drug addiction, and mental health services, 5857
including a board of alcohol and drug addiction or a community 5858
mental health board if the county is served by separate boards; 5859
the board of county commissioners; any board of health of the 5860
county's city and general health districts; the county department 5861
of job and family services; the county agency responsible for the 5862
administration of children services pursuant to section 5153.15 of 5863
the Revised Code; the county board of developmental disabilities; 5864
any of the county's boards of education or governing boards of 5865
educational service centers; or the county's juvenile court. Any 5866
of the foregoing public entities, other than the board of county 5867
commissioners, may decline to serve as the council's 5868
administrative agent. 5869

A county council's administrative agent shall serve as the 5870
council's appointing authority for any employees of the council. 5871
The council shall file an annual budget with its administrative 5872
agent, with copies filed with the county auditor and with the 5873
board of county commissioners, unless the board is serving as the 5874
council's administrative agent. The council's administrative agent 5875
shall ensure that all expenditures are handled in accordance with 5876
policies, procedures, and activities prescribed by state 5877
departments in rules or interagency agreements that are applicable 5878
to the council's functions. 5879

The administrative agent of a county council shall send 5880

notice of a member's absence if a member listed in division (B)(1) 5881
of this section has been absent from either three consecutive 5882
meetings of the county council or a county council subcommittee, 5883
or from one-quarter of such meetings in a calendar year, whichever 5884
is less. The notice shall be sent to the board of county 5885
commissioners that establishes the county council and, for the 5886
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 5887
section, to the governing board overseeing the respective entity; 5888
for the member listed in division (B)(1)(f) of this section, to 5889
the county board of developmental disabilities that employs the 5890
superintendent; for a member listed in division (B)(1)(g) or (h) 5891
of this section, to the school board that employs the 5892
superintendent; for the member listed in division (B)(1)(i) of 5893
this section, to the mayor of the municipal corporation; for the 5894
member listed in division (B)(1)(k) of this section, to the 5895
director of youth services; and for the member listed in division 5896
(B)(1)(n) of this section, to that member's board of trustees. 5897

The administrative agent for a county council may do any of 5898
the following on behalf of the council: 5899

(i) Enter into agreements or administer contracts with public 5900
or private entities to fulfill specific council business. Such 5901
agreements and contracts are exempt from the competitive bidding 5902
requirements of section 307.86 of the Revised Code if they have 5903
been approved by the county council and they are for the purchase 5904
of family and child welfare or child protection services or other 5905
social or job and family services for families and children. The 5906
approval of the county council is not required to exempt 5907
agreements or contracts entered into under section 5139.34, 5908
5139.41, or 5139.43 of the Revised Code from the competitive 5909
bidding requirements of section 307.86 of the Revised Code. 5910

(ii) As determined by the council, provide financial 5911
stipends, reimbursements, or both, to family representatives for 5912

expenses related to council activity; 5913

(iii) Receive by gift, grant, devise, or bequest any moneys, 5914
lands, or other property for the purposes for which the council is 5915
established. The agent shall hold, apply, and dispose of the 5916
moneys, lands, or other property according to the terms of the 5917
gift, grant, devise, or bequest. Any interest or earnings shall be 5918
treated in the same manner and are subject to the same terms as 5919
the gift, grant, devise, or bequest from which it accrues. 5920

(b)(i) If the county council designates the board of county 5921
commissioners as its administrative agent, the board may, by 5922
resolution, delegate any of its powers and duties as 5923
administrative agent to an executive committee the board 5924
establishes from the membership of the county council. The board 5925
shall name to the executive committee at least the individuals 5926
described in divisions (B)(1)(b) to (h) of this section and may 5927
appoint the president of the board or another individual as the 5928
chair of the executive committee. The executive committee must 5929
include at least one family county council representative who does 5930
not have a family member employed by an agency represented on the 5931
council. 5932

(ii) The executive committee may, with the approval of the 5933
board, hire an executive director to assist the county council in 5934
administering its powers and duties. The executive director shall 5935
serve in the unclassified civil service at the pleasure of the 5936
executive committee. The executive director may, with the approval 5937
of the executive committee, hire other employees as necessary to 5938
properly conduct the county council's business. 5939

(iii) The board may require the executive committee to submit 5940
an annual budget to the board for approval and may amend or repeal 5941
the resolution that delegated to the executive committee its 5942
authority as the county council's administrative agent. 5943

(6) Two or more county councils may enter into an agreement 5944
to administer their county councils jointly by creating a regional 5945
family and children first council. A regional council possesses 5946
the same duties and authority possessed by a county council, 5947
except that the duties and authority apply regionally rather than 5948
to individual counties. Prior to entering into an agreement to 5949
create a regional council, the members of each county council to 5950
be part of the regional council shall meet to determine whether 5951
all or part of the members of each county council will serve as 5952
members of the regional council. 5953

(7) A board of county commissioners may approve a resolution 5954
by a majority vote of the board's members that requires the county 5955
council to submit a statement to the board each time the council 5956
proposes to enter into an agreement, adopt a plan, or make a 5957
decision, other than a decision pursuant to section 121.38 of the 5958
Revised Code, that requires the expenditure of funds for two or 5959
more families. The statement shall describe the proposed 5960
agreement, plan, or decision. 5961

Not later than fifteen days after the board receives the 5962
statement, it shall, by resolution approved by a majority of its 5963
members, approve or disapprove the agreement, plan, or decision. 5964
Failure of the board to pass a resolution during that time period 5965
shall be considered approval of the agreement, plan, or decision. 5966

An agreement, plan, or decision for which a statement is 5967
required to be submitted to the board shall be implemented only if 5968
it is approved by the board. 5969

(C) Each county shall develop a county service coordination 5970
mechanism. The county service coordination mechanism shall serve 5971
as the guiding document for coordination of services in the 5972
county. For children who also receive services under the help me 5973
grow program, the service coordination mechanism shall be 5974
consistent with rules adopted by the department of health under 5975

section 3701.61 of the Revised Code. All family service 5976
coordination plans shall be developed in accordance with the 5977
county service coordination mechanism. The mechanism shall be 5978
developed and approved with the participation of the county 5979
entities representing child welfare; mental retardation and 5980
developmental disabilities; alcohol, drug addiction, and mental 5981
health services; health; juvenile judges; education; the county 5982
family and children first council; and the county early 5983
intervention collaborative established pursuant to the federal 5984
early intervention program operated under the "Individuals with 5985
Disabilities Education Act of 2004." The county shall establish an 5986
implementation schedule for the mechanism. The cabinet council may 5987
monitor the implementation and administration of each county's 5988
service coordination mechanism. 5989

Each mechanism shall include all of the following: 5990

(1) A procedure for an agency, including a juvenile court, or 5991
a family voluntarily seeking service coordination, to refer the 5992
child and family to the county council for service coordination in 5993
accordance with the mechanism; 5994

(2) A procedure ensuring that a family and all appropriate 5995
staff from involved agencies, including a representative from the 5996
appropriate school district, are notified of and invited to 5997
participate in all family service coordination plan meetings; 5998

(3) A procedure that permits a family to initiate a meeting 5999
to develop or review the family's service coordination plan and 6000
allows the family to invite a family advocate, mentor, or support 6001
person of the family's choice to participate in any such meeting; 6002

(4) A procedure for ensuring that a family service 6003
coordination plan meeting is conducted for each child who receives 6004
service coordination under the mechanism and for whom an emergency 6005
out-of-home placement has been made or for whom a nonemergency 6006

out-of-home placement is being considered. The meeting shall be 6007
conducted within ten days of an emergency out-of-home placement. 6008
The meeting shall be conducted before a nonemergency out-of-home 6009
placement. The family service coordination plan shall outline how 6010
the county council members will jointly pay for services, where 6011
applicable, and provide services in the least restrictive 6012
environment. 6013

(5) A procedure for monitoring the progress and tracking the 6014
outcomes of each service coordination plan requested in the county 6015
including monitoring and tracking children in out-of-home 6016
placements to assure continued progress, appropriateness of 6017
placement, and continuity of care after discharge from placement 6018
with appropriate arrangements for housing, treatment, and 6019
education-; 6020

(6) A procedure for protecting the confidentiality of all 6021
personal family information disclosed during service coordination 6022
meetings or contained in the comprehensive family service 6023
coordination plan-; 6024

(7) A procedure for assessing the needs and strengths of any 6025
child or family that has been referred to the council for service 6026
coordination, including a child whose parent or custodian is 6027
voluntarily seeking services, and for ensuring that parents and 6028
custodians are afforded the opportunity to participate; 6029

(8) A procedure for development of a family service 6030
coordination plan described in division (D) of this section; 6031

(9) A local dispute resolution process to serve as the 6032
process that must be used first to resolve disputes among the 6033
agencies represented on the county council concerning the 6034
provision of services to children, including children who are 6035
abused, neglected, dependent, unruly, alleged unruly, or 6036
delinquent children and under the jurisdiction of the juvenile 6037

court and children whose parents or custodians are voluntarily seeking services. The local dispute resolution process shall comply with sections 121.38, 121.381, and 121.382 of the Revised Code. The local dispute resolution process shall be used to resolve disputes between a child's parents or custodians and the county council regarding service coordination. The county council shall inform the parents or custodians of their right to use the dispute resolution process. Parents or custodians shall use existing local agency grievance procedures to address disputes not involving service coordination. The dispute resolution process is in addition to and does not replace other rights or procedures that parents or custodians may have under other sections of the Revised Code.

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

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

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

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

(2) Designates an individual, approved by the family, to track the progress of the family service coordination plan,

schedule reviews as necessary, and facilitate the family service
coordination plan meeting process; 6069
6070

(3) Ensures that assistance and services to be provided are 6071
responsive to the strengths and needs of the family, as well as 6072
the family's culture, race, and ethnic group, by allowing the 6073
family to offer information and suggestions and participate in 6074
decisions. Identified assistance and services shall be provided in 6075
the least restrictive environment possible. 6076

(4) Includes a process for dealing with a child who is 6077
alleged to be an unruly child. The process shall include methods 6078
to divert the child from the juvenile court system; 6079

(5) Includes timelines for completion of goals specified in 6080
the plan with regular reviews scheduled to monitor progress toward 6081
those goals; 6082

(6) Includes a plan for dealing with short-term crisis 6083
situations and safety concerns. 6084

(E)(1) The process provided for under division (D)(4) of this 6085
section may include, but is not limited to, the following: 6086

(a) Designation of the person or agency to conduct the 6087
assessment of the child and the child's family as described in 6088
division (C)(7) of this section and designation of the instrument 6089
or instruments to be used to conduct the assessment; 6090

(b) An emphasis on the personal responsibilities of the child 6091
and the parental responsibilities of the parents, guardian, or 6092
custodian of the child; 6093

(c) Involvement of local law enforcement agencies and 6094
officials. 6095

(2) The method to divert a child from the juvenile court 6096
system that must be included in the service coordination process 6097
may include, but is not limited to, the following: 6098

(a) The preparation of a complaint under section 2151.27 of the Revised Code alleging that the child is an unruly child and notifying the child and the parents, guardian, or custodian that the complaint has been prepared to encourage the child and the parents, guardian, or custodian to comply with other methods to divert the child from the juvenile court system;

(b) Conducting a meeting with the child, the parents, guardian, or custodian, and other interested parties to determine the appropriate methods to divert the child from the juvenile court system;

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

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

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

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

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

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

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

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

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

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

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

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

(C) The office established pursuant to the agreement entered into under this section shall review rules governing the certification and licensure of substitute care providers and determine which of the rules can be made substantively identical or more similar in order to minimize the number of differing certification and licensure standards and simplify the certification or licensure process for substitute care providers seeking certification or licensure from two or more of the departments represented on the council. The office shall provide county family and children first councils, substitute care

providers, and persons interested in substitute care providers the 6160
opportunity to help the office with the review and determination. 6161
The office shall report its findings to the council. Each of the 6162
departments represented on the council that has adopted rules 6163
governing the certification or licensure of substitute care 6164
providers shall review the report and amend the rules as that 6165
department considers appropriate, except that no rule shall be 6166
amended so as to make it inconsistent with substitute care 6167
provider certification or licensure procedures and standards 6168
established by federal or state law. A department shall give 6169
priority to amendments that will not increase the department's 6170
administrative costs. In amending a rule, a department shall 6171
comply with Chapter 119. or section 111.15 of the Revised Code, as 6172
required by the Revised Code section governing the adoption of the 6173
particular rule. 6174

(D) In accordance with section 124.27 of the Revised Code, 6175
the council shall select a coordinator to oversee the office 6176
established pursuant to the agreement entered into under this 6177
section. The coordinator shall be in the classified service. In 6178
addition to overseeing the office, the coordinator shall perform 6179
any other duties the council assigns to the coordinator. The 6180
duties the council assigns to the coordinator shall be related to 6181
the duties of the office under division (C) of this section. 6182

Sec. 121.483. A deputy inspector general appointed under 6183
section 121.48 of the Revised Code, who has been awarded a 6184
certificate by the executive director of the Ohio peace officer 6185
training commission attesting to the person's satisfactory 6186
completion of an approved state, county, or municipal peace 6187
officer basic training program, shall, during the term of the 6188
deputy inspector general's appointment, be considered a peace 6189
officer for the purpose of maintaining a current and valid basic 6190
training certificate pursuant to rules adopted under section 6191

109.74 of the Revised Code. 6192

Sec. 122.075. (A) As used in this section: 6193

(1) "Alternative fuel" has the same meaning as in section 6194
125.831 of the Revised Code. 6195

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 6196
fuel that is derived from vegetable oils or animal fats, or any 6197
combination of those reagents, and that meets American society for 6198
testing and materials specification D6751-03a for biodiesel fuel 6199
(B100) blend stock distillate fuels. 6200

(3) "Diesel fuel" and "gasoline" have the same meanings as in 6201
section 5735.01 of the Revised Code. 6202

(4) "Ethanol" has the same meaning as in section 5733.46 of 6203
the Revised Code. 6204

(5) "Blended biodiesel" means diesel fuel containing at least 6205
twenty per cent biodiesel by volume. 6206

(6) "Blended gasoline" means gasoline containing at least 6207
eighty-five per cent ethanol by volume. 6208

(7) "Incremental cost" means either of the following: 6209

(a) The difference in cost between blended gasoline and 6210
gasoline containing ten per cent or less ethanol at the time that 6211
the blended gasoline is purchased; 6212

(b) The difference in cost between blended biodiesel and 6213
diesel fuel containing two per cent or less biodiesel at the time 6214
that the blended biodiesel is purchased. 6215

(B) For the purpose of improving the air quality in this 6216
state, the director of development services shall establish an 6217
alternative fuel transportation program under which the director 6218
may make grants and loans to businesses, nonprofit organizations, 6219
public school systems, or local governments for the purchase and 6220

installation of alternative fuel refueling or distribution 6221
facilities and terminals, for the purchase and use of alternative 6222
fuel, to pay the cost of fleet conversion, and to pay the costs of 6223
educational and promotional materials and activities intended for 6224
prospective alternative fuel consumers, fuel marketers, and others 6225
in order to increase the availability and use of alternative fuel. 6226

(C) The director, in consultation with the director of 6227
agriculture, shall adopt rules in accordance with Chapter 119. of 6228
the Revised Code that are necessary for the administration of the 6229
alternative fuel transportation program. The rules shall establish 6230
at least all of the following: 6231

(1) An application form and procedures governing the 6232
application process for receiving funds under the program; 6233

(2) A procedure for prioritizing the award of grants and 6234
loans under the program. The procedures shall give preference to 6235
all of the following: 6236

(a) Publicly accessible refueling facilities; 6237

(b) Entities applying to the program that have secured 6238
funding from other sources, including, but not limited to, private 6239
or federal incentives; 6240

(c) Entities that have presented compelling evidence of 6241
demand in the market in which the facilities or terminals will be 6242
located; 6243

(d) Entities that have committed to utilizing purchased or 6244
installed facilities or terminals for the greatest number of 6245
years; 6246

(e) Entities that will be purchasing or installing facilities 6247
or terminals for any type of alternative fuel. 6248

(3) A requirement that the maximum incentive for the purchase 6249
and installation of an alternative fuel refueling or distribution 6250

facility or terminal be eighty per cent of the cost of the 6251
facility or terminal, except that at least twenty per cent of the 6252
total ~~net~~ cost of the facility or terminal shall be incurred by 6253
the recipient and not compensated for by any other source; 6254

(4) A requirement that the maximum incentive for the purchase 6255
of alternative fuel be eighty per cent of the cost of the fuel or, 6256
in the case of blended biodiesel or blended gasoline, eighty per 6257
cent of the incremental cost of the blended biodiesel or blended 6258
gasoline; 6259

(5) Any other criteria, procedures, or guidelines that the 6260
director determines are necessary to administer the program, 6261
including fees, charges, interest rates, and payment schedules. 6262

(D) An applicant for a grant or loan under this section that 6263
sells motor vehicle fuel at retail shall agree that if the 6264
applicant receives funding, the applicant will report to the 6265
director the gallon or gallon equivalent amounts of alternative 6266
fuel the applicant sells at retail in this state for a period of 6267
three years after the project is completed. 6268

The director shall enter into a written confidentiality 6269
agreement with the applicant regarding the gallon or gallon 6270
equivalent amounts sold as described in this division, and upon 6271
execution of the agreement this information is not a public 6272
record. 6273

(E) There is hereby created in the state treasury the 6274
alternative fuel transportation fund. The fund shall consist of 6275
money transferred to the fund under division ~~(C)~~(B) of section 6276
125.836 and under division (B)(2) of section 3706.27 of the 6277
Revised Code, money that is appropriated to it by the general 6278
assembly, ~~and~~ money as may be specified by the general assembly 6279
from the advanced energy fund created by section 4928.61 of the 6280
Revised Code, and all money received from the repayment of loans 6281

made from the fund or in the event of a default on any such loan. 6282
Money in the fund shall be used to make grants and loans under the 6283
alternative fuel transportation program and by the director in the 6284
administration of that program. 6285

Sec. 122.083. (A) The director of development shall 6286
administer a shovel ready sites program to provide grants for 6287
projects to port authorities and development entities approved by 6288
the director. Grants may be used to pay the costs of any or all of 6289
the following: 6290

(1) Acquisition of property, including options; 6291

(2) Preparation of sites, including brownfield clean-up 6292
activities; 6293

(3) Construction of road, water, telecommunication, and 6294
utility infrastructure; 6295

(4) Payment of professional fees the amount of which shall 6296
not exceed twenty per cent of the grant amount for a project. 6297

(B) The director shall adopt rules in accordance with Chapter 6298
119. of the Revised Code that establish procedures and 6299
requirements necessary for the administration of the program, 6300
including a requirement that a recipient of a grant enter into an 6301
agreement with the director governing the use of the grant. 6302

~~(C) There is hereby created in the state treasury the shovel 6303
ready sites fund consisting of money appropriated to it. Money in 6304
the fund shall be used solely for the purposes of this section. 6305~~

Sec. 122.17. (A) As used in this section: 6306

(1) "Income tax revenue" means the total amount withheld 6307
under section 5747.06 of the Revised Code by the taxpayer during 6308
the taxable year, or during the calendar year that includes the 6309
tax period, from the compensation of each employee or each 6310

home-based employee employed in the project to the extent the 6311
employee's withholdings are not used to determine the credit under 6312
section 122.171 of the Revised Code. "Income tax revenue" excludes 6313
amounts withheld before the day the taxpayer becomes eligible for 6314
the credit. 6315

(2) "Baseline income tax revenue" means income tax revenue 6316
except that the applicable withholding period is the twelve months 6317
immediately preceding the date the tax credit authority approves 6318
the taxpayer's application or the date the tax credit authority 6319
receives the recommendation described in division (C)(2)(a) of 6320
this section, whichever occurs first, multiplied by the sum of one 6321
plus an annual pay increase factor to be determined by the tax 6322
credit authority. If the taxpayer becomes eligible for the credit 6323
after the first day of the taxpayer's taxable year or after the 6324
first day of the calendar year that includes the tax period, the 6325
taxpayer's baseline income tax revenue for the first such taxable 6326
or calendar year of credit eligibility shall be reduced in 6327
proportion to the number of days during the taxable or calendar 6328
year for which the taxpayer was not eligible for the credit. For 6329
subsequent taxable or calendar years, "baseline income tax 6330
revenue" equals the unreduced baseline income tax revenue for the 6331
preceding taxable or calendar year multiplied by the sum of one 6332
plus the pay increase factor. 6333

(3) "Excess income tax revenue" means income tax revenue 6334
minus baseline income tax revenue. 6335

(4) "Home-based employee" means an employee whose services 6336
are performed primarily from the employee's residence in this 6337
state exclusively for the benefit of the project and whose rate of 6338
pay is at least one hundred thirty-one per cent of the federal 6339
minimum wage under 29 U.S.C. 206. 6340

(B) The tax credit authority may make grants under this 6341
section to foster job creation in this state. Such a grant shall 6342

take the form of a refundable credit allowed against the tax 6343
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, or 5747.02 6344
or levied under Chapter 5751. of the Revised Code. The credit 6345
shall be claimed for the taxable years or tax periods specified in 6346
the taxpayer's agreement with the tax credit authority under 6347
division (D) of this section. With respect to taxes imposed under 6348
section 5726.02, 5733.06, or 5747.02 or Chapter 5751. of the 6349
Revised Code, the credit shall be claimed in the order required 6350
under section 5726.98, 5733.98, 5747.98, or 5751.98 of the Revised 6351
Code. The amount of the credit available for a taxable year or for 6352
a calendar year that includes a tax period equals the excess 6353
income tax revenue for that year multiplied by the percentage 6354
specified in the agreement with the tax credit authority. Any 6355
credit granted under this section against the tax imposed by 6356
section 5733.06 or 5747.02 of the Revised Code, to the extent not 6357
fully utilized against such tax for taxable years ending prior to 6358
2008, shall automatically be converted without any action taken by 6359
the tax credit authority to a credit against the tax levied under 6360
Chapter 5751. of the Revised Code for tax periods beginning on or 6361
after July 1, 2008, provided that the person to whom the credit 6362
was granted is subject to such tax. The converted credit shall 6363
apply to those calendar years in which the remaining taxable years 6364
specified in the agreement end. 6365

(C)(1) A taxpayer or potential taxpayer who proposes a 6366
project to create new jobs in this state may apply to the tax 6367
credit authority to enter into an agreement for a tax credit under 6368
this section. 6369

An application shall not propose to include both home-based 6370
employees and employees who are not home-based employees in the 6371
computation of income tax revenue for the purposes of the same tax 6372
credit agreement. If a taxpayer or potential taxpayer employs both 6373
home-based employees and employees who are not home-based 6374

employees in a project, the taxpayer shall submit separate 6375
applications for separate tax credit agreements for the project, 6376
one of which shall include home-based employees in the computation 6377
of income tax revenue and one of which shall include all other 6378
employees in the computation of income tax revenue. 6379

The director of development services shall prescribe the form 6380
of the application. After receipt of an application, the authority 6381
may enter into an agreement with the taxpayer for a credit under 6382
this section if it determines all of the following: 6383

(a) The taxpayer's project will increase payroll and income 6384
tax revenue; 6385

(b) The taxpayer's project is economically sound and will 6386
benefit the people of this state by increasing opportunities for 6387
employment and strengthening the economy of this state; 6388

(c) Receiving the tax credit is a major factor in the 6389
taxpayer's decision to go forward with the project. 6390

(2)(a) A taxpayer that chooses to begin the project prior to 6391
receiving the determination of the authority may, upon submitting 6392
the taxpayer's application to the authority, request that the 6393
chief investment officer of the nonprofit corporation formed under 6394
section 187.01 of the Revised Code and the director review the 6395
taxpayer's application and recommend to the authority that the 6396
taxpayer's application be considered. As soon as possible after 6397
receiving such a request, the chief investment officer and the 6398
director shall review the taxpayer's application and, if they 6399
determine that the application warrants consideration by the 6400
authority, make that recommendation to the authority not later 6401
than six months after the application is received by the 6402
authority. 6403

(b) The authority shall consider any taxpayer's application 6404
for which it receives a recommendation under division (C)(2)(a) of 6405

this section. If the authority determines that the taxpayer does 6406
not meet all of the criteria set forth in division (C)(1) of this 6407
section, the authority and the development services agency shall 6408
proceed in accordance with rules adopted by the director pursuant 6409
to division (I) of this section. 6410

(D) An agreement under this section shall include all of the 6411
following: 6412

(1) A detailed description of the project that is the subject 6413
of the agreement; 6414

(2)(a) The term of the tax credit, which, except as provided 6415
in division (D)(2)(b) of this section, shall not exceed fifteen 6416
years, and the first taxable year, or first calendar year that 6417
includes a tax period, for which the credit may be claimed; 6418

(b) If the tax credit is computed on the basis of home-based 6419
employees, the term of the credit shall expire on or before the 6420
last day of the taxable or calendar year ending before the 6421
beginning of the seventh year after September 6, 2012, the 6422
effective date of H.B. 327 of the 129th general assembly. 6423

(3) A requirement that the taxpayer shall maintain operations 6424
at the project location for at least the greater of seven years or 6425
the term of the credit plus three years; 6426

(4) The percentage, as determined by the tax credit 6427
authority, of excess income tax revenue that will be allowed as 6428
the amount of the credit for each taxable year or for each 6429
calendar year that includes a tax period; 6430

(5) The pay increase factor to be applied to the taxpayer's 6431
baseline income tax revenue; 6432

(6) A requirement that the taxpayer annually shall report to 6433
the director of development services employment, tax withholding, 6434
investment, the provision of health care benefits and tuition 6435

reimbursement if required in the agreement, and other information 6436
the director needs to perform the director's duties under this 6437
section; 6438

(7) A requirement that the director of development services 6439
annually review the information reported under division (D)(6) of 6440
this section and verify compliance with the agreement; if the 6441
taxpayer is in compliance, a requirement that the director issue a 6442
certificate to the taxpayer stating that the information has been 6443
verified and identifying the amount of the credit that may be 6444
claimed for the taxable or calendar year; 6445

(8) A provision providing that the taxpayer may not relocate 6446
a substantial number of employment positions from elsewhere in 6447
this state to the project location unless the director of 6448
development services determines that the legislative authority of 6449
the county, township, or municipal corporation from which the 6450
employment positions would be relocated has been notified by the 6451
taxpayer of the relocation. 6452

For purposes of this section, the movement of an employment 6453
position from one political subdivision to another political 6454
subdivision shall be considered a relocation of an employment 6455
position unless the employment position in the first political 6456
subdivision is replaced. 6457

(9) If the tax credit is computed on the basis of home-based 6458
employees, that the tax credit may not be claimed by the taxpayer 6459
until the taxable year or tax period in which the taxpayer employs 6460
at least two hundred employees more than the number of employees 6461
the taxpayer employed on June 30, 2011. 6462

(E) If a taxpayer fails to meet or comply with any condition 6463
or requirement set forth in a tax credit agreement, the tax credit 6464
authority may amend the agreement to reduce the percentage or term 6465
of the tax credit. The reduction of the percentage or term may 6466

take effect in the current taxable or calendar year. 6467

(F) Projects that consist solely of point-of-final-purchase 6468
retail facilities are not eligible for a tax credit under this 6469
section. If a project consists of both point-of-final-purchase 6470
retail facilities and nonretail facilities, only the portion of 6471
the project consisting of the nonretail facilities is eligible for 6472
a tax credit and only the excess income tax revenue from the 6473
nonretail facilities shall be considered when computing the amount 6474
of the tax credit. If a warehouse facility is part of a 6475
point-of-final-purchase retail facility and supplies only that 6476
facility, the warehouse facility is not eligible for a tax credit. 6477
Catalog distribution centers are not considered 6478
point-of-final-purchase retail facilities for the purposes of this 6479
division, and are eligible for tax credits under this section. 6480

(G) Financial statements and other information submitted to 6481
the development services agency or the tax credit authority by an 6482
applicant or recipient of a tax credit under this section, and any 6483
information taken for any purpose from such statements or 6484
information, are not public records subject to section 149.43 of 6485
the Revised Code. However, the chairperson of the authority may 6486
make use of the statements and other information for purposes of 6487
issuing public reports or in connection with court proceedings 6488
concerning tax credit agreements under this section. Upon the 6489
request of the tax commissioner or, if the applicant or recipient 6490
is an insurance company, upon the request of the superintendent of 6491
insurance, the chairperson of the authority shall provide to the 6492
commissioner or superintendent any statement or information 6493
submitted by an applicant or recipient of a tax credit in 6494
connection with the credit. The commissioner or superintendent 6495
shall preserve the confidentiality of the statement or 6496
information. 6497

(H) A taxpayer claiming a credit under this section shall 6498

submit to the tax commissioner or, if the taxpayer is an insurance 6499
company, to the superintendent of insurance, a copy of the 6500
director of development services' certificate of verification 6501
under division (D)(7) of this section with the taxpayer's tax 6502
report or return for the taxable year or for the calendar year 6503
that includes the tax period. Failure to submit a copy of the 6504
certificate with the report or return does not invalidate a claim 6505
for a credit if the taxpayer submits a copy of the certificate to 6506
the commissioner or superintendent within sixty days after the 6507
commissioner or superintendent requests it. 6508

(I) The director of development services, after consultation 6509
with the tax commissioner and the superintendent of insurance and 6510
in accordance with Chapter 119. of the Revised Code, shall adopt 6511
rules necessary to implement this section, including rules that 6512
establish a procedure to be followed by the tax credit authority 6513
and the development services agency in the event the authority 6514
considers a taxpayer's application for which it receives a 6515
recommendation under division (C)(2)(a) of this section but does 6516
not approve it. The rules may provide for recipients of tax 6517
credits under this section to be charged fees to cover 6518
administrative costs of the tax credit program. The fees collected 6519
shall be credited to the business assistance fund created in 6520
section 122.174 of the Revised Code. At the time the director 6521
gives public notice under division (A) of section 119.03 of the 6522
Revised Code of the adoption of the rules, the director shall 6523
submit copies of the proposed rules to the chairpersons of the 6524
standing committees on economic development in the senate and the 6525
house of representatives. 6526

(J) For the purposes of this section, a taxpayer may include 6527
a partnership, a corporation that has made an election under 6528
subchapter S of chapter one of subtitle A of the Internal Revenue 6529
Code, or any other business entity through which income flows as a 6530

distributive share to its owners. A partnership, S-corporation, or other such business entity may elect to pass the credit received under this section through to the persons to whom the income or profit of the partnership, S-corporation, or other entity is distributed. The election shall be made on the annual report required under division (D)(6) of this section. The election applies to and is irrevocable for the credit for which the report is submitted. If the election is made, the credit shall be apportioned among those persons in the same proportions as those in which the income or profit is distributed.

(K) If the director of development services determines that a taxpayer who has received a credit under this section is not complying with the requirement under division (D)(3) of this section, the director shall notify the tax credit authority of the noncompliance. After receiving such a notice, and after giving the taxpayer an opportunity to explain the noncompliance, the tax credit authority may require the taxpayer to refund to this state a portion of the credit in accordance with the following:

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

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

In determining the portion of the tax credit to be refunded to this state, the tax credit authority shall consider the effect of market conditions on the taxpayer's project and whether the taxpayer continues to maintain other operations in this state. After making the determination, the authority shall certify the

amount to be refunded to the tax commissioner or superintendent of 6563
insurance, as appropriate. If the amount is certified to the 6564
commissioner, the commissioner shall make an assessment for that 6565
amount against the taxpayer under Chapter 5726., 5733., 5747., or 6566
5751. of the Revised Code. If the amount is certified to the 6567
superintendent, the superintendent shall make an assessment for 6568
that amount against the taxpayer under Chapter 5725. or 5729. of 6569
the Revised Code. The time limitations on assessments under those 6570
chapters do not apply to an assessment under this division, but 6571
the commissioner or superintendent, as appropriate, shall make the 6572
assessment within one year after the date the authority certifies 6573
to the commissioner or superintendent the amount to be refunded. 6574

(L) On or before the first day of August each year, the 6575
director of development services shall submit a report to the 6576
governor, the president of the senate, and the speaker of the 6577
house of representatives on the tax credit program under this 6578
section. The report shall include information on the number of 6579
agreements that were entered into under this section during the 6580
preceding calendar year, a description of the project that is the 6581
subject of each such agreement, and an update on the status of 6582
projects under agreements entered into before the preceding 6583
calendar year. 6584

(M) There is hereby created the tax credit authority, which 6585
consists of the director of development services and four other 6586
members appointed as follows: the governor, the president of the 6587
senate, and the speaker of the house of representatives each shall 6588
appoint one member who shall be a specialist in economic 6589
development; the governor also shall appoint a member who is a 6590
specialist in taxation. Of the initial appointees, the members 6591
appointed by the governor shall serve a term of two years; the 6592
members appointed by the president of the senate and the speaker 6593
of the house of representatives shall serve a term of four years. 6594

Thereafter, terms of office shall be for four years. Initial 6595
appointments to the authority shall be made within thirty days 6596
after January 13, 1993. Each member shall serve on the authority 6597
until the end of the term for which the member was appointed. 6598
Vacancies shall be filled in the same manner provided for original 6599
appointments. Any member appointed to fill a vacancy occurring 6600
prior to the expiration of the term for which the member's 6601
predecessor was appointed shall hold office for the remainder of 6602
that term. Members may be reappointed to the authority. Members of 6603
the authority shall receive their necessary and actual expenses 6604
while engaged in the business of the authority. The director of 6605
development services shall serve as chairperson of the authority, 6606
and the members annually shall elect a vice-chairperson from among 6607
themselves. Three members of the authority constitute a quorum to 6608
transact and vote on the business of the authority. The majority 6609
vote of the membership of the authority is necessary to approve 6610
any such business, including the election of the vice-chairperson. 6611

The director of development services may appoint a 6612
professional employee of the development services agency to serve 6613
as the director's substitute at a meeting of the authority. The 6614
director shall make the appointment in writing. In the absence of 6615
the director from a meeting of the authority, the appointed 6616
substitute shall serve as chairperson. In the absence of both the 6617
director and the director's substitute from a meeting, the 6618
vice-chairperson shall serve as chairperson. 6619

(N) For purposes of the credits granted by this section 6620
against the taxes imposed under sections 5725.18 and 5729.03 of 6621
the Revised Code, "taxable year" means the period covered by the 6622
taxpayer's annual statement to the superintendent of insurance. 6623

(O) On or before the first day of ~~January~~ March of each of 6624
the ~~six~~ five calendar years following the year in which H.B. 327 6625
~~of the 129th general assembly becomes effective~~ beginning with 6626

2014, each taxpayer subject to an agreement with the tax credit 6627
authority under this section on the basis of home-based employees 6628
shall report the number of home-based employees and other 6629
employees employed by the taxpayer in this state to the ~~department~~ 6630
~~of development~~ services agency. 6631

(P) On or before the first day of January of ~~the seventh~~ 6632
~~calendar year following the year in which H.B. 327 of the 129th~~ 6633
~~general assembly became effective~~ 2019, the director of 6634
development services shall submit a report to the governor, the 6635
president of the senate, and the speaker of the house of 6636
representatives on the effect of agreements entered into under 6637
this section in which the taxpayer included home-based employees 6638
in the computation of income tax revenue. The report shall include 6639
information on the number of such agreements that were entered 6640
into in the preceding six years, a description of the projects 6641
that were the subjects of such agreements, and an analysis of 6642
nationwide home-based employment trends, including the number of 6643
home-based jobs created from July 1, 2011, through June 30, 2017, 6644
and a description of any home-based employment tax incentives 6645
provided by other states during that time. 6646

(Q) The director of development services may require any 6647
agreement entered into under this section for a tax credit 6648
computed on the basis of home-based employees to contain a 6649
provision that the taxpayer makes available health care benefits 6650
and tuition reimbursement to all employees. 6651

Sec. 122.171. (A) As used in this section: 6652

(1) "Capital investment project" means a plan of investment 6653
at a project site for the acquisition, construction, renovation, 6654
or repair of buildings, machinery, or equipment, or for 6655
capitalized costs of basic research and new product development 6656
determined in accordance with generally accepted accounting 6657

principles, but does not include any of the following: 6658

(a) Payments made for the acquisition of personal property 6659
through operating leases; 6660

(b) Project costs paid before January 1, 2002; 6661

(c) Payments made to a related member as defined in section 6662
5733.042 of the Revised Code or to a consolidated elected taxpayer 6663
or a combined taxpayer as defined in section 5751.01 of the 6664
Revised Code. 6665

(2) "Eligible business" means a taxpayer and its related 6666
members with Ohio operations satisfying all of the following: 6667

(a) The taxpayer employs at least five hundred full-time 6668
equivalent employees or has an annual payroll of at least 6669
thirty-five million dollars at the time the tax credit authority 6670
grants the tax credit under this section; 6671

(b) The taxpayer makes or causes to be made payments for the 6672
capital investment project of one of the following: 6673

(i) If the taxpayer is engaged at the project site primarily 6674
as a manufacturer, at least fifty million dollars in the aggregate 6675
at the project site during a period of three consecutive calendar 6676
years, including the calendar year that includes a day of the 6677
taxpayer's taxable year or tax period with respect to which the 6678
credit is granted; 6679

(ii) If the taxpayer is engaged at the project site primarily 6680
in significant corporate administrative functions, as defined by 6681
the director of development services by rule, at least twenty 6682
million dollars in the aggregate at the project site during a 6683
period of three consecutive calendar years including the calendar 6684
year that includes a day of the taxpayer's taxable year or tax 6685
period with respect to which the credit is granted; 6686

(iii) If the taxpayer is applying to enter into an agreement 6687

for a tax credit authorized under division (B)(3) of this section, 6688
at least five million dollars in the aggregate at the project site 6689
during a period of three consecutive calendar years, including the 6690
calendar year that includes a day of the taxpayer's taxable year 6691
or tax period with respect to which the credit is granted. 6692

(c) The taxpayer had a capital investment project reviewed 6693
and approved by the tax credit authority as provided in divisions 6694
(C), (D), and (E) of this section. 6695

(3) "Full-time equivalent employees" means the quotient 6696
obtained by dividing the total number of hours for which employees 6697
were compensated for employment in the project by two thousand 6698
eighty. "Full-time equivalent employees" shall exclude hours that 6699
are counted for a credit under section 122.17 of the Revised Code. 6700

(4) "Income tax revenue" means the total amount withheld 6701
under section 5747.06 of the Revised Code by the taxpayer during 6702
the taxable year, or during the calendar year that includes the 6703
tax period, from the compensation of all employees employed in the 6704
project whose hours of compensation are included in calculating 6705
the number of full-time equivalent employees. 6706

(5) "Manufacturer" has the same meaning as in section 6707
5739.011 of the Revised Code. 6708

(6) "Project site" means an integrated complex of facilities 6709
in this state, as specified by the tax credit authority under this 6710
section, within a fifteen-mile radius where a taxpayer is 6711
primarily operating as an eligible business. 6712

(7) "Related member" has the same meaning as in section 6713
5733.042 of the Revised Code as that section existed on the 6714
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 6715
general assembly, September 29, 1997. 6716

(8) "Taxable year" includes, in the case of a domestic or 6717
foreign insurance company, the calendar year ending on the 6718

thirty-first day of December preceding the day the superintendent 6719
of insurance is required to certify to the treasurer of state 6720
under section 5725.20 or 5729.05 of the Revised Code the amount of 6721
taxes due from insurance companies. 6722

(B) The tax credit authority created under section 122.17 of 6723
the Revised Code may grant tax credits under this section for the 6724
purpose of fostering job retention in this state. Upon application 6725
by an eligible business and upon consideration of the 6726
recommendation of the director of budget and management, tax 6727
commissioner, the superintendent of insurance in the case of an 6728
insurance company, and director of development services under 6729
division (C) of this section, the tax credit authority may grant 6730
the following credits against the tax imposed by section 5725.18, 6731
5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 of the Revised 6732
Code: 6733

(1) A nonrefundable credit to an eligible business; 6734

(2) A refundable credit to an eligible business meeting the 6735
following conditions, provided that the director of budget and 6736
management, tax commissioner, superintendent of insurance in the 6737
case of an insurance company, and director of development services 6738
have recommended the granting of the credit to the tax credit 6739
authority before July 1, 2011: 6740

(a) The business retains at least one thousand full-time 6741
equivalent employees at the project site. 6742

(b) The business makes or causes to be made payments for a 6743
capital investment project of at least twenty-five million dollars 6744
in the aggregate at the project site during a period of three 6745
consecutive calendar years, including the calendar year that 6746
includes a day of the business' taxable year or tax period with 6747
respect to which the credit is granted. 6748

(c) In 2010, the business received a written offer of 6749

financial incentives from another state of the United States that 6750
the director determines to be sufficient inducement for the 6751
business to relocate the business' operations from this state to 6752
that state. 6753

(3) A refundable credit to an eligible business with a total 6754
annual payroll of at least twenty million dollars, provided that 6755
the tax credit authority grants the tax credit on or after July 1, 6756
2011, and before January 1, 2014. 6757

The credits authorized in divisions (B)(1), (2), and (3) of 6758
this section may be granted for a period up to fifteen taxable 6759
years or, in the case of the tax levied by section 5751.02 of the 6760
Revised Code, for a period of up to fifteen calendar years. The 6761
credit amount for a taxable year or a calendar year that includes 6762
the tax period for which a credit may be claimed equals the income 6763
tax revenue for that year multiplied by the percentage specified 6764
in the agreement with the tax credit authority. The percentage may 6765
not exceed seventy-five per cent. The credit shall be claimed in 6766
the order required under section 5725.98, 5726.98, 5729.98, 6767
5733.98, 5747.98, or 5751.98 of the Revised Code. In determining 6768
the percentage and term of the credit, the tax credit authority 6769
shall consider both the number of full-time equivalent employees 6770
and the value of the capital investment project. The credit amount 6771
may not be based on the income tax revenue for a calendar year 6772
before the calendar year in which the tax credit authority 6773
specifies the tax credit is to begin, and the credit shall be 6774
claimed only for the taxable years or tax periods specified in the 6775
eligible business' agreement with the tax credit authority. In no 6776
event shall the credit be claimed for a taxable year or tax period 6777
terminating before the date specified in the agreement. Any credit 6778
granted under this section against the tax imposed by section 6779
5733.06 or 5747.02 of the Revised Code, to the extent not fully 6780
utilized against such tax for taxable years ending prior to 2008, 6781

shall automatically be converted without any action taken by the tax credit authority to a credit against the tax levied under Chapter 5751. of the Revised Code for tax periods beginning on or after July 1, 2008, provided that the person to whom the credit was granted is subject to such tax. The converted credit shall apply to those calendar years in which the remaining taxable years specified in the agreement end.

If a nonrefundable credit allowed under division (B)(1) of this section for a taxable year or tax period exceeds the taxpayer's tax liability for that year or period, the excess may be carried forward for the three succeeding taxable or calendar years, but the amount of any excess credit allowed in any taxable year or tax period shall be deducted from the balance carried forward to the succeeding year or period.

(C) A taxpayer that proposes a capital investment project to retain jobs in this state may apply to the tax credit authority to enter into an agreement for a tax credit under this section. The director of development services shall prescribe the form of the application. After receipt of an application, the authority shall forward copies of the application to the director of budget and management, the tax commissioner, the superintendent of insurance in the case of an insurance company, and the director of development services, each of whom shall review the application to determine the economic impact the proposed project would have on the state and the affected political subdivisions and shall submit a summary of their determinations and recommendations to the authority.

(D) Upon review and consideration of the determinations and recommendations described in division (C) of this section, the tax credit authority may enter into an agreement with the taxpayer for a credit under this section if the authority determines all of the following:

(1) The taxpayer's capital investment project will result in 6814
the retention of employment in this state. 6815

(2) The taxpayer is economically sound and has the ability to 6816
complete the proposed capital investment project. 6817

(3) The taxpayer intends to and has the ability to maintain 6818
operations at the project site for at least the greater of (a) the 6819
term of the credit plus three years, or (b) seven years. 6820

(4) Receiving the credit is a major factor in the taxpayer's 6821
decision to begin, continue with, or complete the project. 6822

(5) If the taxpayer is applying to enter into an agreement 6823
for a tax credit authorized under division (B)(3) of this section, 6824
the taxpayer's capital investment project will be located in the 6825
political subdivision in which the taxpayer maintains its 6826
principal place of business or maintains a unit or division with 6827
at least four thousand two hundred employees at the project site. 6828

(E) An agreement under this section shall include all of the 6829
following: 6830

(1) A detailed description of the project that is the subject 6831
of the agreement, including the amount of the investment, the 6832
period over which the investment has been or is being made, the 6833
number of full-time equivalent employees at the project site, and 6834
the anticipated income tax revenue to be generated. 6835

(2) The term of the credit, the percentage of the tax credit, 6836
the maximum annual value of tax credits that may be allowed each 6837
year, and the first year for which the credit may be claimed. 6838

(3) A requirement that the taxpayer maintain operations at 6839
the project site for at least the greater of (a) the term of the 6840
credit plus three years, or (b) seven years. 6841

(4)(a) In the case of a credit granted under division (B)(1) 6842
of this section, a requirement that the taxpayer retain at least 6843

five hundred full-time equivalent employees at the project site 6844
and within this state for the entire term of the credit, or a 6845
requirement that the taxpayer maintain an annual payroll of at 6846
least thirty-five million dollars for the entire term of the 6847
credit; 6848

(b) In the case of a credit granted under division (B)(2) of 6849
this section, a requirement that the taxpayer retain at least one 6850
thousand full-time equivalent employees at the project site and 6851
within this state for the entire term of the credit; 6852

(c) In the case of a credit granted under division (B)(3) of 6853
this section, either of the following: 6854

(i) A requirement that the taxpayer retain at least five 6855
hundred full-time equivalent employees at the project site and 6856
within this state for the entire term of the credit and a 6857
requirement that the taxpayer maintain an annual payroll of at 6858
least twenty million dollars for the entire term of the credit; 6859

(ii) A requirement that the taxpayer maintain an annual 6860
payroll of at least thirty-five million dollars for the entire 6861
term of the credit. 6862

(5) A requirement that the taxpayer annually report to the 6863
director of development services employment, tax withholding, 6864
capital investment, and other information the director needs to 6865
perform the director's duties under this section. 6866

(6) A requirement that the director of development services 6867
annually review the annual reports of the taxpayer to verify the 6868
information reported under division (E)(5) of this section and 6869
compliance with the agreement. Upon verification, the director 6870
shall issue a certificate to the taxpayer stating that the 6871
information has been verified and identifying the amount of the 6872
credit for the taxable year or calendar year that includes the tax 6873
period. In determining the number of full-time equivalent 6874

employees, no position shall be counted that is filled by an 6875
employee who is included in the calculation of a tax credit under 6876
section 122.17 of the Revised Code. 6877

(7) A provision providing that the taxpayer may not relocate 6878
a substantial number of employment positions from elsewhere in 6879
this state to the project site unless the director of development 6880
services determines that the taxpayer notified the legislative 6881
authority of the county, township, or municipal corporation from 6882
which the employment positions would be relocated. 6883

For purposes of this section, the movement of an employment 6884
position from one political subdivision to another political 6885
subdivision shall be considered a relocation of an employment 6886
position unless the movement is confined to the project site. The 6887
transfer of an employment position from one political subdivision 6888
to another political subdivision shall not be considered a 6889
relocation of an employment position if the employment position in 6890
the first political subdivision is replaced by another employment 6891
position. 6892

(8) A waiver by the taxpayer of any limitations periods 6893
relating to assessments or adjustments resulting from the 6894
taxpayer's failure to comply with the agreement. 6895

(F) If a taxpayer fails to meet or comply with any condition 6896
or requirement set forth in a tax credit agreement, the tax credit 6897
authority may amend the agreement to reduce the percentage or term 6898
of the credit. The reduction of the percentage or term may take 6899
effect in the current taxable or calendar year. 6900

(G) Financial statements and other information submitted to 6901
the department of development services or the tax credit authority 6902
by an applicant for or recipient of a tax credit under this 6903
section, and any information taken for any purpose from such 6904
statements or information, are not public records subject to 6905

section 149.43 of the Revised Code. However, the chairperson of 6906
the authority may make use of the statements and other information 6907
for purposes of issuing public reports or in connection with court 6908
proceedings concerning tax credit agreements under this section. 6909
Upon the request of the tax commissioner, or the superintendent of 6910
insurance in the case of an insurance company, the chairperson of 6911
the authority shall provide to the commissioner or superintendent 6912
any statement or other information submitted by an applicant for 6913
or recipient of a tax credit in connection with the credit. The 6914
commissioner or superintendent shall preserve the confidentiality 6915
of the statement or other information. 6916

(H) A taxpayer claiming a tax credit under this section shall 6917
submit to the tax commissioner or, in the case of an insurance 6918
company, to the superintendent of insurance, a copy of the 6919
director of development services' certificate of verification 6920
under division (E)(6) of this section with the taxpayer's tax 6921
report or return for the taxable year or for the calendar year 6922
that includes the tax period. Failure to submit a copy of the 6923
certificate with the report or return does not invalidate a claim 6924
for a credit if the taxpayer submits a copy of the certificate to 6925
the commissioner or superintendent within sixty days after the 6926
commissioner or superintendent requests it. 6927

(I) For the purposes of this section, a taxpayer may include 6928
a partnership, a corporation that has made an election under 6929
subchapter S of chapter one of subtitle A of the Internal Revenue 6930
Code, or any other business entity through which income flows as a 6931
distributive share to its owners. A partnership, S-corporation, or 6932
other such business entity may elect to pass the credit received 6933
under this section through to the persons to whom the income or 6934
profit of the partnership, S-corporation, or other entity is 6935
distributed. The election shall be made on the annual report 6936
required under division (E)(5) of this section. The election 6937

applies to and is irrevocable for the credit for which the report 6938
is submitted. If the election is made, the credit shall be 6939
apportioned among those persons in the same proportions as those 6940
in which the income or profit is distributed. 6941

(J) If the director of development services determines that a 6942
taxpayer that received a certificate under division (E)(6) of this 6943
section is not complying with the requirement under division 6944
(E)(3) of this section, the director shall notify the tax credit 6945
authority of the noncompliance. After receiving such a notice, and 6946
after giving the taxpayer an opportunity to explain the 6947
noncompliance, the authority may terminate the agreement and 6948
require the taxpayer, or any related member or members that 6949
claimed the tax credit under division (N) of this section, to 6950
refund to the state all or a portion of the credit claimed in 6951
previous years, as follows: 6952

(1) If the taxpayer maintained operations at the project site 6953
for less than or equal to the term of the credit, an amount not to 6954
exceed one hundred per cent of the sum of any tax credits allowed 6955
and received under this section. 6956

(2) If the taxpayer maintained operations at the project site 6957
longer than the term of the credit, but less than the greater of 6958
(a) the term of the credit plus three years, or (b) seven years, 6959
the amount required to be refunded shall not exceed seventy-five 6960
per cent of the sum of any tax credits allowed and received under 6961
this section. 6962

In determining the portion of the credit to be refunded to 6963
this state, the authority shall consider the effect of market 6964
conditions on the taxpayer's project and whether the taxpayer 6965
continues to maintain other operations in this state. After making 6966
the determination, the authority shall certify the amount to be 6967
refunded to the tax commissioner or the superintendent of 6968
insurance. If the taxpayer, or any related member or members who 6969

claimed the tax credit under division (N) of this section, is not 6970
an insurance company, the commissioner shall make an assessment 6971
for that amount against the taxpayer under Chapter 5726., 5733., 6972
5747., or 5751. of the Revised Code. If the taxpayer, or any 6973
related member or members that claimed the tax credit under 6974
division (N) of this section, is an insurance company, the 6975
superintendent of insurance shall make an assessment under section 6976
5725.222 or 5729.102 of the Revised Code. The time limitations on 6977
assessments under those chapters and sections do not apply to an 6978
assessment under this division, but the commissioner or 6979
superintendent shall make the assessment within one year after the 6980
date the authority certifies to the commissioner or superintendent 6981
the amount to be refunded. 6982

(K) The director of development services, after consultation 6983
with the tax commissioner and the superintendent of insurance and 6984
in accordance with Chapter 119. of the Revised Code, shall adopt 6985
rules necessary to implement this section. The rules may provide 6986
for recipients of tax credits under this section to be charged 6987
fees to cover administrative costs of the tax credit program. The 6988
fees collected shall be credited to the business assistance fund 6989
created in section 122.174 of the Revised Code. At the time the 6990
director gives public notice under division (A) of section 119.03 6991
of the Revised Code of the adoption of the rules, the director 6992
shall submit copies of the proposed rules to the chairpersons of 6993
the standing committees on economic development in the senate and 6994
the house of representatives. 6995

(L) On or before the first day of August of each year, the 6996
director of development services shall submit a report to the 6997
governor, the president of the senate, and the speaker of the 6998
house of representatives on the tax credit program under this 6999
section. The report shall include information on the number of 7000
agreements that were entered into under this section during the 7001

preceding calendar year, a description of the project that is the 7002
subject of each such agreement, and an update on the status of 7003
projects under agreements entered into before the preceding 7004
calendar year. 7005

(M)(1) The aggregate amount of tax credits issued under 7006
division (B)(1) of this section during any calendar year for 7007
capital investment projects reviewed and approved by the tax 7008
credit authority may not exceed the following amounts: 7009

(a) For 2010, thirteen million dollars; 7010

(b) For 2011 through 2023, the amount of the limit for the 7011
preceding calendar year plus thirteen million dollars; 7012

(c) For 2024 and each year thereafter, one hundred 7013
ninety-five million dollars. 7014

(2) The aggregate amount of tax credits authorized under 7015
divisions (B)(2) and (3) of this section and allowed to be claimed 7016
by taxpayers in any calendar year for capital improvement projects 7017
reviewed and approved by the tax credit authority in 2011, 2012, 7018
and 2013 combined shall not exceed twenty-five million dollars. An 7019
amount equal to the aggregate amount of credits first authorized 7020
in calendar year 2011, 2012, and 2013 may be claimed over the 7021
ensuing period up to fifteen years, subject to the terms of 7022
individual tax credit agreements. 7023

The limitations in division (M) of this section do not apply 7024
to credits for capital investment projects approved by the tax 7025
credit authority before July 1, 2009. 7026

(N) This division applies only to an eligible business that 7027
is part of an affiliated group that includes a diversified savings 7028
and loan holding company or a grandfathered unitary savings and 7029
loan holding company, as those terms are defined in section 7030
5726.01 of the Revised Code. Notwithstanding any contrary 7031
provision of the agreement between such an eligible business and 7032

the tax credit authority, any credit granted under this section 7033
against the tax imposed by section 5725.18, 5729.03, 5733.06, 7034
5747.02, or 5751.02 of the Revised Code to the eligible business, 7035
at the election of the eligible business and without any action by 7036
the tax credit authority, may be shared with any member or members 7037
of the affiliated group that includes the eligible business, which 7038
member or members may claim the credit against the taxes imposed 7039
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 7040
of the Revised Code. Credits shall be claimed by the eligible 7041
business in sequential order, as applicable, first claiming the 7042
credits to the fullest extent possible against the tax that the 7043
certificate holder is subject to, then against the tax imposed by, 7044
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 7045
lastly 5726.02 of the Revised Code. The credits may be allocated 7046
among the members of the affiliated group in such manner as the 7047
eligible business elects, but subject to the sequential order 7048
required under this division. This division applies to credits 7049
granted before, on, or after March 27, 2013, the effective date of 7050
H.B. 510 of the 129th general assembly. Credits granted before 7051
that effective date that are shared and allocated under this 7052
division may be claimed in those calendar years in which the 7053
remaining taxable years specified in the agreement end. 7054

As used in this division, "affiliated group" means a group of 7055
two or more persons with fifty per cent or greater of the value of 7056
each person's ownership interests owned or controlled directly, 7057
indirectly, or constructively through related interests by common 7058
owners during all or any portion of the taxable year, and the 7059
common owners. "Affiliated group" includes, but is not limited to, 7060
any person eligible to be included in a consolidated elected 7061
taxpayer group under section 5751.011 of the Revised Code or a 7062
combined taxpayer group under section 5751.012 of the Revised 7063
Code. 7064

Sec. 122.175. (A) As used in this section: 7065

(1) "Capital investment project" means a plan of investment 7066
at a project site for the acquisition, construction, renovation, 7067
expansion, replacement, or repair of a computer data center or of 7068
computer data center equipment, but does not include any of the 7069
following: 7070

(a) Project costs paid before a date determined by the tax 7071
credit authority for each capital investment project; 7072

(b) Payments made to a related member as defined in section 7073
5733.042 of the Revised Code or to a consolidated elected taxpayer 7074
or a combined taxpayer as defined in section 5751.01 of the 7075
Revised Code. 7076

(2) "Computer data center" means a facility used or to be 7077
used primarily to house computer data center equipment used or to 7078
be used in conducting a one or more computer data center ~~business~~ 7079
businesses, as determined by the tax credit authority. 7080

(3) "Computer data center business" means, as may be further 7081
determined by the tax credit authority, a business that provides 7082
electronic information services as defined in division (Y)(1)(c) 7083
of section 5739.01 of the Revised Code, or that leases a facility 7084
to one or more such businesses. "Computer data center business" 7085
does not include providing electronic publishing as defined in 7086
division (LLL) of that section. 7087

(4) "Computer data center equipment" means tangible personal 7088
property used or to be used for any of the following: 7089

(a) To conduct a computer data center business, including 7090
equipment cooling systems to manage the performance of computer 7091
data center equipment; 7092

(b) To generate, transform, transmit, distribute, or manage 7093
electricity necessary to operate the tangible personal property 7094

used or to be used in conducting a computer data center business; 7095

(c) As building and construction materials sold to 7096
construction contractors for incorporation into a computer data 7097
center. 7098

(5) "Eligible computer data center" means a computer data 7099
center that satisfies all of the following requirements: 7100

(a) ~~The taxpayer~~ One or more taxpayers operating a computer 7101
data center business at the project site will, in the aggregate, 7102
make payments for a capital investment project of at least one 7103
hundred million dollars ~~in the aggregate~~ at the project site 7104
during a period of three consecutive calendar years; 7105

(b) ~~The taxpayer~~ One or more taxpayers operating a computer 7106
data center business at the project site will, in the aggregate, 7107
pay annual compensation that is subject to the withholding 7108
obligation imposed under section 5747.06 of the Revised Code of at 7109
least ~~five~~ one million five hundred thousand dollars to employees 7110
employed at the project site for ~~the term of the agreement~~ each 7111
year of the agreement beginning on or after the first day of the 7112
twenty-fifth month after the agreement was entered into under this 7113
section. 7114

(6) "Person" has the same meaning as in section 5701.01 of 7115
the Revised Code. 7116

(7) "Project site," "related member," and "tax credit 7117
authority" have the same meanings as in sections 122.17 and 7118
122.171 of the Revised Code. 7119

(8) "Taxpayer" means any person subject to the taxes imposed 7120
under Chapters 5739. and 5741. of the Revised Code. 7121

(B) The tax credit authority may completely or partially 7122
exempt from the taxes levied under Chapters 5739. and 5741. of the 7123
Revised Code the sale, storage, use, or other consumption of 7124

computer data center equipment used or to be used at an eligible 7125
computer data center. Any such exemption shall extend to charges 7126
for the delivery, installation, or repair of the computer data 7127
center equipment subject to the exemption under this section. 7128

(C) A taxpayer that proposes a capital improvement project 7129
for an eligible computer data center in this state may apply to 7130
the tax credit authority to enter into an agreement under this 7131
section ~~for~~ authorizing a complete or partial exemption from the 7132
taxes imposed under Chapters 5739. and 5741. of the Revised Code 7133
on computer data center equipment purchased by the applicant or 7134
any other taxpayer that operates a computer data center business 7135
at the project site and used or to be used at the eligible 7136
computer data center. The director of development services shall 7137
prescribe the form of the application. After receipt of an 7138
application, the authority shall forward copies of the application 7139
to the director of budget and management, the tax commissioner, 7140
and the director of development services, each of whom shall 7141
review the application to determine the economic impact that the 7142
proposed eligible computer data center would have on the state and 7143
any affected political subdivisions and submit to the authority a 7144
summary of their determinations and recommendations. 7145

(D) Upon review and consideration of such determinations and 7146
recommendations, the tax credit authority may enter into an 7147
agreement with the applicant and any other taxpayer that operates 7148
a computer data center business at the project site for a complete 7149
or partial exemption from the taxes imposed under Chapters 5739. 7150
and 5741. of the Revised Code on computer data center equipment 7151
used or to be used at an eligible computer data center if the 7152
authority determines all of the following: 7153

(1) The ~~taxpayer's~~ capital investment project for the 7154
eligible computer data center will increase payroll and the amount 7155
of income taxes to be withheld from employee compensation pursuant 7156

to section 5747.06 of the Revised Code. 7157

(2) The ~~taxpayer~~ applicant is economically sound and has the 7158
ability to complete or effect the completion of the proposed 7159
capital investment project. 7160

(3) The ~~taxpayer~~ applicant intends to and has the ability to 7161
maintain operations at the project site for the term of the 7162
agreement. 7163

(4) Receiving the exemption is a major factor in the 7164
~~taxpayer's~~ applicant's decision to begin, continue with, or 7165
complete the capital investment project. 7166

(E) An agreement entered into under this section shall 7167
include all of the following: 7168

(1) A detailed description of the capital investment project 7169
that is the subject of the agreement, including the amount of the 7170
investment, the period over which the investment has been or is 7171
being made, the annual compensation to be paid by ~~the~~ each 7172
taxpayer subject to the agreement to its employees at the project 7173
site, and the anticipated amount of income taxes to be withheld 7174
from employee compensation pursuant to section 5747.06 of the 7175
Revised Code. 7176

(2) The percentage of the exemption from the taxes imposed 7177
under Chapters 5739. and 5741. of the Revised Code for the 7178
computer data center equipment used or to be used at the eligible 7179
computer data center, the length of time the computer data center 7180
equipment will be exempted, and the first date on which the 7181
exemption applies. 7182

(3) A requirement that ~~the taxpayer maintain~~ the computer 7183
data center ~~as~~ remain an eligible computer data center during the 7184
term of the agreement and that the ~~taxpayer~~ applicant maintain 7185
operations at the eligible computer data center during that term. 7186
An applicant does not violate the requirement described in 7187

division (E)(3) of this section if the applicant ceases operations 7188
at the eligible computer data center during the term of the 7189
agreement but resumes those operations within eighteen months 7190
after the date of cessation. The agreement shall provide that, in 7191
such a case, the applicant and any other taxpayer that operates a 7192
computer data center business at the project site shall not claim 7193
the tax exemption authorized in the agreement for any purchase of 7194
computer data center equipment made during the period in which the 7195
applicant did not maintain operations at the eligible computer 7196
data center. 7197

(4) A requirement that during, for each year of the term of 7198
the agreement ~~the taxpayer~~ beginning on or after the first day of 7199
the twenty-fifth month after the date the agreement was entered 7200
into, one or more taxpayers operating a computer data center 7201
business at the project site will, in the aggregate, pay annual 7202
compensation that is subject to the withholding obligation imposed 7203
under section 5747.06 of the Revised Code of at least ~~five~~ one 7204
million five hundred thousand dollars to ~~its~~ employees at the 7205
eligible computer data center. 7206

(5) A requirement that the each taxpayer subject to the 7207
agreement annually report to the director of development services 7208
employment, tax withholding, capital investment, and other 7209
information required by the director to perform the director's 7210
duties under this section. 7211

(6) A requirement that the director of development services 7212
annually review the annual reports of the each taxpayer subject to 7213
the agreement to verify the information reported under division 7214
(E)(5) of this section and compliance with the agreement. Upon 7215
verification, the director shall issue a certificate to the each 7216
such taxpayer stating that the information has been verified and 7217
that the taxpayer remains eligible for the exemption specified in 7218
the agreement. 7219

(7) A provision providing that the ~~taxpayer~~ taxpayers subject to the agreement may not relocate a substantial number of employment positions from elsewhere in this state to the project site unless the director of development services determines that the appropriate taxpayer notified the legislative authority of the county, township, or municipal corporation from which the employment positions would be relocated. For purposes of this paragraph, the movement of an employment position from one political subdivision to another political subdivision shall be considered a relocation of an employment position unless the movement is confined to the project site. The transfer of an employment position from one political subdivision to another political subdivision shall not be considered a relocation of an employment position if the employment position in the first political subdivision is replaced by another employment position.

(8) A waiver by ~~the~~ each taxpayer subject to the agreement of any limitations periods relating to assessments or adjustments resulting from the taxpayer's failure to comply with the agreement.

(F) The term of an agreement under this section shall be determined by the tax credit authority, and the amount of the exemption shall not exceed one hundred per cent of such taxes that would otherwise be owed in respect to the exempted computer data center equipment.

(G) If a any taxpayer subject to an agreement under this section fails to meet or comply with any condition or requirement set forth in ~~an~~ the agreement under this section, the tax credit authority may amend the agreement to reduce the percentage of the exemption or term during which the exemption applies to the computer data center equipment used or to be used by the noncompliant taxpayer at an eligible computer data center. The reduction of the percentage or term may take effect in the current

calendar year. 7252

(H) Financial statements and other information submitted to 7253
the department of development services or the tax credit authority 7254
by an applicant for or recipient of an exemption under this 7255
section, and any information taken for any purpose from such 7256
statements or information, are not public records subject to 7257
section 149.43 of the Revised Code. However, the chairperson of 7258
the authority may make use of the statements and other information 7259
for purposes of issuing public reports or in connection with court 7260
proceedings concerning tax exemption agreements under this 7261
section. Upon the request of the tax commissioner, the chairperson 7262
of the authority shall provide to the tax commissioner any 7263
statement or other information submitted by an applicant for or 7264
recipient of an exemption under this section. The tax commissioner 7265
shall preserve the confidentiality of the statement or other 7266
information. 7267

(I) The tax commissioner shall issue a direct payment permit 7268
under section 5739.031 of the Revised Code to a each taxpayer ~~that~~ 7269
~~enters into~~ subject to an agreement under this section. Such 7270
direct payment permit shall authorize the taxpayer to pay any 7271
sales and use taxes due on purchases of computer data center 7272
equipment used or to be used in an eligible computer data center 7273
and to pay any sales and use taxes due on purchases of tangible 7274
personal property or taxable services other than computer data 7275
center equipment used or to be used in an eligible computer data 7276
center directly to the tax commissioner. Each such taxpayer shall 7277
pay pursuant to such direct payment permit all sales tax levied on 7278
such purchases under sections 5739.02, 5739.021, 5739.023, and 7279
5739.026 of the Revised Code and all use tax levied on such 7280
purchases under sections 5741.02, 5741.021, 5741.022, and 5741.023 7281
of the Revised Code, consistent with the terms of the agreement 7282
entered into under this section. 7283

During the term of an agreement under this section ~~the~~ each 7284
taxpayer subject to the agreement shall submit to the tax 7285
commissioner a return that shows the amount of computer data 7286
center equipment purchased for use at the eligible computer data 7287
center, the amount of tangible personal property and taxable 7288
services other than computer data center equipment purchased for 7289
use at the eligible computer data center, the amount of tax under 7290
Chapter 5739. or 5741. of the Revised Code that would be due in 7291
the absence of the agreement under this section, the exemption 7292
percentage for computer data center equipment specified in the 7293
agreement, and the amount of tax due under Chapter 5739. or 5741. 7294
of the Revised Code as a result of the agreement under this 7295
section. ~~The~~ Each such taxpayer shall pay the tax shown on the 7296
return to be due in the manner and at the times as may be further 7297
prescribed by the tax commissioner. ~~The~~ Each such taxpayer shall 7298
include a copy of the director of development services' 7299
certificate of verification issued under division (E)(6) of this 7300
section. Failure to submit a copy of the certificate with the 7301
return does not invalidate the claim for exemption if the taxpayer 7302
submits a copy of the certificate to the tax commissioner within 7303
sixty days after the tax commissioner requests it. 7304

(J) If the director of development services determines that a 7305
~~taxpayer that~~ one or more taxpayers received an exemption ~~under~~ 7306
~~this section is not complying~~ from taxes due on the purchase of 7307
computer data center equipment purchased for use at a computer 7308
data center that no longer complies with the requirement under 7309
division (E)(3) of this section, the director shall notify the tax 7310
credit authority and, if applicable, the taxpayer that applied to 7311
enter the agreement for the exemption under division (C) if this 7312
section of the noncompliance. After receiving such a notice, and 7313
after giving ~~the~~ each taxpayer subject to the agreement an 7314
opportunity to explain the noncompliance, the authority may 7315
terminate the agreement and require ~~the~~ each such taxpayer to pay 7316

to the state all or a portion of the taxes that would have been 7317
owed in regards to the exempt equipment in previous years, all as 7318
determined under rules adopted pursuant to division (K) of this 7319
section. In determining the portion of the taxes that would have 7320
been owed on the previously exempted equipment to be paid to this 7321
state by ~~the~~ a taxpayer, the authority shall consider the effect 7322
of market conditions on the ~~taxpayer's~~ eligible computer data 7323
center ~~and,~~ whether the taxpayer continues to maintain other 7324
operations in this state, and, with respect to agreements 7325
involving multiple taxpayers, the taxpayer's level of 7326
responsibility for the noncompliance. After making the 7327
determination, the authority shall certify to the tax commissioner 7328
the amount to be paid by ~~the~~ each taxpayer subject to the 7329
agreement. The tax commissioner shall make an assessment for that 7330
amount against ~~the~~ each such taxpayer under Chapter 5739. or 5741. 7331
of the Revised Code. The time limitations on assessments under 7332
those chapters do not apply to an assessment under this division, 7333
but the tax commissioner shall make the assessment within one year 7334
after the date the authority certifies to the tax commissioner the 7335
amount to be paid by the taxpayer. 7336

(K) The director of development services, after consultation 7337
with the tax commissioner and in accordance with Chapter 119. of 7338
the Revised Code, shall adopt rules necessary to implement this 7339
section. The rules may provide for recipients of tax exemptions 7340
under this section to be charged fees to cover administrative 7341
costs incurred in the administration of this section. The fees 7342
collected shall be credited to the business assistance fund 7343
created in section 122.174 of the Revised Code. At the time the 7344
director gives public notice under division (A) of section 119.03 7345
of the Revised Code of the adoption of the rules, the director 7346
shall submit copies of the proposed rules to the chairpersons of 7347
the standing committees on economic development in the senate and 7348
the house of representatives. 7349

(L) On or before the first day of August of each year, the 7350
director of development services shall submit a report to the 7351
governor, the president of the senate, and the speaker of the 7352
house of representatives on the tax exemption authorized under 7353
this section. The report shall include information on the number 7354
of agreements that were entered into under this section during the 7355
preceding calendar year, a description of the eligible computer 7356
data center that is the subject of each such agreement, and an 7357
update on the status of eligible computer data centers under 7358
agreements entered into before the preceding calendar year. 7359

(M) A taxpayer may be made a party to an existing agreement 7360
entered into under this section by the tax credit authority and 7361
another taxpayer or group of taxpayers. In such a case, the 7362
taxpayer shall be entitled to all benefits and bound by all 7363
obligations contained in the agreement and all requirements 7364
described in this section. When an agreement includes multiple 7365
taxpayers, each taxpayer shall be entitled to a direct payment 7366
permit as authorized in division (I) of this section. 7367

Sec. 122.28. As used in sections 122.28 and 122.30 to 122.36 7368
of the Revised Code: 7369

(A) "New technology" means the development through science or 7370
research of methods, processes, and procedures, including but not 7371
limited to those involving the processing and utilization of coal, 7372
for practical application in industrial or agribusiness 7373
situations. 7374

(B) "Industrial research" means study and investigation in 7375
giving new shapes, new qualities or new combinations to matter or 7376
material products by the application of labor thereto or the 7377
rehabilitation of an existing matter or material product. 7378

(C) "Enterprise" means a business with its principal place of 7379
business in this state or which proposes to be engaged in this 7380

state in research and development or in the provision of products 7381
or services involving a significant amount of new technology. 7382

(D) "Educational institutions" means nonprofit public and 7383
private colleges and universities, incorporated or unincorporated, 7384
in the state. 7385

(E) "Small business" means an enterprise with less than four 7386
hundred employees, including corporations, partnerships, 7387
unincorporated entities, proprietorships, and joint enterprises. 7388

(F) "Applied research" means the application of basic 7389
research for the development of new technology. 7390

Sec. 122.30. The ~~industrial technology and enterprise~~ 7391
~~advisory council and the~~ director of development are services is 7392
vested with the powers and duties provided in sections 122.28 and 7393
122.30 to 122.36 of the Revised Code, to promote the welfare of 7394
the people of the state through the interaction of the business 7395
and industrial community and educational institutions in the 7396
development of new technology and enterprise. 7397

(A) It is necessary for the state to establish the ~~industrial~~ 7398
~~technology and enterprise advisory council and the~~ programs 7399
created pursuant to sections 122.28 and 122.30 to 122.36 of the 7400
Revised Code to accomplish the following purposes which are 7401
determined to be essential: 7402

(1) Improve the existing industrial and agricultural base of 7403
the state; 7404

(2) Improve the economy of the state by providing employment, 7405
increasing productivity, and slowing the rate of inflation; 7406

(3) Develop markets worldwide for the products of the state's 7407
natural resources and agricultural and manufacturing industries; 7408

(4) Maintain a high standard of living for the people of the 7409
state. 7410

(B) ~~The industrial technology and enterprise advisory council shall do all of the following:~~ 7411
7412

~~(1) Make recommendations to the director of development as to applications for assistance pursuant to sections 122.28 to 122.36 of the Revised Code. The council may revise its recommendations to reflect any changes in the proposed assistance made by the director.~~ 7413
7414
7415
7416
7417

~~(2) Advise the director in the administration of sections 122.28 to 122.36 of the Revised Code;~~ 7418
7419

~~(3) Adopt bylaws to govern the conduct of the council's business.~~ 7420
7421

(C) ~~The director of development shall do all of the following:~~ 7422
7423

(1) Receive applications for assistance under sections 122.28 and 122.30 to 122.36 of the Revised Code ~~and, after processing, forward them to the council together with necessary supporting information;~~ 7424
7425
7426
7427

(2) ~~Receive the recommendations of the council and make~~ Make 7428
~~a final~~ determination whether to approve the application for 7429
assistance; 7430

(3) Transmit determinations to approve assistance exceeding forty thousand dollars to the controlling board, together with any information the controlling board requires, for the board's review and decision as to whether to approve the assistance; 7431
7432
7433
7434

(4) Gather and disseminate information and conduct hearings, conferences, seminars, investigations, and special studies on problems and programs concerning industrial research and new technology and their commercial applications in the state; 7435
7436
7437
7438

(5) Establish an annual program to recognize the accomplishments and contributions of individuals and organizations 7439
7440

in the development of industrial research and new technology in 7441
the state; 7442

(6) Stimulate both public and industrial awareness and 7443
interest in industrial research and development of new technology 7444
primarily in the areas of industrial processes, implementation, 7445
energy, agribusiness, medical technology, avionics, and food 7446
processing; 7447

(7) Develop and implement comprehensive and coordinated 7448
policies, programs, and procedures promoting industrial research 7449
and new technology; 7450

(8) Propose appropriate legislation or executive actions to 7451
stimulate the development of industrial research and new 7452
technology by enterprises and individuals; 7453

(9) Encourage and facilitate contracts between industry, 7454
agriculture, educational institutions, federal agencies, and state 7455
agencies, with special emphasis on industrial research and new 7456
technology by small businesses and agribusiness; 7457

(10) Participate with any state agency in developing specific 7458
programs and goals to assist in the development of industrial 7459
research and new technology and monitor performance; 7460

(11) Assist enterprises in obtaining alternative forms of 7461
governmental or commercial financing for industrial research and 7462
new technology; 7463

(12) Assist enterprises or individuals in the implementation 7464
of new programs and policies and the expansion of existing 7465
programs to provide an atmosphere conducive to increased 7466
cooperation among and participation by individuals, enterprises, 7467
and educational institutions engaged in industrial research and 7468
the development of new technology; 7469

(13) Advertise, prepare, print, and distribute books, maps, 7470

pamphlets, and other information ~~which in the judgment of the~~ 7471
~~director will further its purposes;~~ 7472

(14) Include in the director's annual report to the governor 7473
and the general assembly a report on the activities for the 7474
preceding calendar year under sections 122.28 and 122.30 to 122.36 7475
of the Revised Code; 7476

(15) Approve the expenditure of money appropriated by the 7477
general assembly for the purpose of sections 122.28 and 122.30 to 7478
122.36 of the Revised Code; 7479

(16) Identify and implement federal research and development 7480
programs which would link Ohio's industrial base, research 7481
facilities, and natural resources; 7482

(17) Employ and fix the compensation of technical and 7483
professional personnel, who shall be in the unclassified civil 7484
service, and employ other personnel, who shall be in the 7485
classified civil service, as necessary to carry out the provisions 7486
of sections 122.28 and 122.30 to 122.36 of the Revised Code. 7487

Sec. 122.31. All expenses and obligations incurred by the 7488
director of development ~~and the industrial technology and~~ 7489
~~enterprise advisory council services~~ in carrying out ~~their~~ the 7490
director's powers and ~~in exercising their~~ duties under sections 7491
122.28 and 122.30 to 122.36 of the Revised Code, are payable from 7492
revenues or other receipts or income from grants, gifts, 7493
contributions, compensation, reimbursement, and funds established 7494
in accordance with those sections or general revenue funds 7495
appropriated by the general assembly for operating expenses of the 7496
director ~~or council~~. 7497

Sec. 122.32. The director of development services, on behalf 7498
of the programs authorized pursuant to sections 122.28 and 122.30 7499
to 122.36 of the Revised Code, may receive and accept grants, 7500

gifts, and contributions of money, property, labor, and other 7501
things of value to be held, used, and applied only for the purpose 7502
for which the grants, gifts, and contributions are made, from 7503
individuals, private and public corporations, from the United 7504
States or any agency of the United States, and from any political 7505
subdivision of the state. The director may agree to repay any 7506
contribution of money or to return any property contributed or its 7507
value at times, in amounts, and on terms and conditions excluding 7508
the payment of interest as the director determines at the time the 7509
contribution is made. The director may evidence the obligation by 7510
written contracts, subject to section 122.31 of the Revised Code, 7511
provided that the director shall not thereby incur indebtedness of 7512
or impose liability upon the state or any political subdivision. 7513

Sec. 122.33. The director of development services shall 7514
administer the following programs: 7515

(A) The industrial technology and enterprise development 7516
grant program, to provide capital to acquire, construct, enlarge, 7517
improve, or equip and to sell, lease, exchange, and otherwise 7518
dispose of property, structures, equipment, and facilities within 7519
the state. 7520

Such funding may be made to enterprises that propose to 7521
develop new products or technologies when the director finds all 7522
of the following factors to be present: 7523

(1) The undertaking will benefit the people of the state by 7524
creating or preserving jobs and employment opportunities or 7525
improving the economic welfare of the people of the state, and 7526
promoting the development of new technology. 7527

(2) There is reasonable assurance that the potential 7528
royalties to be derived from the sale of the product or process 7529
described in the proposal will be sufficient to repay the funding 7530
pursuant to sections 122.28 and 122.30 to 122.36 of the Revised 7531

Code and that, in making the agreement, as it relates to patents, 7532
copyrights, and other ownership rights, there is reasonable 7533
assurance that the resulting new technology will be utilized to 7534
the maximum extent possible in facilities located in Ohio. 7535

(3) The technology and research to be undertaken will allow 7536
enterprises to compete more effectively in the marketplace. Grants 7537
of capital may be in such form and conditioned upon such terms as 7538
the ~~board~~ director deems appropriate. 7539

(B) The industrial technology and enterprise resources 7540
program to provide for the collection, dissemination, and exchange 7541
of information regarding equipment, facilities, and business 7542
planning consultation resources available in business, industry, 7543
and educational institutions and to establish methods by which 7544
small businesses may use available facilities and resources. The 7545
methods may include, but need not be limited to, leases 7546
reimbursing the educational institutions for their actual costs 7547
incurred in maintaining the facilities and agreements assigning 7548
royalties from development of successful products or processes 7549
through the use of the facilities and resources. The director 7550
shall operate this program in conjunction with the board of 7551
regents. 7552

(C) The Thomas Alva Edison grant program to provide grants to 7553
foster research, development, or technology transfer efforts 7554
involving enterprises and educational institutions that will lead 7555
to the creation of jobs. The director may utilize the Edison 7556
center network in carrying out the goals and objectives of this 7557
program. For the purposes of this division, "Edison center 7558
network" means the six cooperative research and development 7559
facilities in this state that receive funding under this division, 7560
are nonprofit organizations, have been in existence at least 7561
eighteen years as of the effective date of this amendment, and 7562
have experience in delivering manufacturing extension partnership 7563

program services to companies in this state. 7564

(1) Grants may be made to a nonprofit organization or a 7565
public or private educational institution, department, college, 7566
institute, faculty member, or other administrative subdivision or 7567
related entity of an educational institution when the director 7568
finds that the undertaking will benefit the people of the state by 7569
supporting research in advanced technology areas likely to improve 7570
the economic welfare of the people of the state through promoting 7571
the development of new commercial technology. 7572

(2) Grants may be made in a form and conditioned upon terms 7573
as the director considers appropriate. 7574

(3) Grants made under this program shall in all instances be 7575
in conjunction with a contribution to the project by a cooperating 7576
enterprise which maintains or proposes to maintain a relevant 7577
research, development, or manufacturing facility in the state, by 7578
a nonprofit organization, or by an educational institution or 7579
related entity; however, funding provided by an educational 7580
institution or related entity shall not be from general revenue 7581
funds appropriated by the Ohio general assembly. No grant made 7582
under this program shall exceed the contribution made by the 7583
cooperating enterprise, nonprofit organization, or educational 7584
institution or related entity. The director may consider 7585
cooperating contributions in the form of state of the art new 7586
equipment or in other forms provided the director determines that 7587
the contribution is essential to the successful implementation of 7588
the project. The director may adopt rules or guidelines for the 7589
valuation of contributions of equipment or other property. 7590

(4) The director may determine fields of research from which 7591
grant applications will be accepted under this program. 7592

Sec. 122.34. The exercise of the powers granted by sections 7593
122.28 and 122.30 to 122.36 of the Revised Code will be in all 7594

respects for the benefit of the people of the state, for the 7595
improvement of commerce and prosperity, improvement of employment 7596
conditions, and will constitute the performance of essential 7597
governmental functions. 7598

Sec. 122.35. All moneys received under sections 122.28 and 7599
122.30 to 122.36 of the Revised Code are trust funds to be held 7600
and applied solely as provided in those sections and section 7601
166.03 of the Revised Code. All moneys, except when deposited with 7602
the treasurer of the state, shall be kept and secured in 7603
depositories as selected by the director of development services 7604
in the manner provided in sections 135.01 to 135.21 of the Revised 7605
Code, insofar as those sections are applicable. All moneys held by 7606
the director in trust to carry out the purposes of sections 122.28 7607
and 122.30 to 122.36 of the Revised Code shall be used as provided 7608
in sections 122.28 and 122.30 to 122.36 of the Revised Code and at 7609
no time be part of other public funds. 7610

Sec. 122.36. Any materials or data submitted to, made 7611
available to, or received by the director of development, ~~the~~ 7612
~~industrial technology and enterprise advisory council,~~ services or 7613
the controlling board, to the extent that the material or data 7614
consist of trade secrets, as defined in section 1333.61 of the 7615
Revised Code, or commercial or financial information, regarding 7616
projects are not public records for the purposes of section 149.43 7617
of the Revised Code. 7618

Sec. 122.58. Moneys in the funds established pursuant to 7619
Chapter 122. of the Revised Code, except as otherwise provided in 7620
any proceedings authorizing revenue bonds or in any trust 7621
agreement securing such bonds, in excess of current needs, may be 7622
invested in notes, bonds, or other obligations which are direct 7623
obligations of or are guaranteed by the United States, in 7624

certificates of deposit or other withdrawable accounts of banks, 7625
trust companies, and building and loan or savings and loan 7626
associations organized under the laws of the state or the United 7627
States, or in the manner provided in any agreement entered into 7628
pursuant to section 169.05 of the Revised Code. 7629

Income from all such investments of moneys in any fund shall 7630
be credited to such funds as the director of development 7631
determines subject to the provisions of any bond issuance 7632
proceedings or trust agreement, and such investments may be sold 7633
at such time as the director shall determine, provided 7634
certificates of deposit or other withdrawable accounts may be sold 7635
only in accordance with division (B) of section 169.05 or 7636
divisions ~~(D)~~ and (E) and (F) of section 169.08 of the Revised 7637
Code. 7638

Sec. 122.657. For the purposes of sections 122.65 to 122.658 7639
of the Revised Code, the director of development shall establish 7640
policies and requirements regarding all of the following: 7641

(A) The form and content of applications for grants or loans 7642
from the clean Ohio revitalization fund under section 122.652 of 7643
the Revised Code. The policies and requirements shall require that 7644
each application include, at a minimum, all of the following: 7645

(1) The name, address, and telephone number of the applicant; 7646

(2) The legal description of the property for which the grant 7647
or loan is requested; 7648

(3) A summary description of the hazardous substances or 7649
petroleum present at the brownfield and a certified copy of the 7650
results of an assessment; 7651

(4) A detailed explanation of the proposed cleanup or 7652
remediation of the brownfield, including an identification of the 7653
applicable cleanup standards, and a detailed description of the 7654

proposed use of the brownfield after completion of the cleanup or
remediation; 7655
7656

(5) An estimate of the total cost to clean up or remediate 7657
the brownfield in order to comply with the applicable cleanup 7658
standards. The total cost shall include the cost of employing a 7659
certified professional under section 122.654 of the Revised Code. 7660

(6) A detailed explanation of the portion of the estimated 7661
total cost of the cleanup or remediation of the brownfield that 7662
the applicant proposes to provide as required under sections 7663
122.653 and 122.658 of the Revised Code and financial records 7664
supporting the proposal; 7665

(7) A certified copy of a resolution or ordinance approving 7666
the project that the applicant shall obtain from the board of 7667
township trustees of the township or the legislative authority of 7668
the municipal corporation in which the property is located, 7669
whichever is applicable; 7670

(8) A description of the estimated economic benefit that will 7671
result from a cleanup or remediation of the brownfield; 7672

(9) An application summary for purposes of review by an 7673
integrating committee or, if applicable, the executive committee 7674
of an integrating committee under division (B) of section 122.652 7675
of the Revised Code; 7676

(10) With respect to applications for loans, information 7677
demonstrating that the applicant will implement a financial 7678
management plan that includes, without limitation, provisions for 7679
the satisfactory repayment of the loan; 7680

(11) Any other provisions that the director determines should 7681
be included in an application. 7682

(B) Procedures for conducting public meetings and providing 7683
public notice under division (A) of section 122.652 of the Revised 7684

Code; 7685

(C) Criteria to be used by integrating committees or, if 7686
required under division (C) of section 122.652 of the Revised 7687
Code, executive committees of integrating committees when 7688
prioritizing projects under division (B) of section 122.652 of the 7689
Revised Code. The policies and requirements also shall establish 7690
procedures that integrating committees or, if required under 7691
division (C) of section 122.652 of the Revised Code, executive 7692
committees of integrating committees shall use in applying the 7693
criteria. 7694

(D) A selection process that provides for the prioritization 7695
of brownfield cleanup or remediation projects for which grant or 7696
loan applications are submitted under section 122.652 of the 7697
Revised Code. The policies and requirements shall require the 7698
selection process to give priority to projects in which the 7699
post-cleanup or remediation use will be for a combination of 7700
residential, commercial, or industrial purposes, which may include 7701
the conversion of a portion of a brownfield to a recreation, park, 7702
or natural area that is integrated with the residential, 7703
commercial, or industrial use of the brownfield after cleanup or 7704
remediation, or will incorporate projects that are funded by 7705
grants awarded under sections 164.20 to 164.27 of the Revised 7706
Code. The policies and requirements shall require the selection 7707
process to incorporate and emphasize all of the following factors: 7708

(1) The potential economic benefit that will result from the 7709
cleanup or remediation of a brownfield; 7710

(2) The potential environmental improvement that will result 7711
from the cleanup or remediation of a brownfield; 7712

(3) The amount and nature of the match provided by an 7713
applicant as required under sections 122.653 and 122.658 of the 7714
Revised Code; 7715

(4) Funding priorities recommended by integrating committees 7716
or, if required under division (C) of section 122.652 of the 7717
Revised Code, executive committees of integrating committees under 7718
division (B) of section 122.652 of the Revised Code; 7719

(5) The potential benefit to low-income communities, 7720
including minority communities, that will result from the cleanup 7721
or remediation of a brownfield; 7722

(6) Any other factors that the director considers 7723
appropriate. 7724

(E) The development of criteria that the director shall use 7725
when awarding grants under section 122.656 of the Revised Code. 7726
The criteria shall give priority to public health projects. In 7727
addition, the director, in consultation with the director of 7728
environmental protection, shall establish policies and 7729
requirements that require the criteria to include a public health 7730
project selection process that incorporates and emphasizes all of 7731
the following factors: 7732

(1) The potential environmental improvement that will result 7733
from the cleanup or remediation; 7734

(2) The ability of an applicant to access the property for 7735
purposes of the cleanup or remediation; 7736

(3) The name and qualifications of the cleanup or remediation 7737
contractor; 7738

(4) Any other factors that the director of development 7739
considers appropriate. 7740

The director of development may develop any other policies 7741
and requirements that the director determines are necessary for 7742
the administration of section 122.656 of the Revised Code. 7743

(F) The development of a brownfield cleanup and remediation 7744
oversight program to ensure compliance with sections 122.65 to 7745

122.658 of the Revised Code and policies and requirements 7746
established under this section. The policies and requirements 7747
shall require the program to include, at a minimum, both of the 7748
following: 7749

(1) Procedures for the accounting of invoices and receipts 7750
and any other documents that are necessary to demonstrate that a 7751
cleanup or remediation was properly performed; 7752

(2) Procedures that are necessary to provide a detailed 7753
explanation of the status of the property five years after the 7754
completed cleanup or remediation. 7755

(G) A delineation of what constitutes administrative costs 7756
for purposes of divisions (D) and (F) of section 122.658 of the 7757
Revised Code; 7758

(H) Procedures and requirements for making loans and loan 7759
agreements that include at least all of the following: 7760

(1) Not more than fifteen per cent of moneys annually 7761
allocated to the clean Ohio revitalization fund shall be used for 7762
loans. 7763

(2) The loans shall be made at or below market rates of 7764
interest, including, without limitation, interest-free loans. 7765

(3) The recipient of a loan shall identify a source of 7766
security and a source of repayment of the loan. 7767

~~(4) All payments of principal and interest on a loan shall be 7768
deposited in the state treasury and credited to the clean Ohio 7769
revitalization revolving loan fund. 7770~~

~~(5) The clean Ohio council may accept notes and other forms 7771
of obligation to evidence indebtedness, accept mortgages, liens, 7772
pledges, assignments, and other security interests to secure such 7773
indebtedness, and take any actions that are considered by the 7774
council to be appropriate to protect such security and safeguard 7775~~

against losses, including, without limitation, foreclosure and 7776
bidding on the purchase of property upon foreclosure or other 7777
sale. 7778

(I) Any other policies and requirements that the director 7779
determines are necessary for the administration of sections 122.65 7780
to 122.658 of the Revised Code. 7781

Sec. 122.658. (A) The clean Ohio revitalization fund is 7782
hereby created in the state treasury. The fund shall consist of 7783
moneys credited to it pursuant to section 151.40 of the Revised 7784
Code. Moneys in the fund shall be used to make grants or loans for 7785
projects that have been approved by the clean Ohio council in 7786
accordance with section 122.653 of the Revised Code, except that 7787
the council annually shall devote twenty per cent of the net 7788
proceeds of obligations deposited in the clean Ohio revitalization 7789
fund for the purposes of section 122.656 of the Revised Code. 7790

Moneys in the clean Ohio revitalization fund may be used to 7791
pay reasonable costs incurred by the department of development and 7792
the environmental protection agency in administering sections 7793
122.65 to 122.658 of the Revised Code. All investment earnings of 7794
the fund shall be credited to the fund. Investment earnings 7795
credited to the clean Ohio revitalization fund may be used to pay 7796
costs incurred by the department of development and the 7797
environmental protection agency pursuant to sections 122.65 to 7798
122.658 of the Revised Code. 7799

The department of development shall administer the clean Ohio 7800
revitalization fund in accordance with this section, policies and 7801
requirements established under section 122.657 of the Revised 7802
Code, and the terms of agreements entered into by the council 7803
under section 122.653 of the Revised Code. 7804

(B) Grants awarded and loans made under section 122.653 of 7805
the Revised Code shall provide not more than seventy-five per cent 7806

of the estimated total cost of a project. A grant or loan to any 7807
one project shall not exceed three million dollars. An applicant 7808
shall provide at least twenty-five per cent of the estimated total 7809
cost of a project. The applicant's share may consist of one or a 7810
combination of any of the following: 7811

(1) Payment of the cost of acquiring the property for the 7812
purposes of sections 122.65 to 122.658 of the Revised Code; 7813

(2) Payment of the reasonable cost of an assessment at the 7814
property; 7815

(3) The reasonable value, as determined by the council, of 7816
labor and materials that will be contributed by the applicant in 7817
performing the cleanup or remediation; 7818

(4) Moneys received by the applicant in any form for use in 7819
performing the cleanup or remediation; 7820

(5) Loans secured by the applicant for the purpose of the 7821
cleanup or remediation of the brownfield. 7822

Costs that were incurred more than two years prior to the 7823
submission of an application to the clean Ohio council for the 7824
acquisition of property, assessments, and labor and materials 7825
shall not be used as part of the applicant's matching share. 7826

(C) The department of development shall not make any payment 7827
to an applicant from the clean Ohio revitalization fund to pay 7828
costs of the applicant that were not included in an application 7829
for a grant or loan under section 122.653 of the Revised Code or 7830
that exceed the amount of the estimated total cost of the project 7831
included in the application. If, upon completion of a project, the 7832
costs of the project are less than the amounts included in the 7833
application, the amounts included in the application less the 7834
amounts of the actual costs of the project shall be credited to 7835
the clean Ohio revitalization fund. However, the amounts credited 7836
shall be equivalent in percentage to the percentage of the costs 7837

of the project that were to be funded by the grant or loan from 7838
the fund. 7839

(D) Grants awarded or loans made under section 122.653 of the 7840
Revised Code from the clean Ohio revitalization fund shall be used 7841
by an applicant only to pay the costs of the actual cleanup or 7842
remediation of a brownfield and shall not be used by an applicant 7843
to pay any administrative costs incurred by the applicant. Costs 7844
related to the use of a certified professional for purposes of 7845
section 122.654 of the Revised Code are not administrative costs 7846
and may be paid with moneys from grants awarded or loans made 7847
under section 122.653 of the Revised Code. 7848

(E) The portion of net proceeds of obligations devoted under 7849
division (A) of this section for the purposes of section 122.656 7850
of the Revised Code shall be used to make grants for assessments, 7851
cleanup or remediation of brownfields, and public health projects 7852
that have been approved by the director of development under that 7853
section. The department of development shall administer section 7854
122.656 of the Revised Code in accordance with this section, 7855
policies and requirements established under section 122.657 of the 7856
Revised Code, and the terms of agreements entered into by the 7857
director under section 122.656 of the Revised Code. The director 7858
shall not grant more than twenty-five million dollars for public 7859
health projects under section 122.656 of the Revised Code. 7860

(F) Grants awarded under section 122.656 of the Revised Code 7861
shall be used by an applicant only to pay the costs of actually 7862
conducting an assessment, a cleanup or remediation of a 7863
brownfield, or a public health project and shall not be used by an 7864
applicant to pay any administrative costs incurred by the 7865
applicant. Costs related to the use of a certified professional 7866
for purposes of section 122.654 of the Revised Code are not 7867
administrative costs and may be paid with moneys from grants 7868
awarded under section 122.656 of the Revised Code. 7869

~~(G)(1) The clean Ohio revitalization revolving loan fund is hereby created in the state treasury. Payments of principal and interest on loans made from the clean Ohio revitalization fund shall be credited to this revolving loan fund, as shall payments of principal and interest on loans made from the revolving loan fund itself. The revolving loan fund's investment earnings shall be credited to it.~~

~~(2) The clean Ohio revitalization revolving loan fund shall be used to make loans for the same purposes and subject to the same policies, requirements, criteria, and application procedures as loans made from the clean Ohio revitalization fund.~~

Sec. 122.66. As used in sections 122.66 to 122.702 of the Revised Code:

(A) "Poverty line" means the official poverty line established by the director of the United States office of management and budget and as revised by the ~~director~~ secretary of ~~the office of community health and human~~ services in accordance with section 673(2) of the "Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902.

(B) "Low-income person" means a person whose adjusted gross income as defined in division (A) of section 5747.01 of the Revised Code is below the poverty line as defined in division (A) of this section.

(C) "Advocacy" means the act of pleading for, supporting, or recommending actions on behalf of low-income persons.

(D) "Community action agency" means a community-based and operated private nonprofit agency or organization that includes or is designed to include a sufficient number of projects or components to provide a range of services and activities having a measurable and potentially major impact on the causes of poverty

in the community or those areas of the community where poverty is 7900
a particularly acute problem and is designated as a community 7901
action agency by the ~~office of~~ community services division 7902
pursuant to sections 122.68 and 122.69 of the Revised Code. 7903

(E) "Community" means a city, village, county, multicity or 7904
multicounty unit, a neighborhood or other area, disregarding 7905
boundaries or political subdivisions, which provides a suitable 7906
organizational base and possesses a commonality of needs and 7907
interests for a community action program suitable to be served by 7908
a community action agency. 7909

(F) "Service area" means the geographical area served by a 7910
community action agency. 7911

Sec. 122.67. There is hereby created in the ~~department of~~ 7912
development services agency the ~~office of~~ community services 7913
division. The director of development services shall employ and 7914
fix the compensation of professional and technical unclassified 7915
personnel as necessary to carry out the provisions of sections 7916
122.66 to 122.701 of the Revised Code. 7917

Sec. 122.68. The ~~office of~~ community services division shall: 7918
7919

(A) Administer all federal funds appropriated to the state 7920
from the "Community Services Block Grant Act," 95 Stat. 511, 42 7921
U.S.C.A. 9901, and comply with requirements imposed by that act in 7922
its application for, and administration of, the funds; 7923

(B) Designate community action agencies to receive community 7924
services block grant funds; 7925

(C) Disburse at least ninety-five per cent or such other 7926
higher maximum amount as may from time to time be designated by 7927
congress of the funds received in the state from the "Community 7928
Services Block Grant Act" to community action agencies that comply 7929

with the requirements of section 122.69 of the Revised Code and 7930
migrant and seasonal farm worker organizations that are not 7931
designated community action agencies but which provide the 7932
services described in division (B)(1) of section 122.69 of the 7933
Revised Code. 7934

(D) Provide technical assistance to community action agencies 7935
to improve program planning, development, and administration; 7936

(E) Conduct yearly performance assessments, according to 7937
criteria determined by ~~department of development~~ services agency 7938
rule, to determine whether community action agencies are in 7939
compliance with section 122.69 of the Revised Code; 7940

(F) Annually prepare and submit to the United States 7941
secretary of health and human services, the governor, the 7942
president of the Ohio senate, and the speaker of the Ohio house of 7943
representatives, a comprehensive report that includes: 7944

(1) Certification that all community action agencies 7945
designated to receive funds from the "Community Services Block 7946
Grant Act" are in compliance with section 122.69 of the Revised 7947
Code; 7948

(2) A program plan for the next federal fiscal year that has 7949
been made available for public inspection and that details how 7950
community services block grant funds will be disbursed and used 7951
during that fiscal year; 7952

(3) Information detailing how funds were expended for the 7953
current fiscal year; 7954

(4) An audit of community services block grant expenditures 7955
for the preceding federal fiscal year that is conducted in 7956
accordance with generally accepted accounting principles by an 7957
independent auditing firm that has no connection with any 7958
community action agency receiving community services block grant 7959
funds or with any employee of the ~~office~~ division. 7960

(G) Serve as a statewide advocate for social and economic 7961
opportunities for low-income persons. 7962

Sec. 122.681. (A) Except as permitted by this section, or 7963
when required by federal law, no person or government entity shall 7964
solicit, release, disclose, receive, use, or knowingly permit or 7965
participate in the use of any information regarding an individual 7966
receiving assistance pursuant to a community services division 7967
program under sections 122.66 to 122.702 of the Revised Code for 7968
any purpose not directly related to the administration of a 7969
division assistance program. 7970

(B) To the extent permitted by federal law, the division, and 7971
any entity that receives division funds to administer a division 7972
program to assist individuals, shall release information regarding 7973
an individual assistance recipient to the following: 7974

(1) A government entity responsible for administering the 7975
assistance program for purposes directly related to the 7976
administration of the program; 7977

(2) A law enforcement agency for the purpose of any 7978
investigation, prosecution, or criminal or civil proceeding 7979
relating to the administration of the assistance program; 7980

(3) A government entity responsible for administering a 7981
children's protective services program, for the purpose of 7982
protecting children. 7983

(C) To the extent permitted by federal law and section 7984
1347.08 of the Revised Code, the division, and any entity 7985
administering a division program, shall provide access to 7986
information regarding an individual assistance recipient to all of 7987
the following: 7988

(1) The individual assistance recipient; 7989

(2) The authorized representative of the individual 7990

<u>assistance recipient;</u>	7991
<u>(3) The legal guardian of the individual assistance recipient;</u>	7992
<u>recipient;</u>	7993
<u>(4) The attorney of the individual assistance recipient.</u>	7994
<u>(D) To the extent permitted by federal law, the division, and any entity administering a division program, may do either of the following:</u>	7995
<u>(1) Release information about an individual assistance recipient if the recipient gives voluntary, written authorization;</u>	7998
<u>recipient if the recipient gives voluntary, written authorization;</u>	7999
<u>(2) Release information regarding an individual assistance recipient to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need.</u>	8000
<u>recipient to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need.</u>	8001
<u>provides cash or in-kind assistance or services directly to individuals based on need.</u>	8002
<u>individuals based on need.</u>	8003
<u>(E) The community services division, or an entity administering a division program, shall provide, at no cost, a copy of each written authorization to the individual who signed it.</u>	8004
<u>administering a division program, shall provide, at no cost, a copy of each written authorization to the individual who signed it.</u>	8005
<u>copy of each written authorization to the individual who signed it.</u>	8006
<u>it.</u>	8007
<u>(F) The development services agency may adopt rules defining who may serve as an individual assistance recipient's authorized representative for purposes of division (C)(2) of this section.</u>	8008
<u>who may serve as an individual assistance recipient's authorized representative for purposes of division (C)(2) of this section.</u>	8009
<u>representative for purposes of division (C)(2) of this section.</u>	8010
Sec. 122.69. (A) Any nonprofit agency or organization seeking designation as a community action agency by the office of community services <u>division</u> shall obtain the endorsement of the chief elected officials of at least two-thirds of the municipal corporations and the counties within the community to be served by the agency or organization.	8011
designation as a community action agency by the office of community services <u>division</u> shall obtain the endorsement of the chief elected officials of at least two-thirds of the municipal corporations and the counties within the community to be served by the agency or organization.	8012
community services <u>division</u> shall obtain the endorsement of the chief elected officials of at least two-thirds of the municipal corporations and the counties within the community to be served by the agency or organization.	8013
chief elected officials of at least two-thirds of the municipal corporations and the counties within the community to be served by the agency or organization.	8014
the agency or organization.	8015
	8016
(B) Any nonprofit agency or organization that receives the endorsement provided for in division (A) of this section shall be designated by the office <u>division</u> as the community action agency for the community it serves and shall receive community services	8017
endorsement provided for in division (A) of this section shall be designated by the office <u>division</u> as the community action agency for the community it serves and shall receive community services	8018
designated by the office <u>division</u> as the community action agency for the community it serves and shall receive community services	8019
for the community it serves and shall receive community services	8020

block grant funds for any period of time that the nonprofit agency 8021
or organization: 8022

(1) Provides a range of services and opportunities having a 8023
measurable and potentially major impact on the causes of poverty 8024
in the community or those areas of the community where poverty is 8025
a particularly acute problem. These activities may include but 8026
shall not be limited to: 8027

(a) Providing activities designed to assist low-income 8028
persons, including elderly and handicapped low-income persons, to: 8029

(i) Secure and maintain meaningful employment, training, work 8030
experience, and unsubsidized employment; 8031

(ii) Attain an adequate education; 8032

(iii) Make better use of available income; 8033

(iv) Obtain and maintain adequate housing and a suitable 8034
living environment; 8035

(v) Obtain emergency assistance through loans or grants to 8036
meet immediate and urgent individual and family needs, including 8037
the need for health services, nutritious food, housing, and 8038
employment-related assistance; 8039

(vi) Remove obstacles and solve personal and family problems 8040
that block the achievement of self-sufficiency; 8041

(vii) Achieve greater participation in the affairs of the 8042
community; 8043

(viii) Undertake family planning, consistent with personal 8044
and family goals and religious and moral convictions; 8045

(ix) Obtain energy assistance, conservation, and 8046
weatherization services. 8047

(b) Providing, on an emergency basis, supplies and services, 8048
nutritious foodstuffs, and related services necessary to 8049

counteract conditions of starvation and malnutrition among 8050
low-income persons; 8051

(c) Coordinating and establishing links between government 8052
and other social services programs to assure the effective 8053
delivery of services to low-income individuals; 8054

(d) Providing child care services, nutrition and health 8055
services, transportation services, alcoholism and narcotic 8056
addiction prevention and rehabilitation services, youth 8057
development services, and community services to elderly and 8058
handicapped persons; 8059

(e) Encouraging entities in the private sector to participate 8060
in efforts to ameliorate poverty in the community. 8061

(2) Annually submits to the ~~office of community services~~ 8062
division a program plan and budget for use of community services 8063
block grant funds for the next federal fiscal year. At least ten 8064
days prior to its submission to the ~~office of community services~~ 8065
division, a copy of the program plan and budget shall be made 8066
available to the chief elected officials of the municipal 8067
corporations and counties within the service area in order to 8068
provide them the opportunity to review and comment upon such plan 8069
and budget. 8070

(3) Composes its board of directors in compliance with 8071
section (c)(3) of section 675 of ~~the~~ the "Community Services Block 8072
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9904, except that the board 8073
shall consist of not less than fifteen nor more than thirty-three 8074
members; 8075

(4) Complies with the prohibitions against discrimination and 8076
political activity, as provided in the "Community Services Block 8077
Grant Act"; 8078

(5) Complies with fiscal and program requirements established 8079
by ~~department of development~~ services agency rule. 8080

Sec. 122.70. The board of directors of a community action 8081
agency shall: 8082

(A) Select, appoint, and may remove the executive director of 8083
the community action agency; 8084

(B) Approve contracts, annual program budgets, and policies 8085
of the community action agency; 8086

(C) Advise the elected officials of any political subdivision 8087
located within its service area, and state and federal elected 8088
officials who represent its service area, of the nature and extent 8089
of poverty within its community, and advise them of any needed 8090
changes; 8091

(D) Convene public meetings to provide community members the 8092
opportunity to comment on public policies and programs to reduce 8093
poverty; 8094

(E) Annually evaluate the policies and programs of the 8095
community action agency according to criteria determined by 8096
~~department of development~~ services agency rule; 8097

(F) Submit the results of the evaluation required by division 8098
(E) of this section, along with recommendations for improved 8099
administration of the community action agency, to the ~~office of~~ 8100
community services division; 8101

(G) Adopt a code of ethics for the board of directors and the 8102
employees of the community action agency; 8103

(H) Adopt written policies describing all of the following: 8104

(1) How the community action agency is to expend and 8105
distribute the community services block grant funds that it 8106
receives from the ~~office of community services~~ division under 8107
sections 122.68 and 122.69 of the Revised Code; 8108

(2) The salary, benefits, travel expenses, and any other 8109

compensation that persons are to receive for serving on the 8110
community action agency's board of directors; 8111

(3) The operating procedures to be used by the board to 8112
conduct its meetings, to vote on all official business it 8113
considers, and to provide notice of its meetings. 8114

(I) Provide for the posting of notices in a conspicuous place 8115
indicating that the code of ethics described in division (G) of 8116
this section and the policies described in division (H) of this 8117
section are available for public inspection at the community 8118
action agency during normal business hours. 8119

Sec. 122.701. (A) Prior to designating a new community action 8120
agency or rescinding a community action agency's designation, the 8121
~~office of~~ community services division shall: 8122

(1) Determine whether a community action agency is in 8123
compliance with section 122.69 of the Revised Code; 8124

(2) Consult with the chief elected officials of political 8125
subdivisions located within a community action agency's service 8126
area, and, in designating a new community action agency, obtain 8127
their endorsement of the agency in accordance with division (A) of 8128
section 122.69 of the Revised Code; 8129

(3) Hold at least one public meeting within a community 8130
action agency's service area for the purpose of allowing citizens 8131
to comment on the community action agency's delivery of services; 8132

(4) Evaluate the proposed service area of the community 8133
action agency, and, as may be necessary, modify the boundaries of 8134
the service area so that low-income persons in the area are 8135
adequately and efficiently served. 8136

(B) After providing notice and hearing pursuant to sections 8137
119.01 to 119.13 of the Revised Code, the director of development 8138
services: 8139

(1) May rescind the designation of a community action agency 8140
~~if he finds~~ after finding that the agency is not in compliance 8141
with any or all of the provisions of section 122.69 of the Revised 8142
Code; 8143

(2) Shall rescind the designation of a community action 8144
agency upon notification from the chief elected officials of more 8145
than one-half of the municipal corporations and the counties 8146
within a community currently served by a community action agency 8147
that such agency is not endorsed by them and ~~upon a~~ after finding 8148
~~by him~~ that the agency is not in compliance with section 122.69 of 8149
the Revised Code. 8150

Any agency whose designation is rescinded pursuant to this 8151
section may appeal from an order rescinding such designation 8152
pursuant to section 119.12 of the Revised Code. 8153

Sec. 122.76. (A) The director of development services, with 8154
controlling board approval, may lend funds to minority business 8155
enterprises and to community improvement corporations, Ohio 8156
development corporations, minority contractors business assistance 8157
organizations, and minority business supplier development councils 8158
for the purpose of loaning funds to minority business enterprises 8159
~~and~~, for the purpose of procuring or improving real or personal 8160
property, or both, for the establishment, location, or expansion 8161
of industrial, distribution, commercial, or research facilities in 8162
the state, and for the purpose of contract financing, and to 8163
community development corporations that predominantly benefit 8164
minority business enterprises or are located in a census tract 8165
that has a population that is sixty per cent or more minority, if 8166
the director determines, in the director's sole discretion, that 8167
all of the following apply: 8168

(1) The project is economically sound and will benefit the 8169
people of the state by increasing opportunities for employment, by 8170

strengthening the economy of the state, or expanding minority
business enterprises. 8171
8172

(2) The proposed minority business enterprise borrower is 8173
unable to finance the proposed project through ordinary financial 8174
channels at comparable terms. 8175

(3) The value of the project is or, upon completion, will be 8176
at least equal to the total amount of the money expended in the 8177
procurement or improvement of the project. 8178

(4) The amount to be loaned by the director will not exceed 8179
seventy-five per cent of the total amount expended in the 8180
procurement or improvement of the project. 8181

(5) The amount to be loaned by the director will be 8182
adequately secured by a first or second mortgage upon the project 8183
or by mortgages, leases, liens, assignments, or pledges on or of 8184
other property or contracts as the director requires, and such 8185
mortgage will not be subordinate to any other liens or mortgages 8186
except the liens securing loans or investments made by financial 8187
institutions referred to in division (A)(3) of this section, and 8188
the liens securing loans previously made by any financial 8189
institution in connection with the procurement or expansion of all 8190
or part of a project. 8191

(B) Any proposed minority business enterprise borrower 8192
submitting an application for assistance under this section shall 8193
not have defaulted on a previous loan from the director, and no 8194
full or limited partner, major shareholder, or holder of an equity 8195
interest of the proposed minority business enterprise borrower 8196
shall have defaulted on a loan from the director. 8197

(C) The proposed minority business enterprise borrower shall 8198
demonstrate to the satisfaction of the director that it is able to 8199
successfully compete in the private sector if it obtains the 8200
necessary financial, technical, or managerial support and that 8201

support is available through the director, the minority business 8202
development office of the ~~department of~~ development services 8203
agency, or other identified and acceptable sources. In determining 8204
whether a minority business enterprise borrower will be able to 8205
successfully compete, the director may give consideration to such 8206
factors as the successful completion of or participation in 8207
courses of study, recognized by the board of regents as providing 8208
financial, technical, or managerial skills related to the 8209
operation of the business, by the economically disadvantaged 8210
individual, owner, or partner, and the prior success of the 8211
individual, owner, or partner in personal, career, or business 8212
activities, as well as to other factors identified by the 8213
director. 8214

(D) The director shall not lend funds for the purpose of 8215
procuring or improving motor vehicles or accounts receivable. 8216

Sec. 122.861. (A) As used in this section: 8217

(1) "Certified engine configuration" means a new, rebuilt, or 8218
remanufactured engine configuration that satisfies divisions 8219
(A)(1)(a) and (b) and, if applicable, division (A)(1)(c) of this 8220
section: 8221

(a) It has been certified by the administrator of the United 8222
States environmental protection agency or the California air 8223
resources board. 8224

(b) It meets or is rebuilt or remanufactured to a more 8225
stringent set of engine emission standards than when originally 8226
manufactured, as determined pursuant to Subtitle G of Title VII of 8227
the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 838, 8228
et seq. 8229

(c) In the case of a certified engine configuration involving 8230
the replacement of an existing engine, an engine configuration 8231

that replaced an engine that was removed from the vehicle and 8232
returned to the supplier for remanufacturing to a more stringent 8233
set of engine emissions standards or for scrappage. 8234

(2) "Section 793" means section 793 of the Energy Policy Act 8235
of 2005, Pub. L. No. 109-58, 119 Stat. 841, et seq. 8236

(3) "Verified technology" means a pollution control 8237
technology, including a retrofit technology, advanced truckstop 8238
electrification system, or auxiliary power unit, that has been 8239
verified by the administrator of the United States environmental 8240
protection agency or the California air resources board. 8241

(B) For the purpose of reducing emissions from diesel 8242
engines, the director of environmental protection shall administer 8243
a diesel emissions reduction grant program and a diesel emissions 8244
reduction revolving loan program. The programs shall provide for 8245
the implementation in this state of section 793 and shall 8246
otherwise be administered in compliance with the requirements of 8247
section 793, and any regulations issued pursuant to that section. 8248

The director shall apply to the administrator of the United 8249
States environmental protection agency for grant or loan funds 8250
available under section 793 to help fund the diesel emissions 8251
reduction grant program and the diesel emissions reduction 8252
revolving loan program. 8253

~~(C) There is hereby created in the state treasury the diesel 8254
emissions grant fund consisting of money appropriated to it by the 8255
general assembly, any grants obtained from the federal government 8256
under section 793, and any other grants, gifts, or other 8257
contributions of money made to the credit of the fund. Money in 8258
the fund shall be used for the purpose of making grants for 8259
projects relating to certified engine configurations and verified 8260
technologies in a manner consistent with the requirements of 8261
section 793 and any regulations issued under that section. 8262~~

~~Interest earned from moneys in the fund shall be used to 8263
administer the diesel emissions reduction grant program. 8264~~

~~(D) There is hereby created in the state treasury the diesel 8265
emissions reduction revolving loan fund consisting of money 8266
appropriated to it by the general assembly, any grants obtained 8267
from the federal government under section 793, and any other 8268
grants, gifts, or other contributions of money made to the credit 8269
of the fund. Money in the fund shall be used for the purpose of 8270
making loans for projects relating to certified engine 8271
configurations and verified technologies in a manner consistent 8272
with the requirements of section 793 and any regulations issued 8273
pursuant to that section. Interest earned from moneys in the fund 8274
shall be used to administer the diesel emissions reduction 8275
revolving loan program. 8276~~

Sec. 123.01. (A) The department of administrative services, 8277
in addition to those powers enumerated in Chapters 124. and 125. 8278
of the Revised Code and provided elsewhere by law, shall exercise 8279
the following powers: 8280

(1) To prepare and suggest comprehensive plans for the 8281
development of grounds and buildings under the control of a state 8282
agency; 8283

(2) To acquire, by purchase, gift, devise, lease, or grant, 8284
all real estate required by a state agency, in the exercise of 8285
which power the department may exercise the power of eminent 8286
domain, in the manner provided by sections 163.01 to 163.22 of the 8287
Revised Code; 8288

(3) To erect, supervise, and maintain all public monuments 8289
and memorials erected by the state, except where the supervision 8290
and maintenance is otherwise provided by law; 8291

(4) To procure, by lease, storage accommodations for a state 8292

agency;	8293
(5) To lease or grant easements or licenses for unproductive and unused lands or other property under the control of a state agency. Such leases, easements, or licenses may be granted to any person or entity, shall be for a period not to exceed fifteen years, and shall be executed for the state by the director of administrative services, provided that the director shall grant leases, easements, or licenses of university land for periods not to exceed twenty-five years for purposes approved by the respective university's board of trustees wherein the uses are compatible with the uses and needs of the university and may grant leases of university land for periods not to exceed forty years for purposes approved by the respective university's board of trustees pursuant to section 123.17 of the Revised Code.	8294 8295 8296 8297 8298 8299 8300 8301 8302 8303 8304 8305 8306
(6) To lease space for the use of a state agency;	8307
(7) To have general supervision and care of the storerooms, offices, and buildings leased for the use of a state agency;	8308 8309
(8) To exercise general custodial care of all real property of the state;	8310 8311
(9) To assign and group together state offices in any city in the state and to establish, in cooperation with the state agencies involved, rules governing space requirements for office or storage use;	8312 8313 8314 8315
(10) To lease for a period not to exceed forty years, pursuant to a contract providing for the construction thereof under a lease-purchase plan, buildings, structures, and other improvements for any public purpose, and, in conjunction therewith, to grant leases, easements, or licenses for lands under the control of a state agency for a period not to exceed forty years. The lease-purchase plan shall provide that at the end of the lease period, the buildings, structures, and related	8316 8317 8318 8319 8320 8321 8322 8323

improvements, together with the land on which they are situated, 8324
shall become the property of the state without cost. 8325

(a) Whenever any building, structure, or other improvement is 8326
to be so leased by a state agency, the department shall retain 8327
either basic plans, specifications, bills of materials, and 8328
estimates of cost with sufficient detail to afford bidders all 8329
needed information or, alternatively, all of the following plans, 8330
details, bills of materials, and specifications: 8331

(i) Full and accurate plans suitable for the use of mechanics 8332
and other builders in the improvement; 8333

(ii) Details to scale and full sized, so drawn and 8334
represented as to be easily understood; 8335

(iii) Accurate bills showing the exact quantity of different 8336
kinds of material necessary to the construction; 8337

(iv) Definite and complete specifications of the work to be 8338
performed, together with such directions as will enable a 8339
competent mechanic or other builder to carry them out and afford 8340
bidders all needed information; 8341

(v) A full and accurate estimate of each item of expense and 8342
of the aggregate cost thereof. 8343

(b) The department shall give public notice, in such 8344
newspaper, in such form, and with such phraseology as the director 8345
of administrative services prescribes, published once each week 8346
for four consecutive weeks, of the time when and place where bids 8347
will be received for entering into an agreement to lease to a 8348
state agency a building, structure, or other improvement. The last 8349
publication shall be at least eight days preceding the day for 8350
opening the bids. The bids shall contain the terms upon which the 8351
builder would propose to lease the building, structure, or other 8352
improvement to the state agency. The form of the bid approved by 8353
the department shall be used, and a bid is invalid and shall not 8354

be considered unless that form is used without change, alteration, 8355
or addition. Before submitting bids pursuant to this section, any 8356
builder shall comply with Chapter 153. of the Revised Code. 8357

(c) On the day and at the place named for receiving bids for 8358
entering into lease agreements with a state agency, the director 8359
of administrative services shall open the bids and shall publicly 8360
proceed immediately to tabulate the bids upon duplicate sheets. No 8361
lease agreement shall be entered into until the bureau of workers' 8362
compensation has certified that the person to be awarded the lease 8363
agreement has complied with Chapter 4123. of the Revised Code, 8364
until, if the builder submitting the lowest and best bid is a 8365
foreign corporation, the secretary of state has certified that the 8366
corporation is authorized to do business in this state, until, if 8367
the builder submitting the lowest and best bid is a person 8368
nonresident of this state, the person has filed with the secretary 8369
of state a power of attorney designating the secretary of state as 8370
its agent for the purpose of accepting service of summons in any 8371
action brought under Chapter 4123. of the Revised Code, and until 8372
the agreement is submitted to the attorney general and the 8373
attorney general's approval is certified thereon. Within thirty 8374
days after the day on which the bids are received, the department 8375
shall investigate the bids received and shall determine that the 8376
bureau and the secretary of state have made the certifications 8377
required by this section of the builder who has submitted the 8378
lowest and best bid. Within ten days of the completion of the 8379
investigation of the bids, the department shall award the lease 8380
agreement to the builder who has submitted the lowest and best bid 8381
and who has been certified by the bureau and secretary of state as 8382
required by this section. If bidding for the lease agreement has 8383
been conducted upon the basis of basic plans, specifications, 8384
bills of materials, and estimates of costs, upon the award to the 8385
builder the department, or the builder with the approval of the 8386
department, shall appoint an architect or engineer licensed in 8387

this state to prepare such further detailed plans, specifications, 8388
and bills of materials as are required to construct the building, 8389
structure, or improvement. The department shall adopt such rules 8390
as are necessary to give effect to this section. The department 8391
may reject any bid. Where there is reason to believe there is 8392
collusion or combination among bidders, the bids of those 8393
concerned therein shall be rejected. 8394

(11) To acquire by purchase, gift, devise, or grant and to 8395
transfer, lease, or otherwise dispose of all real property 8396
required to assist in the development of a conversion facility as 8397
defined in section 5709.30 of the Revised Code as that section 8398
existed before its repeal by Amended Substitute House Bill 95 of 8399
the 125th general assembly; 8400

(12) To lease for a period not to exceed forty years, 8401
notwithstanding any other division of this section, the 8402
state-owned property located at 408-450 East Town Street, 8403
Columbus, Ohio, formerly the state school for the deaf, to a 8404
developer in accordance with this section. "Developer," as used in 8405
this section, has the same meaning as in section 123.77 of the 8406
Revised Code. 8407

Such a lease shall be for the purpose of development of the 8408
land for use by senior citizens by constructing, altering, 8409
renovating, repairing, expanding, and improving the site as it 8410
existed on June 25, 1982. A developer desiring to lease the land 8411
shall prepare for submission to the department a plan for 8412
development. Plans shall include provisions for roads, sewers, 8413
water lines, waste disposal, water supply, and similar matters to 8414
meet the requirements of state and local laws. The plans shall 8415
also include provision for protection of the property by insurance 8416
or otherwise, and plans for financing the development, and shall 8417
set forth details of the developer's financial responsibility. 8418

The department may employ, as employees or consultants, 8419

persons needed to assist in reviewing the development plans. Those 8420
persons may include attorneys, financial experts, engineers, and 8421
other necessary experts. The department shall review the 8422
development plans and may enter into a lease if it finds all of 8423
the following: 8424

(a) The best interests of the state will be promoted by 8425
entering into a lease with the developer; 8426

(b) The development plans are satisfactory; 8427

(c) The developer has established the developer's financial 8428
responsibility and satisfactory plans for financing the 8429
development. 8430

The lease shall contain a provision that construction or 8431
renovation of the buildings, roads, structures, and other 8432
necessary facilities shall begin within one year after the date of 8433
the lease and shall proceed according to a schedule agreed to 8434
between the department and the developer or the lease will be 8435
terminated. The lease shall contain such conditions and 8436
stipulations as the director considers necessary to preserve the 8437
best interest of the state. Moneys received by the state pursuant 8438
to this lease shall be paid into the general revenue fund. The 8439
lease shall provide that at the end of the lease period the 8440
buildings, structures, and related improvements shall become the 8441
property of the state without cost. 8442

(13) To manage the use of space owned and controlled by the 8443
department, including space in property under the jurisdiction of 8444
the Ohio building authority, by doing all of the following: 8445

(a) Biennially implementing, by state agency location, a 8446
census of agency employees assigned space; 8447

(b) Periodically in the discretion of the director of 8448
administrative services: 8449

(i) Requiring each state agency to categorize the use of space allotted to the agency between office space, common areas, storage space, and other uses, and to report its findings to the department;

(ii) Creating and updating a master space utilization plan for all space allotted to state agencies. The plan shall incorporate space utilization metrics.

(iii) Conducting a cost-benefit analysis to determine the effectiveness of state-owned buildings;

(iv) Assessing the alternatives associated with consolidating the commercial leases for buildings located in Columbus.

(c) Commissioning a comprehensive space utilization and capacity study in order to determine the feasibility of consolidating existing commercially leased space used by state agencies into a new state-owned facility.

(14) To adopt rules to ensure that energy efficiency and conservation is considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution. The department may require minimum energy efficiency standards for purchased products and equipment based on federal testing and labeling if available or on standards developed by the department. When possible, the rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125. of the Revised Code.

(15) To ensure energy efficient and energy conserving purchasing practices by doing all of the following:

(a) Identifying available energy efficiency and conservation opportunities;

(b) Providing for interchange of information among purchasing agencies;	8480 8481
(c) Identifying laws, policies, rules, and procedures that should be modified;	8482 8483
(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by the government;	8484 8485 8486 8487 8488
(e) Providing technical assistance and training to state employees involved in the purchasing process;	8489 8490
(f) Working with the department of development <u>services agency</u> to make recommendations regarding planning and implementation of purchasing policies and procedures that are supportive of energy efficiency and conservation.	8491 8492 8493 8494
(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the fiscal year, in accordance with the average fuel economy standards established by federal law for passenger automobiles manufactured during the model year that begins during the fiscal year.	8495 8496 8497 8498 8499 8500 8501 8502 8503 8504 8505 8506 8507
Each state agency, department, division, bureau, office, unit, commission, board, authority, quasi-governmental entity, institution, and state institution of higher education shall	8508 8509 8510

determine its fleet average fuel economy by dividing the total 8511
number of passenger vehicles acquired during the fiscal year, 8512
except for those passenger vehicles acquired for use in law 8513
enforcement or emergency rescue work, by a sum of terms, each of 8514
which is a fraction created by dividing the number of passenger 8515
vehicles of a given make, model, and year, except for passenger 8516
vehicles acquired for use in law enforcement or emergency rescue 8517
work, acquired during the fiscal year by the fuel economy measured 8518
by the administrator of the United States environmental protection 8519
agency, for the given make, model, and year of vehicle, that 8520
constitutes an average fuel economy for combined city and highway 8521
driving. 8522

As used in division (A)(16) of this section, "acquired" means 8523
leased for a period of sixty continuous days or more, or 8524
purchased. 8525

(B) This section and section 125.02 of the Revised Code shall 8526
not interfere with any of the following: 8527

(1) The power of the adjutant general to purchase military 8528
supplies, or with the custody of the adjutant general of property 8529
leased, purchased, or constructed by the state and used for 8530
military purposes, or with the functions of the adjutant general 8531
as director of state armories; 8532

(2) The power of the director of transportation in acquiring 8533
rights-of-way for the state highway system, or the leasing of 8534
lands for division or resident district offices, or the leasing of 8535
lands or buildings required in the maintenance operations of the 8536
department of transportation, or the purchase of real property for 8537
garage sites or division or resident district offices, or in 8538
preparing plans and specifications for and constructing such 8539
buildings as the director may require in the administration of the 8540
department; 8541

(3) The power of the director of public safety and the registrar of motor vehicles to purchase or lease real property and buildings to be used solely as locations to which a deputy registrar is assigned pursuant to division (B) of section 4507.011 of the Revised Code and from which the deputy registrar is to conduct the deputy registrar's business, the power of the director of public safety to purchase or lease real property and buildings to be used as locations for division or district offices as required in the maintenance of operations of the department of public safety, and the power of the superintendent of the state highway patrol in the purchase or leasing of real property and buildings needed by the patrol, to negotiate the sale of real property owned by the patrol, to rent or lease real property owned or leased by the patrol, and to make or cause to be made repairs to all property owned or under the control of the patrol;

(4) The power of the division of liquor control in the leasing or purchasing of retail outlets and warehouse facilities for the use of the division;

(5) The power of the director of development services to enter into leases of real property, buildings, and office space to be used solely as locations for the state's foreign offices to carry out the purposes of section 122.05 of the Revised Code;

(6) The power of the director of environmental protection to enter into environmental covenants, to grant and accept easements, or to sell property pursuant to division (G) of section 3745.01 of the Revised Code.

(C) Purchases for, and the custody and repair of, buildings under the management and control of the capitol square review and advisory board, the ~~rehabilitation services commission~~ opportunities for Ohioans with disabilities agency, the bureau of workers' compensation, or the departments of public safety, job and family services, ~~mental health~~ mental health and addiction

services, developmental disabilities, and rehabilitation and 8574
correction; buildings of educational and benevolent institutions 8575
under the management and control of boards of trustees; and 8576
purchases or leases for, and the custody and repair of, office 8577
space used for the purposes of the joint legislative ethics 8578
committee are not subject to the control and jurisdiction of the 8579
department of administrative services. 8580

If the joint legislative ethics committee so requests, the 8581
committee and the director of administrative services may enter 8582
into a contract under which the department of administrative 8583
services agrees to perform any services requested by the committee 8584
that the department is authorized under this section to perform. 8585

(D) Any instrument by which real property is acquired 8586
pursuant to this section shall identify the agency of the state 8587
that has the use and benefit of the real property as specified in 8588
section 5301.012 of the Revised Code. 8589

Sec. 123.10. (A) As used in this section and section 123.11 8590
of the Revised Code, "public exigency" means an injury or 8591
obstruction that occurs in any public works of the state 8592
maintained by the director of administrative services and that 8593
materially impairs its immediate use or places in jeopardy 8594
property adjacent to it; an immediate danger of such an injury or 8595
obstruction; or an injury or obstruction, or an immediate danger 8596
of an injury or obstruction, that occurs in any public works of 8597
the state maintained by the director of administrative services 8598
and that materially impairs its immediate use or places in 8599
jeopardy property adjacent to it. 8600

(B) When a declaration of public exigency is issued pursuant 8601
to division (C) of this section, ~~the director of administrative~~ 8602
~~services may request~~ the Ohio facilities construction commission 8603
~~to~~ shall enter into contracts with proper persons for the 8604

performance of labor, the furnishing of materials, or the 8605
construction of any structures and buildings necessary to the 8606
maintenance, control, and management of the public works of the 8607
state or any part of those public works. Any contracts awarded for 8608
the work performed pursuant to the declaration of a public 8609
exigency may be awarded without competitive bidding or selection 8610
as set forth in Chapter 153. of the Revised Code. 8611

(C) The executive director of ~~administrative services~~ the 8612
Ohio facilities construction commission may issue a declaration of 8613
a public exigency on the executive director's own initiative or 8614
upon the request of the director of any state agency. The 8615
executive director's declaration shall identify the specific 8616
injury, obstruction, or danger that is the subject of the 8617
declaration and shall set forth a dollar limitation for the 8618
repair, removal, or prevention of that exigency under the 8619
declaration. 8620

Before any project to repair, remove, or prevent a public 8621
exigency under the executive director's declaration may begin, the 8622
executive director shall send notice of the project, in writing, 8623
to the director of budget and management and to the members of the 8624
controlling board. That notice shall detail the project to be 8625
undertaken to address the public exigency and shall include a copy 8626
of the executive director's declaration that establishes the 8627
monetary limitations on that project. 8628

Sec. 123.11. When a public exigency, as defined in division 8629
(A) of section 123.10 of the Revised Code, exists, the executive 8630
director of ~~administrative services~~ the Ohio facilities 8631
construction commission may take possession of lands and use them, 8632
or materials and other property necessary for the maintenance, 8633
protection, or repair of the public works, in accordance with 8634
sections 163.01 to 163.22 of the Revised Code. 8635

Sec. 123.19. There is hereby established in the state treasury the theater equipment maintenance fund. All appropriate theater-related revenues of the department of administrative services, as determined by the department, shall be credited to that fund and to any accounts created in that fund with the department's approval. All appropriate theater-related expenses of the department, as determined by the department, including reimbursement of, or payment to, any other fund or any governmental agency for advances made or services rendered to or on behalf of the department, shall be paid from that fund as determined by or pursuant to directions of the department. All investment earnings of that fund shall be credited to it and shall be allocated among any accounts created in the fund in the manner determined by the department.

Sec. 123.201. (A) There is hereby created in the state treasury the Ohio facilities construction commission fund, consisting of transfers of moneys authorized by the general assembly and revenues received by the Ohio facilities construction commission under section 123.21 of the Revised Code. Investment earnings on moneys in the fund shall be credited to the fund. Moneys in the fund may be used by the commission, in performing its duties under this chapter, to pay personnel and other administrative expenses, to pay the cost of preparing building design specifications, to pay the cost of providing project management services, and for other purposes determined by the commission to be necessary to fulfill its duties under this chapter.

(B)(1) There is hereby created in the state treasury the cultural and sports facilities building fund, consisting of proceeds of obligations authorized to pay costs of Ohio cultural facilities and Ohio sports facilities for which appropriations are

made by the general assembly. All investment earnings of the fund 8667
shall be credited to the fund. 8668

(2) Upon the request of the executive director of the Ohio 8669
facilities construction commission and subject to applicable tax 8670
law limitations, the director of budget and management may 8671
transfer to the Ohio cultural facilities administration fund 8672
moneys credited to the cultural and sports facilities building 8673
fund to pay the costs of administering projects funded through the 8674
cultural and sports facilities building fund. 8675

(C) There is hereby created in the state treasury the Ohio 8676
cultural facilities administration fund, consisting of transfers 8677
of money authorized by the general assembly and revenues received 8678
by the commission under division (A)(9) of section 123.21 of the 8679
Revised Code. Moneys in the fund may be used by the Ohio 8680
facilities construction commission in administering projects 8681
funded through the cultural and sports facilities building fund 8682
pursuant to sections 123.28 and 128.281 of the Revised Code. All 8683
investment earnings of that fund shall be credited to it and shall 8684
be allocated among any accounts created in the fund in the manner 8685
determined by the commission. 8686

(D)(1) There is hereby created in the state treasury the 8687
capital donations fund, which shall be administered by the Ohio 8688
facilities construction commission. The fund consists of gifts, 8689
grants, devises, bequests, and other financial contributions made 8690
to the commission for the construction or improvement of cultural 8691
and sports facilities and shall be used in accordance with the 8692
specific purposes for which the gifts, grants, devises, bequests, 8693
or other financial contributions are made. All investment earnings 8694
of the fund shall be credited to the fund. Chapters 123., 125., 8695
127., and 153. and section 3517.13 of the Revised Code do not 8696
apply to contract obligations paid from the fund, notwithstanding 8697
anything to the contrary in those chapters or that section. 8698

(2) Not later than one month following the end of each 8699
quarter of the fiscal year, the commission shall allocate the 8700
amounts credited to the fund from investment earnings during that 8701
preceding quarter of the fiscal year among the specific projects 8702
for which they are to be used and shall certify this information 8703
to the director of budget and management. 8704

(3) If the amounts credited to the fund for a particular 8705
project exceed what is required to complete that project, the 8706
commission may refund any of those excess amounts, including 8707
unexpended investment earnings attributable to those amounts, to 8708
the entity from which they were received. 8709

Sec. 123.21. (A) The Ohio facilities construction commission 8710
may perform any act and ensure the performance of any function 8711
necessary or appropriate to carry out the purposes of, and 8712
exercise the powers granted under this chapter or any other 8713
provision of the Revised Code, including any of the following: 8714

(1) Prepare, or contract to be prepared, by licensed 8715
engineers or architects, surveys, general and detailed plans, 8716
specifications, bills of materials, and estimates of cost for any 8717
projects, improvements, or public buildings to be constructed by 8718
state agencies that may be authorized by legislative 8719
appropriations or any other funds made available therefor, 8720
provided that the construction of the projects, improvements, or 8721
public buildings is a statutory duty of the commission. This 8722
section does not require the independent employment of an 8723
architect or engineer as provided by section 153.01 of the Revised 8724
Code in the cases to which section 153.01 of the Revised Code 8725
applies. This section does not affect or alter the existing powers 8726
of the director of transportation. 8727

(2) Have general supervision over the construction of any 8728
projects, improvements, or public buildings constructed for a 8729

state agency and over the inspection of materials prior to their 8730
incorporation into those projects, improvements, or buildings. 8731

(3) Make contracts for and supervise the design and 8732
construction of any projects and improvements or the construction 8733
and repair of buildings under the control of a state agency. All 8734
such contracts may be based in whole or in part on the unit price 8735
or maximum estimated cost, with payment computed and made upon 8736
actual quantities or units. 8737

(4) Adopt, amend, and rescind rules pertaining to the 8738
administration of the construction of the public works of the 8739
state as required by law, in accordance with Chapter 119. of the 8740
Revised Code. 8741

(5) Contract with, retain the services of, or designate, and 8742
fix the compensation of, such agents, accountants, consultants, 8743
advisers, and other independent contractors as may be necessary or 8744
desirable to carry out the programs authorized under this chapter, 8745
or authorize the executive director to perform such powers and 8746
duties. 8747

(6) Receive and accept any gifts, grants, donations, and 8748
pledges, and receipts therefrom, to be used for the programs 8749
authorized under this chapter. 8750

(7) Make and enter into all contracts, commitments, and 8751
agreements, and execute all instruments, necessary or incidental 8752
to the performance of its duties and the execution of its rights 8753
and powers under this chapter, or authorize the executive director 8754
to perform such powers and duties. 8755

(8) Debar a contractor as provided in section 153.02 of the 8756
Revised Code. 8757

(9) Enter into and administer cooperative agreements for 8758
cultural projects, as provided in sections 123.28 and 123.281 of 8759
the Revised Code. 8760

(B) The commission shall appoint and fix the compensation of
an executive director who shall serve at the pleasure of the
commission. The executive director shall exercise all powers that
the commission possesses, supervise the operations of the
commission, and perform such other duties as delegated by the
commission. The executive director also shall employ and fix the
compensation of such employees as will facilitate the activities
and purposes of the commission, who shall serve at the pleasure of
the executive director. The employees of the commission are exempt
from Chapter 4117. of the Revised Code and are not considered
public employees as defined in section 4117.01 of the Revised
Code. Any agreement entered into prior to July 1, 2012, between
the office of collective bargaining and the exclusive
representative for employees of the commission is binding and
shall continue to have effect.

(C) The attorney general shall serve as the legal
representative for the commission and may appoint other counsel as
necessary for that purpose in accordance with section 109.07 of
the Revised Code.

Sec. 123.27. (A) As used in this section:

"Capital facilities project" means the construction,
reconstruction, improvement, enlargement, alteration, or repair of
a building by a public entity.

"Public entity" includes a state agency and a state
institution of higher education.

"State institution of higher education" has the same meaning
as in section 3345.011 of the Revised Code.

(B) Commencing not later than July 1, 2012, and upon
completion of a capital facilities project that is funded wholly
or in part using state funds, each public entity shall submit a

report about the project to the executive director of the Ohio 8791
facilities construction commission. The report shall be submitted 8792
in Ohio administrative knowledge system capital improvement format 8793
or in a manner determined by the executive director and not later 8794
than thirty days after the project is complete. The report shall 8795
provide the total original contract bid, total cost of change 8796
orders, total actual cost of the project, total costs incurred for 8797
mediation and litigation services, and any other data requested by 8798
the executive director. The first report submitted pursuant to 8799
this division shall include information about any capital 8800
facilities project completed on or after July 1, 2011. Any capital 8801
facilities project that is funded wholly or in part through 8802
appropriations made to the Ohio school facilities commission, or 8803
the Ohio public works commission, ~~or the Ohio cultural facilities~~ 8804
~~commission~~, or for which a joint use agreement has been entered 8805
into with any public entity, is exempt from the reporting 8806
requirement prescribed under this division. 8807

(C) Commencing not later than July 1, 2012, and annually 8808
thereafter, the attorney general shall report to the executive 8809
director of the Ohio facilities construction commission on any 8810
mediation and litigation costs associated with capital facilities 8811
projects for which a judgment has been rendered. The report shall 8812
be submitted in a manner prescribed by the executive director and 8813
shall contain any information requested by the executive director 8814
related to capital facilities project mediation and litigation 8815
costs. 8816

(D) As soon as practicable after such information is made 8817
available, the executive director of the Ohio facilities 8818
construction commission shall incorporate the information reported 8819
pursuant to divisions (B) and (C) of this section into the Ohio 8820
administrative knowledge system. 8821

~~Sec. 3383.01~~ 123.28. As used in this ~~chapter~~ section and in 8822
section 123.281 of the Revised Code: 8823

(A) "Culture" means any of the following: 8824

(1) Visual, musical, dramatic, graphic, design, and other 8825
arts, including, but not limited to, architecture, dance, 8826
literature, motion pictures, music, painting, photography, 8827
sculpture, and theater, and the provision of training or education 8828
in these arts; 8829

(2) The presentation or making available, in museums or other 8830
indoor or outdoor facilities, of principles of science and their 8831
development, use, or application in business, industry, or 8832
commerce or of the history, heritage, development, presentation, 8833
and uses of the arts described in division (A)(1) of this section 8834
and of transportation; 8835

(3) The preservation, presentation, or making available of 8836
features of archaeological, architectural, environmental, or 8837
historical interest or significance in a state historical facility 8838
or a local historical facility. 8839

(B) "Cultural organization" means either of the following: 8840

(1) A governmental agency or Ohio nonprofit corporation, 8841
including the Ohio historical society, that provides programs or 8842
activities in areas directly concerned with culture; 8843

(2) A regional arts and cultural district as defined in 8844
section 3381.01 of the Revised Code. 8845

(C) "Cultural project" means all or any portion of an Ohio 8846
cultural facility for which the general assembly has ~~specifically~~ 8847
~~authorized the spending of money, or made an appropriation,~~ 8848
~~pursuant to division (D)(3) or (E) of section 3383.07 of the~~ 8849
Revised Code or has specifically authorized the spending of money 8850
or the making of rental payments relating to the financing of 8851

construction. 8852

(D) "Cooperative contract" means a contract between the Ohio 8853
~~cultural~~ facilities construction commission and a cultural 8854
organization providing the terms and conditions of the cooperative 8855
use of an Ohio cultural facility. 8856

(E) "Costs of operation" means amounts required to manage an 8857
Ohio cultural facility that are incurred following the completion 8858
of construction of its cultural project, provided that both of the 8859
following apply: 8860

(1) Those amounts either: 8861

(a) Have been committed to a fund dedicated to that purpose; 8862

(b) Equal the principal of any endowment fund, the income 8863
from which is dedicated to that purpose. 8864

(2) The commission and the cultural organization have 8865
executed an agreement with respect to either of those funds. 8866

(F) ~~"General building services" means general building 8867
services for an Ohio cultural facility or an Ohio sports facility,~~ 8868
~~including, but not limited to, general custodial care, security,~~ 8869
~~maintenance, repair, painting, decoration, cleaning, utilities,~~ 8870
~~fire safety, grounds and site maintenance and upkeep, and~~ 8871
~~plumbing.~~ 8872

~~(G) "Governmental agency" means a state agency, a 8873
state supported or state assisted institution of higher education,~~ 8874
a municipal corporation, county, township, or school district, a 8875
port authority created under Chapter 4582. of the Revised Code, 8876
any other political subdivision or special district in this state 8877
established by or pursuant to law, or any combination of these 8878
entities; except where otherwise indicated, the United States or 8879
any department, division, or agency of the United States, or any 8880
agency, commission, or authority established pursuant to an 8881

interstate compact or agreement. 8882

~~(H)~~(G) "Local contributions" means the value of an asset 8883
provided by or on behalf of a cultural organization from sources 8884
other than the state, the value and nature of which shall be 8885
approved by the Ohio ~~cultural~~ facilities construction commission, 8886
in its sole discretion. "Local contributions" may include the 8887
value of the site where a cultural project is to be constructed. 8888
All "local contributions," except a contribution attributable to 8889
such a site, shall be for the costs of construction of a cultural 8890
project or the creation or expansion of an endowment for the costs 8891
of operation of a cultural facility. 8892

~~(I)~~(H) "Local historical facility" means a site or facility, 8893
other than a state historical facility, of archaeological, 8894
architectural, environmental, or historical interest or 8895
significance, or a facility, including a storage facility, 8896
appurtenant to the operations of such a site or facility, that is 8897
owned by a cultural organization, ~~provided the facility meets the~~ 8898
~~requirements of division (K)(2)(b) of this section, is managed by~~ 8899
~~or pursuant to a contract with the Ohio cultural facilities~~ 8900
~~commission,~~ and is used for or in connection with the cultural 8901
activities ~~of the commission,~~ including the presentation or making 8902
available of culture to the public. 8903

~~(J)~~(I) "Manage," "operate," or "management" means the 8904
provision of, or the exercise of control over the provision of, 8905
activities: 8906

(1) Relating to culture for an Ohio cultural facility, 8907
including as applicable, but not limited to, providing for 8908
displays, exhibitions, specimens, and models; booking of artists, 8909
performances, or presentations; scheduling; and hiring or 8910
contracting for directors, curators, technical and scientific 8911
staff, ushers, stage managers, and others directly related to the 8912
cultural activities in the facility; but not including general 8913

building services; 8914

(2) Relating to sports and athletic events for an Ohio sports 8915
facility, including as applicable, but not limited to, providing 8916
for booking of athletes, teams, and events; scheduling; and hiring 8917
or contracting for staff, ushers, managers, and others directly 8918
related to the sports and athletic events in the facility; but not 8919
including general building services. 8920

~~(K)~~(J) "Ohio cultural facility" means any of the following: 8921

(1) The theaters located in the state office tower at 77 8922
South High street in Columbus; 8923

(2) Any ~~capital~~ cultural facility in this state ~~to which both~~ 8924
~~of the following apply:~~ 8925

~~(a) The construction of a cultural project related to the 8926
facility was authorized or funded by the general assembly pursuant 8927
to division (D)(3) of section 3383.07 of the Revised Code and 8928
proceeds of state bonds are used for costs of the cultural 8929
project. 8930~~

~~(b) The facility that is managed directly by, or is subject 8931
to a cooperative or management contract with, the Ohio ~~cultural~~ 8932
facilities construction commission, ~~and is used for or in~~ 8933
~~connection with the activities of the commission, including the~~ 8934
~~presentation or making available of culture to the public and the~~ 8935
~~provision of training or education in culture. 8936~~~~

(3) A state historical facility or a local historical 8937
facility. 8938

~~(L) "State agency" means the state or any of its branches, 8939
officers, boards, commissions, authorities, departments, 8940
divisions, or other units or agencies. 8941~~

~~(M)~~(K) "Construction" includes acquisition, including 8942
acquisition by lease-purchase, demolition, reconstruction, 8943

alteration, renovation, remodeling, enlargement, improvement, site 8944
improvements, and related equipping and furnishing. 8945

~~(N)~~(L) "State historical facility" means a site or facility 8946
that has all of the following characteristics: 8947

(1) It is created, supervised, operated, protected, 8948
maintained, and promoted by the Ohio historical society pursuant 8949
to the society's performance of public functions under sections 8950
149.30 and 149.302 of the Revised Code. 8951

(2) Its title must reside wholly or in part with the state, 8952
the society, or both the state and the society. 8953

(3) It is managed directly by or is subject to a cooperative 8954
or management contract with the Ohio ~~cultural~~ facilities 8955
construction commission and is used for or in connection with ~~the~~ 8956
cultural activities ~~of the commission~~, including the presentation 8957
or making available of culture to the public. 8958

~~(O)~~(M) "Ohio sports facility" means all or a portion of a 8959
stadium, arena, tennis facility, motorsports complex, or other 8960
capital facility in this state. A primary purpose of the facility 8961
shall be to provide a site or venue for the presentation to the 8962
public of motorsports events, professional tennis tournaments, or 8963
events of one or more major or minor league professional athletic 8964
or sports teams that are associated with the state or with a city 8965
or region of the state. The facility shall be, in the case of a 8966
motorsports complex, owned by the state or governmental agency, or 8967
in all other instances, owned by or located on real property owned 8968
by the state or a governmental agency, and includes all parking 8969
facilities, walkways, and other auxiliary facilities, equipment, 8970
furnishings, and real and personal property and interests and 8971
rights therein, that may be appropriate for or used for or in 8972
connection with the facility or its operation, for capital costs 8973
of which state funds are spent pursuant to ~~this chapter~~ this 8974

section and section 123.281 of the Revised Code. A facility 8975
constructed as an Ohio sports facility may be both an Ohio 8976
cultural facility and an Ohio sports facility. 8977

~~(P)(N)~~ "Motorsports" means sporting events in which motor 8978
vehicles are driven on a clearly demarcated tracked surface. 8979

Sec. ~~3383.07~~ 123.281. (A) The Ohio facilities construction 8980
commission shall provide for the construction of a cultural 8981
project in conformity with Chapter 153. of the Revised Code, 8982
except as ~~follows:~~ 8983

~~(1) For a cultural project other than a state historical~~ 8984
~~facility, construction services may be provided on behalf of the~~ 8985
~~state by the Ohio cultural facilities commission, or by for~~ 8986
~~construction services provided on behalf of the state by a~~ 8987
~~governmental agency or a cultural organization in accordance with~~ 8988
~~divisions (B) and (C) of this section.~~ 8989

(B) In order for a governmental agency or a cultural 8990
organization ~~that occupies, will occupy, or is responsible for the~~ 8991
~~Ohio cultural facility, as determined by the Ohio cultural~~ 8992
~~facilities commission. For a project receiving a state~~ 8993
~~appropriation of fifty thousand dollars or less, the Ohio cultural~~ 8994
~~facilities commission may delegate to its executive director the~~ 8995
~~authority to approve the provision of construction services by~~ 8996
~~such an agency or organization, but not the authority to~~ 8997
~~disapprove that provision. Construction services to be provided by~~ 8998
~~a governmental agency or a cultural organization shall be~~ 8999
~~specified in an agreement between the Ohio cultural facilities~~ 9000
~~commission and the governmental agency or cultural organization.~~ 9001
~~The agreement, or any actions taken under it, are not subject to~~ 9002
~~Chapter 123. or 153. of the Revised Code, except for sections~~ 9003
~~123.081 and 153.011 of the Revised Code, and shall be subject to~~ 9004
~~Chapter 4115. of the Revised Code.~~ 9005

~~(2) For a cultural project that is to provide construction services on behalf of the state for a cultural project, other than a state historical facility, for which the general assembly has made an appropriation or specifically authorized the spending of money or the making of rental payments relating to the financing of the construction, the governmental agency or cultural organization shall submit to the Ohio facilities construction commission a cooperative agreement that includes, but is not limited to, provisions that:~~

(1) Specify how the proposed project will support culture, as defined in section 123.28 of the Revised Code;

(2) Specify that the governmental agency or cultural organization has local contributions amounting to not less than fifty per cent of the total state funding for the cultural project;

(3) Specify that the funds shall be used only for construction, as defined in section 123.28 of the Revised Code;

(4) Identify the facility to be constructed, renovated, remodeled, or improved;

(5) Specify that the project scope meets the intent and purpose of the project appropriation and that the project can be completed and ready for full occupancy without exceeding appropriated funds;

(6) Specify that the governmental agency or cultural organization shall hold the Ohio facilities construction commission harmless from all liability for the operation and maintenance costs of the facility;

(7) Specify that the agreement or any actions taken under it are not subject to Chapters 123. or 153. of the Revised Code, except for section 153.011 of the Revised Code, and are subject to Chapter 4115. of the Revised Code; and

(8) Provide that amendments to the agreement shall require 9037
the approval of the Ohio facilities construction commission. 9038

(C) In order for a cultural organization to provide 9039
construction services on behalf of the state for a state 9040
historical facility, ~~construction services may be provided by the~~ 9041
~~Ohio cultural facilities commission or by a cultural organization~~ 9042
~~that occupies, will occupy, or is responsible for the facility, as~~ 9043
~~determined by the Ohio cultural facilities commission. For a~~ 9044
~~facility receiving a state appropriation of fifty thousand dollars~~ 9045
~~or less, the Ohio cultural facilities commission may delegate to~~ 9046
~~its executive director the authority to approve the provision of~~ 9047
~~construction services by such an organization, but not the~~ 9048
~~authority to disapprove that provision. The construction services~~ 9049
~~to be provided by the cultural organization shall be specified in~~ 9050
~~an agreement between the Ohio cultural facilities commission and~~ 9051
~~the cultural organization. That agreement, and any actions taken~~ 9052
~~under it, are not subject to Chapter 123., 153., or 4115. of the~~ 9053
~~Revised Code.~~ 9054

~~(B) For an Ohio sports facility that is financed in part by~~ 9055
~~obligations issued pursuant to Chapter 154. of the Revised Code,~~ 9056
~~construction services shall be provided on behalf of the state by~~ 9057
~~or at the direction of the governmental agency or nonprofit~~ 9058
~~corporation that will own or be responsible for the management of~~ 9059
~~the facility, all as determined by the Ohio cultural facilities~~ 9060
~~commission. For a facility receiving a state appropriation of~~ 9061
~~fifty thousand dollars or less, the Ohio cultural facilities~~ 9062
~~commission may delegate to its executive director the authority to~~ 9063
~~approve the provision of construction services by or at the~~ 9064
~~direction of the agency or corporation, but not the authority to~~ 9065
~~disapprove that provision. Any construction services to be~~ 9066
~~provided by a governmental agency or nonprofit corporation shall~~ 9067
~~be specified in an agreement between the Ohio cultural facilities~~ 9068

~~commission and the governmental agency or nonprofit corporation. 9069
That agreement, and any actions taken under it, are not subject to 9070
Chapter 123. or 153. of the Revised Code, except for sections 9071
123.081 and 153.011 of the Revised Code, and shall be subject to 9072
Chapter 4115. of the Revised Code. 9073~~

~~(C) General building services for an Ohio cultural facility 9074
shall be provided by the Ohio cultural facilities commission or by 9075
a cultural organization that occupies, will occupy, or is 9076
responsible for the facility, as determined by the Ohio cultural 9077
facilities commission. For a facility receiving a state 9078
appropriation of fifty thousand dollars or less, the Ohio cultural 9079
facilities commission may delegate to its executive director the 9080
authority to approve the provision of general building services by 9081
such an organization, but not the authority to disapprove that 9082
provision. Alternatively, the Ohio building authority may elect to 9083
provide those services for Ohio cultural facilities financed with 9084
proceeds of state bonds issued by the authority. The costs of 9085
management and general building services shall be paid by the 9086
cultural organization that occupies, will occupy, or is 9087
responsible for the facility as provided in an agreement between 9088
the Ohio cultural facilities commission and the cultural 9089
organization, except that the state may pay for general building 9090
services for state owned cultural facilities constructed on 9091
state owned land. 9092~~

~~General building services for an Ohio sports facility shall 9093
be provided by or at the direction of the governmental agency or 9094
nonprofit corporation that will be responsible for the management 9095
of the facility, all as determined by the Ohio cultural facilities 9096
commission. For a facility receiving a state appropriation of 9097
fifty thousand dollars or less, the Ohio cultural facilities 9098
commission may delegate to its executive director the authority to 9099
approve the provision of general building services by or at the 9100~~

~~direction of the agency or corporation, but not the authority to 9101
disapprove that provision. Any general building services to be 9102
provided by a governmental agency or nonprofit corporation for an 9103
Ohio sports facility shall be specified in an agreement between 9104
the Ohio cultural facilities commission and the governmental 9105
agency or nonprofit corporation. That agreement, and any actions 9106
taken under it, are not subject to Chapter 123. or 153. of the 9107
Revised Code, except for sections 123.081 and 153.011 of the 9108
Revised Code, and shall be subject to Chapter 4115. of the Revised 9109
Code. 9110~~

~~(D) This division does not apply to a state historical 9111
facility. No state funds, including any state bond proceeds, shall 9112
be spent on the construction of any cultural project under this 9113
chapter unless, with respect to the cultural project and to the 9114
Ohio cultural facility related to the project, all of the 9115
following apply: 9116~~

~~(1) The Ohio cultural facilities commission has determined 9117
that there is a need for the cultural project and the Ohio 9118
cultural facility related to the project in the region of the 9119
state in which the Ohio cultural facility is located or for which 9120
the facility is proposed. For a project receiving a state 9121
appropriation of fifty thousand dollars or less, the Ohio cultural 9122
facilities commission may delegate to its executive director the 9123
authority to determine need but only in the affirmative. 9124~~

~~(2) The Ohio cultural facilities commission has determined 9125
that, as an indication of substantial regional support for the 9126
cultural project, the cultural organization has made provision 9127
satisfactory to the Ohio cultural facilities commission, in its 9128
sole discretion, for local contributions amounting to not less 9129
than fifty per cent of the total state funding for the cultural 9130
project. For a project receiving a state appropriation of fifty 9131
thousand dollars or less, the Ohio cultural facilities commission 9132~~

~~may delegate to its executive director the authority to determine 9133
the adequacy of the regional support but only in the affirmative. 9134~~

~~(3) The general assembly has specifically authorized the 9135
spending of money on, or made an appropriation for, the 9136
construction of the cultural project, or for rental payments 9137
relating to the financing of the construction of the cultural 9138
project. Authorization to spend money, or an appropriation, for 9139
planning the cultural project does not constitute authorization to 9140
spend money on, or an appropriation for, construction of the 9141
cultural project. 9142~~

~~(E) No state funds, including any state bond proceeds, shall 9143
be spent on the construction of any state historical facility 9144
under this chapter unless the general assembly has specifically 9145
authorized the spending of money on, or made an appropriation for, 9146
the construction of the state historical project related to the 9147
facility, or for rental payments relating to the financing of the 9148
construction of the state historical project. Authorization to 9149
spend money, or an appropriation, for planning the state 9150
historical project does not constitute authorization to spend 9151
money on, or an appropriation for, the construction of the state 9152
historical project. 9153~~

~~(F) for which the general assembly has made an appropriation 9154
or specifically authorized the spending of money or the making of 9155
rental payments relating to the financing of the construction, the 9156
cultural organization shall submit to the Ohio facilities 9157
construction commission a cooperative agreement that includes, but 9158
is not limited to, provisions that: 9159~~

~~(1) Specify how the proposed project will support culture, as 9160
defined in section 123.28 of the Revised Code; 9161~~

~~(2) Specify that the funds shall be used only for 9162
construction, as defined in section 123.28 of the Revised Code; 9163~~

(3) Identify the facility to be constructed, renovated, remodeled, or improved; 9164
9165

(4) Specify that the project scope meets the intent and purpose of the project appropriation and that the project can be completed and ready for full occupancy without exceeding appropriated funds; 9166
9167
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9169

(5) Specify that the cultural organization shall hold the Ohio facilities construction commission harmless from all liability for the operation and maintenance costs of the facility; 9170
9171
9172

(6) Specify that the agreement or any actions taken under it are not subject to Chapters 123., 153., or 4115. of the Revised Code; and 9173
9174
9175

(7) Provide that amendments to the agreement shall require the approval of the Ohio facilities construction commission. 9176
9177

(D) State funds shall not be used to pay or reimburse more than fifteen per cent of the initial estimated construction cost of an Ohio sports facility, excluding any site acquisition cost, and no state funds, including any state bond proceeds, shall be spent on any Ohio sports facility under this chapter unless, with respect to that facility, all of the following apply: 9178
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9180
9181
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9183

~~(1) The Ohio ~~cultural~~ facilities construction commission has determined that there is a need for the facility in the region of the state for which the facility is proposed to provide the function of an Ohio sports facility as provided for in this chapter. For a facility receiving a state appropriation of fifty thousand dollars or less, the Ohio cultural facilities commission may delegate to its executive director the authority to determine need but only in the affirmative.~~ 9184
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~~(2) As an indication of substantial local support for the facility, the Ohio cultural facilities commission has received a financial and development plan satisfactory to it, and provision~~ 9192
9193
9194

has been made, by agreement or otherwise, satisfactory to the Ohio 9195
~~cultural facilities~~ commission, for a contribution amounting to 9196
not less than eighty-five per cent of the total estimated 9197
construction cost of the facility, excluding any site acquisition 9198
cost, from sources other than the state. ~~For a facility receiving~~ 9199
~~a state appropriation of fifty thousand dollars or less, the Ohio~~ 9200
~~cultural facilities commission may delegate to its executive~~ 9201
~~director the authority to evaluate the financial and development~~ 9202
~~plan and the contribution and to determine their adequacy but only~~ 9203
~~in the affirmative.~~ 9204

~~(3)~~(2) The general assembly has specifically authorized the 9205
spending of money on, or made an appropriation for, the 9206
construction of the facility, or for rental payments relating to 9207
state financing of all or a portion of the costs of constructing 9208
the facility. Authorization to spend money, or an appropriation, 9209
for planning or determining the feasibility of or need for the 9210
facility does not constitute authorization to spend money on, or 9211
an appropriation for, costs of constructing the facility. 9212

~~(4)~~(3) If state bond proceeds are being used for the Ohio 9213
sports facility, the state or a governmental agency owns or has 9214
sufficient property interests in the facility or in the site of 9215
the facility or in the portion or portions of the facility 9216
financed from proceeds of state bonds, which may include, but is 9217
not limited to, the right to use or to require the use of the 9218
facility for the presentation of sport and athletic events to the 9219
public at the facility. 9220

~~(G)~~(E) In addition to the requirements of division ~~(F)~~(D) of 9221
this section, no state funds, including any state bond proceeds, 9222
shall be spent on any Ohio sports facility that is a motorsports 9223
complex, unless, with respect to that facility, both of the 9224
following apply: 9225

(1) Motorsports events shall be presented at the facility 9226

pursuant to a lease entered into with the owner of the facility. 9227
The term of the lease shall be for a period of not less than the 9228
greater of the useful life of the portion of the facility financed 9229
from proceeds of state bonds as determined using the guidelines 9230
for maximum maturities as provided under divisions (B) and (C) of 9231
section 133.20 of the Revised Code, or the period of time 9232
remaining to the date of payment or provision for payment of 9233
outstanding state bonds allocable to costs of the facility, all as 9234
determined by the director of budget and management and certified 9235
by the executive director ~~to~~ of the Ohio ~~cultural~~ facilities 9236
construction commission and to the treasurer of state. 9237

(2) Any motorsports organization that commits to using the 9238
facility for an established period of time shall give the 9239
political subdivision in which the facility is located not less 9240
than six months' advance notice if the organization intends to 9241
cease utilizing the facility prior to the expiration of that 9242
established period. Such a motorsports organization shall be 9243
liable to the state for any state funds used on the construction 9244
costs of the facility. 9245

~~(H)~~(F) In addition to the requirements of division ~~(F)~~(D) of 9246
this section, no state bond proceeds shall be spent on any Ohio 9247
sports facility that is a tennis facility, unless the owner or 9248
manager of the facility provides contractual commitments from a 9249
national or international professional tennis organization in a 9250
form acceptable to the ~~cultural~~ Ohio facilities construction 9251
commission that assures that one or more sanctioned professional 9252
tennis events will be presented at the facility during each year 9253
that the bonds remain outstanding. 9254

Sec. 124.11. The civil service of the state and the several 9255
counties, cities, civil service townships, city health districts, 9256
general health districts, and city school districts of the state 9257

shall be divided into the unclassified service and the classified service. 9258
9259

(A) The unclassified service shall comprise the following 9260
positions, which shall not be included in the classified service, 9261
and which shall be exempt from all examinations required by this 9262
chapter: 9263

(1) All officers elected by popular vote or persons appointed 9264
to fill vacancies in those offices; 9265

(2) All election officers as defined in section 3501.01 of 9266
the Revised Code; 9267

(3)(a) The members of all boards and commissions, and heads 9268
of principal departments, boards, and commissions appointed by the 9269
governor or by and with the governor's consent; 9270

(b) The heads of all departments appointed by a board of 9271
county commissioners; 9272

(c) The members of all boards and commissions and all heads 9273
of departments appointed by the mayor, or, if there is no mayor, 9274
such other similar chief appointing authority of any city or city 9275
school district; 9276

Except as otherwise provided in division (A)(17) or (C) of 9277
this section, this chapter does not exempt the chiefs of police 9278
departments and chiefs of fire departments of cities or civil 9279
service townships from the competitive classified service. 9280

(4) The members of county or district licensing boards or 9281
commissions and boards of revision, and not more than five deputy 9282
county auditors; 9283

(5) All officers and employees elected or appointed by either 9284
or both branches of the general assembly, and employees of the 9285
city legislative authority engaged in legislative duties; 9286

(6) All commissioned, warrant, and noncommissioned officers 9287

and enlisted persons in the Ohio organized militia, including 9288
military appointees in the adjutant general's department; 9289

(7)(a) All presidents, business managers, administrative 9290
officers, superintendents, assistant superintendents, principals, 9291
deans, assistant deans, instructors, teachers, and such employees 9292
as are engaged in educational or research duties connected with 9293
the public school system, colleges, and universities, as 9294
determined by the governing body of the public school system, 9295
colleges, and universities; 9296

(b) The library staff of any library in the state supported 9297
wholly or in part at public expense. 9298

(8) Four clerical and administrative support employees for 9299
each of the elective state officers, four clerical and 9300
administrative support employees for each board of county 9301
commissioners and one such employee for each county commissioner, 9302
and four clerical and administrative support employees for other 9303
elective officers and each of the principal appointive executive 9304
officers, boards, or commissions, except for civil service 9305
commissions, that are authorized to appoint such clerical and 9306
administrative support employees; 9307

(9) The deputies and assistants of state agencies authorized 9308
to act for and on behalf of the agency, or holding a fiduciary or 9309
administrative relation to that agency and those persons employed 9310
by and directly responsible to elected county officials or a 9311
county administrator and holding a fiduciary or administrative 9312
relationship to such elected county officials or county 9313
administrator, and the employees of such county officials whose 9314
fitness would be impracticable to determine by competitive 9315
examination, provided that division (A)(9) of this section shall 9316
not affect those persons in county employment in the classified 9317
service as of September 19, 1961. Nothing in division (A)(9) of 9318
this section applies to any position in a county department of job 9319

and family services created pursuant to Chapter 329. of the 9320
Revised Code. 9321

(10) Bailiffs, constables, official stenographers, and 9322
commissioners of courts of record, deputies of clerks of the 9323
courts of common pleas who supervise or who handle public moneys 9324
or secured documents, and such officers and employees of courts of 9325
record and such deputies of clerks of the courts of common pleas 9326
as the appointing authority finds it impracticable to determine 9327
their fitness by competitive examination; 9328

(11) Assistants to the attorney general, special counsel 9329
appointed or employed by the attorney general, assistants to 9330
county prosecuting attorneys, and assistants to city directors of 9331
law; 9332

(12) Such teachers and employees in the agricultural 9333
experiment stations; such students in normal schools, colleges, 9334
and universities of the state who are employed by the state or a 9335
political subdivision of the state in student or intern 9336
classifications; and such unskilled labor positions as the 9337
director of administrative services, with respect to positions in 9338
the service of the state, or any municipal civil service 9339
commission may find it impracticable to include in the competitive 9340
classified service; provided such exemptions shall be by order of 9341
the commission or the director, duly entered on the record of the 9342
commission or the director with the reasons for each such 9343
exemption; 9344

(13) Any physician or dentist who is a full-time employee of 9345
the department of ~~mental health~~ mental health and addiction 9346
services, the department of developmental disabilities, or an 9347
institution under the jurisdiction of either department; and 9348
physicians who are in residency programs at the institutions; 9349

(14) Up to twenty positions at each institution under the 9350

jurisdiction of the department of ~~mental health~~ mental health and 9351
addiction services or the department of developmental disabilities 9352
that the department director determines to be primarily 9353
administrative or managerial; and up to fifteen positions in any 9354
division of either department, excluding administrative assistants 9355
to the director and division chiefs, which are within the 9356
immediate staff of a division chief and which the director 9357
determines to be primarily and distinctively administrative and 9358
managerial; 9359

(15) Noncitizens of the United States employed by the state, 9360
or its counties or cities, as physicians or nurses who are duly 9361
licensed to practice their respective professions under the laws 9362
of this state, or medical assistants, in mental or chronic disease 9363
hospitals, or institutions; 9364

(16) Employees of the governor's office; 9365

(17) Fire chiefs and chiefs of police in civil service 9366
townships appointed by boards of township trustees under section 9367
505.38 or 505.49 of the Revised Code; 9368

(18) Executive directors, deputy directors, and program 9369
directors employed by boards of alcohol, drug addiction, and 9370
mental health services under Chapter 340. of the Revised Code, and 9371
secretaries of the executive directors, deputy directors, and 9372
program directors; 9373

(19) Superintendents, and management employees as defined in 9374
section 5126.20 of the Revised Code, of county boards of 9375
developmental disabilities; 9376

(20) Physicians, nurses, and other employees of a county 9377
hospital who are appointed pursuant to sections 339.03 and 339.06 9378
of the Revised Code; 9379

(21) The executive director of the state medical board, who 9380
is appointed pursuant to division (B) of section 4731.05 of the 9381

Revised Code;	9382
(22) County directors of job and family services as provided	9383
in section 329.02 of the Revised Code and administrators appointed	9384
under section 329.021 of the Revised Code;	9385
(23) A director of economic development who is hired pursuant	9386
to division (A) of section 307.07 of the Revised Code;	9387
(24) Chiefs of construction and compliance, of operations and	9388
maintenance, of worker protection, and of licensing and	9389
certification in the division of industrial compliance in the	9390
department of commerce;	9391
(25) The executive director of a county transit system	9392
appointed under division (A) of section 306.04 of the Revised	9393
Code;	9394
(26) Up to five positions at each of the administrative	9395
departments listed in section 121.02 of the Revised Code and at	9396
the department of taxation, department of the adjutant general,	9397
department of education, Ohio board of regents, bureau of workers'	9398
compensation, industrial commission, state lottery commission,	9399
<u>opportunities for Ohioans with disabilities agency</u> , and public	9400
utilities commission of Ohio that the head of that administrative	9401
department or of that other state agency determines to be involved	9402
in policy development and implementation. The head of the	9403
administrative department or other state agency shall set the	9404
compensation for employees in these positions at a rate that is	9405
not less than the minimum compensation specified in pay range 41	9406
but not more than the maximum compensation specified in pay range	9407
44 <u>47</u> of salary schedule E-2 in section 124.152 of the Revised	9408
Code. The authority to establish positions in the unclassified	9409
service under division (A)(26) of this section is in addition to	9410
and does not limit any other authority that an administrative	9411
department or state agency has under the Revised Code to establish	9412

positions, appoint employees, or set compensation.	9413
(27) Employees of the department of agriculture employed	9414
under section 901.09 of the Revised Code;	9415
(28) For cities, counties, civil service townships, city	9416
health districts, general health districts, and city school	9417
districts, the deputies and assistants of elective or principal	9418
executive officers authorized to act for and in the place of their	9419
principals or holding a fiduciary relation to their principals;	9420
(29) Employees who receive intermittent or temporary	9421
appointments under division (B) of section 124.30 of the Revised	9422
Code;	9423
(30) Employees appointed to administrative staff positions	9424
for which an appointing authority is given specific statutory	9425
authority to set compensation;	9426
(31) Employees appointed to highway patrol cadet or highway	9427
patrol cadet candidate classifications;	9428
(32) Employees placed in the unclassified service by another	9429
section of the Revised Code.	9430
(B) The classified service shall comprise all persons in the	9431
employ of the state and the several counties, cities, city health	9432
districts, general health districts, and city school districts of	9433
the state, not specifically included in the unclassified service.	9434
Upon the creation by the board of trustees of a civil service	9435
township civil service commission, the classified service shall	9436
also comprise, except as otherwise provided in division (A)(17) or	9437
(C) of this section, all persons in the employ of a civil service	9438
township police or fire department having ten or more full-time	9439
paid employees. The classified service consists of two classes,	9440
which shall be designated as the competitive class and the	9441
unskilled labor class.	9442

(1) The competitive class shall include all positions and 9443
employments in the state and the counties, cities, city health 9444
districts, general health districts, and city school districts of 9445
the state, and, upon the creation by the board of trustees of a 9446
civil service township of a township civil service commission, all 9447
positions in a civil service township police or fire department 9448
having ten or more full-time paid employees, for which it is 9449
practicable to determine the merit and fitness of applicants by 9450
competitive examinations. Appointments shall be made to, or 9451
employment shall be given in, all positions in the competitive 9452
class that are not filled by promotion, reinstatement, transfer, 9453
or reduction, as provided in this chapter, and the rules of the 9454
director of administrative services, by appointment from those 9455
certified to the appointing officer in accordance with this 9456
chapter. 9457

(2) The unskilled labor class shall include ordinary 9458
unskilled laborers. Vacancies in the labor class for positions in 9459
service of the state shall be filled by appointment from lists of 9460
applicants registered by the director or the director's designee. 9461
Vacancies in the labor class for all other positions shall be 9462
filled by appointment from lists of applicants registered by a 9463
commission. The director or the commission, as applicable, by 9464
rule, shall require an applicant for registration in the labor 9465
class to furnish evidence or take tests as the director or 9466
commission considers proper with respect to age, residence, 9467
physical condition, ability to labor, honesty, sobriety, industry, 9468
capacity, and experience in the work or employment for which 9469
application is made. Laborers who fulfill the requirements shall 9470
be placed on the eligible list for the kind of labor or employment 9471
sought, and preference shall be given in employment in accordance 9472
with the rating received from that evidence or in those tests. 9473
Upon the request of an appointing officer, stating the kind of 9474
labor needed, the pay and probable length of employment, and the 9475

number to be employed, the director or commission, as applicable, 9476
shall certify from the highest on the list double the number to be 9477
employed; from this number, the appointing officer shall appoint 9478
the number actually needed for the particular work. If more than 9479
one applicant receives the same rating, priority in time of 9480
application shall determine the order in which their names shall 9481
be certified for appointment. 9482

(C) A municipal or civil service township civil service 9483
commission may place volunteer firefighters who are paid on a 9484
fee-for-service basis in either the classified or the unclassified 9485
civil service. 9486

(D)(1) This division does not apply to persons in the 9487
unclassified service who have the right to resume positions in the 9488
classified service under sections 4121.121, ~~5119.071~~ 5119.18, 9489
5120.38, 5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the 9490
Revised Code or to cities, counties, or political subdivisions of 9491
the state. 9492

(2) A person who holds a position in the classified service 9493
of the state and who is appointed to a position in the 9494
unclassified service shall retain the right to resume the position 9495
and status held by the person in the classified service 9496
immediately prior to the person's appointment to the position in 9497
the unclassified service, regardless of the number of positions 9498
the person held in the unclassified service. An employee's right 9499
to resume a position in the classified service may only be 9500
exercised when an appointing authority demotes the employee to a 9501
pay range lower than the employee's current pay range or revokes 9502
the employee's appointment to the unclassified service and: 9503

(a) That person held a certified position prior to July 1, 9504
2007, in the classified service within the appointing authority's 9505
agency; or 9506

(b) That person held a permanent position on or after July 1, 2007, in the classified service within the appointing authority's agency.

(3) An employee forfeits the right to resume a position in the classified service when:

(a) The employee is removed from the position in the unclassified service due to incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of this chapter or the rules of the director of administrative services, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony; or

(b) Upon transfer to a different agency.

(4) Reinstatement to a position in the classified service shall be to a position substantially equal to that position in the classified service held previously, as certified by the director of administrative services. If the position the person previously held in the classified service has been placed in the unclassified service or is otherwise unavailable, the person shall be appointed to a position in the classified service within the appointing authority's agency that the director of administrative services certifies is comparable in compensation to the position the person previously held in the classified service. Service in the position in the unclassified service shall be counted as service in the position in the classified service held by the person immediately prior to the person's appointment to the position in the unclassified service. When a person is reinstated to a position in the classified service as provided in this division, the person is entitled to all rights, status, and benefits accruing to the position in the classified service during the person's time of service in the position in the unclassified service.

Sec. 124.14. (A)(1) The director of administrative services 9539
shall establish, and may modify or rescind, by rule, a job 9540
classification plan for all positions, offices, and employments 9541
~~the salaries of which are paid in whole or in part by~~ in the 9542
service of the state. The director shall group jobs within a 9543
classification so that the positions are similar enough in duties 9544
and responsibilities to be described by the same title, to have 9545
the same pay assigned with equity, and to have the same 9546
qualifications for selection applied. The director shall, by rule, 9547
assign a classification title to each classification within the 9548
classification plan. However, the director shall consider in 9549
establishing classifications, including classifications with 9550
parenthetical titles, and assigning pay ranges such factors as 9551
duties performed only on one shift, special skills in short supply 9552
in the labor market, recruitment problems, separation rates, 9553
comparative salary rates, the amount of training required, and 9554
other conditions affecting employment. The director shall describe 9555
the duties and responsibilities of the class, establish the 9556
qualifications for being employed in each position in the class, 9557
and file with the secretary of state a copy of specifications for 9558
all of the classifications. The director shall file new, 9559
additional, or revised specifications with the secretary of state 9560
before they are used. 9561

The director shall, by rule, assign each classification, 9562
either on a statewide basis or in particular counties or state 9563
institutions, to a pay range established under section 124.15 or 9564
section 124.152 of the Revised Code. The director may assign a 9565
classification to a pay range on a temporary basis for a period of 9566
six months. The director may establish, by rule adopted under 9567
Chapter 119. of the Revised Code, experimental classification 9568
plans for some or all employees paid directly by warrant of the 9569
director of budget and management. The rule shall include 9570

specifications for each classification within the plan and shall 9571
specifically address compensation ranges, and methods for 9572
advancing within the ranges, for the classifications, which may be 9573
assigned to pay ranges other than the pay ranges established under 9574
section 124.15 or 124.152 of the Revised Code. 9575

(2) The director of administrative services may reassign to a 9576
proper classification those positions that have been assigned to 9577
an improper classification. If the compensation of an employee in 9578
such a reassigned position exceeds the maximum rate of pay for the 9579
employee's new classification, the employee shall be placed in pay 9580
step X and shall not receive an increase in compensation until the 9581
maximum rate of pay for that classification exceeds the employee's 9582
compensation. 9583

(3) The director may reassign an exempt employee, as defined 9584
in section 124.152 of the Revised Code, to a bargaining unit 9585
classification if the director determines that the bargaining unit 9586
classification is the proper classification for that employee. 9587
Notwithstanding Chapter 4117. of the Revised Code or instruments 9588
and contracts negotiated under it, these placements are at the 9589
director's discretion. 9590

(4) The director shall, by rule, assign related 9591
classifications, which form a career progression, to a 9592
classification series. The director shall, by rule, assign each 9593
classification in the classification plan a five-digit number, the 9594
first four digits of which shall denote the classification series 9595
to which the classification is assigned. When a career progression 9596
encompasses more than ten classifications, the director shall, by 9597
rule, identify the additional classifications belonging to a 9598
classification series. The additional classifications shall be 9599
part of the classification series, notwithstanding the fact that 9600
the first four digits of the number assigned to the additional 9601
classifications do not correspond to the first four digits of the 9602

numbers assigned to other classifications in the classification series. 9603
9604

(B) Division (A) of this section and sections 124.15 and 124.152 of the Revised Code do not apply to the following persons, positions, offices, and employments: 9605
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(1) Elected officials; 9608

(2) Legislative employees, employees of the legislative service commission, employees in the office of the governor, employees who are in the unclassified civil service and exempt from collective bargaining coverage in the office of the secretary of state, auditor of state, treasurer of state, and attorney general, and employees of the supreme court; 9609
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(3) Any position for which the authority to determine compensation is given by law to another individual or entity; 9615
9616

(4) Employees of the bureau of workers' compensation whose compensation the administrator of workers' compensation establishes under division (B) of section 4121.121 of the Revised Code. 9617
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(C) The director may employ a consulting agency to aid and assist the director in carrying out this section. 9621
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(D)(1) When the director proposes to modify a classification or the assignment of classes to appropriate pay ranges, the director shall send written notice of the proposed rule to the appointing authorities of the affected employees thirty days before a hearing on the proposed rule. The appointing authorities shall notify the affected employees regarding the proposed rule. The director also shall send those appointing authorities notice of any final rule that is adopted within ten days after adoption. 9623
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(2) When the director proposes to reclassify any employee in the service of the state so that the employee is adversely 9631
9632

affected, the director shall give to the employee affected and to 9633
the employee's appointing authority a written notice setting forth 9634
the proposed new classification, pay range, and salary. Upon the 9635
request of any classified employee in the service of the state who 9636
is not serving in a probationary period, the director shall 9637
perform a job audit to review the classification of the employee's 9638
position to determine whether the position is properly classified. 9639
The director shall give to the employee affected and to the 9640
employee's appointing authority a written notice of the director's 9641
determination whether or not to reclassify the position or to 9642
reassign the employee to another classification. An employee or 9643
appointing authority desiring a hearing shall file a written 9644
request for the hearing with the state personnel board of review 9645
within thirty days after receiving the notice. The board shall set 9646
the matter for a hearing and notify the employee and appointing 9647
authority of the time and place of the hearing. The employee, the 9648
appointing authority, or any authorized representative of the 9649
employee who wishes to submit facts for the consideration of the 9650
board shall be afforded reasonable opportunity to do so. After the 9651
hearing, the board shall consider anew the reclassification and 9652
may order the reclassification of the employee and require the 9653
director to assign the employee to such appropriate classification 9654
as the facts and evidence warrant. As provided in division (A)(1) 9655
of section 124.03 of the Revised Code, the board may determine the 9656
most appropriate classification for the position of any employee 9657
coming before the board, with or without a job audit. The board 9658
shall disallow any reclassification or reassignment classification 9659
of any employee when it finds that changes have been made in the 9660
duties and responsibilities of any particular employee for 9661
political, religious, or other unjust reasons. 9662

(E)(1) Employees of each county department of job and family 9663
services shall be paid a salary or wage established by the board 9664
of county commissioners. The provisions of section 124.18 of the 9665

Revised Code concerning the standard work week apply to employees 9666
of county departments of job and family services. A board of 9667
county commissioners may do either of the following: 9668

(a) Notwithstanding any other section of the Revised Code, 9669
supplement the sick leave, vacation leave, personal leave, and 9670
other benefits of any employee of the county department of job and 9671
family services of that county, if the employee is eligible for 9672
the supplement under a written policy providing for the 9673
supplement; 9674

(b) Notwithstanding any other section of the Revised Code, 9675
establish alternative schedules of sick leave, vacation leave, 9676
personal leave, or other benefits for employees not inconsistent 9677
with the provisions of a collective bargaining agreement covering 9678
the affected employees. 9679

(2) Division (E)(1) of this section does not apply to 9680
employees for whom the state employment relations board 9681
establishes appropriate bargaining units pursuant to section 9682
4117.06 of the Revised Code, except in either of the following 9683
situations: 9684

(a) The employees for whom the state employment relations 9685
board establishes appropriate bargaining units elect no 9686
representative in a board-conducted representation election. 9687

(b) After the state employment relations board establishes 9688
appropriate bargaining units for such employees, all employee 9689
organizations withdraw from a representation election. 9690

(F)(1) Notwithstanding any contrary provision of sections 9691
124.01 to 124.64 of the Revised Code, the board of trustees of 9692
each state university or college, as defined in section 3345.12 of 9693
the Revised Code, shall carry out all matters of governance 9694
involving the officers and employees of the university or college, 9695
including, but not limited to, the powers, duties, and functions 9696

of the department of administrative services and the director of 9697
administrative services specified in this chapter. Officers and 9698
employees of a state university or college shall have the right of 9699
appeal to the state personnel board of review as provided in this 9700
chapter. 9701

(2) Each board of trustees shall adopt rules under section 9702
111.15 of the Revised Code to carry out the matters of governance 9703
described in division (F)(1) of this section. Until the board of 9704
trustees adopts those rules, a state university or college shall 9705
continue to operate pursuant to the applicable rules adopted by 9706
the director of administrative services under this chapter. 9707

(G)(1) Each board of county commissioners may, by a 9708
resolution adopted by a majority of its members, establish a 9709
county personnel department to exercise the powers, duties, and 9710
functions specified in division (G) of this section. As used in 9711
division (G) of this section, "county personnel department" means 9712
a county personnel department established by a board of county 9713
commissioners under division (G)(1) of this section. 9714

(2)(a) Each board of county commissioners, by a resolution 9715
adopted by a majority of its members, may designate the county 9716
personnel department of the county to exercise the powers, duties, 9717
and functions specified in sections 124.01 to 124.64 and Chapter 9718
325. of the Revised Code with regard to employees in the service 9719
of the county, except for the powers and duties of the state 9720
personnel board of review, which powers and duties shall not be 9721
construed as having been modified or diminished in any manner by 9722
division (G)(2) of this section, with respect to the employees for 9723
whom the board of county commissioners is the appointing authority 9724
or co-appointing authority. 9725

(b) Nothing in division (G)(2) of this section shall be 9726
construed to limit the right of any employee who possesses the 9727
right of appeal to the state personnel board of review to continue 9728

to possess that right of appeal. 9729

(c) Any board of county commissioners that has established a 9730
county personnel department may contract with the department of 9731
administrative services, in accordance with division (H) of this 9732
section, another political subdivision, or an appropriate public 9733
or private entity to provide competitive testing services or other 9734
appropriate services. 9735

(3) After the county personnel department of a county has 9736
been established as described in division (G)(2) of this section, 9737
any elected official, board, agency, or other appointing authority 9738
of that county, upon written notification to the county personnel 9739
department, may elect to use the services and facilities of the 9740
county personnel department. Upon receipt of the notification by 9741
the county personnel department, the county personnel department 9742
shall exercise the powers, duties, and functions as described in 9743
division (G)(2) of this section with respect to the employees of 9744
that elected official, board, agency, or other appointing 9745
authority. 9746

(4) Each board of county commissioners, by a resolution 9747
adopted by a majority of its members, may disband the county 9748
personnel department. 9749

(5) Any elected official, board, agency, or appointing 9750
authority of a county may end its involvement with a county 9751
personnel department upon actual receipt by the department of a 9752
certified copy of the notification that contains the decision to 9753
no longer participate. 9754

(6) A county personnel department, in carrying out its 9755
duties, shall adhere to merit system principles with regard to 9756
employees of county departments of job and family services, child 9757
support enforcement agencies, and public child welfare agencies so 9758
that there is no threatened loss of federal funding for these 9759

agencies, and the county is financially liable to the state for 9760
any loss of federal funds due to the action or inaction of the 9761
county personnel department. 9762

(H) County agencies may contract with the department of 9763
administrative services for any human resources services, 9764
including, but not limited to, establishment and modification of 9765
job classification plans, competitive testing services, and 9766
periodic audits and reviews of the county's uniform application of 9767
the powers, duties, and functions specified in sections 124.01 to 9768
124.64 and Chapter 325. of the Revised Code with regard to 9769
employees in the service of the county. Nothing in this division 9770
modifies the powers and duties of the state personnel board of 9771
review with respect to employees in the service of the county. 9772
Nothing in this division limits the right of any employee who 9773
possesses the right of appeal to the state personnel board of 9774
review to continue to possess that right of appeal. 9775

(I) The director of administrative services shall establish 9776
the rate and method of compensation for all employees who are paid 9777
directly by warrant of the director of budget and management and 9778
who are serving in positions that the director of administrative 9779
services has determined impracticable to include in the state job 9780
classification plan. This division does not apply to elected 9781
officials, legislative employees, employees of the legislative 9782
service commission, employees who are in the unclassified civil 9783
service and exempt from collective bargaining coverage in the 9784
office of the secretary of state, auditor of state, treasurer of 9785
state, and attorney general, employees of the courts, employees of 9786
the bureau of workers' compensation whose compensation the 9787
administrator of workers' compensation establishes under division 9788
(B) of section 4121.121 of the Revised Code, or employees of an 9789
appointing authority authorized by law to fix the compensation of 9790
those employees. 9791

(J) The director of administrative services shall set the rate of compensation for all intermittent, seasonal, temporary, emergency, and casual employees in the service of the state who are not considered public employees under section 4117.01 of the Revised Code. Those employees are not entitled to receive employee benefits. This rate of compensation shall be equitable in terms of the rate of employees serving in the same or similar classifications. This division does not apply to elected officials, legislative employees, employees of the legislative service commission, employees who are in the unclassified civil service and exempt from collective bargaining coverage in the office of the secretary of state, auditor of state, treasurer of state, and attorney general, employees of the courts, employees of the bureau of workers' compensation whose compensation the administrator establishes under division (B) of section 4121.121 of the Revised Code, or employees of an appointing authority authorized by law to fix the compensation of those employees.

Sec. 124.18. (A) Forty hours shall be the standard work week for all employees whose salary or wage is paid in whole or in part by the state or by any state-supported college or university. When any employee whose salary or wage is paid in whole or in part by the state or by any state-supported college or university is required by an authorized administrative authority to be in an active pay status more than forty hours in any calendar week, the employee shall be compensated for such time over forty hours, except as otherwise provided in this section, at one and one-half times the employee's regular rate of pay. The use of sick leave or any leave used in lieu of sick leave shall not be considered to be active pay status for the purposes of earning overtime or compensatory time by employees whose wages are paid directly by warrant of the director of budget and management. A flexible-hours employee is not entitled to compensation for overtime work unless

the employee's authorized administrative authority required the 9824
employee to be in active pay status for more than forty hours in a 9825
calendar week, regardless of the number of hours the employee 9826
works on any day in the same calendar week. 9827

Such compensation for overtime work shall be paid no later 9828
than at the conclusion of the next succeeding pay period. 9829

If the employee elects to take compensatory time off in lieu 9830
of overtime pay for any overtime worked, such compensatory time 9831
shall be granted by the employee's administrative superior, on a 9832
time and one-half basis, at a time mutually convenient to the 9833
employee and the administrative superior. Compensatory time is not 9834
available for use until it appears on the employee's earning 9835
statement and the compensation described in the earning statement 9836
is available to the employee. 9837

An employee may accrue compensatory time to a maximum of two 9838
hundred forty hours, except that public safety employees and other 9839
employees who meet the criteria established in the "Federal Fair 9840
Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, 9841
as amended, may accrue a maximum of four hundred eighty hours of 9842
compensatory time. An employee shall be paid at the employee's 9843
regular rate of pay for any hours of compensatory time accrued in 9844
excess of these maximum amounts if the employee has not used the 9845
compensatory time within three hundred sixty-five days after it is 9846
granted, if the employee transfers to another agency of the state, 9847
or if a change in the employee's status exempts the employee from 9848
the payment of overtime compensation. Upon the termination of 9849
employment, any employee with accrued but unused compensatory time 9850
shall be paid for that time at a rate that is the greater of the 9851
employee's final regular rate of pay or the employee's average 9852
regular rate of pay during the employee's last three years of 9853
employment with the state. 9854

No overtime, as described in this section, can be paid unless 9855

it has been authorized by the authorized administrative authority. 9856
Employees may be exempted from the payment of compensation as 9857
required by this section only under the criteria for exemption 9858
from the payment of overtime compensation established in the 9859
"Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 9860
U.S.C.A. 207, 213, as amended. With the approval of the director 9861
of administrative services, the appointing authority may establish 9862
a policy to grant compensatory time or to pay compensation to 9863
state employees in the service of the state who are exempt from 9864
overtime compensation. With the approval of the board of county 9865
commissioners, a county human services department may establish a 9866
policy to grant compensatory time or to pay compensation to 9867
employees of the department who are exempt from overtime 9868
compensation. 9869

(B)(1) An employee, whose salary or wage is paid in whole or 9870
in part by the state, shall be paid for the holidays declared in 9871
section 124.19 of the Revised Code and shall not be required to 9872
work on those holidays, unless, in the opinion of the employee's 9873
responsible administrative authority, failure to work on those 9874
holidays would impair the public service. 9875

(2) An employee paid directly by warrant of the director of 9876
budget and management who is scheduled to work on the first day of 9877
January, the commemoration of memorial day, the fourth day of 9878
July, the fourth Thursday in November, or the twenty-fifth day of 9879
December and who does not report to work the day before, the day 9880
of, or the day after the holiday due to an illness of the employee 9881
or of a member of the employee's immediate family shall not 9882
receive holiday pay as provided by this division, unless the 9883
employee can provide documentation of extenuating circumstances 9884
that prohibited the employee from so reporting to work. If the 9885
employee works a shift between the employee's scheduled shift and 9886
the holiday, the employee shall be paid for the holiday. 9887

(3) An employee also shall not be paid for a holiday unless 9888
the employee was in active pay status on the scheduled work day 9889
immediately preceding the holiday, except that an employee need 9890
not be in active pay status on that work day in order to be paid 9891
for the holiday if the employee is participating in a mandatory or 9892
voluntary cost savings day under section 124.392 of the Revised 9893
Code. 9894

(4) If any of the holidays declared in section 124.19 of the 9895
Revised Code falls on Saturday, the Friday immediately preceding 9896
shall be observed as the holiday. If any of the holidays declared 9897
in section 124.19 of the Revised Code falls on Sunday, the Monday 9898
immediately succeeding shall be observed as the holiday. Employees 9899
whose work schedules are based on the requirements of a 9900
seven-days-a-week work operation shall observe holidays on the 9901
actual days specified in section 124.19 of the Revised Code. 9902

(5) If an employee's work schedule is other than Monday 9903
through Friday, the employee shall be entitled to eight hours of 9904
holiday pay for holidays observed on the employee's day off 9905
regardless of the day of the week on which they are observed. 9906

(6) A full-time permanent employee is entitled to a minimum 9907
of eight hours of pay for each holiday regardless of the 9908
employee's work shift and work schedule. A flexible-hours 9909
employee, who is normally scheduled to work in excess of eight 9910
hours on a day on which a holiday falls, either shall be required 9911
to work an alternate schedule for that week or shall receive 9912
additional holiday pay for the hours the employee is normally 9913
scheduled to work. Such an alternate schedule may require a 9914
flexible-hours employee to work five shifts consisting of eight 9915
hours each during the week including the holiday, and, in that 9916
case, the employee shall receive eight hours of holiday pay for 9917
the day the holiday is observed. 9918

(7) Except as provided under section 124.392 of the Revised 9919

Code, part-time permanent employees shall receive four hours of 9920
holiday pay regardless of the employee's work shift and work 9921
schedule. 9922

(8) When an employee who is eligible for overtime pay under 9923
this section is required by the employee's responsible 9924
administrative authority to work on the day observed as a holiday, 9925
the employee shall be entitled to pay for such time worked at one 9926
and one-half times the employee's regular rate of pay in addition 9927
to the employee's regular pay, or to be granted compensatory time 9928
off at time and one-half thereafter, at the employee's option. 9929
Payment at such rate shall be excluded in the calculation of hours 9930
in active pay status. 9931

(C) Each appointing authority may designate the number of 9932
employees in an agency who are flexible-hours employees. The 9933
appointing authority may establish for each flexible-hours 9934
employee a specified minimum number of hours to be worked each day 9935
that is consistent with the "Federal Fair Labor Standards Act of 9936
1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended. 9937

(D) This section shall be uniformly administered for 9938
employees as defined in section 124.01 of the Revised Code and by 9939
the personnel departments of state-supported colleges and 9940
universities for employees of state-supported colleges and 9941
universities. If employees are not paid directly by warrant of the 9942
director of budget and management, the political subdivision shall 9943
determine whether the use of sick leave shall be considered to be 9944
active pay status for purposes of those employees earning overtime 9945
or compensatory time. 9946

(E) Policies relating to the payment of overtime pay or the 9947
granting of compensatory time off shall be adopted by the chief 9948
administrative officer of the house of representatives for 9949
employees of the house of representatives, by the clerk of the 9950
senate for employees of the senate, and by the director of the 9951

legislative service commission for all other legislative 9952
employees. 9953

(F) As used in this section, "regular rate of pay" means the 9954
base rate of pay an employee receives plus any pay supplements 9955
received pursuant to section 124.181 of the Revised Code. 9956

Sec. 124.30. (A) Classified positions in the civil service 9957
may be filled without competition as follows: 9958

(1) Whenever there are urgent reasons for filling a vacancy 9959
in any position in the classified civil service and the director 9960
of administrative services is unable to certify to the appointing 9961
authority, upon its request, a list of persons eligible for 9962
appointment to the position after a competitive examination, the 9963
appointing authority may fill the position by noncompetitive 9964
examination. 9965

A temporary appointment may be made without regard to the 9966
rules of sections 124.01 to 124.64 of the Revised Code. Except as 9967
otherwise provided in this division, the temporary appointment may 9968
not continue longer than one hundred twenty days, and in no case 9969
shall successive temporary appointments be made. A temporary 9970
appointment longer than one hundred twenty days may be made if 9971
necessary by reason of sickness, disability, or other approved 9972
leave of absence of regular officers or employees, in which case 9973
it may continue during the period of sickness, disability, or 9974
other approved leave of absence, subject to the rules of the 9975
director. 9976

(2) In case of a vacancy in a position in the classified 9977
civil service where peculiar and exceptional qualifications of a 9978
scientific, managerial, professional, or educational character are 9979
required, and upon satisfactory evidence that for specified 9980
reasons competition in this special case is impracticable and that 9981
the position can best be filled by a selection of some designated 9982

person of high and recognized attainments in those qualities, the 9983
director may suspend the provisions of sections 124.01 to 124.64 9984
of the Revised Code that require competition in this special case, 9985
but no suspension shall be general in its application. All such 9986
cases of suspension shall be reported in the annual report of the 9987
director with the reasons for each suspension. The director shall 9988
suspend the provisions when ~~the~~ either of the following applies: 9989

(a) The director of job and family services provides the 9990
certification under section 5101.051 of the Revised Code that a 9991
position with the department of job and family services can best 9992
be filled if the provisions are suspended; 9993

(b) The medicaid director provides the certification under 9994
section 5160.051 of the Revised Code that a position with the 9995
department of medicaid can best be filled if the provisions are 9996
suspended. 9997

(3) The acceptance or refusal by an eligible person of a 9998
temporary appointment shall not affect the person's standing on 9999
the eligible list for permanent appointment, nor shall the period 10000
of temporary service be counted as a part of the probationary 10001
service in case of subsequent appointment to a permanent position. 10002

(B) Persons who receive temporary or intermittent 10003
appointments are in the unclassified civil service and serve at 10004
the pleasure of their appointing authority. 10005

Sec. 124.341. (A) If an employee in the classified or 10006
unclassified civil service becomes aware in the course of 10007
employment of a violation of state or federal statutes, rules, or 10008
regulations or the misuse of public resources, and the employee's 10009
supervisor or appointing authority has authority to correct the 10010
violation or misuse, the employee may file a written report 10011
identifying the violation or misuse with the supervisor or 10012
appointing authority. In addition to or instead of filing a 10013

written report with the supervisor or appointing authority, the 10014
employee may file a written report with the office of internal 10015
~~auditing~~ audit created under section 126.45 of the Revised Code or 10016
file a complaint with the auditor of state's fraud-reporting 10017
system under section 117.103 of the Revised Code. 10018

If the employee reasonably believes that a violation or 10019
misuse of public resources is a criminal offense, the employee, in 10020
addition to or instead of filing a written report or complaint 10021
with the supervisor, appointing authority, the office of internal 10022
~~auditing~~ audit, or the auditor of state's fraud-reporting system, 10023
may report it to a prosecuting attorney, director of law, village 10024
solicitor, or similar chief legal officer of a municipal 10025
corporation, to a peace officer, as defined in section 2935.01 of 10026
the Revised Code, or, if the violation or misuse of public 10027
resources is within the jurisdiction of the inspector general, to 10028
the inspector general in accordance with section 121.46 of the 10029
Revised Code. In addition to that report, if the employee 10030
reasonably believes the violation or misuse is also a violation of 10031
Chapter 102., section 2921.42, or section 2921.43 of the Revised 10032
Code, the employee may report it to the appropriate ethics 10033
commission. 10034

(B) Except as otherwise provided in division (C) of this 10035
section, no officer or employee in the classified or unclassified 10036
civil service shall take any disciplinary action against an 10037
employee in the classified or unclassified civil service for 10038
making any report or filing a complaint as authorized by division 10039
(A) of this section, including, without limitation, doing any of 10040
the following: 10041

(1) Removing or suspending the employee from employment; 10042

(2) Withholding from the employee salary increases or 10043
employee benefits to which the employee is otherwise entitled; 10044

(3) Transferring or reassigning the employee;	10045
(4) Denying the employee promotion that otherwise would have been received;	10046 10047
(5) Reducing the employee in pay or position.	10048
(C) An employee in the classified or unclassified civil service shall make a reasonable effort to determine the accuracy of any information reported under division (A) of this section.	10049 10050 10051
The employee is subject to disciplinary action, including suspension or removal, as determined by the employee's appointing authority, for purposely, knowingly, or recklessly reporting false information under division (A) of this section.	10052 10053 10054 10055
(D) If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified employee as a result of the employee's having filed a report or complaint under division (A) of this section, the employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the employee files such an appeal, the board shall immediately notify the employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119. of the Revised Code.	10056 10057 10058 10059 10060 10061 10062 10063 10064 10065 10066 10067 10068
(E) As used in this section:	10069
(1) "Purposely," "knowingly," and "recklessly" have the same meanings as in section 2901.22 of the Revised Code.	10070 10071
(2) "Appropriate ethics commission" has the same meaning as in section 102.01 of the Revised Code.	10072 10073
(3) "Inspector general" means the inspector general appointed	10074

under section 121.48 of the Revised Code. 10075

Sec. 124.381. (A)(1)(a) An employee in the service of the 10076
state may be eligible to receive salary continuation not to exceed 10077
four hundred eighty hours at the employee's total rate of pay for 10078
absence as a result of injury incurred during the performance of, 10079
or arising out of, state employment. When an eligible employee's 10080
absence as a result of such an injury extends beyond four hundred 10081
eighty hours, the employee immediately becomes subject to sections 10082
124.382 and 124.385 of the Revised Code regarding sick leave and 10083
disability leave benefits. 10084

An employee is ineligible to receive salary continuation 10085
until the date of implementation is established in the rules 10086
adopted under division (C)(1) of this section. 10087

(b) Employees of the secretary of state, auditor of state, 10088
treasurer of state, attorney general, supreme court, general 10089
assembly, or legislative service commission are not subject to 10090
division (A)(1)(a) of this section unless the relevant appointing 10091
authority notifies the director of administrative services in 10092
writing of the intent to have all of the appointing authority's 10093
employees participate in salary continuation. The relevant 10094
appointing authority also may discontinue salary continuation for 10095
all of its employees by providing written notice of the 10096
discontinuation to the director. 10097

Participation in salary continuation is subject to rules 10098
adopted under division (C)(1) of this section. 10099

(2) Each employee of the department of rehabilitation and 10100
correction, the department of ~~mental health~~ mental health and 10101
addiction services, the department of developmental disabilities, 10102
the department of veterans services, or the Ohio schools for the 10103
deaf and blind, and each employee of the department of youth 10104
services as established in division (A) of section 124.14 of the 10105

Revised Code who sustains a qualifying physical condition 10106
inflicted by a ward of these agencies during the time the employee 10107
is lawfully carrying out the assigned duties of the employee's 10108
position shall be paid occupational injury leave at the employee's 10109
total rate of pay during the period the employee is disabled as a 10110
result of that qualifying physical condition, but in no case to 10111
exceed nine hundred sixty hours, in lieu of workers' compensation. 10112
Pay made according to this division shall not be charged to the 10113
employee's accumulation of sick leave credit. In any case when an 10114
employee's disability as a result of such a qualifying physical 10115
condition extends beyond nine hundred sixty hours, the employee 10116
immediately becomes subject to sections 124.382 and 124.385 of the 10117
Revised Code regarding sick leave and disability leave benefits. 10118

(B) An employee who is receiving salary continuation or 10119
occupational injury leave under division (A)(1) or (2) of this 10120
section is not eligible for other paid leave, including holiday 10121
pay, while receiving benefits under either division. While an 10122
employee is receiving salary continuation or occupational injury 10123
leave under division (A)(1) or (2) of this section, vacation leave 10124
credit ceases to accrue to the employee under section 124.134 of 10125
the Revised Code, but sick leave credit and personal leave credit 10126
continue to accrue to the employee under sections 124.382 and 10127
124.386 of the Revised Code. 10128

(C)(1) The director of administrative services shall adopt 10129
rules for the administration of both the salary continuation 10130
program and the occupational injury leave program. The rules shall 10131
include, but not be limited to, provisions for determining a 10132
disability, for filing a claim for leave under this section, and 10133
for allowing or denying claims for the leave. 10134

(2) The director also may adopt rules for the payment of 10135
health benefits while an employee is on workers' compensation 10136
leave. 10137

(D) An appointing authority may apply to the director of 10138
administrative services to grant salary continuation under 10139
division (A)(1) of this section or occupational injury leave under 10140
division (A)(2) of this section to law enforcement personnel 10141
employed by the agency. 10142

Sec. 124.57. (A) No officer or employee in the classified 10143
service of the state, the several counties, cities, and city 10144
school districts of the state, or the civil service townships of 10145
the state shall directly or indirectly, orally or by letter, 10146
solicit or receive, or be in any manner concerned in soliciting or 10147
receiving, any assessment, subscription, or contribution for any 10148
political party or for any candidate for public office; nor shall 10149
any person solicit directly or indirectly, orally or by letter, or 10150
be in any manner concerned in soliciting, any such assessment, 10151
contribution, or payment from any officer or employee in the 10152
classified service of the state, the several counties, cities, or 10153
city school districts of the state, or the civil service townships 10154
of the state; nor shall any officer or employee in the classified 10155
service of the state, the several counties, cities, and city 10156
school districts of the state, or the civil service townships of 10157
the state be an officer in any political organization or take part 10158
in politics other than to vote as the officer or employee pleases 10159
and to express freely political opinions. 10160

(B)(1) Nothing in division (A) of this section prohibits an 10161
officer or employee described in that division from serving as a 10162
precinct election official under section 3501.22 of the Revised 10163
Code. 10164

(2) Nothing in division (A) of this section prohibits an 10165
employee of ~~the Ohio cooperative~~ OSU extension ~~service~~ whose 10166
position is transferred from the unclassified civil service to the 10167
classified civil service and who also holds the office of 10168

president of a city legislative authority from completing the 10169
existing term of office as president. 10170

Sec. 124.84. (A) The department of administrative services, 10171
in consultation with the superintendent of insurance and subject 10172
to division (D) of this section, ~~shall~~ may negotiate and contract 10173
with one or more insurance companies or health insuring 10174
corporations authorized to operate or do business in this state 10175
for the purchase of a policy of long-term care insurance covering 10176
all state employees who are paid directly by warrant of the 10177
director of budget and management, including elected state 10178
officials. Any policy purchased under this division shall be 10179
negotiated and entered into in accordance with the competitive 10180
selection procedures specified in Chapter 125. of the Revised 10181
Code. As used in this section, "long-term care insurance" has the 10182
same meaning as in section 3923.41 of the Revised Code. 10183

(B) Any elected state official or state employee paid 10184
directly by warrant of the director of budget and management may 10185
elect to participate in any long-term care insurance policy 10186
purchased under division (A) of this section. All or any portion 10187
of the premium charged may be paid by the state. Participation in 10188
the policy may include the dependents and family members of the 10189
elected state official or state employee. 10190

If a participant in a long-term care insurance policy leaves 10191
employment, the participant and the participant's dependents and 10192
family members may, at their election, continue to participate in 10193
a policy established under this section. The manner of payment and 10194
the portion of premium charged the participant, dependent, and 10195
family member shall be established pursuant to division (E) of 10196
this section. 10197

(C) Any long-term care insurance policy purchased under this 10198
section or section 124.841 or 145.581 of the Revised Code shall 10199

provide for all of the following with respect to the premiums 10200
charged for the policy: 10201

(1) They shall be set at the entry age of the official or 10202
employee when first covered by the policy and shall not increase 10203
except as a class during coverage under the policy. 10204

(2) They shall be based on the class of all officials or 10205
employees covered by the policy. 10206

(3) They shall continue, pursuant to section 145.581 of the 10207
Revised Code, after the retirement of the official or employee who 10208
is covered under the policy, at the rate in effect on the date of 10209
the official's or employee's retirement. 10210

(D) Prior to entering into a contract with an insurance 10211
company or health insuring corporation for the purchase of a 10212
long-term care insurance policy under this section, the department 10213
shall request the superintendent of insurance to certify the 10214
financial condition of the company or corporation. The department 10215
shall not enter into the contract if, according to that 10216
certification, the company or corporation is insolvent, is 10217
determined by the superintendent to be potentially unable to 10218
fulfill its contractual obligations, or is placed under an order 10219
of rehabilitation or conservation by a court of competent 10220
jurisdiction or under an order of supervision by the 10221
superintendent. 10222

(E) The department shall adopt rules in accordance with 10223
section 111.15 of the Revised Code governing long-term care 10224
insurance purchased under this section. All or any portion of the 10225
premium charged the participants, dependents, and family members 10226
shall be paid in such manner or combination of manners as the 10227
department determines. 10228

Sec. ~~3701.041~~ 124.88. (A) The employee assistance program is 10229

hereby established in the department of administrative services 10230
for the purpose of referring state employees paid by warrant of 10231
the director of budget and management who are in need of medical, 10232
social, or other services to providers of those services. 10233

~~The director of health, in consultation with the director of 10234
budget and management, shall determine a rate at which the 10235
payrolls of all state agencies with employees paid by warrant of 10236
the director of budget and management shall be charged each pay 10237
period that is sufficient to cover the costs of administering the 10238
program. The rate shall be based upon the total number of such 10239
employees and may be adjusted as the director of health, in 10240
consultation with the director of budget and management, considers 10241
necessary. All money collected from the assessment shall be 10242
deposited in the state treasury to the credit of the employee 10243
assistance general services fund, which is hereby created. The 10244
fund shall be used by the director of health to administer the 10245
program.~~ 10246

(B) Records of the identity, diagnosis, prognosis, or 10247
treatment of any person that are maintained in connection with the 10248
employee assistance program created in division (A) of this 10249
section are not public records under section 149.43 of the Revised 10250
Code and shall be disclosed only as provided in division (C) of 10251
this section. 10252

(C)(1) Records described in division (B) of this section may 10253
be disclosed with the prior written consent of the person who is 10254
the subject of the record. 10255

(2) Records described in division (B) of this section may be 10256
disclosed with or without the prior written consent of the person 10257
who is the subject of the record under the following conditions: 10258

(a) To medical personnel to the extent necessary to meet a 10259
bona fide medical emergency; 10260

(b) To qualified personnel for the purpose of conducting 10261
scientific research, management audits, financial audits, or 10262
program evaluation, but the personnel shall not directly or 10263
indirectly identify any person who is the subject of the record in 10264
any report of the research, audit, or evaluation or in any other 10265
manner; 10266

(c) If authorized by an appropriate order of a court of 10267
competent jurisdiction granted after a showing of good cause. In 10268
determining good cause, the court shall weigh the public interest 10269
and the need for disclosure against injury to the person who is 10270
the subject of the record and to the employee assistance program. 10271
Upon granting such an order, the court shall, in determining the 10272
extent to which the disclosure of all or any part of any record is 10273
necessary, impose appropriate safeguards against unauthorized 10274
disclosure. 10275

(D) Except as authorized by a court order described in 10276
division (C)(2)(c) of this section, no record described in 10277
division (B) of this section may be used to initiate or 10278
substantiate criminal charges against the person who is the 10279
subject of the record or to conduct any investigation of such a 10280
person. 10281

Sec. 125.05. Except as provided in division (F) of this 10282
section, no state agency shall purchase any supplies or services 10283
except as provided in divisions (A) to (D) of this section. 10284

(A) Subject to division (E) of this section, a state agency 10285
may, without competitive selection, make any purchase of supplies 10286
or services that cost twenty-five thousand dollars or less. The 10287
agency may make the purchase directly or may make the purchase 10288
from or through the department of administrative services, 10289
whichever the agency determines. The agency shall adopt written 10290
procedures consistent with the department's purchasing procedures 10291

and shall use those procedures when making purchases under this 10292
division. 10293

(B) Subject to division (E) of this section and in accordance 10294
with section 125.051 of the Revised Code, a state agency may make 10295
purchases of supplies and services that cost more than twenty-five 10296
thousand dollars but less than fifty thousand dollars if the 10297
purchases are made under the direction of an employee of the 10298
agency who is certified by the department to make purchases and if 10299
the purchases comply with the department's purchasing procedures. 10300
Section 127.16 of the Revised Code does not apply to purchases 10301
made under this division. Until the certification effective date 10302
established by the department in rules adopted under section 10303
125.051 of the Revised Code, state agencies may make purchases of 10304
supplies and services that cost more than twenty-five thousand 10305
dollars but less than fifty thousand dollars in the same manner as 10306
provided in division (A) of this section. 10307

(C) Subject to division (E) of this section, a state agency 10308
wanting to purchase supplies or services that cost more than 10309
twenty-five thousand dollars shall, unless otherwise authorized by 10310
law, make the purchase from or through the department. The 10311
department shall make the purchase by competitive selection. If 10312
the director of administrative services determines that it is not 10313
possible or not advantageous to the state for the department to 10314
make the purchase, the department shall grant the agency a release 10315
and permit under section 125.06 of the Revised Code to make the 10316
purchase. Section 127.16 of the Revised Code does not apply to 10317
purchases the department makes under this section. 10318

(D) An agency that has been granted a release and permit to 10319
make a purchase may make the purchase without competitive 10320
selection if after making the purchase the cumulative purchase 10321
threshold as computed under division (E) of section 127.16 of the 10322
Revised Code would: 10323

(1) Be exceeded and the controlling board approves the purchase; 10324
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(2) Not be exceeded and the department of administrative services approves the purchase. 10326
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(E) Not later than the thirty-first day of January of each even-numbered year, the directors of administrative services and budget and management shall review and recommend to the general assembly, if necessary, adjustments to the amounts specified in divisions (A) to (C) of this section and division (B) of section 127.16 of the Revised Code. 10328
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(F) If ~~the eTech Ohio commission,~~ the department of education, or the Ohio education computer network determines that it can purchase software services or supplies for specified school districts at a price less than the price for which the districts could purchase the same software services or supplies for themselves, the ~~commission,~~ department, or network shall certify that fact to the department of administrative services and, acting as an agent for the specified school districts, shall make that purchase without following the provisions in divisions (A) to (D) of this section. 10334
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Sec. 125.21. The director of administrative services shall process payroll information for the purpose of payment for personal services of state officials and employees on the basis of rates of pay determined by pertinent law, the director, or other competent authority. 10344
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Calculation of payrolls may be made after the conclusion of each pay period based upon the amount of time served as certified by the appropriate appointing authority. Payment for personal service rendered by an official or employee during any pay period shall be made no later than at the conclusion of the official's or employee's next succeeding pay period. 10349
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The director of administrative services shall furnish to the 10355
director of budget and management all necessary data for drawing 10356
state official and employee pay warrants and preparing earning 10357
statements. These data shall include the rate at which paid; the 10358
time for which paid, including overtime and any other adjustments 10359
affecting the official's or employee's gross pay; all taxes 10360
withheld, including, whenever practicable, year-to-date figures on 10361
all taxes withheld; the amount of contribution to the appropriate 10362
retirement system; any voluntary deductions made in accordance 10363
with authorizations filed by the official or employee; and whether 10364
a direct deposit is to be made in accordance with an authorization 10365
filed by the official or employee. 10366

Amounts deducted from the salaries or wages of all officials 10367
and employees shall be transferred to the payroll ~~withholding~~ 10368
deduction fund, which is hereby created in the state treasury for 10369
the purpose of consolidating all such deductions made in any 10370
month. Payments from this fund shall be made at intervals for the 10371
intended purpose of the deduction or for refund where it is 10372
determined that deductions were made in error. 10373

Sec. 125.212. The life insurance investment fund is hereby 10374
created in the state treasury. The fund shall consist of amounts 10375
from ~~the payroll withholding fund created by section 125.21 of the~~ 10376
~~Revised Code~~ state agencies, life insurance premium refunds 10377
received by the state, and other receipts related to the state's 10378
life insurance benefit program. The fund shall be used to pay the 10379
costs of the state's life insurance benefit program. All 10380
investment earnings of the life insurance investment fund shall be 10381
credited to the fund. 10382

Sec. 125.27. (A) There is hereby created in the state 10383
treasury the building improvement fund. The fund shall retain the 10384
interest earned. 10385

(B) The fund shall consist of any payments made by intrastate transfer voucher from the appropriation item for office building operating payments. 10386
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(C) The fund shall be used for major maintenance or improvements required in the James A. Rhodes or Frank J. Lausche state office tower, Toledo government center, Senator Oliver R. Ocasek government office building, and Vern Riffe center for government and the arts. 10389
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Sec. 125.28. (A)(1) Each state agency that is supported in whole or in part by nongeneral revenue fund money and that occupies space in the James A. Rhodes or Frank J. Lausche state office tower, Toledo government center, Senator Oliver R. Ocasek government office building, Vern Riffe center for government and the arts, capitol square, or governor's mansion shall reimburse the general revenue fund for the cost of occupying the space in the ratio that the occupied space in each facility attributable to the nongeneral revenue fund money bears to the total space occupied by the state agency in the facility. 10394
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(2) All agencies that occupy space in the old blind school or that occupy warehouse space in the general services facility shall reimburse the department of administrative services for the cost of occupying the space. The director of administrative services shall determine the amount of debt service, if any, to be charged to building tenants and shall collect reimbursements for it. 10404
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(3) Each agency that is supported in whole or in part by nongeneral revenue fund money and that occupies space in any other facility or facilities owned and maintained by the department of administrative services or space in the general services facility other than warehouse space shall reimburse the department for the cost of occupying the space, including debt service, if any, in the ratio that the occupied space in each facility attributable to 10410
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the nongeneral revenue fund money bears to the total space 10417
occupied by the state agency in the facility. 10418

(B) The director of administrative services may provide 10419
building maintenance services and ~~skilled trades~~ minor 10420
construction project management services to any state agency 10421
~~occupying space in a facility that is not owned by the department~~ 10422
~~of administrative services~~ and may collect reimbursements for the 10423
cost of providing those services. 10424

(C) All money collected by the department of administrative 10425
services for operating expenses of facilities owned or maintained 10426
by the department shall be deposited into the state treasury to 10427
the credit of the building management fund, which is hereby 10428
created, or to the credit of the building operation fund, which is 10429
hereby created. All money collected by the department for ~~skilled~~ 10430
~~trades~~ minor construction project management services shall be 10431
deposited into the state treasury to the credit of the ~~skilled~~ 10432
~~trades~~ minor construction project management fund, which is hereby 10433
created. All money collected for debt service shall be deposited 10434
into the general revenue fund. 10435

(D) The director of administrative services shall determine 10436
the reimbursable cost of space in state-owned or state-leased 10437
facilities and shall collect reimbursements for that cost. 10438

Sec. 125.602. (A) The department of developmental 10439
disabilities, the department of ~~mental health~~ mental health and 10440
addiction services, the department of job and family services, the 10441
~~rehabilitation services commission~~ opportunities for Ohioans with 10442
disabilities agency, and any other state or governmental agency or 10443
community rehabilitation program responsible for the provision of 10444
rehabilitation and vocational educational services to persons with 10445
work-limiting disabilities may, through written agreement, 10446
cooperate in providing resources to the department of 10447

administrative services for the operation of the office of 10448
procurement from community rehabilitation programs. These 10449
resources may include, but are not limited to, leadership and 10450
assistance in dealing with the societal aspects of meeting the 10451
needs of persons with work-limiting disabilities. 10452

(B) The office and all governmental entities that administer 10453
socioeconomic programs may enter into contractual agreements, 10454
cooperative working relationships, or other arrangements that are 10455
necessary for effective coordination and realization of the 10456
objectives of these entities. 10457

Sec. 125.603. (A) The office of procurement from community 10458
rehabilitation programs shall do the following in addition to 10459
other duties specified in sections 125.60 to 125.6012 of the 10460
Revised Code: 10461

(1) Establish, maintain, and periodically update a 10462
procurement list of approved supplies and services available from 10463
qualified nonprofit agencies; 10464

(2) Monitor the procurement practices of government ordering 10465
offices to ensure compliance with sections 125.60 to 125.6012 of 10466
the Revised Code; 10467

(3) In cooperation with qualified nonprofit agencies, 10468
government ordering offices, the department of developmental 10469
disabilities, the department of ~~mental health~~ mental health and 10470
addiction services, the department of job and family services, and 10471
the ~~rehabilitation services commission~~ opportunities for Ohioans 10472
with disabilities agency, develop and recommend to the director of 10473
administrative services rules the director shall adopt in 10474
accordance with Chapter 119. of the Revised Code for the effective 10475
and efficient administration of sections 125.60 to 125.6012 of the 10476
Revised Code; 10477

(4) Prepare a report of its activities by the last day of 10478
December of each year. The report shall be posted electronically 10479
on the office's web site. 10480

(B) The office of procurement from community rehabilitation 10481
programs may enter into contractual agreements and establish pilot 10482
programs to further the objectives of sections 125.60 to 125.6012 10483
of the Revised Code. 10484

Sec. 125.832. (A) The department of administrative services 10485
is granted exclusive authority over the acquisition and management 10486
of all motor vehicles used by state agencies. In carrying out this 10487
authority, the department shall do both of the following: 10488

(1) Approve the purchase or lease of each motor vehicle for 10489
use by a state agency. The department shall decide if a motor 10490
vehicle shall be leased or purchased for that use. 10491

Except as otherwise provided in division (A)(1) of this 10492
section, on and after July 1, 2005, each state agency shall 10493
acquire all passenger motor vehicles under the department's master 10494
leasing program. If the department determines that acquisition 10495
under that program is not the most economical method and if the 10496
department and the state agency acquiring the passenger motor 10497
vehicle can provide economic justification for doing so, the 10498
department may approve the purchase, rather than the lease, of a 10499
passenger motor vehicle for the acquiring state agency. 10500

(2) Direct and approve all funds that are expended for the 10501
purchase, lease, repair, maintenance, registration, insuring, and 10502
other costs related to the possession and operation of motor 10503
vehicles for the use of state agencies. 10504

(B) The director of administrative services shall establish 10505
and operate a fleet management program. The director shall operate 10506
the program for purposes including, but not limited to, 10507

cost-effective acquisition, maintenance, management, analysis, and disposal of all motor vehicles owned or leased by the state. All state agencies shall comply with statewide fleet management policies and procedures established by the director for the program, including, but not limited to, motor vehicle assignments, additions of motor vehicles to fleets or motor vehicle replacements, motor vehicle fueling, and motor vehicle repairs.

(C) The director shall establish and maintain a fleet reporting system and shall require state agencies to submit to the department information relative to state motor vehicles, including motor vehicles described in division (G)(2) of section 125.831 of the Revised Code, to be used in operating the fleet management program. State agencies shall provide to the department fleet data and other information, including, but not limited to, mileage and costs. The data and other information shall be submitted in formats and in a manner determined by the department.

(D) All state agency purchases or leases of motor vehicles are subject to the prior approval of the director under division (A)(1) of this section.

(E) State agencies that utilize state motor vehicles or pay mileage reimbursements to employees shall provide a fleet plan to the department as directed by the department.

(F)(1) The fleets of state agencies that consist of one hundred or less vehicles on July 1, 2004, shall be managed by the department's fleet management program on a time schedule determined by the department, unless the state agency has received delegated authority as described in division (G) of this section.

(2) The fleets of state agencies that consist of greater than one hundred motor vehicles, but less than five hundred motor vehicles, on July 1, 2005, also shall be managed by the department's fleet management program on a time schedule

determined by the department, unless the state agency has received 10539
delegated authority as described in division (G) of this section. 10540

(G)(1) The department may delegate any or all of its duties 10541
regarding fleet management to a state agency, if the state agency 10542
demonstrates to the satisfaction of the department both of the 10543
following: 10544

(a) Capabilities to institute and manage a fleet management 10545
program, including, but not limited to, the presence of a 10546
certified fleet manager; 10547

(b) Fleet management performance, as demonstrated by fleet 10548
data and other information submitted pursuant to annual reporting 10549
requirements and any other criteria the department considers 10550
necessary in evaluating the performance. 10551

(2) The department may determine that a state agency is not 10552
in compliance with this section and direct that the agency's fleet 10553
management duties be transferred to the department. 10554

(H) The proceeds derived from the disposition of any motor 10555
vehicles under this section shall be paid to whichever of the 10556
following applies: 10557

(1) The fund that originally provided moneys for the purchase 10558
or lease of the motor vehicles; 10559

(2) If the motor vehicles were originally purchased with 10560
moneys derived from the general revenue fund, the proceeds shall 10561
be deposited, in the director's discretion, into the state 10562
treasury to the credit of either the fleet management fund created 10563
by section 125.83 of the Revised Code or the investment recovery 10564
fund created by section 125.14 of the Revised Code. 10565

(I)(1) The department shall create and maintain a certified 10566
fleet manager program. 10567

(2) State agencies that have received delegated authority as 10568

described in division (G) of this section shall have a certified fleet manager. 10569
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(J) The department annually shall prepare and submit a statewide fleet report to the governor, the speaker of the house of representatives, and the president of the senate. The report shall be submitted not later than the thirty-first day of January following the end of each fiscal year. It may include, but is not limited to, the numbers and types of motor vehicles, their mileage, miles per gallon, and cost per mile, mileage reimbursements, accident and insurance data, and information regarding compliance by state agencies having delegated authority under division (G) of this section with applicable fleet management requirements. 10571
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(K) The director shall adopt rules for implementing the fleet management program that are consistent with recognized best practices. The program shall be supported by reasonable fee charges for the services provided. The director shall collect these fees and deposit them into the state treasury to the credit for the fleet management fund created by section 125.83 of the Revised Code. The setting and collection of fees under this division is not subject to any restriction imposed by law upon the director's or the department's authority to set or collect fees. 10582
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(L) The director also shall adopt rules that prohibit, except in very limited circumstances, the exclusive assignment of state-owned, leased, or pooled motor vehicles to state employees and that prohibit the reimbursement under section 126.31 of the Revised Code of state employees who use their own motor vehicles for any mileage they incur above an amount that the department shall determine annually unless reimbursement for the excess mileage is approved by the department in accordance with standards for that approval the director shall establish in those rules. Beginning on September 26, 2003, no state-owned, leased, or pooled 10591
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motor vehicle shall be personally assigned as any form of 10601
compensation or benefit of state employment, and no state-owned, 10602
leased, or pooled motor vehicle shall be assigned to an employee 10603
solely for commuting to and from home and work. 10604

(M) The director shall do both of the following: 10605

(1) Implement to the greatest extent possible the 10606
recommendations from the 2002 report entitled "Administrative 10607
Analysis of the Ohio Fleet Management Program" in connection with 10608
the authority granted to the department by this section; 10609

(2) Attempt to reduce the number of passenger vehicles used 10610
by state agencies during the fiscal years ending on June 30, 2004, 10611
and June 30, 2005. 10612

(N) Each state agency shall reimburse the department for all 10613
costs incurred in the assignment of motor vehicles to the state 10614
agency. 10615

(O) The director shall do all of the following in managing 10616
the fleet management program: 10617

(1) Determine how motor vehicles will be maintained, insured, 10618
operated, financed, and licensed; 10619

(2) Pursuant to the formula in division (O)(3) of this 10620
section, annually establish the minimum number of business miles 10621
per year an employee of a state agency must drive in order to 10622
qualify for approval by the department to receive a motor vehicle 10623
for business use; 10624

(3) Establish the minimum number of business miles per year 10625
at an amount that results when the annual motor vehicle cost is 10626
divided by the amount that is the reimbursement rate per mile 10627
minus the amount that is the sum of the fuel cost, the operating 10628
cost, and the insurance cost. As used in this division: 10629

(a) "Annual motor vehicle cost" means the price of a motor 10630

vehicle divided by the number of years an average motor vehicle is used. 10631
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(b) "Fuel cost" means the average price per gallon of motor fuel divided by the miles per gallon fuel efficiency of a motor vehicle. 10633
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(c) "Insurance cost" means the cost of insuring a motor vehicle per year divided by the number of miles an average motor vehicle is driven per year. 10636
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(d) "Operating cost" means the maintenance cost of a motor vehicle per year divided by the product resulting when the number of miles an average motor vehicle is driven per year is multiplied by the number of years an average motor vehicle is used. 10639
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(e) "Reimbursement rate per mile" means the reimbursement per mile rate for travel expenses as provided by rule of the director of budget and management adopted under division (B) of section 126.31 of the Revised Code. 10643
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~~(P)(1) Not later than the fifteenth day of September of each year, each state institution of higher education shall report to the department on all of the following topics relating to motor vehicles that the institution acquires and manages:~~ 10647
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~~(a) The methods it uses to track the motor vehicles;~~ 10651

~~(b) Whether or not it uses a fuel card program to purchase fuel for, or to pay for the maintenance of, the motor vehicles;~~ 10652
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~~(c) Whether or not it makes bulk purchases of fuel for the motor vehicles.~~ 10654
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~~(2) Assuming it does not use the fleet management tracking, fuel card program, and bulk fuel purchases tools and services that the department provides, the report of a state institution of higher education required by division (P)(1) of this section also shall include both of the following:~~ 10656
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~~(a) An analysis of the amount the institution would save, if any, if it were to use the fleet management tracking, fuel card program, and bulk fuel purchases tools and services that the department provides instead of the fleet management system the institution regularly uses;~~ 10661
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~~(b) A rationale for either continuing with the fleet management system that the institution regularly uses or changing to the use of those tools and services that the department provides.~~ 10666
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~~(3) The department shall certify within ninety days after receipt of all reports under division (P)(1) of this section a list of those state institutions of higher education that the department determines would save amounts if they were to use the fleet management tracking, fuel card program, and bulk fuel purchases tools and services that the department provides. The institutions so certified then shall use those tools and services that the department provides until the department next certifies institutions under division (P)(3) of this section.~~ 10670
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Sec. 125.833. (A) There is hereby established in the department of administrative services the vehicle management commission. 10679
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(B) The commission shall consist of seven members. One member shall be an officer or employee of the department of administrative services who is appointed by the director of administrative services. One member shall be an officer or employee of the department of public safety who is appointed by the director of public safety. The other members shall be two members of the house of representatives appointed by the speaker of the house of representatives, two members of the senate appointed by the president of the senate, and one person with experience in the vehicle leasing, purchasing, and maintenance 10682
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industry in this state appointed by the governor and serving at 10692
the governor's pleasure. The governor shall appoint the 10693
commission's chairperson. 10694

Initial appointments of the members to the commission shall 10695
be made by October 1, 2013, in the manner prescribed in this 10696
section. The initial meeting of the commission shall be held on 10697
that date and twice annually thereafter each year. After the 10698
initial appointments, appointments of legislative members to the 10699
commission shall be made within fifteen days after the 10700
commencement of the first regular session of the general assembly 10701
in the manner prescribed in this section. The terms of legislative 10702
members on the commission shall be for the duration of the session 10703
of the general assembly in which they are appointed. Members shall 10704
continue to serve on the commission until the appointments are 10705
made in the following session of the general assembly, unless they 10706
cease to be members of the general assembly. A vacancy on the 10707
commission shall be filled for the unexpired term in the same 10708
manner as the original appointment. 10709

(C) The commission shall periodically review the 10710
implementation of the fleet management program by the department 10711
of administrative services under section 125.832 of the Revised 10712
Code and may recommend to the department and the general assembly 10713
modifications to the department's procedures and functions and 10714
other statutory changes. 10715

Sec. 125.836. (A) As used in this section: 10716

(1) "Biodiesel," "blended biodiesel," and "diesel fuel" have 10717
the same meanings as in section 125.831 of the Revised Code. 10718

(2) ~~"Credit" means a credit generated by the acquisition of~~ 10719
~~alternative fueled vehicles in accordance with the "Energy Policy~~ 10720
~~Act of 1992," 106 Stat. 2897, 42 U.S.C. 13257.~~ 10721

(3) "Incremental cost" means the difference in cost between blended biodiesel and conventional petroleum-based diesel fuel at the time the blended biodiesel is purchased.

~~(B) The department of administrative services shall establish and administer a credit banking and selling program. The department may sell or trade credits in accordance with procedures established pursuant to the "Energy Policy Act of 1992," 106 Stat. 2897, 42 U.S.C. 13258.~~

(C) There is hereby created in the state treasury the "biodiesel revolving fund," to which shall be credited moneys received from the sale of credits under this section, any moneys appropriated to the fund by the general assembly, and any other moneys obtained or accepted by the ~~department~~ development services agency for crediting to the fund. Moneys credited to the fund shall be used to pay for the incremental cost of biodiesel for use in vehicles owned or leased by the state that use diesel fuel. The ~~director of administrative services, after consultation with the director~~ of development, services may direct the director of budget and management to transfer available moneys in the biodiesel revolving fund to the alternative fuel transportation fund created in section 122.075 of the Revised Code to be used by the ~~department of development~~ services agency for the purposes specified in that section.

~~(D) The director of administrative services shall adopt rules under Chapter 119. of the Revised Code that are necessary for the administration of the credit banking and selling program.~~

Sec. 126.07. Except as provided in division (B) of section 126.21 of the Revised Code, no contract, agreement, or obligation involving the expenditure of money chargeable to an appropriation, nor any resolution or order for the expenditure of money chargeable to an appropriation, shall be valid and enforceable

unless the director of budget and management first certifies that 10753
there is a balance in the appropriation not already obligated to 10754
pay existing obligations, in an amount at least equal to the 10755
portion of the contract, agreement, obligation, resolution, or 10756
order to be performed in the current fiscal year. Any written 10757
contract or agreement entered into by the state shall contain a 10758
clause stating that the obligations of the state are subject to 10759
this section. 10760

The chief administrative officer of a state agency is 10761
responsible for the preaudit and approval of expenditures and 10762
other transactions of the agency. In order to initiate the making 10763
of a payment from the state treasury, the person in a state agency 10764
who requests that the payment be made shall first submit to the 10765
chief administrative officer of the agency all invoices, claims, 10766
vouchers, and other documentation related to the payment. The 10767
chief administrative officer shall examine each voucher and all 10768
other documentation required to support the voucher and determine 10769
whether they meet all the requirements established by the director 10770
of budget and management for making the payment. If they do meet 10771
those requirements, the chief administrative officer shall certify 10772
to the director the approval of the chief administrative officer 10773
for payment. 10774

Prior to drawing a warrant or processing an electronic funds 10775
transfer as provided in section 126.35 of the Revised Code, the 10776
director may review and audit the voucher, any documentation 10777
accompanying the voucher, and any other documentation related to 10778
the transaction that the director may require to determine if the 10779
transaction is in accordance with law. The director shall not 10780
approve payment to be made if the director finds that there is not 10781
an unobligated balance in the appropriation for the payment, that 10782
the payment is not for a valid claim against the state that is 10783
legally due, or that insufficient documentation has been 10784

submitted. If the director does not approve payment, the director 10785
shall notify the agency of the reasons the director has not given 10786
approval. 10787

In approving payments to be made under this section, the 10788
director, upon receipt of certification from the director of job 10789
and family services pursuant to section 4141.231 of the Revised 10790
Code, shall withhold from amounts otherwise payable to a person 10791
who is the subject of the director of jobs and family services' 10792
certification, the amount certified to be due and unpaid to the 10793
director of job and family services, and shall approve for payment 10794
to the director of job and family services, the amount withheld. 10795

As used in this section and in section 126.21 of the Revised 10796
Code, "chief administrative officer" means either of the 10797
following: 10798

(A) The director of the agency or, in the case of a state 10799
agency without a director, the equivalent officer of that agency; 10800

(B) The designee of the chief administrative officer for the 10801
purposes of such sections. 10802

Sec. 126.14. The release of any money appropriated for the 10803
purchase of real estate shall be approved by the controlling 10804
board. The release of money appropriated for all other capital 10805
projects is also subject to the approval of the controlling board, 10806
except that the director of budget and management may approve the 10807
release of money appropriated for specific projects in accordance 10808
with the requirements of this section and except that the director 10809
of budget and management may approve the release of unencumbered 10810
capital balances, for a project to repair, remove, or prevent a 10811
public exigency declared to exist by the executive director of 10812
~~administrative services~~ the Ohio facilities construction 10813
commission under section 123.10 of the Revised Code, ~~or by the~~ 10814
~~executive director of the Ohio facilities construction commission~~ 10815

~~under section 123.23 of the Revised Code,~~ in the amount designated 10816
in that declaration. 10817

Within sixty days after the effective date of any act 10818
appropriating money for capital projects, the director shall 10819
determine which appropriations are for general projects and which 10820
are for specific projects. Specific projects may include specific 10821
higher education projects that are to be funded from general 10822
purpose appropriations from the higher education improvement fund 10823
or the higher education improvement taxable fund created in 10824
section 154.21 of the Revised Code. Upon determining which 10825
projects are general and which are specific, the director shall 10826
submit to the controlling board a list that includes a brief 10827
description of and the estimated expenditures for each specific 10828
project. The release of money for any specific higher education 10829
projects that are to be funded from general purpose appropriations 10830
from the higher education improvement fund or the higher education 10831
improvement taxable fund but that are not included on the list, 10832
and the release of money for any specific higher education 10833
projects included on the list that will exceed the estimated 10834
expenditures by more than ten per cent, are subject to the 10835
approval of the controlling board. 10836

The director may create new appropriation items and make 10837
transfers of appropriations to them for specific higher education 10838
projects included on the list that are to be funded from general 10839
purpose appropriations for basic renovations that are made from 10840
the higher education improvement fund or the higher education 10841
improvement taxable fund. 10842

Sec. 126.211. The director of budget and management shall not 10843
release funds to a veterans organization until the director has 10844
been advised by the director of veterans services under division 10845
(Y) of section 5902.02 of the Revised Code that the organization 10846

has submitted a satisfactory report as required by division (W) of 10847
that section. 10848

Sec. 126.32. (A) Any officer of any state agency may 10849
authorize reimbursement for travel, including the costs of 10850
transportation, for lodging, and for meals to any person who is 10851
interviewing for a position that is classified in pay range 13 or 10852
above in schedule E-1 or schedule E-1 for step seven only, or is 10853
classified in schedule E-2, of section 124.152 of the Revised 10854
Code. 10855

(B) If a person is appointed to a position listed in section 10856
121.03 of the Revised Code, to the position of chairperson of the 10857
industrial commission, adjutant general, chancellor of the Ohio 10858
board of regents, superintendent of public instruction, 10859
chairperson of the public utilities commission of Ohio, or 10860
director of the state lottery commission, to a position holding a 10861
fiduciary relationship to the governor, to a position of an 10862
appointing authority of the department of ~~mental health~~ mental 10863
health and addiction services, developmental disabilities, or 10864
rehabilitation and correction, to a position of superintendent in 10865
the department of youth services, or to a position under section 10866
122.05 of the Revised Code, and if that appointment requires a 10867
permanent change of residence, the appropriate state agency may 10868
reimburse the person for the person's actual and necessary 10869
expenses, including the cost of in-transit storage of household 10870
goods and personal effects, of moving the person and members of 10871
the person's immediate family residing in the person's household, 10872
and of moving their household goods and personal effects, to the 10873
person's new location. 10874

Until that person moves the person's permanent residence to 10875
the new location, but not for a period that exceeds thirty 10876
consecutive days, the state agency may reimburse the person for 10877

the person's temporary living expenses at the new location that 10878
the person has incurred on behalf of the person and members of the 10879
person's immediate family residing in the person's household. In 10880
addition, the state agency may reimburse that person for the 10881
person's travel expenses between the new location and the person's 10882
former residence during this period for a maximum number of trips 10883
specified by rule of the director of budget and management, but 10884
the state agency shall not reimburse the person for travel 10885
expenses incurred for those trips by members of the person's 10886
immediate family. With the prior written approval of the director, 10887
the maximum thirty-day period for temporary living expenses may be 10888
extended for a person appointed to a position under section 122.05 10889
of the Revised Code. 10890

The director of development services may reimburse a person 10891
appointed to a position under section 122.05 of the Revised Code 10892
for the person's actual and necessary expenses of moving the 10893
person and members of the person's immediate family residing in 10894
the person's household back to the United States and may reimburse 10895
a person appointed to such a position for the cost of storage of 10896
household goods and personal effects of the person and the 10897
person's immediate family while the person is serving outside the 10898
United States, if the person's office outside the United States is 10899
the person's primary job location. 10900

(C) All reimbursement under division (A) or (B) of this 10901
section shall be made in the manner, and at rates that do not 10902
exceed those, provided by rule of the director of budget and 10903
management in accordance with section 111.15 of the Revised Code. 10904
Reimbursements may be made under division (B) of this section 10905
directly to the persons who incurred the expenses or directly to 10906
the providers of goods or services the persons receive, as 10907
determined by the director of budget and management. 10908

Sec. 126.35. (A) The director of budget and management shall 10909
draw warrants or process electronic funds transfers against the 10910
treasurer of state pursuant to all requests for payment that the 10911
director has approved under section 126.07 of the Revised Code. 10912

(B) Unless a cash assistance payment is to be made by 10913
electronic benefit transfer, payment by the director of budget and 10914
management to a participant in the Ohio works first program 10915
pursuant to Chapter 5107. of the Revised Code, a recipient of 10916
disability financial assistance pursuant to Chapter 5115. of the 10917
Revised Code, or a recipient of cash assistance provided under the 10918
refugee assistance program established under section 5101.49 of 10919
the Revised Code shall be made by direct deposit to the account of 10920
the participant or recipient in the financial institution 10921
designated under section 329.03 of the Revised Code. Payment by 10922
the director of budget and management to a recipient of benefits 10923
distributed through the medium of electronic benefit transfer 10924
pursuant to section 5101.33 of the Revised Code shall be by 10925
electronic benefit transfer. Payment by the director of budget and 10926
management as compensation to an employee of the state who has, 10927
pursuant to section 124.151 of the Revised Code, designated a 10928
financial institution and account for the direct deposit of such 10929
payments shall be made by direct deposit to the account of the 10930
employee. Payment to any other payee who has designated a 10931
financial institution and account for the direct deposit of such 10932
payment may be made by direct deposit to the account of the payee 10933
in the financial institution as provided in section 9.37 of the 10934
Revised Code. Accounts maintained by the director of budget and 10935
management or the director's agent in a financial institution for 10936
the purpose of effectuating payment by direct deposit or 10937
electronic benefit transfer shall be maintained in accordance with 10938
section 135.18 of the Revised Code. 10939

(C) All other payments from the state treasury shall be made 10940

by paper warrants, electronic funds transfers, or by direct 10941
deposit payable to the respective payees. The director of budget 10942
and management may mail the paper warrants to the respective 10943
payees or distribute them through other state agencies, whichever 10944
the director determines to be the better procedure. 10945

~~(D) If the average per transaction cost the director of 10946
budget and management incurs in making direct deposits for a state 10947
agency exceeds the average per transaction cost the director 10948
incurs in drawing paper warrants for all public offices during the 10949
same period of time, the director may certify the difference in 10950
cost and the number of direct deposits for the agency to the 10951
director of administrative services. The director of 10952
administrative services shall reimburse the director of budget and 10953
management for such additional costs and add the amount to the 10954
processing charge assessed upon the state agency. 10955~~

Sec. 126.45. (A) As used in sections 126.45 to 126.48 of the 10956
Revised Code, "state agency" means the administrative departments 10957
listed in section 121.02 of the Revised Code, the department of 10958
taxation, the bureau of workers' compensation, ~~and~~ the Ohio board 10959
of regents, the opportunities for Ohioans with disabilities 10960
agency, the public utilities commission of Ohio, the adjutant 10961
general, and the state lottery commission. 10962

(B) The office of internal ~~auditing~~ audit is hereby created 10963
in the office of budget and management to ~~conduct~~ direct internal 10964
audits of state agencies or divisions of state agencies to improve 10965
their operations in the areas of risk management, internal 10966
controls, and governance. The director of budget and management, 10967
with the approval of the governor, shall appoint for the office of 10968
internal ~~auditing~~ audit a chief internal auditor who meets the 10969
qualifications specified in division ~~(C)~~ (E) of this section. The 10970
chief internal auditor shall serve at the director's pleasure and 10971

be responsible for the administration of the office of internal auditing audit consistent with sections 126.45 to 126.48 of the Revised Code.

(C) The office of internal ~~auditing~~ audit shall conduct programs for the internal auditing of state agencies. The programs shall include an annual internal audit plan, reviewed by the state audit committee, that utilizes risk assessment techniques and identifies the specific audits to be ~~conducted~~ directed during the year. The programs also shall include periodic audits of each state agency's major systems and controls, including those systems and controls pertaining to accounting, administration, and ~~electronic data processing~~ information technology. Upon the request of the office of internal ~~auditing~~ audit, each state agency shall provide office employees access to all records and documents necessary for the performance of an internal audit.

The director of budget and management shall assess a charge against each state agency for which the office of internal ~~auditing~~ audit conducts internal auditing programs under sections 126.45 to 126.48 of the Revised Code so that the total amount of these charges is sufficient to cover the costs of the operation of the office of internal ~~auditing~~ audit.

(D) At the request of any other organized body, office, or agency established by the laws of the state for the exercise of any function of state government that is not described in division (A) of this section, the office of internal audit may direct an internal audit of all or part of that body, office, or agency. The office of internal audit shall charge an amount sufficient to cover the costs it incurs in relation to the requested audit.

~~(C)~~(E) The chief internal auditor of the office of internal ~~auditing~~ audit shall hold at least a bachelor's degree and be one of the following:

(1) A certified internal auditor, a certified government auditing professional, or a certified public accountant, who also has held a PA registration or a CPA certificate authorized by Chapter 4701. of the Revised Code for at least four years and has at least six years of auditing experience;

(2) An auditor who has held a PA registration or a CPA certificate authorized by Chapter 4701. of the Revised Code for at least four years and has at least ten years of auditing experience.

~~(D)~~(F) The chief internal auditor, subject to the direction and control of the director of budget and management, may appoint and maintain any staff necessary to carry out the duties assigned by sections 126.45 to 126.48 of the Revised Code to the office of internal ~~auditing~~ audit or to the chief internal auditor.

Sec. 126.46. (A)(1) There is hereby created the state audit committee, consisting of the following five members: one public member appointed by the governor; two public members appointed by the speaker of the house of representatives, one of which may be a person who is recommended by the minority leader of the house of representatives; and two public members appointed by the president of the senate, one of which may be a person who is recommended by the minority leader of the senate. Not more than two of the four members appointed by the speaker of the house of representatives and the president of the senate shall belong to or be affiliated with the same political party. The member appointed by the governor shall have the program and management expertise required to perform the duties of the committee's chairperson.

Each member of the committee shall be external to the management structure of state government and shall serve a three-year term. Each term shall commence on the first day of July and end on the thirtieth day of June. Any member may continue in

office subsequent to the expiration date of the member's term 11034
until the member's successor takes office or until a period of 11035
ninety days has elapsed, whichever occurs first. Members may be 11036
reappointed to serve one additional term. 11037

~~On the effective date of the amendment of this section by~~ 11038
~~H.B. 153 of the 129th general assembly~~ September 29, 2011, the 11039
terms of the members shall be altered as follows: 11040

(a) The terms of the members appointed by the president shall 11041
expire on June 30, 2012. 11042

(b) The term of the member appointed by the speaker scheduled 11043
to expire on November 17, 2012, shall expire on June 30, 2013. 11044

(c) The term of the other member appointed by the speaker 11045
shall expire on June 30, 2014. 11046

(d) The term of the member appointed by the governor shall 11047
expire on June 30, 2014. 11048

The committee shall include at least one member who is a 11049
financial expert; at least one member who is an active, inactive, 11050
or retired certified public accountant; at least one member who is 11051
familiar with governmental financial accounting; at least one 11052
member who is familiar with information technology systems and 11053
services; and at least one member who is a representative of the 11054
public. 11055

Any vacancy on the committee shall be filled in the same 11056
manner as provided in this division, and, when applicable, the 11057
person appointed to fill a vacancy shall serve the remainder of 11058
the predecessor's term. 11059

(2) Members of the committee shall receive reimbursement for 11060
actual and necessary expenses incurred in the discharge of their 11061
duties. 11062

(3) The member of the committee appointed by the governor 11063

shall serve as the committee's chairperson. 11064

(4) Members of the committee shall be subject to the 11065
disclosure statement requirements of section 102.02 of the Revised 11066
Code. 11067

(B) The state audit committee shall do all of the following: 11068

(1) ~~Ensure that~~ Evaluate whether the internal audits 11069
~~conducted~~ directed by the office of internal ~~auditing~~ audit in the 11070
office of budget and management conform to the institute of 11071
internal auditors' international ~~standards for the~~ professional 11072
~~practice of~~ practices framework for internal auditing and to the 11073
institute of internal auditors' code of ethics; 11074

(2) Review and comment on the process used by the office of 11075
budget and management to prepare ~~its annual budgetary financial~~ 11076
~~report and~~ the state's comprehensive annual financial report 11077
required under division (A)(9) of section 126.21 of the Revised 11078
Code; 11079

(3) Review and comment on unaudited financial statements 11080
submitted to the auditor of state and communicate with external 11081
auditors as required by government auditing standards; 11082

(4) Perform the additional functions imposed upon it by 11083
section 126.47 of the Revised Code. 11084

(C) As used in this section, "financial expert" means a 11085
person who has all of the following: 11086

(1) An understanding of generally accepted accounting 11087
principles and financial statements; 11088

(2) The ability to assess the general application of those 11089
principles in connection with accounting for estimates, accruals, 11090
and reserves; 11091

(3) Experience preparing, auditing, analyzing, or evaluating 11092
financial statements presenting accounting issues that generally 11093

are of comparable breadth and level of complexity to those likely 11094
to be presented by a state agency's financial statements, or 11095
experience actively supervising one or more persons engaged in 11096
those activities; 11097

(4) An understanding of internal controls and procedures for 11098
financial reporting; and 11099

(5) An understanding of audit committee functions. 11100

Sec. 126.47. (A) The state audit committee created by section 11101
126.46 of the Revised Code shall ensure that the office of 11102
internal ~~auditing~~ audit in the office of budget and management has 11103
an annual internal audit plan that identifies the internal audits 11104
of state agencies or divisions of state agencies scheduled for the 11105
next fiscal year. The chief internal auditor of the office of 11106
internal ~~auditing~~ audit shall submit the plan to the state audit 11107
committee for review and comment before the beginning of each 11108
fiscal year. The chief internal auditor may submit a revised 11109
internal audit plan for review and comment at any time the 11110
director of budget and management believes there is reason to 11111
modify the previously submitted plan for a fiscal year. 11112

(B) To determine the state agencies or divisions of state 11113
agencies that are to be internally audited, the office of internal 11114
~~auditing~~ audit, in the formulation of an annual or revised 11115
internal audit plan, and the state audit committee, in reviewing a 11116
submitted annual or revised internal audit plan, shall consider 11117
the following factors: 11118

(1) The risk for fraud, waste, or abuse of public money 11119
within an agency or division; 11120

(2) The length of time since an agency or division was last 11121
subject to an internal audit; 11122

(3) The size of an agency or division, and the amount of time 11123

and resources necessary to audit it; 11124

(4) Any other factor the state audit committee determines to 11125
be relevant. 11126

(C) All internal audits shall be ~~conducted only~~ directed by 11127
employees of the office of internal ~~auditing~~ audit. 11128

(D) After the conclusion of an internal audit, the chief 11129
internal auditor shall submit a preliminary report of the internal 11130
audit's findings and recommendations to the state audit committee 11131
and to the director of the state agency involved. The state agency 11132
or division of the state agency covered by the preliminary report 11133
shall be provided an opportunity to respond within thirty days 11134
after receipt of the preliminary report. The response shall 11135
include a corrective action plan for any recommendations in the 11136
preliminary report that are not disputed by the agency or 11137
division. Any response received by the office of internal ~~auditing~~ 11138
audit within that thirty-day period shall be included in the 11139
office's final report of the internal audit's findings and 11140
recommendations. The final report shall be issued by the office of 11141
internal ~~auditing~~ audit within thirty days after the termination 11142
of the thirty-day response period. Copies of the final report 11143
shall be submitted to the state audit committee, the governor, and 11144
the director of the state agency involved. The state audit 11145
committee shall determine an appropriate method for making the 11146
preliminary and final reports available for public inspection in a 11147
timely manner. 11148

Any suspected fraud or other illegal activity discovered by 11149
the office of internal ~~auditing~~ audit during ~~the conduct of~~ an 11150
internal audit shall be reported immediately to the state audit 11151
committee, the director of the state agency in which the fraud or 11152
illegal activity is suspected to have occurred, and the auditor of 11153
state. 11154

(E) The chief internal auditor shall prepare an annual report 11155
and submit the report to the governor, the president of the 11156
senate, the speaker of the house of representatives, and the 11157
auditor of state. The office of budget and management shall make 11158
the report available to the public by posting it on the office's 11159
web site before the first of ~~July~~ August of each year. 11160

Sec. 126.48. ~~Any~~ (A) Except as provided in division (B) of 11161
this section, any preliminary or final report of an internal 11162
audit's findings and recommendations which is produced by the 11163
office of internal ~~auditing~~ audit in the office of budget and 11164
management and all work papers of the internal audit are 11165
confidential and are not public records under section 149.43 of 11166
the Revised Code until the final report of an internal audit's 11167
findings and recommendations is submitted to the state audit 11168
committee, the governor, and the director of the state agency 11169
involved. 11170

(B) The following are not public records under section 149.43 11171
of the Revised Code: 11172

(1) An internal audit report that meets the definition of a 11173
security record under section 149.433 of the Revised Code; 11174

(2) Any information derived from a state tax return or state 11175
tax return information as permitted to be used by the office of 11176
internal audit under section 5703.21 of the Revised Code. 11177

Sec. 127.14. The controlling board may, at the request of any 11178
state agency or the director of budget and management, authorize, 11179
with respect to the provisions of any appropriation act: 11180

(A) Transfers of all or part of an appropriation within but 11182
not between state agencies, except such transfers as the director 11183
of budget and management is authorized by law to make, provided 11184

that no transfer shall be made by the director for the purpose of 11185
effecting new or changed levels of program service not authorized 11186
by the general assembly; 11187

(B) Transfers of all or part of an appropriation from one 11188
fiscal year to another; 11189

(C) Transfers of all or part of an appropriation within or 11190
between state agencies made necessary by administrative 11191
reorganization or by the abolition of an agency or part of an 11192
agency; 11193

(D) Transfers of all or part of cash balances in excess of 11194
needs from any fund of the state to the general revenue fund or to 11195
such other fund of the state to which the money would have been 11196
credited in the absence of the fund from which the transfers are 11197
authorized to be made, except that the controlling board may not 11198
authorize such transfers from the accrued leave liability fund, 11199
auto registration distribution fund, local motor vehicle license 11200
tax fund, budget stabilization fund, building improvement fund, 11201
development bond retirement fund, facilities establishment fund, 11202
gasoline excise tax fund, general revenue fund, higher education 11203
improvement fund, highway improvement bond retirement fund, 11204
highway obligations bond retirement fund, highway capital 11205
improvement fund, highway operating fund, horse racing tax fund, 11206
improvements bond retirement fund, public library fund, liquor 11207
control fund, local government fund, local transportation 11208
improvement program fund, mental health facilities improvement 11209
fund, Ohio fairs fund, parks and recreation improvement fund, 11210
public improvements bond retirement fund, school district income 11211
tax fund, state agency facilities improvement fund, state and 11212
local government highway distribution fund, state highway safety 11213
fund, state lottery fund, undivided liquor permit fund, Vietnam 11214
conflict compensation bond retirement fund, volunteer fire 11215
fighters' dependents fund, waterways safety fund, wildlife fund, 11216

workers' compensation fund, or any fund not specified in this 11217
division that the director of budget and management determines to 11218
be a bond fund or bond retirement fund; 11219

(E) Transfers of all or part of those appropriations included 11220
in the emergency purposes account of the controlling board; 11221

(F) Temporary transfers of all or part of an appropriation or 11222
other moneys into and between existing funds, or new funds, as may 11223
be established by law when needed for capital outlays for which 11224
notes or bonds will be issued; 11225

(G) Transfer or release of all or part of an appropriation to 11226
a state agency requiring controlling board approval of such 11227
transfer or release as provided by law; 11228

(H) Temporary transfer of funds included in the emergency 11229
purposes appropriation of the controlling board. Such temporary 11230
transfers may be made subject to conditions specified by the 11231
controlling board at the time temporary transfers are authorized. 11232
No transfers shall be made under this division for the purpose of 11233
effecting new or changed levels of program service not authorized 11234
by the general assembly. 11235

As used in this section, "request" means an application by a 11236
state agency or the director of budget and management seeking some 11237
action by the controlling board. 11238

When authorizing the transfer of all or part of an 11239
appropriation under this section, the controlling board may 11240
authorize the transfer to an existing appropriation item and the 11241
creation of and transfer to a new appropriation item. 11242

Whenever there is a transfer of all or part of funds included 11243
in the emergency purposes appropriation by the controlling board, 11244
pursuant to division (E) of this section, the state agency or the 11245
director of budget and management receiving such transfer shall 11246
keep a detailed record of the use of the transferred funds. At the 11247

earliest scheduled meeting of the controlling board following the 11248
accomplishment of the purposes specified in the request originally 11249
seeking the transfer, or following the total expenditure of the 11250
transferred funds for the specified purposes, the state agency or 11251
the director of budget and management shall submit a report on the 11252
expenditure of such funds to the board. The portion of any 11253
appropriation so transferred which is not required to accomplish 11254
the purposes designated in the original request to the controlling 11255
board shall be returned to the proper appropriation of the 11256
controlling board at this time. 11257

Notwithstanding any provisions of law providing for the 11258
deposit of revenues received by a state agency to the credit of a 11259
particular fund in the state treasury, whenever there is a 11260
temporary transfer of funds included in the emergency purposes 11261
appropriation of the controlling board pursuant to division (H) of 11262
this section, revenues received by any state agency receiving such 11263
a temporary transfer of funds shall, as directed by the 11264
controlling board, be transferred back to the emergency purposes 11265
appropriation. 11266

The board may delegate to the director of budget and 11267
management authority to approve transfers among items of 11268
appropriation under division (A) of this section. 11269

Sec. 127.16. (A) Upon the request of either a state agency or 11270
the director of budget and management and after the controlling 11271
board determines that an emergency or a sufficient economic reason 11272
exists, the controlling board may approve the making of a purchase 11273
without competitive selection as provided in division (B) of this 11274
section. 11275

(B) Except as otherwise provided in this section, no state 11276
agency, using money that has been appropriated to it directly, 11277
shall: 11278

(1) Make any purchase from a particular supplier, that would 11279
amount to fifty thousand dollars or more when combined with both 11280
the amount of all disbursements to the supplier during the fiscal 11281
year for purchases made by the agency and the amount of all 11282
outstanding encumbrances for purchases made by the agency from the 11283
supplier, unless the purchase is made by competitive selection or 11284
with the approval of the controlling board; 11285

(2) Lease real estate from a particular supplier, if the 11286
lease would amount to seventy-five thousand dollars or more when 11287
combined with both the amount of all disbursements to the supplier 11288
during the fiscal year for real estate leases made by the agency 11289
and the amount of all outstanding encumbrances for real estate 11290
leases made by the agency from the supplier, unless the lease is 11291
made by competitive selection or with the approval of the 11292
controlling board. 11293

(C) Any person who authorizes a purchase in violation of 11294
division (B) of this section shall be liable to the state for any 11295
state funds spent on the purchase, and the attorney general shall 11296
collect the amount from the person. 11297

(D) Nothing in division (B) of this section shall be 11298
construed as: 11299

(1) A limitation upon the authority of the director of 11300
transportation as granted in sections 5501.17, 5517.02, and 11301
5525.14 of the Revised Code; 11302

(2) Applying to medicaid provider agreements under ~~Chapter~~ 11303
~~5111. of the Revised Code~~ medicaid program; 11304

(3) Applying to the purchase of examinations from a sole 11305
supplier by a state licensing board under Title XLVII of the 11306
Revised Code; 11307

(4) Applying to entertainment contracts for the Ohio state 11308
fair entered into by the Ohio expositions commission, provided 11309

that the controlling board has given its approval to the 11310
commission to enter into such contracts and has approved a total 11311
budget amount for such contracts as agreed upon by commission 11312
action, and that the commission causes to be kept itemized records 11313
of the amounts of money spent under each contract and annually 11314
files those records with the clerk of the house of representatives 11315
and the clerk of the senate following the close of the fair; 11316

(5) Limiting the authority of the chief of the division of 11317
mineral resources management to contract for reclamation work with 11318
an operator mining adjacent land as provided in section 1513.27 of 11319
the Revised Code; 11320

(6) Applying to investment transactions and procedures of any 11321
state agency, except that the agency shall file with the board the 11322
name of any person with whom the agency contracts to make, broker, 11323
service, or otherwise manage its investments, as well as the 11324
commission, rate, or schedule of charges of such person with 11325
respect to any investment transactions to be undertaken on behalf 11326
of the agency. The filing shall be in a form and at such times as 11327
the board considers appropriate. 11328

(7) Applying to purchases made with money for the per cent 11329
for arts program established by section 3379.10 of the Revised 11330
Code; 11331

(8) Applying to purchases made by the ~~rehabilitation services~~ 11332
~~commission~~ opportunities for Ohioans with disabilities agency of 11333
services, or supplies, that are provided to persons with 11334
disabilities, or to purchases made by the ~~commission~~ agency in 11335
connection with the eligibility determinations it makes for 11336
applicants of programs administered by the social security 11337
administration; 11338

(9) Applying to payments by the department of ~~job and family~~ 11339
~~services~~ medicaid under section ~~5111.13~~ 5164.85 of the Revised 11340

Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;	11341
	11342
(10) Applying to any agency of the legislative branch of the state government;	11343
	11344
(11) Applying to agreements or contracts entered into under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the Revised Code;	11345
	11346
	11347
(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;	11348
	11349
	11350
	11351
(13) Applying to dues or fees paid for membership in an organization or association;	11352
	11353
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	11354
	11355
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	11356
	11357
	11358
	11359
(16) Applying to purchases of tickets for passenger air transportation;	11360
	11361
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	11362
	11363
	11364
(18) Applying to the judicial branch of state government;	11365
(19) Applying to purchases of liquor for resale by the division of liquor control;	11366
	11367
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	11368
	11369
	11370

(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	11371 11372 11373 11374
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	11375 11376 11377
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education <u>or the Ohio historical society</u> ;	11378 11379 11380
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	11381 11382 11383 11384
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	11385 11386 11387
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	11388 11389 11390 11391 11392
(27) Applying to contracts entered into by the department of developmental disabilities under section 5123.18 of the Revised Code;	11393 11394 11395
(28) Applying to payments made by the department of mental health <u>mental health and addiction services</u> under a physician recruitment program authorized by section 5119.101 <u>5119.185</u> of the Revised Code;	11396 11397 11398 11399
(29) Applying to contracts entered into with persons by the	11400

director of commerce for unclaimed funds collection and remittance 11401
efforts as provided in division (F) of section 169.03 of the 11402
Revised Code. The director shall keep an itemized accounting of 11403
unclaimed funds collected by those persons and amounts paid to 11404
them for their services. 11405

(30) Applying to purchases made by a state institution of 11406
higher education in accordance with the terms of a contract 11407
between the vendor and an inter-university purchasing group 11408
comprised of purchasing officers of state institutions of higher 11409
education; 11410

(31) Applying to the department of ~~job and family services~~ 11411
medicaid's purchases of health assistance services under the 11412
children's health insurance program ~~part I provided for under~~ 11413
~~section 5101.50 of the Revised Code, the children's health~~ 11414
~~insurance program part II provided for under section 5101.51 of~~ 11415
~~the Revised Code, or the children's health insurance program part~~ 11416
~~III provided for under section 5101.52 of the Revised Code;~~ 11417

(32) Applying to payments by the attorney general from the 11418
reparations fund to hospitals and other emergency medical 11419
facilities for performing medical examinations to collect physical 11420
evidence pursuant to section 2907.28 of the Revised Code; 11421

(33) Applying to contracts with a contracting authority or 11422
administrative receiver under division (B) of section 5126.056 of 11423
the Revised Code; 11424

(34) Applying to purchases of goods and services by the 11425
department of veterans services in accordance with the terms of 11426
contracts entered into by the United States department of veterans 11427
affairs; 11428

(35) Applying to payments by the superintendent of the bureau 11429
of criminal identification and investigation to the federal bureau 11430
of investigation for criminal records checks pursuant to section 11431

109.572 of the Revised Code;	11432
(36) Applying to contracts entered into by the department of	11433
job and family services <u>medicaid</u> under section 5111.054 <u>5164.47</u> of	11434
the Revised Code;	11435
<u>(37) Applying to contracts entered into under section 5160.12</u>	11436
<u>of the Revised Code;</u>	11437
<u>(38) Applying to payments to the Ohio historical society from</u>	11438
<u>other state agencies.</u>	11439
(E) When determining whether a state agency has reached the	11440
cumulative purchase thresholds established in divisions (B)(1) and	11441
(2) of this section, all of the following purchases by such agency	11442
shall not be considered:	11443
(1) Purchases made through competitive selection or with	11444
controlling board approval;	11445
(2) Purchases listed in division (D) of this section;	11446
(3) For the purposes of the threshold of division (B)(1) of	11447
this section only, leases of real estate.	11448
(F) As used in this section, "competitive selection,"	11449
"purchase," "supplies," and "services" have the same meanings as	11450
in section 125.01 of the Revised Code.	11451
Sec. 5507.01 <u>128.01</u>. As used in this chapter:	11452
(A) "9-1-1 system" means a system through which individuals	11453
can request emergency service using the telephone number 9-1-1.	11454
(B) "Basic 9-1-1" means a 9-1-1 system in which a caller	11455
provides information on the nature of and the location of an	11456
emergency, and the personnel receiving the call must determine the	11457
appropriate emergency service provider to respond at that	11458
location.	11459
(C) "Enhanced 9-1-1" means a 9-1-1 system capable of	11460

providing both enhanced wireline 9-1-1 and wireless enhanced 11461
9-1-1. 11462

(D) "Enhanced wireline 9-1-1" means a 9-1-1 system in which 11463
the wireline telephone network, in providing wireline 9-1-1, 11464
automatically routes the call to emergency service providers that 11465
serve the location from which the call is made and immediately 11466
provides to personnel answering the 9-1-1 call information on the 11467
location and the telephone number from which the call is being 11468
made. 11469

(E) "Wireless enhanced 9-1-1" means a 9-1-1 system that, in 11470
providing wireless 9-1-1, has the capabilities of phase I and, to 11471
the extent available, phase II enhanced 9-1-1 services as 11472
described in 47 C.F.R. 20.18 (d) to (h). 11473

(F)(1) "Wireless service" means federally licensed commercial 11474
mobile service as defined in 47 U.S.C. 332(d) and further defined 11475
as commercial mobile radio service in 47 C.F.R. 20.3, and includes 11476
service provided by any wireless, two-way communications device, 11477
including a radio-telephone communications line used in cellular 11478
telephone service or personal communications service, a network 11479
radio access line, or any functional or competitive equivalent of 11480
such a radio-telephone communications or network radio access 11481
line. 11482

(2) Nothing in this chapter applies to paging or any service 11483
that cannot be used to call 9-1-1. 11484

(G) "Wireless service provider" means a facilities-based 11485
provider of wireless service to one or more end users in this 11486
state. 11487

(H) "Wireless 9-1-1" means the emergency calling service 11488
provided by a 9-1-1 system pursuant to a call originating in the 11489
network of a wireless service provider. 11490

(I) "Wireline 9-1-1" means the emergency calling service 11491

provided by a 9-1-1 system pursuant to a call originating in the 11492
network of a wireline service provider. 11493

(J) "Wireline service provider" means a facilities-based 11494
provider of wireline service to one or more end-users in this 11495
state. 11496

(K) "Wireline service" means basic local exchange service, as 11497
defined in section 4927.01 of the Revised Code, that is 11498
transmitted by means of interconnected wires or cables by a 11499
wireline service provider authorized by the public utilities 11500
commission. 11501

(L) "Wireline telephone network" means the selective router 11502
and data base processing systems, trunking and data wiring cross 11503
connection points at the public safety answering point, and all 11504
other voice and data components of the 9-1-1 system. 11505

(M) "Subdivision" means a county, municipal corporation, 11506
township, township fire district, joint fire district, township 11507
police district, joint police district, joint ambulance district, 11508
or joint emergency medical services district that provides 11509
emergency service within its territory, or that contracts with 11510
another municipal corporation, township, or district or with a 11511
private entity to provide such service; and a state college or 11512
university, port authority, or park district of any kind that 11513
employs law enforcement officers that act as the primary police 11514
force on the grounds of the college or university or port 11515
authority or in the parks operated by the district. 11516

(N) "Emergency service" means emergency law enforcement, 11517
firefighting, ambulance, rescue, and medical service. 11518

(O) "Emergency service provider" means the state highway 11519
patrol and an emergency service department or unit of a 11520
subdivision or that provides emergency service to a subdivision 11521
under contract with the subdivision. 11522

(P) "Public safety answering point" means a facility to which 11523
9-1-1 system calls for a specific territory are initially routed 11524
for response and where personnel respond to specific requests for 11525
emergency service by directly dispatching the appropriate 11526
emergency service provider, relaying a message to the appropriate 11527
provider, or transferring the call to the appropriate provider. 11528

(Q) "Customer premises equipment" means telecommunications 11529
equipment, including telephone instruments, on the premises of a 11530
public safety answering point that is used in answering and 11531
responding to 9-1-1 system calls. 11532

(R) "Municipal corporation in the county" includes any 11533
municipal corporation that is wholly contained in the county and 11534
each municipal corporation located in more than one county that 11535
has a greater proportion of its territory in the county to which 11536
the term refers than in any other county. 11537

(S) "Board of county commissioners" includes the legislative 11538
authority of a county established under Section 3 of Article X, 11539
Ohio Constitution, or Chapter 302. of the Revised Code. 11540

(T) "Final plan" means a final plan adopted under division 11541
(B) of section ~~5507.08~~ 128.08 of the Revised Code and, except as 11542
otherwise expressly provided, an amended final plan adopted under 11543
section ~~5507.12~~ 128.12 of the Revised Code. 11544

(U) "Subdivision served by a public safety answering point" 11545
means a subdivision that provides emergency service for any part 11546
of its territory that is located within the territory of a public 11547
safety answering point whether the subdivision provides the 11548
emergency service with its own employees or pursuant to a 11549
contract. 11550

(V) A township's population includes only population of the 11551
unincorporated portion of the township. 11552

(W) "Telephone company" means a company engaged in the 11553

business of providing local exchange telephone service by making 11554
available or furnishing access and a dial tone to persons within a 11555
local calling area for use in originating and receiving voice 11556
grade communications over a switched network operated by the 11557
provider of the service within the area and gaining access to 11558
other telecommunications services. "Telephone company" includes a 11559
wireline service provider and a wireless service provider unless 11560
otherwise expressly specified. For purposes of sections ~~5507.25~~ 11561
128.25 and ~~5507.26~~ 128.26 of the Revised Code, "telephone company" 11562
means a wireline service provider. 11563

(X) "Prepaid wireless calling service" has the same meaning 11564
as in division (AA)(5) of section 5739.01 of the Revised Code. 11565

(Y) "Provider of a prepaid wireless calling service" means a 11566
wireless service provider that provides a prepaid wireless calling 11567
service. 11568

(Z) "Retail sale" has the same meaning as in section 5739.01 11569
of the Revised Code. 11570

(AA) "Seller" means a person that sells a prepaid wireless 11571
calling service to another person by retail sale. 11572

(BB) "Consumer" means the person for whom the prepaid 11573
wireless calling service is provided, to whom the transfer 11574
effected or license given by a sale is or is to be made or given, 11575
to whom the prepaid wireless calling service is charged, or to 11576
whom the admission is granted. 11577

(CC) "Reseller" means a nonfacilities-based provider of 11578
wireless service that provides wireless service under its own name 11579
to one or more end users in this state using the network of a 11580
wireless service provider. 11581

(DD) "Steering committee" means the statewide emergency 11582
services internet protocol network steering committee established 11583
by division (A)(1) of section 128.02 of the Revised Code. 11584

~~Sec. 5507.02~~ 128.02. (A)(1) There is hereby created the 11585
statewide emergency services internet protocol network steering 11586
committee, consisting of the following ten members: 11587

(a) The state chief information officer or the officer's 11588
designee; 11589

(b) Two members of the house of representatives appointed by 11590
the speaker, one from the majority party and one from the minority 11591
party; 11592

(c) Two members of the senate appointed by the president, one 11593
from the majority party and one from the minority party; 11594

(d) Five members appointed by the governor. 11595

(2) In appointing the five members under division (A)(1)(d) 11596
of this section, the governor shall appoint two representatives of 11597
the county commissioners' association of Ohio or a successor 11598
organization, two representatives of the Ohio municipal league or 11599
a successor organization, and one representative of the Ohio 11600
township association or a successor organization. For each of 11601
these appointments, the governor shall consider a nominee proposed 11602
by the association or successor organization. The governor may 11603
reject any of the nominees and may request that a nominating 11604
entity submit alternative nominees. 11605

(3) Initial appointments shall be made not later than ten 11606
days after September 28, 2012. 11607

(B)(1) The state chief information officer or the officer's 11608
designee shall serve as the chairperson of the steering committee 11609
and shall be a nonvoting member. All other members shall be voting 11610
members. 11611

(2) A member of the steering committee appointed from the 11612
membership of the senate or the house of representatives shall 11613
serve during the member's term as a member of the general assembly 11614

and until a successor is appointed and qualified, notwithstanding 11615
adjournment of the general assembly or the expiration of the 11616
member's term as a member of the general assembly. 11617

(3) The initial terms of one of the representatives of the 11618
county commissioners' association of Ohio, one of the 11619
representatives of the Ohio municipal league, and the 11620
representative of the Ohio township association shall all expire 11621
on December 31, 2016. The initial terms of the other 11622
representatives of the county commissioners' association of Ohio 11623
and the Ohio municipal league shall expire on December 31, 2014. 11624
Thereafter, terms of the members appointed by the governor shall 11625
be for four years, with each term ending on the same day of the 11626
same month as the term it succeeds. Each member appointed by the 11627
governor shall hold office from the date of the member's 11628
appointment until the end of the term for which the member was 11629
appointed, and may be reappointed. A member appointed by the 11630
governor shall continue in office after the expiration date of the 11631
member's term until the member's successor takes office or until a 11632
period of sixty days has elapsed, whichever occurs first. Members 11633
appointed by the governor shall serve without compensation and 11634
shall not be reimbursed for expenses. 11635

(4) A vacancy in the position of any member of the steering 11636
committee shall be filled for the unexpired term in the same 11637
manner as the original appointment. 11638

(C) The steering committee shall generally advise the state 11639
on the implementation, operation, and maintenance of a statewide 11640
emergency services internet protocol network that would support 11641
state and local government next-generation 9-1-1 and the dispatch 11642
of emergency service providers. The steering committee shall do 11643
all of the following: 11644

(1) On or before May 15, 2013, deliver an initial report to 11645
the speaker of the house of representatives, the president of the 11646

senate, and the governor providing recommendations for the state 11647
to address the development of a statewide emergency services 11648
internet protocol network, which recommendations shall include a 11649
review of the current funding model for this state's 9-1-1 systems 11650
and may include a recommendation for a reduction in wireless 9-1-1 11651
charges; 11652

(2) Examine the readiness of the state's current technology 11653
infrastructure for a statewide emergency services internet 11654
protocol network; 11655

(3) Research legislative authority with regard to governance 11656
and funding of a statewide emergency services internet protocol 11657
network, and provide recommendations on best practices to limit 11658
duplicative efforts to ensure an effective transition to 11659
next-generation 9-1-1; 11660

(4) Make recommendations for consolidation of 11661
public-safety-answering-point operations in this state, including 11662
recommendations for accelerating the consolidation schedule 11663
established in section ~~5507.571~~ 128.571 of the Revised Code, to 11664
accommodate next-generation 9-1-1 technology and to facilitate a 11665
more efficient and effective emergency services system; 11666

(5) Recommend policies, procedures, and statutory or 11667
regulatory authority to effectively govern a statewide emergency 11668
services internet protocol network; 11669

(6) Designate a next-generation 9-1-1 statewide coordinator 11670
to serve as the primary point of contact for federal initiatives; 11671

(7) Coordinate with statewide initiatives and associations 11672
such as the state interoperable executive committee, the Ohio 11673
geographically referenced information program council, the Ohio 11674
multi-agency radio communications system steering committee, and 11675
other interested parties; 11676

(8) Serve as the entity responsible for the administration of 11677

<u>Chapter 128. of the Revised Code.</u>	11678
(D)(1) Not later than February 15, 2013, each chairperson of	11679
a countywide 9-1-1 planning committee or the chairperson's	11680
designee shall report the following information <u>A 9-1-1 service</u>	11681
provider shall provide to the steering committee:	11682
<u>(a) The aggregate number of access lines that the provider</u>	11683
<u>maintains within the state of Ohio;</u>	11684
<u>(b) The aggregate amount of costs and cost recovery</u>	11685
<u>associated with providing 9-1-1 service, including coverage under</u>	11686
<u>tariffs and bill and keep arrangements within this state;</u>	11687
<u>(c) Any other information requested by the steering committee</u>	11688
<u>deemed necessary to support the transition to next generation</u>	11689
<u>9-1-1.</u>	11690
<u>(2) Any political subdivision or governmental entity</u>	11691
<u>operating a public safety answering point shall provide to the</u>	11692
<u>steering committee:</u>	11693
<u>(a) The geographic location and population of the area for</u>	11694
<u>which the planning committee is responsible;</u>	11695
<u>(b) Statistics detailing the number of 9-1-1 calls received;</u>	11696
<u>(c) A report of expenditures made from disbursements from the</u>	11697
<u>wireless <u>for</u> 9-1-1 government assistance fund;</u>	11698
<u>(d) An inventory of and the technical specifications for the</u>	11699
<u>current 9-1-1 network and equipment;</u>	11700
<u>(e) Any other information requested by the steering committee</u>	11701
<u>that is deemed necessary to support the transition to next</u>	11702
<u>generation 9-1-1.</u>	11703
(2)(a) If, by February 15, 2013, a countywide 9-1-1 planning	11704
committee fails to provide to the steering committee the	11705
information required under division (D)(1) of this section, the	11706
steering committee shall notify the Ohio 9-1-1 coordinator of the	11707

~~failure and the coordinator shall suspend disbursements from the 11708
wireless 9-1-1 government assistance fund to that county. 11709~~

~~Disbursements to the county shall resume after the steering 11710
committee receives the required information and notifies the 11711
coordinator that the requirement has been met. 11712~~

~~(b) Beginning January 1, 2014, the notification that the 11713
steering committee has received the required information shall be 11714
sent to the tax commissioner, and the disbursements to the county 11715
shall resume after the tax commissioner receives that notice 11716~~

~~(3) The information requested under divisions (D)(1) and (2) 11717
of this section shall be provided by the 9-1-1 service provider, 11718
political subdivision, or governmental entity within forty-five 11719
days of the request of the steering committee. 11720~~

(E) The steering committee shall hold its inaugural meeting 11721
not later than thirty days after September 28, 2012. Thereafter, 11722
the steering committee shall meet at least once a month, either in 11723
person or utilizing telecommunication-conferencing technology. A 11724
majority of the voting members shall constitute a quorum. 11725

(F)(1) The steering committee shall have a permanent 11726
technical-standards subcommittee and a permanent 11727
public-safety-answering-point-operations subcommittee, and may, 11728
from time to time, establish additional subcommittees, to advise 11729
and assist the steering committee based upon the subcommittees' 11730
areas of expertise. 11731

(2) The membership of subcommittees shall be determined by 11732
the steering committee. 11733

(a) The technical-standards subcommittee shall include one 11734
member representing a wireline or wireless service provider that 11735
participates in the state's 9-1-1 system, one representative of 11736
the Ohio academic resources network, one representative of the 11737
Ohio multi-agency radio communications system steering committee, 11738

one representative of the Ohio geographically referenced 11739
information program, and one member representing each of the 11740
following associations selected by the steering committee from 11741
nominations received from that association: 11742

(i) The Ohio telephone association; 11743

(ii) The Ohio chapter of the association of public-safety 11744
communications officials; 11745

(iii) The Ohio chapter of the national emergency number 11746
association. 11747

(b) The public-safety-answering-point-operations subcommittee 11748
shall include one member representing the division of emergency 11749
management of the department of public safety, one member 11750
representing the state highway patrol, two members recommended by 11751
the county commissioners' association of Ohio who are managers of 11752
public safety answering points, two members recommended by the 11753
Ohio municipal league who are managers of public safety answering 11754
points, and one member from each of the following associations 11755
selected by the steering committee from nominations received from 11756
that association: 11757

(i) The buckeye state sheriffs' association; 11758

(ii) The Ohio association of chiefs of police; 11759

(iii) The Ohio association of fire chiefs; 11760

(iv) The Ohio chapter of the association of public-safety 11761
communications officials; 11762

(v) The Ohio chapter of the national emergency number 11763
association. 11764

(G) The committee is not an agency, as defined in section 11765
101.82 of the Revised Code, for purposes of sections 101.82 to 11766
101.87 of the Revised Code. 11767

(H) As used in this section, "9-1-1 system," "wireless 11768

service provider," "wireline service provider," "emergency service provider," and "public safety answering point" have the same meanings as in section ~~5507.01~~ 128.01 of the Revised Code.

(I) As used in this section, "bill and keep arrangements" has the same meaning as in 47 C.F.R. 51.713.

Sec. ~~5507.021~~ 128.021. Not later than January 1, 2014, and in accordance with Chapter 119. of the Revised Code, the ~~statewide emergency services internet protocol network~~ steering committee shall adopt rules that establish technical and operational standards for public safety answering points eligible to receive disbursements under section ~~5507.55~~ 128.55 of the Revised Code. The rules shall incorporate industry standards and best practices for wireless 9-1-1 services. Public safety answering points shall comply with the standards not later than two years after the effective date of the rules adopting the standards.

Sec. ~~5507.022~~ 128.022. The ~~statewide emergency services internet protocol network~~ steering committee shall establish guidelines for the tax commissioner to use when disbursing money from the next generation 9-1-1 fund to countywide 9-1-1 systems in the state. The guidelines shall be consistent with the standards adopted in section ~~5507.021~~ 128.021 of the Revised Code and shall specify that disbursements may be used for costs associated with the operation of and equipment for phase II wireless systems and for costs associated with a county's migration to next generation 9-1-1 systems and technology.

Sec. ~~5507.03~~ 128.03. (A)(1) A countywide 9-1-1 system shall include all of the territory of the townships and municipal corporations in the county and any portion of such a municipal corporation that extends into an adjacent county.

(2) The system shall exclude any territory served by a

wireline service provider that is not capable of reasonably 11799
meeting the technical and economic requirements of providing the 11800
wireline telephone network portion of the countywide system for 11801
that territory. The system shall exclude from enhanced 9-1-1 any 11802
territory served by a wireline service provider that is not 11803
capable of reasonably meeting the technical and economic 11804
requirements of providing the wireline telephone network portion 11805
of enhanced 9-1-1 for that territory. If a 9-1-1 planning 11806
committee and a wireline service provider do not agree on whether 11807
the provider is so capable, the planning committee shall notify 11808
the ~~department of public safety steering committee~~, and the 11809
~~department steering committee~~ shall determine whether the wireline 11810
service provider is so capable. The planning committee shall 11811
ascertain whether such disagreement exists before making its 11812
implementation proposal under division (A) of section ~~5507.07~~ 11813
128.07 of the Revised Code. The ~~department's steering committee's~~ 11814
determination shall be in the form of an order. No final plan 11815
shall require a wireline service provider to provide the wireline 11816
telephone network portion of a 9-1-1 system that the ~~department~~ 11817
steering committee has determined the provider is not reasonably 11818
capable of providing. 11819

(B) A countywide 9-1-1 system may be a basic or enhanced 11820
9-1-1 system, or a combination of the two, and shall be for the 11821
purpose of providing both wireline 9-1-1 and wireless 9-1-1. 11822

(C) Every emergency service provider that provides emergency 11823
service within the territory of a countywide 9-1-1 system shall 11824
participate in the countywide system. 11825

(D)(1) Each public safety answering point shall be operated 11826
by a subdivision or a regional council of governments and shall be 11827
operated constantly. 11828

(2) A subdivision or a regional council of governments that 11829
operates a public safety answering point shall pay all of the 11830

costs associated with establishing, equipping, furnishing, 11831
operating, and maintaining that facility and shall allocate those 11832
costs among itself and the subdivisions served by the answering 11833
point based on the allocation formula in a final plan. The 11834
wireline service provider or other entity that provides or 11835
maintains the customer premises equipment shall bill the operating 11836
subdivision or the operating regional council of governments for 11837
the cost of providing such equipment, or its maintenance. A 11838
wireless service provider and a subdivision or regional council of 11839
governments operating a public safety answering point may enter 11840
into a service agreement for providing wireless enhanced 9-1-1 11841
pursuant to a final plan adopted under this chapter. 11842

(E) Except to the extent provided in a final plan that 11843
provides for funding of a 9-1-1 system in part through charges 11844
imposed under section ~~5507.22~~ 128.22 of the Revised Code, each 11845
subdivision served by a public safety answering point shall pay 11846
the subdivision or regional council of governments that operates 11847
the answering point the amount computed in accordance with the 11848
allocation formula set forth in the final plan. 11849

(F) Notwithstanding any other provision of law, the purchase 11850
or other acquisition, installation, and maintenance of the 11851
telephone network for a 9-1-1 system and the purchase or other 11852
acquisition, installation, and maintenance of customer premises 11853
equipment at a public safety answering point made in compliance 11854
with a final plan or an agreement under section ~~5507.09~~ 128.09 of 11855
the Revised Code, including customer premises equipment used to 11856
provide wireless enhanced 9-1-1, are not subject to any 11857
requirement of competitive bidding. 11858

(G) Each emergency service provider participating in a 11859
countywide 9-1-1 system shall maintain a telephone number in 11860
addition to 9-1-1. 11861

(H) Whenever a final plan provides for the implementation of 11862

basic 9-1-1, the planning committee shall so notify the ~~department~~ 11863
~~of public safety steering committee~~, which shall determine whether 11864
the wireline service providers serving the territory covered by 11865
the plan are capable of reasonably meeting the technical and 11866
economic requirements of providing the wireline telephone network 11867
portion of an enhanced 9-1-1 system. The determination shall be 11868
made solely for purposes of division (C)(2) of section ~~5507.18~~ 11869
128.18 of the Revised Code. 11870

(I) If the public safety answering point personnel reasonably 11871
determine that a 9-1-1 call is not an emergency, the personnel 11872
shall provide the caller with the telephone number of an 11873
appropriate subdivision agency as applicable. 11874

(J) A final plan adopted under this chapter, or an agreement 11875
under section ~~5507.09~~ 128.09 of the Revised Code, may provide 11876
that, by further agreement included in the plan or agreement, the 11877
state highway patrol or one or more public safety answering points 11878
of another 9-1-1 system is the public safety answering point or 11879
points for the provision of wireline or wireless 9-1-1 for all or 11880
part of the territory of the 9-1-1 system established under the 11881
plan or agreement. In that event, the subdivision for which the 11882
wireline or wireless 9-1-1 is provided as named in the agreement 11883
shall be deemed the subdivision operating the public safety 11884
answering point or points for purposes of this chapter, except 11885
that, for the purpose of division (D)(2) of this section, that 11886
subdivision shall pay only so much of the costs of establishing, 11887
equipping, furnishing, operating, or maintaining any such public 11888
safety answering point as are specified in the agreement with the 11889
patrol or other system. 11890

(K) A final plan for the provision of wireless enhanced 9-1-1 11891
shall provide that any wireless 9-1-1 calls routed to a state 11892
highway patrol-operated public safety answering point by default, 11893
due to a wireless service provider so routing all such calls of 11894

its subscribers without prior permission, are instead to be routed 11895
as provided under the plan. Upon the implementation of countywide 11896
wireless enhanced 9-1-1 pursuant to a final plan, the state 11897
highway patrol shall cease any functioning as a public safety 11898
answering point providing wireless 9-1-1 within the territory 11899
covered by the countywide 9-1-1 system so established, unless the 11900
patrol functions as a public safety answering point providing 11901
wireless enhanced 9-1-1 pursuant to an agreement included in the 11902
plan as authorized under division (J) of this section. 11903

Sec. ~~5507-06~~ 128.06. (A) A board of county commissioners or 11904
the legislative authority of any municipal corporation in the 11905
county that contains at least thirty per cent of the county's 11906
population may adopt a resolution to convene a 9-1-1 planning 11907
committee, which shall serve without compensation and shall 11908
consist of three voting members as follows: 11909

(1) The president or other presiding officer of the board of 11910
county commissioners, who shall serve as chairperson of the 11911
committee; 11912

(2) The chief executive officer of the most populous 11913
municipal corporation in the county; 11914

(3) From the more populous of the following, either the chief 11915
executive officer of the second most populous municipal 11916
corporation in the county or a member of the board of township 11917
trustees of the most populous township in the county as selected 11918
by majority vote of the board of trustees. 11919

In counties with a population of one hundred seventy-five 11920
thousand or more, the planning committee shall consist of two 11921
additional voting members as follows: a member of a board of 11922
township trustees selected by the majority of boards of township 11923
trustees in the county pursuant to resolutions they adopt, and the 11924
chief executive officer of a municipal corporation in the county 11925

selected by the majority of the legislative authorities of 11926
municipal corporations in the county pursuant to resolutions they 11927
adopt. 11928

When determining population under this division, population 11929
residing outside the county shall be excluded. 11930

(B) Within thirty days after the adoption of a resolution to 11931
convene the committee under division (A) of this section, the 11932
committee shall convene for the sole purpose of developing a final 11933
plan for implementing a countywide 9-1-1 system. The county shall 11934
provide the committee with any clerical, legal, and other staff 11935
assistance necessary to develop the final plan and shall pay for 11936
copying, mailing, and any other such expenses incurred by the 11937
committee in developing the final plan and in meeting the 11938
requirements imposed by sections ~~5507.06~~ 128.06 to ~~5507.08~~ 128.08 11939
of the Revised Code. 11940

(C) The 9-1-1 planning committee shall appoint a 9-1-1 11941
technical advisory committee to assist it in planning the 11942
countywide 9-1-1 system. The advisory committee shall include at 11943
least one fire chief and one police chief serving in the county, 11944
the county sheriff, a representative of the state highway patrol 11945
selected by the patrol, one representative of each telephone 11946
company in each case selected by the telephone company 11947
represented, the director/coordinator of emergency management 11948
appointed under section 5502.26, 5502.27, or 5502.271 of the 11949
Revised Code, as appropriate, and a member of a board of township 11950
trustees of a township in the county selected by a majority of 11951
boards of township trustees in the county pursuant to resolutions 11952
they adopt. 11953

Sec. ~~5507.07~~ 128.07. (A) The 9-1-1 planning committee shall 11954
prepare a proposal on the implementation of a countywide 9-1-1 11955
system and shall hold a public meeting on the proposal to explain 11956

the system to and receive comments from public officials. At least 11957
thirty but not more than sixty days before the meeting, the 11958
committee shall send a copy of the implementation proposal and 11959
written notice of the meeting: 11960

(1) By certified mail, to the board of county commissioners, 11961
the legislative authority of each municipal corporation in the 11962
county, and to the board of trustees of each township in the 11963
county; and 11964

(2) To the board of trustees, directors, or park 11965
commissioners of each subdivision that will be served by a public 11966
safety answering point under the plan. 11967

(B) The proposal and the final plan adopted by the committee 11968
shall specify: 11969

(1) Which telephone companies serving customers in the county 11970
and, as authorized in division (A)(1) of section ~~5507-03~~ 128.03 of 11971
the Revised Code, in an adjacent county will participate in the 11972
9-1-1 system; 11973

(2) The location and number of public safety answering 11974
points; how they will be connected to a company's telephone 11975
network; from what geographic territory each will receive 9-1-1 11976
calls; whether basic or enhanced 9-1-1 service will be provided 11977
within such territory; what subdivisions will be served by the 11978
answering point; and whether an answering point will respond to 11979
calls by directly dispatching an emergency service provider, by 11980
relaying a message to the appropriate provider, or by transferring 11981
the call to the appropriate provider; 11982

(3) Which subdivision or regional council of governments will 11983
establish, equip, furnish, operate, and maintain a particular 11984
public safety answering point; 11985

(4) A projection of the initial cost of establishing, 11986

equipping, and furnishing and of the annual cost of the first five 11987
years of operating and maintaining each public safety answering 11988
point; 11989

(5) Whether the cost of establishing, equipping, furnishing, 11990
operating, or maintaining each public safety answering point 11991
should be funded through charges imposed under section ~~5507.22~~ 11992
128.22 of the Revised Code or will be allocated among the 11993
subdivisions served by the answering point and, if any such cost 11994
is to be allocated, the formula for so allocating it; 11995

(6) How each emergency service provider will respond to a 11996
misdirected call. 11997

(C) Following the meeting required by this section, the 9-1-1 11998
planning committee may modify the implementation proposal and, no 11999
later than nine months after the resolution authorized by section 12000
~~5507.06~~ 128.06 of the Revised Code is adopted, may adopt, by 12001
majority vote, a final plan for implementing a countywide 9-1-1 12002
system. If a planning committee and wireline service provider do 12003
not agree on whether the wireline service provider is capable of 12004
providing the wireline telephone network as described under 12005
division (A) of section ~~5507.03~~ 128.03 of the Revised Code and the 12006
planning committee refers that question to the ~~department of~~ 12007
~~public safety steering committee~~, the ~~department steering~~ 12008
committee may extend the nine-month deadline established by this 12009
division to twelve months. Immediately on completion of the plan, 12010
the planning committee shall send a copy of the final plan: 12011

(1) By certified mail to the board of county commissioners of 12012
the county, to the legislative authority of each municipal 12013
corporation in the county, and to the board of township trustees 12014
of each township in the county; and 12015

(2) To the board of trustees, directors, or park 12016
commissioners of each subdivision that will be served by a public 12017

safety answering point under the plan. 12018

~~(D) If the committee has not adopted a final plan on or 12019
before the deadline in division (C) of this section, the committee 12020
shall cease to exist. A new 9-1-1 planning committee may be 12021
convened in the manner established in section 5507.06 of the 12022
Revised Code to develop an implementation proposal and final plan 12023
in accordance with the requirements of sections 5507.06 to 5507.08 12024
of the Revised Code. 12025~~

Sec. ~~5507.08~~ 128.08. (A) Within sixty days after receipt of 12026
the final plan pursuant to division (C) of section ~~5507.07~~ 128.07 12027
of the Revised Code, the board of county commissioners of the 12028
county and the legislative authority of each municipal corporation 12029
in the county and of each township whose territory is proposed to 12030
be included in a countywide 9-1-1 system shall act by resolution 12031
to approve or disapprove the plan, except that, with respect to a 12032
final plan that provides for funding of the 9-1-1 system in part 12033
through charges imposed under section ~~5507.22~~ 128.22 of the 12034
Revised Code, the board of county commissioners shall not act by 12035
resolution to approve or disapprove the plan until after a 12036
resolution adopted under section ~~5507.22~~ 128.22 of the Revised 12037
Code has become effective as provided in division (D) of that 12038
section. A municipal corporation or township whose territory is 12039
proposed to be included in the system includes any municipal 12040
corporation or township in which a part of its territory is 12041
excluded pursuant to division (A)(2) of section ~~5507.03~~ 128.03 of 12042
the Revised Code. Each such authority immediately shall notify the 12043
board of county commissioners in writing of its approval or 12044
disapproval of the final plan. Failure by a board or legislative 12045
authority to notify the board of county commissioners of approval 12046
or disapproval within such sixty-day period shall be deemed 12047
disapproval by the board or authority. 12048

(B) As used in this division, "county's population" excludes 12049
the population of any municipal corporation or township that, 12050
under the plan, is completely excluded from 9-1-1 service in the 12051
county's final plan. A countywide plan is effective if all of the 12052
following entities approve the plan in accordance with this 12053
section: 12054

(1) The board of county commissioners; 12055

(2) The legislative authority of a municipal corporation that 12056
contains at least thirty per cent of the county's population, if 12057
any; 12058

(3) The legislative authorities of municipal corporations and 12059
townships that contain at least sixty per cent of the county's 12060
population or, if the plan has been approved by a municipal 12061
corporation that contains at least sixty per cent of the county's 12062
population, by the legislative authorities of municipal 12063
corporations and townships that contain at least seventy-five per 12064
cent of the county's population. 12065

(C) After a countywide plan approved in accordance with this 12066
section is adopted, all of the telephone companies, subdivisions, 12067
and regional councils of governments included in the plan are 12068
subject to the specific requirements of the plan and to this 12069
chapter. 12070

Sec. ~~5507.09~~ 128.09. (A) If a final plan is disapproved under 12071
division (B) of section ~~5507.08~~ 128.08 of the Revised Code, by 12072
resolution, the legislative authority of a municipal corporation 12073
or township that contains at least thirty per cent of the county's 12074
population may establish within its boundaries, or the legislative 12075
authorities of a group of municipal corporations or townships each 12076
of which is contiguous with at least one other such municipal 12077
corporation or township in the group, together containing at least 12078
thirty per cent of the county's population, may jointly establish 12079

within their boundaries a 9-1-1 system. For that purpose, the 12080
municipal corporation or township may enter into an agreement, and 12081
the contiguous municipal corporations or townships may jointly 12082
enter into an agreement with one or more telephone companies. 12083
12084

(B) If no resolution has been adopted to convene a 9-1-1 12085
planning committee under section ~~5507.06~~ 128.06 of the Revised 12086
Code, by resolution, the legislative authority of any municipal 12087
corporation in the county may establish within its boundaries, or 12088
the legislative authorities of a group of municipal corporations 12089
and townships each of which is contiguous to at least one of the 12090
other such municipal corporations or townships in the group may 12091
jointly establish within their boundaries, a 9-1-1 system. For 12092
that purpose, the municipal corporation, or contiguous municipal 12093
corporations and townships, may enter into an agreement with one 12094
or more telephone companies. 12095

(C) Whenever a telephone company that is a wireline service 12096
provider and one or more municipal corporations and townships 12097
enter into an agreement under division (A) or (B) of this section 12098
to provide for the wireline telephone network portion of a basic 12099
9-1-1 system, the telephone company shall so notify the ~~department~~ 12100
~~of public safety steering committee~~, which shall determine whether 12101
the telephone company is capable of reasonably meeting the 12102
technical and economic requirements of providing the wireline 12103
telephone network for an enhanced system within the territory 12104
served by the company and covered by the agreement. The 12105
determination shall be made solely for the purposes of division 12106
(C)(2) of section ~~5507.18~~ 128.18 of the Revised Code. 12107

(D) Within three years from the date of entering into an 12108
initial agreement described under division (C) of this section, 12109
the telephone company shall have installed the wireline telephone 12110
network portion of the 9-1-1 system according to the terms, 12111

conditions, requirements, and specifications set forth in the 12112
agreement. 12113

(E) A telephone company that is a wireline service provider 12114
shall recover the cost of installing the wireline telephone 12115
network system pursuant to agreements made under this section as 12116
provided in sections ~~5507.18~~ 128.18 and 5733.55 of the Revised 12117
Code. 12118

Sec. ~~5507.12~~ 128.12. (A) An amended final plan is required 12119
for any of the following purposes: 12120

(1) Expanding the territory included in the countywide 9-1-1 12121
system; 12122

(2) Upgrading any part or all of a system from basic to 12123
enhanced wireline 9-1-1; 12124

(3) Adjusting the territory served by a public safety 12125
answering point; 12126

(4) Permitting a regional council of governments to operate a 12127
public safety answering point; 12128

(5) Represcribing the funding of public safety answering 12129
points as between the alternatives set forth in division (B)(5) of 12130
section ~~5507.07~~ 128.07 of the Revised Code; 12131

(6) Providing for wireless enhanced 9-1-1; 12132

(7) Adding a telephone company as a participant in a 12133
countywide 9-1-1 system after the implementation of wireline 9-1-1 12134
or wireless enhanced 9-1-1; 12135

(8) Providing that the state highway patrol or one or more 12136
public safety answering points of another 9-1-1 system function as 12137
a public safety answering point or points for the provision of 12138
wireline or wireless 9-1-1 for all or part of the territory of the 12139
system established under the final plan, as contemplated under 12140

division (J) of section ~~5507.03~~ 128.03 of the Revised Code; 12141

(9) Making any other necessary adjustments to the plan. 12142

(B) ~~Except as otherwise provided in division (C) of this section, a final plan shall be amended in the manner provided for adopting a final plan under sections 5507.06 to 5507.08 of the Revised Code, including convening a 9-1-1 planning committee and developing a proposed amended plan prior to adopting an amended final plan.~~ 12143
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~~(C)~~(1) To amend a final plan for the purpose described in 12149
division (A)(7) of this section, an entity that wishes to be added 12150
as a participant in a 9-1-1 system shall file a written letter of 12151
that intent with the board of county commissioners of the county 12152
that approved the final plan. The final plan is deemed amended 12153
upon the filing of that letter. The entity that files the letter 12154
shall send written notice of that filing to all subdivisions, 12155
regional councils of governments, and telephone companies 12156
participating in the system. 12157

(2) An amendment to a final plan for a any other purpose set 12158
forth in division (A)~~(1), (3), (6), or (9)~~ of this section may be 12159
made by an addendum approved by a majority of the 9-1-1 planning 12160
committee. The board of county commissioners shall call a meeting 12161
of the 9-1-1 planning committee for the purpose of considering an 12162
addendum pursuant to this division. 12163

(3) Adoption of any resolution under section ~~5507.22~~ 128.22 12164
of the Revised Code pursuant to a final plan that both has been 12165
adopted and provides for funding through charges imposed under 12166
that section is not an amendment of a final plan for the purpose 12167
of this division. 12168

~~(D)~~(C) When a final plan is amended for a purpose described 12169
in division (A)(1), (2), or (7) of this section, sections ~~5507.18~~ 12170
128.18 and 5733.55 of the Revised Code apply with respect to the 12171

receipt of the nonrecurring and recurring rates and charges for 12172
the wireline telephone network portion of the 9-1-1 system. 12173

Sec. ~~5507.15~~ 128.15. (A) Within three years from the date an 12174
initial final plan becomes effective under division (B) of section 12175
~~5507.08~~ 128.08 of the Revised Code, the wireline service providers 12176
designated in the plan shall have installed the wireline telephone 12177
network portion of the 9-1-1 system according to the terms, 12178
conditions, requirements, and specifications set forth in that 12179
plan. 12180

(B)(1) Upon installation of a countywide 9-1-1 system, the 12181
board of county commissioners may direct the county engineer to 12182
erect and maintain at the county boundaries on county roads and 12183
state and interstate highways, signs indicating the availability 12184
of a countywide 9-1-1 system. Any sign erected by a county under 12185
this section shall be erected in accordance with and meet the 12186
specifications established under division (B)(2) of this section. 12187
All expenses incurred in erecting and maintaining the signs shall 12188
be paid by the county. 12189

(2) The director of transportation shall develop design 12190
specifications for signs giving notice of the availability of a 12191
countywide 9-1-1 system. The director also shall establish 12192
standards for the erection of the signs and, in accordance with 12193
federal law and regulations and recognized engineering practices, 12194
specify those locations where the signs shall not be erected. 12195

Sec. ~~5507.18~~ 128.18. (A) In accordance with this chapter and 12196
Chapters 4901., 4903., 4905., and 4909. of the Revised Code, the 12197
public utilities commission shall determine the just, reasonable, 12198
and compensatory rates, tolls, classifications, charges, or 12199
rentals to be observed and charged for the wireline telephone 12200
network portion of a basic or enhanced 9-1-1 system, and each 12201

telephone company that is a wireline service provider 12202
participating in the system shall be subject to those chapters, to 12203
the extent they apply, as to the service provided by its portion 12204
of the wireline telephone network for the system as described in 12205
the final plan or to be installed pursuant to agreements under 12206
section ~~5507.09~~ 128.09 of the Revised Code, and as to the rates, 12207
tolls, classifications, charges, or rentals to be observed and 12208
charged for that service. 12209

(B) Only the customers of a participating telephone company 12210
described in division (A) of this section that are served within 12211
the area covered by a 9-1-1 system shall pay the recurring rates 12212
for the maintenance and operation of the company's portion of the 12213
wireline telephone network of the system. Such rates shall be 12214
computed by dividing the total monthly recurring rates set forth 12215
in the company's schedule as filed in accordance with section 12216
4905.30 of the Revised Code, by the total number of residential 12217
and business customer access lines, or their equivalent, within 12218
the area served. Each residential and business customer within the 12219
area served shall pay the recurring rates based on the number of 12220
its residential and business customer access lines or their 12221
equivalent. No company shall include such amount on any customer's 12222
bill until the company has completed its portion of the wireline 12223
telephone network in accordance with the terms, conditions, 12224
requirements, and specifications of the final plan or an agreement 12225
made under section ~~5507.09~~ 128.09 of the Revised Code. 12226

(C)(1) Except as otherwise provided in division (C)(2) of 12227
this section, a participating telephone company described in 12228
division (A) of this section may receive through the credit 12229
authorized by section 5733.55 of the Revised Code the total 12230
nonrecurring charges for its portion of the wireline telephone 12231
network of the system and the total nonrecurring charges for any 12232
updating or modernization of that wireline telephone network in 12233

accordance with the terms, conditions, requirements, and 12234
specifications of the final plan or pursuant to agreements under 12235
section ~~5507.09~~ 128.09 of the Revised Code, as such charges are 12236
set forth in the schedule filed by the telephone company in 12237
accordance with section 4905.30 of the Revised Code. However, that 12238
portion, updating, or modernization shall not be for or include 12239
the provision of wireless 9-1-1. As applicable, the receipt of 12240
permissible charges shall occur only upon the completion of the 12241
installation of the network or the completion of the updating or 12242
modernization. 12243

(2) The credit shall not be allowed under division (C)(1) of 12244
this section for the upgrading of a system from basic to enhanced 12245
wireline 9-1-1 if both of the following apply: 12246

(a) The telephone company received the credit for the 12247
wireline telephone network portion of the basic 9-1-1 system now 12248
proposed to be upgraded. 12249

(b) At the time the final plan or agreement pursuant to 12250
section ~~5507.09~~ 128.09 of the Revised Code calling for the basic 12251
9-1-1 system was agreed to, the telephone company was capable of 12252
reasonably meeting the technical and economic requirements of 12253
providing the wireline telephone network portion of an enhanced 12254
9-1-1 system within the territory proposed to be upgraded, as 12255
determined by the ~~department of public safety steering committee~~ 12256
under division (A) or (H) of section ~~5507.03~~ 128.03 or division 12257
(C) of section ~~5507.09~~ 128.09 of the Revised Code. 12258

(3) If the credit is not allowed under division (C)(2) of 12259
this section, the total nonrecurring charges for the wireline 12260
telephone network used in providing 9-1-1 service, as set forth in 12261
the schedule filed by a telephone company in accordance with 12262
section 4905.30 of the Revised Code, on completion of the 12263
installation of the network in accordance with the terms, 12264
conditions, requirements, and specifications of the final plan or 12265

pursuant to section ~~5507.09~~ 128.09 of the Revised Code, shall be 12266
paid by the municipal corporations and townships with any 12267
territory in the area in which such upgrade from basic to enhanced 12268
9-1-1 is made. 12269

(D) If customer premises equipment for a public safety 12270
answering point is supplied by a telephone company that is 12271
required to file a schedule under section 4905.30 of the Revised 12272
Code pertaining to customer premises equipment, the recurring and 12273
nonrecurring rates and charges for the installation and 12274
maintenance of the equipment specified in the schedule shall 12275
apply. 12276

Sec. ~~5507.22~~ 128.22. (A)(1) For the purpose of paying the 12277
costs of establishing, equipping, and furnishing one or more 12278
public safety answering points as part of a countywide 9-1-1 12279
system effective under division (B) of section ~~5507.08~~ 128.08 of 12280
the Revised Code and paying the expense of administering and 12281
enforcing this section, the board of county commissioners of a 12282
county, in accordance with this section, may fix and impose, on 12283
each lot or parcel of real property in the county that is owned by 12284
a person, municipal corporation, township, or other political 12285
subdivision and is improved, or is in the process of being 12286
improved, reasonable charges to be paid by each such owner. The 12287
charges shall be sufficient to pay only the estimated allowed 12288
costs and shall be equal in amount for all such lots or parcels. 12289

(2) For the purpose of paying the costs of operating and 12290
maintaining the answering points and paying the expense of 12291
administering and enforcing this section, the board, in accordance 12292
with this section, may fix and impose reasonable charges to be 12293
paid by each owner, as provided in division (A)(1) of this 12294
section, that shall be sufficient to pay only the estimated 12295
allowed costs and shall be equal in amount for all such lots or 12296

parcels. The board may fix and impose charges under this division 12297
pursuant to a resolution adopted for the purposes of both 12298
divisions (A)(1) and (2) of this section or pursuant to a 12299
resolution adopted solely for the purpose of division (A)(2) of 12300
this section, and charges imposed under division (A)(2) of this 12301
section may be separately imposed or combined with charges imposed 12302
under division (A)(1) of this section. 12303

(B) Any board adopting a resolution under this section 12304
pursuant to a final plan initiating the establishment of a 9-1-1 12305
system or pursuant to an amendment to a final plan shall adopt the 12306
resolution within sixty days after the board receives the final 12307
plan for the 9-1-1 system pursuant to division (C) of section 12308
~~5507.07~~ 128.07 of the Revised Code. The board by resolution may 12309
change any charge imposed under this section whenever the board 12310
considers it advisable. Any resolution adopted under this section 12311
shall declare whether securities will be issued under Chapter 133. 12312
of the Revised Code in anticipation of the collection of unpaid 12313
special assessments levied under this section. 12314

(C) The board shall adopt a resolution under this section at 12315
a public meeting held in accordance with section 121.22 of the 12316
Revised Code. Additionally, the board, before adopting any such 12317
resolution, shall hold at least two public hearings on the 12318
proposed charges. Prior to the first hearing, the board shall 12319
publish notice of the hearings once a week for two consecutive 12320
weeks in a newspaper of general circulation in the county or as 12321
provided in section 7.16 of the Revised Code. The notice shall 12322
include a listing of the charges proposed in the resolution and 12323
the date, time, and location of each of the hearings. The board 12324
shall hear any person who wishes to testify on the charges or the 12325
resolution. 12326

(D) No resolution adopted under this section shall be 12327
effective sooner than thirty days following its adoption nor shall 12328

any such resolution be adopted as an emergency measure. The 12329
resolution is subject to a referendum in accordance with sections 12330
305.31 to 305.41 of the Revised Code unless, in the resolution, 12331
the board of county commissioners directs the board of elections 12332
of the county to submit the question of imposing the charges to 12333
the electors of the county at the next primary or general election 12334
in the county occurring not less than ninety days after the 12335
resolution is certified to the board. No resolution shall go into 12336
effect unless approved by a majority of those voting upon it in 12337
any election allowed under this division. 12338

(E) To collect charges imposed under division (A) of this 12339
section, the board of county commissioners shall certify them to 12340
the county auditor of the county who then shall place them upon 12341
the real property duplicate against the properties to be assessed, 12342
as provided in division (A) of this section. Each assessment shall 12343
bear interest at the same rate that securities issued in 12344
anticipation of the collection of the assessments bear, is a lien 12345
on the property assessed from the date placed upon the real 12346
property duplicate by the auditor, and shall be collected in the 12347
same manner as other taxes. 12348

(F) All money collected by or on behalf of a county under 12349
this section shall be paid to the county treasurer of the county 12350
and kept in a separate and distinct fund to the credit of the 12351
county. The fund shall be used to pay the costs allowed in 12352
division (A) of this section and specified in the resolution 12353
adopted under that division. In no case shall any surplus so 12354
collected be expended for other than the use and benefit of the 12355
county. 12356

Sec. 5507.25 128.25. (A) This section applies only to a 12357
county that meets both of the following conditions: 12358

(1) A final plan for a countywide 9-1-1 system either has not 12359

been approved in the county under section ~~5507.08~~ 128.08 of the 12360
Revised Code or has been approved but has not been put into 12361
operation because of a lack of funding; 12362

(2) The board of county commissioners, at least once, has 12363
submitted to the electors of the county the question of raising 12364
funds for a 9-1-1 system under section ~~5507.22~~ 128.22, 5705.19, or 12365
5739.026 of the Revised Code, and a majority of the electors has 12366
disapproved the question each time it was submitted. 12367

(B) A board of county commissioners may adopt a resolution 12368
imposing a monthly charge on telephone access lines to pay for the 12369
equipment costs of establishing and maintaining no more than three 12370
public safety answering points of a countywide 9-1-1 system, which 12371
public safety answering points shall be only twenty-four-hour 12372
dispatching points already existing in the county. The resolution 12373
shall state the amount of the charge, which shall not exceed fifty 12374
cents per month, and the month the charge will first be imposed, 12375
which shall be no earlier than four months after the special 12376
election held pursuant to this section. Each residential and 12377
business telephone company customer within the area served by the 12378
9-1-1 system shall pay the monthly charge for each of its 12379
residential or business customer access lines or their equivalent. 12380

Before adopting a resolution under this division, the board 12381
of county commissioners shall hold at least two public hearings on 12382
the proposed charge. Before the first hearing, the board shall 12383
publish notice of the hearings once a week for two consecutive 12384
weeks in a newspaper of general circulation in the county or as 12385
provided in section 7.16 of the Revised Code. The notice shall 12386
state the amount of the proposed charge, an explanation of the 12387
necessity for the charge, and the date, time, and location of each 12388
of the hearings. 12389

(C) A resolution adopted under division (B) of this section 12390
shall direct the board of elections to submit the question of 12391

imposing the charge to the electors of the county at a special 12392
election on the day of the next primary or general election in the 12393
county. The board of county commissioners shall certify a copy of 12394
the resolution to the board of elections not less than ninety days 12395
before the day of the special election. No resolution adopted 12396
under division (B) of this section shall take effect unless 12397
approved by a majority of the electors voting upon the resolution 12398
at an election held pursuant to this section. 12399

In any year, the board of county commissioners may impose a 12400
lesser charge than the amount originally approved by the electors. 12401
The board may change the amount of the charge no more than once a 12402
year. The board may not impose a charge greater than the amount 12403
approved by the electors without first holding an election on the 12404
question of the greater charge. 12405

(D) Money raised from a monthly charge on telephone access 12406
lines under this section shall be deposited into a special fund 12407
created in the county treasury by the board of county 12408
commissioners pursuant to section 5705.12 of the Revised Code, to 12409
be used only for the necessary equipment costs of establishing and 12410
maintaining no more than three public safety answering points of a 12411
countywide 9-1-1 system pursuant to a resolution adopted under 12412
division (B) of this section. In complying with this division, any 12413
county may seek the assistance of the ~~department of public safety~~ 12414
steering committee with regard to operating and maintaining a 12415
9-1-1 system. 12416

(E) Pursuant to the voter approval required by division (C) 12417
of this section, the final plan for a countywide 9-1-1 system that 12418
will be funded through a monthly charge imposed in accordance with 12419
this section shall be amended by the existing 9-1-1 planning 12420
committee, and the amendment of such a final plan is not an 12421
amendment of a final plan for the purpose of division (A) of 12422
section ~~5507.12~~ 128.12 of the Revised Code. 12423

~~Sec. 5507.26~~ 128.26. (A) This section applies only to a 12424
county that has a final plan for a countywide 9-1-1 system that 12425
either has not been approved in the county under section ~~5507.08~~ 12426
128.08 of the Revised Code or has been approved but has not been 12427
put into operation because of a lack of funding. 12428

(B) A board of county commissioners may adopt a resolution 12429
imposing a monthly charge on telephone access lines to pay for the 12430
operating and equipment costs of establishing and maintaining no 12431
more than one public safety answering point of a countywide 9-1-1 12432
system. The resolution shall state the amount of the charge, which 12433
shall not exceed fifty cents per month, and the month the charge 12434
will first be imposed, which shall be no earlier than four months 12435
after the special election held pursuant to this section. Each 12436
residential and business telephone company customer within the 12437
area of the county served by the 9-1-1 system shall pay the 12438
monthly charge for each of its residential or business customer 12439
access lines or their equivalent. 12440

Before adopting a resolution under this division, the board 12441
of county commissioners shall hold at least two public hearings on 12442
the proposed charge. Before the first hearing, the board shall 12443
publish notice of the hearings once a week for two consecutive 12444
weeks in a newspaper of general circulation in the county or as 12445
provided in section 7.16 of the Revised Code. The notice shall 12446
state the amount of the proposed charge, an explanation of the 12447
necessity for the charge, and the date, time, and location of each 12448
of the hearings. 12449

(C) A resolution adopted under division (B) of this section 12450
shall direct the board of elections to submit the question of 12451
imposing the charge to the electors of the county at a special 12452
election on the day of the next primary or general election in the 12453
county. The board of county commissioners shall certify a copy of 12454

the resolution to the board of elections not less than ninety days 12455
before the day of the special election. No resolution adopted 12456
under division (B) of this section shall take effect unless 12457
approved by a majority of the electors voting upon the resolution 12458
at an election held pursuant to this section. 12459

In any year, the board of county commissioners may impose a 12460
lesser charge than the amount originally approved by the electors. 12461
The board may change the amount of the charge no more than once a 12462
year. The board shall not impose a charge greater than the amount 12463
approved by the electors without first holding an election on the 12464
question of the greater charge. 12465

(D) Money raised from a monthly charge on telephone access 12466
lines under this section shall be deposited into a special fund 12467
created in the county treasury by the board of county 12468
commissioners pursuant to section 5705.12 of the Revised Code, to 12469
be used only for the necessary operating and equipment costs of 12470
establishing and maintaining no more than one public safety 12471
answering point of a countywide 9-1-1 system pursuant to a 12472
resolution adopted under division (B) of this section. In 12473
complying with this division, any county may seek the assistance 12474
of the ~~department of public safety~~ steering committee with regard 12475
to operating and maintaining a 9-1-1 system. 12476

(E) Nothing in sections ~~5507.01 128.01~~ to ~~5507.34 128.34~~ of 12477
the Revised Code precludes a final plan adopted in accordance with 12478
those sections from being amended to provide that, by agreement 12479
included in the plan, a public safety answering point of another 12480
countywide 9-1-1 system is the public safety answering point of a 12481
countywide 9-1-1 system funded through a monthly charge imposed in 12482
accordance with this section. In that event, the county for which 12483
the public safety answering point is provided shall be deemed the 12484
subdivision operating the public safety answering point for 12485
purposes of sections ~~5507.01 128.01~~ to ~~5507.34 128.34~~ of the 12486

Revised Code, except that, for the purpose of division (D) of 12487
section ~~5507.03~~ 128.03 of the Revised Code, the county shall pay 12488
only so much of the costs associated with establishing, equipping, 12489
furnishing, operating, or maintaining the public safety answering 12490
point specified in the agreement included in the final plan. 12491

(F) Pursuant to the voter approval required by division (C) 12492
of this section, the final plan for a countywide 9-1-1 system that 12493
will be funded through a monthly charge imposed in accordance with 12494
this section, or that will be amended to include an agreement 12495
described in division (E) of this section, shall be amended by the 12496
existing 9-1-1 planning committee, and the amendment of such a 12497
final plan is not an amendment of a final plan for the purpose of 12498
division (A) of section ~~5507.12~~ 128.12 of the Revised Code. 12499

Sec. ~~5507.27~~ 128.27. (A) As part of its normal monthly 12500
billing process, each telephone company with customers in the area 12501
served by a 9-1-1 system shall bill and collect from those 12502
customers any charge imposed under section ~~5507.25~~ 128.25 or 12503
~~5507.26~~ 128.26 of the Revised Code. The company may list the 12504
charge as a separate entry on each bill and may indicate on the 12505
bill that the charge is made pursuant to approval of a ballot 12506
issue by county voters. Any customer billed by a company for a 12507
charge imposed under section ~~5507.25~~ 128.25 or ~~5507.26~~ 128.26 of 12508
the Revised Code is liable to the county for the amount billed. 12509
The company shall apply any partial payment of a customer's bill 12510
first to the amount the customer owes the company. The company 12511
shall keep complete records of charges it bills and collects, and 12512
such records shall be open during business hours for inspection by 12513
the county commissioners or their agents or employees. If a 12514
company fails to bill any customer for the charge, it is liable to 12515
the county for the amount that was not billed. 12516

(B) A telephone company that collects charges under this 12517

section shall remit the money to the county on a quarterly basis. 12518
The company may retain three per cent of any charge it collects as 12519
compensation for the costs of such collection. If a company 12520
collects charges under this section and fails to remit the money 12521
to the county as prescribed, it is liable to the county for any 12522
amount collected and not remitted. 12523

Sec. ~~5507.32~~ 128.32. (A)(1) The state, the state highway 12524
patrol, a subdivision, or a regional council of governments 12525
participating in a 9-1-1 system established under this chapter and 12526
any officer, agent, employee, or independent contractor of the 12527
state, the state highway patrol, or such a participating 12528
subdivision or regional council of governments is not liable in 12529
damages in a civil action for injuries, death, or loss to persons 12530
or property arising from any act or omission, except willful or 12531
wanton misconduct, in connection with developing, adopting, or 12532
approving any final plan or any agreement made under section 12533
~~5507.09~~ 128.09 of the Revised Code or otherwise bringing into 12534
operation the 9-1-1 system pursuant to this chapter. 12535

(2) The ~~Ohio 9-1-1 council, the wireless 9-1-1 advisory~~ 12536
~~board, steering committee~~ and any member of ~~that council or board~~ 12537
the steering committee are not liable in damages in a civil action 12538
for injuries, death, or loss to persons or property arising from 12539
any act or omission, except willful or wanton misconduct, in 12540
connection with the development or operation of a 9-1-1 system 12541
established under this chapter. 12542

(B) Except as otherwise provided in this section ~~5507.32~~ of 12543
~~the Revised Code~~, an individual who gives emergency instructions 12544
through a 9-1-1 system established under this chapter, and the 12545
principals for whom the person acts, including both employers and 12546
independent contractors, public and private, and an individual who 12547
follows emergency instructions and the principals for whom that 12548

person acts, including both employers and independent contractors, 12549
public and private, are not liable in damages in a civil action 12550
for injuries, death, or loss to persons or property arising from 12551
the issuance or following of emergency instructions, except where 12552
the issuance or following of the instructions constitutes willful 12553
or wanton misconduct. 12554

(C) Except for willful or wanton misconduct, a telephone 12555
company, and any other installer, maintainer, or provider, through 12556
the sale or otherwise, of customer premises equipment, and their 12557
respective officers, directors, employees, agents, and suppliers 12558
are not liable in damages in a civil action for injuries, death, 12559
or loss to persons or property incurred by any person resulting 12560
from any of the following: 12561

(1) Such an entity's or its officers', directors', 12562
employees', agents', or suppliers' participation in or acts or 12563
omissions in connection with participating in or developing, 12564
maintaining, or operating a 9-1-1 system; 12565

(2) Such an entity's or its officers', directors', 12566
employees', agents', or suppliers' provision of assistance to a 12567
public utility, municipal utility, or state or local government as 12568
authorized by divisions (G)(4) and (5) of this section. 12569

(D) Except for willful or wanton misconduct, a provider of 12570
and a seller of a prepaid wireless calling service and their 12571
respective officers, directors, employees, agents, and suppliers 12572
are not liable in damages in a civil action for injuries, death, 12573
or loss to persons or property incurred by any person resulting 12574
from anything described in division (C) of this section. 12575

(E) No person shall knowingly use the telephone number of a 12576
9-1-1 system established under this chapter to report an emergency 12577
if the person knows that no emergency exists. 12578

(F) No person shall knowingly use a 9-1-1 system for a 12579

purpose other than obtaining emergency service. 12580

(G) No person shall disclose or use any information 12581
concerning telephone numbers, addresses, or names obtained from 12582
the data base that serves the public safety answering point of a 12583
9-1-1 system established under this chapter, except for any of the 12584
following purposes or under any of the following circumstances: 12585

(1) For the purpose of the 9-1-1 system; 12586

(2) For the purpose of responding to an emergency call to an 12587
emergency service provider; 12588

(3) In the circumstance of the inadvertent disclosure of such 12589
information due solely to technology of the wireline telephone 12590
network portion of the 9-1-1 system not allowing access to the 12591
data base to be restricted to 9-1-1 specific answering lines at a 12592
public safety answering point; 12593

(4) In the circumstance of access to a data base being given 12594
by a telephone company that is a wireline service provider to a 12595
public utility or municipal utility in handling customer calls in 12596
times of public emergency or service outages. The charge, terms, 12597
and conditions for the disclosure or use of such information for 12598
the purpose of such access to a data base shall be subject to the 12599
jurisdiction of the ~~department of public safety steering~~ 12600
committee. 12601

(5) In the circumstance of access to a data base given by a 12602
telephone company that is a wireline service provider to a state 12603
and local government in warning of a public emergency, as 12604
determined by the ~~department of public safety steering committee~~. 12605
The charge, terms, and conditions for the disclosure or use of 12606
that information for the purpose of access to a data base is 12607
subject to the jurisdiction of the ~~department of public safety~~ 12608
steering committee. 12609

Sec. ~~5507.34~~ 128.34. (A) The attorney general, upon request 12610
of the ~~department of public safety steering committee~~, or on the 12611
attorney general's own initiative, shall begin proceedings against 12612
a telephone company that is a wireline service provider to enforce 12613
compliance with this chapter or with the terms, conditions, 12614
requirements, or specifications of a final plan or of an agreement 12615
under section ~~5507.09~~ 128.09 of the Revised Code as to wireline or 12616
wireless 9-1-1. 12617

(B) The attorney general, upon the attorney general's own 12618
initiative, or any prosecutor, upon the prosecutor's initiative, 12619
shall begin proceedings against a subdivision or a regional 12620
council of governments as to wireline or wireless 9-1-1 to enforce 12621
compliance with this chapter or with the terms, conditions, 12622
requirements, or specifications of a final plan or of an agreement 12623
under section ~~5507.09~~ 128.09 of the Revised Code as to wireline or 12624
wireless 9-1-1. 12625

Sec. ~~5507.40~~ 128.40. There is hereby created within the 12626
~~public utilities commission department of administrative services~~ 12627
the 9-1-1 ~~service program office~~, headed by an ~~Ohio 9-1-1~~ 12628
~~coordinator administrator~~ in the unclassified civil service 12629
pursuant to division (A)(9) of section 124.11 of the Revised Code. 12630
The ~~coordinator administrator~~ shall be appointed by and serve at 12631
the pleasure of the ~~commission chairperson~~ director of 12632
administrative services and shall report directly to the 12633
~~chairperson. On May 6, 2005, the chairperson shall appoint an~~ 12634
~~interim coordinator and, upon submission of a list of nominees by~~ 12635
~~the Ohio 9-1-1 council pursuant to section 5507.65 of the Revised~~ 12636
~~Code, shall consider those nominees in making the final~~ 12637
~~appointment and in appointing any subsequent coordinator. The~~ 12638
~~chairperson may request the council to submit additional nominees~~ 12639
~~and may reject any of the nominees. The chairperson shall fix the~~ 12640

~~compensation of the coordinator. The chairperson shall evaluate 12641
the performance of the coordinator after considering the 12642
evaluation and recommendations of the council under section 12643
5507.65 of the Revised Code state chief information officer. The 12644
program office 12645~~

~~The Ohio 9-1-1 coordinator shall administer the wireless 12646
9-1-1 government assistance fund as specified in sections 5507.53 12647
128.53 and 5507.55 128.55 of the Revised Code. The coordinator 12648
shall carry out the coordinator's duties under this chapter. The 12649
chairperson may establish additional duties of the coordinator 12650
based on a list of recommended duties submitted by the Ohio 9-1-1 12651
council pursuant to section 5507.65 of the Revised Code. The 12652
chairperson may assign one or more commission employees to assist 12653
the coordinator in carrying out the coordinator's duties. 12654~~

Sec. 5507.42 128.42. (A) There is hereby imposed a wireless 12655
9-1-1 charge of twenty-five cents per month as follows: 12656

(1) On each wireless telephone number of a wireless service 12657
subscriber who has a billing address in this state. The subscriber 12658
shall pay the wireless 9-1-1 charge for each such wireless 12659
telephone number assigned to the subscriber. Each wireless service 12660
provider and each reseller shall collect the wireless 9-1-1 charge 12661
as a specific line item on each subscriber's monthly bill. The 12662
line item shall be expressly designated "State/Local Wireless-E911 12663
Costs (\$0.25/billed number)." If a provider bills a subscriber for 12664
any wireless enhanced 9-1-1 costs that the provider may incur, the 12665
charge or amount is not to appear in the same line item as the 12666
state/local line item. If the charge or amount is to appear in its 12667
own, separate line item on the bill, the charge or amount shall be 12668
expressly designated "[Name of Provider] Federal Wireless-E911 12669
Costs." 12670

(2)(a) Prior to January 1, 2014, on each subscriber of
prepaid wireless service. A wireless service provider or reseller
shall collect the wireless 9-1-1 charge in either of the following
manners:

(i) If the subscriber has a positive account balance on the
last day of the month and has used the service during that month,
by reducing that balance not later than the end of the first week
of the following month by twenty-five cents or an equivalent
number of airtime minutes;

(ii) By dividing the total earned prepaid wireless telephone
revenue from sales within this state received by the wireless
service provider or reseller during the month by fifty,
multiplying the quotient by twenty-five cents.

(b) Amounts collected under division (A)(2) of this section
shall be remitted pursuant to division (A)(1) of section ~~5507.46~~
128.46 of the Revised Code.

The wireless 9-1-1 charges authorized under this section
shall not be imposed on a subscriber of wireless lifeline service
or a provider of that service.

(B) Beginning January 1, 2014:

(1) There is hereby imposed, on each retail sale of a prepaid
wireless calling service occurring in this state, a wireless 9-1-1
charge of five_tenths of one per cent of the sale price.

(2) For purposes of division (B)(1) of this section, a retail
sale occurs in this state if it is effected by the consumer
appearing in person at a seller's business location in this state,
or if the sale is sourced to this state under division (E)(3) of
section 5739.034 of the Revised Code, except that under that
division, in lieu of sourcing a sale under division (C)(5) of
section 5739.033 of the Revised Code, the seller, rather than the
service provider, may elect to source the sale to the location

associated with the mobile telephone number. 12702

(3)(a) Except as provided in division (B)(4)(c) of this 12703
section, the seller of the prepaid wireless calling service shall 12704
collect the charge from the consumer at the time of each retail 12705
sale and disclose the amount of the charge to the consumer at the 12706
time of the sale by itemizing the charge on the receipt, invoice, 12707
or similar form of written documentation provided to the consumer. 12708

(b) The seller shall comply with the reporting and remittance 12709
requirements under section ~~5507.46~~ 128.46 of the Revised Code. 12710

(4) When a prepaid wireless calling service is sold with one 12711
or more other products or services for a single, nonitemized 12712
price, the wireless 9-1-1 charge imposed under division (B)(1) of 12713
this section shall apply to the entire nonitemized price, except 12714
as provided in divisions (B)(4)(a) to (c) of this section. 12715

(a) If the amount of the prepaid wireless calling service is 12716
disclosed to the consumer as a dollar amount, the seller may elect 12717
to apply the charge only to that dollar amount. 12718

(b) If the seller can identify the portion of the nonitemized 12719
price that is attributable to the prepaid wireless calling 12720
service, by reasonable and verifiable standards from the seller's 12721
books and records that are kept in the regular course of business 12722
for other purposes, including nontax purposes, the seller may 12723
elect to apply the charge only to that portion. 12724

(c) If a minimal amount of a prepaid wireless calling service 12725
is sold with a prepaid wireless calling device for the single, 12726
nonitemized price, the seller may elect not to collect the charge. 12727
As used in this division, "minimal" means either ten minutes or 12728
less or five dollars or less. 12729

(C) The wireless 9-1-1 charges shall be exempt from state or 12730
local taxation. 12731

Sec. ~~5507.44~~ 128.44. Beginning January 1, 2014, the tax commissioner shall provide notice to all known wireless service providers, resellers, and sellers of prepaid wireless calling services of any increase or decrease in either of the wireless 9-1-1 charges imposed under section ~~5507.42~~ 128.42 of the Revised Code. Each notice shall be provided not less than thirty days before the effective date of the increase or decrease.

Sec. ~~5507.46~~ 128.46. (A) Prior to January 1, 2014:

(1) A wireless service provider or reseller, not later than the last day of each month, shall remit the full amount of all wireless 9-1-1 charges it collected under division (A) of section ~~5507.42~~ 128.42 of the Revised Code for the second preceding calendar month to the ~~Ohio 9-1-1 coordinator~~ administrator, with the exception of charges equivalent to the amount authorized as a billing and collection fee under division (A)(2) of this section. In doing so, the provider or reseller may remit the requisite amount in any reasonable manner consistent with its existing operating or technological capabilities, such as by customer address, location associated with the wireless telephone number, or another allocation method based on comparable, relevant data. If the wireless service provider or reseller receives a partial payment for a bill from a wireless service subscriber, the wireless service provider or reseller shall apply the payment first against the amount the subscriber owes the wireless service provider or reseller and shall remit to the ~~coordinator~~ administrator such lesser amount, if any, as results from that invoice.

(2) A wireless service provider or reseller may retain as a billing and collection fee two per cent of the total wireless 9-1-1 charges it collects in a month and shall account to the ~~coordinator~~ administrator for the amount retained.

(3) The ~~coordinator~~ administrator shall return to, or credit 12763
against the next month's remittance of, a wireless service 12764
provider or reseller the amount of any remittances the ~~coordinator~~ 12765
administrator determines were erroneously submitted by the 12766
provider or reseller. 12767

(B) Beginning January 1, 2014: 12768

(1) Each seller of a prepaid wireless calling service, 12769
wireless service provider, and reseller shall, on or before the 12770
twenty-third day of each month, except as provided in divisions 12771
(B)(2) and (3) of this section, do both of the following: 12772

(a) Make and file a return for the preceding month, in the 12773
form prescribed by the tax commissioner, showing the amount of the 12774
wireless 9-1-1 charges due under section ~~5507.42~~ 128.42 of the 12775
Revised Code for that month; 12776

(b) Remit the full amount due, as shown on the return, with 12777
the exception of charges equivalent to the amount authorized as a 12778
collection fee under division (B)(4) of this section. 12779

(2) The commissioner may grant one or more thirty-day 12780
extensions for making and filing returns and remitting amounts 12781
due. 12782

(3) If a seller is required to collect prepaid wireless 9-1-1 12783
charges in amounts that do not merit monthly returns, the 12784
commissioner may authorize the seller to make and file returns 12785
less frequently. The commissioner shall ascertain whether this 12786
authorization is warranted upon the basis of administrative costs 12787
to the state. 12788

(4) A wireless service provider, reseller, and seller may 12789
each retain as a collection fee three per cent of the total 12790
wireless 9-1-1 charges required to be collected under section 12791
~~5507.42~~ 128.42 of the Revised Code, and shall account to the tax 12792
commissioner for the amount retained. 12793

(5) The return required under division (B)(1)(a) of this section shall be filed electronically using the Ohio business gateway, as defined in section 718.051 of the Revised Code, the Ohio telefile system, or any other electronic means prescribed by the tax commissioner. Remittance of the amount due shall be made electronically in a manner approved by the commissioner. A wireless service provider, reseller, or seller may apply to the commissioner on a form prescribed by the commissioner to be excused from either electronic requirement of this division. For good cause shown, the commissioner may excuse the provider, reseller, or seller from either or both of the requirements and may permit the provider, reseller, or seller to file returns or make remittances by nonelectronic means.

(C)(1) Prior to January 1, 2014, each subscriber on which a wireless 9-1-1 charge is imposed under division (A) of section ~~5507.42~~ 128.42 of the Revised Code is liable to the state for the amount of the charge. If a wireless service provider or reseller fails to collect the charge under that division from a subscriber of prepaid wireless service, or fails to bill any other subscriber for the charge, the wireless service provider or reseller is liable to the state for the amount not collected or billed. If a wireless service provider or reseller collects charges under that division and fails to remit the money to the ~~coordinator~~ administrator, the wireless service provider or reseller is liable to the state for any amount collected and not remitted.

(2) Beginning January 1, 2014:

(a) Each subscriber or consumer on which a wireless 9-1-1 charge is imposed under section ~~5507.42~~ 128.42 of the Revised Code is liable to the state for the amount of the charge. If a wireless service provider or reseller fails to bill or collect the charge, or if a seller fails to collect the charge, the provider, reseller, or seller is liable to the state for the amount not

billed or collected. If a provider, reseller, or seller fails to 12826
remit money to the tax commissioner as required under this 12827
section, the provider, reseller, or seller is liable to the state 12828
for the amount not remitted, regardless of whether the amount was 12829
collected. 12830

(b) No provider of a prepaid wireless calling service shall 12831
be liable to the state for any wireless 9-1-1 charge imposed under 12832
division (B)(1) of section ~~5507.42~~ 128.42 of the Revised Code that 12833
was not collected or remitted. 12834

(D) Prior to January 1, 2014: 12835

(1) If the ~~public utilities commission~~ steering committee has 12836
reason to believe that a wireless service provider or reseller has 12837
failed to bill, collect, or remit the wireless 9-1-1 charge as 12838
required by divisions (A)(1) and (C)(1) of this section or has 12839
retained more than the amount authorized under division (A)(2) of 12840
this section, and after written notice to the provider or 12841
reseller, the ~~commission~~ steering committee may audit the provider 12842
or reseller for the sole purpose of making such a determination. 12843
The audit may include, but is not limited to, a sample of the 12844
provider's or reseller's billings, collections, remittances, or 12845
retentions for a representative period, and the ~~commission~~ 12846
steering committee shall make a good faith effort to reach 12847
agreement with the provider or reseller in selecting that sample. 12848
12849

(2) Upon written notice to the wireless service provider or 12850
reseller, the ~~commission~~ steering committee, by order after 12851
completion of the audit, may make an assessment against the 12852
provider or reseller if, pursuant to the audit, the ~~commission~~ 12853
steering committee determines that the provider or reseller has 12854
failed to bill, collect, or remit the wireless 9-1-1 charge as 12855
required by divisions (A)(1) and (C)(1) of this section or has 12856
retained more than the amount authorized under division (A)(2) of 12857

this section. The assessment shall be in the amount of any 12858
remittance that was due and unpaid on the date notice of the audit 12859
was sent by the ~~commission~~ steering committee to the provider or 12860
reseller or, as applicable, in the amount of the excess amount 12861
under division (A)(2) of this section retained by the provider or 12862
reseller as of that date. 12863

(3) The portion of any assessment not paid within sixty days 12864
after the date of service by the ~~commission~~ steering committee of 12865
the assessment notice under division (D)(2) of this section shall 12866
bear interest from that date until paid at the rate per annum 12867
prescribed by section 5703.47 of the Revised Code. That interest 12868
may be collected by making an assessment under division (D)(2) of 12869
this section. An assessment under this division and any interest 12870
due shall be remitted in the same manner as the wireless 9-1-1 12871
charge imposed under division (A) of section ~~5507.42~~ 128.42 of the 12872
Revised Code. 12873

(4) ~~An assessment is final and due and payable and shall be~~ 12874
~~remitted to the commission unless the assessed party petitions for~~ 12875
~~rehearing under section 4903.10 of the Revised Code. The~~ 12876
~~proceedings of the commission specified in division (D)(4) of this~~ 12877
~~section are subject to and governed by Chapter 4903. of the~~ 12878
~~Revised Code, except that the court of appeals of Franklin county~~ 12879
~~has exclusive, original jurisdiction to review, modify, or vacate~~ 12880
~~an order of the commission under division (D)(2) of this section.~~ 12881
~~The court shall hear and determine such appeal in the same manner~~ 12882
~~and under the same standards as the Ohio supreme court hears and~~ 12883
~~determines appeals under Chapter 4903. of the Revised Code.~~ 12884

~~The judgment of the court of appeals is final and conclusive~~ 12885
~~unless reversed, vacated, or modified on appeal. Such an appeal~~ 12886
~~may be made by the commission or the person to whom the order~~ 12887
~~under division (D)(2) of this section was issued and shall proceed~~ 12888
~~as in the case of appeals in civil actions as provided in Chapter~~ 12889

~~2505. of the Revised Code. Unless the provider, reseller, or
seller assessed files with the steering committee within sixty
days after service of the notice of assessment, either personally
or by certified mail, a written petition for reassessment, signed
by the party assessed or that party's authorized agent having
knowledge of the facts, the assessment shall become final and the
amount of the assessment shall be due and payable from the party
assessed to the administrator. The petition shall indicate the
objections of the party assessed, but additional objections may be
raised in writing if received by the administrator or the steering
committee prior to the date shown on the final determination.~~

(5) After an assessment becomes final, if any portion of the
assessment remains unpaid, including accrued interest, a certified
copy of the ~~commission's entry making the assessment final~~
assessment may be filed in the office of the clerk of the court of
common pleas in the county in which the place of business of the
assessed party is located. If the party assessed maintains no
place of business in this state, the certified copy of the ~~entry~~
final assessment may be filed in the office of the clerk of the
court of common pleas of Franklin county. Immediately upon the
filing, the clerk shall enter a judgment for the state against the
assessed party in the amount shown on the ~~entry~~ final assessment.
The judgment may be filed by the clerk in a loose-leaf book
entitled "special judgments for wireless 9-1-1 charges" and shall
have the same effect as other judgments. The judgment shall be
executed upon the request of the ~~commission~~ steering committee.

(6) An assessment under this division does not discharge a
subscriber's liability to reimburse the provider or reseller for
the wireless 9-1-1 charge imposed under division (A) of section
~~5507.42~~ 128.42 of the Revised Code. If, after the date of service
of the audit notice under division (D)(1) of this section, a
subscriber pays a wireless 9-1-1 charge for the period covered by

the assessment, the payment shall be credited against the 12922
assessment. 12923

(7) All money collected by the ~~commission~~ administrator under 12924
division (D) of this section shall be paid to the treasurer of 12925
state, for deposit to the credit of the wireless 9-1-1 government 12926
assistance fund. 12927

(E) Beginning January 1, 2014: 12928

(1) If the tax commissioner has reason to believe that a 12929
wireless service provider, reseller, or seller has failed to bill, 12930
collect, or remit the wireless 9-1-1 charge as required by this 12931
section and section ~~5507.42~~ 128.42 of the Revised Code or has 12932
retained more than the amount authorized under division (B)(4) of 12933
this section, and after written notice to the provider, reseller, 12934
or seller, the tax commissioner may audit the provider, reseller, 12935
or seller for the sole purpose of making such a determination. The 12936
audit may include, but is not limited to, a sample of the 12937
provider's, reseller's, or seller's billings, collections, 12938
remittances, or retentions for a representative period, and the 12939
tax commissioner shall make a good faith effort to reach agreement 12940
with the provider, reseller, or seller in selecting that sample. 12941

(2) Upon written notice to the wireless service provider, 12942
reseller, or seller, the tax commissioner, after completion of the 12943
audit, may make an assessment against the provider, reseller, or 12944
seller if, pursuant to the audit, the tax commissioner determines 12945
that the provider, reseller, or seller has failed to bill, 12946
collect, or remit the wireless 9-1-1 charge as required by this 12947
section and section ~~5507.42~~ 128.42 of the Revised Code or has 12948
retained more than the amount authorized under division (B)(4) of 12949
this section. The assessment shall be in the amount of any 12950
remittance that was due and unpaid on the date notice of the audit 12951
was sent by the tax commissioner to the provider, reseller, or 12952
seller or, as applicable, in the amount of the excess amount under 12953

division (B)(4) of this section retained by the provider, 12954
reseller, or seller as of that date. 12955

(3) The portion of any assessment consisting of wireless 12956
9-1-1 charges due and not paid within sixty days after the date ~~of~~ 12957
~~service by the tax commissioner of that~~ the assessment ~~notice was~~ 12958
made under division (E)(2) of this section shall bear interest 12959
from that date until paid at the rate per annum prescribed by 12960
section 5703.47 of the Revised Code. That interest may be 12961
collected by making an assessment under division (E)(2) of this 12962
section. ~~An assessment under this division and any interest due~~ 12963
~~shall be remitted in the same manner as the wireless 9-1-1 charges~~ 12964
~~imposed under section 5507.42 of the Revised Code.~~ 12965

~~(4) The portion of the assessment not paid within sixty days~~ 12966
~~after the day the assessment was issued shall bear interest at the~~ 12967
~~rate per annum prescribed by section 5703.47 of the Revised Code~~ 12968
~~from the day the commissioner issues the assessment until it is~~ 12969
~~paid. Interest shall be remitted in the same manner as the 9-1-1~~ 12970
~~charges and may be collected by the issuance of an assessment~~ 12971
~~under division (E) of this section.~~ 12972

~~(5)~~ Unless the provider, reseller, or seller assessed files 12973
with the tax commissioner within sixty days after service of the 12974
notice of assessment, either personally or by certified mail, a 12975
written petition for reassessment, signed by the party assessed or 12976
that party's authorized agent having knowledge of the facts, the 12977
assessment shall become final and the amount of the assessment 12978
shall be due and payable from the party assessed to the treasurer 12979
of state, for deposit to the next generation 9-1-1 fund, which is 12980
created under section ~~5507.54~~ 128.54 of the Revised Code. The 12981
petition shall indicate the objections of the party assessed, but 12982
additional objections may be raised in writing if received by the 12983
commissioner prior to the date shown on the final determination. 12984
If the petition has been properly filed, the commissioner shall 12985

proceed under section 5703.60 of the Revised Code. 12986

~~(6)~~(5) After an assessment becomes final, if any portion of 12987
the assessment remains unpaid, including accrued interest, a 12988
certified copy of the final assessment may be filed in the office 12989
of the clerk of the court of common pleas in the county in which 12990
the business of the assessed party is conducted. If the party 12991
assessed maintains no place of business in this state, the 12992
certified copy of the final assessment may be filed in the office 12993
of the clerk of the court of common pleas of Franklin county. 12994
Immediately upon the filing, the clerk shall enter a judgment for 12995
the state against the assessed party in the amount shown on the 12996
final assessment. The judgment may be filed by the clerk in a 12997
loose-leaf book entitled "special judgments for wireless 9-1-1 12998
charges" and shall have the same effect as other judgments. The 12999
judgment shall be executed upon the request of the tax 13000
commissioner. 13001

~~(7)~~(6) If the commissioner determines that the commissioner 13002
erroneously has refunded a wireless 9-1-1 charge to any person, 13003
the commissioner may make an assessment against that person for 13004
recovery of the erroneously refunded charge. 13005

~~(8)~~(7) An assessment under division (E) of this section does 13006
not discharge a subscriber's or consumer's liability to reimburse 13007
the provider, reseller, or seller for a wireless 9-1-1 charge. If, 13008
after the date of service of the audit notice under division 13009
(E)(1) of this section, a subscriber or consumer pays a wireless 13010
9-1-1 charge for the period covered by the assessment, the payment 13011
shall be credited against the assessment. 13012

Sec. ~~5507.52~~ 128.52. (A) Beginning on July 1, 2013, each 13013
seller of a prepaid wireless calling service required to collect 13014
prepaid wireless 9-1-1 charges under division (B) of section 13015
~~5507.42~~ 128.42 of the Revised Code shall also be subject to the 13016

provisions of Chapter 5739. of the Revised Code regarding the 13017
excise tax on retail sales levied under section 5739.02 of the 13018
Revised Code, as those provisions apply to audits, assessments, 13019
appeals, enforcement, liability, and penalties. 13020

(B) The tax commissioner shall establish procedures by which 13021
a person may document that a sale is not a retail sale of a 13022
prepaid wireless calling service. The procedures shall 13023
substantially coincide with similar procedures under Chapter 5739. 13024
of the Revised Code. 13025

Sec. ~~5507.53~~ 128.53. (A) There is hereby created the wireless 13026
9-1-1 administrative fund in the state treasury. ~~A sufficient~~ 13027
~~percentage, determined by the chairperson of the public utilities~~ 13028
~~commission but not to exceed two~~ Two per cent, of the periodic 13029
remittances of the wireless 9-1-1 charges under section ~~5507.46~~ 13030
128.46 of the Revised Code shall be deposited to the credit of the 13031
fund, to be used by the ~~commission~~ steering committee to cover 13032
such nonpayroll costs and, at the discretion of the ~~commission~~ 13033
steering committee such payroll costs, of the ~~commission~~ steering 13034
committee as are incurred in ~~assisting the coordinator in~~ carrying 13035
out ~~sections 5507.40 to 5507.66 of the Revised Code and in~~ 13036
~~conducting audits under division (D) of section 5507.46 of the~~ 13037
~~Revised Code. In addition, the compensation of the Ohio 9-1-1~~ 13038
~~coordinator, and any expenses of the coordinator in carrying out~~ 13039
~~those sections, shall be paid from the fund~~ this chapter. 13040

(B) There is hereby created the wireless 9-1-1 government 13042
assistance fund, which shall be in the custody of the treasurer of 13043
state but shall not be part of the state treasury. The periodic 13044
remittances of the wireless 9-1-1 charges under section ~~5507.46~~ 13045
128.46 of the Revised Code, remaining after the deposit required 13046
by division (A) of this section, shall be deposited to the credit 13047

of the wireless 9-1-1 government assistance fund. The treasurer of 13048
state shall deposit or invest the moneys in this fund in 13049
accordance with Chapter 135. of the Revised Code and any other 13050
provision of law governing public moneys of the state as defined 13051
in section 135.01 of the Revised Code. The treasurer of state 13052
shall credit the interest earned to the fund. The treasurer of 13053
state shall disburse money from the fund solely upon order of the 13054
~~coordinator~~ steering committee as authorized under division (A) of 13055
section ~~5507.55~~ 128.55 of the Revised Code. Annually, unless the 13056
fund is depleted, the treasurer of state shall certify to the 13057
~~coordinator~~ steering committee the amount of moneys in the 13058
treasurer of state's custody belonging to the fund. 13059

(C) The ~~commission~~ steering committee shall transfer the 13060
funds remaining in the wireless 9-1-1 government assistance fund 13061
after the disbursements made under division (A) of section ~~5507.55~~ 13062
128.55 of the Revised Code to the credit of the next generation 13063
9-1-1 fund, created in section ~~5507.54~~ 128.54 of the Revised Code. 13064
13065

Sec. ~~5507.54~~ 128.54. (A) Beginning January 1, 2014: 13066

(1) The periodic remittances of the wireless 9-1-1 charges 13067
under section ~~5507.46~~ 128.46 of the Revised Code shall be paid to 13068
the treasurer of state for deposit as follows: 13069

(a) ~~Ninety-eight~~ Ninety-seven per cent to the wireless 9-1-1 13070
government assistance fund, which is hereby created in the custody 13071
of the treasurer of state but which shall not be a part of the 13072
state treasury. The treasurer of state shall deposit or invest the 13073
moneys in this fund in accordance with Chapter 135. of the Revised 13074
Code and any other provision of law governing public moneys of the 13075
state as defined in section 135.01 of the Revised Code. The 13076
treasurer of state shall credit the interest earned to the fund. 13077
The treasurer of state shall disburse money from the fund solely 13078

upon order of the tax commissioner according to policies 13079
established by the ~~statewide emergency services internet protocol~~ 13080
~~network~~ steering committee as authorized under section ~~5507.021~~ 13081
128.021 of the Revised Code. Annually, until the fund is depleted, 13082
the treasurer of state shall certify to the commissioner the 13083
amount of moneys in the treasurer of state's custody belonging to 13084
the fund. 13085

(b) One per cent to the wireless 9-1-1 administrative fund, 13086
which is hereby created in the state treasury. The treasurer of 13087
state shall credit the interest earned to the fund. 13088

(c) ~~One~~ Two per cent to the ~~wireless 9-1-1 public safety~~ 13089
~~administrative program~~ fund, which is hereby created in the state 13090
treasury. The treasurer of state shall credit the interest earned 13091
to the fund. 13092

(2) The tax commissioner shall use the remittances in the 13093
wireless 9-1-1 administrative fund to defray the costs in carrying 13094
out this chapter. 13095

(3) The ~~director of public safety steering committee~~ shall 13096
use the remittances in the ~~wireless 9-1-1 public safety~~ 13097
~~administrative program~~ fund to defray the costs incurred by the 13098
~~department steering committee~~ in carrying out this chapter. 13099

(4) Annually, the tax commissioner and the ~~director of public~~ 13100
~~safety steering committee~~, after paying administrative costs under 13101
~~division (B) of~~ this section, shall transfer any excess remaining 13102
in the administrative funds to the next generation 9-1-1 fund, 13103
created under this section. 13104

(B)(1) There is hereby created the next generation 9-1-1 13105
fund, which shall be in the custody of the treasurer but shall not 13106
be a part of the state treasury. 13107

(2) Beginning on January 1, 2014, the tax commissioner shall 13108
transfer the funds remaining in the wireless 9-1-1 government 13109

assistance fund after the disbursements made under division (B)(1) 13110
of section ~~5507.55~~ 128.55 of the Revised Code to the credit of the 13111
next generation 9-1-1 fund. 13112

(3) The treasurer of state shall deposit or invest the moneys 13113
in the next generation 9-1-1 fund in accordance with Chapter 135. 13114
of the Revised Code and any other provision of law governing 13115
public moneys of the state as defined in section 135.01 of the 13116
Revised Code. The treasurer of state shall credit the interest 13117
earned to the fund. The treasurer of state shall disburse money 13118
from the fund solely upon order of the tax commissioner according 13119
to policies established by the ~~statewide emergency services~~ 13120
~~internet protocol network~~ steering committee as authorized under 13121
section ~~5507.021~~ 128.021 of the Revised Code. Annually, until the 13122
fund is depleted, the treasurer of state shall certify to the 13123
commissioner the amount of moneys in the treasurer of state's 13124
custody belonging to the fund. 13125

Sec. ~~5507.55~~ 128.55. (A) Prior to January 1, 2014, the ~~public~~ 13126
~~utilities commission steering committee~~ shall disburse moneys from 13127
the wireless 9-1-1 government assistance fund to each county in 13128
the same manner as the 2012 disbursements, in accordance with 13129
divisions (A) and (B) of section 4931.64 of the Revised Code as 13130
those divisions existed prior to the effective date of H.B. 360 of 13131
the 129th general assembly, December 20, 2012. 13132

(B) Beginning January 1, 2014: 13133

(1) The tax commissioner, not later than the last day of each 13134
month, shall disburse moneys from the wireless 9-1-1 government 13135
assistance fund to each county in the same manner as the 2012 13136
disbursements, in accordance with divisions (A) and (B) of section 13137
4931.64 of the Revised Code as those divisions existed prior to 13138
the effective date of H.B. 360 of the 129th general assembly, 13139
December 20, 2012. 13140

(2) The tax commissioner shall disburse moneys from the next generation 9-1-1 fund in accordance with the guidelines established under section ~~5507.022~~ 128.022 of the Revised Code.

(C) Immediately upon receipt by a county treasurer of a disbursement under division (A) or (B)(1) of this section, the county shall disburse, in accordance with the allocation formula set forth in the final plan, the amount the county so received to any other subdivisions in the county and any regional councils of governments in the county that pay the costs of a public safety answering point providing wireless enhanced 9-1-1 under the plan.

(D) Nothing in this chapter affects the authority of a subdivision operating or served by a public safety answering point of a 9-1-1 system or a regional council of governments operating a public safety answering point of a 9-1-1 system to use, as provided in the final plan for the system or in an agreement under section ~~5507.09~~ 128.09 of the Revised Code, any other authorized revenue of the subdivision or the regional council of governments for the purposes of providing basic or enhanced 9-1-1.

Sec. ~~5507.57~~ 128.57. Except as otherwise provided in section ~~5507.571~~ 128.571 of the Revised Code:

(A) A countywide 9-1-1 system receiving a disbursement under section ~~5507.55~~ 128.55 of the Revised Code shall provide countywide wireless enhanced 9-1-1 in accordance with this chapter beginning as soon as reasonably possible after receipt of the first disbursement or, if that service is already implemented, shall continue to provide such service. Except as provided in divisions (B), (C), and (E) of this section, a disbursement shall be used solely for the purpose of paying either or both of the following:

(1) Any costs of designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining the necessary

data, hardware, software, and trunking required for the public 13172
safety answering point or points of the 9-1-1 system to provide 13173
wireless enhanced 9-1-1, which costs are incurred before or on or 13174
after May 6, 2005, and consist of such additional costs of the 13175
9-1-1 system over and above any costs incurred to provide wireline 13176
9-1-1 or to otherwise provide wireless enhanced 9-1-1. Annually, 13177
up to twenty-five thousand dollars of the disbursements received 13178
on or after January 1, 2009, may be applied to data, hardware, and 13179
software that automatically alerts personnel receiving a 9-1-1 13180
call that a person at the subscriber's address or telephone number 13181
may have a mental or physical disability, of which that personnel 13182
shall inform the appropriate emergency service provider. On or 13183
after the provision of technical and operational standards 13184
pursuant to ~~division (D)(1) of section 5507.65~~ 128.021 of the 13185
Revised Code, a regional council of governments operating a public 13186
safety answering point or a subdivision shall consider the 13187
standards before incurring any costs described in this division. 13188

(2) Any costs of training the staff of the public safety 13189
answering point or points to provide wireless enhanced 9-1-1, 13190
which costs are incurred before or on or after May 6, 2005. 13191

(B) A subdivision or a regional council of governments that 13192
certifies to the ~~department of public safety steering committee~~ 13193
that it has paid the costs described in divisions (A)(1) and (2) 13194
of this section and is providing countywide wireless enhanced 13195
9-1-1 may use disbursements received under section ~~5507.55~~ 128.55 13196
of the Revised Code to pay any of its personnel costs of one or 13197
more public safety answering points providing countywide wireless 13198
enhanced 9-1-1. 13199

(C) After receiving its July 2013 disbursement under division 13200
(A) of section ~~5507.55~~ 128.55 of the Revised Code, a regional 13201
council of governments operating a public safety answering point 13202
or a subdivision may use any remaining balance of disbursements it 13203

received under that division to pay any of its costs of providing 13204
countywide wireless 9-1-1, including the personnel costs of one or 13205
more public safety answering points providing that service. 13206

(D) The costs described in divisions (A), (B), (C), and (E) 13207
of this section may include any such costs payable pursuant to an 13208
agreement under division (J) of section ~~5507.03~~ 128.03 of the 13209
Revised Code. 13210

(E)(1) No disbursement to a countywide 9-1-1 system for costs 13211
of a public safety answering point shall be made from the wireless 13212
9-1-1 government assistance fund or the next generation 9-1-1 fund 13213
unless the public safety answering point meets the standards set 13214
by rule of the ~~statewide emergency services internet protocol~~ 13215
~~network~~ steering committee under section ~~5507.021~~ 128.021 of the 13216
Revised Code. 13217

(2) The ~~department of public safety steering committee~~ shall 13218
monitor compliance with the standards ~~set by the steering~~ 13219
~~committee. The department and~~ shall notify the tax commissioner to 13220
suspend disbursements to a countywide 9-1-1 system that fails to 13221
meet the standards. Upon receipt of this notification, the 13222
commissioner shall suspend disbursements until the commissioner is 13223
notified of compliance with the standards. 13224

(F) The auditor of state may audit and review each county's 13225
expenditures of funds received from the wireless 9-1-1 government 13226
assistance fund to verify that the funds were used in accordance 13227
with the requirements of this chapter. 13228

Sec. ~~5507.571~~ 128.571. (A) Payment of costs specified in 13229
divisions (A) to (D) of section ~~5507.57~~ 128.57 of the Revised Code 13230
from a disbursement under section ~~5507.55~~ 128.55 of the Revised 13231
Code shall be limited to those specified and payable costs 13232
incurred for a specified number of public safety answering points 13233
of the particular 9-1-1 system as follows: 13234

(1) For the period beginning on March 1, 2009, and ending on 13235
December 31, 2015, a countywide 9-1-1 system may use disbursements 13236
for not more than five public safety answering points per calendar 13237
year. 13238

(2) Except as provided in division (B) of this section: 13239

(a) For the period beginning on January 1, 2016, and ending 13240
on December 31, 2017, a countywide 9-1-1 system may use 13241
disbursements for not more than four public safety answering 13242
points per calendar year. 13243

(b) For the period beginning on January 1, 2018, and 13244
thereafter a countywide 9-1-1 system may use disbursements for not 13245
more than three public safety answering points per calendar year. 13246

(B) If within a county there is a municipal corporation with 13247
a population of over ~~175,000~~ one hundred seventy-five thousand 13248
according to the most recent federal decennial census, that county 13249
may use disbursements for one public safety answering point in 13250
addition to the number of public safety answering points allowed 13251
under division (A)(2) of this section. 13252

(C) If a county exceeds the allowable number of public safety 13253
answering points under this section, disbursements to countywide 13254
9-1-1 systems made to the county from the wireless 9-1-1 13255
government assistance fund and the next generation 9-1-1 fund 13256
shall be reduced by fifty per cent until the county complies with 13257
the public safety answering point limitations established under 13258
this section. 13259

Sec. ~~5507-60~~ 128.60. (A)(1) A telephone company, the state 13260
highway patrol as described in division (J) of section ~~5507-03~~ 13261
128.03 of the Revised Code, and each subdivision or regional 13262
council of governments operating one or more public safety 13263
answering points for a countywide system providing wireless 9-1-1, 13264

shall provide the ~~director of public safety steering committee~~ and 13265
the tax commissioner with such information as the ~~director~~ 13266
steering committee and tax commissioner request for the purposes 13267
of carrying out their duties under this chapter, including, but 13268
not limited to, duties regarding the collection of the wireless 13269
9-1-1 charges imposed under section ~~5507.42~~ 128.42 of the Revised 13270
Code. 13271

(2) A wireless service provider shall provide an official, 13272
employee, agent, or representative of a subdivision or regional 13273
council of governments operating a public safety answering point, 13274
or of the state highway patrol as described in division (J) of 13275
section ~~5507.03~~ 128.03 of the Revised Code, with such technical, 13276
service, and location information as the official, employee, 13277
agent, or representative requests for the purpose of providing 13278
wireless 9-1-1. 13279

(3) A subdivision or regional council of governments 13280
operating one or more public safety answering points of a 9-1-1 13281
system, and a telephone company, shall provide to the ~~Ohio 9-1-1~~ 13282
~~council steering committee~~ such information as the ~~council~~ 13283
steering committee requires for the purpose of carrying out its 13284
duties under ~~division (D) of section 5507.65~~ Chapter 128. of the 13285
Revised Code. 13286

(B)(1) Any information provided under division (A) of this 13287
section that consists of trade secrets as defined in section 13288
1333.61 of the Revised Code or of information regarding the 13289
customers, revenues, expenses, or network information of a 13290
telephone company shall be confidential and does not constitute a 13291
public record for the purpose of section 149.43 of the Revised 13292
Code. 13293

(2) The ~~director steering committee~~, tax commissioner, and 13294
any official, employee, agent, or representative of the ~~director~~ 13295

steering committee, of the tax commissioner, of the state highway patrol as described in division (J) of section ~~5507.03~~ 128.03 of the Revised Code, or of a subdivision or regional council of governments operating a public safety answering point, while acting or claiming to act in the capacity of the ~~director~~ steering committee or tax commissioner or such official, employee, agent, or representative, shall not disclose any information provided under division (A) of this section regarding a telephone company's customers, revenues, expenses, or network information. Nothing in division (B)(2) of this section precludes any such information from being aggregated and included in any report ~~required under division (D) of section 5507.66 of the Revised Code~~ of the steering committee, tax commissioner, or any official, employee, agent, or representative of the steering committee or tax commissioner, provided the aggregated information does not identify the number of any particular company's customers or the amount of its revenues or expenses or identify a particular company as to any network information.

Sec. ~~5507.63~~ 128.63. (A) The tax commissioner may adopt rules in accordance with Chapter 119. of the Revised Code to carry out this chapter, including rules prescribing the necessary accounting for the collection fee under division (B)(4) of section ~~5507.46~~ 128.46 of the Revised Code.

(B) The amounts of the wireless 9-1-1 charges shall be prescribed only by act of the general assembly.

Sec. ~~5507.99~~ 128.99. (A) Whoever violates division (E) of section ~~5507.32~~ 128.32 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates division (F) or (G) of section ~~5507.32~~ 128.32 or division (B)(2) of section ~~5507.60~~ 128.60 of the Revised

Code is guilty of a misdemeanor of the fourth degree on a first 13326
offense and a felony of the fifth degree on each subsequent 13327
offense. 13328

Sec. 131.51. (A) On or before July 5, 2013, the tax 13329
commissioner shall compute the following amounts and certify those 13330
amounts to the director of budget and management: 13331

(1) A percentage calculated by multiplying one hundred by the 13332
quotient obtained by dividing the total amount credited to the 13333
local government fund in fiscal year 2013 by the total amount of 13334
tax revenue credited to the general revenue fund in fiscal year 13335
2013. The percentage shall be rounded to the nearest one-hundredth 13336
of one per cent. 13337

(2) A percentage calculated by multiplying one hundred by the 13338
quotient obtained by dividing the total amount credited to the 13339
public library fund in fiscal year 2013 by the total amount of tax 13340
revenue credited to the general revenue fund in fiscal year 2013. 13341
The percentage shall be rounded to the nearest one-hundredth of 13342
one per cent. 13343

(B) On or before the seventh day of each month, the director 13344
of budget and management shall credit to the local government fund 13345
an amount equal to the product obtained by multiplying the 13346
percentage calculated under division (A)(1) of this section by the 13347
total tax revenue credited to the general revenue fund during the 13348
preceding month. In determining the total tax revenue credited to 13349
the general revenue fund during the preceding month, the director 13350
shall include amounts transferred from the fund during the 13351
preceding month under this division and division (C) of this 13352
section. Money shall be distributed from the local government fund 13353
as required under section 5747.50 of the Revised Code during the 13354
same month in which it is credited to the fund. 13355

(C) On or before the seventh day of each month, the director 13356

of budget and management shall credit to the public library fund 13357
an amount equal to the product obtained by multiplying the 13358
percentage calculated under division (A)(2) of this section by the 13359
total tax revenue credited to the general revenue fund during the 13360
preceding month. In determining the total tax revenue credited to 13361
the general revenue fund during the preceding month, the director 13362
shall include amounts transferred from the fund during the 13363
preceding month under this division and division (B) of this 13364
section. Money shall be distributed from the public library fund 13365
as required under section 5747.47 of the Revised Code during the 13366
same month in which it is credited to the fund. 13367

(D) The director of budget and management shall develop a 13368
schedule identifying the specific tax revenue sources to be used 13369
to make the monthly transfers required under divisions (B) and (C) 13370
of this section. The director may, from time to time, revise the 13371
schedule as the director considers necessary. 13372

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96, 13373
and 2151.655 of the Revised Code, in other sections of the Revised 13374
Code that make reference to this chapter unless the context does 13375
not permit, and in related proceedings, unless otherwise expressly 13376
provided: 13377

(A) "Acquisition" as applied to real or personal property 13378
includes, among other forms of acquisition, acquisition by 13379
exercise of a purchase option, and acquisition of interests in 13380
property, including, without limitation, easements and 13381
rights-of-way, and leasehold and other lease interests initially 13382
extending or extendable for a period of at least sixty months. 13383

(B) "Anticipatory securities" means securities, including 13384
notes, issued in anticipation of the issuance of other securities. 13385

(C) "Board of elections" means the county board of elections 13386
of the county in which the subdivision is located. If the 13387

subdivision is located in more than one county, "board of elections" means the county board of elections of the county that contains the largest portion of the population of the subdivision or that otherwise has jurisdiction in practice over and customarily handles election matters relating to the subdivision.

(D) "Bond retirement fund" means the bond retirement fund provided for in section 5705.09 of the Revised Code, and also means a sinking fund or any other special fund, regardless of the name applied to it, established by or pursuant to law or the proceedings for the payment of debt charges. Provision may be made in the applicable proceedings for the establishment in a bond retirement fund of separate accounts relating to debt charges on particular securities, or on securities payable from the same or common sources, and for the application of moneys in those accounts only to specified debt charges on specified securities or categories of securities. Subject to law and any provisions in the applicable proceedings, moneys in a bond retirement fund or separate account in a bond retirement fund may be transferred to other funds and accounts.

(E) "Capitalized interest" means all or a portion of the interest payable on securities from their date to a date stated or provided for in the applicable legislation, which interest is to be paid from the proceeds of the securities.

(F) "Chapter 133. securities" means securities authorized by or issued pursuant to or in accordance with this chapter.

(G) "County auditor" means the county auditor of the county in which the subdivision is located. If the subdivision is located in more than one county, "county auditor" means the county auditor of the county that contains the highest amount of the tax valuation of the subdivision or that otherwise has jurisdiction in practice over and customarily handles property tax matters relating to the subdivision. In the case of a county that has

adopted a charter, "county auditor" means the officer who 13420
generally has the duties and functions provided in the Revised 13421
Code for a county auditor. 13422

(H) "Credit enhancement facilities" means letters of credit, 13423
lines of credit, stand-by, contingent, or firm securities purchase 13424
agreements, insurance, or surety arrangements, guarantees, and 13425
other arrangements that provide for direct or contingent payment 13426
of debt charges, for security or additional security in the event 13427
of nonpayment or default in respect of securities, or for making 13428
payment of debt charges to and at the option and on demand of 13429
securities holders or at the option of the issuer or upon certain 13430
conditions occurring under put or similar arrangements, or for 13431
otherwise supporting the credit or liquidity of the securities, 13432
and includes credit, reimbursement, marketing, remarketing, 13433
indexing, carrying, interest rate hedge, and subrogation 13434
agreements, and other agreements and arrangements for payment and 13435
reimbursement of the person providing the credit enhancement 13436
facility and the security for that payment and reimbursement. 13437

(I) "Current operating expenses" or "current expenses" means 13438
the lawful expenditures of a subdivision, except those for 13439
permanent improvements and for payments of debt charges of the 13440
subdivision. 13441

(J) "Debt charges" means the principal, including any 13442
mandatory sinking fund deposits and mandatory redemption payments, 13443
interest, and any redemption premium, payable on securities as 13444
those payments come due and are payable. The use of "debt charges" 13445
for this purpose does not imply that any particular securities 13446
constitute debt within the meaning of the Ohio Constitution or 13447
other laws. 13448

(K) "Financing costs" means all costs and expenses relating 13449
to the authorization, including any required election, issuance, 13450
sale, delivery, authentication, deposit, custody, clearing, 13451

registration, transfer, exchange, fractionalization, replacement, 13452
payment, and servicing of securities, including, without 13453
limitation, costs and expenses for or relating to publication and 13454
printing, postage, delivery, preliminary and final official 13455
statements, offering circulars, and informational statements, 13456
travel and transportation, underwriters, placement agents, 13457
investment bankers, paying agents, registrars, authenticating 13458
agents, remarketing agents, custodians, clearing agencies or 13459
corporations, securities depositories, financial advisory 13460
services, certifications, audits, federal or state regulatory 13461
agencies, accounting and computation services, legal services and 13462
obtaining approving legal opinions and other legal opinions, 13463
credit ratings, redemption premiums, and credit enhancement 13464
facilities. Financing costs may be paid from any moneys available 13465
for the purpose, including, unless otherwise provided in the 13466
proceedings, from the proceeds of the securities to which they 13467
relate and, as to future financing costs, from the same sources 13468
from which debt charges on the securities are paid and as though 13469
debt charges. 13470

(L) "Fiscal officer" means the following, or, in the case of 13471
absence or vacancy in the office, a deputy or assistant authorized 13472
by law or charter to act in the place of the named officer, or if 13473
there is no such authorization then the deputy or assistant 13474
authorized by legislation to act in the place of the named officer 13475
for purposes of this chapter, in the case of the following 13476
subdivisions: 13477

(1) A county, the county auditor; 13478

(2) A municipal corporation, the city auditor or village 13479
clerk or clerk-treasurer, or the officer who, by virtue of a 13480
charter, has the duties and functions provided in the Revised Code 13481
for the city auditor or village clerk or clerk-treasurer; 13482

(3) A school district, the treasurer of the board of 13483

education;	13484
(4) A regional water and sewer district, the secretary of the board of trustees;	13485 13486
(5) A joint township hospital district, the treasurer of the district;	13487 13488
(6) A joint ambulance district, the clerk of the board of trustees;	13489 13490
(7) A joint recreation district, the person designated pursuant to section 755.15 of the Revised Code;	13491 13492
(8) A detention facility district or a district organized under section 2151.65 of the Revised Code or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, the county auditor of the county designated by law to act as the auditor of the district;	13493 13494 13495 13496 13497
(9) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the fiscal officer of the township;	13498 13499 13500
(10) A joint fire district, the clerk of the board of trustees of that district;	13501 13502
(11) A regional or county library district, the person responsible for the financial affairs of that district;	13503 13504
(12) A joint solid waste management district, the fiscal officer appointed by the board of directors of the district under section 343.01 of the Revised Code;	13505 13506 13507
(13) A joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code;	13508 13509 13510
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	13511 13512 13513

(15) A subdivision described in division (MM)~~(18)~~(19) of this section, the officer who is designated by law as or performs the functions of its chief fiscal officer;

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(16) A joint police district, the treasurer of the district;

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(17) A lake facilities authority, the fiscal officer designated under section 353.02 of the Revised Code.

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(M) "Fiscal year" has the same meaning as in section 9.34 of the Revised Code.

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(N) "Fractionalized interests in public obligations" means participations, certificates of participation, shares, or other instruments or agreements, separate from the public obligations themselves, evidencing ownership of interests in public obligations or of rights to receive payments of, or on account of, principal or interest or their equivalents payable by or on behalf of an obligor pursuant to public obligations.

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(O) "Fully registered securities" means securities in certificated or uncertificated form, registered as to both principal and interest in the name of the owner.

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(P) "Fund" means to provide for the payment of debt charges and expenses related to that payment at or prior to retirement by purchase, call for redemption, payment at maturity, or otherwise.

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(Q) "General obligation" means securities to the payment of debt charges on which the full faith and credit and the general property taxing power, including taxes within the tax limitation if available to the subdivision, of the subdivision are pledged.

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(R) "Interest" or "interest equivalent" means those payments or portions of payments, however denominated, that constitute or represent consideration for forbearing the collection of money, or for deferring the receipt of payment of money to a future time.

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(S) "Internal Revenue Code" means the "Internal Revenue Code

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of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 13544
includes any laws of the United States providing for application 13545
of that code. 13546

(T) "Issuer" means any public issuer and any nonprofit 13547
corporation authorized to issue securities for or on behalf of any 13548
public issuer. 13549

(U) "Legislation" means an ordinance or resolution passed by 13550
a majority affirmative vote of the then members of the taxing 13551
authority unless a different vote is required by charter 13552
provisions governing the passage of the particular legislation by 13553
the taxing authority. 13554

(V) "Mandatory sinking fund redemption requirements" means 13555
amounts required by proceedings to be deposited in a bond 13556
retirement fund for the purpose of paying in any year or fiscal 13557
year by mandatory redemption prior to stated maturity the 13558
principal of securities that is due and payable, except for 13559
mandatory prior redemption requirements as provided in those 13560
proceedings, in a subsequent year or fiscal year. 13561

(W) "Mandatory sinking fund requirements" means amounts 13562
required by proceedings to be deposited in a year or fiscal year 13563
in a bond retirement fund for the purpose of paying the principal 13564
of securities that is due and payable in a subsequent year or 13565
fiscal year. 13566

(X) "Net indebtedness" has the same meaning as in division 13567
(A) of section 133.04 of the Revised Code. 13568

(Y) "Obligor," in the case of securities or fractionalized 13569
interests in public obligations issued by another person the debt 13570
charges or their equivalents on which are payable from payments 13571
made by a public issuer, means that public issuer. 13572

(Z) "One purpose" relating to permanent improvements means 13573
any one permanent improvement or group or category of permanent 13574

improvements for the same utility, enterprise, system, or project, 13575
development or redevelopment project, or for or devoted to the 13576
same general purpose, function, or use or for which 13577
self-supporting securities, based on the same or different sources 13578
of revenues, may be issued or for which special assessments may be 13579
levied by a single ordinance or resolution. "One purpose" 13580
includes, but is not limited to, in any case any off-street 13581
parking facilities relating to another permanent improvement, and: 13582

(1) Any number of roads, highways, streets, bridges, 13583
sidewalks, and viaducts; 13584

(2) Any number of off-street parking facilities; 13585

(3) In the case of a county, any number of permanent 13586
improvements for courthouse, jail, county offices, and other 13587
county buildings, and related facilities; 13588

(4) In the case of a school district, any number of 13589
facilities and buildings for school district purposes, and related 13590
facilities. 13591

(AA) "Outstanding," referring to securities, means securities 13592
that have been issued, delivered, and paid for, except any of the 13593
following: 13594

(1) Securities canceled upon surrender, exchange, or 13595
transfer, or upon payment or redemption; 13596

(2) Securities in replacement of which or in exchange for 13597
which other securities have been issued; 13598

(3) Securities for the payment, or redemption or purchase for 13599
cancellation prior to maturity, of which sufficient moneys or 13600
investments, in accordance with the applicable legislation or 13601
other proceedings or any applicable law, by mandatory sinking fund 13602
redemption requirements, mandatory sinking fund requirements, or 13603
otherwise, have been deposited, and credited for the purpose in a 13604

bond retirement fund or with a trustee or paying or escrow agent, 13605
whether at or prior to their maturity or redemption, and, in the 13606
case of securities to be redeemed prior to their stated maturity, 13607
notice of redemption has been given or satisfactory arrangements 13608
have been made for giving notice of that redemption, or waiver of 13609
that notice by or on behalf of the affected security holders has 13610
been filed with the subdivision or its agent for the purpose. 13611

(BB) "Paying agent" means the one or more banks, trust 13612
companies, or other financial institutions or qualified persons, 13613
including an appropriate office or officer of the subdivision, 13614
designated as a paying agent or place of payment of debt charges 13615
on the particular securities. 13616

(CC) "Permanent improvement" or "improvement" means any 13617
property, asset, or improvement certified by the fiscal officer, 13618
which certification is conclusive, as having an estimated life or 13619
period of usefulness of five years or more, and includes, but is 13620
not limited to, real estate, buildings, and personal property and 13621
interests in real estate, buildings, and personal property, 13622
equipment, furnishings, and site improvements, and reconstruction, 13623
rehabilitation, renovation, installation, improvement, 13624
enlargement, and extension of property, assets, or improvements so 13625
certified as having an estimated life or period of usefulness of 13626
five years or more. The acquisition of all the stock ownership of 13627
a corporation is the acquisition of a permanent improvement to the 13628
extent that the value of that stock is represented by permanent 13629
improvements. A permanent improvement for parking, highway, road, 13630
and street purposes includes resurfacing, but does not include 13631
ordinary repair. 13632

(DD) "Person" has the same meaning as in section 1.59 of the 13633
Revised Code and also includes any federal, state, interstate, 13634
regional, or local governmental agency, any subdivision, and any 13635
combination of those persons. 13636

(EE) "Proceedings" means the legislation, certifications, 13637
notices, orders, sale proceedings, trust agreement or indenture, 13638
mortgage, lease, lease-purchase agreement, assignment, credit 13639
enhancement facility agreements, and other agreements, 13640
instruments, and documents, as amended and supplemented, and any 13641
election proceedings, authorizing, or providing for the terms and 13642
conditions applicable to, or providing for the security or sale or 13643
award of, public obligations, and includes the provisions set 13644
forth or incorporated in those public obligations and proceedings. 13645

(FF) "Public issuer" means any of the following that is 13646
authorized by law to issue securities or enter into public 13647
obligations: 13648

(1) The state, including an agency, commission, officer, 13649
institution, board, authority, or other instrumentality of the 13650
state; 13651

(2) A taxing authority, subdivision, district, or other local 13652
public or governmental entity, and any combination or consortium, 13653
or public division, district, commission, authority, department, 13654
board, officer, or institution, thereof; 13655

(3) Any other body corporate and politic, or other public 13656
entity. 13657

(GG) "Public obligations" means both of the following: 13658

(1) Securities; 13659

(2) Obligations of a public issuer to make payments under 13660
installment sale, lease, lease purchase, or similar agreements, 13661
which obligations may bear interest or interest equivalent. 13662

(HH) "Refund" means to fund and retire outstanding 13663
securities, including advance refunding with or without payment or 13664
redemption prior to maturity. 13665

(II) "Register" means the books kept and maintained by the 13666

registrar for registration, exchange, and transfer of registered securities. 13667
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(JJ) "Registrar" means the person responsible for keeping the register for the particular registered securities, designated by or pursuant to the proceedings. 13669
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(KK) "Securities" means bonds, notes, certificates of indebtedness, commercial paper, and other instruments in writing, including, unless the context does not admit, anticipatory securities, issued by an issuer to evidence its obligation to repay money borrowed, or to pay interest, by, or to pay at any future time other money obligations of, the issuer of the securities, but not including public obligations described in division (GG)(2) of this section. 13672
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(LL) "Self-supporting securities" means securities or portions of securities issued for the purpose of paying costs of permanent improvements to the extent that receipts of the subdivision, other than the proceeds of taxes levied by that subdivision, derived from or with respect to the improvements or the operation of the improvements being financed, or the enterprise, system, project, or category of improvements of which the improvements being financed are part, are estimated by the fiscal officer to be sufficient to pay the current expenses of that operation or of those improvements or enterprise, system, project, or categories of improvements and the debt charges payable from those receipts on securities issued for the purpose. Until such time as the improvements or increases in rates and charges have been in operation or effect for a period of at least six months, the receipts therefrom, for purposes of this definition, shall be those estimated by the fiscal officer, except that those receipts may include, without limitation, payments made and to be made to the subdivision under leases or agreements in effect at the time the estimate is made. In the case of an 13680
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operation, improvements, or enterprise, system, project, or 13699
category of improvements without at least a six-month history of 13700
receipts, the estimate of receipts by the fiscal officer, other 13701
than those to be derived under leases and agreements then in 13702
effect, shall be confirmed by the taxing authority. 13703

(MM) "Subdivision" means any of the following: 13704

(1) A county, including a county that has adopted a charter 13705
under Article X, Ohio Constitution; 13706

(2) A municipal corporation, including a municipal 13707
corporation that has adopted a charter under Article XVIII, Ohio 13708
Constitution; 13709

(3) A school district; 13710

(4) A regional water and sewer district organized under 13711
Chapter 6119. of the Revised Code; 13712

(5) A joint township hospital district organized under 13713
section 513.07 of the Revised Code; 13714

(6) A joint ambulance district organized under section 505.71 13715
of the Revised Code; 13716

(7) A joint recreation district organized under division (C) 13717
of section 755.14 of the Revised Code; 13718

(8) A detention facility district organized under section 13719
2152.41, a district organized under section 2151.65, or a combined 13720
district organized under sections 2152.41 and 2151.65 of the 13721
Revised Code; 13722

(9) A township police district organized under section 505.48 13723
of the Revised Code; 13724

(10) A township; 13725

(11) A joint fire district organized under section 505.371 of 13726
the Revised Code; 13727

(12) A county library district created under section 3375.19	13728
or a regional library district created under section 3375.28 of	13729
the Revised Code;	13730
(13) A joint solid waste management district organized under	13731
section 343.01 or 343.012 of the Revised Code;	13732
(14) A joint emergency medical services district organized	13733
under section 307.052 of the Revised Code;	13734
(15) A fire and ambulance district organized under section	13735
505.375 of the Revised Code;	13736
(16) A fire district organized under division (C) of section	13737
505.37 of the Revised Code;	13738
(17) A joint police district organized under section 505.482	13739
of the Revised Code;	13740
(18) <u>A lake facilities authority created under Chapter 353.</u>	13741
<u>of the Revised Code;</u>	13742
(19) Any other political subdivision or taxing district or	13743
other local public body or agency authorized by this chapter or	13744
other laws to issue Chapter 133. securities.	13745
(NN) "Taxing authority" means in the case of the following	13746
subdivisions:	13747
(1) A county, a county library district, or a regional	13748
library district, the board or boards of county commissioners, or	13749
other legislative authority of a county that has adopted a charter	13750
under Article X, Ohio Constitution, but with respect to such a	13751
library district acting solely as agent for the board of trustees	13752
of that district;	13753
(2) A municipal corporation, the legislative authority;	13754
(3) A school district, the board of education;	13755
(4) A regional water and sewer district, a joint ambulance	13756

district, a joint recreation district, a fire and ambulance	13757
district, or a joint fire district, the board of trustees of the	13758
district;	13759
(5) A joint township hospital district, the joint township	13760
hospital board;	13761
(6) A detention facility district or a district organized	13762
under section 2151.65 of the Revised Code, a combined district	13763
organized under sections 2152.41 and 2151.65 of the Revised Code,	13764
or a joint emergency medical services district, the joint board of	13765
county commissioners;	13766
(7) A township, a fire district organized under division (C)	13767
of section 505.37 of the Revised Code, or a township police	13768
district, the board of township trustees;	13769
(8) A joint solid waste management district organized under	13770
section 343.01 or 343.012 of the Revised Code, the board of	13771
directors of the district;	13772
(9) A subdivision described in division (MM) (18) (19) of this	13773
section, the legislative or governing body or official;	13774
(10) A joint police district, the joint police district	13775
board;	13776
<u>(11) A lake facilities authority, the board of directors.</u>	13777
(OO) "Tax limitation" means the "ten-mill limitation" as	13778
defined in section 5705.02 of the Revised Code without diminution	13779
by reason of section 5705.313 of the Revised Code or otherwise,	13780
or, in the case of a municipal corporation or county with a	13781
different charter limitation on property taxes levied to pay debt	13782
charges on unvoted securities, that charter limitation. Those	13783
limitations shall be respectively referred to as the "ten-mill	13784
limitation" and the "charter tax limitation."	13785
(PP) "Tax valuation" means the aggregate of the valuations of	13786

property subject to ad valorem property taxation by the 13787
subdivision on the real property, personal property, and public 13788
utility property tax lists and duplicates most recently certified 13789
for collection, and shall be calculated without deductions of the 13790
valuations of otherwise taxable property exempt in whole or in 13791
part from taxation by reason of exemptions of certain amounts of 13792
taxable value under division (C) of section 5709.01, tax 13793
reductions under section 323.152 of the Revised Code, or similar 13794
laws now or in the future in effect. 13795

For purposes of section 133.06 of the Revised Code, "tax 13796
valuation" shall not include the valuation of tangible personal 13797
property used in business, telephone or telegraph property, 13798
interexchange telecommunications company property, or personal 13799
property owned or leased by a railroad company and used in 13800
railroad operations listed under or described in section 5711.22, 13801
division (B) or (F) of section 5727.111, or section 5727.12 of the 13802
Revised Code. 13803

(QQ) "Year" means the calendar year. 13804

(RR) "Administrative agent," "agent," "commercial paper," 13805
"floating rate interest structure," "indexing agent," "interest 13806
rate hedge," "interest rate period," "put arrangement," and 13807
"remarketing agent" have the same meanings as in section 9.98 of 13808
the Revised Code. 13809

(SS) "Sales tax supported" means obligations to the payment 13810
of debt charges on which an additional sales tax or additional 13811
sales taxes have been pledged by the taxing authority of a county 13812
pursuant to section 133.081 of the Revised Code. 13813

Sec. 133.06. (A) A school district shall not incur, without a 13814
vote of the electors, net indebtedness that exceeds an amount 13815
equal to one-tenth of one per cent of its tax valuation, except as 13816
provided in divisions (G) and (H) of this section and in division 13817

(C) of section 3313.372 of the Revised Code, or as prescribed in 13818
section 3318.052 or 3318.44 of the Revised Code, or as provided in 13819
division (J) of this section. 13820

(B) Except as provided in divisions (E), (F), and (I) of this 13821
section, a school district shall not incur net indebtedness that 13822
exceeds an amount equal to nine per cent of its tax valuation. 13823

(C) A school district shall not submit to a vote of the 13824
electors the question of the issuance of securities in an amount 13825
that will make the district's net indebtedness after the issuance 13826
of the securities exceed an amount equal to four per cent of its 13827
tax valuation, unless the superintendent of public instruction, 13828
acting under policies adopted by the state board of education, and 13829
the tax commissioner, acting under written policies of the 13830
commissioner, consent to the submission. A request for the 13831
consents shall be made at least one hundred twenty days prior to 13832
the election at which the question is to be submitted. 13833

The superintendent of public instruction shall certify to the 13834
district the superintendent's and the tax commissioner's decisions 13835
within thirty days after receipt of the request for consents. 13836

If the electors do not approve the issuance of securities at 13837
the election for which the superintendent of public instruction 13838
and tax commissioner consented to the submission of the question, 13839
the school district may submit the same question to the electors 13840
on the date that the next special election may be held under 13841
section 3501.01 of the Revised Code without submitting a new 13842
request for consent. If the school district seeks to submit the 13843
same question at any other subsequent election, the district shall 13844
first submit a new request for consent in accordance with this 13845
division. 13846

(D) In calculating the net indebtedness of a school district, 13847
none of the following shall be considered: 13848

(1) Securities issued to acquire school buses and other equipment used in transporting pupils or issued pursuant to division (D) of section 133.10 of the Revised Code;	13849 13850 13851
(2) Securities issued under division (F) of this section, under section 133.301 of the Revised Code, and, to the extent in excess of the limitation stated in division (B) of this section, under division (E) of this section;	13852 13853 13854 13855
(3) Indebtedness resulting from the dissolution of a joint vocational school district under section 3311.217 of the Revised Code, evidenced by outstanding securities of that joint vocational school district;	13856 13857 13858 13859
(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, <u>and</u> 3317.0211, and 3317.64 of the Revised Code;	13860 13861 13862
(5) Debt incurred under section 3313.374 of the Revised Code;	13863
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	13864 13865 13866
(7) Debt incurred under section 3318.042 of the Revised Code.	13867
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	13868 13869
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	13870 13871 13872
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	13873 13874
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	13875 13876 13877 13878

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

(a) The history of and a projection of the growth of the tax valuation;

(b) The projected needs;

(c) The estimated cost of permanent improvements proposed to meet such projected needs.

(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:

(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.

(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than one and one-half per cent per year. The findings and certification of the superintendent shall be conclusive.

(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:

(a) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the

month in which its board determines to submit to the electors the 13909
question of issuing the proposed securities; 13910

(b) Twelve per cent of the sum of its tax valuation plus an 13911
amount that is the product of multiplying that tax valuation by 13912
the percentage, determined by the superintendent of public 13913
instruction, by which that tax valuation is projected to increase 13914
during the next ten years. 13915

(F) A school district may issue securities for emergency 13916
purposes, in a principal amount that does not exceed an amount 13917
equal to three per cent of its tax valuation, as provided in this 13918
division. 13919

(1) A board of education, by resolution, may declare an 13920
emergency if it determines both of the following: 13921

(a) School buildings or other necessary school facilities in 13922
the district have been wholly or partially destroyed, or condemned 13923
by a constituted public authority, or that such buildings or 13924
facilities are partially constructed, or so constructed or planned 13925
as to require additions and improvements to them before the 13926
buildings or facilities are usable for their intended purpose, or 13927
that corrections to permanent improvements are necessary to remove 13928
or prevent health or safety hazards. 13929

(b) Existing fiscal and net indebtedness limitations make 13930
adequate replacement, additions, or improvements impossible. 13931

(2) Upon the declaration of an emergency, the board of 13932
education may, by resolution, submit to the electors of the 13933
district pursuant to section 133.18 of the Revised Code the 13934
question of issuing securities for the purpose of paying the cost, 13935
in excess of any insurance or condemnation proceeds received by 13936
the district, of permanent improvements to respond to the 13937
emergency need. 13938

(3) The procedures for the election shall be as provided in 13939

section 133.18 of the Revised Code, except that: 13940

(a) The form of the ballot shall describe the emergency 13941
existing, refer to this division as the authority under which the 13942
emergency is declared, and state that the amount of the proposed 13943
securities exceeds the limitations prescribed by division (B) of 13944
this section; 13945

(b) The resolution required by division (B) of section 133.18 13946
of the Revised Code shall be certified to the county auditor and 13947
the board of elections at least one hundred days prior to the 13948
election; 13949

(c) The county auditor shall advise and, not later than 13950
ninety-five days before the election, confirm that advice by 13951
certification to, the board of education of the information 13952
required by division (C) of section 133.18 of the Revised Code; 13953

(d) The board of education shall then certify its resolution 13954
and the information required by division (D) of section 133.18 of 13955
the Revised Code to the board of elections not less than ninety 13956
days prior to the election. 13957

(4) Notwithstanding division (B) of section 133.21 of the 13958
Revised Code, the first principal payment of securities issued 13959
under this division may be set at any date not later than sixty 13960
months after the earliest possible principal payment otherwise 13961
provided for in that division. 13962

(G)(1) The board of education may contract with an architect, 13963
professional engineer, or other person experienced in the design 13964
and implementation of energy conservation measures for an analysis 13965
and recommendations pertaining to installations, modifications of 13966
installations, or remodeling that would significantly reduce 13967
energy consumption in buildings owned by the district. The report 13968
shall include estimates of all costs of such installations, 13969
modifications, or remodeling, including costs of design, 13970

engineering, installation, maintenance, repairs, and debt service, 13971
forgone residual value of materials or equipment replaced by the 13972
energy conservation measure, as defined by the Ohio school 13973
facilities commission, a baseline analysis of actual energy 13974
consumption data for the preceding three years with the utility 13975
baseline based on only the actual energy consumption data for the 13976
preceding twelve months, and estimates of the amounts by which 13977
energy consumption and resultant operational and maintenance 13978
costs, as defined by the commission, would be reduced. 13979

If the board finds after receiving the report that the amount 13980
of money the district would spend on such installations, 13981
modifications, or remodeling is not likely to exceed the amount of 13982
money it would save in energy and resultant operational and 13983
maintenance costs over the ensuing fifteen years, the board may 13984
submit to the commission a copy of its findings and a request for 13985
approval to incur indebtedness to finance the making or 13986
modification of installations or the remodeling of buildings for 13987
the purpose of significantly reducing energy consumption. 13988

~~If the commission determines that the board's findings are~~ 13989
~~reasonable, it~~ The school facilities commission, in consultation 13990
with the auditor of state, may deny a request under this division 13991
by the board of education any school district is in a state of 13992
fiscal watch pursuant to division (A) of section 3316.03 of the 13993
Revised Code, if it determines that the expenditure of funds is 13994
not in the best interest of the school district. 13995

No district board of education of a school district that is 13996
in a state of fiscal emergency pursuant to division (B) of section 13997
3316.03 of the Revised Code shall submit a request without 13998
submitting evidence that the installations, modifications, or 13999
remodeling have been approved by the district's financial planning 14000
and supervision commission established under section 3316.05 of 14001
the Revised Code. 14002

No board of education of a school district that, for three or more consecutive years, has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013, and has failed to meet adequate yearly progress, or has met any condition set forth in division (A)(2), (3), or (4) of section 3302.10 of the Revised Code shall submit a request without first receiving approval to incur indebtedness from the district's academic distress commission established under that section, for so long as such commission continues to be required for the district.

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

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

(b) The request for approval is complete.

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

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

(3) So long as any securities issued under ~~division (C)~~ of

this ~~section~~ division remain outstanding, the board of education 14034
shall monitor the energy consumption and resultant operational and 14035
maintenance costs of buildings in which installations or 14036
modifications have been made or remodeling has been done pursuant 14037
to ~~division (G)~~ of this ~~section~~ division and shall maintain and 14038
annually update a report documenting the reductions in energy 14039
consumption and resultant operational and maintenance cost savings 14040
attributable to such installations, modifications, or remodeling. 14041
The report shall be certified by an architect or engineer 14042
independent of any person that provided goods or services to the 14043
board in connection with the energy conservation measures that are 14044
the subject of the report. The resultant operational and 14045
maintenance cost savings shall be certified by the school district 14046
treasurer. The report shall be submitted annually to the 14047
commission. 14048

(H) With the consent of the superintendent of public 14049
instruction, a school district may incur without a vote of the 14050
electors net indebtedness that exceeds the amounts stated in 14051
divisions (A) and (G) of this section for the purpose of paying 14052
costs of permanent improvements, if and to the extent that both of 14053
the following conditions are satisfied: 14054

(1) The fiscal officer of the school district estimates that 14055
receipts of the school district from payments made under or 14056
pursuant to agreements entered into pursuant to section 725.02, 14057
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 14058
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 14059
Code, or distributions under division (C) of section 5709.43 of 14060
the Revised Code, or any combination thereof, are, after 14061
accounting for any appropriate coverage requirements, sufficient 14062
in time and amount, and are committed by the proceedings, to pay 14063
the debt charges on the securities issued to evidence that 14064
indebtedness and payable from those receipts, and the taxing 14065

authority of the district confirms the fiscal officer's estimate, 14066
which confirmation is approved by the superintendent of public 14067
instruction; 14068

(2) The fiscal officer of the school district certifies, and 14069
the taxing authority of the district confirms, that the district, 14070
at the time of the certification and confirmation, reasonably 14071
expects to have sufficient revenue available for the purpose of 14072
operating such permanent improvements for their intended purpose 14073
upon acquisition or completion thereof, and the superintendent of 14074
public instruction approves the taxing authority's confirmation. 14075

The maximum maturity of securities issued under division (H) 14076
of this section shall be the lesser of twenty years or the maximum 14077
maturity calculated under section 133.20 of the Revised Code. 14078

(I) A school district may incur net indebtedness by the 14079
issuance of securities in accordance with the provisions of this 14080
chapter in excess of the limit specified in division (B) or (C) of 14081
this section when necessary to raise the school district portion 14082
of the basic project cost and any additional funds necessary to 14083
participate in a project under Chapter 3318. of the Revised Code, 14084
including the cost of items designated by the Ohio school 14085
facilities commission as required locally funded initiatives, the 14086
cost of other locally funded initiatives in an amount that does 14087
not exceed fifty per cent of the district's portion of the basic 14088
project cost, and the cost for site acquisition. The school 14089
facilities commission shall notify the superintendent of public 14090
instruction whenever a school district will exceed either limit 14091
pursuant to this division. 14092

(J) A school district whose portion of the basic project cost 14093
of its classroom facilities project under sections 3318.01 to 14094
3318.20 of the Revised Code is greater than or equal to one 14095
hundred million dollars may incur without a vote of the electors 14096
net indebtedness in an amount up to two per cent of its tax 14097

valuation through the issuance of general obligation securities in 14098
order to generate all or part of the amount of its portion of the 14099
basic project cost if the controlling board has approved the 14100
school facilities commission's conditional approval of the project 14101
under section 3318.04 of the Revised Code. The school district 14102
board and the Ohio school facilities commission shall include the 14103
dedication of the proceeds of such securities in the agreement 14104
entered into under section 3318.08 of the Revised Code. No state 14105
moneys shall be released for a project to which this section 14106
applies until the proceeds of any bonds issued under this section 14107
that are dedicated for the payment of the school district portion 14108
of the project are first deposited into the school district's 14109
project construction fund. 14110

Sec. 135.143. (A) The treasurer of state may invest or 14111
execute transactions for any part or all of the interim funds of 14112
the state in the following classifications of obligations: 14113

(1) United States treasury bills, notes, bonds, or any other 14114
obligations or securities issued by the United States treasury or 14115
any other obligation guaranteed as to principal and interest by 14116
the United States; 14117

(2) Bonds, notes, debentures, or any other obligations or 14118
securities issued by any federal government agency or 14119
instrumentality; 14120

(3)(a) Bonds and other direct, notes, and other obligations 14121
of the state of Ohio issued by the treasurer of state ~~and of,~~ the 14122
Ohio public facilities commission, the Ohio building authority, 14123
~~and~~ the Ohio housing finance agency, the Ohio water development 14124
authority, and the Ohio turnpike and infrastructure commission; 14125

(b) Bonds, notes, and other obligations of any state or 14126
political subdivision thereof rated at the time of purchase in the 14127
three highest categories by two nationally recognized rating 14128

agencies and purchased through a recognized securities dealer. 14129

(4)(a) Written repurchase agreements with any eligible Ohio 14130
financial institution that is a member of the federal reserve 14131
system or federal home loan bank or any recognized United States 14132
government securities dealer that is recognized as a primary 14133
dealer by the federal reserve bank of New York, under the terms of 14134
which agreement the treasurer of state purchases and the eligible 14135
financial institution or dealer agrees unconditionally to 14136
repurchase any of the securities that are listed in division 14137
(A)(1), (2), or (6) of this section and that will mature or are 14138
redeemable within ten years from the date of purchase. The market 14139
value of securities subject to these transactions must exceed the 14140
principal value of the repurchase agreement by an amount specified 14141
by the treasurer of state, and the securities must be delivered 14142
into the custody of the treasurer of state or the qualified 14143
trustee or agent designated by the treasurer of state. The 14144
agreement shall contain the requirement that for each transaction 14145
pursuant to the agreement, the participating institution or dealer 14146
shall provide all of the following information: 14147

(i) The par value of the securities; 14148

(ii) The type, rate, and maturity date of the securities; 14149

(iii) A numerical identifier generally accepted in the 14150
securities industry that designates the securities. 14151

(b) The treasurer of state also may sell any securities, 14152
listed in division (A)(1), (2), or (6) of this section, regardless 14153
of maturity or time of redemption of the securities, under the 14154
same terms and conditions for repurchase, provided that the 14155
securities have been fully paid for and are owned by the treasurer 14156
of state at the time of the sale. 14157

(5) Securities lending agreements with any eligible financial 14158
institution that is a member of the federal reserve system or 14159

federal home loan bank or any recognized United States government securities dealer, under the terms of which agreements the treasurer of state lends securities and the eligible financial institution or dealer agrees to simultaneously exchange similar securities or cash, equal value for equal value.

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

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

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

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

of the Revised Code;	14192
(9) The state treasurer's investment pool authorized under section 135.45 of the Revised Code;	14193 14194
(10) Debt interests, other than commercial paper described in division (A)(6) of this section, rated at the time of purchase in the three highest categories by two nationally recognized rating agencies and issued by corporations <u>entities</u> that are incorporated <u>organized</u> under the laws of the United States or a state, or issued by foreign nations diplomatically recognized by the United States government, or any instrument based on, derived from, or related to such interests, provided that:	14195 14196 14197 14198 14199 14200 14201 14202
(a) The investments in debt interests, <u>other than commercial paper</u> , shall not exceed in the aggregate twenty-five per cent of the state's portfolio;	14203 14204 14205
(b) The investments in debt interests issued by foreign nations shall not exceed in the aggregate one per cent of the state's portfolio;	14206 14207 14208
(c) The <u>When added to the investment in commercial paper, the</u> investments in the debt interests of a single issuer shall not exceed in the aggregate one half of one <u>five</u> per cent of the state's portfolio, except that debt interests of a single issuer that is a foreign nation shall not exceed in the aggregate one per cent of the state's portfolio.	14209 14210 14211 14212 14213 14214
The treasurer of state shall invest under division (A)(10) of this section in a debt interest issued by a foreign nation only if the debt interest is backed by the full faith and credit of that foreign nation, and provided that all interest and principal shall be denominated and payable in United States funds.	14215 14216 14217 14218 14219
For purposes of division (A)(10) of this section, a debt interest is rated in the three highest categories by two nationally recognized rating agencies if either the debt interest	14220 14221 14222

itself or the issuer of the debt interest is rated, or is 14223
implicitly rated, at the time of purchase in the three highest 14224
categories by two nationally recognized rating agencies. 14225

For purposes of division (A)(10) of this section, the 14226
"state's portfolio" means the state's total average portfolio, as 14227
determined and calculated by the treasurer of state. 14228

(11) No-load money market mutual funds ~~consisting exclusively~~ 14229
~~of obligations described in division (A)(1), (2), or (6) of this~~ 14230
~~section and repurchase agreements secured by such obligations~~ 14231
rated at the time of purchase in the highest category by at least 14232
one nationally recognized rating agency. 14233

(12) Obligations of a political subdivision issued under 14234
Chapter 133. of the Revised Code and identified in an agreement 14235
described in division (G) of this section. 14236

(B) Whenever, during a period of designation, the treasurer 14237
of state classifies public moneys as interim moneys, the treasurer 14238
of state shall notify the state board of deposit of such action. 14239
The notification shall be given within thirty days after such 14240
classification and, in the event the state board of deposit does 14241
not concur in such classification or in the investments or 14242
deposits made under this section, the board may order the 14243
treasurer of state to sell or liquidate any of the investments or 14244
deposits, and any such order shall specifically describe the 14245
investments or deposits and fix the date upon which they are to be 14246
sold or liquidated. Investments or deposits so ordered to be sold 14247
or liquidated shall be sold or liquidated for cash by the 14248
treasurer of state on the date fixed in such order at the then 14249
current market price. Neither the treasurer of state nor the 14250
members of the state board of deposit shall be held accountable 14251
for any loss occasioned by sales or liquidations of investments or 14252
deposits at prices lower than their cost. Any loss or expense 14253
incurred in making these sales or liquidations is payable as other 14254

expenses of the treasurer's office. 14255

(C) If any securities or obligations invested in by the 14256
treasurer of state pursuant to this section are registrable either 14257
as to principal or interest, or both, such securities or 14258
obligations shall be registered in the name of the treasurer of 14259
state. 14260

(D) The treasurer of state is responsible for the safekeeping 14261
of all securities or obligations under this section. Any such 14262
securities or obligations may be deposited for safekeeping as 14263
provided in section 113.05 of the Revised Code. 14264

(E) Interest earned on any investments or deposits authorized 14265
by this section shall be collected by the treasurer of state and 14266
credited by the treasurer of state to the proper fund of the 14267
state. 14268

(F) Whenever investments or deposits acquired under this 14269
section mature and become due and payable, the treasurer of state 14270
shall present them for payment according to their tenor, and shall 14271
collect the moneys payable thereon. The moneys so collected shall 14272
be treated as public moneys subject to sections 135.01 to 135.21 14273
of the Revised Code. 14274

(G) The treasurer of state and any political subdivision 14275
issuing obligations referred to in division (A)(12) of this 14276
section, which obligations mature within one year from the 14277
original date of issuance, may enter into an agreement providing 14278
for: 14279

(1) The purchase of those obligations by the treasurer of 14280
state on terms and subject to conditions set forth in the 14281
agreement; 14282

(2) The payment by the political subdivision to the treasurer 14283
of state of a reasonable fee as consideration for the agreement of 14284
the treasurer of state to purchase those obligations; provided, 14285

however, that the treasurer of state shall not be authorized to 14286
enter into any such agreement with a board of education of a 14287
school district that has an outstanding obligation with respect to 14288
a loan received under authority of section 3313.483 of the Revised 14289
Code. 14290

(H) For purposes of division (G) of this section, a fee shall 14291
not be considered reasonable unless it is set to recover only the 14292
direct costs, a reasonable estimate of the indirect costs 14293
associated with the purchasing of obligations of a political 14294
subdivision under division (G) of this section and any reselling 14295
of the obligations or any interest in the obligations, including 14296
interests in a fund comprised of the obligations, and the 14297
administration thereof. No money from the general revenue fund 14298
shall be used to subsidize the purchase or resale of these 14299
obligations. 14300

(I) All money collected by the treasurer of state from the 14301
fee imposed by division (G) of this section shall be deposited to 14302
the credit of the state political subdivision obligations fund, 14303
which is hereby created in the state treasury. Money credited to 14304
the fund shall be used solely to pay the treasurer of state's 14305
direct and indirect costs associated with purchasing and reselling 14306
obligations of a political subdivision under division (G) of this 14307
section. 14308

(J) As used in this section, "political subdivision" means a 14309
county, township, municipal corporation, or ~~board of education of~~ 14310
a school district. 14311

Sec. 135.22. (A) For purposes of this section: 14312

(1) "Treasurer" has the same meaning as in section 135.01 of 14313
the Revised Code, but does not include a county treasurer or the 14314
treasurer of state. "Treasurer" includes any person whose duties 14315
include making investment decisions with respect to the investment 14316

or deposit of interim moneys. 14317

(2) "Subdivision" has the same meaning as in section 135.01 14318
of the Revised Code. 14319

(B) To enhance the background and working knowledge of 14320
treasurers in investments, cash management, ~~and the collection of~~ 14321
taxes, ethics, and in any other subject area that the treasurer of 14322
state determines is reasonably related to the duties of a 14323
treasurer, the treasurer of state shall provide annual continuing 14324
education programs for treasurers. A treasurer annually shall 14325
complete the continuing education programs described in this 14326
section, unless the treasurer annually provides a notice of 14327
exemption described in division (E) of this section. 14328

(C) The treasurer of state shall determine the manner, 14329
content, and length of the continuing education programs after 14330
consultation with appropriate statewide organizations of local 14331
government officials. 14332

(D) Upon successful completion of a continuing education 14333
program required by this section, the treasurer of state shall 14334
issue a certificate indicating that the treasurer has successfully 14335
completed the continuing education program prescribed by the 14336
treasurer of state. The treasurer of state shall forward to the 14337
auditor of state any certificates issued pursuant to this division 14338
by the treasurer of state. The auditor of state shall maintain in 14339
the auditor's records any certificates forwarded by the treasurer 14340
of state pursuant to this division. As part of the auditor of 14341
state's audit of the subdivision conducted in accordance with 14342
section 117.11 of the Revised Code, the auditor of state shall 14343
report whether the treasurer is in compliance with this section of 14344
the Revised Code. 14345

(E) Division (B) of this section does not apply to any 14346
treasurer who annually provides a notice of exemption to the 14347

auditor of state. The notice shall be certified by the treasurer 14348
of state and shall provide that the treasurer is not subject to 14349
the continuing education requirements set forth in division (B) of 14350
this section, because the treasurer invests or deposits public 14351
moneys in the following investments only: 14352

(1) Interim deposits pursuant to division (B)(3) of section 14353
135.14 or section 135.145 of the Revised Code; 14354

(2) No-load money market mutual funds pursuant to division 14355
(B)(5) of section 135.14 of the Revised Code; 14356

(3) The Ohio subdivision's fund pursuant to division (B)(6) 14357
of section 135.14 of the Revised Code. 14358

(F) In carrying out the duties required by this section, the 14359
treasurer of state may charge the subdivision served by the 14360
treasurer a registration fee that will meet actual and necessary 14361
expenses in connection with the training of the treasurer, 14362
including instruction fees, site acquisition costs, and the cost 14363
of course materials. Any necessary personal expenses of a 14364
treasurer incurred as a result of attending the continuing 14365
education courses shall be borne by the subdivision represented by 14366
the treasurer. 14367

(G) The treasurer of state may allow any other interested 14368
person to attend any of the continuing education programs that are 14369
held pursuant to this section, provided that before attending any 14370
such continuing education program, the interested person has paid 14371
to the treasurer of state the full registration fee set for the 14372
continuing education program. 14373

(H) All funds collected pursuant to this section shall be 14374
paid into the county treasurer education fund created pursuant to 14375
section 321.46 of the Revised Code, and the actual and necessary 14376
expenses of the treasurer of state in conducting the continuing 14377
education programs required by this section shall be paid from 14378

this fund. 14379

(I) The treasurer of state may adopt reasonable rules not 14380
inconsistent with this section for the implementation of this 14381
section. 14382

Sec. 135.35. (A) The investing authority shall deposit or 14383
invest any part or all of the county's inactive moneys and shall 14384
invest all of the money in the county public library fund when 14385
required by section 135.352 of the Revised Code. The following 14386
classifications of securities and obligations are eligible for 14387
such deposit or investment: 14388

(1) United States treasury bills, notes, bonds, or any other 14389
obligation or security issued by the United States treasury, any 14390
other obligation guaranteed as to principal or interest by the 14391
United States, or any book entry, zero-coupon United States 14392
treasury security that is a direct obligation of the United 14393
States. 14394

Nothing in the classification of eligible securities and 14395
obligations set forth in divisions (A)(2) to (11) of this section 14396
shall be construed to authorize any investment in stripped 14397
principal or interest obligations of such eligible securities and 14398
obligations. 14399

(2) Bonds, notes, debentures, or any other obligations or 14400
securities issued by any federal government agency or 14401
instrumentality, including, but not limited to, the federal 14402
national mortgage association, federal home loan bank, federal 14403
farm credit bank, federal home loan mortgage corporation, 14404
government national mortgage association, and student loan 14405
marketing association. All federal agency securities shall be 14406
direct issuances of federal government agencies or 14407
instrumentalities. 14408

(3) Time certificates of deposit or savings or deposit	14409
accounts, including, but not limited to, passbook accounts, in any	14410
eligible institution mentioned in section 135.32 of the Revised	14411
Code;	14412
(4) Bonds and other obligations of this state or the	14413
political subdivisions of this state;	14414
(5) No-load money market mutual funds consisting exclusively	14415
of obligations described in division (A)(1) or (2) of this section	14416
and repurchase agreements secured by such obligations, provided	14417
that investments in securities described in this division are made	14418
only through eligible institutions mentioned in section 135.32 of	14419
the Revised Code;	14420
(6) The Ohio subdivision's fund as provided in section 135.45	14421
of the Revised Code;	14422
(7) Securities lending agreements with any eligible	14423
institution mentioned in section 135.32 of the Revised Code that	14424
is a member of the federal reserve system or federal home loan	14425
bank or with any recognized United States government securities	14426
dealer meeting the description in division (J)(1) of this section,	14427
under the terms of which agreements the investing authority lends	14428
securities and the eligible institution or dealer agrees to	14429
simultaneously exchange similar securities or cash, equal value	14430
for equal value.	14431
Securities and cash received as collateral for a securities	14432
lending agreement are not inactive moneys of the county or moneys	14433
of a county public library fund. The investment of cash collateral	14434
received pursuant to a securities lending agreement may be	14435
invested only in instruments specified by the investing authority	14436
in the written investment policy described in division (K) of this	14437
section.	14438
(8) Up to twenty-five per cent of the county's total average	14439

portfolio in either of the following investments: 14440

(a) Commercial paper notes issued by an entity that is 14441
defined in division (D) of section 1705.01 of the Revised Code and 14442
that has assets exceeding five hundred million dollars, to which 14443
notes all of the following apply: 14444

(i) The notes are rated at the time of purchase in the 14445
highest classification established by at least two nationally 14446
recognized standard rating services. 14447

(ii) The aggregate value of the notes does not exceed ten per 14448
cent of the aggregate value of the outstanding commercial paper of 14449
the issuing corporation. 14450

(iii) The notes mature not later than two hundred seventy 14451
days after purchase. 14452

(b) Bankers acceptances of banks that are insured by the 14453
federal deposit insurance corporation and to which both of the 14454
following apply: 14455

(i) The obligations are eligible for purchase by the federal 14456
reserve system. 14457

(ii) The obligations mature not later than one hundred eighty 14458
days after purchase. 14459

No investment shall be made pursuant to division (A)(8) of 14460
this section unless the investing authority has completed 14461
additional training for making the investments authorized by 14462
division (A)(8) of this section. The type and amount of additional 14463
training shall be approved by the auditor of state and may be 14464
conducted by or provided under the supervision of the auditor of 14465
state. 14466

(9) Up to fifteen per cent of the county's total average 14467
portfolio in notes issued by corporations that are incorporated 14468
under the laws of the United States and that are operating within 14469

the United States, or by depository institutions that are doing 14470
business under authority granted by the United States or any state 14471
and that are operating within the United States, provided both of 14472
the following apply: 14473

(a) The notes are rated in the second highest or higher 14474
category by at least two nationally recognized standard rating 14475
services at the time of purchase. 14476

(b) The notes mature not later than two years after purchase. 14477

(10) No-load money market mutual funds rated in the highest 14478
category at the time of purchase by at least one nationally 14479
recognized standard rating service and consisting exclusively of 14480
obligations described in division (A)(1), (2), or (6) of section 14481
135.143 of the Revised Code; 14482

(11) Debt interests rated at the time of purchase in the 14483
three highest categories by two nationally recognized standard 14484
rating services and issued by foreign nations diplomatically 14485
recognized by the United States government. All interest and 14486
principal shall be denominated and payable in United States funds. 14487
The investments made under division (A)(11) of this section shall 14488
not exceed in the aggregate one per cent of a county's total 14489
average portfolio. 14490

The investing authority shall invest under division (A)(11) 14491
of this section in a debt interest issued by a foreign nation only 14492
if the debt interest is backed by the full faith and credit of 14493
that foreign nation, there is no prior history of default, and the 14494
debt interest matures not later than five years after purchase. 14495
For purposes of division (A)(11) of this section, a debt interest 14496
is rated in the three highest categories by two nationally 14497
recognized standard rating services if either the debt interest 14498
itself or the issuer of the debt interest is rated, or is 14499
implicitly rated, at the time of purchase in the three highest 14500

categories by two nationally recognized standard rating services. 14501

(12) A current unpaid or delinquent tax line of credit 14502
authorized under division (G) of section 135.341 of the Revised 14503
Code, provided that all of the conditions for entering into such a 14504
line of credit under that division are satisfied, or bonds and 14505
other obligations of a county land reutilization corporation 14506
organized under Chapter 1724. of the Revised Code, if the county 14507
land reutilization corporation is located wholly or partly within 14508
the same county as the investing authority. 14509

(B) Nothing in the classifications of eligible obligations 14510
and securities set forth in divisions (A)(1) to (11) of this 14511
section shall be construed to authorize investment in a 14512
derivative, and no investing authority shall invest any county 14513
inactive moneys or any moneys in a county public library fund in a 14514
derivative. For purposes of this division, "derivative" means a 14515
financial instrument or contract or obligation whose value or 14516
return is based upon or linked to another asset or index, or both, 14517
separate from the financial instrument, contract, or obligation 14518
itself. Any security, obligation, trust account, or other 14519
instrument that is created from an issue of the United States 14520
treasury or is created from an obligation of a federal agency or 14521
instrumentality or is created from both is considered a derivative 14522
instrument. An eligible investment described in this section with 14523
a variable interest rate payment, based upon a single interest 14524
payment or single index comprised of other eligible investments 14525
provided for in division (A)(1) or (2) of this section, is not a 14526
derivative, provided that such variable rate investment has a 14527
maximum maturity of two years. A treasury inflation-protected 14528
security shall not be considered a derivative, provided the 14529
security matures not later than five years after purchase. 14530

(C) Except as provided in ~~division~~ divisions (D) and (O) of 14531
this section, any investment made pursuant to this section must 14532

mature within ~~five~~ ten years from the date of settlement, unless 14533
the investment is matched to a specific obligation or debt of the 14534
county or to a specific obligation or debt of a political 14535
subdivision of this state, and the investment is specifically 14536
approved by the investment advisory committee. 14537

(D) The investing authority may also enter into a written 14538
repurchase agreement with any eligible institution mentioned in 14539
section 135.32 of the Revised Code or any eligible securities 14540
dealer pursuant to division (J) of this section, under the terms 14541
of which agreement the investing authority purchases and the 14542
eligible institution or dealer agrees unconditionally to 14543
repurchase any of the securities listed in divisions (B)(1) to 14544
(5), except letters of credit described in division (B)(2), of 14545
section 135.18 of the Revised Code. The market value of securities 14546
subject to an overnight written repurchase agreement must exceed 14547
the principal value of the overnight written repurchase agreement 14548
by at least two per cent. A written repurchase agreement must 14549
exceed the principal value of the overnight written repurchase 14550
agreement, by at least two per cent. A written repurchase 14551
agreement shall not exceed thirty days, and the market value of 14552
securities subject to a written repurchase agreement must exceed 14553
the principal value of the written repurchase agreement by at 14554
least two per cent and be marked to market daily. All securities 14555
purchased pursuant to this division shall be delivered into the 14556
custody of the investing authority or the qualified custodian of 14557
the investing authority or an agent designated by the investing 14558
authority. A written repurchase agreement with an eligible 14559
securities dealer shall be transacted on a delivery versus payment 14560
basis. The agreement shall contain the requirement that for each 14561
transaction pursuant to the agreement the participating 14562
institution shall provide all of the following information: 14563

(1) The par value of the securities; 14564

(2) The type, rate, and maturity date of the securities; 14565

(3) A numerical identifier generally accepted in the 14566
securities industry that designates the securities. 14567

No investing authority shall enter into a written repurchase 14568
agreement under the terms of which the investing authority agrees 14569
to sell securities owned by the county to a purchaser and agrees 14570
with that purchaser to unconditionally repurchase those 14571
securities. 14572

(E) No investing authority shall make an investment under 14573
this section, unless the investing authority, at the time of 14574
making the investment, reasonably expects that the investment can 14575
be held until its maturity. The investing authority's written 14576
investment policy shall specify the conditions under which an 14577
investment may be redeemed or sold prior to maturity. 14578

(F) No investing authority shall pay a county's inactive 14579
moneys or moneys of a county public library fund into a fund 14580
established by another subdivision, treasurer, governing board, or 14581
investing authority, if that fund was established by the 14582
subdivision, treasurer, governing board, or investing authority 14583
for the purpose of investing or depositing the public moneys of 14584
other subdivisions. This division does not apply to the payment of 14585
public moneys into either of the following: 14586

(1) The Ohio subdivision's fund pursuant to division (A)(6) 14587
of this section; 14588

(2) A fund created solely for the purpose of acquiring, 14589
constructing, owning, leasing, or operating municipal utilities 14590
pursuant to the authority provided under section 715.02 of the 14591
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 14592

For purposes of division (F) of this section, "subdivision" 14593
includes a county. 14594

(G) The use of leverage, in which the county uses its current investment assets as collateral for the purpose of purchasing other assets, is prohibited. The issuance of taxable notes for the purpose of arbitrage is prohibited. Contracting to sell securities not owned by the county, for the purpose of purchasing such securities on the speculation that bond prices will decline, is prohibited.

(H) Any securities, certificates of deposit, deposit accounts, or any other documents evidencing deposits or investments made under authority of this section shall be issued in the name of the county with the county treasurer or investing authority as the designated payee. If any such deposits or investments are registrable either as to principal or interest, or both, they shall be registered in the name of the treasurer.

(I) The investing authority shall be responsible for the safekeeping of all documents evidencing a deposit or investment acquired under this section, including, but not limited to, safekeeping receipts evidencing securities deposited with a qualified trustee, as provided in section 135.37 of the Revised Code, and documents confirming the purchase of securities under any repurchase agreement under this section shall be deposited with a qualified trustee, provided, however, that the qualified trustee shall be required to report to the investing authority, auditor of state, or an authorized outside auditor at any time upon request as to the identity, market value, and location of the document evidencing each security, and that if the participating institution is a designated depository of the county for the current period of designation, the securities that are the subject of the repurchase agreement may be delivered to the treasurer or held in trust by the participating institution on behalf of the investing authority.

Upon the expiration of the term of office of an investing

authority or in the event of a vacancy in the office for any 14627
reason, the officer or the officer's legal representative shall 14628
transfer and deliver to the officer's successor all documents 14629
mentioned in this division for which the officer has been 14630
responsible for safekeeping. For all such documents transferred 14631
and delivered, the officer shall be credited with, and the 14632
officer's successor shall be charged with, the amount of moneys 14633
evidenced by such documents. 14634

(J)(1) All investments, except for investments in securities 14635
described in divisions (A)(5), (6), and (12) of this section, 14636
shall be made only through a member of the national association of 14637
securities dealers, through a bank, savings bank, or savings and 14638
loan association regulated by the superintendent of financial 14639
institutions, or through an institution regulated by the 14640
comptroller of the currency, federal deposit insurance 14641
corporation, or board of governors of the federal reserve system. 14642

(2) Payment for investments shall be made only upon the 14643
delivery of securities representing such investments to the 14644
treasurer, investing authority, or qualified trustee. If the 14645
securities transferred are not represented by a certificate, 14646
payment shall be made only upon receipt of confirmation of 14647
transfer from the custodian by the treasurer, governing board, or 14648
qualified trustee. 14649

(K)(1) Except as otherwise provided in division (K)(2) of 14650
this section, no investing authority shall make an investment or 14651
deposit under this section, unless there is on file with the 14652
auditor of state a written investment policy approved by the 14653
investing authority. The policy shall require that all entities 14654
conducting investment business with the investing authority shall 14655
sign the investment policy of that investing authority. All 14656
brokers, dealers, and financial institutions, described in 14657
division (J)(1) of this section, initiating transactions with the 14658

investing authority by giving advice or making investment 14659
recommendations shall sign the investing authority's investment 14660
policy thereby acknowledging their agreement to abide by the 14661
policy's contents. All brokers, dealers, and financial 14662
institutions, described in division (J)(1) of this section, 14663
executing transactions initiated by the investing authority, 14664
having read the policy's contents, shall sign the investment 14665
policy thereby acknowledging their comprehension and receipt. 14666

(2) If a written investment policy described in division 14667
(K)(1) of this section is not filed on behalf of the county with 14668
the auditor of state, the investing authority of that county shall 14669
invest the county's inactive moneys and moneys of the county 14670
public library fund only in time certificates of deposits or 14671
savings or deposit accounts pursuant to division (A)(3) of this 14672
section, no-load money market mutual funds pursuant to division 14673
(A)(5) of this section, or the Ohio subdivision's fund pursuant to 14674
division (A)(6) of this section. 14675

(L)(1) The investing authority shall establish and maintain 14676
an inventory of all obligations and securities acquired by the 14677
investing authority pursuant to this section. The inventory shall 14678
include a description of each obligation or security, including 14679
type, cost, par value, maturity date, settlement date, and any 14680
coupon rate. 14681

(2) The investing authority shall also keep a complete record 14682
of all purchases and sales of the obligations and securities made 14683
pursuant to this section. 14684

(3) The investing authority shall maintain a monthly 14685
portfolio report and issue a copy of the monthly portfolio report 14686
describing such investments to the county investment advisory 14687
committee, detailing the current inventory of all obligations and 14688
securities, all transactions during the month that affected the 14689
inventory, any income received from the obligations and 14690

securities, and any investment expenses paid, and stating the 14691
names of any persons effecting transactions on behalf of the 14692
investing authority. 14693

(4) The monthly portfolio report shall be a public record and 14694
available for inspection under section 149.43 of the Revised Code. 14695

(5) The inventory and the monthly portfolio report shall be 14696
filed with the board of county commissioners. The monthly 14697
portfolio report also shall be filed with the treasurer of state. 14698

(M) An investing authority may enter into a written 14699
investment or deposit agreement that includes a provision under 14700
which the parties agree to submit to nonbinding arbitration to 14701
settle any controversy that may arise out of the agreement, 14702
including any controversy pertaining to losses of public moneys 14703
resulting from investment or deposit. The arbitration provision 14704
shall be set forth entirely in the agreement, and the agreement 14705
shall include a conspicuous notice to the parties that any party 14706
to the arbitration may apply to the court of common pleas of the 14707
county in which the arbitration was held for an order to vacate, 14708
modify, or correct the award. Any such party may also apply to the 14709
court for an order to change venue to a court of common pleas 14710
located more than one hundred miles from the county in which the 14711
investing authority is located. 14712

For purposes of this division, "investment or deposit 14713
agreement" means any agreement between an investing authority and 14714
a person, under which agreement the person agrees to invest, 14715
deposit, or otherwise manage, on behalf of the investing 14716
authority, a county's inactive moneys or moneys in a county public 14717
library fund, or agrees to provide investment advice to the 14718
investing authority. 14719

(N)(1) An investment held in the county portfolio on 14720
September 27, 1996, that was a legal investment under the law as 14721

it existed before September 27, 1996, may be held until maturity, 14722
or if the investment does not have a maturity date the investment 14723
may be held until five years from September 27, 1996, regardless 14724
of whether the investment would qualify as a legal investment 14725
under the terms of this section as amended. 14726

(2) An investment held in the county portfolio on ~~the~~ 14727
~~effective date of this amendment~~ September 10, 2012, that was a 14728
legal investment under the law as it existed before ~~the effective~~ 14729
~~date of this amendment~~ September 10, 2012, may be held until 14730
maturity. 14731

(0) Upon a majority affirmative vote of the county investment 14732
advisory committee in support of such action, an investment 14733
authority may invest up to twenty-five per cent of the county's 14734
total average portfolio of investments made under this section in 14735
securities and obligations that mature on a date that is more than 14736
ten years from the date of settlement. 14737

Sec. 135.61. As used in sections 135.61 to 135.67 of the 14738
Revised Code: 14739

(A) "Eligible small business" means any person, including, 14740
but not limited to a person engaged in agriculture, that has all 14741
of the following characteristics: 14742

(1) Is headquartered in this state; 14743

(2) Maintains offices and operating facilities exclusively in 14744
this state and transacts business in this state; 14745

(3) Employs fewer than one hundred fifty employees, the 14746
majority of whom are residents of this state; 14747

(4) Is organized for profit. 14748

(B) "Eligible lending institution" means a financial 14749
institution that is eligible to make commercial loans, is a public 14750
depository of state funds under section 135.03 of the Revised 14751

Code, and agrees to participate in the linked deposit program. 14752

(C) "Linked deposit" means a certificate of deposit or other 14753
financial institution instrument placed by the treasurer of state 14754
with an eligible lending institution at a rate below current 14755
market rates, as determined and calculated by the treasurer of 14756
state, provided the institution agrees to lend the value of such 14757
deposit, according to the deposit agreement provided in division 14758
(C) of section 135.65 of the Revised Code, to eligible small 14759
businesses at a rate that reflects an equal percentage rate 14760
reduction below the present borrowing rate applicable to each 14761
specific business at the time of the deposit of state funds in the 14762
institution. 14763

(D) "Other financial institution instrument" has the same 14764
meaning as in section 135.81 of the Revised Code. 14765

(E) "Loan" means a contractual agreement under which an 14766
eligible lending institution agrees to lend money in the form of 14767
an upfront lump sum, a line of credit, or any other reasonable 14768
arrangement approved by the treasurer of state. 14769

Sec. 135.71. As used in sections 135.71 to 135.76 of the 14770
Revised Code: 14771

(A) "Eligible agricultural business" means any person engaged 14772
in agriculture that has all of the following characteristics: 14773

(1) Is headquartered and domiciled in this state; 14774

(2) Maintains land or facilities for agricultural purposes in 14775
this state provided that the land or facilities within this state 14776
comprise not less than fifty-one per cent of the total of all 14777
lands or facilities maintained by the person; 14778

(3) Is organized for profit. 14779

(B) "Eligible lending institution" means a financial 14780
institution that is eligible to make commercial loans, agrees to 14781

participate in the agricultural linked deposit program, and: 14782

(1) Is a public depository of state funds under section 14783
135.03 of the Revised Code; or 14784

(2) Notwithstanding sections 135.01 to 135.21 of the Revised 14785
Code, is an institution of the farm credit system organized under 14786
the federal "Farm Credit Act of 1971," 85 Stat. 583, 12 U.S.C.A. 14787
2001, as amended. 14788

(C) "Agricultural linked deposit" means a certificate of 14789
deposit placed by the treasurer of state with an eligible lending 14790
institution under section 135.74 of the Revised Code or an 14791
investment in bonds, notes, debentures, or other obligations or 14792
securities issued by the federal farm credit bank with regard to 14793
an eligible lending institution. 14794

(D) "Loan" means a contractual agreement under which an 14795
eligible lending institution agrees to lend money in the form of 14796
an upfront lump sum, a line of credit, or any other reasonable 14797
arrangement approved by the treasurer of state. 14798

Sec. 135.80. (A) The legislative authority of a municipal 14799
corporation, by ordinance; the board of directors of a port 14800
authority or a lake facilities authority, by resolution; or the 14801
board of county commissioners, by resolution, may establish a 14802
linked deposit program authorizing the treasurer or governing 14803
board of the municipal corporation, the board of directors of the 14804
port authority or lake facilities authority, or the investing 14805
authority of the county, as created or designated by the ordinance 14806
or resolution, to place certificates of deposit at up to three per 14807
cent below market rates with an eligible lending institution 14808
applying for interim moneys as provided in section 135.08 of the 14809
Revised Code, selected to invest port authority or lake facilities 14810
authority moneys in linked deposit programs pursuant to section 14811
4582.54 or 353.15 of the Revised Code, or applying for inactive 14812

moneys as provided in section 135.32 of the Revised Code, provided 14813
the institution agrees to lend the value of such deposit to 14814
eligible borrowers at up to three per cent below the present 14815
borrowing rate applicable to each borrower. The ordinance or 14816
resolution shall include requirements and provisions that are 14817
necessary to establish the program, including, but not limited to: 14818

(1) Eligibility requirements for borrowers who may receive 14819
reduced rate loans under the program; 14820

(2) Application procedures for borrowers and institutions 14821
wishing to participate in the program; 14822

(3) Review procedures for applications and criteria for 14823
acceptance or rejection of applications for reduced rate loans; 14824

(4) Necessary agreements between the eligible lending 14825
institution and the treasurer or governing board of the municipal 14826
corporation, the board of directors of the port authority or lake 14827
facilities authority, or the investing authority of the county to 14828
carry out the purposes of the linked deposit program; 14829

(5) Annual reports regarding the operation of the program to 14830
be made by the treasurer or governing board to the legislative 14831
authority, the eligible lending institution to the board of 14832
directors of the port authority or lake facilities authority, or 14833
the investing authority to the board of county commissioners. 14834

(B) The municipal corporation and the treasurer or governing 14835
board, the port authority or lake facilities authority and the 14836
board of directors, and the county and the investing authority or 14837
the board of county commissioners, are not liable to any eligible 14838
lending institution in any manner for the payment of the principal 14839
or interest on any reduced rate loan made under the program, and 14840
any delay in payment or default on the part of any borrower does 14841
not in any manner affect the deposit agreement between the 14842
eligible lending institution and the treasurer or governing board, 14843

the board of directors, or the investing authority or board of
county commissioners. 14844
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(C) For purposes of this section, ~~both of the following~~
apply: 14846
14847

(1) "Investing authority" has the same meaning as in section
135.31 of the Revised Code. 14848
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(2) "Port authority" means a port authority created in
accordance with section 4582.22 of the Revised Code. 14850
14851

(3) "Lake facilities authority" means a lake facilities
authority created in accordance with section 353.02 of the Revised
Code. 14852
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Sec. 135.81. As used in sections 135.81 to 135.87 of the
Revised Code: 14855
14856

(A) "Eligible governmental subdivision" means a municipal
corporation, port authority created in accordance with section
4582.22 of the Revised Code, or county in this state. 14857
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(B) "Eligible governmental subdivision housing linked deposit
program" means any program established pursuant to section 135.80
of the Revised Code by the legislative authority of a municipal
corporation, the board of directors of a port authority created in
accordance with section 4582.22 of the Revised Code, or the board
of county commissioners of a county, in which the program goals
address specific housing issues relative to the geographic
boundaries of that municipal corporation, port authority, or
county. These program goals include, but are not limited to, home
improvement, home restoration, energy efficiency, retention of
historic significance, controlling urban sprawl, neighborhood
revitalization, affordable housing, home ownership for persons
unable to secure conventional financing, urban development, or
economic revitalization of a residential area as a result of a
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natural disaster or other catastrophic occurrence. 14874

(C) "Eligible housing linked deposit participant" means any 14875
person or small business that meets the requirements set forth in 14876
an eligible governmental subdivision housing linked deposit 14877
program or set forth by the treasurer of state pursuant to 14878
division (B)(2) of section 135.82 of the Revised Code and that is 14879
a resident of this state. 14880

(D) "Eligible lending institution" means a financial 14881
institution meeting all of the following: 14882

(1) It is eligible to make commercial loans or residential 14883
loans. 14884

(2) It is a public depository of state funds under section 14885
135.03 of the Revised Code. 14886

(3) It agrees to participate in a program to provide housing 14887
linked deposits. 14888

(E) "Housing linked deposit" means a certificate of deposit 14889
or other financial institution instrument, described in section 14890
135.85 of the Revised Code, placed by the treasurer of state with 14891
an eligible lending institution, in accordance with division (B) 14892
of section 135.84 of the Revised Code, provided that the 14893
institution agrees, at the time of the deposit of state funds and 14894
for the period of the deposit, to lend the value of the deposit 14895
according to the deposit agreement described in section 135.85 of 14896
the Revised Code to eligible housing linked deposit participants 14897
at a fixed interest rate of up to three hundred basis points below 14898
the present borrowing rate applicable to each participant in the 14899
absence of approval to participate in the programs described in 14900
division (B) of section 135.82 of the Revised Code. 14901

(F) "Other financial institution instrument" means a fully 14902
collateralized product that otherwise would pay market rates of 14903
interest approved by the treasurer of state, for the purpose of 14904

providing eligible housing linked deposit participants with the 14905
benefits of a housing linked deposit. 14906

(G) "Loan" means a contractual agreement under which an 14907
eligible lending institution agrees to lend money in the form of 14908
an upfront lump sum, a line of credit, or any other reasonable 14909
arrangement approved by the treasurer of state. 14910

Sec. 135.85. (A) Upon placement of a housing linked deposit 14911
with an eligible lending institution pursuant to division (B) of 14912
section 135.84 of the Revised Code, the eligible lending 14913
institution shall do both of the following: 14914

(1) Enter into a deposit agreement with the treasurer of 14915
state that includes all of the following: 14916

(a) Any requirements necessary to carry out the purposes of 14917
sections 135.81 to 135.87 of the Revised Code; 14918

(b) Provisions for any certificate of deposit or other 14919
financial institution instrument meeting the requirements 14920
described in division (B) of this section and placed for any 14921
maturity considered appropriate by the treasurer of state but not 14922
exceeding five years; 14923

(c) A specification of the period of time in which the 14924
eligible lending institution is to provide the reduced interest 14925
rate to an approved applicant. 14926

(2) Lend funds as provided in division (C) of this section 14927
and in accordance with the deposit agreement described in this 14928
section to each eligible housing linked deposit participant 14929
approved by the treasurer of state pursuant to division (A) of 14930
section 135.84 of the Revised Code. 14931

(B) Both of the following apply to any certificate of deposit 14932
or other financial institution instrument described in division 14933
(A)(1)(b) of this section: 14934

(1) The certificate of deposit or other financial institution instrument shall not be renewed upon final maturity. 14935
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(2) Interest shall be paid at the times and in the manner prescribed by the treasurer of state. 14937
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(C) The loan described in division (A)(2) of this section shall be at a fixed rate of up to three hundred basis points below the present borrowing rate that would apply to the eligible housing linked deposit participant in the absence of approval to participate in the programs described in division (B) of section 135.82 of the Revised Code. 14939
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(D) A certificate of compliance with this section in the form and manner prescribed by the treasurer of state shall be provided by the eligible lending institution. 14945
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(E)(1) Any delay in payments or default on the part of the eligible housing linked deposit participant does not in any manner affect the deposit agreement between the eligible lending institution and the treasurer of state. 14948
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(2) If an eligible lending institution changes the terms of a loan to an eligible housing linked deposit participant because of a delay in payments or default, the housing linked deposit amount shall be returned to the treasurer of state by the eligible lending institution. In which case, the deposit amount plus interest and without early withdrawal penalties shall be returned in a timely manner as prescribed by the treasurer of state. 14952
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(F) An eligible lending institution shall comply fully with sections 135.81 to 135.87 of the Revised Code. 14959
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Sec. 140.01. As used in this chapter: 14961

(A) "Hospital agency" means any public hospital agency or any nonprofit hospital agency. 14962
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(B) "Public hospital agency" means any county, board of 14964

county hospital trustees established pursuant to section 339.02 of 14965
the Revised Code, county hospital commission established pursuant 14966
to section 339.14 of the Revised Code, municipal corporation, new 14967
community authority organized under Chapter 349. of the Revised 14968
Code, joint township hospital district, state or municipal 14969
university or college operating or authorized to operate a 14970
hospital facility, or the state. 14971

(C) "Nonprofit hospital agency" means a corporation or 14972
association not for profit, no part of the net earnings of which 14973
inures or may lawfully inure to the benefit of any private 14974
shareholder or individual, that has authority to own or operate a 14975
hospital facility or provides or is to provide services to one or 14976
more other hospital agencies. 14977

(D) "Governing body" means, in the case of a county, the 14978
board of county commissioners or other legislative body; in the 14979
case of a board of county hospital trustees, the board; in the 14980
case of a county hospital commission, the commission; in the case 14981
of a municipal corporation, the council or other legislative 14982
authority; in the case of a new community authority, its board of 14983
trustees; in the case of a joint township hospital district, the 14984
joint township district hospital board; in the case of a state or 14985
municipal university or college, its board of trustees or board of 14986
directors; in the case of a nonprofit hospital agency, the board 14987
of trustees or other body having general management of the agency; 14988
and, in the case of the state, the director of development 14989
services or the Ohio higher educational facility commission. 14990

(E) "Hospital facilities" means buildings, structures and 14991
other improvements, additions thereto and extensions thereof, 14992
furnishings, equipment, and real estate and interests in real 14993
estate, used or to be used for or in connection with one or more 14994
hospitals, emergency, intensive, intermediate, extended, 14995
long-term, or self-care facilities, diagnostic and treatment and 14996

out-patient facilities, facilities related to programs for home 14997
health services, clinics, laboratories, public health centers, 14998
research facilities, and rehabilitation facilities, for or 14999
pertaining to diagnosis, treatment, care, or rehabilitation of 15000
sick, ill, injured, infirm, impaired, disabled, or handicapped 15001
persons, or the prevention, detection, and control of disease, and 15002
also includes education, training, and food service facilities for 15003
health professions personnel, housing facilities for such 15004
personnel and their families, and parking and service facilities 15005
in connection with any of the foregoing; and includes any one, 15006
part of, or any combination of the foregoing; and further includes 15007
site improvements, utilities, machinery, facilities, furnishings, 15008
and any separate or connected buildings, structures, improvements, 15009
sites, utilities, facilities, or equipment to be used in, or in 15010
connection with the operation or maintenance of, or supplementing 15011
or otherwise related to the services or facilities to be provided 15012
by, any one or more of such hospital facilities. 15013

(F) "Costs of hospital facilities" means the costs of 15014
acquiring hospital facilities or interests in hospital facilities, 15015
including membership interests in nonprofit hospital agencies, 15016
costs of constructing hospital facilities, costs of improving one 15017
or more hospital facilities, including reconstructing, 15018
rehabilitating, remodeling, renovating, and enlarging, costs of 15019
equipping and furnishing such facilities, and all financing costs 15020
pertaining thereto, including, without limitation thereto, costs 15021
of engineering, architectural, and other professional services, 15022
designs, plans, specifications and surveys, and estimates of cost, 15023
costs of tests and inspections, the costs of any indemnity or 15024
surety bonds and premiums on insurance, all related direct or 15025
allocable administrative expenses pertaining thereto, fees and 15026
expenses of trustees, depositories, and paying agents for the 15027
obligations, cost of issuance of the obligations and financing 15028
charges and fees and expenses of financial advisors, attorneys, 15029

accountants, consultants and rating services in connection 15030
therewith, capitalized interest on the obligations, amounts 15031
necessary to establish reserves as required by the bond 15032
proceedings, the reimbursement of all moneys advanced or applied 15033
by the hospital agency or others or borrowed from others for the 15034
payment of any item or items of costs of such facilities, and all 15035
other expenses necessary or incident to planning or determining 15036
feasibility or practicability with respect to such facilities, and 15037
such other expenses as may be necessary or incident to the 15038
acquisition, construction, reconstruction, rehabilitation, 15039
remodeling, renovation, enlargement, improvement, equipment, and 15040
furnishing of such facilities, the financing thereof, and the 15041
placing of the same in use and operation, including any one, part 15042
of, or combination of such classes of costs and expenses, and 15043
means the costs of refinancing obligations issued by, or 15044
reimbursement of money advanced by, nonprofit hospital agencies or 15045
others the proceeds of which were used for the payment of costs of 15046
hospital facilities, if the governing body of the public hospital 15047
agency determines that the refinancing or reimbursement advances 15048
the purposes of this chapter, whether or not the refinancing or 15049
reimbursement is in conjunction with the acquisition or 15050
construction of additional hospital facilities. 15051

(G) "Hospital receipts" means all moneys received by or on 15052
behalf of a hospital agency from or in connection with the 15053
ownership, operation, acquisition, construction, improvement, 15054
equipping, or financing of any hospital facilities, including, 15055
without limitation thereto, any rentals and other moneys received 15056
from the lease, sale, or other disposition of hospital facilities, 15057
and any gifts, grants, interest subsidies, or other moneys 15058
received under any federal program for assistance in financing the 15059
costs of hospital facilities, and any other gifts, grants, and 15060
donations, and receipts therefrom, available for financing the 15061
costs of hospital facilities. 15062

(H) "Obligations" means bonds, notes, or other evidences of indebtedness or obligation, including interest coupons pertaining thereto, issued or issuable by a public hospital agency to pay costs of hospital facilities.

(I) "Bond service charges" means principal, interest, and call premium, if any, required to be paid on obligations.

(J) "Bond proceedings" means one or more ordinances, resolutions, trust agreements, indentures, and other agreements or documents, and amendments and supplements to the foregoing, or any combination thereof, authorizing or providing for the terms, including any variable interest rates, and conditions applicable to, or providing for the security of, obligations and the provisions contained in such obligations.

(K) "Nursing home" has the same meaning as in division (A)(1) of section 5701.13 of the Revised Code.

(L) "Residential care facility" has the same meaning as in division (A)(2) of section 5701.13 of the Revised Code.

(M) "Independent living facility" means any self-care facility or other housing facility designed or used as a residence for elderly persons. An "independent living facility" does not include a residential facility, or that part of a residential facility, that is any of the following:

(1) A hospital required to be certified by section 3727.02 of the Revised Code;

(2) A nursing home or residential care facility;

(3) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code and used for the program's hospice patients;

(4) A residential facility licensed by the department of ~~mental health~~ mental health and addiction services under section

~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;

(5) A residential facility licensed by the department of ~~mental health~~ mental health and addiction services under section ~~5119.22~~ 5119.34 of the Revised Code that is not a residential facility described in division (M)(4) of this section;

(6) A facility licensed to provide methadone treatment under section ~~3793.11~~ 5119.39 of the Revised Code;

(7) A facility certified as ~~an alcohol and drug~~ a community addiction program services provider under section ~~3793.06~~ 5119.36 of the Revised Code;

(8) A residential facility licensed under section 5123.19 of the Revised Code or a facility providing services under a contract with the department of developmental disabilities under section 5123.18 of the Revised Code;

(9) A residential facility used as part of a hospital to provide housing for staff of the hospital or students pursuing a course of study at the hospital.

Sec. 140.03. (A) Two or more hospital agencies may enter into agreements for the acquisition, construction, reconstruction, rehabilitation, remodeling, renovating, enlarging, equipping, and furnishing of hospital facilities, or the management, operation, occupancy, use, maintenance, and repair of hospital facilities, or for participation in programs, projects, activities, and services useful to, connected with, supplementing, or otherwise related to the services provided by, or the operation of, hospital facilities operated by one or more participating hospital agencies, including any combination of such purposes, all in such manner as to promote the public purpose stated in section 140.02 of the Revised Code. A

city health district; general health district; board of alcohol, 15123
drug addiction, and mental health services; county board of 15124
developmental disabilities; the department of ~~mental health~~ mental 15125
health and addiction services; the department of developmental 15126
disabilities; or any public body engaged in the education or 15127
training of health professions personnel may join in any such 15128
agreement for purposes related to its authority under laws 15129
applicable to it, and as such a participant shall be considered a 15130
public hospital agency or hospital agency for the purposes of this 15131
section. 15132

(B) An agreement entered into under authority of this section 15133
shall, where appropriate, provide for: 15134

(1) The manner in which the title to the hospital facilities, 15135
including the sites and interest in real estate pertaining 15136
thereto, is to be held, transferred, or disposed of; 15137

(2) Unless provided for by lease pursuant to section 140.05 15138
of the Revised Code, the method by which such hospital facilities 15139
are to be acquired, constructed, or otherwise improved and by 15140
which they shall be managed, occupied, maintained, and repaired, 15141
including the designation of one of the hospital agencies to have 15142
charge of the details of acquisition, construction, or improvement 15143
pursuant to the contracting procedures prescribed under the law 15144
applicable to one of the participating public hospital agencies; 15145

(3) The management or administration of any such programs, 15146
projects, activities, or services, which may include management or 15147
administration by one of said hospital agencies or a board or 15148
agency thereof; 15149

(4) Annual, or more frequent, reports to the participating 15150
hospital agencies as to the revenues and receipts pertaining to 15151
the subject of the agreement, the expenditures thereof, the status 15152
and application of other funds contributed under such agreement, 15153

and such other matters as may be specified by or pursuant to such agreement; 15154
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(5) The manner of apportionment or sharing of costs of hospital facilities, any other applicable costs of management, operation, maintenance, and repair of hospital facilities, and costs for the programs, projects, activities, and services forming the subject of the agreement, which apportionment or sharing may be prescribed in fixed amounts, or determined by ratios, formulas, or otherwise, and paid as service charges, rentals, or in such other manner as provided in the agreement, and may include amounts sufficient to meet the bond service charges and other payments and deposits required under the bond proceedings for obligations issued to pay costs of hospital facilities. A hospital agency may commit itself to make such payments at least for so long as any such obligations are outstanding. In the apportionment, different classes of costs or expenses may be apportioned to one or more, all or less than all, of the participating hospital agencies as determined under such agreement. 15156
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(C) An agreement entered into under authority of this section may provide for: 15172
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(1) An orderly process for making determinations or advising as to planning, execution, implementation, and operation, which may include designating one of the hospital agencies, or a board thereof, for any of such purposes, provisions for a committee, board, or commission, and for representation thereon, or as may otherwise be provided; 15174
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(2) Securing necessary personnel, including participation of personnel from the respective hospital agencies; 15180
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(3) Standards or conditions for the admission or participation of patients and physicians; 15182
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(4) Conditions for admittance of other hospital agencies to 15184

participation under the agreement;	15185
(5) Fixing or establishing the method of determining charges to be made for particular services;	15186 15187
(6) The manner of amending, supplementing, terminating, or withdrawal or removal of any party from, the agreement, and the term of the agreement, or an indefinite term;	15188 15189 15190
(7) Designation of the applicants for or recipients of any federal, state, or other aid, assistance, or loans available by reason of any activities conducted under the agreement;	15191 15192 15193
(8) Designation of one or more of the participating hospital agencies to maintain, prepare, and submit, on behalf of all parties to the agreement, any or all records and reports with regard to the activities conducted under the agreement;	15194 15195 15196 15197
(9) Any incidental use of the hospital facilities, or services thereof, by participating public hospital agencies for any of their lawful purposes, which incidental use does not impair the character of the facilities as hospital facilities for any purpose of this chapter;	15198 15199 15200 15201 15202
(10) Such other matters as the parties thereto may agree upon for the purposes of division (A) of this section.	15203 15204
(D) For the purpose of paying or contributing its share under an agreement made under this section, a public hospital agency may:	15205 15206 15207
(1) Expend any moneys from its general fund, and from any other funds not otherwise restricted by law, but including funds for permanent improvements of hospital facilities of such public hospital agency where the contribution is to be made toward the costs of hospital facilities under the agreement, and including funds derived from levies for, or receipts available for, operating expenses of hospital facilities or services of such	15208 15209 15210 15211 15212 15213 15214

public hospital agency where the contribution or payment is to be 15215
made toward operating expenses of the hospital facilities or 15216
services under the agreement or for the services provided thereby; 15217

(2) Issue obligations under Chapter 133. or section 140.06, 15218
339.14, 339.15, 513.12, or 3345.12 of the Revised Code, or Section 15219
3 of Article XVIII, Ohio Constitution, if applicable to such 15220
public hospital agency, to pay costs of hospital facilities, or 15221
issue obligations under any other provision of law authorizing 15222
such public hospital agency to issue obligations for any costs of 15223
hospital facilities; 15224

(3) Levy taxes under Chapter 5705. or section 513.13 or 15225
3709.29 of the Revised Code, if applicable to such public hospital 15226
agency, provided that the purpose of such levy may include the 15227
provision of funds for either or both permanent improvements and 15228
current expenses if required for the contribution or payment of 15229
such hospital agency under such agreement, and each such public 15230
hospital agency may issue notes in anticipation of any such levy, 15231
pursuant to the procedures provided in section 5705.191 of the 15232
Revised Code if the levy is solely for current expenses, and in 15233
section 5705.193 of the Revised Code if the levy is all or in part 15234
for permanent improvements; 15235

(4) Contribute real and personal property or interest therein 15236
without necessity for competitive bidding or public auction on 15237
disposition of such property. 15238

(E) Any funds provided by public hospital agencies that are 15239
parties to an agreement entered into under this section shall be 15240
transferred to and placed in a separate fund or funds of such 15241
participating public hospital agency as is designated under the 15242
agreement. The funds shall be applied for the purposes provided in 15243
such agreement and are subject to audit. Pursuant to any 15244
determinations to be made under such agreement, the funds shall be 15245
deposited, invested, and disbursed under the provisions of law 15246

applicable to the public hospital agency in whose custody the 15247
funds are held. This division is subject to the provisions of any 15248
applicable bond proceedings under section 133.08, 140.06, 339.15, 15249
or 3345.12 of the Revised Code or Section 3 of Article XVIII, Ohio 15250
Constitution. The records and reports of such public hospital 15251
agency under Chapter 117. of the Revised Code and sections 3702.51 15252
to 3702.62 of the Revised Code, with respect to the funds shall be 15253
sufficient without necessity for reports thereon by the other 15254
public hospital agencies participating under such agreement. 15255

(F)(1) Prior to its entry into any such agreement, the public 15256
hospital agency must determine, and set forth in a resolution or 15257
ordinance, that the contribution to be made by it under such 15258
agreement will be fair consideration for value and benefit to be 15259
derived by it under such agreement and that the agreement will 15260
promote the public purpose stated in section 140.02 of the Revised 15261
Code. 15262

(2) If the agreement is with a board of county commissioners, 15263
board of county hospital trustees, or county hospital commission 15264
and is an initial agreement for the acquisition or operation of a 15265
county hospital operated by a board of county hospital trustees 15266
under section 339.06 of the Revised Code, the governing body of 15267
the public hospital agency shall submit the agreement, accompanied 15268
by the resolution or ordinance, to the board of county 15269
commissioners for review pursuant to section 339.091 of the 15270
Revised Code. The agreement may be entered into only if the board 15271
of county commissioners adopts a resolution under that section. 15272
The requirements of division (F)(2) of this section do not apply 15273
to the agreement if one or more hospitals classified as general 15274
hospitals by the director of health under section 3701.07 of the 15275
Revised Code are operating in the same county as the county 15276
hospital. 15277

Sec. 140.05. (A)(1) A public hospital agency may lease any 15278
hospital facility to one or more hospital agencies for use as a 15279
hospital facility, or to one or more city or general health 15280
districts; boards of alcohol, drug addiction, and mental health 15281
services; county boards of developmental disabilities; the 15282
department of ~~mental health~~ mental health and addiction services; 15283
or the department of developmental disabilities, for uses which 15284
they are authorized to make thereof under the laws applicable to 15285
them, or any combination of them, and they may lease such 15286
facilities to or from a hospital agency for such uses, upon such 15287
terms and conditions as are agreed upon by the parties. Such lease 15288
may be for a term of fifty years or less and may provide for an 15289
option of the lessee to renew for a term of fifty years or less, 15290
as therein set forth. Prior to entering into such lease, the 15291
governing body of any public hospital agency granting such lease 15292
must determine, and set forth in a resolution or ordinance, that 15293
such lease will promote the public purpose stated in section 15294
140.02 of the Revised Code and that the lessor public hospital 15295
agency will be duly benefited thereby. 15296

(2) If the lease is with a board of county commissioners, 15297
board of county hospital trustees, or county hospital commission 15298
and is an agreement for the initial lease of a county hospital 15299
operated by a board of county hospital trustees under section 15300
339.06 of the Revised Code, the governing body of the public 15301
hospital agency shall submit the agreement, accompanied by the 15302
resolution or ordinance, to the board of county commissioners for 15303
review pursuant to section 339.091 of the Revised Code. The 15304
agreement may be entered into only if the board of county 15305
commissioners adopts a resolution under that section. The 15306
requirements of division (A)(2) of this section do not apply to 15307
the lease if one or more hospitals classified as general hospitals 15308
by the director of health under section 3701.07 of the Revised 15309

Code are operating in the same county as the county hospital. 15310

(B) Any lease entered into pursuant to this section shall 15311
provide that in the event that the lessee fails faithfully and 15312
efficiently to administer, maintain, and operate such leased 15313
facilities as hospital facilities, or fails to provide the 15314
services thereof without regard to race, creed, color, or national 15315
origin, or fails to require that any hospital agency using such 15316
facilities or the services thereof shall not discriminate by 15317
reason of race, creed, color, or national origin, after an 15318
opportunity to be heard upon written charges, said lease may be 15319
terminated at the time, in the manner and with consequences 15320
therein provided. If any such lease does not contain terms to the 15321
effect provided in this division, it shall nevertheless be deemed 15322
to contain such terms which shall be implemented as determined by 15323
the governing body of the lessor. 15324

(C) Such lease may provide for rentals commencing at any time 15325
agreed upon, or advance rental, and continuing for such period 15326
therein provided, notwithstanding and without diminution, rebate, 15327
or setoff by reason of time of availability of the hospital 15328
facility for use, delays in construction, failure of completion, 15329
damage or destruction of the hospital facilities, or for any other 15330
reason. 15331

(D) Such lease may provide for the sale or transfer of title 15332
of the leased facilities pursuant to an option to purchase, 15333
lease-purchase, or installment purchase upon terms therein 15334
provided or to be determined as therein provided, which may 15335
include provision for the continued use thereof as a hospital 15336
facility for some reasonable period, taking into account efficient 15337
useful life and other factors, as is provided therein. 15338

(E) Such lease may be entered as part of or in connection 15339
with an agreement pursuant to section 140.03 of the Revised Code. 15340
Any hospital facilities which are the subject of an agreement 15341

entered into under section 140.03 of the Revised Code may be 15342
leased pursuant to this section. 15343

(F) If land acquired by a public hospital agency for a 15344
hospital facility is adjacent to an existing hospital facility 15345
owned by another hospital agency, the public hospital agency may, 15346
in connection with such acquisition or the leasing of such land 15347
and hospital facilities thereon to one or more hospital agencies, 15348
enter into an agreement with the hospital agency which owns such 15349
adjacent hospital facility for the use of common walls in the 15350
construction, operation, or maintenance of hospital facilities of 15351
the public hospital agency. For the purpose of construction, 15352
operation, or maintenance of hospital facilities, a public 15353
hospital agency may acquire by purchase, gift, lease, lease with 15354
option to purchase, lease-purchase, or installment purchase, 15355
easement deed, or other agreement, real estate and interests in 15356
real estate, including rights to use space over, under or upon 15357
real property owned by others, and support, access, common wall, 15358
and other rights in connection therewith. Any public hospital 15359
agency or other political subdivision or any public agency, board, 15360
commission, institution, body, or instrumentality may grant such 15361
real estate, interests, or rights to any hospital agency upon such 15362
terms as are agreed upon without necessity for competitive bidding 15363
or public auction. 15364

Sec. 145.01. As used in this chapter: 15365

(A) "Public employee" means: 15366

(1) Any person holding an office, not elective, under the 15367
state or any county, township, municipal corporation, park 15368
district, conservancy district, sanitary district, health 15369
district, metropolitan housing authority, state retirement board, 15370
Ohio historical society, public library, county law library, union 15371
cemetery, joint hospital, institutional commissary, state 15372

university, or board, bureau, commission, council, committee, 15373
authority, or administrative body as the same are, or have been, 15374
created by action of the general assembly or by the legislative 15375
authority of any of the units of local government named in 15376
division (A)(1) of this section, or employed and paid in whole or 15377
in part by the state or any of the authorities named in division 15378
(A)(1) of this section in any capacity not covered by section 15379
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 15380

(2) A person who is a member of the public employees 15381
retirement system and who continues to perform the same or similar 15382
duties under the direction of a contractor who has contracted to 15383
take over what before the date of the contract was a publicly 15384
operated function. The governmental unit with which the contract 15385
has been made shall be deemed the employer for the purposes of 15386
administering this chapter. 15387

(3) Any person who is an employee of a public employer, 15388
notwithstanding that the person's compensation for that employment 15389
is derived from funds of a person or entity other than the 15390
employer. Credit for such service shall be included as total 15391
service credit, provided that the employee makes the payments 15392
required by this chapter, and the employer makes the payments 15393
required by sections 145.48 and 145.51 of the Revised Code. 15394

(4) A person who elects in accordance with section 145.015 of 15395
the Revised Code to remain a contributing member of the public 15396
employees retirement system. 15397

(5) A person who is an employee of the legal rights service 15398
on September 30, 2012, and continues to be employed by the 15399
nonprofit entity established under Section 319.20 of Am. Sub. H.B. 15400
153 of the 129th general assembly. The nonprofit entity is the 15401
employer for the purpose of this chapter. 15402

In all cases of doubt, the public employees retirement board 15403

shall determine under section 145.036, 145.037, or 145.038 of the Revised Code whether any person is a public employee, and its decision is final.

(B) "Member" means any public employee, other than a public employee excluded or exempted from membership in the retirement system by section 145.03, 145.031, 145.032, 145.033, 145.034, 145.035, or 145.38 of the Revised Code. "Member" includes a PERS retirant who becomes a member under division (C) of section 145.38 of the Revised Code. "Member" also includes a disability benefit recipient.

(C) "Head of the department" means the elective or appointive head of the several executive, judicial, and administrative departments, institutions, boards, and commissions of the state and local government as the same are created and defined by the laws of this state or, in case of a charter government, by that charter.

(D) "Employer" or "public employer" means the state or any county, township, municipal corporation, park district, conservancy district, sanitary district, health district, metropolitan housing authority, state retirement board, Ohio historical society, public library, county law library, union cemetery, joint hospital, institutional commissary, state medical university, state university, or board, bureau, commission, council, committee, authority, or administrative body as the same are, or have been, created by action of the general assembly or by the legislative authority of any of the units of local government named in this division not covered by section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. In addition, "employer" means the employer of any public employee.

(E) "Prior military service" also means all service credited for active duty with the armed forces of the United States as provided in section 145.30 of the Revised Code.

(F) "Contributor" means any person who has an account in the employees' savings fund created by section 145.23 of the Revised Code. When used in the sections listed in division (B) of section 145.82 of the Revised Code, "contributor" includes any person participating in a PERS defined contribution plan.

(G) "Beneficiary" or "beneficiaries" means the estate or a person or persons who, as the result of the death of a member, contributor, or retirant, qualify for or are receiving some right or benefit under this chapter.

(H)(1) "Total service credit," except as provided in section 145.37 of the Revised Code, means all service credited to a member of the retirement system since last becoming a member, including restored service credit as provided by section 145.31 of the Revised Code; credit purchased under sections 145.293 and 145.299 of the Revised Code; all the member's military service credit computed as provided in this chapter; all service credit established pursuant to section 145.297 of the Revised Code; and any other service credited under this chapter. For the exclusive purpose of satisfying the service credit requirement and of determining eligibility for benefits under sections 145.32, 145.33, 145.331, 145.332, 145.35, 145.36, and 145.361 of the Revised Code, "five or more years of total service credit" means sixty or more calendar months of contributing service in this system.

(2) "One and one-half years of contributing service credit," as used in division (B) of section 145.45 of the Revised Code, also means eighteen or more calendar months of employment by a municipal corporation that formerly operated its own retirement plan for its employees or a part of its employees, provided that all employees of that municipal retirement plan who have eighteen or more months of such employment, upon establishing membership in the public employees retirement system, shall make a payment of

the contributions they would have paid had they been members of 15468
this system for the eighteen months of employment preceding the 15469
date membership was established. When that payment has been made 15470
by all such employee members, a corresponding payment shall be 15471
paid into the employers' accumulation fund by that municipal 15472
corporation as the employer of the employees. 15473

(3) Where a member also is a member of the state teachers 15474
retirement system or the school employees retirement system, or 15475
both, except in cases of retirement on a combined basis pursuant 15476
to section 145.37 of the Revised Code or as provided in section 15477
145.383 of the Revised Code, service credit for any period shall 15478
be credited on the basis of the ratio that contributions to the 15479
public employees retirement system bear to total contributions in 15480
all state retirement systems. 15481

(4) Not more than one year of credit may be given for any 15482
period of twelve months. 15483

(5) "Ohio service credit" means credit for service that was 15484
rendered to the state or any of its political subdivisions or any 15485
employer. 15486

(I) "Regular interest" means interest at any rates for the 15487
respective funds and accounts as the public employees retirement 15488
board may determine from time to time. 15489

(J) "Accumulated contributions" means the sum of all amounts 15490
credited to a contributor's individual account in the employees' 15491
savings fund together with any interest credited to the 15492
contributor's account under section 145.471 or 145.472 of the 15493
Revised Code. 15494

(K)(1) "Final average salary" means the greater of the 15495
following: 15496

(a) The sum of the member's earnable salaries for the 15497
appropriate number of calendar years of contributing service, 15498

determined under section 145.017 of the Revised Code, in which the member's earnable salary was highest, divided by the same number of calendar years or, if the member has fewer than the appropriate number of calendar years of contributing service, the total of the member's earnable salary for all years of contributing service divided by the number of calendar years of the member's contributing service;

(b) The sum of a member's earnable salaries for the appropriate number of consecutive months, determined under section 145.017 of the Revised Code, that were the member's last months of service, up to and including the last month, divided by the appropriate number of years or, if the time between the first and final months of service is less than the appropriate number of consecutive months, the total of the member's earnable salary for all months of contributing service divided by the number of years between the first and final months of contributing service, including any fraction of a year, except that the member's final average salary shall not exceed the member's highest earnable salary for any twelve consecutive months.

(2) If contributions were made in only one calendar year, "final average salary" means the member's total earnable salary.

(L) "Annuity" means payments for life derived from contributions made by a contributor and paid from the annuity and pension reserve fund as provided in this chapter. All annuities shall be paid in twelve equal monthly installments.

(M) "Annuity reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any annuity, or benefit in lieu of any annuity, granted to a retirant as provided in this chapter.

(N)(1) "Disability retirement" means retirement as provided

in section 145.36 of the Revised Code. 15530

(2) "Disability allowance" means an allowance paid on account 15531
of disability under section 145.361 of the Revised Code. 15532

(3) "Disability benefit" means a benefit paid as disability 15533
retirement under section 145.36 of the Revised Code, as a 15534
disability allowance under section 145.361 of the Revised Code, or 15535
as a disability benefit under section 145.37 of the Revised Code. 15536

(4) "Disability benefit recipient" means a member who is 15537
receiving a disability benefit. 15538

(O) "Age and service retirement" means retirement as provided 15539
in sections 145.32, 145.33, 145.331, 145.332, 145.37, and 145.46 15540
and former section 145.34 of the Revised Code. 15541

(P) "Pensions" means annual payments for life derived from 15542
contributions made by the employer that at the time of retirement 15543
are credited into the annuity and pension reserve fund from the 15544
employers' accumulation fund and paid from the annuity and pension 15545
reserve fund as provided in this chapter. All pensions shall be 15546
paid in twelve equal monthly installments. 15547

(Q) "Retirement allowance" means the pension plus that 15548
portion of the benefit derived from contributions made by the 15549
member. 15550

(R)(1) Except as otherwise provided in division (R) of this 15551
section, "earnable salary" means all salary, wages, and other 15552
earnings paid to a contributor by reason of employment in a 15553
position covered by the retirement system. The salary, wages, and 15554
other earnings shall be determined prior to determination of the 15555
amount required to be contributed to the employees' savings fund 15556
under section 145.47 of the Revised Code and without regard to 15557
whether any of the salary, wages, or other earnings are treated as 15558
deferred income for federal income tax purposes. "Earnable salary" 15559
includes the following: 15560

(a) Payments made by the employer in lieu of salary, wages, or other earnings for sick leave, personal leave, or vacation used by the contributor;	15561 15562 15563
(b) Payments made by the employer for the conversion of sick leave, personal leave, and vacation leave accrued, but not used if the payment is made during the year in which the leave is accrued, except that payments made pursuant to section 124.383 or 124.386 of the Revised Code are not earnable salary;	15564 15565 15566 15567 15568
(c) Allowances paid by the employer for maintenance, consisting of housing, laundry, and meals, as certified to the retirement board by the employer or the head of the department that employs the contributor;	15569 15570 15571 15572
(d) Fees and commissions paid under section 507.09 of the Revised Code;	15573 15574
(e) Payments that are made under a disability leave program sponsored by the employer and for which the employer is required by section 145.296 of the Revised Code to make periodic employer and employee contributions;	15575 15576 15577 15578
(f) Amounts included pursuant to former division (K)(3) and former division (Y) of this section and section 145.2916 of the Revised Code.	15579 15580 15581
(2) "Earnable salary" does not include any of the following:	15582
(a) Fees and commissions, other than those paid under section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the contributor receives a salary;	15583 15584 15585 15586
(b) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the	15587 15588 15589 15590

contributor in lieu of providing the insurance;	15591
(c) Incidental benefits, including lodging, food, laundry,	15592
parking, or services furnished by the employer, or use of the	15593
employer's property or equipment, or amounts paid by the employer	15594
to the contributor in lieu of providing the incidental benefits;	15595
(d) Reimbursement for job-related expenses authorized by the	15596
employer, including moving and travel expenses and expenses	15597
related to professional development;	15598
(e) Payments for accrued but unused sick leave, personal	15599
leave, or vacation that are made at any time other than in the	15600
year in which the sick leave, personal leave, or vacation was	15601
accrued;	15602
(f) Payments made to or on behalf of a contributor that are	15603
in excess of the annual compensation that may be taken into	15604
account by the retirement system under division (a)(17) of section	15605
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26	15606
U.S.C.A. 401(a)(17), as amended;	15607
(g) Payments made under division (B), (C), or (E) of section	15608
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill	15609
No. 3 of the 119th general assembly, Section 3 of Amended	15610
Substitute Senate Bill No. 164 of the 124th general assembly, or	15611
Amended Substitute House Bill No. 405 of the 124th general	15612
assembly;	15613
(h) Anything of value received by the contributor that is	15614
based on or attributable to retirement or an agreement to retire,	15615
except that payments made on or before January 1, 1989, that are	15616
based on or attributable to an agreement to retire shall be	15617
included in earnable salary if both of the following apply:	15618
(i) The payments are made in accordance with contract	15619
provisions that were in effect prior to January 1, 1986;	15620

(ii) The employer pays the retirement system an amount 15621
specified by the retirement board equal to the additional 15622
liability resulting from the payments. 15623

(i) The portion of any amount included in section 145.2916 of 15624
the Revised Code that represents employer contributions. 15625

(3) The retirement board shall determine by rule whether any 15626
compensation not enumerated in division (R) of this section is 15627
earnable salary, and its decision shall be final. 15628

(S) "Pension reserve" means the present value, computed upon 15629
the basis of the mortality and other tables adopted by the board, 15630
of all payments to be made on account of any retirement allowance 15631
or benefit in lieu of any retirement allowance, granted to a 15632
member or beneficiary under this chapter. 15633

(T) "Contributing service" means both of the following: 15634

(1) All service credited to a member of the system since 15635
January 1, 1935, for which contributions are made as required by 15636
sections 145.47, 145.48, and 145.483 of the Revised Code. In any 15637
year subsequent to 1934, credit for any service shall be allowed 15638
in accordance with section 145.016 of the Revised Code. 15639

(2) Service credit received by election of the member under 15640
section 145.814 of the Revised Code. 15641

(U) "State retirement board" means the public employees 15642
retirement board, the school employees retirement board, or the 15643
state teachers retirement board. 15644

(V) "Retirant" means any former member who retires and is 15645
receiving a monthly allowance as provided in sections 145.32, 15646
145.33, 145.331, 145.332, and 145.46 and former section 145.34 of 15647
the Revised Code. 15648

(W) "Employer contribution" means the amount paid by an 15649
employer as determined under section 145.48 of the Revised Code. 15650

(X) "Public service terminates" means the last day for which a public employee is compensated for services performed for an employer or the date of the employee's death, whichever occurs first.

(Y) "Five years of service credit," for the exclusive purpose of satisfying the service credit requirements and of determining eligibility under section 145.33 or 145.332 of the Revised Code, means employment covered under this chapter or under a former retirement plan operated, recognized, or endorsed by the employer prior to coverage under this chapter or under a combination of the coverage.

(Z) "Deputy sheriff" means any person who is commissioned and employed as a full-time peace officer by the sheriff of any county, and has been so employed since on or before December 31, 1965; any person who is or has been commissioned and employed as a peace officer by the sheriff of any county since January 1, 1966, and who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code; or any person deputized by the sheriff of any county and employed pursuant to section 2301.12 of the Revised Code as a criminal bailiff or court constable who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code.

(AA) "Township constable or police officer in a township police department or district" means any person who is commissioned and employed as a full-time peace officer pursuant to Chapter 505. or 509. of the Revised Code, who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code.

(BB) "Drug agent" means any person who is either of the

following: 15683

(1) Employed full time as a narcotics agent by a county 15684
narcotics agency created pursuant to section 307.15 of the Revised 15685
Code and has received a certificate attesting to the satisfactory 15686
completion of the peace officer training school as required by 15687
section 109.77 of the Revised Code; 15688

(2) Employed full time as an undercover drug agent as defined 15689
in section 109.79 of the Revised Code and is in compliance with 15690
section 109.77 of the Revised Code. 15691

(CC) "Department of public safety enforcement agent" means a 15692
full-time employee of the department of public safety who is 15693
designated under section 5502.14 of the Revised Code as an 15694
enforcement agent and who is in compliance with section 109.77 of 15695
the Revised Code. 15696

(DD) "Natural resources law enforcement staff officer" means 15697
a full-time employee of the department of natural resources who is 15698
designated a natural resources law enforcement staff officer under 15699
section 1501.013 of the Revised Code and is in compliance with 15700
section 109.77 of the Revised Code. 15701

(EE) "Park officer" means a full-time employee of the 15702
department of natural resources who is designated a park officer 15703
under section 1541.10 of the Revised Code and is in compliance 15704
with section 109.77 of the Revised Code. 15705

(FF) "Forest officer" means a full-time employee of the 15706
department of natural resources who is designated a forest officer 15707
under section 1503.29 of the Revised Code and is in compliance 15708
with section 109.77 of the Revised Code. 15709

(GG) "Preserve officer" means a full-time employee of the 15710
department of natural resources who is designated a preserve 15711
officer under section 1517.10 of the Revised Code and is in 15712
compliance with section 109.77 of the Revised Code. 15713

(HH) "Wildlife officer" means a full-time employee of the department of natural resources who is designated a wildlife officer under section 1531.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(II) "State watercraft officer" means a full-time employee of the department of natural resources who is designated a state watercraft officer under section 1547.521 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(JJ) "Park district police officer" means a full-time employee of a park district who is designated pursuant to section 511.232 or 1545.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(KK) "Conservancy district officer" means a full-time employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(LL) "Municipal police officer" means a member of the organized police department of a municipal corporation who is employed full time, is in compliance with section 109.77 of the Revised Code, and is not a member of the Ohio police and fire pension fund.

(MM) "Veterans' home police officer" means any person who is employed at a veterans' home as a police officer pursuant to section 5907.02 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(NN) "Special police officer for a mental health institution" means any person who is designated as such pursuant to section ~~5119.14~~ 5119.08 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(OO) "Special police officer for an institution for the developmentally disabled" means any person who is designated as

such pursuant to section 5123.13 of the Revised Code and is in 15745
compliance with section 109.77 of the Revised Code. 15746

(PP) "State university law enforcement officer" means any 15747
person who is employed full time as a state university law 15748
enforcement officer pursuant to section 3345.04 of the Revised 15749
Code and who is in compliance with section 109.77 of the Revised 15750
Code. 15751

(QQ) "House sergeant at arms" means any person appointed by 15752
the speaker of the house of representatives under division (B)(1) 15753
of section 101.311 of the Revised Code who has arrest authority 15754
under division (E)(1) of that section. 15755

(RR) "Assistant house sergeant at arms" means any person 15756
appointed by the house sergeant at arms under division (C)(1) of 15757
section 101.311 of the Revised Code. 15758

(SS) "Regional transit authority police officer" means a 15759
person who is employed full time as a regional transit authority 15760
police officer under division (Y) of section 306.35 of the Revised 15761
Code and is in compliance with section 109.77 of the Revised Code. 15762

(TT) "State highway patrol police officer" means a special 15763
police officer employed full time and designated by the 15764
superintendent of the state highway patrol pursuant to section 15765
5503.09 of the Revised Code or a person serving full time as a 15766
special police officer pursuant to that section on a permanent 15767
basis on October 21, 1997, who is in compliance with section 15768
109.77 of the Revised Code. 15769

(UU) "Municipal public safety director" means a person who 15770
serves full time as the public safety director of a municipal 15771
corporation with the duty of directing the activities of the 15772
municipal corporation's police department and fire department. 15773

(VV) Notwithstanding section 2901.01 of the Revised Code, 15774
"PERS law enforcement officer" means a sheriff or any of the 15775

following whose primary duties are to preserve the peace, protect 15776
life and property, and enforce the laws of this state: a deputy 15777
sheriff, township constable or police officer in a township police 15778
department or district, drug agent, department of public safety 15779
enforcement agent, natural resources law enforcement staff 15780
officer, park officer, forest officer, preserve officer, wildlife 15781
officer, state watercraft officer, park district police officer, 15782
conservancy district officer, veterans' home police officer, 15783
special police officer for a mental health institution, special 15784
police officer for an institution for the developmentally 15785
disabled, state university law enforcement officer, municipal 15786
police officer, house sergeant at arms, assistant house sergeant 15787
at arms, regional transit authority police officer, or state 15788
highway patrol police officer. "PERS law enforcement officer" also 15789
includes a person serving as a municipal public safety director at 15790
any time during the period from September 29, 2005, to March 24, 15791
2009, if the duties of that service were to preserve the peace, 15792
protect life and property, and enforce the laws of this state. 15793

(WW) "Hamilton county municipal court bailiff" means a person 15794
appointed by the clerk of courts of the Hamilton county municipal 15795
court under division (A)(3) of section 1901.32 of the Revised Code 15796
who is employed full time as a bailiff or deputy bailiff, who has 15797
received a certificate attesting to the person's satisfactory 15798
completion of the peace officer basic training described in 15799
division (D)(1) of section 109.77 of the Revised Code. 15800

(XX) "PERS public safety officer" means a Hamilton county 15801
municipal court bailiff, or any of the following whose primary 15802
duties are other than to preserve the peace, protect life and 15803
property, and enforce the laws of this state: a deputy sheriff, 15804
township constable or police officer in a township police 15805
department or district, drug agent, department of public safety 15806
enforcement agent, natural resources law enforcement staff 15807

officer, park officer, forest officer, preserve officer, wildlife 15808
officer, state watercraft officer, park district police officer, 15809
conservancy district officer, veterans' home police officer, 15810
special police officer for a mental health institution, special 15811
police officer for an institution for the ~~mentally retarded and~~ 15812
developmentally disabled, state university law enforcement 15813
officer, municipal police officer, house sergeant at arms, 15814
assistant house sergeant at arms, regional transit authority 15815
police officer, or state highway patrol police officer. "PERS 15816
public safety officer" also includes a person serving as a 15817
municipal public safety director at any time during the period 15818
from September 29, 2005, to March 24, 2009, if the duties of that 15819
service were other than to preserve the peace, protect life and 15820
property, and enforce the laws of this state. 15821

(YY) "Fiduciary" means a person who does any of the 15822
following: 15823

(1) Exercises any discretionary authority or control with 15824
respect to the management of the system or with respect to the 15825
management or disposition of its assets; 15826

(2) Renders investment advice for a fee, direct or indirect, 15827
with respect to money or property of the system; 15828

(3) Has any discretionary authority or responsibility in the 15829
administration of the system. 15830

(ZZ) "Actuary" means an individual who satisfies all of the 15831
following requirements: 15832

(1) Is a member of the American academy of actuaries; 15833

(2) Is an associate or fellow of the society of actuaries; 15834

(3) Has a minimum of five years' experience in providing 15835
actuarial services to public retirement plans. 15836

(AAA) "PERS defined benefit plan" means the plan described in 15837

sections 145.201 to 145.79 of the Revised Code. 15838

(BBB) "PERS defined contribution plans" means the plan or 15839
plans established under section 145.81 of the Revised Code. 15840

Sec. 145.012. (A) "Public employee," as defined in division 15841
(A) of section 145.01 of the Revised Code, does not include any 15842
person: 15843

(1) Who is employed by a private, temporary-help service and 15844
performs services under the direction of a public employer or is 15845
employed on a contractual basis as an independent contractor under 15846
a personal service contract with a public employer; 15847

(2) Who is an emergency employee serving on a temporary basis 15848
in case of fire, snow, earthquake, flood, or other similar 15849
emergency; 15850

(3) Who is employed in a program established pursuant to the 15851
"Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 15852
1501; 15853

(4) Who is an appointed member of either the motor vehicle 15854
salvage dealers board or the motor vehicle dealer's board whose 15855
rate and method of payment are determined pursuant to division (J) 15856
of section 124.15 of the Revised Code; 15857

(5) Who is employed as an election worker and paid less than 15858
five hundred dollars per calendar year for that service; 15859

(6) Who is employed as a firefighter in a position requiring 15860
satisfactory completion of a firefighter training course approved 15861
under former section 3303.07 or section 4765.55 of the Revised 15862
Code or conducted under section 3737.33 of the Revised Code except 15863
for the following: 15864

(a) Any firefighter who has elected under section 145.013 of 15865
the Revised Code to remain a contributing member of the public 15866
employees retirement system; 15867

(b) Any firefighter who was eligible to transfer from the public employees retirement system to the Ohio police and fire pension fund under section 742.51 or 742.515 of the Revised Code and did not elect to transfer;

(c) Any firefighter who has elected under section 742.516 of the Revised Code to transfer from the Ohio police and fire pension fund to the public employees retirement system.

(7) Who is a member of the board of health of a city or general health district, which pursuant to sections 3709.051 and 3709.07 of the Revised Code includes a combined health district, and whose compensation for attendance at meetings of the board is set forth in division (B) of section 3709.02 or division (B) of section 3709.05 of the Revised Code, as appropriate;

(8) Who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code;

(9) Who is a member of the board of directors of a sanitary district established under Chapter 6115. of the Revised Code;

(10) Who is a member of the unemployment compensation advisory council;

(11) Who is an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code;

(12) Who is employed by the nonprofit entity established to provide advocacy services and a client assistance program for people with disabilities under Section 319.20 of Am. Sub. H.B. 153 of the 129th general assembly and whose employment begins on or after October 1, 2012.

(B) No inmate of a correctional institution operated by the department of rehabilitation and correction, no patient in a hospital for the mentally ill or criminally insane operated by the

department of ~~mental health~~ mental health and addiction services, 15898
no resident in an institution for the mentally retarded operated 15899
by the department of developmental disabilities, no resident 15900
admitted as a patient of a veterans' home operated under Chapter 15901
5907. of the Revised Code, and no resident of a county home shall 15902
be considered as a public employee for the purpose of establishing 15903
membership or calculating service credit or benefits under this 15904
chapter. Nothing in this division shall be construed to affect any 15905
service credit attained by any person who was a public employee 15906
before becoming an inmate, patient, or resident at any institution 15907
listed in this division, or the payment of any benefit for which 15908
such a person or such a person's beneficiaries otherwise would be 15909
eligible. 15910

Sec. 145.037. (A) As used in this section and section 145.038 15911
of the Revised Code, "business entity" means an entity with five 15912
or more employees that is a corporation, association, firm, 15913
limited liability company, partnership, sole proprietorship, or 15914
other entity engaged in business. 15915

(B)(1) Except as provided in division (B)(2) of this section, 15916
an individual who provided personal services to a public employer 15917
on or before January 7, 2013, but was not classified as a public 15918
employee may request from the public employees retirement board a 15919
determination of whether the individual should have been 15920
classified as a public employee for purposes of this chapter. The 15921
request shall be made on a form provided by the board. 15922

(2) Division (B)(1) of this section does not apply to an 15923
individual employed by a business entity under contract with a 15924
public employer to provide personal services to the employer. 15925

(C)(1) Not later than thirty days after January 7, 2013, the 15926
board shall notify each employer of the right of an individual 15927
described in division (B)(1) of this section to seek the 15928

determination described in that division. The notice shall be 15929
accompanied by copies of the form described in division (B)(1) of 15930
this section. 15931

(2) Not later than September 7, 2013, the employer shall send 15932
to each individual described in division (B)(1) of this section a 15933
copy of the form provided by the retirement system and written 15934
notice of the right to seek a determination of whether the 15935
individual should have been classified as a public employee. The 15936
notice shall be sent to the individual's last known address on 15937
record with the employer. 15938

(3) On receipt of a properly completed form, the board shall 15939
determine whether the individual should have been classified as a 15940
public employee. If the board determines that the individual is 15941
not a public employee with regard to the services in question, for 15942
the purposes of this chapter the individual shall be considered an 15943
independent contractor with regard to the services in question. 15944
The board's determination is final. 15945

(4) The board shall notify the individual and the employer of 15946
its determination. The determination shall apply to services 15947
performed before, on, or after January 7, 2013, for the same 15948
employer in the same capacity. 15949

(D) Regardless of whether an individual actually receives 15950
notice under this section, the request for a determination must be 15951
made not later than August 7 8, 2014, unless the individual can 15952
demonstrate to the board's satisfaction through medical records 15953
that on that date the individual was physically or mentally 15954
incapacitated and unable to request a determination. 15955

Sec. 145.22. (A) The public employees retirement board shall 15956
have prepared annually by or under the supervision of an actuary 15957
an actuarial valuation of the pension assets, liabilities, and 15958
funding requirements of the public employees retirement system as 15959

established pursuant to this chapter. The actuary shall complete 15960
the valuation in accordance with actuarial standards of practice 15961
promulgated by the actuarial standards board of the American 15962
academy of actuaries and prepare a report of the valuation. The 15963
report shall include all of the following: 15964

(1) A summary of the benefit provisions evaluated; 15965

(2) A summary of the census data and financial information 15966
used in the valuation; 15967

(3) A description of the actuarial assumptions, actuarial 15968
cost method, and asset valuation method used in the valuation, 15969
including a statement of the assumed rate of payroll growth and 15970
assumed rate of growth or decline in the number of members 15971
contributing to the retirement system; 15972

(4) A summary of findings that includes a statement of the 15973
actuarial accrued pension liabilities and unfunded actuarial 15974
accrued pension liabilities; 15975

(5) A schedule showing the effect of any changes in the 15976
benefit provisions, actuarial assumptions, or cost methods since 15977
the last annual actuarial valuation; 15978

(6) A statement of whether contributions to the retirement 15979
system are expected to be sufficient to satisfy the funding 15980
objectives established by the board. 15981

The board shall submit the report to the Ohio retirement 15982
study council, the director of budget and management, and the 15983
standing committees of the house of representatives and the senate 15984
with primary responsibility for retirement legislation immediately 15985
upon its availability and not later than the first day of 15986
September following the year for which the valuation was made. 15987

(B) At such time as the public employees retirement board 15988
determines, and at least once in each five-year period, the board 15989

shall have prepared by or under the supervision of an actuary an 15990
actuarial investigation of the mortality, service, and other 15991
experience of the members, retirants, contributors, and 15992
beneficiaries of the system to update the actuarial assumptions 15993
used in the actuarial valuation required by division (A) of this 15994
section. The actuary shall prepare a report of the actuarial 15995
investigation. The report shall be prepared and any recommended 15996
changes in actuarial assumptions shall be made in accordance with 15997
the actuarial standards of practice promulgated by the actuarial 15998
standards board of the American academy of actuaries. The report 15999
shall include all of the following: 16000

(1) A summary of relevant decrement and economic assumption 16001
experience observed over the period of the investigation; 16002

(2) Recommended changes in actuarial assumptions to be used 16003
in subsequent actuarial valuations required by division (A) of 16004
this section; 16005

(3) A measurement of the financial effect of the recommended 16006
changes in actuarial assumptions. 16007

The board shall submit the report to the Ohio retirement 16008
study council and the standing committees of the house of 16009
representatives and the senate with primary responsibility for 16010
retirement legislation not later than the first day of November 16011
following the last fiscal year of the period the report covers. 16012

(C) The board may at any time request the actuary to make any 16013
studies or actuarial valuations to determine the adequacy of the 16014
contribution rate determined under section 145.48 of the Revised 16015
Code, and those rates may be adjusted by the board, as recommended 16016
by the actuary, effective as of the first of any year thereafter. 16017

(D) The board shall have prepared by or under the supervision 16018
of an actuary an actuarial analysis of any introduced legislation 16019
expected to have a measurable financial impact on the retirement 16020

system. The actuarial analysis shall be completed in accordance 16021
with the actuarial standards of practice promulgated by the 16022
actuarial standards board of the American academy of actuaries. 16023
The actuary shall prepare a report of the actuarial analysis, 16024
which shall include all of the following: 16025

(1) A summary of the statutory changes that are being 16026
evaluated; 16027

(2) A description of or reference to the actuarial 16028
assumptions and actuarial cost method used in the report; 16029

(3) A description of the participant group or groups included 16030
in the report; 16031

(4) A statement of the financial impact of the legislation, 16032
including the resulting increase, if any, in the employer normal 16033
cost percentage; the increase, if any, in actuarial accrued 16034
liabilities; and the per cent of payroll that would be required to 16035
amortize the increase in actuarial accrued liabilities as a level 16036
per cent of covered payroll for all active members over a period 16037
not to exceed thirty years; 16038

(5) A statement of whether the scheduled contributions to the 16039
system after the proposed change is enacted are expected to be 16040
sufficient to satisfy the funding objectives established by the 16041
board. 16042

Not later than sixty days from the date of introduction of 16043
the legislation, the board shall submit a copy of the actuarial 16044
analysis to the legislative service commission, the standing 16045
committees of the house of representatives and the senate with 16046
primary responsibility for retirement legislation, and the Ohio 16047
retirement study council. 16048

(E) The board shall have prepared annually a report giving a 16049
full accounting of the revenues and costs relating to the 16050
provision of benefits under sections 145.58 and 145.584 of the 16051

Revised Code. The report shall be made as of December 31, 1997, 16052
and the thirty-first day of December of each year thereafter. The 16053
report shall include the following: 16054

(1) A description of the statutory authority for the benefits 16055
provided; 16056

(2) A summary of the benefits; 16057

(3) A summary of the eligibility requirements for the 16058
benefits; 16059

(4) A statement of the number of participants eligible for 16060
the benefits; 16061

(5) A description of the accounting, asset valuation, and 16062
funding method used to provide the benefits; 16063

(6) A statement of the net assets available for the provision 16064
of the benefits as of the last day of the fiscal year; 16065

(7) A statement of any changes in the net assets available 16066
for the provision of benefits, including participant and employer 16067
contributions, net investment income, administrative expenses, and 16068
benefits provided to participants, as of the last day of the 16069
fiscal year; 16070

(8) For the last six consecutive fiscal years, a schedule of 16071
the net assets available for the benefits, the annual cost of 16072
benefits, administrative expenses incurred, and annual employer 16073
contributions allocated for the provision of benefits; 16074

(9) A description of any significant changes that affect the 16075
comparability of the report required under this division; 16076

(10) A statement of the amount paid under division (C) of 16077
section 145.58 of the Revised Code. 16078

The board shall submit the report to the Ohio retirement 16079
study council, the director of budget and management, and the 16080
standing committees of the house of representatives and the senate 16081

with primary responsibility for retirement legislation immediately 16082
upon its availability and not later than the thirtieth day of June 16083
following the year for which the report was made. 16084

Sec. 149.01. Each elective state officer, the adjutant 16085
general, the adult parole authority, the department of 16086
agriculture, the director of administrative services, the public 16087
utilities commission, the superintendent of insurance, the 16088
superintendent of financial institutions, the superintendent of 16089
purchases and printing, the fire marshal, the industrial 16090
commission, the administrator of workers' compensation, the state 16091
department of transportation, the department of health, the state 16092
medical board, the state dental board, the board of embalmers and 16093
funeral directors, the Ohio commission for the blind, the 16094
accountancy board of Ohio, the state council of uniform state 16095
laws, the board of commissioners of the sinking fund, the 16096
department of taxation, the board of tax appeals, the division of 16097
liquor control, the director of state armories, the trustees of 16098
the Ohio state university, and every private or quasi-public 16099
institution, association, board, or corporation receiving state 16100
money for its use and purpose shall make annually, at the end of 16101
each fiscal year, in quadruplicate, a report of the transactions 16102
and proceedings of that office or department for that fiscal year, 16103
excepting receipts and disbursements unless otherwise specifically 16104
required by law. The report shall contain a summary of the 16105
official acts of the officer, board, council, commission, 16106
institution, association, or corporation and any suggestions and 16107
recommendations that are proper. ~~On the first day of August of~~ 16108
~~each year, one~~ 16109

One of the reports shall be filed with the governor, one with 16110
the secretary of state, and one with the state library, and one 16111
shall be kept on file in the office of the officer, board, 16112
council, commission, institution, association, or corporation. The 16113

reports shall be so filed by the first day of August, except that 16114
the report of the treasurer of state shall be so filed by the 16115
thirty-first day of December. 16116

Sec. 149.12. The state library board shall forward, free of 16117
charge, in a paper or electronic format, one copy of each 16118
legislative bulletin, daily house and senate journal, pamphlet law 16119
as described in section 149.09 of the Revised Code, and summary of 16120
enactments published by the legislative service commission, to the 16121
following libraries: 16122

(A) Each library within the state that has been designated by 16123
the state library board under section 149.11 of the Revised Code 16124
as a depository for state publications; 16125

(B) In each county containing no library described in 16126
division (A) of this section, to a public library designated by 16127
the state library board to receive the journals, bulletins, and 16128
summaries described in this section. The state library board shall 16129
designate libraries that can best preserve the publications and 16130
are so located geographically that they can make the publications 16131
conveniently accessible to the residents of the county. 16132

The state library board shall forward the daily house and 16133
senate journals once every week while the general assembly is in 16134
session and the legislative bulletin, each pamphlet law, and the 16135
summary of enactments as they are published. 16136

Each library receiving publications under this section or 16137
under section 149.09 of the Revised Code shall make these 16138
publications accessible to the public. 16139

Sec. 149.307. There is hereby created in the state treasury 16140
the Ohio history license plate contribution fund. The fund shall 16141
consist of the contributions that are paid to the registrar of 16142
motor vehicles by applicants who choose to obtain "Ohio history" 16143

license plates pursuant to section 4503.95 of the Revised Code. 16144

The contributions deposited in the fund shall be used by the 16145
Ohio historical society to provide grants to historical 16146
organizations located in this state. An organization that receives 16147
a grant under this section shall use the grant only to host 16148
exhibits and increase access to its collection by the public. 16149

The society shall establish and administer all aspects of the 16150
grant program, including eligibility requirements for receiving a 16151
grant under the program. 16152

Not later than the last business day of January of each year, 16153
the society shall prepare and submit to the general assembly a 16154
written report, detailing all aspects of the grant program during 16155
the immediately preceding calendar year. 16156

Sec. 149.311. (A) As used in this section: 16157

(1) "Historic building" means a building, including its 16158
structural components, that is located in this state and that is 16159
either individually listed on the national register of historic 16160
places under 16 U.S.C. 470a, located in a registered historic 16161
district, and certified by the state historic preservation officer 16162
as being of historic significance to the district, or is 16163
individually listed as an historic landmark designated by a local 16164
government certified under 16 U.S.C. 470a(c). 16165

(2) "Qualified rehabilitation expenditures" means 16166
expenditures paid or incurred during the rehabilitation period, 16167
and before and after that period as determined under 26 U.S.C. 47, 16168
by an owner or qualified lessee of an historic building to 16169
rehabilitate the building. "Qualified rehabilitation expenditures" 16170
includes architectural or engineering fees paid or incurred in 16171
connection with the rehabilitation, and expenses incurred in the 16172
preparation of nomination forms for listing on the national 16173

register of historic places. "Qualified rehabilitation	16174
expenditures" does not include any of the following:	16175
(a) The cost of acquiring, expanding, or enlarging an	16176
historic building;	16177
(b) Expenditures attributable to work done to facilities	16178
related to the building, such as parking lots, sidewalks, and	16179
landscaping;	16180
(c) New building construction costs.	16181
(3) "Owner" of an historic building means a person holding	16182
the fee simple interest in the building. "Owner" does not include	16183
the state or a state agency, or any political subdivision as	16184
defined in section 9.23 of the Revised Code.	16185
(4) "Qualified lessee" means a person subject to a lease	16186
agreement for a <u>an</u> historic building and eligible for the federal	16187
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee"	16188
does not include the state or a state agency or political	16189
subdivision as defined in section 9.23 of the Revised Code.	16190
(5) "Certificate owner" means the owner or qualified lessee	16191
of an historic building to which a rehabilitation tax credit	16192
certificate was issued under this section.	16193
(6) "Registered historic district" means an historic district	16194
listed in the national register of historic places under 16 U.S.C.	16195
470a, an historic district designated by a local government	16196
certified under 16 U.S.C. 470a(c), or a local historic district	16197
certified under 36 C.F.R. 67.8 and 67.9.	16198
(7) "Rehabilitation" means the process of repairing or	16199
altering an historic building or buildings, making possible an	16200
efficient use while preserving those portions and features of the	16201
building and its site and environment that are significant to its	16202
historic, architectural, and cultural values.	16203

(8) "Rehabilitation period" means one of the following: 16204

(a) If the rehabilitation initially was not planned to be 16205
completed in stages, a period chosen by the owner or qualified 16206
lessee not to exceed twenty-four months during which 16207
rehabilitation occurs; 16208

(b) If the rehabilitation initially was planned to be 16209
completed in stages, a period chosen by the owner or qualified 16210
lessee not to exceed sixty months during which rehabilitation 16211
occurs. Each stage shall be reviewed as a phase of a 16212
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 16213
successor to that section. 16214

(9) "State historic preservation officer" or "officer" means 16215
the state historic preservation officer appointed by the governor 16216
under 16 U.S.C. 470a. 16217

(B) The owner or qualified lessee of an historic building may 16218
apply to the director of development services for a rehabilitation 16219
tax credit certificate for qualified rehabilitation expenditures 16220
paid or incurred by such owner or qualified lessee after April 4, 16221
2007, for rehabilitation of an historic building. If the owner of 16222
a an historic building enters a pass-through agreement with a 16223
qualified lessee for the purposes of the federal rehabilitation 16224
tax credit under 26 U.S.C. 47, the qualified rehabilitation 16225
expenditures paid or incurred by the owner after April 4, 2007, 16226
~~shall~~ may be attributed to the qualified lessee. 16227

The form and manner of filing such applications shall be 16228
prescribed by rule of the director. Each application shall state 16229
the amount of qualified rehabilitation expenditures the applicant 16230
estimates will be paid or incurred. The director may require 16231
applicants to furnish documentation of such estimates. 16232

The director, after consultation with the tax commissioner 16233
and in accordance with Chapter 119. of the Revised Code, shall 16234

adopt rules that establish all of the following:	16235
(1) Forms and procedures by which applicants may apply for rehabilitation tax credit certificates;	16236
(2) Criteria for reviewing, evaluating, and approving applications for certificates within the limitations under division (D) of this section, criteria for assuring that the certificates issued encompass a mixture of high and low qualified rehabilitation expenditures, and criteria for issuing certificates under division (C)(3)(b) of this section;	16238
(3) Eligibility requirements for obtaining a certificate under this section;	16239
(4) The form of rehabilitation tax credit certificates;	16240
(5) Reporting requirements and monitoring procedures;	16241
(6) Procedures and criteria for conducting cost-benefit analyses of historic buildings that are the subjects of applications filed under this section. The purpose of a cost-benefit analysis shall be to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used.	16242
(7) Any other rules necessary to implement and administer this section.	16243
(C) The director of development services shall review the applications with the assistance of the state historic preservation officer and determine whether all of the following criteria are met:	16244
(1) That the building that is the subject of the application is an historic building and the applicant is the owner or qualified lessee of the building;	16245
(2) That the rehabilitation will satisfy standards prescribed by the United States secretary of the interior under 16 U.S.C.	16246
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470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to
that section;

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

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

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

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

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

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

from a prior fiscal year for new applicants and such reallocated 16296
credits shall not apply toward the dollar limit of this division. 16297

(3) For rehabilitations with a rehabilitation period not 16298
exceeding twenty-four months as provided in division (A)(7)(a) of 16299
this section, a rehabilitation tax credit certificate shall not be 16300
issued before the rehabilitation of the historic building is 16301
completed. 16302

(4) For rehabilitations with a rehabilitation period not 16303
exceeding sixty months as provided in division (A)(7)(b) of this 16304
section, a rehabilitation tax credit certificate shall not be 16305
issued before a stage of rehabilitation is completed. After all 16306
stages of rehabilitation are completed, if the director cannot 16307
determine that the criteria in division (C) of this section are 16308
satisfied for all stages of rehabilitations, the director shall 16309
certify this finding to the tax commissioner, and any 16310
rehabilitation tax credits received by the applicant shall be 16311
repaid by the applicant and may be collected by assessment as 16312
unpaid tax by the commissioner. 16313

(5) The director of development services shall require the 16314
applicant to provide a third-party cost certification by a 16315
certified public accountant of the actual costs attributed to the 16316
rehabilitation of the historic building when qualified 16317
rehabilitation expenditures exceed two hundred thousand dollars. 16318

If an applicant whose application is approved for receipt of 16319
a rehabilitation tax credit certificate fails to provide to the 16320
director sufficient evidence of reviewable progress, including a 16321
viable financial plan, copies of final construction drawings, and 16322
evidence that the applicant has obtained all historic approvals 16323
within twelve months after the date the applicant received 16324
notification of approval, and if the applicant fails to provide 16325
evidence to the director that the applicant has secured and closed 16326
on financing for the rehabilitation within eighteen months after 16327

receiving notification of approval, the director may rescind the 16328
approval of the application. The director shall notify the 16329
applicant if the approval has been rescinded. Credits that would 16330
have been available to an applicant whose approval was rescinded 16331
shall be available for other qualified applicants. Nothing in this 16332
division prohibits an applicant whose approval has been rescinded 16333
from submitting a new application for a rehabilitation tax credit 16334
certificate. 16335

(E) Issuance of a certificate represents a finding by the 16336
director of development services of the matters described in 16337
divisions (C)(1), (2), and (3) of this section only; issuance of a 16338
certificate does not represent a verification or certification by 16339
the director of the amount of qualified rehabilitation 16340
expenditures for which a tax credit may be claimed under section 16341
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, ~~or~~ 5747.76, or 16342
5751.55 of the Revised Code. The amount of qualified 16343
rehabilitation expenditures for which a tax credit may be claimed 16344
is subject to inspection and examination by the tax commissioner 16345
or employees of the commissioner under section 5703.19 of the 16346
Revised Code and any other applicable law. Upon the issuance of a 16347
certificate, the director shall certify to the tax commissioner, 16348
in the form and manner requested by the tax commissioner, the name 16349
of the applicant, the amount of qualified rehabilitation 16350
expenditures shown on the certificate, and any other information 16351
required by the rules adopted under this section. 16352

(F)(1) On or before the first day of April each year, the 16353
director of development services and tax commissioner jointly 16354
shall submit to the president of the senate and the speaker of the 16355
house of representatives a report on the tax credit program 16356
established under this section and sections 5725.151, 5725.34, 16357
5726.52, 5729.17, 5733.47, ~~and~~ 5747.76, and 5751.55 of the Revised 16358
Code. The report shall present an overview of the program and 16359

shall include information on the number of rehabilitation tax 16360
credit certificates issued under this section during the preceding 16361
fiscal year, an update on the status of each historic building for 16362
which an application was approved under this section, the dollar 16363
amount of the tax credits granted under sections 5725.151, 16364
5725.34, 5726.52, 5729.17, 5733.47, ~~and~~ 5747.76, and 5751.55 of 16365
the Revised Code, and any other information the director and 16366
commissioner consider relevant to the topics addressed in the 16367
report. 16368

(2) On or before December 1, 2015, the director of 16369
development services and tax commissioner jointly shall submit to 16370
the president of the senate and the speaker of the house of 16371
representatives a comprehensive report that includes the 16372
information required by division (F)(1) of this section and a 16373
detailed analysis of the effectiveness of issuing tax credits for 16374
rehabilitating historic buildings. The report shall be prepared 16375
with the assistance of an economic research organization jointly 16376
chosen by the director and commissioner. 16377

(G) There is hereby created in the state treasury the 16378
historic rehabilitation tax credit operating fund. The director of 16379
development services is authorized to charge reasonable 16380
application and other fees in connection with the administration 16381
of tax credits authorized by this section and sections 5725.151, 16382
5725.34, 5726.52, 5729.17, 5733.44, ~~and~~ 5747.76, and 5751.55 of 16383
the Revised Code. Any such fees collected shall be credited to the 16384
fund and used to pay reasonable costs incurred by the department 16385
of development services in administering this section and sections 16386
5725.151, 5725.34, 5726.52, 5729.17, 5733.44, ~~and~~ 5747.76, and 16387
5751.55 of the Revised Code. 16388

The Ohio historic preservation office is authorized to charge 16389
reasonable fees in connection with its review and approval of 16390
applications under this section. Any such fees collected shall be 16391

credited to the fund and used to pay administrative costs incurred 16392
by the Ohio historic preservation office pursuant to this section. 16393

Sec. 149.43. (A) As used in this section: 16394

(1) "Public record" means records kept by any public office, 16395
including, but not limited to, state, county, city, village, 16396
township, and school district units, and records pertaining to the 16397
delivery of educational services by an alternative school in this 16398
state kept by the nonprofit or for-profit entity operating the 16399
alternative school pursuant to section 3313.533 of the Revised 16400
Code. "Public record" does not mean any of the following: 16401

(a) Medical records; 16402

(b) Records pertaining to probation and parole proceedings or 16403
to proceedings related to the imposition of community control 16404
sanctions and post-release control sanctions; 16405

(c) Records pertaining to actions under section 2151.85 and 16406
division (C) of section 2919.121 of the Revised Code and to 16407
appeals of actions arising under those sections; 16408

(d) Records pertaining to adoption proceedings, including the 16409
contents of an adoption file maintained by the department of 16410
health under section 3705.12 of the Revised Code; 16411

(e) Information in a record contained in the putative father 16412
registry established by section 3107.062 of the Revised Code, 16413
regardless of whether the information is held by the department of 16414
job and family services or, pursuant to section 3111.69 of the 16415
Revised Code, the office of child support in the department or a 16416
child support enforcement agency; 16417

(f) Records listed in division (A) of section 3107.42 of the 16418
Revised Code or specified in division (A) of section 3107.52 of 16419
the Revised Code; 16420

(g) Trial preparation records; 16421

(h) Confidential law enforcement investigatory records;	16422
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	16423 16424
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	16425 16426
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	16427 16428 16429 16430
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	16431 16432 16433 16434
(m) Intellectual property records;	16435
(n) Donor profile records;	16436
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	16437 16438
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information;	16439 16440 16441 16442 16443 16444
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	16445 16446 16447 16448 16449
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	16450 16451

(s) Records provided to, statements made by review board 16452
members during meetings of, and all work products of a child 16453
fatality review board acting under sections 307.621 to 307.629 of 16454
the Revised Code, and child fatality review data submitted by the 16455
child fatality review board to the department of health or a 16456
national child death review database, other than the report 16457
prepared pursuant to division (A) of section 307.626 of the 16458
Revised Code; 16459

(t) Records provided to and statements made by the executive 16460
director of a public children services agency or a prosecuting 16461
attorney acting pursuant to section 5153.171 of the Revised Code 16462
other than the information released under that section; 16463

(u) Test materials, examinations, or evaluation tools used in 16464
an examination for licensure as a nursing home administrator that 16465
the board of ~~examiners~~ executives of ~~nursing home administrators~~ 16466
long-term services and supports administers under section 4751.04 16467
of the Revised Code or contracts under that section with a private 16468
or government entity to administer; 16469

(v) Records the release of which is prohibited by state or 16470
federal law; 16471

(w) Proprietary information of or relating to any person that 16472
is submitted to or compiled by the Ohio venture capital authority 16473
created under section 150.01 of the Revised Code; 16474

(x) ~~Information reported and evaluations conducted pursuant~~ 16475
~~to section 3701.072 of the Revised Code;~~ 16476

~~(y)~~ Financial statements and data any person submits for any 16477
purpose to the Ohio housing finance agency or the controlling 16478
board in connection with applying for, receiving, or accounting 16479
for financial assistance from the agency, and information that 16480
identifies any individual who benefits directly or indirectly from 16481
financial assistance from the agency; 16482

(z) (y) Records listed in section 5101.29 of the Revised Code;	16483
(aa) (z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	16484 16485 16486
(bb) (aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	16487 16488 16489
(ee) (bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division.	16490 16491 16492
(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:	16493 16494 16495 16496 16497
(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;	16498 16499 16500 16501
(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;	16502 16503 16504 16505
(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;	16506 16507
(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.	16508 16509 16510
(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or	16511 16512

discharge from a hospital, that pertains to the medical history, 16513
diagnosis, prognosis, or medical condition of a patient and that 16514
is generated and maintained in the process of medical treatment. 16515

(4) "Trial preparation record" means any record that contains 16516
information that is specifically compiled in reasonable 16517
anticipation of, or in defense of, a civil or criminal action or 16518
proceeding, including the independent thought processes and 16519
personal trial preparation of an attorney. 16520

(5) "Intellectual property record" means a record, other than 16521
a financial or administrative record, that is produced or 16522
collected by or for faculty or staff of a state institution of 16523
higher learning in the conduct of or as a result of study or 16524
research on an educational, commercial, scientific, artistic, 16525
technical, or scholarly issue, regardless of whether the study or 16526
research was sponsored by the institution alone or in conjunction 16527
with a governmental body or private concern, and that has not been 16528
publicly released, published, or patented. 16529

(6) "Donor profile record" means all records about donors or 16530
potential donors to a public institution of higher education 16531
except the names and reported addresses of the actual donors and 16532
the date, amount, and conditions of the actual donation. 16533

(7) "Peace officer, parole officer, probation officer, 16534
bailiff, prosecuting attorney, assistant prosecuting attorney, 16535
correctional employee, community-based correctional facility 16536
employee, youth services employee, firefighter, EMT, or 16537
investigator of the bureau of criminal identification and 16538
investigation residential and familial information" means any 16539
information that discloses any of the following about a peace 16540
officer, parole officer, probation officer, bailiff, prosecuting 16541
attorney, assistant prosecuting attorney, correctional employee, 16542
community-based correctional facility employee, youth services 16543
employee, firefighter, EMT, or investigator of the bureau of 16544

criminal identification and investigation: 16545

(a) The address of the actual personal residence of a peace 16546
officer, parole officer, probation officer, bailiff, assistant 16547
prosecuting attorney, correctional employee, community-based 16548
correctional facility employee, youth services employee, 16549
firefighter, EMT, or an investigator of the bureau of criminal 16550
identification and investigation, except for the state or 16551
political subdivision in which the peace officer, parole officer, 16552
probation officer, bailiff, assistant prosecuting attorney, 16553
correctional employee, community-based correctional facility 16554
employee, youth services employee, firefighter, EMT, or 16555
investigator of the bureau of criminal identification and 16556
investigation resides; 16557

(b) Information compiled from referral to or participation in 16558
an employee assistance program; 16559

(c) The social security number, the residential telephone 16560
number, any bank account, debit card, charge card, or credit card 16561
number, or the emergency telephone number of, or any medical 16562
information pertaining to, a peace officer, parole officer, 16563
probation officer, bailiff, prosecuting attorney, assistant 16564
prosecuting attorney, correctional employee, community-based 16565
correctional facility employee, youth services employee, 16566
firefighter, EMT, or investigator of the bureau of criminal 16567
identification and investigation; 16568

(d) The name of any beneficiary of employment benefits, 16569
including, but not limited to, life insurance benefits, provided 16570
to a peace officer, parole officer, probation officer, bailiff, 16571
prosecuting attorney, assistant prosecuting attorney, correctional 16572
employee, community-based correctional facility employee, youth 16573
services employee, firefighter, EMT, or investigator of the bureau 16574
of criminal identification and investigation by the peace 16575
officer's, parole officer's, probation officer's, bailiff's, 16576

prosecuting attorney's, assistant prosecuting attorney's, 16577
correctional employee's, community-based correctional facility 16578
employee's, youth services employee's, firefighter's, EMT's, or 16579
investigator of the bureau of criminal identification and 16580
investigation's employer; 16581

(e) The identity and amount of any charitable or employment 16582
benefit deduction made by the peace officer's, parole officer's, 16583
probation officer's, bailiff's, prosecuting attorney's, assistant 16584
prosecuting attorney's, correctional employee's, community-based 16585
correctional facility employee's, youth services employee's, 16586
firefighter's, EMT's, or investigator of the bureau of criminal 16587
identification and investigation's employer from the peace 16588
officer's, parole officer's, probation officer's, bailiff's, 16589
prosecuting attorney's, assistant prosecuting attorney's, 16590
correctional employee's, community-based correctional facility 16591
employee's, youth services employee's, firefighter's, EMT's, or 16592
investigator of the bureau of criminal identification and 16593
investigation's compensation unless the amount of the deduction is 16594
required by state or federal law; 16595

(f) The name, the residential address, the name of the 16596
employer, the address of the employer, the social security number, 16597
the residential telephone number, any bank account, debit card, 16598
charge card, or credit card number, or the emergency telephone 16599
number of the spouse, a former spouse, or any child of a peace 16600
officer, parole officer, probation officer, bailiff, prosecuting 16601
attorney, assistant prosecuting attorney, correctional employee, 16602
community-based correctional facility employee, youth services 16603
employee, firefighter, EMT, or investigator of the bureau of 16604
criminal identification and investigation; 16605

(g) A photograph of a peace officer who holds a position or 16606
has an assignment that may include undercover or plain clothes 16607
positions or assignments as determined by the peace officer's 16608

appointing authority. 16609

As used in divisions (A)(7) and (B)(9) of this section, 16610
"peace officer" has the same meaning as in section 109.71 of the 16611
Revised Code and also includes the superintendent and troopers of 16612
the state highway patrol; it does not include the sheriff of a 16613
county or a supervisory employee who, in the absence of the 16614
sheriff, is authorized to stand in for, exercise the authority of, 16615
and perform the duties of the sheriff. 16616

As used in divisions (A)(7) and (B)(5) of this section, 16617
"correctional employee" means any employee of the department of 16618
rehabilitation and correction who in the course of performing the 16619
employee's job duties has or has had contact with inmates and 16620
persons under supervision. 16621

As used in divisions (A)(7) and (B)(5) of this section, 16622
"youth services employee" means any employee of the department of 16623
youth services who in the course of performing the employee's job 16624
duties has or has had contact with children committed to the 16625
custody of the department of youth services. 16626

As used in divisions (A)(7) and (B)(9) of this section, 16627
"firefighter" means any regular, paid or volunteer, member of a 16628
lawfully constituted fire department of a municipal corporation, 16629
township, fire district, or village. 16630

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 16631
means EMTs-basic, EMTs-I, and paramedics that provide emergency 16632
medical services for a public emergency medical service 16633
organization. "Emergency medical service organization," 16634
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 16635
section 4765.01 of the Revised Code. 16636

As used in divisions (A)(7) and (B)(9) of this section, 16637
"investigator of the bureau of criminal identification and 16638
investigation" has the meaning defined in section 2903.11 of the 16639

Revised Code. 16640

(8) "Information pertaining to the recreational activities of 16641
a person under the age of eighteen" means information that is kept 16642
in the ordinary course of business by a public office, that 16643
pertains to the recreational activities of a person under the age 16644
of eighteen years, and that discloses any of the following: 16645

(a) The address or telephone number of a person under the age 16646
of eighteen or the address or telephone number of that person's 16647
parent, guardian, custodian, or emergency contact person; 16648

(b) The social security number, birth date, or photographic 16649
image of a person under the age of eighteen; 16650

(c) Any medical record, history, or information pertaining to 16651
a person under the age of eighteen; 16652

(d) Any additional information sought or required about a 16653
person under the age of eighteen for the purpose of allowing that 16654
person to participate in any recreational activity conducted or 16655
sponsored by a public office or to use or obtain admission 16656
privileges to any recreational facility owned or operated by a 16657
public office. 16658

(9) "Community control sanction" has the same meaning as in 16659
section 2929.01 of the Revised Code. 16660

(10) "Post-release control sanction" has the same meaning as 16661
in section 2967.01 of the Revised Code. 16662

(11) "Redaction" means obscuring or deleting any information 16663
that is exempt from the duty to permit public inspection or 16664
copying from an item that otherwise meets the definition of a 16665
"record" in section 149.011 of the Revised Code. 16666

(12) "Designee" and "elected official" have the same meanings 16667
as in section 109.43 of the Revised Code. 16668

(B)(1) Upon request and subject to division (B)(8) of this 16669

section, all public records responsive to the request shall be 16670
promptly prepared and made available for inspection to any person 16671
at all reasonable times during regular business hours. Subject to 16672
division (B)(8) of this section, upon request, a public office or 16673
person responsible for public records shall make copies of the 16674
requested public record available at cost and within a reasonable 16675
period of time. If a public record contains information that is 16676
exempt from the duty to permit public inspection or to copy the 16677
public record, the public office or the person responsible for the 16678
public record shall make available all of the information within 16679
the public record that is not exempt. When making that public 16680
record available for public inspection or copying that public 16681
record, the public office or the person responsible for the public 16682
record shall notify the requester of any redaction or make the 16683
redaction plainly visible. A redaction shall be deemed a denial of 16684
a request to inspect or copy the redacted information, except if 16685
federal or state law authorizes or requires a public office to 16686
make the redaction. 16687

(2) To facilitate broader access to public records, a public 16688
office or the person responsible for public records shall organize 16689
and maintain public records in a manner that they can be made 16690
available for inspection or copying in accordance with division 16691
(B) of this section. A public office also shall have available a 16692
copy of its current records retention schedule at a location 16693
readily available to the public. If a requester makes an ambiguous 16694
or overly broad request or has difficulty in making a request for 16695
copies or inspection of public records under this section such 16696
that the public office or the person responsible for the requested 16697
public record cannot reasonably identify what public records are 16698
being requested, the public office or the person responsible for 16699
the requested public record may deny the request but shall provide 16700
the requester with an opportunity to revise the request by 16701
informing the requester of the manner in which records are 16702

maintained by the public office and accessed in the ordinary 16703
course of the public office's or person's duties. 16704

(3) If a request is ultimately denied, in part or in whole, 16705
the public office or the person responsible for the requested 16706
public record shall provide the requester with an explanation, 16707
including legal authority, setting forth why the request was 16708
denied. If the initial request was provided in writing, the 16709
explanation also shall be provided to the requester in writing. 16710
The explanation shall not preclude the public office or the person 16711
responsible for the requested public record from relying upon 16712
additional reasons or legal authority in defending an action 16713
commenced under division (C) of this section. 16714

(4) Unless specifically required or authorized by state or 16715
federal law or in accordance with division (B) of this section, no 16716
public office or person responsible for public records may limit 16717
or condition the availability of public records by requiring 16718
disclosure of the requester's identity or the intended use of the 16719
requested public record. Any requirement that the requester 16720
disclose the requestor's identity or the intended use of the 16721
requested public record constitutes a denial of the request. 16722

(5) A public office or person responsible for public records 16723
may ask a requester to make the request in writing, may ask for 16724
the requester's identity, and may inquire about the intended use 16725
of the information requested, but may do so only after disclosing 16726
to the requester that a written request is not mandatory and that 16727
the requester may decline to reveal the requester's identity or 16728
the intended use and when a written request or disclosure of the 16729
identity or intended use would benefit the requester by enhancing 16730
the ability of the public office or person responsible for public 16731
records to identify, locate, or deliver the public records sought 16732
by the requester. 16733

(6) If any person chooses to obtain a copy of a public record 16734

in accordance with division (B) of this section, the public office 16735
or person responsible for the public record may require that 16736
person to pay in advance the cost involved in providing the copy 16737
of the public record in accordance with the choice made by the 16738
person seeking the copy under this division. The public office or 16739
the person responsible for the public record shall permit that 16740
person to choose to have the public record duplicated upon paper, 16741
upon the same medium upon which the public office or person 16742
responsible for the public record keeps it, or upon any other 16743
medium upon which the public office or person responsible for the 16744
public record determines that it reasonably can be duplicated as 16745
an integral part of the normal operations of the public office or 16746
person responsible for the public record. When the person seeking 16747
the copy makes a choice under this division, the public office or 16748
person responsible for the public record shall provide a copy of 16749
it in accordance with the choice made by the person seeking the 16750
copy. Nothing in this section requires a public office or person 16751
responsible for the public record to allow the person seeking a 16752
copy of the public record to make the copies of the public record. 16753

(7) Upon a request made in accordance with division (B) of 16754
this section and subject to division (B)(6) of this section, a 16755
public office or person responsible for public records shall 16756
transmit a copy of a public record to any person by United States 16757
mail or by any other means of delivery or transmission within a 16758
reasonable period of time after receiving the request for the 16759
copy. The public office or person responsible for the public 16760
record may require the person making the request to pay in advance 16761
the cost of postage if the copy is transmitted by United States 16762
mail or the cost of delivery if the copy is transmitted other than 16763
by United States mail, and to pay in advance the costs incurred 16764
for other supplies used in the mailing, delivery, or transmission. 16765

Any public office may adopt a policy and procedures that it 16766

will follow in transmitting, within a reasonable period of time 16767
after receiving a request, copies of public records by United 16768
States mail or by any other means of delivery or transmission 16769
pursuant to this division. A public office that adopts a policy 16770
and procedures under this division shall comply with them in 16771
performing its duties under this division. 16772

In any policy and procedures adopted under this division, a 16773
public office may limit the number of records requested by a 16774
person that the office will transmit by United States mail to ten 16775
per month, unless the person certifies to the office in writing 16776
that the person does not intend to use or forward the requested 16777
records, or the information contained in them, for commercial 16778
purposes. For purposes of this division, "commercial" shall be 16779
narrowly construed and does not include reporting or gathering 16780
news, reporting or gathering information to assist citizen 16781
oversight or understanding of the operation or activities of 16782
government, or nonprofit educational research. 16783

(8) A public office or person responsible for public records 16784
is not required to permit a person who is incarcerated pursuant to 16785
a criminal conviction or a juvenile adjudication to inspect or to 16786
obtain a copy of any public record concerning a criminal 16787
investigation or prosecution or concerning what would be a 16788
criminal investigation or prosecution if the subject of the 16789
investigation or prosecution were an adult, unless the request to 16790
inspect or to obtain a copy of the record is for the purpose of 16791
acquiring information that is subject to release as a public 16792
record under this section and the judge who imposed the sentence 16793
or made the adjudication with respect to the person, or the 16794
judge's successor in office, finds that the information sought in 16795
the public record is necessary to support what appears to be a 16796
justiciable claim of the person. 16797

(9)(a) Upon written request made and signed by a journalist 16798

on or after December 16, 1999, a public office, or person 16799
responsible for public records, having custody of the records of 16800
the agency employing a specified peace officer, parole officer, 16801
probation officer, bailiff, prosecuting attorney, assistant 16802
prosecuting attorney, correctional employee, community-based 16803
correctional facility employee, youth services employee, 16804
firefighter, EMT, or investigator of the bureau of criminal 16805
identification and investigation shall disclose to the journalist 16806
the address of the actual personal residence of the peace officer, 16807
parole officer, probation officer, bailiff, prosecuting attorney, 16808
assistant prosecuting attorney, correctional employee, 16809
community-based correctional facility employee, youth services 16810
employee, firefighter, EMT, or investigator of the bureau of 16811
criminal identification and investigation and, if the peace 16812
officer's, parole officer's, probation officer's, bailiff's, 16813
prosecuting attorney's, assistant prosecuting attorney's, 16814
correctional employee's, community-based correctional facility 16815
employee's, youth services employee's, firefighter's, EMT's, or 16816
investigator of the bureau of criminal identification and 16817
investigation's spouse, former spouse, or child is employed by a 16818
public office, the name and address of the employer of the peace 16819
officer's, parole officer's, probation officer's, bailiff's, 16820
prosecuting attorney's, assistant prosecuting attorney's, 16821
correctional employee's, community-based correctional facility 16822
employee's, youth services employee's, firefighter's, EMT's, or 16823
investigator of the bureau of criminal identification and 16824
investigation's spouse, former spouse, or child. The request shall 16825
include the journalist's name and title and the name and address 16826
of the journalist's employer and shall state that disclosure of 16827
the information sought would be in the public interest. 16828

(b) Division (B)(9)(a) of this section also applies to 16829
journalist requests for customer information maintained by a 16830
municipally owned or operated public utility, other than social 16831

security numbers and any private financial information such as 16832
credit reports, payment methods, credit card numbers, and bank 16833
account information. 16834

(c) As used in division (B)(9) of this section, "journalist" 16835
means a person engaged in, connected with, or employed by any news 16836
medium, including a newspaper, magazine, press association, news 16837
agency, or wire service, a radio or television station, or a 16838
similar medium, for the purpose of gathering, processing, 16839
transmitting, compiling, editing, or disseminating information for 16840
the general public. 16841

(C)(1) If a person allegedly is aggrieved by the failure of a 16842
public office or the person responsible for public records to 16843
promptly prepare a public record and to make it available to the 16844
person for inspection in accordance with division (B) of this 16845
section or by any other failure of a public office or the person 16846
responsible for public records to comply with an obligation in 16847
accordance with division (B) of this section, the person allegedly 16848
aggrieved may commence a mandamus action to obtain a judgment that 16849
orders the public office or the person responsible for the public 16850
record to comply with division (B) of this section, that awards 16851
court costs and reasonable attorney's fees to the person that 16852
instituted the mandamus action, and, if applicable, that includes 16853
an order fixing statutory damages under division (C)(1) of this 16854
section. The mandamus action may be commenced in the court of 16855
common pleas of the county in which division (B) of this section 16856
allegedly was not complied with, in the supreme court pursuant to 16857
its original jurisdiction under Section 2 of Article IV, Ohio 16858
Constitution, or in the court of appeals for the appellate 16859
district in which division (B) of this section allegedly was not 16860
complied with pursuant to its original jurisdiction under Section 16861
3 of Article IV, Ohio Constitution. 16862

If a requestor transmits a written request by hand delivery 16863

or certified mail to inspect or receive copies of any public 16864
record in a manner that fairly describes the public record or 16865
class of public records to the public office or person responsible 16866
for the requested public records, except as otherwise provided in 16867
this section, the requestor shall be entitled to recover the 16868
amount of statutory damages set forth in this division if a court 16869
determines that the public office or the person responsible for 16870
public records failed to comply with an obligation in accordance 16871
with division (B) of this section. 16872

The amount of statutory damages shall be fixed at one hundred 16873
dollars for each business day during which the public office or 16874
person responsible for the requested public records failed to 16875
comply with an obligation in accordance with division (B) of this 16876
section, beginning with the day on which the requester files a 16877
mandamus action to recover statutory damages, up to a maximum of 16878
one thousand dollars. The award of statutory damages shall not be 16879
construed as a penalty, but as compensation for injury arising 16880
from lost use of the requested information. The existence of this 16881
injury shall be conclusively presumed. The award of statutory 16882
damages shall be in addition to all other remedies authorized by 16883
this section. 16884

The court may reduce an award of statutory damages or not 16885
award statutory damages if the court determines both of the 16886
following: 16887

(a) That, based on the ordinary application of statutory law 16888
and case law as it existed at the time of the conduct or 16889
threatened conduct of the public office or person responsible for 16890
the requested public records that allegedly constitutes a failure 16891
to comply with an obligation in accordance with division (B) of 16892
this section and that was the basis of the mandamus action, a 16893
well-informed public office or person responsible for the 16894
requested public records reasonably would believe that the conduct 16895

or threatened conduct of the public office or person responsible 16896
for the requested public records did not constitute a failure to 16897
comply with an obligation in accordance with division (B) of this 16898
section; 16899

(b) That a well-informed public office or person responsible 16900
for the requested public records reasonably would believe that the 16901
conduct or threatened conduct of the public office or person 16902
responsible for the requested public records would serve the 16903
public policy that underlies the authority that is asserted as 16904
permitting that conduct or threatened conduct. 16905

(2)(a) If the court issues a writ of mandamus that orders the 16906
public office or the person responsible for the public record to 16907
comply with division (B) of this section and determines that the 16908
circumstances described in division (C)(1) of this section exist, 16909
the court shall determine and award to the relator all court 16910
costs. 16911

(b) If the court renders a judgment that orders the public 16912
office or the person responsible for the public record to comply 16913
with division (B) of this section, the court may award reasonable 16914
attorney's fees subject to reduction as described in division 16915
(C)(2)(c) of this section. The court shall award reasonable 16916
attorney's fees, subject to reduction as described in division 16917
(C)(2)(c) of this section when either of the following applies: 16918

(i) The public office or the person responsible for the 16919
public records failed to respond affirmatively or negatively to 16920
the public records request in accordance with the time allowed 16921
under division (B) of this section. 16922

(ii) The public office or the person responsible for the 16923
public records promised to permit the relator to inspect or 16924
receive copies of the public records requested within a specified 16925
period of time but failed to fulfill that promise within that 16926

specified period of time. 16927

(c) Court costs and reasonable attorney's fees awarded under 16928
this section shall be construed as remedial and not punitive. 16929
Reasonable attorney's fees shall include reasonable fees incurred 16930
to produce proof of the reasonableness and amount of the fees and 16931
to otherwise litigate entitlement to the fees. The court may 16932
reduce an award of attorney's fees to the relator or not award 16933
attorney's fees to the relator if the court determines both of the 16934
following: 16935

(i) That, based on the ordinary application of statutory law 16936
and case law as it existed at the time of the conduct or 16937
threatened conduct of the public office or person responsible for 16938
the requested public records that allegedly constitutes a failure 16939
to comply with an obligation in accordance with division (B) of 16940
this section and that was the basis of the mandamus action, a 16941
well-informed public office or person responsible for the 16942
requested public records reasonably would believe that the conduct 16943
or threatened conduct of the public office or person responsible 16944
for the requested public records did not constitute a failure to 16945
comply with an obligation in accordance with division (B) of this 16946
section; 16947

(ii) That a well-informed public office or person responsible 16948
for the requested public records reasonably would believe that the 16949
conduct or threatened conduct of the public office or person 16950
responsible for the requested public records as described in 16951
division (C)(2)(c)(i) of this section would serve the public 16952
policy that underlies the authority that is asserted as permitting 16953
that conduct or threatened conduct. 16954

(D) Chapter 1347. of the Revised Code does not limit the 16955
provisions of this section. 16956

(E)(1) To ensure that all employees of public offices are 16957

appropriately educated about a public office's obligations under 16958
division (B) of this section, all elected officials or their 16959
appropriate designees shall attend training approved by the 16960
attorney general as provided in section 109.43 of the Revised 16961
Code. In addition, all public offices shall adopt a public records 16962
policy in compliance with this section for responding to public 16963
records requests. In adopting a public records policy under this 16964
division, a public office may obtain guidance from the model 16965
public records policy developed and provided to the public office 16966
by the attorney general under section 109.43 of the Revised Code. 16967
Except as otherwise provided in this section, the policy may not 16968
limit the number of public records that the public office will 16969
make available to a single person, may not limit the number of 16970
public records that it will make available during a fixed period 16971
of time, and may not establish a fixed period of time before it 16972
will respond to a request for inspection or copying of public 16973
records, unless that period is less than eight hours. 16974

(2) The public office shall distribute the public records 16975
policy adopted by the public office under division (E)(1) of this 16976
section to the employee of the public office who is the records 16977
custodian or records manager or otherwise has custody of the 16978
records of that office. The public office shall require that 16979
employee to acknowledge receipt of the copy of the public records 16980
policy. The public office shall create a poster that describes its 16981
public records policy and shall post the poster in a conspicuous 16982
place in the public office and in all locations where the public 16983
office has branch offices. The public office may post its public 16984
records policy on the internet web site of the public office if 16985
the public office maintains an internet web site. A public office 16986
that has established a manual or handbook of its general policies 16987
and procedures for all employees of the public office shall 16988
include the public records policy of the public office in the 16989
manual or handbook. 16990

(F)(1) The bureau of motor vehicles may adopt rules pursuant 16991
to Chapter 119. of the Revised Code to reasonably limit the number 16992
of bulk commercial special extraction requests made by a person 16993
for the same records or for updated records during a calendar 16994
year. The rules may include provisions for charges to be made for 16995
bulk commercial special extraction requests for the actual cost of 16996
the bureau, plus special extraction costs, plus ten per cent. The 16997
bureau may charge for expenses for redacting information, the 16998
release of which is prohibited by law. 16999

(2) As used in division (F)(1) of this section: 17000

(a) "Actual cost" means the cost of depleted supplies, 17001
records storage media costs, actual mailing and alternative 17002
delivery costs, or other transmitting costs, and any direct 17003
equipment operating and maintenance costs, including actual costs 17004
paid to private contractors for copying services. 17005

(b) "Bulk commercial special extraction request" means a 17006
request for copies of a record for information in a format other 17007
than the format already available, or information that cannot be 17008
extracted without examination of all items in a records series, 17009
class of records, or ~~data base~~ database by a person who intends to 17010
use or forward the copies for surveys, marketing, solicitation, or 17011
resale for commercial purposes. "Bulk commercial special 17012
extraction request" does not include a request by a person who 17013
gives assurance to the bureau that the person making the request 17014
does not intend to use or forward the requested copies for 17015
surveys, marketing, solicitation, or resale for commercial 17016
purposes. 17017

(c) "Commercial" means profit-seeking production, buying, or 17018
selling of any good, service, or other product. 17019

(d) "Special extraction costs" means the cost of the time 17020
spent by the lowest paid employee competent to perform the task, 17021

the actual amount paid to outside private contractors employed by 17022
the bureau, or the actual cost incurred to create computer 17023
programs to make the special extraction. "Special extraction 17024
costs" include any charges paid to a public agency for computer or 17025
records services. 17026

(3) For purposes of divisions (F)(1) and (2) of this section, 17027
"surveys, marketing, solicitation, or resale for commercial 17028
purposes" shall be narrowly construed and does not include 17029
reporting or gathering news, reporting or gathering information to 17030
assist citizen oversight or understanding of the operation or 17031
activities of government, or nonprofit educational research. 17032

Sec. 149.431. (A) Except as provided in sections 9.833 and 17033
~~2744.08~~ 2744.081 of the Revised Code, any governmental entity or 17034
agency and any nonprofit corporation or association, except a 17035
corporation organized pursuant to Chapter 1719. of the Revised 17036
Code prior to January 1, 1980 or organized pursuant to Chapter 17037
3941. of the Revised Code, that enters into a contract or other 17038
agreement with the federal government, a unit of state government, 17039
or a political subdivision or taxing unit of this state for the 17040
provision of services shall keep accurate and complete financial 17041
records of any moneys expended in relation to the performance of 17042
the services pursuant to such contract or agreement according to 17043
generally accepted accounting principles. Such contract or 17044
agreement and such financial records shall be deemed to be public 17045
records as defined in division (A)(1) of section 149.43 of the 17046
Revised Code and are subject to the requirements of division (B) 17047
of that section, except that: 17048

(1) Any information directly or indirectly identifying a 17049
present or former individual patient or client or such an 17050
individual patient's or client's diagnosis, prognosis, or medical 17051
treatment, treatment for a mental or emotional disorder, treatment 17052

for mental retardation or a developmental disability, treatment 17053
for drug abuse or alcoholism, or counseling for personal or social 17054
problems is not a public record; 17055

(2) If disclosure of the contract or agreement or financial 17056
records is requested at a time when confidential professional 17057
services are being provided to a patient or client whose 17058
confidentiality might be violated if disclosure were made at that 17059
time, disclosure may be deferred if reasonable times are 17060
established when the contract or agreement or financial records 17061
will be disclosed. 17062

(3) Any nonprofit corporation or association that receives 17063
both public and private funds in fulfillment of any such contract 17064
or other agreement is not required to keep as public records the 17065
financial records of any private funds expended in relation to the 17066
performance of services pursuant to the contract or agreement. 17067

(B) Any nonprofit corporation or association that receives 17068
more than fifty per cent of its gross receipts excluding moneys 17069
received pursuant to Title XVIII of the "Social Security Act," 49 17070
Stat. 620 (1935), 42 U.S.C. 301, as amended, in a calendar year in 17071
fulfillment of a contract or other agreement for services with a 17072
governmental entity shall maintain information setting forth the 17073
compensation of any individual serving the nonprofit corporation 17074
or association in an executive or administrative capacity. Such 17075
information shall be deemed to be public records as defined in 17076
division (A)(1) of section 149.43 of the Revised Code and is 17077
subject to the requirements of division (B) of that section. 17078

Nothing in this section shall be construed to otherwise limit 17079
the provisions of section 149.43 of the Revised Code. 17080

Sec. 149.54. In order to ensure that archaeological survey 17081
and salvage work on public lands, dedicated archaeological 17082
preserves, and registered state archaeological landmarks is 17083

conducted in a scientific manner, the director of the Ohio 17084
historical society shall, in consultation with the Ohio 17085
archaeological council and the archaeological society of Ohio, 17086
adopt and may amend or rescind rules, in accordance with Chapter 17087
119. of the Revised Code, prescribing minimum education, training, 17088
and experience requirements for personnel in charge of or 17089
otherwise engaging in archaeological survey and salvage work, and 17090
prescribing scientific methods for undertaking such activities. 17091

No person shall engage in archaeological survey or salvage 17092
work on any land that is owned, controlled, or administered by the 17093
state or any political subdivision of the state, or at any 17094
archaeological preserve, dedicated under section 149.52 of the 17095
Revised Code, ~~or at any state archaeological landmark registered~~ 17096
~~under section 149.51 of the Revised Code,~~ without first obtaining 17097
the written permission of the director. To obtain permission, the 17098
applicant shall submit written application to the director, which 17099
application shall indicate the proposed location, the 17100
qualifications of personnel who will be engaged in the 17101
archaeological survey or salvage work, the proposed methods of 17102
survey or salvage, and such other information as the director 17103
requires by rule. 17104

The director shall deny the applicant permission to engage in 17105
archaeological survey or salvage work at the proposed location if 17106
the applicant's proposed undertaking will not comply with the 17107
rules adopted under this section. The director shall by written 17108
order approve or deny permission to disturb the site. If the 17109
director decides to deny permission, the order shall state the 17110
reasons for denial, and the director shall afford the applicant an 17111
adjudication hearing under Chapter 119. of the Revised Code. The 17112
requirements of this section and of any rule adopted pursuant to 17113
this section shall not apply to any department, agency, unit, 17114
instrumentality, or political subdivision of the state. 17115

Whoever violates this section is guilty of a misdemeanor of 17116
the second degree. Whoever violates or threatens to violate this 17117
section may be enjoined from violation. 17118

Sec. 151.11. (A) As used in this section: 17119

(1) "Costs of sites and facilities" includes related direct 17120
administrative expenses and allocable portions of the direct costs 17121
of those projects. "Costs of sites and facilities" includes 17122
"allowable costs" as defined in section 122.085 of the Revised 17123
Code. 17124

(2) "Obligations" means obligations as defined in section 17125
151.01 of the Revised Code issued to pay costs of sites and 17126
facilities in Ohio for and in support of industry, commerce, 17127
distribution, and research and development purposes as referred to 17128
in division (A)(3) of Section 2p of Article VIII, Ohio 17129
Constitution. 17130

(B) The issuing authority shall issue general obligations of 17131
the state to pay costs of sites and facilities pursuant to 17132
division (B)(3) of Section 2p of Article VIII, Ohio Constitution, 17133
section 151.01 of the Revised Code, and this section. The issuing 17134
authority shall issue obligations in the amount determined by the 17135
issuing authority to be required for those purposes. The total 17136
principal amount of obligations issued under this section shall 17137
not exceed one hundred fifty million dollars. 17138

(C) Net proceeds of obligations shall be deposited into the 17139
job ready site development fund created by section 122.0820 of the 17140
Revised Code. 17141

(D) There is hereby created in the state treasury the job 17142
ready site development bond service fund. All moneys received by 17143
the state and required by the bond proceedings, consistent with 17144
section 151.01 of the Revised Code and this section, to be 17145

deposited, transferred, or credited to the bond service fund, and 17146
all other moneys transferred or allocated to or received for the 17147
purposes of that fund, shall be deposited and credited to the bond 17148
service fund, subject to any applicable provisions of the bond 17149
proceedings, but without necessity for any act of appropriation. 17150
During the period beginning with the date of the first issuance of 17151
obligations and continuing during the time that any obligations 17152
are outstanding in accordance with their terms, so long as moneys 17153
in the bond service fund are insufficient to pay debt service when 17154
due on those obligations payable from that fund, except the 17155
principal amounts of bond anticipation notes payable from the 17156
proceeds of renewal notes or bonds anticipated, and due in the 17157
particular fiscal year, a sufficient amount of revenues of the 17158
state is committed and, without necessity for further act of 17159
appropriation, shall be paid to the bond service fund for the 17160
purpose of paying that debt service when due. All investment 17161
earnings on the cash balance in the fund shall be credited to the 17162
fund. 17163

Sec. 152.09. (A) As used in sections 152.06 and 152.09 to 17164
152.33 of the Revised Code: 17165

(1) "Obligations" means bonds, notes, or other evidences of 17166
obligation, including interest coupons pertaining thereto, issued 17167
pursuant to sections 152.09 to 152.33 of the Revised Code. 17168

(2) "State agencies" means the state of Ohio and branches, 17169
officers, boards, commissions, authorities, departments, 17170
divisions, courts, general assembly, or other units or agencies of 17171
the state. "State agency" also includes counties, municipal 17172
corporations, and governmental entities of this state that enter 17173
into leases with the Ohio building authority pursuant to section 17174
152.31 of the Revised Code or that are designated by law as state 17175
agencies for the purpose of performing a state function that is to 17176

be housed by a capital facility for which the Ohio building 17177
authority is authorized to issue revenue obligations pursuant to 17178
sections 152.09 to 152.33 of the Revised Code. 17179

(3) "Bond service charges" means principal, including 17180
mandatory sinking fund requirements for retirement of obligations, 17181
and interest, and redemption premium, if any, required to be paid 17182
by the Ohio building authority on obligations. 17183

(4) "Capital facilities" means buildings, structures, and 17184
other improvements, and equipment, real estate, and interests in 17185
real estate therefor, within the state, and any one, part of, or 17186
combination of the foregoing, for housing of branches and agencies 17187
of state government, including capital facilities for the purpose 17188
of housing personnel, equipment, or functions, or any combination 17189
thereof that the state agencies are responsible for housing, for 17190
which the Ohio building authority is authorized to issue 17191
obligations pursuant to Chapter 152. of the Revised Code, and 17192
includes storage and parking facilities related to such capital 17193
facilities. For purposes of sections 152.10 to 152.15 of the 17194
Revised Code, "capital facilities" includes community or technical 17195
college capital facilities. 17196

(5) "Cost of capital facilities" means the costs of 17197
assessing, planning, acquiring, constructing, reconstructing, 17198
rehabilitating, remodeling, renovating, enlarging, improving, 17199
altering, maintaining, equipping, furnishing, repairing, painting, 17200
decorating, managing, or operating capital facilities, and the 17201
financing thereof, including the cost of clearance and preparation 17202
of the site and of any land to be used in connection with capital 17203
facilities, the cost of participating in capital facilities 17204
pursuant to section 152.33 of the Revised Code, the cost of any 17205
indemnity and surety bonds and premiums on insurance, all related 17206
direct administrative expenses and allocable portions of direct 17207
costs of the authority and lessee state agencies, cost of 17208

engineering and architectural services, designs, plans, 17209
specifications, surveys, and estimates of cost, legal fees, fees 17210
and expenses of trustees, depositories, and paying agents for the 17211
obligations, cost of issuance of the obligations and financing 17212
charges and fees and expenses of financial advisers and 17213
consultants in connection therewith, interest on obligations from 17214
the date thereof to the time when interest is to be covered from 17215
sources other than proceeds of obligations, amounts that represent 17216
the portion of investment earnings to be rebated or to be paid to 17217
the federal government in order to maintain the exclusion from 17218
gross income for federal income tax purposes of interest on those 17219
obligations pursuant to section 148(f) of the Internal Revenue 17220
Code, amounts necessary to establish reserves as required by the 17221
resolutions or the obligations, trust agreements, or indentures, 17222
costs of audits, the reimbursement of all moneys advanced or 17223
applied by or borrowed from any governmental entity, whether to or 17224
by the authority or others, from whatever source provided, for the 17225
payment of any item or items of cost of the capital facilities, 17226
any share of the cost undertaken by the authority pursuant to 17227
arrangements made with governmental entities under division (J) of 17228
section 152.21 of the Revised Code, and all other expenses 17229
necessary or incident to assessing, planning, or determining the 17230
feasibility or practicability with respect to capital facilities, 17231
and such other expenses as may be necessary or incident to the 17232
assessment, planning, acquisition, construction, reconstruction, 17233
rehabilitation, remodeling, renovation, enlargement, improvement, 17234
alteration, maintenance, equipment, furnishing, repair, painting, 17235
decoration, management, or operation of capital facilities, the 17236
financing thereof and the placing of the same in use and 17237
operation, including any one, part of, or combination of such 17238
classes of costs and expenses. 17239

(6) "Governmental entity" means any state agency, municipal 17240
corporation, county, township, school district, and any other 17241

political subdivision or special district in this state 17242
established pursuant to law, and, except where otherwise 17243
indicated, also means the United States or any of the states or 17244
any department, division, or agency thereof, and any agency, 17245
commission, or authority established pursuant to an interstate 17246
compact or agreement. 17247

(7) "Governing body" means: 17248

(a) In the case of a county, the board of county 17249
commissioners or other legislative authority; in the case of a 17250
municipal corporation, the legislative authority; in the case of a 17251
township, the board of township trustees; in the case of a school 17252
district, the board of education; 17253

(b) In the case of any other governmental entity, the 17254
officer, board, commission, authority, or other body having the 17255
general management of the entity or having jurisdiction or 17256
authority in the particular circumstances. 17257

(8) "Available receipts" means fees, charges, revenues, 17258
grants, subsidies, income from the investment of moneys, proceeds 17259
from the sale of goods or services, and all other revenues or 17260
receipts received by or on behalf of any state agency for which 17261
capital facilities are financed with obligations issued under 17262
Chapter 152. of the Revised Code, any state agency participating 17263
in capital facilities pursuant to section 152.33 of the Revised 17264
Code, or any state agency by which the capital facilities are 17265
constructed or financed; revenues or receipts derived by the 17266
authority from the operation, leasing, or other disposition of 17267
capital facilities, and the proceeds of obligations issued under 17268
Chapter 152. of the Revised Code; and also any moneys appropriated 17269
by a governmental entity, gifts, grants, donations, and pledges, 17270
and receipts therefrom, available for the payment of bond service 17271
charges on such obligations. 17272

(9) "Available community or technical college receipts" means 17273
all money received by a community or technical college or 17274
community or technical college district, including income, 17275
revenues, and receipts from the operation, ownership, or control 17276
of facilities, grants, gifts, donations, and pledges and receipts 17277
therefrom, receipts from fees and charges, the allocated state 17278
share of instruction as defined in section ~~3333.90~~ 3333.59 of the 17279
Revised Code, and the proceeds of the sale of obligations, 17280
including proceeds of obligations issued to refund obligations 17281
previously issued, but excluding any special fee, and receipts 17282
therefrom, charged pursuant to division (D) of section 154.21 of 17283
the Revised Code. 17284

(10) "Community or technical college," "college," "community 17285
or technical college district," and "district" have the same 17286
meanings as in section ~~3333.90~~ 3333.59 of the Revised Code. 17287

(11) "Community or technical college capital facilities" 17288
means auxiliary facilities, education facilities, and housing and 17289
dining facilities, as those terms are defined in section 3345.12 17290
of the Revised Code, to the extent permitted to be financed by the 17291
issuance of obligations under division (A)(2) of section 3357.112 17292
of the Revised Code, that are authorized by sections 3354.121, 17293
3357.112, and 3358.10 of the Revised Code to be financed by 17294
obligations issued by a community or technical college district, 17295
and for which the Ohio building authority is authorized to issue 17296
obligations pursuant to Chapter 152. of the Revised Code, and 17297
includes any one, part of, or any combination of the foregoing, 17298
and further includes site improvements, utilities, machinery, 17299
furnishings, and any separate or connected buildings, structures, 17300
improvements, sites, open space and green space areas, utilities, 17301
or equipment to be used in, or in connection with the operation or 17302
maintenance of, or supplementing or otherwise related to the 17303
services or facilities to be provided by, such facilities. 17304

(12) "Cost of community or technical college capital facilities" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, equipping, or furnishing community or technical college capital facilities, and the financing thereof, including the cost of clearance and preparation of the site and of any land to be used in connection with community or technical college capital facilities, the cost of any indemnity and surety bonds and premiums on insurance, all related direct administrative expenses and allocable portions of direct costs of the authority, community or technical college or community or technical college district, cost of engineering, architectural services, design, plans, specifications and surveys, estimates of cost, legal fees, fees and expenses of trustees, depositories, bond registrars, and paying agents for the obligations, cost of issuance of the obligations and financing costs and fees and expenses of financial advisers and consultants in connection therewith, interest on the obligations from the date thereof to the time when interest is to be covered by available receipts or other sources other than proceeds of the obligations, amounts that represent the portion of investment earnings to be rebated or to be paid to the federal government in order to maintain the exclusion from gross income for federal income tax purposes of interest on those obligations pursuant to section 148(f) of the Internal Revenue Code, amounts necessary to establish reserves as required by the bond proceedings, costs of audits, the reimbursements of all moneys advanced or applied by or borrowed from the community or technical college, community or technical college district, or others, from whatever source provided, including any temporary advances from state appropriations, for the payment of any item or items of cost of community or technical college facilities, and all other expenses necessary or incident to planning or determining feasibility or practicability with respect to such facilities, and

such other expenses as may be necessary or incident to the 17338
acquisition, construction, reconstruction, rehabilitation, 17339
remodeling, renovation, enlargement, improvement, equipment, and 17340
furnishing of community or technical college capital facilities, 17341
the financing thereof and the placing of them in use and 17342
operation, including any one, part of, or combination of such 17343
classes of costs and expenses. 17344

(B) Pursuant to the powers granted to the general assembly 17345
under Section 2i of Article VIII, Ohio Constitution, to authorize 17346
the issuance of revenue obligations and other obligations, the 17347
owners or holders of which are not given the right to have excises 17348
or taxes levied by the general assembly for the payment of 17349
principal thereof or interest thereon, the Ohio building authority 17350
may issue obligations, in accordance with Chapter 152. of the 17351
Revised Code, and shall cause the net proceeds thereof, after any 17352
deposits of accrued interest for the payment of bond service 17353
charges and after any deposit of all or such lesser portion as the 17354
authority may direct of the premium received upon the sale of 17355
those obligations for the payment of the bond service charges, to 17356
be applied to the costs of capital facilities designated by or 17357
pursuant to act of the general assembly for housing state agencies 17358
as authorized by Chapter 152. of the Revised Code. The authority 17359
shall provide by resolution for the issuance of such obligations. 17360
The bond service charges and all other payments required to be 17361
made by the trust agreement or indenture securing such obligations 17362
shall be payable solely from available receipts of the authority 17363
pledged thereto as provided in such resolution. The available 17364
receipts pledged and thereafter received by the authority are 17365
immediately subject to the lien of such pledge without any 17366
physical delivery thereof or further act, and the lien of any such 17367
pledge is valid and binding against all parties having claims of 17368
any kind against the authority, irrespective of whether those 17369
parties have notice thereof, and creates a perfected security 17370

interest for all purposes of Chapter 1309. of the Revised Code and 17371
a perfected lien for purposes of any real property interest, all 17372
without the necessity for separation or delivery of funds or for 17373
the filing or recording of the resolution, trust agreement, 17374
indenture, or other agreement by which such pledge is created or 17375
any certificate, statement, or other document with respect 17376
thereto; and the pledge of such available receipts is effective 17377
and the money therefrom and thereof may be applied to the purposes 17378
for which pledged. Every pledge, and every covenant and agreement 17379
made with respect to the pledge, made in the resolution may 17380
therein be extended to the benefit of the owners and holders of 17381
obligations authorized by Chapter 152. of the Revised Code, the 17382
net proceeds of which are to be applied to the costs of capital 17383
facilities, and to any trustee therefor, for the further securing 17384
of the payment of the bond service charges, and all or any rights 17385
under any agreement or lease made under this section may be 17386
assigned for such purpose. Obligations may be issued at one time 17387
or from time to time, and each issue shall be dated, shall mature 17388
at such time or times as determined by the authority not exceeding 17389
forty years from the date of issue, and may be redeemable before 17390
maturity at the option of the authority at such price or prices 17391
and under such terms and conditions as are fixed by the authority 17392
prior to the issuance of the obligations. The authority shall 17393
determine the form of the obligations, fix their denominations, 17394
establish their interest rate or rates, which may be a variable 17395
rate or rates, or the maximum interest rate, and establish within 17396
or without this state a place or places of payment of bond service 17397
charges. 17398

(C) The obligations shall be signed by the authority 17399
chairperson, vice-chairperson, and secretary-treasurer, and the 17400
authority seal shall be affixed. The signatures may be facsimile 17401
signatures and the seal affixed may be a facsimile seal, as 17402
provided by resolution of the authority. Any coupons attached may 17403

bear the facsimile signature of the chairperson. In case any 17404
officer who has signed any obligations, or caused the officer's 17405
facsimile signature to be affixed thereto, ceases to be such 17406
officer before such obligations have been delivered, such 17407
obligations may, nevertheless, be issued and delivered as though 17408
the person who had signed the obligations or caused the person's 17409
facsimile signature to be affixed thereto had not ceased to be 17410
such officer. 17411

Any obligations may be executed on behalf of the authority by 17412
an officer who, on the date of execution, is the proper officer 17413
although on the date of such obligations such person was not the 17414
proper officer. 17415

(D) All obligations issued by the authority shall have all 17416
the qualities and incidents of negotiable instruments and may be 17417
issued in coupon or in registered form, or both, as the authority 17418
determines. Provision may be made for the registration of any 17419
obligations with coupons attached thereto as to principal alone or 17420
as to both principal and interest, their exchange for obligations 17421
so registered, and for the conversion or reconversion into 17422
obligations with coupons attached thereto of any obligations 17423
registered as to both principal and interest, and for reasonable 17424
charges for such registration, exchange, conversion, and 17425
reconversion. The authority may sell its obligations in any manner 17426
and for such prices as it determines, except that the authority 17427
shall sell obligations sold at public or private sale in 17428
accordance with section 152.091 of the Revised Code. 17429

(E) The obligations of the authority, principal, interest, 17430
and any proceeds from their sale or transfer, are exempt from all 17431
taxation within this state. 17432

(F) The authority is authorized to issue revenue obligations 17433
and other obligations under Section 2i of Article VIII, Ohio 17434
Constitution, for the purpose of paying the cost of capital 17435

facilities for housing of branches and agencies of state 17436
government, including capital facilities for the purpose of 17437
housing personnel, equipment, or functions, or any combination 17438
thereof that the state agencies are responsible for housing, as 17439
are authorized by Chapter 152. of the Revised Code, and that are 17440
authorized by the general assembly by the appropriation of lease 17441
payments or other moneys for such capital facilities or by any 17442
other act of the general assembly, but not including the 17443
appropriation of moneys for feasibility studies for such capital 17444
facilities. This division does not authorize the authority to 17445
issue obligations pursuant to Section 2i of Article VIII, Ohio 17446
Constitution, to pay the cost of capital facilities for mental 17447
hygiene and retardation, parks and recreation, or state-supported 17448
or state-assisted institutions of higher education. 17449

(G) The authority is authorized to issue revenue obligations 17450
under Section 2i of Article VIII, Ohio Constitution, on behalf of 17451
a community or technical college district and shall cause the net 17452
proceeds thereof, after any deposits of accrued interest for the 17453
payment of bond service charges and after any deposit of all or 17454
such lesser portion as the authority may direct of the premium 17455
received upon the sale of those obligations for the payment of the 17456
bond service charges, to be applied to the cost of community or 17457
technical college capital facilities, provided that the issuance 17458
of such obligations is subject to the execution of a written 17459
agreement in accordance with division (C) of section ~~3333.90~~ 17460
3333.59 of the Revised Code for the withholding and depositing of 17461
funds otherwise due the district, or the college it operates, in 17462
respect of its allocated state share of instruction. 17463

The authority shall provide by resolution for the issuance of 17464
such obligations. The bond service charges and all other payments 17465
required to be made by the trust agreement or indenture securing 17466
the obligations shall be payable solely from available community 17467

or technical college receipts pledged thereto as provided in the 17468
resolution. The available community or technical college receipts 17469
pledged and thereafter received by the authority are immediately 17470
subject to the lien of such pledge without any physical delivery 17471
thereof or further act, and the lien of any such pledge is valid 17472
and binding against all parties having claims of any kind against 17473
the authority, irrespective of whether those parties have notice 17474
thereof, and creates a perfected security interest for all 17475
purposes of Chapter 1309. of the Revised Code and a perfected lien 17476
for purposes of any real property interest, all without the 17477
necessity for separation or delivery of funds or for the filing or 17478
recording of the resolution, trust agreement, indenture, or other 17479
agreement by which such pledge is created or any certificate, 17480
statement, or other document with respect thereto; and the pledge 17481
of such available community or technical college receipts is 17482
effective and the money therefrom and thereof may be applied to 17483
the purposes for which pledged. Every pledge, and every covenant 17484
and agreement made with respect to the pledge, made in the 17485
resolution may therein be extended to the benefit of the owners 17486
and holders of obligations authorized by this division, and to any 17487
trustee therefor, for the further securing of the payment of the 17488
bond service charges, and all or any rights under any agreement or 17489
lease made under this section may be assigned for such purpose. 17490
Obligations may be issued at one time or from time to time, and 17491
each issue shall be dated, shall mature at such time or times as 17492
determined by the authority not exceeding forty years from the 17493
date of issue, and may be redeemable before maturity at the option 17494
of the authority at such price or prices and under such terms and 17495
conditions as are fixed by the authority prior to the issuance of 17496
the obligations. The authority shall determine the form of the 17497
obligations, fix their denominations, establish their interest 17498
rate or rates, which may be a variable rate or rates, or the 17499
maximum interest rate, and establish within or without this state 17500

a place or places of payment of bond service charges. 17501

Sec. 153.692. For every design-build contract, the public 17502
authority planning to contract for design-build services shall 17503
first obtain the services of a criteria architect or engineer by 17504
doing either of the following: 17505

(A) Contracting for the services consistent with sections 17506
153.65 to 153.70 of the Revised Code; 17507

(B) Obtaining the services through an architect or engineer 17508
who is an employee of the public authority and notifying the 17509
~~department of administrative services~~ Ohio facilities construction 17510
commission before the services are performed. 17511

Sec. 154.01. As used in this chapter: 17512

(A) "Commission" means the Ohio public facilities commission 17513
created in section 151.02 of the Revised Code. 17514

(B) "Obligations" means bonds, notes, or other evidences of 17515
obligation, including interest coupons pertaining thereto, issued 17516
pursuant to Chapter 154. of the Revised Code. 17517

(C) "Bond proceedings" means the order or orders, resolution 17518
or resolutions, trust agreement, indenture, lease, and other 17519
agreements, amendments and supplements to the foregoing, or any 17520
combination thereof, authorizing or providing for the terms and 17521
conditions applicable to, or providing for the security of, 17522
obligations issued pursuant to Chapter 154. of the Revised Code, 17523
and the provisions contained in such obligations. 17524

(D) "State agencies" means the state of Ohio and officers, 17525
boards, commissions, departments, divisions, or other units or 17526
agencies of the state. 17527

(E) "Governmental agency" means state agencies, state 17528
supported and assisted institutions of higher education, municipal 17529

corporations, counties, townships, school districts, and any other 17530
political subdivision or special district in this state 17531
established pursuant to law, and, except where otherwise 17532
indicated, also means the United States or any department, 17533
division, or agency thereof, and any agency, commission, or 17534
authority established pursuant to an interstate compact or 17535
agreement. 17536

(F) "Institutions of higher education" and "state supported 17537
or state assisted institutions of higher education" means the 17538
state universities identified in section 3345.011 of the Revised 17539
Code, the northeast Ohio medical university, state universities or 17540
colleges at any time created, community college districts, 17541
university branch districts, and technical college districts at 17542
any time established or operating under Chapter 3354., 3355., or 17543
3357. of the Revised Code, and other institutions for education, 17544
including technical education, beyond the high school, receiving 17545
state support or assistance for their expenses of operation. 17546

(G) "Governing body" means: 17547

(1) In the case of institutions of higher education, the 17548
board of trustees, board of directors, commission, or other body 17549
vested by law with the general management, conduct, and control of 17550
one or more institutions of higher education; 17551

(2) In the case of a county, the board of county 17552
commissioners or other legislative body; in the case of a 17553
municipal corporation, the council or other legislative body; in 17554
the case of a township, the board of township trustees; in the 17555
case of a school district, the board of education; 17556

(3) In the case of any other governmental agency, the 17557
officer, board, commission, authority or other body having the 17558
general management thereof or having jurisdiction or authority in 17559
the particular circumstances. 17560

(H) "Person" means any person, firm, partnership, 17561
association, or corporation. 17562

(I) "Bond service charges" means principal, including 17563
mandatory sinking fund requirements for retirement of obligations, 17564
and interest, and redemption premium, if any, required to be paid 17565
by the state on obligations. If not prohibited by the applicable 17566
bond proceedings, bond service charges may include costs relating 17567
to credit enhancement facilities that are related to and 17568
represent, or are intended to provide a source of payment of or 17569
limitation on, other bond service charges. 17570

(J) "Capital facilities" means buildings, structures, and 17571
other improvements, and equipment, real estate, and interests in 17572
real estate therefor, within the state, and any one, part of, or 17573
combination of the foregoing, to serve the general purposes for 17574
which the issuing authority is authorized to issue obligations 17575
pursuant to Chapter 154. of the Revised Code, including, but not 17576
limited to, drives, roadways, parking facilities, walks, lighting, 17577
machinery, furnishings, utilities, landscaping, wharves, docks, 17578
piers, reservoirs, dams, tunnels, bridges, retaining walls, 17579
riprap, culverts, ditches, channels, watercourses, retention 17580
basins, standpipes and water storage facilities, waste treatment 17581
and disposal facilities, heating, air conditioning and 17582
communications facilities, inns, lodges, cabins, camping sites, 17583
golf courses, boat and bathing facilities, athletic and 17584
recreational facilities, and site improvements. 17585

(K) "Costs of capital facilities" means the costs of 17586
acquiring, constructing, reconstructing, rehabilitating, 17587
remodeling, renovating, enlarging, improving, equipping, or 17588
furnishing capital facilities, and the financing thereof, 17589
including the cost of clearance and preparation of the site and of 17590
any land to be used in connection with capital facilities, the 17591
cost of any indemnity and surety bonds and premiums on insurance, 17592

all related direct administrative expenses and allocable portions 17593
of direct costs of the commission or issuing authority and 17594
department of administrative services, or other designees of the 17595
commission under section 154.17 of the Revised Code, cost of 17596
engineering and architectural services, designs, plans, 17597
specifications, surveys, and estimates of cost, legal fees, fees 17598
and expenses of trustees, depositories, and paying agents for the 17599
obligations, cost of issuance of the obligations and financing 17600
charges and fees and expenses of financial advisers and 17601
consultants in connection therewith, interest on obligations, 17602
including but not limited to, interest from the date of their 17603
issuance to the time when interest is to be covered from sources 17604
other than proceeds of obligations, amounts necessary to establish 17605
reserves as required by the bond proceedings, costs of audits, the 17606
reimbursement of all moneys advanced or applied by or borrowed 17607
from any governmental agency, whether to or by the commission or 17608
others, from whatever source provided, for the payment of any item 17609
or items of cost of the capital facilities, any share of the cost 17610
undertaken by the commission pursuant to arrangements made with 17611
governmental agencies under division (H) of section 154.06 of the 17612
Revised Code, and all other expenses necessary or incident to 17613
planning or determining feasibility or practicability with respect 17614
to capital facilities, and such other expenses as may be necessary 17615
or incident to the acquisition, construction, reconstruction, 17616
rehabilitation, remodeling, renovation, enlargement, improvement, 17617
equipment, and furnishing of capital facilities, the financing 17618
thereof and the placing of the same in use and operation, 17619
including any one, part of, or combination of such classes of 17620
costs and expenses. 17621

(L) "Public service facilities" means inns, lodges, hotels, 17622
cabins, camping sites, scenic trails, picnic sites, restaurants, 17623
commissaries, golf courses, boating and bathing facilities and 17624
other similar facilities in state parks. 17625

(M) "State parks" means: 17626

(1) State reservoirs described and identified in section 17627
1541.06 of the Revised Code; 17628

(2) All lands or interests therein of the state identified as 17629
administered by the division of parks and recreation in the 17630
"inventory of state owned lands administered by the department of 17631
natural resources as of June 1, 1963," as recorded in the journal 17632
of the director, which inventory was prepared by the real estate 17633
section of the department and is supported by maps now on file in 17634
said real estate section; 17635

(3) All lands or interests in lands of the state designated 17636
after June 1, 1963, as state parks in the journal of the director 17637
with the approval of the recreation and resources council. 17638

State parks do not include any lands or interest in lands of 17639
the state administered jointly by two or more divisions of the 17640
department of natural resources. The designation of lands as state 17641
parks under divisions (M)(1) to (3) of this section is conclusive 17642
and such lands shall be under the control of and administered by 17643
the division of parks and recreation. No order or proceeding 17644
designating lands as state parks or park purchase areas is subject 17645
to any appeal or review by any officer, board, commission, or 17646
court. 17647

(N) "Bond service fund" means the applicable fund created for 17648
and pledged to the payment of bond service charges under section 17649
154.20, 154.21, 154.22, or 154.23 of the Revised Code, including 17650
all moneys and investments, and earnings from investments, 17651
credited and to be credited thereto. 17652

(O) "Improvement fund" means the applicable fund created for 17653
the payment of costs of capital facilities under section 123.201, 17654
154.20, 154.21, or 154.22, ~~or 3383.09~~ of the Revised Code, 17655
including all moneys and investments, and earnings from 17656

investments, credited and to be credited thereto. 17657

(P) "Special funds" or "funds" means, except where the 17658
context does not permit, the bond service funds, the improvements 17659
funds, and any other funds for similar or different purposes 17660
created under bond proceedings, including all moneys and 17661
investments, and earnings from investments, credited and to be 17662
credited thereto. 17663

(Q) "Year" unless the context indicates a different meaning 17664
or intent, means a calendar year beginning on the first day of 17665
January and ending on the thirty-first day of December. 17666

(R) "Fiscal year" means the period of twelve months beginning 17667
on the first day of July and ending on the thirtieth day of June. 17668

(S) "Issuing authority" means the treasurer of state or the 17669
officer or employee who by law performs the functions of that 17670
office. 17671

(T) "Credit enhancement facilities" has the same meaning as 17672
in section 133.01 of the Revised Code. 17673

(U) "Ohio cultural facility" and "Ohio sports facility" have 17674
the same meanings as in section ~~3383.01~~ 123.28 of the Revised 17675
Code. 17676

Sec. 154.17. The departments of administrative services, 17677
~~mental health~~ mental health and addiction services, developmental 17678
disabilities, rehabilitation and correction, and natural 17679
resources, the Ohio board of regents, institutions of higher 17680
education, and other state officers and state agencies shall 17681
cooperate with the commission in providing services and 17682
information requested by the commission for purposes of Chapter 17683
154. of the Revised Code, and the commission may make mutually 17684
satisfactory arrangements therefor and may thereunder designate 17685
any governmental agency for the management or performance of 17686

particular functions of the commission, other than the 17687
authorization and issuance of obligations provided for in Chapter 17688
154. of the Revised Code, pursuant to which designation, upon 17689
acceptance thereof by that governmental agency, that function may 17690
be carried out with the full force and effect as if performed by 17691
the commission. Any such designation shall be made only by formal 17692
action or written agreement of the commission. In the management 17693
of capital facilities or performance of other functions with 17694
respect thereto, a governmental agency may exercise all powers 17695
which it has under law with respect to other similar facilities 17696
under its jurisdiction. 17697

Contracts relating to capital facilities shall be made in 17698
accordance with the law pertaining to the governmental agency 17699
designated under authority of this section to perform such 17700
contracting function, and in any other case shall be made in 17701
accordance with Chapter 153. of the Revised Code, for which 17702
purpose the commission shall be considered the owner, provided 17703
that the commission may assign the function of owner to the 17704
department of administrative services or other governmental agency 17705
as it determines. The commission may acquire by assignment from 17706
any governmental agency contracts which are not completed and 17707
which involve acquiring, constructing, reconstructing, 17708
rehabilitating, remodeling, renovating, enlarging, improving, 17709
equipping, or furnishing capital facilities, provided that such 17710
governmental agency has complied with the procedures prescribed by 17711
laws for its letting of such contract. 17712

No contract shall be let or assignment thereof accepted under 17713
this section involving performance in accordance with plans and 17714
specifications until such plans and specifications have been 17715
submitted to and approved by the governmental agency to have 17716
responsibility for the management of the capital facilities 17717
provided for in such plans and specifications, which approval 17718

shall be considered to be given if no approval or disapproval is 17719
communicated in writing to the commission or its designee for such 17720
purpose within sixty days following such submission of plans and 17721
specifications. Approval by such governmental agency of changes in 17722
plans and specifications is not required if the director of 17723
administrative services or the designee of the commission for such 17724
purpose shall certify that such changes do not substantially 17725
change the location, character, or extent of such capital 17726
facilities. 17727

Sec. 154.20. (A) Subject to authorization by the general 17728
assembly under section 154.02 of the Revised Code, the issuing 17729
authority may issue obligations pursuant to this chapter to pay 17730
costs of capital facilities for mental hygiene and retardation, 17731
including housing for mental hygiene and retardation patients and 17732
persons with substance use disorders. 17733

(B) Any capital facilities for mental hygiene or retardation, 17734
including housing for mental hygiene and retardation patients and 17735
persons with substance use disorders, may be leased by the 17736
commission to the department of ~~mental health~~, mental health and 17737
addiction services or the department of developmental 17738
~~disabilities, or the department of alcohol and drug addiction~~ 17739
~~services~~, and other agreements may be made by the commission and 17740
any one or more of these departments with respect to the use or 17741
purchase of such capital facilities or, subject to the approval of 17742
the director of the department, the commission may lease such 17743
capital facilities to, and make or provide for other agreements 17744
with respect to the use or purchase thereof with, any governmental 17745
agency having authority under law to operate such capital 17746
facilities, and the director of the department may sublease such 17747
capital facilities to, and make other agreements with respect to 17748
the use or purchase thereof with, any such governmental agency, 17749
which may include provisions for transmittal to the mental health 17750

bond service trust fund created under division (E) of this 17751
section, by such governmental agency or by a nonprofit corporation 17752
providing mental hygiene and retardation services for or under 17753
contract with or the supervision of that governmental agency, of 17754
receipts of that agency or nonprofit corporation from charges for 17755
the treatment or care of mental hygiene and retardation patients, 17756
all upon such terms and conditions as the parties may agree upon 17757
and pursuant to this chapter, notwithstanding any other provision 17758
of law affecting the leasing, acquisition, or disposition of 17759
capital facilities by the parties. 17760

(C) For purposes of this section, "available receipts" means 17761
all receipts of the state from charges for the treatment or care 17762
of mental hygiene and retardation patients, including support 17763
payments received under Chapter 5121. of the Revised Code and 17764
moneys required to be transmitted to the mental health bond 17765
service trust fund pursuant to subleases and other agreements 17766
between any of the departments and another governmental agency 17767
pursuant to division (B) of this section as the subleases and 17768
other agreements may be further implemented for internal planning, 17769
budgeting, and accounting purposes pursuant to rules adopted by 17770
the director of ~~mental health~~, mental health and addiction 17771
services or director of developmental disabilities, ~~or director of~~ 17772
~~alcohol and drug addiction services~~, any revenues or receipts 17773
derived by the commission from the operation, leasing, or other 17774
disposition of capital facilities financed under this section, the 17775
proceeds of obligations issued under this section and sections 17776
154.11 and 154.12 of the Revised Code, and also means any gifts, 17777
grants, donations, and pledges, and receipts therefrom, available 17778
for the payment of bond service charges on such obligations. The 17779
issuing authority may pledge all, or such portion as that 17780
authority determines, of the available receipts to the payment of 17781
bond service charges on obligations issued under this section and 17782
under sections 154.11 and 154.12 of the Revised Code and for the 17783

establishment and maintenance of any reserves, as provided in the 17784
bond proceedings, and make other provisions therein with respect 17785
to such available receipts as authorized by this chapter, which 17786
provisions shall be controlling notwithstanding any other 17787
provision of law pertaining thereto. 17788

(D) The issuing authority may covenant in the bond 17789
proceedings that the state and state agencies shall, so long as 17790
any obligations issued under this section are outstanding, cause 17791
to be charged and collected charges for the treatment or care of 17792
mental hygiene and retardation patients sufficient in amount to 17793
provide for the payment of bond service charges on such 17794
obligations and for the establishment and maintenance of any 17795
reserves, as provided in the bond proceedings, and such covenants 17796
shall be controlling notwithstanding any other provision of law 17797
pertaining to such charges. 17798

(E) There is hereby created the mental health bond service 17799
trust fund, which shall be in the custody of the treasurer of 17800
state but shall be separate and apart from and not a part of the 17801
state treasury. All moneys received by or on account of the 17802
commission or issuing authority or state agencies and required by 17803
the applicable bond proceedings to be deposited, transferred, or 17804
credited to the fund, and all other moneys transferred or 17805
allocated to or received for the purposes of the fund, shall be 17806
deposited with the treasurer of state and credited to such fund, 17807
subject to applicable provisions of the bond proceedings, but 17808
without necessity for any act of appropriation. The mental health 17809
bond service trust fund is a trust fund and is hereby pledged to 17810
the payment of bond service charges on the obligations issued 17811
pursuant to this section and sections 154.11 and 154.12 of the 17812
Revised Code to the extent provided in the applicable bond 17813
proceedings, and payment thereof from such fund shall be made or 17814
provided for by the treasurer of state in accordance with such 17815

bond proceedings without necessity for any act of appropriation. 17816

(F) There is hereby created in the state treasury the mental 17817
health facilities improvement fund. Subject to the bond 17818
proceedings therefor, all of the proceeds of the sale of 17819
obligations pursuant to this section shall be credited to the 17820
fund, except that any accrued interest shall be credited to the 17821
mental health bond service fund. The mental health facilities 17822
improvement fund may also be comprised of gifts, grants, 17823
appropriated moneys, and other sums and securities received to the 17824
credit of such fund. All investment earnings on the cash balance 17825
in the fund shall be credited to the fund. The fund shall be 17826
applied only to the following purposes: 17827

(1) Paying costs of capital facilities for mental hygiene and 17828
retardation, including housing for mental hygiene and retardation 17829
patients or for persons with substance use disorders, under the 17830
jurisdiction of the department of ~~mental health~~, mental health and 17831
addiction services or department of developmental disabilities, ~~or~~ 17832
~~department of alcohol and drug addiction services;~~ 17833

(2) Participating in capital facilities for mental hygiene 17834
and retardation, including housing for mental hygiene and 17835
retardation patients or for persons with substance use disorders, 17836
with the federal government, municipal corporations, counties, or 17837
other governmental agencies, or a nonprofit corporation 17838
specifically chartered to provide a mental health, substance use, 17839
or mental retardation service when such service fulfills a public 17840
purpose, which participation may be by grants or contributions to 17841
them for such capital facilities. Except as provided in division 17842

(G) of this section, the nonprofit corporation may act in concert 17843
with a limited partnership or a limited liability company eligible 17844
to participate in the nonprofit set-aside described in section 17845
42(h)(5) of the "Internal Revenue Code of 1986," 100 Stat. 2198, 17846
26 U.S.C. 42, and the Ohio housing finance agency's housing tax 17847

credit program for the purpose of making use of low-income housing 17848
tax credits in support of housing for mental hygiene and 17849
retardation patients. 17850

(G) A nonprofit corporation providing a mental retardation 17851
service must obtain written approval from the director of 17852
developmental disabilities before acting in concert with a limited 17853
partnership or limited liability company as described in division 17854
(F)(2) of this section. However, the director may issue one 17855
blanket approval for all such nonprofit corporations. 17856

(H) This section is to be applied with other applicable 17857
provisions of this chapter. 17858

Sec. 154.22. (A) Subject to authorization by the general 17859
assembly under section 154.02 of the Revised Code, the issuing 17860
authority may authorize and issue obligations pursuant to this 17861
chapter to pay costs of capital facilities for parks and 17862
recreation. 17863

(B) Any capital facilities for parks and recreation may be 17864
leased by the commission to the department of natural resources 17865
and other agreements may be made by the commission and such 17866
department with respect to the use or purchase of such capital 17867
facilities or, subject to the approval of the director of such 17868
department, the commission may lease such capital facilities to, 17869
and make other agreements with respect to their use or purchase 17870
with, any governmental agency having authority under law to 17871
operate such capital facilities, and the director of such 17872
department may sublease such capital facilities to, and make other 17873
agreements with respect to the use or purchase thereof with, any 17874
such governmental agency, or such director may sublease or 17875
contract for the operation of such capital facilities in 17876
accordance with the applicable provisions of sections 1501.09, 17877
1501.091, and 1501.10 of the Revised Code, all upon such terms and 17878

conditions as the parties may agree upon and pursuant to this 17879
chapter, notwithstanding any other provisions of law affecting the 17880
leasing, acquisition, or disposition of capital facilities by such 17881
parties. 17882

(C) For purposes of this section, "available receipts" means 17883
all receipts, including fees, charges, and rentals, derived or to 17884
be derived from state parks and public service facilities in any 17885
state park or parks, any other receipts of state agencies with 17886
respect to parks and recreational facilities, any revenues or 17887
receipts derived by the commission from the operation, leasing, or 17888
other disposition of capital facilities financed under this 17889
section, the proceeds of obligations issued under this section and 17890
sections 154.11 and 154.12 of the Revised Code, and also means any 17891
gifts, grants, donations, and pledges, and receipts thereon, 17892
available for the payment of bond service charges on obligations 17893
issued under this section. The issuing authority may pledge all, 17894
or such portion as it determines, of the available receipts to the 17895
payment of bond service charges on obligations issued under this 17896
section and sections 154.11 and 154.12 of the Revised Code and for 17897
the establishment and maintenance of any reserves, as provided in 17898
the bond proceedings, and make other provisions therein with 17899
respect to such available receipts as authorized by this chapter, 17900
which provisions shall be controlling notwithstanding any other 17901
provision of law pertaining thereto. 17902

(D) The issuing authority may covenant in the bond proceeding 17903
that the state and state agencies shall, so long as any 17904
obligations issued under this section are outstanding, cause to be 17905
charged and collected fees, charges, and rentals for the use of 17906
state parks and public service facilities and other fees and 17907
charges with respect to parks and recreation sufficient in amount 17908
to provide for the payment of bond service charges on such 17909
obligations and for the establishment and maintenance of any 17910

reserves as provided in the bond proceedings, and such covenants 17911
shall be controlling notwithstanding any other provision of law 17912
pertaining to such charges except any provision of law prohibiting 17913
or limiting charges for the use of swimming facilities of state 17914
parks and public service facilities by persons under sixteen years 17915
of age. 17916

(E) There is hereby created the parks and recreation bond 17917
service trust fund, which shall be in the custody of the treasurer 17918
of state but shall be separate and apart from and not a part of 17919
the state treasury. All moneys received by or on account of the 17920
commission or issuing authority or state agencies and required by 17921
the applicable bond proceedings to be deposited, transferred, or 17922
allocated to or received for the purposes of the trust fund shall 17923
be deposited with the treasurer of state and credited to such 17924
fund, subject to applicable provisions of the bond proceedings but 17925
without necessity for any act of appropriation. The trust fund is 17926
hereby pledged to the payment of bond service charges on the 17927
obligations issued pursuant to this section and sections 154.11 17928
and 154.12 of the Revised Code to the extent provided in the 17929
applicable bond proceedings, and payment thereof from such fund 17930
shall be made or provided for by the treasurer of state in 17931
accordance with such bond proceedings without necessity for any 17932
act of appropriation. 17933

(F) There is hereby created in the state treasury the parks 17934
and recreation improvement fund. Subject to the bond proceedings 17935
therefor, all of the proceeds of the sale of obligations issued 17936
pursuant to this section shall be credited to such fund, except 17937
that any accrued interest received shall be credited to the parks 17938
and recreation bond service trust fund. The parks and recreation 17939
improvement fund may also be comprised of gifts, grants, 17940
appropriated moneys, and other sums and securities received to the 17941
credit of such fund. Such fund shall be applied only to the 17942

purpose of paying costs of capital facilities for parks and 17943
recreation under the jurisdiction of the department of natural 17944
resources or for participation in capital facilities for parks and 17945
recreation with the federal government, municipal corporations, 17946
counties, or other governmental agencies, or any one or more of 17947
them, which participation may be by grants or contributions to 17948
them for such capital facilities. All investment earnings on the 17949
cash balance in the fund shall be credited to the fund. 17950

(G) All state parks shall be exclusively under the control 17951
and administration of the division of parks and recreation. With 17952
the approval of the recreation and resources council, the director 17953
of natural resources may by order remove from the classification 17954
as state parks any of the lands or interests therein referred to 17955
in divisions (M)(2) and (3) of section 154.01 of the Revised Code, 17956
subject to the limitations, provisions, and conditions in any 17957
order authorizing state park revenue bonds, in any trust agreement 17958
securing such bonds, or in bond proceedings with respect to 17959
obligations issued pursuant to this section. Lands or interests 17960
therein so removed shall be transferred to other divisions of the 17961
department for administration or may be sold as provided by law. 17962
Proceeds of any sale shall be used or transferred as provided in 17963
the order authorizing state park revenue bonds or in such trust 17964
agreement, or in bond proceedings with respect to obligations 17965
issued pursuant to this section, and if no such provision is made 17966
shall be transferred to the state park fund created by section 17967
1541.22 of the Revised Code. 17968

(H) This section shall be applied with other applicable 17969
provisions of this chapter. 17970

(I) Any instrument by which real property is acquired 17971
pursuant to this section shall identify the agency of the state 17972
that has the use and benefit of the real property as specified in 17973
section 5301.012 of the Revised Code. 17974

Sec. 154.23. (A) Subject to authorization by the general 17975
assembly under section 154.02 of the Revised Code, the issuing 17976
authority may issue obligations pursuant to this chapter to pay 17977
costs of capital facilities for Ohio cultural facilities and Ohio 17978
sports facilities. 17979

(B) The Ohio public facilities commission may lease any 17980
capital facilities for Ohio cultural facilities or Ohio sports 17981
facilities to, and make or provide for other agreements with 17982
respect to the use or purchase of such capital facilities with, 17983
the Ohio ~~cultural~~ facilities construction commission and, with the 17984
Ohio ~~cultural~~ facilities construction commission's approval, any 17985
governmental agency having authority under law to operate such 17986
capital facilities. ~~Any lease or agreement shall be subject to~~ 17987
~~Chapter 3383. of the Revised Code.~~ 17988

(C) For purposes of this section, "available receipts" means 17989
any revenues or receipts derived by the Ohio public facilities 17990
commission from the operation, leasing, or other disposition of 17991
capital facilities financed under this section, the proceeds of 17992
obligations issued under this section and section 154.11 or 154.12 17993
of the Revised Code, and also means any gifts, grants, donations, 17994
and pledges, and receipts thereon, available for the payment of 17995
bond service charges on obligations issued under this section. The 17996
issuing authority may pledge all, or such portion as it 17997
determines, of the available receipts to the payment of bond 17998
service charges on obligations issued under this section and 17999
section 154.11 or 154.12 of the Revised Code and for the 18000
establishment and maintenance of any reserves, as provided in the 18001
bond proceedings, and make other provisions therein with respect 18002
to such available receipts as authorized by this chapter, which 18003
provisions shall be controlling notwithstanding any other 18004
provision of law pertaining thereto. 18005

(D) There is hereby created one or more funds, as determined 18006
by the issuing authority in the bond proceedings, designated as 18007
the "Ohio cultural facilities ~~commission~~ bond service fund" with, 18008
if more than one such fund, such further identifying name as the 18009
issuing authority determines, which shall be in the custody of the 18010
treasurer of state but shall be separate and apart from and not a 18011
part of the state treasury. All money received by or on account of 18012
the issuing authority or the Ohio ~~cultural~~ facilities construction 18013
commission and required by the applicable bond proceedings to be 18014
deposited, transferred, or credited to the Ohio cultural 18015
facilities ~~commission~~ bond service fund, and all other money 18016
transferred or allocated to or received for the purposes of that 18017
fund shall be deposited with the treasurer of state and credited 18018
to the applicable fund, subject to applicable provisions of the 18019
bond proceedings, but without necessity of any act or 18020
appropriation. The Ohio cultural facilities ~~commission~~ bond 18021
service funds are trust funds and are hereby pledged to the 18022
payment of bond service charges on the applicable obligations 18023
issued pursuant to this section and section 154.11 or 154.12 of 18024
the Revised Code to the extent provided in the applicable bond 18025
proceedings, and payment thereof from such funds shall be made or 18026
provided for by the treasurer of state in accordance with the 18027
applicable bond proceedings without necessity for any act or 18028
appropriation. 18029

(E) This section is to be applied with other applicable 18030
provisions of this chapter. 18031

Sec. 154.25. (A) As used in this section: 18032

(1) "Available community or technical college receipts" means 18033
all money received by a community or technical college or 18034
community or technical college district, including income, 18035
revenues, and receipts from the operation, ownership, or control 18036

of facilities, grants, gifts, donations, and pledges and receipts 18037
therefrom, receipts from fees and charges, the allocated state 18038
share of instruction as defined in section ~~3333.90~~ 3333.59 of the 18039
Revised Code, and the proceeds of the sale of obligations, 18040
including proceeds of obligations issued to refund obligations 18041
previously issued, but excluding any special fee, and receipts 18042
therefrom, charged pursuant to division (D) of section 154.21 of 18043
the Revised Code. 18044

(2) "Community or technical college," "college," "community 18045
or technical college district," and "district" have the same 18046
meanings as in section ~~3333.90~~ 3333.59 of the Revised Code. 18047

(3) "Community or technical college capital facilities" means 18048
auxiliary facilities, education facilities, and housing and dining 18049
facilities, as those terms are defined in section 3345.12 of the 18050
Revised Code, to the extent permitted to be financed by the 18051
issuance of obligations under division (A)(2) of section 3357.112 18052
of the Revised Code, that are authorized by sections 3354.121, 18053
3357.112, and 3358.10 of the Revised Code to be financed by 18054
obligations issued by a community or technical college district, 18055
and for which the issuing authority is authorized to issue 18056
obligations pursuant to this section, and includes any one, part 18057
of, or any combination of the foregoing, and further includes site 18058
improvements, utilities, machinery, furnishings, and any separate 18059
or connected buildings, structures, improvements, sites, open 18060
space and green space areas, utilities, or equipment to be used 18061
in, or in connection with the operation or maintenance of, or 18062
supplementing or otherwise related to the services or facilities 18063
to be provided by, such facilities. 18064

(4) "Cost of community or technical college capital 18065
facilities" means the costs of acquiring, constructing, 18066
reconstructing, rehabilitating, remodeling, renovating, enlarging, 18067
improving, equipping, or furnishing community or technical college 18068

capital facilities, and the financing thereof, including the cost 18069
of clearance and preparation of the site and of any land to be 18070
used in connection with community or technical college capital 18071
facilities, the cost of any indemnity and surety bonds and 18072
premiums on insurance, all related direct administrative expenses 18073
and allocable portions of direct costs of the commission and the 18074
issuing authority, community or technical college or community or 18075
technical college district, cost of engineering, architectural 18076
services, design, plans, specifications and surveys, estimates of 18077
cost, legal fees, fees and expenses of trustees, depositories, 18078
bond registrars, and paying agents for obligations, cost of 18079
issuance of obligations and financing costs and fees and expenses 18080
of financial advisers and consultants in connection therewith, 18081
interest on obligations from the date thereof to the time when 18082
interest is to be covered by available receipts or other sources 18083
other than proceeds of those obligations, amounts necessary to 18084
establish reserves as required by the bond proceedings, costs of 18085
audits, the reimbursements of all moneys advanced or applied by or 18086
borrowed from the community or technical college, community or 18087
technical college district, or others, from whatever source 18088
provided, including any temporary advances from state 18089
appropriations, for the payment of any item or items of cost of 18090
community or technical college facilities, and all other expenses 18091
necessary or incident to planning or determining feasibility or 18092
practicability with respect to such facilities, and such other 18093
expenses as may be necessary or incident to the acquisition, 18094
construction, reconstruction, rehabilitation, remodeling, 18095
renovation, enlargement, improvement, equipment, and furnishing of 18096
community or technical college capital facilities, the financing 18097
thereof and the placing of them in use and operation, including 18098
any one, part of, or combination of such classes of costs and 18099
expenses. 18100

(5) "Capital facilities" includes community or technical 18101

college capital facilities. 18102

(6) "Obligations" has the same meaning as in section 154.01 18103
or 3345.12 of the Revised Code, as the context requires. 18104

(B) The issuing authority is authorized to issue revenue 18105
obligations under Section 2i of Article VIII, Ohio Constitution, 18106
on behalf of a community or technical college district and shall 18107
cause the net proceeds thereof, after any deposits of accrued 18108
interest for the payment of bond service charges and after any 18109
deposit of all or such lesser portion as the issuing authority may 18110
direct of the premium received upon the sale of those obligations 18111
for the payment of the bond service charges, to be applied to the 18112
cost of community or technical college capital facilities, 18113
provided that the issuance of such obligations is subject to the 18114
execution of a written agreement in accordance with division (C) 18115
of section ~~3333.90~~ 3333.59 of the Revised Code for the withholding 18116
and depositing of funds otherwise due the district, or the college 18117
it operates, in respect of its allocated state share of 18118
instruction. 18119

(C) The bond service charges and all other payments required 18120
to be made by the trust agreement or indenture securing the 18121
obligations shall be payable solely from available community or 18122
technical college receipts pledged thereto as provided in the 18123
resolution. The available community or technical college receipts 18124
pledged and thereafter received by the commission are immediately 18125
subject to the lien of such pledge without any physical delivery 18126
thereof or further act, and the lien of any such pledge is valid 18127
and binding against all parties having claims of any kind against 18128
the authority, irrespective of whether those parties have notice 18129
thereof, and creates a perfected security interest for all 18130
purposes of Chapter 1309. of the Revised Code and a perfected lien 18131
for purposes of any real property interest, all without the 18132
necessity for separation or delivery of funds or for the filing or 18133

recording of the resolution, trust agreement, indenture, or other 18134
agreement by which such pledge is created or any certificate, 18135
statement, or other document with respect thereto; and the pledge 18136
of such available community or technical college receipts is 18137
effective and the money therefrom and thereof may be applied to 18138
the purposes for which pledged. Every pledge, and every covenant 18139
and agreement made with respect to the pledge, made in the 18140
resolution may therein be extended to the benefit of the owners 18141
and holders of obligations authorized by this section, and to any 18142
trustee therefor, for the further securing of the payment of the 18143
bond service charges, and all or any rights under any agreement or 18144
lease made under this section may be assigned for such purpose. 18145

(D) This section is to be applied with other applicable 18146
provisions of this chapter. 18147

Sec. 156.02. The executive director of ~~administrative~~ 18148
~~services~~ the Ohio facilities construction commission may contract 18149
with an energy or a water services company, architect, 18150
professional engineer, contractor, or other person experienced in 18151
the design and implementation of energy or water conservation 18152
measures for a report containing an analysis and recommendations 18153
pertaining to the implementation of energy or water conservation 18154
measures that result in energy, water, or wastewater cost savings, 18155
operating cost savings, or avoided capital costs for the 18156
institution. The report shall include estimates of all costs of 18157
such installations, including the costs of design, engineering, 18158
installation, maintenance, repairs, and debt service, and 18159
estimates of the energy, water, or wastewater cost savings, 18160
operating cost savings, and avoided capital costs created. 18161

Sec. 156.03. (A) If the executive director of ~~administrative~~ 18162
~~services~~ the Ohio facilities construction commission wishes to 18163
enter into an installment payment contract pursuant to section 18164

156.04 of the Revised Code or any other contract to implement one 18165
or more energy or water saving measures, the executive director 18166
may proceed under Chapter 153. of the Revised Code, or, 18167
alternatively, the executive director may request the controlling 18168
board to exempt the contract from Chapter 153. of the Revised 18169
Code. 18170

If the controlling board by a majority vote approves an 18171
exemption, that chapter shall not apply to the contract and 18172
instead the executive director shall request proposals from at 18173
least three parties for the implementation of the energy or water 18174
saving measures. Prior to providing any interested party a copy of 18175
any such request, the executive director shall advertise, in a 18176
newspaper of general circulation in the county where the contract 18177
is to be performed, and may advertise by electronic means pursuant 18178
to rules adopted by the executive director, the executive 18179
director's intent to request proposals for the implementation of 18180
the energy or water saving measures. The notice shall invite 18181
interested parties to submit proposals for consideration and shall 18182
be published at least thirty days prior to the date for accepting 18183
proposals. 18184

(B) Upon receiving the proposals, the executive director 18185
shall analyze them and, after considering the cost estimates of 18186
each proposal and the availability of funds to pay for each with 18187
current appropriations or by financing the cost of each through an 18188
installment payment contract under section 156.04 of the Revised 18189
Code, may select one or more proposals or reject all proposals. In 18190
selecting proposals, the executive director shall select the one 18191
or more proposals most likely to result in the greatest energy, 18192
water, or wastewater savings, operating costs savings, and avoided 18193
capital costs created. 18194

(C) No contract shall be awarded to implement energy or water 18195
saving measures under this section, unless the executive director 18196

finds that both of the following circumstances exists: 18197

(1) Not less than one-fifteenth of the costs of the contract 18198
shall be paid within two years from the date of purchase; 18199

(2) In the case of a contract for a cogeneration system 18200
described in division (B)(8) of section 156.01 of the Revised 18201
Code, the remaining balance of the cost of the contract shall be 18202
paid within twenty years from the date of purchase, and, in the 18203
case of all other contracts, fifteen years. 18204

Sec. 156.04. (A) In accordance with this section and section 18205
156.03 of the Revised Code, the executive director of 18206
~~administrative services~~ the Ohio facilities construction 18207
commission may enter into an installment payment contract for the 18208
implementation of one or more energy or water saving measures. If 18209
the executive director wishes an installment payment contract to 18210
be exempted from Chapter 153. of the Revised Code, the executive 18211
director shall proceed pursuant to section 156.03 of the Revised 18212
Code. 18213

(B) Any installment payment contract under this section shall 18214
provide that all payments, except payments for repairs and 18215
obligations on termination of the contract prior to its 18216
expiration, are to be a stated percentage of calculated energy, 18217
water, or wastewater cost savings, operating costs, and avoided 18218
capital costs attributable to the one or more measures over a 18219
defined period of time and are to be made only to the extent that 18220
those calculated amounts actually occur. No such contract shall 18221
contain either of the following: 18222

(1) A requirement of any additional capital investment or 18223
contribution of funds, other than funds available from state or 18224
federal grants; 18225

(2) In the case of a contract for a cogeneration system 18226

described in division (B)(8) of section 156.01 of the Revised Code, a payment term longer than twenty years, and, in the case of all other contracts, a payment term longer than fifteen years.

(C) Any installment payment contract entered into under this section shall terminate no later than the last day of the fiscal biennium for which funds have been appropriated to the ~~department of administrative services~~ Ohio facilities construction commission by the general assembly and shall be renewed in each succeeding fiscal biennium in which any balance of the contract remains unpaid, provided that both an appropriation for that succeeding fiscal biennium and the certification required by section 126.07 of the Revised Code are made.

(D) Any installment payment contract entered into under this section shall be eligible for financing provided through the Ohio air quality development authority under Chapter 3706. of the Revised Code.

Sec. 156.05. In accordance with Chapter 119. of the Revised Code, the executive director of ~~administrative services~~ the Ohio facilities construction commission shall adopt, and enforce rules necessary to administer sections 156.01 to 156.04 of the Revised Code. Rules adopted under this section shall establish procedures by which the executive director may authorize in ~~his~~ the executive director's stead the manager of any building owned by the state to enter into contracts authorized under sections 156.01 to 156.04 of the Revised Code.

Sec. 166.02. (A) The general assembly finds that many local areas throughout the state are experiencing economic stagnation or decline, and that the economic development programs provided for in this chapter will constitute deserved, necessary reinvestment by the state in those areas, materially contribute to their

economic revitalization, and result in improving the economic 18257
welfare of all the people of the state. Accordingly, it is 18258
declared to be the public policy of the state, through the 18259
operations of this chapter and other applicable laws adopted 18260
pursuant to Section 2p or 13 of Article VIII, Ohio Constitution, 18261
and other authority vested in the general assembly, to assist in 18262
and facilitate the establishment or development of eligible 18263
projects or assist and cooperate with any governmental agency in 18264
achieving such purpose. 18265

(B) In furtherance of such public policy and to implement 18266
such purpose, the director of development may: 18267

(1) After consultation with appropriate governmental 18268
agencies, enter into agreements with persons engaged in industry, 18269
commerce, distribution, or research and with governmental agencies 18270
to induce such persons to acquire, construct, reconstruct, 18271
rehabilitate, renovate, enlarge, improve, equip, or furnish, or 18272
otherwise develop, eligible projects and make provision therein 18273
for project facilities and governmental actions, as authorized by 18274
this chapter and other applicable laws, subject to any required 18275
actions by the general assembly or the controlling board and 18276
subject to applicable local government laws and regulations; 18277

(2) Provide for the guarantees and loans as provided for in 18278
sections 166.06 and 166.07 of the Revised Code; 18279

(3) Subject to release of such moneys by the controlling 18280
board, contract for labor and materials needed for, or contract 18281
with others, including governmental agencies, to provide, project 18282
facilities the allowable costs of which are to be paid for or 18283
reimbursed from moneys in the facilities establishment fund, and 18284
contract for the operation of such project facilities; 18285

(4) Subject to release thereof by the controlling board, from 18286
moneys in the facilities establishment fund acquire or contract to 18287

acquire by gift, exchange, or purchase, including the obtaining 18288
and exercise of purchase options, property, and convey or 18289
otherwise dispose of, or provide for the conveyance or disposition 18290
of, property so acquired or contracted to be acquired by sale, 18291
exchange, lease, lease purchase, conditional or installment sale, 18292
transfer, or other disposition, including the grant of an option 18293
to purchase, to any governmental agency or to any other person 18294
without necessity for competitive bidding and upon such terms and 18295
conditions and manner of consideration pursuant to and as the 18296
director determines to be appropriate to satisfy the objectives of 18297
sections 166.01 to 166.11 of the Revised Code; 18298

(5) Retain the services of or employ financial consultants, 18299
appraisers, consulting engineers, superintendents, managers, 18300
construction and accounting experts, attorneys, and employees, 18301
agents, and independent contractors as are necessary in the 18302
director's judgment and fix the compensation for their services; 18303

(6) Receive and accept from any person grants, gifts, and 18304
contributions of money, property, labor, and other things of 18305
value, to be held, used and applied only for the purpose for which 18306
such grants, gifts, and contributions are made; 18307

(7) Enter into appropriate arrangements and agreements with 18308
any governmental agency for the taking or provision by that 18309
governmental agency of any governmental action; 18310

(8) Do all other acts and enter into contracts and execute 18311
all instruments necessary or appropriate to carry out the 18312
provisions of this chapter; 18313

(9) Adopt rules to implement any of the provisions of this 18314
chapter applicable to the director. 18315

(C) The determinations by the director that facilities 18316
constitute eligible projects, that facilities are project 18317
facilities, that costs of such facilities are allowable costs, and 18318

all other determinations relevant thereto or to an action taken or 18319
agreement entered into shall be conclusive for purposes of the 18320
validity and enforceability of rights of parties arising from 18321
actions taken and agreements entered into under this chapter. 18322

(D) Except as otherwise prescribed in this chapter, all 18323
expenses and obligations incurred by the director in carrying out 18324
the director's powers and in exercising the director's duties 18325
under this chapter, shall be payable solely from, as appropriate, 18326
moneys in the facilities establishment fund, the loan guarantee 18327
fund, the innovation Ohio loan guarantee fund, the innovation Ohio 18328
loan fund, the research and development loan fund, the logistics 18329
and distribution infrastructure fund, ~~the logistics and~~ 18330
~~distribution infrastructure taxable bond fund,~~ or moneys 18331
appropriated for such purpose by the general assembly. This 18332
chapter does not authorize the director or the issuing authority 18333
under section 166.08 of the Revised Code to incur bonded 18334
indebtedness of the state or any political subdivision thereof, or 18335
to obligate or pledge moneys raised by taxation for the payment of 18336
any bonds or notes issued or guarantees made pursuant to this 18337
chapter. 18338

(E) Any governmental agency may enter into an agreement with 18339
the director, any other governmental agency, or a person to be 18340
assisted under this chapter, to take or provide for the purposes 18341
of this chapter any governmental action it is authorized to take 18342
or provide, and to undertake on behalf and at the request of the 18343
director any action which the director is authorized to undertake 18344
pursuant to divisions (B)(3), (4), and (5) of this section or 18345
divisions (B)(3), (4), and (5) of section 166.12 of the Revised 18346
Code. Governmental agencies of the state shall cooperate with and 18347
provide assistance to the director of development and the 18348
controlling board in the exercise of their respective functions 18349
under this chapter. 18350

Sec. 166.03. (A) There is hereby created the facilities 18351
establishment fund within the state treasury, consisting of 18352
proceeds from the issuance of obligations as specified under 18353
section 166.08 of the Revised Code; the moneys received by the 18354
state from the sources specified in section 166.09 of the Revised 18355
Code; service charges imposed under sections 166.06 and 166.07 of 18356
the Revised Code; any grants, gifts, or contributions of moneys 18357
received by the director of development services to be used for 18358
loans made under section 166.07 of the Revised Code or for the 18359
payment of the allowable costs of project facilities; and all 18360
other moneys appropriated or transferred to the fund. Moneys in 18361
the loan guarantee fund in excess of the loan guarantee reserve 18362
requirement, but subject to the provisions and requirements of any 18363
guarantee contracts, may be transferred to the facilities 18364
establishment fund by the treasurer of state upon the order of the 18365
director of development services. Moneys received by the state 18366
under Chapter 122. of the Revised Code, to the extent allocable to 18367
the utilization of moneys derived from proceeds of the sale of 18368
obligations pursuant to section 166.08 of the Revised Code, shall 18369
be credited to the facilities establishment fund. All investment 18370
earnings on the cash balance in the fund shall be credited to the 18371
fund. 18372

(B) All moneys appropriated or transferred to the facilities 18373
establishment fund may be released at the request of the director 18374
of development services for payment of allowable costs or the 18375
making of loans under section 166.07 of the Revised Code, for 18376
transfer to the loan guarantee fund established in section 166.06 18377
of the Revised Code, or for use for the purpose of or transfer to 18378
the funds established by sections 122.35, 122.42, 122.54, 122.55, 18379
122.56, 122.561, 122.57, 122.601, and 122.80 of the Revised Code 18380
and, until July 1, 2003, the fund established by section 166.031 18381
of the Revised Code, and, until July 1, 2007, the fund established 18382

by section 122.26 of the Revised Code, but only for such of those 18383
purposes as are within the authorization of Section 13 of Article 18384
VIII, Ohio Constitution, in all cases subject to the approval of 18385
the controlling board. 18386

(C) The ~~department of~~ development services agency, in the 18387
administration of the facilities establishment fund, is encouraged 18388
to utilize and promote the utilization of, to the maximum 18389
practicable extent, the other existing programs, business 18390
incentives, and tax incentives that department is required or 18391
authorized to administer or supervise. 18392

Sec. 166.04. (A) Prior to entering into each agreement to 18393
provide assistance under sections 166.02, 166.06, and 166.07 of 18394
the Revised Code, the director of development services shall 18395
determine whether the assistance will conform to the requirements 18396
of sections 166.01 to 166.11 of the Revised Code. Such 18397
determination, and the facts upon which it is based, shall be set 18398
forth, where required, by the director in submissions made to the 18399
controlling board when the director seeks a release of moneys 18400
under section 166.02 of the Revised Code. An agreement to provide 18401
assistance under sections 166.02, 166.06, and 166.07 of the 18402
Revised Code shall set forth such determination, which shall be 18403
conclusive for purposes of the validity and enforceability of such 18404
agreement and any loan guarantees, loans, or other agreements 18405
entered into pursuant to such agreement to provide assistance. 18406

(B) Whenever a person applies for financial assistance under 18407
sections 166.02, 166.06, and 166.07 of the Revised Code and the 18408
project for which assistance is requested is to relocate 18409
facilities that are currently being operated by the person and 18410
that are located in another county, municipal corporation, or 18411
township, the ~~director~~ person shall provide written notification 18412
of the relocation to the appropriate local governmental bodies ~~and~~ 18413

~~state officials. The Prior to entering into an agreement to 18414
provide the assistance, the director shall verify that such 18415
notification ~~shall contain the following information:~~ 18416~~

~~(1) The name of the person applying for financial assistance; 18417~~

~~(2) The county, and the municipal corporation or township, in 18418
which the project for which assistance is requested is located; 18419
and 18420~~

~~(3) The county, and the municipal corporation or township, in 18421
which the facility to be replaced is located has been provided. 18422~~

(C) As used in division (B) of this section: 18423

~~(1), "Appropriate appropriate local governmental bodies" 18424
means: 18425~~

~~(a)(1) The ~~boards~~ board of county commissioners or 18426
legislative ~~authorities~~ authority of the county in which the 18427
~~project for which assistance is requested is located and of the~~ 18428
~~county in which the facility to be replaced is located;~~ 18429~~

~~(b)(2) The legislative authority of the municipal corporation 18430
or the board of township trustees of the township in which the 18431
~~project for which assistance is requested is located; and~~ 18432~~

~~(c) The legislative authority of the municipal corporation or 18433
the board of township trustees of the township in which the 18434
facility to be replaced is located. 18435~~

~~(2) "State officials" means: 18436~~

~~(a) The state representative and state senator in whose 18437
~~districts the project for which assistance is requested is~~ 18438
~~located; 18439~~~~

~~(b) The state representative and state senator in whose 18440
~~districts the facility to be replaced is located.~~ 18441~~

Sec. 166.08. (A) As used in this chapter: 18442

(1) "Bond proceedings" means the resolution, order, trust agreement, indenture, lease, and other agreements, amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security or liquidity of, obligations issued pursuant to this section, and the provisions contained in such obligations. 18443
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(2) "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the state on obligations. 18450
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(3) "Bond service fund" means the applicable fund and accounts therein created for and pledged to the payment of bond service charges, which may be, or may be part of, the economic development bond service fund created by division (S) of this section including all moneys and investments, and earnings from investments, credited and to be credited thereto. 18454
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(4) "Issuing authority" means the treasurer of state, or the officer who by law performs the functions of such officer. 18460
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(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section. 18462
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(6) "Pledged receipts" means all receipts of the state representing the gross profit on the sale of spirituous liquor, as referred to in division (B)(4) of section 4301.10 of the Revised Code, after paying all costs and expenses of the division of liquor control and providing an adequate working capital reserve for the division of liquor control as provided in that division, but excluding the sum required by the second paragraph of section 4301.12 of the Revised Code, as in effect on May 2, 1980, to be paid into the state treasury; moneys accruing to the state from 18465
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the lease, sale, or other disposition, or use, of project 18474
facilities, and from the repayment, including interest, of loans 18475
made from proceeds received from the sale of obligations; accrued 18476
interest received from the sale of obligations; income from the 18477
investment of the special funds; and any gifts, grants, donations, 18478
and pledges, and receipts therefrom, available for the payment of 18479
bond service charges. 18480

(7) "Special funds" or "funds" means, except where the 18481
context does not permit, the bond service fund, and any other 18482
funds, including reserve funds, created under the bond 18483
proceedings, and the economic development bond service fund 18484
created by division (S) of this section to the extent provided in 18485
the bond proceedings, including all moneys and investments, and 18486
earnings from investment, credited and to be credited thereto. 18487

(B) Subject to the limitations provided in section 166.11 of 18488
the Revised Code, the issuing authority, upon the certification by 18489
the director of development or, with respect to eligible advanced 18490
energy projects, the Ohio air quality development authority to the 18491
issuing authority of the amount of moneys or additional moneys 18492
needed in the facilities establishment fund, the loan guarantee 18493
fund, the innovation Ohio loan fund, the innovation Ohio loan 18494
guarantee fund, the research and development loan fund, the 18495
logistics and distribution infrastructure fund, ~~the logistics and~~ 18496
~~distribution infrastructure taxable bond fund,~~ the advanced energy 18497
research and development fund, or the advanced energy research and 18498
development taxable fund, as applicable, for the purpose of 18499
paying, or making loans for, allowable costs from the facilities 18500
establishment fund, allowable innovation costs from the innovation 18501
Ohio loan fund, allowable costs from the research and development 18502
loan fund, allowable costs from the logistics and distribution 18503
infrastructure fund, ~~allowable costs from the logistics and~~ 18504
~~distribution infrastructure taxable bond fund,~~ allowable costs 18505

from the advanced energy research and development fund, or 18506
allowable costs from the advanced energy research and development 18507
taxable fund, as applicable, or needed for capitalized interest, 18508
for funding reserves, and for paying costs and expenses incurred 18509
in connection with the issuance, carrying, securing, paying, 18510
redeeming, or retirement of the obligations or any obligations 18511
refunded thereby, including payment of costs and expenses relating 18512
to letters of credit, lines of credit, insurance, put agreements, 18513
standby purchase agreements, indexing, marketing, remarketing and 18514
administrative arrangements, interest swap or hedging agreements, 18515
and any other credit enhancement, liquidity, remarketing, renewal, 18516
or refunding arrangements, all of which are authorized by this 18517
section, or providing moneys for the loan guarantee fund or the 18518
innovation Ohio loan guarantee fund, as provided in this chapter 18519
or needed for the purposes of funds established in accordance with 18520
or pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 18521
122.561, 122.57, and 122.80 of the Revised Code which are within 18522
the authorization of Section 13 of Article VIII, Ohio 18523
Constitution, or, with respect to certain eligible advanced energy 18524
projects, Section 2p of Article VIII, Ohio Constitution, shall 18525
issue obligations of the state under this section in the required 18526
amount; provided that such obligations may be issued to satisfy 18527
the covenants in contracts of guarantee made under section 166.06 18528
or 166.15 of the Revised Code, notwithstanding limitations 18529
otherwise applicable to the issuance of obligations under this 18530
section. The proceeds of such obligations, except for the portion 18531
to be deposited in special funds, including reserve funds, as may 18532
be provided in the bond proceedings, shall as provided in the bond 18533
proceedings be deposited by the director of development to the 18534
facilities establishment fund, the loan guarantee fund, the 18535
innovation Ohio loan guarantee fund, the innovation Ohio loan 18536
fund, the research and development loan fund, or the logistics and 18537
distribution infrastructure fund, ~~or the logistics and~~ 18538

~~distribution infrastructure taxable bond fund~~, or be deposited by 18539
the Ohio air quality development authority to the advanced energy 18540
research and development fund or the advanced energy research and 18541
development taxable fund. Bond proceedings for project financing 18542
obligations may provide that the proceeds derived from the 18543
issuance of such obligations shall be deposited into such fund or 18544
funds provided for in the bond proceedings and, to the extent 18545
provided for in the bond proceedings, such proceeds shall be 18546
deemed to have been deposited into the facilities establishment 18547
fund and transferred to such fund or funds. The issuing authority 18548
may appoint trustees, paying agents, and transfer agents and may 18549
retain the services of financial advisors, accounting experts, and 18550
attorneys, and retain or contract for the services of marketing, 18551
remarketing, indexing, and administrative agents, other 18552
consultants, and independent contractors, including printing 18553
services, as are necessary in the issuing authority's judgment to 18554
carry out this section. The costs of such services are allowable 18555
costs payable from the facilities establishment fund or the 18556
research and development loan fund, allowable innovation costs 18557
payable from the innovation Ohio loan fund, or allowable costs 18558
payable from the logistics and distribution infrastructure fund, 18559
~~the logistics and distribution infrastructure taxable bond fund~~, 18560
the advanced energy research and development fund, or the advanced 18561
energy research and development taxable fund, as applicable. 18562

(C) The holders or owners of such obligations shall have no 18563
right to have moneys raised by taxation obligated or pledged, and 18564
moneys raised by taxation shall not be obligated or pledged, for 18565
the payment of bond service charges. Such holders or owners shall 18566
have no rights to payment of bond service charges from any moneys 18567
accruing to the state from the lease, sale, or other disposition, 18568
or use, of project facilities, or from payment of the principal of 18569
or interest on loans made, or fees charged for guarantees made, or 18570
from any money or property received by the director, treasurer of 18571

state, or the state under Chapter 122. of the Revised Code, or 18572
from any other use of the proceeds of the sale of the obligations, 18573
and no such moneys may be used for the payment of bond service 18574
charges, except for accrued interest, capitalized interest, and 18575
reserves funded from proceeds received upon the sale of the 18576
obligations and except as otherwise expressly provided in the 18577
applicable bond proceedings pursuant to written directions by the 18578
director. The right of such holders and owners to payment of bond 18579
service charges is limited to all or that portion of the pledged 18580
receipts and those special funds pledged thereto pursuant to the 18581
bond proceedings in accordance with this section, and each such 18582
obligation shall bear on its face a statement to that effect. 18583

(D) Obligations shall be authorized by resolution or order of 18584
the issuing authority and the bond proceedings shall provide for 18585
the purpose thereof and the principal amount or amounts, and shall 18586
provide for or authorize the manner or agency for determining the 18587
principal maturity or maturities, not exceeding twenty-five years 18588
from the date of issuance, the interest rate or rates or the 18589
maximum interest rate, the date of the obligations and the dates 18590
of payment of interest thereon, their denomination, and the 18591
establishment within or without the state of a place or places of 18592
payment of bond service charges. Sections 9.98 to 9.983 of the 18593
Revised Code are applicable to obligations issued under this 18594
section, subject to any applicable limitation under section 166.11 18595
of the Revised Code. The purpose of such obligations may be stated 18596
in the bond proceedings in terms describing the general purpose or 18597
purposes to be served. The bond proceedings also shall provide, 18598
subject to the provisions of any other applicable bond 18599
proceedings, for the pledge of all, or such part as the issuing 18600
authority may determine, of the pledged receipts and the 18601
applicable special fund or funds to the payment of bond service 18602
charges, which pledges may be made either prior or subordinate to 18603
other expenses, claims, or payments, and may be made to secure the 18604

obligations on a parity with obligations theretofore or thereafter 18605
issued, if and to the extent provided in the bond proceedings. The 18606
pledged receipts and special funds so pledged and thereafter 18607
received by the state are immediately subject to the lien of such 18608
pledge without any physical delivery thereof or further act, and 18609
the lien of any such pledges is valid and binding against all 18610
parties having claims of any kind against the state or any 18611
governmental agency of the state, irrespective of whether such 18612
parties have notice thereof, and shall create a perfected security 18613
interest for all purposes of Chapter 1309. of the Revised Code, 18614
without the necessity for separation or delivery of funds or for 18615
the filing or recording of the bond proceedings by which such 18616
pledge is created or any certificate, statement or other document 18617
with respect thereto; and the pledge of such pledged receipts and 18618
special funds is effective and the money therefrom and thereof may 18619
be applied to the purposes for which pledged without necessity for 18620
any act of appropriation. Every pledge, and every covenant and 18621
agreement made with respect thereto, made in the bond proceedings 18622
may therein be extended to the benefit of the owners and holders 18623
of obligations authorized by this section, and to any trustee 18624
therefor, for the further security of the payment of the bond 18625
service charges. 18626

(E) The bond proceedings may contain additional provisions as 18627
to: 18628

(1) The redemption of obligations prior to maturity at the 18629
option of the issuing authority at such price or prices and under 18630
such terms and conditions as are provided in the bond proceedings; 18631

(2) Other terms of the obligations; 18632

(3) Limitations on the issuance of additional obligations; 18633

(4) The terms of any trust agreement or indenture securing 18634
the obligations or under which the same may be issued; 18635

(5) The deposit, investment and application of special funds, 18636
and the safeguarding of moneys on hand or on deposit, without 18637
regard to Chapter 131. or 135. of the Revised Code, but subject to 18638
any special provisions of this chapter, with respect to particular 18639
funds or moneys, provided that any bank or trust company which 18640
acts as depository of any moneys in the special funds may furnish 18641
such indemnifying bonds or may pledge such securities as required 18642
by the issuing authority; 18643

(6) Any or every provision of the bond proceedings being 18644
binding upon such officer, board, commission, authority, agency, 18645
department, or other person or body as may from time to time have 18646
the authority under law to take such actions as may be necessary 18647
to perform all or any part of the duty required by such provision; 18648

(7) Any provision that may be made in a trust agreement or 18649
indenture; 18650

(8) Any other or additional agreements with the holders of 18651
the obligations, or the trustee therefor, relating to the 18652
obligations or the security therefor, including the assignment of 18653
mortgages or other security obtained or to be obtained for loans 18654
under section 122.43, 166.07, or 166.16 of the Revised Code. 18655

(F) The obligations may have the great seal of the state or a 18656
facsimile thereof affixed thereto or printed thereon. The 18657
obligations and any coupons pertaining to obligations shall be 18658
signed or bear the facsimile signature of the issuing authority. 18659
Any obligations or coupons may be executed by the person who, on 18660
the date of execution, is the proper issuing authority although on 18661
the date of such bonds or coupons such person was not the issuing 18662
authority. If the issuing authority whose signature or a facsimile 18663
of whose signature appears on any such obligation or coupon ceases 18664
to be the issuing authority before delivery thereof, such 18665
signature or facsimile is nevertheless valid and sufficient for 18666
all purposes as if the former issuing authority had remained the 18667

issuing authority until such delivery; and if the seal to be 18668
affixed to obligations has been changed after a facsimile of the 18669
seal has been imprinted on such obligations, such facsimile seal 18670
shall continue to be sufficient as to such obligations and 18671
obligations issued in substitution or exchange therefor. 18672

(G) All obligations are negotiable instruments and securities 18673
under Chapter 1308. of the Revised Code, subject to the provisions 18674
of the bond proceedings as to registration. The obligations may be 18675
issued in coupon or in registered form, or both, as the issuing 18676
authority determines. Provision may be made for the registration 18677
of any obligations with coupons attached thereto as to principal 18678
alone or as to both principal and interest, their exchange for 18679
obligations so registered, and for the conversion or reconversion 18680
into obligations with coupons attached thereto of any obligations 18681
registered as to both principal and interest, and for reasonable 18682
charges for such registration, exchange, conversion, and 18683
reconversion. 18684

(H) Obligations may be sold at public sale or at private 18685
sale, as determined in the bond proceedings. 18686

Obligations issued to provide moneys for the loan guarantee 18687
fund or the innovation Ohio loan guarantee fund may, as determined 18688
by the issuing authority, be sold at private sale, and without 18689
publication of a notice of sale. 18690

(I) Pending preparation of definitive obligations, the 18691
issuing authority may issue interim receipts or certificates which 18692
shall be exchanged for such definitive obligations. 18693

(J) In the discretion of the issuing authority, obligations 18694
may be secured additionally by a trust agreement or indenture 18695
between the issuing authority and a corporate trustee which may be 18696
any trust company or bank having a place of business within the 18697
state. Any such agreement or indenture may contain the resolution 18698

or order authorizing the issuance of the obligations, any 18699
provisions that may be contained in any bond proceedings, and 18700
other provisions which are customary or appropriate in an 18701
agreement or indenture of such type, including, but not limited 18702
to: 18703

(1) Maintenance of each pledge, trust agreement, indenture, 18704
or other instrument comprising part of the bond proceedings until 18705
the state has fully paid the bond service charges on the 18706
obligations secured thereby, or provision therefor has been made; 18707

(2) In the event of default in any payments required to be 18708
made by the bond proceedings, or any other agreement of the 18709
issuing authority made as a part of the contract under which the 18710
obligations were issued, enforcement of such payments or agreement 18711
by mandamus, the appointment of a receiver, suit in equity, action 18712
at law, or any combination of the foregoing; 18713

(3) The rights and remedies of the holders of obligations and 18714
of the trustee, and provisions for protecting and enforcing them, 18715
including limitations on rights of individual holders of 18716
obligations; 18717

(4) The replacement of any obligations that become mutilated 18718
or are destroyed, lost, or stolen; 18719

(5) Such other provisions as the trustee and the issuing 18720
authority agree upon, including limitations, conditions, or 18721
qualifications relating to any of the foregoing. 18722

(K) Any holders of obligations or trustees under the bond 18723
proceedings, except to the extent that their rights are restricted 18724
by the bond proceedings, may by any suitable form of legal 18725
proceedings, protect and enforce any rights under the laws of this 18726
state or granted by such bond proceedings. Such rights include the 18727
right to compel the performance of all duties of the issuing 18728
authority, the director of development, the Ohio air quality 18729

development authority, or the division of liquor control required 18730
by this chapter or the bond proceedings; to enjoin unlawful 18731
activities; and in the event of default with respect to the 18732
payment of any bond service charges on any obligations or in the 18733
performance of any covenant or agreement on the part of the 18734
issuing authority, the director of development, the Ohio air 18735
quality development authority, or the division of liquor control 18736
in the bond proceedings, to apply to a court having jurisdiction 18737
of the cause to appoint a receiver to receive and administer the 18738
pledged receipts and special funds, other than those in the 18739
custody of the treasurer of state, which are pledged to the 18740
payment of the bond service charges on such obligations or which 18741
are the subject of the covenant or agreement, with full power to 18742
pay, and to provide for payment of bond service charges on, such 18743
obligations, and with such powers, subject to the direction of the 18744
court, as are accorded receivers in general equity cases, 18745
excluding any power to pledge additional revenues or receipts or 18746
other income or moneys of the issuing authority or the state or 18747
governmental agencies of the state to the payment of such 18748
principal and interest and excluding the power to take possession 18749
of, mortgage, or cause the sale or otherwise dispose of any 18750
project facilities. 18751

Each duty of the issuing authority and the issuing 18752
authority's officers and employees, and of each governmental 18753
agency and its officers, members, or employees, undertaken 18754
pursuant to the bond proceedings or any agreement or lease, 18755
lease-purchase agreement, or loan made under authority of this 18756
chapter, and in every agreement by or with the issuing authority, 18757
is hereby established as a duty of the issuing authority, and of 18758
each such officer, member, or employee having authority to perform 18759
such duty, specifically enjoined by the law resulting from an 18760
office, trust, or station within the meaning of section 2731.01 of 18761
the Revised Code. 18762

The person who is at the time the issuing authority, or the 18763
issuing authority's officers or employees, are not liable in their 18764
personal capacities on any obligations issued by the issuing 18765
authority or any agreements of or with the issuing authority. 18766

(L) The issuing authority may authorize and issue obligations 18767
for the refunding, including funding and retirement, and advance 18768
refunding with or without payment or redemption prior to maturity, 18769
of any obligations previously issued by the issuing authority. 18770
Such obligations may be issued in amounts sufficient for payment 18771
of the principal amount of the prior obligations, any redemption 18772
premiums thereon, principal maturities of any such obligations 18773
maturing prior to the redemption of the remaining obligations on a 18774
parity therewith, interest accrued or to accrue to the maturity 18775
dates or dates of redemption of such obligations, and any 18776
allowable costs including expenses incurred or to be incurred in 18777
connection with such issuance and such refunding, funding, and 18778
retirement. Subject to the bond proceedings therefor, the portion 18779
of proceeds of the sale of obligations issued under this division 18780
to be applied to bond service charges on the prior obligations 18781
shall be credited to an appropriate account held by the trustee 18782
for such prior or new obligations or to the appropriate account in 18783
the bond service fund for such obligations. Obligations authorized 18784
under this division shall be deemed to be issued for those 18785
purposes for which such prior obligations were issued and are 18786
subject to the provisions of this section pertaining to other 18787
obligations, except as otherwise provided in this section; 18788
provided that, unless otherwise authorized by the general 18789
assembly, any limitations imposed by the general assembly pursuant 18790
to this section with respect to bond service charges applicable to 18791
the prior obligations shall be applicable to the obligations 18792
issued under this division to refund, fund, advance refund or 18793
retire such prior obligations. 18794

(M) The authority to issue obligations under this section 18795
includes authority to issue obligations in the form of bond 18796
anticipation notes and to renew the same from time to time by the 18797
issuance of new notes. The holders of such notes or interest 18798
coupons pertaining thereto shall have a right to be paid solely 18799
from the pledged receipts and special funds that may be pledged to 18800
the payment of the bonds anticipated, or from the proceeds of such 18801
bonds or renewal notes, or both, as the issuing authority provides 18802
in the resolution or order authorizing such notes. Such notes may 18803
be additionally secured by covenants of the issuing authority to 18804
the effect that the issuing authority and the state will do such 18805
or all things necessary for the issuance of such bonds or renewal 18806
notes in appropriate amount, and apply the proceeds thereof to the 18807
extent necessary, to make full payment of the principal of and 18808
interest on such notes at the time or times contemplated, as 18809
provided in such resolution or order. For such purpose, the 18810
issuing authority may issue bonds or renewal notes in such 18811
principal amount and upon such terms as may be necessary to 18812
provide funds to pay when required the principal of and interest 18813
on such notes, notwithstanding any limitations prescribed by or 18814
for purposes of this section. Subject to this division, all 18815
provisions for and references to obligations in this section are 18816
applicable to notes authorized under this division. 18817

The issuing authority in the bond proceedings authorizing the 18818
issuance of bond anticipation notes shall set forth for such bonds 18819
an estimated interest rate and a schedule of principal payments 18820
for such bonds and the annual maturity dates thereof, and for 18821
purposes of any limitation on bond service charges prescribed 18822
under division (A) of section 166.11 of the Revised Code, the 18823
amount of bond service charges on such bond anticipation notes is 18824
deemed to be the bond service charges for the bonds anticipated 18825
thereby as set forth in the bond proceedings applicable to such 18826
notes, but this provision does not modify any authority in this 18827

section to pledge receipts and special funds to, and covenant to 18828
issue bonds to fund, the payment of principal of and interest and 18829
any premium on such notes. 18830

(N) Obligations issued under this section are lawful 18831
investments for banks, societies for savings, savings and loan 18832
associations, deposit guarantee associations, trust companies, 18833
trustees, fiduciaries, insurance companies, including domestic for 18834
life and domestic not for life, trustees or other officers having 18835
charge of sinking and bond retirement or other special funds of 18836
political subdivisions and taxing districts of this state, the 18837
commissioners of the sinking fund of the state, the administrator 18838
of workers' compensation, the state teachers retirement system, 18839
the public employees retirement system, the school employees 18840
retirement system, and the Ohio police and fire pension fund, 18841
notwithstanding any other provisions of the Revised Code or rules 18842
adopted pursuant thereto by any governmental agency of the state 18843
with respect to investments by them, and are also acceptable as 18844
security for the deposit of public moneys. 18845

(O) Unless otherwise provided in any applicable bond 18846
proceedings, moneys to the credit of or in the special funds 18847
established by or pursuant to this section may be invested by or 18848
on behalf of the issuing authority only in notes, bonds, or other 18849
obligations of the United States, or of any agency or 18850
instrumentality of the United States, obligations guaranteed as to 18851
principal and interest by the United States, obligations of this 18852
state or any political subdivision of this state, and certificates 18853
of deposit of any national bank located in this state and any 18854
bank, as defined in section 1101.01 of the Revised Code, subject 18855
to inspection by the superintendent of banks. If the law or the 18856
instrument creating a trust pursuant to division (J) of this 18857
section expressly permits investment in direct obligations of the 18858
United States or an agency of the United States, unless expressly 18859

prohibited by the instrument, such moneys also may be invested in 18860
no-front-end-load money market mutual funds consisting exclusively 18861
of obligations of the United States or an agency of the United 18862
States and in repurchase agreements, including those issued by the 18863
fiduciary itself, secured by obligations of the United States or 18864
an agency of the United States; and in common trust funds 18865
established in accordance with section 1111.20 of the Revised Code 18866
and consisting exclusively of any such securities, notwithstanding 18867
division (A)(4) of that section. The income from such investments 18868
shall be credited to such funds as the issuing authority 18869
determines, and such investments may be sold at such times as the 18870
issuing authority determines or authorizes. 18871

(P) Provision may be made in the applicable bond proceedings 18872
for the establishment of separate accounts in the bond service 18873
fund and for the application of such accounts only to the 18874
specified bond service charges on obligations pertinent to such 18875
accounts and bond service fund and for other accounts therein 18876
within the general purposes of such fund. Unless otherwise 18877
provided in any applicable bond proceedings, moneys to the credit 18878
of or in the several special funds established pursuant to this 18879
section shall be disbursed on the order of the treasurer of state, 18880
provided that no such order is required for the payment from the 18881
bond service fund when due of bond service charges on obligations. 18882

(Q) The issuing authority may pledge all, or such portion as 18883
the issuing authority determines, of the pledged receipts to the 18884
payment of bond service charges on obligations issued under this 18885
section, and for the establishment and maintenance of any 18886
reserves, as provided in the bond proceedings, and make other 18887
provisions therein with respect to pledged receipts as authorized 18888
by this chapter, which provisions are controlling notwithstanding 18889
any other provisions of law pertaining thereto. 18890

(R) The issuing authority may covenant in the bond 18891

proceedings, and any such covenants are controlling 18892
notwithstanding any other provision of law, that the state and 18893
applicable officers and governmental agencies of the state, 18894
including the general assembly, so long as any obligations are 18895
outstanding, shall: 18896

(1) Maintain statutory authority for and cause to be charged 18897
and collected wholesale and retail prices for spirituous liquor 18898
sold by the state or its agents so that the pledged receipts are 18899
sufficient in amount to meet bond service charges, and the 18900
establishment and maintenance of any reserves and other 18901
requirements provided for in the bond proceedings, and, as 18902
necessary, to meet covenants contained in contracts of guarantee 18903
made under section 166.06 of the Revised Code; 18904

(2) Take or permit no action, by statute or otherwise, that 18905
would impair the exemption from federal income taxation of the 18906
interest on the obligations. 18907

(S) There is hereby created the economic development bond 18908
service fund, which shall be in the custody of the treasurer of 18909
state but shall be separate and apart from and not a part of the 18910
state treasury. All moneys received by or on account of the 18911
issuing authority or state agencies and required by the applicable 18912
bond proceedings, consistent with this section, to be deposited, 18913
transferred, or credited to a bond service fund or the economic 18914
development bond service fund, and all other moneys transferred or 18915
allocated to or received for the purposes of the fund, shall be 18916
deposited and credited to such fund and to any separate accounts 18917
therein, subject to applicable provisions of the bond proceedings, 18918
but without necessity for any act of appropriation. During the 18919
period beginning with the date of the first issuance of 18920
obligations and continuing during such time as any such 18921
obligations are outstanding, and so long as moneys in the 18922
pertinent bond service funds are insufficient to pay all bond 18923

services charges on such obligations becoming due in each year, a 18924
sufficient amount of the gross profit on the sale of spirituous 18925
liquor included in pledged receipts are committed and shall be 18926
paid to the bond service fund or economic development bond service 18927
fund in each year for the purpose of paying the bond service 18928
charges becoming due in that year without necessity for further 18929
act of appropriation for such purpose and notwithstanding anything 18930
to the contrary in Chapter 4301. of the Revised Code. The economic 18931
development bond service fund is a trust fund and is hereby 18932
pledged to the payment of bond service charges to the extent 18933
provided in the applicable bond proceedings, and payment thereof 18934
from such fund shall be made or provided for by the treasurer of 18935
state in accordance with such bond proceedings without necessity 18936
for any act of appropriation. 18937

(T) The obligations, the transfer thereof, and the income 18938
therefrom, including any profit made on the sale thereof, shall at 18939
all times be free from taxation within the state. 18940

Sec. 166.25. (A) The director of development services, with 18941
the approval of the controlling board and subject to the other 18942
applicable provisions of this chapter, may lend money in the 18943
logistics and distribution infrastructure fund ~~and the logistics~~ 18944
~~and distribution infrastructure taxable bond fund~~ to persons for 18945
the purpose of paying allowable costs of eligible logistics and 18946
distribution projects. 18947

(B) In determining the eligible logistics and distribution 18948
projects to be assisted and the nature, amount, and terms of 18949
assistance to be provided for an eligible logistics and 18950
distribution project, the director shall consult with appropriate 18951
governmental agencies, including the department of transportation 18952
and the Ohio rail development commission. 18953

(C) Any loan made pursuant to this section shall be evidenced 18954

by a loan agreement, which shall contain such terms as the 18955
director determines necessary or appropriate, including 18956
performance measures and reporting requirements. The director may 18957
take actions necessary or appropriate to collect or otherwise deal 18958
with any loan made under this section, including requiring a loan 18959
recipient to repay the amount of the loan plus interest at a rate 18960
of three per cent above the federal short term interest rate or 18961
any other rate determined by the director. 18962

Sec. 167.03. (A) The council shall have the power to: 18963

(1) Study such area governmental problems common to two or 18964
more members of the council as it deems appropriate, including but 18965
not limited to matters affecting health, safety, welfare, 18966
education, economic conditions, and regional development; 18967

(2) Promote cooperative arrangements and coordinate action 18968
among its members, and between its members and other agencies of 18969
local or state governments, whether or not within Ohio, and the 18970
federal government; 18971

(3) Make recommendations for review and action to the members 18972
and other public agencies that perform functions within the 18973
region; 18974

(4) Promote cooperative agreements and contracts among its 18975
members or other governmental agencies and private persons, 18976
corporations, or agencies; 18977

(5) Operate a public safety answering point in accordance 18978
with Chapter ~~5507~~ 128. of the Revised Code; 18979

(6) Perform planning directly by personnel of the council, or 18980
under contracts between the council and other public or private 18981
planning agencies. 18982

(B) The council may: 18983

(1) Review, evaluate, comment upon, and make recommendations, 18984

relative to the planning and programming, and the location, 18985
financing, and scheduling of public facility projects within the 18986
region and affecting the development of the area; 18987

(2) Act as an areawide agency to perform comprehensive 18988
planning for the programming, locating, financing, and scheduling 18989
of public facility projects within the region and affecting the 18990
development of the area and for other proposed land development or 18991
uses, which projects or uses have public metropolitan wide or 18992
interjurisdictional significance; 18993

(3) Act as an agency for coordinating, based on metropolitan 18994
wide comprehensive planning and programming, local public 18995
policies, and activities affecting the development of the region 18996
or area. 18997

(C) The council may, by appropriate action of the governing 18998
bodies of the members, perform such other functions and duties as 18999
are performed or capable of performance by the members and 19000
necessary or desirable for dealing with problems of mutual 19001
concern. 19002

(D) The authority granted to the council by this section or 19003
in any agreement by the members thereof shall not displace any 19004
existing municipal, county, regional, or other planning commission 19005
or planning agency in the exercise of its statutory powers. 19006

Sec. 169.02. Subject to division (B) of section 169.01 of the 19007
Revised Code, the following constitute unclaimed funds: 19008

(A) Except as provided in division (R) of this section, any 19009
demand, savings, or matured time deposit account, or matured 19010
certificate of deposit, together with any interest or dividend on 19011
it, less any lawful claims, that is held or owed by a holder which 19012
is a financial organization, unclaimed for a period of five years; 19013

(B) Any funds paid toward the purchase of withdrawable shares 19014

or other interest in a financial organization, and any interest or 19015
dividends on them, less any lawful claims, that is held or owed by 19016
a holder which is a financial organization, unclaimed for a period 19017
of five years; 19018

(C) Except as provided in division (A) of section 3903.45 of 19019
the Revised Code, moneys held or owed by a holder, including a 19020
fraternal association, providing life insurance, including annuity 19021
or endowment coverage, unclaimed for three years after becoming 19022
payable as established from the records of such holder under any 19023
life or endowment insurance policy or annuity contract that has 19024
matured or terminated. An insurance policy, the proceeds of which 19025
are payable on the death of the insured, not matured by proof of 19026
death of the insured is deemed matured and the proceeds payable if 19027
such policy was in force when the insured attained the limiting 19028
age under the mortality table on which the reserve is based. 19029

Moneys otherwise payable according to the records of such 19030
holder are deemed payable although the policy or contract has not 19031
been surrendered as required. 19032

(D) Any deposit made to secure payment or any sum paid in 19033
advance for utility services of a public utility and any amount 19034
refundable from rates or charges collected by a public utility for 19035
utility services held or owed by a holder, less any lawful claims, 19036
that has remained unclaimed for one year after the termination of 19037
the services for which the deposit or advance payment was made or 19038
one year from the date the refund was payable, whichever is 19039
earlier; 19040

(E) Except as provided in division (R) of this section, any 19041
certificates, securities as defined in section 1707.01 of the 19042
Revised Code, nonwithdrawable shares, other instruments evidencing 19043
ownership, or rights to them or funds paid toward the purchase of 19044
them, or any dividend, capital credit, profit, distribution, 19045
interest, or payment on principal or other sum, held or owed by a 19046

holder, including funds deposited with a fiscal agent or fiduciary 19047
for payment of them, and instruments representing an ownership 19048
interest, unclaimed for five years. Any underlying share or other 19049
intangible instrument representing an ownership interest in a 19050
business association, in which the issuer has recorded on its 19051
books the issuance of the share but has been unable to deliver the 19052
certificate to the shareholder, constitutes unclaimed funds if 19053
such underlying share is unclaimed for five years. In addition, an 19054
underlying share constitutes unclaimed funds if a dividend, 19055
distribution, or other sum payable as a result of the underlying 19056
share has remained unclaimed by the owner for five years. 19057

This division shall not prejudice the rights of fiscal agents 19058
or fiduciaries for payment to return the items described in this 19059
division to their principals, according to the terms of an agency 19060
or fiduciary agreement, but such a return shall constitute the 19061
principal as the holder of the items and shall not interrupt the 19062
period for computing the time for which the items have remained 19063
unclaimed. 19064

In the case of any such funds accruing and held or owed by a 19065
corporation under division (E) of section 1701.24 of the Revised 19066
Code, such corporation shall comply with this chapter, subject to 19067
the limitation contained in section 1701.34 of the Revised Code. 19068
The period of time for which such funds have gone unclaimed 19069
specified in section 1701.34 of the Revised Code shall be 19070
computed, with respect to dividends or distributions, commencing 19071
as of the dates when such dividends or distributions would have 19072
been payable to the shareholder had such shareholder surrendered 19073
the certificates for cancellation and exchange by the date 19074
specified in the order relating to them. 19075

Capital credits of a cooperative which after January 1, 1972, 19076
have been allocated to members and which by agreement are 19077
expressly required to be paid if claimed after death of the owner 19078

are deemed payable, for the purpose of this chapter, fifteen years 19079
after either the termination of service by the cooperative to the 19080
owner or upon the nonactivity as provided in division (B) of 19081
section 169.01 of the Revised Code, whichever occurs later, 19082
provided that this provision does not apply if the payment is not 19083
mandatory. 19084

(F) Any sum payable on certified checks or other written 19085
instruments certified or issued and representing funds held or 19086
owed by a holder, less any lawful claims, that are unclaimed for 19087
five years from the date payable or from the date of issuance if 19088
payable on demand; except that the unclaimed period for money 19089
orders that are not third party bank checks is seven years, and 19090
the unclaimed period for traveler's checks is fifteen years, from 19091
the date payable or from the date of issuance if payable on 19092
demand. 19093

As used in this division, "written instruments" include, but 19094
are not limited to, certified checks, cashier's checks, bills of 19095
exchange, letters of credit, drafts, money orders, and traveler's 19096
checks. 19097

If there is no address of record for the owner or other 19098
person entitled to the funds, such address is presumed to be the 19099
address where the instrument was certified or issued. 19100

(G) Except as provided in division (R) of this section, all 19101
moneys, rights to moneys, or other intangible property, arising 19102
out of the business of engaging in the purchase or sale of 19103
securities, or otherwise dealing in intangibles, less any lawful 19104
claims, that are held or owed by a holder and are unclaimed for 19105
five years from the date of transaction. 19106

(H) Except as provided in division (A) of section 3903.45 of 19107
the Revised Code, all moneys, rights to moneys, and other 19108
intangible property distributable in the course of dissolution or 19109

liquidation of a holder that are unclaimed for one year after the 19110
date set by the holder for distribution; 19111

(I) All moneys, rights to moneys, or other intangible 19112
property removed from a safe-deposit box or other safekeeping 19113
repository located in this state or removed from a safe-deposit 19114
box or other safekeeping repository of a holder, on which the 19115
lease or rental period has expired, or any amount arising from the 19116
sale of such property, less any lawful claims, that are unclaimed 19117
for three years from the date on which the lease or rental period 19118
expired; 19119

(J) Subject to division (M)(2) of this section, all moneys, 19120
rights to moneys, or other intangible property, and any income or 19121
increment on them, held or owed by a holder which is a fiduciary 19122
for the benefit of another, or a fiduciary or custodian of a 19123
qualified retirement plan or individual retirement arrangement 19124
under section 401 or 408 of the Internal Revenue Code, unclaimed 19125
for three years after the final date for distribution; 19126

(K) All moneys, rights to moneys, or other intangible 19127
property held or owed in this state or held for or owed to an 19128
owner whose last known address is within this state, by the United 19129
States government or any state, as those terms are described in 19130
division (E) of section 169.01 of the Revised Code, unclaimed by 19131
the owner for three years, excluding any property in the control 19132
of any court in a proceeding in which a final adjudication has not 19133
been made; 19134

(L) Amounts payable pursuant to the terms of any policy of 19135
insurance, other than life insurance, or any refund available 19136
under such a policy, held or owed by any holder, unclaimed for 19137
three years from the date payable or distributable; 19138

(M)(1) Subject to division (M)(2) of this section, any funds 19139
constituting rents or lease payments due, any deposit made to 19140

secure payment of rents or leases, or any sum paid in advance for 19141
rents, leases, possible damage to property, unused services, 19142
performance requirements, or any other purpose, held or owed by a 19143
holder unclaimed for one year; 19144

(2) Any escrow funds, security deposits, or other moneys that 19145
are received by a licensed broker in a fiduciary capacity and 19146
that, pursuant to division (A)(26) of section 4735.18 of the 19147
Revised Code, are required to be deposited into and maintained in 19148
a special or trust, noninterest-bearing bank account separate and 19149
distinct from any personal or other account of the licensed 19150
broker, held or owed by the licensed broker unclaimed for two 19151
years. 19152

(N) Any sum greater than fifty dollars payable as wages, any 19153
sum payable as salaries or commissions, any sum payable for 19154
services rendered, funds owed or held as royalties, oil and 19155
mineral proceeds, funds held for or owed to suppliers, and moneys 19156
owed under pension and profit-sharing plans, held or owed by any 19157
holder unclaimed for one year from date payable or distributable, 19158
and all other credits held or owed, or to be refunded to a retail 19159
customer, by any holder unclaimed for three years from date 19160
payable or distributable; 19161

(O) Amounts held in respect of or represented by lay-aways 19162
sold after January 1, 1972, less any lawful claims, when such 19163
lay-aways are unclaimed for three years after the sale of them; 19164

(P) All moneys, rights to moneys, and other intangible 19165
property not otherwise constituted as unclaimed funds by this 19166
section, including any income or increment on them, less any 19167
lawful claims, which are held or owed by any holder, other than a 19168
holder which holds a permit issued pursuant to Chapter 3769. of 19169
the Revised Code, and which have remained unclaimed for three 19170
years after becoming payable or distributable; 19171

(Q) All moneys that arise out of a sale held pursuant to 19172
section 5322.03 of the Revised Code, that are held by a holder for 19173
delivery on demand to the appropriate person pursuant to division 19174
(I) of that section, and that are unclaimed for two years after 19175
the date of the sale. 19176

(R)(1) Any funds that are subject to an agreement between the 19177
holder and owner providing for automatic reinvestment and that 19178
constitute dividends, distributions, or other sums held or owed by 19179
a holder in connection with a security as defined in section 19180
1707.01 of the Revised Code, an ownership interest in an 19181
investment company registered under the "Investment Company Act of 19182
1940," 54 Stat. 789, 15 U.S.C. 80a-1, as amended, or a certificate 19183
of deposit, unclaimed for a period of five years. 19184

(2) The five-year period under division (R)(1) of this 19185
section commences from the date a second shareholder notification 19186
or communication mailing to the owner of the funds is returned to 19187
the holder as undeliverable by the United States postal service or 19188
other carrier. The notification or communication mailing by the 19189
holder shall be no less frequent than quarterly. 19190

All moneys in a personal allowance account, as defined by 19191
rules adopted by the medicaid director ~~of job and family services~~, 19192
up to and including the maximum resource limitation, of a medicaid 19193
~~patient~~ recipient who has died after receiving care in a long-term 19194
care facility, and for whom there is no identifiable heir or 19195
sponsor, are not subject to this chapter. 19196

Sec. 169.05. (A) Every holder required to file a report under 19197
section 169.03 of the Revised Code shall, at the time of filing, 19198
pay to the director of commerce ten per cent of the aggregate 19199
amount of unclaimed funds as shown on the report, except for 19200
aggregate amounts of fifty dollars or less in which case one 19201
hundred per cent shall be paid. The funds may be deposited by the 19202

director in the state treasury to the credit of the unclaimed 19203
funds trust fund, which is hereby created, or placed with a 19204
financial organization. Any interest earned on money in the trust 19205
fund shall be credited to the trust fund. The remainder of the 19206
aggregate amount of unclaimed funds as shown on the report, plus 19207
earnings accrued to date of payment to the director, shall, at the 19208
option of the director, be retained by the holder or paid to the 19209
director for deposit as agent for the mortgage funds with a 19210
financial organization as defined in section 169.01 of the Revised 19211
Code, with the funds to be in income-bearing accounts to the 19212
credit of the mortgage funds, or the holder may enter into an 19213
agreement with the director specifying the obligations of the 19214
United States in which funds are to be invested, and agree to pay 19215
the interest on the obligations to the state. Holders retaining 19216
any funds not in obligations of the United States shall enter into 19217
an agreement with the director specifying the classification of 19218
income-bearing account in which the funds will be held and pay the 19219
state interest on the funds at a rate equal to the prevailing 19220
market rate for similar funds. Moneys that the holder is required 19221
to pay to the director rather than to retain may be deposited with 19222
the treasurer of state, or placed with a financial organization. 19223

Securities and other intangible property transferred to the 19224
director shall, within a reasonable time, be converted to cash and 19225
the proceeds deposited as provided for other funds. 19226

One-half of the funds evidenced by agreements, in 19227
income-bearing accounts, or on deposit with the treasurer of state 19228
shall be allocated on the records of the director to the mortgage 19229
insurance fund created by section 122.561 of the Revised Code. Out 19230
of the remaining half, after allocation of sufficient moneys to 19231
the minority business bonding fund to meet the provisions of 19232
division (B) of this section, the remainder shall be allocated on 19233
the records of the director to the housing development fund 19234

created by division (A) of section 175.11 of the Revised Code. 19235

(B) The director shall serve as agent for the director of 19236
development and as agent for the Ohio housing finance agency in 19237
making deposits and withdrawals and maintaining records pertaining 19238
to the minority business bonding fund created by section 122.88 of 19239
the Revised Code, the mortgage insurance fund, and the housing 19240
development fund created by section 175.11 of the Revised Code. 19241
Funds from the mortgage insurance fund are available to the 19242
director of development when those funds are to be disbursed to 19243
prevent or cure, or upon the occurrence of, a default of a 19244
mortgage insured pursuant to section 122.451 of the Revised Code. 19245
Funds from the housing development fund are available upon request 19246
to the Ohio housing finance agency, in an amount not to exceed the 19247
funds allocated on the records of the director, for the purposes 19248
of section 175.05 of the Revised Code. Funds from the minority 19249
business bonding fund are available to the director of development 19250
upon request to pay obligations on bonds the director writes 19251
pursuant to section 122.88 of the Revised Code; except that, 19252
unless the general assembly authorizes additional amounts, the 19253
total maximum amount of moneys that may be allocated to the 19254
minority business bonding fund under this division is ten million 19255
dollars. 19256

When funds are to be disbursed, the appropriate agency shall 19257
call upon the director to transfer the necessary funds to it. The 19258
director shall first withdraw the funds paid by the holders and 19259
deposited with the treasurer of state or in a financial 19260
institution as agent for the funds. Whenever these funds are 19261
inadequate to meet the request, the director shall provide for a 19262
withdrawal of funds, within a reasonable time and in the amount 19263
necessary to meet the request, from financial institutions in 19264
which the funds were retained or placed by a holder and from other 19265
holders who have retained funds, in an equitable manner as the 19266

director prescribes. In the event that the amount to be withdrawn 19267
from any one holder is less than five hundred dollars, the amount 19268
to be withdrawn is at the director's discretion. The director 19269
shall then transfer to the agency the amount of funds requested. 19270

Funds deposited in the unclaimed funds trust fund are subject 19271
to call by the director when necessary to pay claims the director 19272
allows under section 169.08 of the Revised Code, in accordance 19273
with the director's rules, to defray the necessary costs of making 19274
publications this chapter requires and to pay other operating and 19275
administrative expenses the department of commerce incurs in the 19276
administration and enforcement of this chapter. 19277

The unclaimed funds trust fund shall be assessed a 19278
proportionate share of the administrative costs of the department 19279
of commerce in accordance with procedures the director of commerce 19280
prescribes and the director of budget and management approves. The 19281
assessment shall be paid from the unclaimed funds trust fund to 19282
the division of administration fund. 19283

(C) Earnings on the accounts in financial organizations to 19284
the credit of the mortgage funds shall, at the option of the 19285
financial organization, be credited to the accounts at times and 19286
at rates as earnings are paid on other accounts of the same 19287
classification held in the financial organization or paid to the 19288
director. The director shall be notified annually, and at other 19289
times as the director may request, of the amount of the earnings 19290
credited to the accounts. Interest on unclaimed funds a holder 19291
retains shall be paid to the director or credited as specified in 19292
the agreement under which the organization retains the funds. 19293
Interest payable to the director under an agreement to invest 19294
unclaimed funds ~~and~~ in income-bearing accounts or obligations of 19295
the United States shall be paid annually by the holder to the 19296
director. Any earnings or interest the director receives under 19297
this division shall be deposited in and credited to the mortgage 19298

funds. 19299

Sec. 169.07. (A) Upon the payment of unclaimed funds to the 19300
director of commerce under section 169.05 of the Revised Code the 19301
holder will be relieved of further responsibility for the 19302
safe-keeping thereof and will be held harmless by the state from 19303
any and all liabilities for any claim arising out of the transfer 19304
of such funds to the state. 19305

(B) If legal proceedings are instituted against a holder 19306
which has paid unclaimed funds to the director or entered into an 19307
agreement as provided in section 169.05 of the Revised Code in 19308
respect to such funds, such holder shall notify the director in 19309
writing of the pendency of such proceedings and the director shall 19310
intervene and assume the defense of such proceedings. Failure to 19311
give such notice shall absolve the state from any and all 19312
liability which it may have with regard to such funds. If judgment 19313
is entered against such holder, the director shall, upon proof of 19314
satisfaction of such judgment, forthwith reimburse such 19315
organization for the amount of the judgment or enter into an 19316
agreement modified to reflect the satisfaction of such judgment, 19317
if the holder retained such funds, and shall reimburse such holder 19318
for any legal fees, costs and other expenses incurred in such 19319
proceedings in the manner provided for the payment of claims under 19320
~~division~~ divisions (D) and (E) of section 169.08 of the Revised 19321
Code. 19322

Sec. 169.08. (A) The director shall pay to the owner or other 19323
person who has established the right to payment under this 19324
section, funds from the unclaimed funds trust fund in an amount 19325
equal to the amount of property delivered or reported to the 19326
director, or equal to the net proceeds if the securities or other 19327
property have been sold, together with interest earned by the 19328
state if required to be paid under division (D) of this section. 19329

Any person claiming a property interest in unclaimed funds 19330
delivered or reported to the state under Chapter 169. of the 19331
Revised Code, including the office of child support in the 19332
department of job and family services, pursuant to section 3123.88 19333
of the Revised Code, may file a claim thereto on the form 19334
prescribed by the director of commerce. 19335

(B) The director shall consider matters relevant to any claim 19336
filed under division (A) of this section and shall hold a formal 19337
hearing if requested or considered necessary and receive evidence 19338
concerning such claim. A finding and decision in writing on each 19339
claim filed shall be prepared, stating the substance of any 19340
evidence received or heard and the reasons for allowance or 19341
disallowance of the claim. The evidence and decision shall be a 19342
public record. No statute of limitations shall bar the allowance 19343
of a claim. 19344

(C) For the purpose of conducting any hearing, the director 19345
may require the attendance of such witnesses and the production of 19346
such books, records, and papers as the director desires, and the 19347
director may take the depositions of witnesses residing within or 19348
without this state in the same manner as is prescribed by law for 19349
the taking of depositions in civil actions in the court of common 19350
pleas, and for that purpose the director may issue a subpoena for 19351
any witness or a subpoena duces tecum to compel the production of 19352
any books, records, or papers, directed to the sheriff of the 19353
county where such witness resides or is found, which shall be 19354
served and returned. The fees of the sheriff shall be the same as 19355
that allowed in the court of common pleas in criminal cases. 19356
Witnesses shall be paid the fees and mileage provided for under 19357
section 119.094 of the Revised Code. Fees and mileage shall be 19358
paid from the unclaimed funds trust fund. 19359

(D) Interest ~~is not~~ earned by the state shall be payable to 19360

claimants of unclaimed funds held by the state in accordance with 19361
final court orders derived from the Sogg v. Zurz, 121 Ohio St.3d 19362
449 (2009), line of cases and final settlement agreement 19363
determining payment of interest on unclaimed funds. For properties 19364
received by the state on or before July 26, 1991, interest shall 19365
be paid at a rate of six per cent per annum from the date the 19366
state received the property up to and including July 26, 1991. No 19367
interest shall be payable on any properties for the period from 19368
July 27, 1991, up to and including August 2, 2000. For properties 19369
held by the state on August 3, 2000, or after, interest shall be 19370
paid at the applicable required rate per annum for the period held 19371
from August 3, 2000, or the date of receipt, whichever is later, 19372
up to and including the date the claim is paid. Claims 19373

(E) Claims shall be paid from the trust fund. If the amount 19374
available in the trust fund is not sufficient to pay pending 19375
claims, or other amounts disbursable from the trust fund, the 19376
treasurer of state shall certify such fact to the director, who 19377
shall then withdraw such amount of funds from the mortgage 19378
accounts as the director determines necessary to reestablish the 19379
trust fund to a level required to pay anticipated claims but not 19380
more than ten per cent of the net unclaimed funds reported to 19381
date. 19382

The director may withdraw the funds paid to the director by 19383
the holders and deposited by the director with the treasurer of 19384
state or in a financial institution as agent for such funds. 19385
Whenever these funds are inadequate to meet the requirements for 19386
the trust fund, the director shall provide for a withdrawal of 19387
funds, within a reasonable time, in such amount as is necessary to 19388
meet the requirements, from financial institutions in which such 19389
funds were retained or placed by a holder and from other holders 19390
who have retained funds, in an equitable manner as prescribed by 19391
the director. In the event that the amount to be withdrawn from 19392

any one such holder is less than five hundred dollars, the amount 19393
to be withdrawn shall be at the discretion of the director. Such 19394
funds may be reimbursed in the amounts withdrawn when the trust 19395
fund has a surplus over the amount required to pay anticipated 19396
claims. Whenever the trust fund has a surplus over the amount 19397
required to pay anticipated claims, the director may transfer such 19398
surplus to the mortgage accounts. 19399

~~(E)~~(F) If a claim which is allowed under this section relates 19400
to funds which have been retained by the reporting holder, and if 19401
the funds, on deposit with the treasurer of state pursuant to this 19402
chapter, are insufficient to pay claims, the director may notify 19403
such holder in writing of the payment of the claim and such holder 19404
shall immediately reimburse the state in the amount of such claim. 19405
The reimbursement shall be credited to the unclaimed funds trust 19406
fund. 19407

~~(F)~~(G) Any person, including the office of child support, 19408
adversely affected by a decision of the director may appeal such 19409
decision in the manner provided in Chapter 119. of the Revised 19410
Code. 19411

In the event the claimant prevails, the claimant shall be 19412
reimbursed for reasonable attorney's fees and costs. 19413

~~(G)~~(H) Notwithstanding anything to the contrary in this 19414
chapter, any holder who has paid moneys to or entered into an 19415
agreement with the director pursuant to section 169.05 of the 19416
Revised Code on certified checks, cashiers' checks, bills of 19417
exchange, letters of credit, drafts, money orders, or travelers' 19418
checks, may make payment to any person entitled thereto, including 19419
the office of child support, and upon surrender of the document, 19420
except in the case of travelers' checks, and proof of such 19421
payment, the director shall reimburse the holder for such payment 19422
without interest. 19423

Sec. 173.03. (A) There is hereby created the Ohio advisory 19424
council for the aging, which shall consist of twelve members to be 19425
appointed by the governor with the advice and consent of the 19426
senate. Two ex officio members of the council shall be members of 19427
the house of representatives appointed by the speaker of the house 19428
of representatives and shall be members of two different political 19429
parties. Two ex officio members of the council shall be members of 19430
the senate appointed by the president of the senate and shall be 19431
members of two different political parties. The medicaid director 19432
and directors of ~~mental health~~ mental health and addiction 19433
services, developmental disabilities, health, and job and family 19434
services, or their designees, shall serve as ex officio members of 19435
the council. The council shall carry out its role as defined under 19436
the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, 19437
as amended. 19438

At the first meeting of the council, and annually thereafter, 19439
the members shall select one of their members to serve as 19440
chairperson and one of their members to serve as vice-chairperson. 19441

(B) Members of the council shall be appointed for a term of 19442
three years, except that for the first appointment members of the 19443
Ohio commission on aging who were serving on the commission 19444
immediately prior to July 26, 1984, shall become members of the 19445
council for the remainder of their unexpired terms. Thereafter, 19446
appointment to the council shall be for a three-year term by the 19447
governor. Each member shall hold office from the date of 19448
appointment until the end of the term for which the member was 19449
appointed. Any member appointed to fill a vacancy occurring prior 19450
to the expiration of the term for which the member's predecessor 19451
was appointed shall hold office for the remainder of the term. No 19452
member shall continue in office subsequent to the expiration date 19453
of the member's term unless reappointed under the provisions of 19454
this section, and no member shall serve more than three 19455

consecutive terms on the council. 19456

(C) Membership of the council shall represent all areas of 19457
Ohio and shall be as follows: 19458

(1) A majority of members of the council shall have attained 19459
the age of ~~sixty~~ fifty and have a knowledge of and continuing 19460
interest in the affairs and welfare of the older citizens of Ohio. 19461
The fields of business, labor, health, law, and human services 19462
shall be represented in the membership. 19463

(2) No more than seven members shall be of the same political 19464
party. 19465

(D) Any member of the council may be removed from office by 19466
the governor for neglect of duty, misconduct, or malfeasance in 19467
office after being informed in writing of the charges and afforded 19468
an opportunity for a hearing. Two consecutive unexcused absences 19469
from regularly scheduled meetings constitute neglect of duty. 19470

(E) The director of aging may reimburse a member for actual 19471
and necessary traveling and other expenses incurred in the 19472
discharge of official duties. But reimbursement shall be made in 19473
the manner and at rates that do not exceed those prescribed by the 19474
director of budget and management for any officer, member, or 19475
employee of, or consultant to, any state agency. 19476

(F) Council members are not limited as to the number of terms 19477
they may serve. 19478

(G)(1) The department of aging may award grants to or enter 19479
into contracts with a member of the advisory council or an entity 19480
that the member represents if any of the following apply: 19481

(a) The department determines that the member or the entity 19482
the member represents is capable of providing the goods or 19483
services specified under the terms of the grant or contract. 19484

(b) The member has not taken part in any discussion or vote 19485

of the council related to whether the council should recommend 19486
that the department of aging award the grant to or enter into the 19487
contract with the member of the advisory council or the entity 19488
that the member represents. 19489

(2) A member of the advisory council is not in violation of 19490
Chapter 102. or section 2921.42 of the Revised Code with regard to 19491
receiving a grant or entering into a contract under this section 19492
if the conditions of division (G)(1)(a) and (b) of this section 19493
have been met. 19494

Sec. 173.14. As used in sections 173.14 to 173.27 of the 19495
Revised Code: 19496

(A)(1) Except as otherwise provided in division (A)(2) of 19497
this section, "long-term care facility" includes any residential 19498
facility that provides personal care services for more than 19499
twenty-four hours for one or more unrelated adults, including all 19500
of the following: 19501

(a) A "nursing home," "residential care facility," or "home 19502
for the aging" as defined in section 3721.01 of the Revised Code; 19503

(b) A facility authorized to provide extended care services 19504
under Title XVIII of the "Social Security Act," 49 Stat. 620 19505
(1935), 42 U.S.C. 301, as amended, including a long-term acute 19506
care hospital that provides medical and rehabilitative care to 19507
patients who require an average length of stay greater than 19508
twenty-five days and is classified by the centers for medicare and 19509
medicaid services as a long-term care hospital pursuant to 42 19510
C.F.R. 412.23(e); 19511

(c) A county home or district home operated pursuant to 19512
Chapter 5155. of the Revised Code; 19513

(d) A residential facility licensed under section ~~5119.22~~ 19514
5119.34 of the Revised Code that provides accommodations, 19515

supervision, and personal care services for three to sixteen 19516
unrelated adults or accommodations and personal care services for 19517
only one or two adults who are ~~recipients under the~~ receiving 19518
residential state supplement program; 19519

(e) A facility approved by the veterans administration under 19520
section 104(a) of the "Veterans Health Care Amendments of 1983," 19521
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 19522
the placement and care of veterans. 19523

(2) "Long-term care facility" does not include a residential 19524
facility licensed under section 5123.19 of the Revised Code. 19525

(B) "Resident" means a resident of a long-term care facility 19526
and, where appropriate, includes a prospective, previous, or 19527
deceased resident of a long-term care facility. 19528

(C) "Community-based long-term care services" means health 19529
and social services provided to persons in their own homes or in 19530
community care settings, and includes any of the following: 19531

(1) Case management; 19532

(2) Home health care; 19533

(3) Homemaker services; 19534

(4) Chore services; 19535

(5) Respite care; 19536

(6) Adult day care; 19537

(7) Home-delivered meals; 19538

(8) Personal care; 19539

(9) Physical, occupational, and speech therapy; 19540

(10) Transportation; 19541

(11) Any other health and social services provided to persons 19542
that allow them to retain their independence in their own homes or 19543

in community care settings. 19544

(D) "Recipient" means a recipient of community-based 19545
long-term care services and, where appropriate, includes a 19546
prospective, previous, or deceased recipient of community-based 19547
long-term care services. 19548

(E) "Sponsor" means an adult relative, friend, or guardian 19549
who has an interest in or responsibility for the welfare of a 19550
resident or a recipient. 19551

(F) "Personal care services" has the same meaning as in 19552
section 3721.01 of the Revised Code. 19553

(G) "Regional long-term care ~~ombudsperson~~ ombudsman program" 19554
means an entity, either public or private and nonprofit, 19555
designated as a regional long-term care ~~ombudsperson~~ ombudsman 19556
program by the state long-term care ~~ombudsperson~~ ombudsman. 19557

(H) "Representative of the office of the state long-term care 19558
~~ombudsperson~~ ombudsman program" means the state long-term care 19559
~~ombudsperson~~ ombudsman or a member of the ~~ombudsperson's~~ 19560
ombudsman's staff, or a person certified as a representative of 19561
the office under section 173.21 of the Revised Code. 19562

(I) "Area agency on aging" means an area agency on aging 19563
established under the "Older Americans Act of 1965," 79 Stat. 219, 19564
42 U.S.C.A. 3001, as amended. 19565

Sec. 173.17. (A) The state long-term care ~~ombudsperson~~ 19566
ombudsman shall do all of the following: 19567

(1) Appoint a staff and direct and administer the work of the 19568
staff; 19569

(2) Supervise the nursing home investigative unit established 19570
under division (I) of section 173.01 of the Revised Code; 19571

(3) Oversee the performance and operation of the office of 19572

the state long-term care ~~ombudsperson~~ ombudsman program, including 19573
the operation of regional long-term care ~~ombudsperson~~ ombudsman 19574
programs; 19575

(4) Establish and maintain a statewide uniform reporting 19576
system to collect and analyze information relating to complaints 19577
and conditions in long-term care facilities and complaints 19578
regarding the provision of community-based long-term care services 19579
for the purpose of identifying and resolving significant problems; 19580

(5) Provide for public forums to discuss concerns and 19581
problems relating to action, inaction, or decisions that may 19582
adversely affect the health, safety, welfare, or rights of 19583
residents and recipients of services by providers of long-term 19584
care and their representatives, public agencies and entities, and 19585
social service agencies. This may include any of the following: 19586
conducting public hearings; sponsoring workshops and conferences; 19587
holding meetings for the purpose of obtaining information about 19588
residents and recipients, discussing and publicizing their needs, 19589
and advocating solutions to their problems; and promoting the 19590
development of citizen organizations. 19591

(6) Encourage, cooperate with, and assist in the development 19592
and operation of services to provide current, objective, and 19593
verified information about long-term care; 19594

(7) Develop and implement, with the assistance of regional 19595
programs, a continuing program to publicize, through the media and 19596
civic organizations, the office, its purposes, and its methods of 19597
operation; 19598

(8) Maintain written descriptions of the duties and 19599
qualifications of representatives of the office; 19600

(9) Evaluate and make known concerns and issues regarding 19601
long-term care by doing all of the following: 19602

(a) Preparing an annual report containing information and 19603

findings regarding the types of problems experienced by residents 19604
and recipients and the complaints made by or on behalf of 19605
residents and recipients. The report shall include recommendations 19606
for policy, regulatory, and legislative changes to solve problems, 19607
resolve complaints, and improve the quality of care and life for 19608
residents and recipients and shall be submitted to the governor, 19609
the speaker of the house of representatives, the president of the 19610
senate, the directors of health and of job and family services, 19611
and the commissioner of the administration on aging of the United 19612
States department of health and human services. 19613

(b) Monitoring and analyzing the development and 19614
implementation of federal, state, and local laws, rules, and 19615
policies regarding long-term care services in this state and 19616
recommending to officials changes the office considers appropriate 19617
in these laws, rules, and policies; 19618

(c) Providing information and making recommendations to 19619
public agencies, members of the general assembly, and others 19620
regarding problems and concerns of residents and recipients. 19621

(10) Conduct training for employees and volunteers on 19622
~~ombudsperson's~~ ombudsman's staff and for representatives of the 19623
office employed by regional programs; 19624

(11) Monitor the training of representatives of the office 19625
who provide volunteer services to regional programs, and provide 19626
technical assistance to the regional programs in conducting the 19627
training; 19628

(12) Issue certificates attesting to the successful 19629
completion of training and specifying the level of responsibility 19630
for which a representative of the office who has completed 19631
training is qualified; 19632

(13) Register as a residents' rights advocate with the 19633
department of health under division (B) of section 3701.07 of the 19634

Revised Code; 19635

(14) Perform other duties specified by the department of 19636
aging. 19637

(B) The state ~~ombuds~~ombudsman may delegate any of the 19638
~~ombuds~~ombudsman's authority or duties under sections 19639
173.14 to 173.26 of the Revised Code to any member of the 19640
~~ombuds~~ombudsman's staff. The state ~~ombuds~~ombudsman 19641
is responsible for any authority or duties the ~~ombuds~~ 19642
ombudsman delegates. 19643

Sec. 173.19. (A) The office of the state long-term care 19644
~~ombuds~~ombudsman program, through the state long-term care 19645
~~ombuds~~ombudsman and the regional long-term care 19646
~~ombuds~~ombudsman programs, shall receive, investigate, and 19647
attempt to resolve complaints made by residents, recipients, 19648
sponsors, providers of long-term care, or any person acting on 19649
behalf of a resident or recipient, relating to either of the 19650
following: 19651

(1) The health, safety, welfare, or civil rights of a 19652
resident or recipient or any violation of a resident's rights 19653
described in sections 3721.10 to 3721.17 of the Revised Code; 19654

(2) Any action or inaction or decision by a provider of 19655
long-term care or representative of a provider, a governmental 19656
entity, or a private social service agency that may adversely 19657
affect the health, safety, welfare, or rights of a resident or 19658
recipient. 19659

(B) The department of aging shall adopt rules in accordance 19660
with Chapter 119. of the Revised Code regarding the handling of 19661
complaints received under this section, including procedures for 19662
conducting investigations of complaints. The rules shall include 19663
procedures to ensure that no representative of the office 19664

investigates any complaint involving a provider of long-term care 19665
with which the representative was once employed or associated. 19666

The state ~~ombudsperson~~ ombudsman and regional programs shall 19667
establish procedures for handling complaints consistent with the 19668
department's rules. Complaints shall be dealt with in accordance 19669
with the procedures established under this division. 19670

(C) The office of the state long-term care ~~ombudsperson~~ 19671
ombudsman program may decline to investigate any complaint if it 19672
determines any of the following: 19673

(1) That the complaint is frivolous, vexatious, or not made 19674
in good faith; 19675

(2) That the complaint was made so long after the occurrence 19676
of the incident on which it is based that it is no longer 19677
reasonable to conduct an investigation; 19678

(3) That an adequate investigation cannot be conducted 19679
because of insufficient funds, insufficient staff, lack of staff 19680
expertise, or any other reasonable factor that would result in an 19681
inadequate investigation despite a good faith effort; 19682

(4) That an investigation by the office would create a real 19683
or apparent conflict of interest. 19684

(D) If a regional long-term care ~~ombudsperson~~ ombudsman 19685
program declines to investigate a complaint, it shall refer the 19686
complaint to the state long-term care ~~ombudsperson~~ ombudsman. 19687

(E) Each complaint to be investigated by a regional program 19688
shall be assigned to a representative of the office of the state 19689
long-term care ~~ombudsperson~~ ombudsman program. If the 19690
representative determines that the complaint is valid, the 19691
representative shall assist the parties in attempting to resolve 19692
it. If the representative is unable to resolve it, the 19693
representative shall refer the complaint to the state ~~ombudsperson~~ 19694

ombudsman. 19695

In order to carry out the duties of sections 173.14 to 173.26 19696
of the Revised Code, a representative has the right to private 19697
communication with residents and their sponsors and access to 19698
long-term care facilities, including the right to tour resident 19699
areas unescorted and the right to tour facilities unescorted as 19700
reasonably necessary to the investigation of a complaint. Access 19701
to facilities shall be during reasonable hours or, during 19702
investigation of a complaint, at other times appropriate to the 19703
complaint. 19704

When community-based long-term care services are provided at 19705
a location other than the recipient's home, a representative has 19706
the right to private communication with the recipient and the 19707
recipient's sponsors and access to the community-based long-term 19708
care site, including the right to tour the site unescorted. Access 19709
to the site shall be during reasonable hours or, during the 19710
investigation of a complaint, at other times appropriate to the 19711
complaint. 19712

(F) The state ~~ombudsperson~~ ombudsman shall determine whether 19713
complaints referred to the ~~ombudsperson~~ ombudsman under division 19714
(D) or (E) of this section warrant investigation. The 19715
~~ombudsperson's~~ ombudsman's determination in this matter is final. 19716

Sec. 173.20. (A) If consent is given and unless otherwise 19717
prohibited by law, a representative of the office of the state 19718
long-term care ombudsman program shall have access to any records, 19719
including medical records, of a resident or a recipient that are 19720
reasonably necessary for investigation of a complaint. Consent may 19721
be given in any of the following ways: 19722

(1) In writing by the resident or recipient; 19723

(2) Orally by the resident or recipient, witnessed in writing 19724

at the time it is given by one other person, and, if the records
involved are being maintained by a long-term care provider, also
by an employee of the long-term care provider designated under
division (E)(1) of this section;

(3) In writing by the guardian of the resident or recipient;

(4) In writing by the attorney in fact of the resident or
recipient, if the resident or recipient has authorized the
attorney in fact to give such consent;

(5) In writing by the executor or administrator of the estate
of a deceased resident or recipient.

(B) If consent to access to records is not refused by a
resident or recipient or ~~his~~ the resident's or recipient's legal
representative but cannot be obtained and any of the following
circumstances exist, a representative of the office of the state
long-term care ombudsman program, on approval of the state
long-term care ombudsman, may inspect the records of a resident or
a recipient, including medical records, that are reasonably
necessary for investigation of a complaint:

(1) The resident or recipient is unable to express written or
oral consent and there is no guardian or attorney in fact;

(2) There is a guardian or attorney in fact, but ~~he~~ the
guardian or attorney in fact cannot be contacted within three
working days;

(3) There is a guardianship or durable power of attorney, but
its existence is unknown by the long-term care provider and the
representative of the office at the time of the investigation;

(4) There is no executor or administrator of the estate of a
deceased resident or recipient.

(C) If a representative of the office of the state long-term
care ombudsman program has been refused access to records by a

guardian or attorney in fact, but has reasonable cause to believe 19755
that the guardian or attorney in fact is not acting in the best 19756
interests of the resident or recipient, the representative may, on 19757
approval of the state long-term care ombudsman, inspect the 19758
records of the resident or recipient, including medical records, 19759
that are reasonably necessary for investigation of a complaint. 19760

(D) A representative of the office of the state long-term 19761
care ombudsman program shall have access to any records of a 19762
long-term care provider reasonably necessary to an investigation 19763
conducted under this section, including but not limited to: 19764
incident reports, dietary records, policies and procedures of a 19765
facility required to be maintained under section ~~5111.21~~ 5165.06 19766
of the Revised Code, admission agreements, staffing schedules, any 19767
document depicting the actual staffing pattern of the provider, 19768
any financial records that are matters of public record, resident 19769
council and grievance committee minutes, and any waiting list 19770
maintained by a facility in accordance with section ~~5111.31~~ 19771
5165.08 of the Revised Code, or any similar records or lists 19772
maintained by a provider of community-based long-term care 19773
services. Pursuant to division (E)(2) of this section, a 19774
representative shall be permitted to make or obtain copies of any 19775
of these records after giving the long-term care provider 19776
twenty-four hours' notice. A long-term care provider may impose a 19777
charge for providing copies of records under this division that 19778
does not exceed the actual and necessary expense of making the 19779
copies. 19780

The state ombudsman shall take whatever action is necessary 19781
to ensure that any copy of a record made or obtained under this 19782
division is returned to the long-term care provider no later than 19783
three years after the date the investigation for which the copy 19784
was made or obtained is completed. 19785

(E)(1) Each long-term care provider shall designate one or 19786

more of its employees to be responsible for witnessing the giving 19787
of oral consent under division (A) of this section. In the event 19788
that a designated employee is not available when a resident or 19789
recipient attempts to give oral consent, the provider shall 19790
designate another employee to witness the consent. 19791

(2) Each long-term care provider shall designate one or more 19792
of its employees to be responsible for releasing records for 19793
copying to representatives of the office of the long-term care 19794
ombudsman program who request permission to make or obtain copies 19795
of records specified in division (D) of this section. In the event 19796
that a designated employee is not available when a representative 19797
of the office makes the request, the long-term care provider shall 19798
designate another employee to release the records for copying. 19799

(F) A long-term care provider or any employee of such a 19800
provider is immune from civil or criminal liability or action 19801
taken pursuant to a professional disciplinary procedure for the 19802
release or disclosure of records to a representative of the office 19803
pursuant to this section. 19804

(G) A state or local government agency or entity with records 19805
relevant to a complaint or investigation being conducted by a 19806
representative of the office shall provide the representative 19807
access to the records. 19808

(H) The state ombudsman, with the approval of the director of 19809
aging, may issue a subpoena to compel any person ~~he~~ the ombudsman 19810
reasonably believes may be able to provide information to appear 19811
before ~~him~~ the ombudsman or ~~his~~ the ombudsman's designee and give 19812
sworn testimony and to produce documents, books, records, papers, 19813
or other evidence the state ombudsman believes is relevant to the 19814
investigation. On the refusal of a witness to be sworn or to 19815
answer any question put to ~~him~~ the witness, or if a person 19816
disobeys a subpoena, the ombudsman shall apply to the Franklin 19817
county court of common pleas for a contempt order, as in the case 19818

of disobedience of the requirements of a subpoena issued from the 19819
court, or a refusal to testify in the court. 19820

(I) The state ombudsman may petition the court of common 19821
pleas in the county in which a long-term care facility is located 19822
to issue an injunction against any long-term care facility in 19823
violation of sections 3721.10 to 3721.17 of the Revised Code. 19824

(J) Any suspected violation of Chapter 3721. of the Revised 19825
Code discovered during the course of an investigation may be 19826
reported to the department of health. Any suspected criminal 19827
violation discovered during the course of an investigation shall 19828
be reported to the attorney general or other appropriate law 19829
enforcement authorities. 19830

(K) The department of aging shall adopt rules in accordance 19831
with Chapter 119. of the Revised Code for referral by the state 19832
ombudsman and regional long-term care ombudsman programs of 19833
complaints to other public agencies or entities. A public agency 19834
or entity to which a complaint is referred shall keep the state 19835
ombudsman or regional program handling the complaint advised and 19836
notified in writing in a timely manner of the disposition of the 19837
complaint to the extent permitted by law. 19838

Sec. 173.21. (A) The office of the state long-term care 19839
~~ombudsperson~~ ombudsman program, through the state long-term care 19840
~~ombudsperson~~ ombudsman and the regional long-term care 19841
~~ombudsperson~~ ombudsman programs, shall require each representative 19842
of the office to complete a training and certification program in 19843
accordance with this section and to meet the continuing education 19844
requirements established under this section. 19845

(B) The department of aging shall adopt rules under Chapter 19846
119. of the Revised Code specifying the content of training 19847
programs for representatives of the office of the state long-term 19848
care ~~ombudsperson~~ ombudsman program. Training for representatives 19849

other than those who are volunteers providing services through 19850
regional long-term care ~~ombudsperson~~ ombudsman programs shall 19851
include instruction regarding federal, state, and local laws, 19852
rules, and policies on long-term care facilities and 19853
community-based long-term care services; investigative techniques; 19854
and other topics considered relevant by the department and shall 19855
consist of the following: 19856

(1) A minimum of forty clock hours of basic instruction, 19857
which shall be completed before the trainee is permitted to handle 19858
complaints without the supervision of a representative of the 19859
office certified under this section; 19860

(2) An additional sixty clock hours of instruction, which 19861
shall be completed within the first fifteen months of employment; 19862

(3) An internship of twenty clock hours, which shall be 19863
completed within the first twenty-four months of employment, 19864
including instruction in, and observation of, basic nursing care 19865
and long-term care provider operations and procedures. The 19866
internship shall be performed at a site that has been approved as 19867
an internship site by the state long-term care ~~ombudsperson~~ 19868
ombudsman. 19869

(4) One of the following, which shall be completed within the 19870
first twenty-four months of employment: 19871

(a) Observation of a survey conducted by the director of 19872
health to certify a nursing facility to ~~receive funds under~~ 19873
~~sections 5111.20 to 5111.32 of the Revised Code~~ participate in the 19874
medicaid program; 19875

(b) Observation of an inspection conducted by the director of 19876
~~mental health~~ mental health and addiction services to license a 19877
residential facility under section ~~5119.22~~ 5119.34 of the Revised 19878
Code that provides accommodations, supervision, and personal care 19879
services for three to sixteen unrelated adults. 19880

(5) Any other training considered appropriate by the 19881
department. 19882

(C) ~~Persons~~ Any person who for a period of at least six 19883
months prior to June 11, 1990, served as ~~embudsmen~~ an ombudsman 19884
through the long-term care ~~ombudsperson~~ ombudsman program 19885
established by the department of aging under division (M) of 19886
section 173.01 of the Revised Code shall not be required to 19887
complete a training program. ~~These persons~~ Such a person and 19888
persons who complete a training program shall take an examination 19889
administered by the department of aging. On attainment of a 19890
passing score, the person shall be certified by the department as 19891
a representative of the office. The department shall issue the 19892
person an identification card, which the representative shall show 19893
at the request of any person with whom the representative deals 19894
while performing the representative's duties and which shall be 19895
surrendered at the time the representative separates from the 19896
office. 19897

(D) The state ~~ombudsperson~~ ombudsman and each regional 19898
program shall conduct training programs for volunteers on their 19899
respective staffs in accordance with the rules of the department 19900
of aging adopted under division (B) of this section. Training 19901
programs may be conducted that train volunteers to complete some, 19902
but not all, of the duties of a representative of the office. Each 19903
regional office shall bear the cost of training its 19904
representatives who are volunteers. On completion of a training 19905
program, the representative shall take an examination administered 19906
by the department of aging. On attainment of a passing score, a 19907
volunteer shall be certified by the department as a representative 19908
authorized to perform services specified in the certification. The 19909
department shall issue an identification card, which the 19910
representative shall show at the request of any person with whom 19911
the representative deals while performing the representative's 19912

duties and which shall be surrendered at the time the 19913
representative separates from the office. Except as a supervised 19914
part of a training program, no volunteer shall perform any duty 19915
unless he is certified as a representative having received 19916
appropriate training for that duty. 19917

(E) The state ~~ombudsperson~~ ombudsman shall provide technical 19918
assistance to regional programs conducting training programs for 19919
volunteers and shall monitor the training programs. 19920

(F) Prior to scheduling an observation of a certification 19921
survey or licensing inspection for purposes of division (B)(4) of 19922
this section, the state ~~ombudsperson~~ ombudsman shall obtain 19923
permission to have the survey or inspection observed from both the 19924
director of health and the long-term care facility at which the 19925
survey or inspection is to take place. 19926

(G) The department of aging shall establish continuing 19927
education requirements for representatives of the office. 19928

Sec. 173.23. (A) Representatives of the office of the state 19929
long-term care ~~ombudsperson~~ ombudsman program are immune from 19930
civil or criminal liability for any action taken in the good faith 19931
performance of their official duties under sections 173.14 to 19932
173.26 of the Revised Code. 19933

(B) A person acting in good faith is immune from civil or 19934
criminal liability incident to any of the following: providing 19935
information to the office, participating in registration of a 19936
complaint with the office, participating in investigation of a 19937
complaint by the office, or participating in an administrative or 19938
judicial proceeding resulting from a complaint. 19939

(C) No person shall knowingly register a false complaint with 19940
the office, or knowingly swear or affirm the truth of a false 19941
complaint previously registered, when the statement is made with 19942

purpose to incriminate another. 19943

(D) The attorney general shall provide legal counsel to the 19944
office of the state long-term care ~~ombudsperson~~ ombudsman program 19945
and to the regional long-term care ~~ombudsperson~~ ombudsman 19946
programs. The attorney general shall represent any representative 19947
of the office and any representative of a regional program against 19948
whom any legal action is brought in connection with the 19949
representative's official duties under sections 173.14 to 173.26 19950
of the Revised Code. 19951

Sec. 173.25. The office of the state long-term care 19952
~~ombudsperson~~ ombudsman program shall, in carrying out the 19953
provisions and purposes of sections 173.14 to 173.26 of the 19954
Revised Code, advise, consult, and cooperate with any agency, 19955
program, or other entity related to the purposes of the office. 19956
Any agency, program, or other entity related to the purposes of 19957
the office shall advise, consult, and cooperate with the office. 19958

The office shall attempt to establish effective coordination 19959
with government-sponsored programs that provide legal services to 19960
the elderly and with protective and advocacy programs for 19961
individuals with developmental disabilities, mental retardation, 19962
or mental illness. 19963

Sec. 173.26. (A) Each of the following facilities shall 19964
annually pay to the department of aging six dollars for each bed 19965
~~maintained by the facility for use by a resident was licensed or~~ 19966
otherwise authorized to maintain during any part of the previous 19967
year: 19968

(1) Nursing homes, and residential care facilities, ~~and homes~~ 19969
~~for the aging~~ as defined in section 3721.01 of the Revised Code; 19970

(2) Facilities authorized to provide extended care services 19971
under Title XVIII of the "Social Security Act," 49 Stat. 620 19972

(1935), 42 U.S.C. 301, as amended, including a long-term acute care hospital that provides medical and rehabilitative care to patients who require an average length of stay greater than twenty-five days and is classified by the centers for medicare and medicaid services as a long-term care hospital pursuant to 42 C.F.R. 412.23(e);

(3) County homes and district homes operated pursuant to Chapter 5155. of the Revised Code;

(4) Residential facilities licensed under section ~~5119.22~~ 5119.34 of the Revised Code that provide accommodations, supervision, and personal care services for three to sixteen unrelated adults;

(5) Facilities approved by the Veterans Administration under Section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans.

The department shall, by rule adopted in accordance with Chapter 119. of the Revised Code, establish deadlines for payments required by this section. A facility that fails, within ninety days after the established deadline, to pay a payment required by this section shall be assessed at two times the original invoiced payment.

(B) All money collected under this section shall be deposited in the state treasury to the credit of the office of the state long-term care ~~ombudsperson~~ ombudsman program fund, which is hereby created. Money credited to the fund shall be used solely to pay the costs of operating the regional long-term care ~~ombudsperson~~ ombudsman programs.

(C) The state long-term care ~~ombudsperson~~ ombudsman and the regional programs may solicit and receive contributions to support the operation of the office or a regional program, except that no

contribution shall be solicited or accepted that would interfere 20004
with the independence or objectivity of the office or program. 20005

Sec. 173.27. (A) As used in this section: 20006

(1) "Applicant" means a person who is under final 20007
consideration for employment ~~with the office of the state~~ 20008
~~long-term care ombudsperson program~~ by a responsible party in a 20009
full-time, part-time, or temporary position that involves 20010
providing ~~ombudsperson~~ ombudsman services to residents and 20011
recipients. "Applicant" includes a person who is under final 20012
consideration for employment as the state long-term care 20013
~~ombudsperson~~ ombudsman or the head of a regional long-term care 20014
~~ombudsperson~~ ombudsman program. "Applicant" does not include a 20015
person seeking to provide ~~ombudsperson~~ ombudsman services to 20016
residents and recipients as a volunteer without receiving or 20017
expecting to receive any form of remuneration other than 20018
reimbursement for actual expenses. 20019

(2) "Criminal records check" has the same meaning as in 20020
section 109.572 of the Revised Code. 20021

(3) "Disqualifying offense" means any of the offenses listed 20022
or described in divisions (A)(3)(a) to (e) of section 109.572 of 20023
the Revised Code. 20024

(4) "Employee" means a person employed by ~~the office of the~~ 20025
~~state long-term care ombudsperson program~~ a responsible party in a 20026
full-time, part-time, or temporary position that involves 20027
providing ~~ombudsperson~~ ombudsman services to residents and 20028
recipients. "Employee" includes the person employed as the state 20029
long-term care ~~ombudsperson~~ ombudsman and a person employed as the 20030
head of a regional long-term care ~~ombudsperson~~ ombudsman program. 20031
"Employee" does not include a person who provides ~~ombudsperson~~ 20032
ombudsman services to residents and recipients as a volunteer 20033
without receiving or expecting to receive any form of remuneration 20034

other than reimbursement for actual expenses. 20035

(5) "Responsible ~~entity~~ party" means the following: 20036

(a) In the case of an applicant who is under final 20037
consideration for employment as the state long-term care 20038
~~ombudsperson~~ ombudsman or the person employed as the state 20039
long-term care ~~ombudsperson~~ ombudsman, the director of aging; 20040

(b) In the case of any other applicant who is under final 20041
consideration for employment with the state long-term care 20042
ombudsman program or any other employee of the state long-term 20043
care ombudsman program, the state long-term care ~~ombudsperson~~ or 20044
~~the ombudsperson's designee~~ ombudsman; 20045

(c) In the case of an applicant who is under final 20046
consideration for employment with a regional long-term care 20047
ombudsman program (including as the head of the regional program) 20048
or an employee of a regional long-term care ombudsman program 20049
(including the head of a regional program), the regional long-term 20050
care ombudsman program. 20051

(B) ~~The office of the state long term care ombudsperson~~ 20052
~~program~~ A responsible party may not employ an applicant or 20053
continue to employ an employee in a position that involves 20054
providing ~~ombudsperson~~ ombudsman services to residents and 20055
recipients if any of the following apply: 20056

(1) A review of the databases listed in division (D) of this 20057
section reveals any of the following: 20058

(a) That the applicant or employee is included in one or more 20059
of the databases listed in divisions (D)(1) to (5) of this 20060
section; 20061

(b) That there is in the state nurse aide registry 20062
established under section 3721.32 of the Revised Code a statement 20063
detailing findings by the director of health that the applicant or 20064

employee neglected or abused a long-term care facility or 20065
residential care facility resident or misappropriated property of 20066
such a resident; 20067

(c) That the applicant or employee is included in one or more 20068
of the databases, if any, specified in rules adopted under this 20069
section and the rules prohibit the ~~office~~ responsible party from 20070
employing an applicant or continuing to employ an employee 20071
included in such a database in a position that involves providing 20072
~~ombudsperson~~ ombudsman services to residents and recipients. 20073

(2) After the applicant or employee is provided, pursuant to 20074
division (E)(2)(a) of this section, a copy of the form prescribed 20075
pursuant to division (C)(1) of section 109.572 of the Revised Code 20076
and the standard impression sheet prescribed pursuant to division 20077
(C)(2) of that section, the applicant or employee fails to 20078
complete the form or provide the applicant's or employee's 20079
fingerprint impressions on the standard impression sheet. 20080

(3) ~~Except as provided~~ Unless the applicant or employee meets 20081
standards specified in rules adopted under this section, the 20082
applicant or employee is found by a criminal records check 20083
required by this section to have been convicted of, pleaded guilty 20084
to, or been found eligible for intervention in lieu of conviction 20085
for a disqualifying offense. 20086

(C) ~~The A~~ responsible entity party or a responsible party's 20087
designee shall inform each applicant of both of the following at 20088
the time of the applicant's initial application for employment in 20089
a position that involves providing ~~ombudsperson~~ ombudsman services 20090
to residents and recipients: 20091

(1) That a review of the databases listed in division (D) of 20092
this section will be conducted to determine whether the ~~office of~~ 20093
~~the state long term care ombudsperson program~~ responsible party is 20094
prohibited by division (B)(1) of this section from employing the 20095

applicant in the position; 20096

(2) That, unless the database review reveals that the 20097
applicant may not be employed in the position, a criminal records 20098
check of the applicant will be conducted and the applicant is 20099
required to provide a set of the applicant's fingerprint 20100
impressions as part of the criminal records check. 20101

(D) As a condition of any applicant's being employed by ~~the~~ 20102
~~office of the state long term care ombudsperson program a~~ 20103
responsible party in a position that involves providing 20104
~~ombudsperson~~ ombudsman services to residents and recipients, the 20105
responsible ~~entity~~ party or designee shall conduct a database 20106
review of the applicant in accordance with rules adopted under 20107
this section. If rules adopted under this section so require, the 20108
responsible ~~entity~~ party or designee shall conduct a database 20109
review of an employee in accordance with the rules as a condition 20110
of the ~~office's~~ responsible party continuing to employ the 20111
employee in a position that involves providing ~~ombudsperson~~ 20112
ombudsman services to residents and recipients. A database review 20113
shall determine whether the applicant or employee is included in 20114
any of the following: 20115

(1) The excluded parties list system that is maintained by 20116
the United States general services administration pursuant to 20117
subpart 9.4 of the federal acquisition regulation and available at 20118
the federal web site known as the system for award management; 20119

(2) The list of excluded individuals and entities maintained 20120
by the office of inspector general in the United States department 20121
of health and human services pursuant to section 1128 of the 20122
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 20123
amended, and section 1156 of the "Social Security Act," 96 Stat. 20124
388 (1982), 42 U.S.C. 1320c-5, as amended; 20125

(3) The registry of MR/DD employees established under section 20126

5123.52 of the Revised Code;	20127
(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;	20128 20129 20130
(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;	20131 20132
(6) The state nurse aide registry established under section 3721.32 of the Revised Code;	20133 20134
(7) Any other database, if any, specified in rules adopted under this section.	20135 20136
(E)(1) As a condition of any applicant's being employed by the office of the state long-term care ombudsperson program a responsible party in a position that involves providing ombudsperson ombudsman services to residents and recipients, the responsible entity party or designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the responsible entity party or designee shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of the office's responsible party continuing to employ the employee in a position that involves providing ombudsperson ombudsman services to residents and recipients. However, the responsible entity party or designee is not required to request the criminal records check of the applicant or employee if the office responsible party is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing ombudsperson ombudsman services to residents and recipients. If an applicant or employee for whom a criminal records check request is required by this section does not present	20137 20138 20139 20140 20141 20142 20143 20144 20145 20146 20147 20148 20149 20150 20151 20152 20153 20154 20155 20156 20157

proof of having been a resident of this state for the five-year 20158
period immediately prior to the date the criminal records check is 20159
requested or provide evidence that within that five-year period 20160
the superintendent has requested information about the applicant 20161
or employee from the federal bureau of investigation in a criminal 20162
records check, the responsible ~~entity~~ party or designee shall 20163
request that the superintendent obtain information from the 20164
federal bureau of investigation as part of the criminal records 20165
check. Even if an applicant or employee for whom a criminal 20166
records check request is required by this section presents proof 20167
of having been a resident of this state for the five-year period, 20168
the responsible ~~entity~~ party or designee may request that the 20169
superintendent include information from the federal bureau of 20170
investigation in the criminal records check. 20171

(2) ~~The~~ A responsible ~~entity~~ party or designee shall do all 20172
of the following: 20173

(a) Provide to each applicant and employee for whom a 20174
criminal records check request is required by this section a copy 20175
of the form prescribed pursuant to division (C)(1) of section 20176
109.572 of the Revised Code and a standard impression sheet 20177
prescribed pursuant to division (C)(2) of that section; 20178

(b) Obtain the completed form and standard impression sheet 20179
from the applicant or employee; 20180

(c) Forward the completed form and standard impression sheet 20181
to the superintendent. 20182

(3) ~~The office of the state long term care ombudsperson~~ 20183
~~program~~ A responsible party shall pay to the bureau of criminal 20184
identification and investigation the fee prescribed pursuant to 20185
division (C)(3) of section 109.572 of the Revised Code for each 20186
criminal records check the responsible ~~entity~~ party or the 20187
responsible party's designee requests under this section. The 20188

office responsible party may charge an applicant a fee not 20189
exceeding the amount the office responsible party pays to the 20190
bureau under this section if the responsible entity party or 20191
designee notifies the applicant at the time of initial application 20192
for employment of the amount of the fee. 20193

~~(F)(1) The office of the state long term care ombudsperson~~ 20194
~~program~~ A responsible party may employ conditionally an applicant 20195
for whom a criminal records check is required by this section 20196
prior to obtaining the results of the criminal records check if 20197
both of the office following apply: 20198

(a) The responsible party is not prohibited by division 20199
(B)(1) of this section from employing the applicant in a position 20200
that involves providing ~~ombudsperson~~ ombudsman services to 20201
residents and recipients ~~and the;~~ 20202

(b) The responsible entity party or designee requests the 20203
criminal records check in accordance with division (E) of this 20204
section not later than five business days after the applicant 20205
begins conditional employment. 20206

~~(2) The office of the state long term care ombudsperson~~ 20207
~~program~~ A responsible party shall terminate the employment of an 20208
applicant employed conditionally under division (F)(1) of this 20209
section if the results of the criminal records check, other than 20210
the results of any request for information from the federal bureau 20211
of investigation, are not obtained within the period ending sixty 20212
days after the date the request for the criminal records check is 20213
made. Regardless of when the results of the criminal records check 20214
are obtained, if the results indicate that the applicant has been 20215
convicted of, pleaded guilty to, or been found eligible for 20216
intervention in lieu of conviction for a disqualifying offense, 20217
the office responsible party shall terminate the applicant's 20218
employment unless ~~circumstances~~ the applicant meets standards 20219
specified in rules adopted under this section that permit the 20220

~~office responsible party~~ to employ the applicant ~~exist~~ and the 20221
~~office responsible party~~ chooses to employ the applicant. 20222

Termination of employment under this division shall be considered 20223
just cause for discharge for purposes of division (D)(2) of 20224
section 4141.29 of the Revised Code if the applicant makes any 20225
attempt to deceive the ~~office~~ responsible party or designee about 20226
the applicant's criminal record. 20227

(G) The report of any criminal records check conducted 20228
pursuant to a request made under this section is not a public 20229
record for the purposes of section 149.43 of the Revised Code and 20230
shall not be made available to any person other than the 20231
following: 20232

(1) The applicant or employee who is the subject of the 20233
criminal records check or the applicant's or employee's 20234
representative; 20235

(2) The responsible ~~entity~~ party or ~~the responsible entity's~~ 20236
~~representative~~ designee; 20237

(3) ~~If the state long-term care ombudsperson designates the~~ 20238
~~head or other employee of~~ In the case of a criminal records check 20239
conducted for an applicant who is under final consideration for 20240
employment with a regional long-term care ombudsperson ombudsman 20241
program to request a criminal records check under this section 20242
(including as the head of the regional program) or an employee of 20243
a regional long-term care ombudsman program (including the head of 20244
a regional program), the state long-term care ombudsman or a 20245
representative of the office of the state long-term care 20246
~~ombudsperson~~ ombudsman program who is responsible for monitoring 20247
the regional program's compliance with this section; 20248

(4) A court, hearing officer, or other necessary individual 20249
involved in a case dealing with any of the following: 20250

(a) A denial of employment of the applicant or employee; 20251

(b) Employment or unemployment benefits of the applicant or 20252
employee; 20253

(c) A civil or criminal action regarding the medicaid program 20254
or a program the department of aging administers. 20255

(H) In a tort or other civil action for damages that is 20256
brought as the result of an injury, death, or loss to person or 20257
property caused by an applicant or employee who ~~the office of the~~ 20258
~~state long term care ombudsperson program~~ a responsible party 20259
employs in a position that involves providing ~~ombudsperson~~ 20260
ombudsman services to residents and recipients, all of the 20261
following shall apply: 20262

(1) If the ~~office~~ responsible party employed the applicant or 20263
employee in good faith and reasonable reliance on the report of a 20264
criminal records check requested under this section, the ~~office~~ 20265
responsible party shall not be found negligent solely because of 20266
its reliance on the report, even if the information in the report 20267
is determined later to have been incomplete or inaccurate. 20268

(2) If the ~~office~~ responsible party employed the applicant in 20269
good faith on a conditional basis pursuant to division (F) of this 20270
section, the ~~office~~ responsible party shall not be found negligent 20271
solely because it employed the applicant prior to receiving the 20272
report of a criminal records check requested under this section. 20273
20274

(3) If the ~~office~~ responsible party in good faith employed 20275
the applicant or employee ~~according to~~ because the ~~personal~~ 20276
~~character~~ applicant or employee meets standards ~~established~~ 20277
specified in rules adopted under this section, the ~~office~~ 20278
responsible party shall not be found negligent solely because the 20279
applicant or employee has been convicted of, pleaded guilty to, or 20280
been found eligible for intervention in lieu of conviction for a 20281
disqualifying offense. 20282

(I) The state long-term care ombudsman may not act as the director of aging's designee for the purpose of this section. The head of a regional long-term care ombudsman program may not act as the regional program's designee for the purpose of this section if the head is the employee for whom a database review or criminal records check is being conducted. 20283
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(J) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 20289
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(1) The rules may do the following: 20291

(a) Require employees to undergo database reviews and criminal records checks under this section; 20292
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements; 20294
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(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section. 20297
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(2) The rules shall specify all of the following: 20300

(a) The procedures for conducting database reviews under this section; 20301
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; 20303
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(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which ~~the office of the state long term care ombudsperson program~~ a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases; 20307
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(d) ~~Circumstances under which the office of the state~~ 20313
~~long term care ombudsperson program may employ~~ Standards that an 20314
applicant or employee ~~who~~ must meet for a responsible party to be 20315
permitted to employ the applicant or continue to employ the 20316
employee in a position that involves providing ombudsman services 20317
to residents and recipients if the applicant or employee is found 20318
by a criminal records check required by this section to have been 20319
convicted of, pleaded guilty to, or been found eligible for 20320
intervention in lieu of conviction for a disqualifying offense ~~but~~ 20321
~~meets personal character standards.~~ 20322

Sec. 173.28. (A)(1) As used in this division, "incident" 20323
means the occurrence of a violation with respect to a resident or 20324
recipient, as those terms are defined in section 173.14 of the 20325
Revised Code. A violation is a separate incident for each day it 20326
occurs and for each resident who is subject to it. 20327

In lieu of the fine that may be imposed under division (A) of 20328
section 173.99 of the Revised Code, the director of aging may, 20329
under Chapter 119. of the Revised Code, fine a long-term care 20330
provider or other entity, or a person employed by a long-term care 20331
provider or other entity, for a violation of division (C) of 20332
section 173.24 of the Revised Code. The fine shall not exceed one 20333
thousand dollars per incident. 20334

(2) In lieu of the fine that may be imposed under division 20335
(C) of section 173.99 of the Revised Code, the director may, under 20336
Chapter 119. of the Revised Code, fine a long-term care provider 20337
or other entity, or a person employed by a long-term care provider 20338
or other entity, for violating division (E) of section 173.19 of 20339
the Revised Code by denying a representative of the office of the 20340
state long-term care ~~ombudsman~~ ombudsman program the access 20341
required by that division. The fine shall not exceed five hundred 20342
dollars for each day the violation continued. 20343

(B) On request of the director, the attorney general shall 20344
bring and prosecute to judgment a civil action to collect any fine 20345
imposed under division (A)(1) or (2) of this section that remains 20346
unpaid thirty days after the violator's final appeal is exhausted. 20347

(C) All fines collected under this section shall be deposited 20348
into the state treasury to the credit of the state long-term care 20349
~~ombudsman~~ ombudsman program fund created under section 173.26 20350
of the Revised Code. 20351

Sec. ~~173.394~~ 173.38. (A) As used in this section: 20352

(1) "Applicant" means a person who is under final 20353
consideration for employment with a ~~community-based long-term care~~ 20354
~~agency~~ responsible party in a full-time, part-time, or temporary 20355
direct-care position that ~~involves providing direct care to an~~ 20356
~~individual~~ or is referred to a ~~community-based long-term care~~ 20357
~~agency~~ responsible party by an employment service for such a 20358
position. "Applicant" does not include a person ~~who provides~~ 20359
~~direct care to an individual~~ being considered for a direct-care 20360
position as a volunteer ~~without receiving or expecting to receive~~ 20361
~~any form of remuneration other than reimbursement for actual~~ 20362
~~expenses.~~ 20363

(2) "Area agency on aging" has the same meaning as in section 20364
173.14 of the Revised Code. 20365

(3) "Community-based long-term care services" means 20366
community-based long-term care services, as defined in section 20367
173.14 of the Revised Code, that are provided under a program the 20368
department of aging administers. 20369

(4) "Consumer" means an individual who receives 20370
community-based long-term care services. 20371

(5) "Criminal records check" has the same meaning as in 20372
section 109.572 of the Revised Code. 20373

<u>(6)(a) "Direct-care position" means an employment position in</u>	20374
<u>which an employee has either or both of the following:</u>	20375
<u>(i) In-person contact with one or more consumers;</u>	20376
<u>(ii) Access to one or more consumers' personal property or</u>	20377
<u>records.</u>	20378
<u>(b) "Direct-care position" does not include a person whose</u>	20379
<u>sole duties are transporting individuals under Chapter 306. of the</u>	20380
<u>Revised Code.</u>	20381
<u>(7) "Disqualifying offense" means any of the offenses listed</u>	20382
<u>or described in divisions (A)(3)(a) to (e) of section 109.572 of</u>	20383
<u>the Revised Code.</u>	20384
<u>(8) "Employee" means a person employed by a community-based</u>	20385
<u>long term care agency <u>responsible party</u> in a full-time, part-time,</u>	20386
<u>or temporary <u>direct-care</u> position that involves providing direct</u>	20387
<u>care to an individual and a person who works in such a position</u>	20388
<u>due to being referred to a community based long term care agency</u>	20389
<u><u>responsible party</u> by an employment service. "Employee" does not</u>	20390
<u>include a person who provides direct care to an individual <u>works</u></u>	20391
<u><u>in a direct-care position</u> as a volunteer without receiving or</u>	20392
<u>expecting to receive any form of remuneration other than</u>	20393
<u>reimbursement for actual expenses.</u>	20394
<u>(9) "PASSPORT administrative agency" has the same meaning as</u>	20395
<u>in section 173.42 of the Revised Code.</u>	20396
<u>(10) "Provider" has the same meaning as in section 173.39 of</u>	20397
<u>the Revised Code.</u>	20398
<u>(11) "Responsible party" means the following:</u>	20399
<u>(a) An area agency on aging in the case of either of the</u>	20400
<u>following:</u>	20401
<u>(i) A person who is an applicant because the person is under</u>	20402
<u>final consideration for employment with the agency in a full-time,</u>	20403

part-time, or temporary direct-care position or is referred to the 20404
agency by an employment service for such a position; 20405

(ii) A person who is an employee because the person is 20406
employed by the agency in a full-time, part-time, or temporary 20407
direct-care position or works in such a position due to being 20408
referred to the agency by an employment service. 20409

(b) A PASSPORT administrative agency in the case of either of 20410
the following: 20411

(i) A person who is an applicant because the person is under 20412
final consideration for employment with the agency in a full-time, 20413
part-time, or temporary direct-care position or is referred to the 20414
agency by an employment service for such a position; 20415

(ii) A person who is an employee because the person is 20416
employed by the agency in a full-time, part-time, or temporary 20417
direct-care position or works in such a position due to being 20418
referred to the agency by an employment service. 20419

(c) A provider in the case of either of the following: 20420

(i) A person who is an applicant because the person is under 20421
final consideration for employment with the provider in a 20422
full-time, part-time, or temporary direct-care position or is 20423
referred to the provider by an employment service for such a 20424
position; 20425

(ii) A person who is an employee because the person is 20426
employed by the provider in a full-time, part-time, or temporary 20427
direct-care position or works in such a position due to being 20428
referred to the provider by an employment service. 20429

(d) A subcontractor in the case of either of the following: 20430

(i) A person who is an applicant because the person is under 20431
final consideration for employment with the subcontractor in a 20432
full-time, part-time, or temporary direct-care position or is 20433

referred to the subcontractor by an employment service for such a position; 20434
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(ii) A person who is an employee because the person is employed by the subcontractor in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the subcontractor by an employment service. 20436
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(12) "Subcontractor" has the meaning specified in rules adopted under this section. 20440
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(13) "Volunteer" means a person who serves in a direct-care position without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses. 20442
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(14) "Waiver agency" has the same meaning as in section 5111.033 5164.342 of the Revised Code. 20445
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(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3701.881 of the Revised Code or to any individual who is subject to a criminal records check under section 3721.121 of the Revised Code. If a ~~community based long term care agency provider~~ or subcontractor also is a waiver agency, the ~~agency provider or subcontractor~~ may provide for applicants and employees to undergo database reviews and criminal records checks in accordance with section ~~5111.033 5164.342~~ of the Revised Code rather than this section. 20447
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(C) No ~~community based long term care agency~~ responsible party shall employ an applicant or continue to employ an employee in a direct-care position ~~that involves providing direct care to an individual~~ if any of the following apply: 20457
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(1) A review of the databases listed in division (E) of this section reveals any of the following: 20461
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(a) That the applicant or employee is included in one or more 20463

of the databases listed in divisions (E)(1) to (5) of this 20464
section; 20465

(b) That there is in the state nurse aide registry 20466
established under section 3721.32 of the Revised Code a statement 20467
detailing findings by the director of health that the applicant or 20468
employee neglected or abused a long-term care facility or 20469
residential care facility resident or misappropriated property of 20470
such a resident; 20471

(c) That the applicant or employee is included in one or more 20472
of the databases, if any, specified in rules adopted under this 20473
section and the rules prohibit the ~~agency~~ responsible party from 20474
employing an applicant or continuing to employ an employee 20475
included in such a database in a direct-care position ~~that~~ 20476
~~involves providing direct care to an individual.~~ 20477

(2) After the applicant or employee is provided, pursuant to 20478
division (F)(2)(a) of this section, a copy of the form prescribed 20479
pursuant to division (C)(1) of section 109.572 of the Revised Code 20480
and the standard impression sheet prescribed pursuant to division 20481
(C)(2) of that section, the applicant or employee fails to 20482
complete the form or provide the applicant's or employee's 20483
fingerprint impressions on the standard impression sheet. 20484

(3) ~~Except as provided~~ Unless the applicant or employee meets 20485
standards specified in rules adopted under this section, the 20486
applicant or employee is found by a criminal records check 20487
required by this section to have been convicted of, pleaded guilty 20488
to, or been found eligible for intervention in lieu of conviction 20489
for a disqualifying offense. 20490

(D) Except as provided by division (G) of this section, the 20491
chief administrator of a ~~community-based long-term care agency~~ 20492
responsible party shall inform each applicant of both of the 20493
following at the time of the applicant's initial application for 20494

employment or referral to the ~~agency~~ responsible party by an 20495
employment service for a direct-care position ~~that involves~~ 20496
~~providing direct care to an individual:~~ 20497

(1) That a review of the databases listed in division (E) of 20498
this section will be conducted to determine whether the ~~agency~~ 20499
responsible party is prohibited by division (C)(1) of this section 20500
from employing the applicant in the direct-care position; 20501

(2) That, unless the database review reveals that the 20502
applicant may not be employed in the direct-care position, a 20503
criminal records check of the applicant will be conducted and the 20504
applicant is required to provide a set of the applicant's 20505
fingerprint impressions as part of the criminal records check. 20506

(E) As a condition of employing any applicant in a 20507
direct-care position ~~that involves providing direct care to an~~ 20508
~~individual~~, the chief administrator of a ~~community based long term~~ 20509
~~care agency~~ responsible party shall conduct a database review of 20510
the applicant in accordance with rules adopted under this section. 20511
If rules adopted under this section so require, the chief 20512
administrator of a ~~community based long term care agency~~ 20513
responsible party shall conduct a database review of an employee 20514
in accordance with the rules as a condition of continuing to 20515
employ the employee in a direct-care position ~~that involves~~ 20516
~~providing direct care to an individual~~. However, a chief 20517
administrator is not required to conduct a database review of an 20518
applicant or employee if division (G) of this section applies. A 20519
database review shall determine whether the applicant or employee 20520
is included in any of the following: 20521

(1) The excluded parties list system that is maintained by 20522
the United States general services administration pursuant to 20523
subpart 9.4 of the federal acquisition regulation and available at 20524
the federal web site known as the system for award management; 20525

(2) The list of excluded individuals and entities maintained 20526
by the office of inspector general in the United States department 20527
of health and human services pursuant to ~~section 1128~~ of the 20528
"Social Security Act," ~~94 Stat. 2619 (1980)~~ sections 1128 and 20529
1156, 42 U.S.C. 1320a-7, ~~as amended~~, and ~~section 1156~~ of the 20530
~~"Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. 1320c-5, as~~ 20531
~~amended;~~ 20532

(3) The registry of MR/DD employees established under section 20533
5123.52 of the Revised Code; 20534

(4) The internet-based sex offender and child-victim offender 20535
database established under division (A)(11) of section 2950.13 of 20536
the Revised Code; 20537

(5) The internet-based database of inmates established under 20538
section 5120.66 of the Revised Code; 20539

(6) The state nurse aide registry established under section 20540
3721.32 of the Revised Code; 20541

(7) Any other database, if any, specified in rules adopted 20542
under this section. 20543

(F)(1) As a condition of employing any applicant in a 20544
direct-care position ~~that involves providing direct care to an~~ 20545
~~individual~~, the chief administrator of a ~~community based long term~~ 20546
~~care agency~~ responsible party shall request that the 20547
superintendent of the bureau of criminal identification and 20548
investigation conduct a criminal records check of the applicant. 20549
If rules adopted under this section so require, the chief 20550
administrator of a ~~community based long term care agency~~ 20551
responsible party shall request that the superintendent conduct a 20552
criminal records check of an employee at times specified in the 20553
rules as a condition of continuing to employ the employee in a 20554
direct-care position ~~that involves providing direct care to an~~ 20555
~~individual~~. However, the chief administrator is not required to 20556

request the criminal records check of the applicant or employee if 20557
division (G) of this section applies or the ~~agency~~ responsible 20558
party is prohibited by division (C)(1) of this section from 20559
employing the applicant or continuing to employ the employee in a 20560
direct-care position ~~that involves providing direct care to an~~ 20561
~~individual~~. If an applicant or employee for whom a criminal 20562
records check request is required by this section does not present 20563
proof of having been a resident of this state for the five-year 20564
period immediately prior to the date the criminal records check is 20565
requested or provide evidence that within that five-year period 20566
the superintendent has requested information about the applicant 20567
or employee from the federal bureau of investigation in a criminal 20568
records check, the chief administrator shall request that the 20569
superintendent obtain information from the federal bureau of 20570
investigation as part of the criminal records check. Even if an 20571
applicant or employee for whom a criminal records check request is 20572
required by this section presents proof of having been a resident 20573
of this state for the five-year period, the chief administrator 20574
may request that the superintendent include information from the 20575
federal bureau of investigation in the criminal records check. 20576

(2) The chief administrator shall do all of the following: 20577

(a) Provide to each applicant and employee for whom a 20578
criminal records check request is required by this section a copy 20579
of the form prescribed pursuant to division (C)(1) of section 20580
109.572 of the Revised Code and a standard impression sheet 20581
prescribed pursuant to division (C)(2) of that section; 20582

(b) Obtain the completed form and standard impression sheet 20583
from the applicant or employee; 20584

(c) Forward the completed form and standard impression sheet 20585
to the superintendent. 20586

(3) A ~~community based long term care agency~~ responsible party 20587

shall pay to the bureau of criminal identification and 20588
investigation the fee prescribed pursuant to division (C)(3) of 20589
section 109.572 of the Revised Code for each criminal records 20590
check the ~~agency~~ responsible party requests under this section. ~~An~~ 20591
~~agency~~ A responsible party may charge an applicant a fee not 20592
exceeding the amount the ~~agency~~ responsible party pays to the 20593
bureau under this section if both of the following apply: 20594

(a) The ~~agency~~ responsible party notifies the applicant at 20595
the time of initial application for employment of the amount of 20596
the fee and that, unless the fee is paid, the applicant will not 20597
be considered for employment. 20598

(b) The medicaid program ~~established under Chapter 5111. of~~ 20599
~~the Revised Code~~ does not ~~reimburse~~ pay the ~~agency~~ responsible 20600
party for the fee it pays to the bureau under this section. 20601

(G) Divisions (D) to (F) of this section do not apply with 20602
regard to an applicant or employee if the applicant or employee is 20603
referred to a ~~community based long term~~ agency responsible party 20604
by an employment service that supplies full-time, part-time, or 20605
temporary staff for direct-care positions ~~that involve providing~~ 20606
~~direct care to an individual~~ and both of the following apply: 20607

(1) The chief administrator of the ~~agency~~ responsible party 20608
receives from the employment service confirmation that a review of 20609
the databases listed in division (E) of this section was conducted 20610
of the applicant or employee. 20611

(2) The chief administrator of the ~~agency~~ responsible party 20612
receives from the employment service, applicant, or employee a 20613
report of the results of a criminal records check of the applicant 20614
or employee that has been conducted by the superintendent within 20615
the one-year period immediately preceding the following: 20616

(a) In the case of an applicant, the date of the applicant's 20617
referral by the employment service to the ~~agency~~ responsible 20618

party; 20619

(b) In the case of an employee, the date by which the ~~agency~~ agency responsible party would otherwise have to request a criminal records check of the employee under division (F) of this section. 20620
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(H)(1) A ~~community based long term care agency~~ responsible party may employ conditionally an applicant for whom a criminal records check request is required by this section prior to obtaining the results of the criminal records check if the ~~agency~~ agency responsible party is not prohibited by division (C)(1) of this section from employing the applicant in a direct-care position ~~that involves providing direct care to an individual~~ and either of the following applies: 20623
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(a) The chief administrator of the ~~agency~~ agency responsible party requests the criminal records check in accordance with division (F) of this section not later than five business days after the applicant begins conditional employment. 20631
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(b) The applicant is referred to the ~~agency~~ agency responsible party by an employment service, the employment service or the applicant provides the chief administrator of the ~~agency~~ agency responsible party a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following: 20635
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(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant; 20642
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(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense; 20645
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(iii) That the employment service has not received the - 20649

results of the criminal records check as of the date set forth on 20650
the letter; 20651

(iv) That the employment service promptly will send a copy of 20652
the results of the criminal records check to the chief 20653
administrator of the ~~agency~~ responsible party when the employment 20654
service receives the results. 20655

(2) If a ~~community based long term care agency~~ responsible 20656
party employs an applicant conditionally pursuant to division 20657
(H)(1)(b) of this section, the employment service, on its receipt 20658
of the results of the criminal records check, promptly shall send 20659
a copy of the results to the chief administrator of the ~~agency~~ 20660
responsible party. 20661

(3) A ~~community based long term care agency~~ responsible party 20662
that employs an applicant conditionally pursuant to division 20663
(H)(1)(a) or (b) of this section shall terminate the applicant's 20664
employment if the results of the criminal records check, other 20665
than the results of any request for information from the federal 20666
bureau of investigation, are not obtained within the period ending 20667
sixty days after the date the request for the criminal records 20668
check is made. Regardless of when the results of the criminal 20669
records check are obtained, if the results indicate that the 20670
applicant has been convicted of, pleaded guilty to, or been found 20671
eligible for intervention in lieu of conviction for a 20672
disqualifying offense, the ~~agency~~ responsible party shall 20673
terminate the applicant's employment unless ~~circumstances the~~ 20674
applicant meets standards specified in rules adopted under this 20675
section that permit the ~~agency~~ responsible party to employ the 20676
applicant ~~exist~~ and the ~~agency~~ responsible party chooses to employ 20677
the applicant. Termination of employment under this division shall 20678
be considered just cause for discharge for purposes of division 20679
(D)(2) of section 4141.29 of the Revised Code if the applicant 20680
makes any attempt to deceive the ~~agency~~ responsible party about 20681

the applicant's criminal record. 20682

(I) The report of any criminal records check conducted 20683
pursuant to a request made under this section is not a public 20684
record for the purposes of section 149.43 of the Revised Code and 20685
shall not be made available to any person other than the 20686
following: 20687

(1) The applicant or employee who is the subject of the 20688
criminal records check or the applicant's or employee's 20689
representative; 20690

(2) The chief administrator of the ~~community based long term~~ 20691
~~care agency~~ responsible party requesting the criminal records 20692
check or the administrator's representative; 20693

(3) The administrator of any other facility, agency, or 20694
program that provides ~~direct care to individuals~~ community-based 20695
long-term care services that is owned or operated by the same 20696
entity that owns or operates the ~~community based long term care~~ 20697
~~agency~~ responsible party that requested the criminal records 20698
check; 20699

(4) The employment service that requested the criminal 20700
records check; 20701

(5) The director of aging or a person authorized by the 20702
director to monitor a ~~community based long term care agency's~~ 20703
responsible party's compliance with this section; 20704

(6) The medicaid director ~~of job and family services~~ and the 20705
staff of the department of ~~job and family services~~ medicaid who 20706
are involved in the administration of the medicaid program if 20707
either of the following apply: 20708

(a) In the case of a criminal records check requested by a 20709
~~community based long term care agency~~ provider or subcontractor, 20710
the ~~agency~~ provider or subcontractor also is a waiver agency; 20711

(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a ~~community based long term care agency~~ provider or subcontractor that also is a waiver agency.

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

(a) A denial of employment of the applicant or employee;

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

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

(J) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a ~~community based long term care agency~~ responsible party employs in a direct-care position ~~that involves providing direct care to individuals~~, all of the following shall apply:

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

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

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(3) If the ~~agency~~ responsible party in good faith employed 20742
the applicant or employee ~~according to~~ because the ~~personal~~ 20743
~~character~~ applicant or employee meets standards ~~established~~ 20744
specified in rules adopted under this section, the ~~agency~~ 20745
responsible party shall not be found negligent solely because the 20746
applicant or employee has been convicted of, pleaded guilty to, or 20747
been found eligible for intervention in lieu of conviction for a 20748
disqualifying offense. 20749

(K) The director of aging shall adopt rules in accordance 20750
with Chapter 119. of the Revised Code to implement this section. 20751

(1) The rules may do the following: 20752

(a) Require employees to undergo database reviews and 20753
criminal records checks under this section; 20754

(b) If the rules require employees to undergo database 20755
reviews and criminal records checks under this section, exempt one 20756
or more classes of employees from the requirements; 20757

(c) For the purpose of division (E)(7) of this section, 20758
specify other databases that are to be checked as part of a 20759
database review conducted under this section. 20760

(2) The rules shall specify all of the following: 20761

(a) The meaning of the term "subcontractor"; 20762

(b) The procedures for conducting database reviews under this 20763
section; 20764

~~(b)~~(c) If the rules require employees to undergo database 20765
reviews and criminal records checks under this section, the times 20766
at which the database reviews and criminal records checks are to 20767
be conducted; 20768

~~(c)~~(d) If the rules specify other databases to be checked as 20769
part of the database reviews, the circumstances under which a 20770
~~community-based long-term care agency~~ responsible party is 20771

prohibited from employing an applicant or continuing to employ an 20772
employee who is found by a database review to be included in one 20773
or more of those databases; 20774

~~(d) Circumstances under which a community based long term~~ 20775
~~care agency may employ~~ (e) Standards that an applicant or employee 20776
~~who must meet for a responsible party to be permitted to employ~~ 20777
the applicant or continue to employ the employee in a direct-care 20778
position if the applicant or employee is found by a criminal 20779
records check required by this section to have been convicted of, 20780
pleaded guilty to, or been found eligible for intervention in lieu 20781
of conviction for a disqualifying offense ~~but meets personal~~ 20782
~~character standards.~~ 20783

Sec. 173.39. (A) As used in sections 173.39 to ~~173.394~~ 20784
173.393 of the Revised Code: 20785

(1) "~~Community based long term care agency~~ Provider" means a 20786
person or ~~government~~ governmental entity that provides 20787
community-based long-term care services under a program the 20788
department of aging administers, ~~regardless of whether the person~~ 20789
~~or government entity is certified under section 173.391 or~~ 20790
~~authorized to receive payment for the services from the department~~ 20791
~~under section 173.392 of the Revised Code.~~ "Community based 20792
long term care agency Provider" includes a person or ~~government~~ 20793
governmental entity that provides home and community-based 20794
services to older adults through the PASSPORT program ~~created~~ 20795
~~under as defined in section 173.40~~ 173.51 of the Revised Code. 20796

(2) "Community-based long-term care services" has the same 20797
meaning as in section 173.14 of the Revised Code. 20798

(B) Except as provided in section 173.392 of the Revised 20799
Code, the department of aging may not pay a ~~person or government~~ 20800
~~entity~~ provider for providing community-based long-term care 20801
services under a program the department administers unless the 20802

~~person or government entity provider~~ is certified under section 20803
173.391 of the Revised Code and provides the services. 20804

Sec. 173.391. (A) The department of aging or its designee 20805
shall do all of the following in accordance with Chapter 119. of 20806
the Revised Code: 20807

(1) Certify a ~~person or government entity provider~~ to provide 20808
community-based long-term care services under a program the 20809
department administers if the ~~person or government entity provider~~ 20810
satisfies the requirements for certification established by rules 20811
adopted under division (B) of this section and pays the fee, if 20812
any, established by rules adopted under division (G) of this 20813
section; 20814

(2) When required to do so by rules adopted under division 20815
(B) of this section, take one or more of the following 20816
disciplinary actions against a ~~person or government entity~~ 20817
provider certified under division (A)(1) of this section: 20818

(a) Issue a written warning; 20819

(b) Require the submission of a plan of correction or 20820
evidence of compliance with requirements identified by the 20821
department; 20822

(c) Suspend referrals; 20823

(d) Remove clients; 20824

(e) Impose a fiscal sanction such as a civil monetary penalty 20825
or an order that unearned funds be repaid; 20826

(f) Suspend the certification; 20827

(g) Revoke the certification; 20828

(h) Impose another sanction. 20829

(3) Except as provided in division (E) of this section, hold 20830
hearings when there is a dispute between the department or its 20831

designee and a ~~person or government entity~~ provider concerning 20832
actions the department or its designee takes regarding a decision 20833
not to certify the ~~person or government entity~~ provider under 20834
division (A)(1) of this section or a disciplinary action under 20835
divisions (A)(2)(e) to (h) of this section. 20836

(B) The director of aging shall adopt rules in accordance 20837
with Chapter 119. of the Revised Code establishing certification 20838
requirements and standards for determining which type of 20839
disciplinary action to take under division (A)(2) of this section 20840
in individual situations. The rules shall establish procedures for 20841
all of the following: 20842

(1) Ensuring that ~~community based long term care agencies~~ 20843
providers comply with section ~~173.394~~ 173.38 of the Revised Code; 20844

(2) Evaluating the services provided by the ~~agencies~~ 20845
providers to ensure that the services are provided in a quality 20846
manner advantageous to the individual receiving the services; 20847

(3) Determining when to take disciplinary action under 20848
division (A)(2) of this section and which disciplinary action to 20849
take; 20850

(4) Determining what constitutes another sanction for 20851
purposes of division (A)(2)(h) of this section. 20852

(C) The procedures established in rules adopted under 20853
division (B)(2) of this section shall require that all of the 20854
following be considered as part of an evaluation described in 20855
division (B)(2) of this section: 20856

(1) The ~~community based long term care agency's~~ provider's 20857
experience and financial responsibility; 20858

(2) The ~~agency's~~ provider's ability to comply with standards 20859
for the community-based long-term care services that the ~~agency~~ 20860
provider provides under a program the department administers; 20861

(3) The ~~agency's~~ provider's ability to meet the needs of the individuals served; 20862
20863

(4) Any other factor the director considers relevant. 20864

(D) The rules adopted under division (B)(3) of this section shall specify that the reasons disciplinary action may be taken under division (A)(2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served. 20865
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(E) Subject to division (F) of this section, the department is not required to hold hearings under division (A)(3) of this section if any of the following conditions apply: 20872
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(1) Rules adopted by the director of aging pursuant to this chapter require the ~~community based long term care agency~~ provider to be a party to a provider agreement; hold a license, certificate, or permit; or maintain a certification, any of which is required or issued by a state or federal government entity other than the department of aging, and either of the following is the case: 20875
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(a) The provider agreement has not been entered into or the license, certificate, permit, or certification has not been obtained or maintained. 20882
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(b) The provider agreement, license, certificate, permit, or certification has been denied, revoked, not renewed, or suspended or has been otherwise restricted. 20885
20886
20887

(2) The ~~agency's~~ provider's certification under this section has been denied, suspended, or revoked for any of the following reasons: 20888
20889
20890

(a) A ~~government~~ governmental entity of this state, other 20891

than the department of aging, has terminated or refused to renew 20892
any of the following held by, or has denied any of the following 20893
sought by, a ~~community-based long-term care agency~~ provider: a 20894
provider agreement, license, certificate, permit, or 20895
certification. Division (E)(2)(a) of this section applies 20896
regardless of whether the ~~agency~~ provider has entered into a 20897
provider agreement in, or holds a license, certificate, permit, or 20898
certification issued by, another state. 20899

(b) The ~~agency~~ provider or a principal owner or manager of 20900
the ~~agency~~ provider who provides direct care has entered a guilty 20901
plea for, or has been convicted of, an offense materially related 20902
to the medicaid program. 20903

(c) The ~~agency~~ provider or a principal owner or manager of 20904
the ~~agency~~ provider who provides direct care has entered a guilty 20905
plea for, been convicted of, or been found eligible for 20906
intervention in lieu of conviction for an offense listed or 20907
described in divisions (A)(3)(a) to (e) of section 109.572 of the 20908
Revised Code, but only if ~~none of the personal character the~~ 20909
~~provider, principal owner, or manager does not meet~~ standards 20910
~~established~~ specified by the director in rules adopted under 20911
section ~~173.394~~ 173.38 of the Revised Code ~~apply~~. 20912

(d) The United States department of health and human services 20913
has taken adverse action against the ~~agency~~ provider and that 20914
action impacts the ~~agency's~~ provider's participation in the 20915
medicaid program. 20916

(e) The ~~agency~~ provider has failed to enter into or renew a 20917
provider agreement with the PASSPORT administrative agency, as 20918
that term is defined in section 173.42 of the Revised Code, that 20919
administers programs on behalf of the department of aging in the 20920
region of the state in which the ~~agency~~ provider is certified to 20921
provide services. 20922

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

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

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

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

(3) The ~~agency's~~ provider's provider agreement with the department of ~~job and family services~~ medicaid has been suspended under division (C) of section ~~5111.031~~ 5164.37 of the Revised Code.

(4) The ~~agency's~~ provider's provider agreement with the department of ~~job and family services~~ medicaid is denied or revoked because the ~~agency~~ provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section ~~5111.031~~ 5164.37 of the Revised Code.

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

(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged

by the department of aging or its designee for certification 20954
issued under this section. 20955

All fees collected by the department or its designee under 20956
this section shall be deposited in the state treasury to the 20957
credit of the provider certification fund, which is hereby 20958
created. Money credited to the fund shall be used to pay for 20959
community-based long-term care services, administrative costs 20960
associated with ~~community based long term care agency~~ provider 20961
certification under this section, and administrative costs related 20962
to the publication of the Ohio long-term care consumer guide. 20963

Sec. 173.392. (A) The department of aging may pay a ~~person or~~ 20964
~~government entity~~ provider for providing community-based long-term 20965
care services under a program the department administers, even 20966
though the ~~person or government entity~~ provider is not certified 20967
under section 173.391 of the Revised Code, if all of the following 20968
are the case: 20969

(1) The ~~person or government entity~~ provider has a contract 20970
with the department of aging or the department's designee to 20971
provide the services in accordance with the contract or has 20972
received a grant from the department or its designee to provide 20973
the services in accordance with a grant agreement; 20974

(2) The contract or grant agreement includes detailed 20975
conditions of participation for ~~providers of services under a~~ 20976
~~program the department administers~~ the provider and service 20977
standards that the ~~person or government entity~~ provider is 20978
required to satisfy; 20979

(3) The ~~person or government entity~~ provider complies with 20980
the contract or grant agreement; 20981

(4) The contract or grant is not for medicaid-funded 20982
services, other than services provided under the PACE program 20983

administered by the department of aging under section 173.50 of the Revised Code. 20984
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(B) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code governing both of the following: 20986
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(1) Contracts and grant agreements between the department of aging or its designee and ~~persons and government entities regarding community based long term care services provided under a program the department administers~~ providers; 20989
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(2) The department's payment for community-based long-term care services under this section. 20993
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Sec. 173.42. (A) As used in sections 173.42 to 173.434 of the Revised Code: 20995
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(1) "Area agency on aging" means a public or private nonprofit entity designated under section 173.011 of the Revised Code to administer programs on behalf of the department of aging. 20997
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(2) "Department of aging-administered medicaid waiver component" means each of the following: 21000
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(a) The medicaid-funded component of the PASSPORT program created under section ~~173.40~~ 173.52 of the Revised Code; 21002
21003

(b) The choices program created under section ~~173.403~~ 173.53 of the Revised Code; 21004
21005

(c) The medicaid-funded component of the assisted living program created under section ~~5111.89~~ 173.54 of the Revised Code; 21006
21007

(d) Any other medicaid waiver component, as defined in section ~~5111.85~~ 5166.01 of the Revised Code, that the department of aging administers pursuant to an interagency agreement with the department of ~~job and family services~~ medicaid under section ~~5111.91~~ 5162.35 of the Revised Code. 21008
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(3) "Home and community-based services covered by medicaid components the department of aging administers" means all of the following: 21013
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(a) Medicaid waiver services available to a participant in a department of aging-administered medicaid waiver component; 21016
21017

(b) The following medicaid state plan services available to a participant in a department of aging-administered medicaid waiver component as specified in rules adopted under section ~~5111.02~~ 5164.02 of the Revised Code: 21018
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21021

(i) Home health services; 21022

(ii) Private duty nursing services; 21023

(iii) Durable medical equipment; 21024

(iv) Services of a clinical nurse specialist; 21025

(v) Services of a certified nurse practitioner. 21026

(c) Services available to a participant of the PACE program. 21027

(4) "Long-term care consultation" or "consultation" means the consultation service made available by the department of aging or a program administrator through the long-term care consultation program established pursuant to this section. 21028
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(5) ~~"Medicaid" means the medical assistance program established under Chapter 5111. of the Revised Code.~~ 21032
21033

~~(6)~~ "Nursing facility" has the same meaning as in section ~~5111.20~~ 5165.01 of the Revised Code. 21034
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~~(7)~~(6) "PACE program" means the component of the medicaid program the department of aging administers pursuant to section 173.50 of the Revised Code. 21036
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~~(8)~~(7) "PASSPORT administrative agency" means an entity under contract with the department of aging to provide administrative services regarding the PASSPORT program. 21039
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~~(9)~~(8) "Program administrator" means an area agency on aging 21042
or other entity under contract with the department of aging to 21043
administer the long-term care consultation program in a geographic 21044
region specified in the contract. 21045

~~(10)~~(9) "Representative" means a person acting on behalf of 21046
an individual specified in division (G) of this section. A 21047
representative may be a family member, attorney, hospital social 21048
worker, or any other person chosen to act on behalf of the 21049
individual. 21050

(B) The department of aging shall develop a long-term care 21051
consultation program whereby individuals or their representatives 21052
are provided with long-term care consultations and receive through 21053
these professional consultations information about options 21054
available to meet long-term care needs and information about 21055
factors to consider in making long-term care decisions. The 21056
long-term care consultations provided under the program may be 21057
provided at any appropriate time, as permitted or required under 21058
this section and the rules adopted under it, including either 21059
prior to or after the individual who is the subject of a 21060
consultation has been admitted to a nursing facility or granted 21061
assistance in receiving home and community-based services covered 21062
by medicaid components the department of aging administers. 21063

(C) The long-term care consultation program shall be 21064
administered by the department of aging, except that the 21065
department may have the program administered on a regional basis 21066
by one or more program administrators. The department and each 21067
program administrator shall administer the program in such a 21068
manner that all of the following are included: 21069

(1) Coordination and collaboration with respect to all 21070
available funding sources for long-term care services; 21071

(2) Assessments of individuals regarding their long-term care 21072

service needs;	21073
(3) Assessments of individuals regarding their on-going eligibility for long-term care services;	21074 21075
(4) Procedures for assisting individuals in obtaining access to, and coordination of, health and supportive services, including department of aging-administered medicaid waiver components;	21076 21077 21078
(5) Priorities for using available resources efficiently and effectively.	21079 21080
(D) The program's long-term care consultations shall be provided by individuals certified by the department under section 173.422 of the Revised Code.	21081 21082 21083
(E) The information provided through a long-term care consultation shall be appropriate to the individual's needs and situation and shall address all of the following:	21084 21085 21086
(1) The availability of any long-term care options open to the individual;	21087 21088
(2) Sources and methods of both public and private payment for long-term care services;	21089 21090
(3) Factors to consider when choosing among the available programs, services, and benefits;	21091 21092
(4) Opportunities and methods for maximizing independence and self-reliance, including support services provided by the individual's family, friends, and community.	21093 21094 21095
(F) An individual's long-term care consultation may include an assessment of the individual's functional capabilities. The consultation may incorporate portions of the determinations required under sections 5111.202, 5119.061 <u>5119.40</u> , and <u>5123.021</u> , and <u>5165.03</u> of the Revised Code and may be provided concurrently with the assessment required under section 5111.204 <u>173.546</u> or <u>5165.04</u> of the Revised Code.	21096 21097 21098 21099 21100 21101 21102

(G)(1) Unless an exemption specified in division (I) of this section is applicable, each of the following shall be provided with a long-term care consultation:

(a) An individual who applies or indicates an intention to apply for admission to a nursing facility, regardless of the source of payment to be used for the individual's care in a nursing facility;

(b) An individual who requests a long-term care consultation;

(c) An individual identified by the department or a program administrator as being likely to benefit from a long-term care consultation.

(2) In addition to the individuals specified in division (G)(1) of this section, a long-term care consultation may be provided to a nursing facility resident regardless of the source of payment being used for the resident's care in the nursing facility.

(H)(1) Except as provided in division (H)(2) or (3) of this section, a long-term care consultation provided pursuant to division (G) of this section shall be provided as follows:

(a) If the individual for whom the consultation is being provided has applied for medicaid and the consultation is being provided concurrently with the assessment required under section ~~5111.204~~ 5165.04 of the Revised Code, the consultation shall be completed in accordance with the applicable time frames specified in that section for providing a level of care determination based on the assessment.

(b) In all other cases, the consultation shall be provided not later than five calendar days after the department or program administrator receives notice of the reason for which the consultation is to be provided pursuant to division (G) of this section.

(2) An individual or the individual's representative may request that a long-term care consultation be provided on a date that is later than the date required under division (H)(1)(a) or (b) of this section. 21134
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(3) If a long-term care consultation cannot be completed within the number of days required by division (H)(1) or (2) of this section, the department or program administrator may do any of the following: 21138
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(a) In the case of an individual specified in division (G)(1) of this section, exempt the individual from the consultation pursuant to rules that may be adopted under division (L) of this section; 21142
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(b) In the case of an applicant for admission to a nursing facility, provide the consultation after the individual is admitted to the nursing facility; 21146
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(c) In the case of a resident of a nursing facility, provide the consultation as soon as practicable. 21149
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(I) An individual is not required to be provided a long-term care consultation under division (G)(1) of this section if any of the following apply: 21151
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(1) The department or program administrator has attempted to provide the consultation, but the individual or the individual's representative refuses to cooperate; 21154
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(2) The individual is to receive care in a nursing facility under a contract for continuing care as defined in section 173.13 of the Revised Code; 21157
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(3) The individual has a contractual right to admission to a nursing facility operated as part of a system of continuing care in conjunction with one or more facilities that provide a less intensive level of services, including a residential care facility 21160
21161
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licensed under Chapter 3721. of the Revised Code, a residential 21164
facility licensed under section ~~5119.22~~ 5119.34 of the Revised 21165
Code that provides accommodations, supervision, and personal care 21166
services for three to sixteen unrelated adults, or an independent 21167
living arrangement; 21168

(4) The individual is to receive continual care in a home for 21169
the aged exempt from taxation under section 5701.13 of the Revised 21170
Code; 21171

(5) The individual is seeking admission to a facility that is 21172
not a nursing facility with a provider agreement under section 21173
~~5111.22~~ 5165.07, ~~5111.671~~ 5165.511, or ~~5111.672~~ 5165.512 of the 21174
Revised Code; 21175

(6) The individual is exempted from the long-term care 21176
consultation requirement by the department or the program 21177
administrator pursuant to rules that may be adopted under division 21178
(L) of this section. 21179

(J) As part of the long-term care consultation program, the 21180
department or program administrator shall assist an individual or 21181
individual's representative in accessing all sources of care and 21182
services that are appropriate for the individual and for which the 21183
individual is eligible, including all available home and 21184
community-based services covered by medicaid components the 21185
department of aging administers. The assistance shall include 21186
providing for the conduct of assessments or other evaluations and 21187
the development of individualized plans of care or services under 21188
section 173.424 of the Revised Code. 21189

(K) No nursing facility for which an operator has a provider 21190
agreement under section ~~5111.22~~ 5165.07, ~~5111.671~~ 5165.511, or 21191
~~5111.672~~ 5165.512 of the Revised Code shall admit any individual 21192
as a resident, unless the nursing facility has received evidence 21193
that a long-term care consultation has been completed for the 21194

individual or division (I) of this section is applicable to the individual. 21195
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(L) The director of aging may adopt any rules the director considers necessary for the implementation and administration of this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and may specify any or all of the following: 21197
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(1) Procedures for providing long-term care consultations pursuant to this section; 21202
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(2) Information to be provided through long-term care consultations regarding long-term care services that are available; 21204
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21206

(3) Criteria and procedures to be used to identify and recommend appropriate service options for an individual receiving a long-term care consultation; 21207
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(4) Criteria for exempting individuals from the long-term care consultation requirement; 21210
21211

(5) Circumstances under which it may be appropriate to provide an individual's long-term care consultation after the individual's admission to a nursing facility rather than before admission; 21212
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(6) Criteria for identifying nursing facility residents who would benefit from the provision of a long-term care consultation; 21216
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(7) A description of the types of information from a nursing facility that is needed under the long-term care consultation program to assist a resident with relocation from the facility; 21218
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(8) Standards to prevent conflicts of interest relative to the referrals made by a person who performs a long-term care consultation, including standards that prohibit the person from being employed by a provider of long-term care services; 21221
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(9) Procedures for providing notice and an opportunity for a hearing under division (N) of this section. 21225
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(M) To assist the department and each program administrator with identifying individuals who are likely to benefit from a long-term care consultation, the department and program administrator may ask to be given access to nursing facility resident assessment data collected through the use of the resident assessment instrument specified in rules ~~adopted under~~ authorized by section ~~5111.02~~ 5165.191 of the Revised Code for purposes of the medicaid program. Except when prohibited by state or federal law, the department of health, department of ~~job and family services~~ medicaid, or nursing facility holding the data shall grant access to the data on receipt of the request from the department of aging or program administrator. 21227
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(N)(1) The director of aging, after providing notice and an opportunity for a hearing, may fine a nursing facility an amount determined by rules the director shall adopt in accordance with Chapter 119. of the Revised Code for any of the following reasons: 21239
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(a) The nursing facility admits an individual, without evidence that a long-term care consultation has been provided, as required by this section; 21243
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(b) The nursing facility denies a person attempting to provide a long-term care consultation access to the facility or a resident of the facility; 21246
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(c) The nursing facility denies the department of aging or program administrator access to the facility or a resident of the facility, as the department or administrator considers necessary to administer the program. 21249
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(2) In accordance with section ~~5111.62~~ 5162.66 of the Revised Code, all fines collected under division (N)(1) of this section shall be deposited into the state treasury to the credit of the 21253
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residents protection fund. 21256

~~Sec. 173.43.~~ (A) ~~Subject to section 173.433 of the Revised~~ 21257
~~Code, the~~ The department of aging shall enter into an interagency 21258
agreement with the department of ~~job and family services~~ medicaid 21259
under section ~~5111.91~~ 5162.35 of the Revised Code under which the 21260
department of aging is required to establish for each biennium a 21261
unified long-term care budget for home and community-based 21262
services covered by medicaid components the department of aging 21263
administers. The interagency agreement shall require the 21264
department of aging to do all of the following: 21265

(1) Administer the unified long-term care budget in 21266
accordance with sections 173.43 to 173.434 of the Revised Code and 21267
the general assembly's appropriations for home and community-based 21268
services covered by medicaid components the department of aging 21269
administers for the applicable biennium; 21270

(2) Contract with each PASSPORT administrative agency for 21271
assistance in the administration of the unified long-term care 21272
budget; 21273

(3) Provide individuals who are eligible for home and 21274
community-based services covered by medicaid components the 21275
department of aging administers a choice of services that meet the 21276
individuals' needs and improve their quality of life; 21277

(4) Provide a continuum of services that meet the life-long 21278
needs of individuals who are eligible for home and community-based 21279
services covered by medicaid components the department of aging 21280
administers. 21281

(B) The director of budget and management shall create new 21282
appropriation items as necessary for establishment of the unified 21283
long-term care budget. 21284

~~Sec. 173.431. Subject to section 173.433 of the Revised Code,~~ 21285

~~the~~ The department of aging shall ensure that the unified 21286
long-term care budget established under section 173.43 of the 21287
Revised Code is administered in a manner that provides medicaid 21288
coverage of and expands access to all of the following as 21289
necessary to meet the needs of individuals receiving home and 21290
community-based services covered by medicaid components the 21291
department of aging administers: 21292

(A) To the extent permitted by the medicaid waivers 21293
authorizing department of aging-administered medicaid waiver 21294
components, all of the following medicaid waiver services provided 21295
under department of aging-administered medicaid waiver components: 21296

- (1) Personal care services; 21297
- (2) Home-delivered meals; 21298
- (3) Adult day-care; 21299
- (4) Homemaker services; 21300
- (5) Emergency response services; 21301
- (6) Medical equipment and supplies; 21302
- (7) Chore services; 21303
- (8) Social work counseling; 21304
- (9) Nutritional counseling; 21305
- (10) Independent living assistance; 21306
- (11) Medical transportation; 21307
- (12) Nonmedical transportation; 21308
- (13) Home care attendant services; 21309
- (14) Assisted living services; 21310
- (15) Community transition services; 21311
- (16) Enhanced community living services; 21312

(17) All other medicaid waiver services provided under 21313
department of aging-administered medicaid waiver components. 21314

(B) All of the following state medicaid plan services as 21315
specified in rules adopted under section ~~5111.02~~ 5164.02 of the 21316
Revised Code: 21317

(1) Home health services; 21318

(2) Private duty nursing services; 21319

(3) Durable medical equipment; 21320

(4) Services of a clinical nurse specialist; 21321

(5) Services of a certified nurse practitioner. 21322

(C) The services that the PACE program provides. 21323

Sec. 173.432. ~~Subject to section 173.433 of the Revised Code,~~ 21324
~~the~~ The department of aging or its designee shall provide care 21325
management and authorization services with regard to the state 21326
plan services specified in division (B) of section 173.431 of the 21327
Revised Code that are provided to participants of department of 21328
aging-administered medicaid waiver components. The department or 21329
its designee shall ensure that no person providing the care 21330
management and authorization services performs an activity that 21331
may not be performed without a valid certificate or license issued 21332
by an agency of this state unless the person holds the valid 21333
certificate or license. 21334

Sec. 173.434. ~~The director of job and family services shall~~ 21335
~~adopt~~ To the extent authorized by rules under authorized by 21336
section ~~5111.85~~ 5162.021 of the Revised Code ~~to authorize,~~ the 21337
director of aging ~~to~~ shall adopt rules that are needed to 21338
implement sections 173.43 to 173.432 of the Revised Code. The 21339
~~director of aging's~~ rules shall be adopted in accordance with 21340
Chapter 119. of the Revised Code. 21341

Sec. 173.45. As used in this section and in sections 173.46 21342
to 173.49 of the Revised Code: 21343

(A) "Residential facility" means a residential facility 21344
licensed under section ~~5119.22~~ 5119.34 of the Revised Code that 21345
provides accommodations, supervision, and personal care services 21346
for three to sixteen unrelated adults. 21347

(B) "Community-based long-term care services" has the same 21348
meaning as in section 173.14 of the Revised Code. 21349

(C) "Long-term care facility" means a nursing home or 21350
residential care facility. 21351

(D) "Nursing home" and "residential care facility" have the 21352
same meanings as in section 3721.01 of the Revised Code. 21353

(E) "Nursing facility" has the same meaning as in section 21354
~~5111.20~~ 5165.01 of the Revised Code. 21355

Sec. 173.47. (A) For purposes of publishing the Ohio 21356
long-term care consumer guide, the department of aging shall 21357
conduct or provide for the conduct of an annual customer 21358
satisfaction survey of each long-term care facility. The results 21359
of the surveys may include information obtained from long-term 21360
care facility residents, their families, or both. A survey that is 21361
to include information obtained from nursing facility residents 21362
shall include the questions specified in divisions (C)(7)(a) and 21363
(b) and (18) and (D)(7)(a) and (b) of section ~~5111.244~~ 5165.25 of 21364
the Revised Code. A survey that is to include information obtained 21365
from the families of nursing facility residents shall include the 21366
questions specified in divisions (C)(8)(a) and (b) and (19) and 21367
(D)(8)(a) and (b) of section ~~5111.244~~ 5165.25 of the Revised Code. 21368

(B) Each long-term care facility shall cooperate in the 21369
conduct of its annual customer satisfaction survey. 21370

Sec. 173.48. (A)(1) The department of aging may charge annual 21371
fees to long-term care facilities for the publication of the Ohio 21372
long-term care consumer guide. The department may contract with 21373
any person or government entity to collect the fees on its behalf. 21374
All fees collected under this section shall be deposited in 21375
accordance with division (B) of this section. 21376

(2) The annual fees charged under this section shall not 21377
exceed the following amounts: 21378

(a) Six hundred fifty dollars for each long-term care 21379
facility that is a nursing home; 21380

(b) Three hundred dollars for each long-term care facility 21381
that is a residential care facility. 21382

(3) Fees paid by a long-term care facility that is a nursing 21383
facility shall be reimbursed through the medicaid program ~~operated~~ 21384
~~under Chapter 5111. of the Revised Code.~~ 21385

(B) There is hereby created in the state treasury the 21386
long-term care consumer guide fund. Money collected from the fees 21387
charged for the publication of the Ohio long-term care consumer 21388
guide under division (A) of this section shall be credited to the 21389
fund. The department shall use money in the fund for costs 21390
associated with publishing the Ohio long-term care consumer guide, 21391
including, but not limited to, costs incurred in conducting or 21392
providing for the conduct of customer satisfaction surveys. 21393

Sec. 173.50. (A) Pursuant to a contract entered into with the 21394
department of ~~job and family services~~ medicaid as an interagency 21395
agreement under section ~~5111.91~~ 5162.35 of the Revised Code, the 21396
department of aging shall carry out the day-to-day administration 21397
of the component of the medicaid program ~~established under Chapter~~ 21398
~~5111. of the Revised Code~~ known as the program of all-inclusive 21399
care for the elderly or PACE. The department of aging shall carry 21400

out its PACE administrative duties in accordance with the 21401
provisions of the interagency agreement and all applicable federal 21402
laws, including the "Social Security Act," ~~79 Stat. 286 (1965)~~ 21403
section 1934, 42 U.S.C. 1396u-4, ~~as amended.~~ 21404

(B) ~~The department~~ To the extent authorized by rules 21405
authorized by section 5162.021 of the Revised Code, the director 21406
of aging may adopt rules in accordance with Chapter 119. of the 21407
Revised Code regarding the PACE program, including rules 21408
establishing priorities for enrolling in the program pursuant to 21409
section 173.501 of the Revised Code. ~~The department's rules are~~ 21410
~~subject to both of the following:~~ 21411

~~(1) The rules shall be authorized by rules adopted by the~~ 21412
~~department of job and family services.~~ 21413

~~(2) The rules~~ shall address only those issues that are not 21414
addressed in rules adopted by the ~~department of job and family~~ 21415
~~services~~ medicaid director for the PACE program. 21416

Sec. 173.501. (A) As used in this section: 21417

"Nursing facility" has the same meaning as in section ~~5111.20~~ 21418
5165.01 of the Revised Code. 21419

"PACE provider" has the same meaning as in the "Social 21420
Security Act," section 1934(a)(3), 42 U.S.C. 1396u-4(a)(3). 21421

(B) The department of aging shall establish a home first 21422
component of the PACE program under which eligible individuals may 21423
be enrolled in the PACE program in accordance with this section. 21424
An individual is eligible for the PACE program's home first 21425
component if both of the following apply: 21426

(1) The individual has been determined to be eligible for the 21427
PACE program. 21428

(2) At least one of the following applies: 21429

- (a) The individual has been admitted to a nursing facility. 21430
- (b) A physician has determined and documented in writing that 21431
the individual has a medical condition that, unless the individual 21432
is enrolled in home and community-based services such as the PACE 21433
program, will require the individual to be admitted to a nursing 21434
facility within thirty days of the physician's determination. 21435
- (c) The individual has been hospitalized and a physician has 21436
determined and documented in writing that, unless the individual 21437
is enrolled in home and community-based services such as the PACE 21438
program, the individual is to be transported directly from the 21439
hospital to a nursing facility and admitted. 21440
- (d) Both of the following apply: 21441
- (i) The individual is the subject of a report made under 21442
section 5101.61 of the Revised Code regarding abuse, neglect, or 21443
exploitation or such a report referred to a county department of 21444
job and family services under section 5126.31 of the Revised Code 21445
or has made a request to a county department for protective 21446
services as defined in section 5101.60 of the Revised Code. 21447
- (ii) A county department of job and family services and an 21448
area agency on aging have jointly documented in writing that, 21449
unless the individual is enrolled in home and community-based 21450
services such as the PACE program, the individual should be 21451
admitted to a nursing facility. 21452
- (C) Each month, the department of aging shall identify 21453
individuals who are eligible for the home first component of the 21454
PACE program. When the department identifies such an individual, 21455
the department shall notify the PACE provider serving the area in 21456
which the individual resides. The PACE provider shall determine 21457
whether the PACE program is appropriate for the individual and 21458
whether the individual would rather participate in the PACE 21459
program than continue or begin to reside in a nursing facility. If 21460

the PACE provider determines that the PACE program is appropriate 21461
for the individual and the individual would rather participate in 21462
the PACE program than continue or begin to reside in a nursing 21463
facility, the PACE provider shall so notify the department of 21464
aging. On receipt of the notice from the PACE provider, the 21465
department of aging shall approve the individual's enrollment in 21466
the PACE program in accordance with priorities established in 21467
rules adopted under section 173.50 of the Revised Code. 21468

Sec. 173.51. As used in sections 173.51 to 173.56 of the 21469
Revised Code: 21470

"Area agency on aging" has the same meaning as in section 21471
173.14 of the Revised Code. 21472

"Assisted living program" means the program that consists of 21473
a medicaid-funded component created under section 173.54 of the 21474
Revised Code and a state-funded component created under section 21475
173.543 of the Revised Code and provides assisted living services 21476
to individuals who meet the program's applicable eligibility 21477
requirements. 21478

"Assisted living services" means the following home and 21479
community-based services: personal care, homemaker, chore, 21480
attendant care, companion, medication oversight, and therapeutic 21481
social and recreational programming. 21482

"Assisted living waiver" means the federal medicaid waiver 21483
granted by the United States secretary of health and human 21484
services that authorizes the medicaid-funded component of the 21485
assisted living program. 21486

"Choices program" means the program created under section 21487
173.53 of the Revised Code. 21488

"County or district home" means a county or district home 21489
operated under Chapter 5155. of the Revised Code. 21490

"Long-term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code. 21491
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"Long-term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long-term care consultation program for a particular area, that agency or entity. 21494
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"Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 21499
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"Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 21501
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"PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code. 21503
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"PASSPORT program" means the preadmission screening system providing options and resources today program (PASSPORT) that consists of a medicaid-funded component created under section 173.52 of the Revised Code and a state-funded component created under section 173.522 of the Revised Code and provides home and community-based services as an alternative to nursing facility placement for individuals who are aged and disabled and meet the program's applicable eligibility requirements. 21505
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"PASSPORT region" means a group of contiguous counties served by an individual PASSPORT administrative agency. 21513
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"PASSPORT waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid-funded component of the PASSPORT program. 21515
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"Representative" means a person acting on behalf of an applicant for the medicaid-funded component or state-funded component of the assisted living program. A representative may be 21518
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a family member, attorney, hospital social worker, or any other 21521
person chosen to act on behalf of an applicant. 21522

"Residential care facility" has the same meaning as in 21523
section 3721.01 of the Revised Code. 21524

"Unified long-term services and support medicaid waiver 21525
component" means the medicaid waiver component authorized by 21526
section 5166.14 of the Revised Code. 21527

~~Sec. 173.40 173.52.~~ (A) ~~As used in sections 173.40 to 173.402~~ 21528
~~of the Revised Code:~~ 21529

~~"Medicaid waiver component" has the same meaning as in~~ 21530
~~section 5111.85 of the Revised Code.~~ 21531

~~"PASSPORT program" means the program created under this~~ 21532
~~section.~~ 21533

~~"PASSPORT waiver" means the federal medicaid waiver granted~~ 21534
~~by the United States secretary of health and human services that~~ 21535
~~authorizes the medicaid funded component of the PASSPORT program.~~ 21536

~~"Unified long term services and support medicaid waiver~~ 21537
~~component" means the medicaid waiver component authorized by~~ 21538
~~section 5111.864 of the Revised Code.~~ 21539

~~(B) There is hereby created~~ The department of medicaid shall 21540
create the medicaid-funded component of the preadmission screening 21541
system providing options and resources today program, or PASSPORT 21542
program. The PASSPORT program shall provide home and 21543
community based services as an alternative to nursing facility 21544
placement for individuals who are aged and disabled and meet the 21545
program's applicable eligibility requirements. Subject to division 21546
~~(C) of this section, the program shall have a medicaid-funded~~ 21547
~~component and a state funded component.~~ In creating the 21548
medicaid-funded component, the department of medicaid shall 21549
collaborate with the department of aging. 21550

~~(C)(1)(B)~~ Unless the medicaid-funded component of the 21551
PASSPORT program is terminated under division ~~(C)(2)~~ of this 21552
section, all of the following apply: 21553

~~(a)(1)~~ The department of aging shall administer the 21554
medicaid-funded component through a contract entered into with the 21555
department of ~~job and family services~~ medicaid under section 21556
~~5111.91~~ 5162.35 of the Revised Code. 21557

~~(b)(2)~~ The medicaid-funded component shall be operated as a 21558
separate medicaid waiver component. 21559

~~(e)(3)~~ For an individual to be eligible for the 21560
medicaid-funded component, the individual must be a medicaid 21561
recipient and meet the additional eligibility requirements 21562
applicable to the individual established in rules adopted under 21563
division ~~(C)(1)(d)(B)(4)~~ of this section. 21564

~~(d)~~ ~~The director of job and family services shall adopt (4)~~ 21565
To the extent authorized by rules under authorization by section 21566
~~5111.85~~ 5162.021 of the Revised Code ~~and,~~ the director of aging 21567
shall adopt rules in accordance with Chapter 119. of the Revised 21568
Code to implement the medicaid-funded component. 21569

~~(2)(C)~~ If the unified long-term services and support medicaid 21570
waiver component is created, the departments of aging and ~~job and~~ 21571
~~family services~~ medicaid shall work together to determine whether 21572
the medicaid-funded component of the PASSPORT program should 21573
continue to operate as a separate medicaid waiver component or be 21574
terminated. If the departments determine that the medicaid-funded 21575
component of the PASSPORT program should be terminated, the 21576
medicaid-funded component shall cease to exist on a date the 21577
departments shall specify. 21578

~~(D)(1)~~ ~~The department of aging shall administer the~~ 21579
~~state funded component of the PASSPORT program. The state funded~~ 21580
~~component shall not be administered as part of the medicaid~~ 21581

~~program.~~ 21582

~~(2) For an individual to be eligible for the state funded component, the individual must meet one of the following requirements and meet the additional eligibility requirements applicable to the individual established in rules adopted under division (D)(4) of this section:~~ 21583
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~~(a) The individual must have been enrolled in the state funded component on September 1, 1991, (as the state funded component was authorized by uncodified law in effect at that time) and have had one or more applications for enrollment in the medicaid funded component (or, if the medicaid funded component is terminated under division (C)(2) of this section, the unified long term services and support medicaid waiver component) denied.~~ 21588
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~~(b) The individual must have had the individual's enrollment in the medicaid funded component (or, if the medicaid funded component is terminated under division (C)(2) of this section, the unified long term services and support medicaid waiver component) terminated and the individual must still need the home and community based services provided under the PASSPORT program to protect the individual's health and safety.~~ 21595
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~~(c) The individual must have an application for the medicaid funded component (or, if the medicaid funded component is terminated under division (C)(2) of this section, the unified long term services and support medicaid waiver component) pending and the department or the department's designee must have determined that the individual meets the nonfinancial eligibility requirements of the medicaid funded component (or, if the medicaid funded component is terminated under division (C)(2) of this section, the unified long term services and support medicaid waiver component) and not have reason to doubt that the individual meets the financial eligibility requirements of the medicaid funded component (or, if the medicaid funded component is~~ 21602
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~~terminated under division (C)(2) of this section, the unified
long term services and support medicaid waiver component).~~ 21614
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~~(3) An individual who is eligible for the state funded
component because the individual meets the requirement of division
(D)(2)(c) of this section may participate in the component on that
basis for not more than ninety days.~~ 21616
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~~(4) The director of aging shall adopt rules in accordance
with section 111.15 of the Revised Code to implement the
state funded component. The additional eligibility requirements
established in the rules may vary for the different groups of
individuals specified in divisions (D)(2)(a), (b), and (c) of this
section.~~ 21620
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Sec. 173.401 173.521. (A) ~~As used in this section:~~ 21626

~~"Area agency on aging" has the same meaning as in section
173.14 of the Revised Code.~~ 21627
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~~"Long term care consultation program" means the program the
department of aging is required to develop under section 173.42 of
the Revised Code.~~ 21629
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~~"Long term care consultation program administrator" or
"administrator" means the department of aging or, if the
department contracts with an area agency on aging or other entity
to administer the long term care consultation program for a
particular area, that agency or entity.~~ 21632
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~~"Nursing facility" has the same meaning as in section 5111.20
of the Revised Code.~~ 21637
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~~(B) Subject Unless the medicaid-funded component of the
PASSPORT program is terminated pursuant to division (C)(2) of
section 173.40 173.52 of the Revised Code, the department shall
establish a home first component of the PASSPORT program under
which eligible individuals may be enrolled in the medicaid-funded~~ 21639
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component of the PASSPORT program in accordance with this section. 21644
An individual is eligible for the PASSPORT program's home first 21645
component if both of the following apply: 21646

(1) The individual has been determined to be eligible for the 21647
medicaid-funded component of the PASSPORT program. 21648

(2) At least one of the following applies: 21649

(a) The individual has been admitted to a nursing facility. 21650

(b) A physician has determined and documented in writing that 21651
the individual has a medical condition that, unless the individual 21652
is enrolled in home and community-based services such as the 21653
PASSPORT program, will require the individual to be admitted to a 21654
nursing facility within thirty days of the physician's 21655
determination. 21656

(c) The individual has been hospitalized and a physician has 21657
determined and documented in writing that, unless the individual 21658
is enrolled in home and community-based services such as the 21659
PASSPORT program, the individual is to be transported directly 21660
from the hospital to a nursing facility and admitted. 21661

(d) Both of the following apply: 21662

(i) The individual is the subject of a report made under 21663
section 5101.61 of the Revised Code regarding abuse, neglect, or 21664
exploitation or such a report referred to a county department of 21665
job and family services under section 5126.31 of the Revised Code 21666
or has made a request to a county department for protective 21667
services as defined in section 5101.60 of the Revised Code. 21668

(ii) A county department of job and family services and an 21669
area agency on aging have jointly documented in writing that, 21670
unless the individual is enrolled in home and community-based 21671
services such as the PASSPORT program, the individual should be 21672
admitted to a nursing facility. 21673

~~(C)~~(B) Each month, each area agency on aging shall identify 21674
individuals residing in the area that the agency serves who are 21675
eligible for the home first component of the PASSPORT program. 21676
When an area agency on aging identifies such an individual, the 21677
agency shall notify the long-term care consultation program 21678
administrator serving the area in which the individual resides. 21679
The administrator shall determine whether the PASSPORT program is 21680
appropriate for the individual and whether the individual would 21681
rather participate in the PASSPORT program than continue or begin 21682
to reside in a nursing facility. If the administrator determines 21683
that the PASSPORT program is appropriate for the individual and 21684
the individual would rather participate in the PASSPORT program 21685
than continue or begin to reside in a nursing facility, the 21686
administrator shall so notify the department of aging. On receipt 21687
of the notice from the administrator, the department shall approve 21688
the individual's enrollment in the medicaid-funded component of 21689
the PASSPORT program regardless of the unified waiting list 21690
established under section ~~173.404~~ 173.55 of the Revised Code, 21691
unless the enrollment would cause the component to exceed any 21692
limit on the number of individuals who may be enrolled in the 21693
component as set by the United States secretary of health and 21694
human services in the PASSPORT waiver. 21695

Sec. 173.522. (A) The department of aging shall create and 21696
administer the state-funded component of the PASSPORT program. The 21697
state-funded component shall not be administered as part of the 21698
medicaid program. 21699

(B) For an individual to be eligible for the state-funded 21700
component of the PASSPORT program, the individual must meet one of 21701
the following requirements and meet the additional eligibility 21702
requirements applicable to the individual established in rules 21703
adopted under division (D) of this section: 21704

(1) The individual must have been enrolled in the 21705
state-funded component on September 1, 1991, (as the state-funded 21706
component was authorized by uncodified law in effect at that time) 21707
and have had one or more applications for enrollment in the 21708
medicaid-funded component of the PASSPORT program (or, if the 21709
medicaid-funded component is terminated under division (C) of 21710
section 173.52 of the Revised Code, the unified long-term services 21711
and support medicaid waiver component) denied. 21712

(2) The individual must have had the individual's enrollment 21713
in the medicaid-funded component of the PASSPORT program (or, if 21714
the medicaid-funded component is terminated under division (C) of 21715
section 173.52 of the Revised Code, the unified long-term services 21716
and support medicaid waiver component) terminated and the 21717
individual must still need the home and community-based services 21718
provided under the PASSPORT program to protect the individual's 21719
health and safety. 21720

(3) The individual must have an application for the 21721
medicaid-funded component of the PASSPORT program (or, if the 21722
medicaid-funded component is terminated under division (C) of 21723
section 173.52 of the Revised Code, the unified long-term services 21724
and support medicaid waiver component) pending and the department 21725
or the department's designee must have determined that the 21726
individual meets the nonfinancial eligibility requirements of the 21727
medicaid-funded component (or, if the medicaid-funded component is 21728
terminated under division (C) of section 173.52 of the Revised 21729
Code, the unified long-term services and support medicaid waiver 21730
component) and not have reason to doubt that the individual meets 21731
the financial eligibility requirements of the medicaid-funded 21732
component (or, if the medicaid-funded component is terminated 21733
under division (C) of section 173.52 of the Revised Code, the 21734
unified long-term services and support medicaid waiver component). 21735

(C) An individual who is eligible for the state-funded 21736

component of the PASSPORT program because the individual meets the 21737
requirement of division (B)(3) of this section may participate in 21738
the component on that basis for not more than ninety days. 21739

(D) The director of aging shall adopt rules in accordance 21740
with section 111.15 of the Revised Code to implement the 21741
state-funded component of the PASSPORT program. The additional 21742
eligibility requirements established in the rules may vary for the 21743
different groups of individuals specified in divisions (B)(1), 21744
(2), and (3) of this section. 21745

Sec. 173.523. (A) An individual who is an applicant for or 21746
participant or former participant in the state-funded component of 21747
the PASSPORT program may appeal an adverse action taken or 21748
proposed to be taken by the department of aging or an entity 21749
designated by the department concerning participation in or 21750
services provided under the component if the action will result in 21751
any of the following: 21752

(1) Denial of enrollment or continued enrollment in the 21753
component; 21754

(2) Denial of or reduction in the amount of services 21755
requested by or offered to the individual under the component; 21756

(3) Assessment of any patient liability payment pursuant to 21757
rules adopted by the department under this section. 21758

The appeal shall be made in accordance with section 173.56 of 21759
the Revised Code and rules adopted pursuant to that section. 21760

(B) An individual who is an applicant for or participant or 21761
former participant in the state-funded component of the PASSPORT 21762
program may not bring an appeal under this or any other section of 21763
the Revised Code if any of the following is the case: 21764

(1) The individual has voluntarily withdrawn the application 21765
for enrollment in the component; 21766

(2) The individual has voluntarily terminated enrollment in the component; 21767
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(3) The individual agrees with the action being taken or proposed; 21769
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(4) The individual fails to submit a written request for a hearing to the director of aging within the time specified in the rules adopted pursuant to section 173.56 of the Revised Code; 21771
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(5) The individual has received services under the component for the maximum time permitted by this section. 21774
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Sec. ~~173.402~~ 173.524. An individual enrolled in the PASSPORT 21776
program may request that home-delivered meals provided to the 21777
individual under the PASSPORT program be kosher. If such a request 21778
is made, the department of aging or the department's designee 21779
shall ensure that each home-delivered meal provided to the 21780
individual under the PASSPORT program is kosher. In complying with 21781
this requirement, the department or department's designee shall 21782
require each entity that provides home-delivered meals to the 21783
individual to provide the individual with meals that meet, as much 21784
as possible, the requirements established in rules adopted under 21785
~~section 173.40~~ sections 173.52 and 173.522 of the Revised Code 21786
governing the home-delivered meal service while complying with 21787
kosher practices for meal preparation and dietary restrictions. 21788

An entity that provides a kosher home-delivered meal to a 21789
PASSPORT program enrollee pursuant to this section shall be 21790
reimbursed for the meal at a rate equal to the rate for 21791
home-delivered meals furnished to PASSPORT program enrollees 21792
requiring a therapeutic diet. 21793

Sec. 173.525. (A) The PASSPORT program shall include a structured family caregiver component as a pilot program in three rural PASSPORT regions under which an individual enrolled in the 21794
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PASSPORT program may choose a family member to provide the individual home and community-based services that the individual receives under the PASSPORT program. A family member must do all of the following to be eligible to be a family caregiver under the PASSPORT program:

(1) Complete all the training, obtain all required credentials, and satisfy all other applicable requirements to be a PASSPORT provider;

(2) Arrange for an agency that is a PASSPORT provider to do all of the following:

(a) Assist the family member with the requirements to be a family caregiver;

(b) Provide or arrange professional staff training to or for the family member;

(c) If possible, include the family member in electronic records used for the PASSPORT program;

(d) Provide professional staff support that is appropriate for the PASSPORT enrollee's care needs to the enrollee for whom the family member serves as a family caregiver.

(3) Comply with any other applicable requirements specified in rules adopted under sections 173.52 and 173.522 of the Revised Code.

(B) An individual may serve as the family caregiver for not more than two PASSPORT enrollees. A family caregiver may provide home and community-based services covered by the PASSPORT program in the home of either the caregiver or the PASSPORT enrollee.

(C) The structured family caregiver component of the PASSPORT program shall be available as a pilot program in three rural PASSPORT regions not later than January 1, 2014. The payment rate for the component shall be adequate to pay the family caregiver a

stipend and reimburse the agency provider for the costs of 21827
providing professional staff support pursuant to division 21828
(A)(2)(d) of this section. 21829

~~Sec. 173.403~~ 173.53. (A) ~~As used in this section:~~ 21830

~~"Choices program" means the program created under this~~ 21831
~~section.~~ 21832

~~"Medicaid waiver component" has the same meaning as in~~ 21833
~~section 5111.85 of the Revised Code.~~ 21834

~~"Unified long term services and support medicaid waiver~~ 21835
~~component" means the medicaid waiver component authorized by~~ 21836
~~section 5111.864 of the Revised Code.~~ 21837

~~(B) Subject to division (C) of this section, there is hereby~~ 21838
~~created~~ The department of medicaid shall create the choices 21839
program. In creating the choices program, the department of 21840
medicaid shall collaborate with the department of aging. Subject 21841
to division (B) of this section: 21842

(1) The choices program shall provide home and 21843
community-based services. ~~The~~ 21844

(2) The department of aging shall administer the choices 21845
program through a contract entered into with the department of ~~job~~ 21846
~~and family services~~ medicaid under section ~~5111.91~~ 5162.35 of the 21847
Revised Code. ~~Subject to federal approval, the~~ 21848

(3) The choices program shall be available statewide. 21849

~~(C)~~ (B) If the unified long-term services and support medicaid 21850
waiver component is created, the departments of aging and ~~job and~~ 21851
~~family services~~ medicaid shall ~~work together~~ collaborate to 21852
determine whether the choices program should continue to operate 21853
as a separate medicaid waiver component or be terminated. If the 21854
departments determine that the choices program should be 21855
terminated, the program shall cease to exist on a date the 21856

departments shall specify. 21857

(C) If the choices program is terminated pursuant to division 21858
(B) of this section or for another reason, not sooner than six 21859
months before the date on which the program ceases to exist, the 21860
director of aging may do both of the following: 21861

(1) Suspend new enrollments in the choices program; 21862

(2) Transfer participants of the choices program to the 21863
following: 21864

(a) Except as provided in division (C)(2)(b) of this section, 21865
the medicaid-funded component of the PASSPORT program created 21866
under section 173.52 of the Revised Code; 21867

(b) If the medicaid-funded component of the PASSPORT program 21868
is terminated pursuant to division (C) of section 173.52 of the 21869
Revised Code, the unified long-term services and support medicaid 21870
waiver component. 21871

~~Sec. 5111.89 173.54. (A) As used in sections 5111.89 to~~ 21872
~~5111.894 of the Revised Code:~~ 21873

~~"Area agency on aging" has the same meaning as in section~~ 21874
~~173.14 of the Revised Code.~~ 21875

~~"Assisted living program" means the program created under~~ 21876
~~this section.~~ 21877

~~"Assisted living services" means the following home and~~ 21878
~~community based services: personal care, homemaker, chore,~~ 21879
~~attendant care, companion, medication oversight, and therapeutic~~ 21880
~~social and recreational programming.~~ 21881

~~"Assisted living waiver" means the federal medicaid waiver~~ 21882
~~granted by the United States secretary of health and human~~ 21883
~~services that authorizes the medicaid funded component of the~~ 21884
~~assisted living program.~~ 21885

~~"County or district home" means a county or district home operated under Chapter 5155. of the Revised Code.~~ 21886
21887

~~"Long term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code.~~ 21888
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~~"Long term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long term care consultation program for a particular area, that agency or entity.~~ 21891
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~~"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~ 21896
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~~"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~ 21898
21899

~~"Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.~~ 21900
21901

~~"Unified long term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5111.864 of the Revised Code.~~ 21902
21903
21904

~~(B) There is hereby created The department of medicaid shall create the medicaid-funded component of the assisted living program. The program shall provide assisted living services to individuals who meet the program's applicable eligibility requirements. Subject to division (C) of this section, the program shall have a medicaid-funded component and a state-funded component In creating the medicaid-funded component, the department of medicaid shall collaborate with the department of aging.~~ 21905
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~~(C)(1)(B) Unless the medicaid-funded component of the assisted living program is terminated under division (C)(2) of~~ 21914
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this section, all of the following apply: 21916

~~(a)~~(1) The department of aging shall administer the 21917
medicaid-funded component through a contract entered into with the 21918
department of ~~job and family services~~ medicaid under section 21919
~~5111.91~~ 5162.35 of the Revised Code. 21920

~~(b)~~(2) The contract shall include an estimate of the 21921
medicaid-funded component's costs. 21922

~~(c)~~(3) The medicaid-funded component shall be operated as a 21923
separate medicaid waiver component. 21924

~~(d)~~(4) The medicaid-funded component may not serve more 21925
individuals than is set by the United States secretary of health 21926
and human services in the assisted living waiver. 21927

~~(e)~~ The ~~director of job and family services~~ may adopt rules 21928
under section ~~5111.85~~ of the Revised Code regarding the 21929
~~medicaid funded component.~~ 21930

~~(f)~~ The (5) To the extent authorized by rules authorized by 21931
section 5162.021 of the Revised Code, the director of aging may 21932
adopt rules under Chapter 119. of the Revised Code regarding the 21933
medicaid-funded component ~~that the rules adopted by the director~~ 21934
~~of job and family services under division (C)(1)(c) of this~~ 21935
~~section authorize the director of aging to adopt.~~ 21936

~~(2)~~(C) If the unified long-term services and support medicaid 21937
waiver component is created, the departments of aging and ~~job and~~ 21938
~~family services~~ medicaid shall ~~work together~~ collaborate to 21939
determine whether the medicaid-funded component of the assisted 21940
living program should continue to operate as a separate medicaid 21941
waiver component or be terminated. If the departments determine 21942
that the medicaid-funded component of the assisted living program 21943
should be terminated, the medicaid-funded component shall cease to 21944
exist on a date the departments shall specify. 21945

~~(D) The department of aging shall administer the state funded component of the assisted living program. The state funded component shall not be administered as part of the medicaid program.~~ 21946
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~~An individual who is eligible for the state funded component may participate in the component for not more than ninety days.~~ 21950
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~~The director of aging shall adopt rules in accordance with section 111.15 of the Revised Code to implement the state funded component.~~ 21952
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Sec. ~~5111.891~~ 173.541. To be eligible for the medicaid-funded component of the assisted living program, an individual must meet all of the following requirements: 21955
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21957

(A) Need an intermediate level of care as determined ~~under rule 5101:3-3-06~~ by an assessment conducted under section 173.546 of the ~~Administrative~~ Revised Code; 21958
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(B) While receiving assisted living services under the medicaid-funded component, reside in a residential care facility that is authorized by a valid medicaid provider agreement to participate in the component, including both of the following: 21961
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(1) A residential care facility that is owned or operated by a metropolitan housing authority that has a contract with the United States department of housing and urban development to receive an operating subsidy or rental assistance for the residents of the facility; 21965
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(2) A county or district home licensed as a residential care facility. 21970
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(C) Meet all other eligibility requirements for the medicaid-funded component established in rules adopted ~~pursuant to division (C) of~~ under section ~~5111.89~~ 173.54 of the Revised Code. 21972
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Sec. ~~5111.894~~ 173.542. (A) ~~Subject~~ Unless the medicaid-funded 21975
component of the assisted living program is terminated pursuant to 21976
division (C)~~(2)~~ of section ~~5111.89~~ 173.54 of the Revised Code, the 21977
department of aging shall establish a home first component of the 21978
assisted living program under which eligible individuals may be 21979
enrolled in the medicaid-funded component of the assisted living 21980
program in accordance with this section. An individual is eligible 21981
for the assisted living program's home first component if both of 21982
the following apply: 21983

(1) The individual has been determined to be eligible for the 21984
medicaid-funded component of the assisted living program. 21985

(2) At least one of the following applies: 21986

(a) The individual has been admitted to a nursing facility. 21987

(b) A physician has determined and documented in writing that 21988
the individual has a medical condition that, unless the individual 21989
is enrolled in home and community-based services such as the 21990
assisted living program, will require the individual to be 21991
admitted to a nursing facility within thirty days of the 21992
physician's determination. 21993

(c) The individual has been hospitalized and a physician has 21994
determined and documented in writing that, unless the individual 21995
is enrolled in home and community-based services such as the 21996
assisted living program, the individual is to be transported 21997
directly from the hospital to a nursing facility and admitted. 21998

(d) Both of the following apply: 21999

(i) The individual is the subject of a report made under 22000
section 5101.61 of the Revised Code regarding abuse, neglect, or 22001
exploitation or such a report referred to a county department of 22002
job and family services under section 5126.31 of the Revised Code 22003
or has made a request to a county department for protective 22004

services as defined in section 5101.60 of the Revised Code. 22005

(ii) A county department of job and family services and an 22006
area agency on aging have jointly documented in writing that, 22007
unless the individual is enrolled in home and community-based 22008
services such as the assisted living program, the individual 22009
should be admitted to a nursing facility. 22010

(B) Each month, each area agency on aging shall identify 22011
individuals residing in the area that the area agency on aging 22012
serves who are eligible for the home first component of the 22013
assisted living program. When an area agency on aging identifies 22014
such an individual and determines that there is a vacancy in a 22015
residential care facility participating in the medicaid-funded 22016
component of the assisted living program that is acceptable to the 22017
individual, the agency shall notify the long-term care 22018
consultation program administrator serving the area in which the 22019
individual resides. The administrator shall determine whether the 22020
assisted living program is appropriate for the individual and 22021
whether the individual would rather participate in the assisted 22022
living program than continue or begin to reside in a nursing 22023
facility. If the administrator determines that the assisted living 22024
program is appropriate for the individual and the individual would 22025
rather participate in the assisted living program than continue or 22026
begin to reside in a nursing facility, the administrator shall so 22027
notify the department of aging. On receipt of the notice from the 22028
administrator, the department shall approve the individual's 22029
enrollment in the medicaid-funded component of the assisted living 22030
program regardless of the unified waiting list established under 22031
section ~~173.404~~ 173.55 of the Revised Code, unless the enrollment 22032
would cause the component to exceed any limit on the number of 22033
individuals who may participate in the component as set by the 22034
United States secretary of health and human services in the 22035
assisted living waiver. 22036

Sec. 173.543. The department of aging shall create and 22037
administer the state-funded component of the assisted living 22038
program. The state-funded component shall not be administered as 22039
part of the medicaid program. 22040

An individual who is eligible for the state-funded component 22041
may participate in the component for not more than ninety days. 22042

The director of aging shall adopt rules in accordance with 22043
section 111.15 of the Revised Code to implement the state-funded 22044
component. 22045

Sec. ~~5111.892~~ 173.544. To be eligible for the state-funded 22046
component of the assisted living program, an individual must meet 22047
all of the following requirements: 22048

(A) The individual must need an intermediate level of care as 22049
determined ~~under rule 5101:3-3-06~~ by an assessment conducted under 22050
section 173.546 of the Administrative Revised Code. 22051

(B) The individual must have an application for the 22052
medicaid-funded component of the assisted living program (or, if 22053
the medicaid-funded component is terminated under division (C)~~(2)~~ 22054
of section ~~5111.89~~ 173.54 of the Revised Code, the unified 22055
long-term services and support medicaid waiver component) pending 22056
and the department or the department's designee must have 22057
determined that the individual meets the nonfinancial eligibility 22058
requirements of the medicaid-funded component (or, if the 22059
medicaid-funded component is terminated under division (C)~~(2)~~ of 22060
section ~~5111.89~~ 173.54 of the Revised Code, the unified long-term 22061
services and support medicaid waiver component) and not have 22062
reason to doubt that the individual meets the financial 22063
eligibility requirements of the medicaid-funded component (or, if 22064
the medicaid-funded component is terminated under division (C)~~(2)~~ 22065
of section ~~5111.89~~ 173.54 of the Revised Code, the unified 22066

long-term services and support medicaid waiver component). 22067

(C) While receiving assisted living services under the 22068
state-funded component, the individual must reside in a 22069
residential care facility that is authorized by a valid provider 22070
agreement to participate in the component, including both of the 22071
following: 22072

(1) A residential care facility that is owned or operated by 22073
a metropolitan housing authority that has a contract with the 22074
United States department of housing and urban development to 22075
receive an operating subsidy or rental assistance for the 22076
residents of the facility; 22077

(2) A county or district home licensed as a residential care 22078
facility. 22079

(D) The individual must meet all other eligibility 22080
requirements for the state-funded component established in rules 22081
adopted under ~~division (D) of section 5111.89~~ 173.54 of the 22082
Revised Code. 22083

Sec. 173.545. (A) An individual who is an applicant for or 22084
participant or former participant in the state-funded component of 22085
the assisted living program may appeal an adverse action taken or 22086
proposed to be taken by the department of aging or an entity 22087
designated by the department concerning participation in or 22088
services provided under the component if the action will result in 22089
any of the following: 22090

(1) Denial of enrollment or continued enrollment in the 22091
component; 22092

(2) Denial of or reduction in the amount of services 22093
requested by or offered to the individual under the component; 22094

(3) Assessment of any patient liability payment pursuant to 22095
rules adopted by the department under this section. 22096

The appeal shall be made in accordance with section 173.56 of the Revised Code and rules adopted pursuant to that section. 22097
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(B) An individual who is an applicant for or participant or former participant in the state-funded component of the assisted living program may not bring an appeal under this or any other section of the Revised Code if any of the following is the case: 22099
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(1) The individual has voluntarily withdrawn the application for enrollment in the component; 22103
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(2) The individual has voluntarily terminated enrollment in the component; 22105
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(3) The individual agrees with the action being taken or proposed; 22107
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(4) The individual fails to submit a written request for a hearing to the director of aging within the time specified in the rules adopted pursuant to section 173.56 of the Revised Code; 22109
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(5) The individual has received services under the component for the maximum time permitted by this section. 22112
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Sec. 173.546. (A) Each applicant for the assisted living program shall undergo an assessment to determine whether the applicant needs an intermediate level of care. The department of medicaid or an agency under contract pursuant to division (C) of this section shall conduct the assessment. The assessment may be performed concurrently with a long-term care consultation provided under section 173.42 of the Revised Code. 22114
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(B) An applicant or applicant's representative has the right to appeal an assessment's findings. Section 5160.31 of the Revised Code applies to appeals regarding the medicaid-funded component of the assisted living program. The department or an agency under contract to conduct the assessment shall provide written notice of this right to the applicant or applicant's representative and the 22121
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residential care facility in which the applicant intends to reside 22127
if enrolled in the assisted living program. The notice shall 22128
include an explanation of the appeal procedures. The department or 22129
agency under contract to conduct the assessment shall represent 22130
the state in any appeal of an assessment's findings. 22131

(C) The department may contract with one or more agencies to 22132
perform assessments under this section. A contract shall specify 22133
the agency's responsibilities regarding the assessments. 22134

Sec. ~~5111.893~~ 173.547. A residential care facility providing 22135
services covered by the assisted living program to an individual 22136
enrolled in the program shall have staff on-site twenty-four hours 22137
each day who are able to do all of the following: 22138

(A) Meet the scheduled and unpredicted needs of the 22139
individuals enrolled in the assisted living program in a manner 22140
that promotes the individuals' dignity and independence; 22141

(B) Provide supervision services for those individuals; 22142

(C) Help keep the individuals safe and secure. 22143

Sec. ~~173.404~~ 173.55. (A) As used in this section: 22144

(1) "Department of aging-administered medicaid waiver 22145
component" means each of the following: 22146

(a) The medicaid-funded component of the PASSPORT program 22147
~~created under section 173.40 of the Revised Code;~~ 22148

(b) The choices program ~~created under section 173.403 of the~~ 22149
~~Revised Code;~~ 22150

(c) The medicaid-funded component of the assisted living 22151
~~program created under section 5111.89 of the Revised Code.~~ 22152

(2) "PACE program" means the component of the medicaid 22153
program the department of aging administers pursuant to section 22154

173.50 of the Revised Code. 22155

(B) If the department of aging determines that there are 22156
insufficient funds to enroll all individuals who have applied and 22157
been determined eligible for department of aging-administered 22158
medicaid waiver components and the PACE program, the department 22159
shall establish a unified waiting list for the components and 22160
program. Only individuals eligible for a department of 22161
aging-administered medicaid waiver component or the PACE program 22162
may be placed on the unified waiting list. An individual who may 22163
be enrolled in a department of aging-administered medicaid waiver 22164
component or the PACE program through a home first component 22165
established under section ~~173.401~~, 173.501, 173.521 or ~~5111.894~~ 22166
173.542 of the Revised Code may be so enrolled without being 22167
placed on the unified waiting list. 22168

Sec. 173.56. (A) The department of aging shall adopt rules in 22169
accordance with section 111.15 of the Revised Code governing 22170
appeals brought under section 173.523 or 173.545 of the Revised 22171
Code. The rules shall require notice and the opportunity for a 22172
hearing. The rules may allow an appeal hearing to be conducted by 22173
telephone and permit the department to record hearings conducted 22174
by telephone. Chapter 119. of the Revised Code applies to a 22175
hearing under section 173.523 or 173.545 of the Revised Code only 22176
to the extent provided in rules the department adopts under this 22177
section. 22178

(B) An appeal shall be commenced by submission of a written 22179
request for a hearing to the director of aging within the time 22180
specified in the rules adopted under this section. The hearing may 22181
be recorded, but neither the recording nor a transcript of the 22182
recording is part of the official record of the proceeding. The 22183
director shall notify the individual bringing the appeal of the 22184
director's decision and of the procedure for appealing the 22185

decision. 22186

(C) The director's decision may be appealed to a court of common pleas pursuant to section 119.12 of the Revised Code. The appeal shall be governed by that section except as follows: 22187
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(1) The appeal shall be in the court of common pleas of the county in which the individual who brings the appeal resides or, if the individual does not reside in this state, to the Franklin county court of common pleas. 22190
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(2) The notice of appeal must be mailed to the department and filed with the court not later than thirty days after the department mails notice of the director's decision. For good cause shown, the court may extend the time for mailing and filing the notice of appeal, but the time cannot exceed six months from the date the department mails the notice of the director's decision. 22194
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(3) If an individual applies to the court for designation as an indigent and the court grants the application, the individual shall not be required to furnish the costs of the appeal. 22200
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(4) The department is required to file a transcript of the testimony of the state hearing with the court only if the court orders that the transcript be filed. The court shall make such an order only if it finds that the department and the individual bringing the appeal are unable to stipulate to the facts of the case and that the transcript is essential to a determination of the appeal. The department shall file the transcript not later than thirty days after such an order is issued. 22203
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Sec. 173.99. (A) A long-term care provider, person employed by a long-term care provider, other entity, or employee of such other entity that violates division (C) of section 173.24 of the Revised Code is subject to a fine not to exceed one thousand dollars for each violation. 22211
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(B) Whoever violates division (C) of section 173.23 of the Revised Code is guilty of registering a false complaint, a misdemeanor of the first degree.

(C) A long-term care provider, other entity, or person employed by a long-term care provider or other entity that violates division (E) of section 173.19 of the Revised Code by denying a representative of the office of the state long-term care ~~ombuds person~~ ombudsman program the access required by that division is subject to a fine not to exceed five hundred dollars for each violation.

(D) Whoever violates division (C) of section 173.44 of the Revised Code is subject to a fine of one hundred dollars.

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

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

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

(D) The agency shall develop policies and guidelines for the administration of its programs and annually shall conduct at least one public hearing to obtain input from any interested party

regarding the administration of its programs. The hearing shall be 22246
held at a time and place as the agency determines and when a 22247
quorum of the agency is present. 22248

(E) The agency shall appoint committees and subcommittees 22249
comprised of members of the agency to handle matters it deems 22250
appropriate. 22251

(1) The agency shall adopt an annual plan to address this 22252
state's housing needs. The agency shall appoint an annual plan 22253
committee to develop the plan and present it to the agency for 22254
consideration. 22255

(2) The annual plan committee shall select an advisory board 22256
from a list of interested individuals the executive director 22257
provides or on its own recommendation. The advisory board shall 22258
provide input on the plan at committee meetings prior to the 22259
annual public hearing. At the public hearing, the committee shall 22260
discuss advisory board comments. The advisory board may include, 22261
but is not limited to, persons who represent state agencies, local 22262
governments, public corporations, nonprofit organizations, 22263
community development corporations, housing advocacy organizations 22264
for low- and moderate-income persons, realtors, syndicators, 22265
investors, lending institutions as recommended by a statewide 22266
banking organization, and other entities participating in the 22267
agency's programs. 22268

Each agency program that allows for loans to be made to 22269
finance housing for owner occupancy that benefits other than low- 22270
and moderate-income households, or for loans to be made to 22271
individuals under bonds issued pursuant to division (B) of section 22272
175.08 of the Revised Code, shall be presented to the advisory 22273
board and included in the annual plan as approved by the agency 22274
before the program's implementation. 22275

(F) The agency shall prepare an annual financial report 22276

describing its activities during the reporting year and submit 22277
that report in accordance with division (H) of this section and to 22278
the governor, the speaker of the house of representatives, and the 22279
president of the senate within three months after the end of the 22280
reporting year. The report shall include the agency's audited 22281
financial statements, prepared in accordance with generally 22282
accepted accounting principles and appropriate accounting 22283
standards. 22284

(G) The agency shall prepare an annual report of its programs 22285
describing how the programs have met this state's housing needs. 22286
The agency shall submit the report in accordance with division (H) 22287
of this section and to the governor, the speaker of the house of 22288
representatives, and the president of the senate within three 22289
months after the end of the reporting year. 22290

(H)(1) The agency shall submit, within a time frame agreed to 22291
by the agency and the chairs, the annual financial report 22292
described in division (F) of this section and the annual report of 22293
programs described in division (G) of this section to the chairs 22294
of the committees dealing with housing issues in the house of 22295
representatives and the senate. 22296

(2) Within forty-five days of issuance of the annual 22297
financial report, the agency shall cause the agency's executive 22298
director to appear in person before the committees described in 22299
division (H)(1) of this section to testify in regard to the 22300
financial report and the report of programs. The testimony shall 22301
include each of the following: 22302

(a) An overview of the annual plan adopted pursuant to 22303
division (E)(1) of this section; 22304

(b) An evaluation of whether the objectives in the annual 22305
plan were met through a comparison of the annual plan with the 22306
annual financial report and report of programs; 22307

(c) A complete listing of all business and contractual relationships between the agency and other entities and organizations that participated in agency programs during the fiscal year reported by the agency's annual financial report and report of programs. 22308
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Sec. 187.10. (A) No person, with purpose to corrupt a director, officer, or employee of JobsOhio, shall promise, offer, or give any valuable thing or valuable benefit. 22313
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(B) No person who is a director, officer, or employee of JobsOhio, either before or after being appointed, qualified, or employed in that capacity, shall knowingly solicit or accept for self or another person any valuable thing or valuable benefit to corrupt or improperly influence the person or another director, officer, or employee of JobsOhio with respect to the discharge of the person's or the other director's, officer's, or employee's duty. 22316
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(C) Whoever violates division (A) or (B) of this section is guilty of the offense of bribery, as set forth in section 2921.02 of the Revised Code. 22324
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Sec. 191.01. As used in this chapter: 22327

(A) "Administrative safeguards," "availability," "confidentiality," "integrity," "physical safeguards," and "technical safeguards" have the same meanings as in 45 C.F.R. 164.304. 22328
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(B) "Business associate," "covered entity," "health plan," "individually identifiable health information," and "protected health information" have the same meanings as in 45 C.F.R. 160.103. 22332
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(C) "Executive director of the office of health transformation" or "executive director" means the executive 22336
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director of the office of health transformation or the chief 22338
administrative officer of a successor governmental entity 22339
responsible for health system oversight in this state. 22340

(D) "Government program providing public benefits" means any 22341
program administered by a state agency that has been identified, 22342
pursuant to section 191.02 of the Revised Code, by the executive 22343
director of the office of health transformation in consultation 22344
with the individuals specified in that section. 22345

(E) "Office of health transformation" means the office of 22346
health transformation created by executive order 2011-02K. 22347

(F) "Operating protocol" means a protocol adopted by the 22348
executive director of the office of health transformation or the 22349
executive director's designee under division (D) of section 191.06 22350
of the Revised Code. 22351

(G) "Participating agency" means a state agency that 22352
participates in a health transformation initiative as specified in 22353
the one or more operating protocols adopted for the initiative 22354
under division (D) of section 191.06 of the Revised Code. 22355

(H) "Personally identifiable information" means information 22356
that meets both of the following criteria: 22357

(1) It identifies an individual or there is a reasonable 22358
basis to believe that it may be used to identify an individual; 22359

(2) It relates to an individual's eligibility for, 22360
application for, or receipt of public benefits from a government 22361
program providing public benefits. 22362

(I) "State agency" means each of the following: 22363

(1) The department of administrative services; 22364

(2) The department of aging; 22365

~~(2) The department of alcohol and drug addiction services;~~ 22366

(3) The department of development <u>services agency</u> ;	22367
(4) The department of developmental disabilities;	22368
(5) The department of education;	22369
(6) The department of health;	22370
(7) The department of insurance;	22371
(8) The department of job and family services;	22372
(9) <u>The department of medicaid</u> ;	22373
<u>(10) The department of mental health mental health and addiction services</u> ;	22374 22375
(10) <u>(11)</u> The department of rehabilitation and correction;	22376
(11) <u>(12)</u> The department of taxation;	22377
(12) <u>(13)</u> The department of veterans services;	22378
(13) <u>(14)</u> The department of youth services.	22379
(J) "Unsecured" has the same meaning as in 16 C.F.R. 318.2.	22380
Sec. 191.02. The executive director of the office of health	22381
transformation, in consultation with all of the following	22382
individuals, shall identify each government program administered	22383
by a state agency that is to be considered a government program	22384
providing public benefits for purposes of section 191.04 of the	22385
Revised Code:	22386
(A) <u>The director of administrative services</u> ;	22387
<u>(B)</u> The director of aging;	22388
(B) The director of alcohol and drug addiction services ;	22389
(C) The director of development <u>services</u> ;	22390
(D) The director of developmental disabilities;	22391
(E) The director of health;	22392

(F) The director <u>of</u> job and family services;	22393
(G) <u>The director of medicaid;</u>	22394
(H) <u>The director of mental health mental health and addiction</u>	22395
<u>services;</u>	22396
(H) <u>(I)</u> The director of rehabilitation and correction;	22397
(I) <u>(J)</u> The director of veterans services;	22398
(J) <u>(K)</u> The director of youth services;	22399
(K) <u>(L)</u> The administrator <u>executive director</u> of the	22400
rehabilitation services commission <u>opportunities for Ohioans with</u>	22401
<u>disabilities agency;</u>	22402
(L) <u>(M)</u> The administrator of workers' compensation;	22403
(M) <u>(N)</u> The superintendent of insurance;	22404
(N) <u>(O)</u> The superintendent of public instruction;	22405
(O) <u>(P)</u> The tax commissioner.	22406
Sec. 191.04. (A) In accordance with federal laws governing	22407
the confidentiality of individually identifiable health	22408
information, including the "Health Insurance Portability and	22409
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021,	22410
42 U.S.C. 1320d et seq., as amended, and regulations promulgated	22411
by the United States department of health and human services to	22412
implement the act, a state agency may exchange protected health	22413
information with another state agency relating to eligibility for	22414
or enrollment in a health plan or relating to participation in a	22415
government program providing public benefits if the exchange of	22416
information is necessary for either or both of the following:	22417
(1) Operating a health plan;	22418
(2) Coordinating, or improving the administration or	22419
management of, the health care-related functions of at least one	22420

government program providing public benefits. 22421

(B) For fiscal ~~year~~ years 2013, 2014, and 2015 only, a state 22422
agency also may exchange personally identifiable information with 22423
another state agency for purposes related to and in support of a 22424
health transformation initiative identified by the executive 22425
director of the office of health transformation pursuant to 22426
division (C) of section 191.06 of the Revised Code. 22427

(C) With respect to a state agency that uses or discloses 22428
personally identifiable information, all of the following 22429
conditions apply: 22430

(1) The state agency shall use or disclose the information 22431
only as permitted or required by state and federal law. In 22432
addition, if the information is obtained during fiscal year 2013, 22433
2014, or 2015 from an exchange of personally identifiable 22434
information permitted under division (B) of this section, the 22435
agency shall also use or disclose the information in accordance 22436
with all operating protocols that apply to the use or disclosure. 22437

(2) If the state agency is a state agency other than the 22438
department of ~~job and family services~~ medicaid and it uses or 22439
discloses protected health information that is related to a 22440
medicaid recipient and obtained from the department of ~~job and~~ 22441
~~family services~~ medicaid or another agency operating a component 22442
of the medicaid program, the state agency shall comply with all 22443
state and federal laws that apply to the department of ~~job and~~ 22444
~~family services~~ medicaid when that department, as the state's 22445
single state agency to supervise the medicaid program ~~as specified~~ 22446
~~in section 5111.01 of the Revised Code~~, uses or discloses 22447
protected health information. 22448

(3) A state agency shall implement administrative, physical, 22449
and technical safeguards for the purpose of protecting the 22450
confidentiality, integrity, and availability of personally 22451

identifiable information the creation, receipt, maintenance, or 22452
transmittal of which is affected or governed by this section. 22453

(4) If a state agency discovers an unauthorized use or 22454
disclosure of unsecured protected health information or unsecured 22455
individually identifiable health information, the state agency 22456
shall, not later than seventy-two hours after the discovery, do 22457
all of the following: 22458

(a) Identify the individuals who are the subject of the 22459
protected health information or individually identifiable health 22460
information; 22461

(b) Report the discovery and the names of all individuals 22462
identified pursuant to division (C)(4)(a) of this section to all 22463
other state agencies and the executive director of the office of 22464
health transformation or the executive director's designee; 22465

(c) Mitigate, to the extent reasonably possible, any 22466
potential adverse effects of the unauthorized use or disclosure. 22467

(5) A state agency shall make available to the executive 22468
director of the office of health transformation or the executive 22469
director's designee, and to any other state or federal 22470
governmental entity required by law to have access on that 22471
entity's request, all internal practices, records, and 22472
documentation relating to personally identifiable information it 22473
receives, uses, or discloses that is affected or governed by this 22474
section. 22475

(6) On termination or expiration of an operating protocol and 22476
if feasible, a state agency shall return or destroy all personally 22477
identifiable information received directly from or received on 22478
behalf of another state agency. If the personally identifiable 22479
information is not returned or destroyed, the state agency 22480
maintaining the information shall extend the protections set forth 22481
in this section for as long as it is maintained. 22482

(7) If a state agency enters into a subcontract or, when required by 45 C.F.R. 164.502(e)(2), a business associate agreement, the subcontract or business associate agreement shall require the subcontractor or business associate to comply with the terms of this section as if the subcontractor or business associate were a state agency.

Sec. 191.06. (A) The provisions of this section shall apply only for fiscal ~~year~~ years 2013, 2014, and 2015.

(B) The executive director of the office of health transformation or the executive director's designee may facilitate the coordination of operations and exchange of information between state agencies. The purpose of the executive director's authority under this section is to support agency collaboration for health transformation purposes, including modernization of the medicaid program, streamlining of health and human services programs in this state, and improving the quality, continuity, and efficiency of health care and health care support systems in this state.

(C) In furtherance of the authority of the executive director of the office of health transformation under division (B) of this section, the executive director or the executive director's designee shall identify each health transformation initiative in this state that involves the participation of two or more state agencies and that permits or requires an interagency agreement to be entered into for purposes of specifying each participating agency's role in coordinating, operating, or funding the initiative, or facilitating the exchange of data or other information for the initiative. The executive director shall publish a list of the identified health transformation initiatives on the internet web site maintained by the office of health transformation.

(D) For each health transformation initiative that is

identified under division (C) of this section, the executive 22514
director or the executive director's designee shall, in 22515
consultation with each participating agency, adopt one or more 22516
operating protocols. Notwithstanding any law enacted by the 22517
general assembly or rule adopted by a state agency, the provisions 22518
in a protocol shall supersede any provisions in an interagency 22519
agreement, including an interagency agreement entered into under 22520
section 5101.10 or ~~5111.91~~ 5162.35 of the Revised Code, that 22521
differ from the provisions of the protocol. 22522

(E)(1) An operating protocol adopted under division (D) of 22523
this section shall include both of the following: 22524

(a) All terms necessary to meet the requirements of "other 22525
arrangements" between a covered entity and a business associate 22526
that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 22527

(b) If known, the date on which the protocol will terminate 22528
or expire. 22529

(2) In addition, a protocol may specify the extent to which 22530
each participating agency is responsible and accountable for 22531
completing the tasks necessary for successful completion of the 22532
initiative, including tasks relating to the following components 22533
of the initiative: 22534

(a) Workflow; 22535

(b) Funding; 22536

(c) Exchange of data or other information that is 22537
confidential pursuant to state or federal law. 22538

(F) An operating protocol adopted under division (D) of this 22539
section shall have the same force and effect as an interagency 22540
agreement or data sharing agreement, and each participating agency 22541
shall comply with it. 22542

~~(G) The director of job and family services shall determine 22543~~

~~whether a waiver of federal medicaid requirements or a medicaid
state plan amendment is necessary to fulfill the requirements of
this section. If the director determines a waiver or medicaid
state plan amendment is necessary, the director shall apply to the
United States secretary of health and human services for the
waiver or amendment.~~

Sec. 301.28. (A) As used in this section: 22550

(1) "Financial transaction device" includes a credit card, 22551
debit card, charge card, or prepaid or stored value card, or 22552
automated clearinghouse network credit, debit, or e-check entry 22553
that includes, but is not limited to, accounts receivable and 22554
internet-initiated, point of purchase, and telephone-initiated 22555
applications or any other device or method for making an 22556
electronic payment or transfer of funds. 22557

(2) "County expenses" includes fees, costs, taxes, 22558
assessments, fines, penalties, payments, or any other expense a 22559
person owes or otherwise pays to a county office under the 22560
authority of a county official, other than dog registration and 22561
kennel fees required to be paid under Chapter 955. of the Revised 22562
Code. "County expenses" includes payment to a county office of 22563
money confiscated during the commitment of an individual to a 22564
county jail, of bail, of money for a prisoner's inmate account, 22565
and of money for goods and services obtained by or for the use of 22566
an individual incarcerated by a county sheriff. 22567

(3) "County official" includes the county auditor, county 22568
treasurer, county engineer, county recorder, county prosecuting 22569
attorney, county sheriff, county coroner, county park district and 22570
board of county commissioners, the clerk of the probate court, the 22571
clerk of the juvenile court, the clerks of court for all divisions 22572
of the courts of common pleas, and the clerk of the court of 22573
common pleas, the clerk of a county-operated municipal court, and 22574

the clerk of a county court. 22575

The term "county expenses" includes county expenses owed to 22576
the board of health of the general health district or a combined 22577
health district in the county. If the board of county 22578
commissioners authorizes county expenses to be paid by financial 22579
transaction devices under this section, then the board of health 22580
and the general health district and the combined health district 22581
may accept payments by financial transaction devices under this 22582
section as if the board were a "county official" and the district 22583
were a county office. However, in the case of a general health 22584
district formed by unification of general health districts under 22585
section 3709.10 of the Revised Code, this entitlement applies only 22586
if all the boards of county commissioners of all counties in the 22587
district have authorized payments to be accepted by financial 22588
transaction devices. 22589

(B) Notwithstanding any other section of the Revised Code and 22590
except as provided in division (D) of this section, a board of 22591
county commissioners may adopt a resolution authorizing the 22592
acceptance of payments by financial transaction devices for county 22593
expenses. The resolution shall include the following: 22594

(1) A specification of those county officials who, and of the 22595
county offices under those county officials that, are authorized 22596
to accept payments by financial transaction devices; 22597

(2) A list of county expenses that may be paid for through 22598
the use of a financial transaction device; 22599

(3) Specific identification of financial transaction devices 22600
that the board authorizes as acceptable means of payment for 22601
county expenses. Uniform acceptance of financial transaction 22602
devices among different types of county expenses is not required. 22603

(4) The amount, if any, authorized as a surcharge or 22604
convenience fee under division (E) of this section for persons 22605

using a financial transaction device. Uniform application of 22606
surcharges or convenience fees among different types of county 22607
expenses is not required. 22608

(5) A specific provision as provided in division (G) of this 22609
section requiring the payment of a penalty if a payment made by 22610
means of a financial transaction device is returned or dishonored 22611
for any reason. 22612

The board's resolution shall also designate the county 22613
treasurer as an administrative agent to solicit proposals, within 22614
guidelines established by the board in the resolution and in 22615
compliance with the procedures provided in division (C) of this 22616
section, from financial institutions, issuers of financial 22617
transaction devices, and processors of financial transaction 22618
devices, to make recommendations about those proposals to the 22619
board, and to assist county offices in implementing the county's 22620
financial transaction devices program. The county treasurer may 22621
decline this responsibility within thirty days after receiving a 22622
copy of the board's resolution by notifying the board in writing 22623
within that period. If the treasurer so notifies the board, the 22624
board shall perform the duties of the administrative agent. 22625

If the county treasurer is the administrative agent and fails 22626
to administer the county financial transaction devices program in 22627
accordance with the guidelines in the board's resolution, the 22628
board shall notify the treasurer in writing of the board's 22629
findings, explain the failures, and give the treasurer six months 22630
to correct the failures. If the treasurer fails to make the 22631
appropriate corrections within that six-month period, the board 22632
may pass a resolution declaring the board to be the administrative 22633
agent. The board may later rescind that resolution at its 22634
discretion. 22635

(C) The county shall follow the procedures provided in this 22636
division whenever it plans to contract with financial 22637

institutions, issuers of financial transaction devices, or 22638
processors of financial transaction devices for the purposes of 22639
this section. The administrative agent shall request proposals 22640
from at least three financial institutions, issuers of financial 22641
transaction devices, or processors of financial transaction 22642
devices, as appropriate in accordance with the resolution adopted 22643
under division (B) of this section. Prior to sending any financial 22644
institution, issuer, or processor a copy of any such request, the 22645
county shall advertise its intent to request proposals in a 22646
newspaper of general circulation in the county once a week for two 22647
consecutive weeks or as provided in section 7.16 of the Revised 22648
Code. The notice shall state that the county intends to request 22649
proposals; specify the purpose of the request; indicate the date, 22650
which shall be at least ten days after the second publication, on 22651
which the request for proposals will be mailed to financial 22652
institutions, issuers, or processors; and require that any 22653
financial institution, issuer, or processor, whichever is 22654
appropriate, interested in receiving the request for proposals 22655
submit written notice of this interest to the county not later 22656
than noon of the day on which the request for proposals will be 22657
mailed. 22658

Upon receiving the proposals, the administrative agent shall 22659
review them and make a recommendation to the board of county 22660
commissioners on which proposals to accept. The board of county 22661
commissioners shall consider the agent's recommendation and review 22662
all proposals submitted, and then may choose to contract with any 22663
or all of the entities submitting proposals, as appropriate. The 22664
board shall provide any financial institution, issuer, or 22665
processor that submitted a proposal, but with which the board does 22666
not enter into a contract, notice that its proposal is rejected. 22667
The notice shall state the reasons for the rejection, indicate 22668
whose proposals were accepted, and provide a copy of the terms and 22669
conditions of the successful bids. 22670

(D) A board of county commissioners adopting a resolution 22671
under this section shall send a copy of the resolution to each 22672
county official in the county who is authorized by the resolution 22673
to accept payments by financial transaction devices. After 22674
receiving the resolution and before accepting payments by 22675
financial transaction devices, a county official shall provide 22676
written notification to the board of county commissioners of the 22677
official's intent to implement the resolution within the 22678
official's office. Each county office subject to the board's 22679
resolution adopted under division (B) of this section may use only 22680
the financial institutions, issuers of financial transaction 22681
devices, and processors of financial transaction devices with 22682
which the board of county commissioners contracts, and each such 22683
office is subject to the terms of those contracts. 22684

If a county office under the authority of a county official 22685
is directly responsible for collecting one or more county expenses 22686
and the county official determines not to accept payments by 22687
financial transaction devices for one or more of those expenses, 22688
the office shall not be required to accept payments by financial 22689
transaction devices, notwithstanding the adoption of a resolution 22690
by the board of county commissioners under this section. 22691

Any office of a clerk of the court of common pleas that 22692
accepts financial transaction devices on or before July 1, 1999, 22693
and any other county office that accepted such devices before 22694
January 1, 1998, may continue to accept such devices without being 22695
subject to any resolution passed by the board of county 22696
commissioners under division (B) of this section, or any other 22697
oversight by the board of the office's financial transaction 22698
devices program. Any such office may use surcharges or convenience 22699
fees in any manner the county official in charge of the office 22700
determines to be appropriate, and, if the county treasurer 22701
consents, may appoint the county treasurer to be the office's 22702

administrative agent for purposes of accepting financial 22703
transaction devices. In order not to be subject to the resolution 22704
of the board of county commissioners adopted under division (B) of 22705
this section, a county office shall notify the board in writing 22706
within thirty days after March 30, 1999, that it accepted 22707
financial transaction devices prior to January 1, 1998, or, in the 22708
case of the office of a clerk of the court of common pleas, the 22709
clerk has accepted or will accept such devices on or before July 22710
1, 1999. Each such notification shall explain how processing costs 22711
associated with financial transaction devices are being paid and 22712
shall indicate whether surcharge or convenience fees are being 22713
passed onto consumers. 22714

(E) A board of county commissioners may establish a surcharge 22715
or convenience fee that may be imposed upon a person making 22716
payment by a financial transaction device. The surcharge or 22717
convenience fee shall not be imposed unless authorized or 22718
otherwise permitted by the rules prescribed by an agreement 22719
governing the use and acceptance of the financial transaction 22720
device. 22721

If a surcharge or convenience fee is imposed, every county 22722
office accepting payment by a financial transaction device, 22723
regardless of whether that office is subject to a resolution 22724
adopted by a board of county commissioners, shall clearly post a 22725
notice in that office and shall notify each person making a 22726
payment by such a device about the surcharge or fee. Notice to 22727
each person making a payment shall be provided regardless of the 22728
medium used to make the payment and in a manner appropriate to 22729
that medium. Each notice shall include all of the following: 22730

(1) A statement that there is a surcharge or convenience fee 22731
for using a financial transaction device; 22732

(2) The total amount of the charge or fee expressed in 22733
dollars and cents for each transaction, or the rate of the charge 22734

or fee expressed as a percentage of the total amount of the 22735
transaction, whichever is applicable; 22736

(3) A clear statement that the surcharge or convenience fee 22737
is nonrefundable. 22738

(F) If a person elects to make a payment to the county by a 22739
financial transaction device and a surcharge or convenience fee is 22740
imposed, the payment of the surcharge or fee shall be considered 22741
voluntary and the surcharge or fee is not refundable. 22742

(G) If a person makes payment by financial transaction device 22743
and the payment is returned or dishonored for any reason, the 22744
person is liable to the county for payment of a penalty over and 22745
above the amount of the expense due. The board of county 22746
commissioners shall determine the amount of the penalty, which may 22747
be either a fee not to exceed twenty dollars or payment of the 22748
amount necessary to reimburse the county for banking charges, 22749
legal fees, or other expenses incurred by the county in collecting 22750
the returned or dishonored payment. The remedies and procedures 22751
provided in this section are in addition to any other available 22752
civil or criminal remedies provided by law. 22753

(H) No person making any payment by financial transaction 22754
device to a county office shall be relieved from liability for the 22755
underlying obligation except to the extent that the county 22756
realizes final payment of the underlying obligation in cash or its 22757
equivalent. If final payment is not made by the financial 22758
transaction device issuer or other guarantor of payment in the 22759
transaction, the underlying obligation shall survive and the 22760
county shall retain all remedies for enforcement that would have 22761
applied if the transaction had not occurred. 22762

(I) A county official or employee who accepts a financial 22763
transaction device payment in accordance with this section and any 22764
applicable state or local policies or rules is immune from 22765

personal liability for the final collection of such payments. 22766

Sec. 305.23. (A) As used in this section: 22767

(1) "County office" means the offices of the county 22768
commissioner, county auditor, county treasurer, county engineer, 22769
county recorder, county prosecuting attorney, county sheriff, 22770
county coroner, county park district, veterans service commission, 22771
clerk of the juvenile court, clerks of court for all divisions of 22772
the courts of common pleas, including the clerk of the court of 22773
common pleas, clerk of a county-operated municipal court, and 22774
clerk of a county court, and any agency, department, or division 22775
under the authority of, or receiving funding in whole or in part 22776
from, any of those county offices. 22777

(2) "Human resources" means any and all functions relating to 22778
human resource management, including civil service, employee 22779
benefits administration, collective bargaining, labor relations, 22780
risk management, workers' compensation, unemployment compensation, 22781
and any human resource management function required by state or 22782
federal law, but "human resources" does not authorize a board of 22783
county commissioners to adopt a resolution establishing a 22784
centralized human resource service that requires any county office 22785
to conform to any classification and compensation plan, position 22786
descriptions, or organizational structure; to determine the rate 22787
of compensation of any employee appointed by the appointing 22788
authority of a county office or the salary ranges for positions of 22789
a county office within the aggregate limits set in the 22790
appropriation resolution of the board of county commissioners; to 22791
determine the number of or the terms of employment of any employee 22792
appointed by the appointing authority of a county office within 22793
the aggregate limits set in the board's appropriation resolution; 22794
or to exercise powers relating to the hiring, qualifications, 22795
evaluation, suspension, demotion, disciplinary action, layoff, 22796

furloughing, establishment of a modified work-week schedule, or 22797
the termination of any employee appointed by the appointing 22798
authority of any county office. 22799

(B) Subject to division (C) of this section, a board of 22800
county commissioners may adopt a resolution establishing 22801
centralized purchasing, printing, transportation, vehicle 22802
maintenance, human resources, revenue collection, and mail 22803
operation services for a county office. Before adopting a 22804
resolution under this section, the board of county commissioners, 22805
in a written notice, shall inform any other county office that 22806
will be impacted by the resolution of the board's desire to 22807
establish a centralized service or services. The written notice 22808
shall include a statement that provides the rationale and the 22809
estimated savings anticipated for centralizing a service or 22810
services. In addition, the board may request any other county 22811
office to serve as the agent and responsible party for 22812
administering a centralized service or services. That county 22813
office may enter into an agreement with the board of county 22814
commissioners to administer the centralized service or services 22815
under such terms and conditions as are included in the agreement, 22816
but nothing in this section authorizes the board of county 22817
commissioners to require a county office to serve as the agent and 22818
responsible party for administering a centralized service or 22819
services at the board's request. 22820

A resolution establishing a centralized service or services 22821
shall specify all of the following: 22822

(1) The name of the county office that will be the agent and 22823
responsible party for administering a centralized service or 22824
services, and if the agent and responsible party is not the board 22825
of county commissioners, the designation of the county office that 22826
has entered into an agreement under division (B) of this section 22827
with the board to be the agent and responsible party; 22828

(2) Which county offices are required to use the centralized services;	22829 22830
(3) If not all of the centralized services, which centralized service each county office must use;	22831 22832
(4) A list of rates and charges the county office shall pay for the centralized services;	22833 22834
(5) The date upon which each county office specified in the resolution shall begin using the centralized services.	22835 22836
Not later than ten days after a resolution is adopted under this section, the clerk of the board of county commissioners shall send a copy of the resolution to each county office that is specified in the resolution.	22837 22838 22839 22840
(C) A board of county commissioners shall not adopt a resolution that establishes a centralized service or services regarding any of the following:	22841 22842 22843
(1) Purchases made for contract services with moneys from the special fund designated as "general county recorder's technology fund moneys to supplement the equipment needs of the county recorder" <u>established</u> under section 317.321 of the Revised Code or from the funds that are paid out of the general fund of the county under sections 325.071 and 325.12 of the Revised Code;	22844 22845 22846 22847 22848 22849
(2) Purchases made with moneys from the real estate assessment fund established under section 325.31 of the Revised Code;	22850 22851 22852
(3) Purchases of financial software used by the county auditor;	22853 22854
(4) The printing of county property tax bills;	22855
(5) The collection of any taxes, assessments, and fees the county treasurer is required by law to collect;	22856 22857
(6) Purchases of software used by the county recorder.	22858

(D) Nothing in this section authorizes the board of county commissioners to have control or authority over funds that are received directly by a county office under another section of the Revised Code, or to control, or have authority regarding, the expenditure or use of such funds.

Sec. 306.35. Upon the creation of a regional transit authority as provided by section 306.32 of the Revised Code, and upon the qualifying of its board of trustees and the election of a president and a vice-president, the authority shall exercise in its own name all the rights, powers, and duties vested in and conferred upon it by sections 306.30 to 306.53 of the Revised Code. Subject to any reservations, limitations, and qualifications that are set forth in those sections, the regional transit authority:

(A) May sue or be sued in its corporate name;

(B) May make contracts in the exercise of the rights, powers, and duties conferred upon it;

(C) May adopt and at will alter a seal and use such seal by causing it to be impressed, affixed, reproduced, or otherwise used, but failure to affix the seal shall not affect the validity of any instrument;

(D)(1) May adopt, amend, and repeal bylaws for the administration of its affairs and rules for the control of the administration and operation of transit facilities under its jurisdiction, and for the exercise of all of its rights of ownership in those transit facilities;

(2) The regional transit authority also may adopt bylaws and rules for the following purposes:

(a) To prohibit selling, giving away, or using any beer or intoxicating liquor on transit vehicles or transit property;

(b) For the preservation of good order within or on transit vehicles or transit property;	22889
	22890
(c) To provide for the protection and preservation of all property and life within or on transit vehicles or transit property;	22891
	22892
	22893
(d) To regulate and enforce the collection of fares.	22894
(3) Before a bylaw or rule adopted under division (D)(2) of this section takes effect, the regional transit authority shall provide for a notice of its adoption to be published once a week for two consecutive weeks in a newspaper of general circulation within the territorial boundaries of the regional transit authority, or as provided in section 7.16 of the Revised Code.	22895
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(4) No person shall violate any bylaw or rule of a regional transit authority adopted under division (D)(2) of this section.	22901
	22902
(E) May fix, alter, and collect fares, rates, and rentals and other charges for the use of transit facilities under its jurisdiction to be determined exclusively by it for the purpose of providing for the payment of the expenses of the regional transit authority, the acquisition, construction, improvement, extension, repair, maintenance, and operation of transit facilities under its jurisdiction, the payment of principal and interest on its obligations, and to fulfill the terms of any agreements made with purchasers or holders of any such obligations, or with any person or political subdivision;	22903
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(F) Shall have jurisdiction, control, possession, and supervision of all property, rights, easements, licenses, moneys, contracts, accounts, liens, books, records, maps, or other property rights and interests conveyed, delivered, transferred, or assigned to it;	22913
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	22917
(G)(1) Except as provided in division (G)(2) of this section, may acquire, construct, improve, extend, repair, lease, operate,	22918
	22919

maintain, or manage transit facilities within or without its 22920
territorial boundaries, considered necessary to accomplish the 22921
purposes of its organization and make charges for the use of 22922
transit facilities. 22923

(2) ~~Beginning on July 1, 2011, a~~ A regional transit authority 22924
shall not ~~extend its service or facilities into a political~~ 22925
~~subdivision~~ acquire, construct, improve, extend, repair, lease, 22926
operate, maintain, or manage transit facilities outside ~~the~~ its 22927
territorial boundaries ~~of the authority without giving prior~~ 22928
until: 22929

(a) It has provided written notice of its proposed action to 22930
the legislative authority of ~~the~~ any political subdivision. ~~The~~ 22931
~~legislative authority shall have thirty days after receiving the~~ 22932
~~notice to comment on the proposal~~ in which the action of the 22933
regional transit authority is proposed to take place; and 22934

(b) It has received from each such affected political 22935
subdivision an agreement containing the terms and conditions for 22936
the regional transit authority action. 22937

(H) May levy and collect taxes as provided in sections 306.40 22938
and 306.49 of the Revised Code; 22939

(I) May issue bonds secured by its general credit as provided 22940
in section 306.40 of the Revised Code; 22941

(J) May hold, encumber, control, acquire by donation, by 22942
purchase for cash or by installment payments, by lease-purchase 22943
agreement, by lease with option to purchase, or by condemnation, 22944
and may construct, own, lease as lessee or lessor, use, and sell, 22945
real and personal property, or any interest or right in real and 22946
personal property, within or without its territorial boundaries, 22947
for the location or protection of transit facilities and 22948
improvements and access to transit facilities and improvements, 22949
the relocation of buildings, structures, and improvements situated 22950

on lands acquired by the regional transit authority, or for any 22951
other necessary purpose, or for obtaining or storing materials to 22952
be used in constructing, maintaining, and improving transit 22953
facilities under its jurisdiction; 22954

(K) May exercise the power of eminent domain to acquire 22955
property or any interest in property, within or without its 22956
territorial boundaries, that is necessary or proper for the 22957
construction or efficient operation of any transit facility or 22958
access to any transit facility under its jurisdiction in 22959
accordance with section 306.36 of the Revised Code; 22960

(L) May provide by agreement with any county, including the 22961
counties within its territorial boundaries, or any municipal 22962
corporation or any combination of counties or municipal 22963
corporations for the making of necessary surveys, appraisals, and 22964
examinations preliminary to the acquisition or construction of any 22965
transit facility and the amount of the expense for the surveys, 22966
appraisals, and examinations to be paid by each such county or 22967
municipal corporation; 22968

(M) May provide by agreement with any county, including the 22969
counties within its territorial boundaries, or any municipal 22970
corporation or any combination of those counties or municipal 22971
corporations for the acquisition, construction, improvement, 22972
extension, maintenance, or operation of any transit facility owned 22973
or to be owned and operated by it or owned or to be owned and 22974
operated by any such county or municipal corporation and the terms 22975
on which it shall be acquired, leased, constructed, maintained, or 22976
operated, and the amount of the cost and expense of the 22977
acquisition, lease, construction, maintenance, or operation to be 22978
paid by each such county or municipal corporation; 22979

(N) May issue revenue bonds for the purpose of acquiring, 22980
replacing, improving, extending, enlarging, or constructing any 22981
facility or permanent improvement that it is authorized to 22982

acquire, replace, improve, extend, enlarge, or construct, 22983
including all costs in connection with and incidental to the 22984
acquisition, replacement, improvement, extension, enlargement, or 22985
construction, and their financing, as provided by section 306.37 22986
of the Revised Code; 22987

(O) May enter into and supervise franchise agreements for the 22988
operation of a transit system; 22989

(P) May accept the assignment of and supervise an existing 22990
franchise agreement for the operation of a transit system; 22991

(Q) May exercise a right to purchase a transit system in 22992
accordance with the acquisition terms of an existing franchise 22993
agreement; and in connection with the purchase the regional 22994
transit authority may issue revenue bonds as provided by section 22995
306.37 of the Revised Code or issue bonds secured by its general 22996
credit as provided in section 306.40 of the Revised Code; 22997

(R) May apply for and accept grants or loans from the United 22998
States, the state, or any other public body for the purpose of 22999
providing for the development or improvement of transit 23000
facilities, mass transportation facilities, equipment, techniques, 23001
methods, or services, and grants or loans needed to exercise a 23002
right to purchase a transit system pursuant to agreement with the 23003
owner of those transit facilities, or for providing lawful 23004
financial assistance to existing transit systems; and may provide 23005
any consideration that may be required in order to obtain those 23006
grants or loans from the United States, the state, or other public 23007
body, either of which grants or loans may be evidenced by the 23008
issuance of revenue bonds as provided by section 306.37 of the 23009
Revised Code or general obligation bonds as provided by section 23010
306.40 of the Revised Code; 23011

(S) May employ and fix the compensation of consulting 23012
engineers, superintendents, managers, and such other engineering, 23013

construction, accounting and financial experts, attorneys, and 23014
other employees and agents necessary for the accomplishment of its 23015
purposes; 23016

(T) May procure insurance against loss to it by reason of 23017
damages to its properties resulting from fire, theft, accident, or 23018
other casualties or by reason of its liability for any damages to 23019
persons or property occurring in the construction or operation of 23020
transit facilities under its jurisdiction or the conduct of its 23021
activities; 23022

(U) May maintain funds that it considers necessary for the 23023
efficient performance of its duties; 23024

(V) May direct its agents or employees, when properly 23025
identified in writing, after at least five days' written notice, 23026
to enter upon lands within or without its territorial boundaries 23027
in order to make surveys and examinations preliminary to the 23028
location and construction of transit facilities, without liability 23029
to it or its agents or employees except for actual damage done; 23030

(W) On its own motion, may request the appropriate zoning 23031
board, as defined in section 4563.03 of the Revised Code, to 23032
establish and enforce zoning regulations pertaining to any transit 23033
facility under its jurisdiction in the manner prescribed by 23034
sections 4563.01 to 4563.21 of the Revised Code; 23035

(X) If it acquires any existing transit system, shall assume 23036
all the employer's obligations under any existing labor contract 23037
between the employees and management of the system. If the board 23038
acquires, constructs, controls, or operates any such facilities, 23039
it shall negotiate arrangements to protect the interests of 23040
employees affected by the acquisition, construction, control, or 23041
operation. The arrangements shall include, but are not limited to: 23042

(1) The preservation of rights, privileges, and benefits 23043
under existing collective bargaining agreements or otherwise, the 23044

preservation of rights and benefits under any existing pension plans covering prior service, and continued participation in social security in addition to participation in the public employees retirement system as required in Chapter 145. of the Revised Code;	23045 23046 23047 23048 23049
(2) The continuation of collective bargaining rights;	23050
(3) The protection of individual employees against a worsening of their positions with respect to their employment;	23051 23052
(4) Assurances of employment to employees of those transit systems and priority reemployment of employees terminated or laid off;	23053 23054 23055
(5) Paid training or retraining programs;	23056
(6) Signed written labor agreements.	23057
The arrangements may include provisions for the submission of labor disputes to final and binding arbitration.	23058 23059
(Y) May provide for and maintain security operations, including a transit police department, subject to section 306.352 of the Revised Code. Regional transit authority police officers shall have the power and duty to act as peace officers within transit facilities owned, operated, or leased by the transit authority to protect the transit authority's property and the person and property of passengers, to preserve the peace, and to enforce all laws of the state and ordinances and regulations of political subdivisions in which the transit authority operates. Regional transit authority police officers also shall have the power and duty to act as peace officers when they render emergency assistance outside their jurisdiction to any other peace officer who is not a regional transit authority police officer and who has arrest authority under section 2935.03 of the Revised Code. Regional transit authority police officers may render emergency assistance if there is a threat of imminent physical danger to the	23060 23061 23062 23063 23064 23065 23066 23067 23068 23069 23070 23071 23072 23073 23074 23075

peace officer, a threat of physical harm to another person, or any other serious emergency situation and if either the peace officer who is assisted requests emergency assistance or it appears that the peace officer who is assisted is unable to request emergency assistance and the circumstances observed by the regional transit authority police officer reasonably indicate that emergency assistance is appropriate.

Before exercising powers of arrest and the other powers and duties of a peace officer, each regional transit authority police officer shall take an oath and give bond to the state in a sum that the board of trustees prescribes for the proper performance of the officer's duties.

Persons employed as regional transit authority police officers shall complete training for the position to which they have been appointed as required by the Ohio peace officer training commission as authorized in section 109.77 of the Revised Code, or be otherwise qualified. The cost of the training shall be provided by the regional transit authority.

(Z) May procure a policy or policies insuring members of its board of trustees against liability on account of damages or injury to persons and property resulting from any act or omission of a member in the member's official capacity as a member of the board or resulting solely out of the member's membership on the board;

(AA) May enter into any agreement for the sale and leaseback or lease and leaseback of transit facilities, which agreement may contain all necessary covenants for the security and protection of any lessor or the regional transit authority including, but not limited to, indemnification of the lessor against the loss of anticipated tax benefits arising from acts, omissions, or misrepresentations of the regional transit authority. In connection with that transaction, the regional transit authority

may contract for insurance and letters of credit and pay any 23108
premiums or other charges for the insurance and letters of credit. 23109
The fiscal officer shall not be required to furnish any 23110
certificate under section 5705.41 of the Revised Code in 23111
connection with the execution of any such agreement. 23112

(BB) In regard to any contract entered into on or after March 23113
19, 1993, for the rendering of services or the supplying of 23114
materials or for the construction, demolition, alteration, repair, 23115
or reconstruction of transit facilities in which a bond is 23116
required for the faithful performance of the contract, may permit 23117
the person awarded the contract to utilize a letter of credit 23118
issued by a bank or other financial institution in lieu of the 23119
bond; 23120

(CC) May enter into agreements with municipal corporations 23121
located within the territorial jurisdiction of the regional 23122
transit authority permitting regional transit authority police 23123
officers employed under division (Y) of this section to exercise 23124
full arrest powers, as provided in section 2935.03 of the Revised 23125
Code, for the purpose of preserving the peace and enforcing all 23126
laws of the state and ordinances and regulations of the municipal 23127
corporation within the areas that may be agreed to by the regional 23128
transit authority and the municipal corporation. 23129

Sec. 307.07. (A) The board of county commissioners, by 23130
resolution, may create an office of economic development, to 23131
develop and promote plans and programs designed to assure that 23132
county resources are efficiently used, economic growth is properly 23133
balanced, and that county economic development is coordinated with 23134
that of the state and other local governments. For this purpose, 23135
the board may appropriate moneys from the county general fund, or, 23136
pursuant to section 307.64 of the Revised Code, moneys derived 23137
from a tax levied pursuant to division (EE) of section 5705.19 of 23138

the Revised Code, for the creation and operation of the office 23139
for, any economic development purpose of the office, and to 23140
provide for the establishment and operation of a program of 23141
economic development, including in support of a county land 23142
reutilization corporation organized under Chapter 1724. of the 23143
Revised Code. The board may hire a director of economic 23144
development, who shall be a member of the unclassified civil 23145
service, and fix the director's compensation; or may do any of the 23146
following: 23147

(1) Enter into an agreement with a county planning commission 23148
within the county, created under section 713.22 of the Revised 23149
Code, or a regional planning commission, created under section 23150
713.21 of the Revised Code, regardless of whether the county is a 23151
member of the commission, to carry out all of the functions and 23152
duties of a director of economic development under division (B) of 23153
this section. Any agreement shall set forth the procedure by which 23154
the county or regional planning commission shall gain the approval 23155
of the board of county commissioners for any actions, functions, 23156
and duties under division (B) of this section. Any agreement may 23157
continue in effect for a period of one to three years and may be 23158
renewed with the consent of all parties. The civil service status 23159
of planning commission staff shall not be affected by any 23160
agreement under this division. 23161

(2) Enter into an agreement with ~~the Ohio cooperative~~ OSU 23162
extension ~~service~~, providing for the use of employees hired by the 23163
Ohio state university under section 3335.36 of the Revised Code to 23164
carry out all of the functions and duties of a director of 23165
economic development under division (B) of this section. Any 23166
agreement shall set forth the procedure by which ~~the Ohio~~ 23167
~~cooperative~~ OSU extension ~~service~~ shall gain the approval of the 23168
board of county commissioners for any actions, functions, and 23169
duties under division (B) of this section. Any agreement may 23170

continue in effect for a period of one to three years and may be 23171
renewed with the consent of all parties. The employment 23172
classification of ~~Ohio cooperative~~ OSU extension ~~service~~ employees 23173
shall not be affected by any agreement under this division. 23174

Any moneys appropriated by the board of county commissioners 23175
to execute an agreement for the provision of services pursuant to 23176
this section by ~~the Ohio cooperative~~ OSU extension ~~service~~ shall 23177
be paid to the Ohio state university to the credit of the ~~Ohio~~ 23178
~~cooperative~~ OSU extension ~~service~~ fund created under section 23179
3335.35 of the Revised Code. 23180

(3) Enter into an agreement with a public or private 23181
nonprofit organization to carry out all of the functions and 23182
duties of a director of economic development under division (B) of 23183
this section. The agreement shall set forth the procedure by which 23184
the nonprofit organization shall gain the approval of the board of 23185
county commissioners for any actions, functions, and duties under 23186
that division. The agreement may continue in effect for a period 23187
of one to three years and may be renewed with the consent of all 23188
parties. The employment classification of the nonprofit 23189
organization's employees shall not be affected by an agreement 23190
under this division. 23191

(B) The director of economic development may: 23192

(1) With the approval of the board, hire such staff and 23193
employ such technical and advisory personnel as the director sees 23194
fit to enable the director to carry out the functions and duties 23195
of the office; 23196

(2) With the approval of the board, contract for services 23197
necessary to enable the director to carry out the functions and 23198
duties of the office; 23199

(3) With the approval of the board, enter into agreements 23200
with federal, state, and local governments and agencies thereof, 23201

and with public, private, or nonprofit organizations to carry out	23202
the functions and duties of the office;	23203
(4) Maintain membership in development organizations;	23204
(5) With the approval of the board, make loans or grants and	23205
provide other forms of financial assistance for the purpose of	23206
economic development, including financial assistance for permanent	23207
public improvements, in compliance with applicable laws of this	23208
state, and fix the rate of interest and charges to be made for	23209
such financial assistance;	23210
(6) With the approval of the board, receive and accept	23211
grants, gifts, and contributions of money, property, labor, and	23212
other things of value, to be held, used, and applied only for the	23213
purpose for which they are made, from individuals, private and	23214
public corporations, the United States government or any agency	23215
thereof, from the state or any agency thereof, or from any	23216
political subdivision or any agency thereof, and may agree to	23217
repay any contribution of money or return any property contributed	23218
or the value thereof in amounts, and on terms and conditions,	23219
excluding the payment of interest, as the director determines, and	23220
may evidence the obligations by written evidence;	23221
(7) Establish with the board any funds that are necessary for	23222
the deposit and disbursement of gifts or contributions of money	23223
accepted for economic development purposes;	23224
(8) With the approval of the board, design, implement,	23225
monitor, oversee, and evaluate economic development plans,	23226
programs, strategies, and policies;	23227
(9) Purchase real property to convey to a county land	23228
reutilization corporation to be used in accordance with its public	23229
purposes;	23230
(10) Perform all acts necessary to fulfill the functions and	23231
duties of the office.	23232

(C) The boards of county commissioners of two or more 23233
counties, by resolution, may create a joint office of economic 23234
development for the purposes set forth in division (A) of this 23235
section. The counties participating in a joint office of economic 23236
development shall enter into an agreement that sets forth the 23237
contribution of funds, services, and property to the joint office 23238
from each participating county; establishes the person, public 23239
agency, or nonprofit organization that shall carry out the 23240
functions and duties of the office; and discloses any other terms 23241
by which the joint office shall operate. 23242

The boards of county commissioners of counties participating 23243
in a joint office of economic development may appropriate moneys 23244
from their respective county general funds, or, pursuant to 23245
section 307.64 of the Revised Code, moneys derived from a tax 23246
levied pursuant to division (EE) of section 5705.19 of the Revised 23247
Code, for the creation and operation of the joint office, for any 23248
economic development purpose of the office, and to provide for the 23249
establishment and operation of a program of economic development. 23250
The participating counties may hire a director of economic 23251
development for the joint office or enter into an agreement with a 23252
public agency or nonprofit organization in a manner set forth in 23253
division (A) of this section to carry out the functions and duties 23254
set forth in division (B) of this section. 23255

Any agreement establishing a joint office of economic 23256
development shall set forth the procedure by which the person, 23257
public agency, or nonprofit organization carrying out the 23258
functions and duties of the office shall gain the approval of the 23259
participating boards of county commissioners for any actions, 23260
functions, and duties under division (B) of this section. 23261

(D) As used in this section, "economic development" has the 23262
same meaning as in section 307.64 of the Revised Code. 23263

Sec. 307.674. (A) As used in this section:	23264
(1) "Bonds" means:	23265
(a) Revenue bonds of the port authority described in division (B)(2)(a) of this section;	23266 23267
(b) Securities as defined in division (KK) of section 133.01 of the Revised Code issued by the host municipal corporation, described in division (B)(3)(a) of this section;	23268 23269 23270
(c) Any bonds issued to refund any of those revenue bonds or securities.	23271 23272
(2) "Corporation" means a nonprofit corporation that is organized under the laws of this state and that includes within the purposes for which it is incorporated the authorization to lease and operate facilities such as a port authority educational and cultural performing arts facility.	23273 23274 23275 23276 23277
(3) "Cost," as applied to a port authority educational and cultural performing arts facility, means the cost of acquiring, constructing, renovating, rehabilitating, equipping, or improving the facility, or any combination of those purposes, collectively referred to in this section as "construction," and the cost of acquisition of all land, rights of way, property rights, easements, franchise rights, and interests required for those purposes, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any land to which those buildings or structures may be moved, the cost of public utility and common carrier relocation or duplication, the cost of all machinery, furnishings, and equipment, financing charges, interest prior to and during construction and for not more than three years after completion of construction, costs arising under guaranty agreements, reimbursement agreements, or other credit enhancement agreements	23278 23279 23280 23281 23282 23283 23284 23285 23286 23287 23288 23289 23290 23291 23292 23293

relating to bonds, engineering, expenses of research and 23294
development with respect to such facility, legal expenses, plans, 23295
specifications, surveys, studies, estimates of costs and revenues, 23296
other expenses necessary or incident to determining the 23297
feasibility or practicability of acquiring or constructing the 23298
facility, administrative expense, and other expenses as may be 23299
necessary or incident to that acquisition or construction and the 23300
financing of such acquisition or construction, including, with 23301
respect to the revenue bonds of a port authority, amounts to be 23302
paid into any special funds from the proceeds of those bonds, and 23303
repayments to the port authority, host county, host municipal 23304
corporation, or corporation of any amounts advanced for the 23305
foregoing purposes. 23306

(4) "Debt service charges" means, for any period or payable 23307
at any time, the principal of and interest and any premium due on 23308
bonds for that period or payable at that time whether due at 23309
maturity or upon mandatory redemption, together with any required 23310
deposits to reserves for the payment of principal of and interest 23311
on those bonds, and includes any payments required by the port 23312
authority to satisfy any of its obligations under or arising from 23313
any guaranty agreements, reimbursement agreements, or other credit 23314
enhancement agreements described in division (C) of this section. 23315

(5) "Host county" means the county within the boundaries of 23316
which the port authority educational and cultural performing arts 23317
facility is or will be located. 23318

(6) "Host municipal corporation" means the municipal 23319
corporation within the boundaries of which the port authority 23320
educational and cultural performing arts facility is or will be 23321
located. 23322

(7) "Port authority" means a port authority created pursuant 23323
to section 4582.22 of the Revised Code. 23324

(8) "Port authority educational and cultural performing arts facility" means a facility that consists of a center for music or other performing arts, a theater or other facilities to provide programs of an educational, recreational, or cultural nature, or any combination of those purposes as determined by the parties to the cooperative agreement for which provision is made in division (B) of this section to fulfill the public educational, recreational, and cultural purposes set forth therein, together with all parking facilities, walkways, and other auxiliary facilities, real and personal property, property rights, easements, and interests that may be appropriate for, or used in connection with, the operation of the facility.

(B) A host county, a host municipal corporation, and a port authority may enter into a cooperative agreement with a corporation under which, as further provided for in that agreement:

(1) The host county may agree to do any or all of the following:

(a) Levy and collect a tax under division (E) and division (F) of section 5739.09 of the Revised Code for the purposes, and in an amount sufficient for those purposes, described in divisions (B)(1)(b) and (c) of this section;

(b) Pay to the port authority all or such portion as provided for in the cooperative agreement of the revenue from the tax, together with any investment earnings on that revenue, to be used to pay a portion of the costs of acquiring, constructing, renovating, rehabilitating, equipping, or improving the port authority educational and cultural performing arts facility;

(c) Pledge and pay to the corporation all or such portion as provided for in the cooperative agreement of the revenue from the tax, together with any investment earnings on that revenue, to be

used to pay a portion of the costs to the corporation of leasing 23356
the port authority educational and cultural performing arts 23357
facility from the port authority. 23358

(2) The port authority may agree to do any or all of the 23359
following: 23360

(a) Issue its revenue bonds pursuant to section 4582.48 of 23361
the Revised Code for the purpose of paying all or a portion of the 23362
costs of the port authority educational and cultural performing 23363
arts facility; 23364

(b) Acquire, construct, renovate, rehabilitate, equip, and 23365
improve the port authority educational and cultural performing 23366
arts facility; 23367

(c) Lease the port authority educational and cultural 23368
performing arts facility to the corporation; 23369

(d) To the extent provided for in the cooperative agreement 23370
or the lease to the corporation, authorize the corporation to 23371
administer on behalf of the port authority the contracts for 23372
acquiring, constructing, renovating, rehabilitating, or equipping 23373
the port authority educational and cultural performing arts 23374
facility; 23375

(e) Use the revenue derived from the lease of the port 23376
authority educational and cultural performing arts facility to the 23377
corporation solely to pay debt service charges on revenue bonds of 23378
the port authority issued pursuant to division (B)(2)(a) of this 23379
section and to pay its obligations under or arising from any 23380
guaranty agreements, reimbursement agreements, or other credit 23381
enhancement agreements provided for in this section. 23382

(3) The host municipal corporation may agree to do either or 23383
both of the following: 23384

(a) Issue its bonds for the purpose of paying all or a 23385

portion of the costs of the port authority educational and 23386
cultural performing arts facility, and pay the proceeds from the 23387
issuance to the port authority for that purpose; 23388

(b) Enter into a guaranty agreement, a reimbursement 23389
agreement, or other credit enhancement agreement with the port 23390
authority to provide a guaranty or other credit enhancement of the 23391
port authority revenue bonds referred to in division (B)(2)(a) of 23392
this section pledging taxes, other than ad valorem property taxes, 23393
or other revenues for the purpose of providing the funds required 23394
to satisfy the host municipal corporation's obligations under that 23395
agreement. 23396

The cooperative agreement may provide that the proceeds of 23397
such securities or of such guaranty agreement, reimbursement 23398
agreement, or other credit enhancement agreement be deposited with 23399
and administered by the trustee pursuant to the trust agreement 23400
authorized in division (C) of this section. 23401

(4) The corporation may agree to do any or all of the 23402
following: 23403

(a) Lease the port authority educational and cultural 23404
performing arts facility from the port authority; 23405

(b) Operate and maintain the port authority educational and 23406
cultural performing arts facility pursuant to the lease; 23407

(c) To the extent provided for in the cooperative agreement 23408
or the lease from the port authority, administer on behalf of the 23409
port authority the contracts for acquiring, constructing, 23410
renovating, rehabilitating, or equipping the port authority 23411
educational and cultural performing arts facility. 23412

(C) The pledge and payments referred to in divisions 23413
(B)(1)(b) and (c) of this section and provided for in the 23414
cooperative agreement shall be for the period stated in the 23415
cooperative agreement but shall not extend longer than the period 23416

necessary to provide for the final retirement of the port 23417
authority revenue bonds referred to in division (B)(2)(a) of this 23418
section, and for the satisfaction by the port authority of any of 23419
its obligations under or arising from any guaranty agreements, 23420
reimbursement agreements, or other credit enhancement agreements 23421
relating to those bonds or to the revenues pledged to them. The 23422
cooperative agreement shall provide for the termination of the 23423
cooperative agreement, including the pledge and payment referred 23424
to in division (B)(1)(c) of this section, if the port authority 23425
revenue bonds referred to in division (B)(2)(a) of this section 23426
have not been issued, sold, and delivered within five years of the 23427
effective date of the cooperative agreement. 23428

The cooperative agreement shall provide that any port 23429
authority revenue bonds shall be secured by a trust agreement 23430
between the port authority and a corporate trustee that is a trust 23431
company or bank having the powers of a trust company within or 23432
outside the state but authorized to exercise trust powers within 23433
the state. The host county may be a party to that trust agreement 23434
for the purpose of better securing the pledge by the host county 23435
of its payment to the corporation pursuant to division (B)(1)(c) 23436
of this section. A tax levied pursuant to section 5739.09 of the 23437
Revised Code for the purposes specified in division (B)(1)(b) or 23438
(c) of this section is not subject to diminution by initiative or 23439
referendum or diminution by statute, unless provision is made for 23440
an adequate substitute reasonably satisfactory to the trustee 23441
under the trust agreement that secures the port authority revenue 23442
bonds. 23443

(D) A pledge of money by a host county under this section 23444
shall not be net indebtedness of the host county for purposes of 23445
section 133.07 of the Revised Code. A guaranty or other credit 23446
enhancement by a host municipal corporation under this section 23447
shall not be net indebtedness of the host municipal corporation 23448

for purposes of section 133.05 of the Revised Code. 23449

(E) If the terms of the cooperative agreement so provide, any 23450
contract for the acquisition, construction, renovation, 23451
rehabilitation, equipping, or improving of a port authority 23452
educational and cultural performing arts facility shall be made in 23453
such manner as is determined by the board of directors of the port 23454
authority, and unless the cooperative agreement provides 23455
otherwise, such a contract is not subject to division (R)(2) of 23456
section 4582.31 of the Revised Code. The port authority may take 23457
the assignment of and assume any contracts for the acquisition, 23458
construction, renovation, rehabilitation, equipping, or improving 23459
of a port authority educational and cultural performing arts 23460
facility that had previously been authorized by any of the host 23461
county, the host municipality, or the corporation. Such contracts 23462
are not subject to division (R)(2) of section 4582.31 of the 23463
Revised Code. 23464

Any contract for the acquisition, construction, renovation, 23465
rehabilitation, equipping, or improving of a port authority 23466
educational and cultural performing arts facility entered into, 23467
assigned, or assumed pursuant to this division shall provide that 23468
all laborers and mechanics employed for the acquisition, 23469
construction, renovation, rehabilitation, equipping, or improving 23470
of that facility shall be paid at the prevailing rates of wages of 23471
laborers and mechanics for the class of work called for by the 23472
port authority educational and cultural performing arts facility, 23473
which wages shall be determined in accordance with the 23474
requirements of Chapter 4115. of the Revised Code for the 23475
determination of prevailing wage rates. 23476

Notwithstanding any provisions to the contrary in section 23477
~~3383.07~~ 123.281 of the Revised Code, construction services and 23478
general building services for a port authority educational and 23479
cultural performing arts facility funded completely or in part 23480

with money appropriated by the state to the Ohio ~~cultural~~ 23481
facilities construction commission may be provided by a port 23482
authority or a corporation that occupies, will occupy, or is 23483
responsible for that facility, as determined by the commission. 23484
The construction services and general building services to be 23485
provided by the port authority or the corporation shall be 23486
specified in an agreement between the commission and the port 23487
authority or corporation. That agreement, or any actions taken 23488
under it, are not subject to Chapters 123. or 153. of the Revised 23489
Code, but are subject to Chapter 4115. of the Revised Code. 23490

Sec. 307.86. Anything to be purchased, leased, leased with an 23491
option or agreement to purchase, or constructed, including, but 23492
not limited to, any product, structure, construction, 23493
reconstruction, improvement, maintenance, repair, or service, 23494
except the services of an accountant, architect, attorney at law, 23495
physician, professional engineer, construction project manager, 23496
consultant, surveyor, or appraiser, by or on behalf of the county 23497
or contracting authority, as defined in section 307.92 of the 23498
Revised Code, at a cost in excess of fifty thousand dollars, 23499
except as otherwise provided in division (D) of section 713.23 and 23500
in sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 23501
307.861, 339.05, 340.03, ~~340.033~~, 4115.31 to 4115.35, ~~5119.16~~ 23502
5119.44, 5513.01, 5543.19, 5713.01, and 6137.05 of the Revised 23503
Code, shall be obtained through competitive bidding. However, 23504
competitive bidding is not required when any of the following 23505
applies: 23506

(A) The board of county commissioners, by a unanimous vote of 23507
its members, makes a determination that a real and present 23508
emergency exists, and that determination and the reasons for it 23509
are entered in the minutes of the proceedings of the board, when 23510
either of the following applies: 23511

(1) The estimated cost is less than one hundred thousand 23512
dollars. 23513

(2) There is actual physical disaster to structures, radio 23514
communications equipment, or computers. 23515

For purposes of this division, "unanimous vote" means all 23516
three members of a board of county commissioners when all three 23517
members are present, or two members of the board if only two 23518
members, constituting a quorum, are present. 23519

Whenever a contract of purchase, lease, or construction is 23520
exempted from competitive bidding under division (A)(1) of this 23521
section because the estimated cost is less than one hundred 23522
thousand dollars, but the estimated cost is fifty thousand dollars 23523
or more, the county or contracting authority shall solicit 23524
informal estimates from no fewer than three persons who could 23525
perform the contract, before awarding the contract. With regard to 23526
each such contract, the county or contracting authority shall 23527
maintain a record of such estimates, including the name of each 23528
person from whom an estimate is solicited. The county or 23529
contracting authority shall maintain the record for the longer of 23530
at least one year after the contract is awarded or the amount of 23531
time the federal government requires. 23532

(B)(1) The purchase consists of supplies or a replacement or 23533
supplemental part or parts for a product or equipment owned or 23534
leased by the county, and the only source of supply for the 23535
supplies, part, or parts is limited to a single supplier. 23536

(2) The purchase consists of services related to information 23537
technology, such as programming services, that are proprietary or 23538
limited to a single source. 23539

(C) The purchase is from the federal government, the state, 23540
another county or contracting authority of another county, or a 23541
board of education, educational service center, township, or 23542

municipal corporation. 23543

(D) The purchase is made by a county department of job and 23544
family services under section 329.04 of the Revised Code and 23545
consists of family services duties or workforce development 23546
activities or is made by a county board of developmental 23547
disabilities under section 5126.05 of the Revised Code and 23548
consists of program services, such as direct and ancillary client 23549
services, child care, case management services, residential 23550
services, and family resource services. 23551

(E) The purchase consists of criminal justice services, 23552
social services programs, family services, or workforce 23553
development activities by the board of county commissioners from 23554
nonprofit corporations or associations under programs funded by 23555
the federal government or by state grants. 23556

(F) The purchase consists of any form of an insurance policy 23557
or contract authorized to be issued under Title XXXIX of the 23558
Revised Code or any form of health care plan authorized to be 23559
issued under Chapter 1751. of the Revised Code, or any combination 23560
of such policies, contracts, plans, or services that the 23561
contracting authority is authorized to purchase, and the 23562
contracting authority does all of the following: 23563

(1) Determines that compliance with the requirements of this 23564
section would increase, rather than decrease, the cost of the 23565
purchase; 23566

(2) Requests issuers of the policies, contracts, plans, or 23567
services to submit proposals to the contracting authority, in a 23568
form prescribed by the contracting authority, setting forth the 23569
coverage and cost of the policies, contracts, plans, or services 23570
as the contracting authority desires to purchase; 23571

(3) Negotiates with the issuers for the purpose of purchasing 23572
the policies, contracts, plans, or services at the best and lowest 23573

price reasonably possible. 23574

(G) The purchase consists of computer hardware, software, or consulting services that are necessary to implement a computerized case management automation project administered by the Ohio prosecuting attorneys association and funded by a grant from the federal government. 23575
23576
23577
23578
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(H) Child care services are purchased for provision to county employees. 23580
23581

(I)(1) Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes, and all of the following apply: 23582
23583
23584

(a) The contracting authority is authorized by the Revised Code to lease the property. 23585
23586

(b) The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property. 23587
23588
23589
23590

(c) The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Revised Code. 23591
23592
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(d) The contracting authority negotiates with the prospective lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect. 23596
23597
23598
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23600

(2) The contracting authority may use the services of a real estate appraiser to obtain advice, consultations, or other recommendations regarding the lease of property under this 23601
23602
23603

division. 23604

(J) The purchase is made pursuant to section 5139.34 or 23605
sections 5139.41 to 5139.46 of the Revised Code and is of programs 23606
or services that provide case management, treatment, or prevention 23607
services to any felony or misdemeanor delinquent, unruly youth, 23608
or status offender under the supervision of the juvenile court, 23609
including, but not limited to, community residential care, day 23610
treatment, services to children in their home, or electronic 23611
monitoring. 23612

(K) The purchase is made by a public children services agency 23613
pursuant to section 307.92 or 5153.16 of the Revised Code and 23614
consists of family services, programs, or ancillary services that 23615
provide case management, prevention, or treatment services for 23616
children at risk of being or alleged to be abused, neglected, or 23617
dependent children. 23618

(L) The purchase is to obtain the services of emergency 23619
medical service organizations under a contract made by the board 23620
of county commissioners pursuant to section 307.05 of the Revised 23621
Code with a joint emergency medical services district. 23622

(M) The county contracting authority determines that the use 23623
of competitive sealed proposals would be advantageous to the 23624
county and the contracting authority complies with section 307.862 23625
of the Revised Code. 23626

Any issuer of policies, contracts, plans, or services listed 23627
in division (F) of this section and any prospective lessor under 23628
division (I) of this section may have the issuer's or prospective 23629
lessor's name and address, or the name and address of an agent, 23630
placed on a special notification list to be kept by the 23631
contracting authority, by sending the contracting authority that 23632
name and address. The contracting authority shall send notice to 23633
all persons listed on the special notification list. Notices shall 23634

state the deadline and place for submitting proposals. The 23635
contracting authority shall mail the notices at least six weeks 23636
prior to the deadline set by the contracting authority for 23637
submitting proposals. Every five years the contracting authority 23638
may review this list and remove any person from the list after 23639
mailing the person notification of that action. 23640

Any contracting authority that negotiates a contract under 23641
division (F) of this section shall request proposals and negotiate 23642
with issuers in accordance with that division at least every three 23643
years from the date of the signing of such a contract, unless the 23644
parties agree upon terms for extensions or renewals of the 23645
contract. Such extension or renewal periods shall not exceed six 23646
years from the date the initial contract is signed. 23647

Any real estate appraiser employed pursuant to division (I) 23648
of this section shall disclose any fees or compensation received 23649
from any source in connection with that employment. 23650

Sec. 309.09. (A) The prosecuting attorney shall be the legal 23651
adviser of the board of county commissioners, board of elections, 23652
all other county officers and boards, and all tax-supported public 23653
libraries, and any of them may require written opinions or 23654
instructions from the prosecuting attorney in matters connected 23655
with their official duties. The prosecuting attorney shall 23656
prosecute and defend all suits and actions that any such officer, 23657
board, or tax-supported public library directs or to which it is a 23658
party, and no county officer may employ any other counsel or 23659
attorney at the expense of the county, except as provided in 23660
section 305.14 of the Revised Code. 23661

(B)(1) The prosecuting attorney shall be the legal adviser 23662
for all township officers, boards, and commissions, unless, 23663
subject to division (B)(2) of this section, the township has 23664
adopted a limited home rule government pursuant to Chapter 504. of 23665

the Revised Code and has not entered into a contract to have the prosecuting attorney serve as the township law director, in which case, subject to division (B)(2) of this section, the township law director, whether serving full-time or part-time, shall be the legal adviser for all township officers, boards, and commissions. When the board of township trustees finds it advisable or necessary to have additional legal counsel, it may employ an attorney other than the township law director or the prosecuting attorney of the county, either for a particular matter or on an annual basis, to represent the township and its officers, boards, and commissions in their official capacities and to advise them on legal matters. No such legal counsel may be employed, except on the order of the board of township trustees, duly entered upon its journal, in which the compensation to be paid for the legal services shall be fixed. The compensation shall be paid from the township fund.

Nothing in this division confers any of the powers or duties of a prosecuting attorney under section 309.08 of the Revised Code upon a township law director.

(2)(a) If any township in the county served by the prosecuting attorney has adopted any resolution regarding the operation of adult entertainment establishments pursuant to the authority that is granted under section 503.52 of the Revised Code or if a resolution of that nature has been adopted under section 503.53 of the Revised Code in a township in the county served by the prosecuting attorney, all of the following apply:

(i) Upon the request of a township in the county that has adopted, or in which has been adopted, a resolution of that nature that is made pursuant to division (E)(1)(c) of section 503.52 of the Revised Code, the prosecuting attorney shall prosecute and defend on behalf of the township in the trial and argument in any court or tribunal of any challenge to the validity of the

resolution. If the challenge to the validity of the resolution is 23698
before a federal court, the prosecuting attorney may request the 23699
attorney general to assist the prosecuting attorney in prosecuting 23700
and defending the challenge and, upon the prosecuting attorney's 23701
making of such a request, the attorney general shall assist the 23702
prosecuting attorney in performing that service if the resolution 23703
was drafted in accordance with legal guidance provided by the 23704
attorney general as described in division (B)(2) of section 503.52 23705
of the Revised Code. The attorney general shall provide this 23706
assistance without charge to the township for which the service is 23707
performed. If a township adopts a resolution without the legal 23708
guidance of the attorney general, the attorney general is not 23709
required to provide assistance as described in this division to a 23710
prosecuting attorney. 23711

(ii) Upon the request of a township in the county that has 23712
adopted, or in which has been adopted, a resolution of that nature 23713
that is made pursuant to division (E)(1)(a) of section 503.52 of 23714
the Revised Code, the prosecuting attorney shall prosecute and 23715
defend on behalf of the township a civil action to enjoin the 23716
violation of the resolution in question. 23717

(iii) Upon the request of a township in the county that has 23718
adopted, or in which has been adopted, a resolution of that nature 23719
that is made pursuant to division (E)(1)(b) of section 503.52 of 23720
the Revised Code, the prosecuting attorney shall prosecute and 23721
defend on behalf of the township a civil action under Chapter 23722
3767. of the Revised Code to abate as a nuisance the place in the 23723
unincorporated area of the township at which the resolution is 23724
being or has been violated. Proceeds from the sale of personal 23725
property or contents seized pursuant to the action shall be 23726
applied and deposited in accordance with division (E)(1)(b) of 23727
section 503.52 of the Revised Code. 23728

(b) The provisions of division (B)(2)(a) of this section 23729

apply regarding all townships, including townships that have 23730
adopted a limited home rule government pursuant to Chapter 504. of 23731
the Revised Code, and regardless of whether a township that has so 23732
adopted a limited home rule government has entered into a contract 23733
with the prosecuting attorney as described in division (B) of 23734
section 504.15 of the Revised Code or has appointed a law director 23735
as described in division (A) of that section. 23736

The prosecuting attorney shall prosecute and defend in the 23737
actions and proceedings described in division (B)(2)(a) of this 23738
section without charge to the township for which the services are 23739
performed. 23740

(C) Whenever the board of county commissioners employs an 23741
attorney other than the prosecuting attorney of the county, 23742
without the authorization of the court of common pleas as provided 23743
in section 305.14 of the Revised Code, either for a particular 23744
matter or on an annual basis, to represent the board in its 23745
official capacity and to advise it on legal matters, the board 23746
shall enter upon its journal an order of the board in which the 23747
compensation to be paid for the legal services shall be fixed. The 23748
compensation shall be paid from the county general fund. The total 23749
compensation paid, in any year, by the board for legal services 23750
under this division shall not exceed the total annual compensation 23751
of the prosecuting attorney for that county. 23752

(D) The prosecuting attorney and the board of county 23753
commissioners jointly may contract with a board of park 23754
commissioners under section 1545.07 of the Revised Code for the 23755
prosecuting attorney to provide legal services to the park 23756
district the board of park commissioners operates. 23757

(E) The prosecuting attorney may be, in the prosecuting 23758
attorney's discretion and with the approval of the board of county 23759
commissioners, the legal adviser of a joint fire district created 23760
under section 505.371 of the Revised Code at no cost to the 23761

district or may be the legal adviser to the district under a 23762
contract that the prosecuting attorney and the district enter 23763
into, and that the board of county ~~commissioner~~ commissioners 23764
approves, to authorize the prosecuting attorney to provide legal 23765
services to the district. 23766

(F) The prosecuting attorney may be, in the prosecuting 23767
attorney's discretion and with the approval of the board of county 23768
commissioners, the legal adviser of a joint ambulance district 23769
created under section 505.71 of the Revised Code at no cost to the 23770
district or may be the legal adviser to the district under a 23771
contract that the prosecuting attorney and the district enter 23772
into, and that the board of county commissioners approves, to 23773
authorize the prosecuting attorney to provide legal services to 23774
the district. 23775

(G) The prosecuting attorney may be, in the prosecuting 23776
attorney's discretion and with the approval of the board of county 23777
commissioners, the legal adviser of a joint emergency medical 23778
services district created under section 307.052 of the Revised 23779
Code at no cost to the district or may be the legal adviser to the 23780
district under a contract that the prosecuting attorney and the 23781
district enter into, and that the board of county commissioners 23782
approves, to authorize the prosecuting attorney to provide legal 23783
services to the district. 23784

(H) The prosecuting attorney may be, in the prosecuting 23785
attorney's discretion and with the approval of the board of county 23786
commissioners, the legal adviser of a fire and ambulance district 23787
created under section 505.375 of the Revised Code at no cost to 23788
the district or may be the legal adviser to the district under a 23789
contract that the prosecuting attorney and the district enter 23790
into, and that the board of county commissioners approves, to 23791
authorize the prosecuting attorney to provide legal services to 23792
the district. 23793

(I) All money received pursuant to a contract entered into 23794
under division (D), (E), (F), (G), or (H) of this section shall be 23795
deposited into the prosecuting attorney's legal services fund, 23796
which shall be established in the county treasury of each county 23797
in which such a contract exists. Moneys in that fund may be 23798
appropriated only to the prosecuting attorney for the purpose of 23799
providing legal services to a park district, joint fire district, 23800
joint ambulance district, joint emergency medical services 23801
district, or a fire and ambulance district, as applicable, under a 23802
contract entered into under the applicable division. 23803

(J) The prosecuting attorney shall be the legal advisor of a 23804
lake facilities authority as provided in section 353.02 of the 23805
Revised Code. 23806

Sec. 317.06. (A) Each county recorder who is newly elected to 23807
a full term of office shall attend and successfully complete at 23808
least fifteen hours of continuing education courses during the 23809
first year of the recorder's term of office and complete at least 23810
another eight hours of such courses each year of the remaining 23811
term. Each county recorder who is elected to a subsequent term of 23812
office shall attend and successfully complete at least eight hours 23813
of such courses in each year of any subsequent term of office. To 23814
be counted toward the continuing education hours required by this 23815
section, a course must be approved by the Ohio recorders' 23816
association. Any county recorder who teaches an approved course 23817
shall be entitled to credit for the course in the same manner as 23818
if the county recorder had attended the course. 23819

The Ohio recorders' association shall record and, upon 23820
request, verify the completion of required course work for each 23821
county recorder and issue a statement to each county recorder of 23822
the number of hours of continuing education the county recorder 23823
has successfully completed. Each year the association shall send a 23824

list of the continuing education courses, and the number of hours 23825
each county recorder has successfully completed, to the auditor of 23826
state and shall provide a copy of this list to any other 23827
individual who requests it. 23828

The association shall issue a "failure to complete notice" to 23829
any county recorder required to complete continuing education 23830
courses under this section who fails to successfully complete at 23831
least fifteen hours of continuing education courses during the 23832
first year of the county recorder's first term of office or to 23833
complete a total of at least thirty-nine hours of such courses, 23834
including the fifteen hours completed in the first year of the 23835
first term, by the end of that term. The association shall issue a 23836
"failure to complete notice" to any county recorder required to 23837
complete continuing education courses under this section who fails 23838
to successfully complete at least eight hours of continuing 23839
education courses each year of any subsequent term of office or to 23840
complete a total of at least thirty-two hours of such courses, by 23841
the end of that subsequent term. The notice is for informational 23842
purposes only and does not affect any individual's ability to hold 23843
the office of county recorder. 23844

~~(B) Each board of county commissioners shall approve, from 23845
money appropriated to the county recorder, a reasonable amount 23846
requested by the county recorder of its county to cover the The 23847
costs the county recorder must incur to meet the requirements of 23848
division (A) of this section, including registration fees, lodging 23849
and meal expenses, and travel expenses shall be paid from the 23850
county recorder's technology fund, if such a fund has been 23851
established under section 317.321 of the Revised Code. 23852~~

Sec. 317.08. (A) Except as provided in divisions (C), (D), 23853
and (E) of this section, the county recorder shall keep six 23854
separate sets of records as follows: 23855

(1) A record of deeds, in which shall be recorded all deeds 23856
and other instruments of writing for the absolute and 23857
unconditional sale or conveyance of lands, tenements, and 23858
hereditaments; all notices as provided in sections 5301.47 to 23859
5301.56 of the Revised Code; all judgments or decrees in actions 23860
brought under section 5303.01 of the Revised Code; all 23861
declarations and bylaws, and all amendments to declarations and 23862
bylaws, as provided in Chapter 5311. of the Revised Code; 23863
affidavits as provided in sections 5301.252 and 5301.56 of the 23864
Revised Code; all certificates as provided in section 5311.17 of 23865
the Revised Code; all articles dedicating archaeological preserves 23866
accepted by the director of the Ohio historical society under 23867
section 149.52 of the Revised Code; all articles dedicating nature 23868
preserves accepted by the director of natural resources under 23869
section 1517.05 of the Revised Code; ~~all agreements for the~~ 23870
~~registration of lands as archaeological or historic landmarks~~ 23871
~~under section 149.51 or 149.55 of the Revised Code;~~ all 23872
conveyances of conservation easements and agricultural easements 23873
under section 5301.68 of the Revised Code; all instruments 23874
extinguishing agricultural easements under section 901.21 or 23875
5301.691 of the Revised Code or pursuant to terms of such an 23876
easement granted to a charitable organization under section 23877
5301.68 of the Revised Code; all instruments or orders described 23878
in division (B)(2)(b) of section 5301.56 of the Revised Code; all 23879
no further action letters issued under section 122.654 or 3746.11 23880
of the Revised Code; all covenants not to sue issued under section 23881
3746.12 of the Revised Code, including all covenants not to sue 23882
issued pursuant to section 122.654 of the Revised Code; any 23883
restrictions on the use of property contained in a no further 23884
action letter issued under section 122.654 of the Revised Code, 23885
any restrictions on the use of property identified pursuant to 23886
division (C)(3)(a) of section 3746.10 of the Revised Code, and any 23887
restrictions on the use of property contained in a deed or other 23888

instrument as provided in division (E) or (F) of section 3737.882 23889
of the Revised Code; any easement executed or granted under 23890
section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code; 23891
any environmental covenant entered into in accordance with 23892
sections 5301.80 to 5301.92 of the Revised Code; all memoranda of 23893
trust, as described in division (A) of section 5301.255 of the 23894
Revised Code, that describe specific real property; and all 23895
agreements entered into under division (A) of section 1506.44 of 23896
the Revised Code; 23897

(2) A record of mortgages, in which shall be recorded all of 23898
the following: 23899

(a) All mortgages, including amendments, supplements, 23900
modifications, and extensions of mortgages, or other instruments 23901
of writing by which lands, tenements, or hereditaments are or may 23902
be mortgaged or otherwise conditionally sold, conveyed, affected, 23903
or encumbered; 23904

(b) All executory installment contracts for the sale of land 23905
executed after September 29, 1961, that by their terms are not 23906
required to be fully performed by one or more of the parties to 23907
them within one year of the date of the contracts; 23908

(c) All options to purchase real estate, including 23909
supplements, modifications, and amendments of the options, but no 23910
option of that nature shall be recorded if it does not state a 23911
specific day and year of expiration of its validity; 23912

(d) Any tax certificate sold under section 5721.33 of the 23913
Revised Code, or memorandum of it, that is presented for filing of 23914
record. 23915

(3) A record of powers of attorney, including all memoranda 23916
of trust, as described in division (A) of section 5301.255 of the 23917
Revised Code, that do not describe specific real property; 23918

(4) A record of plats, in which shall be recorded all plats 23919

and maps of town lots, of the subdivision of town lots, and of 23920
other divisions or surveys of lands, any center line survey of a 23921
highway located within the county, the plat of which shall be 23922
furnished by the director of transportation or county engineer, 23923
and all drawings and amendments to drawings, as provided in 23924
Chapter 5311. of the Revised Code; 23925

(5) A record of leases, in which shall be recorded all 23926
leases, memoranda of leases, and supplements, modifications, and 23927
amendments of leases and memoranda of leases; 23928

(6) A record of declarations executed pursuant to section 23929
2133.02 of the Revised Code and durable powers of attorney for 23930
health care executed pursuant to section 1337.12 of the Revised 23931
Code. 23932

(B) All instruments or memoranda of instruments entitled to 23933
record shall be recorded in the proper record in the order in 23934
which they are presented for record. The recorder may index, keep, 23935
and record in one volume unemployment compensation liens, internal 23936
revenue tax liens and other liens in favor of the United States as 23937
described in division (A) of section 317.09 of the Revised Code, 23938
personal tax liens, mechanic's liens, agricultural product liens, 23939
notices of liens, certificates of satisfaction or partial release 23940
of estate tax liens, discharges of recognizances, excise and 23941
franchise tax liens on corporations, broker's liens, and liens 23942
provided for in sections 1513.33, 1513.37, 3752.13, ~~5111.022~~ 23943
5164.56, and 5311.18 of the Revised Code. 23944

The recording of an option to purchase real estate, including 23945
any supplement, modification, and amendment of the option, under 23946
this section shall serve as notice to any purchaser of an interest 23947
in the real estate covered by the option only during the period of 23948
the validity of the option as stated in the option. 23949

(C) In lieu of keeping the six separate sets of records 23950

required in divisions (A)(1) to (6) of this section and the 23951
records required in divisions (D) and (E) of this section, a 23952
county recorder may record all the instruments required to be 23953
recorded by this section in two separate sets of record books. One 23954
set shall be called the "official records" and shall contain the 23955
instruments listed in divisions (A)(1), (2), (3), (5), and (6) and 23956
(D) and (E) of this section. The second set of records shall 23957
contain the instruments listed in division (A)(4) of this section. 23958

(D) Except as provided in division (C) of this section, the 23959
county recorder shall keep a separate set of records containing 23960
all corrupt activity lien notices filed with the recorder pursuant 23961
to section 2923.36 of the Revised Code and a separate set of 23962
records containing all medicaid fraud lien notices filed with the 23963
recorder pursuant to section 2933.75 of the Revised Code. 23964

(E)(1) The county recorder shall keep a separate set of 23965
records containing all transfers, conveyances, or assignments of 23966
any type of tangible or intangible personal property or any rights 23967
or interests in that property if and to the extent that any person 23968
wishes to record that personal property transaction and if the 23969
applicable instrument is acknowledged before a notary public. If 23970
the transferor is a natural person, the notice of personal 23971
property transfer shall be recorded in the county in this state in 23972
which the transferor maintains the transferor's principal 23973
residence. If the transferor is not a natural person, the notice 23974
of personal property transfer shall be recorded in the county in 23975
this state in which the transferor maintains its principal place 23976
of business. If the transferor does not maintain a principal 23977
residence or a principal place of business in this state and the 23978
transfer is to a trustee of a legacy trust formed pursuant to 23979
Chapter 5816. of the Revised Code, the notice of personal property 23980
transfer shall be recorded in the county in this state where that 23981
trustee maintains a principal residence or principal place of 23982

business. In all other instances, the notice of personal property 23983
transfer shall be recorded in the county in this state where the 23984
property described in the notice is located. 23985

(2) The records described in division (E)(1) of this section 23986
shall be maintained in or as part of the "official records" under 23987
division (C) of this section. 23988

Sec. 317.32. The county recorder shall charge and collect the 23989
following fees, to include, except as otherwise provided in 23990
division (A)(2) of this section, base fees for the recorder's 23991
services and housing trust fund fees collected pursuant to section 23992
317.36 of the Revised Code: 23993

(A)(1) Except as otherwise provided in division (A)(2) of 23994
this section, for recording and indexing an instrument if the 23995
photocopy or any similar process is employed, a base fee of 23996
fourteen dollars for the first two pages and a housing trust fund 23997
fee of fourteen dollars, and a base fee of four dollars and a 23998
housing trust fund fee of four dollars for each subsequent page, 23999
size eight and one-half inches by fourteen inches, or fraction of 24000
a page, including the caption page, of such instrument; 24001

(2) For recording and indexing an instrument described in 24002
division (E)(1) of section 317.08 of the Revised Code if the 24003
photocopy or any similar process is employed, a fee of 24004
twenty-eight dollars for the first two pages to be deposited ~~into~~ 24005
~~the county treasury to the credit of the special fund designated~~ 24006
~~as "general fund moneys to supplement the equipment needs of the~~ 24007
~~county recorder" under section 317.321 of the Revised Code as~~ 24008
specified elsewhere in this division, and a fee of eight dollars 24009
to be deposited in the same manner for each subsequent page, size 24010
eight and one-half inches by fourteen inches, or fraction of a 24011
page, including the caption page, of that instrument~~+. If the~~ 24012
county recorder's technology fund has been established under 24013

section 317.321 of the Revised Code, of the twenty-eight dollars, 24014
fourteen dollars shall be deposited into the county treasury to 24015
the credit of the county recorder's technology fund and fourteen 24016
dollars shall be deposited into the county treasury to the credit 24017
of the county general fund. If the county recorder's technology 24018
fund has not been established, the twenty-eight dollars shall be 24019
deposited into the county treasury to the credit of the county 24020
general fund. 24021

(B) For certifying a photocopy from the record previously 24022
recorded, a base fee of one dollar and a housing trust fund fee of 24023
one dollar per page, size eight and one-half inches by fourteen 24024
inches, or fraction of a page; for each certification if the 24025
recorder's seal is required, except as to instruments issued by 24026
the armed forces of the United States, a base fee of fifty cents 24027
and a housing trust fund fee of fifty cents; 24028

(C) For manual or typewritten recording of assignment or 24029
satisfaction of mortgage or lease or any other marginal entry, a 24030
base fee of four dollars and a housing trust fund fee of four 24031
dollars; 24032

(D) For entering any marginal reference by separate recorded 24033
instrument, a base fee of two dollars and a housing trust fund fee 24034
of two dollars for each marginal reference set out in that 24035
instrument, in addition to the fees set forth in division (A)(1) 24036
of this section; 24037

(E) For indexing in the real estate mortgage records, 24038
pursuant to section 1309.519 of the Revised Code, financing 24039
statements covering crops growing or to be grown, timber to be 24040
cut, minerals or the like, including oil and gas, accounts subject 24041
to section 1309.301 of the Revised Code, or fixture filings made 24042
pursuant to section 1309.334 of the Revised Code, a base fee of 24043
two dollars and a housing trust fund fee of two dollars for each 24044
name indexed; 24045

(F) For recording manually any plat not exceeding six lines, 24046
a base fee of two dollars and a housing trust fund fee of two 24047
dollars, and for each additional line, a base fee of ten cents and 24048
a housing trust fund fee of ten cents; 24049

(G) For filing zoning resolutions, including text and maps, 24050
in the office of the recorder as required under sections 303.11 24051
and 519.11 of the Revised Code, a base fee of twenty-five dollars 24052
and a housing trust fund fee of twenty-five dollars, regardless of 24053
the size or length of the resolutions; 24054

(H) For filing zoning amendments, including text and maps, in 24055
the office of the recorder as required under sections 303.12 and 24056
519.12 of the Revised Code, a base fee of ten dollars and a 24057
housing trust fund fee of ten dollars regardless of the size or 24058
length of the amendments; 24059

(I) For photocopying a document, other than at the time of 24060
recording and indexing as provided for in division (A)(1) or (2) 24061
of this section, a base fee of one dollar and a housing trust fund 24062
fee of one dollar per page, size eight and one-half inches by 24063
fourteen inches, or fraction thereof; 24064

(J) For local facsimile transmission of a document, a base 24065
fee of one dollar and a housing trust fund fee of one dollar per 24066
page, size eight and one-half inches by fourteen inches, or 24067
fraction thereof; for long distance facsimile transmission of a 24068
document, a base fee of two dollars and a housing trust fund fee 24069
of two dollars per page, size eight and one-half inches by 24070
fourteen inches, or fraction thereof; 24071

(K) For recording a declaration executed pursuant to section 24072
2133.02 of the Revised Code or a durable power of attorney for 24073
health care executed pursuant to section 1337.12 of the Revised 24074
Code, or both a declaration and a durable power of attorney for 24075
health care, a base fee of at least fourteen dollars but not more 24076

than twenty dollars and a housing trust fund fee of at least 24077
fourteen dollars but not more than twenty dollars. 24078

In any county in which the recorder employs the photostatic 24079
or any similar process for recording maps, plats, or prints the 24080
recorder shall determine, charge, and collect for the recording or 24081
rerecording of any map, plat, or print, a base fee of five cents 24082
and a housing trust fund fee of five cents per square inch, for 24083
each square inch of the map, plat, or print filed for that 24084
recording or rerecording, with a minimum base fee of twenty 24085
dollars and a minimum housing trust fund fee of twenty dollars; 24086
for certifying a copy from the record, a base fee of two cents and 24087
a housing trust fund fee of two cents per square inch of the 24088
record, with a minimum base fee of two dollars and a minimum 24089
housing trust fund fee of two dollars. 24090

The fees provided in this section shall be paid upon the 24091
presentation of the instruments for record or upon the application 24092
for any certified copy of the record, except that the payment of 24093
fees associated with the filing and recording of, or the copying 24094
of, notices of internal revenue tax liens and notices of other 24095
liens in favor of the United States as described in division (A) 24096
of section 317.09 of the Revised Code and certificates of 24097
discharge or release of those liens, shall be governed by section 24098
317.09 of the Revised Code, and the payment of fees for providing 24099
copies of instruments conveying or extinguishing agricultural 24100
easements to the office of farmland preservation in the department 24101
of agriculture under division (H) of section 5301.691 of the 24102
Revised Code shall be governed by that division. 24103

Sec. 317.321. (A) Not later than the first day of October of 24104
any year, the county recorder may submit to the board of county 24105
commissioners a proposal for funding any of the following: 24106

(1) The acquisition ~~or~~ and maintenance of micrographic ~~or~~ 24107

imaging and other technological equipment or for and contract 24108
services or a proposal to therefor; 24109

(2) To reserve funds for the office's future equipment 24110
technology needs if the county recorder has no immediate plans for 24111
the acquisition of imaging and other technological equipment or 24112
contract services, or to use the county recorder's technology fund 24113
as a dedicated revenue source to repay debt to purchase any 24114
imaging and other technological equipment before the accumulation 24115
of adequate resources to purchase the equipment with cash. Either 24116

(3) Subject to division (G) of this section, for other 24117
expenses associated with the acquisition and maintenance of 24118
imaging and other technological equipment and contract services. 24119

(B) The proposal shall be in writing and shall include at 24120
least the following: 24121

(1) A request that an amount not to exceed seven eight 24122
dollars of the fee total base fees collected for filing or 24123
recording a document for which a fee is charged as required by 24124
division (A)(1) of section 317.32 of the Revised Code or by 24125
section 1309.525 or 5310.15 of the Revised Code and the amount of 24126
the fees collected under division (A)(2) of section 317.32 of the 24127
Revised Code be placed in the county treasury and designated as 24128
"general to the credit of the county recorder's technology fund 24129
moneys to supplement the equipment needs of the county recorder"; 24130

(2) The Except as provided in division (E)(3) of this 24131
section, the number of years, not to exceed five, for which the 24132
county recorder requests that the amount requested under division 24133
(A)(1) of this section be given the designation specified in that 24134
division; 24135

(3) An estimate of the total amount of fees that will be 24136
generated for filing or recording a document for which a fee is 24137
charged as required by division (A)(1) or (2) of section 317.32 of 24138

the Revised Code or by section 1309.525 or 5310.15 of the Revised Code; 24139
24140

(4) An estimate of the total amount of fees for filing or recording a document for which a fee is charged as required by division (A)(1) or (2) of section 317.32 ~~of the Revised Code~~ or by section 1309.525 or 5310.15 of the Revised Code that will be designated as "general credited to the county recorder's technology fund moneys to supplement the equipment needs of the county recorder" if the request submitted under division ~~(A)~~(B)(1) of this section is approved by the board of county commissioners. 24141
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(C) A proposal for the ~~acquisition or maintenance of micrographic or other equipment or for contract services~~ purposes of division (A)(1) of this section shall include a description or summary of the ~~micrographic or~~ imaging and other technological equipment, ~~or maintenance of the micrographic or other equipment,~~ that the county recorder proposes to acquire and maintain, or ~~and~~ the nature of contract services that the county recorder proposes to utilize, if the proposal is for those purposes. A proposal ~~to reserve funds for the office's future equipment needs if the county recorder has no immediate plans for the acquisition of equipment or services~~ purposes of division (A)(2) of this section shall explain the general future technology needs of the office for imaging and other technological equipment, or for revenue to repay debt, if the proposal is for those purposes. A proposal for the purposes of division (A)(3) of this section shall identify the other expenses associated with the acquisition and maintenance of imaging and other technological equipment and contract services that the county recorder proposes to pay with moneys in the county recorder's technology fund, if the proposal is for those purposes. 24149
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~~(B)~~(D) The board of county commissioners shall receive either a proposal and the clerk shall enter it on the journal. At the 24169
24170

same time, the board shall establish a date, not sooner than 24171
fifteen or later than thirty days after the ~~board's receipt of~~ 24172
board receives the proposal, on which to meet with the recorder to 24173
review the proposal. 24174

~~(C)(E)(1) Not~~ Except as provided in division (E)(3) of this 24175
section, not later than the fifteenth day of December of any year 24176
in which a proposal ~~for the acquisition or maintenance of~~ 24177
~~micrographic or other equipment or for contract services is~~ 24178
submitted under division (A) of this section, the board of county 24179
commissioners shall approve, reject, or modify the proposal and 24180
notify the county recorder of its action on the proposal. If the 24181
board rejects or modifies the proposal, it shall make a written 24182
finding that the request is for a purpose other than for 24183
~~acquiring, leasing, or otherwise obtaining micrographic or other~~ 24184
~~equipment or contracts for use by the county recorder~~ a purpose in 24185
division (A) of this section, or that the amount requested ~~for the~~ 24186
~~acquisition or maintenance of micrographic or other equipment or~~ 24187
~~for contract services~~ is excessive as determined by the board. ~~If~~ 24188
~~the board approves the proposal, it shall request the~~ 24189
~~establishment of a special fund under section 5705.12 of the~~ 24190
~~Revised Code for any fees designated as "general fund moneys to~~ 24191
~~supplement the equipment needs of the county recorder."~~ 24192

(2) ~~Not later than the fifteenth day of December of any year~~ 24193
~~in which a proposal to reserve funds for the office's future~~ 24194
~~equipment needs is submitted under division (A) of this section,~~ 24195
~~the board of county commissioners shall approve the proposal,~~ 24196
~~notify the county recorder of its action on the proposal, and~~ 24197
~~request the establishment of a special fund under section 5705.12~~ 24198
~~of the Revised Code for any fees designated as "general~~ A proposal 24199
submitted under division (A) of this section that was approved by 24200
the board of county commissioners before, and is in effect on, the 24201
effective date of this amendment shall continue in effect until 24202

January 1, 2019, notwithstanding the number of years of funding 24203
specified in the approved proposal. 24204

(3) A proposal submitted under division (A) of this section 24205
between October 1, 2013, and October 1, 2017, may request that an 24206
amount that does not exceed three dollars be credited to the 24207
county recorder's technology fund, in addition to the amount 24208
previously approved by the board of county commissioners in a 24209
proposal described in division (E)(2) of this section. The 24210
proposal may be submitted each year during that time period, but 24211
shall be limited to funding in the following fiscal year. If the 24212
total of the amount under division (E)(2) of this section and the 24213
amount requested under this division does not exceed eight 24214
dollars, the board shall approve the proposal and notify the 24215
county recorder of its approval. 24216

(4) If the total amount of fees provided for in divisions 24217
(B), (E)(2), and (E)(3) of this section is less than eight 24218
dollars, a proposal requesting additional fees may be submitted to 24219
the board of county commissioners under division (E)(1) of this 24220
section, as long as the total amount of the fees in divisions (B) 24221
and (E)(2), (3), and (4) of this section that are to be credited 24222
to the county recorder's technology fund does not exceed eight 24223
dollars, and the proposal is for a number of years, not to exceed 24224
five. 24225

(5) When a proposal is approved by the board of county 24226
commissioners under division (E) of this section, the county 24227
recorder's technology fund moneys to supplement the equipment 24228
needs of the county recorder." is established in the county 24229
treasury, and, beginning on the following first day of January, 24230
the fees approved shall be deposited in that fund. 24231

(D)(F) The acquisition ~~or~~ and maintenance of ~~micrographic or~~ 24232
imaging and other technological equipment, and the acquisition of 24233
other associated expenses and contract services therefor, shall be 24234

specifically governed by sections 307.80 to 307.806, 307.84 to 24235
307.846, 307.86 to 307.92, and 5705.38, and by division (D) of 24236
section 5705.41 of the Revised Code. 24237

(G) If the use of the county recorder's technology fund for 24238
the purposes of division (A)(3) of this section includes 24239
associated expenses for personnel, the use of the fund for 24240
personnel shall be strictly confined to personnel directly related 24241
to imaging and other technological equipment, and any compensation 24242
increases for those personnel shall not exceed the average of the 24243
annual aggregate percentage increase or decrease in the 24244
compensation fixed by the board of county commissioners for their 24245
employees, and for the officers in section 325.27 of the Revised 24246
Code. Use of the fund for compensation bonuses, or for recognizing 24247
outstanding employee performance in a manner described in section 24248
325.25 of the Revised Code, is prohibited. 24249

(H) If a county is under a fiscal caution under section 24250
118.025 of the Revised Code, or is under a fiscal watch or fiscal 24251
emergency as defined in section 118.01 of the Revised Code, the 24252
board of county commissioners, notwithstanding sections 5705.14 to 24253
5705.16 of the Revised Code, may transfer from the county 24254
recorder's technology fund any moneys the board deems necessary. 24255

Sec. 317.36. (A) The county recorder shall collect the low- 24256
and moderate-income housing trust fund fee as specified in 24257
sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 24258
4509.60, ~~5111.022~~ 5164.56, 5310.15, 5719.07, 5727.56, 5733.18, 24259
5733.22, 6101.09, and 6115.09 of the Revised Code. The amount of 24260
any housing trust fund fee the recorder is authorized to collect 24261
is equal to the amount of any base fee the recorder is authorized 24262
to collect for services. The housing trust fund fee shall be 24263
collected in addition to the base fee. 24264

(B) The recorder shall certify the amounts collected as 24265

housing trust fund fees pursuant to division (A) of this section 24266
into the county treasury as housing trust fund fees to be paid to 24267
the treasurer of state pursuant to section 319.63 of the Revised 24268
Code. 24269

Sec. 321.35. Upon demand of the treasurer of state while 24270
holding a school district, county, township, or municipal 24271
corporation obligation purchased under division (G)(1) of section 24272
135.143 of the Revised Code, in making any payment under section 24273
321.31 or 321.34 of the Revised Code, the county auditor shall 24274
withhold funds of the school district, county, township, or 24275
municipal corporation in an amount sufficient to pay debt service 24276
charges on that obligation and any of the fee for the agreement to 24277
purchase that obligation, less any amount deposited for that 24278
purpose under division (D) of section 3317.18 of the Revised Code. 24279
The county auditor shall promptly pay to the treasurer of state 24280
the amount withheld. 24281

Sec. 321.44. (A)(1) A county probation services fund shall be 24282
established in the county treasury of each county. The fund a 24283
county establishes under this division shall contain all moneys 24284
paid to the treasurer of the county under section 2951.021 of the 24285
Revised Code for deposit into the fund. The moneys paid into the 24286
fund shall be deposited by the treasurer of the county into the 24287
appropriate account established under divisions (A)(1)(a) to (d) 24288
of this section. Separate accounts shall be maintained in 24289
accordance with the following criteria in the fund a county 24290
establishes under this division: 24291

(a) If a county department of probation is established in the 24292
county, a separate account shall be maintained in the fund for the 24293
county department of probation. 24294

(b) If the judges of the court of common pleas of the county 24295

have affiliated with the judges of the court of common pleas of 24296
one or more other counties and have established a multicounty 24297
department of probation, a separate account shall be maintained in 24298
the fund for the multicounty department of probation. 24299

(c) If a department of probation is established in a 24300
county-operated municipal court that has jurisdiction within the 24301
county, a separate account shall be maintained in the fund for the 24302
municipal court department of probation. 24303

(d) If a county department of probation has not been 24304
established in the county and if the court of common pleas of the 24305
county, pursuant to section 2301.32 of the Revised Code, has 24306
entered into an agreement with the adult parole authority under 24307
which the court may place defendants under a community control 24308
sanction in charge of the authority, a separate account shall be 24309
maintained in the fund for the court of common pleas. 24310

(2) For any county, if a county department of probation is 24311
established in the county or if a department of probation is 24312
established in a county-operated municipal court that has 24313
jurisdiction within the county, the board of county commissioners 24314
of the county shall appropriate to the county department of 24315
probation or municipal court department of probation all money 24316
that is contained in the department's account in the county 24317
probation services fund established in the county for use only for 24318
specialized staff, purchase of equipment, purchase of services, 24319
reconciliation programs for offenders and victims, other treatment 24320
programs, including ~~alcohol and drug~~ community addiction programs 24321
services providers certified under section ~~3793.06~~ 5119.36 of the 24322
Revised Code, determined to be appropriate by the chief probation 24323
officer of the department of probation, and other similar expenses 24324
related to placing offenders under a community control sanction. 24325

For any county, if the judges of the court of common pleas of 24326
the county have affiliated with the judges of the court of common 24327

pleas of one or more other counties and have established a 24328
multicounty department of probation to serve the counties, the 24329
board of county commissioners of the county shall appropriate and 24330
the county treasurer shall transfer to the multicounty probation 24331
services fund established for the multicounty department of 24332
probation under division (B) of this section all money that is 24333
contained in the multicounty department of probation account in 24334
the county probation services fund established in the county for 24335
use in accordance with that division. 24336

For any county, if a county department of probation has not 24337
been established in the county and if the court of common pleas of 24338
the county, pursuant to section 2301.32 of the Revised Code, has 24339
entered into an agreement with the adult parole authority under 24340
which the court may place defendants under a community control 24341
sanction in charge of the authority, the board of county 24342
commissioners of the county shall appropriate to the court all 24343
money that is contained in the court's account in the county 24344
probation services fund established in the county for use only for 24345
specialized staff, purchase of equipment, purchase of services, 24346
reconciliation programs for offenders and victims, other treatment 24347
and recovery support services, including properly credentialed 24348
treatment and recovery support services program providers or those 24349
certified under section ~~3793.06~~ 5119.36 of the Revised Code, 24350
determined to be appropriate by the authority, and other similar 24351
uses related to placing offenders under a community control 24352
sanction. 24353

(B) If the judges of the courts of common pleas of two or 24354
more counties have established a multicounty department of 24355
probation, a multicounty probation services fund shall be 24356
established in the county treasury of the county whose treasurer, 24357
in accordance with section 2301.27 of the Revised Code, is 24358
designated by the judges of the courts of common pleas as the 24359

treasurer to whom monthly supervision fees are to be appropriated 24360
and transferred under division (A)(2) of this section for deposit 24361
into the fund. The fund shall contain all moneys that are paid to 24362
the treasurer of any member county under section 2951.021 of the 24363
Revised Code for deposit into the county's probation services fund 24364
and that subsequently are appropriated and transferred to the 24365
multicounty probation services fund under division (A)(2) of this 24366
section. The board of county commissioners of the county in which 24367
the multicounty probation services fund is established shall 24368
appropriate the money contained in that fund to the multicounty 24369
department of probation, for use only for specialized staff, 24370
purchase of equipment, purchase of services, reconciliation 24371
programs for offenders and victims, other treatment programs, 24372
including ~~alcohol and drug~~ community addiction ~~programs~~ services 24373
providers certified under section ~~3793.06~~ 5119.36 of the Revised 24374
Code, determined to be appropriate by the chief probation officer, 24375
and for other similar expenses related to placing offenders under 24376
a community control sanction. 24377

(C) Any money in a county or multicounty probation services 24378
fund at the end of a fiscal year shall not revert to the general 24379
fund of the county but shall be retained in the fund. 24380

(D) As used in this section: 24381

(1) "County-operated municipal court" has the same meaning as 24382
in section 1901.03 of the Revised Code. 24383

(2) "Multicounty department of probation" means a probation 24384
department established under section 2301.27 of the Revised Code 24385
to serve more than one county. 24386

(3) "Community control sanction" has the same meaning as in 24387
section 2929.01 of the Revised Code. 24388

Sec. 323.158. (A) As used in this section, ~~"qualifying:~~ 24389

(1) "Qualifying county" means a county to which both of the following apply:

~~(1)~~(a) At least one major league professional athletic team ~~plays~~ played its home schedule in the county for the season beginning in 1996;

~~(2)~~(b) The majority of the electors of the county, voting at an election held in 1996, approved a referendum on a resolution of the board of county commissioners levying a sales and use tax under sections 5739.026 and 5741.023 of the Revised Code.

(2) "Eligible homestead" means a homestead that is not an ineligible homestead.

(3) "Ineligible homestead" means either of the following:

(a) A homestead against which foreclosure or other proceedings to take possession of the homestead have been initiated based on a mortgage, lien, or security interest on or in the homestead. A homestead is an "ineligible homestead" for any tax year during which such proceedings against the homestead remain pending.

(b) A homestead that is listed on the delinquent tax list. A homestead is an "ineligible homestead" for any tax year during which the homestead is listed on the delinquent tax list.

(B) On or before December 31, 1996, the board of county commissioners of a qualifying county may adopt a resolution under this section. The resolution shall grant a partial real property tax exemption to each eligible homestead in the county that also receives the tax reduction under division (B) of section 323.152 of the Revised Code. The partial exemption shall take the form of the reduction by a specified percentage each year of the real property taxes on the eligible homestead. The resolution shall specify the percentage, which may be any amount. The board may include in the resolution a condition that the partial exemption

will apply only upon the receipt by the county of additional 24421
revenue from a source specified in the resolution. The resolution 24422
shall specify the tax year in which the partial exemption first 24423
applies, which may be the tax year in which the resolution takes 24424
effect as long as the resolution takes effect before the county 24425
auditor certifies the tax duplicate of real and public utility 24426
property for that tax year to the county treasurer. Upon adopting 24427
the resolution, the board shall certify copies of it to the county 24428
auditor and the tax commissioner. 24429

(C) After complying with sections 319.301, 319.302, and 24430
323.152 of the Revised Code, the county auditor shall reduce the 24431
remaining sum to be levied against a an eligible homestead by the 24432
percentage called for in the resolution adopted under division (B) 24433
of this section. The auditor shall certify the amount of taxes 24434
remaining after the reduction to the county treasurer for 24435
collection as the real property taxes charged and payable on the 24436
eligible homestead. 24437

(D) For each tax year, the county auditor shall certify to 24438
the board of county commissioners the total amount by which real 24439
property taxes were reduced under this section. At the time of 24440
each semi-annual settlement of real property taxes between the 24441
county auditor and county treasurer, the board of county 24442
commissioners shall pay to the auditor one-half of that total 24443
amount. Upon receipt of the payment, the county auditor shall 24444
distribute it among the various taxing districts in the county as 24445
if it had been levied, collected, and settled as real property 24446
taxes. The board of county commissioners shall make the payment 24447
from the county general fund or from any other county revenue that 24448
may be used for that purpose. In making the payment, the board may 24449
use revenue from taxes levied by the county to provide additional 24450
general revenue under sections 5739.021 and 5741.021 of the 24451
Revised Code or to provide additional revenue for the county 24452

general fund under sections 5739.026 and 5741.023 of the Revised Code. 24453
24454

(E) The partial exemption under this section shall not 24455
directly or indirectly affect the determination of the principal 24456
amount of notes that may be issued in anticipation of a tax levy 24457
or the amount of securities that may be issued for any permanent 24458
improvements authorized in conjunction with a tax levy. 24459

(F) At any time, the board of county commissioners may adopt 24460
a resolution amending or repealing the partial exemption granted 24461
under this section. Upon adopting a resolution amending or 24462
repealing the partial exemption, the board shall certify copies of 24463
it to the county auditor and the tax commissioner. The resolution 24464
shall specify the tax year in which the amendment or repeal first 24465
applies, which may be the tax year in which the resolution takes 24466
effect as long as the resolution takes effect before the county 24467
auditor certifies the tax duplicate of real and public utility 24468
property for that tax year to the county treasurer. 24469

(G) If a person files a late application for a tax reduction 24470
under division (B) of section 323.152 of the Revised Code for the 24471
preceding year for an eligible homestead, and is granted the 24472
reduction, the person also shall receive the reduction under this 24473
section for the preceding year. The county auditor shall credit 24474
the amount of the reduction against the person's current year 24475
taxes, and shall include the amount of the reduction in the amount 24476
certified to the board of county commissioners under division (D) 24477
of this section. 24478

Sec. 329.04. (A) The county department of job and family 24479
services shall have, exercise, and perform the following powers 24480
and duties: 24481

(1) Perform any duties assigned by the state department of 24482
job and family services or department of medicaid regarding the 24483

provision of public family services, including the provision of 24484
the following services to prevent or reduce economic or personal 24485
dependency and to strengthen family life: 24486

(a) Services authorized by a Title IV-A program, as defined 24487
in section 5101.80 of the Revised Code; 24488

(b) Social services authorized by Title XX of the "Social 24489
Security Act" and provided for by section 5101.46 or 5101.461 of 24490
the Revised Code; 24491

(c) If the county department is designated as the child 24492
support enforcement agency, services authorized by Title IV-D of 24493
the "Social Security Act" and provided for by Chapter 3125. of the 24494
Revised Code. The county department may perform the services 24495
itself or contract with other government entities, and, pursuant 24496
to division (C) of section 2301.35 and section 2301.42 of the 24497
Revised Code, private entities, to perform the Title IV-D 24498
services. 24499

(d) Duties assigned under section ~~5111.98~~ 5162.031 of the 24500
Revised Code. 24501

(2) Administer disability financial assistance, as required 24502
by the state department of job and family services under section 24503
5115.03 of the Revised Code; 24504

(3) Administer burials insofar as the administration of 24505
burials was, prior to September 12, 1947, imposed upon the board 24506
of county commissioners and if otherwise required by state law; 24507

(4) Cooperate with state and federal authorities in any 24508
matter relating to family services and to act as the agent of such 24509
authorities; 24510

(5) Submit an annual account of its work and expenses to the 24511
board of county commissioners and to the state department of job 24512
and family services and department of medicaid at the close of 24513

each fiscal year; 24514

(6) Exercise any powers and duties relating to family 24515
services duties or workforce development activities imposed upon 24516
the county department of job and family services by law, by 24517
resolution of the board of county commissioners, or by order of 24518
the governor, when authorized by law, to meet emergencies during 24519
war or peace; 24520

~~(7) Determine the eligibility for medical assistance of 24521
recipients of aid under Title XVI of the "Social Security Act"; 24522~~

~~(8) If assigned by the state director of job and family 24523
services under section 5101.515 or 5101.525 of the Revised Code, 24524
determine applicants' eligibility for health assistance under the 24525
children's health insurance program part II or part III; 24526~~

~~(9) Enter into a plan of cooperation with the board of county 24527
commissioners under section 307.983, consult with the board in the 24528
development of the transportation work plan developed under 24529
section 307.985, establish with the board procedures under section 24530
307.986 for providing services to children whose families relocate 24531
frequently, and comply with the contracts the board enters into 24532
under sections 307.981 and 307.982 of the Revised Code that affect 24533
the county department; 24534~~

~~(10)(8) For the purpose of complying with a grant agreement 24535
the board of county commissioners enters into under sections 24536
307.98 and 5101.21 of the Revised Code, exercise the powers and 24537
perform the duties the grant agreement assigns to the county 24538
department; 24539~~

~~(11)(9) If the county department is designated as the 24540
workforce development agency, provide the workforce development 24541
activities specified in the contract required by section 330.05 of 24542
the Revised Code. 24543~~

(B) The powers and duties of a county department of job and 24544

family services are, and shall be exercised and performed, under 24545
the control and direction of the board of county commissioners. 24546
The board may assign to the county department any power or duty of 24547
the board regarding family services duties and workforce 24548
development activities. If the new power or duty necessitates the 24549
state department of job and family services or department of 24550
medicaid changing its federal cost allocation plan, the county 24551
department may not implement the power or duty unless the United 24552
States department of health and human services approves the 24553
changes. 24554

Sec. 329.051. The county department of job and family 24555
services shall make voter registration applications as prescribed 24556
by the secretary of state under section 3503.10 of the Revised 24557
Code available to persons who are applying for, receiving 24558
assistance from, or participating in any of the following: 24559

(A) The disability financial assistance program established 24560
under Chapter 5115. of the Revised Code; 24561

(B) The ~~medical assistance~~ medicaid program ~~established under~~ 24562
~~Chapter 5111. of the Revised Code;~~ 24563

(C) The Ohio works first program established under Chapter 24564
5107. of the Revised Code; 24565

(D) The prevention, retention, and contingency program 24566
established under Chapter 5108. of the Revised Code. 24567

Sec. 329.06. (A) Except as provided in division (C) of this 24568
section and section 6301.08 of the Revised Code, the board of 24569
county commissioners shall establish a county family services 24570
planning committee. The board shall appoint a member to represent 24571
the county department of job and family services; an employee in 24572
the classified civil service of the county department of job and 24573
family services, if there are any such employees; and a member to 24574

represent the public. The board shall appoint other individuals to 24575
the committee in such a manner that the committee's membership is 24576
broadly representative of the groups of individuals and the public 24577
and private entities that have an interest in the family services 24578
provided in the county. The board shall make appointments in a 24579
manner that reflects the ethnic and racial composition of the 24580
county. The following groups and entities may be represented on 24581
the committee: 24582

(1) Consumers of family services; 24583

(2) The public children services agency; 24584

(3) The child support enforcement agency; 24585

(4) The county family and children first council; 24586

(5) Public and private colleges and universities; 24587

(6) Public entities that provide family services, including 24588
boards of health, boards of education, the county board of 24589
developmental disabilities, and the board of alcohol, drug 24590
addiction, and mental health services that serves the county; 24591

(7) Private nonprofit and for-profit entities that provide 24592
family services in the county or that advocate for consumers of 24593
family services in the county, including entities that provide 24594
services to or advocate for victims of domestic violence; 24595

(8) Labor organizations; 24596

(9) Any other group or entity that has an interest in the 24597
family services provided in the county, including groups or 24598
entities that represent any of the county's business, urban, and 24599
rural sectors. 24600

(B) The county family services planning committee shall do 24601
all of the following: 24602

(1) Serve as an advisory body to the board of county 24603
commissioners with regard to the family services provided in the 24604

county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child care under Chapter 5104. of the Revised Code, and social services provided under section 5101.46 of the Revised Code;

(2) At least once a year, review and analyze the county department of job and family services' implementation of the programs established under Chapters 5107. and 5108. of the Revised Code. In its review, the committee shall use information available to it to examine all of the following:

(a) Return of assistance groups to participation in either program after ceasing to participate;

(b) Teen pregnancy rates among the programs' participants;

(c) The other types of assistance the programs' participants receive, including medicaid ~~under Chapter 5111. of the Revised Code~~, publicly funded child care under Chapter 5104. of the Revised Code, supplemental nutrition assistance program benefits under section 5101.54 of the Revised Code, and energy assistance under Chapter 5117. of the Revised Code;

(d) Other issues the committee considers appropriate.

The committee shall make recommendations to the board of county commissioners and county department of job and family services regarding the committee's findings.

(3) Conduct public hearings on proposed county profiles for the provision of social services under section 5101.46 of the Revised Code;

(4) At the request of the board, make recommendations and provide assistance regarding the family services provided in the county;

(5) At any other time the committee considers appropriate, consult with the board and make recommendations regarding the

family services provided in the county. The committee's	24635
recommendations may address the following:	24636
(a) Implementation and administration of family service	24637
programs;	24638
(b) Use of federal, state, and local funds available for	24639
family service programs;	24640
(c) Establishment of goals to be achieved by family service	24641
programs;	24642
(d) Evaluation of the outcomes of family service programs;	24643
(e) Any other matter the board considers relevant to the	24644
provision of family services.	24645
(C) If there is a committee in existence in a county on	24646
October 1, 1997, that the board of county commissioners determines	24647
is capable of fulfilling the responsibilities of a county family	24648
services planning committee, the board may designate the committee	24649
as the county's family services planning committee and the	24650
committee shall serve in that capacity.	24651
Sec. 329.14. (A) An individual whose household income does	24652
not exceed two hundred per cent of the federal poverty line is	24653
eligible to participate in an individual development account	24654
program established by the county department of job and family	24655
services of the county in which the individual resides. An	24656
eligible individual seeking to be a participant in the program	24657
shall enter into an agreement with the fiduciary organization	24658
administering the program. The agreement shall specify the terms	24659
and conditions of uses of funds deposited, financial documentation	24660
required to be maintained by the participant, expectations and	24661
responsibilities of the participant, and services to be provided	24662
by the fiduciary organization.	24663
(B) A participant may deposit earned income, as defined in 26	24664

U.S.C. 911(d)(2), as amended, into the account. The fiduciary organization may deposit into the account an amount not exceeding four times the amount deposited by the participant except that a fiduciary organization may not, pursuant to an agreement with an employer, deposit an amount into an account held by a participant who is employed by the employer. An account may have no more than ten thousand dollars in it at any time.

(C) Notwithstanding eligibility requirements established in or pursuant to Chapter 5107.7 or 5108.7, ~~or 5111.~~ of the Revised Code, to the extent permitted by federal statutes and regulations, money in an individual development account, including interest, is exempt from consideration in determining whether the participant or a member of the participant's assistance group is eligible for assistance under Chapter 5107.7 or 5108.7, ~~or 5111.~~ of the Revised Code and the amount of assistance the participant or assistance group is eligible to receive.

(D)(1) Except as provided in division (D)(2) of this section, an individual development account program participant may use money in the account only for the following purposes:

(a) Postsecondary educational expenses paid directly from the account to an eligible education institution or vendor;

(b) Qualified acquisition expenses of a principal residence, as defined in 26 U.S.C. 1034, as amended, paid directly from the account to the person or government entity to which the expenses are due;

(c) Qualified business capitalization expenses made in accordance with a qualified business plan that has been approved by a financial institution or by a nonprofit microenterprise program having demonstrated business expertise and paid directly from the account to the person to whom the expenses are due.

(2) A fiduciary organization shall permit a participant to

withdraw money deposited by the participant if it is needed to 24696
deal with a personal emergency of the participant or a member of 24697
the participant's family or household. Withdrawal shall result in 24698
the loss of any matching funds in an amount equal to the amount of 24699
the withdrawal. 24700

(3) Regardless of the reason for the withdrawal, a withdrawal 24701
from an individual development account may be made only with the 24702
approval of the fiduciary organization. 24703

Sec. 333.01. As used in this chapter: 24704

(A) "County sales and use tax" means the tax levied by a 24705
county under division (A) of section 5739.021 or division (A) of 24706
section 5741.021 of the Revised Code that is returned or 24707
distributed to the county under section 5739.21 or 5741.03 of the 24708
Revised Code. 24709

(B) "Impact facility" means a permanent structure, including 24710
all interior or exterior square footage used for educational or 24711
exhibition activities, that meets all of the following criteria: 24712

(1) It is used for the sale of tangible personal property or 24713
services; 24714

(2) At least ten per cent of the facility's total square 24715
footage is dedicated to educational or exhibition activities; 24716

(3) At least ~~fifty~~ thirty million dollars is invested in 24717
land, buildings, infrastructure, and equipment for the facility at 24718
the site of the facility over a period of not more than two years; 24719

(4) An annualized average of at least one hundred fifty new 24720
full-time equivalent positions will be created and maintained at 24721
the facility; 24722

(5) More than fifty per cent of the visitors to the facility 24723
are reasonably anticipated to live at least ~~one hundred~~ fifty 24724
miles from the facility. 24725

(C) "Qualifying investment" means a person's investment in 24726
land, buildings, infrastructure, and equipment for creating an 24727
impact facility. 24728

(D) "Full-time equivalent positions" means the total number 24729
of hours worked at a facility in a work week, divided by forty 24730
hours per week. 24731

Sec. 333.02. Before June 1, ~~2007~~ 2015, a board of county 24732
commissioners of a county that levies a county sales and use tax 24733
may enter into an agreement with any person that proposes to 24734
construct an impact facility in the county to provide payments to 24735
that person of up to seventy-five per cent of the county sales and 24736
use tax collected on each retail sale made by that person at the 24737
facility, for a term of up to ten years, or until the person's 24738
qualifying investment in the impact facility has been realized 24739
through the payments, whichever occurs first. 24740

Sec. 333.03. (A) A person seeking to enter into an agreement 24741
and obtain payments under section 333.02 of the Revised Code shall 24742
provide both of the following to the board of county 24743
commissioners: 24744

(1) A certification by the person's chief financial officer, 24745
or the equivalent if that position does not exist, that the 24746
criteria listed in division (B) of section 333.01 of the Revised 24747
Code will be met; and 24748

(2) An application on a form or in a format acceptable to the 24749
board that describes the proposed impact facility, including the 24750
projected level of investment in and new jobs to be created at the 24751
facility, the rationale used for determining that more than fifty 24752
per cent of the facility's visitors live at least ~~one hundred~~ 24753
fifty miles from the facility, the types of activities to be 24754
conducted at the facility, the projected levels of sales to occur 24755

at the facility, a calculation of the facility's square footage 24756
that will be dedicated to educational or exhibition activities, 24757
and any other information the board of county commissioners 24758
reasonably requests about the expected operations of the facility. 24759

(B) The board of county commissioners shall request the 24760
director of development services to certify that the proposed 24761
facility meets the criteria for an impact facility listed in 24762
division (B) of section 333.01 of the Revised Code. The board of 24763
county commissioners may, but need not, make findings of fact that 24764
a proposed facility meets the criteria for an impact facility 24765
listed in division (B) of section 333.01 of the Revised Code 24766
before or after requesting the certification. If the director of 24767
development services certifies a proposed facility as an impact 24768
facility under this section, and if the board makes such findings, 24769
the findings and certification are conclusive and not subject to 24770
reopening at any time. 24771

Sec. 333.04. (A) After review of the items submitted under 24772
division (A) of section 333.03 of the Revised Code, and after 24773
receipt of the certification from the director of development 24774
services under division (B) of that section, a board of county 24775
commissioners, before June 1, ~~2007~~ 2015, may enter into an 24776
agreement under section 333.02 of the Revised Code, provided that 24777
the board has determined all of the following: 24778

(1) The proposed impact facility is economically sound; 24779

(2) Construction of the proposed impact facility has not 24780
begun prior to the day the agreement is entered into; 24781

(3) The impact facility will benefit the county by increasing 24782
employment opportunities and strengthening the local and regional 24783
economy; and 24784

(4) Receiving payments from the board of county commissioners 24785

is a major factor in the person's decision to go forward with construction of the impact facility. 24786
24787

(B) An agreement entered into under this section shall include all of the following: 24788
24789

(1) A description of the impact facility that is the subject of the agreement, including the existing investment level, if any, the proposed amount of investments, the scheduled starting and completion dates for the facility, and the number and type of full-time equivalent positions to be created at the facility; 24790
24791
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(2) The percentage of the county sales and use tax collected at the impact facility that will be used to make payments to the person entering into the agreement; 24795
24796
24797

(3) The term of the payments and the first calendar quarter in which the person may apply for a payment under section 333.06 of the Revised Code; 24798
24799
24800

(4) A requirement that the amount of payments made to the person during the term established under division (B)(3) of this section shall not exceed the person's qualifying investment, and that all payments cease when that amount is reached; 24801
24802
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24804

(5) A requirement that the person maintain operations at the impact facility for at least the term established under division (B)(3) of this section; 24805
24806
24807

(6) A requirement that the person annually certify to the board of county commissioners, on or before a date established by the board in the agreement, the level of investment in, the number of employees and type of full-time equivalent positions at, and the amount of county sales and use tax collected and remitted to the tax commissioner or treasurer of state from sales made at, the facility; 24808
24809
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(7) A provision stating that the creation of the proposed 24815

impact facility does not involve the relocation of ~~more than ten~~ 24816
~~any~~ full-time equivalent positions ~~and two million dollars in~~ 24817
~~taxable assets~~ or any tangible personal property to the impact 24818
facility from another facility owned by the person, or a related 24819
member of the person, that is located in another political 24820
subdivision of this state, other than the political subdivision in 24821
which the impact facility is or will be located; 24822

(8) ~~A provision stating that the person will not relocate~~ 24823
~~more than ten full-time equivalent positions and two million~~ 24824
~~dollars in taxable assets to the impact facility from another~~ 24825
~~facility in another political subdivision of this state during the~~ 24826
~~term of the payments without the written approval of the director~~ 24827
~~of development;~~ 24828

~~(9)~~ A detailed explanation of how the person determined that 24829
more than fifty per cent of the visitors to the facility live at 24830
least ~~one hundred~~ fifty miles from the facility. 24831

(C) ~~For purposes of this section, the transfer of a full-time~~ 24832
~~equivalent position or taxable asset from another political~~ 24833
~~subdivision in this state to the political subdivision in which~~ 24834
~~the impact facility is or will be located shall be considered a~~ 24835
~~relocation, unless the person refills the full-time equivalent~~ 24836
~~position, or replaces the taxable asset with an asset of equal or~~ 24837
~~greater taxable value, within six months after the transfer. The~~ 24838
~~person may not receive a payment under this chapter for any year~~ 24839
~~in which more than ten relocations occurred without the written~~ 24840
~~consent of the board of county commissioners~~ No payment may be 24841
made under this chapter to a person that is found to be in 24842
violation of the provision described in division (B)(7) of this 24843
section. 24844

Sec. 333.05. (A) ~~If~~ Except as otherwise provided in this 24845
division, if a person fails to meet or comply with any provision 24846

of an agreement entered into under section 333.02 of the Revised Code, the board of county commissioners may amend the agreement to reduce the percentage or term, or both, of the payments the person is entitled to receive under the agreement. The reduction shall commence in the calendar quarter immediately following the calendar quarter in which the board amends the agreement. If a person fails to comply with the provision described in division (B)(7) of section 333.04 of the Revised Code, no payments may be made under this chapter to that person after the person is found to be in violation.

(B) A board of county commissioners shall submit to the department of development and to the tax commissioner a copy of each agreement entered into under section 333.02 of the Revised Code and any modifications to an agreement within thirty days after finalization or modification of the agreement.

Sec. 339.02. (A) As used in this section, "area served by the hospital" means the geographic area, whether or not included within the county, from which a county hospital regularly draws patients.

(B) Unless a board of county hospital trustees for the county is in existence in accordance with this section, such board shall be created pursuant to this section after the board of county commissioners first determines by resolution to establish a county hospital. Copies of such resolution shall be certified to the probate judge of the county senior in point of service and to the judge, other than a probate judge, of the court of common pleas of the county senior in point of service. The board of county commissioners together with the probate judge of the county senior in point of service and the judge of the court of common pleas of the county senior in point of service shall, within ten days after such certification, appoint a board of county hospital trustees.

(C) In making appointments to a board of county hospital trustees, ~~all~~ both of the following apply with respect to the individuals who may be appointed:

(1) Members shall be electors and representative of the area served by the hospital, except that not more than two members may be electors of the area served by the hospital that is outside the county in which the hospital is located.

~~(2) In no case shall more than one half of the members be independents or be members of any one political party.~~

~~(3)~~ A physician may serve as a member, including a physician who is authorized to admit and treat patients at the hospital, except as follows:

(a) Not more than two physicians may serve as members at the same time;

(b) No physician who is employed by the hospital may serve as a member.

(D) A board of county hospital trustees shall be composed of six members, unless the board of county commissioners determines that the board of trustees can more effectively function with eight or ten members in which case there may be eight or ten members, as designated by the board of county commissioners.

(E) With respect to the initial appointment of members to a board of county hospital trustees, all of the following apply:

(1) When the board is composed of six members, their terms of office shall be one for one year, one for two years, one for three years, one for four years, one for five years, and one for six years from the first Monday of March thereafter.

(2) When the board is composed of eight members, their terms of office shall be one for one year, one for two years, two for three years, one for four years, one for five years, and two for

six years from the first Monday of March thereafter. 24908

(3) When the board is composed of ten members, their terms of 24909
office shall be two for one year, one for two years, two for three 24910
years, two for four years, one for five years, and two for six 24911
years from the first Monday of March thereafter. 24912

(F) Except as provided in division (G)(2) of this section, 24913
all of the following apply with respect to vacancies on a board of 24914
county hospital trustees: 24915

(1) Annually, on the first Monday of March, the board of 24916
county commissioners together with the probate judge of the county 24917
senior in point of service and the judge of the court of common 24918
pleas of the county senior in point of service shall appoint or 24919
reappoint for a term of six years a sufficient number of members 24920
to replace those members whose terms have expired. 24921

(2) The appointing authority shall fill a vacancy not later 24922
than six months after the vacancy occurs. If the vacancy remains 24923
unfilled on that date, the remaining members of the board, by 24924
majority vote, shall appoint an individual to fill the vacancy. 24925

(3) The appointing authority may fill a vacancy by seeking 24926
nominations from a selection committee consisting of one county 24927
commissioner designated by the board of county commissioners, the 24928
chair of the board of county hospital trustees, and the county 24929
hospital administrator. If nominations for filling a vacancy are 24930
sought from a selection committee, the committee shall nominate at 24931
least three individuals for the vacancy. The appointing authority 24932
may fill the vacancy by appointing one of the nominated 24933
individuals or by appointing another individual selected by the 24934
appointing authority. 24935

(4) Any member appointed to fill a vacancy occurring prior to 24936
the expiration date of the term for which the member's predecessor 24937
was appointed shall hold office as a member for the remainder of 24938

that term. 24939

(G)(1) The board of county commissioners together with the 24940
probate judge senior in point of service and the judge of the 24941
court of common pleas senior in point of service in any county in 24942
which a board of county hospital trustees has been appointed may 24943
expand the number of members to eight or to ten. When the number 24944
of members is increased to eight, one shall be appointed for a 24945
three-year and one for a six-year term from the first Monday of 24946
March thereafter. When the number of members is increased from six 24947
to ten, the term for additional members shall be: one for one 24948
year, one for three years, one for four years, and one for six 24949
years from the first Monday of March thereafter. When the number 24950
of members is increased from eight to ten, the term for additional 24951
members shall be: one for one year and one for four years from the 24952
first Monday of March thereafter. Thereafter except as provided in 24953
division (G)(2) of this section, upon the expiration of the term 24954
of office of each member, the vacancy shall be filled in the 24955
manner specified in division (F) of this section. 24956

(2) The board of county commissioners together with the 24957
probate judge senior in point of service and the judge of the 24958
court of common pleas senior in point of service may reduce the 24959
number of members of a board of county hospital trustees to eight 24960
or to six. The reduction shall occur on expiration of a member's 24961
term of office, at which time no appointment shall be made. While 24962
the board of county commissioners and the judges are in the 24963
process of reducing the number of members, the board of county 24964
hospital trustees may consist of nine or seven members for one 24965
year. 24966

(H) Any member of a board of county hospital trustees may be 24967
removed from office by the appointing authority for neglect of 24968
duty, misconduct, or malfeasance in office. The member shall be 24969
informed in writing of the charges and afforded an opportunity for 24970

a hearing before the appointing authority. The appointing 24971
authority shall not remove a member from office for political 24972
reasons. 24973

(I) The board of county commissioners may provide members of 24974
a board of county hospital trustees ~~shall a stipend for their~~ 24975
service or require the members to serve without compensation, ~~but,~~ 24976
The members shall be allowed their necessary and reasonable 24977
expenses incurred in the performance of their duties, including 24978
the cost of their participation in any continuing education 24979
programs or developmental programs that the members consider 24980
necessary. Allowable stipends and expenses shall be paid out of 24981
the funds provided for the county hospital. 24982

(J) The persons selected to be members of a board of county 24983
hospital trustees shall forthwith be notified, by mail, of their 24984
appointment. When a board is initially appointed, the notice shall 24985
state a time, not more than ten days later, when such board shall 24986
meet at the county seat of such county to organize. On the date 24987
stated, the board shall meet and organize. 24988

(K) A board of county hospital trustees shall organize by 24989
electing one of its number as chairperson and such other officers 24990
as specified in the board's rules. Four members of a six-member 24991
board constitute a quorum, five members constitute a quorum of an 24992
eight-member board, and six members constitute a quorum of a 24993
ten-member board. 24994

A board of county hospital trustees shall hold meetings at 24995
least ~~once a month~~ quarterly, shall adopt necessary rules of 24996
procedure, and shall keep a record of its proceedings and a strict 24997
account of all its receipts, disbursements, and expenditures. On 24998
completion of the construction and equipping of a county hospital, 24999
the board shall file such account with the board of county 25000
commissioners and make final settlement with the board of county 25001
commissioners for the construction and equipping of the hospital. 25002

Sec. 339.05. (A) A board of county hospital trustees may 25003
adopt, annually, bidding procedures and purchasing or leasing 25004
policies ~~for services~~ provided through a joint purchasing 25005
arrangement sponsored by a nonprofit organization, ~~and~~ for 25006
services, supplies, and equipment, that are routinely used in the 25007
operation of the hospital and that cost in excess of the amount 25008
specified in section 307.86 of the Revised Code as the amount 25009
above which purchases must be competitively bid. If a board of 25010
county hospital trustees adopts those policies and procedures, and 25011
if the board of county commissioners approves them, the board of 25012
county hospital trustees may follow those policies and procedures 25013
in lieu of following the competitive bidding procedures of 25014
sections 307.86 to 307.92 of the Revised Code. 25015

(B) Notwithstanding section 307.86 of the Revised Code, the 25016
board of county hospital trustees is exempt from competitive 25017
bidding as required under that section if the board, by a 25018
unanimous vote of its members, makes a determination that a real 25019
and present emergency exists, and either of the following applies: 25020

(1) The estimated cost is less than one hundred thousand 25021
dollars. 25022

(2) There is actual physical damage to structures or 25023
equipment. 25024

The board shall enter the determination of emergency and the 25025
reasons for it in the minutes of its proceedings. 25026

For purposes of this section, a vote is unanimous if all 25027
members of a board of county hospital trustees are present, or a 25028
lesser number of members of the board if not all members are 25029
present, provided that the number of members present constitutes a 25030
quorum. 25031

Whenever a contract of purchase, lease, or construction is 25032

exempted from competitive bidding because the estimated cost is 25033
less than one hundred thousand dollars, but the estimated cost is 25034
fifty thousand dollars or more, the board shall solicit informal 25035
estimates from not fewer than three persons who could perform the 25036
contract, before awarding the contract. With regard to each such 25037
contract, the board shall maintain a record of the informal 25038
estimates, including the name of each person from whom an informal 25039
estimate was solicited. The board shall maintain the record for 25040
the longer of at least one year after the contract is awarded or 25041
an amount of time required by the federal government. 25042

Sec. 339.06. (A) The board of county hospital trustees, upon 25043
completion of construction or leasing and equipping of a county 25044
hospital, shall assume and continue the operation of the hospital. 25045

(B) The board of county hospital trustees shall have the 25046
entire management and control of the county hospital. The board 25047
may in writing delegate its management and control of the county 25048
hospital to the administrator of the county hospital employed 25049
under section 339.07 of the Revised Code. The board shall 25050
establish such rules for the hospital's government, management, 25051
control, and the admission of persons as are expedient. 25052

(C) The board of county hospital trustees has control of the 25053
property of the county hospital, including management and disposal 25054
of surplus property other than real estate or an interest in real 25055
estate. 25056

(D) With respect to the use of funds by the board of county 25057
hospital trustees and its accounting for the use of funds, all of 25058
the following apply: 25059

(1) The board of county hospital trustees has control of all 25060
funds used in the county hospital's operation, including moneys 25061
received from the operation of the hospital, moneys appropriated 25062
for its operation by the board of county commissioners, and moneys 25063

resulting from special levies submitted by the board of county commissioners as provided for in section 5705.22 of the Revised Code. 25064
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(2) Of the funds used in the county hospital's operation, all or part of any amount determined not to be necessary to meet current demands on the hospital may be invested by the board of county hospital trustees or its designee in any classifications of securities and obligations eligible for deposit or investment of county moneys pursuant to section 135.35 of the Revised Code, subject to the approval of the board's written investment policy by the county investment advisory committee established pursuant to section 135.341 of the Revised Code. 25067
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(3) Annually, not later than sixty days before the end of the fiscal year used by the county hospital, the board of county hospital trustees shall submit its proposed budget for the ensuing fiscal year to the board of county commissioners for that board's review. The board of county commissioners shall review and approve the proposed budget by the first day of the fiscal year to which the budget applies. If the board of county commissioners has not approved the budget by the first day of the fiscal year to which the budget applies, the budget is deemed to have been approved by the board on the first day of that fiscal year. 25076
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(4) The board of county hospital trustees shall not expend funds received from taxes collected pursuant to any tax levied under section 5705.22 of the Revised Code or the amount appropriated to the county hospital by the board of county commissioners in the annual appropriation measure for the county until its budget for the applicable fiscal year is approved in accordance with division (C)(3) of this section. At any time the amount received from those sources differs from the amount shown in the approved budget, the board of county commissioners may require the board of county hospital trustees to revise the county 25086
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hospital budget accordingly. 25096

(5) Funds under the control of the board of county hospital 25097
trustees may be disbursed by the board, consistent with the 25098
approved budget, for the uses and purposes of the county hospital; 25099
for the replacement of necessary equipment; for the acquisition, 25100
leasing, or construction of permanent improvements to county 25101
hospital property; or for making a donation authorized by division 25102
(E) of this section. Each disbursement of funds shall be made on a 25103
voucher signed by signatories designated and approved by the board 25104
of county hospital trustees. 25105

(6) The head of a board of county hospital trustees is not 25106
required to file an estimate of contemplated revenue and 25107
expenditures for the ensuing fiscal year under section 5705.28 of 25108
the Revised Code unless the board of county commissioners levies a 25109
tax for the county hospital, or such a tax is proposed, or the 25110
board of county hospital trustees desires that the board of county 25111
commissioners make an appropriation to the county hospital for the 25112
ensuing fiscal year. 25113

(7) All moneys appropriated by the board of county 25114
commissioners or from special levies by the board of county 25115
commissioners for the operation of the hospital, when collected 25116
shall be paid to the board of county hospital trustees on a 25117
warrant of the county auditor and approved by the board of county 25118
commissioners. 25119

(8) The board of county hospital trustees shall provide for 25120
the conduct of an annual financial audit of the county hospital. 25121
Not later than thirty days after it receives the final report of 25122
an annual financial audit, the board shall file a copy of the 25123
report with the board of county commissioners. 25124

(E) For the public purpose of improving the health, safety, 25125
and general welfare of the community, the board of county hospital 25126

trustees may donate to a nonprofit entity any of the following:	25127
(1) Moneys and other financial assets determined not to be necessary to meet current demands on the hospital;	25128 25129
(2) Surplus hospital property, including supplies, equipment, office facilities, and other property that is not real estate or an interest in real estate;	25130 25131 25132
(3) Services rendered by the hospital.	25133
(F)(1) For purposes of division (F)(2) of this section:	25134
(a) "Bank" has the same meaning as in section 1101.01 of the Revised Code.	25135 25136
(b) "Savings and loan association" has the same meaning as in section 1151.01 of the Revised Code.	25137 25138
(c) "Savings bank" has the same meaning as in section 1161.01 of the Revised Code.	25139 25140
(2) The board of county hospital trustees may enter into a contract for a secured line of credit with a bank, savings and loan association, or savings bank if the contract meets all of the following requirements:	25141 25142 25143 25144
(a) The term of the contract does not exceed one year, except that the contract may provide for the automatic renewal of the contract for up to four additional one-year periods if, on the date of automatic renewal, the aggregate outstanding draws remaining unpaid under the secured line of credit do not exceed fifty per cent of the maximum amount that can be drawn under the secured line of credit.	25145 25146 25147 25148 25149 25150 25151
(b) The contract provides that the bank, savings and loan association, or savings bank shall not commence a civil action against the board of county commissioners, any member of the board, or the county to recover the principal, interest, or any charges or other amounts that remain outstanding on the secured	25152 25153 25154 25155 25156

line of credit at the time of any default by the board of county hospital trustees. 25157
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(c) The contract provides that no assets other than those of the county hospital can be used to secure the line of credit. 25159
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(d) The terms and conditions of the contract comply with all state and federal statutes and rules governing the extension of a secured line of credit. 25161
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(3) Any obligation incurred by a board of county hospital trustees under division (F)(2) of this section is an obligation of that board only and not a general obligation of the board of county commissioners or the county within the meaning of division (Q) of section 133.01 of the Revised Code. 25164
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(4) Notwithstanding anything to the contrary in the Revised Code, the board of county hospital trustees may secure the line of credit authorized under division (F)(2) of this section by the grant of a security interest in any part or all of its tangible personal property and intangible personal property, including its deposit accounts, accounts receivable, or both. 25169
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(5) No board of county hospital trustees shall at any time have more than one secured line of credit under division (F)(2) of this section. 25175
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(G) The board of county hospital trustees shall establish a schedule of charges for all services and treatment rendered by the county hospital. It may provide for the free treatment in the hospital of soldiers, sailors, and marines of the county, under such conditions and rules as it prescribes. 25178
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(H) The board of county hospital trustees may designate the amounts and forms of insurance protection to be provided, and the board of county commissioners shall assist in obtaining such protection. The expense of providing the protection shall be paid from hospital operating funds. 25183
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(I) The board of county hospital trustees may authorize a 25188
county hospital and each of its units, hospital board members, 25189
designated hospital employees, and medical staff members to be a 25190
member of and maintain membership in any local, state, or national 25191
group or association organized and operated for the promotion of 25192
the public health and welfare or advancement of the efficiency of 25193
hospital administration and in connection therewith to use tax 25194
funds for the payment of dues and fees and related expenses but 25195
nothing in this section prohibits the board from using receipts 25196
from hospital operation, other than tax funds, for the payment of 25197
such dues and fees. 25198

(J) The following apply to the board of county hospital 25199
trustees in relation to its employees and the employees of the 25200
county hospital: 25201

(1) The board shall adopt the wage and salary schedule for 25202
employees. 25203

(2) The board may employ the hospital's administrator 25204
pursuant to section 339.07 of the Revised Code, and the 25205
administrator may employ individuals for the hospital in 25206
accordance with that section. 25207

(3) The board may employ assistants as necessary to perform 25208
its clerical work, superintend properly the construction of the 25209
county hospital, and pay the hospital's expenses. Such employees 25210
may be paid from funds provided for the county hospital. 25211

(4) The board may hire, by contract or as salaried employees, 25212
such management consultants, accountants, attorneys, engineers, 25213
architects, construction managers, and other professional advisors 25214
as it determines are necessary and desirable to assist in the 25215
management of the programs and operation of the county hospital. 25216
Such professional advisors may be paid from county hospital 25217
operating funds. 25218

(5) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees any fringe benefits the board determines to be customary and usual in the nonprofit hospital field in its community, including, but not limited to:	25219 25220 25221 25222
(a) Additional vacation leave with full pay for full-time employees, including full-time hourly rate employees, after service of one year;	25223 25224 25225
(b) Vacation leave and holiday pay for part-time employees on a pro rata basis;	25226 25227
(c) Leave with full pay due to death in the employee's immediate family, which shall not be deducted from the employee's accumulated sick leave;	25228 25229 25230
(d) Premium pay for working on holidays listed in section 325.19 of the Revised Code;	25231 25232
(e) Moving expenses for new employees;	25233
(f) Discounts on hospital supplies and services.	25234
(6) The board may provide holiday leave by observing Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code.	25235 25236 25237 25238
(7) The board may grant to employees the insurance benefits authorized by section 339.16 of the Revised Code.	25239 25240
(8) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees, including hourly rate employees, such personal holidays as the board determines to be customary and usual in the hospital field in its community.	25241 25242 25243 25244
(9) The board may provide employee recognition awards and hold employee recognition dinners.	25245 25246
(10) The board may grant to employees the recruitment and retention benefits specified under division (K) of this section.	25247 25248

(K) Notwithstanding sections 325.191 and 325.20 of the Revised Code, the board of county hospital trustees may provide, without the prior authorization of the board of county commissioners, scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees.

The board of county hospital trustees may pay reasonable expenses for recruiting or retaining physicians and other appropriate health care practitioners.

(L) The board of county hospital trustees may retain counsel and institute legal action in its own name for the collection of delinquent accounts. The board may also employ any other lawful means for the collection of delinquent accounts.

Sec. 339.07. (A) The board of county hospital trustees shall provide for the administration of the county hospital by directly employing a hospital administrator or by entering into a contract for the management of the hospital under which an administrator is provided. When an administrator is employed directly, the board shall adopt a job description delineating the administrator's powers and duties and the board may pay the administrator's salary and other benefits from funds provided for the hospital.

(B) During the construction and equipping of the hospital, the administrator shall act in an advisory capacity to the board of county hospital trustees. After the hospital is completed, the administrator shall serve as the chief executive officer and shall carry out the administration of the county hospital according to the policies set forth by the board and any written delegation.

The administrator shall administer the county hospital, make reports, and take any other action that the administrator determines is necessary for the operation of the hospital.

At the end of each fiscal year, the administrator shall 25280
submit to the board a complete financial statement showing the 25281
receipts, revenues, and expenditures in detail for the entire 25282
fiscal year. 25283

The administrator shall ensure that the hospital has such 25284
physicians, nurses, and other employees as are necessary for the 25285
proper care, control, and management of the county hospital and 25286
its patients. The physicians, nurses, and other employees may be 25287
suspended or removed by the administrator at any time the welfare 25288
of the hospital warrants suspension or removal. The administrator 25289
may obtain physicians, nurses, and other employees by direct 25290
employment, entering into contracts, or granting authority to 25291
practice in the hospital. Persons employed directly shall be in 25292
the unclassified civil service, pursuant to section 124.11 of the 25293
Revised Code. 25294

Sec. 340.01. (A) As used in this chapter, "addiction," 25295
"addiction services," "alcohol and drug addiction services," ~~and~~ 25296
"community addiction services provider," "community mental health 25297
services provider," "~~alcohol and drug addiction programs gambling~~ 25298
addiction services," "mental health services," and "mental 25299
illness" have the same meanings as in section ~~3793.01~~ 5119.01 of 25300
the Revised Code. 25301

(B) An alcohol, drug addiction, and mental health service 25302
district shall be established in any county or combination of 25303
counties having a population of at least fifty thousand to provide 25304
~~alcohol and drug~~ addiction services and mental health services. 25305
With the approval of the ~~directors~~ director of ~~mental health and~~ 25306
~~alcohol and drug addiction services~~ mental health and addiction 25307
services, any county or combination of counties having a 25308
population of less than fifty thousand may establish such a 25309
district. Districts comprising more than one county shall be known 25310

as joint-county districts. 25311

The board of county commissioners of any county participating 25312
in a joint-county district may submit a resolution requesting 25313
withdrawal from the district together with a comprehensive plan or 25314
plans that are in compliance with rules adopted by the director of 25315
~~mental health~~ mental health and addiction services under ~~section~~ 25316
~~5119.61~~ section 5119.22 of the Revised Code ~~and rules adopted by~~ 25317
~~the department of alcohol and drug addiction services under~~ 25318
~~section 3793.05 of the Revised Code,~~ and that provide for the 25319
equitable adjustment and division of all services, assets, 25320
property, debts, and obligations, if any, of the joint-county 25321
district to the board of alcohol, drug addiction, and mental 25322
health services, to the boards of county commissioners of each 25323
county in the district, and to the directors. No county 25324
participating in a joint-county service district may withdraw from 25325
the district without the consent of the ~~directors~~ director of 25326
~~mental health and alcohol and drug addiction services~~ mental 25327
health and addiction services nor earlier than one year after the 25328
submission of such resolution unless all of the participating 25329
counties agree to an earlier withdrawal. Any county withdrawing 25330
from a joint-county district shall continue to have levied against 25331
its tax list and duplicate any tax levied by the district during 25332
the period in which the county was a member of the district until 25333
such time as the levy expires or is renewed or replaced. 25334

Sec. 340.011. (A) This chapter shall be interpreted to 25335
accomplish all of the following: 25336

(1) Establish a unified system of treatment for mentally ill 25337
persons and persons with addictions; 25338

(2) Establish a community support system available for every 25339
alcohol, drug addiction, and mental health service district; 25340

(3) Protect the personal liberty of mentally ill persons so 25341

that they may be treated in the least restrictive environment; 25342

(4) Encourage the development of high quality, cost 25343
effective, and comprehensive services, including culturally 25344
sensitive services; 25345

(5) Foster the development of comprehensive community mental 25346
health services, based on recognized local needs, especially for 25347
severely mentally disabled children, adolescents, and adults; 25348

(6) Ensure that services provided meet minimum standards 25349
established by the director of ~~mental health or the department of~~ 25350
~~alcohol and drug addiction services~~ mental health and addiction 25351
services; 25352

(7) Promote the delivery of high quality and cost-effective 25353
~~alcohol and drug~~ addiction and mental health services; 25354

(8) Promote the participation of ~~consumers of~~ persons 25355
receiving mental health services and ~~alcohol and drug~~ addiction 25356
services in the planning, delivery, and evaluation of these 25357
services. 25358

(B) Nothing in Chapter 340., ~~3793.~~ 5119., or 5122. of the 25359
Revised Code shall be construed as requiring a board of county 25360
commissioners to provide resources beyond the total amount set 25361
forth in a ~~community~~ budget and statement of services to be 25362
provided by the alcohol, drug addiction, and mental health ~~plan~~ 25363
services board, as developed and submitted under section ~~340.03~~ 25364
340.08 of the Revised Code, ~~to provide the services listed in~~ 25365
~~section 340.09 of the Revised Code, and nothing in those chapters~~ 25366
~~shall be construed as requiring a board of county commissioners to~~ 25367
~~provide resources beyond the total amount set forth in a plan for~~ 25368
~~alcohol and drug addiction services, prepared and submitted in~~ 25369
~~accordance with sections 340.033 and 3793.05 of the Revised Code,~~ 25370
~~to provide alcohol and drug addiction services.~~ 25371

~~Sec. 340.02. As used in this section, "mental health professional" means a person who is qualified to work with mentally ill persons, pursuant to standards established by the director of mental health under section 5119.611 of the Revised Code.~~

(A) For each alcohol, drug addiction, and mental health service district, there shall be appointed a board of alcohol, drug addiction, and mental health services consisting of eighteen members or fourteen members. Should the board of alcohol, drug addiction, and mental health services elect to remain at eighteen members, as provided under section 340.02 of the Revised Code as it existed immediately prior to the date of this amendment, the board of alcohol, drug addiction, and mental health services and the board of county commissioners shall not be required to take any action. Should the board of alcohol, drug addiction, and mental health services elect a recommendation to become a fourteen-member board, that recommendation must be approved by the board of county commissioners of the county in which the alcohol, drug addiction, and mental health district is located in order for the transition to a fourteen-member board to occur. Not later than September 30, 2013, each board of alcohol, drug addiction, and mental health services wishing to become a fourteen-member board shall notify the board of county commissioners of that recommendation. Failure of the board of county commissioners to take action within thirty days after receipt of the recommendation shall be deemed agreement by the board of county commissioners to transition to a fourteen-member board of alcohol, drug addiction, and mental health services. Should the board of county commissioners reject the recommendation, the board of county commissioners shall adopt a resolution stating that rejection within thirty days after receipt of the recommendation. Upon adoption of the resolution, the board of county commissioners

shall meet with the board of alcohol, drug addiction, and mental health services to discuss the matter. After the meeting, the board of county commissioners shall notify the department of mental health and addiction services of its election not later than January 1, 2014. In a joint-county district, a majority of the boards of county commissioners must not reject the recommendation of a joint-county board to become a fourteen-member board in order for the transition to a fourteen-member board to occur. Should the joint-county district have an even number of counties, and the boards of county commissioners of these counties tie in terms of whether or not to accept the recommendation of the alcohol, drug addiction, and mental health services board, the recommendation of the alcohol, drug addiction, and mental health service board to become a fourteen-member board shall prevail. The election shall be final. Failure to provide notice of its election to the department on or before January 1, 2014, shall constitute an election to continue to operate as an eighteen-member board. If an existing board provides timely notice of its election to transition to operate as a fourteen-member board, the number of board members may decline from eighteen to fourteen by attrition as current members' terms expire. However, the composition of the board must reflect the requirements set forth in this section for fourteen-member boards. ~~Nine~~ For all boards, half of the members shall be interested in mental health ~~programs and facilities services~~ and ~~nine other~~ half of the members shall be interested in alcohol ~~or~~, drug, or gambling addiction ~~programs~~ services. All members shall be residents of the service district. The membership shall, as nearly as possible, reflect the composition of the population of the service district as to race and sex.

The (B) For boards operating as eighteen-member boards, the director of ~~mental health~~ mental health and addiction services shall appoint ~~four~~ eight members of the board, ~~the director of alcohol and drug addiction services shall appoint four members,~~

and the board of county commissioners shall appoint ten members. 25437
For boards operating as fourteen-member boards, the director of 25438
mental health and addiction services shall appoint six members of 25439
the board and the board of county commissioners shall appoint 25440
eight members. In a joint-county district, the county 25441
commissioners of each participating county shall appoint members 25442
in as nearly as possible the same proportion as that county's 25443
population bears to the total population of the district, except 25444
that at least one member shall be appointed from each 25445
participating county. 25446

(C) ~~The director of mental health~~ mental health and addiction 25447
services shall ensure that at least one member of the board is a 25448
~~psychiatrist and one member of the board is a mental health~~ 25449
~~professional. If the appointment of a psychiatrist is not~~ 25450
~~possible, as determined under rules adopted by the director, a~~ 25451
~~licensed physician may be appointed in place of the psychiatrist.~~ 25452
~~If the appointment of a licensed physician is not possible, the~~ 25453
~~director of mental health may waive the requirement that the~~ 25454
~~psychiatrist or licensed physician be a resident of the service~~ 25455
~~district and appoint a psychiatrist or licensed physician from a~~ 25456
~~contiguous county. The director of mental health shall ensure that~~ 25457
clinician with experience in the delivery of mental health 25458
services, at least one member of the board is a person who has 25459
received or is receiving mental health services paid for by public 25460
funds ~~and,~~ at least one member of the board is a parent or other 25461
relative of such a person. 25462

~~The director of alcohol and drug addiction services shall~~ 25463
~~ensure that at least one member of the board is a professional in~~ 25464
~~the field of alcohol or drug addiction services and one member of~~ 25465
~~the board is an advocate for persons receiving treatment for~~ 25466
~~alcohol or drug addiction. Of the members appointed by the~~ 25467
~~director of alcohol and drug addiction services, at least one~~ 25468

member of the board is a clinician with experience in the delivery 25469
of addiction services, at least one shall be member of the board 25470
is a person who has received or is receiving ~~services for alcohol~~ 25471
~~or drug~~ addiction services paid for by public funds, and at least 25472
one shall be member of the board is a parent or other relative of 25473
such a person. A single member who meets both qualifications may 25474
fulfill the requirement for a clinician with experience in the 25475
delivery of mental health services and a clinician with experience 25476
in the delivery of addiction services. 25477

(D) No member or employee of a board of alcohol, drug 25478
addiction, and mental health services shall serve as a member of 25479
the board of any agency provider with which the board of alcohol, 25480
drug addiction, and mental health services has entered into a 25481
contract for the provision of services or facilities. No member of 25482
a board of alcohol, drug addiction, and mental health services 25483
shall be an employee of any agency provider with which the board 25484
has entered into a contract for the provision of services or 25485
facilities, ~~unless the board member's employment duties with the~~ 25486
~~agency consist of providing, only outside the district the board~~ 25487
~~serves, services for which the medicaid program pays.~~ No person 25488
shall be an employee of a board and such ~~an agency a provider~~ 25489
unless the board and agency provider both agree in writing. 25490

(E) No person shall serve as a member of the board of 25491
alcohol, drug addiction, and mental health services whose spouse, 25492
child, parent, brother, sister, grandchild, stepparent, stepchild, 25493
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 25494
daughter-in-law, brother-in-law, or sister-in-law serves as a 25495
member of the board of any agency provider with which the board of 25496
alcohol, drug addiction, and mental health services has entered 25497
into a contract for the provision of services or facilities. No 25498
person shall serve as a member or employee of the board whose 25499
spouse, child, parent, brother, sister, stepparent, stepchild, 25500

stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 25501
daughter-in-law, brother-in-law, or sister-in-law serves as a 25502
county commissioner of a county or counties in the alcohol, drug 25503
addiction, and mental health service district. 25504

(F) Each year each board member shall attend at least one 25505
inservice training session provided or approved by the department 25506
of ~~mental health or the department of alcohol and drug addiction~~ 25507
~~services~~ mental health and addiction services. Such training 25508
~~sessions shall not be considered to be regularly scheduled~~ 25509
~~meetings of the board.~~ 25510

~~Each~~ (G) For boards operating as eighteen-member boards, each 25511
member shall be appointed for a term of four years, commencing the 25512
first day of July, except that one-third of initial appointments 25513
to a newly established board, and to the extent possible to 25514
expanded boards, shall be for terms of two years, one-third of 25515
initial appointments shall be for terms of three years, and 25516
one-third of initial appointments shall be for terms of four 25517
years. For boards operating as fourteen-member boards, each member 25518
shall be appointed for a term of four years, commencing the first 25519
day of July, except that four of the initial appointments to a 25520
newly established board, and to the extent possible to expanded 25521
boards, shall be for terms of two years, five initial appointments 25522
shall be for terms of three years, and five initial appointments 25523
shall be for terms of four years. No member shall serve more than 25524
two consecutive four-year terms under the same appointing 25525
authority. A member may serve for three consecutive terms under 25526
the same appointing authority only if one of the terms is for less 25527
than two years. A member who has served two consecutive four-year 25528
terms or three consecutive terms totaling less than ten years is 25529
eligible for reappointment by the same appointing authority one 25530
year following the end of the second or third term, respectively. 25531

When a vacancy occurs, appointment for the expired or 25532

unexpired term shall be made in the same manner as an original 25533
appointment. The appointing authority shall be notified by 25534
certified mail of any vacancy and shall fill the vacancy within 25535
sixty days following that notice. 25536

Any member of the board may be removed from office by the 25537
appointing authority for neglect of duty, misconduct, or 25538
malfeasance in office, and shall be removed by the appointing 25539
authority if the member is barred by this section from serving as 25540
a board member. The member shall be informed in writing of the 25541
charges and afforded an opportunity for a hearing. Upon the 25542
absence of a member within one year from either four board 25543
meetings or from two board meetings without prior notice, the 25544
board shall notify the appointing authority, which may vacate the 25545
appointment and appoint another person to complete the member's 25546
term. 25547

Members of the board shall serve without compensation, but 25548
shall be reimbursed for actual and necessary expenses incurred in 25549
the performance of their official duties, as defined by rules of 25550
the ~~departments~~ department of ~~mental health and alcohol and drug~~ 25551
~~addiction services~~ mental health and addiction services. 25552

Sec. 340.021. (A) In an alcohol, drug addiction, and mental 25553
health service district ~~comprised of a county with a population of~~ 25554
~~two hundred fifty thousand or more on October 10, 1989, the board~~ 25555
~~of county commissioners shall, within thirty days of October 10,~~ 25556
~~1989, establish an alcohol and drug addiction services board as~~ 25557
~~the entity responsible for providing alcohol and drug addiction~~ 25558
~~services in the county, unless, prior to that date, the board~~ 25559
~~adopts a resolution providing that the entity responsible for~~ 25560
~~providing the services is a board of alcohol, drug addiction, and~~ 25561
~~mental health services. If where the board of county commissioners~~ 25562
~~establishes has established an alcohol and drug addiction services~~ 25563

board, the community mental health board established under former 25564
section 340.02 of the Revised Code shall serve as the entity 25565
responsible for providing mental health services in the county. A 25566
community mental health board has all the powers, duties, and 25567
obligations of a board of alcohol, drug addiction, and mental 25568
health services with regard to mental health services. An alcohol 25569
and drug addiction services board has all the powers, duties, and 25570
obligations of a board of alcohol, drug addiction, and mental 25571
health services with regard to ~~alcohol and drug~~ addiction 25572
services. Any provision of the Revised Code that refers to a board 25573
of alcohol, drug addiction, and mental health services with regard 25574
to mental health services also refers to a community mental health 25575
board and any provision that refers to a board of alcohol, drug 25576
addiction, and mental health services with regard to alcohol and 25577
drug addiction services also refers to an alcohol and drug 25578
addiction services board. 25579

An alcohol and drug addiction services board shall consist of 25580
eighteen members or fourteen members, six of whom at the election 25581
of the board. Not later than January 1, 2014, each alcohol and 25582
drug addiction services board shall notify the department of 25583
mental health and addiction services of its election to operate as 25584
an eighteen-member board or to operate as a fourteen-member board. 25585
The election shall be final. Failure to provide notice of its 25586
election to the department on or before January 1, 2014, shall 25587
constitute an election to continue to operate as an 25588
eighteen-member board. If an existing board provides timely notice 25589
of its election to operate as a fourteen-member board, the number 25590
of board members may decline from eighteen to fourteen by 25591
attrition as current members' terms expire. However, the 25592
composition of the board must reflect the requirements set forth 25593
in this section and in applicable provisions of section 340.02 of 25594
the Revised Code for fourteen-member boards. For boards operating 25595
as eighteen-member boards, six members shall be appointed by the 25596

director of ~~alcohol and drug addiction services~~ mental health and 25597
addiction services and twelve ~~of whom~~ members shall be appointed 25598
by the board of county commissioners. ~~Of the members appointed by~~ 25599
~~the~~ The director, one shall be of mental health and addiction 25600
services shall ensure that at least one member of the board is a 25601
person who has received or is receiving services for alcohol ~~or,~~ 25602
drug, or gambling addiction, at least one shall be member is a 25603
parent or relative of such a person, and at least one shall be 25604
member is a professional in the field of alcohol or drug clinician 25605
with experience in the delivery of addiction services, ~~and one~~ 25606
~~shall be an advocate for persons receiving treatment for alcohol~~ 25607
~~or drug addiction.~~ The membership of the board shall, as nearly as 25608
possible, reflect the composition of the population of the service 25609
district as to race and sex. Members shall be residents of the 25610
service district and shall be interested in alcohol ~~and,~~ drug, or 25611
gambling addiction services. Requirements for membership, 25612
including prohibitions against certain family and business 25613
relationships, and terms of office shall be the same as those for 25614
members of boards of alcohol, drug addiction, and mental health 25615
services. 25616

A community mental health board shall consist of eighteen 25617
members or fourteen members, at the election of the board. Not 25618
later than January 1, 2014, each community mental health board 25619
shall notify the department of mental health and addiction 25620
services of its election to operate as an eighteen-member board or 25621
to operate as a fourteen-member board. The election shall be 25622
final. Failure to provide notice of its election to the department 25623
on or before January 1, 2014, shall constitute an election to 25624
continue to operate as an eighteen-member board. If an existing 25625
board provides timely notice of its election to operate as a 25626
fourteen-member board, the number of board members may decline 25627
from eighteen to fourteen by attrition as current members' terms 25628
expire. However, the composition of the board must reflect the 25629

requirements set forth in this section and in applicable 25630
provisions of section 340.02 of the Revised Code for 25631
fourteen-member boards. For boards operating as eighteen-member 25632
boards, six of whom members shall be appointed by the director of 25633
mental health mental health and addiction services and twelve of 25634
whom members shall be appointed by the board of county 25635
commissioners. Of the members appointed by the The director, one 25636
shall be of mental health and addiction services shall ensure that 25637
at least one member of the board is a person who has received or 25638
is receiving mental health services, at least one shall be member 25639
is a parent or relative of such a person, and at least one shall 25640
be member is a psychiatrist or a physician, and one shall be a 25641
clinician with experience in the delivery of mental health 25642
professional services. The membership of the board as nearly as 25643
possible shall reflect the composition of the population of the 25644
service district as to race and sex. Members shall be residents of 25645
the service district and shall be interested in mental health 25646
services. Requirements for membership, including prohibitions 25647
against certain family and business relationships, and terms of 25648
office shall be the same as those for members of boards of 25649
alcohol, drug addiction, and mental health services. 25650

~~(B) If a board of county commissioners subject to division~~ 25651
~~(A) of this section did not adopt a resolution providing for a~~ 25652
~~board of alcohol, drug addiction, and mental health services, the~~ 25653
~~board of county commissioners may establish such a board in~~ 25654
~~accordance with the following procedures:~~ 25655

~~(1) Not later than January 1, 2007, the board of county~~ 25656
~~commissioners shall adopt a resolution expressing its intent to~~ 25657
~~establish a board of alcohol, drug addiction, and mental health~~ 25658
~~services.~~ 25659

~~(2) After adopting a resolution under division (B)(1) of this~~ 25660
~~section, the board of county commissioners shall instruct the~~ 25661

~~county's community mental health board and alcohol and drug
addiction services board to prepare a report on the feasibility,
process, and proposed plan to establish a board of alcohol, drug
addiction, and mental health services. The board of county
commissioners shall specify the date by which the report must be
submitted to the board for its review.~~

~~(3) After reviewing the report prepared under division (B)(2)
of this section, the board may adopt a final resolution
establishing a board of alcohol, drug addiction, and mental health
services. A final resolution establishing such a board shall be
adopted not later than July 1, 2007.~~

~~(C)(1) If a board of county commissioners subject to division
(A) of this section did not adopt a final resolution providing for
a board of alcohol, drug addiction, and mental health services ~~and
did not establish such a board under division (B) of this section
on or before July 1, 2007~~, the board of county commissioners may
establish a board of alcohol, drug addiction, and mental health
services on or after the effective date of this amendment. To
establish the board, the board of county commissioners shall adopt
a resolution providing for the board's establishment. The
composition of the board, the procedures for appointing members,
and all other matters related to the board and its members are
subject to section 340.02 of the Revised Code, with the following
exceptions:~~

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

~~(b) To the greatest extent possible, the appointing~~

authorities shall appoint the initial members from among the 25694
members jointly recommended under division ~~(C)~~(B)(1)(a) of this 25695
section. 25696

(2) If a board of alcohol, drug addiction, and mental health 25697
services is established pursuant to division ~~(C)~~(B)(1) of this 25698
section, the board has the same rights, privileges, immunities, 25699
powers, and duties that were possessed by the county's community 25700
mental health board and alcohol and drug addiction services board. 25701
When the board is established, all property and obligations of the 25702
community mental health board and alcohol and drug addiction 25703
services board shall be transferred to the board of alcohol, drug 25704
addiction, and mental health services. 25705

Sec. 340.03. (A) Subject to rules issued by the director of 25706
~~mental health~~ mental health and addiction services after 25707
consultation with relevant constituencies as required by division 25708
~~(L)~~(A)(10) of section ~~5119.06~~ 5119.21 of the Revised Code, with 25709
~~regard to mental health services,~~ the board of alcohol, drug 25710
addiction, and mental health services shall: 25711

(1) Serve as the community addiction and mental health 25712
services planning agency for the county or counties under its 25713
jurisdiction, and in so doing it shall: 25714

(a) Evaluate the need for facilities and community addiction 25715
and mental health services; 25716

(b) In cooperation with other local and regional planning and 25717
funding bodies and with relevant ethnic organizations, assess the 25718
community addiction and mental health needs, evaluate strengths 25719
and challenges, and set priorities, ~~and develop plans for the~~ 25720
~~operation of facilities and~~ community addiction and mental health 25721
services, including treatment and prevention. When the board sets 25722
priorities for the operation of addiction services, the board 25723
shall consult with the county commissioners of the counties in the 25724

board's service district regarding the services described in 25725
section 340.15 of the Revised Code and shall give priority to 25726
those services, except that those services shall not have a 25727
priority over services provided to pregnant women under programs 25728
developed in relation to the mandate established in section 25729
5119.17 of the Revised Code; 25730

(c) In accordance with guidelines issued by the director of 25731
~~mental health~~ mental health and addiction services after 25732
consultation with board representatives, annually develop and 25733
submit to the department of ~~mental health~~ mental health and 25734
addiction services a community addiction and mental health 25735
services plan listing community addiction and mental health 25736
services needs, including the needs of all residents of the 25737
district ~~now residing in state mental institutions and severely~~ 25738
~~mentally disabled adults, children, and adolescents;~~ currently 25739
receiving inpatient services in state-operated hospitals, the 25740
needs of other populations as required by state or federal law or 25741
programs, the needs of all children subject to a determination 25742
made pursuant to section 121.38 of the Revised Code~~;~~ and ~~all the~~ 25743
priorities for facilities and community addiction and mental 25744
health services ~~that are or will be in operation or provided~~ 25745
during the period for which the plan will be in ~~operation in the~~ 25746
~~service district to meet such needs~~ effect. 25747

In alcohol, drug addiction, and mental health service 25748
districts that have separate alcohol and drug addiction services 25749
and community mental health boards, the alcohol and drug addiction 25750
services board shall submit a community addiction services plan 25751
and the community mental health board shall submit a community 25752
mental health services plan. Each board shall consult with its 25753
counterpart in developing its plan and address the interaction 25754
between the local addiction services and mental health services 25755
systems and populations with regard to needs and priorities in 25756

developing its plan. 25757

~~The plan shall include, but not be limited to, a statement of~~ 25758
~~which of the services listed in section 340.09 of the Revised Code~~ 25759
~~the board intends to make available. The board must include crisis~~ 25760
~~intervention services for individuals in an emergency situation in~~ 25761
~~the plan and explain how the board intends to make such services~~ 25762
~~available. The plan must also include a statement of the inpatient~~ 25763
~~and community based services the board proposes that the~~ 25764
~~department operate, an assessment of the number and types of~~ 25765
~~residential facilities needed, such other information as the~~ 25766
~~department requests, and a budget for moneys the board expects to~~ 25767
~~receive. The department shall approve or disapprove the plan, in~~ 25768
~~whole or in part, according to the criteria developed pursuant to~~ 25769
~~section 5119.61 5119.22 of the Revised Code. The department's~~ 25770
~~statement of approval or disapproval shall specify the inpatient~~ 25771
~~and the community based services that the department will operate~~ 25772
~~for the board. Eligibility for state and federal funding shall be~~ 25773
~~contingent upon an approved plan or relevant part of a plan.~~ 25774

If a board determines that it is necessary to amend a plan ~~or~~ 25775
~~an allocation request~~ that has been approved under this division 25776
~~(A)(1)(c) of this section~~, the board shall submit a proposed 25777
amendment to the director. The director may approve or disapprove 25778
all or part of the amendment. The director shall inform the board 25779
of the reasons for disapproval of all or part of an amendment and 25780
of the criteria that must be met before the amendment may be 25781
approved. The director shall provide the board an opportunity to 25782
present its case on behalf of the amendment. The director shall 25783
give the board a reasonable time in which to meet the criteria, 25784
and shall offer the board technical assistance to help it meet the 25785
criteria. 25786

The board shall ~~implement~~ operate in accordance with the plan 25787
approved by the department. 25788

(d) Promote, arrange, and implement working agreements with 25789
social agencies, both public and private, and with judicial 25790
agencies. 25791

(2) Investigate, or request another agency to investigate, 25792
any complaint alleging abuse or neglect of any person receiving 25793
services from a community addiction or mental health ~~agency as~~ 25794
~~defined in section 5122.01 of the Revised Code~~ services provider 25795
certified under section 5119.36 of the Revised Code or alleging 25796
abuse or neglect of a ~~person~~ resident receiving addiction services 25797
or with mental illness or severe mental disability residing in a 25798
residential facility licensed under section ~~5119.22~~ 5119.34 of the 25799
Revised Code. If the investigation substantiates the charge of 25800
abuse or neglect, the board shall take whatever action it 25801
determines is necessary to correct the situation, including 25802
notification of the appropriate authorities. Upon request, the 25803
board shall provide information about such investigations to the 25804
department. 25805

(3) For the purpose of section ~~5119.61~~ 5119.36 of the 25806
Revised Code, cooperate with the director of ~~mental health~~ mental 25807
health and addiction services in visiting and evaluating whether 25808
the services of a community addiction or mental health ~~agency~~ 25809
services provider satisfy the certification standards established 25810
by rules adopted under that section; 25811

(4) In accordance with criteria established under division 25812
(E) of section ~~5119.61~~ 5119.22 of the Revised Code, conduct 25813
program audits that review and evaluate the quality, 25814
effectiveness, and efficiency of services provided through its 25815
community addiction and mental health ~~plan~~ contracted services and 25816
submit its findings and recommendations to the department of 25817
~~mental health~~ mental health and addiction services; 25818

(5) In accordance with section ~~5119.22~~ 5119.34 of the Revised 25819
Code, review an application for a residential facility license and 25820

provide to the department of ~~mental health~~ mental health and 25821
addiction services any information about the applicant or facility 25822
that the board would like the department to consider in reviewing 25823
the application; 25824

(6) ~~Audit, in accordance with rules adopted by the auditor of~~ 25825
~~state pursuant to section 117.20 of the Revised Code, at least~~ 25826
~~annually all programs and services provided under contract with~~ 25827
~~the board. In so doing, the board may contract for or employ the~~ 25828
~~services of private auditors. A~~ Obtain a copy of the fiscal audit 25829
report of all provider organizations under contract with the 25830
board. The fiscal audit report shall be provided to the director 25831
of ~~mental health~~ mental health and addiction services, the auditor 25832
of state, and the county auditor of each county in the board's 25833
district. Nothing in division (A)(6) of this section shall be 25834
interpreted as prohibiting or requiring the inclusion of 25835
provisions requiring performance audits or periodic fiscal reports 25836
in contracts negotiated between the board and services providers. 25837
However, any provision in such a contract requiring a performance 25838
audit or periodic fiscal report shall relate only to programs and 25839
services paid for by the board in question with local funds. 25840

(7) Recruit and promote local financial support for addiction 25841
and mental health ~~programs~~ services from private and public 25842
sources; 25843

(8)(a) Enter into contracts with public and private 25844
facilities for the operation of facility services ~~included in the~~ 25845
~~board's community mental health plan~~ and enter into contracts with 25846
public and private community addiction and mental health ~~agencies~~ 25847
service providers for the provision of community addiction and 25848
mental health services ~~that are listed in section 340.09 of the~~ 25849
~~Revised Code and included in the board's community mental health~~ 25850
~~plan.~~ The board may not contract with a residential facility 25851
subject to section 5119.34 of the Revised Code unless the facility 25852

is licensed by the director of mental health and addiction 25853
services and may not contract with a community addiction or mental 25854
health agency services provider to provide community addiction or 25855
mental health services ~~included in the board's community mental~~ 25856
~~health plan~~ unless the services are certified by the director of 25857
~~mental health~~ mental health and addiction services under section 25858
~~5119.611~~ 5119.36 of the Revised Code. Section 307.86 of the 25859
Revised Code does not apply to contracts entered into under this 25860
division. In contracting with a community addiction or mental 25861
health ~~agency~~ services provider, a board shall consider the cost 25862
effectiveness of services provided by that ~~agency~~ provider and the 25863
quality and continuity of care, and may review cost elements, 25864
including salary costs, of the services to be provided. A 25865
utilization review process ~~shall~~ may be established as part of the 25866
contract for services entered into between a board and a community 25867
addiction or mental health ~~agency~~ services provider. The board may 25868
establish this process in a way that is most effective and 25869
efficient in meeting local needs. ~~Until July 1, 2012, a contract~~ 25870
~~with a community mental health agency or facility, as defined in~~ 25871
~~section 5111.023 of the Revised Code, to provide services listed~~ 25872
~~in division (B) of that section shall provide for the agency or~~ 25873
~~facility to be paid in accordance with the contract entered into~~ 25874
~~between the departments of job and family services and mental~~ 25875
~~health under section 5111.91 of the Revised Code and any rules~~ 25876
~~adopted under division (A) of section 5119.61 of the Revised Code.~~ 25877

If either the board or a facility or community addiction or 25878
mental health ~~agency~~ services provider with which the board 25879
contracts under this division ~~(A)(8)(a) of this section~~ proposes 25880
not to renew the contract or proposes substantial changes in 25881
contract terms, the other party shall be given written notice at 25882
least one hundred twenty days before the expiration date of the 25883
contract. During the first sixty days of this one hundred 25884
twenty-day period, both parties shall attempt to resolve any 25885

dispute through good faith collaboration and negotiation in order 25886
to continue to provide services to persons in need. If the dispute 25887
has not been resolved sixty days before the expiration date of the 25888
contract, either party may notify the department of ~~mental health~~ 25889
mental health and addiction services of the unresolved dispute. 25890
The director may require both parties to submit the dispute to a 25891
third party with the cost to be shared by the board and the 25892
facility or ~~community mental health agency~~ provider. The third 25893
party shall issue to the board, the facility or ~~agency~~ provider, 25894
and the department recommendations on how the dispute may be 25895
resolved twenty days prior to the expiration date of the contract, 25896
unless both parties agree to a time extension. The director shall 25897
adopt rules establishing the procedures of this dispute resolution 25898
process. 25899

(b) With the prior approval of the director of ~~mental health~~ 25900
mental health and addiction services, a board may operate a 25901
facility or provide a community addiction or mental health service 25902
as follows, if there is no other qualified private or public 25903
facility or community addiction or mental health ~~agency~~ services 25904
provider that is immediately available and willing to operate such 25905
a facility or provide the service: 25906

(i) In an emergency situation, any board may operate a 25907
facility or provide a community addiction or mental health service 25908
in order to provide essential services for the duration of the 25909
emergency; 25910

(ii) In a service district with a population of at least one 25911
hundred thousand but less than five hundred thousand, a board may 25912
operate a facility or provide a community addiction or mental 25913
health service for no longer than one year; 25914

(iii) In a service district with a population of less than 25915
one hundred thousand, a board may operate a facility or provide a 25916
community addiction or mental health service for no longer than 25917

one year, except that such a board may operate a facility or 25918
provide a community addiction or mental health service for more 25919
than one year with the prior approval of the director and the 25920
prior approval of the board of county commissioners, or of a 25921
majority of the boards of county commissioners if the district is 25922
a joint-county district. 25923

The director shall not give a board approval to operate a 25924
facility or provide a community addiction or mental health service 25925
under division (A)(8)(b)(ii) or (iii) of this section unless the 25926
director determines that it is not feasible to have the department 25927
operate the facility or provide the service. 25928

The director shall not give a board approval to operate a 25929
facility or provide a community addiction or mental health service 25930
under division (A)(8)(b)(iii) of this section unless the director 25931
determines that the board will provide greater administrative 25932
efficiency and more or better services than would be available if 25933
the board contracted with a private or public facility or 25934
community addiction or mental health ~~agency~~ services provider. 25935

The director shall not give a board approval to operate a 25936
facility previously operated by a person or other government 25937
entity unless the board has established to the director's 25938
satisfaction that the person or other government entity cannot 25939
effectively operate the facility or that the person or other 25940
government entity has requested the board to take over operation 25941
of the facility. The director shall not give a board approval to 25942
provide a community addiction or mental health service previously 25943
provided by a community addiction or mental health ~~agency~~ services 25944
provider unless the board has established to the director's 25945
satisfaction that the ~~agency~~ provider cannot effectively provide 25946
the service or that the ~~agency~~ provider has requested the board 25947
take over providing the service. 25948

The director shall review and evaluate a board's operation of 25949

a facility and provision of community addiction or mental health 25950
service under division (A)(8)(b) of this section. 25951

Nothing in division (A)(8)(b) of this section authorizes a 25952
board to administer or direct the daily operation of any facility 25953
or community addiction or mental health ~~agency~~ services provider, 25954
but a facility or ~~agency~~ provider may contract with a board to 25955
receive administrative services or staff direction from the board 25956
under the direction of the governing body of the facility or 25957
agency provider. 25958

(9) Approve fee schedules and related charges or adopt a unit 25959
cost schedule or other methods of payment for contract services 25960
provided by community addiction or mental health ~~agencies~~ services 25961
providers in accordance with guidelines issued by the department 25962
as necessary to comply with state and federal laws pertaining to 25963
financial assistance; 25964

(10) Submit to the director and the county commissioners of 25965
the county or counties served by the board, and make available to 25966
the public, an annual report of the ~~programs~~ services under the 25967
jurisdiction of the board, including a fiscal accounting; 25968

(11) Establish, to the extent resources are available, a 25969
~~community support system~~ continuum of care, which provides for 25970
prevention, treatment, support, and rehabilitation services and 25971
opportunities. The essential elements of the ~~system~~ continuum 25972
include, but are not limited to, the following components in 25973
accordance with section ~~5119.06~~ 5119.21 of the Revised Code: 25974

(a) To locate persons in need of addiction or mental health 25975
services to inform them of available services and benefits 25976
~~mechanisms~~; 25977

(b) Assistance for ~~clients~~ persons receiving services to 25978
obtain services necessary to meet basic human needs for food, 25979
clothing, shelter, medical care, personal safety, and income; 25980

(c) Mental <u>Addiction and mental health care services</u> ,	25981
including, but not limited to, outpatient, <u>residential</u> , partial	25982
hospitalization, and, where appropriate, inpatient care;	25983
(d) Emergency services and crisis intervention;	25984
(e) Assistance for clients <u>persons receiving services</u> to	25985
obtain vocational services and opportunities for jobs;	25986
(f) The provision of services designed to develop social,	25987
community, and personal living skills;	25988
(g) Access to a wide range of housing and the provision of	25989
residential treatment and support;	25990
(h) Support, assistance, consultation, and education for	25991
families, friends, consumers of <u>persons receiving addiction or</u>	25992
mental health services, and others;	25993
(i) Recognition and encouragement of families, friends,	25994
neighborhood networks, especially networks that include racial and	25995
ethnic minorities, churches, community organizations, and	25996
meaningful <u>community</u> employment as natural supports for consumers	25997
of <u>persons receiving addiction or</u> mental health services;	25998
(j) Grievance procedures and protection of the rights of	25999
consumers of <u>persons receiving addiction or</u> mental health	26000
services;	26001
(k) Case management <u>Community psychiatric supportive</u>	26002
<u>treatment services</u> , which includes continual individualized	26003
assistance and advocacy to ensure that needed services are offered	26004
and procured.	26005
(12) <u>Establish a method for evaluating referrals for</u>	26006
<u>involuntary commitment and affidavits filed pursuant to section</u>	26007
<u>5122.11 of the Revised Code in order to assist the probate</u>	26008
<u>division of the court of common pleas in determining whether there</u>	26009
<u>is probable cause that a respondent is subject to involuntary</u>	26010

hospitalization and what alternative treatment is available and 26011
appropriate, if any; 26012

(13) Designate the treatment ~~program~~ services, agency 26013
provider, or facility, or other placement for each person 26014
involuntarily committed to the board pursuant to Chapter 5122. of 26015
the Revised Code ~~and authorize payment for such treatment.~~ The 26016
board shall provide the least restrictive and most appropriate 26017
alternative that is available for any person involuntarily 26018
committed to it and shall assure that the listed services ~~listed~~ 26019
~~in~~ submitted and approved in accordance with division (B) of 26020
section ~~340.09~~ 340.08 of the Revised Code are available to 26021
severely mentally disabled persons residing within its service 26022
district. The board shall establish the procedure for authorizing 26023
payment for services, which may include prior authorization in 26024
appropriate circumstances. The board may provide for services 26025
directly to a severely mentally disabled person when life or 26026
safety is endangered and when no community mental health ~~agency~~ 26027
services provider is available to provide the service. 26028

~~(13) Establish a method for evaluating referrals for~~ 26029
~~involuntary commitment and affidavits filed pursuant to section~~ 26030
~~5122.11 of the Revised Code in order to assist the probate~~ 26031
~~division of the court of common pleas in determining whether there~~ 26032
~~is probable cause that a respondent is subject to involuntary~~ 26033
~~hospitalization and what alternative treatment is available and~~ 26034
~~appropriate, if any;~~ 26035

(14) Ensure that apartments or rooms built, subsidized, 26036
renovated, rented, owned, or leased by the board or a community 26037
addiction or mental health agency services provider have been 26038
approved as meeting minimum fire safety standards and that persons 26039
residing in the rooms or apartments are receiving appropriate and 26040
necessary services, including culturally relevant services, from a 26041
community addiction or mental health agency services provider. 26042

This division does not apply to residential facilities licensed 26043
pursuant to section ~~5119.22~~ 5119.34 of the Revised Code. 26044

(15) Establish a mechanism for obtaining advice and 26045
involvement of ~~consumer recommendation and advice~~ persons 26046
receiving publicly funded addiction or mental health services on 26047
matters pertaining to addiction and mental health services in the 26048
alcohol, drug addiction, and mental health service district; 26049

(16) Perform the duties required by rules adopted under 26050
section ~~5119.61~~ 5119.22 of the Revised Code regarding referrals by 26051
the board or mental health ~~agencies~~ services providers under 26052
contract with the board of individuals with mental illness or 26053
severe mental disability to residential facilities as defined in 26054
division (A)(9)(b)(iii) of section ~~5119.22~~ 5119.34 of the Revised 26055
Code and effective arrangements for ongoing mental health services 26056
for the individuals. The board is accountable in the manner 26057
specified in the rules for ensuring that the ongoing mental health 26058
services are effectively arranged for the individuals. 26059

(B) The board shall establish such rules, operating 26060
procedures, standards, and bylaws, and perform such other duties 26061
as may be necessary or proper to carry out the purposes of this 26062
chapter. 26063

(C) A board of alcohol, drug addiction, and mental health 26064
services may receive by gift, grant, devise, or bequest any 26065
moneys, lands, or property for the benefit of the purposes for 26066
which the board is established, and may hold and apply it 26067
according to the terms of the gift, grant, or bequest. All money 26068
received, including accrued interest, by gift, grant, or bequest 26069
shall be deposited in the treasury of the county, the treasurer of 26070
which is custodian of the alcohol, drug addiction, and mental 26071
health services funds to the credit of the board and shall be 26072
available for use by the board for purposes stated by the donor or 26073
grantor. 26074

(D) No board member or employee of a board of alcohol, drug addiction, and mental health services shall be liable for injury or damages caused by any action or inaction taken within the scope of the board member's official duties or the employee's employment, whether or not such action or inaction is expressly authorized by this section, ~~section 340.033~~, or any other section of the Revised Code, unless such action or inaction constitutes willful or wanton misconduct. Chapter 2744. of the Revised Code applies to any action or inaction by a board member or employee of a board taken within the scope of the board member's official duties or employee's employment. For the purposes of this division, the conduct of a board member or employee shall not be considered willful or wanton misconduct if the board member or employee acted in good faith and in a manner that the board member or employee reasonably believed was in or was not opposed to the best interests of the board and, with respect to any criminal action or proceeding, had no reasonable cause to believe the conduct was unlawful.

(E) The meetings held by any committee established by a board of alcohol, drug addiction, and mental health services shall be considered to be meetings of a public body subject to section 121.22 of the Revised Code.

Sec. 340.031. A board of alcohol, drug addiction, and mental health services may:

(A) Inspect any residential facility licensed under section ~~5119.22~~ 5119.34 of the Revised Code and located in its district, ~~pursuant to a contract with the department of mental health;~~

(B) Acquire, convey, lease, or enter into a contract to purchase, lease, or sell property for community addiction and mental health ~~and alcohol and drug addiction~~ services and related purposes, and enter into loan agreements, including mortgages, for

the acquisition of such property. 26106

Sec. 340.032. The board of alcohol, drug addiction, and 26107
mental health services shall employ a qualified mental health or 26108
~~alcohol or drug~~ addiction services professional with experience in 26109
administration or a professional administrator with experience in 26110
mental health or ~~alcohol or drug~~ addiction services to serve as 26111
executive director of the board and shall prescribe the director's 26112
duties. 26113

The board shall fix the compensation of the executive 26114
director. In addition to such compensation, the director shall be 26115
reimbursed for actual and necessary expenses incurred in the 26116
performance of ~~his~~ the director's official duties. The board, by 26117
majority vote of the full membership, may remove the director for 26118
cause, upon written charges, after an opportunity has been 26119
afforded ~~him~~ the director for a hearing before the board on 26120
request. 26121

The board may delegate to its executive director the 26122
authority to act in its behalf in the performance of its 26123
administrative duties. 26124

As used in this section, "mental health professional" and 26125
"addiction services professional" mean an individual who is 26126
qualified to work with mentally ill persons or persons receiving 26127
addiction services, pursuant to standards established by the 26128
director of mental health and addiction services under Chapter 26129
5119. of the Revised Code. 26130

Sec. 340.04. In addition to such other duties as may be 26131
lawfully imposed, the executive director of a board of alcohol, 26132
drug addiction, and mental health services shall: 26133

(A) Serve as executive officer of the board and subject to 26134
the prior approval of the board for each contract, execute 26135

contracts on its behalf; 26136

(B) Supervise services and facilities provided, operated, 26137
contracted, or supported by the board to the extent of determining 26138
that ~~programs~~ services and facilities are being administered in 26139
conformity with this chapter and rules of the director of ~~mental~~ 26140
~~health and the department of alcohol and drug addiction services~~ 26141
mental health and addiction services; 26142

(C) Provide consultation to ~~agencies, associations, or~~ 26143
~~individuals~~ addiction and mental health services providers 26144
providing services supported by the board; 26145

(D) Recommend to the board the changes necessary to increase 26146
the effectiveness of addiction and mental health services ~~and~~ 26147
~~alcohol and drug addiction services~~ and other matters necessary or 26148
desirable to carry out this chapter; 26149

(E) Employ and remove from office such employees and 26150
consultants in the classified civil service and, subject to the 26151
approval of the board, employ and remove from office such other 26152
employees and consultants as may be necessary for the work of the 26153
board, and fix their compensation and reimbursement within the 26154
limits set by the salary schedule and the budget approved by the 26155
board; 26156

(F) Encourage the development and expansion of preventive, 26157
treatment, rehabilitative, and consultative ~~programs~~ services in 26158
the field of addiction and mental health services with emphasis on 26159
continuity of care; 26160

(G) Prepare for board approval an annual report of the 26161
~~programs~~ services and facilities under the jurisdiction of the 26162
board, including a fiscal accounting of all services; 26163

(H) Conduct such studies as may be necessary and practicable 26164
for the promotion of mental health, promotion of addiction 26165
services, and the prevention of mental illness, emotional 26166

disorders, and addiction ~~to alcohol and drugs;~~ 26167

(I) Authorize the county auditor, or in a joint-county 26168
district the county auditor designated as the auditor for the 26169
district, to issue warrants for the payment of board obligations 26170
approved by the board, provided that all payments from funds 26171
distributed to the board by the department of mental health and 26172
addiction services are in accordance with the ~~comprehensive~~ 26173
~~community mental health plan~~ budget submitted pursuant to section 26174
340.08 of the Revised Code, as approved by the department of 26175
~~mental health, or with the alcohol and drug addiction services~~ 26176
~~plan as approved by the department of alcohol and drug addiction~~ 26177
~~services~~ mental health and addiction services. 26178

Sec. 340.05. A community addiction or mental health ~~agency~~ 26179
services provider that receives a complaint alleging abuse or 26180
neglect of an individual with mental illness or severe mental 26181
disability, or an individual receiving addiction services, who 26182
resides in a residential facility as defined in division (A)(9)(b) 26183
of section ~~5119.22~~ 5119.34 of the Revised Code shall report the 26184
complaint to the board of alcohol, drug addiction, and mental 26185
health services serving the alcohol, drug addiction, and mental 26186
health service district in which the residential facility is 26187
located. A board of alcohol, drug addiction, and mental health 26188
services that receives such a complaint or a report from a 26189
community addiction or mental health ~~agency~~ services provider of 26190
such a complaint shall report the complaint to the director of 26191
~~mental health~~ mental health and addiction services for the purpose 26192
of the director conducting an investigation under section ~~5119.22~~ 26193
5119.34 of the Revised Code. The board may enter the facility with 26194
or without the director and, if the health and safety of a 26195
resident is in immediate danger, take any necessary action to 26196
protect the resident. The board's action shall not violate any 26197
resident's rights specified in rules adopted by the department of 26198

~~mental health~~ mental health and addiction services under section 26199
~~5119.22~~ 5119.34 of the Revised Code. The board shall immediately 26200
report to the director regarding the board's actions under this 26201
section. 26202

Sec. 340.07. The board of county commissioners of any county 26203
participating in an alcohol, drug addiction, and mental health 26204
service district or joint-county district, upon receipt from the 26205
board of alcohol, drug addition, and mental health services of a 26206
resolution so requesting, may appropriate money to such board for 26207
the operation, lease, acquisition, construction, renovation, and 26208
maintenance of addiction or mental health services, ~~programs,~~ 26209
~~providers~~ and facilities ~~for mentally ill and emotionally~~ 26210
~~disturbed persons~~ in accordance with the comprehensive community 26211
addiction and mental health plan or for alcohol and drug addiction 26212
~~programs in accordance with the alcohol and drug addiction~~ 26213
~~services plan~~ services budget approved by the department of mental 26214
health and addiction services pursuant to section 340.08 of the 26215
Revised Code. 26216

Sec. 340.08. In accordance with rules or guidelines issued by 26217
the director of mental health and addiction services, each board 26218
of alcohol, drug addiction, and mental health services shall do 26219
all of the following: 26220

(A) Submit to the department a report of receipts and 26221
expenditures for all federal, state, and local moneys the board 26222
expects to receive; 26223

(1) The report shall identify funds the board and public 26224
children services agencies in the board's service district have 26225
available to fund jointly the services described in section 340.15 26226
of the Revised Code. 26227

(2) The board's proposed budget for expenditures of state and 26228

federal funds distributed to the board by the department shall be 26229
deemed an application for funds, and the department shall approve 26230
or disapprove the budget for these expenditures. The department 26231
shall inform the board of the reasons for disapproval of the 26232
budget for the expenditure of state and federal funds and of the 26233
criteria that must be met before the budget may be approved. The 26234
director shall provide the board an opportunity to present its 26235
case on behalf of the submitted budget. The director shall give 26236
the board a reasonable time in which to meet the criteria and 26237
shall offer the board technical assistance to help it meet the 26238
criteria. 26239

If a board determines that it is necessary to amend a budget 26240
that has been approved under this section, the board shall submit 26241
a proposed amendment to the director. The director may approve or 26242
disapprove all or part of the amendment. The director shall inform 26243
the board of the reasons for disapproval of all or part of the 26244
amendment and of the criteria that must be met before the 26245
amendment may be approved. The director shall provide the board an 26246
opportunity to present its case on behalf of the amendment. The 26247
director shall give the board a reasonable time in which to meet 26248
the criteria and shall offer the board technical assistance to 26249
help it meet the criteria. 26250

(3) The director of mental health and addiction services, in 26251
whole or in part, may withhold funds otherwise to be allocated to 26252
a board of alcohol, drug addiction, and mental health services 26253
under Chapter 5119. of the Revised Code if the board's use of 26254
state and federal funds fails to comply with the approved budget, 26255
as it may be amended with the approval of the department. 26256

(B) Submit to the department a statement identifying the 26257
services described in section 340.09 of the Revised Code the board 26258
intends to make available. The board shall include crisis 26259
intervention services for individuals in emergency situations and 26260

services required pursuant to section 340.15 of the Revised Code, 26261
and the board shall explain the manner in which the board intends 26262
to make such services available. The list of services shall be 26263
compatible with the budget submitted pursuant to division (A) of 26264
this section. The department shall approve or disapprove the 26265
proposed listing of services to be made available. The department 26266
shall inform the board of the reasons for disapproval of the 26267
listing of proposed services and of the criteria that must be met 26268
before listing of proposed services may be approved. The director 26269
shall provide the board an opportunity to present its case on 26270
behalf of the submitted listing of proposed services. The director 26271
shall give the board a reasonable time in which to meet the 26272
criteria and shall offer the board technical assistance to help it 26273
meet the criteria. 26274

(C) Enter into a continuity of care agreement with the state 26275
institution operated by the department of mental health and 26276
addiction services and designated as the institution serving the 26277
district encompassing the board's service district. Subject to 26278
division (B) of section 340.011 of the Revised Code, the 26279
continuity of care agreement shall outline the department's and 26280
the board's responsibilities to plan for and coordinate with each 26281
other to address the needs of board residents who are patients in 26282
the institution, with an emphasis on managing appropriate hospital 26283
bed day use and discharge planning. 26284

(D) In conjunction with the department of mental health and 26285
addiction services, operate a coordinated system for tracking and 26286
monitoring persons found not guilty by reason of insanity and 26287
committed pursuant to section 2945.40 of the Revised Code who have 26288
been granted a conditional release and persons found incompetent 26289
to stand trial and committed pursuant to section 2945.39 of the 26290
Revised Code who have been granted a conditional release. The 26291
system shall do all of the following: 26292

<u>(1) Centralize responsibility for the tracking of those persons;</u>	26293
	26294
<u>(2) Provide for uniformity in monitoring those persons;</u>	26295
<u>(3) Provide a mechanism to allow prompt rehospitalization, reinstitutionalization, or detention when a violation of the conditional release or decompensation occurs.</u>	26296
	26297
	26298
<u>(E) Submit to the department a report summarizing complaints and grievances received by the board concerning the rights of persons seeking or receiving services, investigations of complaints and grievances, and outcomes of the investigations.</u>	26299
	26300
	26301
	26302
<u>(F) Provide to the department information to be submitted to the community addiction and mental health information system or systems established by the department under Chapter 5119. of the Revised Code.</u>	26303
	26304
	26305
	26306
<u>(G) Annually, and upon any change in membership, submit to the department a list of all current members of the board of alcohol, drug addiction, and mental health services, including the appointing authority for each member, and the member's specific qualification for appointment pursuant to section 340.02 or 340.021 of the Revised Code, if applicable.</u>	26307
	26308
	26309
	26310
	26311
	26312
<u>(H) Submit to the department other information as is reasonably required for purposes of the department's operations, service evaluation, reporting activities, research, system administration, and oversight.</u>	26313
	26314
	26315
	26316
Sec. 340.09. (A) <u>The department of mental health mental health and addiction services shall provide assistance to any county for the operation of boards of alcohol, drug addiction, and mental health services and, the provision of the following services approved by the department within the continuum of care, the provision of approved support functions, and the partnership</u>	26317
	26318
	26319
	26320
	26321
	26322

<u>in, or support for, approved continuum of care-related activities</u>	26323
from funds appropriated for that purpose by the general assembly+.	26324
(A) Outpatient;	26325
(B) <u>Categories in the continuum of care may include all of</u>	26326
<u>the following:</u>	26327
<u>(1) Inpatient;</u>	26328
(C) Partial hospitalization <u>(2) Residential;</u>	26329
(D) Rehabilitation <u>(3) Outpatient treatment;</u>	26330
(E) <u>(4) Intensive and other supports;</u>	26331
<u>(5) Recovery support;</u>	26332
<u>(6) Prevention and wellness management.</u>	26333
<u>(C) Support functions may include all of the following:</u>	26334
<u>(1) Consultation;</u>	26335
(F) Mental health education and other preventive services;	26336
(G) Emergency;	26337
(H) Crisis intervention;	26338
(I) <u>(2) Research;</u>	26339
(J) <u>(3) Administrative;</u>	26340
(K) <u>(4) Referral and information;</u>	26341
(L) Residential;	26342
(M) <u>(5) Training;</u>	26343
(N) Substance abuse;	26344
(O) <u>(6) Service and program evaluation+.</u>	26345
(P) Community support system;	26346
(Q) Case management;	26347
(R) Residential housing;	26348

~~(S) Other services approved by the board and the director of~~ 26349
~~mental health.~~ 26350

Sec. 340.091. Each board of alcohol, drug addiction, and 26351
mental health services shall contract with a community mental 26352
health ~~agency~~ services provider under division (A)~~(7)~~(8)(a) of 26353
section 340.03 of the Revised Code for the ~~agency~~ provider to do 26354
all of the following in accordance with rules adopted under 26355
section ~~5119.61~~ 5119.22 of the Revised Code for an individual 26356
referred to the ~~agency~~ provider under division (D)(2) of section 26357
~~5119.69~~ 5119.41 of the Revised Code: 26358

(A) Assess the individual and, if the ~~agency~~ provider 26359
determines that the environment in which the individual will be 26360
living while receiving residential state supplement payments is 26361
appropriate for the individual's needs, issue a recommendation to 26362
the referring residential state supplement administrative agency 26363
that the referring agency should conclude that the living 26364
environment is appropriate when it makes its determination 26365
regarding the appropriateness of the environment; 26366

(B) Provide ongoing monitoring to ensure that listed services 26367
~~provided under~~ submitted and approved under division (B) of 26368
section ~~340.09~~ 340.08 of the Revised Code are available to the 26369
individual; 26370

(C) Provide discharge planning to ensure the individual's 26371
earliest possible transition to a less restrictive environment. 26372

Sec. 340.10. The county auditor or, in a joint-county 26373
alcohol, drug addiction, and mental health service district, the 26374
auditor of the county, the treasurer of which has been designated 26375
in the agreement between the counties of the district as custodian 26376
of the community addiction and mental health services funds ~~and~~ 26377
~~alcohol and drug addiction services funds~~, is hereby designated as 26378

the auditor and fiscal officer of an alcohol, drug addiction, and 26379
mental health service district or joint-county district. State 26380
funds allocated for the support of a service district shall be 26381
paid to the county treasurer or, in a joint-county district, to 26382
the treasurer of that county designated in the agreement as 26383
custodian of the community addiction and mental health services 26384
funds and authorized to make payments from such funds on order of 26385
the county auditor and on recommendation of the board of alcohol, 26386
drug addiction, and mental health services, or the executive 26387
director of the board when authorized by the board. The auditor 26388
shall submit to the board a detailed monthly statement of all 26389
receipts, disbursements, and ending balances for the community 26390
addiction and mental health services funds. 26391

Sec. 340.11. A board of alcohol, drug addiction, and mental 26392
health services may procure a policy or policies of insurance 26393
insuring board members or employees of the board or agencies 26394
providers with which the board contracts against liability arising 26395
from the performance of their official duties. If the liability 26396
insurance is unavailable or the amount a board has procured or is 26397
able to procure is insufficient to cover the amount of a claim, 26398
the board may indemnify a board member or employee as follows: 26399

(A) For any action or inaction in the capacity of board 26400
member or employee or at the request of the board, whether or not 26401
the action or inaction is expressly authorized by this or any 26402
other section of the Revised Code, if both of the following apply: 26403

(1) The board member or employee acted in good faith and in a 26404
manner that the board member or employee reasonably believed was 26405
in or was not opposed to the best interests of the board; ~~and~~ 26406

(2) With respect to any criminal action or proceeding, the 26407
board member or employee had no reason to believe the board 26408
member's or employee's conduct was unlawful. 26409

(B) Against any expenses, including attorneys' fees, the board member or employee actually and reasonably incurs as a result of a suit or other proceeding involving the defense of any action or inaction in the capacity of board member or employee or at the request of the board, or in defense of any claim, issue, or matter raised in connection with the defense of such an action or inaction, to the extent that the board member or employee is successful on the merits or otherwise.

Sec. 340.12. No board of alcohol, drug addiction, and mental health services or any ~~agency, corporation, or association~~ addiction or mental health services provider under contract with such a board shall discriminate in the provision of services under its authority, in employment, or contract on the basis of race, color, creed, sex, ~~ereed~~, national origin, or disability, ~~or national origin~~.

Each board, ~~and~~ and each community addiction or mental health ~~agency, and each alcohol and drug addiction program~~ services provider shall have a written affirmative action program. The affirmative action program shall include goals for the employment and effective utilization of, including contracts with, members of economically disadvantaged groups as defined in division (E)(1) of section 122.71 of the Revised Code in percentages reflecting as nearly as possible the composition of the alcohol, drug addiction, and mental health service district served by the board. Each board, ~~agency,~~ and ~~program~~ provider shall file a description of the affirmative action program and a progress report on its implementation with the department of ~~mental health or the department of alcohol and drug addiction services~~ mental health and addiction services.

Sec. 340.13. (A) As used in this section, ~~"minority:~~ 26439

(1) "Minority business enterprise" has the same meaning as in 26440
~~division (E)(1) of~~ section 122.71 of the Revised Code. 26441

(2) "EDGE business enterprise" has the same meaning as in 26442
section 123.152 of the Revised Code. 26443

(B) Any minority business enterprise that desires to bid on a 26444
contract under division (C) ~~or (D)~~ of this section shall first 26445
apply to the equal employment opportunity coordinator in the 26446
department of administrative services for certification as a 26447
minority business enterprise. Any EDGE business enterprise that 26448
desires to bid on a contract under division (D) of this section 26449
shall first apply to the equal employment opportunity coordinator 26450
of the department of administrative services for certification as 26451
an EDGE business enterprise. The coordinator shall approve the 26452
application of any minority business enterprise or EDGE business 26453
enterprise that complies with the rules adopted under section 26454
122.71 or 123.152 of the Revised Code, respectively. The 26455
coordinator shall prepare and maintain a list of minority business 26456
enterprises and EDGE business enterprises certified under ~~this~~ 26457
~~section~~ those sections. 26458

(C) From the contracts to be awarded for the purchases of 26459
equipment, materials, supplies, or services, other than contracts 26460
entered into under section 340.03 ~~or 340.033~~ of the Revised Code, 26461
each board of alcohol, drug addiction, and mental health services 26462
shall select a number of contracts with an aggregate value of 26463
approximately fifteen per cent of the total estimated value of 26464
contracts to be awarded in the current fiscal year. The board 26465
shall set aside the contracts so selected for bidding by minority 26466
business enterprises only. The bidding procedures for such 26467
contracts shall be the same as for all other contracts awarded 26468
under section 307.86 of the Revised Code, except that only 26469
minority business enterprises certified and listed ~~under~~ pursuant 26470
to division (B) of this section shall be qualified to submit bids. 26471

(D) To the extent that a board is authorized to enter into 26472
contracts for construction, the board shall ~~set aside a number of~~ 26473
~~contracts~~ strive to attain a yearly contract dollar procurement 26474
goal the aggregate value of which equals approximately five per 26475
cent of the aggregate value of construction contracts for the 26476
current fiscal year for ~~bidding by minority~~ EDGE business 26477
enterprises only. ~~The bidding procedures for the contracts set~~ 26478
~~aside for minority business enterprises shall be the same as for~~ 26479
~~all other contracts awarded by the board, except that only~~ 26480
~~minority business enterprises certified and listed under division~~ 26481
~~(B) of this section shall be qualified to submit bids.~~ 26482

(E)(1) In the case of contracts set aside under ~~divisions~~ 26483
division (C) ~~and (D)~~ of this section, if no bid is submitted by a 26484
minority business enterprise, the contract shall be awarded 26485
according to normal bidding procedures. The board shall from time 26486
to time set aside such additional contracts as are necessary to 26487
replace those contracts previously set aside on which no minority 26488
business enterprise bid. 26489

(2) If a board, after having made a good faith effort, is 26490
unable to comply with the goal of procurement for contracting with 26491
EDGE business enterprises pursuant to division (D) of this 26492
section, the board may apply in writing, on a form prescribed by 26493
the department of administrative services, to the director of 26494
mental health and addiction services for a waiver or modification 26495
of the goal. 26496

(F) This section does not preclude any minority business 26497
enterprise or EDGE business enterprise from bidding on any other 26498
contract not specifically set aside for minority business 26499
enterprises or subject to procurement goals for EDGE business 26500
enterprises. 26501

(G) Within ninety days after the beginning of each fiscal 26502
year, each board shall file a report with the department of ~~mental~~ 26503

~~health~~ mental health and addiction services that shows for that 26504
fiscal year the name of each minority business enterprise and EDGE 26505
business enterprise with which the board entered into a contract, 26506
the value and type of each such contract, the total value of 26507
contracts awarded under divisions (C) and (D) of this section, the 26508
total value of contracts awarded for the purchases of equipment, 26509
materials, supplies, or services, other than contracts entered 26510
into under section 340.03 of the Revised Code, and the total value 26511
of contracts entered into for construction. 26512

(H) Any person who intentionally misrepresents ~~himself~~ self 26513
as owning, controlling, operating, or participating in a minority 26514
business enterprise or an EDGE business enterprise for the purpose 26515
of obtaining contracts or any other benefits under this section 26516
shall be guilty of theft by deception as provided for in section 26517
2913.02 of the Revised Code. 26518

Sec. 340.15. (A) A public children services agency that 26519
identifies a child by a risk assessment conducted pursuant to 26520
section 5153.16 of the Revised Code as being at imminent risk of 26521
being abused or neglected because of an addiction of a parent, 26522
guardian, or custodian of the child to a drug of abuse or alcohol 26523
shall refer the child's addicted parent, guardian, or custodian 26524
and, if the agency determines that the child needs alcohol or 26525
other drug addiction services, the child to ~~an alcohol and drug a~~ 26526
community addiction program services provider certified by the 26527
department of ~~alcohol and drug addiction services~~ mental health 26528
and addiction services under section ~~3793.06~~ 5119.36 of the 26529
Revised Code. A public children services agency that is sent a 26530
court order issued pursuant to division (B) of section 2151.3514 26531
of the Revised Code shall refer the addicted parent or other 26532
caregiver of the child identified in the court order to ~~an alcohol~~ 26533
~~and drug a community~~ addiction program services provider certified 26534
by the department of ~~alcohol and drug addiction services~~ mental 26535

health and addiction services under section ~~3793.06~~ 5119.36 of the Revised Code. On receipt of a referral under this division and to the extent funding identified under division (A) (1) of section ~~340.033~~ 340.08 of the Revised Code is available, the ~~program~~ provider shall provide the following services to the addicted parent, guardian, custodian, or caregiver and child in need of ~~alcohol or other drug~~ addiction services:

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

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

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

(B) The services described in division (A) of this section shall have a priority as provided in the ~~alcohol and drug~~ addiction and mental health services plan and budget established pursuant to ~~section 340.033~~ sections 340.03 and 340.08 of the Revised Code. Once a referral has been received pursuant to this section, the public children services agency and the ~~alcohol or drug~~ addiction program services provider shall, in accordance with 42 C.F.R. Part 2, share with each other any information concerning the persons and services described in that division that the agency and ~~program~~ provider determine are necessary to share. If the referral is based on a court order issued pursuant to division (B) of section 2151.3514 of the Revised Code, the results and recommendations of the ~~alcohol and drug~~ addiction program services provider also shall be provided and used as described in division

(D) of that section. Information obtained or maintained by the agency or ~~program~~ provider pursuant to this section that could enable the identification of any person described in division (A) of this section is not a public record subject to inspection or copying under section 149.43 of the Revised Code.

~~Sec. 340.16. Not later than ninety days after September 5, 2001, the~~ The department of ~~mental health~~ mental health and addiction services and the department of ~~job and family services~~ medicaid shall adopt rules that establish requirements and procedures for prior notification and service coordination between public children services agencies and boards of alcohol, drug addiction, and mental health services when a public children services agency refers a child in its custody to a board for services funded by the board. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

~~The department of mental health and department of job and family services shall collaborate in formulating a plan that delineates the funding responsibilities of public children services agencies and boards of alcohol, drug addiction, and mental health services for services provided under section 5111.023 of the Revised Code to children in the custody of public children services agencies. The departments shall complete the plan not later than ninety days after September 5, 2001.~~

Sec. 341.192. (A) As used in this section:

(1) "Jail" means a county jail, or a multicounty, municipal-county, or multicounty-municipal correctional center.

~~(2) "Medical assistance program" has the same meaning as in section 2913.40 of the Revised Code.~~

~~(3)~~ "Medical provider" means a physician, hospital, laboratory, pharmacy, or other health care provider that is not

employed by or under contract to a county, municipal corporation, township, the department of youth services, or the department of rehabilitation and correction to provide medical services to persons confined in a jail or state correctional institution, or is in the custody of a law enforcement officer.

~~(4)~~(3) "Necessary care" means medical care of a nonelective nature that cannot be postponed until after the period of confinement of a person who is confined in a jail or state correctional institution, or is in the custody of a law enforcement officer without endangering the life or health of the person.

(B) If a physician employed by or under contract to a county, municipal corporation, township, the department of youth services, or the department of rehabilitation and correction to provide medical services to persons confined in a jail or state correctional institution determines that a person who is confined in the jail or state correctional institution or who is in the custody of a law enforcement officer prior to the person's confinement in a jail or state correctional institution requires necessary care that the physician cannot provide, the necessary care shall be provided by a medical provider. The county, municipal corporation, township, the department of youth services, or the department of rehabilitation and correction shall pay a medical provider for necessary care an amount not exceeding the authorized reimbursement rate for the same service established by the department of ~~job and family services~~ medicaid under the ~~medical assistance~~ medicaid program.

Sec. 349.01. As used in this chapter:

(A) "New community" means a community or an addition to an existing community planned pursuant to this chapter so that it includes facilities for the conduct of industrial, commercial,

residential, cultural, educational, and recreational activities, 26629
and designed in accordance with planning concepts for the 26630
placement of utility, open space, and other supportive facilities. 26631

In the case of a new community authority established within 26632
three years after March 22, 2012, the effective date of H.B. 225 26633
of the 129th general assembly, "new community" may mean a 26634
community or development of property planned under this chapter in 26635
relation to an existing community so that the community includes 26636
facilities for the conduct of community activities, and is 26637
designed in accordance with planning concepts for the placement of 26638
utility, open space, and other supportive facilities for the 26639
community. 26640

(B) "New community development program" means a program for 26641
the development of a new community characterized by well-balanced 26642
and diversified land use patterns and which includes land 26643
acquisition and land development, the acquisition, construction, 26644
operation, and maintenance of community facilities, and the 26645
provision of services authorized in this chapter. 26646

In the case of a new community authority established within 26647
three years after March 22, 2012, the effective date of H.B. 225 26648
of the 129th general assembly, a new community development program 26649
may take into account any existing community in relation to which 26650
a new community is developed for purposes of being characterized 26651
by well-balanced and diversified land use patterns. 26652

(C) "New community district" means the area of land described 26653
by the developer in the petition as set forth in division (A) of 26654
section 349.03 of the Revised Code for development as a new 26655
community and any lands added to the district by amendment of the 26656
resolution establishing the community authority. 26657

(D) "New community authority" means a body corporate and 26658
politic in this state, established pursuant to section 349.03 of 26659

the Revised Code and governed by a board of trustees as provided 26660
in section 349.04 of the Revised Code. 26661

(E) "Developer" means any person, organized for carrying out 26662
a new community development program who owns or controls, through 26663
leases of at least seventy-five years' duration, options, or 26664
contracts to purchase, the land within a new community district, 26665
or any municipal corporation, county, or port authority that owns 26666
the land within a new community district, or has the ability to 26667
acquire such land, either by voluntary acquisition or condemnation 26668
in order to eliminate slum, blighted, and deteriorated or 26669
deteriorating areas and to prevent the recurrence thereof. In the 26670
case of a new community authority established within three years 26671
after March 22, 2012, the effective date of H.B. 225 of the 129th 26672
general assembly, "developer" may mean a person, municipal 26673
corporation, county, or port authority that controls land within a 26674
new community district through leases of at least forty years' 26675
duration. 26676

(F) "Organizational board of commissioners" means, ~~if the~~ the 26677
following: 26678

(1) For a new community district that is located in only one 26679
county, the board of county commissioners of ~~such that~~ county; ~~if~~ 26680

(2) For a new community district that is located in more than 26681
one county, a board consisting of the members of the board of 26682
county commissioners of each of the counties in which the district 26683
is located, provided that action of ~~such the~~ board shall require a 26684
majority vote of the members of each separate board of county 26685
commissioners; or, ~~if~~ 26686

(3) For a new community district that is located entirely 26687
within the boundaries of a municipal corporation or for a new 26688
community district where more than half of the new community 26689
district is located within the boundaries of the most populous 26690

municipal corporation of a county, the legislative authority of 26691
the municipal corporation. 26692

(G) "Land acquisition" means the acquisition of real property 26693
and interests in real property as part of a new community 26694
development program. 26695

(H) "Land development" means the process of clearing and 26696
grading land, making, installing, or constructing water 26697
distribution systems, sewers, sewage collection systems, steam, 26698
gas, and electric lines, roads, streets, curbs, gutters, 26699
sidewalks, storm drainage facilities, and other installations or 26700
work, whether within or without the new community district, and 26701
the construction of community facilities. 26702

(I)(1) "Community facilities" means all real property, 26703
buildings, structures, or other facilities, including related 26704
fixtures, equipment, and furnishings, to be owned, operated, 26705
financed, constructed, and maintained under this chapter, 26706
including public, community, village, neighborhood, or town 26707
buildings, centers and plazas, auditoriums, day care centers, 26708
recreation halls, educational facilities, hospital facilities as 26709
defined in section 140.01 of the Revised Code, recreational 26710
facilities, natural resource facilities, including parks and other 26711
open space land, lakes and streams, cultural facilities, community 26712
streets, pathway and bikeway systems, pedestrian underpasses and 26713
overpasses, lighting facilities, design amenities, or other 26714
community facilities, and buildings needed in connection with 26715
water supply or sewage disposal installations or steam, gas, or 26716
electric lines or installation. 26717

(2) In the case of a new community authority established 26718
within three years after March 22, 2012, the effective date of 26719
H.B. 225 of the 129th general assembly, "community facilities" may 26720
mean, in addition to the facilities authorized in division (I)(1) 26721
of this section, any community facilities that are owned, 26722

operated, financed, constructed, or maintained for, relating to, 26723
or in furtherance of community activities, including, but not 26724
limited to, town buildings or other facilities, health care 26725
facilities including, but limited to, hospital facilities, and 26726
off-street parking facilities. 26727

(J) "Cost" as applied to a new community development program 26728
means all costs related to land acquisition and land development, 26729
the acquisition, construction, maintenance, and operation of 26730
community facilities and offices of the community authority, and 26731
of providing furnishings and equipment therefor, financing charges 26732
including interest prior to and during construction and for the 26733
duration of the new community development program, planning 26734
expenses, engineering expenses, administrative expenses including 26735
working capital, and all other expenses necessary and incident to 26736
the carrying forward of the new community development program. 26737

(K) "Income source" means any and all sources of income to 26738
the community authority, including community development charges 26739
of which the new community authority is the beneficiary as 26740
provided in section 349.07 of the Revised Code, rentals, user fees 26741
and other charges received by the new community authority, any 26742
gift or grant received, any moneys received from any funds 26743
invested by or on behalf of the new community authority, and 26744
proceeds from the sale or lease of land and community facilities. 26745

(L) "Community development charge" means: 26746

(1) A dollar amount which shall be determined on the basis of 26747
the assessed valuation of real property or interests in real 26748
property in a new community district sold, leased, or otherwise 26749
conveyed by the developer or the new community authority, the 26750
income of the residents of such property subject to such charge 26751
under section 349.07 of the Revised Code, if such property is 26752
devoted to residential uses or to the profits of any business, a 26753
uniform fee on each parcel of such real property originally sold, 26754

leased, or otherwise conveyed by the developer or new community authority, or any combination of the foregoing bases. 26755
26756

(2) For a new community authority that is established within 26757
three years after March 22, 2012, the effective date of H.B. 225 26758
of the 129th general assembly, "community development charge" 26759
includes, in addition to the charges authorized in division (L)(1) 26760
of this section, a charge determined on the basis of all or a part 26761
of the income of the residents of real property within the new 26762
community district if such property is devoted to residential uses 26763
or of persons employed within the district, or all or a part of 26764
the profits, gross receipts, or other revenues of any business 26765
operating in the new community district, including, but not 26766
limited to, rentals received from leases of real property located 26767
in the district. If a new community authority imposes a community 26768
development charge determined on the basis of rentals received 26769
from leases of real property, improvements of any such leased real 26770
property located in the new community district and subject to that 26771
charge may not be exempted from taxation under section 5709.40, 26772
5709.41, 5709.73, or 5709.78 of the Revised Code. 26773

(M) "Proximate city" means any city that, as of the date of 26774
filing of the petition under section 349.03 of the Revised Code, 26775
is the city with the greatest population located in the county in 26776
which the proposed new community district is located, is the city 26777
with the greatest population located in an adjoining county if any 26778
portion of such city is within five miles of any part of the 26779
boundaries of such district, or exercises extraterritorial 26780
subdivision authority under section 711.09 of the Revised Code 26781
with respect to any part of such district. 26782

In the case of a new community authority that is established 26783
within three years after March 22, 2012, the effective date of 26784
H.B. 225 of the 129th general assembly, "proximate city" may mean 26785
a municipal corporation in which, at the time of filing the 26786

petition under section 349.03 of the Revised Code, any portion of 26787
the proposed new community district is located, or, if at the time 26788
of that filing more than one-half of the proposed district is 26789
contained within a joint economic development district created 26790
under sections 715.70 to 715.83 of the Revised Code, the township 26791
containing the greatest portion of the territory of the joint 26792
economic development district. 26793

(N) "Community activities" means cultural, educational, 26794
governmental, recreational, residential, industrial, commercial, 26795
distribution and research activities, or any combination thereof 26796
that includes residential activities. 26797

Sec. 349.04. The following method of selecting a board of 26798
trustees is deemed to be a compelling state interest. Within ten 26799
days after the new community authority has been established, as 26800
provided in section 349.03 of the Revised Code, an initial board 26801
of trustees shall be appointed as follows: the organizational 26802
board of commissioners shall appoint by resolution at least three, 26803
but not more than six, citizen members of the board of trustees to 26804
represent the interests of present and future residents of the new 26805
community district and one member to serve as a representative of 26806
local government, and the developer shall appoint a number of 26807
members equal to the number of citizen members to serve as 26808
representatives of the developer. In the case of a new community 26809
authority established within three years after March 22, 2012, the 26810
citizen members may represent present and future employers within 26811
the new community district and any present or future residents of 26812
the district. 26813

Members shall serve two-year overlapping terms, with two of 26814
each of the initial citizen and developer members appointed to 26815
serve initial one-year terms. The organizational board of 26816
commissioners shall adopt, by further resolution adopted within 26817

one year of such resolution establishing such initial board of 26818
trustees, a method for selection of successor members thereof 26819
which determines the projected total population of the projected 26820
new community and meets the following criteria: 26821

(A) The appointed citizen members shall be replaced by 26822
elected citizen members according to a schedule established by the 26823
organizational board of commissioners calculated to achieve one 26824
such replacement each time the new community district gains a 26825
proportion, having a numerator of one and a denominator of twice 26826
the number of citizen members, of its projected total population 26827
until such time as all of the appointed citizen members are 26828
replaced. 26829

(B) Representatives of the developer shall be replaced by 26830
elected citizen members according to a schedule established by the 26831
organizational board of commissioners calculated to achieve one 26832
such replacement each time the new community district gains a 26833
proportion, having a numerator of one and a denominator equal to 26834
the number of developer members, of its projected total population 26835
until such time as all of the developer's representatives are 26836
replaced. 26837

(C) The representative of local government shall be replaced 26838
by an elected citizen member at the time the new community 26839
district gains three-quarters of its projected total population. 26840

Elected citizen members of the board of trustees shall be 26841
elected by a majority of the residents of the new community 26842
district voting at elections held at the times and in the manner 26843
provided in a resolution of the organizational board of 26844
commissioners. Each citizen member except an appointed citizen 26845
member shall be a qualified elector who resides within the new 26846
community district. ~~In the case of a new community authority for~~ 26847
~~which a petition is filed within three years after March 22, 2012,~~ 26848
~~the~~ The organizational board of commissioners, by resolution, may 26849

adopt an alternative method of selecting or electing successor 26850
members of the board of trustees provided that if an alternative 26851
method of selection is adopted for a new community authority 26852
organized prior to March 22, 2012, the board of trustees of that 26853
authority shall be limited in the collection of a community 26854
development charge, collected pursuant to division (O) of section 26855
349.06 of the Revised Code, and the issuance of bonds or notes, 26856
issued pursuant to section 349.08 of the Revised Code, to the 26857
amount or to the extent otherwise permitted for a board of 26858
trustees whose members are not elected by residents of the new 26859
community district. If the alternative method provides for the 26860
election of citizen members, the elections may be held at the 26861
times and in the manner provided in the petition or in a 26862
resolution of the organizational board of commissioners, and the 26863
elected citizen members shall be qualified electors who reside in 26864
the new community district. 26865

Citizen members shall not be employees of or have financial 26866
interest in the developer. If a vacancy occurs in the office of a 26867
member other than a member appointed by the developer, the 26868
organizational board of commissioners may appoint a successor 26869
member for the remainder of the unexpired term. Any appointed 26870
member of the board of trustees may at any time be removed by the 26871
organizational board of commissioners for misfeasance, 26872
nonfeasance, or malfeasance in office. Members appointed by the 26873
developer may also at any time be removed by the developer without 26874
a showing of cause. 26875

Each member of the board of trustees, before entering upon 26876
official duties, shall take and subscribe to an oath before an 26877
officer authorized to administer oaths in Ohio that the member 26878
will honestly and faithfully perform the duties of the member's 26879
office. Such oath shall be filed in the office of the clerk of the 26880
board of county commissioners in which the petition was filed. 26881

Upon taking the oath, the board of trustees shall elect one of its 26882
number as chairperson and another as vice-chairperson, and shall 26883
appoint suitable persons as secretary and treasurer who need not 26884
be members of the board. The treasurer shall be the fiscal officer 26885
of the authority. The board shall adopt by-laws governing the 26886
administration of the affairs of the new community authority. Each 26887
member of the board shall post a bond for the faithful performance 26888
of official duties and give surety therefor in such amount, but 26889
not less than ten thousand dollars, as the resolution creating 26890
such board shall prescribe. 26891

All of the powers of the new community authority shall be 26892
exercised by its board of trustees, but without relief of such 26893
responsibility, such powers may be delegated to committees of the 26894
board or its officers and employees in accordance with its 26895
by-laws. A majority of the board shall constitute a quorum, and a 26896
concurrence of a majority of a quorum in any matter within the 26897
board's duties is sufficient for its determination, provided a 26898
quorum is present when such concurrence is had and a majority of 26899
those members constituting such quorum are trustees not appointed 26900
by the developer. All trustees shall be empowered to vote on all 26901
matters within the authority of the board of trustees, and no vote 26902
by a member appointed by the developer shall be construed to give 26903
rise to civil or criminal liability for conflict of interest on 26904
the part of public officials. 26905

Sec. 351.021. (A) The resolution of the county commissioners 26906
creating a convention facilities authority, or any amendment or 26907
supplement to that resolution, may authorize the authority to levy 26908
one or both of the excise taxes authorized by division (B) of this 26909
section to pay the cost of one or more facilities; to pay 26910
principal, interest, and premium on convention facilities 26911
authority tax anticipation bonds issued to pay those costs; to pay 26912
the operating costs of the authority; to pay operating and 26913

maintenance costs of those facilities; and to pay the costs of 26914
administering the excise tax. 26915

(B) The board of directors of a convention facilities 26916
authority that has been authorized pursuant to resolution adopted, 26917
amended, or supplemented by the board of county commissioners 26918
pursuant to division (A) of this section may levy, by resolution 26919
adopted on or before December 31, 1988, either or both of the 26920
following: 26921

(1) Within the territory of the authority, an additional 26922
excise tax not to exceed four per cent on each transaction. The 26923
excise tax authorized by division (B)(1) of this section shall be 26924
in addition to any excise tax levied pursuant to section 5739.08 26925
or 5739.09 of the Revised Code, or division (B)(2) of this 26926
section. 26927

(2) Within that portion of any municipal corporation that is 26928
located within the territory of the authority or within the 26929
boundaries of any township that is located within the territory of 26930
the authority, which municipal corporation or township is levying 26931
any portion of the excise tax authorized by division (A) of 26932
section 5739.08 of the Revised Code, and with the approval, by 26933
ordinance or resolution, of the legislative authority of that 26934
municipal corporation or township, an additional excise tax not to 26935
exceed nine-tenths of one per cent on each transaction. The excise 26936
tax authorized by division (B)(2) of this section may be levied 26937
only if, on the effective date of the levy specified in the 26938
resolution making the levy, the amount being levied pursuant to 26939
division (A) of section 5739.08 of the Revised Code by each 26940
municipal corporation or township in which the tax authorized by 26941
division (B)(2) of this section will be levied, when added to the 26942
amount levied under division (B)(2) of this section, does not 26943
exceed three per cent on each transaction. The excise tax 26944
authorized by division (B)(2) of this section shall be in addition 26945

to any excise tax that is levied pursuant to section 5739.08 or 26946
5739.09 of the Revised Code, or division (B)(1) of this section. 26947

(C)(1) The board of directors of a convention facilities 26948
authority that is located in an eligible Appalachian county; that 26949
has been authorized pursuant to resolution adopted, amended, or 26950
supplemented by the board of county commissioners pursuant to 26951
division (A) of this section; and that is not levying a tax under 26952
division (B)(1) or (2) of this section may levy within the 26953
territory of the authority, by resolution adopted on or before 26954
December 31, 2005, an additional excise tax not to exceed three 26955
per cent on each transaction. The excise tax authorized under 26956
division (C)(1) of this section shall be in addition to any excise 26957
tax levied pursuant to section 5739.08 or 5739.09 of the Revised 26958
Code. 26959

As used in division (C)(1) of this section, "eligible 26960
Appalachian county" means a county in this state designated as 26961
being in the "Appalachian region" under the "Appalachian Regional 26962
Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and 26963
having a population less than eighty thousand according to the 26964
most recent federal decennial census. 26965

(2) Division ~~(B)~~(C)(2) of this section applies only to a 26966
convention facilities authority located in a county with a 26967
population, according to the 2000 federal decennial census, of at 26968
least one hundred thirty-five thousand and not more than one 26969
hundred fifty thousand and containing entirely within its 26970
boundaries the territory of a municipal corporation with a 26971
population according to that census of more than fifty thousand. 26972
The board of directors of such a convention facilities authority, 26973
by resolution adopted on or before November 1, 2009, may levy 26974
within the territory of the authority an excise tax on 26975
transactions by which lodging by a hotel is or is to be furnished 26976
to transient guests at a rate not to exceed three per cent on such 26977

transactions for the same purposes for which a tax may be levied 26978
under division (B) of this section. The resolution may be adopted 26979
only if the board of county commissioners of the county, by 26980
resolution, authorizes the levy of the tax. The resolution of the 26981
board of county commissioners is subject to referendum as 26982
prescribed by sections 305.31 to 305.41 of the Revised Code. If, 26983
pursuant to those procedures, a referendum is to be held, the 26984
board's resolution does not take effect until approved by a 26985
majority of electors voting on the question. The convention 26986
facilities authority may adopt the resolution authorized by 26987
division (C)(2) of this section before the election, but the 26988
authority's resolution shall not take effect if the board of 26989
commissioners' resolution is not approved at the election. A tax 26990
levied under division (C)(2) of this section is in addition to any 26991
tax levied under section 5739.09 of the Revised Code. 26992

(D) The authority shall provide for the administration and 26993
allocation of an excise tax levied pursuant to division (B) or (C) 26994
of this section. All receipts arising from those excise taxes 26995
shall be expended for the purposes provided in, and in accordance 26996
with this section and section 351.141 of the Revised Code. An 26997
excise tax levied under division (B) or (C) of this section shall 26998
remain in effect at the rate at which it is levied for at least 26999
the duration of the period for which the receipts from the tax 27000
have been anticipated and pledged pursuant to section 351.141 of 27001
the Revised Code. 27002

(E) Except as provided in division (B)(2) of this section, 27003
the levy of an excise tax on each transaction pursuant to sections 27004
5739.08 and 5739.09 of the Revised Code does not prevent a 27005
convention facilities authority from levying an excise tax 27006
pursuant to division (B) or (C) of this section. 27007

(F) A convention facilities authority located in a county 27008
with a population greater than eighty thousand but less than 27009

ninety thousand according to the 2010 federal decennial census 27010
that levies a tax under division (B) of this section may amend the 27011
resolution levying the tax to allocate a portion of the revenue 27012
from the tax for support of tourism-related sites or facilities 27013
and programs operated by the county or a municipal corporation 27014
within the county in which the authority is located or for the 27015
purpose of leasing lands for county fairs, erecting buildings for 27016
county fair purposes, making improvements on a county fairground, 27017
or for any purpose connected with the use of a county fairground 27018
or with the management thereof by the county in which the 27019
authority is located. The revenue allocated by the authority for 27020
such purposes in a calendar year shall not exceed fifteen per cent 27021
of the total revenue from the tax in the preceding calendar year. 27022

Sec. 353.01. For purposes of this chapter: 27023

(A) "Lake facilities authority" means a body corporate and 27024
politic created pursuant to section 353.02 of the Revised Code. 27025

(B) "Watershed" means a watershed as determined by the United 27026
States geological survey. 27027

(C) "Impacted watershed" means a watershed meeting both of 27028
the following conditions: 27029

(1) The watershed contains a natural or man-made lake of at 27030
least one-half square mile that has experienced levels of 27031
microcystin toxins in excess of eighty parts-per-billion, as 27032
measured by the Ohio environmental protection agency, during the 27033
twenty-four month period immediately preceding the date the last 27034
resolution necessary for the creation of a lake facilities 27035
authority under section 353.02 of the Revised Code was adopted. 27036

(2) The watershed is partially or completely located within a 27037
state park, as defined in section 154.01 of the Revised Code, that 27038
has averaged at least four hundred thousand visitors per year for 27039

the four calendar years preceding the calendar year in which the 27040
last resolution necessary for the creation of a lake facilities 27041
authority under section 353.02 of the Revised Code was adopted. 27042

(D) "Impacted lake district" means the territory of all 27043
townships and municipal corporations having territory in an 27044
impacted watershed. 27045

(E) "Cost" as applied to a lake facilities authority facility 27046
means the cost of acquisition or construction of the facility; the 27047
cost of acquisition of all land, rights-of-way, property rights, 27048
easements, franchise rights, and interests required for such 27049
acquisition; the cost of demolishing or removing any buildings or 27050
structures on land so acquired, including the cost of acquiring 27051
any lands to which such buildings or structures may be moved; the 27052
cost of acquiring or constructing and equipping a principal office 27053
of the lake facilities authority; the cost of diverting highways, 27054
interchange of highways, and access roads to private property, 27055
including the cost of land or easements for the access roads, the 27056
cost of public utility and common carrier relocation or 27057
duplication, the cost of all machinery, furnishings, and 27058
equipment, financing charges, interest prior to and during any 27059
construction and for no more than eighteen months after completion 27060
of any construction; engineering; expenses of research and 27061
development with respect to an impacted lake district; legal 27062
expenses; expenses of developing or obtaining plans, 27063
specifications, engineering surveys, studies, and estimates of 27064
cost and revenues; expenses necessary or incident to determining 27065
the feasibility or practicability of acquiring or constructing the 27066
facility or remediating the impacted lake district; administrative 27067
expense; and such other expenses as may be necessary or incident 27068
to the acquisition or construction of the facility, the 27069
remediation of the impacted lake district and other activities 27070
authorized by this chapter, the financing of such acquisition, 27071

construction or remediation, including the amount authorized in 27072
the resolution of the lake facilities authority providing for the 27073
issuance of lake facilities authority revenue bonds to be paid 27074
into any special funds from the proceeds of such bonds and the 27075
financing of the placing of the facility in operation, the cost of 27076
issuing the bonds, and the financing of remediation and other 27077
purposes authorized by this chapter. 27078

(F) "Revenues" means all rentals and other charges received 27079
by the lake facilities authority with respect to an impacted 27080
watershed; any gift or grant received with respect to any impacted 27081
watershed; money received in repayment of, and for interest on, 27082
any loans made by the authority to a person or governmental 27083
agency, whether from the United States or any department, 27084
administration, or agency thereof, or otherwise; proceeds of lake 27085
facilities authority revenue bonds to the extent the use thereof 27086
for payment of principal or of premium, if any, or interest on the 27087
bonds is authorized by the authority; proceeds from any insurance, 27088
appropriation, or guaranty pertaining to an impacted watershed or 27089
property mortgaged to secure bonds or pertaining to the financing 27090
of any activities authorized under this chapter; income and profit 27091
from the investment of the proceeds of lake facilities authority 27092
revenue bonds or of any revenues; and contributions of service 27093
payments in lieu of taxes generated pursuant to section 5709.40, 27094
5709.41, 5709.73, or 5709.78 of the Revised Code, and all other 27095
nontax revenues paid or payable to the lake facilities authority. 27096

(G) "Lake facilities revenue bonds," unless the context 27097
indicates a different meaning or intent, includes revenue notes, 27098
revenue renewal notes, and revenue refunding bonds. 27099

(H) "Authorized purpose" means activities that remediate, 27100
rehabilitate, enhance, foster, aid, improve, provide, or promote 27101
an impacted watershed within the jurisdiction of the lake 27102
facilities authority, including, without limitation, research and 27103

development efforts related thereto. 27104

(I) "Lake facilities authority facility" or "facility" means 27105
real or personal property, or any combination thereof owned, 27106
leased, or otherwise controlled or financed by a lake facilities 27107
authority and directly related to an authorized purpose. 27108

Sec. 353.02. A lake facilities authority may be created by 27109
the board of county commissioners of a county that contains all of 27110
the territory of an impacted watershed. If the territory of an 27111
impacted watershed is contained within more than one county, a 27112
joint facilities lake authority may be created by resolution of 27113
the board of commissioners of each county in which the impacted 27114
watershed is located. A resolution creating a lake facilities 27115
authority must include a finding that the watershed sought to be 27116
improved or remediated pursuant to this chapter is an impacted 27117
watershed. 27118

A lake facilities authority created pursuant to this section 27119
is a body corporate and politic which may sue and be sued, plead 27120
and be impleaded, and has the powers and jurisdiction enumerated 27121
in this chapter. The exercise by an authority of the powers 27122
conferred upon it shall be deemed to be essential governmental 27123
functions of this state. 27124

Within sixty days after the creation of a lake facilities 27125
authority, the county engineer of each county with territory in 27126
the impacted watershed shall prepare a survey denoting the 27127
boundaries of the impacted watershed in the county. The survey 27128
shall include references to the county auditor's permanent parcel 27129
number designations as those parcel number designations correspond 27130
to the boundaries of the impacted watershed. If requested by the 27131
county engineer of each county with territory in the impacted 27132
watershed, the cost of such surveys shall be paid from the funds 27133
of the lake facilities authority pursuant to an agreement between 27134

the lake facilities authority and the county engineer of each 27135
county. Such funds may be advanced by the board of county 27136
commissioners of any county with territory in the impacted 27137
watershed. 27138

The county auditor of the county with the greatest amount of 27139
territory in the impacted watershed shall be the fiscal officer 27140
for the lake facilities authority. The county prosecutor of the 27141
county with the greatest amount of territory in the impacted 27142
watershed shall be the legal advisor of the lake facilities 27143
authority and shall prosecute and defend all suits and actions 27144
that the lake facilities authority directs or to which it is a 27145
party. 27146

Upon the creation of a lake facilities authority, no 27147
authority that is granted by law any powers or duties that are 27148
substantially the same as the powers and duties of a lake 27149
facilities authority may be created if its territorial 27150
jurisdiction includes any territory within the impacted lake 27151
district. 27152

Sec. 353.03. A lake facilities authority may do all of the 27153
following: 27154

(A) Acquire by purchase, lease, gift, or otherwise, on such 27155
terms and in such manner as it considers proper, real and personal 27156
property necessary for an authorized purpose or any estate, 27157
interest, or right therein, within or without the impacted lake 27158
district; 27159

(B) Improve, remediate, maintain, sell, lease, or otherwise 27160
dispose of real and personal property on such terms and in such 27161
manner as it considers proper; 27162

(C) Request that the department of natural resources, the 27163
environmental protection agency, or the department of agriculture 27164

adopt, modify, and enforce reasonable rules and regulations 27165
governing impacted watersheds; 27166

(D) Employ such managers, administrative officers, agents, 27167
engineers, architects, attorneys, contractors, subcontractors, and 27168
employees as may be appropriate in the exercise of the rights, 27169
powers, and duties conferred on it, prescribe the duties and 27170
compensation for such persons, require bonds to be given by any 27171
such persons and by officers of the authority for the faithful 27172
performance of their duties, and fix the amount and surety 27173
therefor, and pay the surety; 27174

(E) Sue and be sued in its corporate name; 27175

(F)(1) Make and enter into all contracts and agreements and 27176
execute all instruments relating to the provisions of this 27177
chapter; 27178

(2) Except as provided otherwise under divisions (F)(2) and 27179
(3) of this section, when the cost of a contract for the 27180
construction of any building, structure, or other improvement 27181
undertaken by a lake facilities authority involves an expenditure 27182
exceeding twenty-five thousand dollars, and the lake facilities 27183
authority is the contracting authority, the lake facilities 27184
authority shall make a written contract after notice calling for 27185
bids for the award of the contract has been given by publication 27186
twice, with at least seven days between publications, in a 27187
newspaper of general circulation in the impacted lake district. 27188
Each such contract shall be awarded to the lowest responsive and 27189
responsible bidder in accordance with section 9.312 of the Revised 27190
Code. The board of directors by rule may provide criteria for the 27191
negotiation and award without competitive bidding of any contract 27192
as to which the lake facilities authority is the contracting 27193
authority for the construction of any building or structure or 27194
other improvement under any of the following circumstances: 27195

(a) There exists a real and present emergency that threatens damage to property or injury to persons of the lake facilities authority or other persons, provided that a statement specifying the nature of the emergency that is the basis for the negotiation and award of a contract without competitive bidding shall be signed at the time of the contract's execution by the officer of the lake facilities authority that executes the contract and shall be attached to the contract. 27196
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(b) A commonly recognized industry or other standard or specification does not exist and cannot objectively be articulated for the improvement. 27204
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(c) The contract is for any energy conservation measure as defined in section 307.041 of the Revised Code. 27207
27208

(d) With respect to material to be incorporated into the improvement, only a single source or supplier exists for the material. 27209
27210
27211

(e) A single bid is received by the lake facilities authority after complying with the above provisions. 27212
27213

(3) In addition to the exceptions to competitive bidding requirements under division (F)(2) of this section, a lake facilities authority may contract for the acquisition or construction of any property for an authorized purpose and for the leasing, subleasing, sale, or other disposition of the property in a manner determined by the lake facilities authority in its sole discretion, without necessity for competitive bidding or performance bonds. 27214
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(4) With respect to any public improvement undertaken by, or under contract for, the lake facilities authority, the authority may elect to apply sections 4115.03 to 4115.21 of the Revised Code. 27222
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(G) Accept aid or contributions from any source of money, 27226

property, labor, or other things of value, to be held, used, and 27227
applied only for the purposes for which the grants and 27228
contributions are made; 27229

(H) Apply for and accept grants, loans, or commitments of 27230
guarantee or insurance, including any guarantees of lake 27231
facilities authority bonds and notes, from the United States, the 27232
state, or other public body or other sources, and provide any 27233
consideration which may be required in order to obtain such 27234
grants, loans, or contracts of guarantee or insurance; 27235

(I) Procure insurance against loss to the lake facilities 27236
authority by reason of damage to its properties resulting from 27237
fire, theft, accident, or other casualties, or by reason of its 27238
liability for any damages to persons or property occurring in the 27239
construction or operation of facilities or areas under its 27240
jurisdiction or the conduct of its activities; 27241

(J) Maintain such funds or reserves as it considers necessary 27242
for the efficient performance of its duties; 27243

(K) Enforce any covenants, of which the lake facilities 27244
authority is the beneficiary, running with the land. 27245

(L) Issue securities for the remediation of an impacted 27246
watershed and directly related permanent improvements in 27247
compliance with Chapter 133. of the Revised Code, except that such 27248
bonds or notes may be issued only pursuant to a vote of the 27249
electors residing within the impacted lake district. The net 27250
indebtedness incurred by a lake facilities authority pursuant to 27251
this division may not exceed one-tenth of one per cent of the 27252
total value of all property within the territory comprising the 27253
impacted lake district as listed and assessed for taxation. 27254

(M) Issue lake facilities authority revenue bonds beyond the 27255
limit of bonded indebtedness provided by law, payable solely from 27256
revenues as provided in section 353.09 of the Revised Code for the 27257

purpose of providing funds to pay costs of any facility or 27258
facilities or parts thereof; 27259

(N) Advise and provide input to political subdivisions within 27260
the impacted lake district with respect to zoning and land use 27261
planning within the impacted lake district; 27262

(O) Enter into agreements for the management, ownership, 27263
possession, or control of lands or property to be used for wetland 27264
mitigation banking; 27265

(P) Adopt and modify rules and regulations to carry out the 27266
authority granted to the lake facilities authority under this 27267
section. 27268

Sec. 353.04. (A) Upon the creation of a lake facilities 27269
authority under section 353.02 of the Revised Code, a board of 27270
directors consisting of the county commissioners of each county 27271
with territory in the impacted lake district shall be created. 27272
Membership on the board is not a direct or indirect interest in a 27273
contract or expenditure of money by the county. Notwithstanding 27274
any provision of law to the contrary, no member of the board shall 27275
be disqualified from holding any public office or employment by 27276
reason of membership on the board. The board is a public body for 27277
the purposes of section 121.22 of the Revised Code and a public 27278
office for the purposes of section 149.43 of the Revised Code. 27279
Notwithstanding those sections, the board may hold closed meetings 27280
and protect the confidentiality of information under the same 27281
circumstances as authorized for a community improvement 27282
corporation under section 1724.11 of the Revised Code. Chapter 27283
2744. of the Revised Code applies to the board. Each year, the 27284
board shall prepare an annual report of its activities and make it 27285
available to the public. 27286

(B) A board of directors shall consult with the advisory 27287
council created under this division in performing the remediation 27288

and other activities authorized by this chapter. 27289

Not later than sixty days after the creation of the board of 27290
directors, the board shall provide written notice of its creation 27291
to the legislative authority of each political subdivision with 27292
territory in the impacted lake district. The notice shall describe 27293
the process for the appointment of an advisory council. Upon 27294
receipt of such notice, the legislative authority of each 27295
political subdivision with territory in the impacted lake district 27296
shall appoint one representative each to serve on the advisory 27297
council. The representative need not be an elected or appointed 27298
official of the political subdivision. 27299

Sec. 353.05. The board of directors of a lake facilities 27300
authority, by resolution, may propose the levy of a tax upon the 27301
taxable property in the impacted lake district pursuant to section 27302
5705.55 of the Revised Code. 27303

Sec. 353.06. As used in this section, "hotel" and "transient 27304
guests" have the same meanings as in section 5739.01 of the 27305
Revised Code. 27306

A resolution creating a lake facilities authority under 27307
section 353.02 of the Revised Code, or any amendments or 27308
supplements thereto, may authorize the authority to levy an excise 27309
tax on transactions by which lodging in a hotel is or is to be 27310
furnished to transient guests to pay any costs authorized under 27311
this chapter; to pay principal, interest, and premium on lake 27312
facilities authority tax anticipation bonds issued to pay those 27313
costs; to pay the operating costs of the authority; and to pay the 27314
costs of administering the tax. 27315

Upon the affirmative vote of at least a majority of the 27316
qualified electors in a primary or general election within the 27317
impacted lake district voting at an election held for the purpose 27318

of authorizing the tax, the board of directors of a lake 27319
facilities authority authorized to levy a tax under this section 27320
may, by resolution, levy an additional excise tax within the 27321
territory of the impacted lake district on all transactions by 27322
which lodging in a hotel is or is to be furnished to transient 27323
guests. The rate of the tax, when added to the aggregate rate of 27324
excise taxes levied in the impacted lake district pursuant to 27325
section 351.021, 5739.08, or 5739.09 of the Revised Code, shall 27326
not cause the total aggregate rate to exceed five per cent on any 27327
such transaction. 27328

The lake facilities authority shall provide for the 27329
administration and allocation of a tax levied pursuant to this 27330
section. All receipts arising from the tax shall be expended for 27331
the purposes provided in, and in accordance with, this section. An 27332
excise tax levied under this section shall remain in effect at the 27333
rate at which it is levied for at least the duration of the period 27334
for which the receipts from the tax have been anticipated and 27335
pledged pursuant to section 353.08 of the Revised Code. 27336

The form of the ballot in an election held on the question of 27337
levying a tax proposed pursuant to this section shall be as 27338
follows or in any other form acceptable to the secretary of state: 27339

"An excise tax on all transactions by which lodging in a 27340
hotel is or is to be furnished to transient guests within the 27341
territory of the (name of impacted lake district) for 27342
the purpose of at a rate of for 27343
(number of years the tax is to be levied). 27344

	<u>For the Excise Tax</u>	"
	<u>Against the Excise Tax</u>	

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 27347

Sec. 353.07. The director of natural resources may transfer 27348
real property owned by the state to a lake facilities authority 27349

for the purpose of promoting wetland banking, wildlife, or 27350
sporting activities. The division of wildlife within the 27351
department of natural resources may enter into an agreement with a 27352
lake facilities authority to establish wetland or natural areas to 27353
benefit wildlife or sporting activities. The agreement may be 27354
entered as part of, or in conjunction with, a mitigation banking 27355
program. 27356

Sec. 353.08. A lake facilities authority that levies a tax 27357
authorized by sections 353.05 and 5705.55 or section 353.06 of the 27358
Revised Code may, by resolution, anticipate the proceeds of the 27359
tax and issue lake facilities authority anticipation bonds, and 27360
notes anticipating the proceeds or the bonds, in the principal 27361
amount that, in the opinion of the authority, are necessary for 27362
the purpose of paying the cost of an authorized purpose, and that 27363
the authority is able to pay over the term of the issue with the 27364
interest on the bonds or notes, or in the case of notes 27365
anticipating bonds over the term of the bonds, by the estimated 27366
amount of the taxes anticipated. The taxes are determined by the 27367
general assembly to satisfy any applicable requirement of Section 27368
11 of Article XII, Ohio Constitution. 27369

Every issue of outstanding anticipation bonds shall be 27370
payable out of the proceeds of the taxes anticipated and other 27371
revenues of the authority that are pledged for such payment. The 27372
pledge shall be valid and binding from the time the pledge is 27373
made, and the anticipated excise taxes and revenues so pledged and 27374
thereafter received by the authority immediately shall be subject 27375
to the lien of that pledge without any physical delivery of those 27376
taxes and revenues or further act. The lien of any pledge is valid 27377
and binding as against all parties having claims of any kind in 27378
tort, contract, or otherwise against the authority, whether or not 27379
such parties have notice of the lien. Neither the resolution nor 27380

any trust agreement by which a pledge is created need be filed or 27381
recorded except in the authority's records. 27382

The anticipation bonds shall bear such date or dates, and 27383
shall mature at such time or times, in the case of any such notes 27384
or any renewals of such notes not exceeding twenty years from the 27385
date of issue of such original notes and in the case of any such 27386
bonds or any refunding bonds not exceeding forty years from the 27387
date of the original issue of notes or bonds for the purpose, and 27388
shall be executed in the manner that the resolution authorizing 27389
the bonds may provide. The anticipation bonds shall bear interest 27390
at such rates, or at a variable rate or rates changing from time 27391
to time, in accordance with provisions provided in the authorizing 27392
resolution, be in such denominations and form, either coupon or 27393
registered, carry such registration privileges, be payable in such 27394
medium of payment and at such place or places, and be subject to 27395
such terms of redemption, as the authority may authorize or 27396
provide. 27397

Sec. 353.09. A lake facilities authority at any time may 27398
issue lake facilities authority revenue bonds in such principal 27399
amounts as, in the opinion of the lake facilities authority, are 27400
necessary for the purpose of paying the cost of one or more lake 27401
facilities authority facilities or parts thereof. A lake 27402
facilities authority at any time may issue renewal notes, issue 27403
bonds to retire its notes and, whenever it considers refunding 27404
expedient, refund any bonds by the issuance of lake facilities 27405
authority revenue refunding bonds, whether the bonds to be 27406
refunded have or have not matured, and issue lake facilities 27407
authority revenue bonds partly to refund outstanding bonds and 27408
partly for any other authorized purpose. The lake facilities 27409
authority revenue refunding bonds shall be sold and the proceeds 27410
applied to the purchase, redemption, or payment of the bonds to be 27411
refunded. Lake facilities authority revenue bonds shall be special 27412

obligations of the lake facilities authority payable out of the 27413
revenues of the lake facilities authority that are pledged for 27414
such payment. The pledge shall be valid and binding from the time 27415
the pledge is made and the revenues so pledged and thereafter 27416
received by the lake facilities authority immediately shall be 27417
subject to the lien of the pledge without any physical delivery 27418
thereof or further act, and the lien of the pledge is valid and 27419
binding as against all parties having claims of any kind in tort, 27420
contract, or otherwise against the lake facilities authority, 27421
irrespective of whether those parties have notice thereof. Neither 27422
the resolution nor any trust agreement by which a pledge is 27423
created need be filed or recorded except in the records of the 27424
lake facilities authority. 27425

Whether or not the lake facilities authority revenue bonds 27426
are of such form and character as to be negotiable instruments, 27427
the lake facilities authority revenue bonds shall have all the 27428
qualities and incidents of negotiable instruments, subject only to 27429
the provisions of the bonds for registration. 27430

The lake facilities authority revenue bonds shall be 27431
authorized by resolution of the lake facilities authority, and 27432
shall bear interest at such rate or rates, shall bear such date or 27433
dates, and shall mature at such time or times, and in such number 27434
of installments as may be provided in or pursuant to that 27435
resolution. The final maturity of any lake facilities authority 27436
revenue bond in the form of a note and any renewals thereof shall 27437
not exceed five years from the date of issue of the original note. 27438
The final maturity of any issue of lake facilities authority 27439
revenue bonds shall not be later than forty-five years from the 27440
date of issue of the original issue of bonds. Any such bonds or 27441
notes shall be executed in a manner as the resolution or 27442
resolutions may provide. The lake facilities authority revenue 27443
bonds shall be in such denominations, be in such form, either 27444

coupon or registered, carry such registration privileges, be 27445
payable in such medium of payment, at such place or places, and be 27446
subject to such terms of redemption as may be provided in or 27447
pursuant to the resolution authorizing their issuance. Lake 27448
facilities authority revenue bonds of the lake facilities 27449
authority may be sold by the lake facilities authority, at public 27450
or private sale, at or at not less than a price or prices as the 27451
lake facilities authority determines. In case any officer whose 27452
signature or a facsimile of whose signature appears on any bonds, 27453
notes, or coupons, ceases to be such officer before delivery of 27454
bonds or notes, the signature or facsimile shall nevertheless be 27455
sufficient for all purposes the same as if the officer had 27456
remained in office until such delivery, and in case the seal of 27457
the lake facilities authority has been changed after a facsimile 27458
has been imprinted on such bonds or notes, the facsimile seal will 27459
continue to be sufficient for all purposes. 27460

Any resolution or resolutions authorizing any lake facilities 27461
authority revenue bonds or any issue of bonds may contain 27462
provisions, subject to any agreements with bondholders as may then 27463
exist, which provisions shall be a part of the contract with the 27464
holders of bonds, as to the pledging of all or any part of the 27465
revenues of the lake facilities authority to secure the payment of 27466
the lake facilities authority bonds or of any issue of the bonds; 27467
the use and disposition of revenues of the lake facilities 27468
authority; a covenant to fix, alter, and collect rentals and other 27469
charges so that pledged revenues will be sufficient to pay costs 27470
of operation, maintenance, and repairs, pay principal of and 27471
interest on bonds secured by the pledge of such revenues, and 27472
provide any reserves that may be required by the applicable 27473
resolution or trust agreement; the setting aside of reserve funds, 27474
sinking funds, or replacement and improvement funds and the 27475
regulation and disposition thereof; the crediting of the proceeds 27476
of the sale of bonds to and among the funds referred to or 27477

provided for in or pursuant to the resolution authorizing the 27478
issuance of the bonds or notes; the use, lease, sale, or other 27479
disposition of any lake facilities authority facility or any other 27480
assets of the lake facilities authority; limitations on the 27481
purpose to which the proceeds of sale of bonds may be applied and 27482
the pledging of those proceeds to secure the payment of the bonds 27483
or of any issue of the bonds; as to notes issued in anticipation 27484
of the issuance of bonds, the agreement of the lake facilities 27485
authority to do all things necessary for the authorization, 27486
issuance, and sale of the bonds in amounts that may be necessary 27487
for the timely retirement of the notes; limitations on the 27488
issuance of additional bonds; the terms upon which additional 27489
bonds may be issued and secured; the refunding of outstanding 27490
bonds; the procedure, if any, by which the terms of any contract 27491
with bondholders may be amended or abrogated, the amount of bonds 27492
the holders of which must consent thereto, and the manner in which 27493
such consent may be given; limitations on the amount of moneys to 27494
be expended by the lake facilities authority for operating, 27495
administrative, or other expenses of the lake facilities 27496
authority; securing any bonds or notes by a trust agreement; and 27497
any other matters, of like or different character, that in any way 27498
affect the security or protection of the bonds or notes. 27499

Neither the board of directors of the lake facilities 27500
authority nor any person executing the bonds shall be liable 27501
personally on the bonds or be subject to any personal liability or 27502
accountability by reason of the issuance thereof. 27503

The issuance of lake facilities authority revenue bonds under 27504
this section need not comply with any other law applicable to the 27505
issuance of bonds or notes. 27506

Sec. 353.10. (A) With respect to facilities, and their 27507
financing, for an authorized purpose, under agreements whereby the 27508

person to whom the facility is to be leased, subleased, or sold, 27509
or to whom a loan is to be made for the facility, is to make 27510
payments sufficient to pay all of the principal of, premium, if 27511
any, and interest on the lake facilities authority revenue bonds 27512
issued for the facility, the lake facilities authority, in 27513
addition to other powers under this chapter, may do any of the 27514
following: 27515

(1) Make loans for the acquisition or construction of the 27516
facility to such person upon such terms as the lake facilities 27517
authority may determine or authorize including secured or 27518
unsecured loans, and, in connection therewith, enter into loan 27519
agreements and other agreements, accept notes and other forms of 27520
obligation to evidence such indebtedness and mortgages, liens, 27521
pledges, assignments, or other security interests to secure such 27522
indebtedness, which may be prior or subordinate to or on a parity 27523
with other indebtedness, obligations, mortgages, pledges, 27524
assignments, other security interests, or liens or encumbrances, 27525
and take actions it considers appropriate to protect such security 27526
and safeguard against losses, including, without limitation, 27527
foreclosure and the bidding upon and purchase of property upon 27528
foreclosure or other sale; 27529

(2) Sell the facility under such terms as it may determine, 27530
including, without limitation, sale by conditional sale or 27531
installment sale, under which title may pass prior to or after 27532
completion of the facility or payment or provisions for payment of 27533
all principal of, premium, if any, and interest on the bonds, or 27534
at any other time provided in the agreement pertaining to the 27535
sale, and including sale under an option to purchase at a price 27536
which may be a nominal amount or less than true value at the time 27537
of purchase; 27538

(3) Grant a mortgage, lien, or other encumbrance on, or 27539

pledge or assignment of, or other security interest with respect 27540
to, all or any part of the facility, revenues, reserve funds, or 27541
other funds established in connection with the bonds, or on, of, 27542
or with respect to any lease, sublease, sale, conditional sale or 27543
installment sale agreement, loan agreement, or other agreement 27544
pertaining to the lease, sublease, sale, or other disposition of a 27545
facility or pertaining to a loan made for a facility, or any 27546
guaranty or insurance agreement made with respect thereto, or any 27547
interest of the lake facilities authority therein, or any other 27548
interest granted, assigned, or released to secure payments of the 27549
principal of, premium, if any, or interest on the bonds or to 27550
secure any other payments to be made by the lake facilities 27551
authority, which mortgage, lien, encumbrance, pledge, assignment, 27552
or other security interest may be prior or subordinate to or on a 27553
parity with any other mortgage, assignment, or other security 27554
interest, or lien or encumbrance; 27555

(4) Provide that the interest on the bonds may be at a 27556
variable rate or rates changing from time to time in accordance 27557
with a base or formula as authorized by the lake facilities 27558
authority; 27559

(5) Contract for the acquisition or construction of the 27560
facility or any part thereof and for the leasing, subleasing, 27561
sale, or other disposition of the facility in a manner determined 27562
by the lake facilities authority in its sole discretion, without 27563
necessity for competitive bidding or performance bonds; 27564

(6) Make appropriate provision for adequate maintenance of 27565
the facility. 27566

(B) With respect to the facilities referred to in this 27567
section, the authority granted by this section is cumulative and 27568
supplementary to all other authority granted in this chapter. The 27569
authority granted by this section does not alter or impair any 27570
similar authority granted elsewhere in this chapter for or with 27571

respect to other facilities. 27572

Sec. 353.11. In the discretion of the lake facilities 27573
authority, any lake facilities authority revenue bonds issued 27574
under this chapter may be secured by a trust agreement between the 27575
lake facilities authority and a corporate trustee that may be any 27576
trust company or bank having the powers of a trust company within 27577
or without the state. 27578

The trust agreement may pledge or assign revenues of the lake 27579
facilities authority to be received and may convey or mortgage any 27580
facility or any part thereof. The trust agreement or any 27581
resolution providing for the issuance of such bonds may contain 27582
any provisions for protecting and enforcing the rights and 27583
remedies of the bondholders as are reasonable and proper and not 27584
in violation of law, including covenants setting forth the duties 27585
of the lake facilities authority in relation to the acquisition of 27586
property, the construction, improvement, maintenance, repair, 27587
operation, and insurance of the facility in connection with which 27588
the bonds are authorized, the rentals or other charges to be 27589
imposed for the use or services of any facility, the custody, 27590
safeguarding, and application of all moneys, and provisions for 27591
the employment of consulting engineers in connection with the 27592
construction or operation of the facility. 27593

Any bank or trust company incorporated under the laws of this 27594
state that may act as depository of the proceeds of bonds or of 27595
revenues may furnish any indemnifying bonds or may pledge any 27596
securities that are required by the lake facilities authority. The 27597
trust agreement may set forth the rights and remedies of the 27598
bondholders and of the trustee, and may restrict the individual 27599
right of action by bondholders as is customary in trust agreements 27600
or trust indentures securing similar bonds. The trust agreement 27601
may contain any other provisions that the lake facilities 27602

authority determines reasonable and proper for the security of the 27603
bondholders. All expenses incurred in carrying out the provisions 27604
of the trust agreement may be treated as a part of the cost of the 27605
operation of the facility. 27606

Sec. 353.12. Any holder of lake facilities authority revenue 27607
bonds issued under sections 353.09 to 353.15 of the Revised Code, 27608
or any of the coupons pertaining to those bonds, and the trustee 27609
under any trust agreement, except to the extent the rights given 27610
by those sections may be restricted by the applicable resolution 27611
or that trust agreement, may by suit, action, mandamus, or other 27612
proceedings, protect and enforce any rights under the laws of the 27613
state or granted under those sections, the trust agreement, or the 27614
resolution authorizing the issuance of the bonds, and may enforce 27615
and compel the performance of all duties required by those 27616
sections, or by the trust agreement or resolution, to be performed 27617
by the lake facilities authority or any officer of the lake 27618
facilities authority, including the fixing, charging, and 27619
collecting of rentals or other charges. 27620

Sec. 353.13. Lake facilities authority revenue bonds issued 27621
under sections 353.09 to 353.15 of the Revised Code do not 27622
constitute a debt, or a pledge of the faith and credit, of the 27623
state or any political subdivision of the state. The holders or 27624
owners of the bonds have no right to have taxes levied by the 27625
general assembly or taxing authority of any political subdivision 27626
of the state for the payment of the principal of or interest on 27627
the bonds. The bonds are payable solely from the revenues and 27628
funds pledged for their payment as authorized by this chapter, 27629
unless the revenue bonds are notes issued in anticipation of the 27630
issuance of the bonds, or the revenue bonds are refunded by 27631
refunding bonds issued under section 353.09 of the Revised Code, 27632
provided that the refunding bonds shall be payable solely from 27633

revenues and funds pledged for their payment as authorized by that 27634
section. All bonds shall contain on the face thereof a statement 27635
to the effect that the bonds, as to both principal and interest, 27636
are not debts of the state or any political subdivision of the 27637
state, but are payable solely from revenues and funds pledged for 27638
their payment. 27639

Sec. 353.14. All moneys, funds, properties, and assets 27640
acquired by the lake facilities authority under this chapter, 27641
whether as proceeds from the sale of lake facilities authority 27642
revenue bonds or as revenues, or otherwise, shall be held by it in 27643
trust for the purposes of carrying out its powers and duties, 27644
shall be used and reused as provided in this chapter, and shall at 27645
no time be part of other public funds. Such funds, except as 27646
otherwise provided in any resolution authorizing its lake 27647
facilities authority revenue bonds or in any trust agreement 27648
securing those bonds, or except when invested pursuant to section 27649
353.15 of the Revised Code, shall be kept in depositories selected 27650
by the lake facilities authority in the manner provided in Chapter 27651
135. of the Revised Code for the selection of eligible public 27652
depositories, and the deposits shall be secured as provided in 27653
that chapter. The resolution authorizing the issuance of such 27654
bonds or the trust agreement securing the bonds shall provide that 27655
any officer to whom, or any bank or trust company to which, such 27656
money is paid shall act as trustee of the money and hold and apply 27657
the money for the purposes for which the bonds are issued, subject 27658
to such conditions as Chapter 135. of the Revised Code and such 27659
resolutions or trust agreement provide. 27660

Sec. 353.15. Except as otherwise provided in any resolution 27661
authorizing the issuance of its lake facilities authority revenue 27662
bonds or in any trust agreement securing the bonds, moneys in the 27663

funds of the lake facilities authority in excess of current needs 27664
may be invested as permitted by sections 135.01 to 135.21 of the 27665
Revised Code or invested in linked deposit programs established by 27666
resolution of the board of directors in accordance with section 27667
135.80 of the Revised Code. Income from all investments of moneys 27668
in any fund shall be credited to funds as the lake facilities 27669
authority determines, subject to the provisions of any such 27670
resolution or trust agreement, and the investments may be sold at 27671
any time the lake facilities authority determines. 27672

Sec. 353.16. Bonds of a lake facilities authority and lake 27673
facilities authority revenue bonds are lawful investments of 27674
banks, societies for savings, trust companies, savings and loan 27675
associations, deposit guaranty associations, trustees, 27676
fiduciaries, trustees or other officers having charge of the bond 27677
retirement funds or sinking funds of port authorities and 27678
political subdivisions, and taxing districts of this state, the 27679
commissioners of the sinking fund of this state, the administrator 27680
of workers' compensation, the state teachers retirement system, 27681
the school employees retirement system, the public employees 27682
retirement system, the Ohio police and fire pension fund, and 27683
insurance companies, including domestic life insurance companies 27684
and domestic insurance companies other than life, and are 27685
acceptable as security for the deposit of public moneys. 27686

Sec. 511.261. If a township park district enters into an 27687
agreement for the sale or lease of mineral rights regarding a park 27688
within the district, any royalties or other moneys resulting from 27689
the sale or lease shall be deposited into a special fund that the 27690
board of park commissioners shall establish under division (F) of 27691
section 5705.09 of the Revised Code. The fund shall be used 27692
exclusively for maintenance of parks within the district and for 27693

the acquisition of new park lands. 27694

Sec. 517.271. Notwithstanding section 517.22 of the Revised Code, the company, association, or religious society that most recently owned and operated a cemetery currently owned by a board of township trustees may petition the probate court of the county in which the cemetery is located to transfer the ownership of the cemetery to the petitioner. 27695
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If the court determines that the petitioner has met all of the following conditions, the court shall transfer the ownership of the cemetery to the petitioner and shall order the board to give the petitioner all necessary records and documents concerning the cemetery, including records of the board's sale of any lots pursuant to section 517.07 of the Revised Code: 27701
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(A) The petitioner has the financial resources necessary to operate and maintain the cemetery; 27707
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(B) The petitioner is in compliance with all applicable laws and administrative rules concerning the owners and operators of cemeteries, including registration under section 4767.02 of the Revised Code; and 27709
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(C) The petitioner owes no delinquent taxes. 27713

Sec. 715.013. (A) Except as otherwise expressly authorized by the Revised Code, no municipal corporation shall levy a tax that is the same as or similar to a tax levied under Chapter 322., 3734., 3769., 4123., 4141., 4301., 4303., 4305., 4307., 4309., 5707., 5725., 5726., 5727., 5728., 5729., 5731., 5735., 5736., 5737., 5739., 5741., 5743., ~~or~~ 5749., or 5751. of the Revised Code. 27714
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(B) This section does not prohibit a municipal corporation from levying a tax on any of the following: 27721
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(1) Amounts received for admission to any place;	27723
(2) The income of an electric company or combined company, as defined in section 5727.01 of the Revised Code;	27724 27725
(3) On and after January 1, 2004, the income of a telephone company, as defined in section 5727.01 of the Revised Code.	27726 27727
Sec. 715.691. (A) As used in this section:	27728
(1) "Contracting party" means a municipal corporation that has entered into a joint economic development zone contract or any party succeeding to the municipal corporation, or a township that entered into a joint economic development zone contract with a municipal corporation.	27729 27730 27731 27732 27733
(2) "Zone" means a joint economic development zone designated under this section.	27734 27735
(B) This section provides alternative procedures and requirements for creating and operating a joint economic development zone to those set forth in section 715.69 of the Revised Code. This section applies only if one of the contracting parties to the zone does not levy a municipal income tax under Chapter 718. of the Revised Code. A municipal corporation that does not levy a municipal income tax may enter into an agreement to create and operate a joint economic development zone under this section or under section 715.69 of the Revised Code.	27736 27737 27738 27739 27740 27741 27742 27743 27744
Two or more municipal corporations or one or more townships and one or more municipal corporations may enter into a contract whereby they agree to share in the costs of improvements for an area or areas located in one or more of the contracting parties that they designate as a joint economic development zone for the purpose of facilitating new or expanded growth for commercial or economic development in the state. The contract and zone shall meet the requirements of divisions (B) to (J) of this section.	27745 27746 27747 27748 27749 27750 27751 27752

(C) The contract shall set forth each contracting party's contribution to the joint economic development zone. The contributions may be in any form that the contracting parties agree to, and may include, but are not limited to, the provision of services, money, or equipment. The contract may be amended, renewed, or terminated with the consent of the contracting parties. The contract shall continue in existence throughout the term it specifies and shall be binding on the contracting parties and on any entities succeeding to the contracting parties.

(D) Before the legislative authority of any of the contracting parties enacts an ordinance or resolution approving a contract to designate a joint economic development zone, the legislative authority of each of the contracting parties shall hold a public hearing concerning the contract and zone. Each legislative authority shall provide at least thirty days' public notice of the time and place of the public hearing in a newspaper of general circulation in the municipal corporation or township. During the thirty-day period prior to the public hearing, all of the following documents shall be available for public inspection in the office of the clerk of the legislative authority of a municipal corporation that is a contracting party and in the office of the fiscal officer of a township that is a contracting party:

(1) A copy of the contract designating the zone;

(2) A description of the area or areas to be included in the zone, including a map in sufficient detail to denote the specific boundaries of the area or areas;

(3) An economic development plan for the zone that includes a schedule for the provision of any new, expanded, or additional services, facilities, or improvements.

A public hearing held under division (D) of this section

shall allow for public comment and recommendations on the contract 27784
and zone. The contracting parties may include in the contract any 27785
of those recommendations prior to approval of the contract. 27786

(E) After the public hearings required under division (D) of 27787
this section have been held, each contracting party may enact an 27788
ordinance or resolution approving the contract to designate a 27789
joint economic development zone. After each contracting party has 27790
enacted an ordinance or resolution, the clerk of the legislative 27791
authority of a municipal corporation that is a contracting party 27792
and the fiscal officer of a township that is a contracting party 27793
shall file with the board of elections of each county within which 27794
a contracting party is located a copy of the ordinance or 27795
resolution approving the contract and shall direct the board of 27796
elections to submit the ordinance or resolution to the electors of 27797
the contracting party on the day of the next general, primary, or 27798
special election occurring at least ninety days after the 27799
ordinance or resolution is filed with the board of elections. If 27800
any of the contracting parties is a township, however, then only 27801
the township or townships shall submit the resolution to the 27802
electors. 27803

(F)(1) If a vote is required to approve a municipal 27804
corporation as a contracting party to a joint economic development 27805
zone under this section, the ballot shall be in the following 27806
form: 27807

"Shall the ordinance of the legislative authority of the 27808
(city or village) of (name of contracting party) approving the 27809
contract with (name of each other contracting party) for the 27810
designation of a joint economic development zone be approved? 27811

	FOR THE ORDINANCE AND CONTRACT
	AGAINST THE ORDINANCE AND CONTRACT

"

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(2) If a vote is required to approve a township as a contracting party to a joint economic development zone under this section, the ballot shall be in the following form:

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"Shall the resolution of the board of township trustees of the township of (name of contracting party) approving the contract with (name of each other contracting party) for the designation of a joint economic development zone be approved?"

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	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

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If a majority of the electors of each contracting party voting on the issue vote for the ordinance or resolution and contract, the ordinance or resolution shall become effective immediately and the contract shall go into effect immediately or in accordance with its terms.

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(G)(1) A board of directors shall govern each joint economic development zone created under section 715.691 of the Revised Code. The members of the board shall be appointed as provided in the contract. Each of the contracting parties shall appoint three members to the board. Terms for each member shall be for two years, each term ending on the same day of the month of the year as did the term that it succeeds. A member may be reappointed to the board.

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(2) Membership on the board is not the holding of a public office or employment within the meaning of any section of the Revised Code or any charter provision prohibiting the holding of other public office or employment. Membership on the board is not a direct or indirect interest in a contract or expenditure of money by a municipal corporation, township, county, or other

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political subdivision with which a member may be affiliated. 27846
Notwithstanding any provision of law or a charter to the contrary, 27847
no member of the board shall forfeit or be disqualified from 27848
holding any public office or employment by reason of membership on 27849
the board. 27850

(3) The board is a public body for the purposes of section 27851
121.22 of the Revised Code. Chapter 2744. of the Revised Code 27852
applies to the board and the zone. 27853

(H) The contract may grant to the board of directors 27854
appointed under division (G) of this section the power to adopt a 27855
resolution to levy an income tax within the zone. The income tax 27856
shall be used for the purposes of the zone and for the purposes of 27857
the contracting ~~municipal corporations~~ parties pursuant to the 27858
contract. The income tax may be levied in the zone based on income 27859
earned by persons working within the zone and on the net profits 27860
of businesses located in the zone. The income tax is subject to 27861
Chapter 718. of the Revised Code, except that a vote shall be 27862
required by the electors residing in the zone to approve the rate 27863
of income tax unless a majority of the electors residing within 27864
the zone, as determined by the total number of votes cast in the 27865
zone for the office of governor at the most recent general 27866
election for that office, submit a petition to the board 27867
requesting that the election provided for in division (H)(1) of 27868
this section not be held. If no electors reside within the zone, 27869
then division (H)(3) of this section applies. The rate of the 27870
income tax shall be no higher than the highest rate being levied 27871
by a municipal corporation that is a party to the contract. 27872

(1) The board of directors may levy an income tax at a rate 27873
that is not higher than the highest rate being levied by a 27874
municipal corporation that is a party to the contract, provided 27875
that the rate of the income tax is first submitted to and approved 27876
by the electors of the zone at the succeeding regular or primary 27877

election, or a special election called by the board, occurring 27878
subsequent to ninety days after a certified copy of the resolution 27879
levying the income tax and calling for the election is filed with 27880
the board of elections. If the voters approve the levy of the 27881
income tax, the income tax shall be in force for the full period 27882
of the contract establishing the zone. No election shall be held 27883
under this section if a majority of the electors residing within 27884
the zone, determined as specified in division (H) of this section, 27885
submit a petition to that effect to the board of directors. Any 27886
increase in the rate of an income tax by the board of directors 27887
shall be approved by a vote of the electors of the zone and shall 27888
be in force for the remaining period of the contract establishing 27889
the zone. 27890

(2) Whenever a zone is located in the territory of more than 27891
one contracting party, a majority vote of the electors in each of 27892
the several portions of the territory of the contracting parties 27893
constituting the zone approving the levy of the tax is required 27894
before it may be imposed under division (H) of this section. 27895

(3) If no electors reside in the zone, no election for the 27896
approval or rejection of an income tax shall be held under this 27897
section, provided that where no electors reside in the zone, the 27898
rate of the income tax shall be no higher than the highest rate 27899
being levied by a municipal corporation that is a party to the 27900
contract. 27901

(4) The board of directors of a zone levying an income tax 27902
shall enter into an agreement with one of the municipal 27903
corporations that is a party to the contract to administer, 27904
collect, and enforce the income tax on behalf of the zone. 27905

(5) The board of directors of a zone shall publish or post 27906
public notice within the zone of any resolution adopted levying an 27907
income tax in the same manner required of municipal corporations 27908
under sections 731.21 and 731.25 of the Revised Code. 27909

(I)(1) If for any reason a contracting party reverts to or 27910
has its boundaries changed so that it is classified as a township 27911
that is the entity succeeding to that contracting party, the 27912
township is considered to be a municipal corporation for the 27913
purposes of the contract for the full period of the contract 27914
establishing the joint economic development zone, except that if 27915
that contracting party is administering, collecting, and enforcing 27916
the income tax on behalf of the district as provided in division 27917
(H)(4) of this section, the contract shall be amended to allow one 27918
of the other contracting parties to administer, collect, and 27919
enforce that tax. 27920

(2) Notwithstanding any other section of the Revised Code, if 27921
there is any change in the boundaries of a township so that a 27922
municipal corporation once located within the township is no 27923
longer so located, the township shall remain in existence even 27924
though its remaining unincorporated area contains less than 27925
twenty-two square miles, if the township has been or becomes a 27926
party to a contract creating a joint economic development zone 27927
under this section or the contract creating that joint economic 27928
development zone under this section is terminated or repudiated 27929
for any reason by any party or person. The township shall continue 27930
its existing status in all respects, including having the same 27931
form of government and the same elected board of trustees as its 27932
governing body. The township shall continue to receive all of its 27933
tax levies and sources of income as a township in accordance with 27934
any section of the Revised Code, whether the levies and sources of 27935
income generate millage within the ten-mill limitation or in 27936
excess of the ten-mill limitation. The name of the township may be 27937
changed to the name of the contracting party appearing in the 27938
contract creating a joint economic development zone under this 27939
section, so long as the name does not conflict with any other name 27940
in the state that has been certified by the secretary of state. 27941
The township shall have all of the powers set out in sections 27942

715.79, 715.80, and 715.81 of the Revised Code. 27943

(J) If, after creating and operating a joint economic 27944
development zone under this section, a contracting party that did 27945
not levy a municipal income tax under Chapter 718. of the Revised 27946
Code levies such a tax, the tax shall not apply to the zone for 27947
the full period of the contract establishing the zone, if the 27948
board of directors of the zone has levied an income tax as 27949
provided in division (H) of this section. 27950

Sec. 721.01. Municipal corporations have special power to 27951
sell or lease real estate or to sell personal property belonging 27952
to the municipal corporation, when such real estate or personal 27953
property is not needed for any municipal purpose. Such power shall 27954
be exercised in the manner provided by ~~sections 721.01 to 721.26,~~ 27955
~~inclusive, of the Revised Code~~ this chapter. 27956

Sec. 721.03. No contract, except as provided in section 27957
721.28 of the Revised Code, for the sale or lease of real estate 27958
belonging to a municipal corporation shall be made unless 27959
authorized by an ordinance, approved by a two-thirds vote of the 27960
members of the legislative authority of such municipal 27961
corporation, and by the board or officer having supervision or 27962
management of such real estate. When the contract is so 27963
authorized, it shall be made in writing by such board or officer, 27964
and, except as provided in section 721.27 or 721.29 of the Revised 27965
Code, only with the highest bidder, after advertisement once a 27966
week for five consecutive weeks in a newspaper of general 27967
circulation within the municipal corporation or as provided in 27968
section 7.16 of the Revised Code. Such board or officer may reject 27969
any bids and readvertise until all such real estate is sold or 27970
leased. 27971

Sec. 721.29. The legislative authority of a city may sell to 27972

a board of county commissioners real estate belonging to the city 27973
that is no longer needed for city purposes upon such lawful terms 27974
as are agreed upon between the city and the board of county 27975
commissioners, without competitive bidding as required by section 27976
721.03 of the Revised Code. No such sale shall be made unless the 27977
contract for the sale is authorized by ordinance, approved by a 27978
two-thirds vote of the members of the legislative authority of the 27979
city, and by the board or officer having supervision or management 27980
of the real estate. 27981

Sec. 731.091. (A) The legislative authority of a village may, 27982
by the adoption of an ordinance or resolution to eliminate 27983
staggered terms of office, determine that all members of the 27984
legislative authority shall be elected at the same municipal 27985
election as provided for in this section. 27986

(B) At the regular municipal election occurring not less than 27987
ninety days after the certification of the ordinance or resolution 27988
to the board of elections eliminating staggered terms of office, 27989
the following apply: 27990

(1) If there are six members of the legislative authority, 27991
~~three~~ the number of members eligible for election at that regular 27992
municipal election shall be elected ~~at the next regular municipal~~ 27993
~~election for~~ to two-year nonstaggered terms, and all members of 27994
the legislative authority shall be elected to four-year 27995
nonstaggered terms at all following municipal elections. 27996

(2) If there are five members of the legislative authority, 27997
~~three~~ a number of members that is one less than the number of 27998
members that would otherwise be eligible for election at that 27999
regular municipal election but for the first-time implementation 28000
of the new membership of five, or, in the case of a village that 28001
has previously reduced its number of members to five, then the 28002
number of members eligible for election at that regular municipal 28003

election shall be elected ~~at the next municipal election for to~~ 28004
two-year nonstaggered terms, and all members shall be elected to 28005
four-year nonstaggered terms at all following municipal elections. 28006

Sec. 737.41. (A) The legislative authority of a municipal 28007
corporation in which is established a municipal court, other than 28008
a county-operated municipal court, that has a department of 28009
probation shall establish in the municipal treasury a municipal 28010
probation services fund. The fund shall contain all moneys paid to 28011
the treasurer of the municipal corporation under section 2951.021 28012
of the Revised Code for deposit into the fund. The treasurer of 28013
the municipal corporation shall disburse the money contained in 28014
the fund at the request of the municipal court department of 28015
probation, for use only by that department for specialized staff, 28016
purchase of equipment, purchase of services, reconciliation 28017
programs for offenders and victims, other treatment programs, 28018
including ~~alcohol and drug~~ community addiction ~~programs~~ services 28019
providers certified under section ~~3793.06~~ 5119.36 of the Revised 28020
Code, determined to be appropriate by the chief probation officer, 28021
and other similar expenses related to placing offenders under a 28022
community control sanction. 28023

(B) Any money in a municipal probation services fund at the 28024
end of a fiscal year shall not revert to the treasury of the 28025
municipal corporation but shall be retained in the fund. 28026

(C) As used in this section: 28027

(1) "County-operated municipal court" has the same meaning as 28028
in section 1901.03 of the Revised Code. 28029

(2) "Community control sanction" has the same meaning as in 28030
section 2929.01 of the Revised Code. 28031

Sec. 742.14. (A) The board of trustees of the Ohio police and 28032
fire pension fund shall have prepared triennially by or under the 28033

supervision of an actuary an actuarial valuation of the pension 28034
assets, liabilities, and funding requirements of the Ohio police 28035
and fire pension fund as established pursuant to sections 742.01 28036
to 742.61 of the Revised Code. The actuary shall complete the 28037
valuation in accordance with actuarial standards of practice 28038
promulgated by the actuarial standards board of the American 28039
academy of actuaries and prepare a report of the valuation. The 28040
report shall include all of the following: 28041

(1) A summary of the benefit provisions evaluated; 28042

(2) A summary of the census data and financial information 28043
used in the valuation; 28044

(3) A description of the actuarial assumptions, actuarial 28045
cost method, and asset valuation method used in the valuation, 28046
including a statement of the assumed rate of payroll growth and 28047
assumed rate of growth or decline in the number of members of the 28048
fund contributing to the pension fund; 28049

(4) A summary of findings that includes a statement of the 28050
actuarial accrued pension liabilities and unfunded actuarial 28051
accrued pension liabilities; 28052

(5) A schedule showing the effect of any changes in the 28053
benefit provisions, actuarial assumptions, or cost methods since 28054
the last triennial actuarial valuation; 28055

(6) A statement of whether employee and employer 28056
contributions to the pension fund are expected to be sufficient to 28057
satisfy the funding objectives established by the board. 28058

The first triennial report shall be made not later than 28059
November 1, 2013, to the Ohio retirement study council, the 28060
director of budget and management, and the standing committees of 28061
the house of representatives and the senate with primary 28062
responsibility for retirement legislation immediately upon its 28063
availability and thereafter triennially, not later than the first 28064

day of November. 28065

(B) At such times as the board determines, and at least once 28066
in each quinquennial period, the board shall have prepared by or 28067
under the supervision of an actuary an actuarial investigation of 28068
the mortality, service, and other experience of the members of the 28069
fund and of other system retirants, as defined in section 742.26 28070
of the Revised Code, who are members of a police department or a 28071
fire department to update the actuarial assumptions used in the 28072
actuarial valuation required by division (A) of this section. The 28073
actuary shall prepare a report of the actuarial investigation. The 28074
report shall be prepared and any recommended changes in actuarial 28075
assumptions shall be made in accordance with the actuarial 28076
standards of practice promulgated by the actuarial standards board 28077
of the American academy of actuaries. The report shall include all 28078
of the following: 28079

(1) A summary of relevant decrement and economic assumption 28080
experience observed over the period of the investigation; 28081

(2) Recommended changes in actuarial assumptions to be used 28082
in subsequent actuarial valuations required by division (A) of 28083
this section; 28084

(3) A measurement of the financial effect of the recommended 28085
changes in actuarial assumptions; 28086

(4) If the investigation required by this division includes 28087
the investigation required by division (E) of this section, a 28088
report of the result of that investigation. 28089

The board shall submit the report to the Ohio retirement 28090
study council and the standing committees of the house of 28091
representatives and the senate with primary responsibility for 28092
retirement legislation not later than the first day of November 28093
following the last fiscal year of the period the report covers. 28094

(C) The board shall have prepared by or under the supervision 28095

of an actuary an actuarial analysis of any introduced legislation 28096
expected to have a measurable financial impact on the pension 28097
fund. The actuarial analysis shall be completed in accordance with 28098
the actuarial standards of practice promulgated by the actuarial 28099
standards board of the American academy of actuaries. The actuary 28100
shall prepare a report of the actuarial analysis, which shall 28101
include all of the following: 28102

(1) A summary of the statutory changes that are being 28103
evaluated; 28104

(2) A description of or reference to the actuarial 28105
assumptions and actuarial cost method used in the report; 28106

(3) A description of the participant group or groups included 28107
in the report; 28108

(4) A statement of the financial impact of the legislation, 28109
including the resulting increase, if any, in the employer normal 28110
cost percentage; the increase, if any, in actuarial accrued 28111
liabilities; and the per cent of payroll that would be required to 28112
amortize the increase in actuarial accrued liabilities as a level 28113
per cent of covered payroll for all active members of the fund 28114
over a period not to exceed thirty years; 28115

(5) A statement of whether the scheduled contributions to the 28116
system after the proposed change is enacted are expected to be 28117
sufficient to satisfy the funding objectives established by the 28118
board. 28119

Not later than sixty days from the date of introduction of 28120
the legislation, the board shall submit a copy of the actuarial 28121
analysis to the legislative service commission, the standing 28122
committees of the house of representatives and the senate with 28123
primary responsibility for retirement legislation, and the Ohio 28124
retirement study council. 28125

(D) The board shall have prepared triennially a report giving 28126

a full accounting of the revenues and costs relating to the 28127
provision of benefits under section 742.45 of the Revised Code. 28128
The first triennial report shall be made as of December 31, 2013, 28129
and the thirty-first day of December triennially thereafter. The 28130
report shall include the following: 28131

(1) A description of the statutory authority for the benefits 28132
provided; 28133

(2) A summary of the benefits; 28134

(3) A summary of the eligibility requirements for the 28135
benefits; 28136

(4) A statement of the number of participants eligible for 28137
the benefits; 28138

(5) A description of the accounting, asset valuation, and 28139
funding method used to provide the benefits; 28140

(6) A statement of the net assets available for the provision 28141
of the benefits as of the last day of the fiscal year; 28142

(7) A statement of any changes in the net assets available 28143
for the provision of benefits, including participant and employer 28144
contributions, net investment income, administrative expenses, and 28145
benefits provided to participants, as of the last day of the 28146
fiscal year; 28147

(8) For the last six consecutive fiscal years, a schedule of 28148
the net assets available for the benefits, the annual cost of 28149
benefits, administrative expenses incurred, and annual employer 28150
contributions allocated for the provision of benefits; 28151

(9) A description of any significant changes that affect the 28152
comparability of the report required under this division; 28153

(10) A statement of the amount paid under division (B) of 28154
section 742.45 of the Revised Code. 28155

The board shall submit the report to the Ohio retirement 28156

study council, the director of budget and management, and the 28157
standing committees of the house of representatives and the senate 28158
with primary responsibility for retirement legislation immediately 28159
upon its availability and not later than the thirtieth day of June 28160
following the year for which the report was made. 28161

(E) At least once in each quinquennial period, the board 28162
shall have prepared by or under the supervision of an actuary an 28163
actuarial investigation of the deferred retirement option plan 28164
established under section 742.43 of the Revised Code. The 28165
investigation shall include an examination of the financial 28166
impact, if any, on the fund of offering the plan to members. 28167

The actuary shall prepare a report of the actuarial 28168
investigation. The report shall include a determination of whether 28169
the plan, as established or modified, has a negative financial 28170
impact on the fund and, if so, recommendations on how to modify 28171
the plan to eliminate the negative financial impact. If the 28172
actuarial report indicates that the plan has a negative financial 28173
impact on the fund, the board may modify the plan or cease to 28174
allow members who have not already done so to elect to participate 28175
in the plan. The firefighter and police officers employers' 28176
contributions shall not be increased to offset any negative 28177
financial impact of the plan. 28178

If the board ceases to allow members to elect to participate 28179
in the plan, the rights and obligations of members who have 28180
already elected to participate shall not be altered. 28181

The board may include the actuarial investigation required 28182
under this division as part of the actuarial investigation 28183
required under division (B) of this section. If the report of the 28184
actuarial investigation required by this division is not included 28185
in the report required by division (B) of this section, the board 28186
shall submit the report required by this division to the Ohio 28187
retirement study council and the standing committees of the house 28188

of representatives and the senate with primary responsibility for 28189
retirement legislation not later than the first day of November 28190
following the last fiscal year of the period the report covers. 28191

Sec. 743.50. (A) A municipal corporation that has established 28192
and implemented a watershed management program with regard to 28193
reservoirs for drinking water shall not include in the program any 28194
prohibition against maintenance of property that constitutes a 28195
buffer around a body of water that is part of such a reservoir by 28196
an owner of property that is contiguous to the buffer. 28197

(B) A municipal corporation that has established and 28198
implemented a watershed management program with regard to 28199
reservoirs for drinking water shall not include in the program any 28200
prohibition against mowing grass, weeds, or other vegetation on 28201
municipal property that constitutes a buffer around a body of 28202
water that is part of such a reservoir by owners of property 28203
contiguous to the buffer. 28204

(C) No peace officer or other official with authority to cite 28205
trespassers on municipal property described in this section may 28206
issue a civil or criminal citation to any individual who enters 28207
municipal property buffering a reservoir for the sole purpose of 28208
mowing grass, weeds, or other vegetation in an effort to beautify 28209
the municipal property that is contiguous to property owned by the 28210
individual. 28211

Sec. 755.06. (A) The board of park commissioners shall have 28212
the expenditures of all moneys appropriated by the legislative 28213
authority of the city or received from any other source for the 28214
purchase, acquisition, improvement, maintenance, equipment, or 28215
enjoyment of all property mentioned in section 755.05 of the 28216
Revised Code, but no liability shall be incurred or expenditure 28217
made unless the money required therefor is in the treasury to the 28218

credit of the park fund and not appropriated for any other 28219
purpose. 28220

(B) Notwithstanding division (A) of this section, if the 28221
legislative authority of a municipal corporation enters into an 28222
agreement for the sale or lease of mineral rights regarding lands 28223
that the board of park commissioners manages or controls, any 28224
royalties or other moneys resulting from the sale or lease shall 28225
be deposited into a special fund that the legislative authority 28226
shall establish under division (F) of section 5705.09 of the 28227
Revised Code. The board of park commissioners shall use the fund 28228
exclusively for maintenance of lands that the board manages or 28229
controls and for the acquisition of new park lands. 28230

Sec. 901.21. (A) As used in this section and section 901.22 28231
of the Revised Code: 28232

(1) "Agricultural easement" has the same meaning as in 28233
section 5301.67 of the Revised Code. 28234

(2) "Agriculture" means those activities occurring on land 28235
devoted exclusively to agricultural use, as defined in section 28236
5713.30 of the Revised Code, or on land that constitutes a 28237
homestead. 28238

(3) "Homestead" means the portion of a farm on which is 28239
located a dwelling house, yard, or outbuildings such as a barn or 28240
garage. 28241

(B) The director of agriculture may acquire real property 28242
used predominantly in agriculture and agricultural easements by 28243
gift, devise, or bequest if, at the time an easement is granted, 28244
such an easement is on land that is valued for purposes of real 28245
property taxation at its current value for agricultural use under 28246
section 5713.31 of the Revised Code or that constitutes a 28247
homestead. Any terms may be included in an agricultural easement 28248

so acquired that are necessary or appropriate to preserve on 28249
behalf of the grantor of the easement the favorable tax 28250
consequences of the gift, devise, or bequest under the "Internal 28251
Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 28252
The director, by any such means or by purchase or lease, may 28253
acquire, or acquire the use of, stationary personal property or 28254
equipment that is located on land acquired in fee by the director 28255
under this section and that is necessary or appropriate for the 28256
use of the land predominantly in agriculture. 28257

(C) The director may include, in an agricultural easement 28258
acquired under division (B) of this section, a provision to 28259
preserve a unique natural or physical feature on the land so long 28260
as the use of the land remains predominantly agricultural. 28261

(D) The director may do all things necessary or appropriate 28262
to retain the use of real property acquired in fee under division 28263
(B) of this section predominantly in agriculture, including, 28264
without limitation, performing any of the activities described in 28265
division (A)(1) or (2) of section 5713.30 of the Revised Code or 28266
entering into contracts to lease or rent the real property so 28267
acquired to persons or governmental entities that will use the 28268
land predominantly in agriculture. 28269

~~(D)~~(E)(1) When the director considers it to be necessary or 28270
appropriate, the director may sell real property acquired in fee, 28271
and stationary personal property or equipment acquired by gift, 28272
devise, bequest, or purchase, under division (B) of this section 28273
on such terms as the director considers to be advantageous to this 28274
state. 28275

(2) An agricultural easement acquired under division (B) of 28276
this section may be extinguished under the circumstances 28277
prescribed, and in accordance with the terms and conditions set 28278
forth, in the instrument conveying the agricultural easement. 28279

~~(E)~~(F) There is hereby created in the state treasury the 28280
agricultural easement purchase fund. The fund shall consist of the 28281
proceeds received from the sale of real and personal property 28282
under division ~~(D)~~(E) of this section; moneys received due to the 28283
extinguishment of agricultural easements acquired by the director 28284
under division (B) of this section or section 5301.691 of the 28285
Revised Code; moneys received due to the extinguishment of 28286
agricultural easements purchased with the assistance of matching 28287
grants made under section 901.22 of the Revised Code; gifts, 28288
bequests, devises, and contributions received by the director for 28289
the purpose of acquiring agricultural easements; and grants 28290
received from public or private sources for the purpose of 28291
purchasing agricultural easements. The fund shall be administered 28292
by the director, and moneys in the fund shall be used by the 28293
director exclusively to purchase agricultural easements under 28294
division (A) of section 5301.691 of the Revised Code and provide 28295
matching grants under section 901.22 of the Revised Code to 28296
municipal corporations, counties, townships, soil and water 28297
conservation districts established under Chapter 1515. of the 28298
Revised Code, and charitable organizations described in division 28299
(B) of section 5301.69 of the Revised Code for the purchase of 28300
agricultural easements. Money in the fund shall be used only to 28301
purchase agricultural easements on land that is valued for 28302
purposes of real property taxation at its current value for 28303
agricultural use under section 5713.31 of the Revised Code or that 28304
constitutes a homestead when the easement is purchased. 28305

~~(F)~~(G) There is hereby created in the state treasury the 28306
clean Ohio agricultural easement fund. Twelve and one-half per 28307
cent of net proceeds of obligations issued and sold pursuant to 28308
sections 151.01 and 151.09 of the Revised Code shall be deposited 28309
into the fund. The fund shall be used by the director for the 28310
purposes of this section, section 901.22 of the Revised Code, and 28311
the provisions of sections 5301.67 to 5301.70 of the Revised Code 28312

governing agricultural easements. Investment earnings of the fund 28313
shall be credited to the fund and may be used to pay costs 28314
incurred by the director in administering those sections and 28315
provisions. 28316

~~(G)~~(H) The term of an agricultural easement purchased wholly 28317
or in part with money from the clean Ohio agricultural easement 28318
fund or the agricultural easement purchase fund shall be perpetual 28319
and shall run with the land. 28320

Sec. 901.22. (A) The director of agriculture, in accordance 28321
with Chapter 119. of the Revised Code, shall adopt rules that do 28322
all of the following: 28323

(1) Establish procedures and eligibility criteria for making 28324
matching grants to municipal corporations, counties, townships, 28325
soil and water conservation districts established under Chapter 28326
1515. of the Revised Code, and charitable organizations described 28327
in division (B) of section 5301.69 of the Revised Code for the 28328
purchase of agricultural easements. With respect to agricultural 28329
easements that are purchased or proposed to be purchased with such 28330
matching grants that consist in whole or in part of moneys from 28331
the clean Ohio agricultural easement fund created in section 28332
901.21 of the Revised Code, the rules shall establish all of the 28333
following: 28334

(a) Procedures for all of the following: 28335

(i) Soliciting and accepting applications for matching 28336
grants; 28337

(ii) Participation by local governments and by the public in 28338
the process of making matching grants to charitable organizations; 28339

(iii) Notifying local governments, charitable organizations, 28340
and organizations that represent the interests of farmers of the 28341
ranking system established in rules adopted under division 28342

(A)(1)(b) of this section. 28343

(b) A ranking system for applications for the matching grants 28344
that is based on the soil type, proximity of the land or other 28345
land that is conducive to agriculture as defined by rules adopted 28346
under this section and that is the subject of an application to 28347
other agricultural land or other land that is conducive to 28348
agriculture as defined by rules adopted under this section and 28349
that is already or is in the process of becoming permanently 28350
protected from development, farm stewardship, development 28351
pressure, and, if applicable, a local comprehensive land use plan 28352
involved with a proposed agricultural easement. The rules shall 28353
require that preference be given to proposed agricultural 28354
easements that involve the greatest proportion of all of the 28355
following: 28356

(i) Prime soils, unique or locally important soils, 28357
microclimates, or similar features; 28358

(ii) Land that is adjacent to or that is in close proximity 28359
to other agricultural land or other land that is conducive to 28360
agriculture as defined by rules adopted under this section and 28361
that is already or is in the process of becoming permanently 28362
protected from development, by agricultural easement or otherwise, 28363
so that a buffer would exist between the land involving the 28364
proposed agricultural easement and areas that have been developed 28365
or likely will be developed for purposes other than agriculture; 28366

(iii) The use of best management practices, including 28367
federally or state approved conservation plans, and a history of 28368
substantial compliance with applicable federal and state laws; 28369

(iv) Development pressure that is imminent, but not a result 28370
of current location in the direct path of urban development; 28371

(v) Areas identified for agricultural protection in local 28372
comprehensive land use plans. 28373

(c) Any other criteria that the director determines are necessary for selecting applications for matching grants;	28374 28375
(d) Requirements regarding the information that must be included in the annual monitoring report that must be prepared for an agricultural easement under division (E)(2) of section 5301.691 of the Revised Code, procedures for submitting a copy of the report to the office of farmland preservation in the department of agriculture, and requirements and procedures governing corrective actions that may be necessary to enforce the terms of the agricultural easement.	28376 28377 28378 28379 28380 28381 28382 28383
(2) Establish provisions that shall be included in the instrument conveying to a municipal corporation, county, township, soil and water conservation district, or charitable organization any agricultural easement purchased with matching grant funds provided by the director under this section, including, without limitation, all of the following provisions:	28384 28385 28386 28387 28388 28389
(a) A provision stating that an easement so purchased may be extinguished only if an unexpected change in the conditions of or surrounding the land that is subject to the easement makes impossible or impractical the continued use of the land for the purposes described in the easement, or if the requirements of the easement are extinguished by judicial proceedings;	28390 28391 28392 28393 28394 28395
(b) A provision requiring that, upon the sale, exchange, or involuntary conversion of the land subject to the easement, the holder of the easement shall be paid an amount of money that is at least equal to the proportionate value of the easement compared to the total value of the land at the time the easement was acquired;	28396 28397 28398 28399 28400
(c) A provision requiring that, upon receipt of the portion of the proceeds of a sale, exchange, or involuntary conversion described in division (A)(2)(b) of this section, the municipal corporation, county, township, soil and water conservation	28401 28402 28403 28404

district, or charitable organization remit to the director an 28405
amount of money equal to the percentage of the cost of purchasing 28406
the easement it received as a matching grant under this section. 28407

Moneys received by the director pursuant to rules adopted 28408
under division (A)(2)(c) of this section shall be credited to the 28409
agricultural easement purchase fund created in section 901.21 of 28410
the Revised Code. 28411

(3) Establish a provision that provides a charitable 28412
organization, municipal corporation, township, county, or soil and 28413
water conservation district with the option of purchasing 28414
agricultural easements either in installments or with a lump sum 28415
payment. The rules shall include a requirement that a charitable 28416
organization, municipal corporation, township, county, or soil and 28417
water conservation district negotiate with the seller of the 28418
agricultural easement concerning any installment payment terms, 28419
including the dates and amounts of payments and the interest rate 28420
on the outstanding balance. The rules also shall require the 28421
director to approve any method of payment that is undertaken in 28422
accordance with the rules adopted under division (A)(3) of this 28423
section. 28424

(4) Establish any other requirements that the director 28425
considers to be necessary or appropriate to implement or 28426
administer a program to make matching grants under this section 28427
and monitor those grants. 28428

(B) The director may develop guidelines regarding the 28429
acquisition of agricultural easements by the department of 28430
agriculture and the provisions of instruments conveying those 28431
easements. The director may make the guidelines available to 28432
public and private entities authorized to acquire and hold 28433
agricultural easements. 28434

(C) The director may provide technical assistance in 28435

developing a program for the acquisition and monitoring of 28436
agricultural easements to public and private entities authorized 28437
to hold agricultural easements. The technical assistance may 28438
include, without limitation, reviewing and providing advisory 28439
recommendations regarding draft instruments conveying agricultural 28440
easements. 28441

(D)(1) The director may make matching grants from the 28442
agricultural easement purchase fund and the clean Ohio 28443
agricultural easement fund to municipal corporations, counties, 28444
townships, soil and water conservation districts, and charitable 28445
organizations to assist those political subdivisions and 28446
charitable organizations in purchasing agricultural easements. 28447
Application for a matching grant shall be made on forms prescribed 28448
and provided by the director. The matching grants shall be made in 28449
compliance with the criteria and procedures established in rules 28450
adopted under this section. Instruments conveying agricultural 28451
easements purchased with matching grant funds provided under this 28452
section, at a minimum, shall include the mandatory provisions set 28453
forth in those rules. 28454

Matching grants made under this division using moneys from 28455
the clean Ohio agricultural easement fund created in section 28456
901.21 of the Revised Code may provide up to seventy-five per cent 28457
of the value of an agricultural easement as determined by a 28458
general real estate appraiser who is certified under Chapter 4763. 28459
of the Revised Code or as determined through a points-based 28460
appraisal system established under division (D)(2) of this 28461
section. Not less than twenty-five per cent of the value of the 28462
agricultural easement shall be provided by the recipient of the 28463
matching grant or donated by the person who is transferring the 28464
easement to the grant recipient. The amount of such a matching 28465
grant used for the purchase of a single agricultural easement 28466
shall not exceed one million dollars. 28467

(2) The director shall establish a points-based appraisal system for the purposes of division (D)(1) of this section. The director may include any or all of the following factors in the system:	28468 28469 28470 28471
(a) Whether the applicable county auditor has determined that the land is land that is devoted exclusively to agriculture for the purposes of sections 5713.30 to 5713.38 of the Revised Code;	28472 28473 28474
(b) Changes in land values following the completion of the applicable county auditor's reappraisal or triennial update;	28475 28476
(c) Soil types and productivity;	28477
(d) Proximity of the land to land that is already subject to an agricultural easement, conservation easement created under sections 5301.67 to 5301.70 of the Revised Code, or similar land-use limitation;	28478 28479 28480 28481
(e) Proximity of the land to water and sewer lines, road interchanges, and nonagricultural development;	28482 28483
(f) Parcel size and roadway frontage of the land;	28484
(g) Existence of an agreement entered into under division (D) of section 1515.08 of the Revised Code or of an operation and management plan developed under division (A) of section 1511.021 of the Revised Code;	28485 28486 28487 28488
(h) Existence of a comprehensive plan that is adopted under section 303.02 or 519.02 of the Revised Code or that is adopted by the planning commission of a municipal corporation under section 713.06 of the Revised Code;	28489 28490 28491 28492
(i) Any other factors that the director determines are necessary for inclusion in the system.	28493 28494
(E) <u>An agricultural easement acquired as a result of a matching grant awarded under division (D) of this section may include a provision to preserve a unique natural or physical</u>	28495 28496 28497

feature on the land so long as the use of the land remains 28498
predominantly agricultural. 28499

(F) For any agricultural easement purchased with a matching 28500
grant that consists in whole or in part of moneys from the clean 28501
Ohio agricultural easement fund, the director shall be named as a 28502
grantee on the instrument conveying the easement, as shall the 28503
municipal corporation, county, township, soil and water 28504
conservation district, or charitable organization that receives 28505
the grant. 28506

~~(F)~~(G)(1) The director shall monitor and evaluate the 28507
effectiveness and efficiency of the agricultural easement program 28508
as a farmland preservation tool. On or before July 1, 1999, and 28509
the first day of July of each year thereafter, the director shall 28510
prepare and submit a report to the chairpersons of the standing 28511
committees of the senate and the house of representatives that 28512
consider legislation regarding agriculture. The report shall 28513
consider and address the following criteria to determine the 28514
program's effectiveness: 28515

(a) The number of agricultural easements purchased during the 28516
preceding year; 28517

(b) The location of those easements; 28518

(c) The number of acres of land preserved for agricultural 28519
use; 28520

(d) The amount of money used by a municipal corporation, 28521
township, county, or soil and water conservation district from any 28522
fund to purchase the agricultural easements; 28523

(e) The number of state matching grants given to purchase the 28524
agricultural easements; 28525

(f) The amount of state matching grant moneys used to 28526
purchase the agricultural easements. 28527

(2) The report also shall consider and include, at a minimum, 28528
the following information for each county to determine the 28529
program's efficiency: 28530

(a) The total number of acres in the county; 28531

(b) The total number of acres in current agricultural use; 28532

(c) The total number of acres preserved for agricultural use 28533
in the preceding year; 28534

(d) The average cost, per acre, of land preserved for 28535
agricultural use in the preceding year. 28536

Sec. 901.23. (A) There is hereby created the farmland 28537
preservation advisory board consisting of twelve voting members 28538
appointed by the director of agriculture as follows: 28539

(1) One member who is a county commissioner or a 28540
representative of a statewide organization that represents county 28541
commissioners; 28542

(2) One member who is a township trustee or a representative 28543
of a statewide organization that represents township trustees; 28544

(3) One representative of the Ohio state university; 28545

(4) One representative of a ~~national~~ nonprofit organization 28546
dedicated to the preservation of farmland; 28547

(5) One representative each of development, environmental, 28548
planning, and soil and water conservation interests; 28549

(6) One farmer from each of the state's four quadrants. 28550

Terms of office shall be staggered and shall be for three 28551
years, with each term ending on the same day of the same month as 28552
did the term that it succeeds. Each member shall hold office from 28553
the date of appointment until the end of the term for which the 28554
member was appointed, except that the term of any member who is a 28555
county commissioner or township trustee shall end when the member 28556

ceases to serve as a county commissioner or township trustee. 28557

Members may be reappointed. Vacancies shall be filled in the 28558
manner provided for original appointments. Any member appointed to 28559
fill a vacancy occurring prior to the expiration date of the term 28560
for which the member was appointed shall serve for the remainder 28561
of that term. A member shall continue to serve subsequent to the 28562
expiration date of the member's term until the member's successor 28563
takes office or until a period of sixty days has elapsed, 28564
whichever occurs first. Members shall serve at the pleasure of the 28565
director. 28566

The executive director of the office of farmland preservation 28567
in the department of agriculture or another employee of the 28568
department who is designated by the director shall serve as the 28569
nonvoting chairperson of the board. The director annually shall 28570
designate one member of the board to serve as its 28571
vice-chairperson. The board may adopt bylaws governing its 28572
operation and shall meet at a time when the director, or the 28573
director's designee, considers it appropriate in order for the 28574
board to provide advice as required under division (B) of this 28575
section. 28576

(B) The board shall provide advice to the director regarding 28577
all of the following: 28578

(1) The design and implementation of an agricultural easement 28579
purchase program; 28580

(2) The selection of applications that will be awarded 28581
matching grants under division (D) of section 901.22 of the 28582
Revised Code for the purchase of agricultural easements; 28583

(3) The design and implementation of any other statewide 28584
farmland protection measures that the director considers 28585
appropriate. 28586

(C) Serving as a member of the board does not constitute 28587

holding a public office or position of employment under the laws 28588
of this state and does not constitute grounds for removal of 28589
public officers or employees from their offices or positions of 28590
employment. 28591

(D) A board member shall be reimbursed for actual and 28592
necessary expenses incurred in the discharge of duties as a board 28593
member. 28594

Sec. 903.11. (A) The director of agriculture may enter into 28595
contracts or agreements to carry out the purposes of this chapter 28596
with any public or private person, including ~~the Ohio state~~ 28597
~~university~~ OSU extension ~~service~~, the natural resources 28598
conservation service in the United States department of 28599
agriculture, the environmental protection agency, the division of 28600
soil and water resources in the department of natural resources, 28601
and soil and water conservation districts established under 28602
Chapter 1515. of the Revised Code. However, the director shall not 28603
enter into a contract or agreement with a private person for the 28604
review of applications for permits to install, permits to operate, 28605
NPDES permits, or review compliance certificates that are issued 28606
under this chapter or for the inspection of a facility regulated 28607
under this chapter or with any person for the issuance of any of 28608
those permits or certificates or for the enforcement of this 28609
chapter and rules adopted under it. 28610

(B) The director may administer grants and loans using moneys 28611
from the federal government and other sources, public or private, 28612
for carrying out any of the director's functions. Nothing in this 28613
chapter shall be construed to limit the eligibility of owners or 28614
operators of animal feeding facilities or other agricultural 28615
enterprises to receive moneys from the water pollution control 28616
loan fund established under section 6111.036 of the Revised Code 28617
and the nonpoint source pollution management fund established 28618

under section 6111.037 of the Revised Code. 28619

The director of agriculture shall provide the director of 28620
environmental protection with written recommendations for 28621
providing financial assistance from those funds to agricultural 28622
enterprises. The director of environmental protection shall 28623
consider the recommendations in developing priorities for 28624
providing financial assistance from the funds. 28625

Sec. 903.30. (A) No person shall violate division (B)(1), 28626
(C)(1), (K), or (M)(1) or (2) of section 903.08 of the Revised 28627
Code or the NPDES provisions of a permit to operate. 28628

(B) No person shall violate or fail to perform any duty 28629
required by sections 903.01 to 903.07 and 903.12 of the Revised 28630
Code, violate a rule, or violate an order or term or condition of 28631
a permit issued by the director of agriculture under those 28632
sections or rules. 28633

(C) The attorney general, upon the written request of the 28634
director, shall prosecute any person who violates division (A) or 28635
(B) of this section. 28636

Sec. 903.99. (A) Whoever negligently violates division (A)(2) 28637
of section 903.02 or division (A)(2) of section 903.03 903.30 of 28638
the Revised Code is guilty of a misdemeanor of the third degree on 28639
a first offense, a misdemeanor of the second degree on a second 28640
offense, and a misdemeanor of the first degree on a third or 28641
subsequent offense. Each ten day period that the offense continues 28642
shall be fined not more than ten thousand dollars or imprisoned 28643
for not more than ninety days, or both. Each day of violation 28644
constitutes a separate offense. For purposes of this division, 28645
notwithstanding division (D) of section 2901.22 of the Revised 28646
Code, a person acts negligently when, because of a lapse from due 28647
care, the person fails to perceive or avoid a risk that the 28648

person's conduct may cause a certain result or may be of a certain nature. A person is negligent with respect to circumstances when, because of a lapse from due care, the person fails to perceive or avoid a risk that such circumstances may exist. 28649
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(B) Whoever recklessly ~~violates the terms and conditions of a permit to install issued under section 903.02 of the Revised Code or of a permit to operate issued under section 903.03 of the Revised Code, division (A) or (B)(1), (C)(1), or (M)(1) or (2) of section 903.08 of the Revised Code, or the NPDES provisions of a permit to operate shall be fined not more than twenty five thousand dollars.~~ of section 903.30 of the Revised Code shall be fined not more than ten thousand dollars or imprisoned for not more than one year, or both. Each day of violation constitutes a separate offense. 28654
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(C) Whoever knowingly violates division ~~(K)~~(A) or (B) of section ~~903.08~~ 903.30 of the Revised Code is guilty of a felony and shall be fined not more than twenty-five thousand dollars or imprisoned for not more than three years, or both. Each day of violation constitutes a separate offense. 28664
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Sec. 905.06. The director of agriculture shall: 28669

(A) Gather information on the performance of various agricultural additives, including distributors' and manufacturers' claims, the results of investigation or research on additives, and the conditions when they are useful, and make the information available to the public; 28670
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(B) Provide and distribute, in cooperation with ~~the agricultural OSU extension service,~~ information on the use of agricultural additives; 28675
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(C) Provide for the prompt and thorough investigation of 28678

written complaints received concerning agricultural additives. 28679

Sec. 909.15. All moneys from registration fees and from fines 28680
imposed and recovered under sections 909.01 to 909.18 of the 28681
Revised Code, shall be paid to the director of agriculture, who 28682
shall deposit such moneys in the state treasury to the credit of 28683
the ~~general revenue~~ plant pest program fund created in section 28684
927.54 of the Revised Code. 28685

Sec. 924.02. The director of agriculture, subject to sections 28686
924.01 to 924.16 and Chapter 119. of the Revised Code, shall do 28687
all of the following: 28688

(A) Establish procedures by which producers of Ohio 28689
agricultural commodities may propose, develop, and operate 28690
marketing programs to: 28691

(1) Promote the sale and use of their products; 28692

(2) Develop new uses and markets for such products; 28693

(3) Improve the methods of distributing such products to 28694
consumers; 28695

(4) Standardize the quality of such products for specific 28696
uses. 28697

(B) Adopt and enforce rules to put into effect the intent of 28698
sections 924.01 to 924.16 of the Revised Code; 28699

(C) ~~Determine~~ Except as provided in section 924.06 of the 28700
Revised Code, determine the eligibility of producers to 28701
participate in referendums and other procedures that may be 28702
required to establish marketing programs for agricultural 28703
commodities. 28704

Sec. 924.06. (A) ~~Within ninety days after he has approved a~~ 28705
~~proposed amendment to an agricultural commodity marketing program~~ 28706

~~established before April 10, 1985, the director of agriculture 28707
shall determine by a referendum whether the eligible producers 28708
favor the proposed amendment to the program. Any proposed 28709
amendment to a marketing program established before April 10, 28710
1985, is favored by the producers of the agricultural commodity 28711
which would be affected by the proposed amendment if either of the 28712
following occurs: 28713~~

~~(1) Sixty six and two thirds per cent or more, by number, of 28714
the producers who vote in the referendum, vote in favor of the 28715
amendment, and represent a majority of the volume of the affected 28716
commodity that was produced in the preceding marketing year by all 28717
producers who voted in the referendum; 28718~~

~~(2) A majority of the producers who vote in the referendum, 28719
vote in favor of the amendment and represent sixty six and 28720
two thirds per cent, or more, of the volume of the affected 28721
commodity that was produced in the preceding marketing year by all 28722
the producers who voted in the referendum. 28723~~

~~(B) Within ninety days after he has approved approving an 28724
agricultural commodity marketing program proposed on or after 28725
April 10, 1985 the effective date of this amendment, or a proposed 28726
amendment to ~~such a~~ an agricultural commodity marketing program, 28727
the director of agriculture shall determine by a referendum 28728
whether the eligible producers favor the proposed marketing 28729
program or amendment. Any such marketing program or amendment to 28730
~~such~~ a marketing program is favored by the producers of the 28731
agricultural commodity that would be affected by the proposed 28732
program or amendment if a majority of the producers who vote in 28733
the referendum vote in favor of the program or amendment. 28734~~

~~(C)(B) If the producers who vote in any referendum held 28735
pursuant to this section do not favor a proposed marketing 28736
program, or proposed amendment to a program, the director shall 28737
hold no additional referendum on that proposed program or proposed 28738~~

amendment during the ten months following the close of the 28739
referendum at which the producers did not favor that proposed 28740
program or amendment. 28741

~~(D)~~(C) In any referendum held pursuant to this section, each 28742
eligible producer of the ~~Ohio~~ agricultural commodity ~~which~~ that 28743
would be affected by the proposed marketing program, or amendment 28744
to a program, is entitled to one vote. 28745

~~(E)~~(D) In any referendum held on an agricultural commodity 28746
marketing program, or a proposed amendment to such a program, 28747
votes may be cast in person or by mailing a ballot to a polling 28748
place designated by the director. The director shall establish a 28749
three-day period during which eligible producers may vote in 28750
person during normal business hours at polling places designated 28751
by the director. The director or other appropriate person shall 28752
send a mail-in ballot by ordinary first-class mail to any eligible 28753
producer who requests one by calling the toll-free telephone 28754
number or sending in the ballot request form provided for in 28755
division ~~(F)~~(E) of this section, by calling one of the polling 28756
places designated by the director, or by any additional method 28757
that the director or operating committee may provide. No ballot 28758
returned by mail shall be valid if it is postmarked later than the 28759
third day of the election period established by the director. 28760

~~(F)~~(E) For any referendum held on an agricultural commodity 28761
marketing program, or a proposed amendment to such a program, the 28762
director or operating committee shall cause a ballot request form 28763
to be published at least thirty days before the beginning of the 28764
election period established under division ~~(E)~~(D) of this section 28765
in at least two appropriate periodicals designated by the 28766
director, and shall make the form available for reproduction to 28767
any interested group or association. The director shall provide a 28768
toll-free telephone number that producers may call to request a 28769
ballot. 28770

(F) For the purposes of a referendum held on an egg marketing program or a proposed amendment to such a program under this section, an eligible producer is a person who is in the business of producing and marketing, or causing to be produced and marketed, eggs from a flock of more than seventy-five thousand domesticated chickens and, if the referendum is held on a proposed amendment to an egg marketing program, is subject to an assessment under the program.

Sec. 927.54. The plant pest program fund is hereby created in the state treasury. The fund shall consist of money credited to it under section 909.15 of the Revised Code and under this chapter and any rules adopted under it. The director of agriculture shall use money in the fund to administer this chapter and Chapter 909. of the Revised Code.

The director shall keep accurate records of all receipts into and disbursements from the fund and shall prepare, and provide upon request, an annual report classifying the receipts and disbursements that pertain to plant pests.

Sec. 935.01. As used in this chapter:

(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health in any city authorized by section 3709.05 of the Revised Code.

(B) "Circus" means a traveling show to which all of the following apply:

(1) It is licensed by the United States department of agriculture under the federal animal welfare act.

(2) It presents dangerous wild animals, restricted snakes, or both in a public performance as its own event or as part of a fair or carnival.

(3) It does not allow physical contact between the public and the dangerous wild animals or restricted snakes possessed by it.	28801 28802
Division (B)(3) of this section does not apply to rides or other interactions between the public and an elephant, provided that such a ride or other interaction is under the direct supervision of an experienced animal handler.	28803 28804 28805 28806
(4) It is in the state for less than sixty-five days each year.	28807 28808
(C) "Dangerous wild animal" means any of the following, including hybrids unless otherwise specified:	28809 28810
(1) Hyenas;	28811
(2) Gray wolves, excluding hybrids;	28812
(3) Lions;	28813
(4) Tigers;	28814
(5) Jaguars;	28815
(6) Leopards, including clouded leopards, Sunda clouded leopards, and snow leopards;	28816 28817
(7) All of the following, including hybrids with domestic cats unless otherwise specified:	28818 28819
(a) Cheetahs;	28820
(b) Lynxes, including Canadian lynxes, Eurasian lynxes, and Iberian lynxes;	28821 28822
(c) Cougars, also known as pumas or mountain lions;	28823
(d) Caracals;	28824
(e) Servals, excluding hybrids with domestic cats commonly known as savannah cats.	28825 28826
(8) Bears;	28827
(9) Elephants;	28828

(10) Rhinoceroses;	28829
(11) Hippopotamuses;	28830
(12) Cape buffaloes;	28831
(13) African wild dogs;	28832
(14) Komodo dragons;	28833
(15) Alligators;	28834
(16) Crocodiles;	28835
(17) Caimans, excluding dwarf caimans;	28836
(18) Gharials;	28837
(19) Nonhuman primates other than lemurs and the nonhuman primates specified in division (C)(20) of this section;	28838 28839
(20) All of the following nonhuman primates:	28840
(a) Golden lion, black-faced lion, golden-rumped lion, cotton-top, emperor, saddlebacked, black-mantled, and Geoffroy's tamarins;	28841 28842 28843
(b) Southern and northern night monkeys;	28844
(c) Dusky titi and masked titi monkeys;	28845
(d) Muriquis;	28846
(e) Goeldi's monkeys;	28847
(f) White-faced, black-bearded, white-nose bearded, and monk sakis;	28848 28849
(g) Bald and black uakaris;	28850
(h) Black handed, white bellied, brown headed, and black spider monkeys;	28851 28852
(i) Common woolly monkeys;	28853
(j) <u>(i)</u> Red, black, and mantled howler monkeys.	28854
"Dangerous wild animal" does not include a domesticated	28855

animal that is considered livestock as defined in section 901.70 of the Revised Code.	28856 28857
(D) "Federal animal welfare act" has the same meaning as in section 959.131 of the Revised Code.	28858 28859
(E) "Felony drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.	28860 28861
(F) "Health district" means a city or general health district created by or under the authority of Chapter 3709. of the Revised Code.	28862 28863 28864
(G) "Humane society" means an organization that is organized under section 1717.05 of the Revised Code.	28865 28866
(H) "Law enforcement officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or state highway patrol trooper.	28867 28868 28869 28870
(I) "Natural resources law enforcement officers" means peace officers as specified in division (A)(6) of section 109.71 of the Revised Code and employees of the division of wildlife specified in sections 1531.13 and 1531.14 of the Revised Code.	28871 28872 28873 28874
(J) "Offense of violence" has the same meaning as in section 2901.01 of the Revised Code.	28875 28876
(K) "Rescue facility" means a nonprofit organization as described in section 170 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 170, as amended, that operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced dangerous wild animals are provided care for their lifetime or released back to their natural habitat, and, with respect to an animal possessed by the organization, that does not do any of the following:	28877 28878 28879 28880 28881 28882 28883 28884
(1) Sell, trade, or barter the animal or the animal's body	28885

parts;	28886
(2) Use the animal in any manner for profit;	28887
(3) Breed the animal;	28888
(4) Allow the public the opportunity to come into contact with the animal.	28889 28890
(L) "Restricted snake" means any of the following:	28891
(1) All of the following constricting snakes that are twelve feet or longer:	28892 28893
(a) Green anacondas;	28894
(b) Yellow anacondas;	28895
(c) Reticulated pythons;	28896
(d) Indian pythons;	28897
(e) Burmese pythons;	28898
(f) North African rock pythons;	28899
(g) South African rock pythons;	28900
(h) Amethystine pythons.	28901
(2) Species of the following families:	28902
(a) Atractaspididae;	28903
(b) Elapidae;	28904
(c) Viperidae.	28905
(3) Boomslang snakes;	28906
(4) Twig snakes.	28907
(M) "Rule" means a rule adopted under section 935.17 of the Revised Code.	28908 28909
(N) "Veterinarian" means a person who is licensed under Chapter 4741. of the Revised Code.	28910 28911

(O) "Wildlife sanctuary" means a nonprofit organization as described in section 170 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 170, as amended, that is accredited or verified by the global federation of animal sanctuaries, that operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced dangerous wild animals or restricted snakes are provided care for their lifetime or released back to their natural habitat, and, with respect to an animal or snake possessed by the organization, that does not do any of the following:

(1) Use or allow the use of the animal or snake for any type of entertainment or in a traveling exhibit;

(2) Sell, trade, lease, loan, or barter the animal or snake or the animal's or snake's body parts;

(3) Use or allow the use of the animal or snake in any manner for profit;

(4) Breed the animal or snake;

(5) Allow the public the opportunity to come into physical contact with the animal or snake.

Sec. 935.03. (A) Division (A) of section 935.02 of the Revised Code does not apply to any of the following:

(1) A person to which all of the following apply:

(a) The person possesses a dangerous wild animal.

(b) The person has been issued a license by the United States department of agriculture under the federal animal welfare act.

(c) The director of agriculture has determined that the person is in the process of becoming an accredited member of the association of zoos and aquariums or the zoological association of America.

(d) The director has informed the person that the person is exempt from division (A) of section 935.02 of the Revised Code.	28941 28942
(2) An organization to which all of the following apply:	28943
(a) The organization possesses a dangerous wild animal.	28944
(b) The director has determined that the organization is in the process of being accredited or verified by the global federation of animal sanctuaries as a wildlife sanctuary.	28945 28946 28947
(c) The director has informed the organization that it is exempt from division (A) of section 935.02 of the Revised Code.	28948 28949
(3) A person whose possession of a dangerous wild animal is authorized by an unexpired permit issued under this chapter.	28950 28951
(B) Except for the purposes of divisions (A) and (B) of section 935.04 of the Revised Code, this chapter does not apply to any of the following:	28952 28953 28954
(1) A facility that is an accredited member of the association of zoos and aquariums or the zoological association of America and that is licensed by the United States department of agriculture under the federal animal welfare act;	28955 28956 28957 28958
(2) A research facility as defined in the federal animal welfare act;	28959 28960
(3) A research facility that is accredited by the association for the assessment and accreditation of laboratory animal care international;	28961 28962 28963
(4) A circus;	28964
(5) A wildlife rehabilitation facility that is issued a permit by the chief of the division of wildlife in rules adopted under section 1531.08 of the Revised Code and that rehabilitates dangerous wild animals or restricted snakes that are native to the state for the purpose of reintroduction into the wild;	28965 28966 28967 28968 28969

(6) A veterinarian that is providing temporary veterinary care to a dangerous wild animal or restricted snake;	28970 28971
(7) A wildlife sanctuary;	28972
(8) An individual who does not reside in this state, is traveling through this state with a dangerous wild animal or restricted snake, and does all of the following:	28973 28974 28975
(a) Confines the animal or snake in a cage at all times;	28976
(b) Confines the animal or snake in a cage that is not accessible to the public;	28977 28978
(c) Does not exhibit the animal or snake;	28979
(d) Is in the state not more than forty-eight hours unless the animal or snake is receiving veterinary care.	28980 28981
(9) An educational institution that displays a single dangerous wild animal as a sports mascot and that meets all of the following criteria:	28982 28983 28984
(a) An official of the educational institution has submitted an affidavit attesting that the institution will care for the animal as long as the animal lives and in a facility that is an accredited member of the association of zoos and aquariums or the zoological association of America.	28985 28986 28987 28988 28989
(b) The educational institution maintains a liability insurance policy with an insurer authorized or approved to write such insurance in this state that covers claims for injury or damage to persons or property caused by a dangerous wild animal. The amount of the insurance coverage shall be not less than one million dollars.	28990 28991 28992 28993 28994 28995
(c) During display and transport, the educational institution confines the dangerous wild animal in a cage that does not permit physical contact between the animal and the public.	28996 28997 28998
(d) The educational institution began displaying a dangerous	28999

wild animal as a mascot prior to ~~the effective date of this~~ 29000
~~section September 5, 2012.~~ 29001

(10) Any person who has been issued a permit under section 29002
1533.08 of the Revised Code; 29003

(11) Any person authorized to possess a dangerous wild animal 29004
or restricted snake under section 1531.25 of the Revised Code or 29005
rules adopted under it; 29006

~~(12) A mobility impaired person as defined in section 955.011 29007
of the Revised Code who possesses a dangerous wild animal 29008
specified in division (C)(20)(h) of section 935.01 of the Revised 29009
Code that has been trained by a nonprofit agency or is in such 29010
training to assist the mobility impaired person; 29011~~

~~(13) A deaf or hearing impaired person who possesses a 29012
dangerous wild animal specified in division (C)(20)(h) of section 29013
935.01 of the Revised Code that has been trained by a nonprofit 29014
agency or is in such training to assist the deaf or 29015
hearing impaired person; 29016~~

~~(14) A person who is blind as defined in section 955.011 of 29017
the Revised Code and possesses a dangerous wild animal specified 29018
in division (C)(20)(h) of section 935.01 of the Revised Code that 29019
has been trained by a nonprofit agency or is in such training to 29020
assist the blind person. 29021~~

Sec. 935.041. A person that possesses any of the following 29022
animals shall register the animal in the same manner as provided 29023
in section 935.04 of the Revised Code: 29024

(A) Pygmy, white-tufted-ear, silvery, and black-pencilled 29025
marmosets; 29026

(B) Squirrel monkeys; 29027

(C) Brown, white-faced, weeping, and white-fronted capuchins; 29028

(D) Lemurs;	29029
<u>(E) Black-handed, white-bellied, brown-headed, and black spider monkeys.</u>	29030 29031
Sec. 935.12. (A) Except as provided in division (B) of this section, a person that has been issued a permit under this chapter for a dangerous wild animal or animals shall comply with the requirements regarding the care and housing of dangerous wild animals established in rules.	29032 29033 29034 29035 29036
(B) A person that has been issued a wildlife shelter, wildlife propagation permit, or rescue facility permit under this chapter for a dangerous wild animal or animals specified in division (C)(20) of section 935.01 of the Revised Code shall comply with both of the following:	29037 29038 29039 29040 29041
(1) The requirements regarding the care of those animals established in regulations adopted under the federal animal welfare act;	29042 29043 29044
(2) The requirements regarding the housing of those animals established in rules.	29045 29046
(C) A person that has been issued a restricted snake possession or restricted snake propagation permit under this chapter shall comply with the requirements regarding the care and housing of those snakes established in standards adopted by the zoological association of America <u>and in effect on September 5, 2012.</u>	29047 29048 29049 29050 29051 29052
Sec. 955.01. (A)(1) Except as otherwise provided in this section or in sections 955.011, 955.012, and 955.16 of the Revised Code, every person who owns, keeps, or harbors a dog more than three months of age, shall file, on or after the first day of the preceding <u>applicable</u> December, but before the thirty-first day of <u>the applicable</u> January of each year , in the office of the county	29053 29054 29055 29056 29057 29058

auditor of the county in which the dog is kept or harbored, an 29059
application for registration for ~~the following a period of one~~ 29060
~~year, beginning the thirty first day of January of that year or~~ 29061
three years or an application for a permanent registration. The 29062
board of county commissioners, by resolution, may extend the 29063
period for filing the application. The application shall state the 29064
age, sex, color, character of hair, whether short or long, and 29065
breed, if known, of the dog and the name and address of the owner 29066
of the dog. A registration fee of two dollars for each year of 29067
registration for a one-year or three-year registration or twenty 29068
dollars for a permanent registration for each dog shall accompany 29069
the application, ~~unless.~~ However, the fee may exceed that amount 29070
if a greater fee has been established under division (A)(2) of 29071
this section or under section 955.14 of the Revised Code. 29072

(2) A board of county commissioners may establish a 29073
registration fee higher than the one provided for in division 29074
(A)(1) of this section for dogs more than nine months of age that 29075
have not been spayed or neutered, except that the higher 29076
registration fee permitted by this division shall not apply if a 29077
person registering a dog furnishes with the application either a 29078
certificate from a licensed veterinarian verifying that the dog 29079
should not be spayed or neutered because of its age or medical 29080
condition or because the dog is used or intended for use for show 29081
or breeding purposes or a certificate from the owner of the dog 29082
declaring that the owner holds a valid hunting license issued by 29083
the division of wildlife of the department of natural resources 29084
and that the dog is used or intended for use for hunting purposes. 29085
If the board establishes such a fee, the application for 29086
registration shall state whether the dog is spayed or neutered, 29087
and whether a licensed veterinarian has certified that the dog 29088
should not be spayed or neutered or the owner has stated that the 29089
dog is used or intended to be used for hunting purposes. The board 29090
may require a person who is registering a spayed or neutered dog 29091

to furnish with the application a certificate from a licensed 29092
veterinarian verifying that the dog is spayed or neutered. No 29093
person shall furnish a certificate under this division ~~which~~ that 29094
the person knows to be false. 29095

(B) If the application for registration is not filed and the 29096
registration fee paid, on or before the thirty-first day of the 29097
applicable January of each year or, if the board of county 29098
commissioners by resolution has extended the date to a date later 29099
than the thirty-first day of January, the date established by the 29100
board, the auditor shall assess a penalty in an amount equal to 29101
the registration fee upon the owner, keeper, or harborer, which 29102
~~must~~ shall be paid with the registration fee. 29103

(C) An animal shelter that keeps or harbors a dog more than 29104
three months of age is exempt from paying any fees imposed under 29105
division (A) or (B) of this section if it is a nonprofit 29106
organization that is exempt from federal income taxation under 29107
subsection 501(a) and described in subsection 501(c)(3) of the 29108
"Internal Revenue Code of 1986," 100 Stat. ~~285~~ 2085, 26 U.S.C. 1. 29109

Sec. 955.05. After the thirty-first day of January of any 29110
year, except as otherwise provided in section 955.012 or 955.16 of 29111
the Revised Code, every person, immediately upon becoming the 29112
owner, keeper, or harborer of any dog more than three months of 29113
age or brought from outside the state during any year, shall file 29114
like applications, with fees, as required by section 955.01 of the 29115
Revised Code, for registration for the current year. If ~~such~~ the 29116
application is not filed and the fee paid, within thirty days 29117
after ~~such~~ the dog is acquired, becomes three months of age, or is 29118
brought from outside the state, the auditor shall assess a penalty 29119
in an amount equal to the registration fee upon ~~such~~ the owner, 29120
keeper, or harborer, which ~~must~~ shall be paid with the 29121
registration fee. Thereafter, the owner, keeper, or harborer shall 29122

register the dog for a period of one year or three years or 29123
register the dog permanently as provided in section 955.01 of the 29124
Revised Code. 29125

Every person becoming the owner of a kennel of dogs after the 29126
thirty-first day of January of any year shall file like 29127
applications, with fees, as required by section 955.04 of the 29128
Revised Code, for the registration of such kennel for the current 29129
calendar year. If such application is not filed and the fee paid 29130
within thirty days after the person becomes the owner of such 29131
kennel, the auditor shall assess a penalty in an amount equal to 29132
the registration fee upon the owner of such kennel. 29133

Sec. 955.06. The owner, keeper, or harborer of a dog becoming 29134
three months of age after the first day of July in a calendar year 29135
and the owner, keeper, or harborer of a dog purchased outside the 29136
state after the first day of July in a calendar year shall 29137
register the dog for one year. The registration fee for any such 29138
~~dog becoming three months of age after the first day of July of~~ 29139
~~any year and the registration fee of any dog purchased from~~ 29140
~~outside the state after the first day of July of any year shall be~~ 29141
~~one-half of the original fee.~~ Thereafter, the owner, keeper, or 29142
harborer shall register the dog for a period of one year or three 29143
years or register the dog permanently as provided in section 29144
955.01 of the Revised Code. 29145

Sec. 955.07. Upon the filing of the application for 29146
registration required by sections 955.01 and 955.04 of the Revised 29147
Code and upon the payment of the registration fee and the 29148
administrative fee, if applicable, the county auditor shall assign 29149
a distinctive number to every dog or dog kennel described in the 29150
application and shall deliver a certificate of registration 29151
bearing the number to the owner of the dog or dog kennel. A record 29152
of all certificates of registration issued, together with the 29153

applications for registration, shall be kept by the auditor in a 29154
dog and kennel register ~~for two years or~~ until after an audit 29155
performed by the auditor of state, ~~whichever is later~~. This record 29156
shall be open to the inspection of any person during reasonable 29157
business hours. 29158

Sec. 955.08. In addition to the certificate of registration 29159
provided for by section 955.07 of the Revised Code, the county 29160
auditor shall issue to every person making application for the 29161
registration of a dog and paying the required fee therefor a metal 29162
tag for each dog so registered. The form, color, character, and 29163
lettering of the tag shall be prescribed by the county auditor. 29164
~~Each year the tag shall be a color distinctive from that of the~~ 29165
~~previous year.~~ If a tag is lost, a duplicate shall be furnished by 29166
the auditor upon proper proof of loss and the payment of five 29167
dollars for each duplicate tag issued. 29168

Sec. 955.09. Certificates of registration and registration 29169
tags shall be valid only during the calendar year ~~in~~ or years for 29170
which they are issued, ~~and during the first thirty one days of the~~ 29171
~~following calendar year.~~ 29172

Sec. 955.12. The Except as provided in section 955.121 of 29173
Revised Code, a board of county commissioners shall appoint or 29174
employ a county dog warden and deputies in such number, for such 29175
periods of time, and at such compensation as the board considers 29176
necessary to enforce sections 955.01 to 955.27, 955.29 to 955.38, 29177
and 955.50 to 955.53 of the Revised Code. 29178

The warden and deputies shall give bond in a sum not less 29179
than five hundred dollars and not more than two thousand dollars, 29180
as set by the board, conditioned for the faithful performance of 29181
their duties. The bond or bonds may, in the discretion of the 29182
board, be individual or blanket bonds. The bonds shall be filed 29183

with the county auditor of their respective counties. 29184

The warden and deputies shall make a record of all dogs 29185
owned, kept, and harbored in their respective counties. They shall 29186
patrol their respective counties and seize and impound on sight 29187
all dogs found running at large and all dogs more than three 29188
months of age found not wearing a valid registration tag, except 29189
any dog that wears a valid registration tag and is: on the 29190
premises of its owner, keeper, or harborer, under the reasonable 29191
control of its owner or some other person, hunting with its owner 29192
or its handler at a field trial, kept constantly confined in a dog 29193
kennel registered under this chapter or one licensed under Chapter 29194
956. of the Revised Code, or acquired by, and confined on the 29195
premises of, an institution or organization of the type described 29196
in section 955.16 of the Revised Code. A dog that wears a valid 29197
registration tag may be seized on the premises of its owner, 29198
keeper, or harborer and impounded only in the event of a natural 29199
disaster. 29200

If a dog warden has reason to believe that a dog is being 29201
treated inhumanely on the premises of its owner, keeper, or 29202
harborer, the warden shall apply to the court of common pleas for 29203
the county in which the premises are located for an order to enter 29204
the premises, and if necessary, seize the dog. If the court finds 29205
probable cause to believe that the dog is being treated 29206
inhumanely, it shall issue such an order. 29207

The warden and deputies shall also investigate all claims for 29208
damages to animals reported to them under section 955.29 of the 29209
Revised Code and assist claimants to fill out the claim form 29210
therefor. They shall make weekly reports, in writing, to the board 29211
in their respective counties of all dogs seized, impounded, 29212
redeemed, and destroyed and of all claims for damage to animals 29213
inflicted by dogs. 29214

The wardens and deputies shall have the same police powers as 29215

are conferred upon sheriffs and police officers in the performance 29216
of their duties as prescribed by sections 955.01 to 955.27, 955.29 29217
to 955.38, and 955.50 to 955.53 of the Revised Code. They shall 29218
also have power to summon the assistance of bystanders in 29219
performing their duties and may serve writs and other legal 29220
processes issued by any court in their respective counties with 29221
reference to enforcing those sections. County auditors may 29222
deputize the wardens or deputies to issue dog licenses as provided 29223
in sections 955.01 and 955.14 of the Revised Code. 29224

Whenever any person files an affidavit in a court of 29225
competent jurisdiction that there is a dog running at large that 29226
is not kept constantly confined either in a dog kennel registered 29227
under this chapter or one licensed under Chapter 956. of the 29228
Revised Code or on the premises of an institution or organization 29229
of the type described in section 955.16 of the Revised Code or 29230
that a dog is kept or harbored in the warden's jurisdiction 29231
without being registered as required by law, the court shall 29232
immediately order the warden to seize and impound the dog. 29233
Thereupon the warden shall immediately seize and impound the dog 29234
complained of. The warden shall give immediate notice by certified 29235
mail to the owner, keeper, or harborer of the dog seized and 29236
impounded by the warden, if the owner, keeper, or harborer can be 29237
determined from the current year's registration list maintained by 29238
the warden and the county auditor of the county where the dog is 29239
registered, that the dog has been impounded and that, unless the 29240
dog is redeemed within fourteen days of the date of the notice, it 29241
may thereafter be sold or destroyed according to law. If the 29242
owner, keeper, or harborer cannot be determined from the current 29243
year's registration list maintained by the warden and the county 29244
auditor of the county where the dog is registered, the officer 29245
shall post a notice in the pound or animal shelter both describing 29246
the dog and place where seized and advising the unknown owner 29247
that, unless the dog is redeemed within three days, it may 29248

thereafter be sold or destroyed according to law. 29249

As used in this section, "animal" has the same meaning as in 29250
section 955.51 of the Revised Code. 29251

Sec. 955.121. (A)(1) In lieu of appointing a county dog 29252
warden and deputies under section 955.12 of the Revised Code, a 29253
board of county commissioners may appoint the county sheriff to 29254
enforce sections 955.01 to 955.27, 955.29 to 955.38, and 955.50 to 29255
955.53 of the Revised Code. If a board chooses to appoint the 29256
county sheriff as the county dog warden, the board shall enter 29257
into a two-year written agreement with the sheriff for that 29258
purpose at the first meeting in a calendar year following a 29259
general election in which at least one of the members of the board 29260
was elected. 29261

(2) The agreement may authorize both of the following: 29262

(a) The sheriff to appoint sheriff's deputies or persons 29263
other than peace officers as deputy dog wardens; 29264

(b) The transfer of any benefits accrued by employees who are 29265
transferred as a result of the county sheriff's being appointed as 29266
the county dog warden. 29267

(B) Any dog warden and deputy dog wardens appointed under 29268
this section shall comply with both of the following: 29269

(1) Any training requirements applicable to county dog 29270
wardens and deputy dog wardens appointed or employed under section 29271
955.12 of the Revised Code; 29272

(2) The requirements established in that section. 29273

(C) If a county sheriff or a sheriff's deputies are appointed 29274
as a dog warden or deputy dog wardens under this section, 29275
references in this chapter and in Chapters 953., 956., and 959. of 29276
the Revised Code to "dog warden" and "deputy dog warden" shall be 29277
deemed to be replaced, respectively, with references to "sheriff" 29278

and "deputy sheriff." 29279

Sec. 955.14. (A) Notwithstanding section 955.01 of the 29280
Revised Code, a board of county commissioners by resolution may 29281
increase dog and kennel registration fees in the county. The 29282
amount of the fees shall not exceed an amount that the board, in 29283
its discretion, estimates is needed to pay all expenses for the 29284
administration of this chapter and to pay claims allowed for 29285
animals injured or destroyed by dogs. Such a resolution shall be 29286
adopted not earlier than the first day of February and not later 29287
than the thirty-first day of August of any year and shall ~~apply to~~ 29288
specify the registration period ~~commencing on the first day of~~ 29289
~~December of the current year and ending on the thirty first day of~~ 29290
~~January of the following year, unless the period is extended under~~ 29291
~~section 955.01 of the Revised Code or periods to which the~~ 29292
increased fees apply. ~~Any~~ An increase in fees adopted under this 29293
division shall be in the ratio of two dollars for each year of 29294
registration, and twenty dollars for a permanent registration, for 29295
a dog registration fee and ten dollars for a kennel registration 29296
fee. 29297

(B) Not later than the fifteenth day of October of each year, 29298
the board of county commissioners shall determine if there is 29299
sufficient money in the dog and kennel fund, after paying the 29300
expenses of administration incurred or estimated to be incurred 29301
for the remainder of the year, to pay the claims allowed for 29302
animals injured or destroyed by dogs. If the board determines 29303
there is not sufficient money in the dog and kennel fund to pay 29304
the claims allowed, the board shall provide by resolution that all 29305
claims remaining unpaid shall be paid from the general fund of the 29306
county. All money paid out of the general fund for those purposes 29307
may be replaced by the board from the dog and kennel fund at any 29308
time during the following year notwithstanding section 5705.14 of 29309
the Revised Code. 29310

(C) Notwithstanding section 955.20 of the Revised Code, if 29311
dog and kennel registration fees in any county are increased above 29312
two dollars for each year of registration and twenty dollars for a 29313
permanent registration for a dog registration fee and ten dollars, 29314
respectively, for a kennel registration fee under authority of 29315
division (A) of this section, then on or before the first day of 29316
March following each year in which the increased fees are in 29317
effect, the county auditor shall draw on the dog and kennel fund a 29318
warrant payable to the college of veterinary medicine of the Ohio 29319
state university in an amount equal to ten cents for each one-year 29320
dog and registration, thirty cents for each three-year dog 29321
registration, one dollar for each permanent dog registration, and 29322
ten cents for each kennel registration fee received during the 29323
preceding year. The money received by the college of veterinary 29324
medicine of the Ohio state university under this division shall be 29325
applied for research and study of the diseases of dogs, 29326
particularly those transmittable to humans, and for research of 29327
other diseases of dogs that by their nature will provide results 29328
applicable to the prevention and treatment of both human and 29329
canine illness. 29330

(D) The Ohio state university college of veterinary medicine 29331
shall be responsible to report annually to the general assembly 29332
the progress of the research and study authorized and funded by 29333
division (C) of this section. The report shall briefly describe 29334
the research projects undertaken and assess the value of each. The 29335
report shall account for funds received pursuant to division (C) 29336
of this section and for the funds expended attributable to each 29337
research project and for other necessary expenses in conjunction 29338
with the research authorized by division (C) of this section. The 29339
report shall be filed with the general assembly by the first day 29340
of May of each year. 29341

(E) The county auditor may authorize agents to receive 29342

applications for registration of dogs and kennels and to issue 29343
certificates of registration and tags. If authorized agents are 29344
employed in a county, each applicant for a dog or kennel 29345
registration shall pay to the agent an administrative fee of 29346
seventy-five cents in addition to the registration fee. The 29347
administrative fee shall be the compensation of the agent. The 29348
county auditor shall establish rules for reporting and accounting 29349
by the agents. No administrative or similar fee shall be charged 29350
in any county except as authorized by this division or division 29351
(F) of this section. 29352

(F) For any county that accepts the payment of dog and kennel 29353
registration fees by financial transaction devices in accordance 29354
with section 955.013 of the Revised Code, in addition to those 29355
registration fees, the county auditor shall collect for each 29356
registration paid by a financial transaction device one of the 29357
following: 29358

(1) An administrative fee of seventy-five cents or another 29359
amount necessary to cover actual costs designated by the county 29360
auditor; 29361

(2) If the board of county commissioners adopts a surcharge 29362
or convenience fee for making payments by a financial transaction 29363
device under division (E) of section 301.28 of the Revised Code, 29364
that surcharge or convenience fee; 29365

(3) If the county auditor contracts with a third party to 29366
provide services to enable registration via the internet as 29367
provided in section 955.013 of the Revised Code, a surcharge or 29368
convenience fee as agreed to between that third party and the 29369
county for those internet registration services. Any additional 29370
expenses incurred by the county auditor that result from a 29371
contract with a third party as provided in this section and 29372
section 955.013 of the Revised Code and that are not covered by a 29373
surcharge or convenience fee shall be paid out of the allowance 29374

provided to the county auditor under section 955.20 of the Revised Code. 29375
29376

(G) The county auditor shall post conspicuously the amount of 29377
the administrative fee, surcharge, or convenience fee that is 29378
permissible under this section on the web page where the auditor 29379
accepts payments for registrations made under division (B)(1) of 29380
section 955.013 of the Revised Code. If any person chooses to pay 29381
by financial transaction device, the administrative fee, 29382
surcharge, or convenience fee shall be considered voluntary and is 29383
not refundable. 29384

(H) As used in this section, "animal" has the same meaning as 29385
in section 955.51 of the Revised Code. 29386

Sec. 955.201. (A) As used in this section and in section 29387
955.202 of the Revised Code, "Ohio pet fund" means a nonprofit 29388
corporation organized by that name under Chapter 1702. of the 29389
Revised Code that consists of humane societies, veterinarians, 29390
animal shelters, companion animal breeders, dog wardens, or 29391
similar individuals and entities. 29392

(B) The Ohio pet fund shall do all of the following: 29393

(1) Establish eligibility criteria for organizations that may 29394
receive financial assistance from the Ohio pet fund. Those 29395
organizations may include any of the following: 29396

(a) An animal shelter as defined in section 4729.01 of the 29397
Revised Code; 29398

(b) A local nonprofit veterinary association that operates a 29399
program for the sterilization of dogs and cats; 29400

(c) A charitable organization that is exempt from federal 29401
income taxation under subsection 501(c)(3) of the Internal Revenue 29402
Code and a purpose of which is to support programs for the 29403
sterilization of dogs and cats and educational programs concerning 29404

the proper veterinary care of those animals. 29405

(2) Establish procedures for applying for financial 29406
assistance from the Ohio pet fund. Application procedures shall 29407
require eligible organizations to submit detailed proposals that 29408
outline the intended uses of the moneys sought. 29409

(3) Establish eligibility criteria for sterilization and 29410
educational programs for which moneys from the Ohio pet fund may 29411
be used and, consistent with division (C) of this section, 29412
establish eligibility criteria for individuals who seek 29413
sterilization for their dogs and cats from eligible organizations; 29414

(4) Establish procedures for the disbursement of moneys the 29415
Ohio pet fund receives from license plate contributions pursuant 29416
to division (C) of section 4503.551 of the Revised Code; 29417

(5) Advertise or otherwise provide notification of the 29418
availability of financial assistance from the Ohio pet fund for 29419
eligible organizations; 29420

(6) Design markings to be inscribed on "pets" license plates 29421
under section 4503.551 of the Revised Code. 29422

(C)(1) The owner of a dog or cat is eligible for dog or cat 29423
sterilization services from an eligible organization when those 29424
services are subsidized in whole or in part by money from the Ohio 29425
pet fund if any of the following applies: 29426

(a) The income of the owner's family does not exceed one 29427
hundred fifty per cent of the federal poverty guideline. 29428

(b) The owner, or any member of the owner's family who 29429
resides with the owner, is a recipient or beneficiary of one of 29430
the following government assistance programs: 29431

(i) Low-income housing assistance under the "United States 29432
Housing Act of 1937," 42 U.S.C.A. 1437f, as amended, known as the 29433
federal section 8 housing program; 29434

(ii) The Ohio works first program established by Chapter 5107. of the Revised Code;	29435 29436
(iii) Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as the medical assistance <u>The medicaid</u> program or medicaid, provided by the department of job and family services under Chapter 5111. of the Revised Code;	29437 29438 29439 29440 29441
(iv) A program or law administered by the United States department of veterans' affairs or veterans' administration for any service-connected disability;	29442 29443 29444
(v) The supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), administered by the department of job and family services under section 5101.54 of the Revised Code;	29445 29446 29447 29448
(vi) The "special supplemental nutrition program for women, infants, and children" established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, administered by the department of health under section 3701.132 of the Revised Code;	29449 29450 29451 29452 29453
(vii) Supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended;	29454 29455 29456
(viii) Social security disability insurance benefits provided under Title II of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401, as amended.	29457 29458 29459
(c) The owner of the dog or cat submits to the eligible organization operating the sterilization program either of the following:	29460 29461 29462
(i) A certificate of adoption showing that the dog or cat was adopted from a licensed animal shelter, a municipal, county, or	29463 29464

regional pound, or a holding and impoundment facility that 29465
contracts with a municipal corporation; 29466

(ii) A certificate of adoption showing that the dog or cat 29467
was adopted through a nonprofit corporation operating an animal 29468
adoption referral service whose holding facility, if any, is 29469
licensed in accordance with state law or a municipal ordinance. 29470

(2) The Ohio pet fund shall determine the type of documentary 29471
evidence that must be presented by the owner of a dog or cat to 29472
show that the income of the owner's family does not exceed one 29473
hundred fifty per cent of the federal poverty guideline or that 29474
the owner is eligible under division (C)(1)(b) of this section. 29475

(D) As used in division (C) of this section, "federal poverty 29476
guideline" means the official poverty guideline as revised 29477
annually by the United States department of health and human 29478
services in accordance with section 673(2) of the "Omnibus Budget 29479
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as 29480
amended, for a family size equal to the size of the family of the 29481
person whose income is being determined. 29482

Sec. 956.07. (A) A person who is applying for a license to 29483
operate a high volume breeder or to act as or perform the 29484
functions of a dog retailer under section 956.04 or 956.05 of the 29485
Revised Code, as applicable, shall include with the application 29486
for a license a nonrefundable license application fee. For the 29487
purpose of calculating the application fee for a high volume 29488
breeder, the sale of one dog from a litter constitutes the sale of 29489
a litter. The application fees are as follows: 29490

(1) For a high volume breeder: 29491

(a) One hundred fifty dollars if the high volume breeder 29492
annually sells at least nine, but not more than fifteen litters; 29493

(b) Two hundred fifty dollars if the high volume breeder 29494

annually sells at least sixteen, but not more than twenty-five litters; 29495
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(c) Three hundred fifty dollars if the high volume breeder annually sells at least twenty-six, but not more than thirty-five litters; 29497
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(d) Five hundred dollars if the high volume breeder annually sells at least thirty-six, but not more than forty-five litters; 29500
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(e) Seven hundred fifty dollars if the high volume breeder annually sells forty-six or more litters. 29502
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(2) For a dog retailer, five hundred dollars. 29504

(B) Money collected by the director of agriculture from each application fee submitted under this section shall be ~~transmitted~~ 29505
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~~by the director to the treasurer of~~ deposited in the state 29507
treasury to be credited to the credit of the high volume breeder 29508
kennel control license fund created in section 956.18 of the 29509
Revised Code. The ~~treasurer of state shall transfer to the county~~ 29510
~~auditor of the county in which a high volume breeder is located or~~ 29511
~~will be located~~ director shall use fifty dollars of the 29512
application fee submitted by ~~the~~ a high volume breeder under this 29513
section or an amount equal to the fee charged ~~in that county~~ for 29514
the registration of a kennel under section 955.14 of the Revised 29515
Code in the county in which the high volume breeder is located or 29516
will be located, whichever is greater, to reimburse that county. 29517
The county auditor shall deposit the transferred money into that 29518
county's dog and kennel fund created under section 955.20 of the 29519
Revised Code. 29520

Sec. 956.18. (A) All money collected by the director of 29521
agriculture from license fees under section ~~956.08~~ 956.07 and 29522
civil penalties assessed under section 956.13 of the Revised Code 29523
shall be deposited in the state treasury to the credit of the high 29524

volume breeder kennel control license fund, which is hereby 29525
created. The fund shall also consist of money appropriated to it. 29526

(B) No money may be released from the fund without 29527
controlling board approval. The director shall request the 29528
controlling board to release money in an amount not to exceed two 29529
million five hundred thousand dollars per biennium. 29530

(C) The director shall use the money in the fund for the 29531
purpose of administering this chapter and rules adopted under it. 29532

Sec. 959.131. (A) As used in this section: 29533

(1) "Companion animal" means any animal that is kept inside a 29534
residential dwelling and any dog or cat regardless of where it is 29535
kept. "Companion animal" does not include livestock or any wild 29536
animal. 29537

(2) "Cruelty," "torment," and "torture" have the same 29538
meanings as in section 1717.01 of the Revised Code. 29539

(3) "Residential dwelling" means a structure or shelter or 29540
the portion of a structure or shelter that is used by one or more 29541
humans for the purpose of a habitation. 29542

(4) "Practice of veterinary medicine" has the same meaning as 29543
in section 4741.01 of the Revised Code. 29544

(5) "Wild animal" has the same meaning as in section 1531.01 29545
of the Revised Code. 29546

(6) "Federal animal welfare act" means the "Laboratory Animal 29547
Act of 1966," Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 29548
2131 et seq., as amended by the "Animal Welfare Act of 1970," Pub. 29549
L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act 29550
Amendments of 1976," Pub. L. No. 94-279, 90 Stat. 417 (1976), and 29551
the "Food Security Act of 1985," Pub. L. No. 99-198, 99 Stat. 1354 29552
(1985), and as it may be subsequently amended. 29553

(7) "Dog kennel" means an animal rescue for dogs that is registered under section 956.06 of the Revised Code, a boarding kennel, or a training kennel. 29554
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(8) "Boarding kennel" has the same meaning as in section 956.01 of the Revised Code. 29557
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(9) "Training kennel" means an establishment operating for profit that keeps, houses, and maintains dogs for the purpose of training the dogs in return for a fee or other consideration. 29559
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(B) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal. 29562
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(C) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following: 29565
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(1) Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal; 29568
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(2) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, confinement, or impoundment or confinement in any of those specified manners. 29571
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(D) No owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty 29581
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against the companion animal. 29585

(E) No owner, manager, or employee of a dog kennel who 29586
confines or is the custodian or caretaker of a companion animal 29587
shall negligently do any of the following: 29588

(1) Torture, torment, needlessly mutilate or maim, cruelly 29589
beat, poison, needlessly kill, or commit an act of cruelty against 29590
the companion animal; 29591

(2) Deprive the companion animal of necessary sustenance, 29592
confine the companion animal without supplying it during the 29593
confinement with sufficient quantities of good, wholesome food and 29594
water, or impound or confine the companion animal without 29595
affording it, during the impoundment or confinement, with access 29596
to shelter from heat, cold, wind, rain, snow, or excessive direct 29597
sunlight if it can reasonably be expected that the companion 29598
animal would become sick or suffer in any other way as a result of 29599
or due to the deprivation, confinement, or impoundment or 29600
confinement in any of those specified manners. 29601

(F) Divisions (B) ~~and~~, (C), (D), and (E) of this section do 29602
not apply to any of the following: 29603

(1) A companion animal used in scientific research conducted 29604
by an institution in accordance with the federal animal welfare 29605
act and related regulations; 29606

(2) The lawful practice of veterinary medicine by a person 29607
who has been issued a license, temporary permit, or registration 29608
certificate to do so under Chapter 4741. of the Revised Code; 29609

(3) Dogs being used or intended for use for hunting or field 29610
trial purposes, provided that the dogs are being treated in 29611
accordance with usual and commonly accepted practices for the care 29612
of hunting dogs; 29613

(4) The use of common training devices, if the companion 29614

animal is being treated in accordance with usual and commonly 29615
accepted practices for the training of animals; 29616

(5) The administering of medicine to a companion animal that 29617
was properly prescribed by a person who has been issued a license, 29618
temporary permit, or registration certificate under Chapter 4741. 29619
of the Revised Code. 29620

~~(E)~~(G) Notwithstanding any section of the Revised Code that 29621
otherwise provides for the distribution of fine moneys, the clerk 29622
of court shall forward all fines the clerk collects that are so 29623
imposed for any violation of this section to the treasurer of the 29624
political subdivision or the state, whose county humane society or 29625
law enforcement agency is to be paid the fine money as determined 29626
under this division. The treasurer to whom the fines are forwarded 29627
shall pay the fine moneys to the county humane society or the 29628
county, township, municipal corporation, or state law enforcement 29629
agency in this state that primarily was responsible for or 29630
involved in the investigation and prosecution of the violation. If 29631
a county humane society receives any fine moneys under this 29632
division, the county humane society shall use the fine moneys to 29633
provide the training that is required for humane agents under 29634
section 1717.06 of the Revised Code. 29635

Sec. 959.132. (A) As used in this section: 29636

(1) "Companion animal" has the same meaning as in section 29637
959.131 of the Revised Code. 29638

(2) "Impounding agency" means a county humane society 29639
organized under section 1717.05 of the Revised Code, an animal 29640
shelter, or a law enforcement agency that has impounded a 29641
companion animal in accordance with this section. 29642

(3) "Offense" means a violation of section 959.131 of the 29643
Revised Code or an attempt, in violation of section 2923.02 of the 29644

Revised Code, to violate section 959.131 of the Revised Code. 29645

(4) "Officer" means any law enforcement officer, agent of a 29646
county humane society, or other person appointed to act as an 29647
animal control officer for a municipal corporation or township in 29648
accordance with state law, an ordinance, or a resolution. 29649

(B) An officer may seize and cause to be impounded at an 29650
impounding agency a companion animal that the officer has probable 29651
cause to believe is the subject of an offense. No officer or 29652
impounding agency shall impound a companion animal that is the 29653
subject of an offense in a shelter owned, operated, or controlled 29654
by a board of county commissioners pursuant to Chapter 955. of the 29655
Revised Code unless the board, by resolution, authorizes the 29656
impoundment of such a companion animal in a shelter owned, 29657
operated, or controlled by that board and has executed, in the 29658
case when the officer is other than a dog warden or assistant dog 29659
warden, a contract specifying the terms and conditions of the 29660
impoundment. 29661

(C) The officer shall give written notice of the seizure and 29662
impoundment to the owner, keeper, or harbinger of the companion 29663
animal that was seized and impounded. If the officer is unable to 29664
give the notice to the owner, keeper, or harbinger of the companion 29665
animal, the officer shall post the notice on the door of the 29666
residence or in another conspicuous place on the premises at which 29667
the companion animal was seized. The notice shall include a 29668
statement that a hearing will be held not later than ten days 29669
after the notice is provided or at the next available court date 29670
to determine whether the officer had probable cause to seize the 29671
companion animal and, if applicable, to determine the amount of a 29672
bond or cash deposit that is needed to provide for the companion 29673
animal's care and keeping for not less than thirty days beginning 29674
on the date on which the companion animal was impounded. 29675

(D) A companion animal that is seized under this section may 29676

be humanely destroyed immediately or at any time during 29677
impoundment if a licensed veterinarian determines it to be 29678
necessary because the companion animal is suffering. 29679

(E)(1) Not later than ten days after notice is provided or at 29680
the next available court date, the court shall hold a hearing to 29681
determine whether the officer impounding a companion animal had 29682
probable cause to seize the companion animal. If the court 29683
determines that probable cause exists, the court shall determine 29684
the amount of a bond or cash deposit that is needed to provide for 29685
the companion animal's care and keeping for not less than thirty 29686
days beginning on the date on which the companion animal was 29687
impounded. 29688

(2) If the court determines that probable cause does not 29689
exist, the court immediately shall order the impounding agency to 29690
return the companion animal to its owner if possible. If the 29691
companion animal cannot be returned because it has died as a 29692
result of neglect or other misconduct by the impounding agency or 29693
if the companion animal is injured as a result of neglect or other 29694
misconduct by the impounding agency, the court shall order the 29695
impounding agency to pay the owner an amount determined by the 29696
court to be equal to the reasonable market value of the companion 29697
animal at the time that it was impounded plus statutory interest 29698
as defined in section 1343.03 of the Revised Code from the date of 29699
the impoundment or an amount determined by the court to be equal 29700
to the reasonable cost of treatment of the injury to the companion 29701
animal, as applicable. The requirement established in division 29702
(E)(2) of this section regarding the payment of the reasonable 29703
market value of the companion animal shall not apply in the case 29704
of a dog that, in violation of section 955.01 of the Revised Code, 29705
was not registered at the time it was seized and impounded. 29706

(3) If the court determines that probable cause exists and 29707
determines the amount of a bond or cash deposit, the case shall 29708

continue and the owner shall post a bond or cash deposit to 29709
provide for the companion animal's care and keeping for not less 29710
than thirty days beginning on the date on which the companion 29711
animal was impounded. The owner may renew a bond or cash deposit 29712
by posting, not later than ten days following the expiration of 29713
the period for which a previous bond or cash deposit was posted, a 29714
new bond or cash deposit in an amount that the court, in 29715
consultation with the impounding agency, determines is sufficient 29716
to provide for the companion animal's care and keeping for not 29717
less than thirty days beginning on the date on which the previous 29718
period expired. If no bond or cash deposit is posted or if a bond 29719
or cash deposit expires and is not renewed, the impounding agency 29720
may determine the disposition of the companion animal unless the 29721
court issues an order that specifies otherwise. 29722

(F) If a person is convicted of committing an offense, the 29723
court may impose the following additional penalties against the 29724
person: 29725

(1) A requirement that the person pay for the costs incurred 29726
by the impounding agency in caring for a companion animal involved 29727
in the applicable offense, provided that the costs were incurred 29728
during the companion animal's impoundment. A bond or cash deposit 29729
posted under this section may be applied to the costs. 29730

(2) An order permanently terminating the person's right to 29731
possession, title, custody, or care of the companion animal that 29732
was involved in the offense. If the court issues such an order, 29733
the court shall order the disposition of the companion animal. 29734

(G) If a person is found not guilty of committing an offense, 29735
the court immediately shall order the impounding agency to return 29736
the companion animal to its owner if possible and to return the 29737
entire amount of any bond or cash deposit posted under division 29738
(E) of this section. If the companion animal cannot be returned 29739
because it has died as a result of neglect or other misconduct by 29740

the impounding agency or if the companion animal is injured as a 29741
result of neglect or other misconduct by the impounding agency, 29742
the court shall order the impounding agency to pay the owner an 29743
amount determined by the court to be equal to the reasonable 29744
market value of the companion animal at the time that it was 29745
impounded plus statutory interest as defined in section 1343.03 of 29746
the Revised Code from the date of the impoundment or an amount 29747
determined by the court to be equal to the reasonable cost of 29748
treatment of the injury to the companion animal, as applicable. 29749
The requirements established in this division regarding the return 29750
of a bond or cash deposit and the payment of the reasonable market 29751
value of the companion animal shall not apply in the case of a dog 29752
that, in violation of section 955.01 of the Revised Code, was not 29753
registered at the time it was seized and impounded. 29754

(H) If charges are filed under section 959.131 of the Revised 29755
Code against the custodian or caretaker of a companion animal, but 29756
the companion animal that is the subject of the charges is not 29757
impounded, the court in which the charges are pending may order 29758
the owner or person having custody of the companion animal to 29759
provide to the companion animal the necessities described in 29760
division (C)(2) or (E)(2) of section 959.131 of the Revised Code 29761
until the final disposition of the charges. If the court issues an 29762
order of that nature, the court also may authorize an officer or 29763
another person to visit the place where the companion animal is 29764
being kept, at the times and under the conditions that the court 29765
may set, to determine whether the companion animal is receiving 29766
those necessities and to remove and impound the companion animal 29767
if the companion animal is not receiving those necessities. 29768

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 of 29769
the Revised Code is guilty of a minor misdemeanor. 29770

(B) Except as otherwise provided in this division, whoever 29771

violates section 959.02 of the Revised Code is guilty of a 29772
misdemeanor of the second degree. If the value of the animal 29773
killed or the injury done amounts to three hundred dollars or 29774
more, whoever violates section 959.02 of the Revised Code is 29775
guilty of a misdemeanor of the first degree. 29776

(C) Whoever violates section 959.03, 959.06, 959.12, 959.15, 29777
or 959.17 of the Revised Code is guilty of a misdemeanor of the 29778
fourth degree. 29779

(D) Whoever violates division (A) of section 959.13 of the 29780
Revised Code is guilty of a misdemeanor of the second degree. In 29781
addition, the court may order the offender to forfeit the animal 29782
or livestock and may provide for its disposition, including, but 29783
not limited to, the sale of the animal or livestock. If an animal 29784
or livestock is forfeited and sold pursuant to this division, the 29785
proceeds from the sale first shall be applied to pay the expenses 29786
incurred with regard to the care of the animal from the time it 29787
was taken from the custody of the former owner. The balance of the 29788
proceeds from the sale, if any, shall be paid to the former owner 29789
of the animal. 29790

(E)(1) Whoever violates division (B) of section 959.131 of 29791
the Revised Code is guilty of a misdemeanor of the first degree on 29792
a first offense and a felony of the fifth degree on each 29793
subsequent offense. 29794

(2) Whoever violates section 959.01 of the Revised Code or 29795
division (C) of section 959.131 of the Revised Code is guilty of a 29796
misdemeanor of the second degree on a first offense and a 29797
misdemeanor of the first degree on each subsequent offense. 29798

(3) Whoever violates division (D) of section 959.131 of the 29799
Revised Code is guilty of a felony of the fifth degree. 29800

(4) Whoever violates division (E) of section 959.131 of the 29801
Revised Code is guilty of a misdemeanor of the first degree. 29802

(5)(a) A court may order a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code to forfeit to an impounding agency, as defined in section 959.132 of the Revised Code, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.

(b) A court may order a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under section 959.132 of the Revised Code.

~~(4)~~(6) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling.

(F) Whoever violates section 959.14 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(G) Whoever violates section 959.05 or 959.20 of the Revised Code is guilty of a misdemeanor of the first degree.

(H) Whoever violates section 959.16 of the Revised Code is guilty of a felony of the fourth degree for a first offense and a felony of the third degree on each subsequent offense.

Sec. 991.03. (A) The Ohio expositions commission shall:	29833
(1) Conduct at least one fair or exposition annually;	29834
(2) Maintain and manage property held by the state for the purpose of conducting fairs, expositions, and exhibits;	29835 29836
(3) As provided in section 109.122 of the Revised Code, provide notice of or copies of any proposed entertainment or sponsorship contracts to the attorney general.	29837 29838 29839
(B) The commission may:	29840
(1) Conduct such additional fairs, expositions, or exhibitions as the commission determines are in the general public interest;	29841 29842 29843
(2) Accept on behalf of the state conveyances of property for the purposes of conducting fairs, expositions, and exhibits, subject to any terms and conditions agreed to by the commission and approved by the controlling board;	29844 29845 29846 29847
(3) <u>Accept gifts, devises, and bequests of money, lands, and other property and apply the money, lands, or other property according to the terms of the gift, devise, or bequest. A political subdivision as authorized by law may make gifts and devises to the commission, and the commission shall apply such a gift or devise according to the terms of the gift or devise. All gifts and bequests of money accepted under this division shall be deposited into the state treasury to the credit of the Ohio expositions support fund.</u>	29848 29849 29850 29851 29852 29853 29854 29855 29856
(4) Enter into contracts that the commission considers necessary or worthwhile in the conduct of its purposes, provided that contracts made for a term exceeding two years, other than those described in division (B)(4) of this section, shall be subject to the approval of the controlling board and provided that the attorney general, pursuant to the attorney general's authority	29857 29858 29859 29860 29861 29862

under section 109.122 of the Revised Code, has not disapproved the 29863
proposed contract; 29864

~~(4)~~(5) Enter into contracts for the mutual exchange of goods 29865
or services; 29866

~~(5)~~(6) Sell or convey all or a portion of the property, land, 29867
or buildings under its management subject to the approval of the 29868
legislature; 29869

~~(6)~~(7) Grant leases on all or any part of the property, land, 29870
or buildings under the management of the commission to private or 29871
public organizations, which appear to be in the best interests of 29872
the state, with the approval of the controlling board and director 29873
of administrative services, subject to the following conditions: 29874

(a) The lessees shall make or construct improvements on such 29875
lands or buildings at no cost to the commission or to the state, 29876
subject to prior approval by the director of administrative 29877
services of detailed plans and specifications of such 29878
improvements. 29879

(b) No person, firm, or corporation shall cause a lien to be 29880
filed against any funds or property of the state or of the 29881
commission as a result of a lessee's activities pursuant to 29882
division (B)~~(6)~~(7)(a) of this section. 29883

(c) Leases shall be entered into subject to the sale of such 29884
property, lands, or buildings during the term of the lease. 29885

(d) No leases shall be made which interfere with a fair, 29886
exposition, or exhibition on such lands. 29887

~~(7)~~(8) Encumber appropriations for the entire amount of a 29888
contract at the time the contract is made, even though the 29889
contract will not be performed in the fiscal year for which the 29890
appropriations were made. 29891

~~(8)~~(9) Implement a credit card payment program permitting 29892

payment by means of a credit card of any fees, charges, and 29893
rentals associated with conducting fairs, expositions, and 29894
exhibits. The commission may open an account outside the state 29895
treasury in a financial institution for the purpose of depositing 29896
credit card receipts. By the end of the business day following the 29897
deposit of the receipts, the financial institution shall make 29898
available to the commission funds in the amount of the receipts. 29899
The commission shall then pay these funds into the state treasury 29900
to the credit of the Ohio expositions fund. 29901

The commission shall adopt rules as necessary to carry out 29902
the purposes of division (B)~~(8)~~(9) of this section. The rules 29903
shall include standards for determining eligible financial 29904
institutions and the manner in which funds shall be made available 29905
and shall be consistent with the standards contained in sections 29906
135.03, 135.18, and 135.181 of the Revised Code. 29907

The commission shall not adopt or enforce any rules which 29908
will prohibit livestock exhibited at the Ohio state fair from 29909
participating in county and independent fairs in the state. 29910

Sec. 991.04. There is hereby established in the state 29911
treasury the Ohio expositions fund. All Except for gifts and 29912
bequests of money accepted under division (B)(3) of section 991.03 29913
of the Revised Code, all moneys collected by the Ohio expositions 29914
commission pursuant to sections 991.01 to 991.07 of the Revised 29915
Code and any income generated from the investment of those moneys 29916
shall be paid into the fund and may be used to defray the costs of 29917
administration and carrying out the purposes of sections 991.01 to 29918
991.07 of the Revised Code. 29919

With the approval of the director of budget and management, 29920
provisions may be made for a cash fund to be established on the 29921
state fairgrounds during the period of activities related to the 29922
holding of the annual state fair. The purpose of such fund is to 29923

provide for payment of premiums and entertainers and for immediate 29924
payment of small amounts for obligations, including ticket 29925
refunds, of such nature as to require immediate payment. 29926

The expositions commission shall cause to be kept an accurate 29927
record of all transactions, contracts, and proceedings. The 29928
director of budget and management shall prescribe a system of 29929
accounting and reporting. Such system shall include methods and 29930
forms showing the sources from which all revenues of the 29931
expositions commission are received, the amount collected from 29932
each source, and the amount expended for each purpose. 29933

Sec. 991.041. There is in the state treasury the Ohio 29934
expositions support fund. All gifts and bequests of money accepted 29935
under division (B)(3) of section 991.03 of the Revised Code shall 29936
be deposited into the state treasury to the credit of the fund. 29937
Investment earnings of the fund shall be deposited into the fund. 29938
The Ohio expositions commission may use the fund, consistent with 29939
the terms of the gift or bequest, to defray the cost of 29940
administration and of carrying out the purposes of sections 991.01 29941
to 991.07 of the Revised Code. 29942

Sec. 991.06. Annually on or before the thirtieth day of 29943
September the Ohio expositions commission, through its general 29944
manager, shall prepare and file with the auditor of state a 29945
statement showing the total amount received from each source of 29946
revenue, the total amount disbursed for each class of 29947
expenditures, and the aggregate of all receipts and expenditures 29948
of the commission. This statement shall also include a summary of 29949
each contract for the mutual exchange of goods or services entered 29950
into by the commission under ~~division (B)(4)~~ of section 991.03 of 29951
the Revised Code. Upon receipt of such statement, the auditor of 29952
state shall have it verified and make a report of ~~his~~ the auditor 29953
of state's findings thereon to the governor. 29954

Assistant auditors of state shall conduct an audit of 29955
activities of the annual Ohio state fair on the Ohio exposition 29956
center during the period when the fair is in progress. 29957

The cost of such audit shall be included in the annual 29958
expenses of the Ohio expositions commission. 29959

Sec. 1309.521. (A) A filing office that accepts written 29960
records may not refuse to accept a written initial financing 29961
statement in the ~~following~~ form and format set forth in the 29962
official text of the 2010 amendments to article 9 of the uniform 29963
commercial code promulgated by the American law institute and the 29964
national conference of commissioners on uniform state laws, except 29965
for a reason prescribed in division (B) of section 1309.516 of the 29966
Revised Code+_. 29967

~~UCC FINANCING STATEMENT~~ 29968

~~Follow instructions (front and back) carefully.~~ 29969

~~A. Name and phone of contact at filer (optional)~~ 29970

~~.....~~ 29971

~~B. Send acknowledgment to: (name and address)~~ 29972

~~.....~~ 29973

~~.....~~ 29974

~~.....~~ ~~The above space is for filing office use only.~~ 29975

~~1. DEBTOR'S EXACT FULL LEGAL NAME~~ 29976

~~(Insert only one debtor name [1a or 1b]. Do not abbreviate or~~ 29977

~~combine names. If completing 1b, insert the debtor's name exactly~~ 29978

~~as it appears on the debtor's current driver's license or~~

~~identification card issued by this state, if one exists.)~~

~~1a. Organization's name~~ 29979

~~or~~ 29980

~~1b. Individual's last name First name~~ 29981

~~Middle name Suffix~~ 29982

~~1c. Mailing address~~ 29983

City	State	Postal code	Country	29984
				29985
Additional information regarding organization debtor				29986
1d. Type of organization				29987
1e. Jurisdiction of organization				29988
2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME				29989
(Insert only one debtor name [2a or 2b]. Do not abbreviate or				29990
combine names. If completing 2b, insert the debtor's name exactly				29991
as it appears on the debtor's current driver's license or				
identification card issued by this state, if one exists.)				
2a. Organization's name				29992
or				29993
2b. Individual's last name				29994
First name				
Middle name				29995
Suffix				
2c. Mailing address				29996
City				29997
State				
Postal code				29998
Country				
Additional information regarding organization debtor				29999
2d. Type of organization				30000
2e. Jurisdiction of organization				30001
3. SECURED PARTY'S NAME (or name of total assignee of assignor				30002
S/P). Insert only one secured party name (3a or 3b).				30003
3a. Organization's name				30004
or				30005
3b. Individual's last name				30006
First name				
Middle name				30007
Suffix				
3c. Mailing address				30008
City				30009
State				
Postal code				30010
Country				
4. This FINANCING STATEMENT covers the following collateral:				30010
.....				30011
.....				30012
.....				30013
.....				30014

5. ALTERNATIVE DESIGNATION (if applicable):	30015
[] Lessee/lessor [] Consignee/consignor [] Bailee/bailor	30016
[] Seller/buyer [] Ag. lien [] Non UCC filing	30017
6. [] This FINANCING STATEMENT is to be filed [for record] (or	30018
recorded) in the REAL ESTATE RECORDS. Attach addendum	30019
[if applicable].	30020
7. Check to REQUEST SEARCH REPORT(S) on debtor(s)	30021
[ADDITIONAL FEE] [optional]	30022
[] All debtors [] Debtor 1 [] Debtor 2	30023
8. OPTIONAL FILER REFERENCE DATA	30024
.....	30025
.....	30026
UCC FINANCING STATEMENT ADDENDUM	30027
Follow instructions (front and back) carefully.	30028
9. NAME OF FIRST DEBTOR (1a OR 1b) ON RELATED FINANCING STATEMENT	30029
9a. Organization's name	30030
or	30031
9b. Individual's last name First name	30032
Middle name Suffix	30033
10. MISCELLANEOUS	30034
.....	30035
.....	30036
..... The above space is for filing office use only.	30037
11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME	30038
(Insert only one name [11a or 11b]. Do not abbreviate or combine	30039
names. If completing 11b, insert the debtor's name exactly as it	30040
appears on the debtor's current driver's license or identification	
card issued by this state, if one exists.)	
11a. Organization's name	30041
or	30042
11b. Individual's last name First name	30043
Middle name Suffix	30044
11c. Mailing address	30045

City	30046
State	30047
Postal code	30048
Country	30049
Additional information regarding organization debtor	30050
11d. Type of organization	30051
11e. Jurisdiction of organization	30052
12. [] ADDITIONAL SECURED PARTY'S or [] ASSIGNOR S/P'S NAME	30053
(Insert only one name [12a or 12b].)	30054
12a. Organization's name	30055
or	30056
12b. Individual's last name	30057
First name	30058
Middle name	30059
Suffix	30060
12c. Mailing address	30061
City	30062
State	30063
Postal code	30064
Country	30065
13. This FINANCING STATEMENT covers [] timber to be cut or	30066
[] as extracted collateral, or is filed as a [] fixture filing.	30067
14. DESCRIPTION OF REAL ESTATE:	30068
.....	30069
.....	30070
.....	30071
.....	30072
15. Name and address of a RECORD OWNER of above described real	30073
estate (if debtor does not have a record interest):	30074
.....	30075
.....	30076
.....	30077
16. Additional collateral description:	30078
.....	30079
.....	30080
.....	30081
.....	30082
17. Check only if applicable and check only one box.	30083
Debtor is a [] Trust or [] Trustee acting with respect to	30084
property held in trust or [] Decedent's estate	30085

18. Check only if applicable and check only one box.	30079
[] Debtor is a transmitting utility	30080
[] Filed in connection with a manufactured home transaction— effective 30 years	30081 30082
[] Filed in connection with a public finance transaction— effective 30 years	30083 30084
(B) A filing office that accepts written records may not refuse to accept a written record in the following form and format <u>set forth as form UCC3 and form UCC3Ad in the final official text of the 2010 amendments to article 9 of the uniform commercial code promulgated by the American law institute and the national conference of commissioners on uniform state laws,</u> except for a reason prescribed in division (B) of section 1309.516 of the Revised Code:—	30085 30086 30087 30088 30089 30090 30091 30092
UCC FINANCING STATEMENT AMENDMENT	30093
Follow instructions (front and back) carefully.	30094
A. Name and phone of contact at filer (optional)	30095 30096
B. Send acknowledgment to: (name and address)	30097 30098 30099
The above space is for filing office use only.	30100
1a. INITIAL FINANCING STATEMENT FILE NUMBER	30101
1b. [] This financing statement amendment is to be filed [for record] (or recorded) in the real estate records.	30102 30103
2. [] TERMINATION: Effectiveness of the financing statement identified above is terminated with respect to security interest(s) of the secured party authorizing this termination statement.	30104
3. [] CONTINUATION: Effectiveness of the financing statement identified above with respect to security interest(s) of the secured party authorizing this continuation statement is continued for the additional period provided by applicable law.	30105

4. [] ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.	30106
5. AMENDMENT (PARTY INFORMATION): This amendment affects [] Debtor or [] Secured Party of record. Check only one of these two boxes. Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.	30107
[] CHANGE name and/or address. Give current record name in item 6a or 6b; also give new name (if name change) in item 7a or 7b and/or new address (if address change) in item 7c.	30108
[] DELETE name. Give record name to be deleted in item 6a or 6b.	
[] ADD name. Complete item 7a or 7b, and also item 7c; also complete items 7d-7g (if applicable).	
6. CURRENT RECORD INFORMATION:	30113
6a. Organization's name	30114
or	30115
6b. Individual's last name First name	30116
Middle name Suffix	30117
7. CHANGED (NEW) OR ADDED INFORMATION:	30118
(If completing 7b and the amendment affects a debtor, insert the debtor's name exactly as it appears on the debtor's current driver's license or identification card issued by this state, if one exists.)	30119
7a. Organization's name	30120
or	30121
7b. Individual's last name First name	30122
Middle name Suffix	30123
7c. Mailing address	30124
City State Postal code Country	30125
Additional information regarding organization debtor	30126
7d. Type of organization	30127
30128	30128

7e. Jurisdiction of organization	30129
8. AMENDMENT (COLLATERAL CHANGE). Check only one box.	30130
Describe collateral [] deleted or [] added, or give entire	30131
[] restated collateral description, or describe collateral	30132
[] assigned.	30133
.....	30134
.....	30135
.....	30136
.....	30137
9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT	30138
(name of assignor, if this is an assignment). If this is an	30139
amendment authorized by a debtor that adds collateral or adds	30140
the authorizing debtor, or if this is a termination authorized	30141
by a debtor, check here [] and enter name of debtor	30142
authorizing this amendment.	30143
9a. Organization's name	30144
or	30145
9b. Individual's last name First name	30146
Middle name Suffix	30147
10. OPTIONAL FILER REFERENCE DATA	30148
.....	30149
UCC FINANCING STATEMENT AMENDMENT ADDENDUM	30150
Follow instructions (front and back) carefully.	30151
11. INITIAL FINANCING STATEMENT FILE NUMBER (same as item 1a	30152
on amendment form)	30153
12. NAME OF PARTY AUTHORIZING	30154
THIS AMENDMENT (same as item 9	30155
on amendment form)	30156
12a. Organization's name	30157
.....	30158
or	30159
12b. Individual's last name	30160
.....	30161

First name	30162
Middle name Suffix ... The above space is for filing office use only.	30163
13. Use this space for additional information.	30164
.....	30165
.....	30166
.....	30167
.....	30168
Sec. 1321.51. As used in sections 1321.51 to 1321.60 of the	30169
Revised Code:	30170
(A) "Person" means an individual, partnership, association,	30171
trust, corporation, or any other legal entity.	30172
(B) "Certificate" means a certificate of registration issued	30173
under sections 1321.51 to 1321.60 of the Revised Code.	30174
(C) "Registrant" means a person to whom one or more	30175
certificates of registration have been issued under sections	30176
1321.51 to 1321.60 of the Revised Code.	30177
(D) "Principal amount" means the amount of cash paid to, or	30178
paid or payable for the account of, the borrower, and includes any	30179
charge, fee, or expense that is financed by the borrower at	30180
origination of the loan or during the term of the loan.	30181
(E) "Interest" means all charges payable directly or	30182
indirectly by a borrower to a registrant as a condition to a loan	30183
or an application for a loan, however denominated, but does not	30184
include default charges, deferment charges, insurance charges or	30185
premiums, court costs, loan origination charges, check collection	30186
charges, credit line charges, points, prepayment penalties, or	30187
other fees and charges specifically authorized by law.	30188
(F) "Interest-bearing loan" means a loan in which the debt is	30189
expressed as the principal amount and interest is computed,	30190
charged, and collected on unpaid principal balances outstanding	30191

from time to time. 30192

(G) "Precomputed loan" means a loan in which the debt is a 30193
sum comprising the principal amount and the amount of interest 30194
computed in advance on the assumption that all scheduled payments 30195
will be made when due. 30196

(H) "Actuarial method" means the method of allocating 30197
payments made on a loan between the principal amount and interest 30198
whereby a payment is applied first to the accumulated interest and 30199
the remainder to the unpaid principal amount. 30200

(I) "Applicable charge" means the amount of interest 30201
attributable to each monthly installment period of the loan 30202
contract. The applicable charge is computed as if each installment 30203
period were one month and any charge for extending the first 30204
installment period beyond one month is ignored. In the case of 30205
loans originally scheduled to be repaid in sixty-one months or 30206
less, the applicable charge for any installment period is that 30207
proportion of the total interest contracted for, as the balance 30208
scheduled to be outstanding during that period bears to the sum of 30209
all of the periodic balances, all determined according to the 30210
payment schedule originally contracted for. In all other cases, 30211
the applicable charge for any installment period is that which 30212
would have been made for such period had the loan been made on an 30213
interest-bearing basis, based upon the assumption that all 30214
payments were made according to schedule. 30215

(J) "Broker" means a person who acts as an intermediary or 30216
agent in finding, arranging, or negotiating loans, other than 30217
residential mortgage loans, and charges or receives a fee for 30218
these services. 30219

(K) "Annual percentage rate" means the ratio of the interest 30220
on a loan to the unpaid principal balances on the loan for any 30221
period of time, expressed on an annual basis. 30222

(L) "Point" means a charge equal to one per cent of either of	30223
the following:	30224
(1) The principal amount of a precomputed loan or	30225
interest-bearing loan;	30226
(2) The original credit line of an open-end loan.	30227
(M) "Prepayment penalty" means a charge for prepayment of a	30228
loan at any time prior to five years from the date the loan	30229
contract is executed.	30230
(N) "Refinancing" means a loan the proceeds of which are used	30231
in whole or in part to pay the unpaid balance of a prior loan made	30232
by the same registrant to the same borrower under sections 1321.51	30233
to 1321.60 of the Revised Code.	30234
(O) "Superintendent of financial institutions" includes the	30235
deputy superintendent for consumer finance as provided in section	30236
1181.21 of the Revised Code.	30237
(P)(1) "Mortgage loan originator" means an individual who for	30238
compensation or gain, or in anticipation of compensation or gain,	30239
does any of the following:	30240
(a) Takes or offers to take a residential mortgage loan	30241
application;	30242
(b) Assists or offers to assist a borrower in obtaining or	30243
applying to obtain a residential mortgage loan by, among other	30244
things, advising on loan terms, including rates, fees, and other	30245
costs;	30246
(c) Offers or negotiates terms of a residential mortgage	30247
loan;	30248
(d) Issues or offers to issue a commitment for a residential	30249
mortgage loan to a borrower.	30250
(2) "Mortgage loan originator" does not include any of the	30251
following:	30252

- (a) An individual who performs purely administrative or clerical tasks on behalf of a mortgage loan originator; 30253
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- (b) A person licensed pursuant to Chapter 4735. of the Revised Code, or under the similar law of another state, who performs only real estate brokerage activities permitted by that license, provided the person is not compensated by a mortgage lender, mortgage broker, mortgage loan originator, or by any agent thereof; 30255
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- (c) A person solely involved in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C. 101, in effect on January 1, 2009; 30261
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- (d) A person acting solely as a loan processor or underwriter, who does not represent to the public, through advertising or other means of communicating, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that the person can or will perform any of the activities of a mortgage loan originator; 30264
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- (e) A loan originator licensed under sections 1322.01 to 1322.12 of the Revised Code, when acting solely under that authority; 30270
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- (f) A licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a lender, a mortgage broker, or another mortgage loan originator, or by any agent thereof; 30273
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- (g) Any person engaged in the retail sale of manufactured homes, mobile homes, or industrialized units if, in connection with financing those retail sales, the person only assists the borrower by providing or transmitting the loan application and does not do any of the following: 30278
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- (i) Offer or negotiate the residential mortgage loan rates or 30283

terms; 30284

(ii) Provide any counseling with borrowers about residential mortgage loan rates or terms; 30285
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(iii) Receive any payment or fee from any company or individual for assisting the borrower obtain or apply for financing to purchase the manufactured home, mobile home, or industrialized unit; 30287
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(iv) Assist the borrower in completing the residential mortgage loan application. 30291
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(3) An individual acting exclusively as a servicer engaging in loss mitigation efforts with respect to existing mortgage transactions shall not be considered a mortgage loan originator for purposes of sections 1321.51 to 1321.60 of the Revised Code until July 1, 2011, unless such delay is denied by the United States department of housing and urban development. 30293
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(Q) "Residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling or on residential real estate upon which is constructed or intended to be constructed a dwelling. For purposes of this division, "dwelling" has the same meaning as in the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 1602. 30299
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(R) "Nationwide mortgage licensing system and registry" or "NMLS" means a mortgage licensing system developed and maintained by the conference of state bank supervisors and the American association of residential mortgage regulators, or their successor entities, for the licensing and registration of mortgage loan originators, or any system established by the secretary of housing and urban development pursuant to the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101. 30306
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(S) "Registered mortgage loan originator" means an individual 30315
to whom both of the following apply: 30316

(1) The individual is a mortgage loan originator and an 30317
employee of a depository institution, a subsidiary that is owned 30318
and controlled by a depository institution and regulated by a 30319
federal banking agency, or an institution regulated by the farm 30320
credit administration. 30321

(2) The individual is registered with, and maintains a unique 30322
identifier through, the ~~nationwide mortgage licensing system and~~ 30323
~~registry~~ NMLS. 30324

(T) "Administrative or clerical tasks" means the receipt, 30325
collection, and distribution of information common for the 30326
processing or underwriting of a loan in the mortgage industry, and 30327
communication with a consumer to obtain information necessary for 30328
the processing or underwriting of a residential mortgage loan. 30329

(U) "Federal banking agency" means the board of governors of 30330
the federal reserve system, the comptroller of the currency, the 30331
director of the office of thrift supervision, the national credit 30332
union administration, and the federal deposit insurance 30333
corporation. 30334

(V) "Loan processor or underwriter" means an individual who 30335
performs clerical or support duties at the direction of and 30336
subject to the supervision and instruction of a licensed mortgage 30337
loan originator or registered mortgage loan originator. For 30338
purposes of this division, to "perform clerical or support duties" 30339
means to do all of the following activities: 30340

(1) Receiving, collecting, distributing, and analyzing 30341
information common for the processing or underwriting of a 30342
residential mortgage loan; 30343

(2) Communicating with a borrower to obtain the information 30344
necessary for the processing or underwriting of a loan, to the 30345

extent the communication does not include offering or negotiating 30346
loan rates or terms or counseling borrowers about residential 30347
mortgage loan rates or terms. 30348

(W) "Real estate brokerage activity" means any activity that 30349
involves offering or providing real estate brokerage services to 30350
the public, including all of the following: 30351

(1) Acting as a real estate agent or real estate broker for a 30352
buyer, seller, lessor, or lessee of real property; 30353

(2) Bringing together parties interested in the sale, 30354
purchase, lease, rental, or exchange of real property; 30355

(3) Negotiating, on behalf of any party, any portion of a 30356
contract relating to the sale, purchase, lease, rental, or 30357
exchange of real property, other than in connection with providing 30358
financing for any such transaction; 30359

(4) Engaging in any activity for which a person engaged in 30360
that activity is required to be registered or licensed as a real 30361
estate agent or real estate broker under any applicable law; 30362

(5) Offering to engage in any activity, or to act in any 30363
capacity, described in division (W) of this section. 30364

(X) "Licensee" means any person that has been issued a 30365
mortgage loan originator license under sections 1321.51 to 1321.60 30366
of the Revised Code. 30367

(Y) "Unique identifier" means a number or other identifier 30368
that permanently identifies a mortgage loan originator and is 30369
assigned by protocols established by the ~~national mortgage~~ 30370
~~licensing system and registry~~ NMLS or federal banking agencies to 30371
facilitate electronic tracking of mortgage loan originators and 30372
uniform identification of, and public access to, the employment 30373
history of and the publicly adjudicated disciplinary and 30374
enforcement actions against mortgage loan originators. 30375

(Z) "State" in the context of referring to states in addition 30376
to Ohio means any state of the United States, the district of 30377
Columbia, any territory of the United States, Puerto Rico, Guam, 30378
American Samoa, the trust territory of the Pacific islands, the 30379
virgin islands, and the northern Mariana islands. 30380

(AA) "Depository institution" has the same meaning as in 30381
section 3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 30382
U.S.C. 1813, and includes any credit union. 30383

(BB) "Bona fide third party" means a person that is not an 30384
employee of, related to, or affiliated with, the registrant, and 30385
that is not used for the purpose of circumvention or evasion of 30386
sections 1321.51 to 1321.60 of the Revised Code. 30387

(CC) "Nontraditional mortgage product" means any mortgage 30388
product other than a thirty-year fixed rate mortgage. 30389

(DD) "Employee" means an individual for whom a registrant or 30390
applicant, in addition to providing a wage or salary, pays social 30391
security and unemployment taxes, provides workers' compensation 30392
coverage, and withholds local, state, and federal income taxes. 30393
"Employee" also includes any individual who acts as a mortgage 30394
loan originator or operations manager of the registrant, but for 30395
whom the registrant is prevented by law from making income tax 30396
withholdings. 30397

(EE) "Primary point of contact" means the employee or owner 30398
designated by the registrant or applicant to be the individual who 30399
the division of financial institutions can contact regarding 30400
compliance or licensing matters relating to the registrant's or 30401
applicant's business or lending activities secured by an interest 30402
in real estate. 30403

(FF) "Consumer reporting agency" has the same meaning as in 30404
the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C. 1681a, 30405
as amended. 30406

(GG) "Mortgage broker" has the same meaning as in section 30407
1322.01 of the Revised Code. 30408

Sec. 1321.535. (A) Each applicant for a mortgage loan 30409
originator license shall submit to a written test that is 30410
developed and approved by the ~~nationwide mortgage licensing system~~ 30411
~~and registry NMLS~~ and administered by a test provider approved by 30412
the ~~nationwide mortgage licensing system and registry NMLS~~ based 30413
upon reasonable standards. 30414

(1) The test shall adequately measure the applicant's 30415
knowledge and comprehension in appropriate subject matters, 30416
including ethics and federal and state law related to mortgage 30417
origination, fraud, consumer protection, the nontraditional 30418
mortgage marketplace, and fair lending issues. 30419

(2) An individual shall not be considered to have passed the 30420
test unless the individual achieves a test score of at least 30421
seventy-five per cent correct answers on all questions ~~and at~~ 30422
~~least seventy five per cent correct answers on all questions~~ 30423
~~relating to Ohio mortgage lending laws and the Ohio consumer sales~~ 30424
~~practices act, Chapter 1345. of the Revised Code, as it applies to~~ 30425
~~registrants and licensees.~~ 30426

(3) An individual may retake the test three consecutive times 30427
provided the period between taking the tests is at least thirty 30428
days. 30429

(4) After failing three consecutive tests, an individual 30430
shall be required to wait at least six months before taking the 30431
test again. 30432

(5) If a mortgage loan originator fails to maintain a valid 30433
license for a period of five years or longer, the individual shall 30434
be required to retake the test. For this purpose, any time during 30435
which the individual is a registered mortgage loan originator 30436

shall not be taken into account. 30437

(B) Notwithstanding division (A) of this section, if the 30438
~~nationwide mortgage licensing system and registry~~ NMLS fails to 30439
have in place a testing process that meets the criteria set forth 30440
in that division, the superintendent shall require, until that 30441
process is in place, evidence that the mortgage loan originator 30442
applicant passed a written test acceptable to the superintendent. 30443

Sec. 1321.55. (A) Every registrant shall keep records 30444
pertaining to loans made under sections 1321.51 to 1321.60 of the 30445
Revised Code. Such records shall be segregated from records 30446
pertaining to transactions that are not subject to these sections 30447
of the Revised Code. Every registrant shall preserve records 30448
pertaining to loans made under sections 1321.51 to 1321.60 of the 30449
Revised Code for at least two years after making the final entry 30450
on such records. Accounting systems maintained in whole or in part 30451
by mechanical or electronic data processing methods that provide 30452
information equivalent to that otherwise required are acceptable 30453
for this purpose. At least once each eighteen-month cycle, the 30454
division of financial institutions shall make or cause to be made 30455
an examination of records pertaining to loans made under sections 30456
1321.51 to 1321.60 of the Revised Code, for the purpose of 30457
determining whether the registrant is complying with these 30458
sections and of verifying the registrant's annual report. 30459

(B)(1) As required by the superintendent of financial 30460
institutions, each registrant shall file with the division each 30461
year a report under oath or affirmation, on forms supplied by the 30462
division, concerning the business and operations for the preceding 30463
calendar year. Whenever a registrant operates two or more 30464
registered offices or whenever two or more affiliated registrants 30465
operate registered offices, then a composite report of the group 30466
of registered offices may be filed in lieu of individual reports. 30467

(2) The division shall publish annually an analysis of the information required under division (B)(1) of this section, but the individual reports shall not be public records and shall not be open to public inspection.

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

(4) If the division obtains a call report from the NMLS, the call report is confidential and not a public record for the purposes of section 149.43 of the Revised Code.

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

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

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

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

(D) All application information, except social security numbers, employer identification numbers, financial account numbers, the identity of the institution where financial accounts are maintained, personal financial information, fingerprint cards and the information contained on such cards, and criminal background information, is a public record as defined in section

149.43 of the Revised Code. 30499

(E) This section does not prevent the division of financial 30500
institutions from releasing to or exchanging with other financial 30501
institution regulatory authorities information relating to 30502
registrants and licensees. For this purpose, a "financial 30503
institution regulatory authority" includes a regulator of a 30504
business activity in which a registrant or licensee is engaged, or 30505
has applied to engage in, to the extent that the regulator has 30506
jurisdiction over a registrant or licensee engaged in that 30507
business activity. A registrant or licensee is engaged in a 30508
business activity, and a regulator of that business activity has 30509
jurisdiction over the registrant or licensee, whether the 30510
registrant or licensee conducts the activity directly or a 30511
subsidiary or affiliate of the registrant or licensee conducts the 30512
activity. 30513

(1) Any confidentiality or privilege arising under federal or 30514
state law with respect to any information or material provided to 30515
the ~~nationalwide mortgage licensing system and registry~~ NMLS shall 30516
continue to apply to the information or material after the 30517
information or material has been provided to the ~~nationalwide~~ 30518
~~mortgage licensing system and registry~~ NMLS. The information and 30519
material so provided may be shared with all state and federal 30520
regulatory officials with mortgage industry oversight authority 30521
without the loss of confidentiality or privilege protections 30522
provided by federal law or the law of any state. Information or 30523
material described in division (E)(1) of this section to which 30524
confidentiality or privilege applies shall not be subject to any 30525
of the following: 30526

(a) Disclosure under any federal or state law governing 30527
disclosure to the public of information held by an officer or an 30528
agency of the federal government or of the respective state; 30529

(b) Subpoena or discovery, or admission into evidence, in any 30530

private civil action or administrative process, unless the person 30531
to whom such information or material pertains waives, in whole or 30532
in part and at the discretion of the person, any privilege held by 30533
the ~~nationwide mortgage licensing system and registry~~ NMLS with 30534
respect to that information or material. 30535

(2) The superintendent, in order to promote more effective 30536
regulation and reduce regulatory burden through supervisory 30537
information sharing, may enter into sharing arrangements with 30538
other governmental agencies, the conference of state bank 30539
supervisors, and the American association of residential mortgage 30540
regulators. 30541

(3) Any state law, including section 149.43 of the Revised 30542
Code, relating to the disclosure of confidential supervisory 30543
information or any information or material described in division 30544
(C)(1) or (E)(1) of this section that is inconsistent with this 30545
section shall be superseded by the requirements of this section. 30546

(F) This section shall not apply with respect to information 30547
or material relating to the employment history of, and publicly 30548
adjudicated disciplinary and enforcement actions against, mortgage 30549
loan originators that is included in the ~~nationwide mortgage~~ 30550
~~licensing system and registry~~ NMLS for access by the public. 30551

(G) This section does not prevent the division from releasing 30552
information relating to registrants and licensees to the attorney 30553
general, to the superintendent of real estate and professional 30554
licensing for purposes relating to the administration of Chapters 30555
4735. and 4763. of the Revised Code, to the superintendent of 30556
insurance for purposes relating to the administration of Chapter 30557
3953. of the Revised Code, to the commissioner of securities for 30558
purposes relating to the administration of Chapter 1707. of the 30559
Revised Code, or to local law enforcement agencies and local 30560
prosecutors. Information the division releases pursuant to this 30561
section remains confidential. 30562

(H) The superintendent of financial institutions shall, by 30563
rule adopted in accordance with Chapter 119. of the Revised Code, 30564
establish a process by which mortgage loan originators may 30565
challenge information provided to the ~~nationwide mortgage~~ 30566
~~licensing system and registry~~ NMLS by the superintendent. 30567

(I) No person, in connection with any examination or 30568
investigation conducted by the superintendent under sections 30569
1321.51 to 1321.60 of the Revised Code, shall knowingly do any of 30570
the following: 30571

(1) Circumvent, interfere with, obstruct, or fail to 30572
cooperate, including making a false or misleading statement, 30573
failing to produce records, or intimidating or suborning any 30574
witness; 30575

(2) Withhold, abstract, remove, mutilate, destroy, or secrete 30576
any books, records, computer records, or other information; 30577

(3) Tamper with, alter, or manufacture any evidence. 30578

Sec. 1322.01. As used in sections 1322.01 to 1322.12 of the 30579
Revised Code: 30580

(A) "Buyer" means an individual who is solicited to purchase 30581
or who purchases the services of a mortgage broker for purposes of 30582
obtaining a residential mortgage loan. 30583

(B) "Consumer reporting agency" has the same meaning as in 30584
the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, 30585
as amended. 30586

(C) "Employee" means an individual for whom a mortgage 30587
broker, in addition to providing a wage or salary, pays social 30588
security and unemployment taxes, provides workers' compensation 30589
coverage, and withholds local, state, and federal income taxes. 30590
"Employee" also includes any individual who acts as a loan 30591
originator or operations manager of a registrant, but for whom the 30592

registrant is prevented by law from making income tax
withholdings. 30593
30594

(D) "Licensee" means any individual who has been issued a
loan originator license under sections 1322.01 to 1322.12 of the
Revised Code. 30595
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30597

(E)(1) "Loan originator" means an individual who for
compensation or gain, or in anticipation of compensation or gain,
does any of the following: 30598
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30600

(a) Takes or offers to take a residential mortgage loan
application; 30601
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(b) Assists or offers to assist a buyer in obtaining or
applying to obtain a residential mortgage loan by, among other
things, advising on loan terms, including rates, fees, and other
costs; 30603
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(c) Offers or negotiates terms of a residential mortgage
loan; 30607
30608

(d) Issues or offers to issue a commitment for a residential
mortgage loan to a buyer. 30609
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(2) "Loan originator" does not include any of the following: 30611

(a) An individual who performs purely administrative or
clerical tasks on behalf of a loan originator; 30612
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(b) A person licensed under Chapter 4735. of the Revised
Code, or under the similar law of another state, who performs only
real estate brokerage activities permitted by that license,
provided the person is not compensated by a mortgage lender,
mortgage broker, loan originator, or by any agent thereof; 30614
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(c) A person solely involved in extensions of credit relating
to timeshare plans, as that term is defined in 11 U.S.C. 101 in
effect on January 1, 2009; 30619
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(d) An employee of a registrant who acts solely as a loan 30622

processor or underwriter and who does not represent to the public, 30623
through advertising or other means of communicating, including the 30624
use of business cards, stationery, brochures, signs, rate lists, 30625
or other promotional items, that the employee can or will perform 30626
any of the activities of a loan originator; 30627

(e) A mortgage loan originator licensed under sections 30628
1321.51 to 1321.60 of the Revised Code, when acting solely under 30629
that authority; 30630

(f) A licensed attorney who negotiates the terms of a 30631
residential mortgage loan on behalf of a client as an ancillary 30632
matter to the attorney's representation of the client, unless the 30633
attorney is compensated by a lender, a mortgage broker, or another 30634
loan originator, or by any agent thereof; 30635

(g) Any person engaged in the retail sale of manufactured 30636
homes, mobile homes, or industrialized units if, in connection 30637
with financing those retail sales, the person only assists the 30638
borrower by providing or transmitting the loan application and 30639
does not do any of the following: 30640

(i) Offer or negotiate the residential mortgage loan rates or 30641
terms; 30642

(ii) Provide any counseling with borrowers about residential 30643
mortgage loan rates or terms; 30644

(iii) Receive any payment or fee from any company or 30645
individual for assisting the borrower obtain or apply for 30646
financing to purchase the manufactured home, mobile home, or 30647
industrialized unit; 30648

(iv) Assist the borrower in completing a residential mortgage 30649
loan application. 30650

(h) An individual employed by a nonprofit organization that 30651
is recognized as tax exempt under 26 U.S.C. 501(c)(3) and whose 30652

primary activity is the construction, remodeling, or 30653
rehabilitation of homes for use by low-income families, provided 30654
that the nonprofit organization makes no-profit mortgage loans or 30655
mortgage loans at zero per cent interest to low-income families 30656
and no fees accrue directly to the nonprofit organization or 30657
individual employed by the nonprofit organization from those 30658
mortgage loans and that the United States department of housing 30659
and urban development does not deny this exemption. 30660

(F) "Mortgage" means any indebtedness secured by a deed of 30661
trust, security deed, or other lien on real property. 30662

(G)(1) "Mortgage broker" means any of the following: 30663

(a) A person that holds that person out as being able to 30664
assist a buyer in obtaining a mortgage and charges or receives 30665
from either the buyer or lender money or other valuable 30666
consideration readily convertible into money for providing this 30667
assistance; 30668

(b) A person that solicits financial and mortgage information 30669
from the public, provides that information to a mortgage broker or 30670
a person that makes residential mortgage loans, and charges or 30671
receives from either of them money or other valuable consideration 30672
readily convertible into money for providing the information; 30673

(c) A person engaged in table-funding or warehouse-lending 30674
mortgage loans that are first lien residential mortgage loans. 30675

(2) "Mortgage broker" does not include any of the following 30676
persons only with respect to business engaged in or authorized by 30677
the person's charter, license, authority, approval, or 30678
certificate, or as otherwise authorized by division (G)(2)(h) of 30679
this section: 30680

(a) A person that makes residential mortgage loans and 30681
receives a scheduled payment on each of those mortgage loans; 30682

(b) Any entity chartered and lawfully doing business under 30683
the authority of any law of this state, another state, or the 30684
United States as a bank, savings bank, trust company, savings and 30685
loan association, or credit union, or a subsidiary of any such 30686
entity, which subsidiary is regulated by a federal banking agency 30687
and is owned and controlled by a depository institution; 30688

(c) A consumer reporting agency that is in substantial 30689
compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 15 30690
U.S.C.A. 1681a, as amended; 30691

(d) Any political subdivision, or any governmental or other 30692
public entity, corporation, instrumentality, or agency, in or of 30693
the United States or any state; 30694

(e) A college or university, or controlled entity of a 30695
college or university, as those terms are defined in section 30696
1713.05 of the Revised Code; 30697

(f) Any entity created solely for the purpose of securitizing 30698
loans secured by an interest in real estate, provided the entity 30699
does not service the loans. For purposes of division (G)(2)(f) of 30700
this section, "securitizing" means the packaging and sale of 30701
mortgage loans as a unit for sale as investment securities, but 30702
only to the extent of those activities. 30703

(g) Any person engaged in the retail sale of manufactured 30704
homes, mobile homes, or industrialized units if, in connection 30705
with obtaining financing by others for those retail sales, the 30706
person only assists the borrower by providing or transmitting the 30707
loan application and does not do any of the following: 30708

(i) Offer or negotiate the residential mortgage loan rates or 30709
terms; 30710

(ii) Provide any counseling with borrowers about residential 30711
mortgage loan rates or terms; 30712

(iii) Receive any payment or fee from any company or individual for assisting the borrower obtain or apply for financing to purchase the manufactured home, mobile home, or industrialized unit;

(iv) Assist the borrower in completing the residential mortgage loan application.

(h) A mortgage banker, provided it complies with section 1322.022 of the Revised Code and holds a valid letter of exemption issued by the superintendent. For purposes of this section, "mortgage banker" means any person that makes, services, buys, or sells residential mortgage loans secured by a first lien, that underwrites the loans, and that meets at least one of the following criteria:

(i) The person has been directly approved by the United States department of housing and urban development as a nonsupervised mortgagee with participation in the direct endorsement program. Division (G)(2)(h)(i) of this section includes a person that has been directly approved by the United States department of housing and urban development as a nonsupervised mortgagee with participation in the direct endorsement program and that makes loans in excess of the applicable loan limit set by the federal national mortgage association, provided that the loans in all respects, except loan amounts, comply with the underwriting and documentation requirements of the United States department of housing and urban development. Division (G)(2)(h)(i) of this section does not include a mortgagee approved as a loan correspondent.

(ii) The person has been directly approved by the federal national mortgage association as a seller/servicer. Division (G)(2)(h)(ii) of this section includes a person that has been directly approved by the federal national mortgage association as a seller/servicer and that makes loans in excess of the applicable

loan limit set by the federal national mortgage association, 30745
provided that the loans in all respects, except loan amounts, 30746
comply with the underwriting and documentation requirements of the 30747
federal national mortgage association. 30748

(iii) The person has been directly approved by the federal 30749
home loan mortgage corporation as a seller/servicer. Division 30750
(G)(2)(h)(iii) of this section includes a person that has been 30751
directly approved by the federal home loan mortgage corporation as 30752
a seller/servicer and that makes loans in excess of the applicable 30753
loan limit set by the federal home loan mortgage corporation, 30754
provided that the loans in all respects, except loan amounts, 30755
comply with the underwriting and documentation requirements of the 30756
federal home loan mortgage corporation. 30757

(iv) The person has been directly approved by the United 30758
States department of veterans affairs as a nonsupervised automatic 30759
lender. Division (G)(2)(h)(iv) of this section does not include a 30760
person directly approved by the United States department of 30761
veterans affairs as a nonsupervised lender, an agent of a 30762
nonsupervised automatic lender, or an agent of a nonsupervised 30763
lender. 30764

(i) A nonprofit organization that is recognized as tax exempt 30765
under 26 U.S.C. 501(c)(3) and whose primary activity is the 30766
construction, remodeling, or rehabilitation of homes for use by 30767
low-income families, provided that the nonprofit organization 30768
makes no-profit mortgage loans or mortgage loans at zero per cent 30769
interest to low-income families and no fees accrue directly to the 30770
nonprofit organization from those mortgage loans and that the 30771
United States department of housing and urban development does not 30772
deny this exemption. 30773

(j) A credit union service organization, provided that the 30774
organization utilizes services provided by registered loan 30775
originators or that it holds a valid letter of exemption issued by 30776

the superintendent under section 1322.023 of the Revised Code and 30777
complies with that section. 30778

(H) "Operations manager" means the employee or owner 30779
responsible for the everyday operations, compliance requirements, 30780
and management of a mortgage broker business. 30781

(I) "Registered loan originator" means an individual to whom 30782
both of the following apply: 30783

(1) The individual is a loan originator and an employee of a 30784
depository institution, a subsidiary that is owned and controlled 30785
by a depository institution and regulated by a federal banking 30786
agency, or an institution regulated by the farm credit 30787
administration. 30788

(2) The individual is registered with, and maintains a unique 30789
identifier through, the ~~nationwide mortgage licensing system and~~ 30790
~~registry~~ NMLS. 30791

(J) "Registrant" means any person that has been issued a 30792
mortgage broker certificate of registration under sections 1322.01 30793
to 1322.12 of the Revised Code. 30794

(K) "Superintendent of financial institutions" includes the 30795
deputy superintendent for consumer finance as provided in section 30796
1181.21 of the Revised Code. 30797

(L) "Table-funding mortgage loan" means a residential 30798
mortgage loan transaction in which the residential mortgage loan 30799
is initially payable to the mortgage broker, the mortgage broker 30800
does not use the mortgage broker's own funds to fund the 30801
transaction, and, by the terms of the mortgage or other agreement, 30802
the mortgage is simultaneously assigned to another person. 30803

(M) "Warehouse-lending mortgage loan" means a residential 30804
mortgage loan transaction in which the residential mortgage loan 30805
is initially payable to the mortgage broker, the mortgage broker 30806

uses the mortgage broker's own funds to fund the transaction, and 30807
the mortgage is sold or assigned before the mortgage broker 30808
receives a scheduled payment on the residential mortgage loan. 30809

(N) "Administrative or clerical tasks" means the receipt, 30810
collection, and distribution of information common for the 30811
processing or underwriting of a loan in the mortgage industry, and 30812
communication with a consumer to obtain information necessary for 30813
the processing or underwriting of a residential mortgage loan. 30814

(O) "Appraisal company" means a sole proprietorship, 30815
partnership, corporation, limited liability company, or any other 30816
business entity or association, that employs or retains the 30817
services of a person licensed or certified under Chapter 4763. of 30818
the Revised Code for purposes of performing residential real 30819
estate appraisals for mortgage loans. 30820

(P) "Depository institution" has the same meaning as in 30821
section 3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 30822
U.S.C. 1813, and includes any credit union. 30823

(Q) "Federal banking agency" means the board of governors of 30824
the federal reserve system, the comptroller of the currency, the 30825
director of the office of thrift supervision, the national credit 30826
union administration, and the federal deposit insurance 30827
corporation. 30828

(R) "Immediate family" means an individual's spouse, child, 30829
stepchild, parent, stepparent, grandparent, grandchild, brother, 30830
sister, parent-in-law, brother-in-law, or sister-in-law. 30831

(S) "Individual" means a natural person. 30832

(T) "Loan processor or underwriter" means an individual who 30833
performs clerical or support duties at the direction of and 30834
subject to the supervision and instruction of a licensed loan 30835
originator or registered loan originator. For purposes of this 30836
division, to "perform clerical or support duties" means to do all 30837

of the following activities: 30838

(1) Receiving, collecting, distributing, and analyzing 30839
information common for the processing or underwriting of a 30840
residential mortgage loan; 30841

(2) Communicating with a buyer to obtain the information 30842
necessary for the processing or underwriting of a loan, to the 30843
extent the communication does not include offering or negotiating 30844
loan rates or terms or counseling buyers about residential 30845
mortgage loan rates or terms. 30846

(U) "Nationwide mortgage licensing system and registry" or 30847
"NMLS" means a mortgage licensing system developed and maintained 30848
by the conference of state bank supervisors and the American 30849
association of residential mortgage regulators, or their successor 30850
entities, for the licensing and registration of loan originators, 30851
or any system established by the secretary of housing and urban 30852
development pursuant to the "Secure and Fair Enforcement for 30853
Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101. 30854

(V) "Nontraditional mortgage product" means any mortgage 30855
product other than a thirty-year fixed rate mortgage. 30856

(W) "Real estate brokerage activity" means any activity that 30857
involves offering or providing real estate brokerage services to 30858
the public, including all of the following: 30859

(1) Acting as a real estate agent or real estate broker for a 30860
buyer, seller, lessor, or lessee of real property; 30861

(2) Bringing together parties interested in the sale, 30862
purchase, lease, rental, or exchange of real property, other than 30863
in connection with providing financing for any such transaction; 30864

(3) Negotiating, on behalf of any party, any portion of a 30865
contract relating to the sale, purchase, lease, rental, or 30866
exchange of real property, other than in connection with providing 30867

financing for any such transaction; 30868

(4) Engaging in any activity for which a person engaged in 30869
that activity is required to be registered or licensed as a real 30870
estate agent or real estate broker under any applicable law; 30871

(5) Offering to engage in any activity, or to act in any 30872
capacity, described in division (W) of this section. 30873

(X) "Residential mortgage loan" means any loan primarily for 30874
personal, family, or household use that is secured by a mortgage 30875
or other equivalent consensual security interest on a dwelling or 30876
on residential real estate upon which is constructed or intended 30877
to be constructed a dwelling. For purposes of this division, 30878
"dwelling" has the same meaning as in section 103 of the "Truth in 30879
Lending Act," 82 Stat. 146, 15 U.S.C. 1602. 30880

(Y) "State," in the context of referring to states in 30881
addition to Ohio, means any state of the United States, the 30882
district of Columbia, any territory of the United States, Puerto 30883
Rico, Guam, American Samoa, the trust territory of the Pacific 30884
islands, the virgin islands, and the northern Mariana islands. 30885

(Z) "Unique identifier" means a number or other identifier 30886
that permanently identifies a loan originator and is assigned by 30887
protocols established by the ~~nationalwide mortgage licensing system~~ 30888
~~and registry~~ NMLS or federal banking agencies to facilitate 30889
electronic tracking of loan originators and uniform identification 30890
of, and public access to, the employment history of and the 30891
publicly adjudicated disciplinary and enforcement actions against 30892
loan originators. 30893

Sec. 1322.051. (A) Each person designated under division 30894
(A)(3) of section 1322.03 of the Revised Code to act as operations 30895
manager for a mortgage broker business shall submit to a written 30896
test approved by the superintendent of financial institutions. An 30897

individual shall not be considered to have passed the written test 30898
unless the individual achieves a test score of at least 30899
seventy-five per cent correct answers to all questions. 30900

(B) Each applicant for a loan originator license shall submit 30901
to a written test that is developed and approved by the ~~nationwide~~ 30902
~~mortgage licensing system and registry~~ NMLS and administered by a 30903
test provider approved by the ~~nationwide mortgage licensing system~~ 30904
and ~~registry~~ NMLS based on reasonable standards. 30905

(1) The test shall adequately measure the applicant's 30906
knowledge and comprehension in appropriate subject areas, 30907
including ethics, federal and state law related to mortgage 30908
origination, fraud, consumer protection, and the nontraditional 30909
mortgage marketplace, and fair lending issues. 30910

(2) An individual shall not be considered to have passed the 30911
written test unless the individual achieves a test score of at 30912
least seventy-five per cent correct answers on all questions ~~and~~ 30913
~~at least seventy five per cent correct answers on all questions~~ 30914
~~relating to state mortgage lending laws and the Ohio consumer~~ 30915
~~sales practices act, Chapter 1345. of the Revised Code, as it~~ 30916
~~applies to registrants and licensees.~~ 30917

(3) An individual may retake the test three consecutive times 30918
provided the period between taking the tests is at least thirty 30919
days. If an individual fails three consecutive tests, the 30920
individual shall be required to wait at least six months before 30921
taking the test again. 30922

(4) If a loan originator fails to maintain a valid loan 30923
originator license for a period of five years or longer, the 30924
individual shall be required to retake the test. 30925

For this purpose, any time during which the individual is a 30926
registered loan originator shall not be taken into account. 30927

(C) Notwithstanding division (B) of this section, until the 30928

~~nationwide mortgage licensing system and registry~~ NMLS implements 30929
a testing process that meets the criteria set forth in that 30930
division, the superintendent shall require each applicant to pass 30931
a written test acceptable to the superintendent. 30932

Sec. 1327.46. As used in sections 1327.46 to 1327.61 of the 30933
Revised Code: 30934

(A) "Weights and measures" means all weights and measures of 30935
every kind, instruments and devices for weighing and measuring, 30936
and any appliances and accessories associated with any such 30937
instruments and devices, except that "weights and measures" shall 30938
not be construed to include meters for the measurement of 30939
electricity, gas, whether natural or manufactured, or water when 30940
the same are operated in a public utility system. Such 30941
electricity, gas, and water meters, and appliances or accessories 30942
associated therewith, are specifically excluded from the purview 30943
of the weights and measures laws. 30944

(B) "Intrastate commerce" means all commerce or trade that is 30945
begun, carried on, and completed wholly within the limits of this 30946
state, and "introduced into intrastate commerce" defines the time 30947
and place in which the first sale and delivery of a commodity is 30948
made within the state, the delivery being made either directly to 30949
the purchaser or to a common carrier for shipment to the 30950
purchaser. 30951

(C) "Package" means any commodity put up or packaged in any 30952
manner in advance of sale in units suitable for either wholesale 30953
or retail sale. 30954

(D) "Consumer package" means a package that is customarily 30955
produced or distributed for sale through a retail sales agency for 30956
consumption by an individual or use by an individual. 30957

(E) "Weight" as used in connection with any commodity means 30958

net weight. 30959

(F) "Correct" as used in connection with weights and measures 30960
means conformity with all applicable requirements of sections 30961
1327.46 to 1327.61 of the Revised Code and rules adopted pursuant 30962
to those sections. 30963

(G) "Primary Reference standards" means the physical 30964
standards of the state that serve as the legal reference from 30965
which all other standards and weights and measures are derived. 30966

(H) "Secondary Working standards" means the physical 30967
standards that are traceable to the primary reference standards 30968
through comparisons, using acceptable laboratory procedures, and 30969
used in the enforcement of weights and measures laws and rules. 30970

(I) "Sale from bulk" means the sale of commodities when the 30971
quantity is determined at the time of sale. 30972

(J) "Net weight" means the weight of a commodity, excluding 30973
any materials, substances, or items not considered to be a part of 30974
the commodity. Materials, substances, or items not considered to 30975
be part of the commodity include, but are not limited to, 30976
containers, conveyances, bags, wrappers, packaging materials, 30977
labels, individual piece coverings, decorative accompaniments, and 30978
coupons. 30979

(K) "Random weight package" means a package that is one of a 30980
lot, shipment, or delivery of packages of the same commodity with 30981
no fixed pattern of weights. 30982

(L) "Sold" includes keeping, offering, or exposing for sale. 30983

(M) "Commercially used weighing and measuring device" means a 30984
device described in the national institute of standards and 30985
technology handbook 44 or its supplements and revisions and any 30986
other weighing and measuring device designated by rules adopted 30987
under division (C) of section 1327.50 of the Revised Code. 30988

"Commercially used weighing and measuring device" includes, but is not limited to, a livestock scale, vehicle scale, railway scale, vehicle tank meter, bulk rack meter, and LPG meter.

(N) "Livestock scale" means a scale equipped with stock racks and gates that is adapted to weighing livestock standing on the scale platform.

(O) "Vehicle scale" means a scale that is adapted to weighing highway, farm, or other large industrial vehicles other than railroad cars.

(P) "Railway scale" means a rail scale that is designed to weigh railroad cars.

(Q) "Vehicle tank meter" means a vehicle mounted device that is designed for the measurement and delivery of liquid products from a tank.

(R) "Bulk rack meter" means a wholesale device, usually mounted on a rack, that is designed for the measurement and delivery of liquid products.

(S) "LPG meter" means a system, including a mechanism or machine of the meter type, that is designed to measure and deliver liquefied petroleum gas in the liquid state by a definite quantity whether installed in a permanent location or mounted on a vehicle.

(T) "Service person" means an individual who installs, services, repairs, reconditions, or places into service a commercially used weighing and measuring device for any type of compensation.

Sec. 1327.48. Weights and measures that are traceable to the United States prototype standards supplied by the federal government, or approved as being satisfactory by the national institute of standards and technology, shall be the state ~~primary~~ reference standards of weights and measures, and shall be

maintained in such calibration as is prescribed by the national 31019
institute of standards and technology. All ~~secondary working~~ 31020
standards may be prescribed by the director of agriculture and 31021
shall be verified upon their initial receipt, and as often as 31022
found necessary by the director. 31023

Sec. 1327.50. The director of agriculture shall: 31024

(A) Maintain traceability of the state standards to those of 31025
the ~~national institute of standards and technology~~ international 31026
system of units; 31027

(B) Enforce sections 1327.46 to 1327.61 of the Revised Code; 31028

(C) Issue reasonable rules for the uniform enforcement of 31029
sections 1327.46 to 1327.61 of the Revised Code, which rules shall 31030
have the force and effect of law; 31031

(D) Establish standards of weight, measure, or count, 31032
reasonable standards of fill, and standards for the voluntary 31033
presentation of cost per unit information for any package; 31034

(E) Grant any exemptions from sections 1327.46 to 1327.61 of 31035
the Revised Code, or any rules adopted under those sections, when 31036
appropriate to the maintenance of good commercial practices in the 31037
state; 31038

(F) Conduct investigations to ensure compliance with sections 31039
1327.46 to 1327.61 of the Revised Code; 31040

(G) Delegate to appropriate personnel any of these 31041
responsibilities for the proper administration of the director's 31042
office; 31043

(H) Test as often as is prescribed by rule the standards of 31044
weight and measure used by any municipal corporation or county 31045
within the state, and approve the same when found to be correct; 31046

(I) Inspect and test weights and measures that are sold; 31047

(J) Inspect and test to ascertain if they are correct,	31048
weights and measures commercially used either:	31049
(1) In determining the weight, measure, or count of	31050
commodities or things sold on the basis of weight, measure, or	31051
count;	31052
(2) In computing the basic charge or payment for goods or	31053
services rendered on the basis of weight, measure, or count.	31054
(K) Test all weights and measures used in checking the	31055
receipt or disbursement of supplies in every institution, for the	31056
maintenance of which funds are appropriated by the general	31057
assembly;	31058
(L) Approve for use, and may mark, such weights and measures	31059
as the director finds to be correct, and shall reject and mark as	31060
rejected such weights and measures as the director finds to be	31061
incorrect. Weights and measures that have been rejected may be	31062
seized if not corrected within the time specified or if used or	31063
disposed of in a manner not specifically authorized, and may be	31064
condemned and seized if found to be incorrect and not capable of	31065
being made correct.	31066
(M) Weigh, measure, or inspect packaged commodities that are	31067
sold or in the process of delivery to determine whether they	31068
contain the amounts represented and whether they are sold in	31069
accordance with sections 1327.46 to 1327.61 of the Revised Code or	31070
rules adopted under those sections. In carrying out this section,	31071
the director shall employ recognized sampling procedures, such as	31072
those designated in the national institute of standards and	31073
technology handbook 133 "checking the net contents of packaged	31074
goods."	31075
(N) Prescribe by rule the appropriate term or unit of weight	31076
or measure to be used, whenever the director determines in the	31077
case of a specific commodity that an existing practice of	31078

declaring the quantity by weight, measure, numerical count, or 31079
combination thereof, does not facilitate value comparisons by 31080
consumers, or offers an opportunity for consumer confusion; 31081

(O) Allow reasonable variations from the stated quantity of 31082
contents, which shall include those caused by unavoidable 31083
deviations in good manufacturing practice and by loss or gain of 31084
moisture during the course of good distribution practice, only 31085
after the commodity has entered intrastate commerce; 31086

(P) Provide for the weights and measures training of 31087
inspector personnel and establish minimum training requirements, 31088
which shall be met by all inspector personnel, whether county, 31089
municipal, or state; 31090

(Q) Prescribe the methods of tests and inspections to be 31091
employed in the enforcement of sections 1327.46 to 1327.61 of the 31092
Revised Code. The director may prescribe the official test and 31093
inspection forms to be used. 31094

(R) Provide by rule for ~~voluntary~~ registration with the 31095
director of private service persons who are employed by 31096
commercially used weighing and measuring device servicing 31097
agencies, ~~and personnel~~; 31098

(S) In conjunction with the national institute of standards 31099
and technology, operate a type evaluation program for 31100
certification of weighing and measuring devices as part of the 31101
national type evaluation program. The director shall establish a 31102
schedule of fees for services rendered by the department of 31103
agriculture for type evaluation services. The director may require 31104
any weighing or measuring instrument or device to be traceable to 31105
a national type evaluation program certificate of conformance 31106
prior to use for commercial or law enforcement purposes. 31107

(T) Verify advertised prices, price representations, and 31108
point-of-sale systems, as necessary, to determine both the 31109

accuracy of prices and computations and the correct use of the 31110
equipment and the accuracy of prices printed or recalled from a 31111
database if a system utilizes scanning or coding in lieu of manual 31112
entry. In order to implement this division, the director shall do 31113
all of the following: 31114

(1) Employ recognized procedures such as those designated in 31115
the national institute of standards and technology handbook 130, 31116
uniform laws and regulations, "examination procedures for price 31117
verification"; 31118

(2) Adopt rules establishing requirements governing the 31119
accuracy of advertised prices and point-of-sale systems and 31120
establishing requirements and procedures for the enforcement of 31121
this division; 31122

(3) Conduct necessary inspections. 31123

Sec. 1327.501. (A) No person shall operate in this state a 31124
commercially used weighing and measuring device that provides the 31125
~~final~~ quantity ~~and final~~ or cost of a final transaction and for 31126
which a fee is established in division (G) of this section unless 31127
the operator of the device obtains a permit issued by the director 31128
of agriculture or the director's designee. 31129

(B) An application for a permit shall be submitted to the 31130
director on a form that the director prescribes and provides. The 31131
applicant shall include with the application any information that 31132
is specified on the application form as well as the application 31133
fee established in this section. 31134

(C) Upon receipt of a completed application and the required 31135
fee from an applicant, the director or the director's designee 31136
shall issue or deny the permit to operate the commercially used 31137
weighing and measuring device that was the subject of the 31138
application. 31139

(D) A permit issued under this section expires on the 31140
thirtieth day of June of the year following its issuance and may 31141
be renewed annually on or before the first day of July of that 31142
year upon payment of a permit renewal fee established in this 31143
section. 31144

(E) If a permit renewal fee is more than sixty days past due, 31145
the director may assess a late penalty in an amount established 31146
under this section. 31147

(F) The director shall do both of the following: 31148

(1) Establish procedures and requirements governing the 31149
issuance or denial of permits under this section; 31150

(2) Establish late penalties to be assessed for the late 31151
payment of a permit renewal fee and fees for the replacement of 31152
lost or destroyed permits. 31153

(G) An applicant for a permit to operate under this section 31154
shall pay an application fee in the following applicable amount: 31155

(1) Seventy-five dollars for a livestock scale; 31156

(2) Seventy-five dollars for a vehicle scale; 31157

(3) Seventy-five dollars for a railway scale; 31158

(4) Seventy-five dollars for a vehicle tank meter; 31159

(5) Seventy-five dollars for a bulk rack meter; 31160

(6) Seventy-five dollars for a an LPG meter. 31161

A person who is issued a permit under this section and who 31162
seeks to renew that permit shall pay an annual permit renewal fee. 31163
The amount of a permit renewal fee shall be equal to the 31164
application fee for that permit established in this division. 31165

(H) All money collected through the payment of fees and the 31166
imposition of penalties under this section shall be credited to 31167
the metrology and scale certification and device permitting fund 31168

created in section 1327.511 of the Revised Code. 31169

Sec. 1327.502. A service person who is employed by a 31170
commercially used weighing and measuring device servicing agency 31171
shall register with the director of agriculture in accordance with 31172
rules adopted under section 1327.50 of the Revised Code. 31173

Sec. 1327.61. No person shall do any of the following: 31174

(A) Use or have in possession for use in commerce any 31175
incorrect weight or measure; 31176

(B) Wrap, package, label, or advertise any product or service 31177
contrary to this chapter, or any rules adopted under it, or sell, 31178
offer, hold, or expose for sale any service or product wrapped, 31179
packaged, labeled, or offered for sale contrary to this chapter or 31180
any rules adopted under it, or misrepresent the quantity or price 31181
or service contrary to this chapter, or any rules adopted under 31182
it; 31183

(C) Remove any tag, seal, or mark from any weight or measure 31184
without specific written authorization from the proper authority; 31185

(D) Install for use, repair, service, or place into service a 31186
commercially used weighing and measuring device unless the 31187
installation, repair, service, or placement is performed by one of 31188
the following: 31189

(1) A department of agriculture division of weights and 31190
measures inspector; 31191

(2) A service person registered with the department; 31192

(3) A county or municipal weights and measures inspector. 31193

(E) Hinder or obstruct any weights and measures official in 31194
the performance of ~~his~~ official duties; 31195

~~(E)~~(F) Sell or offer for use in commerce any incorrect weight 31196

or measure. 31197

Sec. 1327.99. Whoever violates section 1327.501 or 1327.54 or 31198
division (A), (B), (C), or ~~(D)~~(E) of section 1327.61 of the 31199
Revised Code or a rule adopted under sections 1327.46 to 1327.61 31200
of the Revised Code is guilty of a misdemeanor of the second 31201
degree on a first offense; on each subsequent offense within seven 31202
years after the first offense, ~~such~~ the person is guilty of a 31203
misdemeanor of the first degree. 31204

Sec. 1332.26. (A) No political subdivision shall require a 31205
video service provider to obtain from it any authority to provide 31206
video service within its boundaries. 31207

(B) Except as authorized under division (C) of this section 31208
and under sections 1332.30 and 1332.32 of the Revised Code, no 31209
political subdivision shall request anything of value from a video 31210
service provider for providing video service; impose any fee, 31211
license, or gross receipt tax on the provision of video service by 31212
such a provider; or impose any franchise or other requirement on 31213
the provision of video service by a video service provider, 31214
including, but not limited to, any provision regulating rates 31215
charged by a video service provider or establishing any build-out 31216
requirement or requirement to deploy any facility or equipment. 31217

(C) When requested to do so, a video service provider shall 31218
assist a municipal corporation or township in addressing video 31219
service subscriber complaints, in a manner consistent with the 31220
provider's complaint handling process set forth in its application 31221
pursuant to division (A)(7) of section 1332.24 of the Revised 31222
Code. Nothing in sections 1332.21 to 1332.34 of the Revised Code 31223
affects any authority granted under sections 1345.01 to 1345.13 of 31224
the Revised Code. 31225

(D) A video service provider shall meet all of the following 31226

customer service standards:	31227
(1) The provider shall restore video service within	31228
seventy-two hours after a subscriber reports a service	31229
interruption or other problem if the cause was not a natural	31230
disaster.	31231
(2) Upon a report by a subscriber of a service interruption	31232
and if the interruption is caused by the video service provider	31233
and lasts for more than four hours in a given day, the provider	31234
shall give the subscriber a credit in the amount of the cost of	31235
each such day's video service as would be billed to the	31236
subscriber.	31237
(3) Upon a report by a subscriber of a service interruption	31238
and if the interruption is not caused by the video service	31239
provider and lasts for more than twenty-four consecutive hours,	31240
the provider shall give the subscriber, for each hour of service	31241
interruption, a credit in the amount of the cost of per hour video	31242
service as would be billed to the subscriber.	31243
(4) The provider shall give a subscriber at least thirty	31244
days' advance, written notice before removing a channel from the	31245
provider's video service, but no such notice is required if the	31246
provider must remove the channel because of circumstances beyond	31247
its control.	31248
(5) The provider shall give a subscriber at least ten days'	31249
advance, written notice of a disconnection of all or part of the	31250
subscriber's video service, except if the disconnection <u>any of the</u>	31251
<u>following apply:</u>	31252
(a) <u>Disconnection</u> has been requested by the subscriber 7.	31253
(b) <u>Disconnection</u> is necessary to prevent theft of video	31254
service 7 or.	31255
(c) <u>Disconnection</u> is necessary to prevent the use of video	31256

<u>service through fraud.</u>	31257
(d) <u>Disconnection</u> is necessary to reduce or prevent signal leakage as described in 47 C.F.R. 76.611.	31258 31259
(6) <u>The provider shall not establish a due date earlier than fourteen days after a video service bill is issued.</u>	31260 31261
(7) The provider shall not disconnect all or part of a subscriber's video service for failure of the subscriber to pay <u>any amount of its video service bill</u> , until the bill <u>amount</u> is at least forty-five <u>fourteen</u> days past due.	31262 31263 31264 31265
(7) (8) The provider shall give a subscriber at least thirty days' advance, written notice before instituting an increase in video service rates.	31266 31267 31268
Sec. 1337.11. As used in sections 1337.11 to 1337.17 of the Revised Code:	31269 31270
(A) "Adult" means a person who is eighteen years of age or older.	31271 31272
(B) "Attending physician" means the physician to whom a principal or the family of a principal has assigned primary responsibility for the treatment or care of the principal or, if the responsibility has not been assigned, the physician who has accepted that responsibility.	31273 31274 31275 31276 31277
(C) "Comfort care" means any of the following:	31278
(1) Nutrition when administered to diminish the pain or discomfort of a principal, but not to postpone death;	31279 31280
(2) Hydration when administered to diminish the pain or discomfort of a principal, but not to postpone death;	31281 31282
(3) Any other medical or nursing procedure, treatment, intervention, or other measure that is taken to diminish the pain or discomfort of a principal, but not to postpone death.	31283 31284 31285

(D) "Consulting physician" means a physician who, in conjunction with the attending physician of a principal, makes one or more determinations that are required to be made by the attending physician, or to be made by the attending physician and one other physician, by an applicable provision of sections 1337.11 to 1337.17 of the Revised Code, to a reasonable degree of medical certainty and in accordance with reasonable medical standards.

(E) "Declaration for mental health treatment" has the same meaning as in section 2135.01 of the Revised Code.

(F) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent.

(G) "Health care" means any care, treatment, service, or procedure to maintain, diagnose, or treat an individual's physical or mental condition or physical or mental health.

(H) "Health care decision" means informed consent, refusal to give informed consent, or withdrawal of informed consent to health care.

(I) "Health care facility" means any of the following:

(1) A hospital;

(2) A hospice care program, pediatric respite care program, or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;

(3) A nursing home;

(4) A home health agency;

(5) An intermediate care facility for ~~the mentally retarded~~ individuals with intellectual disabilities;

(6) A regulated community mental health organization.

(J) "Health care personnel" means physicians, nurses,	31315
physician assistants, emergency medical technicians-basic,	31316
emergency medical technicians-intermediate, emergency medical	31317
technicians-paramedic, medical technicians, dietitians, other	31318
authorized persons acting under the direction of an attending	31319
physician, and administrators of health care facilities.	31320
(K) "Home health agency" has the same meaning as in section	31321
3701.881 of the Revised Code.	31322
(L) "Hospice care program" and "pediatric respite care	31323
program" have the same meanings as in section 3712.01 of the	31324
Revised Code.	31325
(M) "Hospital" has the same meanings as in sections 3701.01,	31326
3727.01, and 5122.01 of the Revised Code.	31327
(N) "Hydration" means fluids that are artificially or	31328
technologically administered.	31329
(O) "Incompetent" has the same meaning as in section 2111.01	31330
of the Revised Code.	31331
(P) "Intermediate care facility for the mentally retarded	31332
<u>individuals with intellectual disabilities</u> " has the same meaning	31333
as in section 5111.20 <u>5124.01</u> of the Revised Code.	31334
(Q) "Life-sustaining treatment" means any medical procedure,	31335
treatment, intervention, or other measure that, when administered	31336
to a principal, will serve principally to prolong the process of	31337
dying.	31338
(R) "Medical claim" has the same meaning as in section	31339
2305.113 of the Revised Code.	31340
(S) "Mental health treatment" has the same meaning as in	31341
section 2135.01 of the Revised Code.	31342
(T) "Nursing home" has the same meaning as in section 3721.01	31343
of the Revised Code.	31344

(U) "Nutrition" means sustenance that is artificially or technologically administered.	31345 31346
(V) "Permanently unconscious state" means a state of permanent unconsciousness in a principal that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the principal's attending physician and one other physician who has examined the principal, is characterized by both of the following:	31347 31348 31349 31350 31351 31352
(1) Irreversible unawareness of one's being and environment.	31353
(2) Total loss of cerebral cortical functioning, resulting in the principal having no capacity to experience pain or suffering.	31354 31355
(W) "Person" has the same meaning as in section 1.59 of the Revised Code and additionally includes political subdivisions and governmental agencies, boards, commissions, departments, institutions, offices, and other instrumentalities.	31356 31357 31358 31359
(X) "Physician" means a person who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	31360 31361 31362
(Y) "Political subdivision" and "state" have the same meanings as in section 2744.01 of the Revised Code.	31363 31364
(Z) "Professional disciplinary action" means action taken by the board or other entity that regulates the professional conduct of health care personnel, including the state medical board and the board of nursing.	31365 31366 31367 31368
(AA) "Regulated community mental health organization" means a residential facility as defined and licensed under section 5119.22 <u>5119.34</u> of the Revised Code or a community mental health agency <u>services provider</u> as defined in section 5122.01 of the Revised Code.	31369 31370 31371 31372 31373
(BB) "Terminal condition" means an irreversible, incurable,	31374

and untreatable condition caused by disease, illness, or injury 31375
from which, to a reasonable degree of medical certainty as 31376
determined in accordance with reasonable medical standards by a 31377
principal's attending physician and one other physician who has 31378
examined the principal, both of the following apply: 31379

(1) There can be no recovery. 31380

(2) Death is likely to occur within a relatively short time 31381
if life-sustaining treatment is not administered. 31382

(CC) "Tort action" means a civil action for damages for 31383
injury, death, or loss to person or property, other than a civil 31384
action for damages for a breach of contract or another agreement 31385
between persons. 31386

Sec. 1347.08. (A) Every state or local agency that maintains 31387
a personal information system, upon the request and the proper 31388
identification of any person who is the subject of personal 31389
information in the system, shall: 31390

(1) Inform the person of the existence of any personal 31391
information in the system of which the person is the subject; 31392

(2) Except as provided in divisions (C) and (E)(2) of this 31393
section, permit the person, the person's legal guardian, or an 31394
attorney who presents a signed written authorization made by the 31395
person, to inspect all personal information in the system of which 31396
the person is the subject; 31397

(3) Inform the person about the types of uses made of the 31398
personal information, including the identity of any users usually 31399
granted access to the system. 31400

(B) Any person who wishes to exercise a right provided by 31401
this section may be accompanied by another individual of the 31402
person's choice. 31403

(C)(1) A state or local agency, upon request, shall disclose 31404

medical, psychiatric, or psychological information to a person who 31405
is the subject of the information or to the person's legal 31406
guardian, unless a physician, psychiatrist, or psychologist 31407
determines for the agency that the disclosure of the information 31408
is likely to have an adverse effect on the person, in which case 31409
the information shall be released to a physician, psychiatrist, or 31410
psychologist who is designated by the person or by the person's 31411
legal guardian. 31412

(2) Upon the signed written request of either a licensed 31413
attorney at law or a licensed physician designated by the inmate, 31414
together with the signed written request of an inmate of a 31415
correctional institution under the administration of the 31416
department of rehabilitation and correction, the department shall 31417
disclose medical information to the designated attorney or 31418
physician as provided in division (C) of section 5120.21 of the 31419
Revised Code. 31420

(D) If an individual who is authorized to inspect personal 31421
information that is maintained in a personal information system 31422
requests the state or local agency that maintains the system to 31423
provide a copy of any personal information that the individual is 31424
authorized to inspect, the agency shall provide a copy of the 31425
personal information to the individual. Each state and local 31426
agency may establish reasonable fees for the service of copying, 31427
upon request, personal information that is maintained by the 31428
agency. 31429

(E)(1) This section regulates access to personal information 31430
that is maintained in a personal information system by persons who 31431
are the subject of the information, but does not limit the 31432
authority of any person, including a person who is the subject of 31433
personal information maintained in a personal information system, 31434
to inspect or have copied, pursuant to section 149.43 of the 31435
Revised Code, a public record as defined in that section. 31436

(2) This section does not provide a person who is the subject of personal information maintained in a personal information system, the person's legal guardian, or an attorney authorized by the person, with a right to inspect or have copied, or require an agency that maintains a personal information system to permit the inspection of or to copy, a confidential law enforcement investigatory record or trial preparation record, as defined in divisions (A)(2) and (4) of section 149.43 of the Revised Code.

(F) This section does not apply to any of the following:

(1) The contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;

(2) Information contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

(3) Papers, records, and books that pertain to an adoption and that are subject to inspection in accordance with section 3107.17 of the Revised Code;

(4) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;

(5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual;

(6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code;

(7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend

to identify such an individual; 31467

(8) Records that identify an individual described in division 31468
(A)(1) of section ~~5111.61~~ 5165.88 of the Revised Code, or that 31469
would tend to identify such an individual; 31470

(9) Test materials, examinations, or evaluation tools used in 31471
an examination for licensure as a nursing home administrator that 31472
the board of ~~examiners~~ executives of ~~nursing home administrators~~ 31473
long-term services and supports administers under section 4751.04 31474
of the Revised Code or contracts under that section with a private 31475
or government entity to administer; 31476

(10) Information contained in a database established and 31477
maintained pursuant to section 5101.13 of the Revised Code. 31478

Sec. 1501.011. (A) The ~~Except as provided in divisions (B),~~ 31479
(C), and (D) of this section, the Ohio facilities construction 31480
commission shall supervise the design and construction of, and 31481
make contracts for the construction, reconstruction, improvement, 31482
enlargement, alteration, repair, or decoration of, any projects or 31483
improvements for the department of natural resources ~~has the~~ 31484
~~following powers in addition to its other powers: to prepare, or~~ 31485
~~contract to be prepared, surveys, general and detailed plans,~~ 31486
~~specifications, bills of materials, and estimates of cost for, to~~ 31487
~~enter into contracts for, and to supervise the performance of~~ 31488
~~labor, the furnishing of materials, or the construction, repair,~~ 31489
~~or maintenance of any projects, improvements, or buildings, on~~ 31490
~~lands and waters under the control of the department, as that~~ that may 31491
be authorized by legislative appropriations or any other funds 31492
available therefor, the estimated cost of which amounts to two 31493
hundred thousand dollars or more or the amount determined pursuant 31494
to section 153.53 of the Revised Code or more. 31495

(B) ~~Except as provided in division (E) of this section, the~~ 31496
~~director of natural resources shall publish notice in a newspaper~~ 31497

~~of general circulation in the region where the activity for which~~ 31498
~~bids are submitted is to occur and in any other newspapers that~~ 31499
~~the director determines are appropriate, at least once each week~~ 31500
~~for four consecutive weeks, the last publication to be at least~~ 31501
~~eight days preceding the day for opening bids, seeking proposals~~ 31502
~~on each contract for the performance of labor, the furnishing of~~ 31503
~~materials, or the construction, repair, or maintenance of~~ 31504
~~projects, improvements, or buildings, as necessary for compliance~~ 31505
~~with provisions of the act to make appropriations for capital~~ 31506
~~improvements or the act to make general appropriations, and the~~ 31507
~~director may also advertise in such trade journals as will afford~~ 31508
~~adequate information to the public of the terms of the contract~~ 31509
~~and the nature of the work to be performed, together with the time~~ 31510
~~of the letting and place and manner of receiving proposals, and~~ 31511
~~the places where plans and specifications are on file. A proposal~~ 31512
~~is invalid and shall not be considered by the department unless~~ 31513
~~the form for proposals specified by the department is used without~~ 31514
~~change, alteration, or addition~~ The department of natural 31515
resources shall administer the construction of improvements under 31516
an agreement with the supervisors of a soil and water conservation 31517
district pursuant to division (I) of section 1515.08 of the 31518
Revised Code. 31519

(C) ~~Each bidder for a contract for the performance of labor,~~ 31520
~~the furnishing of materials, or the maintenance, construction,~~ 31521
~~demolition, alteration, repair, or reconstruction of an~~ 31522
~~improvement shall meet the requirements of section 153.54 of the~~ 31523
~~Revised Code. The director may require each bidder to furnish~~ 31524
~~under oath, upon such printed forms as the director may prescribe,~~ 31525
~~detailed information with respect to the bidder's financial~~ 31526
~~resources, equipment, past performance record, organization~~ 31527
~~personnel, and experience, together with such other information as~~ 31528
~~the director considers necessary.~~ 31529

~~(D) The director shall award the contract to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code. The award shall be made within a reasonable time after the date on which the bids were opened, and the successful bidder shall enter into a contract within ten days from the date the successful bidder is notified that the contract has been awarded, or within any longer period that the director considers necessary. Nothing in this section shall preclude the rejection of any bid the acceptance of which is not in the best interests of the state. No contract shall be entered into until the bureau of workers' compensation has certified that the corporation, partnership, or person awarded the contract has complied with Chapter 4123. of the Revised Code and until, if the bidder awarded the contract is a foreign corporation, the secretary of state has certified that the corporation is authorized to do business in this state, and until, if the bidder so awarded the contract is a person or partnership nonresident of this state, the person or partnership has filed with the secretary of state a power of attorney designating the secretary of state as its agency for the purpose of accepting service of process.~~

~~(E) With respect to the director's entering into a contract for the performance of labor, the furnishing of materials, or the construction, repair, or maintenance of any projects, improvements, or buildings on lands and waters under the control of the department, both of the following apply:~~

~~(1) The director is not required to advertise for and receive bids if the total estimated cost of the contract is less than twenty five thousand dollars.~~

~~(2) The director is not required to advertise for bids, regardless of the cost of the contract, if the (1) The department of natural resources shall supervise the design and construction of, and make contracts for the construction, reconstruction,~~

improvement, enlargement, alteration, repair, or decoration of, 31562
any of the following activities, projects, or improvements: 31563

(a) Dam repairs administered by the division of engineering 31564
under Chapter 1507. of the Revised Code; 31565

(b) Projects or improvements administered by the division of 31566
watercraft and funded through the waterways safety fund 31567
established in section 1547.75 of the Revised Code; 31568

(c) Projects or improvements administered by the division of 31569
wildlife under Chapter 1531. or 1533. of the Revised Code; 31570

(d) Activities conducted by the department pursuant to 31571
section 5511.05 of the Revised Code in order to maintain the 31572
department's roadway inventory. 31573

(2) If a contract to be let under division (C)(1) of this 31574
section involves an exigency that concerns the public health, 31575
safety, or welfare or addresses an emergency situation in which 31576
timeliness is crucial in preventing the cost of the contract from 31577
increasing significantly. Regarding such a contract, the director 31578
may solicit bids by sending a letter to a minimum of three 31579
contractors in the region where the contract is to be let or by 31580
any other means that the director considers appropriate. 31581

~~(F) The director may insert in any contract awarded under~~ 31582
~~this section a clause providing for value engineering change~~ 31583
~~proposals, under which a contractor who has been awarded a~~ 31584
~~contract may propose a change in the plans and specifications of~~ 31585
~~the project that saves the department time or money on the project~~ 31586
~~without impairing any of the essential functions and~~ 31587
~~characteristics of the project such as service life, reliability,~~ 31588
~~economy of operation, ease of maintenance, safety, and necessary~~ 31589
~~standardized features. If the director adopts the value~~ 31590
~~engineering proposal, the savings from the proposal shall be~~ 31591
~~divided between the department and the contractor according to~~ 31592

~~guidelines established by the director, provided that the contractor shall receive at least fifty per cent of the savings from the proposal. The adoption of a value engineering proposal does not invalidate the award of the contract or require the director to rebid the project.~~ 31593
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~~(G) When in the opinion of the department the work under any contract made under this section or any law of the state is neglected by the contractor, the work completed is deficient in quality or materials, or the work is not prosecuted with the diligence and force specified or intended in the contract, the department may require the contractor to provide, at no additional expense to the department, any additional labor and materials that are necessary to complete the improvements at the level of quality and within the time of performance specified in the contract. Procedures concerning such a requirement together with its format shall be specified in the contract. If the contractor fails to comply with the requirement within the period specified in the contract, the department may take action to complete the work through other means, up to and including termination of the contract.~~ 31598
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~~(H) When an exigency occurs or there is immediate danger of an exigency that would materially impair the successful bidding, construction, or completion of a project, improvement, or building, the director may revise related plans and specifications as necessary to address the exigency through the issuance of an addendum prior to the opening of bids or, in accordance with procedures established in section 153.62 of the Revised Code, through the issuance of a change order after the contract has been awarded, pursuant to the declaration of a public exigency, the department may award the contract without competitive bidding or selection as otherwise required by Chapter 153. of the Revised Code.~~ 31613
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(D) The executive director of the Ohio facilities 31625
construction commission may authorize the department of natural 31626
resources to administer any other project or improvement, the 31627
estimated cost of which, including design fees, construction, 31628
equipment, and contingency amounts, is not more than one million 31629
five hundred thousand dollars. 31630

Sec. 1501.45. (A) As used in this section: 31631

(1) "Forfeiture laws" means provisions that are established 31632
in Title XXIX of the Revised Code and that govern the forfeiture 31633
and disposition of certain property that is seized pursuant to a 31634
law enforcement investigation. 31635

(2) "Law enforcement division" means the division of 31636
forestry, the division of natural areas and preserves, the 31637
division of wildlife, the division of parks and recreation, or the 31638
division of watercraft in the department of natural resources. 31639

(3) "Law enforcement fund" means a fund created in this 31640
section. 31641

(B) Except as otherwise provided in this section and 31642
notwithstanding any provision of the Revised Code that is not in 31643
Title XV of the Revised Code to the contrary, the forfeiture laws 31644
apply to a law enforcement division that substantially conducts an 31645
investigation that results in the ordered forfeiture of property 31646
and also apply to the involved forfeiture of property, and the law 31647
enforcement division shall comply with those forfeiture laws. 31648
Accordingly, the portion of the forfeiture laws that authorizes 31649
certain proceeds from forfeited property to be distributed to the 31650
law enforcement agency that substantially conducted the 31651
investigation that resulted in the seizure of the subsequently 31652
forfeited property apply to the law enforcement divisions except 31653
as provided in division (C)(2)(a) of this section. If a law 31654
enforcement division is eligible to receive such proceeds, the 31655

proceeds shall be deposited into the state treasury to the credit 31656
of the applicable law enforcement fund. 31657

(C)(1) There are hereby created in the state treasury ~~the~~ 31658
~~division of forestry law enforcement fund, the division of natural~~ 31659
~~areas and preserves law enforcement fund,~~ the division of wildlife 31660
law enforcement fund, the division of parks and recreation law 31661
enforcement fund, and the division of watercraft law enforcement 31662
fund. ~~The~~ 31663

(2) ~~The~~ funds shall consist of proceeds from forfeited 31664
property that are deposited ~~in accordance with this section. The~~ 31665
as follows: 31666

(a) Proceeds from forfeited property resulting from an 31667
investigation conducted by the division of forestry, the division 31668
of natural areas and preserves, or the division of parks and 31669
recreation shall be deposited in the division of parks and 31670
recreation law enforcement fund. 31671

(b) Proceeds from forfeited property resulting from an 31672
investigation conducted by the division of wildlife shall be 31673
deposited in the division of wildlife law enforcement fund. 31674

(c) Proceeds from forfeited property resulting from an 31675
investigation conducted by the division of watercraft shall be 31676
deposited in the division of watercraft law enforcement fund. 31677

(3) ~~The~~ funds shall be used ~~by the applicable law enforcement~~ 31678
~~division~~ for law enforcement purposes specified in the forfeiture 31679
laws; ~~however, a~~ as follows: 31680

(a) Money in the division of parks and recreation law 31681
enforcement fund shall be used by the division of parks and 31682
recreation. 31683

(b) Money in the division of wildlife law enforcement fund 31684
shall be used by the division of wildlife. 31685

(c) Money in the division of watercraft law enforcement fund 31686
shall be used by the division of watercraft. 31687

(4) A law enforcement division shall not use ~~such funds~~ its 31688
fund to pay the salaries of its employees or to provide for any 31689
other remuneration of personnel. 31690

(D) If the forfeiture laws conflict with any provisions that 31691
govern forfeitures and that are established in another section of 31692
Title XV of the Revised Code, the provisions established in the 31693
other section of Title XV apply. 31694

Sec. 1506.21. (A) There is hereby created the Ohio Lake Erie 31695
commission, consisting of the directors of environmental 31696
protection, natural resources, health, agriculture, ~~and~~ 31697
transportation, and development services, or their designees, and 31698
five additional members appointed by the governor who shall serve 31699
at the pleasure of the governor. The members of the commission 31700
annually shall designate a chairperson, who shall preside at the 31701
meetings of the commission, and a secretary. 31702

The commission shall hold at least one meeting every three 31703
months. The secretary of the commission shall keep a record of its 31704
proceedings. Special meetings shall be held at the call of the 31705
chairperson or upon the request of four members of the commission. 31706
All meetings and records of the commission shall be open to the 31707
public. Six members of the commission constitute a quorum. The 31708
agencies represented on the commission shall furnish clerical, 31709
technical, and other services required by the commission in the 31710
performance of its duties. 31711

(B) The commission shall do all of the following: 31712

(1) Ensure the coordination of state and local policies and 31713
programs pertaining to Lake Erie water quality, toxic pollution 31714
control, and resource protection; 31715

- (2) Review, and make recommendations concerning, the development and implementation of policies, programs, and issues for long-term, comprehensive protection of Lake Erie water resources and water quality that are consistent with the great lakes water quality agreement and the great lakes toxic substances control agreement; 31716
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- (3) Recommend policies and programs to modify the coastal management program of this state; 31722
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- (4) At each regular meeting, consider matters relating to the implementation of sections 1506.22 and 1506.23 of the Revised Code; 31724
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- (5) Publish and submit the Lake Erie protection agenda in accordance with division (C) of section 1506.23 of the Revised Code; 31727
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- (6) Ensure the implementation of a basinwide approach to Lake Erie issues; 31730
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- (7) Increase representation of the interests of this state in state, regional, national, and international forums pertaining to the resources and water quality of Lake Erie and the Lake Erie basin; 31732
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- (8) Promote education concerning the wise management of the resources of Lake Erie; 31736
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- (9) Establish public advisory councils as considered necessary to assist in programs established under this section and sections 1506.22 and 1506.23 of the Revised Code. Members of the public advisory councils shall represent a broad cross section of interests, shall have experience or expertise in the subject for which the advisory council was established, and shall serve without compensation. 31738
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- (10) Prepare and submit the report required under division 31745

(D) of section 1506.23 of the Revised Code. 31746

(C) Each state agency, upon the request of the commission, 31747
shall cooperate in the implementation of this section and sections 31748
1506.22 and 1506.23 of the Revised Code. 31749

Sec. 1506.30. As used in sections 1506.30 to 1506.36 of the 31750
Revised Code: 31751

(A) "Abandoned property" means a submerged aircraft; a 31752
submerged watercraft, including a ship, boat, canoe, skiff, raft, 31753
or barge; the rigging, gear, fittings, trappings, and equipment of 31754
a submerged aircraft or watercraft; the personal property of the 31755
officers, crew, and passengers of a submerged aircraft or 31756
watercraft; the cargo of a submerged aircraft or watercraft that 31757
has been deserted, relinquished, cast away, or left behind and for 31758
which attempts at reclamation have been abandoned by the owners 31759
and insurers; and submerged materials resulting from activities of 31760
prehistoric and historic native Americans. 31761

(B) "Lake Erie" means that portion of the waters and lands of 31762
Lake Erie belonging to the state as provided in section 1506.10 of 31763
the Revised Code. 31764

(C) "Historical value" means the quality of significance 31765
exemplified by an object, structure, site, or district that is 31766
included in or eligible for inclusion in ~~the state registry of~~ 31767
~~archaeological landmarks authorized under section 149.51 of the~~ 31768
~~Revised Code, the state registry of historic landmarks authorized~~ 31769
~~under section 149.55 of the Revised Code, or the national register~~ 31770
of historic places. 31771

(D) "Marine surveyor" means a person engaged in the business 31772
of mapping or surveying submerged lands and abandoned property. 31773

(E) "Mechanical or other assistance" means all artificial 31774
devices used to raise or remove artifacts from abandoned property, 31775

including pry bars, wrenches and other hand or power tools, 31776
cutting torches, explosives, winches, flotation bags, lines to 31777
surface, extra divers buoyancy devices, and other buoyancy 31778
devices. 31779

(F) "Recreational value" means value relating to an activity 31780
in which the public engages or may engage for recreation or sport, 31781
including scuba diving and fishing, as determined by the director 31782
of natural resources. 31783

Sec. 1509.01. As used in this chapter: 31784

(A) "Well" means any borehole, whether drilled or bored, 31785
within the state for production, extraction, or injection of any 31786
gas or liquid mineral, excluding potable water to be used as such, 31787
but including natural or artificial brines and oil field waters. 31788

(B) "Oil" means crude petroleum oil and all other 31789
hydrocarbons, regardless of gravity, that are produced in liquid 31790
form by ordinary production methods, but does not include 31791
hydrocarbons that were originally in a gaseous phase in the 31792
reservoir. 31793

(C) "Gas" means all natural gas and all other fluid 31794
hydrocarbons that are not oil, including condensate. 31795

(D) "Condensate" means liquid hydrocarbons separated at or 31796
near the well pad or along the gas production or gathering system 31797
prior to gas processing. 31798

(E) "Pool" means an underground reservoir containing a common 31799
accumulation of oil or gas, or both, but does not include a gas 31800
storage reservoir. Each zone of a geological structure that is 31801
completely separated from any other zone in the same structure may 31802
contain a separate pool. 31803

(F) "Field" means the general area underlaid by one or more 31804
pools. 31805

(G) "Drilling unit" means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.	31806 31807 31808
(H) "Waste" includes all of the following:	31809
(1) Physical waste, as that term generally is understood in the oil and gas industry;	31810 31811
(2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy;	31812 31813
(3) Inefficient storing of oil or gas;	31814
(4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;	31815 31816 31817 31818 31819 31820
(5) Other underground or surface waste in the production or storage of oil, gas, or condensate, however caused.	31821 31822
(I) "Correlative rights" means the reasonable opportunity to every person entitled thereto to recover and receive the oil and gas in and under the person's tract or tracts, or the equivalent thereof, without having to drill unnecessary wells or incur other unnecessary expense.	31823 31824 31825 31826 31827
(J) "Tract" means a single, individually taxed parcel of land appearing on the tax list.	31828 31829
(K) "Owner," unless referring to a mine, means the person who has the right to drill on a tract or drilling unit, to drill into and produce from a pool, and to appropriate the oil or gas produced therefrom either for the person or for others, except that a person ceases to be an owner with respect to a well when the well has been plugged in accordance with applicable rules	31830 31831 31832 31833 31834 31835

adopted and orders issued under this chapter. "Owner" does not 31836
include a person who obtains a lease of the mineral rights for oil 31837
and gas on a parcel of land if the person does not attempt to 31838
produce or produce oil or gas from a well or obtain a permit under 31839
this chapter for a well or if the entire interest of a well is 31840
transferred to the person in accordance with division (B) of 31841
section 1509.31 of the Revised Code. 31842

(L) "Royalty interest" means the fee holder's share in the 31843
production from a well. 31844

(M) "Discovery well" means the first well capable of 31845
producing oil or gas in commercial quantities from a pool. 31846

(N) "Prepared clay" means a clay that is plastic and is 31847
thoroughly saturated with fresh water to a weight and consistency 31848
great enough to settle through saltwater in the well in which it 31849
is to be used, except as otherwise approved by the chief of the 31850
division of oil and gas resources management. 31851

(O) "Rock sediment" means the combined cutting and residue 31852
from drilling sedimentary rocks and formation. 31853

(P) "Excavations and workings," "mine," and "pillar" have the 31854
same meanings as in section 1561.01 of the Revised Code. 31855

(Q) "Coal bearing township" means a township designated as 31856
such by the chief of the division of mineral resources management 31857
under section 1561.06 of the Revised Code. 31858

(R) "Gas storage reservoir" means a continuous area of a 31859
subterranean porous sand or rock stratum or strata into which gas 31860
is or may be injected for the purpose of storing it therein and 31861
removing it therefrom and includes a gas storage reservoir as 31862
defined in section 1571.01 of the Revised Code. 31863

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 31864
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 31865

"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 31866
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 31867
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 31868
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 31869
regulations adopted under those acts. 31870

(T) "Person" includes any political subdivision, department, 31871
agency, or instrumentality of this state; the United States and 31872
any department, agency, or instrumentality thereof; and any legal 31873
entity defined as a person under section 1.59 of the Revised Code. 31874

(U) "Brine" means all saline geological formation water 31875
resulting from, obtained from, or produced in connection with 31876
exploration, drilling, well stimulation, production of oil or gas, 31877
or plugging of a well. 31878

(V) "Waters of the state" means all streams, lakes, ponds, 31879
marshes, watercourses, waterways, springs, irrigation systems, 31880
drainage systems, and other bodies of water, surface or 31881
underground, natural or artificial, that are situated wholly or 31882
partially within this state or within its jurisdiction, except 31883
those private waters that do not combine or effect a junction with 31884
natural surface or underground waters. 31885

(W) "Exempt Mississippian well" means a well that meets all 31886
of the following criteria: 31887

(1) Was drilled and completed before January 1, 1980; 31888

(2) Is located in an unglaciated part of the state; 31889

(3) Was completed in a reservoir no deeper than the 31890
Mississippian Big Injun sandstone in areas underlain by 31891
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea 31892
sandstone in areas directly underlain by Permian stratigraphy; 31893

(4) Is used primarily to provide oil or gas for domestic use. 31894

(X) "Exempt domestic well" means a well that meets all of the 31895

following criteria:	31896
(1) Is owned by the owner of the surface estate of the tract on which the well is located;	31897 31898
(2) Is used primarily to provide gas for the owner's domestic use;	31899 31900
(3) Is located more than two hundred feet horizontal distance from any inhabited private dwelling house other than an inhabited private dwelling house located on the tract on which the well is located;	31901 31902 31903 31904
(4) Is located more than two hundred feet horizontal distance from any public building that may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public.	31905 31906 31907 31908
(Y) "Urbanized area" means an area where a well or production facilities of a well are located within a municipal corporation or within a township that has an unincorporated population of more than five thousand in the most recent federal decennial census prior to the issuance of the permit for the well or production facilities.	31909 31910 31911 31912 31913 31914
(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations.	31915 31916 31917
(AA) "Production operation" means all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are regulated under this chapter, including operations and activities associated with site preparation, site construction, access road construction, well drilling, well completion, well stimulation, well site activities, reclamation, and plugging. "Production operation" also includes all of the following:	31918 31919 31920 31921 31922 31923 31924 31925 31926

(1) The piping, equipment, and facilities used for the production and preparation of hydrocarbon gas or liquids for transportation or delivery;	31927 31928 31929
(2) The processes of extraction and recovery, lifting, stabilization, treatment, separation, production processing, storage, waste disposal, and measurement of hydrocarbon gas and liquids, including related equipment and facilities;	31930 31931 31932 31933
(3) The processes and related equipment and facilities associated with production compression, gas lift, gas injection, fuel gas supply, well drilling, well stimulation, and well completion activities, including dikes, pits, and earthen and other impoundments used for the temporary storage of fluids and waste substances associated with well drilling, well stimulation, and well completion activities;	31934 31935 31936 31937 31938 31939 31940
<u>(4) Equipment and facilities at a wellpad or other location that are used for the transportation, handling, recycling, temporary storage, management, processing, or treatment of any equipment, material, and by-products or other substances from an operation at a wellpad that may be used or reused at the same or another operation at a wellpad or that will be disposed of in accordance with applicable laws and rules adopted under them.</u>	31941 31942 31943 31944 31945 31946 31947
(BB) "Annular overpressurization" means the accumulation of fluids within an annulus with sufficient pressure to allow migration of annular fluids into underground sources of drinking water.	31948 31949 31950 31951
(CC) "Idle and orphaned well" means a well for which a bond has been forfeited or an abandoned well for which no money is available to plug the well in accordance with this chapter and rules adopted under it.	31952 31953 31954 31955
(DD) "Temporarily inactive well" means a well that has been granted temporary inactive status under section 1509.062 of the	31956 31957

Revised Code.	31958
(EE) "Material and substantial violation" means any of the following:	31959
	31960
(1) Failure to obtain a permit to drill, reopen, convert, plugback, or plug a well under this chapter;	31961
	31962
(2) Failure to obtain, maintain, update, or submit proof of insurance coverage that is required under this chapter;	31963
	31964
(3) Failure to obtain, maintain, update, or submit proof of a surety bond that is required under this chapter;	31965
	31966
(4) Failure to plug an abandoned well or idle and orphaned well unless the well has been granted temporary inactive status under section 1509.062 of the Revised Code or the chief of the division of oil and gas resources management has approved another option concerning the abandoned well or idle and orphaned well;	31967
	31968
	31969
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	31971
(5) Failure to restore a disturbed land surface as required by section 1509.072 of the Revised Code;	31972
	31973
(6) Failure to reimburse the oil and gas well fund pursuant to a final order issued under section 1509.071 of the Revised Code;	31974
	31975
	31976
(7) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code;	31977
	31978
(8) Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it.	31979
	31980
(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code.	31981
	31982
(GG) "Horizontal well" means a well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the well is stimulated.	31983
	31984
	31985
	31986

(HH) "Well pad" means the area that is cleared or prepared 31987
for the drilling of one or more horizontal wells. 31988

Sec. 1509.02. There is hereby created in the department of 31989
natural resources the division of oil and gas resources 31990
management, which shall be administered by the chief of the 31991
division of oil and gas resources management. The division has 31992
sole and exclusive authority to regulate the permitting, location, 31993
and spacing of oil and gas wells and production operations within 31994
the state, excepting only those activities regulated under federal 31995
laws for which oversight has been delegated to the environmental 31996
protection agency and activities regulated under sections 6111.02 31997
to ~~6111.029~~ 6111.028 of the Revised Code. The regulation of oil 31998
and gas activities is a matter of general statewide interest that 31999
requires uniform statewide regulation, and this chapter and rules 32000
adopted under it constitute a comprehensive plan with respect to 32001
all aspects of the locating, drilling, well stimulation, 32002
completing, and operating of oil and gas wells within this state, 32003
including site construction and restoration, permitting related to 32004
those activities, and the disposal of wastes from those wells. In 32005
order to assist the division in the furtherance of its sole and 32006
exclusive authority as established in this section, the chief may 32007
enter into cooperative agreements with other state agencies for 32008
advice and consultation, including visitations at the surface 32009
location of a well on behalf of the division. Such cooperative 32010
agreements do not confer on other state agencies any authority to 32011
administer or enforce this chapter and rules adopted under it. In 32012
addition, such cooperative agreements shall not be construed to 32013
dilute or diminish the division's sole and exclusive authority as 32014
established in this section. Nothing in this section affects the 32015
authority granted to the director of transportation and local 32016
authorities in section 723.01 or 4513.34 of the Revised Code, 32017
provided that the authority granted under those sections shall not 32018

be exercised in a manner that discriminates against, unfairly 32019
impedes, or obstructs oil and gas activities and operations 32020
regulated under this chapter. 32021

The chief shall not hold any other public office, nor shall 32022
the chief be engaged in any occupation or business that might 32023
interfere with or be inconsistent with the duties as chief. 32024

All moneys collected by the chief pursuant to sections 32025
1509.06, 1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 32026
1509.28, 1509.34, and 1509.50 of the Revised Code, ninety per cent 32027
of moneys received by the treasurer of state from the tax levied 32028
in divisions (A)(5) and (6) of section 5749.02 of the Revised 32029
Code, all civil penalties paid under section 1509.33 of the 32030
Revised Code, and, notwithstanding any section of the Revised Code 32031
relating to the distribution or crediting of fines for violations 32032
of the Revised Code, all fines imposed under divisions (A) and (B) 32033
of section 1509.99 of the Revised Code and fines imposed under 32034
divisions (C) and (D) of section 1509.99 of the Revised Code for 32035
all violations prosecuted by the attorney general and for 32036
violations prosecuted by prosecuting attorneys that do not involve 32037
the transportation of brine by vehicle shall be deposited into the 32038
state treasury to the credit of the oil and gas well fund, which 32039
is hereby created. Fines imposed under divisions (C) and (D) of 32040
section 1509.99 of the Revised Code for violations prosecuted by 32041
prosecuting attorneys that involve the transportation of brine by 32042
vehicle and penalties associated with a compliance agreement 32043
entered into pursuant to this chapter shall be paid to the county 32044
treasury of the county where the violation occurred. 32045

The fund shall be used solely and exclusively for the 32046
purposes enumerated in division (B) of section 1509.071 of the 32047
Revised Code, for the expenses of the division associated with the 32048
administration of this chapter and Chapter 1571. of the Revised 32049
Code and rules adopted under them, and for expenses that are 32050

critical and necessary for the protection of human health and 32051
safety and the environment related to oil and gas production in 32052
this state. The expenses of the division in excess of the moneys 32053
available in the fund shall be paid from general revenue fund 32054
appropriations to the department. 32055

Sec. 1509.062. (A)(1) The owner of a well that has not been 32056
completed, a well that has not produced within one year after 32057
completion, ~~or~~ an existing well that is not a horizontal well and 32058
that has no reported production for two consecutive reporting 32059
periods as reported in accordance with section 1509.11 of the 32060
Revised Code, or an existing horizontal well that has no reported 32061
production for eight consecutive reporting periods as reported in 32062
accordance with section 1509.11 of the Revised Code shall plug the 32063
well in accordance with section 1509.12 of the Revised Code, 32064
obtain temporary inactive well status for the well in accordance 32065
with this section, or perform another activity regarding the well 32066
that is approved by the chief of the division of oil and gas 32067
resources management. 32068

(2) If a well has a reported annual production that is less 32069
than one hundred thousand cubic feet of natural gas or fifteen 32070
barrels of crude oil, or a combination thereof, the chief may 32071
require the owner of the well to submit an application for 32072
temporary inactive well status under this section for the well. 32073

(B) In order for the owner of a well to submit an application 32074
for temporary inactive well status for the well under this 32075
division, the owner and the well shall be in compliance with this 32076
chapter and rules adopted under it, any terms and conditions of 32077
the permit for the well, and applicable orders issued by the 32078
chief. An application for temporary inactive status for a well 32079
shall be submitted to the chief on a form prescribed and provided 32080
by the chief and shall contain all of the following: 32081

(1) The owner's name and address and, if the owner is a corporation, the name and address of the corporation's statutory agent; 32082
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(2) The signature of the owner or of the owner's authorized agent. When an authorized agent signs an application, the application shall be accompanied by a certified copy of the appointment as such agent. 32085
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(3) The permit number assigned to the well. If the well has not been assigned a permit number, the chief shall assign a permit number to the well. 32089
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(4) A map, on a scale not smaller than four hundred feet to the inch, that shows the location of the well and the tank battery, that includes the latitude and longitude of the well, and that contains all other data that are required by the chief; 32092
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(5) A demonstration that the well is of future utility and that the applicant has a viable plan to utilize the well within a reasonable period of time; 32096
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(6) A demonstration that the well poses no threat to the health or safety of persons, property, or the environment; 32099
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(7) Any other relevant information that the chief prescribes by rule. 32101
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The chief may waive any of the requirements established in divisions (B)(1) to (6) of this section if the division of oil and gas resources management possesses a current copy of the information or document that is required in the applicable division. 32103
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(C) Upon receipt of an application for temporary inactive well status, the chief shall review the application and shall either deny the application by issuing an order or approve the application. The chief shall approve the application only if the 32108
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chief determines that the well that is the subject of the 32112
application poses no threat to the health or safety of persons, 32113
property, or the environment. If the chief approves the 32114
application, the chief shall notify the applicant of the chief's 32115
approval. Upon receipt of the chief's approval, the owner shall 32116
shut in the well and empty all liquids and gases from all storage 32117
tanks, pipelines, and other equipment associated with the well. In 32118
addition, the owner shall maintain the well, other equipment 32119
associated with the well, and the surface location of the well in 32120
a manner that prevents hazards to the health and safety of people 32121
and the environment. The owner shall inspect the well at least 32122
every six months and submit to the chief within fourteen days 32123
after the inspection a record of inspection on a form prescribed 32124
and provided by the chief. 32125

(D) Not later than thirty days prior to the expiration of 32126
temporary inactive well status or a renewal of temporary inactive 32127
well status approved by the chief for a well, the owner of the 32128
well may submit to the chief an application for renewal of the 32129
temporary inactive well status on a form prescribed and provided 32130
by the chief. The application shall include a detailed plan that 32131
describes the ultimate disposition of the well, the time frames 32132
for that disposition, and any other information that the chief 32133
determines is necessary. The chief shall either deny an 32134
application by order or approve the application. If the chief 32135
approves the application, the chief shall notify the owner of the 32136
well of the chief's approval. 32137

(E) An application for temporary inactive well status shall 32138
be accompanied by a nonrefundable fee of one hundred dollars. An 32139
application for a renewal of temporary inactive well status shall 32140
be accompanied by a nonrefundable fee of two hundred fifty dollars 32141
for the first renewal and five hundred dollars for each subsequent 32142
renewal. 32143

(F) After a third renewal, the chief may require an owner to provide a surety bond in an amount not to exceed ten thousand dollars for each of the owner's wells that has been approved by the chief for temporary inactive well status.

(G) Temporary inactive well status approved by the chief expires one year after the date of approval of the application for temporary inactive well status or production from the well commences, whichever occurs sooner. In addition, a renewal of a temporary inactive well status expires one year after the expiration date of the initial temporary inactive well status or one year after the expiration date of the previous renewal of the temporary inactive well status, as applicable, or production from the well commences, whichever occurs sooner.

(H) The owner of a well that has been approved by the chief for temporary inactive well status may commence production from the well at any time. Not later than sixty days after the commencement of production from such a well, the owner shall notify the chief of the commencement of production.

(I) This chapter and rules adopted under it, any terms and conditions of the permit for a well, and applicable orders issued by the chief apply to a well that has been approved by the chief for temporary inactive well status or renewal of that status.

Sec. 1509.074. (A) With regard to material that results from the construction, operation, or plugging of a horizontal well, all of the following apply:

(1) Except as provided in division (A)(2) of this section, the owner shall determine the concentration of radium-226 and of radium-228 in representative samples of the material if the material is technologically enhanced naturally occurring radioactive material. The owner shall provide for the collection and analysis of the representative samples of the material. The

collection and analysis of the representative samples shall be 32175
performed in accordance with requirements approved by the chief of 32176
the division of oil and gas resources management. The owner shall 32177
not remove the material from the location associated with the 32178
production operation of the horizontal well until the analysis is 32179
complete and the results are available. However, the owner may do 32180
one of the following: 32181

(a) Temporarily store the material in an area adjacent to the 32182
location associated with the production operation of the well 32183
while the results from the analysis of the representative samples 32184
are pending if the material is located in an area that is 32185
designated by the division of oil and gas resources management and 32186
the owner complies with all conditions imposed by the chief; 32187

(b) Prior to the collection of representative samples under 32188
division (A)(1) of this section, transport the material to a 32189
location for which a permit or order has been issued under 32190
division (C) of section 1509.22 of the Revised Code. The owner 32191
shall provide for the collection of representative samples of the 32192
material at that location in accordance with that division and 32193
shall temporarily store the material at that location while the 32194
results from the analysis are pending. 32195

(2) The owner is not required to determine the concentration 32196
of radium-226 and of radium-228 of the material that is 32197
technologically enhanced naturally occurring radioactive material 32198
if any of the following applies: 32199

(a) The material is reused in the horizontal well from where 32200
it originated or is transferred to another site for reuse in a 32201
horizontal well. For purposes of division (A)(2)(a) of this 32202
section, a material is reused if the material is used in a 32203
substantially similar manner as it was originally used. 32204

(b) The owner disposes of the material at an injection well 32205

for which a permit has been issued under section 1509.22 of the Revised Code. 32206
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(c) The owner uses the material in association with a method of enhanced recovery for which a permit has been issued under section 1509.21 of the Revised Code. 32208
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(d) The material is transported out of the state for lawful disposal. The owner shall retain records that substantiate the lawful disposal and provide them to the chief upon request. 32211
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(3) Except as provided in division (A)(2) of this section, the owner shall transport and dispose of material that is technologically enhanced naturally occurring radioactive material in accordance with all applicable laws. 32214
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(4) If the material is not technologically enhanced naturally occurring radioactive material and the material has come in contact with a refined oil-based substance, the owner shall do one of the following: 32218
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(a) If the material is removed from the location associated with the production operation of the well or from a location specified in a permit or order issued under division (C) of section 1509.22 of the Revised Code, dispose of the material at a solid waste facility that is authorized to accept the material in accordance with Chapter 3734. of the Revised Code and rules adopted under it; 32222
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(b) If the material is removed from the location associated with the production operation of the well or from a location specified in a permit or order issued under division (C) of section 1509.22 of the Revised Code, beneficially use the material in accordance with rules adopted by the director of environmental protection under section 3734.125 of the Revised Code; 32229
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(c) If the material is not removed from the location associated with the production operation of the well, recycle or 32235
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reuse the material with the approval of the chief. 32237

(5) If the material is not technologically enhanced naturally occurring radioactive material and the material has not come in contact with a refined oil-based substance, the material may be used at the location associated with the production operation of the horizontal well or at another location associated with a production operation. 32238
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(B) An owner who has obtained results under division (A)(1) of this section shall keep and maintain the results for a period of three years. In addition, the owner shall provide a copy of the results to the chief upon request. 32244
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(C) As used in this section: 32248

(1) "Technologically enhanced naturally occurring radioactive material" has the same meaning as in section 3748.01 of the Revised Code. 32249
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(2) "Owner" includes a person that is an authorized agent of an owner. 32252
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Sec. 1509.10. (A) Any person drilling within the state shall, 32254
within sixty days after the completion of drilling operations to 32255
the proposed total depth or after a determination that a well is a 32256
dry or lost hole, file with the division of oil and gas resources 32257
management all wireline electric logs and an accurate well 32258
completion record on a form that is prescribed by the chief of the 32259
division of oil and gas resources management that designates: 32260
32261

(1) The purpose for which the well was drilled; 32262

(2) The character, depth, and thickness of geological units 32263
encountered, including coal seams, mineral beds, associated fluids 32264
such as fresh water, brine, and crude oil, natural gas, and sour 32265
gas, if such seams, beds, fluids, or gases are known; 32266

(3) The dates on which drilling operations were commenced and completed;	32267 32268
(4) The types of drilling tools used and the name of the person that drilled the well;	32269 32270
(5) The length in feet of the various sizes of casing and tubing used in drilling the well, the amount removed after completion, the type and setting depth of each packer, all other data relating to cementing in the annular space behind such casing or tubing, and data indicating completion as a dry, gas, oil, combination oil and gas, brine injection, or artificial brine well or a stratigraphic test;	32271 32272 32273 32274 32275 32276 32277
(6) The number of perforations in the casing and the intervals of the perforations;	32278 32279
(7) The elevation above mean sea level of the point from which the depth measurements were made, stating also the height of the point above ground level at the well, the total depth of the well, and the deepest geological unit that was penetrated in the drilling of the well;	32280 32281 32282 32283 32284
(8) If applicable, the type, volume, and concentration of acid, and the date on which acid was used in acidizing the well;	32285 32286
(9)(a) If applicable, the trade name and the total amount of all products, fluids, and substances, and the supplier of each product, fluid, or substance, not including cement and its constituents and lost circulation materials, intentionally added to facilitate the drilling of any portion of the well until the surface casing is set and properly sealed. The owner shall identify each additive used and provide a brief description of the purpose for which the additive is used. In addition, the owner shall include a list of all chemicals, not including any information that is designated as a trade secret pursuant to division (I)(1) of this section, intentionally added to all	32287 32288 32289 32290 32291 32292 32293 32294 32295 32296 32297

products, fluids, or substances and include each chemical's 32298
corresponding chemical abstracts service number and the maximum 32299
concentration of each chemical. The owner shall obtain the 32300
chemical information, not including any information that is 32301
designated as a trade secret pursuant to division (I)(1) of this 32302
section, from the company that drilled the well, provided service 32303
at the well, or supplied the chemicals. If the company that 32304
drilled the well, provided service at the well, or supplied the 32305
chemicals provides incomplete or inaccurate chemical information, 32306
the owner shall make reasonable efforts to obtain the required 32307
information from the company or supplier. 32308

(b) For purposes of division (A)(9)(a) of this section, if 32309
recycled fluid was used, the total volume of recycled fluid and 32310
the well that is the source of the recycled fluid or the 32311
centralized facility that is the source of the recycled fluid. 32312

(10)(a) If applicable, the type and volume of fluid, not 32313
including cement and its constituents or information that is 32314
designated as a trade secret pursuant to division (I)(1) of this 32315
section, used to stimulate the reservoir of the well, the 32316
reservoir breakdown pressure, the method used for the containment 32317
of fluids recovered from the fracturing of the well, the methods 32318
used for the containment of fluids when pulled from the wellbore 32319
from swabbing the well, the average pumping rate of the well, and 32320
the name of the person that performed the well stimulation. In 32321
addition, the owner shall include a copy of the log from the 32322
stimulation of the well, a copy of the invoice for each of the 32323
procedures and methods described in division (A)(10) of this 32324
section that were used on a well, and a copy of the pumping 32325
pressure and rate graphs. However, the owner may redact from the 32326
copy of each invoice that is required to be included under 32327
division (A)(10) of this section the costs of and charges for the 32328
procedures and methods described in division (A)(10) of this 32329

section that were used on a well. 32330

(b) If applicable, the trade name and the total volume of all 32331
products, fluids, and substances, and the supplier of each 32332
product, fluid, or substance used to stimulate the well. The owner 32333
shall identify each additive used, provide a brief description of 32334
the purpose for which the additive is used, and include the 32335
maximum concentration of the additive used. In addition, the owner 32336
shall include a list of all chemicals, not including any 32337
information that is designated as a trade secret pursuant to 32338
division (I)(1) of this section, intentionally added to all 32339
products, fluids, or substances and include each chemical's 32340
corresponding chemical abstracts service number and the maximum 32341
concentration of each chemical. The owner shall obtain the 32342
chemical information, not including any information that is 32343
designated as a trade secret pursuant to division (I)(1) of this 32344
section, from the company that stimulated the well or supplied the 32345
chemicals. If the company that stimulated the well or supplied the 32346
chemicals provides incomplete or inaccurate chemical information, 32347
the owner shall make reasonable efforts to obtain the required 32348
information from the company or supplier. 32349

(c) For purposes of division (A)(10)(b) of this section, if 32350
recycled fluid was used, the total volume of recycled fluid and 32351
the well that is the source of the recycled fluid or the 32352
centralized facility that is the source of the recycled fluid. 32353

(11) The name of the company that performed the logging of 32354
the well and the types of wireline electric logs performed on the 32355
well. 32356

The well completion record shall be submitted in duplicate. 32357
The first copy shall be retained as a permanent record in the 32358
files of the division, and the second copy shall be transmitted by 32359
the chief to the division of geological survey. 32360

(B)(1) Not later than sixty days after the completion of the drilling operations to the proposed total depth, the owner shall file all wireline electric logs with the division of oil and gas resources management and the chief shall transmit such logs electronically, if available, to the division of geological survey. Such logs may be retained by the owner for a period of not more than six months, or such additional time as may be granted by the chief in writing, after the completion of the well substantially to the depth shown in the application required by section 1509.06 of the Revised Code.

(2) If a well is not completed within sixty days after the completion of drilling operations, the owner shall file with the division of oil and gas resources management a supplemental well completion record that includes all of the information required under this section within sixty days after the completion of the well.

(3) After a well is initially completed and stimulated and until the well is plugged, the owner shall report, on a form prescribed by the chief, all materials placed into the formation to refracture, restimulate, or newly complete the well. The owner shall submit the information within sixty days after completing the refracturing, restimulation, or new completion. In addition, the owner shall report the information required in divisions (A)(10)(a) to (c) of this section, as applicable, in a manner consistent with the requirements established in this section.

(C) Upon request in writing by the chief of the division of geological survey prior to the beginning of drilling of the well, the person drilling the well shall make available a complete set of cuttings accurately identified as to depth.

(D) The form of the well completion record required by this section shall be one that has been prescribed by the chief of the division of oil and gas resources management and the chief of the

division of geological survey. The filing of a log as required by 32393
this section fulfills the requirement of filing a log with the 32394
chief of the division of geological survey in section 1505.04 of 32395
the Revised Code. 32396

(E) If a material listed or designated under division (A)(9) 32397
or (10) or (B)(3) of this section is a material for which the 32398
division of oil and gas resources management does not have a 32399
material safety data sheet, the owner shall provide a copy of the 32400
material safety data sheet for the material to the chief. 32401

(F) An owner shall submit to the chief the information that 32402
is required in divisions (A)(10)(b) and (c) and (B)(3) of this 32403
section consistent with the requirements established in this 32404
section using one of the following methods: 32405

(1) On a form prescribed by the chief; 32406

(2) Through the chemical disclosure registry that is 32407
maintained by the ground water protection council and the 32408
interstate oil and gas compact commission; 32409

(3) Any other means approved by the chief. 32410

(G) The chief shall post on the division's web site each 32411
material safety data sheet obtained under division (E) of this 32412
section. In addition, the chief shall make available through the 32413
division's web site the chemical information that is required by 32414
divisions (A)(9) and (10) and (B)(3) of this section. 32415

(H)(1) If a medical professional, in order to assist in the 32416
diagnosis or treatment of an individual who was affected by an 32417
incident associated with the production operations of a well, 32418
requests the exact chemical composition of each product, fluid, or 32419
substance and of each chemical component in a product, fluid, or 32420
substance that is designated as a trade secret pursuant to 32421
division (I) of this section, the person claiming the trade secret 32422
protection pursuant to that division shall provide to the medical 32423

professional the exact chemical composition of the product, fluid, 32424
or substance and of the chemical component in a product, fluid, or 32425
substance that is requested. 32426

(2) A medical professional who receives information pursuant 32427
to division (H)(1) of this section shall keep the information 32428
confidential and shall not disclose the information for any 32429
purpose that is not related to the diagnosis or treatment of an 32430
individual who was affected by an incident associated with the 32431
production operations of a well. Nothing in division (H)(2) of 32432
this section precludes a medical professional from making any 32433
report required by law or professional ethical standards. 32434

(I)(1) The owner of a well who is required to submit a well 32435
completion record under division (A) of this section or a report 32436
under division (B)(3) of this section or a person that provides 32437
information to the owner as described in and for purposes of 32438
division (A)(9) or (10) or (B)(3) of this section may designate 32439
without disclosing on a form prescribed by the chief and withhold 32440
from disclosure to the chief the identity, amount, concentration, 32441
or purpose of a product, fluid, or substance or of a chemical 32442
component in a product, fluid, or substance as a trade secret. The 32443
owner or person may pursue enforcement of any rights or remedies 32444
established in sections 1333.61 to 1333.69 of the Revised Code for 32445
misappropriation, as defined in section 1333.61 of the Revised 32446
Code, with respect to the identity, amount, concentration, or 32447
purpose of a product, fluid, or substance or a chemical component 32448
in a product, fluid, or substance designated as a trade secret 32449
pursuant to division (I)(1) of this section. The division shall 32450
not disclose information regarding the identity, amount, 32451
concentration, or purpose of any product, fluid, or substance or 32452
of any chemical component in a product, fluid, or substance 32453
designated as a trade secret pursuant to division (I)(1) of this 32454
section. 32455

(2) A property owner, an adjacent property owner, or any person or agency of this state having an interest that is or may be adversely affected by a product, fluid, or substance or by a chemical component in a product, fluid, or substance may commence a civil action in the court of common pleas of Franklin county against an owner or person described in division (I)(1) of this section challenging the owner's or person's claim to entitlement to trade secret protection for the specific identity, amount, concentration, or purpose of a product, fluid, or substance or of a chemical component in a product, fluid, or substance pursuant to division (I)(1) of this section. A person who commences a civil action pursuant to division (I)(2) of this section shall provide notice to the chief in a manner prescribed by the chief. In the civil action, the court shall conduct an in camera review of information submitted by an owner or person described in division (I)(1) of this section to determine if the identity, amount, concentration, or purpose of a product, fluid, or substance or of a chemical component in a product, fluid, or substance pursuant to division (I)(1) of this section is entitled to trade secret protection.

(J)(1) Except for any information that is designated as a trade secret pursuant to division (I)(1) of this section and except as provided in division (J)(2) of this section, the owner of a well shall maintain records of all chemicals placed in a well for a period of not less than two years after the date on which each such chemical was placed in the well. The chief may inspect the records at any time concerning any such chemical.

(2) An owner or person who has designated the identity, amount, concentration, or purpose of a product, fluid, or substance or of a chemical component in a product, fluid, or substance as a trade secret pursuant to division (I)(1) of this section shall maintain the records for such a product, fluid, or

substance or for a chemical component in a product, fluid, or 32488
substance for a period of not less than two years after the date 32489
on which each such product, fluid, or substance or each such 32490
chemical component in a product, fluid, or substance was placed in 32491
the well. Upon the request of the chief, the owner or person, as 32492
applicable, shall disclose the records to the chief if the 32493
information is necessary to respond to a spill, release, or 32494
investigation. However, the chief shall not disclose the 32495
information that is designated as a trade secret. 32496

(K)(1) For purposes of correcting inaccuracies and 32497
incompleteness in chemical information required by divisions 32498
(A)(9) and (10) and (B)(3) of this section, an owner shall be 32499
considered in substantial compliance if the owner has made 32500
reasonable efforts to obtain the required information from the 32501
supplier. 32502

(2) For purposes of reporting under this section, an owner is 32503
not required to report chemicals that occur incidentally or in 32504
trace amounts. 32505

(L) As used in this section, the term "material safety data 32506
sheet" shall conform to any revision of or change in the term by 32507
the occupational safety and health administration in the United 32508
States department of labor. 32509

Sec. 1509.11. (A)(1) The owner of any well, ~~including~~ except 32510
a horizontal well, that is producing or capable of producing oil 32511
or gas shall file with the chief of the division of oil and gas 32512
resources management, on or before the thirty-first day of March, 32513
a statement of production of oil, gas, and brine for the last 32514
preceding calendar year in such form as the chief may prescribe. 32515
An owner that has more than one hundred such wells in this state 32516
shall submit electronically the statement of production in a 32517
format that is approved by the chief. The chief shall include on 32518

the form, at the minimum, a request for the submittal of the 32519
information that a person who is regulated under this chapter is 32520
required to submit under the "Emergency Planning and Community 32521
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C.A. 11001, and 32522
regulations adopted under it, and that the division of oil and gas 32523
resources management does not obtain through other reporting 32524
mechanisms. 32525

(2) The owner of any horizontal well that is producing or 32526
capable of producing oil or gas shall file with the chief, on the 32527
forty-fifth day following the close of each calendar quarter, a 32528
statement of production of oil, gas, and brine for the preceding 32529
calendar quarter in a form that the chief prescribes. An owner 32530
that has more than one hundred horizontal wells in this state 32531
shall submit electronically the statement of production in a 32532
format that is approved by the chief. The chief shall include on 32533
the form, at a minimum, a request for the submittal of the 32534
information that a person who is regulated under this chapter is 32535
required to submit under the "Emergency Planning and Community 32536
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, and 32537
regulations adopted under it, and that the division does not 32538
obtain through other reporting mechanisms. 32539

(B) The chief shall not disclose information received from 32540
the department of taxation under division (C)(12) of section 32541
5703.21 of the Revised Code until the related statement of 32542
production required by division (A) of this section is filed with 32543
the chief. 32544

Sec. 1509.16. (A) As used in this section, "oil country 32545
tubular goods" means circular steel pipes that are seamless or 32546
welded and used in drilling for oil or natural gas, including 32547
casing, tubing, and drill pipe, whether finished or unfinished, 32548
and steel couplings and drill collars used with the pipes. 32549

(B) An owner shall file with the division of oil and gas resources management a disclosure form that specifies the country in which each oil country tubular good initially used in a production operation on or after the effective date of this section was manufactured unless that country cannot be determined by the owner. The division shall prescribe the disclosure form and consult with representatives from the natural gas, oil, and steel industries when developing the form. The division shall use the information specified on the form to establish a quality well infrastructure catalog. 32550
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(C) The division shall determine the date on which the disclosure form shall be filed. 32560
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Sec. 1509.22. (A) Except when acting in accordance with section 1509.226 of the Revised Code, no person shall place or cause to be placed in ground water or in or on the land or discharge or cause to be discharged in surface water brine, crude oil, natural gas, or other fluids associated with the exploration ~~or~~ development, well stimulation, production operations, or plugging of oil and gas resources ~~in surface or ground water or in or on the land in such quantities or in such manner as actually that~~ causes or could reasonably be anticipated to cause ~~either of the following:~~ 32562
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~~(1) Water used for consumption by humans or domestic animals to exceed the standards of the Safe Drinking Water Act;~~ 32572
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~~(2) Damage damage or injury to public health or safety or the environment.~~ 32574
32575

(B)(1) No person shall store or dispose of brine in violation of a plan approved under division (A) of section 1509.222 or section 1509.226 of the Revised Code, in violation of a resolution submitted under section 1509.226 of the Revised Code, or in violation of rules or orders applicable to those plans or 32576
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resolutions. 32581

(2)(a) On and after January 1, 2014, no person shall store, 32582
recycle, treat, process, or dispose of in this state brine or 32583
other waste substances associated with the exploration, 32584
development, well stimulation, production operations, or plugging 32585
of oil and gas resources without an order or a permit issued under 32586
this section or section 1509.06 or 1509.21 of the Revised Code or 32587
rules adopted under any of those sections. For purposes of 32588
division (B)(2)(a) of this section, a permit or other form of 32589
authorization issued by another agency of the state or a political 32590
subdivision of the state shall not be considered a permit or order 32591
issued by the chief of the division of oil and gas resources 32592
management under this chapter. 32593

(b) Division (B)(2)(a) of this section does not apply to a 32594
person that disposes of such waste substances other than brine in 32595
accordance with Chapter 3734. of the Revised Code and rules 32596
adopted under it. 32597

~~(C) The chief of the division of oil and gas resources~~ 32598
~~management shall adopt rules and issue orders regarding storage,~~ 32599
~~recycling, treatment, processing, and disposal of brine and other~~ 32600
~~waste substances; however, the. The rules shall establish~~ 32601
~~procedures and requirements in accordance with which a person~~ 32602
~~shall apply for a permit or order for the storage, recycling,~~ 32603
~~treatment, processing, or disposal of brine and other waste~~ 32604
~~substances that are not subject to a permit issued under section~~ 32605
~~1509.06 or 1509.21 of the Revised Code and in accordance with~~ 32606
~~which the chief may issue such a permit or order. An application~~ 32607
~~for such a permit shall be accompanied by a nonrefundable fee of~~ 32608
~~two thousand five hundred dollars.~~ 32609

The storage, recycling, treatment, processing, and disposal 32610
of brine and other waste substances and the chief's rules relating 32611
to storage, recycling, treatment, processing, and disposal are 32612

subject to all of the following standards: 32613

(1) Brine from any well except an exempt Mississippian well 32614
shall be disposed of only ~~by injection~~ as follows: 32615

(a) By injection into an underground formation, including 32616
annular disposal if approved by rule of the chief, which injection 32617
shall be subject to division (D) of this section; ~~by~~ 32618

(b) By surface application in accordance with section 32619
1509.226 of the Revised Code; ~~in~~ 32620

(c) In association with a method of enhanced recovery as 32621
provided in section 1509.21 of the Revised Code; ~~or by~~ 32622

(d) In any other ~~methods~~ manner not specified in divisions 32623
(C)(1)(a) to (c) of this section that is approved by a permit or 32624
order issued by the chief for testing or implementing a new 32625
technology or method of disposal. Brine 32626

(2) Brine from exempt Mississippian wells shall not be 32627
discharged directly into the waters of the state. 32628

~~(2)~~(3) Muds, cuttings, and other waste substances shall not 32629
be disposed of in violation of this chapter or any rule adopted 32630
under it. 32631

~~(3)~~(4) Pits or steel tanks shall be used as authorized by the 32632
chief for containing brine and other waste substances resulting 32633
from, obtained from, or produced in connection with drilling, well 32634
stimulation, reworking, reconditioning, plugging back, or plugging 32635
operations. The pits and steel tanks shall be constructed and 32636
maintained to prevent the escape of brine and other waste 32637
substances. 32638

~~(4)~~(5) A dike or pit may be used for spill prevention and 32639
control. A dike or pit so used shall be constructed and maintained 32640
to prevent the escape of brine and crude oil, and the reservoir 32641
within such a dike or pit shall be kept reasonably free of brine, 32642

crude oil, and other waste substances. 32643

~~(5) Earthen impoundments~~ (6) Impoundments constructed 32644
utilizing a synthetic liner pursuant to the division's 32645
specifications may be used for the temporary storage of ~~fluids~~ 32646
waste substances used in the construction, stimulation, or 32647
plugging of a well. 32648

~~(6)(7)~~ No pit, ~~earthen impoundment,~~ or dike shall be used for 32649
the temporary storage of brine or other waste substances except in 32650
accordance with divisions (C)~~(3) to~~ (4) and (5) of this section. 32651

~~(7)(8)~~ No pit or dike shall be used for the ultimate disposal 32652
of brine or other liquid waste substances. 32653

(D)(1) No person, without first having obtained a permit from 32654
the chief, shall inject brine or other waste substances resulting 32655
from, obtained from, or produced in connection with oil or gas 32656
drilling, exploration, or production into an underground formation 32657
unless a rule of the chief expressly authorizes the injection 32658
without a permit. The permit shall be in addition to any permit 32659
required by section 1509.05 of the Revised Code, and the permit 32660
application shall be accompanied by a permit fee of one thousand 32661
dollars. The chief shall adopt rules in accordance with Chapter 32662
119. of the Revised Code regarding the injection into wells of 32663
brine and other waste substances resulting from, obtained from, or 32664
produced in connection with oil or gas drilling, exploration, or 32665
production. The rules shall include provisions regarding all of 32666
the following: 32667

(a) Applications for and issuance of the permits required by 32668
this division; 32669

(b) Entry to conduct inspections and to examine and copy 32670
records to ascertain compliance with this division and rules, 32671
orders, and terms and conditions of permits adopted or issued 32672
under it; 32673

(c) The provision and maintenance of information through 32674
monitoring, recordkeeping, and reporting. In addition, the rules 32675
shall require the owner of an injection well who has been issued a 32676
permit under division (D) of this section to quarterly submit 32677
electronically to the chief information concerning each shipment 32678
of brine or other waste substances received by the owner for 32679
injection into the well. 32680

(d) The provision and electronic reporting quarterly of 32681
information concerning brine and other waste substances from a 32682
transporter that is registered under section 1509.222 of the 32683
Revised Code prior to the injection of the transported brine or 32684
other waste substances; 32685

(e) Any other provisions in furtherance of the goals of this 32686
section and the Safe Drinking Water Act. 32687

(2) The chief may adopt rules in accordance with Chapter 119. 32688
of the Revised Code authorizing tests to evaluate whether fluids 32689
or carbon dioxide may be injected in a reservoir and to determine 32690
the maximum allowable injection pressure, which shall be conducted 32691
in accordance with methods prescribed in the rules or in 32692
accordance with conditions of the permit. In addition, the chief 32693
may adopt rules that do both of the following: 32694

(a) Establish the total depth of a well for which a permit 32695
has been applied for or issued under this division; 32696

(b) Establish requirements and procedures to protect public 32697
health and safety. 32698

(3) To implement the goals of the Safe Drinking Water Act, 32699
the chief shall not issue a permit for the injection of brine or 32700
other waste substances resulting from, obtained from, or produced 32701
in connection with oil or gas drilling, exploration, or production 32702
unless the chief concludes that the applicant has demonstrated 32703
that the injection will not result in the presence of any 32704

contaminant in ground water that supplies or can reasonably be expected to supply any public water system, such that the presence of the contaminant may result in the system's not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons.

(4) The chief may issue an order to the owner of a well in existence on ~~the effective date of this amendment~~ September 10, 2012, to make changes in the operation of the well in order to correct problems or to address safety concerns.

(5) This division and rules, orders, and terms and conditions of permits adopted or issued under it shall be construed to be no more stringent than required for compliance with the Safe Drinking Water Act unless essential to ensure that underground sources of drinking water will not be endangered.

(E) The owner holding a permit, or an assignee or transferee who has assumed the obligations and liabilities imposed by this chapter and any rules adopted or orders issued under it pursuant to section 1509.31 of the Revised Code, and the operator of a well shall be liable for a violation of this section or any rules adopted or orders or terms or conditions of a permit issued under it.

(F)(1) An owner shall replace the water supply of the holder of an interest in real property who obtains all or part of the holder's supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source where the supply has been substantially disrupted by contamination, diminution, or interruption proximately resulting from the owner's oil or gas operation, or the owner may elect to compensate the holder of the interest in real property for the difference between the fair market value of the interest before the damage occurred to the water supply and the fair market value after the damage occurred if the cost of replacing the water

supply exceeds this difference in fair market values. However, 32737
during the pendency of any order issued under this division, the 32738
owner shall obtain for the holder or shall reimburse the holder 32739
for the reasonable cost of obtaining a water supply from the time 32740
of the contamination, diminution, or interruption by the operation 32741
until the owner has complied with an order of the chief for 32742
compliance with this division or such an order has been revoked or 32743
otherwise becomes not effective. If the owner elects to pay the 32744
difference in fair market values, but the owner and the holder 32745
have not agreed on the difference within thirty days after the 32746
chief issues an order for compliance with this division, within 32747
ten days after the expiration of that thirty-day period, the owner 32748
and the chief each shall appoint an appraiser to determine the 32749
difference in fair market values, except that the holder of the 32750
interest in real property may elect to appoint and compensate the 32751
holder's own appraiser, in which case the chief shall not appoint 32752
an appraiser. The two appraisers appointed shall appoint a third 32753
appraiser, and within thirty days after the appointment of the 32754
third appraiser, the three appraisers shall hold a hearing to 32755
determine the difference in fair market values. Within ten days 32756
after the hearing, the appraisers shall make their determination 32757
by majority vote and issue their final determination of the 32758
difference in fair market values. The chief shall accept a 32759
determination of the difference in fair market values made by 32760
agreement of the owner and holder or by appraisers under this 32761
division and shall make and dissolve orders accordingly. This 32762
division does not affect in any way the right of any person to 32763
enforce or protect, under applicable law, the person's interest in 32764
water resources affected by an oil or gas operation. 32765

(2) For purposes of determining contamination of a water 32766
supply under division (F)(1) of this section, the chief shall 32767
review any baseline water supply test data that are available and 32768
may apply the primary drinking water standards established under 32769

the Safe Drinking Water Act. 32770

(G) In any action brought by the state for a violation of 32771
division (A) of this section involving any well at which annular 32772
disposal is used, there shall be a rebuttable presumption 32773
available to the state that the annular disposal caused the 32774
violation if the well is located within a one-quarter-mile radius 32775
of the site of the violation. 32776

(H)(1) There is levied on the owner of an injection well who 32777
has been issued a permit under division (D) of this section the 32778
following fees: 32779

(a) Five cents per barrel of each substance that is delivered 32780
to a well to be injected in the well when the substance is 32781
produced within the division of oil and gas resources management 32782
regulatory district in which the well is located or within an 32783
adjoining oil and gas resources management regulatory district; 32784

(b) Twenty cents per barrel of each substance that is 32785
delivered to a well to be injected in the well when the substance 32786
is not produced within the division of oil and gas resources 32787
management regulatory district in which the well is located or 32788
within an adjoining oil and gas resources management regulatory 32789
district. 32790

(2) The maximum number of barrels of substance per injection 32791
well in a calendar year on which a fee may be levied under 32792
division (H) of this section is five hundred thousand. If in a 32793
calendar year the owner of an injection well receives more than 32794
five hundred thousand barrels of substance to be injected in the 32795
owner's well and if the owner receives at least one substance that 32796
is produced within the division's regulatory district in which the 32797
well is located or within an adjoining regulatory district and at 32798
least one substance that is not produced within the division's 32799
regulatory district in which the well is located or within an 32800

adjoining regulatory district, the fee shall be calculated first 32801
on all of the barrels of substance that are not produced within 32802
the division's regulatory district in which the well is located or 32803
within an adjoining district at the rate established in division 32804
(H)(2) of this section. The fee then shall be calculated on the 32805
barrels of substance that are produced within the division's 32806
regulatory district in which the well is located or within an 32807
adjoining district at the rate established in division (H)(1) of 32808
this section until the maximum number of barrels established in 32809
division (H)(2) of this section has been attained. 32810

(3) The owner of an injection well who is issued a permit 32811
under division (D) of this section shall collect the fee levied by 32812
division (H) of this section on behalf of the division of oil and 32813
gas resources management and forward the fee to the division. The 32814
chief shall transmit all money received under division (H) of this 32815
section to the treasurer of state who shall deposit the money in 32816
the state treasury to the credit of the oil and gas well fund 32817
created in section 1509.02 of the Revised Code. The owner of an 32818
injection well who collects the fee levied by this division may 32819
retain up to three per cent of the amount that is collected. 32820

(4) The chief shall adopt rules in accordance with Chapter 32821
119. of the Revised Code establishing requirements and procedures 32822
for collection of the fee levied by division (H) of this section. 32823

Sec. 1509.226. (A) If a board of county commissioners, a 32824
board of township trustees, or the legislative authority of a 32825
municipal corporation wishes to permit the surface application of 32826
brine to roads, streets, highways, and other similar land surfaces 32827
it owns or has the right to control for control of dust or ice, it 32828
may adopt a resolution permitting such application as provided in 32829
this section. If a board or legislative authority does not adopt 32830
such a resolution, then no such surface application of brine is 32831

permitted on such roads, streets, highways, and other similar 32832
surfaces. If a board or legislative authority votes on a proposed 32833
resolution to permit such surface application of brine, but the 32834
resolution fails to receive the affirmative vote of a majority of 32835
the board or legislative authority, the board or legislative 32836
authority shall not adopt such a resolution for one year following 32837
the date on which the vote was taken. A board or legislative 32838
authority shall hold at least one public hearing on any proposal 32839
to permit surface application of brine under this division and may 32840
hold additional hearings. The board or legislative authority shall 32841
publish notice of the time and place of each such public hearing 32842
in a newspaper of general circulation in the political subdivision 32843
at least five days before the day on which the hearing is to be 32844
held. 32845

(B) If a board or legislative authority adopts a resolution 32846
permitting the surface application of brine to roads, streets, 32847
highways, and other similar land surfaces under division (A) of 32848
this section, the board or legislative authority shall, within 32849
thirty days after the adoption of the resolution, prepare and 32850
submit to the chief of the division of oil and gas resources 32851
management a copy of the resolution. Any department, agency, or 32852
instrumentality of this state or the United States that wishes to 32853
permit the surface application of brine to roads, streets, 32854
highways, and other similar land surfaces it owns or has a right 32855
to control shall prepare and submit guidelines for such 32856
application, but need not adopt a resolution under division (A) of 32857
this section permitting such surface application. 32858

All resolutions and guidelines shall be subject to the 32859
following standards: 32860

(1) Brine shall not be applied: 32861

(a) To a water-saturated surface; 32862

- (b) Directly to vegetation near or adjacent to surfaces being treated; 32863
32864
- (c) Within twelve feet of structures crossing bodies of water or crossing drainage ditches; 32865
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- (d) Between sundown and sunrise, except for ice control. 32867
- (2) The discharge of brine through the spreader bar shall stop when the application stops. 32868
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- (3) The applicator vehicle shall be moving at least five miles per hour at all times while the brine is being applied. 32870
32871
- (4) The maximum spreader bar nozzle opening shall be three-quarters of an inch in diameter. 32872
32873
- (5) The maximum uniform application rate of brine shall be three thousand gallons per mile on a twelve-foot-wide road or three gallons per sixty square feet on unpaved lots. 32874
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32876
- (6) The applicator vehicle discharge valve shall be closed between the brine collection point and the specific surfaces that have been approved for brine application. 32877
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- (7) Any valves that provide for tank draining other than through the spreader bar shall be closed during the brine application and transport. 32880
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- (8) The angle of discharge from the applicator vehicle spreader bar shall not be greater than sixty degrees from the perpendicular to the unpaved surface. 32883
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32885
- (9) Only the last twenty-five per cent of an applicator vehicle's contents shall be allowed to have a pressure greater than atmospheric pressure; therefore, the first seventy-five per cent of the applicator vehicle's contents shall be discharged under atmospheric pressure. 32886
32887
32888
32889
32890
- (10) Only brine that is produced from a well that is not a horizontal well shall be allowed to be spread on a road. Fluids 32891
32892

from the drilling of a well, flowback from the stimulation of a 32893
well, and other fluids used to treat a well shall not be spread on 32894
a road. 32895

If a resolution or guidelines contain only the standards 32896
listed in divisions (B)(1) to (10) of this section, without 32897
addition or qualification, the resolution or guidelines shall be 32898
deemed effective when submitted to the chief without further 32899
action by the chief. All other resolutions and guidelines shall 32900
comply with and be no less stringent than this chapter, rules 32901
concerning surface application that the chief shall adopt under 32902
division (C) of section 1509.22 of the Revised Code, and other 32903
rules of the chief. Within fifteen days after receiving such other 32904
resolutions and guidelines, the chief shall review them for 32905
compliance with the law and rules and disapprove them if they do 32906
not comply. 32907

The board, legislative authority, or department, agency, or 32908
instrumentality may revise and resubmit any resolutions or 32909
guidelines that the chief disapproves after each disapproval, and 32910
the chief shall again review and approve or disapprove them within 32911
fifteen days after receiving them. The board, legislative 32912
authority, or department, agency, or instrumentality may amend any 32913
resolutions or guidelines previously approved by the chief and 32914
submit them, as amended, to the chief. The chief shall receive, 32915
review, and approve or disapprove the amended resolutions or 32916
guidelines on the same basis and in the same time as original 32917
resolutions or guidelines. The board, legislative authority, or 32918
department, agency, or instrumentality shall not implement amended 32919
resolutions or guidelines until they are approved by the chief 32920
under this division. 32921

(C) Any person, other than a political subdivision required 32922
to adopt a resolution under division (A) of this section or a 32923
department, agency, or instrumentality of this state or the United 32924

States, who owns or has a legal right or obligation to maintain a 32925
road, street, highway, or other similar land surface may file with 32926
the board of county commissioners a written plan for the 32927
application of brine to the road, street, highway, or other 32928
surface. The board need not approve any such plans, but if it 32929
approves a plan, the plan shall comply with this chapter, rules 32930
adopted thereunder, and the board's resolutions, if any. 32931
Disapproved plans may be revised and resubmitted for the board's 32932
approval. Approved plans may also be revised and submitted to the 32933
board. A plan or revised plan shall do all of the following: 32934

- (1) Identify the sources of brine to be used under the plan; 32935
- (2) Identify by name, address, and registration certificate, 32936
if applicable, any transporters of the brine; 32937
- (3) Specifically identify the places to which the brine will 32938
be applied; 32939
- (4) Specifically describe the method, rate, and frequency of 32940
application. 32941

(D) The board may attach terms and conditions to approval of 32942
a plan, or revised plan, and may revoke approval for any violation 32943
of this chapter, rules adopted thereunder, resolutions adopted by 32944
the board, or terms or conditions attached by the board. The board 32945
shall conduct at least one public hearing before approving a plan 32946
or revised plan, publishing notice of the time and place of each 32947
such public hearing in a newspaper of general circulation in the 32948
county at least five days before the day on which the hearing is 32949
to be held. The board shall record the filings of all plans and 32950
revised plans in its journal. The board shall approve, disapprove, 32951
or revoke approval of a plan or revised plan by the adoption of a 32952
resolution. Upon approval of a plan or revised plan, the board 32953
shall send a copy of the plan to the chief. Upon revoking approval 32954
of a plan or revised plan, the board shall notify the chief of the 32955

revocation. 32956

(E) No person shall: 32957

(1) Apply brine to a water-saturated surface; 32958

(2) Apply brine directly to vegetation adjacent to the 32959
surface of roads, streets, highways, and other surfaces to which 32960
brine may be applied. 32961

(F) Each political subdivision that adopts a resolution under 32962
divisions (A) and (B) of this section, each department, agency, or 32963
instrumentality of this state or the United States that submits 32964
guidelines under division (B) of this section, and each person who 32965
files a plan under divisions (C) and (D) of this section shall, on 32966
or before the fifteenth day of April of each year, file a report 32967
with the chief concerning brine applied within the person's or 32968
governmental entity's jurisdiction, including the quantities 32969
transported and the sources and application points during the last 32970
preceding calendar year and such other information in such form as 32971
the chief requires. 32972

(G) Any political subdivision or department, agency, or 32973
instrumentality of this state or the United States that applies 32974
brine under this section may do so with its own personnel, 32975
vehicles, and equipment without registration under or compliance 32976
with section 1509.222 or 1509.223 of the Revised Code and without 32977
the necessity for filing the surety bond or other security 32978
required by section 1509.225 of the Revised Code. However, each 32979
such entity shall legibly identify vehicles used to apply brine 32980
with reflective paint in letters no less than four inches in 32981
height, indicating the word "brine" and that the vehicle is a 32982
vehicle of the political subdivision, department, agency, or 32983
instrumentality. Except as stated in this division, such entities 32984
shall transport brine in accordance with sections 1509.22 to 32985
1509.226 of the Revised Code. 32986

(H) A surface application plan filed for approval under 32987
division (C) of this section shall be accompanied by a 32988
nonrefundable fee of fifty dollars, which shall be credited to the 32989
general fund of the county. An approved plan is valid for one year 32990
from the date of its approval unless it is revoked before that 32991
time. An approved revised plan is valid for the remainder of the 32992
term of the plan it supersedes unless it is revoked before that 32993
time. Any person who has filed such a plan or revised plan and had 32994
it approved may renew it by refiling it in accordance with 32995
divisions (C) and (D) of this section within thirty days before 32996
any anniversary of the date on which the original plan was 32997
approved. The board shall notify the chief of renewals and 32998
nonrenewals of plans. Even if a renewed plan is approved under 32999
those divisions, the plan is not effective until notice is 33000
received by the chief, and until notice is received, the chief 33001
shall enforce this chapter and rules adopted thereunder with 33002
regard to the affected roads, streets, highways, and other similar 33003
land surfaces as if the plan had not been renewed. 33004

(I) A resolution adopted under division (A) of this section 33005
by a board or legislative authority shall be effective for one 33006
year following the date of its adoption and from month to month 33007
thereafter until the board or legislative authority, by 33008
resolution, terminates the authority granted in the original 33009
resolution. The termination shall be effective not less than seven 33010
days after enactment of the resolution, and a copy of the 33011
resolution shall be sent to the chief. 33012

Sec. 1509.50. (A) An oil and gas regulatory cost recovery 33013
assessment is hereby imposed by this section on an owner. An owner 33014
shall pay the assessment in the same manner as a severer who is 33015
required to file a return under section 5749.06 of the Revised 33016
Code. However, an owner may designate a severer who shall pay the 33017
owner's assessment on behalf of the owner on the return that the 33018

severer is required to file under that section. If a severer so 33019
pays an owner's assessment, the severer may recoup from the owner 33020
the amount of the assessment. Except for an exempt domestic well, 33021
the assessment imposed shall be in addition to the taxes levied on 33022
the severance of oil and gas under section 5749.02 of the Revised 33023
Code. 33024

(B)(1) Except for an exempt domestic well, the oil and gas 33025
regulatory cost recovery assessment shall be calculated on a 33026
quarterly basis and shall be one of the following: 33027

(a) If the sum of ten cents per barrel of oil for all of the 33028
wells of the owner, one-half of one cent per one thousand cubic 33029
feet of natural gas for all of the wells of the owner, and the 33030
amount of the severance tax levied on each severer for all of the 33031
wells of the owner under divisions (A)(5) and (6) of section 33032
5749.02 of the Revised Code, as applicable, is greater than the 33033
sum of fifteen dollars for each well owned by the owner, the 33034
amount of the assessment is the sum of ten cents per barrel of oil 33035
for all of the wells of the owner and one-half of one cent per one 33036
thousand cubic feet of natural gas for all of the wells of the 33037
owner. 33038

(b) If the sum of ten cents per barrel of oil for all of the 33039
wells of the owner, one-half of one cent per one thousand cubic 33040
feet of natural gas for all of the wells of the owner, and the 33041
amount of the severance tax levied on each severer for all of the 33042
wells of the owner under divisions (A)(5) and (6) of section 33043
5749.02 of the Revised Code, as applicable, is less than the sum 33044
of fifteen dollars for each well owned by the owner, the amount of 33045
the assessment is the sum of fifteen dollars for each well owned 33046
by the owner less the amount of the tax levied on each severer for 33047
all of the wells of the owner under divisions (A)(5) and (6) of 33048
section 5749.02 of the Revised Code, as applicable. 33049

(2) The oil and gas regulatory cost recovery assessment for a well that becomes an exempt domestic well on and after June 30, 2010, shall be sixty dollars to be paid to the division of oil and gas resources management on the first day of July of each year.

(C) All money collected pursuant to this section shall be ~~deposited in the state treasury to the credit of~~ credited to the severance tax receipts fund. After the director of budget and management transfers money from the severance tax receipts fund as required in division (H) of section 5749.06 of the Revised Code, money in the severance tax receipts fund from amounts collected pursuant to this section shall be credited to the oil and gas well fund created in section 1509.02 of the Revised Code.

(D) Except for purposes of revenue distribution as specified in division (B) of section 5749.02 of the Revised Code, the oil and gas regulatory cost recovery assessment imposed by this section shall be treated the same and equivalent for all purposes as the taxes levied on the severance of oil and gas under that section. However, the assessment imposed by this section is not a tax under Chapter 5749. of the Revised Code.

Sec. 1511.02. The chief of the division of soil and water resources, subject to the approval of the director of natural resources, shall do all of the following:

(A) Provide administrative leadership to local soil and water conservation districts in planning, budgeting, staffing, and administering district programs and the training of district supervisors and personnel in their duties, responsibilities, and authorities as prescribed in this chapter and Chapter 1515. of the Revised Code;

(B) Administer this chapter and Chapter 1515. of the Revised Code pertaining to state responsibilities and provide staff assistance to the Ohio soil and water conservation commission in

exercising its statutory responsibilities; 33081

(C) Assist in expediting state responsibilities for watershed 33082
development and other natural resource conservation works of 33083
improvement; 33084

(D) Coordinate the development and implementation of 33085
cooperative programs and working agreements between local soil and 33086
water conservation districts and divisions or sections of the 33087
department of natural resources, or other agencies of local, 33088
state, and federal government; 33089

(E) Subject to the approval of the Ohio soil and water 33090
conservation commission, adopt, amend, or rescind rules pursuant 33091
to Chapter 119. of the Revised Code. Rules adopted pursuant to 33092
this section: 33093

(1) Shall establish technically feasible and economically 33094
reasonable standards to achieve a level of management and 33095
conservation practices in farming or silvicultural operations that 33096
will abate wind or water erosion of the soil or abate the 33097
degradation of the waters of the state by animal waste or by soil 33098
sediment including substances attached thereto, and establish 33099
criteria for determination of the acceptability of such management 33100
and conservation practices; 33101

(2) Shall establish technically feasible and economically 33102
reasonable standards to achieve a level of management and 33103
conservation practices that will abate wind or water erosion of 33104
the soil or abate the degradation of the waters of the state by 33105
soil sediment in conjunction with land grading, excavating, 33106
filling, or other soil-disturbing activities on land used or being 33107
developed for nonfarm commercial, industrial, residential, or 33108
other nonfarm purposes, and establish criteria for determination 33109
of the acceptability of such management and conservation 33110
practices. The standards shall be designed to implement applicable 33111

areawide waste treatment management plans prepared under section 33112
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 33113
(1972), 33 U.S.C.A. 1288, as amended. The standards and criteria 33114
shall not apply in any municipal corporation or county that adopts 33115
ordinances or rules pertaining to sediment control, nor to lands 33116
being used in a strip mine operation as defined in section 1513.01 33117
of the Revised Code, nor to lands being used in a surface mining 33118
operation as defined in section 1514.01 of the Revised Code. 33119

(3) May recommend criteria and procedures for the approval of 33120
urban sediment pollution abatement plans and issuance of permits 33121
prior to any grading, excavating, filling, or other whole or 33122
partial disturbance of five or more contiguous acres of land owned 33123
by one person or operated as one development unit and require 33124
implementation of such a plan. Areas of less than five contiguous 33125
acres are not exempt from compliance with other provisions of this 33126
chapter and rules adopted under them. 33127

(4) Shall establish procedures for administration of rules 33128
for agricultural pollution abatement and urban sediment pollution 33129
abatement and for enforcement of rules for agricultural pollution 33130
abatement; 33131

(5) Shall specify the pollution abatement practices eligible 33132
for state cost sharing and determine the conditions for 33133
eligibility, the construction standards and specifications, the 33134
useful life, the maintenance requirements, and the limits of cost 33135
sharing for those practices. Eligible practices shall be limited 33136
to practices that address agricultural or silvicultural operations 33137
and that require expenditures that are likely to exceed the 33138
economic returns to the owner or operator and that abate soil 33139
erosion or degradation of the waters of the state by animal waste 33140
or soil sediment including pollutants attached thereto. 33141

(6) Shall establish procedures for administering grants to 33142
owners or operators of agricultural land or concentrated animal 33143

feeding operations for the implementation of operation and 33144
management plans; 33145

(7) Shall establish procedures for administering grants to 33146
soil and water conservation districts for urban sediment pollution 33147
abatement programs, specify the types of projects eligible for 33148
grants, establish limits on the availability of grants, and 33149
establish requirements governing the execution of projects to 33150
encourage the reduction of erosion and sedimentation associated 33151
with soil-disturbing activities; 33152

(8) Shall do all of the following with regard to composting 33153
conducted in conjunction with agricultural operations: 33154

(a) Provide for the distribution of educational material 33155
concerning composting to the offices of ~~the Ohio cooperative~~ OSU 33156
extension ~~service~~ for the purposes of section 1511.022 of the 33157
Revised Code; 33158

(b) Establish methods, techniques, or practices for 33159
composting dead animals, or particular types of dead animals, that 33160
are to be used at such operations, as the chief considers to be 33161
necessary or appropriate; 33162

(c) Establish requirements and procedures governing the 33163
review and approval or disapproval of composting plans by the 33164
supervisors of soil and water conservation districts under 33165
division (Q) of section 1515.08 of the Revised Code. 33166

(9) Shall be adopted, amended, or rescinded after the chief 33167
does all of the following: 33168

(a) Mails notice to each statewide organization that the 33169
chief determines represents persons or local governmental agencies 33170
who would be affected by the proposed rule, amendment thereto, or 33171
rescission thereof at least thirty-five days before any public 33172
hearing thereon; 33173

(b) Mails a copy of each proposed rule, amendment thereto, or rescission thereof to any person who requests a copy, within five days after receipt of the request;

(c) Consults with appropriate state and local governmental agencies or their representatives, including statewide organizations of local governmental officials, industrial representatives, and other interested persons;

(d) If the rule relates to agricultural pollution abatement, develops an economic impact statement concerning the effect of the proposed rule or amendment.

(10) Shall not conflict with air or water quality standards adopted pursuant to section 3704.03 or 6111.041 of the Revised Code. Compliance with rules adopted pursuant to this section does not affect liability for noncompliance with air or water quality standards adopted pursuant to section 3704.03 or 6111.041 of the Revised Code. The application of a level of management and conservation practices recommended under this section to control windblown soil from farming operations creates a presumption of compliance with section 3704.03 of the Revised Code as that section applies to windblown soil.

(11) Insofar as the rules relate to urban sediment pollution, shall not be applicable in a municipal corporation or county that adopts ordinances or rules for urban sediment control, except that a municipal corporation or county that adopts such ordinances or rules may receive moneys for urban sediment control that are disbursed by the board of supervisors of the applicable soil and water conservation district under division (N) of section 1515.08 of the Revised Code. The rules shall not exempt any person from compliance with municipal ordinances enacted pursuant to Section 3 of Article XVIII, Ohio Constitution.

(F) Cost share with landowners on practices established

pursuant to division (E)(5) of this section as moneys are 33205
appropriated and available for that purpose. Any practice for 33206
which cost share is provided shall be maintained for its useful 33207
life. Failure to maintain a cost share practice for its useful 33208
life shall subject the landowner to full repayment to the 33209
division. 33210

(G) Issue orders requiring compliance with any rule adopted 33211
under division (E)(1) of this section or with section 1511.022 of 33212
the Revised Code. Before the chief issues an order, the chief 33213
shall afford each person allegedly liable an adjudication hearing 33214
under Chapter 119. of the Revised Code. The chief may require in 33215
an order that a person who has caused agricultural pollution by 33216
failure to comply with the standards established under division 33217
(E)(1) of this section operate under an operation and management 33218
plan approved by the chief under this section. The chief shall 33219
require in an order that a person who has failed to comply with 33220
division (A) of section 1511.022 of the Revised Code prepare a 33221
composting plan in accordance with rules adopted under division 33222
(E)(10)(c) of this section and operate in accordance with that 33223
plan or that a person who has failed to operate in accordance with 33224
such a plan begin to operate in accordance with it. Each order 33225
shall be issued in writing and contain a finding by the chief of 33226
the facts upon which the order is based and the standard that is 33227
not being met. 33228

(H) Employ field assistants and such other employees as are 33229
necessary for the performance of the work prescribed by Chapter 33230
1515. of the Revised Code, for performance of work of the 33231
division, and as agreed to under working agreements or contractual 33232
arrangements with local soil and water conservation districts, 33233
prescribe their duties, and fix their compensation in accordance 33234
with such schedules as are provided by law for the compensation of 33235
state employees. 33236

All employees of the division, unless specifically exempted 33237
by law, shall be employed subject to the classified civil service 33238
laws in force at the time of employment. 33239

(I) In connection with new or relocated projects involving 33240
highways, underground cables, pipelines, railroads, and other 33241
improvements affecting soil and water resources, including surface 33242
and subsurface drainage: 33243

(1) Provide engineering service as is mutually agreeable to 33244
the Ohio soil and water conservation commission and the director 33245
to aid in the design and installation of soil and water 33246
conservation practices as a necessary component of such projects; 33247

(2) Maintain close liaison between the owners of lands on 33248
which the projects are executed, local soil and water conservation 33249
districts, and authorities responsible for such projects; 33250

(3) Review plans for such projects to ensure their compliance 33251
with standards developed under division (E) of this section in 33252
cooperation with the department of transportation or with any 33253
other interested agency that is engaged in soil or water 33254
conservation projects in the state in order to minimize adverse 33255
impacts on soil and water resources adjacent to or otherwise 33256
affected by these projects; 33257

(4) Recommend measures to retard erosion and protect soil and 33258
water resources through the installation of water impoundment or 33259
other soil and water conservation practices; 33260

(5) Cooperate with other agencies and subdivisions of the 33261
state to protect the agricultural status of rural lands adjacent 33262
to such projects and control adverse impacts on soil and water 33263
resources. 33264

(J) Collect, analyze, inventory, and interpret all available 33265
information pertaining to the origin, distribution, extent, use, 33266
and conservation of the soil resources of the state; 33267

(K) Prepare and maintain up-to-date reports, maps, and other materials pertaining to the soil resources of the state and their use and make that information available to governmental agencies, public officials, conservation entities, and the public;

(L) Provide soil and water conservation districts with technical assistance including on-site soil investigations and soil interpretation reports on the suitability or limitations of soil to support a particular use or to plan soil conservation measures. The assistance shall be upon such terms as are mutually agreeable to the districts and the department of natural resources.

(M) Assist local government officials in utilizing land use planning and zoning, current agricultural use value assessment, development reviews, and land management activities;

(N) When necessary for the purposes of this chapter or Chapter 1515. of the Revised Code, develop or approve operation and management plans.

This section does not restrict the excrement of domestic or farm animals defecated on land outside a concentrated animal feeding operation or runoff therefrom into the waters of the state.

Sec. 1511.022. (A) Any person who owns or operates an agricultural operation, or owns the animals raised by the owner or operator of an agricultural operation, and who wishes to conduct composting of dead animals resulting from the agricultural operation shall do both of the following:

(1) Participate in an educational course concerning composting conducted by ~~the Ohio cooperative~~ OSU extension service and obtain a certificate of completion for the course;

(2) Use the appropriate method, technique, or practice of

composting established in rules adopted under division (E)(8) of 33298
section 1511.02 of the Revised Code. 33299

(B) Any person who fails to comply with division (A) of this 33300
section shall prepare and operate under a composting plan in 33301
accordance with an order issued by the chief of the division of 33302
soil and water resources under division (G) of section 1511.02 of 33303
the Revised Code. If the person's proposed composting plan is 33304
disapproved by the board of supervisors of the appropriate soil 33305
and water conservation district under division (Q)(3) of section 33306
1515.08 of the Revised Code, the person may appeal the plan 33307
disapproval to the chief, who shall afford the person a hearing. 33308
Following the hearing, the chief shall uphold the plan disapproval 33309
or reverse it. If the chief reverses the disapproval, the plan 33310
shall be deemed approved. 33311

Sec. 1519.05. (A) As used in this section, "local political 33312
subdivision" and "nonprofit organization" have the same meanings 33313
as in section 164.20 of the Revised Code. 33314

(B)(1) There is hereby created in the state treasury the 33315
clean Ohio trail fund. Twelve and one-half per cent of the net 33316
proceeds of obligations issued and sold pursuant to sections 33317
151.01 and 151.09 of the Revised Code shall be deposited into the 33318
fund. 33319

(2) Investment earnings of the fund shall be credited to the 33320
fund and may be used to pay costs incurred by the director of 33321
natural resources in administering this section. 33322

(3) Money in the clean Ohio trail fund shall not be used for 33323
the appropriation of land, rights, rights-of-way, franchises, 33324
easements, or other property through the exercise of the right of 33325
eminent domain. 33326

The (4) Except as provided in division (B)(5) of this 33327

section, the director shall use moneys in the fund exclusively to 33328
provide matching grants to nonprofit organizations and to local 33329
political subdivisions for the purposes of purchasing land or 33330
interests in land for recreational trails and for the construction 33331
of such trails. A matching grant may provide up to seventy-five 33332
per cent of the cost of a recreational trail project, and the 33333
recipient of the matching grant shall provide not less than 33334
twenty-five per cent of that cost. 33335

(5) The director, at the director's discretion, may use up to 33336
twenty-five per cent of moneys in the fund to provide grants to 33337
nonprofit organizations and to local political subdivisions for 33338
the purpose of maintaining recreational trails. 33339

(C) The director shall establish policies for the purposes of 33340
this section. The policies shall establish all of the following: 33341

(1) Procedures for providing matching grants to nonprofit 33342
organizations and local political subdivisions for the purposes of 33343
purchasing land or interests in land for recreational trails and 33344
for the construction of such trails, including, without 33345
limitation, procedures for both of the following: 33346

(a) Developing a grant application form and soliciting, 33347
accepting, and approving grant applications; 33348

(b) Participation by nonprofit organizations and local 33349
political subdivisions in the application process. 33350

(2) A requirement that an application for a matching grant 33351
for a recreational trail project include a copy of a resolution 33352
supporting the project from each county in which the proposed 33353
project is to be conducted and whichever of the following is 33354
applicable: 33355

(a) If the proposed project is to be conducted wholly within 33356
the geographical boundaries of one township, a copy of a 33357
resolution supporting the project from the township; 33358

(b) If the proposed project is to be conducted wholly within the geographical boundaries of one municipal corporation, a copy of a resolution supporting the project from the municipal corporation;

(c) If the proposed project is to be conducted in more than one, but fewer than five townships or municipal corporations, a copy of a resolution supporting the project from at least one-half of the total number of townships and municipal corporations in which the proposed project is to be conducted;

(d) If the proposed project is to be conducted in five or more municipal corporations, a copy of a resolution supporting the project from at least three-fifths of the total number of townships and municipal corporations in which the proposed project is to be conducted.

(3) Eligibility criteria that must be satisfied by an applicant in order to receive a matching grant and that emphasize the following:

(a) Synchronization with the statewide trail plan;

(b) Complete regional systems and links to the statewide trail system;

(c) A combination of funds from various state agencies;

(d) The provision of links in urban areas that support commuter access and show economic impact on local communities;

(e) The linkage of population centers with public outdoor recreation areas and facilities;

(f) The purchase of rail lines that are linked to the statewide trail plan;

(g) The preservation of natural corridors.

(4) Items of value, such as in-kind contributions of land, easements or other interests in land, labor, or materials, that

may be considered as contributing toward the percentage of the 33389
cost of a recreational trails project that must be provided by a 33390
matching grant recipient; 33391

(5) A requirement that an application for a matching grant 33392
for a recreational trail project include a study on the current 33393
use of existing trails in the county in which the proposed project 33394
will be located if there is an existing trail in that county. The 33395
study shall include a report on the maintenance needs and a plan 33396
for use of the proposed project. 33397

(6) Procedures for providing grants to nonprofit 33398
organizations and local political subdivisions for the purpose of 33399
maintaining recreational trails, including, without limitation, 33400
procedures for both of the following: 33401

(a) Developing a grant application form and soliciting, 33402
accepting, and approving grant applications; 33403

(b) Participation by nonprofit organizations and local 33404
political subdivisions in the application process. 33405

(7) Eligibility criteria that must be satisfied by an 33406
applicant in order to receive a grant for the purpose of 33407
maintaining recreational trails. 33408

Sec. 1531.06. (A) The chief of the division of wildlife, with 33409
the approval of the director of natural resources, may acquire by 33410
gift, lease, purchase, or otherwise lands or surface rights upon 33411
lands and waters or surface rights upon waters for wild animals, 33412
fish or game management, preservation, propagation, and 33413
protection, outdoor and nature activities, public fishing and 33414
hunting grounds, and flora and fauna preservation. The chief, with 33415
the approval of the director, may receive by grant, devise, 33416
bequest, donation, or assignment evidences of indebtedness, the 33417
proceeds of which are to be used for the purchase of such lands or 33418

surface rights upon lands and waters or surface rights upon 33419
waters. 33420

(B)(1) The chief shall adopt rules for the protection of 33421
state-owned or leased lands and waters and property under the 33422
control of the division of wildlife against wrongful use or 33423
occupancy that will ensure the carrying out of the intent of this 33424
section, protect those lands, waters, and property from 33425
depredations, and preserve them from molestation, spoilation, 33426
destruction, or any improper use or occupancy thereof, including 33427
rules with respect to recreational activities and for the 33428
government and use of such lands, waters, and property. 33429

(2) The chief may adopt rules benefiting wild animals, fish 33430
or game management, preservation, propagation, and protection, 33431
outdoor and nature activities, public fishing and hunting grounds, 33432
and flora and fauna preservation, and regulating the taking and 33433
possession of wild animals on any lands or waters owned or leased 33434
or under the division's supervision and control and, for a 33435
specified period of years, may prohibit or recall the taking and 33436
possession of any wild animal on any portion of such lands or 33437
waters. The division clearly shall define and mark the boundaries 33438
of the lands and waters owned or leased or under its supervision 33439
and control upon which the taking of any wild animal is 33440
prohibited. 33441

(C) The chief, with the approval of the director, may acquire 33442
by gift, lease, or purchase land for the purpose of establishing 33443
state fish hatcheries and game farms and may erect on it buildings 33444
or structures that are necessary. 33445

The title to or lease of such lands and waters shall be taken 33446
by the chief in the name of the state. The lease or purchase price 33447
of all such lands and waters may be paid from hunting and trapping 33448
and fishing licenses and any other funds. 33449

(D) To provide more public recreation, stream and lake 33450
agreements for public fishing only may be obtained under rules 33451
adopted by the chief. 33452

(E) The chief, with the approval of the director, may 33453
establish user fees for the use of special public facilities or 33454
participation in special activities on lands and waters 33455
administered by the division. The special facilities and 33456
activities may include hunting or fishing on special designated 33457
public lands and waters intensively managed or stocked with 33458
artificially propagated game birds or fish, field trial 33459
facilities, wildlife nature centers, firearm ranges, boat mooring 33460
facilities, camping sites, and other similar special facilities 33461
and activities. The chief shall determine whether the user fees 33462
are refundable and shall ensure that that information is provided 33463
at the time the user fees are paid. 33464

(F) The chief, with the approval of the director, may enter 33465
into lease agreements for rental of concessions or other special 33466
projects situated on state-owned or leased lands or waters or 33467
other property under the division's control. The chief shall set 33468
and collect the fees for concession rentals or other special 33469
projects; regulate through contracts between the division and 33470
cessionaires the sale of tangible objects at concessions or 33471
other special projects; and keep a record of all such fee payments 33472
showing the amount received, from whom received, and for what 33473
purpose the fee was collected. 33474

(G) The chief may sell or donate conservation-related items 33475
or items that promote wildlife conservation, including, but not 33476
limited to, stamps, pins, badges, books, bulletins, maps, 33477
publications, calendars, and any other educational article or 33478
artifact pertaining to wild animals; sell confiscated or forfeited 33479
items; and sell surplus structures and equipment, and timber or 33480
crops from lands owned, administered, leased, or controlled by the 33481

division. The chief, with the approval of the director, also may 33482
engage in campaigns and special events that promote wildlife 33483
conservation by selling or donating wildlife-related materials, 33484
memberships, and other items of promotional value. 33485

(H) The chief may sell, lease, or transfer minerals or 33486
mineral rights, with the approval of the director, when the chief 33487
and the director determine it to be in the best interest of the 33488
state. Upon approval of the director, the chief may make, execute, 33489
and deliver contracts, including leases, to mine, drill, or 33490
excavate iron ore, stone, coal, salt, and other minerals, other 33491
than oil or gas, upon and under lands owned by the state and 33492
administered by the division to any person who complies with the 33493
terms of such a contract. No such contract shall be valid for more 33494
than fifty years from its effective date. Consideration for 33495
minerals and mineral rights shall be by rental or royalty basis as 33496
prescribed by the chief and payable as prescribed by contract. 33497
Moneys collected under this division shall be paid into the state 33498
treasury to the credit of the wildlife habitat fund created in 33499
section 1531.33 of the Revised Code. Contracts entered into under 33500
this division also may provide for consideration for minerals or 33501
mineral rights in the form of acquisition of lands as provided 33502
under divisions (A) and (C) of this section. 33503

(I) All moneys received under divisions (E), (F), and (G) of 33504
this section shall be paid into the state treasury to the credit 33505
of a fund that shall be used for the purposes outlined in section 33506
1533.15 of the Revised Code and for the management of other wild 33507
animals for their ecological and nonconsumptive recreational value 33508
or benefit. 33509

(J) The chief, with the approval of the director, may barter 33510
or sell wild animals to other states, state or federal agencies, 33511
and conservation or zoological organizations. Moneys received from 33512
the sale of wild animals shall be deposited into the ~~wild animal~~ 33513

wildlife fund created in section ~~1531.34~~ 1531.17 of the Revised Code. 33514
33515

(K) The chief shall adopt rules establishing standards and 33516
guidelines for the administration of contraceptive chemicals to 33517
noncaptive wild animals. The rules may specify chemical delivery 33518
methods and devices and monitoring requirements. 33519

The chief shall establish criteria for the issuance of and 33520
shall issue permits for the administration of contraceptive 33521
chemicals to noncaptive wild animals. No person shall administer 33522
contraceptive chemicals to noncaptive wild animals without a 33523
permit issued by the chief. 33524

(L) All fees set by the chief under this section shall be 33525
approved by the wildlife council. 33526

(M) Information contained in the wildlife diversity database 33527
that is established pursuant to division (B)(2) of this section 33528
and section 1531.25 of the Revised Code may be made available to 33529
any individual or public or private agency for research, 33530
educational, environmental, land management, or other similar 33531
purposes that are not detrimental to the conservation of a species 33532
or feature. Information regarding sensitive site locations of 33533
species that are listed pursuant to section 1531.25 of the Revised 33534
Code and of features that are included in the wildlife diversity 33535
database is not subject to section 149.43 of the Revised Code if 33536
the chief determines that the release of the information could be 33537
detrimental to the conservation of a species or feature. 33538

Sec. 1531.17. All fines, penalties, and forfeitures arising 33539
from prosecutions, convictions, confiscations, or otherwise under 33540
this chapter and Chapters 1517. and 1533. of the Revised Code, 33541
unless otherwise directed by the director of natural resources, 33542
shall be paid by the officer by whom collected to the director and 33543
by ~~him~~ the director paid into the state treasury to the credit of 33544

the wildlife fund, which is hereby created, for the use of the 33545
division of wildlife. All moneys received from the sale of wild 33546
animals under division (J) of section 1531.06 shall be paid into 33547
the state treasury to the credit of the wildlife fund for the use 33548
of the division. All moneys collected as license fees on nets in 33549
the Lake Erie fishing district shall be paid by the director into 33550
the state treasury to the credit of the wildlife fund for use only 33551
in the betterment and the propagation of fish therein or in 33552
otherwise propagating fish in such district. All investment 33553
earnings of the fund shall be credited to the fund. The wildlife 33554
fund shall not be used for compensation of personnel employed by 33555
other divisions of the department of natural resources who are 33556
assigned to law enforcement duties in aid of the division of 33557
wildlife or for compensation of division of wildlife personnel for 33558
activities related to the instruction of personnel of other 33559
divisions. 33560

Sec. 1541.50. (A) There is hereby created the state 33561
recreational vehicle fund advisory board consisting of nine 33562
members. Not later than sixty days after the effective date of 33563
this section, the director of natural resources shall appoint all 33564
of the following members to the board: 33565

(1) Two members shall represent snowmobile users; 33566

(2) Two members shall represent all-purpose vehicle users; 33567

(3) Two members shall represent off-highway motorcycle users; 33568

(4) One member shall represent full-size four wheel drive 33569
users; 33570

(5) Two members shall represent power sport dealers. 33571

Of the initial appointments to the board, three shall serve 33572
for a one-year term, three shall serve for a two-year term, and 33573
three shall serve for a three-year term. Thereafter, terms of 33574

office shall be for three years, with each term ending on the same 33575
day of the same month as did the term that it succeeds. Each 33576
member shall hold office from the date of appointment until the 33577
end of the term for which the member was appointed. 33578

(B) Members may be reappointed. Any member appointed to fill 33579
a vacancy occurring prior to the expiration date of the term for 33580
which the member was appointed shall serve for the remainder of 33581
that term. A member shall continue to serve subsequent to the 33582
expiration date of the member's term until the member's successor 33583
takes office or until a period of sixty days has elapsed, 33584
whichever occurs first. 33585

(C) The state recreational vehicle fund advisory board shall 33586
advise with and make recommendations to the department of natural 33587
resources regarding the use of state recreational vehicle fund 33588
money and the department shall give primary consideration to the 33589
board's advice and recommendations. 33590

(D) Serving as a member of the board does not constitute 33591
holding a public office or position of employment under the laws 33592
of this state and does not constitute grounds for removal of 33593
public officers or employees from their offices or positions of 33594
employment. 33595

(E) A board member shall be reimbursed for actual and 33596
necessary expenses incurred in the discharge of duties as a board 33597
member. 33598

~~**Sec. 1545.071.** The following applies until the department of 33599
administrative services implements for park districts the health 33600
care plans under section 9.901 of the Revised Code. If those plans 33601
do not include or address any benefits listed in this section, the 33602
following provisions continue in effect for those benefits. 33603~~

The board of park commissioners of any park district may 33604

procure and pay all or any part of the cost of group insurance 33605
policies that may provide benefits for hospitalization, surgical 33606
care, major medical care, disability, dental care, eye care, 33607
medical care, hearing aids, or prescription drugs, or sickness and 33608
accident insurance or a combination of any of the foregoing types 33609
of insurance or coverage for park district officers and employees 33610
and their immediate dependents issued by an insurance company duly 33611
authorized to do business in this state. 33612

The board may procure and pay all or any part of the cost of 33613
group life insurance to insure the lives of park district 33614
employees. 33615

The board also may contract for group health care services 33616
with health insuring corporations holding a certificate of 33617
authority under Chapter 1751. of the Revised Code provided that 33618
each officer or employee is permitted to: 33619

(A) Choose between a plan offered by an insurance company and 33620
a plan offered by a health insuring corporation and provided 33621
further that the officer or employee pays any amount by which the 33622
cost of the plan chosen by the officer or employee exceeds the 33623
cost of the plan offered by the board under this section; 33624

(B) Change the choice made under division (A) of this section 33625
at a time each year as determined in advance by the board. 33626

Any appointed member of the board of park commissioners and 33627
the spouse and dependent children of the member may be covered, at 33628
the option and expense of the member, as a noncompensated employee 33629
of the park district under any benefit plan described in division 33630
(A) of this section. The member shall pay to the park district the 33631
amount certified to it by the benefit provider as the provider's 33632
charge for the coverage the member has chosen under division (A) 33633
of this section. Payments for coverage shall be made, in advance, 33634
in a manner prescribed by the board. The member's exercise of an 33635

option to be covered under this section shall be in writing, 33636
announced at a regular public meeting of the board, and recorded 33637
as a public record in the minutes of the board. 33638

The board may provide the benefits authorized in this section 33639
by contributing to a health and welfare trust fund administered 33640
through or in conjunction with a collective bargaining 33641
representative of the park district employees. 33642

The board may provide the benefits described in this section 33643
through an individual self-insurance program or a joint 33644
self-insurance program as provided in section 9.833 of the Revised 33645
Code. 33646

Sec. 1545.23. If a park district enters into an agreement for 33647
the sale or lease of mineral rights regarding a park within the 33648
district, any royalties or other moneys resulting from the sale or 33649
lease shall be deposited into a special fund that the board of 33650
park commissioners shall create. The fund shall be used 33651
exclusively for maintenance of parks within the district and for 33652
the acquisition of new park lands. 33653

Sec. 1547.05. No Except as provided in division (A)(2) of 33654
section 1547.052 of the Revised Code, no person born on or after 33655
January 1, 1982, under eighteen years of age shall operate on the 33656
waters in this state a powercraft powered by more than ten 33657
horsepower, and no person shall supervise a person under division 33658
(A) of section 1547.06 of the Revised Code, unless the operator or 33659
supervisor successfully has completed either a safe boater course 33660
approved by the national association of state boating law 33661
administrators or a proctored or nonproctored proficiency 33662
examination that tests knowledge of information included in the 33663
curriculum of such a course, and has received a certificate as 33664
evidence of successful completion of the course or examination. 33665

No person shall permit a powercraft to be operated on the 33666
waters in this state in violation of this section. 33667

Sec. 1547.051. A person ~~born on or after January 1, 1982,~~ 33668
under eighteen years of age who is operating on the waters in this 33669
state a powercraft powered by more than ten horsepower or a person 33670
who is supervising a person under division (A) of section 1547.06 33671
of the Revised Code and who is stopped by a law enforcement 33672
officer in the enforcement of ~~Chapter 1547. of the Revised Code~~ 33673
this chapter or rules adopted under it shall present to the law 33674
enforcement officer, not later than seventy-two hours after being 33675
stopped, a certificate obtained by the person pursuant to section 33676
1547.05 of the Revised Code prior to being stopped or proof of 33677
holding such a certificate. Failure of the person to present the 33678
certificate or proof of holding it within seventy-two hours 33679
constitutes ~~prima facie~~ prima facie evidence of a violation of 33680
section 1547.05 of the Revised Code. 33681

Sec. 1547.052. (A) No rental business shall lease, hire, or 33682
rent a powercraft powered by more than ten horsepower for 33683
operation on the waters in this state to a person ~~born on or after~~ 33684
~~January 1, 1982~~ under eighteen years of age, or to a person who 33685
will be supervising a person under division (A) of section 1547.06 33686
of the Revised Code, unless the person to whom the powercraft will 33687
be leased, hired, or rented meets one of the following 33688
requirements: 33689

(1) The person signs a statement on the rental agreement or 33690
attached to the rental agreement that the person has successfully 33691
completed a safe boater course approved by the national 33692
association of state boating law administrators or has 33693
successfully completed a proficiency examination as provided in 33694
section 1547.05 of the Revised Code. 33695

(2) The person receives educational materials from the rental business and successfully passes, with a score of ninety per cent or better, an abbreviated examination given by the rental business. The achievement of a passing score on the examination shall be indicated on or attached to the powercraft rental agreement.

(B) Any person ~~born on or after January 1, 1982,~~ under eighteen years of age operating a leased, hired, or rented powercraft or supervising the operation of a leased, hired, or rented powercraft under division (A) of section 1547.06 of the Revised Code shall:

(1) Meet the requirements for boater education of division (A) of this section;

(2) Be named as an operator on the agreement that leases, hires, or rents the powercraft.

(C) The division of watercraft shall make available to all watercraft rental businesses in Ohio boater safety educational materials and an abbreviated examination that shall be used by the watercraft rental business for the purposes of division (A)(2) of this section.

Sec. 1547.06. (A) ~~Except as otherwise provided in this division, no~~ (1) No person under ~~sixteen~~ twelve years of age shall operate a personal watercraft on the waters in this state. A

(2) A person who is not less than twelve, nor more than fifteen years of age may operate a personal watercraft if a supervising person eighteen years of age or older is aboard the personal watercraft and, ~~in the case of a supervising person born~~ meets one of the following requirements:

(a) Was born before January 1, 1982;

(b) Was born on or after January 1, 1982, ~~if the supervising~~

~~person and~~ holds a certificate obtained under section 1547.05 of 33726
the Revised Code ~~or, in;~~ 33727

(c) In the case of a rented powercraft, meets the 33728
requirements of section 1547.052 of the Revised Code. 33729

(B) No person under twelve years of age shall operate any 33730
vessel on the waters in this state unless the person is under the 33731
direct visual and audible supervision, during the operation, of a 33732
person who is eighteen years of age or older. This division does 33733
not apply to a personal watercraft, which shall be governed by 33734
division (A) of this section, or to a powercraft, other than a 33735
personal watercraft, powered by more than ten horsepower, which 33736
shall be governed by division (C) of this section. 33737

(C) No person under twelve years of age shall operate on the 33738
waters in this state a powercraft, other than a personal 33739
watercraft, powered by more than ten horsepower unless the person 33740
is under the direct visual and audible supervision, during the 33741
operation, of a person eighteen years of age or older who is 33742
aboard the powercraft ~~and, in the case of such a supervising~~ 33743
~~person born on or after January 1, 1982, who holds a certificate~~ 33744
~~obtained under section 1547.05 of the Revised Code or, in the case~~ 33745
~~of a rented powercraft, meets the requirements of section 1547.052~~ 33746
~~of the Revised Code.~~ 33747

(D) No supervising person eighteen years of age or older 33748
shall permit any person who is under the supervising person's 33749
supervision and who is operating a vessel on the waters in this 33750
state to violate any section of this chapter or a rule adopted 33751
under it. 33752

Sec. 1547.532. (A) All of the following are exempt from 33753
registration under this chapter: 33754

(1) Sailboards; 33755

<u>(2) Kiteboards;</u>	33756
<u>(3) Paddleboards;</u>	33757
<u>(4) Belly boats or float tubes.</u>	33758
<u>(B) As used in this section:</u>	33759
<u>(1) "Belly boat" or "float tube" means a vessel that is</u>	33760
<u>inflatable, propelled solely by human muscular effort without</u>	33761
<u>using an oar, paddle, or pole, and designed to accommodate a</u>	33762
<u>single individual as an operator in such a manner that the</u>	33763
<u>operator remains partially submerged in the water.</u>	33764
<u>(2) "Kiteboard" means a recreational vessel that is</u>	33765
<u>inherently buoyant, has no cockpit, and is operated by an</u>	33766
<u>individual who is standing on the vessel while using a kite as a</u>	33767
<u>means of propulsion and lift.</u>	33768
<u>(3) "Paddleboard" means a recreational vessel that is</u>	33769
<u>inherently buoyant, is propelled by human muscular effort using a</u>	33770
<u>pole or single- or double-bladed paddle, and is operated by an</u>	33771
<u>individual who is kneeling, standing, or lying on the vessel.</u>	33772
<u>(4) "Sailboard" means a recreational vessel that is</u>	33773
<u>inherently buoyant, has no cockpit, has a single sail mounted on a</u>	33774
<u>mast that is connected to the vessel by a free-rotating, flexible</u>	33775
<u>joint, and is operated by an individual who is standing on the</u>	33776
<u>vessel.</u>	33777
Sec. 1547.542. (A) Any person or organization owning any	33778
number of canoes, rowboats, inflatable watercraft, or sailboats	33779
for the purpose of rental to the public may apply with the chief	33780
of the division of watercraft for and receive an annual	33781
certificate of livery registration. No watercraft shall be rented	33782
to the public from a livery or other place of business in this	33783
state unless it first has been numbered and registered in	33784
accordance with this section or section 1547.54 of the Revised	33785

Code. Certificates of livery registration shall be issued by an 33786
authorized agent who is selected by the chief from among those 33787
designated under section 1547.54 of the Revised Code. The 33788
certificate shall display ~~the~~ all of the following: 33789

(1) The name of the owner of the livery, ~~the;~~ 33790

(2) The date of issuance, ~~the;~~ 33791

(3) The date of expiration, ~~the;~~ 33792

(4) The number of watercraft registered, ~~the;~~ 33793

(5) The fee paid, ~~an;~~ 33794

(6) An authorized facsimile of the signature of the chief 33795
provided by the authorized agent who is selected to issue the 33796
certificate, ~~and the;~~ 33797

(7) The signature of the livery owner. ~~The certificate shall~~ 33798
~~bear the;~~ 33799

(8) The livery watercraft registration number assigned to the 33800
livery owner, ~~which shall be displayed in accordance with section~~ 33801
~~1547.57 of the Revised Code on each watercraft in the fleet for~~ 33802
~~which the certificate was issued. The~~ 33803

The owner of the livery shall be issued a tag for each 33804
watercraft that has been registered in accordance with this 33805
section. The tag shall be affixed to each such watercraft in 33806
accordance with this section prior to the watercraft's being 33807
rented to the public. The chief shall prescribe the content and 33808
form of the tag in rules adopted under section 1547.52 of the 33809
Revised Code. 33810

The owner of a livery shall obtain an amended certificate of 33811
livery registration from the chief whenever the composition of the 33812
fleet changes. 33813

(B) Not later than March 15, 2015, the owner of a livery 33814
shall identify each watercraft in the fleet for which a 33815

certificate of registration has been issued under this section in 33816
one of the following ways: 33817

(1) By displaying the livery watercraft registration number 33818
assigned to the livery owner on the forward half of both sides of 33819
the watercraft in block characters that are of a single color that 33820
contrasts with the color of the hull and are at least three inches 33821
in height. The livery watercraft registration number shall be 33822
displayed in such a manner that the number is visible under normal 33823
operating conditions. In addition, the tag that has been issued to 33824
the watercraft under this section shall be placed not more than 33825
six inches from the livery watercraft registration number on the 33826
port side of the watercraft. 33827

(2) By displaying the livery name on the rear half of the 33828
watercraft in such a manner that it is clearly visible under 33829
normal operating conditions. If there is insufficient space or it 33830
is impractical to display the livery name on the sides of the 33831
watercraft, the livery name may be displayed on the rear half of 33832
the watercraft's deck, provided that the display of the name does 33833
not interfere with the placement of the tag that has been issued 33834
to the watercraft. In addition, the tag shall be placed in one of 33835
the following locations: 33836

(a) In the upper right corner of the transom so that the tag 33837
does not interfere with the legibility of the hull identification 33838
number of the watercraft; 33839

(b) Six inches from the stern on the outside of the 33840
watercraft below the port side gunwale; 33841

(c) On the inside of the watercraft on the upper portion of 33842
the starboard side gunwale so that the tag is visible from the 33843
port side of the watercraft; 33844

(d) On a deck on the rear half of the watercraft. 33845

For purposes of division (B) of this section, each watercraft 33846

in a livery fleet shall be identified in a uniform and consistent manner. 33847
33848

(C) The fee for each watercraft registered under this section shall be an annual registration fee. The fee shall be one-third of the triennial registration fees prescribed in section 1547.54 of the Revised Code. However, if the size of the fleet does not increase, the fee for an amended certificate of livery registration shall be the fee prescribed for issuing a duplicate registration certificate under section 1547.54 of the Revised Code, and the chief shall not refund to the livery owner all or any portion of an annual registration fee applicable to a watercraft transferred or abandoned by the livery owner. If the size of the fleet increases, the livery owner shall be required to pay the applicable annual registration fee for each watercraft registered under an amended certificate of livery registration that is in excess of the number of watercraft contained in the annual certificate of livery registration. 33849
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In addition to the fees established in this section, watercraft that are not powercraft shall be charged a waterways conservation assessment fee. The fee shall be collected at the time of the issuance of an annual livery registration under this section and shall be one dollar and fifty cents for each watercraft included in the registration. The fee shall be deposited in the state treasury and credited to a distinct account in the waterways safety fund created in section 1547.75 of the Revised Code. 33864
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(D) The certificate of livery registration, rental ~~receipts~~ agreements, and required safety equipment are subject to inspection at any time at the livery's place of business by any authorized representative of the division of watercraft or any law enforcement officer in accordance with section 1547.63 of the Revised Code. 33873
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(E) Except as provided in this section, all watercraft 33879
registered under this section are subject to this chapter and 33880
Chapter 1548. of the Revised Code. 33881

(F) The chief may issue an order temporarily ~~or permanently~~ 33882
restricting or suspending a livery certificate of registration and 33883
the privileges associated with it without a hearing if the chief 33884
finds that the holder of the certificate has violated this 33885
chapter. 33886

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 33887
Revised Code is guilty of a felony of the fourth degree. 33888

(B) Whoever violates division (F) of section 1547.08, section 33889
1547.10, division (I) of section 1547.111, section 1547.13, or 33890
section 1547.66 of the Revised Code is guilty of a misdemeanor of 33891
the first degree. 33892

(C) Whoever violates a provision of this chapter or a rule 33893
adopted thereunder, for which no penalty is otherwise provided, is 33894
guilty of a minor misdemeanor. 33895

(D) Whoever violates section 1547.07, 1547.132, or 1547.12 of 33896
the Revised Code without causing injury to persons or damage to 33897
property is guilty of a misdemeanor of the fourth degree. 33898

(E) Whoever violates section 1547.07, 1547.132, or 1547.12 of 33899
the Revised Code causing injury to persons or damage to property 33900
is guilty of a misdemeanor of the third degree. 33901

(F) Whoever violates division (N) of section 1547.54, 33902
division (G) of section 1547.30, or section 1547.131, 1547.25, 33903
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 33904
of the Revised Code or a rule adopted under division (A)(2) of 33905
section 1547.52 of the Revised Code is guilty of a misdemeanor of 33906
the fourth degree. 33907

(G) Whoever violates section 1547.11 of the Revised Code is 33908

guilty of a misdemeanor of the first degree and shall be punished 33909
as provided in division (G)(1), (2), or (3) of this section. 33910

(1) Except as otherwise provided in division (G)(2) or (3) of 33911
this section, the court shall sentence the offender to a jail term 33912
of three consecutive days and may sentence the offender pursuant 33913
to section 2929.24 of the Revised Code to a longer jail term. In 33914
addition, the court shall impose upon the offender a fine of not 33915
less than one hundred fifty nor more than one thousand dollars. 33916

The court may suspend the execution of the mandatory jail 33917
term of three consecutive days that it is required to impose by 33918
division (G)(1) of this section if the court, in lieu of the 33919
suspended jail term, places the offender under a community control 33920
sanction pursuant to section 2929.25 of the Revised Code and 33921
requires the offender to attend, for three consecutive days, a 33922
drivers' intervention program that is certified pursuant to 33923
section ~~3793.10~~ 5119.38 of the Revised Code. The court also may 33924
suspend the execution of any part of the mandatory jail term of 33925
three consecutive days that it is required to impose by division 33926
(G)(1) of this section if the court places the offender under a 33927
community control sanction pursuant to section 2929.25 of the 33928
Revised Code for part of the three consecutive days; requires the 33929
offender to attend, for that part of the three consecutive days, a 33930
drivers' intervention program that is certified pursuant to 33931
section ~~3793.10~~ 5119.38 of the Revised Code; and sentences the 33932
offender to a jail term equal to the remainder of the three 33933
consecutive days that the offender does not spend attending the 33934
drivers' intervention program. The court may require the offender, 33935
as a condition of community control, to attend and satisfactorily 33936
complete any treatment or education programs, in addition to the 33937
required attendance at a drivers' intervention program, that the 33938
operators of the drivers' intervention program determine that the 33939
offender should attend and to report periodically to the court on 33940

the offender's progress in the programs. The court also may impose 33941
any other conditions of community control on the offender that it 33942
considers necessary. 33943

(2) If, within six years of the offense, the offender has 33944
been convicted of or pleaded guilty to one violation of section 33945
1547.11 of the Revised Code or one other equivalent offense, the 33946
court shall sentence the offender to a jail term of ten 33947
consecutive days and may sentence the offender pursuant to section 33948
2929.24 of the Revised Code to a longer jail term. In addition, 33949
the court shall impose upon the offender a fine of not less than 33950
one hundred fifty nor more than one thousand dollars. 33951

In addition to any other sentence that it imposes upon the 33952
offender, the court may require the offender to attend a drivers' 33953
intervention program that is certified pursuant to section ~~3793.10~~ 33954
5119.38 of the Revised Code. 33955

(3) If, within six years of the offense, the offender has 33956
been convicted of or pleaded guilty to more than one violation or 33957
offense identified in division (G)(2) of this section, the court 33958
shall sentence the offender to a jail term of thirty consecutive 33959
days and may sentence the offender to a longer jail term of not 33960
more than one year. In addition, the court shall impose upon the 33961
offender a fine of not less than one hundred fifty nor more than 33962
one thousand dollars. 33963

In addition to any other sentence that it imposes upon the 33964
offender, the court may require the offender to attend a drivers' 33965
intervention program that is certified pursuant to section ~~3793.10~~ 33966
5119.38 of the Revised Code. 33967

(4) Upon a showing that serving a jail term would seriously 33968
affect the ability of an offender sentenced pursuant to division 33969
(G)(1), (2), or (3) of this section to continue the offender's 33970
employment, the court may authorize that the offender be granted 33971

work release after the offender has served the mandatory jail term 33972
of three, ten, or thirty consecutive days that the court is 33973
required by division (G)(1), (2), or (3) of this section to 33974
impose. No court shall authorize work release during the mandatory 33975
jail term of three, ten, or thirty consecutive days that the court 33976
is required by division (G)(1), (2), or (3) of this section to 33977
impose. The duration of the work release shall not exceed the time 33978
necessary each day for the offender to commute to and from the 33979
place of employment and the place in which the jail term is served 33980
and the time actually spent under employment. 33981

(5) Notwithstanding any section of the Revised Code that 33982
authorizes the suspension of the imposition or execution of a 33983
sentence or the placement of an offender in any treatment program 33984
in lieu of being imprisoned or serving a jail term, no court shall 33985
suspend the mandatory jail term of ten or thirty consecutive days 33986
required to be imposed by division (G)(2) or (3) of this section 33987
or place an offender who is sentenced pursuant to division (G)(2) 33988
or (3) of this section in any treatment program in lieu of being 33989
imprisoned or serving a jail term until after the offender has 33990
served the mandatory jail term of ten or thirty consecutive days 33991
required to be imposed pursuant to division (G)(2) or (3) of this 33992
section. Notwithstanding any section of the Revised Code that 33993
authorizes the suspension of the imposition or execution of a 33994
sentence or the placement of an offender in any treatment program 33995
in lieu of being imprisoned or serving a jail term, no court, 33996
except as specifically authorized by division (G)(1) of this 33997
section, shall suspend the mandatory jail term of three 33998
consecutive days required to be imposed by division (G)(1) of this 33999
section or place an offender who is sentenced pursuant to division 34000
(G)(1) of this section in any treatment program in lieu of 34001
imprisonment until after the offender has served the mandatory 34002
jail term of three consecutive days required to be imposed 34003
pursuant to division (G)(1) of this section. 34004

(6) As used in division (G) of this section:	34005
(a) "Equivalent offense" has the same meaning as in section 4511.181 of the Revised Code.	34006 34007
(b) "Jail term" and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.	34008 34009
(H) Whoever violates section 1547.304 of the Revised Code is guilty of a misdemeanor of the fourth degree and also shall be assessed any costs incurred by the state or a county, township, municipal corporation, or other political subdivision in disposing of an abandoned junk vessel or outboard motor, less any money accruing to the state, county, township, municipal corporation, or other political subdivision from that disposal.	34010 34011 34012 34013 34014 34015 34016
(I) Whoever violates division (B) or (C) of section 1547.49 of the Revised Code is guilty of a minor misdemeanor.	34017 34018
(J) Whoever violates section 1547.31 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense. On each subsequent offense, the person is guilty of a misdemeanor of the third degree.	34019 34020 34021 34022
(K) Whoever violates section 1547.05 or 1547.051 of the Revised Code is guilty of a misdemeanor of the fourth degree if the violation is not related to a collision, injury to a person, or damage to property and a misdemeanor of the third degree if the violation is related to a collision, injury to a person, or damage to property.	34023 34024 34025 34026 34027 34028
(L) The sentencing court, in addition to the penalty provided under this section for a violation of this chapter or a rule adopted under it that involves a powercraft powered by more than ten horsepower and that, in the opinion of the court, involves a threat to the safety of persons or property, shall order the offender to complete successfully a boating course approved by the national association of state boating law administrators before	34029 34030 34031 34032 34033 34034 34035

the offender is allowed to operate a powercraft powered by more 34036
than ten horsepower on the waters in this state. Violation of a 34037
court order entered under this division is punishable as contempt 34038
under Chapter 2705. of the Revised Code. 34039

Sec. 1548.02. The chief of the division of watercraft shall 34040
adopt such rules as the chief considers necessary to ensure 34041
uniform and orderly operation of this chapter, and the clerks of 34042
the courts of common pleas shall conform to those rules. The chief 34043
shall receive and file in the chief's office all information 34044
forwarded to the chief by the clerks under this chapter and shall 34045
maintain indexes covering the state at large for that information. 34046
These indexes shall be for the state at large and not for 34047
individual counties. 34048

The chief shall check with the chief's record all duplicate 34049
certificates of title received in the chief's office from the 34050
clerks. 34051

If it appears that any certificate of title has been 34052
improperly issued or is no longer required, the chief shall cancel 34053
the certificate. Upon the cancellation of any certificate of 34054
title, the chief shall notify the clerk who issued it, and the 34055
clerk shall enter the cancellation in the clerk's records. The 34056
chief also shall notify the person to whom the certificate of 34057
title was issued, as well as any lienholders appearing on it, of 34058
the cancellation and, if it is a physical certificate of title, 34059
shall demand the surrender of the certificate of title, but the 34060
cancellation shall not affect the validity of any lien noted on 34061
it. The holder of a physical certificate of title shall return it 34062
to the chief immediately. 34063

The clerks shall keep on hand a sufficient supply of blank 34064
forms that, except certificate of title and memorandum certificate 34065
forms, shall be furnished and distributed without charge to 34066

registered manufacturers or dealers or to other persons residing 34067
within the county. The clerks shall provide the certificates of 34068
title, ~~the~~ and ribbons, cartridges, or other devices necessary for 34069
~~data~~ the operation of the certificate of title processing, and 34070
~~removable backup media~~ equipment as determined by the automated 34071
title processing board pursuant to division (C) of section 4505.09 34072
of the Revised Code from moneys provided to the clerks from the 34073
automated title processing fund in accordance with division 34074
(B) ~~(3)(b)~~ of section 4505.09 of the Revised Code. The clerks shall 34075
furnish all other supplies from other moneys available to the 34076
clerks. 34077

Sec. 1551.33. (A) The director of development services shall 34078
appoint and fix the compensation of the director of the Ohio coal 34079
development office. The director shall serve at the pleasure of 34080
the director of development services. 34081

(B) The director of the office shall do all of the following: 34082

(1) Biennially prepare and maintain the Ohio coal development 34083
agenda required under section 1551.34 of the Revised Code; 34084

(2) Propose and support policies for the office consistent 34085
with the Ohio coal development agenda and develop means to 34086
implement the agenda; 34087

(3) Initiate, undertake, and support projects to carry out 34088
the office's purposes and ensure that the projects are consistent 34089
with and meet the selection criteria established by the Ohio coal 34090
development agenda; 34091

(4) Actively encourage joint participation in and, when 34092
feasible, joint funding of the office's projects with governmental 34093
agencies, electric utilities, universities and colleges, other 34094
public or private interests, or any other person; 34095

(5) Establish a table of organization for and employ such 34096

employees and agents as are necessary for the administration and 34097
operation of the office. Any such employees shall be in the 34098
unclassified service and shall serve at the pleasure of the 34099
director of development services. 34100

(6) ~~Appoint specified members of and convene~~ Convene the 34101
technical advisory committee established under section 1551.35 of 34102
the Revised Code; 34103

(7) Review, with the assistance of the technical advisory 34104
committee, proposed coal research and development projects as 34105
defined in section 1555.01 of the Revised Code, and coal 34106
development projects, submitted to the office by public utilities 34107
for the purpose of section 4905.304 of the Revised Code. If the 34108
director and the advisory committee determine that any such 34109
facility or project has as its purpose the enhanced use of Ohio 34110
coal in an environmentally acceptable, cost effective manner, 34111
promotes energy conservation, is cost effective, and is 34112
environmentally sound, the director shall submit to the public 34113
utilities commission a report recommending that the commission 34114
allow the recovery of costs associated with the facility or 34115
project under section 4905.304 of the Revised Code and including 34116
the reasons for the recommendation. 34117

(8) Establish such policies, procedures, and guidelines as 34118
are necessary to achieve the office's purposes. 34119

(C) With the approval of the director of development 34120
services, the director of the office may exercise any of the 34121
powers and duties that the director of development services 34122
considers appropriate or desirable to achieve the office's 34123
purposes, including, but not limited to, the powers and duties 34124
enumerated in sections 1551.11, 1551.12, and 1551.15 of the 34125
Revised Code. 34126

Additionally, the director of the office may make loans to 34127

governmental agencies or persons for projects to carry out the 34128
office's purposes. Fees, charges, rates of interest, times of 34129
payment of interest and principal, and other terms, conditions, 34130
and provisions of the loans shall be such as the director of the 34131
office determines to be appropriate and in furtherance of the 34132
purposes for which the loans are made. The mortgage lien securing 34133
any moneys lent by the director of the office may be subordinate 34134
to the mortgage lien securing any moneys lent or invested by a 34135
financial institution, but shall be superior to that securing any 34136
moneys lent or expended by any other person. The moneys used in 34137
making the loans shall be disbursed upon order of the director of 34138
the office. 34139

Sec. 1551.35. (A) There is hereby established a technical 34140
advisory committee to assist the director of the Ohio coal 34141
development office in achieving the office's purposes. The 34142
director of development services shall appoint to the committee 34143
one member of the public utilities commission and one 34144
representative each of coal production companies, the united mine 34145
workers of America, electric utilities, manufacturers that use 34146
Ohio coal, and environmental organizations, as well as two people 34147
with a background in coal research and development technology, one 34148
of whom is employed at the time of the member's appointment by a 34149
state university, as defined in section 3345.011 of the Revised 34150
Code. In addition, the committee shall include four legislative 34151
members. The speaker and minority leader of the house of 34152
representatives each shall appoint one member of the house of 34153
representatives, and the president and minority leader of the 34154
senate each shall appoint one member of the senate, to the 34155
committee. The director of environmental protection shall serve on 34156
the committee as an ex officio member. Any member of the committee 34157
may designate in writing a substitute to serve in the member's 34158
absence on the committee. The director of environmental protection 34159

may designate in writing the chief of the air pollution control 34160
division of the agency to represent the agency. Members shall 34161
serve on the committee at the pleasure of their appointing 34162
authority. Members of the committee appointed by the director of 34163
~~the office~~ development services and, notwithstanding section 34164
101.26 of the Revised Code, legislative members of the committee, 34165
when engaged in their official duties as members of the committee, 34166
shall be compensated on a per diem basis in accordance with 34167
division (J) of section 124.15 of the Revised Code, except that 34168
the member of the public utilities commission and, while employed 34169
by a state university, the member with a background in coal 34170
research, shall not be so compensated. Members shall receive their 34171
actual and necessary expenses incurred in the performance of their 34172
duties. 34173

(B) The technical advisory committee shall review and make 34174
recommendations concerning the Ohio coal development agenda 34175
required under section 1551.34 of the Revised Code, project 34176
proposals, research and development projects submitted to the 34177
office by public utilities for the purpose of section 4905.304 of 34178
the Revised Code, proposals for grants, loans, and loan guarantees 34179
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 34180
and such other topics as the director of the office considers 34181
appropriate. 34182

(C) The technical advisory committee may hold an executive 34183
session at any regular or special meeting for the purpose of 34184
considering research and development project proposals or 34185
applications for assistance submitted to the Ohio coal development 34186
office under section 1551.33, or sections 1555.01 to 1555.06, of 34187
the Revised Code, to the extent that the proposals or applications 34188
consist of trade secrets or other proprietary information. 34189

Any materials or data submitted to, made available to, or 34190
received by the ~~department of~~ development services agency or the 34191

director of the Ohio coal development office in connection with 34192
agreements for assistance entered into under this chapter or 34193
Chapter 1555. of the Revised Code, or any information taken from 34194
those materials or data for any purpose, to the extent that the 34195
materials or data consist of trade secrets or other proprietary 34196
information, are not public records for the purposes of section 34197
149.43 of the Revised Code. 34198

As used in this division, "trade secrets" has the same 34199
meaning as in section 1333.61 of the Revised Code. 34200

Sec. 1555.15. There is hereby created in the state treasury 34201
the coal research and development fund. Moneys obtained for coal 34202
research and development projects from federal grants or loans, 34203
private grants, and other sources, and moneys paid into the fund 34204
pursuant to section 151.07 or 1555.08 of the Revised Code, shall 34205
be expended for the purpose of making grants and making or 34206
guaranteeing loans for coal research and development projects that 34207
will encourage the use of Ohio coal, to any individual, 34208
association, or corporation doing business in this state, or to 34209
any educational or scientific institution located in this state as 34210
provided for in Section 15 of Article VIII, Ohio Constitution and 34211
section 1555.08 of the Revised Code, when appropriated for such 34212
purposes by the general assembly. All investment earnings on the 34213
cash balance in the fund shall be credited to the fund. 34214

The director of budget and management shall establish and 34215
maintain records or accounts for or within the coal research and 34216
development fund in such manner as to show the amounts credited to 34217
such fund pursuant to section 1555.08 of the Revised Code and that 34218
the amounts so credited have been expended for the purposes set 34219
forth in Section 15 of Article VIII, Ohio Constitution, and 34220
section 151.07 of the Revised Code. The director of budget and 34221
management may otherwise manage the fund to comply with any 34222

requirements established by federal grants or loans, private 34223
grants, or moneys from other sources. 34224

Sec. 1711.07. The board of directors of a county or 34225
independent agricultural society shall consist of at least eight 34226
members. An employee of the ~~Ohio state university~~ OSU extension 34227
~~service~~ and the county school superintendent shall be members ex 34228
officio. Their terms of office shall be determined by the rules of 34229
the department of agriculture. Any vacancy in the board caused by 34230
death, resignation, refusal to qualify, removal from county, or 34231
other cause may be filled by the board until the society's next 34232
annual election, when a director shall be elected for the 34233
unexpired term. There shall be an annual election of directors by 34234
ballot at a time and a place fixed by the board, but this election 34235
shall not be held later than the first Saturday in December 1994, 34236
and not later than the fifteenth day of November each year 34237
thereafter, beginning in 1995. The secretary of the society shall 34238
give notice of ~~such~~ the election, for three weeks prior to the 34239
holding thereof, in a newspaper of general circulation in the 34240
county or as provided in section 7.16 of the Revised Code, or by 34241
letter mailed to each member of the society. Only persons holding 34242
membership certificates at the close of the annual county fair, or 34243
at least fifteen calendar days before the date of election, as may 34244
be fixed by the board, may vote, unless ~~such~~ the election is held 34245
on the fairground during the fair, in which case all persons 34246
holding membership certificates on the date and hour of the 34247
election may vote. When the election is to be held during the 34248
fair, notice of ~~such~~ the election ~~must~~ shall be prominently 34249
mentioned in the premium list, in addition to the notice required 34250
in a newspaper. The terms of office of the retiring directors 34251
shall expire, and those of the directors-elect shall begin, not 34252
later than the first Saturday in January 1995, and not later than 34253
the thirtieth day of November each year thereafter, beginning in 34254

1995. 34255

The secretary of ~~such~~ the society shall send the name and 34256
address of each member of its board to the director of agriculture 34257
within ten days after the election. 34258

Sec. 1721.10. ~~Lands~~ Except as otherwise provided in this 34259
section, lands appropriated and set apart as burial grounds, 34260
either for public or for private use, and recorded or filed as 34261
such in the office of the county recorder of the county where they 34262
are situated, and any burial ground that has been used as such for 34263
fifteen years are exempt from sale on execution on a judgment, 34264
taxation, dower, and compulsory partition; but land appropriated 34265
and set apart as a private burial ground is not so exempt if it 34266
exceeds in value the sum of fifty dollars. 34267

The lien for taxes against such burial grounds may be 34268
enforced in the same manner prescribed for abandoned lands under 34269
sections 323.65 to 323.79 of the Revised Code except that the 34270
burial ground may be transferred only to a municipal corporation, 34271
county, or township under division (D) of section 323.74 of the 34272
Revised Code. No burial ground that is otherwise exempt from sale 34273
or execution under this section shall be offered for sale at 34274
public auction. 34275

Sec. 1724.03. (A) After the articles of incorporation have 34276
been filed, and at the first meeting of the board of directors of 34277
a county land reutilization corporation, the board shall adopt 34278
regulations for the government of the corporation, the conduct of 34279
its affairs, and the management of its property, consistent with 34280
law and the articles. The content of the regulations shall be 34281
governed by section 1702.11 of the Revised Code to the extent not 34282
inconsistent with this chapter. 34283

(B) The board of directors of a county land reutilization 34284

corporation shall be composed of five, seven, or nine members, 34285
including the county treasurer, at least two of the members of the 34286
board of county commissioners, one representative of the largest 34287
municipal corporation, based on the population according to the 34288
most recent federal decennial census, that is located in the 34289
county, one representative of a township with a population of at 34290
least ten thousand in the unincorporated area of the township 34291
according to the most recent federal decennial census, if at least 34292
two such townships exist in the county, and any remaining members 34293
selected by the treasurer and the county commissioners who are 34294
members of the corporation's board. The township representative 34295
shall be chosen by a majority of the boards of township trustees 34296
of townships with a population of at least ten thousand in the 34297
unincorporated area of the township according to the most recent 34298
federal decennial census. At least one board member shall have 34299
private sector or nonprofit experience in rehabilitation or real 34300
estate acquisitions. A county treasurer and the county 34301
commissioners each may appoint a representative, as a director of 34302
the corporation, to act for the officer at any of the meetings of 34303
the corporation. Except as may otherwise be authorized by the 34304
regulations of the corporation, all members of the board of 34305
directors shall serve without compensation, but shall be 34306
reimbursed for actual and necessary expenses. 34307

Sec. 1739.061. (A)(1) This section applies to both of the 34308
following: 34309

(a) A multiple employer welfare arrangement that issues or 34310
requires the use of a standardized identification card or an 34311
electronic technology for submission and routing of prescription 34312
drug claims; 34313

(b) A person or entity that a multiple employer welfare 34314
arrangement contracts with to issue a standardized identification 34315

card or an electronic technology described in division (A)(1)(a) 34316
of this section. 34317

(2) Notwithstanding division (A)(1) of this section, this 34318
section does not apply to the issuance or required use of a 34319
standardized identification card or an electronic technology for 34320
the submission and routing of prescription drug claims in 34321
connection with any of the following: 34322

(a) Any program or arrangement covering only accident, 34323
credit, dental, disability income, long-term care, hospital 34324
indemnity, medicare supplement, medicare, tricare, specified 34325
disease, or vision care; coverage under a 34326
one-time-limited-duration policy of not longer than six months; 34327
coverage issued as a supplement to liability insurance; insurance 34328
arising out of workers' compensation or similar law; automobile 34329
medical payment insurance; or insurance under which benefits are 34330
payable with or without regard to fault and which is statutorily 34331
required to be contained in any liability insurance policy or 34332
equivalent self-insurance. 34333

(b) Coverage provided under the medicaid, ~~as defined in~~ 34334
~~section 5111.01 of the Revised Code~~ program. 34335

(c) Coverage provided under an employer's self-insurance plan 34336
or by any of its administrators, as defined in section 3959.01 of 34337
the Revised Code, to the extent that federal law supersedes, 34338
preempts, prohibits, or otherwise precludes the application of 34339
this section to the plan and its administrators. 34340

(B) A standardized identification card or an electronic 34341
technology issued or required to be used as provided in division 34342
(A)(1) of this section shall contain uniform prescription drug 34343
information in accordance with either division (B)(1) or (2) of 34344
this section. 34345

(1) The standardized identification card or the electronic 34346

technology shall be in a format and contain information fields 34347
approved by the national council for prescription drug programs or 34348
a successor organization, as specified in the council's or 34349
successor organization's pharmacy identification card 34350
implementation guide in effect on the first day of October most 34351
immediately preceding the issuance or required use of the 34352
standardized identification card or the electronic technology. 34353

(2) If the multiple employer welfare arrangement or person 34354
under contract with it to issue a standardized identification card 34355
or an electronic technology requires the information for the 34356
submission and routing of a claim, the standardized identification 34357
card or the electronic technology shall contain any of the 34358
following information: 34359

(a) The name of the multiple employer welfare arrangement; 34360

(b) The individual's name, group number, and identification 34361
number; 34362

(c) A telephone number to inquire about pharmacy-related 34363
issues; 34364

(d) The issuer's international identification number, labeled 34365
as "ANSI BIN" or "RxBIN"; 34366

(e) The processor's control number, labeled as "RxPCN"; 34367

(f) The individual's pharmacy benefits group number if 34368
different from the insured's medical group number, labeled as 34369
"RxGrp." 34370

(C) If the standardized identification card or the electronic 34371
technology issued or required to be used as provided in division 34372
(A)(1) of this section is also used for submission and routing of 34373
nonpharmacy claims, the designation "Rx" is required to be 34374
included as part of the labels identified in divisions (B)(2)(d) 34375
and (e) of this section if the issuer's international 34376

identification number or the processor's control number is 34377
different for medical and pharmacy claims. 34378

(D) Each multiple employer welfare arrangement described in 34379
division (A) of this section shall annually file a certificate 34380
with the superintendent of insurance certifying that it or any 34381
person it contracts with to issue a standardized identification 34382
card or electronic technology for submission and routing of 34383
prescription drug claims complies with this section. 34384

(E)(1) Except as provided in division (E)(2) of this section, 34385
if there is a change in the information contained in the 34386
standardized identification card or the electronic technology 34387
issued to an individual, the multiple employer welfare arrangement 34388
or person under contract with it to issue a standardized 34389
identification card or an electronic technology shall issue a new 34390
card or electronic technology to the individual. 34391

(2) A multiple employer welfare arrangement or person under 34392
contract with it is not required under division (E)(1) of this 34393
section to issue a new card or electronic technology to an 34394
individual more than once during a twelve-month period. 34395

(F) Nothing in this section shall be construed as requiring a 34396
multiple employer welfare arrangement to produce more than one 34397
standardized identification card or one electronic technology for 34398
use by individuals accessing health care benefits provided under a 34399
multiple employer welfare arrangement. 34400

Sec. 1751.01. As used in this chapter: 34401

(A)(1) "Basic health care services" means the following 34402
services when medically necessary: 34403

(a) Physician's services, except when such services are 34404
supplemental under division (B) of this section; 34405

(b) Inpatient hospital services; 34406

(c) Outpatient medical services;	34407
(d) Emergency health services;	34408
(e) Urgent care services;	34409
(f) Diagnostic laboratory services and diagnostic and therapeutic radiologic services;	34410 34411
(g) Diagnostic and treatment services, other than prescription drug services, for biologically based mental illnesses;	34412 34413 34414
(h) Preventive health care services, including, but not limited to, voluntary family planning services, infertility services, periodic physical examinations, prenatal obstetrical care, and well-child care;	34415 34416 34417 34418
(i) Routine patient care for patients enrolled in an eligible cancer clinical trial pursuant to section 3923.80 of the Revised Code.	34419 34420 34421
"Basic health care services" does not include experimental procedures.	34422 34423
Except as provided by divisions (A)(2) and (3) of this section in connection with the offering of coverage for diagnostic and treatment services for biologically based mental illnesses, a health insuring corporation shall not offer coverage for a health care service, defined as a basic health care service by this division, unless it offers coverage for all listed basic health care services. However, this requirement does not apply to the coverage of beneficiaries enrolled in medicare pursuant to a medicare contract, or to the coverage of beneficiaries enrolled in the federal employee health benefits program pursuant to 5 U.S.C.A. 8905, or to the coverage of medicaid recipients, or to the coverage of beneficiaries under any federal health care program regulated by a federal regulatory body, or to the coverage	34424 34425 34426 34427 34428 34429 34430 34431 34432 34433 34434 34435 34436

of beneficiaries under any contract covering officers or employees 34437
of the state that has been entered into by the department of 34438
administrative services. 34439

(2) A health insuring corporation may offer coverage for 34440
diagnostic and treatment services for biologically based mental 34441
illnesses without offering coverage for all other basic health 34442
care services. A health insuring corporation may offer coverage 34443
for diagnostic and treatment services for biologically based 34444
mental illnesses alone or in combination with one or more 34445
supplemental health care services. However, a health insuring 34446
corporation that offers coverage for any other basic health care 34447
service shall offer coverage for diagnostic and treatment services 34448
for biologically based mental illnesses in combination with the 34449
offer of coverage for all other listed basic health care services. 34450

(3) A health insuring corporation that offers coverage for 34451
basic health care services is not required to offer coverage for 34452
diagnostic and treatment services for biologically based mental 34453
illnesses in combination with the offer of coverage for all other 34454
listed basic health care services if all of the following apply: 34455

(a) The health insuring corporation submits documentation 34456
certified by an independent member of the American academy of 34457
actuaries to the superintendent of insurance showing that incurred 34458
claims for diagnostic and treatment services for biologically 34459
based mental illnesses for a period of at least six months 34460
independently caused the health insuring corporation's costs for 34461
claims and administrative expenses for the coverage of basic 34462
health care services to increase by more than one per cent per 34463
year. 34464

(b) The health insuring corporation submits a signed letter 34465
from an independent member of the American academy of actuaries to 34466
the superintendent of insurance opining that the increase in costs 34467
described in division (A)(3)(a) of this section could reasonably 34468

justify an increase of more than one per cent in the annual 34469
premiums or rates charged by the health insuring corporation for 34470
the coverage of basic health care services. 34471

(c) The superintendent of insurance makes the following 34472
determinations from the documentation and opinion submitted 34473
pursuant to divisions (A)(3)(a) and (b) of this section: 34474

(i) Incurred claims for diagnostic and treatment services for 34475
biologically based mental illnesses for a period of at least six 34476
months independently caused the health insuring corporation's 34477
costs for claims and administrative expenses for the coverage of 34478
basic health care services to increase by more than one per cent 34479
per year. 34480

(ii) The increase in costs reasonably justifies an increase 34481
of more than one per cent in the annual premiums or rates charged 34482
by the health insuring corporation for the coverage of basic 34483
health care services. 34484

Any determination made by the superintendent under this 34485
division is subject to Chapter 119. of the Revised Code. 34486

(B)(1) "Supplemental health care services" means any health 34487
care services other than basic health care services that a health 34488
insuring corporation may offer, alone or in combination with 34489
either basic health care services or other supplemental health 34490
care services, and includes: 34491

(a) Services of facilities for intermediate or long-term 34492
care, or both; 34493

(b) Dental care services; 34494

(c) Vision care and optometric services including lenses and 34495
frames; 34496

(d) Podiatric care or foot care services; 34497

(e) Mental health services, excluding diagnostic and 34498

treatment services for biologically based mental illnesses;	34499
(f) Short-term outpatient evaluative and crisis-intervention mental health services;	34500 34501
(g) Medical or psychological treatment and referral services for alcohol and drug abuse or addiction;	34502 34503
(h) Home health services;	34504
(i) Prescription drug services;	34505
(j) Nursing services;	34506
(k) Services of a dietitian licensed under Chapter 4759. of the Revised Code;	34507 34508
(l) Physical therapy services;	34509
(m) Chiropractic services;	34510
(n) Any other category of services approved by the superintendent of insurance.	34511 34512
(2) If a health insuring corporation offers prescription drug services under this division, the coverage shall include prescription drug services for the treatment of biologically based mental illnesses on the same terms and conditions as other physical diseases and disorders.	34513 34514 34515 34516 34517
(C) "Specialty health care services" means one of the supplemental health care services listed in division (B) of this section, when provided by a health insuring corporation on an outpatient-only basis and not in combination with other supplemental health care services.	34518 34519 34520 34521 34522
(D) "Biologically based mental illnesses" means schizophrenia, schizoaffective disorder, major depressive disorder, bipolar disorder, paranoia and other psychotic disorders, obsessive-compulsive disorder, and panic disorder, as these terms are defined in the most recent edition of the	34523 34524 34525 34526 34527

diagnostic and statistical manual of mental disorders published by 34528
the American psychiatric association. 34529

(E) "Closed panel plan" means a health care plan that 34530
requires enrollees to use participating providers. 34531

(F) "Compensation" means remuneration for the provision of 34532
health care services, determined on other than a fee-for-service 34533
or discounted-fee-for-service basis. 34534

(G) "Contractual periodic prepayment" means the formula for 34535
determining the premium rate for all subscribers of a health 34536
insuring corporation. 34537

(H) "Corporation" means a corporation formed under Chapter 34538
1701. or 1702. of the Revised Code or the similar laws of another 34539
state. 34540

(I) "Emergency health services" means those health care 34541
services that must be available on a seven-days-per-week, 34542
twenty-four-hours-per-day basis in order to prevent jeopardy to an 34543
enrollee's health status that would occur if such services were 34544
not received as soon as possible, and includes, where appropriate, 34545
provisions for transportation and indemnity payments or service 34546
agreements for out-of-area coverage. 34547

(J) "Enrollee" means any natural person who is entitled to 34548
receive health care benefits provided by a health insuring 34549
corporation. 34550

(K) "Evidence of coverage" means any certificate, agreement, 34551
policy, or contract issued to a subscriber that sets out the 34552
coverage and other rights to which such person is entitled under a 34553
health care plan. 34554

(L) "Health care facility" means any facility, except a 34555
health care practitioner's office, that provides preventive, 34556
diagnostic, therapeutic, acute convalescent, rehabilitation, 34557

mental health, mental retardation, intermediate care, or skilled 34558
nursing services. 34559

(M) "Health care services" means basic, supplemental, and 34560
specialty health care services. 34561

(N) "Health delivery network" means any group of providers or 34562
health care facilities, or both, or any representative thereof, 34563
that have entered into an agreement to offer health care services 34564
in a panel rather than on an individual basis. 34565

(O) "Health insuring corporation" means a corporation, as 34566
defined in division (H) of this section, that, pursuant to a 34567
policy, contract, certificate, or agreement, pays for, reimburses, 34568
or provides, delivers, arranges for, or otherwise makes available, 34569
basic health care services, supplemental health care services, or 34570
specialty health care services, or a combination of basic health 34571
care services and either supplemental health care services or 34572
specialty health care services, through either an open panel plan 34573
or a closed panel plan. 34574

"Health insuring corporation" does not include a limited 34575
liability company formed pursuant to Chapter 1705. of the Revised 34576
Code, an insurer licensed under Title XXXIX of the Revised Code if 34577
that insurer offers only open panel plans under which all 34578
providers and health care facilities participating receive their 34579
compensation directly from the insurer, a corporation formed by or 34580
on behalf of a political subdivision or a department, office, or 34581
institution of the state, or a public entity formed by or on 34582
behalf of a board of county commissioners, a county board of 34583
developmental disabilities, an alcohol and drug addiction services 34584
board, a board of alcohol, drug addiction, and mental health 34585
services, or a community mental health board, as those terms are 34586
used in Chapters 340. and 5126. of the Revised Code. Except as 34587
provided by division (D) of section 1751.02 of the Revised Code, 34588
or as otherwise provided by law, no board, commission, agency, or 34589

other entity under the control of a political subdivision may 34590
accept insurance risk in providing for health care services. 34591
However, nothing in this division shall be construed as 34592
prohibiting such entities from purchasing the services of a health 34593
insuring corporation or a third-party administrator licensed under 34594
Chapter 3959. of the Revised Code. 34595

(P) "Intermediary organization" means a health delivery 34596
network or other entity that contracts with licensed health 34597
insuring corporations or self-insured employers, or both, to 34598
provide health care services, and that enters into contractual 34599
arrangements with other entities for the provision of health care 34600
services for the purpose of fulfilling the terms of its contracts 34601
with the health insuring corporations and self-insured employers. 34602

(Q) "Intermediate care" means residential care above the 34603
level of room and board for patients who require personal 34604
assistance and health-related services, but who do not require 34605
skilled nursing care. 34606

~~(R) "Medicaid" has the same meaning as in section 5111.01 of 34607
the Revised Code. 34608~~

~~(S) "Medical record" means the personal information that 34609
relates to an individual's physical or mental condition, medical 34610
history, or medical treatment. 34611~~

~~(T) "Medicare" means the program established under Title 34612
XVIII of the "Social Security Act" 49 Stat. 620 (1935), 42 U.S.C. 34613
1395, as amended. 34614~~

~~(U)~~(S)(1) "Open panel plan" means a health care plan that 34615
provides incentives for enrollees to use participating providers 34616
and that also allows enrollees to use providers that are not 34617
participating providers. 34618

(2) No health insuring corporation may offer an open panel 34619
plan, unless the health insuring corporation is also licensed as 34620

an insurer under Title XXXIX of the Revised Code, the health 34621
insuring corporation, on June 4, 1997, holds a certificate of 34622
authority or license to operate under Chapter 1736. or 1740. of 34623
the Revised Code, or an insurer licensed under Title XXXIX of the 34624
Revised Code is responsible for the out-of-network risk as 34625
evidenced by both an evidence of coverage filing under section 34626
1751.11 of the Revised Code and a policy and certificate filing 34627
under section 3923.02 of the Revised Code. 34628

~~(V)~~(T) "Osteopathic hospital" means a hospital registered 34629
under section 3701.07 of the Revised Code that advocates 34630
osteopathic principles and the practice and perpetuation of 34631
osteopathic medicine by doing any of the following: 34632

(1) Maintaining a department or service of osteopathic 34633
medicine or a committee on the utilization of osteopathic 34634
principles and methods, under the supervision of an osteopathic 34635
physician; 34636

(2) Maintaining an active medical staff, the majority of 34637
which is comprised of osteopathic physicians; 34638

(3) Maintaining a medical staff executive committee that has 34639
osteopathic physicians as a majority of its members. 34640

~~(W)~~(U) "Panel" means a group of providers or health care 34641
facilities that have joined together to deliver health care 34642
services through a contractual arrangement with a health insuring 34643
corporation, employer group, or other payor. 34644

~~(X)~~(V) "Person" has the same meaning as in section 1.59 of 34645
the Revised Code, and, unless the context otherwise requires, 34646
includes any insurance company holding a certificate of authority 34647
under Title XXXIX of the Revised Code, any subsidiary and 34648
affiliate of an insurance company, and any government agency. 34649

~~(Y)~~(W) "Premium rate" means any set fee regularly paid by a 34650
subscriber to a health insuring corporation. A "premium rate" does 34651

not include a one-time membership fee, an annual administrative 34652
fee, or a nominal access fee, paid to a managed health care system 34653
under which the recipient of health care services remains solely 34654
responsible for any charges assessed for those services by the 34655
provider or health care facility. 34656

~~(Z)~~(X) "Primary care provider" means a provider that is 34657
designated by a health insuring corporation to supervise, 34658
coordinate, or provide initial care or continuing care to an 34659
enrollee, and that may be required by the health insuring 34660
corporation to initiate a referral for specialty care and to 34661
maintain supervision of the health care services rendered to the 34662
enrollee. 34663

~~(AA)~~(Y) "Provider" means any natural person or partnership of 34664
natural persons who are licensed, certified, accredited, or 34665
otherwise authorized in this state to furnish health care 34666
services, or any professional association organized under Chapter 34667
1785. of the Revised Code, provided that nothing in this chapter 34668
or other provisions of law shall be construed to preclude a health 34669
insuring corporation, health care practitioner, or organized 34670
health care group associated with a health insuring corporation 34671
from employing certified nurse practitioners, certified nurse 34672
anesthetists, clinical nurse specialists, certified nurse 34673
midwives, dietitians, physician assistants, dental assistants, 34674
dental hygienists, optometric technicians, or other allied health 34675
personnel who are licensed, certified, accredited, or otherwise 34676
authorized in this state to furnish health care services. 34677

~~(BB)~~(Z) "Provider sponsored organization" means a 34678
corporation, as defined in division (H) of this section, that is 34679
at least eighty per cent owned or controlled by one or more 34680
hospitals, as defined in section 3727.01 of the Revised Code, or 34681
one or more physicians licensed to practice medicine or surgery or 34682
osteopathic medicine and surgery under Chapter 4731. of the 34683

Revised Code, or any combination of such physicians and hospitals. 34684
Such control is presumed to exist if at least eighty per cent of 34685
the voting rights or governance rights of a provider sponsored 34686
organization are directly or indirectly owned, controlled, or 34687
otherwise held by any combination of the physicians and hospitals 34688
described in this division. 34689

~~(CC)~~(AA) "Solicitation document" means the written materials 34690
provided to prospective subscribers or enrollees, or both, and 34691
used for advertising and marketing to induce enrollment in the 34692
health care plans of a health insuring corporation. 34693

~~(DD)~~(BB) "Subscriber" means a person who is responsible for 34694
making payments to a health insuring corporation for participation 34695
in a health care plan, or an enrollee whose employment or other 34696
status is the basis of eligibility for enrollment in a health 34697
insuring corporation. 34698

~~(EE)~~(CC) "Urgent care services" means those health care 34699
services that are appropriately provided for an unforeseen 34700
condition of a kind that usually requires medical attention 34701
without delay but that does not pose a threat to the life, limb, 34702
or permanent health of the injured or ill person, and may include 34703
such health care services provided out of the health insuring 34704
corporation's approved service area pursuant to indemnity payments 34705
or service agreements. 34706

Sec. 1751.11. (A) Every subscriber of a health insuring 34707
corporation is entitled to an evidence of coverage for the health 34708
care plan under which health care benefits are provided. 34709

(B) Every subscriber of a health insuring corporation that 34710
offers basic health care services is entitled to an identification 34711
card or similar document that specifies the health insuring 34712
corporation's name as stated in its articles of incorporation, and 34713
any trade or fictitious names used by the health insuring 34714

corporation. The identification card or document shall list at 34715
least one toll-free telephone number that provides the subscriber 34716
with access, to information on a twenty-four-hours-per-day, 34717
seven-days-per-week basis, as to how health care services may be 34718
obtained. The identification card or document shall also list at 34719
least one toll-free number that, during normal business hours, 34720
provides the subscriber with access to information on the coverage 34721
available under the subscriber's health care plan and information 34722
on the health care plan's internal and external review processes. 34723

(C) No evidence of coverage, or amendment to the evidence of 34724
coverage, shall be delivered, issued for delivery, renewed, or 34725
used, until the form of the evidence of coverage or amendment has 34726
been filed by the health insuring corporation with the 34727
superintendent of insurance. If the superintendent does not 34728
disapprove the evidence of coverage or amendment within sixty days 34729
after it is filed it shall be deemed approved, unless the 34730
superintendent sooner gives approval for the evidence of coverage 34731
or amendment. With respect to an amendment to an approved evidence 34732
of coverage, the superintendent only may disapprove provisions 34733
amended or added to the evidence of coverage. If the 34734
superintendent determines within the sixty-day period that any 34735
evidence of coverage or amendment fails to meet the requirements 34736
of this section, the superintendent shall so notify the health 34737
insuring corporation and it shall be unlawful for the health 34738
insuring corporation to use such evidence of coverage or 34739
amendment. At any time, the superintendent, upon at least thirty 34740
days' written notice to a health insuring corporation, may 34741
withdraw an approval, deemed or actual, of any evidence of 34742
coverage or amendment on any of the grounds stated in this 34743
section. Such disapproval shall be effected by a written order, 34744
which shall state the grounds for disapproval and shall be issued 34745
in accordance with Chapter 119. of the Revised Code. 34746

(D) No evidence of coverage or amendment shall be delivered, 34747
issued for delivery, renewed, or used: 34748

(1) If it contains provisions or statements that are 34749
inequitable, untrue, misleading, or deceptive; 34750

(2) Unless it contains a clear, concise, and complete 34751
statement of the following: 34752

(a) The health care services and insurance or other benefits, 34753
if any, to which an enrollee is entitled under the health care 34754
plan; 34755

(b) Any exclusions or limitations on the health care 34756
services, type of health care services, benefits, or type of 34757
benefits to be provided, including copayments and deductibles; 34758

(c) An enrollee's personal financial obligation for 34759
noncovered services; 34760

(d) Where and in what manner general information and 34761
information as to how health care services may be obtained is 34762
available, including a toll-free telephone number; 34763

(e) The premium rate with respect to individual and 34764
conversion contracts, and relevant copayment and deductible 34765
provisions with respect to all contracts. The statement of the 34766
premium rate, however, may be contained in a separate insert. 34767

(f) The method utilized by the health insuring corporation 34768
for resolving enrollee complaints; 34769

(g) The utilization review, internal review, and external 34770
review procedures established under sections 1751.77 to 1751.83 34771
and Chapter 3922. of the Revised Code. 34772

(3) Unless it provides for the continuation of an enrollee's 34773
coverage, in the event that the enrollee's coverage under the 34774
group policy, contract, certificate, or agreement terminates while 34775
the enrollee is receiving inpatient care in a hospital. This 34776

continuation of coverage shall terminate at the earliest 34777
occurrence of any of the following: 34778

(a) The enrollee's discharge from the hospital; 34779

(b) The determination by the enrollee's attending physician 34780
that inpatient care is no longer medically indicated for the 34781
enrollee; however, nothing in division (D)(3)(b) of this section 34782
precludes a health insuring corporation from engaging in 34783
utilization review as described in the evidence of coverage. 34784

(c) The enrollee's reaching the limit for contractual 34785
benefits; 34786

(d) The effective date of any new coverage. 34787

(4) Unless it contains a provision that states, in substance, 34788
that the health insuring corporation is not a member of any 34789
guaranty fund, and that in the event of the health insuring 34790
corporation's insolvency, an enrollee is protected only to the 34791
extent that the hold harmless provision required by section 34792
1751.13 of the Revised Code applies to the health care services 34793
rendered; 34794

(5) Unless it contains a provision that states, in substance, 34795
that in the event of the insolvency of the health insuring 34796
corporation, an enrollee may be financially responsible for health 34797
care services rendered by a provider or health care facility that 34798
is not under contract to the health insuring corporation, whether 34799
or not the health insuring corporation authorized the use of the 34800
provider or health care facility. 34801

(E) Notwithstanding divisions (C) and (D) of this section, a 34802
health insuring corporation may use an evidence of coverage that 34803
provides for the coverage of beneficiaries enrolled in medicare 34804
pursuant to a medicare contract, or an evidence of coverage that 34805
provides for the coverage of beneficiaries enrolled in the federal 34806
employees health benefits program pursuant to 5 U.S.C.A. 8905, or 34807

an evidence of coverage that provides for the coverage of medicaid 34808
recipients, or an evidence of coverage that provides for the 34809
coverage of beneficiaries under any other federal health care 34810
program regulated by a federal regulatory body, or an evidence of 34811
coverage that provides for the coverage of beneficiaries under any 34812
contract covering officers or employees of the state that has been 34813
entered into by the department of administrative services, if both 34814
of the following apply: 34815

(1) The evidence of coverage has been approved by the United 34816
States department of health and human services, the United States 34817
office of personnel management, the ~~Ohio~~ department of ~~job and~~ 34818
~~family services~~ medicaid, or the department of administrative 34819
services. 34820

(2) The evidence of coverage is filed with the superintendent 34821
of insurance prior to use and is accompanied by documentation of 34822
approval from the United States department of health and human 34823
services, the United States office of personnel management, the 34824
~~Ohio~~ department of ~~job and family services~~ medicaid, or the 34825
department of administrative services. 34826

Sec. 1751.12. (A)(1) No contractual periodic prepayment and 34827
no premium rate for nongroup and conversion policies for health 34828
care services, or any amendment to them, may be used by any health 34829
insuring corporation at any time until the contractual periodic 34830
prepayment and premium rate, or amendment, have been filed with 34831
the superintendent of insurance, and shall not be effective until 34832
the expiration of sixty days after their filing unless the 34833
superintendent sooner gives approval. The filing shall be 34834
accompanied by an actuarial certification in the form prescribed 34835
by the superintendent. The superintendent shall disapprove the 34836
filing, if the superintendent determines within the sixty-day 34837
period that the contractual periodic prepayment or premium rate, 34838

or amendment, is not in accordance with sound actuarial principles 34839
or is not reasonably related to the applicable coverage and 34840
characteristics of the applicable class of enrollees. The 34841
superintendent shall notify the health insuring corporation of the 34842
disapproval, and it shall thereafter be unlawful for the health 34843
insuring corporation to use the contractual periodic prepayment or 34844
premium rate, or amendment. 34845

(2) No contractual periodic prepayment for group policies for 34846
health care services shall be used until the contractual periodic 34847
prepayment has been filed with the superintendent. The filing 34848
shall be accompanied by an actuarial certification in the form 34849
prescribed by the superintendent. The superintendent may reject a 34850
filing made under division (A)(2) of this section at any time, 34851
with at least thirty days' written notice to a health insuring 34852
corporation, if the contractual periodic prepayment is not in 34853
accordance with sound actuarial principles or is not reasonably 34854
related to the applicable coverage and characteristics of the 34855
applicable class of enrollees. 34856

(3) At any time, the superintendent, upon at least thirty 34857
days' written notice to a health insuring corporation, may 34858
withdraw the approval given under division (A)(1) of this section, 34859
deemed or actual, of any contractual periodic prepayment or 34860
premium rate, or amendment, based on information that either of 34861
the following applies: 34862

(a) The contractual periodic prepayment or premium rate, or 34863
amendment, is not in accordance with sound actuarial principles. 34864

(b) The contractual periodic prepayment or premium rate, or 34865
amendment, is not reasonably related to the applicable coverage 34866
and characteristics of the applicable class of enrollees. 34867

(4) Any disapproval under division (A)(1) of this section, 34868
any rejection of a filing made under division (A)(2) of this 34869

section, or any withdrawal of approval under division (A)(3) of 34870
this section, shall be effected by a written notice, which shall 34871
state the specific basis for the disapproval, rejection, or 34872
withdrawal and shall be issued in accordance with Chapter 119. of 34873
the Revised Code. 34874

(B) Notwithstanding division (A) of this section, a health 34875
insuring corporation may use a contractual periodic prepayment or 34876
premium rate for policies used for the coverage of beneficiaries 34877
enrolled in medicare pursuant to a medicare risk contract or 34878
medicare cost contract, or for policies used for the coverage of 34879
beneficiaries enrolled in the federal employees health benefits 34880
program pursuant to 5 U.S.C.A. 8905, or for policies used for the 34881
coverage of medicaid recipients, or for policies used for the 34882
coverage of beneficiaries under any other federal health care 34883
program regulated by a federal regulatory body, or for policies 34884
used for the coverage of beneficiaries under any contract covering 34885
officers or employees of the state that has been entered into by 34886
the department of administrative services, if both of the 34887
following apply: 34888

(1) The contractual periodic prepayment or premium rate has 34889
been approved by the United States department of health and human 34890
services, the United States office of personnel management, the 34891
department of ~~job and family services~~ medicaid, or the department 34892
of administrative services. 34893

(2) The contractual periodic prepayment or premium rate is 34894
filed with the superintendent prior to use and is accompanied by 34895
documentation of approval from the United States department of 34896
health and human services, the United States office of personnel 34897
management, the department of ~~job and family services~~ medicaid, or 34898
the department of administrative services. 34899

(C) The administrative expense portion of all contractual 34900
periodic prepayment or premium rate filings submitted to the 34901

superintendent for review must reflect the actual cost of 34902
administering the product. The superintendent may require that the 34903
administrative expense portion of the filings be itemized and 34904
supported. 34905

(D)(1) Copayments must be reasonable and must not be a 34906
barrier to the necessary utilization of services by enrollees. 34907

(2) A health insuring corporation, in order to ensure that 34908
copayments are reasonable and not a barrier to the necessary 34909
utilization of basic health care services by enrollees, may do one 34910
of the following: 34911

(a) Impose copayment charges on any single covered basic 34912
health care service that does not exceed forty per cent of the 34913
average cost to the health insuring corporation of providing the 34914
service; 34915

(b) Impose copayment charges that annually do not exceed 34916
twenty per cent of the total annual cost to the health insuring 34917
corporation of providing all covered basic health care services, 34918
including physician office visits, urgent care services, and 34919
emergency health services, when aggregated as to all persons 34920
covered under the filed product in question. In addition, annual 34921
copayment charges as to each enrollee shall not exceed twenty per 34922
cent of the total annual cost to the health insuring corporation 34923
of providing all covered basic health care services, including 34924
physician office visits, urgent care services, and emergency 34925
health services, as to such enrollee. The total annual cost of 34926
providing a health care service is the cost to the health insuring 34927
corporation of providing the health care service to its enrollees 34928
as reduced by any applicable provider discount. 34929

(3) To ensure that copayments are reasonable and not a 34930
barrier to the utilization of basic health care services, a health 34931
insuring corporation may not impose, in any contract year, on any 34932

subscriber or enrollee, copayments that exceed two hundred per 34933
cent of the average annual premium rate to subscribers or 34934
enrollees. 34935

(4) For purposes of division (D) of this section, both of the 34936
following apply: 34937

(a) Copayments imposed by health insuring corporations in 34938
connection with a high deductible health plan that is linked to a 34939
health savings account are reasonable and are not a barrier to the 34940
necessary utilization of services by enrollees. 34941

(b) Divisions (D)(2) and (3) of this section do not apply to 34942
a high deductible health plan that is linked to a health savings 34943
account. 34944

(E) A health insuring corporation shall not impose lifetime 34945
maximums on basic health care services. However, a health insuring 34946
corporation may establish a benefit limit for inpatient hospital 34947
services that are provided pursuant to a policy, contract, 34948
certificate, or agreement for supplemental health care services. 34949

(F) A health insuring corporation may require that an 34950
enrollee pay an annual deductible that does not exceed one 34951
thousand dollars per enrollee or two thousand dollars per family, 34952
except that: 34953

(1) A health insuring corporation may impose higher 34954
deductibles for high deductible health plans that are linked to 34955
health savings accounts; 34956

(2) The superintendent may adopt rules allowing different 34957
annual deductible amounts for plans with a medical savings 34958
account, health reimbursement arrangement, flexible spending 34959
account, or similar account; 34960

(3) A health insuring corporation may impose higher 34961
deductibles under health plans if requested by the group contract, 34962

policy, certificate, or agreement holder, or an individual seeking 34963
coverage under an individual health plan. This shall not be 34964
construed as requiring the health insuring corporation to create 34965
customized health plans for group contract holders or individuals. 34966

(G) As used in this section, "health savings account" and 34967
"high deductible health plan" have the same meanings as in the 34968
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 223, as 34969
amended. 34970

Sec. 1751.14. (A) Notwithstanding section 3901.71 of the 34971
Revised Code, any policy, contract, or agreement for health care 34972
services authorized by this chapter that is issued, delivered, or 34973
renewed in this state and that provides that coverage of an 34974
unmarried dependent child will terminate upon attainment of the 34975
limiting age for dependent children specified in the policy, 34976
contract, or agreement, shall also provide in substance both of 34977
the following: 34978

(1) Once an unmarried child has attained the limiting age for 34979
dependent children, as provided in the policy, contract, or 34980
agreement, upon the request of the subscriber, the health insuring 34981
corporation shall offer to cover the unmarried child until the 34982
child attains twenty-eight years of age if all of the following 34983
are true: 34984

(a) The child is the natural child, stepchild, or adopted 34985
child of the subscriber. 34986

(b) The child is a resident of this state or a full-time 34987
student at an accredited public or private institution of higher 34988
education. 34989

(c) The child is not employed by an employer that offers any 34990
health benefit plan under which the child is eligible for 34991
coverage. 34992

(d) The child is not eligible for coverage under the medicaid 34993
program established under ~~Chapter 5111. of the Revised Code~~ or the 34994
medicare program established under ~~Title XVIII of the "Social~~ 34995
~~Security Act," 42 U.S.C. 1395.~~ 34996

(2) That attainment of the limiting age for dependent 34997
children shall not operate to terminate the coverage of a 34998
dependent child if the child is and continues to be both of the 34999
following: 35000

(a) Incapable of self-sustaining employment by reason of 35001
mental retardation or physical handicap; 35002

(b) Primarily dependent upon the subscriber for support and 35003
maintenance. 35004

(B) Proof of incapacity and dependence for purposes of 35005
division (A)(2) of this section shall be furnished to the health 35006
insuring corporation within thirty-one days of the child's 35007
attainment of the limiting age. Upon request, but not more 35008
frequently than annually, the health insuring corporation may 35009
require proof satisfactory to it of the continuance of such 35010
incapacity and dependency. 35011

(C) Nothing in this section shall do any of the following: 35012

(1) Require that any policy, contract, or agreement offer 35013
coverage for dependent children or provide coverage for an 35014
unmarried dependent child's children as dependents on the policy, 35015
contract, or agreement; 35016

(2) Require an employer to pay for any part of the premium 35017
for an unmarried dependent child that has attained the limiting 35018
age for dependents, as provided in the policy, contract, or 35019
agreement; 35020

(3) Require an employer to offer health insurance coverage to 35021
the dependents of any employee. 35022

(D) This section does not apply to any health insuring corporation policy, contract, or agreement offering only supplemental health care services or specialty health care services.

(E) As used in this section, "health benefit plan" has the same meaning as in section 3924.01 of the Revised Code and also includes both of the following:

(1) A public employee benefit plan;

(2) A health benefit plan as regulated under the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq.

Sec. 1751.271. (A) Each health insuring corporation that provides coverage to medicaid recipients shall post a performance bond in the amount of three million dollars as security to fulfill the obligations of the health insuring corporation to pay claims of contracted providers for covered health care services provided to medicaid recipients. The bond shall be payable to the department of insurance in the event that the health insuring corporation is placed in rehabilitation or liquidation proceedings under Chapter 3903. of the Revised Code, and shall become a special deposit subject to section 3903.14 or 3903.421 of the Revised Code, as applicable. In lieu of the performance bond, a medicaid health insuring corporation may deposit securities with the superintendent of insurance, acceptable to the superintendent, in the amount of three million dollars, to satisfy the bonding requirements of this section. Upon rehabilitation or liquidation, the securities shall become a special deposit subject to sections 3903.14 and 3903.421 of the Revised Code, as applicable. The health insuring corporation shall receive the interest on the deposited securities as long as the health insuring corporation remains solvent.

(B) The bond shall be issued by a surety company licensed

with the department of insurance. The bond or deposit, or any replacement bond or deposit, shall be in a form acceptable to the superintendent, and shall remain in effect during the duration of the medicaid health insuring corporation's license and thereafter until all claims against the medicaid health insuring corporation have been paid in full.

(C) Documentation of the bond acceptable to the superintendent of insurance shall be filed with the superintendent prior to the issuance of a certificate of authority. Annually, thirty days prior to the renewal of its certificate of authority, every medicaid health insuring corporation shall furnish the superintendent of insurance with evidence that the required bond is still in effect.

(D) As used in this section:

(1) "Contracted provider" means a provider that has a contract with a medicaid health insuring corporation to provide covered health care services to medicaid recipients.

(2) "Medicaid health insuring corporation" means a health insuring corporation that provides health insurance coverage or otherwise assumes claims liabilities for medicaid recipients.

(3) "Medicaid recipient" means a person ~~eligible for assistance under~~ enrolled in the medicaid program ~~operated pursuant to Chapter 5111. of the Revised Code.~~

Sec. 1751.31. (A) Any changes in a health insuring corporation's solicitation document shall be filed with the superintendent of insurance. The superintendent, within sixty days of filing, may disapprove any solicitation document or amendment to it on any of the grounds stated in this section. Such disapproval shall be effected by written notice to the health insuring corporation. The notice shall state the grounds for

disapproval and shall be issued in accordance with Chapter 119. of 35084
the Revised Code. 35085

(B) The solicitation document shall contain all information 35086
necessary to enable a consumer to make an informed choice as to 35087
whether or not to enroll in the health insuring corporation. The 35088
information shall include a specific description of the health 35089
care services to be available and the approximate number and type 35090
of full-time equivalent medical practitioners. The information 35091
shall be presented in the solicitation document in a manner that 35092
is clear, concise, and intelligible to prospective applicants in 35093
the proposed service area. 35094

(C) Every potential applicant whose subscription to a health 35095
care plan is solicited shall receive, at or before the time of 35096
solicitation, a solicitation document approved by the 35097
superintendent. 35098

(D) Notwithstanding division (A) of this section, a health 35099
insuring corporation may use a solicitation document that the 35100
corporation uses in connection with policies for medicare 35101
beneficiaries pursuant to a medicare risk contract or medicare 35102
cost contract, or for policies for beneficiaries of the federal 35103
employees health benefits program pursuant to 5 U.S.C.A. 8905, or 35104
for policies for medicaid recipients, or for policies for 35105
beneficiaries of any other federal health care program regulated 35106
by a federal regulatory body, or for policies for beneficiaries of 35107
contracts covering officers or employees of the state entered into 35108
by the department of administrative services, if both of the 35109
following apply: 35110

(1) The solicitation document has been approved by the United 35111
States department of health and human services, the United States 35112
office of personnel management, the department of ~~job and family~~ 35113
~~services~~ medicaid, or the department of administrative services. 35114

(2) The solicitation document is filed with the 35115
superintendent of insurance prior to use and is accompanied by 35116
documentation of approval from the United States department of 35117
health and human services, the United States office of personnel 35118
management, the department of ~~job and family services~~ medicaid, or 35119
the department of administrative services. 35120

(E) No health insuring corporation, or its agents or 35121
representatives, shall use monetary or other valuable 35122
consideration, engage in misleading or deceptive practices, or 35123
make untrue, misleading, or deceptive representations to induce 35124
enrollment. Nothing in this division shall prohibit incentive 35125
forms of remuneration such as commission sales programs for the 35126
health insuring corporation's employees and agents. 35127

(F) Any person obligated for any part of a premium rate in 35128
connection with an enrollment agreement, in addition to any right 35129
otherwise available to revoke an offer, may cancel such agreement 35130
within seventy-two hours after having signed the agreement or 35131
offer to enroll. Cancellation occurs when written notice of the 35132
cancellation is given to the health insuring corporation or its 35133
agents or other representatives. A notice of cancellation mailed 35134
to the health insuring corporation shall be considered to have 35135
been filed on its postmark date. 35136

(G) Nothing in this section shall prohibit healthy lifestyle 35137
programs. 35138

Sec. 1751.60. (A) Except as provided for in divisions (E) and 35139
(F) of this section, every provider or health care facility that 35140
contracts with a health insuring corporation to provide health 35141
care services to the health insuring corporation's enrollees or 35142
subscribers shall seek compensation for covered services solely 35143
from the health insuring corporation and not, under any 35144
circumstances, from the enrollees or subscribers, except for 35145

approved copayments and deductibles. 35146

(B) No subscriber or enrollee of a health insuring 35147
corporation is liable to any contracting provider or health care 35148
facility for the cost of any covered health care services, if the 35149
subscriber or enrollee has acted in accordance with the evidence 35150
of coverage. 35151

(C) Except as provided for in divisions (E) and (F) of this 35152
section, every contract between a health insuring corporation and 35153
provider or health care facility shall contain a provision 35154
approved by the superintendent of insurance requiring the provider 35155
or health care facility to seek compensation solely from the 35156
health insuring corporation and not, under any circumstances, from 35157
the subscriber or enrollee, except for approved copayments and 35158
deductibles. 35159

(D) Nothing in this section shall be construed as preventing 35160
a provider or health care facility from billing the enrollee or 35161
subscriber of a health insuring corporation for noncovered 35162
services. 35163

(E) Upon application by a health insuring corporation and a 35164
provider or health care facility, the superintendent may waive the 35165
requirements of divisions (A) and (C) of this section when, in 35166
addition to the reserve requirements contained in section 1751.28 35167
of the Revised Code, the health insuring corporation provides 35168
sufficient assurances to the superintendent that the provider or 35169
health care facility has been provided with financial guarantees. 35170
No waiver of the requirements of divisions (A) and (C) of this 35171
section is effective as to enrollees or subscribers for whom the 35172
health insuring corporation is compensated under a provider 35173
agreement or risk contract entered into pursuant to Chapter 5111- 35174
er 5115. of the Revised Code under the medicaid program. 35175

(F) The requirements of divisions (A) to (C) of this section 35176

apply only to health care services provided to an enrollee or 35177
subscriber prior to the effective date of a termination of a 35178
contract between the health insuring corporation and the provider 35179
or health care facility. 35180

Sec. 1901.10. (A)~~(1)~~(a) The judges of ~~the~~ a municipal court 35181
and officers of the court shall take an oath of office as provided 35182
in section 3.23 of the Revised Code. ~~The~~ 35183

(B) ~~The~~ office of judge of ~~the~~ a municipal court is subject 35184
to forfeiture, and the judge may be removed from office, for the 35185
causes and by the procedure provided in sections 3.07 to 3.10 of 35186
the Revised Code. A vacancy in the office of judge exists upon the 35187
death, resignation, forfeiture, removal from office, or absence 35188
from official duties for a period of six consecutive months, as 35189
determined under this section, of the judge and also by reason of 35190
the expiration of the term of an incumbent when no successor has 35191
been elected or qualified. ~~The chief justice of the supreme court~~ 35192
~~may designate a judge of another municipal court to act until that~~ 35193
~~vacancy is filled in accordance with section 107.08 of the Revised~~ 35194
~~Code.~~ A vacancy resulting from the absence of a judge from 35195
official duties for a period of six consecutive months shall be 35196
determined and declared by the legislative authority. 35197

~~(b)~~(C)(1) If a vacancy occurs in the office of judge or clerk 35198
of ~~the~~ a municipal court after the one-hundredth day before the 35199
first Tuesday after the first Monday in May and prior to the 35200
fortieth day before the day of the general election, all 35201
candidates for election to the unexpired term of the judge or 35202
clerk shall file nominating petitions with the board of elections 35203
not later than four p.m. on the tenth day following the day on 35204
which the vacancy occurs, except that, when the vacancy occurs 35205
fewer than six days before the fortieth day before the general 35206
election, the deadline for filing shall be four p.m. on the 35207

thirty-sixth day before the day of the general election. 35208

~~(e)(2)~~ Each nominating petition referred to in division 35209
~~(A)(C)(1)(b)~~ of this section shall be in the form prescribed in 35210
section 3513.261 of the Revised Code and shall be signed by at 35211
least fifty qualified electors of the territory of the municipal 35212
court. No nominating petition shall be accepted for filing or 35213
filed if it appears on its face to contain signatures aggregating 35214
in number more than twice the minimum aggregate number of 35215
signatures required by this section. 35216

~~(2) If a judge of a municipal court that has only one judge 35217
is temporarily absent, incapacitated, or otherwise unavailable, 35218
the judge may appoint a substitute who has the qualifications 35219
required by section 1901.06 of the Revised Code or a retired judge 35220
of a court of record who is a qualified elector and a resident of 35221
the territory of the court. If the judge is unable to make the 35222
appointment, the chief justice of the supreme court shall appoint 35223
a substitute. The appointee shall serve during the absence, 35224
incapacity, or unavailability of the incumbent, shall have the 35225
jurisdiction and powers conferred upon the judge of the municipal 35226
court, and shall be styled "acting judge." During that time of 35227
service, the acting judge shall sign all process and records and 35228
shall perform all acts pertaining to the office, except that of 35229
removal and appointment of officers of the court. All courts shall 35230
take judicial notice of the selection and powers of the acting 35231
judge. The incumbent judge shall establish the amount of 35232
compensation of an acting judge upon either a per diem, hourly, or 35233
other basis, but the rate of pay shall not exceed the per diem 35234
amount received by the incumbent judge. 35235~~

~~(B) When the volume of cases pending in any municipal court 35236
necessitates an additional judge, the chief justice of the supreme 35237
court, upon the written request of the judge or presiding judge of 35238
that municipal court, may designate a judge of another municipal 35239~~

~~court or county court to serve for any period of time that the 35240
chief justice may prescribe. The compensation of a judge so 35241
designated shall be paid from the city treasury or, in the case of 35242
a county operated municipal court, from the county treasury. In 35243
addition to the annual salary provided for in section 1901.11 of 35244
the Revised Code and in addition to any compensation under 35245
division (A)(5) or (6) of section 141.04 of the Revised Code to 35246
which the judge is entitled in connection with the judge's own 35247
court, a full time or part time judge while holding court outside 35248
the judge's territory on the designation of the chief justice 35249
shall receive actual and necessary expenses and compensation as 35250
follows: 35251~~

~~(1) A full time judge shall receive thirty dollars for each 35252
day of the assignment. 35253~~

~~(2) A part time judge shall receive for each day of the 35254
assignment the per diem compensation of the judges of the court to 35255
which the judge is assigned, less the per diem amount paid to 35256
those judges pursuant to section 141.04 of the Revised Code, 35257
calculated on the basis of two hundred fifty working days per 35258
year. 35259~~

~~If a request is made by a judge or the presiding judge of a 35260
municipal court to designate a judge of another municipal court 35261
because of the volume of cases in the court for which the request 35262
is made and the chief justice reports, in writing, that no 35263
municipal or county court judge is available to serve by 35264
designation, the judges of the court requesting the designation 35265
may appoint a substitute as provided in division (A)(2) of this 35266
section, who may serve for any period of time that is prescribed 35267
by the chief justice. The substitute judge shall be paid in the 35268
same manner and at the same rate as the incumbent judges, except 35269
that, if the substitute judge is entitled to compensation under 35270
division (A)(5) or (6) of section 141.04 of the Revised Code, then 35271~~

~~section 1901.121 of the Revised Code shall govern its payment.~~ 35272

Sec. 1901.12. (A) A ~~municipal~~ judge of a municipal court is 35273
entitled to thirty days of vacation in each calendar year. Not 35274
less than two hundred forty days of open session of the municipal 35275
court shall be held by each judge during the year, unless all 35276
business of the court is disposed of sooner. 35277

(B) ~~When a court consists of a single judge, a qualified~~ 35278
~~substitute may be appointed in accordance with division (A)(2) of~~ 35279
~~section 1901.10 of the Revised Code to serve during the thirty day~~ 35280
~~vacation period, who shall be paid in the same manner and at the~~ 35281
~~same rate as the incumbent judge, except that, if the substitute~~ 35282
~~judge is entitled to compensation under division (A)(5) or (6) of~~ 35283
~~section 141.04 of the Revised Code, then section 1901.121 of the~~ 35284
~~Revised Code shall govern its payment.~~ If a municipal court 35285
consists of two or more judges, ~~one of the judges shall be in~~ 35286
~~attendance at the court at all times, and the presiding judge~~ 35287
shall have the authority to designate the vacation period for each 35288
judge, ~~and when necessary, to appoint a substitute for the judge~~ 35289
~~when on vacation or not in attendance. If a court consists of more~~ 35290
~~than two judges, two thirds of the court shall be in attendance at~~ 35291
~~all times, and the presiding judge shall have authority to~~ 35292
~~designate the vacation period of each judge, and, when necessary,~~ 35293
~~to appoint a substitute for any judge on vacation or not in~~ 35294
~~attendance.~~ 35295

Sec. 1901.121. (A)(1) If a vacancy occurs in the office of a 35296
judge of a municipal court that consists of only one judge or if 35297
the judge of a municipal court of that nature is incapacitated or 35298
unavailable due to disqualification, suspension, or recusal, the 35299
chief justice of the supreme court may assign a sitting judge of 35300
another court of record or a retired judge of a court of record to 35301
temporarily serve on the court in accordance with rules adopted by 35302

the supreme court pursuant to division (A)(1) of Section 5 of 35303
Article IV, Ohio Constitution. The assignee shall be styled 35304
"assigned judge" and shall serve for any period of time the chief 35305
justice may prescribe. 35306

(2) If a judge of a municipal court that consists of only one 35307
judge is otherwise temporarily absent for a reason other than as 35308
specified in division (A)(1) of this section, the judge may do 35309
either of the following: 35310

(a) Appoint a substitute who is a resident of the territory 35311
of the court or, if the territory of the court has a population of 35312
less than twenty-five thousand according to the latest federal 35313
decennial census and the judge is unable to appoint a substitute 35314
who is a resident of the territory of the court, appoint a 35315
substitute who is a resident of the territory of a municipal or 35316
county court that is contiguous to the court. The appointee shall 35317
either be admitted to the practice of law in this state and have 35318
been, for a total of at least six years preceding appointment, 35319
engaged in the practice of law in this state or a judge of a court 35320
of record in any jurisdiction in the United States or be a retired 35321
judge of a court of record. The appointee shall be styled "acting 35322
judge" and shall temporarily serve on the court during the 35323
temporary absence of the incumbent judge. 35324

(b) Request the chief justice of the supreme court to assign 35325
a sitting judge of another court of record or a retired judge of a 35326
court of record to temporarily serve on the court in accordance 35327
with rules adopted by the supreme court pursuant to division 35328
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 35329
shall be styled "assigned judge" and shall serve for any period of 35330
time the chief justice may prescribe. 35331

(B) If a vacancy occurs in the office of a judge of a 35332
municipal court that consists of two judges or if a judge of a 35333

municipal court of that nature is incapacitated, unavailable, or 35334
temporarily absent, the presiding judge may do either of the 35335
following: 35336

(1) Appoint a substitute who is a resident of the territory 35337
of the court or, if the territory of the court has a population of 35338
less than twenty-five thousand according to the latest federal 35339
decennial census and the judge is unable to appoint a substitute 35340
who is a resident of the territory of the court, appoint a 35341
substitute who is a resident of the territory of a municipal or 35342
county court that is contiguous to the court. The appointee shall 35343
either be admitted to the practice of law in this state and have 35344
been, for a total of at least six years preceding appointment, 35345
engaged in the practice of law in this state or a judge of a court 35346
of record in any jurisdiction in the United States or be a retired 35347
judge of a court of record. The appointee shall be styled "acting 35348
judge" and shall temporarily serve on the court during the vacancy 35349
or the incapacity, unavailability, or temporary absence of the 35350
incumbent judge. 35351

(2) Request the chief justice of the supreme court to assign 35352
a sitting judge of another court of record or a retired judge of a 35353
court of record to temporarily serve on the court in accordance 35354
with rules adopted by the supreme court pursuant to division 35355
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 35356
shall be styled "assigned judge" and shall serve for any period of 35357
time the chief justice may prescribe. 35358

(C) If a vacancy occurs in the office of a judge of a 35359
municipal court that consists of three or more judges or if a 35360
judge of a municipal court of that nature is incapacitated, 35361
unavailable, or temporarily absent, the presiding judge may do 35362
either of the following: 35363

(1) If no other judge of the court is available to perform 35364
the duties of the judge, appoint a substitute who is a resident of 35365

the territory of the court. The appointee shall either be admitted 35366
to the practice of law in this state and have been, for a total of 35367
at least six years preceding appointment, engaged in the practice 35368
of law in this state or a judge of a court of record in any 35369
jurisdiction in the United States or be a retired judge of a court 35370
of record. The appointee shall be styled "acting judge" and shall 35371
temporarily serve on the court during the vacancy or the 35372
incapacity, unavailability, or temporary absence of the incumbent 35373
judge. 35374

(2) Request the chief justice of the supreme court to assign 35375
a sitting judge of another court of record or a retired judge of a 35376
court of record to temporarily serve on the court in accordance 35377
with rules adopted by the supreme court pursuant to division 35378
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 35379
shall be styled "assigned judge" and shall serve for any period of 35380
time the chief justice may prescribe. 35381

(D) When the volume of cases pending in any municipal court 35382
necessitates an additional judge, the judge, if the court consists 35383
of a single judge, or the presiding judge, if the court consists 35384
of two or more judges, may request the chief justice of the 35385
supreme court to assign a sitting judge of another court of record 35386
or a retired judge of a court of record to temporarily serve on 35387
the court in accordance with rules adopted by the supreme court 35388
pursuant to division (A)(1) of Section 5 of Article IV, Ohio 35389
Constitution. The appointee shall be styled "assigned judge" and 35390
shall serve for any period of time the chief justice may 35391
prescribe. 35392

(E) An acting judge appointed pursuant to division (A)(2)(a), 35393
(B)(1), or (C)(1) of this section and an assigned judge assigned 35394
pursuant to division (A)(1), (A)(2)(b), (B)(2), (C)(2), or (D) of 35395
this section shall have the jurisdiction and adjudicatory powers 35396
conferred upon the judge of the municipal court. During the time 35397

of service, the acting judge or assigned judge shall sign all 35398
process and records and shall perform all acts pertaining to the 35399
office, except that of removal and appointment of officers of the 35400
municipal court. All courts shall take judicial notice of the 35401
selection and powers of the acting judge or assigned judge. 35402

Sec. 1901.122. (A)(1) An acting judge appointed pursuant to 35403
division (A)(2)(a), (B)(1), or (C)(1) of section 1901.121 of the 35404
Revised Code shall receive reimbursement for actual and necessary 35405
expenses and a per diem compensation established by the incumbent 35406
judge, subject to the following limitations: 35407

(a) If the incumbent judge receives compensation as described 35408
in division (A)(5) of section 141.04 of the Revised Code, the per 35409
diem compensation of the acting judge shall not exceed the per 35410
diem compensation paid to the incumbent judge based upon a work 35411
year of two hundred fifty days. 35412

(b) If the incumbent judge receives compensation as described 35413
in division (A)(6) of section 141.04 of the Revised Code, the per 35414
diem compensation of the acting judge shall not exceed the per 35415
diem compensation paid to the incumbent judge based upon a work 35416
year of one hundred thirty days. 35417

(2) The per diem compensation of the acting judge shall be 35418
payable in the same manner as the compensation paid to the 35419
incumbent judge during the same period. 35420

(B) An assigned judge assigned pursuant to division (A)(1), 35421
(A)(2)(b), (B)(2), (C)(2), or (D) of section 1901.121 of the 35422
Revised Code shall receive reimbursement for actual and necessary 35423
expenses and a per diem compensation computed as follows: 35424

(1) If the assigned judge receives compensation as described 35425
in division (A)(5) of section 141.04 of the Revised Code, thirty 35426
dollars; 35427

(2) If the assigned judge receives compensation as described in division (A)(6) of section 141.04 of the Revised Code, the per diem compensation of a judge of a municipal court compensated as described in division (A)(5) of section 141.04 of the Revised Code, less the per diem compensation of the assigned judge, each calculated on the basis of two hundred fifty working days per year; 35428
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(3) If the assigned judge is a retired judge of a municipal or county court or a court of common pleas, the established per diem compensation for a judge of a municipal court compensated as described in division (A)(5) of section 141.04 of the Revised Code, calculated on the basis of two hundred fifty working days per year, in addition to any retirement benefits to which the assigned judge may be entitled; 35435
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(4) If the assigned judge is a sitting judge of the court of appeals or a court of common pleas, fifty dollars. 35442
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Sec. 1901.123. (A)(1) Subject to reimbursement under division (B) of this section, the treasurer of the county in which a county-operated municipal court or other municipal court is located shall pay the per diem compensation to which an acting judge appointed pursuant to division (A)(2)(a), (B)(1), or (C)(1) of section 1901.121 of the Revised Code is entitled pursuant to division (A)(1) of section 1901.122 of the Revised Code. 35444
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(2) Subject to reimbursement under division (B) of this section, the treasurer of the county in which a county-operated municipal court or other municipal court is located shall pay the per diem compensation to which an assigned judge assigned pursuant to division (A)(1), (A)(2)(b), (B)(2), (C)(2), or (D) of section 1901.121 of the Revised Code is entitled pursuant to division (B) of section 1901.122 of the Revised Code. 35451
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(B) The treasurer of a county that, pursuant to division (A) 35458

of this section, is required to pay any compensation to which an 35459
acting judge or assigned judge is entitled under division (A)(5) 35460
or (6) of section 141.04 of the Revised Code, shall submit to the 35461
administrative director of the supreme court quarterly requests 35462
for reimbursements of the per diem amounts so paid. The requests 35463
shall include verifications of the payment of those amounts and an 35464
affidavit from the acting judge or assigned judge stating the days 35465
and hours worked. The administrative director shall cause 35466
reimbursements of those amounts to be issued to the county if the 35467
administrative director verifies that those amounts were, in fact, 35468
so paid. 35469

Sec. 1901.33. (A) The judge or judges of a municipal court 35470
may appoint one or more interpreters, one or more mental health 35471
professionals, one or more probation officers, an assignment 35472
commissioner, deputy assignment commissioners, and other court 35473
aides on a full-time, part-time, hourly, or other basis. Each 35474
appointee shall receive the compensation out of the city treasury 35475
that the legislative authority prescribes in either biweekly 35476
installments or semimonthly installments, as determined by the 35477
payroll administrator, except that in a county-operated municipal 35478
court they shall receive the compensation out of the treasury of 35479
the county in which the court is located that the board of county 35480
commissioners prescribes. Probation officers have all the powers 35481
of regular police officers and shall perform any duties that are 35482
designated by the judge or judges of the court. Assignment 35483
commissioners shall assign cases for trial and perform any other 35484
duties that the court directs. 35485

The judge or judges may appoint one or more typists, 35486
~~stenographers,~~ statistical clerks, and official court reporters, 35487
each of whom shall be paid the compensation out of the city 35488
treasury that the legislative authority prescribes, except that in 35489
a county-operated municipal court they shall be paid the 35490

compensation out of the treasury of the county in which the court 35491
is located that the board of county commissioners prescribes. The 35492
cost of transcripts shall be determined as provided in section 35493
2301.25 of the Revised Code. 35494

(B) If a municipal court appoints one or more probation 35495
officers, those officers shall constitute the municipal court 35496
department of probation unless the court designates other 35497
employees as the department of probation for the court. 35498

(C) The chief probation officer may grant permission to a 35499
probation officer to carry firearms when required in the discharge 35500
of the probation officer's official duties if the probation 35501
officer has successfully completed a basic firearm training 35502
program that is approved by the executive director of the Ohio 35503
peace officer training commission. A probation officer who has 35504
been granted permission to carry a firearm in the discharge of the 35505
probation officer's official duties annually shall successfully 35506
complete a firearms requalification program in accordance with 35507
section 109.801 of the Revised Code. 35508

(D) The judge or judges of a municipal court in which the 35509
clerk of the court is elected as provided in division (A)(1)(a) or 35510
(d) or (A)(2)(b) of section 1901.31 of the Revised Code may 35511
appoint an administrative assistant. The administrative assistant 35512
shall have charge of personnel related matters of the court and 35513
shall perform any other administrative duties assigned by the 35514
court. The administrative assistant shall receive the compensation 35515
out of the city treasury that the court prescribes, except that, 35516
in a county-operated municipal court, the administrative assistant 35517
shall receive the compensation out of the treasury of the county 35518
in which the court is located that the court prescribes. 35519

Sec. 1907.14. (A) A judge of a county court shall take an 35520
oath of office as provided in section 3.23 of the Revised Code. 35521

the_ 35522

(B) The office of judge of a county court is subject to 35523
forfeiture, and a judge may be removed from office, for the causes 35524
and by the procedure provided in sections 3.07 to 3.10 of the 35525
Revised Code. 35526

~~When a judge of a county court is temporarily absent,~~ 35527
~~incapacitated, or otherwise unavailable, the judge may appoint a~~ 35528
~~substitute having the qualifications required by section 1907.13~~ 35529
~~of the Revised Code or may appoint a retired judge of a court of~~ 35530
~~record in the state who is a qualified elector and a resident of~~ 35531
~~the county court district. If the judge is unable to make the~~ 35532
~~appointment, the administrative judge of the county court district~~ 35533
~~or the administrative judge of the court of common pleas of the~~ 35534
~~county shall appoint the substitute. The appointee shall serve~~ 35535
~~during the absence, incapacity, or unavailability of the~~ 35536
~~incumbent, shall have the jurisdiction and powers conferred upon~~ 35537
~~the judge of the county court, and shall be styled "acting judge."~~ 35538
~~During that term of service, the acting judge shall sign all~~ 35539
~~process and records and perform all acts pertaining to the office~~ 35540
~~except that of removal and appointment of officers of the court.~~ 35541
~~All courts shall take judicial notice of the selection and powers~~ 35542
~~of the acting judge. The incumbent judge shall establish the~~ 35543
~~amount of the compensation of an acting judge on a per diem,~~ 35544
~~hourly, or other basis, and the compensation shall not exceed the~~ 35545
~~per diem compensation paid to the incumbent judge based upon a~~ 35546
~~work year of one hundred thirty days. The compensation shall be~~ 35547
~~payable in the same manner as the compensation paid to the~~ 35548
~~incumbent judge during the same period.~~ 35549

Sec. 1907.141. (A)(1) If a vacancy occurs in the office of a 35550
judge of a county court that consists of only one judge or if the 35551
judge of a county court of that nature is incapacitated or 35552

unavailable due to disqualification, suspension, or recusal, the 35553
chief justice of the supreme court may assign a sitting judge of 35554
another court of record or a retired judge of a court of record to 35555
temporarily serve on the court in accordance with rules adopted by 35556
the supreme court pursuant to division (A)(1) of Section 5 of 35557
Article IV, Ohio Constitution. The assignee shall be styled 35558
"assigned judge" and shall serve for any period of time the chief 35559
justice may prescribe. 35560

(2) If a judge of a county court that consists of only one 35561
judge is temporarily absent for a reason other than as specified 35562
in division (A)(1) of this section, the judge may do either of the 35563
following: 35564

(a) Appoint a substitute who is a resident of the territory 35565
of the court or, if the territory of the court has a population of 35566
less than twenty-five thousand according to the latest federal 35567
decennial census and the judge is unable to appoint a substitute 35568
who is a resident of the territory of the court, appoint a 35569
substitute who is a resident of the territory of a municipal or 35570
county court that is contiguous to the court. The appointee shall 35571
either be admitted to the practice of law in this state and have 35572
been, for a total of at least six years preceding appointment, 35573
engaged in the practice of law in this state or a judge of a court 35574
of record in any jurisdiction in the United States or be a retired 35575
judge of a court of record. The appointee shall be styled "acting 35576
judge" and shall temporarily serve on the court during the 35577
temporary absence of the incumbent judge. 35578

(b) Request the chief justice of the supreme court to assign 35579
a sitting judge of another court of record or a retired judge of a 35580
court of record to temporarily serve on the court in accordance 35581
with rules adopted by the supreme court pursuant to division 35582
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 35583

shall be styled "assigned judge" and shall serve for any period of 35584
time the chief justice may prescribe. 35585

(B) If a vacancy occurs in the office of a judge of a county 35586
court that consists of two judges or if a judge of a county court 35587
of that nature is incapacitated, unavailable, or temporarily 35588
absent, the presiding judge may do either of the following: 35589

(1) Appoint a substitute who is a resident of the territory 35590
of the court or, if the territory of the court has a population of 35591
less than twenty-five thousand according to the latest federal 35592
decennial census and the judge is unable to appoint a substitute 35593
who is a resident of the territory of the court, appoint a 35594
substitute who is a resident of the territory of a municipal or 35595
county court that is contiguous to the court. The appointee shall 35596
either be admitted to the practice of law in this state and have 35597
been, for a total of at least six years preceding appointment, 35598
engaged in the practice of law in this state or a judge of a court 35599
of record in any jurisdiction in the United States or be a retired 35600
judge of a court of record. The appointee shall be styled "acting 35601
judge" and shall temporarily serve on the court during the vacancy 35602
or the incapacity, unavailability, or temporary absence of the 35603
incumbent judge. 35604

(2) Request the chief justice of the supreme court to assign 35605
a sitting judge of another court of record or a retired judge of a 35606
court of record to temporarily serve on the court in accordance 35607
with rules adopted by the supreme court pursuant to division 35608
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 35609
shall be styled "assigned judge" and shall serve for any period of 35610
time the chief justice may prescribe. 35611

(C) If a vacancy occurs in the office of a judge of a county 35612
court that consists of three or more judges or if a judge of a 35613
county court of that nature is incapacitated, unavailable, or 35614
temporarily absent, the presiding judge may do either of the 35615

following: 35616

(1) If no other judge of the court is available to perform 35617
the duties of the judge, appoint a substitute who is a resident of 35618
the territory of the court. The appointee shall either be admitted 35619
to the practice of law in this state and have been, for a total of 35620
at least six years preceding appointment, engaged in the practice 35621
of law in this state or a judge of a court of record in any 35622
jurisdiction in the United States or be a retired judge of a court 35623
of record. The appointee shall be styled "acting judge" and shall 35624
temporarily serve on the court during the vacancy or the 35625
incapacity, unavailability, or temporary absence of the incumbent 35626
judge. 35627

(2) Request the chief justice of the supreme court to assign 35628
a sitting judge of another court of record or a retired judge of a 35629
court of record to temporarily serve on the court in accordance 35630
with rules adopted by the supreme court pursuant to division 35631
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 35632
shall be styled "assigned judge" and shall serve for any period of 35633
time the chief justice may prescribe 35634

(D) An acting judge appointed pursuant to division (A)(2)(a), 35635
(B)(1), or (C)(1) of this section and an assigned judge assigned 35636
pursuant to division (A)(1), (A)(2)(b), (B)(2), or (C)(2) of this 35637
section shall have the jurisdiction and adjudicatory powers 35638
conferred upon the judge of the county court. During the time of 35639
service, the acting judge or assigned judge shall sign all process 35640
and records and shall perform all acts pertaining to the office, 35641
except that of removal and appointment of officers of the court. 35642
All courts shall take judicial notice of the selection and powers 35643
of the acting judge or assigned judge. 35644

Sec. 1907.142. (A) An acting judge appointed pursuant to 35645
division (A)(2)(a), (B)(1), or (C)(1) of section 1907.141 of the 35646

Revised Code shall receive reimbursement for actual and necessary expenses and a per diem compensation established by the incumbent judge, provided the per diem compensation of the acting judge shall not exceed the per diem compensation paid to the incumbent judge based upon a work year of one hundred thirty days. The per diem compensation of the acting judge shall be payable in the same manner as the compensation paid to the incumbent judge during the same period.

(B) An assigned judge assigned pursuant to division (A)(1), (A)(2)(b), (B)(2), or (C)(2) of section 1907.141 of the Revised Code shall receive reimbursement for actual and necessary expenses and a per diem compensation computed as follows:

(1) If the assigned judge receives compensation as described in division (A)(5) of section 141.04 of the Revised Code, thirty dollars;

(2) If the assigned judge receives compensation as described in division (A)(6) of section 141.04 of the Revised Code, the per diem compensation of a judge of a municipal court compensated as described in division (A)(5) of section 141.04 of the Revised Code, less the per diem compensation of the assigned judge, each calculated on the basis of two hundred fifty working days per year;

(3) If the assigned judge is a retired judge of a municipal or county court or a court of common pleas, the established per diem compensation for a judge of a municipal court compensated as described in division (A)(5) of section 141.04 of the Revised Code, calculated on the basis of two hundred fifty working days per year, in addition to any retirement benefits to which the assigned judge may be entitled;

(4) If the assigned judge is a sitting judge of the court of appeals or a court of common pleas, fifty dollars.

Sec. 1907.143. (A)(1) Subject to reimbursement under division (B) of this section, the treasurer of the county in which a county court is located shall pay the per diem compensation to which an acting judge appointed pursuant to division (A)(2)(b), (B)(1), or (C)(1) of section 1907.141 of the Revised Code is entitled pursuant to division (A) of section 1907.142 of the Revised Code.

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(2) Subject to reimbursement under division (B) of this section, the treasurer of the county in which a county court is located shall pay the per diem compensation to which an assigned judge assigned pursuant to division (A)(1), (A)(2)(b), (B)(2), or (C)(2) of section 1907.141 of the Revised Code is entitled pursuant to division (B) of section 1907.142 of the Revised Code.

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(B) The treasurer of a county that, pursuant to division (A) of this section, is required to pay any compensation to which an acting judge or assigned judge is entitled under division (A)(5) or (6) of section 141.04 of the Revised Code, shall submit to the administrative director of the supreme court quarterly requests for reimbursements of the per diem amounts so paid. The requests shall include verifications of the payment of those amounts and an affidavit from the acting judge or assigned judge stating the days and hours worked. The administrative director shall cause reimbursements of those amounts to be issued to the county if the administrative director verifies that those amounts were, in fact, so paid.

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Sec. 1923.14. (A) Except as otherwise provided in this section, within ten days after receiving a writ of execution described in division (A) or (B) of section 1923.13 of the Revised Code, the sheriff, police officer, constable, or bailiff shall execute it by restoring the plaintiff to the possession of the premises, and shall levy and collect the costs and make return, as

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upon other executions. If an appeal from the judgment of 35709
restitution is filed and if, following the filing of the appeal, a 35710
stay of execution is obtained and any required bond is filed with 35711
the court of common pleas, municipal court, or county court, the 35712
judge of that court immediately shall issue an order to the 35713
sheriff, police officer, constable, or bailiff commanding the 35714
delay of all further proceedings upon the execution. If the 35715
premises have been restored to the plaintiff, the sheriff, police 35716
officer, constable, or bailiff shall forthwith place the defendant 35717
in possession of them, and return the writ with the sheriff's, 35718
police officer's, constable's, or bailiff's proceedings and the 35719
costs taxed on it. 35720

(B)(1) After a court of common pleas, municipal court, or 35721
county court issues a writ of execution described in division (B) 35722
of section 1923.13 of the Revised Code, the clerk of the court 35723
shall send by regular mail, to the last known address of the 35724
titled owner of the manufactured home, mobile home, or 35725
recreational vehicle that is the subject of the writ and to the 35726
last known address of each other person who is listed on the writ 35727
as having any outstanding right, title, or interest in the home, 35728
vehicle, or personal property and to the auditor and treasurer of 35729
the county in which the court is located, a written notice that 35730
the home or vehicle potentially may be sold, destroyed, or have 35731
its title transferred under the circumstances described in 35732
division (B)(3) or (4) of this section. 35733

(2) Except as otherwise provided in this division, after 35734
receiving a writ of execution described in division (B) of section 35735
1923.13 of the Revised Code, and after causing the defendant to be 35736
removed from the residential premises of the manufactured home 35737
park, if necessary, in accordance with the writ, the sheriff, 35738
police officer, constable, or bailiff may cause the manufactured 35739
home, mobile home, or recreational vehicle that is the subject of 35740

the writ, and all personal property on the residential premises, 35741
at the sheriff's, police officer's, constable's, or bailiff's 35742
option, either to be removed from the manufactured home park and, 35743
if necessary, moved to a storage facility of the sheriff's, police 35744
officer's, constable's, or bailiff's choice, or to be retained at 35745
their current location on the residential premises, until they are 35746
claimed by the defendant or they are disposed of in a manner 35747
authorized by division (B)(3), (4), or (6) of this section or by 35748
another section of the Revised Code. The sheriff, police officer, 35749
constable, or bailiff shall not cause the manufactured home, 35750
mobile home, or recreational vehicle that is the subject of the 35751
writ, or the personal property, to be removed from the 35752
manufactured home park or moved to a storage facility if the 35753
holder of any outstanding lien, right, title, or interest in the 35754
home or vehicle, other than the titled owner of the home or 35755
vehicle, meets the conditions set forth in division (B)(6) or (7) 35756
of this section. 35757

The sheriff, police officer, constable, or bailiff who 35758
removes the manufactured home, mobile home, or recreational 35759
vehicle, or the abandoned personal property, from the residential 35760
premises shall be immune from civil liability pursuant to section 35761
2744.03 of the Revised Code for any damage caused to the home, 35762
vehicle, or any personal property during the removal. The park 35763
operator shall not be liable for any damage caused by the park 35764
operator's removal of the manufactured home, mobile home, or 35765
recreational vehicle or the removal of the personal property from 35766
the residential premises, or for any damage to the home, vehicle, 35767
or personal property during the time the home, vehicle, or 35768
property remains abandoned or stored in the manufactured home 35769
park, unless the damage is the result of acts that the park 35770
operator or the park operator's agents or employees performed with 35771
malicious purpose, in bad faith, or in a wanton or reckless 35772
manner. The reasonable costs for a removal of the manufactured 35773

home, mobile home, or recreational vehicle and personal property 35774
and, as applicable, the reasonable costs for its storage shall 35775
constitute a lien upon the home or vehicle payable by the titled 35776
owner of the home or vehicle or payable pursuant to division 35777
(B)(3) of this section. 35778

(3) Except as provided in divisions (B)(4), (5), and (6) of 35779
this section and division (D) of section 1923.12 of the Revised 35780
Code, within sixty days after receiving a writ of execution 35781
described in division (B) of section 1923.13 of the Revised Code, 35782
the sheriff, police officer, constable, or bailiff shall commence 35783
proceedings for the sale of the manufactured home, mobile home, or 35784
recreational vehicle that is the subject of the writ, and the 35785
abandoned personal property on the residential premises, if the 35786
home or vehicle is determined to be abandoned in accordance with 35787
the procedures for the sale of goods on execution under Chapter 35788
2329. of the Revised Code. In addition to all notices required to 35789
be given under section 2329.13 of the Revised Code, the sheriff, 35790
police officer, constable, or bailiff shall serve at their 35791
respective last known addresses a written notice of the date, 35792
time, and place of the sale upon all persons who are listed on the 35793
writ of execution as having any outstanding right, title, or 35794
interest in the abandoned manufactured home, mobile home, or 35795
recreational vehicle and the personal property and shall provide 35796
written notice to the auditor and the treasurer of the county in 35797
which the court issuing the writ is located. 35798

Unless the proceedings are governed by division (D) of 35799
section 1923.12 of the Revised Code, notwithstanding any statutory 35800
provision to the contrary, including, but not limited to, section 35801
2329.66 of the Revised Code, there shall be no stay of execution 35802
or exemption from levy or sale on execution available to the 35803
titled owner of the abandoned manufactured home, mobile home, or 35804
recreational vehicle in relation to a sale under this division. 35805

Except as otherwise provided in sections 2113.031, 2117.25, and 35806
~~5111.11~~ 5162.21 of the Revised Code in a case involving a deceased 35807
resident or resident's estate, the sheriff, police officer, 35808
constable, or bailiff shall distribute the proceeds from the sale 35809
of an abandoned manufactured home, mobile home, or recreational 35810
vehicle and any personal property under this division in the 35811
following manner: 35812

(a) The sheriff, police officer, constable, or bailiff shall 35813
first pay the costs for any moving of and any storage outside the 35814
manufactured home park of the home or vehicle and any personal 35815
property pursuant to division (B)(2) of this section, the costs of 35816
the sale, including reimbursing the park operator for the deposit 35817
that the park operator paid to the clerk of court under division 35818
(C) of section 1923.12 of the Revised Code, and any unpaid court 35819
costs assessed against the defendant in the underlying action. 35820

(b) Following the payment required by division (B)(3)(a) of 35821
this section, the sheriff, police officer, constable, or bailiff 35822
shall pay all outstanding tax liens on the home or vehicle. 35823

(c) Following the payment required by division (B)(3)(b) of 35824
this section, the sheriff, police officer, constable, or bailiff 35825
shall pay all other outstanding security interests, liens, or 35826
encumbrances on the home or vehicle by priority of filing or other 35827
priority. 35828

(d) Following the payment required by division (B)(3)(c) of 35829
this section, the sheriff, police officer, constable, or bailiff 35830
shall pay any outstanding monetary judgment rendered under section 35831
1923.09 or 1923.11 of the Revised Code in favor of the plaintiff 35832
and any costs associated with retaining the home or vehicle prior 35833
to the sale at its location on the residential premises within the 35834
manufactured home park pursuant to division (B)(2) of this 35835
section. 35836

(e) After complying with divisions (B)(3)(a) to (d) of this section, the sheriff, police officer, constable, or bailiff shall report any remaining money as unclaimed funds pursuant to Chapter 169. of the Revised Code.

Upon the return of any writ of execution for the satisfaction of which an abandoned manufactured home, mobile home, or recreational vehicle has been sold under this division, on careful examination of the proceedings of the sheriff, police officer, constable, or bailiff conducting the sale, if the court that issued the writ finds that the sale was made, in all respects, in conformity with the relevant provisions of Chapter 2329. of the Revised Code and with this division, it shall direct the clerk of the court to make an entry on the journal that the court is satisfied with the legality of the sale and the court shall direct the clerk of the court of common pleas of the county in which the writ was issued to issue a certificate of title, free and clear of all security interests, liens, and encumbrances, to the purchaser of the home or vehicle. The clerk of the court of common pleas shall issue the new certificate of title to the purchaser of the home or vehicle regardless of whether the writ was issued by the court of common pleas or another court duly authorized to issue the writ. If the manufactured home, mobile home, or recreational vehicle sold under this division is located in a manufactured home park, the purchaser of the home or vehicle shall have no right to maintain the home or vehicle in the manufactured home park without the park operator's consent and the sheriff, police officer, constable, or bailiff conducting the sale shall notify all prospective purchasers of this fact prior to the commencement of the sale.

If, after it is offered for sale on two occasions under this division, the abandoned manufactured home, mobile home, or recreational vehicle cannot be sold due to a want of bidders, the

sheriff, police officer, constable, or bailiff shall present the writ of execution unsatisfied to the clerk of the court of common pleas of the county in which the writ was issued for the issuance by the clerk in the manner prescribed in section 4505.10 of the Revised Code of a certificate of title transferring the title of the home or vehicle to the plaintiff, free and clear of all security interests, liens, and encumbrances. The clerk of the court of common pleas shall issue the new certificate of title transferring the title of the manufactured home, mobile home, or recreational vehicle to the plaintiff regardless of whether the writ was issued by the court of common pleas or another court duly authorized to issue the writ. If any taxes are owed on the home or vehicle at this time, the county auditor shall remove the delinquent taxes from the manufactured home tax list and the delinquent manufactured home tax list and remit any penalties for late payment of manufactured home taxes. Acceptance of the certificate of title by the plaintiff terminates all further proceedings under this section.

(4) Except as provided in division (B)(5) or (6) of this section and division (D) of section 1923.12 of the Revised Code, within sixty days after receiving a writ of execution described in division (B) of section 1923.13 of the Revised Code, if the manufactured home, mobile home, or recreational vehicle is determined to be abandoned and to have a value of less than three thousand dollars, the sheriff, police officer, constable, or bailiff shall serve at their respective last known addresses a written notice of potential action as described in this division upon all persons who are listed on the writ as having any outstanding right, title, or interest in the home or vehicle. This notice shall be in addition to all notices required to be given under section 2329.13 of the Revised Code. Subject to the fulfillment of these notice requirements, the sheriff, police officer, constable, or bailiff shall take one of the following

actions with respect to the abandoned manufactured home, mobile 35902
home, or recreational vehicle: 35903

(a) Cause its destruction if there is no person having an 35904
outstanding right, title, or interest in the home or vehicle, 35905
other than the titled owner of the home or vehicle; 35906

(b) Proceed with its sale under division (B)(3) of this 35907
section; 35908

(c) If there is no person having an outstanding right, title, 35909
or interest in the home or vehicle other than the titled owner of 35910
the home or vehicle, or if there is an outstanding right, title, 35911
or interest in the home or vehicle and the lienholder consents in 35912
writing, present the writ of execution to the clerk of the court 35913
of common pleas of the county in which the writ was issued for the 35914
issuance by the clerk in the manner prescribed in section 4505.10 35915
of the Revised Code of a certificate of title transferring the 35916
title of the home or vehicle to the plaintiff, free and clear of 35917
all security interests, liens, and encumbrances. The clerk of the 35918
court of common pleas shall issue the new certificate of title 35919
transferring the title of the home or vehicle regardless of 35920
whether the writ was issued by the court of common pleas or 35921
another court duly authorized to issue the writ. If any taxes are 35922
owed on the home or vehicle at this time, the county auditor shall 35923
remove the delinquent taxes from the manufactured home tax list 35924
and the delinquent manufactured home tax list and remit any 35925
penalties for late payment of manufactured home taxes. Acceptance 35926
of the certificate of title by the plaintiff terminates all 35927
further proceedings under this section. 35928

(5) At any time prior to the issuance of the writ of 35929
execution described in division (B) of section 1923.13 of the 35930
Revised Code, the titled owner of the manufactured home, mobile 35931
home, or recreational vehicle that would be the subject of the 35932
writ may remove the abandoned home or vehicle from the 35933

manufactured home park or other place of storage upon payment to 35934
the county auditor of all outstanding tax liens on the home or 35935
vehicle and, unless the owner is indigent, payment to the clerk of 35936
court of all unpaid court costs assessed against the defendant in 35937
the underlying action. After the issuance of the writ of 35938
execution, the titled owner of the home or vehicle may remove the 35939
abandoned home or vehicle from the manufactured home park or other 35940
place of storage at any time up to the day before the scheduled 35941
sale, destruction, or transfer of the home or vehicle pursuant to 35942
division (B)(3) or (4) of this section upon payment of all of the 35943
following: 35944

(a) All costs for moving and storage of the home or vehicle 35945
pursuant to division (B)(2) of this section and all costs incurred 35946
by the sheriff, police officer, constable, or bailiff up to and 35947
including the date of the removal of the home or vehicle; 35948

(b) All outstanding tax liens on the home or vehicle; 35949

(c) Unless the owner is indigent, all unpaid court costs 35950
assessed against the defendant in the underlying action. 35951

(6) At any time after the issuance of the writ of execution 35952
described in division (B) of section 1923.13 of the Revised Code, 35953
the holder of any outstanding lien, right, title, or interest in 35954
the manufactured home, mobilehome, or recreational vehicle, other 35955
than the titled owner of the home or vehicle, may stop the 35956
sheriff, police officer, constable, or bailiff from proceeding 35957
with the sale under this division by doing both of the following: 35958

(a) Commencing a proceeding to repossess the home or vehicle 35959
pursuant to Chapters 1309. and 1317. of the Revised Code; 35960

(b) Paying to the park operator all monthly rental payments 35961
for the lot on which the home or vehicle is located from the time 35962
of the issuance of the writ of execution until the time that the 35963
home or vehicle is sold pursuant to Chapters 1309. and 1317. of 35964

the Revised Code. 35965

(7)(a) At any time prior to the day before the scheduled sale 35966
of the property pursuant to division (B)(3) of this section, the 35967
defendant may remove any personal property of the defendant from 35968
the abandoned home or vehicle or other place of storage. 35969

(b) If personal property owned by a person other than the 35970
defendant is abandoned on the residential premises and has not 35971
previously been removed, the owner of the personal property may 35972
remove the personal property from the abandoned home or vehicle or 35973
other place of storage up to the day before the scheduled sale of 35974
the property pursuant to division (B)(3) of this section upon 35975
presentation of proof of ownership of the property that is 35976
satisfactory to the sheriff, police officer, constable, or bailiff 35977
conducting the sale. 35978

Sec. 2101.026. (A) The probate court of Franklin county may 35979
accept funds or other program assistance from the board of 35980
alcohol, drug addiction, and mental health services of Franklin 35981
county or the Franklin county board of developmental disabilities. 35982
Any funds received by the probate court of Franklin county under 35983
this division shall be paid into the treasury of Franklin county 35984
and credited to a fund to be known as the Franklin county probate 35985
court mental health fund. 35986

(B) The moneys in the Franklin county probate court mental 35987
health fund shall be used for services to help ensure the 35988
treatment of any person who is under the care of the board of 35989
alcohol, drug addiction, and mental health services of Franklin 35990
county or the Franklin county board of developmental disabilities. 35991
These services include, but are not limited to, involuntary 35992
commitment proceedings and the establishment and management of 35993
adult guardianships, including all associated expenses, for wards 35994
who are under the care of the board of alcohol, drug addiction, 35995

and mental health services of Franklin county or the Franklin 35996
county board of developmental disabilities. 35997

(C) If the judge of the probate court of Franklin county 35998
determines that some of the moneys in the Franklin county probate 35999
court mental health fund are needed for the efficient operation of 36000
that court, the moneys may be used for the acquisition of 36001
equipment, the hiring and training of staff, community services 36002
programs, volunteer guardianship training services, the employment 36003
of magistrates, and other related services. 36004

Sec. 2101.08. The probate judge may appoint court reporters 36005
and fix their compensation in the manner provided for the court of 36006
common pleas in sections 2301.18 to ~~2301.26~~ 2301.25 of the Revised 36007
Code. 36008

Sec. 2101.24. (A)(1) Except as otherwise provided by law, the 36009
probate court has exclusive jurisdiction: 36010

(a) To take the proof of wills and to admit to record 36011
authenticated copies of wills executed, proved, and allowed in the 36012
courts of any other state, territory, or country. If the probate 36013
judge is unavoidably absent, any judge of the court of common 36014
pleas may take proof of wills and approve bonds to be given, but 36015
the record of these acts shall be preserved in the usual records 36016
of the probate court. 36017

(b) To grant and revoke letters testamentary and of 36018
administration; 36019

(c) To direct and control the conduct and settle the accounts 36020
of executors and administrators and order the distribution of 36021
estates; 36022

(d) To appoint the attorney general to serve as the 36023
administrator of an estate pursuant to section 2113.06 of the 36024
Revised Code; 36025

(e) To appoint and remove guardians, conservators, and testamentary trustees, direct and control their conduct, and settle their accounts;	36026 36027 36028
(f) To grant marriage licenses;	36029
(g) To make inquests respecting persons who are so mentally impaired as a result of a mental or physical illness or disability, or mental retardation, or as a result of chronic substance abuse, that they are unable to manage their property and affairs effectively, subject to guardianship;	36030 36031 36032 36033 36034
(h) To qualify assignees, appoint and qualify trustees and commissioners of insolvents, control their conduct, and settle their accounts;	36035 36036 36037
(i) To authorize the sale of lands, equitable estates, or interests in lands or equitable estates, and the assignments of inchoate dower in such cases of sale, on petition by executors, administrators, and guardians;	36038 36039 36040 36041
(j) To authorize the completion of real property contracts on petition of executors and administrators;	36042 36043
(k) To construe wills;	36044
(l) To render declaratory judgments, including, but not limited to, those rendered pursuant to section 2107.084 of the Revised Code;	36045 36046 36047
(m) To direct and control the conduct of fiduciaries and settle their accounts;	36048 36049
(n) To authorize the sale or lease of any estate created by will if the estate is held in trust, on petition by the trustee;	36050 36051
(o) To terminate a testamentary trust in any case in which a court of equity may do so;	36052 36053
(p) To hear and determine actions to contest the validity of wills;	36054 36055

(q) To make a determination of the presumption of death of missing persons and to adjudicate the property rights and obligations of all parties affected by the presumption;	36056 36057 36058
(r) To hear and determine an action commenced pursuant to section 3107.41 of the Revised Code to obtain the release of information pertaining to the birth name of the adopted person and the identity of the adopted person's biological parents and biological siblings;	36059 36060 36061 36062 36063
(s) To act for and issue orders regarding wards pursuant to section 2111.50 of the Revised Code;	36064 36065
(t) To hear and determine actions against sureties on the bonds of fiduciaries appointed by the probate court;	36066 36067
(u) To hear and determine actions involving informed consent for medication of persons hospitalized pursuant to section 5122.141 or 5122.15 of the Revised Code;	36068 36069 36070
(v) To hear and determine actions relating to durable powers of attorney for health care as described in division (D) of section 1337.16 of the Revised Code;	36071 36072 36073
(w) To hear and determine actions commenced by objecting individuals, in accordance with section 2133.05 of the Revised Code;	36074 36075 36076
(x) To hear and determine complaints that pertain to the use or continuation, or the withholding or withdrawal, of life-sustaining treatment in connection with certain patients allegedly in a terminal condition or in a permanently unconscious state pursuant to division (E) of section 2133.08 of the Revised Code, in accordance with that division;	36077 36078 36079 36080 36081 36082
(y) To hear and determine applications that pertain to the withholding or withdrawal of nutrition and hydration from certain patients allegedly in a permanently unconscious state pursuant to	36083 36084 36085

section 2133.09 of the Revised Code, in accordance with that 36086
section; 36087

(z) To hear and determine applications of attending 36088
physicians in accordance with division (B) of section 2133.15 of 36089
the Revised Code; 36090

(aa) To hear and determine actions relative to the use or 36091
continuation of comfort care in connection with certain principals 36092
under durable powers of attorney for health care, declarants under 36093
declarations, or patients in accordance with division (E) of 36094
either section 1337.16 or 2133.12 of the Revised Code; 36095

(bb) To hear and determine applications for an order 36096
relieving an estate from administration under section 2113.03 of 36097
the Revised Code; 36098

(cc) To hear and determine applications for an order granting 36099
a summary release from administration under section 2113.031 of 36100
the Revised Code; 36101

(dd) To hear and determine actions relating to the exercise 36102
of the right of disposition, in accordance with section 2108.90 of 36103
the Revised Code; 36104

(ee) To hear and determine actions relating to the 36105
disinterment and reinterment of human remains under section 517.23 36106
of the Revised Code; 36107

(ff) To hear and determine petitions for an order for 36108
treatment of a person suffering from alcohol and other drug abuse 36109
filed under section ~~3793.34~~ 5119.93 of the Revised Code and to 36110
order treatment of that nature in accordance with, and take other 36111
actions afforded to the court under, sections ~~3793.31~~ 5119.90 to 36112
~~3793.39~~ 5119.98 of the Revised Code. 36113

(2) In addition to the exclusive jurisdiction conferred upon 36114
the probate court by division (A)(1) of this section, the probate 36115

court shall have exclusive jurisdiction over a particular subject 36116
matter if both of the following apply: 36117

(a) Another section of the Revised Code expressly confers 36118
jurisdiction over that subject matter upon the probate court. 36119

(b) No section of the Revised Code expressly confers 36120
jurisdiction over that subject matter upon any other court or 36121
agency. 36122

(B)(1) The probate court has concurrent jurisdiction with, 36123
and the same powers at law and in equity as, the general division 36124
of the court of common pleas to issue writs and orders, and to 36125
hear and determine actions as follows: 36126

(a) If jurisdiction relative to a particular subject matter 36127
is stated to be concurrent in a section of the Revised Code or has 36128
been construed by judicial decision to be concurrent, any action 36129
that involves that subject matter; 36130

(b) Any action that involves an inter vivos trust; a trust 36131
created pursuant to section 5815.28 of the Revised Code; a 36132
charitable trust or foundation; subject to divisions (A)(1)(u) and 36133
(z) of this section, a power of attorney, including, but not 36134
limited to, a durable power of attorney; the medical treatment of 36135
a competent adult; or a writ of habeas corpus; 36136

(c) Subject to section 2101.31 of the Revised Code, any 36137
action with respect to a probate estate, guardianship, trust, or 36138
post-death dispute that involves any of the following: 36139

(i) A designation or removal of a beneficiary of a life 36140
insurance policy, annuity contract, retirement plan, brokerage 36141
account, security account, bank account, real property, or 36142
tangible personal property; 36143

(ii) A designation or removal of a payable-on-death 36144
beneficiary or transfer-on-death beneficiary; 36145

(iii) A change in the title to any asset involving a joint and survivorship interest;	36146 36147
(iv) An alleged gift;	36148
(v) The passing of assets upon the death of an individual otherwise than by will, intestate succession, or trust.	36149 36150
(2) Any action that involves a concurrent jurisdiction subject matter and that is before the probate court may be transferred by the probate court, on its order, to the general division of the court of common pleas.	36151 36152 36153 36154
(C) The probate court has plenary power at law and in equity to dispose fully of any matter that is properly before the court, unless the power is expressly otherwise limited or denied by a section of the Revised Code.	36155 36156 36157 36158
(D) The jurisdiction acquired by a probate court over a matter or proceeding is exclusive of that of any other probate court, except when otherwise provided by law.	36159 36160 36161
Sec. 2108.05. (A) A donor may make an anatomical gift by doing any of the following:	36162 36163
(1) Authorizing a statement or symbol to be imprinted on the donor's driver's license or identification card indicating that the donor has certified a willingness to make an anatomical gift;	36164 36165 36166
(2) Specifying in the donor's will an intent to make an anatomical gift;	36167 36168
(3) Specifying an intent to make an anatomical gift in the donor's declaration as described in section 2133.16 of the Revised Code;	36169 36170 36171
(4) During a terminal illness or injury of the donor, communicating in any manner to a minimum of two adults, at least one of whom is a disinterested witness, that the donor intends to	36172 36173 36174

make an anatomical gift; 36175

(5) Following the procedure in division (B) of this section. 36176

(B) A donor or other person authorized to make an anatomical 36177
gift under section 2108.04 of the Revised Code may make a gift by 36178
a donor card or other record signed by the donor or other person 36179
making the gift or by authorizing that a statement or symbol 36180
indicating that the donor has certified a willingness to make an 36181
anatomical gift be included in a donor registry. If the donor or 36182
other person is physically unable to sign a record, the record may 36183
be signed by another individual at the direction of the donor or 36184
other person and shall do both of the following: 36185

(1) Be witnessed by at least two adults, at least one of whom 36186
is a disinterested witness, who have signed at the request of the 36187
donor or the other person; 36188

(2) State that it has been signed and witnessed as provided 36189
in division (B)(1) of this section. 36190

(C) Once a donor has authorized a statement or symbol to be 36191
imprinted on the donor's driver's license or identification card 36192
indicating that the donor has certified a willingness to make an 36193
anatomical gift, the donor does not need to recertify the donor's 36194
willingness to make an anatomical gift upon renewal of the 36195
driver's license or identification card. The authorization shall 36196
remain in effect until the donor withdraws that authorization. 36197

(D) Revocation, suspension, expiration, or cancellation of a 36198
driver's license or identification card upon which an anatomical 36199
gift is indicated does not invalidate the gift. 36200

~~(D)~~(E) An anatomical gift made by will takes effect on the 36201
donor's death whether or not the will is probated. Invalidation of 36202
the will after the donor's death does not invalidate the gift. 36203

Sec. 2113.041. (A) The administrator of the medicaid estate 36204

recovery program established pursuant to section ~~5111.11~~ 5162.21 36205
of the Revised Code may present an affidavit to a financial 36206
institution requesting that the financial institution release 36207
account proceeds to recover the cost of services correctly 36208
provided to a medicaid recipient who is subject to the medicaid 36209
estate recovery program. The affidavit shall include all of the 36210
following information: 36211

(1) The name of the decedent; 36212

(2) The name of any person who gave notice that the decedent 36213
was a medicaid recipient and that person's relationship to the 36214
decedent; 36215

(3) The name of the financial institution; 36216

(4) The account number; 36217

(5) A description of the claim for estate recovery; 36218

(6) The amount of funds to be recovered. 36219

(B) A financial institution may release account proceeds to 36220
the administrator of the medicaid estate recovery program if all 36221
of the following apply: 36222

(1) The decedent held an account at the financial institution 36223
that was in the decedent's name only. 36224

(2) No estate has been, and it is reasonable to assume that 36225
no estate will be, opened for the decedent. 36226

(3) The decedent has no outstanding debts known to the 36227
administrator of the medicaid estate recovery program. 36228

(4) The financial institution has received no objections or 36229
has determined that no valid objections to release of proceeds 36230
have been received. 36231

(C) If proceeds have been released pursuant to division (B) 36232
of this section and the department of ~~job and family services~~ 36233

medicaid receives notice of a valid claim to the proceeds that has 36234
a higher priority under section 2117.25 of the Revised Code than 36235
the claim of the medicaid estate recovery program, the department 36236
may refund the proceeds to the financial institution or pay them 36237
to the person or government entity with the claim. 36238

Sec. 2113.06. (A) Administration of the estate of an 36239
intestate shall be granted to persons mentioned in this division, 36240
in the following order: 36241

(1) To the surviving spouse of the deceased, if resident of 36242
the state; 36243

(2) To one of the next of kin of the deceased, resident of 36244
the state. 36245

(B) If the persons entitled to administer the estate under 36246
division (A) of this section fail to take or renounce 36247
administration voluntarily, the matter shall be set for hearing 36248
and notice given to the persons. 36249

(C) If there are no persons entitled to administration, if 36250
they are for any reason unsuitable for the discharge of the trust, 36251
or if without sufficient cause they neglect to apply within a 36252
reasonable time for the administration of the estate, their right 36253
to priority shall be lost, and the court shall commit the 36254
administration to some suitable person who is a resident of the 36255
state, or to the attorney general or the attorney general's 36256
designee, if the department of ~~job and family services~~ medicaid is 36257
seeking to recover ~~medical assistance~~ the costs of medicaid 36258
services from the deceased pursuant to section ~~5111.11~~ 5162.21 or 36259
~~5111.111~~ 5162.211 of the Revised Code. The person granted 36260
administration may be a creditor of the estate. 36261

(D) This section applies to the appointment of an 36262
administrator de bonis non. 36263

Sec. 2117.061. (A) As used in this section:	36264
(1) "Medicaid estate recovery program" means the program instituted under section 5111.11 <u>5162.21</u> of the Revised Code.	36265 36266
(2) "Person responsible for the estate" means the executor, administrator, commissioner, or person who filed pursuant to section 2113.03 of the Revised Code for release from administration of an estate.	36267 36268 36269 36270
(B) The person responsible for the estate of a decedent subject to the medicaid estate recovery program or the estate of a decedent who was the spouse of a decedent subject to the medicaid estate recovery program shall submit a properly completed medicaid estate recovery notice form to the administrator of the medicaid estate recovery program not later than thirty days after the occurrence of any of the following:	36271 36272 36273 36274 36275 36276 36277
(1) The granting of letters of administration or letters testamentary;	36278 36279
(2) The filing of an application for release from administration or summary release from administration.	36280 36281
(C) The person responsible for the estate shall mark the appropriate box on the appropriate probate form that gives notice to the administrator of the medicaid estate recovery program to indicate compliance with the requirements of division (B) of this section.	36282 36283 36284 36285 36286
(D) The administrator of the medicaid estate recovery program shall present a claim for estate recovery to the person responsible for the estate of the decedent or the person's legal representative not later than ninety days after the date on which the medicaid estate recovery notice form is received under division (B) of this section or one year after the decedent's death, whichever is later.	36287 36288 36289 36290 36291 36292 36293

Sec. 2117.25. (A) Every executor or administrator shall 36294
proceed with diligence to pay the debts of the decedent and shall 36295
apply the assets in the following order: 36296

(1) Costs and expenses of administration; 36297

(2) An amount, not exceeding four thousand dollars, for 36298
funeral expenses that are included in the bill of a funeral 36299
director, funeral expenses other than those in the bill of a 36300
funeral director that are approved by the probate court, and an 36301
amount, not exceeding three thousand dollars, for burial and 36302
cemetery expenses, including that portion of the funeral 36303
director's bill allocated to cemetery expenses that have been paid 36304
to the cemetery by the funeral director. 36305

For purposes of division (A)(2) of this section, burial and 36306
cemetery expenses shall be limited to the following: 36307

(a) The purchase of a right of interment; 36308

(b) Monuments or other markers; 36309

(c) The outer burial container; 36310

(d) The cost of opening and closing the place of interment; 36311

(e) The urn. 36312

(3) The allowance for support made to the surviving spouse, 36313
minor children, or both under section 2106.13 of the Revised Code; 36314

(4) Debts entitled to a preference under the laws of the 36315
United States; 36316

(5) Expenses of the last sickness of the decedent; 36317

(6) If the total bill of a funeral director for funeral 36318
expenses exceeds four thousand dollars, then, in addition to the 36319
amount described in division (A)(2) of this section, an amount, 36320
not exceeding two thousand dollars, for funeral expenses that are 36321
included in the bill and that exceed four thousand dollars; 36322

(7) Expenses of the decedent's last continuous stay in a nursing home as defined in section 3721.01 of the Revised Code, residential facility as defined in section 5123.19 of the Revised Code, or hospital long-term care unit as defined in section ~~3721.50~~ 5168.40 of the Revised Code.

For purposes of division (A)(7) of this section, a decedent's last ~~continuance~~ continuous stay includes up to thirty consecutive days during which the decedent was temporarily absent from the nursing home, residential facility, or hospital long-term care unit.

(8) Personal property taxes, claims made under the medicaid estate recovery program instituted pursuant to section ~~5111.11~~ 5162.21 of the Revised Code, and obligations for which the decedent was personally liable to the state or any of its subdivisions;

(9) Debts for manual labor performed for the decedent within twelve months preceding the decedent's death, not exceeding three hundred dollars to any one person;

(10) Other debts for which claims have been presented and finally allowed.

(B) The part of the bill of a funeral director that exceeds the total of six thousand dollars as described in divisions (A)(2) and (6) of this section, and the part of a claim included in division (A)(9) of this section that exceeds three hundred dollars shall be included as a debt under division (A)(10) of this section, depending upon the time when the claim for the additional amount is presented.

(C) Any natural person or fiduciary who pays a claim of any creditor described in division (A) of this section shall be subrogated to the rights of that creditor proportionate to the amount of the payment and shall be entitled to reimbursement for

that amount in accordance with the priority of payments set forth 36354
in that division. 36355

(D)(1) Chapters 2113. to 2125. of the Revised Code, relating 36356
to the manner in which and the time within which claims shall be 36357
presented, shall apply to claims set forth in divisions (A)(2), 36358
(6), and (9) of this section. Claims for an expense of 36359
administration or for the allowance for support need not be 36360
presented. The executor or administrator shall pay debts included 36361
in divisions (A)(4) and (8) of this section, of which the executor 36362
or administrator has knowledge, regardless of presentation. 36363

(2) The giving of written notice to an executor or 36364
administrator of a motion or application to revive an action 36365
pending against the decedent at the date of death shall be 36366
equivalent to the presentation of a claim to the executor or 36367
administrator for the purpose of determining the order of payment 36368
of any judgment rendered or decree entered in such an action. 36369

(E) No payments shall be made to creditors of one class until 36370
all those of the preceding class are fully paid or provided for. 36371
If the assets are insufficient to pay all the claims of one class, 36372
the creditors of that class shall be paid ratably. 36373

(F) If it appears at any time that the assets have been 36374
exhausted in paying prior or preferred charges, allowances, or 36375
claims, those payments shall be a bar to an action on any claim 36376
not entitled to that priority or preference. 36377

Sec. 2133.01. Unless the context otherwise requires, as used 36378
in sections 2133.01 to 2133.15 of the Revised Code: 36379

(A) "Adult" means an individual who is eighteen years of age 36380
or older. 36381

(B) "Attending physician" means the physician to whom a 36382
declarant or other patient, or the family of a declarant or other 36383

patient, has assigned primary responsibility for the treatment or 36384
care of the declarant or other patient, or, if the responsibility 36385
has not been assigned, the physician who has accepted that 36386
responsibility. 36387

(C) "Comfort care" means any of the following: 36388

(1) Nutrition when administered to diminish the pain or 36389
discomfort of a declarant or other patient, but not to postpone 36390
the declarant's or other patient's death; 36391

(2) Hydration when administered to diminish the pain or 36392
discomfort of a declarant or other patient, but not to postpone 36393
the declarant's or other patient's death; 36394

(3) Any other medical or nursing procedure, treatment, 36395
intervention, or other measure that is taken to diminish the pain 36396
or discomfort of a declarant or other patient, but not to postpone 36397
the declarant's or other patient's death. 36398

(D) "Consulting physician" means a physician who, in 36399
conjunction with the attending physician of a declarant or other 36400
patient, makes one or more determinations that are required to be 36401
made by the attending physician, or to be made by the attending 36402
physician and one other physician, by an applicable provision of 36403
this chapter, to a reasonable degree of medical certainty and in 36404
accordance with reasonable medical standards. 36405

(E) "Declarant" means any adult who has executed a 36406
declaration in accordance with section 2133.02 of the Revised 36407
Code. 36408

(F) "Declaration" means a written document executed in 36409
accordance with section 2133.02 of the Revised Code. 36410

(G) "Durable power of attorney for health care" means a 36411
document created pursuant to sections 1337.11 to 1337.17 of the 36412
Revised Code. 36413

(H) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent.	36414 36415 36416
(I) "Health care facility" means any of the following:	36417
(1) A hospital;	36418
(2) A hospice care program, pediatric respite care program, or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;	36419 36420 36421
(3) A nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;	36422 36423
(4) A home health agency and any residential facility where a person is receiving care under the direction of a home health agency;	36424 36425 36426
(5) An intermediate care facility for the mentally retarded <u>individuals with intellectual disabilities</u> .	36427 36428
(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.	36429 36430 36431 36432 36433 36434
(K) "Home health agency" has the same meaning as in section 3701.881 of the Revised Code.	36435 36436
(L) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.	36437 36438 36439
(M) "Hospital" has the same meanings as in sections 3701.01, 3727.01, and 5122.01 of the Revised Code.	36440 36441
(N) "Hydration" means fluids that are artificially or technologically administered.	36442 36443

(O) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.	36444 36445
(P) "Intermediate care facility for the mentally retarded <u>individuals with intellectual disabilities</u> " has the same meaning as in section 5111.20 <u>5124.01</u> of the Revised Code.	36446 36447 36448
(Q) "Life-sustaining treatment" means any medical procedure, treatment, intervention, or other measure that, when administered to a qualified patient or other patient, will serve principally to prolong the process of dying.	36449 36450 36451 36452
(R) "Nurse" means a person who is licensed to practice nursing as a registered nurse or to practice practical nursing as a licensed practical nurse pursuant to Chapter 4723. of the Revised Code.	36453 36454 36455 36456
(S) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.	36457 36458
(T) "Nutrition" means sustenance that is artificially or technologically administered.	36459 36460
(U) "Permanently unconscious state" means a state of permanent unconsciousness in a declarant or other patient that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the declarant's or other patient's attending physician and one other physician who has examined the declarant or other patient, is characterized by both of the following:	36461 36462 36463 36464 36465 36466 36467
(1) Irreversible unawareness of one's being and environment.	36468
(2) Total loss of cerebral cortical functioning, resulting in the declarant or other patient having no capacity to experience pain or suffering.	36469 36470 36471
(V) "Person" has the same meaning as in section 1.59 of the Revised Code and additionally includes political subdivisions and	36472 36473

governmental agencies, boards, commissions, departments, 36474
institutions, offices, and other instrumentalities. 36475

(W) "Physician" means a person who is authorized under 36476
Chapter 4731. of the Revised Code to practice medicine and surgery 36477
or osteopathic medicine and surgery. 36478

(X) "Political subdivision" and "state" have the same 36479
meanings as in section 2744.01 of the Revised Code. 36480

(Y) "Professional disciplinary action" means action taken by 36481
the board or other entity that regulates the professional conduct 36482
of health care personnel, including the state medical board and 36483
the board of nursing. 36484

(Z) "Qualified patient" means an adult who has executed a 36485
declaration and has been determined to be in a terminal condition 36486
or in a permanently unconscious state. 36487

(AA) "Terminal condition" means an irreversible, incurable, 36488
and untreatable condition caused by disease, illness, or injury 36489
from which, to a reasonable degree of medical certainty as 36490
determined in accordance with reasonable medical standards by a 36491
declarant's or other patient's attending physician and one other 36492
physician who has examined the declarant or other patient, both of 36493
the following apply: 36494

(1) There can be no recovery. 36495

(2) Death is likely to occur within a relatively short time 36496
if life-sustaining treatment is not administered. 36497

(BB) "Tort action" means a civil action for damages for 36498
injury, death, or loss to person or property, other than a civil 36499
action for damages for breach of a contract or another agreement 36500
between persons. 36501

Sec. 2133.25. (A) The department of health, by rule adopted 36502
pursuant to Chapter 119. of the Revised Code, shall adopt a 36503

standardized method of procedure for the withholding of CPR by 36504
physicians, emergency medical services personnel, and health care 36505
facilities in accordance with sections 2133.21 to 2133.26 of the 36506
Revised Code. The standardized method shall specify criteria for 36507
determining when a do-not-resuscitate order issued by a physician 36508
is current. The standardized method so adopted shall be the 36509
"do-not-resuscitate protocol" for purposes of sections 2133.21 to 36510
2133.26 of the Revised Code. The department also shall approve one 36511
or more standard forms of DNR identification to be used throughout 36512
this state. 36513

(B) The department of health shall adopt rules in accordance 36514
with Chapter 119. of the Revised Code for the administration of 36515
sections 2133.21 to 2133.26 of the Revised Code. 36516

(C) The department of health shall appoint an advisory 36517
committee to advise the department in the development of rules 36518
under this section. The advisory committee shall include, but 36519
shall not be limited to, representatives of each of the following 36520
organizations: 36521

(1) The association for hospitals and health systems (OHA); 36522

(2) The Ohio state medical association; 36523

(3) The Ohio chapter of the American college of emergency 36524
physicians; 36525

(4) The Ohio hospice organization; 36526

(5) The Ohio council for home care; 36527

(6) The Ohio health care association; 36528

(7) The Ohio ambulance association; 36529

(8) The Ohio medical directors association; 36530

(9) The Ohio association of emergency medical services; 36531

(10) The bioethics network of Ohio; 36532

(11) The Ohio nurses association;	36533
(12) The Ohio academy of nursing homes;	36534
(13) The Ohio association of professional firefighters;	36535
(14) The department of developmental disabilities;	36536
(15) The Ohio osteopathic association;	36537
(16) The association of Ohio philanthropic homes, housing and services for the aging;	36538 36539
(17) The catholic conference of Ohio;	36540
(18) The department of aging;	36541
(19) The department of mental health <u>mental health and addiction services</u> ;	36542 36543
(20) The Ohio private residential association;	36544
(21) The northern Ohio fire fighters association.	36545
Sec. 2151.011. (A) As used in the Revised Code:	36546
(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:	36547 36548 36549
(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;	36550 36551 36552 36553 36554
(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;	36555 36556 36557 36558
(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.	36559 36560

(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter. 36561
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(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption. 36563
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(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following: 36568
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(a) Receives and cares for children for two or more consecutive weeks; 36573
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(b) Participates in the placement of children in certified foster homes; 36575
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(c) Provides adoption services in conjunction with a public children services agency or private child placing agency. 36577
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(B) As used in this chapter: 36579

(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs. 36580
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(2) "Adult" means an individual who is eighteen years of age or older. 36586
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(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children 36588
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services agency or a private child placing agency. 36591

(4) "Alternative response" means the public children services 36592
agency's response to a report of child abuse or neglect that 36593
engages the family in a comprehensive evaluation of child safety, 36594
risk of subsequent harm, and family strengths and needs and that 36595
does not include a determination as to whether child abuse or 36596
neglect occurred. 36597

(5) "Certified foster home" means a foster home, as defined 36598
in section 5103.02 of the Revised Code, certified under section 36599
5103.03 of the Revised Code. 36600

(6) "Child" means a person who is under eighteen years of 36601
age, except that the juvenile court has jurisdiction over any 36602
person who is adjudicated an unruly child prior to attaining 36603
eighteen years of age until the person attains twenty-one years of 36604
age, and, for purposes of that jurisdiction related to that 36605
adjudication, a person who is so adjudicated an unruly child shall 36606
be deemed a "child" until the person attains twenty-one years of 36607
age. 36608

(7) "Child day camp," "child care," "child day-care center," 36609
"part-time child day-care center," "type A family day-care home," 36610
"certified type B family day-care home," "type B home," 36611
"administrator of a child day-care center," "administrator of a 36612
type A family day-care home," "in-home aide," and "authorized 36613
provider" have the same meanings as in section 5104.01 of the 36614
Revised Code. 36615

(8) "Child care provider" means an individual who is a 36616
child-care staff member or administrator of a child day-care 36617
center, a type A family day-care home, or a type B family day-care 36618
home, or an in-home aide or an individual who is licensed, is 36619
regulated, is approved, operates under the direction of, or 36620
otherwise is certified by the department of job and family 36621

services, department of developmental disabilities, or the early 36622
childhood programs of the department of education. 36623

(9) "Chronic truant" has the same meaning as in section 36624
2152.02 of the Revised Code. 36625

(10) "Commit" means to vest custody as ordered by the court. 36626

(11) "Counseling" includes both of the following: 36627

(a) General counseling services performed by a public 36628
children services agency or shelter for victims of domestic 36629
violence to assist a child, a child's parents, and a child's 36630
siblings in alleviating identified problems that may cause or have 36631
caused the child to be an abused, neglected, or dependent child. 36632

(b) Psychiatric or psychological therapeutic counseling 36633
services provided to correct or alleviate any mental or emotional 36634
illness or disorder and performed by a licensed psychiatrist, 36635
licensed psychologist, or a person licensed under Chapter 4757. of 36636
the Revised Code to engage in social work or professional 36637
counseling. 36638

(12) "Custodian" means a person who has legal custody of a 36639
child or a public children services agency or private child 36640
placing agency that has permanent, temporary, or legal custody of 36641
a child. 36642

(13) "Delinquent child" has the same meaning as in section 36643
2152.02 of the Revised Code. 36644

(14) "Detention" means the temporary care of children pending 36645
court adjudication or disposition, or execution of a court order, 36646
in a public or private facility designed to physically restrict 36647
the movement and activities of children. 36648

(15) "Developmental disability" has the same meaning as in 36649
section 5123.01 of the Revised Code. 36650

(16) "Differential response approach" means an approach that 36651

a public children services agency may use to respond to accepted reports of child abuse or neglect with either an alternative response or a traditional response.

(17) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(18) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.

(19) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for five or more consecutive school days, seven or more school days in one school month, or twelve or more school days in a school year.

(20) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.

(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.

(22) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not limited to, any of the following:

(a) The fact that the child in question has enrolled in and

is attending another public or nonpublic school in this or another state; 36683
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(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code; 36685
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(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code. 36688
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(23) "Mental illness" and "mentally ill person subject to hospitalization by court order" have the same meanings as in section 5122.01 of the Revised Code. 36691
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(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care. 36694
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(25) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code. 36699
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(26) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility. 36701
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(27) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code. 36705
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(28) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere. 36707
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(29) "Out-of-home care" means detention facilities, shelter 36713
facilities, certified children's crisis care facilities, certified 36714
foster homes, placement in a prospective adoptive home prior to 36715
the issuance of a final decree of adoption, organizations, 36716
certified organizations, child day-care centers, type A family 36717
day-care homes, child care provided by type B family day-care home 36718
providers and by in-home aides, group home providers, group homes, 36719
institutions, state institutions, residential facilities, 36720
residential care facilities, residential camps, day camps, public 36721
schools, chartered nonpublic schools, educational service centers, 36722
hospitals, and medical clinics that are responsible for the care, 36723
physical custody, or control of children. 36724

(30) "Out-of-home care child abuse" means any of the 36725
following when committed by a person responsible for the care of a 36726
child in out-of-home care: 36727

(a) Engaging in sexual activity with a child in the person's 36728
care; 36729

(b) Denial to a child, as a means of punishment, of proper or 36730
necessary subsistence, education, medical care, or other care 36731
necessary for a child's health; 36732

(c) Use of restraint procedures on a child that cause injury 36733
or pain; 36734

(d) Administration of prescription drugs or psychotropic 36735
medication to the child without the written approval and ongoing 36736
supervision of a licensed physician; 36737

(e) Commission of any act, other than by accidental means, 36738
that results in any injury to or death of the child in out-of-home 36739
care or commission of any act by accidental means that results in 36740
an injury to or death of a child in out-of-home care and that is 36741
at variance with the history given of the injury or death. 36742

(31) "Out-of-home care child neglect" means any of the 36743

following when committed by a person responsible for the care of a child in out-of-home care: 36744
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(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child; 36746
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(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person; 36749
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(c) Failure to develop a process for all of the following: 36753

(i) Administration of prescription drugs or psychotropic drugs for the child; 36754
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(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed; 36756
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(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug. 36758
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(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child; 36761
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(e) Confinement of the child to a locked room without monitoring by staff; 36764
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(f) Failure to provide ongoing security for all prescription and nonprescription medication; 36766
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(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child. 36768
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(32) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right 36771
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to consent to adoption, and divests the natural parents or 36774
adoptive parents of all parental rights, privileges, and 36775
obligations, including all residual rights and obligations. 36776

(33) "Permanent surrender" means the act of the parents or, 36777
if a child has only one parent, of the parent of a child, by a 36778
voluntary agreement authorized by section 5103.15 of the Revised 36779
Code, to transfer the permanent custody of the child to a public 36780
children services agency or a private child placing agency. 36781

(34) "Person" means an individual, association, corporation, 36782
or partnership and the state or any of its political subdivisions, 36783
departments, or agencies. 36784

(35) "Person responsible for a child's care in out-of-home 36785
care" means any of the following: 36786

(a) Any foster caregiver, in-home aide, or provider; 36787

(b) Any administrator, employee, or agent of any of the 36788
following: a public or private detention facility; shelter 36789
facility; certified children's crisis care facility; organization; 36790
certified organization; child day-care center; type A family 36791
day-care home; certified type B family day-care home; group home; 36792
institution; state institution; residential facility; residential 36793
care facility; residential camp; day camp; school district; 36794
community school; chartered nonpublic school; educational service 36795
center; hospital; or medical clinic; 36796

(c) Any person who supervises or coaches children as part of 36797
an extracurricular activity sponsored by a school district, public 36798
school, or chartered nonpublic school; 36799

(d) Any other person who performs a similar function with 36800
respect to, or has a similar relationship to, children. 36801

(36) "Physically impaired" means having one or more of the 36802
following conditions that substantially limit one or more of an 36803

individual's major life activities, including self-care, receptive 36804
and expressive language, learning, mobility, and self-direction: 36805

(a) A substantial impairment of vision, speech, or hearing; 36806

(b) A congenital orthopedic impairment; 36807

(c) An orthopedic impairment caused by disease, rheumatic 36808
fever or any other similar chronic or acute health problem, or 36809
amputation or another similar cause. 36810

(37) "Placement for adoption" means the arrangement by a 36811
public children services agency or a private child placing agency 36812
with a person for the care and adoption by that person of a child 36813
of whom the agency has permanent custody. 36814

(38) "Placement in foster care" means the arrangement by a 36815
public children services agency or a private child placing agency 36816
for the out-of-home care of a child of whom the agency has 36817
temporary custody or permanent custody. 36818

(39) "Planned permanent living arrangement" means an order of 36819
a juvenile court pursuant to which both of the following apply: 36820

(a) The court gives legal custody of a child to a public 36821
children services agency or a private child placing agency without 36822
the termination of parental rights. 36823

(b) The order permits the agency to make an appropriate 36824
placement of the child and to enter into a written agreement with 36825
a foster care provider or with another person or agency with whom 36826
the child is placed. 36827

(40) "Practice of social work" and "practice of professional 36828
counseling" have the same meanings as in section 4757.01 of the 36829
Revised Code. 36830

(41) "Sanction, service, or condition" means a sanction, 36831
service, or condition created by court order following an 36832
adjudication that a child is an unruly child that is described in 36833

division (A)(4) of section 2152.19 of the Revised Code. 36834

(42) "Protective supervision" means an order of disposition 36835
pursuant to which the court permits an abused, neglected, 36836
dependent, or unruly child to remain in the custody of the child's 36837
parents, guardian, or custodian and stay in the child's home, 36838
subject to any conditions and limitations upon the child, the 36839
child's parents, guardian, or custodian, or any other person that 36840
the court prescribes, including supervision as directed by the 36841
court for the protection of the child. 36842

(43) "Psychiatrist" has the same meaning as in section 36843
5122.01 of the Revised Code. 36844

(44) "Psychologist" has the same meaning as in section 36845
4732.01 of the Revised Code. 36846

(45) "Residential camp" means a program in which the care, 36847
physical custody, or control of children is accepted overnight for 36848
recreational or recreational and educational purposes. 36849

(46) "Residential care facility" means an institution, 36850
residence, or facility that is licensed by the department of 36851
~~mental health~~ mental health and addiction services under section 36852
~~5119.22~~ 5119.34 of the Revised Code and that provides care for a 36853
child. 36854

(47) "Residential facility" means a home or facility that is 36855
licensed by the department of developmental disabilities under 36856
section 5123.19 of the Revised Code and in which a child with a 36857
developmental disability resides. 36858

(48) "Residual parental rights, privileges, and 36859
responsibilities" means those rights, privileges, and 36860
responsibilities remaining with the natural parent after the 36861
transfer of legal custody of the child, including, but not 36862
necessarily limited to, the privilege of reasonable visitation, 36863
consent to adoption, the privilege to determine the child's 36864

religious affiliation, and the responsibility for support. 36865

(49) "School day" means the school day established by the 36866
state board of education pursuant to section 3313.48 of the 36867
Revised Code. 36868

(50) "School month" and "school year" have the same meanings 36869
as in section 3313.62 of the Revised Code. 36870

(51) "Secure correctional facility" means a facility under 36871
the direction of the department of youth services that is designed 36872
to physically restrict the movement and activities of children and 36873
used for the placement of children after adjudication and 36874
disposition. 36875

(52) "Sexual activity" has the same meaning as in section 36876
2907.01 of the Revised Code. 36877

(53) "Shelter" means the temporary care of children in 36878
physically unrestricted facilities pending court adjudication or 36879
disposition. 36880

(54) "Shelter for victims of domestic violence" has the same 36881
meaning as in section 3113.33 of the Revised Code. 36882

(55) "Temporary custody" means legal custody of a child who 36883
is removed from the child's home, which custody may be terminated 36884
at any time at the discretion of the court or, if the legal 36885
custody is granted in an agreement for temporary custody, by the 36886
person who executed the agreement. 36887

(56) "Traditional response" means a public children services 36888
agency's response to a report of child abuse or neglect that 36889
encourages engagement of the family in a comprehensive evaluation 36890
of the child's current and future safety needs and a fact-finding 36891
process to determine whether child abuse or neglect occurred and 36892
the circumstances surrounding the alleged harm or risk of harm. 36893

(C) For the purposes of this chapter, a child shall be 36894

presumed abandoned when the parents of the child have failed to 36895
visit or maintain contact with the child for more than ninety 36896
days, regardless of whether the parents resume contact with the 36897
child after that period of ninety days. 36898

Sec. 2151.3514. (A) As used in this section: 36899

(1) "~~Alcohol and drug~~ Community addiction program services 36900
provider" has the same meaning as in section ~~3793.01~~ 5119.01 of 36901
the Revised Code; 36902

(2) "Chemical dependency" means either of the following: 36903

(a) The chronic and habitual use of alcoholic beverages to 36904
the extent that the user no longer can control the use of alcohol 36905
or endangers the user's health, safety, or welfare or that of 36906
others; 36907

(b) The use of a drug of abuse to the extent that the user 36908
becomes physically or psychologically dependent on the drug or 36909
endangers the user's health, safety, or welfare or that of others. 36910

(3) "Drug of abuse" has the same meaning as in section 36911
3719.011 of the Revised Code. 36912

~~(4) "Medicaid" means the program established under Chapter 36913
5111. of the Revised Code. 36914~~

(B) If the juvenile court issues an order of temporary 36915
custody or protective supervision under division (A) of section 36916
2151.353 of the Revised Code with respect to a child adjudicated 36917
to be an abused, neglected, or dependent child and the alcohol or 36918
other drug addiction of a parent or other caregiver of the child 36919
was the basis for the adjudication of abuse, neglect, or 36920
dependency, the court shall issue an order requiring the parent or 36921
other caregiver to submit to an assessment and, if needed, 36922
treatment from ~~an alcohol and drug~~ a community addiction program 36923
services provider certified by the department of ~~alcohol and drug~~ 36924

~~addiction services~~ mental health and addiction services. The court 36925
may order the parent or other caregiver to submit to alcohol or 36926
other drug testing during, after, or both during and after, the 36927
treatment. The court shall send any order issued pursuant to this 36928
division to the public children services agency that serves the 36929
county in which the court is located for use as described in 36930
section 340.15 of the Revised Code. 36931

(C) Any order requiring alcohol or other drug testing that is 36932
issued pursuant to division (B) of this section shall require one 36933
alcohol or other drug test to be conducted each month during a 36934
period of twelve consecutive months beginning the month 36935
immediately following the month in which the order for alcohol or 36936
other drug testing is issued. Arrangements for administering the 36937
alcohol or other drug tests, as well as funding the costs of the 36938
tests, shall be locally determined in accordance with sections 36939
~~340.033~~ 340.03 and 340.15 of the Revised Code. If a parent or 36940
other caregiver required to submit to alcohol or other drug tests 36941
under this section is not a recipient of medicaid, the agency that 36942
refers the parent or caregiver for the tests may require the 36943
parent or caregiver to reimburse the agency for the cost of 36944
conducting the tests. 36945

(D) The certified ~~alcohol and drug~~ community addiction 36946
~~program~~ services provider that conducts any alcohol or other drug 36947
tests ordered in accordance with divisions (B) and (C) of this 36948
section shall send the results of the tests, along with the 36949
~~program's~~ provider's recommendations as to the benefits of 36950
continued treatment, to the court and to the public children 36951
services agency providing services to the involved family, 36952
according to federal regulations set forth in 42 C.F.R. Part 2, 36953
and division (B) of section 340.15 of the Revised Code. The court 36954
shall consider the results and the recommendations sent to it 36955
under this division in any adjudication or review by the court, 36956

according to section 2151.353, 2151.414, or 2151.419 of the Revised Code.

Sec. 2151.362. (A)(1) In the manner prescribed by division (C)(1) or (2) of section 3313.64 of the Revised Code, as applicable, the court, at the time of making any order that removes a child from the child's own home or that vests legal or permanent custody of the child in a person other than the child's parent or a government agency, shall determine the school district that is to bear the cost of educating the child. The court shall make the determination a part of the order that provides for the child's placement or commitment. That school district shall bear the cost of educating the child unless and until the department of education determines that a different district shall be responsible for bearing that cost pursuant to division (A)(2) of this section. The court's order shall state that the determination of which school district is responsible to bear the cost of educating the child is subject to re-determination by the department pursuant to that division.

(2) If, while the child is in the custody of a person other than the child's parent or a government agency, the department of education determines that the place of residence of the child's parent has changed since the court issued its initial order, the department may name a different school district to bear the cost of educating the child. The department shall make this new determination, and any future determinations, based on evidence received from the school district currently responsible to bear the cost of educating the child. If the department finds that the evidence demonstrates to its satisfaction that the residence of the child's parent has changed since the court issued its initial order under division (A)(1) of this section, or since the department last made a determination under division (A)(2) of this section, the department shall name the district in which the

child's parent currently resides or, if the parent's residence is 36989
not known, the district in which the parent's last known residence 36990
is located. If the department cannot determine any Ohio district 36991
in which the parent currently resides or has resided, the school 36992
district designated in the initial court order under division 36993
(A)(1) of this section, or in the most recent determination made 36994
by the department under division (A)(2) of this section, shall 36995
continue to bear the cost of educating the child. 36996

(B) Whenever a child is placed in a detention facility 36997
established under section 2152.41 of the Revised Code or a 36998
juvenile facility established under section 2151.65 of the Revised 36999
Code, the facility shall be responsible for coordinating the 37000
education of the child. The facility may take any of the following 37001
measures in coordinating the education of the child: 37002

(1) If applicable, use the chartered nonpublic school that 37003
the facility operates; 37004

(2) Arrange with the school district responsible for bearing 37005
the cost of educating the child determined under division (A) of 37006
this section, for the facility to educate the child on its own; 37007

(3) Contract with an educational service center for the 37008
service center to educate the child; 37009

(4) Contract with the school district in which the facility 37010
is located for that school district to educate the child; 37011

(5) If the child is enrolled in an internet- or 37012
computer-based community school established under Chapter 3314. of 37013
the Revised Code, and provided that the facility possesses the 37014
necessary hardware, software, and internet connectivity, permit 37015
continued instruction of the child by the internet- or 37016
computer-based community school. 37017

If the facility coordinates the education of the child 37018
pursuant to division (B)(1), (2), (3), or (4) of this section, 37019

child's school district as determined by the court or the 37020
department, in the same manner as prescribed in division (A) of 37021
this section, shall pay the cost of educating the child based on 37022
the per capita cost of the educational facility within the 37023
detention home or juvenile facility. 37024

If the facility coordinates the education of the child 37025
pursuant to division (B)(5) of this section, payment for the cost 37026
of educating the child shall be made only as provided in division 37027
(C) of section 3314.08 of the Revised Code. 37028

(C) Whenever a child is placed by the court in a private 37029
institution, school, or residential treatment center or any other 37030
private facility, the state shall pay to the court a subsidy to 37031
help defray the expense of educating the child in an amount equal 37032
to the product of the daily per capita educational cost of the 37033
private facility, as determined pursuant to this section, and the 37034
number of days the child resides at the private facility, provided 37035
that the subsidy shall not exceed twenty-five hundred dollars per 37036
year per child. The daily per capita educational cost of a private 37037
facility shall be determined by dividing the actual program cost 37038
of the private facility or twenty-five hundred dollars, whichever 37039
is less, by three hundred sixty-five days or by three hundred 37040
sixty-six days for years that include February twenty-ninth. The 37041
state shall pay seventy-five per cent of the total subsidy for 37042
each year quarterly to the court. The state may adjust the 37043
remaining twenty-five per cent of the total subsidy to be paid to 37044
the court for each year to an amount that is less than twenty-five 37045
per cent of the total subsidy for that year based upon the 37046
availability of funds appropriated to the department of education 37047
for the purpose of subsidizing courts that place a child in a 37048
private institution, school, or residential treatment center or 37049
any other private facility and shall pay that adjusted amount to 37050
the court at the end of the year. 37051

Sec. 2151.83. (A) A public children services agency or 37052
private child placing agency, on the request of a young adult, 37053
shall enter into a jointly prepared written agreement with the 37054
young adult that obligates the agency to ensure that independent 37055
living services are provided to the young adult and sets forth the 37056
responsibilities of the young adult regarding the services. The 37057
agreement shall be developed based on the young adult's strengths, 37058
needs, and circumstances. The agreement shall be designed to 37059
promote the young adult's successful transition to independent 37060
adult living and emotional and economic self-sufficiency. 37061

(B) If the young adult appears to be eligible for services 37062
from one or more of the following entities, the agency must 37063
contact the appropriate entity to determine eligibility: 37064

(1) An entity, other than the agency, that is represented on 37065
a county family and children first council established pursuant to 37066
section 121.37 of the Revised Code. If the entity is a board of 37067
alcohol, drug addiction, and mental health services, an alcohol 37068
and drug addiction services board, or a community mental health 37069
board, the agency shall contact the provider of alcohol, drug 37070
addiction, or mental health services that has been designated by 37071
the board to determine the young adult's eligibility for services. 37072

(2) ~~The rehabilitation services commission opportunities for~~ 37073
Ohioans with disabilities agency; 37074

(3) A metropolitan housing authority established pursuant to 37075
section 3735.27 of the Revised Code. 37076

If an entity described in this division determines that the 37077
young adult qualifies for services from the entity, that entity, 37078
the young adult, and the agency to which the young adult made the 37079
request for independent living services shall enter into a written 37080
addendum to the jointly prepared agreement entered into under 37081
division (A) of this section. The addendum shall indicate how 37082

services under the agreement and addendum are to be coordinated 37083
and allocate the service responsibilities among the entities and 37084
agency that signed the addendum. 37085

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 37086
entity that appoints or employs any person responsible for a 37087
child's care in out-of-home care shall request the superintendent 37088
of BCII to conduct a criminal records check with respect to any 37089
person who is under final consideration for appointment or 37090
employment as a person responsible for a child's care in 37091
out-of-home care, except that section 3319.39 of the Revised Code 37092
shall apply instead of this section if the out-of-home care entity 37093
is a public school, educational service center, or chartered 37094
nonpublic school. 37095

(2) At the times specified in this division, the 37096
administrative director of an agency, or attorney, who arranges an 37097
adoption for a prospective adoptive parent shall request the 37098
superintendent of BCII to conduct a criminal records check with 37099
respect to that prospective adoptive parent and a criminal records 37100
check with respect to all persons eighteen years of age or older 37101
who reside with the prospective adoptive parent. The 37102
administrative director or attorney shall request a criminal 37103
records check pursuant to this division at the time of the initial 37104
home study, every four years after the initial home study at the 37105
time of an update, and at the time that an adoptive home study is 37106
completed as a new home study. 37107

(3) Before a recommending agency submits a recommendation to 37108
the department of job and family services on whether the 37109
department should issue a certificate to a foster home under 37110
section 5103.03 of the Revised Code, and every four years 37111
thereafter prior to a recertification under that section, the 37112
administrative director of the agency shall request that the 37113

superintendent of BCII conduct a criminal records check with 37114
respect to the prospective foster caregiver and a criminal records 37115
check with respect to all other persons eighteen years of age or 37116
older who reside with the foster caregiver. 37117

(B)(1) If a person subject to a criminal records check under 37118
division (A)(1) of this section does not present proof that the 37119
person has been a resident of this state for the five-year period 37120
immediately prior to the date upon which the criminal records 37121
check is requested or does not provide evidence that within that 37122
five-year period the superintendent of BCII has requested 37123
information about the person from the federal bureau of 37124
investigation in a criminal records check, the appointing or 37125
hiring officer shall request that the superintendent of BCII 37126
obtain information from the federal bureau of investigation as a 37127
part of the criminal records check, including fingerprint-based 37128
checks of national crime information databases as described in 42 37129
U.S.C. 671. If a person subject to a criminal records check under 37130
division (A)(1) of this section presents proof that the person has 37131
been a resident of this state for that five-year period, the 37132
appointing or hiring officer or attorney may request that the 37133
superintendent of BCII include information from the federal bureau 37134
of investigation in the criminal records check, including 37135
fingerprint-based checks of national crime information databases 37136
as described in 42 U.S.C. 671. 37137

When the administrative director of an agency, or attorney, 37138
who arranges an adoption for a prospective parent requests, at the 37139
time of the initial home study, a criminal records check for a 37140
person pursuant to division (A)(2) of this section, the 37141
administrative director or attorney shall request that the 37142
superintendent of BCII obtain information from the federal bureau 37143
of investigation as part of the criminal records check, including 37144
fingerprint-based checks of national crime information databases 37145

as described in 42 U.S.C. 671, for the person subject to the 37146
criminal records check. In all other cases in which the 37147
administrative director of an agency, or attorney, who arranges an 37148
adoption for a prospective parent requests a criminal records 37149
check for a person pursuant to division (A)(2) of this section, 37150
the administrative director or attorney may request that the 37151
superintendent of BCII include information from the federal bureau 37152
of investigation in the criminal records check, including 37153
fingerprint-based checks of national crime information databases 37154
as described in 42 U.S.C. 671. 37155

When the administrative director of a recommending agency 37156
requests, before submitting a recommendation to the department of 37157
job and family services on whether the department should issue a 37158
certificate to a foster home under section 5103.03 of the Revised 37159
Code, a criminal records check for a person pursuant to division 37160
(A)(3) of this section, the administrative director shall request 37161
that the superintendent of BCII obtain information from the 37162
federal bureau of investigation as part of a criminal records 37163
check, including fingerprint-based checks of national crime 37164
information databases as described in 42 U.S.C. 671, for the 37165
person subject to the criminal records check. In all other cases 37166
in which the administrative director of a recommending agency 37167
requests a criminal records check for a person pursuant to 37168
division (A)(3) of this section, the administrative director may 37169
request that the superintendent of BCII include information from 37170
the federal bureau of investigation in the criminal records check, 37171
including fingerprint-based checks of national crime information 37172
databases as described in 42 U.S.C. 671. 37173

Prior to a hearing on a final decree of adoption or 37174
interlocutory order of adoption by a probate court, the 37175
administrative director of an agency, or an attorney, who arranges 37176
an adoption for a prospective parent shall provide to the clerk of 37177

the probate court either of the following: 37178

(a) Any information received pursuant to a request made under 37179
this division from the superintendent of BCII or the federal 37180
bureau of investigation as part of the criminal records check, 37181
including fingerprint-based checks of national crime information 37182
databases as described in 42 U.S.C. 671, for the person subject to 37183
the criminal records check; 37184

(b) Written notification that the person subject to a 37185
criminal records check pursuant to this division failed upon 37186
request to provide the information necessary to complete the form 37187
or failed to provide impressions of the person's fingerprints as 37188
required under division (B)(2) of this section. 37189

(2) An appointing or hiring officer, administrative director, 37190
or attorney required by division (A) of this section to request a 37191
criminal records check shall provide to each person subject to a 37192
criminal records check a copy of the form prescribed pursuant to 37193
division (C)(1) of section 109.572 of the Revised Code and a 37194
standard impression sheet to obtain fingerprint impressions 37195
prescribed pursuant to division (C)(2) of section 109.572 of the 37196
Revised Code, obtain the completed form and impression sheet from 37197
the person, and forward the completed form and impression sheet to 37198
the superintendent of BCII at the time the criminal records check 37199
is requested. 37200

Any person subject to a criminal records check who receives 37201
pursuant to this division a copy of the form prescribed pursuant 37202
to division (C)(1) of section 109.572 of the Revised Code and a 37203
copy of an impression sheet prescribed pursuant to division (C)(2) 37204
of that section and who is requested to complete the form and 37205
provide a set of fingerprint impressions shall complete the form 37206
or provide all the information necessary to complete the form and 37207
shall provide the impression sheet with the impressions of the 37208
person's fingerprints. If a person subject to a criminal records 37209

check, upon request, fails to provide the information necessary to 37210
complete the form or fails to provide impressions of the person's 37211
fingerprints, the appointing or hiring officer shall not appoint 37212
or employ the person as a person responsible for a child's care in 37213
out-of-home care, a probate court may not issue a final decree of 37214
adoption or an interlocutory order of adoption making the person 37215
an adoptive parent, and the department of job and family services 37216
shall not issue a certificate authorizing the prospective foster 37217
caregiver to operate a foster home. 37218

(C)(1) No appointing or hiring officer shall appoint or 37219
employ a person as a person responsible for a child's care in 37220
out-of-home care, the department of job and family services shall 37221
not issue a certificate under section 5103.03 of the Revised Code 37222
authorizing a prospective foster caregiver to operate a foster 37223
home, and no probate court shall issue a final decree of adoption 37224
or an interlocutory order of adoption making a person an adoptive 37225
parent if the person or, in the case of a prospective foster 37226
caregiver or prospective adoptive parent, any person eighteen 37227
years of age or older who resides with the prospective foster 37228
caregiver or prospective adoptive parent previously has been 37229
convicted of or pleaded guilty to any of the violations described 37230
in division (A)(4) of section 109.572 of the Revised Code, unless 37231
the person meets rehabilitation standards established in rules 37232
adopted under division (F) of this section. 37233

(2) The appointing or hiring officer may appoint or employ a 37234
person as a person responsible for a child's care in out-of-home 37235
care conditionally until the criminal records check required by 37236
this section is completed and the officer receives the results of 37237
the criminal records check. If the results of the criminal records 37238
check indicate that, pursuant to division (C)(1) of this section, 37239
the person subject to the criminal records check does not qualify 37240
for appointment or employment, the officer shall release the 37241

person from appointment or employment. 37242

(3) Prior to certification or recertification under section 37243
5103.03 of the Revised Code, the prospective foster caregiver 37244
subject to a criminal records check under division (A)(3) of this 37245
section shall notify the recommending agency of the revocation of 37246
any foster home license, certificate, or other similar 37247
authorization in another state occurring within the five years 37248
prior to the date of application to become a foster caregiver in 37249
this state. The failure of a prospective foster caregiver to 37250
notify the recommending agency of any revocation of that type in 37251
another state that occurred within that five-year period shall be 37252
grounds for denial of the person's foster home application or the 37253
revocation of the person's foster home certification, whichever is 37254
applicable. If a person has had a revocation in another state 37255
within the five years prior to the date of the application, the 37256
department of job and family services shall not issue a foster 37257
home certificate to the prospective foster caregiver. 37258

(D) The appointing or hiring officer, administrative 37259
director, or attorney shall pay to the bureau of criminal 37260
identification and investigation the fee prescribed pursuant to 37261
division (C)(3) of section 109.572 of the Revised Code for each 37262
criminal records check conducted in accordance with that section 37263
upon a request pursuant to division (A) of this section. The 37264
officer, director, or attorney may charge the person subject to 37265
the criminal records check a fee for the costs the officer, 37266
director, or attorney incurs in obtaining the criminal records 37267
check. A fee charged under this division shall not exceed the 37268
amount of fees the officer, director, or attorney pays for the 37269
criminal records check. If a fee is charged under this division, 37270
the officer, director, or attorney shall notify the person who is 37271
the applicant at the time of the person's initial application for 37272
appointment or employment, an adoption to be arranged, or a 37273

certificate to operate a foster home of the amount of the fee and 37274
that, unless the fee is paid, the person who is the applicant will 37275
not be considered for appointment or employment or as an adoptive 37276
parent or foster caregiver. 37277

(E) The report of any criminal records check conducted by the 37278
bureau of criminal identification and investigation in accordance 37279
with section 109.572 of the Revised Code and pursuant to a request 37280
made under division (A) of this section is not a public record for 37281
the purposes of section 149.43 of the Revised Code and shall not 37282
be made available to any person other than the following: 37283

(1) The person who is the subject of the criminal records 37284
check or the person's representative; 37285

(2) The appointing or hiring officer, administrative 37286
director, or attorney requesting the criminal records check or the 37287
officer's, director's, or attorney's representative; 37288

(3) The department of job and family services, a county 37289
department of job and family services, or a public children 37290
services agency; 37291

(4) Any court, hearing officer, or other necessary individual 37292
involved in a case dealing with the denial of employment, a final 37293
decree of adoption or interlocutory order of adoption, or a foster 37294
home certificate. 37295

(F) The director of job and family services shall adopt rules 37296
in accordance with Chapter 119. of the Revised Code to implement 37297
this section. The rules shall include rehabilitation standards a 37298
person who has been convicted of or pleaded guilty to an offense 37299
listed in division (A)(4) of section 109.572 of the Revised Code 37300
must meet for an appointing or hiring officer to appoint or employ 37301
the person as a person responsible for a child's care in 37302
out-of-home care, a probate court to issue a final decree of 37303
adoption or interlocutory order of adoption making the person an 37304

adoptive parent, or the department to issue a certificate 37305
authorizing the prospective foster caregiver to operate a foster 37306
home or not revoke a foster home certificate for a violation 37307
specified in section 5103.0328 of the Revised Code. 37308

(G) An appointing or hiring officer, administrative director, 37309
or attorney required by division (A) of this section to request a 37310
criminal records check shall inform each person who is the 37311
applicant, at the time of the person's initial application for 37312
appointment or employment, an adoption to be arranged, or a foster 37313
home certificate, that the person subject to the criminal records 37314
check is required to provide a set of impressions of the person's 37315
fingerprints and that a criminal records check is required to be 37316
conducted and satisfactorily completed in accordance with section 37317
109.572 of the Revised Code. 37318

~~(H) The department of job and family services may waive the 37319
requirement that a criminal records check based on fingerprints be 37320
conducted for an adult resident of a prospective adoptive or 37321
foster home or the home of a foster caregiver if the recommending 37322
agency documents to the department's satisfaction that the adult 37323
resident is physically unable to comply with the fingerprinting 37324
requirement and poses no danger to foster children or adoptive 37325
children who may be placed in the home. In such cases, the 37326
recommending or approving agency shall request that the bureau of 37327
criminal identification and investigation conduct a criminal 37328
records check using the person's name and social security number. 37329~~

~~(I) As used in this section: 37330~~

~~(1) "Children's hospital" means any of the following: 37331~~

~~(a) A hospital registered under section 3701.07 of the 37332
Revised Code that provides general pediatric medical and surgical 37333
care, and in which at least seventy-five per cent of annual 37334
inpatient discharges for the preceding two calendar years were 37335~~

individuals less than eighteen years of age; 37336

(b) A distinct portion of a hospital registered under section 37337
3701.07 of the Revised Code that provides general pediatric 37338
medical and surgical care, has a total of at least one hundred 37339
fifty registered pediatric special care and pediatric acute care 37340
beds, and in which at least seventy-five per cent of annual 37341
inpatient discharges for the preceding two calendar years were 37342
individuals less than eighteen years of age; 37343

(c) A distinct portion of a hospital, if the hospital is 37344
registered under section 3701.07 of the Revised Code as a 37345
children's hospital and the children's hospital meets all the 37346
requirements of division ~~(I)~~(H)(1)(a) of this section. 37347

(2) "Criminal records check" has the same meaning as in 37348
section 109.572 of the Revised Code. 37349

(3) "Person responsible for a child's care in out-of-home 37350
care" has the same meaning as in section 2151.011 of the Revised 37351
Code, except that it does not include a prospective employee of 37352
the department of youth services or a person responsible for a 37353
child's care in a hospital or medical clinic other than a 37354
children's hospital. 37355

(4) "Person subject to a criminal records check" means the 37356
following: 37357

(a) A person who is under final consideration for appointment 37358
or employment as a person responsible for a child's care in 37359
out-of-home care; 37360

(b) A prospective adoptive parent; 37361

(c) A prospective foster caregiver; 37362

(d) A person eighteen years old or older who resides with a 37363
prospective foster caregiver or a prospective adoptive parent. 37364

(5) "Recommending agency" means a public children services 37365

agency, private child placing agency, or private noncustodial 37366
agency to which the department of job and family services has 37367
delegated a duty to inspect and approve foster homes. 37368

(6) "Superintendent of BCII" means the superintendent of the 37369
bureau of criminal identification and investigation. 37370

Sec. 2152.54. (A) An evaluation of a child who does not 37371
appear to the court to be a person who is at least moderately 37372
intellectually disabled shall be made by an evaluator who is one 37373
of the following: 37374

(1) A professional employed by a psychiatric facility or 37375
center certified by the department of ~~mental health~~ mental health 37376
and addiction services to provide forensic services and appointed 37377
by the director of the facility or center to conduct the 37378
evaluation; 37379

(2) A psychiatrist or a licensed clinical psychologist who 37380
satisfies the criteria of division (I)(1) of section 5122.01 of 37381
the Revised Code and has specialized education, training, or 37382
experience in forensic evaluations of children or adolescents. 37383

(B) An evaluation of a child who appears to the court to be a 37384
person who is at least moderately intellectually disabled shall be 37385
made by a psychiatrist or licensed clinical psychologist who 37386
satisfies the criteria of division (I)(1) of section 5122.01 of 37387
the Revised Code and has specialized education, training, or 37388
experience in forensic evaluations of children or adolescents who 37389
have intellectual disability. 37390

(C) If an evaluation is conducted by an evaluator of the type 37391
described in division (A)(1) or (2) of this section and the 37392
evaluator concludes that the child is a person who is at least 37393
moderately intellectually disabled, the evaluator shall 37394
discontinue the evaluation and notify the court within one 37395

business day after reaching the conclusion. Within two business 37396
days after receiving notification, the court shall order the child 37397
to undergo an evaluation by an evaluator of the type described in 37398
division (B) of this section. Within two business days after the 37399
appointment of the new evaluator, the original evaluator shall 37400
deliver to the new evaluator all information relating to the child 37401
obtained during the original evaluation. 37402

Sec. 2152.59. (A) If after a hearing held pursuant to section 37403
2152.58 of the Revised Code the court determines that a child is 37404
competent, the court shall proceed with the delinquent child's 37405
proceeding as provided by law. No statement that a child makes 37406
during an evaluation or hearing conducted under sections 2152.51 37407
through 2152.59 of the Revised Code shall be used against the 37408
child on the issue of responsibility or guilt in any child or 37409
adult proceeding. 37410

(B) If after a hearing held pursuant to section 2152.58 of 37411
the Revised Code the court determines that the child is not 37412
competent and cannot attain competency within the period of time 37413
applicable under division (D)(2) of this section, the court shall 37414
dismiss the charges without prejudice, except that the court may 37415
delay dismissal for up to ninety calendar days and do either of 37416
the following: 37417

(1) Refer the matter to a public children services agency and 37418
request that agency determine whether to file an action in 37419
accordance with section 2151.27 of the Revised Code alleging that 37420
the child is a dependent, neglected, or abused child; 37421

(2) Assign court staff to refer the child or the child's 37422
family to the local family and children first council or an agency 37423
funded by the department of ~~mental health~~ mental health and 37424
addiction services or department of developmental disabilities or 37425
otherwise secure services to reduce the potential that the child 37426

would engage in behavior that could result in delinquent child or 37427
other criminal charges. 37428

(C) If after a hearing held pursuant to section 2152.58 of 37429
the Revised Code the court determines that a child is not 37430
competent but could likely attain competency by participating in 37431
services specifically designed to help the child develop 37432
competency, the court may order the child to participate in 37433
services specifically designed to help the child develop 37434
competency at county expense. The court shall name a reliable 37435
provider to deliver the competency attainment services and shall 37436
order the child's parent, guardian, or custodian to contact that 37437
provider by a specified date to arrange for services. 37438

(D) The competency attainment services provided to a child 37439
shall be based on a competency attainment plan described in 37440
division (E)(2) of this section and approved by the court. 37441
Services are subject to the following conditions and time periods 37442
measured from the date the court approves the plan: 37443

(1) Services shall be provided in the least restrictive 37444
setting that is consistent with the child's ability to attain 37445
competency and the safety of both the child and the community. If 37446
the child has been released on temporary or interim orders and 37447
refuses or fails to cooperate with the service provider, the court 37448
may reassess the orders and amend them to require a more 37449
appropriate setting. 37450

(2) No child shall be required to participate in competency 37451
attainment services for longer than is required for the child to 37452
attain competency. The following maximum periods of participation 37453
apply: 37454

(a) If a child is ordered to participate in competency 37455
attainment services that are provided outside of a residential 37456
setting, the child shall not participate in those services for a 37457

period exceeding three months if the child is charged with an act 37458
that would be a misdemeanor if committed by an adult, six months 37459
if the child is charged with an act that would be a felony of the 37460
third, fourth, or fifth degree if committed by an adult, or one 37461
year if the child is charged with an act that would be a felony of 37462
the first or second degree, aggravated murder, or murder if 37463
committed by an adult. 37464

(b) If a child is ordered to receive competency attainment 37465
services that are provided in a residential setting that is 37466
operated solely or in part for the purpose of providing competency 37467
attainment services, the child shall not participate in those 37468
services for a period exceeding forty-five calendar days if the 37469
child is charged with an act that would be a misdemeanor if 37470
committed by an adult, three months if the child is charged with 37471
an act that would be a felony of the third, fourth, or fifth 37472
degree if committed by an adult, six months if the child is 37473
charged with an act that would be a felony of the first or second 37474
degree if committed by an adult, or one year if the child is 37475
charged with an act that would be aggravated murder or murder if 37476
committed by an adult. 37477

(c) If a child is ordered into a residential, detention, or 37478
other secured setting for reasons other than to participate in 37479
competency attainment services and is also ordered to participate 37480
in competency attainment services concurrently, the child shall 37481
participate in the competency attainment services for not longer 37482
than the relevant period set forth in division (D)(2)(a) of this 37483
section. 37484

(d) If a child is ordered to participate in competency 37485
attainment services that require the child to live for some but 37486
not all of the duration of the services in a residential setting 37487
that is operated solely or in part for the purpose of providing 37488
competency attainment services, the child shall participate in the 37489

competency attainment services for not longer than the relevant 37490
period set forth in division (D)(2)(b) of this section. For the 37491
purpose of calculating a time period under division (D)(2)(d) of 37492
this section, two days of participation in a nonresidential 37493
setting shall equal one day of participation in a residential 37494
setting. 37495

(3) A child who receives competency attainment services in a 37496
residential setting that is operated solely or partly for the 37497
purpose of providing competency attainment services is in 37498
detention for purposes of section 2921.34 and division (B) of 37499
section 2152.18 of the Revised Code during the time that the child 37500
resides in the residential setting. 37501

(E)(1) Within ten business days after the court names the 37502
provider responsible for the child's competency attainment 37503
services under division (D) of this section, the court shall 37504
deliver to that provider a copy of each competency assessment 37505
report it has received for review. The provider shall return the 37506
copies of the reports to the court upon the termination of the 37507
services. 37508

(2) Not later than thirty calendar days after the child 37509
contacts the competency attainment services provider under 37510
division (C) of this section, the provider shall submit to the 37511
court a plan for the child to attain competency. The court shall 37512
provide copies of the plan to the prosecuting attorney, the 37513
child's attorney, the child's guardian ad litem, if any, and the 37514
child's parents, guardian, or custodian. 37515

(F) The provider that provides the child's competency 37516
attainment services pursuant to the competency attainment plan 37517
shall submit reports to the court on the following schedule: 37518

(1) A report on the child's progress every thirty calendar 37519
days and on the termination of services. The report shall not 37520

include any details of the alleged offense as reported by the 37521
child. 37522

(2) If the provider determines that the child is not 37523
cooperating to a degree that would allow the services to be 37524
effective to help the child attain competency, a report informing 37525
the court of the determination within three business days after 37526
making the determination; 37527

(3) If the provider determines that the current setting is no 37528
longer the least restrictive setting that is consistent with the 37529
child's ability to attain competency and the safety of both the 37530
child and the community, a report informing the court of the 37531
determination within three business days after making the 37532
determination; 37533

(4) If the provider determines that the child has achieved 37534
the goals of the plan and would be able to understand the nature 37535
and objectives of the proceeding against the child and to assist 37536
in the child's defense, with or without reasonable accommodations 37537
to meet the criteria set forth in division (B) of section 2152.56 37538
of the Revised Code, a report informing the court of that 37539
determination within three business days after making the 37540
determination. If the provider believes that accommodations would 37541
be necessary or desirable, the report shall include 37542
recommendations for accommodations. 37543

(5) If the provider determines that the child will not 37544
achieve the goals of the plan within the applicable period of time 37545
under division (D)(2) of this section, a report informing the 37546
court of the determination within three business days after making 37547
the determination. The report shall include recommendations for 37548
services for the child that would support the safety of the child 37549
or the community. 37550

(G) The court shall provide copies of any report made under 37551

division (F) of this section to the prosecuting attorney, the 37552
child's attorney, and the child's guardian ad litem, if any. The 37553
court shall provide copies of any report made under division (F) 37554
of this section to the child's parents, guardian, or custodian 37555
unless the court finds that doing so is not in the best interest 37556
of the child. 37557

(H)(1) Within fifteen business days after receiving a report 37558
under division (F) of this section, the court may hold a hearing 37559
to determine if a new order is necessary. To assist in making a 37560
determination under division (H) of this section, the court may 37561
order a new competency evaluation in accordance with section 37562
2152.53 of the Revised Code. Until a new order is issued or the 37563
required period of participation expires, the child shall continue 37564
to participate in competency attainment services. 37565

(2) If after a hearing held under division (H)(1) of this 37566
section the court determines that the child is not making progress 37567
toward competency or is so uncooperative that attainment services 37568
cannot be effective, the court may order a change in setting or 37569
services that would help the child attain competency within the 37570
relevant period of time under division (D)(2) of this section. 37571

(3) If after a hearing held under division (H)(1) of this 37572
section the court determines that the child has not or will not 37573
attain competency within the relevant period of time under 37574
division (D)(2) of this section, the court shall dismiss the 37575
delinquency complaint without prejudice, except that the court may 37576
delay dismissal for up to ninety calendar days and do either of 37577
the following: 37578

(a) Refer the matter to a public children services agency and 37579
request that agency determine whether to file an action in 37580
accordance with section 2151.27 of the Revised Code alleging that 37581
the child is a dependent, neglected, or abused child; 37582

(b) Assign court staff to refer the child or the child's family to the local family and children first council or an agency funded by the department of ~~mental health~~ mental health and addiction services or department of developmental disabilities or otherwise secure services to reduce the potential that the child would engage in behavior that could result in delinquency or other criminal charges.

(4) A dismissal under division (H)(3) of this section does not preclude a future delinquent child proceeding or criminal prosecution as provided under section 2151.23 of the Revised Code if the child eventually attains competency.

(5) If after a hearing held under division (H)(1) of this section the court determines that the child has attained competency, the court shall proceed with the delinquent child's proceeding in accordance with division (A) of this section.

(6) A dismissal under this section does not bar a civil action based on the acts or omissions that formed the basis of the complaint.

Sec. 2301.14. The clerk of the court of common pleas in which the service of a court interpreter is rendered shall tax in the cost bill in such case, to be collected as other costs, the sum of three dollars for each day of service of such interpreter, which fees shall be paid into the county treasury to the credit of the county fund. If the party taxed with costs is indigent, the clerk shall not tax the interpreter's fees as costs, and the county shall pay the interpreter's fees.

Sec. 2301.19. A transcript is an official verbatim record of a proceeding that is prepared by a reporter and that is certified to be correct by the reporter. A transcript, but not a duplicate copy of a transcript, shall be taken and received as prima facie

evidence of its correctness. 37613

Sec. 2301.20. ~~All~~ If any party to a civil and or criminal 37614
~~actions~~ action requests the services of a reporter at a hearing in 37615
the action, the court ~~of common pleas shall be recorded~~ grant the 37616
request. The reporter shall ~~take accurate notes of or~~ 37617
~~electronically record~~ carefully preserve the ~~oral testimony~~ 37618
proceeding on an appropriate medium. The ~~notes and electronic~~ 37619
~~records~~ medium shall be filed in the office of the official 37620
reporter and carefully preserved for either of the following 37621
periods of time: 37622

(A) If the action is not a capital case, the ~~notes and~~ 37623
~~electronic records~~ medium shall be preserved for the period of 37624
time specified by the court of common pleas, which period of time 37625
shall not be longer than the period of time that the other records 37626
of the particular action are required to be kept. 37627

(B) If the action is a capital case, the ~~notes and electronic~~ 37628
~~records~~ medium shall be preserved for the longer of ten years or 37629
until the final disposition of the action and exhaustion of all 37630
appeals. 37631

Sec. 2301.23. ~~When notes have been taken or an electronic~~ 37632
~~recording has been made in a case as provided in section 2301.20~~ 37633
~~of the Revised Code, if~~ If the court or ~~either~~ any party to ~~the a~~ 37634
suit requests a written ~~transcripts~~ transcript of all or any 37635
portion of the proceeding that has been preserved on an 37636
appropriate medium by the reporter or other court personnel, the 37637
reporter ~~reporting the case~~ shall make a full and accurate 37638
~~transcripts of the notes or electronic recording~~ transcript. The 37639
court may direct the official reporter to furnish to the court and 37640
the parties copies of decisions rendered and charges delivered by 37641
the court in pending cases. 37642

When the compensation for transcripts, copies of decisions, 37643
or charges is taxed as a part of the costs, the transcripts, 37644
copies of decisions, and charges shall remain on file with the 37645
papers of the case. 37646

Sec. 2301.24. (A) As used in this section, "actual cost" 37647
means the cost of depleted supplies; records storage media costs; 37648
actual mailing and alternative delivery costs, or other 37649
transmitting costs; and any direct equipment operating and 37650
maintenance costs, including actual costs paid to private 37651
contractors for copying services. 37652

(B) The compensation of reporters for making written 37653
transcripts as provided in section 2301.23 of the Revised Code 37654
shall be fixed by the court of common pleas of the county in which 37655
the trial proceeding is held. ~~If more than one~~ When a transcript 37656
of the same testimony or any portion of a proceeding is ordered, 37657
by the prosecuting attorney, the attorney general, a municipal 37658
director of law, or a similar chief legal officer of a public 37659
office in an appeal of any civil, criminal, or juvenile case or by 37660
the indigent defendant in an appeal of any criminal or juvenile 37661
case, any additional transcript of the same portion of the 37662
proceeding that is ordered by any of these parties for filing 37663
shall be provided by the reporter ~~shall make copies of the~~ 37664
transcript at cost pursuant to division (B)(1) of section 149.43 37665
of the Revised Code or shall provide an electronic copy of the 37666
transcript free of charge at actual cost. In all other 37667
circumstances, the compensation to the reporter for making an 37668
additional transcript shall be as fixed by the court but shall not 37669
exceed one-half the compensation allowed for the first transcript 37670
made of the portion of the proceeding. The compensation shall be 37671
paid by the party for whose benefit a transcript is made. ~~The,~~ 37672
except that the compensation for transcripts requested by the 37673
prosecuting attorney or an indigent defendant in criminal cases or 37674

by the trial judge in either civil or criminal cases, and for 37675
copies of decisions and charges furnished by direction of the 37676
court shall be paid from the county treasury and taxed and 37677
collected as costs. 37678

(C) A reporter who takes the testimony of witnesses before a 37679
grand jury shall receive the same compensation for the transcript, 37680
and be paid in the same manner, as for other transcripts under 37681
division (B) of this section. 37682

(D) A duplicate copy of a transcript shall be provided by the 37683
clerk of court, if the transcript has been filed, or by the 37684
reporter, if the transcript has not been filed, at actual cost. 37685
Personnel cost may be added to the actual cost if the time of a 37686
reporter who makes a duplicate copy or an additional transcript is 37687
not paid for by a public entity. The reporter shall provide an 37688
electronic copy of a transcript at actual cost. 37689

Sec. 2301.25. When ordered by the prosecuting attorney or the 37690
defendant in a criminal case or when ordered by a judge of the 37691
court of common pleas in either civil or criminal cases, the costs 37692
of transcripts shall be taxed as costs in the case, collected as 37693
other costs, whether the transcripts have been prepaid or not, as 37694
provided by section 2301.24 of the Revised Code, paid by the clerk 37695
of the court of common pleas quarterly into the county treasury, 37696
and credited to the general fund. If, upon final judgment, the 37697
costs or any part of the costs are adjudged against a defendant in 37698
a criminal case and the defendant has prepaid for the cost of a 37699
transcript or has paid a deposit toward the cost of the 37700
transcript, the defendant shall be allowed credit ~~on~~ for the cost 37701
bill of the amount paid for the transcript the defendant ordered 37702
and, if prepaid or deposited and shall not be charged again for 37703
that amount as part of the costs. If upon final judgment the costs 37704
are ~~finally~~ adjudged against the state, the defendant shall ~~have 37705~~

~~the defendant's deposit be refunded the amount prepaid or 37706
deposited toward the transcript. All transcripts shall be taken 37707
and received as prima facie evidence of their correctness. If the 37708
testimony of witnesses is taken before the grand jury by 37709
reporters, they shall receive for the transcripts the same 37710
compensation and be paid in the same manner as provided in this 37711
section and section 2301.24 of the Revised Code. 37712~~

This section, as amended by H.B. 59 of the 130th general 37713
assembly, applies to transcripts of proceedings that are recorded 37714
on or after the effective date of the amendment. 37715

Sec. 2303.201. (A)(1) The court of common pleas of any county 37716
may determine that for the efficient operation of the court 37717
additional funds are required to computerize the court, to make 37718
available computerized legal research services, or to do both. 37719
Upon making a determination that additional funds are required for 37720
either or both of those purposes, the court shall authorize and 37721
direct the clerk of the court of common pleas to charge one 37722
additional fee, not to exceed six dollars, on the filing of each 37723
cause of action or appeal under divisions (A), (Q), and (U) of 37724
section 2303.20 of the Revised Code. 37725

(2) All fees collected under division (A)(1) of this section 37726
shall be paid to the county treasurer. The treasurer shall place 37727
the funds from the fees in a separate fund to be disbursed either 37728
upon an order of the court, subject to an appropriation by the 37729
board of county commissioners, or upon an order of the court, 37730
subject to the court making an annual report available to the 37731
public listing the use of all such funds, in an amount not greater 37732
than the actual cost to the court of procuring and maintaining 37733
computerization of the court, computerized legal research 37734
services, or both. 37735

(3) If the court determines that the funds in the fund 37736

described in division (A)(2) of this section are more than 37737
sufficient to satisfy the purpose for which the additional fee 37738
described in division (A)(1) of this section was imposed, the 37739
court may declare a surplus in the fund and, subject to an 37740
appropriation by the board of county commissioners, expend those 37741
surplus funds, or upon an order of the court, subject to the court 37742
making an annual report available to the public listing the use of 37743
all such funds, expend those surplus funds, for other appropriate 37744
technological expenses of the court. 37745

(B)(1) The court of common pleas of any county may determine 37746
that, for the efficient operation of the court, additional funds 37747
are required to make technological advances in or to computerize 37748
the office of the clerk of the court of common pleas and, upon 37749
that determination, authorize and direct the clerk of the court of 37750
common pleas to charge an additional fee, not to exceed twenty 37751
dollars, on the filing of each cause of action or appeal, on the 37752
filing, docketing, and endorsing of each certificate of judgment, 37753
or on the docketing and indexing of each aid in execution or 37754
petition to vacate, revive, or modify a judgment under divisions 37755
(A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code 37756
and not to exceed one dollar each for the services described in 37757
divisions (B), (C), (D), (F), (H), and (L) of section 2303.20 of 37758
the Revised Code. Subject to division (B)(2) of this section, all 37759
moneys collected under division (B)(1) of this section shall be 37760
paid to the county treasurer to be disbursed, upon an order of the 37761
court of common pleas and subject to appropriation by the board of 37762
county commissioners, in an amount no greater than the actual cost 37763
to the court of procuring and maintaining technology and computer 37764
systems for the office of the clerk of the court of common pleas. 37765

(2) If the court of common pleas of a county makes the 37766
determination described in division (B)(1) of this section, the 37767
board of county commissioners of that county may issue one or more 37768

general obligation bonds for the purpose of procuring and 37769
maintaining the technology and computer systems for the office of 37770
the clerk of the court of common pleas. In addition to the 37771
purposes stated in division (B)(1) of this section for which the 37772
moneys collected under that division may be expended, the moneys 37773
additionally may be expended to pay debt charges on and financing 37774
costs related to any general obligation bonds issued pursuant to 37775
division (B)(2) of this section as they become due. General 37776
obligation bonds issued pursuant to division (B)(2) of this 37777
section are Chapter 133. securities. 37778

(C) The court of common pleas shall collect the sum of 37779
twenty-six dollars as additional filing fees in each new civil 37780
action or proceeding for the charitable public purpose of 37781
providing financial assistance to legal aid societies that operate 37782
within the state and to support the office of the state public 37783
defender. This division does not apply to proceedings concerning 37784
annulments, dissolutions of marriage, divorces, legal separation, 37785
spousal support, marital property or separate property 37786
distribution, support, or other domestic relations matters; to a 37787
juvenile division of a court of common pleas; to a probate 37788
division of a court of common pleas, except that the additional 37789
filing fees shall apply to name change, guardianship, adoption, 37790
and decedents' estate proceedings; or to an execution on a 37791
judgment, proceeding in aid of execution, or other post-judgment 37792
proceeding arising out of a civil action. The filing fees required 37793
to be collected under this division shall be in addition to any 37794
other filing fees imposed in the action or proceeding and shall be 37795
collected at the time of the filing of the action or proceeding. 37796
The court shall not waive the payment of the additional filing 37797
fees in a new civil action or proceeding unless the court waives 37798
the advanced payment of all filing fees in the action or 37799
proceeding. All such moneys collected during a month except for an 37800
amount equal to up to one per cent of those moneys retained to 37801

cover administrative costs shall be transmitted on or before the 37802
twentieth day of the following month by the clerk of the court to 37803
the treasurer of state in a manner prescribed by the treasurer of 37804
state or by the Ohio legal assistance foundation. The treasurer of 37805
state shall deposit four per cent of the funds collected under 37806
this division to the credit of the civil case filing fee fund 37807
established under section 120.07 of the Revised Code and 37808
ninety-six per cent of the funds collected under this division to 37809
the credit of the legal aid fund established under section 120.52 37810
of the Revised Code. 37811

The court may retain up to one per cent of the moneys it 37812
collects under this division to cover administrative costs, 37813
including the hiring of any additional personnel necessary to 37814
implement this division. If the court fails to transmit to the 37815
treasurer of state the moneys the court collects under this 37816
division in a manner prescribed by the treasurer of state or by 37817
the Ohio legal assistance foundation, the court shall forfeit the 37818
moneys the court retains under this division to cover 37819
administrative costs, including the hiring of any additional 37820
personnel necessary to implement this division, and shall transmit 37821
to the treasurer of state all moneys collected under this 37822
division, including the forfeited amount retained for 37823
administrative costs, for deposit in the legal aid fund. 37824

(D) On and after the thirtieth day after December 9, 1994, 37825
the court of common pleas shall collect the sum of thirty-two 37826
dollars as additional filing fees in each new action or proceeding 37827
for annulment, divorce, or dissolution of marriage for the purpose 37828
of funding shelters for victims of domestic violence pursuant to 37829
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 37830
required to be collected under this division shall be in addition 37831
to any other filing fees imposed in the action or proceeding and 37832
shall be collected at the time of the filing of the action or 37833

proceeding. The court shall not waive the payment of the 37834
additional filing fees in a new action or proceeding for 37835
annulment, divorce, or dissolution of marriage unless the court 37836
waives the advanced payment of all filing fees in the action or 37837
proceeding. On or before the twentieth day of each month, all 37838
moneys collected during the immediately preceding month pursuant 37839
to this division shall be deposited by the clerk of the court into 37840
the county treasury in the special fund used for deposit of 37841
additional marriage license fees as described in section 3113.34 37842
of the Revised Code. Upon their deposit into the fund, the moneys 37843
shall be retained in the fund and expended only as described in 37844
section 3113.34 of the Revised Code. 37845

(E)(1) The court of common pleas may determine that, for the 37846
efficient operation of the court, additional funds are necessary 37847
to acquire and pay for special projects of the court, including, 37848
but not limited to, the acquisition of additional facilities or 37849
the rehabilitation of existing facilities, the acquisition of 37850
equipment, the hiring and training of staff, community service 37851
programs, mediation or dispute resolution services, the employment 37852
of magistrates, the training and education of judges, acting 37853
judges, and magistrates, and other related services. Upon that 37854
determination, the court by rule may charge a fee, in addition to 37855
all other court costs, on the filing of each criminal cause, civil 37856
action or proceeding, or judgment by confession. 37857

If the court of common pleas offers or requires a special 37858
program or ~~service~~ additional services in cases of a specific 37859
type, the court by rule may assess an additional charge in a case 37860
of that type, over and above court costs, to cover the special 37861
program or service. The court shall adjust the special assessment 37862
periodically, but not retroactively, so that the amount assessed 37863
in those cases does not exceed the actual cost of providing the 37864
service or program. 37865

All moneys collected under division (E) of this section shall 37866
be paid to the county treasurer for deposit into either a general 37867
special projects fund or a fund established for a specific special 37868
project. Moneys from a fund of that nature shall be disbursed upon 37869
an order of the court, subject to an appropriation by the board of 37870
county commissioners, in an amount no greater than the actual cost 37871
to the court of a project. If a specific fund is terminated 37872
because of the discontinuance of a program or service established 37873
under division (E) of this section, the court may order, subject 37874
to an appropriation by the board of county commissioners, that 37875
moneys remaining in the fund be transferred to an account 37876
established under this division for a similar purpose. 37877

(2) As used in division (E) of this section: 37878

(a) "Criminal cause" means a charge alleging the violation of 37879
a statute or ordinance, or subsection of a statute or ordinance, 37880
that requires a separate finding of fact or a separate plea before 37881
disposition and of which the defendant may be found guilty, 37882
whether filed as part of a multiple charge on a single summons, 37883
citation, or complaint or as a separate charge on a single 37884
summons, citation, or complaint. "Criminal cause" does not include 37885
separate violations of the same statute or ordinance, or 37886
subsection of the same statute or ordinance, unless each charge is 37887
filed on a separate summons, citation, or complaint. 37888

(b) "Civil action or proceeding" means any civil litigation 37889
that must be determined by judgment entry. 37890

Sec. 2305.234. (A) As used in this section: 37891

(1) "Chiropractic claim," "medical claim," and "optometric 37892
claim" have the same meanings as in section 2305.113 of the 37893
Revised Code. 37894

(2) "Dental claim" has the same meaning as in section 37895

2305.113 of the Revised Code, except that it does not include any 37896
claim arising out of a dental operation or any derivative claim 37897
for relief that arises out of a dental operation. 37898

(3) "Governmental health care program" has the same meaning 37899
as in section 4731.65 of the Revised Code. 37900

(4) "Health care facility or location" means a hospital, 37901
clinic, ambulatory surgical facility, office of a health care 37902
professional or associated group of health care professionals, 37903
training institution for health care professionals, or any other 37904
place where medical, dental, or other health-related diagnosis, 37905
care, or treatment is provided to a person. 37906

(5) "Health care professional" means any of the following who 37907
provide medical, dental, or other health-related diagnosis, care, 37908
or treatment: 37909

(a) Physicians authorized under Chapter 4731. of the Revised 37910
Code to practice medicine and surgery or osteopathic medicine and 37911
surgery; 37912

(b) Registered nurses and licensed practical nurses licensed 37913
under Chapter 4723. of the Revised Code and individuals who hold a 37914
certificate of authority issued under that chapter that authorizes 37915
the practice of nursing as a certified registered nurse 37916
anesthetist, clinical nurse specialist, certified nurse-midwife, 37917
or certified nurse practitioner; 37918

(c) Physician assistants authorized to practice under Chapter 37919
4730. of the Revised Code; 37920

(d) Dentists and dental hygienists licensed under Chapter 37921
4715. of the Revised Code; 37922

(e) Physical therapists, physical therapist assistants, 37923
occupational therapists, and occupational therapy assistants 37924
licensed under Chapter 4755. of the Revised Code; 37925

(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	37926 37927
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	37928 37929
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	37930 37931
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	37932 37933
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	37934 37935
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	37936 37937 37938 37939
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	37940 37941
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	37942 37943
(n) Professional clinical counselors, professional counselors, independent social workers, social workers, independent marriage and family therapists, and marriage and family therapists, licensed under Chapter 4757. of the Revised Code;	37944 37945 37946 37947 37948
(o) Psychologists licensed under Chapter 4732. of the Revised Code;	37949 37950
(p) Independent chemical dependency counselors, chemical dependency counselors III, chemical dependency counselors II, and chemical dependency counselors I, licensed under Chapter 4758. of the Revised Code.	37951 37952 37953 37954
(6) "Health care worker" means a person other than a health	37955

care professional who provides medical, dental, or other 37956
health-related care or treatment under the direction of a health 37957
care professional with the authority to direct that individual's 37958
activities, including medical technicians, medical assistants, 37959
dental assistants, orderlies, aides, and individuals acting in 37960
similar capacities. 37961

(7) "Indigent and uninsured person" means a person who meets 37962
all of the following requirements: 37963

(a) The person's income is not greater than two hundred per 37964
cent of the current poverty line as defined by the United States 37965
office of management and budget and revised in accordance with 37966
section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 37967
95 Stat. 511, 42 U.S.C. 9902, as amended. 37968

(b) The person is not eligible ~~to receive medical assistance~~ 37969
~~under Chapter 5111. of the Revised Code or assistance under~~ for 37970
the medicaid program or any other governmental health care 37971
program. 37972

(c) Either of the following applies: 37973

(i) The person is not a policyholder, certificate holder, 37974
insured, contract holder, subscriber, enrollee, member, 37975
beneficiary, or other covered individual under a health insurance 37976
or health care policy, contract, or plan. 37977

(ii) The person is a policyholder, certificate holder, 37978
insured, contract holder, subscriber, enrollee, member, 37979
beneficiary, or other covered individual under a health insurance 37980
or health care policy, contract, or plan, but the insurer, policy, 37981
contract, or plan denies coverage or is the subject of insolvency 37982
or bankruptcy proceedings in any jurisdiction. 37983

(8) "Nonprofit health care referral organization" means an 37984
entity that is not operated for profit and refers patients to, or 37985
arranges for the provision of, health-related diagnosis, care, or 37986

treatment by a health care professional or health care worker. 37987

(9) "Operation" means any procedure that involves cutting or 37988
otherwise infiltrating human tissue by mechanical means, including 37989
surgery, laser surgery, ionizing radiation, therapeutic 37990
ultrasound, or the removal of intraocular foreign bodies. 37991

"Operation" does not include the administration of medication by 37992
injection, unless the injection is administered in conjunction 37993
with a procedure infiltrating human tissue by mechanical means 37994
other than the administration of medicine by injection. 37995

"Operation" does not include routine dental restorative 37996
procedures, the scaling of teeth, or extractions of teeth that are 37997
not impacted. 37998

(10) "Tort action" means a civil action for damages for 37999
injury, death, or loss to person or property other than a civil 38000
action for damages for a breach of contract or another agreement 38001
between persons or government entities. 38002

(11) "Volunteer" means an individual who provides any 38003
medical, dental, or other health-care related diagnosis, care, or 38004
treatment without the expectation of receiving and without receipt 38005
of any compensation or other form of remuneration from an indigent 38006
and uninsured person, another person on behalf of an indigent and 38007
uninsured person, any health care facility or location, any 38008
nonprofit health care referral organization, or any other person 38009
or government entity. 38010

(12) "Community control sanction" has the same meaning as in 38011
section 2929.01 of the Revised Code. 38012

(13) "Deep sedation" means a drug-induced depression of 38013
consciousness during which a patient cannot be easily aroused but 38014
responds purposefully following repeated or painful stimulation, a 38015
patient's ability to independently maintain ventilatory function 38016
may be impaired, a patient may require assistance in maintaining a 38017

patent airway and spontaneous ventilation may be inadequate, and 38018
cardiovascular function is usually maintained. 38019

(14) "General anesthesia" means a drug-induced loss of 38020
consciousness during which a patient is not arousable, even by 38021
painful stimulation, the ability to independently maintain 38022
ventilatory function is often impaired, a patient often requires 38023
assistance in maintaining a patent airway, positive pressure 38024
ventilation may be required because of depressed spontaneous 38025
ventilation or drug-induced depression of neuromuscular function, 38026
and cardiovascular function may be impaired. 38027

(B)(1) Subject to divisions (F) and (G)(3) of this section, a 38028
health care professional who is a volunteer and complies with 38029
division (B)(2) of this section is not liable in damages to any 38030
person or government entity in a tort or other civil action, 38031
including an action on a medical, dental, chiropractic, 38032
optometric, or other health-related claim, for injury, death, or 38033
loss to person or property that allegedly arises from an action or 38034
omission of the volunteer in the provision to an indigent and 38035
uninsured person of medical, dental, or other health-related 38036
diagnosis, care, or treatment, including the provision of samples 38037
of medicine and other medical products, unless the action or 38038
omission constitutes willful or wanton misconduct. 38039

(2) To qualify for the immunity described in division (B)(1) 38040
of this section, a health care professional shall do all of the 38041
following prior to providing diagnosis, care, or treatment: 38042

(a) Determine, in good faith, that the indigent and uninsured 38043
person is mentally capable of giving informed consent to the 38044
provision of the diagnosis, care, or treatment and is not subject 38045
to duress or under undue influence; 38046

(b) Inform the person of the provisions of this section, 38047
including notifying the person that, by giving informed consent to 38048

the provision of the diagnosis, care, or treatment, the person 38049
cannot hold the health care professional liable for damages in a 38050
tort or other civil action, including an action on a medical, 38051
dental, chiropractic, optometric, or other health-related claim, 38052
unless the action or omission of the health care professional 38053
constitutes willful or wanton misconduct; 38054

(c) Obtain the informed consent of the person and a written 38055
waiver, signed by the person or by another individual on behalf of 38056
and in the presence of the person, that states that the person is 38057
mentally competent to give informed consent and, without being 38058
subject to duress or under undue influence, gives informed consent 38059
to the provision of the diagnosis, care, or treatment subject to 38060
the provisions of this section. A written waiver under division 38061
(B)(2)(c) of this section shall state clearly and in conspicuous 38062
type that the person or other individual who signs the waiver is 38063
signing it with full knowledge that, by giving informed consent to 38064
the provision of the diagnosis, care, or treatment, the person 38065
cannot bring a tort or other civil action, including an action on 38066
a medical, dental, chiropractic, optometric, or other 38067
health-related claim, against the health care professional unless 38068
the action or omission of the health care professional constitutes 38069
willful or wanton misconduct. 38070

(3) A physician or podiatrist who is not covered by medical 38071
malpractice insurance, but complies with division (B)(2) of this 38072
section, is not required to comply with division (A) of section 38073
4731.143 of the Revised Code. 38074

(C) Subject to divisions (F) and (G)(3) of this section, 38075
health care workers who are volunteers are not liable in damages 38076
to any person or government entity in a tort or other civil 38077
action, including an action upon a medical, dental, chiropractic, 38078
optometric, or other health-related claim, for injury, death, or 38079
loss to person or property that allegedly arises from an action or 38080

omission of the health care worker in the provision to an indigent 38081
and uninsured person of medical, dental, or other health-related 38082
diagnosis, care, or treatment, unless the action or omission 38083
constitutes willful or wanton misconduct. 38084

(D) Subject to divisions (F) and (G)(3) of this section, a 38085
nonprofit health care referral organization is not liable in 38086
damages to any person or government entity in a tort or other 38087
civil action, including an action on a medical, dental, 38088
chiropractic, optometric, or other health-related claim, for 38089
injury, death, or loss to person or property that allegedly arises 38090
from an action or omission of the nonprofit health care referral 38091
organization in referring indigent and uninsured persons to, or 38092
arranging for the provision of, medical, dental, or other 38093
health-related diagnosis, care, or treatment by a health care 38094
professional described in division (B)(1) of this section or a 38095
health care worker described in division (C) of this section, 38096
unless the action or omission constitutes willful or wanton 38097
misconduct. 38098

(E) Subject to divisions (F) and (G)(3) of this section and 38099
to the extent that the registration requirements of section 38100
3701.071 of the Revised Code apply, a health care facility or 38101
location associated with a health care professional described in 38102
division (B)(1) of this section, a health care worker described in 38103
division (C) of this section, or a nonprofit health care referral 38104
organization described in division (D) of this section is not 38105
liable in damages to any person or government entity in a tort or 38106
other civil action, including an action on a medical, dental, 38107
chiropractic, optometric, or other health-related claim, for 38108
injury, death, or loss to person or property that allegedly arises 38109
from an action or omission of the health care professional or 38110
worker or nonprofit health care referral organization relative to 38111
the medical, dental, or other health-related diagnosis, care, or 38112

treatment provided to an indigent and uninsured person on behalf 38113
of or at the health care facility or location, unless the action 38114
or omission constitutes willful or wanton misconduct. 38115

(F)(1) Except as provided in division (F)(2) of this section, 38116
the immunities provided by divisions (B), (C), (D), and (E) of 38117
this section are not available to a health care professional, 38118
health care worker, nonprofit health care referral organization, 38119
or health care facility or location if, at the time of an alleged 38120
injury, death, or loss to person or property, the health care 38121
professionals or health care workers involved are providing one of 38122
the following: 38123

(a) Any medical, dental, or other health-related diagnosis, 38124
care, or treatment pursuant to a community service work order 38125
entered by a court under division (B) of section 2951.02 of the 38126
Revised Code or imposed by a court as a community control 38127
sanction; 38128

(b) Performance of an operation to which any one of the 38129
following applies: 38130

(i) The operation requires the administration of deep 38131
sedation or general anesthesia. 38132

(ii) The operation is a procedure that is not typically 38133
performed in an office. 38134

(iii) The individual involved is a health care professional, 38135
and the operation is beyond the scope of practice or the 38136
education, training, and competence, as applicable, of the health 38137
care professional. 38138

(c) Delivery of a baby or any other purposeful termination of 38139
a human pregnancy. 38140

(2) Division (F)(1) of this section does not apply when a 38141
health care professional or health care worker provides medical, 38142

dental, or other health-related diagnosis, care, or treatment that 38143
is necessary to preserve the life of a person in a medical 38144
emergency. 38145

(G)(1) This section does not create a new cause of action or 38146
substantive legal right against a health care professional, health 38147
care worker, nonprofit health care referral organization, or 38148
health care facility or location. 38149

(2) This section does not affect any immunities from civil 38150
liability or defenses established by another section of the 38151
Revised Code or available at common law to which a health care 38152
professional, health care worker, nonprofit health care referral 38153
organization, or health care facility or location may be entitled 38154
in connection with the provision of emergency or other medical, 38155
dental, or other health-related diagnosis, care, or treatment. 38156

(3) This section does not grant an immunity from tort or 38157
other civil liability to a health care professional, health care 38158
worker, nonprofit health care referral organization, or health 38159
care facility or location for actions that are outside the scope 38160
of authority of health care professionals or health care workers. 38161

(4) This section does not affect any legal responsibility of 38162
a health care professional, health care worker, or nonprofit 38163
health care referral organization to comply with any applicable 38164
law of this state or rule of an agency of this state. 38165

(5) This section does not affect any legal responsibility of 38166
a health care facility or location to comply with any applicable 38167
law of this state, rule of an agency of this state, or local code, 38168
ordinance, or regulation that pertains to or regulates building, 38169
housing, air pollution, water pollution, sanitation, health, fire, 38170
zoning, or safety. 38171

Sec. 2307.65. (A) The attorney general may bring a civil 38172

action in the Franklin county court of common pleas on behalf of 38173
the department of ~~job and family services~~ medicaid, and the 38174
prosecuting attorney of the county in which a violation of 38175
division (B) of section 2913.401 of the Revised Code occurs may 38176
bring a civil action in the court of common pleas of that county 38177
on behalf of the county department of job and family services, 38178
against a person who violates division (B) of section 2913.401 of 38179
the Revised Code for the recovery of the amount of benefits paid 38180
on behalf of a person that either department would not have paid 38181
but for the violation minus any amounts paid in restitution under 38182
division (C)(2) of section 2913.401 of the Revised Code and for 38183
reasonable attorney's fees and all other fees and costs of 38184
litigation. 38185

(B) In a civil action brought under division (A) of this 38186
section, if the defendant failed to disclose a transfer of 38187
property in violation of division (B)(3) of section 2913.401 of 38188
the Revised Code, the court may also grant any of the following 38189
relief to the extent permitted by the "Social Security Act," 38190
section 1917, 42 U.S.C. 1396p: 38191

(1) Avoidance of the transfer of property that was not 38192
disclosed in violation of division (B)(3) of section 2913.401 of 38193
the Revised Code to the extent of the amount of benefits the 38194
department would not have paid but for the violation; 38195

(2) An order of attachment or garnishment against the 38196
property in accordance with Chapter 2715. or 2716. of the Revised 38197
Code; 38198

(3) An injunction against any further disposition by the 38199
transferor or transferee, or both, of the property the transfer of 38200
which was not disclosed in violation of division (B)(3) of section 38201
2913.401 of the Revised Code or against the disposition of other 38202
property by the transferor or transferee; 38203

(4) Appointment of a receiver to take charge of the property transferred or of other property of the transferee;	38204 38205
(5) Any other relief that the court considers just and equitable.	38206 38207
(C) To the extent permitted by <u>the "Social Security Act," section 1917,</u> 42 U.S.C. 1396p, the department of job and family services <u>medicaid</u> or the county department of job and family services may enforce a judgment obtained under this section by levying on property the transfer of which was not disclosed in violation of division (B)(3) of section 2913.401 of the Revised Code or on the proceeds of the transfer of that property in accordance with Chapter 2329. of the Revised Code.	38208 38209 38210 38211 38212 38213 38214 38215
(D) The remedies provided in divisions (B) and (C) of this section do not apply if the transferee of the property the transfer of which was not disclosed in violation of division (B)(3) of section 2913.401 of the Revised Code acquired the property in good faith and for fair market value.	38216 38217 38218 38219 38220
(E) The remedies provided in this section are not exclusive and do not preclude the use of any other criminal or civil remedy for any act that is in violation of section 2913.401 of the Revised Code.	38221 38222 38223 38224
(F) Amounts of medicaid benefits <u>medicaid services</u> paid and recovered in an action brought under this section shall be credited to the general revenue fund, and any applicable federal share shall be returned to the appropriate agency or department of the United States.	38225 38226 38227 38228 38229
Sec. 2311.14. (A)(1) Whenever because of a hearing, speech, or other impairment a party to or witness in a legal proceeding cannot readily understand or communicate, the court shall appoint a qualified interpreter to assist such person. Before appointing	38230 38231 38232 38233

~~any interpreter under this division for a party or witness who is 38234
a mentally retarded person or developmentally disabled person, the 38235
court shall evaluate the qualifications of the interpreter and 38236
shall make a determination as to the ability of the interpreter to 38237
effectively interpret on behalf of the party or witness that the 38238
interpreter will assist, and the court may appoint the interpreter 38239
only if the court is satisfied that the interpreter is able to 38240
effectively interpret on behalf of that party or witness. 38241~~

(2) This section is not limited to a person who speaks a 38242
language other than English. It also applies to the language and 38243
descriptions of any mentally retarded person or developmentally 38244
disabled person who cannot be reasonably understood, or who cannot 38245
understand questioning, without the aid of an interpreter. The 38246
interpreter may aid the parties in formulating methods of 38247
questioning the person with mental retardation or a developmental 38248
disability and in interpreting the answers of the person. 38249

(B) Before entering upon official duties, the interpreter 38250
shall take an oath that the interpreter will make a true 38251
interpretation of the proceedings to the party or witness, and 38252
that the interpreter will truly repeat the statements made by such 38253
party or witness to the court, to the best of the interpreter's 38254
ability. If the interpreter is appointed to assist a mentally 38255
retarded person or developmentally disabled person as described in 38256
division (A)(2) of this section, the oath also shall include an 38257
oath that the interpreter will not prompt, lead, suggest, or 38258
otherwise improperly influence the testimony of the witness or 38259
party. 38260

(C) The court shall determine a reasonable fee for all such 38261
interpreter service which shall be paid out of the same funds as 38262
witness fees. If the party taxed with costs is indigent, the court 38263
shall not tax the interpreter's fees as costs, and the county 38264
shall pay the interpreter's fees. 38265

(D) As used in this section, "mentally retarded person" and 38266
"developmentally disabled person" have the same meanings as in 38267
section 5123.01 of the Revised Code. 38268

Sec. 2317.02. The following persons shall not testify in 38269
certain respects: 38270

(A)(1) An attorney, concerning a communication made to the 38271
attorney by a client in that relation or concerning the attorney's 38272
advice to a client, except that the attorney may testify by 38273
express consent of the client or, if the client is deceased, by 38274
the express consent of the surviving spouse or the executor or 38275
administrator of the estate of the deceased client. However, if 38276
the client voluntarily reveals the substance of attorney-client 38277
communications in a nonprivileged context or is deemed by section 38278
2151.421 of the Revised Code to have waived any testimonial 38279
privilege under this division, the attorney may be compelled to 38280
testify on the same subject. 38281

The testimonial privilege established under this division 38282
does not apply concerning a communication between a client who has 38283
since died and the deceased client's attorney if the communication 38284
is relevant to a dispute between parties who claim through that 38285
deceased client, regardless of whether the claims are by testate 38286
or intestate succession or by inter vivos transaction, and the 38287
dispute addresses the competency of the deceased client when the 38288
deceased client executed a document that is the basis of the 38289
dispute or whether the deceased client was a victim of fraud, 38290
undue influence, or duress when the deceased client executed a 38291
document that is the basis of the dispute. 38292

(2) An attorney, concerning a communication made to the 38293
attorney by a client in that relationship or the attorney's advice 38294
to a client, except that if the client is an insurance company, 38295
the attorney may be compelled to testify, subject to an in camera 38296

inspection by a court, about communications made by the client to 38297
the attorney or by the attorney to the client that are related to 38298
the attorney's aiding or furthering an ongoing or future 38299
commission of bad faith by the client, if the party seeking 38300
disclosure of the communications has made a prima-facie showing of 38301
bad faith, fraud, or criminal misconduct by the client. 38302

(B)(1) A physician or a dentist concerning a communication 38303
made to the physician or dentist by a patient in that relation or 38304
the physician's or dentist's advice to a patient, except as 38305
otherwise provided in this division, division (B)(2), and division 38306
(B)(3) of this section, and except that, if the patient is deemed 38307
by section 2151.421 of the Revised Code to have waived any 38308
testimonial privilege under this division, the physician may be 38309
compelled to testify on the same subject. 38310

The testimonial privilege established under this division 38311
does not apply, and a physician or dentist may testify or may be 38312
compelled to testify, in any of the following circumstances: 38313

(a) In any civil action, in accordance with the discovery 38314
provisions of the Rules of Civil Procedure in connection with a 38315
civil action, or in connection with a claim under Chapter 4123. of 38316
the Revised Code, under any of the following circumstances: 38317

(i) If the patient or the guardian or other legal 38318
representative of the patient gives express consent; 38319

(ii) If the patient is deceased, the spouse of the patient or 38320
the executor or administrator of the patient's estate gives 38321
express consent; 38322

(iii) If a medical claim, dental claim, chiropractic claim, 38323
or optometric claim, as defined in section 2305.113 of the Revised 38324
Code, an action for wrongful death, any other type of civil 38325
action, or a claim under Chapter 4123. of the Revised Code is 38326
filed by the patient, the personal representative of the estate of 38327

the patient if deceased, or the patient's guardian or other legal representative. 38328
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(b) In any civil action concerning court-ordered treatment or services received by a patient, if the court-ordered treatment or services were ordered as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code. 38330
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(c) In any criminal action concerning any test or the results of any test that determines the presence or concentration of alcohol, a drug of abuse, a combination of them, a controlled substance, or a metabolite of a controlled substance in the patient's whole blood, blood serum or plasma, breath, urine, or other bodily substance at any time relevant to the criminal offense in question. 38337
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(d) In any criminal action against a physician or dentist. In such an action, the testimonial privilege established under this division does not prohibit the admission into evidence, in accordance with the Rules of Evidence, of a patient's medical or dental records or other communications between a patient and the physician or dentist that are related to the action and obtained by subpoena, search warrant, or other lawful means. A court that permits or compels a physician or dentist to testify in such an action or permits the introduction into evidence of patient records or other communications in such an action shall require that appropriate measures be taken to ensure that the confidentiality of any patient named or otherwise identified in the records is maintained. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records. 38344
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(e)(i) If the communication was between a patient who has 38359

since died and the deceased patient's physician or dentist, the 38360
communication is relevant to a dispute between parties who claim 38361
through that deceased patient, regardless of whether the claims 38362
are by testate or intestate succession or by inter vivos 38363
transaction, and the dispute addresses the competency of the 38364
deceased patient when the deceased patient executed a document 38365
that is the basis of the dispute or whether the deceased patient 38366
was a victim of fraud, undue influence, or duress when the 38367
deceased patient executed a document that is the basis of the 38368
dispute. 38369

(ii) If neither the spouse of a patient nor the executor or 38370
administrator of that patient's estate gives consent under 38371
division (B)(1)(a)(ii) of this section, testimony or the 38372
disclosure of the patient's medical records by a physician, 38373
dentist, or other health care provider under division (B)(1)(e)(i) 38374
of this section is a permitted use or disclosure of protected 38375
health information, as defined in 45 C.F.R. 160.103, and an 38376
authorization or opportunity to be heard shall not be required. 38377

(iii) Division (B)(1)(e)(i) of this section does not require 38378
a mental health professional to disclose psychotherapy notes, as 38379
defined in 45 C.F.R. 164.501. 38380

(iv) An interested person who objects to testimony or 38381
disclosure under division (B)(1)(e)(i) of this section may seek a 38382
protective order pursuant to Civil Rule 26. 38383

(v) A person to whom protected health information is 38384
disclosed under division (B)(1)(e)(i) of this section shall not 38385
use or disclose the protected health information for any purpose 38386
other than the litigation or proceeding for which the information 38387
was requested and shall return the protected health information to 38388
the covered entity or destroy the protected health information, 38389
including all copies made, at the conclusion of the litigation or 38390
proceeding. 38391

(2)(a) If any law enforcement officer submits a written 38392
statement to a health care provider that states that an official 38393
criminal investigation has begun regarding a specified person or 38394
that a criminal action or proceeding has been commenced against a 38395
specified person, that requests the provider to supply to the 38396
officer copies of any records the provider possesses that pertain 38397
to any test or the results of any test administered to the 38398
specified person to determine the presence or concentration of 38399
alcohol, a drug of abuse, a combination of them, a controlled 38400
substance, or a metabolite of a controlled substance in the 38401
person's whole blood, blood serum or plasma, breath, or urine at 38402
any time relevant to the criminal offense in question, and that 38403
conforms to section 2317.022 of the Revised Code, the provider, 38404
except to the extent specifically prohibited by any law of this 38405
state or of the United States, shall supply to the officer a copy 38406
of any of the requested records the provider possesses. If the 38407
health care provider does not possess any of the requested 38408
records, the provider shall give the officer a written statement 38409
that indicates that the provider does not possess any of the 38410
requested records. 38411

(b) If a health care provider possesses any records of the 38412
type described in division (B)(2)(a) of this section regarding the 38413
person in question at any time relevant to the criminal offense in 38414
question, in lieu of personally testifying as to the results of 38415
the test in question, the custodian of the records may submit a 38416
certified copy of the records, and, upon its submission, the 38417
certified copy is qualified as authentic evidence and may be 38418
admitted as evidence in accordance with the Rules of Evidence. 38419
Division (A) of section 2317.422 of the Revised Code does not 38420
apply to any certified copy of records submitted in accordance 38421
with this division. Nothing in this division shall be construed to 38422
limit the right of any party to call as a witness the person who 38423
administered the test to which the records pertain, the person 38424

under whose supervision the test was administered, the custodian 38425
of the records, the person who made the records, or the person 38426
under whose supervision the records were made. 38427

(3)(a) If the testimonial privilege described in division 38428
(B)(1) of this section does not apply as provided in division 38429
(B)(1)(a)(iii) of this section, a physician or dentist may be 38430
compelled to testify or to submit to discovery under the Rules of 38431
Civil Procedure only as to a communication made to the physician 38432
or dentist by the patient in question in that relation, or the 38433
physician's or dentist's advice to the patient in question, that 38434
related causally or historically to physical or mental injuries 38435
that are relevant to issues in the medical claim, dental claim, 38436
chiropractic claim, or optometric claim, action for wrongful 38437
death, other civil action, or claim under Chapter 4123. of the 38438
Revised Code. 38439

(b) If the testimonial privilege described in division (B)(1) 38440
of this section does not apply to a physician or dentist as 38441
provided in division (B)(1)(c) of this section, the physician or 38442
dentist, in lieu of personally testifying as to the results of the 38443
test in question, may submit a certified copy of those results, 38444
and, upon its submission, the certified copy is qualified as 38445
authentic evidence and may be admitted as evidence in accordance 38446
with the Rules of Evidence. Division (A) of section 2317.422 of 38447
the Revised Code does not apply to any certified copy of results 38448
submitted in accordance with this division. Nothing in this 38449
division shall be construed to limit the right of any party to 38450
call as a witness the person who administered the test in 38451
question, the person under whose supervision the test was 38452
administered, the custodian of the results of the test, the person 38453
who compiled the results, or the person under whose supervision 38454
the results were compiled. 38455

(4) The testimonial privilege described in division (B)(1) of 38456

this section is not waived when a communication is made by a 38457
physician to a pharmacist or when there is communication between a 38458
patient and a pharmacist in furtherance of the physician-patient 38459
relation. 38460

(5)(a) As used in divisions (B)(1) to (4) of this section, 38461
"communication" means acquiring, recording, or transmitting any 38462
information, in any manner, concerning any facts, opinions, or 38463
statements necessary to enable a physician or dentist to diagnose, 38464
treat, prescribe, or act for a patient. A "communication" may 38465
include, but is not limited to, any medical or dental, office, or 38466
hospital communication such as a record, chart, letter, 38467
memorandum, laboratory test and results, x-ray, photograph, 38468
financial statement, diagnosis, or prognosis. 38469

(b) As used in division (B)(2) of this section, "health care 38470
provider" means a hospital, ambulatory care facility, long-term 38471
care facility, pharmacy, emergency facility, or health care 38472
practitioner. 38473

(c) As used in division (B)(5)(b) of this section: 38474

(i) "Ambulatory care facility" means a facility that provides 38475
medical, diagnostic, or surgical treatment to patients who do not 38476
require hospitalization, including a dialysis center, ambulatory 38477
surgical facility, cardiac catheterization facility, diagnostic 38478
imaging center, extracorporeal shock wave lithotripsy center, home 38479
health agency, inpatient hospice, birthing center, radiation 38480
therapy center, emergency facility, and an urgent care center. 38481
"Ambulatory health care facility" does not include the private 38482
office of a physician or dentist, whether the office is for an 38483
individual or group practice. 38484

(ii) "Emergency facility" means a hospital emergency 38485
department or any other facility that provides emergency medical 38486
services. 38487

(iii) "Health care practitioner" has the same meaning as in section 4769.01 of the Revised Code. 38488
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(iv) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 38490
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(v) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; a residential facility licensed under section ~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; a nursing facility ~~or intermediate care facility for the mentally retarded, as those terms are defined in section 5111.20~~ 5165.01 of the Revised Code; a facility ~~or portion of a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended,~~ as defined in section 5165.01 of the Revised Code; and an intermediate care facility for individuals with intellectual disabilities, as defined in section 5124.01 of the Revised Code. 38492
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(vi) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 38506
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(d) As used in divisions (B)(1) and (2) of this section, "drug of abuse" has the same meaning as in section 4506.01 of the Revised Code. 38508
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(6) Divisions (B)(1), (2), (3), (4), and (5) of this section apply to doctors of medicine, doctors of osteopathic medicine, doctors of podiatry, and dentists. 38511
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(7) Nothing in divisions (B)(1) to (6) of this section affects, or shall be construed as affecting, the immunity from civil liability conferred by section 307.628 of the Revised Code or the immunity from civil liability conferred by section 2305.33 of the Revised Code upon physicians who report an employee's use 38514
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of a drug of abuse, or a condition of an employee other than one 38519
involving the use of a drug of abuse, to the employer of the 38520
employee in accordance with division (B) of that section. As used 38521
in division (B)(7) of this section, "employee," "employer," and 38522
"physician" have the same meanings as in section 2305.33 of the 38523
Revised Code. 38524

(C)(1) A cleric, when the cleric remains accountable to the 38525
authority of that cleric's church, denomination, or sect, 38526
concerning a confession made, or any information confidentially 38527
communicated, to the cleric for a religious counseling purpose in 38528
the cleric's professional character. The cleric may testify by 38529
express consent of the person making the communication, except 38530
when the disclosure of the information is in violation of a sacred 38531
trust and except that, if the person voluntarily testifies or is 38532
deemed by division (A)(4)(c) of section 2151.421 of the Revised 38533
Code to have waived any testimonial privilege under this division, 38534
the cleric may be compelled to testify on the same subject except 38535
when disclosure of the information is in violation of a sacred 38536
trust. 38537

(2) As used in division (C) of this section: 38538

(a) "Cleric" means a member of the clergy, rabbi, priest, 38539
Christian Science practitioner, or regularly ordained, accredited, 38540
or licensed minister of an established and legally cognizable 38541
church, denomination, or sect. 38542

(b) "Sacred trust" means a confession or confidential 38543
communication made to a cleric in the cleric's ecclesiastical 38544
capacity in the course of discipline enjoined by the church to 38545
which the cleric belongs, including, but not limited to, the 38546
Catholic Church, if both of the following apply: 38547

(i) The confession or confidential communication was made 38548
directly to the cleric. 38549

(ii) The confession or confidential communication was made in the manner and context that places the cleric specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine.

(D) Husband or wife, concerning any communication made by one to the other, or an act done by either in the presence of the other, during coverture, unless the communication was made, or act done, in the known presence or hearing of a third person competent to be a witness; and such rule is the same if the marital relation has ceased to exist;

(E) A person who assigns a claim or interest, concerning any matter in respect to which the person would not, if a party, be permitted to testify;

(F) A person who, if a party, would be restricted under section 2317.03 of the Revised Code, when the property or thing is sold or transferred by an executor, administrator, guardian, trustee, heir, devisee, or legatee, shall be restricted in the same manner in any action or proceeding concerning the property or thing.

(G)(1) A school guidance counselor who holds a valid educator license from the state board of education as provided for in section 3319.22 of the Revised Code, a person licensed under Chapter 4757. of the Revised Code as a professional clinical counselor, professional counselor, social worker, independent social worker, marriage and family therapist or independent marriage and family therapist, or registered under Chapter 4757. of the Revised Code as a social work assistant concerning a confidential communication received from a client in that relation or the person's advice to a client unless any of the following applies:

(a) The communication or advice indicates clear and present

danger to the client or other persons. For the purposes of this 38581
division, cases in which there are indications of present or past 38582
child abuse or neglect of the client constitute a clear and 38583
present danger. 38584

(b) The client gives express consent to the testimony. 38585

(c) If the client is deceased, the surviving spouse or the 38586
executor or administrator of the estate of the deceased client 38587
gives express consent. 38588

(d) The client voluntarily testifies, in which case the 38589
school guidance counselor or person licensed or registered under 38590
Chapter 4757. of the Revised Code may be compelled to testify on 38591
the same subject. 38592

(e) The court in camera determines that the information 38593
communicated by the client is not germane to the counselor-client, 38594
marriage and family therapist-client, or social worker-client 38595
relationship. 38596

(f) A court, in an action brought against a school, its 38597
administration, or any of its personnel by the client, rules after 38598
an in-camera inspection that the testimony of the school guidance 38599
counselor is relevant to that action. 38600

(g) The testimony is sought in a civil action and concerns 38601
court-ordered treatment or services received by a patient as part 38602
of a case plan journalized under section 2151.412 of the Revised 38603
Code or the court-ordered treatment or services are necessary or 38604
relevant to dependency, neglect, or abuse or temporary or 38605
permanent custody proceedings under Chapter 2151. of the Revised 38606
Code. 38607

(2) Nothing in division (G)(1) of this section shall relieve 38608
a school guidance counselor or a person licensed or registered 38609
under Chapter 4757. of the Revised Code from the requirement to 38610
report information concerning child abuse or neglect under section 38611

2151.421 of the Revised Code. 38612

(H) A mediator acting under a mediation order issued under 38613
division (A) of section 3109.052 of the Revised Code or otherwise 38614
issued in any proceeding for divorce, dissolution, legal 38615
separation, annulment, or the allocation of parental rights and 38616
responsibilities for the care of children, in any action or 38617
proceeding, other than a criminal, delinquency, child abuse, child 38618
neglect, or dependent child action or proceeding, that is brought 38619
by or against either parent who takes part in mediation in 38620
accordance with the order and that pertains to the mediation 38621
process, to any information discussed or presented in the 38622
mediation process, to the allocation of parental rights and 38623
responsibilities for the care of the parents' children, or to the 38624
awarding of parenting time rights in relation to their children; 38625

(I) A communications assistant, acting within the scope of 38626
the communication assistant's authority, when providing 38627
telecommunications relay service pursuant to section 4931.06 of 38628
the Revised Code or Title II of the "Communications Act of 1934," 38629
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 38630
made through a telecommunications relay service. Nothing in this 38631
section shall limit the obligation of a communications assistant 38632
to divulge information or testify when mandated by federal law or 38633
regulation or pursuant to subpoena in a criminal proceeding. 38634

Nothing in this section shall limit any immunity or privilege 38635
granted under federal law or regulation. 38636

(J)(1) A chiropractor in a civil proceeding concerning a 38637
communication made to the chiropractor by a patient in that 38638
relation or the chiropractor's advice to a patient, except as 38639
otherwise provided in this division. The testimonial privilege 38640
established under this division does not apply, and a chiropractor 38641
may testify or may be compelled to testify, in any civil action, 38642
in accordance with the discovery provisions of the Rules of Civil 38643

Procedure in connection with a civil action, or in connection with 38644
a claim under Chapter 4123. of the Revised Code, under any of the 38645
following circumstances: 38646

(a) If the patient or the guardian or other legal 38647
representative of the patient gives express consent. 38648

(b) If the patient is deceased, the spouse of the patient or 38649
the executor or administrator of the patient's estate gives 38650
express consent. 38651

(c) If a medical claim, dental claim, chiropractic claim, or 38652
optometric claim, as defined in section 2305.113 of the Revised 38653
Code, an action for wrongful death, any other type of civil 38654
action, or a claim under Chapter 4123. of the Revised Code is 38655
filed by the patient, the personal representative of the estate of 38656
the patient if deceased, or the patient's guardian or other legal 38657
representative. 38658

(2) If the testimonial privilege described in division (J)(1) 38659
of this section does not apply as provided in division (J)(1)(c) 38660
of this section, a chiropractor may be compelled to testify or to 38661
submit to discovery under the Rules of Civil Procedure only as to 38662
a communication made to the chiropractor by the patient in 38663
question in that relation, or the chiropractor's advice to the 38664
patient in question, that related causally or historically to 38665
physical or mental injuries that are relevant to issues in the 38666
medical claim, dental claim, chiropractic claim, or optometric 38667
claim, action for wrongful death, other civil action, or claim 38668
under Chapter 4123. of the Revised Code. 38669

(3) The testimonial privilege established under this division 38670
does not apply, and a chiropractor may testify or be compelled to 38671
testify, in any criminal action or administrative proceeding. 38672

(4) As used in this division, "communication" means 38673
acquiring, recording, or transmitting any information, in any 38674

manner, concerning any facts, opinions, or statements necessary to 38675
enable a chiropractor to diagnose, treat, or act for a patient. A 38676
communication may include, but is not limited to, any 38677
chiropractic, office, or hospital communication such as a record, 38678
chart, letter, memorandum, laboratory test and results, x-ray, 38679
photograph, financial statement, diagnosis, or prognosis. 38680

(K)(1) Except as provided under division (K)(2) of this 38681
section, a critical incident stress management team member 38682
concerning a communication received from an individual who 38683
receives crisis response services from the team member, or the 38684
team member's advice to the individual, during a debriefing 38685
session. 38686

(2) The testimonial privilege established under division 38687
(K)(1) of this section does not apply if any of the following are 38688
true: 38689

(a) The communication or advice indicates clear and present 38690
danger to the individual who receives crisis response services or 38691
to other persons. For purposes of this division, cases in which 38692
there are indications of present or past child abuse or neglect of 38693
the individual constitute a clear and present danger. 38694

(b) The individual who received crisis response services 38695
gives express consent to the testimony. 38696

(c) If the individual who received crisis response services 38697
is deceased, the surviving spouse or the executor or administrator 38698
of the estate of the deceased individual gives express consent. 38699

(d) The individual who received crisis response services 38700
voluntarily testifies, in which case the team member may be 38701
compelled to testify on the same subject. 38702

(e) The court in camera determines that the information 38703
communicated by the individual who received crisis response 38704
services is not germane to the relationship between the individual 38705

and the team member.	38706
(f) The communication or advice pertains or is related to any criminal act.	38707 38708
(3) As used in division (K) of this section:	38709
(a) "Crisis response services" means consultation, risk assessment, referral, and on-site crisis intervention services provided by a critical incident stress management team to individuals affected by crisis or disaster.	38710 38711 38712 38713
(b) "Critical incident stress management team member" or "team member" means an individual specially trained to provide crisis response services as a member of an organized community or local crisis response team that holds membership in the Ohio critical incident stress management network.	38714 38715 38716 38717 38718
(c) "Debriefing session" means a session at which crisis response services are rendered by a critical incident stress management team member during or after a crisis or disaster.	38719 38720 38721
(L)(1) Subject to division (L)(2) of this section and except as provided in division (L)(3) of this section, an employee assistance professional, concerning a communication made to the employee assistance professional by a client in the employee assistance professional's official capacity as an employee assistance professional.	38722 38723 38724 38725 38726 38727
(2) Division (L)(1) of this section applies to an employee assistance professional who meets either or both of the following requirements:	38728 38729 38730
(a) Is certified by the employee assistance certification commission to engage in the employee assistance profession;	38731 38732
(b) Has education, training, and experience in all of the following:	38733 38734
(i) Providing workplace-based services designed to address	38735

employer and employee productivity issues;	38736
(ii) Providing assistance to employees and employees' dependents in identifying and finding the means to resolve personal problems that affect the employees or the employees' performance;	38737 38738 38739 38740
(iii) Identifying and resolving productivity problems associated with an employee's concerns about any of the following matters: health, marriage, family, finances, substance abuse or other addiction, workplace, law, and emotional issues;	38741 38742 38743 38744
(iv) Selecting and evaluating available community resources;	38745
(v) Making appropriate referrals;	38746
(vi) Local and national employee assistance agreements;	38747
(vii) Client confidentiality.	38748
(3) Division (L)(1) of this section does not apply to any of the following:	38749 38750
(a) A criminal action or proceeding involving an offense under sections 2903.01 to 2903.06 of the Revised Code if the employee assistance professional's disclosure or testimony relates directly to the facts or immediate circumstances of the offense;	38751 38752 38753 38754
(b) A communication made by a client to an employee assistance professional that reveals the contemplation or commission of a crime or serious, harmful act;	38755 38756 38757
(c) A communication that is made by a client who is an unemancipated minor or an adult adjudicated to be incompetent and indicates that the client was the victim of a crime or abuse;	38758 38759 38760
(d) A civil proceeding to determine an individual's mental competency or a criminal action in which a plea of not guilty by reason of insanity is entered;	38761 38762 38763
(e) A civil or criminal malpractice action brought against	38764

the employee assistance professional; 38765

(f) When the employee assistance professional has the express 38766
consent of the client or, if the client is deceased or disabled, 38767
the client's legal representative; 38768

(g) When the testimonial privilege otherwise provided by 38769
division (L)(1) of this section is abrogated under law. 38770

Sec. 2317.422. (A) Notwithstanding sections 2317.40 and 38771
2317.41 of the Revised Code but subject to division (B) of this 38772
section, the records, or copies or photographs of the records, of 38773
a hospital, homes required to be licensed pursuant to section 38774
3721.01 of the Revised Code, and residential facilities licensed 38775
pursuant to section ~~5119.22~~ 5119.34 of the Revised Code that 38776
provides accommodations, supervision, and personal care services 38777
for three to sixteen unrelated adults, in lieu of the testimony in 38778
open court of their custodian, person who made them, or person 38779
under whose supervision they were made, may be qualified as 38780
authentic evidence if any such person endorses thereon the 38781
person's verified certification identifying such records, giving 38782
the mode and time of their preparation, and stating that they were 38783
prepared in the usual course of the business of the institution. 38784
Such records, copies, or photographs may not be qualified by 38785
certification as provided in this section unless the party 38786
intending to offer them delivers a copy of them, or of their 38787
relevant portions, to the attorney of record for each adverse 38788
party not less than five days before trial. Nothing in this 38789
section shall be construed to limit the right of any party to call 38790
the custodian, person who made such records, or person under whose 38791
supervision they were made, as a witness. 38792

(B) Division (A) of this section does not apply to any 38793
certified copy of the results of any test given to determine the 38794
presence or concentration of alcohol, a drug of abuse, a 38795

combination of them, a controlled substance, or a metabolite of a 38796
controlled substance in a patient's whole blood, blood serum or 38797
plasma, breath, or urine at any time relevant to a criminal 38798
offense that is submitted in a criminal action or proceeding in 38799
accordance with division (B)(2)(b) or (B)(3)(b) of section 2317.02 38800
of the Revised Code. 38801

Sec. 2329.192. (A) As used in this section: 38802

(1) "State lien" means a lien upon real estate, including 38803
lands and tenements, of persons indebted to the state for debt, 38804
taxes, or in any other manner recorded by a state agency in any 38805
office of the clerk of a county court or the county recorder. 38806

(2) "State lienholder" means the department, agency, or other 38807
division of the state in whose name a state lien has been filed or 38808
recorded. 38809

(B) In every action seeking the judicial sale of real estate 38810
that is subject to a state lien, all of the following apply: 38811

(1) The party seeking a judicial sale shall include the state 38812
lienholder as a party defendant and shall serve that state 38813
lienholder with a copy of the preliminary judicial report or 38814
commitment for an owner's fee policy of title insurance filed in 38815
accordance with section 2329.191 of the Revised Code. 38816

(2) A state lienholder shall not be made a party defendant if 38817
no state lien has been recorded against the owner of the real 38818
estate for which the judicial sale is sought. 38819

(3) The appearance of the state lienholder shall be presumed 38820
for purposes of jurisdiction, and the court shall take judicial 38821
notice that the state has a lien against the real estate. 38822

(4) A state lienholder may, but is not required to, file an 38823
answer to the complaint or any other pleading in the action if the 38824
amount, validity, or priority of the state lien is not identified 38825

in the pleadings as disputed and shall file an answer to the 38826
complaint or any other pleading in the action if the amount, 38827
validity, or priority of the state lien is identified in the 38828
pleadings as disputed. If a state lien is not identified as 38829
disputed, unless the state files an answer or other responsive 38830
pleading, the party seeking the judicial sale is not required to 38831
serve the state lienholder with any answer or subsequent pleadings 38832
in the action for judicial sale. 38833

(5) As part of any order confirming the sale of the real 38834
estate that is subject to any undisputed state lien or 38835
distributing the proceeds of any judicial sale of real estate, the 38836
undisputed state lien shall be protected as if the state had 38837
appeared in the action and filed an answer asserting the validity 38838
of the state lien as recorded in the office of the clerk of the 38839
county court or the office of the county recorder. 38840

(6) Any party asserting a dispute as to the amount, validity, 38841
or priority of the state lien or of any lien or other interest 38842
that has priority over the state lien shall serve the state 38843
lienholder and the attorney general with notice of the dispute, 38844
and the state lienholder shall be permitted to file a responsive 38845
pleading and participate in the proceedings as if the state 38846
lienholder had been served with a summons on the date the state 38847
lienholder received notice of the dispute. 38848

(C) Upon the judicial sale of the real estate that is the 38849
subject of an action under division (B) of this section, the 38850
interest of any undisputed state lien shall transfer to the 38851
proceeds of the sale of the real estate, and the state lienholder 38852
shall be entitled to payment from the proceeds of the sale of the 38853
real estate in accordance with the state lienholder's priority as 38854
set forth in the final judicial report or commitment for an 38855
owner's fee policy of title insurance filed in accordance with 38856
section 2329.191 of the Revised Code. 38857

Sec. 2335.09. Whenever, in any criminal proceeding or 38858
prosecution for the violation of an ordinance, or in a hearing 38859
before a coroner, an interpreter is necessary, the judge, 38860
magistrate, or coroner may appoint interpreters, who shall receive 38861
fees as witnesses in the case or proceeding. Such fees shall be 38862
taxed and paid as provided by sections 2335.05 to 2335.08~~7~~ 38863
~~inclusive~~, of the Revised Code for other witness fees. If the 38864
party taxed with costs is indigent, interpreter's fees shall not 38865
be taxed as costs, and the legislative authority of the court 38866
shall pay the interpreter's fees. This section shall not apply if, 38867
by law, an interpreter is otherwise provided. 38868

Sec. 2335.11. In felony cases in which the defendant is 38869
convicted, the fees of the various magistrates and their officers, 38870
the witness fees, and interpreter's fees shall be inserted in the 38871
judgment of conviction and, when collected shall be disbursed by 38872
the clerk of the court of common pleas to the persons entitled 38873
thereto. In minor state cases, which have come to the court of 38874
common pleas through such magistrate's courts, the fees enumerated 38875
by this section shall be inserted in the judgment of conviction 38876
and, when collected shall be disbursed by the clerk to the persons 38877
entitled thereto. In both felonies and minor state cases, such 38878
clerk shall pay the witness and interpreter's fees into the county 38879
treasury, monthly. 38880

If the defendant is indigent, the interpreter's fees shall 38881
not be inserted in the judgment of conviction, and the county 38882
shall pay the interpreter's fees. 38883

In all cases in which recognizances are taken, forfeited, and 38884
collected, the amount recovered shall be paid into the county 38885
treasury, and if no conviction is had, such costs shall be paid by 38886
the county upon the allowance of the county auditor. 38887

Sec. 2501.16. (A) Each court of appeals may appoint one or 38888
more official reporters, law clerks, secretaries, and any other 38889
employees that the court considers necessary for its efficient 38890
operation. 38891

The clerk of the court of common pleas, acting as the clerk 38892
of the court of appeals for the county, shall perform the duties 38893
otherwise performed and collect the fees otherwise collected by 38894
the clerk of the court of common pleas, as set forth in section 38895
2303.03 of the Revised Code, and shall maintain the files and 38896
records of the court. The clerk of the court of common pleas, 38897
acting as the clerk of the court of appeals for the county, may 38898
refuse to accept for filing any pleading or paper submitted for 38899
filing by a person who has been found to be a vexatious litigator 38900
under section 2323.52 of the Revised Code and who has failed to 38901
obtain leave from the court of appeals to proceed under that 38902
section. The overhead expenses pertaining to the office of the 38903
clerk of the court of common pleas that result from the clerk's 38904
acting as clerk of the court of appeals for the county, other than 38905
wages and salaries, shall be paid from the funds provided under 38906
sections 2501.18 and 2501.181 of the Revised Code. 38907

Each officer and employee appointed pursuant to this section 38908
shall take an oath of office, serve at the pleasure of the court, 38909
and perform any duties that the court directs. Each reporter shall 38910
have the powers that are vested in official reporters of the court 38911
of common pleas under sections 2301.18 to ~~2301.26~~ 2301.25 of the 38912
Revised Code. Whenever an opinion, per curiam, or report of a case 38913
has been prepared in accordance with section 2503.20 of the 38914
Revised Code, the official reporter immediately shall forward one 38915
copy of the opinion, per curiam, or report to the reporter of the 38916
supreme court, without expense to the reporter. 38917

(B) The court of appeals may determine that, for the 38918

efficient operation of the court, additional funds are necessary 38919
to acquire and pay for special projects of the court, including, 38920
but not limited to, the acquisition of additional facilities or 38921
the rehabilitation of existing facilities, the acquisition of 38922
equipment, the hiring and training of staff, the employment of 38923
magistrates, the training and education of judges, acting judges, 38924
and magistrates, community service programs, and other related 38925
services. Upon that determination, the court by rule may charge a 38926
fee, in addition to all other court costs, on the filing of each 38927
case or cause over which the court has jurisdiction. 38928

If the court of appeals offers a special program or service 38929
in cases of a specific type, the court by rule may assess an 38930
additional charge in a case of that type, over and above court 38931
costs, to cover the special program or service. The court shall 38932
adjust the special assessment periodically, but not retroactively, 38933
so that the amount assessed in those cases does not exceed the 38934
actual cost of providing the service or program. 38935

All moneys collected under division (B) of this section shall 38936
be paid to the county treasurer of the county selected as the 38937
principal seat of that court of appeals for deposit into either a 38938
general special projects fund or a fund established for a specific 38939
special project. Moneys from a fund of that nature shall be 38940
disbursed upon an order of the court in an amount no greater than 38941
the actual cost to the court of a project. If a specific fund is 38942
terminated because of the discontinuance of a program or service 38943
established under division (B) of this section, the court may 38944
order that moneys remaining in the fund be transferred to an 38945
account established under this division for a similar purpose. 38946

Sec. 2505.02. (A) As used in this section: 38947

(1) "Substantial right" means a right that the United States 38948
Constitution, the Ohio Constitution, a statute, the common law, or 38949

a rule of procedure entitles a person to enforce or protect. 38950

(2) "Special proceeding" means an action or proceeding that 38951
is specially created by statute and that prior to 1853 was not 38952
denoted as an action at law or a suit in equity. 38953

(3) "Provisional remedy" means a proceeding ancillary to an 38954
action, including, but not limited to, a proceeding for a 38955
preliminary injunction, attachment, discovery of privileged 38956
matter, suppression of evidence, a prima-facie showing pursuant to 38957
section 2307.85 or 2307.86 of the Revised Code, a prima-facie 38958
showing pursuant to section 2307.92 of the Revised Code, or a 38959
finding made pursuant to division (A)(3) of section 2307.93 of the 38960
Revised Code. 38961

(B) An order is a final order that may be reviewed, affirmed, 38962
modified, or reversed, with or without retrial, when it is one of 38963
the following: 38964

(1) An order that affects a substantial right in an action 38965
that in effect determines the action and prevents a judgment; 38966

(2) An order that affects a substantial right made in a 38967
special proceeding or upon a summary application in an action 38968
after judgment; 38969

(3) An order that vacates or sets aside a judgment or grants 38970
a new trial; 38971

(4) An order that grants or denies a provisional remedy and 38972
to which both of the following apply: 38973

(a) The order in effect determines the action with respect to 38974
the provisional remedy and prevents a judgment in the action in 38975
favor of the appealing party with respect to the provisional 38976
remedy. 38977

(b) The appealing party would not be afforded a meaningful or 38978
effective remedy by an appeal following final judgment as to all 38979

proceedings, issues, claims, and parties in the action. 38980

(5) An order that determines that an action may or may not be 38981
maintained as a class action; 38982

(6) An order determining the constitutionality of any changes 38983
to the Revised Code made by Am. Sub. S.B. 281 of the 124th general 38984
assembly, including the amendment of sections 1751.67, 2117.06, 38985
2305.11, 2305.15, 2305.234, 2317.02, 2317.54, 2323.56, 2711.21, 38986
2711.22, 2711.23, 2711.24, 2743.02, 2743.43, 2919.16, 3923.63, 38987
3923.64, 4705.15, and 5111.018 (renumbered as 5164.07 by H.B. 59 38988
of the 130th general assembly), and the enactment of sections 38989
2305.113, 2323.41, 2323.43, and 2323.55 of the Revised Code or any 38990
changes made by Sub. S.B. 80 of the 125th general assembly, 38991
including the amendment of sections 2125.02, 2305.10, 2305.131, 38992
2315.18, 2315.19, and 2315.21 of the Revised Code; 38993

(7) An order in an appropriation proceeding that may be 38994
appealed pursuant to division (B)(3) of section 163.09 of the 38995
Revised Code. 38996

(C) When a court issues an order that vacates or sets aside a 38997
judgment or grants a new trial, the court, upon the request of 38998
either party, shall state in the order the grounds upon which the 38999
new trial is granted or the judgment vacated or set aside. 39000

(D) This section applies to and governs any action, including 39001
an appeal, that is pending in any court on July 22, 1998, and all 39002
claims filed or actions commenced on or after July 22, 1998, 39003
notwithstanding any provision of any prior statute or rule of law 39004
of this state. 39005

Sec. 2701.03. (A) If a judge of the court of common pleas 39006
allegedly is interested in a proceeding pending before the court, 39007
allegedly is related to or has a bias or prejudice for or against 39008
a party to a proceeding pending before the court or a party's 39009

counsel, or allegedly otherwise is disqualified to preside in a proceeding pending before the court, any party to the proceeding or the party's counsel may file an affidavit of disqualification with the clerk of the supreme court in accordance with division (B) of this section.

(B) An affidavit of disqualification filed under section 2101.39 ~~or~~, 2501.13, 2701.031, or 2743.041 of the Revised Code or division (A) of this section shall be filed with the clerk of the supreme court not less than seven calendar days before the day on which the next hearing in the proceeding is scheduled and shall include all of the following:

(1) The specific allegations on which the claim of interest, bias, prejudice, or disqualification is based and the facts to support each of those allegations or, in relation to an affidavit filed against a judge of a court of appeals, a specific allegation that the judge presided in the lower court in the same proceeding and the facts to support that allegation;

(2) The jurat of a notary public or another person authorized to administer oaths or affirmations;

(3) A certificate indicating that a copy of the affidavit has been served on the probate judge, judge of a court of appeals, ~~or~~ judge of a court of common pleas, judge of a municipal or county court, or judge of the court of claims against whom the affidavit is filed and on all other parties or their counsel;

(4) The date of the next scheduled hearing in the proceeding or, if there is no hearing scheduled, a statement that there is no hearing scheduled.

(C)(1) Except as provided in division (C)(2) of this section, when an affidavit of disqualification is presented to the clerk of the supreme court for filing under division (B) of this section,

all of the following apply: 39040

(a) The clerk of the supreme court shall accept the affidavit 39041
for filing and shall forward the affidavit to the chief justice of 39042
the supreme court. 39043

(b) The supreme court shall send notice of the filing of the 39044
affidavit to the probate court served by the judge if the 39045
affidavit is filed against a probate court judge, to the clerk of 39046
the court of appeals served by the judge if the affidavit is filed 39047
against a judge of a court of appeals, ~~or~~ to the clerk of the 39048
court of common pleas served by the judge if the affidavit is 39049
filed against a judge of a court of common pleas, to the clerk of 39050
the municipal or county court served by the judge if the affidavit 39051
is filed against a judge of a municipal or county court, or to the 39052
clerk of the court of claims if the affidavit is filed against a 39053
judge of the court of claims. 39054

(c) Upon receipt of the notice under division (C)(1)(b) of 39055
this section, the probate court, the clerk of the court of 39056
appeals, ~~or~~ the clerk of the court of common pleas, the clerk of 39057
the municipal or county court, or the clerk of the court of claims 39058
shall enter the fact of the filing of the affidavit on the docket 39059
of the probate court, the docket of the court of appeals, ~~or~~ the 39060
docket in the proceeding in the court of common pleas, the docket 39061
of the proceeding in the municipal or county court, or the docket 39062
of the proceeding in the court of claims. 39063

(2) The clerk of the supreme court shall not accept an 39064
affidavit of disqualification presented for filing under division 39065
(B) of this section if it is not timely presented for filing or 39066
does not satisfy the requirements of divisions (B)(2), (3), and 39067
(4) of this section. 39068

(D)(1) Except as provided in divisions (D)(2) to (4) of this 39069
section, if the clerk of the supreme court accepts an affidavit of 39070

disqualification for filing under divisions (B) and (C) of this 39071
section, the affidavit deprives the judge against whom the 39072
affidavit was filed of any authority to preside in the proceeding 39073
until the chief justice of the supreme court, or a justice of the 39074
supreme court designated by the chief justice, rules on the 39075
affidavit pursuant to division (E) of this section. 39076

(2) A judge against whom an affidavit of disqualification has 39077
been filed under divisions (B) and (C) of this section may do any 39078
of the following that is applicable: 39079

(a) If, based on the scheduled hearing date, the affidavit 39080
was not timely filed, the judge may preside in the proceeding. 39081

(b) If the proceeding is a domestic relations proceeding, the 39082
judge may issue any temporary order relating to spousal support 39083
pendente lite and the support, maintenance, and allocation of 39084
parental rights and responsibilities for the care of children. 39085

(c) If the proceeding pertains to a complaint brought 39086
pursuant to Chapter 2151. or 2152. of the Revised Code, the judge 39087
may issue any temporary order pertaining to the relation and 39088
conduct of any other person toward a child who is the subject of a 39089
complaint as the interest and welfare of the child may require. 39090

(3) A judge against whom an affidavit of disqualification has 39091
been filed under divisions (B) and (C) of this section may 39092
determine a matter that does not affect a substantive right of any 39093
of the parties. 39094

(4) If the clerk of the supreme court accepts an affidavit of 39095
disqualification for filing under divisions (B) and (C) of this 39096
section, if the chief justice of the supreme court, or a justice 39097
of the supreme court designated by the chief justice, denies the 39098
affidavit of disqualification pursuant to division (E) of this 39099
section, and if, after the denial, a second or subsequent 39100
affidavit of disqualification regarding the same judge and the 39101

same proceeding is filed by the same party who filed or on whose behalf was filed the affidavit that was denied or by counsel for the same party who filed or on whose behalf was filed the affidavit that was denied, the judge against whom the second or subsequent affidavit is filed may preside in the proceeding prior to the ruling of the chief justice of the supreme court, or a justice designated by the chief justice, on the second or subsequent affidavit.

(E) If the clerk of the supreme court accepts an affidavit of disqualification for filing under divisions (B) and (C) of this section and if the chief justice of the supreme court, or any justice of the supreme court designated by the chief justice, determines that the interest, bias, prejudice, or disqualification alleged in the affidavit does not exist, the chief justice or the designated justice shall issue an entry denying the affidavit of disqualification. If the chief justice of the supreme court, or any justice of the supreme court designated by the chief justice, determines that the interest, bias, prejudice, or disqualification alleged in the affidavit exists, the chief justice or the designated justice shall issue an entry that disqualifies that judge from presiding in the proceeding and either order that the proceeding be assigned to another judge of the court of which the disqualified judge is a member, to a judge of another court, or to a retired judge.

Sec. 2701.031. ~~(A)~~ If a judge of a municipal or county court allegedly is interested in a proceeding pending before the judge, allegedly is related to or has a bias or prejudice for or against a party to a proceeding pending before the judge or to a party's counsel, or allegedly otherwise is disqualified to preside in a proceeding pending before the judge, any party to the proceeding or the party's counsel may file an affidavit of disqualification with the clerk of the supreme court ~~in which the proceeding is~~

pending. The affidavit of disqualification shall be filed and 39134
decided in accordance with divisions (B) to (E) of section 2701.03 39135
of the Revised Code, and, upon the filing of the affidavit, the 39136
provisions of those divisions apply to the affidavit, the 39137
proceeding, the judge, and the parties to the proceeding. 39138

~~(B) An affidavit of disqualification shall be filed under~~ 39139
~~this section with the clerk of the court in which the proceeding~~ 39140
~~is pending not less than seven calendar days before the day on~~ 39141
~~which the next hearing in the proceeding is scheduled and shall~~ 39142
~~include all of the following:~~ 39143

~~(1) The specific allegations on which the claim of interest,~~ 39144
~~bias, prejudice, or disqualification is based and the facts to~~ 39145
~~support each of those allegations;~~ 39146

~~(2) The jurat of a notary public or another person authorized~~ 39147
~~to administer oaths or affirmations;~~ 39148

~~(3) A certificate indicating that a copy of the affidavit has~~ 39149
~~been served on the judge of the municipal or county court against~~ 39150
~~whom the affidavit is filed and on all other parties or their~~ 39151
~~counsel;~~ 39152

~~(4) The date of the next scheduled hearing in the proceeding~~ 39153
~~or, if there is no hearing scheduled, a statement that there is no~~ 39154
~~hearing scheduled.~~ 39155

~~(C)(1) Except as provided in division (C)(2) of this section,~~ 39156
~~when an affidavit of disqualification is presented to the clerk of~~ 39157
~~a municipal or county court for filing under division (B) of this~~ 39158
~~section, the clerk shall enter the fact of the filing on the~~ 39159
~~docket in that proceeding and shall provide notice of the filing~~ 39160
~~of the affidavit to one of the following:~~ 39161

~~(a) The presiding judge of the court of common pleas of the~~ 39162
~~county;~~ 39163

~~(b) If there is no presiding judge of the court of common pleas of the county, a judge of the court of common pleas of the county.~~ 39164
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~~(2) The clerk of the municipal or county court in which a proceeding is pending shall not accept an affidavit of disqualification presented for filing under division (B) of this section if it is not timely presented for filing or does not satisfy the requirements of divisions (B)(2), (3), and (4) of this section.~~ 39167
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~~(D)(1) Except as provided in divisions (D)(2) to (4) of this section, if the clerk of the municipal or county court in which a proceeding is pending accepts an affidavit of disqualification for filing under divisions (B) and (C) of this section, the affidavit deprives the judge of a municipal or county court against whom the affidavit was filed of any authority to preside in the proceeding until the judge who was notified pursuant to division (C)(1) of this section rules on the affidavit pursuant to division (E) of this section.~~ 39173
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~~(2) A judge of a municipal or county court against whom an affidavit of disqualification has been filed under divisions (B) and (C) of this section may preside in the proceeding if, based on the scheduled hearing date, the affidavit was not timely filed.~~ 39182
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~~(3) A judge of a municipal or county court against whom an affidavit of disqualification has been filed under divisions (B) and (C) of this section may determine a matter that does not affect a substantive right of any of the parties.~~ 39186
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~~(4) If the clerk of a municipal or county court accepts an affidavit of disqualification for filing under divisions (B) and (C) of this section, if the judge who is notified pursuant to division (C)(1) of this section of the filing of the affidavit of disqualification denies the affidavit pursuant to division (E) of~~ 39190
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~~this section, and if, after the denial, a second or subsequent affidavit of disqualification regarding the same judge and the same proceeding is filed by the same party who filed or on whose behalf was filed the affidavit that was denied or by counsel for the same party who filed or on whose behalf was filed the affidavit that was denied, the judge of a municipal or county court against whom the second or subsequent affidavit is filed may preside in the proceeding prior to the ruling, by the judge who is notified pursuant to division (C)(1) of this section, on the second or subsequent affidavit pursuant to division (E) of this section.~~

~~(E) If the clerk of a municipal or county court accepts an affidavit of disqualification for filing under divisions (B) and (C) of this section and if the judge who is notified pursuant to division (C)(1) of this section of the filing of the affidavit determines that the interest, bias, prejudice, or disqualification alleged in the affidavit does not exist, the judge who is so notified shall issue an entry denying the affidavit of disqualification. If the judge who is notified pursuant to division (C)(1) of this section of the filing of the affidavit determines that the interest, bias, prejudice, or disqualification alleged in the affidavit exists, the judge who is so notified shall issue an entry that disqualifies the judge against whom the affidavit was filed from presiding in the proceeding and designate another judge of the municipal or county court, or of the court of common pleas, to preside in the proceeding in place of the disqualified judge.~~

Sec. 2743.03. (A)(1) There is hereby created a court of claims. The court of claims is a court of record and has exclusive, original jurisdiction of all civil actions against the state permitted by the waiver of immunity contained in section 2743.02 of the Revised Code, and exclusive jurisdiction of the

causes of action of all parties in civil actions that are removed 39227
to the court of claims, ~~and jurisdiction to hear appeals from the~~ 39228
~~decisions of the court of claims commissioners.~~ The court shall 39229
have full equity powers in all actions within its jurisdiction and 39230
may entertain and determine all counterclaims, cross-claims, and 39231
third-party claims. 39232

(2) If the claimant in a civil action as described in 39233
division (A)(1) of this section also files a claim for a 39234
declaratory judgment, injunctive relief, or other equitable relief 39235
against the state that arises out of the same circumstances that 39236
gave rise to the civil action described in division (A)(1) of this 39237
section, the court of claims has exclusive, original jurisdiction 39238
to hear and determine that claim in that civil action. This 39239
division does not affect, and shall not be construed as affecting, 39240
the original jurisdiction of another court of this state to hear 39241
and determine a civil action in which the sole relief that the 39242
claimant seeks against the state is a declaratory judgment, 39243
injunctive relief, or other equitable relief. 39244

(3) In addition to its exclusive, original jurisdiction as 39245
conferred by division (A)(1) and (2) of this section, the court of 39246
claims has exclusive, original jurisdiction as described in 39247
division (F) of section 2743.02, division (B) of section 3335.03, 39248
and division (C) of section 5903.02 of the Revised Code. 39249

(B) The court of claims shall sit in Franklin county, its 39250
hearings shall be public, and it shall consist of incumbent 39251
justices or judges of the supreme court, courts of appeals, or 39252
courts of common pleas, or retired justices or judges eligible for 39253
active duty pursuant to division (C) of Section 6 of Article IV, 39254
Ohio Constitution, sitting by temporary assignment of the chief 39255
justice of the supreme court. The chief justice may direct the 39256
court to sit in any county for cases on removal upon a showing of 39257
substantial hardship and whenever justice dictates. 39258

(C)(1) A civil action against the state shall be heard and 39259
determined by a single judge. Upon application by the claimant or 39260
the state, the chief justice of the supreme court may assign a 39261
panel of three judges to hear and determine a civil action 39262
presenting novel or complex issues of law or fact. Concurrence of 39263
two members of the panel is necessary for any judgment or order. 39264

(2) Whenever the chief justice of the supreme court believes 39265
an equitable resolution of a case will be expedited, the chief 39266
justice may appoint ~~referees~~ magistrates in accordance with Civil 39267
Rule 53 to hear the case. 39268

(3) When any dispute under division (B) of section 153.12 of 39269
the Revised Code is brought to the court of claims, upon request 39270
of either party to the dispute, the chief justice of the supreme 39271
court shall appoint a single referee or a panel of three referees. 39272
The referees need not be attorneys, but shall be persons 39273
knowledgeable about construction contract law, a member of the 39274
construction industry panel of the American arbitration 39275
association, or an individual or individuals deemed qualified by 39276
the chief justice to serve. No person shall serve as a referee if 39277
that person has been employed by an affected state agency or a 39278
contractor or subcontractor involved in the dispute at any time in 39279
the preceding five years. Proceedings governing referees shall be 39280
in accordance with Civil Rule 53, except as modified by this 39281
division. The referee or panel of referees shall submit its 39282
report, which shall include a recommendation and finding of fact, 39283
to the judge assigned to the case by the chief justice, within 39284
thirty days of the conclusion of the hearings. Referees appointed 39285
pursuant to this division shall be compensated on a per diem basis 39286
at the same rate as is paid to judges of the court and also shall 39287
be paid their expenses. If a single referee is appointed or a 39288
panel of three referees is appointed, then, with respect to one 39289
referee of the panel, the compensation and expenses of the referee 39290

shall not be taxed as part of the costs in the case but shall be 39291
included in the budget of the court. If a panel of three referees 39292
is appointed, the compensation and expenses of the two remaining 39293
referees shall be taxed as costs of the case. 39294

All costs of a case shall be apportioned among the parties. 39295
The court may not require that any party deposit with the court 39296
cash, bonds, or other security in excess of two hundred dollars to 39297
guarantee payment of costs without the prior approval in each case 39298
of the chief justice. 39299

(4) An appeal from a decision of the ~~court of claims~~ 39300
~~commissioners~~ attorney general shall be heard and determined by 39301
one judge of the court of claims. 39302

(D) The Rules of Civil Procedure shall govern practice and 39303
procedure in all actions in the court of claims, except insofar as 39304
inconsistent with this chapter. The supreme court may promulgate 39305
rules governing practice and procedure in actions in the court as 39306
provided in Section 5 of Article IV, Ohio Constitution. 39307

(E)(1) A party who files a counterclaim against the state or 39308
makes the state a third-party defendant in an action commenced in 39309
any court, other than the court of claims, shall file a petition 39310
for removal in the court of claims. The petition shall state the 39311
basis for removal, be accompanied by a copy of all process, 39312
pleadings, and other papers served upon the petitioner, and shall 39313
be signed in accordance with Civil Rule 11. A petition for removal 39314
based on a counterclaim shall be filed within twenty-eight days 39315
after service of the counterclaim of the petitioner. A petition 39316
for removal based on third-party practice shall be filed within 39317
twenty-eight days after the filing of the third-party complaint of 39318
the petitioner. 39319

(2) Within seven days after filing a petition for removal, 39320
the petitioner shall give written notice to the parties, and shall 39321

file a copy of the petition with the clerk of the court in which 39322
the action was brought originally. The filing effects the removal 39323
of the action to the court of claims, and the clerk of the court 39324
where the action was brought shall forward all papers in the case 39325
to the court of claims. The court of claims shall adjudicate all 39326
civil actions removed. The court may remand a civil action to the 39327
court in which it originated upon a finding that the removal 39328
petition does not justify removal, or upon a finding that the 39329
state is no longer a party. 39330

(3) Bonds, undertakings, or security and injunctions, 39331
attachments, sequestrations, or other orders issued prior to 39332
removal remain in effect until dissolved or modified by the court 39333
of claims. 39334

Sec. 2743.041. If a judge of the court of claims allegedly is 39335
interested in a proceeding pending before the judge, allegedly is 39336
related to or has a bias or prejudice for or against a party to a 39337
proceeding pending before the judge or to a party's counsel, or 39338
allegedly otherwise is disqualified to preside in a proceeding 39339
pending before the judge, any party to the proceeding or the 39340
party's counsel may file an affidavit of disqualification with the 39341
clerk of the supreme court. The affidavit of disqualification 39342
shall be filed and decided in accordance with divisions (B) to (E) 39343
of section 2701.03 of the Revised Code, and, upon the filing of 39344
the affidavit, the provisions of those divisions apply to the 39345
affidavit, the proceeding, the judge, and the parties to the 39346
proceeding. 39347

Sec. 2743.09. The clerk of the court of claims shall do all 39348
of the following: 39349

(A) Administer oaths and take and certify affidavits, 39350
depositions, and acknowledgments of powers of attorney and other 39351

instruments in writing; 39352

(B) Prepare the dockets, enter and record the orders, 39353
judgments, decisions, awards, and proceedings of the court of 39354
claims ~~and the court of claims commissioners~~, and issue writs and 39355
process; 39356

(C) Maintain an office in Franklin county in rooms provided 39357
by the supreme court for that purpose; 39358

(D) Keep an appearance docket of civil actions, and claims 39359
for an award of reparations, ~~and appeals from decisions of the~~ 39360
~~court of claims commissioners~~. The clerk may refuse to accept for 39361
filing any pleading or paper that relates to a civil action in the 39362
court of claims and that is submitted for filing by a person who 39363
has been found to be a vexatious litigator under section 2323.52 39364
of the Revised Code and who has failed to obtain leave to proceed 39365
under that section. 39366

Upon the commencement of an action or claim, the clerk shall 39367
assign it a number. This number shall be placed on the first page, 39368
and every continuation page, of the appearance docket that 39369
concerns the particular action or claim. In addition, this number 39370
and the names of the parties shall be placed on the case file and 39371
every paper filed in the action or claim. 39372

At the time the action is commenced the clerk shall enter in 39373
the appearance docket the names of the parties in full and the 39374
names of counsel and shall index the action alphabetically by the 39375
last name of each party. Thereafter, the clerk shall 39376
chronologically note in the appearance docket all process issued 39377
and returns, pleas, motions, papers filed in the action, orders, 39378
verdicts, and judgments. The notations shall be brief but shall 39379
show the date of filing, substance, and journal volume and page of 39380
each order, verdict, and judgment. An action is commenced for 39381
purposes of this division by the filing of a complaint, including 39382

a form complaint under section 2743.10 of the Revised Code or a petition for removal. 39383
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At the time an appeal for an award of reparations is commenced, the clerk shall enter the full names of the claimant, the victim, and the attorneys in the appearance docket and shall index the claim alphabetically by the last name of the claimant and the victim. Thereafter, the clerk shall chronologically note in the appearance docket all process issued and returns, motions, papers filed in the claim, orders, decisions, and awards. The notations shall be brief but shall show the date of filing, substance, and journal volume and page of each order. 39385
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(E) Keep all original papers filed in an action or claim in a separate file folder and a journal in which all orders, verdicts, and judgments of the court ~~and commissioners~~ shall be recorded; 39394
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(F) Charge and collect fees pursuant to section 2303.20 of the Revised Code, keep a cashbook in which the clerk shall enter the amounts received, make a report to the clerk of the supreme court each quarter of the fees received during the preceding quarter, and pay them monthly into the state treasury; 39397
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(G) Appoint reporters and other clerical personnel; 39402

(H) Under the direction of the chief justice, establish procedures for hearing and determining appeals for an award of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code. 39403
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Sec. 2743.121. ~~(A) A panel of court of claims commissioners shall render its decisions as to claims for an award of reparations in writing and shall include separate findings of fact and any conclusions of law that are necessary. Orders as to claims for an award of reparations shall be entered on the journal, and the clerk shall certify on the order the date of journalization~~ 39407
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~~and shall send copies of the order and decision to the claimant, 39413
the attorney general, and the prosecuting attorney of the county 39414
in which the criminally injurious conduct occurred. 39415~~

~~(B) A judge of the The court of claims shall render the 39416
judge's its decisions as to appeals from decisions of a panel of 39417
court of claims commissioners the attorney general pursuant to 39418
sections 2743.51 to 2743.72 of the Revised Code in writing and 39419
shall include a separate finding for each issue contested upon 39420
appeal. Orders as to appeals shall be entered on the journal, and 39421
the clerk shall certify on the order the date of journalization 39422
and shall send copies of the order and decision to the claimant, 39423
the attorney general, and the prosecuting attorney of the county 39424
in which the criminally injurious conduct occurred. 39425~~

Sec. 2743.191. (A)(1) There is hereby created in the state 39426
treasury the reparations fund, which shall be used only for the 39427
following purposes: 39428

(a) The payment of awards of reparations that are granted by 39429
the attorney general; 39430

(b) The compensation of any personnel needed by the attorney 39431
general to administer sections 2743.51 to 2743.72 of the Revised 39432
Code; 39433

(c) The compensation of witnesses as provided in division (J) 39434
of section 2743.65 of the Revised Code; 39435

(d) Other administrative costs of hearing and determining 39436
claims for an award of reparations by the attorney general; 39437

(e) The costs of administering sections 2907.28 and 2969.01 39438
to 2969.06 of the Revised Code; 39439

(f) The costs of investigation and decision-making as 39440
certified by the attorney general; 39441

(g) The provision of state financial assistance to victim 39442

assistance programs in accordance with sections 109.91 and 109.92 39443
of the Revised Code; 39444

(h) The costs of paying the expenses of sex offense-related 39445
examinations and antibiotics pursuant to section 2907.28 of the 39446
Revised Code; 39447

(i) The cost of printing and distributing the pamphlet 39448
prepared by the attorney general pursuant to section 109.42 of the 39449
Revised Code; 39450

(j) Subject to division (D) of section 2743.71 of the Revised 39451
Code, the costs associated with the printing and providing of 39452
information cards or other printed materials to law enforcement 39453
agencies and prosecuting authorities and with publicizing the 39454
availability of awards of reparations pursuant to section 2743.71 39455
of the Revised Code; 39456

(k) The payment of costs of administering a DNA specimen 39457
collection procedure pursuant to sections 2152.74 and 2901.07 of 39458
the Revised Code, of performing DNA analysis of those DNA 39459
specimens, and of entering the resulting DNA records regarding 39460
those analyses into the DNA database pursuant to section 109.573 39461
of the Revised Code; 39462

(l) The payment of actual costs associated with initiatives 39463
by the attorney general for the apprehension, prosecution, and 39464
accountability of offenders, and the enhancing of services to 39465
crime victims. The amount of payments made pursuant to division 39466
(A)(1)(1) of this section during any given fiscal year shall not 39467
exceed five per cent of the balance of the reparations fund at the 39468
close of the immediately previous fiscal year; 39469

(m) The costs of administering the adult parole authority's 39470
supervision pursuant to division (E) of section 2971.05 of the 39471
Revised Code of sexually violent predators who are sentenced to a 39472
prison term pursuant to division (A)(3) of section 2971.03 of the 39473

Revised Code and of offenders who are sentenced to a prison term 39474
pursuant to division (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 39475
(c), or (B)(3)(a), (b), (c), or (d) of that section; 39476

(n) Subject to the limit set forth in those sections, the 39477
costs of the installation and monitoring of an electronic 39478
monitoring device used in the monitoring of a respondent pursuant 39479
to an electronic monitoring order issued by a court under division 39480
(E)(1)(b) of section 2151.34 or division (E)(1)(b) of section 39481
2903.214 of the Revised Code if the court determines that the 39482
respondent is indigent or used in the monitoring of an offender 39483
pursuant to an electronic monitoring order issued under division 39484
(B)(5) of section 2919.27 of the Revised Code if the court 39485
determines that the offender is indigent; 39486

(o) The provision of state financial assistance to rape 39487
crisis programs by the attorney general. 39488

(2) All costs paid pursuant to section 2743.70 of the Revised 39489
Code, the portions of license reinstatement fees mandated by 39490
division (F)(2)(b) of section 4511.191 of the Revised Code to be 39491
credited to the fund, the portions of the proceeds of the sale of 39492
a forfeited vehicle specified in division (C)(2) of section 39493
4503.234 of the Revised Code, payments collected by the department 39494
of rehabilitation and correction from prisoners who voluntarily 39495
participate in an approved work and training program pursuant to 39496
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 39497
all moneys collected by the state pursuant to its right of 39498
subrogation provided in section 2743.72 of the Revised Code shall 39499
be deposited in the fund. 39500

(B) In making an award of reparations, the attorney general 39501
shall render the award against the state. The award shall be 39502
accomplished only through the following procedure, and the 39503
following procedure may be enforced by writ of mandamus directed 39504
to the appropriate official: 39505

(1) The attorney general shall provide for payment of the 39506
claimant or providers in the amount of the award only if the 39507
amount of the award is fifty dollars or more. 39508

(2) The expense shall be charged against all available 39509
unencumbered moneys in the fund. 39510

(3) If sufficient unencumbered moneys do not exist in the 39511
fund, the attorney general shall make application for payment of 39512
the award out of the emergency purposes account or any other 39513
appropriation for emergencies or contingencies, and payment out of 39514
this account or other appropriation shall be authorized if there 39515
are sufficient moneys greater than the sum total of then pending 39516
emergency purposes account requests or requests for releases from 39517
the other appropriations. 39518

(4) If sufficient moneys do not exist in the account or any 39519
other appropriation for emergencies or contingencies to pay the 39520
award, the attorney general shall request the general assembly to 39521
make an appropriation sufficient to pay the award, and no payment 39522
shall be made until the appropriation has been made. The attorney 39523
general shall make this appropriation request during the current 39524
biennium and during each succeeding biennium until a sufficient 39525
appropriation is made. If, prior to the time that an appropriation 39526
is made by the general assembly pursuant to this division, the 39527
fund has sufficient unencumbered funds to pay the award or part of 39528
the award, the available funds shall be used to pay the award or 39529
part of the award, and the appropriation request shall be amended 39530
to request only sufficient funds to pay that part of the award 39531
that is unpaid. 39532

(C) The attorney general shall not make payment on a decision 39533
or order granting an award until all appeals have been determined 39534
and all rights to appeal exhausted, except as otherwise provided 39535
in this section. If any party to a claim for an award of 39536
reparations appeals from only a portion of an award, and a 39537

remaining portion provides for the payment of money by the state, 39538
that part of the award calling for the payment of money by the 39539
state and not a subject of the appeal shall be processed for 39540
payment as described in this section. 39541

(D) The attorney general shall prepare itemized bills for the 39542
costs of printing and distributing the pamphlet the attorney 39543
general prepares pursuant to section 109.42 of the Revised Code. 39544
The itemized bills shall set forth the name and address of the 39545
persons owed the amounts set forth in them. 39546

(E) The attorney general shall adopt rules under Chapter 119. 39547
of the Revised Code governing the provision of state financial 39548
assistance to rape crisis programs under division (A)(1)(o) of 39549
this section. 39550

(F) As used in this section: 39551

(1) "DNA analysis" and "DNA specimen" have the same meanings 39552
as in section 109.573 of the Revised Code. 39553

(2) "Rape crisis program" means any of the following: 39554

(a) The nonprofit state sexual assault coalition designated 39555
by the center for injury prevention and control of the federal 39556
centers for disease control and prevention; 39557

(b) A victim witness assistance program operated by a 39558
prosecuting attorney; 39559

(c) A program operated by a government-based or nonprofit 39560
entity that provides a full continuum of services to victims of 39561
sexual assault, including, but not limited to, hotlines, victim 39562
advocacy, and support services from the onset of the need for 39563
services through the completion of healing, that does not provide 39564
medical services, and that may refer victims to physicians for 39565
medical care but does not engage in or refer for services for 39566
which the use of genetic services funds is prohibited by section 39567

<u>3701.511 of the Revised Code.</u>	39568
<u>(3) "Sexual assault" means any of the following:</u>	39569
<u>(a) A violation of section 2907.02, 2907.03, 2907.04,</u>	39570
<u>2907.05, or former section 2907.12 of the Revised Code;</u>	39571
<u>(b) A violation of an existing or former municipal ordinance</u>	39572
<u>or law of this or any other state or the United States that is or</u>	39573
<u>was substantially equivalent to any section listed in division</u>	39574
<u>(F)(3)(a) of this section.</u>	39575
Sec. 2743.20. Appeals from orders and judgments of the court	39576
of claims lie to the same courts under the same circumstances, as	39577
appeals from the court of common pleas of Franklin county, and the	39578
same rules of law govern their determination. The decision of the	39579
court of claims with respect to an appeal from a decision of the	39580
court of claims commissioners <u>the attorney general pursuant to</u>	39581
<u>sections 2743.51 to 2743.72 of the Revised Code</u> is final, and no	39582
appeal from the decision of the court of claims lies to any other	39583
court.	39584
Sec. 2743.48. (A) As used in this section and section 2743.49	39585
of the Revised Code, a "wrongfully imprisoned individual" means an	39586
individual who satisfies each of the following:	39587
(1) The individual was charged with a violation of a section	39588
of the Revised Code by an indictment or information, and the	39589
violation charged was an aggravated felony or felony.	39590
(2) The individual was found guilty of, but did not plead	39591
guilty to, the particular charge or a lesser-included offense by	39592
the court or jury involved, and the offense of which the	39593
individual was found guilty was an aggravated felony or felony.	39594
(3) The individual was sentenced to an indefinite or definite	39595
term of imprisonment in a state correctional institution for the	39596

offense of which the individual was found guilty. 39597

(4) The individual's conviction was vacated, dismissed, or 39598
reversed on appeal, the prosecuting attorney in the case cannot or 39599
will not seek any further appeal of right or upon leave of court, 39600
and no criminal proceeding is pending, can be brought, or will be 39601
brought by any prosecuting attorney, city director of law, village 39602
solicitor, or other chief legal officer of a municipal corporation 39603
against the individual for any act associated with that 39604
conviction. 39605

(5) Subsequent to sentencing and during or subsequent to 39606
imprisonment, an error in procedure resulted in the individual's 39607
release, or it was determined by the court of common pleas in the 39608
county where the underlying criminal action was initiated that the 39609
charged offense, including all lesser-included offenses, either 39610
was not committed by the individual or was not committed by any 39611
person. 39612

(B)(1) A person may file a civil action to be declared a 39613
wrongfully imprisoned individual in the court of common pleas in 39614
the county where the underlying criminal action was initiated. 39615
That civil action shall be separate from the underlying finding of 39616
guilt by the court of common pleas. The prosecuting attorney of 39617
that county shall be served with a copy of the complaint and shall 39618
defend all civil actions to determine a person to be a wrongfully 39619
imprisoned individual under this section. Upon the filing of a 39620
civil action to be determined a wrongfully imprisoned individual, 39621
the attorney general also shall be served with a copy of the 39622
complaint and shall be heard. 39623

(2) When the court of common pleas in the county where the 39624
underlying criminal action was initiated determines in a separate 39625
civil action that a person is a wrongfully imprisoned individual, 39626
the court shall provide the person with a copy of this section and 39627
orally inform the person and the person's attorney of the person's 39628

rights under this section to commence a civil action against the 39629
state in the court of claims because of the person's wrongful 39630
imprisonment and to be represented in that civil action by counsel 39631
of the person's own choice. 39632

(3) The court described in division (B)(1) of this section 39633
shall notify the clerk of the court of claims, in writing and 39634
within seven days after the date of the entry of its determination 39635
that the person is a wrongfully imprisoned individual, of the name 39636
and proposed mailing address of the person and of the fact that 39637
the person has the rights to commence a civil action and to have 39638
legal representation as provided in this section. The clerk of the 39639
court of claims shall maintain in the clerk's office a list of 39640
wrongfully imprisoned individuals for whom notices are received 39641
under this section and shall create files in the clerk's office 39642
for each such individual. 39643

(4) Within sixty days after the date of the entry of the 39644
determination by the court of common pleas in the county where the 39645
underlying criminal action was initiated that a person is a 39646
wrongfully imprisoned individual, the clerk of the court of claims 39647
shall forward a preliminary judgment to the president of the 39648
controlling board requesting the payment of fifty per cent of the 39649
amount described in division (E)(2)(b) of this section to the 39650
wrongfully imprisoned individual. The board shall take all actions 39651
necessary to cause the payment of that amount out of the emergency 39652
purposes special purpose account of the board. 39653

(5) If an individual was serving at the time of the wrongful 39654
imprisonment concurrent sentences on other convictions that were 39655
not vacated, dismissed, or reversed on appeal, the individual is 39656
not eligible for compensation as described in this section for any 39657
portion of that wrongful imprisonment that occurred during a 39658
concurrent sentence of that nature. 39659

(C)(1) In a civil action under this section, a wrongfully 39660

imprisoned individual has the right to have counsel of the 39661
individual's own choice. 39662

(2) If a wrongfully imprisoned individual who is the subject 39663
of a court determination as described in division (B)(2) of this 39664
section does not commence a civil action under this section within 39665
six months after the entry of that determination, the clerk of the 39666
court of claims shall send a letter to the wrongfully imprisoned 39667
individual, at the address set forth in the notice received from 39668
the court of common pleas pursuant to division (B)(3) of this 39669
section or to any later address provided by the wrongfully 39670
imprisoned individual, that reminds the wrongfully imprisoned 39671
individual of the wrongfully imprisoned individual's rights under 39672
this section. Until the statute of limitations provided in 39673
division (H) of this section expires and unless the wrongfully 39674
imprisoned individual commences a civil action under this section, 39675
the clerk of the court of claims shall send a similar letter in a 39676
similar manner to the wrongfully imprisoned individual at least 39677
once each three months after the sending of the first reminder. 39678

(D) Notwithstanding any provisions of this chapter to the 39679
contrary, a wrongfully imprisoned individual has and may file a 39680
civil action against the state, in the court of claims, to recover 39681
a sum of money as described in this section, because of the 39682
individual's wrongful imprisonment. The court of claims shall have 39683
exclusive, original jurisdiction over such a civil action. The 39684
civil action shall proceed, be heard, and be determined as 39685
provided in sections 2743.01 to 2743.20 of the Revised Code, 39686
except that if a provision of this section conflicts with a 39687
provision in any of those sections, the provision in this section 39688
controls. 39689

(E)(1) In a civil action as described in division (D) of this 39690
section, the complainant may establish that the claimant is a 39691
wrongfully imprisoned individual by submitting to the court of 39692

claims a certified copy of the judgment entry of the court of 39693
common pleas associated with the claimant's conviction and 39694
sentencing, and a certified copy of the entry of the determination 39695
of the court of common pleas that the claimant is a wrongfully 39696
imprisoned individual under division (B)(2) of this section. No 39697
other evidence shall be required of the complainant to establish 39698
that the claimant is a wrongfully imprisoned individual, and the 39699
claimant shall be irrebuttably presumed to be a wrongfully 39700
imprisoned individual. 39701

(2) In a civil action as described in division (D) of this 39702
section, upon presentation of requisite proof to the court of 39703
claims, a wrongfully imprisoned individual is entitled to receive 39704
a sum of money that equals the total of each of the following 39705
amounts: 39706

(a) The amount of any fine or court costs imposed and paid, 39707
and the reasonable attorney's fees and other expenses incurred by 39708
the wrongfully imprisoned individual in connection with all 39709
associated criminal proceedings and appeals, and, if applicable, 39710
in connection with obtaining the wrongfully imprisoned 39711
individual's discharge from confinement in the state correctional 39712
institution; 39713

(b) For each full year of imprisonment in the state 39714
correctional institution for the offense of which the wrongfully 39715
imprisoned individual was found guilty, forty thousand three 39716
hundred thirty dollars or the adjusted amount determined by the 39717
auditor of state pursuant to section 2743.49 of the Revised Code, 39718
and for each part of a year of being so imprisoned, a pro-rated 39719
share of forty thousand three hundred thirty dollars or the 39720
adjusted amount determined by the auditor of state pursuant to 39721
section 2743.49 of the Revised Code; 39722

(c) Any loss of wages, salary, or other earned income that 39723
directly resulted from the wrongfully imprisoned individual's 39724

arrest, prosecution, conviction, and wrongful imprisonment;	39725
(d) The amount of the following cost debts the department of rehabilitation and correction recovered from the wrongfully imprisoned individual who was in custody of the department or under the department's supervision:	39726
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	39729
(i) Any user fee or copayment for services at a detention facility, including, but not limited to, a fee or copayment for sick call visits;	39730
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	39732
(ii) The cost of housing and feeding the wrongfully imprisoned individual in a detention facility;	39733
	39734
(iii) The cost of supervision of the wrongfully imprisoned individual;	39735
	39736
(iv) The cost of any ancillary services provided to the wrongfully imprisoned individual.	39737
	39738
(F)(1) If the court of claims determines in a civil action as described in division (D) of this section that the complainant is a wrongfully imprisoned individual, it shall enter judgment for the wrongfully imprisoned individual in the amount of the sum of money to which the wrongfully imprisoned individual is entitled under division (E)(2) of this section. In determining that sum, the court of claims shall not take into consideration any expenses incurred by the state or any of its political subdivisions in connection with the arrest, prosecution, and imprisonment of the wrongfully imprisoned individual, including, but not limited to, expenses for food, clothing, shelter, and medical services. The court shall reduce that sum by the amount of the payment to the wrongfully imprisoned individual described in division (B)(4) of this section.	39739
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(2) If the wrongfully imprisoned individual was represented in the civil action under this section by counsel of the wrongfully imprisoned individual's own choice, the court of claims	39753
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shall include in the judgment entry referred to in division (F)(1) 39756
of this section an award for the reasonable attorney's fees of 39757
that counsel. These fees shall be paid as provided in division (G) 39758
of this section. 39759

(3) The state consents to be sued by a wrongfully imprisoned 39760
individual because the imprisonment was wrongful, and to liability 39761
on its part because of that fact, only as provided in this 39762
section. However, this section does not affect any liability of 39763
the state or of its employees to a wrongfully imprisoned 39764
individual on a claim for relief that is not based on the fact of 39765
the wrongful imprisonment, including, but not limited to, a claim 39766
for relief that arises out of circumstances occurring during the 39767
wrongfully imprisoned individual's confinement in the state 39768
correctional institution. 39769

(G) The clerk of the court of claims shall forward a 39770
certified copy of a judgment under division (F) of this section to 39771
the president of the controlling board. The board shall take all 39772
actions necessary to cause the payment of the judgment out of the 39773
emergency purposes special purpose account of the board. 39774

(H) To be eligible to recover a sum of money as described in 39775
this section because of wrongful imprisonment, both of the 39776
following shall apply to a wrongfully imprisoned individual: 39777

(1) The wrongfully imprisoned individual shall not have been, 39778
prior to September 24, 1986, the subject of an act of the general 39779
assembly that authorized an award of compensation for the wrongful 39780
imprisonment or have been the subject of an action before the 39781
former sundry claims board that resulted in an award of 39782
compensation for the wrongful imprisonment. 39783

(2) The wrongfully imprisoned individual shall commence a 39784
civil action under this section in the court of claims no later 39785
than two years after the date of the entry of the determination of 39786

the court of common pleas that the individual is a wrongfully 39787
imprisoned individual under division (B)(2) of this section. 39788

Sec. 2743.52. (A) The attorney general shall make awards of 39789
reparations for economic loss arising from criminally injurious 39790
conduct, if satisfied by a preponderance of the evidence that the 39791
requirements for an award of reparations have been met. 39792

(B) ~~A The~~ court of claims ~~panel of commissioners or a judge~~ 39793
~~of the court of claims~~ has appellate jurisdiction to order awards 39794
of reparations for economic loss arising from criminally injurious 39795
conduct, if satisfied by a preponderance of the evidence that the 39796
requirements for an award of reparations have been met. 39797

(C) A decision of the attorney general, ~~an order of a court~~ 39798
~~of claims panel of commissioners,~~ or the judgment of a ~~judge of~~ 39799
the court of claims concerning an OVI violation shall not be used 39800
as the basis for any civil or criminal action and shall not be 39801
admissible as evidence in any civil or criminal proceeding. 39802

Sec. 2743.53. ~~(A) A~~ The court of claims ~~panel of~~ 39803
~~commissioners~~ shall hear and determine all matters relating to 39804
appeals from decisions of the attorney general pursuant to 39805
sections 2743.51 to 2743.72 of the Revised Code. 39806

~~(B) A judge of the court of claims shall hear and determine~~ 39807
~~all matters relating to appeals from decisions or orders of a~~ 39808
~~panel of commissioners of the court of claims.~~ 39809

Sec. 2743.531. The court of claims victims of crime fund is 39810
hereby created in the state treasury. The fund shall be used to 39811
pay the compensation of the ~~court of claims commissioners,~~ the 39812
~~compensation of judges of the court of claims necessary to hear~~ 39813
~~and determine appeals from the commissioners,~~ the compensation of 39814
any court of claims personnel needed to administer sections 39815

2743.51 to 2743.72 of the Revised Code, and other administrative 39816
expenses of hearing and determining ~~appeals by court of claims~~ 39817
~~commissioners and judges~~ under sections 2743.51 to 2743.72 of the 39818
Revised Code. 39819

At the beginning of each fiscal year, the director of budget 39820
and management shall transfer cash from the reparations fund to 39821
the court of claims victims of crime fund in an amount sufficient 39822
to make the cash balance in the court of claims victims of crime 39823
fund equal to the sum of the appropriation for that fiscal year 39824
and all prior fiscal year encumbrances. If the appropriation from 39825
the court of claims victims of crime fund is increased during the 39826
fiscal year, the director shall transfer cash from the reparations 39827
fund to the court of claims victims of crime fund in an amount 39828
equal to the increase in the appropriation. 39829

Sec. 2743.55. ~~(A) The attorney general, a court of claims~~ 39830
~~panel of commissioners, or a judge of the court of claims shall~~ 39831
determine all matters relating to claims for an award of 39832
reparations. The attorney general, ~~a court of claims panel of~~ 39833
~~commissioners, or a judge of the court of claims may order law~~ 39834
enforcement officers to provide copies of any information or data 39835
gathered in the investigation of the criminally injurious conduct 39836
that is the basis of any claim to enable the attorney general, ~~a~~ 39837
~~court of claims panel of commissioners, or a judge of the court of~~ 39838
claims to determine whether, and the extent to which, a claimant 39839
qualifies for an award of reparations. 39840

~~(B) A court of claims panel of commissioners shall sit in~~ 39841
~~Franklin county.~~ 39842

Sec. 2743.60. (A) The attorney general, ~~a court of claims~~ 39843
~~panel of commissioners, or a judge of the court of claims shall~~ 39844
not make or order an award of reparations to a claimant if the 39845

criminally injurious conduct upon which the claimant bases a claim 39846
never was reported to a law enforcement officer or agency. 39847

(B)(1) The attorney general, ~~a panel of commissioners,~~ or a 39848
~~judge of~~ the court of claims shall not make or order an award of 39849
reparations to a claimant if any of the following apply: 39850

(a) The claimant is the offender or an accomplice of the 39851
offender who committed the criminally injurious conduct, or the 39852
award would unjustly benefit the offender or accomplice. 39853

(b) Except as provided in division (B)(2) of this section, 39854
both of the following apply: 39855

(i) The victim was a passenger in a motor vehicle and knew or 39856
reasonably should have known that the driver was under the 39857
influence of alcohol, a drug of abuse, or both. 39858

(ii) The claimant is seeking compensation for injuries 39859
proximately caused by the driver described in division 39860
(B)(1)(b)(i) of this section being under the influence of alcohol, 39861
a drug of abuse, or both. 39862

(c) Both of the following apply: 39863

(i) The victim was under the influence of alcohol, a drug of 39864
abuse, or both and was a passenger in a motor vehicle and, if 39865
sober, should have reasonably known that the driver was under the 39866
influence of alcohol, a drug of abuse, or both. 39867

(ii) The claimant is seeking compensation for injuries 39868
proximately caused by the driver described in division 39869
(B)(1)(b)(i) of this section being under the influence of alcohol, 39870
a drug of abuse, or both. 39871

(2) Division (B)(1)(b) of this section does not apply if on 39872
the date of the occurrence of the criminally injurious conduct, 39873
the victim was under sixteen years of age or was at least sixteen 39874
years of age but less than eighteen years of age and was riding 39875

with a parent, guardian, or care-provider. 39876

(C) The attorney general, ~~a panel of commissioners~~, or a 39877
~~judge~~ of the court of claims, upon a finding that the claimant or 39878
victim has not fully cooperated with appropriate law enforcement 39879
agencies, may deny a claim or reconsider and reduce an award of 39880
reparations. 39881

(D) The attorney general, ~~a panel of commissioners~~, or a 39882
~~judge~~ of the court of claims shall reduce an award of reparations 39883
or deny a claim for an award of reparations that is otherwise 39884
payable to a claimant to the extent that the economic loss upon 39885
which the claim is based is recouped from other persons, including 39886
collateral sources. If an award is reduced or a claim is denied 39887
because of the expected recoupment of all or part of the economic 39888
loss of the claimant from a collateral source, the amount of the 39889
award or the denial of the claim shall be conditioned upon the 39890
claimant's economic loss being recouped by the collateral source. 39891
If the award or denial is conditioned upon the recoupment of the 39892
claimant's economic loss from a collateral source and it is 39893
determined that the claimant did not unreasonably fail to present 39894
a timely claim to the collateral source and will not receive all 39895
or part of the expected recoupment, the claim may be reopened and 39896
an award may be made in an amount equal to the amount of expected 39897
recoupment that it is determined the claimant will not receive 39898
from the collateral source. 39899

If the claimant recoups all or part of the economic loss upon 39900
which the claim is based from any other person or entity, 39901
including a collateral source, the attorney general may recover 39902
pursuant to section 2743.72 of the Revised Code the part of the 39903
award that represents the economic loss for which the claimant 39904
received the recoupment from the other person or entity. 39905

(E)(1) Except as otherwise provided in division (E)(2) of 39906
this section, the attorney general, ~~a panel of commissioners~~, or a 39907

~~judge~~ of the court of claims shall not make an award to a claimant 39908
if any of the following applies: 39909

(a) The victim was convicted of a felony within ten years 39910
prior to the criminally injurious conduct that gave rise to the 39911
claim or is convicted of a felony during the pendency of the 39912
claim. 39913

(b) The claimant was convicted of a felony within ten years 39914
prior to the criminally injurious conduct that gave rise to the 39915
claim or is convicted of a felony during the pendency of the 39916
claim. 39917

(c) It is proved by a preponderance of the evidence that the 39918
victim or the claimant engaged, within ten years prior to the 39919
criminally injurious conduct that gave rise to the claim or during 39920
the pendency of the claim, in an offense of violence, a violation 39921
of section 2925.03 of the Revised Code, or any substantially 39922
similar offense that also would constitute a felony under the laws 39923
of this state, another state, or the United States. 39924

(d) The claimant was convicted of a violation of section 39925
2919.22 or 2919.25 of the Revised Code, or of any state law or 39926
municipal ordinance substantially similar to either section, 39927
within ten years prior to the criminally injurious conduct that 39928
gave rise to the claim or during the pendency of the claim. 39929

(e) It is proved by a preponderance of the evidence that the 39930
victim at the time of the criminally injurious conduct that gave 39931
rise to the claim engaged in conduct that was a felony violation 39932
of section 2925.11 of the Revised Code or engaged in any 39933
substantially similar conduct that would constitute a felony under 39934
the laws of this state, another state, or the United States. 39935

(2) The attorney general, ~~a panel of commissioners,~~ or a 39936
~~judge~~ of the court of claims may make an award to a minor 39937
dependent of a deceased victim for dependent's economic loss or 39938

for counseling pursuant to division (F)(2) of section 2743.51 of 39939
the Revised Code if the minor dependent is not ineligible under 39940
division (E)(1) of this section due to the minor dependent's 39941
criminal history and if the victim was not killed while engaging 39942
in illegal conduct that contributed to the criminally injurious 39943
conduct that gave rise to the claim. For purposes of this section, 39944
the use of illegal drugs by the deceased victim shall not be 39945
deemed to have contributed to the criminally injurious conduct 39946
that gave rise to the claim. 39947

(F) In determining whether to make an award of reparations 39948
pursuant to this section, the attorney general or ~~panel of~~ 39949
~~commissioners~~ the court of claims shall consider whether there was 39950
contributory misconduct by the victim or the claimant. The 39951
attorney general, ~~a panel of commissioners,~~ or ~~a judge of the~~ 39952
court of claims shall reduce an award of reparations or deny a 39953
claim for an award of reparations to the extent it is determined 39954
to be reasonable because of the contributory misconduct of the 39955
claimant or the victim. 39956

When the attorney general decides whether a claim should be 39957
denied because of an allegation of contributory misconduct, the 39958
burden of proof on the issue of that alleged contributory 39959
misconduct shall be upon the claimant, if either of the following 39960
apply: 39961

(1) The victim was convicted of a felony more than ten years 39962
prior to the criminally injurious conduct that is the subject of 39963
the claim or has a record of felony arrests under the laws of this 39964
state, another state, or the United States. 39965

(2) There is good cause to believe that the victim engaged in 39966
an ongoing course of criminal conduct within five years or less of 39967
the criminally injurious conduct that is the subject of the claim. 39968

(G) The attorney general, ~~a panel of commissioners,~~ or a 39969

~~judge~~ of the court of claims shall not make an award of 39970
reparations to a claimant if the criminally injurious conduct that 39971
caused the injury or death that is the subject of the claim 39972
occurred to a victim who was an adult and while the victim, after 39973
being convicted of or pleading guilty to an offense, was serving a 39974
sentence of imprisonment in any detention facility, as defined in 39975
section 2921.01 of the Revised Code. 39976

(H) If a claimant unreasonably fails to present a claim 39977
timely to a source of benefits or advantages that would have been 39978
a collateral source and that would have reimbursed the claimant 39979
for all or a portion of a particular expense, the attorney 39980
~~general, a panel of commissioners, or a judge~~ of the court of 39981
claims may reduce an award of reparations or deny a claim for an 39982
award of reparations to the extent that it is reasonable to do so. 39983

(I) Reparations payable to a victim and to all other 39984
claimants sustaining economic loss because of injury to or the 39985
death of that victim shall not exceed fifty thousand dollars in 39986
the aggregate. If the attorney general, ~~a panel of commissioners,~~ 39987
~~or a judge~~ of the court of claims reduces an award under division 39988
(F) of this section, the maximum aggregate amount of reparations 39989
payable under this division shall be reduced proportionately to 39990
the reduction under division (F) of this section. 39991

(J) Nothing in this section shall be construed to prohibit an 39992
award to a claimant whose claim is based on the claimant's being a 39993
victim of a violation of section 2905.32 of the Revised Code if 39994
the claimant was less than eighteen years of age when the 39995
criminally injurious conduct occurred. 39996

Sec. 2743.601. Except as otherwise provided in this section, 39997
the amendments to sections 2743.51, 2743.56, 2743.59, and 2743.60 39998
of the Revised Code made by the act in which this section was 39999
enacted apply to all applications for an award of reparations 40000

filed on or after ~~the effective date of this section~~ September 30, 40001
2011, and to all applications for an award of reparations filed 40002
before ~~the effective date of this section~~ September 30, 2011, for 40003
which an award or denial of the claim by the attorney general, ~~a~~ 40004
~~panel of commissioners,~~ or the court of claims has not yet become 40005
final. The amendments to section 2743.60 of the Revised Code made 40006
by the act in which this section was enacted, to the extent that 40007
they eliminate the statute of limitations and to the extent that 40008
they remove the seventy-two hour reporting requirement, and the 40009
amendments to section 2743.51 of the Revised Code concerning 40010
guardian bonds shall apply to all claims for an award of 40011
reparations pending on ~~the effective date of this section~~ 40012
September 30, 2011, and to all claims for an award of reparations 40013
filed on or after ~~the effective date of this section~~ September 30, 40014
2011, that are based on criminally injurious conduct not 40015
previously addressed by the attorney general, ~~by a panel of~~ 40016
~~commissioners,~~ or ~~by~~ the court of claims. 40017

Sec. 2743.61. (A) The attorney general, on the attorney 40018
general's own motion or upon request of a claimant or victim, may 40019
reconsider a decision to make an award of reparations, the amount 40020
of an award of reparations, or a decision to deny a claim for an 40021
award of reparations. A claimant may file a request for 40022
reconsideration with the attorney general not later than thirty 40023
days after the attorney general renders an initial decision. A 40024
claimant may submit with the request any additional information 40025
that is relevant to the claimant's claim for an award of 40026
reparation. 40027

The attorney general shall reconsider the application based 40028
upon evidence that is relevant to the application and issue a 40029
final decision within sixty days of receiving the request for 40030
reconsideration. The attorney general may extend the sixty-day 40031

time limit and shall record in writing specific reasons to justify 40032
the extension. The attorney general shall notify the claimant of 40033
the extension and of the reasons for the extension. 40034

If a claimant does not file a request for reconsideration of 40035
a decision of the attorney general to make an award or to deny a 40036
claim or of the amount of an award within thirty days after the 40037
decision is rendered, the award, the denial of the claim, or the 40038
amount of the award is final unless the attorney general in the 40039
interest of justice allows the reconsideration after the 40040
expiration of that period of time. 40041

(B) A claimant may appeal an award of reparations, the amount 40042
of an award of reparations, or the denial of a claim for an award 40043
of reparations that is made by a final decision of the attorney 40044
general after any reconsideration. If the final decision of the 40045
attorney general with respect to any claim for an award of 40046
reparations is appealed, a the court of claims ~~panel of~~ 40047
~~commissioners~~, within ninety days of receiving the notice of 40048
appeal, shall schedule and conduct a hearing on the appeal. The 40049
~~panel of commissioners~~ court shall determine the appeal within 40050
sixty days from the date of the hearing on the basis of the record 40051
of the hearing before the ~~commissioners~~ court, including the 40052
original award or denial and the finding of fact of the attorney 40053
general, any information or documents that the attorney general 40054
used in the investigation, any information or data provided to the 40055
attorney general, any briefs or oral arguments that may be 40056
requested by a the court ~~of claims panel of commissioners~~, and any 40057
additional evidence presented at the hearing. The ~~panel of~~ 40058
~~commissioners~~ court may extend the sixty-day time limit and shall 40059
record in writing specific reasons to justify the extension. The 40060
attorney general shall supply the ~~panel of commissioners~~ court 40061
with the original decision awarding or denying compensation, the 40062
finding of fact of the attorney general, any information or 40063

documents that the attorney general used in the investigation, and 40064
any information or data provided to the attorney general within 40065
fourteen days of the filing of the objection and notice of appeal 40066
by the applicant. The ~~panel of commissioners~~ court shall notify 40067
the claimant and attorney general of the extension and of the 40068
reasons for the extension. If upon hearing and consideration of 40069
the record and evidence, the court ~~of claims panel of~~ 40070
~~commissioners~~ decides that the decision of the attorney general 40071
appealed from is reasonable and lawful, it shall affirm the same. 40072
If the court ~~of claims panel of commissioners~~ decides that the 40073
decision of the attorney general is not supported by a 40074
preponderance of the evidence or is unreasonable or unlawful, ~~it~~ 40075
the court shall reverse and vacate the decision or modify it and 40076
enter judgment thereon. The 40077

~~(C) The attorney general or a claimant may appeal an award of 40078
reparations, the amount of an award of reparations, or the denial 40079
of a claim for an award of reparations that is made by a panel of 40080
court of claims commissioners. If the determination of the panel 40081
of commissioners with respect to any claim for an award of 40082
reparations is appealed, a judge of the court of claims shall hear 40083
and determine the appeal on the basis of the record of the hearing 40084
before the commissioners, including the original award or denial 40085
made by the attorney general, any information or documents 40086
presented to the panel of commissioners, and any briefs or oral 40087
arguments that may be requested by the judge. If upon hearing and 40088
consideration of the record and evidence, the judge decides that 40089
the decision of the panel of commissioners is unreasonable or 40090
unlawful, the judge shall reverse and vacate the decision or 40091
modify it and enter judgment on the claim. The decision of the 40092
judge of the court of claims is final. 40093~~

~~(D)~~(C) Notices of an appeal concerning an award of 40094
reparations shall be filed within thirty days after the date on 40095

which the award or the denial of a claim is made by a final 40096
decision of the attorney general. If a notice of appeal is not 40097
filed within the thirty-day period, the award or denial of the 40098
claim is final unless ~~a~~ the court of claims ~~panel of commissioners~~ 40099
in the interests of justice allows the appeal. 40100

~~(E) The attorney general or a claimant shall file a notice of 40101
an appeal concerning an order or decision of a panel of 40102
commissioners within thirty days after the date on which the award 40103
or the denial of a claim is made by the panel of commissioners. If 40104
the attorney general or a claimant does not file a notice of 40105
appeal with respect to an award or denial within the thirty day 40106
period, the award or denial of the claim is final unless a judge 40107
of the court of claims in the interests of justice allows the 40108
appeal. 40109~~

Sec. 2743.62. (A)(1) Subject to division (A)(2) of this 40110
section, there is no privilege, except the privileges arising from 40111
the attorney-client relationship, as to communications or records 40112
that are relevant to the physical, mental, or emotional condition 40113
of the claimant or victim in a proceeding under sections 2743.51 40114
to 2743.72 of the Revised Code in which that condition is an 40115
element. 40116

(2)(a) Except as specified in division (A)(2)(b) of this 40117
section, any record or report that a judge of the court of claims, ~~or~~ 40118
~~a court of claims panel of commissioners,~~ or the attorney general 40119
has obtained prior to, or obtains on or after, June 30, 1998, 40120
under the provisions of sections 2743.51 to 2743.72 of the Revised 40121
Code and that is confidential or otherwise exempt from public 40122
disclosure under section 149.43 of the Revised Code while in the 40123
possession of the creator of the record or report shall remain 40124
confidential or exempt from public disclosure under section 149.43 40125
of the Revised Code while in the possession of the court of claims 40126

or the attorney general. 40127

(b) Notwithstanding division (A)(2)(a) of this section, a 40128
judge of the court of claims, a ~~panel of commissioners~~ magistrate, 40129
a claimant, a claimant's attorney, or the attorney general may 40130
disclose or refer to records or reports described in that division 40131
in any hearing conducted under sections 2743.51 to 2743.72 of the 40132
Revised Code or in the judge's, ~~panel of commissioners'~~ 40133
magistrate's, claimant's, or attorney general's written pleadings, 40134
findings, recommendations, and decisions. 40135

(B) If the mental, physical, or emotional condition of a 40136
victim or claimant is material to a claim for an award of 40137
reparations, the attorney general, ~~a panel of commissioners~~, or a 40138
~~judge of~~ the court of claims may order the victim or claimant to 40139
submit to a mental or physical examination and may order an 40140
autopsy of a deceased victim. The order may be made for good cause 40141
shown and upon notice to the person to be examined and to the 40142
claimant. The order shall specify the time, place, manner, 40143
conditions, and scope of the examination or autopsy and the person 40144
by whom it is to be made. In the case of a mental examination, the 40145
person specified may be a physician or psychologist. In the case 40146
of a physical examination, the person specified may be a 40147
physician, a physician assistant, a clinical nurse specialist, a 40148
certified nurse practitioner, or a certified nurse-midwife. In the 40149
case of an autopsy, the person specified must be a physician. The 40150
order shall require the person who performs the examination or 40151
autopsy to file with the attorney general a detailed written 40152
report of the examination or autopsy. The report shall set out the 40153
findings, including the results of all tests made, diagnoses, 40154
prognoses, and other conclusions and reports of earlier 40155
examinations of the same conditions. 40156

(C) On request of the person examined, the attorney general 40157
shall furnish the person a copy of the report. If the victim is 40158

deceased, the attorney general, on request, shall furnish the 40159
claimant a copy of the report. 40160

(D) The attorney general, ~~a panel of commissioners~~, or a 40161
~~judge~~ of the court of claims may require the claimant to 40162
supplement the application for an award of reparations with any 40163
reasonably available medical or psychological reports relating to 40164
the injury for which the award of reparations is claimed. 40165

(E) The attorney general, ~~a panel of commissioners~~, or a 40166
~~judge~~ of the court of claims, in a claim arising out of a 40167
violation of any provision of sections 2907.02 to 2907.07 of the 40168
Revised Code, shall not request the victim or the claimant to 40169
supply, or permit any person to supply, any evidence of specific 40170
instances of the victim's sexual activity, opinion evidence of the 40171
victim's sexual activity, or reputation evidence of the victim's 40172
sexual activity unless it involves evidence of the origin of 40173
semen, pregnancy, or disease or evidence of the victim's past 40174
sexual activity with the offender and only to the extent that the 40175
~~judge, the panel~~ court of commissioners, claims or the attorney 40176
general finds that the evidence is relevant to a fact at issue in 40177
the claim. 40178

Sec. 2743.63. If a person refuses to comply with an order 40179
under sections 2743.51 to 2743.72 of the Revised Code, or asserts 40180
a privilege, except privileges arising from the attorney-client 40181
relationship, to withhold or suppress evidence relevant to a claim 40182
for an award of reparations, the attorney general may make any 40183
just decision including denial of the claim but shall not find the 40184
person in contempt. If necessary to carry out any of the attorney 40185
general's powers and duties, the attorney general may petition a 40186
the court of claims ~~panel of commissioners~~ for an appropriate 40187
order, including but not limited to a finding of contempt, but a 40188
~~panel of commissioners~~ the court shall not find a person in 40189

contempt for refusal to submit to a mental or physical 40190
examination. 40191

Sec. 2743.64. The attorney general, ~~a court of claims panel~~ 40192
~~of commissioners,~~ or a judge of the court of claims may make an 40193
award of reparations whether or not any person is prosecuted or 40194
convicted for committing the conduct that is the basis of the 40195
award. Proof of conviction of a person whose conduct gave rise to 40196
a claim is conclusive evidence that the crime was committed, 40197
unless an application for rehearing, an appeal of the conviction, 40198
or certiorari is pending, or a rehearing or new trial has been 40199
ordered. 40200

If the prosecuting attorney of the county in which the 40201
criminally injurious conduct allegedly occurred requests the 40202
suspension of proceedings in any claim for an award of reparations 40203
and if the request is made because of the commencement of a 40204
criminal prosecution, the attorney general may suspend, because a 40205
criminal prosecution has been commenced or is imminent, the 40206
proceedings in any claim for an award of reparations for a 40207
definite period of time, and may make an emergency award under 40208
section 2743.67 of the Revised Code. 40209

Sec. 2743.65. (A) The attorney general shall determine, and 40210
the state shall pay, in accordance with this section attorney's 40211
fees, commensurate with services rendered, to the attorney 40212
representing a claimant under sections 2743.51 to 2743.72 of the 40213
Revised Code. The attorney shall submit on an application form an 40214
itemized fee bill at the rate of sixty dollars per hour upon 40215
receipt of the final decision on the claim. Attorney's fees paid 40216
pursuant to this section are subject to the following maximum 40217
amounts: 40218

(1) A maximum of seven hundred twenty dollars for claims 40219

resolved without the filing of an appeal to the ~~panel~~ court of 40220
~~commissioners~~ claims; 40221

(2) A maximum of one thousand twenty dollars for claims in 40222
which an appeal to the ~~panel~~ court of ~~commissioners~~ claims is 40223
filed plus, at the request of an attorney whose main office is not 40224
in Franklin county, Delaware county, Licking county, Fairfield 40225
county, Pickaway county, Madison county, or Union county, an 40226
amount for the attorney's travel time to attend the oral hearing 40227
before the ~~panel~~ court of ~~commissioners~~ claims at the rate of 40228
thirty dollars per hour; 40229

(3) A maximum of one thousand three hundred twenty dollars 40230
for claims in which an appeal to ~~a judge~~ of the court of claims is 40231
filed plus, at the request of an attorney whose main office is not 40232
in Franklin county, Delaware county, Licking county, Fairfield 40233
county, Pickaway county, Madison county, or Union county, an 40234
amount for the attorney's travel time to attend the oral hearing 40235
before the ~~judge~~ court at the rate of thirty dollars per hour; 40236

(4) A maximum of seven hundred twenty dollars for a 40237
supplemental reparations application; 40238

(5) A maximum of two hundred dollars if the claim is denied 40239
on the basis of a claimant's or victim's conviction of a felony 40240
offense prior to the filing of the claim. If the claimant or 40241
victim is convicted of a felony offense during the pendency of the 40242
claim, the two hundred dollars maximum does not apply. If the 40243
attorney had knowledge of the claimant's or victim's felony 40244
conviction prior to the filing of the application for the claim, 40245
the attorney general may determine that the filing of the claim 40246
was frivolous and may deny attorney's fees. 40247

(B) The attorney general may determine that an attorney be 40248
reimbursed for fees incurred in the creation of a guardianship if 40249
the guardianship is required in order for an individual to receive 40250

an award of reparations, and those fees shall be reimbursed at a 40251
rate of sixty dollars per hour. 40252

(C)(1) The attorney general shall forward an application form 40253
for attorney's fees to a claimant's attorney before or when the 40254
final decision on a claim is rendered. The application form for 40255
attorney's fees shall do all of the following: 40256

(a) Inform the attorney of the requirements of this section; 40257

(b) Require a verification statement comporting with the law 40258
prohibiting falsification; 40259

(c) Require an itemized fee statement; 40260

(d) Require a verification statement that the claimant was 40261
served a copy of the completed application form; 40262

(e) Include notice that the claimant may oppose the 40263
application by notifying the attorney general in writing within 40264
ten days. 40265

(2) The attorney general shall forward a copy of this section 40266
to the attorney with the application form for attorney's fees. The 40267
attorney shall file the application form with the attorney 40268
general. The attorney general's decision with respect to an award 40269
of attorney's fees is final ten days after the attorney general 40270
renders the decision and mails a copy of the decision to the 40271
attorney at the address provided by the attorney. The attorney may 40272
request reconsideration of the decision on grounds that it is 40273
insufficient or calculated incorrectly. The attorney general's 40274
decision on the request for reconsideration is final. 40275

(D) The attorney general shall review all application forms 40276
for attorney's fees that are submitted by a claimant's attorney 40277
and shall issue an order approving the amount of fees to be paid 40278
to the attorney within sixty days after receipt of the application 40279
form. 40280

(E) No attorney's fees shall be paid for the following:	40281
(1) Estate work or representation of a claimant against a collateral source;	40282 40283
(2) Duplication of investigative work required to be performed by the attorney general;	40284 40285
(3) Performance of unnecessary criminal investigation of the offense;	40286 40287
(4) Presenting or appealing an issue that has been repeatedly ruled upon by the highest appellate authority, unless a unique set of facts or unique issue of law exists that distinguishes it;	40288 40289 40290
(5) A fee request that is unreasonable, is not commensurate with services rendered, violates the Ohio code of professional responsibility, or is based upon services that are determined to be frivolous.	40291 40292 40293 40294
(F)(1) The attorney general may reduce or deny the payment of attorney's fees to an attorney who has filed a frivolous claim. Subject to division (A)(5) of this section, the denial of a claim on the basis of a felony conviction, felony conduct, or contributory misconduct does not constitute a frivolous claim.	40295 40296 40297 40298 40299
(2) As used in this section, "frivolous claim" means a claim in which there is clearly no legal grounds under the existing laws of this state to support the filing of a claim on behalf of the claimant or victim.	40300 40301 40302 40303
(G) The attorney general may determine that a lesser number of hours should have been required in a given case. Additional reimbursement may be made where the attorney demonstrates to the attorney general that the nature of the particular claim required the expenditure of an amount in excess of that allowed.	40304 40305 40306 40307 40308
(H) No attorney shall receive payment under this section for assisting a claimant with an application for an award of	40309 40310

reparations under sections 2743.51 to 2743.72 of the Revised Code 40311
if that attorney's fees have been allowed as an expense in 40312
accordance with division (F)(4) of section 2743.51 of the Revised 40313
Code. 40314

(I) A contract or other agreement between an attorney and any 40315
person that provides for the payment of attorney's fees or other 40316
payments in excess of the attorney's fees allowed under this 40317
section for representing a claimant under sections 2743.51 to 40318
2743.72 of the Revised Code shall be void and unenforceable. 40319

(J) Each witness who appears in a hearing on a claim for an 40320
award of reparations shall receive compensation in an amount equal 40321
to that received by witnesses under section 119.094 of the Revised 40322
Code. 40323

Sec. 2743.66. (A) A decision of the attorney general, or 40324
~~order of a court of claims panel of commissioners,~~ or judgment of 40325
~~a judge~~ of the court of claims granting an award of reparations 40326
may provide for the payment of the award in a lump sum or in 40327
installments. The part of an award equal to the amount of economic 40328
loss accrued to the date of the award shall be paid in a lump sum. 40329
An award for allowable expense that would accrue after the award 40330
is made shall not be paid in a lump sum. Except as provided in 40331
division (B) of this section, the part of an award not paid in a 40332
lump sum shall be paid in installments. 40333

(B) Upon the motion of the claimant, the attorney general may 40334
commute future economic loss, other than allowable expense, to a 40335
lump sum but only upon a finding that either of the following 40336
applies: 40337

(1) The award in a lump sum will promote the interests of the 40338
claimant. 40339

(2) The present value of all future economic loss, other than 40340

allowable expense, does not exceed one thousand dollars. 40341

(C) The attorney general may make an award for future 40342
economic loss payable in installments only for a period as to 40343
which future economic loss reasonably can be determined. An award 40344
for future economic loss payable in installments may be 40345
reconsidered and modified upon a finding that a material and 40346
substantial change of circumstances has occurred. 40347

(D) An award is not subject to execution, attachment, 40348
garnishment, or other process, except that, upon receipt of an 40349
award by a claimant: 40350

(1) The part of the award that is for allowable expense or 40351
funeral expense is not exempt from such action by a creditor to 40352
the extent that the creditor provided products, services, or 40353
accommodations the costs of which are included in the award. 40354

(2) The part of the award that is for work loss shall not be 40355
exempt from such action to secure payment of spousal support, 40356
other maintenance, or child support. 40357

(3) The attorney general may recover the award pursuant to 40358
section 2743.72 of the Revised Code if it is discovered that the 40359
claimant actually was not eligible for the award or that the award 40360
otherwise should not have been made under the standards and 40361
criteria set forth in sections 2743.51 to 2743.72 of the Revised 40362
Code. 40363

(4) If the claimant receives compensation from any other 40364
person or entity, including a collateral source, for an expense 40365
that is included within the award, the attorney general may 40366
recover pursuant to section 2743.72 of the Revised Code the part 40367
of the award that represents the expense for which the claimant 40368
received the compensation from the other person or entity. 40369

(E) If a person entitled to an award of reparations is under 40370
eighteen years of age and if the amount of the award exceeds one 40371

thousand dollars, the order providing for the payment of the award 40372
shall specify that the award be paid either to the guardian of the 40373
estate of the minor appointed pursuant to Chapter 2111. of the 40374
Revised Code or to the person or depository designated by the 40375
probate court under section 2111.05 of the Revised Code. If a 40376
person entitled to an award of reparations is under eighteen years 40377
of age and if the amount of the award is one thousand dollars or 40378
less, the order providing for the payment of the award may specify 40379
that the award be paid to an adult member of the family of the 40380
minor who is legally responsible for the minor's care or to any 40381
other person designated by the attorney general or ~~panel of~~ 40382
~~commissioners issuing the decision or order~~ court of claims. 40383

Sec. 2743.67. The attorney general may make an emergency 40384
award if, before acting on an application for an award of 40385
reparations under this section, it appears likely that a final 40386
award will be made, and the claimant or victim will suffer undue 40387
hardship if immediate economic relief is not obtained. An 40388
emergency award shall not exceed two thousand dollars. The 40389
attorney general or the court of claims ~~panel of commissioners~~ 40390
shall deduct an amount of the emergency award from the final 40391
award, or the claimant or victim shall repay the amount of the 40392
emergency award that exceeds the final award made to the claimant. 40393
If no final award is made, the claimant or victim shall repay the 40394
entire emergency award. 40395

Sec. 2743.68. A claimant may file a supplemental reparations 40396
application in a claim if the attorney general, ~~a court of claims~~ 40397
~~panel of commissioners,~~ or ~~judge of~~ the court of claims, within 40398
five years prior to the filing of the supplemental application, 40399
has made any of the following determinations: 40400

(A) That an award, supplemental award, or installment award 40401
be granted; 40402

(B) That an award, supplemental award, or installment award 40403
be conditioned or denied because of actual or potential recovery 40404
from a collateral source; 40405

(C) That an award, supplemental award, or installment award 40406
be denied because the claimant had not incurred any economic loss 40407
at that time. 40408

Sec. 2743.69. (A) The attorney general shall prepare and 40409
transmit annually to the governor, the president of the senate, 40410
the speaker of the house of representatives, and the minority 40411
leaders of both houses a report of the activities of the Ohio 40412
crime victims compensation program under sections 2743.51 to 40413
2743.72 of the Revised Code. The report shall include all of the 40414
following: 40415

(1) The number of claims filed, the number of awards made and 40416
the amount of each award, and a statistical summary of awards made 40417
and denied, including the average size of awards; 40418

(2) The balance in the reparations fund, with a listing by 40419
source and amount of the moneys that have been deposited in the 40420
fund; 40421

(3) The amount that has been withdrawn from the fund, 40422
including separate listings of the administrative costs incurred 40423
by the attorney general and ~~a the court of claims panel of~~ 40424
~~commissioners, compensation of judges and court personnel,~~ the 40425
amount awarded as attorney's fees, and the amount of payments made 40426
pursuant to divisions (A)(1)(k) and (l) of section 2743.191 of the 40427
Revised Code. 40428

(B) The director of budget and management shall assist the 40429
attorney general in the preparation of the report required by this 40430
section. 40431

Sec. 2743.71. (A) Any law enforcement agency that 40432

investigates, and any prosecuting attorney, city director of law, 40433
village solicitor, or similar prosecuting authority who 40434
prosecutes, an offense committed in this state shall, upon first 40435
contact with the victim or the victim's family or dependents, give 40436
the victim or the victim's family or dependents a copy of an 40437
information card or other printed material provided by the 40438
attorney general pursuant to division (B) of this section and 40439
explain, upon request, the information on the card or material to 40440
the victim or the victim's family or dependents. 40441

(B) The attorney general shall have printed, and shall 40442
provide to law enforcement agencies, prosecuting attorneys, city 40443
directors of law, village solicitors, and similar prosecuting 40444
authorities, cards or other materials that contain information 40445
explaining awards of reparations. The information on the cards or 40446
other materials shall include, but shall not be limited to, the 40447
following statements: 40448

(1) Awards of reparations are limited to losses that are 40449
caused by physical injury resulting from criminally injurious 40450
conduct; 40451

(2) Reparations applications are required to be filed ~~within~~ 40452
~~two years after the date of the criminally injurious conduct if~~ 40453
~~the victim was an adult, or~~ within the period provided by division 40454
(C)(B)(1) of section 2743.56 of the Revised Code if the victim of 40455
the criminally injurious conduct was a minor; 40456

(3) An attorney who represents an applicant for an award of 40457
reparations cannot charge the applicant for the services rendered 40458
in relation to that representation but is required to apply to the 40459
attorney general for payment for the representation; 40460

(4) Applications for awards of reparations may be obtained 40461
from the attorney general, law enforcement agencies, and victim 40462
assistance agencies and are to be filed with the attorney general. 40463

(C) The attorney general may order that a reasonable amount of money be paid out of the reparations fund, subject to the limitation imposed by division (D) of this section, for use by the attorney general to publicize the availability of awards of reparations.

(D) During any fiscal year, the total expenditure for the printing and providing of information cards or other materials pursuant to division (B) of this section and for the publicizing of the availability of awards of reparations pursuant to division (C) of this section shall not exceed two per cent of the total of all court costs deposited, in accordance with section 2743.70 of the Revised Code, in the reparations fund during the immediately preceding fiscal year.

Sec. 2744.05. Notwithstanding any other provisions of the Revised Code or rules of a court to the contrary, in an action against a political subdivision to recover damages for injury, death, or loss to person or property caused by an act or omission in connection with a governmental or proprietary function:

(A) Punitive or exemplary damages shall not be awarded.

(B)(1) If a claimant receives or is entitled to receive benefits for injuries or loss allegedly incurred from a policy or policies of insurance or any other source, the benefits shall be disclosed to the court, and the amount of the benefits shall be deducted from any award against a political subdivision recovered by that claimant. No insurer or other person is entitled to bring an action under a subrogation provision in an insurance or other contract against a political subdivision with respect to those benefits.

The amount of the benefits shall be deducted from an award against a political subdivision under division (B)(1) of this section regardless of whether the claimant may be under an

obligation to pay back the benefits upon recovery, in whole or in part, for the claim. A claimant whose benefits have been deducted from an award under division (B)(1) of this section is not considered fully compensated and shall not be required to reimburse a subrogated claim for benefits deducted from an award pursuant to division (B)(1) of this section.

(2) Nothing in division (B)(1) of this section shall be construed to do either of the following:

(a) Limit the rights of a beneficiary under a life insurance policy or the rights of sureties under fidelity or surety bonds;

(b) Prohibit the department of ~~job and family services~~ medicaid from recovering from the political subdivision, pursuant to section ~~5101.58~~ 5160.37 of the Revised Code, the cost of medical assistance ~~benefits provided under Chapter 5107. or 5111. of the Revised Code~~ provided under a medical assistance program.

(C)(1) There shall not be any limitation on compensatory damages that represent the actual loss of the person who is awarded the damages. However, except in wrongful death actions brought pursuant to Chapter 2125. of the Revised Code, damages that arise from the same cause of action, transaction or occurrence, or series of transactions or occurrences and that do not represent the actual loss of the person who is awarded the damages shall not exceed two hundred fifty thousand dollars in favor of any one person. The limitation on damages that do not represent the actual loss of the person who is awarded the damages provided in this division does not apply to court costs that are awarded to a plaintiff, or to interest on a judgment rendered in favor of a plaintiff, in an action against a political subdivision.

(2) As used in this division, "the actual loss of the person who is awarded the damages" includes all of the following:

(a) All wages, salaries, or other compensation lost by the 40526
person injured as a result of the injury, including wages, 40527
salaries, or other compensation lost as of the date of a judgment 40528
and future expected lost earnings of the person injured; 40529

(b) All expenditures of the person injured or another person 40530
on behalf of the person injured for medical care or treatment, for 40531
rehabilitation services, or for other care, treatment, services, 40532
products, or accommodations that were necessary because of the 40533
injury; 40534

(c) All expenditures to be incurred in the future, as 40535
determined by the court, by the person injured or another person 40536
on behalf of the person injured for medical care or treatment, for 40537
rehabilitation services, or for other care, treatment, services, 40538
products, or accommodations that will be necessary because of the 40539
injury; 40540

(d) All expenditures of a person whose property was injured 40541
or destroyed or of another person on behalf of the person whose 40542
property was injured or destroyed in order to repair or replace 40543
the property that was injured or destroyed; 40544

(e) All expenditures of the person injured or of the person 40545
whose property was injured or destroyed or of another person on 40546
behalf of the person injured or of the person whose property was 40547
injured or destroyed in relation to the actual preparation or 40548
presentation of the claim involved; 40549

(f) Any other expenditures of the person injured or of the 40550
person whose property was injured or destroyed or of another 40551
person on behalf of the person injured or of the person whose 40552
property was injured or destroyed that the court determines 40553
represent an actual loss experienced because of the personal or 40554
property injury or property loss. 40555

"The actual loss of the person who is awarded the damages" 40556

does not include any fees paid or owed to an attorney for any 40557
services rendered in relation to a personal or property injury or 40558
property loss, and does not include any damages awarded for pain 40559
and suffering, for the loss of society, consortium, companionship, 40560
care, assistance, attention, protection, advice, guidance, 40561
counsel, instruction, training, or education of the person 40562
injured, for mental anguish, or for any other intangible loss. 40563

Sec. 2901.13. (A)(1) Except as provided in division (A)(2) or 40564
(3) of this section or as otherwise provided in this section, a 40565
prosecution shall be barred unless it is commenced within the 40566
following periods after an offense is committed: 40567

(a) For a felony, six years; 40568

(b) For a misdemeanor other than a minor misdemeanor, two 40569
years; 40570

(c) For a minor misdemeanor, six months. 40571

(2) There is no period of limitation for the prosecution of a 40572
violation of section 2903.01 or 2903.02 of the Revised Code. 40573

(3) Except as otherwise provided in divisions (B) to (H) of 40574
this section, a prosecution of any of the following offenses shall 40575
be barred unless it is commenced within twenty years after the 40576
offense is committed: 40577

(a) A violation of section 2903.03, 2903.04, 2905.01, 40578
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 40579
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 40580
2911.01, 2911.02, 2911.11, 2911.12, or 2917.02 of the Revised 40581
Code, a violation of section 2903.11 or 2903.12 of the Revised 40582
Code if the victim is a peace officer, a violation of section 40583
2903.13 of the Revised Code that is a felony, or a violation of 40584
former section 2907.12 of the Revised Code; 40585

(b) A conspiracy to commit, attempt to commit, or complicity 40586

in committing a violation set forth in division (A)(3)(a) of this section. 40587
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(B)(1) Except as otherwise provided in division (B)(2) of this section, if the period of limitation provided in division (A)(1) or (3) of this section has expired, prosecution shall be commenced for an offense of which an element is fraud or breach of a fiduciary duty, within one year after discovery of the offense either by an aggrieved person, or by the aggrieved person's legal representative who is not a party to the offense. 40589
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(2) If the period of limitation provided in division (A)(1) or (3) of this section has expired, prosecution for a violation of section 2913.49 of the Revised Code shall be commenced within five years after discovery of the offense either by an aggrieved person or the aggrieved person's legal representative who is not a party to the offense. 40596
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(C)(1) If the period of limitation provided in division (A)(1) or (3) of this section has expired, prosecution shall be commenced for the following offenses during the following specified periods of time: 40602
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(a) For an offense involving misconduct in office by a public servant, at any time while the accused remains a public servant, or within two years thereafter; 40606
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(b) For an offense by a person who is not a public servant but whose offense is directly related to the misconduct in office of a public servant, at any time while that public servant remains a public servant, or within two years thereafter. 40609
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(2) As used in this division: 40613

(a) An "offense is directly related to the misconduct in office of a public servant" includes, but is not limited to, a violation of section 101.71, 101.91, 121.61 or 2921.13, division (F) or (H) of section 102.03, division (A) of section 2921.02, 40614
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division (A) or (B) of section 2921.43, or division (F) or (G) of 40618
section 3517.13 of the Revised Code, that is directly related to 40619
an offense involving misconduct in office of a public servant. 40620

(b) "Public servant" has the same meaning as in section 40621
2921.01 of the Revised Code. 40622

(D) An offense is committed when every element of the offense 40623
occurs. In the case of an offense of which an element is a 40624
continuing course of conduct, the period of limitation does not 40625
begin to run until such course of conduct or the accused's 40626
accountability for it terminates, whichever occurs first. 40627

(E) A prosecution is commenced on the date an indictment is 40628
returned or an information filed, or on the date a lawful arrest 40629
without a warrant is made, or on the date a warrant, summons, 40630
citation, or other process is issued, whichever occurs first. A 40631
prosecution is not commenced by the return of an indictment or the 40632
filing of an information unless reasonable diligence is exercised 40633
to issue and execute process on the same. A prosecution is not 40634
commenced upon issuance of a warrant, summons, citation, or other 40635
process, unless reasonable diligence is exercised to execute the 40636
same. 40637

(F) The period of limitation shall not run during any time 40638
when the corpus delicti remains undiscovered. 40639

(G) The period of limitation shall not run during any time 40640
when the accused purposely avoids prosecution. Proof that the 40641
accused departed this state or concealed the accused's identity or 40642
whereabouts is prima-facie evidence of the accused's purpose to 40643
avoid prosecution. 40644

(H) The period of limitation shall not run during any time a 40645
prosecution against the accused based on the same conduct is 40646
pending in this state, even though the indictment, information, or 40647
process that commenced the prosecution is quashed or the 40648

proceedings on the indictment, information, or process are set 40649
aside or reversed on appeal. 40650

(I) The period of limitation for a violation of any provision 40651
of Title XXIX of the Revised Code that involves a physical or 40652
mental wound, injury, disability, or condition of a nature that 40653
reasonably indicates abuse or neglect of a child under eighteen 40654
years of age or of a mentally retarded, developmentally disabled, 40655
or physically impaired child under twenty-one years of age shall 40656
not begin to run until either of the following occurs: 40657

(1) The victim of the offense reaches the age of majority. 40658

(2) A public children services agency, or a municipal or 40659
county peace officer that is not the parent or guardian of the 40660
child, in the county in which the child resides or in which the 40661
abuse or neglect is occurring or has occurred has been notified 40662
that abuse or neglect is known, suspected, or believed to have 40663
occurred. 40664

(J) As used in this section, "peace officer" has the same 40665
meaning as in section 2935.01 of the Revised Code. 40666

Sec. 2901.30. (A) As used in sections 2901.30 to 2901.32 of 40667
the Revised Code: 40668

(1) "Information" means information that can be integrated 40669
into the computer system and that relates to the physical or 40670
mental description of a minor including, but not limited to, 40671
height, weight, color of hair and eyes, use of eyeglasses or 40672
contact lenses, skin coloring, physical or mental handicaps, 40673
special medical conditions or needs, abnormalities, problems, 40674
scars and marks, and distinguishing characteristics, and other 40675
information that could assist in identifying a minor including, 40676
but not limited to, full name and nickname, date and place of 40677
birth, age, names and addresses of parents and other relatives, 40678

fingerprints, dental records, photographs, social security number, 40679
driver's license number, credit card numbers, bank account 40680
numbers, and clothing. 40681

(2) "Minor" means a person under eighteen years of age. 40682

(3) "Missing children" or "missing child" means either of the 40683
following: 40684

(a) A minor who has run away from or who otherwise is missing 40685
from the home of, or the care, custody, and control of, the 40686
minor's parents, parent who is the residential parent and legal 40687
custodian, guardian, legal custodian, or other person having 40688
responsibility for the care of the minor; 40689

(b) A minor who is missing and about whom there is reason to 40690
believe the minor could be the victim of a violation of section 40691
2905.01, 2905.02, 2905.03, or 2919.23 of the Revised Code or of a 40692
violation of section 2905.04 of the Revised Code as it existed 40693
prior to July 1, 1996. 40694

(B) When a law enforcement agency in this state that has 40695
jurisdiction in the matter is informed that a minor is or may be a 40696
missing child and that the person providing the information wishes 40697
to file a missing child report, the law enforcement agency shall 40698
take that report. Upon taking the report, the law enforcement 40699
agency shall take prompt action upon it, including, but not 40700
limited to, concerted efforts to locate the missing child. No law 40701
enforcement agency in this state shall have a rule or policy that 40702
prohibits or discourages the filing of or the taking of action 40703
upon a missing child report, within a specified period following 40704
the discovery or formulation of a belief that a minor is or could 40705
be a missing child. 40706

(C) If a missing child report is made to a law enforcement 40707
agency in this state that has jurisdiction in the matter, the law 40708
enforcement agency shall gather readily available information 40709

about the missing child and integrate it into the national crime 40710
information center computer immediately following the making of 40711
the report. The law enforcement agency shall make reasonable 40712
efforts to acquire additional information about the missing child 40713
following the transmittal of the initially available information, 40714
and promptly integrate any additional information acquired into 40715
such computer systems. 40716

Whenever a law enforcement agency integrates information 40717
about a missing child into the national crime information center 40718
computer, the law enforcement agency promptly shall notify the 40719
missing child's parents, parent who is the residential parent and 40720
legal custodian, guardian, or legal custodian, or any other person 40721
responsible for the care of the missing child, that it has so 40722
integrated the information. 40723

The parents, parent who is the residential parent and legal 40724
custodian, guardian, legal custodian, or other person responsible 40725
for the care of the missing child shall provide available 40726
information upon request, and may provide information voluntarily, 40727
to the law enforcement agency during the information gathering 40728
process. The law enforcement agency also may obtain available 40729
information about the missing child from other persons, subject to 40730
constitutional and statutory limitations. 40731

(D) Upon the filing of a missing child report, the law 40732
enforcement agency involved may notify the public or nonpublic 40733
school in which the missing child is or was most recently 40734
enrolled, as ascertained by the agency, that the child is the 40735
subject of a missing child report and that the child's school 40736
records are to be marked in accordance with section 3313.672 of 40737
the Revised Code. 40738

(E) Upon the filing of a missing child report, the law 40739
enforcement agency involved promptly shall make a reasonable 40740
attempt to notify other law enforcement agencies within its county 40741

and, if the agency has jurisdiction in a municipal corporation or township that borders another county, to notify the law enforcement agency for the municipal corporation or township in the other county with which it shares the border, that it has taken a missing child report and may be requesting assistance or cooperation in the case, and provide relevant information to the other law enforcement agencies. The agency may notify additional law enforcement agencies, or appropriate public children services agencies, about the case, request their assistance or cooperation in the case, and provide them with relevant information.

Upon request from a law enforcement agency, a public children services agency shall grant the law enforcement agency access to all information concerning a missing child that the agency possesses that may be relevant to the law enforcement agency in investigating a missing child report concerning that child. The information obtained by the law enforcement agency shall be used only to further the investigation to locate the missing child.

(F) Upon request, law enforcement agencies in this state shall provide assistance to, and cooperate with, other law enforcement agencies in their investigation of missing child cases. The assistance and cooperation under this paragraph shall be pursuant to any terms agreed upon by the law enforcement agencies, which may include the provision of law enforcement services or the use of law enforcement equipment or the interchange of services and equipment among the cooperating law enforcement agencies. Chapter 2744. of the Revised Code, insofar as it applies to the operation of law enforcement agencies, shall apply to the cooperating political subdivisions and to the law enforcement agency employees when they are rendering services pursuant to this paragraph outside the territory of the political subdivision by which they are employed. Law enforcement agency employees rendering services outside the territory of the

political subdivision in which they are employed, pursuant to this 40774
paragraph, shall be entitled to participate in any indemnity fund 40775
established by their employer to the same extent as if they were 40776
rendering service within the territory of their employing 40777
political subdivision. Those law enforcement agency employees also 40778
shall be entitled to all the rights and benefits of Chapter 4123. 40779
of the Revised Code to the same extent as if rendering services 40780
within the territory of their employing political subdivision. 40781

The information in any missing child report made to a law 40782
enforcement agency shall be made available, upon request, to law 40783
enforcement personnel of this state, other states, and the federal 40784
government when the law enforcement personnel indicate that the 40785
request is to aid in identifying or locating a missing child or 40786
the possible identification of a deceased minor who, upon 40787
discovery, cannot be identified. 40788

(G) When a missing child has not been located within thirty 40789
days after the date on which the missing child report pertaining 40790
to the child was filed with a law enforcement agency, that law 40791
enforcement agency shall request the missing child's parents, 40792
parent who is the residential parent and legal custodian, 40793
guardian, or legal custodian, or any other person responsible for 40794
the care of the missing child, to provide written consent for the 40795
law enforcement agency to contact the missing child's dentist and 40796
request the missing child's dental records. Upon receipt of such 40797
written consent, the dentist shall release a copy of the missing 40798
child's dental records to the law enforcement agency and shall 40799
provide and encode the records in such form as requested by the 40800
law enforcement agency. The law enforcement agency then shall 40801
integrate information in the records into the national crime 40802
information center computer in order to compare the records to 40803
those of unidentified deceased persons. This division does not 40804
prevent a law enforcement agency from seeking consent to obtain 40805

copies of a missing child's dental records, or prevent a missing 40806
child's parents, parent who is the residential parent and legal 40807
custodian, guardian, or legal custodian, or any other person 40808
responsible for the care of the missing child, from granting 40809
consent for the release of copies of the missing child's dental 40810
records to a law enforcement agency, at any time. 40811

(H) A missing child's parents, parent who is the residential 40812
parent and legal custodian, guardian, or legal custodian, or any 40813
other persons responsible for the care of a missing child, 40814
immediately shall notify the law enforcement agency with which 40815
they filed the missing child report whenever the child has 40816
returned to their home or to their care, custody, and control, has 40817
been released if the missing child was the victim of an offense 40818
listed in division (A)(3)(b) of this section, or otherwise has 40819
been located. Upon such notification or upon otherwise learning 40820
that a missing child has returned to the home of, or to the care, 40821
custody, and control of the missing child's parents, parent who is 40822
the residential parent and legal custodian, guardian, legal 40823
custodian, or other person responsible for the missing child's 40824
care, has been released if the missing child was the victim of an 40825
offense listed in division (A)(3)(b) of this section, or otherwise 40826
has been located, the law enforcement agency involved promptly 40827
shall integrate the fact that the minor no longer is a missing 40828
child into the national crime information center computer and 40829
shall inform any school that was notified under division (D) of 40830
this section that the minor is no longer a missing child. 40831

~~(I) Nothing contained in this section shall be construed to 40832
impair the confidentiality of services provided to runaway minors 40833
by shelters for runaway minors pursuant to sections 5119.64 to 40834
5119.68 of the Revised Code. 40835~~

Sec. 2903.33. As used in sections 2903.33 to 2903.36 of the 40836

Revised Code:	40837
(A) "Care facility" means any of the following:	40838
(1) Any "home" as defined in section 3721.10 or 5111.20 of the Revised Code;	40839 40840
(2) Any "residential facility" as defined in section 5123.19 of the Revised Code;	40841 40842
(3) Any institution or facility operated or provided by the department of mental health <u>mental health and addiction services</u> or by the department of developmental disabilities pursuant to sections 5119.02 <u>5119.14</u> and 5123.03 of the Revised Code;	40843 40844 40845 40846
(4) Any "residential facility" as defined in section 5119.22 <u>5119.34</u> of the Revised Code;	40847 40848
(5) Any unit of any hospital, as defined in section 3701.01 of the Revised Code, that provides the same services as a nursing home, as defined in section 3721.01 of the Revised Code;	40849 40850 40851
(6) Any institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to one individual or two unrelated individuals who are dependent upon the services of others.	40852 40853 40854 40855 40856
(B) "Abuse" means knowingly causing physical harm or recklessly causing serious physical harm to a person by physical contact with the person or by the inappropriate use of a physical or chemical restraint, medication, or isolation on the person.	40857 40858 40859 40860
(C)(1) "Gross neglect" means knowingly failing to provide a person with any treatment, care, goods, or service that is necessary to maintain the health or safety of the person when the failure results in physical harm or serious physical harm to the person.	40861 40862 40863 40864 40865
(2) "Neglect" means recklessly failing to provide a person	40866

with any treatment, care, goods, or service that is necessary to 40867
maintain the health or safety of the person when the failure 40868
results in serious physical harm to the person. 40869

(D) "Inappropriate use of a physical or chemical restraint, 40870
medication, or isolation" means the use of physical or chemical 40871
restraint, medication, or isolation as punishment, for staff 40872
convenience, excessively, as a substitute for treatment, or in 40873
quantities that preclude habilitation and treatment. 40874

Sec. 2907.22. (A) No person shall knowingly: 40875

(1) Establish, maintain, operate, manage, supervise, control, 40876
or have an interest in a brothel or any other enterprise a purpose 40877
of which is to facilitate engagement in sexual activity for hire; 40878

(2) Supervise, manage, or control the activities of a 40879
prostitute in engaging in sexual activity for hire; 40880

(3) Transport another, or cause another to be transported 40881
~~across the boundary of this state or of any county in this state,~~ 40882
in order to facilitate the other person's engaging in sexual 40883
activity for hire; 40884

(4) For the purpose of violating or facilitating a violation 40885
of this section, induce or procure another to engage in sexual 40886
activity for hire. 40887

(B) Whoever violates this section is guilty of promoting 40888
prostitution. Except as otherwise provided in this division, 40889
promoting prostitution is a felony of the fourth degree. If any 40890
prostitute in the brothel involved in the offense, or the 40891
prostitute whose activities are supervised, managed, or controlled 40892
by the offender, or the person transported, induced, or procured 40893
by the offender to engage in sexual activity for hire, is a minor, 40894
whether or not the offender knows the age of the minor, then 40895
promoting prostitution is a felony of the third degree. If the 40896

offender in any case also is convicted of or pleads guilty to a 40897
specification as described in section 2941.1422 of the Revised 40898
Code that was included in the indictment, count in the indictment, 40899
or information charging the offense, the court shall sentence the 40900
offender to a mandatory prison term as provided in division (B)(7) 40901
of section 2929.14 of the Revised Code and shall order the 40902
offender to make restitution as provided in division (B)(8) of 40903
section 2929.18 of the Revised Code. 40904

Sec. 2913.01. As used in this chapter, unless the context 40905
requires that a term be given a different meaning: 40906

(A) "Deception" means knowingly deceiving another or causing 40907
another to be deceived by any false or misleading representation, 40908
by withholding information, by preventing another from acquiring 40909
information, or by any other conduct, act, or omission that 40910
creates, confirms, or perpetuates a false impression in another, 40911
including a false impression as to law, value, state of mind, or 40912
other objective or subjective fact. 40913

(B) "Defraud" means to knowingly obtain, by deception, some 40914
benefit for oneself or another, or to knowingly cause, by 40915
deception, some detriment to another. 40916

(C) "Deprive" means to do any of the following: 40917

(1) Withhold property of another permanently, or for a period 40918
that appropriates a substantial portion of its value or use, or 40919
with purpose to restore it only upon payment of a reward or other 40920
consideration; 40921

(2) Dispose of property so as to make it unlikely that the 40922
owner will recover it; 40923

(3) Accept, use, or appropriate money, property, or services, 40924
with purpose not to give proper consideration in return for the 40925
money, property, or services, and without reasonable justification 40926

or excuse for not giving proper consideration. 40927

(D) "Owner" means, unless the context requires a different 40928
meaning, any person, other than the actor, who is the owner of, 40929
who has possession or control of, or who has any license or 40930
interest in property or services, even though the ownership, 40931
possession, control, license, or interest is unlawful. 40932

(E) "Services" include labor, personal services, professional 40933
services, rental services, public utility services including 40934
wireless service as defined in division (F)(1) of section ~~5507.01~~ 40935
128.01 of the Revised Code, common carrier services, and food, 40936
drink, transportation, entertainment, and cable television 40937
services and, for purposes of section 2913.04 of the Revised Code, 40938
include cable services as defined in that section. 40939

(F) "Writing" means any computer software, document, letter, 40940
memorandum, note, paper, plate, data, film, or other thing having 40941
in or upon it any written, typewritten, or printed matter, and any 40942
token, stamp, seal, credit card, badge, trademark, label, or other 40943
symbol of value, right, privilege, license, or identification. 40944

(G) "Forge" means to fabricate or create, in whole or in part 40945
and by any means, any spurious writing, or to make, execute, 40946
alter, complete, reproduce, or otherwise purport to authenticate 40947
any writing, when the writing in fact is not authenticated by that 40948
conduct. 40949

(H) "Utter" means to issue, publish, transfer, use, put or 40950
send into circulation, deliver, or display. 40951

(I) "Coin machine" means any mechanical or electronic device 40952
designed to do both of the following: 40953

(1) Receive a coin, bill, or token made for that purpose; 40954

(2) In return for the insertion or deposit of a coin, bill, 40955
or token, automatically dispense property, provide a service, or 40956

grant a license. 40957

(J) "Slug" means an object that, by virtue of its size, 40958
shape, composition, or other quality, is capable of being inserted 40959
or deposited in a coin machine as an improper substitute for a 40960
genuine coin, bill, or token made for that purpose. 40961

(K) "Theft offense" means any of the following: 40962

(1) A violation of section 2911.01, 2911.02, 2911.11, 40963
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 40964
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 40965
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 40966
2913.47, 2913.48, former section 2913.47 or 2913.48, or section 40967
2913.51, 2915.05, or 2921.41 of the Revised Code; 40968

(2) A violation of an existing or former municipal ordinance 40969
or law of this or any other state, or of the United States, 40970
substantially equivalent to any section listed in division (K)(1) 40971
of this section or a violation of section 2913.41, 2913.81, or 40972
2915.06 of the Revised Code as it existed prior to July 1, 1996; 40973

(3) An offense under an existing or former municipal 40974
ordinance or law of this or any other state, or of the United 40975
States, involving robbery, burglary, breaking and entering, theft, 40976
embezzlement, wrongful conversion, forgery, counterfeiting, 40977
deceit, or fraud; 40978

(4) A conspiracy or attempt to commit, or complicity in 40979
committing, any offense under division (K)(1), (2), or (3) of this 40980
section. 40981

(L) "Computer services" includes, but is not limited to, the 40982
use of a computer system, computer network, computer program, data 40983
that is prepared for computer use, or data that is contained 40984
within a computer system or computer network. 40985

(M) "Computer" means an electronic device that performs 40986

logical, arithmetic, and memory functions by the manipulation of 40987
electronic or magnetic impulses. "Computer" includes, but is not 40988
limited to, all input, output, processing, storage, computer 40989
program, or communication facilities that are connected, or 40990
related, in a computer system or network to an electronic device 40991
of that nature. 40992

(N) "Computer system" means a computer and related devices, 40993
whether connected or unconnected, including, but not limited to, 40994
data input, output, and storage devices, data communications 40995
links, and computer programs and data that make the system capable 40996
of performing specified special purpose data processing tasks. 40997

(O) "Computer network" means a set of related and remotely 40998
connected computers and communication facilities that includes 40999
more than one computer system that has the capability to transmit 41000
among the connected computers and communication facilities through 41001
the use of computer facilities. 41002

(P) "Computer program" means an ordered set of data 41003
representing coded instructions or statements that, when executed 41004
by a computer, cause the computer to process data. 41005

(Q) "Computer software" means computer programs, procedures, 41006
and other documentation associated with the operation of a 41007
computer system. 41008

(R) "Data" means a representation of information, knowledge, 41009
facts, concepts, or instructions that are being or have been 41010
prepared in a formalized manner and that are intended for use in a 41011
computer, computer system, or computer network. For purposes of 41012
section 2913.47 of the Revised Code, "data" has the additional 41013
meaning set forth in division (A) of that section. 41014

(S) "Cable television service" means any services provided by 41015
or through the facilities of any cable television system or other 41016
similar closed circuit coaxial cable communications system, or any 41017

microwave or similar transmission service used in connection with 41018
any cable television system or other similar closed circuit 41019
coaxial cable communications system. 41020

(T) "Gain access" means to approach, instruct, communicate 41021
with, store data in, retrieve data from, or otherwise make use of 41022
any resources of a computer, computer system, or computer network, 41023
or any cable service or cable system both as defined in section 41024
2913.04 of the Revised Code. 41025

(U) "Credit card" includes, but is not limited to, a card, 41026
code, device, or other means of access to a customer's account for 41027
the purpose of obtaining money, property, labor, or services on 41028
credit, or for initiating an electronic fund transfer at a 41029
point-of-sale terminal, an automated teller machine, or a cash 41030
dispensing machine. It also includes a county procurement card 41031
issued under section 301.29 of the Revised Code. 41032

(V) "Electronic fund transfer" has the same meaning as in 92 41033
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 41034

(W) "Rented property" means personal property in which the 41035
right of possession and use of the property is for a short and 41036
possibly indeterminate term in return for consideration; the 41037
rentee generally controls the duration of possession of the 41038
property, within any applicable minimum or maximum term; and the 41039
amount of consideration generally is determined by the duration of 41040
possession of the property. 41041

(X) "Telecommunication" means the origination, emission, 41042
dissemination, transmission, or reception of data, images, 41043
signals, sounds, or other intelligence or equivalence of 41044
intelligence of any nature over any communications system by any 41045
method, including, but not limited to, a fiber optic, electronic, 41046
magnetic, optical, digital, or analog method. 41047

(Y) "Telecommunications device" means any instrument, 41048

equipment, machine, or other device that facilitates 41049
telecommunication, including, but not limited to, a computer, 41050
computer network, computer chip, computer circuit, scanner, 41051
telephone, cellular telephone, pager, personal communications 41052
device, transponder, receiver, radio, modem, or device that 41053
enables the use of a modem. 41054

(Z) "Telecommunications service" means the providing, 41055
allowing, facilitating, or generating of any form of 41056
telecommunication through the use of a telecommunications device 41057
over a telecommunications system. 41058

(AA) "Counterfeit telecommunications device" means a 41059
telecommunications device that, alone or with another 41060
telecommunications device, has been altered, constructed, 41061
manufactured, or programmed to acquire, intercept, receive, or 41062
otherwise facilitate the use of a telecommunications service or 41063
information service without the authority or consent of the 41064
provider of the telecommunications service or information service. 41065
"Counterfeit telecommunications device" includes, but is not 41066
limited to, a clone telephone, clone microchip, tumbler telephone, 41067
or tumbler microchip; a wireless scanning device capable of 41068
acquiring, intercepting, receiving, or otherwise facilitating the 41069
use of telecommunications service or information service without 41070
immediate detection; or a device, equipment, hardware, or software 41071
designed for, or capable of, altering or changing the electronic 41072
serial number in a wireless telephone. 41073

(BB)(1) "Information service" means, subject to division 41074
(BB)(2) of this section, the offering of a capability for 41075
generating, acquiring, storing, transforming, processing, 41076
retrieving, utilizing, or making available information via 41077
telecommunications, including, but not limited to, electronic 41078
publishing. 41079

(2) "Information service" does not include any use of a 41080

capability of a type described in division (BB)(1) of this section 41081
for the management, control, or operation of a telecommunications 41082
system or the management of a telecommunications service. 41083

(CC) "Elderly person" means a person who is sixty-five years 41084
of age or older. 41085

(DD) "Disabled adult" means a person who is eighteen years of 41086
age or older and has some impairment of body or mind that makes 41087
the person unable to work at any substantially remunerative 41088
employment that the person otherwise would be able to perform and 41089
that will, with reasonable probability, continue for a period of 41090
at least twelve months without any present indication of recovery 41091
from the impairment, or who is eighteen years of age or older and 41092
has been certified as permanently and totally disabled by an 41093
agency of this state or the United States that has the function of 41094
so classifying persons. 41095

(EE) "Firearm" and "dangerous ordnance" have the same 41096
meanings as in section 2923.11 of the Revised Code. 41097

(FF) "Motor vehicle" has the same meaning as in section 41098
4501.01 of the Revised Code. 41099

(GG) "Dangerous drug" has the same meaning as in section 41100
4729.01 of the Revised Code. 41101

(HH) "Drug abuse offense" has the same meaning as in section 41102
2925.01 of the Revised Code. 41103

(II)(1) "Computer hacking" means any of the following: 41104

(a) Gaining access or attempting to gain access to all or 41105
part of a computer, computer system, or a computer network without 41106
express or implied authorization with the intent to defraud or 41107
with intent to commit a crime; 41108

(b) Misusing computer or network services including, but not 41109
limited to, mail transfer programs, file transfer programs, proxy 41110

servers, and web servers by performing functions not authorized by 41111
the owner of the computer, computer system, or computer network or 41112
other person authorized to give consent. As used in this division, 41113
"misuse of computer and network services" includes, but is not 41114
limited to, the unauthorized use of any of the following: 41115

(i) Mail transfer programs to send mail to persons other than 41116
the authorized users of that computer or computer network; 41117

(ii) File transfer program proxy services or proxy servers to 41118
access other computers, computer systems, or computer networks; 41119

(iii) Web servers to redirect users to other web pages or web 41120
servers. 41121

(c)(i) Subject to division (II)(1)(c)(ii) of this section, 41122
using a group of computer programs commonly known as "port 41123
scanners" or "probes" to intentionally access any computer, 41124
computer system, or computer network without the permission of the 41125
owner of the computer, computer system, or computer network or 41126
other person authorized to give consent. The group of computer 41127
programs referred to in this division includes, but is not limited 41128
to, those computer programs that use a computer network to access 41129
a computer, computer system, or another computer network to 41130
determine any of the following: the presence or types of computers 41131
or computer systems on a network; the computer network's 41132
facilities and capabilities; the availability of computer or 41133
network services; the presence or versions of computer software 41134
including, but not limited to, operating systems, computer 41135
services, or computer contaminants; the presence of a known 41136
computer software deficiency that can be used to gain unauthorized 41137
access to a computer, computer system, or computer network; or any 41138
other information about a computer, computer system, or computer 41139
network not necessary for the normal and lawful operation of the 41140
computer initiating the access. 41141

(ii) The group of computer programs referred to in division 41142
(II)(1)(c)(i) of this section does not include standard computer 41143
software used for the normal operation, administration, 41144
management, and test of a computer, computer system, or computer 41145
network including, but not limited to, domain name services, mail 41146
transfer services, and other operating system services, computer 41147
programs commonly called "ping," "tcpdump," and "traceroute" and 41148
other network monitoring and management computer software, and 41149
computer programs commonly known as "nslookup" and "whois" and 41150
other systems administration computer software. 41151

(d) The intentional use of a computer, computer system, or a 41152
computer network in a manner that exceeds any right or permission 41153
granted by the owner of the computer, computer system, or computer 41154
network or other person authorized to give consent. 41155

(2) "Computer hacking" does not include the introduction of a 41156
computer contaminant, as defined in section 2909.01 of the Revised 41157
Code, into a computer, computer system, computer program, or 41158
computer network. 41159

(JJ) "Police dog or horse" has the same meaning as in section 41160
2921.321 of the Revised Code. 41161

(KK) "Anhydrous ammonia" is a compound formed by the 41162
combination of two gaseous elements, nitrogen and hydrogen, in the 41163
manner described in this division. Anhydrous ammonia is one part 41164
nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia by 41165
weight is fourteen parts nitrogen to three parts hydrogen, which 41166
is approximately eighty-two per cent nitrogen to eighteen per cent 41167
hydrogen. 41168

(LL) "Assistance dog" has the same meaning as in section 41169
955.011 of the Revised Code. 41170

(MM) "Federally licensed firearms dealer" has the same 41171
meaning as in section 5502.63 of the Revised Code. 41172

Sec. 2913.40. (A) As used in this section: 41173

(1) "Statement or representation" means any oral, written, 41174
electronic, electronic impulse, or magnetic communication that is 41175
used to identify an item of goods or a service for which 41176
reimbursement may be made under the ~~medical assistance~~ medicaid 41177
program or that states income and expense and is or may be used to 41178
determine a rate of reimbursement under the ~~medical assistance~~ 41179
medicaid program. 41180

(2) ~~"Medical assistance program" means the program~~ 41181
~~established by the department of job and family services to~~ 41182
~~provide medical assistance under section 5111.01 of the Revised~~ 41183
~~Code and the medicaid program of Title XIX of the "Social Security~~ 41184
~~Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.~~ 41185

~~(3)~~ "Provider" means any person who has signed a provider 41186
agreement with the department of ~~job and family services~~ medicaid 41187
to provide goods or services pursuant to the ~~medical assistance~~ 41188
medicaid program or any person who has signed an agreement with a 41189
party to such a provider agreement under which the person agrees 41190
to provide goods or services that are reimbursable under the 41191
~~medical assistance~~ medicaid program. 41192

~~(4)~~(3) "Provider agreement" ~~means an oral or written~~ 41193
~~agreement between the department of job and family services and a~~ 41194
~~person in which the person agrees to provide goods or services~~ 41195
~~under the medical assistance program~~ has the same meaning as in 41196
section 5164.01 of the Revised Code. 41197

~~(5)~~(4) "Recipient" means any individual who receives goods or 41198
services from a provider under the ~~medical assistance~~ medicaid 41199
program. 41200

~~(6)~~(5) "Records" means any medical, professional, financial, 41201
or business records relating to the treatment or care of any 41202

recipient, to goods or services provided to any recipient, or to 41203
rates paid for goods or services provided to any recipient and any 41204
records that are required by the rules of the medicaid director ~~of~~ 41205
~~job and family services~~ to be kept for the ~~medical assistance~~ 41206
medicaid program. 41207

(B) No person shall knowingly make or cause to be made a 41208
false or misleading statement or representation for use in 41209
obtaining reimbursement from the ~~medical assistance~~ medicaid 41210
program. 41211

(C) No person, with purpose to commit fraud or knowing that 41212
the person is facilitating a fraud, shall do either of the 41213
following: 41214

(1) Contrary to the terms of the person's provider agreement, 41215
charge, solicit, accept, or receive for goods or services that the 41216
person provides under the ~~medical assistance~~ medicaid program any 41217
property, money, or other consideration in addition to the amount 41218
of reimbursement under the ~~medical assistance~~ medicaid program and 41219
the person's provider agreement for the goods or services and any 41220
cost-sharing expenses authorized by section ~~5111.0112~~ 5162.20 of 41221
the Revised Code or rules adopted pursuant to section ~~5111.01,~~ 41222
~~5111.011, or 5111.02 of the Revised Code~~ by the medicaid director 41223
regarding the medicaid program. 41224

(2) Solicit, offer, or receive any remuneration, other than 41225
any cost-sharing expenses authorized by section ~~5111.0112~~ 5162.20 41226
of the Revised Code or rules adopted ~~under section 5111.01,~~ 41227
~~5111.011, or 5111.02 of the Revised Code~~ by the medicaid director 41228
regarding the medicaid program, in cash or in kind, including, but 41229
not limited to, a kickback or rebate, in connection with the 41230
furnishing of goods or services for which whole or partial 41231
reimbursement is or may be made under the ~~medical assistance~~ 41232
medicaid program. 41233

(D) No person, having submitted a claim for or provided goods or services under the ~~medical assistance~~ medicaid program, shall do either of the following for a period of at least six years after a reimbursement pursuant to that claim, or a reimbursement for those goods or services, is received under the ~~medical assistance~~ medicaid program:

(1) Knowingly alter, falsify, destroy, conceal, or remove any records that are necessary to fully disclose the nature of all goods or services for which the claim was submitted, or for which reimbursement was received, by the person;

(2) Knowingly alter, falsify, destroy, conceal, or remove any records that are necessary to disclose fully all income and expenditures upon which rates of reimbursements were based for the person.

(E) Whoever violates this section is guilty of medicaid fraud. Except as otherwise provided in this division, medicaid fraud is a misdemeanor of the first degree. If the value of property, services, or funds obtained in violation of this section is one thousand dollars or more and is less than seven thousand five hundred dollars, medicaid fraud is a felony of the fifth degree. If the value of property, services, or funds obtained in violation of this section is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, medicaid fraud is a felony of the fourth degree. If the value of the property, services, or funds obtained in violation of this section is one hundred fifty thousand dollars or more, medicaid fraud is a felony of the third degree.

(F) Upon application of the governmental agency, office, or other entity that conducted the investigation and prosecution in a case under this section, the court shall order any person who is convicted of a violation of this section for receiving any reimbursement for furnishing goods or services under the ~~medical~~

assistance medicaid program to which the person is not entitled to 41266
pay to the applicant its cost of investigating and prosecuting the 41267
case. The costs of investigation and prosecution that a defendant 41268
is ordered to pay pursuant to this division shall be in addition 41269
to any other penalties for the receipt of that reimbursement that 41270
are provided in this section, section ~~5111.03~~ 5164.35 of the 41271
Revised Code, or any other provision of law. 41272

(G) The provisions of this section are not intended to be 41273
exclusive remedies and do not preclude the use of any other 41274
criminal or civil remedy for any act that is in violation of this 41275
section. 41276

Sec. 2913.401. (A) As used in this section: 41277

(1) "Medicaid ~~benefits services~~" means ~~benefits under the~~ 41278
~~medical assistance program established under Chapter 5111.~~ has the 41279
same meaning as in section 5164.01 of the Revised Code. 41280

(2) "Property" means any real or personal property or other 41281
asset in which a person has any legal title or interest. 41282

(B) No person shall knowingly do any of the following in an 41283
application for enrollment in the medicaid ~~benefits~~ program or in 41284
a document that requires a disclosure of assets for the purpose of 41285
determining eligibility ~~to receive~~ for the medicaid ~~benefits~~ 41286
program: 41287

(1) Make or cause to be made a false or misleading statement; 41288

(2) Conceal an interest in property; 41289

(3)(a) Except as provided in division (B)(3)(b) of this 41290
section, fail to disclose a transfer of property that occurred 41291
during the period beginning thirty-six months before submission of 41292
the application or document and ending on the date the application 41293
or document was submitted; 41294

(b) Fail to disclose a transfer of property that occurred 41295

during the period beginning sixty months before submission of the 41296
application or document and ending on the date the application or 41297
document was submitted and that was made to an irrevocable trust a 41298
portion of which is not distributable to the applicant for 41299
~~medicaid benefits~~ or the recipient of medicaid ~~benefits~~ or to a 41300
revocable trust. 41301

(C)(1) Whoever violates this section is guilty of medicaid 41302
eligibility fraud. Except as otherwise provided in this division, 41303
a violation of this section is a misdemeanor of the first degree. 41304
If the value of the medicaid ~~benefits~~ services paid as a result of 41305
the violation is one thousand dollars or more and is less than 41306
seven thousand five hundred dollars, a violation of this section 41307
is a felony of the fifth degree. If the value of the medicaid 41308
~~benefits~~ services paid as a result of the violation is seven 41309
thousand five hundred dollars or more and is less than one hundred 41310
fifty thousand dollars, a violation of this section is a felony of 41311
the fourth degree. If the value of the medicaid ~~benefits~~ services 41312
paid as a result of the violation is one hundred fifty thousand 41313
dollars or more, a violation of this section is a felony of the 41314
third degree. 41315

(2) In addition to imposing a sentence under division (C)(1) 41316
of this section, the court shall order that a person who is guilty 41317
of medicaid eligibility fraud make restitution in the full amount 41318
of any medicaid ~~benefits~~ services paid on behalf of an applicant 41319
for or recipient of medicaid ~~benefits~~ for which the applicant or 41320
recipient was not eligible, plus interest at the rate applicable 41321
to judgments on unreimbursed amounts from the date on which the 41322
~~benefits~~ medicaid services were paid to the date on which 41323
restitution is made. 41324

(3) The remedies and penalties provided in this section are 41325
not exclusive and do not preclude the use of any other criminal or 41326
civil remedy for any act that is in violation of this section. 41327

(D) This section does not apply to a person who fully 41328
disclosed in an application for medicaid ~~benefits~~ or in a document 41329
that requires a disclosure of assets for the purpose of 41330
determining eligibility ~~to receive~~ for medicaid ~~benefits~~ all of 41331
the interests in property of the applicant for or recipient of 41332
medicaid ~~benefits~~, all transfers of property by the applicant for 41333
or recipient of medicaid ~~benefits~~, and the circumstances of all 41334
those transfers. 41335

(E) Any amounts of medicaid ~~benefits~~ services recovered as 41336
restitution under this section and any interest on those amounts 41337
shall be credited to the general revenue fund, and any applicable 41338
federal share shall be returned to the appropriate agency or 41339
department of the United States. 41340

Sec. 2915.02. (A) No person shall do any of the following: 41341

(1) Engage in bookmaking, or knowingly engage in conduct that 41342
facilitates bookmaking; 41343

(2) Establish, promote, or operate or knowingly engage in 41344
conduct that facilitates any game of chance conducted for profit 41345
or any scheme of chance; 41346

(3) Knowingly procure, transmit, exchange, or engage in 41347
conduct that facilitates the procurement, transmission, or 41348
exchange of information for use in establishing odds or 41349
determining winners in connection with bookmaking or with any game 41350
of chance conducted for profit or any scheme of chance; 41351

(4) Engage in betting or in playing any scheme or game of 41352
chance as a substantial source of income or livelihood; 41353

(5) Conduct, or participate in the conduct of, a sweepstakes 41354
with the use of a sweepstakes terminal device at a sweepstakes 41355
terminal device facility and either: 41356

(a) Give to another person any item described in division 41357

(VV)(1), (2), (3), or (4) of section 2915.01 of the Revised Code 41358
as a prize for playing or participating in a sweepstakes; or 41359

(b) Give to another person any merchandise prize, or a 41360
redeemable voucher for a merchandise prize, the wholesale value of 41361
which is in excess of ten dollars and which is awarded as a single 41362
entry for playing or participating in a sweepstakes. Redeemable 41363
vouchers shall not be redeemable for a merchandise prize that has 41364
a wholesale value of more than ten dollars. 41365

(6) Conduct, or participate in the conduct of, a sweepstakes 41366
with the use of a sweepstakes terminal device at a sweepstakes 41367
terminal device facility without first obtaining a current annual 41368
"certificate of registration" from the attorney general as 41369
required by division (F) of this section; 41370

(7) With purpose to violate division (A)(1), (2), (3), (4), 41371
(5), or (6) of this section, acquire, possess, control, or operate 41372
any gambling device. 41373

(B) For purposes of division (A)(1) of this section, a person 41374
facilitates bookmaking if the person in any way knowingly aids an 41375
illegal bookmaking operation, including, without limitation, 41376
placing a bet with a person engaged in or facilitating illegal 41377
bookmaking. For purposes of division (A)(2) of this section, a 41378
person facilitates a game of chance conducted for profit or a 41379
scheme of chance if the person in any way knowingly aids in the 41380
conduct or operation of any such game or scheme, including, 41381
without limitation, playing any such game or scheme. 41382

(C) This section does not prohibit conduct in connection with 41383
gambling expressly permitted by law. 41384

(D) This section does not apply to any of the following: 41385

(1) Games of chance, if all of the following apply: 41386

(a) The games of chance are not craps for money or roulette 41387

for money. 41388

(b) The games of chance are conducted by a charitable 41389
organization that is, and has received from the internal revenue 41390
service a determination letter that is currently in effect, 41391
stating that the organization is, exempt from federal income 41392
taxation under subsection 501(a) and described in subsection 41393
501(c)(3) of the Internal Revenue Code. 41394

(c) The games of chance are conducted at festivals of the 41395
charitable organization that are conducted not more than a total 41396
of five days a calendar year, and are conducted on premises owned 41397
by the charitable organization for a period of no less than one 41398
year immediately preceding the conducting of the games of chance, 41399
on premises leased from a governmental unit, or on premises that 41400
are leased from a veteran's or fraternal organization and that 41401
have been owned by the lessor veteran's or fraternal organization 41402
for a period of no less than one year immediately preceding the 41403
conducting of the games of chance. 41404

A charitable organization shall not lease premises from a 41405
veteran's or fraternal organization to conduct a festival 41406
described in division (D)(1)(c) of this section if the veteran's 41407
or fraternal organization already has leased the premises twelve 41408
times during the preceding year to charitable organizations for 41409
that purpose. If a charitable organization leases premises from a 41410
veteran's or fraternal organization to conduct a festival 41411
described in division (D)(1)(c) of this section, the charitable 41412
organization shall not pay a rental rate for the premises per day 41413
of the festival that exceeds the rental rate per bingo session 41414
that a charitable organization may pay under division (B)(1) of 41415
section 2915.09 of the Revised Code when it leases premises from 41416
another charitable organization to conduct bingo games. 41417

(d) All of the money or assets received from the games of 41418
chance after deduction only of prizes paid out during the conduct 41419

of the games of chance are used by, or given, donated, or 41420
otherwise transferred to, any organization that is described in 41421
subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 41422
Revenue Code and is either a governmental unit or an organization 41423
that is tax exempt under subsection 501(a) and described in 41424
subsection 501(c)(3) of the Internal Revenue Code; 41425

(e) The games of chance are not conducted during, or within 41426
ten hours of, a bingo game conducted for amusement purposes only 41427
pursuant to section 2915.12 of the Revised Code. 41428

No person shall receive any commission, wage, salary, reward, 41429
tip, donation, gratuity, or other form of compensation, directly 41430
or indirectly, for operating or assisting in the operation of any 41431
game of chance. 41432

(2) Any tag fishing tournament operated under a permit issued 41433
under section 1533.92 of the Revised Code, as "tag fishing 41434
tournament" is defined in section 1531.01 of the Revised Code; 41435

(3) Bingo conducted by a charitable organization that holds a 41436
license issued under section 2915.08 of the Revised Code. 41437

(E) Division (D) of this section shall not be construed to 41438
authorize the sale, lease, or other temporary or permanent 41439
transfer of the right to conduct games of chance, as granted by 41440
that division, by any charitable organization that is granted that 41441
right. 41442

(F) Any person desiring to conduct, or participate in the 41443
conduct of, a sweepstakes with the use of a sweepstakes terminal 41444
device at a sweepstakes terminal device facility shall first 41445
register with the office of the attorney general and obtain an 41446
annual certificate of registration by providing a filing fee of 41447
two hundred dollars and all information as required by rule 41448
adopted under division (H) of this section. Not later than the 41449
tenth day of each month, each sweepstakes terminal device operator 41450

shall file a sweepstakes terminal device monthly report with the attorney general and provide a filing fee of fifty dollars and all information required by rule adopted under division (H) of this section. All information provided to the attorney general under this division shall be available to law enforcement upon request.

(G) A person may apply to the attorney general, on a form prescribed by the attorney general, for a certificate of compliance that the person is not operating a sweepstakes terminal device facility. The form shall require the person to include the address of the business location where sweepstakes terminal devices will be used and to make the following certifications:

(1) That the person will not use more than two sweepstakes terminal devices at the business location;

(2) That the retail value of sweepstakes prizes to be awarded at the business location using sweepstakes terminal devices during a reporting period will be less than three per cent of the gross revenue received at the business location during the reporting period;

(3) That no other form of gaming except lottery ticket sales as authorized under Chapter 3770. of the Revised Code will be conducted at the business location or in an adjoining area of the business location;

(4) That any sweepstakes terminal device at the business location will not allow any deposit of any money, coin, or token, or the use of any credit card, debit card, prepaid card, or any other method of similar payment to be used, directly or indirectly, to participate in a sweepstakes;

(5) That notification of any prize will not take place on the same day as a participant's sweepstakes entry; and

(6) That the person consents to provide any other information to the attorney general as required by rule adopted under division

(H) of this section. 41482

The filing fee for a certificate of compliance is two hundred 41483
fifty dollars. The attorney general may charge up to an additional 41484
two hundred fifty dollars for reasonable expenses resulting from 41485
any investigation related to an application for a certificate of 41486
compliance. 41487

A certificate of compliance is effective for one year. The 41488
certificate holder may reapply for a certificate of compliance. A 41489
person issued a certificate of compliance shall file semiannual 41490
reports with the attorney general stating the number of 41491
sweepstakes terminal devices at the business location and that the 41492
retail value of prizes awarded at the business location using 41493
sweepstakes terminal devices is less than three per cent of the 41494
gross revenue received at the business location. 41495

(H) The attorney general shall adopt rules setting forth: 41496

(1) The required information to be submitted by persons 41497
conducting a sweepstakes with the use of a sweepstakes terminal 41498
device at a sweepstakes terminal device facility as described in 41499
division (F) of this section; ~~and~~ 41500

(2) The requirements pertaining to a certificate of 41501
compliance under division (G) of this section, which shall provide 41502
for a person to file a consolidated application and a consolidated 41503
semiannual report if a person has more than one business location; 41504
and 41505

(3) The standards and requirements for security and 41506
surveillance equipment, in consultation with the Ohio casino 41507
control commission, that may require a person with a certificate 41508
of registration to install security and surveillance equipment 41509
where any chips, tokens, tickets, electronic cards, or similar 41510
objects may be redeemed for cash, whether by an employee or by 41511
electronic means, that shall capture, for law enforcement 41512

purposes, facial feature pattern characteristics, including a 41513
computerized facial image, and that shall require such records to 41514
be retained for at least five years. The attorney general may 41515
secure, by agreement, information and services as the attorney 41516
general considers necessary from any state agency or other unit of 41517
state government. All costs related to the installation of 41518
security and surveillance equipment shall be the responsibility of 41519
the person with the certificate of registration. 41520

The attorney general shall issue a certificate of 41521
registration or a certificate of compliance to all persons who 41522
have successfully satisfied the applicable requirements of this 41523
section. The attorney general shall post online a registry of all 41524
properly registered and certified sweepstakes terminal device 41525
operators. 41526

(I) The attorney general may refuse to issue an annual 41527
certificate of registration or certificate of compliance to any 41528
person or, if one has been issued, the attorney general may revoke 41529
a certificate of registration or a certificate of compliance if 41530
the applicant has provided any information to the attorney general 41531
as part of a registration, certification, monthly report, 41532
semiannual report, or any other information that is materially 41533
false or misleading, or if the applicant or any officer, partner, 41534
or owner of five per cent or more interest in the applicant has 41535
violated any provision of this chapter. 41536

(J) The attorney general may take any necessary and 41537
reasonable action to determine a violation of this chapter, 41538
including requesting documents and information, performing 41539
inspections of premises, or requiring the attendance of any person 41540
at an examination under oath. 41541

(K) Whoever violates this section is guilty of gambling, a 41542
misdemeanor of the first degree. If the offender previously has 41543
been convicted of any gambling offense, gambling is a felony of 41544

the fifth degree. Notwithstanding this division, failing to file a sweepstakes terminal device monthly report as required by division (F) of this section or the semiannual report required by division (G) of this section is a misdemeanor of the first degree.

Sec. 2919.271. (A)(1)(a) If a defendant is charged with a violation of section 2919.27 of the Revised Code or of a municipal ordinance that is substantially similar to that section, the court may order an evaluation of the mental condition of the defendant if the court determines that either of the following criteria apply:

(i) If the alleged violation is a violation of a protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code, that the violation allegedly involves conduct by the defendant that caused physical harm to the person or property of a family or household member covered by the order or agreement, or conduct by the defendant that caused a family or household member to believe that the defendant would cause physical harm to that member or that member's property.

(ii) If the alleged violation is a violation of a protection order issued pursuant to section 2903.213 or 2903.214 of the Revised Code or a protection order issued by a court of another state, that the violation allegedly involves conduct by the defendant that caused physical harm to the person or property of the person covered by the order, or conduct by the defendant that caused the person covered by the order to believe that the defendant would cause physical harm to that person or that person's property.

(b) If a defendant is charged with a violation of section 2903.211 of the Revised Code or of a municipal ordinance that is substantially similar to that section, the court may order an

evaluation of the mental condition of the defendant. 41576

(2) An evaluation ordered under division (A)(1) of this 41577
section shall be completed no later than thirty days from the date 41578
the order is entered pursuant to that division. In that order, the 41579
court shall do either of the following: 41580

(a) Order that the evaluation of the mental condition of the 41581
defendant be preceded by an examination conducted either by a 41582
forensic center that is designated by the department of ~~mental~~ 41583
~~health~~ mental health and addiction services to conduct 41584
examinations and make evaluations of defendants charged with 41585
violations of section 2903.211 or 2919.27 of the Revised Code or 41586
of substantially similar municipal ordinances in the area in which 41587
the court is located, or by any other program or facility that is 41588
designated by the department of ~~mental health~~ mental health and 41589
addiction services or the department of developmental disabilities 41590
to conduct examinations and make evaluations of defendants charged 41591
with violations of section 2903.211 or 2919.27 of the Revised Code 41592
or of substantially similar municipal ordinances, and that is 41593
operated by either department or is certified by either department 41594
as being in compliance with the standards established under 41595
division ~~(H)(B)(7)~~ of section ~~5119.01~~ 5119.10 of the Revised Code 41596
or division (C) of section 5123.04 of the Revised Code. 41597

(b) Designate a center, program, or facility other than one 41598
designated by the department of ~~mental health~~ mental health and 41599
addiction services or the department of developmental 41600
disabilities, as described in division (A)(2)(a) of this section, 41601
to conduct the evaluation and preceding examination of the mental 41602
condition of the defendant. 41603

Whether the court acts pursuant to division (A)(2)(a) or (b) 41604
of this section, the court may designate examiners other than the 41605
personnel of the center, program, facility, or department involved 41606
to make the evaluation and preceding examination of the mental 41607

condition of the defendant. 41608

(B) If the court considers that additional evaluations of the 41609
mental condition of a defendant are necessary following the 41610
evaluation authorized by division (A) of this section, the court 41611
may order up to two additional similar evaluations. These 41612
evaluations shall be completed no later than thirty days from the 41613
date the applicable court order is entered. If more than one 41614
evaluation of the mental condition of the defendant is ordered 41615
under this division, the prosecutor and the defendant may 41616
recommend to the court an examiner whom each prefers to perform 41617
one of the evaluations and preceding examinations. 41618

(C)(1) The court may order a defendant who has been released 41619
on bail to submit to an examination under division (A) or (B) of 41620
this section. The examination shall be conducted either at the 41621
detention facility in which the defendant would have been confined 41622
if the defendant had not been released on bail, or, if so 41623
specified by the center, program, facility, or examiners involved, 41624
at the premises of the center, program, or facility. Additionally, 41625
the examination shall be conducted at the times established by the 41626
examiners involved. If such a defendant refuses to submit to an 41627
examination or a complete examination as required by the court or 41628
the center, program, facility, or examiners involved, the court 41629
may amend the conditions of the bail of the defendant and order 41630
the sheriff to take the defendant into custody and deliver the 41631
defendant to the detention facility in which the defendant would 41632
have been confined if the defendant had not been released on bail, 41633
or, if so specified by the center, program, facility, or examiners 41634
involved, to the premises of the center, program, or facility, for 41635
purposes of the examination. 41636

(2) A defendant who has not been released on bail shall be 41637
examined at the detention facility in which the defendant is 41638
confined or, if so specified by the center, program, facility, or 41639

examiners involved, at the premises of the center, program, or 41640
facility. 41641

(D) The examiner of the mental condition of a defendant under 41642
division (A) or (B) of this section shall file a written report 41643
with the court within thirty days after the entry of an order for 41644
the evaluation of the mental condition of the defendant. The 41645
report shall contain the findings of the examiner; the facts in 41646
reasonable detail on which the findings are based; the opinion of 41647
the examiner as to the mental condition of the defendant; the 41648
opinion of the examiner as to whether the defendant represents a 41649
substantial risk of physical harm to other persons as manifested 41650
by evidence of recent homicidal or other violent behavior, 41651
evidence of recent threats that placed other persons in reasonable 41652
fear of violent behavior and serious physical harm, or evidence of 41653
present dangerousness; and the opinion of the examiner as to the 41654
types of treatment or counseling that the defendant needs. The 41655
court shall provide copies of the report to the prosecutor and 41656
defense counsel. 41657

(E) The costs of any evaluation and preceding examination of 41658
a defendant that is ordered pursuant to division (A) or (B) of 41659
this section shall be taxed as court costs in the criminal case. 41660

(F) If the examiner considers it necessary in order to make 41661
an accurate evaluation of the mental condition of a defendant, an 41662
examiner under division (A) or (B) of this section may request any 41663
family or household member of the defendant to provide the 41664
examiner with information. A family or household member may, but 41665
is not required to, provide information to the examiner upon 41666
receipt of the request. 41667

(G) As used in this section: 41668

(1) "Bail" includes a recognizance. 41669

(2) "Examiner" means a psychiatrist, a licensed independent 41670

social worker who is employed by a forensic center that is 41671
certified as being in compliance with the standards established 41672
under division ~~(H)(B)(7)~~ of section ~~5119.01~~ 5119.10 or division 41673
(C) of section 5123.04 of the Revised Code, a licensed 41674
professional clinical counselor who is employed at a forensic 41675
center that is certified as being in compliance with such 41676
standards, or a licensed clinical psychologist, except that in 41677
order to be an examiner, a licensed clinical psychologist shall 41678
meet the criteria of division (I)(1) of section 5122.01 of the 41679
Revised Code or be employed to conduct examinations by the 41680
department of ~~mental health~~ mental health and addiction services 41681
or by a forensic center certified as being in compliance with the 41682
standards established under division ~~(H)(B)(7)~~ of section ~~5119.01~~ 41683
5119.10 or division (C) of section 5123.04 of the Revised Code 41684
that is designated by the department of ~~mental health~~ mental 41685
health and addiction services. 41686

(3) "Family or household member" has the same meaning as in 41687
section 2919.25 of the Revised Code. 41688

(4) "Prosecutor" has the same meaning as in section 2935.01 41689
of the Revised Code. 41690

(5) "Psychiatrist" and "licensed clinical psychologist" have 41691
the same meanings as in section 5122.01 of the Revised Code. 41692

(6) "Protection order issued by a court of another state" has 41693
the same meaning as in section 2919.27 of the Revised Code. 41694

Sec. 2921.01. As used in sections 2921.01 to 2921.45 of the 41695
Revised Code: 41696

(A) "Public official" means any elected or appointed officer, 41697
or employee, or agent of the state or any political subdivision, 41698
whether in a temporary or permanent capacity, and includes, but is 41699
not limited to, legislators, judges, and law enforcement officers. 41700

"Public official" does not include an employee, officer, or 41701
governor-appointed member of the board of directors of the 41702
nonprofit corporation formed under section 187.01 of the Revised 41703
Code. 41704

(B) "Public servant" means any of the following: 41705

(1) Any public official; 41706

(2) Any person performing ad hoc a governmental function, 41707
including, but not limited to, a juror, member of a temporary 41708
commission, master, arbitrator, advisor, or consultant; 41709

(3) A person who is a candidate for public office, whether or 41710
not the person is elected or appointed to the office for which the 41711
person is a candidate. A person is a candidate for purposes of 41712
this division if the person has been nominated according to law 41713
for election or appointment to public office, or if the person has 41714
filed a petition or petitions as required by law to have the 41715
person's name placed on the ballot in a primary, general, or 41716
special election, or if the person campaigns as a write-in 41717
candidate in any primary, general, or special election. 41718

"Public servant" does not include an employee, officer, or 41719
governor-appointed member of the board of directors of the 41720
nonprofit corporation formed under section 187.01 of the Revised 41721
Code. 41722

(C) "Party official" means any person who holds an elective 41723
or appointive post in a political party in the United States or 41724
this state, by virtue of which the person directs, conducts, or 41725
participates in directing or conducting party affairs at any level 41726
of responsibility. 41727

(D) "Official proceeding" means any proceeding before a 41728
legislative, judicial, administrative, or other governmental 41729
agency or official authorized to take evidence under oath, and 41730
includes any proceeding before a referee, hearing examiner, 41731

commissioner, notary, or other person taking testimony or a 41732
deposition in connection with an official proceeding. 41733

(E) "Detention" means arrest; confinement in any vehicle 41734
subsequent to an arrest; confinement in any public or private 41735
facility for custody of persons charged with or convicted of crime 41736
in this state or another state or under the laws of the United 41737
States or alleged or found to be a delinquent child or unruly 41738
child in this state or another state or under the laws of the 41739
United States; hospitalization, institutionalization, or 41740
confinement in any public or private facility that is ordered 41741
pursuant to or under the authority of section 2945.37, 2945.371, 41742
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 41743
Code; confinement in any vehicle for transportation to or from any 41744
facility of any of those natures; detention for extradition or 41745
deportation; except as provided in this division, supervision by 41746
any employee of any facility of any of those natures that is 41747
incidental to hospitalization, institutionalization, or 41748
confinement in the facility but that occurs outside the facility; 41749
supervision by an employee of the department of rehabilitation and 41750
correction of a person on any type of release from a state 41751
correctional institution; or confinement in any vehicle, airplane, 41752
or place while being returned from outside of this state into this 41753
state by a private person or entity pursuant to a contract entered 41754
into under division (E) of section 311.29 of the Revised Code or 41755
division (B) of section 5149.03 of the Revised Code. For a person 41756
confined in a county jail who participates in a county jail 41757
industry program pursuant to section 5147.30 of the Revised Code, 41758
"detention" includes time spent at an assigned work site and going 41759
to and from the work site. 41760

(F) "Detention facility" means any public or private place 41761
used for the confinement of a person charged with or convicted of 41762
any crime in this state or another state or under the laws of the 41763

United States or alleged or found to be a delinquent child or 41764
unruly child in this state or another state or under the laws of 41765
the United States. 41766

(G) "Valuable thing or valuable benefit" includes, but is not 41767
limited to, a contribution. This inclusion does not indicate or 41768
imply that a contribution was not included in those terms before 41769
September 17, 1986. 41770

(H) "Campaign committee," "contribution," "political action 41771
committee," "legislative campaign fund," "political party," and 41772
"political contributing entity" have the same meanings as in 41773
section 3517.01 of the Revised Code. 41774

(I) "Provider agreement" ~~and "medical assistance program"~~ 41775
~~have~~ has the same ~~meanings~~ meaning as in section ~~2913.40~~ 5164.01 41776
of the Revised Code. 41777

Sec. 2921.22. (A)(1) Except as provided in division (A)(2) of 41778
this section, no person, knowing that a felony has been or is 41779
being committed, shall knowingly fail to report such information 41780
to law enforcement authorities. 41781

(2) No person, knowing that a violation of division (B) of 41782
section 2913.04 of the Revised Code has been, or is being 41783
committed or that the person has received information derived from 41784
such a violation, shall knowingly fail to report the violation to 41785
law enforcement authorities. 41786

(B) Except for conditions that are within the scope of 41787
division (E) of this section, no physician, limited practitioner, 41788
nurse, or other person giving aid to a sick or injured person 41789
shall negligently fail to report to law enforcement authorities 41790
any gunshot or stab wound treated or observed by the physician, 41791
limited practitioner, nurse, or person, or any serious physical 41792
harm to persons that the physician, limited practitioner, nurse, 41793

or person knows or has reasonable cause to believe resulted from 41794
an offense of violence. 41795

(C) No person who discovers the body or acquires the first 41796
knowledge of the death of a person shall fail to report the death 41797
immediately to a physician whom the person knows to be treating 41798
the deceased for a condition from which death at such time would 41799
not be unexpected, or to a law enforcement officer, an ambulance 41800
service, an emergency squad, or the coroner in a political 41801
subdivision in which the body is discovered, the death is believed 41802
to have occurred, or knowledge concerning the death is obtained. 41803

(D) No person shall fail to provide upon request of the 41804
person to whom a report required by division (C) of this section 41805
was made, or to any law enforcement officer who has reasonable 41806
cause to assert the authority to investigate the circumstances 41807
surrounding the death, any facts within the person's knowledge 41808
that may have a bearing on the investigation of the death. 41809

(E)(1) As used in this division, "burn injury" means any of 41810
the following: 41811

(a) Second or third degree burns; 41812

(b) Any burns to the upper respiratory tract or laryngeal 41813
edema due to the inhalation of superheated air; 41814

(c) Any burn injury or wound that may result in death; 41815

(d) Any physical harm to persons caused by or as the result 41816
of the use of fireworks, novelties and trick noisemakers, and wire 41817
sparklers, as each is defined by section 3743.01 of the Revised 41818
Code. 41819

(2) No physician, nurse, or limited practitioner who, outside 41820
a hospital, sanitarium, or other medical facility, attends or 41821
treats a person who has sustained a burn injury that is inflicted 41822
by an explosion or other incendiary device or that shows evidence 41823

of having been inflicted in a violent, malicious, or criminal 41824
manner shall fail to report the burn injury immediately to the 41825
local arson, or fire and explosion investigation, bureau, if there 41826
is a bureau of this type in the jurisdiction in which the person 41827
is attended or treated, or otherwise to local law enforcement 41828
authorities. 41829

(3) No manager, superintendent, or other person in charge of 41830
a hospital, sanitarium, or other medical facility in which a 41831
person is attended or treated for any burn injury that is 41832
inflicted by an explosion or other incendiary device or that shows 41833
evidence of having been inflicted in a violent, malicious, or 41834
criminal manner shall fail to report the burn injury immediately 41835
to the local arson, or fire and explosion investigation, bureau, 41836
if there is a bureau of this type in the jurisdiction in which the 41837
person is attended or treated, or otherwise to local law 41838
enforcement authorities. 41839

(4) No person who is required to report any burn injury under 41840
division (E)(2) or (3) of this section shall fail to file, within 41841
three working days after attending or treating the victim, a 41842
written report of the burn injury with the office of the state 41843
fire marshal. The report shall comply with the uniform standard 41844
developed by the state fire marshal pursuant to division (A)(15) 41845
of section 3737.22 of the Revised Code. 41846

(5) Anyone participating in the making of reports under 41847
division (E) of this section or anyone participating in a judicial 41848
proceeding resulting from the reports is immune from any civil or 41849
criminal liability that otherwise might be incurred or imposed as 41850
a result of such actions. Notwithstanding section 4731.22 of the 41851
Revised Code, the physician-patient relationship is not a ground 41852
for excluding evidence regarding a person's burn injury or the 41853
cause of the burn injury in any judicial proceeding resulting from 41854
a report submitted under division (E) of this section. 41855

(F)(1) Any doctor of medicine or osteopathic medicine, 41856
hospital intern or resident, registered or licensed practical 41857
nurse, psychologist, social worker, independent social worker, 41858
social work assistant, professional clinical counselor, or 41859
professional counselor who knows or has reasonable cause to 41860
believe that a patient or client has been the victim of domestic 41861
violence, as defined in section 3113.31 of the Revised Code, shall 41862
note that knowledge or belief and the basis for it in the 41863
patient's or client's records. 41864

(2) Notwithstanding section 4731.22 of the Revised Code, the 41865
doctor-patient privilege shall not be a ground for excluding any 41866
information regarding the report containing the knowledge or 41867
belief noted under division (F)(1) of this section, and the 41868
information may be admitted as evidence in accordance with the 41869
Rules of Evidence. 41870

(G) Divisions (A) and (D) of this section do not require 41871
disclosure of information, when any of the following applies: 41872

(1) The information is privileged by reason of the 41873
relationship between attorney and client; doctor and patient; 41874
licensed psychologist or licensed school psychologist and client; 41875
member of the clergy, rabbi, minister, or priest and any person 41876
communicating information confidentially to the member of the 41877
clergy, rabbi, minister, or priest for a religious counseling 41878
purpose of a professional character; husband and wife; or a 41879
communications assistant and those who are a party to a 41880
telecommunications relay service call. 41881

(2) The information would tend to incriminate a member of the 41882
actor's immediate family. 41883

(3) Disclosure of the information would amount to revealing a 41884
news source, privileged under section 2739.04 or 2739.12 of the 41885
Revised Code. 41886

(4) Disclosure of the information would amount to disclosure 41887
by a member of the ordained clergy of an organized religious body 41888
of a confidential communication made to that member of the clergy 41889
in that member's capacity as a member of the clergy by a person 41890
seeking the aid or counsel of that member of the clergy. 41891

(5) Disclosure would amount to revealing information acquired 41892
by the actor in the course of the actor's duties in connection 41893
with a bona fide program of treatment or services for drug 41894
dependent persons or persons in danger of drug dependence, which 41895
program is maintained or conducted by a hospital, clinic, person, 41896
agency, or ~~organization~~ services provider certified pursuant to 41897
section ~~3793.06~~ 5119.36 of the Revised Code. 41898

(6) Disclosure would amount to revealing information acquired 41899
by the actor in the course of the actor's duties in connection 41900
with a bona fide program for providing counseling services to 41901
victims of crimes that are violations of section 2907.02 or 41902
2907.05 of the Revised Code or to victims of felonious sexual 41903
penetration in violation of former section 2907.12 of the Revised 41904
Code. As used in this division, "counseling services" include 41905
services provided in an informal setting by a person who, by 41906
education or experience, is competent to provide those services. 41907

(H) No disclosure of information pursuant to this section 41908
gives rise to any liability or recrimination for a breach of 41909
privilege or confidence. 41910

(I) Whoever violates division (A) or (B) of this section is 41911
guilty of failure to report a crime. Violation of division (A)(1) 41912
of this section is a misdemeanor of the fourth degree. Violation 41913
of division (A)(2) or (B) of this section is a misdemeanor of the 41914
second degree. 41915

(J) Whoever violates division (C) or (D) of this section is 41916
guilty of failure to report knowledge of a death, a misdemeanor of 41917

the fourth degree. 41918

(K)(1) Whoever negligently violates division (E) of this 41919
section is guilty of a minor misdemeanor. 41920

(2) Whoever knowingly violates division (E) of this section 41921
is guilty of a misdemeanor of the second degree. 41922

Sec. 2921.36. (A) No person shall knowingly convey, or 41923
attempt to convey, onto the grounds of a detention facility or of 41924
an institution, office building, or other place that is under the 41925
control of the department of ~~mental health~~ mental health and 41926
addiction services, the department of developmental disabilities, 41927
the department of youth services, or the department of 41928
rehabilitation and correction any of the following items: 41929

(1) Any deadly weapon or dangerous ordnance, as defined in 41930
section 2923.11 of the Revised Code, or any part of or ammunition 41931
for use in such a deadly weapon or dangerous ordnance; 41932

(2) Any drug of abuse, as defined in section 3719.011 of the 41933
Revised Code; 41934

(3) Any intoxicating liquor, as defined in section 4301.01 of 41935
the Revised Code. 41936

(B) Division (A) of this section does not apply to any person 41937
who conveys or attempts to convey an item onto the grounds of a 41938
detention facility or of an institution, office building, or other 41939
place under the control of the department of ~~mental health~~ mental 41940
health and addiction services, the department of developmental 41941
disabilities, the department of youth services, or the department 41942
of rehabilitation and correction pursuant to the written 41943
authorization of the person in charge of the detention facility or 41944
the institution, office building, or other place and in accordance 41945
with the written rules of the detention facility or the 41946
institution, office building, or other place. 41947

(C) No person shall knowingly deliver, or attempt to deliver, 41948
to any person who is confined in a detention facility, to a child 41949
confined in a youth services facility, to a prisoner who is 41950
temporarily released from confinement for a work assignment, or to 41951
any patient in an institution under the control of the department 41952
of ~~mental health~~ mental health and addiction services or the 41953
department of developmental disabilities any item listed in 41954
division (A)(1), (2), or (3) of this section. 41955

(D) No person shall knowingly deliver, or attempt to deliver, 41956
cash to any person who is confined in a detention facility, to a 41957
child confined in a youth services facility, or to a prisoner who 41958
is temporarily released from confinement for a work assignment. 41959

(E) No person shall knowingly deliver, or attempt to deliver, 41960
to any person who is confined in a detention facility, to a child 41961
confined in a youth services facility, or to a prisoner who is 41962
temporarily released from confinement for a work assignment a 41963
cellular telephone, two-way radio, or other electronic 41964
communications device. 41965

(F)(1) It is an affirmative defense to a charge under 41966
division (A)(1) of this section that the weapon or dangerous 41967
ordnance in question was being transported in a motor vehicle for 41968
any lawful purpose, that it was not on the actor's person, and, if 41969
the weapon or dangerous ordnance in question was a firearm, that 41970
it was unloaded and was being carried in a closed package, box, or 41971
case or in a compartment that can be reached only by leaving the 41972
vehicle. 41973

(2) It is an affirmative defense to a charge under division 41974
(C) of this section that the actor was not otherwise prohibited by 41975
law from delivering the item to the confined person, the child, 41976
the prisoner, or the patient and that either of the following 41977
applies: 41978

(a) The actor was permitted by the written rules of the 41979
detention facility or the institution, office building, or other 41980
place to deliver the item to the confined person or the patient. 41981

(b) The actor was given written authorization by the person 41982
in charge of the detention facility or the institution, office 41983
building, or other place to deliver the item to the confined 41984
person or the patient. 41985

(G)(1) Whoever violates division (A)(1) of this section or 41986
commits a violation of division (C) of this section involving an 41987
item listed in division (A)(1) of this section is guilty of 41988
illegal conveyance of weapons onto the grounds of a specified 41989
governmental facility, a felony of the third degree. If the 41990
offender is an officer or employee of the department of 41991
rehabilitation and correction, the court shall impose a mandatory 41992
prison term. 41993

(2) Whoever violates division (A)(2) of this section or 41994
commits a violation of division (C) of this section involving any 41995
drug of abuse is guilty of illegal conveyance of drugs of abuse 41996
onto the grounds of a specified governmental facility, a felony of 41997
the third degree. If the offender is an officer or employee of the 41998
department of rehabilitation and correction or of the department 41999
of youth services, the court shall impose a mandatory prison term. 42000

(3) Whoever violates division (A)(3) of this section or 42001
commits a violation of division (C) of this section involving any 42002
intoxicating liquor is guilty of illegal conveyance of 42003
intoxicating liquor onto the grounds of a specified governmental 42004
facility, a misdemeanor of the second degree. 42005

(4) Whoever violates division (D) of this section is guilty 42006
of illegal conveyance of cash onto the grounds of a detention 42007
facility, a misdemeanor of the first degree. If the offender 42008
previously has been convicted of or pleaded guilty to a violation 42009

of division (D) of this section, illegal conveyance of cash onto 42010
the grounds of a detention facility is a felony of the fifth 42011
degree. 42012

(5) Whoever violates division (E) of this section is guilty 42013
of illegal conveyance of a communications device onto the grounds 42014
of a specified governmental facility, a misdemeanor of the first 42015
degree, or if the offender previously has been convicted of or 42016
pleaded guilty to a violation of division (E) of this section, a 42017
felony of the fifth degree. 42018

Sec. 2921.38. (A) No person who is confined in a detention 42019
facility, with intent to harass, annoy, threaten, or alarm another 42020
person, shall cause or attempt to cause the other person to come 42021
into contact with blood, semen, urine, feces, or another bodily 42022
substance by throwing the bodily substance at the other person, by 42023
expelling the bodily substance upon the other person, or in any 42024
other manner. 42025

(B) No person, with intent to harass, annoy, threaten, or 42026
alarm a law enforcement officer, shall cause or attempt to cause 42027
the law enforcement officer to come into contact with blood, 42028
semen, urine, feces, or another bodily substance by throwing the 42029
bodily substance at the law enforcement officer, by expelling the 42030
bodily substance upon the law enforcement officer, or in any other 42031
manner. 42032

(C) No person, with knowledge that the person is a carrier of 42033
the virus that causes acquired immunodeficiency syndrome, is a 42034
carrier of a hepatitis virus, or is infected with tuberculosis and 42035
with intent to harass, annoy, threaten, or alarm another person, 42036
shall cause or attempt to cause the other person to come into 42037
contact with blood, semen, urine, feces, or another bodily 42038
substance by throwing the bodily substance at the other person, by 42039
expelling the bodily substance upon the other person, or in any 42040

other manner. 42041

(D) Whoever violates this section is guilty of harassment 42042
with a bodily substance. A violation of division (A) or (B) of 42043
this section is a felony of the fifth degree. A violation of 42044
division (C) of this section is a felony of the third degree. 42045

(E)(1) The court, on request of the prosecutor, or the law 42046
enforcement authority responsible for the investigation of the 42047
violation, shall cause a person who allegedly has committed a 42048
violation of this section to submit to one or more appropriate 42049
tests to determine if the person is a carrier of the virus that 42050
causes acquired immunodeficiency syndrome, is a carrier of a 42051
hepatitis virus, or is infected with tuberculosis. 42052

(2) The court shall charge the offender with the costs of the 42053
test or tests ordered under division (E)(1) of this section unless 42054
the court determines that the accused is unable to pay, in which 42055
case the costs shall be charged to the entity that operates the 42056
detention facility in which the alleged offense occurred. 42057

(F) This section does not apply to a person who is 42058
hospitalized, institutionalized, or confined in a facility 42059
operated by the department of ~~mental health~~ mental health and 42060
addiction services or the department of developmental 42061
disabilities. 42062

Sec. 2923.126. (A) A concealed handgun license that is issued 42063
under section 2923.125 of the Revised Code shall expire five years 42064
after the date of issuance. A licensee who has been issued a 42065
license under that section shall be granted a grace period of 42066
thirty days after the licensee's license expires during which the 42067
licensee's license remains valid. Except as provided in divisions 42068
(B) and (C) of this section, a licensee who has been issued a 42069
concealed handgun license under section 2923.125 or 2923.1213 of 42070
the Revised Code may carry a concealed handgun anywhere in this 42071

state if the licensee also carries a valid license and valid 42072
identification when the licensee is in actual possession of a 42073
concealed handgun. The licensee shall give notice of any change in 42074
the licensee's residence address to the sheriff who issued the 42075
license within forty-five days after that change. 42076

If a licensee is the driver or an occupant of a motor vehicle 42077
that is stopped as the result of a traffic stop or a stop for 42078
another law enforcement purpose and if the licensee is 42079
transporting or has a loaded handgun in the motor vehicle at that 42080
time, the licensee shall promptly inform any law enforcement 42081
officer who approaches the vehicle while stopped that the licensee 42082
has been issued a concealed handgun license and that the licensee 42083
currently possesses or has a loaded handgun; the licensee shall 42084
not knowingly disregard or fail to comply with lawful orders of a 42085
law enforcement officer given while the motor vehicle is stopped, 42086
knowingly fail to remain in the motor vehicle while stopped, or 42087
knowingly fail to keep the licensee's hands in plain sight after 42088
any law enforcement officer begins approaching the licensee while 42089
stopped and before the officer leaves, unless directed otherwise 42090
by a law enforcement officer; and the licensee shall not knowingly 42091
have contact with the loaded handgun by touching it with the 42092
licensee's hands or fingers, in any manner in violation of 42093
division (E) of section 2923.16 of the Revised Code, after any law 42094
enforcement officer begins approaching the licensee while stopped 42095
and before the officer leaves. Additionally, if a licensee is the 42096
driver or an occupant of a commercial motor vehicle that is 42097
stopped by an employee of the motor carrier enforcement unit for 42098
the purposes defined in section 5503.04 of the Revised Code and if 42099
the licensee is transporting or has a loaded handgun in the 42100
commercial motor vehicle at that time, the licensee shall promptly 42101
inform the employee of the unit who approaches the vehicle while 42102
stopped that the licensee has been issued a concealed handgun 42103
license and that the licensee currently possesses or has a loaded 42104

handgun. 42105

If a licensee is stopped for a law enforcement purpose and if 42106
the licensee is carrying a concealed handgun at the time the 42107
officer approaches, the licensee shall promptly inform any law 42108
enforcement officer who approaches the licensee while stopped that 42109
the licensee has been issued a concealed handgun license and that 42110
the licensee currently is carrying a concealed handgun; the 42111
licensee shall not knowingly disregard or fail to comply with 42112
lawful orders of a law enforcement officer given while the 42113
licensee is stopped or knowingly fail to keep the licensee's hands 42114
in plain sight after any law enforcement officer begins 42115
approaching the licensee while stopped and before the officer 42116
leaves, unless directed otherwise by a law enforcement officer; 42117
and the licensee shall not knowingly remove, attempt to remove, 42118
grasp, or hold the loaded handgun or knowingly have contact with 42119
the loaded handgun by touching it with the licensee's hands or 42120
fingers, in any manner in violation of division (B) of section 42121
2923.12 of the Revised Code, after any law enforcement officer 42122
begins approaching the licensee while stopped and before the 42123
officer leaves. 42124

(B) A valid concealed handgun license does not authorize the 42125
licensee to carry a concealed handgun in any manner prohibited 42126
under division (B) of section 2923.12 of the Revised Code or in 42127
any manner prohibited under section 2923.16 of the Revised Code. A 42128
valid license does not authorize the licensee to carry a concealed 42129
handgun into any of the following places: 42130

(1) A police station, sheriff's office, or state highway 42131
patrol station, premises controlled by the bureau of criminal 42132
identification and investigation, a state correctional 42133
institution, jail, workhouse, or other detention facility, an 42134
airport passenger terminal, or an institution that is maintained, 42135
operated, managed, and governed pursuant to division (A) of 42136

section ~~5119.02~~ 5119.14 of the Revised Code or division (A)(1) of 42137
section 5123.03 of the Revised Code; 42138

(2) A school safety zone if the licensee's carrying the 42139
concealed handgun is in violation of section 2923.122 of the 42140
Revised Code; 42141

(3) A courthouse or another building or structure in which a 42142
courtroom is located, in violation of section 2923.123 of the 42143
Revised Code; 42144

(4) Any premises or open air arena for which a D permit has 42145
been issued under Chapter 4303. of the Revised Code if the 42146
licensee's carrying the concealed handgun is in violation of 42147
section 2923.121 of the Revised Code; 42148

(5) Any premises owned or leased by any public or private 42149
college, university, or other institution of higher education, 42150
unless the handgun is in a locked motor vehicle or the licensee is 42151
in the immediate process of placing the handgun in a locked motor 42152
vehicle; 42153

(6) Any church, synagogue, mosque, or other place of worship, 42154
unless the church, synagogue, mosque, or other place of worship 42155
posts or permits otherwise; 42156

(7) A child day-care center, a type A family day-care home, a 42157
type B family day-care home, or a type C family day-care home, 42158
except that this division does not prohibit a licensee who resides 42159
in a type A family day-care home, a type B family day-care home, 42160
or a type C family day-care home from carrying a concealed handgun 42161
at any time in any part of the home that is not dedicated or used 42162
for day-care purposes, or from carrying a concealed handgun in a 42163
part of the home that is dedicated or used for day-care purposes 42164
at any time during which no children, other than children of that 42165
licensee, are in the home; 42166

(8) An aircraft that is in, or intended for operation in, 42167

foreign air transportation, interstate air transportation, 42168
intrastate air transportation, or the transportation of mail by 42169
aircraft; 42170

(9) Any building that is a government facility of this state 42171
or a political subdivision of this state and that is not a 42172
building that is used primarily as a shelter, restroom, parking 42173
facility for motor vehicles, or rest facility and is not a 42174
courthouse or other building or structure in which a courtroom is 42175
located that is subject to division (B)(3) of this section; 42176

(10) A place in which federal law prohibits the carrying of 42177
handguns. 42178

(C)(1) Nothing in this section shall negate or restrict a 42179
rule, policy, or practice of a private employer that is not a 42180
private college, university, or other institution of higher 42181
education concerning or prohibiting the presence of firearms on 42182
the private employer's premises or property, including motor 42183
vehicles owned by the private employer. Nothing in this section 42184
shall require a private employer of that nature to adopt a rule, 42185
policy, or practice concerning or prohibiting the presence of 42186
firearms on the private employer's premises or property, including 42187
motor vehicles owned by the private employer. 42188

(2)(a) A private employer shall be immune from liability in a 42189
civil action for any injury, death, or loss to person or property 42190
that allegedly was caused by or related to a licensee bringing a 42191
handgun onto the premises or property of the private employer, 42192
including motor vehicles owned by the private employer, unless the 42193
private employer acted with malicious purpose. A private employer 42194
is immune from liability in a civil action for any injury, death, 42195
or loss to person or property that allegedly was caused by or 42196
related to the private employer's decision to permit a licensee to 42197
bring, or prohibit a licensee from bringing, a handgun onto the 42198
premises or property of the private employer. As used in this 42199

division, "private employer" includes a private college, 42200
university, or other institution of higher education. 42201

(b) A political subdivision shall be immune from liability in 42202
a civil action, to the extent and in the manner provided in 42203
Chapter 2744. of the Revised Code, for any injury, death, or loss 42204
to person or property that allegedly was caused by or related to a 42205
licensee bringing a handgun onto any premises or property owned, 42206
leased, or otherwise under the control of the political 42207
subdivision. As used in this division, "political subdivision" has 42208
the same meaning as in section 2744.01 of the Revised Code. 42209

(3)(a) Except as provided in division (C)(3)(b) of this 42210
section, the owner or person in control of private land or 42211
premises, and a private person or entity leasing land or premises 42212
owned by the state, the United States, or a political subdivision 42213
of the state or the United States, may post a sign in a 42214
conspicuous location on that land or on those premises prohibiting 42215
persons from carrying firearms or concealed firearms on or onto 42216
that land or those premises. Except as otherwise provided in this 42217
division, a person who knowingly violates a posted prohibition of 42218
that nature is guilty of criminal trespass in violation of 42219
division (A)(4) of section 2911.21 of the Revised Code and is 42220
guilty of a misdemeanor of the fourth degree. If a person 42221
knowingly violates a posted prohibition of that nature and the 42222
posted land or premises primarily was a parking lot or other 42223
parking facility, the person is not guilty of criminal trespass in 42224
violation of division (A)(4) of section 2911.21 of the Revised 42225
Code and instead is subject only to a civil cause of action for 42226
trespass based on the violation. 42227

(b) A landlord may not prohibit or restrict a tenant who is a 42228
licensee and who on or after September 9, 2008, enters into a 42229
rental agreement with the landlord for the use of residential 42230
premises, and the tenant's guest while the tenant is present, from 42231

lawfully carrying or possessing a handgun on those residential 42232
premises. 42233

(c) As used in division (C)(3) of this section: 42234

(i) "Residential premises" has the same meaning as in section 42235
5321.01 of the Revised Code, except "residential premises" does 42236
not include a dwelling unit that is owned or operated by a college 42237
or university. 42238

(ii) "Landlord," "tenant," and "rental agreement" have the 42239
same meanings as in section 5321.01 of the Revised Code. 42240

(D) A person who holds a concealed handgun license issued by 42241
another state that is recognized by the attorney general pursuant 42242
to a reciprocity agreement entered into pursuant to section 109.69 42243
of the Revised Code has the same right to carry a concealed 42244
handgun in this state as a person who was issued a concealed 42245
handgun license under section 2923.125 of the Revised Code and is 42246
subject to the same restrictions that apply to a person who 42247
carries a license issued under that section. 42248

(E) A peace officer has the same right to carry a concealed 42249
handgun in this state as a person who was issued a concealed 42250
handgun license under section 2923.125 of the Revised Code. For 42251
purposes of reciprocity with other states, a peace officer shall 42252
be considered to be a licensee in this state. 42253

(F)(1) A qualified retired peace officer who possesses a 42254
retired peace officer identification card issued pursuant to 42255
division (F)(2) of this section and a valid firearms 42256
requalification certification issued pursuant to division (F)(3) 42257
of this section has the same right to carry a concealed handgun in 42258
this state as a person who was issued a concealed handgun license 42259
under section 2923.125 of the Revised Code and is subject to the 42260
same restrictions that apply to a person who carries a license 42261
issued under that section. For purposes of reciprocity with other 42262

states, a qualified retired peace officer who possesses a retired 42263
peace officer identification card issued pursuant to division 42264
(F)(2) of this section and a valid firearms requalification 42265
certification issued pursuant to division (F)(3) of this section 42266
shall be considered to be a licensee in this state. 42267

(2)(a) Each public agency of this state or of a political 42268
subdivision of this state that is served by one or more peace 42269
officers shall issue a retired peace officer identification card 42270
to any person who retired from service as a peace officer with 42271
that agency, if the issuance is in accordance with the agency's 42272
policies and procedures and if the person, with respect to the 42273
person's service with that agency, satisfies all of the following: 42274

(i) The person retired in good standing from service as a 42275
peace officer with the public agency, and the retirement was not 42276
for reasons of mental instability. 42277

(ii) Before retiring from service as a peace officer with 42278
that agency, the person was authorized to engage in or supervise 42279
the prevention, detection, investigation, or prosecution of, or 42280
the incarceration of any person for, any violation of law and the 42281
person had statutory powers of arrest. 42282

(iii) At the time of the person's retirement as a peace 42283
officer with that agency, the person was trained and qualified to 42284
carry firearms in the performance of the peace officer's duties. 42285

(iv) Before retiring from service as a peace officer with 42286
that agency, the person was regularly employed as a peace officer 42287
for an aggregate of fifteen years or more, or, in the alternative, 42288
the person retired from service as a peace officer with that 42289
agency, after completing any applicable probationary period of 42290
that service, due to a service-connected disability, as determined 42291
by the agency. 42292

(b) A retired peace officer identification card issued to a 42293

person under division (F)(2)(a) of this section shall identify the 42294
person by name, contain a photograph of the person, identify the 42295
public agency of this state or of the political subdivision of 42296
this state from which the person retired as a peace officer and 42297
that is issuing the identification card, and specify that the 42298
person retired in good standing from service as a peace officer 42299
with the issuing public agency and satisfies the criteria set 42300
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 42301
addition to the required content specified in this division, a 42302
retired peace officer identification card issued to a person under 42303
division (F)(2)(a) of this section may include the firearms 42304
requalification certification described in division (F)(3) of this 42305
section, and if the identification card includes that 42306
certification, the identification card shall serve as the firearms 42307
requalification certification for the retired peace officer. If 42308
the issuing public agency issues credentials to active law 42309
enforcement officers who serve the agency, the agency may comply 42310
with division (F)(2)(a) of this section by issuing the same 42311
credentials to persons who retired from service as a peace officer 42312
with the agency and who satisfy the criteria set forth in 42313
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 42314
credentials so issued to retired peace officers are stamped with 42315
the word "RETIRED." 42316

(c) A public agency of this state or of a political 42317
subdivision of this state may charge persons who retired from 42318
service as a peace officer with the agency a reasonable fee for 42319
issuing to the person a retired peace officer identification card 42320
pursuant to division (F)(2)(a) of this section. 42321

(3) If a person retired from service as a peace officer with 42322
a public agency of this state or of a political subdivision of 42323
this state and the person satisfies the criteria set forth in 42324
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 42325

may provide the retired peace officer with the opportunity to 42326
attend a firearms requalification program that is approved for 42327
purposes of firearms requalification required under section 42328
109.801 of the Revised Code. The retired peace officer may be 42329
required to pay the cost of the course. 42330

If a retired peace officer who satisfies the criteria set 42331
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 42332
firearms requalification program that is approved for purposes of 42333
firearms requalification required under section 109.801 of the 42334
Revised Code, the retired peace officer's successful completion of 42335
the firearms requalification program requalifies the retired peace 42336
officer for purposes of division (F) of this section for five 42337
years from the date on which the program was successfully 42338
completed, and the requalification is valid during that five-year 42339
period. If a retired peace officer who satisfies the criteria set 42340
forth in divisions (F)(2)(a)(i) to (iv) of this section 42341
satisfactorily completes such a firearms requalification program, 42342
the retired peace officer shall be issued a firearms 42343
requalification certification that identifies the retired peace 42344
officer by name, identifies the entity that taught the program, 42345
specifies that the retired peace officer successfully completed 42346
the program, specifies the date on which the course was 42347
successfully completed, and specifies that the requalification is 42348
valid for five years from that date of successful completion. The 42349
firearms requalification certification for a retired peace officer 42350
may be included in the retired peace officer identification card 42351
issued to the retired peace officer under division (F)(2) of this 42352
section. 42353

A retired peace officer who attends a firearms 42354
requalification program that is approved for purposes of firearms 42355
requalification required under section 109.801 of the Revised Code 42356
may be required to pay the cost of the program. 42357

(G) As used in this section:	42358
(1) "Qualified retired peace officer" means a person who satisfies all of the following:	42359 42360
(a) The person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (v) of this section.	42361 42362
(b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.	42363 42364
(c) The person is not prohibited by federal law from receiving firearms.	42365 42366
(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F)(2) of this section to a person who is a retired peace officer.	42367 42368 42369
(3) "Government facility of this state or a political subdivision of this state" means any of the following:	42370 42371
(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;	42372 42373 42374 42375 42376 42377
(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.	42378 42379 42380
Sec. 2925.03. (A) No person shall knowingly do any of the following:	42381 42382
(1) Sell or offer to sell a controlled substance or a controlled substance analog;	42383 42384
(2) Prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance or a	42385 42386

controlled substance analog, when the offender knows or has 42387
reasonable cause to believe that the controlled substance or a 42388
controlled substance analog is intended for sale or resale by the 42389
offender or another person. 42390

(B) This section does not apply to any of the following: 42391

(1) Manufacturers, licensed health professionals authorized 42392
to prescribe drugs, pharmacists, owners of pharmacies, and other 42393
persons whose conduct is in accordance with Chapters 3719., 4715., 42394
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 42395

(2) If the offense involves an anabolic steroid, any person 42396
who is conducting or participating in a research project involving 42397
the use of an anabolic steroid if the project has been approved by 42398
the United States food and drug administration; 42399

(3) Any person who sells, offers for sale, prescribes, 42400
dispenses, or administers for livestock or other nonhuman species 42401
an anabolic steroid that is expressly intended for administration 42402
through implants to livestock or other nonhuman species and 42403
approved for that purpose under the "Federal Food, Drug, and 42404
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 42405
and is sold, offered for sale, prescribed, dispensed, or 42406
administered for that purpose in accordance with that act. 42407

(C) Whoever violates division (A) of this section is guilty 42408
of one of the following: 42409

(1) If the drug involved in the violation is any compound, 42410
mixture, preparation, or substance included in schedule I or 42411
schedule II, with the exception of marihuana, cocaine, L.S.D., 42412
heroin, hashish, and controlled substance analogs, whoever 42413
violates division (A) of this section is guilty of aggravated 42414
trafficking in drugs. The penalty for the offense shall be 42415
determined as follows: 42416

(a) Except as otherwise provided in division (C)(1)(b), (c), 42417

(d), (e), or (f) of this section, aggravated trafficking in drugs 42418
is a felony of the fourth degree, and division (C) of section 42419
2929.13 of the Revised Code applies in determining whether to 42420
impose a prison term on the offender. 42421

(b) Except as otherwise provided in division (C)(1)(c), (d), 42422
(e), or (f) of this section, if the offense was committed in the 42423
vicinity of a school or in the vicinity of a juvenile, aggravated 42424
trafficking in drugs is a felony of the third degree, and division 42425
(C) of section 2929.13 of the Revised Code applies in determining 42426
whether to impose a prison term on the offender. 42427

(c) Except as otherwise provided in this division, if the 42428
amount of the drug involved equals or exceeds the bulk amount but 42429
is less than five times the bulk amount, aggravated trafficking in 42430
drugs is a felony of the third degree, and, except as otherwise 42431
provided in this division, there is a presumption for a prison 42432
term for the offense. If aggravated trafficking in drugs is a 42433
felony of the third degree under this division and if the offender 42434
two or more times previously has been convicted of or pleaded 42435
guilty to a felony drug abuse offense, the court shall impose as a 42436
mandatory prison term one of the prison terms prescribed for a 42437
felony of the third degree. If the amount of the drug involved is 42438
within that range and if the offense was committed in the vicinity 42439
of a school or in the vicinity of a juvenile, aggravated 42440
trafficking in drugs is a felony of the second degree, and the 42441
court shall impose as a mandatory prison term one of the prison 42442
terms prescribed for a felony of the second degree. 42443

(d) Except as otherwise provided in this division, if the 42444
amount of the drug involved equals or exceeds five times the bulk 42445
amount but is less than fifty times the bulk amount, aggravated 42446
trafficking in drugs is a felony of the second degree, and the 42447
court shall impose as a mandatory prison term one of the prison 42448
terms prescribed for a felony of the second degree. If the amount 42449

of the drug involved is within that range and if the offense was 42450
committed in the vicinity of a school or in the vicinity of a 42451
juvenile, aggravated trafficking in drugs is a felony of the first 42452
degree, and the court shall impose as a mandatory prison term one 42453
of the prison terms prescribed for a felony of the first degree. 42454

(e) If the amount of the drug involved equals or exceeds 42455
fifty times the bulk amount but is less than one hundred times the 42456
bulk amount and regardless of whether the offense was committed in 42457
the vicinity of a school or in the vicinity of a juvenile, 42458
aggravated trafficking in drugs is a felony of the first degree, 42459
and the court shall impose as a mandatory prison term one of the 42460
prison terms prescribed for a felony of the first degree. 42461

(f) If the amount of the drug involved equals or exceeds one 42462
hundred times the bulk amount and regardless of whether the 42463
offense was committed in the vicinity of a school or in the 42464
vicinity of a juvenile, aggravated trafficking in drugs is a 42465
felony of the first degree, the offender is a major drug offender, 42466
and the court shall impose as a mandatory prison term the maximum 42467
prison term prescribed for a felony of the first degree. 42468

(2) If the drug involved in the violation is any compound, 42469
mixture, preparation, or substance included in schedule III, IV, 42470
or V, whoever violates division (A) of this section is guilty of 42471
trafficking in drugs. The penalty for the offense shall be 42472
determined as follows: 42473

(a) Except as otherwise provided in division (C)(2)(b), (c), 42474
(d), or (e) of this section, trafficking in drugs is a felony of 42475
the fifth degree, and division (B) of section 2929.13 of the 42476
Revised Code applies in determining whether to impose a prison 42477
term on the offender. 42478

(b) Except as otherwise provided in division (C)(2)(c), (d), 42479
or (e) of this section, if the offense was committed in the 42480

vicinity of a school or in the vicinity of a juvenile, trafficking 42481
in drugs is a felony of the fourth degree, and division (C) of 42482
section 2929.13 of the Revised Code applies in determining whether 42483
to impose a prison term on the offender. 42484

(c) Except as otherwise provided in this division, if the 42485
amount of the drug involved equals or exceeds the bulk amount but 42486
is less than five times the bulk amount, trafficking in drugs is a 42487
felony of the fourth degree, and division (B) of section 2929.13 42488
of the Revised Code applies in determining whether to impose a 42489
prison term for the offense. If the amount of the drug involved is 42490
within that range and if the offense was committed in the vicinity 42491
of a school or in the vicinity of a juvenile, trafficking in drugs 42492
is a felony of the third degree, and there is a presumption for a 42493
prison term for the offense. 42494

(d) Except as otherwise provided in this division, if the 42495
amount of the drug involved equals or exceeds five times the bulk 42496
amount but is less than fifty times the bulk amount, trafficking 42497
in drugs is a felony of the third degree, and there is a 42498
presumption for a prison term for the offense. If the amount of 42499
the drug involved is within that range and if the offense was 42500
committed in the vicinity of a school or in the vicinity of a 42501
juvenile, trafficking in drugs is a felony of the second degree, 42502
and there is a presumption for a prison term for the offense. 42503

(e) Except as otherwise provided in this division, if the 42504
amount of the drug involved equals or exceeds fifty times the bulk 42505
amount, trafficking in drugs is a felony of the second degree, and 42506
the court shall impose as a mandatory prison term one of the 42507
prison terms prescribed for a felony of the second degree. If the 42508
amount of the drug involved equals or exceeds fifty times the bulk 42509
amount and if the offense was committed in the vicinity of a 42510
school or in the vicinity of a juvenile, trafficking in drugs is a 42511
felony of the first degree, and the court shall impose as a 42512

mandatory prison term one of the prison terms prescribed for a 42513
felony of the first degree. 42514

(3) If the drug involved in the violation is marihuana or a 42515
compound, mixture, preparation, or substance containing marihuana 42516
other than hashish, whoever violates division (A) of this section 42517
is guilty of trafficking in marihuana. The penalty for the offense 42518
shall be determined as follows: 42519

(a) Except as otherwise provided in division (C)(3)(b), (c), 42520
(d), (e), (f), (g), or (h) of this section, trafficking in 42521
marihuana is a felony of the fifth degree, and division (B) of 42522
section 2929.13 of the Revised Code applies in determining whether 42523
to impose a prison term on the offender. 42524

(b) Except as otherwise provided in division (C)(3)(c), (d), 42525
(e), (f), (g), or (h) of this section, if the offense was 42526
committed in the vicinity of a school or in the vicinity of a 42527
juvenile, trafficking in marihuana is a felony of the fourth 42528
degree, and division (B) of section 2929.13 of the Revised Code 42529
applies in determining whether to impose a prison term on the 42530
offender. 42531

(c) Except as otherwise provided in this division, if the 42532
amount of the drug involved equals or exceeds two hundred grams 42533
but is less than one thousand grams, trafficking in marihuana is a 42534
felony of the fourth degree, and division (B) of section 2929.13 42535
of the Revised Code applies in determining whether to impose a 42536
prison term on the offender. If the amount of the drug involved is 42537
within that range and if the offense was committed in the vicinity 42538
of a school or in the vicinity of a juvenile, trafficking in 42539
marihuana is a felony of the third degree, and division (C) of 42540
section 2929.13 of the Revised Code applies in determining whether 42541
to impose a prison term on the offender. 42542

(d) Except as otherwise provided in this division, if the 42543

amount of the drug involved equals or exceeds one thousand grams 42544
but is less than five thousand grams, trafficking in marihuana is 42545
a felony of the third degree, and division (C) of section 2929.13 42546
of the Revised Code applies in determining whether to impose a 42547
prison term on the offender. If the amount of the drug involved is 42548
within that range and if the offense was committed in the vicinity 42549
of a school or in the vicinity of a juvenile, trafficking in 42550
marihuana is a felony of the second degree, and there is a 42551
presumption that a prison term shall be imposed for the offense. 42552

(e) Except as otherwise provided in this division, if the 42553
amount of the drug involved equals or exceeds five thousand grams 42554
but is less than twenty thousand grams, trafficking in marihuana 42555
is a felony of the third degree, and there is a presumption that a 42556
prison term shall be imposed for the offense. If the amount of the 42557
drug involved is within that range and if the offense was 42558
committed in the vicinity of a school or in the vicinity of a 42559
juvenile, trafficking in marihuana is a felony of the second 42560
degree, and there is a presumption that a prison term shall be 42561
imposed for the offense. 42562

(f) Except as otherwise provided in this division, if the 42563
amount of the drug involved equals or exceeds twenty thousand 42564
grams but is less than forty thousand grams, trafficking in 42565
marihuana is a felony of the second degree, and the court shall 42566
impose a mandatory prison term of five, six, seven, or eight 42567
years. If the amount of the drug involved is within that range and 42568
if the offense was committed in the vicinity of a school or in the 42569
vicinity of a juvenile, trafficking in marihuana is a felony of 42570
the first degree, and the court shall impose as a mandatory prison 42571
term the maximum prison term prescribed for a felony of the first 42572
degree. 42573

(g) Except as otherwise provided in this division, if the 42574
amount of the drug involved equals or exceeds forty thousand 42575

grams, trafficking in marihuana is a felony of the second degree, 42576
and the court shall impose as a mandatory prison term the maximum 42577
prison term prescribed for a felony of the second degree. If the 42578
amount of the drug involved equals or exceeds forty thousand grams 42579
and if the offense was committed in the vicinity of a school or in 42580
the vicinity of a juvenile, trafficking in marihuana is a felony 42581
of the first degree, and the court shall impose as a mandatory 42582
prison term the maximum prison term prescribed for a felony of the 42583
first degree. 42584

(h) Except as otherwise provided in this division, if the 42585
offense involves a gift of twenty grams or less of marihuana, 42586
trafficking in marihuana is a minor misdemeanor upon a first 42587
offense and a misdemeanor of the third degree upon a subsequent 42588
offense. If the offense involves a gift of twenty grams or less of 42589
marihuana and if the offense was committed in the vicinity of a 42590
school or in the vicinity of a juvenile, trafficking in marihuana 42591
is a misdemeanor of the third degree. 42592

(4) If the drug involved in the violation is cocaine or a 42593
compound, mixture, preparation, or substance containing cocaine, 42594
whoever violates division (A) of this section is guilty of 42595
trafficking in cocaine. The penalty for the offense shall be 42596
determined as follows: 42597

(a) Except as otherwise provided in division (C)(4)(b), (c), 42598
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 42599
felony of the fifth degree, and division (B) of section 2929.13 of 42600
the Revised Code applies in determining whether to impose a prison 42601
term on the offender. 42602

(b) Except as otherwise provided in division (C)(4)(c), (d), 42603
(e), (f), or (g) of this section, if the offense was committed in 42604
the vicinity of a school or in the vicinity of a juvenile, 42605
trafficking in cocaine is a felony of the fourth degree, and 42606
division (C) of section 2929.13 of the Revised Code applies in 42607

determining whether to impose a prison term on the offender. 42608

(c) Except as otherwise provided in this division, if the 42609
amount of the drug involved equals or exceeds five grams but is 42610
less than ten grams of cocaine, trafficking in cocaine is a felony 42611
of the fourth degree, and division (B) of section 2929.13 of the 42612
Revised Code applies in determining whether to impose a prison 42613
term for the offense. If the amount of the drug involved is within 42614
that range and if the offense was committed in the vicinity of a 42615
school or in the vicinity of a juvenile, trafficking in cocaine is 42616
a felony of the third degree, and there is a presumption for a 42617
prison term for the offense. 42618

(d) Except as otherwise provided in this division, if the 42619
amount of the drug involved equals or exceeds ten grams but is 42620
less than twenty grams of cocaine, trafficking in cocaine is a 42621
felony of the third degree, and, except as otherwise provided in 42622
this division, there is a presumption for a prison term for the 42623
offense. If trafficking in cocaine is a felony of the third degree 42624
under this division and if the offender two or more times 42625
previously has been convicted of or pleaded guilty to a felony 42626
drug abuse offense, the court shall impose as a mandatory prison 42627
term one of the prison terms prescribed for a felony of the third 42628
degree. If the amount of the drug involved is within that range 42629
and if the offense was committed in the vicinity of a school or in 42630
the vicinity of a juvenile, trafficking in cocaine is a felony of 42631
the second degree, and the court shall impose as a mandatory 42632
prison term one of the prison terms prescribed for a felony of the 42633
second degree. 42634

(e) Except as otherwise provided in this division, if the 42635
amount of the drug involved equals or exceeds twenty grams but is 42636
less than twenty-seven grams of cocaine, trafficking in cocaine is 42637
a felony of the second degree, and the court shall impose as a 42638
mandatory prison term one of the prison terms prescribed for a 42639

felony of the second degree. If the amount of the drug involved is 42640
within that range and if the offense was committed in the vicinity 42641
of a school or in the vicinity of a juvenile, trafficking in 42642
cocaine is a felony of the first degree, and the court shall 42643
impose as a mandatory prison term one of the prison terms 42644
prescribed for a felony of the first degree. 42645

(f) If the amount of the drug involved equals or exceeds 42646
twenty-seven grams but is less than one hundred grams of cocaine 42647
and regardless of whether the offense was committed in the 42648
vicinity of a school or in the vicinity of a juvenile, trafficking 42649
in cocaine is a felony of the first degree, and the court shall 42650
impose as a mandatory prison term one of the prison terms 42651
prescribed for a felony of the first degree. 42652

(g) If the amount of the drug involved equals or exceeds one 42653
hundred grams of cocaine and regardless of whether the offense was 42654
committed in the vicinity of a school or in the vicinity of a 42655
juvenile, trafficking in cocaine is a felony of the first degree, 42656
the offender is a major drug offender, and the court shall impose 42657
as a mandatory prison term the maximum prison term prescribed for 42658
a felony of the first degree. 42659

(5) If the drug involved in the violation is L.S.D. or a 42660
compound, mixture, preparation, or substance containing L.S.D., 42661
whoever violates division (A) of this section is guilty of 42662
trafficking in L.S.D. The penalty for the offense shall be 42663
determined as follows: 42664

(a) Except as otherwise provided in division (C)(5)(b), (c), 42665
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 42666
felony of the fifth degree, and division (B) of section 2929.13 of 42667
the Revised Code applies in determining whether to impose a prison 42668
term on the offender. 42669

(b) Except as otherwise provided in division (C)(5)(c), (d), 42670

(e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in L.S.D. is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty-five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of L.S.D. in a solid form or equals or exceeds one hundred grams but is less than five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form and regardless of whether the

offense was committed in the vicinity of a school or in the 42735
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 42736
first degree, the offender is a major drug offender, and the court 42737
shall impose as a mandatory prison term the maximum prison term 42738
prescribed for a felony of the first degree. 42739

(6) If the drug involved in the violation is heroin or a 42740
compound, mixture, preparation, or substance containing heroin, 42741
whoever violates division (A) of this section is guilty of 42742
trafficking in heroin. The penalty for the offense shall be 42743
determined as follows: 42744

(a) Except as otherwise provided in division (C)(6)(b), (c), 42745
(d), (e), (f), or (g) of this section, trafficking in heroin is a 42746
felony of the fifth degree, and division (B) of section 2929.13 of 42747
the Revised Code applies in determining whether to impose a prison 42748
term on the offender. 42749

(b) Except as otherwise provided in division (C)(6)(c), (d), 42750
(e), (f), or (g) of this section, if the offense was committed in 42751
the vicinity of a school or in the vicinity of a juvenile, 42752
trafficking in heroin is a felony of the fourth degree, and 42753
division (C) of section 2929.13 of the Revised Code applies in 42754
determining whether to impose a prison term on the offender. 42755

(c) Except as otherwise provided in this division, if the 42756
amount of the drug involved equals or exceeds ten unit doses but 42757
is less than fifty unit doses or equals or exceeds one gram but is 42758
less than five grams, trafficking in heroin is a felony of the 42759
fourth degree, and division (B) of section 2929.13 of the Revised 42760
Code applies in determining whether to impose a prison term for 42761
the offense. If the amount of the drug involved is within that 42762
range and if the offense was committed in the vicinity of a school 42763
or in the vicinity of a juvenile, trafficking in heroin is a 42764
felony of the third degree, and there is a presumption for a 42765
prison term for the offense. 42766

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than two thousand five hundred unit doses or equals or exceeds fifty grams but is less than two hundred fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds two thousand five hundred unit doses or equals or exceeds two hundred

fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(7) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates division (A) of this section is guilty of trafficking in hashish. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(7)(b), (c), (d), (e), (f), or (g) of this section, trafficking in hashish is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(7)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the

vicinity of a juvenile, trafficking in hashish is a felony of the 42831
third degree, and division (C) of section 2929.13 of the Revised 42832
Code applies in determining whether to impose a prison term on the 42833
offender. 42834

(d) Except as otherwise provided in this division, if the 42835
amount of the drug involved equals or exceeds fifty grams but is 42836
less than two hundred fifty grams of hashish in a solid form or 42837
equals or exceeds ten grams but is less than fifty grams of 42838
hashish in a liquid concentrate, liquid extract, or liquid 42839
distillate form, trafficking in hashish is a felony of the third 42840
degree, and division (C) of section 2929.13 of the Revised Code 42841
applies in determining whether to impose a prison term on the 42842
offender. If the amount of the drug involved is within that range 42843
and if the offense was committed in the vicinity of a school or in 42844
the vicinity of a juvenile, trafficking in hashish is a felony of 42845
the second degree, and there is a presumption that a prison term 42846
shall be imposed for the offense. 42847

(e) Except as otherwise provided in this division, if the 42848
amount of the drug involved equals or exceeds two hundred fifty 42849
grams but is less than one thousand grams of hashish in a solid 42850
form or equals or exceeds fifty grams but is less than two hundred 42851
grams of hashish in a liquid concentrate, liquid extract, or 42852
liquid distillate form, trafficking in hashish is a felony of the 42853
third degree, and there is a presumption that a prison term shall 42854
be imposed for the offense. If the amount of the drug involved is 42855
within that range and if the offense was committed in the vicinity 42856
of a school or in the vicinity of a juvenile, trafficking in 42857
hashish is a felony of the second degree, and there is a 42858
presumption that a prison term shall be imposed for the offense. 42859

(f) Except as otherwise provided in this division, if the 42860
amount of the drug involved equals or exceeds one thousand grams 42861
but is less than two thousand grams of hashish in a solid form or 42862

equals or exceeds two hundred grams but is less than four hundred 42863
grams of hashish in a liquid concentrate, liquid extract, or 42864
liquid distillate form, trafficking in hashish is a felony of the 42865
second degree, and the court shall impose a mandatory prison term 42866
of five, six, seven, or eight years. If the amount of the drug 42867
involved is within that range and if the offense was committed in 42868
the vicinity of a school or in the vicinity of a juvenile, 42869
trafficking in hashish is a felony of the first degree, and the 42870
court shall impose as a mandatory prison term the maximum prison 42871
term prescribed for a felony of the first degree. 42872

(g) Except as otherwise provided in this division, if the 42873
amount of the drug involved equals or exceeds two thousand grams 42874
of hashish in a solid form or equals or exceeds four hundred grams 42875
of hashish in a liquid concentrate, liquid extract, or liquid 42876
distillate form, trafficking in hashish is a felony of the second 42877
degree, and the court shall impose as a mandatory prison term the 42878
maximum prison term prescribed for a felony of the second degree. 42879
If the amount of the drug involved equals or exceeds two thousand 42880
grams of hashish in a solid form or equals or exceeds four hundred 42881
grams of hashish in a liquid concentrate, liquid extract, or 42882
liquid distillate form and if the offense was committed in the 42883
vicinity of a school or in the vicinity of a juvenile, trafficking 42884
in hashish is a felony of the first degree, and the court shall 42885
impose as a mandatory prison term the maximum prison term 42886
prescribed for a felony of the first degree. 42887

(8) If the drug involved in the violation is a controlled 42888
substance analog or compound, mixture, preparation, or substance 42889
that contains a controlled substance analog, whoever violates 42890
division (A) of this section is guilty of trafficking in a 42891
controlled substance analog. The penalty for the offense shall be 42892
determined as follows: 42893

(a) Except as otherwise provided in division (C)(8)(b), (c), 42894

(d), (e), (f), or (g) of this section, trafficking in a controlled substance analog is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(8)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than twenty grams, trafficking in a controlled substance analog is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than thirty grams, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, trafficking in a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(D) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of

this section shall do all of the following that are applicable 42959
regarding the offender: 42960

(1) If the violation of division (A) of this section is a 42961
felony of the first, second, or third degree, the court shall 42962
impose upon the offender the mandatory fine specified for the 42963
offense under division (B)(1) of section 2929.18 of the Revised 42964
Code unless, as specified in that division, the court determines 42965
that the offender is indigent. Except as otherwise provided in 42966
division (H)(1) of this section, a mandatory fine or any other 42967
fine imposed for a violation of this section is subject to 42968
division (F) of this section. If a person is charged with a 42969
violation of this section that is a felony of the first, second, 42970
or third degree, posts bail, and forfeits the bail, the clerk of 42971
the court shall pay the forfeited bail pursuant to divisions 42972
(D)(1) and (F) of this section, as if the forfeited bail was a 42973
fine imposed for a violation of this section. If any amount of the 42974
forfeited bail remains after that payment and if a fine is imposed 42975
under division (H)(1) of this section, the clerk of the court 42976
shall pay the remaining amount of the forfeited bail pursuant to 42977
divisions (H)(2) and (3) of this section, as if that remaining 42978
amount was a fine imposed under division (H)(1) of this section. 42979

(2) The court shall suspend the driver's or commercial 42980
driver's license or permit of the offender in accordance with 42981
division (G) of this section. 42982

(3) If the offender is a professionally licensed person, the 42983
court immediately shall comply with section 2925.38 of the Revised 42984
Code. 42985

(E) When a person is charged with the sale of or offer to 42986
sell a bulk amount or a multiple of a bulk amount of a controlled 42987
substance, the jury, or the court trying the accused, shall 42988
determine the amount of the controlled substance involved at the 42989
time of the offense and, if a guilty verdict is returned, shall 42990

return the findings as part of the verdict. In any such case, it 42991
is unnecessary to find and return the exact amount of the 42992
controlled substance involved, and it is sufficient if the finding 42993
and return is to the effect that the amount of the controlled 42994
substance involved is the requisite amount, or that the amount of 42995
the controlled substance involved is less than the requisite 42996
amount. 42997

(F)(1) Notwithstanding any contrary provision of section 42998
3719.21 of the Revised Code and except as provided in division (H) 42999
of this section, the clerk of the court shall pay any mandatory 43000
fine imposed pursuant to division (D)(1) of this section and any 43001
fine other than a mandatory fine that is imposed for a violation 43002
of this section pursuant to division (A) or (B)(5) of section 43003
2929.18 of the Revised Code to the county, township, municipal 43004
corporation, park district, as created pursuant to section 511.18 43005
or 1545.04 of the Revised Code, or state law enforcement agencies 43006
in this state that primarily were responsible for or involved in 43007
making the arrest of, and in prosecuting, the offender. However, 43008
the clerk shall not pay a mandatory fine so imposed to a law 43009
enforcement agency unless the agency has adopted a written 43010
internal control policy under division (F)(2) of this section that 43011
addresses the use of the fine moneys that it receives. Each agency 43012
shall use the mandatory fines so paid to subsidize the agency's 43013
law enforcement efforts that pertain to drug offenses, in 43014
accordance with the written internal control policy adopted by the 43015
recipient agency under division (F)(2) of this section. 43016

(2)~~(a)~~ Prior to receiving any fine moneys under division 43017
(F)(1) of this section or division (B) of section 2925.42 of the 43018
Revised Code, a law enforcement agency shall adopt a written 43019
internal control policy that addresses the agency's use and 43020
disposition of all fine moneys so received and that provides for 43021
the keeping of detailed financial records of the receipts of those 43022

fine moneys, the general types of expenditures made out of those 43023
fine moneys, and the specific amount of each general type of 43024
expenditure. The policy shall not provide for or permit the 43025
identification of any specific expenditure that is made in an 43026
ongoing investigation. All financial records of the receipts of 43027
those fine moneys, the general types of expenditures made out of 43028
those fine moneys, and the specific amount of each general type of 43029
expenditure by an agency are public records open for inspection 43030
under section 149.43 of the Revised Code. Additionally, a written 43031
internal control policy adopted under this division is such a 43032
public record, and the agency that adopted it shall comply with 43033
it. 43034

~~(b) Each law enforcement agency that receives in any calendar 43035
year any fine moneys under division (F)(1) of this section or 43036
division (B) of section 2925.42 of the Revised Code shall prepare 43037
a report covering the calendar year that cumulates all of the 43038
information contained in all of the public financial records kept 43039
by the agency pursuant to division (F)(2)(a) of this section for 43040
that calendar year, and shall send a copy of the cumulative 43041
report, no later than the first day of March in the calendar year 43042
following the calendar year covered by the report, to the attorney 43043
general. Each report received by the attorney general is a public 43044
record open for inspection under section 149.43 of the Revised 43045
Code. Not later than the fifteenth day of April in the calendar 43046
year in which the reports are received, the attorney general shall 43047
send to the president of the senate and the speaker of the house 43048
of representatives a written notification that does all of the 43049
following:~~ 43050

~~(i) Indicates that the attorney general has received from law 43051
enforcement agencies reports of the type described in this 43052
division that cover the previous calendar year and indicates that 43053
the reports were received under this division;~~ 43054

~~(ii) Indicates that the reports are open for inspection under section 149.43 of the Revised Code;~~ 43055
43056

~~(iii) Indicates that the attorney general will provide a copy of any or all of the reports to the president of the senate or the speaker of the house of representatives upon request.~~ 43057
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43059

(3) As used in division (F) of this section: 43060

(a) "Law enforcement agencies" includes, but is not limited to, the state board of pharmacy and the office of a prosecutor. 43061
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(b) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 43063
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(G) When required under division (D)(2) of this section or any other provision of this chapter, the court shall suspend for not less than six months or more than five years the driver's or commercial driver's license or permit of any person who is convicted of or pleads guilty to any violation of this section or any other specified provision of this chapter. If an offender's driver's or commercial driver's license or permit is suspended pursuant to this division, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed or from the day on which the offender finally was released from a prison term under the sentence, whichever is later, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the suspension. 43065
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(H)(1) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, in addition to any other penalty or sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, and in addition to the forfeiture of property in connection with the offense as prescribed in Chapter 43080
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2981. of the Revised Code, the court that sentences an offender 43086
who is convicted of or pleads guilty to a violation of division 43087
(A) of this section may impose upon the offender an additional 43088
fine specified for the offense in division (B)(4) of section 43089
2929.18 of the Revised Code. A fine imposed under division (H)(1) 43090
of this section is not subject to division (F) of this section and 43091
shall be used solely for the support of one or more eligible 43092
~~alcohol and drug~~ community addiction ~~programs~~ services provider in 43093
accordance with divisions (H)(2) and (3) of this section. 43094

(2) The court that imposes a fine under division (H)(1) of 43095
this section shall specify in the judgment that imposes the fine 43096
one or more eligible ~~alcohol and drug~~ community addiction ~~programs~~ 43097
services provider for the support of which the fine money is to be 43098
used. No ~~alcohol and drug~~ community addiction ~~program~~ services 43099
provider shall receive or use money paid or collected in 43100
satisfaction of a fine imposed under division (H)(1) of this 43101
section unless the ~~program~~ services provider is specified in the 43102
judgment that imposes the fine. No ~~alcohol and drug~~ community 43103
addiction ~~program~~ services provider shall be specified in the 43104
judgment unless the ~~program~~ services provider is an eligible 43105
~~alcohol and drug~~ community addiction ~~program~~ services provider 43106
and, except as otherwise provided in division (H)(2) of this 43107
section, unless the ~~program~~ services provider is located in the 43108
county in which the court that imposes the fine is located or in a 43109
county that is immediately contiguous to the county in which that 43110
court is located. If no eligible ~~alcohol and drug~~ community 43111
addiction ~~program~~ services provider is located in any of those 43112
counties, the judgment may specify an eligible ~~alcohol and drug~~ 43113
community addiction ~~program~~ services provider that is located 43114
anywhere within this state. 43115

(3) Notwithstanding any contrary provision of section 3719.21 43116
of the Revised Code, the clerk of the court shall pay any fine 43117

imposed under division (H)(1) of this section to the eligible 43118
~~alcohol and drug~~ community addiction ~~program~~ services provider 43119
specified pursuant to division (H)(2) of this section in the 43120
judgment. The eligible ~~alcohol and drug~~ community addiction 43121
~~program~~ services provider that receives the fine moneys shall use 43122
the moneys only for the alcohol and drug addiction services 43123
identified in the application for certification under section 43124
~~3793.06~~ 5119.36 of the Revised Code or in the application for a 43125
license under section ~~3793.11~~ 5119.39 of the Revised Code filed 43126
with the department of ~~alcohol and drug~~ addiction services mental 43127
health and addiction services by the ~~alcohol and drug~~ community 43128
addiction ~~program~~ services provider specified in the judgment. 43129

(4) Each ~~alcohol and drug~~ community addiction ~~program~~ 43130
services provider that receives in a calendar year any fine moneys 43131
under division (H)(3) of this section shall file an annual report 43132
covering that calendar year with the court of common pleas and the 43133
board of county commissioners of the county in which the ~~program~~ 43134
services provider is located, with the court of common pleas and 43135
the board of county commissioners of each county from which the 43136
~~program~~ services provider received the moneys if that county is 43137
different from the county in which the ~~program~~ services provider 43138
is located, and with the attorney general. The ~~alcohol and drug~~ 43139
community addiction ~~program~~ services provider shall file the 43140
report no later than the first day of March in the calendar year 43141
following the calendar year in which the ~~program~~ services provider 43142
received the fine moneys. The report shall include statistics on 43143
the number of persons served by the ~~alcohol and drug~~ community 43144
addiction ~~program~~ services provider, identify the types of alcohol 43145
and drug addiction services provided to those persons, and include 43146
a specific accounting of the purposes for which the fine moneys 43147
received were used. No information contained in the report shall 43148
identify, or enable a person to determine the identity of, any 43149
person served by the ~~alcohol and drug~~ community addiction ~~program~~ 43150

services provider. Each report received by a court of common 43151
pleas, a board of county commissioners, or the attorney general is 43152
a public record open for inspection under section 149.43 of the 43153
Revised Code. 43154

(5) As used in divisions (H)(1) to (5) of this section: 43155

(a) "~~Alcohol and drug~~ Community addiction program services 43156
provider" and "alcohol and drug addiction services" have the same 43157
meanings as in section ~~3793.01~~ 5119.01 of the Revised Code. 43158

(b) "~~Eligible alcohol and drug~~ community addiction program 43159
services provider" means ~~an alcohol and drug~~ a community addiction 43160
~~program services provider~~ that is certified under section ~~3793.06~~ 43161
5119.36 of the Revised Code or licensed under section ~~3793.11~~ 43162
5119.39 of the Revised Code by the department of ~~alcohol and drug~~ 43163
~~addiction services~~ mental health and addiction services. 43164

(I) As used in this section, "drug" includes any substance 43165
that is represented to be a drug. 43166

(J) It is an affirmative defense to a charge of trafficking 43167
in a controlled substance analog under division (C)(8) of this 43168
section that the person charged with violating that offense sold 43169
or offered to sell, or prepared for shipment, shipped, 43170
transported, delivered, prepared for distribution, or distributed 43171
an item described in division (HH)(2)(a), (b), or (c) of section 43172
3719.01 of the Revised Code. 43173

Sec. 2929.15. (A)(1) If in sentencing an offender for a 43174
felony the court is not required to impose a prison term, a 43175
mandatory prison term, or a term of life imprisonment upon the 43176
offender, the court may directly impose a sentence that consists 43177
of one or more community control sanctions authorized pursuant to 43178
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 43179
court is sentencing an offender for a fourth degree felony OVI 43180

offense under division (G)(1) of section 2929.13 of the Revised Code, in addition to the mandatory term of local incarceration imposed under that division and the mandatory fine required by division (B)(3) of section 2929.18 of the Revised Code, the court may impose upon the offender a community control sanction or combination of community control sanctions in accordance with sections 2929.16 and 2929.17 of the Revised Code. If the court is sentencing an offender for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, in addition to the mandatory prison term or mandatory prison term and additional prison term imposed under that division, the court also may impose upon the offender a community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

The duration of all community control sanctions imposed upon an offender under this division shall not exceed five years. If the offender absconds or otherwise leaves the jurisdiction of the court in which the offender resides without obtaining permission from the court or the offender's probation officer to leave the jurisdiction of the court, or if the offender is confined in any institution for the commission of any offense while under a community control sanction, the period of the community control sanction ceases to run until the offender is brought before the court for its further action. If the court sentences the offender to one or more nonresidential sanctions under section 2929.17 of the Revised Code, the court shall impose as a condition of the nonresidential sanctions that, during the period of the sanctions, the offender must abide by the law and must not leave the state without the permission of the court or the offender's probation officer. The court may impose any other conditions of release under a community control sanction that the court considers

appropriate, including, but not limited to, requiring that the 43214
offender not ingest or be injected with a drug of abuse and submit 43215
to random drug testing as provided in division (D) of this section 43216
to determine whether the offender ingested or was injected with a 43217
drug of abuse and requiring that the results of the drug test 43218
indicate that the offender did not ingest or was not injected with 43219
a drug of abuse. 43220

(2)(a) If a court sentences an offender to any community 43221
control sanction or combination of community control sanctions 43222
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 43223
Revised Code, the court shall place the offender under the general 43224
control and supervision of a department of probation in the county 43225
that serves the court for purposes of reporting to the court a 43226
violation of any condition of the sanctions, any condition of 43227
release under a community control sanction imposed by the court, a 43228
violation of law, or the departure of the offender from this state 43229
without the permission of the court or the offender's probation 43230
officer. Alternatively, if the offender resides in another county 43231
and a county department of probation has been established in that 43232
county or that county is served by a multicounty probation 43233
department established under section 2301.27 of the Revised Code, 43234
the court may request the court of common pleas of that county to 43235
receive the offender into the general control and supervision of 43236
that county or multicounty department of probation for purposes of 43237
reporting to the court a violation of any condition of the 43238
sanctions, any condition of release under a community control 43239
sanction imposed by the court, a violation of law, or the 43240
departure of the offender from this state without the permission 43241
of the court or the offender's probation officer, subject to the 43242
jurisdiction of the trial judge over and with respect to the 43243
person of the offender, and to the rules governing that department 43244
of probation. 43245

If there is no department of probation in the county that 43246
serves the court, the court shall place the offender, regardless 43247
of the offender's county of residence, under the general control 43248
and supervision of the adult parole authority for purposes of 43249
reporting to the court a violation of any of the sanctions, any 43250
condition of release under a community control sanction imposed by 43251
the court, a violation of law, or the departure of the offender 43252
from this state without the permission of the court or the 43253
offender's probation officer. 43254

(b) If the court imposing sentence upon an offender sentences 43255
the offender to any community control sanction or combination of 43256
community control sanctions authorized pursuant to section 43257
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 43258
offender violates any condition of the sanctions, any condition of 43259
release under a community control sanction imposed by the court, 43260
violates any law, or departs the state without the permission of 43261
the court or the offender's probation officer, the public or 43262
private person or entity that operates or administers the sanction 43263
or the program or activity that comprises the sanction shall 43264
report the violation or departure directly to the sentencing 43265
court, or shall report the violation or departure to the county or 43266
multicounty department of probation with general control and 43267
supervision over the offender under division (A)(2)(a) of this 43268
section or the officer of that department who supervises the 43269
offender, or, if there is no such department with general control 43270
and supervision over the offender under that division, to the 43271
adult parole authority. If the public or private person or entity 43272
that operates or administers the sanction or the program or 43273
activity that comprises the sanction reports the violation or 43274
departure to the county or multicounty department of probation or 43275
the adult parole authority, the department's or authority's 43276
officers may treat the offender as if the offender were on 43277
probation and in violation of the probation, and shall report the 43278

violation of the condition of the sanction, any condition of 43279
release under a community control sanction imposed by the court, 43280
the violation of law, or the departure from the state without the 43281
required permission to the sentencing court. 43282

(3) If an offender who is eligible for community control 43283
sanctions under this section admits to being drug addicted or the 43284
court has reason to believe that the offender is drug addicted, 43285
and if the offense for which the offender is being sentenced was 43286
related to the addiction, the court may require that the offender 43287
be assessed by a properly credentialed professional within a 43288
specified period of time and shall require the professional to 43289
file a written assessment of the offender with the court. If a 43290
court imposes treatment and recovery support services as a 43291
community control sanction, the court shall direct the level and 43292
type of treatment and recovery support services after 43293
consideration of the written assessment, if available at the time 43294
of sentencing, and recommendations of the professional and other 43295
treatment and recovery support services providers. 43296

(4) If an assessment completed pursuant to division (A)(3) of 43297
this section indicates that the offender is addicted to drugs or 43298
alcohol, the court may include in any community control sanction 43299
imposed for a violation of section 2925.02, 2925.03, 2925.04, 43300
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 43301
2925.37 of the Revised Code a requirement that the offender 43302
participate in a treatment and recovery support services program 43303
certified under section ~~3793.06~~ 5119.36 of the Revised Code or 43304
offered by another properly credentialed ~~program~~ community 43305
addiction services provider. 43306

(B)(1) If the conditions of a community control sanction are 43307
violated or if the offender violates a law or leaves the state 43308
without the permission of the court or the offender's probation 43309
officer, the sentencing court may impose upon the violator one or 43310

more of the following penalties: 43311

(a) A longer time under the same sanction if the total time 43312
under the sanctions does not exceed the five-year limit specified 43313
in division (A) of this section; 43314

(b) A more restrictive sanction under section 2929.16, 43315
2929.17, or 2929.18 of the Revised Code; 43316

(c) A prison term on the offender pursuant to section 2929.14 43317
of the Revised Code. 43318

(2) The prison term, if any, imposed upon a violator pursuant 43319
to this division shall be within the range of prison terms 43320
available for the offense for which the sanction that was violated 43321
was imposed and shall not exceed the prison term specified in the 43322
notice provided to the offender at the sentencing hearing pursuant 43323
to division (B)(2) of section 2929.19 of the Revised Code. The 43324
court may reduce the longer period of time that the offender is 43325
required to spend under the longer sanction, the more restrictive 43326
sanction, or a prison term imposed pursuant to this division by 43327
the time the offender successfully spent under the sanction that 43328
was initially imposed. 43329

(C) If an offender, for a significant period of time, 43330
fulfills the conditions of a sanction imposed pursuant to section 43331
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 43332
manner, the court may reduce the period of time under the sanction 43333
or impose a less restrictive sanction, but the court shall not 43334
permit the offender to violate any law or permit the offender to 43335
leave the state without the permission of the court or the 43336
offender's probation officer. 43337

(D)(1) If a court under division (A)(1) of this section 43338
imposes a condition of release under a community control sanction 43339
that requires the offender to submit to random drug testing, the 43340
department of probation or the adult parole authority that has 43341

general control and supervision of the offender under division 43342
(A)(2)(a) of this section may cause the offender to submit to 43343
random drug testing performed by a laboratory or entity that has 43344
entered into a contract with any of the governmental entities or 43345
officers authorized to enter into a contract with that laboratory 43346
or entity under section 341.26, 753.33, or 5120.63 of the Revised 43347
Code. 43348

(2) If no laboratory or entity described in division (D)(1) 43349
of this section has entered into a contract as specified in that 43350
division, the department of probation or the adult parole 43351
authority that has general control and supervision of the offender 43352
under division (A)(2)(a) of this section shall cause the offender 43353
to submit to random drug testing performed by a reputable public 43354
laboratory to determine whether the individual who is the subject 43355
of the drug test ingested or was injected with a drug of abuse. 43356

(3) A laboratory or entity that has entered into a contract 43357
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 43358
shall perform the random drug tests under division (D)(1) of this 43359
section in accordance with the applicable standards that are 43360
included in the terms of that contract. A public laboratory shall 43361
perform the random drug tests under division (D)(2) of this 43362
section in accordance with the standards set forth in the policies 43363
and procedures established by the department of rehabilitation and 43364
correction pursuant to section 5120.63 of the Revised Code. An 43365
offender who is required under division (A)(1) of this section to 43366
submit to random drug testing as a condition of release under a 43367
community control sanction and whose test results indicate that 43368
the offender ingested or was injected with a drug of abuse shall 43369
pay the fee for the drug test if the department of probation or 43370
the adult parole authority that has general control and 43371
supervision of the offender requires payment of a fee. A 43372
laboratory or entity that performs the random drug testing on an 43373

offender under division (D)(1) or (2) of this section shall 43374
transmit the results of the drug test to the appropriate 43375
department of probation or the adult parole authority that has 43376
general control and supervision of the offender under division 43377
(A)(2)(a) of this section. 43378

Sec. 2930.01. As used in this chapter: 43379

(A) "Crime" means any of the following: 43380

(1) A felony; 43381

(2) A violation of section 2903.05, 2903.06, 2903.13, 43382
2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the 43383
Revised Code, a violation of section 2903.07 of the Revised Code 43384
as it existed prior to March 23, 2000, or a violation of a 43385
substantially equivalent municipal ordinance; 43386

(3) A violation of division (A) or (B) of section 4511.19, 43387
division (A) or (B) of section 1547.11, or division (A)(3) of 43388
section 4561.15 of the Revised Code or of a municipal ordinance 43389
substantially similar to any of those divisions that is the 43390
proximate cause of a vehicle, streetcar, trackless trolley, 43391
aquatic device, or aircraft accident in which the victim receives 43392
injuries for which the victim receives medical treatment either at 43393
the scene of the accident by emergency medical services personnel 43394
or at a hospital, ambulatory care facility, physician's office, 43395
specialist's office, or other medical care facility. 43396

(4) A motor vehicle accident to which both of the following 43397
apply: 43398

(a) The motor vehicle accident is caused by a violation of a 43399
provision of the Revised Code that is a misdemeanor of the first 43400
degree or higher. 43401

(b) As a result of the motor vehicle accident, the victim 43402
receives injuries for which the victim receives medical treatment 43403

either at the scene of the accident by emergency medical services 43404
personnel or at a hospital, ambulatory care facility, physician's 43405
office, specialist's office, or other medical care facility. 43406

(B) "Custodial agency" means one of the following: 43407

(1) The entity that has custody of a defendant or an alleged 43408
juvenile offender who is incarcerated for a crime, is under 43409
detention for the commission of a specified delinquent act, or who 43410
is detained after a finding of incompetence to stand trial or not 43411
guilty by reason of insanity relative to a crime, including any of 43412
the following: 43413

(a) The department of rehabilitation and correction or the 43414
adult parole authority; 43415

(b) A county sheriff; 43416

(c) The entity that administers a jail, as defined in section 43417
2929.01 of the Revised Code; 43418

(d) The entity that administers a community-based 43419
correctional facility and program or a district community-based 43420
correctional facility and program; 43421

(e) The department of ~~mental health~~ mental health and 43422
addiction services or other entity to which a defendant found 43423
incompetent to stand trial or not guilty by reason of insanity is 43424
committed. 43425

(2) The entity that has custody of an alleged juvenile 43426
offender pursuant to an order of disposition of a juvenile court, 43427
including the department of youth services or a school, camp, 43428
institution, or other facility operated for the care of delinquent 43429
children. 43430

(C) "Defendant" means a person who is alleged to be the 43431
perpetrator of a crime in a police report or in a complaint, 43432
indictment, or information that charges the commission of a crime 43433

and that provides the basis for the criminal prosecution and 43434
subsequent proceedings to which this chapter makes reference. 43435

(D) "Member of the victim's family" means a spouse, child, 43436
stepchild, sibling, parent, stepparent, grandparent, or other 43437
relative of a victim but does not include a person who is charged 43438
with, convicted of, or adjudicated to be a delinquent child for 43439
the crime or specified delinquent act against the victim or 43440
another crime or specified delinquent act arising from the same 43441
conduct, criminal episode, or plan. 43442

(E) "Prosecutor" means one of the following: 43443

(1) With respect to a criminal case, it has the same meaning 43444
as in section 2935.01 of the Revised Code and also includes the 43445
attorney general and, when appropriate, the employees of any 43446
person listed in section 2935.01 of the Revised Code or of the 43447
attorney general. 43448

(2) With respect to a delinquency proceeding, it includes any 43449
person listed in division (C) of section 2935.01 of the Revised 43450
Code or an employee of a person listed in that division who 43451
prosecutes a delinquency proceeding. 43452

(F) "Public agency" means an office, agency, department, 43453
bureau, or other governmental entity of the state or of a 43454
political subdivision of the state. 43455

(G) "Public official" has the same meaning as in section 43456
2921.01 of the Revised Code. 43457

(H) "Victim" means either of the following: 43458

(1) A person who is identified as the victim of a crime or 43459
specified delinquent act in a police report or in a complaint, 43460
indictment, or information that charges the commission of a crime 43461
and that provides the basis for the criminal prosecution or 43462
delinquency proceeding and subsequent proceedings to which this 43463

chapter makes reference. 43464

(2) A person who receives injuries as a result of a vehicle, 43465
streetcar, trackless trolley, aquatic device, or aircraft accident 43466
that is proximately caused by a violation described in division 43467
(A)(3) of this section or a motor vehicle accident that is 43468
proximately caused by a violation described in division (A)(4) of 43469
this section and who receives medical treatment as described in 43470
division (A)(3) or (4) of this section, whichever is applicable. 43471

(I) "Victim's representative" means a member of the victim's 43472
family or another person who pursuant to the authority of section 43473
2930.02 of the Revised Code exercises the rights of a victim under 43474
this chapter. 43475

(J) "Court" means a court of common pleas, juvenile court, 43476
municipal court, or county court. 43477

(K) "Delinquency proceeding" means all proceedings in a 43478
juvenile court that are related to a case in which a complaint has 43479
been filed alleging that a child is a delinquent child. 43480

(L) "Case" means a delinquency proceeding and all related 43481
activity or a criminal prosecution and all related activity. 43482

(M) The "defense" means the defense against criminal charges 43483
in a criminal prosecution or the defense against a delinquent 43484
child complaint in a delinquency proceeding. 43485

(N) The "prosecution" means the prosecution of criminal 43486
charges in a criminal prosecution or the prosecution of a 43487
delinquent child complaint in a delinquency proceeding. 43488

(O) "Specified delinquent act" means any of the following: 43489

(1) An act committed by a child that if committed by an adult 43490
would be a felony; 43491

(2) An act committed by a child that is a violation of a 43492
section listed in division (A)(1) or (2) of this section or is a 43493

violation of a substantially equivalent municipal ordinance;	43494
(3) An act committed by a child that is described in division	43495
(A)(3) or (4) of this section.	43496
(P)(1) "Alleged juvenile offender" means a child who is	43497
alleged to have committed a specified delinquent act in a police	43498
report or in a complaint in juvenile court that charges the	43499
commission of a specified delinquent act and that provides the	43500
basis for the delinquency proceeding and all subsequent	43501
proceedings to which this chapter makes reference.	43502
(2) As used in divisions (O) and (P)(1) of this section,	43503
"child" has the same meaning as in section 2151.011 of the Revised	43504
Code.	43505
(Q) "Motor vehicle accident" means any accident involving a	43506
motor vehicle.	43507
(R) "Motor vehicle" has the same meaning as in section	43508
4509.01 of the Revised Code.	43509
(S) "Aircraft" has the same meaning as in section 4561.01 of	43510
the Revised Code.	43511
(T) "Aquatic device" means any vessel, or any water skis,	43512
aquaplane, or similar device.	43513
(U) "Vehicle," "streetcar," and "trackless trolley" have the	43514
same meanings as in section 4511.01 of the Revised Code.	43515
(V) "Vehicle, streetcar, trackless trolley, aquatic device,	43516
or aircraft accident" means any accident involving a vehicle,	43517
streetcar, trackless trolley, aquatic device, or aircraft.	43518
(W) "Vessel" has the same meaning as in section 1547.01 of	43519
the Revised Code.	43520
Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal,	43521
deputy marshal, municipal police officer, township constable,	43522

police officer of a township or joint police district, member of a 43523
police force employed by a metropolitan housing authority under 43524
division (D) of section 3735.31 of the Revised Code, member of a 43525
police force employed by a regional transit authority under 43526
division (Y) of section 306.35 of the Revised Code, state 43527
university law enforcement officer appointed under section 3345.04 43528
of the Revised Code, veterans' home police officer appointed under 43529
section 5907.02 of the Revised Code, special police officer 43530
employed by a port authority under section 4582.04 or 4582.28 of 43531
the Revised Code, or a special police officer employed by a 43532
municipal corporation at a municipal airport, or other municipal 43533
air navigation facility, that has scheduled operations, as defined 43534
in section 119.3 of Title 14 of the Code of Federal Regulations, 43535
14 C.F.R. 119.3, as amended, and that is required to be under a 43536
security program and is governed by aviation security rules of the 43537
transportation security administration of the United States 43538
department of transportation as provided in Parts 1542. and 1544. 43539
of Title 49 of the Code of Federal Regulations, as amended, shall 43540
arrest and detain, until a warrant can be obtained, a person found 43541
violating, within the limits of the political subdivision, 43542
metropolitan housing authority housing project, regional transit 43543
authority facilities or areas of a municipal corporation that have 43544
been agreed to by a regional transit authority and a municipal 43545
corporation located within its territorial jurisdiction, college, 43546
university, veterans' home operated under Chapter 5907. of the 43547
Revised Code, port authority, or municipal airport or other 43548
municipal air navigation facility, in which the peace officer is 43549
appointed, employed, or elected, a law of this state, an ordinance 43550
of a municipal corporation, or a resolution of a township. 43551

(2) A peace officer of the department of natural resources, a 43552
state fire marshal law enforcement officer described in division 43553
(A)(23) of section 109.71 of the Revised Code, or an individual 43554
designated to perform law enforcement duties under section 43555

511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and 43556
detain, until a warrant can be obtained, a person found violating, 43557
within the limits of the peace officer's, state fire marshal law 43558
enforcement officer's, or individual's territorial jurisdiction, a 43559
law of this state. 43560

(3) The house sergeant at arms, if the house sergeant at arms 43561
has arrest authority pursuant to division (E)(1) of section 43562
101.311 of the Revised Code, and an assistant house sergeant at 43563
arms shall arrest and detain, until a warrant can be obtained, a 43564
person found violating, within the limits of the sergeant at 43565
arms's or assistant sergeant at arms's territorial jurisdiction 43566
specified in division (D)(1)(a) of section 101.311 of the Revised 43567
Code or while providing security pursuant to division (D)(1)(f) of 43568
section 101.311 of the Revised Code, a law of this state, an 43569
ordinance of a municipal corporation, or a resolution of a 43570
township. 43571

(4) The senate sergeant at arms and an assistant senate 43572
sergeant at arms shall arrest and detain, until a warrant can be 43573
obtained, a person found violating, within the limits of the 43574
sergeant at arms's or assistant sergeant at arms's territorial 43575
jurisdiction specified in division (B) of section 101.312 of the 43576
Revised Code, a law of this state, an ordinance of a municipal 43577
corporation, or a resolution of a township. 43578

(B)(1) When there is reasonable ground to believe that an 43579
offense of violence, the offense of criminal child enticement as 43580
defined in section 2905.05 of the Revised Code, the offense of 43581
public indecency as defined in section 2907.09 of the Revised 43582
Code, the offense of domestic violence as defined in section 43583
2919.25 of the Revised Code, the offense of violating a protection 43584
order as defined in section 2919.27 of the Revised Code, the 43585
offense of menacing by stalking as defined in section 2903.211 of 43586
the Revised Code, the offense of aggravated trespass as defined in 43587

section 2911.211 of the Revised Code, a theft offense as defined 43588
in section 2913.01 of the Revised Code, or a felony drug abuse 43589
offense as defined in section 2925.01 of the Revised Code, has 43590
been committed within the limits of the political subdivision, 43591
metropolitan housing authority housing project, regional transit 43592
authority facilities or those areas of a municipal corporation 43593
that have been agreed to by a regional transit authority and a 43594
municipal corporation located within its territorial jurisdiction, 43595
college, university, veterans' home operated under Chapter 5907. 43596
of the Revised Code, port authority, or municipal airport or other 43597
municipal air navigation facility, in which the peace officer is 43598
appointed, employed, or elected or within the limits of the 43599
territorial jurisdiction of the peace officer, a peace officer 43600
described in division (A) of this section may arrest and detain 43601
until a warrant can be obtained any person who the peace officer 43602
has reasonable cause to believe is guilty of the violation. 43603

(2) For purposes of division (B)(1) of this section, the 43604
execution of any of the following constitutes reasonable ground to 43605
believe that the offense alleged in the statement was committed 43606
and reasonable cause to believe that the person alleged in the 43607
statement to have committed the offense is guilty of the 43608
violation: 43609

(a) A written statement by a person alleging that an alleged 43610
offender has committed the offense of menacing by stalking or 43611
aggravated trespass; 43612

(b) A written statement by the administrator of the 43613
interstate compact on mental health appointed under section 43614
~~5119.51~~ 5119.71 of the Revised Code alleging that a person who had 43615
been hospitalized, institutionalized, or confined in any facility 43616
under an order made pursuant to or under authority of section 43617
2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 43618
2945.402 of the Revised Code has escaped from the facility, from 43619

confinement in a vehicle for transportation to or from the 43620
facility, or from supervision by an employee of the facility that 43621
is incidental to hospitalization, institutionalization, or 43622
confinement in the facility and that occurs outside of the 43623
facility, in violation of section 2921.34 of the Revised Code; 43624

(c) A written statement by the administrator of any facility 43625
in which a person has been hospitalized, institutionalized, or 43626
confined under an order made pursuant to or under authority of 43627
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 43628
2945.402 of the Revised Code alleging that the person has escaped 43629
from the facility, from confinement in a vehicle for 43630
transportation to or from the facility, or from supervision by an 43631
employee of the facility that is incidental to hospitalization, 43632
institutionalization, or confinement in the facility and that 43633
occurs outside of the facility, in violation of section 2921.34 of 43634
the Revised Code. 43635

(3)(a) For purposes of division (B)(1) of this section, a 43636
peace officer described in division (A) of this section has 43637
reasonable grounds to believe that the offense of domestic 43638
violence or the offense of violating a protection order has been 43639
committed and reasonable cause to believe that a particular person 43640
is guilty of committing the offense if any of the following 43641
occurs: 43642

(i) A person executes a written statement alleging that the 43643
person in question has committed the offense of domestic violence 43644
or the offense of violating a protection order against the person 43645
who executes the statement or against a child of the person who 43646
executes the statement. 43647

(ii) No written statement of the type described in division 43648
(B)(3)(a)(i) of this section is executed, but the peace officer, 43649
based upon the peace officer's own knowledge and observation of 43650
the facts and circumstances of the alleged incident of the offense 43651

of domestic violence or the alleged incident of the offense of 43652
violating a protection order or based upon any other information, 43653
including, but not limited to, any reasonably trustworthy 43654
information given to the peace officer by the alleged victim of 43655
the alleged incident of the offense or any witness of the alleged 43656
incident of the offense, concludes that there are reasonable 43657
grounds to believe that the offense of domestic violence or the 43658
offense of violating a protection order has been committed and 43659
reasonable cause to believe that the person in question is guilty 43660
of committing the offense. 43661

(iii) No written statement of the type described in division 43662
(B)(3)(a)(i) of this section is executed, but the peace officer 43663
witnessed the person in question commit the offense of domestic 43664
violence or the offense of violating a protection order. 43665

(b) If pursuant to division (B)(3)(a) of this section a peace 43666
officer has reasonable grounds to believe that the offense of 43667
domestic violence or the offense of violating a protection order 43668
has been committed and reasonable cause to believe that a 43669
particular person is guilty of committing the offense, it is the 43670
preferred course of action in this state that the officer arrest 43671
and detain that person pursuant to division (B)(1) of this section 43672
until a warrant can be obtained. 43673

If pursuant to division (B)(3)(a) of this section a peace 43674
officer has reasonable grounds to believe that the offense of 43675
domestic violence or the offense of violating a protection order 43676
has been committed and reasonable cause to believe that family or 43677
household members have committed the offense against each other, 43678
it is the preferred course of action in this state that the 43679
officer, pursuant to division (B)(1) of this section, arrest and 43680
detain until a warrant can be obtained the family or household 43681
member who committed the offense and whom the officer has 43682
reasonable cause to believe is the primary physical aggressor. 43683

There is no preferred course of action in this state regarding any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor, but, pursuant to division (B)(1) of this section, the peace officer may arrest and detain until a warrant can be obtained any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor.

(c) If a peace officer described in division (A) of this section does not arrest and detain a person whom the officer has reasonable cause to believe committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state pursuant to division (B)(3)(b) of this section that the officer arrest that person, the officer shall articulate in the written report of the incident required by section 2935.032 of the Revised Code a clear statement of the officer's reasons for not arresting and detaining that person until a warrant can be obtained.

(d) In determining for purposes of division (B)(3)(b) of this section which family or household member is the primary physical aggressor in a situation in which family or household members have committed the offense of domestic violence or the offense of violating a protection order against each other, a peace officer described in division (A) of this section, in addition to any other relevant circumstances, should consider all of the following:

(i) Any history of domestic violence or of any other violent acts by either person involved in the alleged offense that the officer reasonably can ascertain;

(ii) If violence is alleged, whether the alleged violence was caused by a person acting in self-defense;

(iii) Each person's fear of physical harm, if any, resulting 43715
from the other person's threatened use of force against any person 43716
or resulting from the other person's use or history of the use of 43717
force against any person, and the reasonableness of that fear; 43718

(iv) The comparative severity of any injuries suffered by the 43719
persons involved in the alleged offense. 43720

(e)(i) A peace officer described in division (A) of this 43721
section shall not require, as a prerequisite to arresting or 43722
charging a person who has committed the offense of domestic 43723
violence or the offense of violating a protection order, that the 43724
victim of the offense specifically consent to the filing of 43725
charges against the person who has committed the offense or sign a 43726
complaint against the person who has committed the offense. 43727

(ii) If a person is arrested for or charged with committing 43728
the offense of domestic violence or the offense of violating a 43729
protection order and if the victim of the offense does not 43730
cooperate with the involved law enforcement or prosecuting 43731
authorities in the prosecution of the offense or, subsequent to 43732
the arrest or the filing of the charges, informs the involved law 43733
enforcement or prosecuting authorities that the victim does not 43734
wish the prosecution of the offense to continue or wishes to drop 43735
charges against the alleged offender relative to the offense, the 43736
involved prosecuting authorities, in determining whether to 43737
continue with the prosecution of the offense or whether to dismiss 43738
charges against the alleged offender relative to the offense and 43739
notwithstanding the victim's failure to cooperate or the victim's 43740
wishes, shall consider all facts and circumstances that are 43741
relevant to the offense, including, but not limited to, the 43742
statements and observations of the peace officers who responded to 43743
the incident that resulted in the arrest or filing of the charges 43744
and of all witnesses to that incident. 43745

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 43746

this section whether to arrest a person pursuant to division 43747
(B)(1) of this section, a peace officer described in division (A) 43748
of this section shall not consider as a factor any possible 43749
shortage of cell space at the detention facility to which the 43750
person will be taken subsequent to the person's arrest or any 43751
possibility that the person's arrest might cause, contribute to, 43752
or exacerbate overcrowding at that detention facility or at any 43753
other detention facility. 43754

(g) If a peace officer described in division (A) of this 43755
section intends pursuant to divisions (B)(3)(a) to (g) of this 43756
section to arrest a person pursuant to division (B)(1) of this 43757
section and if the officer is unable to do so because the person 43758
is not present, the officer promptly shall seek a warrant for the 43759
arrest of the person. 43760

(h) If a peace officer described in division (A) of this 43761
section responds to a report of an alleged incident of the offense 43762
of domestic violence or an alleged incident of the offense of 43763
violating a protection order and if the circumstances of the 43764
incident involved the use or threatened use of a deadly weapon or 43765
any person involved in the incident brandished a deadly weapon 43766
during or in relation to the incident, the deadly weapon that was 43767
used, threatened to be used, or brandished constitutes contraband, 43768
and, to the extent possible, the officer shall seize the deadly 43769
weapon as contraband pursuant to Chapter 2981. of the Revised 43770
Code. Upon the seizure of a deadly weapon pursuant to division 43771
(B)(3)(h) of this section, section 2981.12 of the Revised Code 43772
shall apply regarding the treatment and disposition of the deadly 43773
weapon. For purposes of that section, the "underlying criminal 43774
offense" that was the basis of the seizure of a deadly weapon 43775
under division (B)(3)(h) of this section and to which the deadly 43776
weapon had a relationship is any of the following that is 43777
applicable: 43778

(i) The alleged incident of the offense of domestic violence 43779
or the alleged incident of the offense of violating a protection 43780
order to which the officer who seized the deadly weapon responded; 43781

(ii) Any offense that arose out of the same facts and 43782
circumstances as the report of the alleged incident of the offense 43783
of domestic violence or the alleged incident of the offense of 43784
violating a protection order to which the officer who seized the 43785
deadly weapon responded. 43786

(4) If, in the circumstances described in divisions (B)(3)(a) 43787
to (g) of this section, a peace officer described in division (A) 43788
of this section arrests and detains a person pursuant to division 43789
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 43790
this section, a peace officer described in division (A) of this 43791
section seizes a deadly weapon, the officer, to the extent 43792
described in and in accordance with section 9.86 or 2744.03 of the 43793
Revised Code, is immune in any civil action for damages for 43794
injury, death, or loss to person or property that arises from or 43795
is related to the arrest and detention or the seizure. 43796

(C) When there is reasonable ground to believe that a 43797
violation of division (A)(1), (2), (3), (4), or (5) of section 43798
4506.15 or a violation of section 4511.19 of the Revised Code has 43799
been committed by a person operating a motor vehicle subject to 43800
regulation by the public utilities commission of Ohio under Title 43801
XLIX of the Revised Code, a peace officer with authority to 43802
enforce that provision of law may stop or detain the person whom 43803
the officer has reasonable cause to believe was operating the 43804
motor vehicle in violation of the division or section and, after 43805
investigating the circumstances surrounding the operation of the 43806
vehicle, may arrest and detain the person. 43807

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 43808
municipal police officer, member of a police force employed by a 43809
metropolitan housing authority under division (D) of section 43810

3735.31 of the Revised Code, member of a police force employed by 43811
a regional transit authority under division (Y) of section 306.35 43812
of the Revised Code, special police officer employed by a port 43813
authority under section 4582.04 or 4582.28 of the Revised Code, 43814
special police officer employed by a municipal corporation at a 43815
municipal airport or other municipal air navigation facility 43816
described in division (A) of this section, township constable, 43817
police officer of a township or joint police district, state 43818
university law enforcement officer appointed under section 3345.04 43819
of the Revised Code, peace officer of the department of natural 43820
resources, individual designated to perform law enforcement duties 43821
under section 511.232, 1545.13, or 6101.75 of the Revised Code, 43822
the house sergeant at arms if the house sergeant at arms has 43823
arrest authority pursuant to division (E)(1) of section 101.311 of 43824
the Revised Code, or an assistant house sergeant at arms is 43825
authorized by division (A) or (B) of this section to arrest and 43826
detain, within the limits of the political subdivision, 43827
metropolitan housing authority housing project, regional transit 43828
authority facilities or those areas of a municipal corporation 43829
that have been agreed to by a regional transit authority and a 43830
municipal corporation located within its territorial jurisdiction, 43831
port authority, municipal airport or other municipal air 43832
navigation facility, college, or university in which the officer 43833
is appointed, employed, or elected or within the limits of the 43834
territorial jurisdiction of the peace officer, a person until a 43835
warrant can be obtained, the peace officer, outside the limits of 43836
that territory, may pursue, arrest, and detain that person until a 43837
warrant can be obtained if all of the following apply: 43838

(1) The pursuit takes place without unreasonable delay after 43839
the offense is committed; 43840

(2) The pursuit is initiated within the limits of the 43841
political subdivision, metropolitan housing authority housing 43842

project, regional transit authority facilities or those areas of a 43843
municipal corporation that have been agreed to by a regional 43844
transit authority and a municipal corporation located within its 43845
territorial jurisdiction, port authority, municipal airport or 43846
other municipal air navigation facility, college, or university in 43847
which the peace officer is appointed, employed, or elected or 43848
within the limits of the territorial jurisdiction of the peace 43849
officer; 43850

(3) The offense involved is a felony, a misdemeanor of the 43851
first degree or a substantially equivalent municipal ordinance, a 43852
misdemeanor of the second degree or a substantially equivalent 43853
municipal ordinance, or any offense for which points are 43854
chargeable pursuant to section 4510.036 of the Revised Code. 43855

(E) In addition to the authority granted under division (A) 43856
or (B) of this section: 43857

(1) A sheriff or deputy sheriff may arrest and detain, until 43858
a warrant can be obtained, any person found violating section 43859
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 43860
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 43861
portion of any street or highway that is located immediately 43862
adjacent to the boundaries of the county in which the sheriff or 43863
deputy sheriff is elected or appointed. 43864

(2) A member of the police force of a township police 43865
district created under section 505.48 of the Revised Code, a 43866
member of the police force of a joint police district created 43867
under section 505.482 of the Revised Code, or a township constable 43868
appointed in accordance with section 509.01 of the Revised Code, 43869
who has received a certificate from the Ohio peace officer 43870
training commission under section 109.75 of the Revised Code, may 43871
arrest and detain, until a warrant can be obtained, any person 43872
found violating any section or chapter of the Revised Code listed 43873
in division (E)(1) of this section, other than sections 4513.33 43874

and 4513.34 of the Revised Code, on the portion of any street or 43875
highway that is located immediately adjacent to the boundaries of 43876
the township police district or joint police district, in the case 43877
of a member of a township police district or joint police district 43878
police force, or the unincorporated territory of the township, in 43879
the case of a township constable. However, if the population of 43880
the township that created the township police district served by 43881
the member's police force, or the townships and municipal 43882
corporations that created the joint police district served by the 43883
member's police force, or the township that is served by the 43884
township constable, is sixty thousand or less, the member of the 43885
township police district or joint police district police force or 43886
the township constable may not make an arrest under division 43887
(E)(2) of this section on a state highway that is included as part 43888
of the interstate system. 43889

(3) A police officer or village marshal appointed, elected, 43890
or employed by a municipal corporation may arrest and detain, 43891
until a warrant can be obtained, any person found violating any 43892
section or chapter of the Revised Code listed in division (E)(1) 43893
of this section on the portion of any street or highway that is 43894
located immediately adjacent to the boundaries of the municipal 43895
corporation in which the police officer or village marshal is 43896
appointed, elected, or employed. 43897

(4) A peace officer of the department of natural resources, a 43898
state fire marshal law enforcement officer described in division 43899
(A)(23) of section 109.71 of the Revised Code, or an individual 43900
designated to perform law enforcement duties under section 43901
511.232, 1545.13, or 6101.75 of the Revised Code may arrest and 43902
detain, until a warrant can be obtained, any person found 43903
violating any section or chapter of the Revised Code listed in 43904
division (E)(1) of this section, other than sections 4513.33 and 43905
4513.34 of the Revised Code, on the portion of any street or 43906

highway that is located immediately adjacent to the boundaries of 43907
the lands and waters that constitute the territorial jurisdiction 43908
of the peace officer or state fire marshal law enforcement 43909
officer. 43910

(F)(1) A department of ~~mental health~~ mental health and 43911
addiction services special police officer or a department of 43912
developmental disabilities special police officer may arrest 43913
without a warrant and detain until a warrant can be obtained any 43914
person found committing on the premises of any institution under 43915
the jurisdiction of the particular department a misdemeanor under 43916
a law of the state. 43917

A department of ~~mental health~~ mental health and addiction 43918
services special police officer or a department of developmental 43919
disabilities special police officer may arrest without a warrant 43920
and detain until a warrant can be obtained any person who has been 43921
hospitalized, institutionalized, or confined in an institution 43922
under the jurisdiction of the particular department pursuant to or 43923
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 43924
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 43925
found committing on the premises of any institution under the 43926
jurisdiction of the particular department a violation of section 43927
2921.34 of the Revised Code that involves an escape from the 43928
premises of the institution. 43929

(2)(a) If a department of ~~mental health~~ mental health and 43930
addiction services special police officer or a department of 43931
developmental disabilities special police officer finds any person 43932
who has been hospitalized, institutionalized, or confined in an 43933
institution under the jurisdiction of the particular department 43934
pursuant to or under authority of section 2945.37, 2945.371, 43935
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 43936
Code committing a violation of section 2921.34 of the Revised Code 43937
that involves an escape from the premises of the institution, or 43938

if there is reasonable ground to believe that a violation of 43939
section 2921.34 of the Revised Code has been committed that 43940
involves an escape from the premises of an institution under the 43941
jurisdiction of the department of ~~mental health~~ mental health and 43942
addiction services or the department of developmental disabilities 43943
and if a department of ~~mental health~~ mental health and addiction 43944
services special police officer or a department of developmental 43945
disabilities special police officer has reasonable cause to 43946
believe that a particular person who has been hospitalized, 43947
institutionalized, or confined in the institution pursuant to or 43948
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 43949
2945.40, 2945.401, or 2945.402 of the Revised Code is guilty of 43950
the violation, the special police officer, outside of the premises 43951
of the institution, may pursue, arrest, and detain that person for 43952
that violation of section 2921.34 of the Revised Code, until a 43953
warrant can be obtained, if both of the following apply: 43954

(i) The pursuit takes place without unreasonable delay after 43955
the offense is committed; 43956

(ii) The pursuit is initiated within the premises of the 43957
institution from which the violation of section 2921.34 of the 43958
Revised Code occurred. 43959

(b) For purposes of division (F)(2)(a) of this section, the 43960
execution of a written statement by the administrator of the 43961
institution in which a person had been hospitalized, 43962
institutionalized, or confined pursuant to or under authority of 43963
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 43964
2945.402 of the Revised Code alleging that the person has escaped 43965
from the premises of the institution in violation of section 43966
2921.34 of the Revised Code constitutes reasonable ground to 43967
believe that the violation was committed and reasonable cause to 43968
believe that the person alleged in the statement to have committed 43969
the offense is guilty of the violation. 43970

- (G) As used in this section: 43971
- (1) A "department of ~~mental health~~ mental health and
addiction services special police officer" means a special police 43972
officer of the department of ~~mental health~~ mental health and 43973
addiction services designated under section ~~5119.14~~ 5119.08 of the 43974
Revised Code who is certified by the Ohio peace officer training 43975
commission under section 109.77 of the Revised Code as having 43976
successfully completed an approved peace officer basic training 43977
program. 43978
43979
- (2) A "department of developmental disabilities special 43980
police officer" means a special police officer of the department 43981
of developmental disabilities designated under section 5123.13 of 43982
the Revised Code who is certified by the Ohio peace officer 43983
training council under section 109.77 of the Revised Code as 43984
having successfully completed an approved peace officer basic 43985
training program. 43986
- (3) "Deadly weapon" has the same meaning as in section 43987
2923.11 of the Revised Code. 43988
- (4) "Family or household member" has the same meaning as in 43989
section 2919.25 of the Revised Code. 43990
- (5) "Street" or "highway" has the same meaning as in section 43991
4511.01 of the Revised Code. 43992
- (6) "Interstate system" has the same meaning as in section 43993
5516.01 of the Revised Code. 43994
- (7) "Peace officer of the department of natural resources" 43995
means an employee of the department of natural resources who is a 43996
natural resources law enforcement staff officer designated 43997
pursuant to section 1501.013 of the Revised Code, a forest officer 43998
designated pursuant to section 1503.29 of the Revised Code, a 43999
preserve officer designated pursuant to section 1517.10 of the 44000
Revised Code, a wildlife officer designated pursuant to section 44001

1531.13 of the Revised Code, a park officer designated pursuant to 44002
section 1541.10 of the Revised Code, or a state watercraft officer 44003
designated pursuant to section 1547.521 of the Revised Code. 44004

(8) "Portion of any street or highway" means all lanes of the 44005
street or highway irrespective of direction of travel, including 44006
designated turn lanes, and any berm, median, or shoulder. 44007

Sec. 2935.33. (A) If a person charged with a misdemeanor is 44008
taken before a judge of a court of record and if it appears to the 44009
judge that the person is an alcoholic or is suffering from acute 44010
alcohol intoxication and that the person would benefit from 44011
services provided by ~~an alcohol and drug~~ a community addiction 44012
~~program~~ services provider certified under Chapter ~~3793.~~ 5119. of 44013
the Revised Code, the judge may place the person temporarily in a 44014
~~program~~ services provider certified under that chapter in the area 44015
in which the court has jurisdiction for inpatient care and 44016
treatment for an indefinite period not exceeding five days. The 44017
commitment does not limit the right to release on bail. The judge 44018
may dismiss a charge of a violation of division (B) of section 44019
2917.11 of the Revised Code or of a municipal ordinance 44020
substantially equivalent to that division if the defendant 44021
complies with all the conditions of treatment ordered by the 44022
court. 44023

The court may order that any fines or court costs collected 44024
by the court from defendants who have received inpatient care from 44025
~~an alcohol and drug~~ a community addiction ~~program~~ services 44026
provider be paid, for the benefit of the program, to the board of 44027
alcohol, drug addiction, and mental health services of the 44028
alcohol, drug addiction, and mental health service district in 44029
which the ~~program~~ services provider is located or to the director 44030
of ~~alcohol and drug addiction services~~ mental health and addiction 44031
services. 44032

(B) If a person is being sentenced for a violation of 44033
division (B) of section 2917.11 or section 4511.19 of the Revised 44034
Code, a misdemeanor violation of section 2919.25 of the Revised 44035
Code, a misdemeanor violation of section 2919.27 of the Revised 44036
Code involving a protection order issued or consent agreement 44037
approved pursuant to section 2919.26 or 3113.31 of the Revised 44038
Code, or a violation of a municipal ordinance substantially 44039
equivalent to that division or any of those sections and if it 44040
appears to the judge at the time of sentencing that the person is 44041
an alcoholic or is suffering from acute alcohol intoxication and 44042
that, in lieu of imprisonment, the person would benefit from 44043
services provided by ~~an alcohol and drug~~ a community addiction 44044
~~program services provider~~ certified under Chapter ~~3793-~~ 5119. of 44045
the Revised Code, the court may commit the person to close 44046
supervision in any facility in the area in which the court has 44047
jurisdiction that is, or is operated by, such a ~~program services~~ 44048
provider. Such close supervision may include outpatient services 44049
and part-time release, except that a person convicted of a 44050
violation of division (A) of section 4511.19 of the Revised Code 44051
shall be confined to the facility for at least three days and 44052
except that a person convicted of a misdemeanor violation of 44053
section 2919.25 of the Revised Code, a misdemeanor violation of 44054
section 2919.27 of the Revised Code involving a protection order 44055
issued or consent agreement approved pursuant to section 2919.26 44056
or 3113.31 of the Revised Code, or a violation of a substantially 44057
equivalent municipal ordinance shall be confined to the facility 44058
in accordance with the order of commitment. A commitment of a 44059
person to a facility for purposes of close supervision shall not 44060
exceed the maximum term for which the person could be imprisoned. 44061

(C) A law enforcement officer who finds a person subject to 44062
prosecution for violation of division (B) of section 2917.11 of 44063
the Revised Code or a municipal ordinance substantially equivalent 44064
to that division and who has reasonable cause to believe that the 44065

person is an alcoholic or is suffering from acute alcohol 44066
intoxication and would benefit from immediate treatment 44067
immediately may place the person in ~~an alcohol and drug a~~ 44068
community addiction program services provider certified under 44069
Chapter ~~3793.~~ 5119. of the Revised Code in the area in which the 44070
person is found, for emergency treatment, in lieu of other arrest 44071
procedures, for a maximum period of forty-eight hours. During that 44072
time, if the person desires to leave such custody, the person 44073
shall be released forthwith. 44074

(D) As used in this section: 44075

(1) "Alcoholic" has the same meaning as in section ~~3793.01~~ 44076
5119.01 of the Revised Code; 44077

(2) "Acute alcohol intoxication" means a heavy consumption of 44078
alcohol over a relatively short period of time, resulting in 44079
dysfunction of the brain centers controlling behavior, speech, and 44080
memory and causing characteristic withdrawal symptoms. 44081

Sec. 2945.37. (A) As used in sections 2945.37 to 2945.402 of 44082
the Revised Code: 44083

(1) "Prosecutor" means a prosecuting attorney or a city 44084
director of law, village solicitor, or similar chief legal officer 44085
of a municipal corporation who has authority to prosecute a 44086
criminal case that is before the court or the criminal case in 44087
which a defendant in a criminal case has been found incompetent to 44088
stand trial or not guilty by reason of insanity. 44089

(2) "Examiner" means either of the following: 44090

(a) A psychiatrist or a licensed clinical psychologist who 44091
satisfies the criteria of division (I)(1) of section 5122.01 of 44092
the Revised Code or is employed by a certified forensic center 44093
designated by the department of ~~mental health~~ mental health and 44094
addiction services to conduct examinations or evaluations. 44095

(b) For purposes of a separate mental retardation evaluation 44096
that is ordered by a court pursuant to division (H) of section 44097
2945.371 of the Revised Code, a psychologist designated by the 44098
director of developmental disabilities pursuant to that section to 44099
conduct that separate mental retardation evaluation. 44100

(3) "Nonsecured status" means any unsupervised, off-grounds 44101
movement or trial visit from a hospital or institution, or any 44102
conditional release, that is granted to a person who is found 44103
incompetent to stand trial and is committed pursuant to section 44104
2945.39 of the Revised Code or to a person who is found not guilty 44105
by reason of insanity and is committed pursuant to section 2945.40 44106
of the Revised Code. 44107

(4) "Unsupervised, off-grounds movement" includes only 44108
off-grounds privileges that are unsupervised and that have an 44109
expectation of return to the hospital or institution on a daily 44110
basis. 44111

(5) "Trial visit" means a patient privilege of a longer 44112
stated duration of unsupervised community contact with an 44113
expectation of return to the hospital or institution at designated 44114
times. 44115

(6) "Conditional release" means a commitment status under 44116
which the trial court at any time may revoke a person's 44117
conditional release and order the rehospitalization or 44118
reinstitutionalization of the person as described in division (A) 44119
of section 2945.402 of the Revised Code and pursuant to which a 44120
person who is found incompetent to stand trial or a person who is 44121
found not guilty by reason of insanity lives and receives 44122
treatment in the community for a period of time that does not 44123
exceed the maximum prison term or term of imprisonment that the 44124
person could have received for the offense in question had the 44125
person been convicted of the offense instead of being found 44126
incompetent to stand trial on the charge of the offense or being 44127

found not guilty by reason of insanity relative to the offense. 44128

(7) "Licensed clinical psychologist," "mentally ill person 44129
subject to hospitalization by court order," and "psychiatrist" 44130
have the same meanings as in section 5122.01 of the Revised Code. 44131

(8) "Mentally retarded person subject to institutionalization 44132
by court order" has the same meaning as in section 5123.01 of the 44133
Revised Code. 44134

(B) In a criminal action in a court of common pleas, a county 44135
court, or a municipal court, the court, prosecutor, or defense may 44136
raise the issue of the defendant's competence to stand trial. If 44137
the issue is raised before the trial has commenced, the court 44138
shall hold a hearing on the issue as provided in this section. If 44139
the issue is raised after the trial has commenced, the court shall 44140
hold a hearing on the issue only for good cause shown or on the 44141
court's own motion. 44142

(C) The court shall conduct the hearing required or 44143
authorized under division (B) of this section within thirty days 44144
after the issue is raised, unless the defendant has been referred 44145
for evaluation in which case the court shall conduct the hearing 44146
within ten days after the filing of the report of the evaluation 44147
or, in the case of a defendant who is ordered by the court 44148
pursuant to division (H) of section 2945.371 of the Revised Code 44149
to undergo a separate mental retardation evaluation conducted by a 44150
psychologist designated by the director of developmental 44151
disabilities, within ten days after the filing of the report of 44152
the separate mental retardation evaluation under that division. A 44153
hearing may be continued for good cause. 44154

(D) The defendant shall be represented by counsel at the 44155
hearing conducted under division (C) of this section. If the 44156
defendant is unable to obtain counsel, the court shall appoint 44157
counsel under Chapter 120. of the Revised Code or under the 44158

authority recognized in division (C) of section 120.06, division 44159
(E) of section 120.16, division (E) of section 120.26, or section 44160
2941.51 of the Revised Code before proceeding with the hearing. 44161

(E) The prosecutor and defense counsel may submit evidence on 44162
the issue of the defendant's competence to stand trial. A written 44163
report of the evaluation of the defendant may be admitted into 44164
evidence at the hearing by stipulation, but, if either the 44165
prosecution or defense objects to its admission, the report may be 44166
admitted under sections 2317.36 to 2317.38 of the Revised Code or 44167
any other applicable statute or rule. 44168

(F) The court shall not find a defendant incompetent to stand 44169
trial solely because the defendant is receiving or has received 44170
treatment as a voluntary or involuntary mentally ill patient under 44171
Chapter 5122. or a voluntary or involuntary mentally retarded 44172
resident under Chapter 5123. of the Revised Code or because the 44173
defendant is receiving or has received psychotropic drugs or other 44174
medication, even if the defendant might become incompetent to 44175
stand trial without the drugs or medication. 44176

(G) A defendant is presumed to be competent to stand trial. 44177
If, after a hearing, the court finds by a preponderance of the 44178
evidence that, because of the defendant's present mental 44179
condition, the defendant is incapable of understanding the nature 44180
and objective of the proceedings against the defendant or of 44181
assisting in the defendant's defense, the court shall find the 44182
defendant incompetent to stand trial and shall enter an order 44183
authorized by section 2945.38 of the Revised Code. 44184

(H) Municipal courts shall follow the procedures set forth in 44185
sections 2945.37 to 2945.402 of the Revised Code. Except as 44186
provided in section 2945.371 of the Revised Code, a municipal 44187
court shall not order an evaluation of the defendant's competence 44188
to stand trial or the defendant's mental condition at the time of 44189
the commission of the offense to be conducted at any hospital 44190

operated by the department of ~~mental health~~ mental health and 44191
addiction services. Those evaluations shall be performed through 44192
community resources including, but not limited to, certified 44193
forensic centers, court probation departments, and community 44194
mental health ~~agencies~~ services providers. All expenses of the 44195
evaluations shall be borne by the legislative authority of the 44196
municipal court, as defined in section 1901.03 of the Revised 44197
Code, and shall be taxed as costs in the case. If a defendant is 44198
found incompetent to stand trial or not guilty by reason of 44199
insanity, a municipal court may commit the defendant as provided 44200
in sections 2945.38 to 2945.402 of the Revised Code. 44201

Sec. 2945.371. (A) If the issue of a defendant's competence 44202
to stand trial is raised or if a defendant enters a plea of not 44203
guilty by reason of insanity, the court may order one or more 44204
evaluations of the defendant's present mental condition or, in the 44205
case of a plea of not guilty by reason of insanity, of the 44206
defendant's mental condition at the time of the offense charged. 44207
An examiner shall conduct the evaluation. 44208

(B) If the court orders more than one evaluation under 44209
division (A) of this section, the prosecutor and the defendant may 44210
recommend to the court an examiner whom each prefers to perform 44211
one of the evaluations. If a defendant enters a plea of not guilty 44212
by reason of insanity and if the court does not designate an 44213
examiner recommended by the defendant, the court shall inform the 44214
defendant that the defendant may have independent expert 44215
evaluation and that, if the defendant is unable to obtain 44216
independent expert evaluation, it will be obtained for the 44217
defendant at public expense if the defendant is indigent. 44218

(C) If the court orders an evaluation under division (A) of 44219
this section, the defendant shall be available at the times and 44220
places established by the examiners who are to conduct the 44221

evaluation. The court may order a defendant who has been released 44222
on bail or recognizance to submit to an evaluation under this 44223
section. If a defendant who has been released on bail or 44224
recognizance refuses to submit to a complete evaluation, the court 44225
may amend the conditions of bail or recognizance and order the 44226
sheriff to take the defendant into custody and deliver the 44227
defendant to a center, program, or facility operated or certified 44228
by the department of ~~mental health~~ mental health and addiction 44229
services or the department of developmental disabilities where the 44230
defendant may be held for evaluation for a reasonable period of 44231
time not to exceed twenty days. 44232

(D) A defendant who has not been released on bail or 44233
recognizance may be evaluated at the defendant's place of 44234
detention. Upon the request of the examiner, the court may order 44235
the sheriff to transport the defendant to a program or facility 44236
operated or certified by the department of ~~mental health~~ mental 44237
health and addiction services or the department of developmental 44238
disabilities, where the defendant may be held for evaluation for a 44239
reasonable period of time not to exceed twenty days, and to return 44240
the defendant to the place of detention after the evaluation. A 44241
municipal court may make an order under this division only upon 44242
the request of a certified forensic center examiner. 44243

(E) If a court orders the evaluation to determine a 44244
defendant's mental condition at the time of the offense charged, 44245
the court shall inform the examiner of the offense with which the 44246
defendant is charged. 44247

(F) In conducting an evaluation of a defendant's mental 44248
condition at the time of the offense charged, the examiner shall 44249
consider all relevant evidence. If the offense charged involves 44250
the use of force against another person, the relevant evidence to 44251
be considered includes, but is not limited to, any evidence that 44252
the defendant suffered, at the time of the commission of the 44253

offense, from the "battered woman syndrome." 44254

(G) The examiner shall file a written report with the court 44255
within thirty days after entry of a court order for evaluation, 44256
and the court shall provide copies of the report to the prosecutor 44257
and defense counsel. The report shall include all of the 44258
following: 44259

(1) The examiner's findings; 44260

(2) The facts in reasonable detail on which the findings are 44261
based; 44262

(3) If the evaluation was ordered to determine the 44263
defendant's competence to stand trial, all of the following 44264
findings or recommendations that are applicable: 44265

(a) Whether the defendant is capable of understanding the 44266
nature and objective of the proceedings against the defendant or 44267
of assisting in the defendant's defense; 44268

(b) If the examiner's opinion is that the defendant is 44269
incapable of understanding the nature and objective of the 44270
proceedings against the defendant or of assisting in the 44271
defendant's defense, whether the defendant presently is mentally 44272
ill or mentally retarded and, if the examiner's opinion is that 44273
the defendant presently is mentally retarded, whether the 44274
defendant appears to be a mentally retarded person subject to 44275
institutionalization by court order; 44276

(c) If the examiner's opinion is that the defendant is 44277
incapable of understanding the nature and objective of the 44278
proceedings against the defendant or of assisting in the 44279
defendant's defense, the examiner's opinion as to the likelihood 44280
of the defendant becoming capable of understanding the nature and 44281
objective of the proceedings against the defendant and of 44282
assisting in the defendant's defense within one year if the 44283
defendant is provided with a course of treatment; 44284

(d) If the examiner's opinion is that the defendant is 44285
incapable of understanding the nature and objective of the 44286
proceedings against the defendant or of assisting in the 44287
defendant's defense and that the defendant presently is mentally 44288
ill or mentally retarded, the examiner's recommendation as to the 44289
least restrictive placement or commitment alternative, consistent 44290
with the defendant's treatment needs for restoration to competency 44291
and with the safety of the community. 44292

(4) If the evaluation was ordered to determine the 44293
defendant's mental condition at the time of the offense charged, 44294
the examiner's findings as to whether the defendant, at the time 44295
of the offense charged, did not know, as a result of a severe 44296
mental disease or defect, the wrongfulness of the defendant's acts 44297
charged. 44298

(H) If the examiner's report filed under division (G) of this 44299
section indicates that in the examiner's opinion the defendant is 44300
incapable of understanding the nature and objective of the 44301
proceedings against the defendant or of assisting in the 44302
defendant's defense and that in the examiner's opinion the 44303
defendant appears to be a mentally retarded person subject to 44304
institutionalization by court order, the court shall order the 44305
defendant to undergo a separate mental retardation evaluation 44306
conducted by a psychologist designated by the director of 44307
developmental disabilities. Divisions (C) to (F) of this section 44308
apply in relation to a separate mental retardation evaluation 44309
conducted under this division. The psychologist appointed under 44310
this division to conduct the separate mental retardation 44311
evaluation shall file a written report with the court within 44312
thirty days after the entry of the court order requiring the 44313
separate mental retardation evaluation, and the court shall 44314
provide copies of the report to the prosecutor and defense 44315
counsel. The report shall include all of the information described 44316

in divisions (G)(1) to (4) of this section. If the court orders a separate mental retardation evaluation of a defendant under this division, the court shall not conduct a hearing under divisions (B) to (H) of section 2945.37 of the Revised Code regarding that defendant until a report of the separate mental retardation evaluation conducted under this division has been filed. Upon the filing of that report, the court shall conduct the hearing within the period of time specified in division (C) of section 2945.37 of the Revised Code.

(I) An examiner appointed under divisions (A) and (B) of this section or under division (H) of this section to evaluate a defendant to determine the defendant's competence to stand trial also may be appointed to evaluate a defendant who has entered a plea of not guilty by reason of insanity, but an examiner of that nature shall prepare separate reports on the issue of competence to stand trial and the defense of not guilty by reason of insanity.

(J) No statement that a defendant makes in an evaluation or hearing under divisions (A) to (H) of this section relating to the defendant's competence to stand trial or to the defendant's mental condition at the time of the offense charged shall be used against the defendant on the issue of guilt in any criminal action or proceeding, but, in a criminal action or proceeding, the prosecutor or defense counsel may call as a witness any person who evaluated the defendant or prepared a report pursuant to a referral under this section. Neither the appointment nor the testimony of an examiner appointed under this section precludes the prosecutor or defense counsel from calling other witnesses or presenting other evidence on competency or insanity issues.

(K) Persons appointed as examiners under divisions (A) and (B) of this section or under division (H) of this section shall be paid a reasonable amount for their services and expenses, as

certified by the court. The certified amount shall be paid by the 44349
county in the case of county courts and courts of common pleas and 44350
by the legislative authority, as defined in section 1901.03 of the 44351
Revised Code, in the case of municipal courts. 44352

Sec. 2945.38. (A) If the issue of a defendant's competence to 44353
stand trial is raised and if the court, upon conducting the 44354
hearing provided for in section 2945.37 of the Revised Code, finds 44355
that the defendant is competent to stand trial, the defendant 44356
shall be proceeded against as provided by law. If the court finds 44357
the defendant competent to stand trial and the defendant is 44358
receiving psychotropic drugs or other medication, the court may 44359
authorize the continued administration of the drugs or medication 44360
or other appropriate treatment in order to maintain the 44361
defendant's competence to stand trial, unless the defendant's 44362
attending physician advises the court against continuation of the 44363
drugs, other medication, or treatment. 44364

(B)(1)(a) If, after taking into consideration all relevant 44365
reports, information, and other evidence, the court finds that the 44366
defendant is incompetent to stand trial and that there is a 44367
substantial probability that the defendant will become competent 44368
to stand trial within one year if the defendant is provided with a 44369
course of treatment, the court shall order the defendant to 44370
undergo treatment. If the defendant has been charged with a felony 44371
offense and if, after taking into consideration all relevant 44372
reports, information, and other evidence, the court finds that the 44373
defendant is incompetent to stand trial, but the court is unable 44374
at that time to determine whether there is a substantial 44375
probability that the defendant will become competent to stand 44376
trial within one year if the defendant is provided with a course 44377
of treatment, the court shall order continuing evaluation and 44378
treatment of the defendant for a period not to exceed four months 44379
to determine whether there is a substantial probability that the 44380

defendant will become competent to stand trial within one year if 44381
the defendant is provided with a course of treatment. 44382

(b) The court order for the defendant to undergo treatment or 44383
continuing evaluation and treatment under division (B)(1)(a) of 44384
this section shall specify that the defendant, if determined to 44385
require mental health treatment or continuing evaluation and 44386
treatment, either shall be committed to the department of ~~mental~~ 44387
~~health~~ mental health and addiction services for treatment or 44388
continuing evaluation and treatment at a hospital, facility, or 44389
agency, as determined to be clinically appropriate by the 44390
department of ~~mental health~~ mental health and addiction services 44391
or shall be committed to a facility certified by the department of 44392
~~mental health~~ mental health and addiction services as being 44393
qualified to treat mental illness, to a public or community mental 44394
health facility, or to a psychiatrist or another mental health 44395
professional for treatment or continuing evaluation and treatment. 44396
Prior to placing the defendant, the department of ~~mental health~~ 44397
mental health and addiction services shall obtain court approval 44398
for that placement following a hearing. The court order for the 44399
defendant to undergo treatment or continuing evaluation and 44400
treatment under division (B)(1)(a) of this section shall specify 44401
that the defendant, if determined to require treatment or 44402
continuing evaluation and treatment for mental retardation, shall 44403
receive treatment or continuing evaluation and treatment at an 44404
institution or facility operated by the department of 44405
developmental disabilities, at a facility certified by the 44406
department of developmental disabilities as being qualified to 44407
treat mental retardation, at a public or private mental 44408
retardation facility, or by a psychiatrist or another mental 44409
retardation professional. In any case, the order may restrict the 44410
defendant's freedom of movement as the court considers necessary. 44411
The prosecutor in the defendant's case shall send to the chief 44412
clinical officer of the hospital, facility, or agency where the 44413

defendant is placed by the department of ~~mental health~~ mental 44414
health and addiction services, or to the managing officer of the 44415
institution, the director of the program or facility, or the 44416
person to which the defendant is committed, copies of relevant 44417
police reports and other background information that pertains to 44418
the defendant and is available to the prosecutor unless the 44419
prosecutor determines that the release of any of the information 44420
in the police reports or any of the other background information 44421
to unauthorized persons would interfere with the effective 44422
prosecution of any person or would create a substantial risk of 44423
harm to any person. 44424

In determining the place of commitment, the court shall 44425
consider the extent to which the person is a danger to the person 44426
and to others, the need for security, and the type of crime 44427
involved and shall order the least restrictive alternative 44428
available that is consistent with public safety and treatment 44429
goals. In weighing these factors, the court shall give preference 44430
to protecting public safety. 44431

(c) If the defendant is found incompetent to stand trial, if 44432
the chief clinical officer of the hospital, facility, or agency 44433
where the defendant is placed, or the managing officer of the 44434
institution, the director of the program or facility, or the 44435
person to which the defendant is committed for treatment or 44436
continuing evaluation and treatment under division (B)(1)(b) of 44437
this section determines that medication is necessary to restore 44438
the defendant's competency to stand trial, and if the defendant 44439
lacks the capacity to give informed consent or refuses medication, 44440
the chief clinical officer of the hospital, facility, or agency 44441
where the defendant is placed, or the managing officer of the 44442
institution, the director of the program or facility, or the 44443
person to which the defendant is committed for treatment or 44444
continuing evaluation and treatment may petition the court for 44445

authorization for the involuntary administration of medication. 44446
The court shall hold a hearing on the petition within five days of 44447
the filing of the petition if the petition was filed in a 44448
municipal court or a county court regarding an incompetent 44449
defendant charged with a misdemeanor or within ten days of the 44450
filing of the petition if the petition was filed in a court of 44451
common pleas regarding an incompetent defendant charged with a 44452
felony offense. Following the hearing, the court may authorize the 44453
involuntary administration of medication or may dismiss the 44454
petition. 44455

(2) If the court finds that the defendant is incompetent to 44456
stand trial and that, even if the defendant is provided with a 44457
course of treatment, there is not a substantial probability that 44458
the defendant will become competent to stand trial within one 44459
year, the court shall order the discharge of the defendant, unless 44460
upon motion of the prosecutor or on its own motion, the court 44461
either seeks to retain jurisdiction over the defendant pursuant to 44462
section 2945.39 of the Revised Code or files an affidavit in the 44463
probate court for the civil commitment of the defendant pursuant 44464
to Chapter 5122. or 5123. of the Revised Code alleging that the 44465
defendant is a mentally ill person subject to hospitalization by 44466
court order or a mentally retarded person subject to 44467
institutionalization by court order. If an affidavit is filed in 44468
the probate court, the trial court shall send to the probate court 44469
copies of all written reports of the defendant's mental condition 44470
that were prepared pursuant to section 2945.371 of the Revised 44471
Code. 44472

The trial court may issue the temporary order of detention 44473
that a probate court may issue under section 5122.11 or 5123.71 of 44474
the Revised Code, to remain in effect until the probable cause or 44475
initial hearing in the probate court. Further proceedings in the 44476
probate court are civil proceedings governed by Chapter 5122. or 44477

5123. of the Revised Code. 44478

(C) No defendant shall be required to undergo treatment, 44479
including any continuing evaluation and treatment, under division 44480
(B)(1) of this section for longer than whichever of the following 44481
periods is applicable: 44482

(1) One year, if the most serious offense with which the 44483
defendant is charged is one of the following offenses: 44484

(a) Aggravated murder, murder, or an offense of violence for 44485
which a sentence of death or life imprisonment may be imposed; 44486

(b) An offense of violence that is a felony of the first or 44487
second degree; 44488

(c) A conspiracy to commit, an attempt to commit, or 44489
complicity in the commission of an offense described in division 44490
(C)(1)(a) or (b) of this section if the conspiracy, attempt, or 44491
complicity is a felony of the first or second degree. 44492

(2) Six months, if the most serious offense with which the 44493
defendant is charged is a felony other than a felony described in 44494
division (C)(1) of this section; 44495

(3) Sixty days, if the most serious offense with which the 44496
defendant is charged is a misdemeanor of the first or second 44497
degree; 44498

(4) Thirty days, if the most serious offense with which the 44499
defendant is charged is a misdemeanor of the third or fourth 44500
degree, a minor misdemeanor, or an unclassified misdemeanor. 44501

(D) Any defendant who is committed pursuant to this section 44502
shall not voluntarily admit the defendant or be voluntarily 44503
admitted to a hospital or institution pursuant to section 5122.02, 44504
5122.15, 5123.69, or 5123.76 of the Revised Code. 44505

(E) Except as otherwise provided in this division, a 44506
defendant who is charged with an offense and is committed by the 44507

court under this section to the department of ~~mental health~~ mental health and addiction services or is committed to an institution or facility for the treatment of mental retardation shall not be granted unsupervised on-grounds movement, supervised off-grounds movement, or nonsecured status except in accordance with the court order. The court may grant a defendant supervised off-grounds movement to obtain medical treatment or specialized habilitation treatment services if the person who supervises the treatment or the continuing evaluation and treatment of the defendant ordered under division (B)(1)(a) of this section informs the court that the treatment or continuing evaluation and treatment cannot be provided at the hospital or facility where the defendant is placed by the department of ~~mental health~~ mental health and addiction services or the institution or facility to which the defendant is committed. The chief clinical officer of the hospital or facility where the defendant is placed by the department of ~~mental health~~ mental health and addiction services or the managing officer of the institution or director of the facility to which the defendant is committed, or a designee of any of those persons, may grant a defendant movement to a medical facility for an emergency medical situation with appropriate supervision to ensure the safety of the defendant, staff, and community during that emergency medical situation. The chief clinical officer of the hospital or facility where the defendant is placed by the department of ~~mental health~~ mental health and addiction services or the managing officer of the institution or director of the facility to which the defendant is committed shall notify the court within twenty-four hours of the defendant's movement to the medical facility for an emergency medical situation under this division.

(F) The person who supervises the treatment or continuing evaluation and treatment of a defendant ordered to undergo treatment or continuing evaluation and treatment under division (B)(1)(a) of this section shall file a written report with the

court at the following times: 44541

(1) Whenever the person believes the defendant is capable of 44542
understanding the nature and objective of the proceedings against 44543
the defendant and of assisting in the defendant's defense; 44544

(2) For a felony offense, fourteen days before expiration of 44545
the maximum time for treatment as specified in division (C) of 44546
this section and fourteen days before the expiration of the 44547
maximum time for continuing evaluation and treatment as specified 44548
in division (B)(1)(a) of this section, and, for a misdemeanor 44549
offense, ten days before the expiration of the maximum time for 44550
treatment, as specified in division (C) of this section; 44551

(3) At a minimum, after each six months of treatment; 44552

(4) Whenever the person who supervises the treatment or 44553
continuing evaluation and treatment of a defendant ordered under 44554
division (B)(1)(a) of this section believes that there is not a 44555
substantial probability that the defendant will become capable of 44556
understanding the nature and objective of the proceedings against 44557
the defendant or of assisting in the defendant's defense even if 44558
the defendant is provided with a course of treatment. 44559

(G) A report under division (F) of this section shall contain 44560
the examiner's findings, the facts in reasonable detail on which 44561
the findings are based, and the examiner's opinion as to the 44562
defendant's capability of understanding the nature and objective 44563
of the proceedings against the defendant and of assisting in the 44564
defendant's defense. If, in the examiner's opinion, the defendant 44565
remains incapable of understanding the nature and objective of the 44566
proceedings against the defendant and of assisting in the 44567
defendant's defense and there is a substantial probability that 44568
the defendant will become capable of understanding the nature and 44569
objective of the proceedings against the defendant and of 44570
assisting in the defendant's defense if the defendant is provided 44571

with a course of treatment, if in the examiner's opinion the 44572
defendant remains mentally ill or mentally retarded, and if the 44573
maximum time for treatment as specified in division (C) of this 44574
section has not expired, the report also shall contain the 44575
examiner's recommendation as to the least restrictive placement or 44576
commitment alternative that is consistent with the defendant's 44577
treatment needs for restoration to competency and with the safety 44578
of the community. The court shall provide copies of the report to 44579
the prosecutor and defense counsel. 44580

(H) If a defendant is committed pursuant to division (B)(1) 44581
of this section, within ten days after the treating physician of 44582
the defendant or the examiner of the defendant who is employed or 44583
retained by the treating facility advises that there is not a 44584
substantial probability that the defendant will become capable of 44585
understanding the nature and objective of the proceedings against 44586
the defendant or of assisting in the defendant's defense even if 44587
the defendant is provided with a course of treatment, within ten 44588
days after the expiration of the maximum time for treatment as 44589
specified in division (C) of this section, within ten days after 44590
the expiration of the maximum time for continuing evaluation and 44591
treatment as specified in division (B)(1)(a) of this section, 44592
within thirty days after a defendant's request for a hearing that 44593
is made after six months of treatment, or within thirty days after 44594
being advised by the treating physician or examiner that the 44595
defendant is competent to stand trial, whichever is the earliest, 44596
the court shall conduct another hearing to determine if the 44597
defendant is competent to stand trial and shall do whichever of 44598
the following is applicable: 44599

(1) If the court finds that the defendant is competent to 44600
stand trial, the defendant shall be proceeded against as provided 44601
by law. 44602

(2) If the court finds that the defendant is incompetent to 44603

stand trial, but that there is a substantial probability that the defendant will become competent to stand trial if the defendant is provided with a course of treatment, and the maximum time for treatment as specified in division (C) of this section has not expired, the court, after consideration of the examiner's recommendation, shall order that treatment be continued, may change the facility or program at which the treatment is to be continued, and shall specify whether the treatment is to be continued at the same or a different facility or program.

(3) If the court finds that the defendant is incompetent to stand trial, if the defendant is charged with an offense listed in division (C)(1) of this section, and if the court finds that there is not a substantial probability that the defendant will become competent to stand trial even if the defendant is provided with a course of treatment, or if the maximum time for treatment relative to that offense as specified in division (C) of this section has expired, further proceedings shall be as provided in sections 2945.39, 2945.401, and 2945.402 of the Revised Code.

(4) If the court finds that the defendant is incompetent to stand trial, if the most serious offense with which the defendant is charged is a misdemeanor or a felony other than a felony listed in division (C)(1) of this section, and if the court finds that there is not a substantial probability that the defendant will become competent to stand trial even if the defendant is provided with a course of treatment, or if the maximum time for treatment relative to that offense as specified in division (C) of this section has expired, the court shall dismiss the indictment, information, or complaint against the defendant. A dismissal under this division is not a bar to further prosecution based on the same conduct. The court shall discharge the defendant unless the court or prosecutor files an affidavit in probate court for civil commitment pursuant to Chapter 5122. or 5123. of the Revised Code.

If an affidavit for civil commitment is filed, the court may 44636
detain the defendant for ten days pending civil commitment. All of 44637
the following provisions apply to persons charged with a 44638
misdemeanor or a felony other than a felony listed in division 44639
(C)(1) of this section who are committed by the probate court 44640
subsequent to the court's or prosecutor's filing of an affidavit 44641
for civil commitment under authority of this division: 44642

(a) The chief clinical officer of the entity, hospital, or 44643
facility, the managing officer of the institution, the director of 44644
the program, or the person to which the defendant is committed or 44645
admitted shall do all of the following: 44646

(i) Notify the prosecutor, in writing, of the discharge of 44647
the defendant, send the notice at least ten days prior to the 44648
discharge unless the discharge is by the probate court, and state 44649
in the notice the date on which the defendant will be discharged; 44650

(ii) Notify the prosecutor, in writing, when the defendant is 44651
absent without leave or is granted unsupervised, off-grounds 44652
movement, and send this notice promptly after the discovery of the 44653
absence without leave or prior to the granting of the 44654
unsupervised, off-grounds movement, whichever is applicable; 44655

(iii) Notify the prosecutor, in writing, of the change of the 44656
defendant's commitment or admission to voluntary status, send the 44657
notice promptly upon learning of the change to voluntary status, 44658
and state in the notice the date on which the defendant was 44659
committed or admitted on a voluntary status. 44660

(b) Upon receiving notice that the defendant will be granted 44661
unsupervised, off-grounds movement, the prosecutor either shall 44662
re-indict the defendant or promptly notify the court that the 44663
prosecutor does not intend to prosecute the charges against the 44664
defendant. 44665

(I) If a defendant is convicted of a crime and sentenced to a 44666

jail or workhouse, the defendant's sentence shall be reduced by 44667
the total number of days the defendant is confined for evaluation 44668
to determine the defendant's competence to stand trial or 44669
treatment under this section and sections 2945.37 and 2945.371 of 44670
the Revised Code or by the total number of days the defendant is 44671
confined for evaluation to determine the defendant's mental 44672
condition at the time of the offense charged. 44673

Sec. 2945.39. (A) If a defendant who is charged with an 44674
offense described in division (C)(1) of section 2945.38 of the 44675
Revised Code is found incompetent to stand trial, after the 44676
expiration of the maximum time for treatment as specified in 44677
division (C) of that section or after the court finds that there 44678
is not a substantial probability that the defendant will become 44679
competent to stand trial even if the defendant is provided with a 44680
course of treatment, one of the following applies: 44681

(1) The court or the prosecutor may file an affidavit in 44682
probate court for civil commitment of the defendant in the manner 44683
provided in Chapter 5122. or 5123. of the Revised Code. If the 44684
court or prosecutor files an affidavit for civil commitment, the 44685
court may detain the defendant for ten days pending civil 44686
commitment. If the probate court commits the defendant subsequent 44687
to the court's or prosecutor's filing of an affidavit for civil 44688
commitment, the chief clinical officer of the entity, hospital, or 44689
facility, the managing officer of the institution, the director of 44690
the program, or the person to which the defendant is committed or 44691
admitted shall send to the prosecutor the notices described in 44692
divisions (H)(4)(a)(i) to (iii) of section 2945.38 of the Revised 44693
Code within the periods of time and under the circumstances 44694
specified in those divisions. 44695

(2) On the motion of the prosecutor or on its own motion, the 44696
court may retain jurisdiction over the defendant if, at a hearing, 44697

the court finds both of the following by clear and convincing evidence: 44698
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(a) The defendant committed the offense with which the defendant is charged. 44700
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(b) The defendant is a mentally ill person subject to hospitalization by court order or a mentally retarded person subject to institutionalization by court order. 44702
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(B) In making its determination under division (A)(2) of this section as to whether to retain jurisdiction over the defendant, the court may consider all relevant evidence, including, but not limited to, any relevant psychiatric, psychological, or medical testimony or reports, the acts constituting the offense charged, and any history of the defendant that is relevant to the defendant's ability to conform to the law. 44705
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(C) If the court conducts a hearing as described in division (A)(2) of this section and if the court does not make both findings described in divisions (A)(2)(a) and (b) of this section by clear and convincing evidence, the court shall dismiss the indictment, information, or complaint against the defendant. Upon the dismissal, the court shall discharge the defendant unless the court or prosecutor files an affidavit in probate court for civil commitment of the defendant pursuant to Chapter 5122. or 5123. of the Revised Code. If the court or prosecutor files an affidavit for civil commitment, the court may order that the defendant be detained for up to ten days pending the civil commitment. If the probate court commits the defendant subsequent to the court's or prosecutor's filing of an affidavit for civil commitment, the chief clinical officer of the entity, hospital, or facility, the managing officer of the institution, the director of the program, or the person to which the defendant is committed or admitted shall send to the prosecutor the notices described in divisions (H)(4)(a)(i) to (iii) of section 2945.38 of the Revised Code 44712
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within the periods of time and under the circumstances specified 44730
in those divisions. A dismissal of charges under this division is 44731
not a bar to further criminal proceedings based on the same 44732
conduct. 44733

(D)(1) If the court conducts a hearing as described in 44734
division (A)(2) of this section and if the court makes the 44735
findings described in divisions (A)(2)(a) and (b) of this section 44736
by clear and convincing evidence, the court shall commit the 44737
defendant, if determined to require mental health treatment, 44738
either to the department of ~~mental health~~ mental health and 44739
addiction services for treatment at a hospital, facility, or 44740
agency as determined clinically appropriate by the department of 44741
~~mental health~~ mental health and addiction services or to another 44742
medical or psychiatric facility, as appropriate. Prior to placing 44743
the defendant, the department of ~~mental health~~ mental health and 44744
addiction services shall obtain court approval for that placement. 44745
If the court conducts such a hearing and if it makes those 44746
findings by clear and convincing evidence, the court shall commit 44747
the defendant, if determined to require treatment for mental 44748
retardation, to a facility operated by the department of 44749
developmental disabilities, or another facility, as appropriate. 44750
In determining the place of commitment, the court shall consider 44751
the extent to which the person is a danger to the person and to 44752
others, the need for security, and the type of crime involved and 44753
shall order the least restrictive alternative available that is 44754
consistent with public safety and the welfare of the defendant. In 44755
weighing these factors, the court shall give preference to 44756
protecting public safety. 44757

(2) If a court makes a commitment of a defendant under 44758
division (D)(1) of this section, the prosecutor shall send to the 44759
hospital, facility, or agency where the defendant is placed by the 44760
department of ~~mental health~~ mental health and addiction services 44761

or to the defendant's place of commitment all reports of the 44762
defendant's current mental condition and, except as otherwise 44763
provided in this division, any other relevant information, 44764
including, but not limited to, a transcript of the hearing held 44765
pursuant to division (A)(2) of this section, copies of relevant 44766
police reports, and copies of any prior arrest and conviction 44767
records that pertain to the defendant and that the prosecutor 44768
possesses. The prosecutor shall send the reports of the 44769
defendant's current mental condition in every case of commitment, 44770
and, unless the prosecutor determines that the release of any of 44771
the other relevant information to unauthorized persons would 44772
interfere with the effective prosecution of any person or would 44773
create a substantial risk of harm to any person, the prosecutor 44774
also shall send the other relevant information. Upon admission of 44775
a defendant committed under division (D)(1) of this section, the 44776
place of commitment shall send to the board of alcohol, drug 44777
addiction, and mental health services or the community mental 44778
health board serving the county in which the charges against the 44779
defendant were filed a copy of all reports of the defendant's 44780
current mental condition and a copy of the other relevant 44781
information provided by the prosecutor under this division, 44782
including, if provided, a transcript of the hearing held pursuant 44783
to division (A)(2) of this section, the relevant police reports, 44784
and the prior arrest and conviction records that pertain to the 44785
defendant and that the prosecutor possesses. 44786

(3) If a court makes a commitment under division (D)(1) of 44787
this section, all further proceedings shall be in accordance with 44788
sections 2945.401 and 2945.402 of the Revised Code. 44789

Sec. 2945.40. (A) If a person is found not guilty by reason 44790
of insanity, the verdict shall state that finding, and the trial 44791
court shall conduct a full hearing to determine whether the person 44792
is a mentally ill person subject to hospitalization by court order 44793

or a mentally retarded person subject to institutionalization by 44794
court order. Prior to the hearing, if the trial judge believes 44795
that there is probable cause that the person found not guilty by 44796
reason of insanity is a mentally ill person subject to 44797
hospitalization by court order or mentally retarded person subject 44798
to institutionalization by court order, the trial judge may issue 44799
a temporary order of detention for that person to remain in effect 44800
for ten court days or until the hearing, whichever occurs first. 44801

Any person detained pursuant to a temporary order of 44802
detention issued under this division shall be held in a suitable 44803
facility, taking into consideration the place and type of 44804
confinement prior to and during trial. 44805

(B) The court shall hold the hearing under division (A) of 44806
this section to determine whether the person found not guilty by 44807
reason of insanity is a mentally ill person subject to 44808
hospitalization by court order or a mentally retarded person 44809
subject to institutionalization by court order within ten court 44810
days after the finding of not guilty by reason of insanity. 44811
Failure to conduct the hearing within the ten-day period shall 44812
cause the immediate discharge of the respondent, unless the judge 44813
grants a continuance for not longer than ten court days for good 44814
cause shown or for any period of time upon motion of the 44815
respondent. 44816

(C) If a person is found not guilty by reason of insanity, 44817
the person has the right to attend all hearings conducted pursuant 44818
to sections 2945.37 to 2945.402 of the Revised Code. At any 44819
hearing conducted pursuant to one of those sections, the court 44820
shall inform the person that the person has all of the following 44821
rights: 44822

(1) The right to be represented by counsel and to have that 44823
counsel provided at public expense if the person is indigent, with 44824
the counsel to be appointed by the court under Chapter 120. of the 44825

Revised Code or under the authority recognized in division (C) of 44826
section 120.06, division (E) of section 120.16, division (E) of 44827
section 120.26, or section 2941.51 of the Revised Code; 44828

(2) The right to have independent expert evaluation and to 44829
have that independent expert evaluation provided at public expense 44830
if the person is indigent; 44831

(3) The right to subpoena witnesses and documents, to present 44832
evidence on the person's behalf, and to cross-examine witnesses 44833
against the person; 44834

(4) The right to testify in the person's own behalf and to 44835
not be compelled to testify; 44836

(5) The right to have copies of any relevant medical or 44837
mental health document in the custody of the state or of any place 44838
of commitment other than a document for which the court finds that 44839
the release to the person of information contained in the document 44840
would create a substantial risk of harm to any person. 44841

(D) The hearing under division (A) of this section shall be 44842
open to the public, and the court shall conduct the hearing in 44843
accordance with the Rules of Civil Procedure. The court shall make 44844
and maintain a full transcript and record of the hearing 44845
proceedings. The court may consider all relevant evidence, 44846
including, but not limited to, any relevant psychiatric, 44847
psychological, or medical testimony or reports, the acts 44848
constituting the offense in relation to which the person was found 44849
not guilty by reason of insanity, and any history of the person 44850
that is relevant to the person's ability to conform to the law. 44851

(E) Upon completion of the hearing under division (A) of this 44852
section, if the court finds there is not clear and convincing 44853
evidence that the person is a mentally ill person subject to 44854
hospitalization by court order or a mentally retarded person 44855
subject to institutionalization by court order, the court shall 44856

discharge the person, unless a detainer has been placed upon the 44857
person by the department of rehabilitation and correction, in 44858
which case the person shall be returned to that department. 44859

(F) If, at the hearing under division (A) of this section, 44860
the court finds by clear and convincing evidence that the person 44861
is a mentally ill person subject to hospitalization by court 44862
order, the court shall commit the person either to the department 44863
of ~~mental health~~ mental health and addiction services for 44864
treatment in a hospital, facility, or agency as determined 44865
clinically appropriate by the department of ~~mental health~~ mental 44866
health and addiction services or to another medical or psychiatric 44867
facility, as appropriate. Prior to placing the defendant, the 44868
department of ~~mental health~~ mental health and addiction services 44869
shall obtain court approval for that placement. If, at the hearing 44870
under division (A) of this section, the court determines by clear 44871
and convincing evidence that the person requires treatment for 44872
mental retardation, it shall commit the person to a facility 44873
operated by the department of developmental disabilities or 44874
another facility, as appropriate. Further proceedings shall be in 44875
accordance with sections 2945.401 and 2945.402 of the Revised 44876
Code. In determining the place of commitment, the court shall 44877
consider the extent to which the person is a danger to the person 44878
and to others, the need for security, and the type of crime 44879
involved and shall order the least restrictive alternative 44880
available that is consistent with public safety and the welfare of 44881
the person. In weighing these factors, the court shall give 44882
preference to protecting public safety. 44883

(G) If a court makes a commitment of a person under division 44884
(F) of this section, the prosecutor shall send to the hospital, 44885
facility, or agency where the person is placed by the department 44886
of ~~mental health~~ mental health and addiction services or to the 44887
defendant's place of commitment all reports of the person's 44888

current mental condition, and, except as otherwise provided in 44889
this division, any other relevant information, including, but not 44890
limited to, a transcript of the hearing held pursuant to division 44891
(A) of this section, copies of relevant police reports, and copies 44892
of any prior arrest and conviction records that pertain to the 44893
person and that the prosecutor possesses. The prosecutor shall 44894
send the reports of the person's current mental condition in every 44895
case of commitment, and, unless the prosecutor determines that the 44896
release of any of the other relevant information to unauthorized 44897
persons would interfere with the effective prosecution of any 44898
person or would create a substantial risk of harm to any person, 44899
the prosecutor also shall send the other relevant information. 44900
Upon admission of a person committed under division (F) of this 44901
section, the place of commitment shall send to the board of 44902
alcohol, drug addiction, and mental health services or the 44903
community mental health board serving the county in which the 44904
charges against the person were filed a copy of all reports of the 44905
person's current mental condition and a copy of the other relevant 44906
information provided by the prosecutor under this division, 44907
including, if provided, a transcript of the hearing held pursuant 44908
to division (A) of this section, the relevant police reports, and 44909
the prior arrest and conviction records that pertain to the person 44910
and that the prosecutor possesses. 44911

(H) A person who is committed pursuant to this section shall 44912
not voluntarily admit the person or be voluntarily admitted to a 44913
hospital or institution pursuant to section 5122.02, 5122.15, 44914
5123.69, or 5123.76 of the Revised Code. 44915

Sec. 2945.401. (A) A defendant found incompetent to stand 44916
trial and committed pursuant to section 2945.39 of the Revised 44917
Code or a person found not guilty by reason of insanity and 44918
committed pursuant to section 2945.40 of the Revised Code shall 44919
remain subject to the jurisdiction of the trial court pursuant to 44920

that commitment, and to the provisions of this section, until the 44921
final termination of the commitment as described in division 44922
(J)(1) of this section. If the jurisdiction is terminated under 44923
this division because of the final termination of the commitment 44924
resulting from the expiration of the maximum prison term or term 44925
of imprisonment described in division (J)(1)(b) of this section, 44926
the court or prosecutor may file an affidavit for the civil 44927
commitment of the defendant or person pursuant to Chapter 5122. or 44928
5123. of the Revised Code. 44929

(B) A hearing conducted under any provision of sections 44930
2945.37 to 2945.402 of the Revised Code shall not be conducted in 44931
accordance with Chapters 5122. and 5123. of the Revised Code. Any 44932
person who is committed pursuant to section 2945.39 or 2945.40 of 44933
the Revised Code shall not voluntarily admit the person or be 44934
voluntarily admitted to a hospital or institution pursuant to 44935
section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. 44936
All other provisions of Chapters 5122. and 5123. of the Revised 44937
Code regarding hospitalization or institutionalization shall apply 44938
to the extent they are not in conflict with this chapter. A 44939
commitment under section 2945.39 or 2945.40 of the Revised Code 44940
shall not be terminated and the conditions of the commitment shall 44941
not be changed except as otherwise provided in division (D)(2) of 44942
this section with respect to a mentally retarded person subject to 44943
institutionalization by court order or except by order of the 44944
trial court. 44945

(C) The department of ~~mental health~~ mental health and 44946
addiction services or the institution, facility, or program to 44947
which a defendant or person has been committed under section 44948
2945.39 or 2945.40 of the Revised Code shall report in writing to 44949
the trial court, at the times specified in this division, as to 44950
whether the defendant or person remains a mentally ill person 44951
subject to hospitalization by court order or a mentally retarded 44952

person subject to institutionalization by court order and, in the 44953
case of a defendant committed under section 2945.39 of the Revised 44954
Code, as to whether the defendant remains incompetent to stand 44955
trial. The department, institution, facility, or program shall 44956
make the reports after the initial six months of treatment and 44957
every two years after the initial report is made. The trial court 44958
shall provide copies of the reports to the prosecutor and to the 44959
counsel for the defendant or person. Within thirty days after its 44960
receipt pursuant to this division of a report from the department, 44961
institution, facility, or program, the trial court shall hold a 44962
hearing on the continued commitment of the defendant or person or 44963
on any changes in the conditions of the commitment of the 44964
defendant or person. The defendant or person may request a change 44965
in the conditions of confinement, and the trial court shall 44966
conduct a hearing on that request if six months or more have 44967
elapsed since the most recent hearing was conducted under this 44968
section. 44969

(D)(1) Except as otherwise provided in division (D)(2) of 44970
this section, when a defendant or person has been committed under 44971
section 2945.39 or 2945.40 of the Revised Code, at any time after 44972
evaluating the risks to public safety and the welfare of the 44973
defendant or person, the designee of the department of ~~mental~~ 44974
~~health~~ mental health and addiction services or the managing 44975
officer of the institution or director of the facility or program 44976
to which the defendant or person is committed may recommend a 44977
termination of the defendant's or person's commitment or a change 44978
in the conditions of the defendant's or person's commitment. 44979

Except as otherwise provided in division (D)(2) of this 44980
section, if the designee of the department of ~~mental health~~ mental 44981
health and addiction services recommends on-grounds unsupervised 44982
movement, off-grounds supervised movement, or nonsecured status 44983
for the defendant or person or termination of the defendant's or 44984

person's commitment, the following provisions apply: 44985

(a) If the department's designee recommends on-grounds 44986
unsupervised movement or off-grounds supervised movement, the 44987
department's designee shall file with the trial court an 44988
application for approval of the movement and shall send a copy of 44989
the application to the prosecutor. Within fifteen days after 44990
receiving the application, the prosecutor may request a hearing on 44991
the application and, if a hearing is requested, shall so inform 44992
the department's designee. If the prosecutor does not request a 44993
hearing within the fifteen-day period, the trial court shall 44994
approve the application by entering its order approving the 44995
requested movement or, within five days after the expiration of 44996
the fifteen-day period, shall set a date for a hearing on the 44997
application. If the prosecutor requests a hearing on the 44998
application within the fifteen-day period, the trial court shall 44999
hold a hearing on the application within thirty days after the 45000
hearing is requested. If the trial court, within five days after 45001
the expiration of the fifteen-day period, sets a date for a 45002
hearing on the application, the trial court shall hold the hearing 45003
within thirty days after setting the hearing date. At least 45004
fifteen days before any hearing is held under this division, the 45005
trial court shall give the prosecutor written notice of the date, 45006
time, and place of the hearing. At the conclusion of each hearing 45007
conducted under this division, the trial court either shall 45008
approve or disapprove the application and shall enter its order 45009
accordingly. 45010

(b) If the department's designee recommends termination of 45011
the defendant's or person's commitment at any time or if the 45012
department's designee recommends the first of any nonsecured 45013
status for the defendant or person, the department's designee 45014
shall send written notice of this recommendation to the trial 45015
court and to the local forensic center. The local forensic center 45016

shall evaluate the committed defendant or person and, within 45017
thirty days after its receipt of the written notice, shall submit 45018
to the trial court and the department's designee a written report 45019
of the evaluation. The trial court shall provide a copy of the 45020
department's designee's written notice and of the local forensic 45021
center's written report to the prosecutor and to the counsel for 45022
the defendant or person. Upon the local forensic center's 45023
submission of the report to the trial court and the department's 45024
designee, all of the following apply: 45025

(i) If the forensic center disagrees with the recommendation 45026
of the department's designee, it shall inform the department's 45027
designee and the trial court of its decision and the reasons for 45028
the decision. The department's designee, after consideration of 45029
the forensic center's decision, shall either withdraw, proceed 45030
with, or modify and proceed with the recommendation. If the 45031
department's designee proceeds with, or modifies and proceeds 45032
with, the recommendation, the department's designee shall proceed 45033
in accordance with division (D)(1)(b)(iii) of this section. 45034

(ii) If the forensic center agrees with the recommendation of 45035
the department's designee, it shall inform the department's 45036
designee and the trial court of its decision and the reasons for 45037
the decision, and the department's designee shall proceed in 45038
accordance with division (D)(1)(b)(iii) of this section. 45039

(iii) If the forensic center disagrees with the 45040
recommendation of the department's designee and the department's 45041
designee proceeds with, or modifies and proceeds with, the 45042
recommendation or if the forensic center agrees with the 45043
recommendation of the department's designee, the department's 45044
designee shall work with community mental health ~~agencies~~ services 45045
providers, programs, facilities, or boards of alcohol, drug 45046
addiction, and mental health services or community mental health 45047
boards to develop a plan to implement the recommendation. If the 45048

defendant or person is on medication, the plan shall include, but 45049
shall not be limited to, a system to monitor the defendant's or 45050
person's compliance with the prescribed medication treatment plan. 45051
The system shall include a schedule that clearly states when the 45052
defendant or person shall report for a medication compliance 45053
check. The medication compliance checks shall be based upon the 45054
effective duration of the prescribed medication, taking into 45055
account the route by which it is taken, and shall be scheduled at 45056
intervals sufficiently close together to detect a potential 45057
increase in mental illness symptoms that the medication is 45058
intended to prevent. 45059

The department's designee, after consultation with the board 45060
of alcohol, drug addiction, and mental health services or the 45061
community mental health board serving the area, shall send the 45062
recommendation and plan developed under division (D)(1)(b)(iii) of 45063
this section, in writing, to the trial court, the prosecutor, and 45064
the counsel for the committed defendant or person. The trial court 45065
shall conduct a hearing on the recommendation and plan developed 45066
under division (D)(1)(b)(iii) of this section. Divisions (D)(1)(c) 45067
and (d) and (E) to (J) of this section apply regarding the 45068
hearing. 45069

(c) If the department's designee's recommendation is for 45070
nonsecured status or termination of commitment, the prosecutor may 45071
obtain an independent expert evaluation of the defendant's or 45072
person's mental condition, and the trial court may continue the 45073
hearing on the recommendation for a period of not more than thirty 45074
days to permit time for the evaluation. 45075

The prosecutor may introduce the evaluation report or present 45076
other evidence at the hearing in accordance with the Rules of 45077
Evidence. 45078

(d) The trial court shall schedule the hearing on a 45079
department's designee's recommendation for nonsecured status or 45080

termination of commitment and shall give reasonable notice to the 45081
prosecutor and the counsel for the defendant or person. Unless 45082
continued for independent evaluation at the prosecutor's request 45083
or for other good cause, the hearing shall be held within thirty 45084
days after the trial court's receipt of the recommendation and 45085
plan. 45086

(2)(a) Division (D)(1) of this section does not apply to 45087
on-grounds unsupervised movement of a defendant or person who has 45088
been committed under section 2945.39 or 2945.40 of the Revised 45089
Code, who is a mentally retarded person subject to 45090
institutionalization by court order, and who is being provided 45091
residential habilitation, care, and treatment in a facility 45092
operated by the department of developmental disabilities. 45093

(b) If, pursuant to section 2945.39 of the Revised Code, the 45094
trial court commits a defendant who is found incompetent to stand 45095
trial and who is a mentally retarded person subject to 45096
institutionalization by court order, if the defendant is being 45097
provided residential habilitation, care, and treatment in a 45098
facility operated by the department of developmental disabilities, 45099
if an individual who is conducting a survey for the department of 45100
health to determine the facility's compliance with the 45101
certification requirements of the medicaid program ~~under Chapter~~ 45102
~~5111. of the Revised Code and Title XIX of the "Social Security~~ 45103
~~Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ cites the 45104
defendant's receipt of the residential habilitation, care, and 45105
treatment in the facility as being inappropriate under the 45106
certification requirements, if the defendant's receipt of the 45107
residential habilitation, care, and treatment in the facility 45108
potentially jeopardizes the facility's continued receipt of 45109
federal medicaid moneys, and if as a result of the citation the 45110
chief clinical officer of the facility determines that the 45111
conditions of the defendant's commitment should be changed, the 45112

department of developmental disabilities may cause the defendant 45113
to be removed from the particular facility and, after evaluating 45114
the risks to public safety and the welfare of the defendant and 45115
after determining whether another type of placement is consistent 45116
with the certification requirements, may place the defendant in 45117
another facility that the department selects as an appropriate 45118
facility for the defendant's continued receipt of residential 45119
habilitation, care, and treatment and that is a no less secure 45120
setting than the facility in which the defendant had been placed 45121
at the time of the citation. Within three days after the 45122
defendant's removal and alternative placement under the 45123
circumstances described in division (D)(2)(b) of this section, the 45124
department of developmental disabilities shall notify the trial 45125
court and the prosecutor in writing of the removal and alternative 45126
placement. 45127

The trial court shall set a date for a hearing on the removal 45128
and alternative placement, and the hearing shall be held within 45129
twenty-one days after the trial court's receipt of the notice from 45130
the department of developmental disabilities. At least ten days 45131
before the hearing is held, the trial court shall give the 45132
prosecutor, the department of developmental disabilities, and the 45133
counsel for the defendant written notice of the date, time, and 45134
place of the hearing. At the hearing, the trial court shall 45135
consider the citation issued by the individual who conducted the 45136
survey for the department of health to be prima-facie evidence of 45137
the fact that the defendant's commitment to the particular 45138
facility was inappropriate under the certification requirements of 45139
the medicaid program ~~under Chapter 5111. of the Revised Code and~~ 45140
~~Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 45141
~~U.S.C.A. 301, as amended,~~ and potentially jeopardizes the 45142
particular facility's continued receipt of federal medicaid 45143
moneys. At the conclusion of the hearing, the trial court may 45144
approve or disapprove the defendant's removal and alternative 45145

placement. If the trial court approves the defendant's removal and 45146
alternative placement, the department of developmental 45147
disabilities may continue the defendant's alternative placement. 45148
If the trial court disapproves the defendant's removal and 45149
alternative placement, it shall enter an order modifying the 45150
defendant's removal and alternative placement, but that order 45151
shall not require the department of developmental disabilities to 45152
replace the defendant for purposes of continued residential 45153
habilitation, care, and treatment in the facility associated with 45154
the citation issued by the individual who conducted the survey for 45155
the department of health. 45156

(E) In making a determination under this section regarding 45157
nonsecured status or termination of commitment, the trial court 45158
shall consider all relevant factors, including, but not limited 45159
to, all of the following: 45160

(1) Whether, in the trial court's view, the defendant or 45161
person currently represents a substantial risk of physical harm to 45162
the defendant or person or others; 45163

(2) Psychiatric and medical testimony as to the current 45164
mental and physical condition of the defendant or person; 45165

(3) Whether the defendant or person has insight into the 45166
defendant's or person's condition so that the defendant or person 45167
will continue treatment as prescribed or seek professional 45168
assistance as needed; 45169

(4) The grounds upon which the state relies for the proposed 45170
commitment; 45171

(5) Any past history that is relevant to establish the 45172
defendant's or person's degree of conformity to the laws, rules, 45173
regulations, and values of society; 45174

(6) If there is evidence that the defendant's or person's 45175
mental illness is in a state of remission, the medically suggested 45176

cause and degree of the remission and the probability that the 45177
defendant or person will continue treatment to maintain the 45178
remissive state of the defendant's or person's illness should the 45179
defendant's or person's commitment conditions be altered. 45180

(F) At any hearing held pursuant to division (C) or (D)(1) or 45181
(2) of this section, the defendant or the person shall have all 45182
the rights of a defendant or person at a commitment hearing as 45183
described in section 2945.40 of the Revised Code. 45184

(G) In a hearing held pursuant to division (C) or (D)(1) of 45185
this section, the prosecutor has the burden of proof as follows: 45186

(1) For a recommendation of termination of commitment, to 45187
show by clear and convincing evidence that the defendant or person 45188
remains a mentally ill person subject to hospitalization by court 45189
order or a mentally retarded person subject to 45190
institutionalization by court order; 45191

(2) For a recommendation for a change in the conditions of 45192
the commitment to a less restrictive status, to show by clear and 45193
convincing evidence that the proposed change represents a threat 45194
to public safety or a threat to the safety of any person. 45195

(H) In a hearing held pursuant to division (C) or (D)(1) or 45196
(2) of this section, the prosecutor shall represent the state or 45197
the public interest. 45198

(I) At the conclusion of a hearing conducted under division 45199
(D)(1) of this section regarding a recommendation from the 45200
designee of the department of ~~mental health~~ mental health and 45201
addiction services, managing officer of the institution, or 45202
director of a facility or program, the trial court may approve, 45203
disapprove, or modify the recommendation and shall enter an order 45204
accordingly. 45205

(J)(1) A defendant or person who has been committed pursuant 45206
to section 2945.39 or 2945.40 of the Revised Code continues to be 45207

under the jurisdiction of the trial court until the final 45208
termination of the commitment. For purposes of division (J) of 45209
this section, the final termination of a commitment occurs upon 45210
the earlier of one of the following: 45211

(a) The defendant or person no longer is a mentally ill 45212
person subject to hospitalization by court order or a mentally 45213
retarded person subject to institutionalization by court order, as 45214
determined by the trial court; 45215

(b) The expiration of the maximum prison term or term of 45216
imprisonment that the defendant or person could have received if 45217
the defendant or person had been convicted of the most serious 45218
offense with which the defendant or person is charged or in 45219
relation to which the defendant or person was found not guilty by 45220
reason of insanity; 45221

(c) The trial court enters an order terminating the 45222
commitment under the circumstances described in division 45223
(J)(2)(a)(ii) of this section. 45224

(2)(a) If a defendant is found incompetent to stand trial and 45225
committed pursuant to section 2945.39 of the Revised Code, if 45226
neither of the circumstances described in divisions (J)(1)(a) and 45227
(b) of this section applies to that defendant, and if a report 45228
filed with the trial court pursuant to division (C) of this 45229
section indicates that the defendant presently is competent to 45230
stand trial or if, at any other time during the period of the 45231
defendant's commitment, the prosecutor, the counsel for the 45232
defendant, or the designee of the department of ~~mental health~~ 45233
mental health and addiction services or the managing officer of 45234
the institution or director of the facility or program to which 45235
the defendant is committed files an application with the trial 45236
court alleging that the defendant presently is competent to stand 45237
trial and requesting a hearing on the competency issue or the 45238
trial court otherwise has reasonable cause to believe that the 45239

defendant presently is competent to stand trial and determines on 45240
its own motion to hold a hearing on the competency issue, the 45241
trial court shall schedule a hearing on the competency of the 45242
defendant to stand trial, shall give the prosecutor, the counsel 45243
for the defendant, and the department's designee or the managing 45244
officer of the institution or the director of the facility to 45245
which the defendant is committed notice of the date, time, and 45246
place of the hearing at least fifteen days before the hearing, and 45247
shall conduct the hearing within thirty days of the filing of the 45248
application or of its own motion. If, at the conclusion of the 45249
hearing, the trial court determines that the defendant presently 45250
is capable of understanding the nature and objective of the 45251
proceedings against the defendant and of assisting in the 45252
defendant's defense, the trial court shall order that the 45253
defendant is competent to stand trial and shall be proceeded 45254
against as provided by law with respect to the applicable offenses 45255
described in division (C)(1) of section 2945.38 of the Revised 45256
Code and shall enter whichever of the following additional orders 45257
is appropriate: 45258

(i) If the trial court determines that the defendant remains 45259
a mentally ill person subject to hospitalization by court order or 45260
a mentally retarded person subject to institutionalization by 45261
court order, the trial court shall order that the defendant's 45262
commitment to the department of ~~mental health~~ mental health and 45263
addiction services or to an institution, facility, or program for 45264
the treatment of mental retardation be continued during the 45265
pendency of the trial on the applicable offenses described in 45266
division (C)(1) of section 2945.38 of the Revised Code. 45267

(ii) If the trial court determines that the defendant no 45268
longer is a mentally ill person subject to hospitalization by 45269
court order or a mentally retarded person subject to 45270
institutionalization by court order, the trial court shall order 45271

that the defendant's commitment to the department of ~~mental health~~ 45272
mental health and addiction services or to an institution, 45273
facility, or program for the treatment of mental retardation shall 45274
not be continued during the pendency of the trial on the 45275
applicable offenses described in division (C)(1) of section 45276
2945.38 of the Revised Code. This order shall be a final 45277
termination of the commitment for purposes of division (J)(1)(c) 45278
of this section. 45279

(b) If, at the conclusion of the hearing described in 45280
division (J)(2)(a) of this section, the trial court determines 45281
that the defendant remains incapable of understanding the nature 45282
and objective of the proceedings against the defendant or of 45283
assisting in the defendant's defense, the trial court shall order 45284
that the defendant continues to be incompetent to stand trial, 45285
that the defendant's commitment to the department of ~~mental health~~ 45286
mental health and addiction services or to an institution, 45287
facility, or program for the treatment of mental retardation shall 45288
be continued, and that the defendant remains subject to the 45289
jurisdiction of the trial court pursuant to that commitment, and 45290
to the provisions of this section, until the final termination of 45291
the commitment as described in division (J)(1) of this section. 45292

Sec. 2951.041. (A)(1) If an offender is charged with a 45293
criminal offense, including but not limited to a violation of 45294
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 45295
the Revised Code, and the court has reason to believe that drug or 45296
alcohol usage by the offender was a factor leading to the criminal 45297
offense with which the offender is charged or that, at the time of 45298
committing that offense, the offender had a mental illness or was 45299
a person with intellectual disability and that the mental illness 45300
or status as a person with intellectual disability was a factor 45301
leading to the offender's criminal behavior, the court may accept, 45302
prior to the entry of a guilty plea, the offender's request for 45303

intervention in lieu of conviction. The request shall include a 45304
statement from the offender as to whether the offender is alleging 45305
that drug or alcohol usage by the offender was a factor leading to 45306
the criminal offense with which the offender is charged or is 45307
alleging that, at the time of committing that offense, the 45308
offender had a mental illness or was a person with intellectual 45309
disability and that the mental illness or status as a person with 45310
intellectual disability was a factor leading to the criminal 45311
offense with which the offender is charged. The request also shall 45312
include a waiver of the defendant's right to a speedy trial, the 45313
preliminary hearing, the time period within which the grand jury 45314
may consider an indictment against the offender, and arraignment, 45315
unless the hearing, indictment, or arraignment has already 45316
occurred. The court may reject an offender's request without a 45317
hearing. If the court elects to consider an offender's request, 45318
the court shall conduct a hearing to determine whether the 45319
offender is eligible under this section for intervention in lieu 45320
of conviction and shall stay all criminal proceedings pending the 45321
outcome of the hearing. If the court schedules a hearing, the 45322
court shall order an assessment of the offender for the purpose of 45323
determining the offender's eligibility for intervention in lieu of 45324
conviction and recommending an appropriate intervention plan. 45325

If the offender alleges that drug or alcohol usage by the 45326
offender was a factor leading to the criminal offense with which 45327
the offender is charged, the court may order that the offender be 45328
assessed by ~~a program~~ an addiction services provider certified 45329
pursuant to section ~~3793.06~~ 5119.36 of the Revised Code or a 45330
properly credentialed professional for the purpose of determining 45331
the offender's eligibility for intervention in lieu of conviction 45332
and recommending an appropriate intervention plan. The ~~program~~ 45333
addiction services provider or the properly credentialed 45334
professional shall provide a written assessment of the offender to 45335
the court. 45336

(2) The victim notification provisions of division (C) of 45337
section 2930.08 of the Revised Code apply in relation to any 45338
hearing held under division (A)(1) of this section. 45339

(B) An offender is eligible for intervention in lieu of 45340
conviction if the court finds all of the following: 45341

(1) The offender previously has not been convicted of or 45342
pleaded guilty to a felony offense of violence or previously has 45343
been convicted of or pleaded guilty to any felony that is not an 45344
offense of violence and the prosecuting attorney recommends that 45345
the offender be found eligible for participation in intervention 45346
in lieu of treatment under this section, previously has not been 45347
through intervention in lieu of conviction under this section or 45348
any similar regimen, and is charged with a felony for which the 45349
court, upon conviction, would impose a community control sanction 45350
on the offender under division (B)(2) of section 2929.13 of the 45351
Revised Code or with a misdemeanor. 45352

(2) The offense is not a felony of the first, second, or 45353
third degree, is not an offense of violence, is not a violation of 45354
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 45355
not a violation of division (A)(1) of section 2903.08 of the 45356
Revised Code, is not a violation of division (A) of section 45357
4511.19 of the Revised Code or a municipal ordinance that is 45358
substantially similar to that division, and is not an offense for 45359
which a sentencing court is required to impose a mandatory prison 45360
term, a mandatory term of local incarceration, or a mandatory term 45361
of imprisonment in a jail. 45362

(3) The offender is not charged with a violation of section 45363
2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged 45364
with a violation of section 2925.03 of the Revised Code that is a 45365
felony of the first, second, third, or fourth degree, and is not 45366
charged with a violation of section 2925.11 of the Revised Code 45367
that is a felony of the first, second, or third degree. 45368

(4) If an offender alleges that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged, the court has ordered that the offender be assessed by ~~a program~~ an addiction services provider certified pursuant to section ~~3793.06~~ 5119.36 of the Revised Code or a properly credentialed professional for the purpose of determining the offender's eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan, the offender has been assessed by ~~a program~~ an addiction services provider of that nature or a properly credentialed professional in accordance with the court's order, and the ~~program~~ addiction services provider or properly credentialed professional has filed the written assessment of the offender with the court.

(5) If an offender alleges that, at the time of committing the criminal offense with which the offender is charged, the offender had a mental illness or was a person with intellectual disability and that the mental illness or status as a person with intellectual disability was a factor leading to that offense, the offender has been assessed by a psychiatrist, psychologist, independent social worker, or professional clinical counselor for the purpose of determining the offender's eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan.

(6) The offender's drug usage, alcohol usage, mental illness, or intellectual disability, whichever is applicable, was a factor leading to the criminal offense with which the offender is charged, intervention in lieu of conviction would not demean the seriousness of the offense, and intervention would substantially reduce the likelihood of any future criminal activity.

(7) The alleged victim of the offense was not sixty-five years of age or older, permanently and totally disabled, under thirteen years of age, or a peace officer engaged in the officer's

official duties at the time of the alleged offense. 45401

(8) If the offender is charged with a violation of section 45402
2925.24 of the Revised Code, the alleged violation did not result 45403
in physical harm to any person, and the offender previously has 45404
not been treated for drug abuse. 45405

(9) The offender is willing to comply with all terms and 45406
conditions imposed by the court pursuant to division (D) of this 45407
section. 45408

(10) The offender is not charged with an offense that would 45409
result in the offender being disqualified under Chapter 4506. of 45410
the Revised Code from operating a commercial motor vehicle or 45411
would subject the offender to any other sanction under that 45412
chapter. 45413

(C) At the conclusion of a hearing held pursuant to division 45414
(A) of this section, the court shall enter its determination as to 45415
whether the offender is eligible for intervention in lieu of 45416
conviction and as to whether to grant the offender's request. If 45417
the court finds under division (B) of this section that the 45418
offender is eligible for intervention in lieu of conviction and 45419
grants the offender's request, the court shall accept the 45420
offender's plea of guilty and waiver of the defendant's right to a 45421
speedy trial, the preliminary hearing, the time period within 45422
which the grand jury may consider an indictment against the 45423
offender, and arraignment, unless the hearing, indictment, or 45424
arraignment has already occurred. In addition, the court then may 45425
stay all criminal proceedings and order the offender to comply 45426
with all terms and conditions imposed by the court pursuant to 45427
division (D) of this section. If the court finds that the offender 45428
is not eligible or does not grant the offender's request, the 45429
criminal proceedings against the offender shall proceed as if the 45430
offender's request for intervention in lieu of conviction had not 45431
been made. 45432

(D) If the court grants an offender's request for 45433
intervention in lieu of conviction, the court shall place the 45434
offender under the general control and supervision of the county 45435
probation department, the adult parole authority, or another 45436
appropriate local probation or court services agency, if one 45437
exists, as if the offender was subject to a community control 45438
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 45439
Revised Code. The court shall establish an intervention plan for 45440
the offender. The terms and conditions of the intervention plan 45441
shall require the offender, for at least one year from the date on 45442
which the court grants the order of intervention in lieu of 45443
conviction, to abstain from the use of illegal drugs and alcohol, 45444
to participate in treatment and recovery support services, and to 45445
submit to regular random testing for drug and alcohol use and may 45446
include any other treatment terms and conditions, or terms and 45447
conditions similar to community control sanctions, which may 45448
include community service or restitution, that are ordered by the 45449
court. 45450

(E) If the court grants an offender's request for 45451
intervention in lieu of conviction and the court finds that the 45452
offender has successfully completed the intervention plan for the 45453
offender, including the requirement that the offender abstain from 45454
using illegal drugs and alcohol for a period of at least one year 45455
from the date on which the court granted the order of intervention 45456
in lieu of conviction, the requirement that the offender 45457
participate in treatment and recovery support services, and all 45458
other terms and conditions ordered by the court, the court shall 45459
dismiss the proceedings against the offender. Successful 45460
completion of the intervention plan and period of abstinence under 45461
this section shall be without adjudication of guilt and is not a 45462
criminal conviction for purposes of any disqualification or 45463
disability imposed by law and upon conviction of a crime, and the 45464
court may order the sealing of records related to the offense in 45465

question in the manner provided in sections 2953.31 to 2953.36 of 45466
the Revised Code. 45467

(F) If the court grants an offender's request for 45468
intervention in lieu of conviction and the offender fails to 45469
comply with any term or condition imposed as part of the 45470
intervention plan for the offender, the supervising authority for 45471
the offender promptly shall advise the court of this failure, and 45472
the court shall hold a hearing to determine whether the offender 45473
failed to comply with any term or condition imposed as part of the 45474
plan. If the court determines that the offender has failed to 45475
comply with any of those terms and conditions, it shall enter a 45476
finding of guilty and shall impose an appropriate sanction under 45477
Chapter 2929. of the Revised Code. If the court sentences the 45478
offender to a prison term, the court, after consulting with the 45479
department of rehabilitation and correction regarding the 45480
availability of services, may order continued court-supervised 45481
activity and treatment of the offender during the prison term and, 45482
upon consideration of reports received from the department 45483
concerning the offender's progress in the program of activity and 45484
treatment, may consider judicial release under section 2929.20 of 45485
the Revised Code. 45486

(G) As used in this section: 45487

(1) "Community control sanction" has the same meaning as in 45488
section 2929.01 of the Revised Code. 45489

(2) "Intervention in lieu of conviction" means any 45490
court-supervised activity that complies with this section. 45491

(3) "Peace officer" has the same meaning as in section 45492
2935.01 of the Revised Code. 45493

(4) "Mental illness" and "psychiatrist" have the same 45494
meanings as in section 5122.01 of the Revised Code. 45495

(5) "Person with intellectual disability" means a person 45496

having significantly subaverage general intellectual functioning 45497
existing concurrently with deficiencies in adaptive behavior, 45498
manifested during the developmental period. 45499

(6) "Psychologist" has the same meaning as in section 4732.01 45500
of the Revised Code. 45501

(H) Whenever the term "mentally retarded person" is used in 45502
any statute, rule, contract, grant, or other document, the 45503
reference shall be deemed to include a "person with intellectual 45504
disability," as defined in this section. 45505

Sec. 2953.32. (A)(1) Except as provided in section 2953.61 of 45506
the Revised Code, an eligible offender may apply to the sentencing 45507
court if convicted in this state, or to a court of common pleas if 45508
convicted in another state or in a federal court, for the sealing 45509
of the conviction record. Application may be made at the 45510
expiration of three years after the offender's final discharge if 45511
convicted of a felony, or at the expiration of one year after the 45512
offender's final discharge if convicted of a misdemeanor. 45513

(2) Any person who has been arrested for any misdemeanor 45514
offense and who has effected a bail forfeiture may apply to the 45515
court in which the misdemeanor criminal case was pending when bail 45516
was forfeited for the sealing of the record of the case. Except as 45517
provided in section 2953.61 of the Revised Code, the application 45518
may be filed at any time after the expiration of one year from the 45519
date on which the bail forfeiture was entered upon the minutes of 45520
the court or the journal, whichever entry occurs first. 45521
45522

(B) Upon the filing of an application under this section, the 45523
court shall set a date for a hearing and shall notify the 45524
prosecutor for the case of the hearing on the application. The 45525
prosecutor may object to the granting of the application by filing 45526
an objection with the court prior to the date set for the hearing. 45527

The prosecutor shall specify in the objection the reasons for 45528
believing a denial of the application is justified. The court 45529
shall direct its regular probation officer, a state probation 45530
officer, or the department of probation of the county in which the 45531
applicant resides to make inquiries and written reports as the 45532
court requires concerning the applicant. If the applicant was 45533
convicted of or pleaded guilty to a violation of division (A)(2) 45534
or (B) of section 2919.21 of the Revised Code, the probation 45535
officer or county department of probation that the court directed 45536
to make inquiries concerning the applicant shall contact the child 45537
support enforcement agency enforcing the applicant's obligations 45538
under the child support order to inquire about the offender's 45539
compliance with the child support order. 45540

(C)(1) The court shall do each of the following: 45541

(a) Determine whether the applicant is an eligible offender 45542
or whether the forfeiture of bail was agreed to by the applicant 45543
and the prosecutor in the case. If the applicant applies as an 45544
eligible offender pursuant to division (A)(1) of this section and 45545
has two or three convictions that result from the same indictment, 45546
information, or complaint, from the same plea of guilty, or from 45547
the same official proceeding, and result from related criminal 45548
acts that were committed within a three-month period but do not 45549
result from the same act or from offenses committed at the same 45550
time, in making its determination under this division, the court 45551
initially shall determine whether it is not in the public interest 45552
for the two or three convictions to be counted as one conviction. 45553
If the court determines that it is not in the public interest for 45554
the two or three convictions to be counted as one conviction, the 45555
court shall determine that the applicant is not an eligible 45556
offender; if the court does not make that determination, the court 45557
shall determine that the offender is an eligible offender. 45558

(b) Determine whether criminal proceedings are pending 45559

against the applicant; 45560

(c) If the applicant is an eligible offender who applies 45561
pursuant to division (A)(1) of this section, determine whether the 45562
applicant has been rehabilitated to the satisfaction of the court; 45563

(d) If the prosecutor has filed an objection in accordance 45564
with division (B) of this section, consider the reasons against 45565
granting the application specified by the prosecutor in the 45566
objection; 45567

(e) Weigh the interests of the applicant in having the 45568
records pertaining to the applicant's conviction sealed against 45569
the legitimate needs, if any, of the government to maintain those 45570
records. 45571

(2) If the court determines, after complying with division 45572
(C)(1) of this section, that the applicant is an eligible offender 45573
or the subject of a bail forfeiture, that no criminal proceeding 45574
is pending against the applicant, and that the interests of the 45575
applicant in having the records pertaining to the applicant's 45576
conviction or bail forfeiture sealed are not outweighed by any 45577
legitimate governmental needs to maintain those records, and that 45578
the rehabilitation of an applicant who is an eligible offender 45579
applying pursuant to division (A)(1) of this section has been 45580
attained to the satisfaction of the court, the court, except as 45581
provided in divisions (G) and (H) of this section, shall order all 45582
official records pertaining to the case sealed and, except as 45583
provided in division (F) of this section, all index references to 45584
the case deleted and, in the case of bail forfeitures, shall 45585
dismiss the charges in the case. The proceedings in the case shall 45586
be considered not to have occurred and the conviction or bail 45587
forfeiture of the person who is the subject of the proceedings 45588
shall be sealed, except that upon conviction of a subsequent 45589
offense, the sealed record of prior conviction or bail forfeiture 45590
may be considered by the court in determining the sentence or 45591

other appropriate disposition, including the relief provided for 45592
in sections 2953.31 to 2953.33 of the Revised Code. 45593

(3) Upon the filing of an application under this section, the 45594
applicant, unless indigent, shall pay a fee of fifty dollars. The 45595
court shall pay thirty dollars of the fee into the state treasury. 45596
It shall pay twenty dollars of the fee into the county general 45597
revenue fund if the sealed conviction or bail forfeiture was 45598
pursuant to a state statute, or into the general revenue fund of 45599
the municipal corporation involved if the sealed conviction or 45600
bail forfeiture was pursuant to a municipal ordinance. 45601

(D) Inspection of the sealed records included in the order 45602
may be made only by the following persons or for the following 45603
purposes: 45604

(1) By a law enforcement officer or prosecutor, or the 45605
assistants of either, to determine whether the nature and 45606
character of the offense with which a person is to be charged 45607
would be affected by virtue of the person's previously having been 45608
convicted of a crime; 45609

(2) By the parole or probation officer of the person who is 45610
the subject of the records, for the exclusive use of the officer 45611
in supervising the person while on parole or under a community 45612
control sanction or a post-release control sanction, and in making 45613
inquiries and written reports as requested by the court or adult 45614
parole authority; 45615

(3) Upon application by the person who is the subject of the 45616
records, by the persons named in the application; 45617

(4) By a law enforcement officer who was involved in the 45618
case, for use in the officer's defense of a civil action arising 45619
out of the officer's involvement in that case; 45620

(5) By a prosecuting attorney or the prosecuting attorney's 45621
assistants, to determine a defendant's eligibility to enter a 45622

pre-trial diversion program established pursuant to section 45623
2935.36 of the Revised Code; 45624

(6) By any law enforcement agency or any authorized employee 45625
of a law enforcement agency or by the department of rehabilitation 45626
and correction as part of a background investigation of a person 45627
who applies for employment with the agency as a law enforcement 45628
officer or with the department as a corrections officer; 45629

(7) By any law enforcement agency or any authorized employee 45630
of a law enforcement agency, for the purposes set forth in, and in 45631
the manner provided in, section 2953.321 of the Revised Code; 45632

(8) By the bureau of criminal identification and 45633
investigation or any authorized employee of the bureau for the 45634
purpose of providing information to a board or person pursuant to 45635
division (F) or (G) of section 109.57 of the Revised Code; 45636

(9) By the bureau of criminal identification and 45637
investigation or any authorized employee of the bureau for the 45638
purpose of performing a criminal history records check on a person 45639
to whom a certificate as prescribed in section 109.77 of the 45640
Revised Code is to be awarded; 45641

(10) By the bureau of criminal identification and 45642
investigation or any authorized employee of the bureau for the 45643
purpose of conducting a criminal records check of an individual 45644
pursuant to division (B) of section 109.572 of the Revised Code 45645
that was requested pursuant to any of the sections identified in 45646
division (B)(1) of that section; 45647

(11) By the bureau of criminal identification and 45648
investigation, an authorized employee of the bureau, a sheriff, or 45649
an authorized employee of a sheriff in connection with a criminal 45650
records check described in section 311.41 of the Revised Code; 45651

(12) By the attorney general or an authorized employee of the 45652
attorney general or a court for purposes of determining a person's 45653

classification pursuant to Chapter 2950. of the Revised Code; 45654

(13) By a prosecuting attorney or the attorney general, or 45655
the assistants of either, for purposes of defending or 45656
participating in a civil action brought pursuant to division 45657
(B)(1) of section 2743.48 of the Revised Code. 45658

When the nature and character of the offense with which a 45659
person is to be charged would be affected by the information, it 45660
may be used for the purpose of charging the person with an 45661
offense. 45662

(E) In any criminal proceeding, proof of any otherwise 45663
admissible prior conviction may be introduced and proved, 45664
notwithstanding the fact that for any such prior conviction an 45665
order of sealing previously was issued pursuant to sections 45666
2953.31 to 2953.36 of the Revised Code. 45667

(F) The person or governmental agency, office, or department 45668
that maintains sealed records pertaining to convictions or bail 45669
forfeitures that have been sealed pursuant to this section may 45670
maintain a manual or computerized index to the sealed records. The 45671
index shall contain only the name of, and alphanumeric identifiers 45672
that relate to, the persons who are the subject of the sealed 45673
records, the word "sealed," and the name of the person, agency, 45674
office, or department that has custody of the sealed records, and 45675
shall not contain the name of the crime committed. The index shall 45676
be made available by the person who has custody of the sealed 45677
records only for the purposes set forth in divisions (C), (D), and 45678
(E) of this section. 45679

(G) Notwithstanding any provision of this section or section 45680
2953.33 of the Revised Code that requires otherwise, a board of 45681
education of a city, local, exempted village, or joint vocational 45682
school district that maintains records of an individual who has 45683
been permanently excluded under sections 3301.121 and 3313.662 of 45684

the Revised Code is permitted to maintain records regarding a 45685
conviction that was used as the basis for the individual's 45686
permanent exclusion, regardless of a court order to seal the 45687
record. An order issued under this section to seal the record of a 45688
conviction does not revoke the adjudication order of the 45689
superintendent of public instruction to permanently exclude the 45690
individual who is the subject of the sealing order. An order 45691
issued under this section to seal the record of a conviction of an 45692
individual may be presented to a district superintendent as 45693
evidence to support the contention that the superintendent should 45694
recommend that the permanent exclusion of the individual who is 45695
the subject of the sealing order be revoked. Except as otherwise 45696
authorized by this division and sections 3301.121 and 3313.662 of 45697
the Revised Code, any school employee in possession of or having 45698
access to the sealed conviction records of an individual that were 45699
the basis of a permanent exclusion of the individual is subject to 45700
section 2953.35 of the Revised Code. 45701

(H) For purposes of sections 2953.31 to 2953.36 of the 45702
Revised Code, DNA records collected in the DNA database and 45703
fingerprints filed for record by the superintendent of the bureau 45704
of criminal identification and investigation shall not be sealed 45705
unless the superintendent receives a certified copy of a final 45706
court order establishing that the offender's conviction has been 45707
overturned. For purposes of this section, a court order is not 45708
"final" if time remains for an appeal or application for 45709
discretionary review with respect to the order. 45710

Sec. 2967.22. Whenever it is brought to the attention of the 45711
adult parole authority or a department of probation that a 45712
parolee, person under a community control sanction, person under 45713
transitional control, or releasee appears to be a mentally ill 45714
person subject to hospitalization by court order, as defined in 45715
section 5122.01 of the Revised Code, or a mentally retarded person 45716

subject to institutionalization by court order, as defined in 45717
section 5123.01 of the Revised Code, the parole or probation 45718
officer, subject to the approval of the chief of the adult parole 45719
authority, the designee of the chief of the adult parole 45720
authority, or the chief probation officer, may file an affidavit 45721
under section 5122.11 or 5123.71 of the Revised Code. A parolee, 45722
person under a community control sanction, or releasee who is 45723
involuntarily detained under Chapter 5122. or 5123. of the Revised 45724
Code shall receive credit against the period of parole or 45725
community control or the term of post-release control for the 45726
period of involuntary detention. 45727

If a parolee, person under a community control sanction, 45728
person under transitional control, or releasee escapes from an 45729
institution or facility within the department of ~~mental health~~ 45730
mental health and addiction services or the department of 45731
developmental disabilities, the superintendent of the institution 45732
immediately shall notify the chief of the adult parole authority 45733
or the chief probation officer. Notwithstanding the provisions of 45734
section 5122.26 of the Revised Code, the procedure for the 45735
apprehension, detention, and return of the parolee, person under a 45736
community control sanction, person under transitional control, or 45737
releasee is the same as that provided for the apprehension, 45738
detention, and return of persons who escape from institutions 45739
operated by the department of rehabilitation and correction. If 45740
the escaped parolee, person under transitional control, or 45741
releasee is not apprehended and returned to the custody of the 45742
department of ~~mental health~~ mental health and addiction services 45743
or the department of developmental disabilities within ninety days 45744
after the escape, the parolee, person under transitional control, 45745
or releasee shall be discharged from the custody of the department 45746
of ~~mental health~~ mental health and addiction services or the 45747
department of developmental disabilities and returned to the 45748

custody of the department of rehabilitation and correction. If the 45749
escaped person under a community control sanction is not 45750
apprehended and returned to the custody of the department of 45751
~~mental health~~ mental health and addiction services or the 45752
department of developmental disabilities within ninety days after 45753
the escape, the person under a community control sanction shall be 45754
discharged from the custody of the department of ~~mental health~~ 45755
mental health and addiction services or the department of 45756
developmental disabilities and returned to the custody of the 45757
court that sentenced that person. 45758

Sec. 2981.01. (A) Forfeitures under this chapter shall be 45759
governed by all of the following purposes: 45760

(1) To provide economic disincentives and remedies to deter 45761
and offset the economic effect of offenses by seizing and 45762
forfeiting contraband, proceeds, and certain instrumentalities; 45763

(2) To ensure that seizures and forfeitures of 45764
instrumentalities are proportionate to the offense committed; 45765

(3) To protect third parties from wrongful forfeiture of 45766
their property; 45767

(4) To prioritize restitution for victims of offenses. 45768

(B) As used in this chapter: 45769

(1) "Aircraft" has the same meaning as in section 4561.01 of 45770
the Revised Code. 45771

(2) "Computers," "computer networks," "computer systems," 45772
"computer software," and "telecommunications device" have the same 45773
meanings as in section 2913.01 of the Revised Code. 45774

(3) "Financial institution" means a bank, credit union, 45775
savings and loan association, or a licensee or registrant under 45776
Chapter 1321. of the Revised Code. 45777

(4) "Firearm" and "dangerous ordnance" have the same meanings 45778
as in section 2923.11 of the Revised Code. 45779

(5) "Innocent person" includes any bona fide purchaser of 45780
property that is subject to forfeiture, including any person who 45781
establishes a valid claim to or interest in the property in 45782
accordance with section 2923.04 of the Revised Code, and any 45783
victim of an alleged offense. 45784

(6) "Instrumentality" means property otherwise lawful to 45785
possess that is used in or intended to be used in an offense. An 45786
"instrumentality" may include, but is not limited to, a firearm, a 45787
mobile instrumentality, a computer, a computer network, a computer 45788
system, computer software, a telecommunications device, money, and 45789
any other means of exchange. 45790

(7) "Law enforcement agency" includes, but is not limited to, 45791
the state board of pharmacy, the enforcement division of the 45792
department of taxation, the Ohio casino control commission, and 45793
the office of the prosecutor. 45794

(8) "Mobile instrumentality" means an instrumentality that is 45795
inherently mobile and used in the routine transport of persons. 45796
"Mobile instrumentality" includes, but is not limited to, any 45797
vehicle, any watercraft, and any aircraft. 45798

(9) "Money" has the same meaning as in section 1301.201 of 45799
the Revised Code. 45800

(10) "Offense" means any act or omission that could be 45801
charged as a criminal offense or a delinquent act, whether or not 45802
a formal criminal prosecution or delinquent child proceeding began 45803
at the time the forfeiture is initiated. Except as otherwise 45804
specified, an offense for which property may be forfeited includes 45805
any felony and any misdemeanor. The commission of an "offense" 45806
includes the commission of a delinquent act. 45807

(11) "Proceeds" means both of the following: 45808

(a) In cases involving unlawful goods, services, or 45809
activities, "proceeds" means any property derived directly or 45810
indirectly from an offense. "Proceeds" may include, but is not 45811
limited to, money or any other means of exchange. "Proceeds" is 45812
not limited to the net gain or profit realized from the offense. 45813

(b) In cases involving lawful goods or services that are sold 45814
or provided in an unlawful manner, "proceeds" means the amount of 45815
money or other means of exchange acquired through the illegal 45816
transactions resulting in the forfeiture, less the direct costs 45817
lawfully incurred in providing the goods or services. The lawful 45818
costs deduction does not include any part of the overhead expenses 45819
of, or income taxes paid by, the entity providing the goods or 45820
services. The alleged offender or delinquent child has the burden 45821
to prove that any costs are lawfully incurred. 45822

(12) "Property" means "property" as defined in section 45823
2901.01 of the Revised Code and any benefit, privilege, claim, 45824
position, interest in an enterprise, or right derived, directly or 45825
indirectly, from the offense. 45826

(13) "Property subject to forfeiture" includes contraband and 45827
proceeds and may include instrumentalities as provided in this 45828
chapter. 45829

(14) "Prosecutor" has the same meaning as in section 2935.01 45830
of the Revised Code. When relevant, "prosecutor" also includes the 45831
attorney general. 45832

(15) "Vehicle" has the same meaning as in section 4501.01 of 45833
the Revised Code. 45834

(16) "Watercraft" has the same meaning as in section 1547.01 45835
of the Revised Code. 45836

(C) The penalties and procedures under Chapters 2923., 2925., 45837
~~and~~ 2933., and 3772. of the Revised Code remain in effect to the 45838
extent that they do not conflict with this chapter. 45839

Sec. 2981.12. (A) Unclaimed or forfeited property in the 45840
custody of a law enforcement agency, other than property described 45841
in division (A)(2) of section 2981.11 of the Revised Code, shall 45842
be disposed of by order of any court of record that has 45843
territorial jurisdiction over the political subdivision that 45844
employs the law enforcement agency, as follows: 45845

(1) Drugs shall be disposed of pursuant to section 3719.11 of 45846
the Revised Code or placed in the custody of the secretary of the 45847
treasury of the United States for disposal or use for medical or 45848
scientific purposes under applicable federal law. 45849

(2) Firearms and dangerous ordnance suitable for police work 45850
may be given to a law enforcement agency for that purpose. 45851
Firearms suitable for sporting use or as museum pieces or 45852
collectors' items may be sold at public auction pursuant to 45853
division (B) of this section. The agency may sell other firearms 45854
and dangerous ordnance to a federally licensed firearms dealer in 45855
a manner that the court considers proper. The agency shall destroy 45856
any firearms or dangerous ordnance not given to a law enforcement 45857
agency or sold or shall send them to the bureau of criminal 45858
identification and investigation for destruction by the bureau. 45859

(3) Obscene materials shall be destroyed. 45860

(4) Beer, intoxicating liquor, or alcohol seized from a 45861
person who does not hold a permit issued under Chapters 4301. and 45862
4303. of the Revised Code or otherwise forfeited to the state for 45863
an offense under section 4301.45 or 4301.53 of the Revised Code 45864
shall be sold by the division of liquor control if the division 45865
determines that it is fit for sale or shall be placed in the 45866
custody of the investigations unit in the department of public 45867
safety and be used for training relating to law enforcement 45868
activities. The department, with the assistance of the division of 45869
liquor control, shall adopt rules in accordance with Chapter 119. 45870

of the Revised Code to provide for the distribution to state or 45871
local law enforcement agencies upon their request. If any tax 45872
imposed under Title XLIII of the Revised Code has not been paid in 45873
relation to the beer, intoxicating liquor, or alcohol, any moneys 45874
acquired from the sale shall first be used to pay the tax. All 45875
other money collected under this division shall be paid into the 45876
state treasury. Any beer, intoxicating liquor, or alcohol that the 45877
division determines to be unfit for sale shall be destroyed. 45878

(5) Money received by an inmate of a correctional institution 45879
from an unauthorized source or in an unauthorized manner shall be 45880
returned to the sender, if known, or deposited in the inmates' 45881
industrial and entertainment fund of the institution if the sender 45882
is not known. 45883

(6)(a) Any mobile instrumentality forfeited under this 45884
chapter may be given to the law enforcement agency that initially 45885
seized the mobile instrumentality for use in performing its 45886
duties, if the agency wants the mobile instrumentality. The agency 45887
shall take the mobile instrumentality subject to any security 45888
interest or lien on the mobile instrumentality. 45889

(b) Vehicles and vehicle parts forfeited under sections 45890
4549.61 to 4549.63 of the Revised Code may be given to a law 45891
enforcement agency for use in performing its duties. Those parts 45892
may be incorporated into any other official vehicle. Parts that do 45893
not bear vehicle identification numbers or derivatives of them may 45894
be sold or disposed of as provided by rules of the director of 45895
public safety. Parts from which a vehicle identification number or 45896
derivative of it has been removed, defaced, covered, altered, or 45897
destroyed and that are not suitable for police work or 45898
incorporation into an official vehicle shall be destroyed and sold 45899
as junk or scrap. 45900

(7) Computers, computer networks, computer systems, and 45901
computer software suitable for police work may be given to a law 45902

enforcement agency for that purpose or disposed of under division 45903
(B) of this section. 45904

(8) Money seized in connection with a violation of section 45905
2905.32, 2907.21, or 2907.22 of the Revised Code shall be 45906
deposited in the victims of human trafficking fund created by 45907
section 5101.87 of the Revised Code. 45908

(B) Unclaimed or forfeited property that is not described in 45909
division (A) of this section or division (A)(2) of section 2981.11 45910
of the Revised Code, with court approval, may be used by the law 45911
enforcement agency in possession of it. If it is not used by the 45912
agency, it may be sold without appraisal at a public auction to 45913
the highest bidder for cash or disposed of in another manner that 45914
the court considers proper. 45915

(C) Except as provided in divisions (A) and (F) of this 45916
section and after compliance with division (D) of this section 45917
when applicable, any moneys acquired from the sale of property 45918
disposed of pursuant to this section shall be placed in the 45919
general revenue fund of the state, or the general fund of the 45920
county, the township, or the municipal corporation of which the 45921
law enforcement agency involved is an agency. 45922

(D) If the property was in the possession of the law 45923
enforcement agency in relation to a delinquent child proceeding in 45924
a juvenile court, ten per cent of any moneys acquired from the 45925
sale of property disposed of under this section shall be applied 45926
to one or more ~~alcohol and drug~~ community addiction treatment 45927
~~programs~~ services providers that are certified by the department 45928
of ~~alcohol and drug addiction services~~ mental health and addiction
services under section ~~3793.06~~ 5119.36 of the Revised Code. A 45930
juvenile court shall not specify a ~~program~~ services provider, 45931
except as provided in this division, unless the ~~program~~ services
provider is in the same county as the court or in a contiguous 45933
county. If no certified ~~program~~ services provider is located in 45934

any of those counties, the juvenile court may specify a certified 45935
~~program services provider~~ anywhere in Ohio. The remaining ninety 45936
per cent of the proceeds or cash shall be applied as provided in 45937
division (C) of this section. 45938

Each ~~treatment program~~ services provider that receives in any 45939
calendar year forfeited money under this division shall file an 45940
annual report for that year with the attorney general and with the 45941
court of common pleas and board of county commissioners of the 45942
county in which the ~~program~~ services provider is located and of 45943
any other county from which the ~~program~~ services provider received 45944
forfeited money. The ~~program~~ services provider shall file the 45945
report on or before the first day of March in the calendar year 45946
following the calendar year in which the ~~program~~ services provider 45947
received the money. The report shall include statistics on the 45948
number of persons the ~~program~~ services provider served, identify 45949
the types of treatment services it provided to them, and include a 45950
specific accounting of the purposes for which it used the money so 45951
received. No information contained in the report shall identify, 45952
or enable a person to determine the identity of, any person served 45953
by the ~~program~~ services provider. 45954

(E) Each certified ~~alcohol and drug~~ community addiction 45955
~~treatment program~~ services provider that receives in any calendar 45956
year money under this section or under section 2981.13 of the 45957
Revised Code as the result of a juvenile forfeiture order shall 45958
file an annual report for that calendar year with the attorney 45959
general and with the court of common pleas and board of county 45960
commissioners of the county in which the ~~program~~ services provider 45961
is located and of any other county from which the ~~program~~ services 45962
provider received the money. The ~~program~~ services provider shall 45963
file the report on or before the first day of March in the 45964
calendar year following the year in which the ~~program~~ services 45965
provider received the money. The report shall include statistics 45966

on the number of persons served with the money, identify the types 45967
of treatment services provided, and specifically account for how 45968
the money was used. No information in the report shall identify or 45969
enable a person to determine the identity of anyone served by the 45970
program services provider. 45971

As used in this division, "juvenile-related forfeiture order" 45972
means any forfeiture order issued by a juvenile court under 45973
section 2981.04 or 2981.05 of the Revised Code and any disposal of 45974
property ordered by a court under section 2981.11 of the Revised 45975
Code regarding property that was in the possession of a law 45976
enforcement agency in relation to a delinquent child proceeding in 45977
a juvenile court. 45978

(F) Each board of county commissioners that recognizes a 45979
citizens' reward program under section 9.92 of the Revised Code 45980
shall notify each law enforcement agency of that county and of a 45981
township or municipal corporation wholly located in that county of 45982
the recognition by filing a copy of its resolution conferring that 45983
recognition with each of those agencies. When the board recognizes 45984
a citizens' reward program and the county includes a part, but not 45985
all, of the territory of a municipal corporation, the board shall 45986
so notify the law enforcement agency of that municipal corporation 45987
of the recognition of the citizens' reward program only if the 45988
county contains the highest percentage of the municipal 45989
corporation's population. 45990

Upon being so notified, each law enforcement agency shall pay 45991
twenty-five per cent of any forfeited proceeds or cash derived 45992
from each sale of property disposed of pursuant to this section to 45993
the citizens' reward program for use exclusively to pay rewards. 45994
No part of the funds may be used to pay expenses associated with 45995
the program. If a citizens' reward program that operates in more 45996
than one county or in another state in addition to this state 45997
receives funds under this section, the funds shall be used to pay 45998

rewards only for tips and information to law enforcement agencies 45999
concerning offenses committed in the county from which the funds 46000
were received. 46001

Receiving funds under this section or section 2981.11 of the 46002
Revised Code does not make the citizens' reward program a 46003
governmental unit or public office for purposes of section 149.43 46004
of the Revised Code. 46005

(G) Any property forfeited under this chapter shall not be 46006
used to pay any fine imposed upon a person who is convicted of or 46007
pleads guilty to an underlying criminal offense or a different 46008
offense arising out of the same facts and circumstances. 46009

(H) Any moneys acquired from the sale of personal effects, 46010
tools, or other property seized because the personal effects, 46011
tools, or other property were used in the commission of a 46012
violation of section 2905.32, 2907.21, or 2907.22 of the Revised 46013
Code or derived from the proceeds of the commission of a violation 46014
of section 2905.32, 2907.21, or 2907.22 of the Revised Code and 46015
disposed of pursuant to this section shall be placed in the 46016
victims of human trafficking fund created by section 5101.87 of 46017
the Revised Code. 46018

Sec. 2981.13. (A) Except as otherwise provided in this 46019
section, property ordered forfeited as contraband, proceeds, or an 46020
instrumentality pursuant to this chapter shall be disposed of, 46021
used, or sold pursuant to section 2981.12 of the Revised Code. If 46022
the property is to be sold under that section, the prosecutor 46023
shall cause notice of the proposed sale to be given in accordance 46024
with law. 46025

(B) If the contraband or instrumentality forfeited under this 46026
chapter is sold, any moneys acquired from a sale and any proceeds 46027
forfeited under this chapter shall be applied in the following 46028
order: 46029

(1) First, to pay costs incurred in the seizure, storage, maintenance, security, and sale of the property and in the forfeiture proceeding;

(2) Second, in a criminal forfeiture case, to satisfy any restitution ordered to the victim of the offense or, in a civil forfeiture case, to satisfy any recovery ordered for the person harmed, unless paid from other assets;

(3) Third, to pay the balance due on any security interest preserved under this chapter;

(4) Fourth, apply the remaining amounts as follows:

(a) If the forfeiture was ordered by a juvenile court, ten per cent to one or more certified alcohol and drug addiction treatment programs as provided in division (D) of section 2981.12 of the Revised Code;

(b) If the forfeiture was ordered in a juvenile court, ninety per cent, and if the forfeiture was ordered in a court other than a juvenile court, one hundred per cent to the law enforcement trust fund of the prosecutor and to the following fund supporting the law enforcement agency that substantially conducted the investigation: the law enforcement trust fund of the county sheriff, municipal corporation, township, or park district created under section 511.18 or 1545.01 of the Revised Code; the state highway patrol contraband, forfeiture, and other fund; the department of public safety investigative unit contraband, forfeiture, and other fund; the department of taxation enforcement fund; the board of pharmacy drug law enforcement fund created by division (B)(1) of section 4729.65 of the Revised Code; the medicaid fraud investigation and prosecution fund; the casino control commission enforcement fund created by section 3772.36 of the Revised Code; or the treasurer of state for deposit into the peace officer training commission fund if any other state law

enforcement agency substantially conducted the investigation. In 46061
the case of property forfeited for medicaid fraud, any remaining 46062
amount shall be used by the attorney general to investigate and 46063
prosecute medicaid fraud offenses. 46064

If the prosecutor declines to accept any of the remaining 46065
amounts, the amounts shall be applied to the fund of the agency 46066
that substantially conducted the investigation. 46067

(c) If more than one law enforcement agency is substantially 46068
involved in the seizure of property forfeited under this chapter, 46069
the court ordering the forfeiture shall equitably divide the 46070
amounts, after calculating any distribution to the law enforcement 46071
trust fund of the prosecutor pursuant to division (B)(4) of this 46072
section, among the entities that the court determines were 46073
substantially involved in the seizure. 46074

(C)(1) A law enforcement trust fund shall be established by 46075
the prosecutor of each county who intends to receive any remaining 46076
amounts pursuant to this section, by the sheriff of each county, 46077
by the legislative authority of each municipal corporation, by the 46078
board of township trustees of each township that has a township 46079
police department, township or joint police district police force, 46080
or office of the constable, and by the board of park commissioners 46081
of each park district created pursuant to section 511.18 or 46082
1545.01 of the Revised Code that has a park district police force 46083
or law enforcement department, for the purposes of this section. 46084

There is hereby created in the state treasury the state 46085
highway patrol contraband, forfeiture, and other fund, the 46086
department of public safety investigative unit contraband, 46087
forfeiture, and other fund, the medicaid fraud investigation and 46088
prosecution fund, the department of taxation enforcement fund, and 46089
the peace officer training commission fund, for the purposes of 46090
this section. 46091

Amounts distributed to any municipal corporation, township, 46092
or park district law enforcement trust fund shall be allocated 46093
from the fund by the legislative authority only to the police 46094
department of the municipal corporation, by the board of township 46095
trustees only to the township police department, township police 46096
district police force, or office of the constable, by the joint 46097
police district board only to the joint police district, and by 46098
the board of park commissioners only to the park district police 46099
force or law enforcement department. 46100

(2)(a) No amounts shall be allocated to a fund created under 46101
this section or used by an agency unless the agency has adopted a 46102
written internal control policy that addresses the use of moneys 46103
received from the appropriate fund. The appropriate fund shall be 46104
expended only in accordance with that policy and, subject to the 46105
requirements specified in this section, only for the following 46106
purposes: 46107

(i) To pay the costs of protracted or complex investigations 46108
or prosecutions; 46109

(ii) To provide reasonable technical training or expertise; 46110

(iii) To provide matching funds to obtain federal grants to 46111
aid law enforcement, in the support of DARE programs or other 46112
programs designed to educate adults or children with respect to 46113
the dangers associated with the use of drugs of abuse; 46114

(iv) To pay the costs of emergency action taken under section 46115
3745.13 of the Revised Code relative to the operation of an 46116
illegal methamphetamine laboratory if the forfeited property or 46117
money involved was that of a person responsible for the operation 46118
of the laboratory; 46119

(v) For other law enforcement purposes that the 46120
superintendent of the state highway patrol, department of public 46121
safety, prosecutor, county sheriff, legislative authority, 46122

department of taxation, Ohio casino control commission, board of 46123
township trustees, or board of park commissioners determines to be 46124
appropriate. 46125

(b) The board of pharmacy drug law enforcement fund shall be 46126
expended only in accordance with the written internal control 46127
policy so adopted by the board and only in accordance with section 46128
4729.65 of the Revised Code, except that it also may be expended 46129
to pay the costs of emergency action taken under section 3745.13 46130
of the Revised Code relative to the operation of an illegal 46131
methamphetamine laboratory if the forfeited property or money 46132
involved was that of a person responsible for the operation of the 46133
laboratory. 46134

(c) The state highway patrol contraband, forfeiture, and 46135
other fund, the department of public safety investigative unit 46136
contraband, forfeiture, and other fund, the department of taxation 46137
enforcement fund, the board of pharmacy drug law enforcement fund, 46138
the casino control commission enforcement fund, and a law 46139
enforcement trust fund shall not be used to meet the operating 46140
costs of the state highway patrol, of the investigative unit of 46141
the department of public safety, of the state board of pharmacy, 46142
of any political subdivision, of the Ohio casino control 46143
commission, or of any office of a prosecutor or county sheriff 46144
that are unrelated to law enforcement. 46145

(d) Forfeited moneys that are paid into the state treasury to 46146
be deposited into the peace officer training commission fund shall 46147
be used by the commission only to pay the costs of peace officer 46148
training. 46149

(3) Any of the following offices or agencies that receive 46150
amounts under this section during any calendar year shall file a 46151
report with the specified entity, not later than the thirty-first 46152
day of January of the next calendar year, verifying that the 46153
moneys were expended only for the purposes authorized by this 46154

section or other relevant statute and specifying the amounts 46155
expended for each authorized purpose: 46156

(a) Any sheriff or prosecutor shall file the report with the 46157
county auditor. 46158

(b) Any municipal corporation police department shall file 46159
the report with the legislative authority of the municipal 46160
corporation. 46161

(c) Any township police department, township or joint police 46162
district police force, or office of the constable shall file the 46163
report with the board of township trustees of the township. 46164

(d) Any park district police force or law enforcement 46165
department shall file the report with the board of park 46166
commissioners of the park district. 46167

(e) The superintendent of the state highway patrol and the 46168
tax commissioner shall file the report with the attorney general. 46169

(f) The executive director of the state board of pharmacy 46170
shall file the report with the attorney general, verifying that 46171
cash and forfeited proceeds paid into the board of pharmacy drug 46172
law enforcement fund were used only in accordance with section 46173
4729.65 of the Revised Code. 46174

(g) The peace officer training commission shall file a report 46175
with the attorney general, verifying that cash and forfeited 46176
proceeds paid into the peace officer training commission fund 46177
pursuant to this section during the prior calendar year were used 46178
by the commission during the prior calendar year only to pay the 46179
costs of peace officer training. 46180

(h) The executive director of the Ohio casino control 46181
commission shall file the report with the attorney general, 46182
verifying that cash and forfeited proceeds paid into the casino 46183
control commission enforcement fund were used only in accordance 46184

with section 3772.36 of the Revised Code. 46185

(D) The written internal control policy of a county sheriff, 46186
prosecutor, municipal corporation police department, township 46187
police department, township or joint police district police force, 46188
office of the constable, or park district police force or law 46189
enforcement department shall provide that at least ten per cent of 46190
the first one hundred thousand dollars of amounts deposited during 46191
each calendar year in the agency's law enforcement trust fund 46192
under this section, and at least twenty per cent of the amounts 46193
exceeding one hundred thousand dollars that are so deposited, 46194
shall be used in connection with community preventive education 46195
programs. The manner of use shall be determined by the sheriff, 46196
prosecutor, department, police force, or office of the constable 46197
after receiving and considering advice on appropriate community 46198
preventive education programs from the county's board of alcohol, 46199
drug addiction, and mental health services, from the county's 46200
alcohol and drug addiction services board, or through appropriate 46201
community dialogue. 46202

The financial records kept under the internal control policy 46203
shall specify the amount deposited during each calendar year in 46204
the portion of that amount that was used pursuant to this 46205
division, and the programs in connection with which the portion of 46206
that amount was so used. 46207

As used in this division, "community preventive education 46208
programs" include, but are not limited to, DARE programs and other 46209
programs designed to educate adults or children with respect to 46210
the dangers associated with using drugs of abuse. 46211

(E) Upon the sale, under this section or section 2981.12 of 46212
the Revised Code, of any property that is required by law to be 46213
titled or registered, the state shall issue an appropriate 46214
certificate of title or registration to the purchaser. If the 46215
state is vested with title and elects to retain property that is 46216

required to be titled or registered under law, the state shall 46217
issue an appropriate certificate of title or registration. 46218

(F) Any failure of a law enforcement officer or agency, 46219
prosecutor, court, or the attorney general to comply with this 46220
section in relation to any property seized does not affect the 46221
validity of the seizure and shall not be considered to be the 46222
basis for suppressing any evidence resulting from the seizure, 46223
provided the seizure itself was lawful. 46224

Sec. 3101.051. (A) Except as provided in division (B) of this 46225
section, a probate court shall make available to any person for 46226
inspection the records pertaining to the issuance of marriage 46227
licenses as provided under section 149.43 of the Revised Code. 46228

(B) Before it makes available to a person any records 46229
pertaining to the issuance of a marriage license as described in 46230
division (A) of this section, subject to division (C) of this 46231
section, a probate court shall delete or otherwise remove any 46232
social security numbers of the parties to a marriage so that they 46233
are not available to the person inspecting the records. 46234

(C) Division (B) of this section does not apply in any of the 46235
following circumstances: 46236

(1) If the records in question are inspected by authorized 46237
personnel of the division of child support in the department of 46238
job and family services under section ~~5101.31~~ 5101.37 of the 46239
Revised Code; 46240

(2) If the records in question are inspected by law 46241
enforcement personnel for purposes of a criminal investigation; 46242

(3) If the records in question with the social security 46243
numbers are necessary for use in a civil or criminal trial and the 46244
release of the records with the social security numbers is ordered 46245
by a court with jurisdiction over the trial; 46246

(4) If the records in question are inspected by either party 46247
to the marriage to which the records pertain; 46248

(5) If the court possessed the records in question prior to 46249
the effective date of this section. 46250

Sec. 3107.083. Not later than ninety days after June 20, 46251
1996, the director of job and family services shall do all of the 46252
following: 46253

(A)(1) For a parent of a child who, if adopted, will be an 46254
adopted person as defined in section 3107.45 of the Revised Code, 46255
prescribe a form that has the following six components: 46256

(a) A component the parent signs under section 3107.071, 46257
3107.081, or 5103.151 of the Revised Code to indicate the 46258
requirements of section 3107.082 or 5103.152 of the Revised Code 46259
have been met. The component shall be as follows: 46260

"Statement Concerning Ohio Law and Adoption Materials 46261

By signing this component of this form, I acknowledge that it 46262
has been explained to me, and I understand, that, if I check the 46263
space on the next component of this form that indicates that I 46264
authorize the release, the adoption file maintained by the Ohio 46265
Department of Health, which contains identifying information about 46266
me at the time of my child's birth, will be released, on request, 46267
to the adoptive parent when the adoptee is at least age eighteen 46268
but younger than age twenty-one and to the adoptee when he or she 46269
is age twenty-one or older. It has also been explained to me, and 46270
I understand, that I may prohibit the release of identifying 46271
information about me contained in the adoption file by checking 46272
the space on the next component of this form that indicates that I 46273
do not authorize the release of the identifying information. It 46274
has additionally been explained to me, and I understand, that I 46275
may change my mind regarding the decision I make on the next 46276
component of this form at any time and as many times as I desire 46277

by signing, dating, and having filed with the Ohio Department of 46278
Health a denial of release form or authorization of release form 46279
prescribed and provided by the Department of Health and providing 46280
the Department two items of identification. 46281

By signing this component of this form, I also acknowledge 46282
that I have been provided a copy of written materials about 46283
adoption prepared by the Ohio Department of Job and Family 46284
Services, the adoption process and ramifications of consenting to 46285
adoption or entering into a voluntary permanent custody surrender 46286
agreement have been discussed with me, and I have been provided 46287
the opportunity to review the materials and ask questions about 46288
the materials and discussion. 46289

Signature of biological parent: 46290
Signature of witness: 46291
Date: " 46292

(b) A component the parent signs under section 3107.071, 46293
3107.081, or 5103.151 of the Revised Code regarding the parent's 46294
decision whether to allow identifying information about the parent 46295
contained in an adoption file maintained by the department of 46296
health to be released to the parent's child and adoptive parent 46297
pursuant to section 3107.47 of the Revised Code. The component 46298
shall be as follows: 46299

"Statement Regarding Release of Identifying Information 46300

The purpose of this component of this form is to allow a 46301
biological parent to decide whether to allow the Ohio Department 46302
of Health to provide an adoptee and adoptive parent identifying 46303
information about the adoptee's biological parent contained in an 46304
adoption file maintained by the Department. Please check one of 46305
the following spaces: 46306

..... YES, I authorize the Ohio Department of Health to 46307
release identifying information about me, on
request, to the adoptive parent when the adoptee is

at least age eighteen but younger than age
twenty-one and to the adoptee when he or she is age
twenty-one or older.

..... NO, I do not authorize the release of identifying 46308
information about me to the adoptive parent or
adoptee.

Signature of biological parent: 46309

Signature of witness: 46310

Date: " 46311

(c) A component the parent, if the mother of the child, 46312
completes and signs under section 3107.071, 3107.081, or 5103.151 46313
of the Revised Code to indicate, to the extent of the mother's 46314
knowledge, all of the following: 46315

(i) Whether the mother, during her pregnancy, was a recipient 46316
of the ~~medical assistance~~ medicaid program ~~established under~~ 46317
~~Chapter 5111. of the Revised Code~~ or other public health insurance 46318
program and, if so, the dates her eligibility began and ended; 46319

(ii) Whether the mother, during her pregnancy, was covered by 46320
private health insurance and, if so, the dates the coverage began 46321
and ended, the name of the insurance provider, the type of 46322
coverage, and the identification number of the coverage; 46323

(iii) The name and location of the hospital, freestanding 46324
~~birth~~ birthing center, or other place where the mother gave birth 46325
and, if different, received medical care immediately after giving 46326
birth; 46327

(iv) The expenses of the obstetrical and neonatal care; 46328

(v) Whether the mother has been informed that the adoptive 46329
parent or the agency or attorney arranging the adoption are to pay 46330
expenses involved in the adoption, including expenses the mother 46331
has paid and expects to receive or has received reimbursement, 46332
and, if so, what expenses are to be or have been paid and an 46333

estimate of the expenses; 46334

(vi) Any other information related to expenses the department 46335
determines appropriate to be included in this component. 46336

(d) A component the parent may sign to authorize the agency 46337
or attorney arranging the adoption to provide to the child or 46338
adoptive parent materials, other than photographs of the parent, 46339
that the parent requests be given to the child or adoptive parent 46340
pursuant to section 3107.68 of the Revised Code. 46341

(e) A component the parent may sign to authorize the agency 46342
or attorney arranging the adoption to provide to the child or 46343
adoptive parent photographs of the parent pursuant to section 46344
3107.68 of the Revised Code. 46345

(f) A component the parent may sign to authorize the agency 46346
or attorney arranging the adoption to provide to the child or 46347
adoptive parent the first name of the parent pursuant to section 46348
3107.68 of the Revised Code. 46349

(2) State at the bottom of the form that the parent is to 46350
receive a copy of the form the parent signed. 46351

(3) Provide copies of the form prescribed under this division 46352
to probate and juvenile courts, public children services agencies, 46353
private child placing agencies, private noncustodial agencies, 46354
attorneys, and persons authorized to take acknowledgments. 46355

(B)(1) For a parent of a child who, if adopted, will become 46356
an adopted person as defined in section 3107.39 of the Revised 46357
Code, prescribe a form that has the following five components: 46358

(a) A component the parent signs under section 3107.071, 46359
3107.081, or 5103.151 of the Revised Code to attest that the 46360
requirement of division (A) of section 3107.082 or division (A) of 46361
section 5103.152 of the Revised Code has been met; 46362

(b) A component the parent, if the mother of the child, 46363

completes and signs under section 3107.071, 3107.081, or 5103.151 46364
of the Revised Code to indicate, to the extent of the mother's 46365
knowledge, all of the following: 46366

(i) Whether the mother, during her pregnancy, was a recipient 46367
of the ~~medical assistance~~ medicaid program ~~established under~~ 46368
~~Chapter 5111. of the Revised Code~~ or other public health insurance 46369
program and, if so, the dates her eligibility began and ended; 46370

(ii) Whether the mother, during her pregnancy, was covered by 46371
private health insurance and, if so, the dates the coverage began 46372
and ended, the name of the insurance provider, the type of 46373
coverage, and the identification number of the coverage; 46374

(iii) The name and location of the hospital, freestanding 46375
~~birth~~ birthing center, or other place where the mother gave birth 46376
and, if different, received medical care immediately after giving 46377
birth; 46378

(iv) The expenses of the obstetrical and neonatal care; 46379

(v) Whether the mother has been informed that the adoptive 46380
parent or the agency or attorney arranging the adoption are to pay 46381
expenses involved in the adoption, including expenses the mother 46382
has paid and expects to receive or has received reimbursement for, 46383
and, if so, what expenses are to be or have been paid and an 46384
estimate of the expenses; 46385

(vi) Any other information related to expenses the department 46386
determines appropriate to be included in the component. 46387

(c) A component the parent may sign to authorize the agency 46388
or attorney arranging the adoption to provide to the child or 46389
adoptive parent materials, other than photographs of the parent, 46390
that the parent requests be given to the child or adoptive parent 46391
pursuant to section 3107.68 of the Revised Code. 46392

(d) A component the parent may sign to authorize the agency 46393

or attorney arranging the adoption to provide to the child or 46394
adoptive parent photographs of the parent pursuant to section 46395
3107.68 of the Revised Code. 46396

(e) A component the parent may sign to authorize the agency 46397
or attorney arranging the adoption to provide to the child or 46398
adoptive parent the first name of the parent pursuant to section 46399
3107.68 of the Revised Code. 46400

(2) State at the bottom of the form that the parent is to 46401
receive a copy of the form the parent signed. 46402

(3) Provide copies of the form prescribed under this division 46403
to probate and juvenile courts, public children services agencies, 46404
private child placing agencies, private noncustodial agencies, and 46405
attorneys. 46406

(C) Prepare the written materials about adoption that are 46407
required to be given to parents under division (A) of section 46408
3107.082 and division (A) of section 5103.152 of the Revised Code. 46409
The materials shall provide information about the adoption 46410
process, including ramifications of a parent consenting to a 46411
child's adoption or entering into a voluntary permanent custody 46412
surrender agreement. The materials also shall include referral 46413
information for professional counseling and adoption support 46414
organizations. The director shall provide the materials to 46415
assessors. 46416

(D) Adopt rules in accordance with Chapter 119. of the 46417
Revised Code specifying the documents that must be filed with a 46418
probate court under divisions (B) and (D) of section 3107.081 of 46419
the Revised Code and a juvenile court under divisions (C) and (E) 46420
of section 5103.151 of the Revised Code. 46421

Sec. 3109.15. There is hereby created within the department 46422
of job and family services the children's trust fund board 46423

consisting of fifteen members. The directors of ~~alcohol and drug~~ 46424
~~addiction services~~ mental health and addiction services, health, 46425
and job and family services shall be members of the board. Eight 46426
public members shall be appointed by the governor. These members 46427
shall be persons with demonstrated knowledge in programs for 46428
children, shall be representative of the demographic composition 46429
of this state, and, to the extent practicable, shall be 46430
representative of the following categories: the educational 46431
community; the legal community; the social work community; the 46432
medical community; the voluntary sector; and professional 46433
providers of child abuse and child neglect services. Five of these 46434
members shall be residents of metropolitan statistical areas as 46435
defined by the United States office of management and budget where 46436
the population exceeds four hundred thousand; no two such members 46437
shall be residents of the same metropolitan statistical area. Two 46438
members of the board shall be members of the house of 46439
representatives appointed by the speaker of the house of 46440
representatives and shall be members of two different political 46441
parties. Two members of the board shall be members of the senate 46442
appointed by the president of the senate and shall be members of 46443
two different political parties. All members of the board 46444
appointed by the speaker of the house of representatives or the 46445
president of the senate shall serve until the expiration of the 46446
sessions of the general assembly during which they were appointed. 46447
They may be reappointed to an unlimited number of successive terms 46448
of two years at the pleasure of the speaker of the house of 46449
representatives or president of the senate. Public members shall 46450
serve terms of three years. Each member shall serve until the 46451
member's successor is appointed, or until a period of sixty days 46452
has elapsed, whichever occurs first. No public member may serve 46453
more than two consecutive full terms. All vacancies on the board 46454
shall be filled for the balance of the unexpired term in the same 46455
manner as the original appointment. 46456

Any member of the board may be removed by the member's 46457
appointing authority for misconduct, incompetency, or neglect of 46458
duty after first being given the opportunity to be heard in the 46459
member's own behalf. Pursuant to section 3.17 of the Revised Code, 46460
a member, except a member of the general assembly or a judge of 46461
any court in the state, who fails to attend at least three-fifths 46462
of the regular and special meetings held by the board during any 46463
two-year period forfeits the member's position on the board. 46464

Each member of the board shall serve without compensation but 46465
shall be reimbursed for all actual and necessary expenses incurred 46466
in the performance of official duties. 46467

At the beginning of the first year of each even-numbered 46468
general assembly, the chairperson of the board shall be appointed 46469
by the speaker of the house of representatives from among members 46470
of the board who are members of the house of representatives. At 46471
the beginning of the first year of each odd-numbered general 46472
assembly, the chairperson of the board shall be appointed by the 46473
president of the senate from among the members of the board who 46474
are senate members. 46475

The board shall biennially select a vice-chair from among its 46476
nonlegislative members. 46477

Sec. 3111.04. (A) An action to determine the existence or 46478
nonexistence of the father and child relationship may be brought 46479
by the child or the child's personal representative, the child's 46480
mother or her personal representative, a man alleged or alleging 46481
himself to be the child's father, the child support enforcement 46482
agency of the county in which the child resides if the child's 46483
mother, father, or alleged father is a recipient of public 46484
assistance or of services under Title IV-D of the "Social Security 46485
Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the 46486
alleged father's personal representative. 46487

(B) An agreement does not bar an action under this section. 46488

(C) If an action under this section is brought before the 46489
birth of the child and if the action is contested, all 46490
proceedings, except service of process and the taking of 46491
depositions to perpetuate testimony, may be stayed until after the 46492
birth. 46493

(D) A recipient of public assistance or of services under 46494
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 46495
U.S.C.A. 651, as amended, shall cooperate with the child support 46496
enforcement agency of the county in which a child resides to 46497
obtain an administrative determination pursuant to sections 46498
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 46499
determination pursuant to sections 3111.01 to 3111.18 of the 46500
Revised Code, of the existence or nonexistence of a parent and 46501
child relationship between the father and the child. If the 46502
recipient fails to cooperate, the agency may commence an action to 46503
determine the existence or nonexistence of a parent and child 46504
relationship between the father and the child pursuant to sections 46505
3111.01 to 3111.18 of the Revised Code. 46506

(E) As used in this section, "public assistance" means all of 46507
the following: 46508

(1) ~~Medicaid under Chapter 5111. of the Revised Code;~~ 46509

(2) Ohio works first under Chapter 5107. of the Revised Code; 46510

(3) Disability financial assistance under Chapter 5115. of 46511
the Revised Code. 46512

Sec. 3111.72. The contract between the department of job and 46513
family services and a local hospital shall require all of the 46514
following: 46515

(A) That the hospital provide a staff person to meet with 46516
each unmarried mother who gave birth in or en route to the 46517

hospital within twenty-four hours of the birth or before the 46518
mother is released from the hospital; 46519

(B) That the staff person attempt to meet with the father of 46520
the unmarried mother's child if possible; 46521

(C) That the staff person explain to the unmarried mother and 46522
the father, if he is present, the benefit to the child of 46523
establishing a parent and child relationship between the father 46524
and the child and the various proper procedures for establishing a 46525
parent and child relationship; 46526

(D) That the staff person present to the unmarried mother 46527
and, if possible, the father, the pamphlet or statement regarding 46528
the rights and responsibilities of a natural parent that is 46529
prepared and provided by the department of job and family services 46530
pursuant to section 3111.32 of the Revised Code; 46531

(E) That the staff person provide the mother and, if 46532
possible, the father, all forms and statements necessary to 46533
voluntarily establish a parent and child relationship, including, 46534
but not limited to, the acknowledgment of paternity affidavit 46535
prepared by the department of job and family services pursuant to 46536
section 3111.31 of the Revised Code; 46537

(F) That the staff person, at the request of both the mother 46538
and father, help the mother and father complete any form or 46539
statement necessary to establish a parent and child relationship; 46540

(G) That the hospital provide a notary public to notarize an 46541
acknowledgment of paternity affidavit signed by the mother and 46542
father; 46543

(H) That the staff person present to an unmarried mother who 46544
is not participating in the Ohio works first program established 46545
under Chapter 5107. of the Revised Code or receiving ~~medical~~ 46546
~~assistance under Chapter 5111. of the Revised Code~~ medicaid an 46547
application for Title IV-D services; 46548

(I) That the staff person forward any completed 46549
acknowledgment of paternity, no later than ten days after it is 46550
completed, to the office of child support in the department of job 46551
and family services; 46552

(J) That the department of job and family services pay the 46553
hospital twenty dollars for every correctly signed and notarized 46554
acknowledgment of paternity affidavit from the hospital. 46555

Sec. 3119.29. (A) As used in this section and sections 46556
3119.30 to 3119.56 of the Revised Code: 46557

(1) "Cash medical support" means an amount ordered to be paid 46558
in a child support order toward the cost of health insurance 46559
provided by a public entity, another parent, or person with whom 46560
the child resides, through employment or otherwise, or for other 46561
medical cost not covered by insurance. 46562

(2) "Federal poverty line" has the same meaning as defined in 46563
section 5104.01 of the Revised Code. 46564

(3) "Health care" means such medical support that includes 46565
coverage under a health insurance plan, payment of costs of 46566
premiums, ~~co-payments~~ copayments, and deductibles, or payment for 46567
medical expenses incurred on behalf of the child. 46568

(4) "Health insurance coverage" means accessible private 46569
health insurance that provides primary care services within thirty 46570
miles from the residence of the child subject to the child support 46571
order. 46572

(5) "Health plan administrator" means any entity authorized 46573
under Title XXXIX of the Revised Code to engage in the business of 46574
insurance in this state, any health insuring corporation, any 46575
legal entity that is self-insured and provides benefits to its 46576
employees or members, and the administrator of any such entity or 46577
corporation. 46578

(6) "National medical support notice" means a form required 46579
by the "Child Support Performance and Incentive Act of 1998," P.L. 46580
105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as amended, and 46581
jointly developed and promulgated by the secretary of health and 46582
human services and the secretary of labor in federal regulations 46583
adopted under that act as modified by the department of job and 46584
family services under section 3119.291 of the Revised Code. 46585

(7) "Person required to provide health insurance coverage" 46586
means the obligor, obligee, or both, required by the court under a 46587
court child support order or by the child support enforcement 46588
agency under an administrative child support order to provide 46589
health insurance coverage pursuant to section 3119.30 of the 46590
Revised Code. 46591

(8) Subject to division (B) of this section, "reasonable 46592
cost" means the contributing cost of private family health 46593
insurance to the person responsible for the health care of the 46594
children subject to the child support order that does not exceed 46595
an amount equal to five per cent of the annual gross income of 46596
that person. 46597

(9) "Title XIX" has the same meaning as ~~defined~~ in section 46598
~~5111.20~~ 5165.01 of the Revised Code. 46599

(B) If the United States secretary of health and human 46600
services issues a regulation defining "reasonable cost" or a 46601
similar term or phrase relevant to the provisions in child support 46602
orders relating to the provision of health care for children 46603
subject to the orders, and if that definition is substantively 46604
different from the meaning of "reasonable cost" as defined in 46605
division (A) of this section, "reasonable cost" as used in this 46606
section shall have the meaning as defined by the United States 46607
secretary of health and human services. 46608

Sec. 3119.54. A party to a child support order issued in 46609

accordance with section 3119.30 of the Revised Code shall notify 46610
any physician, hospital, or other provider of medical services 46611
that provides medical services to the child who is the subject of 46612
the child support order of the number of any health insurance or 46613
health care policy, contract, or plan that covers the child if the 46614
child is eligible for ~~medical assistance under Chapter 5111. of~~ 46615
~~the Revised Code~~ medicaid. The party shall include in the notice 46616
the name and address of the insurer. Any physician, hospital, or 46617
other provider of medical services ~~for which medical assistance is~~ 46618
~~available under Chapter 5111. of the Revised Code~~ covered by the 46619
medicaid program who is notified under this section of the 46620
existence of a health insurance or health care policy, contract, 46621
or plan with coverage for children who are eligible for ~~medical~~ 46622
~~assistance~~ medicaid shall first bill the insurer for any services 46623
provided for those children. If the insurer fails to pay all or 46624
any part of a claim filed under this section and the services for 46625
which the claim is filed are covered by ~~Chapter 5111. of the~~ 46626
~~Revised Code~~ the medicaid program, the physician, hospital, or 46627
other medical services provider shall bill the remaining unpaid 46628
costs of the services ~~in accordance with Chapter 5111. of the~~ 46629
~~Revised Code~~ to the medicaid program. 46630

Sec. 3121.441. (A) Notwithstanding the provisions of this 46631
chapter, Chapters 3119., 3123., and 3125., and sections 3770.071 46632
and 5107.20 of the Revised Code providing for the office of child 46633
support in the department of job and family services to collect, 46634
withhold, or deduct spousal support, when a court pursuant to 46635
section 3105.18 or 3105.65 of the Revised Code issues or modifies 46636
an order requiring an obligor to pay spousal support or grants or 46637
modifies a decree of dissolution of marriage incorporating a 46638
separation agreement that provides for spousal support, or at any 46639
time after the issuance, granting, or modification of an order or 46640

decree of that type, the court may permit the obligor to make the 46641
spousal support payments directly to the obligee instead of to the 46642
office if the obligee and the obligor have no minor children born 46643
as a result of their marriage and the obligee has not assigned the 46644
spousal support amounts to the department pursuant to section 46645
~~5101.59~~ or 5107.20 or 5160.38 of the Revised Code. 46646

(B) A court that permits an obligor to make spousal support 46647
payments directly to the obligee pursuant to division (A) of this 46648
section shall order the obligor to make the spousal support 46649
payments as a check, as a money order, or in any other form that 46650
establishes a clear record of payment. 46651

(C) If a court permits an obligor to make spousal support 46652
payments directly to an obligee pursuant to division (A) of this 46653
section and the obligor is in default in making any spousal 46654
support payment to the obligee, the court, upon motion of the 46655
obligee or on its own motion, may rescind the permission granted 46656
under that division. After the rescission, the court shall 46657
determine the amount of arrearages in the spousal support payments 46658
and order the obligor to make to the office of child support in 46659
the department of job and family services any spousal support 46660
payments that are in arrears and any future spousal support 46661
payments. Upon the issuance of the order of the court under this 46662
division, the provisions of this chapter, Chapters 3119., 3123., 46663
and 3125., and sections 3770.071 and 5107.20 of the Revised Code 46664
apply with respect to the collection, withholding, or deduction of 46665
the obligor's spousal support payments that are the subject of 46666
that order of the court. 46667

Sec. 3121.89. As used in sections 3121.891 to 3121.8911 of 46668
the Revised Code: 46669

(A) "Contractor" means an individual who provides services to 46670
an employer as an independent contractor for compensation that is 46671

reported as income other than wages and who is an individual, the 46672
sole shareholder of a corporation, or the sole member of a limited 46673
liability company. "Contractor" does not include any of the 46674
following: 46675

(1) An individual performing intelligence or 46676
counterintelligence functions for a state agency if the head of 46677
the agency has determined that reporting pursuant to this section 46678
could endanger the safety of the individual or compromise an 46679
ongoing investigation or intelligence mission; 46680

(2) A professionally licensed person who is providing 46681
services to the employer under that license; 46682

(3) An individual who will receive for the services provided 46683
under the contract compensation of less than two thousand five 46684
hundred dollars per year or a greater amount that the director of 46685
job and family services establishes by rule adopted under section 46686
3121.896 of the Revised Code. 46687

(B) "Employee" means an individual who is employed to provide 46688
services to an employer for compensation that is reported as 46689
income from wages. "Employee" does not include an individual 46690
performing intelligence or counterintelligence functions for a 46691
state agency, if the head of the agency has determined that 46692
reporting pursuant to this section could endanger the safety of 46693
the employee or compromise an ongoing investigation or 46694
intelligence mission. 46695

(C) "Employer" means any person or governmental entity other 46696
than the federal government for which an individual performs any 46697
service, of whatever nature, as the employee or contractor of such 46698
person, except that: 46699

(1) If the person for whom the individual performs services 46700
does not have control of the payment of compensation for the 46701
services, "employer" means the person having control of the 46702

payment of the compensation. 46703

(2) In the case of a person paying compensation on behalf of 46704
a nonresident alien individual, foreign partnership, or foreign 46705
corporation not engaged in trade or business within the United 46706
States, "employer" means the person paying the compensation. 46707

(3) In the case of compensation paid to a contractor, 46708
"employer" does not include any person or entity that lacks a 46709
federal employer identification number. 46710

(D) "Newly hired employee" means either of the following: 46711

(1) An employee who has not previously been employed by the 46712
employer; 46713

(2) An employee who was previously employed by an employer 46714
but has been separated from that prior employment for at least 46715
sixty consecutive days. 46716

(E) "Professionally licensed person" has the same meaning as 46717
in section 2925.01 of the Revised Code. 46718

Sec. 3121.891. (A) Except as provided in division (B) or (C) 46719
of this section, every employer shall make a new hire report to 46720
the department of job and family services regarding ~~the hiring,~~ 46721
~~rehiring, or return to work as an~~ a newly hired employee or a 46722
contractor of a person who resides, works, or will be assigned to 46723
work in this state to whom the employer anticipates paying 46724
compensation. 46725

(B) An employer with employees or contractors in two or more 46726
states that transmits new hire reports magnetically or 46727
electronically may make the new hire report to another state if 46728
the employer does both of the following: 46729

(1) Notifies the Ohio department of job and family services 46730
and the United States secretary of health and human services in 46731
writing that the employer has designated another state as the 46732

state to which the employer will transmit the report; 46733

(2) Transmits the report to that state in compliance with 46734
federal law. 46735

(C) The department may by rule exempt employers from making 46736
new hire reports on any classification of contractors if the 46737
department determines that exempting the employer will assist the 46738
administration of the new hire reporting requirement. 46739

Sec. 3121.892. (A) An employer shall include all of the 46740
following in each new hire report: 46741

(1) For each employee, the employee's name, address, date of 46742
birth, social security number, and date of hire, ~~rehire, or return~~ 46743
~~to work;~~ 46744

(2) For each contractor, the contractor's name, address, 46745
social security or tax identification number, the date payments 46746
begin, and the length of time the contractor will be performing 46747
services for the employer; 46748

(3) The employer's name, address, and identification number. 46749

(B) The department of job and family services may by rule 46750
require that additional information, specified in the rule, be 46751
included in each new hire report. 46752

Sec. 3121.893. An employer shall make a new hire report for 46753
each newly hired employee or contractor in a manner prescribed by 46754
the department of job and family services. The department may 46755
require that the report include or consist of the submission of a 46756
copy of the United States internal revenue service form W-4 46757
(employee's withholding allowance certificate) for the employee, a 46758
form provided by the department, or any other hiring document or 46759
data storage device or mechanism the department authorizes. An 46760
employer may make the new hire report by mail, fax, magnetic or 46761

electronic means, or other means the department authorizes. If an 46762
employer makes a new hire report by mail, the date of making the 46763
report is the postmark date if the report is mailed in the United 46764
States with first class postage and is addressed as the department 46765
authorizes. An employer shall make the new hire report not later 46766
than twenty days after the date on which the employer hires ~~or~~ 46767
~~rehires~~ an employee ~~or the employee returns to work~~ or the date on 46768
which the employer engages or re-engages the contractor or the 46769
contractor resumes providing services under the contract. 46770

Sec. 3121.898. The department of job and family services 46771
shall use the new hire reports it receives for any of the 46772
following purposes set forth in 42 U.S.C. 653a, as amended, 46773
including: 46774

(A) To locate individuals for the purposes of establishing 46775
paternity and for establishing, modifying, and enforcing child 46776
support orders. 46777

(B) As used in this division, "state agency" means every 46778
department, bureau, board, commission, office, or other organized 46779
body established by the constitution or laws of this state for the 46780
exercise of state government; every entity of county government 46781
that is subject to the rules of a state agency; and every 46782
contractual agent of a state agency. 46783

To make available to any state agency responsible for 46784
administering any of the following programs for purposes of 46785
verifying program eligibility: 46786

(1) Any Title IV-A program as defined in section 5101.80 of 46787
the Revised Code; 46788

(2) The medicaid program ~~authorized by Chapter 5111. of the~~ 46789
~~Revised Code;~~ 46790

(3) The unemployment compensation program authorized by 46791

Chapter 4141. of the Revised Code; 46792

(4) The supplemental nutrition assistance program authorized 46793
by section 5101.54 of the Revised Code; 46794

(5) Any other program authorized in 42 U.S.C. 1320b-7(b), as 46795
amended. 46796

(C) The administration of the employment security program 46797
under the director of job and family services. 46798

Sec. 3123.958. The office of child support ~~shall~~ may publish 46799
and distribute ~~the first~~ a set of posters throughout the state ~~not~~ 46800
~~later than October 1, 1992. The office shall publish and~~ 46801
~~distribute subsequent sets of posters not less than twice~~ 46802
annually. 46803

Sec. 3125.18. A child support enforcement agency shall 46804
administer a Title IV-A program identified under division 46805
(A)(4)(c) or ~~(f)~~ (g) of section 5101.80 of the Revised Code that 46806
the department of job and family services provides for the agency 46807
to administer under the department's supervision pursuant to 46808
section 5101.801 of the Revised Code. 46809

Sec. 3125.36. (A) Subject to division (B) of this section, 46810
all support orders that are administered by a child support 46811
enforcement agency designated under section 307.981 of the Revised 46812
Code or former section 2301.35 of the Revised Code and are 46813
eligible for Title IV-D services shall be Title IV-D cases under 46814
Title IV-D of the "Social Security Act." Subject to division (B) 46815
of this section, all obligees of support orders administered by 46816
the agency shall be considered to have filed a signed application 46817
for Title IV-D services. 46818

(B) Except as provided in division (D) of this section, a 46819
court that issues or modifies a support order shall require the 46820

obligee under the order to sign, at the time of the issuance or 46821
modification of the order, an application for Title IV-D services 46822
and to file, as soon as possible, the signed application with the 46823
child support enforcement agency that will administer the order. 46824
The application shall be on a form prescribed by the department of 46825
job and family services. Except as provided in division (D) of 46826
this section, a support order that is administered by a child 46827
support enforcement agency, and that is eligible for Title IV-D 46828
services shall be a Title IV-D case under Title IV-D of the 46829
"Social Security Act" only upon the filing of the signed 46830
application for Title IV-D services. 46831

(C) A child support enforcement agency shall make available 46832
an application for Title IV-D services to all persons requesting a 46833
child support enforcement agency's assistance in an action under 46834
sections 3111.01 to 3111.18 of the Revised Code or in an 46835
administrative proceeding brought to establish a parent and child 46836
relationship, to establish or modify an administrative support 46837
order, or to establish or modify an order to provide health 46838
insurance coverage for the children subject to a support order. 46839

(D) An obligee under a support order who has assigned the 46840
right to the support pursuant to section ~~5101.59~~ or 5107.20 or 46841
5160.38 of the Revised Code shall not be required to sign an 46842
application for Title IV-D services. The support order shall be 46843
considered a Title IV-D case. 46844

Sec. 3301.07. The state board of education shall exercise 46845
under the acts of the general assembly general supervision of the 46846
system of public education in the state. In addition to the powers 46847
otherwise imposed on the state board under the provisions of law, 46848
the board shall have the powers described in this section. 46849

(A) The state board shall exercise policy forming, planning, 46850
and evaluative functions for the public schools of the state 46851

except as otherwise provided by law. 46852

(B)(1) The state board shall exercise leadership in the 46853
improvement of public education in this state, and administer the 46854
educational policies of this state relating to public schools, and 46855
relating to instruction and instructional material, building and 46856
equipment, transportation of pupils, administrative 46857
responsibilities of school officials and personnel, and finance 46858
and organization of school districts, educational service centers, 46859
and territory. Consultative and advisory services in such matters 46860
shall be provided by the board to school districts and educational 46861
service centers of this state. 46862

(2) The state board also shall develop a standard of 46863
financial reporting which shall be used by each school district 46864
board of education and ~~educational service center~~ each governing 46865
board of an educational service center, each governing authority 46866
of a community school established under Chapter 3314., each 46867
governing body of a STEM school established under Chapter 3328., 46868
and each board of trustees of a college-preparatory boarding 46869
school established under Chapter 3328. of the Revised Code to make 46870
its financial information and annual budgets for each school 46871
building under its control available to the public in a format 46872
understandable by the average citizen. The format shall show, 46873
~~among other things, both~~ at the district ~~and educational service~~ 46874
~~center level or~~ and at the school building level, ~~as determined~~ 46875
~~appropriate by the department of education,~~ revenue by source; 46876
expenditures for salaries, wages, and benefits of employees, 46877
showing such amounts separately for classroom teachers, other 46878
employees required to hold licenses issued pursuant to sections 46879
3319.22 to 3319.31 of the Revised Code, and all other employees; 46880
expenditures other than for personnel, by category, including 46881
utilities, textbooks and other educational materials, equipment, 46882
permanent improvements, pupil transportation, extracurricular 46883

athletics, and other extracurricular activities; and per pupil 46884
expenditures. The format shall also include information on total 46885
revenue and expenditures, per pupil revenue, and expenditures for 46886
both classroom and nonclassroom purposes, as defined by the 46887
standards adopted under section 3302.20 of the Revised Code in the 46888
aggregate and for each subgroup of students, as defined by section 46889
3317.40 of the Revised Code, that receives services provided for 46890
by state or federal funding. 46891

(3) Each school district board, governing authority, 46892
governing body, or board of trustees, or its respective designee, 46893
shall annually report, to the department of education, all 46894
financial information required by the standards for financial 46895
reporting, as prescribed by division (B)(2) of this section and 46896
adopted by the state board. The department shall post these 46897
reports in a prominent location on its web site and shall notify 46898
each school when reports are made available. 46899

(C) The state board shall administer and supervise the 46900
allocation and distribution of all state and federal funds for 46901
public school education under the provisions of law, and may 46902
prescribe such systems of accounting as are necessary and proper 46903
to this function. It may require county auditors and treasurers, 46904
boards of education, educational service center governing boards, 46905
treasurers of such boards, teachers, and other school officers and 46906
employees, or other public officers or employees, to file with it 46907
such reports as it may prescribe relating to such funds, or to the 46908
management and condition of such funds. 46909

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 46910
XLVII, and LI of the Revised Code a reference is made to standards 46911
prescribed under this section or division (D) of this section, 46912
that reference shall be construed to refer to the standards 46913
prescribed under division (D)(2) of this section, unless the 46914
context specifically indicates a different meaning or intent. 46915

(2) The state board shall formulate and prescribe minimum standards to be applied to all elementary and secondary schools in this state for the purpose of ~~requiring~~ providing children access to a general education of high quality according to the learning needs of each individual, including students with disabilities, economically disadvantaged students, limited English proficient students, and students identified as gifted. Such standards shall provide adequately for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; the provision of safe buildings, grounds, health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will assure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary.

The state board shall base any standards governing the promotion of students or requirements for graduation on the ability of students, at any grade level, to earn credits or advance upon demonstration of mastery of knowledge and skills through competency-based learning models. Credits of grade level advancement shall not require a minimum number of days or hours in a classroom.

The state board shall base any standards governing the assignment of staff on ensuring each school has a sufficient number of teachers to ensure a student has an appropriate level of interaction to meet each student's personal learning goals.

In the formulation and administration of such standards for

nonpublic schools the board shall also consider the particular 46948
needs, methods and objectives of those schools, provided they do 46949
not conflict with the provision of a general education of a high 46950
quality and provided that regular procedures shall be followed for 46951
promotion from grade to grade of pupils who have met the 46952
educational requirements prescribed. 46953

~~In the formulation and administration of such standards as 46954
they relate to instructional materials and equipment in public 46955
schools, including library materials, the board shall require that 46956
the material and equipment be aligned with and promote skills 46957
expected under the statewide academic standards adopted under 46958
section 3301.079 of the Revised Code. 46959~~

(3) In addition to the minimum standards required by division 46960
(D)(2) of this section, the state board may formulate and 46961
prescribe the following additional minimum operating standards for 46962
school districts: 46963

(a) Standards for the effective and efficient organization, 46964
administration, and supervision of each school district ~~so that it 46965
becomes a thinking and learning organization according to 46966
principles of systems design and collaborative professional 46967
learning communities research as defined by the superintendent of 46968
public instruction, including a focus on the personalized and 46969
individualized needs of each student; a shared responsibility 46970
among school boards, administrators, faculty, and staff to develop 46971
a common vision, mission, and set of guiding principles; a shared 46972
responsibility among school boards, administrators, faculty, and 46973
staff to engage in a process of collective inquiry, action 46974
orientation, and experimentation to ensure the academic success of 46975
all students; commitment to teaching and learning strategies that 46976
utilize technological tools and emphasize inter disciplinary, 46977
real world, project based, and technology oriented learning 46978
experiences to meet the individual needs of every student; with a 46979~~

commitment to high expectations for every student based on the 46980
learning needs of each individual, including students with 46981
disabilities, economically disadvantaged students, limited English 46982
proficient students, and students identified as gifted, and 46983
commitment to closing the achievement gap without suppressing the 46984
achievement levels of higher achieving students so that all 46985
students achieve core knowledge and skills in accordance with the 46986
statewide academic standards adopted under section 3301.079 of the 46987
Revised Code; ~~commitment to the use of assessments to diagnose the~~ 46988
~~needs of each student; effective connections and relationships~~ 46989
~~with families and others that support student success; and~~ 46990
~~commitment to the use of positive behavior intervention supports~~ 46991
~~throughout a district to ensure a safe and secure learning~~ 46992
~~environment for all students;~~ 46993

(b) Standards for the establishment of business advisory 46994
councils under section 3313.82 of the Revised Code; 46995

(c) Standards for school district buildings that may require+ 46996

~~(i) The the effective and efficient organization,~~ 46997
administration, and supervision of each school district building 46998
~~so that it becomes a thinking and learning organization according~~ 46999
~~to principles of systems design and collaborative professional~~ 47000
~~learning communities research as defined by the state~~ 47001
superintendent, including a focus on the personalized and 47002
individualized needs of each student; a shared responsibility 47003
among building administrators, faculty, and staff to develop a 47004
common vision, mission, and set of guiding principles; a shared 47005
responsibility among building administrators, faculty, and staff 47006
to engage in a process of collective inquiry, action orientation, 47007
and experimentation to ensure the academic success of all 47008
students; ~~commitment to job embedded professional development and~~ 47009
~~professional mentoring and coaching; established periods of time~~ 47010
~~for teachers to pursue planning time for the development of lesson~~ 47011

~~plans, professional development, and shared learning; commitment 47012
to effective management strategies that allow administrators 47013
reasonable access to classrooms for observation and professional 47014
development experiences; commitment to teaching and learning 47015
strategies that utilize technological tools and emphasize 47016
inter-disciplinary, real world, project based, and 47017
technology oriented learning experiences to meet the individual 47018
needs of every student; with a commitment to high expectations for 47019
every student based on the learning needs of each individual, 47020
including students with disabilities, economically disadvantaged 47021
students, limited English proficient students, and students 47022
identified as gifted, and commitment to closing the achievement 47023
gap without suppressing the achievement levels of higher achieving 47024
students so that all students achieve core knowledge and skills in 47025
accordance with the statewide academic standards adopted under 47026
section 3301.079 of the Revised Code; ~~commitment to the use of 47027
assessments to diagnose the needs of each student; effective 47028
connections and relationships with families and others that 47029
support student success; commitment to the use of positive 47030
behavior intervention supports throughout the building to ensure a 47031
safe and secure learning environment for all students;~~ 47032~~

~~(ii) A school building leadership team to coordinate positive 47033
behavior intervention supports, learning environments, thinking 47034
and learning systems, collaborative planning, planning time, 47035
student academic interventions, student extended learning 47036
opportunities, and other activities identified by the team and 47037
approved by the district board of education. The team shall 47038
include the building principal, representatives from each 47039
collective bargaining unit, a classroom teacher, parents, business 47040
representatives, and others that support student success. 47041~~

~~(E) The state board may require as part of the health 47042
curriculum information developed under section 2108.34 of the 47043~~

Revised Code promoting the donation of anatomical gifts pursuant 47044
to Chapter 2108. of the Revised Code and may provide the 47045
information to high schools, educational service centers, and 47046
joint vocational school district boards of education; 47047

(F) The state board shall prepare and submit annually to the 47048
governor and the general assembly a report on the status, needs, 47049
and major problems of the public schools of the state, with 47050
recommendations for necessary legislative action and a ten-year 47051
projection of the state's public and nonpublic school enrollment, 47052
by year and by grade level. 47053

(G) The state board shall prepare and submit to the director 47054
of budget and management the biennial budgetary requests of the 47055
state board of education, for its agencies and for the public 47056
schools of the state. 47057

(H) The state board shall cooperate with federal, state, and 47058
local agencies concerned with the health and welfare of children 47059
and youth of the state. 47060

(I) The state board shall require such reports from school 47061
districts and educational service centers, school officers, and 47062
employees as are necessary and desirable. The superintendents and 47063
treasurers of school districts and educational service centers 47064
shall certify as to the accuracy of all reports required by law or 47065
state board or state department of education rules to be submitted 47066
by the district or educational service center and which contain 47067
information necessary for calculation of state funding. Any 47068
superintendent who knowingly falsifies such report shall be 47069
subject to license revocation pursuant to section 3319.31 of the 47070
Revised Code. 47071

(J) In accordance with Chapter 119. of the Revised Code, the 47072
state board shall adopt procedures, standards, and guidelines for 47073
the education of children with disabilities pursuant to Chapter 47074

3323. of the Revised Code, including procedures, standards, and 47075
guidelines governing programs and services operated by county 47076
boards of developmental disabilities pursuant to section 3323.09 47077
of the Revised Code. 47078

(K) For the purpose of encouraging the development of special 47079
programs of education for academically gifted children, the state 47080
board shall employ competent persons to analyze and publish data, 47081
promote research, advise and counsel with boards of education, and 47082
encourage the training of teachers in the special instruction of 47083
gifted children. The board may provide financial assistance out of 47084
any funds appropriated for this purpose to boards of education and 47085
educational service center governing boards for developing and 47086
conducting programs of education for academically gifted children. 47087

(L) The state board shall require that all public schools 47088
emphasize and encourage, within existing units of study, the 47089
teaching of energy and resource conservation as recommended to 47090
each district board of education by leading business persons 47091
involved in energy production and conservation, beginning in the 47092
primary grades. 47093

(M) The state board shall formulate and prescribe minimum 47094
standards requiring the use of phonics as a technique in the 47095
teaching of reading in grades kindergarten through three. In 47096
addition, the state board shall provide in-service training 47097
programs for teachers on the use of phonics as a technique in the 47098
teaching of reading in grades kindergarten through three. 47099

(N) The state board may adopt rules necessary for carrying 47100
out any function imposed on it by law, and may provide rules as 47101
are necessary for its government and the government of its 47102
employees, and may delegate to the superintendent of public 47103
instruction the management and administration of any function 47104
imposed on it by law. It may provide for the appointment of board 47105
members to serve on temporary committees established by the board 47106

for such purposes as are necessary. Permanent or standing 47107
committees shall not be created. 47108

(O) Upon application from the board of education of a school 47109
district, the superintendent of public instruction may issue a 47110
waiver exempting the district from compliance with the standards 47111
adopted under divisions (B)(2) and (D) of this section, as they 47112
relate to the operation of a school operated by the district. The 47113
state board shall adopt standards for the approval or disapproval 47114
of waivers under this division. The state superintendent shall 47115
consider every application for a waiver, and shall determine 47116
whether to grant or deny a waiver in accordance with the state 47117
board's standards. For each waiver granted, the state 47118
superintendent shall specify the period of time during which the 47119
waiver is in effect, which shall not exceed five years. A district 47120
board may apply to renew a waiver. 47121

Sec. 3301.0711. (A) The department of education shall: 47122

(1) Annually furnish to, grade, and score all assessments 47123
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 47124
the Revised Code to be administered by city, local, exempted 47125
village, and joint vocational school districts, except that each 47126
district shall score any assessment administered pursuant to 47127
division (B)(10) of this section. Each assessment so furnished 47128
shall include the data verification code of the student to whom 47129
the assessment will be administered, as assigned pursuant to 47130
division (D)(2) of section 3301.0714 of the Revised Code. In 47131
furnishing the practice versions of Ohio graduation tests 47132
prescribed by division (D) of section 3301.0710 of the Revised 47133
Code, the department shall make the tests available on its web 47134
site for reproduction by districts. In awarding contracts for 47135
grading assessments, the department shall give preference to 47136
Ohio-based entities employing Ohio residents. 47137

(2) Adopt rules for the ethical use of assessments and 47138
prescribing the manner in which the assessments prescribed by 47139
section 3301.0710 of the Revised Code shall be administered to 47140
students. 47141

(B) Except as provided in divisions (C) and (J) of this 47142
section, the board of education of each city, local, and exempted 47143
village school district shall, in accordance with rules adopted 47144
under division (A) of this section: 47145

(1) Administer the English language arts assessments 47146
prescribed under division (A)(1)(a) of section 3301.0710 of the 47147
Revised Code twice annually to all students in the third grade who 47148
have not attained the score designated for that assessment under 47149
division (A)(2)(c) of section 3301.0710 of the Revised Code. 47150

(2) Administer the mathematics assessment prescribed under 47151
division (A)(1)(a) of section 3301.0710 of the Revised Code at 47152
least once annually to all students in the third grade. 47153

(3) Administer the assessments prescribed under division 47154
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 47155
annually to all students in the fourth grade. 47156

(4) Administer the assessments prescribed under division 47157
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 47158
annually to all students in the fifth grade. 47159

(5) Administer the assessments prescribed under division 47160
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 47161
annually to all students in the sixth grade. 47162

(6) Administer the assessments prescribed under division 47163
(A)(1)(e) of section 3301.0710 of the Revised Code at least once 47164
annually to all students in the seventh grade. 47165

(7) Administer the assessments prescribed under division 47166
(A)(1)(f) of section 3301.0710 of the Revised Code at least once 47167

annually to all students in the eighth grade. 47168

(8) Except as provided in division (B)(9) of this section, 47169
administer any assessment prescribed under division (B)(1) of 47170
section 3301.0710 of the Revised Code as follows: 47171

(a) At least once annually to all tenth grade students and at 47172
least twice annually to all students in eleventh or twelfth grade 47173
who have not yet attained the score on that assessment designated 47174
under that division; 47175

(b) To any person who has successfully completed the 47176
curriculum in any high school or the individualized education 47177
program developed for the person by any high school pursuant to 47178
section 3323.08 of the Revised Code but has not received a high 47179
school diploma and who requests to take such assessment, at any 47180
time such assessment is administered in the district. 47181

(9) In lieu of the board of education of any city, local, or 47182
exempted village school district in which the student is also 47183
enrolled, the board of a joint vocational school district shall 47184
administer any assessment prescribed under division (B)(1) of 47185
section 3301.0710 of the Revised Code at least twice annually to 47186
any student enrolled in the joint vocational school district who 47187
has not yet attained the score on that assessment designated under 47188
that division. A board of a joint vocational school district may 47189
also administer such an assessment to any student described in 47190
division (B)(8)(b) of this section. 47191

(10) If the district has a three-year average graduation rate 47192
of not more than seventy-five per cent, administer each assessment 47193
prescribed by division (D) of section 3301.0710 of the Revised 47194
Code in September to all ninth grade students, beginning in the 47195
school year that starts July 1, 2005. 47196

Except as provided in section 3313.614 of the Revised Code 47197
for administration of an assessment to a person who has fulfilled 47198

the curriculum requirement for a high school diploma but has not 47199
passed one or more of the required assessments, the assessments 47200
prescribed under division (B)(1) of section 3301.0710 of the 47201
Revised Code and the practice assessments prescribed under 47202
division (D) of that section and required to be administered under 47203
divisions (B)(8), (9), and (10) of this section shall not be 47204
administered after the assessment system prescribed by division 47205
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 47206
Code is implemented under rule of the state board adopted under 47207
division (D)(1) of section 3301.0712 of the Revised Code. 47208

(11) Administer the assessments prescribed by division (B)(2) 47209
of section 3301.0710 and section 3301.0712 of the Revised Code in 47210
accordance with the timeline and plan for implementation of those 47211
assessments prescribed by rule of the state board adopted under 47212
division (D)(1) of section 3301.0712 of the Revised Code. 47213

(C)(1)(a) In the case of a student receiving special 47214
education services under Chapter 3323. of the Revised Code, the 47215
individualized education program developed for the student under 47216
that chapter shall specify the manner in which the student will 47217
participate in the assessments administered under this section. 47218
The individualized education program may excuse the student from 47219
taking any particular assessment required to be administered under 47220
this section if it instead specifies an alternate assessment 47221
method approved by the department of education as conforming to 47222
requirements of federal law for receipt of federal funds for 47223
disadvantaged pupils. To the extent possible, the individualized 47224
education program shall not excuse the student from taking an 47225
assessment unless no reasonable accommodation can be made to 47226
enable the student to take the assessment. 47227

(b) Any alternate assessment approved by the department for a 47228
student under this division shall produce measurable results 47229
comparable to those produced by the assessment it replaces in 47230

order to allow for the student's results to be included in the 47231
data compiled for a school district or building under section 47232
3302.03 of the Revised Code. 47233

(c) Any student enrolled in a chartered nonpublic school who 47234
has been identified, based on an evaluation conducted in 47235
accordance with section 3323.03 of the Revised Code or section 504 47236
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 47237
794, as amended, as a child with a disability shall be excused 47238
from taking any particular assessment required to be administered 47239
under this section if a plan developed for the student pursuant to 47240
rules adopted by the state board excuses the student from taking 47241
that assessment. In the case of any student so excused from taking 47242
an assessment, the chartered nonpublic school shall not prohibit 47243
the student from taking the assessment. 47244

(2) A district board may, for medical reasons or other good 47245
cause, excuse a student from taking an assessment administered 47246
under this section on the date scheduled, but that assessment 47247
shall be administered to the excused student not later than nine 47248
days following the scheduled date. The district board shall 47249
annually report the number of students who have not taken one or 47250
more of the assessments required by this section to the state 47251
board of education not later than the thirtieth day of June. 47252

(3) As used in this division, "limited English proficient 47253
student" has the same meaning as in 20 U.S.C. 7801. 47254

No school district board shall excuse any limited English 47255
proficient student from taking any particular assessment required 47256
to be administered under this section, except that any limited 47257
English proficient student who has been enrolled in United States 47258
schools for less than one full school year shall not be required 47259
to take any reading, writing, or English language arts assessment. 47260
However, no board shall prohibit a limited English proficient 47261
student who is not required to take an assessment under this 47262

division from taking the assessment. A board may permit any 47263
limited English proficient student to take an assessment required 47264
to be administered under this section with appropriate 47265
accommodations, as determined by the department. For each limited 47266
English proficient student, each school district shall annually 47267
assess that student's progress in learning English, in accordance 47268
with procedures approved by the department. 47269

The governing authority of a chartered nonpublic school may 47270
excuse a limited English proficient student from taking any 47271
assessment administered under this section. However, no governing 47272
authority shall prohibit a limited English proficient student from 47273
taking the assessment. 47274

(D)(1) In the school year next succeeding the school year in 47275
which the assessments prescribed by division (A)(1) or (B)(1) of 47276
section 3301.0710 of the Revised Code or former division (A)(1), 47277
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 47278
existed prior to September 11, 2001, are administered to any 47279
student, the board of education of any school district in which 47280
the student is enrolled in that year shall provide to the student 47281
intervention services commensurate with the student's performance, 47282
including any intensive intervention required under section 47283
3313.608 of the Revised Code, in any skill in which the student 47284
failed to demonstrate at least a score at the proficient level on 47285
the assessment. 47286

(2) Following any administration of the assessments 47287
prescribed by division (D) of section 3301.0710 of the Revised 47288
Code to ninth grade students, each school district that has a 47289
three-year average graduation rate of not more than seventy-five 47290
per cent shall determine for each high school in the district 47291
whether the school shall be required to provide intervention 47292
services to any students who took the assessments. In determining 47293
which high schools shall provide intervention services based on 47294

the resources available, the district shall consider each school's graduation rate and scores on the practice assessments. The district also shall consider the scores received by ninth grade students on the English language arts and mathematics assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code in the eighth grade in determining which high schools shall provide intervention services.

Each high school selected to provide intervention services under this division shall provide intervention services to any student whose results indicate that the student is failing to make satisfactory progress toward being able to attain scores at the proficient level on the Ohio graduation tests. Intervention services shall be provided in any skill in which a student demonstrates unsatisfactory progress and shall be commensurate with the student's performance. Schools shall provide the intervention services prior to the end of the school year, during the summer following the ninth grade, in the next succeeding school year, or at any combination of those times.

(E) Except as provided in section 3313.608 of the Revised Code and division (M) of this section, no school district board of education shall utilize any student's failure to attain a specified score on an assessment administered under this section as a factor in any decision to deny the student promotion to a higher grade level. However, a district board may choose not to promote to the next grade level any student who does not take an assessment administered under this section or make up an assessment as provided by division (C)(2) of this section and who is not exempt from the requirement to take the assessment under division (C)(3) of this section.

(F) No person shall be charged a fee for taking any assessment administered under this section.

(G)(1) Each school district board shall designate one

location for the collection of assessments administered in the 47327
spring under division (B)(1) of this section and those 47328
administered under divisions (B)(2) to (7) of this section. Each 47329
district board shall submit the assessments to the entity with 47330
which the department contracts for the scoring of the assessments 47331
as follows: 47332

(a) If the district's total enrollment in grades kindergarten 47333
through twelve during the first full school week of October was 47334
less than two thousand five hundred, not later than the Friday 47335
after all of the assessments have been administered; 47336

(b) If the district's total enrollment in grades kindergarten 47337
through twelve during the first full school week of October was 47338
two thousand five hundred or more, but less than seven thousand, 47339
not later than the Monday after all of the assessments have been 47340
administered; 47341

(c) If the district's total enrollment in grades kindergarten 47342
through twelve during the first full school week of October was 47343
seven thousand or more, not later than the Tuesday after all of 47344
the assessments have been administered. 47345

However, any assessment that a student takes during the 47346
make-up period described in division (C)(2) of this section shall 47347
be submitted not later than the Friday following the day the 47348
student takes the assessment. 47349

(2) The department or an entity with which the department 47350
contracts for the scoring of the assessment shall send to each 47351
school district board a list of the individual scores of all 47352
persons taking an assessment prescribed by division (A)(1) or 47353
(B)(1) of section 3301.0710 of the Revised Code within sixty days 47354
after its administration, but in no case shall the scores be 47355
returned later than the fifteenth day of June following the 47356
administration. For assessments administered under this section by 47357

a joint vocational school district, the department or entity shall 47358
also send to each city, local, or exempted village school district 47359
a list of the individual scores of any students of such city, 47360
local, or exempted village school district who are attending 47361
school in the joint vocational school district. 47362

(H) Individual scores on any assessments administered under 47363
this section shall be released by a district board only in 47364
accordance with section 3319.321 of the Revised Code and the rules 47365
adopted under division (A) of this section. No district board or 47366
its employees shall utilize individual or aggregate results in any 47367
manner that conflicts with rules for the ethical use of 47368
assessments adopted pursuant to division (A) of this section. 47369

(I) Except as provided in division (G) of this section, the 47370
department or an entity with which the department contracts for 47371
the scoring of the assessment shall not release any individual 47372
scores on any assessment administered under this section. The 47373
state board of education shall adopt rules to ensure the 47374
protection of student confidentiality at all times. The rules may 47375
require the use of the data verification codes assigned to 47376
students pursuant to division (D)(2) of section 3301.0714 of the 47377
Revised Code to protect the confidentiality of student scores. 47378

(J) Notwithstanding division (D) of section 3311.52 of the 47379
Revised Code, this section does not apply to the board of 47380
education of any cooperative education school district except as 47381
provided under rules adopted pursuant to this division. 47382

(1) In accordance with rules that the state board of 47383
education shall adopt, the board of education of any city, 47384
exempted village, or local school district with territory in a 47385
cooperative education school district established pursuant to 47386
divisions (A) to (C) of section 3311.52 of the Revised Code may 47387
enter into an agreement with the board of education of the 47388
cooperative education school district for administering any 47389

assessment prescribed under this section to students of the city, 47390
exempted village, or local school district who are attending 47391
school in the cooperative education school district. 47392

(2) In accordance with rules that the state board of 47393
education shall adopt, the board of education of any city, 47394
exempted village, or local school district with territory in a 47395
cooperative education school district established pursuant to 47396
section 3311.521 of the Revised Code shall enter into an agreement 47397
with the cooperative district that provides for the administration 47398
of any assessment prescribed under this section to both of the 47399
following: 47400

(a) Students who are attending school in the cooperative 47401
district and who, if the cooperative district were not 47402
established, would be entitled to attend school in the city, 47403
local, or exempted village school district pursuant to section 47404
3313.64 or 3313.65 of the Revised Code; 47405

(b) Persons described in division (B)(8)(b) of this section. 47406

Any assessment of students pursuant to such an agreement 47407
shall be in lieu of any assessment of such students or persons 47408
pursuant to this section. 47409

~~(K)(1) As a condition of compliance with section 3313.612 of 47410
the Revised Code, each chartered nonpublic school that educates 47411~~
(a) Each chartered nonpublic school for which at least thirty-five 47412
per cent of its total enrollment is made up of students who are 47413
participating in state scholarship programs shall administer the 47414
assessments prescribed by section 3301.0710 of the Revised Code. 47415

(b) If a chartered nonpublic school is not subject to 47416
division (K)(1)(a) of this section and is educating students in 47417
grades nine through twelve, it shall administer the assessments 47418
prescribed by divisions (B)(1) and (2) of section 3301.0710 of the 47419
Revised Code as a condition of compliance with section 3313.612 of 47420

the Revised Code. Any chartered nonpublic school that is not 47421
subject to division (K)(1)(a) of this section may participate in 47422
the assessment program by administering any of the assessments 47423
prescribed by division (A) of section 3301.0710 of the Revised 47424
Code. The chief administrator of the school shall specify which 47425
assessments the school will administer. Such specification shall 47426
be made in writing to the superintendent of public instruction 47427
prior to the first day of August of any school year in which 47428
assessments are administered and shall include a pledge that the 47429
nonpublic school will administer the specified assessments in the 47430
same manner as public schools are required to do under this 47431
section and rules adopted by the department. 47432

(2) The department of education shall furnish the assessments 47433
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 47434
to each chartered nonpublic school that is subject to division 47435
(K)(1)(a) of this section or participates under ~~this~~ division 47436
(K)(1)(b) of this section. 47437

(L)(1) The superintendent of the state school for the blind 47438
and the superintendent of the state school for the deaf shall 47439
administer the assessments described by sections 3301.0710 and 47440
3301.0712 of the Revised Code. Each superintendent shall 47441
administer the assessments in the same manner as district boards 47442
are required to do under this section and rules adopted by the 47443
department of education and in conformity with division (C)(1)(a) 47444
of this section. 47445

(2) The department of education shall furnish the assessments 47446
described by sections 3301.0710 and 3301.0712 of the Revised Code 47447
to each superintendent. 47448

(M) Notwithstanding division (E) of this section, a school 47449
district may use a student's failure to attain a score in at least 47450
the proficient range on the mathematics assessment described by 47451
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 47452

an assessment described by division (A)(1)(b), (c), (d), (e), or 47453
(f) of section 3301.0710 of the Revised Code as a factor in 47454
retaining that student in the current grade level. 47455

(N)(1) In the manner specified in divisions (N)(3) and (4) of 47456
this section, the assessments required by division (A)(1) of 47457
section 3301.0710 of the Revised Code shall become public records 47458
pursuant to section 149.43 of the Revised Code on the first day of 47459
July following the school year that the assessments were 47460
administered. 47461

(2) The department may field test proposed questions with 47462
samples of students to determine the validity, reliability, or 47463
appropriateness of questions for possible inclusion in a future 47464
year's assessment. The department also may use anchor questions on 47465
assessments to ensure that different versions of the same 47466
assessment are of comparable difficulty. 47467

Field test questions and anchor questions shall not be 47468
considered in computing scores for individual students. Field test 47469
questions and anchor questions may be included as part of the 47470
administration of any assessment required by division (A)(1) or 47471
(B)(1) of section 3301.0710 of the Revised Code. 47472

(3) Any field test question or anchor question administered 47473
under division (N)(2) of this section shall not be a public 47474
record. Such field test questions and anchor questions shall be 47475
redacted from any assessments which are released as a public 47476
record pursuant to division (N)(1) of this section. 47477

(4) This division applies to the assessments prescribed by 47478
division (A) of section 3301.0710 of the Revised Code. 47479

(a) The first administration of each assessment, as specified 47480
in former section 3301.0712 of the Revised Code, shall be a public 47481
record. 47482

(b) For subsequent administrations of each assessment prior 47483

to the 2011-2012 school year, not less than forty per cent of the 47484
questions on the assessment that are used to compute a student's 47485
score shall be a public record. The department shall determine 47486
which questions will be needed for reuse on a future assessment 47487
and those questions shall not be public records and shall be 47488
redacted from the assessment prior to its release as a public 47489
record. However, for each redacted question, the department shall 47490
inform each city, local, and exempted village school district of 47491
the statewide academic standard adopted by the state board of 47492
education under section 3301.079 of the Revised Code and the 47493
corresponding benchmark to which the question relates. The 47494
preceding sentence does not apply to field test questions that are 47495
redacted under division (N)(3) of this section. 47496

(c) The administrations of each assessment in the 2011-2012 47497
school year and later shall not be a public record. 47498

(5) Each assessment prescribed by division (B)(1) of section 47499
3301.0710 of the Revised Code shall not be a public record. 47500

(0) As used in this section: 47501

(1) "Three-year average" means the average of the most recent 47502
consecutive three school years of data. 47503

(2) "Dropout" means a student who withdraws from school 47504
before completing course requirements for graduation and who is 47505
not enrolled in an education program approved by the state board 47506
of education or an education program outside the state. "Dropout" 47507
does not include a student who has departed the country. 47508

(3) "Graduation rate" means the ratio of students receiving a 47509
diploma to the number of students who entered ninth grade four 47510
years earlier. Students who transfer into the district are added 47511
to the calculation. Students who transfer out of the district for 47512
reasons other than dropout are subtracted from the calculation. If 47513
a student who was a dropout in any previous year returns to the 47514

same school district, that student shall be entered into the 47515
calculation as if the student had entered ninth grade four years 47516
before the graduation year of the graduating class that the 47517
student joins. 47518

(4) "State scholarship programs" means the educational choice 47519
scholarship pilot program established under sections 3310.01 to 47520
3310.17 of the Revised Code, the autism scholarship program 47521
established under section 3310.41 of the Revised Code, the Jon 47522
Peterson special needs scholarship program established under 47523
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 47524
project scholarship program established under sections 3313.974 to 47525
3313.979 of the Revised Code. 47526

Sec. 3301.0712. (A) The state board of education, the 47527
superintendent of public instruction, and the chancellor of the 47528
Ohio board of regents shall develop a system of college and work 47529
ready assessments as described in divisions (B)(1) and (2) of this 47530
section to assess whether each student upon graduating from high 47531
school is ready to enter college or the workforce. The system 47532
shall replace the Ohio graduation tests prescribed in division 47533
(B)(1) of section 3301.0710 of the Revised Code as a measure of 47534
student academic performance and a prerequisite for eligibility 47535
for a high school diploma in the manner prescribed by rule of the 47536
state board adopted under division (D) of this section. 47537

(B) The college and work ready assessment system shall 47538
consist of the following: 47539

(1) A nationally standardized assessment that measures 47540
college and career readiness selected jointly by the state 47541
superintendent and the chancellor. 47542

(2) A series of end-of-course examinations in the areas of 47543
science, mathematics, English language arts, American history, and 47544
American government selected jointly by the state superintendent 47545

and the chancellor in consultation with faculty in the appropriate 47546
subject areas at institutions of higher education of the 47547
university system of Ohio. For each subject area, the state 47548
superintendent and chancellor shall select multiple assessments 47549
that school districts, public schools, and chartered nonpublic 47550
schools may use as end-of-course examinations. Subject to division 47551
(B)(3)(b) of this section, those assessments shall include 47552
nationally recognized subject area assessments, such as advanced 47553
placement examinations, SAT subject tests, international 47554
baccalaureate examinations, and other assessments of college and 47555
work readiness. 47556

(3)(a) Not later than July 1, 2013, each school district 47557
board of education shall adopt interim end-of-course examinations 47558
that comply with the requirements of divisions (B)(3)(b)(i) and 47559
(ii) of this section to assess mastery of American history and 47560
American government standards adopted under division (A)(1)(b) of 47561
section 3301.079 of the Revised Code and the topics required under 47562
division (M) of section 3313.603 of the Revised Code. Each high 47563
school of the district shall use the interim examinations until 47564
the state superintendent and chancellor select end-of-course 47565
examinations in American history and American government under 47566
division (B)(2) of this section. 47567

(b) Not later than July 1, 2014, the state superintendent and 47568
the chancellor shall select the end-of-course examinations in 47569
American history and American government. 47570

(i) The end-of-course examinations in American history and 47571
American government shall require demonstration of mastery of the 47572
American history and American government content for social 47573
studies standards adopted under division (A)(1)(b) of section 47574
3301.079 of the Revised Code and the topics required under 47575
division (M) of section 3313.603 of the Revised Code. 47576

(ii) At least twenty per cent of the end-of-course 47577

examination in American government shall address the topics on 47578
American history and American government described in division (M) 47579
of section 3313.603 of the Revised Code. 47580

(C) The state board shall convene a group of national 47581
experts, state experts, and local practitioners to provide advice, 47582
guidance, and recommendations for the alignment of standards and 47583
model curricula to the assessments and in the design of the 47584
end-of-course examinations prescribed by this section. 47585

(D) Upon completion of the development of the assessment 47586
system, the state board shall adopt rules prescribing all of the 47587
following: 47588

(1) A timeline and plan for implementation of the assessment 47589
system, including a phased implementation if the state board 47590
determines such a phase-in is warranted; 47591

(2) The date after which a person entering ninth grade shall 47592
meet the requirements of the entire assessment system as a 47593
prerequisite for a high school diploma under section 3313.61, 47594
3313.612, or 3325.08 of the Revised Code; 47595

(3) The date after which a person shall meet the requirements 47596
of the entire assessment system as a prerequisite for a diploma of 47597
adult education under section 3313.611 of the Revised Code; 47598

(4) Whether and the extent to which a person may be excused 47599
from an American history end-of-course examination and an American 47600
government end-of-course examination under division (H) of section 47601
3313.61 and division (B)~~(2)~~(3) of section 3313.612 of the Revised 47602
Code; 47603

(5) The date after which a person who has fulfilled the 47604
curriculum requirement for a diploma but has not passed one or 47605
more of the required assessments at the time the person fulfilled 47606
the curriculum requirement shall meet the requirements of the 47607
entire assessment system as a prerequisite for a high school 47608

diploma under division (B) of section 3313.614 of the Revised Code; 47609
47610

(6) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for purposes of division (F) of section 3313.603 and section 3314.36 of the Revised Code. 47611
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No rule adopted under this division shall be effective earlier than one year after the date the rule is filed in final form pursuant to Chapter 119. of the Revised Code. 47615
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(E) Not later than forty-five days prior to the state board's adoption of a resolution directing the department of education to file the rules prescribed by division (D) of this section in final form under section 119.04 of the Revised Code, the superintendent of public instruction shall present the assessment system developed under this section to the respective committees of the house of representatives and senate that consider education legislation. 47618
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Sec. 3301.0714. (A) The state board of education shall adopt rules for a statewide education management information system. The rules shall require the state board to establish guidelines for the establishment and maintenance of the system in accordance with this section and the rules adopted under this section. The guidelines shall include: 47626
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(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section; 47632
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(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section; 47635
47636
47637

(3) Procedures for annually compiling the data in accordance 47638

with division (G) of this section; 47639

(4) Procedures for annually reporting the data to the public 47640
in accordance with division (H) of this section. 47641

(B) The guidelines adopted under this section shall require 47642
the data maintained in the education management information system 47643
to include at least the following: 47644

(1) Student participation and performance data, for each 47645
grade in each school district as a whole and for each grade in 47646
each school building in each school district, that includes: 47647

(a) The numbers of students receiving each category of 47648
instructional service offered by the school district, such as 47649
regular education instruction, vocational education instruction, 47650
specialized instruction programs or enrichment instruction that is 47651
part of the educational curriculum, instruction for gifted 47652
students, instruction for students with disabilities, and remedial 47653
instruction. The guidelines shall require instructional services 47654
under this division to be divided into discrete categories if an 47655
instructional service is limited to a specific subject, a specific 47656
type of student, or both, such as regular instructional services 47657
in mathematics, remedial reading instructional services, 47658
instructional services specifically for students gifted in 47659
mathematics or some other subject area, or instructional services 47660
for students with a specific type of disability. The categories of 47661
instructional services required by the guidelines under this 47662
division shall be the same as the categories of instructional 47663
services used in determining cost units pursuant to division 47664
(C)(3) of this section. 47665

(b) The numbers of students receiving support or 47666
extracurricular services for each of the support services or 47667
extracurricular programs offered by the school district, such as 47668
counseling services, health services, and extracurricular sports 47669

and fine arts programs. The categories of services required by the 47670
guidelines under this division shall be the same as the categories 47671
of services used in determining cost units pursuant to division 47672
(C)(4)(a) of this section. 47673

(c) Average student grades in each subject in grades nine 47674
through twelve; 47675

(d) Academic achievement levels as assessed under sections 47676
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 47677

(e) The number of students designated as having a disabling 47678
condition pursuant to division (C)(1) of section 3301.0711 of the 47679
Revised Code; 47680

(f) The numbers of students reported to the state board 47681
pursuant to division (C)(2) of section 3301.0711 of the Revised 47682
Code; 47683

(g) Attendance rates and the average daily attendance for the 47684
year. For purposes of this division, a student shall be counted as 47685
present for any field trip that is approved by the school 47686
administration. 47687

(h) Expulsion rates; 47688

(i) Suspension rates; 47689

(j) Dropout rates; 47690

(k) Rates of retention in grade; 47691

(l) For pupils in grades nine through twelve, the average 47692
number of carnegie units, as calculated in accordance with state 47693
board of education rules; 47694

(m) Graduation rates, to be calculated in a manner specified 47695
by the department of education that reflects the rate at which 47696
students who were in the ninth grade three years prior to the 47697
current year complete school and that is consistent with 47698
nationally accepted reporting requirements; 47699

(n) Results of diagnostic assessments administered to 47700
kindergarten students as required under section 3301.0715 of the 47701
Revised Code to permit a comparison of the academic readiness of 47702
kindergarten students. However, no district shall be required to 47703
report to the department the results of any diagnostic assessment 47704
administered to a kindergarten student if the parent of that 47705
student requests the district not to report those results. 47706

(2) Personnel and classroom enrollment data for each school 47707
district, including: 47708

(a) The total numbers of licensed employees and nonlicensed 47709
employees and the numbers of full-time equivalent licensed 47710
employees and nonlicensed employees providing each category of 47711
instructional service, instructional support service, and 47712
administrative support service used pursuant to division (C)(3) of 47713
this section. The guidelines adopted under this section shall 47714
require these categories of data to be maintained for the school 47715
district as a whole and, wherever applicable, for each grade in 47716
the school district as a whole, for each school building as a 47717
whole, and for each grade in each school building. 47718

(b) The total number of employees and the number of full-time 47719
equivalent employees providing each category of service used 47720
pursuant to divisions (C)(4)(a) and (b) of this section, and the 47721
total numbers of licensed employees and nonlicensed employees and 47722
the numbers of full-time equivalent licensed employees and 47723
nonlicensed employees providing each category used pursuant to 47724
division (C)(4)(c) of this section. The guidelines adopted under 47725
this section shall require these categories of data to be 47726
maintained for the school district as a whole and, wherever 47727
applicable, for each grade in the school district as a whole, for 47728
each school building as a whole, and for each grade in each school 47729
building. 47730

(c) The total number of regular classroom teachers teaching 47731

classes of regular education and the average number of pupils 47732
enrolled in each such class, in each of grades kindergarten 47733
through five in the district as a whole and in each school 47734
building in the school district. 47735

(d) The number of lead teachers employed by each school 47736
district and each school building. 47737

(3)(a) Student demographic data for each school district, 47738
including information regarding the gender ratio of the school 47739
district's pupils, the racial make-up of the school district's 47740
pupils, the number of limited English proficient students in the 47741
district, and an appropriate measure of the number of the school 47742
district's pupils who reside in economically disadvantaged 47743
households. The demographic data shall be collected in a manner to 47744
allow correlation with data collected under division (B)(1) of 47745
this section. Categories for data collected pursuant to division 47746
(B)(3) of this section shall conform, where appropriate, to 47747
standard practices of agencies of the federal government. 47748

(b) With respect to each student entering kindergarten, 47749
whether the student previously participated in a public preschool 47750
program, a private preschool program, or a head start program, and 47751
the number of years the student participated in each of these 47752
programs. 47753

(4) Any data required to be collected pursuant to federal 47754
law. 47755

(C) The education management information system shall include 47756
cost accounting data for each district as a whole and for each 47757
school building in each school district. The guidelines adopted 47758
under this section shall require the cost data for each school 47759
district to be maintained in a system of mutually exclusive cost 47760
units and shall require all of the costs of each school district 47761
to be divided among the cost units. The guidelines shall require 47762

the system of mutually exclusive cost units to include at least 47763
the following: 47764

(1) Administrative costs for the school district as a whole. 47765
The guidelines shall require the cost units under this division 47766
(C)(1) to be designed so that each of them may be compiled and 47767
reported in terms of average expenditure per pupil in formula ADM 47768
in the school district, as determined pursuant to section 3317.03 47769
of the Revised Code. 47770

(2) Administrative costs for each school building in the 47771
school district. The guidelines shall require the cost units under 47772
this division (C)(2) to be designed so that each of them may be 47773
compiled and reported in terms of average expenditure per 47774
full-time equivalent pupil receiving instructional or support 47775
services in each building. 47776

(3) Instructional services costs for each category of 47777
instructional service provided directly to students and required 47778
by guidelines adopted pursuant to division (B)(1)(a) of this 47779
section. The guidelines shall require the cost units under 47780
division (C)(3) of this section to be designed so that each of 47781
them may be compiled and reported in terms of average expenditure 47782
per pupil receiving the service in the school district as a whole 47783
and average expenditure per pupil receiving the service in each 47784
building in the school district and in terms of a total cost for 47785
each category of service and, as a breakdown of the total cost, a 47786
cost for each of the following components: 47787

(a) The cost of each instructional services category required 47788
by guidelines adopted under division (B)(1)(a) of this section 47789
that is provided directly to students by a classroom teacher; 47790

(b) The cost of the instructional support services, such as 47791
services provided by a speech-language pathologist, classroom 47792
aide, multimedia aide, or librarian, provided directly to students 47793

in conjunction with each instructional services category; 47794

(c) The cost of the administrative support services related 47795
to each instructional services category, such as the cost of 47796
personnel that develop the curriculum for the instructional 47797
services category and the cost of personnel supervising or 47798
coordinating the delivery of the instructional services category. 47799

(4) Support or extracurricular services costs for each 47800
category of service directly provided to students and required by 47801
guidelines adopted pursuant to division (B)(1)(b) of this section. 47802
The guidelines shall require the cost units under division (C)(4) 47803
of this section to be designed so that each of them may be 47804
compiled and reported in terms of average expenditure per pupil 47805
receiving the service in the school district as a whole and 47806
average expenditure per pupil receiving the service in each 47807
building in the school district and in terms of a total cost for 47808
each category of service and, as a breakdown of the total cost, a 47809
cost for each of the following components: 47810

(a) The cost of each support or extracurricular services 47811
category required by guidelines adopted under division (B)(1)(b) 47812
of this section that is provided directly to students by a 47813
licensed employee, such as services provided by a guidance 47814
counselor or any services provided by a licensed employee under a 47815
supplemental contract; 47816

(b) The cost of each such services category provided directly 47817
to students by a nonlicensed employee, such as janitorial 47818
services, cafeteria services, or services of a sports trainer; 47819

(c) The cost of the administrative services related to each 47820
services category in division (C)(4)(a) or (b) of this section, 47821
such as the cost of any licensed or nonlicensed employees that 47822
develop, supervise, coordinate, or otherwise are involved in 47823
administering or aiding the delivery of each services category. 47824

(D)(1) The guidelines adopted under this section shall 47825
require school districts to collect information about individual 47826
students, staff members, or both in connection with any data 47827
required by division (B) or (C) of this section or other reporting 47828
requirements established in the Revised Code. The guidelines may 47829
also require school districts to report information about 47830
individual staff members in connection with any data required by 47831
division (B) or (C) of this section or other reporting 47832
requirements established in the Revised Code. The guidelines shall 47833
not authorize school districts to request social security numbers 47834
of individual students. The guidelines shall prohibit the 47835
reporting under this section of a student's name, address, and 47836
social security number to the state board of education or the 47837
department of education. The guidelines shall also prohibit the 47838
reporting under this section of any personally identifiable 47839
information about any student, except for the purpose of assigning 47840
the data verification code required by division (D)(2) of this 47841
section, to any other person unless such person is employed by the 47842
school district or the information technology center operated 47843
under section 3301.075 of the Revised Code and is authorized by 47844
the district or technology center to have access to such 47845
information or is employed by an entity with which the department 47846
contracts for the scoring or the development of state assessments. 47847
The guidelines may require school districts to provide the social 47848
security numbers of individual staff members and the county of 47849
residence for a student. Nothing in this section prohibits the 47850
state board of education or department of education from providing 47851
a student's county of residence to the department of taxation to 47852
facilitate the distribution of tax revenue. 47853

(2)(a) The guidelines shall provide for each school district 47854
or community school to assign a data verification code that is 47855
unique on a statewide basis over time to each student whose 47856
initial Ohio enrollment is in that district or school and to 47857

report all required individual student data for that student 47858
utilizing such code. The guidelines shall also provide for 47859
assigning data verification codes to all students enrolled in 47860
districts or community schools on the effective date of the 47861
guidelines established under this section. The assignment of data 47862
verification codes for other entities, as described in division 47863
(D)(2)(c) of this section, the use of those codes, and the 47864
reporting and use of associated individual student data shall be 47865
coordinated by the department in accordance with state and federal 47866
law. 47867

School districts shall report individual student data to the 47868
department through the information technology centers utilizing 47869
the code. The entities described in division (D)(2)(c) of this 47870
section shall report individual student data to the department in 47871
the manner prescribed by the department. 47872

Except as provided in sections 3301.941, 3310.11, 3310.42, 47873
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 47874
shall the state board or the department have access to information 47875
that would enable any data verification code to be matched to 47876
personally identifiable student data. 47877

(b) Each school district and community school shall ensure 47878
that the data verification code is included in the student's 47879
records reported to any subsequent school district, community 47880
school, or state institution of higher education, as defined in 47881
section 3345.011 of the Revised Code, in which the student 47882
enrolls. Any such subsequent district or school shall utilize the 47883
same identifier in its reporting of data under this section. 47884

(c) The director of any state agency that administers a 47885
publicly funded program providing services to children who are 47886
younger than compulsory school age, as defined in section 3321.01 47887
of the Revised Code, including the directors of health, job and 47888
family services, ~~mental health~~ mental health and addiction 47889

services, and developmental disabilities, shall request and 47890
receive, pursuant to sections 3301.0723 and 3701.62 of the Revised 47891
Code, a data verification code for a child who is receiving those 47892
services. 47893

(E) The guidelines adopted under this section may require 47894
school districts to collect and report data, information, or 47895
reports other than that described in divisions (A), (B), and (C) 47896
of this section for the purpose of complying with other reporting 47897
requirements established in the Revised Code. The other data, 47898
information, or reports may be maintained in the education 47899
management information system but are not required to be compiled 47900
as part of the profile formats required under division (G) of this 47901
section or the annual statewide report required under division (H) 47902
of this section. 47903

(F) Beginning with the school year that begins July 1, 1991, 47904
the board of education of each school district shall annually 47905
collect and report to the state board, in accordance with the 47906
guidelines established by the board, the data required pursuant to 47907
this section. A school district may collect and report these data 47908
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 47909

(G) The state board shall, in accordance with the procedures 47910
it adopts, annually compile the data reported by each school 47911
district pursuant to division (D) of this section. The state board 47912
shall design formats for profiling each school district as a whole 47913
and each school building within each district and shall compile 47914
the data in accordance with these formats. These profile formats 47915
shall: 47916

(1) Include all of the data gathered under this section in a 47917
manner that facilitates comparison among school districts and 47918
among school buildings within each school district; 47919

(2) Present the data on academic achievement levels as 47920

assessed by the testing of student achievement maintained pursuant 47921
to division (B)(1)(d) of this section. 47922

(H)(1) The state board shall, in accordance with the 47923
procedures it adopts, annually prepare a statewide report for all 47924
school districts and the general public that includes the profile 47925
of each of the school districts developed pursuant to division (G) 47926
of this section. Copies of the report shall be sent to each school 47927
district. 47928

(2) The state board shall, in accordance with the procedures 47929
it adopts, annually prepare an individual report for each school 47930
district and the general public that includes the profiles of each 47931
of the school buildings in that school district developed pursuant 47932
to division (G) of this section. Copies of the report shall be 47933
sent to the superintendent of the district and to each member of 47934
the district board of education. 47935

(3) Copies of the reports received from the state board under 47936
divisions (H)(1) and (2) of this section shall be made available 47937
to the general public at each school district's offices. Each 47938
district board of education shall make copies of each report 47939
available to any person upon request and payment of a reasonable 47940
fee for the cost of reproducing the report. The board shall 47941
annually publish in a newspaper of general circulation in the 47942
school district, at least twice during the two weeks prior to the 47943
week in which the reports will first be available, a notice 47944
containing the address where the reports are available and the 47945
date on which the reports will be available. 47946

(I) Any data that is collected or maintained pursuant to this 47947
section and that identifies an individual pupil is not a public 47948
record for the purposes of section 149.43 of the Revised Code. 47949

(J) As used in this section: 47950

(1) "School district" means any city, local, exempted 47951

village, or joint vocational school district and, in accordance 47952
with section 3314.17 of the Revised Code, any community school. As 47953
used in division (L) of this section, "school district" also 47954
includes any educational service center or other educational 47955
entity required to submit data using the system established under 47956
this section. 47957

(2) "Cost" means any expenditure for operating expenses made 47958
by a school district excluding any expenditures for debt 47959
retirement except for payments made to any commercial lending 47960
institution for any loan approved pursuant to section 3313.483 of 47961
the Revised Code. 47962

(K) Any person who removes data from the information system 47963
established under this section for the purpose of releasing it to 47964
any person not entitled under law to have access to such 47965
information is subject to section 2913.42 of the Revised Code 47966
prohibiting tampering with data. 47967

(L)(1) In accordance with division (L)(2) of this section and 47968
the rules adopted under division (L)(10) of this section, the 47969
department of education may sanction any school district that 47970
reports incomplete or inaccurate data, reports data that does not 47971
conform to data requirements and descriptions published by the 47972
department, fails to report data in a timely manner, or otherwise 47973
does not make a good faith effort to report data as required by 47974
this section. 47975

(2) If the department decides to sanction a school district 47976
under this division, the department shall take the following 47977
sequential actions: 47978

(a) Notify the district in writing that the department has 47979
determined that data has not been reported as required under this 47980
section and require the district to review its data submission and 47981
submit corrected data by a deadline established by the department. 47982

The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures.

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;

(iv) Continue monitoring the district's data reporting;

(v) Assign department staff to supervise the district's data management system;

(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;

(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the

district has been sanctioned for failing to report data as 48013
required by this section; 48014

(viii) If the district is issued a report card under section 48015
3302.03 of the Revised Code and incomplete or inaccurate data 48016
submitted by the district likely caused the district to receive a 48017
higher performance rating than it deserved under that section, 48018
issue a revised report card for the district; 48019

(ix) Any other action designed to correct the district's data 48020
reporting problems. 48021

(3) Any time the department takes an action against a school 48022
district under division (L)(2) of this section, the department 48023
shall make a report of the circumstances that prompted the action. 48024
The department shall send a copy of the report to the district 48025
superintendent or chief administrator and maintain a copy of the 48026
report in its files. 48027

(4) If any action taken under division (L)(2) of this section 48028
resolves a school district's data reporting problems to the 48029
department's satisfaction, the department shall not take any 48030
further actions described by that division. If the department 48031
withheld funds from the district under that division, the 48032
department may release those funds to the district, except that if 48033
the department withheld funding under division (L)(2)(c) of this 48034
section, the department shall not release the funds withheld under 48035
division (L)(2)(b) of this section and, if the department withheld 48036
funding under division (L)(2)(d) of this section, the department 48037
shall not release the funds withheld under division (L)(2)(b) or 48038
(c) of this section. 48039

(5) Notwithstanding anything in this section to the contrary, 48040
the department may use its own staff or an outside entity to 48041
conduct an audit of a school district's data reporting practices 48042
any time the department has reason to believe the district has not 48043

made a good faith effort to report data as required by this 48044
section. If any audit conducted by an outside entity under 48045
division (L)(2)(d)(i) or (5) of this section confirms that a 48046
district has not made a good faith effort to report data as 48047
required by this section, the district shall reimburse the 48048
department for the full cost of the audit. The department may 48049
withhold state funds due to the district for this purpose. 48050

(6) Prior to issuing a revised report card for a school 48051
district under division (L)(2)(d)(viii) of this section, the 48052
department may hold a hearing to provide the district with an 48053
opportunity to demonstrate that it made a good faith effort to 48054
report data as required by this section. The hearing shall be 48055
conducted by a referee appointed by the department. Based on the 48056
information provided in the hearing, the referee shall recommend 48057
whether the department should issue a revised report card for the 48058
district. If the referee affirms the department's contention that 48059
the district did not make a good faith effort to report data as 48060
required by this section, the district shall bear the full cost of 48061
conducting the hearing and of issuing any revised report card. 48062

(7) If the department determines that any inaccurate data 48063
reported under this section caused a school district to receive 48064
excess state funds in any fiscal year, the district shall 48065
reimburse the department an amount equal to the excess funds, in 48066
accordance with a payment schedule determined by the department. 48067
The department may withhold state funds due to the district for 48068
this purpose. 48069

(8) Any school district that has funds withheld under 48070
division (L)(2) of this section may appeal the withholding in 48071
accordance with Chapter 119. of the Revised Code. 48072

(9) In all cases of a disagreement between the department and 48073
a school district regarding the appropriateness of an action taken 48074
under division (L)(2) of this section, the burden of proof shall 48075

be on the district to demonstrate that it made a good faith effort 48076
to report data as required by this section. 48077

(10) The state board of education shall adopt rules under 48078
Chapter 119. of the Revised Code to implement division (L) of this 48079
section. 48080

(M) No information technology center or school district shall 48081
acquire, change, or update its student administration software 48082
package to manage and report data required to be reported to the 48083
department unless it converts to a student software package that 48084
is certified by the department. 48085

(N) The state board of education, in accordance with sections 48086
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 48087
license as defined under division (A) of section 3319.31 of the 48088
Revised Code that has been issued to any school district employee 48089
found to have willfully reported erroneous, inaccurate, or 48090
incomplete data to the education management information system. 48091

(O) No person shall release or maintain any information about 48092
any student in violation of this section. Whoever violates this 48093
division is guilty of a misdemeanor of the fourth degree. 48094

(P) The department shall disaggregate the data collected 48095
under division (B)(1)(n) of this section according to the race and 48096
socioeconomic status of the students assessed. No data collected 48097
under that division shall be included on the report cards required 48098
by section 3302.03 of the Revised Code. 48099

(Q) If the department cannot compile any of the information 48100
required by division (H) of section 3302.03 of the Revised Code 48101
based upon the data collected under this section, the department 48102
shall develop a plan and a reasonable timeline for the collection 48103
of any data necessary to comply with that division. 48104

Sec. 3301.0715. (A) Except as otherwise required under 48105

division (B)(1) of section 3313.608 of the Revised Code, the board 48106
of education of each city, local, and exempted village school 48107
district shall administer each applicable diagnostic assessment 48108
developed and provided to the district in accordance with section 48109
3301.079 of the Revised Code to the following: 48110

(1) Any student who transfers into the district or to a 48111
different school within the district if each applicable diagnostic 48112
assessment was not administered by the district or school the 48113
student previously attended in the current school year, within 48114
thirty days after the date of transfer. If the district or school 48115
into which the student transfers cannot determine whether the 48116
student has taken any applicable diagnostic assessment in the 48117
current school year, the district or school may administer the 48118
diagnostic assessment to the student. 48119

(2) ~~Each~~ (a) Prior to July 1, 2014, each kindergarten 48120
student, not earlier than four weeks prior to the first day of 48121
school and not later than the first day of October. ~~For~~ 48122

(b) Beginning July 1, 2014, each kindergarten student, not 48123
earlier than the first day of the school year and not later than 48124
the first day of November, except that the language and reading 48125
skills portion of the assessment shall be administered by the 48126
thirtieth day of September to fulfill the requirements of division 48127
(B) of section 3313.608 of the Revised Code. 48128

For the purpose of division (A)(2) of this section, the 48129
district shall administer the kindergarten readiness assessment 48130
provided by the department of education. In no case shall the 48131
results of the readiness assessment be used to prohibit a student 48132
from enrolling in kindergarten. 48133

(3) Each student enrolled in first, second, or third grade. 48134

(B) Each district board shall administer each diagnostic 48135

assessment when the board deems appropriate, provided the 48136
administration complies with section 3313.608 of the Revised Code. 48137
However, the board shall administer any diagnostic assessment at 48138
least once annually to all students in the appropriate grade 48139
level. A district board may administer any diagnostic assessment 48140
in the fall and spring of a school year to measure the amount of 48141
academic growth attributable to the instruction received by 48142
students during that school year. 48143

(C) Any district that received an excellent or effective 48144
rating for the immediately preceding school year, pursuant to 48145
section 3302.03 of the Revised Code as it existed prior to ~~the~~ 48146
~~effective date of this amendment~~ March 22, 2013, or the equivalent 48147
of such rating as determined by the department of education, may 48148
use different diagnostic assessments from those adopted under 48149
division (D) of section 3301.079 of the Revised Code in order to 48150
satisfy the requirements of division (A)(2) of this section. 48151

(D) Each district board shall utilize and score any 48152
diagnostic assessment administered under division (A) of this 48153
section in accordance with rules established by the department. 48154
After the administration of any diagnostic assessment, each 48155
district shall provide a student's completed diagnostic 48156
assessment, the results of such assessment, and any other 48157
accompanying documents used during the administration of the 48158
assessment to the parent of that student, and shall include all 48159
such documents and information in any plan developed for the 48160
student under division (C) of section 3313.608 of the Revised 48161
Code. Each district shall submit to the department, in the manner 48162
the department prescribes, the results of the diagnostic 48163
assessments administered under this section, regardless of the 48164
type of assessment used under section 3313.608 of the Revised 48165
Code. The department may issue reports with respect to the data 48166
collected. 48167

(E) Each district board shall provide intervention services 48168
to students whose diagnostic assessments show that they are 48169
failing to make satisfactory progress toward attaining the 48170
academic standards for their grade level. 48171

Sec. 3301.0723. (A) The independent contractor engaged by the 48172
department of education to create and maintain for school 48173
districts and community schools the student data verification 48174
codes required by division (D)(2) of section 3301.0714 of the 48175
Revised Code, upon request of the director of any state agency 48176
that administers a publicly funded program providing services to 48177
children who are younger than compulsory school age, as defined in 48178
section 3321.01 of the Revised Code, including the directors of 48179
health, job and family services, ~~mental health~~ mental health and 48180
addiction services, and developmental disabilities, shall assign a 48181
data verification code to a child who is receiving such services 48182
and shall provide that code to the director. The contractor also 48183
shall provide that code to the department of education. 48184

(B) The director of a state agency that receives a child's 48185
data verification code under division (A) of this section shall 48186
use that code to submit information for that child to the 48187
department of education in accordance with section 3301.0714 of 48188
the Revised Code. 48189

(C) A public school that receives from the independent 48190
contractor the data verification code for a child assigned under 48191
division (A) of this section shall not request or assign to that 48192
child another data verification code under division (D)(2) of 48193
section 3301.0714 of the Revised Code. That school and any other 48194
public school in which the child subsequently enrolls shall use 48195
the data verification code assigned under division (A) of this 48196
section to report data relative to that student required under 48197
section 3301.0714 of the Revised Code. 48198

Sec. 3301.0725. A school district may employ certificated 48199
instructional personnel for ~~more days during a school year than~~ 48200
~~the district normally employs its regular classroom teachers~~ hours 48201
outside of the normal school day for the purpose of providing 48202
extended programming, subject to the provisions of section 48203
3319.0812 of the Revised Code. Extended programming, as defined by 48204
rule of the state board of education, shall be based upon learner 48205
needs and, if applicable, business and industry validated 48206
standards and competencies and shall enhance student learning 48207
opportunities. Extended programming shall be subject to the 48208
requirements of sections 3313.6018 and 3313.6019 of the Revised 48209
Code. 48210

No rule of the state board shall require extended programming 48211
employment of certificated instructional personnel as a condition 48212
of eligibility for funding under any other section of the Revised 48213
Code. 48214

Sec. 3301.15. The state board of education or its authorized 48215
representatives may inspect all institutions under the control of 48216
the department of job and family services, the department of 48217
~~mental health~~ mental health and addiction services, the department 48218
of developmental disabilities, and the department of 48219
rehabilitation and correction which employ teachers, and may make 48220
a report on the teaching, discipline, and school equipment in 48221
these institutions to the director of job and family services, the 48222
director of ~~mental health~~ mental health and addiction services, 48223
the director of developmental disabilities, the director of 48224
rehabilitation and correction, and the governor. 48225

Sec. 3301.16. Pursuant to standards prescribed by the state 48226
board of education as provided in division (D) of section 3301.07 48227
of the Revised Code, the state board shall classify and charter 48228

school districts and individual schools within each district 48229
except that no charter shall be granted to a nonpublic school 48230
unless the school complies with division (K)(1)(a) of section 48231
3301.0711, if applicable, and section 3313.612 of the Revised 48232
Code. 48233

In the course of considering the charter of a new school 48234
district created under section 3311.26 or 3311.38 of the Revised 48235
Code, the state board shall require the party proposing creation 48236
of the district to submit to the board a map, certified by the 48237
county auditor of the county in which the proposed new district is 48238
located, showing the boundaries of the proposed new district. In 48239
the case of a proposed new district located in more than one 48240
county, the map shall be certified by the county auditor of each 48241
county in which the proposed district is located. 48242

The state board shall revoke the charter of any school 48243
district or school which fails to meet the standards for 48244
elementary and high schools as prescribed by the board. The state 48245
board shall also revoke the charter of any nonpublic school that 48246
does not comply with division (K)(1)(a) of section 3301.0711, if 48247
applicable, and section 3313.612 of the Revised Code. 48248

In the issuance and revocation of school district or school 48249
charters, the state board shall be governed by the provisions of 48250
Chapter 119. of the Revised Code. 48251

No school district, or individual school operated by a school 48252
district, shall operate without a charter issued by the state 48253
board under this section. 48254

In case a school district charter is revoked pursuant to this 48255
section, the state board may dissolve the school district and 48256
transfer its territory to one or more adjacent districts. An 48257
equitable division of the funds, property, and indebtedness of the 48258
school district shall be made by the state board among the 48259

receiving districts. The board of education of a receiving 48260
district shall accept such territory pursuant to the order of the 48261
state board. Prior to dissolving the school district, the state 48262
board shall notify the appropriate educational service center 48263
governing board and all adjacent school district boards of 48264
education of its intention to do so. Boards so notified may make 48265
recommendations to the state board regarding the proposed 48266
dissolution and subsequent transfer of territory. Except as 48267
provided in section 3301.161 of the Revised Code, the transfer 48268
ordered by the state board shall become effective on the date 48269
specified by the state board, but the date shall be at least 48270
thirty days following the date of issuance of the order. 48271

A high school is one of higher grade than an elementary 48272
school, in which instruction and training are given in accordance 48273
with sections 3301.07 and 3313.60 of the Revised Code and which 48274
also offers other subjects of study more advanced than those 48275
taught in the elementary schools and such other subjects as may be 48276
approved by the state board of education. 48277

An elementary school is one in which instruction and training 48278
are given in accordance with sections 3301.07 and 3313.60 of the 48279
Revised Code and which offers such other subjects as may be 48280
approved by the state board of education. In districts wherein a 48281
junior high school is maintained, the elementary schools in that 48282
district may be considered to include only the work of the first 48283
six school years inclusive, plus the kindergarten year. 48284

Sec. 3302.01. As used in this chapter: 48285

(A) "Performance index score" means the average of the totals 48286
derived from calculations for each subject area of English 48287
language arts, mathematics, science, and social studies of the 48288
weighted proportion of untested students and students scoring at 48289
each level of skill described in division (A)(2) of section 48290

3301.0710 of the Revised Code on the assessments prescribed by 48291
divisions (A) and (B)(1) of that section. The department of 48292
education shall assign weights such that students who do not take 48293
an assessment receive a weight of zero and students who take an 48294
assessment receive progressively larger weights dependent upon the 48295
level of skill attained on the assessment. The department shall 48296
assign additional weights to students who have been permitted to 48297
pass over a subject in accordance with a student acceleration 48298
policy adopted under section 3324.10 of the Revised Code. If such 48299
a student attains the proficient score prescribed under division 48300
(A)(2)(c) of section 3301.0710 of the Revised Code or higher on an 48301
assessment, the department shall assign the student the weight 48302
prescribed for the next higher scoring level. If such a student 48303
attains the advanced score, prescribed under division (A)(2)(a) of 48304
section 3301.0710 of the Revised Code, on an assessment, the 48305
department shall assign to the student an additional proportional 48306
weight, as approved by the state board. For each school year that 48307
such a student's score is included in the performance index score 48308
and the student attains the proficient score on an assessment, 48309
that additional weight shall be assigned to the student on a 48310
subject-by-subject basis. 48311

Students shall be included in the "performance index score" 48312
in accordance with division (K)(2) of section 3302.03 of the 48313
Revised Code. 48314

(B) "Subgroup" means a subset of the entire student 48315
population of the state, a school district, or a school building 48316
and includes each of the following: 48317

- (1) Major racial and ethnic groups; 48318
- (2) Students with disabilities; 48319
- (3) Economically disadvantaged students; 48320
- (4) Limited English proficient students; 48321

(5) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. For students who are gifted in specific academic ability fields, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field.

(6) Students in the lowest quintile for achievement statewide, as determined by a method prescribed by the state board of education.

(C) "No Child Left Behind Act of 2001" includes the statutes codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or both thereto, rules and regulations promulgated pursuant to those statutes, guidance documents, and any other policy directives regarding implementation of that act issued by the United States department of education.

(D) "Adequate yearly progress" means a measure of annual academic performance as calculated in accordance with the "No Child Left Behind Act of 2001."

(E) "Supplemental educational services" means additional academic assistance, such as tutoring, remediation, or other educational enrichment activities, that is conducted outside of the regular school day by a provider approved by the department in accordance with the "No Child Left Behind Act of 2001."

(F) "Value-added progress dimension" means a measure of academic gain for a student or group of students over a specific period of time that is calculated by applying a statistical methodology to individual student achievement data derived from the achievement assessments prescribed by section 3301.0710 of the Revised Code. The "value-added progress dimension" shall be

developed and implemented in accordance with section 3302.021 of the Revised Code. 48353
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(G)(1) "Four-year adjusted cohort graduation rate" means the number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class. 48355
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(2) "Five-year adjusted cohort graduation rate" means the number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate. 48359
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(H) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 48363
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(I) "Annual measurable objectives" means a measure of student progress determined in accordance with an agreement between the department of education and the United States department of education. 48365
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Sec. 3302.03. Annually, not later than the fifteenth day of September or the preceding Friday when that day falls on a Saturday or Sunday, the department of education shall assign a letter grade for overall academic performance and for each separate performance measure for each school district, and each school building in a district, in accordance with this section. The state board shall adopt rules pursuant to Chapter 119. of the Revised Code to establish performance criteria for each letter grade and prescribe a method by which the department assigns each letter grade. For a school building to which any of the performance measures do not apply, due to grade levels served by the building, the state board shall designate the performance measures that are applicable to the building and that must be calculated separately and used to calculate the building's overall grade. The department shall issue annual report cards reflecting 48369
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the performance of each school district, each building within each district, and for the state as a whole using the performance measures and letter grade system described in this section. The department shall include on the report card for each district and each building within each district the most recent two-year trend data in student achievement for each subject and each grade.

(A)(1) For the 2012-2013 school year, the department shall issue grades as described in division (E) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as adopted by the state board. In adopting benchmarks for assigning letter grades under division (A)(1)(b) of this section, the state board of education shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.02 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (A)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates.

In adopting benchmarks for assigning letter grades under division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the department shall designate a four-year adjusted cohort graduation rate of ninety-three per cent or higher for an "A" and a five-year cohort graduation rate of ninety-five per cent or higher for an

"A."	48415
(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. The letter grade assigned for this growth measure shall be as follows:	48416 48417 48418 48419 48420
(i) A score that is at least two standard errors of measure above the mean score shall be designated as an "A."	48421 48422
(ii) A score that is at least one standard error of measure but less than two standard errors of measure above the mean score shall be designated as a "B."	48423 48424 48425
(iii) A score that is less than one standard error of measure above the mean score but greater than or equal to one standard error of measure below the mean score shall be designated as a "C."	48426 48427 48428 48429
(iv) A score that is not greater than one standard error of measure below the mean score but is greater than or equal to two standard errors of measure below the mean score shall be designated as a "D."	48430 48431 48432 48433
(v) A score that is not greater than two standard errors of measure below the mean score shall be designated as an "F."	48434 48435
Whenever the value-added progress dimension is used as a graded performance measure, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A)(1)(e) of this section.	48436 48437 48438 48439 48440
(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the	48441 48442 48443 48444

lowest quintile for achievement on a statewide basis. Each 48445
subgroup shall be a separate graded measure. 48446

(2) Not later than April 30, 2013, the state board of 48447
education shall adopt a resolution describing the performance 48448
measures, benchmarks, and grading system for the 2012-2013 school 48449
year and, not later than June 30, 2013, shall adopt rules in 48450
accordance with Chapter 119. of the Revised Code that prescribe 48451
the methods by which the performance measures under division 48452
(A)(1) of this section shall be assessed and assigned a letter 48453
grade, including performance benchmarks for each letter grade. 48454

At least forty-five days prior to the state board's adoption 48455
of rules to prescribe the methods by which the performance 48456
measures under division (A)(1) of this section shall be assessed 48457
and assigned a letter grade, the department shall conduct a public 48458
presentation before the standing committees of the house of 48459
representatives and the senate that consider education legislation 48460
describing such methods, including performance benchmarks. 48461

(3) There shall not be an overall letter grade for a school 48462
district or building for the 2012-2013 school year. 48463

(B)(1) For the 2013-2014 school year, the department shall 48464
issue grades as described in division (E) of this section for each 48465
of the following performance measures: 48466

(a) Annual measurable objectives; 48467

(b) Performance index score for a school district or 48468
building. Grades shall be awarded as a percentage of the total 48469
possible points on the performance index system as created by the 48470
department. In adopting benchmarks for assigning letter grades 48471
under division (B)(1)(b) of this section, the state board shall 48472
designate ninety per cent or higher for an "A," at least seventy 48473
per cent but not more than eighty per cent for a "C," and less 48474
than fifty per cent for an "F." 48475

(c) The extent to which the school district or building meets 48476
each of the applicable performance indicators established by the 48477
state board under section 3302.03 of the Revised Code and the 48478
percentage of applicable performance indicators that have been 48479
achieved. In adopting benchmarks for assigning letter grades under 48480
division (B)(1)(c) of this section, the state board shall 48481
designate ninety per cent or higher for an "A." 48482

(d) The four- and five-year adjusted cohort graduation rates; 48483

(e) The overall score under the value-added progress 48484
dimension of a school district or building, for which the 48485
department shall use up to three years of value-added data as 48486
available. 48487

(f) The value-added progress dimension score for a school 48488
district or building disaggregated for each of the following 48489
subgroups: students identified as gifted in superior cognitive 48490
ability and specific academic ability fields under Chapter 3324. 48491
of the Revised Code, students with disabilities, and students 48492
whose performance places them in the lowest quintile for 48493
achievement on a statewide basis. Each subgroup shall be a 48494
separate graded measure. 48495

(g) Whether a school district or building is making progress 48496
in improving literacy in grades kindergarten through three, as 48497
determined using a method prescribed by the state board. The state 48498
board shall adopt rules to prescribe benchmarks and standards for 48499
assigning grades to districts and buildings for purposes of 48500
division (B)(1)(~~j~~)(g) of this section. In adopting benchmarks for 48501
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 48502
this section, the state board shall determine progress made based 48503
on the reduction in the percentage of students scoring below grade 48504
level, or below proficient, compared from year to year on the 48505
~~English language arts~~ reading and writing diagnostic assessments 48506
administered under section 3301.0715 of the Revised Code and the 48507

third grade English language arts assessment under section 48508
3301.0710 of the Revised Code, as applicable. The state board 48509
shall designate for a "C" grade a value that is not lower than the 48510
statewide average value for this measure. No grade shall be issued 48511
under divisions (B)(1)(g) and (C)(1)~~(j)~~(g) of this section for a 48512
district or building in which less than five per cent of students 48513
have scored below grade level on the diagnostic assessment 48514
administered to students in kindergarten under division (B)(1) of 48515
section 3313.608 of the Revised Code. 48516

(2) In addition to the graded measures in division (B)(1) of 48517
this section, the department shall include on a school district's 48518
or building's report card all of the following without an assigned 48519
letter grade: 48520

(a) The percentage of students enrolled in a district or 48521
building participating in advanced placement classes and the 48522
percentage of those students who received a score of three or 48523
better on advanced placement examinations; 48524

(b) The number of a district's or building's students who 48525
have earned at least three college credits through dual enrollment 48526
programs, such as the post-secondary enrollment options program 48527
under Chapter 3365. of the Revised Code and state-approved 48528
career-technical courses offered through dual enrollment or 48529
statewide articulation, that appear on a student's transcript or 48530
other official document, either of which is issued by the 48531
institution of higher education from which the student earned the 48532
college credit. The credits earned that are reported under 48533
divisions (B)(2)(b) and (C)(2)(c) of this section shall not 48534
include any that are remedial or developmental and shall include 48535
those that count toward the curriculum requirements established 48536
for completion of a degree. 48537

(c) The percentage of students enrolled in a district or 48538
building who have taken a national standardized test used for 48539

college admission determinations and the percentage of those 48540
students who are determined to be remediation-free in accordance 48541
with standards adopted under division (F) of section 3345.061 of 48542
the Revised Code; 48543

(d) The percentage of the district's or the building's 48544
students who receive industry credentials. The state board shall 48545
adopt criteria for acceptable industry credentials. 48546

(e) The percentage of students enrolled in a district or 48547
building who are participating in an international baccalaureate 48548
program and the percentage of those students who receive a score 48549
of four or better on the international baccalaureate examinations. 48550

(f) The percentage of the district's or building's students 48551
who receive an honors diploma under division (B) of section 48552
3313.61 of the Revised Code. 48553

(3) Not later than December 31, 2013, the state board shall 48554
adopt rules in accordance with Chapter 119. of the Revised Code 48555
that prescribe the methods by which the performance measures under 48556
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 48557
and assigned a letter grade, including performance benchmarks for 48558
each grade. 48559

At least forty-five days prior to the state board's adoption 48560
of rules to prescribe the methods by which the performance 48561
measures under division (B)(1) of this section shall be assessed 48562
and assigned a letter grade, the department shall conduct a public 48563
presentation before the standing committees of the house of 48564
representatives and the senate that consider education legislation 48565
describing such methods, including performance benchmarks. 48566

(4) There shall not be an overall letter grade for a school 48567
district or building for the 2013-2014 school year. 48568

(C)(1) For the 2014-2015 school year and each school year 48569
thereafter, the department shall issue grades as described in 48570

division (E) of this section for each of the following performance 48571
measures and an overall letter grade based on an aggregate of 48572
those measures: 48573

(a) Annual measurable objectives; 48574

(b) Performance index score for a school district or 48575
building. Grades shall be awarded as a percentage of the total 48576
possible points on the performance index system as created by the 48577
department. In adopting benchmarks for assigning letter grades 48578
under division (C)(1)(b) of this section, the state board shall 48579
designate ninety per cent or higher for an "A," at least seventy 48580
per cent but not more than eighty per cent for a "C," and less 48581
than fifty per cent for an "F." 48582

(c) The extent to which the school district or building meets 48583
each of the applicable performance indicators established by the 48584
state board under section 3302.03 of the Revised Code and the 48585
percentage of applicable performance indicators that have been 48586
achieved. In adopting benchmarks for assigning letter grades under 48587
division (C)(1)(c) of this section, the state board shall 48588
designate ninety per cent or higher for an "A." 48589

(d) The four- and five-year adjusted cohort graduation rates; 48590

(e) The overall score under the value-added progress 48591
dimension, or another measure of student academic progress if 48592
adopted by the state board, of a school district or building, for 48593
which the department shall use up to three years of value-added 48594
data as available. 48595

In adopting benchmarks for assigning letter grades for 48596
overall score on value-added progress dimension under division 48597
(C)(1)(e) of this section, the state board shall prohibit the 48598
assigning of a grade of "A" for that measure unless the district's 48599
or building's grade assigned for value-added progress dimension 48600
for all subgroups under division (C)(1)(~~i~~)(f) of this section is a 48601

"B" or higher. 48602

For the metric prescribed by division (C)(1)(e) of this 48603
section, the state board may adopt a student academic progress 48604
measure to be used instead of the value-added progress dimension. 48605
If the state board adopts such a measure, it also shall prescribe 48606
a method for assigning letter grades for the new measure that is 48607
comparable to the method prescribed in division (A)(1)(e) of this 48608
section. 48609

(f) The value-added progress dimension score of a school 48610
district or building disaggregated for each of the following 48611
subgroups: students identified as gifted in superior cognitive 48612
ability and specific academic ability fields under Chapter 3324. 48613
of the Revised Code, students with disabilities, and students 48614
whose performance places them in the lowest quintile for 48615
achievement on a statewide basis, as determined by a method 48616
prescribed by the state board. Each subgroup shall be a separate 48617
graded measure. 48618

The state board may adopt student academic progress measures 48619
to be used instead of the value-added progress dimension. If the 48620
state board adopts such measures, it also shall prescribe a method 48621
for assigning letter grades for the new measures that is 48622
comparable to the method prescribed in division (A)(1)(e) of this 48623
section. 48624

(g) Whether a school district or building is making progress 48625
in improving literacy in grades kindergarten through three, as 48626
determined using a method prescribed by the state board. The state 48627
board shall adopt rules to prescribe benchmarks and standards for 48628
assigning grades to a district or building for purposes of 48629
division (C)(1)(~~jj~~)(g) of this section. The state board shall 48630
designate for a "C" grade a value that is not lower than the 48631
statewide average value for this measure. No grade shall be issued 48632
under division (C)(1)(g) of this section for a district or 48633

building in which less than five per cent of students have scored 48634
below grade level on the kindergarten diagnostic assessment under 48635
division (B)(1) of section 3313.608 of the Revised Code. 48636

(2) In addition to the graded measures in division (C)(1) of 48637
this section, the department shall include on a school district's 48638
or building's report card all of the following without an assigned 48639
letter grade: 48640

(a) The percentage of students enrolled in a district or 48641
building who have taken a national standardized test used for 48642
college admission determinations and the percentage of those 48643
students who are determined to be remediation-free in accordance 48644
with the standards adopted under division (F) of section 3345.061 48645
of the Revised Code; 48646

(b) The percentage of students enrolled in a district or 48647
building participating in advanced placement classes and the 48648
percentage of those students who received a score of three or 48649
better on advanced placement examinations; 48650

(c) The number of a district's or building's students who 48651
have earned at least three college credits through dual enrollment 48652
programs, such as the post-secondary enrollment options program 48653
under Chapter 3365. of the Revised Code and state-approved 48654
career-technical courses offered through dual enrollment or 48655
statewide articulation, that appear on a student's transcript or 48656
other official document, either of which is issued by the 48657
institution of higher education from which the student earned the 48658
college credit. The credits earned that are reported under 48659
divisions (B)(2)(b) and (C)(2)(c) of this section shall not 48660
include any that are remedial or developmental and shall include 48661
those that count toward the curriculum requirements established 48662
for completion of a degree. 48663

(d) The percentage of the district's or building's students 48664

who receive an honor's diploma under division (B) of section 48665
3313.61 of the Revised Code; 48666

(e) The percentage of the district's or building's students 48667
who receive industry credentials; 48668

(f) The percentage of students enrolled in a district or 48669
building who are participating in an international baccalaureate 48670
program and the percentage of those students who receive a score 48671
of four or better on the international baccalaureate examinations; 48672

(g) The results of the college and career-ready assessments 48673
administered under division (B)(1) of section 3301.0712 of the 48674
Revised Code. 48675

(3) The state board shall adopt rules pursuant to Chapter 48676
119. of the Revised Code that establish a method to assign an 48677
overall grade for a school district or school building for the 48678
2014-2015 school year and each school year thereafter. The rules 48679
shall group the performance measures in divisions (C)(1) and (2) 48680
of this section into the following components: 48681

(a) Gap closing, which shall include the performance measure 48682
in division (C)(1)(a) of this section; 48683

(b) Achievement, which shall include the performance measures 48684
in divisions (C)(1)(b) and (c) of this section; 48685

(c) Progress, which shall include the performance measures in 48686
divisions (C)(1)(e) and ~~(i)~~(f) of this section; 48687

(d) Graduation, which shall include the performance measure 48688
in division (C)(1)(d) of this section; 48689

(e) Kindergarten through third-grade literacy, which shall 48690
include the performance measure in division (C)(1)~~(h)~~(g) of this 48691
section; 48692

(f) Prepared for success, which shall include the performance 48693
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 48694

this section. The state board shall develop a method to determine 48695
a grade for the component in division (C)(3)(f) of this section 48696
using the performance measures in divisions (C)(2)(a), (b), (c), 48697
(d), (e), and (f) of this section. When available, the state board 48698
may incorporate the performance measure under division (C)(2)(g) 48699
of this section into the component under division (C)(3)(f) of 48700
this section. When determining the overall grade for the prepared 48701
for success component prescribed by division (C)(3)(f) of this 48702
section, no individual student shall be counted in more than one 48703
performance measure. However, if a student qualifies for more than 48704
one performance measure in the component, the state board may, in 48705
its method to determine a grade for the component, specify an 48706
additional weight for such a student that is not greater than or 48707
equal to 1.0. In determining the overall score under division 48708
(C)(3)(f) of this section, the state board shall ensure that the 48709
pool of students included in the performance measures aggregated 48710
under that division are all of the students included in the four- 48711
and five-year adjusted graduation cohort. 48712

In the rules adopted under division (C)(3) of this section, 48713
the state board shall adopt a method for determining a grade for 48714
each component in divisions (C)(3)(a) to (f) of this section. The 48715
state board also shall establish a method to assign an overall 48716
grade of "A," "B," "C," "D," or "F" using the grades assigned for 48717
each component. The method the state board adopts for assigning an 48718
overall grade shall give equal weight to the components in 48719
divisions (C)(3)(b) and (c) of this section. 48720

At least forty-five days prior to the state board's adoption 48721
of rules to prescribe the methods for calculating the overall 48722
grade for the report card, as required by this division, the 48723
department shall conduct a public presentation before the standing 48724
committees of the house of representatives and the senate that 48725
consider education legislation describing the format for the 48726

report card, weights that will be assigned to the components of 48727
the overall grade, and the method for calculating the overall 48728
grade. 48729

(D) Not later than July 1, 2015, the state board shall 48730
develop a measure of student academic progress for high school 48731
students. Beginning with the report card for the 2015-2016 school 48732
year, each school district and applicable school building shall be 48733
assigned a separate letter grade for this measure and the 48734
district's or building's grade for that measure shall be included 48735
in determining the district's or building's overall letter grade. 48736
This measure shall be included within the measure prescribed in 48737
division (C)~~(2)~~(3)(c) of this section in the calculation for the 48738
overall letter grade. 48739

(E) The letter grades assigned to a school district or 48740
building under this section shall be as follows: 48741

(1) "A" for a district or school making excellent progress; 48742

(2) "B" for a district or school making above average 48743
progress; 48744

(3) "C" for a district or school making average progress; 48745

(4) "D" for a district or school making below average 48746
progress; 48747

(5) "F" for a district or school failing to meet minimum 48748
progress. 48749

(F) When reporting data on student achievement and progress, 48750
the department shall disaggregate that data according to the 48751
following categories: 48752

(1) Performance of students by grade-level; 48753

(2) Performance of students by race and ethnic group; 48754

(3) Performance of students by gender; 48755

(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	48756 48757
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	48758 48759 48760
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	48761 48762
(7) Performance of students grouped by those who are economically disadvantaged;	48763 48764
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	48765 48766 48767
(9) Performance of students grouped by those who are classified as limited English proficient;	48768 48769
(10) Performance of students grouped by those who have disabilities;	48770 48771
(11) Performance of students grouped by those who are classified as migrants;	48772 48773
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	48774 48775 48776 48777 48778 48779 48780 48781 48782
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	48783 48784 48785

The department may disaggregate data on student performance 48786
according to other categories that the department determines are 48787
appropriate. To the extent possible, the department shall 48788
disaggregate data on student performance according to any 48789
combinations of two or more of the categories listed in divisions 48790
(F)(1) to (13) of this section that it deems relevant. 48791

In reporting data pursuant to division (F) of this section, 48792
the department shall not include in the report cards any data 48793
statistical in nature that is statistically unreliable or that 48794
could result in the identification of individual students. For 48795
this purpose, the department shall not report student performance 48796
data for any group identified in division (F) of this section that 48797
contains less than ten students. If the department does not report 48798
student performance data for a group because it contains less than 48799
ten students, the department shall indicate on the report card 48800
that is why data was not reported. 48801

(G) The department may include with the report cards any 48802
additional education and fiscal performance data it deems 48803
valuable. 48804

(H) The department shall include on each report card a list 48805
of additional information collected by the department that is 48806
available regarding the district or building for which the report 48807
card is issued. When available, such additional information shall 48808
include student mobility data disaggregated by race and 48809
socioeconomic status, college enrollment data, and the reports 48810
prepared under section 3302.031 of the Revised Code. 48811

The department shall maintain a site on the world wide web. 48812
The report card shall include the address of the site and shall 48813
specify that such additional information is available to the 48814
public at that site. The department shall also provide a copy of 48815
each item on the list to the superintendent of each school 48816
district. The district superintendent shall provide a copy of any 48817

item on the list to anyone who requests it. 48818

(I) Division (I) of this section does not apply to conversion 48819
community schools that primarily enroll students between sixteen 48820
and twenty-two years of age who dropped out of high school or are 48821
at risk of dropping out of high school due to poor attendance, 48822
disciplinary problems, or suspensions. 48823

(1) For any district that sponsors a conversion community 48824
school under Chapter 3314. of the Revised Code, the department 48825
shall combine data regarding the academic performance of students 48826
enrolled in the community school with comparable data from the 48827
schools of the district for the purpose of determining the 48828
performance of the district as a whole on the report card issued 48829
for the district under this section or section 3302.033 of the 48830
Revised Code. 48831

(2) Any district that leases a building to a community school 48832
located in the district or that enters into an agreement with a 48833
community school located in the district whereby the district and 48834
the school endorse each other's programs may elect to have data 48835
regarding the academic performance of students enrolled in the 48836
community school combined with comparable data from the schools of 48837
the district for the purpose of determining the performance of the 48838
district as a whole on the district report card. Any district that 48839
so elects shall annually file a copy of the lease or agreement 48840
with the department. 48841

(3) Any municipal school district, as defined in section 48842
3311.71 of the Revised Code, that sponsors a community school 48843
located within the district's territory, or that enters into an 48844
agreement with a community school located within the district's 48845
territory whereby the district and the community school endorse 48846
each other's programs, may exercise either or both of the 48847
following elections: 48848

(a) To have data regarding the academic performance of 48849
students enrolled in that community school combined with 48850
comparable data from the schools of the district for the purpose 48851
of determining the performance of the district as a whole on the 48852
district's report card; 48853

(b) To have the number of students attending that community 48854
school noted separately on the district's report card. 48855

The election authorized under division (I)(3)(a) of this 48856
section is subject to approval by the governing authority of the 48857
community school. 48858

Any municipal school district that exercises an election to 48859
combine or include data under division (I)(3) of this section, by 48860
the first day of October of each year, shall file with the 48861
department documentation indicating eligibility for that election, 48862
as required by the department. 48863

(J) The department shall include on each report card the 48864
percentage of teachers in the district or building who are highly 48865
qualified, as defined by the "No Child Left Behind Act of 2001," 48866
and a comparison of that percentage with the percentages of such 48867
teachers in similar districts and buildings. 48868

(K)(1) In calculating English language arts, mathematics, 48869
social studies, or science assessment passage rates used to 48870
determine school district or building performance under this 48871
section, the department shall include all students taking an 48872
assessment with accommodation or to whom an alternate assessment 48873
is administered pursuant to division (C)(1) or (3) of section 48874
3301.0711 of the Revised Code. 48875

(2) In calculating performance index scores, rates of 48876
achievement on the performance indicators established by the state 48877
board under section 3302.02 of the Revised Code, and annual 48878
measurable objectives for determining adequate yearly progress for 48879

school districts and buildings under this section, the department 48880
shall do all of the following: 48881

(a) Include for each district or building only those students 48882
who are included in the ADM certified for the first full school 48883
week of October and are continuously enrolled in the district or 48884
building through the time of the spring administration of any 48885
assessment prescribed by division (A)(1) or (B)(1) of section 48886
3301.0710 of the Revised Code that is administered to the 48887
student's grade level; 48888

(b) Include cumulative totals from both the fall and spring 48889
administrations of the third grade English language arts 48890
achievement assessment; 48891

(c) Except as required by the "No Child Left Behind Act of 48892
2001," exclude for each district or building any limited English 48893
proficient student who has been enrolled in United States schools 48894
for less than one full school year. 48895

(L) Beginning with the 2015-2016 school year and at least 48896
once every three years thereafter, the state board of education 48897
shall review and may adjust the benchmarks for assigning letter 48898
grades to the performance measures and components prescribed under 48899
divisions (C)(3) and (D) of this section. 48900

Sec. 3302.032. (A) Not later than December 31, 2011, the 48901
state board of education shall establish a measure of the 48902
following: 48903

(1) Student success in meeting the benchmarks contained in 48904
the physical education standards adopted under division (A)(3) of 48905
section 3301.079 of the Revised Code; 48906

(2) Compliance with the requirements for local wellness 48907
policies prescribed by section 204 of the "Child Nutrition and WIC 48908
Reauthorization Act of 2004," 42 U.S.C. 1751 note; 48909

(3) Whether a school district or building has elected to administer the screenings authorized by sections 3313.674, 3314.15, and 3326.26 of the Revised Code;

(4) Whether a school district or building is participating in the physical activity pilot program administered under section 3313.6016 of the Revised Code.

(B) The measure shall be included on the school district and building report cards issued under section 3302.03 of the Revised Code, beginning with the report cards issued for the 2012-2013 school year, but it shall not be a factor in the performance ratings issued under that section.

(C) The department of education may accept, receive, and expend gifts, devises, or bequests of money for the purpose of establishing the measure required by this section.

(D) The department shall not include a student enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, or a child with a disability, as defined in section 3323.01 of the Revised Code, in any reports using the measures required under division (A) of this section.

Sec. 3302.035. (A) As used in this section, "internet- or computer-based community school" and "operator" have the same meanings as in section 3314.02 of the Revised Code.

(B) The department of education shall issue to each operator that manages, in whole or in part, more than one internet- or computer-based community school composite grades for the same measures prescribed for individual schools and school districts by section 3302.03 of the Revised Code based on the grades issued under that section for such schools managed by the operator.

(C) An internet- or computer-based community school managed by an operator described in division (B) of this section shall be

subject to sanctions under this chapter or permanent closure under 48940
section 3314.35 of the Revised Code based on the lower of the 48941
grade or grades issued to an individual school under section 48942
3302.03 of the Revised Code or the composite grade or grades 48943
issued to the school's operator under this section. 48944

(D) This section does not apply to a community school 48945
described in division (A)(4)(a) of section 3314.35 of the Revised 48946
Code. 48947

Sec. 3302.20. (A) The department of education shall develop 48948
standards for determining, from the existing data reported in 48949
accordance with sections 3301.0714 and 3314.17 of the Revised 48950
Code, the amount of annual operating expenditures for classroom 48951
instructional purposes and for nonclassroom purposes for each 48952
city, exempted village, local, and joint vocational school 48953
district, each community school established under Chapter 3314. 48954
that is not an internet- or computer-based community school, each 48955
internet- or computer-based community school, and each STEM school 48956
established under Chapter 3326. of the Revised Code. The 48957
department shall present those standards to the state board of 48958
education for consideration. In developing the standards, the 48959
department shall adapt existing standards used by professional 48960
organizations, research organizations, and other state 48961
governments. The department also shall align the expenditure 48962
categories required for reporting under the standards with the 48963
categories that are required for reporting to the United States 48964
department of education under federal law. 48965

The state board shall consider the proposed standards and 48966
adopt a final set of standards not later than December 31, 2012. 48967
School districts, community schools, and STEM schools shall begin 48968
reporting data in accordance with the standards on June 30, 2013. 48969

(B)(1) The department shall categorize all city, exempted 48970

village, and local school districts into not less than three nor 48971
more than five groups based primarily on average daily student 48972
enrollment as reported on the most recent report card issued for 48973
each district under section 3302.03 of the Revised Code. 48974

(2) The department shall categorize all joint vocational 48975
school districts into not less than three nor more than five 48976
groups based primarily on average daily membership as reported 48977
under division (D) of section 3317.03 of the Revised Code rounded 48978
to the nearest whole number. 48979

(3) The department shall categorize all community schools 48980
that are not internet- or computer-based community schools into 48981
not less than three nor more than five groups based primarily on 48982
average daily student enrollment as reported on the most recent 48983
report card issued for each community school under sections 48984
3302.03 and 3314.012 of the Revised Code or, in the case of a 48985
school to which section 3314.017 of the Revised Code applies, on 48986
the total number of students reported under divisions (B)(2)(a) 48987
and (b) of section 3314.08 of the Revised Code. 48988

(4) The department shall categorize all internet- or 48989
computer-based community schools into a single category. 48990

(5) The department shall categorize all STEM schools into a 48991
single category. 48992

(C) Using the standards adopted under division (A) of this 48993
section and the data reported under sections 3301.0714 and 3314.17 48994
of the Revised Code, the department shall compute annually for 48995
each fiscal year, the following: 48996

(1) The percentage of each district's, community school's, or 48997
STEM school's total operating budget spent for classroom 48998
instructional purposes; 48999

(2) The statewide average percentage for all districts, 49000
community schools, and STEM schools combined spent for classroom 49001

instructional purposes;	49002
(3) The average percentage for each of the categories of districts and schools established under division (B) of this section spent for classroom instructional purposes;	49003 49004 49005
(4) The ranking of each district, community school, or STEM school within its respective category established under division (B) of this section according to the following:	49006 49007 49008
(a) From highest to lowest percentage spent for classroom instructional purposes;	49009 49010
(b) From lowest to highest percentage spent for noninstructional purposes.	49011 49012
(D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations:	49013 49014 49015
(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is:	49016 49017 49018
(a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditures per pupil;	49019 49020 49021
(b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores.	49022 49023 49024
(2) Within each category of joint vocational school districts, the department shall denote each district that is:	49025 49026
(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditures per pupil;	49027 49028 49029
(b) Among the twenty per cent of all joint vocational school districts statewide with the highest report card scores under	49030 49031

section 3302.033 of the Revised Code. 49032

(3) Within each category of community schools that are not 49033
internet- or computer-based community schools, the department 49034
shall denote each school that is: 49035

(a) Among the twenty per cent of all such community schools 49036
statewide with the lowest total operating expenditures per pupil; 49037

(b) Among the twenty per cent of all such community schools 49038
statewide with the highest performance index scores, excluding 49039
such community schools to which section 3314.017 of the Revised 49040
Code applies. 49041

(4) Within the category of internet- or computer-based 49042
community schools, the department shall denote each school that 49043
is: 49044

(a) Among the twenty per cent of all such community schools 49045
statewide with the lowest total operating expenditures per pupil; 49046

(b) Among the twenty per cent of all such community schools 49047
statewide with the highest performance index scores, excluding 49048
such community schools to which section 3314.017 of the Revised 49049
Code applies. 49050

(5) Within the category of STEM schools, the department shall 49051
denote each school that is: 49052

(a) Among the twenty per cent of all STEM schools statewide 49053
with the lowest total operating expenditures per pupil; 49054

(b) Among the twenty per cent of all STEM schools statewide 49055
with the highest performance index scores. 49056

For purposes of divisions (D)(3)(b) and (4)(b) of this 49057
section, the display shall note that, in accordance with section 49058
3314.017 of the Revised Code, a performance index score is not 49059
reported for some community schools that serve primarily students 49060
enrolled in dropout prevention and recovery programs. 49061

(E) The department shall post in a prominent location on its web site the information prescribed by divisions (C) and (D) of this section. The department also shall include on each district's, community school's, and STEM school's annual report card issued under section 3302.03 or 3314.017 of the Revised Code the respective information computed for the district or school under divisions (C)(1) and (4) of this section, the statewide information computed under division (C)(2) of this section, and the information computed for the district's or school's category under division (C)(3) of this section.

(F) As used in this section:

(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(2) A school district's, community school's, or STEM school's performance index score rank is its performance index score rank as computed under section 3302.21 of the Revised Code.

(3) "Operating expenditures per pupil" has the same meaning as "expenditure per equivalent pupils" as defined in section 3302.26 of the Revised Code.

Sec. 3302.21. (A) The department of education shall develop a system to rank order all city, exempted village, and local school districts, community schools established under Chapter 3314. of the Revised Code except those community schools to which section 3314.017 of the Revised Code applies, and STEM schools established under Chapter 3326. of the Revised Code according to the following measures:

(1) Performance index score for each school district, community school, and STEM school and for each separate building of a district, community school, or STEM school. For districts, schools, or buildings to which the performance index score does

not apply, the superintendent of public instruction may develop 49092
another measure of student academic performance based on similar 49093
data and performance measures if appropriate and use that measure 49094
to include those buildings in the ranking so that districts, 49095
schools, and buildings may be reliably compared to each other. 49096

(2) Student performance growth from year to year, using the 49097
value-added progress dimension, if applicable, and other measures 49098
of student performance growth designated by the superintendent of 49099
public instruction for subjects and grades not covered by the 49100
value-added progress dimension or the alternative student academic 49101
progress measure if adopted under division (C)(1)(e) of section 49102
3302.03 of the Revised Code; 49103

(3) Current operating expenditures per pupil as determined 49104
under standards adopted by the state board of education under 49105
section 3302.20 of the Revised Code; 49106

(4) Of total current operating expenditures, percentage spent 49107
for classroom instruction as determined under standards adopted by 49108
the state board under section 3302.20 of the Revised Code; 49109

(5) Performance of, and opportunities provided to, students 49110
identified as gifted using value-added progress dimensions, if 49111
applicable, and other relevant measures as designated by the 49112
superintendent of public instruction. 49113

The department shall rank each district, each community 49114
school except a community school to which section 3314.017 of the 49115
Revised Code applies, and each STEM school annually in accordance 49116
with the system developed under this section. 49117

(B) In addition to the reports required by sections 3302.03 49118
and 3302.031 of the Revised Code, not later than the first day of 49119
September each year, the department shall issue a report for each 49120
city, exempted village, and local school district, each community 49121
school except a community school to which section 3314.017 of the 49122

Revised Code applies, and each STEM school indicating the 49123
district's or school's rank on each measure described in divisions 49124
(A)(1) to (4) of this section, including each separate building's 49125
rank among all public school buildings according to performance 49126
index score under division (A)(1) of this section. 49127

(C) As used in this section, "operating expenditures per 49128
pupil" has the same meaning as "expenditure per equivalent pupils" 49129
as defined in section 3302.26 of the Revised Code. 49130

Sec. 3302.22. (A) The governor's effective and efficient 49131
schools recognition program is hereby created. Each year, the 49132
governor shall recognize, in a manner deemed appropriate by the 49133
governor, the top ten per cent of all public schools in this 49134
state, including ~~schools of~~ city, exempted village, and local 49135
school districts, ~~or~~ joint vocational school districts, community 49136
schools established under Chapter 3314. ~~of the Revised Code~~, and 49137
STEM schools established under Chapter 3326. of the Revised Code. 49138

(B) The top ten per cent of schools shall be determined by 49139
the department of education according to standards established by 49140
the department, in consultation with the governor's office of 21st 49141
century education. The standards for recognition for each type of 49142
school may vary depending upon the unique characteristics of that 49143
type of school. The standards shall include, but need not be 49144
limited to, both of the following, provided that sufficient data 49145
is available for each school: 49146

(1) Student performance, as determined by factors ~~including~~ 49147
that may include, but not be limited to, performance indicators 49148
under section 3302.02 of the Revised Code, report cards issued 49149
under section 3302.03 of the Revised Code, performance index score 49150
rankings under section 3302.21 of the Revised Code, and any other 49151
statewide or national assessment or student performance 49152
recognition program the department selects; 49153

(2) Fiscal performance, including which may include 49154
cost-effective measures taken by the school. 49155

(C) If applicable, the standards under divisions (B)(1) and 49156
(2) of this section may be applied at the school building or 49157
district level, depending upon the quality and availability of 49158
data. 49159

Sec. 3302.26. (A) As used in this section: 49160

(1) "Expenditure per equivalent pupils" is the total 49161
operating expenditures of a school district divided by the measure 49162
of equivalent pupils. 49163

(2) "Measure of equivalent pupils" is the total number of 49164
students in a school district adjusted for the relative 49165
differences in costs associated with the unique characteristics 49166
and needs of each category of pupil. 49167

(B) The department of education shall create a performance 49168
management section on the department's public web site. The 49169
performance management section shall include information on 49170
academic and financial performance metrics for each school 49171
district to assist schools and districts in providing an effective 49172
and efficient delivery of educational services. The section shall 49173
include a graph that illustrates the relationship between a 49174
district's academic performance, as measured by the performance 49175
index score, and its expenditure per equivalent pupils as compared 49176
to similar districts. The section shall include statistics of 49177
academic and financial performance measures for each school 49178
district to allow for a comparison and benchmarking between 49179
districts. 49180

(C) The department may contract with an independent 49181
organization to develop and host the performance management 49182
section of its web site. 49183

Sec. 3303.41. There is hereby created the governor's council 49184
on people with disabilities. The council shall consist of 49185
twenty-one members of which the majority shall be people with 49186
disabilities as defined in this section, appointed by the governor 49187
for a term of three years except that for initial appointments, 49188
seven members shall be appointed for a term of one year, seven 49189
members shall be appointed for a term of two years, and seven 49190
members shall be appointed for a term of three years. Members may 49191
succeed themselves not more than one time. The governor shall 49192
annually appoint a ~~chairman~~ chairperson who may succeed himself or 49193
herself not more than one time. Members of the council shall serve 49194
without compensation, but shall be paid the actual and necessary 49195
expenses they incur in the performance of their duties. 49196

The council shall meet at least six times annually at such 49197
times and places as may be designated by the ~~chairman~~ chairperson. 49198

The governor's council on people with disabilities shall be 49199
assigned to the ~~rehabilitation services commission~~ opportunities 49200
for Ohioans with disabilities agency for administrative purposes. 49201
The ~~administrator~~ executive director of the ~~rehabilitation~~ 49202
~~services commission~~ opportunities for Ohioans with disabilities 49203
agency shall assign one professional staff person to the council 49204
to serve as executive secretary and other personnel as determined 49205
advisable. 49206

The council shall have the following powers: 49207

(A) To cooperate with the president's committee on employment 49208
of the handicapped; 49209

(B) To cooperate with all employers both public and private 49210
in locating or developing employment opportunities for people with 49211
disabilities; 49212

(C) To encourage and assist in the creation of committees at 49213

the community level; 49214

(D) To assist local, state, and federal agencies to 49215
coordinate their activities for the purpose of securing maximum 49216
utilization of funds and efforts that benefit people with 49217
disabilities; 49218

(E) To encourage cooperation among public and private 49219
employers, unions, and rehabilitation agencies, bureaus, and 49220
organizations both public and private with a specific goal to 49221
facilitate employment of people with disabilities; 49222

(F) To serve in an advisory capacity to the governor's office 49223
directly and as needed to the general assembly on issues relating 49224
to the needs, problems, and other concerns of people with 49225
disabilities; 49226

(G) To conduct educational programs to acquaint the public 49227
with the abilities and accomplishments of people with 49228
disabilities; 49229

(H) To promote the elimination of architectural barriers to 49230
make buildings used by the public accessible and useable by 49231
persons with physical limitations; 49232

(I) To make such rules as it determines advisable for the 49233
conduct of its own business. 49234

The council shall annually report to the governor on council 49235
activities and on the state of ~~Ohio's~~ the people of this state 49236
with disabilities. This report may include any recommendations 49237
believed necessary or desirable to carry out the purposes of this 49238
section. 49239

As used in this section, "person with a disability" means any 49240
individual who has a disability or condition ~~which~~ that, 49241
regardless of its physical or mental origin, imposes a functional 49242
limitation. ~~It~~ 49243

It shall be lawful for any public employee or officer to 49244
serve as a member of the council. 49245

Sec. 3304.11. As used in sections 3304.11 to 3304.27, 49246
~~inclusive,~~ of the Revised Code: 49247

(A) ~~"Handicapped person" or "disabled person"~~ "Person with a 49248
disability" means any person with a physical or mental ~~disability~~ 49249
~~which impairment that~~ is a substantial ~~handicap~~ impediment to 49250
employment ~~and which is of a nature that~~ who can benefit in terms 49251
of an employment outcome from the provision of vocational 49252
rehabilitation services ~~may reasonably be expected to render him~~ 49253
~~fit to engage in a gainful occupation consistent with his~~ 49254
~~capacities and abilities, and any person with a physical or mental~~ 49255
~~disability that constitutes a substantial handicap to employment~~ 49256
~~for whom vocational rehabilitation services are necessary to~~ 49257
~~determine his rehabilitation potential.~~ 49258

(B) "Physical or mental ~~disability~~ impairment" means a 49259
physical or mental condition that materially limits, contributes 49260
to limiting or, if not corrected, will probably result in limiting 49261
a person's activities or functioning. 49262

(C) "Substantial ~~handicap~~ impediment to employment" means a 49263
physical or mental disability that impedes a person's occupational 49264
performance, by preventing ~~his~~ the person's obtaining, retaining, 49265
or preparing for a gainful occupation consistent with ~~his~~ the 49266
person's capacities and abilities. 49267

(D) "Vocational rehabilitation" and "vocational 49268
rehabilitation services" means any activity or service calculated 49269
to enable a ~~handicapped~~ person with a disability or groups of 49270
~~handicapped~~ persons with disabilities to engage in gainful 49271
occupation and includes, but is not limited to, medical and 49272
vocational evaluation, including diagnostic and related services, 49273
vocational counseling, guidance and placement, including follow-up 49274

services, rehabilitation training, including books and other 49275
training materials, physical restoration, recruitment and training 49276
services designed to provide ~~handicapped~~ persons with disabilities 49277
new employment opportunities, maintenance, occupational tools, 49278
equipment, supplies, transportation, services to families of 49279
~~handicapped~~ persons ~~which~~ with disabilities that contribute 49280
substantially to the rehabilitation of these persons, and any 49281
other goods or service necessary to render a ~~handicapped~~ person 49282
with a disability employable. 49283

(E) "Establishment of a rehabilitation facility" means the 49284
expansion, remodeling, or alteration of an existing building, 49285
~~which that~~ is necessary to adapt or to increase the effectiveness 49286
of that building for rehabilitation facility purposes, the 49287
acquisition of equipment for these purposes, and the initial 49288
staffing. 49289

(F) "Construction" means the construction of new buildings, 49290
acquisition of land or existing buildings and their expansion, 49291
remodeling, alteration and renovation, and the initial staffing 49292
and equipment of any new, newly acquired, expanded, remodeled, 49293
altered, or renovated buildings. 49294

(G) "Physical restoration services" means those services 49295
~~which that~~ are necessary to correct or substantially modify within 49296
a reasonable period of time a physical or mental condition ~~which~~ 49297
that is stable or slowly progressive. 49298

(H) "Occupational license" means any license, permit, or 49299
other written authority required by any governmental unit in order 49300
to engage in any occupation or business. 49301

(I) "Maintenance" means money payments to ~~disabled~~ persons 49302
with disabilities who need financial assistance for their 49303
subsistence during their vocational rehabilitation. 49304

Sec. 3304.12. (A) The governor, with the advice and consent 49305
of the senate, shall appoint ~~a rehabilitation services~~ the 49306
opportunities for Ohioans with disabilities commission within the 49307
opportunities for Ohioans with disabilities agency consisting of 49308
seven members, no more than four of whom shall be members of the 49309
same political party and who shall include at least three from 49310
rehabilitation professions, including at least one member from the 49311
field of services to the blind, and at least four ~~handicapped~~ 49312
individuals with disabilities, no less than two nor more than 49313
three of whom have received vocational rehabilitation services 49314
offered by a state vocational rehabilitation agency or the 49315
veterans' administration. ~~Such handicapped~~ The members with 49316
disabilities shall be representative of several major categories 49317
of ~~handicapped~~ persons with disabilities served by the ~~commission~~ 49318
opportunities for Ohioans with disabilities agency. 49319

(B) ~~Of the members first appointed to the commission, one~~ 49320
~~shall be appointed for a term of seven years, one for a term of~~ 49321
~~six years, one for a term of five years, one for a term of four~~ 49322
~~years, one for a term of three years, one for a term of two years,~~ 49323
~~and one for a term of one year. Thereafter, terms~~ Terms of office 49324
shall be for seven years, commencing on the ninth day of September 49325
and ending on the eighth day of September, with no person eligible 49326
to serve more than two seven-year terms. Each member shall hold 49327
office from the date of ~~his~~ appointment until the end of the term 49328
for which ~~he~~ the member was appointed. Any member appointed to 49329
fill a vacancy occurring prior to the expiration of the term for 49330
which ~~his~~ the member's predecessor was appointed shall hold office 49331
for the remainder of ~~such~~ that term. Any member shall continue in 49332
office subsequent to the expiration date of ~~his~~ the member's term 49333
until ~~his~~ a successor takes office, or until a period of sixty 49334
days has elapsed, whichever occurs first. ~~Members appointed to the~~ 49335
~~commission after September 1, 1977, shall be handicapped~~ 49336

~~individuals representing those who have received vocational 49337
rehabilitation services offered by a state vocational 49338
rehabilitaion agency or the veterans' administration until the 49339
commission membership includes at least four such individuals. 49340~~
Members who fail to perform their duties or who are guilty of 49341
misconduct may be removed on written charges preferred by the 49342
governor or by a majority of the commission. 49343

(C) Members of the commission shall be reimbursed for travel 49344
and necessary expenses incurred in the conduct of their duties, 49345
and shall receive an amount fixed pursuant to division (J) of 49346
section 124.15 of the Revised Code while actually engaged in 49347
attendance at meetings or in the performance of their duties. 49348

Sec. 3304.13. The ~~rehabilitation services commission~~ 49349
opportunities for Ohioans with disabilities commission shall hold 49350
its first meeting at the call of the governor, and at that 49351
meeting, shall elect one of its members as ~~chairman~~ chairperson 49352
and adopt rules governing the time and place of regular meetings, 49353
which shall be held not less than once every four months. Special 49354
meetings shall be held at the call of the ~~chairman~~ chairperson or 49355
any three members of the commission. The ~~chairman~~ chairperson 49356
shall serve for four years, unless removed earlier by a majority 49357
vote of the commission, and shall be ineligible to serve as 49358
~~chairman~~ chairperson during the succeeding four years. Each member 49359
of the commission, before entering upon the duties of office, 49360
shall take and subscribe an oath to uphold the constitution and 49361
laws of the United States and this state and to perform the duties 49362
of office honestly, faithfully, and impartially. Each member shall 49363
give a bond of five thousand dollars, with a sufficient surety 49364
approved by the treasurer of state. After approval, the bond shall 49365
be filed with the secretary of state. If the bond is executed by a 49366
surety company, the premiums on it shall be paid from the funds 49367
appropriated for the expenses of the ~~rehabilitation services~~ 49368

~~commission opportunities for Ohioans with disabilities agency.~~ 49369

~~Sec. 3304.16~~ 3304.14. ~~In carrying out~~ For the purposes of 49370
sections 3304.11 to 3304.27 of the Revised Code, the 49371
~~rehabilitation services commission opportunities for Ohioans with~~ 49372
~~disabilities commission shall approve the state vocational~~ 49373
~~rehabilitation plan, jointly approve the state plan for~~ 49374
~~independent living with the Ohio state independent living council,~~ 49375
~~appoint a consumer advisory committee, and, to the extent~~ 49376
~~feasible, conduct a review and analysis of the effectiveness of~~ 49377
~~and consumer satisfaction with all of the following:~~ 49378

(A) ~~Shall develop all necessary rules~~ The functions performed 49379
~~by the opportunities for Ohioans with disabilities agency;~~ 49380

(B) ~~Shall prepare and submit to the governor annual reports~~ 49381
~~of activities and expenditures and, prior to each first regular~~ 49382
~~session of the general assembly, an estimate of sums required to~~ 49383
~~carry out the commission's responsibilities~~ The vocational 49384
~~rehabilitation services provided by state agencies and other~~ 49385
~~public and private entities responsible for providing vocational~~ 49386
~~rehabilitation services to persons with disabilities under the~~ 49387
~~"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as~~ 49388
~~amended;~~ 49389

(C) ~~Shall certify any disbursement of funds available to the~~ 49390
~~commission for vocational rehabilitation activities;~~ 49391

(D) ~~Shall serve as the sole state agency designated to~~ 49392
~~administer the plan under the "Rehabilitation Act of 1973," 87~~ 49393
~~Stat. 355, 29 U.S.C. 701, as amended;~~ 49394

(E) ~~Shall take appropriate action to guarantee rights of and~~ 49395
~~services to handicapped persons;~~ 49396

(F) ~~Shall consult with and advise other state agencies to~~ 49397
~~assist them in meeting the needs of handicapped persons more~~ 49398

~~effectively and to achieve maximum coordination among programs for
the handicapped;~~ 49399
49400

~~(G) Shall establish an administrative division of consumer
affairs and advocacy within the commission to promote and help
guarantee the rights of handicapped persons;~~ 49401
49402
49403

~~(H) Shall maintain an inventory of state services that are
available to handicapped persons;~~ 49404
49405

~~(I) Shall utilize, support, assist, and cooperate with the
governor's committee on employment of the handicapped;~~ 49406
49407

~~(J) May delegate to any officer or employee of the commission
any necessary powers and duties, except that the commission shall
delegate to the administrator of the commission, as provided in
section 3304.14 of the Revised Code, the power and duty to
administer the daily operation and provision of vocational
rehabilitation services;~~ 49408
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~~(K) May take any other necessary or appropriate action for
cooperation with public and private agencies and organizations
which may include:~~ 49414
49415
49416

~~(1) Reciprocal agreements with other states to provide for
the vocational rehabilitation of individuals within the states
concerned;~~ 49417
49418
49419

~~(2) Contracts or other arrangements with public and other
nonprofit agencies and organizations for the construction or
establishment and operation of vocational rehabilitation programs
and facilities;~~ 49420
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~~(3) Cooperative arrangements with the federal government for
carrying out sections 3304.11 to 3304.27 of the Revised Code, the
"Vocational Rehabilitation Act," 41 Stat. 735 (1920), 29 U.S.C.
31, as amended, or other federal statutes pertaining to vocational
rehabilitation, and to this end, may adopt plans and methods of~~ 49424
49425
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~~administration found necessary by the federal government for the 49429
efficient operation of any joint arrangements or the efficient 49430
application of any federal statutes; 49431~~

~~(4) Upon the designation of the governor, performing 49432
functions and services for the federal government relating to 49433
individuals under a physical or mental disability. 49434~~

~~(L) May take any appropriate action necessary to obtain 49435
federal funds in the maximum amount and most advantageous 49436
proportion possible; 49437~~

~~(M) May conduct research and demonstration projects, 49438
including inquiries concerning the causes of blindness and its 49439
prevention, provide training and instruction, including the 49440
establishment and maintenance of research fellowships and 49441
traineeships along with all necessary stipends and allowances, 49442
disseminate information, and provide technical assistance relating 49443
to vocational rehabilitation; 49444~~

~~(N) May plan, establish, and operate programs, facilities, 49445
and services relating to vocational rehabilitation; 49446~~

~~(O) May accept and hold, invest, reinvest, or otherwise use 49447
gifts made for the purpose of furthering vocational 49448
rehabilitation; 49449~~

~~(P) May ameliorate the condition of the aged blind or other 49450
severely disabled individuals by establishing a program of home 49451
visitation by commission employees for the purpose of instruction; 49452~~

~~(Q) May establish and manage small business enterprises that 49453
are operated by persons with a substantial handicap to employment, 49454
including blind persons; 49455~~

~~(R) May purchase from insurance companies licensed to do 49456
business in this state any insurance deemed necessary by the 49457
commission for the efficient operation of a suitable vending 49458~~

facility as defined in division (A) of section 3304.28 of the Revised Code; 49459
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~~(S) May accept directly from any state agency, and any state agency may transfer directly to the commission, surplus computers and computer equipment to be used for any purposes the commission considers appropriate, notwithstanding sections 125.12 to 125.14 of the Revised Code~~ 49461
The employment outcomes achieved by eligible individuals receiving services under sections 3304.11 to 3304.27 of the Revised Code, including the availability of health and other employment benefits in connection with those employment outcomes. 49462
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Sec. ~~3304.14~~ 3304.15. (A) There is hereby created the opportunities for Ohioans with disabilities agency. The agency is the designated state unit authorized under the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as amended, to provide vocational rehabilitation to eligible persons with disabilities. 49470
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(B) The governor shall appoint an ~~administrator~~ executive director of the ~~rehabilitation services commission~~ opportunities for Ohioans with disabilities agency to serve at the pleasure of the governor and shall fix the ~~administrator's~~ executive director's compensation. The ~~administrator~~ executive director shall devote the ~~administrator's~~ executive director's entire time to the duties of the ~~administrator's~~ executive director's office, shall hold no other office or position of trust and profit, and shall engage in no other business during the ~~administrator's~~ executive director's term of office. The governor may grant the ~~administrator~~ executive director the authority to appoint, remove, and discipline without regard to sex, race, creed, color, age, or national origin, such other professional, administrative, and clerical staff members as are necessary to carry out the functions and duties of the ~~commission~~ agency. 49475
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(B)(1) The executive director of the opportunities for Ohioans with disabilities agency is the executive and administrative officer of the agency. Whenever the Revised Code imposes a duty on or requires an action of the agency, the executive director shall perform the duty or action on behalf of the agency. The executive director may establish procedures for all of the following:

- (1) The governance of the agency;
- (2) The conduct of agency employees and officers;
- (3) The performance of agency business;
- (4) The custody, use, and preservation of agency records, papers, books, documents, and property.

(C) The ~~administrator~~ executive director shall have exclusive authority to administer the daily operation and provision of vocational rehabilitation services under this chapter. In exercising that authority, the executive director may do all of the following:

- (1) Adopt rules in accordance with Chapter 119. of the Revised Code;
- (2) Prepare and submit an annual report to the governor;
- (3) Certify any disbursement of funds available to the agency for vocational rehabilitation activities;
- (4) Take appropriate action to guarantee rights of services to people with disabilities;
- (5) Consult with and advise other state agencies and coordinate programs for persons with disabilities;
- (6) Comply with the requirements for match as part of budget submission;
- (7) Establish research and demonstration projects;

(8) Accept, hold, invest, reinvest, or otherwise use gifts to 49519
further vocational rehabilitation; 49520

(9) For the purposes of the business enterprise program 49521
administered under sections 3304.28 to 3304.35 of the Revised 49522
Code: 49523

(a) Establish and manage small business entities owned or 49524
operated by visually impaired persons; 49525

(b) Purchase insurance; 49526

(c) Accept computers. 49527

(10) Enter into contracts and other agreements for the 49528
provision of services. 49529

~~(2)(D)~~ The administrator executive director shall establish a 49530
fee schedule for vocational rehabilitation services in accordance 49531
with 34 C.F.R. 361.50. 49532

Sec. 3304.15 3304.16. ~~The rehabilitation services commission~~ 49533
executive director of the opportunities for Ohioans with 49534
disabilities agency shall establish administrative subdivisions 49535
~~under its control~~ as ~~it determines~~ necessary or appropriate to 49536
carry out ~~its~~ the agency's functions and duties, but there shall 49537
be a bureau of services for the visually impaired and a bureau of 49538
vocational rehabilitation, each of which has as its head a deputy 49539
director appointed by the ~~administrator, subject to commission~~ 49540
~~approval~~ executive director. The ~~commission executive director~~ 49541
shall prescribe the budgets for the government of each division, 49542
and rules for the conduct of its employees, the performance of its 49543
business, and the custody, use, and preservation of the records, 49544
papers, books, documents, and property pertaining thereto. 49545

Sec. 3304.17. ~~The rehabilitation services commission~~ 49546
opportunities for Ohioans with disabilities agency shall provide 49547

vocational rehabilitation services to all eligible ~~handicapped~~ 49548
persons with disabilities, including any ~~handicapped~~ person with a 49549
disability who is eligible under the terms of an agreement or 49550
arrangement with another state or with the federal government. 49551

Sec. 3304.18. The treasurer of state shall be the custodian 49552
of all moneys received from the federal government for vocational 49553
rehabilitation programs and shall disburse the money upon the 49554
certification of the ~~rehabilitation services commission~~ executive 49555
director of the opportunities for Ohioans with disabilities 49556
agency. If federal funds are not available to the state for 49557
vocational rehabilitation purposes, the governor shall include as 49558
part of ~~his~~ the governor's biennial budget request to the general 49559
assembly a request for funds sufficient to support the activities 49560
of the ~~commission~~ agency. 49561

Sec. 3304.181. If the total of all funds available from 49562
nonfederal sources to support the activities of the ~~rehabilitation~~ 49563
~~services commission~~ opportunities for Ohioans with disabilities 49564
agency does not comply with the expenditure requirements of 34 49565
C.F.R. 361.60 and 361.62 for those activities or would cause the 49566
state to lose an allotment or fail to receive a reallotment under 49567
34 C.F.R. 361.65, the ~~commission~~ agency may solicit additional 49568
funds from, and enter into agreements for the use of those funds 49569
with, private or public entities, including local government 49570
entities of this state. The ~~commission~~ agency may continue to 49571
solicit additional funds and enter into agreements until the total 49572
funding available is sufficient for the ~~commission~~ agency to 49573
receive federal funds at the maximum amount and in the most 49574
advantageous proportion possible. 49575

Any agreement entered into between the ~~commission~~ agency and 49576
a private or public entity to provide funds under this section 49577
shall be in accordance with 34 C.F.R. 361.28 and section 3304.182 49578

of the Revised Code. 49579

Sec. 3304.182. Any agreement between the ~~rehabilitation~~ 49580
~~services commission~~ opportunities for Ohioans with disabilities 49581
agency and a private or public entity providing funds under 49582
section 3304.181 of the Revised Code may permit the ~~commission~~ 49583
agency to receive a specified percentage of the funds, but the 49584
percentage shall be not more than twenty-five per cent of the 49585
total funds available under the agreement. The ~~commission~~ agency 49586
may terminate an agreement at any time for just cause. It may 49587
terminate an agreement for any other reason by giving at least 49588
thirty days' notice to the public or private entity. 49589

Any services provided under an agreement entered into under 49590
section 3304.181 of the Revised Code shall be provided by a person 49591
or government entity that meets the accreditation standards 49592
established in rules adopted by the ~~commission~~ agency under 49593
section ~~3304.16~~ 3304.15 of the Revised Code. 49594

Sec. 3304.19. The right of a ~~handicapped~~ person with a 49595
disability to living maintenance under sections 3304.11 to 49596
3304.27, ~~inclusive~~, of the Revised Code, is not transferable or 49597
assignable at law or in equity, and none of the money paid or 49598
payable or rights existing under this ~~act~~ chapter are subject to 49599
execution, levy, attachment, garnishment, or other legal process, 49600
or to the operation of any bankruptcy or insolvency law. 49601

Sec. 3304.20. Any person applying for or receiving vocational 49602
rehabilitation services who is dissatisfied with regard to the 49603
furnishing or denial of services, may file a request for an 49604
administrative review and redetermination of that action in 49605
accordance with rules of the ~~rehabilitation services commission~~ 49606
opportunities for Ohioans with disabilities agency. When the 49607
person is dissatisfied with the finding of this administrative 49608

review, ~~he~~ the person is entitled, in accordance with ~~commission~~ 49609
agency rules and in accordance with Chapter 119. of the Revised 49610
Code, to a fair hearing before the ~~administrator~~ executive 49611
director of the ~~rehabilitation services commission~~ agency. 49612

Sec. 3304.21. No person shall, except for the purposes of 49613
sections 3304.11 to 3304.27, ~~inclusive,~~ of the Revised Code, and 49614
in accordance with the rules established by the ~~rehabilitation~~ 49615
~~services commission~~ opportunities for Ohioans with disabilities 49616
agency, solicit, disclose, receive, make use of, authorize, 49617
knowingly permit, participate in, or acquiesce in the use of any 49618
list of names or information concerning persons applying for or 49619
receiving any services from the ~~commission~~ agency, which 49620
information is directly or indirectly derived from the records of 49621
the agency or is acquired in the performance of the person's 49622
official duties. 49623

Sec. 3304.22. No officer or employee of the ~~rehabilitation~~ 49624
~~services~~ opportunities for Ohioans with disabilities commission, 49625
the opportunities for Ohioans with disabilities agency, or any 49626
person engaged in the administration of a vocational 49627
rehabilitation program sponsored by or affiliated with the state 49628
shall use or permit the use of any vocational rehabilitation 49629
program for the purpose of interfering with an election for any 49630
partisan political purpose; solicit or receive money for a 49631
partisan political purpose; or require any other person to 49632
contribute any service or money for a partisan political purpose. 49633
Whoever violates this section shall be removed from ~~his~~ the 49634
officer's or employee's office or employment. 49635

Sec. 3304.25. The members of the ~~bureau~~ consumer advisory 49636
~~committees~~ committee appointed under section 3304.14 of the 49637
Revised Code shall receive no compensation for their services 49638

except their actual and necessary traveling and other expenses 49639
incurred in the performance of their official duties, which shall 49640
first be approved by the ~~administrator~~ executive director of the 49641
~~rehabilitation services commission~~ opportunities for Ohioans with 49642
disabilities agency. 49643

Sec. 3304.27. All vocational rehabilitation services made 49644
available under sections 3304.11 to 3304.27, ~~inclusive,~~ of the 49645
Revised Code, are made available subject to amendment or repeal of 49646
~~those~~ sections 3304.11 to 3304.27, ~~inclusive,~~ of the Revised Code, 49647
and no ~~disabled~~ person with a disability shall have any claim by 49648
reason of ~~his~~ the person's vocational rehabilitation being 49649
affected in any way by such an amendment or repeal. 49650

Sec. 3304.28. As used in sections 3304.28 to 3304.34 of the 49651
Revised Code: 49652

(A) "Suitable vending facility" means automatic vending 49653
machines, cafeterias, snack bars, cart service shelters, counters, 49654
and other appropriate auxiliary food service equipment determined 49655
to be necessary by the bureau of services for the visually 49656
impaired for the automatic or manual dispensing of foods, 49657
beverages, and other such commodities for sale by persons, no 49658
fewer than one-half of whom are blind, under the supervision of a 49659
licensed blind vendor or an employee of the ~~commission~~ 49660
opportunities for Ohioans with disabilities agency. 49661

(B) "Blind" means either of the following: 49662

(1) Vision twenty/two hundred or less in the better eye with 49663
proper correction; 49664

(2) Field defect in the better eye with proper correction 49665
~~which~~ that contracts the peripheral field so that the diameter of 49666
the visual field subtends an angle no greater than twenty degrees. 49667

(C) "Governmental property" means any real property, 49668

building, or facility owned, leased, or rented by the state or any 49669
board, commission, department, division, or other unit or agency 49670
thereof, but does not include any institution under the management 49671
of the department of rehabilitation and correction pursuant to 49672
section 5120.05 of the Revised Code, or under the management of 49673
the department of youth services created pursuant to section 49674
5139.01 of the Revised Code. 49675

Sec. 3304.41. The ~~rehabilitation services commission~~ 49676
opportunities for Ohioans with disabilities agency shall establish 49677
and administer a program for the use of funds appropriated for 49678
that purpose to provide personal care assistance to enable 49679
eligible severely physically disabled persons to live 49680
independently or work, shall adopt rules in accordance with 49681
Chapter 119. of the Revised Code as necessary to carry out the 49682
purposes of this section, and shall apply to the controlling board 49683
for the release of the funds. 49684

Sec. 3305.03. (A) The Ohio board of regents shall designate 49685
the entities that are eligible to provide investment options under 49686
alternative retirement plans maintained by public institutions of 49687
higher education. The board shall accept and review applications 49688
from entities seeking designation as a vendor. The board shall not 49689
designate an entity as a vendor unless the entity meets the 49690
requirements described in division (B) of this section. 49691

(B) To be eligible for designation as a vendor, an entity 49692
must meet both of the following requirements: 49693

(1) The entity must be authorized to conduct business in this 49694
state with regard to the investment options to be offered under an 49695
alternative retirement plan maintained by a public institution of 49696
higher education. 49697

(2) The entity must ~~offer~~ meet one of the following 49698

<u>requirements:</u>	49699
<u>(a) Have provided investment options for not less than ten</u>	49700
<u>years under alternative retirement plans maintained by public</u>	49701
<u>institutions of higher education in this state;</u>	49702
<u>(b) Offer</u> the same or similar investment options under	49703
alternative retirement plans, optional retirement plans, or	49704
similar types of plans with respect to which all of the following	49705
apply:	49706
(a) <u>(i)</u> The plans are defined contribution plans that are	49707
qualified plans under Internal Revenue Code 401(a) or 403(b).	49708
(b) <u>(ii)</u> The plans are maintained by institutions of higher	49709
education in at least ten other states.	49710
(c) <u>(iii)</u> The plans are established as primary retirement	49711
plans that are alternatives to or a component of the applicable	49712
state retirement system.	49713
(C) In determining whether to designate an entity as a	49714
vendor, the board of regents shall identify, consider, and	49715
evaluate all of the following:	49716
(1) The experience of the entity in providing in <u>this state</u>	49717
<u>or</u> other states investment options under alternative retirement	49718
plans, optional retirement plans, or similar types of plans that	49719
meet the requirements of division (B)(2) <u>(a) or (b)</u> of this	49720
section, <u>as applicable;</u>	49721
(2) The potential effectiveness of the entity in recruiting	49722
eligible employees to select that entity for purposes of	49723
participating in an alternative retirement plan and in retaining	49724
those employees' accounts;	49725
(3) Whether the entity intends to offer a broad range of	49726
investment options to the electing employees;	49727
(4) The suitability of the investment options to the needs	49728

and interests of the electing employees and their beneficiaries;	49729
(5) The capability of the entity to offer sufficient	49730
information to the electing employees and their beneficiaries to	49731
make informed decisions with regard to investment options offered	49732
by the entity;	49733
(6) The capability of the entity to perform in a manner that	49734
is in the best interests of the electing employees and their	49735
beneficiaries;	49736
(7) The fees and expenses associated with the entity's	49737
investment options and the manner in which the entity intends to	49738
disclose those fees and expenses;	49739
(8) The rights and benefits to be provided under the	49740
investment options;	49741
(9) The capability of the entity to provide the rights and	49742
benefits under the investment options;	49743
(10) Comments submitted by a public institution of higher	49744
education under section 3305.031 of the Revised Code;	49745
(11) Any other matters the board of regents considers	49746
relevant.	49747
(D) The board of regents shall conduct periodic reviews of	49748
each entity designated as a vendor and the investment options	49749
being offered to ensure that the requirements and purposes of this	49750
chapter are being met. The reviews of a vendor shall occur not	49751
less frequently than once every three years.	49752
If it finds that the vendor is not in compliance with the	49753
requirements of this chapter or the vendor is not satisfactorily	49754
meeting the purposes of this chapter, the board shall rescind the	49755
vendor's designation.	49756
(E) Notwithstanding sections 125.01 to 125.11 of the Revised	49757
Code, designation of a vendor or the execution of any agreement	49758

under this chapter is not subject to competitive bidding under 49759
those sections. 49760

Sec. 3307.51. (A) The state teachers retirement board shall 49761
have prepared annually by or under the supervision of an actuary 49762
an actuarial valuation of the pension assets, liabilities, and 49763
funding requirements of the STRS defined benefit plan. The actuary 49764
shall complete the valuation in accordance with actuarial 49765
standards of practice promulgated by the actuarial standards board 49766
of the American academy of actuaries and prepare a report of the 49767
valuation. The report shall include all of the following: 49768

(1) A summary of the benefit provisions evaluated; 49769

(2) A summary of the census data and financial information 49770
used in the valuation; 49771

(3) A description of the actuarial assumptions, actuarial 49772
cost method, and asset valuation method used in the valuation, 49773
including a statement of the assumed rate of payroll growth and 49774
assumed rate of growth or decline in the number of members 49775
contributing to the retirement system; 49776

(4) A summary of findings that includes a statement of the 49777
actuarial accrued pension liabilities and unfunded actuarial 49778
accrued pension liabilities; 49779

(5) A schedule showing the effect of any changes in the 49780
benefit provisions, actuarial assumptions, or cost methods since 49781
the last annual actuarial valuation; 49782

(6) A statement of whether contributions to the retirement 49783
system are expected to be sufficient to satisfy the funding 49784
objectives established by the board. 49785

The board shall submit the report to the Ohio retirement 49786
study council, the director of budget and management, and the 49787
standing committees of the house of representatives and the senate 49788

with primary responsibility for retirement legislation immediately 49789
upon its availability and not later than the first day of January 49790
following the year for which the valuation was made. 49791

(B) At such times as the state teachers retirement board 49792
determines, and at least once in each quinquennial period, the 49793
board shall have prepared by or under the supervision of an 49794
actuary an actuarial investigation of the mortality, service, and 49795
other experience of the members, retirants, and beneficiaries of 49796
the system, and other system retirants as defined in section 49797
3307.35 of the Revised Code to update the actuarial assumptions 49798
used in the actuarial valuation required by division (A) of this 49799
section. The actuary shall prepare a report of the actuarial 49800
investigation. The report shall be prepared and any recommended 49801
changes in actuarial assumptions shall be made in accordance with 49802
the actuarial standards of practice promulgated by the actuarial 49803
standards board of the American academy of actuaries. The report 49804
shall include all of the following: 49805

(1) A summary of relevant decrement and economic assumption 49806
experience observed over the period of the investigation; 49807

(2) Recommended changes in actuarial assumptions to be used 49808
in subsequent actuarial valuations required by division (A) of 49809
this section; 49810

(3) A measurement of the financial effect of the recommended 49811
changes in actuarial assumptions. 49812

The board shall submit the report to the Ohio retirement 49813
study council and the standing committees of the house of 49814
representatives and the senate with primary responsibility for 49815
retirement legislation not later than the first day of May 49816
following the last fiscal year of the period the report covers. 49817

(C) The board may at any time request the actuary to make any 49818
other studies or actuarial valuations to determine the adequacy of 49819

the normal and deficiency rates of contribution provided by 49820
section 3307.28 of the Revised Code, and those rates may be 49821
adjusted by the board, as recommended by the actuary, effective as 49822
of the first of any year thereafter. 49823

(D) The board shall have prepared by or under the supervision 49824
of an actuary an actuarial analysis of any introduced legislation 49825
expected to have a measurable financial impact on the retirement 49826
system. The actuarial analysis shall be completed in accordance 49827
with the actuarial standards of practice promulgated by the 49828
actuarial standards board of the American academy of actuaries. 49829
The actuary shall prepare a report of the actuarial analysis, 49830
which shall include all of the following: 49831

(1) A summary of the statutory changes that are being 49832
evaluated; 49833

(2) A description of or reference to the actuarial 49834
assumptions and actuarial cost method used in the report; 49835

(3) A description of the participant group or groups included 49836
in the report; 49837

(4) A statement of the financial impact of the legislation, 49838
including the resulting increase, if any, in the employer normal 49839
cost percentage; the increase, if any, in actuarial accrued 49840
liabilities; and the per cent of payroll that would be required to 49841
amortize the increase in actuarial accrued liabilities as a level 49842
per cent of covered payroll for all active members over a period 49843
not to exceed thirty years; 49844

(5) A statement of whether the scheduled contributions to the 49845
system after the proposed change is enacted are expected to be 49846
sufficient to satisfy the funding objectives established by the 49847
board. 49848

Not later than sixty days from the date of introduction of 49849
the legislation, the board shall submit a copy of the actuarial 49850

analysis to the legislative service commission, the standing 49851
committees of the house of representatives and the senate with 49852
primary responsibility for retirement legislation, and the Ohio 49853
retirement study council. 49854

(E) The board shall have prepared annually a report giving a 49855
full accounting of the revenues and costs relating to the 49856
provision of benefits under section 3307.39 of the Revised Code. 49857
The report shall be made as of June 30, 1997, and the thirtieth 49858
day of June of each year thereafter. The report shall include the 49859
following: 49860

(1) A description of the statutory authority for the benefits 49861
provided; 49862

(2) A summary of the benefits; 49863

(3) A summary of the eligibility requirements for the 49864
benefits; 49865

(4) A statement of the number of participants eligible for 49866
the benefits; 49867

(5) A description of the accounting, asset valuation, and 49868
funding method used to provide the benefits; 49869

(6) A statement of the net assets available for the 49870
provisions of benefits as of the last day of the fiscal year; 49871

(7) A statement of any changes in the net assets available 49872
for the provision of benefits, including participant and employer 49873
contributions, net investment income, administrative expenses, and 49874
benefits provided to participants, as of the last day of the 49875
fiscal year; 49876

(8) For the last six consecutive fiscal years, a schedule of 49877
the net assets available for the benefits, the annual cost of 49878
benefits, administrative expenses incurred, and annual employer 49879
contributions allocated for the provision of benefits; 49880

(9) A description of any significant changes that affect the comparability of the report required under this division;

(10) A statement of the amount paid under division (B) of section 3307.39 of the Revised Code.

The board shall submit the report to the Ohio retirement study council, the director of budget and management, and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation immediately upon its availability and not later than the thirty-first day of December following the year for which the report was made.

Sec. 3309.21. (A) The school employees retirement board shall have prepared annually by or under the supervision of an actuary an actuarial valuation of the pension assets, liabilities, and funding requirements of the school employees retirement system as established pursuant to this chapter. The actuary shall complete the valuation in accordance with actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries and prepare a report of the valuation. The report shall include all of the following:

(1) A summary of the benefit provisions evaluated;

(2) A summary of the census data and financial information used in the valuation;

(3) A description of the actuarial assumptions, actuarial cost method, and asset valuation method used in the valuation, including a statement of the assumed rate of payroll growth and assumed rate of growth or decline in the number of members contributing to the retirement system;

(4) A summary of findings that includes a statement of the actuarial accrued pension liabilities and unfunded actuarial accrued pension liabilities;

(5) A schedule showing the effect of any changes in the benefit provisions, actuarial assumptions, or cost methods since the last annual actuarial valuation;

(6) A statement of whether contributions to the retirement system are expected to be sufficient to satisfy the funding objectives established by the board.

The board shall submit the report to the Ohio retirement study council, the director of budget and management, and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation immediately upon its availability and not later than the first day of May following the year for which the valuation was made.

(B) At such times as the school employees retirement board determines, and at least once in each quinquennial period, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the mortality, service, and other experience of the members, retirants, and beneficiaries of the retirement system, and SERS retirants and other system retirants as defined in section 3309.341 of the Revised Code to update the actuarial assumptions used in the actuarial valuation required by division (A) of this section. The actuary shall prepare a report of the actuarial investigation. The report shall be prepared and any recommended changes in actuarial assumptions shall be made in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The report shall include all of the following:

(1) A summary of relevant decrement and economic assumption experience observed over the period of the investigation;

(2) Recommended changes in actuarial assumptions to be used in subsequent actuarial valuations required by division (A) of

this section; 49942

(3) A measurement of the financial effect of the recommended 49943
changes in actuarial assumptions. 49944

The board shall submit the report to the Ohio retirement 49945
study council and the standing committees of the house of 49946
representatives and the senate with primary responsibility for 49947
retirement legislation not later than the first day of May 49948
following the last fiscal year of the period the report covers. 49949

(C) The board may at any time request the actuary to make any 49950
studies or actuarial valuations to determine the adequacy of the 49951
rates of contribution as provided by section 3309.49 of the 49952
Revised Code, and those rates may be adjusted by the board, as 49953
recommended by the actuary, effective as of the first of any year 49954
thereafter. 49955

(D) The board shall have prepared by or under the supervision 49956
of an actuary an actuarial analysis of any introduced legislation 49957
expected to have a measurable financial impact on the retirement 49958
system. The actuarial analysis shall be completed in accordance 49959
with the actuarial standards of practice promulgated by the 49960
actuarial standards board of the American academy of actuaries. 49961
The actuary shall prepare a report of the actuarial analysis, 49962
which shall include all of the following: 49963

(1) A summary of the statutory changes that are being 49964
evaluated; 49965

(2) A description of or reference to the actuarial 49966
assumptions and actuarial cost method used in the report; 49967

(3) A description of the participant group or groups included 49968
in the report; 49969

(4) A statement of the financial impact of the legislation, 49970
including the resulting increase, if any, in the employer normal 49971

cost percentage; the increase, if any, in actuarial accrued liabilities; and the per cent of payroll that would be required to amortize the increase in actuarial accrued liabilities as a level per cent of covered payroll for all active members over a period not to exceed thirty years;

(5) A statement of whether the scheduled contributions to the system after the proposed change is enacted are expected to be sufficient to satisfy the funding objectives established by the board.

Not later than sixty days from the date of introduction of the legislation, the board shall submit a copy of the actuarial analysis to the legislative service commission, the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation, and the Ohio retirement study council.

(E) The board shall have prepared annually a report giving a full accounting of the revenues and costs relating to the provision of benefits under sections 3309.375 and 3309.69 of the Revised Code. The report shall be made as of June 30, 1997, and the thirtieth day of June of each year thereafter. The report shall include the following:

(1) A description of the statutory authority for the benefits provided;

(2) A summary of the benefits;

(3) A summary of the eligibility requirements for the benefits;

(4) A statement of the number of participants eligible for the benefits;

(5) A description of the accounting, asset valuation, and funding method used to provide the benefits;

(6) A statement of the net assets available for the provision of the benefits as of the last day of the fiscal year;	50002 50003
(7) A statement of any changes in the net assets available for the provision of benefits, including participant and employer contributions, net investment income, administrative expenses, and benefits provided to participants, as of the last day of the fiscal year;	50004 50005 50006 50007 50008
(8) For the last six consecutive fiscal years, a schedule of the net assets available for the benefits, the annual cost of benefits, administrative expenses incurred, and annual employer contributions allocated for the provision of benefits;	50009 50010 50011 50012
(9) A description of any significant changes that affect the comparability of the report required under this division;	50013 50014
(10) A statement of the amount paid under division (E) of section 3309.69 of the Revised Code.	50015 50016
The board shall submit the report to the Ohio retirement study council, <u>the director of budget and management</u> , and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation <u>immediately upon its availability and</u> not later than the thirty-first day of December following the year for which the report was made.	50017 50018 50019 50020 50021 50022
Sec. 3310.01. As used in sections 3310.01 to 3310.17 of the Revised Code:	50023 50024
(A) "Chartered nonpublic school" means a nonpublic school that holds a valid charter issued by the state board of education under section 3301.16 of the Revised Code and meets the standards established for such schools in rules adopted by the state board.	50025 50026 50027 50028
(B) An "eligible student" is a student who satisfies the conditions specified in section 3310.03 <u>or 3310.032</u> of the Revised Code.	50029 50030 50031

(C) "Parent" has the same meaning as in section 3313.98 of the Revised Code. 50032
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(D) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 50034
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(E) "School year" has the same meaning as in section 3313.62 of the Revised Code. 50037
50038

Sec. 3310.02. (A) The educational choice scholarship pilot program is hereby established. Under the program, the department of education annually shall pay scholarships to attend chartered nonpublic schools in accordance with section 3310.08 of the Revised Code for up to the following number of eligible students: 50039
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(1) Thirty thousand in the 2011-2012 school year; 50044

(2) Sixty thousand in the 2012-2013 school year and thereafter. 50045
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(B) If the number of students who apply for a scholarship exceeds the number of scholarships available under division (A) of this section for the applicable school year, the department shall award scholarships in the following order of priority: 50047
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(1) First, to eligible students who received scholarships in the prior school year; 50051
50052

(2) Second, to eligible students with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, who qualify under division (A) of section 3310.03 of the Revised Code. If the number of students described in division (B)(2) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under division (B)(1) of this section, the department shall select students described in division (B)(2) of this section by lot to receive any remaining scholarships. 50053
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(3) Third, to other eligible students who qualify under 50062
division (A) of section 3310.03 of the Revised Code. If the number 50063
of students described in division (B)(3) of this section who apply 50064
for a scholarship exceeds the number of available scholarships 50065
after awards are made under divisions (B)(1) and (2) of this 50066
section, the department shall select students described in 50067
division (B)(3) of this section by lot to receive any remaining 50068
scholarships. 50069

(4) Fourth, to eligible students with family incomes at or 50070
below two hundred per cent of the federal poverty guidelines who 50071
qualify under division ~~(B)~~(D) of section 3310.03 of the Revised 50072
Code. If the number of students described in division (B)(4) of 50073
this section who apply for a scholarship exceeds the number of 50074
available scholarships after awards are made under divisions 50075
(B)(1) to (3) of this section, the department shall select 50076
students described in division (B)(4) of this section by lot to 50077
receive any remaining scholarships. 50078

(5) Fifth, to other eligible students who qualify under 50079
division ~~(B)~~(D) of section 3310.03 of the Revised Code. If the 50080
number of students described in division (B)(5) of this section 50081
who apply for a scholarship exceeds the number of available 50082
scholarships after awards are made under divisions (B)(1) to (4) 50083
of this section, the department shall select students described in 50084
division (B)(5) of this section by lot to receive any remaining 50085
scholarships. 50086

(6) Sixth, to eligible students with family incomes at or 50087
below two hundred per cent of the federal poverty guidelines who 50088
qualify under division (B) of section 3310.03 of the Revised Code. 50089
If the number of students described in division (B)(6) of this 50090
section who apply for a scholarship exceeds the number of 50091
available scholarships after awards are made under divisions 50092
(B)(1) to (5) of this section, the department shall select 50093

students described in division (B)(6) of this section by lot to 50094
receive any remaining scholarships. 50095

(7) Seventh, to other eligible students who qualify under 50096
division (B) of section 3310.03 of the Revised Code. If the number 50097
of students described in division (B)(7) of this section who apply 50098
for a scholarship exceeds the number of available scholarships 50099
after awards are made under divisions (B)(1) to (6) of this 50100
section, the department shall select students described in 50101
division (B)(7) of this section by lot to receive any remaining 50102
scholarships. 50103

Sec. 3310.03. A student is an "eligible student" for purposes 50104
of the educational choice scholarship pilot program if the 50105
student's resident district is not a school district in which the 50106
pilot project scholarship program is operating under sections 50107
3313.974 to 3313.979 of the Revised Code and the student satisfies 50108
one of the conditions in division (A), (B), ~~or (C)~~, or (D) of this 50109
section: 50110

(A)(1) The student is enrolled in a school building operated 50111
by the student's resident district that, on the report card issued 50112
under section 3302.03 of the Revised Code published prior to the 50113
first day of July of the school year for which a scholarship is 50114
sought, did not receive a rating as described in division ~~(G)~~(H) 50115
of this section, and to which any or a combination of any of the 50116
following apply for two of the three most recent report cards 50117
published prior to the first day of July of the school year for 50118
which a scholarship is sought: 50119

(a) The building was declared to be in a state of academic 50120
emergency or academic watch under section 3302.03 of the Revised 50121
Code as that section existed prior to ~~the effective date of this~~ 50122
~~amendment~~ March 22, 2013. 50123

(b) The building received a grade of "D" or "F" for the 50124

performance index score under division (A)(1)(b) or (B)(1)(b) of 50125
section 3302.03 of the Revised Code and for the value-added 50126
progress dimension under division (A)(1)(e) or (B)(1)(e) of 50127
section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 50128
school year, or both; or if the building serves only grades ten 50129
through twelve, the building received a grade of "D" or "F" for 50130
the performance index score under division (A)(1)(b) or (B)(1)(b) 50131
of section 3302.03 of the Revised Code and had a four-year 50132
adjusted cohort graduation rate of less than seventy-five per 50133
cent. 50134

(c) The building received an overall grade of "D" or "F" 50135
under division (C)(3) of section 3302.03 of the Revised Code or a 50136
grade of "F" for the value-added progress dimension under division 50137
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 50138
school year or any school year thereafter. 50139

(2) The student is eligible to enroll in kindergarten will be 50140
enrolling in school in this state for the first time in the school 50141
year for which a scholarship is sought, will be at least five 50142
years of age by the first day of January of the school year for 50143
which a scholarship is sought, and otherwise would be assigned 50144
under section 3319.01 of the Revised Code in the school year for 50145
which a scholarship is sought, to a school building described in 50146
division (A)(1) of this section. 50147

(3) The student is enrolled in a community school established 50148
under Chapter 3314. of the Revised Code but otherwise would be 50149
assigned under section 3319.01 of the Revised Code to a building 50150
described in division (A)(1) of this section. 50151

(4) The student is enrolled in a school building operated by 50152
the student's resident district or in a community school 50153
established under Chapter 3314. of the Revised Code and otherwise 50154
would be assigned under section 3319.01 of the Revised Code to a 50155
school building described in division (A)(1) of this section in 50156

the school year for which the scholarship is sought. 50157

(5) The student ~~is eligible to enroll in kindergarten in~~ will 50158
be both enrolling in school in this state for the first time and 50159
at least five years of age by the first day of January of the 50160
school year for which a scholarship is sought, or is enrolled in a 50161
community school established under Chapter 3314. of the Revised 50162
Code, and all of the following apply to the student's resident 50163
district: 50164

(a) The district has in force an intradistrict open 50165
enrollment policy under which no student in ~~kindergarten or the~~ 50166
~~community school~~ student's grade level, ~~respectively,~~ is 50167
automatically assigned to a particular school building; 50168

(b) In the most recent rating published prior to the first 50169
day of July of the school year for which scholarship is sought, 50170
the district did not receive a rating described in division ~~(G)~~(H) 50171
of this section, and in at least two of the three most recent 50172
report cards published prior to the first day of July of that 50173
school year, any or a combination of the following apply to the 50174
district: 50175

(i) The district was declared to be in a state of academic 50176
emergency under section 3302.03 of the Revised Code as it existed 50177
prior to ~~the effective date of this amendment~~ March 22, 2013. 50178

(ii) The district received a grade of "D" or "F" for the 50179
performance index score under division (A)(1)(b) or (B)(1)(b) of 50180
section 3302.03 of the Revised Code and for the value-added 50181
progress dimension under division (A)(1)(e) or (B)(1)(e) of 50182
section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 50183
school year, or both. 50184

(c) The district received an overall grade of "D" or "F" 50185
under division (C)(3) of section 3302.03 of the Revised Code or a 50186
grade of "F" for the value-added progress dimension under division 50187

(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 school year or any school year thereafter. 50188
50189

(B)(1) The student is enrolled in a school building operated by the student's resident district and to which both of the following apply: 50190
50191
50192

(a) The building was ranked, for at least two of the three most recent rankings published under section 3302.21 of the Revised Code prior to the first day of July of the school year for which a scholarship is sought, in the lowest ten per cent of all public school buildings according to performance index score under section 3302.21 of the Revised Code. 50193
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(b) The building was not declared to be excellent or effective, or the equivalent of such ratings as determined by the department of education, under section 3302.03 of the Revised Code in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought. 50199
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(2) The student is eligible to enroll in kindergarten will be enrolling in school in this state for the first time in the school year for which a scholarship is sought, will be at least five years of age, as defined in section 3321.01 of the Revised Code, by the first day of January of the school year for which a scholarship is sought, and otherwise would be assigned under section 3319.01 of the Revised Code in the school year for which a scholarship is sought, to a school building described in division (B)(1) of this section. 50204
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(3) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (B)(1) of this section. 50213
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(4) The student is enrolled in a school building operated by the student's resident district or in a community school 50217
50218

established under Chapter 3314. of the Revised Code and otherwise 50219
would be assigned under section 3319.01 of the Revised Code to a 50220
school building described in division (B)(1) of this section in 50221
the school year for which the scholarship is sought. 50222

(C) The student is enrolled in a nonpublic school at the time 50223
the school is granted a charter by the state board of education 50224
under section 3301.16 of the Revised Code and the student meets 50225
the standards of division (B) of section 3310.031 of the Revised 50226
Code. 50227

(D) For the 2016-2017 school year and each school year 50228
thereafter, the student is in any of grades kindergarten through 50229
three, is enrolled in a school building that is operated by the 50230
student's resident district or will be enrolling in school in this 50231
state for the first time in the school year for which a 50232
scholarship is sought, and to which both of the following apply: 50233

(1) The building, in at least two of the three most recent 50234
ratings of school buildings published prior to the first day of 50235
July of the school year for which a scholarship is sought, 50236
received a grade of "D" or "F" for making progress in improving 50237
literacy in grades kindergarten through three under division 50238
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 50239

(2) The building did not receive a grade of "A" for making 50240
progress in improving literacy in grades kindergarten through 50241
three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of 50242
the Revised Code in the most recent rating published prior to the 50243
first day of July of the school year for which a scholarship is 50244
sought. 50245

(E) A student who receives a scholarship under the 50246
educational choice scholarship pilot program remains an eligible 50247
student and may continue to receive scholarships in subsequent 50248
school years until the student completes grade twelve, so long as 50249

all of the following apply: 50250

(1) The student's resident district remains the same, or the 50251
student transfers to a new resident district and otherwise would 50252
be assigned in the new resident district to a school building 50253
described in division (A)(1) ~~or~~, (B)(1), or (D) of this section; 50254

(2) The student takes each assessment prescribed for the 50255
student's grade level under section 3301.0710 or 3301.0712 of the 50256
Revised Code while enrolled in a chartered nonpublic school; 50257

(3) In each school year that the student is enrolled in a 50258
chartered nonpublic school, the student is absent from school for 50259
not more than twenty days that the school is open for instruction, 50260
not including excused absences. 50261

~~(E)~~(F)(1) The department shall cease awarding first-time 50262
scholarships pursuant to divisions (A)(1) to (4) of this section 50263
with respect to a school building that, in the most recent ratings 50264
of school buildings published under section 3302.03 of the Revised 50265
Code prior to the first day of July of the school year, ceases to 50266
meet the criteria in division (A)(1) of this section. The 50267
department shall cease awarding first-time scholarships pursuant 50268
to division (A)(5) of this section with respect to a school 50269
district that, in the most recent ratings of school districts 50270
published under section 3302.03 of the Revised Code prior to the 50271
first day of July of the school year, ceases to meet the criteria 50272
in division (A)(5) of this section. 50273

(2) The department shall cease awarding first-time 50274
scholarships pursuant to divisions (B)(1) to (4) of this section 50275
with respect to a school building that, in the most recent ratings 50276
of school buildings under section 3302.03 of the Revised Code 50277
prior to the first day of July of the school year, ceases to meet 50278
the criteria in division (B)(1) of this section. 50279

(3) The department shall cease awarding first-time 50280

scholarships pursuant to division (D) of this section with respect 50281
to a school building that, in the most recent ratings of school 50282
buildings under section 3302.03 of the Revised Code prior to the 50283
first day of July of the school year, ceases to meet the criteria 50284
in division (D) of this section. 50285

(4) However, students who have received scholarships in the 50286
prior school year remain eligible students pursuant to division 50287
~~(D)~~(E) of this section. 50288

~~(F)~~(G) The state board of education shall adopt rules 50289
defining excused absences for purposes of division ~~(D)~~(E)(3) of 50290
this section. 50291

~~(G)~~(H)(1) A student who satisfies only the conditions 50292
prescribed in divisions (A)(1) to (4) of this section shall not be 50293
eligible for a scholarship if the student's resident building 50294
meets any of the following in the most recent rating under section 50295
3302.03 of the Revised Code published prior to the first day of 50296
July of the school year for which a scholarship is sought: 50297

(a) The building has an overall designation of excellent or 50298
effective under section 3302.03 of the Revised Code as it existed 50299
prior to ~~the effective date of this amendment~~ March 22, 2013. 50300

(b) For the 2012-2013 or 2013-2014 school year or both, the 50301
building has a grade of "A" or "B" for the performance index score 50302
under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the 50303
Revised Code and for the value-added progress dimension under 50304
division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised 50305
Code; or if the building serves only grades ten through twelve, 50306
the building received a grade of "A" or "B" for the performance 50307
index score under division (A)(1)(b) or (B)(1)(b) of section 50308
3302.03 of the Revised Code and had a four-year adjusted cohort 50309
graduation rate of greater than or equal to seventy-five per cent. 50310

(c) For the 2014-2015 school year or any school year 50311

thereafter, the building has a grade of "A" or "B" under division 50312
(C)(3) of section 3302.03 of the Revised Code and a grade of "A" 50313
for the value-added progress dimension under division (C)(1)(e) of 50314
section 3302.03 of the Revised Code; or if the building serves 50315
only grades ten through twelve, the building received a grade of 50316
"A" or "B" for the performance index score under division 50317
(C)(1)(b) of section 3302.03 of the Revised Code and had a 50318
four-year adjusted cohort graduation rate of greater than or equal 50319
to seventy-five per cent. 50320

(2) A student who satisfies only the conditions prescribed in 50321
division (A)(5) of this section shall not be eligible for a 50322
scholarship if the student's resident district meets any of the 50323
following in the most recent rating under section 3302.03 of the 50324
Revised Code published prior to the first day of July of the 50325
school year for which a scholarship is sought: 50326

(a) The district has an overall designation of excellent or 50327
effective under section 3302.03 of the Revised Code as it existed 50328
prior to ~~the effective date of this amendment~~ March 22, 2013. 50329

(b) The district has a grade of "A" or "B" for the 50330
performance index score under division (A)(1)(b) or (B)(1)(b) of 50331
section 3302.03 of the Revised Code and for the value-added 50332
progress dimension under division (A)(1)(e) or (B)(1)(e) of 50333
section 3302.03 of the Revised Code for the 2012-2013 and 50334
2013-2014 school years. 50335

(c) The district has an overall grade of "A" or "B" under 50336
division (C)(3) of section 3302.03 of the Revised Code and a grade 50337
of "A" for the value-added progress dimension under division 50338
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 50339
school year or any school year thereafter. 50340

Sec. 3310.032. (A) A student is an "eligible student" for 50341
purposes of the expansion of the educational choice scholarship 50342

pilot program under this section if the student's resident 50343
district is not a school district in which the pilot project 50344
scholarship program is operating under sections 3313.974 to 50345
3313.979 of the Revised Code, the student is not eligible for an 50346
educational choice scholarship under section 3310.03 of the 50347
Revised Code, and the student's family income is at or below two 50348
hundred per cent of the federal poverty guidelines, as defined in 50349
section 5101.46 of the Revised Code. 50350

(B) In each fiscal year for which the general assembly 50351
appropriates funds for purposes of this section, the department of 50352
education shall pay scholarships to attend chartered nonpublic 50353
schools in accordance with section 3310.08 of the Revised Code. 50354
The number of scholarships awarded under this section shall not 50355
exceed the number that can be funded with appropriations made by 50356
the general assembly for this purpose. 50357

(C) Scholarships under this section shall be awarded as 50358
follows: 50359

(1) For the 2013-2014 school year, to eligible students who 50360
are entering kindergarten in that school year for the first time; 50361

(2) For each subsequent school year, scholarships shall be 50362
awarded to eligible students in the next grade level above the 50363
highest grade level awarded in the preceding school year, in 50364
addition to the grade levels for which students received 50365
scholarships in the preceding school year. 50366

(D) If the number of eligible students who apply for a 50367
scholarship under this section exceeds the scholarships available 50368
based on the appropriation for this section, the department shall 50369
award scholarships in the following order of priority: 50370

(1) First, to eligible students who received scholarships 50371
under this section in the prior school year; 50372

(2) Second, to eligible students with family incomes at or below one hundred per cent of the federal poverty guidelines. If the number of students described in division (D)(2) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under division (D)(1) of this section, the department shall select students described in division (D)(2) of this section by lot to receive any remaining scholarships.

(3) Third, to other eligible students who qualify under this section. If the number of students described in division (D)(3) of this section exceeds the number of available scholarships after awards are made under divisions (D)(1) and (2) of this section, the department shall select students described in division (D)(3) of this section by lot to receive any remaining scholarships.

(E) Subject to divisions (E)(1) to (3) of this section, a student who receives a scholarship under this section remains an eligible student and may continue to receive scholarships under this section in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions (E)(2) and (3) of section 3310.03 of the Revised Code.

Once a scholarship is awarded under this section, the student shall remain eligible for that scholarship for the current school year and subsequent school years even if the student's family income rises above the amount specified in division (A) of this section, provided the student remains enrolled in a chartered nonpublic school, however:

(1) If the student's family income is above two hundred per cent but at or below three hundred per cent of the federal poverty guidelines, the student shall receive a scholarship in the amount of seventy-five per cent of the full scholarship amount.

(2) If the student's family income is above three hundred per cent but at or below four hundred per cent of the federal poverty guidelines, the student shall receive a scholarship in the amount of fifty per cent of the full scholarship amount. 50404
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50407

(3) If the student's family income is above four hundred per cent of the federal poverty guidelines, the student is no longer eligible to receive an educational choice scholarship. 50408
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Sec. 3310.035. (A) A student who is eligible for an educational choice scholarship under both sections 3310.03 and 3310.032 of the Revised Code, and applies for a scholarship for the first time after the effective date of this section shall receive a scholarship under section 3310.03 of the Revised Code. 50411
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(B) A student who is eligible under both sections 3310.03 and 3310.032 of the Revised Code and received a scholarship in the previous school year shall continue to receive the scholarship under the section from which the student received the scholarship in the previous school year, so long as: 50416
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(1) The number of students who apply for a scholarship does not exceed the number of scholarships available under division (A) of section 3310.02 of the Revised Code. 50421
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(2) A student who receives a scholarship under section 3310.03 of the Revised Code satisfies with the conditions specified in divisions (E)(1) to (3) of that section, and a student who receives a scholarship under section 3310.032 satisfies with the conditions specified in divisions (E)(2) and (3) of section 3310.03 of the Revised Code. 50424
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Sec. 3310.05. A scholarship under the educational choice scholarship pilot program is not available for any student whose resident district is a school district in which the pilot project scholarship program is operating under sections 3313.974 to 50430
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3313.979 of the Revised Code. The two pilot programs are separate 50434
and distinct, with differing eligibility criteria. The pilot 50435
project scholarship program operating under sections 3313.974 to 50436
3313.979 of the Revised Code is a district-wide program that may 50437
award scholarships to students who do not attend district schools 50438
that face academic challenges, whereas the educational choice 50439
scholarship pilot program established under sections 3310.01 to 50440
3310.17 of the Revised Code is limited to students of individual 50441
district school buildings that face academic challenges and to 50442
students from low-income families. 50443

Sec. 3310.06. It is the policy adopted by the general 50444
assembly that the educational choice scholarship pilot program 50445
shall be construed as one of several educational options available 50446
for students enrolled in persistently low-performing school 50447
buildings or for students from low-income families. Students may 50448
be enrolled in the schools of the student's resident district, in 50449
a community school established under Chapter 3314. of the Revised 50450
Code, in the schools of another school district pursuant to an 50451
open enrollment policy adopted under section 3313.98 of the 50452
Revised Code, in a chartered nonpublic school with or without a 50453
scholarship under the educational choice scholarship pilot 50454
program, or in other schools as the law may provide. 50455

Sec. 3310.08. (A) The amount paid for an eligible student 50456
under the educational choice scholarship pilot program shall be 50457
the lesser of the tuition of the chartered nonpublic school in 50458
which the student is enrolled or the maximum amount prescribed in 50459
section 3310.09 of the Revised Code. 50460

(B)(1) The department of education shall pay to the parent of 50461
each eligible student for whom a scholarship is awarded under the 50462
program, or to the student if at least eighteen years of age, 50463

periodic partial payments of the scholarship. 50464

(2) The department shall proportionately reduce or terminate 50465
the payments for any student who withdraws from a chartered 50466
nonpublic school prior to the end of the school year. 50467

(C)(1) The department shall deduct from the payments made to 50468
each school district under Chapter 3317., and if necessary, 50469
sections 321.24 and 323.156 of the Revised Code, the amount paid 50470
under division (B) of this section for each eligible student 50471
awarded who qualifies for a scholarship under the program section 50472
3310.03 of the Revised Code and who is entitled under section 50473
3313.64 or 3313.65 of the Revised Code to attend school in the 50474
district. In the case of a student entitled to attend school in a 50475
school district under division (B)(2)(a) of section 3313.64 or 50476
division (C) of section 3313.65 of the Revised Code, the 50477
department shall deduct the payments from the school district that 50478
includes the student in its average daily membership as reported 50479
to the department under section 3317.03 of the Revised Code, as 50480
determined by the department. 50481

(2) If the department reduces or terminates payments to a 50482
parent or a student, as prescribed in division (B)(2) of this 50483
section, and the student enrolls in the schools of the student's 50484
resident district or in a community school, established under 50485
Chapter 3314. of the Revised Code, before the end of the school 50486
year, the department shall proportionally restore to the resident 50487
district the amount deducted for that student under division 50488
(C)(1) of this section. 50489

Sec. 3310.13. (A) No chartered nonpublic school shall charge 50490
any student whose family income is at or below two hundred per 50491
cent of the federal poverty guidelines, as defined in section 50492
5101.46 of the Revised Code, a tuition fee that is greater than 50493
the total amount paid for that student under section 3310.08 of 50494

the Revised Code. 50495

(B) A chartered nonpublic school may charge any other student 50496
who is paid a scholarship under that section the difference 50497
between the amount of the scholarship and the regular tuition 50498
charge of the school. ~~Each chartered nonpublic school shall permit~~ 50499
~~such an eligible student's family, at the family's option, to~~ 50500
~~provide volunteer services in lieu of cash payment to pay all or~~ 50501
~~part of the amount of the school's tuition not covered by the~~ 50502
~~scholarship paid under section 3310.08 of the Revised Code.~~ 50503

Sec. 3310.14. ~~Notwithstanding division (K) of section~~ 50504
~~3301.0711 of the Revised Code, each~~ Each chartered nonpublic 50505
school that is not subject to division (K)(1)(a) of section 50506
3301.0711 of the Revised Code and enrolls students awarded 50507
scholarships under sections 3310.01 to 3310.17 of the Revised Code 50508
annually shall administer the assessments prescribed by section 50509
3301.0710 or 3301.0712 of the Revised Code to each scholarship 50510
student enrolled in the school in accordance with section 50511
3301.0711 of the Revised Code. Each chartered nonpublic school 50512
that is subject to this section shall report to the department of 50513
education the results of each assessment administered to each 50514
scholarship student under this section. 50515

Nothing in this section requires a chartered nonpublic school 50516
to administer any achievement assessment, except for an Ohio 50517
graduation test prescribed by division (B)(1) of section 3301.0710 50518
of the Revised Code, as required by section 3313.612 of the 50519
Revised Code, to any student enrolled in the school who is not a 50520
scholarship student. 50521

Sec. 3310.522. In order to maintain eligibility for a 50522
scholarship under the program, a student shall take each 50523
assessment prescribed by sections 3301.0710 and 3301.0712 of the 50524

Revised Code, unless the student is excused from taking that 50525
assessment under federal law or the student's individualized 50526
education program. 50527

~~Notwithstanding division (K) of section 3301.0711 of the~~ 50528
~~Revised Code, each~~ Each registered private provider that is not 50529
subject to division (K)(1)(a) of section 3301.0711 of the Revised 50530
Code and enrolls a student who is awarded a scholarship under this 50531
section shall administer each assessment prescribed by sections 50532
3301.0710 and 3301.0712 of the Revised Code to that student, 50533
unless the student is excused from taking that assessment, and 50534
shall report to the department the results of each assessment so 50535
administered. 50536

Nothing in this section requires any chartered nonpublic 50537
school that is a registered private provider to administer any 50538
achievement assessment, except for an Ohio graduation test 50539
prescribed by division (B)(1) of section 3301.0710 of the Revised 50540
Code, as required by section 3313.612 of the Revised Code, to any 50541
student enrolled in the school who is not a scholarship student. 50542

Sec. 3310.56. (A) The amount of the scholarship awarded and 50543
paid to an eligible applicant for services for a qualified special 50544
education child under the Jon Peterson special needs scholarship 50545
program in each school year shall be the least of the amounts 50546
prescribed in divisions (A)(1), (2), ~~or~~ and (3) of this section, 50547
as follows: 50548

(1) The amount of fees charged for that school year by the 50549
alternative public provider or registered private provider; 50550

(2) The sum of the amounts calculated under divisions 50551
(A)(2)(a) and (b) of this section: 50552

(a) ~~The sum of the formula amount plus the per pupil amount~~ 50553
~~of the base funding supplements specified in divisions (C)(1) to~~ 50554

~~(4) of section 3317.012 of the Revised Code for fiscal year 2009;~~ 50555

(b) An amount ~~equal to \$5,732 times the following multiple~~ 50556
prescribed for the child's disability as follows: 50557

(i) For a student in category one, ~~0.2892~~ the amount 50558
specified in division (A) of section 3317.013 of the Revised Code; 50559

(ii) For a student in category two, ~~0.3691~~ the amount 50560
specified in division (B) of section 3317.013 of the Revised Code; 50561

(iii) For a student in category three, ~~1.7695~~ the amount 50562
specified in division (C) of section 3317.013 of the Revised Code; 50563

(iv) For a student in category four, ~~2.3646~~ the amount 50564
specified in division (D) of section 3317.013 of the Revised Code; 50565

(v) For a student in category five, ~~3.1129~~ the amount 50566
specified in division (E) of section 3317.013 of the Revised Code; 50567

(vi) For a student in category six, ~~4.7342~~ the amount 50568
specified in division (F) of section 3317.013 of the Revised Code. 50569

~~Before applying the multiples specified in divisions~~ 50570
~~(A)(2)(b)(i) to (vi) of this section, they first shall be adjusted~~ 50571
~~by multiplying them by 0.90.~~ 50572

(3) Twenty thousand dollars. 50573

(B) As used in division (A)(2)(b) of this section, a child 50574
with a disability is in: 50575

(1) "Category one" if the ~~child's primary or only identified~~ 50576
~~disability is a speech and language disability, as this term is~~ 50577
~~defined pursuant to Chapter 3323. child is receiving special~~ 50578
education services for a disability specified in division (A) of 50579
section 3317.013 of the Revised Code; 50580

(2) "Category two" if the child is ~~identified as specific~~ 50581
~~learning disabled or developmentally disabled, as these terms are~~ 50582
~~defined pursuant to Chapter 3323. of the Revised Code, or as~~ 50583

~~having an other health impairment minor, as defined in section 3317.02 receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code;~~ 50584
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(3) "Category three" if the child is ~~identified as vision impaired, hearing disabled, or severe behavior disabled, as these terms are defined pursuant to Chapter 3323.~~ receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code; 50587
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(4) "Category four" if the child is ~~identified as orthopedically disabled, as this term is defined pursuant to Chapter 3323. of the Revised Code, or as having an other health impairment major, as defined in section 3317.02 receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code;~~ 50592
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(5) "Category five" if the child is ~~identified as having multiple disabilities, as this term is defined pursuant to Chapter 3323.~~ receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code; 50598
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(6) "Category six" if the child is ~~identified as autistic, having traumatic brain injuries, or both visually and hearing impaired, as these terms are defined pursuant to Chapter 3323.~~ receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code. 50602
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Sec. 3311.0510. (A) If all of the client school districts of an educational service center have terminated their agreements with the service center under division (D) of section 3313.843 of the Revised Code, upon the latest effective date of the terminations, the governing board of that service center shall be abolished and such service center shall be dissolved by order of the superintendent of public instruction. The superintendent's order shall provide for the equitable division and disposition of 50607
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the assets, property, debts, and obligations of the service center 50615
among the school districts that were client school districts of 50616
the service center for the service center's last fiscal year of 50617
operation. The superintendent's order shall provide that the tax 50618
duplicate of each of those school districts shall be bound for and 50619
assume the district's equitable share of the outstanding 50620
indebtedness of the service center. The superintendent's order is 50621
final and is not appealable. 50622

Immediately upon the abolishment of the service center 50623
governing board pursuant to this section, the superintendent of 50624
public instruction shall appoint a qualified individual to 50625
administer the dissolution of the service center and to implement 50626
the terms of the superintendent's dissolution order. 50627

Prior to distributing assets to any school district under 50628
this section, but after paying in full other debts and obligations 50629
of the service center under this section, the superintendent of 50630
public instruction may assess against the remaining assets of the 50631
service center the amount of the costs incurred by the department 50632
of education in performing the superintendent's duties under this 50633
division, including the fees, if any, owed to the individual 50634
appointed to administer the superintendent's dissolution order. 50635
Any excess cost incurred by the department under this division 50636
shall be divided equitably among the school districts that were 50637
client school districts of the service center for the service 50638
center's last fiscal year of operation. Each district's share of 50639
that excess cost shall be bound against the tax duplicate of that 50640
district. 50641

(B) A final audit of the former service center shall be 50642
performed in accordance with procedures established by the auditor 50643
of state. 50644

(C) The public records of an educational service center that 50645

is dissolved under this section shall be transferred in accordance 50646
with this division. Public records maintained by the service 50647
center in connection with services provided by the service center 50648
to local school districts of which the territory of the service 50649
center is or previously was made up shall be transferred to each 50650
of the respective local school districts. Public records 50651
maintained by the service center in connection with services 50652
provided to client school districts shall be transferred to each 50653
of the respective client school districts. All other public 50654
records maintained by the service center at the time the service 50655
center ceases operations shall be transferred to the Ohio 50656
historical society for analysis and disposition by the society in 50657
its capacity as archives administrator for the state and its 50658
political subdivisions pursuant to division (C) of section 149.30 50659
and section 149.31 of the Revised Code. 50660

(D) As used in this section, "client school district" ~~has the~~ 50661
~~same meaning as in section 3317.11 of the Revised Code~~ means a 50662
city, exempted village, or local school district that has entered 50663
into an agreement under section 3313.843 or 3313.845 of the 50664
Revised Code to receive any services from an educational service 50665
center. 50666

Sec. 3311.19. (A) The management and control of a joint 50667
vocational school district shall be vested in the joint vocational 50668
school district board of education. ~~Where a joint vocational~~ 50669
~~school district is composed only of two or more local school~~ 50670
~~districts located in one county, or when all the participating~~ 50671
~~districts are in one county and the boards of such participating~~ 50672
~~districts so choose, the educational service center governing~~ 50673
~~board of the county in which the joint vocational school district~~ 50674
~~is located shall serve as the joint vocational school district~~ 50675
~~board of education. Where a joint vocational school district is~~ 50676
~~composed of local school districts of more than one county, or of~~ 50677

~~any combination of city, local, or exempted village school
districts or educational service centers, unless administration by
the educational service center governing board has been chosen by
all the participating districts in one county pursuant to this
section, the board of education of the joint vocational school
district shall be composed of one or more persons who are members
of the boards of education from each of the city or exempted
village school districts or members of the educational service
centers' governing boards affected to be appointed by the boards
of education or governing boards of such school districts and
educational service centers. In such joint vocational school
districts the number and terms of members of the joint vocational
school district board of education and the allocation of a given
number of members to each of the city and exempted village
districts and educational service centers shall be determined in
the plan for such district, provided that each such joint
vocational school district board of education shall be composed of
an odd number of members.~~

~~(B) Notwithstanding division (A) of this section, a governing
board of an educational service center that has members of its
governing board serving on a joint vocational school district
board of education may make a request to the joint vocational
district board that the joint vocational school district plan be
revised to provide for one or more members of boards of education
of local school districts that are within the territory of the
educational service district and within the joint vocational
school district to serve in the place of or in addition to its
educational service center governing board members. If agreement
is obtained among a majority of the boards of education and
governing boards that have a member serving on the joint
vocational school district board of education and among a majority
of the local school district boards of education included in the
district and located within the territory of the educational~~

~~service center whose board requests the substitution or addition, 50711
the state board of education may revise the joint vocational 50712
school district plan to conform with such agreement. 50713~~

~~(C) If the board of education of any school district or 50714
educational service center governing board included within a joint 50715
vocational district that has had its board or governing board 50716
membership revised under division (B) of this section requests the 50717
joint vocational school district board to submit to the state 50718
board of education a revised plan under which one or more joint 50719
vocational board members chosen in accordance with a plan revised 50720
under such division would again be chosen in the manner prescribed 50721
by division (A) of this section, the joint vocational board shall 50722
submit the revised plan to the state board of education, provided 50723
the plan is agreed to by a majority of the boards of education 50724
represented on the joint vocational board, a majority of the local 50725
school district boards included within the joint vocational 50726
district, and each educational service center governing board 50727
affected by such plan. The state board of education may revise the 50728
joint vocational school district plan to conform with the revised 50729
plan. which, beginning on the effective date of this amendment, 50730
shall be appointed under division (C) of this section. Beginning 50731
on the effective date of this amendment, no board member shall be 50732
appointed in the manner formerly provided by this section, as it 50733
existed prior to the effective date of this amendment. 50734~~

All members of a joint vocational school district board 50735
serving unexpired terms on the effective date of this amendment 50736
may continue in office until the expiration of their terms. If a 50737
member leaves office for any reason prior to the expiration of 50738
that member's term, the vacancy shall be filled only in the manner 50739
provided in division (C) of this section. 50740

(B) Members of the joint vocational school district board 50741
appointed on or after the effective date of this amendment shall 50742

serve for three year terms of office. No member shall hold office 50743
for a period of longer than two consecutive terms. Terms shall be 50744
considered consecutive unless separated by three or more years. 50745

Members of the board shall be selected based on the diversity 50746
of the employers from the geographical region of the state in 50747
which the territory of the joint vocational school district is 50748
located represented by the members. A majority of the members of 50749
the board shall reside in or be employed within the territory of 50750
the joint vocational school district board upon which the member 50751
serves. 50752

(C) The board of education of each city, exempted village, or 50753
local school district or educational service center that belongs 50754
to the joint vocational school district shall appoint one member 50755
to the joint vocational school district board; however, that 50756
individual shall not be a member of an appointing school district 50757
or service center board. The total number of members appointed to 50758
the joint vocational school district board shall be equal to the 50759
number of members on the joint vocational school district's board 50760
prior to the effective date of this amendment. 50761

Initial appointments under this section shall be made as the 50762
terms of members of each joint vocational school district board 50763
who are serving unexpired terms on the effective date of this 50764
amendment expire or as those offices are otherwise vacated prior 50765
to the expiration date. The appointing district boards shall 50766
continue to replace members in such a way that, by the time all 50767
terms of members serving on the effective date of this amendment 50768
have expired or their offices have been vacated prior to 50769
expiration of the term of office, the joint vocational school 50770
district board consists of one member appointed by the board of 50771
each school district belonging to the joint vocational school 50772
district. Thereafter, appointments shall be made by a district 50773
board as terms expire or are otherwise vacated. 50774

Appointing boards may also appoint students of the district 50775
to serve as additional members of the board, but student members 50776
shall be nonvoting members. 50777

Members of the joint vocational board shall have experience 50778
as chief financial officers, chief executive officers, human 50779
resources managers, or other business and industry professionals 50780
who are qualified to discuss the labor needs of the region with 50781
respect to the regional economy. The appointing board shall 50782
appoint members who represent employers in the region served by 50783
the joint vocational school district who are qualified to consider 50784
a region's workforce needs with an understanding of the skills, 50785
training, and education needed for current and future employment 50786
needs in the region. 50787

(D) The vocational schools in ~~such~~ the joint vocational 50788
school district shall be available to all youth of school age 50789
within the joint vocational school district subject to the rules 50790
adopted by the joint vocational school district board of education 50791
in regard to the standards requisite to admission. A joint 50792
vocational school district board of education shall have the same 50793
powers, duties, and authority for the management and operation of 50794
such joint vocational school district as is granted by law, except 50795
by this chapter and Chapters 124., 3317., 3323., and 3331. of the 50796
Revised Code, to a board of education of a city school district, 50797
and shall be subject to all the provisions of law that apply to a 50798
city school district, except such provisions in this chapter and 50799
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 50800

(E) ~~Where a governing board of an educational service center~~ 50801
~~has been designated to serve as the joint vocational school~~ 50802
~~district board of education, the educational service center~~ 50803
~~superintendent shall be the executive officer for the joint~~ 50804
~~vocational school district, and the governing board may provide~~ 50805
~~for additional compensation to be paid to the educational service~~ 50806

~~center superintendent by the joint vocational school district, but~~ 50807
~~the educational service center superintendent shall have no~~ 50808
~~continuing tenure other than that of educational service center~~ 50809
~~superintendent.~~ The superintendent of schools of a joint 50810
vocational school district shall exercise the duties and authority 50811
vested by law in a superintendent of schools pertaining to the 50812
operation of a school district and the employment and supervision 50813
of its personnel. The joint vocational school district board of 50814
education shall appoint a treasurer of the joint vocational school 50815
district who shall be the fiscal officer for such district and who 50816
shall have all the powers, duties, and authority vested by law in 50817
a treasurer of a board of education. ~~Where a governing board of an~~ 50818
~~educational service center has been designated to serve as the~~ 50819
~~joint vocational school district board of education, such board~~ 50820
~~may appoint the educational service center superintendent as the~~ 50821
~~treasurer of the joint vocational school district.~~ 50822

(F) Each member of a joint vocational school district board 50823
of education may be paid such compensation as the board provides 50824
by resolution, but it shall not exceed one hundred twenty-five 50825
dollars per member for each meeting attended plus mileage, at the 50826
rate per mile provided by resolution of the board, to and from 50827
meetings of the board. 50828

The board may provide by resolution for the deduction of 50829
amounts payable for benefits under section 3313.202 of the Revised 50830
Code. 50831

Each member of a joint vocational school district board may 50832
be paid such compensation as the board provides by resolution for 50833
attendance at an approved training program, provided that such 50834
compensation shall not exceed sixty dollars per day for attendance 50835
at a training program three hours or fewer in length and one 50836
hundred twenty-five dollars a day for attendance at a training 50837
program longer than three hours in length. However, no board 50838

member shall be compensated for the same training program under 50839
this section and section 3313.12 of the Revised Code. 50840

Sec. 3311.22. A governing board of an educational service 50841
center may propose, by resolution adopted by majority vote of its 50842
full membership, or qualified electors of the area affected equal 50843
in number to at least fifty-five per cent of the qualified 50844
electors voting at the last general election residing within that 50845
portion of a school district, or districts proposed to be 50846
transferred may propose, by petition, the transfer of a part or 50847
all of one or more local school districts to another local school 50848
district or districts within the territory of the educational 50849
service center. Such transfers may be made only to local school 50850
districts adjoining the school district that is proposed to be 50851
transferred, unless the board of education of the district 50852
proposed to be transferred has entered into an agreement pursuant 50853
to section 3313.42 of the Revised Code, in which case such 50854
transfers may be made to any local school district within the 50855
territory of the educational service center. 50856

When a governing board of an educational service center 50857
adopts a resolution proposing a transfer of school territory it 50858
shall forthwith file a copy of such resolution, together with an 50859
accurate map of the territory described in the resolution, with 50860
the board of education of each school district whose boundaries 50861
would be altered by such proposal. A governing board of an 50862
educational service center proposing a transfer of territory under 50863
the provisions of this section shall at its next regular meeting 50864
that occurs not earlier than thirty days after the adoption by the 50865
governing board of a resolution proposing such transfer, adopt a 50866
resolution making the transfer effective at any time prior to the 50867
next succeeding first day of July, unless, prior to the expiration 50868
of such thirty-day period, qualified electors residing in the area 50869
proposed to be transferred, equal in number to a majority of the 50870

qualified electors voting at the last general election, file a 50871
petition of referendum against such transfer. 50872

Any petition of transfer or petition of referendum filed 50873
under the provisions of this section shall be filed at the office 50874
of the educational service center superintendent. The person 50875
presenting the petition shall be given a receipt containing 50876
thereon the time of day, the date, and the purpose of the 50877
petition. 50878

The educational service center superintendent shall cause the 50879
board of elections to check the sufficiency of signatures on any 50880
petition of transfer or petition of referendum filed under this 50881
section and, if found to be sufficient, the superintendent shall 50882
present the petition to the educational service center governing 50883
board at a meeting of the board which shall occur not later than 50884
thirty days following the filing of the petition. 50885

Upon presentation to the educational service center governing 50886
board of a proposal to transfer territory as requested by petition 50887
of fifty-five per cent of the qualified electors voting at the 50888
last general election or a petition of referendum against a 50889
proposal of the county board to transfer territory, the governing 50890
board shall promptly certify the proposal to the board of 50891
elections for the purpose of having the proposal placed on the 50892
ballot at the next general or primary election which occurs not 50893
less than ninety days after the date of such certification, or at 50894
a special election, the date of which shall be specified in the 50895
certification, which date shall not be less than ninety days after 50896
the date of such certification. Signatures on a petition of 50897
transfer or petition of referendum may be withdrawn up to and 50898
including the above mentioned meeting of the educational service 50899
center governing board only by order of the board upon testimony 50900
of the petitioner concerned under oath before the board that the 50901
petitioner's signature was obtained by fraud, duress, or 50902

misrepresentation. 50903

If a petition is filed with the educational service center 50904
governing board which proposes the transfer of a part or all of 50905
the territory included in a resolution of transfer previously 50906
adopted by the educational service center governing board, no 50907
action shall be taken on such petition if within the thirty-day 50908
period after the adoption of the resolution of transfer a 50909
referendum petition is filed. After the election, if the proposed 50910
transfer fails to receive a majority vote, action on such petition 50911
shall then be processed under this section as though originally 50912
filed under the provisions hereof. If no referendum petition is 50913
filed within the thirty-day period after the adoption of the 50914
resolution of transfer, no action shall be taken on such petition. 50915

If a petition is filed with the educational service center 50916
governing board which proposes the transfer of a part or all of 50917
the territory included in a petition previously filed by electors 50918
no action shall be taken on such new petition. 50919

Upon certification of a proposal to the board or boards of 50920
elections pursuant to this section, the board or boards of 50921
elections shall make the necessary arrangements for the submission 50922
of such question to the electors of the county or counties 50923
qualified to vote thereon, and the election shall be conducted and 50924
canvassed and the results shall be certified in the same manner as 50925
in regular elections for the election of members of a board of 50926
education. 50927

The persons qualified to vote upon a proposal are the 50928
electors residing in the district or districts containing 50929
territory that is proposed to be transferred. If the proposed 50930
transfer be approved by at least a majority of the electors voting 50931
on the proposal, the educational service center governing board 50932
shall make such transfer at any time prior to the next succeeding 50933
first day of July. If the proposed transfer is not approved by at 50934

least a majority of the electors voting on the proposal, the 50935
question of transferring any property included in the territory 50936
covered by the proposal shall not be submitted to electors at any 50937
election prior to the first general election the date of which is 50938
at least two years after the date of the original election, or the 50939
first primary election held in an even-numbered year the date of 50940
which is at least two years after the date of the original 50941
election. A transfer shall be subject to the approval of the 50942
receiving board or boards of education, unless the proposal was 50943
initiated by the educational service center governing board, in 50944
which case, if the transfer is opposed by the board of education 50945
offered the territory, the local board may, within thirty days, 50946
following the receipt of the notice of transfer, appeal to the 50947
state board of education which shall then either approve or 50948
disapprove the transfer. 50949

Following an election upon a proposed transfer initiated by a 50950
petition the board of education that is offered territory shall, 50951
within thirty days following receipt of the proposal, either 50952
accept or reject the transfer. 50953

When an entire school district is proposed to be transferred 50954
to two or more school districts and the offer is rejected by any 50955
one of the receiving boards of education, none of the territory 50956
included in the proposal shall be transferred. 50957

Upon the acceptance of territory by the receiving board or 50958
boards of education the educational service center governing board 50959
offering the territory shall file with the county auditor and with 50960
the state board of education an accurate map showing the 50961
boundaries of the territory transferred. 50962

Upon the making of such transfer, the net indebtedness of the 50963
former district from which territory was transferred shall be 50964
apportioned between the acquiring school district and that portion 50965
of the former school district remaining after the transfer in the 50966

ratio which the assessed valuation of the territory transferred to 50967
the acquiring school district bears to the assessed valuation of 50968
the original school district as of the effective date of the 50969
transfer. As used in this section "net indebtedness" means the 50970
difference between the par value of the outstanding and unpaid 50971
bonds and notes of the school district and the amount held in the 50972
sinking fund and other indebtedness retirement funds for their 50973
redemption. 50974

~~If an entire district is transferred, any indebtedness of the 50975
former district incurred as a result of a loan made under section 50976
3317.64 of the Revised Code is hereby canceled and such 50977
indebtedness shall not be apportioned among any districts 50978
acquiring the territory. 50979~~

Upon the making of any transfer under this section, the funds 50980
of the district from which territory was transferred shall be 50981
divided equitably by the educational service center governing 50982
board between the acquiring district and any part of the original 50983
district remaining after the transfer. 50984

If an entire district is transferred the board of education 50985
of such district is thereby abolished or if a member of the board 50986
of education lives in that part of a school district transferred 50987
the member becomes a nonresident of the school district from which 50988
the territory was transferred and such member ceases to be a 50989
member of the board of education of such district. 50990

The legal title of all property of the board of education in 50991
the territory transferred shall become vested in the board of 50992
education of the school district to which such territory is 50993
transferred. 50994

Subsequent to June 30, 1959, if an entire district is 50995
transferred, foundation program moneys accruing to a district 50996
accepting school territory under the provisions of this section or 50997

former section 3311.22 of the Revised Code, shall not be less, in 50998
any year during the next succeeding three years following the 50999
transfer, than the sum of the amounts received by the districts 51000
separately in the year in which the transfer was consummated. 51001

Sec. 3311.231. A governing board of an educational service 51002
center may propose, by resolution adopted by majority vote of its 51003
full membership, or qualified electors of the area affected equal 51004
in number to not less than fifty-five per cent of the qualified 51005
electors voting at the last general election residing within that 51006
portion of a school district proposed to be transferred may 51007
propose, by petition, the transfer of a part or all of one or more 51008
local school districts within the territory of the center to an 51009
adjoining educational service center or to an adjoining city or 51010
exempted village school district. 51011

A governing board of an educational service center adopting a 51012
resolution proposing a transfer of school territory under this 51013
section shall file a copy of such resolution together with an 51014
accurate map of the territory described in the resolution, with 51015
the board of education of each school district whose boundaries 51016
would be altered by such proposal. Where a transfer of territory 51017
is proposed by a governing board of an educational service center 51018
under this section, the governing board shall, at its next regular 51019
meeting that occurs not earlier than the thirtieth day after the 51020
adoption by the governing board of the resolution proposing such 51021
transfer, adopt a resolution making the transfer as originally 51022
proposed, effective at any time prior to the next succeeding first 51023
day of July, unless, prior to the expiration of such thirty-day 51024
period, qualified electors residing in the area proposed to be 51025
transferred, equal in number to a majority of the qualified 51026
electors voting at the last general election, file a petition of 51027
referendum against such transfer. 51028

Any petition of transfer or petition of referendum under the 51029
provisions of this section shall be filed at the office of the 51030
educational service center superintendent. The person presenting 51031
the petition shall be given a receipt containing thereon the time 51032
of day, the date, and the purpose of the petition. 51033

The educational service center superintendent shall cause the 51034
board of elections to check the sufficiency of signatures on any 51035
such petition, and, if found to be sufficient, the superintendent 51036
shall present the petition to the educational service center 51037
governing board at a meeting of said governing board which shall 51038
occur not later than thirty days following the filing of said 51039
petition. 51040

The educational service center governing board shall promptly 51041
certify the proposal to the board of elections of such counties in 51042
which school districts whose boundaries would be altered by such 51043
proposal are located for the purpose of having the proposal placed 51044
on the ballot at the next general or primary election which occurs 51045
not less than ninety days after the date of such certification or 51046
at a special election, the date of which shall be specified in the 51047
certification, which date shall not be less than ninety days after 51048
the date of such certification. 51049

Signatures on a petition of transfer or petition of 51050
referendum may be withdrawn up to and including the above 51051
mentioned meeting of the educational service center governing 51052
board only by order of the governing board upon testimony of the 51053
petitioner concerned under oath before the board that the 51054
petitioner's signature was obtained by fraud, duress, or 51055
misrepresentation. 51056

If a petition is filed with the educational service center 51057
governing board which proposes the transfer of a part or all of 51058
the territory included either in a petition previously filed by 51059
electors or in a resolution of transfer previously adopted by the 51060

educational service center governing board, no action shall be 51061
taken on such new petition as long as the previously initiated 51062
proposal is pending before the governing board or is subject to an 51063
election. 51064

Upon certification of a proposal to the board or boards of 51065
elections pursuant to this section, the board or boards of 51066
elections shall make the necessary arrangements for the submission 51067
of such question to the electors of the county or counties 51068
qualified to vote thereon, and the election shall be conducted and 51069
canvassed and the results shall be certified in the same manner as 51070
in regular elections for the election of members of a board of 51071
education. 51072

The persons qualified to vote upon a proposal are the 51073
electors residing in the district or districts containing 51074
territory that is proposed to be transferred. If the proposed 51075
transfer is approved by at least a majority of the electors voting 51076
on the proposal, the educational service center governing board 51077
shall make such transfer at any time prior to the next succeeding 51078
first day of July, subject to the approval of the receiving board 51079
of education in case of a transfer to a city or exempted village 51080
school district, and subject to the approval of the educational 51081
service center governing board of the receiving center, in case of 51082
a transfer to an educational service center. If the proposed 51083
transfer is not approved by at least a majority of the electors 51084
voting on the proposal, the question of transferring any property 51085
included in the territory covered by the proposal shall not be 51086
submitted to electors at any election prior to the first general 51087
election the date of which is at least two years after the date of 51088
the original election, or the first primary election held in an 51089
even-numbered year the date of which is at least two years after 51090
the date of the original election. 51091

Where a territory is transferred under this section to a city 51092

or exempted village school district, the board of education of 51093
such district shall, and where territory is transferred to an 51094
educational service center the governing board of such educational 51095
service center shall, within thirty days following receipt of the 51096
proposal, either accept or reject the transfer. 51097

Where a governing board of an educational service center 51098
adopts a resolution accepting territory transferred to the 51099
educational service center under the provisions of sections 51100
3311.231 and 3311.24 of the Revised Code, the governing board 51101
shall, at the time of the adoption of the resolution accepting the 51102
territory, designate the school district to which the accepted 51103
territory shall be annexed. 51104

When an entire school district is proposed to be transferred 51105
to two or more adjoining school districts and the offer is 51106
rejected by any one of the receiving boards of education, none of 51107
the territory included in the proposal shall be transferred. 51108

Upon the acceptance of territory by the receiving board or 51109
boards of education the educational service center governing board 51110
offering the territory shall file with the county auditor of each 51111
county affected by the transfer and with the state board of 51112
education an accurate map showing the boundaries of the territory 51113
transferred. 51114

Upon the making of such transfer, the net indebtedness of the 51115
former district from which territory was transferred shall be 51116
apportioned between the acquiring school district and the portion 51117
of the former school district remaining after the transfer in the 51118
ratio which the assessed valuation of the territory transferred to 51119
the acquiring school district bears to the assessed valuation of 51120
the original school district as of the effective date of the 51121
transfer. As used in this section "net indebtedness" means the 51122
difference between the par value of the outstanding and unpaid 51123
bonds and notes of the school district and the amount held in the 51124

sinking fund and other indebtedness retirement funds for their 51125
redemption. 51126

~~If an entire district is transferred, any indebtedness of the 51127
former district incurred as a result of a loan made under section 51128
3317.64 of the Revised Code is hereby canceled and such 51129
indebtedness shall not be apportioned among any districts 51130
acquiring the territory. 51131~~

Upon the making of any transfer under this section, the funds 51132
of the district from which territory was transferred shall be 51133
divided equitably by the educational service center governing 51134
board, between the acquiring district and any part of the original 51135
district remaining after the transfer. 51136

If an entire district is transferred the board of education 51137
of such district is thereby abolished or if a member of the board 51138
of education lives in that part of a school district transferred 51139
the member becomes a nonresident of the school district from which 51140
the territory was transferred and such member ceases to be a 51141
member of the board of education of such district. 51142

The legal title of all property of the board of education in 51143
the territory transferred shall become vested in the board of 51144
education of the school district to which such territory is 51145
transferred. 51146

If an entire district is transferred, foundation program 51147
moneys accruing to a district receiving school territory under the 51148
provisions of this section shall not be less, in any year during 51149
the next succeeding three years following the transfer, than the 51150
sum of the amounts received by the districts separately in the 51151
year in which the transfer was consummated. 51152

Sec. 3311.38. The state board of education may conduct, or 51153
may direct the superintendent of public instruction to conduct, 51154

studies where there is evidence of need for transfer of local, 51155
exempted village, or city school districts, or parts of any such 51156
districts, to contiguous or noncontiguous local, exempted village, 51157
or city school districts. Such studies shall include a study of 51158
the effect of any proposal upon any portion of a school district 51159
remaining after such proposed transfer. The state board, in 51160
conducting such studies and in making recommendations as a result 51161
thereof, shall consider the possibility of improving school 51162
district organization as well as the desires of the residents of 51163
the school districts which would be affected. 51164

(A) After the adoption of recommendations growing out of any 51165
such study, or upon receipt of a resolution adopted by majority 51166
vote of the full membership of the board of any city, local, or 51167
exempted village school district requesting that the entire 51168
district be transferred to another city, local, or exempted 51169
village school district, the state board may propose by resolution 51170
the transfer of territory, which may consist of part or all of the 51171
territory of a local, exempted village, or city school district to 51172
a contiguous local, exempted village, or city school district. 51173

The state board shall thereupon file a copy of such proposal 51174
with the board of education of each school district whose 51175
boundaries would be altered by the proposal and with the governing 51176
board of any educational service center in which such school 51177
district is located. 51178

The state board may, not less than thirty days following the 51179
adoption of the resolution proposing the transfer of territory, 51180
certify the proposal to the board of elections of the county or 51181
counties in which any of the territory of the proposed district is 51182
located, for the purpose of having the proposal placed on the 51183
ballot at the next general election or at a primary election 51184
occurring not less than ninety days after the adoption of such 51185
resolution. 51186

If any proposal has been previously initiated pursuant to 51187
section 3311.22, 3311.231, or 3311.26 of the Revised Code which 51188
affects any of the territory affected by the proposal of the state 51189
board, the proposal of the state board shall not be placed on the 51190
ballot while the previously initiated proposal is subject to an 51191
election. 51192

Upon certification of a proposal to the board of elections of 51193
any county pursuant to this section, the board of elections of 51194
such county shall make the necessary arrangements for the 51195
submission of such question to the electors of the county 51196
qualified to vote thereon, and the election shall be counted and 51197
canvassed and the results shall be certified in the same manner as 51198
in regular elections for the election of members of a board of 51199
education. 51200

The electors qualified to vote upon a proposal are the 51201
electors residing in the local, exempted village, or city school 51202
districts, containing territory proposed to be transferred. 51203

If the proposed transfer be approved by a majority of the 51204
electors voting on the proposal, the state board, subject to the 51205
approval of the board of education of the district to which the 51206
territory would be transferred, shall make such transfer prior to 51207
the next succeeding July 1. 51208

(B) If a study conducted in accordance with this section 51209
involves a school district with less than four thousand dollars of 51210
assessed value for each pupil in the total student count 51211
determined under section 3317.03 of the Revised Code, the state 51212
board of education, with the approval of the educational service 51213
center governing board, and upon recommendation by the state 51214
superintendent of public instruction, may by resolution transfer 51215
all or any part of such a school district to any city, exempted 51216
village, or local school district which has more than twenty-five 51217
thousand pupils in average daily membership. Such resolution of 51218

transfer shall be adopted only after the board of education of the 51219
receiving school district has adopted a resolution approving the 51220
proposed transfer. For the purposes of this division, the assessed 51221
value shall be as certified in accordance with section 3317.021 of 51222
the Revised Code. 51223

(C) Upon the making of a transfer of an entire school 51224
district pursuant to this section, the indebtedness of the 51225
district transferred shall be assumed in full by the acquiring 51226
district and the funds of the district transferred shall be paid 51227
over in full to the acquiring district, ~~except that any~~ 51228
~~indebtedness of the transferred district incurred as a result of a~~ 51229
~~loan made under section 3317.64 of the Revised Code is hereby~~ 51230
~~anceled and shall not be assumed by the acquiring district.~~ 51231

(D) Upon the making of a transfer pursuant to this section, 51232
when only part of a district is transferred, the net indebtedness 51233
of each original district of which only a part is taken by the 51234
acquiring district shall be apportioned between the acquiring 51235
district and the original district in the ratio which the assessed 51236
valuation of the part taken by the acquiring district bears to the 51237
assessed valuation of the original district as of the effective 51238
date of the transfer. As used in this section "net indebtedness" 51239
means the difference between the par value of the outstanding and 51240
unpaid bonds and notes of the school district and the amount held 51241
in the sinking fund and other indebtedness retirement funds for 51242
their redemption. 51243

(E) Upon the making of a transfer pursuant to this section, 51244
when only part of a district is transferred, the funds of the 51245
district from which territory was transferred shall be divided 51246
equitably by the state board between the acquiring district and 51247
that part of the former district remaining after the transfer. 51248

(F) If an entire school district is transferred, the board of 51249
education of such district is thereby abolished. If part of a 51250

school district is transferred, any member of the board of 51251
education who is a legal resident of that part which is 51252
transferred shall thereby cease to be a member of that board. 51253

If an entire school district is transferred, foundation 51254
program moneys accruing to a district accepting school territory 51255
under the provisions of this section shall not be less, in any 51256
year during the next succeeding three years following the 51257
transfer, than the sum of the amounts received by the districts 51258
separately in the year in which the transfer became effective. 51259

Sec. 3311.86. (A) As used in this section: 51260

(1) "Alliance" means a municipal school district 51261
transformation alliance established as a nonprofit corporation. 51262

(2) "Alliance municipal school district" means a municipal 51263
school district for which an alliance has been created under this 51264
section. 51265

(3) "Partnering community school" means a community school 51266
established under Chapter 3314. of the Revised Code that is 51267
located within the territory of a municipal school district and 51268
that either is sponsored by the district or is a party to an 51269
agreement with the district whereby the district and the community 51270
school endorse each other's programs. 51271

(4) "Transformation alliance education plan" means a plan 51272
prepared by the mayor, and confirmed by the alliance, to transform 51273
public education in the alliance municipal school district to a 51274
system of municipal school district schools and partnering 51275
community schools that will be held to the highest standards of 51276
school performance and student achievement. 51277

(B) If one or more partnering community schools are located 51278
in a municipal school district, the mayor may initiate proceedings 51279
to establish a municipal school district transformation alliance 51280

as a nonprofit corporation under Chapter 1702. of the Revised Code. The mayor shall have sole authority to appoint the directors of any alliance created under this section. The directors of the alliance shall include representatives of all of the following:

(1) The municipal school district;

(2) Partnering community schools;

(3) Members of the community at large, including parents and educators;

(4) The business community, including business leaders and foundation leaders.

No one group listed in divisions (B)(1) to (4) of this section shall comprise a majority of the directors. The mayor shall be an ex officio director, and serve as the chairperson of the board of directors, of any alliance created under this section. If the proceedings are initiated, the mayor shall identify the directors in the articles of incorporation filed under section 1702.04 of the Revised Code.

(C)(1) A majority of the members of the board of directors of the alliance shall constitute a quorum of the board. Any formal action taken by the board of directors shall take place at a meeting of the board and shall require the concurrence of a majority of the members of the board. Meetings of the board of directors shall be public meetings open to the public at all times, except that the board and its committees and subcommittees may hold an executive session, as if it were a public body with public employees, for any of the purposes for which an executive session of a public body is permitted under division (G) of section 121.22 of the Revised Code, notwithstanding that the alliance is not a public body as defined in that section, and its employees are not public employees as provided in division (F) of this section. The board of directors shall establish reasonable

methods whereby any person may determine the time and place of all 51312
of the board's public meetings and by which any person, upon 51313
request, may obtain reasonable advance notification of the board's 51314
public meetings. Provisions for that advance notification may 51315
include, but are not limited to, mailing notices to all 51316
subscribers on a mailing list or mailing notices in 51317
self-addressed, stamped envelopes provided by the person. 51318

(2) All records of the alliance shall be organized and 51319
maintained by the alliance and also filed with the department of 51320
education. The alliance and the department shall make those 51321
records available to the public as though those records were 51322
public records for purposes of Chapter 149. of the Revised Code. 51323
The department shall promptly notify the alliance upon the 51324
department's receipt of any requests for records relating to the 51325
alliance pursuant to section 149.43 of the Revised Code. 51326

(3) The board of directors of the alliance shall establish a 51327
conflicts of interest policy and shall adopt that policy, and any 51328
amendments to the policy, at a meeting of the board held in 51329
accordance with this section. 51330

(D) If an alliance is created under this section, the 51331
alliance shall do all of the following: 51332

(1) Report annually on the performance of all municipal 51333
school district schools and all community schools established 51334
under Chapter 3314. of the Revised Code and located in the 51335
district, using the criteria adopted under division (B) of section 51336
3311.87 of the Revised Code; 51337

(2) Confirm and monitor implementation of the transformation 51338
alliance education plan; 51339

(3) Suggest national education models for and provide input 51340
in the development of new municipal school district schools and 51341
partnering community schools. 51342

(E) Divisions (E)(1) to (3) of this section apply to each 51343
community school sponsor that is subject to approval by the 51344
department of education under section 3314.015 of the Revised Code 51345
whose approval under that section is granted or renewed on or 51346
after ~~the effective date of this section~~ October 1, 2012. 51347

Divisions (E)(1) to (3) of this section do not apply to a sponsor 51348
that has been approved by the department prior to that date, until 51349
the sponsor's approval is renewed or granted anew on or after that 51350
date. 51351

(1) Before a sponsor to which this section applies may 51352
sponsor new community schools in an alliance municipal school 51353
district, the sponsor shall request recommendation from the 51354
alliance to sponsor community schools in the district. 51355

(2) The alliance shall review the sponsor's application and 51356
shall make a recommendation based on the standards for sponsors 51357
developed under division (A)(2) of section 3311.87 of the Revised 51358
Code. 51359

(3) The department shall use the standards developed under 51360
division (A)(2) of section 3311.87 of the Revised Code, in 51361
addition to any other requirements of the Revised Code, to review 51362
a sponsor's request and make a final determination, on 51363
recommendation of the alliance, of whether the sponsor may sponsor 51364
new community schools in the alliance municipal school district. 51365

No sponsor shall be required to receive authorization to 51366
sponsor new community schools under division (E)(3) of this 51367
section more than one time. 51368

(F) Directors, officers, and employees of an alliance are not 51369
public employees or public officials, are not subject to Chapters 51370
124., 145., and 4117. of the Revised Code, and are not "public 51371
officials" or "public servants" as defined in section 2921.01 of 51372
the Revised Code. Membership on the board of directors of an 51373

alliance does not constitute the holding of an incompatible public office or employment in violation of any statutory or common law prohibition against the simultaneous holding of more than one public office or employment. Members of the board of directors of an alliance are not disqualified from holding any public office by reason of that membership, and do not forfeit by reason of that membership the public office or employment held when appointed to the board, notwithstanding any contrary disqualification or forfeiture requirement under the Revised Code or the common law of this state.

(G) The authority to establish an alliance under this section expires on January 1, 2018. Any alliance established under this section is terminated, and any related authority granted to the alliance under this section expires on that date.

Sec. 3312.08. Each fiscal agent selected by the department of education pursuant to section 3312.07 of the Revised Code shall do all of the following:

(A) Enter into performance contracts with the department in accordance with section 3312.09 of the Revised Code for the implementation of state and regional education initiatives and school improvement efforts;

(B) Receive federal and state funds, including federal funds for the provision of special education and related services, as specified in the performance contracts, and disburse those funds as specified in the performance contracts to educational service centers, information technology centers, and other regional service providers. However, any funds owed to an educational service center in accordance with an agreement entered into under section ~~3317.11~~ 3313.843, 3313.844, or 3313.845 of the Revised Code shall be paid directly to the service center by the department ~~in accordance with that section~~ and any operating funds

appropriated for an information technology center shall be paid 51405
directly to the information technology center by the department 51406
pursuant to section 3301.075 of the Revised Code. 51407

(C) Implement any expenditure of funds recommended by the 51408
advisory council for the region pursuant to section 3312.04 of the 51409
Revised Code or required by the terms of any performance contract, 51410
unless there are insufficient funds available to the region to pay 51411
for the expenditure or the expenditure violates a provision of the 51412
Revised Code, a rule of the state board of education regarding 51413
such expenditure, or the terms of a performance contract; 51414

(D) Exercise fiscal oversight of the implementation of state 51415
and regional education initiatives and school improvement efforts. 51416

Sec. 3313.372. (A) As used in this section, "energy 51417
conservation measure" means an installation or modification of an 51418
installation in, or remodeling of, a building, to reduce energy 51419
consumption. It includes: 51420

(1) Insulation of the building structure and systems within 51421
the building; 51422

(2) Storm windows and doors, multiglazed windows and doors, 51423
heat absorbing or heat reflective glazed and coated window and 51424
door systems, additional glazing, reductions in glass area, and 51425
other window and door system modifications that reduce energy 51426
consumption; 51427

(3) Automatic energy control systems; 51428

(4) Heating, ventilating, or air conditioning system 51429
modifications or replacements; 51430

(5) Caulking and weatherstripping; 51431

(6) Replacement or modification of lighting fixtures to 51432
increase the energy efficiency of the system without increasing 51433
the overall illumination of a facility, unless such increase in 51434

illumination is necessary to conform to the applicable state or 51435
local building code for the proposed lighting system; 51436

(7) Energy recovery systems; 51437

(8) Cogeneration systems that produce steam or forms of 51438
energy such as heat, as well as electricity, for use primarily 51439
within a building or complex of buildings; 51440

(9) Any other modification, installation, or remodeling 51441
approved by the Ohio school facilities commission as an energy 51442
conservation measure. 51443

(B) A board of education of a city, exempted village, local, 51444
or joint vocational school district may enter into an installment 51445
payment contract for the purchase and installation of energy 51446
conservation measures. The provisions of such installment payment 51447
contracts dealing with interest charges and financing terms shall 51448
not be subject to the competitive bidding requirements of section 51449
3313.46 of the Revised Code, and shall be on the following terms: 51450

(1) Not less than one-fifteenth of the costs thereof shall be 51451
paid within two years from the date of purchase. 51452

(2) The remaining balance of the costs thereof shall be paid 51453
within fifteen years from the date of purchase. 51454

The provisions of any installment payment contract entered 51455
into pursuant to this section shall provide that all payments, 51456
except payments for repairs and obligations on termination of the 51457
contract prior to its expiration, be stated as a percentage of 51458
calculated energy, water, or waste water cost savings, avoided 51459
operating costs, and avoided capital costs attributable to the one 51460
or more measures over a defined period of time. Those payments 51461
shall be made only to the extent that the savings described in 51462
this division actually occur. The contractor shall warrant and 51463
guarantee that the energy conservation measures shall realize 51464
guaranteed savings and shall be responsible to pay an amount equal 51465

to any savings shortfall. 51466

An installment payment contract entered into by a board of 51467
education under this section shall require the board to contract 51468
in accordance with division (A) of section 3313.46 of the Revised 51469
Code for the installation, modification, or remodeling of energy 51470
conservation measures unless division (A) of section 3313.46 of 51471
the Revised Code does not apply pursuant to division (B)(3) of 51472
that section. 51473

(C) The board may issue the notes of the school district 51474
signed by the president and the treasurer of the board and 51475
specifying the terms of the purchase and securing the deferred 51476
payments provided in this section, payable at the times provided 51477
and bearing interest at a rate not exceeding the rate determined 51478
as provided in section 9.95 of the Revised Code. The notes may 51479
contain an option for prepayment and shall not be subject to 51480
Chapter 133. of the Revised Code. In the resolution authorizing 51481
the notes, the board may provide, without the vote of the electors 51482
of the district, for annually levying and collecting taxes in 51483
amounts sufficient to pay the interest on and retire the notes, 51484
except that the total net indebtedness of the district without a 51485
vote of the electors incurred under this and all other sections of 51486
the Revised Code, except section 3318.052 of the Revised Code, 51487
shall not exceed one per cent of the district's tax valuation. 51488
Revenues derived from local taxes or otherwise, for the purpose of 51489
conserving energy or for defraying the current operating expenses 51490
of the district, may be applied to the payment of interest and the 51491
retirement of such notes. The notes may be sold at private sale or 51492
given to the contractor under the installment payment contract 51493
authorized by division (B) of this section. 51494

(D) Debt incurred under this section shall not be included in 51495
the calculation of the net indebtedness of a school district under 51496
section 133.06 of the Revised Code. 51497

(E) No school district board shall enter into an installment
payment contract under division (B) of this section unless it
first obtains a report of the costs of the energy conservation
measures and the savings thereof as described under division (G)
of section 133.06 of the Revised Code as a requirement for issuing
energy securities, makes a finding that the amount spent on such
measures is not likely to exceed the amount of money it would save
in energy costs and resultant operational and maintenance costs as
described in that division, except that that finding shall cover
the ensuing fifteen years, and the Ohio school facilities
commission determines that the district board's findings are
reasonable and approves the contract as described in that
division.

The district board shall monitor the savings and maintain a
report of those savings, which shall be submitted to the
commission in the same manner as required by division (G) of
section 133.06 of the Revised Code in the case of energy
securities.

Sec. 3313.376. As used in this section, "client school
district" ~~has the same meaning as in section 3317.11 of the
Revised Code~~ means a city, exempted village, or local school
district that has entered into an agreement under section 3313.843
or 3313.845 of the Revised Code to receive any services from an
educational service center.

For the purpose of obtaining quantity discounts in purchasing
textbooks; computer equipment, including computer software; school
buses; and natural gas, electricity, and other utility services,
the governing boards of two or more educational service centers
may enter into agreements, including installment purchase and
lease-purchase contracts, to jointly purchase such commodities to
be utilized by client school districts of the educational service

centers. 51529

Sec. 3313.48. (A) The board of education of each city, 51530
exempted village, local, and joint vocational school district 51531
shall provide for the free education of the youth of school age 51532
within the district under its jurisdiction, at such places as will 51533
be most convenient for the attendance of the largest number 51534
thereof. ~~Except as provided in section 3313.481 of the Revised~~ 51535
~~Code, each~~ Each school so provided and each chartered nonpublic 51536
school shall be open for instruction with pupils in attendance, 51537
including scheduled classes, supervised activities, and approved 51538
education options but excluding lunch and breakfast periods and 51539
extracurricular activities, for not less than ~~one hundred~~ 51540
~~eighty two days~~ four hundred fifty-five hours in the case of 51541
pupils in kindergarten unless such pupils are provided all-day 51542
kindergarten, as defined in section 3321.05 of the Revised Code, 51543
in which case the pupils shall be in attendance for nine hundred 51544
ten hours; nine hundred ten hours in the case of pupils in grades 51545
one through six; and one thousand one hours in the case of pupils 51546
in grades seven through twelve in each school year, which may 51547
include all of the following: 51548

~~(A)(1)~~ Up to four the equivalent of two school days per year 51549
~~in which classes are dismissed one half day early or the~~ 51550
~~equivalent amount of time during a different number of days during~~ 51551
~~which pupils would otherwise be in attendance but are not required~~ 51552
~~to attend~~ for the purpose of individualized parent-teacher 51553
conferences and reporting periods; 51554

~~(B)(2)~~ Up to the equivalent of two school days per year 51555
during which pupils would otherwise be in attendance but are not 51556
required to attend for professional meetings of teachers ~~when such~~ 51557
~~days occur during a regular school week and schools are not in~~ 51558
~~session;~~ 51559

~~(C) The number of days the school is closed as a result of public calamity, as provided in section 3317.01 of the Revised Code (3) Morning and afternoon recess periods of not more than fifteen minutes duration per period for pupils in grades kindergarten through six.~~

~~The state board of education shall adopt standards for defining "school day" as used in sections 3313.48 and 3317.01 of the Revised Code.~~

~~Except as otherwise provided in this section, each day for grades seven through twelve shall consist of not less than five clock hours with pupils in attendance, except in such emergency situations, including lack of classroom space, as are approved by the state board of education. Except as otherwise provided in this section, each day for grades one through six shall consist of not less than five clock hours with pupils in attendance which may include fifteen minute morning and afternoon recess periods, except in such emergency situations, including lack of classroom space, as are approved by the state board of education.~~

~~(B) Not later than thirty days prior to adopting a school calendar, the board of education of each city, exempted village, and local school district shall hold a public hearing on the school calendar, addressing topics that include, but are not limited to, the total number of hours in a school year, length of school day, and beginning and end dates of instruction.~~

~~(C) No school operated by a city, exempted village, local, or joint vocational school district shall reduce the number of hours in each school year that the school is scheduled to be open for instruction from the number of hours per year the school was open for instruction during the previous school year unless the reduction is approved by a resolution adopted by the district board of education. Any reduction so approved shall not result in fewer hours of instruction per school year than the applicable~~

number of hours required under division (A) of this section. 51592

(D) Prior to making any change in the hours or days in which 51593
a high school under its jurisdiction is open for instruction, the 51594
board of education of each city, exempted village, and local 51595
school district shall consider the compatibility of the proposed 51596
change with the scheduling needs of any joint vocational school 51597
district in which any of the high school's students are also 51598
enrolled. The board shall consider the impact of the proposed 51599
change on student access to the instructional programs offered by 51600
the joint vocational school district, incentives for students to 51601
participate in career-technical education, transportation, and the 51602
timing of graduation. The board shall provide the joint vocational 51603
school district board with advance notice of the proposed change 51604
and the two boards shall enter into a written agreement 51605
prescribing reasonable accommodations to meet the scheduling needs 51606
of the joint vocational school district prior to implementation of 51607
the change. 51608

(E) Prior to making any change in the hours or days in which 51609
a school under its jurisdiction is open for instruction, the board 51610
of education of each city, exempted village, and local school 51611
district shall consider the compatibility of the proposed change 51612
with the scheduling needs of any community school established 51613
under Chapter 3314. of the Revised Code to which the district is 51614
required to transport students under sections 3314.09 and 3327.01 51615
of the Revised Code. The board shall consider the impact of the 51616
proposed change on student access to the instructional programs 51617
offered by the community school, transportation, and the timing of 51618
graduation. The board shall provide the sponsor, governing 51619
authority, and operator of the community school with advance 51620
notice of the proposed change, and the board and the governing 51621
authority, or operator if such authority is delegated to the 51622
operator, shall enter into a written agreement prescribing 51623

reasonable accommodations to meet the scheduling needs of the 51624
community school prior to implementation of the change. 51625

(F) Prior to making any change in the hours or days in which 51626
the schools under its jurisdiction are open for instruction, the 51627
board of education of each city, exempted village, and local 51628
school district shall consult with the chartered nonpublic schools 51629
to which the district is required to transport students under 51630
section 3327.01 of the Revised Code and shall consider the effect 51631
of the proposed change on the schedule for transportation of those 51632
students to their nonpublic schools. The governing authority of a 51633
chartered nonpublic school shall consult with each school district 51634
board of education that transports students to the chartered 51635
nonpublic school under section 3327.01 of the Revised Code prior 51636
to making any change in the hours or days in which the nonpublic 51637
school is open for instruction. 51638

(G) The state board of education shall not adopt or enforce 51639
any rule or standard that imposes on chartered nonpublic schools 51640
the procedural requirements imposed on school districts by 51641
divisions (B), (C), (D), and (E) of this section. 51642

Sec. 3313.481. Wherever in Title XXXIII of the Revised Code 51643
the term "school day" is used, unless otherwise specified, that 51644
term shall be construed to mean the time during a calendar day 51645
that a school is open for instruction pursuant to the schedule 51646
adopted by the board of education of the school district or the 51647
governing authority of the chartered nonpublic school in 51648
accordance with section 3313.48 of the Revised Code. 51649

Sec. 3313.483. (A) A board of education, upon the adoption of 51650
a resolution stating that it may be financially unable to open on 51651
the day or to remain open for instruction on all days set forth in 51652
its adopted school calendar and pay all obligated expenses, or the 51653

superintendent of public instruction upon the issuance of written 51654
notification under division (B) of section 3313.489 of the Revised 51655
Code, shall request the auditor of state to determine whether such 51656
situation exists. The auditor shall deliver a copy of each request 51657
from a board of education to the superintendent of public 51658
instruction. In the case of a school district not under a fiscal 51659
emergency pursuant to Chapter 3316. of the Revised Code the 51660
auditor shall not issue a finding under this section until written 51661
notification is received from the superintendent pursuant to 51662
section 3313.487 of the Revised Code. 51663

(B) If the auditor of state finds that the board of education 51664
has attempted to avail itself to the fullest extent authorized by 51665
law of all lawful revenue sources available to it except those 51666
authorized by section 5705.21 of the Revised Code, the auditor 51667
shall certify that finding to the superintendent of public 51668
instruction and the state board of education and shall certify the 51669
operating deficit the district will have at the end of the fiscal 51670
year if it commences or continues operating its instructional 51671
program in accordance with its adopted school calendar and pays 51672
all obligated expenses. 51673

(C) No board of education may delay the opening of its 51674
schools or close its schools for financial reasons. Upon the 51675
request of the superintendent of public instruction, the attorney 51676
general shall seek injunctive relief and any other relief required 51677
to enforce this prohibition in the court of common pleas of 51678
Franklin county. The court of common pleas of Franklin county has 51679
exclusive original jurisdiction over all such actions. 51680

(D) Upon the receipt of any certification of an operating 51681
deficit from the auditor of state, a board of education shall make 51682
application to a commercial bank, underwriter, or other 51683
prospective lender or purchaser of its obligations for a loan in 51684
an amount sufficient to enable the district to open or remain open 51685

for instruction on all days set forth in its adopted school 51686
calendar but not to exceed the amount of the deficit certified. 51687

(E)(1) Any board of education that has applied for and been 51688
denied a loan from a commercial bank, underwriter, or other 51689
prospective lender or purchaser of its obligations pursuant to 51690
division (D) of this section shall submit to the superintendent of 51691
public instruction a plan for implementing reductions in the 51692
school district's budget; apply for a loan from a commercial bank, 51693
underwriter, or other prospective lender or purchaser of its 51694
obligations in an amount not to exceed its certified deficit; and 51695
provide the superintendent such information as the superintendent 51696
requires concerning its application for such a loan. The board of 51697
education of a school district declared to be under a fiscal watch 51698
pursuant to division (A) of section 3316.03 of the Revised Code 51699
may, upon approval of the superintendent, utilize the financial 51700
plan required by section 3316.04 of the Revised Code, or 51701
applicable parts thereof, as the plan required under this 51702
division. The board of education of a school district declared to 51703
be under a fiscal emergency pursuant to division (B) of section 51704
3316.03 of the Revised Code may utilize the financial recovery 51705
plan for the district, or applicable parts thereof, as the plan 51706
required under this division. Except for the plan of a school 51707
district under a fiscal emergency, the superintendent shall 51708
evaluate, make recommendations concerning, and approve or 51709
disapprove each plan. When a plan is submitted, the superintendent 51710
shall immediately notify the members of the general assembly whose 51711
legislative districts include any or all of the territory of the 51712
school district submitting the plan. 51713

(2) The superintendent shall submit to the controlling board 51714
a copy of each plan the superintendent approves, or each plan 51715
submitted by a district under a fiscal emergency pursuant to 51716
division (B) of section 3316.03 of the Revised Code, and the 51717

general terms of each proposed loan, and shall make 51718
recommendations regarding the plan and whether a proposed loan to 51719
the board of education should be approved for payment as provided 51720
in division (E)(3) of this section. The controlling board shall 51721
approve or disapprove the plan and the proposed loan presented to 51722
it by the superintendent. In the case of a district not under a 51723
fiscal emergency pursuant to division (B) of section 3316.03 of 51724
the Revised Code, the controlling board may require a board of 51725
education to implement the superintendent's recommendations for 51726
expenditure reductions or impose other requirements. Loan 51727
repayments shall be in accordance with a schedule approved by the 51728
superintendent, except that the principal amount of the loan shall 51729
be payable in monthly, semiannual, or annual installments of 51730
principal and interest that are substantially equal principal and 51731
interest installments. Except as otherwise provided in division 51732
(E)(2) of this section, repayment shall be made no later than the 51733
fifteenth day of June of the second fiscal year following the 51734
approval of the loan. A school district with a certified deficit 51735
in excess of either twenty-five million dollars or fifteen per 51736
cent of the general fund expenditures of the district during the 51737
fiscal year shall repay the loan no later than the fifteenth day 51738
of June of the tenth fiscal year following the approval of the 51739
loan. In deciding whether to approve or disapprove a proposed 51740
loan, the controlling board shall consider the deficit certified 51741
by the auditor of state pursuant to this section. A board of 51742
education that has an outstanding loan approved pursuant to this 51743
section with a repayment date of more than two fiscal years after 51744
the date of approval of such loan may not apply for another loan 51745
with such a repayment date until the outstanding loan has been 51746
repaid. 51747

(3) If a board of education has submitted and received 51748
controlling board approval of a plan and proposed loan in 51749
accordance with this section, the superintendent of public 51750

instruction shall report to the controlling board the actual 51751
amounts loaned to the board of education. Such board of education 51752
shall request the superintendent to pay any funds the board of 51753
education would otherwise receive pursuant to Chapter 3306. of the 51754
Revised Code first directly to the holders of the board of 51755
education's notes, or an agent thereof, such amounts as are 51756
specified under the terms of the loan. Such payments shall be made 51757
only from and to the extent of money appropriated by the general 51758
assembly for purposes of such sections. No note or other 51759
obligation of the board of education under the loan constitutes an 51760
obligation nor a debt or a pledge of the faith, credit, or taxing 51761
power of the state, and the holder or owner of such note or 51762
obligation has no right to have taxes levied by the general 51763
assembly for the payment of such note or obligation, and such note 51764
or obligation shall contain a statement to that effect. 51765

(4) Pursuant to the terms of such a loan, a board of 51766
education may issue its notes in anticipation of the collection of 51767
its voted levies for current expenses or its receipt of such state 51768
funds or both. Such notes shall be issued in accordance with 51769
division (E) of section 133.10 of the Revised Code and constitute 51770
Chapter 133. securities to the extent such division and the 51771
otherwise applicable provisions of Chapter 133. of the Revised 51772
Code are not inconsistent with this section, provided that in any 51773
event sections 133.24 and 5705.21 and divisions (A), (B), (C), and 51774
(E)(2) of section 133.10 of the Revised Code do not apply to such 51775
notes. 51776

(5) Notwithstanding section 133.36 or 3313.17, any other 51777
section of the Revised Code, or any other provision of law, a 51778
board of education that has received a loan under this section may 51779
not declare bankruptcy, so long as any portion of such loan 51780
remains unpaid. 51781

(F) Under this section and ~~sections~~ section 3313.4810 and 51782

~~3313.4811~~, "board of education" or "district board" includes the 51783
financial planning and supervision commission of a school district 51784
under a fiscal emergency pursuant to Chapter 3316. of the Revised 51785
Code where such commission chooses to exercise the powers and 51786
duties otherwise required of the district board of education under 51787
this section and ~~sections~~ section 3313.4810 and ~~3313.4811~~ of the 51788
Revised Code. 51789

Sec. 3313.484. No loan shall be approved under sections 51790
3313.483 to ~~3313.4811~~ 3313.4810 of the Revised Code after March 1, 51791
1998. 51792

By the last day of June each year, the department of 51793
education shall calculate and pay a subsidy to every school 51794
district that during the current fiscal year paid and was 51795
obligated to pay interest on a loan under sections 3313.483 to 51796
~~3313.4811~~ 3313.4810 of the Revised Code in excess of two per cent 51797
simple interest. The amount of the subsidy shall equal the 51798
difference between the amount of interest the district paid and 51799
was obligated to pay during the year and the interest that the 51800
district would have been obligated to pay if the interest rate on 51801
the loan had been two per cent per year. 51802

Sec. 3313.488. (A) Within fifteen days ~~of~~ after the date a 51803
~~board of education requests that its school district be made~~ 51804
~~subject to this section as authorized by section 3317.62 of the~~ 51805
~~Revised Code, or~~ the state board of education has issued issues an 51806
order under section 3313.487 of the Revised Code making a school 51807
district subject to this section, the district's board of 51808
education shall prepare a fiscal statement of expenses and 51809
expenditures for the remainder of the current fiscal year. The 51810
fiscal statement shall be submitted to the superintendent of 51811
public instruction and shall set forth all revenues to be received 51812
by the district during the remainder of the fiscal year and their 51813

sources, the expenses to be incurred by the district during the 51814
remainder of the fiscal year, the outstanding and unpaid expenses 51815
at the time the fiscal statement is prepared and the date or dates 51816
by which such expenses must be paid, and such other information as 51817
the superintendent requires to enable the superintendent to ensure 51818
that during the remainder of the fiscal year, the district will 51819
not incur any expenses that will further impair its ability to 51820
operate an instructional program that meets or exceeds the minimum 51821
standards of the state board of education and requirements of the 51822
Revised Code during the current and ensuing fiscal years with the 51823
revenue available to it from existing revenue sources. The fiscal 51824
statement shall be presented in such detail and form as the 51825
superintendent prescribes. Beginning the tenth day after the 51826
fiscal statement is submitted and for the remainder of the fiscal 51827
year, the board shall not make any expenditure of money, make any 51828
employment, purchase, or rental contract, give any order involving 51829
the expenditure of money, or increase any wage or salary schedule 51830
unless the superintendent of public instruction has approved the 51831
fiscal statement in writing and the expenditure, contract, order, 51832
or schedule has been approved in writing by the superintendent as 51833
being in conformity with the fiscal statement. 51834

Any contract or expenditure made, order given, or schedule 51835
adopted or put into effect without the written approval of the 51836
superintendent of public instruction is void, and no warrant shall 51837
be issued in payment of any amount due thereon. 51838

(B) A board of education subject to division (A) of this 51839
section shall prepare a fiscal statement of expenses and 51840
expenditures for the ensuing fiscal year. The fiscal statement 51841
shall be submitted to the superintendent of public instruction and 51842
shall set forth all revenues to be received by the district during 51843
such year and their source, the expenses to be incurred by the 51844
district during such year, the outstanding and unpaid expenses on 51845

the first day of such fiscal year, the date or dates by which such 51846
expenses must be paid, and such other information as the 51847
superintendent requires to enable the superintendent to ensure 51848
that during such year, the district will not incur any expenses 51849
that will further impair its ability to operate an instructional 51850
program that meets or exceeds the minimum standards of the state 51851
board of education and requirements of the Revised Code during 51852
such year with the revenue available to it from existing revenue 51853
sources. The fiscal statement shall be presented at the time and 51854
in such detail and form as the superintendent prescribes. During 51855
the fiscal year following the year in which a board of education 51856
first becomes subject to division (A) of this section it shall not 51857
make any expenditure of money, make any employment, purchase, or 51858
rental contract, give any order involving the expenditure of 51859
money, or increase any wage or salary schedule unless the 51860
superintendent of public instruction has approved the fiscal 51861
statement submitted under this division in writing and has 51862
approved the expenditure, contract, order, or schedule in writing 51863
as being in conformity with the fiscal statement. 51864

Any contract or expenditure made, order given, or schedule 51865
adopted or put into effect without the written approval of the 51866
superintendent of public instruction is void, and no warrant shall 51867
be issued in payment of any amount due thereon. 51868

(C) The state board of education shall examine any fiscal 51869
statement presented to and approved by the superintendent of 51870
public instruction under division (B) of this section and shall 51871
determine whether the data set forth in the fiscal statement are 51872
factual and based upon assumptions that in its judgment are 51873
reasonable expectations consistent with acceptable governmental 51874
budget and accounting practices. If the state board so determines 51875
and finds that the revenues and expenditures in the fiscal 51876
statement are in balance for the fiscal year and the fiscal 51877

statement will enable the district to operate during such year 51878
without interrupting its school calendar, it shall certify its 51879
determination and finding to the district at least thirty days 51880
prior to the beginning of the fiscal year, and the district shall 51881
thereupon cease to be subject to this section. If the state board 51882
does not make such a determination and finding, the board of 51883
education and school district are subject to this division and 51884
division (B) of this section in the ensuing fiscal year and each 51885
fiscal year thereafter until the state board makes a 51886
determination, finding, and certification under this division. 51887

(D) Any officer, employee, or other person who knowingly 51888
expends or authorizes the expenditure of any public funds or 51889
knowingly authorizes or executes any contract, order, or schedule 51890
contrary to division (A) or (B) of this section or who knowingly 51891
expends or authorizes the expenditure of any public funds on any 51892
such void contract, order, or schedule is jointly and severally 51893
liable in person and upon any official bond that the officer, 51894
employee, or other person has given to such school district to the 51895
extent of any payments on the void claim, not to exceed twenty 51896
thousand dollars. The attorney general at the written request of 51897
the superintendent of public instruction shall enforce this 51898
liability by civil action brought in any court of appropriate 51899
jurisdiction in the name of and on behalf of the school district. 51900

(E) During each month that a board of education is subject to 51901
division (A), (B), or (C) of this section, the superintendent of 51902
public instruction shall submit a report to the speaker of the 51903
house of representatives and the president of the senate on the 51904
financial condition of the school district. The report shall 51905
contain the date by which the superintendent anticipates the 51906
district will cease to be subject to such divisions, the 51907
district's plans for becoming exempt from such section, and such 51908
other information the superintendent determines appropriate or the 51909

speaker of the house of representatives or president of the senate 51910
requests. 51911

In addition to the other reports required under this 51912
division, on the thirty-first day of each school district fiscal 51913
year following a fiscal year in which a school district first 51914
becomes subject to this section, the superintendent shall submit a 51915
written report to the speaker of the house of representatives and 51916
the president of the senate. The report shall include 51917
recommendations to the general assembly for strengthening the 51918
financial condition of school districts based upon the experiences 51919
of the superintendent and the state board in exercising their 51920
powers under this section and sections 3313.483 and 3313.487 of 51921
the Revised Code. 51922

(F) This section does not apply to a school district declared 51923
to be under a fiscal emergency pursuant to division (B) of section 51924
3316.03 of the Revised Code. 51925

Sec. 3313.4810. Any school district receiving a loan under 51926
section 3313.483 ~~or 3317.64~~ of the Revised Code in excess of seven 51927
per cent of the general fund expenditures of the district during 51928
the fiscal year in which the loan is received and that has 51929
received a loan under that section within the last five years is 51930
subject to section 3313.488 of the Revised Code for the duration 51931
of the fiscal year in which the district receives the loan and 51932
during the ensuing two fiscal years. The controlling board may not 51933
relieve a school district to which this section applies from any 51934
requirements imposed under section 3313.483 ~~or 3317.64~~ of the 51935
Revised Code to implement recommendations of the superintendent of 51936
public instruction for expenditure reduction and may not modify 51937
any other requirements imposed under such section upon such a 51938
district as a condition for receiving the loan unless expressly 51939
authorized to do so by law. The superintendent of public 51940

instruction shall, among any recommendations ~~he~~ the superintendent 51941
makes for expenditure reduction under section 3313.483 ~~or 3317.63~~ 51942
of the Revised Code affecting the number of employees of a school 51943
district to which this section applies, provide wherever possible 51944
for the retention of teachers who are actually involved in the 51945
daily teaching of students in the classroom. 51946

Sec. 3313.533. (A) The board of education of a city, exempted 51947
village, or local school district may adopt a resolution to 51948
establish and maintain an alternative school in accordance with 51949
this section. The resolution shall specify, but not necessarily be 51950
limited to, all of the following: 51951

(1) The purpose of the school, which purpose shall be to 51952
serve students who are on suspension, who are having truancy 51953
problems, who are experiencing academic failure, who have a 51954
history of class disruption, who are exhibiting other academic or 51955
behavioral problems specified in the resolution, or who have been 51956
discharged or released from the custody of the department of youth 51957
services under section 5139.51 of the Revised Code; 51958

(2) The grades served by the school, which may include any of 51959
grades kindergarten through twelve; 51960

(3) A requirement that the school be operated in accordance 51961
with this section. The board of education adopting the resolution 51962
under division (A) of this section shall be the governing board of 51963
the alternative school. The board shall develop and implement a 51964
plan for the school in accordance with the resolution establishing 51965
the school and in accordance with this section. Each plan shall 51966
include, but not necessarily be limited to, all of the following: 51967

(a) Specification of the reasons for which students will be 51968
accepted for assignment to the school and any criteria for 51969
admission that are to be used by the board to approve or 51970
disapprove the assignment of students to the school; 51971

(b) Specification of the criteria and procedures that will be used for returning students who have been assigned to the school back to the regular education program of the district;

(c) An evaluation plan for assessing the effectiveness of the school and its educational program and reporting the results of the evaluation to the public.

(B) Notwithstanding any provision of Title XXXVIII of the Revised Code to the contrary, the alternative school plan may include any of the following:

(1) A requirement that on each school day students must attend school or participate in other programs specified in the plan or by the chief administrative officer of the school for a period equal to the minimum school day set by the state board of education under section 3313.48 of the Revised Code plus any additional time required in the plan or by the chief administrative officer;

(2) Restrictions on student participation in extracurricular or interscholastic activities;

(3) A requirement that students wear uniforms prescribed by the district board of education.

(C) In accordance with the alternative school plan, the district board of education may employ teachers and nonteaching employees necessary to carry out its duties and fulfill its responsibilities or may contract with a nonprofit or for profit entity to operate the alternative school, including the provision of personnel, supplies, equipment, or facilities.

(D) An alternative school may be established in all or part of a school building.

(E) If a district board of education elects under this section, or is required by section 3313.534 of the Revised Code,

to establish an alternative school, the district board may join 52002
with the board of education of one or more other districts to form 52003
a joint alternative school by forming a cooperative education 52004
school district under section 3311.52 or 3311.521 of the Revised 52005
Code, or a joint educational program under section 3313.842 of the 52006
Revised Code. The authority to employ personnel or to contract 52007
with a nonprofit or for profit entity under division (C) of this 52008
section applies to any alternative school program established 52009
under this division. 52010

(F) Any individual employed as a teacher at an alternative 52011
school operated by a nonprofit or for profit entity under this 52012
section shall be licensed and shall be subject to background 52013
checks, as described in section 3319.39 of the Revised Code, in 52014
the same manner as an individual employed by a school district. 52015

(G) Division (G) of this section applies only to any 52016
alternative school that is operated by a nonprofit or for profit 52017
entity under contract with the school district. 52018

(1) In addition to the specifications authorized under 52019
division (B) of this section, any plan adopted under that division 52020
for an alternative school to which division (G) of this section 52021
also applies shall include the following: 52022

(a) A description of the educational program provided at the 52023
alternative school, which shall include: 52024

(i) Provisions for the school to be configured in clusters or 52025
small learning communities; 52026

(ii) Provisions for the incorporation of education technology 52027
into the curriculum; 52028

(iii) Provisions for accelerated learning programs in reading 52029
and mathematics. 52030

(b) A method to determine the reading and mathematics level 52031

of each student assigned to the alternative school and a method to 52032
continuously monitor each student's progress in those areas. The 52033
methods employed under this division shall be aligned with the 52034
curriculum adopted by the school district board of education under 52035
section 3313.60 of the Revised Code. 52036

(c) A plan for social services to be provided at the 52037
alternative school, such as, but not limited to, counseling 52038
services, psychological support services, and enrichment programs; 52039

(d) A plan for a student's transition from the alternative 52040
school back to a school operated by the school district; 52041

(e) A requirement that the alternative school maintain 52042
financial records in a manner that is compatible with the form 52043
prescribed for school districts by the auditor of state to enable 52044
the district to comply with any rules adopted by the auditor of 52045
state. 52046

(2) Notwithstanding division (A)(2) of this section, any 52047
alternative school to which division (G) of this section applies 52048
shall include only grades six through twelve. 52049

(3) Notwithstanding anything in division (A)(3)(a) of this 52050
section to the contrary, the characteristics of students who may 52051
be assigned to an alternative school to which division (G) of this 52052
section applies shall include only disruptive and low-performing 52053
students. 52054

(H) When any district board of education determines to 52055
contract with a nonprofit or for profit entity to operate an 52056
alternative school under this section, the board shall use the 52057
procedure set forth in this division. 52058

(1) The board shall publish notice of a request for proposals 52059
in a newspaper of general circulation in the district once each 52060
week for a period of two consecutive weeks, or as provided in 52061
section 7.16 of the Revised Code, prior to the date specified by 52062

the board for receiving proposals. Notices of requests for 52063
proposals shall contain a general description of the subject of 52064
the proposed contract and the location where the request for 52065
proposals may be obtained. The request for proposals shall include 52066
all of the following information: 52067

(a) Instructions and information to respondents concerning 52068
the submission of proposals, including the name and address of the 52069
office where proposals are to be submitted; 52070

(b) Instructions regarding communications, including at least 52071
the names, titles, and telephone numbers of persons to whom 52072
questions concerning a proposal may be directed; 52073

(c) A description of the performance criteria that will be 52074
used to evaluate whether a respondent to which a contract is 52075
awarded is meeting the district's educational standards or the 52076
method by which such performance criteria will be determined; 52077

(d) Factors and criteria to be considered in evaluating 52078
proposals, the relative importance of each factor or criterion, 52079
and a description of the evaluation procedures to be followed; 52080

(e) Any terms or conditions of the proposed contract, 52081
including any requirement for a bond and the amount of such bond; 52082

(f) Documents that may be incorporated by reference into the 52083
request for proposals, provided that the request for proposals 52084
specifies where such documents may be obtained and that such 52085
documents are readily available to all interested parties. 52086

(2) After the date specified for receiving proposals, the 52087
board shall evaluate the submitted proposals and may hold 52088
discussions with any respondent to ensure a complete understanding 52089
of the proposal and the qualifications of such respondent to 52090
execute the proposed contract. Such qualifications shall include, 52091
but are not limited to, all of the following: 52092

(a) Demonstrated competence in performance of the required services as indicated by effective implementation of educational programs in reading and mathematics and at least three years of experience successfully serving a student population similar to the student population assigned to the alternative school;

(b) Demonstrated performance in the areas of cost containment, the provision of educational services of a high quality, and any other areas determined by the board;

(c) Whether the respondent has the resources to undertake the operation of the alternative school and to provide qualified personnel to staff the school;

(d) Financial responsibility.

(3) The board shall select for further review at least three proposals from respondents the board considers qualified to operate the alternative school in the best interests of the students and the district. If fewer than three proposals are submitted, the board shall select each proposal submitted. The board may cancel a request for proposals or reject all proposals at any time prior to the execution of a contract.

The board may hold discussions with any of the three selected respondents to clarify or revise the provisions of a proposal or the proposed contract to ensure complete understanding between the board and the respondent of the terms under which a contract will be entered. Respondents shall be accorded fair and equal treatment with respect to any opportunity for discussion regarding clarifications or revisions. The board may terminate or discontinue any further discussion with a respondent upon written notice.

(4) Upon further review of the three proposals selected by the board, the board shall award a contract to the respondent the board considers to have the most merit, taking into consideration

the scope, complexity, and nature of the services to be performed 52124
by the respondent under the contract. 52125

(5) Except as provided in division (H)(6) of this section, 52126
the request for proposals, submitted proposals, and related 52127
documents shall become public records under section 149.43 of the 52128
Revised Code after the award of the contract. 52129

(6) Any respondent may request in writing that the board not 52130
disclose confidential or proprietary information or trade secrets 52131
contained in the proposal submitted by the respondent to the 52132
board. Any such request shall be accompanied by an offer of 52133
indemnification from the respondent to the board. The board shall 52134
determine whether to agree to the request and shall inform the 52135
respondent in writing of its decision. If the board agrees to 52136
nondisclosure of specified information in a proposal, such 52137
information shall not become a public record under section 149.43 52138
of the Revised Code. If the respondent withdraws its proposal at 52139
any time prior to the execution of a contract, the proposal shall 52140
not be a public record under section 149.43 of the Revised Code. 52141

(I) Upon a recommendation from the department and in 52142
accordance with section 3301.16 of the Revised Code, the state 52143
board of education may revoke the charter of any alternative 52144
school operated by a school district that violates this section. 52145

Sec. 3313.539. (A) As used in this section, ~~"physician":~~ 52146

"Physician" means a person authorized under Chapter 4731. of 52147
the Revised Code to practice medicine and surgery or osteopathic 52148
medicine and surgery. 52149

"Chiropractor" means a person licensed under Chapter 4734. of 52150
the Revised Code to practice chiropractic. 52151

(B) No school district board of education or governing 52152
authority of a chartered or nonchartered nonpublic school shall 52153

permit a student to practice for or compete in interscholastic 52154
athletics until the student has submitted, to a school official 52155
designated by the board or governing authority, a form signed by 52156
the parent, guardian, or other person having care or charge of the 52157
student stating that the student and the parent, guardian, or 52158
other person having care or charge of the student have received 52159
the concussion and head injury information sheet required by 52160
section 3707.52 of the Revised Code. A completed form shall be 52161
submitted each school year, as defined in section 3313.62 of the 52162
Revised Code, for each sport or other category of interscholastic 52163
athletics for or in which the student practices or competes. 52164

(C)(1) No school district board of education or governing 52165
authority of a chartered or nonchartered nonpublic school shall 52166
permit an individual to coach interscholastic athletics unless the 52167
individual holds a pupil-activity program permit issued under 52168
section 3319.303 of the Revised Code for coaching interscholastic 52169
athletics. 52170

(2) No school district board of education or governing 52171
authority of a chartered or nonchartered nonpublic school shall 52172
permit an individual to referee interscholastic athletics unless 52173
the individual holds a pupil-activity program permit issued under 52174
section 3319.303 of the Revised Code for coaching interscholastic 52175
athletics or presents evidence that the individual has 52176
successfully completed, within the previous three years, a 52177
training program in recognizing the symptoms of concussions and 52178
head injuries to which the department of health has provided a 52179
link on its internet web site under section 3707.52 of the Revised 52180
Code or a training program authorized and required by an 52181
organization that regulates interscholastic conferences or events. 52182

(D) If a student practicing for or competing in an 52183
interscholastic athletic event exhibits signs, symptoms, or 52184
behaviors consistent with having sustained a concussion or head 52185

injury while participating in the practice or competition, the 52186
student shall be removed from the practice or competition by 52187
either of the following: 52188

(1) The individual who is serving as the student's coach 52189
during that practice or competition; 52190

(2) An individual who is serving as a referee during that 52191
practice or competition. 52192

(E)(1) If a student is removed from practice or competition 52193
under division (D) of this section, the coach or referee who 52194
removed the student shall not allow the student, on the same day 52195
the student is removed, to return to that practice or competition 52196
or to participate in any other practice or competition for which 52197
the coach or referee is responsible. Thereafter, the coach or 52198
referee shall not allow the student to return to that practice or 52199
competition or to participate in any other practice or competition 52200
for which the coach or referee is responsible until both of the 52201
following conditions are satisfied: 52202

(a) The student's condition is assessed by ~~either~~ any of the 52203
following: 52204

(i) A physician; 52205

(ii) A chiropractor; 52206

(iii) Any other licensed health care provider the school 52207
district board of education or governing authority of the 52208
chartered or nonchartered nonpublic school, pursuant to division 52209
(E)(2) of this section, authorizes to assess a student who has 52210
been removed from practice or competition under division (D) of 52211
this section. 52212

(b) The student receives written clearance that it is safe 52213
for the student to return to practice or competition from a 52214
physician, chiropractor, or ~~from~~ another licensed health care 52215

provider authorized pursuant to division (E)(2) of this section to grant the clearance. 52216
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(2) A school district board of education or governing authority of a chartered or nonchartered nonpublic school may authorize a licensed health care provider who is not a physician or a chiropractor to make an assessment or grant a clearance for purposes of division (E)(1) of this section only if the provider is acting in accordance with one of the following, as applicable to the provider's authority to practice in this state: 52218
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(a) In consultation with a physician; 52225

(b) Pursuant to the referral of a physician; 52226

(c) In collaboration with a physician; 52227

(d) Under the supervision of a physician. 52228

(3) A physician, chiropractor, or other licensed health care provider who makes an assessment or grants a clearance for purposes of division (E)(1) of this section may be a volunteer. 52229
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(F) A school district board of education or governing authority of a chartered or nonchartered nonpublic school that is subject to the rules of an interscholastic conference or an organization that regulates interscholastic conferences or events shall be considered to be in compliance with divisions (B), (D), and (E) of this section, as long as the requirements of those rules are substantially similar to the requirements of divisions (B), (D), and (E) of this section. 52232
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(G)(1) A school district, member of a school district board of education, or school district employee or volunteer, including a coach or referee, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton 52240
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misconduct. 52246

This section does not eliminate, limit, or reduce any other 52247
immunity or defense that a school district, member of a school 52248
district board of education, or school district employee or 52249
volunteer, including a coach or referee, may be entitled to under 52250
Chapter 2744. or any other provision of the Revised Code or under 52251
the common law of this state. 52252

(2) A chartered or nonchartered nonpublic school or any 52253
officer, director, employee, or volunteer of the school, including 52254
a coach or referee, is not liable in damages in a civil action for 52255
injury, death, or loss to person or property allegedly arising 52256
from providing services or performing duties under this section, 52257
unless the act or omission constitutes willful or wanton 52258
misconduct. 52259

Sec. 3313.5311. (A) As used in this section and in section 52260
3313.5312 of the Revised Code, "extracurricular activity" has the 52261
same meaning as in section 3313.537 of the Revised Code. 52262

(B) If the nonpublic school in which the student is enrolled 52263
does not offer the extracurricular activity, a student enrolled in 52264
a chartered or nonchartered nonpublic school shall be afforded, by 52265
the superintendent of the school district in which the student is 52266
entitled to attend school under section 3313.64 or 3313.65 of the 52267
Revised Code, the opportunity to participate in that 52268
extracurricular activity at the district school to which the 52269
student otherwise would be assigned during that school year. If 52270
more than one school operated by the school district serves the 52271
student's grade level, as determined by the district 52272
superintendent based on the student's age and academic 52273
performance, the student shall be afforded the opportunity to 52274
participate in that extracurricular activity at the school to 52275
which the student would be assigned by the superintendent under 52276

section 3319.01 of the Revised Code. 52277

(C) The superintendent of any school district may afford any student enrolled in a nonpublic school, and who is not entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code, the opportunity to participate in an extracurricular activity offered by a school of the district, if both of the following apply: 52278
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(1) The nonpublic school in which the student is enrolled does not offer the extracurricular activity; 52284
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(2) The extracurricular activity is not interscholastic athletics or interscholastic contests or competition in music, drama, or forensics. 52286
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(D) In order to participate in an extracurricular activity under this section, the student shall be of the appropriate age and grade level, as determined by the superintendent of the district, for the school that offers the extracurricular activity, and shall fulfill the same academic, nonacademic, and financial requirements as any other participant. 52289
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(E) No school district shall impose additional rules on a student to participate under this section that do not apply to other students participating in the same extracurricular activity. No district shall impose additional fees for a student to participate under this section that exceed any fees charged to other students participating in the same extracurricular activity. 52295
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(F) A school district board of education may require a student enrolled in a chartered or nonchartered nonpublic school to enroll and participate in not more than one academic course at the school offering the extracurricular activity as a condition to participating in the activity. In that case, the board shall admit students seeking to enroll in an academic course to fulfill the requirement as space allows after first enrolling students 52301
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assigned to that school. 52308

(G) No school district, interscholastic conference, or 52309
organization that regulates interscholastic conferences or events 52310
shall require a student who is eligible to participate in 52311
interscholastic extracurricular activities under this section to 52312
meet eligibility requirements that conflict with this section. 52313

Sec. 3313.5312. (A) A student who is receiving home 52314
instruction in accordance with division (A)(2) of section 3321.04 52315
of the Revised Code shall be afforded, by the superintendent of 52316
the school district in which the student is entitled to attend 52317
school under section 3313.64 or 3313.65 of the Revised Code, the 52318
opportunity to participate in any extracurricular activity offered 52319
at the district school to which the student otherwise would be 52320
assigned during that school year. If more than one school operated 52321
by the school district serves the student's grade level, as 52322
determined by the district superintendent based on the student's 52323
age and academic performance, the student shall be afforded the 52324
opportunity to participate in extracurricular activities at the 52325
school to which the student would be assigned by the 52326
superintendent under section 3319.01 of the Revised Code. If a 52327
student who is afforded the opportunity to participate in 52328
extracurricular activities under division (A) of this section 52329
wishes to participate in an activity that is offered by the 52330
district, the student shall not participate in that activity at 52331
another school or school district to which the student is not 52332
entitled to attend. 52333

(B) The superintendent of any school district may afford any 52334
student who receives home instruction under division (A)(2) of 52335
section 3321.04 of the Revised Code, and who is not entitled to 52336
attend school in the district under section 3313.64 or 3313.65 of 52337
the Revised Code, the opportunity to participate in any 52338

extracurricular activity offered by a school of the district, if 52339
the district to which the student is entitled to attend does not 52340
offer that extracurricular activity. 52341

(C) In order to participate in an extracurricular activity 52342
under this section, the student shall be of the appropriate age 52343
and grade level, as determined by the superintendent of the 52344
district, for the school that offers the extracurricular activity, 52345
shall fulfill the same nonacademic and financial requirements as 52346
any other participant, and shall fulfill either of the following 52347
academic requirements: 52348

(1) If the student received home instruction in the preceding 52349
grading period, the student shall meet any academic requirements 52350
established by the state board of education for the continuation 52351
of home instruction. 52352

(2) If the student did not receive home instruction in the 52353
preceding grading period, the student's academic performance 52354
during the preceding grading period shall have met any academic 52355
standards for eligibility to participate in the program 52356
established by the school district. 52357

(D) Eligibility for a student who leaves a school district 52358
mid-year for home instruction shall be determined based on an 52359
interim academic assessment issued by the district in which the 52360
student was enrolled based on the student's work while enrolled in 52361
that district. 52362

(E) Any student who commences home instruction after the 52363
beginning of a school year and who is, at the time home 52364
instruction commences, ineligible to participate in an 52365
extracurricular activity due to failure to meet academic standards 52366
or any other requirements of the district shall not participate in 52367
the extracurricular activity under this section until the student 52368
meets the academic requirements established by the state board of 52369

education for continuation of home instruction as verified by the 52370
superintendent of the district. No student under this section 52371
shall be eligible to participate in the same semester in which the 52372
student was determined ineligible. 52373

(F) No school district shall impose additional rules on a 52374
student to participate under this section that do not apply to 52375
other students participating in the same extracurricular activity. 52376
No district shall impose fees for a student to participate under 52377
this section that exceed any fees charged to other students 52378
participating in the same extracurricular activity. 52379

(G) A school district board of education may require a 52380
student who receives home instruction under division (A)(2) of 52381
section 3321.04 of the Revised Code to enroll and participate in 52382
not more than one academic course at the school offering the 52383
extracurricular activity as a condition to participating in the 52384
activity. In that case, the board shall admit students seeking to 52385
enroll in an academic course to fulfill the requirement as space 52386
allows after first enrolling students assigned to that school. 52387

(H) No school district, interscholastic conference, or 52388
organization that regulates interscholastic conferences or events 52389
shall require a student who is eligible to participate in 52390
interscholastic extracurricular activities under this section to 52391
meet eligibility requirements that conflict with this section. 52392

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 52393
of the Revised Code, divisions (A) to (E) of this section do not 52394
apply to any cooperative education school district established 52395
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 52396
Code. 52397

(A) The board of education of each city ~~and~~, exempted 52398
village, ~~and local~~ school district, ~~the governing board of each~~ 52399
~~educational service center~~, and the board of each cooperative 52400

education school district established, pursuant to section 52401
3311.521 of the Revised Code, shall prescribe a curriculum for all 52402
schools under ~~their~~ its control. Except as provided in division 52403
(E) of this section, in any such curriculum there shall be 52404
included the study of the following subjects: 52405

(1) The language arts, including reading, writing, spelling, 52406
oral and written English, and literature; 52407

(2) Geography, the history of the United States and of Ohio, 52408
and national, state, and local government in the United States, 52409
including a balanced presentation of the relevant contributions to 52410
society of men and women of African, Mexican, Puerto Rican, and 52411
American Indian descent as well as other ethnic and racial groups 52412
in Ohio and the United States; 52413

(3) Mathematics; 52414

(4) Natural science, including instruction in the 52415
conservation of natural resources; 52416

(5) Health education, which shall include instruction in: 52417

(a) The nutritive value of foods, including natural and 52418
organically produced foods, the relation of nutrition to health, 52419
and the use and effects of food additives; 52420

(b) The harmful effects of and legal restrictions against the 52421
use of drugs of abuse, alcoholic beverages, and tobacco; 52422

(c) Venereal disease education, except that upon written 52423
request of the student's parent or guardian, a student shall be 52424
excused from taking instruction in venereal disease education; 52425

(d) In grades kindergarten through six, instruction in 52426
personal safety and assault prevention, except that upon written 52427
request of the student's parent or guardian, a student shall be 52428
excused from taking instruction in personal safety and assault 52429
prevention; 52430

(e) In grades seven through twelve, age-appropriate 52431
instruction in dating violence prevention education, which shall 52432
include instruction in recognizing dating violence warning signs 52433
and characteristics of healthy relationships. 52434

In order to assist school districts in developing a dating 52435
violence prevention education curriculum, the department of 52436
education shall provide on its web site links to free curricula 52437
addressing dating violence prevention. 52438

If the parent or legal guardian of a student less than 52439
eighteen years of age submits to the principal of the student's 52440
school a written request to examine the dating violence prevention 52441
instruction materials used at that school, the principal, within a 52442
reasonable period of time after the request is made, shall allow 52443
the parent or guardian to examine those materials at that school. 52444

(6) Physical education; 52445

(7) The fine arts, including music; 52446

(8) First aid, including a training program in 52447
cardiopulmonary resuscitation, safety, and fire prevention, except 52448
that upon written request of the student's parent or guardian, a 52449
student shall be excused from taking instruction in 52450
cardiopulmonary resuscitation. 52451

(B) Except as provided in division (E) of this section, every 52452
school or school district shall include in the requirements for 52453
promotion from the eighth grade to the ninth grade one year's 52454
course of study of American history. A board may waive this 52455
requirement for academically accelerated students who, in 52456
accordance with procedures adopted by the board, are able to 52457
demonstrate mastery of essential concepts and skills of the eighth 52458
grade American history course of study. 52459

(C) As specified in divisions (B)(6) and (C)(6) of section 52460
3313.603 of the Revised Code, except as provided in division (E) 52461

of this section, every high school shall include in the 52462
requirements for graduation from any curriculum one-half unit each 52463
of American history and government. 52464

(D) Except as provided in division (E) of this section, basic 52465
instruction or demonstrated mastery in geography, United States 52466
history, the government of the United States, the government of 52467
the state of Ohio, local government in Ohio, the Declaration of 52468
Independence, the United States Constitution, and the Constitution 52469
of the state of Ohio shall be required before pupils may 52470
participate in courses involving the study of social problems, 52471
economics, foreign affairs, United Nations, world government, 52472
socialism, and communism. 52473

(E) For each cooperative education school district 52474
established pursuant to section 3311.521 of the Revised Code and 52475
each city, exempted village, and local school district that has 52476
territory within such a cooperative district, the curriculum 52477
adopted pursuant to divisions (A) to (D) of this section shall 52478
only include the study of the subjects that apply to the grades 52479
operated by each such school district. The curriculums for such 52480
schools, when combined, shall provide to each student of these 52481
districts all of the subjects required under divisions (A) to (D) 52482
of this section. 52483

(F) The board of education of any cooperative education 52484
school district established pursuant to divisions (A) to (C) of 52485
section 3311.52 of the Revised Code shall prescribe a curriculum 52486
for the subject areas and grade levels offered in any school under 52487
its control. 52488

(G) Upon the request of any parent or legal guardian of a 52489
student, the board of education of any school district shall 52490
permit the parent or guardian to promptly examine, with respect to 52491
the parent's or guardian's own child: 52492

(1) Any survey or questionnaire, prior to its administration to the child;	52493 52494
(2) Any textbook, workbook, software, video, or other instructional materials being used by the district in connection with the instruction of the child;	52495 52496 52497
(3) Any completed and graded test taken or survey or questionnaire filled out by the child;	52498 52499
(4) Copies of the statewide academic standards and each model curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building.	52500 52501 52502 52503
Sec. 3313.603. (A) As used in this section:	52504
(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.	52505 52506 52507 52508
(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.	52509 52510 52511 52512
(3) <u>"Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.</u>	52513 52514
(4) <u>"Child with a disability" and "IEP" have the same meanings as in section 3323.01 of the Revised Code.</u>	52515 52516
(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:	52517 52518 52519 52520 52521

(1) English language arts, four units;	52522
(2) Health, one-half unit;	52523
(3) Mathematics, three units;	52524
(4) Physical education, one-half unit;	52525
(5) Science, two units until September 15, 2003, and three	52526
units thereafter, which at all times shall include both of the	52527
following:	52528
(a) Biological sciences, one unit;	52529
(b) Physical sciences, one unit.	52530
(6) History and government, one unit, which shall comply with	52531
division (M) of this section and shall include both of the	52532
following:	52533
(a) American history, one-half unit;	52534
(b) American government, one-half unit.	52535
(7) Social studies, two units.	52536
(8) Elective units, seven units until September 15, 2003, and	52537
six units thereafter.	52538
Each student's electives shall include at least one unit, or	52539
two half units, chosen from among the areas of	52540
business/technology, fine arts, and/or foreign language.	52541
(C) Beginning with students who enter ninth grade for the	52542
first time on or after July 1, 2010, except as provided in	52543
divisions (D) to (F) of this section, the requirements for	52544
graduation from every public and chartered nonpublic high school	52545
shall include twenty units that are designed to prepare students	52546
for the workforce and college. The units shall be distributed as	52547
follows:	52548
(1) English language arts, four units;	52549

(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;	52550 52551 52552
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II;	52553 52554
(4) Physical education, one-half unit;	52555
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	52556 52557 52558 52559
(a) Physical sciences, one unit;	52560
(b) Life sciences, one unit;	52561
(c) Advanced study in one or more of the following sciences, one unit:	52562 52563
(i) Chemistry, physics, or other physical science;	52564
(ii) Advanced biology or other life science;	52565
(iii) Astronomy, physical geology, or other earth or space science.	52566 52567
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	52568 52569 52570
(a) American history, one-half unit;	52571
(b) American government, one-half unit.	52572
(7) Social studies, two units.	52573
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and	52574 52575 52576 52577 52578

entrepreneurship adopted under division (A)(2) of that section, 52579
into one or more existing social studies credits required under 52580
division (C)(7) of this section, or into the content of another 52581
class, so that every high school student receives instruction in 52582
those concepts. In developing the curriculum required by this 52583
paragraph, schools shall use available public-private partnerships 52584
and resources and materials that exist in business, industry, and 52585
through the centers for economics education at institutions of 52586
higher education in the state. 52587

(8) Five units consisting of one or any combination of 52588
foreign language, fine arts, business, career-technical education, 52589
family and consumer sciences, technology, agricultural education, 52590
a junior reserve officer training corps (JROTC) program approved 52591
by the congress of the United States under title 10 of the United 52592
States Code, or English language arts, mathematics, science, or 52593
social studies courses not otherwise required under division (C) 52594
of this section. 52595

Ohioans must be prepared to apply increased knowledge and 52596
skills in the workplace and to adapt their knowledge and skills 52597
quickly to meet the rapidly changing conditions of the 52598
twenty-first century. National studies indicate that all high 52599
school graduates need the same academic foundation, regardless of 52600
the opportunities they pursue after graduation. The goal of Ohio's 52601
system of elementary and secondary education is to prepare all 52602
students for and seamlessly connect all students to success in 52603
life beyond high school graduation, regardless of whether the next 52604
step is entering the workforce, beginning an apprenticeship, 52605
engaging in post-secondary training, serving in the military, or 52606
pursuing a college degree. 52607

The Ohio core curriculum is the standard expectation for all 52608
students entering ninth grade for the first time at a public or 52609
chartered nonpublic high school on or after July 1, 2010. A 52610

student may satisfy this expectation through a variety of methods, 52611
including, but not limited to, integrated, applied, 52612
career-technical, and traditional coursework. 52613

Whereas teacher quality is essential for student success in 52614
completing the Ohio core curriculum, the general assembly shall 52615
appropriate funds for strategic initiatives designed to strengthen 52616
schools' capacities to hire and retain highly qualified teachers 52617
in the subject areas required by the curriculum. Such initiatives 52618
are expected to require an investment of \$120,000,000 over five 52619
years. 52620

Stronger coordination between high schools and institutions 52621
of higher education is necessary to prepare students for more 52622
challenging academic endeavors and to lessen the need for academic 52623
remediation in college, thereby reducing the costs of higher 52624
education for Ohio's students, families, and the state. The state 52625
board and the chancellor of the Ohio board of regents shall 52626
develop policies to ensure that only in rare instances will 52627
students who complete the Ohio core curriculum require academic 52628
remediation after high school. 52629

School districts, community schools, and chartered nonpublic 52630
schools shall integrate technology into learning experiences 52631
across the curriculum in order to maximize efficiency, enhance 52632
learning, and prepare students for success in the 52633
technology-driven twenty-first century. Districts and schools 52634
shall use distance and web-based course delivery as a method of 52635
providing or augmenting all instruction required under this 52636
division, including laboratory experience in science. Districts 52637
and schools shall utilize technology access and electronic 52638
learning opportunities provided by the ~~eTech Ohio~~ broadcast 52639
educational media commission, chancellor, the Ohio learning 52640
network, education technology centers, public television stations, 52641
and other public and private providers. 52642

(D) Except as provided in division (E) of this section, a student who enters ninth grade on or after July 1, 2010, and before July 1, 2014, may qualify for graduation from a public or chartered nonpublic high school even though the student has not completed the Ohio core curriculum prescribed in division (C) of this section if all of the following conditions are satisfied:

(1) After the student has attended high school for two years, as determined by the school, the student and the student's parent, guardian, or custodian sign and file with the school a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the Ohio core curriculum and acknowledging that one consequence of not completing the Ohio core curriculum is ineligibility to enroll in most state universities in Ohio without further coursework.

(2) The student and parent, guardian, or custodian fulfill any procedural requirements the school stipulates to ensure the student's and parent's, guardian's, or custodian's informed consent and to facilitate orderly filing of statements under division (D)(1) of this section.

(3) The student and the student's parent, guardian, or custodian and a representative of the student's high school jointly develop an individual career plan for the student that specifies the student matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship.

(4) The student's high school provides counseling and support for the student related to the plan developed under division (D)(3) of this section during the remainder of the student's high school experience.

(5) The student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section.

The department of education, in collaboration with the chancellor, shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception permitted by division (D) of this section to high school classes beyond those entering ninth grade before July 1, 2014. The department shall submit its findings and any recommendations not later than August 1, 2014, to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation, the state board of education, and the superintendent of public instruction.

(E) Each school district and chartered nonpublic school retains the authority to require an even more rigorous minimum curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may stipulate any of the following:

(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate;

(2) An exception to the district's or school's minimum high school curriculum that is comparable to the exception provided in division (D) of this section but with additional requirements, which may include a requirement that the student successfully complete more than the minimum curriculum prescribed in division (B) of this section;

(3) That no exception comparable to that provided in division (D) of this section is available.

(F) A student enrolled in a dropout prevention and recovery program, which program has received a waiver from the department,

may qualify for graduation from high school by successfully 52705
completing a competency-based instructional program administered 52706
by the dropout prevention and recovery program in lieu of 52707
completing the Ohio core curriculum prescribed in division (C) of 52708
this section. The department shall grant a waiver to a dropout 52709
prevention and recovery program, within sixty days after the 52710
program applies for the waiver, if the program meets all of the 52711
following conditions: 52712

(1) The program serves only students not younger than sixteen 52713
years of age and not older than twenty-one years of age. 52714

(2) The program enrolls students who, at the time of their 52715
initial enrollment, either, or both, are at least one grade level 52716
behind their cohort age groups or experience crises that 52717
significantly interfere with their academic progress such that 52718
they are prevented from continuing their traditional programs. 52719

(3) The program requires students to attain at least the 52720
applicable score designated for each of the assessments prescribed 52721
under division (B)(1) of section 3301.0710 of the Revised Code or, 52722
to the extent prescribed by rule of the state board under division 52723
(D)(6) of section 3301.0712 of the Revised Code, division (B)(2) 52724
of that section. 52725

(4) The program develops an individual career plan for the 52726
student that specifies the student's matriculating to a two-year 52727
degree program, acquiring a business and industry credential, or 52728
entering an apprenticeship. 52729

(5) The program provides counseling and support for the 52730
student related to the plan developed under division (F)(4) of 52731
this section during the remainder of the student's high school 52732
experience. 52733

(6) The program requires the student and the student's 52734
parent, guardian, or custodian to sign and file, in accordance 52735

with procedural requirements stipulated by the program, a written 52736
statement asserting the parent's, guardian's, or custodian's 52737
consent to the student's graduating without completing the Ohio 52738
core curriculum and acknowledging that one consequence of not 52739
completing the Ohio core curriculum is ineligibility to enroll in 52740
most state universities in Ohio without further coursework. 52741

(7) Prior to receiving the waiver, the program has submitted 52742
to the department an instructional plan that demonstrates how the 52743
academic content standards adopted by the state board under 52744
section 3301.079 of the Revised Code will be taught and assessed. 52745

If the department does not act either to grant the waiver or 52746
to reject the program application for the waiver within sixty days 52747
as required under this section, the waiver shall be considered to 52748
be granted. 52749

(G) Every high school may permit students below the ninth 52750
grade to take advanced work. If a high school so permits, it shall 52751
award high school credit for successful completion of the advanced 52752
work and shall count such advanced work toward the graduation 52753
requirements of division (B) or (C) of this section if the 52754
advanced work was both: 52755

(1) Taught by a person who possesses a license or certificate 52756
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 52757
Code that is valid for teaching high school; 52758

(2) Designated by the board of education of the city, local, 52759
or exempted village school district, the board of the cooperative 52760
education school district, or the governing authority of the 52761
chartered nonpublic school as meeting the high school curriculum 52762
requirements. 52763

Each high school shall record on the student's high school 52764
transcript all high school credit awarded under division (G) of 52765
this section. In addition, if the student completed a seventh- or 52766

eighth-grade fine arts course described in division (K) of this 52767
section and the course qualified for high school credit under that 52768
division, the high school shall record that course on the 52769
student's high school transcript. 52770

(H) The department shall make its individual academic career 52771
plan available through its Ohio career information system web site 52772
for districts and schools to use as a tool for communicating with 52773
and providing guidance to students and families in selecting high 52774
school courses. 52775

(I) Units earned in English language arts, mathematics, 52776
science, and social studies that are delivered through integrated 52777
academic and career-technical instruction are eligible to meet the 52778
graduation requirements of division (B) or (C) of this section. 52779

(J) The state board, in consultation with the chancellor, 52780
shall adopt a statewide plan implementing methods for students to 52781
earn units of high school credit based on a demonstration of 52782
subject area competency, instead of or in combination with 52783
completing hours of classroom instruction. The state board shall 52784
adopt the plan not later than March 31, 2009, and commence phasing 52785
in the plan during the 2009-2010 school year. The plan shall 52786
include a standard method for recording demonstrated proficiency 52787
on high school transcripts. Each school district and community 52788
school shall comply with the state board's plan adopted under this 52789
division and award units of high school credit in accordance with 52790
the plan. The state board may adopt existing methods for earning 52791
high school credit based on a demonstration of subject area 52792
competency as necessary prior to the 2009-2010 school year. 52793

(K) This division does not apply to students who qualify for 52794
graduation from high school under division (D) or (F) of this 52795
section, or to students pursuing a career-technical instructional 52796
track as determined by the school district board of education or 52797
the chartered nonpublic school's governing authority. 52798

Nevertheless, the general assembly encourages such students to 52799
consider enrolling in a fine arts course as an elective. 52800

Beginning with students who enter ninth grade for the first 52801
time on or after July 1, 2010, each student enrolled in a public 52802
or chartered nonpublic high school shall complete two semesters or 52803
the equivalent of fine arts to graduate from high school. The 52804
coursework may be completed in any of grades seven to twelve. Each 52805
student who completes a fine arts course in grade seven or eight 52806
may elect to count that course toward the five units of electives 52807
required for graduation under division (C)(8) of this section, if 52808
the course satisfied the requirements of division (G) of this 52809
section. In that case, the high school shall award the student 52810
high school credit for the course and count the course toward the 52811
five units required under division (C)(8) of this section. If the 52812
course in grade seven or eight did not satisfy the requirements of 52813
division (G) of this section, the high school shall not award the 52814
student high school credit for the course but shall count the 52815
course toward the two semesters or the equivalent of fine arts 52816
required by this division. 52817

(L)(1) Notwithstanding anything to the contrary in this 52818
section, the board of education of each school district and the 52819
governing authority of each chartered nonpublic school may adopt a 52820
policy to excuse from the high school physical education 52821
requirement each student who, during high school, has participated 52822
in interscholastic athletics, marching band, or cheerleading for 52823
at least two full seasons or in the junior reserve officer 52824
training corps for at least two full school years. If the board or 52825
authority adopts such a policy, the board or authority shall not 52826
require the student to complete any physical education course as a 52827
condition to graduate. ~~However~~ 52828

(2) Notwithstanding anything to the contrary in this section, 52829
the following students shall be excused from the high school 52830

physical education requirement prescribed by this section: 52831

(a) A student enrolled in an internet- or computer-based 52832
community school; 52833

(b) To the extent that division (L)(2) does not conflict with 52834
the child's IEP, any child with a disability. 52835

(3) However, the any student excused from the physical 52836
education requirement under division (L) of this section shall be 52837
required to complete one-half unit, consisting of at least sixty 52838
hours of instruction, in another course of study. In the case of a 52839
student who has participated in the junior reserve officer 52840
training corps for at least two full school years, credit received 52841
for that participation may be used to satisfy the requirement to 52842
complete one-half unit in another course of study. 52843

(M) It is important that high school students learn and 52844
understand United States history and the governments of both the 52845
United States and the state of Ohio. Therefore, beginning with 52846
students who enter ninth grade for the first time on or after July 52847
1, 2012, the study of American history and American government 52848
required by divisions (B)(6) and (C)(6) of this section shall 52849
include the study of all of the following documents: 52850

(1) The Declaration of Independence; 52851

(2) The Northwest Ordinance; 52852

(3) The Constitution of the United States with emphasis on 52853
the Bill of Rights; 52854

(4) The Ohio Constitution. 52855

The study of each of the documents prescribed in divisions 52856
(M)(1) to (4) of this section shall include study of that document 52857
in its original context. 52858

The study of American history and government required by 52859
divisions (B)(6) and (C)(6) of this section shall include the 52860

historical evidence of the role of documents such as the 52861
Federalist Papers and the Anti-Federalist Papers to firmly 52862
establish the historical background leading to the establishment 52863
of the provisions of the Constitution and Bill of Rights. 52864

Sec. 3313.6013. (A) As used in this section, "dual enrollment 52865
program" means a program that enables a student to earn credit 52866
toward a degree from an institution of higher education while 52867
enrolled in high school or that enables a student to complete 52868
coursework while enrolled in high school that may earn credit 52869
toward a degree from an institution of higher education upon the 52870
student's attainment of a specified score on an examination 52871
covering the coursework. Dual enrollment programs may include any 52872
of the following: 52873

(1) The post-secondary enrollment options program established 52874
under Chapter 3365. of the Revised Code; 52875

(2) Advanced placement courses; 52876

(3) Any similar program established pursuant to an agreement 52877
between a school district or chartered nonpublic high school and 52878
an institution of higher education; 52879

(4) Early college high schools. 52880

(B) Each city, local, exempted village, and joint vocational 52881
school district and each chartered nonpublic high school shall 52882
provide students enrolled in grades nine through twelve with the 52883
opportunity to participate in a dual enrollment program. For this 52884
purpose, each school district and chartered nonpublic high school 52885
shall offer at least one dual enrollment program in accordance 52886
with division (B)(1) or (2) of this section, as applicable. 52887

(1) A city, local, or exempted village school district meets 52888
the requirements of this division through its mandatory 52889
participation in the post-secondary enrollment options program 52890

established under Chapter 3365. of the Revised Code. However, a 52891
city, local, or exempted village school district may offer any 52892
other dual enrollment program, in addition to the post-secondary 52893
enrollment options program, and each joint vocational school 52894
district shall offer at least one other dual enrollment program, 52895
to students in good standing, as defined by the partnership for 52896
continued learning under section 3301.42 of the Revised Code as it 52897
existed prior to October 16, 2009, or as subsequently defined by 52898
the department of education. 52899

(2) A chartered nonpublic high school that elects to 52900
participate in the post-secondary enrollment options program 52901
established under Chapter 3365. of the Revised Code meets the 52902
requirements of this division. Each chartered nonpublic high 52903
school that elects not to participate in the post-secondary 52904
enrollment options program instead shall offer at least one other 52905
dual enrollment program to students in good standing, as defined 52906
by the partnership for continued learning under section 3301.42 of 52907
the Revised Code as it existed prior to October 16, 2009, or as 52908
subsequently defined by the department of education. 52909

(C) Each school district and each chartered nonpublic high 52910
school shall provide information about the dual enrollment 52911
programs offered by the district or school to all students 52912
enrolled in grades eight through eleven. 52913

Sec. 3313.6016. (A) Beginning in the 2011-2012 school year, 52914
the department of education shall administer a pilot program 52915
requiring daily physical activity for students. Any school 52916
district; community school established under Chapter 3314. of the 52917
Revised Code; science, technology, engineering, and mathematics 52918
school established under Chapter 3326. of the Revised Code; or 52919
chartered nonpublic school annually may elect to participate in 52920
the pilot program by notifying the department of its interest by a 52921

date established by the department. If a school district elects to participate in the pilot program, ~~each school building operated by the district shall be required~~ the district shall select one or more school buildings to participate in the program. To the maximum extent possible, the department shall seek to include in the pilot program districts and schools that are located in urban, suburban, and rural areas distributed geographically throughout the state. The department shall administer the pilot program in accordance with this section.

(B) Except as provided in division (C) of this section, each district or school participating in the pilot program shall require all students in ~~each of grades kindergarten through twelve~~ the school building selected under division (A) of this section to engage in at least thirty minutes of moderate to rigorous physical activity each school day or at least one hundred fifty minutes of moderate to rigorous physical activity each week, exclusive of recess. Physical activity engaged in during the following may count toward the daily requirement:

(1) A physical education course;

(2) A program or activity occurring before or after the regular school day, as defined in section 3313.814 of the Revised Code, that is sponsored or approved by the school of attendance, provided school officials are able to monitor students' participation to ensure compliance with the requirement.

(C) None of the following shall be subject to the requirement of division (B) of this section:

(1) Any student enrolled in the post-secondary enrollment options program established under Chapter 3365. of the Revised Code;

(2) Any student enrolled in a career-technical education program operated by the district or school;

(3) Any student enrolled in a dropout prevention and recovery program operated by the district or school; 52953
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(4) Any student enrolled in an internet- or computer-based community school; 52955
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(5) Any child with a disability, to the extent that division (C)(5) of this section does not conflict with the child's IEP. As used in this section, "child with a disability" and "IEP" have the same meanings as in section 3323.01 of the Revised Code. 52957
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(D) For any period in which a student is participating in interscholastic athletics, marching band, cheerleading, or a junior reserve officer training corps program, the district or school may excuse the student from the requirement of division (B) of this section. 52961
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(E) The district or school may excuse any kindergarten student who is not enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code, from the requirement of division (B) of this section. 52966
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(F) Each district or school annually shall report to the department, in the manner prescribed by the department, how the district or school implemented the thirty minutes of daily physical activity and the financial costs of implementation. The department shall issue an annual report of the data collected under this division. 52970
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Sec. 3313.6018. (A) As used in this section and section 3313.6019 of the Revised Code, "extended programming" means extended programming as described in section 3301.0725 of the Revised Code. 52976
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(B) Except as provided in division (C) of section 3313.6019 of the Revised Code, extended programming shall be used for activities that involve direct contact with students or are 52980
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directly related to student programs and activities. On any given 52983
day that extended programming is provided, it shall be provided 52984
for at least one hour. 52985

Sec. 3313.6019. (A) Not later than December 31, 2013, the 52986
department of education shall issue a report with recommendations 52987
for quality agricultural education programs. These recommendations 52988
shall be developed using both of the following: 52989

(1) The standards for exemplary agricultural education that 52990
are described in the national quality program standards for 52991
secondary (grades 9-12) agricultural education developed by the 52992
national council for agricultural education or a successor 52993
document developed by the national council for agricultural 52994
education or its successor; 52995

(2) The quality program standards for Ohio's agricultural and 52996
environmental systems career field programs or a successor 52997
document developed by the department, the Ohio association of 52998
agricultural educators, the Ohio state university, and wilmingon 52999
college of Ohio. 53000

The report shall include the appropriate use of extended 53001
programming in agricultural education programs and the recommended 53002
number of hours outside the normal school day that licensed 53003
educators may be permitted to provide extended programming 53004
instruction. Following the initial issuance of the report, the 53005
department may periodically review and update the report as it 53006
considers necessary. 53007

(B) All agricultural education instructors shall utilize a 53008
three-part model of agricultural education instruction of 53009
classroom instruction, FFA activities, and extended programming 53010
projects. 53011

(C) Professional development associated with agricultural 53012

education shall be considered an acceptable use of extended 53013
student programming funds. 53014

(D) All agricultural education instructors shall submit a 53015
monthly time log to the principal of the school at which the 53016
extended programming is offered, or the principal's designee, for 53017
review. 53018

Sec. 3313.612. (A) No nonpublic school chartered by the state 53019
board of education shall grant a high school diploma to any person 53020
unless, subject to section 3313.614 of the Revised Code, the 53021
person has met the assessment requirements of division (A)(1) or 53022
(2) of this section, as applicable. 53023

(1) If the person entered the ninth grade prior to the date 53024
prescribed by rule of the state board under division (D)(2) of 53025
section 3301.0712 of the Revised Code, the person has attained at 53026
least the applicable scores designated under division (B)(1) of 53027
section 3301.0710 of the Revised Code on all the assessments 53028
required by that division, or has satisfied the alternative 53029
conditions prescribed in section 3313.615 of the Revised Code. 53030

(2) If the person entered the ninth grade on or after the 53031
date prescribed by rule of the state board under division (E)(2) 53032
of section 3301.0712 of the Revised Code, the person has met the 53033
requirements of the entire assessment system prescribed under 53034
division (B)(2) of section 3301.0710 of the Revised Code. 53035

(B) This section does not apply to ~~either~~ any of the 53036
following: 53037

(1) Any person with regard to any assessment from which the 53038
person was excused pursuant to division (C)(1)(c) of section 53039
3301.0711 of the Revised Code; 53040

(2) Any person that attends a nonpublic school accredited 53041
through the independent school association of the central states 53042

with regard to any end-of-course examination required under 53043
divisions (B)(2) and (3) of section 3301.0712 of the Revised Code; 53044

(3) Any person with regard to the social studies assessment 53045
under division (B)(1) of section 3301.0710 of the Revised Code, 53046
any American history end-of-course examination and any American 53047
government end-of-course examination required under division 53048
(B)(2) of that section if such an exemption is prescribed by rule 53049
of the state board of education under division (D)(4) of section 53050
3301.0712 of the Revised Code, or the citizenship test under 53051
former division (B) of section 3301.0710 of the Revised Code as it 53052
existed prior to September 11, 2001, if all of the following 53053
apply: 53054

(a) The person is not a citizen of the United States; 53055

(b) The person is not a permanent resident of the United 53056
States; 53057

(c) The person indicates no intention to reside in the United 53058
States after completion of high school. 53059

(C) As used in this division, "limited English proficient 53060
student" has the same meaning as in division (C)(3) of section 53061
3301.0711 of the Revised Code. 53062

Notwithstanding division (C)(3) of section 3301.0711 of the 53063
Revised Code, no limited English proficient student who has not 53064
either attained the applicable scores designated under division 53065
(B)(1) of section 3301.0710 of the Revised Code on all the 53066
assessments required by that division, or met the requirements of 53067
the assessments under division (B)(2) of that section, shall be 53068
awarded a diploma under this section. 53069

Sec. 3313.615. This section shall apply to diplomas awarded 53070
after September 15, 2006, to students who are required to take the 53071
five Ohio graduation tests prescribed by division (B)(1) of 53072

section 3301.0710 of the Revised Code. 53073

(A) As an alternative to the requirement that a person attain 53074
the scores designated under division (B)(1) of section 3301.0710 53075
of the Revised Code on all the assessments required under that 53076
division in order to be eligible for a high school diploma or an 53077
honors diploma under sections 3313.61, 3313.612, or 3325.08 of the 53078
Revised Code or for a diploma of adult education under section 53079
3313.611 of the Revised Code, a person who has attained at least 53080
the applicable scores designated under division (B)(1) of section 53081
3301.0710 of the Revised Code on all but one of the assessments 53082
required by that division and from which the person was not 53083
excused or exempted, pursuant to division (L) of section 3313.61, 53084
division (B)(1) of section 3313.612, or section 3313.532 of the 53085
Revised Code, may be awarded a diploma or honors diploma if the 53086
person has satisfied all of the following conditions: 53087

(1) On the one assessment required under division (B)(1) of 53088
section 3301.0710 of the Revised Code for which the person failed 53089
to attain the designated score, the person missed that score by 53090
ten points or less; 53091

(2) Has a ninety-seven per cent school attendance rate in 53092
each of the last four school years, excluding any excused 53093
absences; 53094

(3) Has not been expelled from school under section 3313.66 53095
of the Revised Code in any of the last four school years; 53096

(4) Has a grade point average of at least 2.5 out of 4.0, or 53097
its equivalent as designated in rules adopted by the state board 53098
of education, in the subject area of the assessment required under 53099
division (B)(1) of section 3301.0710 of the Revised Code for which 53100
the person failed to attain the designated score; 53101

(5) Has completed the high school curriculum requirements 53102
prescribed in section 3313.603 of the Revised Code or has 53103

qualified under division (D) or (F) of that section; 53104

(6) Has taken advantage of any intervention programs provided 53105
by the school district or school in the subject area described in 53106
division (A)(4) of this section and has a ninety-seven per cent 53107
attendance rate, excluding any excused absences, in any of those 53108
programs that are provided at times beyond the normal school day, 53109
school week, or school year or has received comparable 53110
intervention services from a source other than the school district 53111
or school; 53112

(7) Holds a letter recommending graduation from each of the 53113
person's high school teachers in the subject area described in 53114
division (A)(4) of this section and from the person's high school 53115
principal. 53116

(B) The state board of education shall establish rules 53117
designating grade point averages equivalent to the average 53118
specified in division (A)(4) of this section for use by school 53119
districts and schools with different grading systems. 53120

(C) Any student who is exempt from attaining the applicable 53121
score designated under division (B)(1) of section 3301.0710 of the 53122
Revised Code on the Ohio graduation test in social studies 53123
pursuant to division (H) of section 3313.61 or division (B)~~(2)~~(3) 53124
of section 3313.612 of the Revised Code shall not qualify for a 53125
high school diploma under this section, unless, notwithstanding 53126
the exemption, the student attains the applicable score on that 53127
assessment. If the student attains the applicable score on that 53128
assessment, the student may qualify for a diploma under this 53129
section in the same manner as any other student who is required to 53130
take the five Ohio graduation tests prescribed by division (B)(1) 53131
of section 3301.0710 of the Revised Code. 53132

Sec. 3313.62. The school year shall begin on the first day of 53133
July of each calendar year and close on the thirtieth day of June 53134

of the succeeding calendar year. A school week shall consist of 53135
five days, ~~and a school month of four school weeks.~~ A chartered 53136
nonpublic school may be open for instruction with pupils in 53137
attendance on any day of the week, including Saturday or Sunday. 53138

Sec. 3313.64. (A) As used in this section and in section 53139
3313.65 of the Revised Code: 53140

(1)(a) Except as provided in division (A)(1)(b) of this 53141
section, "parent" means either parent, unless the parents are 53142
separated or divorced or their marriage has been dissolved or 53143
annulled, in which case "parent" means the parent who is the 53144
residential parent and legal custodian of the child. When a child 53145
is in the legal custody of a government agency or a person other 53146
than the child's natural or adoptive parent, "parent" means the 53147
parent with residual parental rights, privileges, and 53148
responsibilities. When a child is in the permanent custody of a 53149
government agency or a person other than the child's natural or 53150
adoptive parent, "parent" means the parent who was divested of 53151
parental rights and responsibilities for the care of the child and 53152
the right to have the child live with the parent and be the legal 53153
custodian of the child and all residual parental rights, 53154
privileges, and responsibilities. 53155

(b) When a child is the subject of a power of attorney 53156
executed under sections 3109.51 to 3109.62 of the Revised Code, 53157
"parent" means the grandparent designated as attorney in fact 53158
under the power of attorney. When a child is the subject of a 53159
caretaker authorization affidavit executed under sections 3109.64 53160
to 3109.73 of the Revised Code, "parent" means the grandparent 53161
that executed the affidavit. 53162

(2) "Legal custody," "permanent custody," and "residual 53163
parental rights, privileges, and responsibilities" have the same 53164
meanings as in section 2151.011 of the Revised Code. 53165

(3) "School district" or "district" means a city, local, or 53166
exempted village school district and excludes any school operated 53167
in an institution maintained by the department of youth services. 53168

(4) Except as used in division (C)(2) of this section, "home" 53169
means a home, institution, foster home, group home, or other 53170
residential facility in this state that receives and cares for 53171
children, to which any of the following applies: 53172

(a) The home is licensed, certified, or approved for such 53173
purpose by the state or is maintained by the department of youth 53174
services. 53175

(b) The home is operated by a person who is licensed, 53176
certified, or approved by the state to operate the home for such 53177
purpose. 53178

(c) The home accepted the child through a placement by a 53179
person licensed, certified, or approved to place a child in such a 53180
home by the state. 53181

(d) The home is a children's home created under section 53182
5153.21 or 5153.36 of the Revised Code. 53183

(5) "Agency" means all of the following: 53184

(a) A public children services agency; 53185

(b) An organization that holds a certificate issued by the 53186
Ohio department of job and family services in accordance with the 53187
requirements of section 5103.03 of the Revised Code and assumes 53188
temporary or permanent custody of children through commitment, 53189
agreement, or surrender, and places children in family homes for 53190
the purpose of adoption; 53191

(c) Comparable agencies of other states or countries that 53192
have complied with applicable requirements of section 2151.39 of 53193
the Revised Code or as applicable, sections 5103.20 to 5103.22 or 53194
5103.23 to 5103.237 of the Revised Code. 53195

(6) A child is placed for adoption if either of the following occurs:	53196 53197
(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.	53198 53199 53200 53201
(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.	53202 53203 53204
(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code.	53205 53206
(8) "Child," unless otherwise indicated, includes preschool children with disabilities.	53207 53208
(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.	53209 53210 53211 53212
(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division.	53213 53214 53215 53216 53217
(1) A child shall be admitted to the schools of the school district in which the child's parent resides.	53218 53219
(2) <u>A Except as provided in division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not</u> reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:	53220 53221 53222 53223 53224
(a) The child is in the legal or permanent custody of a	53225

government agency or a person other than the child's natural or adoptive parent. 53226
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(b) The child resides in a home. 53228

(c) The child requires special education. 53229

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies: 53230
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(a) The placement for adoption has been terminated. 53236

(b) Another school district is required to admit the child under division (B)(1) of this section. 53237
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Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code. 53239
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(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as provided in divisions (C)(1) to (3) of this section, unless division (C)(4) of this section applies to the child: 53244
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(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child 53250
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resides in a home. 53256

(2) For a child that does not receive special education in 53257
accordance with Chapter 3323. of the Revised Code, except as 53258
otherwise provided in division (C)(2)(d) of this section, if the 53259
child is in the permanent or legal custody of a government agency 53260
or person other than the child's parent, tuition shall be paid by: 53261

(a) The district in which the child's parent resided at the 53262
time the court removed the child from home or at the time the 53263
court vested legal or permanent custody of the child in the person 53264
or government agency, whichever occurred first; 53265

(b) If the parent's residence at the time the court removed 53266
the child from home or placed the child in the legal or permanent 53267
custody of the person or government agency is unknown, tuition 53268
shall be paid by the district in which the child resided at the 53269
time the child was removed from home or placed in legal or 53270
permanent custody, whichever occurred first; 53271

(c) If a school district cannot be established under division 53272
(C)(2)(a) or (b) of this section, tuition shall be paid by the 53273
district determined as required by section 2151.362 of the Revised 53274
Code by the court at the time it vests custody of the child in the 53275
person or government agency; 53276

(d) If at the time the court removed the child from home or 53277
vested legal or permanent custody of the child in the person or 53278
government agency, whichever occurred first, one parent was in a 53279
residential or correctional facility or a juvenile residential 53280
placement and the other parent, if living and not in such a 53281
facility or placement, was not known to reside in this state, 53282
tuition shall be paid by the district determined under division 53283
(D) of section 3313.65 of the Revised Code as the district 53284
required to pay any tuition while the parent was in such facility 53285
or placement; 53286

(e) If the department of education has determined, pursuant 53287
to division (A)(2) of section 2151.362 of the Revised Code, that a 53288
school district other than the one named in the court's initial 53289
order, or in a prior determination of the department, is 53290
responsible to bear the cost of educating the child, the district 53291
so determined shall be responsible for that cost. 53292

(3) If the child is not in the permanent or legal custody of 53293
a government agency or person other than the child's parent and 53294
the child resides in a home, tuition shall be paid by one of the 53295
following: 53296

(a) The school district in which the child's parent resides; 53297

(b) If the child's parent is not a resident of this state, 53298
the home in which the child resides. 53299

(4) Division (C)(4) of this section applies to any child who 53300
is admitted to a school district under division (B)(2) of this 53301
section, resides in a home that is not a foster home ~~or~~, a home 53302
maintained by the department of youth services, a detention 53303
facility established under section 2152.41 of the Revised Code, or 53304
a juvenile facility established under section 2151.65 of the 53305
Revised Code, receives educational services at the home or 53306
facility in which the child resides pursuant to a contract between 53307
the home or facility and the school district providing those 53308
services, and does not receive special education. 53309

In the case of a child to which division (C)(4) of this 53310
section applies, the total educational cost to be paid for the 53311
child shall be determined by a formula approved by the department 53312
of education, which formula shall be designed to calculate a per 53313
diem cost for the educational services provided to the child for 53314
each day the child is served and shall reflect the total actual 53315
cost incurred in providing those services. The department shall 53316
certify the total educational cost to be paid for the child to 53317

both the school district providing the educational services and, 53318
if different, the school district that is responsible to pay 53319
tuition for the child. The department shall deduct the certified 53320
amount from the state basic aid funds payable under Chapter 3317. 53321
of the Revised Code to the district responsible to pay tuition and 53322
shall pay that amount to the district providing the educational 53323
services to the child. 53324

(D) Tuition required to be paid under divisions (C)(2) and 53325
(3)(a) of this section shall be computed in accordance with 53326
section 3317.08 of the Revised Code. Tuition required to be paid 53327
under division (C)(3)(b) of this section shall be computed in 53328
accordance with section 3317.081 of the Revised Code. If a home 53329
fails to pay the tuition required by division (C)(3)(b) of this 53330
section, the board of education providing the education may 53331
recover in a civil action the tuition and the expenses incurred in 53332
prosecuting the action, including court costs and reasonable 53333
attorney's fees. If the prosecuting attorney or city director of 53334
law represents the board in such action, costs and reasonable 53335
attorney's fees awarded by the court, based upon the prosecuting 53336
attorney's, director's, or one of their designee's time spent 53337
preparing and presenting the case, shall be deposited in the 53338
county or city general fund. 53339

(E) A board of education may enroll a child free of any 53340
tuition obligation for a period not to exceed sixty days, on the 53341
sworn statement of an adult resident of the district that the 53342
resident has initiated legal proceedings for custody of the child. 53343

(F) In the case of any individual entitled to attend school 53344
under this division, no tuition shall be charged by the school 53345
district of attendance and no other school district shall be 53346
required to pay tuition for the individual's attendance. 53347
Notwithstanding division (B), (C), or (E) of this section: 53348

(1) All persons at least eighteen but under twenty-two years 53349

of age who live apart from their parents, support themselves by 53350
their own labor, and have not successfully completed the high 53351
school curriculum or the individualized education program 53352
developed for the person by the high school pursuant to section 53353
3323.08 of the Revised Code, are entitled to attend school in the 53354
district in which they reside. 53355

(2) Any child under eighteen years of age who is married is 53356
entitled to attend school in the child's district of residence. 53357

(3) A child is entitled to attend school in the district in 53358
which either of the child's parents is employed if the child has a 53359
medical condition that may require emergency medical attention. 53360
The parent of a child entitled to attend school under division 53361
(F)(3) of this section shall submit to the board of education of 53362
the district in which the parent is employed a statement from the 53363
child's physician certifying that the child's medical condition 53364
may require emergency medical attention. The statement shall be 53365
supported by such other evidence as the board may require. 53366

(4) Any child residing with a person other than the child's 53367
parent is entitled, for a period not to exceed twelve months, to 53368
attend school in the district in which that person resides if the 53369
child's parent files an affidavit with the superintendent of the 53370
district in which the person with whom the child is living resides 53371
stating all of the following: 53372

(a) That the parent is serving outside of the state in the 53373
armed services of the United States; 53374

(b) That the parent intends to reside in the district upon 53375
returning to this state; 53376

(c) The name and address of the person with whom the child is 53377
living while the parent is outside the state. 53378

(5) Any child under the age of twenty-two years who, after 53379
the death of a parent, resides in a school district other than the 53380

district in which the child attended school at the time of the 53381
parent's death is entitled to continue to attend school in the 53382
district in which the child attended school at the time of the 53383
parent's death for the remainder of the school year, subject to 53384
approval of that district board. 53385

(6) A child under the age of twenty-two years who resides 53386
with a parent who is having a new house built in a school district 53387
outside the district where the parent is residing is entitled to 53388
attend school for a period of time in the district where the new 53389
house is being built. In order to be entitled to such attendance, 53390
the parent shall provide the district superintendent with the 53391
following: 53392

(a) A sworn statement explaining the situation, revealing the 53393
location of the house being built, and stating the parent's 53394
intention to reside there upon its completion; 53395

(b) A statement from the builder confirming that a new house 53396
is being built for the parent and that the house is at the 53397
location indicated in the parent's statement. 53398

(7) A child under the age of twenty-two years residing with a 53399
parent who has a contract to purchase a house in a school district 53400
outside the district where the parent is residing and who is 53401
waiting upon the date of closing of the mortgage loan for the 53402
purchase of such house is entitled to attend school for a period 53403
of time in the district where the house is being purchased. In 53404
order to be entitled to such attendance, the parent shall provide 53405
the district superintendent with the following: 53406

(a) A sworn statement explaining the situation, revealing the 53407
location of the house being purchased, and stating the parent's 53408
intent to reside there; 53409

(b) A statement from a real estate broker or bank officer 53410
confirming that the parent has a contract to purchase the house, 53411

that the parent is waiting upon the date of closing of the 53412
mortgage loan, and that the house is at the location indicated in 53413
the parent's statement. 53414

The district superintendent shall establish a period of time 53415
not to exceed ninety days during which the child entitled to 53416
attend school under division (F)(6) or (7) of this section may 53417
attend without tuition obligation. A student attending a school 53418
under division (F)(6) or (7) of this section shall be eligible to 53419
participate in interscholastic athletics under the auspices of 53420
that school, provided the board of education of the school 53421
district where the student's parent resides, by a formal action, 53422
releases the student to participate in interscholastic athletics 53423
at the school where the student is attending, and provided the 53424
student receives any authorization required by a public agency or 53425
private organization of which the school district is a member 53426
exercising authority over interscholastic sports. 53427

(8) A child whose parent is a full-time employee of a city, 53428
local, or exempted village school district, or of an educational 53429
service center, may be admitted to the schools of the district 53430
where the child's parent is employed, or in the case of a child 53431
whose parent is employed by an educational service center, in the 53432
district that serves the location where the parent's job is 53433
primarily located, provided the district board of education 53434
establishes such an admission policy by resolution adopted by a 53435
majority of its members. Any such policy shall take effect on the 53436
first day of the school year and the effective date of any 53437
amendment or repeal may not be prior to the first day of the 53438
subsequent school year. The policy shall be uniformly applied to 53439
all such children and shall provide for the admission of any such 53440
child upon request of the parent. No child may be admitted under 53441
this policy after the first day of classes of any school year. 53442

(9) A child who is with the child's parent under the care of 53443

a shelter for victims of domestic violence, as defined in section 53444
3113.33 of the Revised Code, is entitled to attend school free in 53445
the district in which the child is with the child's parent, and no 53446
other school district shall be required to pay tuition for the 53447
child's attendance in that school district. 53448

The enrollment of a child in a school district under this 53449
division shall not be denied due to a delay in the school 53450
district's receipt of any records required under section 3313.672 53451
of the Revised Code or any other records required for enrollment. 53452
Any days of attendance and any credits earned by a child while 53453
enrolled in a school district under this division shall be 53454
transferred to and accepted by any school district in which the 53455
child subsequently enrolls. The state board of education shall 53456
adopt rules to ensure compliance with this division. 53457

(10) Any child under the age of twenty-two years whose parent 53458
has moved out of the school district after the commencement of 53459
classes in the child's senior year of high school is entitled, 53460
subject to the approval of that district board, to attend school 53461
in the district in which the child attended school at the time of 53462
the parental move for the remainder of the school year and for one 53463
additional semester or equivalent term. A district board may also 53464
adopt a policy specifying extenuating circumstances under which a 53465
student may continue to attend school under division (F)(10) of 53466
this section for an additional period of time in order to 53467
successfully complete the high school curriculum for the 53468
individualized education program developed for the student by the 53469
high school pursuant to section 3323.08 of the Revised Code. 53470

(11) As used in this division, "grandparent" means a parent 53471
of a parent of a child. A child under the age of twenty-two years 53472
who is in the custody of the child's parent, resides with a 53473
grandparent, and does not require special education is entitled to 53474
attend the schools of the district in which the child's 53475

grandparent resides, provided that, prior to such attendance in 53476
any school year, the board of education of the school district in 53477
which the child's grandparent resides and the board of education 53478
of the school district in which the child's parent resides enter 53479
into a written agreement specifying that good cause exists for 53480
such attendance, describing the nature of this good cause, and 53481
consenting to such attendance. 53482

In lieu of a consent form signed by a parent, a board of 53483
education may request the grandparent of a child attending school 53484
in the district in which the grandparent resides pursuant to 53485
division (F)(11) of this section to complete any consent form 53486
required by the district, including any authorization required by 53487
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 53488
Code. Upon request, the grandparent shall complete any consent 53489
form required by the district. A school district shall not incur 53490
any liability solely because of its receipt of a consent form from 53491
a grandparent in lieu of a parent. 53492

Division (F)(11) of this section does not create, and shall 53493
not be construed as creating, a new cause of action or substantive 53494
legal right against a school district, a member of a board of 53495
education, or an employee of a school district. This section does 53496
not affect, and shall not be construed as affecting, any 53497
immunities from defenses to tort liability created or recognized 53498
by Chapter 2744. of the Revised Code for a school district, 53499
member, or employee. 53500

(12) A child under the age of twenty-two years is entitled to 53501
attend school in a school district other than the district in 53502
which the child is entitled to attend school under division (B), 53503
(C), or (E) of this section provided that, prior to such 53504
attendance in any school year, both of the following occur: 53505

(a) The superintendent of the district in which the child is 53506
entitled to attend school under division (B), (C), or (E) of this 53507

section contacts the superintendent of another district for 53508
purposes of this division; 53509

(b) The superintendents of both districts enter into a 53510
written agreement that consents to the attendance and specifies 53511
that the purpose of such attendance is to protect the student's 53512
physical or mental well-being or to deal with other extenuating 53513
circumstances deemed appropriate by the superintendents. 53514

While an agreement is in effect under this division for a 53515
student who is not receiving special education under Chapter 3323. 53516
of the Revised Code and notwithstanding Chapter 3327. of the 53517
Revised Code, the board of education of neither school district 53518
involved in the agreement is required to provide transportation 53519
for the student to and from the school where the student attends. 53520

A student attending a school of a district pursuant to this 53521
division shall be allowed to participate in all student 53522
activities, including interscholastic athletics, at the school 53523
where the student is attending on the same basis as any student 53524
who has always attended the schools of that district while of 53525
compulsory school age. 53526

(13) All school districts shall comply with the 53527
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 53528
seq., for the education of homeless children. Each city, local, 53529
and exempted village school district shall comply with the 53530
requirements of that act governing the provision of a free, 53531
appropriate public education, including public preschool, to each 53532
homeless child. 53533

When a child loses permanent housing and becomes a homeless 53534
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 53535
such a homeless person changes temporary living arrangements, the 53536
child's parent or guardian shall have the option of enrolling the 53537
child in either of the following: 53538

(a) The child's school of origin, as defined in 42 U.S.C.A. 53539
11432(g)(3)(C); 53540

(b) The school that is operated by the school district in 53541
which the shelter where the child currently resides is located and 53542
that serves the geographic area in which the shelter is located. 53543

(14) A child under the age of twenty-two years who resides 53544
with a person other than the child's parent is entitled to attend 53545
school in the school district in which that person resides if both 53546
of the following apply: 53547

(a) That person has been appointed, through a military power 53548
of attorney executed under section 574(a) of the "National Defense 53549
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 53550
U.S.C. 1044b, or through a comparable document necessary to 53551
complete a family care plan, as the parent's agent for the care, 53552
custody, and control of the child while the parent is on active 53553
duty as a member of the national guard or a reserve unit of the 53554
armed forces of the United States or because the parent is a 53555
member of the armed forces of the United States and is on a duty 53556
assignment away from the parent's residence. 53557

(b) The military power of attorney or comparable document 53558
includes at least the authority to enroll the child in school. 53559

The entitlement to attend school in the district in which the 53560
parent's agent under the military power of attorney or comparable 53561
document resides applies until the end of the school year in which 53562
the military power of attorney or comparable document expires. 53563

(G) A board of education, after approving admission, may 53564
waive tuition for students who will temporarily reside in the 53565
district and who are either of the following: 53566

(1) Residents or domiciliaries of a foreign nation who 53567
request admission as foreign exchange students; 53568

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

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(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 3327.04, and 3327.06 of the Revised Code, a child may attend school or participate in a special education program in a school district other than in the district where the child is entitled to attend school under division (B) of this section.

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(I)(1) Notwithstanding anything to the contrary in this section or section 3313.65 of the Revised Code, a child under twenty-two years of age may attend school in the school district in which the child, at the end of the first full week of October of the school year, was entitled to attend school as otherwise provided under this section or section 3313.65 of the Revised Code, if at that time the child was enrolled in the schools of the district but since that time the child or the child's parent has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year. Division (I)(1) of this section applies only if both of the following conditions are satisfied:

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(a) The board of education of the school district in which the child was entitled to attend school at the end of the first full week in October and of the district to which the child or child's parent has relocated each has adopted a policy to enroll children described in division (I)(1) of this section.

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(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.

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(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division (H) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code.

(J) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to

receive tuition pursuant to division (C)(2) or (3) of this section 53633
or section 3313.65 of the Revised Code shall have an amount 53634
credited under division (C) of section 3317.023 of the Revised 53635
Code equal to its own tuition rate for the same period of 53636
attendance. If the tuition rate credited to the district of 53637
attendance exceeds the rate deducted from the district required to 53638
pay tuition, the department of education shall pay the district of 53639
attendance the difference from amounts deducted from all 53640
districts' payments under division (C) of section 3317.023 of the 53641
Revised Code but not credited to other school districts under such 53642
division and from appropriations made for such purpose. The 53643
treasurer of each school district shall, by the fifteenth day of 53644
January and July, furnish the superintendent of public instruction 53645
a report of the names of each child who attended the district's 53646
schools under divisions (C)(2) and (3) of this section or section 53647
3313.65 of the Revised Code during the preceding six calendar 53648
months, the duration of the attendance of those children, the 53649
school district responsible for tuition on behalf of the child, 53650
and any other information that the superintendent requires. 53651

Upon receipt of the report the superintendent, pursuant to 53652
division (C) of section 3317.023 of the Revised Code, shall deduct 53653
each district's tuition obligations under divisions (C)(2) and (3) 53654
of this section or section 3313.65 of the Revised Code and pay to 53655
the district of attendance that amount plus any amount required to 53656
be paid by the state. 53657

(K) In the event of a disagreement, the superintendent of 53658
public instruction shall determine the school district in which 53659
the parent resides. 53660

(L) Nothing in this section requires or authorizes, or shall 53661
be construed to require or authorize, the admission to a public 53662
school in this state of a pupil who has been permanently excluded 53663
from public school attendance by the superintendent of public 53664

instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code. 53665
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(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school in the district in which the child's parent lived before being called to active duty or ordered to a temporary duty assignment outside of the district, as long as the child's parent continues to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or temporary duty assignment. However, the district is not responsible for providing transportation for the child if the child lives outside of the district as a result of the parent's active duty status or temporary duty assignment. 53667
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Sec. 3313.646. (A) The board of education of a school district, except a cooperative education district established pursuant to section 3311.521 of the Revised Code, may establish and operate a ~~preschool~~ program to provide services to preschool-age children, provided the board has demonstrated a need for the program. A board may use school funds in support of preschool programs. The board shall maintain, operate, and admit children to any such program pursuant to rules adopted by such board and the rules of the state board of education adopted under sections 3301.52 to 3301.57 of the Revised Code. 53682
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A board of education may establish fees or tuition, which may be graduated in proportion to family income, for participation in a preschool program. In cases where payment of fees or tuition would create a hardship for the child's parent or guardian, the 53692
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board may waive any such fees or tuition. 53696

(B) No board of education that is not receiving funds under 53697
the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on 53698
March 17, 1989, shall compete for funds under the "Head Start Act" 53699
with any grantee receiving funds under that act. 53700

(C) A board of education may contract with any of the 53701
following preschool providers to provide ~~preschool programs~~ 53702
services to preschool-age children, other than ~~programs for units~~ 53703
~~described by divisions (B) and (C) of those services for which the~~ 53704
district is eligible to receive funding under section 3317.05 53705
3317.0213 of the Revised Code, ~~for children of the school~~ 53706
~~district:~~ 53707

(1) Any organization receiving funds under the "Head Start 53708
Act"; 53709

(2) Any nonsectarian eligible nonpublic school as defined in 53710
division (H) of section 3301.52 of the Revised Code; 53711

(3) Any child care provider licensed under Chapter 5104. of 53712
the Revised Code. 53713

Boards may contract to provide ~~preschool programs~~ services to 53714
preschool-age children only with such organizations whose staff 53715
meet the requirements of rules adopted under section 3301.53 of 53716
the Revised Code or those of the child development associate 53717
credential established by the national association for the 53718
education of young children. 53719

(D) A contract entered into under division (C) of this 53720
section may provide for the board of education to lease school 53721
facilities to the preschool provider or to furnish transportation, 53722
utilities, or staff for the preschool program. 53723

(E) The treasurer of any board of education operating a 53724
preschool program pursuant to this section shall keep an account 53725

of all funds used to operate the program in the same manner as the 53726
treasurer would any other funds of the district pursuant to this 53727
chapter. 53728

Sec. 3313.65. (A) As used in this section and section 3313.64 53729
of the Revised Code: 53730

(1) A person is "in a residential facility" if the person is 53731
a resident or a resident patient of an institution, home, or other 53732
residential facility that is: 53733

(a) Licensed as a nursing home, residential care facility, or 53734
home for the aging by the director of health under section 3721.02 53735
of the Revised Code; 53736

(b) Maintained as a county home or district home by the board 53737
of county commissioners or a joint board of county commissioners 53738
under Chapter 5155. of the Revised Code; 53739

(c) Operated or administered by a board of alcohol, drug 53740
addiction, and mental health services under section 340.03 ~~or~~ 53741
~~340.06~~ of the Revised Code, or provides residential care pursuant 53742
to contracts made under section 340.03 ~~or 340.033~~ of the Revised 53743
Code; 53744

(d) Maintained as a state institution for the mentally ill 53745
under Chapter 5119. of the Revised Code; 53746

(e) Licensed by the department of ~~mental health~~ mental health 53747
and addiction services under section ~~5119.20~~ 5119.33 or ~~5119.22~~ 53748
5119.34 of the Revised Code; 53749

(f) Licensed as a residential facility by the department of 53750
developmental disabilities under section 5123.19 of the Revised 53751
Code; 53752

(g) Operated by the veteran's administration or another 53753
agency of the United States government; 53754

- (h) Operated by the Ohio veterans' home. 53755
- (2) A person is "in a correctional facility" if any of the 53756
following apply: 53757
- (a) The person is an Ohio resident and is: 53758
- (i) Imprisoned, as defined in section 1.05 of the Revised 53759
Code; 53760
- (ii) Serving a term in a community-based correctional 53761
facility or a district community-based correctional facility; 53762
- (iii) Required, as a condition of parole, a post-release 53763
control sanction, a community control sanction, transitional 53764
control, or early release from imprisonment, as a condition of 53765
shock parole or shock probation granted under the law in effect 53766
prior to July 1, 1996, or as a condition of a furlough granted 53767
under the version of section 2967.26 of the Revised Code in effect 53768
prior to March 17, 1998, to reside in a halfway house or other 53769
community residential center licensed under section 2967.14 of the 53770
Revised Code or a similar facility designated by the court of 53771
common pleas that established the condition or by the adult parole 53772
authority. 53773
- (b) The person is imprisoned in a state correctional 53774
institution of another state or a federal correctional institution 53775
but was an Ohio resident at the time the sentence was imposed for 53776
the crime for which the person is imprisoned. 53777
- (3) A person is "in a juvenile residential placement" if the 53778
person is an Ohio resident who is under twenty-one years of age 53779
and has been removed, by the order of a juvenile court, from the 53780
place the person resided at the time the person became subject to 53781
the court's jurisdiction in the matter that resulted in the 53782
person's removal. 53783
- (4) "Community control sanction" has the same meaning as in 53784

section 2929.01 of the Revised Code. 53785

(5) "Post-release control sanction" has the same meaning as 53786
in section 2967.01 of the Revised Code. 53787

(B) If the circumstances described in division (C) of this 53788
section apply, the determination of what school district must 53789
admit a child to its schools and what district, if any, is liable 53790
for tuition shall be made in accordance with this section, rather 53791
than section 3313.64 of the Revised Code. 53792

(C) A child who does not reside in the school district in 53793
which the child's parent resides and for whom a tuition obligation 53794
previously has not been established under division (C)(2) of 53795
section 3313.64 of the Revised Code shall be admitted to the 53796
schools of the district in which the child resides if at least one 53797
of the child's parents is in a residential or correctional 53798
facility or a juvenile residential placement and the other parent, 53799
if living and not in such a facility or placement, is not known to 53800
reside in this state. 53801

(D) Regardless of who has custody or care of the child, 53802
whether the child resides in a home, or whether the child receives 53803
special education, if a district admits a child under division (C) 53804
of this section, tuition shall be paid to that district as 53805
follows: 53806

(1) If the child's parent is in a juvenile residential 53807
placement, by the district in which the child's parent resided at 53808
the time the parent became subject to the jurisdiction of the 53809
juvenile court; 53810

(2) If the child's parent is in a correctional facility, by 53811
the district in which the child's parent resided at the time the 53812
sentence was imposed; 53813

(3) If the child's parent is in a residential facility, by 53814
the district in which the parent resided at the time the parent 53815

was admitted to the residential facility, except that if the parent was transferred from another residential facility, tuition shall be paid by the district in which the parent resided at the time the parent was admitted to the facility from which the parent first was transferred;

(4) In the event of a disagreement as to which school district is liable for tuition under division (C)(1), (2), or (3) of this section, the superintendent of public instruction shall determine which district shall pay tuition.

(E) If a child covered by division (D) of this section receives special education in accordance with Chapter 3323. of the Revised Code, the tuition shall be paid in accordance with section 3323.13 or 3323.14 of the Revised Code. Tuition for children who do not receive special education shall be paid in accordance with division (J) of section 3313.64 of the Revised Code.

Sec. 3313.674. (A) Except as provided in division (D) of this section, the board of education of each city, exempted village, or local school district and the governing authority of each chartered nonpublic school may require each student enrolled in kindergarten, third grade, fifth grade, and ninth grade to undergo a screening for body mass index and weight status category.

(B) The board or governing authority may provide any screenings authorized by this section itself, contract with another entity for provision of the screenings, or request the parent or guardian of each student subject to the screening to obtain the screening from a provider selected by the parent or guardian and to submit the results to the board or governing authority. If the board or governing authority provides the screenings itself or contracts with another entity for provision of the screenings, the board or governing authority shall protect

student privacy by ensuring that each student is screened alone 53847
and not in the presence of other students or staff. 53848

(C) Each school year, each board or governing authority 53849
electing to require the screening shall provide the parent or 53850
guardian of each student subject to the screening with information 53851
about the screening program. If the board or governing authority 53852
requests parents and guardians to obtain a screening from a 53853
provider of their choosing, the board or governing authority shall 53854
provide them with a list of providers and information about 53855
screening services available in the community to parents and 53856
guardians who cannot afford a private provider. 53857

(D) If the parent or guardian of a student subject to the 53858
screening signs and submits to the board or governing authority a 53859
written statement indicating that the parent or guardian does not 53860
wish to have the student undergo the screening, the board or 53861
governing authority shall not require the student to be screened. 53862

(E) The board or governing authority shall notify the parent 53863
or guardian of each student screened under this section of any 53864
health risks associated with the student's results and shall 53865
provide the parent or guardian with information about 53866
appropriately addressing the risks. For this purpose, the 53867
department of health, in consultation with the department of 53868
education and the healthy choices for healthy children council 53869
established under section 3301.92 of the Revised Code, shall 53870
develop a list of documents, pamphlets, or other resources that 53871
may be distributed to parents and guardians under this division. 53872

(F) The board or governing authority shall maintain the 53873
confidentiality of each student's individual screening results at 53874
all times. No board or governing authority shall report a 53875
student's individual screening results to any person other than 53876
the student's parent or guardian. 53877

(G) In a manner prescribed by rule of the director of health, 53878
each board or governing authority electing to require the 53879
screening shall report aggregated body mass index and weight 53880
status category data collected under this section, and any other 53881
demographic data required by the director, to the department of 53882
health. In the case of a school district, data shall be aggregated 53883
for the district as a whole and not for individual schools within 53884
the district, unless the district operates only one school. In the 53885
case of a chartered nonpublic school, data shall be aggregated for 53886
the school as a whole. The department annually may publish the 53887
data reported under this division, aggregated by county. For each 53888
county in which a district, community school, STEM school, or 53889
chartered nonpublic school has elected not to require the 53890
screening for a school year for which data is published, the 53891
department shall note that the data for the county in which the 53892
district or school is located is incomplete. The department may 53893
share data reported under this division with other governmental 53894
entities for the purpose of monitoring population health, making 53895
reports, or public health promotional activities. 53896

(H) To the extent that this division does not conflict with 53897
the child's IEP, no child with a disability shall be subject to 53898
the requirements of this section. 53899

As used in this section, "child with a disability" and "IEP" 53900
have the same meanings as in section 3323.01 of the Revised Code. 53901

Sec. 3313.714. (A) As used in this section: 53902

(1) "Board of education" means the board of education of a 53903
city, local, exempted village, or joint vocational school 53904
district. 53905

(2) "Healthcheck" means the early and periodic screening, 53906
diagnosis, and treatment program, a component of the ~~medical~~ 53907
~~assistance~~ medicaid program established under Title XIX of the 53908

~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 302, as amended, and Chapter 5111. of the Revised Code.~~ 53909
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(3) "Pupil" means a person under age twenty-two enrolled in the schools of a city, local, exempted village, or joint vocational school district. 53911
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(4) "Parent" means either parent with the following exceptions: 53914
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(a) If one parent has custody by court order, "parent" means the parent with custody. 53916
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(b) If neither parent has legal custody, "parent" means the person or government entity with legal custody. 53918
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(c) The child's legal guardian or a person who has accepted responsibility for the health, safety, and welfare of the child. 53920
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(B) At the request of the department of ~~job and family services~~ medicaid, a board of education shall establish and conduct a healthcheck program for pupils enrolled in the schools of the district who are medicaid recipients ~~of medical assistance under Chapter 5111. of the Revised Code.~~ At the request of a board of education, the department may authorize the board to establish a healthcheck program. A board that establishes a healthcheck program shall enter into a ~~medical assistance~~ medicaid provider agreement with the department. 53922
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A healthcheck program established by a board of education shall be conducted in accordance with rules adopted by the medicaid director ~~of job and family services~~ under division (F) of this section. The healthcheck program shall include all of the following components: 53931
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(1) A comprehensive health and development history; 53936

(2) A comprehensive physical examination; 53937

(3) A developmental assessment; 53938

(4) A nutritional assessment; 53939

(5) A vision assessment; 53940

(6) A hearing assessment; 53941

(7) An immunization assessment; 53942

(8) Lead screening and laboratory tests ordered by a doctor of medicine or osteopathic medicine as part of one of the other components; 53943
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(9) Such other assessment as may be required by the department of ~~job and family services~~ medicaid in accordance with the requirements of the healthcheck program. 53946
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All services included in a board of education's healthcheck program that the board provided under sections 3313.67, 3313.673, 3313.68, 3313.69, and 3313.71 of the Revised Code during the 1990-1991 school year shall continue to be provided to ~~medical assistance~~ medicaid recipients by the board pursuant to those sections. The services shall be considered part of the healthcheck program for medicaid recipients ~~of medical assistance~~, and the board shall be eligible for ~~reimbursement~~ payment from the ~~state~~ department in accordance with this division for providing the services. 53949
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The department shall ~~reimburse~~ pay boards of education for healthcheck program services provided under this division at the rates paid under the ~~medical assistance~~ medicaid program to physicians, dentists, nurses, and other providers of healthcheck services. 53959
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(C) Each board of education that conducts a healthcheck program shall determine for each pupil enrolled in the schools of the district whether the pupil is a ~~medical assistance~~ medicaid recipient. The department of ~~job and family services~~ medicaid and county departments of ~~human services~~ job and family services shall 53964
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assist the board in making these determinations. Except as 53969
necessary to carry out the purposes of this section, all 53970
information received by a board under this division shall be 53971
confidential. 53972

Before the first day of October of each year, each board that 53973
conducts a healthcheck program shall send the parent of each pupil 53974
who is under age eighteen and a medicaid recipient ~~of medical~~ 53975
~~assistance~~ notice that the pupil will be examined under the 53976
district's healthcheck program unless the parent notifies the 53977
board that the parent denies consent for the examination. The 53978
notice shall include a form to be used by the parent to indicate 53979
that the parent denies consent. The denial shall be effective only 53980
if the form is signed by the parent and returned to the board or 53981
the school in which the pupil is enrolled. If the parent does not 53982
return a signed form indicating denial of consent within two weeks 53983
after the date the notice is sent, the school district and the 53984
department of ~~job and family services~~ medicaid shall deem the 53985
parent to have consented to examination of the parent's child 53986
under the healthcheck program. In the case of a pupil age eighteen 53987
or older, the notice shall be given to the pupil, and the school 53988
district and the department of ~~job and family services~~ medicaid 53989
shall deem the pupil to have consented to examination unless the 53990
pupil returns the signed form indicating the pupil's denial of 53991
consent. 53992

(D)(1) As used in this division: 53993

(a) "Nonfederal share" means the portion of expenditures for 53994
services that is required under the ~~medical assistance~~ medicaid 53995
program to be paid for with state or local government funds. 53996

(b) "Federal financial participation" means the portion of 53997
expenditures for services that is ~~reimbursed~~ payable under the 53998
~~medical assistance~~ medicaid program with federal funds. 53999

(2) At the request of a board of education, the state 54000
department may enter into an agreement with the board under which 54001
the board provides medical services to a medicaid recipient ~~of~~ 54002
~~medical assistance~~ that are ~~reimbursable~~ payable under the ~~medical~~ 54003
~~assistance~~ medicaid program but not under the healthcheck program. 54004
The agreement may be for a term specified in the agreement and 54005
renewable by mutual consent of the board and the department, or 54006
may continue in force as long as agreeable to the board and the 54007
department. 54008

The board shall use state or local funds of the district to 54009
pay the nonfederal share of expenditures for services provided 54010
under this division. Prior to entering into or renewing an 54011
agreement and at any other time requested by the department while 54012
the agreement is in force, the board shall certify to the 54013
department in accordance with the rules adopted under division (F) 54014
of this section that it will have sufficient state or local funds 54015
to pay the nonfederal share of expenditures under this division. 54016
If the board fails to make the certification, the department shall 54017
not enter into or renew the agreement. If an agreement has been 54018
entered into, it shall be void unless the board makes the 54019
certification not later than fifteen days after receiving notice 54020
from the department that the certification is due. The board shall 54021
report to the department, in accordance with the rules, the amount 54022
of state or local funds it spends to provide services under this 54023
division. 54024

The department shall ~~reimburse~~ pay the board the federal 54025
financial participation allowed for the board's expenditures for 54026
services under this division. The total of the nonfederal share 54027
spent by the board and the federal financial participation 54028
~~reimbursed~~ paid by the department for a service rendered under 54029
this division shall be an amount agreed to by the board and the 54030
department, but shall not exceed the maximum ~~reimbursable~~ payable 54031

~~amount~~ for that service under rules adopted ~~by the director of job~~ 54032
~~and family services~~ under ~~Chapter 5111. section 5164.02~~ of the 54033
Revised Code. The rules adopted under division (F) of this section 54034
shall include procedures under which the department will recover 54035
from a board overpayments and subsequent federal audit 54036
disallowances of federal financial participation ~~reimbursed~~ paid 54037
by the department. 54038

(E) A board of education shall provide services under 54039
division (D) of this section and under its healthcheck program as 54040
provided in division (E)(1), (2), or (3) of this section: 54041

(1) By having the services performed by physicians, dentists, 54042
and nurses employed by the board; 54043

(2) By contracting with physicians, dentists, nurses, and 54044
other providers of services who have ~~medical assistance~~ medicaid 54045
provider agreements with the department of ~~job and family services~~ 54046
medicaid; 54047

(3) By having some of the services performed by persons 54048
described in division (E)(1) of this section and others performed 54049
by persons described in division (E)(2) of this section. 54050

(F) The medicaid director ~~of job and family services~~ shall 54051
adopt rules in accordance with Chapter 119. of the Revised Code 54052
governing healthcheck programs conducted under this section and 54053
services provided under division (D) of this section. 54054

Sec. 3313.715. The board of education of a school district 54055
may request from the director of developmental disabilities the 54056
appropriate identification numbers for all students residing in 54057
the district who are ~~medical assistance~~ medicaid recipients ~~under~~ 54058
~~Chapter 5111. of the Revised Code.~~ The director shall furnish such 54059
numbers upon receipt of lists of student names furnished by the 54060
district board, in such form as the director may require. 54061

The medicaid director of ~~job and family services~~ shall 54062
provide the director of developmental disabilities with the data 54063
necessary for compliance with this section. 54064

Section 3319.321 of the Revised Code does not apply to the 54065
release of student names or other data to the director of 54066
developmental disabilities for the purposes of this section. 54067
Chapter 1347. of the Revised Code does not apply to information 54068
required to be kept by a school board or the departments of ~~job~~ 54069
~~and family services~~ medicaid or developmental disabilities to the 54070
extent necessary to comply with this section and section 3313.714 54071
of the Revised Code. However, any such information or data shall 54072
be used only for the specific legal purposes of such boards and 54073
departments and shall not be released to any unauthorized person. 54074

Sec. 3313.82. The board of education of each ~~city and~~ 54075
~~exempted village~~ school district and the governing board of each 54076
educational service center shall appoint a business advisory 54077
council, except that a school district that has entered into an 54078
agreement under section 3313.843 or 3313.845 of the Revised Code 54079
to receive any services from an educational service center is not 54080
required to appoint a council if the school district and 54081
educational service center agree that the educational service 54082
center's council will represent the business of the district. The 54083
council shall advise and provide recommendations to the board on 54084
matters specified by the board including, but not necessarily 54085
limited to, the delineation of employment skills and the 54086
development of curriculum to instill these skills; changes in the 54087
economy and in the job market, and the types of employment in 54088
which future jobs are most likely to be available; and suggestions 54089
for developing a working relationship among businesses, labor 54090
organizations, and educational personnel ~~in the district or in the~~ 54091
~~territory of the educational service center.~~ Each board shall 54092
determine the membership and organization of its council. 54093

Notwithstanding division (D) of section 3311.19 and division (D) 54094
of section 3311.52 of the Revised Code, this section shall not 54095
apply to the board of education of any joint vocational school 54096
district or any cooperative education school district created 54097
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 54098
Code. 54099

Sec. 3313.83. (A)(1) For the purpose of pooling resources, 54100
operating more cost effectively, minimizing administrative 54101
overhead, encouraging the sharing of resource development, and 54102
diminishing duplication, the boards of education of two or more 54103
city, local, or exempted village school districts each having a 54104
majority of its territory in a county with a population greater 54105
than one million two hundred thousand, by adopting identical 54106
resolutions, may enter into an agreement providing for the 54107
creation of a regional student education district for the purpose 54108
of funding the following for students enrolled in those school 54109
districts, including students diagnosed as autistic and students 54110
with special needs, and their immediate family members: 54111

(a) Special education services; 54112

(b) Behavioral health services for persons with special 54113
needs. 54114

If more than eight boards of education adopt resolutions to 54115
form a regional student education district, the boards may meet at 54116
facilities of the educational service center of the county to 54117
discuss membership in the district. 54118

(2) The territory of a regional student education district at 54119
any time shall be composed of the combined territories of the 54120
school districts that are parties to the agreement at that time. 54121
Services funded by a regional student education district shall be 54122
available to all individuals enrolled in a school district that is 54123
a part of the regional student education district and members of 54124

their immediate family. 54125

(3) The agreement may be amended pursuant to terms and 54126
procedures mutually agreed to by the boards of education that are 54127
parties to the agreement. 54128

(B) Each regional student education district shall be 54129
governed by a board of directors. The superintendent of each board 54130
of education that is a party to the agreement shall serve on the 54131
board of directors. The agreement shall provide for the terms of 54132
office of directors. Directors shall receive no compensation, but 54133
shall be reimbursed, from the special fund of the regional student 54134
education district, for the reasonable and necessary expenses they 54135
incur in the performance of their duties for the district. The 54136
agreement shall provide for the conduct of the board's initial 54137
organizational meeting and for the frequency of subsequent 54138
meetings and quorum requirements. At its first meeting, the board 54139
shall designate from among its members a president and secretary 54140
in the manner provided in the agreement. 54141

The board of directors of a regional student education 54142
district is a body corporate and politic, is capable of suing and 54143
being sued, is capable of contracting within the limits of this 54144
section and the agreement governing the district, and is capable 54145
of accepting gifts, donations, bequests, or other grants of money 54146
for use in paying its expenses. The district is a public office 54147
and its directors are public officials within the meaning of 54148
section 117.01 of the Revised Code, the board of directors is a 54149
public body within the meaning of section 121.22 of the Revised 54150
Code, and records of the board and of the district are public 54151
records within the meaning of section 149.43 of the Revised Code. 54152

The agreement shall require the board to designate a 54153
permanent location for its offices and meeting place, and may 54154
provide for the use of such facilities and property for the 54155
provision of services by the agencies with which the board 54156

contracts under division (C) of this section. 54157

(C)(1) To provide the services identified in division (A)(1) 54158
of this section, the board of directors of a regional student 54159
education district shall provide for the hiring of employees or 54160
shall contract with one or more entities. Except as provided in 54161
division (C)(2) of this section, any entity with which the board 54162
of directors contracts to provide the services identified in 54163
division (A)(1)(b) of this section shall be a qualified nonprofit, 54164
nationally accredited agency to which both of the following apply: 54165

(a) The agency is licensed or certified by the departments of 54166
~~mental health, mental health and addiction services and job and~~ 54167
family services, ~~and alcohol and drug addiction services.~~ 54168

(b) The agency provides school-based behavioral health 54169
services. 54170

(2) The board of directors may contract with an entity that 54171
does not meet the conditions stated in division (C)(1) of this 54172
section if the services to be provided by the entity are only 54173
incidental to the services identified in division (A)(1)(b) of 54174
this section. 54175

(3) The board of directors may levy a tax throughout the 54176
district as provided in section 5705.2111 of the Revised Code. The 54177
board of directors shall provide for the creation of a special 54178
fund to hold the proceeds of any tax levied under section 54179
5705.2111 of the Revised Code and any gifts, donations, bequests, 54180
or other grants of money coming into the possession of the 54181
district. A regional student education district is a subdivision, 54182
and the board of directors is a governing body, within the meaning 54183
of section 135.01 of the Revised Code. The board of directors may 54184
not issue securities or otherwise incur indebtedness. 54185

(4) The adoption or rejection by electors of a tax levy to 54186
fund a regional student education district pursuant to section 54187

5705.2111 of the Revised Code does not alter the duty of each 54188
school district member of the regional student education district 54189
to provide special education and related services as required 54190
under Chapter 3323. of the Revised Code. On the expiration of a 54191
regional student education district levy, the state, member school 54192
districts of the regional student education district, and any 54193
other governmental entity shall not be obligated to provide 54194
replacement funding for the revenues under the expired levy. The 54195
tax levy, in whole or in part, shall not be considered a levy for 54196
current operating expenses pursuant to division (A) of section 54197
3317.01 of the Revised Code for any of the school districts that 54198
are members of the regional student education district. 54199

(D)(1) The agreement shall provide for the manner of 54200
appointing an individual or entity to perform the duties of fiscal 54201
officer of the regional student education district. The agreement 54202
shall specify the length of time the individual or entity shall 54203
perform those duties and whether the individual or entity may be 54204
reappointed upon the completion of a term. The fiscal officer may 54205
receive compensation for performing the duties of the position and 54206
be reimbursed for reasonable expenses of performing those duties 54207
from the regional student education district's special fund. 54208

(2) The legal advisor of the board of directors of a regional 54209
student education district shall be the prosecuting attorney of 54210
the most populous county containing a school district that is a 54211
member of the regional student education district. The prosecuting 54212
attorney shall prosecute all actions against a member of the board 54213
of directors for malfeasance or misfeasance in office and shall be 54214
the legal counsel for the board and its members in all other 54215
actions brought by or against them and shall conduct those actions 54216
in the prosecuting attorney's official capacity. No compensation 54217
in addition to the prosecuting attorney's regular salary shall be 54218
allowed. 54219

(E) The board of directors of a regional student education district shall procure a policy or policies of insurance insuring the board, the fiscal officer, and the legal representative against liability on account of damage or injury to persons and property. Before procuring such insurance the board shall adopt a resolution setting forth the amount of insurance to be purchased, the necessity of the insurance, and a statement of its estimated premium cost. Insurance procured pursuant to this section shall be from one or more recognized insurance companies authorized to do business in this state. The cost of the insurance shall be paid from the district's special fund.

A regional student education district is a political subdivision within the meaning of section 2744.01 of the Revised Code.

(F)(1) The board of education of a school district having a majority of its territory in the county may join an existing regional student education district by adopting a resolution requesting to join as a party to the agreement and upon approval by the boards of education that currently are parties to the agreement. If a tax is levied in the regional student education district under section 5705.2111 of the Revised Code, a board of education may join the district only after a majority of qualified electors in the school district voting on the question vote in favor of levying the tax throughout the school district. A board of education joining an existing district shall have the same powers, rights, and obligations under the agreement as other boards of education that are parties to the agreement.

(2) A board of education that is a party to an agreement under this section may withdraw the school district from a regional student education district by adopting a resolution. The withdrawal shall take effect on the date provided in the resolution. If a tax is levied in the regional student education

district under section 5705.2111 of the Revised Code, the 54252
resolution shall take effect not later than the first day of 54253
January following adoption of the resolution. Beginning with the 54254
first day of January following adoption of the resolution, any tax 54255
levied under section 5705.2111 of the Revised Code shall not be 54256
levied within the territory of the withdrawing school district. 54257
Any collection of tax levied in the territory of the withdrawing 54258
school district under that section that has not been settled and 54259
distributed when the resolution takes effect shall be credited to 54260
the district's special fund. 54261

(G) An agreement entered into under this section shall 54262
provide for the manner of the regional student education 54263
district's dissolution. The district shall cease to exist when not 54264
more than one school district remains in the district, and the 54265
levy of any tax under section 5705.2111 of the Revised Code shall 54266
not be extended on the tax lists in any tax year beginning after 54267
the dissolution of the district. The agreement shall provide that, 54268
upon dissolution of the district, any unexpended balance in the 54269
district's special fund shall be divided among the school 54270
districts that are parties to the agreement immediately before 54271
dissolution in proportion to the taxable valuation of taxable 54272
property in the districts, and credited to their respective 54273
general funds. 54274

Sec. 3313.841. The boards of education and governing boards 54275
of two or more city, local, joint vocational, or exempted village 54276
school districts or educational service centers may contract in 54277
accordance with the terms of this section for the sharing on a 54278
cooperative basis of the services of supervisory teachers, special 54279
instruction teachers, special education teachers, and other 54280
licensed personnel necessary to conduct approved cooperative 54281
classes for special education and related services and gifted 54282
education. 54283

The boards of two or more districts or service centers 54284
desiring to enroll students in such classes shall each adopt 54285
resolutions indicating such desire and designating one of the 54286
participating districts or service centers as the funding agent 54287
for purposes of this section. The district or service center 54288
designated as the funding agent shall enter into an employment 54289
contract with each licensed teacher whose services are to be 54290
shared among the participating districts and service centers. In 54291
turn, the funding agent shall enter into contracts with each of 54292
the districts and service centers which have adopted resolutions 54293
agreeing to participate in the cooperative program upon terms 54294
agreed to by all parties to such contract. Such contracts between 54295
districts and service centers shall set forth the services to be 54296
provided by the licensed teacher employed by the funding agent 54297
whose services are to be shared by the participating districts and 54298
service centers and the basis for computing the amounts to be paid 54299
for such services to the funding agent by the participating 54300
districts and service centers. 54301

For purposes of ~~division (B) of section 3317.05~~ 3317.0213 of 54302
the Revised Code, the funding agent shall count all pupils 54303
enrolled in cooperative programs for pupils with disabilities as 54304
pupils enrolled in such programs in the funding agent district. 54305
Upon receipt of payment for such programs, the funding agent 54306
district shall credit the account of districts participating in 54307
the cooperative program for the amounts due under contracts 54308
entered into under the terms of this section in proportion to the 54309
number of resident students enrolled in the cooperative program 54310
from each participating district and service center. 54311

In determining the terms of the contract entered into by the 54312
funding agent district or service center and the participating 54313
districts and service centers, the superintendent of schools of 54314
each participating board of education and governing board shall 54315

serve as a committee which shall recommend such terms to such boards. 54316
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Sec. 3313.843. (A) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to any cooperative education school district. 54318
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(B)(1) The board of education of each city, exempted village, or local school district with an average daily student enrollment of sixteen thousand or less, reported for the district on the most recent report card issued under section 3302.03 of the Revised Code, shall enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district. 54321
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(2) The board of education of a city, exempted village, or local school district with an average daily student enrollment of more than sixteen thousand may enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district. 54328
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(3) Services provided under an agreement entered into under division (B)(1) or (2) of this section shall be specified in the agreement, and may include any of the following: supervisory teachers; in-service and continuing education programs for district personnel; curriculum services; research and development programs; academic instruction for which the governing board employs teachers pursuant to section 3319.02 of the Revised Code; assistance in the provision of special accommodations and classes for students with disabilities; or any other services the district board and service center governing board agree can be better provided by the service center and are not provided under an agreement entered into under section 3313.845 of the Revised Code. Services included in the agreement shall be provided to the 54334
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district in the manner specified in the agreement. The district 54347
board of education shall reimburse the educational service center 54348
governing board pursuant to ~~section 3317.11 of the Revised Code~~ 54349
division (H) of this section. 54350

~~Beginning with the 2012-2013 school year, the board of any 54351
district described in division (B)(2) of this section may elect 54352
not to receive the supervisory services for which supervisory 54353
units are paid under division (B) of section 3317.11 of the 54354
Revised Code, provided that election is specified in the 54355
agreement.~~ 54356

(C) Any agreement entered into pursuant to this section shall 54357
be filed with the department of education by the first day of July 54358
of the school year for which the agreement is in effect. 54359

(D)(1) An agreement for services from an educational service 54360
center entered into under this section may be terminated by the 54361
school district board of education, at its option, by notifying 54362
the governing board of the service center by March 1, 2012, or by 54363
the first day of January of any odd-numbered year thereafter, that 54364
the district board intends to terminate the agreement in that 54365
year, and that termination shall be effective on the thirtieth day 54366
of June of that year. The failure of a district board to notify an 54367
educational service center of its intent to terminate an agreement 54368
by March 1, 2012, shall result in renewal of the existing 54369
agreement for the following school year. Thereafter, the failure 54370
of a district board to notify an educational service center of its 54371
intent to terminate an agreement by the first day of January of an 54372
odd-numbered year shall result in renewal of the existing 54373
agreement for the following two school years. 54374

(2) If the school district that terminates an agreement for 54375
services under division (D)(1) of this section is also subject to 54376
the requirement of division (B)(1) of this section, the district 54377
board shall enter into a new agreement with any educational 54378

service center so that the new agreement is effective on the first 54379
day of July of that same year. 54380

(3) If all moneys owed by a school district to an educational 54381
service center under an agreement for services terminated under 54382
division (D)(1) of this section have been paid in full by the 54383
effective date of the termination, the governing board of the 54384
service center shall submit an affidavit to the department 54385
certifying that fact not later than fifteen days after the 54386
termination's effective date. Notwithstanding anything in the 54387
Revised Code to the contrary, until the department receives such 54388
an affidavit, it shall not make any payments to any other 54389
educational service center with which the district enters into an 54390
agreement under this section for services that the educational 54391
service center provides to the district. 54392

(E) An educational service center may apply to any state or 54393
federal agency for competitive grants. It may also apply to any 54394
private entity for additional funds. 54395

(F) Not later than January 1, 2014, each educational service 54396
center shall post on its web site a list of all of the services 54397
that it provides and the corresponding cost for each of those 54398
services. 54399

(G)(1) For purposes of calculating any state subsidy to be 54400
paid to an educational service center for services provided to a 54401
school district, the service center's student count shall be the 54402
sum of the total student counts of all the school districts with 54403
which the educational service center has entered into an agreement 54404
under this section. 54405

(2) When a district enters into a new agreement with a new 54406
educational service center, the department of education shall 54407
ensure that the state subsidy for services provided to the 54408
district is paid to the new educational service center and that 54409

the educational service center with which the district previously 54410
had an agreement is no longer paid a state subsidy for providing 54411
services to that district. 54412

(H) Pursuant to division (B) of section 3317.023 of the 54413
Revised Code, the department annually shall deduct from each 54414
school district that enters into an agreement with an educational 54415
service center under this section, and pay to the service center, 54416
an amount equal to six dollars and fifty cents times the school 54417
district's total student count. The district board of education, 54418
or the district superintendent acting on behalf of the district 54419
board, may agree to pay an amount in excess of six dollars and 54420
fifty cents per student in total student count. If a majority of 54421
the boards of education, or superintendents acting on behalf of 54422
the boards, of the districts that entered into an agreement under 54423
this section approve an amount in excess of six dollars and fifty 54424
cents per student in total student count, each district shall pay 54425
the excess amount to the service center. 54426

(I) For purposes of this section, a school district's "total 54427
student count" means the average daily student enrollment reported 54428
on the most recent report card issued for the district pursuant to 54429
section 3302.03 of the Revised Code. 54430

Sec. 3313.844. The governing authority of a community school 54431
established under Chapter 3314. of the Revised Code and the 54432
governing board of an educational service center may enter into an 54433
agreement, through adoption of identical resolutions, under which 54434
the service center board will provide services to the community 54435
school. Services provided under the agreement and the amount and 54436
manner in which the community school ~~board~~ will pay for such 54437
services shall be mutually agreed to by the school's governing 54438
~~board~~ authority and the service center board, and shall be 54439
specified in the service agreement. If specified in the agreement 54440

as the manner of payment, the department of education shall pay 54441
the service center the amount due to it under the agreement and 54442
shall deduct that amount from the payments made to the community 54443
school under Chapter 3314. of the Revised Code. Any agreement 54444
entered into under this section shall be valid only if a copy is 54445
filed with the department. 54446

Sec. 3313.845. The board of education of a city, exempted 54447
village, ~~or~~ local, or joint vocational school district and the 54448
governing board of an educational service center may enter into an 54449
agreement under which the educational service center will provide 54450
services to the school district. Services provided under the 54451
agreement and the amount to be paid for such services shall be 54452
mutually agreed to by the district board of education and the 54453
service center governing board, and shall be specified in the 54454
agreement. Payment for services specified in the agreement shall 54455
be made pursuant to ~~division (D) of section 3317.11 of the Revised~~ 54456
~~Code and shall not include any deduction under division (B), (C),~~ 54457
~~or (F) of that section~~ the terms of that agreement. If specified 54458
in the agreement as the manner of payment, the department of 54459
education shall pay the service center the amount due to it under 54460
the agreement and shall deduct that amount from the payments made 54461
to the city, exempted village, local, or joint vocational school 54462
district under Chapter 3317. of the Revised Code. Any agreement 54463
entered into pursuant to this section shall be valid only if a 54464
copy is filed with the department ~~of education.~~ 54465

The authority granted under this section to the boards of 54466
education of city, exempted village, and local school districts is 54467
in addition to the authority granted to such boards under section 54468
3313.843 of the Revised Code. 54469

Sec. 3313.848. (A) As used in this section: 54470

(1) "Client" means a city, local, or exempted village school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, or political subdivision. 54471
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(2) "Governing body" means the board of education of a school district, governing authority of a community school, governing body of a STEM school, or governing body of a political subdivision. 54475
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(3) "Political subdivision" has the same meaning as used in section 3313.846 of the Revised Code. 54479
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(4) "Service agreement" means an agreement that a client has entered into with an educational service center under section 3313.843, 3313.844, 3313.845, 3313.846, or 3326.45 of the Revised Code and any subsequent amendment to that agreement. 54481
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(B) If at the end of a fiscal year for which a service agreement is in effect any of the funds paid directly by a client to the educational service center under the agreement are unexpended and unobligated, a client's governing body may elect to have the service center retain the unexpended and unobligated funds for the purpose of applying them toward any payment the client will owe to the service center under a service agreement for the next fiscal year. The treasurer or fiscal officer of the client shall indicate on the client's end-of-year financial report that unexpended funds have been retained by the service center and the amount of those funds. 54485
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(C) A client shall expend its funds retained under division (B) of this section only for services specifically set forth under a service agreement. The treasurer of the educational service center shall keep a record of the client's expenditure and the service or services for which the expenditure was made. On at least an annual basis, or upon the request of the client's 54496
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governing body or its treasurer or fiscal officer, the treasurer 54502
of the service center shall notify the client's treasurer or 54503
fiscal officer of the expenditures recorded under this division. 54504
The client's treasurer or fiscal officer shall include that 54505
information in the financial report made by the treasurer or 54506
fiscal officer at the next meeting of the client's governing body 54507
that occurs following receipt of the information. 54508

Sec. 3313.849. The governing bodies of two or more city, 54509
exempted village, local, or joint vocational school districts, 54510
community schools established under Chapter 3314. of the Revised 54511
Code, or STEM schools established under Chapter 3326. of the 54512
Revised Code, may mutually agree to share supervisory, curriculum, 54513
teaching, special education, professional development, or any 54514
other services offered by an educational service center and may 54515
pool their funding to pay the cost of receiving those services. 54516
Each of the governing bodies of the districts or schools 54517
participating in shared services pursuant to this section shall 54518
specify in its service agreement with the service center under 54519
section 3313.843, 3313.844, 3313.845, or 3326.45 of the Revised 54520
Code which services that the participants have agreed to share, 54521
any other districts or schools participating in the shared 54522
services, and the amount of funds that the governing body will 54523
contribute toward the total cost of the shared services. Each 54524
governing body's funding contribution shall be paid to the service 54525
center in accordance with section 3313.843, 3313.844, 3313.845, or 54526
3326.45 of the Revised Code, as applicable. 54527

The authority granted under this section is in addition to 54528
the authority granted to school district boards of education under 54529
section 3313.841 of the Revised Code. 54530

Sec. 3313.88. (A)(1) Prior to the first day of August of each 54531
school year, the board of education of any school district or the 54532

governing authority of any chartered nonpublic school may submit 54533
to the department of education a plan to require students to 54534
access and complete classroom lessons posted on the district's or 54535
nonpublic school's web portal or web site in order to make up days 54536
in that school year on which it is necessary to close schools for 54537
any of the reasons specified in division (B) of section 3317.01 of 54538
the Revised Code in excess of the number of days permitted under 54539
sections 3313.48, 3313.481, and 3317.01 of the Revised Code. 54540

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Prior to the first day of August of each school year, the 54542
governing authority of any community school established under 54543
Chapter 3314. that is not an internet- or computer-based community 54544
school, as defined in section 3314.02 of the Revised Code, may 54545
submit to the department a plan to require students to access and 54546
complete classroom lessons posted on the school's web portal or 54547
web site in order to make up days or hours in that school year on 54548
which it is necessary to close the school for any of the reasons 54549
specified in division ~~(L)~~(H)(4) of section 3314.08 of the Revised 54550
Code so that the school is in compliance with the minimum number 54551
of hours required under Chapter 3314. of the Revised Code. 54552

A plan submitted by a school district board or chartered 54553
nonpublic school governing authority shall provide for making up 54554
any number of days, up to a maximum of three days. A plan 54555
submitted by a community school governing authority shall provide 54556
for making up any number of hours, up to a maximum of the 54557
equivalent of three days. Provided the plan meets all requirements 54558
of this section, the department shall permit the board or 54559
governing authority to implement the plan for the applicable 54560
school year. 54561

(2) Each plan submitted under this section by a school 54562
district board of education shall include the written consent of 54563

the teachers' employee representative designated under division 54564
(B) of section 4117.04 of the Revised Code. 54565

(3) Each plan submitted under this section shall provide for 54566
the following: 54567

(a) Not later than the first day of November of the school 54568
year, each classroom teacher shall develop a sufficient number of 54569
lessons for each course taught by the teacher that school year to 54570
cover the number of make-up days or hours specified in the plan. 54571
The teacher shall designate the order in which the lessons are to 54572
be posted on the district's, community school's, or nonpublic 54573
school's web portal or web site in the event of a school closure. 54574
Teachers may be granted up to one professional development day to 54575
create lesson plans for those lessons. 54576

(b) To the extent possible and necessary, a classroom teacher 54577
shall update or replace, based on current instructional progress, 54578
one or more of the lesson plans developed under division (A)(3)(a) 54579
of this section before they are posted on the web portal or web 54580
site under division (A)(3)(c) of this section or distributed under 54581
division (B) of this section. 54582

(c) As soon as practicable after a school closure, a district 54583
or school employee responsible for web portal or web site 54584
operations shall make the designated lessons available to students 54585
on the district's, community school's, or nonpublic school's 54586
portal or site. A lesson shall be posted for each course that was 54587
scheduled to meet on the day or hours of the closure. 54588

(d) Each student enrolled in a course for which a lesson is 54589
posted on the portal or site shall be granted a two-week period 54590
from the date of posting to complete the lesson. The student's 54591
classroom teacher shall grade the lesson in the same manner as 54592
other lessons. The student may receive an incomplete or failing 54593
grade if the lesson is not completed on time. 54594

(e) If a student does not have access to a computer at the student's residence and the plan does not include blizzard bags under division (B) of this section, the student shall be permitted to work on the posted lessons at school after the student's school reopens. If the lessons were posted prior to the reopening, the student shall be granted a two-week period from the date of the reopening, rather than from the date of posting as otherwise required under division (A)(3)(d) of this section, to complete the lessons. The district board or community school or nonpublic school governing authority may provide the student access to a computer before, during, or after the regularly scheduled school day or may provide a substantially similar paper lesson in order to complete the lessons.

(B)(1) In addition to posting classroom lessons online under division (A) of this section, the board of education of any school district or governing authority of any community or chartered nonpublic school may include in the plan distribution of "blizzard bags," which are paper copies of the lessons posted online.

(2) If a school opts to use blizzard bags, teachers shall prepare paper copies in conjunction with the lessons to be posted online and update the paper copies whenever the teacher updates the online lesson plans.

(3) The board of education of any school district or governing authority of any community or chartered nonpublic school that opts to use blizzard bags shall specify in the plan the method of distribution of blizzard bag lessons, which may include, but not be limited to, requiring distribution by a specific deadline or requiring distribution prior to anticipated school closure as directed by the superintendent of a school district or the principal, director, chief administrative officer, or the equivalent, of a school.

(4) Students shall turn in completed lessons in accordance

with division (A)(3)(d) of this section. 54627

(C)(1) No school district that implements a plan in 54628
accordance with this section shall be considered to have failed to 54629
comply with division (B) of section 3317.01 of the Revised Code 54630
with respect to the number of make-up days specified in the plan. 54631

(2) No community school that implements a plan in accordance 54632
with this section shall be considered to have failed to comply 54633
with the minimum number of hours required under Chapter 3314. of 54634
the Revised Code with respect to the number of make-up hours 54635
specified in the plan. 54636

Sec. 3313.911. The state board of education may adopt a 54637
resolution assigning a city, exempted village, or local school 54638
district that is not a part of a joint vocational school district 54639
to membership in a joint vocational school district. A copy of the 54640
resolution shall be certified to the board of education of the 54641
joint vocational school district and the board of education of the 54642
district proposed to be assigned. The board of education of the 54643
joint vocational school district shall advertise a copy of the 54644
resolution in a newspaper of general circulation in the district 54645
proposed to be assigned once each week for two weeks, or as 54646
provided in section 7.16 of the Revised Code, immediately 54647
following the certification of the resolution to the board. The 54648
assignment shall take effect on the ninety-first day after the 54649
state board adopts the resolution, unless prior to that date 54650
qualified electors residing in the school district proposed for 54651
assignment, equal in number to ten per cent of the qualified 54652
electors of that district voting at the last general election, 54653
file a petition against the assignment. 54654

The petition of referendum shall be filed with the treasurer 54655
of the board of education of the district proposed to be assigned 54656
to the joint vocational school district. The treasurer shall give 54657

the person presenting the petition a receipt showing the time of 54658
day, date, and purpose of the petition. The treasurer shall cause 54659
the board of elections to determine the sufficiency of signatures 54660
on the petition and if the signatures are found to be sufficient, 54661
shall present the petition to the board of education of the 54662
district. The board of education shall promptly certify the 54663
question to the board of elections for the purpose of having the 54664
question placed on the ballot at the next general, primary, or 54665
special election not earlier than sixty days after the date of the 54666
certification. 54667

Only those qualified electors residing in the district 54668
proposed for assignment to the joint vocational school district 54669
are qualified to vote on the question. If a majority of the 54670
electors voting on the question vote against the assignment, it 54671
shall not take place, and the state board of education shall 54672
require the district to contract with the joint vocational school 54673
district or another school district as authorized by section 54674
3313.91 of the Revised Code. 54675

If a majority of the electors voting on the question do not 54676
vote against the assignment, the assignment shall take immediate 54677
effect, and the board of education of the joint vocational school 54678
district shall notify the county auditor of the county in which 54679
the school district becoming a part of the joint vocational school 54680
district is located to have any outstanding levy of the joint 54681
vocational school district spread over the territory of the school 54682
district that has become a part of the joint vocational school 54683
district. 54684

The assignment of a school district to a joint vocational 54685
school district pursuant to this section is subject to any 54686
agreements made between the board of education of the assigned 54687
school district and the board of education of the joint vocational 54688
school district. Such an agreement may include provisions for a 54689

payment by the assigned school district to the joint vocational 54690
school district of an amount to be contributed toward the cost of 54691
the existing facilities of the joint vocational school district. 54692

~~On the assignment of a school district to a joint vocational 54693
school district pursuant to this section, the joint vocational 54694
school district's board of education shall submit a proposal to 54695
the state board of education to enlarge or reorganize the 54696
membership of the joint vocational school district's board of 54697
education if expansion or reorganization of the board is necessary 54698
in order to comply with section 3311.19 of the Revised Code. 54699~~

Sec. 3313.976. (A) No private school may receive scholarship 54700
payments from parents pursuant to section 3313.979 of the Revised 54701
Code until the chief administrator of the private school registers 54702
the school with the superintendent of public instruction. The 54703
state superintendent shall register any school that meets the 54704
following requirements: 54705

(1) The school is located within the boundaries of the pilot 54706
project school district; 54707

(2) The school indicates in writing its commitment to follow 54708
all requirements for a state-sponsored scholarship program 54709
specified under sections 3313.974 to 3313.979 of the Revised Code, 54710
including, but not limited to, the requirements for admitting 54711
students pursuant to section 3313.977 of the Revised Code; 54712

(3) The school meets all state minimum standards for 54713
chartered nonpublic schools in effect on July 1, 1992, except that 54714
the state superintendent at the superintendent's discretion may 54715
register nonchartered nonpublic schools meeting the other 54716
requirements of this division; 54717

(4) The school does not discriminate on the basis of race, 54718
religion, or ethnic background; 54719

- (5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered; 54720
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- (6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion; 54722
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- (7) The school does not provide false or misleading information about the school to parents, students, or the general public; 54725
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- (8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5104.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. 54728
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- (9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition in excess of the difference between the actual tuition charge of the school and the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. The school shall permit such tuition, at the discretion of the parent, to be satisfied by the family's provision of in-kind contributions or services. 54735
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- (10) The school agrees not to charge any tuition to families of students in grades nine through twelve receiving a scholarship in excess of the actual tuition charge of the school less the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase 54746
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described in division (C)(2) of that section. 54751

(11) ~~Notwithstanding~~ If the school is not subject to division 54752
(K)(1)(a) of section 3301.0711 of the Revised Code, ~~the school it~~ 54753
annually administers the assessments prescribed by section 54754
3301.0710 of the Revised Code to each scholarship student enrolled 54755
in the school in accordance with section 3301.0711 of the Revised 54756
Code and reports to the department of education the results of 54757
each such assessment administered to each scholarship student. 54758

(B) The state superintendent shall revoke the registration of 54759
any school if, after a hearing, the superintendent determines that 54760
the school is in violation of any of the provisions of division 54761
(A) of this section. 54762

(C) Any public school located in a school district adjacent 54763
to the pilot project district may receive scholarship payments on 54764
behalf of parents pursuant to section 3313.979 of the Revised Code 54765
if the superintendent of the district in which such public school 54766
is located notifies the state superintendent prior to the first 54767
day of March that the district intends to admit students from the 54768
pilot project district for the ensuing school year pursuant to 54769
section 3327.06 of the Revised Code. 54770

(D) Any parent wishing to purchase tutorial assistance from 54771
any person or governmental entity pursuant to the pilot project 54772
program under sections 3313.974 to 3313.979 of the Revised Code 54773
shall apply to the state superintendent. The state superintendent 54774
shall approve providers who appear to possess the capability of 54775
furnishing the instructional services they are offering to 54776
provide. 54777

Sec. 3313.978. (A) Annually by the first day of November, the 54778
superintendent of public instruction shall notify the pilot 54779
project school district of the number of initial scholarships that 54780
the state superintendent will be awarding in each of grades 54781

kindergarten through twelve. 54782

The state superintendent shall provide information about the 54783
scholarship program to all students residing in the district, 54784
shall accept applications from any such students until such date 54785
as shall be established by the state superintendent as a deadline 54786
for applications, and shall establish criteria for the selection 54787
of students to receive scholarships from among all those applying 54788
prior to the deadline, which criteria shall give preference to 54789
students from low-income families. The state superintendent shall 54790
notify students of their selection prior to the fifteenth day of 54791
January. 54792

(1) A student receiving a pilot project scholarship may 54793
utilize it at an alternative public school by notifying the 54794
district superintendent, at any time before the beginning of the 54795
school year, of the name of the public school in an adjacent 54796
school district to which the student has been accepted pursuant to 54797
section 3327.06 of the Revised Code. 54798

(2) A student may decide to utilize a pilot project 54799
scholarship at a registered private school in the district if all 54800
of the following conditions are met: 54801

(a) By the fifteenth day of February of the preceding school 54802
year, or at any time prior to the start of the school year, the 54803
parent makes an application on behalf of the student to a 54804
registered private school. 54805

(b) The registered private school notifies the parent and the 54806
state superintendent as follows that the student has been 54807
admitted: 54808

(i) By the fifteenth day of March of the preceding school 54809
year if the student filed an application by the fifteenth day of 54810
February and was admitted by the school pursuant to division (A) 54811
of section 3313.977 of the Revised Code; 54812

(ii) Within one week of the decision to admit the student if 54813
the student is admitted pursuant to division (C) of section 54814
3313.977 of the Revised Code. 54815

(c) The student actually enrolls in the registered private 54816
school to which the student was first admitted or in another 54817
registered private school in the district or in a public school in 54818
an adjacent school district. 54819

(B) The state superintendent shall also award in any school 54820
year tutorial assistance grants to a number of students equal to 54821
the number of students who receive scholarships under division (A) 54822
of this section. Tutorial assistance grants shall be awarded 54823
solely to students who are enrolled in the public schools of the 54824
district in a grade level covered by the pilot project. Tutorial 54825
assistance grants may be used solely to obtain tutorial assistance 54826
from a provider approved pursuant to division (D) of section 54827
3313.976 of the Revised Code. 54828

All students wishing to obtain tutorial assistance grants 54829
shall make application to the state superintendent by the first 54830
day of the school year in which the assistance will be used. The 54831
state superintendent shall award assistance grants in accordance 54832
with criteria the superintendent shall establish. 54833

(C)(1) In the case of basic scholarships for students in 54834
grades kindergarten through eight, the scholarship amount shall 54835
not exceed the lesser of the net tuition charges of the 54836
alternative school the scholarship recipient attends or ~~three~~ 54837
~~thousand dollars before fiscal year 2007, three thousand four~~ 54838
~~hundred fifty dollars in fiscal year 2007 through fiscal year~~ 54839
~~2011, and~~ four thousand two hundred fifty dollars in fiscal year 54840
2012 and thereafter. 54841

In the case of basic scholarships for students in grades nine 54842
through twelve, the scholarship amount shall not exceed the lesser 54843

of the net tuition charges of the alternative school the 54844
scholarship recipient attends or ~~two thousand seven hundred~~ 54845
~~dollars before fiscal year 2007, three thousand four hundred fifty~~ 54846
~~dollars in fiscal year 2007 through fiscal year 2011, and five~~ 54847
thousand dollars in fiscal year 2012 and thereafter fiscal year 54848
2013, and five thousand seven hundred dollars in fiscal year 2014 54849
and thereafter. 54850

The net tuition and fees charged to a student shall be the 54851
tuition amount specified by the alternative school minus all other 54852
financial aid, discounts, and adjustments received for the 54853
student. In cases where discounts are offered for multiple 54854
students from the same family, and not all students in the same 54855
family are scholarship recipients, the net tuition amount 54856
attributable to the scholarship recipient shall be the lowest net 54857
tuition to which the family is entitled. 54858

(2) The state superintendent shall provide for an increase in 54859
the basic scholarship amount in the case of any student who is a 54860
mainstreamed student with a disability and shall further increase 54861
such amount in the case of any separately educated student with a 54862
disability. Such increases shall take into account the 54863
instruction, related services, and transportation costs of 54864
educating such students. 54865

(3) In the case of tutorial assistance grants, the grant 54866
amount shall not exceed the lesser of the provider's actual 54867
charges for such assistance or: 54868

(a) Before fiscal year 2007, a percentage established by the 54869
state superintendent, not to exceed twenty per cent, of the amount 54870
of the pilot project school district's average basic scholarship 54871
amount; 54872

(b) In fiscal year 2007 and thereafter, four hundred dollars. 54873

(D)(1) Annually by the first day of November, the state 54874

superintendent shall estimate the maximum per-pupil scholarship 54875
amounts for the ensuing school year. The state superintendent 54876
shall make this estimate available to the general public at the 54877
offices of the district board of education together with the forms 54878
required by division (D)(2) of this section. 54879

(2) Annually by the fifteenth day of January, the chief 54880
administrator of each registered private school located in the 54881
pilot project district and the principal of each public school in 54882
such district shall complete a parental information form and 54883
forward it to the president of the board of education. The 54884
parental information form shall be prescribed by the department of 54885
education and shall provide information about the grade levels 54886
offered, the numbers of students, tuition amounts, achievement 54887
test results, and any sectarian or other organizational 54888
affiliations. 54889

(E)(1) Only for the purpose of administering the pilot 54890
project scholarship program, the department may request from any 54891
of the following entities the data verification code assigned 54892
under division (D)(2) of section 3301.0714 of the Revised Code to 54893
any student who is seeking a scholarship under the program: 54894

(a) The school district in which the student is entitled to 54895
attend school under section 3313.64 or 3313.65 of the Revised 54896
Code; 54897

(b) If applicable, the community school in which the student 54898
is enrolled; 54899

(c) The independent contractor engaged to create and maintain 54900
data verification codes. 54901

(2) Upon a request by the department under division (E)(1) of 54902
this section for the data verification code of a student seeking a 54903
scholarship or a request by the student's parent for that code, 54904
the school district or community school shall submit that code to 54905

the department or parent in the manner specified by the 54906
department. If the student has not been assigned a code, because 54907
the student will be entering kindergarten during the school year 54908
for which the scholarship is sought, the district shall assign a 54909
code to that student and submit the code to the department or 54910
parent by a date specified by the department. If the district does 54911
not assign a code to the student by the specified date, the 54912
department shall assign a code to the student. 54913

The department annually shall submit to each school district 54914
the name and data verification code of each student residing in 54915
the district who is entering kindergarten, who has been awarded a 54916
scholarship under the program, and for whom the department has 54917
assigned a code under this division. 54918

(3) The department shall not release any data verification 54919
code that it receives under division (E) of this section to any 54920
person except as provided by law. 54921

(F) Any document relative to the pilot project scholarship 54922
program that the department holds in its files that contains both 54923
a student's name or other personally identifiable information and 54924
the student's data verification code shall not be a public record 54925
under section 149.43 of the Revised Code. 54926

(G)(1) The department annually shall compile the scores 54927
attained by scholarship students enrolled in registered private 54928
schools on the assessments administered to the students pursuant 54929
to division (A)(11) of section 3313.976 of the Revised Code. The 54930
scores shall be aggregated as follows: 54931

(a) By school district, which shall include all scholarship 54932
students residing in the pilot project school district who are 54933
enrolled in a registered private school and were required to take 54934
an assessment pursuant to division (A)(11) of section 3313.976 of 54935
the Revised Code; 54936

(b) By registered private school, which shall include all 54937
scholarship students enrolled in that school who were required to 54938
take an assessment pursuant to division (A)(11) of section 54939
3313.976 of the Revised Code. 54940

(2) The department shall disaggregate the student performance 54941
data described in division (G)(1) of this section according to the 54942
following categories: 54943

(a) Grade level; 54944

(b) Race and ethnicity; 54945

(c) Gender; 54946

(d) Students who have participated in the scholarship program 54947
for three or more years; 54948

(e) Students who have participated in the scholarship program 54949
for more than one year and less than three years; 54950

(f) Students who have participated in the scholarship program 54951
for one year or less; 54952

(g) Economically disadvantaged students. 54953

(3) The department shall post the student performance data 54954
required under divisions (G)(1) and (2) of this section on its web 54955
site and shall include that data in the information about the 54956
scholarship program provided to students under division (A) of 54957
this section. In reporting student performance data under this 54958
division, the department shall not include any data that is 54959
statistically unreliable or that could result in the 54960
identification of individual students. For this purpose, the 54961
department shall not report performance data for any group that 54962
contains less than ten students. 54963

(4) The department shall provide the parent of each 54964
scholarship student enrolled in a registered private school with 54965
information comparing the student's performance on the assessments 54966

administered pursuant to division (A)(11) of section 3313.976 of 54967
the Revised Code with the average performance of similar students 54968
enrolled in the building operated by the pilot project school 54969
district that the scholarship student would otherwise attend. In 54970
calculating the performance of similar students, the department 54971
shall consider age, grade, race and ethnicity, gender, and 54972
socioeconomic status. 54973

Sec. 3313.98. Notwithstanding division (D) of section 3311.19 54974
and division (D) of section 3311.52 of the Revised Code, the 54975
provisions of this section and sections 3313.981 to 3313.983 of 54976
the Revised Code that apply to a city school district do not apply 54977
to a joint vocational or cooperative education school district 54978
unless expressly specified. 54979

(A) As used in this section and sections 3313.981 to 3313.983 54980
of the Revised Code: 54981

(1) "Parent" means either of the natural or adoptive parents 54982
of a student, except under the following conditions: 54983

(a) When the marriage of the natural or adoptive parents of 54984
the student has been terminated by a divorce, dissolution of 54985
marriage, or annulment or the natural or adoptive parents of the 54986
student are living separate and apart under a legal separation 54987
decree and the court has issued an order allocating the parental 54988
rights and responsibilities with respect to the student, "parent" 54989
means the residential parent as designated by the court except 54990
that "parent" means either parent when the court issues a shared 54991
parenting decree. 54992

(b) When a court has granted temporary or permanent custody 54993
of the student to an individual or agency other than either of the 54994
natural or adoptive parents of the student, "parent" means the 54995
legal custodian of the child. 54996

(c) When a court has appointed a guardian for the student, 54997
"parent" means the guardian of the student. 54998

(2) "Native student" means a student entitled under section 54999
3313.64 or 3313.65 of the Revised Code to attend school in a 55000
district adopting a resolution under this section. 55001

(3) "Adjacent district" means a city, exempted village, or 55002
local school district having territory that abuts the territory of 55003
a district adopting a resolution under this section. 55004

(4) "Adjacent district student" means a student entitled 55005
under section 3313.64 or 3313.65 of the Revised Code to attend 55006
school in an adjacent district. 55007

(5) "Adjacent district joint vocational student" means an 55008
adjacent district student who enrolls in a city, exempted village, 55009
or local school district pursuant to this section and who also 55010
enrolls in a joint vocational school district that does not 55011
contain the territory of the district for which that student is a 55012
native student and does contain the territory of the city, 55013
exempted village, or local district in which the student enrolls. 55014

(6) "Formula amount" has the same meaning as in section 55015
3317.02 of the Revised Code. 55016

~~(7) "Adjusted formula amount" means the sum of the formula 55017
amount plus the per pupil amount of the base funding supplements 55018
specified in divisions (C)(1) to (4) of section 3317.012 of the 55019
Revised Code for fiscal year 2009. 55020~~

~~(8) "Poverty line" means the poverty line established by the 55021
director of the United States office of management and budget as 55022
revised by the ~~director~~ secretary of the ~~office of community 55023
health and human~~ services in accordance with section 673(2) of the 55024
"Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 55025
9902, as amended. 55026~~

~~(9)~~(8) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 55027
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~~(10)~~(9) "Other district" means a city, exempted village, or local school district having territory outside of the territory of a district adopting a resolution under this section. 55029
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~~(11)~~(10) "Other district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an other district. 55032
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~~(12)~~(11) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code. 55035
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(B)(1) The board of education of each city, local, and exempted village school district shall adopt a resolution establishing for the school district one of the following policies: 55041
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(a) A policy that entirely prohibits the enrollment of students from adjacent districts or other districts, other than students for whom tuition is paid in accordance with section 3317.08 of the Revised Code; 55045
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(b) A policy that permits enrollment of students from all adjacent districts in accordance with policy statements contained in the resolution; 55049
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(c) A policy that permits enrollment of students from all other districts in accordance with policy statements contained in the resolution. 55052
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(2) A policy permitting enrollment of students from adjacent or from other districts, as applicable, shall provide for all of 55055
55056

the following: 55057

(a) Application procedures, including deadlines for 55058
application and for notification of students and the 55059
superintendent of the applicable district whenever an adjacent or 55060
other district student's application is approved. 55061

(b) Procedures for admitting adjacent or other district 55062
applicants free of any tuition obligation to the district's 55063
schools, including, but not limited to: 55064

(i) The establishment of district capacity limits by grade 55065
level, school building, and education program; 55066

(ii) A requirement that all native students wishing to be 55067
enrolled in the district will be enrolled and that any adjacent or 55068
other district students previously enrolled in the district shall 55069
receive preference over first-time applicants; 55070

(iii) Procedures to ensure that an appropriate racial balance 55071
is maintained in the district schools. 55072

(C) Except as provided in section 3313.982 of the Revised 55073
Code, the procedures for admitting adjacent or other district 55074
students, as applicable, shall not include: 55075

(1) Any requirement of academic ability, or any level of 55076
athletic, artistic, or other extracurricular skills; 55077

(2) Limitations on admitting applicants because of 55078
disability, except that a board may refuse to admit a student 55079
receiving services under Chapter 3323. of the Revised Code, if the 55080
services described in the student's IEP are not available in the 55081
district's schools; 55082

(3) A requirement that the student be proficient in the 55083
English language; 55084

(4) Rejection of any applicant because the student has been 55085
subject to disciplinary proceedings, except that if an applicant 55086

has been suspended or expelled by the student's district for ten 55087
consecutive days or more in the term for which admission is sought 55088
or in the term immediately preceding the term for which admission 55089
is sought, the procedures may include a provision denying 55090
admission of such applicant. 55091

(D)(1) Each school board permitting only enrollment of 55092
adjacent district students shall provide information about the 55093
policy adopted under this section, including the application 55094
procedures and deadlines, to the superintendent and the board of 55095
education of each adjacent district and, upon request, to the 55096
parent of any adjacent district student. 55097

(2) Each school board permitting enrollment of other district 55098
students shall provide information about the policy adopted under 55099
this section, including the application procedures and deadlines, 55100
upon request, to the board of education of any other school 55101
district or to the parent of any student anywhere in the state. 55102

(E) Any school board shall accept all credits toward 55103
graduation earned in adjacent or other district schools by an 55104
adjacent or other district student or a native student. 55105

(F)(1) No board of education may adopt a policy discouraging 55106
or prohibiting its native students from applying to enroll in the 55107
schools of an adjacent or any other district that has adopted a 55108
policy permitting such enrollment, except that: 55109

(a) A district may object to the enrollment of a native 55110
student in an adjacent or other district in order to maintain an 55111
appropriate racial balance. 55112

(b) The board of education of a district receiving funds 55113
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 55114
may adopt a resolution objecting to the enrollment of its native 55115
students in adjacent or other districts if at least ten per cent 55116
of its students are included in the determination of the United 55117

States secretary of education made under section 20 U.S.C.A. 55118
238(a). 55119

(2) If a board objects to enrollment of native students under 55120
this division, any adjacent or other district shall refuse to 55121
enroll such native students unless tuition is paid for the 55122
students in accordance with section 3317.08 of the Revised Code. 55123
An adjacent or other district enrolling such students may not 55124
receive funding for those students in accordance with section 55125
3313.981 of the Revised Code. 55126

(G) The state board of education shall monitor school 55127
districts to ensure compliance with this section and the 55128
districts' policies. The board may adopt rules requiring uniform 55129
application procedures, deadlines for application, notification 55130
procedures, and record-keeping requirements for all school boards 55131
that adopt policies permitting the enrollment of adjacent or other 55132
district students, as applicable. If the state board adopts such 55133
rules, no school board shall adopt a policy that conflicts with 55134
those rules. 55135

(H) A resolution adopted by a board of education under this 55136
section that entirely prohibits the enrollment of students from 55137
adjacent and from other school districts does not abrogate any 55138
agreement entered into under section 3313.841 or 3313.92 of the 55139
Revised Code or any contract entered into under section 3313.90 of 55140
the Revised Code between the board of education adopting the 55141
resolution and the board of education of any adjacent or other 55142
district or prohibit these boards of education from entering into 55143
any such agreement or contract. 55144

(I) Nothing in this section shall be construed to permit or 55145
require the board of education of a city, exempted village, or 55146
local school district to exclude any native student of the 55147
district from enrolling in the district. 55148

Sec. 3313.981. (A) The state board of education shall adopt 55149
rules requiring all of the following: 55150

(1) The board of education of each city, exempted village, 55151
and local school district to annually report to the department of 55152
education all of the following: 55153

(a) The number of adjacent district or other district 55154
students, as applicable, and adjacent district or other district 55155
joint vocational students, as applicable, enrolled in the district 55156
and the number of native students enrolled in adjacent or other 55157
districts, in accordance with a policy adopted under division (B) 55158
of section 3313.98 of the Revised Code; 55159

(b) Each adjacent district or other district student's or 55160
adjacent district or other district joint vocational student's 55161
date of enrollment in the district; 55162

(c) The full-time equivalent number of adjacent district or 55163
other district students enrolled in ~~vocational~~ each of the 55164
categories of career-technical education programs or classes 55165
described in ~~division (A) of~~ section 3317.014 of the Revised Code 55166
~~and the full-time equivalent number of such students enrolled in~~ 55167
~~vocational education programs or classes described in division (B)~~ 55168
~~of that section;~~ 55169

(d) Each native student's date of enrollment in an adjacent 55170
or other district. 55171

(2) The board of education of each joint vocational school 55172
district to annually report to the department all of the 55173
following: 55174

(a) The number of adjacent district or other district joint 55175
vocational students, as applicable, enrolled in the district; 55176

(b) The full-time equivalent number of adjacent district or 55177
other district joint vocational students enrolled in ~~vocational~~ 55178

~~each category of career-technical education programs or classes 55179~~
~~described in division (A) of section 3317.014 of the Revised Code 55180~~
~~and the full-time equivalent number of such students enrolled in 55181~~
~~vocational education programs or classes described in division (B) 55182~~
~~of that section; 55183~~

(c) For each adjacent district or other district joint 55184
vocational student, the city, exempted village, or local school 55185
district in which the student is also enrolled. 55186

(3) Prior to the first full school week in October each year, 55187
the superintendent of each city, local, or exempted village school 55188
district that admits adjacent district or other district students 55189
or adjacent district or other district joint vocational students 55190
in accordance with a policy adopted under division (B) of section 55191
3313.98 of the Revised Code to notify each adjacent or other 55192
district where those students are entitled to attend school under 55193
section 3313.64 or 3313.65 of the Revised Code of the number of 55194
the adjacent or other district's native students who are enrolled 55195
in the superintendent's district under the policy. 55196

The rules shall provide for the method of counting students 55197
who are enrolled for part of a school year in an adjacent or other 55198
district or as an adjacent district or other district joint 55199
vocational student. 55200

(B) From the payments made to a city, exempted village, or 55201
local school district under Chapter 3317. of the Revised Code and, 55202
if necessary, from the payments made to the district under 55203
sections 321.24 and 323.156 of the Revised Code, the department of 55204
education shall annually subtract both of the following: 55205

(1) An amount equal to the number of the district's native 55206
students reported under division (A)(1) of this section who are 55207
enrolled in adjacent or other school districts pursuant to 55208
policies adopted by such districts under division (B) of section 55209

3313.98 of the Revised Code multiplied by the ~~adjusted~~ formula amount; 55210
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(2) The excess costs computed in accordance with division (E) of this section for any such native students receiving special education and related services in adjacent or other school districts or as an adjacent district or other district joint vocational student; 55212
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(3) For the ~~full-time equivalent number~~ each of the district's native students reported under division (A)(1)(c) or (2)(b) of this section as enrolled in ~~vocational~~ career-technical education programs or classes described in section 3317.014 of the Revised Code, ~~an~~ the per pupil amount equal to ~~\$5,732 times the applicable multiple~~ prescribed by that section for the student's respective career-technical category, on a full-time equivalency basis. 55217
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(C) To the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code, the department of education shall annually add all of the following: 55225
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(1) An amount equal to the ~~adjusted~~ formula amount multiplied by the remainder obtained by subtracting the number of adjacent district or other district joint vocational students from the number of adjacent district or other district students enrolled in the district, as reported under division (A)(1) of this section; 55228
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(2) The excess costs computed in accordance with division (E) of this section for any adjacent district or other district students, except for any adjacent or other district joint vocational students, receiving special education and related services in the district; 55233
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(3) For the ~~full-time equivalent number~~ each of the adjacent or other district students who are not adjacent district or other district joint vocational students and are reported under division 55238
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(A)(1)(c) of this section as enrolled in ~~vocational~~ 55241
career-technical education programs or classes described in 55242
section 3317.014 of the Revised Code, ~~an~~ the per pupil amount 55243
~~equal to \$5,732 times the applicable multiple~~ prescribed by that 55244
section for the student's respective career-technical category, on 55245
a full-time equivalency basis; 55246

(4) An amount equal to the number of adjacent district or 55247
other district joint vocational students reported under division 55248
(A)(1) of this section multiplied by an amount equal to twenty per 55249
cent of the ~~adjusted~~ formula amount. 55250

(D) To the payments made to a joint vocational school 55251
district under Chapter 3317. of the Revised Code, the department 55252
of education shall add, for each adjacent district or other 55253
district joint vocational student reported under division (A)(2) 55254
of this section, both of the following: 55255

(1) The ~~adjusted~~ formula amount; 55256

(2) ~~An~~ The per pupil amount ~~equal to the full-time equivalent~~ 55257
~~number for each~~ of the students reported pursuant to division 55258
(A)(2)(b) of this section ~~times \$5,732 times the applicable~~ 55259
~~multiple~~ prescribed by section 3317.014 of the Revised Code for 55260
the student's respective career-technical category, on a full-time 55261
equivalency basis. 55262

(E)(1) A city, exempted village, or local school board 55263
providing special education and related services to an adjacent or 55264
other district student in accordance with an IEP shall, pursuant 55265
to rules of the state board, compute the excess costs to educate 55266
such student as follows: 55267

(a) Subtract the ~~adjusted~~ formula amount from the actual 55268
costs to educate the student; 55269

(b) From the amount computed under division (E)(1)(a) of this 55270
section subtract the amount of any funds received by the district 55271

under Chapter 3317. of the Revised Code to provide special 55272
education and related services to the student. 55273

(2) The board shall report the excess costs computed under 55274
this division to the department of education. 55275

(3) If any student for whom excess costs are computed under 55276
division (E)(1) of this section is an adjacent or other district 55277
joint vocational student, the department of education shall add 55278
the amount of such excess costs to the payments made under Chapter 55279
3317. of the Revised Code to the joint vocational school district 55280
enrolling the student. 55281

(F) As provided in division (D)(1)(b) of section 3317.03 of 55282
the Revised Code, no joint vocational school district shall count 55283
any adjacent or other district joint vocational student enrolled 55284
in the district in its formula ADM certified under section 3317.03 55285
of the Revised Code. 55286

(G) No city, exempted village, or local school district shall 55287
receive a payment under division (C) of this section for a 55288
student, and no joint vocational school district shall receive a 55289
payment under division (D) of this section for a student, if for 55290
the same school year that student is counted in the district's 55291
formula ADM certified under section 3317.03 of the Revised Code. 55292

(H) Upon request of a parent, and provided the board offers 55293
transportation to native students of the same grade level and 55294
distance from school under section 3327.01 of the Revised Code, a 55295
city, exempted village, or local school board enrolling an 55296
adjacent or other district student shall provide transportation 55297
for the student within the boundaries of the board's district, 55298
except that the board shall be required to pick up and drop off a 55299
nonhandicapped student only at a regular school bus stop 55300
designated in accordance with the board's transportation policy. 55301
Pursuant to rules of the state board of education, such board may 55302

reimburse the parent from funds received for pupil transportation 55303
under section 3317.0212 of the Revised Code, or other provisions 55304
of law, for the reasonable cost of transportation from the 55305
student's home to the designated school bus stop if the student's 55306
family has an income below the federal poverty line. 55307

Sec. 3314.015. (A) The department of education shall be 55308
responsible for the oversight of any and all sponsors of the 55309
community schools established under this chapter and shall provide 55310
technical assistance to schools and sponsors in their compliance 55311
with applicable laws and the terms of the contracts entered into 55312
under section 3314.03 of the Revised Code and in the development 55313
and start-up activities of those schools. In carrying out its 55314
duties under this section, the department shall do all of the 55315
following: 55316

(1) In providing technical assistance to proposing parties, 55317
governing authorities, and sponsors, conduct training sessions and 55318
distribute informational materials; 55319

(2) Approve entities to be sponsors of community schools; 55320

(3) Monitor and evaluate, as required under section 3314.016 55321
of the Revised Code, the effectiveness of any and all sponsors in 55322
their oversight of the schools with which they have contracted; 55323

(4) By December thirty-first of each year, issue a report to 55324
the governor, the speaker of the house of representatives, the 55325
president of the senate, and the chairpersons of the house and 55326
senate committees principally responsible for education matters 55327
regarding the effectiveness of academic programs, operations, and 55328
legal compliance and of the financial condition of all community 55329
schools established under this chapter and on the performance of 55330
community school sponsors; 55331

(5) From time to time, make legislative recommendations to 55332

the general assembly designed to enhance the operation and 55333
performance of community schools. 55334

(B)(1) Except as provided in sections 3314.021 and 3314.027 55335
of the Revised Code, no entity listed in division (C)(1) of 55336
section 3314.02 of the Revised Code shall enter into a preliminary 55337
agreement under division (C)(2) of section 3314.02 of the Revised 55338
Code until it has received approval from the department of 55339
education to sponsor community schools under this chapter and has 55340
entered into a written agreement with the department regarding the 55341
manner in which the entity will conduct such sponsorship. ~~The~~ 55342

The initial term of a sponsor's agreement with the department 55343
shall be for up to seven years. For every year that the sponsor 55344
satisfies the conditions of division (B)(1)(a) or (b) of this 55345
section, as applicable, the department shall add one year to the 55346
agreement term, subject to divisions (C) and (F) of this section, 55347
unless the sponsor notifies the department that it does not wish 55348
to have the term of the agreement so extended. 55349

To qualify for the extension of the term of the sponsor's 55350
agreement, the sponsor shall satisfy one of the following, as 55351
applicable: 55352

(a) Prior to January 1, 2015, the sponsor is not in the 55353
lowest twenty per cent of sponsors statewide according to the 55354
composite performance index score as ranked under section 3314.016 55355
of the Revised Code, as that section exists prior to that date, 55356
and the sponsor continues to meet all the requirements of this 55357
chapter pertaining to community school sponsors. 55358

(b) On or after January 1, 2015, the sponsor is rated as 55359
"exemplary" or "effective" under section 3314.016 of the Revised 55360
Code, as that section exists on and after that date, and the 55361
sponsor continues to meet all the requirements of this chapter 55362
pertaining to community school sponsors. 55363

The department shall adopt in accordance with Chapter 119. of 55364
the Revised Code rules containing criteria, procedures, and 55365
deadlines for processing applications for ~~such~~ approval of 55366
sponsors, for oversight of sponsors, for notifying a sponsor of 55367
noncompliance with applicable laws and administrative rules under 55368
division (F) of this section, for revocation of the approval of 55369
sponsors under division (C) of this section, and for entering into 55370
written agreements with sponsors. The rules shall require an 55371
entity to submit evidence of the entity's ability and willingness 55372
to comply with the provisions of division (D) of section 3314.03 55373
of the Revised Code. The rules also shall require entities 55374
approved as sponsors on and after June 30, 2005, to demonstrate a 55375
record of financial responsibility and successful implementation 55376
of educational programs. If an entity seeking approval on or after 55377
June 30, 2005, to sponsor community schools in this state sponsors 55378
or operates schools in another state, at least one of the schools 55379
sponsored or operated by the entity must be comparable to or 55380
better than the performance of Ohio schools in need of continuous 55381
improvement under section 3302.03 of the Revised Code, as 55382
determined by the department. 55383

Subject to section 3314.016 of the Revised Code, an entity 55384
that sponsors community schools may enter into preliminary 55385
agreements and sponsor up to one hundred schools, provided each 55386
school and the contract for sponsorship meets the requirements of 55387
this chapter. 55388

(2) The state board of education shall determine, pursuant to 55389
criteria specified in rules adopted in accordance with Chapter 55390
119. of the Revised Code, whether the mission proposed to be 55391
specified in the contract of a community school to be sponsored by 55392
a state university board of trustees or the board's designee under 55393
division (C)(1)(e) of section 3314.02 of the Revised Code complies 55394
with the requirements of that division. Such determination of the 55395

state board is final. 55396

(3) The state board of education shall determine, pursuant to 55397
criteria specified in rules adopted in accordance with Chapter 55398
119. of the Revised Code, if any tax-exempt entity under section 55399
501(c)(3) of the Internal Revenue Code that is proposed to be a 55400
sponsor of a community school is an education-oriented entity for 55401
purpose of satisfying the condition prescribed in division 55402
(C)(1)(f)(iii) of section 3314.02 of the Revised Code. Such 55403
determination of the state board is final. 55404

(C) If at any time the state board of education finds that a 55405
sponsor is not in compliance or is no longer willing to comply 55406
with its contract with any community school or with the 55407
department's rules for sponsorship, the state board or designee 55408
shall conduct a hearing in accordance with Chapter 119. of the 55409
Revised Code on that matter. If after the hearing, the state board 55410
or designee has confirmed the original finding, the department of 55411
education may revoke the sponsor's approval to sponsor community 55412
schools. In that case, the department's office of Ohio school 55413
sponsorship, established under section 3314.029 of the Revised 55414
Code, may assume the sponsorship of any schools with which the 55415
sponsor has contracted until the earlier of the expiration of two 55416
school years or until a new sponsor as described in division 55417
(C)(1) of section 3314.02 of the Revised Code is secured by the 55418
school's governing authority. The office of Ohio school 55419
sponsorship may extend the term of the contract in the case of a 55420
school for which it has assumed sponsorship under this division as 55421
necessary to accommodate the term of the department's 55422
authorization to sponsor the school specified in this division. 55423
Community schools sponsored under this division shall not apply to 55424
the limit on directly authorized community schools under division 55425
(A)(3) of section 3314.029 of the Revised Code. However, nothing 55426
in this division shall preclude a community school affected by 55427

this division from applying for sponsorship under that section. 55428

(D) The decision of the department to disapprove an entity 55429
for sponsorship of a community school or to revoke approval for 55430
such sponsorship under division (C) of this section, may be 55431
appealed by the entity in accordance with section 119.12 of the 55432
Revised Code. 55433

(E) The department shall adopt procedures for use by a 55434
community school governing authority and sponsor when the school 55435
permanently closes and ceases operation, which shall include at 55436
least procedures for data reporting to the department, handling of 55437
student records, distribution of assets in accordance with section 55438
3314.074 of the Revised Code, and other matters related to ceasing 55439
operation of the school. 55440

(F)(1) In lieu of revoking a sponsor's authority to sponsor 55441
community schools under division (C) of this section, if the 55442
department finds that a sponsor is not in compliance with 55443
applicable laws and administrative rules, the department shall 55444
declare in a written notice to the sponsor the specific laws or 55445
rules, or both, for which the sponsor is noncompliant. A sponsor 55446
notified under division (F)(1) of this section shall respond to 55447
the department not later than fourteen days after the notification 55448
with a proposed plan to remedy the conditions for which the 55449
sponsor was found to be noncompliant. The department shall approve 55450
or disapprove the plan not later than fourteen days after 55451
receiving it. If the plan is disapproved, the sponsor may submit a 55452
revised plan to the department not later than fourteen days after 55453
receiving notification of disapproval from the department or not 55454
later than sixty days after the date the sponsor received 55455
notification of noncompliance from the department, whichever is 55456
earlier. The department shall approve or disapprove the revised 55457
plan not later than fourteen days after receiving it or not later 55458
than sixty days after the date the sponsor received notification 55459

of noncompliance from the department, whichever is earlier. A 55460
sponsor may continue to make revisions by the deadlines prescribed 55461
in division (F)(1) of this section to any revised plan that is 55462
disapproved by the department until the sixtieth day after the 55463
date the sponsor received notification of noncompliance from the 55464
department. 55465

If a plan or a revised plan is approved, the sponsor shall 55466
implement it not later than sixty days after the date the sponsor 55467
received notification of noncompliance from the department or not 55468
later than thirty days after the plan is approved, whichever is 55469
later. If a sponsor does not respond to the department or 55470
implement an approved compliance plan by the deadlines prescribed 55471
by division (F)(1) of this section, or if a sponsor does not 55472
receive approval of a compliance plan on or before the sixtieth 55473
day after the date the sponsor received notification of 55474
noncompliance from the department, the department shall declare in 55475
written notice to the sponsor that the sponsor is in probationary 55476
status, and may limit the sponsor's ability to sponsor additional 55477
schools. 55478

(2) A sponsor that has been placed on probationary status 55479
under division (F)(1) of this section may apply to the department 55480
for its probationary status to be lifted. The application for a 55481
sponsor's probationary status to be lifted shall include evidence, 55482
occurring after the initial notification of noncompliance, of the 55483
sponsor's compliance with applicable laws and administrative 55484
rules. Not later than fourteen days after receiving an application 55485
from the sponsor, the department shall decide whether or not to 55486
remove the sponsor's probationary status. 55487

(G) In carrying out its duties under this chapter, the 55488
department shall not impose requirements on community schools or 55489
their sponsors that are not permitted by law or duly adopted 55490
rules. 55491

(H) This section applies to entities that sponsor conversion 55492
community schools and new start-up schools. 55493

Sec. 3314.017. (A) The state board of education shall 55494
prescribe by rules, adopted in accordance with Chapter 119. of the 55495
Revised Code, an academic performance rating and report card 55496
system that satisfies the requirements of this section for 55497
community schools that primarily serve students enrolled in 55498
dropout prevention and recovery programs as described in division 55499
(A)(4)(a) of section 3314.35 of the Revised Code, to be used in 55500
lieu of the system prescribed under sections 3302.03 and 3314.012 55501
of the Revised Code beginning with the 2012-2013 school year. Each 55502
such school shall comply with the testing and reporting 55503
requirements of the system as prescribed by the state board. 55504

(B) Nothing in this section shall at any time relieve a 55505
school from its obligations under the "No Child Left Behind Act of 55506
2001" to make "adequate yearly progress," as both that act and 55507
that term are defined in section 3302.01 of the Revised Code, or a 55508
school's amenability to the provisions of section 3302.04 or 55509
3302.041 of the Revised Code. The department shall continue to 55510
report each school's performance as required by the act and to 55511
enforce applicable sanctions under section 3302.04 or 3302.041 of 55512
the Revised Code. 55513

(C) The rules adopted by the state board shall prescribe the 55514
following performance indicators for the rating and report card 55515
system required by this section: 55516

(1) Graduation rate for each of the following student 55517
cohorts: 55518

(a) The number of students who graduate in four years or less 55519
with a regular high school diploma divided by the number of 55520
students who form the adjusted cohort for the graduating class; 55521

(b) The number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	55522 55523 55524
(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	55525 55526 55527
(d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	55528 55529 55530
(e) The number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.	55531 55532 55533
(2) The percentage of twelfth-grade students currently enrolled in the school who have attained the designated passing score on all of the applicable state high school achievement assessments required under division (B)(1) or (2) of section 3301.0710 of the Revised Code and other students enrolled in the school, regardless of grade level, who are within three months of their twenty-second birthday and have attained the designated passing score on all of the applicable state high school achievement assessments by their twenty-second birthday;	55534 55535 55536 55537 55538 55539 55540 55541 55542
(3) Annual measurable objectives as defined in section 3302.01 of the Revised Code;	55543 55544
(4) Growth in student achievement in reading, or mathematics, or both as measured by separate nationally norm-referenced assessments that have developed appropriate standards for students enrolled in dropout prevention and recovery programs, adopted or approved by the state board.	55545 55546 55547 55548 55549
(D)(1) The state board's rules shall prescribe the expected performance levels and benchmarks for each of the indicators prescribed by division (C) of this section based on the data	55550 55551 55552

gathered by the department under division (F) of this section. 55553
Based on a school's level of attainment or nonattainment of the 55554
expected performance levels and benchmarks for each of the 55555
indicators, the department shall rate each school in one of the 55556
following categories: 55557

- (a) Exceeds standards; 55558
- (b) Meets standards; 55559
- (c) Does not meet standards. 55560

(2) The state board's rules shall establish all of the 55561
following: 55562

- (a) Not later than June 30, 2013, performance levels and 55563
benchmarks for the indicators described in divisions (C)(1) to (3) 55564
of this section; 55565
- (b) Not later than December 31, 2014, both of the following: 55566
 - (i) Performance levels and benchmarks for the indicator 55567
described in division (C)(4) of this section; 55568
 - (ii) Standards for awarding a community school described in 55569
division (A)(4)(a) of section 3314.35 of the Revised Code an 55570
overall designation, which shall be calculated as follows: 55571
 - (I) Thirty per cent of the score shall be based on the 55572
indicators described in division (C)(1) of this section that are 55573
applicable to the school year for which the overall designation is 55574
granted. 55575
 - (II) Thirty per cent of the score shall be based on the 55576
indicators described in division (C)(4) of this section. 55577
 - (III) Twenty per cent of the score shall be based on the 55578
indicators described in division (C)(2) of this section. 55579
 - (IV) Twenty per cent of the score shall be based on the 55580
indicators described in division (C)(3) of this section. 55581

(3) If both of the indicators described in divisions (C)(1) 55582
and (2) of this section improve by ten per cent for two 55583
consecutive years, a school shall be rated ~~as~~ not less than "meets 55584
standards." 55585

The rating and the relevant performance data for each school 55586
shall be posted on the department's web site, and a copy of the 55587
rating and data shall be provided to the governing authority of 55588
the community school. 55589

(E)(1) For the 2012-2013 school year, the department shall 55590
issue a report card including the following performance measures, 55591
but without a performance rating as described in divisions 55592
(D)(1)(a) to (c) of this section, for each community school 55593
described in division (A)(4)(a) of section 3314.35 of the Revised 55594
Code: 55595

(a) The graduation rates as described in divisions (C)(1)(a) 55596
to (c) of this section; 55597

(b) The percentage of twelfth-grade students and other 55598
students who have attained a designated passing score on high 55599
school achievement assessments as described in division (C)(2) of 55600
this section; 55601

(c) The statewide average for the graduation rates and 55602
assessment passage rates described in divisions (C)(1)(a) to (c) 55603
and (C)(2) of this section; 55604

(d) Annual measurable objectives described in division (C)(3) 55605
of this section. 55606

(2) For the 2013-2014 school year, the department shall issue 55607
a report card including the following performance measures for 55608
each community school described in division (A)(4) of section 55609
3314.35 of the Revised Code: 55610

(a) The graduation rates described in divisions (C)(1)(a) to 55611

(d) of this section, including a performance rating as described	55612
in divisions (D)(1)(a) to (c) of this section;	55613
(b) The percentage of twelfth-grade students and other	55614
students who have attained a designated passing score on high	55615
school achievement assessments as described in division (C)(2) of	55616
this section, including a performance rating as described in	55617
divisions (D)(1)(a) to (c) of this section;	55618
(c) Annual measurable objectives described in division (C)(3)	55619
of this section, including a performance rating as described in	55620
divisions (D)(1)(a) to (c) of this section;	55621
(d) Both of the following without an assigned rating:	55622
(i) Growth in annual student achievement in reading and	55623
mathematics described in division (C)(4) of this section, if	55624
available;	55625
(ii) Student outcome data, including postsecondary credit	55626
earned, nationally recognized career or technical certification,	55627
military enlistment, job placement, and attendance rate.	55628
(3) Beginning with the 2014-2015 school year, and annually	55629
thereafter, the department shall issue a report card for each	55630
community school described in division (A)(4)(a) of section	55631
3314.35 of the Revised Code that includes all of the following	55632
performance measures, including a performance rating for each	55633
measure as described in divisions (D)(1)(a) to (c) of this	55634
section:	55635
(a) The graduation rates as described in division (C)(1) of	55636
this section;	55637
(b) The percentage of twelfth-grade students and other	55638
students who have attained a designated passing score on high	55639
school achievement assessments as described in division (C)(2) of	55640
this section;	55641

(c) Annual measurable objectives described in division (C)(3) 55642
of this section, including a performance rating as described in 55643
divisions (D)(1)(a) to (c) of this section; 55644

(d) Growth in annual student achievement in reading and 55645
mathematics as described in division (C)(4) of this section; 55646

(e) An overall performance designation for the school 55647
calculated under rules adopted under division (D)(2) of this 55648
section. 55649

The department shall also include student outcome data, 55650
including postsecondary credit earned, nationally recognized 55651
career or technical certification, military enlistment, job 55652
placement, attendance rate, and progress on closing achievement 55653
gaps for each school. This information shall not be included in 55654
the calculation of a school's performance rating. 55655

(F) In developing the rating and report card system required 55656
by this section, during the 2012-2013 and 2013-2014 school years, 55657
the department shall gather and analyze data as determined 55658
necessary from each community school described in division 55659
(A)(4)(a) of section 3314.35 of the Revised Code. Each such school 55660
shall cooperate with the department by supplying requested data 55661
and administering required assessments, including sample 55662
assessments for purposes of measuring student achievement growth 55663
as described in division (C)(4) of this section. The department 55664
shall consult with stakeholder groups in performing its duties 55665
under this division. 55666

The department shall also identify one or more states that 55667
have established or are in the process of establishing similar 55668
academic performance rating systems for dropout prevention and 55669
recovery programs and consult with the departments of education of 55670
those states in developing the system required by this section. 55671

(G) Not later than December 31, 2014, the state board shall 55672

review the performance levels and benchmarks for performance 55673
indicators in the report card issued under this section and may 55674
revise them based on the data collected under division (F) of this 55675
section. 55676

Sec. 3314.027. Notwithstanding the requirement for initial 55677
approval of sponsorship by the department of education prescribed 55678
in divisions (A)(2) and (B)(1) of section 3314.015 of the Revised 55679
Code and any geographical restriction or mission requirement 55680
prescribed in division (C)(1) of section 3314.02 of the Revised 55681
Code, an entity that has entered into a contract to sponsor a 55682
community school on April 8, 2003, may continue to sponsor the 55683
school in conformance with the terms of that contract ~~as long as~~ 55684
~~the entity complies with all other sponsorship provisions of this~~ 55685
~~chapter. Such an entity~~ and also may enter into new contracts to 55686
sponsor community schools after April 8, 2003, ~~and need not be~~ 55687
~~approved by the department for such sponsorship, as otherwise~~ 55688
~~required under divisions (A)(2) and (B)(1) of section 3314.015 of~~ 55689
~~the Revised Code,~~ as long as the contracts conform to and the 55690
entity complies with all other provisions of this chapter. 55691

Regardless of the entity's authority to sponsor community 55692
schools without the initial approval of the department, each 55693
entity described in this section is under the continuing oversight 55694
of the department in accordance with rules adopted under section 55695
3314.015 of the Revised Code. 55696

Sec. 3314.029. This section establishes the Ohio school 55697
sponsorship program. The department of education shall establish 55698
an office of Ohio school sponsorship to perform the department's 55699
duties prescribed by this section. 55700

(A)(1) Notwithstanding anything to the contrary in this 55701
chapter, but subject to section 3314.20 of the Revised Code, any 55702

person, group of individuals, or entity may apply to the 55703
department for direct authorization to establish a community 55704
school and, upon approval of the application, may establish the 55705
school. Notwithstanding anything to the contrary in this chapter, 55706
the governing authority of an existing community school, upon the 55707
expiration or termination of its contract with the school's 55708
sponsor entered into under section 3314.03 of the Revised Code, 55709
may apply to the department for direct authorization to continue 55710
operating the school and, upon approval of the application, may 55711
continue to operate the school. 55712

Each application submitted to the department shall include 55713
the following: 55714

(a) Evidence that the applicant will be able to comply with 55715
division (C) of this section; 55716

(b) A statement indicating that the applicant agrees to 55717
comply with all applicable provisions of this chapter, including 55718
the requirement to be established as a nonprofit corporation or 55719
public benefit corporation in accordance with division (A)(1) of 55720
section 3314.03 of the Revised Code; 55721

(c) A statement attesting that no unresolved finding of 55722
recovery has been issued by the auditor of state against any 55723
person, group of individuals, or entity that is a party to the 55724
application and that no person who is party to the application has 55725
been a member of the governing authority of any community school 55726
that has permanently closed and against which an unresolved 55727
finding of recovery has been issued by the auditor of state. In 55728
the case of an application submitted by the governing authority of 55729
an existing community school, a person who is party to the 55730
application shall include each individual member of that governing 55731
authority. 55732

(d) A statement that the school will be nonsectarian in its 55733

programs, admission policies, employment practices, and all other 55734
operations, and will not be operated by a sectarian school or 55735
religious institution; 55736

(e) A statement of whether the school is to be created by 55737
converting all or part of an existing public school or educational 55738
service center building or is to be a new start-up school. If it 55739
is a converted public school or service center building, the 55740
statement shall include a specification of any duties or 55741
responsibilities of an employer that the board of education or 55742
service center governing board that operated the school or 55743
building before conversion is delegating to the governing 55744
authority of the community school with respect to all or any 55745
specified group of employees, provided the delegation is not 55746
prohibited by a collective bargaining agreement applicable to such 55747
employees. 55748

(f) A statement that the school's teachers will be licensed 55749
in the manner prescribed by division (A)(10) of section 3314.03 of 55750
the Revised Code; 55751

(g) A statement that the school will comply with all of the 55752
provisions of law enumerated in divisions (A)(11)(d) and (e) of 55753
section 3314.03 of the Revised Code and of division (A)(11)(h) of 55754
that section, if applicable; 55755

(h) A statement that the school's graduation and curriculum 55756
requirements will comply with division (A)(11)(f) of section 55757
3314.03 of the Revised Code; 55758

(i) A description of each of the following: 55759

(i) The school's mission and educational program, the 55760
characteristics of the students the school is expected to attract, 55761
the ages and grade levels of students, and the focus of the 55762
curriculum; 55763

(ii) The school's governing authority, which shall be in 55764

compliance with division (E) of section 3314.02 of the Revised Code; 55765
55766

(iii) The school's admission and dismissal policies, which shall be in compliance with divisions (A)(5) and (6) of section 3314.03 of the Revised Code; 55767
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(iv) The school's business plan, including a five-year financial forecast; 55770
55771

(v) In the case of an application to establish a community school, the applicant's resources and capacity to establish and operate the school; 55772
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(vi) The school's academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 55775
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(vii) The facilities to be used by the school and their locations; 55779
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(viii) A description of the learning opportunities that will be offered to students including both classroom-based and nonclassroom-based learning opportunities that are in compliance with criteria for student participation established by the department under division ~~(L)~~(H)(2) of section 3314.08 of the Revised Code. 55781
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(2) Subject to division (A)(3) of this section, the department shall approve each application, unless, within thirty days after receipt of the application, the department determines that the application does not satisfy the requirements of division (A)(1) of this section and provides the applicant a written explanation of the reasons for the determination. In that case, the department shall grant the applicant thirty days to correct the insufficiencies in the application. If the department determines that the insufficiencies have been corrected, it shall 55787
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approve the application. If the department determines that the 55796
insufficiencies have not been corrected, it shall deny the 55797
application and provide the applicant with a written explanation 55798
of the reasons for the denial. The denial of an application may be 55799
appealed in accordance with section 119.12 of the Revised Code. 55800

(3) For each of five school years, beginning with the school 55801
year that begins in the calendar year in which this section takes 55802
effect, the department may approve up to twenty applications for 55803
community schools to be established or to continue operation under 55804
division (A) of this section; however, of the twenty applications 55805
that may be approved each school year, only up to five may be for 55806
the establishment of new schools. 55807

(4) Notwithstanding division (A)(2) of this section, the 55808
department may deny an application submitted by the governing 55809
authority of an existing community school, if a previous sponsor 55810
of that school did not renew its contract or terminated its 55811
contract with the school entered into under section 3314.03 of the 55812
Revised Code. 55813

(B) The department and the governing authority of each 55814
community school authorized under this section shall enter into a 55815
contract under section 3314.03 of the Revised Code. 55816
Notwithstanding division (A)(13) of that section, the contract 55817
with an existing community school may begin at any time during the 55818
academic year. The length of the initial contract of any community 55819
school under this section may be for any term up to five years. 55820
The contract may be renewed in accordance with division (E) of 55821
that section. The contract may provide for the school's governing 55822
authority to pay a fee for oversight and monitoring of the school 55823
that does not exceed three per cent of the total amount of 55824
payments for operating expenses that the school receives from the 55825
state. 55826

(C) The department may require a community school authorized 55827

under this section to post and file with the superintendent of 55828
public instruction a bond payable to the state or to file with the 55829
state superintendent a guarantee, which shall be used to pay the 55830
state any moneys owed by the community school in the event the 55831
school closes. 55832

(D) Except as otherwise provided in this section, a community 55833
school authorized under this section shall comply with all 55834
applicable provisions of this chapter. The department may take any 55835
action that a sponsor may take under this chapter to enforce the 55836
school's compliance with this division and the terms of the 55837
contract entered into under division (B) of this section. 55838

(E) Not later than December 31, 2012, and annually 55839
thereafter, the department shall issue a report on the program, 55840
including information about the number of community schools 55841
participating in the program and their compliance with the 55842
provisions of this chapter. In its fifth report, the department 55843
shall include a complete evaluation of the program and 55844
recommendations regarding the program's continuation. Each report 55845
shall be provided to the general assembly, in accordance with 55846
section 101.68 of the Revised Code, and to the governor. 55847

Sec. 3314.03. A copy of every contract entered into under 55848
this section shall be filed with the superintendent of public 55849
instruction. The department of education shall make available on 55850
its web site a copy of every approved, executed contract filed 55851
with the superintendent under this section. 55852

(A) Each contract entered into between a sponsor and the 55853
governing authority of a community school shall specify the 55854
following: 55855

(1) That the school shall be established as either of the 55856
following: 55857

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	55858 55859
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	55860 55861
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	55862 55863 55864 55865
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	55866 55867 55868
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	55869 55870
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	55871 55872
(6)(a) Dismissal procedures;	55873
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	55874 55875 55876 55877 55878 55879
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	55880 55881
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	55882 55883 55884 55885 55886 55887

(9) The facilities to be used and their locations;	55888
(10) Qualifications of teachers, including the following:	55889
(a) A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	55890 55891 55892 55893 55894
(b) A requirement that each classroom teacher initially hired by the school on or after July 1, 2013, and employed to provide instruction in physical education hold a valid license issued pursuant to section 3319.22 of the Revised Code for teaching physical education.	55895 55896 55897 55898 55899
(11) That the school will comply with the following requirements:	55900 55901
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	55902 55903 55904
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	55905 55906 55907
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	55908 55909 55910 55911
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673,	55912 55913 55914 55915 55916 55917

3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.814, 55918
3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 55919
3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 55920
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 55921
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 55922
4123., 4141., and 4167. of the Revised Code as if it were a school 55923
district and will comply with section 3301.0714 of the Revised 55924
Code in the manner specified in section 3314.17 of the Revised 55925
Code. 55926

(e) The school shall comply with Chapter 102. and section 55927
2921.42 of the Revised Code. 55928

(f) The school will comply with sections 3313.61, 3313.611, 55929
and 3313.614 of the Revised Code, except that for students who 55930
enter ninth grade for the first time before July 1, 2010, the 55931
requirement in sections 3313.61 and 3313.611 of the Revised Code 55932
that a person must successfully complete the curriculum in any 55933
high school prior to receiving a high school diploma may be met by 55934
completing the curriculum adopted by the governing authority of 55935
the community school rather than the curriculum specified in Title 55936
XXXIII of the Revised Code or any rules of the state board of 55937
education. Beginning with students who enter ninth grade for the 55938
first time on or after July 1, 2010, the requirement in sections 55939
3313.61 and 3313.611 of the Revised Code that a person must 55940
successfully complete the curriculum of a high school prior to 55941
receiving a high school diploma shall be met by completing the 55942
Ohio core curriculum prescribed in division (C) of section 55943
3313.603 of the Revised Code, unless the person qualifies under 55944
division (D) or (F) of that section. Each school shall comply with 55945
the plan for awarding high school credit based on demonstration of 55946
subject area competency, adopted by the state board of education 55947
under division (J) of section 3313.603 of the Revised Code. 55948

(g) The school governing authority will submit within four 55949

months after the end of each school year a report of its 55950
activities and progress in meeting the goals and standards of 55951
divisions (A)(3) and (4) of this section and its financial status 55952
to the sponsor and the parents of all students enrolled in the 55953
school. 55954

(h) The school, unless it is an internet- or computer-based 55955
community school, will comply with section 3313.801 of the Revised 55956
Code as if it were a school district. 55957

(i) If the school is the recipient of moneys from a grant 55958
awarded under the federal race to the top program, Division (A), 55959
Title XIV, Sections 14005 and 14006 of the "American Recovery and 55960
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 55961
school will pay teachers based upon performance in accordance with 55962
section 3317.141 and will comply with section 3319.111 of the 55963
Revised Code as if it were a school district. 55964

(12) Arrangements for providing health and other benefits to 55965
employees; 55966

(13) The length of the contract, which shall begin at the 55967
beginning of an academic year. No contract shall exceed five years 55968
unless such contract has been renewed pursuant to division (E) of 55969
this section. 55970

(14) The governing authority of the school, which shall be 55971
responsible for carrying out the provisions of the contract; 55972

(15) A financial plan detailing an estimated school budget 55973
for each year of the period of the contract and specifying the 55974
total estimated per pupil expenditure amount for each such year. 55975
~~The plan shall specify for each year the base formula amount that 55976~~
~~will be used for purposes of funding calculations under section 55977~~
~~3314.08 of the Revised Code. This base formula amount for any year 55978~~
~~shall not exceed the formula amount defined under section 3317.02 55979~~
~~of the Revised Code. The plan may also specify for any year a 55980~~

~~percentage figure to be used for reducing the per pupil amount of 55981
the subsidy calculated pursuant to section 3317.029 of the Revised 55982
Code the school is to receive that year under section 3314.08 of 55983
the Revised Code. 55984~~

(16) Requirements and procedures regarding the disposition of 55985
employees of the school in the event the contract is terminated or 55986
not renewed pursuant to section 3314.07 of the Revised Code; 55987

(17) Whether the school is to be created by converting all or 55988
part of an existing public school or educational service center 55989
building or is to be a new start-up school, and if it is a 55990
converted public school or service center building, specification 55991
of any duties or responsibilities of an employer that the board of 55992
education or service center governing board that operated the 55993
school or building before conversion is delegating to the 55994
governing authority of the community school with respect to all or 55995
any specified group of employees provided the delegation is not 55996
prohibited by a collective bargaining agreement applicable to such 55997
employees; 55998

(18) Provisions establishing procedures for resolving 55999
disputes or differences of opinion between the sponsor and the 56000
governing authority of the community school; 56001

(19) A provision requiring the governing authority to adopt a 56002
policy regarding the admission of students who reside outside the 56003
district in which the school is located. That policy shall comply 56004
with the admissions procedures specified in sections 3314.06 and 56005
3314.061 of the Revised Code and, at the sole discretion of the 56006
authority, shall do one of the following: 56007

(a) Prohibit the enrollment of students who reside outside 56008
the district in which the school is located; 56009

(b) Permit the enrollment of students who reside in districts 56010
adjacent to the district in which the school is located; 56011

(c) Permit the enrollment of students who reside in any other district in the state. 56012
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(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code; 56014
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(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code; 56018
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(22) A provision recognizing both of the following: 56021

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations; 56022
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(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action. 56026
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(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division ~~(L)~~(H)(2) of section 3314.08 of the Revised Code; 56033
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(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor shall not 56039
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be required to take any action described in division (F) of 56043
section 3302.04 of the Revised Code. 56044

(25) Beginning in the 2006-2007 school year, the school will 56045
open for operation not later than the thirtieth day of September 56046
each school year, unless the mission of the school as specified 56047
under division (A)(2) of this section is solely to serve dropouts. 56048
In its initial year of operation, if the school fails to open by 56049
the thirtieth day of September, or within one year after the 56050
adoption of the contract pursuant to division (D) of section 56051
3314.02 of the Revised Code if the mission of the school is solely 56052
to serve dropouts, the contract shall be void. 56053

(B) The community school shall also submit to the sponsor a 56054
comprehensive plan for the school. The plan shall specify the 56055
following: 56056

(1) The process by which the governing authority of the 56057
school will be selected in the future; 56058

(2) The management and administration of the school; 56059

(3) If the community school is a currently existing public 56060
school or educational service center building, alternative 56061
arrangements for current public school students who choose not to 56062
attend the converted school and for teachers who choose not to 56063
teach in the school or building after conversion; 56064

(4) The instructional program and educational philosophy of 56065
the school; 56066

(5) Internal financial controls. 56067

(C) A contract entered into under section 3314.02 of the 56068
Revised Code between a sponsor and the governing authority of a 56069
community school may provide for the community school governing 56070
authority to make payments to the sponsor, which is hereby 56071
authorized to receive such payments as set forth in the contract 56072

between the governing authority and the sponsor. The total amount 56073
of such payments for oversight and monitoring of the school shall 56074
not exceed three per cent of the total amount of payments for 56075
operating expenses that the school receives from the state. 56076

(D) The contract shall specify the duties of the sponsor 56077
which shall be in accordance with the written agreement entered 56078
into with the department of education under division (B) of 56079
section 3314.015 of the Revised Code and shall include the 56080
following: 56081

(1) Monitor the community school's compliance with all laws 56082
applicable to the school and with the terms of the contract; 56083

(2) Monitor and evaluate the academic and fiscal performance 56084
and the organization and operation of the community school on at 56085
least an annual basis; 56086

(3) Report on an annual basis the results of the evaluation 56087
conducted under division (D)(2) of this section to the department 56088
of education and to the parents of students enrolled in the 56089
community school; 56090

(4) Provide technical assistance to the community school in 56091
complying with laws applicable to the school and terms of the 56092
contract; 56093

(5) Take steps to intervene in the school's operation to 56094
correct problems in the school's overall performance, declare the 56095
school to be on probationary status pursuant to section 3314.073 56096
of the Revised Code, suspend the operation of the school pursuant 56097
to section 3314.072 of the Revised Code, or terminate the contract 56098
of the school pursuant to section 3314.07 of the Revised Code as 56099
determined necessary by the sponsor; 56100

(6) Have in place a plan of action to be undertaken in the 56101
event the community school experiences financial difficulties or 56102
closes prior to the end of a school year. 56103

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3314.042. The governing authority of each community school shall comply with the standards for financial reporting adopted under division (B)(2) of section 3301.07 of the Revised Code.

Sec. 3314.05. (A) The contract between the community school and the sponsor shall specify the facilities to be used for the community school and the method of acquisition. Except as provided in divisions (B)(3) and (4) of this section, no community school shall be established in more than one school district under the same contract.

(B) Division (B) of this section shall not apply to internet-

or computer-based community schools. 56134

(1) A community school may be located in multiple facilities 56135
under the same contract only if the limitations on availability of 56136
space prohibit serving all the grade levels specified in the 56137
contract in a single facility or division (B)(2), (3), or (4) of 56138
this section applies to the school. The school shall not offer the 56139
same grade level classrooms in more than one facility. 56140

(2) A community school may be located in multiple facilities 56141
under the same contract and, notwithstanding division (B)(1) of 56142
this section, may assign students in the same grade level to 56143
multiple facilities, as long as all of the following apply: 56144

~~(a) The governing authority of the community school filed a 56145
copy of its contract with the school's sponsor under section 56146
3314.03 of the Revised Code with the superintendent of public 56147
instruction on or before May 15, 2008. 56148~~

~~(b) The school was not open for operation prior to July 1, 56149
2008. 56150~~

~~(e)~~ The governing authority has entered into and maintains a 56151
contract with an operator of the type described in division 56152
(A)(8)(b) of section 3314.02 of the Revised Code. 56153

~~(d)~~(b) The contract with that operator qualified the school 56154
to be established pursuant to division (A) of former section 56155
3314.016 of the Revised Code. 56156

~~(e)~~(c) The school's rating under section 3302.03 of the 56157
Revised Code does not fall below a combination of any of the 56158
following for two or more consecutive years: 56159

(i) A rating of "in need of continuous improvement" under 56160
section 3302.03 of the Revised Code, as that section existed prior 56161
to ~~the effective date of this section~~ March 22, 2013; 56162

(ii) For the 2012-2013 and 2013-2014 school years, a rating 56163

of "C" for both the performance index score under division 56164
(A)(1)(b) or (B)(1)(b) and the value-added dimension under 56165
division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised 56166
Code; or if the building serves only grades ten through twelve, 56167
the building received a grade of "C" for the performance index 56168
score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of 56169
the Revised Code; 56170

(iii) For the 2014-2015 school year and for any school year 56171
thereafter, an overall grade of "C" under division (C)(3) of 56172
section 3302.03 of the Revised Code or an overall performance 56173
designation of "meets standards" under division (E)(3)(e) of 56174
section 3314.017 of the Revised Code. 56175

(3) A new start-up community school may be established in two 56176
school districts under the same contract if all of the following 56177
apply: 56178

(a) At least one of the school districts in which the school 56179
is established is a challenged school district; 56180

(b) The school operates not more than one facility in each 56181
school district and, in accordance with division (B)(1) of this 56182
section, the school does not offer the same grade level classrooms 56183
in both facilities; and 56184

(c) Transportation between the two facilities does not 56185
require more than thirty minutes of direct travel time as measured 56186
by school bus. 56187

In the case of a community school to which division (B)(3) of 56188
this section applies, if only one of the school districts in which 56189
the school is established is a challenged school district, that 56190
district shall be considered the school's primary location and the 56191
district in which the school is located for the purposes of 56192
division (A)(19) of section 3314.03 and divisions (C) and (H) of 56193
section 3314.06 of the Revised Code and for all other purposes of 56194

this chapter. If both of the school districts in which the school is established are challenged school districts, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of those divisions and all other purposes of this chapter and shall notify the department of education of that designation.

(4) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B)(1) of this section, may assign students in the same grade level to multiple facilities, as long as both of the following apply:

(a) The facilities are all located in the same county.

(b) Either of the following conditions are satisfied:

(i) The community school is sponsored by a board of education of a city, local, or exempted village school district having territory in the same county where the facilities of the community school are located;

(ii) The community school is managed by an operator.

In the case of a community school to which division (B)(4) of this section applies and that maintains facilities in more than one school district, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of that designation.

(5) Any facility used for a community school shall meet all health and safety standards established by law for school buildings.

(C) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board and the school.

(D) Two or more separate community schools may be located in the same facility.

(E) In the case of a community school that is located in multiple facilities, beginning July 1, 2012, the department shall assign a unique identification number to the school and to each facility maintained by the school. Each number shall be used for identification purposes only. Nothing in this division shall be construed to require the department to calculate the amount of funds paid under this chapter, or to compute any data required for the report cards issued under section 3314.012 of the Revised Code, for each facility separately. The department shall make all such calculations or computations for the school as a whole.

Sec. 3314.06. The governing authority of each community school established under this chapter shall adopt admission procedures that specify the following:

(A) That, except as otherwise provided in this section, admission to the school shall be open to any individual age five to twenty-two entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code in a school district in the state.

Additionally, except as otherwise provided in this section, admission to the school may be open on a tuition basis to any individual age five to twenty-two who is not a resident of this

state. The school shall not receive state funds under section 56256
3314.08 of the Revised Code for any student who is not a resident 56257
of this state. 56258

An individual younger than five years of age may be admitted 56259
to the school in accordance with division (A)(2) of section 56260
3321.01 of the Revised Code. 56261

(B)(1) That admission to the school may be limited to 56262
students who have attained a specific grade level or are within a 56263
specific age group; to students that meet a definition of 56264
"at-risk," as defined in the contract; to residents of a specific 56265
geographic area within the district, as defined in the contract; 56266
or to separate groups of autistic students and nondisabled 56267
students, as authorized in section 3314.061 of the Revised Code 56268
and as defined in the contract. 56269

(2) For purposes of division (B)(1) of this section, 56270
"at-risk" students may include those students identified as gifted 56271
students under section 3324.03 of the Revised Code. 56272

(C) Whether enrollment is limited to students who reside in 56273
the district in which the school is located or is open to 56274
residents of other districts, as provided in the policy adopted 56275
pursuant to the contract. 56276

(D)(1) That there will be no discrimination in the admission 56277
of students to the school on the basis of race, creed, color, 56278
disability, or sex except that: 56279

(a) The governing authority may do either of the following 56280
for the purpose described in division (G) of this section: 56281

(i) Establish a single-gender school for either sex; 56282

(ii) Establish single-gender schools for each sex under the 56283
same contract, provided substantially equal facilities and 56284
learning opportunities are offered for both boys and girls. Such 56285

facilities and opportunities may be offered for each sex at 56286
separate locations. 56287

(b) The governing authority may establish a school that 56288
simultaneously serves a group of students identified as autistic 56289
and a group of students who are not disabled, as authorized in 56290
section 3314.061 of the Revised Code. However, unless the total 56291
capacity established for the school has been filled, no student 56292
with any disability shall be denied admission on the basis of that 56293
disability. 56294

(2) That upon admission of any student with a disability, the 56295
community school will comply with all federal and state laws 56296
regarding the education of students with disabilities. 56297

(E) That the school may not limit admission to students on 56298
the basis of intellectual ability, measures of achievement or 56299
aptitude, or athletic ability, except that a school may limit its 56300
enrollment to students as described in division (B) of this 56301
section. 56302

(F) That the community school will admit the number of 56303
students that does not exceed the capacity of the school's 56304
programs, classes, grade levels, or facilities. 56305

(G) That the purpose of single-gender schools that are 56306
established shall be to take advantage of the academic benefits 56307
some students realize from single-gender instruction and 56308
facilities and to offer students and parents residing in the 56309
district the option of a single-gender education. 56310

(H) That, except as otherwise provided under division (B) of 56311
this section or section 3314.061 of the Revised Code, if the 56312
number of applicants exceeds the capacity restrictions of division 56313
(F) of this section, students shall be admitted by lot from all 56314
those submitting applications, except preference shall be given to 56315
students attending the school the previous year and to students 56316

who reside in the district in which the school is located. 56317
Preference may be given to siblings of students attending the 56318
school the previous year. 56319

Notwithstanding divisions (A) to (H) of this section, in the 56320
event the racial composition of the enrollment of the community 56321
school is violative of a federal desegregation order, the 56322
community school shall take any and all corrective measures to 56323
comply with the desegregation order. 56324

Sec. 3314.072. The provisions of this section are enacted to 56325
promote the public health, safety, and welfare by establishing 56326
procedures under which the governing authorities of community 56327
schools established under this chapter will be held accountable 56328
for their compliance with the terms of the contracts they enter 56329
into with their school's sponsors and the law relating to the 56330
school's operation. Suspension of the operation of a school 56331
imposed under this section is intended to encourage the governing 56332
authority's compliance with the terms of the school's contract and 56333
the law and is not intended to be an alteration of the terms of 56334
that contract. 56335

(A) If a sponsor of a community school established under this 56336
chapter suspends the operation of that school pursuant to 56337
procedures set forth in this section, the governing authority 56338
shall not operate that school while the suspension is in effect. 56339
Any such suspension shall remain in effect until the sponsor 56340
notifies the governing authority that it is no longer in effect. 56341
The contract of a school of which operation is suspended under 56342
this section also may be subject to termination or nonrenewal 56343
under section 3314.07 of the Revised Code. 56344

(B) If at any time conditions at the school do not comply 56345
with a health and safety standard established by law for school 56346
buildings, the sponsor shall immediately suspend the operation of 56347

the school pursuant to procedures set forth in division (D) of 56348
this section. If the sponsor fails to take action to suspend the 56349
operation of a school to which this division applies, the 56350
department of education may take such action. 56351

(C)(1) For any of the reasons prescribed in division 56352
(B)(1)(a) to (d) of section 3314.07 of the Revised Code, the 56353
sponsor of a community school established under this chapter may 56354
suspend the operation of the school only if it first issues to the 56355
governing authority notice of the sponsor's intent to suspend the 56356
operation of the contract. Such notice shall explain the reasons 56357
for the sponsor's intent to suspend operation of the contract and 56358
shall provide the school's governing authority with five business 56359
days to submit to the sponsor a proposal to remedy the conditions 56360
cited as reasons for the suspension. 56361

(2) The sponsor shall promptly review any proposed remedy 56362
timely submitted by the governing authority and either approve or 56363
disapprove the remedy. If the sponsor disapproves the remedy 56364
proposed by the governing authority, if the governing authority 56365
fails to submit a proposed remedy in the manner prescribed by the 56366
sponsor, or if the governing authority fails to implement the 56367
remedy as approved by the sponsor, the sponsor may suspend 56368
operation of the school pursuant to procedures set forth in 56369
division (D) of this section. 56370

(D)(1) If division (B) of this section applies or if the 56371
sponsor of a community school established under this chapter 56372
decides to suspend the operation of a school as permitted in 56373
division (C)(2) of this section, the sponsor shall promptly send 56374
written notice to the governing authority stating that the 56375
operation of the school is immediately suspended, and explaining 56376
the specific reasons for the suspension. The notice shall state 56377
that the governing authority has five business days to submit a 56378
proposed remedy to the conditions cited as reasons for the 56379

suspension or face potential contract termination. 56380

(2) Upon receipt of the notice of suspension prescribed under 56381
division (D)(1) of this section, the governing authority shall 56382
immediately notify the employees of the school and the parents of 56383
the students enrolled in the school of the suspension and the 56384
reasons therefore, and shall cease all school operations on the 56385
next business day. 56386

(E)(1) Beginning with the 2013-2014 school year, if the 56387
sponsor of a community school suspends the operation of that 56388
school pursuant to procedures set forth in this section, the 56389
school's contract with the sponsor under section 3314.03 of the 56390
Revised Code shall become void, if the governing authority of the 56391
school fails to provide a proposal to remedy the conditions cited 56392
by the sponsor as reasons for the suspension, to the satisfaction 56393
of the sponsor, by the thirtieth day of September of the school 56394
year immediately following the school year in which the operation 56395
of school was suspended. 56396

(2) If, prior to the effective date of this amendment, the 56397
sponsor of a community school has suspended the operation of the 56398
school, the contract with the sponsor under section 3314.03 of the 56399
Revised Code shall become void if the governing authority of the 56400
school fails to provide by September 30, 2014, a proposal to 56401
remedy the conditions cited by the sponsor as reasons for the 56402
suspension, to the satisfaction of the sponsor. 56403

Sec. 3314.074. Divisions (A) and (B) of this section apply 56404
only to the extent permitted under Chapter 1702. of the Revised 56405
Code. 56406

(A) If any community school established under this chapter 56407
permanently closes and ceases its operation as a community school, 56408
the assets of that school shall be distributed first to the 56409
retirement funds of employees of the school, employees of the 56410

school, and private creditors who are owed compensation, and then 56411
any remaining funds shall be paid to the department of education 56412
for redistribution to the school districts in which the students 56413
who were enrolled in the school at the time it ceased operation 56414
were entitled to attend school under section 3313.64 or 3313.65 of 56415
the Revised Code. The amount distributed to each school district 56416
shall be proportional to the district's share of the total 56417
enrollment in the community school. 56418

(B) If a community school closes and ceases to operate as a 56419
community school and the school has received computer hardware or 56420
software from the former Ohio SchoolNet commission or the former 56421
eTech Ohio commission, such hardware or software shall be ~~returned~~ 56422
turned over to the ~~eTech Ohio commission~~ department of education, 56423
~~and the eTech Ohio commission~~ which shall redistribute the 56424
hardware and software, to the extent such redistribution is 56425
possible, to school districts in conformance with the provisions 56426
of the programs as they were operated and administered by the 56427
former eTech Ohio commission. 56428

(C) If the assets of the school are insufficient to pay all 56429
persons or entities to whom compensation is owed, the 56430
prioritization of the distribution of the assets to individual 56431
persons or entities within each class of payees may be determined 56432
by decree of a court in accordance with this section and Chapter 56433
1702. of the Revised Code. 56434

Sec. 3314.08. ~~The deductions under division (C) and the 56435
payments under division (D) of this section for fiscal years 2012 56436
and 2013 shall be made in accordance with section 3314.088 of the 56437
Revised Code.~~ 56438

(A) As used in this section: 56439

(1) ~~"Base formula amount" means the amount specified as such 56440
in a community school's financial plan for a school year pursuant 56441~~

~~to division (A)(15) of section 3314.03 of the Revised Code. 56442~~

~~(2) "IEP" has the same meaning as in section 3323.01 of the 56443
Revised Code. 56444~~

~~(3) "Applicable special education weight" means the multiple 56445
specified in section 3317.013 of the Revised Code for a disability 56446
described in that section. 56447~~

~~(4) "Applicable vocational education weight" means: 56448~~

~~(a) For a student enrolled in vocational education programs 56449
or classes described in division (A) of section 3317.014 of the 56450
Revised Code, the multiple specified in that division: 56451~~

~~(b) For a student enrolled in vocational education programs 56452
or classes described in division (B) of section 3317.014 of the 56453
Revised Code, the multiple specified in that division. 56454~~

~~(5) "Entitled to attend school" means entitled to attend 56455
school in a district under section 3313.64 or 3313.65 of the 56456
Revised Code. 56457~~

~~(6) A community school student is "included in the poverty 56458
student count" of a school district if the student is entitled to 56459
attend school in the district and the student's family receives 56460
assistance under the Ohio works first program. 56461~~

~~(7) "Poverty based assistance reduction factor" means the 56462
percentage figure, if any, for reducing the per pupil amount of 56463
poverty based assistance a community school is entitled to receive 56464
pursuant to divisions (D)(5) to (9) of this section in any year, 56465
as specified in the school's financial plan for the year pursuant 56466
to division (A)(15) of section 3314.03 of the Revised Code. 56467~~

~~(8) "All day kindergarten" has the same meaning as in section 56468
3321.05 of the Revised Code. 56469~~

~~(9)(a) "Category one career-technical education student" 56470
means a student who is receiving the career-technical education 56471~~

services described in division (A) of section 3317.014 of the Revised Code. 56472
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(b) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) of section 3317.014 of the Revised Code. 56474
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(c) "Category three career-technical student" means a student who is receiving the career-technical education services described in division (C) of section 3317.014 of the Revised Code. 56477
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(d) "Category four career-technical student" means a student who is receiving the career-technical education services described in division (D) of section 3317.014 of the Revised Code. 56480
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(e) "Category five career-technical education student" means a student who is receiving the career-technical education services described in division (E) of section 3317.014 of the Revised Code. 56483
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(2)(a) "Category one limited English proficient student" means a limited English proficient student described in division (A) of section 3317.016 of the Revised Code. 56486
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(b) "Category two limited English proficient student" means a limited English proficient student described in division (B) of section 3317.016 of the Revised Code. 56489
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(c) "Category three limited English proficient student" means a limited English proficient student described in division (C) of section 3317.016 of the Revised Code. 56492
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(3)(a) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code. 56495
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(b) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code. 56499
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(c) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code. 56502
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(d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code. 56506
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(e) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code. 56509
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(f) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code. 56512
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(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code. 56515
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(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 56517
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(6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 56519
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(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 56522
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(B) The state board of education shall adopt rules requiring both of the following: 56524
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(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in ~~grades one~~ each grade kindergarten through twelve in a community school established under this chapter, ~~the number of students entitled to attend school in the district who are~~ 56526
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~~enrolled in kindergarten in a community school, the number of~~ 56532
~~those kindergartners who are enrolled in all-day kindergarten in~~ 56533
~~their community school,~~ and for each child, the community school 56534
in which the child is enrolled. 56535

(2) The governing authority of each community school 56536
established under this chapter to annually report all of the 56537
following: 56538

(a) The number of students enrolled in grades one through 56539
twelve and the full-time equivalent number of students enrolled in 56540
kindergarten in the school who are not receiving special education 56541
and related services pursuant to an IEP; 56542

(b) The number of enrolled students in grades one through 56543
twelve and the full-time equivalent number of enrolled students in 56544
kindergarten, who are receiving special education and related 56545
services pursuant to an IEP; 56546

(c) The number of students reported under division (B)(2)(b) 56547
of this section receiving special education and related services 56548
pursuant to an IEP for a disability described in each of divisions 56549
(A) to (F) of section 3317.013 of the Revised Code; 56550

(d) The full-time equivalent number of students reported 56551
under divisions (B)(2)(a) and (b) of this section who are enrolled 56552
in ~~vocational~~ career-technical education programs or classes 56553
described in each of divisions (A) ~~and (B)~~ to (E) of section 56554
3317.014 of the Revised Code that are provided by the community 56555
school; 56556

(e) Twenty per cent of the number of students reported under 56557
divisions (B)(2)(a) and (b) of this section who are not reported 56558
under division (B)(2)(d) of this section but who are enrolled in 56559
~~vocational~~ career-technical education programs or classes 56560
described in each of divisions (A) ~~and (B)~~ to (E) of section 56561
3317.014 of the Revised Code at a joint vocational school district 56562

~~under a contract between the community school and the joint vocational school district and are entitled to attend school in a city, local, or exempted village school district whose territory is part of the territory of the joint vocational school district or another district in the career-technical planning district to which the school is assigned;~~

~~(f) The number of enrolled preschool children with disabilities receiving special education services in a state-funded unit;~~

~~(g) The community school's base formula amount;~~

~~(h) The number of students reported under divisions (B)(2)(a) and (b) of this section who are category one to three limited English proficient students described in each of divisions (A) to (C) of section 3317.016 of the Revised Code;~~

~~(g) The number of students reported under divisions (B)(2)(a) and (b) who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B)(2)(g) of this section based on anything other than family income.~~

~~(h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school;~~

~~(i) Any poverty based assistance reduction factor that applies to a school year under section 3313.64 or 3313.65 of the Revised Code.~~

A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A)(2) of section 3321.01 of the Revised Code.

A governing authority of a community school shall not include in its report under division (B)(2) of this section any student

for whom tuition is charged under division (F) of this section. 56593

~~(C) From the state education aid calculated for a city, 56594
exempted village, or local school district and, if necessary, from 56595
the payment made to the district under sections 321.24 and 323.156 56596
of the Revised Code, the department of education shall annually 56597
subtract the sum of the amounts described in divisions (C)(1) to 56598
(9) of this section. However, when deducting payments on behalf of 56599
students enrolled in internet or computer based community 56600
schools, the department shall deduct only those amounts described 56601
in divisions (C)(1) and (2) of this section. Furthermore, the 56602
aggregate amount deducted under this division shall not exceed the 56603
sum of the district's state education aid and its payment under 56604
sections 321.24 and 323.156 of the Revised Code. 56605~~

~~(1) An amount equal to the sum of the amounts obtained when, 56606
for each community school where the district's students are 56607
enrolled, the number of the district's students reported under 56608
divisions (B)(2)(a), (b), and (c) of this section who are enrolled 56609
in grades one through twelve, and one half the number of students 56610
reported under those divisions who are enrolled in kindergarten, 56611
in that community school is multiplied by the sum of the base 56612
formula amount of that community school plus the per pupil amount 56613
of the base funding supplements specified in divisions (C)(1) to 56614
(4) of section 3317.012 of the Revised Code. 56615~~

~~(2) The sum of the amounts calculated under divisions 56616
(C)(2)(a) and (b) of this section: 56617~~

~~(a) For each of the district's students reported under 56618
division (B)(2)(c) of this section as enrolled in a community 56619
school in grades one through twelve and receiving special 56620
education and related services pursuant to an IEP for a disability 56621
described in section 3317.013 of the Revised Code, the product of 56622
the applicable special education weight times the community 56623
school's base formula amount: 56624~~

~~(b) For each of the district's students reported under 56625
division (B)(2)(c) of this section as enrolled in kindergarten in 56626
a community school and receiving special education and related 56627
services pursuant to an IEP for a disability described in section 56628
3317.013 of the Revised Code, one half of the amount calculated as 56629
prescribed in division (C)(2)(a) of this section. 56630~~

~~(3) For each of the district's students reported under 56631
division (B)(2)(d) of this section for whom payment is made under 56632
division (D)(4) of this section, the amount of that payment; 56633~~

~~(4) An amount equal to the sum of the amounts obtained when, 56634
for each community school where the district's students are 56635
enrolled, the number of the district's students enrolled in that 56636
community school who are included in the district's poverty 56637
student count is multiplied by the per pupil amount of 56638
poverty based assistance the school district receives that year 56639
pursuant to division (C) of section 3317.029 of the Revised Code, 56640
as adjusted by any poverty based assistance reduction factor of 56641
that community school. The per pupil amount of that aid for the 56642
district shall be calculated by the department. 56643~~

~~(5) An amount equal to the sum of the amounts obtained when, 56644
for each community school where the district's students are 56645
enrolled, the district's per pupil amount of aid received under 56646
division (E) of section 3317.029 of the Revised Code, as adjusted 56647
by any poverty based assistance reduction factor of the community 56648
school, is multiplied by the sum of the following: 56649~~

~~(a) The number of the district's students reported under 56650
division (B)(2)(a) of this section who are enrolled in grades one 56651
to three in that community school and who are not receiving 56652
special education and related services pursuant to an IEP; 56653~~

~~(b) One half of the district's students who are enrolled in 56654
all day or any other kindergarten class in that community school 56655~~

~~and who are not receiving special education and related services pursuant to an IEP;~~ 56656
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~~(c) One half of the district's students who are enrolled in all day kindergarten in that community school and who are not receiving special education and related services pursuant to an IEP.~~ 56658
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~~The district's per pupil amount of aid under division (E) of section 3317.029 of the Revised Code is the quotient of the amount the district received under that division divided by the district's kindergarten through third grade ADM, as defined in that section.~~ 56662
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~~(6) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount received under division (F) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of that community school, is multiplied by the number of the district's students enrolled in the community school who are identified as limited English proficient.~~ 56667
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~~(7) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount received under division (G) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of that community school, is multiplied by the sum of the following:~~ 56675
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~~(a) The number of the district's students enrolled in grades one through twelve in that community school;~~ 56681
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~~(b) One half of the number of the district's students enrolled in kindergarten in that community school.~~ 56683
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~~The district's per pupil amount under division (G) of section 3317.029 of the Revised Code is the district's amount per teacher~~ 56685
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~~calculated under division (G)(1) or (2) of that section divided by
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~~(8) An amount equal to the sum of the amounts obtained when,
for each community school where the district's students are
enrolled, the district's per pupil amount received under divisions
(H) and (I) of section 3317.029 of the Revised Code, as adjusted
by any poverty-based assistance reduction factor of that community
school, is multiplied by the sum of the following:~~ 56689
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~~(a) The number of the district's students enrolled in grades
one through twelve in that community school;~~ 56695
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~~(b) One half of the number of the district's students
enrolled in kindergarten in that community school.~~ 56697
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~~The district's per pupil amount under divisions (H) and (I)
of section 3317.029 of the Revised Code is the amount calculated
under each division divided by the district's formula ADM, as
defined in section 3317.02 of the Revised Code.~~ 56699
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~~(9) An amount equal to the per pupil state parity aid funding
calculated for the school district under either division (C) or
(D) of section 3317.0217 of the Revised Code multiplied by the sum
of the number of students in grades one through twelve, and
one half of the number of students in kindergarten, who are
entitled to attend school in the district and are enrolled in a
community school as reported under division (B)(1) of this
section.~~ 56703
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~~(D) The department shall annually pay to a community school
established under this chapter the sum of the amounts described in
divisions (D)(1) to (10) of this section. However, the department
shall calculate and pay to each internet or computer based
community school only the amounts described in divisions (D)(1) to
(3) of this section. Furthermore, the sum of the payments to all
community schools under divisions (D)(1), (2), and (4) to (10) of~~ 56711
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~~this section for the students entitled to attend school in any particular school district shall not exceed the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code. If the sum of the payments calculated under those divisions for the students entitled to attend school in a particular school district exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under those divisions for the students entitled to attend school in that district.~~

~~(1) An amount equal to the sum of the amounts obtained when the number of students enrolled in grades one through twelve, plus one half of the kindergarten students in the school, reported under divisions (B)(2)(a), (b), and (c) of this section who are not receiving special education and related services pursuant to an IEP for a disability described in section 3317.013 of the Revised Code is multiplied by the sum of the community school's base formula amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code.~~

~~(2) The sum of the following amounts:~~

~~(a) For each student reported under division (B)(2)(c) of this section as enrolled in the school in grades one through twelve and receiving special education and related services pursuant to an IEP for a disability described in section 3317.013 of the Revised Code, the following amount:~~

~~(the school's base formula amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code) + (the applicable special education weight X the community school's base formula amount);~~

~~(b) For each student reported under division (B)(2)(c) of this section as enrolled in kindergarten and receiving special education and related services pursuant to an IEP for a disability described in section 3317.013 of the Revised Code, one half of the amount calculated under the formula prescribed in division (D)(2)(a) of this section.~~

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~~(3) An amount received from federal funds to provide special education and related services to students in the community school, as determined by the superintendent of public instruction.~~

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~~(4) For each student reported under division (B)(2)(d) of this section as enrolled in vocational education programs or classes that are described in section 3317.014 of the Revised Code, are provided by the community school, and are comparable as determined by the superintendent of public instruction to school district vocational education programs and classes eligible for state weighted funding under section 3317.014 of the Revised Code, an amount equal to the applicable vocational education weight times the community school's base formula amount times the percentage of time the student spends in the vocational education programs or classes.~~

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~~(5) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the number of that district's students enrolled in the community school who are included in the district's poverty student count is multiplied by the per pupil amount of poverty based assistance that school district receives that year pursuant to division (C) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of the community school. The per pupil amount of aid shall be determined as described in division (C)(4) of this section.~~

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~~(6) An amount equal to the sum of the amounts obtained when,~~

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~~for each school district where the community school's students are~~ 56782
~~entitled to attend school, the district's per pupil amount of aid~~ 56783
~~received under division (E) of section 3317.029 of the Revised~~ 56784
~~Code, as adjusted by any poverty based assistance reduction factor~~ 56785
~~of the community school, is multiplied by the sum of the~~ 56786
~~following:~~ 56787

~~(a) The number of the district's students reported under~~ 56788
~~division (B)(2)(a) of this section who are enrolled in grades one~~ 56789
~~to three in that community school and who are not receiving~~ 56790
~~special education and related services pursuant to an IEP;~~ 56791

~~(b) One half of the district's students who are enrolled in~~ 56792
~~all day or any other kindergarten class in that community school~~ 56793
~~and who are not receiving special education and related services~~ 56794
~~pursuant to an IEP;~~ 56795

~~(c) One half of the district's students who are enrolled in~~ 56796
~~all day kindergarten in that community school and who are not~~ 56797
~~receiving special education and related services pursuant to an~~ 56798
~~IEP.~~ 56799

~~The district's per pupil amount of aid under division (E) of~~ 56800
~~section 3317.029 of the Revised Code shall be determined as~~ 56801
~~described in division (C)(5) of this section.~~ 56802

~~(7) An amount equal to the sum of the amounts obtained when,~~ 56803
~~for each school district where the community school's students are~~ 56804
~~entitled to attend school, the number of that district's students~~ 56805
~~enrolled in the community school who are identified as~~ 56806
~~limited English proficient is multiplied by the district's per~~ 56807
~~pupil amount received under division (F) of section 3317.029 of~~ 56808
~~the Revised Code, as adjusted by any poverty based assistance~~ 56809
~~reduction factor of the community school.~~ 56810

~~(8) An amount equal to the sum of the amounts obtained when,~~ 56811
~~for each school district where the community school's students are~~ 56812

~~entitled to attend school, the district's per pupil amount 56813
received under division (G) of section 3317.029 of the Revised 56814
Code, as adjusted by any poverty based assistance reduction factor 56815
of the community school, is multiplied by the sum of the 56816
following: 56817~~

~~(a) The number of the district's students enrolled in grades 56818
one through twelve in that community school; 56819~~

~~(b) One half of the number of the district's students 56820
enrolled in kindergarten in that community school. 56821~~

~~The district's per pupil amount under division (G) of section 56822
3317.029 of the Revised Code shall be determined as described in 56823
division (C)(7) of this section. 56824~~

~~(9) An amount equal to the sum of the amounts obtained when, 56825
for each school district where the community school's students are 56826
entitled to attend school, the district's per pupil amount 56827
received under divisions (H) and (I) of section 3317.029 of the 56828
Revised Code, as adjusted by any poverty based assistance 56829
reduction factor of the community school, is multiplied by the sum 56830
of the following: 56831~~

~~(a) The number of the district's students enrolled in grades 56832
one through twelve in that community school; 56833~~

~~(b) One half of the number of the district's students 56834
enrolled in kindergarten in that community school. 56835~~

~~The district's per pupil amount under divisions (H) and (I) 56836
of section 3317.029 of the Revised Code shall be determined as 56837
described in division (C)(8) of this section. 56838~~

~~(10) An amount equal to the sum of the amounts obtained when, 56839
for each school district where the community school's students are 56840
entitled to attend school, the district's per pupil amount of 56841
state parity aid funding calculated under either division (C) or 56842~~

~~(D) of section 3317.0217 of the Revised Code is multiplied by the sum of the number of that district's students enrolled in grades one through twelve, and one half of the number of that district's students enrolled in kindergarten, in the community school as reported under divisions (B)(2)(a) and (b) of this section.~~

~~(E)(1) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (C)(3)(b) of section 3317.022 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs.~~

~~(2) The community school shall only report under division (E)(1) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.~~

~~(F) A community school may apply to the department of education for preschool children with disabilities unit funding the school would receive if it were a school district. Upon request of its governing authority, a community school that received such unit funding as a school district operated school before it became a community school shall retain any units awarded to it as a school district operated school provided the school continues to meet eligibility standards for the unit.~~

~~A community school shall be considered a school district and its governing authority shall be considered a board of education for the purpose of applying to any state or federal agency for grants that a school district may receive under federal or state law or any appropriations act of the general assembly. The governing authority of a community school may apply to any private entity for additional funds.~~

(G)(1) Except as provided in division (C)(2) of this section, and subject to divisions (C)(3), (4), (5), (6), and (7) of this section, on a full-time equivalency basis, for each student enrolled in a community school established under this chapter, the department of education annually shall deduct from the state education aid of a student's resident district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the community school the sum of the following:

(a) An opportunity grant in an amount equal to the formula amount;

(b) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;

(c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:

(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;

(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;

<u>(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;</u>	56906 56907 56908
<u>(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;</u>	56909 56910 56911
<u>(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;</u>	56912 56913 56914
<u>(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.</u>	56915 56916 56917
<u>(d) If the student is in kindergarten through third grade, an additional amount of \$225, in fiscal year 2014, and \$335, in fiscal year 2015;</u>	56918 56919 56920
<u>(e) If the student is economically disadvantaged, an additional amount equal to the following:</u>	56921 56922
<u>(\$250, in fiscal year 2014, or \$253, in fiscal year 2015) X (the resident district's economically disadvantaged index)</u>	56923 56924
<u>(f) Limited English proficiency funds as follows:</u>	56925
<u>(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;</u>	56926 56927 56928
<u>(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;</u>	56929 56930 56931
<u>(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.</u>	56932 56933 56934
<u>(g) Career-technical education funds as follows:</u>	56935

<u>(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;</u>	56936 56937 56938
<u>(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;</u>	56939 56940 56941
<u>(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;</u>	56942 56943 56944
<u>(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;</u>	56945 56946 56947
<u>(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.</u>	56948 56949 56950
<u>Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code.</u>	56951 56952 56953 56954
<u>(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a), (c), and (g) of this section.</u>	56955 56956 56957 56958 56959 56960
<u>No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b), (d), (e), or (f) of this section.</u>	56961 56962 56963
<u>(3)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant</u>	56964 56965

to an IEP for a disability described in divisions (B) to (F) of 56966
section 3317.013 of the Revised Code exceed the threshold 56967
catastrophic cost for serving the student as specified in division 56968
(B) of section 3317.0214 of the Revised Code, the school may 56969
submit to the superintendent of public instruction documentation, 56970
as prescribed by the superintendent, of all its costs for that 56971
student. Upon submission of documentation for a student of the 56972
type and in the manner prescribed, the department shall pay to the 56973
community school an amount equal to the school's costs for the 56974
student in excess of the threshold catastrophic costs. 56975

(b) The community school shall report under division 56976
(C)(3)(a) of this section, and the department shall pay for, only 56977
the costs of educational expenses and the related services 56978
provided to the student in accordance with the student's 56979
individualized education program. Any legal fees, court costs, or 56980
other costs associated with any cause of action relating to the 56981
student may not be included in the amount. 56982

(4) In any fiscal year, a community school receiving funds 56983
under division (C)(1)(g) of this section shall spend those funds 56984
only for the purposes that the department designates as approved 56985
for career-technical education expenses. Career-technical 56986
educational expenses approved by the department shall include only 56987
expenses connected to the delivery of career-technical programming 56988
to career-technical students. The department shall require the 56989
school to report data annually so that the department may monitor 56990
the school's compliance with the requirements regarding the manner 56991
in which funding received under division (C)(1)(g) of this section 56992
may be spent. 56993

(5) All funds received under division (C)(1)(g) of this 56994
section shall be spent in the following manner: 56995

(a) At least seventy-five per cent of the funds shall be 56996
spent on curriculum development, purchase, and implementation; 56997

instructional resources and supplies; industry-based program 56998
certification; student assessment, credentialing, and placement; 56999
curriculum specific equipment purchases and leases; 57000
career-technical student organization fees and expenses; home and 57001
agency linkages; work-based learning experiences; professional 57002
development; and other costs directly associated with 57003
career-technical education programs including development of new 57004
programs. 57005

(b) Not more than twenty-five per cent of the funds shall be 57006
used for personnel expenditures. 57007

(6) A community school shall spend the funds it receives 57008
under division (C)(1)(e) of this section in accordance with 57009
section 3317.25 of the Revised Code. 57010

(7) If the sum of the payments computed under division (C)(1) 57011
of this section for the students entitled to attend school in a 57012
particular school district under sections 3313.64 and 3313.65 of 57013
the Revised Code exceeds the sum of that district's state 57014
education aid and its payment under sections 321.24 and 323.156 of 57015
the Revised Code, the department shall calculate and apply a 57016
proration factor to the payments to all community schools under 57017
that division for the students entitled to attend school in that 57018
district. 57019

(D) A board of education sponsoring a community school may 57020
utilize local funds to make enhancement grants to the school or 57021
may agree, either as part of the contract or separately, to 57022
provide any specific services to the community school at no cost 57023
to the school. 57024

~~(H)~~(E) A community school may not levy taxes or issue bonds 57025
secured by tax revenues. 57026

~~(I)~~(F) No community school shall charge tuition for the 57027
enrollment of any student who is a resident of this state. A 57028

community school may charge tuition for the enrollment of any student who is not a resident of this state. 57029
57030

~~(J)~~(G)(1)(a) A community school may borrow money to pay any 57031
necessary and actual expenses of the school in anticipation of the 57032
receipt of any portion of the payments to be received by the 57033
school pursuant to division ~~(D)~~(C) of this section. The school may 57034
issue notes to evidence such borrowing. The proceeds of the notes 57035
shall be used only for the purposes for which the anticipated 57036
receipts may be lawfully expended by the school. 57037

(b) A school may also borrow money for a term not to exceed 57038
fifteen years for the purpose of acquiring facilities. 57039

(2) Except for any amount guaranteed under section 3318.50 of 57040
the Revised Code, the state is not liable for debt incurred by the 57041
governing authority of a community school. 57042

~~(K) For purposes of determining the number of students for 57043
which divisions (D)(5) and (6) of this section applies in any 57044
school year, a community school may submit to the department of 57045
job and family services, no later than the first day of March, a 57046
list of the students enrolled in the school. For each student on 57047
the list, the community school shall indicate the student's name, 57048
address, and date of birth and the school district where the 57049
student is entitled to attend school. Upon receipt of a list under 57050
this division, the department of job and family services shall 57051
determine, for each school district where one or more students on 57052
the list is entitled to attend school, the number of students 57053
residing in that school district who were included in the 57054
department's report under section 3317.10 of the Revised Code. The 57055
department shall make this determination on the basis of 57056
information readily available to it. Upon making this 57057
determination and no later than ninety days after submission of 57058
the list by the community school, the department shall report to 57059
the state department of education the number of students on the 57060~~

~~list who reside in each school district who were included in the~~ 57061
~~department's report under section 3317.10 of the Revised Code. In~~ 57062
~~complying with this division, the department of job and family~~ 57063
~~services shall not report to the state department of education any~~ 57064
~~personally identifiable information on any student.~~ 57065

~~(L)~~(H) The department of education shall adjust the amounts 57066
subtracted and paid under ~~divisions~~ division (C) ~~and (D)~~ of this 57067
section to reflect any enrollment of students in community schools 57068
for less than the equivalent of a full school year. The state 57069
board of education within ninety days after April 8, 2003, shall 57070
adopt in accordance with Chapter 119. of the Revised Code rules 57071
governing the payments to community schools under this section ~~and~~ 57072
~~section 3314.13 of the Revised Code~~ including initial payments in 57073
a school year and adjustments and reductions made in subsequent 57074
periodic payments to community schools and corresponding 57075
deductions from school district accounts as provided under 57076
~~divisions~~ division (C) ~~and (D)~~ of this section ~~and section 3314.13~~ 57077
~~of the Revised Code. For purposes of this section and section~~ 57078
~~3314.13 of the Revised Code:~~ 57079

(1) A student shall be considered enrolled in the community 57080
school for any portion of the school year the student is 57081
participating at a college under Chapter 3365. of the Revised 57082
Code. 57083

(2) A student shall be considered to be enrolled in a 57084
community school for the period of time beginning on the later of 57085
the date on which the school both has received documentation of 57086
the student's enrollment from a parent and the student has 57087
commenced participation in learning opportunities as defined in 57088
the contract with the sponsor, or thirty days prior to the date on 57089
which the student is entered into the education management 57090
information system established under section 3301.0714 of the 57091
Revised Code. For purposes of applying this division and divisions 57092

~~(L)~~(H)(3) and (4) of this section to a community school student, 57093
"learning opportunities" shall be defined in the contract, which 57094
shall describe both classroom-based and non-classroom-based 57095
learning opportunities and shall be in compliance with criteria 57096
and documentation requirements for student participation which 57097
shall be established by the department. Any student's instruction 57098
time in non-classroom-based learning opportunities shall be 57099
certified by an employee of the community school. A student's 57100
enrollment shall be considered to cease on the date on which any 57101
of the following occur: 57102

(a) The community school receives documentation from a parent 57103
terminating enrollment of the student. 57104

(b) The community school is provided documentation of a 57105
student's enrollment in another public or private school. 57106

(c) The community school ceases to offer learning 57107
opportunities to the student pursuant to the terms of the contract 57108
with the sponsor or the operation of any provision of this 57109
chapter. 57110

Except as otherwise specified in this paragraph, beginning in 57111
the 2011-2012 school year, any student who completed the prior 57112
school year in an internet- or computer-based community school 57113
shall be considered to be enrolled in the same school in the 57114
subsequent school year until the student's enrollment has ceased 57115
as specified in division ~~(L)~~(H)(2) of this section. The department 57116
shall continue subtracting and paying amounts for the student 57117
under ~~divisions~~ division (C) and ~~(D)~~ of this section without 57118
interruption at the start of the subsequent school year. However, 57119
if the student without a legitimate excuse fails to participate in 57120
the first one hundred five consecutive hours of learning 57121
opportunities offered to the student in that subsequent school 57122
year, the student shall be considered not to have re-enrolled in 57123
the school for that school year and the department shall 57124

recalculate the payments to the school for that school year to 57125
account for the fact that the student is not enrolled. 57126

(3) The department shall determine each community school 57127
student's percentage of full-time equivalency based on the 57128
percentage of learning opportunities offered by the community 57129
school to that student, reported either as number of hours or 57130
number of days, is of the total learning opportunities offered by 57131
the community school to a student who attends for the school's 57132
entire school year. However, no internet- or computer-based 57133
community school shall be credited for any time a student spends 57134
participating in learning opportunities beyond ten hours within 57135
any period of twenty-four consecutive hours. Whether it reports 57136
hours or days of learning opportunities, each community school 57137
shall offer not less than nine hundred twenty hours of learning 57138
opportunities during the school year. 57139

(4) With respect to the calculation of full-time equivalency 57140
under division ~~(L)~~(H)(3) of this section, the department shall 57141
waive the number of hours or days of learning opportunities not 57142
offered to a student because the community school was closed 57143
during the school year due to disease epidemic, hazardous weather 57144
conditions, law enforcement emergencies, inoperability of school 57145
buses or other equipment necessary to the school's operation, 57146
damage to a school building, or other temporary circumstances due 57147
to utility failure rendering the school building unfit for school 57148
use, so long as the school was actually open for instruction with 57149
students in attendance during that school year for not less than 57150
the minimum number of hours required by this chapter. The 57151
department shall treat the school as if it were open for 57152
instruction with students in attendance during the hours or days 57153
waived under this division. 57154

~~(M)~~(I) The department of education shall reduce the amounts 57155
paid under ~~division (D)~~ of this section to reflect payments made 57156

to colleges under division (B) of section 3365.07 of the Revised Code or through alternative funding agreements entered into under rules adopted under section 3365.12 of the Revised Code.

~~(N)~~(J)(1) No student shall be considered enrolled in any internet- or computer-based community school or, if applicable to the student, in any community school that is required to provide the student with a computer pursuant to division (C) of section 3314.22 of the Revised Code, unless both of the following conditions are satisfied:

(a) The student possesses or has been provided with all required hardware and software materials and all such materials are operational so that the student is capable of fully participating in the learning opportunities specified in the contract between the school and the school's sponsor as required by division (A)(23) of section 3314.03 of the Revised Code;

(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student.

(2) In accordance with policies adopted jointly by the superintendent of public instruction and the auditor of state, the department shall reduce the amounts otherwise payable under division ~~(D)~~(C) of this section to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or services have not been provided according to the contract between the individual community school and its sponsor.

The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The superintendent, auditor of state, and the governor shall 57188
jointly make recommendations to the general assembly for 57189
legislative changes that may be required to assure fiscal and 57190
academic accountability for such schools. 57191

~~(O)~~(K)(1) If the department determines that a review of a 57192
community school's enrollment is necessary, such review shall be 57193
completed and written notice of the findings shall be provided to 57194
the governing authority of the community school and its sponsor 57195
within ninety days of the end of the community school's fiscal 57196
year, unless extended for a period not to exceed thirty additional 57197
days for one of the following reasons: 57198

(a) The department and the community school mutually agree to 57199
the extension. 57200

(b) Delays in data submission caused by either a community 57201
school or its sponsor. 57202

(2) If the review results in a finding that additional 57203
funding is owed to the school, such payment shall be made within 57204
thirty days of the written notice. If the review results in a 57205
finding that the community school owes moneys to the state, the 57206
following procedure shall apply: 57207

(a) Within ten business days of the receipt of the notice of 57208
findings, the community school may appeal the department's 57209
determination to the state board of education or its designee. 57210

(b) The board or its designee shall conduct an informal 57211
hearing on the matter within thirty days of receipt of such an 57212
appeal and shall issue a decision within fifteen days of the 57213
conclusion of the hearing. 57214

(c) If the board has enlisted a designee to conduct the 57215
hearing, the designee shall certify its decision to the board. The 57216
board may accept the decision of the designee or may reject the 57217
decision of the designee and issue its own decision on the matter. 57218

(d) Any decision made by the board under this division is 57219
final. 57220

(3) If it is decided that the community school owes moneys to 57221
the state, the department shall deduct such amount from the 57222
school's future payments in accordance with guidelines issued by 57223
the superintendent of public instruction. 57224

~~(P)~~(L) The department shall not subtract from a school 57225
district's state aid account ~~under division (C) of this section~~ 57226
and shall not pay to a community school under division ~~(D)~~(C) of 57227
this section any amount for any of the following: 57228

(1) Any student who has graduated from the twelfth grade of a 57229
public or nonpublic high school; 57230

(2) Any student who is not a resident of the state; 57231

(3) Any student who was enrolled in the community school 57232
during the previous school year when assessments were administered 57233
under section 3301.0711 of the Revised Code but did not take one 57234
or more of the assessments required by that section and was not 57235
excused pursuant to division (C)(1) or (3) of that section, unless 57236
the superintendent of public instruction grants the student a 57237
waiver from the requirement to take the assessment and a parent is 57238
not paying tuition for the student pursuant to section 3314.26 of 57239
the Revised Code. The superintendent may grant a waiver only for 57240
good cause in accordance with rules adopted by the state board of 57241
education. 57242

(4) Any student who has attained the age of twenty-two years, 57243
except for veterans of the armed services whose attendance was 57244
interrupted before completing the recognized twelve-year course of 57245
the public schools by reason of induction or enlistment in the 57246
armed forces and who apply for enrollment in a community school 57247
not later than four years after termination of war or their 57248
honorable discharge. If, however, any such veteran elects to 57249

enroll in special courses organized for veterans for whom tuition 57250
is paid under federal law, or otherwise, the department shall not 57251
subtract from a school district's state aid account ~~under division~~ 57252
~~(C) of this section~~ and shall not pay to a community school under 57253
division ~~(D)~~(C) of this section any amount for that veteran. 57254

Sec. 3314.082. A community school shall be considered a 57255
school district and its governing authority shall be considered a 57256
board of education for the purpose of applying to any state or 57257
federal agency for grants that a school district may receive under 57258
federal or state law or any appropriations act of the general 57259
assembly. The governing authority of a community school may apply 57260
to any private entity for additional funds. 57261

Sec. 3314.083. If the department of education pays a joint 57262
vocational school district under division ~~(G)(4)~~(C)(3) of section 57263
3317.16 of the Revised Code for excess costs of providing special 57264
education and related services to a student with a disability who 57265
is enrolled in a community school, as calculated under division 57266
~~(G)(2)~~(C)(1) of that section, the department shall deduct the 57267
amount of that payment from the amount calculated for payment to 57268
the community school under section 3314.08 of the Revised Code. 57269

Sec. 3314.084. (A) As used in this section: 57270

(1) "Formula ADM" has the same meaning as in section 3317.03 57271
of the Revised Code. 57272

(2) "Home" has the same meaning as in section 3313.64 of the 57273
Revised Code. 57274

(3) "School district of residence" has the same meaning as in 57275
section 3323.01 of the Revised Code; however, a community school 57276
established under this chapter is not a "school district of 57277
residence" for purposes of this section. 57278

(B) Notwithstanding anything to the contrary in section 57279
3314.08 or 3317.03 of the Revised Code, all of the following apply 57280
in the case of a child who is enrolled in a community school and 57281
is also living in a home: 57282

(1) For purposes of the report required under division (B)(1) 57283
of section 3314.08 of the Revised Code, the child's school 57284
district of residence, and not the school district in which the 57285
home that the child is living in is located, shall be considered 57286
to be the school district in which the child is entitled to attend 57287
school. That school district of residence, therefore, shall make 57288
the report required under division (B)(1) of section 3314.08 of 57289
the Revised Code with respect to the child. 57290

(2) For purposes of the report required under division (B)(2) 57291
of section 3314.08 of the Revised Code, the community school shall 57292
report the name of the child's school district of residence. 57293

(3) The child's school district of residence shall count the 57294
child in that district's formula ADM. 57295

(4) The school district in which the home that the child is 57296
living in is located shall not count the child in that district's 57297
formula ADM. 57298

(5) The ~~Department~~ department of ~~Education~~ education shall 57299
deduct the applicable amounts prescribed under division (C) of 57300
section 3314.08 ~~and division (D) of section 3314.13~~ of the Revised 57301
Code from the child's school district of residence and shall not 57302
deduct those amounts from the school district in which the home 57303
that the child is living in is located. 57304

(6) The ~~Department~~ department shall make the payments 57305
prescribed in ~~divisions (D) and (E)~~ division (C) of section 57306
3314.08 ~~and section 3314.13~~ of the Revised Code, as applicable, to 57307
the community school. 57308

Sec. 3314.086. A community school established under this 57309
chapter, including an internet- or computer-based community 57310
school, may provide career-technical education in the manner 57311
prescribed by section 3313.90 of the Revised Code. The community 57312
school may contract with any public agency, board, or bureau or 57313
with any private individual or firm for the purchase of any 57314
career-technical education or vocational rehabilitation service 57315
for any student enrolled in the community school and may pay for 57316
such services with funds received under section 3314.08 of the 57317
Revised Code. 57318

Sec. 3314.087. (A) As used in this section: 57319

(1) "Career-technical program" means ~~vocational~~ 57320
career-technical programs or classes described in division (A) ~~or~~ 57321
(B), (C), (D), or (E) of section 3317.014 of the Revised Code in 57322
which a student is enrolled. 57323

(2) "Formula ADM," "category one ~~or two~~ vocational through 57324
five career-technical education ADM," and "FTE basis" have the 57325
same meanings as in section 3317.02 of the Revised Code. 57326

(3) "Resident school district" means the city, exempted 57327
village, or local school district in which a student is entitled 57328
to attend school under section 3313.64 or 3313.65 of the Revised 57329
Code. 57330

(B) Notwithstanding anything to the contrary in this chapter 57331
or Chapter 3317. of the Revised Code, a student enrolled in a 57332
community school may simultaneously enroll in the career-technical 57333
program operated by the ~~student's resident school district~~ 57334
career-technical planning district to which the student's resident 57335
district belongs. On an FTE basis, the student's resident school 57336
district shall count the student in the category one ~~or two~~ 57337
vocational through five career-technical education ADM for the 57338

proportion of the time the student is enrolled in ~~the district's a~~ 57339
career-technical program of the career-technical planning district 57340
to which the student's resident district belongs and, accordingly, 57341
the department of education shall calculate funds under Chapter 57342
3317. for the resident district attributable to the student for 57343
the proportion of time the student attends the career-technical 57344
program. The community school shall count the student in its 57345
enrollment report under section 3314.08 of the Revised Code and 57346
shall report to the department the proportion of time that the 57347
student attends classes at the community school. The department 57348
shall pay the community school and deduct from the student's 57349
resident school district the amount computed for the student under 57350
section 3314.08 of the Revised Code in proportion to the fraction 57351
of the time on an FTE basis that the student attends classes at 57352
the community school. "Full-time equivalency" for a community 57353
school student, as defined in division ~~(L)~~(H) of section 3314.08 57354
of the Revised Code, does not apply to the student. 57355

Sec. 3314.091. (A) A school district is not required to 57356
provide transportation for any native student enrolled in a 57357
community school if the district board of education has entered 57358
into an agreement with the community school's governing authority 57359
that designates the community school as responsible for providing 57360
or arranging for the transportation of the district's native 57361
students to and from the community school. For any such agreement 57362
to be effective, it must be certified by the superintendent of 57363
public instruction as having met all of the following 57364
requirements: 57365

(1) It is submitted to the department of education by a 57366
deadline which shall be established by the department. 57367

(2) In accordance with divisions (C)(1) and (2) of this 57368
section, it specifies qualifications, such as residing a minimum 57369

distance from the school, for students to have their 57370
transportation provided or arranged. 57371

(3) The transportation provided by the community school is 57372
subject to all provisions of the Revised Code and all rules 57373
adopted under the Revised Code pertaining to pupil transportation. 57374

(4) The sponsor of the community school also has signed the 57375
agreement. 57376

(B)(1) For the school year that begins on July 1, 2007, a 57377
school district is not required to provide transportation for any 57378
native student enrolled in a community school, if the community 57379
school during the previous school year transported the students 57380
enrolled in the school or arranged for the students' 57381
transportation, even if that arrangement consisted of having 57382
parents transport their children to and from the school, but did 57383
not enter into an agreement to transport or arrange for 57384
transportation for those students under division (A) of this 57385
section, and if the governing authority of the community school by 57386
July 15, 2007, submits written notification to the district board 57387
of education stating that the governing authority is accepting 57388
responsibility for providing or arranging for the transportation 57389
of the district's native students to and from the community 57390
school. 57391

(2) ~~For~~ Except as provided in division (B)(4) of this 57392
section, for any school year subsequent to the school year that 57393
begins on July 1, 2007, a school district is not required to 57394
provide transportation for any native student enrolled in a 57395
community school if the governing authority of the community 57396
school, by the thirty-first day of January of the previous school 57397
year, submits written notification to the district board of 57398
education stating that the governing authority is accepting 57399
responsibility for providing or arranging for the transportation 57400
of the district's native students to and from the community 57401

school. If the governing authority of the community school has 57402
previously accepted responsibility for providing or arranging for 57403
the transportation of a district's native students to and from the 57404
community school, under division (B)(1) or (2) of this section, 57405
and has since relinquished that responsibility under division 57406
(B)(3) of this section, the governing authority shall not accept 57407
that responsibility again unless the district board consents to 57408
the governing authority's acceptance of that responsibility. 57409

(3) A governing authority's acceptance of responsibility 57410
under division (B)(1) or (2) of this section shall cover an entire 57411
school year, and shall remain in effect for subsequent school 57412
years unless the governing authority submits written notification 57413
to the district board that the governing authority is 57414
relinquishing the responsibility. However, a governing authority 57415
shall not relinquish responsibility for transportation before the 57416
end of a school year, and shall submit the notice relinquishing 57417
responsibility by the thirty-first day of January, in order to 57418
allow the school district reasonable time to prepare 57419
transportation for its native students enrolled in the school. 57420

(4)(a) For any school year that begins on or after July 1, 57421
2014, a school district is not required to provide transportation 57422
for any native student enrolled in a community school scheduled to 57423
open for operation in the current school year, if the governing 57424
authority of the community school, by the fifteenth day of April 57425
of the previous school year, submits written notification to the 57426
district board of education stating that the governing authority 57427
is accepting responsibility for providing or arranging for the 57428
transportation of the district's native students to and from the 57429
community school. 57430

(b) The governing authority of a community school that 57431
accepts responsibility for transporting its students under 57432
division (4)(a) of this section shall comply with divisions (B)(2) 57433

and (3) of this section to renew or relinquish that authority for 57434
subsequent school years. 57435

(C)(1) A community school governing authority that enters 57436
into an agreement under division (A) of this section, or that 57437
accepts responsibility under division (B) of this section, shall 57438
provide or arrange transportation free of any charge for each of 57439
its enrolled students who is required to be transported under 57440
section 3327.01 of the Revised Code or who would otherwise be 57441
transported by the school district under the district's 57442
transportation policy. The governing authority shall report to the 57443
department of education the number of students transported or for 57444
whom transportation is arranged under this section in accordance 57445
with rules adopted by the state board of education. 57446

(2) The governing authority may provide or arrange 57447
transportation for any other enrolled student who is not eligible 57448
for transportation in accordance with division (C)(1) of this 57449
section and may charge a fee for such service up to the actual 57450
cost of the service. 57451

(3) Notwithstanding anything to the contrary in division 57452
(C)(1) or (2) of this section, a community school governing 57453
authority shall provide or arrange transportation free of any 57454
charge for any disabled student enrolled in the school for whom 57455
the student's individualized education program developed under 57456
Chapter 3323. of the Revised Code specifies transportation. 57457

(D)(1) If a school district board and a community school 57458
governing authority elect to enter into an agreement under 57459
division (A) of this section, the department of education shall 57460
make payments to the community school according to the terms of 57461
the agreement for each student actually transported under division 57462
(C)(1) of this section. 57463

If a community school governing authority accepts 57464

transportation responsibility under division (B) of this section, 57465
the department shall make payments to the community school for 57466
each student actually transported or for whom transportation is 57467
arranged by the community school under division (C)(1) of this 57468
section, calculated as follows: 57469

(a) For any fiscal year which the general assembly has 57470
specified that transportation payments to school districts be 57471
based on an across-the-board percentage of the district's payment 57472
for the previous school year, the per pupil payment to the 57473
community school shall be the following quotient: 57474

(i) The total amount calculated for the school district in 57475
which the child is entitled to attend school for student 57476
transportation other than transportation of children with 57477
disabilities; divided by 57478

(ii) The number of students included in the district's 57479
transportation ADM for the current fiscal year, as reported under 57480
division (B)~~(13)~~(19) of section 3317.03 of the Revised Code, plus 57481
the number of students enrolled in the community school not 57482
counted in the district's transportation ADM who are transported 57483
under division (B)(1) or (2) of this section. 57484

(b) For any fiscal year which the general assembly has 57485
specified that the transportation payments to school districts be 57486
calculated in accordance with section 3317.0212 of the Revised 57487
Code and any rules of the state board of education implementing 57488
that section, the payment to the community school shall be the 57489
amount so calculated that otherwise would be paid to the school 57490
district in which the student is entitled to attend school by the 57491
method of transportation the district would have used. The 57492
community school, however, is not required to use the same method 57493
to transport that student. 57494

(c) Divisions (D)(1)(a) and (b) of this section do not apply 57495

to fiscal years 2012 and 2013. Rather, for each of those fiscal 57496
years, the per pupil payment to a community school for 57497
transporting a student shall be the total amount paid under former 57498
section 3306.12 of the Revised Code for fiscal year 2011 to the 57499
school district in which the child is entitled to attend school 57500
divided by that district's "qualifying ridership," as defined in 57501
that section for fiscal year 2011. 57502

As used in this division "entitled to attend school" means 57503
entitled to attend school under section 3313.64 or 3313.65 of the 57504
Revised Code. 57505

(2) The department shall deduct the payment under division 57506
(D)(1) of this section from the state education aid, as defined in 57507
section 3314.08 of the Revised Code, and, if necessary, the 57508
payment under sections 321.14 and 323.156 of the Revised Code, 57509
that is otherwise paid to the school district in which the student 57510
enrolled in the community school is entitled to attend school. The 57511
department shall include the number of the district's native 57512
students for whom payment is made to a community school under 57513
division (D)(1) of this section in the calculation of the 57514
district's transportation payment under section 3317.0212 of the 57515
Revised Code and the operating appropriations act. 57516

(3) A community school shall be paid under division (D)(1) of 57517
this section only for students who are eligible as specified in 57518
section 3327.01 of the Revised Code and division (C)(1) of this 57519
section, and whose transportation to and from school is actually 57520
provided, who actually utilized transportation arranged, or for 57521
whom a payment in lieu of transportation is made by the community 57522
school's governing authority. To qualify for the payments, the 57523
community school shall report to the department, in the form and 57524
manner required by the department, data on the number of students 57525
transported or whose transportation is arranged, the number of 57526
miles traveled, cost to transport, and any other information 57527

requested by the department. 57528

(4) A community school shall use payments received under this 57529
section solely to pay the costs of providing or arranging for the 57530
transportation of students who are eligible as specified in 57531
section 3327.01 of the Revised Code and division (C)(1) of this 57532
section, which may include payments to a parent, guardian, or 57533
other person in charge of a child in lieu of transportation. 57534

(E) Except when arranged through payment to a parent, 57535
guardian, or person in charge of a child, transportation provided 57536
or arranged for by a community school pursuant to an agreement 57537
under this section is subject to all provisions of the Revised 57538
Code, and all rules adopted under the Revised Code, pertaining to 57539
the construction, design, equipment, and operation of school buses 57540
and other vehicles transporting students to and from school. The 57541
drivers and mechanics of the vehicles are subject to all 57542
provisions of the Revised Code, and all rules adopted under the 57543
Revised Code, pertaining to drivers and mechanics of such 57544
vehicles. The community school also shall comply with sections 57545
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 57546
of section 3327.16 of the Revised Code and, subject to division 57547
(C)(1) of this section, sections 3327.01 and 3327.02 of the 57548
Revised Code, as if it were a school district. 57549

Sec. 3314.092. The governing authority or operator of a 57550
community school established under this chapter shall consult with 57551
each school district board of education that transports students 57552
to the community school under sections 3314.09 and 3327.01 of the 57553
Revised Code prior to making any change in the hours or days in 57554
which the community school is open for instruction. 57555

Sec. 3314.11. (A) The board of education of each city, 57556
exempted village, and local school district monthly shall review 57557

enrollment for students enrolled in community schools established 57558
under this chapter and entitled to attend school in the district 57559
under section 3313.64 or 3313.65 of the Revised Code. For each 57560
student, the district shall verify to the department of education 57561
both of the following: 57562

(1) The community school in which the student is enrolled; 57563

(2) That the student is entitled to attend school in the 57564
district under section 3313.64 or 3313.65 of the Revised Code. 57565

(B) For purposes of its initial reporting of the school 57566
districts its students are entitled to attend, the governing 57567
authority of a community school may adopt a policy that prescribes 57568
the number of documents listed in division (E) of this section 57569
required to verify a student's residency. This policy, if adopted, 57570
shall supersede any policy concerning the number of documents for 57571
initial residency verification adopted by the district the student 57572
is entitled to attend. If a community school does not adopt a 57573
policy under this division, the policy of the school district in 57574
which the student is entitled to attend shall prevail. 57575

(C) In making the determinations under this section, the 57576
school district in which a parent or child resides is the location 57577
the parent or student has established as the primary residence and 57578
where substantial family activity takes place. 57579

(D) If a district's determination under division (A) of this 57580
section of the school district a student is entitled to attend 57581
under section 3313.64 or 3313.65 of the Revised Code differs from 57582
a community school's determination under division (B) of this 57583
section, the community school shall provide the school district 57584
that made the determination under division (A) of this section 57585
with documentation of the student's residency and shall make a 57586
good faith effort to accurately identify the correct residence of 57587
the student. 57588

(E) For purposes of this section, the following documents may serve as evidence of primary residence:

(1) A deed, mortgage, lease, current home owner's or renter's insurance declaration page, or current real property tax bill;

(2) A utility bill or receipt of utility installation issued within ninety days of enrollment;

(3) A paycheck or paystub issued to the parent or student within ninety days of the date of enrollment that includes the address of the parent's or student's primary residence;

(4) The most current available bank statement issued to the parent or student that includes the address of the parent's or student's primary residence;

(5) Any other official document issued to the parent or student that includes the address of the parent's or student's primary residence. The superintendent of public instruction shall develop guidelines for determining what qualifies as an "official document" under this division.

(F) When a student loses permanent housing and becomes a homeless child or youth, as defined in 42 U.S.C. 11434a, or when a child who is such a homeless child or youth changes temporary living arrangements, the district in which the student is entitled to attend school shall be determined in accordance with division (F)(13) of section 3313.64 of the Revised Code and the "McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et seq.

(G) In the event of a disagreement as to which school district a student is entitled to attend, the community school, after complying with division (D) of this section, but not more than sixty days after the monthly deadline established by the department of education for reporting of community school enrollment, may present the matter to the superintendent of public instruction. Not later than thirty days after the community school

presents the matter, the state superintendent, or the state 57620
superintendent's designee, shall determine which district the 57621
student is entitled to attend and shall direct any necessary 57622
adjustments to payments and deductions under ~~sections~~ section 57623
3314.08 ~~and 3314.13~~ of the Revised Code based on that 57624
determination. 57625

Sec. 3314.26. (A) Each internet- or computer-based community 57626
school shall withdraw from the school any student who, for two 57627
consecutive school years, has failed to participate in the spring 57628
administration of any assessment prescribed under section 57629
3301.0710 or 3301.0712 of the Revised Code for the student's grade 57630
level and was not excused from the assessment pursuant to division 57631
(C)(1) or (3) of section 3301.0711 of the Revised Code, regardless 57632
of whether a waiver was granted for the student under division 57633
~~(P)~~(L)(3) of section 3314.08 of the Revised Code. The school shall 57634
report any such student's data verification code, as assigned 57635
pursuant to section 3301.0714 of the Revised Code, to the 57636
department of education. The department shall maintain a list of 57637
all data verification codes reported under this division and 57638
section 3313.6410 of the Revised Code and provide that list to 57639
each internet- or computer-based community school and to each 57640
school to which section 3313.6410 of the Revised Code applies. 57641

(B) No internet- or computer-based community school shall 57642
receive any state funds under this chapter for any enrolled 57643
student whose data verification code appears on the list 57644
maintained by the department under division (A) of this section. 57645

Notwithstanding any provision of the Revised Code to the 57646
contrary, the parent of any such student shall pay tuition to the 57647
internet- or computer-based community school in an amount equal to 57648
the state funds the school otherwise would receive for that 57649
student, as determined by the department. An internet- or 57650

computer-based community school may withdraw any student for whom 57651
the parent does not pay tuition as required by this division. 57652

Sec. 3314.261. A student shall be considered continuously 57653
enrolled for purposes of the administration of state assessments 57654
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 57655
if the student transfers from an internet or computer-based 57656
community school to another internet or computer-based community 57657
school that is managed by the same operator. 57658

Sec. 3314.29. (A) Notwithstanding anything in this chapter to 57659
the contrary, an internet- or computer-based community school may 57660
divide into two separate internet- or computer-based community 57661
schools by grade level, if all of the following apply: 57662

(1) The school was in operation on or before the effective 57663
date of this section. 57664

(2) The school offers at least grades one through eight. 57665

(3) The sponsor of the school approves dividing the school 57666
into two separate schools under this section. 57667

(4) The school exercises the option to divide into two 57668
separate schools under this section during either the 2013-2014 or 57669
2014-2015 school year. 57670

(5) Either of the following applies: 57671

(a) For a school that divides into separate schools in the 57672
2013-2014 school year, the school is rated in continuous 57673
improvement or higher for the 2011-2012 school year on the report 57674
cards issued under section 3302.03 of the Revised Code as that 57675
section existed prior to March 22, 2013, and the school receives a 57676
grade of "C" or higher on its performance index score under 57677
division (A)(1)(b) of section 3302.03 of the Revised Code for the 57678
report cards issued for the 2012-2013 school year. 57679

(b) For a school that divides into separate schools in the 2013-2014 school year, the school receives a grade of "C" or higher on its performance index score under divisions (A)(1)(b) and (B)(1)(b) of section 3302.03 of the Revised Code on the report cards issued for both the 2012-2013 and 2013-2014 school years.

(B) No school may exercise the option under this section after the 2014-2015 school year. However, the authority of a school that has exercised the option under this section to operate separately as two schools continues for all subsequent school years in which the schools are in operation.

(C) If a school divides into separate schools under this section, the accountability data of the original school, including report card ratings under section 3302.03 of the Revised Code, shall continue to apply to the applicable grade levels of the new schools.

(D) The resulting two schools from a separation under this section shall not add additional grade levels at any time during either school's operation.

(E) An internet- or computer-based community school created under this section shall not count toward the annual limit on new internet- or computer-based community schools prescribed by division (B) of section 3314.013 of the Revised Code.

Sec. 3314.35. (A)(1) Except as provided in division (A)(4) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2009, but before July 1, 2011:

(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.

(b) The school satisfies all of the following conditions:	57710
(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.	57711 57712
(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.	57713 57714 57715
(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department of education in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.	57716 57717 57718 57719 57720
(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.	57721 57722 57723 57724
(2) Except as provided in division (A)(4) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2011, but before July 1, 2013:	57725 57726 57727
(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.	57728 57729 57730 57731
(b) The school satisfies all of the following conditions:	57732
(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.	57733 57734
(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.	57735 57736 57737
(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth	57738 57739

in either reading or mathematics, as determined by the department 57740
in accordance with rules adopted under division (A) of section 57741
3302.021 of the Revised Code. 57742

(c) The school offers any of grade levels ten to twelve and 57743
has been declared to be in a state of academic emergency under 57744
section 3302.03 of the Revised Code for two of the three most 57745
recent school years. 57746

(3) Except as provided in division (A)(4) of this section, 57747
this section applies to any community school that meets one of the 57748
following criteria on or after July 1, 2013: 57749

(a) The school does not offer a grade level higher than three 57750
and, for two of the three most recent school years, satisfies any 57751
of the following criteria: 57752

(i) The school has been declared to be in a state of academic 57753
emergency under section 3302.03 of the Revised Code, as it existed 57754
prior to ~~the effective date of this amendment~~ March 22, 2013; 57755

(ii) The school has received a grade of "F" in improving 57756
literacy in grades kindergarten through three under division 57757
(B)(1)(j) or (C)(1)(k) of section 3302.03 of the Revised Code; 57758

(iii) The school has received an overall grade of "F" under 57759
division (C) of section 3302.03 of the Revised Code. 57760

(b) The school offers any of grade levels four to eight but 57761
does not offer a grade level higher than nine and, for two of the 57762
three most recent school years, satisfies any of the following 57763
criteria: 57764

(i) The school has been declared to be in a state of academic 57765
emergency under section 3302.03 of the Revised Code, as it existed 57766
prior to ~~the effective date of this amendment~~ March 22, 2013, and 57767
the school showed less than one standard year of academic growth 57768
in either reading or mathematics, as determined by the department 57769

in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code; 57770
57771

(ii) The school has received a grade of "F" for the 57772
performance index score under division (A)(1)(b), (B)(1)(b), or 57773
(C)(1)(b) and a grade of "F" for the value-added progress 57774
dimension under division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of 57775
section 3302.03 of the Revised Code; 57776

(iii) The school has received an overall grade of "F" under 57777
division (C) and a grade of "F" for the value-added progress 57778
dimension under division (C)(1)(e) of section 3302.03 of the 57779
Revised Code. 57780

(c) The school offers any of grade levels ten to twelve and, 57781
for two of the three most recent school years, satisfies any of 57782
the following criteria: 57783

(i) The school has been declared to be in a state of academic 57784
emergency under section 3302.03 of the Revised Code, as it existed 57785
prior to ~~the effective date of this amendment~~ March 22, 2013; 57786

(ii) The school has received a grade of "F" for the 57787
performance index score under division (A)(1)(b), (B)(1)(b), or 57788
(C)(1)(b) and has not met annual measurable objectives under 57789
division (A)(1)(a), (B)(1)(a), or (C)(1)(a) of section 3302.03 of 57790
the Revised Code; 57791

(iii) The school has received an overall grade of "F" under 57792
division (C) and a grade of "F" for the value-added progress 57793
dimension under division (C)(1)(e) of section 3302.03 of the 57794
Revised Code. 57795

For purposes of division (A)(3) of this section only, the 57796
value-added progress dimension for a community school shall be 57797
calculated using assessment scores for only those students to whom 57798
the school has administered the achievement assessments prescribed 57799
by section 3301.0710 of the Revised Code for at least the two most 57800

recent school years. 57801

(4) This section does not apply to either of the following: 57802

(a) Any community school in which a majority of the students 57803
are enrolled in a dropout prevention and recovery program that is 57804
operated by the school. Rather, such schools shall be subject to 57805
closure only as provided in section 3314.351 of the Revised Code. 57806
However, prior to July 1, 2014, a community school in which a 57807
majority of the students are enrolled in a dropout prevention and 57808
recovery program shall be exempt from this section only if it has 57809
been granted a waiver under section 3314.36 of the Revised Code. 57810

(b) Any community school in which a majority of the enrolled 57811
students are children with disabilities receiving special 57812
education and related services in accordance with Chapter 3323. of 57813
the Revised Code. 57814

(B) Any community school to which this section applies shall 57815
permanently close at the conclusion of the school year in which 57816
the school first becomes subject to this section. The sponsor and 57817
governing authority of the school shall comply with all procedures 57818
for closing a community school adopted by the department under 57819
division (E) of section 3314.015 of the Revised Code. The 57820
governing authority of the school shall not enter into a contract 57821
with any other sponsor under section 3314.03 of the Revised Code 57822
after the school closes. 57823

(C) In accordance with division (B) of section 3314.012 of 57824
the Revised Code, the department shall not consider the 57825
performance ratings assigned to a community school for its first 57826
two years of operation when determining whether the school meets 57827
the criteria prescribed by division (A)(1) or (2) of this section. 57828

Sec. 3315.07. (A) The board of education of each ~~city and~~ 57829
~~exempted village~~ school district may provide an instructional 57830

program for the employees of the district. The board may provide 57831
the necessary bulletins and instructional material in connection 57832
with the program and pay the cost of meetings held for the purpose 57833
of carrying out the program. 57834

(B) The board of any district or educational service center 57835
may provide bulletins or other materials necessary for the 57836
effective administration of the schools of ~~such the~~ the district or 57837
programs of the educational service center and may compile, make 57838
available, or publish any of the following materials not 57839
inconsistent with division (C) of this section: student handbooks, 57840
dress codes, curriculum guides, school policy bulletins, 57841
newsletters, board meeting summaries or minutes, financial 57842
reports, annual reports, and other reports concerning the 57843
operation of the schools of the district or programs of the 57844
service center. Such materials shall be published for the purpose 57845
of furthering public awareness of all aspects of the board's 57846
educational program and operation including: 57847

(1) Board policies and actions, procedures, administration 57848
and finance, and state and federal requirements; 57849

(2) The board's programs, activities, and plans; 57850

(3) Student achievements and information concerning 57851
employees; 57852

(4) Any other information the board considers helpful in 57853
keeping students, parents, employees, and residents aware of the 57854
operation of the school district. The board may assign to 57855
employees the duty of producing the information authorized by this 57856
division as a part or all of their jobs. 57857

(C)(1) Except as otherwise provided in division (C)(2) of 57858
this section, no board of education shall use public funds to 57859
support or oppose the passage of a school levy or bond issue or to 57860
compensate any school district employee for time spent on any 57861

activity intended to influence the outcome of a school levy or 57862
bond issue election. 57863

(2) A board of education may permit any of its employees to 57864
attend a public meeting during ~~his~~ the employee's regular working 57865
hours for the purpose of presenting information about school 57866
finances and activities and board actions, even if the purpose of 57867
the meeting is to discuss or debate the passage of a school levy 57868
or bond issue. 57869

(D) ~~Boards~~ The board of education of ~~local a~~ school ~~districts~~ 57870
~~and, subject to approval by the educational service center~~ 57871
~~governing board, boards of city and exempted village school~~ 57872
~~districts located in whole or in part in the territory of~~ district 57873
that has entered into an agreement under section 3313.843 or 57874
3313.845 of the Revised Code to receive any services from an 57875
educational service center may authorize ~~educational~~ the service 57876
center ~~governing boards~~ to purchase or to accept upon donation 57877
supplies and equipment for such school ~~districts~~ district and to 57878
pay the transportation, handling, and storage charges involved in 57879
securing such supplies and equipment. Upon such authorization, the 57880
governing board may make such purchases or accept such donations 57881
and pay from the service center fund the cost of such supplies and 57882
equipment and the transportation, handling, and storage charges 57883
involved. ~~Boards~~ The district board shall reimburse in full the 57884
service center governing board for all such expenditures on ~~their~~ 57885
its behalf. 57886

Sec. 3315.33. There is hereby established a fund to be known 57887
as the Ohio scholarship fund for teacher trainees for the public 57888
purpose of relieving the existing teacher shortage in public 57889
schools, to be administered and expended as prescribed in sections 57890
3315.33 to 3315.35 of the Revised Code. Appropriations by the 57891
general assembly for the purpose of scholarships for teacher 57892

trainees shall be paid into this fund. 57893

Each scholarship for a teacher trainee shall have a maximum 57894
value of five hundred dollars annually and shall be awarded as 57895
follows: 57896

(A) The state board of education shall prescribe standards 57897
and requirements which shall be met by persons who are eligible 57898
for such scholarships. Scholarships shall be allocated among the 57899
counties of the state on an equitable basis by the state board of 57900
education, provided that not less than three such scholarships 57901
shall be available annually to residents of each county of the 57902
state. If, on the first day of September in each year, the state 57903
board of education finds that the number of eligible persons 57904
recommended from any county is less than the number of 57905
scholarships allocated to that county, it may reallocate the 57906
remaining scholarships among the counties in which the number of 57907
eligible persons exceeds the number of scholarships allocated. 57908
Such reallocation as may affect a county in one year shall not 57909
prejudice in any way the allocation to it in succeeding years. 57910

(B) In accordance with the requirements of sections 3315.33, 57911
3315.34, and 3315.35 of the Revised Code, the educational service 57912
center superintendent in each educational service center as 57913
committee chairperson shall appoint a committee consisting of one 57914
~~city or exempted village~~ high school principal, one elementary 57915
school principal, and one ~~city or exempted village~~ classroom 57916
teacher. This committee shall select and recommend, on the basis 57917
of merit, a number of high school graduates, not to exceed the 57918
number allocated to each county by the state board of education, 57919
who are interested in teaching and whose work and qualifications 57920
are such as to indicate that they possess the qualities which 57921
should be possessed by a successful teacher. Such persons shall 57922
not have previously been enrolled in any college of education or 57923
have majored in education in any college or university. Such other 57924

college training shall be considered in determining such person's 57925
qualifications to become a successful teacher. 57926

(C) The scholarship fund for teacher trainees shall be 57927
disbursed to scholarship holders upon their application as 57928
approved by the state board of education upon vouchers for that 57929
purpose. Such scholarships shall be paid in equal installments at 57930
the beginning of each quarter or semester while college is in 57931
session to each person who has been awarded such a scholarship 57932
when the following requirements are met: 57933

(1) Such person shall be a bona fide student in the college 57934
of education or department of teacher training in an Ohio 57935
institution of higher learning. 57936

(2) Such person shall pursue a course of study in elementary 57937
education in said college of education or department of teacher 57938
training approved by the state board of education. 57939

Sec. 3315.40. The board of education of a city, local, 57940
exempted village, or joint vocational school district or the 57941
governing board of any educational service center may establish an 57942
education foundation fund. Moneys in the fund shall consist of 57943
proceeds paid into the fund under division (B) of section 3313.36 57944
of the Revised Code. In addition, by resolution adopted by a 57945
majority of its members, a city, local, exempted village, or joint 57946
vocational board may annually direct the school district treasurer 57947
to pay into the education foundation fund an amount from the 57948
school district general fund not to exceed one-half of one per 57949
cent of the total appropriations of the school district as 57950
estimated by the board at the time the resolution is adopted or as 57951
set forth in the annual appropriation measure as most recently 57952
amended or supplemented; and any governing board, by resolution 57953
adopted by a majority of its members, may annually direct the 57954
service center treasurer to pay into the education foundation fund 57955

an amount not to exceed one-half of one per cent of the funds 57956
received by the governing board pursuant to an agreement entered 57957
into under section ~~3317.11~~ 3313.843 or 3313.845 of the Revised 57958
Code. 57959

Income from the investment of moneys in the fund shall be 57960
paid into the fund. A board, by resolution adopted by a majority 57961
of its members, may accept a trust created under section 3315.41 57962
of the Revised Code for the investment of money in the educational 57963
foundation fund and direct the school district or service center 57964
treasurer to pay to the trustee, the initial trust principal 57965
contemplated by the instrument creating the trust. A board that 57966
has accepted a trust created under section 3315.41 of the Revised 57967
Code may do any of the following by resolution adopted by a 57968
majority of its members: direct the school district or service 57969
center treasurer to pay additional amounts to the trust principal, 57970
amend the trust, revoke the trust, or provide for payment of 57971
compensation to the trustee. 57972

Moneys in the fund shall be expended only by resolution 57973
adopted by a majority of the members of the board for operating or 57974
capital costs of any existing or new and innovative program 57975
designed to enhance or promote education within the district or 57976
service center, such as scholarships for students or teachers. 57977

A board of education or governing board may appoint a 57978
committee of administrators to administer the education foundation 57979
fund and to make recommendations for the use of the fund. Members 57980
of the committee shall serve at the discretion of the appointing 57981
board. Members shall receive no compensation, but may be 57982
reimbursed for actual and necessary expenses incurred in the 57983
performance of their official duties. 57984

Sec. 3315.42. Sections 3315.40 and 3315.41 of the Revised 57985
Code do not apply to either of the following: 57986

(A) A school district that has received funds for a project 57987
under Chapter 3318. of the Revised Code, so long as the purchase 57988
price to be paid by the board for the state's interest in the 57989
project has not been paid; 57990

(B) A school district that has an outstanding loan under 57991
section 3313.483 ~~or sections 3317.62 to 3317.64~~ of the Revised 57992
Code. 57993

Sec. 3316.041. (A) Notwithstanding any provision of Chapter 57994
133. or sections 3313.483 to ~~3313.4811~~ 3313.4810 of the Revised 57995
Code, and subject to the approval of the superintendent of public 57996
instruction, a school district that is in a state of fiscal watch 57997
declared under section 3316.03 of the Revised Code may restructure 57998
or refinance loans obtained or in the process of being obtained 57999
under section 3313.483 of the Revised Code if all of the following 58000
requirements are met: 58001

(1) The operating deficit certified for the school district 58002
for the current or preceding fiscal year under section 3313.483 of 58003
the Revised Code exceeds fifteen per cent of the district's 58004
general revenue fund for the fiscal year preceding the year for 58005
which the certification of the operating deficit is made. 58006

(2) The school district voters have, during the period of the 58007
fiscal watch, approved the levy of a tax under section 718.09, 58008
718.10, 5705.194, 5705.21, 5748.02, or 5748.09 of the Revised Code 58009
that is not a renewal or replacement levy, or a levy under section 58010
5705.199 of the Revised Code, and that will provide new operating 58011
revenue. 58012

(3) The board of education of the school district has adopted 58013
or amended the financial plan required by section 3316.04 of the 58014
Revised Code to reflect the restructured or refinanced loans, and 58015
sets forth the means by which the district will bring projected 58016
operating revenues and expenditures, and projected debt service 58017

obligations, into balance for the life of any such loan. 58018

(B) Subject to the approval of the superintendent of public 58019
instruction, the school district may issue securities to evidence 58020
the restructuring or refinancing authorized by this section. Such 58021
securities may extend the original period for repayment not to 58022
exceed ten years, and may alter the frequency and amount of 58023
repayments, interest or other financing charges, and other terms 58024
or agreements under which the loans were originally contracted, 58025
provided the loans received under sections 3313.483 of the Revised 58026
Code are repaid from funds the district would otherwise receive 58027
under Chapter 3317. of the Revised Code, as required under 58028
division (E)(3) of section 3313.483 of the Revised Code. 58029
Securities issued for the purpose of restructuring or refinancing 58030
under this section shall be repaid in equal payments and at equal 58031
intervals over the term of the debt and are not eligible to be 58032
included in any subsequent proposal to restructure or refinance. 58033

(C) Unless the district is declared to be in a state of 58034
fiscal emergency under division (D) of section 3316.04 of the 58035
Revised Code, a school district shall remain in a state of fiscal 58036
watch for the duration of the repayment period of any loan 58037
restructured or refinanced under this section. 58038

Sec. 3316.06. (A) Within one hundred twenty days after the 58039
first meeting of a school district financial planning and 58040
supervision commission, the commission shall adopt a financial 58041
recovery plan regarding the school district for which the 58042
commission was created. During the formulation of the plan, the 58043
commission shall seek appropriate input from the school district 58044
board and from the community. This plan shall contain the 58045
following: 58046

(1) Actions to be taken to: 58047

(a) Eliminate all fiscal emergency conditions declared to 58048

exist pursuant to division (B) of section 3316.03 of the Revised Code; 58049
58050

(b) Satisfy any judgments, past-due accounts payable, and all past-due and payable payroll and fringe benefits; 58051
58052

(c) Eliminate the deficits in all deficit funds, except that any prior year deficits in the capital and maintenance fund established pursuant to section 3315.18 of the Revised Code shall be forgiven; 58053
58054
58055
58056

(d) Restore to special funds any moneys from such funds that were used for purposes not within the purposes of such funds, or borrowed from such funds by the purchase of debt obligations of the school district with the moneys of such funds, or missing from the special funds and not accounted for, if any; 58057
58058
58059
58060
58061

(e) Balance the budget, avoid future deficits in any funds, and maintain on a current basis payments of payroll, fringe benefits, and all accounts; 58062
58063
58064

(f) Avoid any fiscal emergency condition in the future; 58065

(g) Restore the ability of the school district to market long-term general obligation bonds under provisions of law applicable to school districts generally. 58066
58067
58068

(2) The management structure that will enable the school district to take the actions enumerated in division (A)(1) of this section. The plan shall specify the level of fiscal and management control that the commission will exercise within the school district during the period of fiscal emergency, and shall enumerate respectively, the powers and duties of the commission and the powers and duties of the school board during that period. The commission may elect to assume any of the powers and duties of the school board it considers necessary, including all powers related to personnel, curriculum, and legal issues in order to successfully implement the actions described in division (A)(1) of 58069
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this section. 58080

(3) The target dates for the commencement, progress upon, and 58081
completion of the actions enumerated in division (A)(1) of this 58082
section and a reasonable period of time expected to be required to 58083
implement the plan. The commission shall prepare a reasonable time 58084
schedule for progress toward and achievement of the requirements 58085
for the plan, and the plan shall be consistent with that time 58086
schedule. 58087

(4) The amount and purpose of any issue of debt obligations 58088
that will be issued, together with assurances that any such debt 58089
obligations that will be issued will not exceed debt limits 58090
supported by appropriate certifications by the fiscal officer of 58091
the school district and the county auditor. Debt obligations 58092
issued pursuant to section 133.301 of the Revised Code shall 58093
include assurances that such debt shall be in an amount not to 58094
exceed the amount certified under division (B) of such section. If 58095
the commission considers it necessary in order to maintain or 58096
improve educational opportunities of pupils in the school 58097
district, the plan may include a proposal to restructure or 58098
refinance outstanding debt obligations incurred by the board under 58099
section 3313.483 of the Revised Code contingent upon the approval, 58100
during the period of the fiscal emergency, by district voters of a 58101
tax levied under section 718.09, 718.10, 5705.194, 5705.21, 58102
5748.02, 5748.08, or 5748.09 of the Revised Code that is not a 58103
renewal or replacement levy, or a levy under section 5705.199 of 58104
the Revised Code, and that will provide new operating revenue. 58105
Notwithstanding any provision of Chapter 133. or sections 3313.483 58106
to ~~3313.4811~~ 3313.4810 of the Revised Code, following the required 58107
approval of the district voters and with the approval of the 58108
commission, the school district may issue securities to evidence 58109
the restructuring or refinancing. Those securities may extend the 58110
original period for repayment, not to exceed ten years, and may 58111

alter the frequency and amount of repayments, interest or other 58112
financing charges, and other terms of agreements under which the 58113
debt originally was contracted, at the discretion of the 58114
commission, provided that any loans received pursuant to section 58115
3313.483 of the Revised Code shall be paid from funds the district 58116
would otherwise receive under Chapter 3317. of the Revised Code, 58117
as required under division (E)(3) of section 3313.483 of the 58118
Revised Code. The securities issued for the purpose of 58119
restructuring or refinancing the debt shall be repaid in equal 58120
payments and at equal intervals over the term of the debt and are 58121
not eligible to be included in any subsequent proposal for the 58122
purpose of restructuring or refinancing debt under this section. 58123

(5) An evaluation of the feasibility of entering into shared 58124
services agreements with other political subdivisions for the 58125
joint exercise of any power, performance of any function, or 58126
rendering of any service, if so authorized by statute. 58127

(B) Any financial recovery plan may be amended subsequent to 58128
its adoption. Each financial recovery plan shall be updated 58129
annually. 58130

(C) Each school district financial planning and supervision 58131
commission shall submit the financial recovery plan it adopts or 58132
updates under this section to the state superintendent of public 58133
instruction for approval immediately following its adoption or 58134
updating. The state superintendent shall evaluate the plan and 58135
either approve or disapprove it within thirty calendar days from 58136
the date of its submission. If the plan is disapproved, the state 58137
superintendent shall recommend modifications that will render it 58138
acceptable. No financial planning and supervision commission shall 58139
implement a financial recovery plan that is adopted or updated on 58140
or after April 10, 2001, unless the state superintendent has 58141
approved it. 58142

Sec. 3317.01. As used in this section, "school district," 58143
unless otherwise specified, means any city, local, exempted 58144
village, joint vocational, or cooperative education school 58145
district and any educational service center. 58146

This chapter shall be administered by the state board of 58147
education. The superintendent of public instruction shall 58148
calculate the amounts payable to each school district and shall 58149
certify the amounts payable to each eligible district to the 58150
treasurer of the district as provided by this chapter. As soon as 58151
possible after such amounts are calculated, the superintendent 58152
shall certify to the treasurer of each school district the 58153
district's adjusted charge-off increase, as defined in section 58154
5705.211 of the Revised Code. Certification of moneys pursuant to 58155
this section shall include the amounts payable to each school 58156
building, at a frequency determined by the superintendent, for 58157
each subgroup of students, as defined in section 3317.40 of the 58158
Revised Code, receiving services, provided for by state funding, 58159
from the district or school. No moneys shall be distributed 58160
pursuant to this chapter without the approval of the controlling 58161
board. 58162

The state board of education shall, in accordance with 58163
appropriations made by the general assembly, meet the financial 58164
obligations of this chapter. 58165

Moneys distributed pursuant to this chapter shall be 58166
calculated and paid on a fiscal year basis, beginning with the 58167
first day of July and extending through the thirtieth day of June. 58168
The moneys appropriated for each fiscal year shall be distributed 58169
periodically to each school district unless otherwise provided 58170
for. The state board, in June of each year, shall submit to the 58171
controlling board the state board's year-end distributions 58172
pursuant to this chapter. 58173

Payments shall be calculated to reflect the biannual reporting of average daily membership. Annualized periodic payments for each school district shall be based on the district's final student counts verified by the superintendent of public instruction based on reports under section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section, as follows:

the sum of one-half of the number of students verified and adjusted for the first full week in October plus one-half of the average of the numbers verified and adjusted for the first full week in October and for the first full week in February

Except as otherwise provided, payments under this chapter shall be made only to those school districts in which:

(A) The school district, except for any educational service center and any joint vocational or cooperative education school district, levies for current operating expenses at least twenty mills. Levies for joint vocational or cooperative education school districts or county school financing districts, limited to or to the extent apportioned to current expenses, shall be included in this qualification requirement. School district income tax levies under Chapter 5748. of the Revised Code, limited to or to the extent apportioned to current operating expenses, shall be included in this qualification requirement to the extent determined by the tax commissioner under division (D) of section 3317.021 of the Revised Code.

(B) The school year next preceding the fiscal year for which such payments are authorized meets the requirement of section 3313.48 ~~or 3313.481~~ of the Revised Code, with regard to the minimum number of ~~days or~~ hours school must be open for instruction with pupils in attendance, for individualized parent-teacher conference and reporting periods, and for professional meetings of teachers. ~~This requirement shall be~~

~~waived by the superintendent of public instruction if it had been 58206
necessary for a school to be closed because of disease epidemic, 58207
hazardous weather conditions, law enforcement emergencies, 58208
inoperability of school buses or other equipment necessary to the 58209
school's operation, damage to a school building, or other 58210
temporary circumstances due to utility failure rendering the 58211
school building unfit for school use, provided that for those 58212
school districts operating pursuant to section 3313.48 of the 58213
Revised Code the number of days the school was actually open for 58214
instruction with pupils in attendance and for individualized 58215
parent teacher conference and reporting periods is not less than 58216
one hundred seventy five, or for those school districts operating 58217
on a trimester plan the number of days the school was actually 58218
open for instruction with pupils in attendance not less than 58219
seventy nine days in any trimester, for those school districts 58220
operating on a quarterly plan the number of days the school was 58221
actually open for instruction with pupils in attendance not less 58222
than fifty nine days in any quarter, or for those school districts 58223
operating on a pentamester plan the number of days the school was 58224
actually open for instruction with pupils in attendance not less 58225
than forty four days in any pentamester. 58226~~

A school district shall not be considered to have failed to 58227
comply with this division ~~or section 3313.481 of the Revised Code~~ 58228
because schools were open for instruction but either twelfth grade 58229
students were excused from attendance for up to the equivalent of 58230
three school days or only a portion of the kindergarten students 58231
were in attendance for up to the equivalent of three school days 58232
in order to allow for the gradual orientation to school of such 58233
students. 58234

~~The superintendent of public instruction shall waive the 58235
requirements of this section with reference to the minimum number 58236
of days or hours school must be in session with pupils in 58237~~

~~attendance for the school year succeeding the school year in which 58238
a board of education initiates a plan of operation pursuant to 58239
section 3313.481 of the Revised Code. The minimum requirements of 58240
this section shall again be applicable to such a district 58241
beginning with the school year commencing the second July 58242
succeeding the initiation of one such plan, and for each school 58243
year thereafter. 58244~~

~~A school district shall not be considered to have failed to 58245
comply with this division or section 3313.48 or 3313.481 of the 58246
Revised Code because schools were open for instruction but the 58247
length of the regularly scheduled school day, for any number of 58248
days during the school year, was reduced by not more than two 58249
hours due to hazardous weather conditions. 58250~~

~~A board of education or governing board of an educational 58251
service center which has not conformed with other law and the 58252
rules pursuant thereto, shall not participate in the distribution 58253
of funds authorized by this chapter, except for good and 58254
sufficient reason established to the satisfaction of the state 58255
board of education and the state controlling board. 58256~~

~~All funds allocated to school districts under this chapter, 58257
except those specifically allocated for other purposes, shall be 58258
used to pay current operating expenses only. 58259~~

~~**Sec. 3317.013.** Except for a preschool child with a disability 58260
for whom a scholarship has been awarded under section 3310.41 of 58261
the Revised Code, this section does not apply to preschool 58262
children with disabilities. 58263~~

~~Analysis of special education cost data has resulted in a 58264
finding that the average special education additional cost per 58265
pupil, including the costs of related services, can be expressed 58266
as a multiple of the formula amount. The multiples amounts for the 58267
following categories of special education programs, as these 58268~~

programs are defined for purposes of Chapter 3323. of the Revised Code, ~~and adjusted as provided in this section,~~ are as follows:

(A) ~~A multiple of 0.2906~~ An amount of \$1,503, in fiscal year 2014, or \$1,517, in fiscal year 2015, for ~~students~~ each student whose primary or only identified disability is a speech and language disability, as this term is defined pursuant to Chapter 3323. of the Revised Code;

(B) ~~A multiple of 0.7374~~ An amount of \$3,813, in fiscal year 2014, or \$3,849, in fiscal year 2015, for ~~students~~ each student identified as specific learning disabled or developmentally disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code, ~~or~~ identified as having an other health impairment-minor, or identified as a preschool child who is developmentally delayed;

(C) ~~A multiple of 1.7716~~ An amount of \$9,160, in fiscal year 2014, or \$9,248, in fiscal year 2015, for ~~students~~ each student identified as hearing disabled or severe behavior disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code;

(D) ~~A multiple of 2.3643~~ An amount of \$12,225, in fiscal year 2014, or \$12,342, in fiscal year 2015, for ~~students~~ each student identified as vision impaired, as this term is defined pursuant to Chapter 3323. of the Revised Code, or as having an other health impairment-major;

(E) ~~A multiple of 3.2022~~ An amount of \$16,557, in fiscal year 2014, or \$16,715, in fiscal year 2015, for ~~students~~ each student identified as orthopedically disabled or as having multiple disabilities, as these terms are defined pursuant to Chapter 3323. of the Revised Code;

(F) ~~A multiple of 4.7205~~ An amount of \$24,407, in fiscal year 2014, or \$24,641, in fiscal year 2015, for ~~students~~ each student

identified as autistic, having traumatic brain injuries, or as 58300
both visually and hearing impaired, as these terms are defined 58301
pursuant to Chapter 3323. of the Revised Code. 58302

~~In fiscal years 2008, 2009, 2010, 2011, 2012, and 2013, the 58303
multiples specified in divisions (A) to (F) of this section shall 58304
be adjusted by multiplying them by 0.90. 58305~~

Sec. 3317.014. The career-technical education additional 58306
amount per pupil for each student enrolled in career-technical 58307
education programs approved by the department of education in 58308
accordance with rules adopted under section 3313.90 of the Revised 58309
Code shall be as follows: 58310

(A) An amount of \$4,336, in fiscal year 2014, or \$4,408, in 58311
fiscal year 2015, for each student enrolled in career-technical 58312
education workforce development programs in environmental and 58313
agricultural systems, construction technologies, engineering and 58314
science technologies, finance, health science, information 58315
technology, and manufacturing technologies; 58316

(B) An amount of \$3,907, in fiscal year 2014, or \$3,944, in 58317
fiscal year 2015, for each student enrolled in workforce 58318
development programs in business and administration, hospitality 58319
and tourism, human services, law and public safety, and 58320
transportation systems; 58321

(C) An amount of \$2,470, in fiscal year 2014, or \$2,494, in 58322
fiscal year 2015, for students enrolled in workforce development 58323
career-based intervention programs; 58324

(D) An amount of \$1,781, in fiscal year 2014, or \$1,798, in 58325
fiscal year 2015, for students enrolled in workforce development 58326
programs in arts and communications, education and training, 58327
marketing, workforce development academics, and career 58328
development; 58329

(E) An amount of \$1,379, in fiscal year 2014, or \$1,392, in fiscal year 2015, for students enrolled in family and consumer science programs. 58330
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The amount for career-technical education associated services shall be \$225, in fiscal year 2014, or \$227, in fiscal year 2015. 58333
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Sec. 3317.016. The amounts for limited English proficient students shall be as follows: 58335
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(A) An amount of \$1,500, in fiscal year 2014, and \$1,515, in fiscal year 2015, for each student who has been enrolled in schools in the United States for 180 school days or less and was not previously exempted from taking the spring administration of either of the state's English language arts assessments prescribed by section 3301.0710 of the Revised Code (reading or writing). 58337
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(B) An amount of \$1,125, in fiscal year 2014, and \$1,136, in fiscal year 2015, for each student who has been enrolled in schools in the United States for more than 180 school days or was previously exempted from taking the spring administration of either of the state's English language arts assessments prescribed by section 3301.0710 of the Revised Code (reading or writing). 58343
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(C) An amount of \$750, in fiscal year 2014, and \$758, in fiscal year 2015, for each student who does not qualify for inclusion under division (A) or (B) of this section and is in a trial-mainstream period, as defined by the department. 58349
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Sec. 3317.017. The department of education shall compute a school district's state share index as follows: 58353
58354

(A) Calculate the district's valuation index, which equals the following quotient: 58355
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(The district's three-year average valuation / the district's total ADM) / (the statewide three-year average valuation for 58357
58358

school districts with a total ADM greater than zero / the 58359
statewide total ADM) 58360

(B) Calculate the district's median income index, which 58361
equals the following quotient: 58362

(The district's median Ohio adjusted gross income / the 58363
median of the median Ohio adjusted gross income of all districts 58364
statewide) 58365

(C) Determine the district's wealth index as follows: 58366

(1) If the district's median income index is less than the 58367
district's valuation index, then the district's wealth index shall 58368
be equal to [(1/3 X the district's median income index) + (2/3 X 58369
the district's valuation index)]. 58370

(2) If the district's median income index is greater than or 58371
equal to the district's valuation index, then the district's 58372
wealth index shall be equal to the district's valuation index. 58373

(D) Determine the district's state share index as follows: 58374

(1) If the district's wealth index is less than or equal to 58375
0.35, then the district's state share index shall be equal to 58376
0.90. 58377

(2) If the district's wealth index is greater than 0.35 but 58378
less than or equal to 0.90, then the district's state share index 58379
shall be equal to {0.40 X [(0.90 - the district's wealth index) / 58380
0.55]} + 0.50. 58381

(3) If the district's wealth index is greater than 0.90 but 58382
less than 1.8, then the district's state share index shall be 58383
equal to {0.45 X [(1.8 - the district's wealth index) / 0.9]} + 58384
0.05. 58385

(4) If the district's wealth index is greater than or equal 58386
to 1.8, then the district's state share index shall be equal to 58387
0.05. 58388

(E)(1) For each school district for which the tax-exempt value of the district, as certified under division (A)(4) of section 3317.021 of the Revised Code, equals or exceeds thirty per cent of the potential value of the district, the department shall calculate the difference between the district's tax-exempt value and thirty per cent of the district's potential value. For this purpose, the "potential value" of a school district is the three-year average valuation of the district plus the tax-exempt value of the district. 58389
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(2) For each school district to which division (E)(1) of this section applies, the department shall adjust the three-year average valuation used in the calculation under division (A) of this section by subtracting from it the amount calculated under division (E)(1) of this section. 58398
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(F) When performing the calculations required under this section, the department shall not round to fewer than four decimal places. 58403
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For purposes of these calculations for fiscal years 2014 and 2015, "three-year average valuation" means the average of total taxable value for fiscal years 2012, 2013, and 2014; "total ADM" means the total ADM for fiscal year 2014; "median Ohio adjusted gross income" means the median Ohio adjusted gross income for tax year 2011; and "tax-exempt value" means the tax-exempt value for fiscal year 2014. 58406
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Sec. 3317.02. As used in this chapter: 58413

(A)(1) "Category one career-technical education ADM" means the average daily membership of students receiving career-technical education services described in division (A) of section 3317.014 of the Revised Code and reported under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code. 58414
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(2) "Category two career-technical education ADM" means the average daily membership of students receiving career-technical education services described in division (B) of section 3317.014 of the Revised Code and reported under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code. 58419
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(3) "Category three career-technical education ADM" means the average daily membership of students receiving career-technical education services described in division (C) of section 3317.014 of the Revised Code and reported under division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised Code. 58424
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(4) "Category four career-technical education ADM" means the average daily membership of students receiving career-technical education services described in division (D) of section 3317.014 of the Revised Code and reported under division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised Code. 58429
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(5) "Category five career-technical education ADM" means the average daily membership of students receiving career-technical education services described in division (E) of section 3317.014 of the Revised Code and reported under division (B)(15) or (D)(2)(l) of section 3317.03 of the Revised Code. 58434
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(B)(1) "Category one limited English proficient ADM" means the average daily membership of limited English proficient students described in division (A) of section 3317.016 of the Revised Code and reported under division (B)(16) or (D)(2)(m) of section 3317.03 of the Revised Code. 58439
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(2) "Category two limited English proficient ADM" means the average daily membership of limited English proficient students described in division (B) of section 3317.016 of the Revised Code and reported under division (B)(17) or (D)(2)(n) of section 3317.03 of the Revised Code. 58444
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(3) "Category three limited English proficient ADM" means the 58449

average daily membership of limited English proficient students 58450
described in division (C) of section 3317.016 of the Revised Code 58451
and reported under division (B)(18) or (D)(2)(o) of section 58452
3317.03 of the Revised Code. 58453

(C)(1) "Category one special education ADM" means the average 58454
daily membership of children with disabilities receiving special 58455
education services for the disability specified in division (A) of 58456
section 3317.013 of the Revised Code and reported under division 58457
(B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 58458

(2) "Category two special education ADM" means the average 58459
daily membership of children with disabilities receiving special 58460
education services for those disabilities specified in division 58461
(B) of section 3317.013 of the Revised Code and reported under 58462
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 58463
Code. 58464

(3) "Category three special education ADM" means the average 58465
daily membership of students receiving special education services 58466
for those disabilities specified in division (C) of section 58467
3317.013 of the Revised Code, and reported under division (B)(7) 58468
or (D)(2)(d) of section 3317.03 of the Revised Code. 58469

(4) "Category four special education ADM" means the average 58470
daily membership of students receiving special education services 58471
for those disabilities specified in division (D) of section 58472
3317.013 of the Revised Code and reported under division (B)(8) or 58473
(D)(2)(e) of section 3317.03 of the Revised Code. 58474

(5) "Category five special education ADM" means the average 58475
daily membership of students receiving special education services 58476
for the disabilities specified in division (E) of section 3317.013 58477
of the Revised Code and reported under division (B)(9) or 58478
(D)(2)(f) of section 3317.03 of the Revised Code. 58479

(6) "Category six special education ADM" means the average 58480

daily membership of students receiving special education services 58481
for the disabilities specified in division (F) of section 3317.013 58482
of the Revised Code and reported under division (B)(10) or 58483
(D)(2)(g) of section 3317.03 of the Revised Code. 58484

(D) "County DD board" means a county board of developmental 58485
disabilities. 58486

(E) "Economically disadvantaged index for a school district" 58487
means the square of the quotient of that district's percentage of 58488
students in its total ADM who are identified as economically 58489
disadvantaged as defined by the department of education, divided 58490
by the statewide percentage of students identified as economically 58491
disadvantaged. 58492

(F)(1) "Formula ADM" means, for a city, local, or exempted 58493
village school district, the average daily membership described in 58494
division (A) of section 3317.03 of the Revised Code, as verified 58495
by the superintendent of public instruction and adjusted if so 58496
ordered under division (K) of that section, and as further 58497
adjusted by counting only twenty per cent of the number of joint 58498
vocational school district students counted under division (A)(3) 58499
of section 3317.03 of the Revised Code. 58500

(2) "Formula ADM" means, for a joint vocational school 58501
district, the final number verified by the superintendent of 58502
public instruction, based on the number reported pursuant to 58503
division (D) of section 3317.03 of the Revised Code, as adjusted, 58504
if so ordered, under division (K) of that section. 58505

(G) "Formula amount" means \$5,745, for fiscal year 2014, and 58506
\$5,800, for fiscal year 2015. 58507

(H) "FTE basis" means a count of students based on full-time 58508
equivalency, in accordance with rules adopted by the department of 58509
education pursuant to section 3317.03 of the Revised Code. In 58510
adopting its rules under this division, the department shall 58511

provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career technical education ADM in the same proportion the student is counted in formula ADM. 58512
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(I) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code. 58516
58517

(J) "Medically fragile child" means a child to whom all of the following apply: 58518
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(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition. 58520
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(2) The child requires the services of a registered nurse on a daily basis. 58523
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(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities. 58525
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(K)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply: 58528
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(a) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child." 58532
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(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child. 58536
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(2) A child may be identified as having an "other health 58541

impairment-minor" if the child's condition meets the definition of 58542
"other health impaired" established in rules previously adopted by 58543
the state board of education but the child's condition does not 58544
meet either of the conditions specified in division (K)(1)(a) or 58545
(b) of this section. 58546

(L) "Preschool child with a disability" means a child with a 58547
disability, as defined in section 3323.01 of the Revised Code, who 58548
is at least age three but is not of compulsory school age, as 58549
defined in section 3321.01 of the Revised Code, and who is not 58550
currently enrolled in kindergarten. 58551

(M) "Preschool scholarship ADM" means the number of preschool 58552
children with disabilities reported under division (B)(3)(h) of 58553
section 3317.03 of the Revised Code. 58554

(N) "Related services" includes: 58555

(1) Child study, special education supervisors and 58556
coordinators, speech and hearing services, adaptive physical 58557
development services, occupational or physical therapy, teacher 58558
assistants for children with disabilities whose disabilities are 58559
described in division (B) of section 3317.013 or division (B)(3) 58560
of this section, behavioral intervention, interpreter services, 58561
work study, nursing services, and specialized integrative services 58562
as those terms are defined by the department; 58563

(2) Speech and language services provided to any student with 58564
a disability, including any student whose primary or only 58565
disability is a speech and language disability; 58566

(3) Any related service not specifically covered by other 58567
state funds but specified in federal law, including but not 58568
limited to, audiology and school psychological services; 58569

(4) Any service included in units funded under former 58570
division (O)(1) of section 3317.024 of the Revised Code; 58571

(5) Any other related service needed by children with disabilities in accordance with their individualized education programs. 58572
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(O) "School district," unless otherwise specified, means city, local, and exempted village school districts. 58575
58576

(P) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 58577
58578

(Q) "State share index" means the state share index calculated for a district under section 3317.017 of the Revised Code. 58579
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(R) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property. 58582
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(S) "Total ADM" means, for a city, local, or exempted village school district, the average daily membership described in division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section. 58586
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(T) "Total special education ADM" means the sum of categories one through six special education ADM. 58591
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(U) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code. 58593
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Sec. 3317.021. (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to ~~(7)~~(5) of this section for each city, exempted village, and local school district, and the 58597
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information required by divisions (A)(1) and (2) of this section 58602
for each joint vocational school district, and it shall be used, 58603
along with the information certified under division (B) of this 58604
section, in making the computations for the district under this 58605
chapter. 58606

(1) The taxable value of real and public utility real 58607
property in the school district subject to taxation in the 58608
preceding tax year, by class and by county of location. 58609

(2) The taxable value of tangible personal property, 58610
including public utility personal property, subject to taxation by 58611
the district for the preceding tax year. 58612

(3)(a) The total property tax rate and total taxes charged 58613
and payable for the current expenses for the preceding tax year 58614
and the total property tax rate and the total taxes charged and 58615
payable to a joint vocational district for the preceding tax year 58616
that are limited to or to the extent apportioned to current 58617
expenses. 58618

(b) The portion of the amount of taxes charged and payable 58619
reported for each city, local, and exempted village school 58620
district under division (A)(3)(a) of this section attributable to 58621
a joint vocational school district. 58622

(4) The value of all real and public utility real property in 58623
the school district exempted from taxation minus both of the 58624
following: 58625

(a) The value of real and public utility real property in the 58626
district owned by the United States government and used 58627
exclusively for a public purpose; 58628

(b) The value of real and public utility real property in the 58629
district exempted from taxation under Chapter 725. or 1728. or 58630
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 58631
5709.73, or 5709.78 of the Revised Code. 58632

(5) The total federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this information is available, and the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district.

~~(6) The sum of the school district compensation value as indicated on the list of exempted property for the preceding tax year under section 5713.08 of the Revised Code as if such property had been assessed for taxation that year and the other compensation value for the school district, minus the amounts described in divisions (A)(6)(c) to (i) of this section. The portion of school district compensation value or other compensation value attributable to an incentive district exemption may be subtracted only once even if that incentive district satisfies more than one of the criteria in divisions (A)(6)(c) to (i) of this section.~~

~~(a) "School district compensation value" means the aggregate value of real property in the school district exempted from taxation pursuant to an ordinance or resolution adopted under division (C) of section 5709.40, division (C) of section 5709.73, or division (B) of section 5709.78 of the Revised Code to the extent that the exempted value results in the charging of payments in lieu of taxes required to be paid to the school district under division (D)(1) or (2) of section 5709.40, division (D) of section 5709.73, or division (C) of section 5709.78 of the Revised Code.~~

~~(b) "Other compensation value" means the quotient that results from dividing (i) the dollar value of compensation received by the school district during the preceding tax year pursuant to division (B), (C), or (D) of section 5709.82 of the Revised Code and the amounts received pursuant to an agreement as~~

~~specified in division (D)(2) of section 5709.40, division (D) of 58665
section 5709.73, or division (C) of section 5709.78 of the Revised 58666
Code to the extent those amounts were not previously reported or 58667
included in division (A)(6)(a) of this section, and so that any 58668
such amount is reported only once under division (A)(6)(b) of this 58669
section, in relation to exemptions from taxation granted pursuant 58670
to an ordinance or resolution adopted under division (C) of 58671
section 5709.40, division (C) of section 5709.73, or division (B) 58672
of section 5709.78 of the Revised Code, by (ii) the real property 58673
tax rate in effect for the preceding tax year for 58674
nonresidential/agricultural real property after making the 58675
reductions required by section 319.301 of the Revised Code. 58676~~

~~(c) The portion of school district compensation value or 58677
other compensation value that was exempted from taxation pursuant 58678
to such an ordinance or resolution for the preceding tax year, if 58679
the ordinance or resolution is adopted prior to January 1, 2006, 58680
and the legislative authority or board of township trustees or 58681
county commissioners, prior to January 1, 2006, executes a 58682
contract or agreement with a developer, whether for profit or 58683
not for profit, with respect to the development of a project 58684
undertaken or to be undertaken and identified in the ordinance or 58685
resolution, and upon which parcels such project is being, or will 58686
be, undertaken; 58687~~

~~(d) The portion of school district compensation value that 58688
was exempted from taxation for the preceding tax year and for 58689
which payments in lieu of taxes for the preceding tax year were 58690
provided to the school district under division (D)(1) of section 58691
5709.40 of the Revised Code. 58692~~

~~(e) The portion of school district compensation value that 58693
was exempted from taxation for the preceding tax year pursuant to 58694
such an ordinance or resolution, if and to the extent that, on or 58695
before April 1, 2006, the fiscal officer of the municipal 58696~~

~~corporation that adopted the ordinance, or of the township or 58697
county that adopted the resolution, certifies and provides 58698
appropriate supporting documentation to the tax commissioner and 58699
the director of development that, based on hold harmless 58700
provisions in any agreement between the school district and the 58701
legislative authority of the municipal corporation, board of 58702
township trustees, or board of county commissioners that was 58703
entered into on or before June 1, 2005, the ability or obligation 58704
of the municipal corporation, township, or county to repay bonds, 58705
notes, or other financial obligations issued or entered into prior 58706
to January 1, 2006, will be impaired, including obligations to or 58707
of any other body corporate and politic with whom the legislative 58708
authority of the municipal corporation or board of township 58709
trustees or county commissioners has entered into an agreement 58710
pertaining to the use of service payments derived from the 58711
improvements exempted; 58712~~

~~(f) The portion of school district compensation value that 58713
was exempted from taxation for the preceding tax year pursuant to 58714
such an ordinance or resolution, if the ordinance or resolution is 58715
adopted prior to January 1, 2006, in a municipal corporation with 58716
a population that exceeds one hundred thousand, as shown by the 58717
most recent federal decennial census, that includes a major 58718
employment center and that is adjacent to historically distressed 58719
neighborhoods, if the legislative authority of the municipal 58720
corporation that exempted the property prepares an economic 58721
analysis that demonstrates that all taxes generated within the 58722
incentive district accruing to the state by reason of improvements 58723
constructed within the district during its existence exceed the 58724
amount the state pays the school district under section 3317.022 58725
of the Revised Code attributable to such property exemption from 58726
the school district's recognized valuation. The analysis shall be 58727
submitted to and approved by the department of development prior 58728
to January 1, 2006, and the department shall not unreasonably 58729~~

~~withhold approval.~~ 58730

~~(g) The portion of school district compensation value that 58731
was exempted from taxation for the preceding tax year under such 58732
an ordinance or resolution, if the ordinance or resolution is 58733
adopted prior to January 1, 2006, and if service payments have 58734
been pledged to be used for mixed use riverfront entertainment 58735
development in any county with a population that exceeds six 58736
hundred thousand, as shown by the most recent federal decennial 58737
census;~~ 58738

~~(h) The portion of school district compensation value that 58739
was exempted from taxation for the preceding tax year under such 58740
an ordinance or resolution, if, prior to January 1, 2006, the 58741
legislative authority of a municipal corporation, board of 58742
township trustees, or board of county commissioners has pledged 58743
service payments for a designated transportation capacity project 58744
approved by the transportation review advisory council under 58745
Chapter 5512. of the Revised Code;~~ 58746

~~(i) The portion of school district compensation value that 58747
was exempted from taxation for the preceding tax year under such 58748
an ordinance or resolution if the legislative authority of a 58749
municipal corporation, board of township trustees, or board of 58750
county commissioners have, by January 1, 2006, pledged proceeds 58751
for designated transportation improvement projects that involve 58752
federal funds for which the proceeds are used to meet a local 58753
share match requirement for such funding.~~ 58754

~~As used in division (A)(6) of this section, "project" has the 58755
same meaning as in section 5709.40 of the Revised Code.~~ 58756

~~(7) The aggregate value of real property in the school 58757
district for which an exemption from taxation is granted by an 58758
ordinance or resolution adopted on or after January 1, 2006, under 58759
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 58760~~

~~5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised Code, as indicated on the list of exempted property for the preceding tax year under section 5713.08 of the Revised Code and as if such property had been assessed for taxation that year, minus the product determined by multiplying (a) the aggregate value of the real property in the school district exempted from taxation for the preceding tax year under any of the chapters or sections specified in this division, by (b) a fraction, the numerator of which is the difference between (i) the amount of anticipated revenue such school district would have received for the preceding tax year if the real property exempted from taxation had not been exempted from taxation and (ii) the aggregate amount of payments in lieu of taxes on the exempt real property for the preceding tax year and other compensation received for the preceding tax year by the school district pursuant to any agreements entered into on or after January 1, 2006, under section 5709.82 of the Revised Code between the school district and the legislative authority of a political subdivision that acted under the authority of a chapter or statute specified in this division, that were entered into in relation to such exemption, and the denominator of which is the amount of anticipated revenue such school district would have received in the preceding fiscal year if the real property exempted from taxation had not been exempted.~~

(B) On or before the first day of May each year, the tax commissioner shall certify to the department of education and the office of budget and management the total taxable real property value of railroads and, separately, the total taxable tangible personal property value of all public utilities for the preceding tax year, by school district and by county of location.

(C) If a public utility has properly and timely filed a petition for reassessment under section 5727.47 of the Revised Code with respect to an assessment issued under section 5727.23 of

the Revised Code affecting taxable property apportioned by the tax commissioner to a school district, the taxable value of public utility tangible personal property included in the certification under divisions (A)(2) and (B) of this section for the school district shall include only the amount of taxable value on the basis of which the public utility paid tax for the preceding year as provided in division (B)(1) or (2) of section 5727.47 of the Revised Code.

(D) If on the basis of the information certified under division (A) of this section, the department determines that any district fails in any year to meet the qualification requirement specified in division (A) of section 3317.01 of the Revised Code, the department shall immediately request the tax commissioner to determine the extent to which any school district income tax levied by the district under Chapter 5748. of the Revised Code shall be included in meeting that requirement. Within five days of receiving such a request from the department, the tax commissioner shall make the determination required by this division and report the quotient obtained under division (D)(3) of this section to the department and the office of budget and management. This quotient represents the number of mills that the department shall include in determining whether the district meets the qualification requirement of division (A) of section 3317.01 of the Revised Code.

The tax commissioner shall make the determination required by this division as follows:

(1) Multiply one mill times the total taxable value of the district as determined in divisions (A)(1) and (2) of this section;

(2) Estimate the total amount of tax liability for the current tax year under taxes levied by Chapter 5748. of the Revised Code that are apportioned to current operating expenses of

the district, excluding any income tax receipts allocated for the 58825
project cost, debt service, or maintenance set-aside associated 58826
with a state-assisted classroom facilities project as authorized 58827
by section 3318.052 of the Revised Code; 58828

(3) Divide the amount estimated under division (D)(2) of this 58829
section by the product obtained under division (D)(1) of this 58830
section. 58831

~~(E)(1) On or before June 1, 2006, and the first day of April 58832
of each year thereafter, the director of development shall report 58833
to the department of education, the tax commissioner, and the 58834
director of budget and management the total amounts of payments 58835
received by each city, local, exempted village, or joint 58836
vocational school district for the preceding tax year pursuant to 58837
division (D) of section 5709.40, division (D) of section 5709.73, 58838
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 58839
or (D) of section 5709.82 of the Revised Code in relation to 58840
exemptions from taxation granted pursuant to an ordinance adopted 58841
by the legislative authority of a municipal corporation under 58842
division (C) of section 5709.40 of the Revised Code, or a 58843
resolution adopted by a board of township trustees or board of 58844
county commissioners under division (C) of section 5709.73 or 58845
division (B) of section 5709.78 of the Revised Code, respectively. 58846
On or before April 1, 2006, and the first day of March of each 58847
year thereafter, the treasurer of each city, local, exempted 58848
village, or joint vocational school district that has entered into 58849
such an agreement shall report to the director of development the 58850
total amounts of such payments the district received for the 58851
preceding tax year as provided in this section. The state board of 58852
education, in accordance with sections 3319.31 and 3319.311 of the 58853
Revised Code, may suspend or revoke the license of a treasurer 58854
found to have willfully reported erroneous, inaccurate, or 58855
incomplete data under this division. 58856~~

~~(2) On or before April 1, 2007, and the first day of April of each year thereafter, the director of development shall report to the department of education, the tax commissioner, and the director of budget and management the total amounts of payments received by each city, local, exempted village, or joint vocational school district for the preceding tax year pursuant to divisions (B), (C), and (D) of section 5709.82 of the Revised Code in relation to exemptions from taxation granted pursuant to ordinances or resolutions adopted on or after January 1, 2006, under Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised Code. On or before March 1, 2007, and the first day of March of each year thereafter, the treasurer of each city, local, exempted village, or joint vocational school district that has entered into such an agreement shall report to the director of development the total amounts of such payments the district received for the preceding tax year as provided by this section. The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke the license of a treasurer found to have willfully reported erroneous, inaccurate, or incomplete data under this division.~~

Sec. 3317.022. (A) The department of education shall compute and distribute state core foundation funding to each eligible school district for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins, as prescribed in the following divisions:

(1) An opportunity grant calculated according to the following formula:

The formula amount X (formula ADM + preschool scholarship ADM) X the district's state share index

<u>(2) Targeted assistance funds calculated under divisions (A)</u>	58888
<u>and (B) of section 3317.0217 of the Revised Code;</u>	58889
<u>(3) Additional state aid for special education and related</u>	58890
<u>services provided under Chapter 3323. of the Revised Code</u>	58891
<u>calculated as the sum of the following:</u>	58892
<u>(a) The district's category one special education ADM X the</u>	58893
<u>amount specified in division (A) of section 3317.013 of the</u>	58894
<u>Revised Code X the district's state share index;</u>	58895
<u>(b) The district's category two special education ADM X the</u>	58896
<u>amount specified in division (B) of section 3317.013 of the</u>	58897
<u>Revised Code X the district's state share index;</u>	58898
<u>(c) The district's category three special education ADM X the</u>	58899
<u>amount specified in division (C) of section 3317.013 of the</u>	58900
<u>Revised Code X the district's state share index;</u>	58901
<u>(d) The district's category four special education ADM X the</u>	58902
<u>amount specified in division (D) of section 3317.013 of the</u>	58903
<u>Revised Code X the district's state share index;</u>	58904
<u>(e) The district's category five special education ADM X the</u>	58905
<u>amount specified in division (E) of section 3317.013 of the</u>	58906
<u>Revised Code X the district's state share index;</u>	58907
<u>(f) The district's category six special education ADM X the</u>	58908
<u>amount specified in division (F) of section 3317.013 of the</u>	58909
<u>Revised Code X the district's state share index.</u>	58910
<u>(4) Kindergarten through third grade literacy funds</u>	58911
<u>calculated according to the following formula:</u>	58912
<u>[(\$125, in fiscal year 2014, or \$175, in fiscal year 2015) X</u>	58913
<u>formula ADM for grades kindergarten through three X the district's</u>	58914
<u>state share index] + [(\$100, in fiscal year 2014, or \$160, in</u>	58915
<u>fiscal year 2015) X formula ADM for grades kindergarten through</u>	58916
<u>three]</u>	58917

For purposes of this calculation, the department shall 58918
subtract from a district's formula ADM for grades kindergarten 58919
through three the number of students reported under division 58920
(B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an 58921
internet- or computer-based community school who are in grades 58922
kindergarten through three. 58923

(5) Economically disadvantaged funds calculated according to 58924
the following formula: 58925

(\$250, in fiscal year 2014, or \$253, in fiscal year 2015) X 58926
(the district's economically disadvantaged index) X the number of 58927
students who are economically disadvantaged as reported under 58928
division (B)(21) of section 3317.03 of the Revised Code 58929

(6) Limited English proficiency funds calculated as the sum 58930
of the following: 58931

(a) The district's category one limited English proficient 58932
ADM X the amount specified in division (A) of section 3317.016 of 58933
the Revised Code X the district's state share index; 58934

(b) The district's category two limited English proficient 58935
ADM X the amount specified in division (B) of section 3317.016 of 58936
the Revised Code X the district's state share index; 58937

(c) The district's category three limited English proficient 58938
ADM X the amount specified in division (C) of section 3317.016 of 58939
the Revised Code X the district's state share index. 58940

(7)(a) Gifted identification funds calculated according to 58941
the following formula: 58942

(\$5, in fiscal year 2014, or \$5.05, in fiscal year 2015) X the 58943
district's formula ADM 58944

(b) Gifted unit funding calculated under section 3317.051 of 58945
the Revised Code. 58946

(8) Career-technical education funds calculated as the sum of 58947

<u>the following:</u>	58948
<u>(a) The district's category one career-technical education</u>	58949
<u>ADM X the amount specified in division (A) of section 3317.014 of</u>	58950
<u>the Revised Code X the district's state share index;</u>	58951
<u>(b) The district's category two career-technical education</u>	58952
<u>ADM X the amount specified in division (B) of section 3317.014 of</u>	58953
<u>the Revised Code X the district's state share index;</u>	58954
<u>(c) The district's category three career-technical education</u>	58955
<u>ADM X the amount specified in division (C) of section 3317.014 of</u>	58956
<u>the Revised Code X the district's state share index;</u>	58957
<u>(d) The district's category four career-technical education</u>	58958
<u>ADM X the amount specified in division (D) of section 3317.014 of</u>	58959
<u>the Revised Code X the district's state share index;</u>	58960
<u>(e) The district's category five career-technical education</u>	58961
<u>ADM X the amount specified in division (E) of section 3317.014 of</u>	58962
<u>the Revised Code X the district's state share index.</u>	58963
<u>Payment of funds under division (A)(8) of this section is</u>	58964
<u>subject to approval under section 3317.161 of the Revised Code.</u>	58965
<u>(9) Career-technical education associated services funds</u>	58966
<u>calculated according to the following formula:</u>	58967
<u>The district's state share index X the amount for career-technical</u>	58968
<u>education associated services specified in section 3317.014 of the</u>	58969
<u>Revised Code X the sum of categories one through five</u>	58970
<u>career-technical education ADM</u>	58971
<u>(B) In any fiscal year, a school district shall spend for</u>	58972
<u>purposes that the department designates as approved for special</u>	58973
<u>education and related services expenses at least the amount</u>	58974
<u>calculated as follows:</u>	58975
<u>(The formula amount X the total special education ADM) + (the</u>	58976
<u>district's category one special education ADM X the amount</u>	58977

specified in division (A) of section 3317.013 of the Revised Code) 58978
+ (the district's category two special education ADM X the amount 58979
specified in division (B) of section 3317.013 of the Revised Code) 58980
+ (the district's category three special education ADM X the 58981
amount specified in division (C) of section 3317.013 of the 58982
Revised Code) + (the district's category four special education 58983
ADM X the amount specified in division (D) of section 3317.013 of 58984
the Revised Code) + (the district's category five special 58985
education ADM X the amount specified in division (E) of section 58986
3317.013 of the Revised Code) + (the district's category six 58987
special education ADM X the amount specified in division (F) of 58988
section 3317.013 of the Revised Code) 58989

The purposes approved by the department for special education 58990
expenses shall include, but shall not be limited to, 58991
identification of children with disabilities, compliance with 58992
state rules governing the education of children with disabilities 58993
and prescribing the continuum of program options for children with 58994
disabilities, provision of speech language pathology services, and 58995
the portion of the school district's overall administrative and 58996
overhead costs that are attributable to the district's special 58997
education student population. 58998

The scholarships deducted from the school district's account 58999
under sections 3310.41 and 3310.55 of the Revised Code shall be 59000
considered to be an approved special education and related 59001
services expense for the purpose of the school district's 59002
compliance with this division. 59003

(C) In any fiscal year, a school district receiving funds 59004
under division (A)(8) of this section shall spend those funds only 59005
for the purposes that the department designates as approved for 59006
career-technical education expenses. Career-technical educational 59007
expenses approved by the department shall include only expenses 59008
connected to the delivery of career-technical programming to 59009

career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (A)(8) of this section may be spent. 59010
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(D) In any fiscal year, a school district receiving funds under division (A)(9) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for career-technical education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career-technical education services, career-technical evaluation, and other purposes designated by the department. The department may deny payment under division (A)(9) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(9) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes. 59015
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(E) All funds received under division (A)(8) of this section shall be spent in the following manner: 59029
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(1) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs. 59031
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(2) Not more than twenty-five per cent of the funds shall be 59041

used for personnel expenditures. 59042

(F) A school district shall spend the funds it receives under 59043
division (A)(5) of this section in accordance with section 3317.25 59044
of the Revised Code. 59045

Sec. 3317.023. (A) The amounts required to be paid to a 59046
district under this chapter shall be adjusted by the amount of the 59047
computations made under divisions (B) to (K) of this section. 59048

As used in this section: 59049

(1) "~~VEPD~~ CTPD" means a school district or group of school 59050
districts designated by the department of education as being 59051
responsible for the planning for and provision of ~~vocational~~ 59052
career-technical education services to students within the 59053
district or group. A community school established under Chapter 59054
3314. of the Revised Code or a STEM school established under 59055
Chapter 3326. of the Revised Code may be assigned to a 59056
career-technical planning district. 59057

(2) "Lead district" means a school district, including a 59058
joint vocational school district, designated by the department as 59059
a ~~VEPD~~ CTPD, or designated to provide primary ~~vocational~~ 59060
career-technical education leadership within a ~~VEPD~~ CTPD composed 59061
of a group of districts and, if assigned to the CTPD, community 59062
schools and STEM schools. 59063

(B) If a local ~~school district, or a~~ city, or exempted 59064
village school district to which a governing board of an 59065
educational service center provides services pursuant to an 59066
agreement entered into under section 3313.843 of the Revised Code, 59067
deduct the amount of the payment required for the reimbursement of 59068
the governing board under that section ~~3317.11 of the Revised~~ 59069
~~Code.~~ 59070

(C)(1) If the district is required to pay to or entitled to 59071

receive tuition from another school district under division (C)(2) 59072
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 59073
or if the superintendent of public instruction is required to 59074
determine the correct amount of tuition and make a deduction or 59075
credit under section 3317.08 of the Revised Code, deduct and 59076
credit such amounts as provided in division (J) of section 3313.64 59077
or section 3317.08 of the Revised Code. 59078

(2) For each child for whom the district is responsible for 59079
tuition or payment under division (A)(1) of section 3317.082 or 59080
section 3323.091 of the Revised Code, deduct the amount of tuition 59081
or payment for which the district is responsible. 59082

(D) If the district has been certified by the superintendent 59083
of public instruction under section 3313.90 of the Revised Code as 59084
not in compliance with the requirements of that section, deduct an 59085
amount equal to ten per cent of the amount computed for the 59086
district under this chapter. 59087

(E) If the district has received a loan from a commercial 59088
lending institution for which payments are made by the 59089
superintendent of public instruction pursuant to division (E)(3) 59090
of section 3313.483 of the Revised Code, deduct an amount equal to 59091
such payments. 59092

(F)(1) If the district is a party to an agreement entered 59093
into under division (D), (E), or (F) of section 3311.06 or 59094
division (B) of section 3311.24 of the Revised Code and is 59095
obligated to make payments to another district under such an 59096
agreement, deduct an amount equal to such payments if the district 59097
school board notifies the department in writing that it wishes to 59098
have such payments deducted. 59099

(2) If the district is entitled to receive payments from 59100
another district that has notified the department to deduct such 59101
payments under division (F)(1) of this section, add the amount of 59102

such payments. 59103

(G) If the district is required to pay an amount of funds to 59104
a cooperative education district pursuant to a provision described 59105
by division (B)(4) of section 3311.52 or division (B)(8) of 59106
section 3311.521 of the Revised Code, deduct such amounts as 59107
provided under that provision and credit those amounts to the 59108
cooperative education district for payment to the district under 59109
division (B)(1) of section 3317.19 of the Revised Code. 59110

(H)(1) If a district is educating a student entitled to 59111
attend school in another district pursuant to a shared education 59112
contract, compact, or cooperative education agreement other than 59113
an agreement entered into pursuant to section 3313.842 of the 59114
Revised Code, credit to that educating district on an FTE basis 59115
both of the following: 59116

(a) An amount equal to the formula amount. 59117

(b) ~~An Any amount equal to \$5,732 times the state share 59118
percentage times any multiple applicable to the student for fiscal 59119
year 2009 pursuant to section 3317.013 or 3317.014 of the Revised 59120
Code, as those sections existed for that fiscal year. 59121~~

(2) Deduct any amount credited pursuant to division (H)(1) of 59122
this section from amounts paid to the school district in which the 59123
student is entitled to attend school pursuant to section 3313.64 59124
or 3313.65 of the Revised Code. 59125

(3) If the district is required by a shared education 59126
contract, compact, or cooperative education agreement to make 59127
payments to an educational service center, deduct the amounts from 59128
payments to the district and add them to the amounts paid to the 59129
service center pursuant to section 3317.11 of the Revised Code. 59130

(I)(1) If a district, including a joint vocational school 59131
district, is a lead district of a ~~VEPD~~ CTPD, credit to that 59132
district the following ~~amounts~~ amount calculated for ~~all the~~ each 59133

school ~~districts~~ district within that ~~VEPD~~ CTPD: 59134

~~(a) In any fiscal year except fiscal year 2012 or 2013, the~~ 59135
~~amount computed under division (D)(2) of section 3317.022 of the~~ 59136
~~Revised Code;~~ 59137

~~(b) In fiscal years 2012 and 2013, an amount equal to the~~ 59138
~~following:~~ 59139

state share ~~percentage~~ index X .05 X ~~\$5,732~~ the formula amount X 59140
the sum of categories one 59141
~~and two vocational~~ through five career-technical education ADM 59142

(2) Deduct from each appropriate district that is not a lead 59143
district, the amount attributable to that district that is 59144
credited to a lead district under division (I)(1) of this section. 59145

(J) If the department pays a joint vocational school district 59146
under division ~~(G)(4)(C)(3)~~ of section 3317.16 of the Revised Code 59147
for excess costs of providing special education and related 59148
services to a student with a disability, as calculated under 59149
division ~~(G)(2)(C)(1)~~ of that section, the department shall deduct 59150
the amount of that payment from the city, local, or exempted 59151
village school district that is responsible as specified in that 59152
section for the excess costs. 59153

(K)(1) If the district reports an amount of excess cost for 59154
special education services for a child under division (C) of 59155
section 3323.14 of the Revised Code, the department shall pay that 59156
amount to the district. 59157

(2) If the district reports an amount of excess cost for 59158
special education services for a child under division (C) of 59159
section 3323.14 of the Revised Code, the department shall deduct 59160
that amount from the district of residence of that child. 59161

Sec. 3317.0212. ~~The department of education shall make no~~ 59162
~~payments under this section for fiscal year 2012 or 2013.~~ 59163

(A) As used in this section:	59164
(1) "Assigned bus" means a school bus used to transport qualifying riders.	59165 59166
(2) "Nontraditional ridership" means the average number of qualifying riders who are enrolled in a community school established under Chapter 3314. of the Revised Code, in a STEM school established under Chapter 3326. of the Revised Code, or in a nonpublic school and are provided school bus service by a school district during the first full week of October.	59167 59168 59169 59170 59171 59172
(3) "Qualifying riders" means resident students enrolled in regular education in grades kindergarten to twelve who are provided school bus service by a school district and who live more than one mile from the school they attend, including students with dual enrollment in a joint vocational school district or a cooperative education school district, and students enrolled in a community school, STEM school, or nonpublic school.	59173 59174 59175 59176 59177 59178 59179
(4) (2) "Qualifying ridership" means the average number of qualifying riders who are provided school bus service by a school district during the first full week of October.	59180 59181 59182
(5) (3) "Rider density" means the number of qualifying riders <u>total ADM</u> per square mile of a school district.	59183 59184
(6) (4) "School bus service" means a school district's transportation of qualifying riders in any of the following types of vehicles:	59185 59186 59187
(a) School buses owned or leased by the district;	59188
(b) School buses operated by a private contractor hired by the district;	59189 59190
(c) School buses operated by another school district or entity with which the district has contracted, either as part of a consortium for the provision of transportation or otherwise.	59191 59192 59193

(B) Not later than the fifteenth day of October each year, 59194
each city, local, and exempted village school district shall 59195
report to the department of education its qualifying ridership, 59196
~~nontraditional ridership, number of qualifying riders per assigned~~ 59197
~~bus,~~ and any other information requested by the department. 59198
Subsequent adjustments to the reported numbers shall be made only 59199
in accordance with rules adopted by the department. 59200

(C) The department shall calculate the statewide 59201
transportation cost per student as follows: 59202

(1) Determine each city, local, and exempted village school 59203
district's transportation cost per student by dividing the 59204
district's total costs for school bus service in the previous 59205
fiscal year by its qualifying ridership in the previous fiscal 59206
year. 59207

(2) After excluding districts that do not provide school bus 59208
service and the ten districts with the highest transportation 59209
costs per student and the ten districts with the lowest 59210
transportation costs per student, divide the aggregate cost for 59211
school bus service for the remaining districts in the previous 59212
fiscal year by the aggregate qualifying ridership of those 59213
districts in the previous fiscal year. 59214

(D) The department shall calculate the statewide 59215
transportation cost per mile as follows: 59216

(1) Determine each city, local, and exempted village school 59217
district's transportation cost per mile by dividing the district's 59218
total costs for school bus service in the previous fiscal year by 59219
its total number of miles driven for school bus service in the 59220
previous fiscal year. 59221

(2) After excluding districts that do not provide school bus 59222
service and the ten districts with the highest transportation 59223
costs per mile and the ten districts with the lowest 59224

transportation costs per mile, divide the aggregate cost for 59225
school bus service for the remaining districts in the previous 59226
fiscal year by the aggregate miles driven for school bus service 59227
in those districts in the previous fiscal year. 59228

(E) The department shall calculate each city, local, and 59229
exempted village school district's transportation base payment as 59230
follows: 59231

(1) Multiply the statewide transportation cost per student by 59232
the district's qualifying ridership for the current fiscal year. 59233

(2) Multiply the statewide transportation cost per mile by 59234
the district's total number of miles driven for school bus service 59235
in the current fiscal year. 59236

(3) Multiply the greater of the amounts calculated under 59237
divisions (E)(1) and (2) of this section by the greater of sixty 59238
per cent or the district's state share percentage index, as 59239
defined in section 3317.02 of the Revised Code. 59240

~~(F) The department shall calculate each city, local, and 59241
exempted village school district's nontraditional ridership 59242
adjustment according to the following formula: 59243~~

~~(nontraditional ridership for the current fiscal year / 59244
qualifying ridership for the current fiscal year) X 0.1 X 59245
transportation base payment 59246~~

~~(G) If a city, local, or exempted village school district 59247
offers school bus service to all resident students who are 59248
enrolled in regular education in district schools in grades nine 59249
to twelve and who live more than one mile from the school they 59250
attend, the department shall calculate the district's high school 59251
ridership adjustment according to the following formula: 59252~~

~~0.025 X transportation base payment 59253~~

~~(H) If a city, local, or exempted village school district 59254
offers school bus service to students enrolled in grades 59255~~

~~kindergarten to eight who live more than one mile, but two miles
or less, from the school they attend, the department shall
calculate an additional adjustment according to the following
formula:~~

~~0.025 X transportation base payment~~

~~(1) The department annually shall establish a target
number of qualifying riders per assigned bus for each city, local,
and exempted village school district. The department shall use the
most recently available data in establishing the target number.
The target number shall be based on the statewide median number of
qualifying riders per assigned bus as adjusted to reflect the
district's rider density in comparison to the rider density of all
other districts. The department shall post on the department's web
site each district's target number of qualifying riders per
assigned bus and a description of how the target number was
determined.~~

~~(2) The department shall determine each school district's
efficiency index by dividing the district's median number of
qualifying riders per assigned bus by its target number of
qualifying riders per assigned bus.~~

~~(3) The department shall determine each city, local, and
exempted village school district's efficiency adjustment as
follows:~~

~~(a) If the district's efficiency index is equal to or greater
than 1.5, the efficiency adjustment shall be calculated according
to the following formula:~~

~~0.1 X transportation base payment~~

~~(b) If the district's efficiency index is less than 1.5 but
equal to or greater than 1.0, the efficiency adjustment shall be
calculated according to the following formula:~~

~~{(efficiency index — 1) / 5} X transportation base payment~~

~~(c) If the district's efficiency index is less than 1.0, the efficiency adjustment shall be zero.~~ 59287
59288

~~(J) The department shall pay each city, local, and exempted village school district the lesser of the following:~~ 59289
59290

~~(1) The sum of the amounts calculated under divisions (E) to (H) and (I)(3) of this section;~~ 59291
59292

~~(2) The district's total costs for school bus service for the prior fiscal year.~~ 59293
59294

~~(K) In addition to funds paid under division (J)(E) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than school bus service and whose transportation is not funded under division (C) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.~~ 59295
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(G)(1) In fiscal years 2014 and 2015, the department shall pay each district a pro rata portion of the amounts calculated under division (E) of this section and described in division (F) of this section, based on state appropriations. 59303
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(2) In addition to the prorated payment under division (G)(1) of this section, in fiscal years 2014 and 2015, the department shall pay each school district that meets the conditions prescribed in division (G)(3) of this section an additional amount equal to the difference of (a) the amounts calculated under division (E) of this section and prescribed in division (F) of this section minus (b) that prorated payment. 59307
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(3) Division (G)(2) of this section applies to each school district that meets all of the following conditions: 59314
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(a) The district qualifies for the calculation of a payment 59316

under division (E) of this section because it transports students 59317
on board-owned or contractor-owned school buses. 59318

(b) The district's state share index is greater than or equal 59319
to 0.50. 59320

(c) The district's rider density is at or below the median 59321
rider density of all districts that qualify for calculation of a 59322
payment under division (E) of this section. 59323

(H) Each city, local, and exempted village school district 59324
shall report all data used to calculate funding for transportation 59325
under this section through the education management information 59326
system pursuant to section 3301.0714 of the Revised Code. 59327

Sec. 3317.0213. (A) The department of education shall compute 59328
and pay in accordance with this section additional state aid for 59329
preschool special education children to each city, local, and 59330
exempted village school district and to each institution, as 59331
defined in section 3323.091 of the Revised Code. Funding shall be 59332
provided for children who are not enrolled in kindergarten and who 59333
are under age six on the thirtieth day of September of the 59334
academic year, or on the first day of August of the academic year 59335
if the school district in which the child is enrolled has adopted 59336
a resolution under division (A)(3) of section 3321.01 of the 59337
Revised Code, but not less than age three on the first day of 59338
December of the academic year. 59339

The additional state aid shall be calculated under the 59340
following formula: 59341

(\$4,000 X the number of preschool special education children) 59342
+ the sum of the following: 59343

(1) The district's or institution's category one special 59344
education preschool students X the amount specified in division 59345
(A) of section 3317.013 of the Revised Code X the district's state 59346

<u>share index X 0.50;</u>	59347
<u>(2) The district's or institution's category two special</u>	59348
<u>education preschool students X the amount specified in division</u>	59349
<u>(B) of section 3317.013 of the Revised Code X the district's state</u>	59350
<u>share index X 0.50;</u>	59351
<u>(3) The district's or institution's category three special</u>	59352
<u>education preschool students X the amount specified in division</u>	59353
<u>(C) of section 3317.013 of the Revised Code X the district's state</u>	59354
<u>share index X 0.50;</u>	59355
<u>(4) The district's or institution's category four special</u>	59356
<u>education preschool students X the amount specified in division</u>	59357
<u>(D) of section 3317.013 of the Revised Code X the district's state</u>	59358
<u>share index X 0.50;</u>	59359
<u>(5) The district's or institution's category five special</u>	59360
<u>education preschool students X the amount specified in division</u>	59361
<u>(E) of section 3317.013 of the Revised Code X the district's state</u>	59362
<u>share index X 0.50;</u>	59363
<u>(6) The district's or institution's category six special</u>	59364
<u>education preschool students X the amount specified in division</u>	59365
<u>(F) of section 3317.013 of the Revised Code X the district's state</u>	59366
<u>share index X 0.50.</u>	59367
<u>The special education disability categories for preschool</u>	59368
<u>children used in this section are the same categories prescribed</u>	59369
<u>in section 3317.013 of the Revised Code.</u>	59370
<u>As used in division (A) of this section, the state share</u>	59371
<u>index of a student enrolled in an institution is the state share</u>	59372
<u>index of the school district in which the student is entitled to</u>	59373
<u>attend school under section 3313.64 or 3313.65 of the Revised</u>	59374
<u>Code.</u>	59375
<u>(B) If an educational service center is providing services to</u>	59376

preschool special education students under agreement with the 59377
city, local, or exempted village school district in which the 59378
students are entitled to attend school, that district may 59379
authorize the department to transfer funds computed under this 59380
section to the service center providing those services. 59381

(C) If a county DD board is providing services to preschool 59382
special education students under agreement with the city, local, 59383
or exempted village school district in which the students are 59384
entitled to attend school, the department shall deduct from the 59385
district's payment computed under division (A) of this section the 59386
total amount of those funds that are attributable to the students 59387
served by the county DD board and pay that amount to that board. 59388

Sec. 3317.0214. (A) The department shall compute and pay in 59389
accordance with this section additional state aid to school 59390
districts for students in categories two through six special 59391
education ADM. If a district's costs for the fiscal year for a 59392
student in its categories two through six special education ADM 59393
exceed the threshold catastrophic cost for serving the student, 59394
the district may submit to the superintendent of public 59395
instruction documentation, as prescribed by the superintendent, of 59396
all its costs for that student. Upon submission of documentation 59397
for a student of the type and in the manner prescribed, the 59398
department shall pay to the district an amount equal to the sum of 59399
the following: 59400

(1) One-half of the district's costs for the student in 59401
excess of the threshold catastrophic cost; 59402

(2) The product of one-half of the district's costs for the 59403
student in excess of the threshold catastrophic cost multiplied by 59404
the district's state share index. 59405

(B) For purposes of division (A) of this section, the 59406
threshold catastrophic cost for serving a student equals: 59407

(1) For a student in the school district's category two, three, four, or five special education ADM, twenty-seven thousand three hundred seventy-five dollars; 59408
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(2) For a student in the district's category six special education ADM, thirty-two thousand eight hundred fifty dollars. 59411
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(C) The district shall report under division (A) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount. 59413
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Sec. 3317.0217. Payment of the amount calculated for a school district under this section shall be made under division (A) of section 3317.022 of the Revised Code. 59420
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59422

(A) The department of education shall annually compute targeted assistance funds to school districts, as follows: 59423
59424

(1) Calculate the local wealth per pupil of each school district, which equals the following sum: 59425
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(a) One-half times the quotient of (i) the district's three-year average valuation divided by (ii) its formula ADM; plus 59427
59428

(b) One-half times the quotient of (i) the average of the total federal adjusted gross income of the school district's residents for the three years most recently reported under section 3317.021 of the Revised Code divided by (ii) its formula ADM. 59429
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(2) Rank all school districts in order of local wealth per pupil, from the district with the lowest local wealth per pupil to the district with the highest local wealth per pupil. 59433
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(3) Compute the statewide wealth per pupil, which equals the following sum: 59436
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(a) One-half times the quotient of (i) the sum of the 59438
three-year average valuations for all school districts divided by 59439
(ii) the sum of formula ADM counts for all schools districts; plus 59440

(b) One-half times the quotient of (i) the sum of the 59441
three-year average total federal adjusted gross incomes for all 59442
school districts divided by (ii) the sum of formula ADM counts for 59443
all school districts. 59444

(4) Compute each district's wealth index by dividing the 59445
statewide wealth per pupil by the district's local wealth per 59446
pupil. 59447

(5) Compute the per pupil targeted assistance for each 59448
eligible school district in accordance with the following formula: 59449
(Threshold local wealth per pupil - the district's local wealth 59450
per pupil) 59451
X target millage X the district's wealth index 59452

Where: 59453

(a) An "eligible school district" means a school district 59454
with a local wealth per pupil less than that of the school 59455
district with the 490th lowest local wealth per pupil. 59456

(b) "Threshold local wealth per pupil" means the local wealth 59457
per pupil of the school district with the 490th lowest local 59458
wealth per pupil. 59459

(c) "Target millage" means 0.006. 59460

If the result of the calculation for a school district under 59461
division (A)(5) of this section is less than zero, the district's 59462
targeted assistance shall be zero. 59463

(6) Calculate the aggregate amount to be paid as targeted 59464
assistance funds to each school district under division (A) of 59465
section 3317.022 of the Revised Code by multiplying the per pupil 59466
targeted assistance computed under division (A)(5) of this section 59467

by the district's net formula ADM. 59468

As used in this division, a district's "net formula ADM" means its formula ADM minus the number of community school students reported under division (B)(3)(d) of section 3317.03 of the Revised Code X 0.75, the number of internet- and computer-based community school students reported under division (B)(3)(e) of that section, and the number of scholarship students reported under divisions (B)(3)(f), (g), and (l) of that section. 59469
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(B) The department shall annually compute supplemental targeted assistance funds to school districts, as follows: 59476
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(1) Compute each district's agricultural percentage as the quotient of (a) the three-year average tax valuation of real property in the district that is classified as agricultural property divided by (b) the three-year average tax valuation of all of the real property in the district. For purposes of this computation, a district's "three-year average tax valuation" means the average of a district's tax valuation for fiscal years 2012, 2013, and 2014. 59478
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(2) Determine each district's agricultural targeted percentage as follows: 59486
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(a) If a district's agricultural percentage is greater than or equal to 0.10, then the district's agricultural targeted percentage shall be equal to 0.40. 59488
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(b) If a district's agricultural percentage is less than 0.10, then the district's agricultural targeted percentage shall be equal to 4 X the district's agricultural percentage. 59491
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(3) Calculate the aggregate amount to be paid as supplemental targeted assistance funds to each school district under division (A) of section 3317.022 of the Revised Code by multiplying the district's agricultural targeted percentage by the amount calculated for the district under division (A)(6) of this section. 59494
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Sec. 3317.03. (A) The superintendent of each city, local, and 59499
exempted village school district ~~and of each educational service~~ 59500
~~center shall, for the schools under the superintendent's~~ 59501
~~supervision,~~ certify to the state board of education on or before 59502
the fifteenth day of October in each year for the first full 59503
school week in October, and on or before the fifteenth day of 59504
February in each year for the first full school week in February, 59505
the average daily membership of students receiving services from 59506
schools under the superintendent's supervision, and the numbers of 59507
other students entitled to attend school in the district under 59508
section 3313.64 or 3313.65 of the Revised Code the superintendent 59509
is required to report under this section, so that the department 59510
of education can calculate the district's formula ADM. If a school 59511
under the superintendent's supervision is closed for one or more 59512
days during ~~that~~ a week for which the average daily membership 59513
must be certified due to hazardous weather conditions or other 59514
circumstances described in ~~the first paragraph of~~ division 59515
~~(B)(A)(1)~~ of section ~~3317.01~~ 3313.482 of the Revised Code, the 59516
superintendent may apply to the superintendent of public 59517
instruction for a waiver, under which the superintendent of public 59518
instruction may exempt the district superintendent from certifying 59519
the average daily membership for that school for that week and 59520
specify an alternate week in the same month for certifying the 59521
average daily membership of that school. 59522

The average daily membership during ~~such~~ a week shall consist 59523
of the sum of the following: 59524

(1) On an FTE basis, the number of students in grades 59525
kindergarten through twelve receiving any educational services 59526
from the district, except that the following categories of 59527
students shall not be included in the determination: 59528

(a) Students enrolled in adult education classes; 59529

(b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;	59530 59531 59532
(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;	59533 59534 59535 59536
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code;	59537 59538
(e) Students receiving services in the district through a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.	59539 59540 59541
(2) On an FTE basis, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:	59542 59543 59544 59545 59546
(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	59547 59548 59549 59550
(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	59551 59552 59553
(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;	59554 59555 59556 59557 59558
(d) An adjacent or other school district under an open	59559

enrollment policy adopted pursuant to section 3313.98 of the Revised Code; 59560
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(e) An educational service center or cooperative education district; 59562
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(f) Another school district under a cooperative education agreement, compact, or contract; 59564
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(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code, if the students qualified for the scholarship under section 3310.03 of the Revised Code; 59566
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(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code. 59570
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As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable. 59573
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(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school; 59576
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(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code. 59580
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(3) The number of students enrolled in a joint vocational school district or under a ~~vocational~~ career-technical education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a ~~vocational~~ career-technical education compact; 59582
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~~(4) The number of children with disabilities, other than preschool children with disabilities, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed by the district with a county DD board, minus the number of such children placed with a county DD board in fiscal year 1998. If this calculation produces a negative number, the number reported under division (A)(4) of this section shall be zero.~~

(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the average daily membership, each superintendent shall report separately the following student counts for the same ~~week~~ weeks for which average daily membership is certified:

(1) The total average daily membership in regular learning day classes included in the report under division (A)(1) or (2) of this section for each of the individual grades kindergarten through twelve in schools under the superintendent's supervision;

(2) The number of all preschool children with disabilities enrolled as of the first day of December in classes in the district ~~that are for whom the district is eligible for approval to receive funding under division (B) of section 3317.05 3317.0213~~ of the Revised Code and the number of those classes, which shall be reported not later than the fifteenth day of December, in accordance with ~~rules adopted under that~~ the disability categories prescribed in section 3317.013 of the Revised Code;

(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are:

(a) Participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised

Code as described in division (I)(2)(a) or (b) of this section;	59621
(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;	59622 59623 59624 59625 59626
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	59627 59628
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	59629 59630 59631 59632 59633 59634
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	59635 59636 59637 59638
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code <u>and who qualified for the scholarship under section 3310.03 of the Revised Code</u> ;	59639 59640 59641 59642
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	59643 59644 59645
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	59646 59647 59648
(i) Participating in a program operated by a county DD board or a state institution;	59649 59650

(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;

(k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(l) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code.

(4) The number of pupils enrolled in joint vocational schools;

(5) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(6) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(7) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three disabilities described in division (C) of section 3317.013 of the

Revised Code, including children attending a special education 59682
program operated by an alternative public provider or a registered 59683
private provider with a scholarship awarded under sections 3310.51 59684
to 3310.64 of the Revised Code; 59685

(8) The combined average daily membership of children with 59686
disabilities reported under division (A)(1) or (2) of this section 59687
receiving special education services for category four 59688
disabilities described in division (D) of section 3317.013 of the 59689
Revised Code, including children attending a special education 59690
program operated by an alternative public provider or a registered 59691
private provider with a scholarship awarded under sections 3310.51 59692
to 3310.64 of the Revised Code; 59693

(9) The combined average daily membership of children with 59694
disabilities reported under division (A)(1) or (2) of this section 59695
receiving special education services for the category five 59696
disabilities described in division (E) of section 3317.013 of the 59697
Revised Code, including children attending a special education 59698
program operated by an alternative public provider or a registered 59699
private provider with a scholarship awarded under sections 3310.51 59700
to 3310.64 of the Revised Code; 59701

(10) The combined average daily membership of children with 59702
disabilities reported under division (A)(1) or (2) and under 59703
division (B)(3)(h) of this section receiving special education 59704
services for category six disabilities described in division (F) 59705
of section 3317.013 of the Revised Code, including children 59706
attending a special education program operated by an alternative 59707
public provider or a registered private provider with a 59708
scholarship awarded under either section 3310.41 or sections 59709
3310.51 to 3310.64 of the Revised Code; 59710

(11) The average daily membership of pupils reported under 59711
division (A)(1) or (2) of this section enrolled in category one 59712
~~vocational~~ career-technical education programs or classes, 59713

described in division (A) of section 3317.014 of the Revised Code, 59714
operated by the school district or by another district that is a 59715
member of the district's career-technical planning district, other 59716
than a joint vocational school district, or by an educational 59717
service center, ~~excluding any student reported under division~~ 59718
~~(B)(3)(e) of this section as enrolled in an internet or~~ 59719
~~computer-based community school~~, notwithstanding division ~~(C)(H)~~ 59720
of section 3317.02 of the Revised Code and division (C)(3) of this 59721
section; 59722

(12) The average daily membership of pupils reported under 59723
division (A)(1) or (2) of this section enrolled in category two 59724
~~vocational~~ career-technical education programs or services, 59725
described in division (B) of section 3317.014 of the Revised Code, 59726
operated by the school district or another school district that is 59727
a member of the district's career-technical planning district, 59728
other than a joint vocational school district, or by an 59729
educational service center, ~~excluding any student reported under~~ 59730
~~division (B)(3)(e) of this section as enrolled in an internet or~~ 59731
~~computer-based community school~~, notwithstanding division ~~(C)(H)~~ 59732
of section 3317.02 of the Revised Code and division (C)(3) of this 59733
section; 59734

~~Beginning with fiscal year 2010, vocational education ADM~~ 59735
~~shall not be used to calculate a district's funding but shall be~~ 59736
~~reported under divisions (B)(11) and (12) of this section for~~ 59737
~~statistical purposes.~~ 59738

(13) The average daily membership of pupils reported under 59739
division (A)(1) or (2) of this section enrolled in category three 59740
career-technical education programs or services, described in 59741
division (C) of section 3317.014 of the Revised Code, operated by 59742
the school district or another school district that is a member of 59743
the district's career-technical planning district, other than a 59744
joint vocational school district, or by an educational service 59745

center, notwithstanding division (H) of section 3317.02 of the 59746
Revised Code and division (C)(3) of this section; 59747

(14) The average daily membership of pupils reported under 59748
division (A)(1) or (2) of this section enrolled in category four 59749
career-technical education programs or services, described in 59750
division (D) of section 3317.014 of the Revised Code, operated by 59751
the school district or another school district that is a member of 59752
the district's career-technical planning district, other than a 59753
joint vocational school district, or by an educational service 59754
center, notwithstanding division (H) of section 3317.02 of the 59755
Revised Code and division (C)(3) of this section; 59756

(15) The average daily membership of pupils reported under 59757
division (A)(1) or (2) of this section enrolled in category five 59758
career-technical education programs or services, described in 59759
division (E) of section 3317.014 of the Revised Code, operated by 59760
the school district or another school district that is a member of 59761
the district's career-technical planning district, other than a 59762
joint vocational school district, or by an educational service 59763
center, notwithstanding division (H) of section 3317.02 of the 59764
Revised Code and division (C)(3) of this section; 59765

(16) The average daily membership of pupils reported under 59766
division (A)(1) or (2) of this section who are limited English 59767
proficient students described in division (A) of section 3317.016 59768
of the Revised Code, excluding any student reported under division 59769
(B)(3)(e) of this section as enrolled in an internet- or 59770
computer-based community school; 59771

(17) The average daily membership of pupils reported under 59772
division (A)(1) or (2) of this section who are limited English 59773
proficient students described in division (B) of section 3317.016 59774
of the Revised Code, excluding any student reported under division 59775
(B)(3)(e) of this section as enrolled in an internet- or 59776
computer-based community school; 59777

<u>(18) The average daily membership of pupils reported under</u>	59778
<u>division (A)(1) or (2) of this section who are limited English</u>	59779
<u>proficient students described in division (C) of section 3317.016</u>	59780
<u>of the Revised Code, excluding any student reported under division</u>	59781
<u>(B)(3)(e) of this section as enrolled in an internet- or</u>	59782
<u>computer-based community school;</u>	59783
<u>(19) The average number of children transported by the school</u>	59784
<u>district on board-owned or contractor-owned and -operated buses,</u>	59785
<u>reported in accordance with rules adopted by the department of</u>	59786
<u>education;</u>	59787
(14) <u>(20)(a) The number of children, other than preschool</u>	59788
<u>children with disabilities, the district placed with a county DD</u>	59789
<u>board in fiscal year 1998+. Division (B)(20)(a) of this section</u>	59790
<u>does not apply after fiscal year 2013.</u>	59791
(b) The number of children with disabilities, other than	59792
preschool children with disabilities, placed with a county DD	59793
board in the current fiscal year to receive special education	59794
services for the category one disability described in division (A)	59795
of section 3317.013 of the Revised Code;	59796
(c) The number of children with disabilities, other than	59797
preschool children with disabilities, placed with a county DD	59798
board in the current fiscal year to receive special education	59799
services for category two disabilities described in division (B)	59800
of section 3317.013 of the Revised Code;	59801
(d) The number of children with disabilities, other than	59802
preschool children with disabilities, placed with a county DD	59803
board in the current fiscal year to receive special education	59804
services for category three disabilities described in division (C)	59805
of section 3317.013 of the Revised Code;	59806
(e) The number of children with disabilities, other than	59807
preschool children with disabilities, placed with a county DD	59808

board in the current fiscal year to receive special education 59809
services for category four disabilities described in division (D) 59810
of section 3317.013 of the Revised Code; 59811

(f) The number of children with disabilities, other than 59812
preschool children with disabilities, placed with a county DD 59813
board in the current fiscal year to receive special education 59814
services for the category five disabilities described in division 59815
(E) of section 3317.013 of the Revised Code; 59816

(g) The number of children with disabilities, other than 59817
preschool children with disabilities, placed with a county DD 59818
board in the current fiscal year to receive special education 59819
services for category six disabilities described in division (F) 59820
of section 3317.013 of the Revised Code. 59821

(21) The number of students who are economically 59822
disadvantaged, as defined by the department, excluding any student 59823
reported under division (B)(3)(e) of this section as enrolled in 59824
an internet- or computer-based community school. A student shall 59825
not be categorically excluded from the number reported under 59826
division (B)(21) of this section based on anything other than 59827
family income. 59828

(C)(1) The average daily membership in divisions (B)(1) to 59829
(12) of this section shall be based upon the number of full-time 59830
equivalent students. The state board of education shall adopt 59831
rules defining full-time equivalent students and for determining 59832
the average daily membership therefrom for the purposes of 59833
divisions (A), (B), and (D) of this section. ~~Each student enrolled 59834~~
~~in kindergarten shall be counted as one full-time equivalent 59835~~
~~student regardless of whether the student is enrolled in a 59836~~
~~part day or all day kindergarten class. 59837~~

(2) A student enrolled in a community school established 59838
under Chapter 3314., a science, technology, engineering, and 59839

mathematics school established under Chapter 3326., or a 59840
college-preparatory boarding school established under Chapter 59841
3328. of the Revised Code shall be counted in the formula ADM and, 59842
if applicable, the category one, two, three, four, five, or six 59843
special education ADM of the school district in which the student 59844
is entitled to attend school under section 3313.64 or 3313.65 of 59845
the Revised Code for the same proportion of the school year that 59846
the student is counted in the enrollment of the community school, 59847
the science, technology, engineering, and mathematics school, or 59848
the college-preparatory boarding school for purposes of section 59849
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 59850
the number of students reported pursuant to division (B)(3)(d), 59851
(e), (j), or (k) of this section, the department may adjust the 59852
formula ADM of a school district to account for students entitled 59853
to attend school in the district under section 3313.64 or 3313.65 59854
of the Revised Code who are enrolled in a community school, a 59855
science, technology, engineering, and mathematics school, or a 59856
college-preparatory boarding school for only a portion of the 59857
school year. 59858

(3) No child shall be counted as more than a total of one 59859
child in the sum of the average daily memberships of a school 59860
district under division (A), divisions (B)(1) to ~~(12)~~(22), or 59861
division (D) of this section, except as follows: 59862

(a) A child with a disability described in section 3317.013 59863
of the Revised Code may be counted both in formula ADM and in 59864
category one, two, three, four, five, or six special education ADM 59865
and, if applicable, in category one ~~or~~, ~~two vocational~~, ~~three~~, 59866
four, or five career-technical education ADM. As provided in 59867
division ~~(C)~~(H) of section 3317.02 of the Revised Code, such a 59868
child shall be counted in category one, two, three, four, five, or 59869
six special education ADM in the same proportion that the child is 59870
counted in formula ADM. 59871

(b) A child enrolled in ~~vocational~~ career-technical education programs or classes described in section 3317.014 of the Revised Code may be counted both in formula ADM and category one ~~or, two~~ two ~~vocational, three, four, or five career-technical~~ education ADM and, if applicable, in category one, two, three, four, five, or six special education ADM. Such a child shall be counted in category one ~~or, two~~ two ~~vocational, three, four, or five~~ career-technical education ADM in the same proportion as the percentage of time that the child spends in the ~~vocational~~ career-technical education programs or classes.

(4) Based on the information reported under this section, the department of education shall determine the total student count, as defined in section 3301.011 of the Revised Code, for each school district.

(D)(1) The superintendent of each joint vocational school district shall certify to the superintendent of public instruction on or before the fifteenth day of October in each year for the first full school week in October ~~the formula ADM, for purposes of section 3318.42 of the Revised Code and for any other purpose prescribed by law for which "formula ADM" of the joint vocational district is a factor, and on or before the fifteenth day of February in each year for the first full school week in February, the average daily membership.~~ If a school operated by the joint vocational school district is closed for one or more days during ~~that a week~~ for which the average daily membership must be certified due to hazardous weather conditions or other circumstances described in ~~the first paragraph of division (B)(A)(1) of section 3317.01~~ 3313.482 of the Revised Code, the superintendent may apply to the superintendent of public instruction for a waiver, under which the superintendent of public instruction may exempt the district superintendent from certifying the ~~formula ADM~~ average daily membership for that school for that

week and specify an alternate week in the same month for 59904
certifying the ~~formula-ADM~~ average daily membership of that 59905
school. 59906

The ~~formula-ADM~~ average daily membership, except as otherwise 59907
provided in this division, shall consist of the average daily 59908
membership during ~~such~~ a week, on an FTE basis, of the number of 59909
students receiving any educational services from the district, 59910
including students enrolled in a community school established 59911
under Chapter 3314. or a science, technology, engineering, and 59912
mathematics school established under Chapter 3326. of the Revised 59913
Code who are attending the joint vocational district ~~under an~~ 59914
~~agreement between the district board of education and the~~ 59915
~~governing authority of the community school or the governing body~~ 59916
~~of the science, technology, engineering, and mathematics school~~ 59917
and are entitled to attend school in a city, local, or exempted 59918
village school district whose territory is part of the territory 59919
of the joint vocational district. 59920

The following categories of students shall not be included in 59921
the determination made under division (D)(1) of this section: 59922

(a) Students enrolled in adult education classes; 59923

(b) Adjacent or other district joint vocational students 59924
enrolled in the district under an open enrollment policy pursuant 59925
to section 3313.98 of the Revised Code; 59926

(c) Students receiving services in the district pursuant to a 59927
compact, cooperative education agreement, or a contract, but who 59928
are entitled to attend school in a city, local, or exempted 59929
village school district whose territory is not part of the 59930
territory of the joint vocational district; 59931

(d) Students for whom tuition is payable pursuant to sections 59932
3317.081 and 3323.141 of the Revised Code. 59933

(2) To enable the department of education to obtain the data 59934

needed to complete the calculation of payments pursuant to this 59935
chapter, in addition to the ~~formula~~ ADM, each superintendent shall 59936
report separately the average daily membership included in the 59937
report under division (D)(1) of this section for each of the 59938
following categories of students for each of the ~~same week~~ weeks 59939
for which ~~formula~~ ADM is certified: 59940

(a) Students enrolled in each individual grade included in 59941
the joint vocational district schools; 59942

(b) Children with disabilities receiving special education 59943
services for the category one disability described in division (A) 59944
of section 3317.013 of the Revised Code; 59945

(c) Children with disabilities receiving special education 59946
services for the category two disabilities described in division 59947
(B) of section 3317.013 of the Revised Code; 59948

(d) Children with disabilities receiving special education 59949
services for category three disabilities described in division (C) 59950
of section 3317.013 of the Revised Code; 59951

(e) Children with disabilities receiving special education 59952
services for category four disabilities described in division (D) 59953
of section 3317.013 of the Revised Code; 59954

(f) Children with disabilities receiving special education 59955
services for the category five disabilities described in division 59956
(E) of section 3317.013 of the Revised Code; 59957

(g) Children with disabilities receiving special education 59958
services for category six disabilities described in division (F) 59959
of section 3317.013 of the Revised Code; 59960

(h) Students receiving category one ~~vocational~~ 59961
career-technical education services, described in division (A) of 59962
section 3317.014 of the Revised Code; 59963

(i) Students receiving category two ~~vocational~~ 59964

<u>career-technical education services, described in division (B) of section 3317.014 of the Revised Code;</u>	59965 59966
<u>(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;</u>	59967 59968 59969
<u>(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;</u>	59970 59971 59972
<u>(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;</u>	59973 59974 59975
<u>(m) Limited English proficient students described in division (A) of section 3317.016 of the Revised Code;</u>	59976 59977
<u>(n) Limited English proficient students described in division (B) of section 3317.016 of the Revised Code;</u>	59978 59979
<u>(o) Limited English proficient students described in division (C) of section 3317.016 of the Revised Code;</u>	59980 59981
<u>(p) Students who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (D)(2)(p) of this section based on anything other than family income.</u>	59982 59983 59984 59985
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	59986 59987 59988 59989 59990
(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record shall accurately show, for each day the school is in session, the	59991 59992 59993 59994

actual membership enrolled in regular day classes. For the purpose 59995
of determining average daily membership, the membership figure of 59996
any school shall not include any pupils except those pupils 59997
described by division (A) of this section. The record of 59998
membership for each school shall be maintained in such manner that 59999
no pupil shall be counted as in membership prior to the actual 60000
date of entry in the school and also in such manner that where for 60001
any cause a pupil permanently withdraws from the school that pupil 60002
shall not be counted as in membership from and after the date of 60003
such withdrawal. There shall not be included in the membership of 60004
any school any of the following: 60005

(1) Any pupil who has graduated from the twelfth grade of a 60006
public or nonpublic high school; 60007

(2) Any pupil who is not a resident of the state; 60008

(3) Any pupil who was enrolled in the schools of the district 60009
during the previous school year when assessments were administered 60010
under section 3301.0711 of the Revised Code but did not take one 60011
or more of the assessments required by that section and was not 60012
excused pursuant to division (C)(1) or (3) of that section; 60013

(4) Any pupil who has attained the age of twenty-two years, 60014
except for veterans of the armed services whose attendance was 60015
interrupted before completing the recognized twelve-year course of 60016
the public schools by reason of induction or enlistment in the 60017
armed forces and who apply for reenrollment in the public school 60018
system of their residence not later than four years after 60019
termination of war or their honorable discharge. 60020

If, however, any veteran described by division (E)(4) of this 60021
section elects to enroll in special courses organized for veterans 60022
for whom tuition is paid under the provisions of federal laws, or 60023
otherwise, that veteran shall not be included in average daily 60024
membership. 60025

Notwithstanding division (E)(3) of this section, the membership of any school may include a pupil who did not take an assessment required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the assessment to the specific pupil and a parent is not paying tuition for the pupil pursuant to section 3313.6410 of the Revised Code. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education.

Except as provided in divisions (B)(2) and (F) of this section, the average daily membership figure of any local, city, exempted village, or joint vocational school district shall be determined by dividing the figure representing the sum of the number of pupils enrolled during each day the school of attendance is actually open for instruction during the week for which the average daily membership is being certified by the total number of days the school was actually open for instruction during that week. For purposes of state funding, "enrolled" persons are only those pupils who are attending school, those who have attended school during the current school year and are absent for authorized reasons, and those children with disabilities currently receiving home instruction.

The average daily membership figure of any cooperative education school district shall be determined in accordance with rules adopted by the state board of education.

~~(F)(1) If the formula ADM for the first full school week in February is at least three per cent greater than that certified for the first full school week in the preceding October, the superintendent of schools of any city, exempted village, or joint vocational school district or educational service center shall certify such increase to the superintendent of public instruction. Such certification shall be submitted no later than the fifteenth~~

~~day of February. For the balance of the fiscal year, beginning 60058
with the February payments, the superintendent of public 60059
instruction shall use the increased formula ADM in calculating or 60060
recalculating the amounts to be allocated in accordance with 60061
section 3317.022 or 3317.16 of the Revised Code. In no event shall 60062
the superintendent use an increased membership certified to the 60063
superintendent after the fifteenth day of February. Division 60064
(F)(1) of this section does not apply after fiscal year 2006. 60065~~

~~(2) If on the first school day of April the total number of 60066
classes or units for preschool children with disabilities that are 60067
eligible for approval under division (B) of section 3317.05 of the 60068
Revised Code exceeds the number of units that have been approved 60069
for the year under that division, the superintendent of schools of 60070
any city, exempted village, or cooperative education school 60071
district or educational service center shall make the 60072
certifications required by this section for that day. If the 60073
department determines additional units can be approved for the 60074
fiscal year within any limitations set forth in the acts 60075
appropriating moneys for the funding of such units, the department 60076
shall approve additional units for the fiscal year on the basis of 60077
such average daily membership. For each unit so approved, the 60078
department shall pay an amount computed in the manner prescribed 60079
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 60080
Code. 60081~~

~~(3) If a student attending a community school under Chapter 60082
3314., a science, technology, engineering, and mathematics school 60083
established under Chapter 3326., or a college-preparatory boarding 60084
school established under Chapter 3328. of the Revised Code is not 60085
included in the formula ADM certified for the school district in 60086
which the student is entitled to attend school under section 60087
3313.64 or 3313.65 of the Revised Code, the department of 60088
education shall adjust the formula ADM of that school district to 60089~~

include the student in accordance with division (C)(2) of this 60090
section, and shall recalculate the school district's payments 60091
under this chapter for the entire fiscal year on the basis of that 60092
adjusted formula ADM. This requirement applies regardless of 60093
whether the student was enrolled, as defined in division (E) of 60094
this section, in the community school, the science, technology, 60095
engineering, and mathematics school, or the college-preparatory 60096
boarding school during the ~~week~~ weeks for which the formula ADM is 60097
being certified. 60098

~~(4)~~(2) If a student awarded an educational choice scholarship 60099
is not included in the formula ADM of the school district from 60100
which the department deducts funds for the scholarship under 60101
section 3310.08 of the Revised Code, the department shall adjust 60102
the formula ADM of that school district to include the student to 60103
the extent necessary to account for the deduction, and shall 60104
recalculate the school district's payments under this chapter for 60105
the entire fiscal year on the basis of that adjusted formula ADM. 60106
This requirement applies regardless of whether the student was 60107
enrolled, as defined in division (E) of this section, in the 60108
chartered nonpublic school, the school district, or a community 60109
school during the ~~week~~ weeks for which the formula ADM is being 60110
certified. 60111

~~(5)~~(3) If a student awarded a scholarship under the Jon 60112
Peterson special needs scholarship program is not included in the 60113
formula ADM of the school district from which the department 60114
deducts funds for the scholarship under section 3310.55 of the 60115
Revised Code, the department shall adjust the formula ADM of that 60116
school district to include the student to the extent necessary to 60117
account for the deduction, and shall recalculate the school 60118
district's payments under this chapter for the entire fiscal year 60119
on the basis of that adjusted formula ADM. This requirement 60120
applies regardless of whether the student was enrolled, as defined 60121

in division (E) of this section, in an alternative public 60122
provider, a registered private provider, or the school district 60123
during the ~~week~~ weeks for which the formula ADM is being 60124
certified. 60125

(G)(1)(a) The superintendent of an institution operating a 60126
special education program pursuant to section 3323.091 of the 60127
Revised Code shall, for the programs under such superintendent's 60128
supervision, certify to the state board of education, in the 60129
manner prescribed by the superintendent of public instruction, 60130
both of the following: 60131

(i) The average daily membership of all children with 60132
disabilities other than preschool children with disabilities 60133
receiving services at the institution for each category of 60134
disability described in divisions (A) to (F) of section 3317.013 60135
of the Revised Code; 60136

(ii) The average daily membership of all preschool children 60137
with disabilities in classes or programs ~~approved annually by the~~ 60138
~~department of education for unit~~ for whom the district is eligible 60139
to receive funding under section ~~3317.05~~ 3317.0213 of the Revised 60140
Code, reported according to the categories prescribed in section 60141
3317.013 of the Revised Code. 60142

(b) The superintendent of an institution with ~~vocational~~ 60143
career-technical education units approved under ~~division (A) of~~ 60144
section 3317.05 of the Revised Code shall, for the units under the 60145
superintendent's supervision, certify to the state board of 60146
education the average daily membership in those units, in the 60147
manner prescribed by the superintendent of public instruction. 60148

(2) The superintendent of each county DD board that maintains 60149
special education classes under section 3317.20 of the Revised 60150
Code or ~~units approved~~ provides services to preschool children 60151
with disabilities pursuant to ~~section 3317.05 of the Revised Code~~ 60152

an agreement between the DD board and the appropriate school district shall do both of the following: 60153
60154

(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes; 60155
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(b) Certify to the state board, in the manner prescribed by the board, the number of all preschool children with disabilities enrolled as of the first day of December in classes for which the DD board is eligible for approval to receive funding under division (B) of section 3317.05 3317.0213 of the Revised Code, reported according to the categories prescribed in section 3317.013 of the Revised Code, and the number of those classes. 60159
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~~(3)(a) If on the first school day of April the number of classes or units maintained for preschool children with disabilities by the county DD board that are eligible for approval under division (B) of section 3317.05 of the Revised Code is greater than the number of units approved for the year under that division, the superintendent shall make the certification required by this section for that day.~~ 60166
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~~(b) If the department determines that additional classes or units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of the classes and units described in division (C)(3)(a) of this section, the department shall approve and fund additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department shall pay an amount computed in the manner prescribed in sections 3317.052 and 3317.053 of the Revised Code.~~ 60173
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(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides 60182
60183

instruction for a nonresident pupil whose attendance is 60184
unauthorized attendance as defined in section 3327.06 of the 60185
Revised Code, that pupil's membership shall not be included in 60186
that district's membership figure used in the calculation of that 60187
district's formula ADM or included in the determination of any 60188
~~unit funding~~ approved for the district under section ~~3317.05~~ 60189
3317.0213 of the Revised Code. The reporting official shall report 60190
separately the average daily membership of all pupils whose 60191
attendance in the district is unauthorized attendance, and the 60192
membership of each such pupil shall be credited to the school 60193
district in which the pupil is entitled to attend school under 60194
division (B) of section 3313.64 or section 3313.65 of the Revised 60195
Code as determined by the department of education. 60196

(I)(1) A city, local, exempted village, or joint vocational 60197
school district admitting a scholarship student of a pilot project 60198
district pursuant to division (C) of section 3313.976 of the 60199
Revised Code may count such student in its average daily 60200
membership. 60201

(2) In any year for which funds are appropriated for pilot 60202
project scholarship programs, a school district implementing a 60203
state-sponsored pilot project scholarship program that year 60204
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 60205
count in average daily membership: 60206

(a) All children residing in the district and utilizing a 60207
scholarship to attend kindergarten in any alternative school, as 60208
defined in section 3313.974 of the Revised Code; 60209

(b) All children who were enrolled in the district in the 60210
preceding year who are utilizing a scholarship to attend an 60211
alternative school. 60212

(J) The superintendent of each cooperative education school 60213
district shall certify to the superintendent of public 60214

instruction, in a manner prescribed by the state board of 60215
education, the applicable average daily memberships for all 60216
students in the cooperative education district, also indicating 60217
the city, local, or exempted village district where each pupil is 60218
entitled to attend school under section 3313.64 or 3313.65 of the 60219
Revised Code. 60220

(K) If the superintendent of public instruction determines 60221
that a component of the average daily membership certified or 60222
reported by a district superintendent, or other reporting entity, 60223
is not correct, the superintendent of public instruction may order 60224
that the formula ADM used for the purposes of payments under any 60225
section of Title XXXVIII of the Revised Code be adjusted in the 60226
amount of the error. 60227

Sec. 3317.032. ~~(A)~~ Each city, local, exempted village, and 60228
cooperative education school district, each educational service 60229
center, each county DD board, and each institution operating a 60230
special education program pursuant to section 3323.091 of the 60231
Revised Code shall, in accordance with procedures adopted by the 60232
state board of education, maintain a record of district membership 60233
of ~~both of the following:~~ 60234

~~(1) All preschool children with disabilities in units 60235
approved under division (B) of section 3317.05 of the Revised 60236
Code;~~ 60237

~~(2) All all preschool children with disabilities who are not 60238
in units approved under division (B) of section 3317.05 of the 60239
Revised Code but who are otherwise served by a special education 60240
program. 60241~~

~~(B) The superintendent of each district, board, or 60242
institution subject to division (A) of this section shall certify 60243
to the state board of education, in accordance with procedures 60244
adopted by that board, membership figures of all preschool 60245~~

~~children with disabilities whose membership is maintained under 60246
division (A)(2) of this section. The figures certified under this 60247
division shall be used in the determination of the ADM used to 60248
compute funds for educational service center governing boards 60249
under section 3317.11 of the Revised Code. 60250~~

Sec. 3317.05. ~~(A) For the purpose of calculating payments 60251
under sections 3317.052 and 3317.053 of the Revised Code, the The 60252
department of education shall determine for each institution, by 60253
the last day of January of each year and based on information 60254
certified under section 3317.03 of the Revised Code, the number of 60255
~~vocational~~ career-technical education units or fractions of units 60256
approved by the department on the basis of standards and rules 60257
adopted by the state board of education. As used in this ~~division~~ 60258
section, "institution" means an institution operated by a 60259
department specified in section 3323.091 of the Revised Code and 60260
that provides ~~vocational~~ career-technical education programs under 60261
the supervision of the division of ~~vocational~~ career-technical 60262
education of the department that meet the standards and rules for 60263
these programs, including licensure of professional staff involved 60264
in the programs, as established by the state board. 60265~~

~~(B) For the purpose of calculating payments under sections 60266
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 60267
department shall determine, based on information certified under 60268
section 3317.03 of the Revised Code, the following by the last day 60269
of January of each year for each educational service center, for 60270
each school district, including each cooperative education school 60271
district, for each institution eligible for payment under section 60272
3323.091 of the Revised Code, and for each county DD board: the 60273
number of classes operated by the school district, service center, 60274
institution, or county DD board for preschool children with 60275
disabilities, or fraction thereof, including in the case of a 60276
district or service center that is a funding agent, classes taught 60277~~

~~by a licensed teacher employed by that district or service center 60278
under section 3313.841 of the Revised Code, approved annually by 60279
the department on the basis of standards and rules adopted by the 60280
state board. 60281~~

~~(C) For the purpose of calculating payments under sections 60282
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 60283
department shall determine, based on information certified under 60284
section 3317.03 of the Revised Code, the following by the last day 60285
of January of each year for each school district, including each 60286
cooperative education school district, for each institution 60287
eligible for payment under section 3323.091 of the Revised Code, 60288
and for each county DD board: the number of units for related 60289
services, as defined in section 3323.01 of the Revised Code, for 60290
preschool children with disabilities approved annually by the 60291
department on the basis of standards and rules adopted by the 60292
state board. 60293~~

~~(D) All of the arithmetical calculations made under this 60294
section shall be carried to the second decimal place. The total 60295
number of units for school districts, service centers, and 60296
institutions approved annually under this section shall not exceed 60297
the number of units included in the estimate of cost for these 60298
units and appropriations made for them by the general assembly. 60299~~

~~In the case of units for preschool children with disabilities 60300
described in division (B) of this section, the department shall 60301
approve only preschool units for children who are under age six on 60302
the thirtieth day of September of the academic year, or on the 60303
first day of August of the academic year if the school district in 60304
which the child is enrolled has adopted a resolution under 60305
division (A)(3) of section 3321.01 of the Revised Code, but not 60306
less than age three on the first day of December of the academic 60307
year, except that such a unit may include one or more children who 60308
are under age three or are age six or over on the applicable date, 60309~~

~~as reported under division (B)(2) or (C)(2)(b) of section 3317.03 60310
of the Revised Code, if such children have been admitted to the 60311
unit pursuant to rules of the state board. The number of units for 60312
county DD boards and institutions eligible for payment under 60313
section 3323.091 of the Revised Code approved under this section 60314
shall not exceed the number that can be funded with appropriations 60315
made for such purposes by the general assembly. 60316~~

~~No unit shall be approved under divisions (B) and (C) of this 60317
section unless a plan has been submitted and approved under 60318
Chapter 3323. of the Revised Code. 60319~~

(C) The department shall pay each institution approved for 60320
career-technical education units under division (A) of this 60321
section an amount for the total of all the units approved under 60322
that division. The amount for each unit shall be the sum of the 60323
minimum salary for the teacher of the unit, calculated on the 60324
basis of the teacher's training level and years of experience 60325
pursuant to the salary schedule prescribed in the version of 60326
section 3317.13 of the Revised Code in effect prior to July 1, 60327
2001, plus fifteen per cent of that minimum salary amount, and 60328
nine thousand five hundred ten dollars. Each institution that 60329
receives unit funds under this division annually shall report to 60330
the department on the delivery of services and the performance of 60331
students and any other information required by the department to 60332
evaluate the institution's career-technical education program. 60333

(D) For each unit allocated to an institution pursuant to 60334
division (A) of this section, the department, in addition to the 60335
amount specified in division (B) of this section, shall pay a 60336
supplemental unit allowance of \$7,227. 60337

Sec. 3317.051. (A) As used in this section, "gifted unit ADM" 60338
means a school district's formula ADM minus the number of students 60339
reported by a district under divisions (A)(2)(a) and (i) of 60340

section 3317.03 of the Revised Code. 60341

(B) The department of education shall compute and pay to a school district funds based on units for services to students identified as gifted under Chapter 3324. of the Revised Code as prescribed by this section. 60342
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(C) The department shall allocate gifted units for a school district as follows: 60346
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(1) One gifted coordinator unit shall be allocated for every 3,300 students in a district's gifted unit ADM, with a minimum of 0.5 units and a maximum of 8 units allocated for the district. 60348
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(2) One gifted intervention specialist unit shall be allocated for every 1,100 students in a district's gifted unit ADM, with a minimum of 0.3 units allocated for the district. 60351
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(D) The department shall pay the following amount to a school district for gifted units: 60354
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(1) In fiscal year 2014, \$37,000 multiplied by the number of units allocated to a school district under division (C) of this section; 60356
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(2) In fiscal year 2015, \$37,370 multiplied by the number of units allocated to a school district under division (C) of this section. 60359
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A school district shall use the funds it receives for units allocated under division (C)(1) of this section only for gifted coordinator services as prescribed by the department. Qualified personnel shall be employed by the district for this purpose on a full-time equivalency basis that corresponds to the number of units allocated to the district under division (C)(1) of this section. 60362
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A school district shall use the funds it receives for units allocated under division (C)(2) of this section only for gifted 60369
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intervention specialist services as prescribed by the department. 60371
Qualified personnel shall be employed by the district for this 60372
purpose on a full-time equivalency basis that corresponds to the 60373
number of units allocated to the district under division (C)(2) of 60374
this section. 60375

(E) A school district may assign gifted unit funding that it 60376
receives under division (D) of this section to another school 60377
district, an educational service center, a community school, or a 60378
STEM school as part of an arrangement to provide services to the 60379
district as follows: 60380

(1) Funds received for units allocated under division (C)(1) 60381
of this section may be assigned to a district, service center, or 60382
school that employs qualified gifted coordinators; 60383

(2) Funds received for units allocated under division (C)(2) 60384
of this section may be assigned to a district, service center, or 60385
school that employs qualified gifted intervention specialists. 60386

Sec. 3317.06. Moneys paid to school districts under division 60387
(E) of section 3317.024 of the Revised Code shall be used for the 60388
following independent and fully severable purposes: 60389

(A) To purchase such secular textbooks or ~~electronic~~ 60390
~~textbooks~~ digital texts as have been approved by the 60391
superintendent of public instruction for use in public schools in 60392
the state and to loan such textbooks or ~~electronic textbooks~~ 60393
digital texts to pupils attending nonpublic schools within the 60394
district or to their parents and to hire clerical personnel to 60395
administer such lending program. Such loans shall be based upon 60396
individual requests submitted by such nonpublic school pupils or 60397
parents. Such requests shall be submitted to the school district 60398
in which the nonpublic school is located. Such individual requests 60399
for the loan of textbooks or ~~electronic textbooks~~ digital texts 60400
shall, for administrative convenience, be submitted by the 60401

nonpublic school pupil or the pupil's parent to the nonpublic 60402
school, which shall prepare and submit collective summaries of the 60403
individual requests to the school district. As used in this 60404
section: 60405

(1) "Textbook" means any book or book substitute that a pupil 60406
uses as a consumable or nonconsumable text, text substitute, or 60407
text supplement in a particular class or program in the school the 60408
pupil regularly attends. 60409

(2) ~~"Electronic textbook"~~ "Digital text" means ~~any a~~ 60410
consumable book or book substitute that a student accesses through 60411
the use of a computer or other electronic medium or that is 60412
available through an internet-based provider of course content, or 60413
any other material that contributes to the learning process 60414
through electronic means. 60415

(B) To provide speech and hearing diagnostic services to 60416
pupils attending nonpublic schools within the district. Such 60417
service shall be provided in the nonpublic school attended by the 60418
pupil receiving the service. 60419

(C) To provide physician, nursing, dental, and optometric 60420
services to pupils attending nonpublic schools within the 60421
district. Such services shall be provided in the school attended 60422
by the nonpublic school pupil receiving the service. 60423

(D) To provide diagnostic psychological services to pupils 60424
attending nonpublic schools within the district. Such services 60425
shall be provided in the school attended by the pupil receiving 60426
the service. 60427

(E) To provide therapeutic psychological and speech and 60428
hearing services to pupils attending nonpublic schools within the 60429
district. Such services shall be provided in the public school, in 60430
nonpublic schools, in public centers, or in mobile units located 60431
on or off of the nonpublic premises. If such services are provided 60432

in the public school or in public centers, transportation to and 60433
from such facilities shall be provided by the school district in 60434
which the nonpublic school is located. 60435

(F) To provide guidance, counseling, and social work services 60436
to pupils attending nonpublic schools within the district. Such 60437
services shall be provided in the public school, in nonpublic 60438
schools, in public centers, or in mobile units located on or off 60439
of the nonpublic premises. If such services are provided in the 60440
public school or in public centers, transportation to and from 60441
such facilities shall be provided by the school district in which 60442
the nonpublic school is located. 60443

(G) To provide remedial services to pupils attending 60444
nonpublic schools within the district. Such services shall be 60445
provided in the public school, in nonpublic schools, in public 60446
centers, or in mobile units located on or off of the nonpublic 60447
premises. If such services are provided in the public school or in 60448
public centers, transportation to and from such facilities shall 60449
be provided by the school district in which the nonpublic school 60450
is located. 60451

(H) To supply for use by pupils attending nonpublic schools 60452
within the district such standardized tests and scoring services 60453
as are in use in the public schools of the state; 60454

(I) To provide programs for children who attend nonpublic 60455
schools within the district and are children with disabilities as 60456
defined in section 3323.01 of the Revised Code or gifted children. 60457
Such programs shall be provided in the public school, in nonpublic 60458
schools, in public centers, or in mobile units located on or off 60459
of the nonpublic premises. If such programs are provided in the 60460
public school or in public centers, transportation to and from 60461
such facilities shall be provided by the school district in which 60462
the nonpublic school is located. 60463

(J) To hire clerical personnel to assist in the 60464
administration of programs pursuant to divisions (B), (C), (D), 60465
(E), (F), (G), and (I) of this section and to hire supervisory 60466
personnel to supervise the providing of services and textbooks 60467
pursuant to this section. 60468

(K) To purchase or lease any secular, neutral, and 60469
nonideological computer application software designed to assist 60470
students in performing a single task or multiple related tasks, 60471
device management software, learning management software, 60472
site-licensing, digital video on demand (DVD), wide area 60473
connectivity and related technology as it relates to internet 60474
access, mathematics or science equipment and materials, 60475
instructional materials, and school library materials that are in 60476
general use in the public schools of the state and loan such items 60477
to pupils attending nonpublic schools within the district or to 60478
their parents, and to hire clerical personnel to administer the 60479
lending program. Only such items that are incapable of diversion 60480
to religious use and that are susceptible of loan to individual 60481
pupils and are furnished for the use of individual pupils shall be 60482
purchased and loaned under this division. As used in this section, 60483
"instructional materials" means prepared learning materials that 60484
are secular, neutral, and nonideological in character and are of 60485
benefit to the instruction of school children, ~~and may include~~ 60486
~~educational resources and services developed by the eTech Ohio~~ 60487
~~commission.~~ 60488

Mobile applications that are secular, neutral, and 60489
nonideological in character and that are purchased for less than 60490
ten dollars for instructional use shall be considered to be 60491
consumable and shall be distributed to students without the 60492
expectation that the applications must be returned. 60493

(L) To purchase or lease instructional equipment, including 60494
computer hardware and related equipment in general use in the 60495

public schools of the state, for use by pupils attending nonpublic 60496
schools within the district and to loan such items to pupils 60497
attending nonpublic schools within the district or to their 60498
parents, and to hire clerical personnel to administer the lending 60499
program. "Computer hardware and related equipment" includes 60500
desktop computers and workstations; laptop computers, computer 60501
tablets, and other mobile handheld devices; and their operating 60502
systems and accessories. 60503

(M) To purchase mobile units to be used for the provision of 60504
services pursuant to divisions (E), (F), (G), and (I) of this 60505
section and to pay for necessary repairs and operating costs 60506
associated with these units. 60507

(N) To reimburse costs the district incurred to store the 60508
records of a chartered nonpublic school that closes. 60509
Reimbursements under this division shall be made one time only for 60510
each chartered nonpublic school that closes. 60511

(O) To purchase life-saving medical or other emergency 60512
equipment for placement in nonpublic schools within the district 60513
or to maintain such equipment. 60514

Clerical and supervisory personnel hired pursuant to division 60515
(J) of this section shall perform their services in the public 60516
schools, in nonpublic schools, public centers, or mobile units 60517
where the services are provided to the nonpublic school pupil, 60518
except that such personnel may accompany pupils to and from the 60519
service sites when necessary to ensure the safety of the children 60520
receiving the services. 60521

All services provided pursuant to this section may be 60522
provided under contract with educational service centers, the 60523
department of health, city or general health districts, or private 60524
agencies whose personnel are properly licensed by an appropriate 60525
state board or agency. 60526

Transportation of pupils provided pursuant to divisions (E), 60527
(F), (G), and (I) of this section shall be provided by the school 60528
district from its general funds and not from moneys paid to it 60529
under division (E) of section 3317.024 of the Revised Code unless 60530
a special transportation request is submitted by the parent of the 60531
child receiving service pursuant to such divisions. If such an 60532
application is presented to the school district, it may pay for 60533
the transportation from moneys paid to it under division (E) of 60534
section 3317.024 of the Revised Code. 60535

No school district shall provide health or remedial services 60536
to nonpublic school pupils as authorized by this section unless 60537
such services are available to pupils attending the public schools 60538
within the district. 60539

Materials, equipment, computer hardware or software, 60540
textbooks, ~~electronic textbooks~~ digital texts, and health and 60541
remedial services provided for the benefit of nonpublic school 60542
pupils pursuant to this section and the admission of pupils to 60543
such nonpublic schools shall be provided without distinction as to 60544
race, creed, color, or national origin of such pupils or of their 60545
teachers. 60546

No school district shall provide services, materials, or 60547
equipment that contain religious content for use in religious 60548
courses, devotional exercises, religious training, or any other 60549
religious activity. 60550

As used in this section, "parent" includes a person standing 60551
in loco parentis to a child. 60552

Notwithstanding section 3317.01 of the Revised Code, payments 60553
shall be made under this section to any city, local, or exempted 60554
village school district within which is located one or more 60555
nonpublic elementary or high schools and any payments made to 60556
school districts under division (E) of section 3317.024 of the 60557

Revised Code for purposes of this section may be disbursed without 60558
submission to and approval of the controlling board. 60559

The allocation of payments for materials, equipment, 60560
textbooks, ~~electronic textbooks~~ digital texts, health services, 60561
and remedial services to city, local, and exempted village school 60562
districts shall be on the basis of the state board of education's 60563
estimated annual average daily membership in nonpublic elementary 60564
and high schools located in the district. 60565

Payments made to city, local, and exempted village school 60566
districts under this section shall be equal to specific 60567
appropriations made for the purpose. All interest earned by a 60568
school district on such payments shall be used by the district for 60569
the same purposes and in the same manner as the payments may be 60570
used. 60571

The department of education shall adopt guidelines and 60572
procedures under which such programs and services shall be 60573
provided, under which districts shall be reimbursed for 60574
administrative costs incurred in providing such programs and 60575
services, and under which any unexpended balance of the amounts 60576
appropriated by the general assembly to implement this section may 60577
be transferred to the auxiliary services personnel unemployment 60578
compensation fund established pursuant to section 4141.47 of the 60579
Revised Code. The department shall also adopt guidelines and 60580
procedures limiting the purchase and loan of the items described 60581
in division (K) of this section to items that are in general use 60582
in the public schools of the state, that are incapable of 60583
diversion to religious use, and that are susceptible to individual 60584
use rather than classroom use. Within thirty days after the end of 60585
each biennium, each board of education shall remit to the 60586
department all moneys paid to it under division (E) of section 60587
3317.024 of the Revised Code and any interest earned on those 60588
moneys that are not required to pay expenses incurred under this 60589

section during the biennium for which the money was appropriated 60590
and during which the interest was earned. If a board of education 60591
subsequently determines that the remittal of moneys leaves the 60592
board with insufficient money to pay all valid expenses incurred 60593
under this section during the biennium for which the remitted 60594
money was appropriated, the board may apply to the department of 60595
education for a refund of money, not to exceed the amount of the 60596
insufficiency. If the department determines the expenses were 60597
lawfully incurred and would have been lawful expenditures of the 60598
refunded money, it shall certify its determination and the amount 60599
of the refund to be made to the director of job and family 60600
services who shall make a refund as provided in section 4141.47 of 60601
the Revised Code. 60602

Each school district shall label materials, equipment, 60603
computer hardware or software, textbooks, and ~~electronic textbooks~~ 60604
digital texts purchased or leased for loan to a nonpublic school 60605
under this section, acknowledging that they were purchased or 60606
leased with state funds under this section. However, a district 60607
need not label materials, equipment, computer hardware or 60608
software, textbooks, or ~~electronic textbooks~~ digital texts that 60609
the district determines are consumable in nature or have a value 60610
of less than two hundred dollars. 60611

Sec. 3317.063. The superintendent of public instruction, in 60612
accordance with rules adopted by the department of education, 60613
shall annually reimburse each chartered nonpublic school for the 60614
actual mandated service administrative and clerical costs incurred 60615
by such school during the preceding school year in preparing, 60616
maintaining, and filing reports, forms, and records, and in 60617
providing such other administrative and clerical services that are 60618
not an integral part of the teaching process as may be required by 60619
state law or rule or by requirements duly promulgated by city, 60620
exempted village, or local school districts. The mandated service 60621

costs reimbursed pursuant to this section shall include, but are 60622
not limited to, the preparation, filing and maintenance of forms, 60623
reports, or records and other clerical and administrative services 60624
relating to state chartering or approval of the nonpublic school, 60625
pupil attendance, pupil health and health testing, transportation 60626
of pupils, federally funded education programs, pupil appraisal, 60627
pupil progress, educator licensure, unemployment and workers' 60628
compensation, transfer of pupils, and such other education related 60629
data which are now or hereafter shall be required of such 60630
nonpublic school by state law or rule, or by requirements of the 60631
state department of education, other state agencies, or city, 60632
exempted village, or local school districts. 60633

The reimbursement required by this section shall be for 60634
school years beginning on or after July 1, 1981. 60635

Each nonpublic school which seeks reimbursement pursuant to 60636
this section shall submit to the superintendent of public 60637
instruction an application together with such additional reports 60638
and documents as the department of education may require. Such 60639
application, reports, and documents shall contain such information 60640
as the department of education may prescribe in order to carry out 60641
the purposes of this section. No payment shall be made until the 60642
superintendent of public instruction has approved such 60643
application. 60644

Each nonpublic school which applies for reimbursement 60645
pursuant to this section shall maintain a separate account or 60646
system of accounts for the expenses incurred in rendering the 60647
required services for which reimbursement is sought. Such accounts 60648
shall contain such information as is required by the department of 60649
education and shall be maintained in accordance with rules adopted 60650
by the department of education. 60651

Reimbursement payments to a nonpublic school pursuant to this 60652
section shall not exceed an amount for each school year equal to 60653

three hundred ~~twenty-five~~ sixty dollars per pupil enrolled in that nonpublic school.

The superintendent of public instruction may, from time to time, examine any and all accounts and records of a nonpublic school which have been maintained pursuant to this section in support of an application for reimbursement, for the purpose of determining the costs to such school of rendering the services for which reimbursement is sought. If after such audit it is determined that any school has received funds in excess of the actual cost of providing such services, said school shall immediately reimburse the state in such excess amount.

Any payments made to chartered nonpublic schools under this section may be disbursed without submission to and approval of the controlling board.

Sec. 3317.08. A board of education may admit to its schools a child it is not required by section 3313.64 or 3313.65 of the Revised Code to admit, if tuition is paid for the child.

Unless otherwise provided by law, tuition shall be computed in accordance with this section. A district's tuition charge for a school year shall be one of the following:

(A) For any child, except a preschool child with a disability described in division (B) of this section, the quotient obtained by dividing the sum of the amounts described in divisions (A)(1) and (2) of this section by the district's formula ADM.

(1) The district's total taxes charged and payable for current expenses for the tax year preceding the tax year in which the school year begins as certified under division (A)(3) of section 3317.021 of the Revised Code.

(2) The district's total taxes collected for current expenses under a school district income tax adopted pursuant to section

5748.03, 5748.08, or 5748.09 of the Revised Code that are 60684
disbursed to the district during the fiscal year, excluding any 60685
income tax receipts allocated for the project cost, debt service, 60686
or maintenance set-aside associated with a state-assisted 60687
classroom facilities project as authorized by section 3318.052 of 60688
the Revised Code. On or before the first day of June of each year, 60689
the tax commissioner shall certify the amount to be used in the 60690
calculation under this division for the next fiscal year to the 60691
department of education and the office of budget and management 60692
for each city, local, and exempted village school district that 60693
levies a school district income tax. 60694

(B) For any preschool child with a disability ~~not included in~~ 60695
~~a unit approved under division (B) of section 3317.05 of the~~ 60696
~~Revised Code~~, an amount computed for the school year as follows: 60697

(1) For each type of special education service provided to 60698
the child for whom tuition is being calculated, determine the 60699
amount of the district's operating expenses in providing that type 60700
of service to all preschool children with disabilities ~~not~~ 60701
~~included in units approved under division (B) of section 3317.05~~ 60702
~~of the Revised Code;~~ 60703

(2) For each type of special education service for which 60704
operating expenses are determined under division (B)(1) of this 60705
section, determine the amount of such operating expenses that was 60706
paid from any state funds received under this chapter; 60707

(3) For each type of special education service for which 60708
operating expenses are determined under division (B)(1) of this 60709
section, divide the difference between the amount determined under 60710
division (B)(1) of this section and the amount determined under 60711
division (B)(2) of this section by the total number of preschool 60712
children with disabilities ~~not included in units approved under~~ 60713
~~division (B) of section 3317.05 of the Revised Code~~ who received 60714
that type of service; 60715

(4) Determine the sum of the quotients obtained under 60716
division (B)(3) of this section for all types of special education 60717
services provided to the child for whom tuition is being 60718
calculated. 60719

The state board of education shall adopt rules defining the 60720
types of special education services and specifying the operating 60721
expenses to be used in the computation under this section. 60722

If any child for whom a tuition charge is computed under this 60723
section for any school year is enrolled in a district for only 60724
part of that school year, the amount of the district's tuition 60725
charge for the child for the school year shall be computed in 60726
proportion to the number of school days the child is enrolled in 60727
the district during the school year. 60728

Except as otherwise provided in division (J) of section 60729
3313.64 of the Revised Code, whenever a district admits a child to 60730
its schools for whom tuition computed in accordance with this 60731
section is an obligation of another school district, the amount of 60732
the tuition shall be certified by the treasurer of the board of 60733
education of the district of attendance, to the board of education 60734
of the district required to pay tuition for its approval and 60735
payment. If agreement as to the amount payable or the district 60736
required to pay the tuition cannot be reached, or the board of 60737
education of the district required to pay the tuition refuses to 60738
pay that amount, the board of education of the district of 60739
attendance shall notify the superintendent of public instruction. 60740
The superintendent shall determine the correct amount and the 60741
district required to pay the tuition and shall deduct that amount, 60742
if any, under division (D) of section 3317.023 of the Revised 60743
Code, from the district required to pay the tuition and add that 60744
amount to the amount allocated to the district attended under such 60745
division. The superintendent of public instruction shall send to 60746
the district required to pay the tuition an itemized statement 60747

showing such deductions at the time of such deduction. 60748

When a political subdivision owns and operates an airport, 60749
welfare, or correctional institution or other project or facility 60750
outside its corporate limits, the territory within which the 60751
facility is located is exempt from taxation by the school district 60752
within which such territory is located, and there are school age 60753
children residing within such territory, the political subdivision 60754
owning such tax exempt territory shall pay tuition to the district 60755
in which such children attend school. The tuition for these 60756
children shall be computed as provided for in this section. 60757

Sec. 3317.10. (A) On or before the first day of March of each 60758
year, the department of job and family services shall certify to 60759
the state board of education the unduplicated number of children 60760
ages five through seventeen residing in each school district and 60761
living in a family that, during the preceding October, 60762
participated in Ohio works first. 60763

The department of job and family services shall certify this 60764
information according to the school district of residence for each 60765
child. ~~Except as provided under division (B) of this section, the~~ 60766
~~number of children so certified in any year shall be used by the~~ 60767
~~department of education in calculating the distribution of moneys~~ 60768
~~for the ensuing fiscal year as provided in section 3317.029 of the~~ 60769
~~Revised Code.~~ 60770

(B) Upon the transfer of part of the territory of one school 60771
district to the territory of one or more other school districts, 60772
the department of education may adjust the number of children 60773
certified under division (A) of this section for any district 60774
gaining or losing territory in such a transfer in order to take 60775
into account the effect of the transfer on the number of such 60776
children who reside in the district. Within sixty days of receipt 60777
of a request for information from the department of education, the 60778

department of job and family services shall provide any 60779
information the department of education determines is necessary to 60780
make such adjustments. ~~The department of education may use the~~ 60781
~~adjusted number for any district for the applicable fiscal year,~~ 60782
~~in lieu of the number certified for the district for that fiscal~~ 60783
~~year under division (A) of this section, in the calculation of the~~ 60784
~~distribution of moneys provided in section 3317.029 of the Revised~~ 60785
~~Code.~~ 60786

Sec. 3317.14. Any school district board of education or 60787
educational service center governing board participating in funds 60788
distributed under Chapter 3317. of the Revised Code shall annually 60789
adopt a teachers' salary schedule with provision for increments 60790
based upon training and years of service. Notwithstanding sections 60791
3317.13 and 3319.088 of the Revised Code, the board may establish 60792
its own service requirements and may grant service credit for such 60793
activities as teaching in public or nonpublic schools in this 60794
state or in another state, for service as an educational assistant 60795
other than as a classroom aide employed in accordance with section 60796
5107.541 of the Revised Code, and for service in the military or 60797
in an appropriate state or federal governmental agency, provided 60798
no teacher receives less than the amount required to be paid 60799
pursuant to section 3317.13 of the Revised Code and provided full 60800
credit for a minimum of five years of actual teaching and military 60801
experience as defined in division (A) of section 3317.13 of the 60802
Revised Code is given to each teacher. 60803

~~On the fifteenth day of October of each year, a copy of the~~ 60804
~~salary schedule in effect on that date shall be filed by the board~~ 60805
~~of education of each local school district with the educational~~ 60806
~~service center superintendent, who thereupon shall certify to the~~ 60807
~~treasurer of such local district the correct salary to be paid to~~ 60808
~~each teacher in accordance with the adopted schedule.~~ 60809

Each teacher who has completed training which would qualify 60810
such teacher for a higher salary bracket pursuant to this section 60811
shall file by the fifteenth day of September with the treasurer of 60812
the board of education or educational service center satisfactory 60813
evidence of the completion of such additional training. The 60814
treasurer shall then immediately place the teacher, pursuant to 60815
this section and section 3317.13 of the Revised Code, in the 60816
proper salary bracket in accordance with training and years of 60817
service before certifying such salary, training, and years of 60818
service to the superintendent of public instruction. No teacher 60819
shall be paid less than the salary to which such teacher is 60820
entitled pursuant to section 3317.13 of the Revised Code. 60821

Sec. 3317.16. (A) The department of education shall compute 60822
and distribute state core foundation funding to each joint 60823
vocational school district for the fiscal year as prescribed in 60824
the following divisions: 60825

(1) An opportunity grant calculated according to the 60826
following formula: 60827

(The formula amount X formula ADM) - (0.0005 X the 60828
district's three-year average valuation) 60829

If the result of the calculation for a joint vocational 60830
school district under division (A)(1) of this section is less than 60831
zero, the joint vocational school district's opportunity grant 60832
shall be zero. 60833

(2) Additional state aid for special education and related 60834
services provided under Chapter 3323. of the Revised Code 60835
calculated as the sum of the following: 60836

(a) The district's category one special education ADM X the 60837
amount specified in division (A) of section 3317.013 of the 60838
Revised Code X the district's state share percentage; 60839

(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share percentage; 60840
60841
60842

(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage; 60843
60844
60845

(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage; 60846
60847
60848

(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage; 60849
60850
60851

(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage. 60852
60853
60854

(3) Economically disadvantaged funds calculated according to the following formula: 60855
60856

(\$250, in fiscal year 2014, or \$253, in fiscal year 2015) X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as reported under division (D)(2)(p) of section 3317.03 of the Revised Code 60857
60858
60859
60860

(4) Limited English proficiency funds calculated as the sum of the following: 60861
60862

(a) The district's category one limited English proficient ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage; 60863
60864
60865

(b) The district's category two limited English proficient ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share percentage; 60866
60867
60868

(c) The district's category three limited English proficient 60869

ADM X the amount specified in division (C) of section 3317.016 of 60870
the Revised Code X the district's state share percentage; 60871

(5) Career-technical education funds calculated as the sum of 60872
the following: 60873

(a) The district's category one career-technical education 60874
ADM X the amount specified in division (A) of section 3317.014 of 60875
the Revised Code X the district's state share percentage; 60876

(b) The district's category two career-technical education 60877
ADM X the amount specified in division (B) of section 3317.014 of 60878
the Revised Code X the district's state share percentage; 60879

(c) The district's category three career-technical education 60880
ADM X the amount specified in division (C) of section 3317.014 of 60881
the Revised Code X the district's state share percentage; 60882

(d) The district's category four career-technical education 60883
ADM X the amount specified in division (D) of section 3317.014 of 60884
the Revised Code X the district's state share percentage; 60885

(e) The district's category five career-technical education 60886
ADM X the amount specified in division (E) of section 3317.014 of 60887
the Revised Code X the district's state share percentage. 60888

Payment of funds under division (A)(5) of this section is 60889
subject to approval under section 3317.161 of the Revised Code. 60890

(6) Career-technical education associated services funds 60891
calculated under the following formula: 60892

The district's state share percentage X the 60893
amount for career-technical education associated services 60894
specified in section 3317.014 of the Revised Code X the sum of 60895
categories one through five career-technical 60896
education ADM 60897

(B)(1) If a joint vocational school district's costs for a 60898
fiscal year for a student in its categories two through six 60899

special education ADM exceed the threshold catastrophic cost for 60900
serving the student, as specified in division (B) of section 60901
3317.0214 of the Revised Code, the district may submit to the 60902
superintendent of public instruction documentation, as prescribed 60903
by the superintendent, of all of its costs for that student. Upon 60904
submission of documentation for a student of the type and in the 60905
manner prescribed, the department shall pay to the district an 60906
amount equal to the sum of the following: 60907

(a) One-half of the district's costs for the student in 60908
excess of the threshold catastrophic cost; 60909

(b) The product of one-half of the district's costs for the 60910
student in excess of the threshold catastrophic cost multiplied by 60911
the district's state share percentage. 60912

(2) The district shall report under division (B)(1) of this 60913
section, and the department shall pay for, only the costs of 60914
educational expenses and the related services provided to the 60915
student in accordance with the student's individualized education 60916
program. Any legal fees, court costs, or other costs associated 60917
with any cause of action relating to the student may not be 60918
included in the amount. 60919

(C)(1) For each student with a disability receiving special 60920
education and related services under an individualized education 60921
program, as defined in section 3323.01 of the Revised Code, at a 60922
joint vocational district, the resident district or, if the 60923
student is enrolled in a community school, the community school 60924
shall be responsible for the amount of any costs of providing 60925
those special education and related services to that student that 60926
exceed the sum of the amount calculated for those services 60927
attributable to that student under division (A) of this section. 60928

Those excess costs shall be calculated by subtracting the sum 60929
of the following from the actual cost to provide special education 60930

and related services to the student: 60931

(a) The formula amount; 60932

(b) The amount specified in section 3317.013 of the Revised Code that is applicable to the student; 60933
60934

(c) Any funds paid under section 3317.0214 for the student. 60935

(2) The board of education of the joint vocational school district may report the excess costs calculated under division (C)(1) of this section to the department of education. 60936
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(3) If the board of education of the joint vocational school district reports excess costs under division (C)(2) of this section, the department shall pay the amount of excess cost calculated under division (C)(2) of this section to the joint vocational school district and shall deduct that amount as provided in division (C)(3)(a) or (b) of this section, as applicable: 60939
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(a) If the student is not enrolled in a community school, the department shall deduct the amount from the account of the student's resident district pursuant to division (J) of section 3317.023 of the Revised Code. 60946
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(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code. 60950
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(D)(1) In any fiscal year, a school district receiving funds under division (A)(5) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may 60953
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monitor the district's compliance with the requirements regarding 60961
the manner in which funding received under division (A)(5) of this 60962
section may be spent. 60963

(2) All funds received under division (A)(5) of this section 60964
shall be spent in the following manner: 60965

(a) At least seventy-five per cent of the funds shall be 60966
spent on curriculum development, purchase, and implementation; 60967
instructional resources and supplies; industry-based program 60968
certification; student assessment, credentialing, and placement; 60969
curriculum specific equipment purchases and leases; 60970
career-technical student organization fees and expenses; home and 60971
agency linkages; work-based learning experiences; professional 60972
development; and other costs directly associated with 60973
career-technical education programs including development of new 60974
programs. 60975

(b) Not more than twenty-five per cent of the funds shall be 60976
used for personnel expenditures. 60977

(E) In any fiscal year, a school district receiving funds 60978
under division (A)(6) of this section, or through a transfer of 60979
funds pursuant to division (I) of section 3317.023 of the Revised 60980
Code, shall spend those funds only for the purposes that the 60981
department designates as approved for career-technical education 60982
associated services expenses, which may include such purposes as 60983
apprenticeship coordinators, coordinators for other 60984
career-technical education services, career-technical evaluation, 60985
and other purposes designated by the department. The department 60986
may deny payment under division (A)(6) of this section to any 60987
district that the department determines is not operating those 60988
services or is using funds paid under division (A)(6) of this 60989
section, or through a transfer of funds pursuant to division (I) 60990
of section 3317.023 of the Revised Code, for other purposes. 60991

(F) A joint vocational school district shall spend the funds it receives under division (A)(3) of this section in accordance with section 3317.25 of the Revised Code. 60992
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(G) As used in this section: 60995

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code. 60996
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(2) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 60998
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(3) "State share percentage" is equal to the following: 61001
The amount computed under division (A)(1) of this section / 61002
(the formula amount X formula ADM) 61003

Sec. 3317.161. (A) As used in this section, "lead district" has the same meaning as in section 3317.023 of the Revised Code. 61004
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(B) The lead district of a career-technical planning district shall review the career-technical education program of each city, local, and exempted village school district, each community school, and each STEM school that is assigned to the career-technical planning district and determine whether to approve or disapprove the program. The lead district shall notify the department of its determination. 61006
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(C) Upon receiving notification of a lead district's approval, the department shall pay to the member city, local, or exempted village school district or deduct from the state education aid of a district and pay to a community school or STEM school the funds attributed to the career-technical students enrolled in the district or school, according to a payment schedule prescribed by the department. 61013
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(D) Upon receiving notification from a lead district of disapproval of a city, local, or exempted village school 61020
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district's, a community school's, or STEM school's 61022
career-technical education program, the department shall 61023
automatically review the lead district's decision. In reviewing 61024
the lead district's decision, the department shall consider the 61025
demand for the career-technical education program and the 61026
availability of the program within the career-technical planning 61027
district. If, as a result of the review, the department decides to 61028
approve the city, local, or exempted village school district's, 61029
the community school's, or the STEM school's career-technical 61030
education program, the department shall pay the funds to the 61031
district or deduct and pay the funds to the community school or 61032
STEM school in the manner described in division (C) of this 61033
section. The department's decision shall be final. 61034

Sec. 3317.18. (A) As used in this section, the terms "Chapter 61035
133. securities," "credit enhancement facilities," "debt charges," 61036
"general obligation," "legislation," "public obligations," and 61037
"securities" have the same meanings as in section 133.01 of the 61038
Revised Code. 61039

(B) The board of education of any school district authorizing 61040
the issuance of securities under section 133.10, ~~133.301~~, or 61041
3313.372 of the Revised Code or general obligation Chapter 133. 61042
securities may adopt legislation requesting the state department 61043
of education to approve, and enter into an agreement with the 61044
school district and the primary paying agent or fiscal agent for 61045
such securities providing for, the withholding and deposit of 61046
funds, otherwise due the district under Chapter 3317. of the 61047
Revised Code, for the payment of debt service charges on such 61048
securities. 61049

The board of education shall deliver to the state department 61050
a copy of such resolution and any additional pertinent information 61051
the state department may require. 61052

The department of education and the office of budget and management shall evaluate each request received from a school district under this section and the department, with the advice and consent of the director of budget and management, shall approve or deny each request based on all of the following:

(1) Whether approval of the request will enhance the marketability of the securities for which the request is made;

(2) Any other pertinent factors or limitations established in rules made under division (I) of this section, including:

(a) Current and projected obligations of funds due to the requesting school district under Chapter 3317. of the Revised Code including obligations of those funds to public obligations or relevant credit enhancement facilities under this section, Chapter 133. and section 3313.483 of the Revised Code, and under any other similar provisions of law;

(b) Whether the department of education or the office of budget and management has any reason to believe the requesting school district will be unable to pay when due the debt charges on the securities for which the request is made.

The department may require a school district to establish schedules for the payment of all debt charges that take into account the amount and timing of anticipated distributions of funds to the district under Chapter 3317. of the Revised Code.

(C) If the department approves the request of a school district to withhold and deposit funds pursuant to this section, the department shall enter into a written agreement with the district and the primary paying agent or fiscal agent for the securities which shall provide for the withholding of funds pursuant to this section for the payment of debt charges on those securities, and may include both of the following:

(1) Provisions for certification by the district to the

department, at a time prior to any date for the payment of 61084
applicable debt charges, whether the district is able to pay those 61085
debt charges when due; 61086

(2) Requirements that the district deposit amounts for the 61087
payment of debt charges on the securities with the primary paying 61088
agent or fiscal agent for the securities prior to the date on 61089
which those debt charge payments are due to the owners or holders 61090
of the securities. 61091

(D) Whenever a district notifies the department of education 61092
that it will be unable to pay debt charges when they are due, 61093
subject to the withholding provisions of this section, or whenever 61094
the applicable paying agent or fiscal agent notifies the 61095
department that it has not timely received from a school district 61096
the full amount needed for the payment when due of those debt 61097
charges to the holders or owners of such securities, the 61098
department shall immediately contact the school district and the 61099
paying agent or fiscal agent to confirm or determine whether the 61100
district is unable to make the required payment by the date on 61101
which it is due. 61102

Upon demand of the treasurer of state while holding a school 61103
district obligation purchased under division (G)(1) of section 61104
135.143 of the Revised Code, the state department of education, 61105
without a request of the school district, shall withhold and 61106
deposit funds pursuant to this section for payment of debt service 61107
charges on that obligation. 61108

If the department confirms or determines that the district 61109
will be unable to make such payment and payment will not be made 61110
pursuant to a credit enhancement facility, the department shall 61111
promptly pay to the applicable primary paying agent or fiscal 61112
agent the lesser of the amount due for debt charges or the amount 61113
due the district for the remainder of the fiscal year under 61114
Chapter 3317. of the Revised Code. If this amount is insufficient 61115

to pay the total amount then due the agent for the payment of debt 61116
charges, the department shall pay to the agent each fiscal year 61117
thereafter, and until the full amount due the agent for unpaid 61118
debt charges is paid in full, the lesser of the remaining amount 61119
due the agent for debt charges or the amount due the district for 61120
the fiscal year under Chapter 3317. of the Revised Code. 61121

(E) The state department may make any payments under this 61122
division by direct deposit of funds by electronic transfer. 61123

Any amount received by a paying agent or fiscal agent under 61124
this section shall be applied only to the payment of debt charges 61125
on the securities of the school district subject to this section 61126
or to the reimbursement to the provider of a credit enhancement 61127
facility that has paid such debt charges. 61128

(F) To the extent a school district whose securities are 61129
subject to this section is unable to pay applicable debt charges 61130
because of the failure to collect property taxes levied for the 61131
payment of those debt charges, the district may transfer to or 61132
deposit into any fund that would have received payments under 61133
Chapter 3317. of the Revised Code that were withheld under this 61134
section any such delinquent property taxes when later collected, 61135
provided that transfer or deposit shall be limited to the amounts 61136
withheld from that fund under this section. 61137

(G) The department may make payments under this section to 61138
paying agents or fiscal agents only from and to the extent that 61139
money is appropriated by the general assembly for Chapter 3317. of 61140
the Revised Code or for the purposes of this section. No 61141
securities of a school district to which this section is made 61142
applicable constitute an obligation or a debt or a pledge of the 61143
faith, credit, or taxing power of the state, and the holders or 61144
owners of such securities have no right to have taxes levied or 61145
appropriations made by the general assembly for the payment of 61146
debt charges on those securities, and those securities, if the 61147

department requires, shall contain a statement to that effect. The 61148
agreement for or the actual withholding and payment of moneys 61149
under this section does not constitute the assumption by the state 61150
of any debt of a school district. 61151

(H) In the case of securities subject to the withholding 61152
provisions of this section, the issuing board of education shall 61153
appoint a paying agent or fiscal agent who is not an officer or 61154
employee of the school district. 61155

(I) The department of education, with the advice of the 61156
office of budget and management, may adopt reasonable rules not 61157
inconsistent with this section for the implementation of this 61158
section and division (B) of section 133.25 of the Revised Code as 61159
it relates to the withholding and depositing of payments under 61160
Chapter 3317. of the Revised Code to secure payment of debt 61161
charges on school district securities. Those rules shall include 61162
criteria for the evaluation and approval or denial of school 61163
district requests for withholding under this section and limits on 61164
the obligation for the purpose of paying debt charges or 61165
reimbursing credit enhancement facilities of funds otherwise to be 61166
paid to school districts under Chapter 3317. of the Revised Code. 61167

(J) The authority granted by this section is in addition to 61168
and not a limitation on any other authorizations granted by or 61169
pursuant to law for the same or similar purposes. 61170

Sec. 3317.19. ~~(A) As used in this section, "total unit 61171
allowance" means an amount equal to the sum of the following: 61172~~

~~(1) The total of the salary allowances for the teachers 61173
employed in the cooperative education school district for all 61174
units approved under division (B) or (C) of section 3317.05 of the 61175
Revised Code. The salary allowance for each unit shall equal the 61176
minimum salary for the teacher of the unit calculated on the basis 61177
of the teacher's training level and years of experience pursuant 61178~~

~~to the salary schedule prescribed in the version of section 61179
3317.13 of the Revised Code in effect prior to July 1, 2001. 61180~~

~~(2) Fifteen per cent of the total computed under division 61181
(A)(1) of this section; 61182~~

~~(3) The total of the unit operating allowances for all 61183
approved units. The amount of each allowance shall equal one of 61184
the following: 61185~~

~~(a) Eight thousand twenty three dollars times the number of 61186
units for preschool children with disabilities or fraction thereof 61187
approved for the year under division (B) of section 3317.05 of the 61188
Revised Code; 61189~~

~~(b) Two thousand one hundred thirty two dollars times the 61190
number of units or fraction thereof approved for the year under 61191
division (C) of section 3317.05 of the Revised Code. 61192~~

~~(B) The state board of education shall compute and distribute 61193
to each cooperative education school district for each fiscal year 61194
an amount equal to the sum of the following: 61195~~

~~(1)(A) An amount equal to the total of the amounts credited 61196
to the cooperative education school district pursuant to division 61197
(H) of section 3317.023 of the Revised Code; 61198~~

~~(2) The total unit allowance; 61199~~

~~(3)(B) An amount for assisting in providing free lunches to 61200
needy children pursuant to division (D) of section 3317.024 of the 61201
Revised Code. 61202~~

~~(C) If a cooperative education school district has had 61203
additional special education units approved for the year under 61204
division (F)(2) of section 3317.03 of the Revised Code, the 61205
district shall receive an additional amount during the last half 61206
of the fiscal year. For each unit, the additional amount shall 61207
equal fifty per cent of the amount computed under division (A) of 61208~~

~~this section for a unit approved under division (B) of section 61209
3317.05 of the Revised Code. 61210~~

Sec. 3317.20. This section does not apply to preschool 61211
children with disabilities. 61212

(A) As used in this section: 61213

(1) "Applicable ~~weight~~ special education amount" means the 61214
~~multiple amount~~ specified in section 3317.013 of the Revised Code 61215
for a disability described in that section. 61216

(2) "Child's school district" means the school district in 61217
which a child is entitled to attend school pursuant to section 61218
3313.64 or 3313.65 of the Revised Code. 61219

(3) "State share ~~percentage~~ index" means the state share 61220
~~percentage~~ index of the child's school district. 61221

(B) ~~Except as provided in division (C) of this section, the~~ 61222
The department shall annually pay each county DD board for each 61223
child with a disability, other than a preschool child with a 61224
disability, for whom the county DD board provides special 61225
education and related services an amount equal to the formula 61226
amount + (state share ~~percentage~~ X formula amount index X the 61227
applicable ~~weight~~ special education amount). 61228

~~(C) If any school district places with a county DD board more 61229
children with disabilities than it had placed with a county DD 61230
board in fiscal year 1998, the department shall not make a payment 61231
under division (B) of this section for the number of children 61232
exceeding the number placed in fiscal year 1998. The department 61233
instead shall deduct from the district's payments under this 61234
chapter, and pay to the county DD board, an amount calculated in 61235
accordance with the formula prescribed in division (B) of this 61236
section for each child over the number of children placed in 61237
fiscal year 1998. 61238~~

~~(D) The department shall calculate for each county DD board receiving payments under divisions (B) and (C) of this section the following amounts:~~

~~(1) The amount received by the county DD board for approved special education and related services units, other than units for preschool children with disabilities, in fiscal year 1998, divided by the total number of children served in the units that year;~~

~~(2) The product of the quotient calculated under division (D)(1) of this section times the number of children for whom payments are made under divisions (B) and (C) of this section.~~

~~If the amount calculated under division (D)(2) of this section is greater than the total amount calculated under divisions (B) and (C) of this section, the department shall pay the county DD board one hundred per cent of the difference in addition to the payments under divisions (B) and (C) of this section.~~

~~(E)(C)~~ Each county DD board shall report to the department, in the manner specified by the department, the name of each child for whom the county DD board provides special education and related services and the child's school district.

~~(F)(D)~~(1) For the purpose of verifying the accuracy of the payments under this section, the department may request from either of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any child who is placed with a county DD board:

(a) The child's school district;

(b) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division ~~(F)(D)~~(1) of this section for the data verification code of a child, the

child's school district shall submit that code to the department 61269
in the manner specified by the department. If the child has not 61270
been assigned a code, the district shall assign a code to that 61271
child and submit the code to the department by a date specified by 61272
the department. If the district does not assign a code to the 61273
child by the specified date, the department shall assign a code to 61274
the child. 61275

The department annually shall submit to each school district 61276
the name and data verification code of each child residing in the 61277
district for whom the department has assigned a code under this 61278
division. 61279

(3) The department shall not release any data verification 61280
code that it receives under division ~~(F)~~(D) of this section to any 61281
person except as provided by law. 61282

~~(G)~~(E) Any document relative to special education and related 61283
services provided by a county DD board that the department holds 61284
in its files that contains both a student's name or other 61285
personally identifiable information and the student's data 61286
verification code shall not be a public record under section 61287
149.43 of the Revised Code. 61288

Sec. 3317.201. This section does not apply to preschool 61289
children with disabilities. 61290

(A) As used in this section, the "total special education 61291
~~weight~~ amount" for an institution means the sum of the following 61292
amounts: 61293

(1) The number of children reported by the institution under 61294
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 61295
receiving services for a disability described in division (A) of 61296
section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 61297
amount specified in that division; 61298

(2) The number of children reported by the institution under 61299
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 61300
receiving services for a disability described in division (B) of 61301
section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 61302
amount specified in that division; 61303

(3) The number of children reported by the institution under 61304
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 61305
receiving services for a disability described in division (C) of 61306
section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 61307
amount specified in that division; 61308

(4) The number of children reported by the institution under 61309
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 61310
receiving services for a disability described in division (D) of 61311
section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 61312
amount specified in that division; 61313

(5) The number of children reported by the institution under 61314
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 61315
receiving services for a disability described in division (E) of 61316
section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 61317
amount specified in that division; 61318

(6) The number of children reported by the institution under 61319
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 61320
receiving services for a disability described in division (F) of 61321
section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 61322
amount specified in that division. 61323

(B) For each fiscal year, the department of education shall 61324
pay each state institution required to provide special education 61325
services under division (A) of section 3323.091 of the Revised 61326
Code an amount equal to the ~~greater of:~~ 61327

~~(1) The formula amount times the institution's total special 61328
education weight;~~ 61329

~~(2) The aggregate amount of special education and related services unit funding the institution received for all children with disabilities other than preschool children with disabilities in fiscal year 2005 under sections 3317.052 and 3317.053 of the Revised Code, as those sections existed prior to June 30, 2005 amount.~~

Sec. 3317.25. (A) As used in this section, "economically disadvantaged funds" means the following:

(1) For a city, local, or exempted village school district, the funds received under division (A)(5) of section 3317.022 of the Revised Code;

(2) For a joint vocational school district, the funds received under division (A)(3) of section 3317.16 of the Revised Code;

(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under division (C)(1)(e) of section 3314.08 of the Revised Code;

(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under division (E) of section 3326.33 of the Revised Code.

(B) In any fiscal year, a city, local, exempted village, or joint vocational school district, community school, or STEM school shall spend the economically disadvantaged funds it receives for any of the following initiatives or a combination of any of the following initiatives:

(1) Extended school day and school year;

(2) Reading improvement and intervention;

(3) Instructional technology or blended learning;

(4) Professional development in reading instruction for

teachers of students in kindergarten through third grade; 61359

(5) Dropout prevention; 61360

(6) School safety and security measures. 61361

(C) At the end of each fiscal year, each city, local, 61362
exempted village, or joint vocational school district, community 61363
school, and STEM school shall submit a report to the department of 61364
education describing the initiative or initiatives on which the 61365
district's or school's economically disadvantaged funds were spent 61366
during that fiscal year. 61367

(D) Starting in 2015, the department shall submit a report of 61368
the information it receives under division (C) of this section to 61369
the General Assembly not later than the first day of December of 61370
each odd-numbered year in accordance with section 101.68 of the 61371
Revised Code. 61372

Sec. ~~3313.847~~ 3317.30. (A) In the case of a child placed in 61373
the custody of a juvenile facility established under section 61374
2151.65 or a detention facility established under section 2152.41 61375
of the Revised Code, ~~if~~ payment for the child's education services 61376
shall be administered by one of the following methods: 61377

(1) If the facility educates the child, the facility, or the 61378
chartered nonpublic school it operates, may submit its request for 61379
payment directly to the school district that is to bear the cost 61380
of educating the child, as determined under section 2151.362 of 61381
the Revised Code. That district shall pay the facility or the 61382
chartered nonpublic school directly for those services. 61383

(2) If the facility contracts directly with a school district 61384
in which the facility is located for services for that child, the 61385
school district may submit its request for payment directly to the 61386
school district that is to bear the cost of educating the child, 61387
as determined under section 2151.362 of the Revised Code. That 61388

district shall pay the school district where the facility is 61389
located directly for those services. 61390

(3) If that facility contracts directly with an educational 61391
service center for services for that child, the service center may 61392
submit its request for payment for services for the child directly 61393
to the school district that is responsible to bear the cost of 61394
educating the child, as determined under section 2151.362 of the 61395
Revised Code. That district shall pay the service center directly 61396
for those services. ~~Notwithstanding~~ 61397

(B) ~~Notwithstanding~~ anything to the contrary in section 61398
3317.03 of the Revised Code, the district that pays a service 61399
center, facility or chartered nonpublic school the facility 61400
operates, or other school district for services for a particular 61401
child under this section shall include that child in the 61402
district's average daily membership as reported under division (A) 61403
of section 3317.03 of the Revised Code. No other district shall 61404
include the child in its average daily membership. 61405

Payments made for a child under this section shall be 61406
determined in accordance with division (C)(4) of section 3313.64 61407
of the Revised Code. 61408

Sec. 3317.40. (A) As used in this section, "subgroup" means 61409
one of the following subsets of the entire student population of a 61410
school district or a school building: 61411

(1) Students with disabilities; 61412

(2) Economically disadvantaged students; 61413

(3) Limited English proficient students; 61414

(4) Students identified as gifted in superior cognitive 61415
ability and specific academic ability fields under Chapter 3324. 61416
of the Revised Code. 61417

(B) When funds are provided under this chapter specifically 61418

for services for a subgroup of students, the general assembly has 61419
determined that these students experience unique challenges 61420
requiring additional resources and intends that the funds so 61421
provided be used for services that will allow students in those 61422
subgroups to master the knowledge base required for high school 61423
graduation. 61424

(C) If a district or school fails to show satisfactory 61425
achievement and progress, as determined by the state board of 61426
education, for any subgroup of students based on performance 61427
measures reported or graded under section 3302.03 of the Revised 61428
Code, the district or school shall submit an improvement plan to 61429
the department for approval. The plan may be included in any other 61430
improvement plan required of the district or school under state or 61431
federal law. The department may require that a plan required under 61432
division (C) of this section include an agreement to partner with 61433
another organization that has demonstrated the ability to improve 61434
the educational outcome for that subgroup of students to provide 61435
services to those students. The partner organization may be 61436
another school, district, or other education provider. 61437

Not later than December 31, 2014, the state board of 61438
education shall establish measures of satisfactory achievement and 61439
progress, which include, but are not limited to, performance 61440
measures under section 3302.03 of the Revised Code. The department 61441
shall make the initial determination of satisfactory achievement 61442
and progress under this section using those measures not later 61443
than September 1, 2015, and then make determinations under this 61444
section annually thereafter. 61445

The department shall publish a list of schools, school 61446
districts, and other educational providers that have demonstrated 61447
an ability to serve each subgroup of students. 61448

Sec. 3317.50. ~~The eTech-Ohio~~ telecommunity education fund is 61449

hereby created in the state treasury. The fund shall consist of 61450
certain excess local exchange telephone company contributions 61451
transferred from the reserve fund of the Ohio telecommunications 61452
advisory board pursuant to an agreement between the public 61453
utilities commission of Ohio and the Ohio department of education. 61454
The fund shall be used by the chancellor of the Ohio board of 61455
regents, in the amounts appropriated, to finance technology grants 61456
to state-chartered elementary and secondary schools. Investment 61457
earnings of the fund shall be credited to the fund. 61458

Sec. 3317.51. (A) The distance learning fund is hereby 61459
created in the state treasury. The fund shall consist of moneys 61460
paid ~~to the eTech Ohio commission~~ by any telephone company as a 61461
part of a settlement agreement between such company and the public 61462
utilities commission in fiscal year 1995 in part to establish 61463
distance learning throughout the state. The ~~commission~~ chancellor 61464
of the Ohio board of regents shall administer the fund and expend 61465
moneys from it to finance technology grants to eligible schools 61466
chartered by the state board of education to establish distance 61467
learning in those schools. Chartered schools are eligible for 61468
funds if they are within the service area of the telephone 61469
company. Investment earnings of the fund shall be credited to the 61470
fund. 61471

(B) For purposes of this section, "distance learning" means 61472
the creation of a learning environment involving a school setting 61473
and at least one other location outside of the school which allows 61474
for information available at one site to be accessed at the other 61475
through the use of such educational applications as one-way or 61476
two-way transmission of data, voice, and video, singularly or in 61477
appropriate combinations. 61478

Sec. 3318.011. For purposes of providing assistance under 61479
sections 3318.01 to 3318.20 of the Revised Code, the department of 61480

education shall annually do all of the following: 61481

(A) Calculate the adjusted valuation per pupil of each city, 61482
local, and exempted village school district according to the 61483
following formula: 61484

The district's valuation per pupil - 61485
[\$30,000 X (1 - the district's income factor)]. 61486

For purposes of this calculation: 61487

(1) Except for a district with an open enrollment net gain 61488
that is ten per cent or more of its formula ADM, "valuation per 61489
pupil" for a district means its average taxable value, divided by 61490
its formula ADM for the previous fiscal year. "Valuation per 61491
pupil," for a district with an open enrollment net gain that is 61492
ten per cent or more of its formula ADM, means its average taxable 61493
value, divided by the sum of its formula ADM for the previous 61494
fiscal year plus its open enrollment net gain for the previous 61495
fiscal year. 61496

(2) "Average taxable value" means the average of the sum of 61497
the amounts certified for a district under divisions (A)(1) and 61498
(2) of section 3317.021 of the Revised Code in the second, third, 61499
and fourth preceding fiscal years. 61500

(3) "Entitled to attend school" means entitled to attend 61501
school in a city, local, or exempted village school district under 61502
section 3313.64 or 3313.65 of the Revised Code. 61503

(4) "Formula ADM" ~~and "income factor"~~ have has the same 61504
~~meanings~~ meaning as in section 3317.02 of the Revised Code. 61505

(5) "Native student" has the same meaning as in section 61506
3313.98 of the Revised Code. 61507

(6) "Open enrollment net gain" for a district means (a) the 61508
number of the students entitled to attend school in another 61509
district but who are enrolled in the schools of the district under 61510

its open enrollment policy minus (b) the number of the district's 61511
native students who are enrolled in the schools of another 61512
district under the other district's open enrollment policy, both 61513
numbers as certified to the department under section 3313.981 of 61514
the Revised Code. If the difference is a negative number, the 61515
district's "open enrollment net gain" is zero. 61516

(7) "Open enrollment policy" means an interdistrict open 61517
enrollment policy adopted under section 3313.98 of the Revised 61518
Code. 61519

(8) "District median income" means the median Ohio adjusted 61520
gross income certified for a school district under section 61521
3317.021 of the Revised Code. 61522

(9) "Statewide median income" means the median district 61523
median income of all city, exempted village, and local school 61524
districts in the state. 61525

(10) "Income factor" for a city, exempted village, or local 61526
school district means the quotient obtained by dividing that 61527
district's median income by the statewide median income. 61528

(B) Calculate for each district the three-year average of the 61529
adjusted valuations per pupil calculated for the district for the 61530
current and two preceding fiscal years; 61531

(C) Rank all such districts in order of adjusted valuation 61532
per pupil from the district with the lowest three-year average 61533
adjusted valuation per pupil to the district with the highest 61534
three-year average adjusted valuation per pupil; 61535

(D) Divide such ranking into percentiles with the first 61536
percentile containing the one per cent of school districts having 61537
the lowest three-year average adjusted valuations per pupil and 61538
the one-hundredth percentile containing the one per cent of school 61539
districts having the highest three-year average adjusted 61540
valuations per pupil; 61541

(E) Determine the school districts that have three-year average adjusted valuations per pupil that are greater than the median three-year average adjusted valuation per pupil for all school districts in the state;

(F) On or before the first day of September, certify the information described in divisions (A) to (E) of this section to the Ohio school facilities commission.

Sec. 3318.031. (A) The Ohio school facilities commission shall consider student and staff safety and health when reviewing design plans for classroom facility construction projects proposed under this chapter. After consulting with appropriate education, health, and law enforcement personnel, the commission may require as a condition of project approval under either section 3318.03 or division (B)(1) of section 3318.41 of the Revised Code such changes in the design plans as the commission believes will advance or improve student and staff safety and health in the proposed classroom facility.

To carry out its duties under this division, the commission shall review and, if necessary, amend any construction and design standards used in its project approval process, including standards for location and number of exits, standards for lead safety in classroom facilities constructed before 1978 in which services are provided to children under six years of age, and location of restrooms, with a focus on advancing student and staff safety and health.

(B) When reviewing design standards for classroom facility construction projects proposed under this chapter, the commission shall also consider the extent to which the design standards support the following:

(1) ~~Support and facilitation of smaller classes and the trend toward smaller schools~~ Trends in educational delivery methods,

<u>including digital access and blended learning;</u>	61573
(2) Provision of sufficient space for training new teachers and promotion of collaboration among teaching candidates, experienced teachers, and teacher educators;	61574 61575 61576
(3) Provision of adequate space for teacher planning and collaboration;	61577 61578
(4) Provision of adequate space for parent involvement activities;	61579 61580
(5) Provision of sufficient space for innovative partnerships between schools and health and social service agencies.	61581 61582
Sec. 3318.08. Except in the case of a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, if the requisite favorable vote on the election is obtained, or if the school district board has resolved to apply the proceeds of a property tax levy or the proceeds of an income tax, or a combination of proceeds from such taxes, as authorized in section 3318.052 of the Revised Code, the Ohio school facilities commission, upon certification to it of either the results of the election or the resolution under section 3318.052 of the Revised Code, shall enter into a written agreement with the school district board for the construction and sale of the project. In the case of a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, if the school district board of education and the school district electors have satisfied the conditions prescribed in division (D)(1) of section 3318.41 of the Revised Code, the commission shall enter into an agreement with the school district board for the construction and sale of the project. In either case, the agreement shall include, but need not be limited to, the following provisions:	61583 61584 61585 61586 61587 61588 61589 61590 61591 61592 61593 61594 61595 61596 61597 61598 61599 61600 61601 61602

(A) The sale and issuance of bonds or notes in anticipation 61603
thereof, as soon as practicable after the execution of the 61604
agreement, in an amount equal to the school district's portion of 61605
the basic project cost, including any securities authorized under 61606
division (J) of section 133.06 of the Revised Code and dedicated 61607
by the school district board to payment of the district's portion 61608
of the basic project cost of the project; provided, that if at 61609
that time the county treasurer of each county in which the school 61610
district is located has not commenced the collection of taxes on 61611
the general duplicate of real and public utility property for the 61612
year in which the controlling board approved the project, the 61613
school district board shall authorize the issuance of a first 61614
installment of bond anticipation notes in an amount specified by 61615
the agreement, which amount shall not exceed an amount necessary 61616
to raise the net bonded indebtedness of the school district as of 61617
the date of the controlling board's approval to within five 61618
thousand dollars of the required level of indebtedness for the 61619
preceding year. In the event that a first installment of bond 61620
anticipation notes is issued, the school district board shall, as 61621
soon as practicable after the county treasurer of each county in 61622
which the school district is located has commenced the collection 61623
of taxes on the general duplicate of real and public utility 61624
property for the year in which the controlling board approved the 61625
project, authorize the issuance of a second and final installment 61626
of bond anticipation notes or a first and final issue of bonds. 61627

The combined value of the first and second installment of 61628
bond anticipation notes or the value of the first and final issue 61629
of bonds shall be equal to the school district's portion of the 61630
basic project cost. The proceeds of any such bonds shall be used 61631
first to retire any bond anticipation notes. Otherwise, the 61632
proceeds of such bonds and of any bond anticipation notes, except 61633
the premium and accrued interest thereon, shall be deposited in 61634
the school district's project construction fund. In determining 61635

the amount of net bonded indebtedness for the purpose of fixing 61636
the amount of an issue of either bonds or bond anticipation notes, 61637
gross indebtedness shall be reduced by moneys in the bond 61638
retirement fund only to the extent of the moneys therein on the 61639
first day of the year preceding the year in which the controlling 61640
board approved the project. Should there be a decrease in the tax 61641
valuation of the school district so that the amount of 61642
indebtedness that can be incurred on the tax duplicates for the 61643
year in which the controlling board approved the project is less 61644
than the amount of the first installment of bond anticipation 61645
notes, there shall be paid from the school district's project 61646
construction fund to the school district's bond retirement fund to 61647
be applied against such notes an amount sufficient to cause the 61648
net bonded indebtedness of the school district, as of the first 61649
day of the year following the year in which the controlling board 61650
approved the project, to be within five thousand dollars of the 61651
required level of indebtedness for the year in which the 61652
controlling board approved the project. The maximum amount of 61653
indebtedness to be incurred by any school district board as its 61654
share of the cost of the project is either an amount that will 61655
cause its net bonded indebtedness, as of the first day of the year 61656
following the year in which the controlling board approved the 61657
project, to be within five thousand dollars of the required level 61658
of indebtedness, or an amount equal to the required percentage of 61659
the basic project costs, whichever is greater. All bonds and bond 61660
anticipation notes shall be issued in accordance with Chapter 133. 61661
of the Revised Code, and notes may be renewed as provided in 61662
section 133.22 of the Revised Code. 61663

(B) The transfer of such funds of the school district board 61664
available for the project, together with the proceeds of the sale 61665
of the bonds or notes, except premium, accrued interest, and 61666
interest included in the amount of the issue, to the school 61667
district's project construction fund; 61668

(C) For all school districts except joint vocational school 61669
districts that receive assistance under sections 3318.40 to 61670
3318.45 of the Revised Code, the following provisions as 61671
applicable: 61672

(1) If section 3318.052 of the Revised Code applies, the 61673
earmarking of the proceeds of a tax levied under section 5705.21 61674
of the Revised Code for general permanent improvements or under 61675
section 5705.218 of the Revised Code for the purpose of permanent 61676
improvements, or the proceeds of a school district income tax 61677
levied under Chapter 5748. of the Revised Code, or the proceeds 61678
from a combination of those two taxes, in an amount to pay all or 61679
part of the service charges on bonds issued to pay the school 61680
district portion of the project and an amount equivalent to all or 61681
part of the tax required under division (B) of section 3318.05 of 61682
the Revised Code; 61683

(2) If section 3318.052 of the Revised Code does not apply, 61684
one of the following: 61685

(a) The levy of the tax authorized at the election for the 61686
payment of maintenance costs, as specified in division (B) of 61687
section 3318.05 of the Revised Code; 61688

(b) If the school district electors have approved a 61689
continuing tax for general permanent improvements under section 61690
5705.21 of the Revised Code and that tax can be used for 61691
maintenance, the earmarking of an amount of the proceeds from such 61692
tax for maintenance of classroom facilities as specified in 61693
division (B) of section 3318.05 of the Revised Code; 61694

(c) If, in lieu of the tax otherwise required under division 61695
(B) of section 3318.05 of the Revised Code, the commission has 61696
approved the transfer of money to the maintenance fund in 61697
accordance with section 3318.051 of the Revised Code, a 61698
requirement that the district board comply with the provisions of 61699

that section. The district board may rescind the provision 61700
prescribed under division (C)(2)(c) of this section only so long 61701
as the electors of the district have approved, in accordance with 61702
section 3318.063 of the Revised Code, the levy of a tax for the 61703
maintenance of the classroom facilities acquired under the 61704
district's project and that levy continues to be collected as 61705
approved by the electors. 61706

(D) For joint vocational school districts that receive 61707
assistance under sections 3318.40 to 3318.45 of the Revised Code, 61708
provision for deposit of school district moneys dedicated to 61709
maintenance of the classroom facilities acquired under those 61710
sections as prescribed in section 3318.43 of the Revised Code; 61711

(E) Dedication of any local donated contribution as provided 61712
for under section 3318.084 of the Revised Code, including a 61713
schedule for depositing such moneys applied as an offset of the 61714
district's obligation to levy the tax described in division (B) of 61715
section 3318.05 of the Revised Code as required under division 61716
(D)(2) of section 3318.084 of the Revised Code; 61717

(F) Ownership of or interest in the project during the period 61718
of construction, which shall be divided between the commission and 61719
the school district board in proportion to their respective 61720
contributions to the school district's project construction fund; 61721

(G) Maintenance of the state's interest in the project until 61722
any obligations issued for the project under section 3318.26 of 61723
the Revised Code are no longer outstanding; 61724

(H) The insurance of the project by the school district from 61725
the time there is an insurable interest therein and so long as the 61726
state retains any ownership or interest in the project pursuant to 61727
division (F) of this section, in such amounts and against such 61728
risks as the commission shall require; provided, that the cost of 61729
any required insurance until the project is completed shall be a 61730

part of the basic project cost; 61731

(I) The certification by the director of budget and 61732
management that funds are available and have been set aside to 61733
meet the state's share of the basic project cost as approved by 61734
the controlling board pursuant to either section 3318.04 or 61735
division (B)(1) of section 3318.41 of the Revised Code; 61736

(J) Authorization of the school district board to advertise 61737
for and receive construction bids for the project, for and on 61738
behalf of the commission, and to award contracts in the name of 61739
the state subject to approval by the commission; 61740

(K) Provisions for the disbursement of moneys from the school 61741
district's project account upon issuance by the commission or the 61742
commission's designated representative of vouchers for work done 61743
to be certified to the commission by the treasurer of the school 61744
district board; 61745

(L) Disposal of any balance left in the school district's 61746
project construction fund upon completion of the project; 61747

(M) Limitations upon use of the project or any part of it so 61748
long as any obligations issued to finance the project under 61749
section 3318.26 of the Revised Code are outstanding; 61750

(N) Provision for vesting the state's interest in the project 61751
to the school district board when the obligations issued to 61752
finance the project under section 3318.26 of the Revised Code are 61753
outstanding; 61754

(O) Provision for deposit of an executed copy of the 61755
agreement in the office of the commission; 61756

(P) Provision for termination of the contract and release of 61757
the funds encumbered at the time of the conditional approval, if 61758
the proceeds of the sale of the bonds of the school district board 61759
are not paid into the school district's project construction fund 61760

and if bids for the construction of the project have not been 61761
taken within such period after the execution of the agreement as 61762
may be fixed by the commission; 61763

(Q) Provision for the school district to maintain the project 61764
in accordance with a plan approved by the commission; 61765

(R) Provision that all state funds reserved and encumbered to 61766
pay the state share of the cost of the project and the funds 61767
provided by the school district to pay for its share of the 61768
project cost, including the respective shares of the cost of a 61769
segment if the project is divided into segments, be spent on the 61770
construction and acquisition of the project or segment 61771
simultaneously in proportion to the state's and the school 61772
district's respective shares of that basic project cost as 61773
determined under section 3318.032 of the Revised Code or, if the 61774
district is a joint vocational school district, under section 61775
3318.42 of the Revised Code. However, if the school district 61776
certifies to the commission that expenditure by the school 61777
district is necessary to maintain the federal tax status or 61778
tax-exempt status of notes or bonds issued by the school district 61779
to pay for its share of the project cost or to comply with 61780
applicable temporary investment periods or spending exceptions to 61781
rebate as provided for under federal law in regard to those notes 61782
or bonds, the school district may commit to spend, or spend, a 61783
greater portion of the funds it provides during any specific 61784
period than would otherwise be required under this division. 61785

(S) A provision stipulating that the commission may prohibit 61786
the district from proceeding with any project if the commission 61787
determines that the site is not suitable for construction 61788
purposes. The commission may perform soil tests in its 61789
determination of whether a site is appropriate for construction 61790
purposes. 61791

(T) A provision stipulating that, unless otherwise authorized 61792

by the commission, any contingency reserve portion of the 61793
construction budget prescribed by the commission shall be used 61794
only to pay costs resulting from unforeseen job conditions, to 61795
comply with rulings regarding building and other codes, to pay 61796
costs related to design clarifications or corrections to contract 61797
documents, and to pay the costs of settlements or judgments 61798
related to the project as provided under section 3318.086 of the 61799
Revised Code; 61800

(U) ~~Provision~~ A provision stipulating that for continued 61801
release of project funds the school district board shall comply 61802
with ~~section~~ sections 3313.41 and 3313.411 of the Revised Code 61803
throughout the project and shall notify the department of 61804
education and the Ohio community school association when the board 61805
plans to dispose of facilities by sale under that section; 61806

(V) ~~Provision~~ A provision stipulating that the commission 61807
shall not approve a contract for demolition of a facility until 61808
the school district board has complied with ~~section~~ sections 61809
3313.41 and 3313.411 of the Revised Code relative to that 61810
facility, unless demolition of that facility is to clear a site 61811
for construction of a replacement facility included in the 61812
district's project; 61813

(W) A requirement for the school district to adhere to a 61814
facilities maintenance plan approved by the commission. 61815

Sec. 3318.31. (A) The Ohio school facilities commission may 61816
perform any act and ensure the performance of any function 61817
necessary or appropriate to carry out the purposes of, and 61818
exercise the powers granted under, Chapter 3318. of the Revised 61819
Code, including any of the following: 61820

(1) Adopt, amend, and rescind, pursuant to section 111.15 of 61821
the Revised Code, rules for the administration of programs 61822
authorized under Chapter 3318. of the Revised Code. 61823

(2) Contract with, retain the services of, or designate, and 61824
fix the compensation of, such agents, accountants, consultants, 61825
advisers, and other independent contractors as may be necessary or 61826
desirable to carry out the programs authorized under Chapter 3318. 61827
of the Revised Code, or authorize the executive director to 61828
perform such powers and duties. 61829

(3) Receive and accept any gifts, grants, donations, and 61830
pledges, and receipts therefrom, to be used for the programs 61831
authorized under Chapter 3318. of the Revised Code. 61832

(4) Make and enter into all contracts, commitments, and 61833
agreements, and execute all instruments, necessary or incidental 61834
to the performance of its duties and the execution of its rights 61835
and powers under Chapter 3318. of the Revised Code, or authorize 61836
the executive director or the Ohio facilities construction 61837
commission to perform such powers and duties. 61838

(5) Request the Ohio facilities construction commission to 61839
debar a contractor as provided in section 153.02 of the Revised 61840
Code. 61841

(B) ~~The Ohio school facilities commission shall appoint and~~ 61842
~~fix the compensation of an~~ executive director who of the Ohio 61843
facilities construction commission, as appointed under division 61844
(B) of section 123.21 of the Revised Code, shall also serve at the 61845
~~pleasure of~~ as the executive director for the Ohio school 61846
facilities commission. The executive director shall exercise all 61847
powers that the Ohio school facilities commission possesses, 61848
supervise the operations of the Ohio school facilities commission 61849
and perform such other duties as delegated by the Ohio school 61850
facilities commission. The executive director also shall employ 61851
and fix the compensation of such employees as will facilitate the 61852
activities and purposes of the Ohio school facilities commission, 61853
who shall serve at the pleasure of the executive director. The 61854
employees of the Ohio school facilities commission shall be exempt 61855

from Chapter 4117. of the Revised Code and shall not be public 61856
employees as defined in section 4117.01 of the Revised Code. Any 61857
agreement entered into prior to July 1, 2012, between the office 61858
of collective bargaining and the exclusive representative for 61859
employees of the commission is binding and shall continue to have 61860
effect. 61861

(C) The attorney general shall serve as the legal 61862
representative for the Ohio school facilities commission and may 61863
appoint other counsel as necessary for that purpose in accordance 61864
with section 109.07 of the Revised Code. 61865

Sec. 3318.36. (A)(1) As used in this section: 61866

(a) "Ohio school facilities commission," "classroom 61867
facilities," "school district," "school district board," "net 61868
bonded indebtedness," "required percentage of the basic project 61869
costs," "basic project cost," "valuation," and "percentile" have 61870
the same meanings as in section 3318.01 of the Revised Code. 61871

(b) "Required level of indebtedness" means five per cent of 61872
the school district's valuation for the year preceding the year in 61873
which the commission and school district enter into an agreement 61874
under division (B) of this section, plus [two one-hundredths of 61875
one per cent multiplied by (the percentile in which the district 61876
ranks minus one)]. 61877

(c) "Local resources" means any moneys generated in any 61878
manner permitted for a school district board to raise the school 61879
district portion of a project undertaken with assistance under 61880
sections 3318.01 to 3318.20 of the Revised Code. 61881

(d) "Tangible personal property phase-out impacted district" 61882
means a school district for which the taxable value of its 61883
tangible personal property certified under division (A)(2) of 61884
section 3317.021 of the Revised Code for tax year 2005, excluding 61885

the taxable value of public utility personal property, made up 61886
eighteen per cent or more of its total taxable value for tax year 61887
2005 as certified under that section. 61888

(2) For purposes of determining the required level of 61889
indebtedness, the required percentage of the basic project costs 61890
under division (C)(1) of this section, and priority for assistance 61891
under sections 3318.01 to 3318.20 of the Revised Code, the 61892
percentile ranking of a school district with which the commission 61893
has entered into an agreement under this section between the first 61894
day of July and the thirty-first day of August in each fiscal year 61895
is the percentile ranking calculated for that district for the 61896
immediately preceding fiscal year, and the percentile ranking of a 61897
school district with which the commission has entered into such 61898
agreement between the first day of September and the thirtieth day 61899
of June in each fiscal year is the percentile ranking calculated 61900
for that district for the current fiscal year. However, in the 61901
case of a tangible personal property phase-out impacted district, 61902
the district's priority for assistance under sections 3318.01 to 61903
3318.20 of the Revised Code and its portion of the basic project 61904
cost under those sections shall be determined in the manner 61905
prescribed, respectively, in divisions (B)(3)(b) and (E)(1)(b) of 61906
this section. 61907

(B)(1) There is hereby established the school building 61908
assistance expedited local partnership program. Under the program, 61909
the Ohio school facilities commission may enter into an agreement 61910
with the board of any school district under which the board may 61911
proceed with the new construction or major repairs of a part of 61912
the district's classroom facilities needs, as determined under 61913
sections 3318.01 to 3318.20 of the Revised Code, through the 61914
expenditure of local resources prior to the school district's 61915
eligibility for state assistance under those sections, and may 61916
apply that expenditure toward meeting the school district's 61917

portion of the basic project cost of the total of the district's classroom facilities needs, as recalculated under division (E) of this section, when the district becomes eligible for state assistance under sections 3318.01 to 3318.20 or section 3318.364 of the Revised Code. Any school district that is reasonably expected to receive assistance under sections 3318.01 to 3318.20 of the Revised Code within two fiscal years from the date the school district adopts its resolution under division (B) of this section shall not be eligible to participate in the program established under this section.

(2) To participate in the program, a school district board shall first adopt a resolution certifying to the commission the board's intent to participate in the program.

The resolution shall specify the approximate date that the board intends to seek elector approval of any bond or tax measures or to apply other local resources to use to pay the cost of classroom facilities to be constructed under this section. The resolution may specify the application of local resources or elector-approved bond or tax measures after the resolution is adopted by the board, and in such case the board may proceed with a discrete portion of its project under this section as soon as the commission and the controlling board have approved the basic project cost of the district's classroom facilities needs as specified in division (D) of this section. The board shall submit its resolution to the commission not later than ten days after the date the resolution is adopted by the board.

The commission shall not consider any resolution that is submitted pursuant to division (B)(2) of this section, as amended by this amendment, sooner than September 14, 2000.

(3) For purposes of determining when a district that enters into an agreement under this section becomes eligible for assistance under sections 3318.01 to 3318.20 of the Revised Code

or priority for assistance under section 3318.364 of the Revised Code, the commission shall use one of the following as applicable:

(a) Except for a tangible personal property phase-out impacted district, the district's percentile ranking determined at the time the district entered into the agreement under this section, as prescribed by division (A)(2) of this section;

(b) For a tangible personal property phase-out impacted district, the lesser of (i) the district's percentile ranking determined at the time the district entered into the agreement under this section, as prescribed by division (A)(2) of this section, or (ii) the district's current percentile ranking under section 3318.011 of the Revised Code.

(4) Any project under this section shall comply with section 3318.03 of the Revised Code and with any specifications for plans and materials for classroom facilities adopted by the commission under section 3318.04 of the Revised Code.

(5) If a school district that enters into an agreement under this section has not begun a project applying local resources as provided for under that agreement at the time the district is notified by the commission that it is eligible to receive state assistance under sections 3318.01 to 3318.20 of the Revised Code, all assessment and agreement documents entered into under this section are void.

(6) Only construction of or repairs to classroom facilities that have been approved by the commission and have been therefore included as part of a district's basic project cost qualify for application of local resources under this section.

(C) Based on the results of on-site visits and assessment, the commission shall determine the basic project cost of the school district's classroom facilities needs. The commission shall determine the school district's portion of such basic project

cost, which shall be the greater of: 61981

(1) The required percentage of the basic project costs, 61982
determined based on the school district's percentile ranking; 61983

(2) An amount necessary to raise the school district's net 61984
bonded indebtedness, as of the fiscal year the commission and the 61985
school district enter into the agreement under division (B) of 61986
this section, to within five thousand dollars of the required 61987
level of indebtedness. 61988

(D)(1) When the commission determines the basic project cost 61989
of the classroom facilities needs of a school district and the 61990
school district's portion of that basic project cost under 61991
division (C) of this section, the project shall be conditionally 61992
approved. Such conditional approval shall be submitted to the 61993
controlling board for approval thereof. The controlling board 61994
shall forthwith approve or reject the commission's determination, 61995
conditional approval, and the amount of the state's portion of the 61996
basic project cost; however, no state funds shall be encumbered 61997
under this section. Upon approval by the controlling board, the 61998
school district board may identify a discrete part of its 61999
classroom facilities needs, which shall include only new 62000
construction of or additions or major repairs to a particular 62001
building, to address with local resources. Upon identifying a part 62002
of the school district's basic project cost to address with local 62003
resources, the school district board may allocate any available 62004
school district moneys to pay the cost of that identified part, 62005
including the proceeds of an issuance of bonds if approved by the 62006
electors of the school district. 62007

All local resources utilized under this division shall first 62008
be deposited in the project construction account required under 62009
section 3318.08 of the Revised Code. 62010

(2) Unless the school district board exercises its option 62011

under division (D)(3) of this section, for a school district to 62012
qualify for participation in the program authorized under this 62013
section, one of the following conditions shall be satisfied: 62014

(a) The electors of the school district by a majority vote 62015
shall approve the levy of taxes outside the ten-mill limitation 62016
for a period of twenty-three years at the rate of not less than 62017
one-half mill for each dollar of valuation to be used to pay the 62018
cost of maintaining the classroom facilities included in the basic 62019
project cost as determined by the commission. The form of the 62020
ballot to be used to submit the question whether to approve the 62021
tax required under this division to the electors of the school 62022
district shall be the form for an additional levy of taxes 62023
prescribed in section 3318.361 of the Revised Code, which may be 62024
combined in a single ballot question with the questions prescribed 62025
under section 5705.218 of the Revised Code. 62026

(b) As authorized under division (C) of section 3318.05 of 62027
the Revised Code, the school district board shall earmark from the 62028
proceeds of a permanent improvement tax levied under section 62029
5705.21 of the Revised Code, an amount equivalent to the 62030
additional tax otherwise required under division (D)(2)(a) of this 62031
section for the maintenance of the classroom facilities included 62032
in the basic project cost as determined by the commission. 62033

(c) As authorized under section 3318.051 of the Revised Code, 62034
the school district board shall, if approved by the commission, 62035
annually transfer into the maintenance fund required under section 62036
3318.05 of the Revised Code the amount prescribed in section 62037
3318.051 of the Revised Code in lieu of the tax otherwise required 62038
under division (D)(2)(a) of this section for the maintenance of 62039
the classroom facilities included in the basic project cost as 62040
determined by the commission. 62041

(d) If the school district board has rescinded the agreement 62042
to make transfers under section 3318.051 of the Revised Code, as 62043

provided under division (F) of that section, the electors of the school district, in accordance with section 3318.063 of the Revised Code, first shall approve the levy of taxes outside the ten-mill limitation for the period specified in that section at a rate of not less than one-half mill for each dollar of valuation.

(e) The school district board shall apply the proceeds of a tax to leverage bonds as authorized under section 3318.052 of the Revised Code or dedicate a local donated contribution in the manner described in division (B) of section 3318.084 of the Revised Code in an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(3) A school district board may opt to delay taking any of the actions described in division (D)(2) of this section until the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code. In order to exercise this option, the board shall certify to the commission a resolution indicating the board's intent to do so prior to entering into an agreement under division (B) of this section.

(4) If pursuant to division (D)(3) of this section a district board opts to delay levying an additional tax until the district becomes eligible for state assistance, it shall submit the question of levying that tax to the district electors as follows:

(a) In accordance with section 3318.06 of the Revised Code if it will also be necessary pursuant to division (E) of this section to submit a proposal for approval of a bond issue;

(b) In accordance with section 3318.361 of the Revised Code if it is not necessary to also submit a proposal for approval of a bond issue pursuant to division (E) of this section.

(5) No state assistance under sections 3318.01 to 3318.20 of

the Revised Code shall be released until a school district board 62075
that adopts and certifies a resolution under division (D) of this 62076
section also demonstrates to the satisfaction of the commission 62077
compliance with the provisions of division (D)(2) of this section. 62078

Any amount required for maintenance under division (D)(2) of 62079
this section shall be deposited into a separate fund as specified 62080
in division (B) of section 3318.05 of the Revised Code. 62081

(E)(1) If the school district becomes eligible for state 62082
assistance under sections 3318.01 to 3318.20 of the Revised Code 62083
based on its percentile ranking under division (B)(3) of this 62084
section or is offered assistance under section 3318.364 of the 62085
Revised Code, the commission shall conduct a new assessment of the 62086
school district's classroom facilities needs and shall recalculate 62087
the basic project cost based on this new assessment. The basic 62088
project cost recalculated under this division shall include the 62089
amount of expenditures made by the school district board under 62090
division (D)(1) of this section. The commission shall then 62091
recalculate the school district's portion of the new basic project 62092
cost, which shall be one of the following as applicable: 62093

(a) Except for a tangible personal property phase-out 62094
impacted district, the percentage of the original basic project 62095
cost assigned to the school district as its portion under division 62096
(C) of this section; 62097

(b) For a tangible personal property phase-out impacted 62098
district, the lesser of (i) the percentage of the original basic 62099
project cost assigned to the school district as its portion under 62100
division (C) of this section, or (ii) the percentage of the new 62101
basic project cost determined under section 3318.032 of the 62102
Revised Code using the district's current percentile ranking under 62103
section 3318.011 of the Revised Code. The 62104

The commission shall deduct the expenditure of school 62105

district moneys made under division (D)(1) of this section from 62106
the school district's portion of the basic project cost as 62107
recalculated under this division. If the amount of school district 62108
resources applied by the school district board to the school 62109
district's portion of the basic project cost under this section is 62110
less than the total amount of such portion as recalculated under 62111
this division, the school district board by a majority vote of all 62112
of its members shall, if it desires to seek state assistance under 62113
sections 3318.01 to 3318.20 of the Revised Code, adopt a 62114
resolution as specified in section 3318.06 of the Revised Code to 62115
submit to the electors of the school district the question of 62116
approval of a bond issue in order to pay any additional amount of 62117
school district portion required for state assistance. Any tax 62118
levy approved under division (D) of this section satisfies the 62119
requirements to levy the additional tax under section 3318.06 of 62120
the Revised Code. 62121

(2) If the amount of school district resources applied by the 62122
school district board to the school district's portion of the 62123
basic project cost under this section is more than the total 62124
amount of such portion as recalculated under ~~this~~ division (E)(1) 62125
of this section, within one year after the school district's 62126
portion is so recalculated ~~under division (E)(1) of this section~~ 62127
the commission may grant to the school district the difference 62128
between the two calculated portions, but at no time shall the 62129
commission expend any state funds on a project in an amount 62130
greater than the state's portion of the basic project cost as 62131
recalculated under ~~this~~ division (E)(1) of this section. 62132

Any reimbursement under this division shall be only for local 62133
resources the school district has applied toward construction cost 62134
expenditures for the classroom facilities approved by the 62135
commission, which shall not include any financing costs associated 62136
with that construction. 62137

The school district board shall use any moneys reimbursed to 62138
the district under this division to pay off any debt service the 62139
district owes for classroom facilities constructed under its 62140
project under this section before such moneys are applied to any 62141
other purpose. However, the district board first may deposit 62142
moneys reimbursed under this division into the district's general 62143
fund or a permanent improvement fund to replace local resources 62144
the district withdrew from those funds, as long as, and to the 62145
extent that, those local resources were used by the district for 62146
constructing classroom facilities included in the district's basic 62147
project cost. 62148

(3) A tangible personal property phase-out impacted district 62149
shall receive credit under division (E) of this section for the 62150
expenditure of local resources pursuant to any prior agreement 62151
authorized by this section, notwithstanding any recalculation of 62152
its average taxable value. 62153

Sec. 3318.363. (A) This section applies beginning in fiscal 62154
year 2003 and only to a school district participating in the 62155
school building assistance expedited local partnership program 62156
under section 3318.36 of the Revised Code. 62157

(B) If there is a decrease in the tax valuation of a school 62158
district to which this section applies by ten per cent or greater 62159
from one tax year to the next due to a decrease in the assessment 62160
rate of the taxable property of an electric company that owns 62161
property in the district, as provided for in section 5727.111 of 62162
the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd 62163
General Assembly, the Ohio school facilities commission shall 62164
calculate or recalculate the state and school district portions of 62165
the basic project cost of the school district's project by 62166
determining the percentile rank in which the district would be 62167
located if such ranking were made using the adjusted valuation per 62168

pupil calculated under division (C) of this section rather than 62169
the three-year average adjusted valuation per pupil, calculated 62170
under division (B) of section 3318.011 of the Revised Code. For 62171
such district, the required percentage of the basic project cost 62172
used to determine the state and school district shares of that 62173
cost under division (C) of section 3318.36 of the Revised Code 62174
shall be based on the percentile rank as calculated under this 62175
section rather than as otherwise provided in division (C)(1) of 62176
section 3318.36 of the Revised Code. If the commission has 62177
determined the state and school district portion of the basic 62178
project cost of such a district's project under section 3318.36 of 62179
the Revised Code prior to that decrease in tax valuation, the 62180
commission shall adjust the state and school district shares of 62181
the basic project cost of such project in accordance with this 62182
section. 62183

(C)(1) As used in divisions (C) and (D) of this section, 62184
"total taxable value," and "formula ADM," ~~and "income factor"~~ have 62185
the same meanings as in section 3317.02 of the Revised Code, and 62186
"income factor" has the same meaning as in section 3318.011 of the 62187
Revised Code. 62188

(2) The adjusted valuation per pupil for a school district to 62189
which this section applies shall be calculated using the following 62190
formula: 62191

(The district's total taxable value for the tax year 62192
preceding the calendar year in which the current fiscal year 62193
begins / the district's formula ADM for the previous fiscal year) 62194
- [\$30,000 x (1 - the district's income factor)]. 62195

(D) At the request of the Ohio school facilities commission, 62196
the department of education shall report a district's total 62197
taxable value for the tax year preceding the calendar year in 62198
which the current fiscal year begins for any district to which 62199
this section applies as that information has been certified to the 62200

department by the tax commissioner pursuant to section 3317.021 of 62201
the Revised Code. 62202

Sec. 3319.031. Notwithstanding any provision of the Revised 62203
Code to the contrary, if the board of education of a city, local, 62204
or exempted village school district does not appoint a business 62205
manager under section 3319.03 of the Revised Code, the board may 62206
assign powers and duties specified in section 3319.04 of the 62207
Revised Code to one or more employees or officers of the board, 62208
including the treasurer, and may give the employees or officers 62209
any title recognizing the assignment of the powers and duties. The 62210
prohibition, in section 3319.04 of the Revised Code, against a 62211
business manager having possession of moneys does not prevent a 62212
board from assigning powers and duties specified in that section 62213
to the treasurer and does not prevent a treasurer who is assigned 62214
those powers and duties from exercising the powers and duties of 62215
treasurer. If the board assigns the duties of a business manager 62216
under section 3319.04 of the Revised Code to the treasurer, the 62217
treasurer shall not have the authority to make recommendations to 62218
appoint or discharge noneducational employees, except as provided 62219
under section 3313.31 of the Revised Code. Instead, the district 62220
superintendent shall be responsible for making recommendations, 62221
subject to confirmation by the board, for the appointment or 62222
discharge of noneducational employees. 62223

Sec. 3319.07. (A) The board of education of each city, 62224
exempted village, local, and joint vocational school district 62225
shall employ the teachers of the public schools of their 62226
respective districts. 62227

The governing board of each educational service center may 62228
employ special instruction teachers, special education teachers, 62229
and teachers of academic courses in which there are too few 62230
students in each of the school districts entering into agreements 62231

pursuant to section 3313.843 of the Revised Code to warrant each 62232
district's employing teachers for those courses. 62233

When any board makes appointments of teachers, the teachers 62234
in the employ of the board shall be considered before new teachers 62235
are chosen in their stead. In all school districts and in service 62236
centers, no teacher shall be employed unless such person is 62237
nominated by the superintendent of such district or center, or by 62238
another individual designated by the board in the event that the 62239
superintendent's nomination would be a violation of section 62240
2921.42 of the Revised Code. Such board, by a three-fourths vote 62241
of its full membership, may re-employ any teacher whom the 62242
superintendent refuses to appoint. 62243

(B) The board of education of any school district may 62244
contract with the governing board of the educational service 62245
center from which it otherwise receives services to conduct 62246
searches and recruitment of candidates for teacher positions. 62247

Sec. 3319.073. (A) The board of education of each city and 62248
exempted village school district and the governing board of each 62249
educational service center shall adopt or adapt the curriculum 62250
developed by the department of education for, or shall develop in 62251
consultation with public or private agencies or persons involved 62252
in child abuse prevention or intervention programs, a program of 62253
in-service training in the prevention of child abuse, violence, 62254
and substance abuse and the promotion of positive youth 62255
development. Each person employed by any school district or 62256
service center to work in a school as a nurse, teacher, counselor, 62257
school psychologist, or administrator shall complete at least four 62258
hours of the in-service training within two years of commencing 62259
employment with the district or center, and every five years 62260
thereafter. A person who is employed by any school district or 62261
service center to work in an elementary school as a nurse, 62262

teacher, counselor, school psychologist, or administrator on March 62263
30, 2007, shall complete at least four hours of the in-service 62264
training not later than March 30, 2009, and every five years 62265
thereafter. A person who is employed by any school district or 62266
service center to work in a middle or high school as a nurse, 62267
teacher, counselor, school psychologist, or administrator on 62268
October 16, 2009, shall complete at least four hours of the 62269
in-service training not later than October 16, 2011, and every 62270
five years thereafter. 62271

(B) Each board shall incorporate training in school safety 62272
and violence prevention, including human trafficking content, into 62273
the in-service training required by division (A) of this section. 62274
For this purpose, the board shall adopt or adapt the curriculum 62275
developed by the department or shall develop its own curriculum in 62276
consultation with public or private agencies or persons involved 62277
in school safety and violence prevention programs. 62278

(C) Each board shall incorporate training on the board's 62279
harassment, intimidation, or bullying policy adopted under section 62280
3313.666 of the Revised Code into the in-service training required 62281
by division (A) of this section. Each board also shall incorporate 62282
training in the prevention of dating violence into the in-service 62283
training required by that division for middle and high school 62284
employees. The board shall develop its own curricula for these 62285
purposes. 62286

(D) Each board shall incorporate training in youth suicide 62287
awareness and prevention into the in-service training required by 62288
division (A) of this section for each person employed by a school 62289
district or service center to work in a school as a nurse, 62290
teacher, counselor, school psychologist, or administrator, and any 62291
other personnel that the board determines appropriate. For this 62292
purpose, the board shall adopt or adapt the curriculum developed 62293
by the department or shall develop its own curriculum in 62294

consultation with public or private agencies or persons involved 62295
in youth suicide awareness and prevention programs. 62296

The training completed under this division shall count toward 62297
the satisfaction of requirements for professional development 62298
required by the school district or service center board, and the 62299
training may be accomplished through self-review of suitable 62300
suicide prevention materials approved by the board. 62301

Sec. 3319.0811. ~~¶~~ Except as provided in section 3319.0812 of 62302
the Revised Code, if the board of education of a school district 62303
offers to students of compulsory school age courses for high 62304
school credit that are taught at times outside the district's 62305
normal school day, the board shall enter into supplemental 62306
contracts under section 3319.08 of the Revised Code with the 62307
teachers assigned to teach those courses and shall not include 62308
such assignment of duties within the teachers' regular employment 62309
contracts under that section. 62310

Sec. 3319.0812. (A) As used in this section, "extended 62311
programming" means extended programming as described in section 62312
3301.0725 of the Revised Code. 62313

(B) The board of education of a school district shall pay a 62314
licensed educator who is providing extended programming on an 62315
hourly basis at the regular per diem rate determined under the 62316
licensed educator's employment contract or collective bargaining 62317
agreement. 62318

(C) A licensed educator shall not provide more than eight 62319
hours of extended programming in a twenty-four-hour day. 62320

Sec. 3319.112. (A) Not later than December 31, 2011, the 62321
state board of education shall develop a standards-based state 62322
framework for the evaluation of teachers. The state board may 62323

update the framework periodically by adoption of a resolution. The 62324
framework shall establish an evaluation system that does the 62325
following: 62326

(1) Provides for multiple evaluation factors. One factor 62327
shall be student academic growth which shall account for ~~fifty~~ 62328
thirty-five per cent of each evaluation. A school district may 62329
attribute an additional percentage to the academic growth factor, 62330
not to exceed fifteen per cent of each evaluation. When applicable 62331
to the grade level or subject area taught by a teacher, the 62332
value-added progress dimension established under section 3302.021 62333
of the Revised Code or an alternative student academic progress 62334
measure if adopted under division (C)(1)(e) of section 3302.03 of 62335
the Revised Code shall be used in the student academic growth 62336
portion of an evaluation in proportion to the part of a teacher's 62337
schedule of courses or subjects for which the value-added progress 62338
dimension is applicable. 62339

If a teacher's schedule is comprised only of courses or 62340
subjects for which the value-added progress dimension is 62341
applicable, one of the following applies: 62342

(a) Beginning with ~~the effective date of this amendment~~ March 62343
22, 2013, until June 30, 2014, the majority of the student 62344
academic growth factor of the evaluation shall be based on the 62345
value-added progress dimension. 62346

(b) On or after July 1, 2014, the entire student academic 62347
growth factor of the evaluation shall be based on the value-added 62348
progress dimension. In calculating student academic growth for an 62349
evaluation, a student shall not be included if the student has 62350
~~sixty~~ thirty or more excused or unexcused absences for the school 62351
year. 62352

(2) Is aligned with the standards for teachers adopted under 62353
section 3319.61 of the Revised Code; 62354

(3) Requires observation of the teacher being evaluated,	62355
including at least two formal observations by the evaluator of at	62356
least thirty minutes each and classroom walkthroughs;	62357
(4) Assigns a rating on each evaluation in accordance with	62358
division (B) of this section;	62359
(5) Requires each teacher to be provided with a written	62360
report of the results of the teacher's evaluation;	62361
(6) Identifies measures of student academic growth for grade	62362
levels and subjects for which the value-added progress dimension	62363
prescribed by section 3302.021 of the Revised Code or an	62364
alternative student academic progress measure if adopted under	62365
division (C)(1)(e) of section 3302.03 of the Revised Code does not	62366
apply;	62367
(7) Implements a classroom-level, value-added program	62368
developed by a nonprofit organization described in division (B) of	62369
section 3302.021 of the Revised Code or an alternative student	62370
academic progress measure if adopted under division (C)(1)(e) of	62371
section 3302.03 of the Revised Code;	62372
(8) Provides for professional development to accelerate and	62373
continue teacher growth and provide support to poorly performing	62374
teachers;	62375
(9) Provides for the allocation of financial resources to	62376
support professional development.	62377
(B) For purposes of the framework developed under this	62378
section, the state board also shall do the following:	62379
(1) Develop specific standards and criteria that distinguish	62380
between the following levels of performance for teachers and	62381
principals for the purpose of assigning ratings on the evaluations	62382
conducted under sections 3311.80, 3311.84, 3319.02, and 3319.111	62383
of the Revised Code:	62384

(a) Accomplished;	62385
(b) Proficient;	62386
(c) Developing;	62387
(d) Ineffective.	62388
(2) For grade levels and subjects for which the assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code and the value-added progress dimension prescribed by section 3302.021 of the Revised Code, or alternative student academic progress measure, do not apply, develop a list of student assessments that measure mastery of the course content for the appropriate grade level, which may include nationally normed standardized assessments, industry certification examinations, or end-of-course examinations.	62389 62390 62391 62392 62393 62394 62395 62396 62397
(C) The state board shall consult with experts, teachers and principals employed in public schools, and representatives of stakeholder groups in developing the standards and criteria required by division (B)(1) of this section.	62398 62399 62400 62401
(D) To assist school districts in developing evaluation policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code, the department shall do both of the following:	62402 62403 62404
(1) Serve as a clearinghouse of promising evaluation procedures and evaluation models that districts may use;	62405 62406
(2) Provide technical assistance to districts in creating evaluation policies.	62407 62408
(E) Not later than June 30, 2013, the state board, in consultation with state agencies that employ teachers, shall develop a standards-based framework for the evaluation of teachers employed by those agencies. Each state agency that employs teachers shall adopt a standards-based teacher evaluation policy that conforms with the framework developed under this division.	62409 62410 62411 62412 62413 62414

The policy shall become operative at the expiration of any 62415
collective bargaining agreement covering teachers employed by the 62416
agency that is in effect on September 24, 2012, and shall be 62417
included in any renewal or extension of such an agreement. 62418
However, this division does not apply to any person who is 62419
employed as a substitute teacher or as an instructor of adult 62420
education. 62421

Sec. 3319.17. (A) As used in this section, "interdistrict 62422
contract" means any contract or agreement entered into by an 62423
educational service center governing board and another board or 62424
other public entity pursuant to section 3313.17, 3313.841, 62425
3313.842, 3313.843, 3313.844, 3313.845, 3313.91, or 3323.08 of the 62426
Revised Code, including any such contract or agreement for the 62427
provision of services funded under division (E) of section 62428
3317.024 of the Revised Code ~~or provided in any unit approved~~ 62429
~~under section 3317.05 of the Revised Code.~~ 62430

(B) When, for any of the following reasons that apply to any 62431
city, exempted village, local, or joint vocational school district 62432
or any educational service center, the board decides that it will 62433
be necessary to reduce the number of teachers it employs, it may 62434
make a reasonable reduction: 62435

(1) In the case of any district or service center, return to 62436
duty of regular teachers after leaves of absence including 62437
suspension of schools, territorial changes affecting the district 62438
or center, or financial reasons; 62439

(2) In the case of any city, exempted village, local, or 62440
joint vocational school district, decreased enrollment of pupils 62441
in the district; 62442

(3) In the case of any governing board of a service center 62443
providing any particular service directly to pupils pursuant to 62444
one or more interdistrict contracts requiring such service, 62445

reduction in the total number of pupils the governing board is 62446
required to provide with the service under all interdistrict 62447
contracts as a result of the termination or nonrenewal of one or 62448
more of these interdistrict contracts; 62449

(4) In the case of any governing board providing any 62450
particular service that it does not provide directly to pupils 62451
pursuant to one or more interdistrict contracts requiring such 62452
service, reduction in the total level of the service the governing 62453
board is required to provide under all interdistrict contracts as 62454
a result of the termination or nonrenewal of one or more of these 62455
interdistrict contracts. 62456

(C) In making any such reduction, any city, exempted village, 62457
local, or joint vocational school board shall proceed to suspend 62458
contracts in accordance with the recommendation of the 62459
superintendent of schools who shall, within each teaching field 62460
affected, give preference to teachers on continuing contracts. The 62461
board shall not give preference to any teacher based on seniority, 62462
except when making a decision between teachers who have comparable 62463
evaluations. 62464

On a case-by-case basis, in lieu of suspending a contract in 62465
whole, a board may suspend a contract in part, so that an 62466
individual is required to work a percentage of the time the 62467
employee otherwise is required to work under the contract and 62468
receives a commensurate percentage of the full compensation the 62469
employee otherwise would receive under the contract. 62470

The teachers whose continuing contracts are suspended by any 62471
board pursuant to this section shall have the right of restoration 62472
to continuing service status by that board if and when teaching 62473
positions become vacant or are created for which any of such 62474
teachers are or become qualified. No teacher whose continuing 62475
contract has been suspended pursuant to this section shall lose 62476
that right of restoration to continuing service status by reason 62477

of having declined recall to a position that is less than 62478
full-time or, if the teacher was not employed full-time just prior 62479
to suspension of the teacher's continuing contract, to a position 62480
requiring a lesser percentage of full-time employment than the 62481
position the teacher last held while employed in the district or 62482
service center. Seniority shall not be the basis for rehiring a 62483
teacher, except when making a decision between teachers who have 62484
comparable evaluations. 62485

(D) Notwithstanding any provision to the contrary in Chapter 62486
4117. of the Revised Code: 62487

(1) The requirements of this section, as it existed prior to 62488
~~the effective date of this amendment~~ September 29, 2011, prevail 62489
over any conflicting provisions of agreements between employee 62490
organizations and public employers entered into between September 62491
29, 2005, and ~~that effective date~~ September 29, 2011; 62492

(2) The requirements of this section, as it exists on and 62493
after ~~the effective date of this amendment~~ September 29, 2011, 62494
prevail over any conflicting provisions of agreements between 62495
employee organizations and public employers entered into on or 62496
after ~~that effective date~~ September 29, 2011. 62497

Sec. 3319.22. (A)(1) The state board of education shall issue 62498
the following educator licenses: 62499

(a) A resident educator license, which shall be valid for 62500
four years, except that the state board, on a case-by-case basis, 62501
may extend the license's duration as necessary to enable the 62502
license holder to complete the Ohio teacher residency program 62503
established under section 3319.223 of the Revised Code; 62504

(b) A professional educator license, which shall be valid for 62505
five years and shall be renewable; 62506

(c) A senior professional educator license, which shall be 62507

valid for five years and shall be renewable; 62508

(d) A lead professional educator license, which shall be 62509
valid for five years and shall be renewable. 62510

(2) The state board may issue any additional educator 62511
licenses of categories, types, and levels the board elects to 62512
provide. 62513

(3) The state board shall adopt rules establishing the 62514
standards and requirements for obtaining each educator license 62515
issued under this section. 62516

(B) The rules adopted under this section shall require at 62517
least the following standards and qualifications for the educator 62518
licenses described in division (A)(1) of this section: 62519

(1) An applicant for a resident educator license shall hold 62520
at least a bachelor's degree from an accredited teacher 62521
preparation program or be a participant in the teach for America 62522
program and meet the qualifications required under section 62523
3319.227 of the Revised Code. 62524

(2) An applicant for a professional educator license shall: 62525

(a) Hold at least a bachelor's degree from an institution of 62526
higher education accredited by a regional accrediting 62527
organization; 62528

(b) Have successfully completed the Ohio teacher residency 62529
program established under section 3319.223 of the Revised Code, if 62530
the applicant's current or most recently issued license is a 62531
resident educator license issued under this section or an 62532
alternative resident educator license issued under section 3319.26 62533
of the Revised Code. 62534

(3) An applicant for a senior professional educator license 62535
shall: 62536

(a) Hold at least a master's degree from an institution of 62537

higher education accredited by a regional accrediting organization; 62538
62539

(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code; 62540
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62542

(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code. 62543
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(4) An applicant for a lead professional educator license shall: 62547
62548

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization; 62549
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62551

(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code; 62552
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(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code; 62556
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(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code. 62559
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(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code. 62564
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(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of the Ohio board of regents, in the manner and to the extent permitted by state and federal law.

(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows:

(1) Notwithstanding division (D) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, in the case of the adoption of any rule or the amendment or rescission of any rule that necessitates institutions' offering preparation programs for educators and other school personnel that are approved by the chancellor of the Ohio board of regents under section 3333.048 of the Revised Code to revise the curriculum of those programs, the effective date shall not be as prescribed in division (D) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code. Instead, the effective date of such rules, or the amendment or rescission of such rules, shall be the date prescribed by section 3333.048 of the Revised Code.

(2) Notwithstanding the authority to adopt, amend, or rescind emergency rules in division (F) of section 119.03 of the Revised Code, this authority shall not apply to the state board of education with regard to rules for educator licenses.

(F)(1) The rules adopted under this section establishing standards requiring additional coursework for the renewal of any educator license shall require a school district and a chartered nonpublic school to establish local professional development committees. In a nonpublic school, the chief administrative officer shall establish the committees in any manner acceptable to

such officer. The committees established under this division shall 62600
determine whether coursework that a district or chartered 62601
nonpublic school teacher proposes to complete meets the 62602
requirement of the rules. The department of education shall 62603
provide technical assistance and support to committees as the 62604
committees incorporate the professional development standards 62605
adopted by the state board of education pursuant to section 62606
3319.61 of the Revised Code into their review of coursework that 62607
is appropriate for license renewal. The rules shall establish a 62608
procedure by which a teacher may appeal the decision of a local 62609
professional development committee. 62610

(2) In any school district in which there is no exclusive 62611
representative established under Chapter 4117. of the Revised 62612
Code, the professional development committees shall be established 62613
as described in division (F)(2) of this section. 62614

Not later than the effective date of the rules adopted under 62615
this section, the board of education of each school district shall 62616
establish the structure for one or more local professional 62617
development committees to be operated by such school district. The 62618
committee structure so established by a district board shall 62619
remain in effect unless within thirty days prior to an anniversary 62620
of the date upon which the current committee structure was 62621
established, the board provides notice to all affected district 62622
employees that the committee structure is to be modified. 62623
Professional development committees may have a district-level or 62624
building-level scope of operations, and may be established with 62625
regard to particular grade or age levels for which an educator 62626
license is designated. 62627

Each professional development committee shall consist of at 62628
least three classroom teachers employed by the district, one 62629
principal employed by the district, and one other employee of the 62630
district appointed by the district superintendent. For committees 62631

with a building-level scope, the teacher and principal members 62632
shall be assigned to that building, and the teacher members shall 62633
be elected by majority vote of the classroom teachers assigned to 62634
that building. For committees with a district-level scope, the 62635
teacher members shall be elected by majority vote of the classroom 62636
teachers of the district, and the principal member shall be 62637
elected by a majority vote of the principals of the district, 62638
unless there are two or fewer principals employed by the district, 62639
in which case the one or two principals employed shall serve on 62640
the committee. If a committee has a particular grade or age level 62641
scope, the teacher members shall be licensed to teach such grade 62642
or age levels, and shall be elected by majority vote of the 62643
classroom teachers holding such a license and the principal shall 62644
be elected by all principals serving in buildings where any such 62645
teachers serve. The district superintendent shall appoint a 62646
replacement to fill any vacancy that occurs on a professional 62647
development committee, except in the case of vacancies among the 62648
elected classroom teacher members, which shall be filled by vote 62649
of the remaining members of the committee so selected. 62650

Terms of office on professional development committees shall 62651
be prescribed by the district board establishing the committees. 62652
The conduct of elections for members of professional development 62653
committees shall be prescribed by the district board establishing 62654
the committees. A professional development committee may include 62655
additional members, except that the majority of members on each 62656
such committee shall be classroom teachers employed by the 62657
district. Any member appointed to fill a vacancy occurring prior 62658
to the expiration date of the term for which a predecessor was 62659
appointed shall hold office as a member for the remainder of that 62660
term. 62661

The initial meeting of any professional development 62662
committee, upon election and appointment of all committee members, 62663

shall be called by a member designated by the district 62664
superintendent. At this initial meeting, the committee shall 62665
select a chairperson and such other officers the committee deems 62666
necessary, and shall adopt rules for the conduct of its meetings. 62667
Thereafter, the committee shall meet at the call of the 62668
chairperson or upon the filing of a petition with the district 62669
superintendent signed by a majority of the committee members 62670
calling for the committee to meet. 62671

(3) In the case of a school district in which an exclusive 62672
representative has been established pursuant to Chapter 4117. of 62673
the Revised Code, professional development committees shall be 62674
established in accordance with any collective bargaining agreement 62675
in effect in the district that includes provisions for such 62676
committees. 62677

If the collective bargaining agreement does not specify a 62678
different method for the selection of teacher members of the 62679
committees, the exclusive representative of the district's 62680
teachers shall select the teacher members. 62681

If the collective bargaining agreement does not specify a 62682
different structure for the committees, the board of education of 62683
the school district shall establish the structure, including the 62684
number of committees and the number of teacher and administrative 62685
members on each committee; the specific administrative members to 62686
be part of each committee; whether the scope of the committees 62687
will be district levels, building levels, or by type of grade or 62688
age levels for which educator licenses are designated; the lengths 62689
of terms for members; the manner of filling vacancies on the 62690
committees; and the frequency and time and place of meetings. 62691
However, in all cases, except as provided in division (F)(4) of 62692
this section, there shall be a majority of teacher members of any 62693
professional development committee, there shall be at least five 62694
total members of any professional development committee, and the 62695

exclusive representative shall designate replacement members in 62696
the case of vacancies among teacher members, unless the collective 62697
bargaining agreement specifies a different method of selecting 62698
such replacements. 62699

(4) Whenever an administrator's coursework plan is being 62700
discussed or voted upon, the local professional development 62701
committee shall, at the request of one of its administrative 62702
members, cause a majority of the committee to consist of 62703
administrative members by reducing the number of teacher members 62704
voting on the plan. 62705

(G)(1) The department of education, educational service 62706
centers, county boards of developmental disabilities, regional 62707
professional development centers, special education regional 62708
resource centers, college and university departments of education, 62709
head start programs, ~~the eTech Ohio commission~~, and the Ohio 62710
education computer network may establish local professional 62711
development committees to determine whether the coursework 62712
proposed by their employees who are licensed or certificated under 62713
this section or section 3319.222 of the Revised Code, or under the 62714
former version of either section as it existed prior to October 62715
16, 2009, meet the requirements of the rules adopted under this 62716
section. They may establish local professional development 62717
committees on their own or in collaboration with a school district 62718
or other agency having authority to establish them. 62719

Local professional development committees established by 62720
county boards of developmental disabilities shall be structured in 62721
a manner comparable to the structures prescribed for school 62722
districts in divisions (F)(2) and (3) of this section, as shall 62723
the committees established by any other entity specified in 62724
division (G)(1) of this section that provides educational services 62725
by employing or contracting for services of classroom teachers 62726
licensed or certificated under this section or section 3319.222 of 62727

the Revised Code, or under the former version of either section as 62728
it existed prior to October 16, 2009. All other entities specified 62729
in division (G)(1) of this section shall structure their 62730
committees in accordance with guidelines which shall be issued by 62731
the state board. 62732

(2) Any public agency that is not specified in division 62733
(G)(1) of this section but provides educational services and 62734
employs or contracts for services of classroom teachers licensed 62735
or certificated under this section or section 3319.222 of the 62736
Revised Code, or under the former version of either section as it 62737
existed prior to October 16, 2009, may establish a local 62738
professional development committee, subject to the approval of the 62739
department of education. The committee shall be structured in 62740
accordance with guidelines issued by the state board. 62741

Sec. 3319.235. (A) The standards for the preparation of 62742
teachers adopted under section 3333.048 of the Revised Code shall 62743
require any institution that provides a course of study for the 62744
training of teachers to ensure that graduates of such course of 62745
study are skilled at integrating educational technology in the 62746
instruction of children, as evidenced by the graduate having 62747
either demonstrated proficiency in such skills in a manner 62748
prescribed by the department of education or completed a course 62749
that includes training in such skills. 62750

(B) The ~~eTech Ohio commission~~ chancellor of the Ohio board of 62751
regents, in consultation with the department of education, shall 62752
establish model professional development programs to assist 62753
teachers who completed their teacher preparation prior to the 62754
effective date of division (A) of this section to become skilled 62755
at integrating educational technology in the instruction of 62756
children. The ~~commission~~ chancellor shall provide technical 62757
assistance to school districts wishing to establish such programs. 62758

Sec. 3319.57. (A) A grant program is hereby established under 62759
which the department of education shall award grants to assist 62760
certain schools in a city, exempted village, local, or joint 62761
vocational school district in implementing one of the following 62762
innovations: 62763

(1) The use of instructional specialists to mentor and 62764
support classroom teachers; 62765

(2) The use of building managers to supervise the 62766
administrative functions of school operation so that a school 62767
principal can focus on supporting instruction, providing 62768
instructional leadership, and engaging teachers as part of the 62769
instructional leadership team; 62770

(3) The reconfiguration of school leadership structure in a 62771
manner that allows teachers to serve in leadership roles so that 62772
teachers may share the responsibility for making and implementing 62773
school decisions; 62774

(4) The adoption of new models for restructuring the school 62775
day or school year, such as including teacher planning and 62776
collaboration time as part of the school day; 62777

(5) The creation of smaller schools or smaller units within 62778
larger schools for the purpose of facilitating teacher 62779
collaboration to improve and advance the professional practice of 62780
teaching; 62781

(6) The implementation of "grow your own" recruitment 62782
strategies that are designed to assist individuals who show a 62783
commitment to education become licensed teachers, to assist 62784
experienced teachers obtain licensure in subject areas for which 62785
there is need, and to assist teachers in becoming principals; 62786

(7) The provision of better conditions for new teachers, such 62787
as reduced teaching load and reduced class size; 62788

(8) The provision of incentives to attract qualified mathematics, science, or special education teachers;	62789 62790
(9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas;	62791 62792 62793
(10) The implementation of a program to increase the cultural competency of both new and veteran teachers;	62794 62795
(11) The implementation of a program to increase the subject matter competency of veteran teachers.	62796 62797
(B) To qualify for a grant to implement one of the innovations described in division (A) of this section, a school must meet both of the following criteria:	62798 62799 62800
(1) Be hard to staff, as defined by the department.	62801
(2) Use existing school district funds for the implementation of the innovation in an amount equal to the grant amount multiplied by (1 - the district's state share <u>percentage index</u> for the fiscal year in which the grant is awarded).	62802 62803 62804 62805
For purposes of division (B)(2) of this section, "state share <u>percentage index</u> " has the same meaning as in section 3317.02 of the Revised Code.	62806 62807 62808
(C) The amount and number of grants awarded under this section shall be determined by the department based on any appropriations made by the general assembly for grants under this section.	62809 62810 62811 62812
(D) The state board of education shall adopt rules for the administration of this grant program.	62813 62814
Sec. 3319.58. (A) As used in this section, "core subject area" has the same meaning as in section 3319.074 of the Revised Code.	62815 62816 62817

(B) Each year, beginning with the 2015-2016 school year, the board of education of each city, exempted village, local, and joint vocational school district shall require each classroom teacher who is currently teaching in a core subject area and has received a rating of ineffective on the evaluations conducted under section 3319.111 of the Revised Code for two of the three most recent school years to register for and take all written examinations of content knowledge selected by the department of education as appropriate to determine expertise to teach that core subject area and the grade level to which the teacher is assigned.

(C) Each year, beginning with the 2015-2016 school year, the governing authority of each community school established under Chapter 3314. of the Revised Code, except a community school to which section 3314.017 of the Revised Code applies or a community school described in division (A)(4)(b) of section 3314.35 of the Revised Code, and governing body of each STEM school established under Chapter 3326. of the Revised Code with a building ranked in the lowest ten per cent of all public school buildings according to performance index score, under section 3302.21 of the Revised Code, shall require each classroom teacher currently teaching in a core subject area in such a building to register for and take all written examinations of content knowledge selected by the department as appropriate to determine expertise to teach that core subject area and the grade level to which the teacher is assigned.

(D) If a teacher who takes an examination under division (B) of this section passes that examination and provides proof of that passage to the teacher's employer, the employer shall require the teacher, at the teacher's expense, to complete professional development that is targeted to the deficiencies identified in the teacher's evaluations conducted under section 3319.111 of the Revised Code. The receipt by the teacher of a rating of

ineffective on the teacher's next evaluation after completion of 62850
the professional development, or the failure of the teacher to 62851
complete the professional development, shall be grounds for 62852
termination of the teacher under section 3319.16 of the Revised 62853
Code. 62854

(E) If a teacher who takes an examination under this section 62855
passes that examination and provides proof of that passage to the 62856
teacher's employer, the teacher shall not be required to take the 62857
examination again for three years, regardless of the teacher's 62858
evaluation ratings or the performance index score ranking of the 62859
building in which the teacher teaches. No teacher shall be 62860
responsible for the cost of taking an examination under this 62861
section. 62862

(F) Each district board of education, each community school 62863
governing authority, and each STEM school governing body may use 62864
the results of a teacher's examinations required under division 62865
(B) or (C) of this section in developing and revising professional 62866
development plans and in deciding whether or not to continue 62867
employing the teacher in accordance with the provisions of this 62868
chapter or Chapter 3314. or 3326. of the Revised Code. However, no 62869
decision to terminate or not to renew a teacher's employment 62870
contract shall be made solely on the basis of the results of a 62871
teacher's examination under this section until and unless the 62872
teacher has not attained a passing score on the same required 62873
examination for at least three consecutive administrations of that 62874
examination. 62875

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 62876
"guardian," or "other person having charge or care of a child" 62877
means either parent unless the parents are separated or divorced 62878
or their marriage has been dissolved or annulled, in which case 62879
"parent" means the parent who is the residential parent and legal 62880

custodian of the child. If the child is in the legal or permanent 62881
custody of a person or government agency, "parent" means that 62882
person or government agency. When a child is a resident of a home, 62883
as defined in section 3313.64 of the Revised Code, and the child's 62884
parent is not a resident of this state, "parent," "guardian," or 62885
"other person having charge or care of a child" means the head of 62886
the home. 62887

A child between six and eighteen years of age is "of 62888
compulsory school age" for the purpose of sections 3321.01 to 62889
3321.13 of the Revised Code. A child under six years of age who 62890
has been enrolled in kindergarten also shall be considered "of 62891
compulsory school age" for the purpose of sections 3321.01 to 62892
3321.13 of the Revised Code unless at any time the child's parent 62893
or guardian, at the parent's or guardian's discretion and in 62894
consultation with the child's teacher and principal, formally 62895
withdraws the child from kindergarten. The compulsory school age 62896
of a child shall not commence until the beginning of the term of 62897
such schools, or other time in the school year fixed by the rules 62898
of the board of the district in which the child resides. 62899

(2) No child shall be admitted to a kindergarten or a first 62900
grade of a public school in a district in which all children are 62901
admitted to kindergarten and the first grade in August or 62902
September unless the child is five or six years of age, 62903
respectively, by the thirtieth day of September of the year of 62904
admittance, or by the first day of a term or semester other than 62905
one beginning in August or September in school districts granting 62906
admittance at the beginning of such term or semester, unless the 62907
child has been recommended for early admittance in accordance with 62908
the district's acceleration policy adopted under section 3324.10 62909
of the Revised Code. A child who does not meet the age requirement 62910
for admittance to kindergarten or first grade shall be evaluated 62911
for early admittance upon referral by the child's parent or 62912

guardian, an educator employed by the district, a preschool 62913
educator who knows the child, or a pediatrician or psychologist 62914
who knows the child. 62915

(3) Notwithstanding division (A)(2) of this section, 62916
beginning with the school year that starts in 2001 and continuing 62917
thereafter the board of education of any district may adopt a 62918
resolution establishing the first day of August in lieu of the 62919
thirtieth day of September as the required date by which students 62920
must have attained the age specified in that division. 62921

(4) After a student has been admitted to kindergarten in a 62922
school district or chartered nonpublic school, no board of 62923
education of a school district to which the student transfers 62924
shall deny that student admission based on the student's age. 62925

(B) As used in division (C) of this section, "successfully 62926
completed kindergarten" means that the child has completed the 62927
kindergarten requirements at one of the following: 62928

(1) A public or chartered nonpublic school; 62929

(2) A kindergarten class that is both of the following: 62930

(a) Offered by a day-care provider licensed under Chapter 62931
5104. of the Revised Code; 62932

(b) If offered after July 1, 1991, is directly taught by a 62933
teacher who holds one of the following: 62934

(i) A valid educator license issued under section 3319.22 of 62935
the Revised Code; 62936

(ii) A Montessori preprimary credential or age-appropriate 62937
diploma granted by the American Montessori society or the 62938
association Montessori internationale; 62939

(iii) Certification determined under division (F) of this 62940
section to be equivalent to that described in division 62941
(B)(2)(b)(ii) of this section; 62942

(iv) Certification for teachers in nontax-supported schools 62943
pursuant to section 3301.071 of the Revised Code. 62944

(C) Except as provided in division (A)(2) of this section, no 62945
school district shall admit to the first grade any child who has 62946
not successfully completed kindergarten. 62947

(D) The scheduling of times for kindergarten classes and 62948
length of the school day for kindergarten shall be determined by 62949
the board of education of a city, exempted village, or local 62950
school district. 62951

(E) Any kindergarten class offered by a day-care provider or 62952
school described by division (B)(1) or (B)(2)(a) of this section 62953
shall be developmentally appropriate. 62954

(F) Upon written request of a day-care provider described by 62955
division (B)(2)(a) of this section, the department of education 62956
shall determine whether certification held by a teacher employed 62957
by the provider meets the requirement of division (B)(2)(b)(iii) 62958
of this section and, if so, shall furnish the provider a statement 62959
to that effect. 62960

(G) As used in this division, "all-day kindergarten" has the 62961
same meaning as in section 3321.05 of the Revised Code. 62962

(1) ~~Any A school district that did not receive for fiscal~~ 62963
~~year 2009 poverty based assistance for~~ is offering all-day 62964
kindergarten ~~under division (D) of section 3317.029 of the Revised~~ 62965
~~Code for the first time or that charged fees or tuition for~~ 62966
all-day kindergarten in the 2012-2013 school year may charge fees 62967
or tuition for ~~students~~ a student enrolled in all-day kindergarten 62968
in any school year following the 2012-2013 school year. The 62969
department shall adjust the district's average daily membership 62970
certification under section 3317.03 of the Revised Code by 62971
one-half of the full-time equivalency for each student charged 62972
fees or tuition for all-day kindergarten under this division. If a 62973

district charges fees or tuition for all-day kindergarten under 62974
this division, the district shall develop a sliding fee scale 62975
based on family incomes. 62976

(2) The department of education shall conduct an annual 62977
survey of each school district described in division (G)(1) of 62978
this section to determine the following: 62979

(a) Whether the district charges fees or tuition for students 62980
enrolled in all-day kindergarten; 62981

(b) The amount of the fees or tuition charged; 62982

(c) How many of the students for whom tuition is charged are 62983
eligible for free lunches under the "National School Lunch Act," 62984
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 62985
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 62986
and how many of the students for whom tuition is charged are 62987
eligible for reduced price lunches under those acts; 62988

(d) How many students are enrolled in traditional half-day 62989
kindergarten rather than all-day kindergarten. 62990

Each district shall report to the department, in the manner 62991
prescribed by the department, the information described in 62992
divisions (G)(2)(a) to (d) of this section. 62993

The department shall issue an annual report on the results of 62994
the survey and shall post the report on its web site. The 62995
department shall issue the first report not later than April 30, 62996
2008, and shall issue a report not later than the thirtieth day of 62997
April each year thereafter. 62998

Sec. 3321.04. Notwithstanding division (D) of section 3311.19 62999
and division (D) of section 3311.52 of the Revised Code, this 63000
section does not apply to any joint vocational or cooperative 63001
education school district or its superintendent. 63002

Every parent of any child of compulsory school age who is not 63003

employed under an age and schooling certificate must send such 63004
child to a school or a special education program that conforms to 63005
the minimum standards prescribed by the state board of education, 63006
for the full time the school or program attended is in session, 63007
which shall not be for less than thirty-two weeks per school year. 63008
Such attendance must begin within the first week of the school 63009
term or program or within one week of the date on which the child 63010
begins to reside in the district or within one week after ~~his~~ the 63011
child's withdrawal from employment. 63012

For the purpose of operating a school or program on a 63013
trimester plan, "full time the school attended is in session," as 63014
used in this section means the two trimesters to which the child 63015
is assigned by the board of education. For the purpose of 63016
operating a school or program on a quarterly plan, "full time the 63017
school attended is in session," as used in this section, means the 63018
three quarters to which the child is assigned by the board of 63019
education. For the purpose of operating a school or program on a 63020
pentamester plan, "full time the school is in session," as used in 63021
this section, means the four pentamesters to which the child is 63022
assigned by the board of education. 63023

Excuses from future attendance at or past absence from school 63024
or a special education program may be granted for the causes, by 63025
the authorities, and under the following conditions: 63026

(A) The superintendent of the ~~city or exempted village~~ school 63027
~~district or the educational service center~~ in which the child 63028
resides may excuse the child from attendance for any part of the 63029
remainder of the current school year upon satisfactory showing of 63030
either of the following facts: 63031

(1) That the child's bodily or mental condition does not 63032
permit attendance at school or a special education program during 63033
such period; this fact is certified in writing by a licensed 63034
physician or, in the case of a mental condition, by a licensed 63035

physician, a licensed psychologist, licensed school psychologist 63036
or a certificated school psychologist; and provision is made for 63037
appropriate instruction of the child, in accordance with Chapter 63038
3323. of the Revised Code; 63039

(2) That the child is being instructed at home by a person 63040
qualified to teach the branches in which instruction is required, 63041
and such additional branches, as the advancement and needs of the 63042
child may, in the opinion of such superintendent, require. In each 63043
such case the issuing superintendent shall file in ~~his~~ the 63044
superintendent's office, with a copy of the excuse, papers showing 63045
how the inability of the child to attend school or a special 63046
education program or the qualifications of the person instructing 63047
the child at home were determined. All such excuses shall become 63048
void and subject to recall upon the removal of the disability of 63049
the child or the cessation of proper home instruction; and 63050
thereupon the child or the child's parents may be proceeded 63051
against after due notice whether such excuse be recalled or not. 63052

(B) The state board of education may adopt rules authorizing 63053
the superintendent of schools of the district in which the child 63054
resides to excuse a child over fourteen years of age from 63055
attendance for a future limited period for the purpose of 63056
performing necessary work directly and exclusively for the child's 63057
parents or legal guardians. 63058

All excuses provided for in divisions (A) and (B) of this 63059
section shall be in writing and shall show the reason for excusing 63060
the child. A copy thereof shall be sent to the person in charge of 63061
the child. 63062

(C) The board of education of the ~~city or exempted village~~ 63063
~~school district or the governing board of the educational service~~ 63064
~~center in which a public school is located~~ or the governing 63065
authorities of a private or parochial school may in the rules 63066
governing the discipline in such schools, prescribe the authority 63067

by which and the manner in which any child may be excused for 63068
absence from such school for good and sufficient reasons. 63069

The state board of education may by rule prescribe conditions 63070
governing the issuance of excuses, which shall be binding upon the 63071
authorities empowered to issue them. 63072

Sec. 3321.05. (A) As used in this section, "all-day 63073
kindergarten" means a kindergarten class that is in session ~~five~~ 63074
~~days per week~~ for not less than the same number of clock hours 63075
each ~~day~~ week as for students in grades one through six. 63076

(B) Any school district may operate all-day kindergarten or 63077
extended kindergarten, but no district shall require any student 63078
to attend kindergarten for more than the number of clock hours 63079
required each day for traditional kindergarten by the minimum 63080
standards adopted under division (D) of section 3301.07 of the 63081
Revised Code. Each school district that operates all-day or 63082
extended kindergarten shall accommodate kindergarten students 63083
whose parents or guardians elect to enroll them for the minimum 63084
number of hours. 63085

(C) A school district may use space in child day-care centers 63086
licensed under Chapter 5104. of the Revised Code to provide 63087
all-day kindergarten under this section. 63088

Sec. 3321.13. (A) Whenever any child of compulsory school age 63089
withdraws from school the teacher of that child shall ascertain 63090
the reason for withdrawal. The fact of the withdrawal and the 63091
reason for it shall be immediately transmitted by the teacher to 63092
the superintendent ~~of schools~~ of the city, local, or exempted 63093
village school district ~~or the educational service center as the~~ 63094
~~case may be~~. If the child who has withdrawn from school has done 63095
so because of change of residence, the next residence shall be 63096
ascertained and shall be included in the notice thus transmitted. 63097

The superintendent shall thereupon forward a card showing the 63098
essential facts regarding the child and stating the place of the 63099
child's new residence to the superintendent of schools of the 63100
district to which the child has moved. 63101

The superintendent of public instruction may prescribe the 63102
forms to be used in the operation of this division. 63103

(B)(1) Upon receipt of information that a child of compulsory 63104
school age has withdrawn from school for a reason other than 63105
because of change of residence and is not enrolled in and 63106
attending in accordance with school policy an approved program to 63107
obtain a diploma or its equivalent, the superintendent shall 63108
notify the registrar of motor vehicles and the juvenile judge of 63109
the county in which the district is located of the withdrawal and 63110
failure to enroll in and attend an approved program to obtain a 63111
diploma or its equivalent. A notification to the registrar 63112
required by this division shall be given in the manner the 63113
registrar by rule requires and a notification to the juvenile 63114
judge required by this division shall be given in writing. Each 63115
notification shall be given within two weeks after the withdrawal 63116
and failure to enroll in and attend an approved program or its 63117
equivalent. 63118

(2) The board of education of a school district may adopt a 63119
resolution providing that the provisions of division (B)(2) of 63120
this section apply within the district. The provisions of division 63121
(B)(2) of this section do not apply within any school district, 63122
and no superintendent of a school district shall send a 63123
notification of the type described in division (B)(2) of this 63124
section to the registrar of motor vehicles or the juvenile judge 63125
of the county in which the district is located, unless the board 63126
of education of the district has adopted such a resolution. If the 63127
board of education of a school district adopts a resolution 63128
providing that the provisions of division (B)(2) of this section 63129

apply within the district, and if the superintendent of schools of 63130
that district receives information that, during any semester or 63131
term, a child of compulsory school age has been absent without 63132
legitimate excuse from the school the child is supposed to attend 63133
for more than ten consecutive school days or for at least fifteen 63134
total school days, the superintendent shall notify the child and 63135
the child's parent, guardian, or custodian, in writing, that the 63136
information has been provided to the superintendent, that as a 63137
result of that information the child's temporary instruction 63138
permit or driver's license will be suspended or the opportunity to 63139
obtain such a permit or license will be denied, and that the child 63140
and the child's parent, guardian, or custodian may appear in 63141
person at a scheduled date, time, and place before the 63142
superintendent or a designee to challenge the information provided 63143
to the superintendent. 63144

The notification to the child and the child's parent, 63145
guardian, or custodian required by division (B)(2) of this section 63146
shall set forth the information received by the superintendent and 63147
shall inform the child and the child's parent, guardian, or 63148
custodian of the scheduled date, time, and place of the appearance 63149
that they may have before the superintendent or a designee. The 63150
date scheduled for the appearance shall be no earlier than three 63151
and no later than five days after the notification is given, 63152
provided that an extension may be granted upon request of the 63153
child or the child's parent, guardian, or custodian. If an 63154
extension is granted, the superintendent shall schedule a new 63155
date, time, and place for the appearance and shall inform the 63156
child and the child's parent, guardian, or custodian of the new 63157
date, time, and place. 63158

If the child and the child's parent, guardian, or custodian 63159
do not appear before the superintendent or a designee on the 63160
scheduled date and at the scheduled time and place, or if the 63161

child and the child's parent, guardian, or custodian appear before 63162
the superintendent or a designee on the scheduled date and at the 63163
scheduled time and place but the superintendent or a designee 63164
determines that the information the superintendent received 63165
indicating that, during the semester or term, the child had been 63166
absent without legitimate excuse from the school the child was 63167
supposed to attend for more than ten consecutive school days or 63168
for at least fifteen total school days, the superintendent shall 63169
notify the registrar of motor vehicles and the juvenile judge of 63170
the county in which the district is located that the child has 63171
been absent for that period of time and that the child does not 63172
have any legitimate excuse for the habitual absence. A 63173
notification to the registrar required by this division shall be 63174
given in the manner the registrar by rule requires and a 63175
notification to the juvenile judge required by this division shall 63176
be given in writing. Each notification shall be given within two 63177
weeks after the receipt of the information of the habitual absence 63178
from school without legitimate excuse, or, if the child and the 63179
child's parent, guardian, or custodian appear before the 63180
superintendent or a designee to challenge the information, within 63181
two weeks after the appearance. 63182

For purposes of division (B)(2) of this section, a legitimate 63183
excuse for absence from school includes, but is not limited to, 63184
the fact that the child in question has enrolled in another school 63185
or school district in this or another state, the fact that the 63186
child in question was excused from attendance for any of the 63187
reasons specified in section 3321.04 of the Revised Code, or the 63188
fact that the child in question has received an age and schooling 63189
certificate in accordance with section 3331.01 of the Revised 63190
Code. 63191

(3) Whenever a pupil is suspended or expelled from school 63192
pursuant to section 3313.66 of the Revised Code and the reason for 63193

the suspension or expulsion is the use or possession of alcohol, a drug of abuse, or alcohol and a drug of abuse, the superintendent of schools of that district may notify the registrar and the juvenile judge of the county in which the district is located of such suspension or expulsion. Any such notification of suspension or expulsion shall be given to the registrar, in the manner the registrar by rule requires and shall be given to the juvenile judge in writing. The notifications shall be given within two weeks after the suspension or expulsion.

(4) Whenever a pupil is suspended, expelled, removed, or permanently excluded from a school for misconduct included in a policy that the board of education of a city, exempted village, or local school district has adopted under division (A) of section 3313.661 of the Revised Code, and the misconduct involves a firearm or a knife or other weapon as defined in that policy, the superintendent of schools of that district shall notify the registrar and the juvenile judge of the county in which the district is located of the suspension, expulsion, removal, or permanent exclusion. The notification shall be given to the registrar in the manner the registrar, by rule, requires and shall be given to the juvenile judge in writing. The notifications shall be given within two weeks after the suspension, expulsion, removal, or permanent exclusion.

(C) A notification of withdrawal, habitual absence without legitimate excuse, suspension, or expulsion given to the registrar or a juvenile judge under division (B)(1), (2), (3), or (4) of this section shall contain the name, address, date of birth, school, and school district of the child. If the superintendent finds, after giving a notification of withdrawal, habitual absence without legitimate excuse, suspension, or expulsion to the registrar and the juvenile judge under division (B)(1), (2), (3), or (4) of this section, that the notification was given in error,

the superintendent immediately shall notify the registrar and the 63226
juvenile judge of that fact. 63227

Sec. 3321.14. Notwithstanding division (D) of section 3311.19 63228
and division (D) of section 3311.52 of the Revised Code, the 63229
provisions of this section and sections 3321.15 to 3321.21 of the 63230
Revised Code that apply to a city school district or its 63231
superintendent do not apply to any joint vocational or cooperative 63232
education school district or its superintendent unless otherwise 63233
specified. 63234

The board of education of every city ~~school district and of~~ 63235
~~every~~, exempted village, or local school district shall either 63236
employ an attendance officer, and may employ or appoint any 63237
assistants that the board deems advisable, or shall obtain such 63238
services from the educational service center with which the 63239
district has entered into an agreement under section 3313.843 or 63240
3313.845 of the Revised Code, in accordance with the terms 63241
prescribed in that agreement. ~~It~~ 63242

In cities of one hundred thousand population or over, the 63243
board may appoint, subject to the nomination of the district 63244
superintendent ~~of schools~~, one or more pupil-personnel workers and 63245
make provision for the traveling expenses within the school 63246
district of those employees. 63247

Sec. 3321.15. Every governing board of an educational service 63248
center ~~shall~~ may employ an educational service center attendance 63249
officer, and may employ or appoint such assistants as the board 63250
deems advisable. The decision to employ an attendance officer 63251
shall be based on consultation with the districts that have 63252
entered into agreements with the educational service center under 63253
section 3313.843 or 3313.845 of the Revised Code and the services 63254
outlined in the agreements. The compensation and necessary 63255

traveling expenses of such attendance officer and assistants shall 63256
be paid out of the educational service center governing board 63257
fund. With the consent and approval of the judge of the juvenile 63258
court, a probation officer of the court may be designated as the 63259
service center attendance officer or as an assistant. The 63260
compensation of the probation officers of the juvenile court so 63261
designated shall be fixed and paid in the same manner as salaries 63262
of other probation officers of the juvenile court; their traveling 63263
expenses as attendance officers which would not be incurred as 63264
probation officers shall be paid out of the educational service 63265
center governing board fund. In addition to the compensation 63266
provided in this section the board may pay such additional 63267
compensation as it deems advisable, to any probation officer 63268
designated as attendance officer and such additional amount shall 63269
be paid from the educational service center governing board fund. 63270
The attendance officer and assistants shall work under the 63271
direction of the educational service center superintendent. The 63272
authority of such attendance officer and assistants ~~shall~~ may 63273
extend to all the ~~local~~ school districts served by the service 63274
center pursuant to any agreements entered into under section 63275
3313.843 or 3313.845 of the Revised Code. This section does not 63276
confine their authority to investigate ~~employment~~ attendance to 63277
that within the territory of the service center. 63278

Sec. 3323.021. As used in this section, "participating county 63279
DD board" means a county board of developmental disabilities 63280
electing to participate in the provision of or contracting for 63281
educational services for children under division (D) of section 63282
5126.05 of the Revised Code. 63283

(A) When a school district, educational service center, or 63284
participating county DD board enters into an agreement or contract 63285
with another school district, educational service center, or 63286
participating county DD board to provide educational services to a 63287

disabled child during a school year, both of the following shall 63288
apply: 63289

(1) Beginning with fiscal year 1999, if the provider of the 63290
services intends to increase the amount it charges for some or all 63291
of those services during the next school year or if the provider 63292
intends to cease offering all or part of those services during the 63293
next school year, the provider shall notify the entity for which 63294
the services are provided of these intended changes no later than 63295
the first day of March of the current fiscal year. 63296

(2) Beginning with fiscal year 1999, if the entity for which 63297
services are provided intends to cease obtaining those services 63298
from the provider for the next school year or intends to change 63299
the type or amount of services it obtains from the provider for 63300
the next school year, the entity shall notify the service provider 63301
of these intended changes no later than the first day of March of 63302
the current fiscal year. 63303

(B) School districts, educational service centers, 63304
participating county DD boards, and other applicable governmental 63305
entities shall collaborate where possible to maximize federal 63306
sources of revenue to provide additional funds for special 63307
education related services for disabled children. Annually, each 63308
school district shall report to the department of education any 63309
amounts of ~~money~~ such federal revenue the district received 63310
~~through such medical assistance program.~~ 63311

(C) The state board of education, the department of 63312
developmental disabilities, and the department of ~~job and family~~ 63313
~~services~~ medicaid shall develop working agreements for pursuing 63314
additional funds for services for disabled children. 63315

Sec. 3323.03. The state board of education shall, in 63316
consultation with the department of health, the department of 63317
~~mental health~~ mental health and addiction services, and the 63318

department of developmental disabilities, establish standards and 63319
procedures for the identification, location, and evaluation of all 63320
children with disabilities residing in the state, including 63321
children with disabilities who are homeless children or are wards 63322
of the state and children with disabilities attending nonpublic 63323
schools, regardless of the severity of their disabilities, and who 63324
are in need of special education and related services. The state 63325
board shall develop and implement a practical method to determine 63326
which children with disabilities are currently receiving needed 63327
special education and related services. 63328

In conducting the evaluation, the board of education of each 63329
school district shall use a variety of assessment tools and 63330
strategies to gather relevant functional, developmental, and 63331
academic information about the child, including information 63332
provided by the child's parent. The board of education of each 63333
school district, in consultation with the county DD board, the 63334
county family and children first council, and the board of 63335
alcohol, drug addiction, and mental health services of each county 63336
in which the school district has territory, shall identify, 63337
locate, and evaluate all children with disabilities residing 63338
within the district to determine which children with disabilities 63339
are not receiving appropriate special education and related 63340
services. In addition, the board of education of each school 63341
district, in consultation with such county boards or council, 63342
shall identify, locate, and evaluate all children with 63343
disabilities who are enrolled by their parents in nonpublic 63344
elementary and secondary schools located within the public school 63345
district, without regard to where those children reside in 63346
accordance with rules of the state board of education or 63347
guidelines of the superintendent of public instruction. 63348

Each county DD board, county family and children first 63349
council, and board of alcohol, drug addiction, and mental health 63350

services and the board's or council's contract agencies may 63351
transmit to boards of education the names and addresses of 63352
children with disabilities who are not receiving appropriate 63353
special education and related services. 63354

Sec. 3323.04. The state board of education, in consultation 63355
with the department of ~~mental health~~ mental health and addiction 63356
services and the department of developmental disabilities, shall 63357
establish procedures and standards for the development of 63358
individualized education programs for children with disabilities. 63359

The state board shall require the board of education of each 63360
school district to develop an individualized education program for 63361
each child with a disability who is at least three years of age 63362
and less than twenty-two years of age residing in the district in 63363
a manner that is in accordance with rules of the state board. 63364

Prior to the placement of a child with a disability in a 63365
program operated under section 3323.09 of the Revised Code, the 63366
district board of education shall consult the county DD board of 63367
the county in which the child resides regarding the proposed 63368
placement. 63369

A child with a disability enrolled in a nonpublic school or 63370
facility shall be provided special education and related services, 63371
in accordance with an individualized education program, at no cost 63372
for those services, if the child is placed in, or referred to, 63373
that nonpublic school or facility by the department of education 63374
or a school district. 63375

The IEP team shall review the individualized education 63376
program of each child with a disability periodically, but at least 63377
annually, to determine whether the annual goals for the child are 63378
being achieved, and shall revise the individualized education 63379
program as appropriate. 63380

The state board shall establish procedures and standards to assure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are not disabled. Special classes, separate schools, or other removal of children with disabilities from the regular educational environment shall be used only when the nature or severity of a child's disability is such that education in regular classes with supplementary aids and services cannot be achieved satisfactorily.

If an agency directly affected by a placement decision objects to such decision, an impartial hearing officer, appointed by the department of education from a list prepared by the department, shall conduct a hearing to review the placement decision. The agencies that are parties to a hearing shall divide the costs of such hearing equally. The decision of the hearing officer shall be final, except that any party to the hearing who is aggrieved by the findings or the decision of the hearing officer may appeal the findings or decision in accordance with division (H) of section 3323.05 of the Revised Code or the parent of any child affected by such decision may present a complaint in accordance with that section.

Sec. 3323.07. The state board of education shall authorize the establishment and maintenance of special education and related services for all children with disabilities who are at least three years of age and less than twenty-two years of age, including children with disabilities who have been suspended or expelled from school, and may authorize special education and related services for children with disabilities who are less than three years of age in accordance with rules adopted by the state board. The state board shall require the boards of education of school districts, shall authorize the department of ~~mental health~~ mental health and addiction services and the department of developmental

disabilities, and may authorize any other educational agency, to 63413
establish and maintain such special education and related services 63414
in accordance with standards adopted by the state board. 63415

Sec. 3323.08. (A) Each school district shall submit a plan to 63416
the superintendent of public instruction that provides assurances 63417
that the school district will provide for the education of 63418
children with disabilities within its jurisdiction and has in 63419
effect policies, procedures, and programs that are consistent with 63420
the policies and procedures adopted by the state board of 63421
education in accordance with section 612 of the "Individuals with 63422
Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412, 63423
and that meet the conditions applicable to school districts under 63424
section 613 of that act, 20 U.S.C. 1413. 63425

Each district's plan shall do all of the following: 63426

(1) Provide, as specified in section 3323.11 of the Revised 63427
Code and in accordance with standards established by the state 63428
board, for an organizational structure and necessary and qualified 63429
staffing and supervision for the identification of and provision 63430
of special education and related services for children with 63431
disabilities; 63432

(2) Provide, as specified by section 3323.03 of the Revised 63433
Code and in accordance with standards established by the state 63434
board, for the identification, location, and evaluation of all 63435
children with disabilities residing in the district, including 63436
children with disabilities who are homeless children or are wards 63437
of the state and children with disabilities attending private 63438
schools and who are in need of special education and related 63439
services. A practical method shall be developed and implemented to 63440
determine which children with disabilities are currently receiving 63441
needed special education and related services. 63442

(3) Provide, as specified by section 3323.07 of the Revised 63443

Code and standards established by the state board, for the 63444
establishment and maintenance of special education and related 63445
services for children with disabilities who are at least three 63446
years of age and less than twenty-two years of age, including 63447
children with disabilities who have been suspended or expelled 63448
from school. 63449

(4) Provide, as specified by section 3323.04 of the Revised 63450
Code and in accordance with standards adopted by the state board, 63451
for an individualized education program for each child with a 63452
disability who is at least three years of age and less than 63453
twenty-two years of age residing within the district; 63454

(5) Provide, as specified by section 3323.02 of the Revised 63455
Code and in accordance with standards established by the state 63456
board, for special education and related services and a free 63457
appropriate public education for every child with a disability who 63458
is at least three years of age and less than twenty-two years of 63459
age, including children with disabilities who have been suspended 63460
or expelled from school; 63461

(6) Provide procedural safeguards and prior written notice as 63462
required under section 3323.05 of the Revised Code and the 63463
standards established by the state board; 63464

(7) Outline the steps that have been or are being taken to 63465
comply with standards established by the state board. 63466

(B)(1) A school district may arrange, by a cooperative 63467
agreement or contract with one or more school districts or with a 63468
cooperative education or joint vocational school district or an 63469
educational service center, to provide for the identification, 63470
location, and evaluation of children with disabilities, and to 63471
provide special education and related services for such children 63472
that meet the standards established by the state board. A school 63473
district may arrange, by a cooperative agreement or contract, for 63474

the provision of related services for children with disabilities 63475
that meet the standards established by the state board. 63476

(2) A school district shall arrange by interagency agreement 63477
with one or more school districts or with a cooperative education 63478
or joint vocational school district or an educational service 63479
center or other providers of early learning services to provide 63480
for the identification, location, evaluation of children with 63481
disabilities of ages birth through five years of age and for the 63482
transition of children with disabilities at age three in 63483
accordance with the standards established by the state board. A 63484
school district may arrange by interagency agreement with 63485
providers of early learning services to provide special education 63486
and related services for such children that meet the standards 63487
established by the state board. 63488

(3) If at the time an individualized education program is 63489
developed for a child a school district is not providing special 63490
education and related services required by that individualized 63491
education program, the school district may arrange by contract 63492
with a nonpublic entity for the provision of the special education 63493
and related services, provided the special education and related 63494
services meet the standards for special education and related 63495
services established by the state board and is provided within the 63496
state. 63497

(4) Any cooperative agreement or contract under division 63498
(B)(1) or (2) of this section involving a local school district 63499
shall be approved by the governing board of the educational 63500
service center which serves that district. 63501

(C) No plan of a local school district shall be submitted to 63502
the superintendent of public instruction until it has been 63503
approved by the superintendent of the educational service center 63504
which serves that district. 63505

(D) Upon approval of a school district's plan by the 63506
superintendent of public instruction, the district shall 63507
immediately certify students for state funds under section 3317.03 63508
of the Revised Code to implement and maintain such plan. ~~The~~ 63509
~~district also shall request approval of classroom units under~~ 63510
~~division (B) of section 3317.05 of the Revised Code for which the~~ 63511
~~district has adequately identified preschool children with~~ 63512
~~disabilities and shall, in accordance with procedures adopted by~~ 63513
~~the state board, request approval of units under division (C) of~~ 63514
~~section 3317.05 of the Revised Code.~~ The district shall, in 63515
accordance with guidelines adopted by the state board, identify 63516
problems relating to the provision of qualified personnel and 63517
adequate facilities, and indicate the extent to which the cost of 63518
programs required under the plan will exceed anticipated state 63519
reimbursement. Each school district shall immediately implement 63520
the identification, location, and evaluation of children with 63521
disabilities in accordance with this chapter, and shall implement 63522
those parts of the plan involving placement and provision of 63523
special education and related services. 63524

Sec. 3323.09. (A) As used in this section: 63525

(1) "Home" has the meaning given in section 3313.64 of the 63526
Revised Code. 63527

(2) "Preschool child" means a child who is at least age three 63528
but under age six on the thirtieth day of September of an academic 63529
year. 63530

(B) Each county DD board shall establish special education 63531
programs for all children with disabilities who in accordance with 63532
section 3323.04 of the Revised Code have been placed in special 63533
education programs operated by the county board and for preschool 63534
children who are developmentally delayed or at risk of being 63535
developmentally delayed. The board annually shall submit to the 63536

department of education a plan for the provision of these programs 63537
and, if applicable, a request for approval of units under section 63538
~~3317.05 of the Revised Code.~~ The superintendent of public 63539
instruction shall review the plan and approve or modify it in 63540
accordance with rules adopted by the state board of education 63541
under section 3301.07 of the Revised Code. The superintendent of 63542
public instruction shall compile the plans submitted by county 63543
boards and shall submit a comprehensive plan to the state board. 63544

A county DD board may combine transportation for children 63545
enrolled in classes funded under ~~section~~ sections 3317.0213 or 63546
3317.20 ~~or units approved under section 3317.05~~ with 63547
transportation for children and adults enrolled in programs and 63548
services offered by the board under Chapter 5126. of the Revised 63549
Code. 63550

(C) A county DD board that during the school year provided 63551
special education pursuant to this section for any child with 63552
mental disabilities under twenty-two years of age shall prepare 63553
and submit the following reports and statements: 63554

(1) The board shall prepare a statement for each child who at 63555
the time of receiving such special education was a resident of a 63556
home and was not in the legal or permanent custody of an Ohio 63557
resident or a government agency in this state, and whose natural 63558
or adoptive parents are not known to have been residents of this 63559
state subsequent to the child's birth. The statement shall contain 63560
the child's name, the name of the child's school district of 63561
residence, the name of the county board providing the special 63562
education, and the number of months, including any fraction of a 63563
month, it was provided. Not later than the thirtieth day of June, 63564
the board shall forward a certified copy of such statement to both 63565
the director of developmental disabilities and to the home. 63566

Within thirty days after its receipt of a statement, the home 63567
shall pay tuition to the county board computed in the manner 63568

prescribed by section 3323.141 of the Revised Code. 63569

(2) The board shall prepare a report for each school district 63570
that is the school district of residence of one or more of such 63571
children for whom statements are not required by division (C)(1) 63572
of this section. The report shall contain the name of the county 63573
board providing special education, the name of each child 63574
receiving special education, the number of months, including 63575
fractions of a month, that the child received it, and the name of 63576
the child's school district of residence. Not later than the 63577
thirtieth day of June, the board shall forward certified copies of 63578
each report to the school district named in the report, the 63579
superintendent of public instruction, and the director of 63580
developmental disabilities. 63581

Sec. 3323.091. (A) The department of ~~mental health~~ mental 63582
health and addiction services, the department of developmental 63583
disabilities, the department of youth services, and the department 63584
of rehabilitation and correction shall establish and maintain 63585
special education programs for children with disabilities in 63586
institutions under their jurisdiction according to standards 63587
adopted by the state board of education. 63588

(B) ~~The superintendent of each state institution required to~~ 63589
~~provide services under division (A) of this section, and each~~ 63590
~~county DD board, providing special education for preschool~~ 63591
~~children with disabilities under this chapter may apply to the~~ 63592
~~state department of education for unit funding, which shall be~~ 63593
~~paid in accordance with sections 3317.052 and 3317.053 of the~~ 63594
~~Revised Code.~~ 63595

The superintendent of each state institution required to 63596
provide services under division (A) of this section may apply to 63597
the department of education for special education and related 63598
services ~~weighted~~ funding for children with disabilities other 63599

than preschool children with disabilities, calculated in 63600
accordance with section 3317.201 of the Revised Code. 63601

Each county DD board providing special education for children 63602
with disabilities other than preschool children with disabilities 63603
may apply to the department of education for ~~base cost and~~ 63604
opportunity funds and special education and related services 63605
~~weighted~~ funding calculated in accordance with section 3317.20 of 63606
the Revised Code. 63607

(C) In addition to the authorization to apply for state 63608
funding described in division (B) of this section, each state 63609
institution required to provide services under division (A) of 63610
this section is entitled to tuition payments calculated in the 63611
manner described in division (C) of this section. 63612

On or before the thirtieth day of June of each year, the 63613
superintendent of each institution that during the school year 63614
provided special education pursuant to this section shall prepare 63615
a statement for each child with a disability under twenty-two 63616
years of age who has received special education. The statement 63617
shall contain the child's data verification code assigned pursuant 63618
to division (D)(2) of section 3301.0714 of the Revised Code and 63619
the name of the child's school district of residence. Within sixty 63620
days after receipt of such statement, the department of education 63621
shall perform one of the following: 63622

(1) For any child except a preschool child with a disability 63623
described in division (C)(2) of this section, pay to the 63624
institution submitting the statement an amount equal to the 63625
tuition calculated under division (A) of section 3317.08 of the 63626
Revised Code for the period covered by the statement, and deduct 63627
the same from the amount of state funds, if any, payable under 63628
Chapter 3317. of the Revised Code, to the child's school district 63629
of residence or, if the amount of such state funds is 63630
insufficient, require the child's school district of residence to 63631

pay the institution submitting the statement an amount equal to 63632
the amount determined under this division. 63633

(2) For any preschool child with a disability ~~not included in~~ 63634
~~a unit approved under division (B) of section 3317.05 of the~~ 63635
~~Revised Code~~, perform the following: 63636

(a) Pay to the institution submitting the statement an amount 63637
equal to the tuition calculated under division (B) of section 63638
3317.08 of the Revised Code for the period covered by the 63639
statement, except that in calculating the tuition under that 63640
section the operating expenses of the institution submitting the 63641
statement under this section shall be used instead of the 63642
operating expenses of the school district of residence; 63643

(b) Deduct from the amount of state funds, if any, payable 63644
under Chapter 3317. of the Revised Code to the child's school 63645
district of residence an amount equal to the amount paid under 63646
division (C)(2)(a) of this section. 63647

Sec. 3323.13. (A) If a child who is a school resident of one 63648
school district receives special education from another district, 63649
the board of education of the district providing the education, 63650
subject to division (C) of this section, may require the payment 63651
by the board of education of the district of residence of a sum 63652
not to exceed one of the following, as applicable: 63653

(1) For any child except a preschool child with a disability 63654
described in division (A)(2) of this section, the tuition of the 63655
district providing the education for a child of normal needs of 63656
the same school grade. The determination of the amount of such 63657
tuition shall be in the manner provided for by division (A) of 63658
section 3317.08 of the Revised Code. 63659

(2) For any preschool child with a disability ~~not included in~~ 63660
~~a unit approved under division (B) of section 3317.05 of the~~ 63661

~~Revised Code~~, the tuition of the district providing the education 63662
for the child as calculated under division (B) of section 3317.08 63663
of the Revised Code, multiplied by 0.50. 63664

(B) The board of the district of residence may contract with 63665
the board of another district for the transportation of such child 63666
into any school in such other district, on terms agreed upon by 63667
such boards. Upon direction of the state board of education, the 63668
board of the district of residence shall pay for the child's 63669
transportation and the tuition. 63670

(C) The board of education of a district providing the 63671
education for a child shall be entitled to require payment from 63672
the district of residence under this section or section 3323.14 of 63673
the Revised Code only if the district providing the education has 63674
done at least one of the following: 63675

(1) Invited the district of residence to send representatives 63676
to attend the meetings of the team developing the child's 63677
individualized education program; 63678

(2) Received from the district of residence a copy of the 63679
individualized education program or a multifactored evaluation 63680
developed for the child by the district of residence; 63681

(3) Informed the district of residence in writing that the 63682
district is providing the education for the child. 63683

As used in division (C)(2) of this section, "multifactored 63684
evaluation" means an evaluation, conducted by a multidisciplinary 63685
team, of more than one area of the child's functioning so that no 63686
single procedure shall be the sole criterion for determining an 63687
appropriate educational program placement for the child. 63688

~~Sec. 3323.14. This section does not apply to any preschool 63689
child with a disability except if included in a unit approved 63690
under division (B) of section 3317.05 of the Revised Code. 63691~~

(A) Where a child who is a school resident of one school district receives special education from another district and the per capita cost to the educating district for that child exceeds the sum of the amount received by the educating district for that child under division (A) of section 3317.08 of the Revised Code and the amount received by the district from the state board of education for that child, then the board of education of the district of residence shall pay to the board of the school district that is providing the special education such excess cost as is determined by using a formula approved by the department of education and agreed upon in contracts entered into by the boards of the districts concerned at the time the district providing such special education accepts the child for enrollment. The department shall certify the amount of the payments under Chapter 3317. of the Revised Code for such pupils with disabilities for each school year ending on the thirtieth day of July.

(B) In the case of a child described in division (A) of this section who has been placed in a home, as defined in section 3313.64 of the Revised Code, pursuant to the order of a court and who is not subject to section 3323.141 of the Revised Code, the district providing the child with special education and related services may charge to the child's district of residence the excess cost determined by formula approved by the department, regardless of whether the district of residence has entered into a contract with the district providing the services. If the district providing the services chooses to charge excess costs, the district may report the amount calculated under this division to the department.

(C) If a district providing special education for a child reports an amount for the excess cost of those services, as authorized and calculated under division (A) or (B) of this section, the department shall pay that amount of excess cost to

the district providing the services and shall deduct that amount 63724
from the child's district of residence in accordance with division 63725
(K) of section 3317.023 of the Revised Code. 63726

Sec. 3323.141. (A) When a child who is not in the legal or 63727
permanent custody of an Ohio resident or a government agency in 63728
this state and whose natural or adoptive parents are not known to 63729
have been residents of this state subsequent to the child's birth 63730
is a resident of a home as defined in section 3313.64 of the 63731
Revised Code and receives special education and related services 63732
from a school district or county ~~MR/DD~~ DD board, the home shall 63733
pay tuition to the board providing the special education. 63734

(B) In the case of a child described in division (A) of this 63735
section who receives special education and related services from a 63736
school district, tuition shall be the amount determined under 63737
division (B)(1) or (2) of this section. 63738

(1) For a child other than a child described in division 63739
(B)(2) of this section the tuition shall be an amount equal to the 63740
sum of the following: 63741

(a) Tuition as determined in the manner provided for by 63742
division (B) of section 3317.081 of the Revised Code for the 63743
district that provides the special education; 63744

(b) Such excess cost as is determined by using a formula 63745
established by rule of the department of education. The excess 63746
cost computed in this section shall not be used as excess cost 63747
computed under section 3323.14 of the Revised Code. 63748

(2) For a child who is a preschool child with a disability 63749
~~not included in a unit approved under division (B) of section~~ 63750
~~3317.05 of the Revised Code~~, the tuition shall be computed as 63751
follows: 63752

(a) Determine the amount of the tuition of the district 63753

providing the education for the child as calculated under division 63754
(B) of section 3317.08 of the Revised Code; 63755

(b) For each type of special education service included in 63756
the computation of the amount of tuition under division (B)(2)(a) 63757
of this section, divide the amount determined for that computation 63758
under division (B)(2) of section 3317.08 of the Revised Code by 63759
the total number of preschool children with disabilities used for 63760
that computation under division (B)(3) of section 3317.08 of the 63761
Revised Code; 63762

(c) Determine the sum of the quotients obtained under 63763
division (B)(2)(b) of this section; 63764

(d) Determine the sum of the amounts determined under 63765
divisions (B)(2)(a) and (c) of this section. 63766

(C) In the case of a child described in division (A) of this 63767
section who receives special education and related services from a 63768
county ~~MR/DD~~ DD board, tuition shall be the amount determined 63769
under division (C)(1) or (2) of this section. 63770

(1) For a child other than a child described in division 63771
(C)(2) of this section, the tuition shall be an amount equal to 63772
such board's per capita cost of providing special education and 63773
related services for children at least three but less than 63774
twenty-two years of age as determined by using a formula 63775
established by rule of the department of developmental 63776
disabilities. 63777

(2) For a child who is a preschool child with a disability 63778
~~not included in a unit approved under division (B) of section~~ 63779
~~3317.05 of the Revised Code~~, the tuition shall equal the sum of 63780
the amounts of each such board's per capita cost of providing each 63781
of the special education or related service that the child 63782
receives. The calculation of tuition shall be made by using a 63783
formula established by rule of the department of developmental 63784

disabilities. The formula for the calculation of per capita costs 63785
under division (C)(2) of this section shall be based only on each 63786
such ~~MR/DD~~ DD board's cost of providing each type of special 63787
education or related service to preschool children with 63788
~~disabilities not included in a unit approved under division (B) of~~ 63789
~~section 3317.05 of the Revised Code.~~ 63790

(D) If a home fails to pay the tuition required under this 63791
section, the board of education or county ~~MR/DD~~ DD board providing 63792
the education may recover in a civil action the tuition and the 63793
expenses incurred in prosecuting the action, including court costs 63794
and reasonable attorney's fees. If the prosecuting attorney or 63795
city director of law represents the board in such action, costs 63796
and reasonable attorney's fees awarded by the court, based upon 63797
the time spent preparing and presenting the case by the 63798
prosecuting attorney, director, or a designee of either, shall be 63799
deposited in the county or city general fund. 63800

~~Sec. 3323.142. This section does not apply to any preschool 63801
child with a disability except if included in a unit approved 63802
under division (B) of section 3317.05 of the Revised Code.~~ 63803

As used in this section, "per pupil amount" for a preschool 63804
child with a disability included in such an approved unit means 63805
the amount determined by dividing the amount received for the 63806
classroom unit in which the child has been placed by the number of 63807
children in the unit. For any other child, "per pupil amount" 63808
means the amount paid for the child under section 3317.20 of the 63809
Revised Code. 63810

When a school district places or has placed a child with a 63811
county DD board for special education, but another district is 63812
responsible for tuition under section 3313.64 or 3313.65 of the 63813
Revised Code and the child is not a resident of the territory 63814
served by the county DD board, the board may charge the district 63815

responsible for tuition with the educational costs in excess of 63816
the per pupil amount received by the board under Chapter 3317. of 63817
the Revised Code. The amount of the excess cost shall be 63818
determined by the formula established by rule of the department of 63819
education under section 3323.14 of the Revised Code, and the 63820
payment for such excess cost shall be made by the school district 63821
directly to the county DD board. 63822

A school district board of education and the county DD board 63823
that serves the school district may negotiate and contract, at or 63824
after the time of placement, for payments by the board of 63825
education to the county DD board for additional services provided 63826
to a child placed with the county DD board and whose 63827
individualized education program established pursuant to section 63828
3323.08 of the Revised Code requires additional services that are 63829
not routinely provided children in the county DD board's program 63830
but are necessary to maintain the child's enrollment and 63831
participation in the program. Additional services may include, but 63832
are not limited to, specialized supplies and equipment for the 63833
benefit of the child and instruction, training, or assistance 63834
provided by staff members other than staff members for which 63835
funding is received under Chapter 3317. of the Revised Code. 63836

Sec. 3325.13. The state school for the blind employees food 63837
service fund is hereby created in the state treasury. The fund 63838
shall consist of payments received from employees who make 63839
purchases from the school's food service program. Notwithstanding 63840
section 3325.01 of the Revised Code, the approval of the state 63841
board of education is not required to designate money for deposit 63842
into the fund. The school for the blind shall use money in the 63843
fund to pay costs associated with the school's food service 63844
program. 63845

Sec. 3325.14. The state school for the deaf employees food 63846

service fund is hereby created in the state treasury. The fund 63847
shall consist of payments received from employees who make 63848
purchases from the school's food service program. Notwithstanding 63849
section 3325.01 of the Revised Code, the approval of the state 63850
board of education is not required to designate money for deposit 63851
into the fund. The school for the deaf shall use money in the fund 63852
to pay costs associated with the school's food service program. 63853

Sec. 3326.07. Each science, technology, engineering, and 63854
mathematics school established under this chapter is a public 63855
school, is part of the state's program of education, may contract 63856
for any services necessary for the operation of the school, and 63857
may continue in operation for as long as the school is in 63858
compliance with the provisions of this chapter and with the 63859
proposal for its establishment as approved by the STEM committee. 63860
If the school closes for any reason, its assets shall be 63861
distributed in the manner provided in the proposal for its 63862
establishment as required by division (C)(9) of section 3326.03 of 63863
the Revised Code. 63864

Sec. 3326.08. (A) The governing body of each science, 63865
technology, engineering, and mathematics school shall ~~employ and~~ 63866
~~fix the compensation for the~~ engage the services of administrative 63867
officers, teachers, and nonteaching employees of the STEM school 63868
necessary for the school to carry out its mission and shall 63869
oversee the operations of the school. The governing body of each 63870
STEM school shall ~~employ~~ engage the services of a chief 63871
administrative officer to serve as the school's instructional and 63872
administrative leader. The chief administrative officer shall be 63873
granted the authority to oversee the recruitment, retention, and 63874
employment of teachers and nonteaching employees. 63875

(B) The department of education shall monitor the oversight 63876

of each STEM school exercised by the school's governing body and 63877
shall monitor the school's compliance with this chapter and with 63878
the proposal for the establishment of the school as it was 63879
approved by the STEM committee under section 3326.04 of the 63880
Revised Code. If the department finds that the school is not in 63881
compliance with this chapter or with the proposal, the department 63882
shall consult with the STEM committee, and the committee may order 63883
the school to close on the last day of the school year in which 63884
the committee issues its order. 63885

(C) The governing body of each STEM school shall comply with 63886
sections 121.22 and 149.43 of the Revised Code. 63887

Sec. 3326.11. Each science, technology, engineering, and 63888
mathematics school established under this chapter and its 63889
governing body shall comply with sections 9.90, 9.91, 109.65, 63890
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 63891
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 63892
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 63893
3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 3313.6014, 63894
3313.6015, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 63895
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 63896
3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 63897
3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 63898
3313.816, 3313.817, 3313.86, ~~3313.88~~, 3313.96, 3319.073, 3319.21, 63899
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 63900
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 63901
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 63902
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 63903
4123., 4141., and 4167. of the Revised Code as if it were a school 63904
district. 63905

Sec. 3326.112. The governing body of each STEM school shall 63906
comply with the standards for financial reporting adopted under 63907

division (B)(2) of section 3301.07 of the Revised Code. 63908

Sec. 3326.31. As used in sections 3326.31 to 3326.50 of the Revised Code: 63909
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~~(A) "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a disability described in that section.~~ 63911
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~~(B) "Applicable vocational education weight" means the multiple specified in section 3317.014 of the Revised Code for vocational education programs or classes described in that section~~ 63914
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(1) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code. 63917
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(2) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) of section 3317.014 of the Revised Code. 63920
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(3) "Category three career-technical student" means a student who is receiving the career-technical education services described in division (C) of section 3317.014 of the Revised Code. 63923
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(4) "Category four career-technical student" means a student who is receiving the career-technical education services described in division (D) of section 3317.014 of the Revised Code. 63926
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(5) "Category five career-technical education student" means a student who is receiving the career-technical education services described in division (E) of section 3317.014 of the Revised Code. 63929
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(B)(1) "Category one limited English proficient student" means a limited English proficient student described in division (A) of section 3317.016 of the Revised Code. 63932
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(2) "Category two limited English proficient student" means a limited English proficient student described in division (B) of 63935
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section 3317.016 of the Revised Code. 63937

(3) "Category three limited English proficient student" means a limited English proficient student described in division (C) of section 3317.016 of the Revised Code. 63938
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(C)(1) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code. 63941
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(2) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code. 63945
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(3) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code. 63948
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(4) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code. 63952
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(5) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code. 63955
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(6) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code. 63958
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~~(C)~~(D) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code. 63961
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~~(D)~~(E) "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code. 63963
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~~(E)~~ A student is "included in the poverty student count of the student's resident district" if the student's family receives 63965
63966

~~assistance under the Ohio works first program.~~ 63967

(F) "Resident district" means the school district in which a 63968
student is entitled to attend school under section 3313.64 or 63969
3313.65 of the Revised Code. 63970

(G) "State education aid" has the same meaning as in section 63971
5751.20 of the Revised Code. 63972

Sec. 3326.32. Each science, technology, engineering, and 63973
mathematics school shall report to the department of education, in 63974
the form and manner required by the department, all of the 63975
following information: 63976

(A) The total number of students enrolled in the school; 63977

(B) The number of students who are receiving special 63978
education and related services pursuant to an IEP; 63979

(C) For each student reported under division (B) of this 63980
section, which category specified in divisions (A) to (F) of 63981
section 3317.013 of the Revised Code applies to the student; 63982

(D) The full-time equivalent number of students who are 63983
enrolled in ~~vocational~~ career-technical education programs or 63984
classes described in each of divisions (A) ~~and~~, (B), (C), (D), and 63985
(E) of section 3317.014 of the Revised Code that are provided by 63986
the STEM school; 63987

(E) The number of students who are limited English proficient 63988
students and which category specified in divisions (A) to (C) of 63989
section 3317.016 of the Revised Code applies to each student; 63990

(F) The number of students reported under division (A) of 63991
this section who are economically disadvantaged, as defined by the 63992
department. A student shall not be categorically excluded from the 63993
number reported under division (F) of this section based on 63994
anything other than family income. 63995

(G) The resident district of each student; 63996

~~(F)~~(H) Any additional information the department determines 63997
necessary to make payments under this chapter. 63998

~~Sec. 3326.33. Payments and deductions under this section for 63999
fiscal years 2012 and 2013 shall be made in accordance with 64000
section 3326.39 of the Revised Code. 64001~~

For each student enrolled in a science, technology, 64002
engineering, and mathematics school established under this 64003
chapter, on a full-time equivalency basis, the department of 64004
education annually shall deduct from the state education aid of a 64005
student's resident school district and, if necessary, from the 64006
payment made to the district under sections 321.24 and 323.156 of 64007
the Revised Code and pay to the school the sum of the following: 64008

~~(A) The sum of the formula amount plus the per pupil amount 64009
of the base funding supplements specified in divisions (C)(1) to 64010
(4) of section 3317.012 of the Revised Code. 64011~~

~~(B) If the student is receiving special education and related 64012
services pursuant to an IEP, the product of the applicable special 64013
education weight times the formula amount; 64014~~

~~(C) If the student is enrolled in vocational education 64015
programs or classes that are described in section 3317.014 of the 64016
Revised Code, are provided by the school, and are comparable as 64017
determined by the superintendent of public instruction to school 64018
district vocational education programs and classes eligible for 64019
state weighted funding under section 3317.014 of the Revised Code, 64020
the product of the applicable vocational education weight times 64021
the formula amount times the percentage of time the student spends 64022
in the vocational education programs or classes; 64023~~

~~(D) If the student is included in the poverty student count 64024
of the student's resident district, the per pupil amount of the 64025~~

~~district's payment under division (C) of section 3317.029 of the Revised Code;~~ 64026
64027

~~(E) If the student is identified as limited English proficient and the student's resident district receives a payment for services to limited English proficient students under division (F) of section 3317.029 of the Revised Code, the per pupil amount of the district's payment under that division, calculated in the same manner as per pupil payments are calculated under division (C)(6) of section 3314.08 of the Revised Code;~~ 64028
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~~(F) If the student's resident district receives a payment under division (G), (H), or (I) of section 3317.029 of the Revised Code, the per pupil amount of the district's payments under each division, calculated in the same manner as per pupil payments are calculated under divisions (C)(7) and (8) of section 3314.08 of the Revised Code;~~ 64035
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~~(G) If the student's resident district receives a parity aid payment under section 3317.0217 of the Revised Code, the per pupil amount calculated for the district under division (C) or (D) of that section An opportunity grant in an amount equal to the formula amount;~~ 64041
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~~(B) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;~~ 64046
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~~(C) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:~~ 64050
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~~(1) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;~~ 64053
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~~(2) If the student is a category two special education~~ 64056

<u>student, the amount specified in division (B) of section 3317.013</u>	64057
<u>of the Revised Code;</u>	64058
<u>(3) If the student is a category three special education</u>	64059
<u>student, the amount specified in division (C) of section 3317.013</u>	64060
<u>of the Revised Code;</u>	64061
<u>(4) If the student is a category four special education</u>	64062
<u>student, the amount specified in division (D) of section 3317.013</u>	64063
<u>of the Revised Code;</u>	64064
<u>(5) If the student is a category five special education</u>	64065
<u>student, the amount specified in division (E) of section 3317.013</u>	64066
<u>of the Revised Code;</u>	64067
<u>(6) If the student is a category six special education</u>	64068
<u>student, the amount specified in division (F) of section 3317.013</u>	64069
<u>of the Revised Code.</u>	64070
<u>(D) If the student is in kindergarten through third grade,</u>	64071
<u>\$225, in fiscal year 2014, or \$335, in fiscal year 2015;</u>	64072
<u>(E) If the student is economically disadvantaged, an amount</u>	64073
<u>equal to the following:</u>	64074
<u>(\$250, in fiscal year 2014, or \$253, in fiscal year 2015) X (the</u>	64075
<u>resident district's economically disadvantaged index)</u>	64076
<u>(F) Limited English proficiency funds, as follows:</u>	64077
<u>(1) If the student is a category one limited English</u>	64078
<u>proficient student, the amount specified in division (A) of</u>	64079
<u>section 3317.016 of the Revised Code;</u>	64080
<u>(2) If the student is a category two limited English</u>	64081
<u>proficient student, the amount specified in division (B) of</u>	64082
<u>section 3317.016 of the Revised Code;</u>	64083
<u>(3) If the student is a category three limited English</u>	64084
<u>proficient student, the amount specified in division (C) of</u>	64085
<u>section 3317.016 of the Revised Code.</u>	64086

<u>(G) Career-technical education funds as follows:</u>	64087
<u>(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;</u>	64088 64089 64090
<u>(2) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;</u>	64091 64092 64093
<u>(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;</u>	64094 64095 64096
<u>(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;</u>	64097 64098 64099
<u>(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.</u>	64100 64101 64102
<u>Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code.</u>	64103 64104 64105
Sec. 3326.34. If a science, technology, engineering, and mathematics school established under this chapter incurs costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code that exceed the threshold catastrophic cost for serving the student as specified in division (C)(3)(b) (B) of section 3317.022 <u>3317.0214</u> of the Revised Code, the STEM school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the	64106 64107 64108 64109 64110 64111 64112 64113 64114 64115 64116

manner prescribed, the department of education shall pay to the 64117
school an amount equal to the school's costs for the student in 64118
excess of the threshold catastrophic costs. 64119

The school shall only report under this section, and the 64120
department shall only pay for, the costs of educational expenses 64121
and the related services provided to the student in accordance 64122
with the student's IEP. Any legal fees, court costs, or other 64123
costs associated with any cause of action relating to the student 64124
may not be included in the amount. 64125

Sec. 3326.38. A science, technology, engineering, and 64126
mathematics school may do ~~all~~ both of the following: 64127

(A) ~~Apply to the department of education for gifted unit~~ 64128
~~funding;~~ 64129

~~(B)~~ Apply to any state or federal agency for grants that a 64130
school district or public school may receive under federal or 64131
state law or any appropriations act of the general assembly; 64132

~~(C)~~(B) Apply to any private entity or foundation for 64133
additional funds. 64134

Sec. 3326.39. (A) In any fiscal year, a STEM school receiving 64135
funds under division (G) of section 3326.33 of the Revised Code 64136
shall spend those funds only for the purposes that the department 64137
designates as approved for career-technical education expenses. 64138
Career-technical educational expenses approved by the department 64139
shall include only expenses connected to the delivery of 64140
career-technical programming to career-technical students. The 64141
department shall require the school to report data annually so 64142
that the department may monitor the school's compliance with the 64143
requirements regarding the manner in which funding received under 64144
division (G) of section 3326.33 of the Revised Code may be spent. 64145
64146

(B) All funds received under division (G) of section 3326.33 of the Revised Code shall be spent in the following manner: 64147
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(1) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs. 64149
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(2) Not more than twenty-five per cent of the funds shall be used for personnel expenditures. 64159
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Sec. 3326.40. A STEM school shall spend the funds it receives under division (E) of section 3326.33 of the Revised Code in accordance with section 3317.25 of the Revised Code. 64161
64162
64163

Sec. 3326.45. (A) The governing body of a science, technology, engineering, and mathematics school may contract with the governing board of an educational service center or the board of education of a joint vocational school district for the provision of services to the STEM school or to any student enrolled in the school. Services provided under the contract and the amount to be paid for those services shall be mutually agreed to by the parties to the contract, and shall be specified in the contract. 64164
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(B) A contract entered into under this section may require an educational service center to provide any one or a combination of the following services to a STEM school: 64173
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(1) Supervisory teachers; 64176

(2) In-service and continuing education programs for personnel of the STEM school;	64177 64178
(3) Curriculum services as provided to the client school districts of the service center;	64179 64180
(4) Research and development programs;	64181
(5) Academic instruction for which the service center governing board employs teachers;	64182 64183
(6) Assistance in the provision of special accommodations and classes for students with disabilities.	64184 64185
Services described in division (B) of this section shall be provided to the STEM school in the same manner they are provided to client school districts of the service center, unless otherwise specified in the contract. The contract shall specify whether the service center will receive a per-pupil payment from the department of education for the provision of these services and, if so, the amount of the per-pupil payment, which shall not exceed the per pupil amount paid to the service center under division (F) of section 3317.11 of the Revised Code for each student in the service center ADM.	64186 64187 64188 64189 64190 64191 64192 64193 64194 64195
(C) For each contract entered into under this section, the department shall deduct the amount owed by the STEM school from the state funds due to the STEM school under this chapter and shall pay that amount to the educational service center or joint vocational school district that is party to the contract. In the case of a contract with an educational service center that specifies per pupil payments for the provision of services described in division (B) of this section, the department also shall pay the service center the amount calculated under division (H) of section 3317.11 of the Revised Code.	64196 64197 64198 64199 64200 64201 64202 64203 64204 64205
(D) No contract entered into under this section shall be valid unless a copy is filed with the department by the first day	64206 64207

of the school year for which the contract is in effect. 64208

(E) As used in this section, "client school district" ~~has the~~ 64209
~~same meaning as in section 3317.11 of the Revised Code~~ means a 64210
city, exempted village, or local school district that has entered 64211
into an agreement under section 3313.843 or 3313.845 of the 64212
Revised Code to receive any services from an educational service 64213
center. 64214

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 64215
and division (D) of section 3311.52 of the Revised Code, this 64216
section and sections 3327.011, 3327.012, and 3327.02 of the 64217
Revised Code do not apply to any joint vocational or cooperative 64218
education school district. 64219

In all city, local, and exempted village school districts 64220
where resident school pupils in grades kindergarten through eight 64221
live more than two miles from the school for which the state board 64222
of education prescribes minimum standards pursuant to division (D) 64223
of section 3301.07 of the Revised Code and to which they are 64224
assigned by the board of education of the district of residence or 64225
to and from the nonpublic or community school which they attend, 64226
the board of education shall provide transportation for such 64227
pupils to and from ~~such~~ that school except as provided in section 64228
3327.02 of the Revised Code. 64229

In all city, local, and exempted village school districts 64230
where pupil transportation is required under a career-technical 64231
plan approved by the state board of education under section 64232
3313.90 of the Revised Code, for any student attending a 64233
career-technical program operated by another school district, 64234
including a joint vocational school district, as prescribed under 64235
that section, the board of education of the student's district of 64236
residence shall provide transportation from the public high school 64237
operated by that district to which the student is assigned to the 64238

career-technical program. 64239

In all city, local, and exempted village school districts, 64240
the board may provide transportation for resident school pupils in 64241
grades nine through twelve to and from the high school to which 64242
they are assigned by the board of education of the district of 64243
residence or to and from the nonpublic or community high school 64244
which they attend for which the state board of education 64245
prescribes minimum standards pursuant to division (D) of section 64246
3301.07 of the Revised Code. 64247

A board of education shall not be required to transport 64248
elementary or high school pupils to and from a nonpublic or 64249
community school where such transportation would require more than 64250
thirty minutes of direct travel time as measured by school bus 64251
from the public school building to which the pupils would be 64252
assigned if attending the public school designated by the district 64253
of residence. 64254

Where it is impractical to transport a pupil by school 64255
conveyance, a board of education may offer payment, in lieu of 64256
providing such transportation in accordance with section 3327.02 64257
of the Revised Code. 64258

A board of education shall not be required to transport 64259
elementary or high school pupils to and from a nonpublic or 64260
community school on Saturday or Sunday, unless a board of 64261
education and a nonpublic or community school have an agreement in 64262
place to do so before July 1, 2014. 64263

In all city, local, and exempted village school districts, 64264
the board shall provide transportation for all children who are so 64265
disabled that they are unable to walk to and from the school for 64266
which the state board of education prescribes minimum standards 64267
pursuant to division (D) of section 3301.07 of the Revised Code 64268
and which they attend. In case of dispute whether the child is 64269

able to walk to and from the school, the health commissioner shall 64270
be the judge of such ability. In all city, exempted village, and 64271
local school districts, the board shall provide transportation to 64272
and from school or special education classes for ~~educable~~ mentally 64273
~~retarded~~ disabled children in accordance with standards adopted by 64274
the state board of education. 64275

When transportation of pupils is provided the conveyance 64276
shall be run on a time schedule that shall be adopted and put in 64277
force by the board not later than ten days after the beginning of 64278
the school term. 64279

The cost of any transportation service authorized by this 64280
section shall be paid first out of federal funds, if any, 64281
available for the purpose of pupil transportation, and secondly 64282
out of state appropriations, in accordance with regulations 64283
adopted by the state board of education. 64284

No transportation of any pupils shall be provided by any 64285
board of education to or from any school which in the selection of 64286
pupils, faculty members, or employees, practices discrimination 64287
against any person on the grounds of race, color, religion, or 64288
national origin. 64289

Sec. 3327.02. (A) After considering each of the following 64290
factors, the board of education of a city, exempted village, or 64291
local school district may determine that it is impractical to 64292
transport a pupil who is eligible for transportation to and from a 64293
school under section 3327.01 of the Revised Code: 64294

(1) The time and distance required to provide the 64295
transportation; 64296

(2) The number of pupils to be transported; 64297

(3) The cost of providing transportation in terms of 64298
equipment, maintenance, personnel, and administration; 64299

(4) Whether similar or equivalent service is provided to other pupils eligible for transportation;	64300 64301
(5) Whether and to what extent the additional service unavoidably disrupts current transportation schedules;	64302 64303
(6) Whether other reimbursable types of transportation are available.	64304 64305
(B)(1) Based on its consideration of the factors established in division (A) of this section, the board may pass a resolution declaring the impracticality of transportation. The resolution shall include each pupil's name and the reason for impracticality.	64306 64307 64308 64309
(2) The board shall report its determination to the state board of education in a manner determined by the state board.	64310 64311
(3) The board of education of a local school district additionally shall submit the resolution for concurrence to the educational service center that contains the local district's territory. If the educational service center governing board considers transportation by school conveyance practicable, it shall so inform the local board and transportation shall be provided by such local board. If the educational service center board agrees with the view of the local board, the local board may offer payment in lieu of transportation as provided in this section.	64312 64313 64314 64315 64316 64317 64318 64319 64320 64321
(C) After passing the resolution declaring the impracticality of transportation, the district board shall offer to provide payment in lieu of transportation by doing the following:	64322 64323 64324
(1) In accordance with guidelines established by the department of education, informing the pupil's parent, guardian, or other person in charge of the pupil of both of the following:	64325 64326 64327
(a) The board's resolution;	64328
(b) The right of the pupil's parent, guardian, or other	64329

person in charge of the pupil to accept the offer of payment in 64330
lieu of transportation or to reject the offer and instead request 64331
the department to initiate mediation procedures. 64332

(2) Issuing the pupil's parent, guardian, or other person in 64333
charge of the pupil a contract or other form on which the parent, 64334
guardian, or other person in charge of the pupil is given the 64335
option to accept or reject the board's offer of payment in lieu of 64336
transportation. 64337

(D) If the parent, guardian, or other person in charge of the 64338
pupil accepts the offer of payment in lieu of providing 64339
transportation, the board shall pay the parent, guardian, or other 64340
person in charge of the pupil an amount that shall be not less 64341
than ~~the amount determined by the department of education as the~~ 64342
~~minimum for payment in lieu of transportation, two hundred~~ 64343
~~twenty-five dollars~~ and not more than the amount determined by the 64344
department as the average cost of pupil transportation for the 64345
previous school year. Payment may be prorated if the time period 64346
involved is only a part of the school year. 64347

(E)(1)(a) Upon the request of a parent, guardian, or other 64348
person in charge of the pupil who rejected the payment in lieu of 64349
transportation, the department shall conduct mediation procedures. 64350

(b) If the mediation does not resolve the dispute, the state 64351
board of education shall conduct a hearing in accordance with 64352
Chapter 119. of the Revised Code. The state board may approve the 64353
payment in lieu of transportation or may order the board of 64354
education to provide transportation. The decision of the state 64355
board is binding in subsequent years and on future parties in 64356
interest provided the facts of the determination remain 64357
comparable. 64358

(2) The school district shall provide transportation for the 64359
pupil from the time the parent, guardian, or other person in 64360

charge of the pupil requests mediation until the matter is 64361
resolved under division (E)(1)(a) or (b) of this section. 64362

(F)(1) If the department determines that a school district 64363
board has failed or is failing to provide transportation as 64364
required by division (E)(2) of this section or as ordered by the 64365
state board under division (E)(1)(b) of this section, the 64366
department shall order the school district board to pay to the 64367
pupil's parent, guardian, or other person in charge of the pupil, 64368
an amount equal to the state average daily cost of transportation 64369
as determined by the state board of education for the previous 64370
year. The school district board shall make payments on a schedule 64371
ordered by the department. 64372

(2) If the department subsequently finds that a school 64373
district board is not in compliance with an order issued under 64374
division (F)(1) of this section and the affected pupils are 64375
enrolled in a nonpublic or community school, the department shall 64376
deduct the amount that the board is required to pay under that 64377
order from any pupil transportation payments the department makes 64378
to the school district board under section 3317.0212 of the 64379
Revised Code or other provisions of law. The department shall use 64380
the moneys so deducted to make payments to the nonpublic or 64381
community school attended by the pupil. The department shall 64382
continue to make the deductions and payments required under this 64383
division until the school district board either complies with the 64384
department's order issued under division (F)(1) of this section or 64385
begins providing transportation. 64386

(G) A nonpublic or community school that receives payments 64387
from the department under division (F)(2) of this section shall do 64388
either of the following: 64389

(1) Disburse the entire amount of the payments to the parent, 64390
guardian, or other person in charge of the pupil affected by the 64391
failure of the school district of residence to provide 64392

transportation; 64393

(2) Use the entire amount of the payments to provide 64394

acceptable transportation for the affected pupil. 64395

Sec. 3327.07. (A) The governing authority of a chartered 64396
nonpublic school that transports a student enrolled in the school 64397
to and from school may charge the parent or guardian of the 64398
student a fee for the transportation, if the governing authority 64399
purchased the vehicle that transports the student using no state 64400
or federal funds. The fee shall not exceed the per student cost of 64401
the transportation, as determined by the governing authority. 64402

(B) The parent or guardian of a student who is enrolled in a 64403
chartered nonpublic school and is eligible for transportation by a 64404
school district under section 3327.01 of the Revised Code may 64405
decline that transportation and accept transportation from the 64406
chartered nonpublic school. The governing authority of a chartered 64407
nonpublic school may charge a fee under division (A) of this 64408
section regardless of whether a student is eligible for 64409
transportation under section 3327.01 of the Revised Code. 64410

(C) The offering by the governing authority of a chartered 64411
nonpublic school of transportation to and from the school does not 64412
relieve any school district board of education from any duty 64413
imposed by sections 3327.01 and 3327.02 of the Revised Code with 64414
respect to the chartered nonpublic school's students. 64415

Sec. 3327.10. (A) No person shall be employed as driver of a 64416
school bus or motor van, owned and operated by any school district 64417
or educational service center or privately owned and operated 64418
under contract with any school district or service center in this 64419
state, who has not received a certificate from either the 64420
educational service center governing board ~~in case such person is~~ 64421
~~employed by a service center or by a local school district under~~ 64422

~~the supervision of the service center governing board, that has~~ 64423
~~entered into an agreement with the school district under section~~ 64424
~~3313.843 or 3313.845 of the Revised Code or by the superintendent~~ 64425
~~of schools, in case such person is employed by the board of a city~~ 64426
~~or exempted village the~~ school district, certifying that such 64427
person is at least eighteen years of age and is of good moral 64428
character and is qualified physically and otherwise for such 64429
position. The service center governing board or the 64430
superintendent, as the case may be, shall provide for an annual 64431
physical examination that conforms with rules adopted by the state 64432
board of education of each driver to ascertain the driver's 64433
physical fitness for such employment. Any certificate may be 64434
revoked by the authority granting the same on proof that the 64435
holder has been guilty of failing to comply with division (D)(1) 64436
of this section, or upon a conviction or a guilty plea for a 64437
violation, or any other action, that results in a loss or 64438
suspension of driving rights. Failure to comply with such division 64439
may be cause for disciplinary action or termination of employment 64440
under division (C) of section 3319.081, or section 124.34 of the 64441
Revised Code. 64442

(B) No person shall be employed as driver of a school bus or 64443
motor van not subject to the rules of the department of education 64444
pursuant to division (A) of this section who has not received a 64445
certificate from the school administrator or contractor certifying 64446
that such person is at least eighteen years of age, is of good 64447
moral character, and is qualified physically and otherwise for 64448
such position. Each driver shall have an annual physical 64449
examination which conforms to the state highway patrol rules, 64450
ascertaining the driver's physical fitness for such employment. 64451
The examination shall be performed by one of the following: 64452

(1) A person licensed under Chapter 4731. of the Revised Code 64453
or by another state to practice medicine and surgery or 64454

osteopathic medicine and surgery; 64455

(2) A physician assistant; 64456

(3) A certified nurse practitioner; 64457

(4) A clinical nurse specialist; 64458

(5) A certified nurse-midwife. 64459

Any written documentation of the physical examination shall 64460
be completed by the individual who performed the examination. 64461

Any certificate may be revoked by the authority granting the 64462
same on proof that the holder has been guilty of failing to comply 64463
with division (D)(2) of this section. 64464

(C) Any person who drives a school bus or motor van must give 64465
satisfactory and sufficient bond except a driver who is an 64466
employee of a school district and who drives a bus or motor van 64467
owned by the school district. 64468

(D) No person employed as driver of a school bus or motor van 64469
under this section who is convicted of a traffic violation or who 64470
has had the person's commercial driver's license suspended shall 64471
drive a school bus or motor van until the person has filed a 64472
written notice of the conviction or suspension, as follows: 64473

(1) If the person is employed under division (A) of this 64474
section, the person shall file the notice with the superintendent, 64475
or a person designated by the superintendent, of the school 64476
district for which the person drives a school bus or motor van as 64477
an employee or drives a privately owned and operated school bus or 64478
motor van under contract. 64479

(2) If employed under division (B) of this section, the 64480
person shall file the notice with the employing school 64481
administrator or contractor, or a person designated by the 64482
administrator or contractor. 64483

(E) In addition to resulting in possible revocation of a 64484

certificate as authorized by divisions (A) and (B) of this 64485
section, violation of division (D) of this section is a minor 64486
misdemeanor. 64487

(F)(1) Not later than thirty days after June 30, 2007, each 64488
owner of a school bus or motor van shall obtain the complete 64489
driving record for each person who is currently employed or 64490
otherwise authorized to drive the school bus or motor van. An 64491
owner of a school bus or motor van shall not permit a person to 64492
operate the school bus or motor van for the first time before the 64493
owner has obtained the person's complete driving record. 64494
Thereafter, the owner of a school bus or motor van shall obtain 64495
the person's driving record not less frequently than semiannually 64496
if the person remains employed or otherwise authorized to drive 64497
the school bus or motor van. An owner of a school bus or motor van 64498
shall not permit a person to resume operating a school bus or 64499
motor van, after an interruption of one year or longer, before the 64500
owner has obtained the person's complete driving record. 64501

(2) The owner of a school bus or motor van shall not permit a 64502
person to operate the school bus or motor van for six years after 64503
the date on which the person pleads guilty to or is convicted of a 64504
violation of section 4511.19 of the Revised Code or a 64505
substantially equivalent municipal ordinance. 64506

(3) An owner of a school bus or motor van shall not permit 64507
any person to operate such a vehicle unless the person meets all 64508
other requirements contained in rules adopted by the state board 64509
of education prescribing qualifications of drivers of school buses 64510
and other student transportation. 64511

(G) No superintendent of a school district, educational 64512
service center, community school, or public or private employer 64513
shall permit the operation of a vehicle used for pupil 64514
transportation within this state by an individual unless both of 64515
the following apply: 64516

(1) Information pertaining to that driver has been submitted 64517
to the department of education, pursuant to procedures adopted by 64518
that department. Information to be reported shall include the name 64519
of the employer or school district, name of the driver, driver 64520
license number, date of birth, date of hire, status of physical 64521
evaluation, and status of training. 64522

(2) The most recent criminal records check required by 64523
division (J) of this section has been completed and received by 64524
the superintendent or public or private employer. 64525

(H) A person, school district, educational service center, 64526
community school, nonpublic school, or other public or nonpublic 64527
entity that owns a school bus or motor van, or that contracts with 64528
another entity to operate a school bus or motor van, may impose 64529
more stringent restrictions on drivers than those prescribed in 64530
this section, in any other section of the Revised Code, and in 64531
rules adopted by the state board. 64532

(I) For qualified drivers who, on July 1, 2007, are employed 64533
by the owner of a school bus or motor van to drive the school bus 64534
or motor van, any instance in which the driver was convicted of or 64535
pleaded guilty to a violation of section 4511.19 of the Revised 64536
Code or a substantially equivalent municipal ordinance prior to 64537
two years prior to July 1, 2007, shall not be considered a 64538
disqualifying event with respect to division (F) of this section. 64539

(J)(1) This division applies to persons hired by a school 64540
district, educational service center, community school, chartered 64541
nonpublic school, or science, technology, engineering, and 64542
mathematics school established under Chapter 3326. of the Revised 64543
Code to operate a vehicle used for pupil transportation. 64544

For each person to whom this division applies who is hired on 64545
or after November 14, 2007, the employer shall request a criminal 64546
records check in accordance with section 3319.39 of the Revised 64547

Code and every six years thereafter. For each person to whom this 64548
division applies who is hired prior to that date, the employer 64549
shall request a criminal records check by a date prescribed by the 64550
department of education and every six years thereafter. 64551

(2) This division applies to persons hired by a public or 64552
private employer not described in division (J)(1) of this section 64553
to operate a vehicle used for pupil transportation. 64554

For each person to whom this division applies who is hired on 64555
or after November 14, 2007, the employer shall request a criminal 64556
records check prior to the person's hiring and every six years 64557
thereafter. For each person to whom this division applies who is 64558
hired prior to that date, the employer shall request a criminal 64559
records check by a date prescribed by the department and every six 64560
years thereafter. 64561

(3) Each request for a criminal records check under division 64562
(J) of this section shall be made to the superintendent of the 64563
bureau of criminal identification and investigation in the manner 64564
prescribed in section 3319.39 of the Revised Code, except that if 64565
both of the following conditions apply to the person subject to 64566
the records check, the employer shall request the superintendent 64567
only to obtain any criminal records that the federal bureau of 64568
investigation has on the person: 64569

(a) The employer previously requested the superintendent to 64570
determine whether the bureau of criminal identification and 64571
investigation has any information, gathered pursuant to division 64572
(A) of section 109.57 of the Revised Code, on the person in 64573
conjunction with a criminal records check requested under section 64574
3319.39 of the Revised Code or under division (J) of this section. 64575

(b) The person presents proof that the person has been a 64576
resident of this state for the five-year period immediately prior 64577
to the date upon which the person becomes subject to a criminal 64578

records check under this section. 64579

Upon receipt of a request, the superintendent shall conduct 64580
the criminal records check in accordance with section 109.572 of 64581
the Revised Code as if the request had been made under section 64582
3319.39 of the Revised Code. However, as specified in division 64583
(B)(2) of section 109.572 of the Revised Code, if the employer 64584
requests the superintendent only to obtain any criminal records 64585
that the federal bureau of investigation has on the person for 64586
whom the request is made, the superintendent shall not conduct the 64587
review prescribed by division (B)(1) of that section. 64588

(K)(1) Until the effective date of the amendments to rule 64589
3301-83-23 of the Ohio Administrative Code required by the second 64590
paragraph of division (E) of section 3319.39 of the Revised Code, 64591
any person who is the subject of a criminal records check under 64592
division (J) of this section and has been convicted of or pleaded 64593
guilty to any offense described in division (B)(1) of section 64594
3319.39 of the Revised Code shall not be hired or shall be 64595
released from employment, as applicable, unless the person meets 64596
the rehabilitation standards prescribed for nonlicensed school 64597
personnel by rule 3301-20-03 of the Ohio Administrative Code. 64598

(2) Beginning on the effective date of the amendments to rule 64599
3301-83-23 of the Ohio Administrative Code required by the second 64600
paragraph of division (E) of section 3319.39 of the Revised Code, 64601
any person who is the subject of a criminal records check under 64602
division (J) of this section and has been convicted of or pleaded 64603
guilty to any offense that, under the rule, disqualifies a person 64604
for employment to operate a vehicle used for pupil transportation 64605
shall not be hired or shall be released from employment, as 64606
applicable, unless the person meets the rehabilitation standards 64607
prescribed by the rule. 64608

Sec. 3328.27. The board of trustees of each 64609

college-preparatory boarding school shall comply with the 64610
standards for financial reporting adopted under division (B)(2) of 64611
section 3301.07 of the Revised Code. 64612

Sec. 3333.041. (A) On or before the last day of December of 64613
each year, the chancellor of the Ohio board of regents shall 64614
submit to the governor and, in accordance with section 101.68 of 64615
the Revised Code, the general assembly a report or reports 64616
concerning all of the following: 64617

(1) The status of graduates of Ohio school districts at state 64618
institutions of higher education during the twelve-month period 64619
ending on the thirtieth day of September of the current calendar 64620
year. The report shall list, by school district, the number of 64621
graduates of each school district who attended a state institution 64622
of higher education and the percentage of each district's 64623
graduates enrolled in a state institution of higher education 64624
during the reporting period who were required during such period 64625
by the college or university, as a prerequisite to enrolling in 64626
those courses generally required for first-year students, to 64627
enroll in a remedial course in English, including composition or 64628
reading, mathematics, and any other area designated by the 64629
chancellor. The chancellor also shall make the information 64630
described in division (A)(1) of this section available to the 64631
board of education of each city, exempted village, and local 64632
school district. 64633

Each state institution of higher education shall, by the 64634
first day of November of each year, submit to the chancellor in 64635
the form specified by the chancellor the information the 64636
chancellor requires to compile the report. 64637

(2) Aggregate academic growth data for students assigned to 64638
graduates of teacher preparation programs approved under section 64639

3333.048 of the Revised Code who teach English language arts or 64640
mathematics in any of grades four to eight in a public school in 64641
Ohio. For this purpose, the chancellor shall use the value-added 64642
progress dimension prescribed by section 3302.021 of the Revised 64643
Code or the alternative student academic progress measure if 64644
adopted under division (C)(1)(e) of section 3302.03 of the Revised 64645
Code. The chancellor shall aggregate the data by graduating class 64646
for each approved teacher preparation program, except that if a 64647
particular class has ten or fewer graduates to which this section 64648
applies, the chancellor shall report the data for a group of 64649
classes over a three-year period. In no case shall the report 64650
identify any individual graduate. The department of education 64651
shall share any data necessary for the report with the chancellor. 64652

(3) The following information with respect to the Ohio 64653
tuition trust authority: 64654

(a) The name of each investment manager that is a minority 64655
business enterprise or a women's business enterprise with which 64656
the chancellor contracts; 64657

(b) The amount of assets managed by investment managers that 64658
are minority business enterprises or women's business enterprises, 64659
expressed as a percentage of assets managed by investment managers 64660
with which the chancellor has contracted; 64661

(c) Efforts by the chancellor to increase utilization of 64662
investment managers that are minority business enterprises or 64663
women's business enterprises. 64664

~~(4) The status of implementation of faculty improvement 64665
programs under section 3345.28 of the Revised Code. The report 64666
shall include, but need not be limited to, the following: the 64667
number of professional leave grants made by each institution; the 64668
purpose of each professional leave; and a statement of the cost to 64669
the institution of each professional leave, to the extent that the 64670~~

~~cost exceeds the salary of the faculty member on professional leave.~~ 64671
64672

~~(5) The number and types of biobased products purchased under section 125.092 of the Revised Code and the amount of money spent by state institutions of higher education for those biobased products as that information is provided to the chancellor under division (A) of section 3345.692 of the Revised Code.~~ 64673
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~~(6) A description of dual enrollment programs, as defined in section 3313.6013 of the Revised Code, that are offered by school districts, community schools established under Chapter 3314. of the Revised Code, STEM schools established under Chapter 3326. of the Revised Code, college-preparatory boarding schools established under Chapter 3328. of the Revised Code, and chartered nonpublic high schools. The chancellor also shall post the information on the chancellor's web site.~~ 64678
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~~(7) The academic and economic impact of the Ohio innovation partnership established under section 3333.61 of the Revised Code. At a minimum, the report shall include the following:~~ 64686
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~~(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year;~~ 64689
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~~(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy;~~ 64691
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~~(e)(5) The chancellor's strategy in assigning choose Ohio first scholarships, as established under section 3333.61 of the Revised Code, among state universities and colleges and how the actual awards fit that strategy.~~ 64694
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~~(8)(6) The academic and economic impact of the Ohio co-op/internship program established under section 3333.72 of the Revised Code. At a minimum, the report shall include the following:~~ 64698
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(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year; 64702
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(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy; 64704
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(c) The chancellor's strategy in allocating awards among state institutions of higher education and how the actual awards fit that strategy. 64707
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(B) As used in this section: 64710

(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code. 64711
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(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code. 64713
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(3) "State university or college" has the same meaning as in section 3345.12 of the Revised Code. 64716
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(4) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state. 64718
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Sec. 3333.049. No nonprofit institution that holds a certificate of authorization issued under Chapter 1713. of the Revised Code shall be liable for a breach of confidentiality arising from the institution's submission of student data or records to the board of regents or any other state agency in compliance with any law, rule, or regulation, provided that the breach occurs as a result of one of the following: 64722
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(A) An action by a third party during and after the transmission of the data or records by the institution but prior to receipt of the data or records by the board of regents or other 64729
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state agency; 64732

(B) An action by the board of regents or the state agency. 64733

This provision shall apply to the submission of any student 64734
data or records that are subject to any laws of this state or, to 64735
the extent permitted, any federal law, including the "Family 64736
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 64737
U.S.C. 1232g. 64738

Sec. 3333.124. There is hereby created in the state treasury 64739
the Ohio college opportunity grant program reserve fund. Not later 64740
than the first day of July of each fiscal year, the chancellor of 64741
the Ohio board of regents shall certify to the director of budget 64742
and management the unencumbered balance of the general revenue 64743
fund appropriations made in the immediately preceding fiscal year 64744
for purposes of the Ohio college opportunity grant program created 64745
in section 3333.122 of the Revised Code. Upon receipt of the 64746
certification, the director may transfer an amount not exceeding 64747
the certified amount from the general revenue fund to the Ohio 64748
college opportunity grant program reserve fund. Moneys in the Ohio 64749
college opportunity grant program reserve fund shall be used to 64750
pay grant obligations in excess of the general revenue fund 64751
appropriations made for that purpose. 64752

The director may transfer any unencumbered balance from the 64753
Ohio college opportunity grant program reserve fund to the general 64754
revenue fund. 64755

Sec. 3333.342. (A) The chancellor of the Ohio board of 64756
regents may designate a "certificate of value" for a certificate 64757
program at any adult career-technical education institution or 64758
state institution of higher education, as defined under section 64759
3345.011 of the Revised Code, based on the standards adopted under 64760
division (B) of this section. 64761

(B) The chancellor shall develop standards for designation of the certificates of value for certificate programs at adult career-technical education institutions and state institutions of higher education. The standards shall include at least the following considerations: 64762
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(1) The quality of the certificate program; 64767

(2) The ability to transfer agreed-upon technical courses completed through an adult career-technical education institution to a state institution of higher education without unnecessary duplication or institutional barriers; 64768
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(3) The extent to which the certificate program encourages a student to obtain an associate's or bachelor's degree; 64772
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(4) The extent to which the certificate program increases a student's likelihood to complete other certificate programs or an associate's or bachelor's degree; 64774
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64776

(5) The ability of the certificate program to meet the expectations of the workplace and higher education; 64777
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(6) The extent to which the certificate program is aligned with the strengths of the regional economy; 64779
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(7) The extent to which the certificate program increases the amount of individuals who remain in or enter the state's workforce; 64781
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(8) The extent of a certificate program's relationship with private companies in the state to fill potential job growth. 64784
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(C) The designation of a certificate of value under this section shall expire six years after its designation date. 64786
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(D) The chancellor may revoke a designation prior to its expiration date if the chancellor determines that the program no longer complies with the standards developed under division (B) of this section. 64788
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(E) Any revocation of a certificate of value under this section shall become effective one hundred eighty days after the date the revocation was declared by the chancellor. 64792
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(F) Any adult career-technical education institution or state institution of higher education that desires to be eligible to receive a designation of certificate of value for one or more of its certificate programs shall comply with all records and data requests required by the chancellor. 64795
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Sec. ~~3333.90~~ 3333.59. (A) As used in this section: 64800

(1) "Allocated state share of instruction" means, for any fiscal year, the amount of the state share of instruction appropriated to the Ohio board of regents by the general assembly that is allocated to a community or technical college or community or technical college district for such fiscal year. 64801
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(2) "Issuing authority" has the same meaning as in section 154.01 of the Revised Code. 64806
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(3) "Bond service charges" has the same meaning as in section 154.01 of the Revised Code. 64808
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(4) "Chancellor" means the chancellor of the Ohio board of regents. 64810
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(5) "Community or technical college" or "college" means any of the following state-supported or state-assisted institutions of higher education: 64812
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(a) A community college as defined in section 3354.01 of the Revised Code; 64815
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(b) A technical college as defined in section 3357.01 of the Revised Code; 64817
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(c) A state community college as defined in section 3358.01 of the Revised Code. 64819
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(6) "Community or technical college district" or "district" 64821
means any of the following institutions of higher education that 64822
are state-supported or state-assisted: 64823

(a) A community college district as defined in section 64824
3354.01 of the Revised Code; 64825

(b) A technical college district as defined in section 64826
3357.01 of the Revised Code; 64827

(c) A state community college district as defined in section 64828
3358.01 of the Revised Code. 64829

(7) "Credit enhancement facilities" has the same meaning as 64830
in section 133.01 of the Revised Code. 64831

(8) "Obligations" has the meaning as in section 154.01 or 64832
3345.12 of the Revised Code, as the context requires. 64833

(B) The board of trustees of any community or technical 64834
college district authorizing the issuance of obligations under 64835
section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the 64836
Revised Code, or for whose benefit and on whose behalf the issuing 64837
authority proposes to issue obligations under section 154.25 of 64838
the Revised Code, may adopt a resolution requesting the chancellor 64839
to enter into an agreement with the community or technical college 64840
district and the primary paying agent or fiscal agent for such 64841
obligations, providing for the withholding and deposit of funds 64842
otherwise due the district or the community or technical college 64843
it operates in respect of its allocated state share of 64844
instruction, for the payment of bond service charges on such 64845
obligations. 64846

The board of trustees shall deliver to the chancellor a copy 64847
of the resolution and any additional pertinent information the 64848
chancellor may require. 64849

The chancellor and the office of budget and management, and 64850

the issuing authority in the case of obligations to be issued by 64851
the issuing authority, shall evaluate each request received from a 64852
community or technical college district under this section. The 64853
chancellor, with the advice and consent of the director of budget 64854
and management and the issuing authority in the case of 64855
obligations to be issued by the issuing authority, shall approve 64856
each request if all of the following conditions are met: 64857

(1) Approval of the request will enhance the marketability of 64858
the obligations for which the request is made; 64859

(2) The chancellor and the office of budget and management, 64860
and the issuing authority in the case of obligations to be issued 64861
by the issuing authority, have no reason to believe the requesting 64862
community or technical college district or the community or 64863
technical college it operates will be unable to pay when due the 64864
bond service charges on the obligations for which the request is 64865
made, and bond service charges on those obligations are therefore 64866
not anticipated to be paid pursuant to this section from the 64867
allocated state share of instruction for purposes of Section 17 of 64868
Article VIII, Ohio Constitution. 64869

(3) Any other pertinent conditions established in rules 64870
adopted under division (H) of this section. 64871

(C) If the chancellor approves the request of a community or 64872
technical college district to withhold and deposit funds pursuant 64873
to this section, the chancellor shall enter into a written 64874
agreement with the district and the primary paying agent or fiscal 64875
agent for the obligations, which agreement shall provide for the 64876
withholding of funds pursuant to this section for the payment of 64877
bond service charges on those obligations. The agreement may also 64878
include both of the following: 64879

(1) Provisions for certification by the district to the 64880
chancellor, prior to the deadline for payment of the applicable 64881

bond service charges, whether the district and the community or 64882
technical college it operates are able to pay those bond service 64883
charges when due; 64884

(2) Requirements that the district or the community or 64885
technical college it operates deposits amounts for the payment of 64886
those bond service charges with the primary paying agent or fiscal 64887
agent for the obligations prior to the date on which the bond 64888
service charges are due to the owners or holders of the 64889
obligations. 64890

(D) Whenever a district or the community or technical college 64891
it operates notifies the chancellor that it will not be able to 64892
pay the bond service charges when they are due, subject to the 64893
withholding provisions of this section, or whenever the applicable 64894
paying agent or fiscal agent notifies the chancellor that it has 64895
not timely received from a district or from the college it 64896
operates the full amount needed for payment of the bond service 64897
charges when due to the holders or owners of such obligations, the 64898
chancellor shall immediately contact the district or college and 64899
the paying agent or fiscal agent to confirm that the district and 64900
the college are not able to make the required payment by the date 64901
on which it is due. 64902

If the chancellor confirms that the district and the college 64903
are not able to make the payment and the payment will not be made 64904
pursuant to a credit enhancement facility, the chancellor shall 64905
promptly pay to the applicable primary paying agent or fiscal 64906
agent the lesser of the amount due for bond service charges or the 64907
amount of the next periodic distribution scheduled to be made to 64908
the district or to the college in respect of its allocated state 64909
share of instruction. If this amount is insufficient to pay the 64910
total amount then due the agent for the payment of bond service 64911
charges, the chancellor shall continue to pay to the agent from 64912
each periodic distribution thereafter, and until the full amount 64913

due the agent for unpaid bond service charges is paid in full, the 64914
lesser of the remaining amount due the agent for bond service 64915
charges or the amount of the next periodic distribution scheduled 64916
to be made to the district or college in respect of its allocated 64917
state share of instruction. 64918

(E) The chancellor may make any payments under this section 64919
by direct deposit of funds by electronic transfer. 64920

Any amount received by a paying agent or fiscal agent under 64921
this section shall be applied only to the payment of bond service 64922
charges on the obligations of the community or technical college 64923
district or community or technical college subject to this section 64924
or to the reimbursement of the provider of a credit enhancement 64925
facility that has paid the bond service charges. 64926

(F) The chancellor may make payments under this section to 64927
paying agents or fiscal agents during any fiscal biennium of the 64928
state only from and to the extent that money is appropriated to 64929
the board of regents by the general assembly for distribution 64930
during such biennium for the state share of instruction and only 64931
to the extent that a portion of the state share of instruction has 64932
been allocated to the community or technical college district or 64933
community or technical college. Obligations of the issuing 64934
authority or of a community or technical college district to which 64935
this section is made applicable do not constitute an obligation or 64936
a debt or a pledge of the faith, credit, or taxing power of the 64937
state, and the holders or owners of those obligations have no 64938
right to have excises or taxes levied or appropriations made by 64939
the general assembly for the payment of bond service charges on 64940
the obligations, and the obligations shall contain a statement to 64941
that effect. The agreement for or the actual withholding and 64942
payment of money under this section does not constitute the 64943
assumption by the state of any debt of a community or technical 64944
college district or a community or technical college, and bond 64945

service charges on the related obligations are not anticipated to 64946
be paid from the state general revenue fund for purposes of 64947
Section 17 of Article VIII, Ohio Constitution. 64948

(G) In the case of obligations subject to the withholding 64949
provisions of this section, the issuing community or technical 64950
college district, or the issuing authority in the case of 64951
obligations issued by the issuing authority, shall appoint a 64952
paying agent or fiscal agent who is not an officer or employee of 64953
the district or college. 64954

(H) The chancellor, with the advice and consent of the office 64955
of budget and management, may adopt reasonable rules not 64956
inconsistent with this section for the implementation of this 64957
section to secure payment of bond service charges on obligations 64958
issued by a community or technical college district or by the 64959
issuing authority for the benefit of a community or technical 64960
college district or the community or technical college it 64961
operates. Those rules shall include criteria for the evaluation 64962
and approval or denial of community or technical college district 64963
requests for withholding under this section. 64964

(I) The authority granted by this section is in addition to 64965
and not a limitation on any other authorizations granted by or 64966
pursuant to law for the same or similar purposes. 64967

Sec. 3333.613. There is hereby created in the state treasury 64968
the choose Ohio first scholarship reserve fund. Not later than the 64969
first day of July of each fiscal year, the chancellor of the Ohio 64970
board of regents shall certify to the director of budget and 64971
management the unencumbered balance of the general revenue fund 64972
appropriations made in the immediately preceding fiscal year for 64973
purposes of the choose Ohio first scholarship program created in 64974
section 3333.61 of the Revised Code. Upon receipt of the 64975
certification, the director may transfer an amount not exceeding 64976

the certified amount from the general revenue fund to the choose 64977
Ohio first scholarship reserve fund. Moneys in the choose Ohio 64978
first scholarship reserve fund shall be used to pay scholarship 64979
obligations in excess of the general revenue fund appropriations 64980
made for that purpose. 64981

The director may transfer any unencumbered balance from the 64982
choose Ohio first scholarship reserve fund to the general revenue 64983
fund. 64984

Sec. 3333.73. The chancellor of the Ohio board of regents 64985
shall establish a competitive process for making awards under the 64986
Ohio co-op/internship program. The chancellor, on completion of 64987
that process, shall make a recommendation to the controlling board 64988
asking for approval of each award selected by the chancellor. 64989

The state institution of higher education shall submit a 64990
proposal and other documentation required by the chancellor, in 64991
the form and manner prescribed by the chancellor, for each award 64992
it seeks. A proposal may propose an initiative to be implemented 64993
solely by the state institution of higher education or in 64994
collaboration with other state institutions of higher education or 64995
nonpublic Ohio universities or colleges. 64996

The chancellor shall determine which proposals will receive 64997
awards each fiscal year, and the amount of each award, on the 64998
basis of the merit of each proposal, which the chancellor, subject 64999
to approval by the controlling board, shall determine based on one 65000
or more of the following criteria: 65001

(A) The extent to which the proposal will keep Ohio students 65002
in Ohio institutions of higher education; 65003

(B) The extent to which the proposal will attract Ohio 65004
residents who left Ohio to attend out-of-state institutions of 65005
higher education to return to Ohio institutions of higher 65006

education; 65007

(C) The extent to which the proposal will increase the number 65008
of Ohio graduates who remain in Ohio and enter Ohio's workforce; 65009

(D) The quality of the program that is the subject of the 65010
proposal and the extent to which additional resources will enhance 65011
its quality; 65012

(E) The extent to which the proposal is integrated with the 65013
strengths of the regional economy; 65014

(F) The extent to which the proposal ~~is aligned with the~~ 65015
~~report submitted by the chancellor pursuant to Section 4 of Sub-~~ 65016
~~H.B. 2 of the 127th general assembly, as amended~~ supports the 65017
workforce policies of the governor's office of workforce 65018
transformation to meet the workforce needs of the state and to 65019
provide a student participating in the program with the skills 65020
needed for workplace success; 65021

(G) The extent to which the proposal facilitates the 65022
development of high quality academic programs with a cooperative 65023
education program or a significant internship program at state 65024
institutions of higher education; 65025

(H) The extent to which the proposal is integrated with 65026
supporting private companies to fill potential job growth, is 65027
responsive to the needs of employers, aligns with the skills 65028
identified by employers as necessary to fill high-demand job 65029
openings, particularly job openings in targeted industry sectors 65030
as identified by the governor's office of workforce 65031
transformation; 65032

(I) The amount of other institutional, public, or private 65033
resources, whether monetary or nonmonetary, the proposal pledges 65034
to leverage that are in addition to the monetary cost-sharing 65035
requirement prescribed in section 3333.74 of the Revised Code; 65036

(J) The extent to which the proposal is collaborative with other Ohio institutions of higher education;	65037 65038
(K) The extent to which the proposal is integrated with the institution's mission;	65039 65040
(L) The extent to which the proposal meets a statewide educational need at the undergraduate or graduate level;	65041 65042
(M) The demonstrated productivity or future capacity of the students to be recruited;	65043 65044
(N) The extent to which the proposal will create additional capacity in a high quality academic program with a cooperative education program or significant internship program;	65045 65046 65047
(O) The extent to which the proposal will encourage students who received degrees from two-year institutions to pursue baccalaureate degrees;	65048 65049 65050
(P) The extent to which the proposal facilitates the completion of a baccalaureate degree in a cost-effective manner;	65051 65052
(Q) The extent to which other institutional, public, or private resources that are pledged to the proposal, in addition to the monetary cost-sharing requirement prescribed in section 3333.74 of the Revised Code, will be deployed to assist in sustaining the academic program of excellence;	65053 65054 65055 65056 65057
(R) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs or certificate programs;	65058 65059 65060
(S) The extent to which the proposal ensures that a student participating in the high quality academic program funded by the Ohio co-op/internship program is appropriately qualified and prepared to successfully transition into professions in Ohio's growing companies and industries.	65061 65062 65063 65064 65065

Sec. 3333.82. (A) The chancellor of the Ohio board of regents 65066
shall establish a clearinghouse of interactive distance learning 65067
courses and other distance learning courses delivered via a 65068
computer-based method offered by school districts, community 65069
schools, STEM schools, state institutions of higher education, 65070
private colleges and universities, and other nonprofit and 65071
for-profit course providers for sharing with other school 65072
districts, community schools, STEM schools, state institutions of 65073
higher education, private colleges and universities, and 65074
individuals for the fee set pursuant to section 3333.84 of the 65075
Revised Code. The chancellor shall not be responsible for the 65076
content of courses offered through the clearinghouse; however, all 65077
such courses shall be delivered only in accordance with technical 65078
specifications approved by the chancellor and on a common 65079
statewide platform administered by the chancellor. 65080

The clearinghouse's distance learning program for students in 65081
grades kindergarten to twelve shall be based on the following 65082
principles: 65083

(1) All Ohio students shall have access to high quality 65084
distance learning courses at any point in their educational 65085
careers. 65086

(2) All students shall be able to customize their education 65087
using distance learning courses offered through the clearinghouse 65088
and no student shall be denied access to any course in the 65089
clearinghouse in which the student is eligible to enroll. 65090

(3) Students may take distance learning courses for all or 65091
any portion of their curriculum requirements and may utilize a 65092
combination of distance learning courses and courses taught in a 65093
traditional classroom setting. 65094

(4) Students may earn an unlimited number of academic credits 65095
through distance learning courses. 65096

(5) Students may take distance learning courses at any time 65097
of the calendar year. 65098

(6) Student advancement to higher coursework shall be based 65099
on a demonstration of subject area competency instead of 65100
completion of any particular number of hours of instruction. 65101

(B) To offer a course through the clearinghouse, a course 65102
provider shall apply to the chancellor in a form and manner 65103
prescribed by the chancellor. The application for each course 65104
shall describe the course of study in as much detail as required 65105
by the chancellor, whether an instructor is provided, the 65106
qualification and credentials of the instructor, the number of 65107
hours of instruction, and any other information required by the 65108
chancellor. The chancellor may require course providers to include 65109
in their applications information recommended by the state board 65110
of education under former section 3353.30 of the Revised Code. 65111

(C) The chancellor shall review the technical specifications 65112
of each application submitted under division (B) of this section. 65113
In reviewing applications, the chancellor may consult with the 65114
department of education; however, the responsibility to either 65115
approve or not approve a course for the clearinghouse belongs to 65116
the chancellor. The chancellor may request additional information 65117
from a course provider that submits an application under division 65118
(B) of this section, if the chancellor determines that such 65119
information is necessary. The chancellor may negotiate changes in 65120
the proposal to offer a course, if the chancellor determines that 65121
changes are necessary in order to approve the course. 65122

(D) The chancellor shall catalog each course approved for the 65123
clearinghouse, through a print or electronic medium, displaying 65124
the following: 65125

(1) Information necessary for a student and the student's 65126
parent, guardian, or custodian and the student's school district, 65127

community school, STEM school, college, or university to decide 65128
whether to enroll in or subscribe to the course; 65129

(2) Instructions for enrolling in that course, including 65130
deadlines for enrollment. 65131

(E) Any expenses related to the installation of a course into 65132
the common statewide platform shall be borne by the course 65133
provider. 65134

(F) ~~The eTech Ohio commission, in consultation with the 65135
chancellor and the state board, shall distribute information to 65136
students and parents describing the clearinghouse. The information 65137
shall be provided in an easily understandable format The 65138
chancellor may contract with an entity to perform any or all of 65139
the chancellor's duties under sections 3333.81 to 3333.88 of the 65140
Revised Code. 65141~~

Sec. 3334.08. (A) Subject to division (B) of this section, in 65142
addition to any other powers conferred by this chapter, the Ohio 65143
tuition trust authority may do any of the following: 65144

(1) Impose reasonable residency requirements for 65145
beneficiaries of tuition units; 65146

(2) Impose reasonable limits on the number of tuition unit 65147
participants; 65148

(3) Impose and collect administrative fees and charges in 65149
connection with any transaction under this chapter; 65150

(4) Purchase insurance from insurers licensed to do business 65151
in this state providing for coverage against any loss in 65152
connection with the authority's property, assets, or activities or 65153
to further ensure the value of tuition units; 65154

(5) Indemnify or purchase policies of insurance on behalf of 65155
members, officers, and employees of the authority from insurers 65156
licensed to do business in this state providing for coverage for 65157

any liability incurred in connection with any civil action, 65158
demand, or claim against a director, officer, or employee by 65159
reason of an act or omission by the director, officer, or employee 65160
that was not manifestly outside the scope of the employment or 65161
official duties of the director, officer, or employee or with 65162
malicious purpose, in bad faith, or in a wanton or reckless 65163
manner; 65164

(6) Make, execute, and deliver contracts, conveyances, and 65165
other instruments necessary to the exercise and discharge of the 65166
powers and duties of the authority; 65167

(7) Promote, advertise, and publicize the Ohio college 65168
savings program and the variable college savings program; 65169

(8) Adopt rules under section 111.15 of the Revised Code for 65170
the implementation of the Ohio college savings program; 65171

(9) Contract, for the provision of all or part of the 65172
services necessary for the management and operation of the Ohio 65173
college savings program and the variable college savings program, 65174
with a bank, trust company, savings and loan association, 65175
insurance company, or licensed dealer in securities if the bank, 65176
company, association, or dealer is authorized to do business in 65177
this state and ~~information about~~ the contract is ~~filed with~~ 65178
approved by the controlling board ~~pursuant to division (D)(6) of~~ 65179
~~section 127.16 of the Revised Code~~; provided, however, that any 65180
funds of the Ohio college savings program and the variable college 65181
savings program ~~that are not needed for immediate use~~ shall be 65182
deposited by the treasurer of state in the same manner provided 65183
under Chapter 135. of the Revised Code for public moneys of the 65184
state. All interest earned on those deposits shall be credited to 65185
the Ohio college savings program or the variable college savings 65186
program, as applicable. 65187

(10) Contract for other services, or for goods, needed by the 65188

authority in the conduct of its business, including but not 65189
limited to credit card services; 65190

(11) Employ an executive director and other personnel as 65191
necessary to carry out its responsibilities under this chapter, 65192
and fix the compensation of these persons. All employees of the 65193
authority shall be in the unclassified civil service and shall be 65194
eligible for membership in the public employees retirement system. 65195
In the hiring of the executive director, the Ohio tuition trust 65196
authority shall obtain the advice and consent of the Ohio tuition 65197
trust board created in section 3334.03 of the Revised Code, 65198
provided that the executive director shall not be hired unless a 65199
majority of the board votes in favor of the hiring. In addition, 65200
the board may remove the executive director at any time subject to 65201
the advice and consent of the chancellor of the Ohio board of 65202
regents. 65203

(12) Contract with financial consultants, actuaries, 65204
auditors, and other consultants as necessary to carry out its 65205
responsibilities under this chapter; 65206

(13) Enter into agreements with any agency of the state or 65207
its political subdivisions or with private employers under which 65208
an employee may agree to have a designated amount deducted in each 65209
payroll period from the wages or salary due the employee for the 65210
purpose of purchasing tuition units pursuant to a tuition payment 65211
contract or making contributions pursuant to a variable college 65212
savings program contract; 65213

(14) Enter into an agreement with the treasurer of state 65214
under which the treasurer of state will receive, and credit to the 65215
Ohio tuition trust fund or variable college savings program fund, 65216
from any bank or savings and loan association authorized to do 65217
business in this state, amounts that a depositor of the bank or 65218
association authorizes the bank or association to withdraw 65219
periodically from the depositor's account for the purpose of 65220

purchasing tuition units pursuant to a tuition payment contract or	65221
making contributions pursuant to a variable college savings	65222
program contract;	65223
(15) Solicit and accept gifts, grants, and loans from any	65224
person or governmental agency and participate in any governmental	65225
program;	65226
(16) Impose limits on the number of units which may be	65227
purchased on behalf of or assigned or awarded to any beneficiary	65228
and on the total amount of contributions that may be made on	65229
behalf of a beneficiary;	65230
(17) Impose restrictions on the substitution of another	65231
individual for the original beneficiary under the Ohio college	65232
savings program;	65233
(18) Impose a limit on the age of a beneficiary, above which	65234
tuition units may not be purchased on behalf of that beneficiary;	65235
(19) Enter into a cooperative agreement with the treasurer of	65236
state to provide for the direct disbursement of payments under	65237
tuition payment or variable college savings program contracts;	65238
(20) Determine the other higher education expenses for which	65239
tuition units or contributions may be used;	65240
(21) Terminate any tuition payment or variable college	65241
savings program contract if no purchases or contributions are made	65242
for a period of three years or more and there are fewer than a	65243
total of five tuition units or less than a dollar amount set by	65244
rule on account, provided that notice of a possible termination	65245
shall be provided in advance, explaining any options to prevent	65246
termination, and a reasonable amount of time shall be provided	65247
within which to act to prevent a termination;	65248
(22) Maintain a separate account for each tuition payment or	65249
variable college savings program contract;	65250

(23) Perform all acts necessary and proper to carry out the 65251
duties and responsibilities of the authority pursuant to this 65252
chapter. 65253

(B) The authority shall adopt rules under section 111.15 of 65254
the Revised Code for the implementation and administration of the 65255
variable college savings program. The rules shall provide 65256
taxpayers with the maximum tax advantages and flexibility 65257
consistent with section 529 of the Internal Revenue Code and 65258
regulations adopted thereunder with regard to disposition of 65259
contributions and earnings, designation of beneficiaries, and 65260
rollover of account assets to other programs. 65261

(C) Except as otherwise specified in this chapter, the 65262
provisions of Chapters 123., 125., and 4117. of the Revised Code 65263
shall not apply to the authority. The department of administrative 65264
services shall, upon the request of the authority, act as the 65265
authority's agent for the purchase of equipment, supplies, 65266
insurance, or services, or the performance of administrative 65267
services pursuant to Chapter 125. of the Revised Code. 65268

Sec. 3335.35. There is hereby created the "~~Ohio cooperative~~ 65269
OSU extension service fund," which shall be under the custody and 65270
control of the board of trustees of the Ohio state university and 65271
shall consist of all moneys appropriated, given, granted, or 65272
bequeathed to the university for the use of ~~the Ohio cooperative~~ 65273
OSU extension service by the United States, this state, any 65274
political subdivision of this state, or any person. The board 65275
shall have responsibility for expenditure of all moneys in the 65276
fund in accordance with state and federal law and memoranda of 65277
agreement between the university and the United States department 65278
of agriculture. 65279

Sec. 3335.36. The board of trustees of the Ohio state 65280

university may employ such employees as it considers appropriate 65281
for the conduct of educational programs of ~~the Ohio cooperative~~ 65282
OSU extension service and may provide for the payment from the 65283
~~Ohio cooperative OSU extension service~~ fund created by section 65284
3335.35 of the Revised Code of reasonable compensation to such 65285
employees and of reasonable expenses incurred by them in the 65286
discharge of their duties, including expenses of travel and of 65287
maintaining, equipping, and supplying their offices. 65288

The employees shall cooperate with the department of 65289
agriculture, the Ohio agricultural research and development 65290
center, the department of education, and the United States 65291
department of agriculture, for the purpose of making available the 65292
educational materials of ~~the OSU extension service~~. ~~Such~~ The 65293
employees shall represent the university and shall conduct 65294
educational activities related to agriculture, natural resources, 65295
~~home economics community development~~, family ~~living~~ and consumer 65296
sciences, and 4-H programs for the citizens of this state through 65297
personal instruction, bulletins, practical demonstrations, mass 65298
media, and otherwise, subject to such rules as may be prescribed 65299
by the board of trustees of the university. ~~Such~~ The employees 65300
shall have offices provided by the county or other political 65301
subdivision in which they serve in which bulletins and other 65302
educational materials of value to the people may be consulted and 65303
through which the employees may be reached. 65304

The board of trustees of the Ohio state university may hire 65305
or use employees of ~~the Ohio cooperative OSU extension service~~ to 65306
carry out the functions and duties of a director of economic 65307
development under division (B) of section 307.07 of the Revised 65308
Code pursuant to any agreement with a county under division (A)(2) 65309
of section 307.07 of the Revised Code. 65310

Sec. 3335.37. The board of county commissioners of any county 65311

may levy a tax, within the limitations prescribed by law, and 65312
appropriate money from the proceeds thereof or from the general 65313
fund of the county to be paid to the Ohio state university to the 65314
credit of the ~~Ohio cooperative~~ OSU extension ~~service~~ fund created 65315
by section 3335.35 of the Revised Code and expended for the 65316
purposes prescribed in section 3335.36 of the Revised Code for the 65317
benefit of the citizens of ~~such~~ that county. Any money paid into 65318
the fund under this section that aggregates more than ten per cent 65319
of the county appropriation in the preceding year and that remains 65320
unexpended for two years from the time of ~~such~~ the payment shall 65321
be returned to the county from which it came unless the board of 65322
county commissioners determines by resolution to contribute it to 65323
~~the Ohio cooperative~~ OSU extension ~~service~~ for general purposes. 65324
65325

Sec. 3335.38. The board of trustees of the Ohio state 65326
university shall establish a farm financial management institute 65327
in ~~the Ohio cooperative~~ OSU extension ~~service~~ to train interested 65328
and qualified persons to assist farmers needing help with farm 65329
financial management problems. 65330

Participation shall be open to all interested persons, but 65331
the following persons shall be given priority as to enrollment: 65332
employees or representatives of banks and other farm credit 65333
agencies, agricultural teachers, and faculty and employees of the 65334
Ohio state university and ~~the Ohio cooperative~~ OSU extension 65335
~~service~~ who agree to assist Ohio farmers in completing and 65336
understanding the coordinated financial statement and other 65337
subjects. A fee may be charged participants, as determined by ~~the~~ 65338
OSU extension ~~service~~, but may be waived for those participants 65339
granted priority status at enrollment. 65340

Sec. ~~3304.23~~ 3335.60. (A) There is hereby created in the 65341
~~rehabilitation services commission~~ Ohio state university college 65342

of medicine a brain injury program consisting of a program 65343
director and at least one support staff person. 65344

(B) To the extent that funds are available, the brain injury 65345
program may do the following: 65346

(1) Identify existing services in this state to assist 65347
survivors and families of survivors of brain injury; 65348

(2) Promote the coordination of services for survivors and 65349
families of survivors of brain injury; 65350

(3) Explore options for delivery of services to survivors and 65351
families of survivors of brain injury; 65352

(4) Explore the establishment of a traumatic brain injury 65353
incidence reporting system to collect information on the incidence 65354
and character of traumatic brain injury in this state; 65355

(5) Promote practices that will reduce the incidence of brain 65356
injury; 65357

(6) Develop training programs on dealing with brain injury 65358
and the special needs of survivors of brain injury; 65359

(7) Identify sources of available funds for services for 65360
survivors and families of survivors of brain injury; 65361

(8) Explore options for the delivery of case management 65362
services to residents of this state who are survivors of brain 65363
injury; 65364

(9) Provide assistance to assure that services for survivors 65365
and families of survivors of brain injury are all of the 65366
following: 65367

(a) Designed to enhance the survivor's ability to lead an 65368
independent and productive life; 65369

(b) Available within close proximity of the survivor's home; 65370

(c) Provided in the least restrictive environment; 65371

(d) Appropriate to the unique needs of the survivor. 65372

(C) The staff of the brain injury program shall prepare a 65373
biennial report on the incidence of brain injury in this state 65374
~~that. The report shall be submitted to the administrator of the~~ 65375
~~rehabilitation services commission on or before December 15, 1992,~~ 65376
~~completed not later than two years after the effective date of~~ 65377
~~this amendment~~ and every two years thereafter. A copy of the 65378
report shall be and submitted to the brain injury advisory 65379
committee created under section ~~3304.231~~ 3335.61 of the Revised 65380
Code. 65381

Sec. ~~3304.231~~ 3335.61. There is hereby created a brain injury 65382
advisory committee, which shall advise the ~~administrator of the~~ 65383
~~rehabilitation services commission and the~~ brain injury program 65384
with regard to unmet needs of survivors of brain injury, 65385
development of programs for survivors and their families, 65386
establishment of training programs for health care professionals, 65387
and any other matter within the province of the brain injury 65388
program. The committee shall consist of not fewer than ~~twenty~~ 65389
nineteen and not more than ~~twenty-two~~ twenty-one members as 65390
follows: 65391

(A) Not fewer than ten and not more than twelve members 65392
appointed by the ~~administrator of the rehabilitation services~~ 65393
~~commission~~ dean of the college of medicine of the Ohio state 65394
university, including all of the following: a survivor of brain 65395
injury, a relative of a survivor of brain injury, a licensed 65396
physician recommended by the Ohio chapter of the American college 65397
of emergency physicians, a licensed physician recommended by the 65398
Ohio state medical association, one other health care 65399
professional, a rehabilitation professional, an individual who 65400
represents the brain injury association of Ohio, and not fewer 65401
than three nor more than five individuals who shall represent the 65402

public; 65403

(B) The directors of the departments of health, ~~alcohol and~~ 65404
~~drug addiction services~~ mental health and drug addiction services, 65405
developmental disabilities, ~~mental health, job and family~~ 65406
~~services,~~ aging, and public safety; the medicaid director; the 65407
administrator of workers' compensation; the superintendent of 65408
public instruction; and the ~~administrator~~ executive director of 65409
the ~~rehabilitation services commission~~ opportunities for Ohioans 65410
with disabilities agency. Any of the officials specified in this 65411
division may designate an individual to serve in the official's 65412
place as a member of the committee. 65413

Terms of office of the appointed members shall be two years. 65414
Members may be reappointed. Vacancies shall be filled in the 65415
manner provided for original appointments. Any member appointed to 65416
fill a vacancy occurring prior to the expiration date of the term 65417
for which the member's predecessor was appointed shall hold office 65418
as a member for the remainder of that term. 65419

Members of the committee shall serve without compensation, 65420
but shall be reimbursed for actual and necessary expenses incurred 65421
in the performance of their duties. 65422

Sec. 3337.16. (A) The president of Ohio university may create 65423
an advisory committee to do both of the following: 65424

(1) Review the comprehensive land use plans and any updates 65425
of those land use plans prepared by Ohio university for the 65426
property conveyed to the university in Sub. H.B. 576 of the 117th 65427
general assembly; 65428

(2) Comment on and periodically review the progress on the 65429
implementation of the comprehensive land use plans described in 65430
division (A)(1) of this section. 65431

(B) The advisory committee created under division (A) of this 65432

section shall consist of the following members: 65433

(1) The president of Ohio university or the president's 65434
designee, who shall serve as chairperson of the advisory 65435
committee; 65436

(2) The mayor of the city of Athens or the mayor's designee; 65437

(3) The following members appointed by the president of Ohio 65438
university: 65439

(a) One Athens county commissioner; 65440

(b) One to three individuals who reside in Athens county and 65441
have special knowledge and experience in land use planning, 65442
preservation, or economic development. 65443

Vacancies on the committee shall be filled in the same manner 65444
as the original appointments. 65445

Sec. 3345.05. (A) All registration fees, nonresident tuition 65446
fees, academic fees for the support of off-campus instruction, 65447
laboratory and course fees when so assessed and collected, student 65448
health fees for the support of a student health service, all other 65449
fees, deposits, charges, receipts, and income from all or part of 65450
the students, all subsidy or other payments from state 65451
appropriations, and all other fees, deposits, charges, receipts, 65452
income, and revenue received by each state institution of higher 65453
education, the Ohio state university hospitals and their ancillary 65454
facilities, the Ohio agricultural research and development center, 65455
and ~~the Ohio state university cooperative~~ OSU extension ~~service~~ 65456
shall be held and administered by the respective boards of 65457
trustees of the state institution of higher education; provided, 65458
that such fees, deposits, charges, receipts, income and revenue, 65459
to the extent required by resolutions, trust agreements, 65460
indentures, leases, and agreements adopted, made, or entered into 65461
under Chapter 154. or section 3345.07, 3345.11, or 3345.12 of the 65462

Revised Code, shall be held, administered, transferred, and 65463
applied in accordance therewith. 65464

(B) The Ohio board of regents shall require annual reporting 65465
by the Ohio agricultural research and development center and by 65466
each university and college receiving state aid in such form and 65467
detail as determined by the board in consultation with such 65468
center, universities and colleges, and the director of budget and 65469
management. 65470

(C) Notwithstanding any provision of the Revised Code to the 65471
contrary, the title to investments made by the board of trustees 65472
of a state institution of higher education with funds derived from 65473
any of the sources described in division (A) of this section shall 65474
not be vested in the state or the political subdivision but shall 65475
be held in trust by the board. Such investments shall be made 65476
pursuant to an investment policy adopted by the board in public 65477
session that requires all fiduciaries to discharge their duties 65478
with the care, skill, prudence, and diligence under the 65479
circumstances then prevailing that a prudent person acting in like 65480
capacity and familiar with such matters would use in the conduct 65481
of an enterprise of a like character and with like aims. The 65482
policy also shall require at least the following: 65483

(1) A stipulation that investment of at least twenty-five per 65484
cent of the average amount of the investment portfolio over the 65485
course of the previous fiscal year be invested in securities of 65486
the United States government or of its agencies or 65487
instrumentalities, the treasurer of state's pooled investment 65488
program, obligations of this state or any political subdivision of 65489
this state, certificates of deposit of any national bank located 65490
in this state, written repurchase agreements with any eligible 65491
Ohio financial institution that is a member of the federal reserve 65492
system or federal home loan bank, money market funds, or bankers 65493
acceptances maturing in two hundred seventy days or less which are 65494

eligible for purchase by the federal reserve system, as a reserve;	65495
(2) Eligible funds above those that meet the conditions of	65496
division (C)(1) of this section may be pooled with other	65497
institutional funds and invested in accordance with section	65498
1715.52 of the Revised Code.	65499
(3) The establishment of an investment committee.	65500
(D) The investment committee established under division	65501
(C)(3) of this section shall meet at least quarterly. The	65502
committee shall review and recommend revisions to the board's	65503
investment policy and shall advise the board on its investments	65504
made under division (C) of this section in an effort to assist it	65505
in meeting its obligations as a fiduciary as described in division	65506
(C) of this section. The committee shall be authorized to retain	65507
the services of an investment advisor who meets both of the	65508
following qualifications:	65509
(1) The advisor is either:	65510
(a) Licensed by the division of securities under section	65511
1707.141 of the Revised Code;	65512
(b) Registered with the securities and exchange commission.	65513
(2) The advisor either:	65514
(a) Has experience in the management of investments of public	65515
funds, especially in the investment of state-government investment	65516
portfolios;	65517
(b) Is an eligible institution referenced in section 135.03	65518
of the Revised Code.	65519
(E) As used in this section, "state institution of higher	65520
education" means a state institution of higher education as	65521
defined in section 3345.011 of the Revised Code.	65522
Sec. 3345.06. (A) Subject to divisions (B) and (C) of this	65523

section, a graduate of the twelfth grade shall be entitled to 65524
admission without examination to any college or university which 65525
is supported wholly or in part by the state, but for unconditional 65526
admission may be required to complete such units not included in 65527
the graduate's high school course as may be prescribed, not less 65528
than two years prior to the graduate's entrance, by the faculty of 65529
the institution. 65530

(B) Beginning with the 2014-2015 academic year, each state 65531
university listed in section 3345.011 of the Revised Code, except 65532
for Central state university, Shawnee state university, and 65533
Youngstown state university, shall permit a resident of this state 65534
who entered ninth grade for the first time on or after July 1, 65535
2010, to begin undergraduate coursework at the university only if 65536
the person has successfully completed the Ohio core curriculum for 65537
high school graduation prescribed in division (C) of section 65538
3313.603 of the Revised Code, unless one of the following applies: 65539

(1) The person has earned at least ten semester hours, or the 65540
equivalent, at a community college, state community college, 65541
university branch, technical college, or another post-secondary 65542
institution except a state university to which division (B) of 65543
this section applies, in courses that are college-credit-bearing 65544
and may be applied toward the requirements for a degree. The 65545
university shall grant credit for successful completion of those 65546
courses pursuant to any applicable articulation and transfer 65547
policy of the Ohio board of regents or any agreements the 65548
university has entered into in accordance with policies and 65549
procedures adopted under section 3333.16, 3313.161, or 3333.162 of 65550
the Revised Code. The university may count college credit that the 65551
student earned while in high school through the post-secondary 65552
enrollment options program under Chapter 3365. of the Revised 65553
Code, or through other dual enrollment programs, toward the 65554
requirements of division (B)(1) of this section if the credit may 65555

be applied toward a degree. 65556

(2) The person qualified to graduate from high school under 65557
division (D) or (F) of section 3313.603 of the Revised Code and 65558
has successfully completed the topics or courses that the person 65559
lacked to graduate under division (C) of that section at any 65560
post-secondary institution or at a summer program at the state 65561
university. A state university may admit a person for enrollment 65562
contingent upon completion of such topics or courses or summer 65563
program. 65564

(3) The person met the high school graduation requirements by 65565
successfully completing the person's individualized education 65566
program developed under section 3323.08 of the Revised Code. 65567

~~(3)~~(4) The person is receiving or has completed the final 65568
year of instruction at home as authorized under section 3321.04 of 65569
the Revised Code, or has graduated from a nonchartered, nonpublic 65570
school in Ohio, and demonstrates mastery of the academic content 65571
and skills in reading, writing, and mathematics needed to 65572
successfully complete introductory level coursework at an 65573
institution of higher education and to avoid remedial coursework. 65574

~~(4)~~(5) The person is a high school student participating in 65575
the post-secondary enrollment options program under Chapter 3365. 65576
of the Revised Code or another dual enrollment program. 65577

(C) A state university subject to division (B) of this 65578
section may delay admission for or admit conditionally an 65579
undergraduate student who has successfully completed the Ohio core 65580
curriculum if the university determines the student requires 65581
academic remedial or developmental coursework. The university may 65582
delay admission pending, or make admission conditional upon, the 65583
student's successful completion of the academic remedial or 65584
developmental coursework at a university branch, community 65585
college, state community college, or technical college. 65586

(D) This section does not deny the right of a college of law, 65587
medicine, or other specialized education to require college 65588
training for admission, or the right of a department of music or 65589
other art to require particular preliminary training or talent. 65590

Sec. 3345.12. (A) As used in this section and sections 65591
3345.07 and 3345.11 of the Revised Code, in other sections of the 65592
Revised Code that make reference to this section unless the 65593
context does not permit, and in related bond proceedings unless 65594
otherwise expressly provided: 65595

(1) "State university or college" means each of the state 65596
universities identified in section 3345.011 of the Revised Code 65597
and the northeast Ohio medical university, and includes its board 65598
of trustees. 65599

(2) "Institution of higher education" or "institution" means 65600
a state university or college, or a community college district, 65601
technical college district, university branch district, or state 65602
community college, and includes the applicable board of trustees 65603
or, in the case of a university branch district, any other 65604
managing authority. 65605

(3) "Housing and dining facilities" means buildings, 65606
structures, and other improvements, and equipment, real estate, 65607
and interests in real estate therefor, to be used for or in 65608
connection with dormitories or other living quarters and 65609
accommodations, or related dining halls or other food service and 65610
preparation facilities, for students, members of the faculty, 65611
officers, or employees of the institution of higher education, and 65612
their spouses and families. 65613

(4) "Auxiliary facilities" means buildings, structures, and 65614
other improvements, and equipment, real estate, and interests in 65615
real estate therefor, to be used for or in connection with student 65616
activity or student service facilities, housing and dining 65617

facilities, dining halls, and other food service and preparation 65618
facilities, vehicular parking facilities, bookstores, athletic and 65619
recreational facilities, faculty centers, auditoriums, assembly 65620
and exhibition halls, hospitals, infirmaries and other medical and 65621
health facilities, research, and continuing education facilities. 65622

(5) "Education facilities" means buildings, structures, and 65623
other improvements, and equipment, real estate, and interests in 65624
real estate therefor, to be used for or in connection with, 65625
classrooms or other instructional facilities, libraries, 65626
administrative and office facilities, and other facilities, other 65627
than auxiliary facilities, to be used directly or indirectly for 65628
or in connection with the conduct of the institution of higher 65629
education. 65630

(6) "Facilities" means housing and dining facilities, 65631
auxiliary facilities, or education facilities, and includes any 65632
one, part of, or any combination of such facilities, and further 65633
includes site improvements, utilities, machinery, furnishings, and 65634
any separate or connected buildings, structures, improvements, 65635
sites, open space and green space areas, utilities or equipment to 65636
be used in, or in connection with the operation or maintenance of, 65637
or supplementing or otherwise related to the services or 65638
facilities to be provided by, such facilities. 65639

(7) "Obligations" means bonds or notes or other evidences of 65640
obligation, including interest coupons pertaining thereto, 65641
authorized to be issued under this section or section 3345.07, 65642
3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 65643
Code. 65644

(8) "Bond service charges" means principal, including any 65645
mandatory sinking fund or redemption requirements for the 65646
retirement of obligations or assurances, interest, or interest 65647
equivalent and other accreted amounts, and any call premium 65648
required to be paid on obligations or assurances. 65649

(9) "Bond proceedings" means the resolutions, trust 65650
agreement, indenture, and other agreements and credit enhancement 65651
facilities, and amendments and supplements to the foregoing, or 65652
any one or more or combination thereof, authorizing, awarding, or 65653
providing for the terms and conditions applicable to, or providing 65654
for the security or liquidity of, obligations or assurances, and 65655
the provisions contained in those obligations or assurances. 65656

(10) "Costs of facilities" means the costs of acquiring, 65657
constructing, reconstructing, rehabilitating, remodeling, 65658
renovating, enlarging, improving, equipping, or furnishing 65659
facilities, and the financing thereof, including the cost of 65660
clearance and preparation of the site and of any land to be used 65661
in connection with facilities, the cost of any indemnity and 65662
surety bonds and premiums on insurance, all related direct 65663
administrative expenses and allocable portions of direct costs of 65664
the institution of higher education or state agency, cost of 65665
engineering, architectural services, design, plans, specifications 65666
and surveys, estimates of cost, legal fees, fees and expenses of 65667
trustees, depositories, bond registrars, and paying agents for the 65668
obligations, cost of issuance of the obligations and financing 65669
costs and fees and expenses of financial advisers and consultants 65670
in connection therewith, interest on the obligations from the date 65671
thereof to the time when interest is to be covered by available 65672
receipts or other sources other than proceeds of the obligations, 65673
amounts necessary to establish reserves as required by the bond 65674
proceedings, costs of audits, the reimbursements of all moneys 65675
advanced or applied by or borrowed from the institution or others, 65676
from whatever source provided, including any temporary advances 65677
from state appropriations, for the payment of any item or items of 65678
cost of facilities, and all other expenses necessary or incident 65679
to planning or determining feasibility or practicability with 65680
respect to facilities, and such other expenses as may be necessary 65681
or incident to the acquisition, construction, reconstruction, 65682

rehabilitation, remodeling, renovation, enlargement, improvement, 65683
equipment, and furnishing of facilities, the financing thereof and 65684
the placing of them in use and operation, including any one, part 65685
of, or combination of such classes of costs and expenses. 65686

(11) "Available receipts" means all moneys received by the 65687
institution of higher education, including income, revenues, and 65688
receipts from the operation, ownership, or control of facilities 65689
or entrepreneurial projects, grants, gifts, donations, and pledges 65690
and receipts therefrom, receipts from fees and charges, and the 65691
proceeds of the sale of obligations or assurances, including 65692
proceeds of obligations or assurances issued to refund obligations 65693
or assurances previously issued, but excluding any special fee, 65694
and receipts therefrom, charged pursuant to division (D) of 65695
section 154.21 of the Revised Code. 65696

(12) "Credit enhancement facilities" has the meaning given in 65697
division (H) of section 133.01 of the Revised Code. 65698

(13) "Financing costs" has the meaning given in division (K) 65699
of section 133.01 of the Revised Code. 65700

(14) "Interest" or "interest equivalent" has the meaning 65701
given in division (R) of section 133.01 of the Revised Code. 65702

(15) "Assurances" means bonds, notes, or other evidence of 65703
indebtedness, including interest coupons pertaining thereto, 65704
authorized to be issued under section 3345.36 of the Revised Code. 65705

(16) "Entrepreneurial project" has the same meaning as in 65706
section 3345.36 of the Revised Code. 65707

(17) "Costs of entrepreneurial projects" means any costs 65708
related to the establishment or development of entrepreneurial 65709
projects pursuant to a resolution adopted under section 3345.36 of 65710
the Revised Code. 65711

(B) Obligations issued under section 3345.07 or 3345.11 of 65712

the Revised Code by a state university or college shall be 65713
authorized by resolution of its board of trustees. Obligations 65714
issued by any other institution of higher education shall be 65715
authorized by resolution of its board of trustees, or managing 65716
directors in the case of certain university branch districts, as 65717
applicable. Sections 9.96 and 9.98 to 9.983 of the Revised Code 65718
apply to obligations and assurances. Obligations and assurances 65719
may be issued to pay costs of facilities or entrepreneurial 65720
projects even if the institution anticipates the possibility of a 65721
future state appropriation to pay all or a portion of such costs. 65722

(C) Obligations and assurances shall be secured by a pledge 65723
of and lien on all or such part of the available receipts of the 65724
institution of higher education as it provides for in the bond 65725
proceedings, excluding moneys raised by taxation and state 65726
appropriations except as permitted by section ~~3333.90~~ 3333.59 of 65727
the Revised Code. Such pledge and lien may be made prior to all 65728
other expenses, claims, or payments, excepting any pledge of such 65729
available receipts previously made to the contrary and except as 65730
provided by any existing restrictions on the use thereof, or such 65731
pledge and lien may be made subordinate to such other expenses, 65732
claims, or payments, as provided in the bond proceedings. 65733
Obligations or assurances may be additionally secured by covenants 65734
of the institution to make, fix, adjust, collect, and apply such 65735
charges, rates, fees, rentals, and other items of available 65736
receipts as will produce pledged available receipts sufficient to 65737
meet bond service charges, reserve, and other requirements 65738
provided for in the bond proceedings. Notwithstanding this and any 65739
other sections of the Revised Code, the holders or owners of the 65740
obligations or assurances shall not be given the right and shall 65741
have no right to have excises or taxes levied by the general 65742
assembly for the payment of bond service charges thereon, and each 65743
such obligation or assurance shall bear on its face a statement to 65744
that effect and to the effect that the right to such payment is 65745

limited to the available receipts and special funds pledged to 65746
such purpose under the bond proceedings. 65747

All pledged available receipts and funds and the proceeds of 65748
obligations or assurances are trust funds and, subject to the 65749
provisions of this section and the applicable bond proceedings, 65750
shall be held, deposited, invested, reinvested, disbursed, 65751
applied, and used to such extent, in such manner, at such times, 65752
and for such purposes, as are provided in the bond proceedings. 65753

(D) The bond proceedings for obligations or assurances shall 65754
provide for the purpose thereof and the principal amount or 65755
maximum principal amount, and provide for or authorize the manner 65756
of determining the principal maturity or maturities, the sale 65757
price including any permitted discount, the interest rate or 65758
rates, which may be a variable rate or rates, or the maximum 65759
interest rate, the date of the obligations or assurances and the 65760
date or dates of payment of interest thereon, their denominations, 65761
the manner of sale thereof, and the establishment within or 65762
without the state of a place or places of payment of bond service 65763
charges. The bond proceedings also shall provide for a pledge of 65764
and lien on available receipts of the institution of higher 65765
education as provided in division (C) of this section, and a 65766
pledge of and lien on such fund or funds provided in the bond 65767
proceedings arising from available receipts, which pledges and 65768
liens may provide for parity with obligations or assurances 65769
theretofore or thereafter issued by the institution. The available 65770
receipts so pledged and thereafter received by the institution and 65771
the funds so pledged are immediately subject to the lien of such 65772
pledge without any physical delivery thereof or further act, and 65773
the lien of any such pledge is valid and binding against all 65774
parties having claims of any kind against the institution, 65775
irrespective of whether such parties have notice thereof, and 65776
shall create a perfected security interest for all purposes of 65777

Chapter 1309. of the Revised Code, without the necessity for 65778
separation or delivery of funds or for the filing or recording of 65779
the bond proceedings by which such pledge is created or any 65780
certificate, statement, or other document with respect thereto; 65781
and the pledge of such available receipts and funds shall be 65782
effective and the money therefrom and thereof may be applied to 65783
the purposes for which pledged without necessity for any act of 65784
appropriation. 65785

(E) The bond proceedings may contain additional provisions 65786
customary or appropriate to the financing or to the obligations or 65787
assurances or to particular obligations and assurances, including: 65788

(1) The acquisition, construction, reconstruction, equipment, 65789
furnishing, improvement, operation, alteration, enlargement, 65790
maintenance, insurance, and repair of facilities or 65791
entrepreneurial projects, and the duties of the institution of 65792
higher education with reference thereto; 65793

(2) The terms of the obligations or assurances, including 65794
provisions for their redemption prior to maturity at the option of 65795
the institution of higher education at such price or prices and 65796
under such terms and conditions as are provided in the bond 65797
proceedings; 65798

(3) Limitations on the purposes to which the proceeds of the 65799
obligations or assurances may be applied; 65800

(4) The rates or rentals or other charges for the use of or 65801
right to use the facilities or entrepreneurial projects financed 65802
by the obligations or assurances, or other properties the revenues 65803
or receipts from which are pledged to the obligations or 65804
assurances, and rules for assuring any applicable use and 65805
occupancy thereof, including limitations upon the right to modify 65806
such rates, rentals, other charges, or regulations; 65807

(5) The use and expenditure of the pledged available receipts 65808

in such manner and to such extent as shall be determined, which 65809
may include provision for the payment of the expenses of 65810
operation, maintenance, and repair of facilities or 65811
entrepreneurial projects so that such expenses, or part thereof, 65812
shall be paid or provided as a charge prior or subsequent to the 65813
payment of bond service charges and any other payments required to 65814
be made by the bond proceedings; 65815

(6) Limitations on the issuance of additional obligations or 65816
assurances; 65817

(7) The terms of any trust agreement or indenture securing 65818
the obligations or assurances or under which the same may be 65819
issued; 65820

(8) The deposit, investment, and application of funds, and 65821
the safeguarding of funds on hand or on deposit without regard to 65822
Chapter 131. or 135. of the Revised Code, and any bank or trust 65823
company or other financial institution that acts as depository of 65824
any moneys under the bond proceedings shall furnish such 65825
indemnifying bonds or pledge such securities as required by the 65826
bond proceedings or otherwise by the institution of higher 65827
education; 65828

(9) The binding effect of any or every provision of the bond 65829
proceedings upon such officer, board, commission, authority, 65830
agency, department, or other person or body as may from time to 65831
time have the authority under law to take such actions as may be 65832
necessary to perform all or any part of the duty required by such 65833
provision; 65834

(10) Any provision that may be made in a trust agreement or 65835
indenture; 65836

(11) Any other or additional agreements with respect to the 65837
facilities of the institution of higher education or its 65838
entrepreneurial projects, their operation, the available receipts 65839

and funds pledged, and insurance of facilities or entrepreneurial projects and of the institution, its officers and employees. 65840
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(F) Such obligations or assurances may have the seal of the institution of higher education or a facsimile thereof affixed thereto or printed thereon and shall be executed by such officers as are designated in the bond proceedings, which execution may be by facsimile signatures. Any obligations or assurances may be executed by an officer who, on the date of execution, is the proper officer although on the date of such obligations or assurances such person was not the proper officer. In case any officer whose signature or a facsimile of whose signature appears on any such obligation or assurance ceases to be such officer before delivery thereof, such signature or facsimile is nevertheless valid and sufficient for all purposes as if the person had remained such officer until such delivery; and in case the seal of the institution has been changed after a facsimile of the seal has been imprinted on such obligations or assurances, such facsimile seal continues to be sufficient as to such obligations or assurances and obligations or assurances issued in substitution or exchange therefor. 65842
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(G) All such obligations or assurances are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. The obligations or assurances may be issued in coupon or in registered form, or both. Provision may be made for the registration of any obligations or assurances with coupons attached thereto as to principal alone or as to both principal and interest, their exchange for obligations or assurances so registered, and for the conversion or reconversion into obligations or assurances with coupons attached thereto of any obligations or assurances registered as to both principal and interest, and for reasonable charges for such registration, 65860
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exchange, conversion, and reconversion. 65872

(H) Pending preparation of definitive obligations or 65873
assurances, the institution of higher education may issue interim 65874
receipts or certificates which shall be exchanged for such 65875
definitive obligations or assurances. 65876

(I) Such obligations or assurances may be secured 65877
additionally by a trust agreement or indenture between the 65878
institution of higher education and a corporate trustee, which may 65879
be any trust company or bank having the powers of a trust company 65880
within or without this state but authorized to exercise trust 65881
powers within this state. Any such agreement or indenture may 65882
contain the resolution authorizing the issuance of the obligations 65883
or assurances, any provisions that may be contained in the bond 65884
proceedings as authorized by this section, and other provisions 65885
which are customary or appropriate in an agreement or indenture of 65886
such type, including: 65887

(1) Maintenance of each pledge, trust agreement, and 65888
indenture, or other instrument comprising part of the bond 65889
proceedings until the institution of higher education has fully 65890
paid the bond service charges on the obligations or assurances 65891
secured thereby, or provision therefor has been made; 65892

(2) In the event of default in any payments required to be 65893
made by the bond proceedings, or any other agreement of the 65894
institution of higher education made as a part of the contract 65895
under which the obligations or assurances were issued, enforcement 65896
of such payments or agreement by mandamus, the appointment of a 65897
receiver, suit in equity, action at law, or any combination of the 65898
foregoing; 65899

(3) The rights and remedies of the holders of obligations or 65900
assurances and of the trustee, and provisions for protecting and 65901
enforcing them, including limitations on rights of individual 65902

holders of obligations or assurances; 65903

(4) The replacement of any obligations or assurances that 65904
become mutilated or are destroyed, lost, or stolen; 65905

(5) Such other provisions as the trustee and the institution 65906
of higher education agree upon, including limitations, conditions, 65907
or qualifications relating to any of the foregoing. 65908

(J) Each duty of the institution of higher education and its 65909
officers or employees, undertaken pursuant to the bond proceedings 65910
or any related agreement or lease made under authority of law, is 65911
hereby established as a duty of such institution, and of each such 65912
officer or employee having authority to perform such duty, 65913
specially enjoined by law resulting from an office, trust, or 65914
station within the meaning of section 2731.01 of the Revised Code. 65915
The persons who are at the time the members of the board of 65916
trustees or the managing directors of the institution or its 65917
officers or employees are not liable in their personal capacities 65918
on such obligations or assurances, or lease, or other agreement of 65919
the institution. 65920

(K) The authority to issue obligations or assurances includes 65921
authority to: 65922

(1) Issue obligations or assurances in the form of bond 65923
anticipation notes and to renew them from time to time by the 65924
issuance of new notes. Such notes are payable solely from the 65925
available receipts and funds that may be pledged to the payment of 65926
such bonds, or from the proceeds of such bonds or renewal notes, 65927
or both, as the institution of higher education provides in its 65928
resolution authorizing such notes. Such notes may be additionally 65929
secured by covenants of the institution to the effect that it will 65930
do such or all things necessary for the issuance of such bonds or 65931
renewal notes in appropriate amount, and either exchange such 65932
bonds or renewal notes therefor or apply the proceeds thereof to 65933

the extent necessary, to make full payment of the bond service charges on such notes at the time or times contemplated, as provided in such resolution. Subject to the provisions of this division, all references to obligations or assurances in this section apply to such anticipation notes.

(2) Issue obligations or assurances to refund, including funding and retirement of, obligations or assurances previously issued to pay costs of facilities or entrepreneurial projects. Such obligations or assurances may be issued in amounts sufficient for payment of the principal amount of the obligations or assurances to be so refunded, any redemption premiums thereon, principal maturities of any obligations or assurances maturing prior to the redemption of any other obligations or assurances on a parity therewith to be so refunded, interest accrued or to accrue to the maturity date or dates of redemption of such obligations or assurances, and any expenses incurred or to be incurred in connection with such refunding or the issuance of the obligations or assurances.

(L) Obligations and assurances are lawful investments for banks, societies for savings, savings and loan associations, deposit guarantee associations, trust companies, trustees, fiduciaries, insurance companies, including domestic for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other special funds of political subdivisions and taxing districts of this state, the commissioners of the sinking fund, the administrator of workers' compensation in accordance with the investment policy approved by the bureau of workers' compensation board of directors pursuant to section 4121.12 of the Revised Code, the state teachers retirement system, the public employees retirement system, the school employees retirement system, and the Ohio police and fire pension fund, notwithstanding any other provisions of the Revised Code or rules

adopted pursuant thereto by any state agency with respect to 65966
investments by them, and are also acceptable as security for the 65967
deposit of public moneys. 65968

(M) All facilities or entrepreneurial projects purchased, 65969
acquired, constructed, or owned by an institution of higher 65970
education, or financed in whole or in part by obligations or 65971
assurances issued by an institution, and used for the purposes of 65972
the institution or other publicly owned and controlled college or 65973
university, is public property used exclusively for a public 65974
purpose, and such property and the income therefrom is exempt from 65975
all taxation and assessment within this state, including ad 65976
valorem and excise taxes. The obligations or assurances, the 65977
transfer thereof, and the income therefrom, including any profit 65978
made on the sale thereof, are at all times free from taxation 65979
within the state. The transfer of tangible personal property by 65980
lease under authority of this section or section 3345.07, 3345.11, 65981
3345.36, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 65982
Code is not a sale as used in Chapter 5739. of the Revised Code. 65983

(N) The authority granted by this section is cumulative with 65984
the authority granted to institutions of higher education under 65985
Chapter 154. of the Revised Code, and nothing in this section 65986
impairs or limits the authority granted by Chapter 154. of the 65987
Revised Code. In any lease, agreement, or commitment made by an 65988
institution of higher education under Chapter 154. of the Revised 65989
Code, it may agree to restrict or subordinate any pledge it may 65990
thereafter make under authority of this section. 65991

(O) Title to lands acquired under this section and sections 65992
3345.07 and 3345.11 of the Revised Code by a state university or 65993
college shall be taken in the name of the state. 65994

(P) Except where costs of facilities or entrepreneurial 65995
projects are to be paid in whole or in part from funds 65996
appropriated by the general assembly, section 125.81 of the 65997

Revised Code and the requirement for certification with respect 65998
thereto under section 153.04 of the Revised Code do not apply to 65999
such facilities or entrepreneurial projects. 66000

(Q) A state university or college may sell or lease lands or 66001
interests in land owned by it or by the state for its use, or 66002
facilities authorized to be acquired or constructed by it under 66003
section 3345.07 or 3345.11 of the Revised Code, to permit the 66004
purchasers or lessees thereof to acquire, construct, equip, 66005
furnish, reconstruct, alter, enlarge, remodel, renovate, 66006
rehabilitate, improve, maintain, repair, or maintain and operate 66007
thereon and to provide by lease or otherwise to such institution, 66008
facilities authorized in section 3345.07 or 3345.11 of the Revised 66009
Code or entrepreneurial projects authorized under section 3345.36 66010
of the Revised Code. Such land or interests therein shall be sold 66011
for such appraised value, or leased, and on such terms as the 66012
board of trustees determines. All deeds or other instruments 66013
relating to such sales or leases shall be executed by such officer 66014
of the state university or college as the board of trustees 66015
designates. The state university or college shall hold, invest, or 66016
use the proceeds of such sales or leases for the same purposes for 66017
which proceeds of borrowings may be used under sections 3345.07 66018
and 3345.11 of the Revised Code or, if the proceeds relate to the 66019
sale or lease of entrepreneurial projects, for purposes of section 66020
3345.36 of the Revised Code. 66021

(R) An institution of higher education may pledge available 66022
receipts, to the extent permitted by division (C) of this section 66023
with respect to obligations, to secure the payments to be made by 66024
it under any lease, lease with option to purchase, or 66025
lease-purchase agreement authorized under this section or section 66026
3345.07, 3345.11, 3345.36, 3354.121, 3355.091, 3357.112, or 66027
3358.10 of the Revised Code. 66028

Sec. 3345.48. (A) As used in this section: 66029

(1) "Cohort" means a group of students who will complete their bachelor's degree requirements and graduate from a state university at the same time. A cohort may include transfer students and other selected undergraduate student academic programs as determined by the board of trustees of a state university. 66030
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(2) "Eligible student" means an undergraduate student who: 66036

(a) Is enrolled full-time in a bachelor's degree program at a state university; 66037
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(b) Is a resident of this state, as defined by the chancellor of the Ohio board of regents under section 3333.31 of the Revised Code. 66039
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(3) "State university" has the same meaning as in section 3345.011 of the Revised Code. 66042
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(B) The board of trustees of a state university may establish an undergraduate tuition guarantee program that allows eligible students in the same cohort to pay a fixed rate for general and instructional fees for four years. A board of trustees may include room and board and any additional fees in the program. 66044
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If the board of trustees chooses to establish such a program, the board shall adopt rules for the program that include, but are not limited to, all of the following: 66049
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(1) The number of credit hours required to earn an undergraduate degree in each major; 66052
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(2) A guarantee that the general and instructional fees for each student in the cohort shall remain constant for four years so long as the student complies with the requirements of the program, except that, notwithstanding any law to the contrary, the board may increase the guaranteed amount by up to six per cent above 66054
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what has been charged in the previous academic year one time for 66059
the first cohort enrolled under the tuition guarantee program. If 66060
the board of trustees determines that economic conditions or other 66061
circumstances require an increase for the first cohort of above 66062
six per cent, the board shall submit a request to increase the 66063
amount by a specified percentage to the chancellor. The 66064
chancellor, based on information the chancellor requires from the 66065
board of trustees, shall approve or disapprove such a request. 66066
Thereafter, the board of trustees may increase the guaranteed 66067
amount by up to the sum of the following above what has been 66068
charged in the previous academic year one time per subsequent 66069
cohort: 66070

(a) The average rate of inflation, as measured by the 66071
consumer price index prepared by the bureau of labor statistics of 66072
the United States department of labor (all urban consumers, all 66073
items), for the previous sixty-month period; and 66074

(b) The percentage amount the general assembly restrains 66075
increases on in-state undergraduate instructional and general fees 66076
for the applicable fiscal year. If the general assembly does not 66077
enact a limit on the increase of in-state undergraduate 66078
instructional and general fees, then no limit shall apply under 66079
this division for the cohort that first enrolls in any academic 66080
year for which the general assembly does not prescribe a limit. 66081

If, beginning with the academic year that starts four years 66082
after the effective date of this section, the board of trustees 66083
determines that the general and instructional fees charged under 66084
the tuition guarantee have fallen significantly lower than those 66085
of other state universities, the board of trustees may submit a 66086
request to increase the amount charged to a cohort by a specified 66087
percentage to the chancellor, who shall approve or disapprove such 66088
a request. 66089

(3) A benchmark by which the board sets annual increases in 66090

general and instructional fees. This benchmark and any subsequent 66091
change to the benchmark shall be subject to approval of the 66092
chancellor. 66093

(4) Eligibility requirements for students to participate in 66094
the program; 66095

(5) Student rights and privileges under the program; 66096

(6) Consequences to the university for students unable to 66097
complete a degree program within four years, as follows: 66098

(a) For a student who could not complete the program in four 66099
years due to a lack of available classes or space in classes 66100
provided by the university, the university shall provide the 66101
necessary course or courses for completion to the student free of 66102
charge. 66103

(b) For a student who could not complete the program in four 66104
years due to military service or other circumstances beyond a 66105
student's control, as determined by the board of trustees, the 66106
university shall provide the necessary course or courses for 66107
completion to the student at the student's initial cohort rate. 66108

(c) For a student who did not complete the program in four 66109
years for any other reason, as determined by the board of 66110
trustees, the university shall provide the necessary course or 66111
courses for completion to the student at a rate determined through 66112
a method established by the board under division (B)(7) of this 66113
section. 66114

(7) Guidelines for adjusting a student's annual charges if 66115
the student, due to circumstances under the student's control, is 66116
unable to complete a degree program within four years; 66117

(8) A requirement that the rules adopted under division (B) 66118
of this section be published or posted in the university handbook, 66119
course catalog, and web site. 66120

(C) If a board of trustees implements a program under this section, the board shall submit the rules adopted under division (B) of this section to the chancellor for approval before beginning implementation of the program. 66121
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The chancellor shall not unreasonably withhold approval of a program if the program conforms in principle with the parameters and guidelines of this section. 66125
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(D) A board of trustees of a state university may establish an undergraduate tuition guarantee program for nonresident students. 66128
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(E) Within five years after the effective date of this section, the chancellor shall publish on the board of regents web site a report that includes all of the following: 66131
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(1) The state universities that have adopted an undergraduate tuition guarantee program under this section; 66134
66135

(2) The details of each undergraduate tuition guarantee program established under this section; 66136
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(3) Comparative data, including general and instructional fees, room and board, graduation rates, and retention rates, from all state universities. 66138
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Sec. 3345.81. Not later than June 30, 2014, the board of trustees of each institution of higher education, as defined by section 3345.12 of the Revised Code, shall adopt an institution-specific strategic completion plan designed to increase the number of degrees and certificates awarded to students. The plan shall be consistent with the mission and strategic priorities of the institution, include measureable student completion goals, and align with the state's workforce development priorities. Upon adoption by the board of trustees, each institution of higher education shall provide a copy of its 66141
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plan to the chancellor of the Ohio board of regents. 66151

The board of trustees of each institution of higher education 66152
shall update its plan at least once every two years and provide a 66153
copy of their updated plan to the chancellor upon adoption. 66154

Sec. 3350.15. The northeast Ohio medical university may enter 66155
into a partnership with Cleveland state university to establish 66156
the northeast Ohio medical university academic campus at Cleveland 66157
state university, to enable fifty per cent or more of the medical 66158
curriculum taught to students enrolled under this partnership to 66159
be based in Cleveland at Cleveland state university, local 66160
hospitals, and community- and neighborhood-based primary care 66161
clinics. Cleveland state university shall not receive state 66162
capital appropriations to pay for facilities for the academic 66163
campus. 66164

Sec. 3353.01. As used in this chapter: 66165

(A) "Educational television or radio" means television or 66166
radio programs which serve the educational needs of the community 66167
and which meet the requirements of the federal communications 66168
commission for noncommercial educational television or radio. 66169

(B) "Educational telecommunications network" means a system 66170
of connected educational television, radio, or radio reading 66171
service facilities and coordinated programs established and 66172
operated or controlled by the ~~eTech Ohio~~ broadcast educational 66173
media commission, pursuant to this chapter. 66174

(C) "Transmission" means the sending out of television, 66175
radio, or radio reading service programs, either directly to the 66176
public, or to broadcasting stations or services for simultaneous 66177
broadcast or rebroadcast. 66178

(D) "Transmission facilities" means structures, equipment, 66179

material, and services used in the transmission of educational 66180
television, radio, or radio reading service programs. 66181

(E) "Interconnection facilities" means the equipment, 66182
material, and services used to link one location to another 66183
location or to several locations by means of telephone line, 66184
coaxial cable, microwave relays, or other available technologies. 66185

(F) "Broadcasting station" means a properly licensed 66186
noncommercial educational television or radio station, 66187
appropriately staffed and equipped to produce programs or lessons 66188
and to broadcast programs. 66189

(G) "Radio reading service" means a nonprofit organization 66190
that disseminates news and other information to blind and 66191
physically handicapped persons. 66192

(H) "Affiliate" means an educational telecommunication 66193
entity, including a television or radio broadcasting station or 66194
radio reading service. 66195

Sec. 3353.02. (A) There is hereby created the ~~eTech-Ohio~~ 66196
broadcast educational media commission as an independent agency to 66197
advance education and accelerate the learning of the citizens of 66198
this state through ~~technology~~ public educational broadcasting 66199
services. The commission shall provide leadership and support in 66200
extending the knowledge of the citizens of this state by promoting 66201
access to and use of ~~all forms of educational technology~~ 66202
broadcasting services, including educational television and radio, 66203
and radio reading services, ~~broadband networks, videotapes,~~ 66204
~~compact discs, digital video on demand (DVD), and the internet.~~ 66205
The commission also shall administer programs to provide financial 66206
and other assistance to ~~school districts and other educational~~ 66207
~~institutions for the acquisition and utilization of educational~~ 66208
~~technology~~ television and radio and radio reading services. 66209

The commission is a body corporate and politic, an agency of the state performing essential governmental functions of the state.

(B) The commission shall consist of ~~thirteen~~ fifteen members, ~~nine~~ eleven of whom shall be voting members. ~~Six~~ Nine of the voting members shall be representatives of the public selected from among leading citizens in the state who have demonstrated interest in educational broadcast media through service on boards or advisory councils of educational television stations, educational radio stations, educational technology agencies, or radio reading services. Of the representatives of the public, ~~four~~ three shall be appointed by the governor with the advice and consent of the senate, ~~one~~ three shall be appointed by the speaker of the house of representatives, and ~~one~~ three shall be appointed by the president of the senate. Not more than two members appointed by the speaker of the house of representatives and not more than two members appointed by the president of the senate shall be of the same political party. The superintendent of public instruction or a designee of the superintendent, ~~and~~ the chancellor of the Ohio board of regents or a designee of the chancellor, ~~and the state chief information officer or a designee of the officer~~ shall be ex officio voting members. Of the nonvoting members, two shall be members of the house of representatives appointed by the speaker of the house of representatives and two shall be members of the senate appointed by the president of the senate. The members appointed from each chamber shall not be members of the same political party.

(C) Initial terms of office for appointed voting members ~~appointed by the governor~~ shall be ~~one year for~~ as follows:

(1) For one member, two years for one member, three years for one member, and four years for one member appointed by each of the governor, speaker of the house of representatives, and president

of the senate, one year; 66242

(2) For one member appointed by each of the governor, speaker 66243
of the house of representatives, and president of the senate, two 66244
years; 66245

(3) For one member appointed by each of the governor, speaker 66246
of the house of representatives, and president of the senate, 66247
three years. At the first meeting of the commission, such members 66248
~~appointed by the governor~~ shall draw lots to determine the length 66249
of the term each member will serve. Thereafter, terms of office 66250
for such members ~~appointed by the governor~~ shall be for four 66251
years. ~~Terms of office for voting members appointed by the speaker~~ 66252
~~of the house of representatives and the president of the senate~~ 66253
~~shall be for four years.~~ Any member who is a representative of the 66254
public may be reappointed by the member's respective appointing 66255
authority, but no such member may serve more than two consecutive 66256
four-year terms. Such a member may be removed by the member's 66257
respective appointing authority for cause. 66258

Any legislative member appointed by the speaker of the house 66259
of representatives or the president of the senate who ceases to be 66260
a member of the legislative chamber from which the member was 66261
appointed shall cease to be a member of the commission. The 66262
speaker of the house of representatives and the president of the 66263
senate may remove their respective appointments to the commission 66264
at any time. 66265

(D) Vacancies among appointed members shall be filled in the 66266
manner provided for original appointments. Any member appointed to 66267
fill a vacancy occurring prior to the expiration of the term for 66268
which the member's predecessor was appointed shall hold office for 66269
the remainder of that term. Any appointed member shall continue in 66270
office subsequent to the expiration of that member's term until 66271
the member's successor takes office or until a period of sixty 66272
days has elapsed, whichever occurs first. 66273

(E) Members of the commission shall serve without 66274
compensation. The members who are representatives of the public 66275
shall be reimbursed, pursuant to office of budget and management 66276
guidelines, for actual and necessary expenses incurred in the 66277
performance of official duties. 66278

(F) The governor shall appoint the chairperson of the 66279
commission from among the commission's public voting members. The 66280
chairperson shall serve a term of two years and may be 66281
reappointed. The commission shall elect other officers as 66282
necessary from among its voting members and shall prescribe its 66283
rules of procedure. 66284

~~(G) The commission shall establish advisory groups as needed 66285
to address topics of interest and to provide guidance to the 66286
commission regarding educational technology issues and the 66287
technology needs of educators, learners, and the public. Members 66288
of each advisory group shall be appointed by the commission and 66289
shall include representatives of individuals or organizations with 66290
an interest in the topic addressed by the advisory group. 66291~~

Sec. 3353.03. (A) The ~~eTech Ohio~~ broadcast educational media 66292
commission shall appoint an executive director, who shall serve at 66293
the pleasure of the commission. The executive director shall have 66294
no authority other than that provided by law or delegated to the 66295
executive director by the commission. The executive director shall 66296
do all of the following: 66297

(1) Direct ~~commission employees in~~ the administration of all 66298
programs of the commission; 66299

(2) Provide leadership and support in extending the knowledge 66300
of the citizens of this state by promoting equal access to and use 66301
of ~~all forms of educational technology~~ broadcast media, as 66302
directed by the commission; 66303

(3) Provide financial and other assistance to ~~school~~ 66304
~~districts,~~ educational television and radio stations, radio 66305
reading services, ~~educational technology organizations, and other~~ 66306
~~educational institutions for the acquisition and utilization of~~ 66307
~~educational technology~~ and related organizations and activities; 66308

(4) Implement policies and directives issued by the 66309
commission; 66310

(5) Perform other duties authorized by the commission. 66311

(B) The commission shall fix the compensation of the 66312
executive director. The executive director shall employ and fix 66313
the compensation for such employees as necessary to facilitate the 66314
activities and purposes of the commission. The employees shall 66315
serve at the pleasure of the executive director. 66316

(C) The employees of the commission shall be placed in the 66317
unclassified service. 66318

(D)(1) Except as provided in division (D)(2) of this section, 66319
the employees of the commission shall be exempt from Chapter 4117. 66320
of the Revised Code and shall not be public employees as defined 66321
in section 4117.01 of the Revised Code. 66322

(2) All employees of the commission who transferred to the 66323
commission from one of the commission's predecessor agencies upon 66324
the commission's creation and, when employed by the predecessor 66325
agency were included in a bargaining unit established under 66326
Chapter 4117. of the Revised Code, shall continue to be included 66327
in that bargaining unit, are public employees as defined in 66328
section 4117.01 of the Revised Code, and may collectively bargain 66329
with the commission in accordance with that chapter. Otherwise, 66330
any employee hired by the commission after July 1, 2005, either to 66331
fill vacancies or to fill new positions, shall be exempt from 66332
Chapter 4117. of the Revised Code and shall not be public 66333
employees as defined in section 4117.10 of the Revised Code. 66334

~~Sec. 3353.04. (A) The eTech Ohio broadcast educational media commission may perform any act necessary to carry out the functions of this chapter, including any of the following:~~

~~(1) Make grants to institutions and other organizations as prescribed by the general assembly for the provision of technical assistance, professional development, and other support services to enable school districts, community schools established under Chapter 3314. of the Revised Code, other educational institutions, and affiliates to utilize educational technology;~~

~~(2) Establish a reporting system for school districts, community schools, other educational institutions, affiliates, and educational technology organizations that receive financial assistance from the commission. The system may require the reporting of information regarding the manner in which the assistance was expended, the manner in which the equipment or services purchased with the assistance is being utilized, the results or outcome of the utilization, the manner in which the utilization is compatible with the statewide academic standards adopted by the state board of education pursuant to section 3301.079 of the Revised Code, and any other information determined by the commission.~~

~~(3) Ensure that, where appropriate, products produced by any entity to which the commission provides financial assistance for use in elementary and secondary education are aligned with the statewide academic standards adopted by the state board pursuant to section 3301.079 of the Revised Code;~~

~~(4) Promote accessibility ~~to~~ through broadcasting services of educational products aligned with the statewide academic standards, adopted by the state board pursuant to section 3301.079 of the Revised Code, for school districts, community schools, and other entities serving grades kindergarten through twelve;~~

~~(5)~~(2) Own or operate transmission facilities and 66366
interconnection facilities, or contract for transmission 66367
facilities and interconnection facilities, for an educational 66368
television, radio, or radio reading service network; 66369

~~(6)~~(3) Establish standards for interconnection facilities 66370
used by the commission in the transmission of educational 66371
television, radio, or radio reading service programming; 66372

~~(7)~~(4) Enter into agreements with noncommercial educational 66373
television or radio broadcasting stations or radio reading 66374
services for the operation of the interconnection; 66375

~~(8)~~(5) Enter into agreements with noncommercial educational 66376
television or radio broadcasting stations or radio reading 66377
services for the production and use of educational television, 66378
radio, or radio reading service programs to be transmitted by the 66379
educational telecommunications network; 66380

~~(9)~~(6) Execute contracts and other agreements necessary and 66381
desirable to carry out the purposes of this chapter and other 66382
duties prescribed to the commission by law or authorize the 66383
executive director of the commission to execute such contracts and 66384
agreements on the commission's behalf; 66385

~~(10)~~(7) Act as consultant with educational television and 66386
educational radio stations and radio reading services toward 66387
coordination within the state of the distribution of federal funds 66388
that may become available for equipment for educational 66389
broadcasting or radio reading services; 66390

~~(11)~~(8) Make payments to noncommercial Ohio educational 66391
television or radio broadcasting stations or radio reading 66392
services to sustain the operation of such stations or services; 66393

~~(12)~~(9) In consultation with participants in programs 66394
administered by the commission, establish guidelines governing 66395
purchasing and procurement that facilitate the timely and 66396

effective implementation of such programs; 66397

~~(13)~~(10) In consultation with participants in programs 66398
administered by the commission, consider the efficiency and cost 66399
savings of statewide procurement prior to allocating and releasing 66400
funds for such programs; 66401

~~(14)~~(11) In consultation with participants in programs 66402
administered by the commission, establish a systems support 66403
network to facilitate the timely implementation of the programs 66404
and other projects and activities for which the commission 66405
provides assistance. 66406

(B) Chapters 123., 124., 125., and 153. of the Revised Code 66407
and sections 9.331 to 9.335 of the Revised Code do not apply to 66408
contracts, programs, projects, or activities of the commission. 66409

Sec. 3353.06. (A) The affiliates services fund is hereby 66410
created in the state treasury. The ~~eTech Ohio~~ broadcast 66411
educational media commission shall deposit any money it receives 66412
for services provided to affiliates to the credit of the fund, 66413
including: 66414

(1) Reimbursements for services provided to stations; 66415

(2) Charges levied for maintenance of telecommunications, 66416
broadcasting, or transmission equipment; 66417

(3) Contract or grant payments from affiliates. 66418

(B) The commission shall use money credited to the affiliates 66419
services fund for any commission operating purposes, including: 66420

(1) The purchase, repair, or maintenance of 66421
telecommunications, broadcasting, or transmission equipment; 66422

(2) The purchase or lease of educational programming; 66423

(3) The purchase of tape and digital media storage and 66424
maintenance of a media library; 66425

- (4) ~~Professional development programs and services;~~ 66426
(5) Administrative expenses. 66427

Sec. 3353.07. (A) There is hereby created the Ohio government 66428
telecommunications service. The Ohio government telecommunications 66429
service shall provide the state government and affiliated 66430
organizations with multimedia support including audio, visual, and 66431
internet services, multimedia streaming, and hosting multimedia 66432
programs. 66433

Services relating to the official activities of the general 66434
assembly and the executive offices provided by the Ohio government 66435
telecommunications service shall be funded through grants to a 66436
~~public~~ an educational television broadcasting station that will 66437
manage the staff and provide the services of the Ohio government 66438
telecommunications service. The Ohio educational television 66439
stations shall select a member station to manage the Ohio 66440
government telecommunications service. The Ohio government 66441
telecommunications service shall receive grants from, or contract 66442
with, any of the three branches of Ohio government, and their 66443
affiliates, to provide additional services. Services provided by 66444
the Ohio government telecommunications service shall not be used 66445
for political purposes included in campaign materials, or 66446
otherwise used to influence an election, legislation, issue, 66447
judicial decision, or other policy of state government. 66448

(B)(1) There is hereby created the legislative programming 66449
committee of the Ohio government telecommunications service that 66450
shall consist of the president of the senate, speaker of the house 66451
of representatives, minority leader of the senate, and minority 66452
leader of the house of representatives, or their designees, and 66453
the clerks of the senate and house of representatives as 66454
nonvoting, ex officio members. By a vote of a majority of its 66455
members, the program committee may add additional members to the 66456

committee. 66457

(2) The legislative programming committee shall adopt rules 66458
that govern the operation of the Ohio government 66459
telecommunications service relating to the general assembly and 66460
any affiliated organizations. 66461

Sec. 3365.01. As used in this chapter: 66462

(A) "College" means any state-assisted college or university 66463
described in section 3333.041 of the Revised Code, any nonprofit 66464
institution holding a certificate of authorization pursuant to 66465
Chapter 1713. of the Revised Code, any private institution exempt 66466
from regulation under Chapter 3332. of the Revised Code as 66467
prescribed in section 3333.046 of the Revised Code, and any 66468
institution holding a certificate of registration from the state 66469
board of career colleges and schools and program authorization for 66470
an associate or bachelor's degree program issued under section 66471
3332.05 of the Revised Code. 66472

(B) "School district," except as specified in division (G) of 66473
this section, means any school district to which a student is 66474
admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 66475
the Revised Code and does not include a joint vocational or 66476
cooperative education school district. 66477

(C) "Parent" has the same meaning as in section 3313.64 of 66478
the Revised Code. 66479

(D) "Participant" means a student enrolled in a college under 66480
the post-secondary enrollment options program established by this 66481
chapter, including a student who has been excused from the 66482
compulsory attendance law for the purpose of home instruction 66483
under section 3321.04 of the Revised Code. 66484

(E) "Secondary grade" means the ninth through twelfth grades. 66485

(F) "School foundation payments" means the amount required to 66486

be paid to a school district for a fiscal year under Chapter 3317. 66487
of the Revised Code. 66488

(G) "Tuition base" means, ~~with respect to a participant's~~ 66489
~~school district, the sum of the formula amount plus the per pupil~~ 66490
~~amount of the base funding supplements specified in divisions~~ 66491
~~(C)(1) to (4) of section 3317.012 3317.02 of the Revised Code for~~ 66492
~~the applicable fiscal year 2009.~~ 66493

~~The participant's "school district" in the case of a~~ 66494
~~participant enrolled in a community school shall be the school~~ 66495
~~district in which the student is entitled to attend school under~~ 66496
~~section 3313.64 or 3313.65 of the Revised Code.~~ 66497

(H) "Educational program" means enrollment in one or more 66498
school districts, in a nonpublic school, or in a college under 66499
division (B) of section 3365.04 of the Revised Code. 66500

(I) "Nonpublic school" means a chartered or nonchartered 66501
school for which minimum standards are prescribed by the state 66502
board of education pursuant to division (D) of section 3301.07 of 66503
the Revised Code. 66504

(J) "School year" means the year beginning on the first day 66505
of July and ending on the thirtieth day of June. 66506

(K) "Community school" means any school established pursuant 66507
to Chapter 3314. of the Revised Code that includes secondary 66508
grades. 66509

(L) "STEM school" means a science, technology, engineering, 66510
and mathematics school established under Chapter 3326. of the 66511
Revised Code. 66512

Sec. 3365.02. There is hereby established the post-secondary 66513
enrollment options program under which a secondary grade student 66514
who is a resident of this state may enroll at a college, on a 66515
full- or part-time basis, and complete nonsectarian courses for 66516

high school and college credit. 66517

Secondary grade students in a nonpublic school may 66518
participate in the post-secondary enrollment options program if 66519
the chief administrator of such school notifies the department of 66520
education by the first day of April prior to the school year in 66521
which the school's students will participate. 66522

The state board of education, after consulting with the board 66523
of regents, shall adopt rules governing the program. The rules 66524
shall include: 66525

(A) Requirements for school districts, community schools, or 66526
participating nonpublic schools to provide information about the 66527
program prior to the first day of March of each year to all 66528
students enrolled in grades eight through eleven; 66529

(B) A requirement that a student or the student's parent 66530
inform the district board of education, the governing authority of 66531
a community school, the STEM school chief administrative officer, 66532
or the nonpublic school administrator by the thirtieth day of 66533
March of the student's intent to participate in the program during 66534
the following school year. The rule shall provide that any student 66535
who fails to provide the notification by the required date may not 66536
participate in the program during the following school year 66537
without the written consent of the district superintendent, the 66538
governing authority of a community school, the STEM school chief 66539
administrative officer, or the nonpublic school administrator. 66540

(C) Requirements that school districts, community schools, 66541
and STEM schools provide counseling services to students in grades 66542
eight through eleven and to their parents before the students 66543
participate in the program under this chapter to ensure that 66544
students and parents are fully aware of the possible risks and 66545
consequences of participation. Counseling information shall 66546
include without limitation: 66547

(1) Program eligibility;	66548
(2) The process for granting academic credits;	66549
(3) Financial arrangements for tuition, books, materials, and fees;	66550 66551
(4) Criteria for any transportation aid;	66552
(5) Available support services;	66553
(6) Scheduling;	66554
(7) The consequences of failing or not completing a course in which the student enrolls and the effect of the grade attained in the course being included in the student's grade point average, if applicable;	66555 66556 66557 66558
(8) The effect of program participation on the student's ability to complete the district's or school's graduation requirements;	66559 66560 66561
(9) The academic and social responsibilities of students and parents under the program;	66562 66563
(10) Information about and encouragement to use the counseling services of the college in which the student intends to enroll.	66564 66565 66566
<u>(11) A list of all institutions of higher education that currently participate in the program or in another dual enrollment program, as defined in section 3313.6013 of the Revised Code, compiled and distributed by the department of education pursuant to division (G) of this section.</u>	66567 66568 66569 66570 66571
(D) A requirement that the student and the student's parent sign a form, provided by the school district or school, stating that they have received the counseling required by division (C) of this section and that they understand the responsibilities they must assume in the program;	66572 66573 66574 66575 66576

(E) The options required by section 3365.04 of the Revised Code; 66577
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(F) ~~A requirement that a student may not enroll in any specific college course through the program if the student has taken high school courses in the same subject area as that college course and has failed to attain a cumulative grade point average of at least 3.0 on a 4.0 scale, or the equivalent, in such completed high school courses~~ A requirement that student participation in the program be based solely on a participating college's established placement standards for college-level courses for which credit is awarded. 66579
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(G) A requirement that the department of education annually compile a list of all institutions of higher education that currently participate in the program or in another dual enrollment program as defined in section 3313.6013 of the Revised Code and, not later than the thirty-first day of December of each school year, distribute this list to all school districts, community schools, STEM schools, and chartered nonpublic schools in the state. 66588
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Sec. 3365.021. The chief administrator of any nonpublic school notifying the department of education that students of the school will participate in the post-secondary enrollment options program shall provide counseling to students in grades eight through eleven and to their parents before the students participate in the program to ensure that students and parents are fully aware of the possible risks and consequences of participation. Such counseling shall include explaining the fact that funding may be limited and that not all students who wish to participate may be able to do so. 66596
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The chief administrator also shall provide students and parents with a list of all institutions of higher education that 66606
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currently participate in the program or in another dual enrollment program as defined in section 3313.6013 of the Revised Code, compiled and distributed by the department of education pursuant to division (G) of section 3365.02 of the Revised Code. 66608
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Sec. 3365.022. (A) Beginning July 1, 2013, a student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code, and is the equivalent of a ninth, tenth, eleventh, or twelfth grader may participate in the post-secondary enrollment options program established under this chapter. 66612
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(B)(1) If a student meets the criteria established in division (A) of this section and wishes to participate in the post-secondary enrollment options program, the parent or guardian of that student shall notify the department of education by the first day of April prior to the school year in which the student wishes to participate. 66618
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(2) For the 2013-2014 school year, the department may accept applications at a later date if that student wishes to participate in the program during the 2013-2014 school year. 66624
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(C) Pursuant to rules adopted by the state board of education under section 3365.02 of the Revised Code, payments to a participating college, in which home-instructed students enrolled pursuant to this section, shall be made in the same manner as payments made for participating students from nonpublic secondary schools, pursuant to section 3365.07 of the Revised Code. 66627
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Sec. 3365.07. (A) The rules adopted under section 3365.02 of the Revised Code shall specify a method for each of the following: 66633
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(1) Determining, with respect to any participant, the percentage of a full-time educational program constituted by the participant's total educational program. That percentage shall be 66635
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the participant's full-time equivalency percentage for purposes of 66638
the computation required by division (B)(1) of this section. 66639

(2) In the case of a participant who is not enrolled in a 66640
participating nonpublic school, determining the percentage of a 66641
participant's school day during which the participant is 66642
participating in each of the following: 66643

(a) Programs provided by the city, local, or exempted village 66644
school district, a community school, or a STEM school; 66645

(b) Programs provided by a joint vocational school district; 66646

(c) Programs provided by a college under division (B) of 66647
section 3365.04 of the Revised Code. 66648

The sum of divisions (A)(2)(a) to (c) of this section shall equal 66649
one hundred per cent. 66650

(3) In the case of a participant who is not enrolled in a 66651
participating nonpublic school, determining the percentage of a 66652
participant's enrollment that shall be deemed to be enrollment in 66653
a joint vocational school district and the percentage that shall 66654
be deemed to be enrollment in a city, local, or exempted village 66655
school district. The sum of such percentages shall equal one 66656
hundred per cent. 66657

(4) In the case of a participant who is enrolled in a 66658
participating nonpublic school, determining the percentage of a 66659
participant's school day during which the participant is 66660
participating in programs provided by a college under division (B) 66661
of section 3365.04 of the Revised Code. 66662

(B) Each July, unless provided otherwise in an alternative 66663
funding agreement entered into under rules adopted under section 66664
3365.12 of the Revised Code, the department of education shall pay 66665
each college for any participant enrolled in the college in the 66666
prior school year under division (B) of section 3365.04 of the 66667

Revised Code an amount computed as follows: 66668

(1) Multiply the tuition base by the participant's full-time 66669
equivalency percentage and multiply the resulting amount by a 66670
percentage equal to the percentage of the participant's school day 66671
apportioned to the college under division (A)(2)(c) or (4) of this 66672
section, as applicable. 66673

(2) Pay the college the lesser of: 66674

(a) The amount computed under division (B)(1) of this 66675
section; 66676

(b) The actual costs that would have been the responsibility 66677
of the participant had the participant elected to enroll under 66678
division (A) of section 3365.04 of the Revised Code, as verified 66679
by the department, of tuition, textbooks, materials, and fees 66680
directly related to any courses elected by the participant during 66681
the prior school year under division (B) of section 3365.04 of the 66682
Revised Code. 66683

(C) The department shall not reimburse ~~any~~ a college for any 66684
of the following: 66685

(1) A college course taken by a participant under division 66686
(A) of section 3365.04 of the Revised Code; 66687

(2) A remedial college course taken by a participant. 66688

(D) If the participant was not enrolled in a participating 66689
nonpublic school, the amount paid under division (B) of this 66690
section for each participant shall be subtracted from the school 66691
foundation payments made to the participant's school district or, 66692
if the participant was enrolled in a community school or a STEM 66693
school, from the payments made to the participant's school under 66694
section 3314.08 or 3326.33 of the Revised Code. If the participant 66695
was enrolled in a joint vocational school district, a portion of 66696
the amount shall be subtracted from the payments to the joint 66697

vocational school district and a portion shall be subtracted from 66698
the payments to the participant's city, local, or exempted village 66699
school district. The amount of the payment subtracted from the 66700
city, local, or exempted village school district shall be computed 66701
as follows: 66702

(1) Add the following: 66703

(a) The percentage of the participant's enrollment in the 66704
school district, determined under division (A)(3) of this section; 66705
and 66706

(b) Twenty-five per cent times the percentage of the 66707
participant's enrollment in the joint vocational school district, 66708
determined under division (A)(3) of this section. 66709

(2) Multiply the sum obtained under division (D)(1) of this 66710
section by the amount computed under division (B)(2) of this 66711
section. 66712

The balance of the payment shall be subtracted from the joint 66713
vocational district's school foundation payments. 66714

(E) If the participant was enrolled in a participating 66715
nonpublic school, the amount paid under division (B) of this 66716
section shall be subtracted from moneys set aside by the general 66717
assembly for such purpose from funds appropriated for the purposes 66718
of section 3317.06 of the Revised Code. 66719

Sec. 3365.12. The superintendent of public instruction and 66720
the chancellor of the Ohio board of regents jointly may adopt 66721
rules in accordance with Chapter 119. of the Revised Code 66722
permitting a board of education of a school district or joint 66723
vocational school district, governing authority of a community 66724
school, governing body of a STEM school, or governing authority of 66725
a participating nonpublic school to enter into an agreement with a 66726
college or university to use an alternate funding formula to 66727

calculate, or an alternate method to transmit, the amount the 66728
college or university would be paid for a student participating in 66729
a program under this chapter, including the program known as 66730
seniors to sophomores. 66731

Rules adopted under this section may include, but need not be 66732
limited to, any of the following alternative funding options: 66733

(A) Direct payment of funds necessary to support students 66734
participating in a program under this chapter, including the 66735
seniors to sophomores program, by the school district, joint 66736
vocational school district, community school, STEM school, or any 66737
combination thereof, to the college or university in which the 66738
student enrolled; 66739

(B) Alternate funding formulas to calculate the amount of 66740
money to be paid to colleges for participants; 66741

(C) A negotiated amount to be paid, as agreed by the school 66742
district, joint vocational school district, community school, or 66743
STEM school and the college or university. 66744

Rules adopted under this section shall prohibit any 66745
alternative funding option to include charging a student 66746
participating in the program under this chapter any tuition or 66747
fees. 66748

Sec. 3501.01. As used in the sections of the Revised Code 66749
relating to elections and political communications: 66750

(A) "General election" means the election held on the first 66751
Tuesday after the first Monday in each November. 66752

(B) "Regular municipal election" means the election held on 66753
the first Tuesday after the first Monday in November in each 66754
odd-numbered year. 66755

(C) "Regular state election" means the election held on the 66756

first Tuesday after the first Monday in November in each 66757
even-numbered year. 66758

(D) "Special election" means any election other than those 66759
elections defined in other divisions of this section. A special 66760
election may be held only on the first Tuesday after the first 66761
Monday in February, May, August, or November, or on the day 66762
authorized by a particular municipal or county charter for the 66763
holding of a primary election, except that in any year in which a 66764
presidential primary election is held, no special election shall 66765
be held in February or May, except as authorized by a municipal or 66766
county charter, but may be held on the first Tuesday after the 66767
first Monday in March. 66768

(E)(1) "Primary" or "primary election" means an election held 66769
for the purpose of nominating persons as candidates of political 66770
parties for election to offices, and for the purpose of electing 66771
persons as members of the controlling committees of political 66772
parties and as delegates and alternates to the conventions of 66773
political parties. Primary elections shall be held on the first 66774
Tuesday after the first Monday in May of each year except in years 66775
in which a presidential primary election is held. 66776

(2) "Presidential primary election" means a primary election 66777
as defined by division (E)(1) of this section at which an election 66778
is held for the purpose of choosing delegates and alternates to 66779
the national conventions of the major political parties pursuant 66780
to section 3513.12 of the Revised Code. Unless otherwise 66781
specified, presidential primary elections are included in 66782
references to primary elections. In years in which a presidential 66783
primary election is held, all primary elections shall be held on 66784
the first Tuesday after the first Monday in March except as 66785
otherwise authorized by a municipal or county charter. 66786

(F) "Political party" means any group of voters meeting the 66787
requirements set forth in section 3517.01 of the Revised Code for 66788

the formation and existence of a political party. 66789

(1) "Major political party" means any political party 66790
organized under the laws of this state whose candidate for 66791
governor or nominees for presidential electors received no less 66792
than twenty per cent of the total vote cast for such office at the 66793
most recent regular state election. 66794

(2) "Intermediate political party" means any political party 66795
organized under the laws of this state whose candidate for 66796
governor or nominees for presidential electors received less than 66797
twenty per cent but not less than ten per cent of the total vote 66798
cast for such office at the most recent regular state election. 66799

(3) "Minor political party" means any political party 66800
organized under the laws of this state whose candidate for 66801
governor or nominees for presidential electors received less than 66802
ten per cent but not less than five per cent of the total vote 66803
cast for such office at the most recent regular state election or 66804
which has filed with the secretary of state, subsequent to any 66805
election in which it received less than five per cent of such 66806
vote, a petition signed by qualified electors equal in number to 66807
at least one per cent of the total vote cast for such office in 66808
the last preceding regular state election, except that a newly 66809
formed political party shall be known as a minor political party 66810
until the time of the first election for governor or president 66811
which occurs not less than twelve months subsequent to the 66812
formation of such party, after which election the status of such 66813
party shall be determined by the vote for the office of governor 66814
or president. 66815

(G) "Dominant party in a precinct" or "dominant political 66816
party in a precinct" means that political party whose candidate 66817
for election to the office of governor at the most recent regular 66818
state election at which a governor was elected received more votes 66819
than any other person received for election to that office in such 66820

precinct at such election. 66821

(H) "Candidate" means any qualified person certified in 66822
accordance with the provisions of the Revised Code for placement 66823
on the official ballot of a primary, general, or special election 66824
to be held in this state, or any qualified person who claims to be 66825
a write-in candidate, or who knowingly assents to being 66826
represented as a write-in candidate by another at either a 66827
primary, general, or special election to be held in this state. 66828

(I) "Independent candidate" means any candidate who claims 66829
not to be affiliated with a political party, and whose name has 66830
been certified on the office-type ballot at a general or special 66831
election through the filing of a statement of candidacy and 66832
nominating petition, as prescribed in section 3513.257 of the 66833
Revised Code. 66834

(J) "Nonpartisan candidate" means any candidate whose name is 66835
required, pursuant to section 3505.04 of the Revised Code, to be 66836
listed on the nonpartisan ballot, including all candidates for 66837
judicial office, for member of any board of education, for 66838
municipal or township offices in which primary elections are not 66839
held for nominating candidates by political parties, and for 66840
offices of municipal corporations having charters that provide for 66841
separate ballots for elections for these offices. 66842

(K) "Party candidate" means any candidate who claims to be a 66843
member of a political party, whose name has been certified on the 66844
office-type ballot at a general or special election through the 66845
filing of a declaration of candidacy and petition of candidate, 66846
and who has won the primary election of the candidate's party for 66847
the public office the candidate seeks or is selected by party 66848
committee in accordance with section 3513.31 of the Revised Code. 66849

(L) "Officer of a political party" includes, but is not 66850
limited to, any member, elected or appointed, of a controlling 66851

committee, whether representing the territory of the state, a 66852
district therein, a county, township, a city, a ward, a precinct, 66853
or other territory, of a major, intermediate, or minor political 66854
party. 66855

(M) "Question or issue" means any question or issue certified 66856
in accordance with the Revised Code for placement on an official 66857
ballot at a general or special election to be held in this state. 66858

(N) "Elector" or "qualified elector" means a person having 66859
the qualifications provided by law to be entitled to vote. 66860

(O) "Voter" means an elector who votes at an election. 66861

(P) "Voting residence" means that place of residence of an 66862
elector which shall determine the precinct in which the elector 66863
may vote. 66864

(Q) "Precinct" means a district within a county established 66865
by the board of elections of such county within which all 66866
qualified electors having a voting residence therein may vote at 66867
the same polling place. 66868

(R) "Polling place" means that place provided for each 66869
precinct at which the electors having a voting residence in such 66870
precinct may vote. 66871

(S) "Board" or "board of elections" means the board of 66872
elections appointed in a county pursuant to section 3501.06 of the 66873
Revised Code. 66874

(T) "Political subdivision" means a county, township, city, 66875
village, or school district. 66876

(U) "Election officer" or "election official" means any of 66877
the following: 66878

(1) Secretary of state; 66879

(2) Employees of the secretary of state serving the division 66880
of elections in the capacity of attorney, administrative officer, 66881

administrative assistant, elections administrator, office manager, or clerical supervisor;	66882 66883
(3) Director of a board of elections;	66884
(4) Deputy director of a board of elections;	66885
(5) Member of a board of elections;	66886
(6) Employees of a board of elections;	66887
(7) Precinct polling place judges;	66888
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	66889 66890
(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.	66891 66892 66893 66894 66895 66896 66897
(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.	66898 66899 66900 66901
(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or any other public or government office or agency that implements a program designed and administered by the secretary of state for registering voters, including the department of job and family services, the program administered under section 3701.132 of the	66902 66903 66904 66905 66906 66907 66908 66909 66910 66911

Revised Code by the department of health, the department of ~~mental~~ 66912
~~health~~ mental health and addiction services, the department of 66913
developmental disabilities, the ~~rehabilitation services commission~~ 66914
opportunities for Ohioans with disabilities agency, and any other 66915
agency the secretary of state designates. "Designated agency" does 66916
not include public high schools and vocational schools, public 66917
libraries, or the office of a county treasurer. 66918

(Y) "National Voter Registration Act of 1993" means the 66919
"National Voter Registration Act of 1993," 107 Stat. 77, 42 66920
U.S.C.A. 1973gg. 66921

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 66922
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 66923

(AA) "Photo identification" means a document that meets each 66924
of the following requirements: 66925

(1) It shows the name of the individual to whom it was 66926
issued, which shall conform to the name in the poll list or 66927
signature pollbook. 66928

(2) It shows the current address of the individual to whom it 66929
was issued, which shall conform to the address in the poll list or 66930
signature pollbook, except for a driver's license or a state 66931
identification card issued under section 4507.50 of the Revised 66932
Code, which may show either the current or former address of the 66933
individual to whom it was issued, regardless of whether that 66934
address conforms to the address in the poll list or signature 66935
pollbook. 66936

(3) It shows a photograph of the individual to whom it was 66937
issued. 66938

(4) It includes an expiration date that has not passed. 66939

(5) It was issued by the government of the United States or 66940
this state. 66941

Sec. 3517.01. (A)(1) A political party within the meaning of 66942
Title XXXV of the Revised Code is any group of voters that, at the 66943
most recent regular state election, polled for its candidate for 66944
governor in the state or nominees for presidential electors at 66945
least five per cent of the entire vote cast for that office or 66946
that filed with the secretary of state, subsequent to any election 66947
in which it received less than five per cent of that vote, a 66948
petition signed by qualified electors equal in number to at least 66949
one per cent of the total vote for governor or nominees for 66950
presidential electors at the most recent election, declaring their 66951
intention of organizing a political party, the name of which shall 66952
be stated in the declaration, and of participating in the 66953
succeeding primary election, held in even-numbered years, that 66954
occurs more than one hundred twenty days after the date of filing. 66955
No such group of electors shall assume a name or designation that 66956
is similar, in the opinion of the secretary of state, to that of 66957
an existing political party as to confuse or mislead the voters at 66958
an election. If any political party fails to cast five per cent of 66959
the total vote cast at an election for the office of governor or 66960
president, it shall cease to be a political party. 66961

(2) A campaign committee shall be legally liable for any 66962
debts, contracts, or expenditures incurred or executed in its 66963
name. 66964

(B) Notwithstanding the definitions found in section 3501.01 66965
of the Revised Code, as used in this section and sections 3517.08 66966
to 3517.14, 3517.99, and 3517.992 of the Revised Code: 66967

(1) "Campaign committee" means a candidate or a combination 66968
of two or more persons authorized by a candidate under section 66969
3517.081 of the Revised Code to receive contributions and make 66970
expenditures. 66971

(2) "Campaign treasurer" means an individual appointed by a 66972

candidate under section 3517.081 of the Revised Code. 66973

(3) "Candidate" has the same meaning as in division (H) of 66974
section 3501.01 of the Revised Code and also includes any person 66975
who, at any time before or after an election, receives 66976
contributions or makes expenditures or other use of contributions, 66977
has given consent for another to receive contributions or make 66978
expenditures or other use of contributions, or appoints a campaign 66979
treasurer, for the purpose of bringing about the person's 66980
nomination or election to public office. When two persons jointly 66981
seek the offices of governor and lieutenant governor, "candidate" 66982
means the pair of candidates jointly. "Candidate" does not include 66983
candidates for election to the offices of member of a county or 66984
state central committee, presidential elector, and delegate to a 66985
national convention or conference of a political party. 66986

(4) "Continuing association" means an association, other than 66987
a campaign committee, political party, legislative campaign fund, 66988
political contributing entity, or labor organization, that is 66989
intended to be a permanent organization that has a primary purpose 66990
other than supporting or opposing specific candidates, political 66991
parties, or ballot issues, and that functions on a regular basis 66992
throughout the year. "Continuing association" includes 66993
organizations that are determined to be not organized for profit 66994
under subsection 501 and that are described in subsection 66995
501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code. 66996

(5) "Contribution" means a loan, gift, deposit, forgiveness 66997
of indebtedness, donation, advance, payment, or transfer of funds 66998
or anything of value, including a transfer of funds from an inter 66999
vivos or testamentary trust or decedent's estate, and the payment 67000
by any person other than the person to whom the services are 67001
rendered for the personal services of another person, which 67002
contribution is made, received, or used for the purpose of 67003
influencing the results of an election. Any loan, gift, deposit, 67004

forgiveness of indebtedness, donation, advance, payment, or 67005
transfer of funds or of anything of value, including a transfer of 67006
funds from an inter vivos or testamentary trust or decedent's 67007
estate, and the payment by any campaign committee, political 67008
action committee, legislative campaign fund, political party, 67009
political contributing entity, or person other than the person to 67010
whom the services are rendered for the personal services of 67011
another person, that is made, received, or used by a state or 67012
county political party, other than moneys a state or county 67013
political party receives from the Ohio political party fund 67014
pursuant to section 3517.17 of the Revised Code and the moneys a 67015
~~state or county political party~~ an entity may receive under 67016
sections 3517.101, 3517.1012, and 3517.1013 of the Revised Code, 67017
shall be considered to be a "contribution" for the purpose of 67018
section 3517.10 of the Revised Code and shall be included on a 67019
statement of contributions filed under that section. 67020

"Contribution" does not include any of the following: 67021

(a) Services provided without compensation by individuals 67022
volunteering a portion or all of their time on behalf of a person; 67023

(b) Ordinary home hospitality; 67024

(c) The personal expenses of a volunteer paid for by that 67025
volunteer campaign worker; 67026

(d) Any gift given to a ~~state or county political party~~ an 67027
entity pursuant to section 3517.101 of the Revised Code. ~~As used~~ 67028
~~in division (B)(5)(d) of this section, "political party" means~~ 67029
~~only a major political party;~~ 67030

(e) Any contribution as defined in section 3517.1011 of the 67031
Revised Code that is made, received, or used to pay the direct 67032
costs of producing or airing an electioneering communication; 67033

(f) Any gift given to a state or county political party for 67034
the party's restricted fund under division (A)(2) of section 67035

3517.1012 of the Revised Code; 67036

(g) Any gift given to a state political party for deposit in 67037
a Levin account pursuant to section 3517.1013 of the Revised Code. 67038
As used in this division, "Levin account" has the same meaning as 67039
in that section. 67040

(h) Any donation given to a transition fund under section 67041
3517.1014 of the Revised Code. 67042

(6) "Expenditure" means the disbursement or use of a 67043
contribution for the purpose of influencing the results of an 67044
election or of making a charitable donation under division (G) of 67045
section 3517.08 of the Revised Code. Any disbursement or use of a 67046
contribution by a state or county political party is an 67047
expenditure and shall be considered either to be made for the 67048
purpose of influencing the results of an election or to be made as 67049
a charitable donation under division (G) of section 3517.08 of the 67050
Revised Code and shall be reported on a statement of expenditures 67051
filed under section 3517.10 of the Revised Code. During the thirty 67052
days preceding a primary or general election, any disbursement to 67053
pay the direct costs of producing or airing a broadcast, cable, or 67054
satellite communication that refers to a clearly identified 67055
candidate shall be considered to be made for the purpose of 67056
influencing the results of that election and shall be reported as 67057
an expenditure or as an independent expenditure under section 67058
3517.10 or 3517.105 of the Revised Code, as applicable, except 67059
that the information required to be reported regarding 67060
contributors for those expenditures or independent expenditures 67061
shall be the same as the information required to be reported under 67062
divisions (D)(1) and (2) of section 3517.1011 of the Revised Code. 67063

As used in this division, "broadcast, cable, or satellite 67064
communication" and "refers to a clearly identified candidate" have 67065
the same meanings as in section 3517.1011 of the Revised Code. 67066

(7) "Personal expenses" includes, but is not limited to, 67067
ordinary expenses for accommodations, clothing, food, personal 67068
motor vehicle or airplane, and home telephone. 67069

(8) "Political action committee" means a combination of two 67070
or more persons, the primary or major purpose of which is to 67071
support or oppose any candidate, political party, or issue, or to 67072
influence the result of any election through express advocacy, and 67073
that is not a political party, a campaign committee, a political 67074
contributing entity, or a legislative campaign fund. "Political 67075
action committee" does not include either of the following: 67076

(a) A continuing association that makes disbursements for the 67077
direct costs of producing or airing electioneering communications 67078
and that does not engage in express advocacy; 67079

(b) A political club that is formed primarily for social 67080
purposes and that consists of one hundred members or less, has 67081
officers and periodic meetings, has less than two thousand five 67082
hundred dollars in its treasury at all times, and makes an 67083
aggregate total contribution of one thousand dollars or less per 67084
calendar year. 67085

(9) "Public office" means any state, county, municipal, 67086
township, or district office, except an office of a political 67087
party, that is filled by an election and the offices of United 67088
States senator and representative. 67089

(10) "Anything of value" has the same meaning as in section 67090
1.03 of the Revised Code. 67091

(11) "Beneficiary of a campaign fund" means a candidate, a 67092
public official or employee for whose benefit a campaign fund 67093
exists, and any other person who has ever been a candidate or 67094
public official or employee and for whose benefit a campaign fund 67095
exists. 67096

(12) "Campaign fund" means money or other property, including 67097

contributions. 67098

(13) "Public official or employee" has the same meaning as in 67099
section 102.01 of the Revised Code. 67100

(14) "Caucus" means all of the members of the house of 67101
representatives or all of the members of the senate of the general 67102
assembly who are members of the same political party. 67103

(15) "Legislative campaign fund" means a fund that is 67104
established as an auxiliary of a state political party and 67105
associated with one of the houses of the general assembly. 67106

(16) "In-kind contribution" means anything of value other 67107
than money that is used to influence the results of an election or 67108
is transferred to or used in support of or in opposition to a 67109
candidate, campaign committee, legislative campaign fund, 67110
political party, political action committee, or political 67111
contributing entity and that is made with the consent of, in 67112
coordination, cooperation, or consultation with, or at the request 67113
or suggestion of the benefited candidate, committee, fund, party, 67114
or entity. The financing of the dissemination, distribution, or 67115
republication, in whole or part, of any broadcast or of any 67116
written, graphic, or other form of campaign materials prepared by 67117
the candidate, the candidate's campaign committee, or their 67118
authorized agents is an in-kind contribution to the candidate and 67119
an expenditure by the candidate. 67120

(17) "Independent expenditure" means an expenditure by a 67121
person advocating the election or defeat of an identified 67122
candidate or candidates, that is not made with the consent of, in 67123
coordination, cooperation, or consultation with, or at the request 67124
or suggestion of any candidate or candidates or of the campaign 67125
committee or agent of the candidate or candidates. As used in 67126
division (B)(17) of this section: 67127

(a) "Person" means an individual, partnership, unincorporated 67128

business organization or association, political action committee, 67129
political contributing entity, separate segregated fund, 67130
association, or other organization or group of persons, but not a 67131
labor organization or a corporation unless the labor organization 67132
or corporation is a political contributing entity. 67133

(b) "Advocating" means any communication containing a message 67134
advocating election or defeat. 67135

(c) "Identified candidate" means that the name of the 67136
candidate appears, a photograph or drawing of the candidate 67137
appears, or the identity of the candidate is otherwise apparent by 67138
unambiguous reference. 67139

(d) "Made in coordination, cooperation, or consultation with, 67140
or at the request or suggestion of, any candidate or the campaign 67141
committee or agent of the candidate" means made pursuant to any 67142
arrangement, coordination, or direction by the candidate, the 67143
candidate's campaign committee, or the candidate's agent prior to 67144
the publication, distribution, display, or broadcast of the 67145
communication. An expenditure is presumed to be so made when it is 67146
any of the following: 67147

(i) Based on information about the candidate's plans, 67148
projects, or needs provided to the person making the expenditure 67149
by the candidate, or by the candidate's campaign committee or 67150
agent, with a view toward having an expenditure made; 67151

(ii) Made by or through any person who is, or has been, 67152
authorized to raise or expend funds, who is, or has been, an 67153
officer of the candidate's campaign committee, or who is, or has 67154
been, receiving any form of compensation or reimbursement from the 67155
candidate or the candidate's campaign committee or agent; 67156

(iii) Except as otherwise provided in division (D) of section 67157
3517.105 of the Revised Code, made by a political party in support 67158
of a candidate, unless the expenditure is made by a political 67159

party to conduct voter registration or voter education efforts. 67160

(e) "Agent" means any person who has actual oral or written 67161
authority, either express or implied, to make or to authorize the 67162
making of expenditures on behalf of a candidate, or means any 67163
person who has been placed in a position with the candidate's 67164
campaign committee or organization such that it would reasonably 67165
appear that in the ordinary course of campaign-related activities 67166
the person may authorize expenditures. 67167

(18) "Labor organization" means a labor union; an employee 67168
organization; a federation of labor unions, groups, locals, or 67169
other employee organizations; an auxiliary of a labor union, 67170
employee organization, or federation of labor unions, groups, 67171
locals, or other employee organizations; or any other bona fide 67172
organization in which employees participate and that exists for 67173
the purpose, in whole or in part, of dealing with employers 67174
concerning grievances, labor disputes, wages, hours, and other 67175
terms and conditions of employment. 67176

(19) "Separate segregated fund" means a separate segregated 67177
fund established pursuant to the Federal Election Campaign Act. 67178

(20) "Federal Election Campaign Act" means the "Federal 67179
Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 431, et 67180
seq., as amended. 67181

(21) "Restricted fund" means the fund a state or county 67182
political party must establish under division (A)(1) of section 67183
3517.1012 of the Revised Code. 67184

(22) "Electioneering communication" has the same meaning as 67185
in section 3517.1011 of the Revised Code. 67186

(23) "Express advocacy" means a communication that contains 67187
express words advocating the nomination, election, or defeat of a 67188
candidate or that contains express words advocating the adoption 67189
or defeat of a question or issue, as determined by a final 67190

judgment of a court of competent jurisdiction. 67191

(24) "Political committee" has the same meaning as in section 67192
3517.1011 of the Revised Code. 67193

(25) "Political contributing entity" means any entity, 67194
including a corporation or labor organization, that may lawfully 67195
make contributions and expenditures and that is not an individual 67196
or a political action committee, continuing association, campaign 67197
committee, political party, legislative campaign fund, designated 67198
state campaign committee, or state candidate fund. For purposes of 67199
this division, "lawfully" means not prohibited by any section of 67200
the Revised Code, or authorized by a final judgment of a court of 67201
competent jurisdiction. 67202

Sec. 3517.10. (A) Except as otherwise provided in this 67203
division, every campaign committee, political action committee, 67204
legislative campaign fund, political party, and political 67205
contributing entity that made or received a contribution or made 67206
an expenditure in connection with the nomination or election of 67207
any candidate or in connection with any ballot issue or question 67208
at any election held or to be held in this state shall file, on a 67209
form prescribed under this section or by electronic means of 67210
transmission as provided in this section and section 3517.106 of 67211
the Revised Code, a full, true, and itemized statement, made under 67212
penalty of election falsification, setting forth in detail the 67213
contributions and expenditures, not later than four p.m. of the 67214
following dates: 67215

(1) The twelfth day before the election to reflect 67216
contributions received and expenditures made from the close of 67217
business on the last day reflected in the last previously filed 67218
statement, if any, to the close of business on the twentieth day 67219
before the election; 67220

(2) The thirty-eighth day after the election to reflect the 67221

contributions received and expenditures made from the close of 67222
business on the last day reflected in the last previously filed 67223
statement, if any, to the close of business on the seventh day 67224
before the filing of the statement; 67225

(3) The last business day of January of every year to reflect 67226
the contributions received and expenditures made from the close of 67227
business on the last day reflected in the last previously filed 67228
statement, if any, to the close of business on the last day of 67229
December of the previous year; 67230

(4) The last business day of July of every year to reflect 67231
the contributions received and expenditures made from the close of 67232
business on the last day reflected in the last previously filed 67233
statement, if any, to the close of business on the last day of 67234
June of that year. 67235

A campaign committee shall only be required to file the 67236
statements prescribed under divisions (A)(1) and (2) of this 67237
section in connection with the nomination or election of the 67238
committee's candidate. 67239

The statement required under division (A)(1) of this section 67240
shall not be required of any campaign committee, political action 67241
committee, legislative campaign fund, political party, or 67242
political contributing entity that has received contributions of 67243
less than one thousand dollars and has made expenditures of less 67244
than one thousand dollars at the close of business on the 67245
twentieth day before the election. Those contributions and 67246
expenditures shall be reported in the statement required under 67247
division (A)(2) of this section. 67248

If an election to select candidates to appear on the general 67249
election ballot is held within sixty days before a general 67250
election, the campaign committee of a successful candidate in the 67251
earlier election may file the statement required by division 67252

(A)(1) of this section for the general election instead of the 67253
statement required by division (A)(2) of this section for the 67254
earlier election if the pregeneral election statement reflects the 67255
status of contributions and expenditures for the period twenty 67256
days before the earlier election to twenty days before the general 67257
election. 67258

If a person becomes a candidate less than twenty days before 67259
an election, the candidate's campaign committee is not required to 67260
file the statement required by division (A)(1) of this section. 67261

No statement under division (A)(3) of this section shall be 67262
required for any year in which a campaign committee, political 67263
action committee, legislative campaign fund, political party, or 67264
political contributing entity is required to file a postgeneral 67265
election statement under division (A)(2) of this section. However, 67266
a statement under division (A)(3) of this section may be filed, at 67267
the option of the campaign committee, political action committee, 67268
legislative campaign fund, political party, or political 67269
contributing entity. 67270

No campaign committee of a candidate for the office of chief 67271
justice or justice of the supreme court, and no campaign committee 67272
of a candidate for the office of judge of any court in this state, 67273
shall be required to file a statement under division (A)(4) of 67274
this section. 67275

Except as otherwise provided in this paragraph and in the 67276
next paragraph of this section, the only campaign committees 67277
required to file a statement under division (A)(4) of this section 67278
are the campaign committee of a statewide candidate and the 67279
campaign committee of a candidate for county office. The campaign 67280
committee of a candidate for any other nonjudicial office is 67281
required to file a statement under division (A)(4) of this section 67282
if that campaign committee receives, during that period, 67283
contributions exceeding ten thousand dollars. 67284

No statement under division (A)(4) of this section shall be required of a campaign committee, a political action committee, a legislative campaign fund, a political party, or a political contributing entity for any year in which the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity is required to file a postprimary election statement under division (A)(2) of this section. However, a statement under division (A)(4) of this section may be filed at the option of the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity.

No statement under division (A)(3) or (4) of this section shall be required if the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity has no contributions that it has received and no expenditures that it has made since the last date reflected in its last previously filed statement. However, the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity shall file a statement to that effect, on a form prescribed under this section and made under penalty of election falsification, on the date required in division (A)(3) or (4) of this section, as applicable.

The campaign committee of a statewide candidate shall file a monthly statement of contributions received during each of the months of July, August, and September in the year of the general election in which the candidate seeks office. The campaign committee of a statewide candidate shall file the monthly statement not later than three business days after the last day of the month covered by the statement. During the period beginning on the nineteenth day before the general election in which a statewide candidate seeks election to office and extending through

the day of that general election, each time the campaign committee 67317
of the joint candidates for the offices of governor and lieutenant 67318
governor or of a candidate for the office of secretary of state, 67319
auditor of state, treasurer of state, or attorney general receives 67320
a contribution from a contributor that causes the aggregate amount 67321
of contributions received from that contributor during that period 67322
to equal or exceed ten thousand dollars and each time the campaign 67323
committee of a candidate for the office of chief justice or 67324
justice of the supreme court receives a contribution from a 67325
contributor that causes the aggregate amount of contributions 67326
received from that contributor during that period to exceed ten 67327
thousand dollars, the campaign committee shall file a 67328
two-business-day statement reflecting that contribution. ~~During~~ 67329
~~the period beginning on the nineteenth day before a primary~~ 67330
~~election in which a candidate for statewide office seeks~~ 67331
~~nomination to office and extending through the day of that primary~~ 67332
~~election, each time either the campaign committee of a statewide~~ 67333
~~candidate in that primary election that files a notice under~~ 67334
~~division (C)(1) of section 3517.103 of the Revised Code or the~~ 67335
~~campaign committee of a statewide candidate in that primary~~ 67336
~~election to which, in accordance with division (D) of section~~ 67337
~~3517.103 of the Revised Code, the contribution limitations~~ 67338
~~prescribed in section 3517.102 of the Revised Code no longer apply~~ 67339
~~receives a contribution from a contributor that causes the~~ 67340
~~aggregate amount of contributions received from that contributor~~ 67341
~~during that period to exceed ten thousand dollars, the campaign~~ 67342
~~committee shall file a two business day statement reflecting that~~ 67343
~~contribution.~~ Contributions reported on a two-business-day 67344
statement required to be filed by a campaign committee of a 67345
statewide candidate in a primary election shall also be included 67346
in the postprimary election statement required to be filed by that 67347
campaign committee under division (A)(2) of this section. A 67348
two-business-day statement required by this paragraph shall be 67349

filed not later than two business days after receipt of the 67350
contribution. The statements required by this paragraph shall be 67351
filed in addition to any other statements required by this 67352
section. 67353

Subject to the secretary of state having implemented, tested, 67354
and verified the successful operation of any system the secretary 67355
of state prescribes pursuant to divisions (C)(6)(b) and (D)(6) of 67356
this section and division (H)(1) of section 3517.106 of the 67357
Revised Code for the filing of campaign finance statements by 67358
electronic means of transmission, a campaign committee of a 67359
statewide candidate shall file a two-business-day statement under 67360
the preceding paragraph by electronic means of transmission if the 67361
campaign committee is required to file a pre-election, 67362
postelection, or monthly statement of contributions and 67363
expenditures by electronic means of transmission under this 67364
section or section 3517.106 of the Revised Code. 67365

If a campaign committee or political action committee has no 67366
balance on hand and no outstanding obligations and desires to 67367
terminate itself, it shall file a statement to that effect, on a 67368
form prescribed under this section and made under penalty of 67369
election falsification, with the official with whom it files a 67370
statement under division (A) of this section after filing a final 67371
statement of contributions and a final statement of expenditures, 67372
if contributions have been received or expenditures made since the 67373
period reflected in its last previously filed statement. 67374

(B) Except as otherwise provided in division (C)(7) of this 67375
section, each statement required by division (A) of this section 67376
shall contain the following information: 67377

(1) The full name and address of each campaign committee, 67378
political action committee, legislative campaign fund, political 67379
party, or political contributing entity, including any treasurer 67380
of the committee, fund, party, or entity, filing a contribution 67381

and expenditure statement; 67382

(2)(a) In the case of a campaign committee, the candidate's 67383
full name and address; 67384

(b) In the case of a political action committee, the 67385
registration number assigned to the committee under division 67386
(D)(1) of this section. 67387

(3) The date of the election and whether it was or will be a 67388
general, primary, or special election; 67389

(4) A statement of contributions received, which shall 67390
include the following information: 67391

(a) The month, day, and year of the contribution; 67392

(b)(i) The full name and address of each person, political 67393
party, campaign committee, legislative campaign fund, political 67394
action committee, or political contributing entity from whom 67395
contributions are received and the registration number assigned to 67396
the political action committee under division (D)(1) of this 67397
section. The requirement of filing the full address does not apply 67398
to any statement filed by a state or local committee of a 67399
political party, to a finance committee of such committee, or to a 67400
committee recognized by a state or local committee as its 67401
fund-raising auxiliary. Notwithstanding division (F) of this 67402
section, the requirement of filing the full address shall be 67403
considered as being met if the address filed is the same address 67404
the contributor provided under division (E)(1) of this section. 67405

(ii) If a political action committee, political contributing 67406
entity, legislative campaign fund, or political party that is 67407
required to file campaign finance statements by electronic means 67408
of transmission under section 3517.106 of the Revised Code or a 67409
campaign committee of a statewide candidate or candidate for the 67410
office of member of the general assembly receives a contribution 67411
from an individual that exceeds one hundred dollars, the name of 67412

the individual's current employer, if any, or, if the individual 67413
is self-employed, the individual's occupation and the name of the 67414
individual's business, if any; 67415

(iii) If a campaign committee of a statewide candidate or 67416
candidate for the office of member of the general assembly 67417
receives a contribution transmitted pursuant to section 3599.031 67418
of the Revised Code from amounts deducted from the wages and 67419
salaries of two or more employees that exceeds in the aggregate 67420
one hundred dollars during any one filing period under division 67421
(A)(1), (2), (3), or (4) of this section, the full name of the 67422
employees' employer and the full name of the labor organization of 67423
which the employees are members, if any. 67424

(c) A description of the contribution received, if other than 67425
money; 67426

(d) The value in dollars and cents of the contribution; 67427

(e) A separately itemized account of all contributions and 67428
expenditures regardless of the amount, except a receipt of a 67429
contribution from a person in the sum of twenty-five dollars or 67430
less at one social or fund-raising activity and a receipt of a 67431
contribution transmitted pursuant to section 3599.031 of the 67432
Revised Code from amounts deducted from the wages and salaries of 67433
employees if the contribution from the amount deducted from the 67434
wages and salary of any one employee is twenty-five dollars or 67435
less aggregated in a calendar year. An account of the total 67436
contributions from each social or fund-raising activity shall 67437
include a description of and the value of each in-kind 67438
contribution received at that activity from any person who made 67439
one or more such contributions whose aggregate value exceeded two 67440
hundred fifty dollars and shall be listed separately, together 67441
with the expenses incurred and paid in connection with that 67442
activity. A campaign committee, political action committee, 67443
legislative campaign fund, political party, or political 67444

contributing entity shall keep records of contributions from each 67445
person in the amount of twenty-five dollars or less at one social 67446
or fund-raising activity and contributions from amounts deducted 67447
under section 3599.031 of the Revised Code from the wages and 67448
salary of each employee in the amount of twenty-five dollars or 67449
less aggregated in a calendar year. No continuing association that 67450
is recognized by a state or local committee of a political party 67451
as an auxiliary of the party and that makes a contribution from 67452
funds derived solely from regular dues paid by members of the 67453
auxiliary shall be required to list the name or address of any 67454
members who paid those dues. 67455

Contributions that are other income shall be itemized 67456
separately from all other contributions. The information required 67457
under division (B)(4) of this section shall be provided for all 67458
other income itemized. As used in this paragraph, "other income" 67459
means a loan, investment income, or interest income. 67460

(f) In the case of a campaign committee of a state elected 67461
officer, if a person doing business with the state elected officer 67462
in the officer's official capacity makes a contribution to the 67463
campaign committee of that officer, the information required under 67464
division (B)(4) of this section in regard to that contribution, 67465
which shall be filed together with and considered a part of the 67466
committee's statement of contributions as required under division 67467
(A) of this section but shall be filed on a separate form provided 67468
by the secretary of state. As used in this division: 67469

(i) "State elected officer" has the same meaning as in 67470
section 3517.092 of the Revised Code. 67471

(ii) "Person doing business" means a person or an officer of 67472
an entity who enters into one or more contracts with a state 67473
elected officer or anyone authorized to enter into contracts on 67474
behalf of that officer to receive payments for goods or services, 67475
if the payments total, in the aggregate, more than five thousand 67476

dollars during a calendar year. 67477

(5) A statement of expenditures which shall include the 67478
following information: 67479

(a) The month, day, and year of the expenditure; 67480

(b) The full name and address of each person, political 67481
party, campaign committee, legislative campaign fund, political 67482
action committee, or political contributing entity to whom the 67483
expenditure was made and the registration number assigned to the 67484
political action committee under division (D)(1) of this section; 67485

(c) The object or purpose for which the expenditure was made; 67486

(d) The amount of each expenditure. 67487

(C)(1) The statement of contributions and expenditures shall 67488
be signed by the person completing the form. If a statement of 67489
contributions and expenditures is filed by electronic means of 67490
transmission pursuant to this section or section 3517.106 of the 67491
Revised Code, the electronic signature of the person who executes 67492
the statement and transmits the statement by electronic means of 67493
transmission, as provided in division (H) of section 3517.106 of 67494
the Revised Code, shall be attached to or associated with the 67495
statement and shall be binding on all persons and for all purposes 67496
under the campaign finance reporting law as if the signature had 67497
been handwritten in ink on a printed form. 67498

(2) The person filing the statement, under penalty of 67499
election falsification, shall include with it a list of each 67500
anonymous contribution, the circumstances under which it was 67501
received, and the reason it cannot be attributed to a specific 67502
donor. 67503

(3) Each statement of a campaign committee of a candidate who 67504
holds public office shall contain a designation of each 67505
contributor who is an employee in any unit or department under the 67506

candidate's direct supervision and control. In a space provided in 67507
the statement, the person filing the statement shall affirm that 67508
each such contribution was voluntarily made. 67509

(4) A campaign committee that did not receive contributions 67510
or make expenditures in connection with the nomination or election 67511
of its candidate shall file a statement to that effect, on a form 67512
prescribed under this section and made under penalty of election 67513
falsification, on the date required in division (A)(2) of this 67514
section. 67515

(5) The campaign committee of any person who attempts to 67516
become a candidate and who, for any reason, does not become 67517
certified in accordance with Title XXXV of the Revised Code for 67518
placement on the official ballot of a primary, general, or special 67519
election to be held in this state, and who, at any time prior to 67520
or after an election, receives contributions or makes 67521
expenditures, or has given consent for another to receive 67522
contributions or make expenditures, for the purpose of bringing 67523
about the person's nomination or election to public office, shall 67524
file the statement or statements prescribed by this section and a 67525
termination statement, if applicable. Division (C)(5) of this 67526
section does not apply to any person with respect to an election 67527
to the offices of member of a county or state central committee, 67528
presidential elector, or delegate to a national convention or 67529
conference of a political party. 67530

(6)(a) The statements required to be filed under this section 67531
shall specify the balance in the hands of the campaign committee, 67532
political action committee, legislative campaign fund, political 67533
party, or political contributing entity and the disposition 67534
intended to be made of that balance. 67535

(b) The secretary of state shall prescribe the form for all 67536
statements required to be filed under this section and shall 67537
furnish the forms to the boards of elections in the several 67538

counties. The boards of elections shall supply printed copies of 67539
those forms without charge. The secretary of state shall prescribe 67540
the appropriate methodology, protocol, and data file structure for 67541
statements required or permitted to be filed by electronic means 67542
of transmission under division (A) of this section, divisions (E), 67543
(F), and (G) of section 3517.106, division (D) of section 67544
3517.1011, division (B) of section 3517.1012, division (C) of 67545
section 3517.1013, and divisions (D) and (I) of section 3517.1014 67546
of the Revised Code. Subject to division (A) of this section, 67547
divisions (E), (F), and (G) of section 3517.106, division (D) of 67548
section 3517.1011, division (B) of section 3517.1012, division (C) 67549
of section 3517.1013, and divisions (D) and (I) of section 67550
3517.1014 of the Revised Code, the statements required to be 67551
stored on computer by the secretary of state under division (B) of 67552
section 3517.106 of the Revised Code shall be filed in whatever 67553
format the secretary of state considers necessary to enable the 67554
secretary of state to store the information contained in the 67555
statements on computer. Any such format shall be of a type and 67556
nature that is readily available to whoever is required to file 67557
the statements in that format. 67558

(c) The secretary of state shall assess the need for training 67559
regarding the filing of campaign finance statements by electronic 67560
means of transmission and regarding associated technologies for 67561
candidates, campaign committees, political action committees, 67562
legislative campaign funds, political parties, or political 67563
contributing entities, for individuals, partnerships, or other 67564
entities, for persons making disbursements to pay the direct costs 67565
of producing or airing electioneering communications, or for 67566
treasurers of transition funds, required or permitted to file 67567
statements by electronic means of transmission under this section 67568
or section 3517.105, 3517.106, 3517.1011, 3517.1012, 3517.1013, or 67569
3517.1014 of the Revised Code. If, in the opinion of the secretary 67570
of state, training in these areas is necessary, the secretary of 67571

state shall arrange for the provision of voluntary training 67572
programs for candidates, campaign committees, political action 67573
committees, legislative campaign funds, political parties, or 67574
political contributing entities, for individuals, partnerships, 67575
and other entities, for persons making disbursements to pay the 67576
direct costs of producing or airing electioneering communications, 67577
or for treasurers of transition funds, as appropriate. 67578

(7) Each monthly statement and each two-business-day 67579
statement required by division (A) of this section shall contain 67580
the information required by divisions (B)(1) to (4), (C)(2), and, 67581
if appropriate, (C)(3) of this section. Each statement shall be 67582
signed as required by division (C)(1) of this section. 67583

(D)(1) Prior to receiving a contribution or making an 67584
expenditure, every campaign committee, political action committee, 67585
legislative campaign fund, political party, or political 67586
contributing entity shall appoint a treasurer and shall file, on a 67587
form prescribed by the secretary of state, a designation of that 67588
appointment, including the full name and address of the treasurer 67589
and of the campaign committee, political action committee, 67590
legislative campaign fund, political party, or political 67591
contributing entity. That designation shall be filed with the 67592
official with whom the campaign committee, political action 67593
committee, legislative campaign fund, political party, or 67594
political contributing entity is required to file statements under 67595
section 3517.11 of the Revised Code. The name of a campaign 67596
committee shall include at least the last name of the campaign 67597
committee's candidate. If two or more candidates are the 67598
beneficiaries of a single campaign committee under division (B) of 67599
section 3517.081 of the Revised Code, the name of the campaign 67600
committee shall include at least the last name of each candidate 67601
who is a beneficiary of that campaign committee. The secretary of 67602
state shall assign a registration number to each political action 67603

committee that files a designation of the appointment of a 67604
treasurer under this division if the political action committee is 67605
required by division (A)(1) of section 3517.11 of the Revised Code 67606
to file the statements prescribed by this section with the 67607
secretary of state. 67608

(2) The treasurer appointed under division (D)(1) of this 67609
section shall keep a strict account of all contributions, from 67610
whom received and the purpose for which they were disbursed. 67611

(3)(a) Except as otherwise provided in section 3517.108 of 67612
the Revised Code, a campaign committee shall deposit all monetary 67613
contributions received by the committee into an account separate 67614
from a personal or business account of the candidate or campaign 67615
committee. 67616

(b) A political action committee shall deposit all monetary 67617
contributions received by the committee into an account separate 67618
from all other funds. 67619

(c) A state or county political party may establish a state 67620
candidate fund that is separate from an account that contains the 67621
public moneys received from the Ohio political party fund under 67622
section 3517.17 of the Revised Code and from all other funds. A 67623
state or county political party may deposit into its state 67624
candidate fund any amounts of monetary contributions that are made 67625
to or accepted by the political party subject to the applicable 67626
limitations, if any, prescribed in section 3517.102 of the Revised 67627
Code. A state or county political party shall deposit all other 67628
monetary contributions received by the party into one or more 67629
accounts that are separate from its state candidate fund and from 67630
its account that contains the public moneys received from the Ohio 67631
political party fund under section 3517.17 of the Revised Code. 67632

(d) Each state political party shall have only one 67633
legislative campaign fund for each house of the general assembly. 67634

Each such fund shall be separate from any other funds or accounts 67635
of that state party. A legislative campaign fund is authorized to 67636
receive contributions and make expenditures for the primary 67637
purpose of furthering the election of candidates who are members 67638
of that political party to the house of the general assembly with 67639
which that legislative campaign fund is associated. Each 67640
legislative campaign fund shall be administered and controlled in 67641
a manner designated by the caucus. As used in this division, 67642
"caucus" has the same meaning as in section 3517.01 of the Revised 67643
Code and includes, as an ex officio member, the chairperson of the 67644
state political party with which the caucus is associated or that 67645
chairperson's designee. 67646

(4) Every expenditure in excess of twenty-five dollars shall 67647
be vouched for by a receipted bill, stating the purpose of the 67648
expenditure, that shall be filed with the statement of 67649
expenditures. A canceled check with a notation of the purpose of 67650
the expenditure is a receipted bill for purposes of division 67651
(D)(4) of this section. 67652

(5) The secretary of state or the board of elections, as the 67653
case may be, shall issue a receipt for each statement filed under 67654
this section and shall preserve a copy of the receipt for a period 67655
of at least six years. All statements filed under this section 67656
shall be open to public inspection in the office where they are 67657
filed and shall be carefully preserved for a period of at least 67658
six years after the year in which they are filed. 67659

(6) The secretary of state, by rule adopted pursuant to 67660
section 3517.23 of the Revised Code, shall prescribe both of the 67661
following: 67662

(a) The manner of immediately acknowledging, with date and 67663
time received, and preserving the receipt of statements that are 67664
transmitted by electronic means of transmission to the secretary 67665
of state pursuant to this section or section 3517.106, 3517.1011, 67666

3517.1012, 3517.1013, or 3517.1014 of the Revised Code; 67667

(b) The manner of preserving the contribution and 67668
expenditure, contribution and disbursement, deposit and 67669
disbursement, gift and disbursement, or donation and disbursement 67670
information in the statements described in division (D)(6)(a) of 67671
this section. The secretary of state shall preserve the 67672
contribution and expenditure, contribution and disbursement, 67673
deposit and disbursement, gift and disbursement, or donation and 67674
disbursement information in those statements for at least ten 67675
years after the year in which they are filed by electronic means 67676
of transmission. 67677

(7) The secretary of state, pursuant to division (I) of 67678
section 3517.106 of the Revised Code, shall make available online 67679
to the public through the internet the contribution and 67680
expenditure, contribution and disbursement, deposit and 67681
disbursement, gift and disbursement, or donation and disbursement 67682
information in all statements, all addenda, amendments, or other 67683
corrections to statements, and all amended statements filed with 67684
the secretary of state by electronic or other means of 67685
transmission under this section, division (B)(2)(b) or (C)(2)(b) 67686
of section 3517.105, or section 3517.106, 3517.1011, 3517.1012, 67687
3517.1013, 3517.1014, or 3517.11 of the Revised Code. The 67688
secretary of state may remove the information from the internet 67689
after a reasonable period of time. 67690

(E)(1) Any person, political party, campaign committee, 67691
legislative campaign fund, political action committee, or 67692
political contributing entity that makes a contribution in 67693
connection with the nomination or election of any candidate or in 67694
connection with any ballot issue or question at any election held 67695
or to be held in this state shall provide its full name and 67696
address to the recipient of the contribution at the time the 67697
contribution is made. The political action committee also shall 67698

provide the registration number assigned to the committee under 67699
division (D)(1) of this section to the recipient of the 67700
contribution at the time the contribution is made. 67701

(2) Any individual who makes a contribution that exceeds one 67702
hundred dollars to a political action committee, political 67703
contributing entity, legislative campaign fund, or political party 67704
or to a campaign committee of a statewide candidate or candidate 67705
for the office of member of the general assembly shall provide the 67706
name of the individual's current employer, if any, or, if the 67707
individual is self-employed, the individual's occupation and the 67708
name of the individual's business, if any, to the recipient of the 67709
contribution at the time the contribution is made. Sections 67710
3599.39 and 3599.40 of the Revised Code do not apply to division 67711
(E)(2) of this section. 67712

(3) If a campaign committee shows that it has exercised its 67713
best efforts to obtain, maintain, and submit the information 67714
required under divisions (B)(4)(b)(ii) and (iii) of this section, 67715
that committee is considered to have met the requirements of those 67716
divisions. A campaign committee shall not be considered to have 67717
exercised its best efforts unless, in connection with written 67718
solicitations, it regularly includes a written request for the 67719
information required under division (B)(4)(b)(ii) of this section 67720
from the contributor or the information required under division 67721
(B)(4)(b)(iii) of this section from whoever transmits the 67722
contribution. 67723

(4) Any check that a political action committee uses to make 67724
a contribution or an expenditure shall contain the full name and 67725
address of the committee and the registration number assigned to 67726
the committee under division (D)(1) of this section. 67727

(F) As used in this section: 67728

(1)(a) Except as otherwise provided in division (F)(1) of 67729

this section, "address" means all of the following if they exist: 67730
apartment number, street, road, or highway name and number, rural 67731
delivery route number, city or village, state, and zip code as 67732
used in a person's post-office address, but not post-office box. 67733

(b) Except as otherwise provided in division (F)(1) of this 67734
section, if an address is required in this section, a post-office 67735
box and office, room, or suite number may be included in addition 67736
to, but not in lieu of, an apartment, street, road, or highway 67737
name and number. 67738

(c) If an address is required in this section, a campaign 67739
committee, political action committee, legislative campaign fund, 67740
political party, or political contributing entity may use the 67741
business or residence address of its treasurer or deputy 67742
treasurer. The post-office box number of the campaign committee, 67743
political action committee, legislative campaign fund, political 67744
party, or political contributing entity may be used in addition to 67745
that address. 67746

(d) For the sole purpose of a campaign committee's reporting 67747
of contributions on a statement of contributions received under 67748
division (B)(4) of this section, "address" has one of the 67749
following meanings at the option of the campaign committee: 67750

(i) The same meaning as in division (F)(1)(a) of this 67751
section; 67752

(ii) All of the following, if they exist: the contributor's 67753
post-office box number and city or village, state, and zip code as 67754
used in the contributor's post-office address. 67755

(e) As used with regard to the reporting under this section 67756
of any expenditure, "address" means all of the following if they 67757
exist: apartment number, street, road, or highway name and number, 67758
rural delivery route number, city or village, state, and zip code 67759
as used in a person's post-office address, or post-office box. If 67760

an address concerning any expenditure is required in this section, 67761
a campaign committee, political action committee, legislative 67762
campaign fund, political party, or political contributing entity 67763
may use the business or residence address of its treasurer or 67764
deputy treasurer or its post-office box number. 67765

(2) "Statewide candidate" means the joint candidates for the 67766
offices of governor and lieutenant governor or a candidate for the 67767
office of secretary of state, auditor of state, treasurer of 67768
state, attorney general, member of the state board of education, 67769
chief justice of the supreme court, or justice of the supreme 67770
court. 67771

(3) "Candidate for county office" means a candidate for the 67772
office of county auditor, county treasurer, clerk of the court of 67773
common pleas, judge of the court of common pleas, sheriff, county 67774
recorder, county engineer, county commissioner, prosecuting 67775
attorney, or coroner. 67776

(G) An independent expenditure shall be reported whenever and 67777
in the same manner that an expenditure is required to be reported 67778
under this section and shall be reported pursuant to division 67779
(B)(2)(a) or (C)(2)(a) of section 3517.105 of the Revised Code. 67780

(H)(1) Except as otherwise provided in division (H)(2) of 67781
this section, if, during the combined pre-election and 67782
postelection reporting periods for an election, a campaign 67783
committee has received contributions of five hundred dollars or 67784
less and has made expenditures in the total amount of five hundred 67785
dollars or less, it may file a statement to that effect, under 67786
penalty of election falsification, in lieu of the statement 67787
required by division (A)(2) of this section. The statement shall 67788
indicate the total amount of contributions received and the total 67789
amount of expenditures made during those combined reporting 67790
periods. 67791

(2) In the case of a successful candidate at a primary election, if either the total contributions received by or the total expenditures made by the candidate's campaign committee during the preprimary, postprimary, pregeneral, and postgeneral election periods combined equal more than five hundred dollars, the campaign committee may file the statement under division (H)(1) of this section only for the primary election. The first statement that the campaign committee files in regard to the general election shall reflect all contributions received and all expenditures made during the preprimary and postprimary election periods.

(3) Divisions (H)(1) and (2) of this section do not apply if a campaign committee receives contributions or makes expenditures prior to the first day of January of the year of the election at which the candidate seeks nomination or election to office or if the campaign committee does not file a termination statement with its postprimary election statement in the case of an unsuccessful primary election candidate or with its postgeneral election statement in the case of other candidates.

(I) In the case of a contribution made by a partner of a partnership or an owner or a member of another unincorporated business from any funds of the partnership or other unincorporated business, all of the following apply:

(1) The recipient of the contribution shall report the contribution by listing both the partnership or other unincorporated business and the name of the partner, owner, or member making the contribution.

(2) In reporting the contribution, the recipient of the contribution shall be entitled to conclusively rely upon the information provided by the partnership or other unincorporated business, provided that the information includes one of the following:

(a) The name of each partner, owner, or member as of the date 67824
of the contribution or contributions, and a statement that the 67825
total contributions are to be allocated equally among all of the 67826
partners, owners, or members; or 67827

(b) The name of each partner, owner, or member as of the date 67828
of the contribution or contributions who is participating in the 67829
contribution or contributions, and a statement that the 67830
contribution or contributions are to be allocated to those 67831
individuals in accordance with the information provided by the 67832
partnership or other unincorporated business to the recipient of 67833
the contribution. 67834

(3) For purposes of section 3517.102 of the Revised Code, the 67835
contribution shall be considered to have been made by the partner, 67836
owner, or member reported under division (I)(1) of this section. 67837

(4) No contribution from a partner of a partnership or an 67838
owner or a member of another unincorporated business shall be 67839
accepted from any funds of the partnership or other unincorporated 67840
business unless the recipient reports the contribution under 67841
division (I)(1) of this section together with the information 67842
provided under division (I)(2) of this section. 67843

(5) No partnership or other unincorporated business shall 67844
make a contribution or contributions solely in the name of the 67845
partnership or other unincorporated business. 67846

(6) As used in division (I) of this section, "partnership or 67847
other unincorporated business" includes, but is not limited to, a 67848
cooperative, a sole proprietorship, a general partnership, a 67849
limited partnership, a limited partnership association, a limited 67850
liability partnership, and a limited liability company. 67851

(J) A candidate shall have only one campaign committee at any 67852
given time for all of the offices for which the person is a 67853
candidate or holds office. 67854

(K)(1) In addition to filing a designation of appointment of a treasurer under division (D)(1) of this section, the campaign committee of any candidate for an elected municipal office that pays an annual amount of compensation of five thousand dollars or less, the campaign committee of any candidate for member of a board of education except member of the state board of education, or the campaign committee of any candidate for township trustee or township fiscal officer may sign, under penalty of election falsification, a certificate attesting that the committee will not accept contributions during an election period that exceed in the aggregate two thousand dollars from all contributors and one hundred dollars from any one individual, and that the campaign committee will not make expenditures during an election period that exceed in the aggregate two thousand dollars.

The certificate shall be on a form prescribed by the secretary of state and shall be filed not later than ten days after the candidate files a declaration of candidacy and petition, a nominating petition, or a declaration of intent to be a write-in candidate.

(2) Except as otherwise provided in division (K)(3) of this section, a campaign committee that files a certificate under division (K)(1) of this section is not required to file the statements required by division (A) of this section.

(3) If, after filing a certificate under division (K)(1) of this section, a campaign committee exceeds any of the limitations described in that division during an election period, the certificate is void and thereafter the campaign committee shall file the statements required by division (A) of this section. If the campaign committee has not previously filed a statement, then on the first statement the campaign committee is required to file under division (A) of this section after the committee's certificate is void, the committee shall report all contributions

received and expenditures made from the time the candidate filed 67887
the candidate's declaration of candidacy and petition, nominating 67888
petition, or declaration of intent to be a write-in candidate. 67889

(4) As used in division (K) of this section, "election 67890
period" means the period of time beginning on the day a person 67891
files a declaration of candidacy and petition, nominating 67892
petition, or declaration of intent to be a write-in candidate 67893
through the day of the election at which the person seeks 67894
nomination to office if the person is not elected to office, or, 67895
if the candidate was nominated in a primary election, the day of 67896
the election at which the candidate seeks office. 67897

(L) A political contributing entity that receives 67898
contributions from the dues, membership fees, or other assessments 67899
of its members or from its officers, shareholders, and employees 67900
may report the aggregate amount of contributions received from 67901
those contributors and the number of individuals making those 67902
contributions, for each filing period under divisions (A)(1), (2), 67903
(3), and (4) of this section, rather than reporting information as 67904
required under division (B)(4) of this section, including, when 67905
applicable, the name of the current employer, if any, of a 67906
contributor whose contribution exceeds one hundred dollars or, if 67907
such a contributor is self-employed, the contributor's occupation 67908
and the name of the contributor's business, if any. Division 67909
(B)(4) of this section applies to a political contributing entity 67910
with regard to contributions it receives from all other 67911
contributors. 67912

Sec. 3517.101. (A) As used in this section: 67913

(1) "Gift" means a gift, subscription, loan, advance, or 67914
deposit of money or anything of value, given to ~~a state or county~~ 67915
~~political party~~ an entity described in division (C) of this 67916
section, that is specifically designated and used to defray any 67917

cost incurred on or after the effective date of this ~~section~~ 67918
~~amendment~~ for any of the ~~construction, renovation, or purchase of~~ 67919
~~any office facility that is not used solely for the purpose of~~ 67920
~~directly influencing the election of any individual candidate in~~ 67921
~~any particular election for any office following purposes:~~ 67922

(a) The construction, renovation, purchase, or lease of an 67923
office facility; 67924

(b) Furniture and fixtures to be installed in an office 67925
facility; 67926

(c) Equipment and supplies to be used in an office facility; 67927

(d) The operating costs, maintenance, and repair of an office 67928
facility. 67929

(2) "Address" has the meaning given in division (F) of 67930
section 3517.10 of the Revised Code. 67931

(3) "Political party" means only a major political party. 67932

(B) Any person, including a corporation engaged in business 67933
in this state but not including a public utility, may make a gift 67934
to a ~~state or county political party~~ an entity described in 67935
division (C) of this section if the gift is specifically 67936
designated and used to defray any cost incurred on or after the 67937
effective date of this ~~section~~ amendment for the ~~construction,~~ 67938
~~renovation, or purchase of any office facility that is not used~~ 67939
~~solely for the purpose of directly influencing the election of any~~ 67940
~~individual candidate in any particular election for any office~~ 67941
~~and, if it~~ purposes described in division (A)(1) of this section. 67942
If the gift is a gift of money from a corporation engaged in 67943
business in this state, ~~if~~ the gift ~~does~~ shall not exceed ten per 67944
cent of the ~~cost of the construction, renovation, or purchase~~ 67945
costs incurred for those purposes. Such gift shall not be 67946
considered a contribution or expenditure prohibited by any section 67947
of the Revised Code. 67948

(C) Any of the following entities may receive a gift under this section: 67949
67950

(1) A state political party; 67951

(2) A county political party; 67952

(3) A legislative campaign fund. 67953

(D)(1) Each ~~state or county political party~~ entity that 67954
receives a gift pursuant to this section shall file on a form 67955
prescribed by the secretary of state, a full, true, and itemized 67956
statement describing the gift received and how it was disbursed. 67957
The statement shall be made under penalty of election 67958
falsification and shall be filed not later than four p.m. of the 67959
last day of January of every year to reflect gifts received and 67960
disbursed during the immediately preceding calendar year. 67961

(2) Each statement required under division ~~(C)~~(D)(1) of this 67962
section shall contain all of the following information: 67963

(a) The full name and address of the ~~state or county~~ 67964
~~political party~~ entity filing the statement, including its 67965
treasurer; 67966

(b) A description of each gift received, which shall include: 67967

(i) The month, day, and year on which the gift was received; 67968

(ii) The full name and address of each person from whom or 67969
from which the gift was received; 67970

(iii) The nature of the gift, if other than money; 67971

(iv) The value of the gift in dollars and cents. 67972

Each gift received shall be itemized separately regardless of 67973
its amount or value. 67974

(c) An itemization of how each gift was disbursed; 67975

(d) The total value of gifts received and gifts disbursed 67976
during each reporting period; 67977

(e) The total ~~cost of~~ costs incurred for the construction, 67978
~~renovation, or purchase of any office facility~~ purposes for which 67979
a gift is used. 67980

~~(D)(E)~~(1) All monetary gifts and all income from the lease or 67981
rental of an office facility for which a gift is used shall be 67982
deposited in an account separate from other funds and maintained 67983
in that separate account. ~~Except as provided in division (D)(2) of~~ 67984
~~this section, moneys~~ Moneys in the account shall be used only for 67985
the ~~construction, renovation, or purchase of an office facility as~~ 67986
purposes described in division ~~(B)(A)(1)~~ of this section. 67987

(2) ~~Any moneys remaining in an account under division (D)(1)~~ 67988
~~of this section after the construction, renovation, or purchase of~~ 67989
~~an office facility shall be used only for the maintenance and~~ 67990
~~repair of the facility or for the construction, renovation, or~~ 67991
~~purchase of another office facility as described in division (B)~~ 67992
~~of this section and shall not be used for operating costs of the~~ 67993
~~facility or for any other purpose.~~ 67994

~~(3)~~ When a ~~state or county political party~~ an entity 67995
described in division (C) of this section sells an office facility 67996
that was constructed, renovated, or purchased in whole or in part 67997
from monetary gifts or sells furniture, fixtures, equipment, or 67998
supplies that were purchased in whole or in part from monetary 67999
gifts, the ~~party~~ entity shall deposit in the account under 68000
division ~~(D)(E)~~(1) of this section an amount that is the same 68001
percentage of the total proceeds of the sale as the monetary gifts 68002
~~used in the construction, renovation, or purchase of the facility~~ 68003
were of the total cost of ~~that construction, renovation, or~~ 68004
purchase those goods or services. Proceeds deposited in the 68005
account shall be used only for the ~~construction, renovation, or~~ 68006
~~purchase of another office facility as~~ purposes described in 68007
division ~~(B)(A)(1)~~ of this section. 68008

~~(E)(F)~~ A state political party or a legislative campaign fund 68009

shall file a statement required under this section with the 68010
secretary of state and a county political party shall file a 68011
statement required under this section with the board of elections 68012
of the county in which the party is located. 68013

~~(F)(G)~~(1) No ~~state or county political party~~ entity shall 68014
fail to file a statement required to be filed under this section. 68015

(2) No ~~state or county political party~~ entity shall knowingly 68016
fail to report, or shall knowingly misrepresent, a gift required 68017
to be reported on a statement required to be filed under this 68018
section. 68019

~~(G)(H)~~ No ~~state or county political party~~ entity shall expend 68020
or use a gift for a purpose other than ~~to defray any cost incurred~~ 68021
~~on or after the effective date of this section for the~~ 68022
~~construction, renovation, or purchase of an office facility as the~~ 68023
purposes described in division ~~(B)(A)~~(1) of this section ~~or for~~ 68024
~~the maintenance and repair of such a facility as provided in~~ 68025
~~division (D)(2) of this section.~~ 68026

~~(H)(I)~~ Prior to receiving any gift under this section, every 68027
~~political party~~ entity shall appoint a treasurer and file, on a 68028
form prescribed by the secretary of state, a designation of the 68029
appointment, including the full name and address of the ~~political~~ 68030
~~party~~ entity. The designation shall be filed with the official 68031
with whom the ~~political party~~ entity is required to file 68032
statements under division (E) of this section. The treasurer shall 68033
keep a strict account of all gifts required to be reported under 68034
this section. The secretary of state or board of elections, as the 68035
case may be, shall, if requested, issue a receipt for each 68036
statement filed under this section and preserve a record of the 68037
filing for at least six years. All such statements shall be open 68038
to public inspection in the office where they are filed, and shall 68039
be carefully preserved for a period of at least six years after 68040
the year in which they are filed. 68041

Sec. 3517.102. (A) Except as otherwise provided in section 68042
3517.103 of the Revised Code, as used in this section and sections 68043
3517.103 and 3517.104 of the Revised Code: 68044

(1) "Candidate" has the same meaning as in section 3517.01 of 68045
the Revised Code but includes only candidates for the offices of 68046
governor, lieutenant governor, secretary of state, auditor of 68047
state, treasurer of state, attorney general, member of the state 68048
board of education, member of the general assembly, chief justice 68049
of the supreme court, and justice of the supreme court. 68050

(2) "Statewide candidate" or "any one statewide candidate" 68051
means the joint candidates for the offices of governor and 68052
lieutenant governor or a candidate for the office of secretary of 68053
state, auditor of state, treasurer of state, attorney general, 68054
member of the state board of education, chief justice of the 68055
supreme court, or justice of the supreme court. 68056

(3) "Senate candidate" means a candidate for the office of 68057
state senator. 68058

(4) "House candidate" means a candidate for the office of 68059
state representative. 68060

(5)(a) "Primary election period" for a candidate begins on 68061
the beginning date of the candidate's pre-filing period specified 68062
in division (A)(9) of section 3517.109 of the Revised Code and 68063
ends on the day of the primary election. 68064

(b) In regard to any candidate, the "general election period" 68065
begins on the day after the primary election immediately preceding 68066
the general election at which the candidate seeks an office 68067
specified in division (A)(1) of this section and ends on the 68068
thirty-first day of December following that general election. 68069

(6) "State candidate fund" means the state candidate fund 68070
established by a state or county political party under division 68071

(D)(3)(c) of section 3517.10 of the Revised Code. 68072

(7) "Postgeneral election statement" means the statement 68073
filed under division (A)(2) of section 3517.10 of the Revised Code 68074
by the campaign committee of a candidate after the general 68075
election in which the candidate ran for office or filed by 68076
legislative campaign fund after the general election in an 68077
even-numbered year. 68078

(8) "Contribution" means any contribution that is required to 68079
be reported in the statement of contributions under section 68080
3517.10 of the Revised Code. 68081

(9)(a) Except as otherwise provided in division (A)(9)(b) of 68082
this section ~~and in division (F) of section 3517.103 and division~~ 68083
~~(B)(3)(b) of section 3517.1010 of the Revised Code~~, "designated 68084
state campaign committee" means: 68085

(i) In the case of contributions to or from a state political 68086
party, a campaign committee of a statewide candidate, statewide 68087
officeholder, senate candidate, house candidate, or member of the 68088
general assembly. 68089

(ii) In the case of contributions to or from a county 68090
political party, a campaign committee of a senate candidate or 68091
house candidate whose candidacy is to be submitted to some or all 68092
of the electors in that county, or member of the general assembly 68093
whose district contains all or part of that county. 68094

(iii) In the case of contributions to or from a legislative 68095
campaign fund, a campaign committee of any of the following: 68096

(I) A senate or house candidate who, if elected, will be a 68097
member of the same party that established the legislative campaign 68098
fund and the same house with which the legislative campaign fund 68099
is associated; 68100

(II) A state senator or state representative who is a member 68101

of the same party that established the legislative campaign fund 68102
and the same house with which the legislative campaign fund is 68103
associated. 68104

(b) A campaign committee is no longer a "designated state 68105
campaign committee" after the campaign committee's candidate 68106
changes the designation of treasurer required to be filed under 68107
division (D)(1) of section 3517.10 of the Revised Code to indicate 68108
that the person intends to be a candidate for, or becomes a 68109
candidate for nomination or election to, any office that, if 68110
elected, would not qualify that candidate's campaign committee as 68111
a "designated state campaign committee" under division (A)(9)(a) 68112
of this section. 68113

(B)(1)(a) No individual who is seven years of age or older 68114
shall make a contribution or contributions aggregating more than: 68115

(i) Ten thousand dollars to the campaign committee of any one 68116
statewide candidate in a primary election period or in a general 68117
election period; 68118

(ii) Ten thousand dollars to the campaign committee of any 68119
one senate candidate in a primary election period or in a general 68120
election period; 68121

(iii) Ten thousand dollars to the campaign committee of any 68122
one house candidate in a primary election period or in a general 68123
election period; 68124

(iv) Ten thousand dollars to a county political party of the 68125
county in which the individual's designated Ohio residence is 68126
located for the party's state candidate fund in a calendar year; 68127

(v) Fifteen thousand dollars to any one legislative campaign 68128
fund in a calendar year; 68129

(vi) Thirty thousand dollars to any one state political party 68130
for the party's state candidate fund in a calendar year; 68131

(vii) Ten thousand dollars to any one political action committee in a calendar year;	68132 68133
(viii) Ten thousand dollars to any one political contributing entity in a calendar year.	68134 68135
(b) No individual shall make a contribution or contributions to the state candidate fund of a county political party of any county other than the county in which the individual's designated Ohio residence is located.	68136 68137 68138 68139
(c) No individual who is under seven years of age shall make any contribution.	68140 68141
(2)(a) Subject to division (D)(1) of this section, no political action committee shall make a contribution or contributions aggregating more than:	68142 68143 68144
(i) Ten thousand dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period;	68145 68146 68147
(ii) Ten thousand dollars to the campaign committee of any one senate candidate in a primary election period or in a general election period;	68148 68149 68150
(iii) Ten thousand dollars to the campaign committee of any one house candidate in a primary election period or in a general election period;	68151 68152 68153
(iv) Fifteen thousand dollars to any one legislative campaign fund in a calendar year;	68154 68155
(v) Thirty thousand dollars to any one state political party for the party's state candidate fund in a calendar year;	68156 68157
(vi) Ten thousand dollars to another political action committee or to a political contributing entity in a calendar year. This division does not apply to a political action committee that makes a contribution to a political action committee or a	68158 68159 68160 68161

political contributing entity affiliated with it. For purposes of 68162
this division, a political action committee is affiliated with 68163
another political action committee or with a political 68164
contributing entity if they are both established, financed, 68165
maintained, or controlled by, or if they are, the same 68166
corporation, organization, labor organization, continuing 68167
association, or other person, including any parent, subsidiary, 68168
division, or department of that corporation, organization, labor 68169
organization, continuing association, or other person. 68170

(b) No political action committee shall make a contribution 68171
or contributions to a county political party for the party's state 68172
candidate fund. 68173

(3) No campaign committee shall make a contribution or 68174
contributions aggregating more than: 68175

(a) Ten thousand dollars to the campaign committee of any one 68176
statewide candidate in a primary election period or in a general 68177
election period; 68178

(b) Ten thousand dollars to the campaign committee of any one 68179
senate candidate in a primary election period or in a general 68180
election period; 68181

(c) Ten thousand dollars to the campaign committee of any one 68182
house candidate in a primary election period or in a general 68183
election period; 68184

(d) Ten thousand dollars to any one political action 68185
committee in a calendar year; 68186

(e) Ten thousand dollars to any one political contributing 68187
entity in a calendar year. 68188

(4)(a) Subject to division (D)(3) of this section, no 68189
political party shall make a contribution or contributions 68190
aggregating more than ten thousand dollars to any one political 68191

action committee or to any one political contributing entity in a 68192
calendar year. 68193

(b) No county political party shall make a contribution or 68194
contributions to another county political party. 68195

(5)(a) Subject to division (B)(5)(b) of this section, no 68196
campaign committee, other than a designated state campaign 68197
committee, shall make a contribution or contributions aggregating 68198
in a calendar year more than: 68199

(i) Thirty thousand dollars to any one state political party 68200
for the party's state candidate fund; 68201

(ii) Fifteen thousand dollars to any one legislative campaign 68202
fund; 68203

(iii) Ten thousand dollars to any one county political party 68204
for the party's state candidate fund. 68205

(b) No campaign committee shall make a contribution or 68206
contributions to a county political party for the party's state 68207
candidate fund unless one of the following applies: 68208

(i) The campaign committee's candidate will appear on a 68209
ballot in that county. 68210

(ii) The campaign committee's candidate is the holder of an 68211
elected public office that represents all or part of the 68212
population of that county at the time the contribution is made. 68213

(6)(a) No state candidate fund of a county political party 68214
shall make a contribution or contributions, except a contribution 68215
or contributions to a designated state campaign committee, in a 68216
primary election period or a general election period, aggregating 68217
more than: 68218

(i) Two hundred fifty thousand dollars to the campaign 68219
committee of any one statewide candidate; 68220

(ii) Ten thousand dollars to the campaign committee of any 68221

one senate candidate; 68222

(iii) Ten thousand dollars to the campaign committee of any 68223
one house candidate. 68224

(b)(i) No state candidate fund of a state or county political 68225
party shall make a transfer or a contribution or transfers or 68226
contributions of cash or cash equivalents to a designated state 68227
campaign committee in a primary election period or in a general 68228
election period aggregating more than: 68229

(I) Five hundred thousand dollars to the campaign committee 68230
of any one statewide candidate; 68231

(II) One hundred thousand dollars to the campaign committee 68232
of any one senate candidate; 68233

(III) Fifty thousand dollars to the campaign committee of any 68234
one house candidate. 68235

(ii) No legislative campaign fund shall make a transfer or a 68236
contribution or transfers or contributions of cash or cash 68237
equivalents to a designated state campaign committee aggregating 68238
more than: 68239

(I) Fifty thousand dollars in a primary election period or 68240
one hundred thousand dollars in a general election period to the 68241
campaign committee of any one senate candidate; 68242

(II) Twenty-five thousand dollars in a primary election 68243
period or fifty thousand dollars in a general election period to 68244
the campaign committee of any one house candidate. 68245

(iii) As used in divisions (B)(6)(b) and (C)(6) of this 68246
section, "transfer or contribution of cash or cash equivalents" 68247
does not include any in-kind contributions. 68248

(c) A county political party that has no state candidate fund 68249
and that is located in a county having a population of less than 68250
one hundred fifty thousand may make one or more contributions from 68251

other accounts to any one statewide candidate or to any one 68252
designated state campaign committee that do not exceed, in the 68253
aggregate, two thousand five hundred dollars in any primary 68254
election period or general election period. As used in this 68255
division, "other accounts" does not include an account that 68256
contains the public moneys received from the Ohio political party 68257
fund under section 3517.17 of the Revised Code. 68258

(d) No legislative campaign fund shall make a contribution, 68259
other than to a designated state campaign committee or to the 68260
state candidate fund of a political party. 68261

(7)(a) Subject to division (D)(1) of this section, no 68262
political contributing entity shall make a contribution or 68263
contributions aggregating more than: 68264

(i) Ten thousand dollars to the campaign committee of any one 68265
statewide candidate in a primary election period or in a general 68266
election period; 68267

(ii) Ten thousand dollars to the campaign committee of any 68268
one senate candidate in a primary election period or in a general 68269
election period; 68270

(iii) Ten thousand dollars to the campaign committee of any 68271
one house candidate in a primary election period or in a general 68272
election period; 68273

(iv) Fifteen thousand dollars to any one legislative campaign 68274
fund in a calendar year; 68275

(v) Thirty thousand dollars to any one state political party 68276
for the party's state candidate fund in a calendar year; 68277

(vi) Ten thousand dollars to another political contributing 68278
entity or to a political action committee in a calendar year. This 68279
division does not apply to a political contributing entity that 68280
makes a contribution to a political contributing entity or a 68281

political action committee affiliated with it. For purposes of 68282
this division, a political contributing entity is affiliated with 68283
another political contributing entity or with a political action 68284
committee if they are both established, financed, maintained, or 68285
controlled by, or if they are, the same corporation, organization, 68286
labor organization, continuing association, or other person, 68287
including any parent, subsidiary, division, or department of that 68288
corporation, organization, labor organization, continuing 68289
association, or other person. 68290

(b) No political contributing entity shall make a 68291
contribution or contributions to a county political party for the 68292
party's state candidate fund. 68293

(C)(1)(a) Subject to division (D)(1) of this section, no 68294
campaign committee of a statewide candidate shall do any of the 68295
following: 68296

(i) Knowingly accept a contribution or contributions from any 68297
individual who is under seven years of age; 68298

(ii) Accept a contribution or contributions aggregating more 68299
than ten thousand dollars from any one individual who is seven 68300
years of age or older, from any one political action committee, 68301
from any one political contributing entity, or from any one other 68302
campaign committee in a primary election period or in a general 68303
election period; 68304

(iii) Accept a contribution or contributions aggregating more 68305
than two hundred fifty thousand dollars from any one or 68306
combination of state candidate funds of county political parties 68307
in a primary election period or in a general election period. 68308

(b) No campaign committee of a statewide candidate shall 68309
accept a contribution or contributions aggregating more than two 68310
thousand five hundred dollars in a primary election period or in a 68311
general election period from a county political party that has no 68312

state candidate fund and that is located in a county having a 68313
population of less than one hundred fifty thousand. 68314

(2)(a) Subject to division (D)(1) of this section and except 68315
for a designated state campaign committee, no campaign committee 68316
of a senate candidate shall do either of the following: 68317

(i) Knowingly accept a contribution or contributions from any 68318
individual who is under seven years of age; 68319

(ii) Accept a contribution or contributions aggregating more 68320
than ten thousand dollars from any one individual who is seven 68321
years of age or older, from any one political action committee, 68322
from any one political contributing entity, from any one state 68323
candidate fund of a county political party, or from any one other 68324
campaign committee in a primary election period or in a general 68325
election period. 68326

(b) No campaign committee of a senate candidate shall accept 68327
a contribution or contributions aggregating more than two thousand 68328
five hundred dollars in a primary election period or in a general 68329
election period from a county political party that has no state 68330
candidate fund and that is located in a county having a population 68331
of less than one hundred fifty thousand. 68332

(3)(a) Subject to division (D)(1) of this section and except 68333
for a designated state campaign committee, no campaign committee 68334
of a house candidate shall do either of the following: 68335

(i) Knowingly accept a contribution or contributions from any 68336
individual who is under seven years of age; 68337

(ii) Accept a contribution or contributions aggregating more 68338
than ten thousand dollars from any one individual who is seven 68339
years of age or older, from any one political action committee, 68340
from any one political contributing entity, from any one state 68341
candidate fund of a county political party, or from any one other 68342
campaign committee in a primary election period or in a general 68343

election period. 68344

(b) No campaign committee of a house candidate shall accept a 68345
contribution or contributions aggregating more than two thousand 68346
five hundred dollars in a primary election period or in a general 68347
election period from a county political party that has no state 68348
candidate fund and that is located in a county having a population 68349
of less than one hundred fifty thousand. 68350

(4)(a)(i) Subject to division (C)(4)(a)(ii) of this section 68351
and except for a designated state campaign committee, no county 68352
political party shall knowingly accept a contribution or 68353
contributions from any individual who is under seven years of age, 68354
or accept a contribution or contributions for the party's state 68355
candidate fund aggregating more than ten thousand dollars from any 68356
one individual whose designated Ohio residence is located within 68357
that county and who is seven years of age or older or from any one 68358
campaign committee in a calendar year. 68359

(ii) Subject to division (D)(1) of this section, no county 68360
political party shall accept a contribution or contributions for 68361
the party's state candidate fund from any individual whose 68362
designated Ohio residence is located outside of that county and 68363
who is seven years of age or older, from any campaign committee 68364
unless the campaign committee's candidate will appear on a ballot 68365
in that county or unless the campaign committee's candidate is the 68366
holder of an elected public office that represents all or part of 68367
the population of that county at the time the contribution is 68368
accepted, or from any political action committee or any political 68369
contributing entity. 68370

(iii) No county political party shall accept a contribution 68371
or contributions from any other county political party. 68372

(b) Subject to division (D)(1) of this section, no state 68373
political party shall do either of the following: 68374

(i) Knowingly accept a contribution or contributions from any individual who is under seven years of age;	68375 68376
(ii) Accept a contribution or contributions for the party's state candidate fund aggregating more than thirty thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, or from any one campaign committee, other than a designated state campaign committee, in a calendar year.	68377 68378 68379 68380 68381 68382
(5) Subject to division (D)(1) of this section, no legislative campaign fund shall do either of the following:	68383 68384
(a) Knowingly accept a contribution or contributions from any individual who is under seven years of age;	68385 68386
(b) Accept a contribution or contributions aggregating more than fifteen thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, or from any one campaign committee, other than a designated state campaign committee, in a calendar year.	68387 68388 68389 68390 68391 68392
(6)(a) No designated state campaign committee shall accept a transfer or contribution of cash or cash equivalents from a state candidate fund of a state political party aggregating in a primary election period or a general election period more than:	68393 68394 68395 68396
(i) Five hundred thousand dollars, in the case of a campaign committee of a statewide candidate;	68397 68398
(ii) One hundred thousand dollars, in the case of a campaign committee of a senate candidate;	68399 68400
(iii) Fifty thousand dollars, in the case of a campaign committee of a house candidate.	68401 68402
(b) No designated state campaign committee shall accept a transfer or contribution of cash or cash equivalents from a	68403 68404

legislative campaign fund aggregating more than: 68405

(i) Fifty thousand dollars in a primary election period or 68406
one hundred thousand dollars in a general election period, in the 68407
case of a campaign committee of a senate candidate; 68408

(ii) Twenty-five thousand dollars in a primary election 68409
period or fifty thousand dollars in a general election period, in 68410
the case of a campaign committee of a house candidate. 68411

(c) No campaign committee of a candidate for the office of 68412
member of the general assembly, including a designated state 68413
campaign committee, shall accept a transfer or contribution of 68414
cash or cash equivalents from any one or combination of state 68415
candidate funds of county political parties aggregating in a 68416
primary election period or a general election period more than: 68417

(i) One hundred thousand dollars, in the case of a campaign 68418
committee of a senate candidate; 68419

(ii) Fifty thousand dollars, in the case of a campaign 68420
committee of a house candidate. 68421

(7)(a) Subject to division (D)(3) of this section, no 68422
political action committee and no political contributing entity 68423
shall do either of the following: 68424

(i) Knowingly accept a contribution or contributions from any 68425
individual who is under seven years of age; 68426

(ii) Accept a contribution or contributions aggregating more 68427
than ten thousand dollars from any one individual who is seven 68428
years of age or older, from any one campaign committee, or from 68429
any one political party in a calendar year. 68430

(b) Subject to division (D)(1) of this section, no political 68431
action committee shall accept a contribution or contributions 68432
aggregating more than ten thousand dollars from another political 68433
action committee or from a political contributing entity in a 68434

calendar year. Subject to division (D)(1) of this section, no 68435
political contributing entity shall accept a contribution or 68436
contributions aggregating more than ten thousand dollars from 68437
another political contributing entity or from a political action 68438
committee in a calendar year. This division does not apply to a 68439
political action committee or political contributing entity that 68440
accepts a contribution from a political action committee or 68441
political contributing entity affiliated with it. For purposes of 68442
this division, a political action committee is affiliated with 68443
another political action committee or with a political 68444
contributing entity if they are both established, financed, 68445
maintained, or controlled by the same corporation, organization, 68446
labor organization, continuing association, or other person, 68447
including any parent, subsidiary, division, or department of that 68448
corporation, organization, labor organization, continuing 68449
association, or other person. 68450

(D)(1)(a) For purposes of the limitations prescribed in 68451
division (B)(2) of this section and the limitations prescribed in 68452
divisions (C)(1), (2), (3), (4), (5), and (7)(b) of this section, 68453
whichever is applicable, all contributions made by and all 68454
contributions accepted from political action committees that are 68455
established, financed, maintained, or controlled by, or that are, 68456
the same corporation, organization, labor organization, continuing 68457
association, or other person, including any parent, subsidiary, 68458
division, or department of that corporation, organization, labor 68459
organization, continuing association, or other person, are 68460
considered to have been made by or accepted from a single 68461
political action committee. 68462

(b) For purposes of the limitations prescribed in division 68463
(B)(7) of this section and the limitations prescribed in divisions 68464
(C)(1), (2), (3), (4), (5), and (7)(b) of this section, whichever 68465
is applicable, all contributions made by and all contributions 68466

accepted from political contributing entities that are 68467
established, financed, maintained, or controlled by, or that are, 68468
the same corporation, organization, labor organization, continuing 68469
association, or other person, including any parent, subsidiary, 68470
division, or department of that corporation, organization, labor 68471
organization, continuing association, or other person, are 68472
considered to have been made by or accepted from a single 68473
political contributing entity. 68474

(2) As used in divisions (B)(1)(a)(vii), (B)(3)(d), 68475
(B)(4)(a), and (C)(7) of this section, "political action 68476
committee" does not include a political action committee that is 68477
organized to support or oppose a ballot issue or question and that 68478
makes no contributions to or expenditures on behalf of a political 68479
party, campaign committee, legislative campaign fund, political 68480
action committee, or political contributing entity. As used in 68481
divisions (B)(1)(a)(viii), (B)(3)(e), (B)(4)(a), and (C)(7) of 68482
this section, "political contributing entity" does not include a 68483
political contributing entity that is organized to support or 68484
oppose a ballot issue or question and that makes no contributions 68485
to or expenditures on behalf of a political party, campaign 68486
committee, legislative campaign fund, political action committee, 68487
or political contributing entity. 68488

(3) For purposes of the limitations prescribed in divisions 68489
(B)(4) and (C)(7)(a) of this section, all contributions made by 68490
and all contributions accepted from a national political party, a 68491
state political party, and a county political party are considered 68492
to have been made by or accepted from a single political party and 68493
shall be combined with each other to determine whether the 68494
limitations have been exceeded. 68495

(E)(1) If a legislative campaign fund has kept a total amount 68496
of contributions exceeding one hundred fifty thousand dollars at 68497
the close of business on the seventh day before the postgeneral 68498

election statement is required to be filed under section 3517.10 68499
of the Revised Code, the legislative campaign fund shall comply 68500
with division (E)(2) of this section. 68501

(2)(a) Any legislative campaign fund that has kept a total 68502
amount of contributions in excess of the amount specified in 68503
division (E)(1) of this section at the close of business on the 68504
seventh day before the postgeneral election statement is required 68505
to be filed under section 3517.10 of the Revised Code shall 68506
dispose of the excess amount in the manner prescribed in division 68507
(E)(2)(b)(i), (ii), or (iii) of this section not later than ninety 68508
days after the day the postgeneral election statement is required 68509
to be filed under section 3517.10 of the Revised Code. Any 68510
legislative campaign fund that is required to dispose of an excess 68511
amount of contributions under this division shall file a statement 68512
on the ninetieth day after the postgeneral election statement is 68513
required to be filed under section 3517.10 of the Revised Code 68514
indicating the total amount of contributions the fund has at the 68515
close of business on the seventh day before the postgeneral 68516
election statement is required to be filed under section 3517.10 68517
of the Revised Code and that the excess contributions were 68518
disposed of pursuant to this division and division (E)(2)(b) of 68519
this section. The statement shall be on a form prescribed by the 68520
secretary of state and shall contain any additional information 68521
the secretary of state considers necessary. 68522

(b) Any legislative campaign fund that is required to dispose 68523
of an excess amount of contributions under division (E)(2) of this 68524
section shall dispose of that excess amount by doing any of the 68525
following: 68526

(i) Giving the amount to the treasurer of state for deposit 68527
into the state treasury to the credit of the Ohio elections 68528
commission fund created by division (I) of section 3517.152 of the 68529
Revised Code; 68530

(ii) Giving the amount to individuals who made contributions to that legislative campaign fund as a refund of all or part of their contributions;

(iii) Giving the amount to a corporation that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code.

(F)(1) No legislative campaign fund shall fail to file a statement required by division (E) of this section.

(2) No legislative campaign fund shall fail to dispose of excess contributions as required by division (E) of this section.

(G) Nothing in this section shall affect, be used in determining, or supersede a limitation on campaign contributions as provided for in the Federal Election Campaign Act.

Sec. 3517.103. (A)~~(1)~~ For purposes of this section:

~~(a)~~(1) "Statewide candidate" means the joint candidates for the offices of governor and lieutenant governor or a candidate for the office of secretary of state, auditor of state, treasurer of state, attorney general, or member of the state board of education.

~~(b)~~(i)~~(2)~~(a) "Personal funds" means contributions to the campaign committee of a candidate by the candidate ~~or by the candidate's spouse, parents, children, sons in law, daughters in law, brothers, sisters, grandparents, mother in law, father in law, brothers in law, sisters in law, or grandparents by marriage.~~

~~(ii)~~(b) A loan obtained by, guaranteed by, or for the benefit of a statewide candidate, senate candidate, or house candidate shall be considered "personal funds" subject to the provisions of this section ~~and section 3517.1010 of the Revised Code~~ to the extent that the loan is obtained or guaranteed by the candidate ~~or~~

~~is for the benefit of the candidate and is obtained or guaranteed 68561
by the candidate's spouse, parents, children, sons in law, 68562
daughters in law, brothers, sisters, grandparents, mother in law, 68563
father in law, brothers in law, sisters in law, or grandparents by 68564
marriage. A loan that is obtained or guaranteed and that is for 68565
the benefit of a statewide candidate, senate candidate, or house 68566
candidate shall not be considered "personal funds" for the 68567
purposes of this section and section 3517.1010 of the Revised Code 68568
but shall be considered to be a "contribution" for the purposes of 68569
this chapter if the loan is obtained or guaranteed by anyone other 68570
than the candidate or the candidate's spouse, parents, children, 68571
sons in law, daughters in law, brothers, sisters, grandparents, 68572
mother in law, father in law, brothers in law, sisters in law, or 68573
grandparents by marriage. 68574~~

~~(iii)(c) When a debt or other obligation incurred by a 68575
committee or by a candidate on behalf of the candidate's committee 68576
described in division (C)(1) or (2) of this section is to be paid 68577
from "personal funds," those funds are considered to be expended 68578
when the debt or other obligation is incurred, regardless of when 68579
it is paid. 68580~~

~~(2) For purposes of this chapter, a candidate is an 68581
"opponent" when the candidate has indicated on the candidate's 68582
most recently filed designation of treasurer that the candidate 68583
seeks the same office at the same primary or general election as 68584
another candidate whose campaign committee has filed a personal 68585
funds notice required by division (C)(1) or (2) of this section. 68586~~

(B)(1) Except as otherwise provided in division (B)(2) of 68587
this section, no statewide candidate or candidate for the office 68588
of member of the general assembly shall make an expenditure of 68589
personal funds to influence the results of an election for that 68590
candidate's nomination or election to office unless the personal 68591
funds are first deposited into the campaign fund of that 68592

candidate's campaign committee. 68593

(2) A statewide candidate or candidate for the office of 68594
member of the general assembly may make an expenditure of personal 68595
funds without first depositing those funds into the campaign 68596
committee's funds as long as the aggregate total of those 68597
expenditures does not exceed five hundred dollars at any time 68598
during an election period. After the candidate's campaign 68599
committee reimburses the candidate for any direct expenditure of 68600
personal funds, the amount that was reimbursed is no longer 68601
included in the aggregate total of expenditures of personal funds 68602
subject to the five-hundred-dollar limit. 68603

~~(C)(1) If the campaign committee of any statewide candidate 68604
has received or expended or expects to expend more than one 68605
hundred thousand dollars of personal funds during a primary 68606
election period or one hundred fifty thousand dollars of personal 68607
funds during a general election period, the campaign committee 68608
shall file a personal funds notice in the manner provided in 68609
division (C)(3) of this section indicating that the committee has 68610
received or expended or expects to expend more than that amount. 68611
For the purpose of this division, a joint team of candidates for 68612
governor and lieutenant governor shall be considered a single 68613
candidate and their personal funds shall be combined. 68614~~

~~(2) If the campaign committee of any senate candidate or 68615
house candidate has received or expended or expects to expend more 68616
than twenty five thousand dollars of personal funds during a 68617
primary election period or twenty five thousand dollars of 68618
personal funds during a general election period, the campaign 68619
committee shall file a personal funds notice in the manner 68620
provided in division (C)(3) of this section indicating that the 68621
committee has received or expended or expects to expend more than 68622
that amount. 68623~~

~~(3) The personal funds notice required in divisions (C)(1) 68624~~

~~and (2) of this section and the declaration of no limits required 68625
under division (D)(2) of this section shall be on a form 68626
prescribed by the secretary of state. The personal funds notice 68627
required in divisions (C)(1) and (2) of this section shall be 68628
filed not later than the earlier of the following times: 68629~~

~~(a) One hundred twenty days before a primary election, in the 68630
case of personal funds received, expended, or expected to be 68631
expended during a primary election period, or not later than one 68632
hundred twenty days before a general election, in the case of 68633
personal funds received, expended, or expected to be expended 68634
during a general election period; 68635~~

~~(b) Two business days after the candidate's campaign 68636
committee receives or makes an expenditure of personal funds or 68637
the candidate makes an expenditure of personal funds on behalf of 68638
the candidate's campaign committee during that election period 68639
that exceed, in the aggregate, the amount specified in division 68640
(C)(1) or (2) of this section. 68641~~

~~The personal funds notice required under divisions (C)(1) and 68642
(2) of this section and the declaration of no limits required 68643
under division (D)(2) of this section shall be filed wherever the 68644
campaign committee files statements of contributions and 68645
expenditures under section 3517.11 of the Revised Code. The board 68646
of elections shall send to the secretary of state a copy of any 68647
personal funds notice or declaration of no limits filed by the 68648
campaign committee of a senate candidate or house candidate under 68649
division (C)(3) or (D)(2) of this section. 68650~~

~~(D)(1) Whenever a campaign committee files a notice under 68651
division (C)(1) or (2) of this section, and the campaign committee 68652
of an opponent files a declaration of no limits pursuant to 68653
division (D)(2) of this section within thirty days of the filing 68654
of the personal funds notice under division (C)(1) or (2) of this 68655
section, the contribution limitations prescribed in section 68656~~

~~3517.102 of the Revised Code no longer apply to the campaign
committee of the candidate's opponent.~~ 68657
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~~(2) No campaign committee of a candidate described in
division (D)(1) of this section shall accept any contribution or
contributions from a contributor that exceed the limitations
prescribed in section 3517.102 of the Revised Code until the
committee files a declaration that the committee will accept
contributions that exceed those limitations. This declaration
shall be filed not later than thirty days after a candidate's
opponent has filed a personal funds notice pursuant to division
(C)(1) or (2) of section 3517.103 of the Revised Code, shall be
referred to as the "declaration of no limits," and shall list all
of the following:~~ 68659
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~~(a) The amount of cash on hand in the candidate's campaign
fund at the end of the day immediately preceding the day on which
the candidate's campaign committee files the declaration of no
limits;~~ 68670
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~~(b) The value and description of all campaign assets worth
five hundred dollars or more available to the candidate at the end
of the day immediately preceding the day on which the candidate's
campaign committee files the declaration of no limits.~~ 68674
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~~(3) A candidate who was not an opponent of a candidate who
filed the personal funds notice required under division (C)(3) of
this section on the date the personal funds notice was filed may
file the declaration of no limits pursuant to division (D)(2) of
this section within thirty days after becoming an opponent of the
candidate who filed the personal funds notice.~~ 68678
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~~(4) If the candidate whose campaign committee filed a
personal funds notice under division (C)(1) or (2) of this section
fails to file a declaration of candidacy for the office listed on
the designation of treasurer filed under division (D) of section~~ 68684
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~~3517.10 of the Revised Code or files a declaration of candidacy or 68688
nominating petition for that office and dies or withdraws, both of 68689
the following apply to the campaign committee of that candidate's 68690
opponent if the opponent has filed a declaration of no limits 68691
pursuant to division (D) of this section: 68692~~

~~(a) No contribution from a contributor may thereafter be 68693
accepted that, when added to the aggregate total of all 68694
contributions received by that committee from that contributor 68695
during the primary election period or general election period, 68696
whichever is applicable, would cause that committee to exceed the 68697
contribution limitations prescribed in section 3517.102 of the 68698
Revised Code for the applicable election period. 68699~~

~~(b) The statement of primary day finances or the year end 68700
statement required to be filed under division (E) of section 68701
3517.1010 of the Revised Code shall be filed not later than 68702
fourteen days after the date the candidate's opponent fails to 68703
file a declaration of candidacy or nominating petition by the 68704
appropriate filing deadline, or dies or withdraws. For purposes of 68705
calculating permitted funds under division (A)(4) of section 68706
3517.1010 of the Revised Code, the primary or general election 68707
period, whichever is applicable, shall be considered to have ended 68708
on the filing deadline, in the case of an opponent who fails to 68709
file a declaration of candidacy or nominating petition, or on the 68710
date of the opponent's death or withdrawal. In such an event, the 68711
filing of a statement of primary day finances or year end finances 68712
and the disposing of any excess funds as required under division 68713
(B) of section 3517.1010 of the Revised Code satisfies the 68714
candidate's obligation to file such a statement for that election 68715
period. 68716~~

~~(E)(1) No campaign committee shall fail to file a personal 68717
funds notice as required under division (C)(1) or (2) of this 68718
section. 68719~~

~~(2) No campaign committee shall accept any contribution in excess of the contribution limitations prescribed in section 3517.102 of the Revised Code:~~ 68720
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~~(a) Unless a declaration of no limits has been filed under division (D)(2) of this section:~~ 68723
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~~(b) In violation of division (D)(4) of this section once the candidate who filed a personal funds notice under division (C)(3) of this section fails to file a declaration of candidacy or nominating petition or that candidate dies or withdraws.~~ 68725
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~~(3) No campaign committee that violates division (E)(1) of this section shall expend any personal funds in excess of the amount specified in division (C)(1) or (2) of this section, whichever is appropriate to the committee.~~ 68729
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~~(4) The candidate of any campaign committee that violates division (E) of this section shall forfeit the candidate's nomination, if the candidate was nominated, or the office to which the candidate was elected, if the candidate was elected to office.~~ 68733
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~~(F)(1) Whenever a campaign committee files a notice under division (C)(1) or (2) of this section or whenever the contribution limitations prescribed in section 3517.102 of the Revised Code do not apply to a campaign committee under division (D)(1) of this section, that committee is not a designated state campaign committee for the purpose of the limitations prescribed in section 3517.102 of the Revised Code with regard to contributions made by that campaign committee to a legislative campaign fund or to a state candidate fund of a state or county political party.~~ 68737
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~~(2) Division (F)(1) of this section no longer applies to a campaign committee after both of the following occur:~~ 68747
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~~(a) The primary or general election period during which the contribution limitations prescribed in section 3517.102 of the~~ 68749
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~~Revised Code did not apply after being removed pursuant to 68751
division (D) of this section has expired; 68752~~

~~(b) When the campaign committee has disposed of all excess 68753
funds and excess aggregate contributions as required under section 68754
3517.1010 of the Revised Code. 68755~~

Sec. 3517.153. (A) Upon the filing of a complaint with the 68756
Ohio elections commission, which shall be made by affidavit of any 68757
person, on personal knowledge, and subject to the penalties for 68758
perjury, or upon the filing of a complaint made by the secretary 68759
of state or an official at the board of elections, setting forth a 68760
failure to comply with or a violation of any provision in sections 68761
3517.08 to 3517.13, 3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, 68762
or 3599.031 of the Revised Code, the commission shall proceed in 68763
accordance with sections 3517.154 to 3517.157 of the Revised Code. 68764

(B) The commission shall prescribe the form for complaints 68765
made under division (A) of this section. The secretary of state 68766
and boards of elections shall furnish the information that the 68767
commission requests. The commission or a member of the commission 68768
may administer oaths, and the commission may issue subpoenas to 68769
any person in the state compelling the attendance of witnesses and 68770
the production of relevant papers, books, accounts, and reports. 68771
Section 101.42 of the Revised Code governs the issuance of 68772
subpoenas insofar as applicable. Upon the refusal of any person to 68773
obey a subpoena or to be sworn or to answer as a witness, the 68774
commission may apply to the court of common pleas of Franklin 68775
county under section 2705.03 of the Revised Code. The court shall 68776
hold proceedings in accordance with Chapter 2705. of the Revised 68777
Code. 68778

(C) No prosecution shall commence for a violation of a 68779
provision in sections 3517.08 to 3517.13, 3517.17, 3517.18, 68780
3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code 68781

unless a complaint has been filed with the commission under this 68782
section and all proceedings of the commission or a panel of the 68783
commission, as appropriate, under sections 3517.154 to 3517.157 of 68784
the Revised Code are completed. 68785

(D) The commission may recommend legislation and render 68786
advisory opinions concerning sections 3517.08, 3517.082, 3517.092, 68787
3517.102, ~~3517.103~~, 3517.105, 3517.1014, 3517.13, 3517.18, 3517.20 68788
to 3517.22, 3599.03, and 3599.031 of the Revised Code for persons 68789
over whose acts it has or may have jurisdiction. When the 68790
commission renders an advisory opinion relating to a specific set 68791
of circumstances involving any of those sections stating that 68792
there is no violation of a provision in those sections, the person 68793
to whom the opinion is directed or a person who is similarly 68794
situated may reasonably rely on the opinion and is immune from 68795
criminal prosecution and a civil action, including, without 68796
limitation, a civil action for removal from public office or 68797
employment, based on facts and circumstances covered by the 68798
opinion. 68799

(E) The commission shall establish a web site on which it 68800
shall post, at a minimum, all decisions and advisory opinions 68801
issued by the commission and copies of each election law as it is 68802
amended by the general assembly. The commission shall update the 68803
web site regularly to reflect any changes to those decisions and 68804
advisory opinions and any new decisions and advisory opinions. 68805

Sec. 3517.154. (A)(1) The full-time attorney for the Ohio 68806
elections commission shall review each complaint filed with the 68807
commission under section 3517.153 of the Revised Code, shall 68808
determine the nature of the complaint, and, unless division 68809
(A)(2)(a) of this section requires that the complaint receive an 68810
automatic expedited hearing, shall make a recommendation to the 68811
commission for its disposition, in accordance with this section. 68812

The attorney shall make the determination and the recommendation, 68813
if required, not later than one business day after the complaint 68814
is filed. 68815

(2)(a) If the attorney determines that the complaint sets 68816
forth a violation of division (B) of section 3517.21 or division 68817
(B) of section 3517.22 of the Revised Code and that the complaint 68818
is filed during one of the periods of time specified in division 68819
(B)(1) of section 3517.156 of the Revised Code, ~~or that the~~ 68820
~~complaint sets forth a violation of section 3517.103 of the~~ 68821
~~Revised Code or a violation described in division (D) of section~~ 68822
~~3517.1010 of the Revised Code,~~ the complaint shall receive an 68823
automatic expedited hearing under section 3517.156 of the Revised 68824
Code. 68825

(b) If the attorney determines that the complaint sets forth 68826
a failure to comply with or a violation of division (G), (I), (J), 68827
(O), (P), or (Q) of section 3517.13, division (A) of section 68828
3517.21, or division (A) of section 3517.22 of the Revised Code 68829
and that the complaint is filed during one of the periods of time 68830
specified in division (B)(1) of section 3517.156 of the Revised 68831
Code, the attorney shall recommend to the commission that the 68832
complaint receive an expedited hearing under section 3517.156 of 68833
the Revised Code, and the complaint shall receive such a hearing. 68834

(c) If the attorney determines that the complaint sets forth 68835
a failure to comply with or a violation of a section of the 68836
Revised Code over which the commission has jurisdiction to hear 68837
complaints other than the sections described in divisions 68838
(A)(2)(a) and (b) of this section, and unless the attorney makes a 68839
determination as provided for in division (A)(3) of this section, 68840
the attorney shall recommend to the commission that the complaint 68841
be submitted to the commission under section 3517.155 of the 68842
Revised Code. After the attorney makes that recommendation, the 68843
attorney shall notify all parties to the complaint of the 68844

attorney's recommendation. 68845

(3)(a) If a complaint sets forth a failure to comply with or 68846
a violation of a section of the Revised Code over which the 68847
commission has jurisdiction to hear complaints other than the 68848
sections described in divisions (A)(2)(a) and (b) of this section 68849
and if the complaint is filed during one of the periods of time 68850
specified in division (B)(1) of section 3517.156 of the Revised 68851
Code, the attorney may determine that the complaint should receive 68852
an expedited hearing under that section. The attorney shall make 68853
that determination by considering one or more of the following: 68854

(i) The number of prior failures to comply with or violations 68855
of Title XXXV of the Revised Code that the person or entity 68856
against whom the complaint has been brought has committed and any 68857
prior penalties the commission has imposed on the person or 68858
entity; 68859

(ii) If the complaint involves a statement required to be 68860
filed under section 3517.10, division (E) of section 3517.102, or 68861
section ~~3517.103~~, 3517.105, 3517.107, 3517.108, 3517.109, 68862
3517.1011, 3517.1012, or 3517.1014 of the Revised Code or an 68863
addendum required to be filed under section 3517.11 of the Revised 68864
Code that is filed late, how late the filing is and how much time 68865
has elapsed between the deadline for filing the statement or 68866
addendum and the filing of the complaint; 68867

(iii) If the complaint involves contributions and 68868
expenditures, contributions and disbursements, deposits and 68869
disbursements, gifts and disbursements, or donations and 68870
disbursements required to be reported under section 3517.10, 68871
division (E) of section 3517.102, or section 3517.105, 3517.107, 68872
3517.108, 3517.109, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 68873
of the Revised Code that are either not reported or reported late, 68874
the number of contributions and expenditures, contributions and 68875
disbursements, deposits and disbursements, gifts and 68876

disbursements, or donations and disbursements not reported or how late they were reported; 68877
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(iv) If the complaint involves contributions required to be reported by a campaign committee under section 3517.10, division (E) of section 3517.102, or section 3517.105, 3517.107, 3517.108, or 3517.109 of the Revised Code that are not reported, whether any of the contributors of the contributions not reported have a personal or professional relationship with the campaign committee's candidate; 68879
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(v) If the complaint involves a statement required to be filed under section 3517.10, division (E) of section 3517.102, or section ~~3517.103~~, 3517.105, 3517.107, 3517.108, 3517.109, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the Revised Code that is incomplete, the degree to which it is incomplete; 68886
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(vi) If the complaint involves the receipt of contributions in violation of section 3599.03 of the Revised Code, the dollar amount and number of contributions received in violation of that section; 68891
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(vii) If the complaint involves a failure to make the identification or a misstatement of the identification required under section 3517.105 or 3517.20 of the Revised Code, whether the failure or misstatement was purposely made; 68895
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(viii) If the complaint sets forth a failure to comply with or a violation of a section of the Revised Code described in division (A)(2)(c) of this section, whether the person or entity against whom the complaint has been made has committed more than one such failure or violation within a reasonable amount of time, or whether the cumulative nature of the failures or violations indicates a systematic disregard for the law. 68899
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(b) Prior to making a determination under division (A)(3)(a) of this section that the complaint should receive an expedited 68906
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hearing under section 3517.156 of the Revised Code, the attorney 68908
shall take into consideration the number of panels of the 68909
commission that have cases pending before them and the number of 68910
cases pending before the panels and shall not make a determination 68911
that will place an undue burden on a panel of the commission. 68912

(c) If the attorney determines that the complaint should 68913
receive an expedited hearing under section 3517.156 of the Revised 68914
Code, the attorney shall recommend to the commission that the 68915
complaint receive an expedited hearing, and, if a majority of the 68916
members of the commission agrees with the recommendation, the 68917
complaint shall receive an expedited hearing under that section. 68918

(4) The attorney may join two or more complaints if the 68919
attorney determines that the allegations in each complaint are of 68920
the same or similar character, are based on the same act or 68921
failure to act, or are based on two or more acts or failures to 68922
act constituting parts of a common scheme or plan. If one 68923
complaint contains two or more allegations, the attorney may 68924
separate the allegations if they are not of the same or similar 68925
character, if they are not based on the same act or failure to 68926
act, or if they are not based on two or more acts or failures to 68927
act constituting parts of a common scheme or plan. If the attorney 68928
separates the allegations in a complaint, the attorney may make 68929
separate recommendations under division (A)(2) or (3) of this 68930
section for each allegation. 68931

(B) Whenever a person or other entity files a complaint with 68932
the commission setting forth a failure to comply with or a 68933
violation of a section of the Revised Code as described in 68934
division (A)(2)(c) of this section and the complaint is filed 68935
during one of the periods of time specified in division (B)(1) of 68936
section 3517.156 of the Revised Code, the person or entity may 68937
request an expedited hearing under that section at the time the 68938
complaint is filed. The attorney for the commission shall inform 68939

the members of the commission of that request at the time the attorney makes a recommendation under division (A) of this section. The commission may grant the request for an expedited hearing under this division if it determines that an expedited hearing is practicable.

Sec. 3517.155. (A)(1) Except as otherwise provided in division (B) of this section, the Ohio elections commission shall hold its first hearing on a complaint filed with it, other than a complaint that receives an expedited hearing under section 3517.156 of the Revised Code, not later than ninety business days after the complaint is filed unless the commission has good cause to hold the hearing after that time, in which case it shall hold the hearing not later than one hundred eighty business days after the complaint is filed. At the hearing, the commission shall determine whether or not the failure to act or the violation alleged in the complaint has occurred and shall do only one of the following, except as otherwise provided in division (B) of this section or in division (B) of section 3517.151 of the Revised Code:

(a) Enter a finding that good cause has been shown not to impose a fine or not to refer the matter to the appropriate prosecutor;

(b) Impose a fine under section 3517.993 of the Revised Code;

(c) Refer the matter to the appropriate prosecutor;

~~(d) Direct the secretary of state or appropriate board of elections with the authority to certify a candidate to the ballot to remove a candidate's name from the ballot if the candidate is barred from the ballot under division (D) of section 3517.1010 of the Revised Code.~~

(2) As used in division (A) of this section, "appropriate

prosecutor" means a prosecutor as defined in section 2935.01 of the Revised Code and either of the following:

(a) In the case of a failure to comply with or a violation of law involving a campaign committee or the committee's candidate, a political party, a legislative campaign fund, a political action committee, or a political contributing entity, that is required to file a statement of contributions and expenditures with the secretary of state under division (A) of section 3517.11 of the Revised Code, the prosecutor of Franklin county;

(b) In the case of a failure to comply with or a violation of law involving any other campaign committee or committee's candidate, or any other political party, political action committee, or political contributing entity either of the following as determined by the commission:

(i) The prosecutor of Franklin county;

(ii) The prosecutor of the county in which the candidacy or ballot question or issue is submitted to the electors or, if it is submitted in more than one county, the most populous of those counties.

(B) If the commission decides that the evidence is insufficient for it to determine whether or not the failure to act or the violation alleged in the complaint has occurred, the commission, by the affirmative vote of five members, may request that an investigatory attorney investigate the complaint. Upon that request, an investigatory attorney shall make an investigation in order to produce sufficient evidence for the commission to decide the matter. If the commission requests an investigation under this division, for good cause shown by the investigatory attorney, the commission may extend by sixty days the deadline for holding its first hearing on the complaint as required in division (A) of this section.

(C) The commission shall take one of the actions required 69001
under division (A) of this section not later than thirty days 69002
after the close of all the evidence presented. 69003

(D)(1) The commission shall make any finding of a failure to 69004
comply with or a violation of law in regard to a complaint that 69005
alleges a violation of ~~division (D) of section 3517.1010~~, division 69006
(A) or (B) of section 3517.21, or division (A) or (B) of section 69007
3517.22 of the Revised Code by clear and convincing evidence. The 69008
commission shall make any finding of a failure to comply with or a 69009
violation of law in regard to any other complaint by a 69010
preponderance of the evidence. 69011

(2) If the commission finds a violation of division (B) of 69012
section 3517.21 or division (B) of section 3517.22 of the Revised 69013
Code, it shall refer the matter to the appropriate prosecutor 69014
under division (A)(1)(c) of this section and shall not impose a 69015
fine under division (A)(1)(b) of this section or section 3517.993 69016
of the Revised Code. 69017

(E) In an action before the commission or a panel of the 69018
commission, if the allegations of the complainant are not proved, 69019
and the commission takes the action described in division 69020
(A)(1)(a) of this section or a panel of the commission takes the 69021
action described in division (C)(1) of section 3517.156 of the 69022
Revised Code, the commission or a panel of the commission may find 69023
that the complaint is frivolous, and, if the commission or panel 69024
so finds, the commission shall order the complainant to pay 69025
reasonable attorney's fees and to pay the costs of the commission 69026
or panel as determined by a majority of the members of the 69027
commission. The costs paid to the commission or panel under this 69028
division shall be deposited into the Ohio elections commission 69029
fund. 69030

Sec. 3517.20. (A)(1) As used in this section: 69031

(a) "Political publication for or against a candidate" means 69032
a notice, placard, advertisement, sample ballot, brochure, flyer, 69033
direct mailer, or other form of general publication that is 69034
designed to promote the nomination, election, or defeat of a 69035
candidate. 69036

(b) "Political publication for or against an issue" means a 69037
notice, placard, advertisement, sample ballot, brochure, flyer, 69038
direct mailer, or other form of general publication that is 69039
designed to promote the adoption or defeat of a ballot issue or 69040
question or to influence the voters in an election. 69041

(c) "Public political advertising" means newspapers, 69042
magazines, outdoor advertising facilities, direct mailings, or 69043
other similar types of general public political advertising, or 69044
flyers, handbills, or other nonperiodical printed matter. 69045

(d) "Statewide candidate" has the same meaning as in section 69046
3517.102 of the Revised Code. 69047

(e) "Legislative candidate" means a candidate for the office 69048
of member of the general assembly. 69049

(f) "Local candidate" means a candidate for an elective 69050
office of a political subdivision of this state. 69051

(g) "Legislative campaign fund" has the same meaning as in 69052
section 3517.01 of the Revised Code. 69053

(h) "Limited political action committee" means a political 69054
action committee of fewer than ten members. 69055

(i) "Limited political contributing entity" means a political 69056
contributing entity of fewer than ten members. 69057

(j) "Designated amount" means one hundred dollars in the case 69058
of a local candidate or a local ballot issue, two hundred fifty 69059
dollars in the case of a legislative candidate, or five hundred 69060
dollars in the case of a statewide candidate or a statewide ballot 69061

issue. 69062

(k) "To issue" includes to print, post, distribute, reproduce 69063
for distribution, or cause to be issued, printed, posted, 69064
distributed, or reproduced for distribution. 69065

(1) "Telephone bank" means more than five hundred telephone 69066
calls of an identical or substantially similar nature within any 69067
thirty-day period, whether those telephone calls are made by 69068
individual callers or by recording. 69069

(2)(a) No ~~candidate, legislative campaign fund,~~ political 69070
party, or other entity, except a political action committee, a 69071
political contributing entity, a candidate, a legislative campaign 69072
fund, or a campaign committee, shall issue a form of political 69073
publication for or against a candidate, or shall make an 69074
expenditure for the purpose of financing political communications 69075
in support of or opposition to a candidate through public 69076
political advertising, unless the name and residence or business 69077
address of the candidate or the chairperson, treasurer, or 69078
secretary of the legislative campaign fund, political party, or 69079
other entity that issues or otherwise is responsible for that 69080
political publication or that makes an expenditure for that 69081
political communication appears in a conspicuous place on that 69082
political publication or is contained within that political 69083
communication. 69084

(b) No candidate, legislative campaign fund, or campaign 69085
committee shall issue a form of political publication for or 69086
against a candidate, or shall make an expenditure for the purpose 69087
of financing political communications in support of or opposition 69088
to a candidate through public political advertising, unless the 69089
name of the ~~campaign committee~~ entity appears in a conspicuous 69090
place on that political publication or is contained within that 69091
political communication. 69092

(3) No limited political action committee or limited political contributing entity shall do either of the following unless the name and residence or business address of the chairperson, treasurer, or secretary of the limited political action committee or limited political contributing entity involved appears in a conspicuous place in the political publication for or against a candidate described in division (A)(3)(a) of this section or is contained within the political communication described in division (A)(3)(b) of this section:

(a) Issue a form of political publication for or against a candidate that costs in excess of the designated amount or that is issued in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a campaign committee, a legislative campaign fund, a political party, a political action committee with ten or more members, a political contributing entity with ten or more members, or a limited political action committee or limited political contributing entity that spends in excess of the designated amount on a related or the same or similar political publication for or against a candidate;

(b) Make an expenditure in excess of the designated amount in support of or opposition to a candidate or make an expenditure in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a campaign committee, a legislative campaign fund, a political party, a political action committee with ten or more members, a political contributing entity with ten or more members, or a limited political action committee or limited political contributing entity that spends in excess of the designated amount in support of or opposition to the same candidate, for the purpose of financing political communications in support of or opposition to that candidate through public political advertising.

(4) No political action committee with ten or more members

and no political contributing entity with ten or more members 69125
shall issue a form of political publication for or against a 69126
candidate, or shall make an expenditure for the purpose of 69127
financing political communications in support of or opposition to 69128
a candidate through public political advertising, unless the name 69129
and residence or business address of the chairperson, treasurer, 69130
or secretary of the political action committee or political 69131
contributing entity that issues or otherwise is responsible for 69132
that political publication or that makes an expenditure for that 69133
political communication through public political advertising 69134
appears in a conspicuous place in that political publication or is 69135
contained within that political communication. 69136

(5)(a) No corporation, labor organization, ~~legislative~~ 69137
~~campaign fund~~, political party, or other entity, except a 69138
political action committee, a legislative campaign fund, or a 69139
campaign committee, shall issue a form of political publication 69140
for or against an issue, or shall make an expenditure for the 69141
purpose of financing political communications in support of or 69142
opposition to a ballot issue or question through public political 69143
advertising, unless the name and residence or business address of 69144
the chairperson, treasurer, or secretary of the corporation, labor 69145
organization, ~~legislative campaign fund~~, political party, or other 69146
entity that issues or otherwise is responsible for that political 69147
publication or that makes an expenditure for that political 69148
communication through public political advertising appears in a 69149
conspicuous place in that political publication or is contained 69150
within that political communication. 69151

(b) No campaign committee or legislative campaign fund shall 69152
issue a form of political publication for or against an issue, or 69153
shall make an expenditure for the purpose of financing political 69154
communications in support of or opposition to a ballot issue or 69155
question through public political advertising, unless the name of 69156

the campaign committee or legislative campaign fund appears in a 69157
conspicuous place in that political publication or is contained 69158
within that political communication. 69159

(6) No limited political action committee shall do either of 69160
the following unless the name and residence or business address of 69161
the chairperson, treasurer, or secretary of the limited political 69162
action committee involved appears in a conspicuous place in the 69163
political publication for or against a ballot issue described in 69164
division (A)(6)(a) of this section or is contained within the 69165
political communication described in division (A)(6)(b) of this 69166
section: 69167

(a) Issue a form of political publication for or against a 69168
ballot issue that costs in excess of the designated amount or that 69169
is issued in cooperation, consultation, or concert with, or at the 69170
request or suggestion of, a candidate, a campaign committee, a 69171
legislative campaign fund, a political party, a political action 69172
committee with ten or more members, or a limited political action 69173
committee that spends in excess of the designated amount for a 69174
related or the same or similar political publication for or 69175
against an issue; 69176

(b) Make an expenditure in excess of the designated amount in 69177
support of or opposition to a ballot issue or make an expenditure 69178
in cooperation, consultation, or concert with, or at the request 69179
or suggestion of, a candidate, a campaign committee, a legislative 69180
campaign fund, a political party, a political action committee 69181
with ten or more members, or a limited political action committee 69182
that spends in excess of the designated amount in support of or 69183
opposition to the same ballot issue, for the purpose of financing 69184
political communications in support of or opposition to that 69185
ballot issue through public political advertising. 69186

(7) No political action committee with ten or more members 69187
shall issue a form of political publication for or against an 69188

issue, or shall make an expenditure for the purpose of financing 69189
political communications in support of or opposition to a ballot 69190
issue or question through public political advertising, unless the 69191
name and residence or business address of the chairperson, 69192
treasurer, or secretary of the political action committee that 69193
issues or otherwise is responsible for that political publication 69194
or that makes an expenditure for that political communication 69195
appears in a conspicuous place in that political publication or is 69196
contained within that political communication. 69197

(8) The disclaimer "paid political advertisement" is not 69198
sufficient to meet the requirements of this section. 69199

(9) If the political publication described in division (A) of 69200
this section is issued by the regularly constituted central or 69201
executive committee of a political party that is organized as 69202
provided in this chapter, it shall be sufficiently identified if 69203
it bears the name of the committee and its chairperson or 69204
treasurer. 69205

(10) If more than one piece of printed matter or printed 69206
political communications are mailed as a single packet, the 69207
requirements of division (A) of this section are met if one of the 69208
pieces of printed matter or printed political communications in 69209
the packet contains the name and residence or business address of 69210
the chairperson, treasurer, or secretary of the organization or 69211
entity that issues or is responsible for the printed matter or 69212
other printed political communications, except that if a campaign 69213
committee or legislative campaign fund mails more than one piece 69214
of printed matter or printed political communications as a single 69215
packet, the requirements of division (A) of this section are met 69216
if one of the pieces of printed matter or printed political 69217
communications in the packet contains the name of the campaign 69218
committee or legislative campaign fund. 69219

(11) This section does not apply to the transmittal of 69220

personal correspondence that is not reproduced by machine for 69221
general distribution. 69222

(12) The secretary of state, by rule, may exempt from the 69223
requirements of this section, printed matter and certain other 69224
kinds of printed communications such as campaign buttons, 69225
balloons, pencils, or similar items, the size or nature of which 69226
makes it unreasonable to add an identification or disclaimer. 69227

(13) The disclaimer or identification described in division 69228
(A) of this section, when paid for by a candidate, legislative 69229
campaign fund, or campaign committee, shall be identified by the 69230
words "paid for by" followed by the name of the ~~campaign committee~~ 69231
~~and the appropriate officer of the committee, identified by name~~ 69232
~~and title~~ entity. The identification or disclaimer may use 69233
reasonable abbreviations for common terms such as "~~treasurer~~" or 69234
"committee". 69235

(B)(1) No candidate, campaign committee, legislative campaign 69236
fund, political party, political action committee, limited 69237
political action committee, political contributing entity, limited 69238
political contributing entity, or other entity shall utter or 69239
cause to be uttered, over the broadcasting facilities of any radio 69240
or television station within this state, any communication that is 69241
designed to promote the nomination, election, or defeat of a 69242
candidate, or the adoption or defeat of an issue or to influence 69243
the voters in an election, unless the speaker identifies the 69244
speaker with the speaker's name and residence address or unless 69245
the communication identifies the chairperson, treasurer, or 69246
secretary of the organization responsible for the communication 69247
with the name and residence or business address of that officer, 69248
except that communications by radio need not broadcast the 69249
residence or business address of the officer. However, a radio 69250
station, for a period of at least six months, shall keep the 69251
residence or business address on file and divulge it to any person 69252

upon request. 69253

No person operating a broadcast station or an organ of 69254
printed media shall broadcast or print a paid political 69255
communication that does not contain the identification required by 69256
this section. 69257

(2) Division (B) of this section does not apply to any 69258
communications made on behalf of a radio or television station or 69259
network by any employee of such radio or television station or 69260
network while acting in the course of the employee's employment. 69261

(3) No candidate or entity described in division (B)(1) of 69262
this section shall use or cause to be used a false, fictitious, or 69263
fraudulent name or address in the making or issuing of a 69264
publication or communication included within the provisions of 69265
this section. 69266

(C) No candidate, campaign committee, legislative campaign 69267
fund, political party, political action committee, limited 69268
political action committee, political contributing entity, limited 69269
political contributing entity, or other person or entity shall 69270
conduct a telephone bank for the purpose of promoting the 69271
nomination, election, or defeat of a candidate or the adoption or 69272
defeat of an issue or to influence the voters in an election, 69273
unless the call includes a disclaimer that identifies the name of 69274
the candidate, campaign committee, legislative campaign fund, 69275
political party, political action committee, limited political 69276
action committee, political contributing entity, limited political 69277
contributing entity, or other person or entity paying for the 69278
telephone bank. 69279

(D) Before a prosecution may commence under this section, a 69280
complaint shall be filed with the Ohio elections commission under 69281
section 3517.153 of the Revised Code. After the complaint is 69282
filed, the commission shall proceed in accordance with sections 69283

3517.154 to 3517.157 of the Revised Code. 69284

Sec. 3517.992. This section establishes penalties only with 69285
respect to acts or failures to act that occur on and after August 69286
24, 1995. 69287

(A)(1) A candidate whose campaign committee violates division 69288
(A), (B), (C), (D), or (V) of section 3517.13 of the Revised Code, 69289
or a treasurer of a campaign committee who violates any of those 69290
divisions, shall be fined not more than one hundred dollars for 69291
each day of violation. 69292

(2) Whoever violates division (E) or (X)(5) of section 69293
3517.13 or division (E)(1) of section 3517.1014 of the Revised 69294
Code shall be fined not more than one hundred dollars for each day 69295
of violation. 69296

(B) ~~A political party~~ An entity that violates division 69297
~~(F)~~(G)(1) of section 3517.101 of the Revised Code shall be fined 69298
not more than one hundred dollars for each day of violation. 69299

(C) Whoever violates division ~~(F)~~(G)(2) of section 3517.101, 69300
division (G) of section 3517.13, or division (E)(2) or (3) of 69301
section 3517.1014 of the Revised Code shall be fined not more than 69302
ten thousand dollars or, if the offender is a person who was 69303
nominated or elected to public office, shall forfeit the 69304
nomination or the office to which the offender was elected, or 69305
both. 69306

(D) Whoever violates division (F) of section 3517.13 of the 69307
Revised Code shall be fined not more than three times the amount 69308
contributed. 69309

(E) Whoever violates division (H) of section 3517.13 of the 69310
Revised Code shall be fined not more than one hundred dollars. 69311

(F) Whoever violates division (O), (P), or (Q) of section 69312
3517.13 of the Revised Code is guilty of a misdemeanor of the 69313

first degree. 69314

(G) A state or county committee of a political party that 69315
violates division (B)(1) of section 3517.18 of the Revised Code 69316
shall be fined not more than twice the amount of the improper 69317
expenditure. 69318

(H) ~~A state or county political party~~ An entity that violates 69319
division ~~(G)~~(H) of section 3517.101 of the Revised Code shall be 69320
fined not more than twice the amount of the improper expenditure 69321
or use. 69322

(I)(1) Any individual who violates division (B)(1) of section 69323
3517.102 of the Revised Code and knows that the contribution the 69324
individual makes violates that division shall be fined an amount 69325
equal to three times the amount contributed in excess of the 69326
amount permitted by that division. 69327

(2) Any political action committee that violates division 69328
(B)(2) of section 3517.102 of the Revised Code shall be fined an 69329
amount equal to three times the amount contributed in excess of 69330
the amount permitted by that division. 69331

(3) Any campaign committee that violates division (B)(3) or 69332
(5) of section 3517.102 of the Revised Code shall be fined an 69333
amount equal to three times the amount contributed in excess of 69334
the amount permitted by that division. 69335

(4)(a) Any legislative campaign fund that violates division 69336
(B)(6) of section 3517.102 of the Revised Code shall be fined an 69337
amount equal to three times the amount transferred or contributed 69338
in excess of the amount permitted by that division, as applicable. 69339

(b) Any state political party, county political party, or 69340
state candidate fund of a state political party or county 69341
political party that violates division (B)(6) of section 3517.102 69342
of the Revised Code shall be fined an amount equal to three times 69343
the amount transferred or contributed in excess of the amount 69344

permitted by that division, as applicable. 69345

(c) Any political contributing entity that violates division 69346
(B)(7) of section 3517.102 of the Revised Code shall be fined an 69347
amount equal to three times the amount contributed in excess of 69348
the amount permitted by that division. 69349

(5) Any political party that violates division (B)(4) of 69350
section 3517.102 of the Revised Code shall be fined an amount 69351
equal to three times the amount contributed in excess of the 69352
amount permitted by that division. 69353

(6) Notwithstanding divisions (I)(1), (2), (3), (4), and (5) 69354
of this section, no violation of division (B) of section 3517.102 69355
of the Revised Code occurs, and the secretary of state shall not 69356
refer parties to the Ohio elections commission, if the amount 69357
transferred or contributed in excess of the amount permitted by 69358
that division meets either of the following conditions: 69359

(a) It is completely refunded within five business days after 69360
it is accepted. 69361

(b) It is completely refunded on or before the tenth business 69362
day after notification to the recipient of the excess transfer or 69363
contribution by the board of elections or the secretary of state 69364
that a transfer or contribution in excess of the permitted amount 69365
has been received. 69366

(J)(1) Any campaign committee that violates division (C)(1), 69367
(2), (3), or (6) of section 3517.102 of the Revised Code shall be 69368
fined an amount equal to three times the amount accepted in excess 69369
of the amount permitted by that division. 69370

(2)(a) Any county political party that violates division 69371
(C)(4)(a)(ii) or (iii) of section 3517.102 of the Revised Code 69372
shall be fined an amount equal to three times the amount accepted. 69373

(b) Any county political party that violates division 69374

(C)(4)(a)(i) of section 3517.102 of the Revised Code shall be 69375
fined an amount from its state candidate fund equal to three times 69376
the amount accepted in excess of the amount permitted by that 69377
division. 69378

(c) Any state political party that violates division 69379
(C)(4)(b) of section 3517.102 of the Revised Code shall be fined 69380
an amount from its state candidate fund equal to three times the 69381
amount accepted in excess of the amount permitted by that 69382
division. 69383

(3) Any legislative campaign fund that violates division 69384
(C)(5) of section 3517.102 of the Revised Code shall be fined an 69385
amount equal to three times the amount accepted in excess of the 69386
amount permitted by that division. 69387

(4) Any political action committee or political contributing 69388
entity that violates division (C)(7) of section 3517.102 of the 69389
Revised Code shall be fined an amount equal to three times the 69390
amount accepted in excess of the amount permitted by that 69391
division. 69392

(5) Notwithstanding divisions (J)(1), (2), (3), and (4) of 69393
this section, no violation of division (C) of section 3517.102 of 69394
the Revised Code occurs, and the secretary of state shall not 69395
refer parties to the Ohio elections commission, if the amount 69396
transferred or contributed in excess of the amount permitted to be 69397
accepted by that division meets either of the following 69398
conditions: 69399

(a) It is completely refunded within five business days after 69400
its acceptance. 69401

(b) It is completely refunded on or before the tenth business 69402
day after notification to the recipient of the excess transfer or 69403
contribution by the board of elections or the secretary of state 69404
that a transfer or contribution in excess of the permitted amount 69405

has been received. 69406

(K)(1) Any legislative campaign fund that violates division 69407
(F)(1) of section 3517.102 of the Revised Code shall be fined 69408
twenty-five dollars for each day of violation. 69409

(2) Any legislative campaign fund that violates division 69410
(F)(2) of section 3517.102 of the Revised Code shall give to the 69411
treasurer of state for deposit into the state treasury to the 69412
credit of the Ohio elections commission fund all excess 69413
contributions not disposed of as required by division (E) of 69414
section 3517.102 of the Revised Code. 69415

(L) Whoever violates section 3517.105 of the Revised Code 69416
shall be fined one thousand dollars. 69417

(M)(1) Whoever solicits a contribution in violation of 69418
section 3517.092 or violates division (B) of section 3517.09 of 69419
the Revised Code is guilty of a misdemeanor of the first degree. 69420

(2) Whoever knowingly accepts a contribution in violation of 69421
division (B) or (C) of section 3517.092 of the Revised Code shall 69422
be fined an amount equal to three times the amount accepted in 69423
violation of either of those divisions and shall return to the 69424
contributor any amount so accepted. Whoever unknowingly accepts a 69425
contribution in violation of division (B) or (C) of section 69426
3517.092 of the Revised Code shall return to the contributor any 69427
amount so accepted. 69428

(N) Whoever violates division (S) of section 3517.13 of the 69429
Revised Code shall be fined an amount equal to three times the 69430
amount of funds transferred or three times the value of the assets 69431
transferred in violation of that division. 69432

(O) Any campaign committee that accepts a contribution or 69433
contributions in violation of section 3517.108 of the Revised 69434
Code, uses a contribution in violation of that section, or fails 69435
to dispose of excess contributions in violation of that section 69436

shall be fined an amount equal to three times the amount accepted, 69437
used, or kept in violation of that section. 69438

(P) Any political party, state candidate fund, legislative 69439
candidate fund, or campaign committee that violates division (T) 69440
of section 3517.13 of the Revised Code shall be fined an amount 69441
equal to three times the amount contributed or accepted in 69442
violation of that section. 69443

(Q) A treasurer of a committee or another person who violates 69444
division (U) of section 3517.13 of the Revised Code shall be fined 69445
not more than two hundred fifty dollars. 69446

(R) Whoever violates division (I) or (J) of section 3517.13 69447
of the Revised Code shall be fined not more than one thousand 69448
dollars. Whenever a person is found guilty of violating division 69449
(I) or (J) of section 3517.13 of the Revised Code, the contract 69450
awarded in violation of either of those divisions shall be 69451
rescinded if its terms have not yet been performed. 69452

(S) A candidate whose campaign committee violates or a 69453
treasurer of a campaign committee who violates section 3517.081 of 69454
the Revised Code, and a candidate whose campaign committee 69455
violates or a treasurer of a campaign committee or another person 69456
who violates division (C) of section 3517.10 of the Revised Code, 69457
shall be fined not more than five hundred dollars. 69458

(T) A candidate whose campaign committee violates or a 69459
treasurer of a committee who violates division (B) of section 69460
3517.09 of the Revised Code, or a candidate whose campaign 69461
committee violates or a treasurer of a campaign committee or 69462
another person who violates division (C) of section 3517.09 of the 69463
Revised Code shall be fined not more than one thousand dollars. 69464

(U) Whoever violates section 3517.20 of the Revised Code 69465
shall be fined not more than five hundred dollars. 69466

(V) Whoever violates section 3517.21 or 3517.22 of the 69467

Revised Code shall be imprisoned for not more than six months or 69468
fined not more than five thousand dollars, or both. 69469

(W) A campaign committee that is required to file a 69470
declaration of no limits under division (D)(2) of section 3517.103 69471
of the Revised Code that, before filing that declaration, accepts 69472
a contribution or contributions that exceed the limitations 69473
prescribed in section 3517.102 of the Revised Code, shall return 69474
that contribution or those contributions to the contributor. 69475

(X) Any campaign committee that fails to file the declaration 69476
of filing-day finances required by division (F) of section 69477
3517.109 ~~or the declaration of primary day finances or declaration~~ 69478
~~of year end finances required by division (E) of section 3517.1010~~ 69479
of the Revised Code shall be fined twenty-five dollars for each 69480
day of violation. 69481

(Y)(1) Any campaign committee that fails to dispose of excess 69482
funds or excess aggregate contributions under division (B) of 69483
section 3517.109 of the Revised Code in the manner required by 69484
division (C) of that section ~~or under division (B) of section~~ 69485
~~3517.1010 of the Revised Code in the manner required by division~~ 69486
~~(C) of that section~~ shall give to the treasurer of state for 69487
deposit into the Ohio elections commission fund created under 69488
division (I) of section 3517.152 of the Revised Code all funds not 69489
disposed of pursuant to ~~those divisions~~ that division. 69490

(2) Any treasurer of a transition fund that fails to dispose 69491
of assets remaining in the transition fund as required under 69492
division (H)(1) or (2) of section 3517.1014 of the Revised Code 69493
shall give to the treasurer of state for deposit into the Ohio 69494
elections commission fund all assets not disposed of pursuant to 69495
that division. 69496

(Z) Any individual, campaign committee, political action 69497
committee, political contributing entity, legislative campaign 69498

fund, political party, treasurer of a transition fund, or other 69499
entity that violates any provision of sections 3517.09 to 3517.12 69500
of the Revised Code for which no penalty is provided for under any 69501
other division of this section shall be fined not more than one 69502
thousand dollars. 69503

(AA)(1) Whoever knowingly violates division (W)(1) of section 69504
3517.13 of the Revised Code shall be fined an amount equal to 69505
three times the amount contributed, expended, or promised in 69506
violation of that division or ten thousand dollars, whichever 69507
amount is greater. 69508

(2) Whoever knowingly violates division (W)(2) of section 69509
3517.13 of the Revised Code shall be fined an amount equal to 69510
three times the amount solicited or accepted in violation of that 69511
division or ten thousand dollars, whichever amount is greater. 69512

(BB) Whoever knowingly violates division (C) or (D) of 69513
section 3517.1011 of the Revised Code shall be fined not more than 69514
ten thousand dollars plus not more than one thousand dollars for 69515
each day of violation. 69516

(CC)(1) Subject to division (CC)(2) of this section, whoever 69517
violates division (H) of section 3517.1011 of the Revised Code 69518
shall be fined an amount up to three times the amount disbursed 69519
for the direct costs of airing the communication made in violation 69520
of that division. 69521

(2) Whoever has been ordered by the Ohio elections commission 69522
or by a court of competent jurisdiction to cease making 69523
communications in violation of division (H) of section 3517.1011 69524
of the Revised Code who again violates that division shall be 69525
fined an amount equal to three times the amount disbursed for the 69526
direct costs of airing the communication made in violation of that 69527
division. 69528

(DD)(1) Any corporation or labor organization that violates 69529

division (X)(3)(a) of section 3517.13 of the Revised Code shall be 69530
fined an amount equal to three times the amount given in excess of 69531
the amount permitted by that division. 69532

(2) Any state or county political party that violates 69533
division (X)(3)(b) of section 3517.13 of the Revised Code shall be 69534
fined an amount equal to three times the amount accepted in excess 69535
of the amount permitted by that division. 69536

(EE)(1) Any campaign committee or person who violates 69537
division (C)(1)(b) or (c) of section 3517.1014 of the Revised Code 69538
shall be fined an amount equal to three times the amount donated 69539
in excess of the amount permitted by that division. 69540

(2) Any officeholder or treasurer of a transition fund who 69541
violates division (C)(3)(a) or (b) of section 3517.1014 of the 69542
Revised Code shall be fined an amount equal to three times the 69543
amount accepted in excess of the amount permitted by that 69544
division. 69545

Sec. 3599.03. (A)(1) Except to carry on activities specified 69546
in sections 3517.082, 3517.101, and 3517.1011, division (A)(2) of 69547
section 3517.1012, division (B) of section 3517.1013, division 69548
(C)(1) of section 3517.1014, and section 3599.031 of the Revised 69549
Code and except as provided in divisions (D), (E), and (F) of this 69550
section, no corporation, no nonprofit corporation, and no labor 69551
organization, directly or indirectly, shall pay or use, or offer, 69552
advise, consent, or agree to pay or use, the corporation's money 69553
or property, or the labor organization's money, including dues, 69554
initiation fees, or other assessments paid by members, or 69555
property, for or in aid of or opposition to a political party, a 69556
candidate for election or nomination to public office, a political 69557
action committee including a political action committee of the 69558
corporation or labor organization, a legislative campaign fund, or 69559
any organization that supports or opposes any such candidate, or 69560

for any partisan political purpose, shall violate any law 69561
requiring the filing of an affidavit or statement respecting such 69562
use of those funds, or shall pay or use the corporation's or labor 69563
organization's money for the expenses of a social fund-raising 69564
event for its political action committee if an employee's or labor 69565
organization member's right to attend such an event is predicated 69566
on the employee's or member's contribution to the corporation's or 69567
labor organization's political action committee. 69568

(2) Whoever violates division (A)(1) of this section shall be 69569
fined not less than five hundred nor more than five thousand 69570
dollars. 69571

(B)(1) No officer, stockholder, attorney, or agent of a 69572
corporation or nonprofit corporation, no member, including an 69573
officer, attorney, or agent, of a labor organization, and no 69574
candidate, political party official, or other individual shall 69575
knowingly aid, advise, solicit, or receive money or other property 69576
in violation of division (A)(1) of this section. 69577

(2) Whoever violates division (B)(1) of this section shall be 69578
fined not more than one thousand dollars, or imprisoned not more 69579
than one year, or both. 69580

(C) A corporation, a nonprofit corporation, or a labor 69581
organization may use its funds or property for or in aid of or 69582
opposition to a proposed or certified ballot issue. Such use of 69583
funds or property shall be reported on a form prescribed by the 69584
secretary of state. Reports of contributions in connection with 69585
statewide ballot issues shall be filed with the secretary of 69586
state. Reports of contributions in connection with local issues 69587
shall be filed with the board of elections of the most populous 69588
county of the district in which the issue is submitted or to be 69589
submitted to the electors. Reports made pursuant to this division 69590
shall be filed by the times specified in divisions (A)(1) and (2) 69591
of section 3517.10 of the Revised Code. 69592

(D)(1) Any gift made pursuant to section 3517.101 of the Revised Code does not constitute a violation of this section or of any other section of the Revised Code.

(2) Any gift made pursuant to division (A)(2) of section 3517.1012 of the Revised Code does not constitute a violation of this section.

(3) Any gift made pursuant to division (B) of section 3517.1013 of the Revised Code does not constitute a violation of this section.

(4) Any donation made pursuant to division (C)(1) of section 3517.1014 of the Revised Code does not constitute a violation of this section.

(E) Any compensation or fees paid by a financial institution to a state political party for services rendered pursuant to division (B) of section 3517.19 of the Revised Code do not constitute a violation of this section or of any other section of the Revised Code.

(F)(1) The use by a nonprofit corporation of its money or property for communicating information for a purpose specified in division (A) of this section is not a violation of that division if the stockholders, members, donors, trustees, or officers of the nonprofit corporation are the predominant recipients of the communication.

(2) The placement of a campaign sign on the property of a corporation, nonprofit corporation, or labor organization is not a use of property in violation of division (A) of this section by that corporation, nonprofit corporation, or labor organization.

(3) The use by a corporation or labor organization of its money or property for communicating information for a purpose specified in division (A) of this section is not a violation of that division if it is not a communication made by mass broadcast

such as radio or television or made by advertising in a newspaper 69624
of general circulation but is a communication sent exclusively to 69625
members, employees, officers, or trustees of that labor 69626
organization or shareholders, employees, officers, or directors of 69627
that corporation or to members of the immediate families of any 69628
such individuals or if the communication intended to be so sent 69629
exclusively is unintentionally sent as well to a de minimis number 69630
of other individuals. 69631

(G) In addition to the laws listed in division (A) of section 69632
4117.10 of the Revised Code that prevail over conflicting 69633
agreements between employee organizations and public employers, 69634
this section prevails over any conflicting provisions of 69635
agreements between labor organizations and public employers that 69636
are entered into on or after March 31, 2005, pursuant to Chapter 69637
4117. of the Revised Code. 69638

(H) As used in this section, "labor organization" has the 69639
same meaning as in section 3517.01 of the Revised Code. 69640

Sec. 3599.45. (A) As used in this section: 69641

"Candidate," "campaign committee," and "contribution" have 69642
the same meanings as in section 3517.01 of the Revised Code. 69643

"Medicaid provider" has the same meaning as in section 69644
5164.01 of the Revised Code. 69645

(B) No candidate for the office of attorney general or county 69646
prosecutor or such a candidate's campaign committee shall 69647
knowingly accept any contribution from a medicaid provider ~~of~~ 69648
~~services or goods under contract with the department of job and~~ 69649
~~family services pursuant to the medicaid program of Title XIX of~~ 69650
~~the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as~~ 69651
~~amended,~~ or from any person having an ownership interest in the 69652
medicaid provider. 69653

~~As used in this section "candidate," "campaign committee,"~~ 69654
~~and "contribution" have the same meaning as in section 3517.01 of~~ 69655
~~the Revised Code.~~ 69656

~~(B)~~(C) Whoever violates this section is guilty of a 69657
misdemeanor of the first degree. 69658

Sec. 3701.023. (A) The department of health shall review 69659
applications for eligibility for the program for medically 69660
handicapped children that are submitted to the department by city 69661
and general health districts and physician providers approved in 69662
accordance with division (C) of this section. The department shall 69663
determine whether the applicants meet the medical and financial 69664
eligibility requirements established by the director of health 69665
pursuant to division (A)(1) of section 3701.021 of the Revised 69666
Code, and by the department in the manual of operational 69667
procedures and guidelines for the program for medically 69668
handicapped children developed pursuant to division (B) of that 69669
section. Referrals of potentially eligible children for the 69670
program may be submitted to the department on behalf of the child 69671
by parents, guardians, public health nurses, or any other 69672
interested person. The department of health may designate other 69673
agencies to refer applicants to the department of health. 69674

(B) In accordance with the procedures established in rules 69675
adopted under division (A)(4) of section 3701.021 of the Revised 69676
Code, the department of health shall authorize a provider or 69677
providers to provide to any Ohio resident under twenty-one years 69678
of age, without charge to the resident or the resident's family 69679
and without restriction as to the economic status of the resident 69680
or the resident's family, diagnostic services necessary to 69681
determine whether the resident has a medically handicapping or 69682
potentially medically handicapping condition. 69683

(C) The department of health shall review the applications of 69684

health professionals, hospitals, medical equipment suppliers, and 69685
other individuals, groups, or agencies that apply to become 69686
providers. The department shall enter into a written agreement 69687
with each applicant who is determined, pursuant to the 69688
requirements set forth in rules adopted under division (A)(2) of 69689
section 3701.021 of the Revised Code, to be eligible to be a 69690
provider in accordance with the provider agreement required by the 69691
~~medical assistance~~ medicaid ~~program established under section~~ 69692
~~5111.01 of the Revised Code~~. No provider shall charge a medically 69693
handicapped child or the child's parent or guardian for services 69694
authorized by the department under division (B) or (D) of this 69695
section. 69696

The department, in accordance with rules adopted under 69697
division (A)(3) of section 3701.021 of the Revised Code, may 69698
disqualify any provider from further participation in the program 69699
for violating any requirement set forth in rules adopted under 69700
division (A)(2) of that section. The disqualification shall not 69701
take effect until a written notice, specifying the requirement 69702
violated and describing the nature of the violation, has been 69703
delivered to the provider and the department has afforded the 69704
provider an opportunity to appeal the disqualification under 69705
division (H) of this section. 69706

(D) The department of health shall evaluate applications from 69707
city and general health districts and approved physician providers 69708
for authorization to provide treatment services, service 69709
coordination, and related goods to children determined to be 69710
eligible for the program for medically handicapped children 69711
pursuant to division (A) of this section. The department shall 69712
authorize necessary treatment services, service coordination, and 69713
related goods for each eligible child in accordance with an 69714
individual plan of treatment for the child. As an alternative, the 69715
department may authorize payment of health insurance premiums on 69716

behalf of eligible children when the department determines, in 69717
accordance with criteria set forth in rules adopted under division 69718
(A)(9) of section 3701.021 of the Revised Code, that payment of 69719
the premiums is cost-effective. 69720

(E) The department of health shall pay, from appropriations 69721
to the department, any necessary expenses, including but not 69722
limited to, expenses for diagnosis, treatment, service 69723
coordination, supportive services, transportation, and accessories 69724
and their upkeep, provided to medically handicapped children, 69725
provided that the provision of the goods or services is authorized 69726
by the department under division (B) or (D) of this section. Money 69727
appropriated to the department of health may also be expended for 69728
reasonable administrative costs incurred by the program. The 69729
department of health also may purchase liability insurance 69730
covering the provision of services under the program for medically 69731
handicapped children by physicians and other health care 69732
professionals. 69733

Payments made to providers by the department of health 69734
pursuant to this division for inpatient hospital care, outpatient 69735
care, and all other medical assistance furnished to eligible 69736
recipients shall be made in accordance with rules adopted by the 69737
director of health pursuant to division (A) of section 3701.021 of 69738
the Revised Code. 69739

The departments of health and ~~job and family services~~ 69740
medicaid shall jointly implement procedures to ensure that 69741
duplicate payments are not made under the program for medically 69742
handicapped children and the ~~medical assistance~~ medicaid program 69743
~~established under section 5111.01 of the Revised Code~~ and to 69744
identify and recover duplicate payments. 69745

(F) At the time of applying for participation in the program 69746
for medically handicapped children, a medically handicapped child 69747
or the child's parent or guardian shall disclose the identity of 69748

any third party against whom the child or the child's parent or guardian has or may have a right of recovery for goods and services provided under division (B) or (D) of this section. The department of health shall require a medically handicapped child who receives services from the program or the child's parent or guardian to apply for all third-party benefits for which the child may be eligible and require the child, parent, or guardian to apply all third-party benefits received to the amount determined under division (E) of this section as the amount payable for goods and services authorized under division (B) or (D) of this section. The department is the payer of last resort and shall pay for authorized goods or services, up to the amount determined under division (E) of this section for the authorized goods or services, only to the extent that payment for the authorized goods or services is not made through third-party benefits. When a third party fails to act on an application or claim for benefits by a medically handicapped child or the child's parent or guardian, the department shall pay for the goods or services only after ninety days have elapsed since the date the child, parents, or guardians made an application or claim for all third-party benefits. Third-party benefits received shall be applied to the amount determined under division (E) of this section. Third-party payments for goods and services not authorized under division (B) or (D) of this section shall not be applied to payment amounts determined under division (E) of this section. Payment made by the department shall be considered payment in full of the amount determined under division (E) of this section. Medicaid payments for persons eligible for the ~~medical assistance~~ medicaid program ~~established under section 5111.01 of the Revised Code~~ shall be considered payment in full of the amount determined under division (E) of this section.

(G) The department of health shall administer a program to provide services to Ohio residents who are twenty-one or more

years of age who have cystic fibrosis and who meet the eligibility 69782
requirements established in rules adopted by the director of 69783
health pursuant to division (A)(7) of section 3701.021 of the 69784
Revised Code, subject to all provisions of this section, but not 69785
subject to section 3701.024 of the Revised Code. 69786

(H) The department of health shall provide for appeals, in 69787
accordance with rules adopted under section 3701.021 of the 69788
Revised Code, of denials of applications for the program for 69789
medically handicapped children under division (A) or (D) of this 69790
section, disqualification of providers, or amounts paid under 69791
division (E) of this section. Appeals under this division are not 69792
subject to Chapter 119. of the Revised Code. 69793

The department may designate ombudspersons to assist 69794
medically handicapped children or their parents or guardians, upon 69795
the request of the children, parents, or guardians, in filing 69796
appeals under this division and to serve as children's, parents', 69797
or guardians' advocates in matters pertaining to the 69798
administration of the program for medically handicapped children 69799
and eligibility for program services. The ombudspersons shall 69800
receive no compensation but shall be reimbursed by the department, 69801
in accordance with rules of the office of budget and management, 69802
for their actual and necessary travel expenses incurred in the 69803
performance of their duties. 69804

(I) The department of health, and city and general health 69805
districts providing service coordination pursuant to division 69806
(A)(2) of section 3701.024 of the Revised Code, shall provide 69807
service coordination in accordance with the standards set forth in 69808
the rules adopted under section 3701.021 of the Revised Code, 69809
without charge, and without restriction as to economic status. 69810

(J)(1) The department of health may establish a manufacturer 69811
discount program under which a manufacturer of a drug or 69812
nutritional formula is permitted to enter into an agreement with 69813

the department to provide a discount on the price of the drug or 69814
nutritional formula distributed to medically handicapped children 69815
participating in the program for medically handicapped children. 69816
The program shall be administered in accordance with rules adopted 69817
under section 3701.021 of the Revised Code. 69818

(2) If a manufacturer enters into an agreement with the 69819
department as described in division (J)(1) of this section, the 69820
manufacturer and the department may negotiate the amount and terms 69821
of the discount. 69822

(3) In lieu of establishing a discount program as described 69823
in division (J)(1) of this section, the department and a 69824
manufacturer of a drug or nutritional formula may discuss a 69825
donation of drugs, nutritional formulas, or money by the 69826
manufacturer to the department. 69827

Sec. 3701.024. (A)(1) Under a procedure established in rules 69828
adopted under section 3701.021 of the Revised Code, the department 69829
of health shall determine the amount each county shall provide 69830
annually for the program for medically handicapped children, based 69831
on a proportion of the county's total general property tax 69832
duplicate, not to exceed one-tenth of a mill, and charge the 69833
county for any part of expenses incurred under the program for 69834
treatment services on behalf of medically handicapped children 69835
having legal settlement in the county that is not paid from 69836
federal funds or through the ~~medical assistance~~ medicaid program 69837
~~established under section 5111.01 of the Revised Code.~~ The 69838
department shall not charge the county for expenses exceeding the 69839
difference between the amount determined under division (A)(1) of 69840
this section and any amounts retained under divisions (A)(2) and 69841
(3) of this section. 69842

All amounts collected by the department under division (A)(1) 69843
of this section shall be deposited into the state treasury to the 69844

credit of the medically handicapped children-county assessment fund, which is hereby created. The fund shall be used by the department to comply with sections 3701.021 to 3701.028 of the Revised Code.

(2) The department, in accordance with rules adopted under section 3701.021 of the Revised Code, may allow each county to retain up to ten per cent of the amount determined under division (A)(1) of this section to provide funds to city or general health districts of the county with which the districts shall provide service coordination, public health nursing, or transportation services for medically handicapped children.

(3) In addition to any amount retained under division (A)(2) of this section, the department, in accordance with rules adopted under section 3701.021 of the Revised Code, may allow counties that it determines have significant numbers of potentially eligible medically handicapped children to retain an amount equal to the difference between:

(a) Twenty-five per cent of the amount determined under division (A)(1) of this section;

(b) Any amount retained under division (A)(2) of this section.

Counties shall use amounts retained under division (A)(3) of this section to provide funds to city or general health districts of the county with which the districts shall conduct outreach activities to increase participation in the program for medically handicapped children.

(4) Prior to any increase in the millage charged to a county, the director of health shall hold a public hearing on the proposed increase and shall give notice of the hearing to each board of county commissioners that would be affected by the increase at least thirty days prior to the date set for the hearing. Any

county commissioner may appear and give testimony at the hearing. 69876
Any increase in the millage any county is required to provide for 69877
the program for medically handicapped children shall be 69878
determined, and notice of the amount of the increase shall be 69879
provided to each affected board of county commissioners, no later 69880
than the first day of June of the fiscal year next preceding the 69881
fiscal year in which the increase will take effect. 69882

(B) Each board of county commissioners shall establish a 69883
medically handicapped children's fund and shall appropriate 69884
thereto an amount, determined in accordance with division (A)(1) 69885
of this section, for the county's share in providing medical, 69886
surgical, and other aid to medically handicapped children residing 69887
in such county and for the purposes specified in divisions (A)(2) 69888
and (3) of this section. Each county shall use money retained 69889
under divisions (A)(2) and (3) of this section only for the 69890
purposes specified in those divisions. 69891

Sec. 3701.027. The department of health shall administer 69892
funds received from the "Maternal and Child Health Block Grant," 69893
Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 69894
U.S.C.A. 701, as amended, for programs including the program for 69895
medically handicapped children, and to provide technical 69896
assistance and consultation to city and general health districts 69897
and local health planning organizations in implementing local, 69898
community-based, family-centered, coordinated systems of care for 69899
medically handicapped children. The department may make grants to 69900
persons and other entities for the provision of services with the 69901
funds. In addition, the department may use the funds to purchase 69902
liability insurance covering the provision of services under the 69903
programs by physicians and other health care professionals, and to 69904
pay health insurance premiums on behalf of medically handicapped 69905
children participating in the program for medically handicapped 69906
children when the department determines, in accordance with 69907

criteria set forth in rules adopted under division (A)(9) of 69908
section 3701.021 of the Revised Code, that payment of the premiums 69909
is cost effective. 69910

In determining eligibility for services provided with funds 69911
received from the "Maternal and Child Health Block Grant," the 69912
department may use the application form established under section 69913
~~5111.013~~ 5163.40 of the Revised Code. The department may require 69914
applicants to furnish their social security numbers. Funds from 69915
the "Maternal and Child Health Block Grant" that are administered 69916
for the purpose of providing family planning services shall be 69917
distributed in accordance with section 3701.033 of the Revised 69918
Code. 69919

Sec. 3701.033. (A) This section establishes the order of 69920
priority to be followed by the department of health when 69921
distributing funds for the purpose of providing family planning 69922
services, including funds the department receives through the 69923
"Maternal and Child Health Block Grant," Title V of the "Social 69924
Security Act," 95 Stat. 818 (1981), 42 U.S.C. 701, as amended, and 69925
funds the department receives through Title X of the "Public 69926
Health Service Act," 84 Stat. 1504 (1970), 42 U.S.C. 300a, as 69927
amended. This section does not apply to grants awarded by the 69928
department under section 3701.046 of the Revised Code. 69929

(B) With respect to each period during which funds from a 69930
particular source are distributed for the purpose of providing 69931
family planning services, the department is subject to both of the 69932
following when distributing the funds to applicants seeking those 69933
funds: 69934

(1) Foremost priority shall be given to public entities that 69935
are operated by state or local government entities and that 69936
provide or are able to provide family planning services. 69937

(2) If any funds remain after the department distributes 69938

funds to public entities under division (B)(1) of this section, 69939
the department may distribute funds to nonpublic entities. If 69940
funds are distributed to nonpublic entities, the department shall 69941
distribute the funds in the following order of descending 69942
priority: 69943

(a) Nonpublic entities that are federally qualified health 69944
centers or federally qualified health center look-alikes, both as 69945
defined in section 3701.047 of the Revised Code, or community 69946
action agencies, as defined in section 122.66 of the Revised Code; 69947

(b) Nonpublic entities that provide comprehensive primary and 69948
preventive care services in addition to family planning services; 69949

(c) Nonpublic entities that provide family planning services, 69950
but do not provide comprehensive primary and preventive care 69951
services. 69952

Sec. 3701.13. The department of health shall have supervision 69953
of all matters relating to the preservation of the life and health 69954
of the people and have ultimate authority in matters of quarantine 69955
and isolation, which it may declare and enforce, when neither 69956
exists, and modify, relax, or abolish, when either has been 69957
established. The department may approve methods of immunization 69958
against the diseases specified in section 3313.671 of the Revised 69959
Code for the purpose of carrying out the provisions of that 69960
section and take such actions as are necessary to encourage 69961
vaccination against those diseases. 69962

The department may make special or standing orders or rules 69963
for preventing the use of fluoroscopes for nonmedical purposes 69964
~~which~~ that emit doses of radiation likely to be harmful to any 69965
person, for preventing the spread of contagious or infectious 69966
diseases, for governing the receipt and conveyance of remains of 69967
deceased persons, and for such other sanitary matters as are best 69968
controlled by a general rule. Whenever possible, the department 69969

shall work in cooperation with the health commissioner of a 69970
general or city health district. ~~The department~~ may make and 69971
enforce orders in local matters or reassign substantive authority 69972
for mandatory programs from a general or city health district to 69973
another general or city health district when an emergency exists, 69974
or when the board of health of a general or city health district 69975
has neglected or refused to act with sufficient promptness or 69976
efficiency, or when such board has not been established as 69977
provided by sections 3709.02, 3709.03, 3709.05, 3709.06, 3709.11, 69978
3709.12, and 3709.14 of the Revised Code. In such cases, the 69979
necessary expense incurred shall be paid by the general health 69980
district or city for which the services are rendered. 69981

The department of health may require general or city health 69982
districts to enter into agreements for shared services under 69983
section 9.482 of the Revised Code. The department shall prepare 69984
and offer to boards of health a model contract and memorandum of 69985
understanding that are easily adaptable for use by boards of 69986
health when entering into shared services agreements. The 69987
department also may offer financial and other technical assistance 69988
to boards of health to encourage the sharing of services. 69989

As a condition precedent to receiving funding from the 69990
department of health, the director of health may require general 69991
or city health districts to apply for accreditation by July 1, 69992
2018, and be accredited by July 1, 2020, by an accreditation body 69993
approved by the director. The director of health, by July 1, 2016, 69994
shall conduct an evaluation of general and city health district 69995
preparation for accreditation, including an evaluation of each 69996
district's reported public health quality indicators as provided 69997
for in section 3701.98 of the Revised Code. 69998

The department may make evaluative studies of the nutritional 69999
status of Ohio residents, and of the food and nutrition-related 70000
programs operating within the state. Every agency of the state, at 70001

the request of the department, shall provide information and 70002
otherwise assist in the execution of such studies. 70003

Sec. 3701.132. The department of health is hereby designated 70004
as the state agency to administer the "special supplemental 70005
nutrition program for women, infants, and children" established 70006
under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 70007
1786, as amended. The director of health may adopt rules pursuant 70008
to Chapter 119. of the Revised Code as necessary for administering 70009
the program. The rules may include civil money penalties for 70010
violations of the rules. 70011

In determining eligibility for services provided under the 70012
program, the department may use the application form established 70013
under section ~~5111.013~~ 5163.40 of the Revised Code for the healthy 70014
start program. The department may require applicants to furnish 70015
their social security numbers. 70016

The department shall review and process an application for a 70017
new contract to act as a vendor under the program not later than 70018
forty-five days after the date it is received if on that date the 70019
applicant has a contract with the department to act as a vendor 70020
under the program. 70021

If the department determines that a vendor has committed an 70022
act with respect to the program that federal statutes or 70023
regulations or state statutes or rules prohibit, the department 70024
shall take action against the vendor in the manner required by 7 70025
C.F.R. part 246, including imposition of a civil money penalty in 70026
accordance with 7 C.F.R. 246.12, or rules adopted under this 70027
section. 70028

Sec. 3701.138. (A) The director of health may determine that 70029
a dental assistant certified by the dental assisting national 70030
board or the Ohio commission on dental assistant certification may 70031

do either or both of the following without a dentist being 70032
physically present or a dentist examining a patient prior to the 70033
service: 70034

(1) Apply pit and fissure sealants through a program operated 70035
by a school district board of education or the governing board of 70036
an educational service center; 70037

(2) If the director establishes a school-based fluoride mouth 70038
rinse program under section 3701.136 of the Revised Code, 70039
administer fluoride mouth rinse to a student who receives services 70040
from the program. 70041

(B) The director may determine that an expanded function 70042
dental auxiliary registered under Chapter 4715. of the Revised 70043
Code may do either or both of the following without a dentist 70044
being physically present or a dentist examining a patient prior to 70045
the service: 70046

(1) Apply pit and fissure sealants through a program operated 70047
by a school district board of education or the governing board of 70048
an educational service center; 70049

(2) If the director establishes a school-based fluoride mouth 70050
rinse program under section 3701.136 of the Revised Code, 70051
administer fluoride mouth rinse to a student who receives services 70052
from the program. 70053

Sec. 3701.243. (A) Except as provided in this section or 70054
section 3701.248 of the Revised Code, no person or agency of state 70055
or local government that acquires the information while providing 70056
any health care service or while in the employ of a health care 70057
facility or health care provider shall disclose or compel another 70058
to disclose any of the following: 70059

(1) The identity of any individual on whom an HIV test is 70060
performed; 70061

(2) The results of an HIV test in a form that identifies the individual tested; 70062
70063

(3) The identity of any individual diagnosed as having AIDS or an AIDS-related condition. 70064
70065

(B)(1) Except as provided in divisions (B)(2), (C), (D), and (F) of this section, the results of an HIV test or the identity of an individual on whom an HIV test is performed or who is diagnosed as having AIDS or an AIDS-related condition may be disclosed only to the following: 70066
70067
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70069
70070

(a) The individual who was tested or the individual's legal guardian, and the individual's spouse or any sexual partner; 70071
70072

(b) A person to whom disclosure is authorized by a written release, executed by the individual tested or by the individual's legal guardian and specifying to whom disclosure of the test results or diagnosis is authorized and the time period during which the release is to be effective; 70073
70074
70075
70076
70077

(c) The individual's physician; 70078

(d) The department of health or a health commissioner to which reports are made under section 3701.24 of the Revised Code; 70079
70080

(e) A health care facility or provider that procures, processes, distributes, or uses a human body part from a deceased individual, donated for a purpose specified in Chapter 2108. of the Revised Code, and that needs medical information about the deceased individual to ensure that the body part is medically acceptable for its intended purpose; 70081
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(f) Health care facility staff committees or accreditation or oversight review organizations conducting program monitoring, program evaluation, or service reviews; 70087
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70089

(g) A health care provider, emergency medical services worker, or peace officer who sustained a significant exposure to 70090
70091

the body fluids of another individual, if that individual was 70092
tested pursuant to division (E)(6) of section 3701.242 of the 70093
Revised Code, except that the identity of the individual tested 70094
shall not be revealed; 70095

(h) To law enforcement authorities pursuant to a search 70096
warrant or a subpoena issued by or at the request of a grand jury, 70097
a prosecuting attorney, a city director of law or similar chief 70098
legal officer of a municipal corporation, or a village solicitor, 70099
in connection with a criminal investigation or prosecution. 70100

(2) The results of an HIV test or a diagnosis of AIDS or an 70101
AIDS-related condition may be disclosed to a health care provider, 70102
or an authorized agent or employee of a health care facility or a 70103
health care provider, if the provider, agent, or employee has a 70104
medical need to know the information and is participating in the 70105
diagnosis, care, or treatment of the individual on whom the test 70106
was performed or who has been diagnosed as having AIDS or an 70107
AIDS-related condition. 70108

This division does not impose a standard of disclosure 70109
different from the standard for disclosure of all other specific 70110
information about a patient to health care providers and 70111
facilities. Disclosure may not be requested or made solely for the 70112
purpose of identifying an individual who has a positive HIV test 70113
result or has been diagnosed as having AIDS or an AIDS-related 70114
condition in order to refuse to treat the individual. Referral of 70115
an individual to another health care provider or facility based on 70116
reasonable professional judgment does not constitute refusal to 70117
treat the individual. 70118

(3) Not later than ninety days after November 1, 1989, each 70119
health care facility in this state shall establish a protocol to 70120
be followed by employees and individuals affiliated with the 70121
facility in making disclosures authorized by division (B)(2) of 70122
this section. A person employed by or affiliated with a health 70123

care facility who determines in accordance with the protocol 70124
established by the facility that a disclosure is authorized by 70125
division (B)(2) of this section is immune from liability to any 70126
person in a civil action for damages for injury, death, or loss to 70127
person or property resulting from the disclosure. 70128

(C)(1) Any person or government agency may seek access to or 70129
authority to disclose the HIV test records of an individual in 70130
accordance with the following provisions: 70131

(a) The person or government agency shall bring an action in 70132
a court of common pleas requesting disclosure of or authority to 70133
disclose the results of an HIV test of a specific individual, who 70134
shall be identified in the complaint by a pseudonym but whose name 70135
shall be communicated to the court confidentially, pursuant to a 70136
court order restricting the use of the name. The court shall 70137
provide the individual with notice and an opportunity to 70138
participate in the proceedings if the individual is not named as a 70139
party. Proceedings shall be conducted in chambers unless the 70140
individual agrees to a hearing in open court. 70141

(b) The court may issue an order granting the plaintiff 70142
access to or authority to disclose the test results only if the 70143
court finds by clear and convincing evidence that the plaintiff 70144
has demonstrated a compelling need for disclosure of the 70145
information that cannot be accommodated by other means. In 70146
assessing compelling need, the court shall weigh the need for 70147
disclosure against the privacy right of the individual tested and 70148
against any disservice to the public interest that might result 70149
from the disclosure, such as discrimination against the individual 70150
or the deterrence of others from being tested. 70151

(c) If the court issues an order, it shall guard against 70152
unauthorized disclosure by specifying the persons who may have 70153
access to the information, the purposes for which the information 70154
shall be used, and prohibitions against future disclosure. 70155

(2) A person or government agency that considers it necessary to disclose the results of an HIV test of a specific individual in an action in which it is a party may seek authority for the disclosure by filing an in camera motion with the court in which the action is being heard. In hearing the motion, the court shall employ procedures for confidentiality similar to those specified in division (C)(1) of this section. The court shall grant the motion only if it finds by clear and convincing evidence that a compelling need for the disclosure has been demonstrated.

(3) Except for an order issued in a criminal prosecution or an order under division (C)(1) or (2) of this section granting disclosure of the result of an HIV test of a specific individual, a court shall not compel a blood bank, hospital blood center, or blood collection facility to disclose the result of HIV tests performed on the blood of voluntary donors in a way that reveals the identity of any donor.

(4) In a civil action in which the plaintiff seeks to recover damages from an individual defendant based on an allegation that the plaintiff contracted the HIV virus as a result of actions of the defendant, the prohibitions against disclosure in this section do not bar discovery of the results of any HIV test given to the defendant or any diagnosis that the defendant suffers from AIDS or an AIDS-related condition.

(D) The results of an HIV test or the identity of an individual on whom an HIV test is performed or who is diagnosed as having AIDS or an AIDS-related condition may be disclosed to a federal, state, or local government agency, or the official representative of such an agency, for purposes of the ~~medical assistance~~ medicaid program established under section 5111.01 of the Revised Code, the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935) 42 U.S.C.A. 301, as amended, or any other public assistance program.

(E) Any disclosure pursuant to this section shall be in 70188
writing and accompanied by a written statement that includes the 70189
following or substantially similar language: "This information has 70190
been disclosed to you from confidential records protected from 70191
disclosure by state law. You shall make no further disclosure of 70192
this information without the specific, written, and informed 70193
release of the individual to whom it pertains, or as otherwise 70194
permitted by state law. A general authorization for the release of 70195
medical or other information is not sufficient for the purpose of 70196
the release of HIV test results or diagnoses." 70197

(F) An individual who knows that the individual has received 70198
a positive result on an HIV test or has been diagnosed as having 70199
AIDS or an AIDS-related condition shall disclose this information 70200
to any other person with whom the individual intends to make 70201
common use of a hypodermic needle or engage in sexual conduct as 70202
defined in section 2907.01 of the Revised Code. An individual's 70203
compliance with this division does not prohibit a prosecution of 70204
the individual for a violation of division (B) of section 2903.11 70205
of the Revised Code. 70206

(G) Nothing in this section prohibits the introduction of 70207
evidence concerning an HIV test of a specific individual in a 70208
criminal proceeding. 70209

Sec. 3701.261. (A) As used in this section, "state 70210
university" has the same meaning as in section 3345.011 of the 70211
Revised Code. 70212

(B) The director of health shall: 70213

(1) Establish a population-based cancer registry, which shall 70214
be known as the Ohio cancer incidence surveillance system, to 70215
monitor the incidence of various types of malignant diseases in 70216
Ohio, make appropriate epidemiologic studies to determine any 70217
causal relations of such diseases with occupational, nutritional, 70218

environmental, or infectious conditions, and alleviate or 70219
eliminate any such conditions; 70220

(2) Advise, consult, cooperate with, and assist, by contract 70221
or otherwise, agencies of the state and federal government, 70222
agencies of the governments of other states, agencies of political 70223
subdivisions of this state, universities, private organizations, 70224
corporations, and associations for the purposes of division 70225
~~(A)~~(B)(1) of this section; 70226

(3) Accept and administer grants from the federal government 70227
or other sources, public or private, for carrying out any of the 70228
functions enumerated in divisions ~~(A)~~(B)(1) and (2) of this 70229
section. 70230

~~(B)~~(C) The Ohio cancer incidence surveillance system shall 70231
follow a model of cancer data collection as set forth by the 70232
survey epidemiology and end results system (SEERS). 70233

(D) The department may, by contract, designate a state 70234
university as an agent to implement some or all of this section 70235
and section 3701.262 of the Revised Code and the rules adopted 70236
under those sections. 70237

Sec. 3701.262. (A) As used in this section ~~and section 70238
3701.263 of the Revised Code:~~ 70239

(1) "Physician" means a person who holds a valid certificate 70240
issued under Chapter 4731. of the Revised Code authorizing the 70241
person to practice medicine ~~or~~ and surgery or osteopathic medicine 70242
and surgery. 70243

(2) "Dentist" means a person who is licensed under Chapter 70244
4715. of the Revised Code to practice dentistry. 70245

(3) "Hospital" has the same meaning as in section 3727.01 of 70246
the Revised Code. 70247

(4) "Cancer" includes those diseases specified by rule of the 70248

director of health under division (B)(2) of this section. 70249

(B) The director of health shall adopt rules in accordance 70250
with Chapter 119. of the Revised Code to do all of the following: 70251

(1) Establish the Ohio cancer incidence surveillance system 70252
required by section 3701.261 of the Revised Code; 70253

(2) Specify the types of cancer and other tumorous and 70254
precancerous diseases to be reported to the department of health 70255
under division (D) of this section; 70256

(3) Establish reporting requirements for information 70257
concerning diagnosed cancer cases as the director considers 70258
necessary to conduct epidemiologic surveys of cancer in this 70259
state; 70260

(4) Establish standards that must be met by research projects 70261
to be eligible to receive information concerning individual cancer 70262
patients from the department of health ~~under division (B) of~~ 70263
~~section 3701.263 of the Revised Code.~~ 70264

(C) The department of health shall record in the registry all 70265
reports of cancer received by it. In the development and 70266
administration of the cancer registry the department may use 70267
information compiled by public or private cancer registries and 70268
may contract for the collection and analysis of, and research 70269
related to, the information recorded under this section. 70270

(D)(1) Each physician, dentist, hospital, or person providing 70271
diagnostic or treatment services to patients with cancer shall 70272
report each case of cancer to the department. Any person required 70273
to report pursuant to this section may elect to report to the 70274
department through an existing cancer registry if the registry 70275
meets the reporting standards established by the director and 70276
reports to the department. 70277

(2) No person shall fail to make the cancer reports required 70278

by division (D)(1) of this section. 70279

(E) All physicians, dentists, hospitals, or persons providing 70280
diagnostic or treatment services to patients with cancer shall 70281
grant to the department or its authorized representative access to 70282
all records that identify cases of cancer or establish 70283
characteristics of cancer, the treatment of cancer, or the medical 70284
status of any identified cancer patient. 70285

(F) The Arthur G. James cancer hospital and Richard J. Solove 70286
research institute of the Ohio state university, shall analyze and 70287
evaluate the cancer reports collected pursuant to this section. 70288
The department shall publish and make available to the public 70289
reports summarizing the information collected. Reports shall be 70290
made on a calendar year basis and published not later than ninety 70291
days after the end of each calendar year. 70292

(G) Furnishing information, including records, reports, 70293
statements, notes, memoranda, or other information, to the 70294
department of health, either voluntarily or as required by this 70295
section, or to a person or governmental entity designated as a 70296
medical research project by the department, does not subject a 70297
physician, dentist, hospital, or person providing diagnostic or 70298
treatment services to patients with cancer to liability in an 70299
action for damages or other relief for furnishing the information. 70300

(H) This section does not affect the authority of any person 70301
or facility providing diagnostic or treatment services to patients 70302
with cancer to maintain facility-based tumor registries, in 70303
addition to complying with the reporting requirements of this 70304
section. 70305

~~(I) No person shall fail to make the cancer reports required 70306
by division (D) of this section. 70307~~

Sec. 3701.264. There is hereby created the Ohio cancer 70308

incidence surveillance system advisory board. The board shall 70309
consist of the director of health, who shall serve as chair of the 70310
board, and one representative, appointed by the governor, from 70311
each medical school accredited by the liaison committee on medical 70312
education and each osteopathic medical school accredited by the 70313
American osteopathic association in Ohio. In addition, the 70314
director of health shall appoint up to three additional members of 70315
the board. Vacancies on the board shall be filled in the same 70316
manner as the initial appointments. Members shall serve without 70317
compensation. 70318

The board shall provide oversight of the collection and 70319
analysis of data by the Ohio cancer incidence surveillance system 70320
to the director of health and the Arthur G. James cancer hospital 70321
and Richard J. Solove research institute of the Ohio state 70322
university and advise in the implementation of sections 3701.261 70323
~~to 3701.263~~ and 3701.262 of the Revised Code. The board shall meet 70324
and conduct its business as directed by the chair. 70325

~~The board shall report to the finance committees of both 70326
houses of the general assembly, not later than March 1, 2001, on 70327
the progress made in implementing sections 3701.261 to 3701.263 of 70328
the Revised Code. 70329~~

The board is not subject to sections 101.82 to 101.87 of the 70330
Revised Code. 70331

Sec. 3701.342. ~~After consultation with the public health 70332
standards task force established under section 3701.343 of the 70333
Revised Code, the~~ The director of health shall adopt rules 70334
establishing minimum standards and optimum achievable standards 70335
for boards of health and local health departments. The minimum 70336
standards shall assure that boards of health and local health 70337
departments provide for: 70338

(A) Analysis and prevention of communicable disease; 70339

(B) Analysis of the causes of, and appropriate treatment for, 70340
the leading causes of morbidity and mortality; 70341

(C) The administration and management of the local health 70342
department; 70343

(D) Access to primary health care by medically underserved 70344
individuals; 70345

(E) Environmental health management programs; 70346

(F) Health promotion services designed to encourage 70347
individual and community wellness; 70348

(G) Annual completion of two hours of continuing education by 70349
each member of a board of health. The minimum standards shall 70350
provide that continuing education credits shall pertain to ethics, 70351
public health principles, and a member's responsibilities. Credits 70352
may be earned in these topics at pertinent presentations that may 70353
occur during regularly scheduled board meetings throughout the 70354
calendar year or at other programs available for continuing 70355
education credit. The director of health may assist local boards 70356
of health of general and city health districts in coordinating 70357
approved continuing education programs sponsored by health care 70358
licensing boards, commissions, or associations. The minimum 70359
standards also shall provide that continuing education credits 70360
earned for the purpose of license renewal or certification by 70361
licensed health professionals serving on boards of health may be 70362
counted to fulfill the two-hour continuing education requirement. 70363

The director shall adopt rules establishing a formula for 70364
distribution of state health district subsidy funds to boards of 70365
health and local health departments. The formula shall provide no 70366
subsidy funds to a board or department unless it meets minimum 70367
standards and shall provide higher funding levels for boards and 70368
districts that meet optimum achievable standards. 70369

Notwithstanding section 119.03 of the Revised Code, rules 70370
adopted under this section shall not take effect unless approved 70371
by concurrent resolution of the general assembly. 70372

Sec. 3701.344. As used in this section and sections 3701.345, 70373
3701.346, and 3701.347 of the Revised Code: 70374

(A) "Private water system" means any water system for the 70375
provision of water for human consumption, if such system has fewer 70376
than fifteen service connections and does not regularly serve an 70377
average of at least twenty-five individuals daily at least sixty 70378
days out of the year. A private water system includes any well, 70379
spring, cistern, pond, or hauled water and any equipment for the 70380
collection, transportation, filtration, disinfection, treatment, 70381
or storage of such water extending from and including the source 70382
of the water to the point of discharge from any pressure tank or 70383
other storage vessel; to the point of discharge from the water 70384
pump where no pressure tank or other storage vessel is present; 70385
or, in the case of multiple service connections serving more than 70386
one dwelling, to the point of discharge from each service 70387
connection. "Private water system" does not include the water 70388
service line extending from the point of discharge to a structure. 70389

(B) Notwithstanding section 3701.347 of the Revised Code and 70390
subject to division (C) of this section, rules adopted by the 70391
director of health regarding private water systems shall provide 70392
for the following: 70393

(1) Except as otherwise provided in this division, boards of 70394
health of city or general health districts shall be given the 70395
exclusive power to establish fees in accordance with section 70396
3709.09 of the Revised Code for administering and enforcing such 70397
rules. Such fees shall establish a different rate for 70398
administering and enforcing the rules relative to private water 70399
systems serving single-family dwelling houses and nonsingle-family 70400

dwelling houses. Except for an amount established by the director, 70401
pursuant to division (B)(5) of this section, for each new private 70402
water system installation, no portion of any fee for administering 70403
and enforcing such rules shall be returned to the department of 70404
health. If the director of health determines that a board of 70405
health of a city or general health district is unable to 70406
administer and enforce a private water system program in the 70407
district, the director shall administer and enforce such a program 70408
in the district and establish fees for such administration and 70409
enforcement. 70410

(2) Boards of health of city or general health districts 70411
shall be given the exclusive power to determine the number of 70412
inspections necessary for determining the safe drinking 70413
characteristics of a private water system. 70414

(3) Private water systems contractors, as a condition of 70415
doing business in this state, shall annually register with, and 70416
comply with surety bonding requirements of, the department of 70417
health. No such contractor shall be permitted to register if the 70418
contractor fails to comply with all applicable rules adopted by 70419
the director and the board of health of the city or general health 70420
district. The annual registration fee for private water systems 70421
contractors shall be sixty-five dollars. The director, by rule 70422
adopted in accordance with Chapter 119. of the Revised Code, may 70423
increase the annual registration fee. 70424

(4) Subject to rules adopted by the director, boards of 70425
health of city or general health districts shall have the option 70426
of determining whether bacteriological examinations shall be 70427
performed at approved laboratories of the state or at approved 70428
private laboratories. 70429

(5) The director may establish fees for each new private 70430
water system installation, which shall be collected by the 70431
appropriate board of health and transmitted to the director 70432

pursuant to section 3709.092 of the Revised Code. 70433

(6) All fees received by the director of health under 70434
divisions (B)(1), (3), and (5) of this section shall be deposited 70435
in the state treasury to the credit of the general operations fund 70436
created in section 3701.83 of the Revised Code for use in the 70437
administration and enforcement of sections 3701.344 to 3701.347 of 70438
the Revised Code and the rules pertaining to private water systems 70439
adopted under those sections. 70440

(C) To the extent that rules adopted under division (B) of 70441
this section require health districts to follow specific 70442
procedures or use prescribed forms, no such procedure or form 70443
shall be implemented until it is approved by majority vote of an 70444
approval board of health commissioners, hereby created. Members of 70445
the board shall be the officers of the association of Ohio health 70446
commissioners, or any successor organization, and membership on 70447
the board shall be coterminous with holding an office of the 70448
association. No health district is required to follow a procedure 70449
or use a form required by a rule adopted under division (B) of 70450
this section without the approval of the board. 70451

(D) A board of health shall collect well log filing fees on 70452
behalf of the division of soil and water resources in the 70453
department of natural resources in accordance with section 1521.05 70454
of the Revised Code and rules adopted under it. The fees shall be 70455
submitted to the division quarterly as provided in those rules. 70456

(E) A water system that does not provide water for human 70457
consumption shall not be required to obtain a permit or license 70458
issued under, pay any fees assessed or levied under, or comply 70459
with any rule adopted under sections 3701.34 to 3701.347 of the 70460
Revised Code. 70461

Sec. 3701.507. (A) To assist in implementing sections 70462
3701.503 to 3701.509 of the Revised Code, the medically 70463

handicapped children's medical advisory council created in section	70464
3701.025 of the Revised Code shall appoint a permanent infant	70465
hearing screening subcommittee. The subcommittee shall consist of	70466
the following members:	70467
(1) One otolaryngologist;	70468
(2) One neonatologist;	70469
(3) One pediatrician;	70470
(4) One neurologist;	70471
(5) One hospital administrator;	70472
(6) Two or more audiologists who are experienced in infant	70473
hearing screening and evaluation;	70474
(7) One speech-language pathologist licensed under section	70475
4753.07 of the Revised Code;	70476
(8) Two persons who are each a parent of a hearing-impaired	70477
child;	70478
(9) One geneticist;	70479
(10) One epidemiologist;	70480
(11) One adult who is deaf or hearing impaired;	70481
(12) One representative from an organization for the deaf or	70482
hearing impaired;	70483
(13) One family advocate;	70484
(14) One nurse from a well-baby neonatal nursery;	70485
(15) One nurse from a special care neonatal nursery;	70486
(16) One teacher of the deaf who works with infants and	70487
toddlers;	70488
(17) One representative of the health insurance industry;	70489
(18) One representative of the bureau for children with	70490

medical handicaps;	70491
(19) One representative of the department of education;	70492
(20) One representative of the Ohio department of job and family services who has responsibilities regarding medicaid;	70493 70494
(21) Any other person the advisory council appoints.	70495
(B) The infant hearing subcommittee shall:	70496
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	70497 70498 70499
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code;	70500 70501 70502
(3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following:	70503 70504 70505 70506
(a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment;	70507 70508 70509 70510
(b) Identification of locations where hearing evaluations may be conducted;	70511 70512
(c) Recommendations for methods and techniques of hearing screening and hearing evaluation;	70513 70514
(d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care;	70515 70516
(e) Maintenance of a register of newborns and infants who do not pass the hearing screening;	70517 70518
(f) Preparation of the information required by section	70519

3701.506 of the Revised Code. 70520

Sec. 3701.74. (A) As used in this section and section 70521
3701.741 of the Revised Code: 70522

(1) "Ambulatory care facility" means a facility that provides 70523
medical, diagnostic, or surgical treatment to patients who do not 70524
require hospitalization, including a dialysis center, ambulatory 70525
surgical facility, cardiac catheterization facility, diagnostic 70526
imaging center, extracorporeal shock wave lithotripsy center, home 70527
health agency, inpatient hospice, birthing center, radiation 70528
therapy center, emergency facility, and an urgent care center. 70529
"Ambulatory care facility" does not include the private office of 70530
a physician or dentist, whether the office is for an individual or 70531
group practice. 70532

(2) "Chiropractor" means an individual licensed under Chapter 70533
4734. of the Revised Code to practice chiropractic. 70534

(3) "Emergency facility" means a hospital emergency 70535
department or any other facility that provides emergency medical 70536
services. 70537

(4) "Health care practitioner" means all of the following: 70538

(a) A dentist or dental hygienist licensed under Chapter 70539
4715. of the Revised Code; 70540

(b) A registered or licensed practical nurse licensed under 70541
Chapter 4723. of the Revised Code; 70542

(c) An optometrist licensed under Chapter 4725. of the 70543
Revised Code; 70544

(d) A dispensing optician, spectacle dispensing optician, 70545
contact lens dispensing optician, or spectacle-contact lens 70546
dispensing optician licensed under Chapter 4725. of the Revised 70547
Code; 70548

(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	70549 70550
(f) A physician;	70551
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	70552 70553
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	70554 70555
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	70556 70557
(j) A chiropractor;	70558
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	70559 70560
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	70561 70562
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	70563 70564
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	70565 70566
(o) A professional clinical counselor, professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	70567 70568 70569 70570
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	70571 70572
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	70573 70574
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	70575 70576 70577

(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner. 70578
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(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 70581
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(7) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; a residential facility licensed under section ~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; a nursing facility ~~or intermediate care facility for the mentally retarded, as those terms are defined in section 5111.20~~ 5165.01 of the Revised Code; ~~a facility or portion of a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended, as defined in section 5165.01 of the Revised Code; and an intermediate care facility for individuals with intellectual disabilities, as defined in section 5124.01 of the Revised Code.~~ 70583
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(8) "Medical record" means data in any form that pertains to a patient's medical history, diagnosis, prognosis, or medical condition and that is generated and maintained by a health care provider in the process of the patient's health care treatment. 70597
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(9) "Medical records company" means a person who stores, locates, or copies medical records for a health care provider, or is compensated for doing so by a health care provider, and charges a fee for providing medical records to a patient or patient's representative. 70601
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(10) "Patient" means either of the following: 70606

(a) An individual who received health care treatment from a health care provider; 70607
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(b) A guardian, as defined in section 1337.11 of the Revised Code, of an individual described in division (A)(10)(a) of this section. 70609
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(11) "Patient's personal representative" means a minor patient's parent or other person acting in loco parentis, a court-appointed guardian, or a person with durable power of attorney for health care for a patient, the executor or administrator of the patient's estate, or the person responsible for the patient's estate if it is not to be probated. "Patient's personal representative" does not include an insurer authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state, a health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code, or any other person not named in this division. 70612
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(12) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 70624
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(13) "Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 70626
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(14) "Authorized person" means a person to whom a patient has given written authorization to act on the patient's behalf regarding the patient's medical record. 70630
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(B) A patient, a patient's personal representative or an authorized person who wishes to examine or obtain a copy of part or all of a medical record shall submit to the health care provider a written request signed by the patient, personal representative, or authorized person dated not more than one year before the date on which it is submitted. The request shall indicate whether the copy is to be sent to the requestor, 70633
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physician or chiropractor, or held for the requestor at the office 70640
of the health care provider. Within a reasonable time after 70641
receiving a request that meets the requirements of this division 70642
and includes sufficient information to identify the record 70643
requested, a health care provider that has the patient's medical 70644
records shall permit the patient to examine the record during 70645
regular business hours without charge or, on request, shall 70646
provide a copy of the record in accordance with section 3701.741 70647
of the Revised Code, except that if a physician or chiropractor 70648
who has treated the patient determines for clearly stated 70649
treatment reasons that disclosure of the requested record is 70650
likely to have an adverse effect on the patient, the health care 70651
provider shall provide the record to a physician or chiropractor 70652
designated by the patient. The health care provider shall take 70653
reasonable steps to establish the identity of the person making 70654
the request to examine or obtain a copy of the patient's record. 70655

(C) If a health care provider fails to furnish a medical 70656
record as required by division (B) of this section, the patient, 70657
personal representative, or authorized person who requested the 70658
record may bring a civil action to enforce the patient's right of 70659
access to the record. 70660

(D)(1) This section does not apply to medical records whose 70661
release is covered by section 173.20 or 3721.13 of the Revised 70662
Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. 70663
part 2, "Confidentiality of Alcohol and Drug Abuse Patient 70664
Records," or by 42 C.F.R. 483.10. 70665

(2) Nothing in this section is intended to supersede the 70666
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 70667
and 2305.252 of the Revised Code. 70668

Sec. 3701.741. (A) Each health care provider and medical 70669
records company shall provide copies of medical records in 70670

accordance with this section. 70671

(B) Except as provided in divisions (C) and (E) of this 70672
section, a health care provider or medical records company that 70673
receives a request for a copy of a patient's medical record shall 70674
charge not more than the amounts set forth in this section. 70675

(1) If the request is made by the patient or the patient's 70676
personal representative, total costs for copies and all services 70677
related to those copies shall not exceed the sum of the following: 70678

(a) Except as provided in division (B)(1)(b) of this section, 70679
with respect to data recorded on paper or electronically, the 70680
following amounts adjusted in accordance with section 3701.742 of 70681
the Revised Code: 70682

(i) Two dollars and seventy-four cents per page for the first 70683
ten pages; 70684

(ii) Fifty-seven cents per page for pages eleven through 70685
fifty; 70686

(iii) Twenty-three cents per page for pages fifty-one and 70687
higher; 70688

(b) With respect to data resulting from an x-ray, magnetic 70689
resonance imaging (MRI), or computed axial tomography (CAT) scan 70690
and recorded on paper or film, one dollar and eighty-seven cents 70691
per page; 70692

(c) The actual cost of any related postage incurred by the 70693
health care provider or medical records company. 70694

(2) If the request is made other than by the patient or the 70695
patient's personal representative, total costs for copies and all 70696
services related to those copies shall not exceed the sum of the 70697
following: 70698

(a) An initial fee of sixteen dollars and eighty-four cents 70699
adjusted in accordance with section 3701.742 of the Revised Code, 70700

which shall compensate for the records search; 70701

(b) Except as provided in division (B)(2)(c) of this section, 70702
with respect to data recorded on paper or electronically, the 70703
following amounts adjusted in accordance with section 3701.742 of 70704
the Revised Code: 70705

(i) One dollar and eleven cents per page for the first ten 70706
pages; 70707

(ii) Fifty-seven cents per page for pages eleven through 70708
fifty; 70709

(iii) Twenty-three cents per page for pages fifty-one and 70710
higher. 70711

(c) With respect to data resulting from an x-ray, magnetic 70712
resonance imaging (MRI), or computed axial tomography (CAT) scan 70713
and recorded on paper or film, one dollar and eighty-seven cents 70714
per page; 70715

(d) The actual cost of any related postage incurred by the 70716
health care provider or medical records company. 70717

(C)(1) On request, a health care provider or medical records 70718
company shall provide one copy of the patient's medical record and 70719
one copy of any records regarding treatment performed subsequent 70720
to the original request, not including copies of records already 70721
provided, without charge to the following: 70722

(a) The bureau of workers' compensation, in accordance with 70723
Chapters 4121. and 4123. of the Revised Code and the rules adopted 70724
under those chapters; 70725

(b) The industrial commission, in accordance with Chapters 70726
4121. and 4123. of the Revised Code and the rules adopted under 70727
those chapters; 70728

(c) The department of ~~job and family services~~ medicaid or a 70729
county department of job and family services, in accordance with 70730

Chapters ~~5101.~~ 5160., 5161., 5162., 5163., 5164., 5165., 5166., 70731
and ~~5111.~~ 5167. of the Revised Code and the rules adopted under 70732
those chapters; 70733

(d) The attorney general, in accordance with sections 2743.51 70734
to 2743.72 of the Revised Code and any rules that may be adopted 70735
under those sections; 70736

(e) A patient, patient's personal representative, or 70737
authorized person if the medical record is necessary to support a 70738
claim under Title II or Title XVI of the "Social Security Act," 49 70739
Stat. 620 (1935), 42 U.S.C.A. 401 and 1381, as amended, and the 70740
request is accompanied by documentation that a claim has been 70741
filed. 70742

(2) Nothing in division (C)(1) of this section requires a 70743
health care provider or medical records company to provide a copy 70744
without charge to any person or entity not listed in division 70745
(C)(1) of this section. 70746

(D) Division (C) of this section shall not be construed to 70747
supersede any rule of the bureau of workers' compensation, the 70748
industrial commission, or the department of ~~job and family~~ 70749
~~services~~ medicaid. 70750

(E) A health care provider or medical records company may 70751
enter into a contract with either of the following for the copying 70752
of medical records at a fee other than as provided in division (B) 70753
of this section: 70754

(1) A patient, a patient's personal representative, or an 70755
authorized person; 70756

(2) An insurer authorized under Title XXXIX of the Revised 70757
Code to do the business of sickness and accident insurance in this 70758
state or health insuring corporations holding a certificate of 70759
authority under Chapter 1751. of the Revised Code. 70760

(F) This section does not apply to medical records the 70761
copying of which is covered by section 173.20 of the Revised Code 70762
or by 42 C.F.R. 483.10. 70763

Sec. 3701.742. ~~Not later than January 31, 2006, the~~ The 70764
amounts specified in division (B) of section 3701.741 of the 70765
Revised Code ~~and, not later than the first day of January of each~~ 70766
~~year thereafter,~~ shall be adjusted annually in accordance with 70767
this section. These amounts plus any amounts previously computed 70768
by annual adjustments made under this section, shall be increased 70769
or decreased by the average percentage of increase or decrease in 70770
the consumer price index for all urban consumers (United States 70771
city average, all items), prepared by the United States department 70772
of labor, bureau of labor statistics, for the 70773
~~twelve calendar month period prior to the~~ immediately preceding 70774
~~first day of January~~ calendar year over the calendar year 70775
immediately preceding ~~twelve calendar month period~~ that year, as 70776
reported by the bureau. The director of health shall make this 70777
determination and adjust the amounts accordingly. The director 70778
shall ~~provide a list of the adjusted amounts to any party upon~~ 70779
~~request and the department of health shall make the~~ a list of the 70780
adjusted amounts available to the public on ~~its~~ the internet web 70781
site maintained by the department of health. 70782

Sec. 3701.78. (A) There is hereby created the commission on 70783
minority health, consisting of twenty-one members. The governor 70784
shall appoint to the commission nine members from among health 70785
researchers, health planners, and health professionals. The 70786
governor also shall appoint two members who are representatives of 70787
the lupus awareness and education program. The speaker of the 70788
house of representatives shall appoint to the commission two 70789
members of the house of representatives, not more than one of whom 70790
is a member of the same political party, and the president of the 70791

senate shall appoint to the commission two members of the senate, 70792
not more than one of whom is a member of the same political party. 70793
The following shall be members of the commission: the directors of 70794
health, ~~mental health~~ mental health and addiction services, 70795
developmental disabilities, ~~alcohol and drug addiction services,~~ 70796
and job and family services, or their designees; the medicaid 70797
director, or the director's designee; and the superintendent of 70798
public instruction, or the superintendent's designee, ~~shall be~~ 70799
~~members of the commission.~~ The 70800

The commission shall elect a chairperson from among its 70801
members. ~~Of~~ 70802

Of the members appointed by the governor, five shall be 70803
appointed to initial terms of one year, and four shall be 70804
appointed to initial terms of two years. Thereafter, all members 70805
appointed by the governor shall be appointed to terms of two 70806
years. All members of the commission appointed by the speaker of 70807
the house of representatives or the president of the senate shall 70808
be nonvoting members of the commission and be appointed within 70809
thirty days after the commencement of the first regular session of 70810
each general assembly, and shall serve until the expiration of the 70811
session of the general assembly during which they were appointed. 70812
~~Members~~ 70813

Members of the commission shall serve without compensation, 70814
but shall be reimbursed for the actual and necessary expenses they 70815
incur in the performance of their official duties. 70816

(B) The commission shall promote health and the prevention of 70817
disease among members of minority groups. Each year the commission 70818
shall distribute grants from available funds to community-based 70819
health groups to be used to promote health and the prevention of 70820
disease among members of minority groups. As used in this 70821
division, "minority group" means any of the following economically 70822
disadvantaged groups: Blacks, American Indians, Hispanics, and 70823

Oriental. The commission shall adopt and maintain rules pursuant to Chapter 119. of the Revised Code to provide for the distribution of these grants. No group shall qualify to receive a grant from the commission unless it receives at least twenty per cent of its funds from sources other than grants distributed under this section.

(C) The commission may appoint such employees as it considers necessary to carry out its duties under this section. The department of health shall provide office space for the commission.

(D) The commission shall meet at the call of its chairperson to conduct its official business. A majority of the voting members of the commission constitute a quorum. The votes of at least eight voting members of the commission are necessary for the commission to take any official action or to approve the distribution of grants under this section.

Sec. 3701.881. (A) As used in this section:

(1) "Applicant" means a person who is under final consideration for employment with a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual or is referred to a home health agency by an employment service for such a position.

(2) "Community-based long-term care ~~agency provider~~ means a provider as defined in section 173.39 of the Revised Code.

(3) "Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.

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

~~(4)~~(5) "Direct care" means any of the following:

(a) Any service identified in divisions (A)~~(7)~~(8)(a) to (f) 70854
of this section that is provided in a patient's place of residence 70855
used as the patient's home; 70856

(b) Any activity that requires the person performing the 70857
activity to be routinely alone with a patient or to routinely have 70858
access to a patient's personal property or financial documents 70859
regarding a patient; 70860

(c) For each home health agency individually, any other 70861
routine service or activity that the chief administrator of the 70862
home health agency designates as direct care. 70863

~~(5)~~(6) "Disqualifying offense" means any of the offenses 70864
listed or described in divisions (A)(3)(a) to (e) of section 70865
109.572 of the Revised Code. 70866

~~(6)~~(7) "Employee" means a person employed by a home health 70867
agency in a full-time, part-time, or temporary position that 70868
involves providing direct care to an individual and a person who 70869
works in such a position due to being referred to a home health 70870
agency by an employment service. 70871

~~(7)~~(8) "Home health agency" means a person or government 70872
entity, other than a nursing home, residential care facility, 70873
hospice care program, or pediatric respite care program, that has 70874
the primary function of providing any of the following services to 70875
a patient at a place of residence used as the patient's home: 70876

(a) Skilled nursing care; 70877

(b) Physical therapy; 70878

(c) Speech-language pathology; 70879

(d) Occupational therapy; 70880

(e) Medical social services; 70881

(f) Home health aide services. 70882

(8) (9) "Home health aide services" means any of the following services provided by an employee of a home health agency:	70883 70884
(a) Hands-on bathing or assistance with a tub bath or shower;	70885
(b) Assistance with dressing, ambulation, and toileting;	70886
(c) Catheter care but not insertion;	70887
(d) Meal preparation and feeding.	70888
(9) (10) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.	70889 70890 70891
(10) (11) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.	70892 70893 70894
(11) (12) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	70895 70896
(12) (13) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.	70897 70898 70899
(13) (14) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.	70900 70901
(14) (15) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.	70902 70903
(15) (16) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.	70904 70905 70906
(16) (17) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.	70907 70908
(17) (18) "Waiver agency" has the same meaning as in section 5111.033 <u>5164.342</u> of the Revised Code.	70909 70910
(B) No home health agency shall employ an applicant or	70911

continue to employ an employee in a position that involves 70912
providing direct care to an individual if any of the following 70913
apply: 70914

(1) A review of the databases listed in division (D) of this 70915
section reveals any of the following: 70916

(a) That the applicant or employee is included in one or more 70917
of the databases listed in divisions (D)(1) to (5) of this 70918
section; 70919

(b) That there is in the state nurse aide registry 70920
established under section 3721.32 of the Revised Code a statement 70921
detailing findings by the director of health that the applicant or 70922
employee neglected or abused a long-term care facility or 70923
residential care facility resident or misappropriated property of 70924
such a resident; 70925

(c) That the applicant or employee is included in one or more 70926
of the databases, if any, specified in rules adopted under this 70927
section and the rules prohibit the home health agency from 70928
employing an applicant or continuing to employ an employee 70929
included in such a database in a position that involves providing 70930
direct care to an individual. 70931

(2) After the applicant or employee is provided, pursuant to 70932
division (E)(2)(a) of this section, a copy of the form prescribed 70933
pursuant to division (C)(1) of section 109.572 of the Revised Code 70934
and the standard impression sheet prescribed pursuant to division 70935
(C)(2) of that section, the applicant or employee fails to 70936
complete the form or provide the applicant's or employee's 70937
fingerprint impressions on the standard impression sheet. 70938

(3) Except as provided in rules adopted under this section, 70939
the applicant or employee is found by a criminal records check 70940
required by this section to have been convicted of, pleaded guilty 70941
to, or been found eligible for intervention in lieu of conviction 70942

for a disqualifying offense. 70943

(C) Except as provided by division (F) of this section, the 70944
chief administrator of a home health agency shall inform each 70945
applicant of both of the following at the time of the applicant's 70946
initial application for employment or referral to the home health 70947
agency by an employment service for a position that involves 70948
providing direct care to an individual: 70949

(1) That a review of the databases listed in division (D) of 70950
this section will be conducted to determine whether the home 70951
health agency is prohibited by division (B)(1) of this section 70952
from employing the applicant in the position; 70953

(2) That, unless the database review reveals that the 70954
applicant may not be employed in the position, a criminal records 70955
check of the applicant will be conducted and the applicant is 70956
required to provide a set of the applicant's fingerprint 70957
impressions as part of the criminal records check. 70958

(D) As a condition of employing any applicant in a position 70959
that involves providing direct care to an individual, the chief 70960
administrator of a home health agency shall conduct a database 70961
review of the applicant in accordance with rules adopted under 70962
this section. If rules adopted under this section so require, the 70963
chief administrator of a home health agency shall conduct a 70964
database review of an employee in accordance with the rules as a 70965
condition of continuing to employ the employee in a position that 70966
involves providing direct care to an individual. However, the 70967
chief administrator is not required to conduct a database review 70968
of an applicant or employee if division (F) of this section 70969
applies. A database review shall determine whether the applicant 70970
or employee is included in any of the following: 70971

(1) The excluded parties list system that is maintained by 70972
the United States general services administration pursuant to 70973

subpart 9.4 of the federal acquisition regulation and available at 70974
the federal web site known as the system for award management; 70975

(2) The list of excluded individuals and entities maintained 70976
by the office of inspector general in the United States department 70977
of health and human services pursuant to ~~section 1128~~ of the 70978
"Social Security Act," ~~94 Stat. 2619 (1980)~~ sections 1128 and 70979
1156, 42 U.S.C. 1320a-7, ~~as amended, and section 1156~~ of the 70980
~~"Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. and 1320c-5,~~ 70981
~~as amended;~~ 70982

(3) The registry of MR/DD employees established under section 70983
5123.52 of the Revised Code; 70984

(4) The internet-based sex offender and child-victim offender 70985
database established under division (A)(11) of section 2950.13 of 70986
the Revised Code; 70987

(5) The internet-based database of inmates established under 70988
section 5120.66 of the Revised Code; 70989

(6) The state nurse aide registry established under section 70990
3721.32 of the Revised Code; 70991

(7) Any other database, if any, specified in rules adopted 70992
under this section. 70993

(E)(1) As a condition of employing any applicant in a 70994
position that involves providing direct care to an individual, the 70995
chief administrator of a home health agency shall request the 70996
superintendent of the bureau of criminal identification and 70997
investigation to conduct a criminal records check of the 70998
applicant. If rules adopted under this section so require, the 70999
chief administrator of a home health agency shall request the 71000
superintendent to conduct a criminal records check of an employee 71001
at times specified in the rules as a condition of continuing to 71002
employ the employee in a position that involves providing direct 71003
care to an individual. However, the chief administrator is not 71004

required to request the criminal records check of the applicant or 71005
the employee if division (F) of this section applies or the home 71006
health agency is prohibited by division (B)(1) of this section 71007
from employing the applicant or continuing to employ the employee 71008
in a position that involves providing direct care to an 71009
individual. If an applicant or employee for whom a criminal 71010
records check request is required by this section does not present 71011
proof of having been a resident of this state for the five-year 71012
period immediately prior to the date upon which the criminal 71013
records check is requested or does not provide evidence that 71014
within that five-year period the superintendent has requested 71015
information about the applicant from the federal bureau of 71016
investigation in a criminal records check, the chief administrator 71017
shall request that the superintendent obtain information from the 71018
federal bureau of investigation as a part of the criminal records 71019
check. Even if an applicant or employee for whom a criminal 71020
records check request is required by this section presents proof 71021
that the applicant or employee has been a resident of this state 71022
for that five-year period, the chief administrator may request 71023
that the superintendent include information from the federal 71024
bureau of investigation in the criminal records check. 71025

(2) The chief administrator shall do all of the following: 71026

(a) Provide to each applicant and employee for whom a 71027
criminal records check request is required by this section a copy 71028
of the form prescribed pursuant to division (C)(1) of section 71029
109.572 of the Revised Code and a standard impression sheet 71030
prescribed pursuant to division (C)(2) of that section; 71031

(b) Obtain the completed form and standard impression sheet 71032
from each applicant and employee; 71033

(c) Forward the completed form and standard impression sheet 71034
to the superintendent at the time the chief administrator requests 71035
the criminal records check. 71036

(3) A home health agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the agency requests under this section. A home health agency may charge an applicant a fee not exceeding the amount the agency pays to the bureau under this section if both of the following apply:

(a) The home health agency notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(b) The medicaid program ~~established under Chapter 5111. of the Revised Code~~ does not reimburse the home health agency for the fee it pays to the bureau under this section.

(F) Divisions (C) to (E) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a home health agency by an employment service that supplies full-time, part-time, or temporary staff for positions that involve providing direct care to an individual and both of the following apply:

(1) The chief administrator of the home health agency receives from the employment service confirmation that a review of the databases listed in division (D) of this section was conducted with regard to the applicant or employee.

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

(a) In the case of an applicant, the date of the applicant's referral by the employment service to the home health agency;

(b) In the case of an employee, the date by which the home health agency would otherwise have to request a criminal records check of the employee under division (E) of this section.

(G)(1) A home health agency may employ conditionally an applicant for whom a criminal records check request is required by this section before obtaining the results of the criminal records check if the agency is not prohibited by division (B) of this section from employing the applicant in a position that involves providing direct care to an individual and either of the following applies:

(a) The chief administrator of the home health agency requests the criminal records check in accordance with division (E) of this section not later than five business days after the applicant begins conditional employment.

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

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

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

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

(iv) That the employment service promptly will send a copy of

the results of the criminal records check to the chief 711099
administrator of the home health agency when the employment 711100
service receives the results. 711101

(2) If a home health agency employs an applicant 711102
conditionally pursuant to division (G)(1)(b) of this section, the 711103
employment service, on its receipt of the results of the criminal 711104
records check, promptly shall send a copy of the results to the 711105
chief administrator of the agency. 711106

(3) A home health agency that employs an applicant 711107
conditionally pursuant to division (G)(1)(a) or (b) of this 711108
section shall terminate the applicant's employment if the results 711109
of the criminal records check, other than the results of any 711110
request for information from the federal bureau of investigation, 711111
are not obtained within the period ending sixty days after the 711112
date the request for the criminal records check is made. 711113
Regardless of when the results of the criminal records check are 711114
obtained, if the results indicate that the applicant has been 711115
convicted of, pleaded guilty to, or been found eligible for 711116
intervention in lieu of conviction for a disqualifying offense, 711117
the home health agency shall terminate the applicant's employment 711118
unless circumstances specified in rules adopted under this section 711119
that permit the agency to employ the applicant exist and the 711120
agency chooses to employ the applicant. Termination of employment 711121
under this division shall be considered just cause for discharge 711122
for purposes of division (D)(2) of section 4141.29 of the Revised 711123
Code if the applicant makes any attempt to deceive the home health 711124
agency about the applicant's criminal record. 711125

(H) The report of any criminal records check conducted by the 711126
bureau of criminal identification and investigation in accordance 711127
with section 109.572 of the Revised Code and pursuant to a request 711128
made under this section is not a public record for the purposes of 711129
section 149.43 of the Revised Code and shall not be made available 711130

to any person other than the following: 71131

(1) The applicant or employee who is the subject of the 71132
criminal records check or the applicant's or employee's 71133
representative; 71134

(2) The home health agency requesting the criminal records 71135
check or its representative; 71136

(3) The administrator of any other facility, agency, or 71137
program that provides direct care to individuals that is owned or 71138
operated by the same entity that owns or operates the home health 71139
agency that requested the criminal records check; 71140

(4) The employment service that requested the criminal 71141
records check; 71142

(5) The director of health and the staff of the department of 71143
health who monitor a home health agency's compliance with this 71144
section; 71145

(6) The director of aging or the director's designee if 71146
either of the following apply: 71147

(a) In the case of a criminal records check requested by a 71148
home health agency, the home health agency also is a 71149
community-based long-term care ~~agency~~ provider or community-based 71150
long-term care subcontractor; 71151

(b) In the case of a criminal records check requested by an 71152
employment service, the employment service makes the request for 71153
an applicant or employee the employment service refers to a home 71154
health agency that also is a community-based long-term care ~~agency~~ 71155
provider or community-based long-term care subcontractor. 71156

(7) The medicaid director ~~of job and family services~~ and the 71157
staff of the department of ~~job and family services~~ medicaid who 71158
are involved in the administration of the medicaid program if 71159
either of the following apply: 71160

(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a waiver agency; 71161
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(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a waiver agency. 71164
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(8) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following: 71168
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(a) A denial of employment of the applicant or employee; 71170

(b) Employment or unemployment benefits of the applicant or employee; 71171
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(c) A civil or criminal action regarding the medicaid program. 71173
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(I) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a home health agency employs in a position that involves providing direct care to an individual, all of the following shall apply: 71175
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(1) If the home health agency employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the agency shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate. 71180
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(2) If the home health agency employed the applicant in good faith on a conditional basis pursuant to division (G) of this section, the agency shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section. 71186
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(3) If the home health agency in good faith employed the applicant or employee according to the personal character standards established in rules adopted under this section, the agency shall not be found negligent solely because the applicant or employee had been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

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

(1) The rules may do the following:

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

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

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

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

(a) The procedures for conducting database reviews under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a home health agency is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;

(d) Circumstances under which a home health agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets personal character standards.

Sec. 3701.921. There is hereby established the patient centered medical home education program in the department of health. For the purpose of advancing education in the patient centered medical home model of care, the director of health may implement and administer the program pursuant to sections 3701.922 to 3701.929 of the Revised Code. The patient centered medical home model of care is an enhanced model of primary care in which care teams attend to the multifaceted needs of patients, providing whole person comprehensive and coordinate patient centered care.

To the extent that funds are available, the program shall include the patient centered medical home education pilot project and may include any other ~~pilot~~ projects the director establishes pursuant to division (A)(3) of section 3701.922 of the Revised Code.

Sec. 3701.922. (A) The director of health may do any of the following to implement and administer the patient centered medical home education program:

(1) Develop and implement programs of education or training on the patient centered medical home model of care or other similar enhanced models of coordinated patient centered care that are intended to address the multifaceted needs of patients and provide whole person comprehensive and coordinated patient centered care;

(2) Advise, consult, cooperate with, and assist, by contract

or other arrangement, government agencies or institutions or 71251
private organizations, corporations, or associations in the 71252
development and promotion of programs pertaining to the evaluation 71253
and implementation of the patient centered medical home model of 71254
care or other similar enhanced models of coordinated patient 71255
centered care; 71256

(3) Establish ~~pilot~~ projects that ~~do any of the following:~~ 71257

~~(a) Evaluate or implement the patient centered medical home 71258
model of care or other similar enhanced models of coordinated 71259
patient centered care;~~ 71260

~~(b) Provide~~ provide education or training on the patient 71261
centered medical home model of care or other similar enhanced 71262
models of coordinated patient centered care. 71263

(4) Seek and administer state funds or grants from other 71264
sources to carry out any functions of the patient centered medical 71265
home education program. 71266

Any funds or grants received by the director for purposes of 71267
the program shall be used for the program. 71268

(B) The director may adopt rules as necessary to implement 71269
and administer the patient centered medical home education 71270
program, including rules that define what constitutes a "patient 71271
centered medical home" for purposes of an entity authorized to 71272
provide care coordination services. The rules shall be adopted in 71273
accordance with Chapter 119. of the Revised Code. 71274

Sec. 3701.94. There is hereby established the patient 71275
centered medical home program in the department of health. The 71276
patient centered medical home model of care is an advanced model 71277
of primary care in which care teams attend to the multifaceted 71278
needs of patients, providing whole person comprehensive and 71279
coordinated patient centered care. 71280

Sec. 3701.941. (A) As part of the patient centered medical home program established under section 3701.94 of the Revised Code, the department of health shall establish a voluntary patient centered medical home certification program. 71281
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(B) Each primary care practice, that seeks a patient centered medical home certificate shall submit an application on a form prepared by the department. The department may require an application fee and annual renewal fee as determined by the department. If the department establishes a fee under this section, the fee shall be in an amount that is sufficient to cover the cost of any on-site evaluations conducted by the department or an entity under contract with the department pursuant to section 3701.942 of the Revised Code. 71285
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(C) A practice certified under this section shall do all of the following: 71294
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(1) Meet any standards developed by national independent accrediting and medical home organizations, as determined by the department; 71296
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(2) Develop a systematic follow-up procedure for patients, including the use of health information technology and patient registries; 71299
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(3) Implement and maintain health information technology that meets the requirements of 42 U.S.C. 300jj; 71302
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(4) Comply with the reporting requirements of section 3701.942 of the Revised Code; 71304
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(5) Meet any process, outcome, and quality standards specified by the department of health; 71306
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(6) Meet any other requirements established by the department. 71308
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(D) The department shall seek to do all of the following 71310

through the certification of patient centered medical homes: 71311

(1) Expand, enhance, and encourage the use of primary care providers, including primary care physicians, advanced practice registered nurses, and physician assistants, as personal clinicians; 71312
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(2) Develop a focus on delivering high-quality, efficient, and effective health care services; 71316
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(3) Encourage patient centered care and the provision of care that is appropriate for a patient's race, ethnicity, and language; 71318
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(4) Encourage the education and active participation of patients and patients' families or legal guardians, as appropriate, in decision making and care plan development; 71320
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(5) Provide patients with consistent, ongoing contact with a personal clinician or team of clinical professionals to ensure continuous and appropriate care; 71323
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(6) Ensure that patient centered medical homes develop and maintain appropriate comprehensive care plans for patients with complex or chronic conditions, including an assessment of health risks and chronic conditions; 71326
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(7) Ensure that patient centered medical homes plan for transition of care from youth to adult to senior; 71330
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(8) Enable and encourage use of a range of qualified health care professionals, including dedicated care coordinators, in a manner that enables those professionals to practice to the fullest extent of their professional licenses. 71332
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Sec. 3701.942. (A) Each certified patient centered medical home shall report health care quality and performance information to the department of health, including any data necessary for monitoring compliance with certification standards and for evaluating the impact of patient centered medical homes on health 71336
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care quality, cost, and outcomes. 71341

(B) The department may contract with a private entity to evaluate the effectiveness of certified patient centered medical homes. The department may provide the entity with data collected under division (A) of this section. 71342
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(C) The department may contract with national independent accrediting and medical home organizations to provide on-site evaluation of primary care practices and verification of data collected under division (A) of this section. 71346
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(D) Data collected under this section is not a public record under section 149.43 of the Revised Code. 71350
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Sec. 3701.943. (A) The department of health shall submit a report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly, evaluating the patient centered medical home program not later than three years after rules adopted pursuant to section 3701.944 of the Revised Code first become effective. The department shall submit a second report not later than five years after those rules first become effective. 71352
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(B) The reports submitted under division (A) of this section shall include all of the following: 71360
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(1) The number of patients receiving primary care services from certified patient centered medical homes and the number and characteristics of those patients with complex or chronic conditions. To the extent available, information regarding the income, race, ethnicity, and language of patients shall be included in the reports; 71362
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(2) The number and geographic distribution of certified patient centered medical homes; 71368
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<u>(3) Performance of and quality of care measures implemented</u>	71370
<u>by certified patient centered medical homes;</u>	71371
<u>(4) Preventive care measures implemented by certified patient</u>	71372
<u>centered medical homes;</u>	71373
<u>(5) Payment arrangements of certified patient centered</u>	71374
<u>medical homes;</u>	71375
<u>(6) Costs related to implementation of the patient centered</u>	71376
<u>medical home program and payment of care coordination fees;</u>	71377
<u>(7) The estimated effect of certified patient centered</u>	71378
<u>medical homes on health disparities;</u>	71379
<u>(8) The estimated savings from establishing the patient</u>	71380
<u>centered medical home program, as those savings apply to the fee</u>	71381
<u>for service, managed care, and state-based purchasing sectors.</u>	71382
<u>Sec. 3701.944. The department of health shall adopt rules in</u>	71383
<u>accordance with Chapter 119. of the Revised Code to do all of the</u>	71384
<u>following:</u>	71385
<u>(A) Considering the goals set forth in section 3701.941 of</u>	71386
<u>the Revised Code, establish standards and procedures for</u>	71387
<u>certifying a primary care practice as a patient centered medical</u>	71388
<u>home;</u>	71389
<u>(B) Specify the types of medical practices that constitute</u>	71390
<u>primary care practices for the purpose of certifying patient</u>	71391
<u>centered medical homes;</u>	71392
<u>(C) Specify the health care quality and performance</u>	71393
<u>information that certified patient centered medical homes must</u>	71394
<u>report to the department pursuant to section 3701.942 of the</u>	71395
<u>Revised Code.</u>	71396
<u>Sec. 3701.96. As used in this section, "board of health"</u>	71397
<u>means a board of health of a city or general health district or an</u>	71398

authority having the duties of a board of health under section 71399
3709.05 of the Revised Code. 71400

If a zoonotic disease program is administered by the 71401
department of health, the director of health may charge a board of 71402
health a fee for each service the program provides to the board. 71403
The fee amount shall be determined by the director and be 71404
commensurate with the department's cost to provide the service. 71405
The board shall pay the fee associated with a service at the time 71406
the service is provided. 71407

Sec. 3701.98. Not later than July 1, 2014, the director of 71408
health shall establish both of the following by rule adopted under 71409
Chapter 119. of the Revised Code: 71410

(A) A standardized process by which all general and city 71411
health districts shall collect and report to the director 71412
information regarding public health quality indicators. 71413

(B) A policy and procedures for the sharing of health data 71414
reported under this section with payers, providers, general and 71415
city health districts, and public health professionals. 71416

The rules shall identify the public health quality indicators 71417
that are to be a priority for general and city health districts 71418
and the information to be collected and reported regarding those 71419
indicators. The director of health shall work in conjunction with 71420
the association of county health commissioners in identifying the 71421
public health quality indicators. 71422

Sec. 3701.99. (A) Whoever violates division (C) of section 71423
3701.23, division (C) of section 3701.232, division (C) of section 71424
3701.24, division (B) of section 3701.25, division ~~(I)~~(D)(2) of 71425
section 3701.262, ~~division (D) of section 3701.263,~~ or sections 71426
3701.46 to 3701.55 of the Revised Code is guilty of a minor 71427

misdemeanor on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates section 3701.82 of the Revised Code is guilty of a misdemeanor of the first degree.

(C) Whoever violates section 3701.352 or 3701.81 of the Revised Code is guilty of a misdemeanor of the second degree.

Sec. 3702.30. (A) As used in this section:

(1) "Ambulatory surgical facility" means a facility, whether or not part of the same organization as a hospital, that is located in a building distinct from another in which inpatient care is provided, and to which any of the following apply:

(a) Outpatient surgery is routinely performed in the facility, and the facility functions separately from a hospital's inpatient surgical service and from the offices of private physicians, podiatrists, and dentists.

(b) Anesthesia is administered in the facility by an anesthesiologist or certified registered nurse anesthetist, and the facility functions separately from a hospital's inpatient surgical service and from the offices of private physicians, podiatrists, and dentists.

(c) The facility applies to be certified by the United States centers for medicare and medicaid services as an ambulatory surgical center for purposes of reimbursement under Part B of the medicare program, Part B of Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.

(d) The facility applies to be certified by a national accrediting body approved by the centers for medicare and medicaid services for purposes of deemed compliance with the conditions for participating in the medicare program as an ambulatory surgical center.

(e) The facility bills or receives from any third-party payer, governmental health care program, or other person or government entity any ambulatory surgical facility fee that is billed or paid in addition to any fee for professional services.

(f) The facility is held out to any person or government entity as an ambulatory surgical facility or similar facility by means of signage, advertising, or other promotional efforts.

"Ambulatory surgical facility" does not include a hospital emergency department.

(2) "Ambulatory surgical facility fee" means a fee for certain overhead costs associated with providing surgical services in an outpatient setting. A fee is an ambulatory surgical facility fee only if it directly or indirectly pays for costs associated with any of the following:

(a) Use of operating and recovery rooms, preparation areas, and waiting rooms and lounges for patients and relatives;

(b) Administrative functions, record keeping, housekeeping, utilities, and rent;

(c) Services provided by nurses, orderlies, technical personnel, and others involved in patient care related to providing surgery.

"Ambulatory surgical facility fee" does not include any additional payment in excess of a professional fee that is provided to encourage physicians, podiatrists, and dentists to perform certain surgical procedures in their office or their group practice's office rather than a health care facility, if the purpose of the additional fee is to compensate for additional cost incurred in performing office-based surgery.

(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.

(4) "Health care facility" means any of the following:	71488
(a) An ambulatory surgical facility;	71489
(b) A freestanding dialysis center;	71490
(c) A freestanding inpatient rehabilitation facility;	71491
(d) A freestanding birthing center;	71492
(e) A freestanding radiation therapy center;	71493
(f) A freestanding or mobile diagnostic imaging center.	71494
(5) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.	71495 71496
(B) By rule adopted in accordance with sections 3702.12 and 3702.13 of the Revised Code, the director of health shall establish quality standards for health care facilities. The standards may incorporate accreditation standards or other quality standards established by any entity recognized by the director.	71497 71498 71499 71500 71501
<u>In the case of an ambulatory surgical facility, the standards shall require the ambulatory surgical facility to maintain an infection control program. The purposes of the program are to minimize infections and communicable diseases and facilitate a functional and sanitary environment consistent with standards of professional practice. To achieve these purposes, ambulatory surgical facility staff managing the program shall create and administer a plan designed to prevent, identify, and manage infections and communicable diseases; ensure that the program is directed by a qualified professional trained in infection control; ensure that the program is an integral part of the ambulatory surgical facility's quality assessment and performance improvement program; and implement in an expeditious manner corrective and preventive measures that result in improvement.</u>	71502 71503 71504 71505 71506 71507 71508 71509 71510 71511 71512 71513 71514 71515
(C) Every ambulatory surgical facility shall require that each physician who practices at the facility comply with all	71516 71517

relevant provisions in the Revised Code that relate to the 71518
obtaining of informed consent from a patient. 71519

(D) The director shall issue a license to each health care 71520
facility that makes application for a license and demonstrates to 71521
the director that it meets the quality standards established by 71522
the rules adopted under division (B) of this section and satisfies 71523
the informed consent compliance requirements specified in division 71524
(C) of this section. 71525

(E)(1) Except as provided in division (H) of this section and 71526
in section 3702.301 of the Revised Code, no health care facility 71527
shall operate without a license issued under this section. 71528

(2) If the department of health finds that a physician who 71529
practices at a health care facility is not complying with any 71530
provision of the Revised Code related to the obtaining of informed 71531
consent from a patient, the department shall report its finding to 71532
the state medical board, the physician, and the health care 71533
facility. 71534

(3) This division does not create, and shall not be construed 71535
as creating, a new cause of action or substantive legal right 71536
against a health care facility and in favor of a patient who 71537
allegedly sustains harm as a result of the failure of the 71538
patient's physician to obtain informed consent from the patient 71539
prior to performing a procedure on or otherwise caring for the 71540
patient in the health care facility. 71541

(F) The rules adopted under division (B) of this section 71542
shall include all of the following: 71543

(1) Provisions governing application for, renewal, 71544
suspension, and revocation of a license under this section; 71545

(2) Provisions governing orders issued pursuant to section 71546
3702.32 of the Revised Code for a health care facility to cease 71547
its operations or to prohibit certain types of services provided 71548

by a health care facility; 71549

(3) Provisions governing the imposition under section 3702.32 71550
of the Revised Code of civil penalties for violations of this 71551
section or the rules adopted under this section, including a scale 71552
for determining the amount of the penalties; 71553

(4) Provisions specifying the form inspectors must use when 71554
conducting inspections of ambulatory surgical facilities. 71555

(G)(1) As used in this division: 71556

(a) "Political subdivision" means any body corporate and 71557
politic that is responsible for governmental activities in a 71558
geographic area smaller than the state. 71559

(b) "Public hospital" means a hospital registered with the 71560
department of health under section 3701.07 of the Revised Code 71561
that is owned, leased, or controlled by this state or any agency, 71562
institution, instrumentality, or political subdivision of this 71563
state. "Public hospital" includes any state university, state 71564
medical college, health district, joint hospital, or public 71565
hospital agency. 71566

(2) An ambulatory surgical facility that performs or induces 71567
abortions shall comply with section 3701.791 of the Revised Code. 71568
For purposes of complying with the written transfer agreement 71569
requirement described in section 3702.303 of the Revised Code, 71570
such an ambulatory surgical facility shall not have a written 71571
transfer agreement with a public hospital or enter into a contract 71572
or similar agreement with a physician who has been granted staff 71573
membership or professional privileges by the governing body of a 71574
public hospital. 71575

(H) The following entities are not required to obtain a 71576
license as a freestanding diagnostic imaging center issued under 71577
this section: 71578

(1) A hospital registered under section 3701.07 of the Revised Code that provides diagnostic imaging; 71579
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(2) An entity that is reviewed as part of a hospital accreditation or certification program and that provides diagnostic imaging; 71581
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(3) An ambulatory surgical facility that provides diagnostic imaging in conjunction with or during any portion of a surgical procedure. 71584
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Sec. 3702.302. In the case of an ambulatory surgical facility not certified by the centers for medicare and medicaid services as an ambulatory surgical center, the director of health shall conduct an inspection of the facility each time the facility submits an application for license renewal. The director shall not renew the license unless all of the following conditions are met: 71587
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(A) The inspector conducting the inspection completes each item on the following, as applicable: 71593
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(1) Until the director adopts rules under division (F) of section 3702.30 of the Revised Code, the form approved by the director on the effective date of this section; 71595
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(2) The form specified by the director pursuant to rules adopted under division (F) of section 3702.30 of the Revised Code. 71598
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(B) The inspection demonstrates that the ambulatory surgical facility complies with all quality standards established by the director in rules adopted under division (B) of section 3702.30 of the Revised Code. 71600
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(C) The director determines that the most recent version of the updated written transfer agreement filed in accordance with division (B) of section 3702.303 of the Revised Code is satisfactory, unless the director has granted a variance from the written transfer agreement requirement as permitted by section 71604
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3702.304 of the Revised Code. 71609

Sec. 3702.303. (A) Except as provided in division (C) of this section, an ambulatory surgical facility shall have a written transfer agreement with a local hospital that specifies an effective procedure for the safe and immediate transfer of patients from the facility to the hospital when medical care beyond the care that can be provided at the ambulatory surgical facility is necessary, including when emergency situations occur or medical complications arise. A copy of the agreement shall be filed with the director of health. 71610
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(B) An ambulatory surgical facility shall update a written transfer agreement every two years and file a copy of the updated agreement with the director. 71619
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(C) The requirement for a written transfer agreement between an ambulatory surgical facility and a hospital does not apply if either of the following is the case: 71622
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(1) The facility is a provider-based entity, as defined in 42 C.F.R. 413.65(a)(2), of a hospital and the facility's policies and procedures to address situations when care beyond the care that can be provided at the ambulatory surgical facility are approved by the governing body of the facility's parent hospital and implemented; 71625
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(2) The director of health has, pursuant to the procedure specified in section 3702.304 of the Revised Code, granted the facility a variance from the requirement. 71631
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Sec. 3702.304. (A) The director of health may grant a variance from the written transfer agreement requirement of section 3702.303 of the Revised Code if the ambulatory surgical facility submits to the director a complete variance application, prescribed by the director, and the director determines after 71634
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reviewing the application that the facility is capable of 71639
achieving the purpose of a written transfer agreement in the 71640
absence of one. The director's determination is final. 71641

(B) A variance application is complete for purposes of 71642
division (A) of this section if it contains or includes as 71643
attachments all of the following: 71644

(1) A statement explaining why application of the requirement 71645
would cause the facility undue hardship and why the variance will 71646
not jeopardize the health and safety of any patient; 71647

(2) A letter, contract, or memorandum of understanding signed 71648
by the facility and one or more consulting physicians who have 71649
admitting privileges at a minimum of one local hospital, 71650
memorializing the physician or physicians' agreement to provide 71651
back-up coverage when medical care beyond the level the facility 71652
can provide is necessary; 71653

(3) For each consulting physician described in division 71654
(B)(2) of this section: 71655

(a) A signed statement in which the physician attests that 71656
the physician is familiar with the facility and its operations, 71657
and agrees to provide notice to the facility of any changes in the 71658
physician's ability to provide back-up coverage; 71659

(b) The estimated travel time from the physician's main 71660
residence or office to each local hospital where the physician has 71661
admitting privileges; 71662

(c) Written verification that the facility has a record of 71663
the name, telephone numbers, and practice specialties of the 71664
physician; 71665

(d) Written verification from the state medical board that 71666
the physician possesses a valid certificate to practice medicine 71667
and surgery or osteopathic medicine and surgery issued under 71668

Chapter 4731. of the Revised Code; 71669

(e) Documented verification that each hospital at which the physician has admitting privileges has been informed in writing by the physician that the physician is a consulting physician for the ambulatory surgical facility and has agreed to provide back-up coverage for the facility when medical care beyond the care the facility can provide is necessary. 71670
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(4) A copy of the facility's operating procedures or protocols that, at a minimum, do all of the following: 71676
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(a) Address how back-up coverage by consulting physicians is to occur, including how back-up coverage is to occur when consulting physicians are temporarily unavailable; 71678
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(b) Specify that each consulting physician is required to notify the facility, without delay, when the physician is unable to expeditiously admit patients to a local hospital and provide for continuity of patient care; 71681
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(c) Specify that a patient's medical record maintained by the facility must be transferred contemporaneously with the patient when the patient is transferred from the facility to a hospital. 71685
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(5) Any other information the director considers necessary. 71688

(C) The director's decision to grant, refuse, or rescind a variance is final. 71689
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(D) The director shall consider each application for a variance independently without regard to any decision the director may have made on a prior occasion to grant or deny a variance to that ambulatory surgical facility or any other facility. 71691
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Sec. 3702.305. The director of health may impose conditions on any variance the director has granted under section 3702.304 of the Revised Code. The director may, at any time, rescind the variance for any reason, including a determination by the director 71695
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that the facility is failing to meet one or more of the conditions 71699
or no longer adequately protects public health and safety. The 71700
director's decision to rescind a variance is final. 71701

Sec. 3702.306. A variance the director of health grants under 71702
section 3702.304 of the Revised Code is effective for the period 71703
of time specified by the director, except that it shall not be 71704
effective beyond the date the ambulatory surgical facility's 71705
license expires. If a variance is to expire on the date the 71706
facility's license expires, the facility may submit to the 71707
director an application for a new variance with its next license 71708
renewal application. 71709

Sec. 3702.307. An ambulatory surgical facility shall notify 71710
the director of health when any of the following occurs: 71711

(A) The facility modifies any provision of its most recent 71712
written transfer agreement filed with the director under section 71713
3702.303 of the Revised Code. Notification under these 71714
circumstances shall occur not later than the business day after 71715
the modification is finalized. As used in this division, "business 71716
day" means a day of the week excluding Saturday, Sunday, and a 71717
legal holiday as defined in section 1.14 of the Revised Code. 71718

(B) The facility modifies its operating procedures or 71719
protocols described in division (B)(4) of section 3702.304 of the 71720
Revised Code. Notification under these circumstances shall occur 71721
not later than forty-eight hours after the modification is made. 71722

(C) The ambulatory surgical facility becomes aware of an 71723
event, including disciplinary action by the state medical board 71724
pursuant to section 4731.22 of the Revised Code, that may affect a 71725
consulting physician's certificate to practice medicine and 71726
surgery or osteopathic medicine and surgery or the physician's 71727
ability to admit patients to a hospital identified in a variance 71728

application, as described in division (B)(3)(e) of section 71729
3702.304 of the Revised Code. Notification under these 71730
circumstances shall occur not later than one week after the 71731
facility becomes aware of the event's occurrence. 71732

Sec. 3702.308. If any provision in sections 3702.302 to 71733
3702.307 of the Revised Code is enjoined, the injunction does not 71734
affect any remaining provision of those sections, any provision of 71735
section 3702.30 of the Revised Code, or any provision of the rules 71736
adopted under that section. 71737

Sec. 3702.51. As used in sections 3702.51 to 3702.62 of the 71738
Revised Code: 71739

(A) "Applicant" means any person that submits an application 71740
for a certificate of need and who is designated in the application 71741
as the applicant. 71742

(B) "Person" means any individual, corporation, business 71743
trust, estate, firm, partnership, association, joint stock 71744
company, insurance company, government unit, or other entity. 71745

(C) "Certificate of need" means a written approval granted by 71746
the director of health to an applicant to authorize conducting a 71747
reviewable activity. 71748

(D) "Service area" means the current and projected primary 71749
and secondary service areas to which the long-term care facility 71750
is, or will be, providing long-term care services. 71751

(E) "Primary service area" means the geographic region, 71752
usually comprised of the Ohio zip code in which the long-term care 71753
facility is located and contiguous zip codes, from which 71754
approximately seventy-five to eighty per cent of the facility's 71755
residents currently originate or are expected to originate. 71756

(F) "Secondary service area" means the geographic region, 71757

usually comprised of Ohio zip codes not included in the primary 71758
service area, excluding isolated exceptions, from which the 71759
facility's remaining residents currently originate or are expected 71760
to originate. 71761

(G) "Third-party payer" means a health insuring corporation 71762
licensed under Chapter 1751. of the Revised Code, a health 71763
maintenance organization as defined in division (I) of this 71764
section, an insurance company that issues sickness and accident 71765
insurance in conformity with Chapter 3923. of the Revised Code, a 71766
state-financed health insurance program under Chapter 3701. ~~or~~ 71767
4123. ~~or 5111.~~ of the Revised Code, the medicaid program, or any 71768
self-insurance plan. 71769

(H) "Government unit" means the state and any county, 71770
municipal corporation, township, or other political subdivision of 71771
the state, or any department, division, board, or other agency of 71772
the state or a political subdivision. 71773

(I) "Health maintenance organization" means a public or 71774
private organization organized under the law of any state that is 71775
qualified under section 1310(d) of Title XIII of the "Public 71776
Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9. 71777

(J) "Existing long-term care facility" means either of the 71778
following: 71779

(1) A long-term care facility that is licensed or otherwise 71780
authorized to operate in this state in accordance with applicable 71781
law, including a county home or a county nursing home that is 71782
certified under Title XVIII or Title XIX of the "Social Security 71783
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, is staffed 71784
and equipped to provide long-term care services, and is actively 71785
providing long-term care services; 71786

(2) A long-term care facility that is licensed or otherwise 71787
authorized to operate in this state in accordance with applicable 71788

law, including a county home or a county nursing home that is 71789
certified under Title XVIII or Title XIX of the "Social Security 71790
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or that has 71791
beds registered under section 3701.07 of the Revised Code as 71792
skilled nursing beds or long-term care beds and has provided 71793
long-term care services for at least three hundred sixty-five 71794
consecutive days within the twenty-four months immediately 71795
preceding the date a certificate of need application is filed with 71796
the director of health. 71797

(K) "State" means the state of Ohio, including, but not 71798
limited to, the general assembly, the supreme court, the offices 71799
of all elected state officers, and all departments, boards, 71800
offices, commissions, agencies, institutions, and other 71801
instrumentalities of the state of Ohio. "State" does not include 71802
political subdivisions. 71803

(L) "Political subdivision" means a municipal corporation, 71804
township, county, school district, and all other bodies corporate 71805
and politic responsible for governmental activities only in 71806
geographic areas smaller than that of the state to which the 71807
sovereign immunity of the state attaches. 71808

(M) "Affected person" means: 71809

(1) An applicant for a certificate of need, including an 71810
applicant whose application was reviewed comparatively with the 71811
application in question; 71812

(2) The person that requested the reviewability ruling in 71813
question; 71814

(3) Any person that resides or regularly uses long-term care 71815
facilities within the service area served or to be served by the 71816
long-term care services that would be provided under the 71817
certificate of need or reviewability ruling in question; 71818

(4) Any long-term care facility that is located in the 71819

service area where the long-term care services would be provided 71820
under the certificate of need or reviewability ruling in question; 71821

(5) Third-party payers that reimburse long-term care 71822
facilities for services in the service area where the long-term 71823
care services would be provided under the certificate of need or 71824
reviewability ruling in question. 71825

(N) "Long-term care facility" means any of the following: 71826

(1) A nursing home licensed under section 3721.02 of the 71827
Revised Code or by a political subdivision certified under section 71828
3721.09 of the Revised Code; 71829

(2) The portion of any facility, including a county home or 71830
county nursing home, that is certified as a skilled nursing 71831
facility or a nursing facility under Title XVIII or XIX of the 71832
"Social Security Act"; 71833

(3) The portion of any hospital that contains beds registered 71834
under section 3701.07 of the Revised Code as skilled nursing beds 71835
or long-term care beds. 71836

(O) "Long-term care bed" or "bed" means a bed that is 71837
categorized as one of the following: 71838

(1) A bed that is located in a facility that is a nursing 71839
home licensed under section 3721.02 of the Revised Code or a 71840
facility licensed by a political subdivision certified under 71841
section 3721.09 of the Revised Code and is included in the 71842
authorized maximum licensed capacity of the facility; 71843

(2) A bed that is located in the portion of any facility, 71844
including a county home or county nursing home, that is certified 71845
as a skilled nursing facility under the medicare program or a 71846
nursing facility under the medicaid program and is included in the 71847
authorized maximum certified capacity of that portion of the 71848
facility; 71849

(3) A bed that is registered under section 3701.07 of the Revised Code as a skilled nursing bed, a long-term care bed, or a special skilled nursing bed;

(4) A bed in a county home or county nursing home that has been certified under section 5155.38 of the Revised Code as having been in operation on July 1, 1993, and is eligible for licensure as a nursing home bed;

(5) A bed held as an approved bed under a certificate of need approved by the director.

A bed cannot simultaneously be both a bed described in division (O)(1), (2), (3), or (4) of this section and a bed described in division (O)(5) of this section.

(P) "Reviewability ruling" means a ruling issued by the director of health under division (A) of section 3702.52 of the Revised Code as to whether a particular proposed project is or is not a reviewable activity.

(Q) "County nursing home" has the same meaning as in section 5155.31 of the Revised Code.

(R) "Principal participant" means both of the following:

(1) A person who has an ownership or controlling interest of at least five per cent in an applicant, in a long-term care facility that is the subject of an application for a certificate of need, or in the owner or operator of the applicant or such a facility;

(2) An officer, director, trustee, or general partner of an applicant, of a long-term care facility that is the subject of an application for a certificate of need, or of the owner or operator of the applicant or such a facility.

(S) "Actual harm but not immediate jeopardy deficiency" means a deficiency that, under 42 C.F.R. 488.404, either constitutes a

pattern of deficiencies resulting in actual harm that is not 71880
immediate jeopardy or represents widespread deficiencies resulting 71881
in actual harm that is not immediate jeopardy. 71882

(T) "Immediate jeopardy deficiency" means a deficiency that, 71883
under 42 C.F.R. 488.404, either constitutes a pattern of 71884
deficiencies resulting in immediate jeopardy to resident health or 71885
safety or represents widespread deficiencies resulting in 71886
immediate jeopardy to resident health or safety. 71887

(U) "Existing bed" or "existing long-term care bed" means a 71888
bed from an existing long-term care facility, a bed described in 71889
division (O)(5) of this section, or a bed correctly reported as a 71890
long-term care bed pursuant to section 5155.38 of the Revised 71891
Code. 71892

Sec. 3702.521. (A) Reviews of applications for certificates 71893
of need to recategorize hospital beds to skilled nursing beds 71894
shall be conducted in accordance with this division and rules 71895
adopted by the director of health. 71896

(1) No hospital recategorizing beds shall apply for a 71897
certificate of need for more than twenty skilled nursing beds. 71898

(2) No beds for which a certificate of need is requested 71899
under this division shall be reviewed under or counted in any 71900
formula developed under rules adopted by the director for the 71901
purpose of determining the number of long-term care beds that may 71902
be needed within the state. 71903

(3) No beds shall be approved under this division unless the 71904
hospital certifies and demonstrates in the application that the 71905
beds will be dedicated to patients with a length of stay of no 71906
more than thirty days. 71907

(4) No beds shall be approved under this division unless the 71908
hospital can satisfactorily demonstrate in the application that it 71909

is routinely unable to place the patients planned for the beds in 71910
accessible skilled nursing facilities. 71911

(5) In developing rules to implement this division, the 71912
director shall give special attention to the required 71913
documentation of the need for such beds, including the efforts 71914
made by the hospital to place patients in suitable skilled nursing 71915
facilities, and special attention to the appropriate size of units 71916
with such beds given the historical pattern of the applicant 71917
hospital's documented difficulty in placing skilled nursing 71918
patients. 71919

(B) For assistance in monitoring the use of hospital beds 71920
recategorized as skilled nursing beds after August 5, 1989, the 71921
director shall adopt rules specifying appropriate quarterly 71922
procedures for reporting to the department of health. 71923

(C) A patient may stay in a hospital bed that, after August 71924
5, 1989, has been recategorized as a skilled nursing bed for more 71925
than thirty days if the hospital is able to demonstrate that it 71926
made a good faith effort to place the patient in an accessible 71927
skilled nursing facility acceptable to the patient within the 71928
thirty-day period, but was unable to do so. 71929

(D) No hospital bed recategorized after August 5, 1989, as a 71930
skilled nursing bed shall be covered by a provider agreement under 71931
the ~~medical assistance~~ medicaid program ~~established under Chapter~~ 71932
~~5111. of the Revised Code.~~ 71933

(E) Nothing in this section requires a hospital to place a 71934
patient in any nursing home if the patient does not wish to be 71935
placed in the nursing home. Nothing in this section limits the 71936
ability of a hospital to file a certificate of need application 71937
for the addition of long-term care beds that meet the definition 71938
of "home" in section 3721.01 of the Revised Code. Nothing in this 71939
section limits the ability of the director to grant certificates 71940

of need necessary for hospitals to engage in demonstration 71941
projects authorized by the federal government for the purpose of 71942
enhancing long-term quality of care and cost containment. Nothing 71943
in this section limits the ability of hospitals to develop swing 71944
bed programs in accordance with federal regulations. 71945

No hospital that is granted a certificate of need after 71946
August 5, 1989, to recategorize hospital beds as skilled nursing 71947
beds is subject to sections 3721.01 to 3721.09 of the Revised 71948
Code. If the portion of the hospital in which the recategorized 71949
beds are located is certified as a skilled nursing facility under 71950
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 71951
U.S.C.A. 301, as amended, that portion of the hospital is subject 71952
to sections 3721.10 to 3721.17 and sections 3721.21 to 3721.34 of 71953
the Revised Code. If the beds are registered pursuant to section 71954
3701.07 of the Revised Code as long-term care beds, the beds are 71955
subject to sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the 71956
Revised Code. 71957

Sec. 3702.55. A person that the director of health determines 71958
has violated section 3702.53 of the Revised Code shall cease 71959
conducting the activity that constitutes the violation or 71960
utilizing the facility resulting from the violation not later than 71961
thirty days after the person receives the notice mailed under 71962
section 3702.532 of the Revised Code or, if the person appeals the 71963
director's determination under section 3702.60 of the Revised 71964
Code, thirty days after the person receives an order upholding the 71965
director's determination that is not subject to further appeal. 71966

If any person determined to have violated section 3702.53 of 71967
the Revised Code fails to cease conducting an activity or using a 71968
facility as required by this section or if the person continues to 71969
seek payment or reimbursement for services rendered or costs 71970
incurred in conducting the activity as prohibited by section 71971

3702.56 of the Revised Code, in addition to the penalties imposed 71972
under section 3702.54 or 3702.541 of the Revised Code: 71973

(A) The director of health may refuse to include any beds 71974
involved in the activity in the bed capacity of a hospital for 71975
purposes of registration under section 3701.07 of the Revised 71976
Code; 71977

(B) The director of health may refuse to license, or may 71978
revoke a license or reduce bed capacity previously granted to, a 71979
hospice care program under section 3712.04 of the Revised Code; a 71980
nursing home, residential care facility, or home for the aging 71981
under section 3721.02 of the Revised Code; or any beds within any 71982
of those facilities that are involved in the activity; 71983

(C) A political subdivision certified under section 3721.09 71984
of the Revised Code may refuse to license, or may revoke a license 71985
or reduce bed capacity previously granted to, a nursing home, 71986
residential care facility, or home for the aging, or any beds 71987
within any of those facilities that are involved in the activity; 71988

(D) The director of ~~mental health~~ mental health and addiction 71989
services may refuse to license under section ~~5119.20~~ 5119.33 of 71990
the Revised Code, or may revoke a license or reduce bed capacity 71991
previously granted to, a hospital receiving mentally ill persons 71992
or beds within such a hospital that are involved in the activity; 71993

(E) The department of ~~job and family services~~ medicaid may 71994
refuse to enter into a provider agreement that includes a 71995
facility, beds, or services that result from the activity. 71996

Sec. 3702.62. Sections 3702.51 to 3702.61 of the Revised Code 71997
do not apply to any part of a long-term care facility's campus 71998
that is certified as an intermediate care facility for ~~the~~ 71999
~~mentally retarded under Title XIX of the "Social Security Act," 79~~ 72000
~~Stat. 343 (1965), 42 U.S.C. 1396 et seq., as amended~~ individuals 72001

with intellectual disabilities, as defined in section 5124.01 of 72002
the Revised Code. 72003

Sec. 3702.74. (A) A primary care physician who has signed a 72004
letter of intent under section 3702.73 of the Revised Code and the 72005
director of health may enter into a contract for the physician's 72006
participation in the physician loan repayment program. The 72007
physician's employer or other funding source may also be a party 72008
to the contract. 72009

(B) The contract shall include all of the following 72010
obligations: 72011

(1) The primary care physician agrees to provide primary care 72012
services in the health resource shortage area identified in the 72013
letter of intent for at least two years; 72014

(2) When providing primary care services in the health 72015
resource shortage area, the primary care physician agrees to do 72016
all of the following: 72017

(a) Provide primary care services for a minimum of forty 72018
hours per week, of which at least twenty-one hours will be spent 72019
providing patient care in an outpatient or ambulatory setting; 72020

(b) Provide primary care services without regard to a 72021
patient's ability to pay; 72022

(c) Meet the ~~conditions prescribed by the "Social Security~~ 72023
~~Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the~~ 72024
~~department of job and family services requirements for~~ 72025
~~participation in the a~~ medicaid program established under Chapter 72026
5111. of the Revised Code provider agreement and enter into a 72027
~~contract~~ the agreement with the department of medicaid to provide 72028
primary care services to medicaid recipients ~~of the medical~~ 72029
~~assistance program.~~ 72030

(3) The department of health agrees, as provided in section 72031

3702.75 of the Revised Code, to repay, so long as the primary care physician performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the primary care physician for expenses described in section 3702.75 of the Revised Code;

(4) The primary care physician agrees to pay the department of health an amount established by rules adopted under section 3702.79 of the Revised Code if the physician fails to complete the service obligation agreed to under division (B)(1) of this section.

(C) The contract may include any other terms agreed upon by the parties.

Sec. 3702.91. (A) An individual who has signed a letter of intent under section 3702.90 of the Revised Code may enter into a contract with the director of health for participation in the dentist loan repayment program. The dentist's employer or other funding source may also be a party to the contract.

(B) The contract shall include all of the following obligations:

(1) The individual agrees to provide dental services in the dental health resource shortage area identified in the letter of intent for at least two years.

(2) When providing dental services in the dental health resource shortage area, the individual agrees to do all of the following:

(a) Provide dental services for a minimum of forty hours per week;

(b) Provide dental services without regard to a patient's ability to pay;

(c) Meet the ~~conditions prescribed by the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the department of job and family services requirements for participation in the a~~ medicaid program established under Chapter 5111. of the Revised Code provider agreement and enter into a ~~contract~~ the agreement with the department of medicaid to provide dental services to medicaid recipients.

(3) The department of health agrees, as provided in section 3702.85 of the Revised Code, to repay, so long as the individual performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the individual for expenses described in section 3702.85 of the Revised Code.

(4) The individual agrees to pay the department of health an amount established by rules adopted under section 3702.86 of the Revised Code, if the individual fails to complete the service obligation agreed to under division (B)(1) of this section.

(C) The contract may include any other terms agreed upon by the parties.

(D) Not later than the thirty-first day of January of each year, the department of health shall mail to each individual to whom or on whose behalf repayment is made under the dentist loan repayment program a statement showing the amount of principal and interest repaid by the department pursuant to the contract in the preceding year. The statement shall be sent by ordinary mail with address correction and forwarding requested in the manner prescribed by the United States postal service.

Sec. 3704.144. (A) Gifts, grants, and contributions for the purpose of adding pollution control equipment to diesel-powered school buses and converting diesel-powered school buses to alternative fuels, including contributions that are made pursuant

to the settlement of an administrative action or civil action that 72093
is brought at the request of the director of environmental 72094
protection pursuant to Chapter 3704., 3714., 3734., 6109., or 72095
6111. of the Revised Code, shall be credited to the clean diesel 72096
school bus fund, which is hereby created in the state treasury. 72097
The director shall use money credited to the fund to make grants 72098
to school districts in the state and to county boards of 72099
developmental disabilities for the purpose of adding pollution 72100
control equipment to diesel-powered school buses and converting 72101
diesel-powered school buses to alternative fuels by means of 72102
certified engine configurations and verified technologies that are 72103
consistent with the requirements of section 793 and any 72104
regulations adopted under that section and to pay the 72105
environmental protection agency's costs incurred in administering 72106
this section. In addition, the director may use money credited to 72107
the fund to make grants to school districts and to county boards 72108
of developmental disabilities for the purpose of maintaining 72109
pollution control equipment that is installed on diesel-powered 72110
school buses ~~and to pay the additional cost incurred by a school~~ 72111
~~district or a county board for using ultra low sulfur diesel fuel~~ 72112
~~instead of diesel fuel for the operation of diesel powered school~~ 72113
~~buses.~~ 72114

(B) In making grants under this section, the director shall 72115
give priority to school districts and to county boards of 72116
developmental disabilities that are located in a county that is 72117
designated as nonattainment by the United States environmental 72118
protection agency for the fine particulate national ambient air 72119
quality standard under the federal Clean Air Act. In addition, the 72120
director may give a higher priority to a school district or a 72121
county board of developmental disabilities that employs additional 72122
measures that reduce air pollution from the district's or the 72123
county board's school bus fleet. 72124

(C) The director shall adopt rules establishing procedures and requirements that are necessary to implement this section, including procedures and requirements governing applications for grants.

(D) As used in this section:

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

(2) "Certified engine configuration" and "section 793" have the same meanings as in section 122.861 of the Revised Code.

(3) "Verified technology" means a pollution control technology, including retrofit technology and auxiliary power unit, that has been verified by the administrator of the United States environmental protection agency or the California air resources board.

Sec. 3706.01. As used in this chapter:

(A) "Governmental agency" means a department, division, or other unit of state government, a municipal corporation, county, township, and other political subdivision, or any other public corporation or agency having the power to acquire, construct, or operate air quality facilities, the United States or any agency thereof, and any agency, commission, or authority established pursuant to an interstate compact or agreement.

(B) "Person" means any individual, firm, partnership, association, or corporation, or any combination thereof.

(C) "Air contaminant" means particulate matter, dust, fumes, gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or odorous substance, or any combination thereof.

(D) "Air pollution" means the presence in the ambient air of one or more air contaminants in sufficient quantity and of such characteristics and duration as to injure human health or welfare,

plant or animal life, or property, or that unreasonably interferes 72155
with the comfortable enjoyment of life or property. 72156

(E) "Ambient air" means that portion of the atmosphere 72157
outside of buildings and other enclosures, stacks, or ducts that 72158
surrounds human, plant, or animal life, or property. 72159

(F) "Emission" means the release into the outdoor atmosphere 72160
of an air contaminant. 72161

(G) "Air quality facility" means any of the following: 72162

(1) Any method, modification or replacement of property, 72163
process, device, structure, or equipment that removes, reduces, 72164
prevents, contains, alters, conveys, stores, disperses, or 72165
disposes of air contaminants or substances containing air 72166
contaminants, or that renders less noxious or reduces the 72167
concentration of air contaminants in the ambient air, including, 72168
without limitation, facilities and expenditures that qualify as 72169
air pollution control facilities under section 103 (C)(4)(F) of 72170
the Internal Revenue Code of 1954, as amended, and regulations 72171
adopted thereunder; 72172

(2) Motor vehicle inspection stations operated in accordance 72173
with, and any equipment used for motor vehicle inspections 72174
conducted under, section 3704.14 of the Revised Code and rules 72175
adopted under it; 72176

(3) Ethanol or other biofuel facilities, including any 72177
equipment used at the ethanol or other biofuel facility for the 72178
production of ethanol or other biofuels; 72179

(4) Any property or portion thereof used for the collection, 72180
storage, treatment, utilization, processing, or final disposal of 72181
a by-product or solid waste resulting from any method, process, 72182
device, structure, or equipment that removes, reduces, prevents, 72183
contains, alters, conveys, stores, disperses, or disposes of air 72184
contaminants, or that renders less noxious or reduces the 72185

concentration of air contaminants in the ambient air;	72186
(5) Any property, device, or equipment that promotes the	72187
reduction of emissions of air contaminants into the ambient air	72188
through improvements in the efficiency of energy utilization or	72189
energy conservation;	72190
(6) Any coal research and development project conducted under	72191
Chapter 1555. of the Revised Code;	72192
(7) As determined by the director of the Ohio coal	72193
development office, any property or portion thereof that is used	72194
for the collection, storage, treatment, utilization, processing,	72195
or final disposal of a by-product resulting from a coal research	72196
and development project as defined in section 1555.01 of the	72197
Revised Code or from the use of clean coal technology, excluding	72198
any property or portion thereof that is used primarily for other	72199
subsequent commercial purposes;	72200
(8) Any property or portion thereof that is part of the	72201
FutureGen project of the United States department of energy or	72202
related to the siting of the FutureGen project-;i	72203
(9) Any property, device, or equipment that promotes the	72204
reduction of emissions of air contaminants into the ambient air	72205
through the generation of clean, renewable energy with renewable	72206
energy resources or advanced energy resources as defined in	72207
section 3706.25 of the Revised Code-;i	72208
(10) Any property, device, structure or equipment necessary	72209
for the manufacture and production of equipment described as an	72210
air quality facility under this chapter;i	72211
<u>(11) Any property, device, or equipment related to the</u>	72212
<u>recharging or refueling of vehicles that promotes the reduction of</u>	72213
<u>emissions of air contaminants into the ambient air through the use</u>	72214
<u>of an alternative fuel as defined in section 125.831 of the</u>	72215
<u>Revised Code or the use of a renewable energy resource as defined</u>	72216

in section 3706.25 of the Revised Code. 72217

"Air quality facility" further includes any property or 72218
system to be used in whole or in part for any of the purposes in 72219
divisions (G)(1) to ~~(10)~~(11) of this section, whether another 72220
purpose is also served, and any property or system incidental to 72221
or that has to do with, or the end purpose of which is, any of the 72222
foregoing. Air quality facilities that are defined in this 72223
division for industry, commerce, distribution, or research, 72224
including public utility companies, are hereby determined to be 72225
those that qualify as facilities for the control of air pollution 72226
and thermal pollution related to air under Section 13 of Article 72227
VIII, Ohio Constitution. 72228

(H) "Project" or "air quality project" means any air quality 72229
facility, including undivided or other interests therein, acquired 72230
or to be acquired or constructed or to be constructed by the Ohio 72231
air quality development authority under this chapter, or acquired 72232
or to be acquired or constructed or to be constructed by a 72233
governmental agency or person with all or a part of the cost 72234
thereof being paid from a loan or grant from the authority under 72235
this chapter or otherwise paid from the proceeds of air quality 72236
revenue bonds, including all buildings and facilities that the 72237
authority determines necessary for the operation of the project, 72238
together with all property, rights, easements, and interests that 72239
may be required for the operation of the project. 72240

(I) "Cost" as applied to an air quality project means the 72241
cost of acquisition and construction, the cost of acquisition of 72242
all land, rights-of-way, property rights, easements, franchise 72243
rights, and interests required for such acquisition and 72244
construction, the cost of demolishing or removing any buildings or 72245
structures on land so acquired, including the cost of acquiring 72246
any lands to which such buildings or structures may be moved, the 72247
cost of acquiring or constructing and equipping a principal office 72248

and sub-offices of the authority, the cost of diverting highways, 72249
interchange of highways, and access roads to private property, 72250
including the cost of land or easements for such access roads, the 72251
cost of public utility and common carrier relocation or 72252
duplication, the cost of all machinery, furnishings, and 72253
equipment, financing charges, interest prior to and during 72254
construction and for no more than eighteen months after completion 72255
of construction, engineering, expenses of research and development 72256
with respect to air quality facilities, the cost of any commodity 72257
contract, including fees and expenses related thereto, legal 72258
expenses, plans, specifications, surveys, studies, estimates of 72259
cost and revenues, working capital, other expenses necessary or 72260
incident to determining the feasibility or practicability of 72261
acquiring or constructing such project, administrative expense, 72262
and such other expense as may be necessary or incident to the 72263
acquisition or construction of the project, the financing of such 72264
acquisition or construction, including the amount authorized in 72265
the resolution of the authority providing for the issuance of air 72266
quality revenue bonds to be paid into any special funds from the 72267
proceeds of such bonds, and the financing of the placing of such 72268
project in operation. Any obligation, cost, or expense incurred by 72269
any governmental agency or person for surveys, borings, 72270
preparation of plans and specifications, and other engineering 72271
services, or any other cost described above, in connection with 72272
the acquisition or construction of a project may be regarded as a 72273
part of the cost of that project and may be reimbursed out of the 72274
proceeds of air quality revenue bonds as authorized by this 72275
chapter. 72276

(J) "Owner" includes an individual, copartnership, 72277
association, or corporation having any title or interest in any 72278
property, rights, easements, or interests authorized to be 72279
acquired by this chapter. 72280

(K) "Revenues" means all rentals and other charges received 72281
by the authority for the use or services of any air quality 72282
project, any gift or grant received with respect to any air 72283
quality project, any moneys received with respect to the lease, 72284
sublease, sale, including installment sale or conditional sale, or 72285
other disposition of an air quality project, moneys received in 72286
repayment of and for interest on any loans made by the authority 72287
to a person or governmental agency, whether from the United States 72288
or any department, administration, or agency thereof, or 72289
otherwise, proceeds of such bonds to the extent that use thereof 72290
for payment of principal of, premium, if any, or interest on the 72291
bonds is authorized by the authority, amounts received or 72292
otherwise derived from a commodity contract or from the sale of 72293
the related commodity under such a contract, proceeds from any 72294
insurance, condemnation, or guaranty pertaining to a project or 72295
property mortgaged to secure bonds or pertaining to the financing 72296
of the project, and income and profit from the investment of the 72297
proceeds of air quality revenue bonds or of any revenues. 72298

(L) "Public roads" includes all public highways, roads, and 72299
streets in the state, whether maintained by the state, county, 72300
city, township, or other political subdivision. 72301

(M) "Public utility facilities" includes tracks, pipes, 72302
mains, conduits, cables, wires, towers, poles, and other equipment 72303
and appliances of any public utility. 72304

(N) "Construction," unless the context indicates a different 72305
meaning or intent, includes reconstruction, enlargement, 72306
improvement, or providing furnishings or equipment. 72307

(O) "Air quality revenue bonds," unless the context indicates 72308
a different meaning or intent, includes air quality revenue notes, 72309
air quality revenue renewal notes, and air quality revenue 72310
refunding bonds, except that notes issued in anticipation of the 72311
issuance of bonds shall have a maximum maturity of five years as 72312

provided in section 3706.05 of the Revised Code and notes or 72313
renewal notes issued as the definitive obligation may be issued 72314
maturing at such time or times with a maximum maturity of forty 72315
years from the date of issuance of the original note. 72316

(P) "Solid waste" means any garbage; refuse; sludge from a 72317
waste water treatment plant, water supply treatment plant, or air 72318
pollution control facility; and other discarded material, 72319
including solid, liquid, semisolid, or contained gaseous material 72320
resulting from industrial, commercial, mining, and agricultural 72321
operations, and from community activities, but not including solid 72322
or dissolved material in domestic sewage, or solid or dissolved 72323
material in irrigation return flows or industrial discharges that 72324
are point sources subject to permits under section 402 of the 72325
"Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 72326
880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or 72327
byproduct material as defined by the "Atomic Energy Act of 1954," 72328
68 Stat. 921, 42 U.S.C.A. 2011, as amended. 72329

(Q) "Sludge" means any solid, semisolid, or liquid waste, 72330
other than a recyclable by-product, generated from a municipal, 72331
commercial, or industrial waste water treatment plant, water 72332
supply plant, or air pollution control facility or any other such 72333
wastes having similar characteristics and effects. 72334

(R) "Ethanol or other biofuel facility" means a plant at 72335
which ethanol or other biofuel is produced. 72336

(S) "Ethanol" means fermentation ethyl alcohol derived from 72337
agricultural products, including potatoes, cereal, grains, cheese 72338
whey, and sugar beets; forest products; or other renewable or 72339
biomass resources, including residue and waste generated from the 72340
production, processing, and marketing of agricultural products, 72341
forest products, and other renewable or biomass resources, that 72342
meets all of the specifications in the American society for 72343
testing and materials (ASTM) specification D 4806-88 and is 72344

denatured as specified in Parts 20 and 21 of Title 27 of the Code of Federal Regulations. 72345
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(T) "Biofuel" means any fuel that is made from cellulosic biomass resources, including renewable organic matter, crop waste residue, wood, aquatic plants and other crops, animal waste, solid waste, or sludge, and that is used for the production of energy for transportation or other purposes. 72347
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(U) "FutureGen project" means the buildings, equipment, and real property and functionally related buildings, equipment, and real property, including related research projects that support the development and operation of the buildings, equipment, and real property, designated by the United States department of energy and the FutureGen industrial alliance, inc., as the coal-fueled, zero-emissions power plant designed to prove the technical and economic feasibility of producing electricity and hydrogen from coal and nearly eliminating carbon dioxide emissions through capture and permanent storage. 72352
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(V) "Commodity contract" means a contract or series of contracts entered into in connection with the acquisition or construction of air quality facilities for the purchase or sale of a commodity that is eligible for prepayment with the proceeds of federally tax exempt bonds under sections 103, 141, and 148 of the Internal Revenue Code of 1986, as amended, and regulations adopted under it. 72362
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Sec. 3707.511. (A) As used in this section, ~~"physician":~~ 72369

"Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 72370
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"Chiropractor" means a person licensed under Chapter 4734. of the Revised Code to practice chiropractic. 72373
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(B) A youth sports organization shall provide to the parent, guardian, or other person having care or charge of an individual who wishes to practice for or compete in an athletic activity organized by a youth sports organization the concussion and head injury information sheet required by section 3707.52 of the Revised Code. The organization shall provide the information sheet annually for each sport or other category of athletic activity for or in which the individual practices or competes.

(C)(1) No individual shall act as a coach or referee for a youth sports organization unless the individual holds a pupil-activity program permit issued under section 3319.303 of the Revised Code for coaching interscholastic athletics or presents evidence that the individual has successfully completed, within the previous three years, a training program in recognizing the symptoms of concussions and head injuries to which the department of health has provided a link on its internet web site under section 3707.52 of the Revised Code.

(2) The youth sports organization for which the individual intends to act as a coach or referee shall inform the individual of the requirement described in division (C)(1) of this section.

(D) If an individual practicing for or competing in an athletic event organized by a youth sports organization exhibits signs, symptoms, or behaviors consistent with having sustained a concussion or head injury while participating in the practice or competition, the individual shall be removed from the practice or competition by one of the following:

(1) The individual who is serving as the individual's coach during that practice or competition;

(2) An individual who is serving as a referee during that practice or competition;

(3) An official of the youth sports organization who is

supervising that practice or competition. 72406

(E)(1) If an individual is removed from practice or 72407
competition under division (D) of this section, the coach, 72408
referee, or official who removed the individual shall not allow 72409
the individual, on the same day the individual is removed, to 72410
return to that practice or competition or to participate in any 72411
other practice or competition for which the coach, referee, or 72412
official is responsible. Thereafter, the coach, referee, or 72413
official shall not allow the student to return to that practice or 72414
competition or to participate in any other practice or competition 72415
for which the coach, referee, or official is responsible until 72416
both of the following conditions are satisfied: 72417

(a) The individual's condition is assessed by ~~either~~ any of 72418
the following: 72419

(i) A physician; 72420

(ii) A chiropractor; 72421

(iii) Any other licensed health care provider the youth 72422
sports organization, pursuant to division (E)(2) of this section, 72423
authorizes to assess an individual who has been removed from 72424
practice or competition under division (D) of this section. 72425

(b) The individual receives written clearance that it is safe 72426
for the individual to return to practice or competition from a 72427
physician, chiropractor, or ~~from~~ another licensed health care 72428
provider authorized pursuant to division (E)(2) of this section to 72429
grant the clearance. 72430

(2) A youth sports organization may authorize a licensed 72431
health care provider who is not a physician or a chiropractor to 72432
make an assessment or grant a clearance for purposes of division 72433
(E)(1) of this section only if the provider is acting in 72434
accordance with one of the following, as applicable to the 72435
provider's authority to practice in this state: 72436

(a) In consultation with a physician;	72437
(b) Pursuant to the referral of a physician;	72438
(c) In collaboration with a physician;	72439
(d) Under the supervision of a physician.	72440
(3) A physician, <u>chiropractor</u> , or other licensed health care provider who makes an assessment or grants a clearance for purposes of division (E)(1) of this section may be a volunteer.	72441 72442 72443
(F)(1) A youth sports organization or official, employee, or volunteer of a youth sports organization, including a coach or referee, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct.	72444 72445 72446 72447 72448 72449
(2) This section does not eliminate, limit, or reduce any other immunity or defense that a public entity, public official, or public employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.	72450 72451 72452 72453 72454
Sec. 3709.01. The state shall be divided into health districts. Each city constitutes a health district and shall be known as a "city health district."	72455 72456 72457
The townships and villages in each county shall be combined into a health district and shall be known as a "general health district."	72458 72459 72460
As provided for in sections <u>3709.051</u> , 3709.07, 3709.071 , and 3709.10 of the Revised Code, there may be a union of two or more contiguous general health districts, not to exceed five , a union of two or more contiguous city health districts to form a <u>single</u> city health district, or a union of a general health district and one or more city health districts located within or partially	72461 72462 72463 72464 72465 72466

within such general health district. 72467

Sec. 3709.051. Two or more ~~contiguous~~ city health districts 72468
may be united to form a single city health district by a majority 72469
affirmative vote of the legislative authority of each city 72470
affected by the union. 72471

If at least three per cent of the qualified electors residing 72472
within each of two or more ~~contiguous~~ city health districts sign a 72473
petition proposing a union into a single city health district, an 72474
election shall be held as provided in this section to determine 72475
whether a single city health district shall be formed. The 72476
petition for union may specify regarding the board of health of 72477
the new district: 72478

(A) The qualifications for membership; 72479

(B) The term of office; 72480

(C) The number of members or a method by which the number may 72481
be determined from time to time; 72482

(D) The method of appointment. 72483

Such petition shall be filed with the boards of county 72484
commissioners of the respective counties affected, subject to 72485
approval of the director of health, and such boards shall promptly 72486
certify the text of the proposal to the boards of election for the 72487
purpose of having the proposal placed on the ballot at the next 72488
general election occurring more than ninety days after such 72489
certification. The election procedures provided in Chapter 3505. 72490
of the Revised Code for questions and issues shall apply to the 72491
election. If a majority of the electors voting on the proposal in 72492
each of the health districts affected vote in favor thereof, the 72493
union of such districts into a single city health district shall 72494
be established on the second succeeding first day of January. 72495

Sec. 3709.10. When it is proposed that two or more ~~contiguous~~ 72496
general health districts, ~~not to exceed five,~~ unite in the 72497
formation of one general health district, the district advisory 72498
council of each general health district shall meet and vote on the 72499
question of union. An affirmative majority vote of the district 72500
advisory council shall be required for approval. When the district 72501
advisory councils have voted affirmatively on the question, they 72502
shall meet in joint session and shall elect a board of health for 72503
the combined districts. Each original general health district 72504
shall be entitled to at least one member on the board of health of 72505
the combined districts. 72506

When such union is completed, ~~such~~ the district shall 72507
constitute a general health district and shall be governed in the 72508
manner provided for general health districts. When two or more 72509
general health districts unite to form one district, the office of 72510
the board of health shall be located at the county seat of the 72511
county selected by the joint board of district advisory councils. 72512

When two or more general health districts have been combined 72513
into a single district, the county auditor of the county selected 72514
by the joint board of district advisory councils as the location 72515
of the central office of the board of health shall be the auditor 72516
of such district and the county treasurer of such county shall be 72517
the custodian of the health funds of such district. When the 72518
budget of such combined general health district is a matter for 72519
consideration, the members of the budget commissions of the 72520
counties constituting the district shall sit as a joint board for 72521
considering and acting on such budget. 72522

Sec. 3712.051. (A) As used in this division, "person" does 72523
not include a member of an interdisciplinary team, as defined in 72524
section 3712.01 of the Revised Code, or any individual who is 72525
employed by a person or public agency licensed under section 72526

3712.041 of the Revised Code. 72527

Except as provided in division (B) of this section, no person 72528
or public agency, other than a person or public agency licensed 72529
pursuant to section 3712.041 of the Revised Code, shall hold 72530
itself out as providing a pediatric respite care program, or 72531
provide a pediatric respite care program, or use the term 72532
"pediatric respite care program" or any term containing "pediatric 72533
respite care" to describe or refer to a health program, facility, 72534
or agency. 72535

(B) Division (A) of this section does not apply to any of the 72536
following: 72537

(1) A hospital; 72538

(2) A nursing home or residential care facility, as those 72539
terms are defined in section 3721.01 of the Revised Code; 72540

(3) A home health agency, if it provides services under 72541
contract with a person or public agency providing a pediatric 72542
respite care program licensed under section 3712.041 of the 72543
Revised Code; 72544

(4) A regional, state, or national nonprofit organization 72545
whose members are providers of pediatric respite care programs, 72546
individuals interested in pediatric respite care programs, or 72547
both, as long as the organization does not provide or represent 72548
that it provides pediatric respite care programs; 72549

(5) A person or government entity certified under section 72550
5123.161 of the Revised Code as a supported living provider; 72551

(6) A residential facility licensed under section 5123.19 of 72552
the Revised Code; 72553

(7) A respite care home certified under section 5126.05 of 72554
the Revised Code; 72555

(8) A person providing respite care under a family support 72556

services program established under section 5126.11 of the Revised Code; 72557
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(9) A person or government entity providing respite care 72559
under a medicaid waiver component that the department of 72560
developmental disabilities administers pursuant to section 72561
~~5111.871~~ 5166.21 of the Revised Code. 72562

(C) The department of health shall petition the court of 72563
common pleas of any county in which a person or public agency, 72564
without a license granted under section 3712.041 of the Revised 72565
Code, is holding itself out as providing a pediatric respite care 72566
program, is providing a pediatric respite care program, or is 72567
representing a health program, facility, or agency as a pediatric 72568
respite care program, for an order enjoining that person or public 72569
agency from conducting those activities without a license. The 72570
court has jurisdiction to grant injunctive relief upon a showing 72571
that the respondent named in the petition is conducting those 72572
activities without a license. 72573

Any person or public agency may request the department to 72574
petition the court for injunctive relief under this division, and 72575
the department shall do so if it determines that the person or 72576
public agency named in the request is violating division (A) of 72577
this section. 72578

Sec. 3712.07. (A) As used in this section, "terminal care 72579
facility for the homeless" means a facility that provides 72580
accommodations to homeless individuals who are terminally ill. 72581

(B) A person or public agency licensed under this chapter to 72582
provide a hospice care program may enter into an agreement with a 72583
terminal care facility for the homeless under which hospice care 72584
program services may be provided to individuals residing at the 72585
facility, if all of the following apply: 72586

- (1) Each resident of the facility has been diagnosed by a physician as having a terminal condition and an anticipated life expectancy of six months or less; 72587
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- (2) No resident of the facility has a relative or other person willing or capable of providing the care necessary to cope with ~~his~~ the resident's terminal illness or is financially capable of hiring a person to provide such care; 72590
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- (3) Each resident of the facility is under the direct care of a physician; 72594
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- (4) No resident of the facility requires the staff of the facility to administer medication by injection; 72596
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- (5) The facility does not receive any remuneration, directly or indirectly, from the residents; 72598
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- (6) The facility does not receive any remuneration, directly or indirectly, from the ~~medical assistance~~ medicaid program established under section 5111.01 of the Revised Code or the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended; 72600
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- (7) The facility meets all applicable state and federal health and safety standards, including standards for fire prevention, maintenance of safe and sanitary conditions, and proper preparation and storage of foods. 72605
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- (C) Hospice care program services may be provided at a terminal care facility for the homeless only by the personnel of the person or public agency that has entered into an agreement with the facility under this section. 72609
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- (D) A terminal care facility for the homeless that has entered into an agreement under this section may assist its residents with the self-administration of medication if the medication has been prescribed by a physician and is not 72613
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administered by injection. In the event that a resident has 72617
entered the final stages of dying and is no longer mentally alert, 72618
the facility may administer medication to that resident if the 72619
medication has been prescribed by a physician and is not 72620
administered by injection. Determinations of whether an individual 72621
has entered the final stages of dying and is no longer mentally 72622
alert shall be based on directions from the personnel who provide 72623
hospice care program services at the facility. 72624

Sec. 3712.09. (A) As used in this section: 72625

(1) "Applicant" means a person who is under final 72626
consideration for employment with a hospice care program or 72627
pediatric respite care program in a full-time, part-time, or 72628
temporary position that involves providing direct care to an older 72629
adult or pediatric respite care patient. "Applicant" does not 72630
include a person who provides direct care as a volunteer without 72631
receiving or expecting to receive any form of remuneration other 72632
than reimbursement for actual expenses. 72633

(2) "Criminal records check" has the same meaning as in 72634
section 109.572 of the Revised Code. 72635

(3) "Older adult" means a person age sixty or older. 72636

(B)(1) Except as provided in division (I) of this section, 72637
the chief administrator of a hospice care program or pediatric 72638
respite care program shall request that the superintendent of the 72639
bureau of criminal identification and investigation conduct a 72640
criminal records check of each applicant. If an applicant for whom 72641
a criminal records check request is required under this division 72642
does not present proof of having been a resident of this state for 72643
the five-year period immediately prior to the date the criminal 72644
records check is requested or provide evidence that within that 72645
five-year period the superintendent has requested information 72646
about the applicant from the federal bureau of investigation in a 72647

criminal records check, the chief administrator shall request that 72648
the superintendent obtain information from the federal bureau of 72649
investigation as part of the criminal records check of the 72650
applicant. Even if an applicant for whom a criminal records check 72651
request is required under this division presents proof of having 72652
been a resident of this state for the five-year period, the chief 72653
administrator may request that the superintendent include 72654
information from the federal bureau of investigation in the 72655
criminal records check. 72656

(2) A person required by division (B)(1) of this section to 72657
request a criminal records check shall do both of the following: 72658

(a) Provide to each applicant for whom a criminal records 72659
check request is required under that division a copy of the form 72660
prescribed pursuant to division (C)(1) of section 109.572 of the 72661
Revised Code and a standard fingerprint impression sheet 72662
prescribed pursuant to division (C)(2) of that section, and obtain 72663
the completed form and impression sheet from the applicant; 72664

(b) Forward the completed form and impression sheet to the 72665
superintendent of the bureau of criminal identification and 72666
investigation. 72667

(3) An applicant provided the form and fingerprint impression 72668
sheet under division (B)(2)(a) of this section who fails to 72669
complete the form or provide fingerprint impressions shall not be 72670
employed in any position for which a criminal records check is 72671
required by this section. 72672

(C)(1) Except as provided in rules adopted by the director of 72673
health in accordance with division (F) of this section and subject 72674
to division (C)(2) of this section, no hospice care program or 72675
pediatric respite care program shall employ a person in a position 72676
that involves providing direct care to an older adult or pediatric 72677
respite care patient if the person has been convicted of or 72678

pleaded guilty to any of the following: 72679

(a) A violation of section 2903.01, 2903.02, 2903.03, 72680
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 72681
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 72682
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 72683
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 72684
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 72685
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 72686
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 72687
2925.22, 2925.23, or 3716.11 of the Revised Code. 72688

(b) A violation of an existing or former law of this state, 72689
any other state, or the United States that is substantially 72690
equivalent to any of the offenses listed in division (C)(1)(a) of 72691
this section. 72692

(2)(a) A hospice care program or pediatric respite care 72693
program may employ conditionally an applicant for whom a criminal 72694
records check request is required under division (B) of this 72695
section prior to obtaining the results of a criminal records check 72696
regarding the individual, provided that the program shall request 72697
a criminal records check regarding the individual in accordance 72698
with division (B)(1) of this section not later than five business 72699
days after the individual begins conditional employment. In the 72700
circumstances described in division (I)(2) of this section, a 72701
hospice care program or pediatric respite care program may employ 72702
conditionally an applicant who has been referred to the hospice 72703
care program or pediatric respite care program by an employment 72704
service that supplies full-time, part-time, or temporary staff for 72705
positions involving the direct care of older adults or pediatric 72706
respite care patients and for whom, pursuant to that division, a 72707
criminal records check is not required under division (B) of this 72708
section. 72709

(b) A hospice care program or pediatric respite care program 72710

that employs an individual conditionally under authority of 72711
division (C)(2)(a) of this section shall terminate the 72712
individual's employment if the results of the criminal records 72713
check requested under division (B) of this section or described in 72714
division (I)(2) of this section, other than the results of any 72715
request for information from the federal bureau of investigation, 72716
are not obtained within the period ending thirty days after the 72717
date the request is made. Regardless of when the results of the 72718
criminal records check are obtained, if the results indicate that 72719
the individual has been convicted of or pleaded guilty to any of 72720
the offenses listed or described in division (C)(1) of this 72721
section, the program shall terminate the individual's employment 72722
unless the program chooses to employ the individual pursuant to 72723
division (F) of this section. Termination of employment under this 72724
division shall be considered just cause for discharge for purposes 72725
of division (D)(2) of section 4141.29 of the Revised Code if the 72726
individual makes any attempt to deceive the program about the 72727
individual's criminal record. 72728

(D)(1) Each hospice care program or pediatric respite care 72729
program shall pay to the bureau of criminal identification and 72730
investigation the fee prescribed pursuant to division (C)(3) of 72731
section 109.572 of the Revised Code for each criminal records 72732
check conducted pursuant to a request made under division (B) of 72733
this section. 72734

(2) A hospice care program or pediatric respite care program 72735
may charge an applicant a fee not exceeding the amount the program 72736
pays under division (D)(1) of this section. A program may collect 72737
a fee only if both of the following apply: 72738

(a) The program notifies the person at the time of initial 72739
application for employment of the amount of the fee and that, 72740
unless the fee is paid, the person will not be considered for 72741
employment; 72742

(b) The ~~medical assistance~~ medicaid program established under Chapter 5111. of the Revised Code does not reimburse the program the fee it pays under division (D)(1) of this section.

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

(1) The individual who is the subject of the criminal records check or the individual's representative;

(2) The chief administrator of the program requesting the criminal records check or the administrator's representative;

(3) The administrator of any other facility, agency, or program that provides direct care to older adults or pediatric respite care patients that is owned or operated by the same entity that owns or operates the hospice care program or pediatric respite care program;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of the applicant;

(5) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1) or (2) of this section.

(F) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which a hospice care program or pediatric respite care program may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the director.

(G) The chief administrator of a hospice care program or

pediatric respite care program shall inform each individual, at 72773
the time of initial application for a position that involves 72774
providing direct care to an older adult or pediatric respite care 72775
patient, that the individual is required to provide a set of 72776
fingerprint impressions and that a criminal records check is 72777
required to be conducted if the individual comes under final 72778
consideration for employment. 72779

(H) In a tort or other civil action for damages that is 72780
brought as the result of an injury, death, or loss to person or 72781
property caused by an individual who a hospice care program or 72782
pediatric respite care program employs in a position that involves 72783
providing direct care to older adults or pediatric respite care 72784
patients, all of the following shall apply: 72785

(1) If the program employed the individual in good faith and 72786
reasonable reliance on the report of a criminal records check 72787
requested under this section, the program shall not be found 72788
negligent solely because of its reliance on the report, even if 72789
the information in the report is determined later to have been 72790
incomplete or inaccurate; 72791

(2) If the program employed the individual in good faith on a 72792
conditional basis pursuant to division (C)(2) of this section, the 72793
program shall not be found negligent solely because it employed 72794
the individual prior to receiving the report of a criminal records 72795
check requested under this section; 72796

(3) If the program in good faith employed the individual 72797
according to the personal character standards established in rules 72798
adopted under division (F) of this section, the program shall not 72799
be found negligent solely because the individual prior to being 72800
employed had been convicted of or pleaded guilty to an offense 72801
listed or described in division (C)(1) of this section. 72802

(I)(1) The chief administrator of a hospice care program or 72803

pediatric respite care program is not required to request that the 72804
superintendent of the bureau of criminal identification and 72805
investigation conduct a criminal records check of an applicant if 72806
the applicant has been referred to the program by an employment 72807
service that supplies full-time, part-time, or temporary staff for 72808
positions involving the direct care of older adults or pediatric 72809
respite care patients and both of the following apply: 72810

(a) The chief administrator receives from the employment 72811
service or the applicant a report of the results of a criminal 72812
records check regarding the applicant that has been conducted by 72813
the superintendent within the one-year period immediately 72814
preceding the applicant's referral; 72815

(b) The report of the criminal records check demonstrates 72816
that the person has not been convicted of or pleaded guilty to an 72817
offense listed or described in division (C)(1) of this section, or 72818
the report demonstrates that the person has been convicted of or 72819
pleaded guilty to one or more of those offenses, but the hospice 72820
care program or pediatric respite care program chooses to employ 72821
the individual pursuant to division (F) of this section. 72822

(2) The chief administrator of a hospice care program or 72823
pediatric respite care program is not required to request that the 72824
superintendent of the bureau of criminal identification and 72825
investigation conduct a criminal records check of an applicant and 72826
may employ the applicant conditionally as described in this 72827
division, if the applicant has been referred to the program by an 72828
employment service that supplies full-time, part-time, or 72829
temporary staff for positions involving the direct care of older 72830
adults or pediatric respite care patients and if the chief 72831
administrator receives from the employment service or the 72832
applicant a letter from the employment service that is on the 72833
letterhead of the employment service, dated, and signed by a 72834
supervisor or another designated official of the employment 72835

service and that states that the employment service has requested 72836
the superintendent to conduct a criminal records check regarding 72837
the applicant, that the requested criminal records check will 72838
include a determination of whether the applicant has been 72839
convicted of or pleaded guilty to any offense listed or described 72840
in division (C)(1) of this section, that, as of the date set forth 72841
on the letter, the employment service had not received the results 72842
of the criminal records check, and that, when the employment 72843
service receives the results of the criminal records check, it 72844
promptly will send a copy of the results to the hospice care 72845
program or pediatric respite care program. If a hospice care 72846
program or pediatric respite care program employs an applicant 72847
conditionally in accordance with this division, the employment 72848
service, upon its receipt of the results of the criminal records 72849
check, promptly shall send a copy of the results to the hospice 72850
care program or pediatric respite care program, and division 72851
(C)(2)(b) of this section applies regarding the conditional 72852
employment. 72853

Sec. 3713.06. (A) Any person required to register under 72854
division (A) of section 3713.02 of the Revised Code who imports 72855
bedding or stuffed toys into this state for retail sale or use in 72856
this state and any person required to register under division (A) 72857
of section 3713.02 of the Revised Code who manufactures bedding or 72858
stuffed toys in this state for retail sale or use in this state 72859
shall submit a report to the superintendent of industrial 72860
compliance, in a form and manner prescribed by the superintendent. 72861
The form shall be submitted once ~~every six months~~ per year and 72862
shall show the total number of items of bedding or stuffed toys 72863
imported into this state or manufactured in this state. Each 72864
report shall be accompanied by a fee of four cents for each item 72865
of bedding or stuffed toy imported into this state or manufactured 72866
in this state. 72867

(B) Every importer, manufacturer, or wholesaler of stuffed toys or articles of bedding, and every mobile home and recreational vehicle dealer, conversion van dealer, secondhand dealer, and auction house shall retain records, designated by the superintendent in rule, for the time period established in rule.

(C) Every importer, manufacturer, or wholesaler of stuffed toys or articles of bedding, and every mobile home and recreational vehicle dealer, conversion van dealer, secondhand dealer, and auction house shall make sufficient investigation of its records to ensure that the information reported to the superintendent under division (A) of this section is accurate.

Sec. 3714.03. (A) As used in this section:

(1) "Aquifer system" means one or more geologic units or formations that are wholly or partially saturated with water and are capable of storing, transmitting, and yielding significant amounts of water to wells or springs.

(2) "Category 3 wetland" means a wetland that supports superior habitat or hydrological or recreational functions as determined by an appropriate wetland evaluation methodology acceptable to the director of environmental protection. "Category 3 wetland" includes a wetland with high levels of diversity, a high proportion of native species, and high functional values and includes, but is not limited to, a wetland that contains or provides habitat for threatened or endangered species. "Category 3 wetland" may include high quality forested wetlands, including old growth forested wetlands, mature forested riparian wetlands, vernal pools, bogs, fens, and wetlands that are scarce regionally.

(3) "Natural area" means either of the following:

(a) An area designated by the director of natural resources as a wild, scenic, or recreational river under section 1547.81 of

the Revised Code; 72898

(b) An area designated by the United States department of the 72899
interior as a national wild, scenic, or recreational river. 72900

(4) "Occupied dwelling" means a residential dwelling and also 72901
includes a place of worship as defined in section 5104.01 of the 72902
Revised Code, a child day-care center as defined in that section, 72903
a hospital as defined in section 3727.01 of the Revised Code, a 72904
nursing home as defined in that section, a school, and a 72905
restaurant or other eating establishment. "Occupied dwelling" does 72906
not include a dwelling owned or controlled by the owner or 72907
operator of a construction and demolition debris facility to which 72908
the siting criteria established under this section are being 72909
applied. 72910

(5) "Residential dwelling" means a building used or intended 72911
to be used in whole or in part as a personal residence by the 72912
owner, part-time owner, or lessee of the building or any person 72913
authorized by the owner, part-time owner, or lessee to use the 72914
building as a personal residence. 72915

(B) Neither the director of environmental protection nor any 72916
board of health shall issue a permit to install under section 72917
3714.051 of the Revised Code to establish a new construction and 72918
demolition debris facility when any portion of the facility is 72919
proposed to be located in either of the following locations: 72920

(1) Within the boundaries of a one-hundred-year flood plain, 72921
as those boundaries are shown on the applicable maps prepared 72922
under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 72923
U.S.C.A. 4001, as amended, unless the owner or operator has 72924
obtained an exemption from division (B)(1) of this section in 72925
accordance with section 3714.04 of the Revised Code. If no such 72926
maps have been prepared, the boundaries of a one-hundred-year 72927
flood plain shall be determined by the applicant for a permit 72928

based upon standard methodologies set forth in "urban hydrology 72929
for small watersheds" (soil conservation service technical release 72930
number 55) and section 4 of the "national engineering hydrology 72931
handbook" of the soil conservation service of the United States 72932
department of agriculture. 72933

(2) Within the boundaries of a sole source aquifer designated 72934
by the administrator of the United States environmental protection 72935
agency under the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 72936
42 U.S.C.A. 300f, as amended. 72937

(C) Neither the director nor any board shall issue a permit 72938
to install under section 3714.051 of the Revised Code to establish 72939
a new construction and demolition debris facility when the 72940
horizontal limits of construction and demolition debris placement 72941
at the new facility are proposed to be located in any of the 72942
following locations: 72943

(1) Within one hundred feet of a perennial stream as defined 72944
by the United States geological survey seven and one-half minute 72945
quadrangle map or a category 3 wetland; 72946

(2) Within one hundred feet of the facility's property line; 72947

(3)(a) Except as provided in division (C)(3)(b) of this 72948
section, within five hundred feet of a residential or public water 72949
supply well. 72950

(b) Division (C)(3)(a) of this section does not apply to a 72951
residential well under any of the circumstances specified in 72952
divisions (C)(3)(b)(i) to (iii) of this section as follows: 72953

(i) The well is controlled by the owner or operator of the 72954
construction and demolition debris facility. 72955

(ii) The well is hydrologically separated from the horizontal 72956
limits of construction and demolition debris placement. 72957

(iii) The well is at least three hundred feet upgradient from 72958

the horizontal limits of construction and demolition debris 72959
placement and division (D) of this section does not prohibit the 72960
issuance of the permit to install. 72961

(4) Within five hundred feet of a park created or operated 72962
pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 72963
of the Revised Code, a state park established or dedicated under 72964
Chapter 1541. of the Revised Code, a state park purchase area 72965
established under section 1541.02 of the Revised Code, a national 72966
recreation area, any unit of the national park system, or any 72967
property that lies within the boundaries of a national park or 72968
recreation area, but that has not been acquired or is not 72969
administered by the secretary of the United States department of 72970
the interior, located in this state, or any area located in this 72971
state that is recommended by the secretary for study for potential 72972
inclusion in the national park system in accordance with "The Act 72973
of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended; 72974

(5) Within five hundred feet of a natural area, any area 72975
established by the department of natural resources as a state 72976
wildlife area under Chapter 1531. of the Revised Code and rules 72977
adopted under it, any area that is formally dedicated as a nature 72978
preserve under section 1517.05 of the Revised Code, or any area 72979
designated by the United States department of the interior as a 72980
national wildlife refuge; 72981

(6) Within five hundred feet of a lake or reservoir of one 72982
acre or more that is hydrogeologically connected to ground water. 72983
For purposes of division (C)(6) of this section, a lake or 72984
reservoir does not include a body of water constructed and used 72985
for purposes of surface water drainage or sediment control. 72986

(7) Within five hundred feet of a state forest purchased or 72987
otherwise acquired under Chapter 1503. of the Revised Code; 72988

~~(8) Within five hundred feet of land that is placed on the 72989~~

~~state registry of historic landmarks under section 149.55 of the Revised Code;~~ 72990
72991

~~(9)~~ Within five hundred feet of an occupied dwelling unless written permission is given by the owner of the dwelling. 72992
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(D) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the limits of construction and demolition debris placement at the new facility are proposed to have an isolation distance of less than five feet from the uppermost aquifer system that consists of material that has a maximum hydraulic conductivity of 1×10^{-5} cm/sec and all of the geologic material comprising the isolation distance has a hydraulic conductivity equivalent to or less than 1×10^{-6} cm/sec. 72994
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(E) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the road that is designated by the owner or operator as the main hauling road at the facility to and from the limits of construction and demolition debris placement is proposed to be located within five hundred feet of an occupied dwelling unless written permission is given by the owner of the occupied dwelling. 73004
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(F) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility unless the new facility will have all of the following: 73012
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(1) Access roads that shall be constructed in a manner that allows use in all weather conditions and will withstand the anticipated degree of use and minimize erosion and generation of dust; 73016
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(2) Surface water drainage and sediment controls that are 73020

required by the director; 73021

(3) If the facility is proposed to be located in an area in 73022
which an applicable zoning resolution allows residential 73023
construction, vegetated earthen berms or an equivalent barrier 73024
with a minimum height of six feet separating the facility from 73025
adjoining property. 73026

(G)(1) The siting criteria established in this section shall 73027
be applied to an application for a permit to install at the time 73028
that the application is submitted to the director or a board of 73029
health, as applicable. Circumstances related to the siting 73030
criteria that change after the application is submitted shall not 73031
be considered in approving or disapproving the application. 73032

(2) The siting criteria established in this section by this 73033
amendment do not apply to an expansion of a construction and 73034
demolition debris facility that was in operation prior to December 73035
22, 2005, onto property within the property boundaries identified 73036
in the application for the initial license for that facility or 73037
any subsequent license issued for that facility up to and 73038
including the license issued for that facility for calendar year 73039
2005. The siting criteria established in this section prior to 73040
December 22, 2005, apply to such an expansion. 73041

Sec. 3714.07. (A)(1) For the purpose of assisting boards of 73042
health and the environmental protection agency in administering 73043
and enforcing this chapter and rules adopted under it, there is 73044
hereby levied a fee of thirty cents per cubic yard or sixty cents 73045
per ton, as applicable, on both of the following: 73046

(a) The disposal of construction and demolition debris at a 73047
construction and demolition debris facility that is licensed under 73048
this chapter or at a solid waste facility that is licensed under 73049
Chapter 3734. of the Revised Code; 73050

(b) The disposal of asbestos or asbestos-containing materials 73051
or products at a construction and demolition debris facility that 73052
is licensed under this chapter or at a solid waste facility that 73053
is licensed under Chapter 3734. of the Revised Code. 73054

(2) The owner or operator of a construction and demolition 73055
debris facility or a solid waste facility shall determine if cubic 73056
yards or tons will be used as the unit of measurement. If basing 73057
the fee on cubic yards, the owner or operator shall utilize either 73058
the maximum cubic yard capacity of the container, or the hauling 73059
volume of the vehicle, that transports the construction and 73060
demolition debris to the facility or the cubic yards actually 73061
logged for disposal by the owner or operator in accordance with 73062
rules adopted under section 3714.02 of the Revised Code. If basing 73063
the fee on tonnage, the owner or operator shall use certified 73064
scales to determine the tonnage of construction and demolition 73065
debris that is disposed of. 73066

(3) The owner or operator of a construction and demolition 73067
debris facility or a solid waste facility shall calculate the 73068
amount of money generated from the fee levied under division 73069
(A)(1) of this section and shall hold that amount as a trustee for 73070
the health district having jurisdiction over the facility, if that 73071
district is on the approved list under section 3714.09 of the 73072
Revised Code, or for the state. The owner or operator shall 73073
prepare and file with the appropriate board of health or the 73074
director of environmental protection monthly returns indicating 73075
the total volume or weight, as applicable, of construction and 73076
demolition debris and asbestos or asbestos-containing materials or 73077
products disposed of at the facility and the total amount of money 73078
generated during that month from the fee levied under division 73079
(A)(1) of this section on the disposal of construction and 73080
demolition debris and asbestos or asbestos-containing materials or 73081
products. Not later than thirty days after the last day of the 73082

month to which the return applies, the owner or operator shall 73083
mail to the board of health or the director the return for that 73084
month together with the amount of money calculated under division 73085
(A)(3) of this section on the disposal of construction and 73086
demolition debris and asbestos or asbestos-containing materials or 73087
products during that month or may submit the return and money 73088
electronically in a manner approved by the director. The owner or 73089
operator may request, in writing, an extension of not more than 73090
thirty days after the last day of the month to which the return 73091
applies. A request for extension may be denied. If the owner or 73092
operator submits the money late, the owner or operator shall pay a 73093
penalty of ten per cent of the amount of the money due for each 73094
month that it is late. 73095

(4) Of the money that is submitted by a construction and 73096
demolition debris facility or a solid waste facility on a per 73097
cubic yard or per ton basis under this section, a board of health 73098
shall transmit three cents per cubic yard or six cents per ton, as 73099
applicable, to the director not later than forty-five days after 73100
the receipt of the money. The money retained by a board of health 73101
under this section shall be paid into a special fund, which is 73102
hereby created in each health district, and used solely ~~to~~ for the 73103
following purposes: 73104

(a) To administer and enforce this chapter and rules adopted 73105
under it; 73106

(b) To abate abandoned accumulations of construction and 73107
demolition debris as provided in section 3714.074 of the Revised 73108
Code. 73109

The director shall transmit all money received under this 73110
section to the treasurer of state to be credited to the 73111
construction and demolition debris facility oversight fund, which 73112
is hereby created in the state treasury. The fund shall be 73113
administered by the director, and money credited to the fund shall 73114

be used exclusively for the administration and enforcement of this 73115
chapter and rules adopted under it. 73116

(B) The board of health of a health district or the director 73117
may enter into an agreement with the owner or operator of a 73118
construction and demolition debris facility or a solid waste 73119
facility for the quarterly payment of money generated from the 73120
disposal fee as calculated in division (A)(3) of this section. The 73121
board of health shall notify the director of any such agreement. 73122
Not later than forty-five days after receipt of the quarterly 73123
payment, the board of health shall transmit the amount established 73124
in division (A)(4) of this section to the director. The money 73125
retained by the board of health shall be deposited in the special 73126
fund of the district as required under that division. Upon receipt 73127
of the money from a board of health, the director shall transmit 73128
the money to the treasurer of state to be credited to the 73129
construction and demolition debris facility oversight fund. 73130

(C) If a construction and demolition debris facility or a 73131
solid waste facility is located within the territorial boundaries 73132
of a municipal corporation or the unincorporated area of a 73133
township, the municipal corporation or township may appropriate up 73134
to four cents per cubic yard or up to eight cents per ton of the 73135
disposal fee required to be paid by the facility under division 73136
(A)(1) of this section for the same purposes that a municipal 73137
corporation or township may levy a fee under division (C) of 73138
section 3734.57 of the Revised Code. 73139

The legislative authority of the municipal corporation or 73140
township may appropriate the money from the fee by enacting an 73141
ordinance or adopting a resolution establishing the amount of the 73142
fee to be appropriated. Upon doing so, the legislative authority 73143
shall mail a certified copy of the ordinance or resolution to the 73144
board of health of the health district in which the construction 73145
and demolition debris facility or the solid waste facility is 73146

located or, if the facility is located in a health district that 73147
is not on the approved list under section 3714.09 of the Revised 73148
Code, to the director. Upon receipt of the copy of the ordinance 73149
or resolution and not later than forty-five days after receipt of 73150
money generated from the fee, the board or the director, as 73151
applicable, shall transmit to the treasurer or other appropriate 73152
officer of the municipal corporation or clerk of the township that 73153
portion of the money generated from the disposal fee by the owner 73154
or operator of the facility that is required by the ordinance or 73155
resolution to be paid to that municipal corporation or township. 73156

Money received by the treasurer or other appropriate officer 73157
of a municipal corporation under this division shall be paid into 73158
the general fund of the municipal corporation. Money received by 73159
the clerk of a township under this division shall be paid into the 73160
general fund of the township. The treasurer or other officer of 73161
the municipal corporation or the clerk of the township, as 73162
appropriate, shall maintain separate records of the money received 73163
under this division. 73164

The legislative authority of a municipal corporation or 73165
township may cease appropriating money under this division by 73166
repealing the ordinance or resolution that was enacted or adopted 73167
under this division. 73168

The director shall adopt rules in accordance with Chapter 73169
119. of the Revised Code establishing requirements for prorating 73170
the amount of the fee that may be appropriated under this division 73171
by a municipal corporation or township in which only a portion of 73172
a construction and demolition debris facility is located within 73173
the territorial boundaries of the municipal corporation or 73174
township. 73175

(D) The board of county commissioners of a county in which a 73176
construction and demolition debris facility or a solid waste 73177
facility is located may appropriate up to three cents per cubic 73178

yard or up to six cents per ton of the disposal fee required to be 73179
paid by the facility under division (A)(1) of this section for the 73180
same purposes that a solid waste management district may levy a 73181
fee under division (B) of section 3734.57 of the Revised Code. 73182

The board of county commissioners may appropriate the money 73183
from the fee by adopting a resolution establishing the amount of 73184
the fee to be appropriated. Upon doing so, the board of county 73185
commissioners shall mail a certified copy of the resolution to the 73186
board of health of the health district in which the construction 73187
and demolition debris facility or the solid waste facility is 73188
located or, if the facility is located in a health district that 73189
is not on the approved list under section 3714.09 of the Revised 73190
Code, to the director. Upon receipt of the copy of the resolution 73191
and not later than forty-five days after receipt of money 73192
generated from the fee, the board of health or the director, as 73193
applicable, shall transmit to the treasurer of the county that 73194
portion of the money generated from the disposal fee by the owner 73195
or operator of the facility that is required by the resolution to 73196
be paid to that county. 73197

Money received by a county treasurer under this division 73198
shall be paid into the general fund of the county. The county 73199
treasurer shall maintain separate records of the money received 73200
under this division. 73201

A board of county commissioners may cease appropriating money 73202
under this division by repealing the resolution that was adopted 73203
under this division. 73204

(E)(1) This section does not apply to the disposal of 73205
construction and demolition debris at a solid waste facility that 73206
is licensed under Chapter 3734. of the Revised Code if there is no 73207
construction and demolition debris facility licensed under this 73208
chapter within thirty-five miles of the solid waste facility as 73209
determined by a facility's property boundaries. 73210

(2) This section does not apply to the disposal of 73211
construction and demolition debris at a solid waste facility that 73212
is licensed under Chapter 3734. of the Revised Code if the owner 73213
or operator of the facility chooses to collect fees on the 73214
disposal of the construction and demolition debris and asbestos or 73215
asbestos-containing materials or products that are identical to 73216
the fees that are collected under Chapters 343. and 3734. of the 73217
Revised Code on the disposal of solid wastes at that facility. 73218

(3) This section does not apply to the disposal of source 73219
separated materials that are exclusively composed of reinforced or 73220
nonreinforced concrete, asphalt, clay tile, building or paving 73221
brick, or building or paving stone at a construction and 73222
demolition debris facility that is licensed under this chapter 73223
when either of the following applies: 73224

(a) The materials are placed within the limits of 73225
construction and demolition debris placement at the facility as 73226
specified in the license issued to the facility under section 73227
3714.06 of the Revised Code, are not placed within the unloading 73228
zone of the facility, and are used as a fire prevention measure in 73229
accordance with rules adopted by the director under section 73230
3714.02 of the Revised Code. 73231

(b) The materials are not placed within the unloading zone of 73232
the facility or within the limits of construction and demolition 73233
debris placement at the facility as specified in the license 73234
issued to the facility under section 3714.06 of the Revised Code, 73235
but are used as fill material, either alone or in conjunction with 73236
clean soil, sand, gravel, or other clean aggregates, in legitimate 73237
fill operations for construction purposes at the facility or to 73238
bring the facility up to a consistent grade. 73239

Sec. 3714.074. (A) A board of health may use money in the 73240
board's special fund created in section 3714.07 of the Revised 73241

Code for the purpose specified in division (B) of this section if 73242
both of the following apply: 73243

(1) It is the end of the fiscal year. 73244

(2) The board determines that it has more money in the fund 73245
than is necessary for the board to administer and enforce this 73246
chapter and rules adopted under it for the following fiscal year. 73247

(B) A board of health may use excess money as described in 73248
division (A) of this section to abate abandoned accumulations of 73249
construction and demolition debris at a location for which a 73250
license has not been issued pursuant to section 3714.05 of the 73251
Revised Code if the board has reason to believe that there is a 73252
substantial threat to public health or safety or the environment 73253
and all of the following apply to the property on which the 73254
accumulations are located: 73255

(1) The construction and demolition debris was placed on the 73256
property under either of the following circumstances: 73257

(a) After the owner of the property acquired title to it; 73258

(b) Before the owner of the property acquired title to it if 73259
the owner acquired title to the property by bequest or devise. 73260

(2) The owner of the property did not have knowledge that the 73261
construction and demolition debris was being placed on the 73262
property, or the owner posted on the property signs prohibiting 73263
dumping or took other action to prevent the placing of 73264
construction and demolition debris on the property. 73265

(3) The owner of the property did not participate in or 73266
consent to the placement of the construction and demolition debris 73267
on the property. 73268

(4) The owner of the property did not receive any financial 73269
benefit from the placement of the construction and demolition 73270
debris on the property or from having the construction and 73271

demolition debris on the property. 73272

(5) Title to the property was not transferred to the owner of that property for the purpose of avoiding liability for violations of this chapter or rules adopted under it. 73273
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(6) The person responsible for the placement of the construction and demolition debris on the property, in placing the construction and demolition debris on the property, was not acting as an agent for the owner of the property. 73276
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Sec. 3717.08. (A) The director of agriculture and director of health shall strive to increase consumer confidence in the state's food supply by promoting food safety awareness and education. The efforts of the director of agriculture and director of health shall be made, when appropriate and available, through partnerships with representatives of retail food establishments, representatives of food service operations, and representatives of the academic community, including ~~the Ohio state university~~ OSU extension ~~service~~. 73280
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(B) As part of their promotion of food safety awareness, the director of agriculture and the director of health shall do the following: 73289
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(1) Develop training programs regarding the Ohio uniform food safety code. The directors may offer the training programs separately but shall coordinate the content of the programs to the greatest extent practicable. The training programs shall be made available to the employees of the department of agriculture, employees of the department of health, representatives of boards of health and the health officials employed by the boards, representatives of retail food establishments, and representatives of food service operations. 73292
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(2) Co-sponsor a biennial statewide food safety conference. 73301

Additional statewide food safety conferences may be held as 73302
considered appropriate by the director of agriculture and director 73303
of health. 73304

Sec. 3718.06. (A) A board of health shall establish fees in 73305
accordance with section 3709.09 of the Revised Code for the 73306
purpose of carrying out its duties under this chapter and rules 73307
adopted under it, including fees for installation permits, 73308
operation permits, and alteration permits issued by the board. All 73309
fees so established and collected by the board shall be deposited 73310
in a special fund of the district to be used exclusively by the 73311
board in carrying out those duties. 73312

(B) In accordance with Chapter 119. of the Revised Code, the 73313
director of health may establish by rule a fee to be collected 73314
from applicants for installation permits and alteration permits 73315
issued under rules adopted under this chapter. The director of 73316
health shall use not more than ~~seventy-five~~ ninety per cent of the 73317
proceeds from that fee for administering and enforcing this 73318
chapter and the rules adopted under it by the director. The 73319
director shall use not less than ~~twenty-five~~ ten per cent of the 73320
proceeds from that fee to establish a program in cooperation with 73321
boards of health to fund installation and evaluation of sewage 73322
treatment system new technology pilot projects through grants or 73323
other agreements. In the selection of pilot projects, the director 73324
shall consult with the sewage treatment system technical advisory 73325
committee. A board of health shall collect and transmit the fee to 73326
the director pursuant to section 3709.092 of the Revised Code. 73327

Sec. 3719.61. Nothing in the laws dealing with drugs of abuse 73328
shall be construed to prohibit treatment of narcotic drug 73329
dependent persons by the continuing maintenance of their 73330
dependence through the administration of methadone in accordance 73331
with the rules adopted by the department of ~~alcohol and drug~~ 73332

~~addiction services~~ mental health and addiction services under 73333
section ~~3793.11~~ 5119.39 of the Revised Code, when all of the 73334
following apply: 73335

(A) The likelihood that any person undergoing maintenance 73336
treatment will be cured of dependence on narcotic drugs is remote, 73337
the treatment is prescribed for the purpose of alleviating or 73338
controlling the patient's drug dependence, and the patient's 73339
prognosis while undergoing treatment is at least a partial 73340
improvement in the patient's asocial or antisocial behavior 73341
patterns; 73342

(B) In the case of an inpatient in a hospital or clinic, the 73343
amount of the maintenance drug dispensed at any one time does not 73344
exceed the quantity necessary for a single dose, and the dose is 73345
administered to the patient immediately; 73346

(C) In the case of an outpatient, the amount of the 73347
maintenance drug dispensed at any one time shall be determined by 73348
the patient's treatment provider taking into account the patient's 73349
progress in the treatment program and the patient's needs for 73350
gainful employment, education, and responsible homemaking, except 73351
that in no event shall the dosage be greater than the amount 73352
permitted by federal law and rules adopted by the department 73353
pursuant to section ~~3793.11~~ 5119.39 of the Revised Code; 73354

(D) The drug is not dispensed in any case to replace or 73355
supplement any part of a supply of the drug previously dispensed, 73356
or when there is reasonable cause to believe it will be used or 73357
disposed of unlawfully; 73358

(E) The drug is dispensed through a program licensed and 73359
operated in accordance with section ~~3793.11~~ 5119.39 of the Revised 73360
Code. 73361

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 and 73362

3721.99 of the Revised Code: 73363

(1)(a) "Home" means an institution, residence, or facility 73364
that provides, for a period of more than twenty-four hours, 73365
whether for a consideration or not, accommodations to three or 73366
more unrelated individuals who are dependent upon the services of 73367
others, including a nursing home, residential care facility, home 73368
for the aging, and a veterans' home operated under Chapter 5907. 73369
of the Revised Code. 73370

(b) "Home" also means both of the following: 73371

(i) Any facility that a person, as defined in section 3702.51 73372
of the Revised Code, proposes for certification as a skilled 73373
nursing facility or nursing facility under Title XVIII or XIX of 73374
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 73375
as amended, and for which a certificate of need, other than a 73376
certificate to recategorize hospital beds as described in section 73377
3702.521 of the Revised Code or division (R)(7)(d) of the version 73378
of section 3702.51 of the Revised Code in effect immediately prior 73379
to April 20, 1995, has been granted to the person under sections 73380
3702.51 to 3702.62 of the Revised Code after August 5, 1989; 73381

(ii) A county home or district home that is or has been 73382
licensed as a residential care facility. 73383

(c) "Home" does not mean any of the following: 73384

(i) Except as provided in division (A)(1)(b) of this section, 73385
a public hospital or hospital as defined in section 3701.01 or 73386
5122.01 of the Revised Code; 73387

(ii) A residential facility as defined in section ~~5119.22~~ 73388
5119.34 of the Revised Code; 73389

(iii) A residential facility as defined in section 5123.19 of 73390
the Revised Code; 73391

(iv) ~~An alcohol or drug~~ A community addiction program 73392

services provider as defined in section ~~3793.01~~ 5119.01 of the Revised Code; 73393
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(v) A facility licensed to provide methadone treatment under section ~~3793.11~~ 5119.39 of the Revised Code; 73395
73396

(vi) A facility providing services under contract with the department of developmental disabilities under section 5123.18 of the Revised Code; 73397
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(vii) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients; 73400
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(viii) A facility operated by a pediatric respite care program licensed under section 3712.041 of the Revised Code that is used exclusively for care of pediatric respite care patients; 73403
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(ix) A facility, infirmary, or other entity that is operated by a religious order, provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related, and does not participate in the medicare program ~~established under Title XVIII of the "Social Security Act"~~ medical assistance medicaid program ~~established under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act,"~~ if on January 1, 1994, the facility, infirmary, or entity was providing care exclusively to members of the religious order; 73406
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(x) A county home or district home that has never been licensed as a residential care facility. 73416
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(2) "Unrelated individual" means one who is not related to the owner or operator of a home or to the spouse of the owner or operator as a parent, grandparent, child, grandchild, brother, sister, niece, nephew, aunt, uncle, or as the child of an aunt or uncle. 73418
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(3) "Mental impairment" does not mean mental illness as 73423
defined in section 5122.01 of the Revised Code or mental 73424
retardation as defined in section 5123.01 of the Revised Code. 73425

(4) "Skilled nursing care" means procedures that require 73426
technical skills and knowledge beyond those the untrained person 73427
possesses and that are commonly employed in providing for the 73428
physical, mental, and emotional needs of the ill or otherwise 73429
incapacitated. "Skilled nursing care" includes, but is not limited 73430
to, the following: 73431

(a) Irrigations, catheterizations, application of dressings, 73432
and supervision of special diets; 73433

(b) Objective observation of changes in the patient's 73434
condition as a means of analyzing and determining the nursing care 73435
required and the need for further medical diagnosis and treatment; 73436

(c) Special procedures contributing to rehabilitation; 73437

(d) Administration of medication by any method ordered by a 73438
physician, such as hypodermically, rectally, or orally, including 73439
observation of the patient after receipt of the medication; 73440

(e) Carrying out other treatments prescribed by the physician 73441
that involve a similar level of complexity and skill in 73442
administration. 73443

(5)(a) "Personal care services" means services including, but 73444
not limited to, the following: 73445

(i) Assisting residents with activities of daily living; 73446

(ii) Assisting residents with self-administration of 73447
medication, in accordance with rules adopted under section 3721.04 73448
of the Revised Code; 73449

(iii) Preparing special diets, other than complex therapeutic 73450
diets, for residents pursuant to the instructions of a physician 73451
or a licensed dietitian, in accordance with rules adopted under 73452

section 3721.04 of the Revised Code. 73453

(b) "Personal care services" does not include "skilled 73454
nursing care" as defined in division (A)(4) of this section. A 73455
facility need not provide more than one of the services listed in 73456
division (A)(5)(a) of this section to be considered to be 73457
providing personal care services. 73458

(6) "Nursing home" means a home used for the reception and 73459
care of individuals who by reason of illness or physical or mental 73460
impairment require skilled nursing care and of individuals who 73461
require personal care services but not skilled nursing care. A 73462
nursing home is licensed to provide personal care services and 73463
skilled nursing care. 73464

(7) "Residential care facility" means a home that provides 73465
either of the following: 73466

(a) Accommodations for seventeen or more unrelated 73467
individuals and supervision and personal care services for three 73468
or more of those individuals who are dependent on the services of 73469
others by reason of age or physical or mental impairment; 73470

(b) Accommodations for three or more unrelated individuals, 73471
supervision and personal care services for at least three of those 73472
individuals who are dependent on the services of others by reason 73473
of age or physical or mental impairment, and, to at least one of 73474
those individuals, any of the skilled nursing care authorized by 73475
section 3721.011 of the Revised Code. 73476

(8) "Home for the aging" means a home that provides services 73477
as a residential care facility and a nursing home, except that the 73478
home provides its services only to individuals who are dependent 73479
on the services of others by reason of both age and physical or 73480
mental impairment. 73481

The part or unit of a home for the aging that provides 73482
services only as a residential care facility is licensed as a 73483

residential care facility. The part or unit that may provide 73484
skilled nursing care beyond the extent authorized by section 73485
3721.011 of the Revised Code is licensed as a nursing home. 73486

(9) "County home" and "district home" mean a county home or 73487
district home operated under Chapter 5155. of the Revised Code. 73488

(B) The director of health may further classify homes. For 73489
the purposes of this chapter, any residence, institution, hotel, 73490
congregate housing project, or similar facility that meets the 73491
definition of a home under this section is such a home regardless 73492
of how the facility holds itself out to the public. 73493

(C) For purposes of this chapter, personal care services or 73494
skilled nursing care shall be considered to be provided by a 73495
facility if they are provided by a person employed by or 73496
associated with the facility or by another person pursuant to an 73497
agreement to which neither the resident who receives the services 73498
nor the resident's sponsor is a party. 73499

(D) Nothing in division (A)(4) of this section shall be 73500
construed to permit skilled nursing care to be imposed on an 73501
individual who does not require skilled nursing care. 73502

Nothing in division (A)(5) of this section shall be construed 73503
to permit personal care services to be imposed on an individual 73504
who is capable of performing the activity in question without 73505
assistance. 73506

(E) Division (A)(1)(c)(ix) of this section does not prohibit 73507
a facility, infirmary, or other entity described in that division 73508
from seeking licensure under sections 3721.01 to 3721.09 of the 73509
Revised Code or certification under Title XVIII or XIX of the 73510
"Social Security Act." However, such a facility, infirmary, or 73511
entity that applies for licensure or certification must meet the 73512
requirements of those sections or titles and the rules adopted 73513
under them and obtain a certificate of need from the director of 73514

health under section 3702.52 of the Revised Code. 73515

(F) Nothing in this chapter, or rules adopted pursuant to it, 73516
shall be construed as authorizing the supervision, regulation, or 73517
control of the spiritual care or treatment of residents or 73518
patients in any home who rely upon treatment by prayer or 73519
spiritual means in accordance with the creed or tenets of any 73520
recognized church or religious denomination. 73521

Sec. 3721.011. (A) In addition to providing accommodations, 73522
supervision, and personal care services to its residents, a 73523
residential care facility may do the following: 73524

(1) Provide the following skilled nursing care to its 73525
residents: 73526

(a) Supervision of special diets; 73527

(b) Application of dressings, in accordance with rules 73528
adopted under section 3721.04 of the Revised Code; 73529

(c) Subject to division (B)(1) of this section, 73530
administration of medication. 73531

(2) Subject to division (C) of this section, provide other 73532
skilled nursing care on a part-time, intermittent basis for not 73533
more than a total of one hundred twenty days in a twelve-month 73534
period; 73535

(3) Provide skilled nursing care for more than one hundred 73536
twenty days in a twelve-month period to a resident when the 73537
requirements of division (D) of this section are met. 73538

A residential care facility may not admit or retain an 73539
individual requiring skilled nursing care that is not authorized 73540
by this section. A residential care facility may not provide 73541
skilled nursing care beyond the limits established by this 73542
section. 73543

(B)(1) A residential care facility may admit or retain an individual requiring medication, including biologicals, only if the individual's personal physician has determined in writing that the individual is capable of self-administering the medication or the facility provides for the medication to be administered to the individual by a home health agency certified under Title XVIII of the "Social Security Act," 79 Stat. 620 (1965), 42 U.S.C. 1395, as amended; a hospice care program licensed under Chapter 3712. of the Revised Code; or a member of the staff of the residential care facility who is qualified to perform medication administration. Medication may be administered in a residential care facility only by the following persons authorized by law to administer medication:

(a) A registered nurse licensed under Chapter 4723. of the Revised Code;

(b) A licensed practical nurse licensed under Chapter 4723. of the Revised Code who holds proof of successful completion of a course in medication administration approved by the board of nursing and who administers the medication only at the direction of a registered nurse or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(c) A medication aide certified under Chapter 4723. of the Revised Code;

(d) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(2) In assisting a resident with self-administration of medication, any member of the staff of a residential care facility may do the following:

(a) Remind a resident when to take medication and watch to

ensure that the resident follows the directions on the container; 73575

(b) Assist a resident by taking the medication from the 73576
locked area where it is stored, in accordance with rules adopted 73577
pursuant to section 3721.04 of the Revised Code, and handing it to 73578
the resident. If the resident is physically unable to open the 73579
container, a staff member may open the container for the resident. 73580

(c) Assist a physically impaired but mentally alert resident, 73581
such as a resident with arthritis, cerebral palsy, or Parkinson's 73582
disease, in removing oral or topical medication from containers 73583
and in consuming or applying the medication, upon request by or 73584
with the consent of the resident. If a resident is physically 73585
unable to place a dose of medicine to the resident's mouth without 73586
spilling it, a staff member may place the dose in a container and 73587
place the container to the mouth of the resident. 73588

(C) Except as provided in division (D) of this section, a 73589
residential care facility may admit or retain individuals who 73590
require skilled nursing care beyond the supervision of special 73591
diets, application of dressings, or administration of medication, 73592
only if the care will be provided on a part-time, intermittent 73593
basis for not more than a total of one hundred twenty days in any 73594
twelve-month period. In accordance with Chapter 119. of the 73595
Revised Code, the director of health shall adopt rules specifying 73596
what constitutes the need for skilled nursing care on a part-time, 73597
intermittent basis. The director shall adopt rules that are 73598
consistent with rules pertaining to home health care adopted by 73599
the medicaid director ~~of job and family services~~ for the medicaid 73600
program ~~established under Chapter 5111. of the Revised Code.~~ 73601
Skilled nursing care provided pursuant to this division may be 73602
provided by a home health agency certified ~~under Title XVIII of~~ 73603
~~the "Social Security Act for participation in the medicare~~ 73604
program, a hospice care program licensed under Chapter 3712. of 73605
the Revised Code, or a member of the staff of a residential care 73606

facility who is qualified to perform skilled nursing care. 73607

A residential care facility that provides skilled nursing 73608
care pursuant to this division shall do both of the following: 73609

(1) Evaluate each resident receiving the skilled nursing care 73610
at least once every seven days to determine whether the resident 73611
should be transferred to a nursing home; 73612

(2) Meet the skilled nursing care needs of each resident 73613
receiving the care. 73614

(D)(1) A residential care facility may admit or retain an 73615
individual who requires skilled nursing care for more than one 73616
hundred twenty days in any twelve-month period only if the 73617
facility has entered into a written agreement with each of the 73618
following: 73619

(a) The individual or individual's sponsor; 73620

(b) The individual's personal physician; 73621

(c) Unless the individual's personal physician oversees the 73622
skilled nursing care, the provider of the skilled nursing care; 73623

(d) If the individual is a hospice patient as defined in 73624
section 3712.01 of the Revised Code, a hospice care program 73625
licensed under Chapter 3712. of the Revised Code. 73626

(2) The agreement required by division (D)(1) of this section 73627
shall include all of the following provisions: 73628

(a) That the individual will be provided skilled nursing care 73629
in the facility only if a determination has been made that the 73630
individual's needs can be met at the facility; 73631

(b) That the individual will be retained in the facility only 73632
if periodic redeterminations are made that the individual's needs 73633
are being met at the facility; 73634

(c) That the redeterminations will be made according to a 73635

schedule specified in the agreement; 73636

(d) If the individual is a hospice patient, that the 73637
individual has been given an opportunity to choose the hospice 73638
care program that best meets the individual's needs; 73639

(e) Unless the individual is a hospice patient, that the 73640
individual's personal physician has determined that the skilled 73641
nursing care the individual needs is routine. 73642

(E) Notwithstanding any other provision of this chapter, a 73643
residential care facility in which residents receive skilled 73644
nursing care pursuant to this section is not a nursing home. 73645

Sec. 3721.02. (A) As used in this section, "residential 73646
facility" means a residential facility licensed under section 73647
~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, 73648
supervision, and personal care services for three to sixteen 73649
unrelated adults. 73650

(B) The director of health shall license homes and establish 73651
procedures to be followed in inspecting and licensing homes. The 73652
director may inspect a home at any time. Each home shall be 73653
inspected by the director at least once prior to the issuance of a 73654
license and at least once every fifteen months thereafter. The 73655
state fire marshal or a township, municipal, or other legally 73656
constituted fire department approved by the marshal shall also 73657
inspect a home prior to issuance of a license, at least once every 73658
fifteen months thereafter, and at any other time requested by the 73659
director. A home does not have to be inspected prior to issuance 73660
of a license by the director, state fire marshal, or a fire 73661
department if ownership of the home is assigned or transferred to 73662
a different person and the home was licensed under this chapter 73663
immediately prior to the assignment or transfer. The director may 73664
enter at any time, for the purposes of investigation, any 73665
institution, residence, facility, or other structure that has been 73666

reported to the director or that the director has reasonable cause 73667
to believe is operating as a nursing home, residential care 73668
facility, or home for the aging without a valid license required 73669
by section 3721.05 of the Revised Code or, in the case of a county 73670
home or district home, is operating despite the revocation of its 73671
residential care facility license. The director may delegate the 73672
director's authority and duties under this chapter to any 73673
division, bureau, agency, or official of the department of health. 73674

(C) A single facility may be licensed both as a nursing home 73675
pursuant to this chapter and as a residential facility pursuant to 73676
section ~~5119.22~~ 5119.34 of the Revised Code if the director 73677
determines that the part or unit to be licensed as a nursing home 73678
can be maintained separate and discrete from the part or unit to 73679
be licensed as a residential facility. 73680

(D) In determining the number of residents in a home for the 73681
purpose of licensing, the director shall consider all the 73682
individuals for whom the home provides accommodations as one group 73683
unless one of the following is the case: 73684

(1) The home is a home for the aging, in which case all the 73685
individuals in the part or unit licensed as a nursing home shall 73686
be considered as one group, and all the individuals in the part or 73687
unit licensed as a rest home shall be considered as another group. 73688

(2) The home is both a nursing home and a residential 73689
facility. In that case, all the individuals in the part or unit 73690
licensed as a nursing home shall be considered as one group, and 73691
all the individuals in the part or unit licensed as an adult care 73692
facility shall be considered as another group. 73693

(3) The home maintains, in addition to a nursing home or 73694
residential care facility, a separate and discrete part or unit 73695
that provides accommodations to individuals who do not require or 73696
receive skilled nursing care and do not receive personal care 73697

services from the home, in which case the individuals in the 73698
separate and discrete part or unit shall not be considered in 73699
determining the number of residents in the home if the separate 73700
and discrete part or unit is in compliance with the Ohio basic 73701
building code established by the board of building standards under 73702
Chapters 3781. and 3791. of the Revised Code and the home permits 73703
the director, on request, to inspect the separate and discrete 73704
part or unit and speak with the individuals residing there, if 73705
they consent, to determine whether the separate and discrete part 73706
or unit meets the requirements of this division. 73707

(E)(1) The director of health shall charge the following 73708
application fee and annual renewal licensing and inspection fee 73709
for each fifty persons or part thereof of a home's licensed 73710
capacity: 73711

(a) For state fiscal year 2010, two hundred twenty dollars; 73712

(b) For state fiscal year 2011, two hundred seventy dollars; 73713

(c) For each state fiscal year thereafter, three hundred 73714
twenty dollars. 73715

(2) All fees collected by the director for the issuance or 73716
renewal of licenses shall be deposited into the state treasury to 73717
the credit of the general operations fund created in section 73718
3701.83 of the Revised Code for use only in administering and 73719
enforcing this chapter and rules adopted under it. 73720

(F)(1) Except as otherwise provided in this section, the 73721
results of an inspection or investigation of a home that is 73722
conducted under this section, including any statement of 73723
deficiencies and all findings and deficiencies cited in the 73724
statement on the basis of the inspection or investigation, shall 73725
be used solely to determine the home's compliance with this 73726
chapter or another chapter of the Revised Code in any action or 73727
proceeding other than an action commenced under division (I) of 73728

section 3721.17 of the Revised Code. Those results of an 73729
inspection or investigation, that statement of deficiencies, and 73730
the findings and deficiencies cited in that statement shall not be 73731
used in any court or in any action or proceeding that is pending 73732
in any court and are not admissible in evidence in any action or 73733
proceeding unless that action or proceeding is an appeal of an 73734
action by the department of health under this chapter or is an 73735
action by any department or agency of the state to enforce this 73736
chapter or another chapter of the Revised Code. 73737

(2) Nothing in division (E)(1) of this section prohibits the 73738
results of an inspection or investigation conducted under this 73739
section from being used in a criminal investigation or 73740
prosecution. 73741

Sec. 3721.022. (A) As used in this section: 73742

(1) "Nursing facility" has the same meaning as in section 73743
~~5111.20~~ 5165.01 of the Revised Code. 73744

(2) "Deficiency" and "survey" have the same meanings as in 73745
section ~~5111.35~~ 5165.60 of the Revised Code. 73746

(3) "Title XIX" and "Title XVIII" have the same meanings as 73747
in section 5165.01 of the Revised Code. 73748

(B) The department of health is hereby designated the state 73749
agency responsible for establishing and maintaining health 73750
standards and serving as the state survey agency for the purposes 73751
of ~~Titles~~ Title XVIII and Title XIX ~~of the "Social Security Act,"~~ 73752
~~49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.~~ The department 73753
shall carry out these functions in accordance with the 73754
regulations, guidelines, and procedures issued under ~~Titles~~ Title 73755
XVIII and Title XIX by the United States secretary of health and 73756
human services and with sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 73757
5165.89 of the Revised Code. The director of health shall enter 73758

into agreements with regard to these functions with the department 73759
of ~~job and family services~~ medicaid and the United States 73760
department of health and human services. The director may also 73761
enter into agreements with the department of ~~job and family~~ 73762
~~services~~ medicaid under which the department of health is 73763
designated to perform functions under sections ~~5111.35~~ 5165.60 to 73764
~~5111.62~~ 5165.89 of the Revised Code. 73765

The director, in accordance with Chapter 119. of the Revised 73766
Code, shall adopt rules necessary to implement the survey and 73767
certification requirements for skilled nursing facilities and 73768
nursing facilities established by the United States secretary of 73769
health and human services under ~~Titles~~ Title XVIII and Title XIX 73770
~~of the "Social Security Act,"~~ and the survey requirements 73771
established under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of 73772
the Revised Code. The rules shall include an informal process by 73773
which a facility may obtain up to two reviews of any deficiencies 73774
that have been cited on a statement of deficiencies made by the 73775
department of health under 42 C.F.R. Part 488 and cause the 73776
facility to be in noncompliance as defined in 42 C.F.R. 488.301. 73777
The first review shall be conducted by an employee of the 73778
department who did not participate in and was not otherwise 73779
involved in any way with the survey. A facility that is not 73780
satisfied with the results of a first review may receive a second 73781
review on payment of a fee to the department. The amount of the 73782
fee shall be specified in rules adopted under this section. The 73783
fee shall be deposited into the state treasury to the credit of 73784
the general operations fund created in section 3701.83 of the 73785
Revised Code for use in the implementation of this section. The 73786
second review shall be conducted by either of the following as 73787
selected by the facility: a hearing officer employed by the 73788
department or a hearing officer included on a list the department 73789
shall provide the facility. A final determination that any 73790
deficiency citation is unjustified shall be reflected clearly in 73791

all records relating to the survey. 73792

The director need not adopt as rules any of the regulations, 73793
guidelines, or procedures issued under ~~Titles~~ Title XVIII and 73794
Title XIX ~~of the "Social Security Act"~~ by the United States 73795
secretary of health and human services. 73796

Sec. 3721.024. As used in this section, "nursing facility" 73797
has the same meaning as in section ~~5111.20~~ 5165.01 of the Revised 73798
Code. 73799

The department of health may establish a program of 73800
recognition of nursing facilities that provide the highest quality 73801
care to residents who are medicaid recipients ~~of medical~~ 73802
~~assistance under Chapter 5111. of the Revised Code.~~ The program 73803
may be funded with public funds appropriated by the general 73804
assembly for the purpose of the program or any funds appropriated 73805
for nursing home licensure. 73806

Sec. 3721.027. (A) As used in this section, "survey" has the 73807
same meaning as in section 5165.60 of the Revised Code. 73808

(B) The department of health shall investigate within ten 73809
working days after referral, in accordance with procedures and 73810
criteria to be established by the department of health and the 73811
department of aging, any unresolved complaint that the office of 73812
the state long-term care ~~ombudsperson~~ ombudsman has investigated 73813
and found to be valid and refers to the department of health. This 73814
requirement does not supersede federal requirements for survey 73815
agency complaint investigations. 73816

Sec. 3721.042. The director of health may not deny a nursing 73817
home license to a facility seeking a license under this chapter as 73818
a nursing home on the grounds that the facility does not satisfy a 73819
requirement established in rules adopted under section 3721.04 of 73820

the Revised Code regarding the toilet rooms and dining and recreational areas of nursing homes if all of the following requirements are met:

(A) The facility seeks a license under this chapter because it is a county home or district home being sold under section 5155.31 of the Revised Code to a person who may not operate the facility without a nursing home license under this chapter.

(B) The requirement would not have applied to the facility had the facility been a nursing home first licensed under this chapter before October 20, 2001.

(C) The facility was a nursing facility, as defined in section ~~5111.20~~ 5165.01 of the Revised Code, on the date immediately preceding the date the facility is sold to the person seeking the license.

Sec. 3721.071. The buildings in which a home is housed shall be equipped with both an automatic fire extinguishing system and fire alarm system. Such systems shall conform to standards set forth in the regulations of the board of building standards and the state fire marshal.

The time for compliance with the requirements imposed by this section shall be January 1, 1975, except that the date for compliance with the automatic fire extinguishing requirements is extended to January 1, 1976, provided the buildings of the home are otherwise in compliance with fire safety laws and regulations and:

(A) The home within thirty days after August 4, 1975, files a written plan with the state fire marshal's office that:

(1) Outlines the interim safety procedures which shall be carried out to reduce the possibility of a fire;

(2) Provides evidence that the home has entered into an

agreement for a fire safety inspection to be conducted not less 73851
than monthly by a qualified independent safety engineer consultant 73852
or a township, municipal, or other legally constituted fire 73853
department, or by a township or municipal fire prevention officer; 73854

(3) Provides verification that the home has entered into a 73855
valid contract for the installation of an automatic fire 73856
extinguishing system or fire alarm system, or both, as required to 73857
comply with this section; 73858

(4) Includes a statement regarding the expected date for the 73859
completion of the fire extinguishing system or fire alarm system, 73860
or both. 73861

(B) Inspections by a qualified independent safety engineer 73862
consultant or a township, municipal, or other legally constituted 73863
fire department, or by a township or municipal fire prevention 73864
officer are initiated no later than sixty days after August 4, 73865
1975, and are conducted no less than monthly thereafter, and 73866
reports of the consultant, fire department, or fire prevention 73867
officer identifying existing hazards and recommended corrective 73868
actions are submitted to the state fire marshal, the division of 73869
industrial compliance in the department of commerce, and the 73870
department of health. 73871

It is the express intent of the general assembly that the 73872
department of ~~job and family services~~ medicaid shall terminate 73873
~~payments under Title XIX of the "Social Security Act," 49 Stat.~~ 73874
~~620 (1935), 42 U.S.C. 301, as amended, to~~ the medicaid provider 73875
agreements of those homes ~~which~~ that do not comply with the 73876
requirements of this section for the submission of a written fire 73877
safety plan and the deadline for entering into contracts for the 73878
installation of systems. 73879

Sec. 3721.08. (A) As used in this section, "real and present 73880
danger" means imminent danger of serious physical or 73881

life-threatening harm to one or more occupants of a home. 73882

(B) The director of health may petition the court of common 73883
pleas of the county in which the home is located for an order 73884
enjoining any person from operating a home without a license or 73885
enjoining a county home or district home that has had its license 73886
revoked from continuing to operate. The court shall have 73887
jurisdiction to grant such injunctive relief upon a showing that 73888
the respondent named in the petition is operating a home without a 73889
license or that the county home or district home named in the 73890
petition is operating despite the revocation of its license. The 73891
court shall have jurisdiction to grant such injunctive relief 73892
against the operation of a home without a valid license regardless 73893
of whether the home meets essential licensing requirements. 73894

(C) Unless the department of ~~job and family services~~ medicaid 73895
or contracting agency has taken action under section ~~5111.51~~ 73896
5165.77 of the Revised Code to appoint a temporary manager or seek 73897
injunctive relief, if, in the judgment of the director of health, 73898
real and present danger exists at any home, the director may 73899
petition the court of common pleas of the county in which the home 73900
is located for such injunctive relief as is necessary to close the 73901
home, transfer one or more occupants to other homes or other 73902
appropriate care settings, or otherwise eliminate the real and 73903
present danger. The court shall have the jurisdiction to grant 73904
such injunctive relief upon a showing that there is real and 73905
present danger. 73906

(D)(1) If the director determines that real and present 73907
danger exists at a home and elects not to immediately seek 73908
injunctive relief under division (C) of this section, the director 73909
may give written notice of proposed action to the home. The notice 73910
shall specify all of the following: 73911

(a) The nature of the conditions giving rise to the real and 73912
present danger; 73913

(b) The measures that the director determines the home must take to respond to the conditions; 73914
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(c) The date on which the director intends to seek injunctive relief under division (C) of this section if the director determines that real and present danger exists at the home. 73916
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(2) If the home notifies the director, within the time specified pursuant to division (D)(1)(c) of this section, that it believes the conditions giving rise to the real and present danger have been substantially corrected, the director shall conduct an inspection to determine whether real and present danger exists. If the director determines on the basis of the inspection that real and present danger exists, the director may petition under division (C) of this section for injunctive relief. 73919
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(E)(1) If in the judgment of the director of health conditions exist at a home that will give rise to real and present danger if not corrected, the director shall give written notice of proposed action to the home. The notice shall specify all of the following: 73927
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(a) The nature of the conditions giving rise to the director's judgment; 73932
73933

(b) The measures that the director determines the home must take to respond to the conditions; 73934
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(c) The date, which shall be no less than ten days after the notice is delivered, on which the director intends to seek injunctive relief under division (C) of this section if the conditions are not substantially corrected and the director determines that a real and present danger exists. 73936
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(2) If the home notifies the director, within the period of time specified pursuant to division (E)(1)(c) of this section, that the conditions giving rise to the director's determination have been substantially corrected, the director shall conduct an 73941
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inspection. If the director determines on the basis of the 73945
inspection that the conditions have not been corrected and a real 73946
and present danger exists, the director may petition under 73947
division (C) of this section for injunctive relief. 73948

(F)(1) A court that grants injunctive relief under division 73949
(C) of this section may also appoint a special master who, subject 73950
to division (F)(2) of this section, shall have such powers and 73951
authority over the home and length of appointment as the court 73952
considers necessary. Subject to division (F)(2) of this section, 73953
the salary of a special master and any costs incurred by a special 73954
master shall be the obligation of the home. 73955

(2) No special master shall enter into any employment 73956
contract on behalf of a home, or purchase with the home's funds 73957
any capital goods totaling more than ten thousand dollars, unless 73958
the special master has obtained approval for the contract or 73959
purchase from the home's operator or the court. 73960

(G) If the director takes action under division (C), (D), or 73961
(E) of this section, the director may also appoint employees of 73962
the department of health to conduct on-site monitoring of the 73963
home. Appointment of monitors is not subject to appeal under 73964
Chapter 119. or any other section of the Revised Code. No employee 73965
of a home for which monitors are appointed, no person employed by 73966
the home within the previous two years, and no person who 73967
currently has a consulting contract with the department or a home, 73968
shall be appointed under this division. Every monitor shall have 73969
the professional qualifications necessary to monitor correction of 73970
the conditions that give rise to or, in the director's judgment, 73971
will give rise to real and present danger. The number of monitors 73972
present at a home at any given time shall not exceed one for every 73973
fifty residents, or fraction thereof. 73974

(H) On finding that the real and present danger for which 73975
injunctive relief was granted under division (C) of this section 73976

has been eliminated and that the home's operator has demonstrated 73977
the capacity to prevent the real and present danger from 73978
recurring, the court shall terminate its jurisdiction over the 73979
home and return control and management of the home to the 73980
operator. If the real and present danger cannot be eliminated 73981
practicably within a reasonable time following appointment of a 73982
special master, the court may order the special master to close 73983
the home and transfer all residents to other homes or other 73984
appropriate care settings. 73985

(I) The director of health shall give notice of proposed 73986
action under divisions (D) and (E) of this section to both of the 73987
following: 73988

(1) The home's administrator; 73989

(2) If the home is operated by an organization described in 73990
subsection 501(c)(3) and tax exempt under subsection 501(a) of the 73991
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 73992
amended, the board of trustees of the organization; or, if the 73993
home is not operated by such an organization, the owner of the 73994
home. 73995

Notices shall be delivered by certified mail or hand 73996
delivery. If notices are mailed, they shall be addressed to the 73997
persons specified in divisions (I)(1) and (2) of this section, as 73998
indicated in the department of health's records. If they are hand 73999
delivered, they shall be delivered to persons who would reasonably 74000
appear to the average prudent person to have authority to accept 74001
them. 74002

(J) If ownership of a home is assigned or transferred to a 74003
different person, the new owner is responsible and liable for 74004
compliance with any notice of proposed action or order issued 74005
under this section prior to the effective date of the assignment 74006
or transfer. 74007

Sec. 3721.10. As used in sections 3721.10 to 3721.18 of the Revised Code:

(A) "Home" means all of the following:

(1) A home as defined in section 3721.01 of the Revised Code;

(2) Any facility or part of a facility not defined as a home under section 3721.01 of the Revised Code that is ~~certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395 and 1396, as amended,~~ or as a or nursing facility, both as defined in section ~~5111.20~~ 5165.01 of the Revised Code;

(3) A county home or district home operated pursuant to Chapter 5155. of the Revised Code.

(B) "Resident" means a resident or a patient of a home.

(C) "Administrator" means all of the following:

(1) With respect to a home as defined in section 3721.01 of the Revised Code, a nursing home administrator as defined in section 4751.01 of the Revised Code;

(2) With respect to a facility or part of a facility not defined as a home in section 3721.01 of the Revised Code that is authorized to provide skilled nursing facility or nursing facility services, the administrator of the facility or part of a facility;

(3) With respect to a county home or district home, the superintendent appointed under Chapter 5155. of the Revised Code.

(D) "Sponsor" means an adult relative, friend, or guardian of a resident who has an interest or responsibility in the resident's welfare.

(E) "Residents' rights advocate" means:

(1) An employee or representative of any state or local government entity that has a responsibility regarding residents

and that has registered with the department of health under 74037
division (B) of section 3701.07 of the Revised Code; 74038

(2) An employee or representative of any private nonprofit 74039
corporation or association that qualifies for tax-exempt status 74040
under section 501(a) of the "Internal Revenue Code of 1986," 100 74041
Stat. 2085, 26 U.S.C.A. 1, as amended, and that has registered 74042
with the department of health under division (B) of section 74043
3701.07 of the Revised Code and whose purposes include educating 74044
and counseling residents, assisting residents in resolving 74045
problems and complaints concerning their care and treatment, and 74046
assisting them in securing adequate services to meet their needs; 74047

(3) A member of the general assembly. 74048

(F) "Physical restraint" means, but is not limited to, any 74049
article, device, or garment that interferes with the free movement 74050
of the resident and that the resident is unable to remove easily, 74051
a geriatric chair, or a locked room door. 74052

(G) "Chemical restraint" means any medication bearing the 74053
American hospital formulary service therapeutic class ~~4-00~~ 4:00, 74054
28:16:08, 28:24:08, or 28:24:92 that alters the functioning of the 74055
central nervous system in a manner that limits physical and 74056
cognitive functioning to the degree that the resident cannot 74057
attain the resident's highest practicable physical, mental, and 74058
psychosocial well-being. 74059

(H) "Ancillary service" means, but is not limited to, 74060
podiatry, dental, hearing, vision, physical therapy, occupational 74061
therapy, speech therapy, and psychological and social services. 74062

(I) "Facility" means a facility, or part of a facility, 74063
certified as a nursing facility or skilled nursing facility ~~under~~ 74064
~~Title XVIII or Title XIX of the "Social Security Act, both as~~ 74065
defined in section 5165.01 of the Revised Code." "Facility" does 74066
not include an intermediate care facility for ~~the mentally~~ 74067

~~retarded individuals with intellectual disabilities~~, as defined in 74068
section ~~5111.20~~ 5124.01 of the Revised Code. 74069

~~(J) "Medicare" means the program established by Title XVIII~~ 74070
~~of the "Social Security Act."~~ 74071

~~(K) "Medicaid" means the program established by Title XIX of~~ 74072
~~the "Social Security Act" and Chapter 5111. of the Revised Code.~~ 74073

Sec. 3721.12. (A) The administrator of a home shall: 74074

(1) With the advice of residents, their sponsors, or both, 74075
establish and review at least annually, written policies regarding 74076
the applicability and implementation of residents' rights under 74077
sections 3721.10 to 3721.17 of the Revised Code, the 74078
responsibilities of residents regarding the rights, and the home's 74079
grievance procedure established under division (A)(2) of this 74080
section. The administrator is responsible for the development of, 74081
and adherence to, procedures implementing the policies. 74082

(2) Establish a grievance committee for review of complaints 74083
by residents. The grievance committee shall be comprised of the 74084
home's staff and residents, sponsors, or outside representatives 74085
in a ratio of not more than one staff member to every two 74086
residents, sponsors, or outside representatives. 74087

(3) Furnish to each resident and sponsor prior to or at the 74088
time of admission, and to each member of the home's staff, at 74089
least one of each of the following: 74090

(a) A copy of the rights established under sections 3721.10 74091
to 3721.17 of the Revised Code; 74092

(b) A written explanation of the provisions of sections 74093
3721.16 to 3721.162 of the Revised Code; 74094

(c) A copy of the home's policies and procedures established 74095
under this section; 74096

(d) A copy of the home's rules;	74097
(e) A copy of the addresses and telephone numbers of the board of health of the health district of the county in which the home is located, the county department of job and family services of the county in which the home is located, the state departments of health and job and family services <u>medicaid</u> , the state and local offices of the department of aging, and any Ohio nursing home ombudsperson <u>ombudsman</u> program.	74098 74099 74100 74101 74102 74103 74104
(B) Written acknowledgment of the receipt of copies of the materials listed in this section shall be made part of the resident's record and the staff member's personnel record.	74105 74106 74107
(C) The administrator shall post all of the following prominently within the home:	74108 74109
(1) A copy of the rights of residents as listed in division (A) of section 3721.13 of the Revised Code;	74110 74111
(2) A copy of the home's rules and its policies and procedures regarding the rights and responsibilities of residents;	74112 74113
(3) A notice that a copy of this chapter, rules of the department of health applicable to the home, and federal regulations adopted under the medicare and medicaid programs, and the materials required to be available in the home under section 3721.021 of the Revised Code, are available for inspection in the home at reasonable hours;	74114 74115 74116 74117 74118 74119
(4) A list of residents' rights advocates;	74120
(5) A notice that the following are available in a place readily accessible to residents:	74121 74122
(a) If the home is licensed under section 3721.02 of the Revised Code, a copy of the most recent licensure inspection report prepared for the home under that section;	74123 74124 74125
(b) If the home is a facility, a copy of the most recent	74126

statement of deficiencies issued to the home under section ~~5111.42~~ 74127
5165.68 of the Revised Code. 74128

(D) The administrator of a home may, with the advice of 74129
residents, their sponsors, or both, establish written policies 74130
regarding the applicability and administration of any additional 74131
residents' rights beyond those set forth in sections 3721.10 to 74132
3721.17 of the Revised Code, and the responsibilities of residents 74133
regarding the rights. Policies established under this division 74134
shall be reviewed, and procedures developed and adhered to as in 74135
division (A)(1) of this section. 74136

Sec. 3721.121. (A) As used in this section: 74137

(1) "Adult day-care program" means a program operated 74138
pursuant to rules adopted by the director of health under section 74139
3721.04 of the Revised Code and provided by and on the same site 74140
as homes licensed under this chapter. 74141

(2) "Applicant" means a person who is under final 74142
consideration for employment with a home or adult day-care program 74143
in a full-time, part-time, or temporary position that involves 74144
providing direct care to an older adult. "Applicant" does not 74145
include a person who provides direct care as a volunteer without 74146
receiving or expecting to receive any form of remuneration other 74147
than reimbursement for actual expenses. 74148

(3) "Community-based long-term care services provider" means 74149
a provider as defined in section 173.39 of the Revised Code. 74150

(4) "Criminal records check" has the same meaning as in 74151
section 109.572 of the Revised Code. 74152

~~(4)~~(5) "Home" means a home as defined in section 3721.10 of 74153
the Revised Code. 74154

~~(5)~~(6) "Older adult" means a person age sixty or older. 74155

(B)(1) Except as provided in division (I) of this section, 74156

the chief administrator of a home or adult day-care program shall 74157
request that the superintendent of the bureau of criminal 74158
identification and investigation conduct a criminal records check 74159
of each applicant. If an applicant for whom a criminal records 74160
check request is required under this division does not present 74161
proof of having been a resident of this state for the five-year 74162
period immediately prior to the date the criminal records check is 74163
requested or provide evidence that within that five-year period 74164
the superintendent has requested information about the applicant 74165
from the federal bureau of investigation in a criminal records 74166
check, the chief administrator shall request that the 74167
superintendent obtain information from the federal bureau of 74168
investigation as part of the criminal records check of the 74169
applicant. Even if an applicant for whom a criminal records check 74170
request is required under this division presents proof of having 74171
been a resident of this state for the five-year period, the chief 74172
administrator may request that the superintendent include 74173
information from the federal bureau of investigation in the 74174
criminal records check. 74175

(2) A person required by division (B)(1) of this section to 74176
request a criminal records check shall do both of the following: 74177

(a) Provide to each applicant for whom a criminal records 74178
check request is required under that division a copy of the form 74179
prescribed pursuant to division (C)(1) of section 109.572 of the 74180
Revised Code and a standard fingerprint impression sheet 74181
prescribed pursuant to division (C)(2) of that section, and obtain 74182
the completed form and impression sheet from the applicant; 74183

(b) Forward the completed form and impression sheet to the 74184
superintendent of the bureau of criminal identification and 74185
investigation. 74186

(3) An applicant provided the form and fingerprint impression 74187
sheet under division (B)(2)(a) of this section who fails to 74188

complete the form or provide fingerprint impressions shall not be 74189
employed in any position for which a criminal records check is 74190
required by this section. 74191

(C)(1) Except as provided in rules adopted by the director of 74192
health in accordance with division (F) of this section and subject 74193
to division (C)(2) of this section, no home or adult day-care 74194
program shall employ a person in a position that involves 74195
providing direct care to an older adult if the person has been 74196
convicted of or pleaded guilty to any of the following: 74197

(a) A violation of section 2903.01, 2903.02, 2903.03, 74198
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 74199
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 74200
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 74201
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 74202
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 74203
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 74204
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 74205
2925.22, 2925.23, or 3716.11 of the Revised Code. 74206

(b) A violation of an existing or former law of this state, 74207
any other state, or the United States that is substantially 74208
equivalent to any of the offenses listed in division (C)(1)(a) of 74209
this section. 74210

(2)(a) A home or an adult day-care program may employ 74211
conditionally an applicant for whom a criminal records check 74212
request is required under division (B) of this section prior to 74213
obtaining the results of a criminal records check regarding the 74214
individual, provided that the home or program shall request a 74215
criminal records check regarding the individual in accordance with 74216
division (B)(1) of this section not later than five business days 74217
after the individual begins conditional employment. In the 74218
circumstances described in division (I)(2) of this section, a home 74219
or adult day-care program may employ conditionally an applicant 74220

who has been referred to the home or adult day-care program by an 74221
employment service that supplies full-time, part-time, or 74222
temporary staff for positions involving the direct care of older 74223
adults and for whom, pursuant to that division, a criminal records 74224
check is not required under division (B) of this section. 74225

(b) A home or adult day-care program that employs an 74226
individual conditionally under authority of division (C)(2)(a) of 74227
this section shall terminate the individual's employment if the 74228
results of the criminal records check requested under division (B) 74229
of this section or described in division (I)(2) of this section, 74230
other than the results of any request for information from the 74231
federal bureau of investigation, are not obtained within the 74232
period ending thirty days after the date the request is made. 74233
Regardless of when the results of the criminal records check are 74234
obtained, if the results indicate that the individual has been 74235
convicted of or pleaded guilty to any of the offenses listed or 74236
described in division (C)(1) of this section, the home or program 74237
shall terminate the individual's employment unless the home or 74238
program chooses to employ the individual pursuant to division (F) 74239
of this section. Termination of employment under this division 74240
shall be considered just cause for discharge for purposes of 74241
division (D)(2) of section 4141.29 of the Revised Code if the 74242
individual makes any attempt to deceive the home or program about 74243
the individual's criminal record. 74244

(D)(1) Each home or adult day-care program shall pay to the 74245
bureau of criminal identification and investigation the fee 74246
prescribed pursuant to division (C)(3) of section 109.572 of the 74247
Revised Code for each criminal records check conducted pursuant to 74248
a request made under division (B) of this section. 74249

(2) A home or adult day-care program may charge an applicant 74250
a fee not exceeding the amount the home or program pays under 74251
division (D)(1) of this section. A home or program may collect a 74252

fee only if both of the following apply: 74253

(a) The home or program notifies the person at the time of 74254
initial application for employment of the amount of the fee and 74255
that, unless the fee is paid, the person will not be considered 74256
for employment; 74257

(b) The ~~medical assistance~~ medicaid program established under 74258
~~Chapter 5111. of the Revised Code~~ does not reimburse the home or 74259
program the fee it pays under division (D)(1) of this section. 74260

(E) The report of any criminal records check conducted 74261
pursuant to a request made under this section is not a public 74262
record for the purposes of section 149.43 of the Revised Code and 74263
shall not be made available to any person other than the 74264
following: 74265

(1) The individual who is the subject of the criminal records 74266
check or the individual's representative; 74267

(2) The chief administrator of the home or program requesting 74268
the criminal records check or the administrator's representative; 74269

(3) The administrator of any other facility, agency, or 74270
program that provides direct care to older adults that is owned or 74271
operated by the same entity that owns or operates the home or 74272
program; 74273

(4) A court, hearing officer, or other necessary individual 74274
involved in a case dealing with a denial of employment of the 74275
applicant or dealing with employment or unemployment benefits of 74276
the applicant; 74277

(5) Any person to whom the report is provided pursuant to, 74278
and in accordance with, division (I)(1) or (2) of this section; 74279

(6) The board of nursing for purposes of accepting and 74280
processing an application for a medication aide certificate issued 74281
under Chapter 4723. of the Revised Code; 74282

(7) The director of aging or the director's designee if the criminal records check is requested by the chief administrator of a home that is also a community-based long-term care services provider.

(F) In accordance with section 3721.11 of the Revised Code, the director of health shall adopt rules to implement this section. The rules shall specify circumstances under which a home or adult day-care program may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the director.

(G) The chief administrator of a home or adult day-care program shall inform each individual, at the time of initial application for a position that involves providing direct care to an older adult, that the individual is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the individual comes under final consideration for employment.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an individual who a home or adult day-care program employs in a position that involves providing direct care to older adults, all of the following shall apply:

(1) If the home or program employed the individual in good faith and reasonable reliance on the report of a criminal records check requested under this section, the home or program shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate;

(2) If the home or program employed the individual in good faith on a conditional basis pursuant to division (C)(2) of this

section, the home or program shall not be found negligent solely because it employed the individual prior to receiving the report of a criminal records check requested under this section;

(3) If the home or program in good faith employed the individual according to the personal character standards established in rules adopted under division (F) of this section, the home or program shall not be found negligent solely because the individual prior to being employed had been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section.

(I)(1) The chief administrator of a home or adult day-care program is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant if the applicant has been referred to the home or program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and both of the following apply:

(a) The chief administrator receives from the employment service or the applicant a report of the results of a criminal records check regarding the applicant that has been conducted by the superintendent within the one-year period immediately preceding the applicant's referral;

(b) The report of the criminal records check demonstrates that the person has not been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section, or the report demonstrates that the person has been convicted of or pleaded guilty to one or more of those offenses, but the home or adult day-care program chooses to employ the individual pursuant to division (F) of this section.

(2) The chief administrator of a home or adult day-care

program is not required to request that the superintendent of the 74345
bureau of criminal identification and investigation conduct a 74346
criminal records check of an applicant and may employ the 74347
applicant conditionally as described in this division, if the 74348
applicant has been referred to the home or program by an 74349
employment service that supplies full-time, part-time, or 74350
temporary staff for positions involving the direct care of older 74351
adults and if the chief administrator receives from the employment 74352
service or the applicant a letter from the employment service that 74353
is on the letterhead of the employment service, dated, and signed 74354
by a supervisor or another designated official of the employment 74355
service and that states that the employment service has requested 74356
the superintendent to conduct a criminal records check regarding 74357
the applicant, that the requested criminal records check will 74358
include a determination of whether the applicant has been 74359
convicted of or pleaded guilty to any offense listed or described 74360
in division (C)(1) of this section, that, as of the date set forth 74361
on the letter, the employment service had not received the results 74362
of the criminal records check, and that, when the employment 74363
service receives the results of the criminal records check, it 74364
promptly will send a copy of the results to the home or adult 74365
day-care program. If a home or adult day-care program employs an 74366
applicant conditionally in accordance with this division, the 74367
employment service, upon its receipt of the results of the 74368
criminal records check, promptly shall send a copy of the results 74369
to the home or adult day-care program, and division (C)(2)(b) of 74370
this section applies regarding the conditional employment. 74371

Sec. 3721.13. (A) The rights of residents of a home shall 74372
include, but are not limited to, the following: 74373

(1) The right to a safe and clean living environment pursuant 74374
to the medicare and medicaid programs and applicable state laws 74375
and rules adopted by the director of health; 74376

- (2) The right to be free from physical, verbal, mental, and emotional abuse and to be treated at all times with courtesy, respect, and full recognition of dignity and individuality;
- (3) Upon admission and thereafter, the right to adequate and appropriate medical treatment and nursing care and to other ancillary services that comprise necessary and appropriate care consistent with the program for which the resident contracted. This care shall be provided without regard to considerations such as race, color, religion, national origin, age, or source of payment for care.
- (4) The right to have all reasonable requests and inquiries responded to promptly;
- (5) The right to have clothes and bed sheets changed as the need arises, to ensure the resident's comfort or sanitation;
- (6) The right to obtain from the home, upon request, the name and any specialty of any physician or other person responsible for the resident's care or for the coordination of care;
- (7) The right, upon request, to be assigned, within the capacity of the home to make the assignment, to the staff physician of the resident's choice, and the right, in accordance with the rules and written policies and procedures of the home, to select as the attending physician a physician who is not on the staff of the home. If the cost of a physician's services is to be met under a federally supported program, the physician shall meet the federal laws and regulations governing such services.
- (8) The right to participate in decisions that affect the resident's life, including the right to communicate with the physician and employees of the home in planning the resident's treatment or care and to obtain from the attending physician complete and current information concerning medical condition, prognosis, and treatment plan, in terms the resident can

reasonably be expected to understand; the right of access to all 74408
information in the resident's medical record; and the right to 74409
give or withhold informed consent for treatment after the 74410
consequences of that choice have been carefully explained. When 74411
the attending physician finds that it is not medically advisable 74412
to give the information to the resident, the information shall be 74413
made available to the resident's sponsor on the resident's behalf, 74414
if the sponsor has a legal interest or is authorized by the 74415
resident to receive the information. The home is not liable for a 74416
violation of this division if the violation is found to be the 74417
result of an act or omission on the part of a physician selected 74418
by the resident who is not otherwise affiliated with the home. 74419

(9) The right to withhold payment for physician visitation if 74420
the physician did not visit the resident; 74421

(10) The right to confidential treatment of personal and 74422
medical records, and the right to approve or refuse the release of 74423
these records to any individual outside the home, except in case 74424
of transfer to another home, hospital, or health care system, as 74425
required by law or rule, or as required by a third-party payment 74426
contract; 74427

(11) The right to privacy during medical examination or 74428
treatment and in the care of personal or bodily needs; 74429

(12) The right to refuse, without jeopardizing access to 74430
appropriate medical care, to serve as a medical research subject; 74431

(13) The right to be free from physical or chemical 74432
restraints or prolonged isolation except to the minimum extent 74433
necessary to protect the resident from injury to self, others, or 74434
to property and except as authorized in writing by the attending 74435
physician for a specified and limited period of time and 74436
documented in the resident's medical record. Prior to authorizing 74437
the use of a physical or chemical restraint on any resident, the 74438

attending physician shall make a personal examination of the 74439
resident and an individualized determination of the need to use 74440
the restraint on that resident. 74441

Physical or chemical restraints or isolation may be used in 74442
an emergency situation without authorization of the attending 74443
physician only to protect the resident from injury to self or 74444
others. Use of the physical or chemical restraints or isolation 74445
shall not be continued for more than twelve hours after the onset 74446
of the emergency without personal examination and authorization by 74447
the attending physician. The attending physician or a staff 74448
physician may authorize continued use of physical or chemical 74449
restraints for a period not to exceed thirty days, and at the end 74450
of this period and any subsequent period may extend the 74451
authorization for an additional period of not more than thirty 74452
days. The use of physical or chemical restraints shall not be 74453
continued without a personal examination of the resident and the 74454
written authorization of the attending physician stating the 74455
reasons for continuing the restraint. 74456

If physical or chemical restraints are used under this 74457
division, the home shall ensure that the restrained resident 74458
receives a proper diet. In no event shall physical or chemical 74459
restraints or isolation be used for punishment, incentive, or 74460
convenience. 74461

(14) The right to the pharmacist of the resident's choice and 74462
the right to receive pharmaceutical supplies and services at 74463
reasonable prices not exceeding applicable and normally accepted 74464
prices for comparably packaged pharmaceutical supplies and 74465
services within the community; 74466

(15) The right to exercise all civil rights, unless the 74467
resident has been adjudicated incompetent pursuant to Chapter 74468
2111. of the Revised Code and has not been restored to legal 74469
capacity, as well as the right to the cooperation of the home's 74470

administrator in making arrangements for the exercise of the right to vote; 74471
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(16) The right of access to opportunities that enable the resident, at the resident's own expense or at the expense of a third-party payer, to achieve the resident's fullest potential, including educational, vocational, social, recreational, and habilitation programs; 74473
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(17) The right to consume a reasonable amount of alcoholic beverages at the resident's own expense, unless not medically advisable as documented in the resident's medical record by the attending physician or unless contradictory to written admission policies; 74478
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(18) The right to use tobacco at the resident's own expense under the home's safety rules and under applicable laws and rules of the state, unless not medically advisable as documented in the resident's medical record by the attending physician or unless contradictory to written admission policies; 74483
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(19) The right to retire and rise in accordance with the resident's reasonable requests, if the resident does not disturb others or the posted meal schedules and upon the home's request remains in a supervised area, unless not medically advisable as documented by the attending physician; 74488
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(20) The right to observe religious obligations and participate in religious activities; the right to maintain individual and cultural identity; and the right to meet with and participate in activities of social and community groups at the resident's or the group's initiative; 74493
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(21) The right upon reasonable request to private and unrestricted communications with the resident's family, social worker, and any other person, unless not medically advisable as documented in the resident's medical record by the attending 74498
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physician, except that communications with public officials or 74502
with the resident's attorney or physician shall not be restricted. 74503
Private and unrestricted communications shall include, but are not 74504
limited to, the right to: 74505

- (a) Receive, send, and mail sealed, unopened correspondence; 74506
- (b) Reasonable access to a telephone for private 74507
communications; 74508
- (c) Private visits at any reasonable hour. 74509

(22) The right to assured privacy for visits by the spouse, 74510
or if both are residents of the same home, the right to share a 74511
room within the capacity of the home, unless not medically 74512
advisable as documented in the resident's medical record by the 74513
attending physician; 74514

(23) The right upon reasonable request to have room doors 74515
closed and to have them not opened without knocking, except in the 74516
case of an emergency or unless not medically advisable as 74517
documented in the resident's medical record by the attending 74518
physician; 74519

(24) The right to retain and use personal clothing and a 74520
reasonable amount of possessions, in a reasonably secure manner, 74521
unless to do so would infringe on the rights of other residents or 74522
would not be medically advisable as documented in the resident's 74523
medical record by the attending physician; 74524

(25) The right to be fully informed, prior to or at the time 74525
of admission and during the resident's stay, in writing, of the 74526
basic rate charged by the home, of services available in the home, 74527
and of any additional charges related to such services, including 74528
charges for services not covered under the medicare or medicaid 74529
program. The basic rate shall not be changed unless thirty days' 74530
notice is given to the resident or, if the resident is unable to 74531
understand this information, to the resident's sponsor. 74532

(26) The right of the resident and person paying for the care 74533
to examine and receive a bill at least monthly for the resident's 74534
care from the home that itemizes charges not included in the basic 74535
rates; 74536

(27)(a) The right to be free from financial exploitation; 74537

(b) The right to manage the resident's own personal financial 74538
affairs, or, if the resident has delegated this responsibility in 74539
writing to the home, to receive upon written request at least a 74540
quarterly accounting statement of financial transactions made on 74541
the resident's behalf. The statement shall include: 74542

(i) A complete record of all funds, personal property, or 74543
possessions of a resident from any source whatsoever, that have 74544
been deposited for safekeeping with the home for use by the 74545
resident or the resident's sponsor; 74546

(ii) A listing of all deposits and withdrawals transacted, 74547
which shall be substantiated by receipts which shall be available 74548
for inspection and copying by the resident or sponsor. 74549

(28) The right of the resident to be allowed unrestricted 74550
access to the resident's property on deposit at reasonable hours, 74551
unless requests for access to property on deposit are so 74552
persistent, continuous, and unreasonable that they constitute a 74553
nuisance; 74554

(29) The right to receive reasonable notice before the 74555
resident's room or roommate is changed, including an explanation 74556
of the reason for either change. 74557

(30) The right not to be transferred or discharged from the 74558
home unless the transfer is necessary because of one of the 74559
following: 74560

(a) The welfare and needs of the resident cannot be met in 74561
the home. 74562

(b) The resident's health has improved sufficiently so that the resident no longer needs the services provided by the home. 74563
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(c) The safety of individuals in the home is endangered. 74565

(d) The health of individuals in the home would otherwise be endangered. 74566
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(e) The resident has failed, after reasonable and appropriate notice, to pay or to have the medicare or medicaid program pay on the resident's behalf, for the care provided by the home. A resident shall not be considered to have failed to have the resident's care paid for if the resident has applied for medicaid, unless both of the following are the case: 74568
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(i) The resident's application, or a substantially similar previous application, has been denied ~~by the county department of job and family services.~~ 74574
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(ii) If the resident appealed the denial ~~pursuant to division (C) of section 5101.35 of the Revised Code, the director of job and family services has upheld~~ the denial was upheld. 74577
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(f) The home's license has been revoked, the home is being closed pursuant to section 3721.08, sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89, or section 5155.31 of the Revised Code, or the home otherwise ceases to operate. 74580
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(g) The resident is a recipient of medicaid, and the home's participation in the medicaid program is involuntarily terminated or denied. 74584
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(h) The resident is a beneficiary under the medicare program, and the home's participation in the medicare program is involuntarily terminated or denied. 74587
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(31) The right to voice grievances and recommend changes in policies and services to the home's staff, to employees of the department of health, or to other persons not associated with the 74590
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operation of the home, of the resident's choice, free from 74593
restraint, interference, coercion, discrimination, or reprisal. 74594
This right includes access to a residents' rights advocate, and 74595
the right to be a member of, to be active in, and to associate 74596
with persons who are active in organizations of relatives and 74597
friends of nursing home residents and other organizations engaged 74598
in assisting residents. 74599

(32) The right to have any significant change in the 74600
resident's health status reported to the resident's sponsor. As 74601
soon as such a change is known to the home's staff, the home shall 74602
make a reasonable effort to notify the sponsor within twelve 74603
hours. 74604

(B) A sponsor may act on a resident's behalf to assure that 74605
the home does not deny the residents' rights under sections 74606
3721.10 to 3721.17 of the Revised Code. 74607

(C) Any attempted waiver of the rights listed in division (A) 74608
of this section is void. 74609

Sec. 3721.14. To assist in the implementation of the rights 74610
granted in division (A) of section 3721.13 of the Revised Code, 74611
each home shall provide: 74612

(A) Appropriate staff training to implement each resident's 74613
rights under division (A) of section 3721.13 of the Revised Code, 74614
including, but not limited to, explaining: 74615

(1) The resident's rights and the staff's responsibility in 74616
the implementation of the rights; 74617

(2) The staff's obligation to provide all residents who have 74618
similar needs with comparable service. 74619

(B) Arrangements for a resident's needed ancillary services; 74620

(C) Protected areas outside the home for residents to enjoy 74621
outdoor activity, within the capacity of the facility, consistent 74622

with applicable laws and rules; 74623

(D) Adequate indoor space, which need not be dedicated to 74624
that purpose, for families of residents to meet privately with 74625
families of other residents; 74626

(E) Access to the following persons to enter the home during 74627
reasonable hours, except where such access would interfere with 74628
resident care or the privacy of residents: 74629

(1) Employees of the department of health, department of 74630
~~mental health~~ mental health and addiction services, department of 74631
developmental disabilities, department of aging, department of job 74632
and family services, and county departments of job and family 74633
services; 74634

(2) Prospective residents and their sponsors; 74635

(3) A resident's sponsors; 74636

(4) Residents' rights advocates; 74637

(5) A resident's attorney; 74638

(6) A minister, priest, rabbi, or other person ministering to 74639
a resident's religious needs. 74640

(F) In writing, a description of the home's grievance 74641
procedures. 74642

Sec. 3721.15. (A) Authorization from a resident or a sponsor 74643
with a power of attorney for a home to manage the resident's 74644
financial affairs shall be in writing and shall be attested to by 74645
a witness who is not connected in any manner whatsoever with the 74646
home or its administrator. The home shall maintain accounts 74647
pursuant to division (A)(27) of section 3721.13 of the Revised 74648
Code. Upon the resident's transfer, discharge, or death, the 74649
account shall be closed and a final accounting made. All remaining 74650
funds shall be returned to the resident or resident's sponsor, 74651

except in the case of death, when all remaining funds shall be 74652
transferred or used in accordance with section ~~5111.113~~ 5162.22 of 74653
the Revised Code. 74654

(B) A home that manages a resident's financial affairs shall 74655
deposit the resident's funds in excess of one ~~hundred~~ thousand 74656
dollars, and may deposit the resident's funds that are one ~~hundred~~ 74657
thousand dollars or less, in an interest-bearing account separate 74658
from any of the home's operating accounts. Interest earned on the 74659
resident's funds shall be credited to the resident's account. A 74660
resident's funds that are one ~~hundred~~ thousand dollars or less and 74661
have not been deposited in an interest-bearing account may be 74662
deposited in a noninterest-bearing account or petty cash fund. 74663

(C) Each resident whose financial affairs are managed by a 74664
home shall be promptly notified by the home when the total of the 74665
amount of funds in the resident's accounts and the petty cash fund 74666
plus other nonexempt resources reaches two hundred dollars less 74667
than the maximum amount permitted a recipient of medicaid. The 74668
notice shall include an explanation of the potential effect on the 74669
resident's eligibility for medicaid if the amount in the 74670
resident's accounts and the petty cash fund, plus the value of 74671
other nonexempt resources, exceeds the maximum assets a medicaid 74672
recipient may retain. 74673

(D) Each home that manages the financial affairs of residents 74674
shall purchase a surety bond or otherwise provide assurance 74675
satisfactory to the director of health, or, in the case of a home 74676
that participates in the medicaid program, to the medicaid 74677
director ~~of job and family services~~, to assure the security of all 74678
residents' funds managed by the home. 74679

Sec. 3721.16. For each resident of a home, notice of a 74680
proposed transfer or discharge shall be in accordance with this 74681
section. 74682

(A)(1) The administrator of a home shall notify a resident in writing, and the resident's sponsor in writing by certified mail, return receipt requested, in advance of any proposed transfer or discharge from the home. The administrator shall send a copy of the notice to the state department of health. The notice shall be provided at least thirty days in advance of the proposed transfer or discharge, unless any of the following applies:

(a) The resident's health has improved sufficiently to allow a more immediate discharge or transfer to a less skilled level of care;

(b) The resident has resided in the home less than thirty days;

(c) An emergency arises in which the safety of individuals in the home is endangered;

(d) An emergency arises in which the health of individuals in the home would otherwise be endangered;

(e) An emergency arises in which the resident's urgent medical needs necessitate a more immediate transfer or discharge.

In any of the circumstances described in divisions (A)(1)(a) to (e) of this section, the notice shall be provided as many days in advance of the proposed transfer or discharge as is practicable.

(2) The notice required under division (A)(1) of this section shall include all of the following:

(a) The reasons for the proposed transfer or discharge;

(b) The proposed date the resident is to be transferred or discharged;

(c) Subject to division (A)(3) of this section, a proposed location to which the resident may relocate and a notice that the resident and resident's sponsor may choose another location to

which the resident will relocate; 74713

(d) Notice of the right of the resident and the resident's 74714
sponsor to an impartial hearing at the home on the proposed 74715
transfer or discharge, and of the manner in which and the time 74716
within which the resident or sponsor may request a hearing 74717
pursuant to section 3721.161 of the Revised Code; 74718

(e) A statement that the resident will not be transferred or 74719
discharged before the date specified in the notice unless the home 74720
and the resident or, if the resident is not competent to make a 74721
decision, the home and the resident's sponsor, agree to an earlier 74722
date; 74723

(f) The address of the legal services office of the 74724
department of health; 74725

(g) The name, address, and telephone number of a 74726
representative of the state long-term care ~~ombudsperson~~ ombudsman 74727
program and, if the resident or patient has a developmental 74728
disability or mental illness, the name, address, and telephone 74729
number of the Ohio protection and advocacy system. 74730

(3) The proposed location to which a resident may relocate as 74731
specified pursuant to division (A)(2)(c) of this section in the 74732
proposed transfer or discharge notice shall be capable of meeting 74733
the resident's health-care and safety needs. The proposed location 74734
for relocation need not have accepted the resident at the time the 74735
notice is issued to the resident and resident's sponsor. 74736

(B) No home shall transfer or discharge a resident before the 74737
date specified in the notice required by division (A) of this 74738
section unless the home and the resident or, if the resident is 74739
not competent to make a decision, the home and the resident's 74740
sponsor, agree to an earlier date. 74741

(C) Transfer or discharge actions shall be documented in the 74742
resident's medical record by the home if there is a medical basis 74743

for the action. 74744

(D) A resident or resident's sponsor may challenge a transfer 74745
or discharge by requesting an impartial hearing pursuant to 74746
section 3721.161 of the Revised Code, unless the transfer or 74747
discharge is required because of one of the following reasons: 74748

(1) The home's license has been revoked under this chapter; 74749

(2) The home is being closed pursuant to section 3721.08, 74750
sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89, or section 5155.31 of 74751
the Revised Code; 74752

(3) The resident is a recipient of medicaid and the home's 74753
participation in the medicaid program has been involuntarily 74754
terminated or denied by the federal government; 74755

(4) The resident is a beneficiary under the medicare program 74756
and the home's certification under the medicare program has been 74757
involuntarily terminated or denied by the federal government. 74758

(E) If a resident is transferred or discharged pursuant to 74759
this section, the home from which the resident is being 74760
transferred or discharged shall provide the resident with adequate 74761
preparation prior to the transfer or discharge to ensure a safe 74762
and orderly transfer or discharge from the home, and the home or 74763
alternative setting to which the resident is to be transferred or 74764
discharged shall have accepted the resident for transfer or 74765
discharge. 74766

(F) At the time of a transfer or discharge of a resident who 74767
is a recipient of medicaid from a home to a hospital or for 74768
therapeutic leave, the home shall provide notice in writing to the 74769
resident and in writing by certified mail, return receipt 74770
requested, to the resident's sponsor, specifying the number of 74771
days, if any, during which the resident will be permitted under 74772
the medicaid program to return and resume residence in the home 74773
and specifying the medicaid program's coverage of the days during 74774

which the resident is absent from the home. An individual who is 74775
absent from a home for more than the number of days specified in 74776
the notice and continues to require the services provided by the 74777
facility shall be given priority for the first available bed in a 74778
semi-private room. 74779

Sec. 3721.17. (A) Any resident who believes that the 74780
resident's rights under sections 3721.10 to 3721.17 of the Revised 74781
Code have been violated may file a grievance under procedures 74782
adopted pursuant to division (A)(2) of section 3721.12 of the 74783
Revised Code. 74784

When the grievance committee determines a violation of 74785
sections 3721.10 to 3721.17 of the Revised Code has occurred, it 74786
shall notify the administrator of the home. If the violation 74787
cannot be corrected within ten days, or if ten days have elapsed 74788
without correction of the violation, the grievance committee shall 74789
refer the matter to the department of health. 74790

(B) Any person who believes that a resident's rights under 74791
sections 3721.10 to 3721.17 of the Revised Code have been violated 74792
may report or cause reports to be made of the information directly 74793
to the department of health. No person who files a report is 74794
liable for civil damages resulting from the report. 74795

(C)(1) Within thirty days of receiving a complaint under this 74796
section, the department of health shall investigate any complaint 74797
referred to it by a home's grievance committee and any complaint 74798
from any source that alleges that the home provided substantially 74799
less than adequate care or treatment, or substantially unsafe 74800
conditions, or, within seven days of receiving a complaint, refer 74801
it to the attorney general, if the attorney general agrees to 74802
investigate within thirty days. 74803

(2) Within thirty days of receiving a complaint under this 74804
section, the department of health may investigate any alleged 74805

violation of sections 3721.10 to 3721.17 of the Revised Code, or 74806
of rules, policies, or procedures adopted pursuant to those 74807
sections, not covered by division (C)(1) of this section, or it 74808
may, within seven days of receiving a complaint, refer the 74809
complaint to the grievance committee at the home where the alleged 74810
violation occurred, or to the attorney general if the attorney 74811
general agrees to investigate within thirty days. 74812

(D) If, after an investigation, the department of health 74813
finds probable cause to believe that a violation of sections 74814
3721.10 to 3721.17 of the Revised Code, or of rules, policies, or 74815
procedures adopted pursuant to those sections, has occurred at a 74816
home that is certified under the medicare or medicaid program, it 74817
shall cite one or more findings or deficiencies under sections 74818
~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. If the 74819
home is not so certified, the department shall hold an 74820
adjudicative hearing within thirty days under Chapter 119. of the 74821
Revised Code. 74822

(E) Upon a finding at an adjudicative hearing under division 74823
(D) of this section that a violation of sections 3721.10 to 74824
3721.17 of the Revised Code, or of rules, policies, or procedures 74825
adopted pursuant thereto, has occurred, the department of health 74826
shall make an order for compliance, set a reasonable time for 74827
compliance, and assess a fine pursuant to division (F) of this 74828
section. The fine shall be paid to the general revenue fund only 74829
if compliance with the order is not shown to have been made within 74830
the reasonable time set in the order. The department of health may 74831
issue an order prohibiting the continuation of any violation of 74832
sections 3721.10 to 3721.17 of the Revised Code. 74833

Findings at the hearings conducted under this section may be 74834
appealed pursuant to Chapter 119. of the Revised Code, except that 74835
an appeal may be made to the court of common pleas of the county 74836
in which the home is located. 74837

The department of health shall initiate proceedings in court 74838
to collect any fine assessed under this section that is unpaid 74839
thirty days after the violator's final appeal is exhausted. 74840

(F) Any home found, pursuant to an adjudication hearing under 74841
division (D) of this section, to have violated sections 3721.10 to 74842
3721.17 of the Revised Code, or rules, policies, or procedures 74843
adopted pursuant to those sections may be fined not less than one 74844
hundred nor more than five hundred dollars for a first offense. 74845
For each subsequent offense, the home may be fined not less than 74846
two hundred nor more than one thousand dollars. 74847

A violation of sections 3721.10 to 3721.17 of the Revised 74848
Code is a separate offense for each day of the violation and for 74849
each resident who claims the violation. 74850

(G) No home or employee of a home shall retaliate against any 74851
person who: 74852

(1) Exercises any right set forth in sections 3721.10 to 74853
3721.17 of the Revised Code, including, but not limited to, filing 74854
a complaint with the home's grievance committee or reporting an 74855
alleged violation to the department of health; 74856

(2) Appears as a witness in any hearing conducted under this 74857
section or section 3721.162 of the Revised Code; 74858

(3) Files a civil action alleging a violation of sections 74859
3721.10 to 3721.17 of the Revised Code, or notifies a county 74860
prosecuting attorney or the attorney general of a possible 74861
violation of sections 3721.10 to 3721.17 of the Revised Code. 74862

If, under the procedures outlined in this section, a home or 74863
its employee is found to have retaliated, the violator may be 74864
fined up to one thousand dollars. 74865

(H) When legal action is indicated, any evidence of criminal 74866
activity found in an investigation under division (C) of this 74867

section shall be given to the prosecuting attorney in the county 74868
in which the home is located for investigation. 74869

(I)(1)(a) Any resident whose rights under sections 3721.10 to 74870
3721.17 of the Revised Code are violated has a cause of action 74871
against any person or home committing the violation. 74872

(b) An action under division (I)(1)(a) of this section may be 74873
commenced by the resident or by the resident's legal guardian or 74874
other legally authorized representative on behalf of the resident 74875
or the resident's estate. If the resident or the resident's legal 74876
guardian or other legally authorized representative is unable to 74877
commence an action under that division on behalf of the resident, 74878
the following persons in the following order of priority have the 74879
right to and may commence an action under that division on behalf 74880
of the resident or the resident's estate: 74881

(i) The resident's spouse; 74882

(ii) The resident's parent or adult child; 74883

(iii) The resident's guardian if the resident is a minor 74884
child; 74885

(iv) The resident's brother or sister; 74886

(v) The resident's niece, nephew, aunt, or uncle. 74887

(c) Notwithstanding any law as to priority of persons 74888
entitled to commence an action, if more than one eligible person 74889
within the same level of priority seeks to commence an action on 74890
behalf of a resident or the resident's estate, the court shall 74891
determine, in the best interest of the resident or the resident's 74892
estate, the individual to commence the action. A court's 74893
determination under this division as to the person to commence an 74894
action on behalf of a resident or the resident's estate shall bar 74895
another person from commencing the action on behalf of the 74896
resident or the resident's estate. 74897

(d) The result of an action commenced pursuant to division 74898
(I)(1)(a) of this section by a person authorized under division 74899
(I)(1)(b) of this section shall bind the resident or the 74900
resident's estate that is the subject of the action. 74901

(e) A cause of action under division (I)(1)(a) of this 74902
section shall accrue, and the statute of limitations applicable to 74903
that cause of action shall begin to run, based upon the violation 74904
of a resident's rights under sections 3721.10 to 3721.17 of the 74905
Revised Code, regardless of the party commencing the action on 74906
behalf of the resident or the resident's estate as authorized 74907
under divisions (I)(1)(b) and (c) of this section. 74908

(2)(a) The plaintiff in an action filed under division (I)(1) 74909
of this section may obtain injunctive relief against the violation 74910
of the resident's rights. The plaintiff also may recover 74911
compensatory damages based upon a showing, by a preponderance of 74912
the evidence, that the violation of the resident's rights resulted 74913
from a negligent act or omission of the person or home and that 74914
the violation was the proximate cause of the resident's injury, 74915
death, or loss to person or property. 74916

(b) If compensatory damages are awarded for a violation of 74917
the resident's rights, section 2315.21 of the Revised Code shall 74918
apply to an award of punitive or exemplary damages for the 74919
violation. 74920

(c) The court, in a case in which only injunctive relief is 74921
granted, may award to the prevailing party reasonable attorney's 74922
fees limited to the work reasonably performed. 74923

(3) Division (I)(2) (b) of this section shall be considered 74924
to be purely remedial in operation and shall be applied in a 74925
remedial manner in any civil action in which this section is 74926
relevant, whether the action is pending in court or commenced on 74927
or after July 9, 1998. 74928

(4) Within thirty days after the filing of a complaint in an action for damages brought against a home under division (I)(1)(a) of this section by or on behalf of a resident or former resident of the home, the plaintiff or plaintiff's counsel shall send written notice of the filing of the complaint to the department of ~~job and family services~~ medicaid if the department has a right of recovery under section ~~5101.58~~ 5160.37 of the Revised Code against the liability of the home for the cost of ~~medical~~ medicaid services ~~and care~~ arising out of injury, disease, or disability of the resident or former resident.

Sec. 3721.19. (A) As used in this section:

(1) "Home" and "residential care facility" have the same meanings as in section 3721.01 of the Revised Code;

(2) "Provider agreement" has the same meaning as in section 5165.01 of the Revised Code.

(3) "Sponsor" and "residents' rights advocate" have the same meanings as in section 3721.10 of the Revised Code.

A home licensed under this chapter that is not a party to a provider agreement, ~~as defined in section 5111.20 of the Revised Code,~~ shall provide each prospective resident, before admission, with the following information, orally and in a separate written notice on which is printed in a conspicuous manner: "This home is not a participant in the ~~medical assistance~~ medicaid program administered by the Ohio department of ~~job and family services~~ medicaid. Consequently, you may be discharged from this home if you are unable to pay for the services provided by this home."

If the prospective resident has a sponsor whose identity is made known to the home, the home shall also inform the sponsor, before admission of the resident, of the home's status relative to the ~~medical assistance~~ medicaid program. Written acknowledgement

of the receipt of the information shall be provided by the 74959
resident and, if the prospective resident has a sponsor who has 74960
been identified to the home, by the sponsor. The written 74961
acknowledgement shall be made part of the resident's record by the 74962
home. 74963

No home shall terminate its ~~status as a provider under the~~ 74964
~~medicaid program agreement~~ unless it has complied with section 74965
~~5111.66~~ 5165.50 of the Revised Code and, at least ninety days 74966
prior to such termination, provided written notice to the 74967
residents of the home and their sponsors of such action. This 74968
requirement shall not apply in cases where the department of ~~job~~ 74969
~~and family services~~ medicaid terminates a home's provider 74970
agreement or provider status. 74971

(B) A home licensed under this chapter as a residential care 74972
facility shall provide notice to each prospective resident or the 74973
individual's sponsor of the services offered by the facility and 74974
the types of skilled nursing care that the facility may provide. A 74975
residential care facility that, pursuant to section 3721.012 of 74976
the Revised Code, has a policy of entering into risk agreements 74977
with residents or their sponsors shall provide each prospective 74978
resident or the individual's sponsor a written explanation of the 74979
policy and the provisions that may be contained in a risk 74980
agreement. At the time the information is provided, the facility 74981
shall obtain a statement signed by the individual receiving the 74982
information acknowledging that the individual received the 74983
information. The facility shall maintain on file the individual's 74984
signed statement. 74985

(C) A resident has a cause of action against a home for 74986
breach of any duty imposed by this section. The action may be 74987
commenced by the resident, or on the resident's behalf by the 74988
resident's sponsor or a residents' rights advocate, by the filing 74989
of a civil action in the court of common pleas of the county in 74990

which the home is located, or in the court of common pleas of Franklin county.

If the court finds that a breach of any duty imposed by this section has occurred, the court shall enjoin the home from discharging the resident from the home until arrangements satisfactory to the court are made for the orderly transfer of the resident to another mode of health care including, but not limited to, another home, and may award the resident and a person or public agency that brings an action on behalf of a resident reasonable attorney's fees. If a home discharges a resident to whom or to whose sponsor information concerning its status relative to the ~~medical assistance~~ medicaid program was not provided as required under this section, the court shall grant any appropriate relief including, but not limited to, actual damages, reasonable attorney's fees, and costs.

Sec. 3727.01. (A) As used in this section, "health maintenance organization" means a public or private organization organized under the law of any state that is qualified under section 1310(d) of Title XIII of the "Public Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9, or that does all of the following:

(1) Provides or otherwise makes available to enrolled participants health care services including at least the following basic health care services: usual physician services, hospitalization, laboratory, x-ray, emergency and preventive service, and out-of-area coverage;

(2) Is compensated, except for copayments, for the provision of basic health care services to enrolled participants by a payment that is paid on a periodic basis without regard to the date the health care services are provided and that is fixed without regard to the frequency, extent, or kind of health service

actually provided; 75022

(3) Provides physician services primarily in either of the 75023
following ways: 75024

(a) Directly through physicians who are either employees or 75025
partners of the organization; 75026

(b) Through arrangements with individual physicians or one or 75027
more groups of physicians organized on a group-practice or 75028
individual-practice basis. 75029

(B) As used in this chapter: 75030

(1) "Children's hospital" means any of the following: 75031

(a) A hospital registered under section 3701.07 of the 75032
Revised Code that provides general pediatric medical and surgical 75033
care, and in which at least seventy-five per cent of annual 75034
inpatient discharges for the preceding two calendar years were 75035
individuals less than eighteen years of age; 75036

(b) A distinct portion of a hospital registered under section 75037
3701.07 of the Revised Code that provides general pediatric 75038
medical and surgical care, has a total of at least one hundred 75039
fifty registered pediatric special care and pediatric acute care 75040
beds, and in which at least seventy-five per cent of annual 75041
inpatient discharges for the preceding two calendar years were 75042
individuals less than eighteen years of age; 75043

(c) A distinct portion of a hospital, if the hospital is 75044
registered under section 3701.07 of the Revised Code as a 75045
children's hospital and the children's hospital meets all the 75046
requirements of division (B)(1)(a) of this section. 75047

(2) "Hospital" means an institution classified as a hospital 75048
under section 3701.07 of the Revised Code in which are provided to 75049
inpatients diagnostic, medical, surgical, obstetrical, 75050
psychiatric, or rehabilitation care for a continuous period longer 75051

than twenty-four hours or a hospital operated by a health 75052
maintenance organization. "Hospital" does not include a facility 75053
licensed under Chapter 3721. of the Revised Code, a health care 75054
facility operated by the department of ~~mental health~~ mental health 75055
and addiction services or the department of developmental 75056
disabilities, a health maintenance organization that does not 75057
operate a hospital, the office of any private licensed health care 75058
professional, whether organized for individual or group practice, 75059
or a clinic that provides ambulatory patient services and where 75060
patients are not regularly admitted as inpatients. "Hospital" also 75061
does not include an institution for the sick that is operated 75062
exclusively for patients who use spiritual means for healing and 75063
for whom the acceptance of medical care is inconsistent with their 75064
religious beliefs, accredited by a national accrediting 75065
organization, exempt from federal income taxation under section 75066
501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 75067
U.S.C.A. 1, as amended, and providing twenty-four hour nursing 75068
care pursuant to the exemption in division (E) of section 4723.32 75069
of the Revised Code from the licensing requirements of Chapter 75070
4723. of the Revised Code. 75071

(3) "Joint commission" means the commission formerly known as 75072
the joint commission on accreditation of healthcare organizations 75073
or the joint commission on accreditation of hospitals. 75074

Sec. 3734.01. As used in this chapter: 75075

(A) "Board of health" means the board of health of a city or 75076
general health district or the authority having the duties of a 75077
board of health in any city as authorized by section 3709.05 of 75078
the Revised Code. 75079

(B) "Director" means the director of environmental 75080
protection. 75081

(C) "Health district" means a city or general health district 75082

as created by or under authority of Chapter 3709. of the Revised Code. 75083
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(D) "Agency" means the environmental protection agency. 75085

(E) "Solid wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. "Solid wastes" does not include any material that is an infectious waste or a hazardous waste. 75086
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(F) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid wastes or hazardous waste into or on any land or ground or surface water or into the air, except if the disposition or placement constitutes storage or treatment or, if the solid wastes consist of scrap tires, the disposition or placement constitutes a beneficial use or occurs at a scrap tire recovery facility licensed under section 3734.81 of the Revised Code. 75101
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(G) "Person" includes the state, any political subdivision and other state or local body, the United States and any agency or instrumentality thereof, and any legal entity defined as a person under section 1.59 of the Revised Code. 75109
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(H) "Open burning" means the burning of solid wastes in an 75113

open area or burning of solid wastes in a type of chamber or 75114
vessel that is not approved or authorized in rules adopted by the 75115
director under section 3734.02 of the Revised Code or, if the 75116
solid wastes consist of scrap tires, in rules adopted under 75117
division (V) of this section or section 3734.73 of the Revised 75118
Code, or the burning of treated or untreated infectious wastes in 75119
an open area or in a type of chamber or vessel that is not 75120
approved in rules adopted by the director under section 3734.021 75121
of the Revised Code. 75122

(I) "Open dumping" means the depositing of solid wastes into 75123
a body or stream of water or onto the surface of the ground at a 75124
site that is not licensed as a solid waste facility under section 75125
3734.05 of the Revised Code or, if the solid wastes consist of 75126
scrap tires, as a scrap tire collection, storage, monocell, 75127
monofill, or recovery facility under section 3734.81 of the 75128
Revised Code; the depositing of solid wastes that consist of scrap 75129
tires onto the surface of the ground at a site or in a manner not 75130
specifically identified in divisions (C)(2) to (5), (7), or (10) 75131
of section 3734.85 of the Revised Code; the depositing of 75132
untreated infectious wastes into a body or stream of water or onto 75133
the surface of the ground; or the depositing of treated infectious 75134
wastes into a body or stream of water or onto the surface of the 75135
ground at a site that is not licensed as a solid waste facility 75136
under section 3734.05 of the Revised Code. 75137

(J) "Hazardous waste" means any waste or combination of 75138
wastes in solid, liquid, semisolid, or contained gaseous form that 75139
in the determination of the director, because of its quantity, 75140
concentration, or physical or chemical characteristics, may do 75141
either of the following: 75142

(1) Cause or significantly contribute to an increase in 75143
mortality or an increase in serious irreversible or incapacitating 75144
reversible illness; 75145

(2) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

"Hazardous waste" includes any substance identified by regulation as hazardous waste under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and does not include any substance that is subject to the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as amended.

(K) "Treat" or "treatment," when used in connection with hazardous waste, means any method, technique, or process designed to change the physical, chemical, or biological characteristics or composition of any hazardous waste; to neutralize the waste; to recover energy or material resources from the waste; to render the waste nonhazardous or less hazardous, safer to transport, store, or dispose of, or amenable for recovery, storage, further treatment, or disposal; or to reduce the volume of the waste. When used in connection with infectious wastes, "treat" or "treatment" means any method, technique, or process that renders the wastes noninfectious so that it is no longer an infectious waste and is no longer an infectious substance as defined in applicable federal law, including, without limitation, steam sterilization and incineration, and, in the instance of wastes identified in division (R)(7) of this section, to substantially reduce or eliminate the potential for the wastes to cause lacerations or puncture wounds.

(L) "Manifest" means the form used for identifying the quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage.

(M) "Storage," when used in connection with hazardous waste, means the holding of hazardous waste for a temporary period in

such a manner that it remains retrievable and substantially 75178
unchanged physically and chemically and, at the end of the period, 75179
is treated; disposed of; stored elsewhere; or reused, recycled, or 75180
reclaimed in a beneficial manner. When used in connection with 75181
solid wastes that consist of scrap tires, "storage" means the 75182
holding of scrap tires for a temporary period in such a manner 75183
that they remain retrievable and, at the end of that period, are 75184
beneficially used; stored elsewhere; placed in a scrap tire 75185
monocell or monofill facility licensed under section 3734.81 of 75186
the Revised Code; processed at a scrap tire recovery facility 75187
licensed under that section or a solid waste incineration or 75188
energy recovery facility subject to regulation under this chapter; 75189
or transported to a scrap tire monocell, monofill, or recovery 75190
facility, any other solid waste facility authorized to dispose of 75191
scrap tires, or a facility that will beneficially use the scrap 75192
tires, that is located in another state and is operating in 75193
compliance with the laws of the state in which the facility is 75194
located. 75195

(N) "Facility" means any site, location, tract of land, 75196
installation, or building used for incineration, composting, 75197
sanitary landfilling, or other methods of disposal of solid wastes 75198
or, if the solid wastes consist of scrap tires, for the 75199
collection, storage, or processing of the solid wastes; for the 75200
transfer of solid wastes; for the treatment of infectious wastes; 75201
or for the storage, treatment, or disposal of hazardous waste. 75202

(O) "Closure" means the time at which a hazardous waste 75203
facility will no longer accept hazardous waste for treatment, 75204
storage, or disposal, the time at which a solid waste facility 75205
will no longer accept solid wastes for transfer or disposal or, if 75206
the solid wastes consist of scrap tires, for storage or 75207
processing, or the effective date of an order revoking the permit 75208
for a hazardous waste facility or the registration certificate, 75209

permit, or license for a solid waste facility, as applicable. 75210

"Closure" includes measures performed to protect public health or 75211
safety, to prevent air or water pollution, or to make the facility 75212
suitable for other uses, if any, including, but not limited to, 75213
the removal of processing residues resulting from solid wastes 75214
that consist of scrap tires; the establishment and maintenance of 75215
a suitable cover of soil and vegetation over cells in which 75216
hazardous waste or solid wastes are buried; minimization of 75217
erosion, the infiltration of surface water into such cells, the 75218
production of leachate, and the accumulation and runoff of 75219
contaminated surface water; the final construction of facilities 75220
for the collection and treatment of leachate and contaminated 75221
surface water runoff, except as otherwise provided in this 75222
division; the final construction of air and water quality 75223
monitoring facilities, except as otherwise provided in this 75224
division; the final construction of methane gas extraction and 75225
treatment systems; or the removal and proper disposal of hazardous 75226
waste or solid wastes from a facility when necessary to protect 75227
public health or safety or to abate or prevent air or water 75228
pollution. With regard to a solid waste facility that is a scrap 75229
tire facility, "closure" includes the final construction of 75230
facilities for the collection and treatment of leachate and 75231
contaminated surface water runoff and the final construction of 75232
air and water quality monitoring facilities only if those actions 75233
are determined to be necessary. 75234

(P) "Premises" means either of the following: 75235

(1) Geographically contiguous property owned by a generator; 75236

(2) Noncontiguous property that is owned by a generator and 75237
connected by a right-of-way that the generator controls and to 75238
which the public does not have access. Two or more pieces of 75239
property that are geographically contiguous and divided by public 75240
or private right-of-way or rights-of-way are a single premises. 75241

(Q) "Post-closure" means that period of time following 75242
closure during which a hazardous waste facility is required to be 75243
monitored and maintained under this chapter and rules adopted 75244
under it, including, without limitation, operation and maintenance 75245
of methane gas extraction and treatment systems, or the period of 75246
time after closure during which a scrap tire monocell or monofill 75247
facility licensed under section 3734.81 of the Revised Code is 75248
required to be monitored and maintained under this chapter and 75249
rules adopted under it. 75250

(R) "Infectious wastes" means any wastes or combination of 75251
wastes that include cultures and stocks of infectious agents and 75252
associated biologicals, human blood and blood products, and 75253
substances that were or are likely to have been exposed to or 75254
contaminated with or are likely to transmit an infectious agent or 75255
zoonotic agent, including all of the following: 75256

(1) Laboratory wastes; 75257

(2) Pathological wastes; 75258

(3) Animal blood and blood products; 75259

(4) Animal carcasses and parts; 75260

(5) Waste materials from the rooms of humans, or the 75261
enclosures of animals, that have been isolated because of 75262
diagnosed communicable disease that are likely to transmit 75263
infectious agents. Such waste materials from the rooms of humans 75264
do not include any wastes of patients who have been placed on 75265
blood and body fluid precautions under the universal precaution 75266
system established by the centers for disease control in the 75267
public health service of the United States department of health 75268
and human services, except to the extent specific wastes generated 75269
under the universal precautions system have been identified as 75270
infectious wastes by rules adopted under division (R)(7) of this 75271
section. 75272

(6) Sharp wastes used in the treatment, diagnosis, or inoculation of human beings or animals; 75273
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(7) Any other waste materials generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, that the director of health, by rules adopted in accordance with Chapter 119. of the Revised Code, identifies as infectious wastes after determining that the wastes present a substantial threat to human health when improperly managed because they are contaminated with, or are likely to be contaminated with, infectious agents. 75275
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As used in this division, "blood products" does not include patient care waste such as bandages or disposable gowns that are lightly soiled with blood or other body fluids unless those wastes are soiled to the extent that the generator of the wastes determines that they should be managed as infectious wastes. 75284
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(S) "Infectious agent" means a type of microorganism, pathogen, virus, or proteinaceous infectious particle that can cause or significantly contribute to disease in or death of human beings. 75289
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(T) "Zoonotic agent" means a type of microorganism, pathogen, or virus that causes disease in vertebrate animals, is transmissible to human beings, and can cause or significantly contribute to disease in or death of human beings. 75293
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(U) "Solid waste transfer facility" means any site, location, tract of land, installation, or building that is used or intended to be used primarily for the purpose of transferring solid wastes that were generated off the premises of the facility from vehicles or containers into other vehicles for transportation to a solid waste disposal facility. "Solid waste transfer facility" does not include any facility that consists solely of portable containers 75297
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that have an aggregate volume of fifty cubic yards or less nor any 75304
facility where legitimate recycling activities are conducted. 75305

(V) "Beneficially use" means: 75306

(1) With regard to scrap tires, to use a scrap tire in a 75307
manner that results in a commodity for sale or exchange or in any 75308
other manner authorized as a beneficial use in rules adopted by 75309
the director in accordance with Chapter 119. of the Revised Code; 75310

(2) With regard to material from a horizontal well that has 75311
come in contact with a refined oil-based substance and that is not 75312
technologically enhanced naturally occurring radioactive material, 75313
to use the material in any manner authorized as a beneficial use 75314
in rules adopted by the director under section 3734.125 of the 75315
Revised Code. 75316

(W) "Commercial car," "commercial tractor," "farm machinery," 75317
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 75318
the same meanings as in section 4501.01 of the Revised Code. 75319

(X) "Construction equipment" means road rollers, traction 75320
engines, power shovels, power cranes, and other equipment used in 75321
construction work, or in mining or producing or processing 75322
aggregates, and not designed for or used in general highway 75323
transportation. 75324

(Y) "Motor vehicle salvage dealer" has the same meaning as in 75325
section 4738.01 of the Revised Code. 75326

(Z) "Scrap tire" means an unwanted or discarded tire. 75327

(AA) "Scrap tire collection facility" means any facility that 75328
meets all of the following qualifications: 75329

(1) The facility is used for the receipt and storage of whole 75330
scrap tires from the public prior to their transportation to a 75331
scrap tire storage, monocell, monofill, or recovery facility 75332
licensed under section 3734.81 of the Revised Code; a solid waste 75333

incineration or energy recovery facility subject to regulation 75334
under this chapter; a premises within the state where the scrap 75335
tires will be beneficially used; or a scrap tire storage, 75336
monocell, monofill, or recovery facility, any other solid waste 75337
disposal facility authorized to dispose of scrap tires, or a 75338
facility that will beneficially use the scrap tires, that is 75339
located in another state, and that is operating in compliance with 75340
the laws of the state in which the facility is located. 75341

(2) The facility exclusively stores scrap tires in portable 75342
containers. 75343

(3) The aggregate storage of the portable containers in which 75344
the scrap tires are stored does not exceed five thousand cubic 75345
feet. 75346

(BB) "Scrap tire monocell facility" means an individual site 75347
within a solid waste landfill that is used exclusively for the 75348
environmentally sound storage or disposal of whole scrap tires or 75349
scrap tires that have been shredded, chipped, or otherwise 75350
mechanically processed. 75351

(CC) "Scrap tire monofill facility" means an engineered 75352
facility used or intended to be used exclusively for the storage 75353
or disposal of scrap tires, including at least facilities for the 75354
submergence of whole scrap tires in a body of water. 75355

(DD) "Scrap tire recovery facility" means any facility, or 75356
portion thereof, for the processing of scrap tires for the purpose 75357
of extracting or producing usable products, materials, or energy 75358
from the scrap tires through a controlled combustion process, 75359
mechanical process, or chemical process. "Scrap tire recovery 75360
facility" includes any facility that uses the controlled 75361
combustion of scrap tires in a manufacturing process to produce 75362
process heat or steam or any facility that produces usable heat or 75363
electric power through the controlled combustion of scrap tires in 75364

combination with another fuel, but does not include any solid waste incineration or energy recovery facility that is designed, constructed, and used for the primary purpose of incinerating mixed municipal solid wastes and that burns scrap tires in conjunction with mixed municipal solid wastes, or any tire retreading business, tire manufacturing finishing center, or tire adjustment center having on the premises of the business a single, covered scrap tire storage area at which not more than four thousand scrap tires are stored.

(EE) "Scrap tire storage facility" means any facility where whole scrap tires are stored prior to their transportation to a scrap tire monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code; a solid waste incineration or energy recovery facility subject to regulation under this chapter; a premises within the state where the scrap tires will be beneficially used; or a scrap tire storage, monocell, monofill, or recovery facility, any other solid waste disposal facility authorized to dispose of scrap tires, or a facility that will beneficially use the scrap tires, that is located in another state, and that is operating in compliance with the laws of the state in which the facility is located.

(FF) "Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and, as a result of that use, is contaminated by physical or chemical impurities. "Used oil" includes only those substances identified as used oil by the United States environmental protection agency under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 U.S.C.A. 6901a, as amended.

(GG) "Accumulated speculatively" has the same meaning as in rules adopted by the director under section 3734.12 of the Revised Code.

(HH) "Horizontal well" has the same meaning as in section

1509.01 of the Revised Code. 75397

(II) "Technologically enhanced naturally occurring
radioactive material" has the same meaning as in section 3748.01
of the Revised Code. 75398
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Sec. 3734.02. (A) The director of environmental protection, 75401
in accordance with Chapter 119. of the Revised Code, shall adopt 75402
and may amend, suspend, or rescind rules having uniform 75403
application throughout the state governing solid waste facilities 75404
and the inspections of and issuance of permits and licenses for 75405
all solid waste facilities in order to ensure that the facilities 75406
will be located, maintained, and operated, and will undergo 75407
closure and post-closure care, in a sanitary manner so as not to 75408
create a nuisance, cause or contribute to water pollution, create 75409
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 75410
257.3-8, as amended. The rules may include, without limitation, 75411
financial assurance requirements for closure and post-closure care 75412
and corrective action and requirements for taking corrective 75413
action in the event of the surface or subsurface discharge or 75414
migration of explosive gases or leachate from a solid waste 75415
facility, or of ground water contamination resulting from the 75416
transfer or disposal of solid wastes at a facility, beyond the 75417
boundaries of any area within a facility that is operating or is 75418
undergoing closure or post-closure care where solid wastes were 75419
disposed of or are being disposed of. The rules shall not concern 75420
or relate to personnel policies, salaries, wages, fringe benefits, 75421
or other conditions of employment of employees of persons owning 75422
or operating solid waste facilities. The director, in accordance 75423
with Chapter 119. of the Revised Code, shall adopt and may amend, 75424
suspend, or rescind rules governing the issuance, modification, 75425
revocation, suspension, or denial of variances from the director's 75426
solid waste rules, including, without limitation, rules adopted 75427
under this chapter governing the management of scrap tires. 75428

Variances shall be issued, modified, revoked, suspended, or 75429
rescinded in accordance with this division, rules adopted under 75430
it, and Chapter 3745. of the Revised Code. The director may order 75431
the person to whom a variance is issued to take such action within 75432
such time as the director may determine to be appropriate and 75433
reasonable to prevent the creation of a nuisance or a hazard to 75434
the public health or safety or the environment. Applications for 75435
variances shall contain such detail plans, specifications, and 75436
information regarding objectives, procedures, controls, and other 75437
pertinent data as the director may require. The director shall 75438
grant a variance only if the applicant demonstrates to the 75439
director's satisfaction that construction and operation of the 75440
solid waste facility in the manner allowed by the variance and any 75441
terms or conditions imposed as part of the variance will not 75442
create a nuisance or a hazard to the public health or safety or 75443
the environment. In granting any variance, the director shall 75444
state the specific provision or provisions whose terms are to be 75445
varied and also shall state specific terms or conditions imposed 75446
upon the applicant in place of the provision or provisions. The 75447
director may hold a public hearing on an application for a 75448
variance or renewal of a variance at a location in the county 75449
where the operations that are the subject of the application for 75450
the variance are conducted. The director shall give not less than 75451
twenty days' notice of the hearing to the applicant by certified 75452
mail or by another type of mail accompanied by a receipt and shall 75453
publish at least one notice of the hearing in a newspaper with 75454
general circulation in the county where the hearing is to be held. 75455
The director shall make available for public inspection at the 75456
principal office of the environmental protection agency a current 75457
list of pending applications for variances and a current schedule 75458
of pending variance hearings. The director shall make a complete 75459
stenographic record of testimony and other evidence submitted at 75460
the hearing. Within ten days after the hearing, the director shall 75461

make a written determination to issue, renew, or deny the variance 75462
and shall enter the determination and the basis for it into the 75463
record of the hearing. The director shall issue, renew, or deny an 75464
application for a variance or renewal of a variance within six 75465
months of the date upon which the director receives a complete 75466
application with all pertinent information and data required. No 75467
variance shall be issued, revoked, modified, or denied until the 75468
director has considered the relative interests of the applicant, 75469
other persons and property affected by the variance, and the 75470
general public. Any variance granted under this division shall be 75471
for a period specified by the director and may be renewed from 75472
time to time on such terms and for such periods as the director 75473
determines to be appropriate. No application shall be denied and 75474
no variance shall be revoked or modified without a written order 75475
stating the findings upon which the denial, revocation, or 75476
modification is based. A copy of the order shall be sent to the 75477
applicant or variance holder by certified mail or by another type 75478
of mail accompanied by a receipt. 75479

(B) The director shall prescribe and furnish the forms 75480
necessary to administer and enforce this chapter. The director may 75481
cooperate with and enter into agreements with other state, local, 75482
or federal agencies to carry out the purposes of this chapter. The 75483
director may exercise all incidental powers necessary to carry out 75484
the purposes of this chapter. 75485

The director may use moneys in the infectious waste 75486
management fund created in section 3734.021 of the Revised Code 75487
exclusively for administering and enforcing the provisions of this 75488
chapter governing the management of infectious wastes. 75489

(C) Except as provided in this division and divisions (N)(2) 75490
and (3) of this section, no person shall establish a new solid 75491
waste facility or infectious waste treatment facility, or modify 75492
an existing solid waste facility or infectious waste treatment 75493

facility, without submitting an application for a permit with 75494
accompanying detail plans, specifications, and information 75495
regarding the facility and method of operation and receiving a 75496
permit issued by the director, except that no permit shall be 75497
required under this division to install or operate a solid waste 75498
facility for sewage sludge treatment or disposal when the 75499
treatment or disposal is authorized by a current permit issued 75500
under Chapter 3704. or 6111. of the Revised Code. 75501

No person shall continue to operate a solid waste facility 75502
for which the director has denied a permit for which an 75503
application was required under division (A)(3) of section 3734.05 75504
of the Revised Code, or for which the director has disapproved 75505
plans and specifications required to be filed by an order issued 75506
under division (A)(5) of that section, after the date prescribed 75507
for commencement of closure of the facility in the order issued 75508
under division (A)(6) of section 3734.05 of the Revised Code 75509
denying the permit application or approval. 75510

On and after the effective date of the rules adopted under 75511
division (A) of this section and division (D) of section 3734.12 75512
of the Revised Code governing solid waste transfer facilities, no 75513
person shall establish a new, or modify an existing, solid waste 75514
transfer facility without first submitting an application for a 75515
permit with accompanying engineering detail plans, specifications, 75516
and information regarding the facility and its method of operation 75517
to the director and receiving a permit issued by the director. 75518

No person shall establish a new compost facility or continue 75519
to operate an existing compost facility that accepts exclusively 75520
source separated yard wastes without submitting a completed 75521
registration for the facility to the director in accordance with 75522
rules adopted under divisions (A) and (N)(3) of this section. 75523

This division does not apply to a generator of infectious 75524
wastes that does any of the following: 75525

(1) Treats, by methods, techniques, and practices established 75526
by rules adopted under division (B)(2)(a) of section 3734.021 of 75527
the Revised Code, any of the following: 75528

(a) Infectious wastes that are generated on any premises that 75529
are owned or operated by the generator; 75530

(b) Infectious wastes that are generated by a generator who 75531
has staff privileges at a hospital as defined in section 3727.01 75532
of the Revised Code; 75533

(c) Infectious wastes that are generated in providing care to 75534
a patient by an emergency medical services organization as defined 75535
in section 4765.01 of the Revised Code. 75536

(2) Holds a license or renewal of a license to operate a 75537
crematory facility issued under Chapter 4717. and a permit issued 75538
under Chapter 3704. of the Revised Code; 75539

(3) Treats or disposes of dead animals or parts thereof, or 75540
the blood of animals, and is subject to any of the following: 75541

(a) Inspection under the "Federal Meat Inspection Act," 81 75542
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 75543

(b) Chapter 918. of the Revised Code; 75544

(c) Chapter 953. of the Revised Code. 75545

(D) Neither this chapter nor any rules adopted under it apply 75546
to single-family residential premises; to infectious wastes 75547
generated by individuals for purposes of their own care or 75548
treatment; to the temporary storage of solid wastes, other than 75549
scrap tires, prior to their collection for disposal; to the 75550
storage of one hundred or fewer scrap tires unless they are stored 75551
in such a manner that, in the judgment of the director or the 75552
board of health of the health district in which the scrap tires 75553
are stored, the storage causes a nuisance, a hazard to public 75554
health or safety, or a fire hazard; or to the collection of solid 75555

wastes, other than scrap tires, by a political subdivision or a person holding a franchise or license from a political subdivision of the state; to composting, as defined in section 1511.01 of the Revised Code, conducted in accordance with section 1511.022 of the Revised Code; or to any person who is licensed to transport raw rendering material to a compost facility pursuant to section 953.23 of the Revised Code.

(E)(1) As used in this division:

(a) "On-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated on the premises of the facility.

(b) "Off-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated off the premises of the facility and includes such a facility that is also an on-site facility.

(c) "Satellite facility" means any of the following:

(i) An on-site facility that also receives hazardous waste from other premises owned by the same person who generates the waste on the facility premises;

(ii) An off-site facility operated so that all of the hazardous waste it receives is generated on one or more premises owned by the person who owns the facility;

(iii) An on-site facility that also receives hazardous waste that is transported uninterruptedly and directly to the facility through a pipeline from a generator who is not the owner of the facility.

(2) Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility

installation and operation permit issued in accordance with 75586
 section 3734.05 of the Revised Code and subject to the payment of 75587
 an application fee not to exceed one thousand five hundred 75588
 dollars, payable upon application for a hazardous waste facility 75589
 installation and operation permit and upon application for a 75590
 renewal permit issued under division (H) of section 3734.05 of the 75591
 Revised Code, to be credited to the hazardous waste facility 75592
 management fund created in section 3734.18 of the Revised Code. 75593
 The term of a hazardous waste facility installation and operation 75594
 permit shall not exceed ten years. 75595

In addition to the application fee, there is hereby levied an 75596
 annual permit fee to be paid by the permit holder upon the 75597
 anniversaries of the date of issuance of the hazardous waste 75598
 facility installation and operation permit and of any subsequent 75599
 renewal permits and to be credited to the hazardous waste facility 75600
 management fund. Annual permit fees totaling forty thousand 75601
 dollars or more for any one facility may be paid on a quarterly 75602
 basis with the first quarterly payment each year being due on the 75603
 anniversary of the date of issuance of the hazardous waste 75604
 facility installation and operation permit and of any subsequent 75605
 renewal permits. The annual permit fee shall be determined for 75606
 each permit holder by the director in accordance with the 75607
 following schedule: 75608

TYPE OF BASIC				75609
MANAGEMENT UNIT	TYPE OF FACILITY		FEE	75610
Storage facility using:				75611
Containers	On-site, off-site, and			75612
	satellite		\$ 500	75613
Tanks	On-site, off-site, and			75614
	satellite		500	75615
Waste pile	On-site, off-site, and			75616
	satellite		3,000	75617

Surface impoundment	On-site and satellite	8,000	75618
	Off-site	10,000	75619
Disposal facility using:			75620
Deep well injection	On-site and satellite	15,000	75621
	Off-site	25,000	75622
Landfill	On-site and satellite	25,000	75623
	Off-site	40,000	75624
Land application	On-site and satellite	2,500	75625
	Off-site	5,000	75626
Surface impoundment	On-site and satellite	10,000	75627
	Off-site	20,000	75628
Treatment facility using:			75629
Tanks	On-site, off-site, and		75630
	satellite	700	75631
Surface impoundment	On-site and satellite	8,000	75632
	Off-site	10,000	75633
Incinerator	On-site and satellite	5,000	75634
	Off-site	10,000	75635
Other forms			75636
of treatment	On-site, off-site, and		75637
	satellite	1,000	75638

A hazardous waste disposal facility that disposes of 75639
hazardous waste by deep well injection and that pays the annual 75640
permit fee established in section 6111.046 of the Revised Code is 75641
not subject to the permit fee established in this division for 75642
disposal facilities using deep well injection unless the director 75643
determines that the facility is not in compliance with applicable 75644
requirements established under this chapter and rules adopted 75645
under it. 75646

In determining the annual permit fee required by this 75647
section, the director shall not require additional payments for 75648
multiple units of the same method of storage, treatment, or 75649
disposal or for individual units that are used for both storage 75650

and treatment. A facility using more than one method of storage, 75651
treatment, or disposal shall pay the permit fee indicated by the 75652
schedule for each such method. 75653

The director shall not require the payment of that portion of 75654
an annual permit fee of any permit holder that would apply to a 75655
hazardous waste management unit for which a permit has been 75656
issued, but for which construction has not yet commenced. Once 75657
construction has commenced, the director shall require the payment 75658
of a part of the appropriate fee indicated by the schedule that 75659
bears the same relationship to the total fee that the number of 75660
days remaining until the next anniversary date at which payment of 75661
the annual permit fee is due bears to three hundred sixty-five. 75662

The director, by rules adopted in accordance with Chapters 75663
119. and 3745. of the Revised Code, shall prescribe procedures for 75664
collecting the annual permit fee established by this division and 75665
may prescribe other requirements necessary to carry out this 75666
division. 75667

(3) The prohibition against establishing or operating a 75668
hazardous waste facility without a hazardous waste facility 75669
installation and operation permit does not apply to either of the 75670
following: 75671

(a) A facility that is operating in accordance with a permit 75672
renewal issued under division (H) of section 3734.05 of the 75673
Revised Code, a revision issued under division (I) of that section 75674
as it existed prior to August 20, 1996, or a modification issued 75675
by the director under division (I) of that section on and after 75676
August 20, 1996; 75677

(b) Except as provided in division (J) of section 3734.05 of 75678
the Revised Code, a facility that will operate or is operating in 75679
accordance with a permit by rule, or that is not subject to permit 75680
requirements, under rules adopted by the director. In accordance 75681

with Chapter 119. of the Revised Code, the director shall adopt, 75682
and subsequently may amend, suspend, or rescind, rules for the 75683
purposes of division (E)(3)(b) of this section. Any rules so 75684
adopted shall be consistent with and equivalent to regulations 75685
pertaining to interim status adopted under the "Resource 75686
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 75687
6921, as amended, except as otherwise provided in this chapter. 75688

If a modification is requested or proposed for a facility 75689
described in division (E)(3)(a) or (b) of this section, division 75690
(I)(7) of section 3734.05 of the Revised Code applies. 75691

(F) No person shall store, treat, or dispose of hazardous 75692
waste identified or listed under this chapter and rules adopted 75693
under it, regardless of whether generated on or off the premises 75694
where the waste is stored, treated, or disposed of, or transport 75695
or cause to be transported any hazardous waste identified or 75696
listed under this chapter and rules adopted under it to any other 75697
premises, except at or to any of the following: 75698

(1) A hazardous waste facility operating under a permit 75699
issued in accordance with this chapter; 75700

(2) A facility in another state operating under a license or 75701
permit issued in accordance with the "Resource Conservation and 75702
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 75703
amended; 75704

(3) A facility in another nation operating in accordance with 75705
the laws of that nation; 75706

(4) A facility holding a permit issued pursuant to Title I of 75707
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 75708
Stat. 1052, 33 U.S.C.A. 1401, as amended; 75709

(5) A hazardous waste facility as described in division 75710
(E)(3)(a) or (b) of this section. 75711

(G) The director, by order, may exempt any person generating, 75712
collecting, storing, treating, disposing of, or transporting solid 75713
wastes, infectious wastes, or hazardous waste, or processing solid 75714
wastes that consist of scrap tires, in such quantities or under 75715
such circumstances that, in the determination of the director, are 75716
unlikely to adversely affect the public health or safety or the 75717
environment from any requirement to obtain a registration 75718
certificate, permit, or license or comply with the manifest system 75719
or other requirements of this chapter. Such an exemption shall be 75720
consistent with and equivalent to any regulations adopted by the 75721
administrator of the United States environmental protection agency 75722
under the "Resource Conservation and Recovery Act of 1976," 90 75723
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 75724
provided in this chapter. 75725

(H) No person shall engage in filling, grading, excavating, 75726
building, drilling, or mining on land where a hazardous waste 75727
facility, or a solid waste facility, was operated without prior 75728
authorization from the director, who shall establish the procedure 75729
for granting such authorization by rules adopted in accordance 75730
with Chapter 119. of the Revised Code. 75731

A public utility that has main or distribution lines above or 75732
below the land surface located on an easement or right-of-way 75733
across land where a solid waste facility was operated may engage 75734
in any such activity within the easement or right-of-way without 75735
prior authorization from the director for purposes of performing 75736
emergency repair or emergency replacement of its lines; of the 75737
poles, towers, foundations, or other structures supporting or 75738
sustaining any such lines; or of the appurtenances to those 75739
structures, necessary to restore or maintain existing public 75740
utility service. A public utility may enter upon any such easement 75741
or right-of-way without prior authorization from the director for 75742
purposes of performing necessary or routine maintenance of those 75743

portions of its existing lines; of the existing poles, towers, 75744
foundations, or other structures sustaining or supporting its 75745
lines; or of the appurtenances to any such supporting or 75746
sustaining structure, located on or above the land surface on any 75747
such easement or right-of-way. Within twenty-four hours after 75748
commencing any such emergency repair, replacement, or maintenance 75749
work, the public utility shall notify the director or the 75750
director's authorized representative of those activities and shall 75751
provide such information regarding those activities as the 75752
director or the director's representative may request. Upon 75753
completion of the emergency repair, replacement, or maintenance 75754
activities, the public utility shall restore any land of the solid 75755
waste facility disturbed by those activities to the condition 75756
existing prior to the commencement of those activities. 75757

(I) No owner or operator of a hazardous waste facility, in 75758
the operation of the facility, shall cause, permit, or allow the 75759
emission therefrom of any particulate matter, dust, fumes, gas, 75760
mist, smoke, vapor, or odorous substance that, in the opinion of 75761
the director, unreasonably interferes with the comfortable 75762
enjoyment of life or property by persons living or working in the 75763
vicinity of the facility, or that is injurious to public health. 75764
Any such action is hereby declared to be a public nuisance. 75765

(J) Notwithstanding any other provision of this chapter, in 75766
the event the director finds an imminent and substantial danger to 75767
public health or safety or the environment that creates an 75768
emergency situation requiring the immediate treatment, storage, or 75769
disposal of hazardous waste, the director may issue a temporary 75770
emergency permit to allow the treatment, storage, or disposal of 75771
the hazardous waste at a facility that is not otherwise authorized 75772
by a hazardous waste facility installation and operation permit to 75773
treat, store, or dispose of the waste. The emergency permit shall 75774
not exceed ninety days in duration and shall not be renewed. The 75775

director shall adopt, and may amend, suspend, or rescind, rules in 75776
accordance with Chapter 119. of the Revised Code governing the 75777
issuance, modification, revocation, and denial of emergency 75778
permits. 75779

(K) Except for infectious wastes generated by a person who 75780
produces fewer than fifty pounds of infectious wastes at a 75781
premises during any one month, no owner or operator of a sanitary 75782
landfill shall knowingly accept for disposal, or dispose of, any 75783
infectious wastes that have not been treated to render them 75784
noninfectious. 75785

(L) The director, in accordance with Chapter 119. of the 75786
Revised Code, shall adopt, and may amend, suspend, or rescind, 75787
rules having uniform application throughout the state establishing 75788
a training and certification program that shall be required for 75789
employees of boards of health who are responsible for enforcing 75790
the solid waste and infectious waste provisions of this chapter 75791
and rules adopted under them and for persons who are responsible 75792
for the operation of solid waste facilities or infectious waste 75793
treatment facilities. The rules shall provide all of the 75794
following, without limitation: 75795

(1) The program shall be administered by the director and 75796
shall consist of a course on new solid waste and infectious waste 75797
technologies, enforcement procedures, and rules; 75798

(2) The course shall be offered on an annual basis; 75799

(3) Those persons who are required to take the course under 75800
division (L) of this section shall do so triennially; 75801

(4) Persons who successfully complete the course shall be 75802
certified by the director; 75803

(5) Certification shall be required for all employees of 75804
boards of health who are responsible for enforcing the solid waste 75805
or infectious waste provisions of this chapter and rules adopted 75806

under them and for all persons who are responsible for the 75807
operation of solid waste facilities or infectious waste treatment 75808
facilities; 75809

(6)(a) All employees of a board of health who, on the 75810
effective date of the rules adopted under this division, are 75811
responsible for enforcing the solid waste or infectious waste 75812
provisions of this chapter and the rules adopted under them shall 75813
complete the course and be certified by the director not later 75814
than January 1, 1995; 75815

(b) All employees of a board of health who, after the 75816
effective date of the rules adopted under division (L) of this 75817
section, become responsible for enforcing the solid waste or 75818
infectious waste provisions of this chapter and rules adopted 75819
under them and who do not hold a current and valid certification 75820
from the director at that time shall complete the course and be 75821
certified by the director within two years after becoming 75822
responsible for performing those activities. 75823

No person shall fail to obtain the certification required 75824
under this division. 75825

(M) The director shall not issue a permit under section 75826
3734.05 of the Revised Code to establish a solid waste facility, 75827
or to modify a solid waste facility operating on December 21, 75828
1988, in a manner that expands the disposal capacity or geographic 75829
area covered by the facility, that is or is to be located within 75830
the boundaries of a state park established or dedicated under 75831
Chapter 1541. of the Revised Code, a state park purchase area 75832
established under section 1541.02 of the Revised Code, any unit of 75833
the national park system, or any property that lies within the 75834
boundaries of a national park or recreation area, but that has not 75835
been acquired or is not administered by the secretary of the 75836
United States department of the interior, located in this state, 75837
or any candidate area located in this state and identified for 75838

potential inclusion in the national park system in the edition of 75839
the "national park system plan" submitted under paragraph (b) of 75840
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 75841
U.S.C.A. 1a-5, as amended, current at the time of filing of the 75842
application for the permit, unless the facility or proposed 75843
facility is or is to be used exclusively for the disposal of solid 75844
wastes generated within the park or recreation area and the 75845
director determines that the facility or proposed facility will 75846
not degrade any of the natural or cultural resources of the park 75847
or recreation area. The director shall not issue a variance under 75848
division (A) of this section and rules adopted under it, or issue 75849
an exemption order under division (G) of this section, that would 75850
authorize any such establishment or expansion of a solid waste 75851
facility within the boundaries of any such park or recreation 75852
area, state park purchase area, or candidate area, other than a 75853
solid waste facility exclusively for the disposal of solid wastes 75854
generated within the park or recreation area when the director 75855
determines that the facility will not degrade any of the natural 75856
or cultural resources of the park or recreation area. 75857

(N)(1) The rules adopted under division (A) of this section, 75858
other than those governing variances, do not apply to scrap tire 75859
collection, storage, monocell, monofill, and recovery facilities. 75860
Those facilities are subject to and governed by rules adopted 75861
under sections 3734.70 to 3734.73 of the Revised Code, as 75862
applicable. 75863

(2) Division (C) of this section does not apply to scrap tire 75864
collection, storage, monocell, monofill, and recovery facilities. 75865
The establishment and modification of those facilities are subject 75866
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 75867
Code, as applicable. 75868

(3) The director may adopt, amend, suspend, or rescind rules 75869
under division (A) of this section creating an alternative system 75870

for authorizing the establishment, operation, or modification of a solid waste compost facility in lieu of the requirement that a person seeking to establish, operate, or modify a solid waste compost facility apply for and receive a permit under division (C) of this section and section 3734.05 of the Revised Code and a license under division (A)(1) of that section. The rules may include requirements governing, without limitation, the classification of solid waste compost facilities, the submittal of operating records for solid waste compost facilities, and the creation of a registration or notification system in lieu of the issuance of permits and licenses for solid waste compost facilities. The rules shall specify the applicability of divisions (A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised Code to a solid waste compost facility.

(O)(1) As used in this division, "secondary aluminum waste" means waste material or byproducts, when disposed of, containing aluminum generated from secondary aluminum smelting operations and consisting of dross, salt cake, baghouse dust associated with aluminum recycling furnace operations, or dry-milled wastes.

(2) The owner or operator of a sanitary landfill shall not dispose of municipal solid waste that has been commingled with secondary aluminum waste.

(3) The owner or operator of a sanitary landfill may dispose of secondary aluminum waste, but only in a monocell or monofill that has been permitted for that purpose in accordance with this chapter and rules adopted under it.

(P)(1) As used in divisions (P) and (Q) of this section:

(a) "Natural background" means two picocuries per gram or the actual number of picocuries per gram as measured at an individual solid waste facility, subject to verification by the director of health.

(b) "Drilling operation" includes a production operation as defined in section 1509.01 of the Revised Code. 75902
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(2) The owner or operator of a solid waste facility shall not accept for transfer or disposal technologically enhanced naturally occurring radioactive material if that material contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background. 75904
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(3) The owner or operator of a solid waste facility may receive and process for purposes other than transfer or disposal technologically enhanced naturally occurring radioactive material that contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background, provided that the owner or operator has obtained and maintains all other necessary authorizations, including any authorization required by rules adopted by the director of health under section 3748.04 of the Revised Code. 75910
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(4) The director of environmental protection may adopt rules in accordance with Chapter 119. of the Revised Code governing the receipt, acceptance, processing, handling, management, and disposal by solid waste facilities of material that contains or is contaminated with radioactive material, including, without limitation, technologically enhanced naturally occurring radioactive material that contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations less than five picocuries per gram above natural background. Rules adopted by the director may include at a minimum both of the following: 75920
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(a) Requirements in accordance with which the owner or operator of a solid waste facility must monitor leachate and ground water for radium-226, radium-228, and other radionuclides; 75931
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(b) Requirements in accordance with which the owner or operator of a solid waste facility must develop procedures to ensure that technologically enhanced naturally occurring radioactive material accepted at the facility neither contains nor is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background.

(O) Notwithstanding any other provision of this section, the owner or operator of a solid waste facility shall not receive, accept, process, handle, manage, or dispose of technologically enhanced naturally occurring radioactive material associated with drilling operations without first obtaining representative analytical results to determine compliance with divisions (P)(2) and (3) of this section and rules adopted under it.

Sec. 3734.125. The director of environmental protection may adopt rules in accordance with Chapter 119. of the Revised Code establishing requirements governing the beneficial use of material from a horizontal well that has come in contact with a refined oil-based substance and that is not technologically enhanced naturally occurring radioactive material.

Sec. 3734.28. Except as otherwise provided in sections 3734.281 and 3734.282 of the Revised Code, moneys collected under sections 3734.122, 3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 of the Revised Code and under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, et seq., as amended, including moneys recovered under division (B)(1) of this section, shall be paid into the state treasury to the credit of the hazardous waste clean-up fund, which is hereby created. In addition, both of the following shall be credited to the fund:

(A) Moneys recovered for costs paid from the fund for 75964
activities described in divisions (A)(1) and (2) of section 75965
3745.12 of the Revised Code; 75966

(B) Natural resource damage assessment costs recovered under 75967
any of the following: 75968

(1) The "Comprehensive Environmental Response, Compensation, 75969
and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C. 9601, et 75970
seq., as amended; 75971

(2) The "Oil Pollution Act of 1990," 104 Stat. 484, 33 U.S.C. 75972
2701, et seq., as amended; 75973

(3) ~~The Federal Water Pollution Control Act as defined in~~ 75974
~~section 6111.01 of the Revised Code~~ "Clean Water Act of 1977," 91 75975
Stat. 1566, 33 U.S.C. 1321, et seq., as amended; 75976

(4) Any other applicable federal or state law. 75977

The environmental protection agency shall use the moneys in 75978
the fund for the purposes set forth in division (D) of section 75979
3734.122, sections 3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 75980
3734.26, and 3734.27, divisions (A)(1) and (2) of section 3745.12, 75981
and Chapter 3746. of the Revised Code, including any related 75982
enforcement expenses and administrative expenses of any related 75983
closure or corrective action program. In addition, the agency 75984
shall use the moneys in the fund to pay the state's long-term 75985
operation and maintenance costs or matching share for actions 75986
taken under the "Comprehensive Environmental Response, 75987
Compensation, and Liability Act of 1980," as amended. If those 75988
moneys are reimbursed by grants or other moneys from the United 75989
States or any other person, the moneys shall be placed in the fund 75990
and not in the general revenue fund. 75991

The director of environmental protection may enter into 75992
contracts and grant agreements with federal, state, or local 75993
government agencies, nonprofit organizations, and colleges and 75994

universities for the purpose of carrying out the responsibilities 75995
of the environmental protection agency for which money may be 75996
expended from the fund. 75997

Sec. 3734.57. (A) The following fees are hereby levied on the 75998
transfer or disposal of solid wastes in this state: 75999

(1) One dollar per ton through June 30, ~~2014~~ 2016, ~~one-half~~ 76000
thirty per cent of the proceeds of which shall be deposited in the 76001
state treasury to the credit of the hazardous waste facility 76002
management fund created in section 3734.18 of the Revised Code and 76003
~~one-half~~ seventy per cent of the proceeds of which shall be 76004
deposited in the state treasury to the credit of the hazardous 76005
waste clean-up fund created in section 3734.28 of the Revised 76006
Code; 76007

(2) An additional one dollar per ton through June 30, ~~2014~~ 76008
2016, the proceeds of which shall be deposited in the state 76009
treasury to the credit of the solid waste fund, which is hereby 76010
created. The environmental protection agency shall use money in 76011
the solid waste fund to pay the costs of administering and 76012
enforcing the laws pertaining to solid wastes, infectious wastes, 76013
and construction and demolition debris, including, without 76014
limitation, ground water evaluations related to solid wastes, 76015
infectious wastes, and construction and demolition debris, under 76016
this chapter and Chapter 3714. of the Revised Code and any rules 76017
adopted under them, providing compliance assistance to small 76018
businesses, and paying a share of the administrative costs of the 76019
environmental protection agency pursuant to section 3745.014 of 76020
the Revised Code. 76021

(3) An additional two dollars and fifty cents per ton through 76022
June 30, ~~2014~~ 2016, the proceeds of which shall be deposited in 76023
the state treasury to the credit of the environmental protection 76024
fund created in section 3745.015 of the Revised Code; 76025

(4) An additional twenty-five cents per ton through June 30, 76026
~~2013~~ 2016, the proceeds of which shall be deposited in the state 76027
treasury to the credit of the soil and water conservation district 76028
assistance fund created in section 1515.14 of the Revised Code. 76029

In the case of solid wastes that are taken to a solid waste 76030
transfer facility located in this state prior to being transported 76031
for disposal at a solid waste disposal facility located in this 76032
state or outside of this state, the fees levied under this 76033
division shall be collected by the owner or operator of the 76034
transfer facility as a trustee for the state. The amount of fees 76035
required to be collected under this division at such a transfer 76036
facility shall equal the total tonnage of solid wastes received at 76037
the facility multiplied by the fees levied under this division. In 76038
the case of solid wastes that are not taken to a solid waste 76039
transfer facility located in this state prior to being transported 76040
to a solid waste disposal facility, the fees shall be collected by 76041
the owner or operator of the solid waste disposal facility as a 76042
trustee for the state. The amount of fees required to be collected 76043
under this division at such a disposal facility shall equal the 76044
total tonnage of solid wastes received at the facility that was 76045
not previously taken to a solid waste transfer facility located in 76046
this state multiplied by the fees levied under this division. Fees 76047
levied under this division do not apply to materials separated 76048
from a mixed waste stream for recycling by a generator or 76049
materials removed from the solid waste stream through recycling, 76050
as "recycling" is defined in rules adopted under section 3734.02 76051
of the Revised Code. 76052

The owner or operator of a solid waste transfer facility or 76053
disposal facility, as applicable, shall prepare and file with the 76054
director of environmental protection each month a return 76055
indicating the total tonnage of solid wastes received at the 76056
facility during that month and the total amount of the fees 76057

required to be collected under this division during that month. In 76058
addition, the owner or operator of a solid waste disposal facility 76059
shall indicate on the return the total tonnage of solid wastes 76060
received from transfer facilities located in this state during 76061
that month for which the fees were required to be collected by the 76062
transfer facilities. The monthly returns shall be filed on a form 76063
prescribed by the director. Not later than thirty days after the 76064
last day of the month to which a return applies, the owner or 76065
operator shall mail to the director the return for that month 76066
together with the fees required to be collected under this 76067
division during that month as indicated on the return or may 76068
submit the return and fees electronically in a manner approved by 76069
the director. If the return is filed and the amount of the fees 76070
due is paid in a timely manner as required in this division, the 76071
owner or operator may retain a discount of three-fourths of one 76072
per cent of the total amount of the fees that are required to be 76073
paid as indicated on the return. 76074

The owner or operator may request an extension of not more 76075
than thirty days for filing the return and remitting the fees, 76076
provided that the owner or operator has submitted such a request 76077
in writing to the director together with a detailed description of 76078
why the extension is requested, the director has received the 76079
request not later than the day on which the return is required to 76080
be filed, and the director has approved the request. If the fees 76081
are not remitted within thirty days after the last day of the 76082
month to which the return applies or are not remitted by the last 76083
day of an extension approved by the director, the owner or 76084
operator shall not retain the three-fourths of one per cent 76085
discount and shall pay an additional ten per cent of the amount of 76086
the fees for each month that they are late. For purposes of 76087
calculating the late fee, the first month in which fees are late 76088
begins on the first day after the deadline has passed for timely 76089
submitting the return and fees, and one additional month shall be 76090

counted every thirty days thereafter. 76091

The owner or operator of a solid waste facility may request a 76092
refund or credit of fees levied under this division and remitted 76093
to the director that have not been paid to the owner or operator. 76094
Such a request shall be made only if the fees have not been 76095
collected by the owner or operator, have become a debt that has 76096
become worthless or uncollectable for a period of six months or 76097
more, and may be claimed as a deduction, including a deduction 76098
claimed if the owner or operator keeps accounts on an accrual 76099
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 76100
U.S.C. 166, as amended, and regulations adopted under it. Prior to 76101
making a request for a refund or credit, an owner or operator 76102
shall make reasonable efforts to collect the applicable fees. A 76103
request for a refund or credit shall not include any costs 76104
resulting from those efforts to collect unpaid fees. 76105

A request for a refund or credit of fees shall be made in 76106
writing, on a form prescribed by the director, and shall be 76107
supported by evidence that may be required in rules adopted by the 76108
director under this chapter. After reviewing the request, and if 76109
the request and evidence submitted with the request indicate that 76110
a refund or credit is warranted, the director shall grant a refund 76111
to the owner or operator or shall permit a credit to be taken by 76112
the owner or operator on a subsequent monthly return submitted by 76113
the owner or operator. The amount of a refund or credit shall not 76114
exceed an amount that is equal to ninety days' worth of fees owed 76115
to an owner or operator by a particular debtor of the owner or 76116
operator. A refund or credit shall not be granted by the director 76117
to an owner or operator more than once in any twelve-month period 76118
for fees owed to the owner or operator by a particular debtor. 76119

If, after receiving a refund or credit from the director, an 76120
owner or operator receives payment of all or part of the fees, the 76121
owner or operator shall remit the fees with the next monthly 76122

return submitted to the director together with a written 76123
explanation of the reason for the submittal. 76124

For purposes of computing the fees levied under this division 76125
or division (B) of this section, any solid waste transfer or 76126
disposal facility that does not use scales as a means of 76127
determining gate receipts shall use a conversion factor of three 76128
cubic yards per ton of solid waste or one cubic yard per ton for 76129
baled waste, as applicable. 76130

The fees levied under this division and divisions (B) and (C) 76131
of this section are in addition to all other applicable fees and 76132
taxes and shall be paid by the customer or a political subdivision 76133
to the owner or operator of a solid waste transfer or disposal 76134
facility. In the alternative, the fees shall be paid by a customer 76135
or political subdivision to a transporter of waste who 76136
subsequently transfers the fees to the owner or operator of such a 76137
facility. The fees shall be paid notwithstanding the existence of 76138
any provision in a contract that the customer or a political 76139
subdivision may have with the owner or operator or with a 76140
transporter of waste to the facility that would not require or 76141
allow such payment regardless of whether the contract was entered 76142
prior to or after October 16, 2009. For those purposes, "customer" 76143
means a person who contracts with, or utilizes the solid waste 76144
services of, the owner or operator of a solid waste transfer or 76145
disposal facility or a transporter of solid waste to such a 76146
facility. 76147

(B) For the purposes specified in division (G) of this 76148
section, the solid waste management policy committee of a county 76149
or joint solid waste management district may levy fees upon the 76150
following activities: 76151

(1) The disposal at a solid waste disposal facility located 76152
in the district of solid wastes generated within the district; 76153

(2) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of the district, but inside this state;

(3) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of this state.

The solid waste management plan of the county or joint district approved under section 3734.521 or 3734.55 of the Revised Code and any amendments to it, or the resolution adopted under this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. A solid waste management district that levies fees under this division on the basis of cubic yards shall do so in accordance with division (A) of this section.

The fee levied under division (B)(1) of this section shall be not less than one dollar per ton nor more than two dollars per ton, the fee levied under division (B)(2) of this section shall be not less than two dollars per ton nor more than four dollars per ton, and the fee levied under division (B)(3) of this section shall be not more than the fee levied under division (B)(1) of this section.

Prior to the approval of the solid waste management plan of a district under section 3734.55 of the Revised Code, the solid waste management policy committee of a district may levy fees under this division by adopting a resolution establishing the proposed amount of the fees. Upon adopting the resolution, the committee shall deliver a copy of the resolution to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district and shall prepare

and publish the resolution and a notice of the time and location 76186
where a public hearing on the fees will be held. Upon adopting the 76187
resolution, the committee shall deliver written notice of the 76188
adoption of the resolution; of the amount of the proposed fees; 76189
and of the date, time, and location of the public hearing to the 76190
director and to the fifty industrial, commercial, or institutional 76191
generators of solid wastes within the district that generate the 76192
largest quantities of solid wastes, as determined by the 76193
committee, and to their local trade associations. The committee 76194
shall make good faith efforts to identify those generators within 76195
the district and their local trade associations, but the 76196
nonprovision of notice under this division to a particular 76197
generator or local trade association does not invalidate the 76198
proceedings under this division. The publication shall occur at 76199
least thirty days before the hearing. After the hearing, the 76200
committee may make such revisions to the proposed fees as it 76201
considers appropriate and thereafter, by resolution, shall adopt 76202
the revised fee schedule. Upon adopting the revised fee schedule, 76203
the committee shall deliver a copy of the resolution doing so to 76204
the board of county commissioners of each county forming the 76205
district and to the legislative authority of each municipal 76206
corporation and township under the jurisdiction of the district. 76207
Within sixty days after the delivery of a copy of the resolution 76208
adopting the proposed revised fees by the policy committee, each 76209
such board and legislative authority, by ordinance or resolution, 76210
shall approve or disapprove the revised fees and deliver a copy of 76211
the ordinance or resolution to the committee. If any such board or 76212
legislative authority fails to adopt and deliver to the policy 76213
committee an ordinance or resolution approving or disapproving the 76214
revised fees within sixty days after the policy committee 76215
delivered its resolution adopting the proposed revised fees, it 76216
shall be conclusively presumed that the board or legislative 76217
authority has approved the proposed revised fees. The committee 76218

shall determine if the resolution has been ratified in the same 76219
manner in which it determines if a draft solid waste management 76220
plan has been ratified under division (B) of section 3734.55 of 76221
the Revised Code. 76222

The committee may amend the schedule of fees levied pursuant 76223
to a resolution adopted and ratified under this division by 76224
adopting a resolution establishing the proposed amount of the 76225
amended fees. The committee may repeal the fees levied pursuant to 76226
such a resolution by adopting a resolution proposing to repeal 76227
them. Upon adopting such a resolution, the committee shall proceed 76228
to obtain ratification of the resolution in accordance with this 76229
division. 76230

Not later than fourteen days after declaring the new fees to 76231
be ratified or the fees to be repealed under this division, the 76232
committee shall notify by certified mail the owner or operator of 76233
each solid waste disposal facility that is required to collect the 76234
fees of the ratification and the amount of the fees or of the 76235
repeal of the fees. Collection of any fees shall commence or 76236
collection of repealed fees shall cease on the first day of the 76237
second month following the month in which notification is sent to 76238
the owner or operator. 76239

Fees levied under this division also may be established, 76240
amended, or repealed by a solid waste management policy committee 76241
through the adoption of a new district solid waste management 76242
plan, the adoption of an amended plan, or the amendment of the 76243
plan or amended plan in accordance with sections 3734.55 and 76244
3734.56 of the Revised Code or the adoption or amendment of a 76245
district plan in connection with a change in district composition 76246
under section 3734.521 of the Revised Code. 76247

Not later than fourteen days after the director issues an 76248
order approving a district's solid waste management plan, amended 76249
plan, or amendment to a plan or amended plan that establishes, 76250

amends, or repeals a schedule of fees levied by the district, the 76251
committee shall notify by certified mail the owner or operator of 76252
each solid waste disposal facility that is required to collect the 76253
fees of the approval of the plan or amended plan, or the amendment 76254
to the plan, as appropriate, and the amount of the fees, if any. 76255
In the case of an initial or amended plan approved under section 76256
3734.521 of the Revised Code in connection with a change in 76257
district composition, other than one involving the withdrawal of a 76258
county from a joint district, the committee, within fourteen days 76259
after the change takes effect pursuant to division (G) of that 76260
section, shall notify by certified mail the owner or operator of 76261
each solid waste disposal facility that is required to collect the 76262
fees that the change has taken effect and of the amount of the 76263
fees, if any. Collection of any fees shall commence or collection 76264
of repealed fees shall cease on the first day of the second month 76265
following the month in which notification is sent to the owner or 76266
operator. 76267

If, in the case of a change in district composition involving 76268
the withdrawal of a county from a joint district, the director 76269
completes the actions required under division (G)(1) or (3) of 76270
section 3734.521 of the Revised Code, as appropriate, forty-five 76271
days or more before the beginning of a calendar year, the policy 76272
committee of each of the districts resulting from the change that 76273
obtained the director's approval of an initial or amended plan in 76274
connection with the change, within fourteen days after the 76275
director's completion of the required actions, shall notify by 76276
certified mail the owner or operator of each solid waste disposal 76277
facility that is required to collect the district's fees that the 76278
change is to take effect on the first day of January immediately 76279
following the issuance of the notice and of the amount of the fees 76280
or amended fees levied under divisions (B)(1) to (3) of this 76281
section pursuant to the district's initial or amended plan as so 76282
approved or, if appropriate, the repeal of the district's fees by 76283

that initial or amended plan. Collection of any fees set forth in 76284
such a plan or amended plan shall commence on the first day of 76285
January immediately following the issuance of the notice. If such 76286
an initial or amended plan repeals a schedule of fees, collection 76287
of the fees shall cease on that first day of January. 76288

If, in the case of a change in district composition involving 76289
the withdrawal of a county from a joint district, the director 76290
completes the actions required under division (G)(1) or (3) of 76291
section 3734.521 of the Revised Code, as appropriate, less than 76292
forty-five days before the beginning of a calendar year, the 76293
director, on behalf of each of the districts resulting from the 76294
change that obtained the director's approval of an initial or 76295
amended plan in connection with the change proceedings, shall 76296
notify by certified mail the owner or operator of each solid waste 76297
disposal facility that is required to collect the district's fees 76298
that the change is to take effect on the first day of January 76299
immediately following the mailing of the notice and of the amount 76300
of the fees or amended fees levied under divisions (B)(1) to (3) 76301
of this section pursuant to the district's initial or amended plan 76302
as so approved or, if appropriate, the repeal of the district's 76303
fees by that initial or amended plan. Collection of any fees set 76304
forth in such a plan or amended plan shall commence on the first 76305
day of the second month following the month in which notification 76306
is sent to the owner or operator. If such an initial or amended 76307
plan repeals a schedule of fees, collection of the fees shall 76308
cease on the first day of the second month following the month in 76309
which notification is sent to the owner or operator. 76310

If the schedule of fees that a solid waste management 76311
district is levying under divisions (B)(1) to (3) of this section 76312
is amended or repealed, the fees in effect immediately prior to 76313
the amendment or repeal shall continue to be collected until 76314
collection of the amended fees commences or collection of the 76315

repealed fees ceases, as applicable, as specified in this 76316
division. In the case of a change in district composition, money 76317
so received from the collection of the fees of the former 76318
districts shall be divided among the resulting districts in 76319
accordance with division (B) of section 343.012 of the Revised 76320
Code and the agreements entered into under division (B) of section 76321
343.01 of the Revised Code to establish the former and resulting 76322
districts and any amendments to those agreements. 76323

For the purposes of the provisions of division (B) of this 76324
section establishing the times when newly established or amended 76325
fees levied by a district are required to commence and the 76326
collection of fees that have been amended or repealed is required 76327
to cease, "fees" or "schedule of fees" includes, in addition to 76328
fees levied under divisions (B)(1) to (3) of this section, those 76329
levied under section 3734.573 or 3734.574 of the Revised Code. 76330

(C) For the purposes of defraying the added costs to a 76331
municipal corporation or township of maintaining roads and other 76332
public facilities and of providing emergency and other public 76333
services, and compensating a municipal corporation or township for 76334
reductions in real property tax revenues due to reductions in real 76335
property valuations resulting from the location and operation of a 76336
solid waste disposal facility within the municipal corporation or 76337
township, a municipal corporation or township in which such a 76338
solid waste disposal facility is located may levy a fee of not 76339
more than twenty-five cents per ton on the disposal of solid 76340
wastes at a solid waste disposal facility located within the 76341
boundaries of the municipal corporation or township regardless of 76342
where the wastes were generated. 76343

The legislative authority of a municipal corporation or 76344
township may levy fees under this division by enacting an 76345
ordinance or adopting a resolution establishing the amount of the 76346
fees. Upon so doing the legislative authority shall mail a 76347

certified copy of the ordinance or resolution to the board of 76348
county commissioners or directors of the county or joint solid 76349
waste management district in which the municipal corporation or 76350
township is located or, if a regional solid waste management 76351
authority has been formed under section 343.011 of the Revised 76352
Code, to the board of trustees of that regional authority, the 76353
owner or operator of each solid waste disposal facility in the 76354
municipal corporation or township that is required to collect the 76355
fee by the ordinance or resolution, and the director of 76356
environmental protection. Although the fees levied under this 76357
division are levied on the basis of tons as the unit of 76358
measurement, the legislative authority, in its ordinance or 76359
resolution levying the fees under this division, may direct that 76360
the fees be levied on the basis of cubic yards as the unit of 76361
measurement based upon a conversion factor of three cubic yards 76362
per ton generally or one cubic yard per ton for baled wastes. 76363

Not later than five days after enacting an ordinance or 76364
adopting a resolution under this division, the legislative 76365
authority shall so notify by certified mail the owner or operator 76366
of each solid waste disposal facility that is required to collect 76367
the fee. Collection of any fee levied on or after March 24, 1992, 76368
shall commence on the first day of the second month following the 76369
month in which notification is sent to the owner or operator. 76370

(D)(1) The fees levied under divisions (A), (B), and (C) of 76371
this section do not apply to the disposal of solid wastes that: 76372

(a) Are disposed of at a facility owned by the generator of 76373
the wastes when the solid waste facility exclusively disposes of 76374
solid wastes generated at one or more premises owned by the 76375
generator regardless of whether the facility is located on a 76376
premises where the wastes are generated; 76377

(b) Are generated from the combustion of coal, or from the 76378
combustion of primarily coal, regardless of whether the disposal 76379

facility is located on the premises where the wastes are 76380
generated; 76381

(c) Are asbestos or asbestos-containing materials or products 76382
disposed of at a construction and demolition debris facility that 76383
is licensed under Chapter 3714. of the Revised Code or at a solid 76384
waste facility that is licensed under this chapter. 76385

(2) Except as provided in section 3734.571 of the Revised 76386
Code, any fees levied under division (B)(1) of this section apply 76387
to solid wastes originating outside the boundaries of a county or 76388
joint district that are covered by an agreement for the joint use 76389
of solid waste facilities entered into under section 343.02 of the 76390
Revised Code by the board of county commissioners or board of 76391
directors of the county or joint district where the wastes are 76392
generated and disposed of. 76393

(3) When solid wastes, other than solid wastes that consist 76394
of scrap tires, are burned in a disposal facility that is an 76395
incinerator or energy recovery facility, the fees levied under 76396
divisions (A), (B), and (C) of this section shall be levied upon 76397
the disposal of the fly ash and bottom ash remaining after burning 76398
of the solid wastes and shall be collected by the owner or 76399
operator of the sanitary landfill where the ash is disposed of. 76400

(4) When solid wastes are delivered to a solid waste transfer 76401
facility, the fees levied under divisions (B) and (C) of this 76402
section shall be levied upon the disposal of solid wastes 76403
transported off the premises of the transfer facility for disposal 76404
and shall be collected by the owner or operator of the solid waste 76405
disposal facility where the wastes are disposed of. 76406

(5) The fees levied under divisions (A), (B), and (C) of this 76407
section do not apply to sewage sludge that is generated by a waste 76408
water treatment facility holding a national pollutant discharge 76409
elimination system permit and that is disposed of through 76410

incineration, land application, or composting or at another 76411
resource recovery or disposal facility that is not a landfill. 76412

(6) The fees levied under divisions (A), (B), and (C) of this 76413
section do not apply to solid wastes delivered to a solid waste 76414
composting facility for processing. When any unprocessed solid 76415
waste or compost product is transported off the premises of a 76416
composting facility and disposed of at a landfill, the fees levied 76417
under divisions (A), (B), and (C) of this section shall be 76418
collected by the owner or operator of the landfill where the 76419
unprocessed waste or compost product is disposed of. 76420

(7) When solid wastes that consist of scrap tires are 76421
processed at a scrap tire recovery facility, the fees levied under 76422
divisions (A), (B), and (C) of this section shall be levied upon 76423
the disposal of the fly ash and bottom ash or other solid wastes 76424
remaining after the processing of the scrap tires and shall be 76425
collected by the owner or operator of the solid waste disposal 76426
facility where the ash or other solid wastes are disposed of. 76427

(8) The director of environmental protection may issue an 76428
order exempting from the fees levied under this section solid 76429
wastes, including, but not limited to, scrap tires, that are 76430
generated, transferred, or disposed of as a result of a contract 76431
providing for the expenditure of public funds entered into by the 76432
administrator or regional administrator of the United States 76433
environmental protection agency, the director of environmental 76434
protection, or the director of administrative services on behalf 76435
of the director of environmental protection for the purpose of 76436
remediating conditions at a hazardous waste facility, solid waste 76437
facility, or other location at which the administrator or regional 76438
administrator or the director of environmental protection has 76439
reason to believe that there is a substantial threat to public 76440
health or safety or the environment or that the conditions are 76441
causing or contributing to air or water pollution or soil 76442

contamination. An order issued by the director of environmental 76443
protection under division (D)(8) of this section shall include a 76444
determination that the amount of the fees not received by a solid 76445
waste management district as a result of the order will not 76446
adversely impact the implementation and financing of the 76447
district's approved solid waste management plan and any approved 76448
amendments to the plan. Such an order is a final action of the 76449
director of environmental protection. 76450

(E) The fees levied under divisions (B) and (C) of this 76451
section shall be collected by the owner or operator of the solid 76452
waste disposal facility where the wastes are disposed of as a 76453
trustee for the county or joint district and municipal corporation 76454
or township where the wastes are disposed of. Moneys from the fees 76455
levied under division (B) of this section shall be forwarded to 76456
the board of county commissioners or board of directors of the 76457
district in accordance with rules adopted under division (H) of 76458
this section. Moneys from the fees levied under division (C) of 76459
this section shall be forwarded to the treasurer or such other 76460
officer of the municipal corporation as, by virtue of the charter, 76461
has the duties of the treasurer or to the fiscal officer of the 76462
township, as appropriate, in accordance with those rules. 76463

(F) Moneys received by the treasurer or other officer of the 76464
municipal corporation under division (E) of this section shall be 76465
paid into the general fund of the municipal corporation. Moneys 76466
received by the fiscal officer of the township under that division 76467
shall be paid into the general fund of the township. The treasurer 76468
or other officer of the municipal corporation or the township 76469
fiscal officer, as appropriate, shall maintain separate records of 76470
the moneys received from the fees levied under division (C) of 76471
this section. 76472

(G) Moneys received by the board of county commissioners or 76473
board of directors under division (E) of this section or section 76474

3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 76475
shall be paid to the county treasurer, or other official acting in 76476
a similar capacity under a county charter, in a county district or 76477
to the county treasurer or other official designated by the board 76478
of directors in a joint district and kept in a separate and 76479
distinct fund to the credit of the district. If a regional solid 76480
waste management authority has been formed under section 343.011 76481
of the Revised Code, moneys received by the board of trustees of 76482
that regional authority under division (E) of this section shall 76483
be kept by the board in a separate and distinct fund to the credit 76484
of the district. Moneys in the special fund of the county or joint 76485
district arising from the fees levied under division (B) of this 76486
section and the fee levied under division (A) of section 3734.573 76487
of the Revised Code shall be expended by the board of county 76488
commissioners or directors of the district in accordance with the 76489
district's solid waste management plan or amended plan approved 76490
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 76491
exclusively for the following purposes: 76492

(1) Preparation of the solid waste management plan of the 76493
district under section 3734.54 of the Revised Code, monitoring 76494
implementation of the plan, and conducting the periodic review and 76495
amendment of the plan required by section 3734.56 of the Revised 76496
Code by the solid waste management policy committee; 76497

(2) Implementation of the approved solid waste management 76498
plan or amended plan of the district, including, without 76499
limitation, the development and implementation of solid waste 76500
recycling or reduction programs; 76501

(3) Providing financial assistance to boards of health within 76502
the district, if solid waste facilities are located within the 76503
district, for enforcement of this chapter and rules, orders, and 76504
terms and conditions of permits, licenses, and variances adopted 76505
or issued under it, other than the hazardous waste provisions of 76506

this chapter and rules adopted and orders and terms and conditions 76507
of permits issued under those provisions; 76508

(4) Providing financial assistance to each county within the 76509
district to defray the added costs of maintaining roads and other 76510
public facilities and of providing emergency and other public 76511
services resulting from the location and operation of a solid 76512
waste facility within the county under the district's approved 76513
solid waste management plan or amended plan; 76514

(5) Pursuant to contracts entered into with boards of health 76515
within the district, if solid waste facilities contained in the 76516
district's approved plan or amended plan are located within the 76517
district, for paying the costs incurred by those boards of health 76518
for collecting and analyzing samples from public or private water 76519
wells on lands adjacent to those facilities; 76520

(6) Developing and implementing a program for the inspection 76521
of solid wastes generated outside the boundaries of this state 76522
that are disposed of at solid waste facilities included in the 76523
district's approved solid waste management plan or amended plan; 76524

(7) Providing financial assistance to boards of health within 76525
the district for the enforcement of section 3734.03 of the Revised 76526
Code or to local law enforcement agencies having jurisdiction 76527
within the district for enforcing anti-littering laws and 76528
ordinances; 76529

(8) Providing financial assistance to boards of health of 76530
health districts within the district that are on the approved list 76531
under section 3734.08 of the Revised Code to defray the costs to 76532
the health districts for the participation of their employees 76533
responsible for enforcement of the solid waste provisions of this 76534
chapter and rules adopted and orders and terms and conditions of 76535
permits, licenses, and variances issued under those provisions in 76536
the training and certification program as required by rules 76537

adopted under division (L) of section 3734.02 of the Revised Code; 76538

(9) Providing financial assistance to individual municipal 76539
corporations and townships within the district to defray their 76540
added costs of maintaining roads and other public facilities and 76541
of providing emergency and other public services resulting from 76542
the location and operation within their boundaries of a 76543
composting, energy or resource recovery, incineration, or 76544
recycling facility that either is owned by the district or is 76545
furnishing solid waste management facility or recycling services 76546
to the district pursuant to a contract or agreement with the board 76547
of county commissioners or directors of the district; 76548

(10) Payment of any expenses that are agreed to, awarded, or 76549
ordered to be paid under section 3734.35 of the Revised Code and 76550
of any administrative costs incurred pursuant to that section. In 76551
the case of a joint solid waste management district, if the board 76552
of county commissioners of one of the counties in the district is 76553
negotiating on behalf of affected communities, as defined in that 76554
section, in that county, the board shall obtain the approval of 76555
the board of directors of the district in order to expend moneys 76556
for administrative costs incurred. 76557

Prior to the approval of the district's solid waste 76558
management plan under section 3734.55 of the Revised Code, moneys 76559
in the special fund of the district arising from the fees shall be 76560
expended for those purposes in the manner prescribed by the solid 76561
waste management policy committee by resolution. 76562

Notwithstanding division (G)(6) of this section as it existed 76563
prior to October 29, 1993, or any provision in a district's solid 76564
waste management plan prepared in accordance with division 76565
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 76566
prior to that date, any moneys arising from the fees levied under 76567
division (B)(3) of this section prior to January 1, 1994, may be 76568
expended for any of the purposes authorized in divisions (G)(1) to 76569

(10) of this section. 76570

(H) The director shall adopt rules in accordance with Chapter 76571
119. of the Revised Code prescribing procedures for collecting and 76572
forwarding the fees levied under divisions (B) and (C) of this 76573
section to the boards of county commissioners or directors of 76574
county or joint solid waste management districts and to the 76575
treasurers or other officers of municipal corporations and the 76576
fiscal officers of townships. The rules also shall prescribe the 76577
dates for forwarding the fees to the boards and officials and may 76578
prescribe any other requirements the director considers necessary 76579
or appropriate to implement and administer divisions (A), (B), and 76580
(C) of this section. 76581

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 76582
defray the cost of administering and enforcing the scrap tire 76583
provisions of this chapter, rules adopted under those provisions, 76584
and terms and conditions of orders, variances, and licenses issued 76585
under those provisions; to abate accumulations of scrap tires; to 76586
make grants supporting market development activities for scrap 76587
tires and synthetic rubber from tire manufacturing processes and 76588
tire recycling processes and to support scrap tire amnesty and 76589
cleanup events; to make loans to promote the recycling or recovery 76590
of energy from scrap tires; and to defray the costs of 76591
administering and enforcing sections 3734.90 to 3734.9014 of the 76592
Revised Code, a fee of fifty cents per tire is hereby levied on 76593
the sale of tires. The proceeds of the fee shall be deposited in 76594
the state treasury to the credit of the scrap tire management fund 76595
created in section 3734.82 of the Revised Code. The fee is levied 76596
from the first day of the calendar month that begins next after 76597
thirty days from October 29, 1993, through June 30, ~~2013~~ 2016. 76598

(2) Beginning on July 1, 2011, and ending on June 30, ~~2013~~ 76599
2016, there is hereby levied an additional fee of fifty cents per 76600

tire on the sale of tires the proceeds of which shall be deposited 76601
in the state treasury to the credit of the soil and water 76602
conservation district assistance fund created in section 1515.14 76603
of the Revised Code. 76604

(B) Only one sale of the same article shall be used in 76605
computing the amount of the fee due. 76606

Sec. 3734.907. (A) Any person required to pay the fee imposed 76607
by section 3734.901 of the Revised Code is personally liable for 76608
the fee. The tax commissioner may make an assessment, based upon 76609
any information in the commissioner's possession, against any 76610
person who fails to file a return or pay any fee, interest, or 76611
additional charge as required by sections 3734.90 to 3734.9014 of 76612
the Revised Code. The commissioner shall give the person assessed 76613
written notice of the assessment in the manner provided in section 76614
5703.37 of the Revised Code. With the notice, the commissioner 76615
shall provide instructions on how to petition for reassessment and 76616
request a hearing on the petition. 76617

(B) When the information in the possession of the tax 76618
commissioner indicates that a person liable for the fee imposed by 76619
section 3734.901 of the Revised Code has not paid the full amount 76620
of fee due, the commissioner may audit a representative sample of 76621
the person's business and may issue an assessment based on the 76622
audit. 76623

(C) A penalty of up to fifteen per cent may be added to all 76624
amounts assessed under this section. The commissioner may adopt 76625
rules providing for the imposition and remission of the penalties. 76626

(D) Unless the person assessed files with the tax 76627
commissioner within sixty days after service of the notice of 76628
assessment, either personally or by certified mail, a written 76629
petition for reassessment signed by the person assessed or that 76630
person's authorized agent having knowledge of the facts, the 76631

assessment becomes final and the amount of the assessment is due 76632
and payable from the person assessed to the treasurer of state. 76633
The petition shall indicate the objections of the person assessed, 76634
but additional objections may be raised in writing if received by 76635
the commissioner prior to the date shown on the final 76636
determination. If the petition has been properly filed, the 76637
commissioner shall proceed under section 5703.60 of the Revised 76638
Code. 76639

(E) After an assessment becomes final, if any portion of the 76640
assessment, including accrued interest, remains unpaid, a 76641
certified copy of the tax commissioner's entry making the 76642
assessment final may be filed in the office of the clerk of the 76643
court of common pleas in the county in which the person assessed 76644
resides or in which the person's business is conducted. If the 76645
person assessed maintains no place of business in this state and 76646
is not a resident of this state, the certified copy of the entry 76647
may be filed in the office of the clerk of the court of common 76648
pleas of Franklin county. 76649

Immediately upon the filing of the entry, the clerk shall 76650
enter a judgment for the state against the person assessed in the 76651
amount shown on the entry. The judgment may be filed by the clerk 76652
in a loose-leaf book entitled "special judgments for state tire 76653
fee," and shall have the same effect as other judgments. Execution 76654
shall issue upon the judgment upon the request of the tax 76655
commissioner, and all laws applicable to sales on execution shall 76656
apply to sales made under the judgment. 76657

~~The portion of~~ If the assessment is not paid in its entirety 76658
within sixty days after the day the assessment was issued, the 76659
portion of the assessment consisting of the fee due shall bear 76660
interest at the rate per annum prescribed by section 5703.47 of 76661
the Revised Code from the day the commissioner issues the 76662
assessment until the day the assessment is paid or until it is 76663

certified to the attorney general for collection under section 76664
131.02 of the Revised Code, whichever comes first. If the unpaid 76665
portion of the assessment is certified to the attorney general for 76666
collection, the entire unpaid portion of the assessment shall bear 76667
interest at the rate per annum prescribed by section 5703.47 of 76668
the Revised Code from the date of certification until the date it 76669
is paid in its entirety. Interest shall be paid in the same manner 76670
as the fee and may be collected by the issuance of an assessment 76671
under this section. 76672

(F) If the tax commissioner believes that collection of the 76673
fee will be jeopardized unless proceedings to collect or secure 76674
collection of the fee are instituted without delay, the 76675
commissioner may issue a jeopardy assessment against the person 76676
liable for the fee. Immediately upon the issuance of the jeopardy 76677
assessment, the commissioner shall file an entry with the clerk of 76678
the court of common pleas in the manner prescribed by division (E) 76679
of this section. Notice of the jeopardy assessment shall be served 76680
on the person assessed or the person's legal representative, as 76681
provided in section 5703.37 of the Revised Code, within five days 76682
of the filing of the entry with the clerk. The total amount 76683
assessed is immediately due and payable, unless the person 76684
assessed files a petition for reassessment in accordance with 76685
division (D) of this section and provides security in a form 76686
satisfactory to the commissioner and in an amount sufficient to 76687
satisfy the unpaid balance of the assessment. Full or partial 76688
payment of the assessment does not prejudice the commissioner's 76689
consideration of the petition for reassessment. 76690

(G) All money collected by the tax commissioner under this 76691
section shall be paid to the treasurer of state as revenue arising 76692
from the fee imposed by section 3734.901 of the Revised Code. 76693

Sec. 3735.58. (A) The director of ~~mental health~~ mental health 76694

and addiction services, the director of developmental 76695
disabilities, or the director of rehabilitation and correction may 76696
enter into contracts for the sale of land not needed by their 76697
departments and under their jurisdiction or supervision to 76698
metropolitan housing authorities for use by such an authority for 76699
a housing project or projects. Such contract may contain such 76700
conditions and terms as are, in the discretion of the directors, 76701
in the best interests of the state and the welfare of the 76702
residents of the state. 76703

(B) The director may, upon receipt of a request from a 76704
metropolitan housing authority, request the approval of the 76705
governor to sell and convey land not needed by the director's 76706
department and under the director's jurisdiction or supervision to 76707
an authority, subject to such terms and conditions consistent with 76708
the public interest and welfare of the residents of the state as 76709
the director considers necessary. The governor, with the approval 76710
of the controlling board, may approve the request. Such property 76711
shall be appraised at its fair market value before it is conveyed. 76712
The director of administrative services shall cause it to be 76713
appraised by three disinterested persons and shall determine the 76714
fee which each appraiser shall receive, not to exceed fifty 76715
dollars. All appraisal fees shall be paid by the authority which 76716
shall deposit with the director one hundred fifty dollars before 76717
the appraisal is made. If the deposit exceeds the appraisal fee, 76718
the balance shall be returned to the authority. The appraisal 76719
value, when approved by the director, is the purchase price. If 76720
the purchase price is not paid within ninety days after notice to 76721
the authority of the approved appraisal value, the director shall 76722
withdraw approval of the appraisal value and no deed shall be 76723
delivered to the authority without the written approval of the 76724
director of the purchase price. If the purchase price is paid 76725
within ninety days, a deed shall be prepared and recorded pursuant 76726
to section 5301.13 of the Revised Code. 76727

(C) Moneys received from sales of land to a metropolitan housing authority shall be placed in the state treasury in special funds, to be used for such purposes of the department of ~~mental health~~ mental health and addiction services, the department of developmental disabilities, or the department of rehabilitation and correction as is appropriate.

Sec. 3735.661. (A) For the purpose of determining the "first two amendments" referenced in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th general assembly, an amendment means any modification to an ordinance or resolution adopted under section 3735.66 of the Revised Code that does any of the following:

(1) Expands the geographic size of a community reinvestment area;

(2) Increases a property's or category of property's exempted percentage of assessed valuation, notwithstanding the requirements of section 3735.66 of the Revised Code as that section existed on July 21, 1994. Division (A)(2) of this section does not authorize a municipal corporation or county to increase a property's or category of property's exempted percentage of assessed valuation pursuant to that section.

(3) Increases the term of any tax exemption or category of tax exemptions;

(4) Extends the duration of a community reinvestment area;

(5) Changes eligibility requirements for receiving tax exemptions.

(B) For the purpose of determining the "first two amendments" in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th general assembly, an amendment does not include any modification to an ordinance or resolution adopted under section 3735.66 of the Revised Code that does any of the following:

<u>(1) Restricts the availability of tax exemptions, including any of the following:</u>	76758
	76759
<u>(a) Removes area from or decreases the geographic size of a community reinvestment area;</u>	76760
	76761
<u>(b) Decreases a property's or category of property's exempted percentage of assessed valuation, notwithstanding the requirements of section 3735.66 of the Revised Code as that section existed on July 21, 1994. Division (B)(1)(b) of this section does not authorize a municipal corporation or county to decrease a property's or category of property's exempted percentage of assessed valuation pursuant to that section.</u>	76762
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	76768
<u>(c) Decreases the term of any tax exemption or category of exemption;</u>	76769
	76770
<u>(d) Shortens the period of time after which the granting of tax exemptions may be terminated.</u>	76771
	76772
<u>(2) Recognizes or confirms the continuing existence of a community reinvestment area, including by providing a date after which the area may be terminated;</u>	76773
	76774
	76775
<u>(3) Recognizes or confirms a previously granted tax exemption;</u>	76776
	76777
<u>(4) Clarifies ambiguities or corrects defects in previously enacted ordinances or resolutions;</u>	76778
	76779
<u>(5) Makes modifications that are procedural or administrative, including changing the designation of a housing officer, the process for approving or appealing a tax exemption, or the amount of any application fee, or modifying a community reinvestment area housing council created under section 3735.69 of the Revised Code or a tax incentive review council under section 5709.85 of the Revised Code.</u>	76780
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	76786
Sec. 3737.02. (A) The fire marshal may collect fees to cover	76787

the costs of performing inspections and other duties that the fire marshal is authorized or required by law to perform. Except as provided in division (B) of this section, all fees collected by the fire marshal shall be deposited to the credit of the fire marshal's fund.

(B) All of the following shall be credited to the underground storage tank administration fund, which is hereby created in the state treasury:

(1) Fees collected under sections 3737.88 and 3737.881 of the Revised Code for operation of the underground storage tank and underground storage tank installer certification programs, ~~moneys;~~

(2) Moneys recovered under section 3737.89 of the Revised Code for the state's costs of undertaking corrective or enforcement actions under that section or section 3737.882 of the Revised Code, ~~and fines;~~

(3) Fines and penalties collected under section 3737.882 of the Revised Code ~~shall be credited to the underground storage tank administration fund, which is hereby created in the state treasury. All;~~

(4) Amounts repaid for underground storage tank revolving loans under section 3737.883 of the Revised Code.

(C) All interest earned on moneys credited to the underground storage tank administration fund shall be credited to the fund. Moneys credited to the underground storage tank administration fund shall be used by the fire marshal for implementation and enforcement of underground storage tank, corrective action, and installer certification programs under sections 3737.88 to 3737.89 of the Revised Code. Only moneys described in divisions (B)(3) and (4) of this section may be used by the fire marshal to make underground storage tank revolving loans under section 3737.883 of the Revised Code, and no other moneys may be used to make those

loans. 76819

~~(C)~~(D) The fire marshal shall take all actions necessary to 76820
obtain any federal funding available to carry out the fire 76821
marshal's responsibilities under sections 3737.88 to 3737.89 of 76822
the Revised Code and federal laws regarding the cleaning up of 76823
releases of petroleum, as "release" is defined in section 3737.87 76824
of the Revised Code, including, without limitation, any federal 76825
funds that are available to reimburse the state for the costs of 76826
undertaking corrective actions for such releases of petroleum. The 76827
state may, when appropriate, return to the United States any 76828
federal funds recovered under sections 3737.882 and 3737.89 of the 76829
Revised Code. 76830

Sec. 3737.83. The fire marshal shall, as part of the state 76831
fire code, adopt rules to: 76832

(A) Establish minimum standards of performance for fire 76833
protection equipment and fire fighting equipment; 76834

(B) Establish minimum standards of training, fix minimum 76835
qualifications, and require certificates for all persons who 76836
engage in the business for profit of installing, testing, 76837
repairing, or maintaining fire protection equipment; 76838

(C) Provide for the issuance of certificates required under 76839
division (B) of this section and establish the fees to be charged 76840
for such certificates. A certificate shall be granted, renewed, or 76841
revoked according to rules the fire marshal shall adopt. 76842

(D) Establish minimum standards of flammability for consumer 76843
goods in any case where the federal government or any department 76844
or agency thereof has established, or may from time to time 76845
establish standards of flammability for consumer goods. The 76846
standards established by the fire marshal shall be identical to 76847
the minimum federal standards. 76848

In any case where the federal government or any department or agency thereof, establishes standards of flammability for consumer goods subsequent to the adoption of a flammability standard by the fire marshal, standards previously adopted by the fire marshal shall not continue in effect to the extent such standards are not identical to the minimum federal standards.

With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code.

(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in child day-care centers and in type A family day-care homes, as defined in section 5104.01 of the Revised Code.

(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section ~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The fire marshal shall adopt the rules under this division in consultation with the director of ~~mental health~~ mental health and addiction services and interested parties designated by the director of ~~mental health~~ mental health and addiction services.

Sec. 3737.841. As used in this section and section 3737.842 of the Revised Code:

(A) "Public occupancy" means all of the following:

(1) Any state correctional institution as defined in section 2967.01 of the Revised Code and any county, multicounty, municipal, or municipal-county jail or workhouse;

(2) Any hospital as defined in section 3727.01 of the Revised Code, any hospital licensed by the department of ~~mental health~~

mental health and addiction services under section ~~5119.20~~ 5119.33 76879
of the Revised Code, and any institution, hospital, or other place 76880
established, controlled, or supervised by the department of ~~mental~~ 76881
~~health~~ mental health and addiction services under Chapter 5119. of 76882
the Revised Code; 76883

(3) Any nursing home, residential care facility, or home for 76884
the aging as defined in section 3721.01 of the Revised Code and 76885
any residential facility licensed under section ~~5119.22~~ 5119.34 of 76886
the Revised Code that provides accommodations, supervision, and 76887
personal care services for three to sixteen unrelated adults; 76888

(4) Any child day-care center and any type A family day-care 76889
home as defined in section 5104.01 of the Revised Code; 76890

(5) Any public auditorium or stadium; 76891

(6) Public assembly areas of hotels and motels containing 76892
more than ten articles of seating furniture. 76893

(B) "Sell" includes sell, offer or expose for sale, barter, 76894
trade, deliver, give away, rent, consign, lease, possess for sale, 76895
or dispose of in any other commercial manner. 76896

(C) Except as provided in division (D) of this section, 76897
"seating furniture" means any article of furniture, including 76898
children's furniture, that can be used as a support for an 76899
individual, or an individual's limbs or feet, when sitting or 76900
resting in an upright or reclining position and that either: 76901

(1) Is made with loose or attached cushions or pillows; 76902

(2) Is stuffed or filled in whole or in part with any filling 76903
material; 76904

(3) Is or can be stuffed or filled in whole or in part with 76905
any substance or material, concealed by fabric or any other 76906
covering. 76907

"Seating furniture" includes the cushions or pillows 76908

belonging to or forming a part of the furniture, the structural 76909
unit, and the filling material and its container or covering. 76910

(D) "Seating furniture" does not include, except if intended 76911
for use by children or in facilities designed for the care or 76912
treatment of humans, any of the following: 76913

(1) Cushions or pads intended solely for outdoor use; 76914

(2) Any article with a smooth surface that contains no more 76915
than one-half inch of filling material, if that article does not 76916
have an upholstered horizontal surface meeting an upholstered 76917
vertical surface; 76918

(3) Any article manufactured solely for recreational use or 76919
physical fitness purposes, including weight-lifting benches, 76920
gymnasium mats or pads, and sidehorses. 76921

(E) "Filling material" means cotton, wool, kapok, feathers, 76922
down, hair, liquid, or any other natural or artificial material or 76923
substance that is used or can be used as stuffing in seating 76924
furniture. 76925

Sec. 3737.88. (A)(1) The fire marshal shall have 76926
responsibility for implementation of the underground storage tank 76927
program and corrective action program for releases of petroleum 76928
from underground storage tanks established by the "Resource 76929
Conservation and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 76930
6901, as amended. To implement the programs, the fire marshal may 76931
adopt, amend, and rescind such rules, conduct such inspections, 76932
require annual registration of underground storage tanks, issue 76933
such citations and orders to enforce those rules, enter into 76934
environmental covenants in accordance with sections 5301.80 to 76935
5301.92 of the Revised Code, and perform such other duties, as are 76936
consistent with those programs. The fire marshal, by rule, may 76937
delegate the authority to conduct inspections of underground 76938

storage tanks to certified fire safety inspectors. 76939

(2) In the place of any rules regarding release containment 76940
and release detection for underground storage tanks adopted under 76941
division (A)(1) of this section, the fire marshal, by rule, shall 76942
designate areas as being sensitive for the protection of human 76943
health and the environment and adopt alternative rules regarding 76944
release containment and release detection methods for new and 76945
upgraded underground storage tank systems located in those areas. 76946
In designating such areas, the fire marshal shall take into 76947
consideration such factors as soil conditions, hydrogeology, water 76948
use, and the location of public and private water supplies. Not 76949
later than July 11, 1990, the fire marshal shall file the rules 76950
required under this division with the secretary of state, director 76951
of the legislative service commission, and joint committee on 76952
agency rule review in accordance with divisions (B) and (H) of 76953
section 119.03 of the Revised Code. 76954

(3) Notwithstanding sections 3737.87 to 3737.89 of the 76955
Revised Code, a person who is not a responsible person, as 76956
determined by the fire marshal pursuant to this chapter, may 76957
conduct a voluntary action in accordance with Chapter 3746. of the 76958
Revised Code and rules adopted under it for either of the 76959
following: 76960

(a) A class C release; 76961

(b) A release, other than a class C release, that is subject 76962
to the rules adopted by the fire marshal under division (B) of 76963
section 3737.882 of the Revised Code pertaining to a corrective 76964
action, provided that both of the following apply: 76965

(i) The voluntary action also addresses hazardous substances 76966
or petroleum that is not subject to the rules adopted under 76967
division (B) of section 3737.882 of the Revised Code pertaining to 76968
a corrective action. 76969

(ii) The fire marshal has not issued an administrative order 76970
concerning the release or referred the release to the attorney 76971
general for enforcement. 76972

The director of environmental protection, pursuant to section 76973
3746.12 of the Revised Code, may issue a covenant not to sue to 76974
any person who properly completes a voluntary action with respect 76975
to any such release in accordance with Chapter 3746. of the 76976
Revised Code and rules adopted under it. 76977

(B) Before adopting any rule under this section or section 76978
3737.881 or 3737.882 of the Revised Code, the fire marshal shall 76979
file written notice of the proposed rule with the chairperson of 76980
the state fire council, and, within sixty days after notice is 76981
filed, the council may file responses to or comments on and may 76982
recommend alternative or supplementary rules to the fire marshal. 76983
At the end of the sixty-day period or upon the filing of 76984
responses, comments, or recommendations by the council, the fire 76985
marshal may adopt the rule filed with the council or any 76986
alternative or supplementary rule recommended by the council. 76987

(C) The state fire council may recommend courses of action to 76988
be taken by the fire marshal in carrying out the fire marshal's 76989
duties under this section. The council shall file its 76990
recommendations in the office of the fire marshal, and, within 76991
sixty days after the recommendations are filed, the fire marshal 76992
shall file with the chairperson of the council comments on, and 76993
proposed action in response to, the recommendations. 76994

(D) For the purpose of sections 3737.87 to 3737.89 of the 76995
Revised Code, the fire marshal shall adopt, and may amend and 76996
rescind, rules identifying or listing hazardous substances. The 76997
rules shall be consistent with and equivalent in scope, coverage, 76998
and content to regulations identifying or listing hazardous 76999
substances adopted under the "Comprehensive Environmental 77000
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 77001

42 U.S.C.A. 9602, as amended, except that the fire marshal shall not identify or list as a hazardous substance any hazardous waste identified or listed in rules adopted under division (A) of section 3734.12 of the Revised Code.

(E) Except as provided in division (A)(3) of this section, the fire marshal shall have exclusive jurisdiction to regulate the storage, treatment, and disposal of petroleum contaminated soil generated from corrective actions undertaken in response to releases of petroleum from underground storage tank systems. The fire marshal may adopt, amend, or rescind such rules as the fire marshal considers to be necessary or appropriate to regulate the storage, treatment, or disposal of petroleum contaminated soil so generated.

(F) The fire marshal shall adopt, amend, and rescind rules under sections 3737.88 to ~~3737.882~~ 3737.883 of the Revised Code in accordance with Chapter 119. of the Revised Code.

Sec. 3737.882. (A) If, after an examination or inspection, the fire marshal or an assistant fire marshal finds that a release of petroleum is suspected, the fire marshal shall take such action as the fire marshal considers necessary to ensure that a suspected release is confirmed or disproved and, if the occurrence of a release is confirmed, to correct the release. These actions may include one or more of the following:

(1) Issuance of a citation and order requiring the responsible person to undertake, in a manner consistent with the requirements of section 9003 of the "Resource Conservation and Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, as amended, applicable regulations adopted thereunder, and rules adopted under division (B) of this section, such actions as are necessary to protect human health and the environment, including, without limitation, the investigation of a suspected release;

(2) Requesting the attorney general to bring a civil action 77033
for appropriate relief, including a temporary restraining order or 77034
preliminary or permanent injunction, in the court of common pleas 77035
of the county in which a suspected release is located or in which 77036
the release occurred, to obtain the corrective action necessary to 77037
protect human health and the environment. In granting any such 77038
relief, the court shall ensure that the terms of the temporary 77039
restraining order or injunction are sufficient to provide 77040
comprehensive corrective action to protect human health and the 77041
environment. 77042

(3) Entry onto premises and undertaking corrective action 77043
with respect to a release of petroleum if, in the fire marshal's 77044
judgment, such action is necessary to protect human health and the 77045
environment. Any corrective action undertaken by the fire marshal 77046
or assistant fire marshal under division (A)(3) of this section 77047
shall be consistent with the requirements of sections 9003 and 77048
9005 of the "Resource Conservation and Recovery Act of 1976," 98 77049
Stat. 3279, 42 U.S.C.A. 6991b, and 98 Stat. 3284, 42 U.S.C.A. 77050
6991e, respectively, as amended, applicable regulations adopted 77051
thereunder, and rules adopted under division (B) of this section. 77052

(B) The fire marshal shall adopt, and may amend and rescind, 77053
such rules as the fire marshal considers necessary to establish 77054
standards for corrective actions for suspected and confirmed 77055
releases of petroleum and standards for the recovery of costs 77056
incurred for undertaking corrective or enforcement actions with 77057
respect to such releases. The rules also shall include 77058
requirements for financial responsibility for the cost of 77059
corrective actions for and compensation of bodily injury and 77060
property damage incurred by third parties that are caused by 77061
releases of petroleum. Rules regarding financial responsibility 77062
shall, without limitation, require responsible persons to provide 77063
evidence that the parties guaranteeing payment of the deductible 77064

amount established under division (E) or (F) of section 3737.91 of 77065
the Revised Code are, at a minimum, secondarily liable for all 77066
corrective action and third-party liability costs incurred within 77067
the scope of the deductible amount. The rules shall be consistent 77068
with sections 9003 and 9005 of the "Resource Conservation and 77069
Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, and 98 77070
Stat. 3284, 42 U.S.C.A. 6991e, respectively, as amended, and 77071
applicable regulations adopted thereunder. 77072

(C)(1) No person shall violate or fail to comply with a rule 77073
adopted under division (A) of section 3737.88 of the Revised Code 77074
or division (B) of this section, and no person shall violate or 77075
fail to comply with the terms of any order issued under division 77076
(A) of section 3737.88 of the Revised Code or division (A)(1) of 77077
this section. 77078

(2) Whoever violates division (C)(1) of this section or 77079
division (F) of section 3737.881 of the Revised Code shall pay a 77080
civil penalty of not more than ten thousand dollars for each day 77081
that the violation continues. The fire marshal may, by order, 77082
assess a civil penalty under this division, or the fire marshal 77083
may request the attorney general to bring a civil action for 77084
imposition of the civil penalty in the court of common pleas of 77085
the county in which the violation occurred. If the fire marshal 77086
determines that a responsible person is in violation of division 77087
(C)(1) of this section or division (F) of section 3737.881 of the 77088
Revised Code, the fire marshal may request the attorney general to 77089
bring a civil action for appropriate relief, including a temporary 77090
restraining order or preliminary or permanent injunction, in the 77091
court of common pleas of the county in which the underground 77092
storage tank or, in the case of a violation of division (F)(3) of 77093
section 3737.881 of the Revised Code, the training program that is 77094
the subject of the violation is located. The court shall issue a 77095
temporary restraining order or an injunction upon a demonstration 77096

that a violation of division (C)(1) of this section or division 77097
(F) of section 3737.881 of the Revised Code has occurred or is 77098
occurring. 77099

Any action brought by the attorney general under this 77100
division is a civil action, governed by the Rules of Civil 77101
Procedure and other rules of practice and procedure applicable to 77102
civil actions. 77103

Nothing in section 3737.883 of the Revised Code limits the 77104
powers of the fire marshal or the attorney general under this 77105
division. 77106

(D) Orders issued under division (A) of section 3737.88 of 77107
the Revised Code and divisions (A)(1) and (C) of this section, and 77108
appeals thereof, are subject to and governed by Chapter 3745. of 77109
the Revised Code. Such orders shall be issued without the 77110
necessity for issuance of a proposed action under that chapter. 77111
For purposes of appeals of any such orders, the term "director" as 77112
used in Chapter 3745. of the Revised Code includes the fire 77113
marshal and an assistant fire marshal. 77114

(E) Any restrictions on the use of real property for the 77115
purpose of the achievement by an owner or operator of applicable 77116
standards pursuant to rules adopted under division (B) of this 77117
section shall be contained in a deed or in another instrument that 77118
is signed and acknowledged by the property owner in the same 77119
manner as a deed or an environmental covenant that is entered into 77120
in accordance with sections 5301.80 to 5301.92 of the Revised 77121
Code. The deed, other instrument containing the restrictions, or 77122
environmental covenant shall be filed and recorded in the office 77123
of the county recorder of the county in which the property is 77124
located. Pursuant to Chapter 5309. of the Revised Code, if the use 77125
restrictions or environmental covenant are connected with 77126
registered land, as defined in section 5309.01 of the Revised 77127
Code, the restrictions or environmental covenant shall be entered 77128

as a memorial on the page of the register where the title of the owner is registered. 77129
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(F) Any restrictions on the use of real property for the purpose of the achievement by a person that is not a responsible person, or by a person undertaking a voluntary action of applicable standards pursuant to rules adopted under division (B) of this section shall be contained in an environmental covenant that is entered into in accordance with sections 5301.80 to 5301.92 of the Revised Code. The environmental covenant shall be filed and recorded in the office of the county recorder of the county in which the property is located. Pursuant to Chapter 5309. of the Revised Code, if the environmental covenant is connected with registered land, as defined in section 5309.01 of the Revised Code, the environmental covenant shall be entered as a memorial on the page of the register where the title of the owner is registered. 77131
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Sec. 3737.883. (A) As used in this section, "political subdivision" has the same meaning as in section 2744.01 of the Revised Code, but includes a community improvement corporation as that term is defined in section 1724.01 of the Revised Code. 77145
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(B)(1) A political subdivision may do any of the following for an underground storage tank located within its territorial boundaries if the political subdivision is the tank owner but not the operator: 77149
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(a) Initiate, continue, or properly complete the closure in place or removal of an underground storage tank system; 77153
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(b) Initiate, continue, or properly complete an assessment of the site of an underground storage tank or the site of an underground storage tank system; 77155
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(c) Initiate, continue, or properly complete a corrective 77158

action. 77159

(2) A political subdivision may take any of the actions described in divisions (B)(1)(a) to (c) of this section for the site of a previously existing release to which all of the following apply: 77160
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(a) The political subdivision is not the responsible person. 77164

(b) The release has not received a no-further-action determination from the state fire marshal. 77165
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(c) The site of the release is located within the political subdivision's territorial boundaries. 77167
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(d) The responsible person is not identifiable or the state fire marshal determines that an identified responsible person is unable to pay the costs of the action to be taken by the political subdivision. 77169
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(C) The state fire marshal or the state fire marshal's designee shall administer an underground storage tank revolving loan program under which the state fire marshal issues loans to assist with the costs of actions taken under divisions (B)(1) and (2) of this section. The state fire marshal shall issue a loan under the program to a political subdivision that meets the application requirements of division (D) of this section and agrees to written terms and conditions of the loan with the state fire marshal. 77173
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(D) A political subdivision shall apply to the state fire marshal for a loan under this section on a form prescribed by the state fire marshal. In the application, the political subdivision shall do all of the following: 77182
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(1) Describe the action for which it is requesting a loan; 77186

(2) State the requested loan amount; 77187

(3) Explain how the political subdivision plans to spend, of 77188

its own funds, in undertaking the action for which the loan is 77189
requested, an amount equal to at least five per cent of the 77190
requested loan amount; 77191

(4) Provide any other information requested by the state fire 77192
marshal. 77193

(E) The state fire marshal shall consult with the director of 77194
development services before issuing any loan under this section. 77195

(F) A loan issued under this section shall not carry 77196
interest. No loan issued under this section shall have a term of 77197
more than ten years. The political subdivision shall repay a loan 77198
issued under this section to the state fire marshal. 77199

(G) If, at any time after the expenditure of loan funds by a 77200
political subdivision under division (B)(2) of this section, the 77201
state fire marshal or any law enforcement agency identifies the 77202
responsible person or determines, for any reason, that the 77203
previously identified responsible person was or is able to pay the 77204
costs of the action for which the loan was issued, the political 77205
subdivision may bring any appropriate proceedings against the 77206
responsible person to recover the costs incurred by the political 77207
subdivision. The proceedings may be brought in either the court of 77208
common pleas having jurisdiction where the underground storage 77209
tank is located or the court of common pleas of Franklin county. 77210

(H)(1) The state fire marshal shall adopt and may amend and 77211
rescind rules as necessary for the administration and operation of 77212
the underground storage tank revolving loan program. The rules may 77213
do any of the following: 77214

(a) Further define the entities considered "political 77215
subdivisions" eligible to receive loans; 77216

(b) Establish qualifying criteria for loan recipients; 77217

(c) Establish criteria for awarding loans, loan amounts, loan 77218

payment terms, and permissible expenditures of loan funds, 77219
including methods that the state fire marshal may use to verify 77220
the proper use of loan funds or to obtain reimbursement for or the 77221
return of improperly used loan funds. 77222

(2) The state fire marshal may adopt and may amend and 77223
rescind rules for the issuance of emergency underground storage 77224
tank revolving loans to qualifying entities during a natural 77225
disaster or another similar event as defined in the rules. 77226

Sec. ~~3737.883~~ 3737.884. On receipt of a notice pursuant to 77227
section 3123.43 of the Revised Code, the state fire marshal shall 77228
comply with sections 3123.41 to 3123.50 of the Revised Code and 77229
any applicable rules adopted under section 3123.63 of the Revised 77230
Code with respect to a certificate issued pursuant to section 77231
3737.34, 3737.65, 3737.83, or 3737.881 of the Revised Code. 77232

Sec. 3742.30. Each child at risk of lead poisoning shall 77233
undergo a blood lead screening test to determine whether the child 77234
has lead poisoning. The at-risk children shall undergo the test at 77235
times determined by rules the director of health shall adopt in 77236
accordance with Chapter 119. of the Revised Code that are 77237
consistent with the guidelines established by the centers for 77238
disease control and prevention in the public health service of the 77239
United States department of health and human services. The rules 77240
shall specify which children are at risk of lead poisoning. 77241

Neither this section nor the rules adopted under it affect 77242
the coverage of blood lead screening tests by any publicly funded 77243
health program, including the medicaid program ~~established by~~ 77244
~~Chapter 5111. of the Revised Code.~~ Neither this section nor the 77245
rules adopted under it apply to a child if a parent of the child 77246
objects to the test on the grounds that the test conflicts with 77247
the parent's religious tenets and practices. 77248

Sec. 3742.31. (A) The director of health shall establish, 77249
promote, and maintain a child lead poisoning prevention program. 77250
The program shall provide statewide coordination of screening, 77251
diagnosis, and treatment services for children under age six, 77252
including both of the following: 77253

(1) Collecting the social security numbers of all children 77254
screened, diagnosed, or treated as part of the program's case 77255
management system; 77256

(2) Disclosing to the ~~office of medical assistance in the~~ 77257
department of ~~job and family services~~ medicaid on at least an 77258
annual basis the identity and lead screening test results of each 77259
child screened pursuant to section 3742.30 of the Revised Code. 77260
The director shall collect and disseminate information relating to 77261
child lead poisoning and controlling lead hazards. 77262

(B) The director of health shall operate the child lead 77263
poisoning prevention program in accordance with rules adopted 77264
under section 3742.50 of the Revised Code. The director may enter 77265
into an interagency agreement with one or more other state 77266
agencies to perform one or more of the program's duties. The 77267
director shall supervise and direct an agency's performance of 77268
such a duty. 77269

Sec. 3742.32. (A) The director of health shall appoint an 77270
advisory council to assist in the ongoing development and 77271
implementation of the child lead poisoning prevention program 77272
created under section 3742.31 of the Revised Code. The advisory 77273
council shall consist of the following members: 77274

(1) A representative of the ~~office of medical assistance in~~ 77275
~~the~~ department of ~~job and family services~~ medicaid; 77276

(2) A representative of the bureau of child care in the 77277
department of job and family services; 77278

(3) A representative of the department of environmental protection;	77279 77280
(4) A representative of the department of education;	77281
(5) A representative of the department of development <u>services agency</u> ;	77282 77283
(6) A representative of the Ohio apartment owner's association;	77284 77285
(7) A representative of the Ohio help end lead poisoning coalition;	77286 77287
(8) A representative of the Ohio environmental health association;	77288 77289
(9) An Ohio representative of the national paint and coatings association.	77290 77291
(B) The advisory council shall do both of the following:	77292
(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;	77293 77294 77295 77296
(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.	77297 77298 77299
(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code.	77300 77301
Sec. 3742.51. (A) There is hereby created in the state treasury the lead poisoning prevention fund. The fund shall include all moneys appropriated to the department of health for the administration and enforcement of sections 3742.31 to 3742.50 of the Revised Code and the rules adopted under those sections. Any grants, contributions, or other moneys collected by the	77302 77303 77304 77305 77306 77307

department for purposes of preventing lead poisoning shall be 77308
deposited in the state treasury to the credit of the fund. 77309

(B) Moneys in the fund shall be used solely for the purposes 77310
of the child lead poisoning prevention program established under 77311
section 3742.31 of the Revised Code, including providing financial 77312
assistance to individuals who are unable to pay for the following: 77313

(1) Costs associated with obtaining lead tests and lead 77314
poisoning treatment for children under six years of age who are 77315
not covered by private medical insurance or are underinsured, are 77316
not eligible for the medicaid program ~~established under Chapter~~ 77317
~~5111. of the Revised Code~~ or any other government health program, 77318
and do not have access to another source of funds to cover the 77319
cost of lead tests and any indicated treatments; 77320

(2) Costs associated with having lead abatement performed or 77321
having the preventive treatments specified in section 3742.41 of 77322
the Revised Code performed. 77323

Sec. 3745.11. (A) Applicants for and holders of permits, 77324
licenses, variances, plan approvals, and certifications issued by 77325
the director of environmental protection pursuant to Chapters 77326
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 77327
to the environmental protection agency for each such issuance and 77328
each application for an issuance as provided by this section. No 77329
fee shall be charged for any issuance for which no application has 77330
been submitted to the director. 77331

(B) Except as otherwise provided in division (C)(2) of this 77332
section, beginning July 1, 1994, each person who owns or operates 77333
an air contaminant source and who is required to apply for and 77334
obtain a Title V permit under section 3704.036 of the Revised Code 77335
shall pay the fees set forth in this division. For the purposes of 77336
this division, total emissions of air contaminants may be 77337
calculated using engineering calculations, emissions factors, 77338

material balance calculations, or performance testing procedures, 77339
as authorized by the director. 77340

The following fees shall be assessed on the total actual 77341
emissions from a source in tons per year of the regulated 77342
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 77343
organic compounds, and lead: 77344

(1) Fifteen dollars per ton on the total actual emissions of 77345
each such regulated pollutant during the period July through 77346
December 1993, to be collected no sooner than July 1, 1994; 77347

(2) Twenty dollars per ton on the total actual emissions of 77348
each such regulated pollutant during calendar year 1994, to be 77349
collected no sooner than April 15, 1995; 77350

(3) Twenty-five dollars per ton on the total actual emissions 77351
of each such regulated pollutant in calendar year 1995, and each 77352
subsequent calendar year, to be collected no sooner than the 77353
fifteenth day of April of the year next succeeding the calendar 77354
year in which the emissions occurred. 77355

The fees levied under this division do not apply to that 77356
portion of the emissions of a regulated pollutant at a facility 77357
that exceed four thousand tons during a calendar year. 77358

(C)(1) The fees assessed under division (B) of this section 77359
are for the purpose of providing funding for the Title V permit 77360
program. 77361

(2) The fees assessed under division (B) of this section do 77362
not apply to emissions from any electric generating unit 77363
designated as a Phase I unit under Title IV of the federal Clean 77364
Air Act prior to calendar year 2000. Those fees shall be assessed 77365
on the emissions from such a generating unit commencing in 77366
calendar year 2001 based upon the total actual emissions from the 77367
generating unit during calendar year 2000 and shall continue to be 77368
assessed each subsequent calendar year based on the total actual 77369

emissions from the generating unit during the preceding calendar year. 77370
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(3) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (B) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice. 77372
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(D)(1) Except as provided in division (D)(3) of this section, from January 1, 1994, through December 31, 2003, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule: 77380
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Total tons per year of regulated pollutants emitted	Annual fee per facility	77391 77392 77393
More than 0, but less than 50	\$ 75	77394
50 or more, but less than 100	300	77395
100 or more	700	77396

(2) Except as provided in division (D)(3) of this section, beginning January 1, 2004, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the 77397
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Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility
More than 0, but less than 10	\$ 100
10 or more, but less than 50	200
50 or more, but less than 100	300
100 or more	700

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2014~~ 2016, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility
Less than 10	\$ 170
10 or more, but less than 20	340
20 or more, but less than 30	670

30 or more, but less than 40	1,010	77434
40 or more, but less than 50	1,340	77435
50 or more, but less than 60	1,680	77436
60 or more, but less than 70	2,010	77437
70 or more, but less than 80	2,350	77438
80 or more, but less than 90	2,680	77439
90 or more, but less than 100	3,020	77440
100 or more	3,350	77441

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(3) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for

the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)

Input capacity (maximum (million British thermal units per hour)	Permit to install	
Greater than 0, but less than 10	\$ 200	
10 or more, but less than 100	400	
100 or more, but less than 300	1000	
300 or more, but less than 500	2250	
500 or more, but less than 1000	3750	
1000 or more, but less than 5000	6000	
5000 or more	9000	

Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		77498
Generating capacity (mega watts)	Permit to install	77500
0 or more, but less than 10	\$ 25	77501
10 or more, but less than 25	150	77502
25 or more, but less than 50	300	77503
50 or more, but less than 100	500	77504
100 or more, but less than 250	1000	77505
250 or more	2000	77506
(3) Incinerators		77507
Input capacity (pounds per hour)	Permit to install	77508
0 to 100	\$ 100	77509
101 to 500	500	77510
501 to 2000	1000	77511
2001 to 20,000	1500	77512
more than 20,000	3750	77513
(4)(a) Process		77514
Process weight rate (pounds per hour)	Permit to install	77515
0 to 1000	\$ 200	77516
1001 to 5000	500	77517
5001 to 10,000	750	77518
10,001 to 50,000	1000	77519
more than 50,000	1250	77520
In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. A boiler, furnace, combustion turbine, stationary internal combustion engine, or process heater designed to provide direct heat or power to a process not designed to generate electricity shall be assessed a fee established in division (F)(4)(a) of this section. A combustion turbine or stationary internal combustion engine designed to generate electricity shall be assessed a fee established in division (F)(2) of this section.		77521 77522 77523 77524 77525 77526 77527 77528 77529

(b) Notwithstanding division (F)(4)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F)(4)(c) of this section for a process used in any of the following industries, as identified by the applicable two-digit, three-digit, or four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1987, as revised:

- Major group 10, metal mining;
- Major group 12, coal mining;
- Major group 14, mining and quarrying of nonmetallic minerals;
- Industry group 204, grain mill products;
- 2873 Nitrogen fertilizers;
- 2874 Phosphatic fertilizers;
- 3281 Cut stone and stone products;
- 3295 Minerals and earth, ground or otherwise treated;
- 4221 Grain elevators (storage only);
- 5159 Farm related raw materials;
- 5261 Retail nurseries and lawn and garden supply stores.

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process identified in division (F)(4)(b) of this section:

Process weight rate (pounds per hour)	Permit to install	
0 to 10,000	\$ 200	
10,001 to 50,000	400	

50,001 to 100,000	500	77558
100,001 to 200,000	600	77559
200,001 to 400,000	750	77560
400,001 or more	900	77561
(5) Storage tanks		77562
Gallons (maximum useful capacity)	Permit to install	77563
0 to 20,000	\$ 100	77564
20,001 to 40,000	150	77565
40,001 to 100,000	250	77566
100,001 to 500,000	400	77567
500,001 or greater	750	77568
(6) Gasoline/fuel dispensing facilities		77569
For each gasoline/fuel		77570
dispensing facility (includes all	Permit to install	77571
units at the facility)	\$ 100	77572
(7) Dry cleaning facilities		77573
For each dry cleaning		77574
facility (includes all units	Permit to install	77575
at the facility)	\$ 100	77576
(8) Registration status		77577
For each source covered	Permit to install	77578
by registration status	\$ 75	77579
(G) An owner or operator who is responsible for an asbestos		77580
demolition or renovation project pursuant to rules adopted under		77581
section 3704.03 of the Revised Code shall pay the fees set forth		77582
in the following schedule:		77583
Action	Fee	77584
Each notification	\$75	77585
Asbestos removal	\$3/unit	77586
Asbestos cleanup	\$4/cubic yard	77587
For purposes of this division, "unit" means any combination of		77588

linear feet or square feet equal to fifty. 77589

(H) A person who is issued an extension of time for a permit 77590
to install an air contaminant source pursuant to rules adopted 77591
under division (F) of section 3704.03 of the Revised Code shall 77592
pay a fee equal to one-half the fee originally assessed for the 77593
permit to install under this section, except that the fee for such 77594
an extension shall not exceed two hundred dollars. 77595

(I) A person who is issued a modification to a permit to 77596
install an air contaminant source pursuant to rules adopted under 77597
section 3704.03 of the Revised Code shall pay a fee equal to 77598
one-half of the fee that would be assessed under this section to 77599
obtain a permit to install the source. The fee assessed by this 77600
division only applies to modifications that are initiated by the 77601
owner or operator of the source and shall not exceed two thousand 77602
dollars. 77603

(J) Notwithstanding division (F) of this section, a person 77604
who applies for or obtains a permit to install pursuant to rules 77605
adopted under division (F) of section 3704.03 of the Revised Code 77606
after the date actual construction of the source began shall pay a 77607
fee for the permit to install that is equal to twice the fee that 77608
otherwise would be assessed under the applicable division unless 77609
the applicant received authorization to begin construction under 77610
division (W) of section 3704.03 of the Revised Code. This division 77611
only applies to sources for which actual construction of the 77612
source begins on or after July 1, 1993. The imposition or payment 77613
of the fee established in this division does not preclude the 77614
director from taking any administrative or judicial enforcement 77615
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 77616
of the Revised Code, or a rule adopted under any of them, in 77617
connection with a violation of rules adopted under division (F) of 77618
section 3704.03 of the Revised Code. 77619

As used in this division, "actual construction of the source" 77620

means the initiation of physical on-site construction activities 77621
in connection with improvements to the source that are permanent 77622
in nature, including, without limitation, the installation of 77623
building supports and foundations and the laying of underground 77624
pipework. 77625

(K)(1) Money received under division (B) of this section 77626
shall be deposited in the state treasury to the credit of the 77627
Title V clean air fund created in section 3704.035 of the Revised 77628
Code. Annually, fifty cents per ton of each fee assessed under 77629
division (B) of this section on actual emissions from a source and 77630
received by the environmental protection agency pursuant to that 77631
division shall be transferred using an interstate transfer voucher 77632
to the state treasury to the credit of the small business 77633
assistance fund created in section 3706.19 of the Revised Code. In 77634
addition, annually, the amount of money necessary for the 77635
operation of the office of ombudsperson as determined under 77636
division (B) of that section shall be transferred to the state 77637
treasury to the credit of the small business ombudsperson fund 77638
created by that section. 77639

(2) Money received by the agency pursuant to divisions (D), 77640
(F), (G), (H), (I), and (J) of this section shall be deposited in 77641
the state treasury to the credit of the non-Title V clean air fund 77642
created in section 3704.035 of the Revised Code. 77643

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 77644
or (c) of this section, a person issued a water discharge permit 77645
or renewal of a water discharge permit pursuant to Chapter 6111. 77646
of the Revised Code shall pay a fee based on each point source to 77647
which the issuance is applicable in accordance with the following 77648
schedule: 77649

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	77651
1,001 to 5000	100	77652

5,001 to 50,000	200	77653
50,001 to 100,000	300	77654
100,001 to 300,000	525	77655
over 300,000	750	77656

(b) Notwithstanding the fee schedule specified in division 77657
(L)(1)(a) of this section, the fee for a water discharge permit 77658
that is applicable to coal mining operations regulated under 77659
Chapter 1513. of the Revised Code shall be two hundred fifty 77660
dollars per mine. 77661

(c) Notwithstanding the fee schedule specified in division 77662
(L)(1)(a) of this section, the fee for a water discharge permit 77663
for a public discharger identified by I in the third character of 77664
the permittee's NPDES permit number shall not exceed seven hundred 77665
fifty dollars. 77666

(2) A person applying for a plan approval for a wastewater 77667
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 77668
of the Revised Code shall pay a fee of one hundred dollars plus 77669
sixty-five one-hundredths of one per cent of the estimated project 77670
cost through June 30, ~~2014~~ 2016, and one hundred dollars plus 77671
two-tenths of one per cent of the estimated project cost on and 77672
after July 1, ~~2014~~ 2016, except that the total fee shall not 77673
exceed fifteen thousand dollars through June 30, ~~2014~~ 2016, and 77674
five thousand dollars on and after July 1, ~~2014~~ 2016. The fee 77675
shall be paid at the time the application is submitted. 77676

(3) A person issued a modification of a water discharge 77677
permit shall pay a fee equal to one-half the fee that otherwise 77678
would be charged for a water discharge permit, except that the fee 77679
for the modification shall not exceed four hundred dollars. 77680

(4) A person who has entered into an agreement with the 77681
director under section 6111.14 of the Revised Code shall pay an 77682
administrative service fee for each plan submitted under that 77683
section for approval that shall not exceed the minimum amount 77684

necessary to pay administrative costs directly attributable to 77685
processing plan approvals. The director annually shall calculate 77686
the fee and shall notify all persons who have entered into 77687
agreements under that section, or who have applied for agreements, 77688
of the amount of the fee. 77689

(5)(a)(i) Not later than January 30, ~~2012~~ 2014, and January 77690
30, ~~2013~~ 2015, a person holding an NPDES discharge permit issued 77691
pursuant to Chapter 6111. of the Revised Code with an average 77692
daily discharge flow of five thousand gallons or more shall pay a 77693
nonrefundable annual discharge fee. Any person who fails to pay 77694
the fee at that time shall pay an additional amount that equals 77695
ten per cent of the required annual discharge fee. 77696

(ii) The billing year for the annual discharge fee 77697
established in division (L)(5)(a)(i) of this section shall consist 77698
of a twelve-month period beginning on the first day of January of 77699
the year preceding the date when the annual discharge fee is due. 77700
In the case of an existing source that permanently ceases to 77701
discharge during a billing year, the director shall reduce the 77702
annual discharge fee, including the surcharge applicable to 77703
certain industrial facilities pursuant to division (L)(5)(c) of 77704
this section, by one-twelfth for each full month during the 77705
billing year that the source was not discharging, but only if the 77706
person holding the NPDES discharge permit for the source notifies 77707
the director in writing, not later than the first day of October 77708
of the billing year, of the circumstances causing the cessation of 77709
discharge. 77710

(iii) The annual discharge fee established in division 77711
(L)(5)(a)(i) of this section, except for the surcharge applicable 77712
to certain industrial facilities pursuant to division (L)(5)(c) of 77713
this section, shall be based upon the average daily discharge flow 77714
in gallons per day calculated using first day of May through 77715
thirty-first day of October flow data for the period two years 77716

prior to the date on which the fee is due. In the case of NPDES 77717
discharge permits for new sources, the fee shall be calculated 77718
using the average daily design flow of the facility until actual 77719
average daily discharge flow values are available for the time 77720
period specified in division (L)(5)(a)(iii) of this section. The 77721
annual discharge fee may be prorated for a new source as described 77722
in division (L)(5)(a)(ii) of this section. 77723

(b) An NPDES permit holder that is a public discharger shall 77724
pay the fee specified in the following schedule: 77725

Average daily	Fee due by	
discharge flow	January 30,	
	2012 <u>2014</u> , and	
	January 30, 2013	
	<u>2015</u>	
5,000 to 49,999	\$ 200	77730
50,000 to 100,000	500	77731
100,001 to 250,000	1,050	77732
250,001 to 1,000,000	2,600	77733
1,000,001 to 5,000,000	5,200	77734
5,000,001 to 10,000,000	10,350	77735
10,000,001 to 20,000,000	15,550	77736
20,000,001 to 50,000,000	25,900	77737
50,000,001 to 100,000,000	41,400	77738
100,000,001 or more	62,100	77739

Public dischargers owning or operating two or more publicly 77740
owned treatment works serving the same political subdivision, as 77741
"treatment works" is defined in section 6111.01 of the Revised 77742
Code, and that serve exclusively political subdivisions having a 77743
population of fewer than one hundred thousand shall pay an annual 77744
discharge fee under division (L)(5)(b) of this section that is 77745
based on the combined average daily discharge flow of the 77746
treatment works. 77747

(c) An NPDES permit holder that is an industrial discharger, 77748
other than a coal mining operator identified by P in the third 77749
character of the permittee's NPDES permit number, shall pay the 77750
fee specified in the following schedule: 77751

Average daily	Fee due by	
discharge flow	January 30,	
	2012 <u>2014</u> , and	
	January 30, 2013	
	<u>2015</u>	
5,000 to 49,999	\$ 250	77756
50,000 to 250,000	1,200	77757
250,001 to 1,000,000	2,950	77758
1,000,001 to 5,000,000	5,850	77759
5,000,001 to 10,000,000	8,800	77760
10,000,001 to 20,000,000	11,700	77761
20,000,001 to 100,000,000	14,050	77762
100,000,001 to 250,000,000	16,400	77763
250,000,001 or more	18,700	77764

In addition to the fee specified in the above schedule, an 77765
NPDES permit holder that is an industrial discharger classified as 77766
a major discharger during all or part of the annual discharge fee 77767
billing year specified in division (L)(5)(a)(ii) of this section 77768
shall pay a nonrefundable annual surcharge of seven thousand five 77769
hundred dollars not later than January 30, ~~2012~~ 2014, and not 77770
later than January 30, ~~2013~~ 2015. Any person who fails to pay the 77771
surcharge at that time shall pay an additional amount that equals 77772
ten per cent of the amount of the surcharge. 77773

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 77774
section, a public discharger identified by I in the third 77775
character of the permittee's NPDES permit number and an industrial 77776
discharger identified by I, J, L, V, W, X, Y, or Z in the third 77777
character of the permittee's NPDES permit number shall pay a 77778

nonrefundable annual discharge fee of one hundred eighty dollars 77779
not later than January 30, ~~2012~~ 2014, and not later than January 77780
30, ~~2013~~ 2015. Any person who fails to pay the fee at that time 77781
shall pay an additional amount that equals ten per cent of the 77782
required fee. 77783

(6) Each person obtaining a national pollutant discharge 77784
elimination system general or individual permit for municipal 77785
storm water discharge shall pay a nonrefundable storm water 77786
discharge fee of one hundred dollars per square mile of area 77787
permitted. The fee shall not exceed ten thousand dollars and shall 77788
be payable on or before January 30, 2004, and the thirtieth day of 77789
January of each year thereafter. Any person who fails to pay the 77790
fee on the date specified in division (L)(6) of this section shall 77791
pay an additional amount per year equal to ten per cent of the 77792
annual fee that is unpaid. 77793

(7) The director shall transmit all moneys collected under 77794
division (L) of this section to the treasurer of state for deposit 77795
into the state treasury to the credit of the surface water 77796
protection fund created in section 6111.038 of the Revised Code. 77797

(8) As used in division (L) of this section: 77798

(a) "NPDES" means the federally approved national pollutant 77799
discharge elimination system program for issuing, modifying, 77800
revoking, reissuing, terminating, monitoring, and enforcing 77801
permits and imposing and enforcing pretreatment requirements under 77802
Chapter 6111. of the Revised Code and rules adopted under it. 77803

(b) "Public discharger" means any holder of an NPDES permit 77804
identified by P in the second character of the NPDES permit number 77805
assigned by the director. 77806

(c) "Industrial discharger" means any holder of an NPDES 77807
permit identified by I in the second character of the NPDES permit 77808
number assigned by the director. 77809

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director. 77810
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(M) Through June 30, ~~2014~~ 2016, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code. 77814
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Except as provided in ~~division~~ divisions (M)(4) and (5) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule: 77824
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(1) For the initial license required under section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2014~~ 2016, the fee is: 77827
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Number of service connections	Fee amount	
Not more than 49	\$ 112	77832 77833
50 to 99	176	77834
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	77835 77836
2,500 to 4,999	1.48	77837
5,000 to 7,499	1.42	77838
7,500 to 9,999	1.34	77839
10,000 to 14,999	1.16	77840
15,000 to 24,999	1.10	77841

25,000 to 49,999	1.04	77842
50,000 to 99,999	.92	77843
100,000 to 149,999	.86	77844
150,000 to 199,999	.80	77845
200,000 or more	.76	77846

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2014~~ 2016, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	77861
150 to 299	176	77862
300 to 749	384	77863
750 to 1,499	628	77864
1,500 to 2,999	1,268	77865
3,000 to 7,499	2,816	77866
7,500 to 14,999	5,510	77867
15,000 to 22,499	9,048	77868
22,500 to 29,999	12,430	77869
30,000 or more	16,820	77870

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty

days during any calendar year. In the absence of a specific 77874
population count, that number shall be calculated at the rate of 77875
three individuals per service connection. 77876

(3) For the initial license required under section 6109.21 of 77877
the Revised Code for any public water system that is not a 77878
community water system and serves a transient population, and for 77879
each license renewal required for such a system prior to January 77880
31, ~~2014~~ 2016, the fee is: 77881

Number of wells or sources, other 77882 than surface water, supplying system	Fee amount	
1	\$112	77883
2	112	77884
3	176	77885
4	278	77886
5	568	77887
System designated as using a 77888 surface water source	792	77889

As used in division (M)(3) of this section, "number of wells 77890
or sources, other than surface water, supplying system" means 77891
those wells or sources that are physically connected to the 77892
plumbing system serving the public water system. 77893

(4) A public water system designated as using a surface water 77894
source shall pay a fee of seven hundred ninety-two dollars or the 77895
amount calculated under division (M)(1) or (2) of this section, 77896
whichever is greater. 77897

(5) An applicant for an initial license who is proposing to 77898
operate a new public water supply system shall submit a fee that 77899
equals a prorated amount of the appropriate fee for the remainder 77900
of the licensing year. 77901

(N)(1) A person applying for a plan approval for a public 77902
water supply system under section 6109.07 of the Revised Code 77903

shall pay a fee of one hundred fifty dollars plus thirty-five 77904
hundredths of one per cent of the estimated project cost, except 77905
that the total fee shall not exceed twenty thousand dollars 77906
through June 30, ~~2014~~ 2016, and fifteen thousand dollars on and 77907
after July 1, ~~2014~~ 2016. The fee shall be paid at the time the 77908
application is submitted. 77909

(2) A person who has entered into an agreement with the 77910
director under division (A)(2) of section 6109.07 of the Revised 77911
Code shall pay an administrative service fee for each plan 77912
submitted under that section for approval that shall not exceed 77913
the minimum amount necessary to pay administrative costs directly 77914
attributable to processing plan approvals. The director annually 77915
shall calculate the fee and shall notify all persons that have 77916
entered into agreements under that division, or who have applied 77917
for agreements, of the amount of the fee. 77918

(3) Through June 30, ~~2014~~ 2016, the following fee, on a per 77919
survey basis, shall be charged any person for services rendered by 77920
the state in the evaluation of laboratories and laboratory 77921
personnel for compliance with accepted analytical techniques and 77922
procedures established pursuant to Chapter 6109. of the Revised 77923
Code for determining the qualitative characteristics of water: 77924

microbiological		77925
MMO-MUG	\$2,000	77926
MF	2,100	77927
MMO-MUG and MF	2,550	77928
organic chemical	5,400	77929
trace metals	5,400	77930
standard chemistry	2,800	77931
limited chemistry	1,550	77932

On and after July 1, ~~2014~~ 2016, the following fee, on a per 77933
survey basis, shall be charged any such person: 77934

microbiological	\$ 1,650	77935
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organic chemicals	3,500	77936
trace metals	3,500	77937
standard chemistry	1,800	77938
limited chemistry	1,000	77939

The fee for those services shall be paid at the time the request 77940
for the survey is made. Through June 30, ~~2014~~ 2016, an individual 77941
laboratory shall not be assessed a fee under this division more 77942
than once in any three-year period unless the person requests the 77943
addition of analytical methods or analysts, in which case the 77944
person shall pay eighteen hundred dollars for each additional 77945
survey requested. 77946

As used in division (N)(3) of this section: 77947

(a) "MF" means microfiltration. 77948

(b) "MMO" means minimal medium ONPG. 77949

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 77950

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 77951

The director shall transmit all moneys collected under this 77952
division to the treasurer of state for deposit into the drinking 77953
water protection fund created in section 6109.30 of the Revised 77954
Code. 77955

(O) Any person applying to the director to take an 77956
examination for certification as an operator of a water supply 77957
system or wastewater system under Chapter 6109. or 6111. of the 77958
Revised Code that is administered by the director, at the time the 77959
application is submitted, shall pay a fee in accordance with the 77960
following schedule through November 30, ~~2014~~ 2016: 77961

Class A operator	\$ 80	77962
Class I operator	105	77963
Class II operator	120	77964
Class III operator	130	77965

Class IV operator 145 77966

On and after December 1, ~~2014~~ 2016, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$ 50	77969
Class I operator	70	77970
Class II operator	80	77971
Class III operator	90	77972
Class IV operator	100	77973

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	77982
Class I operator	35	77983
Class II operator	45	77984
Class III operator	55	77985
Class IV operator	65	77986

If a certification renewal fee is received by the director more than thirty days, but not more than one year after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	77992
Class I operator	55	77993
Class II operator	65	77994
Class III operator	75	77995
Class IV operator	85	77996

A person who requests a replacement certificate shall pay a

fee of twenty-five dollars at the time the request is made. 77998

Any person applying to be a water supply system or wastewater 77999
treatment system examination provider shall pay an application fee 78000
of five hundred dollars. Any person approved by the director as a 78001
water supply system or wastewater treatment system examination 78002
provider shall pay an annual fee that is equal to ten per cent of 78003
the fees that the provider assesses and collects for administering 78004
water supply system or wastewater treatment system certification 78005
examinations in this state for the calendar year. The fee shall be 78006
paid not later than forty-five days after the end of a calendar 78007
year. 78008

The director shall transmit all moneys collected under this 78009
division to the treasurer of state for deposit into the drinking 78010
water protection fund created in section 6109.30 of the Revised 78011
Code. 78012

(P) Any person submitting an application for an industrial 78013
water pollution control certificate under section 6111.31 of the 78014
Revised Code, as that section existed before its repeal by H.B. 95 78015
of the 125th general assembly, shall pay a nonrefundable fee of 78016
five hundred dollars at the time the application is submitted. The 78017
director shall transmit all moneys collected under this division 78018
to the treasurer of state for deposit into the surface water 78019
protection fund created in section 6111.038 of the Revised Code. A 78020
person paying a certificate fee under this division shall not pay 78021
an application fee under division (S)(1) of this section. On and 78022
after June 26, 2003, persons shall file such applications and pay 78023
the fee as required under sections 5709.20 to 5709.27 of the 78024
Revised Code, and proceeds from the fee shall be credited as 78025
provided in section 5709.212 of the Revised Code. 78026

(Q) Except as otherwise provided in division (R) of this 78027
section, a person issued a permit by the director for a new solid 78028
waste disposal facility other than an incineration or composting 78029

facility, a new infectious waste treatment facility other than an 78030
incineration facility, or a modification of such an existing 78031
facility that includes an increase in the total disposal or 78032
treatment capacity of the facility pursuant to Chapter 3734. of 78033
the Revised Code shall pay a fee of ten dollars per thousand cubic 78034
yards of disposal or treatment capacity, or one thousand dollars, 78035
whichever is greater, except that the total fee for any such 78036
permit shall not exceed eighty thousand dollars. A person issued a 78037
modification of a permit for a solid waste disposal facility or an 78038
infectious waste treatment facility that does not involve an 78039
increase in the total disposal or treatment capacity of the 78040
facility shall pay a fee of one thousand dollars. A person issued 78041
a permit to install a new, or modify an existing, solid waste 78042
transfer facility under that chapter shall pay a fee of two 78043
thousand five hundred dollars. A person issued a permit to install 78044
a new or to modify an existing solid waste incineration or 78045
composting facility, or an existing infectious waste treatment 78046
facility using incineration as its principal method of treatment, 78047
under that chapter shall pay a fee of one thousand dollars. The 78048
increases in the permit fees under this division resulting from 78049
the amendments made by Amended Substitute House Bill 592 of the 78050
117th general assembly do not apply to any person who submitted an 78051
application for a permit to install a new, or modify an existing, 78052
solid waste disposal facility under that chapter prior to 78053
September 1, 1987; any such person shall pay the permit fee 78054
established in this division as it existed prior to June 24, 1988. 78055
In addition to the applicable permit fee under this division, a 78056
person issued a permit to install or modify a solid waste facility 78057
or an infectious waste treatment facility under that chapter who 78058
fails to pay the permit fee to the director in compliance with 78059
division (V) of this section shall pay an additional ten per cent 78060
of the amount of the fee for each week that the permit fee is 78061
late. 78062

Permit and late payment fees paid to the director under this 78063
division shall be credited to the general revenue fund. 78064

(R)(1) A person issued a registration certificate for a scrap 78065
tire collection facility under section 3734.75 of the Revised Code 78066
shall pay a fee of two hundred dollars, except that if the 78067
facility is owned or operated by a motor vehicle salvage dealer 78068
licensed under Chapter 4738. of the Revised Code, the person shall 78069
pay a fee of twenty-five dollars. 78070

(2) A person issued a registration certificate for a new 78071
scrap tire storage facility under section 3734.76 of the Revised 78072
Code shall pay a fee of three hundred dollars, except that if the 78073
facility is owned or operated by a motor vehicle salvage dealer 78074
licensed under Chapter 4738. of the Revised Code, the person shall 78075
pay a fee of twenty-five dollars. 78076

(3) A person issued a permit for a scrap tire storage 78077
facility under section 3734.76 of the Revised Code shall pay a fee 78078
of one thousand dollars, except that if the facility is owned or 78079
operated by a motor vehicle salvage dealer licensed under Chapter 78080
4738. of the Revised Code, the person shall pay a fee of fifty 78081
dollars. 78082

(4) A person issued a permit for a scrap tire monocell or 78083
monofill facility under section 3734.77 of the Revised Code shall 78084
pay a fee of ten dollars per thousand cubic yards of disposal 78085
capacity or one thousand dollars, whichever is greater, except 78086
that the total fee for any such permit shall not exceed eighty 78087
thousand dollars. 78088

(5) A person issued a registration certificate for a scrap 78089
tire recovery facility under section 3734.78 of the Revised Code 78090
shall pay a fee of one hundred dollars. 78091

(6) A person issued a permit for a scrap tire recovery 78092
facility under section 3734.78 of the Revised Code shall pay a fee 78093

of one thousand dollars. 78094

(7) In addition to the applicable registration certificate or 78095
permit fee under divisions (R)(1) to (6) of this section, a person 78096
issued a registration certificate or permit for any such scrap 78097
tire facility who fails to pay the registration certificate or 78098
permit fee to the director in compliance with division (V) of this 78099
section shall pay an additional ten per cent of the amount of the 78100
fee for each week that the fee is late. 78101

(8) The registration certificate, permit, and late payment 78102
fees paid to the director under divisions (R)(1) to (7) of this 78103
section shall be credited to the scrap tire management fund 78104
created in section 3734.82 of the Revised Code. 78105

(S)(1) Except as provided by divisions (L), (M), (N), (O), 78106
(P), and (S)(2) of this section, division (A)(2) of section 78107
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 78108
and rules adopted under division (T)(1) of this section, any 78109
person applying for a registration certificate under section 78110
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 78111
variance, or plan approval under Chapter 3734. of the Revised Code 78112
shall pay a nonrefundable fee of fifteen dollars at the time the 78113
application is submitted. 78114

Except as otherwise provided, any person applying for a 78115
permit, variance, or plan approval under Chapter 6109. or 6111. of 78116
the Revised Code shall pay a nonrefundable fee of one hundred 78117
dollars at the time the application is submitted through June 30, 78118
~~2014~~ 2016, and a nonrefundable fee of fifteen dollars at the time 78119
the application is submitted on and after July 1, ~~2014~~ 2016. 78120
Except as provided in division (S)(3) of this section, through 78121
June 30, ~~2014~~ 2016, any person applying for a national pollutant 78122
discharge elimination system permit under Chapter 6111. of the 78123
Revised Code shall pay a nonrefundable fee of two hundred dollars 78124
at the time of application for the permit. On and after July 1, 78125

~~2014~~ 2016, such a person shall pay a nonrefundable fee of fifteen 78126
dollars at the time of application. 78127

In addition to the application fee established under division 78128
(S)(1) of this section, any person applying for a national 78129
pollutant discharge elimination system general storm water 78130
construction permit shall pay a nonrefundable fee of twenty 78131
dollars per acre for each acre that is permitted above five acres 78132
at the time the application is submitted. However, the per acreage 78133
fee shall not exceed three hundred dollars. In addition, any 78134
person applying for a national pollutant discharge elimination 78135
system general storm water industrial permit shall pay a 78136
nonrefundable fee of one hundred fifty dollars at the time the 78137
application is submitted. 78138

The director shall transmit all moneys collected under 78139
division (S)(1) of this section pursuant to Chapter 6109. of the 78140
Revised Code to the treasurer of state for deposit into the 78141
drinking water protection fund created in section 6109.30 of the 78142
Revised Code. 78143

The director shall transmit all moneys collected under 78144
division (S)(1) of this section pursuant to Chapter 6111. of the 78145
Revised Code and under division (S)(3) of this section to the 78146
treasurer of state for deposit into the surface water protection 78147
fund created in section 6111.038 of the Revised Code. 78148

If a registration certificate is issued under section 78149
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 78150
the application fee paid shall be deducted from the amount of the 78151
registration certificate fee due under division (R)(1), (2), or 78152
(5) of this section, as applicable. 78153

If a person submits an electronic application for a 78154
registration certificate, permit, variance, or plan approval for 78155
which an application fee is established under division (S)(1) of 78156

this section, the person shall pay the applicable application fee 78157
as expeditiously as possible after the submission of the 78158
electronic application. An application for a registration 78159
certificate, permit, variance, or plan approval for which an 78160
application fee is established under division (S)(1) of this 78161
section shall not be reviewed or processed until the applicable 78162
application fee, and any other fees established under this 78163
division, are paid. 78164

(2) Division (S)(1) of this section does not apply to an 78165
application for a registration certificate for a scrap tire 78166
collection or storage facility submitted under section 3734.75 or 78167
3734.76 of the Revised Code, as applicable, if the owner or 78168
operator of the facility or proposed facility is a motor vehicle 78169
salvage dealer licensed under Chapter 4738. of the Revised Code. 78170

(3) A person applying for coverage under a national pollutant 78171
discharge elimination system general discharge permit for 78172
household sewage treatment systems shall pay the following fees: 78173

(a) A nonrefundable fee of two hundred dollars at the time of 78174
application for initial permit coverage; 78175

(b) A nonrefundable fee of one hundred dollars at the time of 78176
application for a renewal of permit coverage. 78177

(T) The director may adopt, amend, and rescind rules in 78178
accordance with Chapter 119. of the Revised Code that do all of 78179
the following: 78180

(1) Prescribe fees to be paid by applicants for and holders 78181
of any license, permit, variance, plan approval, or certification 78182
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 78183
the Revised Code that are not specifically established in this 78184
section. The fees shall be designed to defray the cost of 78185
processing, issuing, revoking, modifying, denying, and enforcing 78186
the licenses, permits, variances, plan approvals, and 78187

certifications. 78188

The director shall transmit all moneys collected under rules 78189
adopted under division (T)(1) of this section pursuant to Chapter 78190
6109. of the Revised Code to the treasurer of state for deposit 78191
into the drinking water protection fund created in section 6109.30 78192
of the Revised Code. 78193

The director shall transmit all moneys collected under rules 78194
adopted under division (T)(1) of this section pursuant to Chapter 78195
6111. of the Revised Code to the treasurer of state for deposit 78196
into the surface water protection fund created in section 6111.038 78197
of the Revised Code. 78198

(2) Exempt the state and political subdivisions thereof, 78199
including education facilities or medical facilities owned by the 78200
state or a political subdivision, or any person exempted from 78201
taxation by section 5709.07 or 5709.12 of the Revised Code, from 78202
any fee required by this section; 78203

(3) Provide for the waiver of any fee, or any part thereof, 78204
otherwise required by this section whenever the director 78205
determines that the imposition of the fee would constitute an 78206
unreasonable cost of doing business for any applicant, class of 78207
applicants, or other person subject to the fee; 78208

(4) Prescribe measures that the director considers necessary 78209
to carry out this section. 78210

(U) When the director reasonably demonstrates that the direct 78211
cost to the state associated with the issuance of a permit to 78212
install, license, variance, plan approval, or certification 78213
exceeds the fee for the issuance or review specified by this 78214
section, the director may condition the issuance or review on the 78215
payment by the person receiving the issuance or review of, in 78216
addition to the fee specified by this section, the amount, or any 78217
portion thereof, in excess of the fee specified under this 78218

section. The director shall not so condition issuances for which a fee is prescribed in division (L)(1)(b) of this section.

(V) Except as provided in divisions (L), (M), and (P) of this section or unless otherwise prescribed by a rule of the director adopted pursuant to Chapter 119. of the Revised Code, all fees required by this section are payable within thirty days after the issuance of an invoice for the fee by the director or the effective date of the issuance of the license, permit, variance, plan approval, or certification. If payment is late, the person responsible for payment of the fee shall pay an additional ten per cent of the amount due for each month that it is late.

(W) As used in this section, "fuel-burning equipment," "fuel-burning equipment input capacity," "incinerator," "incinerator input capacity," "process," "process weight rate," "storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code.

(X) As used in divisions (B), (D), (E), (F), (H), (I), and (J) of this section, and in any other provision of this section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code:

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code.

(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least:

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its

implementation or enforcement;	78250
(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal;	78251 78252 78253 78254
(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;	78255 78256 78257
(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;	78258 78259 78260
(e) Emission and ambient monitoring;	78261
(f) Modeling, analyses, or demonstrations;	78262
(g) Preparing inventories and tracking emissions;	78263
(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.	78264 78265 78266 78267 78268 78269 78270
<u>(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.</u>	78271 78272 78273
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The	78274 78275 78276 78277 78278 78279

annual volume of sewage sludge treated or disposed of by a sewage 78280
sludge facility shall be calculated using the first day of January 78281
through the thirty-first day of December of the calendar year 78282
preceding the date on which payment of the fee is due. 78283

(2)(a) Except as provided in division (Y)(2)(d) of this 78284
section, each sewage sludge facility shall pay a minimum annual 78285
sewage sludge fee of one hundred dollars. 78286

(b) The annual sludge fee required to be paid by a sewage 78287
sludge facility that treats or disposes of exceptional quality 78288
sludge in this state shall be thirty-five per cent less per dry 78289
ton of exceptional quality sludge than the fee assessed under 78290
division (Y)(1) of this section, subject to the following 78291
exceptions: 78292

(i) Except as provided in division (Y)(2)(d) of this section, 78293
a sewage sludge facility that treats or disposes of exceptional 78294
quality sludge shall pay a minimum annual sewage sludge fee of one 78295
hundred dollars. 78296

(ii) A sewage sludge facility that treats or disposes of 78297
exceptional quality sludge shall not be required to pay the annual 78298
sludge fee for treatment or disposal in this state of exceptional 78299
quality sludge generated outside of this state and contained in 78300
bags or other containers not greater than one hundred pounds in 78301
capacity. 78302

A thirty-five per cent reduction for exceptional quality 78303
sludge applies to the maximum annual fees established under 78304
division (Y)(3) of this section. 78305

(c) A sewage sludge facility that transfers sewage sludge to 78306
another sewage sludge facility in this state for further treatment 78307
prior to disposal in this state shall not be required to pay the 78308
annual sludge fee for the tons of sewage sludge that have been 78309
transferred. In such a case, the sewage sludge facility that 78310

disposes of the sewage sludge shall pay the annual sludge fee. 78311
However, the facility transferring the sewage sludge shall pay the 78312
one-hundred-dollar minimum fee required under division (Y)(2)(a) 78313
of this section. 78314

In the case of a sewage sludge facility that treats sewage 78315
sludge in this state and transfers it out of this state to another 78316
entity for disposal, the sewage sludge facility in this state 78317
shall be required to pay the annual sludge fee for the tons of 78318
sewage sludge that have been transferred. 78319

(d) A sewage sludge facility that generates sewage sludge 78320
resulting from an average daily discharge flow of less than five 78321
thousand gallons per day is not subject to the fees assessed under 78322
division (Y) of this section. 78323

(3) No sewage sludge facility required to pay the annual 78324
sludge fee shall be required to pay more than the maximum annual 78325
fee for each disposal method that the sewage sludge facility uses. 78326
The maximum annual fee does not include the additional amount that 78327
may be charged under division (Y)(5) of this section for late 78328
payment of the annual sludge fee. The maximum annual fee for the 78329
following methods of disposal of sewage sludge is as follows: 78330

(a) Incineration: five thousand dollars; 78331

(b) Preexisting land reclamation project or disposal in a 78332
landfill: five thousand dollars; 78333

(c) Land application, land reclamation, surface disposal, or 78334
any other disposal method not specified in division (Y)(3)(a) or 78335
(b) of this section: twenty thousand dollars. 78336

(4)(a) In the case of an entity that generates sewage sludge 78337
or a sewage sludge facility that treats sewage sludge and 78338
transfers the sewage sludge to an incineration facility for 78339
disposal, the incineration facility, and not the entity generating 78340
the sewage sludge or the sewage sludge facility treating the 78341

sewage sludge, shall pay the annual sludge fee for the tons of 78342
sewage sludge that are transferred. However, the entity or 78343
facility generating or treating the sewage sludge shall pay the 78344
one-hundred-dollar minimum fee required under division (Y)(2)(a) 78345
of this section. 78346

(b) In the case of an entity that generates sewage sludge and 78347
transfers the sewage sludge to a landfill for disposal or to a 78348
sewage sludge facility for land reclamation or surface disposal, 78349
the entity generating the sewage sludge, and not the landfill or 78350
sewage sludge facility, shall pay the annual sludge fee for the 78351
tons of sewage sludge that are transferred. 78352

(5) Not later than the first day of April of the calendar 78353
year following March 17, 2000, and each first day of April 78354
thereafter, the director shall issue invoices to persons who are 78355
required to pay the annual sludge fee. The invoice shall identify 78356
the nature and amount of the annual sludge fee assessed and state 78357
the first day of May as the deadline for receipt by the director 78358
of objections regarding the amount of the fee and the first day of 78359
July as the deadline for payment of the fee. 78360

Not later than the first day of May following receipt of an 78361
invoice, a person required to pay the annual sludge fee may submit 78362
objections to the director concerning the accuracy of information 78363
regarding the number of dry tons of sewage sludge used to 78364
calculate the amount of the annual sludge fee or regarding whether 78365
the sewage sludge qualifies for the exceptional quality sludge 78366
discount established in division (Y)(2)(b) of this section. The 78367
director may consider the objections and adjust the amount of the 78368
fee to ensure that it is accurate. 78369

If the director does not adjust the amount of the annual 78370
sludge fee in response to a person's objections, the person may 78371
appeal the director's determination in accordance with Chapter 78372
119. of the Revised Code. 78373

Not later than the first day of June, the director shall 78374
notify the objecting person regarding whether the director has 78375
found the objections to be valid and the reasons for the finding. 78376
If the director finds the objections to be valid and adjusts the 78377
amount of the annual sludge fee accordingly, the director shall 78378
issue with the notification a new invoice to the person 78379
identifying the amount of the annual sludge fee assessed and 78380
stating the first day of July as the deadline for payment. 78381

Not later than the first day of July, any person who is 78382
required to do so shall pay the annual sludge fee. Any person who 78383
is required to pay the fee, but who fails to do so on or before 78384
that date shall pay an additional amount that equals ten per cent 78385
of the required annual sludge fee. 78386

(6) The director shall transmit all moneys collected under 78387
division (Y) of this section to the treasurer of state for deposit 78388
into the surface water protection fund created in section 6111.038 78389
of the Revised Code. The moneys shall be used to defray the costs 78390
of administering and enforcing provisions in Chapter 6111. of the 78391
Revised Code and rules adopted under it that govern the use, 78392
storage, treatment, or disposal of sewage sludge. 78393

(7) Beginning in fiscal year 2001, and every two years 78394
thereafter, the director shall review the total amount of moneys 78395
generated by the annual sludge fees to determine if that amount 78396
exceeded six hundred thousand dollars in either of the two 78397
preceding fiscal years. If the total amount of moneys in the fund 78398
exceeded six hundred thousand dollars in either fiscal year, the 78399
director, after review of the fee structure and consultation with 78400
affected persons, shall issue an order reducing the amount of the 78401
fees levied under division (Y) of this section so that the 78402
estimated amount of moneys resulting from the fees will not exceed 78403
six hundred thousand dollars in any fiscal year. 78404

If, upon review of the fees under division (Y)(7) of this 78405

section and after the fees have been reduced, the director 78406
determines that the total amount of moneys collected and 78407
accumulated is less than six hundred thousand dollars, the 78408
director, after review of the fee structure and consultation with 78409
affected persons, may issue an order increasing the amount of the 78410
fees levied under division (Y) of this section so that the 78411
estimated amount of moneys resulting from the fees will be 78412
approximately six hundred thousand dollars. Fees shall never be 78413
increased to an amount exceeding the amount specified in division 78414
(Y)(7) of this section. 78415

Notwithstanding section 119.06 of the Revised Code, the 78416
director may issue an order under division (Y)(7) of this section 78417
without the necessity to hold an adjudicatory hearing in 78418
connection with the order. The issuance of an order under this 78419
division is not an act or action for purposes of section 3745.04 78420
of the Revised Code. 78421

(8) As used in division (Y) of this section: 78422

(a) "Sewage sludge facility" means an entity that performs 78423
treatment on or is responsible for the disposal of sewage sludge. 78424

(b) "Sewage sludge" means a solid, semi-solid, or liquid 78425
residue generated during the treatment of domestic sewage in a 78426
treatment works as defined in section 6111.01 of the Revised Code. 78427
"Sewage sludge" includes, but is not limited to, scum or solids 78428
removed in primary, secondary, or advanced wastewater treatment 78429
processes. "Sewage sludge" does not include ash generated during 78430
the firing of sewage sludge in a sewage sludge incinerator, grit 78431
and screenings generated during preliminary treatment of domestic 78432
sewage in a treatment works, animal manure, residue generated 78433
during treatment of animal manure, or domestic septage. 78434

(c) "Exceptional quality sludge" means sewage sludge that 78435
meets all of the following qualifications: 78436

(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);	78437 78438
(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	78439 78440
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	78441 78442
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	78443 78444
(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	78445 78446 78447
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	78448 78449 78450
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	78451 78452 78453 78454 78455
(g) "Land reclamation" means the returning of disturbed land to productive use.	78456 78457
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	78458 78459 78460 78461
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	78462 78463 78464 78465
(j) "Incineration facility" includes all incinerators owned	78466

or operated by the same entity and located on a contiguous tract 78467
of land. Areas of land are considered to be contiguous even if 78468
they are separated by a public road or highway. 78469

(k) "Annual sludge fee" means the fee assessed under division 78470
(Y)(1) of this section. 78471

(l) "Landfill" means a sanitary landfill facility, as defined 78472
in rules adopted under section 3734.02 of the Revised Code, that 78473
is licensed under section 3734.05 of the Revised Code. 78474

(m) "Preexisting land reclamation project" means a 78475
property-specific land reclamation project that has been in 78476
continuous operation for not less than five years pursuant to 78477
approval of the activity by the director and includes the 78478
implementation of a community outreach program concerning the 78479
activity. 78480

Sec. 3745.113. (A) A person that applies for a state isolated 78481
wetland permit under Chapter 6111. of the Revised Code and rules 78482
adopted under it shall pay an application fee of two hundred 78483
dollars at the time of application. 78484

In addition, that person shall pay, at the time of 78485
application, a review fee of five hundred dollars per acre of the 78486
wetlands to be impacted. 78487

However, the review fee shall not exceed five thousand 78488
dollars per application. In addition, if an application is denied, 78489
the director of environmental protection shall refund to the 78490
applicant one-half of the amount of the review fee paid by the 78491
applicant under division (A) of this section. 78492

(B) If a person conducts any activities for which an 78493
individual state isolated wetland permit is required under Chapter 78494
6111. of the Revised Code and rules adopted under it without first 78495
obtaining such a permit, the person shall pay twice the amount of 78496

the application and review fees that the person otherwise would 78497
have been required to pay under division (A) of this section, not 78498
to exceed ten thousand dollars. 78499

(C) All moneys collected under this section shall be 78500
deposited in the state treasury to the credit of the ~~dredge and~~ 78501
~~fill~~ surface water protection fund created in section ~~6111.029~~ 78502
6111.038 of the Revised Code. 78503

(D) Fees established under this section shall not apply to 78504
any agency or department of the state or to any county, township, 78505
or municipal corporation in this state. 78506

Sec. 3745.72. (A) The owner or operator of a facility or 78507
property who conducts an environmental audit of the facility or 78508
property and promptly and voluntarily discloses information 78509
contained in or derived from an audit report that is based on the 78510
audit and concerns an alleged violation of environmental laws to 78511
the director of the state agency that has jurisdiction over the 78512
alleged violation is immune from any administrative and civil 78513
penalties for the specific violation disclosed, except that where 78514
the disclosed violation has resulted in significant economic 78515
benefit to the owner or operator of the facility or property, 78516
there is no immunity for the economic benefit component of the 78517
administrative and civil penalties for that violation. An owner or 78518
operator asserting entitlement to such immunity has the burden of 78519
proving that entitlement by a preponderance of the evidence. 78520

(B) For the purposes of this section, a disclosure of 78521
information is voluntary with respect to an alleged violation of 78522
environmental laws only if all of the following apply: 78523

(1) The disclosure is made promptly after the information is 78524
obtained through the environmental audit by the owner or operator 78525
who conducts the environmental audit. 78526

(2) A reasonable, good faith effort is made to achieve 78527
compliance as quickly as practicable with environmental laws 78528
applicable to the information disclosed. 78529

(3) Compliance with environmental laws applicable to the 78530
information disclosed is achieved as quickly as practicable or 78531
within such period as is reasonably ordered by the director of the 78532
state agency that has jurisdiction over the alleged violation. 78533

(4) The owner or operator cooperates with the director of the 78534
state agency that has jurisdiction over the alleged violation in 78535
investigating the cause, nature, extent, and effects of the 78536
noncompliance. 78537

(5) The disclosure is not required by law, prior litigation, 78538
or an order by a court or a government agency. 78539

(6) The owner or operator who makes the disclosure does not 78540
know or have reason to know that a government agency charged with 78541
enforcing environmental laws has commenced an investigation or 78542
enforcement action that concerns a violation of such laws 78543
involving the activity. 78544

(C) For the purposes of this section, a disclosure shall be 78545
in writing, dated, and hand delivered or sent by certified mail to 78546
the director of the state agency that has jurisdiction over the 78547
alleged violation, and shall contain all of the following in a 78548
printed letter attached to the front of the disclosure: 78549

(1) The name, address, and telephone number of the owner or 78550
operator making the disclosure; 78551

(2) The name, title, address, and telephone number of one or 78552
more persons associated with the owner or operator who may be 78553
contacted regarding the disclosure; 78554

(3) A brief summary of the alleged violation of environmental 78555
laws, including, without limitation, the nature, date, and 78556

location of the alleged violation to the extent that the 78557
information is known by the owner or operator; 78558

(4) A statement that the information is part of an 78559
environmental audit report and is being disclosed under section 78560
3745.72 of the Revised Code in order to obtain the immunity 78561
provided by that section. 78562

(D) This section does not provide immunity from the payment 78563
of damages for harm to persons, property, or the environment; the 78564
payment of reasonable costs incurred by a government agency in 78565
responding to a disclosure; or responsibility for the remediation 78566
or cleanup of environmental harm under environmental laws. 78567

(E) The immunity provided by this section does not apply 78568
under any of the following circumstances: 78569

(1) Within the three-year period prior to disclosure, the 78570
owner or operator of a facility or property has committed 78571
significant violations that constitute a pattern of continuous or 78572
repeated violations of environmental laws, environmental related 78573
settlement agreements, or environmental related judicial orders 78574
and that arose from separate and distinct events. For the purposes 78575
of division (E)(1) of this section, a pattern of continuous or 78576
repeated violations also may be demonstrated by multiple 78577
settlement agreements related to substantially the same alleged 78578
significant violations that occurred within the three-year period 78579
immediately prior to the voluntary disclosure. Determination of 78580
whether a person has a pattern of continuous or repeated 78581
violations under division (E)(1) of this section shall be based on 78582
the compliance history of the property or specific facility at 78583
issue. 78584

(2) With respect to a specific violation, the violation 78585
resulted in serious harm or in imminent and substantial 78586
endangerment to human health or the environment. 78587

(3) With respect to a specific violation, the violation is of a specific requirement of an administrative or judicial order. 78588
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(F) The immunity provided by this section applies only to disclosures made concerning environmental audits initiated after March 13, 1997, ~~and completed before January 1, 2014,~~ in accordance with the time frames specified in division (A) of section 3745.70 of the Revised Code. 78590
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(G) The immunity provided by this section applies to a person who makes a good faith disclosure to a state agency under this section even though another state agency is determined to have jurisdiction over an alleged violation of environmental laws indicated in the disclosure. 78595
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(H) Each state agency that receives a disclosure under this section promptly shall record receipt of the disclosure, determine whether it has jurisdiction over the alleged violation of environmental laws indicated in the disclosure, and, if it does not have such jurisdiction, deliver the disclosure documents to the director of a state agency that has jurisdiction over the alleged violation. If a disclosure indicates alleged violations of environmental laws that are under the jurisdiction of more than one state agency, the state agency that first receives the disclosure and has jurisdiction over any of the alleged violations promptly shall notify the director of each state agency that has jurisdiction over any of such alleged violations. The director of each state agency that receives a disclosure under this section, or is notified by another state agency that the director's agency has jurisdiction over an alleged violation of environmental laws indicated in the disclosure, promptly shall deliver written notice of that fact by certified mail to the owner or operator who made the disclosure. The notice shall identify the state agency that sends the notice; state the name, title, address, and telephone number of a person in the agency whom the owner or operator may 78600
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contact regarding the disclosure; and state the name, address, and 78620
telephone number of the director of any other state agency 78621
notified about the disclosure because that agency has jurisdiction 78622
over an alleged violation of environmental laws indicated in the 78623
disclosure. 78624

Sec. 3748.01. As used in this chapter: 78625

(A) "Byproduct material" means either of the following: 78626

(1) Any radioactive material, except special nuclear 78627
material, yielded in or made radioactive by exposure to radiation 78628
incident to the process of producing or utilizing special nuclear 78629
material; 78630

(2) The tailings or wastes produced by the extraction or 78631
concentration of uranium or thorium from any ore processed 78632
primarily for its source material content. 78633

(B) "Certified radiation expert" means an individual who has 78634
complied with all of the following: 78635

(1) Applied to the director of health for certification as a 78636
radiation expert under section 3748.12 of the Revised Code; 78637

(2) Met minimum education and experience requirements 78638
established in rules adopted under division (C) of section 3748.04 78639
of the Revised Code; 78640

(3) Been granted a certificate as a radiation expert by the 78641
director under section 3748.12 of the Revised Code. 78642

(C) "Closure" or "site closure" refers to a facility for the 78643
disposal of low-level radioactive waste or a byproduct material 78644
site, as "byproduct material" is defined in division (A)(2) of 78645
this section, and means all activities performed at a licensed 78646
operation, such as stabilization and contouring, to ensure that 78647
the site where the operation occurred is in a stable condition so 78648
that only minor custodial care, surveillance, and monitoring are 78649

necessary at the site following the termination of the licensed operation. 78650
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(D) "Decommissioning" means to safely remove any licensed operation from service and reduce residual radioactivity to a level that permits release of the licensee's property for unrestricted use. With regard to a facility for the disposal of low-level radioactive waste or a byproduct material site, as "byproduct material" is defined in division (A)(2) of this section, "decommissioning" does not include the reduction of residual radioactivity to a level that permits release of the facility for unrestricted use. 78652
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(E) "Director of health" includes a designee or authorized representative of the director. 78661
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(F) "Disposal," with regard to low-level radioactive waste, means the permanent isolation of that waste in accordance with requirements established by the United States nuclear regulatory commission or the licensing agreement state. 78663
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(G) "Disposal site" means that portion of a facility that is used for the disposal of low-level radioactive waste and that consists of disposal units and a buffer zone. "Disposal unit" means a discrete portion of such a facility into which low-level radioactive waste is placed for disposal. 78667
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(H)(1) Except as provided in division (H)(2) of this section, "facility" means the state, any political subdivision, person, public or private institution, or group, or any unit of one of those entities, but does not include the federal government or any of its agencies. 78672
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(2) For the purposes of the disposal of low-level radioactive waste, "facility" has the same meaning as in section 3747.01 of the Revised Code. 78677
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(I) "Handle" means receive, possess, use, store, transfer, 78680

install, service, or dispose of sources of radiation unless 78681
possession is solely for the purpose of transportation. 78682

(J) "Handler" means a facility that handles sources of 78683
radiation unless possession is solely for the purpose of 78684
transportation. 78685

(K) "Inspection" means an official review, examination, or 78686
observation, including, without limitation, tests, surveys, and 78687
monitoring, that is used to determine compliance with rules, 78688
orders, requirements, and conditions of the department of health 78689
and that is conducted by the director of health. 78690

(L) "Low-level radioactive waste" has the same meaning as in 78691
section 3747.01 of the Revised Code with regard to the disposal of 78692
low-level radioactive waste. In regard to regulatory control at 78693
locations other than a disposal facility, "low-level radioactive 78694
waste" has the same meaning as in 42 U.S.C.A. 2021b. 78695

(M) "Quality assurance program" means a program providing for 78696
verification by written procedures such as testing, auditing, and 78697
inspection to ensure that deficiencies, deviations, defective 78698
equipment, or unsafe practices, or a combination thereof, relating 78699
to the use, disposal, management, or manufacture of radiation 78700
sources are identified, promptly corrected, and reported to the 78701
appropriate regulatory authorities. 78702

(N) "Radiation" means ionizing and nonionizing radiation. 78703

(1) "Ionizing radiation" means gamma rays and X-rays, alpha 78704
and beta particles, high-speed electrons, neutrons, protons, and 78705
other nuclear particles, but does not include sound or radio waves 78706
or visible, infrared, or ultraviolet light. 78707

(2) "Nonionizing radiation" means any electromagnetic 78708
radiation, other than ionizing electromagnetic radiation, or any 78709
sonic, ultrasonic, or infrasonic wave. 78710

(O) "Radioactive material" means any solid, liquid, or gaseous material that emits ionizing radiation spontaneously. "Radioactive material" includes accelerator-produced and naturally occurring materials and byproduct, source, and special nuclear material.

(P) "Radiation-generating equipment" means any manufactured product or device, or component of such a product or device, or any machine or system that during operation can generate or emit radiation, except those that emit radiation only from radioactive material. "Radiation-generating equipment" does not include either of the following:

(1) Diathermy machines;

(2) Microwave ovens, including food service microwave ovens used for commercial and industrial uses, television receivers, electric lamps, and other household appliances and products that generate very low levels of radiation.

(Q) "Source material" means uranium, thorium, or any combination thereof in any physical or chemical form, or any ores that contain by weight at least one-twentieth of one per cent of uranium, thorium, or any combination thereof. "Source material" does not include special nuclear material.

(R) "Source of radiation" means radioactive material or radiation-generating equipment.

(S) "Special nuclear material" means either of the following:

(1) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material that the United States nuclear regulatory commission determines to be special nuclear material, but does not include source material pursuant to section 51 of the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2071.

(2) Except for any source material, any material artificially enriched by any of the materials identified in division (S)(1) of this section. 78741
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(T) "Storage" means the retention of radioactive materials, including low-level radioactive waste, prior to disposal in a manner that allows for surveillance, control, and subsequent retrieval. 78744
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(U) "Medical practitioner" means a person who is authorized pursuant to Chapter 4715. of the Revised Code to practice dentistry; pursuant to Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; or pursuant to Chapter 4734. of the Revised Code to practice chiropractic. 78748
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(V) "Medical-practitioner group" means a corporation, partnership, or other business entity, other than a hospital as defined in section 3727.01 of the Revised Code, consisting of medical practitioners. 78754
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(W) "Naturally occurring radioactive material" means material that contains any nuclide that is radioactive in its natural physical state. "Naturally occurring radioactive material" does not include source material, byproduct material, or special nuclear material. 78758
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(X) "Technologically enhanced naturally occurring radioactive material" means naturally occurring radioactive material with radionuclide concentrations that are increased by or as a result of past or present human activities. "Technologically enhanced naturally occurring radioactive material" does not include drill cuttings, natural background radiation, byproduct material, or source material. 78763
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(Y) "Drill cuttings" means the soil, rock fragments, and pulverized material that are removed from a borehole and that may 78770
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include a de minimus amount of fluid that results from a drilling process. 78772
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Sec. 3748.04. The director of health, in accordance with 78774
Chapter 119. of the Revised Code, shall adopt and may amend or 78775
rescind rules doing all of the following: 78776

(A) Listing types of radioactive material for which licensure 78777
by its handler is required and types of radiation-generating 78778
equipment for which registration by its handler is required, and 78779
establishing requirements governing them. Rules adopted under 78780
division (A) of this section shall be compatible with applicable 78781
federal regulations and shall establish all of the following, 78782
without limitation: 78783

(1) Requirements governing both of the following: 78784

(a) The licensing and inspection of handlers of radioactive 78785
material. Standards established in rules adopted under division 78786
(A)(1)(a) of this section regarding byproduct material or any 78787
activity that results in the production of that material, to the 78788
extent practicable, shall be equivalent to or more stringent than 78789
applicable standards established by the United States nuclear 78790
regulatory commission. 78791

(b) The registration and inspection of handlers of 78792
radiation-generating equipment. Standards established in rules 78793
adopted under division (A)(1)(b) of this section, to the extent 78794
practicable, shall be equivalent to applicable standards 78795
established by the food and drug administration in the United 78796
States department of health and human services. 78797

(2) Identification of and requirements governing possession 78798
and use of specifically licensed and generally licensed quantities 78799
of radioactive material as either sealed sources or unsealed 78800
sources; 78801

(3) A procedure for the issuance of and the frequency of 78802
renewal of the licenses of handlers of radioactive material, other 78803
than a license for a facility for the disposal of low-level 78804
radioactive waste, and of the certificates of registration of 78805
handlers of radiation-generating equipment; 78806

(4) Procedures for suspending and revoking the licenses of 78807
handlers of radioactive material and the certificates of 78808
registration of handlers of radiation-generating equipment; 78809

(5) Criteria to be used by the director of health in amending 78810
the license of a handler of radioactive material or the 78811
certificate of registration of a handler of radiation-generating 78812
equipment subsequent to its issuance; 78813

(6) Criteria for achieving and maintaining compliance with 78814
this chapter and rules adopted under it by licensees and 78815
registrants; 78816

(7) Criteria governing environmental monitoring of licensed 78817
and registered activities to assess compliance with this chapter 78818
and rules adopted under it; 78819

(8) Fees for both of the following: 78820

(a) The licensing of handlers, other than facilities for the 78821
disposal of low-level radioactive waste, of radioactive material; 78822

(b) The registration of handlers, other than facilities that 78823
are, or are operated by, medical practitioners or 78824
medical-practitioner groups, of radiation-generating equipment. 78825

(9) A fee schedule for both of the following that includes 78826
fees for reviews, conducted during an inspection, of shielding 78827
plans or the adequacy of shielding: 78828

(a) The inspection of handlers of radioactive material; 78829

(b) The inspection of handlers, other than facilities that 78830
are, or are operated by, medical practitioners or 78831

medical-practitioner groups, of radiation-generating equipment. 78832

(B)(1) Identifying sources of radiation, circumstances of 78833
possession, use, or disposal of sources of radiation, and levels 78834
of radiation that constitute an unreasonable or unnecessary risk 78835
to human health or the environment; 78836

(2) Establishing requirements for the achievement and 78837
maintenance of compliance with standards for the receipt, 78838
possession, use, storage, installation, transfer, servicing, and 78839
disposal of sources of radiation to prevent levels of radiation 78840
that constitute an unreasonable or unnecessary risk to human 78841
health or the environment; 78842

(3) Requiring the maintenance of records on the receipt, use, 78843
storage, transfer, and disposal of radioactive material, including 78844
technologically enhanced naturally occurring radioactive material, 78845
and on the radiological safety aspects of the use and maintenance 78846
of radiation-generating equipment. The rules adopted under 78847
division (B)(3) of this section shall not require maintenance of 78848
records regarding naturally occurring radioactive material. 78849

In adopting rules under divisions (A) and (B) of this 78850
section, the director shall use standards no less stringent than 78851
the "suggested state regulations for control of radiation" 78852
prepared by the conference of radiation control program directors, 78853
inc., and regulations adopted by the United States nuclear 78854
regulatory commission, the United States environmental protection 78855
agency, and the United States department of health and human 78856
services and shall consider reports of the national council on 78857
radiation protection and measurement and the relevant standards of 78858
the American national standards institute. 78859

(C) Establishing fees, procedures, and requirements for 78860
certification as a radiation expert, including all of the 78861
following, without limitation: 78862

(1) Minimum training and experience requirements;	78863
(2) Procedures for applying for certification;	78864
(3) Procedures for review of applications and issuance of certificates;	78865 78866
(4) Procedures for suspending and revoking certification.	78867
(D) Establishing a schedule for inspection of sources of radiation and their shielding and surroundings;	78868 78869
(E) Establishing the responsibilities of a radiation expert;	78870
(F) Establishing criteria for quality assurance programs for licensees of radioactive material and registrants of radiation-generating equipment;	78871 78872 78873
(G) Establishing fees to be paid by any facility that, on September 8, 1995, holds a license from the United States nuclear regulatory commission in order to provide moneys necessary for the transfer of licensing and other regulatory authority from the commission to the state pursuant to section 3748.03 of the Revised Code. Rules adopted under this division shall stipulate that fees so established do not apply to any functions dealing specifically with a facility for the disposal of low-level radioactive waste. Fees collected under this division shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code. The fees shall be used solely to administer and enforce this chapter and rules adopted under it.	78874 78875 78876 78877 78878 78879 78880 78881 78882 78883 78884 78885 78886
(H) Establishing fees to be collected annually from generators of low-level radioactive waste, which shall be based upon the volume and radioactivity of the waste generated and the costs of administering low-level radioactive waste management activities under this chapter and rules adopted under it. All fees collected under this division shall be deposited into the state	78887 78888 78889 78890 78891 78892

treasury to the credit of the general operations fund created in 78893
section 3701.83 of the Revised Code. The fees shall be used solely 78894
to administer and enforce this chapter and rules adopted under it. 78895
Any fee required under this division that remains unpaid on the 78896
ninety-first day after the original invoice date shall be assessed 78897
an additional amount equal to ten per cent of the original fee. 78898

(I) Establishing requirements governing closure, 78899
decontamination, decommissioning, reclamation, and long-term 78900
surveillance and care of a facility licensed under this chapter 78901
and rules adopted under it. Rules adopted under division (I) of 78902
this section shall include, without limitation, all of the 78903
following: 78904

(1) Standards and procedures to ensure that a licensee 78905
prepares a decommissioning funding plan that provides an adequate 78906
financial guaranty to permit the completion of all requirements 78907
governing the closure, decontamination, decommissioning, and 78908
reclamation of sites, structures, and equipment used in 78909
conjunction with a licensed activity; 78910

(2) For licensed activities where radioactive material that 78911
will require surveillance or care is likely to remain at the site 78912
after the licensed activities cease, as indicated in the 78913
application for the license submitted under section 3748.07 of the 78914
Revised Code, standards and procedures to ensure that the licensee 78915
prepares an additional decommissioning funding plan for long-term 78916
surveillance and care, before termination of the license, that 78917
provides an additional adequate financial guaranty as necessary to 78918
provide for that surveillance and care; 78919

(3) For the purposes of the decommissioning funding plans 78920
required in rules adopted under divisions (I)(1) and (2) of this 78921
section, the types of acceptable financial guaranties, which shall 78922
include bonds issued by fidelity or surety companies authorized to 78923
do business in the state, certificates of deposit, deposits of 78924

government securities, irrevocable letters or lines of credit, 78925
trust funds, escrow accounts, or other similar types of 78926
arrangements, but shall not include any arrangement that 78927
constitutes self-insurance; 78928

(4) A requirement that the decommissioning funding plans 78929
required in rules adopted under divisions (I)(1) and (2) of this 78930
section contain financial guaranties in amounts sufficient to 78931
ensure compliance with any standards established by the United 78932
States nuclear regulatory commission, or by the state if it has 78933
become an agreement state pursuant to section 3748.03 of the 78934
Revised Code, pertaining to closure, decontamination, 78935
decommissioning, reclamation, and long-term surveillance and care 78936
of licensed activities and sites of licensees. 78937

Standards established in rules adopted under division (I) of 78938
this section regarding any activity that resulted in the 78939
production of byproduct material, as defined in division (A)(2) of 78940
section 3748.01 of the Revised Code, to the extent practicable, 78941
shall be equivalent to or more stringent than standards 78942
established by the United States nuclear regulatory commission for 78943
sites at which ores were processed primarily for their source 78944
material content and at which byproduct material, as defined in 78945
division (A)(2) of section 3748.01 of the Revised Code, is 78946
deposited. 78947

(J) Establishing criteria governing inspections of a facility 78948
for the disposal of low-level radioactive waste, including, 78949
without limitation, the establishment of a resident inspector 78950
program at such a facility; 78951

(K) Establishing requirements and procedures governing the 78952
filing of complaints under section 3748.16 of the Revised Code, 78953
including, without limitation, those governing intervention in a 78954
hearing held under division (B)(3) of that section; 78955

(L) Establishing requirements governing technologically enhanced naturally occurring radioactive material. Rules adopted under this division shall not apply to naturally occurring radioactive material. 78956
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Sec. 3769.08. (A) Any person holding a permit to conduct a horse-racing meeting may provide a place in the race meeting grounds or enclosure at which the permit holder may conduct and supervise the pari-mutuel system of wagering by patrons of legal age on the live racing programs and simulcast racing programs conducted by the permit holder. 78960
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The pari-mutuel method of wagering upon the live racing programs and simulcast racing programs held at or conducted within such race track, and at the time of such horse-racing meeting, or at other times authorized by the state racing commission, shall not be unlawful. No other place, except that provided and designated by the permit holder and except as provided in section 3769.26 of the Revised Code, nor any other method or system of betting or wagering on live racing programs and simulcast racing programs, except the pari-mutuel system, shall be used or permitted by the permit holder; nor, except as provided in section 3769.089 or 3769.26 of the Revised Code, shall the pari-mutuel system of wagering be conducted by the permit holder on any races except the races at the race track, grounds, or enclosure for which the person holds a permit. Each permit holder may retain as a commission an amount not to exceed eighteen per cent of the total of all moneys wagered on live racing programs and simulcast racing programs. 78966
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The pari-mutuel wagering authorized by this section is subject to sections 3769.25 to 3769.28 of the Revised Code. 78983
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(B) At the close of each racing day, each permit holder authorized to conduct thoroughbred racing, out of the amount 78985
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retained on that day by the permit holder, shall pay by check, 78987
draft, or money order to the tax commissioner, as a tax, a sum 78988
equal to the following percentages of the total of all moneys 78989
wagered on live racing programs on that day and shall separately 78990
compute and pay by check, draft, or money order to the tax 78991
commissioner, as a tax, a sum equal to the following percentages 78992
of the total of all money wagered on simulcast racing programs on 78993
that day: 78994

(1) One per cent of the first two hundred thousand dollars 78995
wagered, or any part of that amount; 78996

(2) Two per cent of the next one hundred thousand dollars 78997
wagered, or any part of that amount; 78998

(3) Three per cent of the next one hundred thousand dollars 78999
wagered, or any part of that amount; 79000

(4) Four per cent of all sums over four hundred thousand 79001
dollars wagered. 79002

Except as otherwise provided in section 3769.089 of the 79003
Revised Code, each permit holder authorized to conduct 79004
thoroughbred racing shall use for purse money a sum equal to fifty 79005
per cent of the pari-mutuel revenues retained by the permit holder 79006
as a commission after payment of the state tax. This fifty per 79007
cent payment shall be in addition to the purse distribution from 79008
breakage specified in this section. 79009

Subject to division (M) of this section, from the moneys paid 79010
to the tax commissioner by thoroughbred racing permit holders, 79011
one-half of one per cent of the total of all moneys so wagered on 79012
a racing day shall be paid into the Ohio fairs fund created by 79013
section 3769.082 of the Revised Code, one and one-eighth per cent 79014
of the total of all moneys so wagered on a racing day shall be 79015
paid into the Ohio thoroughbred race fund created by section 79016
3769.083 of the Revised Code, and one-quarter of one per cent of 79017

the total of all moneys wagered on a racing day by each permit holder shall be paid into the state racing commission operating fund created by section 3769.03 of the Revised Code. The required payment to the state racing commission operating fund does not apply to county and independent fairs and agricultural societies. The remaining moneys may be retained by the permit holder, except as provided in this section with respect to the odd cents redistribution. Amounts paid into the nursing home franchise permit fee fund pursuant to this section and section 3769.26 of the Revised Code shall be used solely for the support of the PASSPORT program as determined in appropriations made by the general assembly. If the PASSPORT program is abolished, the amount that would have been paid to the nursing home franchise permit fee fund under this chapter shall be paid to the general revenue fund of the state. As used in this chapter, "PASSPORT program" ~~means~~ the PASSPORT program created under has the same meaning as in section ~~173.40~~ 173.51 of the Revised Code.

The total amount paid to the Ohio thoroughbred race fund under this section and division (A) of section 3769.087 of the Revised Code shall not exceed by more than six per cent the total amount paid to this fund under this section and division (A) of that section during the immediately preceding calendar year.

Each year, the total amount calculated for payment into the Ohio fairs fund under this division, division (C) of this section, and division (A) of section 3769.087 of the Revised Code shall be an amount calculated using the percentages specified in this division, division (C) of this section, and division (A) of section 3769.087 of the Revised Code.

A permit holder may contract with a thoroughbred horsemen's organization for the organization to act as a representative of all thoroughbred owners and trainers participating in a horse-racing meeting conducted by the permit holder. A

"thoroughbred horsemen's organization" is any corporation or 79050
association that represents, through membership or otherwise, more 79051
than one-half of the aggregate of all thoroughbred owners and 79052
trainers who were licensed and actively participated in racing 79053
within this state during the preceding calendar year. Except as 79054
otherwise provided in this paragraph, any moneys received by a 79055
thoroughbred horsemen's organization shall be used exclusively for 79056
the benefit of thoroughbred owners and trainers racing in this 79057
state through the administrative purposes of the organization, 79058
benevolent activities on behalf of the horsemen, promotion of the 79059
horsemen's rights and interests, and promotion of equine research. 79060
A thoroughbred horsemen's organization may expend not more than an 79061
aggregate of five per cent of its annual gross receipts, or a 79062
larger amount as approved by the organization, for dues, 79063
assessments, and other payments to all other local, national, or 79064
international organizations having as their primary purposes the 79065
promotion of thoroughbred horse racing, thoroughbred horsemen's 79066
rights, and equine research. 79067

(C) Except as otherwise provided in division (B) of this 79068
section, at the close of each racing day, each permit holder 79069
authorized to conduct harness or quarter horse racing, out of the 79070
amount retained that day by the permit holder, shall pay by check, 79071
draft, or money order to the tax commissioner, as a tax, a sum 79072
equal to the following percentages of the total of all moneys 79073
wagered on live racing programs and shall separately compute and 79074
pay by check, draft, or money order to the tax commissioner, as a 79075
tax, a sum equal to the following percentages of the total of all 79076
money wagered on simulcast racing programs on that day: 79077

(1) One per cent of the first two hundred thousand dollars 79078
wagered, or any part of that amount; 79079

(2) Two per cent of the next one hundred thousand dollars 79080
wagered, or any part of that amount; 79081

(3) Three per cent of the next one hundred thousand dollars 79082
wagered, or any part of that amount; 79083

(4) Four per cent of all sums over four hundred thousand 79084
dollars wagered. 79085

Except as otherwise provided in division (B) and subject to 79086
division (M) of this section, from the moneys paid to the tax 79087
commissioner by permit holders authorized to conduct harness or 79088
quarter horse racing, one-half of one per cent of all moneys 79089
wagered on that racing day shall be paid into the Ohio fairs fund; 79090
from the moneys paid to the tax commissioner by permit holders 79091
authorized to conduct harness racing, five-eighths of one per cent 79092
of all moneys wagered on that racing day shall be paid into the 79093
Ohio standardbred development fund; and from the moneys paid to 79094
the tax commissioner by permit holders authorized to conduct 79095
quarter horse racing, five-eighths of one per cent of all moneys 79096
wagered on that racing day shall be paid into the Ohio quarter 79097
horse development fund. 79098

(D) In addition, subject to division (M) of this section, 79099
beginning on January 1, 1996, from the money paid to the tax 79100
commissioner as a tax under this section and division (A) of 79101
section 3769.087 of the Revised Code by harness horse permit 79102
holders, one-half of one per cent of the amount wagered on a 79103
racing day shall be paid into the Ohio standardbred development 79104
fund. Beginning January 1, 1998, the payment to the Ohio 79105
standardbred development fund required under this division does 79106
not apply to county agricultural societies or independent 79107
agricultural societies. 79108

The total amount paid to the Ohio standardbred development 79109
fund under this division, division (C) of this section, and 79110
division (A) of section 3769.087 of the Revised Code and the total 79111
amount paid to the Ohio quarter horse development fund under this 79112
division and division (A) of that section shall not exceed by more 79113

than six per cent the total amount paid into the fund under this 79114
division, division (C) of this section, and division (A) of 79115
section 3769.087 of the Revised Code in the immediately preceding 79116
calendar year. 79117

(E) Subject to division (M) of this section, from the money 79118
paid as a tax under this chapter by harness and quarter horse 79119
permit holders, one-quarter of one per cent of the total of all 79120
moneys wagered on a racing day by each permit holder shall be paid 79121
into the state racing commission operating fund created by section 79122
3769.03 of the Revised Code. This division does not apply to 79123
county and independent fairs and agricultural societies. 79124

(F) Except as otherwise provided in section 3769.089 of the 79125
Revised Code, each permit holder authorized to conduct harness 79126
racing shall pay to the harness horsemen's purse pool a sum equal 79127
to fifty per cent of the pari-mutuel revenues retained by the 79128
permit holder as a commission after payment of the state tax. This 79129
fifty per cent payment is to be in addition to the purse 79130
distribution from breakage specified in this section. 79131

(G) In addition, each permit holder authorized to conduct 79132
harness racing shall be allowed to retain the odd cents of all 79133
redistribution to be made on all mutual contributions exceeding a 79134
sum equal to the next lowest multiple of ten. 79135

Forty per cent of that portion of that total sum of such odd 79136
cents shall be used by the permit holder for purse money for Ohio 79137
sired, bred, and owned colts, for purse money for Ohio bred 79138
horses, and for increased purse money for horse races. Upon the 79139
formation of the corporation described in section 3769.21 of the 79140
Revised Code to establish a harness horsemen's health and 79141
retirement fund, twenty-five per cent of that portion of that 79142
total sum of odd cents shall be paid at the close of each racing 79143
day by the permit holder to that corporation to establish and fund 79144
the health and retirement fund. Until that corporation is formed, 79145

that twenty-five per cent shall be paid at the close of each 79146
racing day by the permit holder to the tax commissioner or the tax 79147
commissioner's agent in the county seat of the county in which the 79148
permit holder operates race meetings. The remaining thirty-five 79149
per cent of that portion of that total sum of odd cents shall be 79150
retained by the permit holder. 79151

(H) In addition, each permit holder authorized to conduct 79152
thoroughbred racing shall be allowed to retain the odd cents of 79153
all redistribution to be made on all mutuel contributions 79154
exceeding a sum equal to the next lowest multiple of ten. Twenty 79155
per cent of that portion of that total sum of such odd cents shall 79156
be used by the permit holder for increased purse money for horse 79157
races. Upon the formation of the corporation described in section 79158
3769.21 of the Revised Code to establish a thoroughbred horsemen's 79159
health and retirement fund, forty-five per cent of that portion of 79160
that total sum of odd cents shall be paid at the close of each 79161
racing day by the permit holder to that corporation to establish 79162
and fund the health and retirement fund. Until that corporation is 79163
formed, that forty-five per cent shall be paid by the permit 79164
holder to the tax commissioner or the tax commissioner's agent in 79165
the county seat of the county in which the permit holder operates 79166
race meetings, at the close of each racing day. The remaining 79167
thirty-five per cent of that portion of that total sum of odd 79168
cents shall be retained by the permit holder. 79169

(I) In addition, each permit holder authorized to conduct 79170
quarter horse racing shall be allowed to retain the odd cents of 79171
all redistribution to be made on all mutuel contributions 79172
exceeding a sum equal to the next lowest multiple of ten, subject 79173
to a tax of twenty-five per cent on that portion of the total sum 79174
of such odd cents that is in excess of two thousand dollars during 79175
a calendar year, which tax shall be paid at the close of each 79176
racing day by the permit holder to the tax commissioner or the tax 79177

commissioner's agent in the county seat of the county within which 79178
the permit holder operates race meetings. Forty per cent of that 79179
portion of that total sum of such odd cents shall be used by the 79180
permit holder for increased purse money for horse races. The 79181
remaining thirty-five per cent of that portion of that total sum 79182
of odd cents shall be retained by the permit holder. 79183

(J)(1) To encourage the improvement of racing facilities for 79184
the benefit of the public, breeders, and horse owners, and to 79185
increase the revenue to the state from the increase in pari-mutuel 79186
wagering resulting from those improvements, the taxes paid by a 79187
permit holder to the state as provided for in this chapter shall 79188
be reduced by three-fourths of one per cent of the total amount 79189
wagered for those permit holders who make capital improvements to 79190
existing race tracks or construct new race tracks. The percentage 79191
of the reduction that may be taken each racing day shall equal 79192
seventy-five per cent of the taxes levied under divisions (B) and 79193
(C) of this section and section 3769.087 of the Revised Code, and 79194
division (F)(2) of section 3769.26 of the Revised Code, as 79195
applicable, divided by the calculated amount each fund should 79196
receive under divisions (B) and (C) of this section and section 79197
3769.087 of the Revised Code, and division (F)(2) of section 79198
3769.26 of the Revised Code and the reduction provided for in this 79199
division. If the resulting percentage is less than one, that 79200
percentage shall be multiplied by the amount of the reduction 79201
provided for in this division. Otherwise, the permit holder shall 79202
receive the full reduction provided for in this division. The 79203
amount of the allowable reduction not received shall be carried 79204
forward and applied against future tax liability. After any 79205
reductions expire, any reduction carried forward shall be treated 79206
as a reduction as provided for in this division. 79207

If more than one permit holder is authorized to conduct 79208
racing at the facility that is being built or improved, the cost 79209

of the new race track or capital improvement shall be allocated 79210
between or among all the permit holders in the ratio that the 79211
permit holders' number of racing days bears to the total number of 79212
racing days conducted at the facility. 79213

A reduction for a new race track or a capital improvement 79214
shall start from the day racing is first conducted following the 79215
date actual construction of the new race track or each capital 79216
improvement is completed and the construction cost has been 79217
approved by the racing commission, unless otherwise provided in 79218
this section. A reduction for a new race track or a capital 79219
improvement shall continue for a period of twenty-five years for 79220
new race tracks and for fifteen years for capital improvements if 79221
the construction of the capital improvement or new race track 79222
commenced prior to March 29, 1988, and for a period of ten years 79223
for new race tracks or capital improvements if the construction of 79224
the capital improvement or new race track commenced on or after 79225
March 29, 1988, but before June 6, 2001, or until the total tax 79226
reduction reaches seventy per cent of the approved cost of the new 79227
race track or capital improvement, as allocated to each permit 79228
holder, whichever occurs first. A reduction for a new race track 79229
or a capital improvement approved after June 6, 2001, shall 79230
continue until the total tax reduction reaches one hundred per 79231
cent of the approved cost of the new race track or capital 79232
improvement, as allocated to each permit holder. 79233

A reduction granted for a new race track or a capital 79234
improvement, the application for which was approved by the racing 79235
commission after March 29, 1988, but before June 6, 2001, shall 79236
not commence nor shall the ten-year period begin to run until all 79237
prior tax reductions with respect to the same race track have 79238
ended. The total tax reduction because of capital improvements 79239
shall not during any one year exceed for all permit holders using 79240
any one track three-fourths of one per cent of the total amount 79241

wagered, regardless of the number of capital improvements made. 79242
Several capital improvements to a race track may be consolidated 79243
in an application if the racing commission approved the 79244
application prior to March 29, 1988. No permit holder may receive 79245
a tax reduction for a capital improvement approved by the racing 79246
commission on or after March 29, 1988, at a race track until all 79247
tax reductions have ended for all prior capital improvements 79248
approved by the racing commission under this section or section 79249
3769.20 of the Revised Code at that race track. If there are two 79250
or more permit holders operating meetings at the same track, they 79251
may consolidate their applications. The racing commission shall 79252
notify the tax commissioner when the reduction of tax begins and 79253
when it ends. 79254

Each fiscal year the racing commission shall submit a report 79255
to the tax commissioner, the office of budget and management, and 79256
the legislative service commission. The report shall identify each 79257
capital improvement project undertaken under this division and in 79258
progress at each race track, indicate the total cost of each 79259
project, state the tax reduction that resulted from each project 79260
during the immediately preceding fiscal year, estimate the tax 79261
reduction that will result from each project during the current 79262
fiscal year, state the total tax reduction that resulted from all 79263
such projects at all race tracks during the immediately preceding 79264
fiscal year, and estimate the total tax reduction that will result 79265
from all such projects at all race tracks during the current 79266
fiscal year. 79267

(2) In order to qualify for the reduction in tax, a permit 79268
holder shall apply to the racing commission in such form as the 79269
commission may require and shall provide full details of the new 79270
race track or capital improvement, including a schedule for its 79271
construction and completion, and set forth the costs and expenses 79272
incurred in connection with it. The racing commission shall not 79273

approve an application unless the permit holder shows that a 79274
contract for the new race track or capital improvement has been 79275
let under an unrestricted competitive bidding procedure, unless 79276
the contract is exempted by the controlling board because of its 79277
unusual nature. In determining whether to approve an application, 79278
the racing commission shall consider whether the new race track or 79279
capital improvement will promote the safety, convenience, and 79280
comfort of the racing public and horse owners and generally tend 79281
towards the improvement of racing in this state. 79282

(3) If a new race track or capital improvement is approved by 79283
the racing commission and construction has started, the tax 79284
reduction may be authorized by the commission upon presentation of 79285
copies of paid bills in excess of one hundred thousand dollars or 79286
ten per cent of the approved cost, whichever is greater. After the 79287
initial authorization, the permit holder shall present copies of 79288
paid bills. If the permit holder is in substantial compliance with 79289
the schedule for construction and completion of the new race track 79290
or capital improvement, the racing commission may authorize the 79291
continuation of the tax reduction upon the presentation of the 79292
additional paid bills. The total amount of the tax reduction 79293
authorized shall not exceed the percentage of the approved cost of 79294
the new race track or capital improvement specified in division 79295
(J)(1) of this section. The racing commission may terminate any 79296
tax reduction immediately if a permit holder fails to complete the 79297
new race track or capital improvement, or to substantially comply 79298
with the schedule for construction and completion of the new race 79299
track or capital improvement. If a permit holder fails to complete 79300
a new race track or capital improvement, the racing commission 79301
shall order the permit holder to repay to the state the total 79302
amount of tax reduced. The normal tax paid by the permit holder 79303
shall be increased by three-fourths of one per cent of the total 79304
amount wagered until the total amount of the additional tax 79305
collected equals the total amount of tax reduced. 79306

(4) As used in this section: 79307

(a) "Capital improvement" means an addition, replacement, or 79308
remodeling of a structural unit of a race track facility costing 79309
at least one hundred thousand dollars, including, but not limited 79310
to, the construction of barns used exclusively for the race track 79311
facility, backstretch facilities for horsemen, paddock facilities, 79312
new pari-mutuel and totalizator equipment and appurtenances to 79313
that equipment purchased by the track, new access roads, new 79314
parking areas, the complete reconstruction, reshaping, and 79315
leveling of the racing surface and appurtenances, the installation 79316
of permanent new heating or air conditioning, roof replacement or 79317
restoration, installations of a permanent nature forming a part of 79318
the track structure, and construction of buildings that are 79319
located on a permit holder's premises. "Capital improvement" does 79320
not include the cost of replacement of equipment that is not 79321
permanently installed, ordinary repairs, painting, and maintenance 79322
required to keep a race track facility in ordinary operating 79323
condition. 79324

(b) "New race track" includes the reconstruction of a race 79325
track damaged by fire or other cause that has been declared by the 79326
racing commission, as a result of the damage, to be an inadequate 79327
facility for the safe operation of horse racing. 79328

(c) "Approved cost" includes all debt service and interest 79329
costs that are associated with a capital improvement or new race 79330
track and that the racing commission approves for a tax reduction 79331
under division (J) of this section. 79332

(5) The racing commission shall not approve an application 79333
for a tax reduction under this section if it has reasonable cause 79334
to believe that the actions or negligence of the permit holder 79335
substantially contributed to the damage suffered by the track due 79336
to fire or other cause. The racing commission shall obtain any 79337
data or information available from a fire marshal, law enforcement 79338

official, or insurance company concerning any fire or other damage 79339
suffered by a track, prior to approving an application for a tax 79340
reduction. 79341

(6) The approved cost to which a tax reduction applies shall 79342
be determined by generally accepted accounting principles and 79343
verified by an audit of the permit holder's records upon 79344
completion of the project by the racing commission, or by an 79345
independent certified public accountant selected by the permit 79346
holder and approved by the commission. 79347

(K) No other license or excise tax or fee, except as provided 79348
in sections 3769.01 to 3769.14 of the Revised Code, shall be 79349
assessed or collected from such licensee by any county, township, 79350
district, municipal corporation, or other body having power to 79351
assess or collect a tax or fee. That portion of the tax paid under 79352
this section by permit holders for racing conducted at and during 79353
the course of an agricultural exposition or fair, and that portion 79354
of the tax that would have been paid by eligible permit holders 79355
into the nursing home franchise permit fee fund as a result of 79356
racing conducted at and during the course of an agricultural 79357
exposition or fair, shall be deposited into the state treasury to 79358
the credit of the horse racing tax fund, which is hereby created 79359
for the use of the agricultural societies of the several counties 79360
in which the taxes originate. The state racing commission shall 79361
determine eligible permit holders for purposes of the preceding 79362
sentence, taking into account the breed of horse, the racing 79363
dates, the geographic proximity to the fair, and the best 79364
interests of Ohio racing. On the first day of any month on which 79365
there is money in the fund, the tax commissioner shall provide for 79366
payment to the treasurer of each agricultural society the amount 79367
of the taxes collected under this section upon racing conducted at 79368
and during the course of any exposition or fair conducted by the 79369
society. 79370

(L) From the tax paid under this section by harness track permit holders, the tax commissioner shall pay into the Ohio thoroughbred race fund a sum equal to a percentage of the amount wagered upon which the tax is paid. The percentage shall be determined by the tax commissioner and shall be rounded to the nearest one-hundredth. The percentage shall be such that, when multiplied by the amount wagered upon which tax was paid by the harness track permit holders in the most recent year for which final figures are available, it results in a sum that substantially equals the same amount of tax paid by the tax commissioner during that year into the Ohio fairs fund from taxes paid by thoroughbred permit holders. This division does not apply to county and independent fairs and agricultural societies.

(M) Twenty-five per cent of the taxes levied on thoroughbred racing permit holders, harness racing permit holders, and quarter horse racing permit holders under this section, division (A) of section 3769.087 of the Revised Code, and division (F)(2) of section 3769.26 of the Revised Code shall be paid into the nursing home franchise permit fee fund. The tax commissioner shall pay any money remaining, after the payment into the nursing home franchise permit fee fund and the reductions provided for in division (J) of this section and in section 3769.20 of the Revised Code, into the Ohio fairs fund, Ohio thoroughbred race fund, Ohio standardbred development fund, Ohio quarter horse fund, and state racing commission operating fund as prescribed in this section and division (A) of section 3769.087 of the Revised Code. The tax commissioner shall thereafter use and apply the balance of the money paid as a tax by any permit holder to cover any shortage in the accounts of such funds resulting from an insufficient payment as a tax by any other permit holder. The moneys received by the tax commissioner shall be deposited weekly and paid by the tax commissioner into the funds to cover the total aggregate amount due from all permit holders to the funds, as calculated under this

section and division (A) of section 3769.087 of the Revised Code, 79404
as applicable. If, after the payment into the nursing home 79405
franchise permit fee fund, sufficient funds are not available from 79406
the tax deposited by the tax commissioner to pay the required 79407
amounts into the Ohio fairs fund, Ohio standardbred development 79408
fund, Ohio thoroughbred race fund, Ohio quarter horse fund, and 79409
the state racing commission operating fund, the tax commissioner 79410
shall prorate on a proportional basis the amount paid to each of 79411
the funds. Any shortage to the funds as a result of a proration 79412
shall be applied against future deposits for the same calendar 79413
year when funds are available. After this application, the tax 79414
commissioner shall pay any remaining money paid as a tax by all 79415
permit holders into the nursing home franchise permit fee fund. 79416
This division does not apply to permit holders conducting racing 79417
at the course of an agricultural exposition or fair as described 79418
in division (K) of this section. 79419

Sec. 3769.087. (A) In addition to the commission of eighteen 79420
per cent retained by each permit holder as provided in section 79421
3769.08 of the Revised Code, each permit holder shall retain an 79422
additional amount equal to four per cent of the total of all 79423
moneys wagered on each racing day on all wagering pools other than 79424
win, place, and show, of which amount retained an amount equal to 79425
three per cent of the total of all moneys wagered on each racing 79426
day on those pools shall be paid by check, draft, or money order 79427
to the tax commissioner, as a tax. Subject to the restrictions 79428
contained in divisions (B), (C), and (M) of section 3769.08 of the 79429
Revised Code, from such additional moneys paid to the tax 79430
commissioner: 79431

(1) Four-sixths shall be allocated to fund distribution as 79432
provided in division (M) of section 3769.08 of the Revised Code. 79433

(2) One-twelfth shall be paid into the Ohio fairs fund 79434

created by section 3769.082 of the Revised Code. 79435

(3) One-twelfth of the additional moneys paid to the tax 79436
commissioner by thoroughbred racing permit holders shall be paid 79437
into the Ohio thoroughbred race fund created by section 3769.083 79438
of the Revised Code. 79439

(4) One-twelfth of the additional moneys paid to the tax 79440
commissioner by harness horse racing permit holders shall be paid 79441
to the Ohio standardbred development fund created by section 79442
3769.085 of the Revised Code. 79443

(5) One-twelfth of the additional moneys paid to the tax 79444
commissioner by quarter horse racing permit holders shall be paid 79445
to the Ohio quarter horse development fund created by section 79446
3769.086 of the Revised Code. 79447

(6) One-sixth shall be paid into the state racing commission 79448
operating fund created by section 3769.03 of the Revised Code. 79449

The remaining one per cent that is retained of the total of 79450
all moneys wagered on each racing day on all pools other than win, 79451
place, and show, shall be retained by racing permit holders, and, 79452
except as otherwise provided in section 3769.089 of the Revised 79453
Code, racing permit holders shall use one-half for purse money and 79454
retain one-half. 79455

(B) In addition to the commission of eighteen per cent 79456
retained by each permit holder as provided in section 3769.08 of 79457
the Revised Code and the additional amount retained by each permit 79458
holder as provided in division (A) of this section, each permit 79459
holder shall retain an additional amount equal to one-half of one 79460
per cent of the total of all moneys wagered on each racing day on 79461
all wagering pools other than win, place, and show. The additional 79462
amount retained under this division shall be paid by check, draft, 79463
or money order to the tax commissioner, as a tax. The tax 79464
commissioner shall pay the amount of the tax received under this 79465

division to the state racing commission operating fund created by 79466
section 3769.03 of the Revised Code. 79467

(C) Unless otherwise agreed to by the video lottery sales 79468
agent and the applicable horsemen's association recognized by the 79469
state racing commission to represent such persons, the state 79470
racing commission ~~may~~ shall direct through rule that a percentage 79471
of the lottery sales agent's commission as determined by the state 79472
lottery commission for conducting video lottery terminal gaming on 79473
behalf of the state be paid to the state racing commission for the 79474
benefit of breeding and racing in this state. The percentage so 79475
determined shall not be less than nine per cent or more than 79476
eleven per cent of the video lottery terminal income, and shall be 79477
a sliding scale based upon capital expenditures necessary to build 79478
the video lottery sales agent's facility. The aggregate of one 79479
hundred per cent of video lottery terminal income minus the 79480
lottery sales agent's commission percentage as determined by the 79481
state lottery commission plus the percentage of the lottery sale 79482
agent's commission, as determined by the state racing commission 79483
or otherwise agreed to by the video lottery sales agent and the 79484
applicable horsemen's association recognized by the state racing 79485
commission to represent such persons, for the benefit of breeding 79486
and racing in this state shall not exceed forty-five per cent of 79487
the video lottery terminal income. In addition, beginning July 1, 79488
2013, the state lottery commission shall adopt a rule to require 79489
the lottery sales agent conducting video lottery terminal gaming 79490
on behalf of the state to disperse to the state lottery commission 79491
one-half of one per cent of such a lottery sales agent's 79492
commission for the purpose of providing funding support to 79493
appropriate state agencies for programs that provide for gambling 79494
addiction and other related addiction services. The state lottery 79495
commission's rule also may require the lottery sales agent 79496
conducting video lottery terminal gaming on behalf of the state to 79497
disperse to the state lottery commission an additional amount up 79498

to one-half of one per cent of such a lottery sales agent's 79499
commission for that purpose. 79500

Sec. 3769.088. (A) If any permit holder required by this 79501
chapter to pay the taxes levied by sections 3769.08, 3769.087, 79502
3769.26, and 3769.28 of the Revised Code fails to pay the taxes, 79503
the tax commissioner may make an assessment against the permit 79504
holder based upon any information in the commissioner's 79505
possession. 79506

A penalty of up to fifteen per cent may be added to the 79507
amount of every assessment made under this section. The 79508
commissioner may adopt rules providing for the imposition and 79509
remission of penalties added to assessments made under this 79510
section. 79511

The commissioner shall give the party assessed written notice 79512
of the assessment in the manner provided in section 5703.37 of the 79513
Revised Code. With the notice, the commissioner shall provide 79514
instructions on how to petition for reassessment and request a 79515
hearing on the petition. 79516

(B) Unless the party assessed files with the tax commissioner 79517
within sixty days after service of the notice of assessment, 79518
either personally or by certified mail, a written petition for 79519
reassessment signed by the party assessed or that party's 79520
authorized agent having knowledge of the facts, the assessment 79521
becomes final and the amount of the assessment is due and payable 79522
from the party assessed to the commissioner. The petition shall 79523
indicate the objections of the party assessed, but additional 79524
objections may be raised in writing if received by the 79525
commissioner prior to the date shown on the final determination. 79526
If the petition has been properly filed, the commissioner shall 79527
proceed under section 5703.60 of the Revised Code. 79528

(C) After an assessment becomes final, if any portion of the 79529

assessment remains unpaid, including accrued interest, a certified 79530
copy of the tax commissioner's entry making the assessment final 79531
may be filed in the office of the clerk of the court of common 79532
pleas in the county in which the place, track, or enclosure for 79533
which the permit was issued is located or the county in which the 79534
party assessed resides or has its principal place of business. If 79535
the party assessed maintains no place of business in this state 79536
and is not a resident of this state, the certified copy of the 79537
entry may be filed in the office of the clerk of the court of 79538
common pleas of Franklin county. 79539

Immediately upon the filing of the entry, the clerk shall 79540
enter a judgment for the state against the party assessed in the 79541
amount shown on the entry. The judgment may be filed by the clerk 79542
in a loose-leaf book entitled "special judgments for state horse 79543
racing tax," and shall have the same effect as other judgments. 79544
Execution shall issue upon the judgment upon the request of the 79545
tax commissioner, and all laws applicable to sales on execution 79546
shall apply to sales made under the judgment. 79547

~~The portion of~~ If the assessment is not paid in its entirety 79548
within sixty days after the day the assessment was issued, the 79549
portion of the assessment consisting of tax due shall bear 79550
interest at the rate per annum prescribed by section 5703.47 of 79551
the Revised Code from the day the tax commissioner issues the 79552
assessment until the day the assessment is paid or until it is 79553
certified to the attorney general for collection under section 79554
131.02 of the Revised Code, whichever comes first. If the unpaid 79555
portion of the assessment is certified to the attorney general for 79556
collection, the entire unpaid portion of the assessment shall bear 79557
interest at the rate per annum prescribed by section 5703.47 of 79558
the Revised Code from the date of certification until the date it 79559
is paid in its entirety. Interest shall be paid in the same manner 79560
as the tax and may be collected by the issuance of an assessment 79561

under this section. 79562

(D) All money collected by the tax commissioner under this 79563
section shall be treated as revenue arising from the taxes imposed 79564
by sections 3769.08, 3769.087, 3769.26, and 3769.28 of the Revised 79565
Code. 79566

Sec. 3770.02. (A) Subject to the advice and consent of the 79567
senate, the governor shall appoint a director of the state lottery 79568
commission who shall serve at the pleasure of the governor. The 79569
director shall devote full time to the duties of the office and 79570
shall hold no other office or employment. The director shall meet 79571
all requirements for appointment as a member of the commission and 79572
shall, by experience and training, possess management skills that 79573
equip the director to administer an enterprise of the nature of a 79574
state lottery. The director shall receive an annual salary in 79575
accordance with pay range 48 of section 124.152 of the Revised 79576
Code. 79577

(B)(1) The director shall attend all meetings of the 79578
commission and shall act as its secretary. The director shall keep 79579
a record of all commission proceedings and shall keep the 79580
commission's records, files, and documents at the commission's 79581
principal office. All records of the commission's meetings shall 79582
be available for inspection by any member of the public, upon a 79583
showing of good cause and prior notification to the director. 79584

(2) The director shall be the commission's executive officer 79585
and shall be responsible for keeping all commission records and 79586
supervising and administering the state lottery in accordance with 79587
this chapter, and carrying out all commission rules adopted under 79588
section 3770.03 of the Revised Code. 79589

(C)(1) The director shall appoint an assistant director, 79590
deputy directors of marketing, operations, sales, finance, public 79591
relations, security, and administration, and as many regional 79592

managers as are required. The director may also appoint necessary 79593
professional, technical, and clerical assistants. All such 79594
officers and employees shall be appointed and compensated pursuant 79595
to Chapter 124. of the Revised Code. Regional and assistant 79596
regional managers, sales representatives, and any lottery 79597
executive account representatives shall remain in the unclassified 79598
service. 79599

(2) The director, in consultation with the director of 79600
administrative services, may establish standards of proficiency 79601
and productivity for commission field representatives. 79602

(D) The director shall request the bureau of criminal 79603
identification and investigation, the department of public safety, 79604
or any other state, local, or federal agency to supply the 79605
director with the criminal records of any job applicant and may 79606
periodically request the criminal records of commission employees. 79607
At or prior to the time of making such a request, the director 79608
shall require a job applicant or commission employee to obtain 79609
fingerprint cards prescribed by the superintendent of the bureau 79610
of criminal identification and investigation at a qualified law 79611
enforcement agency, and the director shall cause these fingerprint 79612
cards to be forwarded to the bureau of criminal identification and 79613
investigation and the federal bureau of investigation. The 79614
commission shall assume the cost of obtaining the fingerprint 79615
cards and shall pay to each agency supplying criminal records for 79616
each investigation under this division a reasonable fee, as 79617
determined by the agency. 79618

(E) The director shall license lottery sales agents pursuant 79619
to section 3770.05 of the Revised Code and, when it is considered 79620
necessary, may revoke or suspend the license of any lottery sales 79621
agent. The director may license video lottery technology 79622
providers, independent testing laboratories, and gaming employees, 79623
and promulgate rules relating thereto. When the director considers 79624

it necessary, the director may suspend or revoke the license of a 79625
video lottery technology provider, independent testing laboratory, 79626
or gaming employee, including suspension or revocation without 79627
affording an opportunity for a prior hearing under section 119.07 79628
of the Revised Code when the public safety, convenience, or trust 79629
requires immediate action. 79630

(F) The director shall confer at least once each month with 79631
the commission, at which time the director shall advise it 79632
regarding the operation and administration of the lottery. The 79633
director shall make available at the request of the commission all 79634
documents, files, and other records pertaining to the operation 79635
and administration of the lottery. The director shall prepare and 79636
make available to the commission each month a complete and 79637
accurate accounting of lottery revenues, prize money disbursements 79638
and the cost of goods and services awarded as prizes, operating 79639
expenses, and all other relevant financial information, including 79640
an accounting of all transfers made from any lottery funds in the 79641
custody of the treasurer of state to benefit education. 79642

(G) The director may enter into contracts for the operation 79643
or promotion of the lottery pursuant to Chapter 125. of the 79644
Revised Code. 79645

(H)(1) Pursuant to rules adopted by the commission under 79646
section 3770.03 of the Revised Code, the director shall require 79647
any lottery sales agents to ~~either mail directly to the commission~~ 79648
~~or~~ deposit to the credit of the state lottery fund, in banking 79649
institutions designated by the treasurer of state, net proceeds 79650
due the commission as determined by the director, ~~and to file with~~ 79651
~~the director or the director's designee reports of their receipts~~ 79652
~~and transactions in the sale of lottery tickets in the form~~ 79653
~~required by the director.~~ 79654

(2) Pursuant to rules adopted by the commission under Chapter 79655
119. of the Revised Code, the director may impose penalties for 79656

the failure of a sales agent to transfer funds to the commission 79657
in a timely manner. Penalties may include monetary penalties, 79658
immediate suspension or revocation of a license, or any other 79659
penalty the commission adopts by rule. 79660

(I) The director may arrange for any person, or any banking 79661
institution, to perform functions and services in connection with 79662
the operation of the lottery as the director may consider 79663
necessary to carry out this chapter. 79664

(J)(1) As used in this chapter, "statewide joint lottery 79665
game" means a lottery game that the commission sells solely within 79666
this state under an agreement with other lottery jurisdictions to 79667
sell the same lottery game solely within their statewide or other 79668
jurisdictional boundaries. 79669

(2) If the governor directs the director to do so, the 79670
director shall enter into an agreement with other lottery 79671
jurisdictions to conduct statewide joint lottery games. If the 79672
governor signs the agreement personally or by means of an 79673
authenticating officer pursuant to section 107.15 of the Revised 79674
Code, the director then may conduct statewide joint lottery games 79675
under the agreement. 79676

(3) The entire net proceeds from any statewide joint lottery 79677
games shall be used to fund elementary, secondary, vocational, and 79678
special education programs in this state. 79679

(4) The commission shall conduct any statewide joint lottery 79680
games in accordance with rules it adopts under division (B)(5) of 79681
section 3770.03 of the Revised Code. 79682

(K)(1) The director shall enter into an agreement with the 79683
department of ~~alcohol and drug addiction services~~ mental health 79684
and addiction services under which the department shall provide a 79685
program of gambling addiction services on behalf of the 79686
commission. The commission shall pay the costs of the program 79687

provided pursuant to the agreement. 79688

(2) As used in this section, "gambling addiction services" 79689
has the same meaning as in section ~~3793.01~~ 5119.01 of the Revised 79690
Code. 79691

Sec. 3770.06. (A) There is hereby created the state lottery 79692
gross revenue fund, which shall be in the custody of the treasurer 79693
of state but shall not be part of the state treasury. All gross 79694
revenues received from sales of lottery tickets, fines, fees, and 79695
related proceeds in connection with the statewide lottery and all 79696
gross proceeds from statewide joint lottery games shall be 79697
deposited into the fund. The treasurer of state shall invest any 79698
portion of the fund not needed for immediate use in the same 79699
manner as, and subject to all provisions of law with respect to 79700
the investment of, state funds. The treasurer of state shall 79701
disburse money from the fund on order of the director of the state 79702
lottery commission or the director's designee. 79703

Except for gross proceeds from statewide joint lottery games, 79704
all revenues of the state lottery gross revenue fund that are not 79705
paid to holders of winning lottery tickets, that are not required 79706
to meet short-term prize liabilities, that are not credited to 79707
lottery sales agents in the form of bonuses, commissions, or 79708
reimbursements, that are not paid to financial institutions to 79709
reimburse those institutions for sales agent nonsufficient funds, 79710
and that are collected from sales agents for remittance to 79711
insurers under contract to provide sales agent bonding services 79712
shall be transferred to the state lottery fund, which is hereby 79713
created in the state treasury. In addition, all revenues of the 79714
state lottery gross revenue fund that represent the gross proceeds 79715
from the statewide joint lottery games and that are not paid to 79716
holders of winning lottery tickets, that are not required to meet 79717
short-term prize liabilities, that are not credited to lottery 79718

sales agents in the form of bonuses, commissions, or 79719
reimbursements, and that are not necessary to cover operating 79720
expenses associated with those games or to otherwise comply with 79721
the agreements signed by the governor that the director enters 79722
into under division (J) of section 3770.02 of the Revised Code or 79723
the rules the commission adopts under division (B)(5) of section 79724
3770.03 of the Revised Code shall be transferred to the state 79725
lottery fund. All investment earnings of the fund shall be 79726
credited to the fund. Moneys shall be disbursed from the fund 79727
pursuant to vouchers approved by the director. Total disbursements 79728
for monetary prize awards to holders of winning lottery tickets in 79729
connection with the statewide lottery and purchases of goods and 79730
services awarded as prizes to holders of winning lottery tickets 79731
shall be of an amount equal to at least fifty per cent of the 79732
total revenue accruing from the sale of lottery tickets. 79733

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 79734
there is hereby established in the state treasury the lottery 79735
profits education fund. Whenever, in the judgment of the director 79736
of the state lottery commission, the amount to the credit of the 79737
state lottery fund that does not represent proceeds from statewide 79738
joint lottery games is in excess of that needed to meet the 79739
maturing obligations of the commission and as working capital for 79740
its further operations, the director of the state lottery 79741
commission shall recommend the amount of the excess to be 79742
transferred to the lottery profits education fund, and the 79743
director of budget and management may transfer the excess to the 79744
lottery profits education fund in connection with the statewide 79745
lottery. In addition, whenever, in the judgment of the director of 79746
the state lottery commission, the amount to the credit of the 79747
state lottery fund that represents proceeds from statewide joint 79748
lottery games equals the entire net proceeds of those games as 79749
described in division (B)(5) of section 3770.03 of the Revised 79750
Code and the rules adopted under that division, the director of 79751

the state lottery commission shall recommend the amount of the 79752
proceeds to be transferred to the lottery profits education fund, 79753
and the director of budget and management may transfer those 79754
proceeds to the lottery profits education fund. Investment 79755
earnings of the lottery profits education fund shall be credited 79756
to the fund. 79757

The lottery profits education fund shall be used solely for 79758
the support of elementary, secondary, vocational, and special 79759
education programs as determined in appropriations made by the 79760
general assembly, or as provided in applicable bond proceedings 79761
for the payment of debt service on obligations issued to pay costs 79762
of capital facilities, including those for a system of common 79763
schools throughout the state pursuant to section 2n of Article 79764
VIII, Ohio Constitution. When determining the availability of 79765
money in the lottery profits education fund, the director of 79766
budget and management may consider all balances and estimated 79767
revenues of the fund. 79768

(C) There is hereby established in the state treasury the 79769
deferred prizes trust fund. With the approval of the director of 79770
budget and management, an amount sufficient to fund annuity prizes 79771
shall be transferred from the state lottery fund and credited to 79772
the trust fund. The treasurer of state shall credit all earnings 79773
arising from investments purchased under this division to the 79774
trust fund. Within sixty days after the end of each fiscal year, 79775
the treasurer of state shall certify to the director of budget and 79776
management whether the actuarial amount of the trust fund is 79777
sufficient over the fund's life for continued funding of all 79778
remaining deferred prize liabilities as of the last day of the 79779
fiscal year just ended. Also, within that sixty days, the director 79780
of budget and management shall certify the amount of investment 79781
earnings necessary to have been credited to the trust fund during 79782
the fiscal year just ending to provide for such continued funding 79783

of deferred prizes. Any earnings credited in excess of the latter 79784
certified amount shall be transferred to the lottery profits 79785
education fund. 79786

To provide all or a part of the amounts necessary to fund 79787
deferred prizes awarded by the commission in connection with the 79788
statewide lottery, the treasurer of state, in consultation with 79789
the commission, may invest moneys contained in the deferred prizes 79790
trust fund which represents proceeds from the statewide lottery in 79791
obligations of the type permitted for the investment of state 79792
funds but whose maturities are thirty years or less. 79793
Notwithstanding the requirements of any other section of the 79794
Revised Code, to provide all or part of the amounts necessary to 79795
fund deferred prizes awarded by the commission in connection with 79796
statewide joint lottery games, the treasurer of state, in 79797
consultation with the commission, may invest moneys in the trust 79798
fund which represent proceeds derived from the statewide joint 79799
lottery games in accordance with the rules the commission adopts 79800
under division (B)(5) of section 3770.03 of the Revised Code. 79801
Investments of the trust fund are not subject to the provisions of 79802
division (A)(10) of section 135.143 of the Revised Code limiting 79803
to twenty-five per cent the amount of the state's total average 79804
portfolio that may be invested in debt interests and limiting to 79805
one-half of one per cent the amount that may be invested in debt 79806
interests of a single issuer. 79807

All purchases made under this division shall be effected on a 79808
delivery versus payment method and shall be in the custody of the 79809
treasurer of state. 79810

The treasurer of state may retain an investment advisor, if 79811
necessary. The commission shall pay any costs incurred by the 79812
treasurer of state in retaining an investment advisor. 79813

(D) The auditor of state shall conduct annual audits of all 79814
funds and any other audits as the auditor of state or the general 79815

assembly considers necessary. The auditor of state may examine all 79816
records, files, and other documents of the commission, and records 79817
of lottery sales agents that pertain to their activities as 79818
agents, for purposes of conducting authorized audits. 79819

~~(E)~~ The state lottery commission shall establish an internal 79820
audit ~~program~~ plan before the beginning of each fiscal year, 79821
subject to the approval of the ~~auditor office~~ of ~~state internal~~
audit in the office of budget and management. At the end of each 79822
fiscal year, the commission shall prepare and submit an annual 79823
report to the ~~auditor office~~ of ~~state internal audit~~ for the 79824
~~auditor of state's office's~~ review and approval, specifying the 79825
internal audit work completed by the end of that fiscal year and 79826
reporting on compliance with the annual internal audit ~~program~~. 79827
~~The form and content of the report shall be prescribed by the~~ 79828
~~auditor of state under division (C) of section 117.20 of the~~ 79829
~~Revised Code~~ plan. 79830
79831

~~(E)~~~~(F)~~ Whenever, in the judgment of the director of budget 79832
and management, an amount of net state lottery proceeds is 79833
necessary to be applied to the payment of debt service on 79834
obligations, all as defined in sections 151.01 and 151.03 of the 79835
Revised Code, the director shall transfer that amount directly 79836
from the state lottery fund or from the lottery profits education 79837
fund to the bond service fund defined in those sections. The 79838
provisions of this division are subject to any prior pledges or 79839
obligation of those amounts to the payment of bond service charges 79840
as defined in division (C) of section 3318.21 of the Revised Code, 79841
as referred to in division (B) of this section. 79842

Sec. 3770.21. (A) As used in this section: 79843

(1) "Video lottery terminal" means any electronic device 79844
approved by the state lottery commission that provides immediate 79845
prize determinations for participants on an electronic display 79846

that is located at a facility owned by a holder of a permit as 79847
defined in rule 3769-1-05 of the Administrative Code. 79848

(2) "Video lottery terminal promotional gaming credit" means 79849
a video lottery terminal game credit, discount, or other similar 79850
item issued to a patron to enable the placement of, or increase 79851
in, a wager at a video lottery terminal. 79852

(3) "Video lottery terminal income" means credits played, 79853
minus approved video lottery terminal promotional gaming credits, 79854
minus video lottery prize awards. 79855

(B)(1) The state lottery commission shall include, in 79856
conjunction with the state racing commission, in any rules adopted 79857
concerning video lottery terminals, the level of minimum 79858
investments that must be made by video lottery terminal sales 79859
agents in the buildings, fixtures, equipment, facilities-related 79860
preparation, and grounds at the facilities, including temporary 79861
facilities, in which the terminals will be located, along with any 79862
standards and timetables for such investments. 79863

(2) The state lottery commission may include, in consultation 79864
with the Ohio casino control commission, in rules adopted 79865
concerning video lottery terminals, standards and requirements for 79866
security and surveillance equipment that shall require a licensed 79867
video lottery sales agent to install security and surveillance 79868
equipment where any chips, tokens, tickets, electronic cards, or 79869
similar objects may be redeemed for cash, whether by an employee 79870
or by electronic means, that shall capture, for law enforcement 79871
purposes, facial feature pattern characteristics, including a 79872
computerized facial image, and that shall require such records to 79873
be retained for at least five years. The commission may secure, by 79874
agreement, information and services as the commission considers 79875
necessary from any state agency or other unit of state government. 79876
All costs related to the installation of security and surveillance 79877
equipment shall be the responsibility of the licensed video 79878

lottery sales agent. 79879

(C) A licensed video lottery sales agent may provide video 79880
lottery terminal promotional gaming credits to patrons for video 79881
lottery terminal gaming. Video lottery terminal promotional gaming 79882
credits shall be subject to approval by the director of the state 79883
lottery commission. 79884

(D) Video lottery terminal sales agents shall develop 79885
internal guidelines and controls for the purpose of giving 79886
minority business enterprises the ability to compete for the 79887
awarding of contracts to provide goods and services to those sales 79888
agents. As used in this division, "minority business enterprise" 79889
has the meaning defined in section 122.71 of the Revised Code. 79890

(E) No license or excise tax or fee not in effect on the 79891
effective date of this section shall be assessed upon or collected 79892
from a video lottery terminal sales agent by any county, township, 79893
municipal corporation, school district, or other political 79894
subdivision of the state that has authority to assess or collect a 79895
tax or fee by reason of the video lottery terminal related conduct 79896
authorized by section 3770.03 of the Revised Code. This division 79897
does not prohibit the imposition of taxes under Chapter 718. or 79898
3769. of the Revised Code. 79899

(F)(1) Any action asserting that this section or section 79900
3770.03 of the Revised Code or any portion of those sections or 79901
any rule adopted under those sections violates any provision of 79902
the Ohio Constitution shall be brought in the court of common 79903
pleas of Franklin county within ninety days after the effective 79904
date of the amendment of this section by Am. Sub. H.B. 386 of the 79905
129th general assembly, June 11, 2012, or within ninety days after 79906
the effective day of any rule, as applicable. 79907

(2) Any claim asserting that any action taken by the governor 79908
or the lottery commission pursuant to those sections violates any 79909

provision of the Ohio Constitution or any provision of the Revised Code shall be brought in the court of common pleas of Franklin county within sixty days after the action is taken.

(3) Divisions (F)(1) and (2) of this section do not apply to any claim within the original jurisdiction of the supreme court or a court of appeals under Article IV of the Ohio Constitution.

(G) The court of common pleas of Franklin county shall give any claim filed under division (F)(1) or (2) of this section priority over all other civil cases before the court, irrespective of position on the court's calendar, and shall make a determination on the claim expeditiously. A court of appeals shall give any appeal from a final order issued in a case brought pursuant to division (F) of this section priority over all other civil cases before the court, irrespective of position on the court's calendar, and shall make a determination on the appeal expeditiously.

Sec. 3772.03. (A) To ensure the integrity of casino gaming, the commission shall have authority to complete the functions of licensing, regulating, investigating, and penalizing casino operators, management companies, holding companies, key employees, casino gaming employees, and gaming-related vendors. The commission also shall have jurisdiction over all persons participating in casino gaming authorized by Section 6(C) of Article XV, Ohio Constitution, and this chapter.

(B) All rules adopted by the commission under this chapter shall be adopted under procedures established in Chapter 119. of the Revised Code. The commission may contract for the services of experts and consultants to assist the commission in carrying out its duties under this section.

(C) Within six months of September 10, 2010, the commission shall adopt initial rules as are necessary for completing the

functions stated in division (A) of this section and for 79941
addressing the subjects enumerated in division (D) of this 79942
section. 79943

(D) The commission shall adopt, and as advisable and 79944
necessary shall amend or repeal, rules that include all of the 79945
following: 79946

(1) The prevention of practices detrimental to the public 79947
interest; 79948

(2) Prescribing the method of applying, and the form of 79949
application, that an applicant for a license under this chapter 79950
must follow as otherwise described in this chapter; 79951

(3) Prescribing the information to be furnished by an 79952
applicant or licensee as described in section 3772.11 of the 79953
Revised Code; 79954

(4) Describing the certification standards and duties of an 79955
independent testing laboratory certified under section 3772.31 of 79956
the Revised Code and the relationship between the commission, the 79957
laboratory, the gaming-related vendor, and the casino operator; 79958

(5) The minimum amount of insurance that must be maintained 79959
by a casino operator, management company, holding company, or 79960
gaming-related vendor; 79961

(6) The approval process for a significant change in 79962
ownership or transfer of control of a licensee as provided in 79963
section 3772.091 of the Revised Code; 79964

(7) The design of gaming supplies, devices, and equipment to 79965
be distributed by gaming-related vendors; 79966

(8) Identifying the casino gaming that is permitted, 79967
identifying the gaming supplies, devices, and equipment, that are 79968
permitted, defining the area in which the permitted casino gaming 79969
may be conducted, and specifying the method of operation according 79970

to which the permitted casino gaming is to be conducted as 79971
provided in section 3772.20 of the Revised Code, and requiring 79972
gaming devices and equipment to meet the standards of this state; 79973

(9) Tournament play in any casino facility; 79974

(10) Establishing and implementing a voluntary exclusion 79975
program that provides all of the following: 79976

(a) Except as provided by commission rule, a person who 79977
participates in the program shall agree to refrain from entering a 79978
casino facility. 79979

(b) The name of a person participating in the program shall 79980
be included on a list of persons excluded from all casino 79981
facilities. 79982

(c) Except as provided by commission rule, no person who 79983
participates in the program shall petition the commission for 79984
admittance into a casino facility. 79985

(d) The list of persons participating in the program and the 79986
personal information of those persons shall be confidential and 79987
shall only be disseminated by the commission to a casino operator 79988
and the agents and employees of the casino operator for purposes 79989
of enforcement and to other entities, upon request of the 79990
participant and agreement by the commission. 79991

(e) A casino operator shall make all reasonable attempts as 79992
determined by the commission to cease all direct marketing efforts 79993
to a person participating in the program. 79994

(f) A casino operator shall not cash the check of a person 79995
participating in the program or extend credit to the person in any 79996
manner. However, the program shall not exclude a casino operator 79997
from seeking the payment of a debt accrued by a person before 79998
participating in the program. 79999

(g) Any and all locations at which a person may register as a 80000

participant in the program shall be published. 80001

(11) Requiring the commission to adopt standards regarding 80002
the marketing materials of a licensed casino operator, including 80003
allowing the commission to prohibit marketing materials that are 80004
contrary to the adopted standards; 80005

(12) Requiring that the records, including financial 80006
statements, of any casino operator, management company, holding 80007
company, and gaming-related vendor be maintained in the manner 80008
prescribed by the commission and made available for inspection 80009
upon demand by the commission, but shall be subject to section 80010
3772.16 of the Revised Code; 80011

(13) Permitting a licensed casino operator, management 80012
company, key employee, or casino gaming employee to question a 80013
person suspected of violating this chapter; 80014

(14) The chips, tokens, tickets, electronic cards, or similar 80015
objects that may be purchased by means of an agreement under which 80016
credit is extended to a wagerer by a casino operator; 80017

(15) Establishing standards for provisional key employee 80018
licenses for a person who is required to be licensed as a key 80019
employee and is in exigent circumstances and standards for 80020
provisional licenses for casino gaming employees who submit 80021
complete applications and are compliant under an instant 80022
background check. A provisional license shall be valid not longer 80023
than three months. A provisional license may be renewed one time, 80024
at the commission's discretion, for an additional three months. In 80025
establishing standards with regard to instant background checks 80026
the commission shall take notice of criminal records checks as 80027
they are conducted under section 311.41 of the Revised Code using 80028
electronic fingerprint reading devices. 80029

(16) Establishing approval procedures for third-party 80030
engineering or accounting firms, as described in section 3772.09 80031

of the Revised Code; 80032

(17) Prescribing the manner in which winnings, compensation 80033
from casino gaming, and gross revenue must be computed and 80034
reported by a licensee as described in Chapter 5753. of the 80035
Revised Code; 80036

(18) Prescribing conditions under which a licensee's license 80037
may be suspended or revoked as described in section 3772.04 of the 80038
Revised Code; 80039

(19) Prescribing the manner and procedure of all hearings to 80040
be conducted by the commission or by any hearing examiner; 80041

(20) Prescribing technical standards and requirements that 80042
are to be met by security and surveillance equipment that is used 80043
at and standards and requirements to be met by personnel who are 80044
employed at casino facilities, and standards and requirements for 80045
the provision of security at and surveillance of casino 80046
facilities. Such standards and requirements may require the 80047
casino operator, holding company, or management company to install 80048
security and surveillance equipment where any chips, tokens, 80049
tickets, electronic cards, or similar objects may be redeemed for 80050
cash, whether by a casino gaming employee or by electronic means, 80051
that shall capture, for law enforcement purposes, facial feature 80052
pattern characteristics, including a computerized facial image, 80053
and that shall require such records to be retained for at least 80054
five years. The commission may secure, by agreement, information 80055
and services as the commission considers necessary from any state 80056
agency or other unit of state government. All costs related to the 80057
installation of security and surveillance equipment shall be the 80058
responsibility of the casino operator, holding company, or 80059
management company. 80060

(21) Prescribing requirements for a casino operator to 80061
provide unarmed security services at a casino facility by licensed 80062

casino employees, and the training that shall be completed by 80063
these employees; 80064

(22) Prescribing standards according to which casino 80065
operators shall keep accounts and standards according to which 80066
casino accounts shall be audited, and establish means of assisting 80067
the tax commissioner in levying and collecting the gross casino 80068
revenue tax levied under section 5753.02 of the Revised Code; 80069

(23) Defining penalties for violation of commission rules and 80070
a process for imposing such penalties subject to the review of the 80071
joint committee on gaming and wagering; 80072

(24) Establishing standards for decertifying contractors that 80073
violate statutes or rules of this state or the federal government; 80074

(25) Establishing standards for the repair of casino gaming 80075
equipment; 80076

(26) Establishing procedures to ensure that casino operators, 80077
management companies, and holding companies are compliant with the 80078
compulsive and problem gambling plan submitted under section 80079
3772.18 of the Revised Code; 80080

(27) Prescribing, for institutional investors in or holding 80081
companies of a casino operator, management company, holding 80082
company, or gaming-related vendor that fall below the threshold 80083
needed to be considered an institutional investor or a holding 80084
company, standards regarding what any employees, members, or 80085
owners of those investors or holding companies may do and shall 80086
not do in relation to casino facilities and casino gaming in this 80087
state, which standards shall rationally relate to the need to 80088
proscribe conduct that is inconsistent with passive institutional 80089
investment status; 80090

(28) Providing for any other thing necessary and proper for 80091
successful and efficient regulation of casino gaming under this 80092
chapter. 80093

(E) The commission shall employ and assign gaming agents as necessary to assist the commission in carrying out the duties of this chapter. In order to maintain employment as a gaming agent, the gaming agent shall successfully complete all continuing training programs required by the commission and shall not have been convicted of or pleaded guilty or no contest to a disqualifying offense as defined in section 3772.07 of the Revised Code.

(F) The commission, as a law enforcement agency, and its gaming agents, as law enforcement officers as defined in section 2901.01 of the Revised Code, shall have authority with regard to the detection and investigation of, the seizure of evidence allegedly relating to, and the apprehension and arrest of persons allegedly committing gaming offenses, and shall have access to casino facilities to carry out the requirements of this chapter.

(G) The commission may eject or exclude or authorize the ejection or exclusion of and a gaming agent may eject a person from a casino facility for any of the following reasons:

(1) The person's name is on the list of persons voluntarily excluding themselves from all casinos in a program established according to rules adopted by the commission;

(2) The person violates or conspires to violate this chapter or a rule adopted thereunder; or

(3) The commission determines that the person's conduct or reputation is such that the person's presence within a casino facility may call into question the honesty and integrity of the casino gaming operations or interfere with the orderly conduct of the casino gaming operations.

(H) A person, other than a person participating in a voluntary exclusion program, may petition the commission for a public hearing on the person's ejection or exclusion under this

chapter. 80125

(I) A casino operator or management company shall have the 80126
same authority to eject or exclude a person from the management 80127
company's casino facilities as authorized in division (G) of this 80128
section. The licensee shall immediately notify the commission of 80129
an ejection or exclusion. 80130

(J) The commission shall submit a written annual report with 80131
the governor, president and minority leader of the senate, speaker 80132
and minority leader of the house of representatives, and joint 80133
committee on gaming and wagering before the first day of September 80134
each year. The annual report shall include a statement describing 80135
the receipts and disbursements of the commission, relevant 80136
financial data regarding casino gaming, including gross revenues 80137
and disbursements made under this chapter, actions taken by the 80138
commission, an update on casino operators', management companies', 80139
and holding companies' compulsive and problem gambling plans and 80140
the voluntary exclusion program and list, and any additional 80141
information that the commission considers useful or that the 80142
governor, president or minority leader of the senate, speaker or 80143
minority leader of the house of representatives, or joint 80144
committee on gaming and wagering requests. 80145

(K) Notwithstanding any law to the contrary, beginning on 80146
July 1, 2011, the commission shall assume jurisdiction over and 80147
oversee the regulation of skill-based amusement machines as is 80148
provided in the law of this state. 80149

Sec. 3772.062. (A) The executive director of the commission 80150
shall enter into an agreement with the department of ~~alcohol and~~ 80151
~~drug addiction services~~ mental health and addiction services under 80152
which the department provides a program of gambling and addiction 80153
services on behalf of the commission. 80154

(B) The executive director of the commission, in conjunction 80155

with the department of ~~alcohol and drug addiction services~~ mental 80156
health and addiction services and the state lottery commission, 80157
shall establish, operate, and publicize an in-state, toll-free 80158
telephone number Ohio residents may call to obtain basic 80159
information about problem gambling, the gambling addiction 80160
services available to problem gamblers, and how a problem gambler 80161
may obtain help. The telephone number shall be staffed twenty-four 80162
hours per day, seven days a week, to respond to inquiries and 80163
provide that information. The costs of establishing, operating, 80164
and publicizing the telephone number shall be paid for with money 80165
in the problem casino gambling and addictions fund. 80166

Sec. 3772.24. (A) An employee of a casino facility who is 80167
between eighteen and twenty-one years of age may be present in the 80168
area of a casino facility where casino gaming is being conducted, 80169
as long as the employee's duties are related solely to nongaming 80170
activities. An individual who is less than twenty-one years of age 80171
may enter a designated area of a casino facility where casino 80172
gaming is being conducted, as established by the commission, to 80173
pass to another area where casino gaming is not being conducted, 80174
but only if the individual is personally escorted by licensed 80175
casino personnel, as approved by the commission, who at all times 80176
remain in close proximity to the individual. An individual who is 80177
less than twenty-one years of age shall not make a wager under 80178
this chapter. 80179

(B) Casino operators shall notify the commission of the days 80180
and hours during which casino gaming will be conducted. 80181

Sec. 3772.36. (A) There is hereby created in the state 80182
treasury the casino control commission enforcement fund. All 80183
moneys that are derived from any fines, mandatory fines, or 80184
forfeited bail to which the commission may be entitled under this 80185
chapter and all moneys that are derived from forfeitures of 80186

property to which the commission may be entitled under this 80187
chapter or Chapter 2981. of the Revised Code, any other provision 80188
of the Revised Code, or federal law shall be deposited into the 80189
fund. Subject to division (B) of this section and divisions (B), 80190
(C), and (D) of section 2981.13 of the Revised Code, the moneys in 80191
the fund shall be used solely to subsidize the commission's 80192
division of enforcement and its efforts to ensure the integrity of 80193
casino gaming. 80194

(B) Notwithstanding any contrary provision in the Revised 80195
Code, moneys that are derived from forfeitures of property under 80196
federal law and that are deposited into the casino control 80197
commission enforcement fund in accordance with division (A) of 80198
this section shall be used and accounted for in accordance with 80199
the applicable federal law, and the commission otherwise shall 80200
comply with federal law in connection with that money. 80201

Sec. 3781.112. (A) As used in this section, "secured 80202
facility" means any of the following: 80203

(1) A maternity unit, newborn care nursery, or maternity home 80204
licensed under Chapter 3711. of the Revised Code; 80205

(2) A pediatric intensive care unit subject to rules adopted 80206
by the director of health pursuant to section 3702.11 of the 80207
Revised Code; 80208

(3) A children's hospital, as defined in section 3727.01 of 80209
the Revised Code; 80210

(4) A hospital that is licensed under section ~~5119.20~~ 5119.33 80211
of the Revised Code to receive mentally ill persons; 80212

(5) The portion of a nursing home licensed under section 80213
3721.02 of the Revised Code or in accordance with section 3721.09 80214
of the Revised Code in which specialized care is provided to 80215
residents of the nursing home who have physical or mental 80216

conditions that require a resident to be restricted in the 80217
resident's freedom of movement for the health and safety of the 80218
resident, the staff attending the resident, or the general public. 80219

(B) A secured facility may take reasonable steps in 80220
accordance with rules the board of building standards adopts under 80221
division (A) of section 3781.10 of the Revised Code and in 80222
accordance with the state fire code the fire marshal adopts under 80223
section 3737.82 of the Revised Code, to deny egress to confine and 80224
protect patients or residents of the secured facility who are not 80225
capable of self-preservation. A secured facility that wishes to 80226
deny egress to those patients or residents may use delayed-egress 80227
doors and electronically coded doors to deny egress, on the 80228
condition that those doors are installed and used in accordance 80229
with rules the board of building standards adopts under division 80230
(A) of section 3781.10 of the Revised Code and in accordance with 80231
the state fire code the fire marshal adopts under section 3737.82 80232
of the Revised Code. A secured facility also may install 80233
controlled-egress locks, in compliance with rules the board of 80234
building standards adopts under division (A) of section 3781.10 of 80235
the Revised Code and in compliance with the state fire code the 80236
fire marshal adopts under section 3737.82 of the Revised Code, in 80237
areas of the secured facility where patients or residents who have 80238
physical or mental conditions that would endanger the patients or 80239
residents, the staff attending the patients or residents, or the 80240
general public if those patients or residents are not restricted 80241
in their freedom of movement. A secured facility that uses 80242
delayed-egress doors and electronically coded doors, 80243
controlled-egress locks, or both, shall do both of the following: 80244

(1) Provide continuous, twenty-four-hour custodial care to 80245
the patients or residents of the facility; 80246

(2) Establish a system to evacuate patients or residents in 80247
the event of fire or other emergency. 80248

Sec. 3795.01. As used in sections 3795.01, 3795.02, and 80249
3795.03 of the Revised Code: 80250

(A) "Assist suicide" or "assisting suicide" means knowingly 80251
doing either of the following, with the purpose of helping another 80252
person to commit or attempt suicide: 80253

(1) Providing the physical means by which the person commits 80254
or attempts to commit suicide; 80255

(2) Participating in a physical act by which the person 80256
commits or attempts to commit suicide. 80257

(B) "Certified nurse practitioner," "certified 80258
nurse-midwife," and "clinical nurse specialist" have the same 80259
meanings as in section 4723.01 of the Revised Code. 80260

(C) "CPR" has the same meaning as in section 2133.21 of the 80261
Revised Code. 80262

(D) "Health care" means any care, treatment, service, or 80263
procedure to maintain, diagnose, or treat a person's physical or 80264
mental condition. 80265

(E) "Health care decision" means informed consent, refusal to 80266
give informed consent, or withdrawal of informed consent to health 80267
care. 80268

(F) "Health care facility" means any of the following: 80269

(1) A hospital; 80270

(2) A hospice care program or pediatric respite care program 80271
as defined in section 3712.01 of the Revised Code; 80272

(3) A nursing home; 80273

(4) A home health agency; 80274

(5) An intermediate care facility for ~~the mentally retarded~~ 80275
individuals with intellectual disabilities. 80276

(G) "Health care personnel" means physicians, nurses, 80277
physician assistants, emergency medical technicians-basic, 80278
emergency medical technicians-intermediate, emergency medical 80279
technicians-paramedic, medical technicians, dietitians, other 80280
authorized persons acting under the direction of an attending 80281
physician, and administrators of health care facilities. 80282

(H) "Physician" means a person who is authorized under 80283
Chapter 4731. of the Revised Code to practice medicine and surgery 80284
or osteopathic medicine and surgery. 80285

Sec. 3798.01. As used in this chapter: 80286

(A) "Administrative safeguards," "physical safeguards," and 80287
"technical safeguards" have the same meanings as in 45 C.F.R. 80288
164.304. 80289

(B) "Approved health information exchange" means a health 80290
information exchange that has been approved or reapproved by the 80291
medicaid director ~~of job and family services~~ pursuant to the 80292
approval or reapproval process, as applicable, the director 80293
establishes in rules adopted under division (A) of section 3798.15 80294
of the Revised Code or that has been certified by the office of 80295
the national coordinator for health information technology in the 80296
United States department of health and human services. 80297

(C) "Covered entity," "disclosure," "health care provider," 80298
"health information," "individually identifiable health 80299
information," "protected health information," and "use" have the 80300
same meanings as in 45 C.F.R. 160.103. 80301

(D) "Designated record set" has the same meaning as in 45 80302
C.F.R. 164.501. 80303

(E) "Direct exchange" means the activity of electronic 80304
transmission of health information through a direct connection 80305
between the electronic record systems of health care providers 80306

without the use of a health information exchange. 80307

(F) "Health care component" and "hybrid entity" have the same 80308
meanings as in 45 C.F.R. 164.103. 80309

(G) "Health information exchange" means any person or 80310
governmental entity that provides in this state a technical 80311
infrastructure to connect computer systems or other electronic 80312
devices used by covered entities to facilitate the secure 80313
transmission of health information. "Health information exchange" 80314
excludes health care providers engaged in direct exchange, 80315
including direct exchange through the use of a health information 80316
service provider. 80317

(H) "HIPAA privacy rule" means the standards for privacy of 80318
individually identifiable health information in 45 C.F.R. part 160 80319
and in 45 C.F.R. part 164, subparts A and E. 80320

(I) "Interoperability" means the capacity of two or more 80321
information systems to exchange information in an accurate, 80322
effective, secure, and consistent manner. 80323

(J) "Minor" means an unemancipated person under eighteen 80324
years of age or a mentally or physically disabled person under 80325
twenty-one years of age who meets criteria specified in rules 80326
adopted by the medicaid director ~~of job and family services~~ under 80327
section 3798.13 of the Revised Code. 80328

(K) "More stringent" has the same meaning as in 45 C.F.R. 80329
160.202. 80330

(L) "Office of health transformation" means the office of 80331
health transformation created by executive order 2011-02K or a 80332
successor governmental entity responsible for health system 80333
oversight in this state. 80334

(M) "Personal representative" means a person who has 80335
authority under applicable law to make decisions related to health 80336

care on behalf of an adult or emancipated minor, or the parent, 80337
legal guardian, or other person acting in loco parentis who is 80338
authorized under law to make health care decisions on behalf of an 80339
unemancipated minor. "Personal representative" does not include 80340
the parent or legal guardian of, or another person acting in loco 80341
parentis to, a minor who consents to the minor's own receipt of 80342
health care or a minor who makes medical decisions on the minor's 80343
own behalf pursuant to law, court approval, or because the minor's 80344
parent, legal guardian, or other person acting in loco parentis 80345
has assented to an agreement of confidentiality between the 80346
provider and the minor. 80347

(N) "Political subdivision" means a municipal corporation, 80348
township, county, school district, or other body corporate and 80349
politic responsible for governmental activities in a geographic 80350
area smaller than that of the state. 80351

(O) "State agency" means any one or more of the following: 80352

(1) The department of administrative services; 80353

(2) The department of aging; 80354

~~(2)~~(3) The department of alcohol and drug addiction services 80355
mental health and addiction services; 80356

~~(3)~~(4) The department of developmental disabilities; 80357

~~(4)~~(5) The department of education; 80358

~~(5)~~(6) The department of health; 80359

~~(6)~~(7) The department of insurance; 80360

~~(7)~~(8) The department of job and family services; 80361

~~(8)~~(9) The department of ~~mental health~~ medicaid; 80362

~~(9)~~(10) The department of rehabilitation and correction; 80363

~~(10)~~(11) The department of youth services; 80364

~~(11)~~(12) The bureau of workers' compensation; 80365

~~(12)~~(13) The ~~rehabilitation services commission~~ opportunities 80366
for Ohioans with disabilities agency; 80367

~~(13)~~(14) The office of the attorney general; 80368

~~(14)~~(15) A health care licensing board created under Title 80369
XLVII of the Revised Code that possesses individually identifiable 80370
health information. 80371

Sec. 3798.10. (A) Not later than six months after ~~the~~ 80372
~~effective date of this section~~ September 10, 2012, the medicaid 80373
~~director of job and family services~~, in consultation with the 80374
office of health transformation, shall prescribe by rules adopted 80375
in accordance with Chapter 119. of the Revised Code a standard 80376
authorization form for the use and disclosure of protected health 80377
information by covered entities in this state. The form shall meet 80378
all requirements specified in 45 C.F.R. 164.508 and, where 80379
applicable, 42 C.F.R. part 2. 80380

(B) If a form the medicaid director prescribes under division 80381
(A) of this section is properly executed by an individual or the 80382
individual's personal representative, it shall be accepted by any 80383
person or governmental entity in this state as valid authorization 80384
for the use or disclosure of the individual's protected health 80385
information to the persons or governmental entities specified in 80386
the form. 80387

(C) This section does not preclude a person or governmental 80388
entity from accepting as valid authorization for the use or 80389
disclosure of protected health information a form other than the 80390
form prescribed under division (A) of this section if the other 80391
form meets all requirements specified in 45 C.F.R. 164.508 and, if 80392
applicable, 42 C.F.R. part 2. 80393

Sec. 3798.13. The medicaid director ~~of job and family~~ 80394
~~services~~ shall adopt rules for purposes of specifying the criteria 80395

a person who is mentally or physically disabled and who is under 80396
twenty-one years of age must meet to be considered a minor for 80397
purposes of sections 3798.07 and 3798.12 of the Revised Code. 80398

Sec. 3798.14. (A) The medicaid director ~~of job and family~~ 80399
~~services~~, in consultation with the office of health 80400
transformation, shall adopt rules in accordance with Chapter 119. 80401
of the Revised Code for the purpose of establishing standards the 80402
director must use to approve health information exchanges 80403
operating in this state. The rules shall not be adopted until the 80404
earlier of sixty days following the adoption of a federal 80405
certification process for health information exchanges by the 80406
office of the national coordinator for health information 80407
technology in the United States department of health and human 80408
services or January 1, 2013. Subject to division (B) of this 80409
section, the rules may include standards and procedures to be 80410
followed by a health information exchange regarding the following: 80411

(1) Access to and use and disclosure of protected health 80412
information maintained by or on an approved health information 80413
exchange; 80414

(2) Demonstration of adequate financial resources to sustain 80415
continued operations in compliance with the rules adopted under 80416
this section; 80417

(3) Participation in outreach activities for individuals and 80418
covered entities; 80419

(4) Conduct of operations in a transparent manner to promote 80420
consumer confidence; 80421

(5) Implementation of security breach notification 80422
procedures. 80423

(B) The rules the medicaid director adopts pursuant to 80424
division (A) of this section shall be consistent with 80425

certification standards for health information exchanges 80426
established in federal statutes and regulations, including 80427
nationally recognized standards for interoperability. 80428

Sec. 3798.15. (A) The medicaid director ~~of job and family~~ 80429
~~services~~, in consultation with the office of health 80430
transformation, shall adopt rules in accordance with Chapter 119. 80431
of the Revised Code for the purpose of establishing processes for 80432
all of the following: 80433

(1) A health information exchange to obtain approval to 80434
operate as an approved health information exchange in this state 80435
and, at times specified by the director, obtain reapproval of such 80436
status; 80437

(2) The director to investigate and resolve concerns and 80438
complaints submitted to the director regarding an approved health 80439
information exchange; 80440

(3) A health information exchange to apply for 80441
reconsideration of a decision the director makes under a process 80442
established under division (A)(1) or (2) of this section; 80443

(4) Covered entities and approved health information 80444
exchanges to enter into participation agreements and enforce the 80445
terms of such agreements. 80446

(B) Any decision the medicaid director makes in relation to a 80447
request for reconsideration made in accordance with rules adopted 80448
under division (A)(3) of this section is not subject to appeal 80449
under Chapter 119. of the Revised Code. 80450

Sec. 3798.16. (A) The medicaid director of job and family 80451
services, in consultation with the office of health 80452
transformation, shall adopt rules in accordance with Chapter 119. 80453
of the Revised Code for the purpose of specifying the content of 80454
agreements governing covered entities' participation in approved 80455

health information exchanges. At a minimum, the rules shall 80456
require the content of such participation agreements to include 80457
all of the following: 80458

(1) Procedures for a covered entity to disclose an 80459
individual's protected health information to an approved health 80460
information exchange; 80461

(2) Procedures for a covered entity to access an individual's 80462
protected health information from an approved health information 80463
exchange; 80464

(3) Subject to division (B) of this section, a written notice 80465
to be provided by a covered entity to an individual or the 80466
individual's personal representative prior to the covered entity's 80467
disclosure of the individual's protected health information to an 80468
approved health information exchange; 80469

(4) Documentation the covered entity must use to verify that 80470
a notice described in division (A)(3) of this section has been 80471
provided by the covered entity to an individual or the 80472
individual's personal representative prior to the disclosure of 80473
the individual's protected health information to an approved 80474
health information exchange; 80475

(5) Procedures for an individual or the individual's personal 80476
representative to submit to the covered entity a written request 80477
to place restrictions on the covered entity's disclosure of 80478
protected health information to the approved health information 80479
exchange; 80480

(6) The standards a covered entity must use to determine 80481
whether, and to what extent, to comply with a written request 80482
described in division (A)(5) of this section; 80483

(7) The purposes for which a covered entity may access and 80484
use protected health information from the approved health 80485

information exchange. 80486

(B) With respect to the written notice described in division 80487
(A)(3) of this section, the rules may specify that the notice can 80488
be incorporated into the covered entity's notice of privacy 80489
practices required by 45 C.F.R. 164.520 and shall specify that the 80490
notice include the following statements: 80491

(1) The individual's protected health information will be 80492
disclosed to the approved health information exchange to 80493
facilitate the provision of health care to the individual. 80494

(2) The approved health information exchange maintains 80495
appropriate administrative, physical, and technical safeguards to 80496
protect the privacy and security of protected health information. 80497

(3) Only authorized individuals may access and use protected 80498
health information from the approved health information exchange. 80499

(4) The individual or the individual's personal 80500
representative has the right to request in writing that the 80501
covered entity do either or both of the following: 80502

(a) Not disclose any of the individual's protected health 80503
information to the approved health information exchange; 80504

(b) Not disclose specific categories of the individual's 80505
protected health information to the approved health information 80506
exchange. 80507

(5) Any restrictions on the disclosure of protected health 80508
information an individual requests as described in either division 80509
(B)(4)(a) or (b) of this section may result in a health care 80510
provider not having access to information that is necessary for 80511
the provider to render appropriate care to the individual. 80512

(6) Any restrictions on the disclosure of protected health 80513
information an individual requests as described in division 80514
(B)(4)(a) of this section must be honored by the covered entity. 80515

(7) Any restrictions on the disclosure of protected health information an individual requests as described in division (B)(4)(b) of this section must be honored if the restriction is consistent with rules adopted under this chapter.

(C) In adopting standards under division (A)(6) of this section, the medicaid director shall take into consideration the technical capabilities of software available to health information exchanges."

Sec. 3901.3814. Sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code do not apply to the following:

(A) Policies offering coverage that is regulated under Chapters 3935. and 3937. of the Revised Code;

(B) An employer's self-insurance plan and any of its administrators, as defined in section 3959.01 of the Revised Code, to the extent that federal law supersedes, preempts, prohibits, or otherwise precludes the application of any provisions of those sections to the plan and its administrators;

(C) A third-party payer for coverage provided under the medicare advantage program operated under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;

(D) A third-party payer for coverage provided under the medicaid program ~~operated under Title XIX of the "Social Security Act,"~~ except that if a federal waiver applied for under section ~~5111.178~~ 5167.25 of the Revised Code is granted or the medicaid director ~~of job and family services~~ determines that this provision can be implemented without a waiver, sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code apply to claims submitted electronically or non-electronically that are made with respect to coverage of medicaid recipients by health insuring corporations

licensed under Chapter 1751. of the Revised Code, instead of the 80546
prompt payment requirements of 42 C.F.R. 447.46; 80547

(E) A third-party payer for coverage provided under the 80548
tricare program offered by the United States department of 80549
defense. 80550

Sec. 3903.14. (A) The superintendent of insurance as 80551
rehabilitator may appoint one or more special deputies, who shall 80552
have all the powers and responsibilities of the rehabilitator 80553
granted under this section, and the superintendent may employ such 80554
clerks and assistants as considered necessary. The compensation of 80555
the special deputies, clerks, and assistants and all expenses of 80556
taking possession of the insurer and of conducting the proceedings 80557
shall be fixed by the superintendent, with the approval of the 80558
court and shall be paid out of the funds or assets of the insurer. 80559
The persons appointed under this section shall serve at the 80560
pleasure of the superintendent. In the event that the property of 80561
the insurer does not contain sufficient cash or liquid assets to 80562
defray the costs incurred, the superintendent may advance the 80563
costs so incurred out of any appropriation for the maintenance of 80564
the department of insurance. Any amounts so advanced for expenses 80565
of administration shall be repaid to the superintendent for the 80566
use of the department out of the first available money of the 80567
insurer. 80568

(B) The rehabilitator may take such action as the 80569
rehabilitator considers necessary or appropriate to reform and 80570
revitalize the insurer. The rehabilitator shall have all the 80571
powers of the directors, officers, and managers, whose authority 80572
shall be suspended, except as they are redelegated by the 80573
rehabilitator. The rehabilitator shall have full power to direct 80574
and manage, to hire and discharge employees subject to any 80575
contract rights they may have, and to deal with the property and 80576

business of the insurer. 80577

(C) If it appears to the rehabilitator that there has been 80578
criminal or tortious conduct, or breach of any contractual or 80579
fiduciary obligation detrimental to the insurer by any officer, 80580
manager, agent, director, trustee, broker, employee, or other 80581
person, the rehabilitator may pursue all appropriate legal 80582
remedies on behalf of the insurer. 80583

(D) If the rehabilitator determines that reorganization, 80584
consolidation, conversion, reinsurance, merger, or other 80585
transformation of the insurer is appropriate, the rehabilitator 80586
shall prepare a plan to effect such changes. Upon application of 80587
the rehabilitator for approval of the plan, and after such notice 80588
and hearings as the court may prescribe, the court may either 80589
approve or disapprove the plan proposed, or may modify it and 80590
approve it as modified. Any plan approved under this section shall 80591
be, in the judgment of the court, fair and equitable to all 80592
parties concerned. If the plan is approved, the rehabilitator 80593
shall carry out the plan. In the case of a life insurer, the plan 80594
proposed may include the imposition of liens upon the policies of 80595
the company, if all rights of shareholders are first relinquished. 80596
A plan for a life insurer may also propose imposition of a 80597
moratorium upon loan and cash surrender rights under policies, for 80598
such period and to such an extent as may be necessary. 80599

(E) In the case of a medicaid health insuring corporation 80600
that has posted a bond or deposited securities in accordance with 80601
section 1751.271 of the Revised Code, the plan proposed under 80602
division (D) of this section may include the use of the proceeds 80603
of the bond or securities to first pay the claims of contracted 80604
providers for covered health care services provided to medicaid 80605
recipients, then next to pay other claimants with any remaining 80606
funds, consistent with the priorities set forth in sections 80607
3903.421 and 3903.42 of the Revised Code. 80608

(F) The rehabilitator shall have the power under sections 80609
3903.26 and 3903.27 of the Revised Code to avoid fraudulent 80610
transfers. 80611

(G) As used in this section: 80612

(1) "Contracted provider" means a provider with a contract 80613
with a medicaid health insuring corporation to provide covered 80614
health care services to medicaid recipients. 80615

(2) "Medicaid recipient" means a person ~~eligible for~~ 80616
~~assistance under enrolled in~~ the medicaid program ~~operated~~ 80617
~~pursuant to Chapter 5111. of the Revised Code.~~ 80618

Sec. 3905.40. There shall be paid to the superintendent of 80619
insurance the following fees: 80620

(A) Each insurance company doing business in this state shall 80621
pay: 80622

(1) For filing a copy of its charter or deed of settlement, 80623
two hundred fifty dollars; 80624

(2) For filing each statement, one hundred seventy-five 80625
dollars; 80626

(3) For each certificate of authority or license, one hundred 80627
seventy-five, and for each certified copy thereof, five dollars; 80628

(4) For each copy of a paper filed in the superintendent's 80629
office, twenty cents per page; 80630

(5) For issuing certificates of deposits or certified copies 80631
thereof, five dollars for the first certificate or copy and one 80632
dollar for each additional certificate or copy; 80633

(6) For issuing certificates of compliance or certified 80634
copies thereof, sixty dollars; 80635

(7) For affixing the seal of office and certifying documents, 80636
other than those enumerated herein, two dollars; 80637

(8) For each agent appointment and each annual renewal of an agent appointment, not more than twenty dollars+ 80638
80639

~~(9) For each termination of an agent appointment, five 80640
dollars. 80641~~

(B) Each domestic life insurance company doing business in 80642
this state shall pay for annual valuation of its policies, one 80643
cent on every one thousand dollars of insurance. 80644

(C) Each applicant for licensure as an insurance agent except 80645
applicants for licensure as surety bail bond agents, surplus line 80646
brokers, and portable electronics insurance vendors shall pay ten 80647
dollars for each line of authority requested. Fees collected under 80648
this division shall be credited to the department of insurance 80649
operating fund created in section 3901.021 of the Revised Code. 80650

(D) Each domestic mutual life insurance company shall pay for 80651
verifying that any amendment to its articles of incorporation was 80652
regularly adopted, two hundred fifty dollars with each application 80653
for verification. Any such amendment shall be considered to have 80654
been regularly adopted when approved by the affirmative vote of 80655
two-thirds of the policyholders present in person or by proxy at 80656
any annual meeting of policyholders or at a special meeting of 80657
policyholders called for that purpose. 80658

(E) Each insurance agent doing business in this state shall 80659
pay a biennial license renewal fee of twenty-five dollars, except 80660
the following insurance agents are not required to pay that 80661
license renewal fee: 80662

(1) Individual resident agents who have met their continuing 80663
education requirements under section 3905.481 of the Revised Code; 80664

(2) Surety bail bond agents; 80665

(3) Surplus line brokers; 80666

(4) Portable electronics insurance vendors. 80667

(F) Each applicant for licensure as a portable electronics insurance vendor with a portable electronics insurance limited lines license and each licensed vendor doing business in this state shall pay the following fees prescribed by the superintendent:

(1) For vendors engaged in portable electronic transactions at more than ten locations in this state, an application fee not to exceed five thousand dollars for an initial license and a biennial license renewal fee not to exceed two thousand five hundred dollars for each renewal thereafter;

(2) For vendors engaged in portable electronic transactions at ten or fewer locations in this state, an application fee not to exceed three thousand dollars for an initial license and a biennial license renewal fee not to exceed one thousand dollars for each renewal thereafter.

(G) All fees collected by the superintendent under this section except any fees collected under divisions (A)(2), (3), and (6) of this section shall be credited to the department of insurance operating fund created under section 3901.021 of the Revised Code.

Sec. 3905.483. (A) There is hereby created the insurance agent education advisory council to advise the superintendent of insurance in carrying out the duties imposed under sections 3905.04 and 3905.481 to 3905.486 of the Revised Code.

(B) The council shall be composed of the superintendent, or the superintendent's designee, and twelve members appointed by the superintendent, as follows:

(1) One representative of the association of Ohio life insurance companies;

(2) One representative of the independent insurance agents of

Ohio;	80698
(3) One representative of the Ohio association of health underwriters;	80699 80700
(4) One representative of the national association of insurance and financial advisors-Ohio;	80701 80702
(5) One representative of the Ohio insurance institute;	80703
(6) One representative of the professional insurance agents association of Ohio;	80704 80705
(7) One representative of the Ohio land title association;	80706
(8) Two insurance agents each of whom has been licensed continuously during the five-year period immediately preceding the agent's appointment;	80707 80708 80709
(9) One representative of an insurance company admitted to transact business in this state;	80710 80711
(10) Two representatives of consumers, one of whom shall be at least sixty <u>fifty</u> years of age.	80712 80713
(C)(1) Of the initial eleven appointments made by the superintendent, three shall be for terms ending December 31, 1994, four shall be for terms ending December 31, 1995, and four shall be for terms ending December 31, 1996. Thereafter, terms of office shall be for three years, each term ending on the thirty-first day of December of the third year.	80714 80715 80716 80717 80718 80719
(2) The initial appointment of the twelfth member made by the superintendent under division (B)(7) of this section, pursuant to Am. Sub. S.B. 129 of the 124th general assembly, shall be for a term ending December 31, 2003. Thereafter, the term of office shall be for three years, ending on the thirty-first day of December of the third year.	80720 80721 80722 80723 80724 80725
(D) Each member shall hold office from the date of appointment until the end of the term for which the member was	80726 80727

appointed. Any member appointed to fill a vacancy occurring prior 80728
to the expiration of the term for which the member's predecessor 80729
was appointed shall hold office for the remainder of such term. 80730
Any member shall continue in office subsequent to the expiration 80731
date of the member's term until the member's successor takes 80732
office, or until a period of sixty days has elapsed, whichever 80733
occurs first. A vacancy shall be filled in the same manner as the 80734
original appointment. 80735

(E) Initial appointments to the council shall be made no 80736
later than thirty days after April 16, 1993. The initial 80737
appointment of the twelfth member to the council under division 80738
(B)(7) of this section, pursuant to Am. Sub. S.B. 129 of the 124th 80739
general assembly, shall be made no later than December 31, 2002. 80740

(F) Any member is eligible for reappointment. The 80741
superintendent, after notice and opportunity for a hearing, may 80742
remove for cause any member the superintendent appoints. 80743

(G) The superintendent or the superintendent's designee shall 80744
serve as chairperson of the council. Meetings shall be held upon 80745
the call of the chairperson and as may be provided by procedures 80746
adopted by the superintendent. Seven members of the council 80747
constitute a quorum. 80748

(H) Each member shall receive mileage and necessary and 80749
actual expenses while engaged in the business of the council. 80750

Sec. 3905.862. Upon the expiration or cancellation of a 80751
surety bail bond agent's appointment, the agent shall not engage 80752
or attempt to engage in any activity requiring such an 80753
appointment. However, an insurer that cancels the appointment of a 80754
surety bail bond agent may authorize the agent to continue to 80755
attempt the arrest and surrender of a defendant for whom a bail 80756
bond had been written prior to the cancellation and to seek 80757
discharge of forfeitures and judgments. 80758

~~An insurer that cancels the appointment of a surety bail bond agent or allows that appointment to expire shall pay to the superintendent of insurance a fee pursuant to division (A)(9) of section 3905.40 of the Revised Code.~~

Sec. 3916.06. (A)(1) With each application for a viatical settlement, a viatical settlement provider or viatical settlement broker shall disclose at least the following to a viator no later than the time all parties sign the application for the viatical settlement contract:

(a) That there are possible alternatives to viatical settlement contracts, including any accelerated death benefits offered under the viator's policy;

(b) That some or all of the proceeds of the viatical settlement may be subject to federal income taxation and state franchise and income taxation, and that assistance should be sought from a professional tax advisor;

(c) That the proceeds of the viatical settlement could be subject to the claims of creditors;

(d) That receipt of the proceeds of the viatical settlement may adversely affect the viator's eligibility for ~~medical assistance under Chapter 5111. of the Revised Code~~ the medicaid program or other government benefits or entitlements, and that advice should be obtained from the appropriate government agencies;

(e) That the viator has a right to rescind the viatical settlement contract for at least fifteen calendar days after the viator receives the viatical settlement proceeds, as provided in section 3916.08 of the Revised Code. If the insured dies during the rescission period, the viatical settlement contract shall be deemed to have been rescinded, subject to repayment of all

viatical settlement proceeds to the viatical settlement company. 80789

(f) That funds will be sent to the viator within three 80790
business days after the viatical settlement provider has received 80791
written acknowledgment from the insurer or group administrator 80792
that ownership of the policy or interest in the certificate has 80793
been transferred and that the beneficiary has been designated 80794
pursuant to the viatical settlement contract; 80795

(g) That entering into a viatical settlement contract may 80796
cause other rights or benefits, including conversion rights and 80797
waiver of premium benefits that may exist under the policy, to be 80798
forfeited by the viator and that assistance should be sought from 80799
a financial advisor. 80800

(h) That following execution of the viatical settlement 80801
contract, the viatical settlement provider or the authorized 80802
representative of the viatical settlement provider may contact the 80803
insured for the purpose of determining the insured's health status 80804
and to confirm the insured's residential or business address and 80805
telephone number or for other purposes permitted by law. Any such 80806
contact shall be limited to once in any three-month period if the 80807
insured has a life expectancy of more than one year or to once per 80808
month if the insured has a life expectancy of one year or less. 80809

(2) The viatical settlement provider or viatical settlement 80810
broker shall provide the disclosures under division (A)(1) of this 80811
section in a separate document that is signed by the viator and 80812
the viatical settlement provider or viatical settlement broker. 80813

(3) Disclosure to a viator under division (A)(1) of this 80814
section shall include distribution of a brochure describing the 80815
process of viatical settlements. The viatical settlement provider 80816
or viatical settlement broker shall use the NAIC's form for the 80817
brochure unless another form is developed or approved by the 80818
superintendent. 80819

(4) The disclosure document under division (A)(1) of this section shall contain the following language:

"All medical, financial, or personal information solicited or obtained by a viatical settlement provider or viatical settlement broker about an insured, including the insured's identity or the identity of family members, a spouse, or a significant other may be disclosed as necessary to effect the viatical settlement between the viator and the viatical settlement provider. If you are asked to provide this information, you will be asked to consent to the disclosure. The information may be provided to someone who buys the policy or provides funds for the purchase. You may be asked to renew your permission to share information every two years."

(B)(1) A viatical settlement provider shall disclose at least the following to a viator prior to the date the viatical settlement contract is signed by all the necessary parties:

(a) The affiliation, if any, between the viatical settlement provider and the issuer of the policy to be viaticated;

(b) The name, business address, and telephone number of the viatical settlement provider;

(c) Regarding a viatical settlement broker, the amount and method of calculating the broker's compensation. As used in this division, "compensation" includes anything of value paid or given to a viatical settlement broker for the placement of a policy or certificate.

(d) Any affiliations or contractual arrangements between the viatical settlement provider and the viatical settlement broker;

(e) If a policy to be viaticated has been issued as a joint policy or involves family riders or any coverage of a life other than the insured under the policy to be viaticated, the possible loss of coverage on the other lives under the policy and that

advice should be sought from the viator's insurance agent or the 80851
company issuing the policy; 80852

(f) The dollar amount of the current death benefit payable to 80853
the viatical settlement provider under the policy, and, if known, 80854
the availability of any additional guaranteed insurance benefits, 80855
the dollar amount of any accidental death and dismemberment 80856
benefits under the policy, and the extent to which the viator's 80857
interest in those benefits will be transferred as a result of the 80858
viatical settlement contract. 80859

(g) That an escrow agent shall provide escrow services to the 80860
parties pursuant to a written agreement, signed by the viatical 80861
settlement provider, the viatical settlement broker, and the 80862
viator. At the close of escrow, the escrow agent will distribute 80863
the proceeds of the sale to the viator, minus any compensation to 80864
be paid to any other persons who provided services and to whom the 80865
viator has agreed to compensate out of the gross amount offered by 80866
the viatical settlement purchaser. All persons receiving any form 80867
of compensation under the escrow agreement shall be clearly 80868
identified, including name, business address, telephone number, 80869
and tax identification number. 80870

(2) The viatical settlement broker shall disclose at least 80871
the following to a viator prior to the execution of the viatical 80872
settlement contract: 80873

(a) The name, business address, and telephone number of the 80874
viatical settlement broker; 80875

(b) A full, complete, and accurate description of all offers, 80876
counteroffers, acceptances, and rejections relating to the 80877
proposed viatical settlement contract; 80878

(c) Any affiliations or contractual agreements between the 80879
viatical settlement broker and any person making an offer in 80880
connection with the proposed viatical settlement contract; 80881

(d) The amount and method of calculating the viatical settlement broker's compensation and, if any portion of the viatical settlement broker's compensation is taken from the viatical settlement offer, the total amount of the viatical settlement offer and the viatical settlement broker's compensation as a percentage of that total. As used in this division, "compensation" includes anything of value paid or given to a viatical settlement broker related to the settlement of a policy.

(3) The viatical settlement provider or viatical settlement broker shall conspicuously display the disclosures required under divisions (B)(1) and (2) of this section in the viatical settlement contract or in a separate document signed by the viator and the viatical settlement provider or viatical settlement broker, as appropriate.

(C) If the viatical settlement provider transfers ownership or changes the beneficiary of the policy, the viatical settlement provider shall communicate in writing the change in ownership or beneficiary to the insured within twenty days after the change.

Sec. 3923.24. (A) Notwithstanding section 3901.71 of the Revised Code, every certificate furnished by an insurer in connection with, or pursuant to any provision of, any group sickness and accident insurance policy delivered, issued for delivery, renewed, or used in this state on or after January 1, 1972, every policy of sickness and accident insurance delivered, issued for delivery, renewed, or used in this state on or after January 1, 1972, and every multiple employer welfare arrangement offering an insurance program, which provides that coverage of an unmarried dependent child of a parent or legal guardian will terminate upon attainment of the limiting age for dependent children specified in the contract shall also provide in substance both of the following:

(1) Once an unmarried child has attained the limiting age for dependent children, as provided in the policy, upon the request of the insured, the insurer shall offer to cover the unmarried child until the child attains twenty-eight years of age if all of the following are true:

(a) The child is the natural child, stepchild, or adopted child of the insured.

(b) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education.

(c) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage.

(d) The child is not eligible for ~~coverage under~~ the medicaid program ~~established under Chapter 5111. of the Revised Code~~ or the medicare program ~~established under Title XVIII of the "Social Security Act," 42 U.S.C. 1395.~~

(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following:

(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap;

(b) Primarily dependent upon the policyholder or certificate holder for support and maintenance.

(B) Proof of such incapacity and dependence for purposes of division (A)(2) of this section shall be furnished by the policyholder or by the certificate holder to the insurer within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually after the

two-year period following the child's attainment of the limiting 80943
age, the insurer may require proof satisfactory to it of the 80944
continuance of such incapacity and dependency. 80945

(C) Nothing in this section shall require an insurer to cover 80946
a dependent child who is mentally retarded or physically 80947
handicapped if the contract is underwritten on evidence of 80948
insurability based on health factors set forth in the application, 80949
or if such dependent child does not satisfy the conditions of the 80950
contract as to any requirement for evidence of insurability or 80951
other provision of the contract, satisfaction of which is required 80952
for coverage thereunder to take effect. In any such case, the 80953
terms of the contract shall apply with regard to the coverage or 80954
exclusion of the dependent from such coverage. Nothing in this 80955
section shall apply to accidental death or dismemberment benefits 80956
provided by any such policy of sickness and accident insurance. 80957

(D) Nothing in this section shall do any of the following: 80958

(1) Require that any policy offer coverage for dependent 80959
children or provide coverage for an unmarried dependent child's 80960
children as dependents on the policy; 80961

(2) Require an employer to pay for any part of the premium 80962
for an unmarried dependent child that has attained the limiting 80963
age for dependents, as provided in the policy; 80964

(3) Require an employer to offer health insurance coverage to 80965
the dependents of any employee. 80966

(E) This section does not apply to any policies or 80967
certificates covering only accident, credit, dental, disability 80968
income, long-term care, hospital indemnity, medicare supplement, 80969
specified disease, or vision care; coverage under a 80970
one-time-limited-duration policy of not longer than six months; 80971
coverage issued as a supplement to liability insurance; insurance 80972
arising out of a workers' compensation or similar law; automobile 80973

medical-payment insurance; or insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(F) As used in this section, "health benefit plan" has the same meaning as in section 3924.01 of the Revised Code and also includes both of the following:

(1) A public employee benefit plan;

(2) A health benefit plan as regulated under the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq.

Sec. 3923.241. (A) Notwithstanding section 3901.71 of the Revised Code, any public employee benefit plan that provides that coverage of an unmarried dependent child will terminate upon attainment of the limiting age for dependent children specified in the plan shall also provide in substance both of the following:

(1) Once an unmarried child has attained the limiting age for dependent children, as provided in the plan, upon the request of the employee, the public employee benefit plan shall offer to cover the unmarried child until the child attains twenty-eight years of age if all of the following are true:

(a) The child is the natural child, stepchild, or adopted child of the employee.

(b) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education.

(c) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage.

(d) The child is not eligible for ~~coverage under~~ the medicaid program ~~established under Chapter 5111. of the Revised Code~~ or the

medicare program established under Title XVIII of the "Social Security Act," 42 U.S.C. 1395. 81004
81005

(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following: 81006
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81009

(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap; 81010
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(b) Primarily dependent upon the plan member for support and maintenance. 81012
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(B) Proof of incapacity and dependence for purposes of division (A)(2) of this section shall be furnished to the public employee benefit plan within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually, the public employee benefit plan may require proof satisfactory to it of the continuance of such incapacity and dependency. 81014
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(C) Nothing in this section shall do any of the following: 81021

(1) Require that any public employee benefit plan offer coverage for dependent children or provide coverage for an unmarried dependent child's children as dependents on the public employee benefit plan; 81022
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(2) Require an employer to pay for any part of the premium for an unmarried dependent child that has attained the limiting age for dependents, as provided in the plan; 81026
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(3) Require an employer to offer health insurance coverage to the dependents of any employee. 81029
81030

(D) This section does not apply to any public employee benefit plan covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement, 81031
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specified disease, or vision care; coverage under a 81034
one-time-limited-duration policy of not longer than six months; 81035
coverage issued as a supplement to liability insurance; insurance 81036
arising out of a workers' compensation or similar law; automobile 81037
medical-payment insurance; or insurance under which benefits are 81038
payable with or without regard to fault and which is statutorily 81039
required to be contained in any liability insurance policy or 81040
equivalent self-insurance. 81041

(E) As used in this section, "health benefit plan" has the 81042
same meaning as in section 3924.01 of the Revised Code and also 81043
includes both of the following: 81044

(1) A public employee benefit plan; 81045

(2) A health benefit plan as regulated under the "Employee 81046
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 81047

Sec. 3923.281. (A) As used in this section: 81048

(1) "Biologically based mental illness" means schizophrenia, 81049
schizoaffective disorder, major depressive disorder, bipolar 81050
disorder, paranoia and other psychotic disorders, 81051
obsessive-compulsive disorder, and panic disorder, as these terms 81052
are defined in the most recent edition of the diagnostic and 81053
statistical manual of mental disorders published by the American 81054
psychiatric association. 81055

(2) "Policy of sickness and accident insurance" has the same 81056
meaning as in section 3923.01 of the Revised Code, but excludes 81057
any hospital indemnity, medicare supplement, long-term care, 81058
disability income, one-time-limited-duration policy of not longer 81059
than six months, supplemental benefit, or other policy that 81060
provides coverage for specific diseases or accidents only; any 81061
policy that provides coverage for workers' compensation claims 81062
compensable pursuant to Chapters 4121. and 4123. of the Revised 81063

Code; and any policy that provides coverage to beneficiaries 81064
~~enrolled in Title XIX of the "Social Security Act," 49 Stat. 620~~ 81065
~~(1935), 42 U.S.C.A. 301, as amended, known as the medical~~ 81066
~~assistance program or medicaid, as provided by the Ohio department~~ 81067
~~of job and family services under Chapter 5111. of the Revised Code~~ 81068
recipients. 81069

(B) Notwithstanding section 3901.71 of the Revised Code, and 81070
subject to division (E) of this section, every policy of sickness 81071
and accident insurance shall provide benefits for the diagnosis 81072
and treatment of biologically based mental illnesses on the same 81073
terms and conditions as, and shall provide benefits no less 81074
extensive than, those provided under the policy of sickness and 81075
accident insurance for the treatment and diagnosis of all other 81076
physical diseases and disorders, if both of the following apply: 81077

(1) The biologically based mental illness is clinically 81078
diagnosed by a physician authorized under Chapter 4731. of the 81079
Revised Code to practice medicine and surgery or osteopathic 81080
medicine and surgery; a psychologist licensed under Chapter 4732. 81081
of the Revised Code; a professional clinical counselor, 81082
professional counselor, or independent social worker licensed 81083
under Chapter 4757. of the Revised Code; or a clinical nurse 81084
specialist licensed under Chapter 4723. of the Revised Code whose 81085
nursing specialty is mental health. 81086

(2) The prescribed treatment is not experimental or 81087
investigational, having proven its clinical effectiveness in 81088
accordance with generally accepted medical standards. 81089

(C) Division (B) of this section applies to all coverages and 81090
terms and conditions of the policy of sickness and accident 81091
insurance, including, but not limited to, coverage of inpatient 81092
hospital services, outpatient services, and medication; maximum 81093
lifetime benefits; copayments; and individual and family 81094
deductibles. 81095

(D) Nothing in this section shall be construed as prohibiting a sickness and accident insurance company from taking any of the following actions:

(1) Negotiating separately with mental health care providers with regard to reimbursement rates and the delivery of health care services;

(2) Offering policies that provide benefits solely for the diagnosis and treatment of biologically based mental illnesses;

(3) Managing the provision of benefits for the diagnosis or treatment of biologically based mental illnesses through the use of pre-admission screening, by requiring beneficiaries to obtain authorization prior to treatment, or through the use of any other mechanism designed to limit coverage to that treatment determined to be necessary;

(4) Enforcing the terms and conditions of a policy of sickness and accident insurance.

(E) An insurer that offers any policy of sickness and accident insurance is not required to provide benefits for the diagnosis and treatment of biologically based mental illnesses pursuant to division (B) of this section if all of the following apply:

(1) The insurer submits documentation certified by an independent member of the American academy of actuaries to the superintendent of insurance showing that incurred claims for diagnostic and treatment services for biologically based mental illnesses for a period of at least six months independently caused the insurer's costs for claims and administrative expenses for the coverage of all other physical diseases and disorders to increase by more than one per cent per year.

(2) The insurer submits a signed letter from an independent member of the American academy of actuaries to the superintendent

of insurance opining that the increase described in division 81127
(E)(1) of this section could reasonably justify an increase of 81128
more than one per cent in the annual premiums or rates charged by 81129
the insurer for the coverage of all other physical diseases and 81130
disorders. 81131

(3) The superintendent of insurance makes the following 81132
determinations from the documentation and opinion submitted 81133
pursuant to divisions (E)(1) and (2) of this section: 81134

(a) Incurred claims for diagnostic and treatment services for 81135
biologically based mental illnesses for a period of at least six 81136
months independently caused the insurer's costs for claims and 81137
administrative expenses for the coverage of all other physical 81138
diseases and disorders to increase by more than one per cent per 81139
year. 81140

(b) The increase in costs reasonably justifies an increase of 81141
more than one per cent in the annual premiums or rates charged by 81142
the insurer for the coverage of all other physical diseases and 81143
disorders. 81144

Any determination made by the superintendent under this 81145
division is subject to Chapter 119. of the Revised Code. 81146

Sec. 3923.443. (A)(1) No agent shall sell, solicit, or 81147
negotiate long-term care insurance on or after September 1, 2008, 81148
without completing an initial eight-hour partnership program 81149
training course as described in division (B) of this section. 81150

(2)(a) Any agent that sells, solicits, or negotiates any 81151
long-term care insurance shall complete at least four hours of 81152
continuing education in every twenty-four-month period commencing 81153
on the first day of January of the year immediately following the 81154
year of the issuance of the agent's license. 81155

(b) No agent shall fail to complete the continuing education 81156

requirements in division (A)(2)(a) of this section in the 81157
twenty-four-month period described in that division. 81158

(B) The initial training course and continuing education 81159
required under division (A) of this section may be approved by the 81160
superintendent of insurance as continuing education courses under 81161
sections 3905.481 to 3905.486 of the Revised Code and shall 81162
consist of combined topics related to long-term care insurance, 81163
long-term care services, and state long-term care insurance 81164
partnership programs, including all of the following: 81165

(1) State and federal regulations and requirements and the 81166
relationship between state long-term care insurance partnership 81167
programs and other public and private coverage of long-term care 81168
services, including medicaid; 81169

(2) Available long-term care services and providers; 81170

(3) Changes or improvements in long-term care services or 81171
providers; 81172

(4) Alternatives to the purchase of private long-term care 81173
insurance; 81174

(5) The effect of inflation on benefits and the importance of 81175
inflation protection; 81176

(6) Consumer suitability standards and guidelines; 81177

(7) Any other topics required by the superintendent. 81178

(C) The initial training and continuing education required by 81179
division (A) of this section shall not include training that is 81180
specific to a particular insurer or company product or that 81181
includes any sales or marketing information, materials, or 81182
training other than those required by state or federal law. 81183

(D) A resident agent shall satisfy the training and 81184
continuing education required by division (A) of this section by 81185
completing long-term care courses that are approved by the 81186

superintendent. A nonresident agent may satisfy the training and 81187
continuing education required by division (A) of this section by 81188
completing the training requirements in any other state, provided 81189
that the course is approved for credit by the insurance department 81190
of that state prior to the agent taking the course. 81191

(E) Each insurer shall obtain records of the initial training 81192
and continuing education completed by agents of that insurer 81193
pursuant to division (A) of this section as well as the training 81194
completed by the insurer's agents concerning the distribution of 81195
the insurer's partnership program policies and shall make those 81196
records available to the superintendent upon request. 81197

(F) Each insurer shall maintain records with respect to the 81198
training of its agents concerning the distribution of the 81199
insurer's partnership program policies. Each insurer shall provide 81200
documentation to the superintendent that will allow the 81201
superintendent to provide assurance to the medicaid director ~~of~~ 81202
~~job and family services~~ that agents have received the training 81203
required by this section and that agents have demonstrated an 81204
understanding of the partnership program policies and their 81205
relationship to public and private coverage of long-term care in 81206
this state, including medicaid. The superintendent may audit each 81207
insurer's records annually to verify that the insurer is 81208
maintaining the records required by this division. The 81209
superintendent shall make the records provided to the 81210
superintendent pursuant to division (E) of this section available 81211
to the director. 81212

Sec. 3923.49. The department of insurance shall establish an 81213
outreach program to educate consumers about the following: 81214

(A) The need for long-term care insurance; 81215

(B) Mechanisms for financing long-term care; 81216

(C) The availability of long-term care insurance;	81217
(D) The resource protection provided by the Ohio long-term care insurance program under section 5111.18 <u>5164.86</u> of the Revised Code;	81218 81219 81220
(E) That a consumer who purchased a long-term care insurance policy that does not meet the requirements of section 3923.50 of the Revised Code may purchase a policy that meets those requirements.	81221 81222 81223 81224
The department shall develop and make available to consumers information to assist them in choosing long-term care insurance coverage.	81225 81226 81227
Sec. 3923.50. For the purposes of the Ohio long-term care insurance program established under section 5111.18 <u>5164.86</u> of the Revised Code, the department of insurance shall notify the department of job and family services <u>medicaid</u> of all long-term care insurance policies that meet all of the following requirements:	81228 81229 81230 81231 81232 81233
(A) Comply with sections 3923.41 to 3923.48 of the Revised Code and the rules adopted under section 3923.47 of the Revised Code;	81234 81235 81236
(B) Provide benefits for home and community-based services in addition to nursing home care;	81237 81238
(C) Include case management services in its coverage of home and community-based services;	81239 81240
(D) Provide five per cent inflation protection compounded annually;	81241 81242
(E) Provide for the keeping of records and explanation-of-benefit reports on insurance payments that count toward resource exclusion for the medical assistance <u>medicaid</u> program;	81243 81244 81245 81246

(F) Provide the information the medicaid director ~~of job and family services~~ determines is necessary to document the extent of resource exclusion and to evaluate the Ohio long-term care insurance program; 81247
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(G) Comply with other requirements established in rules adopted under this section. 81251
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The superintendent of insurance shall adopt rules in accordance with Chapter 119. of the Revised Code establishing requirements under division (G) of this section that policies must meet to qualify under the Ohio long-term care insurance program. The superintendent shall consult with the departments of aging and ~~job and family services~~ medicaid in adopting those rules. 81253
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Sec. 3923.601. (A)(1) This section applies to both of the following: 81259
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(a) A sickness and accident insurer that issues or requires the use of a standardized identification card or an electronic technology for submission and routing of prescription drug claims pursuant to a policy, contract, or agreement for health care services; 81261
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(b) A person that a sickness and accident insurer contracts with to issue a standardized identification card or an electronic technology described in division (A)(1)(a) of this section. 81266
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(2) Notwithstanding division (A)(1) of this section, this section does not apply to the issuance or required use of a standardized identification card or an electronic technology for the submission and routing of prescription drug claims in connection with any of the following: 81269
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(a) Any individual or group policy of sickness and accident insurance covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement, 81274
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medicare, tricare, specified disease, or vision care; coverage 81277
under a one-time-limited-duration policy of not longer than six 81278
months; coverage issued as a supplement to liability insurance; 81279
insurance arising out of workers' compensation or similar law; 81280
automobile medical payment insurance; or insurance under which 81281
benefits are payable with or without regard to fault and which is 81282
statutorily required to be contained in any liability insurance 81283
policy or equivalent self-insurance. 81284

(b) Coverage provided under the medicaid, ~~as defined in~~ 81285
~~section 5111.01 of the Revised Code~~ program. 81286

(c) Coverage provided under an employer's self-insurance plan 81287
or by any of its administrators, as defined in section 3959.01 of 81288
the Revised Code, to the extent that federal law supersedes, 81289
preempts, prohibits, or otherwise precludes the application of 81290
this section to the plan and its administrators. 81291

(B) A standardized identification card or an electronic 81292
technology issued or required to be used as provided in division 81293
(A)(1) of this section shall contain uniform prescription drug 81294
information in accordance with either division (B)(1) or (2) of 81295
this section. 81296

(1) The standardized identification card or the electronic 81297
technology shall be in a format and contain information fields 81298
approved by the national council for prescription drug programs or 81299
a successor organization, as specified in the council's or 81300
successor organization's pharmacy identification card 81301
implementation guide in effect on the first day of October most 81302
immediately preceding the issuance or required use of the 81303
standardized identification card or the electronic technology. 81304

(2) If the insurer or person under contract with the insurer 81305
to issue a standardized identification card or an electronic 81306
technology requires the information for the submission and routing 81307

of a claim, the standardized identification card or the electronic 81308
technology shall contain any of the following information: 81309

(a) The insurer's name; 81310

(b) The insured's name, group number, and identification 81311
number; 81312

(c) A telephone number to inquire about pharmacy-related 81313
issues; 81314

(d) The issuer's international identification number, labeled 81315
as "ANSI BIN" or "RxBIN"; 81316

(e) The processor's control number, labeled as "RxPCN"; 81317

(f) The insured's pharmacy benefits group number if different 81318
from the insured's medical group number, labeled as "RxGrp." 81319

(C) If the standardized identification card or the electronic 81320
technology issued or required to be used as provided in division 81321
(A)(1) of this section is also used for submission and routing of 81322
nonpharmacy claims, the designation "Rx" is required to be 81323
included as part of the labels identified in divisions (B)(2)(d) 81324
and (e) of this section if the issuer's international 81325
identification number or the processor's control number is 81326
different for medical and pharmacy claims. 81327

(D) Each sickness and accident insurer described in division 81328
(A) of this section shall annually file a certificate with the 81329
superintendent of insurance certifying that it or any person it 81330
contracts with to issue a standardized identification card or 81331
electronic technology for submission and routing of prescription 81332
drug claims complies with this section. 81333

(E)(1) Except as provided in division (E)(2) of this section, 81334
if there is a change in the information contained in the 81335
standardized identification card or the electronic technology 81336
issued to an insured, the insurer or person under contract with 81337

the insurer to issue a standardized identification card or an 81338
electronic technology shall issue a new card or electronic 81339
technology to the insured. 81340

(2) An insurer or person under contract with the insurer is 81341
not required under division (E)(1) of this section to issue a new 81342
card or electronic technology to an insured more than once during 81343
a twelve-month period. 81344

(F) Nothing in this section shall be construed as requiring 81345
an insurer to produce more than one standardized identification 81346
card or one electronic technology for use by insureds accessing 81347
health care benefits provided under a policy of sickness and 81348
accident insurance. 81349

Sec. 3923.83. (A)(1) This section applies to both of the 81350
following: 81351

(a) A public employee benefit plan that issues or requires 81352
the use of a standardized identification card or an electronic 81353
technology for submission and routing of prescription drug claims 81354
pursuant to a policy, contract, or agreement for health care 81355
services; 81356

(b) A person or entity that a public employee benefit plan 81357
contracts with to issue a standardized identification card or an 81358
electronic technology described in division (A)(1)(a) of this 81359
section. 81360

(2) Notwithstanding division (A)(1) of this section, this 81361
section does not apply to the issuance or required use of a 81362
standardized identification card or an electronic technology for 81363
the submission and routing of prescription drug claims in 81364
connection with either of the following: 81365

(a) Any individual or group policy of insurance covering only 81366
accident, credit, dental, disability income, long-term care, 81367

hospital indemnity, medicare supplement, medicare, tricare, 81368
specified disease, or vision care; coverage under a 81369
one-time-limited-duration policy of not longer than six months; 81370
coverage issued as a supplement to liability insurance; insurance 81371
arising out of workers' compensation or similar law; automobile 81372
medical payment insurance; or insurance under which benefits are 81373
payable with or without regard to fault and which is statutorily 81374
required to be contained in any liability insurance policy or 81375
equivalent self-insurance. 81376

(b) Coverage provided under the medicaid, ~~as defined in~~ 81377
~~section 5111.01 of the Revised Code~~ program. 81378

(B) A standardized identification card or an electronic 81379
technology issued or required to be used as provided in division 81380
(A)(1) of this section shall contain uniform prescription drug 81381
information in accordance with either division (B)(1) or (2) of 81382
this section. 81383

(1) The standardized identification card or the electronic 81384
technology shall be in a format and contain information fields 81385
approved by the national council for prescription drug programs or 81386
a successor organization, as specified in the council's or 81387
successor organization's pharmacy identification card 81388
implementation guide in effect on the first day of October most 81389
immediately preceding the issuance or required use of the 81390
standardized identification card or the electronic technology. 81391

(2) If the public employee benefit plan or person under 81392
contract with the plan to issue a standardized identification card 81393
or an electronic technology requires the information for the 81394
submission and routing of a claim, the standardized identification 81395
card or the electronic technology shall contain any of the 81396
following information: 81397

(a) The plan's name; 81398

(b) The insured's name, group number, and identification number; 81399
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(c) A telephone number to inquire about pharmacy-related issues; 81401
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(d) The issuer's international identification number, labeled as "ANSI BIN" or "RxBIN"; 81403
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(e) The processor's control number, labeled as "RxPCN"; 81405

(f) The insured's pharmacy benefits group number if different from the insured's medical group number, labeled as "RxGrp." 81406
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(C) If the standardized identification card or the electronic technology issued or required to be used as provided in division (A)(1) of this section is also used for submission and routing of nonpharmacy claims, the designation "Rx" is required to be included as part of the labels identified in divisions (B)(2)(d) and (e) of this section if the issuer's international identification number or the processor's control number is different for medical and pharmacy claims. 81408
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(D)(1) Except as provided in division (D)(2) of this section, if there is a change in the information contained in the standardized identification card or the electronic technology issued to an insured, the public employee benefit plan or person under contract with the plan to issue a standardized identification card or electronic technology shall issue a new card or electronic technology to the insured. 81416
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(2) A public employee benefit plan or person under contract with the plan is not required under division (D)(1) of this section to issue a new card or electronic technology to an insured more than once during a twelve-month period. 81423
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~~(F)~~(E) Nothing in this section shall be construed as requiring a public employee benefit plan to produce more than one 81427
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standardized identification card or one electronic technology for 81429
use by insureds accessing health care benefits provided under a 81430
health benefit plan. 81431

Sec. 3924.41. (A) As used in sections 3924.41 and 3924.42 of 81432
the Revised Code, "health insurer" means any sickness and accident 81433
insurer or health insuring corporation. "Health insurer" also 81434
includes any group health plan as defined in section 607 of the 81435
federal "Employee Retirement Income Security Act of 1974," 88 81436
Stat. 832, 29 U.S.C.A. 1167. 81437

(B) Notwithstanding any other provision of the Revised Code, 81438
no health insurer shall take into consideration the availability 81439
of, or eligibility for, ~~medical assistance~~ the medicaid program in 81440
this state ~~under Chapter 5111. of the Revised Code~~ or in any other 81441
state ~~pursuant to Title XIX of the "Social Security Act," 49 Stat.~~ 81442
~~620 (1935), 42 U.S.C.A. 301, as amended,~~ when determining an 81443
individual's eligibility for coverage or when making payments to 81444
or on behalf of an enrollee, subscriber, policyholder, or 81445
certificate holder. 81446

Sec. 3924.42. No health insurer shall impose requirements on 81447
the department of ~~job and family services~~ medicaid, when it has 81448
been assigned the rights of an individual who is eligible for 81449
~~medical assistance under Chapter 5111. of the Revised Code~~ 81450
medicaid and who is covered under a health care policy, contract, 81451
or plan issued by the health insurer, that are different from the 81452
requirements applicable to an agent or assignee of any other 81453
individual so covered. 81454

Sec. 3963.01. As used in this chapter: 81455

(A) "Affiliate" means any person or entity that has ownership 81456
or control of a contracting entity, is owned or controlled by a 81457
contracting entity, or is under common ownership or control with a 81458

contracting entity. 81459

(B) "Basic health care services" has the same meaning as in 81460
division (A) of section 1751.01 of the Revised Code, except that 81461
it does not include any services listed in that division that are 81462
provided by a pharmacist or nursing home. 81463

(C) "Contracting entity" means any person that has a primary 81464
business purpose of contracting with participating providers for 81465
the delivery of health care services. 81466

(D) "Credentialing" means the process of assessing and 81467
validating the qualifications of a provider applying to be 81468
approved by a contracting entity to provide basic health care 81469
services, specialty health care services, or supplemental health 81470
care services to enrollees. 81471

(E) "Edit" means adjusting one or more procedure codes billed 81472
by a participating provider on a claim for payment or a practice 81473
that results in any of the following: 81474

(1) Payment for some, but not all of the procedure codes 81475
originally billed by a participating provider; 81476

(2) Payment for a different procedure code than the procedure 81477
code originally billed by a participating provider; 81478

(3) A reduced payment as a result of services provided to an 81479
enrollee that are claimed under more than one procedure code on 81480
the same service date. 81481

(F) "Electronic claims transport" means to accept and 81482
digitize claims or to accept claims already digitized, to place 81483
those claims into a format that complies with the electronic 81484
transaction standards issued by the United States department of 81485
health and human services pursuant to the "Health Insurance 81486
Portability and Accountability Act of 1996," 110 Stat. 1955, 42 81487
U.S.C. 1320d, et seq., as those electronic standards are 81488

applicable to the parties and as those electronic standards are 81489
updated from time to time, and to electronically transmit those 81490
claims to the appropriate contracting entity, payer, or 81491
third-party administrator. 81492

(G) "Enrollee" means any person eligible for health care 81493
benefits under a health benefit plan, including an eligible 81494
recipient of medicaid ~~under Chapter 5111. of the Revised Code~~, and 81495
includes all of the following terms: 81496

(1) "Enrollee" and "subscriber" as defined by section 1751.01 81497
of the Revised Code; 81498

(2) "Member" as defined by section 1739.01 of the Revised 81499
Code; 81500

(3) "Insured" and "plan member" pursuant to Chapter 3923. of 81501
the Revised Code; 81502

(4) "Beneficiary" as defined by section 3901.38 of the 81503
Revised Code. 81504

(H) "Health care contract" means a contract entered into, 81505
materially amended, or renewed between a contracting entity and a 81506
participating provider for the delivery of basic health care 81507
services, specialty health care services, or supplemental health 81508
care services to enrollees. 81509

(I) "Health care services" means basic health care services, 81510
specialty health care services, and supplemental health care 81511
services. 81512

(J) "Material amendment" means an amendment to a health care 81513
contract that decreases the participating provider's payment or 81514
compensation, changes the administrative procedures in a way that 81515
may reasonably be expected to significantly increase the 81516
provider's administrative expenses, or adds a new product. A 81517
material amendment does not include any of the following: 81518

- (1) A decrease in payment or compensation resulting solely from a change in a published fee schedule upon which the payment or compensation is based and the date of applicability is clearly identified in the contract; 81519
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- (2) A decrease in payment or compensation that was anticipated under the terms of the contract, if the amount and date of applicability of the decrease is clearly identified in the contract; 81523
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- (3) An administrative change that may significantly increase the provider's administrative expense, the specific applicability of which is clearly identified in the contract; 81527
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- (4) Changes to an existing prior authorization, precertification, notification, or referral program that do not substantially increase the provider's administrative expense; 81530
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- (5) Changes to an edit program or to specific edits if the participating provider is provided notice of the changes pursuant to division (A)(1) of section 3963.04 of the Revised Code and the notice includes information sufficient for the provider to determine the effect of the change; 81533
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- (6) Changes to a health care contract described in division (B) of section 3963.04 of the Revised Code. 81538
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- (K) "Participating provider" means a provider that has a health care contract with a contracting entity and is entitled to reimbursement for health care services rendered to an enrollee under the health care contract. 81540
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- (L) "Payer" means any person that assumes the financial risk for the payment of claims under a health care contract or the reimbursement for health care services provided to enrollees by participating providers pursuant to a health care contract. 81544
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- (M) "Primary enrollee" means a person who is responsible for 81548

making payments for participation in a health care plan or an 81549
enrollee whose employment or other status is the basis of 81550
eligibility for enrollment in a health care plan. 81551

(N) "Procedure codes" includes the American medical 81552
association's current procedural terminology code, the American 81553
dental association's current dental terminology, and the centers 81554
for medicare and medicaid services health care common procedure 81555
coding system. 81556

(O) "Product" means one of the following types of categories 81557
of coverage for which a participating provider may be obligated to 81558
provide health care services pursuant to a health care contract: 81559

(1) A health maintenance organization or other product 81560
provided by a health insuring corporation; 81561

(2) A preferred provider organization; 81562

(3) Medicare; 81563

(4) Medicaid; 81564

(5) Workers' compensation. 81565

(P) "Provider" means a physician, podiatrist, dentist, 81566
chiropractor, optometrist, psychologist, physician assistant, 81567
advanced practice registered nurse, occupational therapist, 81568
massage therapist, physical therapist, professional counselor, 81569
professional clinical counselor, hearing aid dealer, orthotist, 81570
prosthetist, home health agency, hospice care program, pediatric 81571
respite care program, or hospital, or a provider organization or 81572
physician-hospital organization that is acting exclusively as an 81573
administrator on behalf of a provider to facilitate the provider's 81574
participation in health care contracts. "Provider" does not mean a 81575
pharmacist, pharmacy, nursing home, or a provider organization or 81576
physician-hospital organization that leases the provider 81577
organization's or physician-hospital organization's network to a 81578

third party or contracts directly with employers or health and 81579
welfare funds. 81580

(Q) "Specialty health care services" has the same meaning as 81581
in section 1751.01 of the Revised Code, except that it does not 81582
include any services listed in division (B) of section 1751.01 of 81583
the Revised Code that are provided by a pharmacist or a nursing 81584
home. 81585

(R) "Supplemental health care services" has the same meaning 81586
as in division (B) of section 1751.01 of the Revised Code, except 81587
that it does not include any services listed in that division that 81588
are provided by a pharmacist or nursing home. 81589

Sec. 3963.04. (A)(1) If an amendment to a health care 81590
contract is not a material amendment, the contracting entity shall 81591
provide the participating provider notice of the amendment at 81592
least fifteen days prior to the effective date of the amendment. 81593
The contracting entity shall provide all other notices to the 81594
participating provider pursuant to the health care contract. 81595

(2) A material amendment to a health care contract shall 81596
occur only if the contracting entity provides to the participating 81597
provider the material amendment in writing and notice of the 81598
material amendment not later than ninety days prior to the 81599
effective date of the material amendment. The notice shall be 81600
conspicuously entitled "Notice of Material Amendment to Contract." 81601

(3) If within fifteen days after receiving the material 81602
amendment and notice described in division (A)(2) of this section, 81603
the participating provider objects in writing to the material 81604
amendment, and there is no resolution of the objection, either 81605
party may terminate the health care contract upon written notice 81606
of termination provided to the other party not later than sixty 81607
days prior to the effective date of the material amendment. 81608

(4) If the participating provider does not object to the material amendment in the manner described in division (A)(3) of this section, the material amendment shall be effective as specified in the notice described in division (A)(2) of this section.

(B)(1) Division (A) of this section does not apply if the delay caused by compliance with that division could result in imminent harm to an enrollee, if the material amendment of a health care contract is required by state or federal law, rule, or regulation, or if the provider affirmatively accepts the material amendment in writing and agrees to an earlier effective date than otherwise required by division (A)(2) of this section.

(2) This section does not apply under any of the following circumstances:

(a) The participating provider's payment or compensation is based on the current medicaid or medicare physician fee schedule, and the change in payment or compensation results solely from a change in that physician fee schedule.

(b) A routine change or update of the health care contract is made in response to any addition, deletion, or revision of any service code, procedure code, or reporting code, or a pricing change is made by any third party source.

For purposes of division (B)(2)(b) of this section:

(i) "Service code, procedure code, or reporting code" means the current procedural terminology (CPT), current dental terminology (CDT), the healthcare common procedure coding system (HCPCS), the international classification of diseases (ICD), or the drug topics redbook average wholesale price (AWP).

(ii) "Third party source" means the American medical association, American dental association, the centers for medicare and medicaid services, the national center for health statistics,

the department of health and human services office of the 81640
inspector general, the Ohio department of insurance, or the Ohio 81641
department of ~~job and family services~~ medicaid. 81642

(C) Notwithstanding divisions (A) and (B) of this section, a 81643
health care contract may be amended by operation of law as 81644
required by any applicable state or federal law, rule, or 81645
regulation. Nothing in this section shall be construed to require 81646
the renegotiation of a health care contract that is in existence 81647
before ~~the effective date of this section~~ June 25, 2008, until the 81648
time that the contract is renewed or materially amended. 81649

Sec. 4104.33. There is hereby created the historical boilers 81650
licensing board consisting of seven members, three of whom shall 81651
be appointed by the governor with the advice and consent of the 81652
senate. The governor shall make initial appointments to the board 81653
within ninety days after October 24, 2002. Of the initial members 81654
appointed by the governor, one shall be for a term ending three 81655
years after October 24, 2002, one shall be for a term ending four 81656
years after October 24, 2002, and one shall be for a term ending 81657
five years after October 24, 2002. Thereafter, terms of office 81658
shall be for five years, each term ending on the same day of the 81659
same month of the year as did the term that it succeeds. Of the 81660
three members the governor appoints, one member shall be an 81661
employee of the division of boiler inspection in the department of 81662
commerce; one member shall be an independent mechanical engineer 81663
who is not involved in selling or inspecting historical boilers; 81664
and one shall be an active member of an association that 81665
represents managers of fairs or festivals. 81666

Two members of the board shall be appointed by the president 81667
of the senate and two members of the board shall be appointed by 81668
the speaker of the house of representatives. The president and 81669
speaker shall make initial appointments to the board within ninety 81670

days after October 24, 2002. Of the initial members appointed by the president, one shall be for a term ending four years after October 24, 2002 and one shall be for a term ending five years after October 24, 2002. Of the initial members appointed by the speaker, one shall be for a term ending three years after October 24, 2002 and one shall be for a term ending five years after October 24, 2002. Thereafter, terms of office shall be for five years, each term ending on the same day of the same month of the year as did the term that it succeeds. Of the four members appointed by the president and speaker, each shall own a historical boiler and also have at least ten years of experience in the operation of historical boilers, and each of these four members shall reside in a different region of the state.

Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled in the manner provided for initial appointments by the director of commerce, and shall not require the advice and consent of the senate. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the successor takes office or until a period of sixty days has elapsed, whichever occurs first.

The members of the board, annually, shall elect, by majority vote, a chairperson from among their members. The board shall meet at least once annually and at other times at the call of the chairperson. Board members shall receive their actual and necessary expenses incurred in the discharge of their duties as board members.

The superintendent of industrial compliance shall furnish

office space, staff, and supplies to the board as the 81703
superintendent determines are necessary for the board to carry out 81704
its official duties under sections 4104.33 to 4104.37 of the 81705
Revised Code. 81706

Sec. 4112.02. It shall be an unlawful discriminatory 81707
practice: 81708

(A) For any employer, because of the race, color, religion, 81709
sex, military status, national origin, disability, age, or 81710
ancestry of any person, to discharge without just cause, to refuse 81711
to hire, or otherwise to discriminate against that person with 81712
respect to hire, tenure, terms, conditions, or privileges of 81713
employment, or any matter directly or indirectly related to 81714
employment. 81715

(B) For an employment agency or personnel placement service, 81716
because of race, color, religion, sex, military status, national 81717
origin, disability, age, or ancestry, to do any of the following: 81718

(1) Refuse or fail to accept, register, classify properly, or 81719
refer for employment, or otherwise discriminate against any 81720
person; 81721

(2) Comply with a request from an employer for referral of 81722
applicants for employment if the request directly or indirectly 81723
indicates that the employer fails to comply with the provisions of 81724
sections 4112.01 to 4112.07 of the Revised Code. 81725

(C) For any labor organization to do any of the following: 81726

(1) Limit or classify its membership on the basis of race, 81727
color, religion, sex, military status, national origin, 81728
disability, age, or ancestry; 81729

(2) Discriminate against, limit the employment opportunities 81730
of, or otherwise adversely affect the employment status, wages, 81731
hours, or employment conditions of any person as an employee 81732

because of race, color, religion, sex, military status, national 81733
origin, disability, age, or ancestry. 81734

(D) For any employer, labor organization, or joint 81735
labor-management committee controlling apprentice training 81736
programs to discriminate against any person because of race, 81737
color, religion, sex, military status, national origin, 81738
disability, or ancestry in admission to, or employment in, any 81739
program established to provide apprentice training. 81740

(E) Except where based on a bona fide occupational 81741
qualification certified in advance by the commission, for any 81742
employer, employment agency, personnel placement service, or labor 81743
organization, prior to employment or admission to membership, to 81744
do any of the following: 81745

(1) Elicit or attempt to elicit any information concerning 81746
the race, color, religion, sex, military status, national origin, 81747
disability, age, or ancestry of an applicant for employment or 81748
membership; 81749

(2) Make or keep a record of the race, color, religion, sex, 81750
military status, national origin, disability, age, or ancestry of 81751
any applicant for employment or membership; 81752

(3) Use any form of application for employment, or personnel 81753
or membership blank, seeking to elicit information regarding race, 81754
color, religion, sex, military status, national origin, 81755
disability, age, or ancestry; but an employer holding a contract 81756
containing a nondiscrimination clause with the government of the 81757
United States, or any department or agency of that government, may 81758
require an employee or applicant for employment to furnish 81759
documentary proof of United States citizenship and may retain that 81760
proof in the employer's personnel records and may use photographic 81761
or fingerprint identification for security purposes; 81762

(4) Print or publish or cause to be printed or published any 81763

notice or advertisement relating to employment or membership 81764
indicating any preference, limitation, specification, or 81765
discrimination, based upon race, color, religion, sex, military 81766
status, national origin, disability, age, or ancestry; 81767

(5) Announce or follow a policy of denying or limiting, 81768
through a quota system or otherwise, employment or membership 81769
opportunities of any group because of the race, color, religion, 81770
sex, military status, national origin, disability, age, or 81771
ancestry of that group; 81772

(6) Utilize in the recruitment or hiring of persons any 81773
employment agency, personnel placement service, training school or 81774
center, labor organization, or any other employee-referring source 81775
known to discriminate against persons because of their race, 81776
color, religion, sex, military status, national origin, 81777
disability, age, or ancestry. 81778

(F) For any person seeking employment to publish or cause to 81779
be published any advertisement that specifies or in any manner 81780
indicates that person's race, color, religion, sex, military 81781
status, national origin, disability, age, or ancestry, or 81782
expresses a limitation or preference as to the race, color, 81783
religion, sex, military status, national origin, disability, age, 81784
or ancestry of any prospective employer. 81785

(G) For any proprietor or any employee, keeper, or manager of 81786
a place of public accommodation to deny to any person, except for 81787
reasons applicable alike to all persons regardless of race, color, 81788
religion, sex, military status, national origin, disability, age, 81789
or ancestry, the full enjoyment of the accommodations, advantages, 81790
facilities, or privileges of the place of public accommodation. 81791

(H) For any person to do any of the following: 81792

(1) Refuse to sell, transfer, assign, rent, lease, sublease, 81793
or finance housing accommodations, refuse to negotiate for the 81794

sale or rental of housing accommodations, or otherwise deny or 81795
make unavailable housing accommodations because of race, color, 81796
religion, sex, military status, familial status, ancestry, 81797
disability, or national origin; 81798

(2) Represent to any person that housing accommodations are 81799
not available for inspection, sale, or rental, when in fact they 81800
are available, because of race, color, religion, sex, military 81801
status, familial status, ancestry, disability, or national origin; 81802

(3) Discriminate against any person in the making or 81803
purchasing of loans or the provision of other financial assistance 81804
for the acquisition, construction, rehabilitation, repair, or 81805
maintenance of housing accommodations, or any person in the making 81806
or purchasing of loans or the provision of other financial 81807
assistance that is secured by residential real estate, because of 81808
race, color, religion, sex, military status, familial status, 81809
ancestry, disability, or national origin or because of the racial 81810
composition of the neighborhood in which the housing 81811
accommodations are located, provided that the person, whether an 81812
individual, corporation, or association of any type, lends money 81813
as one of the principal aspects or incident to the person's 81814
principal business and not only as a part of the purchase price of 81815
an owner-occupied residence the person is selling nor merely 81816
casually or occasionally to a relative or friend; 81817

(4) Discriminate against any person in the terms or 81818
conditions of selling, transferring, assigning, renting, leasing, 81819
or subleasing any housing accommodations or in furnishing 81820
facilities, services, or privileges in connection with the 81821
ownership, occupancy, or use of any housing accommodations, 81822
including the sale of fire, extended coverage, or homeowners 81823
insurance, because of race, color, religion, sex, military status, 81824
familial status, ancestry, disability, or national origin or 81825
because of the racial composition of the neighborhood in which the 81826

housing accommodations are located; 81827

(5) Discriminate against any person in the terms or 81828
conditions of any loan of money, whether or not secured by 81829
mortgage or otherwise, for the acquisition, construction, 81830
rehabilitation, repair, or maintenance of housing accommodations 81831
because of race, color, religion, sex, military status, familial 81832
status, ancestry, disability, or national origin or because of the 81833
racial composition of the neighborhood in which the housing 81834
accommodations are located; 81835

(6) Refuse to consider without prejudice the combined income 81836
of both husband and wife for the purpose of extending mortgage 81837
credit to a married couple or either member of a married couple; 81838

(7) Print, publish, or circulate any statement or 81839
advertisement, or make or cause to be made any statement or 81840
advertisement, relating to the sale, transfer, assignment, rental, 81841
lease, sublease, or acquisition of any housing accommodations, or 81842
relating to the loan of money, whether or not secured by mortgage 81843
or otherwise, for the acquisition, construction, rehabilitation, 81844
repair, or maintenance of housing accommodations, that indicates 81845
any preference, limitation, specification, or discrimination based 81846
upon race, color, religion, sex, military status, familial status, 81847
ancestry, disability, or national origin, or an intention to make 81848
any such preference, limitation, specification, or discrimination; 81849

(8) Except as otherwise provided in division (H)(8) or (17) 81850
of this section, make any inquiry, elicit any information, make or 81851
keep any record, or use any form of application containing 81852
questions or entries concerning race, color, religion, sex, 81853
military status, familial status, ancestry, disability, or 81854
national origin in connection with the sale or lease of any 81855
housing accommodations or the loan of any money, whether or not 81856
secured by mortgage or otherwise, for the acquisition, 81857
construction, rehabilitation, repair, or maintenance of housing 81858

accommodations. Any person may make inquiries, and make and keep 81859
records, concerning race, color, religion, sex, military status, 81860
familial status, ancestry, disability, or national origin for the 81861
purpose of monitoring compliance with this chapter. 81862

(9) Include in any transfer, rental, or lease of housing 81863
accommodations any restrictive covenant, or honor or exercise, or 81864
attempt to honor or exercise, any restrictive covenant; 81865

(10) Induce or solicit, or attempt to induce or solicit, a 81866
housing accommodations listing, sale, or transaction by 81867
representing that a change has occurred or may occur with respect 81868
to the racial, religious, sexual, military status, familial 81869
status, or ethnic composition of the block, neighborhood, or other 81870
area in which the housing accommodations are located, or induce or 81871
solicit, or attempt to induce or solicit, a housing accommodations 81872
listing, sale, or transaction by representing that the presence or 81873
anticipated presence of persons of any race, color, religion, sex, 81874
military status, familial status, ancestry, disability, or 81875
national origin, in the block, neighborhood, or other area will or 81876
may have results including, but not limited to, the following: 81877

(a) The lowering of property values; 81878

(b) A change in the racial, religious, sexual, military 81879
status, familial status, or ethnic composition of the block, 81880
neighborhood, or other area; 81881

(c) An increase in criminal or antisocial behavior in the 81882
block, neighborhood, or other area; 81883

(d) A decline in the quality of the schools serving the 81884
block, neighborhood, or other area. 81885

(11) Deny any person access to or membership or participation 81886
in any multiple-listing service, real estate brokers' 81887
organization, or other service, organization, or facility relating 81888
to the business of selling or renting housing accommodations, or 81889

discriminate against any person in the terms or conditions of that 81890
access, membership, or participation, on account of race, color, 81891
religion, sex, military status, familial status, national origin, 81892
disability, or ancestry; 81893

(12) Coerce, intimidate, threaten, or interfere with any 81894
person in the exercise or enjoyment of, or on account of that 81895
person's having exercised or enjoyed or having aided or encouraged 81896
any other person in the exercise or enjoyment of, any right 81897
granted or protected by division (H) of this section; 81898

(13) Discourage or attempt to discourage the purchase by a 81899
prospective purchaser of housing accommodations, by representing 81900
that any block, neighborhood, or other area has undergone or might 81901
undergo a change with respect to its religious, racial, sexual, 81902
military status, familial status, or ethnic composition; 81903

(14) Refuse to sell, transfer, assign, rent, lease, sublease, 81904
or finance, or otherwise deny or withhold, a burial lot from any 81905
person because of the race, color, sex, military status, familial 81906
status, age, ancestry, disability, or national origin of any 81907
prospective owner or user of the lot; 81908

(15) Discriminate in the sale or rental of, or otherwise make 81909
unavailable or deny, housing accommodations to any buyer or renter 81910
because of a disability of any of the following: 81911

(a) The buyer or renter; 81912

(b) A person residing in or intending to reside in the 81913
housing accommodations after they are sold, rented, or made 81914
available; 81915

(c) Any individual associated with the person described in 81916
division (H)(15)(b) of this section. 81917

(16) Discriminate in the terms, conditions, or privileges of 81918
the sale or rental of housing accommodations to any person or in 81919

the provision of services or facilities to any person in 81920
connection with the housing accommodations because of a disability 81921
of any of the following: 81922

(a) That person; 81923

(b) A person residing in or intending to reside in the 81924
housing accommodations after they are sold, rented, or made 81925
available; 81926

(c) Any individual associated with the person described in 81927
division (H)(16)(b) of this section. 81928

(17) Except as otherwise provided in division (H)(17) of this 81929
section, make an inquiry to determine whether an applicant for the 81930
sale or rental of housing accommodations, a person residing in or 81931
intending to reside in the housing accommodations after they are 81932
sold, rented, or made available, or any individual associated with 81933
that person has a disability, or make an inquiry to determine the 81934
nature or severity of a disability of the applicant or such a 81935
person or individual. The following inquiries may be made of all 81936
applicants for the sale or rental of housing accommodations, 81937
regardless of whether they have disabilities: 81938

(a) An inquiry into an applicant's ability to meet the 81939
requirements of ownership or tenancy; 81940

(b) An inquiry to determine whether an applicant is qualified 81941
for housing accommodations available only to persons with 81942
disabilities or persons with a particular type of disability; 81943

(c) An inquiry to determine whether an applicant is qualified 81944
for a priority available to persons with disabilities or persons 81945
with a particular type of disability; 81946

(d) An inquiry to determine whether an applicant currently 81947
uses a controlled substance in violation of section 2925.11 of the 81948
Revised Code or a substantively comparable municipal ordinance; 81949

(e) An inquiry to determine whether an applicant at any time 81950
has been convicted of or pleaded guilty to any offense, an element 81951
of which is the illegal sale, offer to sell, cultivation, 81952
manufacture, other production, shipment, transportation, delivery, 81953
or other distribution of a controlled substance. 81954

(18)(a) Refuse to permit, at the expense of a person with a 81955
disability, reasonable modifications of existing housing 81956
accommodations that are occupied or to be occupied by the person 81957
with a disability, if the modifications may be necessary to afford 81958
the person with a disability full enjoyment of the housing 81959
accommodations. This division does not preclude a landlord of 81960
housing accommodations that are rented or to be rented to a 81961
disabled tenant from conditioning permission for a proposed 81962
modification upon the disabled tenant's doing one or more of the 81963
following: 81964

(i) Providing a reasonable description of the proposed 81965
modification and reasonable assurances that the proposed 81966
modification will be made in a workerlike manner and that any 81967
required building permits will be obtained prior to the 81968
commencement of the proposed modification; 81969

(ii) Agreeing to restore at the end of the tenancy the 81970
interior of the housing accommodations to the condition they were 81971
in prior to the proposed modification, but subject to reasonable 81972
wear and tear during the period of occupancy, if it is reasonable 81973
for the landlord to condition permission for the proposed 81974
modification upon the agreement; 81975

(iii) Paying into an interest-bearing escrow account that is 81976
in the landlord's name, over a reasonable period of time, a 81977
reasonable amount of money not to exceed the projected costs at 81978
the end of the tenancy of the restoration of the interior of the 81979
housing accommodations to the condition they were in prior to the 81980
proposed modification, but subject to reasonable wear and tear 81981

during the period of occupancy, if the landlord finds the account 81982
reasonably necessary to ensure the availability of funds for the 81983
restoration work. The interest earned in connection with an escrow 81984
account described in this division shall accrue to the benefit of 81985
the disabled tenant who makes payments into the account. 81986

(b) A landlord shall not condition permission for a proposed 81987
modification upon a disabled tenant's payment of a security 81988
deposit that exceeds the customarily required security deposit of 81989
all tenants of the particular housing accommodations. 81990

(19) Refuse to make reasonable accommodations in rules, 81991
policies, practices, or services when necessary to afford a person 81992
with a disability equal opportunity to use and enjoy a dwelling 81993
unit, including associated public and common use areas; 81994

(20) Fail to comply with the standards and rules adopted 81995
under division (A) of section 3781.111 of the Revised Code; 81996

(21) Discriminate against any person in the selling, 81997
brokering, or appraising of real property because of race, color, 81998
religion, sex, military status, familial status, ancestry, 81999
disability, or national origin; 82000

(22) Fail to design and construct covered multifamily 82001
dwellings for first occupancy on or after June 30, 1992, in 82002
accordance with the following conditions: 82003

(a) The dwellings shall have at least one building entrance 82004
on an accessible route, unless it is impractical to do so because 82005
of the terrain or unusual characteristics of the site. 82006

(b) With respect to dwellings that have a building entrance 82007
on an accessible route, all of the following apply: 82008

(i) The public use areas and common use areas of the 82009
dwellings shall be readily accessible to and usable by persons 82010
with a disability. 82011

(ii) All the doors designed to allow passage into and within 82012
all premises shall be sufficiently wide to allow passage by 82013
persons with a disability who are in wheelchairs. 82014

(iii) All premises within covered multifamily dwelling units 82015
shall contain an accessible route into and through the dwelling; 82016
all light switches, electrical outlets, thermostats, and other 82017
environmental controls within such units shall be in accessible 82018
locations; the bathroom walls within such units shall contain 82019
reinforcements to allow later installation of grab bars; and the 82020
kitchens and bathrooms within such units shall be designed and 82021
constructed in a manner that enables an individual in a wheelchair 82022
to maneuver about such rooms. 82023

For purposes of division (H)(22) of this section, "covered 82024
multifamily dwellings" means buildings consisting of four or more 82025
units if such buildings have one or more elevators and ground 82026
floor units in other buildings consisting of four or more units. 82027

(I) For any person to discriminate in any manner against any 82028
other person because that person has opposed any unlawful 82029
discriminatory practice defined in this section or because that 82030
person has made a charge, testified, assisted, or participated in 82031
any manner in any investigation, proceeding, or hearing under 82032
sections 4112.01 to 4112.07 of the Revised Code. 82033

(J) For any person to aid, abet, incite, compel, or coerce 82034
the doing of any act declared by this section to be an unlawful 82035
discriminatory practice, to obstruct or prevent any person from 82036
complying with this chapter or any order issued under it, or to 82037
attempt directly or indirectly to commit any act declared by this 82038
section to be an unlawful discriminatory practice. 82039

(K)(1) Nothing in division (H) of this section shall bar any 82040
religious or denominational institution or organization, or any 82041
nonprofit charitable or educational organization that is operated, 82042

supervised, or controlled by or in connection with a religious 82043
organization, from limiting the sale, rental, or occupancy of 82044
housing accommodations that it owns or operates for other than a 82045
commercial purpose to persons of the same religion, or from giving 82046
preference in the sale, rental, or occupancy of such housing 82047
accommodations to persons of the same religion, unless membership 82048
in the religion is restricted on account of race, color, or 82049
national origin. 82050

(2) Nothing in division (H) of this section shall bar any 82051
bona fide private or fraternal organization that, incidental to 82052
its primary purpose, owns or operates lodgings for other than a 82053
commercial purpose, from limiting the rental or occupancy of the 82054
lodgings to its members or from giving preference to its members. 82055

(3) Nothing in division (H) of this section limits the 82056
applicability of any reasonable local, state, or federal 82057
restrictions regarding the maximum number of occupants permitted 82058
to occupy housing accommodations. Nothing in that division 82059
prohibits the owners or managers of housing accommodations from 82060
implementing reasonable occupancy standards based on the number 82061
and size of sleeping areas or bedrooms and the overall size of a 82062
dwelling unit, provided that the standards are not implemented to 82063
circumvent the purposes of this chapter and are formulated, 82064
implemented, and interpreted in a manner consistent with this 82065
chapter and any applicable local, state, or federal restrictions 82066
regarding the maximum number of occupants permitted to occupy 82067
housing accommodations. 82068

(4) Nothing in division (H) of this section requires that 82069
housing accommodations be made available to an individual whose 82070
tenancy would constitute a direct threat to the health or safety 82071
of other individuals or whose tenancy would result in substantial 82072
physical damage to the property of others. 82073

(5) Nothing in division (H) of this section pertaining to 82074

discrimination on the basis of familial status shall be construed 82075
to apply to any of the following: 82076

(a) Housing accommodations provided under any state or 82077
federal program that have been determined under the "Fair Housing 82078
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 82079
amended, to be specifically designed and operated to assist 82080
elderly persons; 82081

(b) Housing accommodations intended for and solely occupied 82082
by persons who are sixty-two years of age or older; 82083

(c) Housing accommodations intended and operated for 82084
occupancy by at least one person who is fifty-five years of age or 82085
older per unit, as determined under the "Fair Housing Amendments 82086
Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as amended. 82087

(L) Nothing in divisions (A) to (E) of this section shall be 82088
construed to require a person with a disability to be employed or 82089
trained under circumstances that would significantly increase the 82090
occupational hazards affecting either the person with a 82091
disability, other employees, the general public, or the facilities 82092
in which the work is to be performed, or to require the employment 82093
or training of a person with a disability in a job that requires 82094
the person with a disability routinely to undertake any task, the 82095
performance of which is substantially and inherently impaired by 82096
the person's disability. 82097

(M) Nothing in divisions (H)(1) to (18) of this section shall 82098
be construed to require any person selling or renting property to 82099
modify the property in any way or to exercise a higher degree of 82100
care for a person with a disability, to relieve any person with a 82101
disability of any obligation generally imposed on all persons 82102
regardless of disability in a written lease, rental agreement, or 82103
contract of purchase or sale, or to forbid distinctions based on 82104
the inability to fulfill the terms and conditions, including 82105

financial obligations, of the lease, agreement, or contract. 82106

(N) An aggrieved individual may enforce the individual's 82107
rights relative to discrimination on the basis of age as provided 82108
for in this section by instituting a civil action, within one 82109
hundred eighty days after the alleged unlawful discriminatory 82110
practice occurred, in any court with jurisdiction for any legal or 82111
equitable relief that will effectuate the individual's rights. 82112

A person who files a civil action under this division is 82113
barred, with respect to the practices complained of, from 82114
instituting a civil action under section 4112.14 of the Revised 82115
Code and from filing a charge with the commission under section 82116
4112.05 of the Revised Code. 82117

(O) With regard to age, it shall not be an unlawful 82118
discriminatory practice and it shall not constitute a violation of 82119
division (A) of section 4112.14 of the Revised Code for any 82120
employer, employment agency, joint labor-management committee 82121
controlling apprenticeship training programs, or labor 82122
organization to do any of the following: 82123

(1) Establish bona fide employment qualifications reasonably 82124
related to the particular business or occupation that may include 82125
standards for skill, aptitude, physical capability, intelligence, 82126
education, maturation, and experience; 82127

(2) Observe the terms of a bona fide seniority system or any 82128
bona fide employee benefit plan, including, but not limited to, a 82129
retirement, pension, or insurance plan, that is not a subterfuge 82130
to evade the purposes of this section. However, no such employee 82131
benefit plan shall excuse the failure to hire any individual, and 82132
no such seniority system or employee benefit plan shall require or 82133
permit the involuntary retirement of any individual, because of 82134
the individual's age except as provided for in the "Age 82135
Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 82136

29 U.S.C.A. 623, as amended by the "Age Discrimination in 82137
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 82138
623, as amended. 82139

(3) Retire an employee who has attained sixty-five years of 82140
age who, for the two-year period immediately before retirement, is 82141
employed in a bona fide executive or a high policymaking position, 82142
if the employee is entitled to an immediate nonforfeitable annual 82143
retirement benefit from a pension, profit-sharing, savings, or 82144
deferred compensation plan, or any combination of those plans, of 82145
the employer of the employee, which equals, in the aggregate, at 82146
least forty-four thousand dollars, in accordance with the 82147
conditions of the "Age Discrimination in Employment Act Amendment 82148
of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age 82149
Discrimination in Employment Act Amendments of 1986," 100 Stat. 82150
3342, 29 U.S.C.A. 631, as amended; 82151

(4) Observe the terms of any bona fide apprenticeship program 82152
if the program is registered with the Ohio apprenticeship council 82153
pursuant to sections 4139.01 to 4139.06 of the Revised Code and is 82154
approved by the federal committee on apprenticeship of the United 82155
States department of labor. 82156

(P) Nothing in this chapter prohibiting age discrimination 82157
and nothing in division (A) of section 4112.14 of the Revised Code 82158
shall be construed to prohibit the following: 82159

(1) The designation of uniform age the attainment of which is 82160
necessary for public employees to receive pension or other 82161
retirement benefits pursuant to Chapter 145., 742., 3307., 3309., 82162
or 5505. of the Revised Code; 82163

(2) The mandatory retirement of uniformed patrol officers of 82164
the state highway patrol as provided in section 5505.16 of the 82165
Revised Code; 82166

(3) The maximum age requirements for appointment as a patrol 82167

officer in the state highway patrol established by section 5503.01 82168
of the Revised Code; 82169

(4) The maximum age requirements established for original 82170
appointment to a police department or fire department in sections 82171
124.41 and 124.42 of the Revised Code; 82172

(5) Any maximum age not in conflict with federal law that may 82173
be established by a municipal charter, municipal ordinance, or 82174
resolution of a board of township trustees for original 82175
appointment as a police officer or firefighter; 82176

(6) Any mandatory retirement provision not in conflict with 82177
federal law of a municipal charter, municipal ordinance, or 82178
resolution of a board of township trustees pertaining to police 82179
officers and firefighters; 82180

(7) Until January 1, 1994, the mandatory retirement of any 82181
employee who has attained seventy years of age and who is serving 82182
under a contract of unlimited tenure, or similar arrangement 82183
providing for unlimited tenure, at an institution of higher 82184
education as defined in the "Education Amendments of 1980," 94 82185
Stat. 1503, 20 U.S.C.A. 1141(a). 82186

(Q)(1)(a) Except as provided in division (Q)(1)(b) of this 82187
section, for purposes of divisions (A) to (E) of this section, a 82188
disability does not include any physiological disorder or 82189
condition, mental or psychological disorder, or disease or 82190
condition caused by an illegal use of any controlled substance by 82191
an employee, applicant, or other person, if an employer, 82192
employment agency, personnel placement service, labor 82193
organization, or joint labor-management committee acts on the 82194
basis of that illegal use. 82195

(b) Division (Q)(1)(a) of this section does not apply to an 82196
employee, applicant, or other person who satisfies any of the 82197
following: 82198

(i) The employee, applicant, or other person has successfully completed a supervised drug rehabilitation program and no longer is engaging in the illegal use of any controlled substance, or the employee, applicant, or other person otherwise successfully has been rehabilitated and no longer is engaging in that illegal use.

(ii) The employee, applicant, or other person is participating in a supervised drug rehabilitation program and no longer is engaging in the illegal use of any controlled substance.

(iii) The employee, applicant, or other person is erroneously regarded as engaging in the illegal use of any controlled substance, but the employee, applicant, or other person is not engaging in that illegal use.

(2) Divisions (A) to (E) of this section do not prohibit an employer, employment agency, personnel placement service, labor organization, or joint labor-management committee from doing any of the following:

(a) Adopting or administering reasonable policies or procedures, including, but not limited to, testing for the illegal use of any controlled substance, that are designed to ensure that an individual described in division (Q)(1)(b)(i) or (ii) of this section no longer is engaging in the illegal use of any controlled substance;

(b) Prohibiting the illegal use of controlled substances and the use of alcohol at the workplace by all employees;

(c) Requiring that employees not be under the influence of alcohol or not be engaged in the illegal use of any controlled substance at the workplace;

(d) Requiring that employees behave in conformance with the requirements established under "The Drug-Free Workplace Act of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended;

(e) Holding an employee who engages in the illegal use of any 82229
controlled substance or who is an alcoholic to the same 82230
qualification standards for employment or job performance, and the 82231
same behavior, to which the employer, employment agency, personnel 82232
placement service, labor organization, or joint labor-management 82233
committee holds other employees, even if any unsatisfactory 82234
performance or behavior is related to an employee's illegal use of 82235
a controlled substance or alcoholism; 82236

(f) Exercising other authority recognized in the "Americans 82237
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, 82238
as amended, including, but not limited to, requiring employees to 82239
comply with any applicable federal standards. 82240

(3) For purposes of this chapter, a test to determine the 82241
illegal use of any controlled substance does not include a medical 82242
examination. 82243

(4) Division (Q) of this section does not encourage, 82244
prohibit, or authorize, and shall not be construed as encouraging, 82245
prohibiting, or authorizing, the conduct of testing for the 82246
illegal use of any controlled substance by employees, applicants, 82247
or other persons, or the making of employment decisions based on 82248
the results of that type of testing. 82249

(R) This section does not apply to a religious corporation, 82250
association, educational institution, or society with respect to 82251
the employment of an individual of a particular religion to 82252
perform work connected with the carrying on by that religious 82253
corporation, association, educational institution, or society of 82254
its activities. 82255

The unlawful discriminatory practices defined in this section 82256
do not make it unlawful for a person or an appointing authority 82257
administering an examination under section 124.23 of the Revised 82258
Code to obtain information about an applicant's military status 82259

for the purpose of determining if the applicant is eligible for 82260
the additional credit that is available under that section. 82261

Sec. 4112.12. (A) There is hereby created the commission on 82262
African-American males, which shall consist of not more than 82263
twenty-five members as follows: the directors or their designees 82264
of the departments of health, development, ~~alcohol and drug~~ 82265
~~addiction services~~ mental health and addiction services, and job 82266
and family services; the equal employment opportunity officer of 82267
the department of administrative services or the equal employment 82268
opportunity officer's designee; the executive director or the 82269
executive director's designee of the Ohio civil rights commission; 82270
the executive director or the executive director's designee of the 82271
division of criminal justice services in the department of public 82272
safety; the superintendent of public instruction; the chancellor 82273
or the chancellor's designee of the Ohio board of regents; two 82274
members of the house of representatives appointed by the speaker 82275
of the house of representatives each of whom shall be members of 82276
different political parties; and two members of the senate 82277
appointed by the president of the senate each of whom shall be 82278
members of different political parties. The members who are 82279
members of the general assembly shall be nonvoting members. The 82280
Ohio state university African American and African studies 82281
community extension center, in consultation with the governor, 82282
shall appoint four members from the private corporate sector, at 82283
least four members from the public sector, and two members from 82284
the nonprofit sector. 82285

(B) Terms of office shall be for three years, except that 82286
members of the general assembly appointed to the commission shall 82287
be members only so long as they are members of the general 82288
assembly. Each term ends on the same day of the same month as did 82289
the term that it succeeds. Each member shall hold office from the 82290
date of appointment until the end of the term for which the member 82291

was appointed. Members may be reappointed. Vacancies shall be 82292
filled in the manner provided for original appointments. Any 82293
member appointed to fill a vacancy occurring prior to the 82294
expiration date of the term for which the member's predecessor was 82295
appointed shall hold office as a member for the remainder of that 82296
term. A member shall continue in office subsequent to the 82297
expiration date of the member's term until the member's successor 82298
takes office or until a period of sixty days has elapsed, 82299
whichever occurs first. 82300

The commission annually shall elect a chairperson from among 82301
its members. 82302

(C) Members of the commission and members of subcommittees 82303
appointed under division (B) of section 4112.13 of the Revised 82304
Code shall not be compensated, but shall be reimbursed for their 82305
necessary and actual expenses incurred in the performance of their 82306
official duties. 82307

(D) The Ohio state university African American and African 82308
studies community extension center, in consultation with the 82309
governor, shall appoint an executive director of the commission on 82310
African-American males, who shall be in the unclassified civil 82311
service. The executive director shall supervise the commission's 82312
activities and report to the commission and to the Ohio state 82313
university African American and African studies community 82314
extension center on the progress of those activities. The 82315
executive director shall do all things necessary for the efficient 82316
and effective implementation of the duties of the commission. 82317

The responsibilities assigned to the executive director do 82318
not relieve the members of the commission from final 82319
responsibility for the proper performance of the requirements of 82320
this division. 82321

(E) The commission on African-American males shall do all of 82322

the following: 82323

(1) Employ, promote, supervise, and remove all employees, as 82324
needed, in connection with the performance of its duties under 82325
this section; 82326

(2) Maintain its office in Columbus; 82327

(3) Acquire facilities, equipment, and supplies necessary to 82328
house the commission, its employees, and files and records under 82329
its control, and to discharge any duty imposed upon it by law. The 82330
expense of these acquisitions shall be audited and paid for in the 82331
same manner as other state expenses. 82332

(4) Establish the overall policy and management of the 82333
commission in accordance with this chapter; 82334

(5) Follow all state procurement requirements; 82335

(6) Implement the policies and plans of the Ohio state 82336
university African American and African studies community 82337
extension center as those policies and plans are formulated and 82338
adopted by the Ohio state university African American and African 82339
studies community extension center; 82340

(7) Report to the Ohio state university African American and 82341
African studies community extension center on the progress of the 82342
commission on African-American males in implementing the policies 82343
and plans of the Ohio state university African American and 82344
African studies community extension center. 82345

(F) The commission on African-American males may: 82346

(1) Hold sessions at any place within the state, except that 82347
the commission on African-American males shall meet at least 82348
quarterly; 82349

(2) Establish, change, or abolish positions, and assign and 82350
reassign duties and responsibilities of any employee of the 82351
commission on African-American males as necessary to achieve the 82352

most efficient performance of its functions. 82353

(G) The Ohio state university African American and African 82354
studies community extension center shall establish the overall 82355
policy and management of the commission on African-American males 82356
and shall direct, manage, and oversee the commission. The Ohio 82357
state university African American and African studies community 82358
extension center shall develop overall policies and plans, and the 82359
commission on African-American males shall implement those 82360
policies and plans. The commission on African-American males, 82361
through its executive director, shall keep the Ohio state 82362
university African American and African studies community 82363
extension center informed as to the activities of the commission 82364
on African-American males in such manner and at such times as the 82365
Ohio state university African American and African studies 82366
community extension center shall determine. 82367

The Ohio state university African American and African 82368
studies community extension center may prescribe duties and 82369
responsibilities of the commission on African-American males in 82370
addition to those prescribed in section 4112.13 of the Revised 82371
Code. 82372

(H) The Ohio state university African American and African 82373
studies community extension center annually shall contract for a 82374
report on the status of African Americans in this state. Issues to 82375
be evaluated in the report shall include the criminal justice 82376
system, education, employment, health care, and housing, and such 82377
other issues as the Ohio state university African American and 82378
African studies community extension center may specify. The report 82379
shall include policy recommendations relating to the issues 82380
covered in the report. 82381

Sec. 4112.31. The new African immigrants commission shall do 82382
all of the following: 82383

(A) Gather and disseminate information and conduct hearings, conferences, investigations, and special studies on problems and programs concerning sub-Saharan African people;	82384 82385 82386
(B) Secure appropriate recognition of the accomplishments and contributions of sub-Saharan African people to this state;	82387 82388
(C) Stimulate public awareness of the problems of sub-Saharan African people by conducting a program of public education;	82389 82390
(D) Develop, coordinate, and assist other public and private organizations that serve sub-Saharan African people, including the conducting of training programs for community leadership and service project staff;	82391 82392 82393 82394
(E) Advise the governor, general assembly, and state departments and agencies of the nature, magnitude, and priorities of the problems of sub-Saharan African people;	82395 82396 82397
(F) Advise the governor, general assembly, and state departments and agencies on, and assist in the development and implementation of, comprehensive and coordinated policies, programs, and procedures focusing on the special problems and needs of sub-Saharan African people, especially in the fields of education, employment, energy, health, housing, welfare, and recreation;	82398 82399 82400 82401 82402 82403 82404
(G) Propose new programs concerning sub-Saharan African people to public and private agencies and evaluate for such agencies existing programs or prospective legislation concerning sub-Saharan African people;	82405 82406 82407 82408
(H) Review and approve grants to be made from federal, state, or private funds that are administered or subcontracted by the commission;	82409 82410 82411
(I) Prepare, review, and approve an annual report;	82412
(J) Serve as a clearinghouse to review and comment on all	82413

proposals to meet the needs of sub-Saharan African people that are 82414
submitted to it by public and private agencies; 82415

(K) Apply for and accept grants and gifts from governmental 82416
and private sources to be administered by the commission or 82417
subcontracted to local agencies; 82418

(L) Monitor and evaluate all programs subcontracted to local 82419
agencies by the commission; 82420

(M) Endeavor to assure that sub-Saharan African people have 82421
access to decision-making bodies in all state and local 82422
governmental departments and agencies; 82423

(N) Establish advisory committees on special subjects as 82424
needed to facilitate and maximize community participation in the 82425
operation of the commission; 82426

(O) Establish with state and local governments and private 82427
business and industry relationships that promote and assure equal 82428
opportunity for sub-Saharan African people in government, 82429
education, and employment. 82430

(P) Create an interagency council consisting of the following 82431
persons or their authorized representatives: one member of the 82432
senate appointed by the president of the senate; one member of the 82433
house of representatives appointed by the speaker of the house of 82434
representatives; the directors of administrative services, 82435
agriculture, education, development services, health, highway 82436
safety, job and family services, liquor control, ~~mental health~~ 82437
mental health and addiction services, ~~mental retardation~~ and 82438
developmental disabilities, natural resources, rehabilitation and 82439
correction, youth services, transportation, environmental 82440
protection, and budget and management; the chairperson of the Ohio 82441
civil rights commission, the ~~administrators~~ administrator of the 82442
bureau of workers' compensation ~~and~~, the ~~rehabilitation services~~ 82443
~~commission~~ executive director of the opportunities for Ohioans 82444

with disabilities agency, and an additional member of the 82445
governor's cabinet appointed by the governor. The new African 82446
immigrants commission, by rule, may designate other state officers 82447
or their representatives to be members of the council. The 82448
director of the commission shall be the chairperson of the 82449
council. 82450

The interagency council shall provide and coordinate the 82451
exchange of information relative to the needs of sub-Saharan 82452
African people and promote the delivery of state services to such 82453
people. The council shall meet at the call of the chairperson. 82454

Advisory committees shall be composed of persons representing 82455
community organizations and charitable institutions, public 82456
officials, and such other persons as the commission determines. 82457

Sec. 4115.034. On January 1, 1996, and the first day of 82458
January of every even-numbered year thereafter, the director of 82459
commerce shall adjust the threshold levels for which public 82460
improvement projects are subject to sections 4115.03 to 4115.16 of 82461
the Revised Code as set forth in divisions (B)(3) and (4) of 82462
section 4115.03 of the Revised Code. The director shall adjust 82463
those amounts according to the average increase or decrease for 82464
each of the two years immediately preceding the adjustment as set 82465
forth in ~~the United States department of commerce, bureau of the~~ 82466
~~census implicit price deflator for the~~ construction cost index 82467
published by the engineering news-record or, should that index 82468
cease to be published, a similar recognized industry index chosen 82469
by the director, provided that no increase or decrease for any 82470
year shall exceed three per cent of the threshold level in 82471
existence at the time of the adjustment. 82472

Sec. 4115.32. (A) Subject to section 4115.36 of the Revised 82473
Code, there is hereby created the state committee for the purchase 82474

of products and services provided by persons with severe 82475
disabilities. The committee shall be composed ex officio of the 82476
following persons, or their designees: 82477

(1) The directors of administrative services, ~~mental health~~ 82478
mental health and addiction services, developmental disabilities, 82479
transportation, natural resources, and commerce; 82480

(2) The ~~administrators~~ administrator of the ~~rehabilitation~~ 82481
~~services commission and the~~ bureau of workers' compensation and 82482
the executive director of the opportunities for Ohioans with 82483
disabilities agency; 82484

(3) The secretary of state; 82485

(4) One representative of a purchasing department of a 82486
political subdivision who is designated by the governor. 82487

The governor shall appoint two representatives of a qualified 82488
nonprofit agency for persons with severe disabilities, and a 82489
person with a severe disability to the committee. 82490

(B) Within thirty days after September 29, 1995, the governor 82491
shall appoint the representatives of a qualified nonprofit agency 82492
for persons with severe disabilities to the committee for a term 82493
ending August 31, 1996. Thereafter, terms for such representatives 82494
are for three years, each term ending on the same day of the same 82495
month of the year as did the term that it succeeds. Each committee 82496
member shall serve from the date of the member's appointment until 82497
the end of the term for which the member was appointed. Vacancies 82498
shall be filled in the same manner provided for original 82499
appointments. Any member appointed to fill a vacancy occurring 82500
prior to the expiration date of the term for which the member's 82501
predecessor was appointed shall serve as a member for the 82502
remainder of that term. A member shall serve subsequent to the 82503
expiration of the member's term and shall continue to serve until 82504
the member's successor takes office. 82505

(C) Members of the committee shall serve without 82506
compensation. Except as otherwise provided in divisions (C)(1) and 82507
(2) of this section, members shall be reimbursed for actual and 82508
necessary expenses, including travel expenses, incurred while away 82509
from their homes or regular places of business and incurred while 82510
performing services for the committee. 82511

(1) The members listed in divisions (A)(1) to (3) of this 82512
section, or their designees, shall not be reimbursed for any 82513
expenses. 82514

(2) No member of the committee who is entitled to receive 82515
reimbursement for the performance of services for the committee 82516
from another agency or entity shall receive reimbursement from the 82517
committee. 82518

(D) The committee shall elect from among its members a 82519
chairperson. The committee may request from any agency of the 82520
state, political subdivision, or instrumentality of the state any 82521
information necessary to enable it to carry out the intent of 82522
sections 4115.31 to 4115.35 of the Revised Code. Upon request of 82523
the committee, the agency, subdivision, or instrumentality shall 82524
furnish the information to the chairperson of the committee. 82525

(E) The committee shall not later than one hundred eighty 82526
days following the close of each fiscal year transmit to the 82527
governor, the general assembly, and each qualified nonprofit 82528
agency for persons with severe disabilities a report that includes 82529
the names of the committee members serving during the preceding 82530
fiscal year, the dates of committee meetings in that year, and any 82531
recommendations for changes in sections 4115.31 to 4115.35 of the 82532
Revised Code that the committee determines are necessary. 82533

(F) The director of administrative services shall designate a 82534
subordinate to act as executive director of the committee and 82535
shall furnish other staff and clerical assistance, office space, 82536

and supplies required by the committee. 82537

Sec. 4117.06. (A) The state employment relations board shall 82538
decide in each case the unit appropriate for the purposes of 82539
collective bargaining. The determination is final and conclusive 82540
and not appealable to the court. 82541

(B) The board shall determine the appropriateness of each 82542
bargaining unit and shall consider among other relevant factors: 82543
the desires of the employees; the community of interest; wages, 82544
hours, and other working conditions of the public employees; the 82545
effect of over-fragmentation; the efficiency of operations of the 82546
public employer; the administrative structure of the public 82547
employer; and the history of collective bargaining. 82548

(C) The board may determine a unit to be the appropriate unit 82549
in a particular case, even though some other unit might also be 82550
appropriate. 82551

(D) In addition, in determining the appropriate unit, the 82552
board shall not: 82553

(1) Decide that any unit is appropriate if the unit includes 82554
both professional and nonprofessional employees, unless a majority 82555
of the professional employees and a majority of the 82556
nonprofessional employees first vote for inclusion in the unit; 82557

(2) Include guards or correction officers at correctional or 82558
mental institutions, special police officers appointed in 82559
accordance with sections ~~5119.14~~ 5119.08 and 5123.13 of the 82560
Revised Code, psychiatric attendants employed at mental health 82561
forensic facilities, youth leaders employed at juvenile correction 82562
facilities, or any public employee employed as a guard to enforce 82563
against other employees rules to protect property of the employer 82564
or to protect the safety of persons on the employer's premises in 82565
a unit with other employees; 82566

(3) Include members of a police or fire department or members of the state highway patrol in a unit with other classifications of public employees of the department;

(4) Designate as appropriate a bargaining unit that contains more than one institution of higher education; nor shall it within any such institution of higher education designate as appropriate a unit where such designation would be inconsistent with the accreditation standards or interpretations of such standards, governing such institution of higher education or any department, school, or college thereof. For the purposes of this division, any branch or regional campus of a public institution of higher education is part of that institution of higher education.

(5) Designate as appropriate a bargaining unit that contains employees within the jurisdiction of more than one elected county office holder, unless the county-elected office holder and the board of county commissioners agree to such other designation;

(6) With respect to members of a police department, designate as appropriate a unit that includes rank and file members of the department with members who are of the rank of sergeant or above;

(7) Except as otherwise provided by division (A)(3) of section 3314.10 or division (B) of section 3326.18 of the Revised Code, designate as appropriate a bargaining unit that contains employees from multiple community schools established under Chapter 3314. or multiple science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code. For purposes of this division, more than one unit may be designated within a single community school or science, technology, engineering, and mathematics school.

This section shall not be deemed to prohibit multiunit bargaining.

Sec. 4117.14. (A) The procedures contained in this section 82597
govern the settlement of disputes between an exclusive 82598
representative and a public employer concerning the termination or 82599
modification of an existing collective bargaining agreement or 82600
negotiation of a successor agreement, or the negotiation of an 82601
initial collective bargaining agreement. 82602

(B)(1) In those cases where there exists a collective 82603
bargaining agreement, any public employer or exclusive 82604
representative desiring to terminate, modify, or negotiate a 82605
successor collective bargaining agreement shall: 82606

(a) Serve written notice upon the other party of the proposed 82607
termination, modification, or successor agreement. The party must 82608
serve the notice not less than sixty days prior to the expiration 82609
date of the existing agreement or, in the event the existing 82610
collective bargaining agreement does not contain an expiration 82611
date, not less than sixty days prior to the time it is proposed to 82612
make the termination or modifications or to make effective a 82613
successor agreement. 82614

(b) Offer to bargain collectively with the other party for 82615
the purpose of modifying or terminating any existing agreement or 82616
negotiating a successor agreement; 82617

(c) Notify the state employment relations board of the offer 82618
by serving upon the board a copy of the written notice to the 82619
other party and a copy of the existing collective bargaining 82620
agreement. 82621

(2) In the case of initial negotiations between a public 82622
employer and an exclusive representative, where a collective 82623
bargaining agreement has not been in effect between the parties, 82624
any party may serve notice upon the board and the other party 82625
setting forth the names and addresses of the parties and offering 82626
to meet, for a period of ninety days, with the other party for the 82627

purpose of negotiating a collective bargaining agreement. 82628

If the settlement procedures specified in divisions (B), (C), 82629
and (D) of this section govern the parties, where those procedures 82630
refer to the expiration of a collective bargaining agreement, it 82631
means the expiration of the sixty-day period to negotiate a 82632
collective bargaining agreement referred to in this subdivision, 82633
or in the case of initial negotiations, it means the ninety-day 82634
period referred to in this subdivision. 82635

(3) The parties shall continue in full force and effect all 82636
the terms and conditions of any existing collective bargaining 82637
agreement, without resort to strike or lock-out, for a period of 82638
sixty days after the party gives notice or until the expiration 82639
date of the collective bargaining agreement, whichever occurs 82640
later, or for a period of ninety days where applicable. 82641

(4) Upon receipt of the notice, the parties shall enter into 82642
collective bargaining. 82643

(C) In the event the parties are unable to reach an 82644
agreement, they may submit, at any time prior to forty-five days 82645
before the expiration date of the collective bargaining agreement, 82646
the issues in dispute to any mutually agreed upon dispute 82647
settlement procedure which supersedes the procedures contained in 82648
this section. 82649

(1) The procedures may include: 82650

(a) Conventional arbitration of all unsettled issues; 82651

(b) Arbitration confined to a choice between the last offer 82652
of each party to the agreement as a single package; 82653

(c) Arbitration confined to a choice of the last offer of 82654
each party to the agreement on each issue submitted; 82655

(d) The procedures described in division (C)(1)(a), (b), or 82656
(c) of this section and including among the choices for the 82657

arbitrator, the recommendations of the fact finder, if there are 82658
recommendations, either as a single package or on each issue 82659
submitted; 82660

(e) Settlement by a citizens' conciliation council composed 82661
of three residents within the jurisdiction of the public employer. 82662
The public employer shall select one member and the exclusive 82663
representative shall select one member. The two members selected 82664
shall select the third member who shall chair the council. If the 82665
two members cannot agree upon a third member within five days 82666
after their appointments, the board shall appoint the third 82667
member. Once appointed, the council shall make a final settlement 82668
of the issues submitted to it pursuant to division (G) of this 82669
section. 82670

(f) Any other dispute settlement procedure mutually agreed to 82671
by the parties. 82672

(2) If, fifty days before the expiration date of the 82673
collective bargaining agreement, the parties are unable to reach 82674
an agreement, any party may request the state employment relations 82675
board to intervene. The request shall set forth the names and 82676
addresses of the parties, the issues involved, and, if applicable, 82677
the expiration date of any agreement. 82678

The board shall intervene and investigate the dispute to 82679
determine whether the parties have engaged in collective 82680
bargaining. 82681

If an impasse exists or forty-five days before the expiration 82682
date of the collective bargaining agreement if one exists, the 82683
board shall appoint a mediator to assist the parties in the 82684
collective bargaining process. 82685

(3) Any time after the appointment of a mediator, either 82686
party may request the appointment of a fact-finding panel. Within 82687
fifteen days after receipt of a request for a fact-finding panel, 82688

the board shall appoint a fact-finding panel of not more than 82689
three members who have been selected by the parties in accordance 82690
with rules established by the board, from a list of qualified 82691
persons maintained by the board. 82692

(a) The fact-finding panel shall, in accordance with rules 82693
and procedures established by the board that include the 82694
regulation of costs and expenses of fact-finding, gather facts and 82695
make recommendations for the resolution of the matter. The board 82696
shall by its rules require each party to specify in writing the 82697
unresolved issues and its position on each issue to the 82698
fact-finding panel. The fact-finding panel shall make final 82699
recommendations as to all the unresolved issues. 82700

(b) The board may continue mediation, order the parties to 82701
engage in collective bargaining until the expiration date of the 82702
agreement, or both. 82703

(4) The following guidelines apply to fact-finding: 82704

(a) The fact-finding panel may establish times and place of 82705
hearings which shall be, where feasible, in the jurisdiction of 82706
the state. 82707

(b) The fact-finding panel shall conduct the hearing pursuant 82708
to rules established by the board. 82709

(c) Upon request of the fact-finding panel, the board shall 82710
issue subpoenas for hearings conducted by the panel. 82711

(d) The fact-finding panel may administer oaths. 82712

(e) The board shall prescribe guidelines for the fact-finding 82713
panel to follow in making findings. In making its recommendations, 82714
the fact-finding panel shall take into consideration the factors 82715
listed in divisions (G)(7)(a) to (f) of this section. 82716

(f) The fact-finding panel may attempt mediation at any time 82717
during the fact-finding process. From the time of appointment 82718

until the fact-finding panel makes a final recommendation, it 82719
shall not discuss the recommendations for settlement of the 82720
dispute with parties other than the direct parties to the dispute. 82721

(5) The fact-finding panel, acting by a majority of its 82722
members, shall transmit its findings of fact and recommendations 82723
on the unresolved issues to the public employer and employee 82724
organization involved and to the board no later than fourteen days 82725
after the appointment of the fact-finding panel, unless the 82726
parties mutually agree to an extension. The parties shall share 82727
the cost of the fact-finding panel in a manner agreed to by the 82728
parties. 82729

(6)(a) Not later than seven days after the findings and 82730
recommendations are sent, the legislative body, by a three-fifths 82731
vote of its total membership, and in the case of the public 82732
employee organization, the membership, by a three-fifths vote of 82733
the total membership, may reject the recommendations; if neither 82734
rejects the recommendations, the recommendations shall be deemed 82735
agreed upon as the final resolution of the issues submitted and a 82736
collective bargaining agreement shall be executed between the 82737
parties, including the fact-finding panel's recommendations, 82738
except as otherwise modified by the parties by mutual agreement. 82739
If either the legislative body or the public employee organization 82740
rejects the recommendations, the board shall publicize the 82741
findings of fact and recommendations of the fact-finding panel. 82742
The board shall adopt rules governing the procedures and methods 82743
for public employees to vote on the recommendations of the 82744
fact-finding panel. 82745

(b) As used in division (C)(6)(a) of this section, 82746
"legislative body" means the controlling board when the state or 82747
any of its agencies, authorities, commissions, boards, or other 82748
branch of public employment is party to the fact-finding process. 82749

(D) If the parties are unable to reach agreement within seven 82750

days after the publication of findings and recommendations from 82751
the fact-finding panel or the collective bargaining agreement, if 82752
one exists, has expired, then the: 82753

(1) Public employees, who are members of a police or fire 82754
department, members of the state highway patrol, deputy sheriffs, 82755
dispatchers employed by a police, fire, or sheriff's department or 82756
the state highway patrol or civilian dispatchers employed by a 82757
public employer other than a police, fire, or sheriff's department 82758
to dispatch police, fire, sheriff's department, or emergency 82759
medical or rescue personnel and units, an exclusive nurse's unit, 82760
employees of the state school for the deaf or the state school for 82761
the blind, employees of any public employee retirement system, 82762
corrections officers, guards at penal or mental institutions, 82763
special police officers appointed in accordance with sections 82764
~~5119.14~~ 5119.08 and 5123.13 of the Revised Code, psychiatric 82765
attendants employed at mental health forensic facilities, youth 82766
leaders employed at juvenile correctional facilities, or members 82767
of a law enforcement security force that is established and 82768
maintained exclusively by a board of county commissioners and 82769
whose members are employed by that board, shall submit the matter 82770
to a final offer settlement procedure pursuant to a board order 82771
issued forthwith to the parties to settle by a conciliator 82772
selected by the parties. The parties shall request from the board 82773
a list of five qualified conciliators and the parties shall select 82774
a single conciliator from the list by alternate striking of names. 82775
If the parties cannot agree upon a conciliator within five days 82776
after the board order, the board shall on the sixth day after its 82777
order appoint a conciliator from a list of qualified persons 82778
maintained by the board or shall request a list of qualified 82779
conciliators from the American arbitration association and appoint 82780
therefrom. 82781

(2) Public employees other than those listed in division 82782

(D)(1) of this section have the right to strike under Chapter 82783
4117. of the Revised Code provided that the employee organization 82784
representing the employees has given a ten-day prior written 82785
notice of an intent to strike to the public employer and to the 82786
board, and further provided that the strike is for full, 82787
consecutive work days and the beginning date of the strike is at 82788
least ten work days after the ending date of the most recent prior 82789
strike involving the same bargaining unit; however, the board, at 82790
its discretion, may attempt mediation at any time. 82791

(E) Nothing in this section shall be construed to prohibit 82792
the parties, at any time, from voluntarily agreeing to submit any 82793
or all of the issues in dispute to any other alternative dispute 82794
settlement procedure. An agreement or statutory requirement to 82795
arbitrate or to settle a dispute pursuant to a final offer 82796
settlement procedure and the award issued in accordance with the 82797
agreement or statutory requirement is enforceable in the same 82798
manner as specified in division (B) of section 4117.09 of the 82799
Revised Code. 82800

(F) Nothing in this section shall be construed to prohibit a 82801
party from seeking enforcement of a collective bargaining 82802
agreement or a conciliator's award as specified in division (B) of 82803
section 4117.09 of the Revised Code. 82804

(G) The following guidelines apply to final offer settlement 82805
proceedings under division (D)(1) of this section: 82806

(1) The parties shall submit to final offer settlement those 82807
issues that are subject to collective bargaining as provided by 82808
section 4117.08 of the Revised Code and upon which the parties 82809
have not reached agreement and other matters mutually agreed to by 82810
the public employer and the exclusive representative; except that 82811
the conciliator may attempt mediation at any time. 82812

(2) The conciliator shall hold a hearing within thirty days 82813

of the board's order to submit to a final offer settlement 82814
procedure, or as soon thereafter as is practicable. 82815

(3) The conciliator shall conduct the hearing pursuant to 82816
rules developed by the board. The conciliator shall establish the 82817
hearing time and place, but it shall be, where feasible, within 82818
the jurisdiction of the state. Not later than five calendar days 82819
before the hearing, each of the parties shall submit to the 82820
conciliator, to the opposing party, and to the board, a written 82821
report summarizing the unresolved issues, the party's final offer 82822
as to the issues, and the rationale for that position. 82823

(4) Upon the request by the conciliator, the board shall 82824
issue subpoenas for the hearing. 82825

(5) The conciliator may administer oaths. 82826

(6) The conciliator shall hear testimony from the parties and 82827
provide for a written record to be made of all statements at the 82828
hearing. The board shall submit for inclusion in the record and 82829
for consideration by the conciliator the written report and 82830
recommendation of the fact-finders. 82831

(7) After hearing, the conciliator shall resolve the dispute 82832
between the parties by selecting, on an issue-by-issue basis, from 82833
between each of the party's final settlement offers, taking into 82834
consideration the following: 82835

(a) Past collectively bargained agreements, if any, between 82836
the parties; 82837

(b) Comparison of the issues submitted to final offer 82838
settlement relative to the employees in the bargaining unit 82839
involved with those issues related to other public and private 82840
employees doing comparable work, giving consideration to factors 82841
peculiar to the area and classification involved; 82842

(c) The interests and welfare of the public, the ability of 82843

the public employer to finance and administer the issues proposed, 82844
and the effect of the adjustments on the normal standard of public 82845
service; 82846

(d) The lawful authority of the public employer; 82847

(e) The stipulations of the parties; 82848

(f) Such other factors, not confined to those listed in this 82849
section, which are normally or traditionally taken into 82850
consideration in the determination of the issues submitted to 82851
final offer settlement through voluntary collective bargaining, 82852
mediation, fact-finding, or other impasse resolution procedures in 82853
the public service or in private employment. 82854

(8) Final offer settlement awards made under Chapter 4117. of 82855
the Revised Code are subject to Chapter 2711. of the Revised Code. 82856

(9) If more than one conciliator is used, the determination 82857
must be by majority vote. 82858

(10) The conciliator shall make written findings of fact and 82859
promulgate a written opinion and order upon the issues presented 82860
to the conciliator, and upon the record made before the 82861
conciliator and shall mail or otherwise deliver a true copy 82862
thereof to the parties and the board. 82863

(11) Increases in rates of compensation and other matters 82864
with cost implications awarded by the conciliator may be effective 82865
only at the start of the fiscal year next commencing after the 82866
date of the final offer settlement award; provided that if a new 82867
fiscal year has commenced since the issuance of the board order to 82868
submit to a final offer settlement procedure, the awarded 82869
increases may be retroactive to the commencement of the new fiscal 82870
year. The parties may, at any time, amend or modify a 82871
conciliator's award or order by mutual agreement. 82872

(12) The parties shall bear equally the cost of the final 82873

offer settlement procedure. 82874

(13) Conciliators appointed pursuant to this section shall be 82875
residents of the state. 82876

(H) All final offer settlement awards and orders of the 82877
conciliator made pursuant to Chapter 4117. of the Revised Code are 82878
subject to review by the court of common pleas having jurisdiction 82879
over the public employer as provided in Chapter 2711. of the 82880
Revised Code. If the public employer is located in more than one 82881
court of common pleas district, the court of common pleas in which 82882
the principal office of the chief executive is located has 82883
jurisdiction. 82884

(I) The issuance of a final offer settlement award 82885
constitutes a binding mandate to the public employer and the 82886
exclusive representative to take whatever actions are necessary to 82887
implement the award. 82888

Sec. 4117.15. (A) Whenever a strike by members of a police or 82889
fire department, members of the state highway patrol, deputy 82890
sheriffs, dispatchers employed by a police, fire, or sheriff's 82891
department or the state highway patrol or civilian dispatchers 82892
employed by a public employer other than a police, fire, or 82893
sheriff's department to dispatch police, fire, sheriff's 82894
department, or emergency medical or rescue personnel and units, an 82895
exclusive nurse's unit, employees of the state school for the deaf 82896
or the state school for the blind, employees of any public 82897
employee retirement system, correction officers, guards at penal 82898
or mental institutions, or special police officers appointed in 82899
accordance with sections ~~5119.14~~ 5119.08 and 5123.13 of the 82900
Revised Code, psychiatric attendants employed at mental health 82901
forensic facilities, youth leaders employed at juvenile 82902
correctional facilities, or members of a law enforcement security 82903
force that is established and maintained exclusively by a board of 82904

county commissioners and whose members are employed by that board, 82905
a strike by other public employees during the pendency of the 82906
settlement procedures set forth in section 4117.14 of the Revised 82907
Code, or a strike during the term or extended term of a collective 82908
bargaining agreement occurs, the public employer may seek an 82909
injunction against the strike in the court of common pleas of the 82910
county in which the strike is located. 82911

(B) An unfair labor practice by a public employer is not a 82912
defense to the injunction proceeding noted in division (A) of this 82913
section. Allegations of unfair labor practices during the 82914
settlement procedures set forth in section 4117.14 of the Revised 82915
Code shall receive priority by the state employment relations 82916
board. 82917

(C) No public employee is entitled to pay or compensation 82918
from the public employer for the period engaged in any strike. 82919

Sec. 4121.44. (A) The administrator of workers' compensation 82920
shall oversee the implementation of the Ohio workers' compensation 82921
qualified health plan system as established under section 4121.442 82922
of the Revised Code. 82923

(B) The administrator shall direct the implementation of the 82924
health partnership program administered by the bureau as set forth 82925
in section 4121.441 of the Revised Code. To implement the health 82926
partnership program and to ensure the efficiency and effectiveness 82927
of the public services provided through the program, the bureau: 82928

(1) Shall certify one or more external vendors, which shall 82929
be known as "managed care organizations," to provide medical 82930
management and cost containment services in the health partnership 82931
program for a period of two years beginning on the date of 82932
certification, consistent with the standards established under 82933
this section; 82934

(2) May recertify ~~external vendors~~ managed care organizations 82935
for additional periods of two years; and 82936

(3) May integrate the certified ~~vendors~~ managed care 82937
organizations with bureau staff and existing bureau services for 82938
purposes of operation and training to allow the bureau to assume 82939
operation of the health partnership program at the conclusion of 82940
the certification periods set forth in division (B)(1) or (2) of 82941
this section; 82942

(4) May enter into a contract with any managed care 82943
organization that is certified by the bureau, pursuant to division 82944
(B)(1) or (2) of this section, to provide medical management and 82945
cost containment services in the health partnership program. 82946

(C) A contract entered into pursuant to division (B)(4) of 82947
this section shall include both of the following: 82948

(1) Incentives that may be awarded by the administrator, at 82949
the administrator's discretion, based on compliance and 82950
performance of the managed care organization; 82951

(2) Penalties that may be imposed by the administrator, at 82952
the administrator's discretion, based on the failure of the 82953
managed care organization to reasonably comply with or perform 82954
terms of the contract, which may include termination of the 82955
contract. 82956

(D) Notwithstanding section 119.061 of the Revised Code, a 82957
contract entered into pursuant to division (B)(4) of this section 82958
may include provisions limiting, restricting, or regulating any 82959
marketing or advertising by the managed care organization, or by 82960
any individual or entity that is affiliated with or acting on 82961
behalf of the managed care organization, under the health 82962
partnership program. 82963

(E) No managed care organization shall receive compensation 82964
under the health partnership program unless the managed care 82965

organization has entered into a contract with the bureau pursuant to division (B)(4) of this section. 82966
82967

(F) Any ~~vendor~~ managed care organization selected shall 82968
demonstrate all of the following: 82969

(1) Arrangements and reimbursement agreements with a 82970
substantial number of the medical, professional and pharmacy 82971
providers currently being utilized by claimants. 82972

(2) Ability to accept a common format of medical bill data in 82973
an electronic fashion from any provider who wishes to submit 82974
medical bill data in that form. 82975

(3) A computer system able to handle the volume of medical 82976
bills and willingness to customize that system to the bureau's 82977
needs and to be operated by the ~~vendor's~~ managed care 82978
organization's staff, bureau staff, or some combination of both 82979
staffs. 82980

(4) A prescription drug system where pharmacies on a 82981
statewide basis have access to the eligibility and pricing, at a 82982
discounted rate, of all prescription drugs. 82983

(5) A tracking system to record all telephone calls from 82984
claimants and providers regarding the status of submitted medical 82985
bills so as to be able to track each inquiry. 82986

(6) Data processing capacity to absorb all of the bureau's 82987
medical bill processing or at least that part of the processing 82988
which the bureau arranges to delegate. 82989

(7) Capacity to store, retrieve, array, simulate, and model 82990
in a relational mode all of the detailed medical bill data so that 82991
analysis can be performed in a variety of ways and so that the 82992
bureau and its governing authority can make informed decisions. 82993

(8) Wide variety of software programs which translate medical 82994
terminology into standard codes, and which reveal if a provider is 82995

manipulating the procedures codes, commonly called "unbundling." 82996

(9) Necessary professional staff to conduct, at a minimum, 82997
authorizations for treatment, medical necessity, utilization 82998
review, concurrent review, post-utilization review, and have the 82999
attendant computer system which supports such activity and 83000
measures the outcomes and the savings. 83001

(10) Management experience and flexibility to be able to 83002
react quickly to the needs of the bureau in the case of required 83003
change in federal or state requirements. 83004

~~(D)~~(G)(1) The administrator may decertify a managed care 83005
organization if the managed care organization does any of the 83006
following: 83007

(a) Fails to maintain any of the requirements set forth in 83008
division (F) of this section; 83009

(b) Fails to reasonably comply with or to perform in 83010
accordance with the terms of a contract entered into under 83011
division (B)(4) of this section; 83012

(c) Violates a rule adopted under section 4121.441 of the 83013
Revised Code. 83014

(2) The administrator shall provide each managed care 83015
organization that is being decertified pursuant to division (G)(1) 83016
of this section with written notice of the pending decertification 83017
and an opportunity for a hearing pursuant to rules adopted by the 83018
administrator. 83019

(H)(1) Information contained in a ~~vendor's~~ managed care 83020
organization's application for certification in the health 83021
partnership program, and other information furnished to the bureau 83022
by a ~~vendor~~ managed care organization for purposes of obtaining 83023
certification or to comply with performance and financial auditing 83024
requirements established by the administrator, is for the 83025

exclusive use and information of the bureau in the discharge of 83026
its official duties, and shall not be open to the public or be 83027
used in any court in any proceeding pending therein, unless the 83028
bureau is a party to the action or proceeding, but the information 83029
may be tabulated and published by the bureau in statistical form 83030
for the use and information of other state departments and the 83031
public. No employee of the bureau, except as otherwise authorized 83032
by the administrator, shall divulge any information secured by the 83033
employee while in the employ of the bureau in respect to a 83034
~~vendor's~~ managed care organization's application for certification 83035
or in respect to the business or other trade processes of any 83036
~~vendor~~ managed care organization to any person other than the 83037
administrator or to the employee's superior. 83038

(2) Notwithstanding the restrictions imposed by division 83039
~~(D)~~(H)(1) of this section, the governor, members of select or 83040
standing committees of the senate or house of representatives, the 83041
auditor of state, the attorney general, or their designees, 83042
pursuant to the authority granted in this chapter and Chapter 83043
4123. of the Revised Code, may examine any ~~vendor~~ managed care 83044
organization application or other information furnished to the 83045
bureau by the ~~vendor~~ managed care organization. None of those 83046
individuals shall divulge any information secured in the exercise 83047
of that authority in respect to a ~~vendor's~~ managed care 83048
organization's application for certification or in respect to the 83049
business or other trade processes of any ~~vendor~~ managed care 83050
organization to any person. 83051

~~(E)~~(I) On and after January 1, 2001, a ~~vendor~~ managed care 83052
organization shall not be ~~any~~ an insurance company holding a 83053
certificate of authority issued pursuant to Title XXXIX of the 83054
Revised Code or ~~any~~ a health insuring corporation holding a 83055
certificate of authority under Chapter 1751. of the Revised Code. 83056

~~(F)~~(J) The administrator may limit freedom of choice of 83057

health care provider or supplier by requiring, beginning with the 83058
period set forth in division (B)(1) or (2) of this section, that 83059
claimants shall pay an appropriate out-of-plan copayment for 83060
selecting a medical provider not within the health partnership 83061
program as provided for in this section. 83062

~~(G)~~(K) The administrator, six months prior to the expiration 83063
of the bureau's certification or recertification of the ~~vendor or~~ 83064
~~vendors~~ managed care organizations as set forth in division (B)(1) 83065
or (2) of this section, may certify and provide evidence to the 83066
governor, the speaker of the house of representatives, and the 83067
president of the senate that the existing bureau staff is able to 83068
match or exceed the performance and outcomes of the ~~external~~ 83069
~~vendor or vendors~~ managed care organizations and that the bureau 83070
should be permitted to internally administer the health 83071
partnership program upon the expiration of the certification or 83072
recertification as set forth in division (B)(1) or (2) of this 83073
section. 83074

~~(H)~~(L) The administrator shall establish and operate a bureau 83075
of workers' compensation health care data program. The 83076
administrator shall develop reporting requirements from all 83077
employees, employers ~~and~~, medical providers, ~~medical vendors~~ 83078
managed care organizations, and plans that participate in the 83079
workers' compensation system. The administrator shall do all of 83080
the following: 83081

(1) Utilize the collected data to measure and perform 83082
comparison analyses of costs, quality, appropriateness of medical 83083
care, and effectiveness of medical care delivered by all 83084
components of the workers' compensation system. 83085

(2) Compile data to support activities of the selected ~~vendor~~ 83086
~~or vendors~~ managed care organizations and to measure the outcomes 83087
and savings of the health partnership program. 83088

(3) Publish and report compiled data on the measures of 83089
outcomes and savings of the health partnership program and submit 83090
the report to the president of the senate, the speaker of the 83091
house of representatives, and the governor with the annual report 83092
prepared under division (F)(3) of section 4121.12 of the Revised 83093
Code. The administrator shall protect the confidentiality of all 83094
proprietary pricing data. 83095

~~(I)~~(M) Any rehabilitation facility the bureau operates is 83096
eligible for inclusion in the Ohio workers' compensation qualified 83097
health plan system or the health partnership program under the 83098
same terms as other providers within health care plans or the 83099
program. 83100

~~(J)~~(N) In areas outside the state or within the state where 83101
no qualified health plan or an inadequate number of providers 83102
within the health partnership program exist, the administrator 83103
shall permit employees to use a nonplan or nonprogram health care 83104
provider and shall pay the provider for the services or supplies 83105
provided to or on behalf of an employee for an injury or 83106
occupational disease that is compensable under this chapter or 83107
Chapter 4123., 4127., or 4131. of the Revised Code on a fee 83108
schedule the administrator adopts. 83109

~~(K)~~(O) No health care provider, whether certified or not, 83110
shall charge, assess, or otherwise attempt to collect from an 83111
employee, employer, a managed care organization, or the bureau any 83112
amount for covered services or supplies that is in excess of the 83113
allowed amount paid by a managed care organization, the bureau, or 83114
a qualified health plan. 83115

~~(L)~~(P) The administrator shall permit any employer or group 83116
of employers who agree to abide by the rules adopted under this 83117
section and sections 4121.441 and 4121.442 of the Revised Code to 83118
provide services or supplies to or on behalf of an employee for an 83119
injury or occupational disease that is compensable under this 83120

chapter or Chapter 4123., 4127., or 4131. of the Revised Code 83121
through qualified health plans of the Ohio workers' compensation 83122
qualified health plan system pursuant to section 4121.442 of the 83123
Revised Code or through the health partnership program pursuant to 83124
section 4121.441 of the Revised Code. No amount paid under the 83125
qualified health plan system pursuant to section 4121.442 of the 83126
Revised Code by an employer who is a state fund employer shall be 83127
charged to the employer's experience or otherwise be used in 83128
merit-rating or determining the risk of that employer for the 83129
purpose of the payment of premiums under this chapter, and if the 83130
employer is a self-insuring employer, the employer shall not 83131
include that amount in the paid compensation the employer reports 83132
under section 4123.35 of the Revised Code. 83133

Sec. 4121.441. (A) The administrator of workers' 83134
compensation, with the advice and consent of the bureau of 83135
workers' compensation board of directors, shall adopt rules under 83136
Chapter 119. of the Revised Code for the health care partnership 83137
program administered by the bureau of workers' compensation to 83138
provide medical, surgical, nursing, drug, hospital, and 83139
rehabilitation services and supplies to an employee for an injury 83140
or occupational disease that is compensable under this chapter or 83141
Chapter 4123., 4127., or 4131. of the Revised Code, and to 83142
regulate contracts with managed care organizations pursuant to 83143
this chapter. 83144

(1) The rules shall include, but are not limited to, the 83145
following: 83146

~~(1)~~(a) Procedures for the resolution of medical disputes 83147
between an employer and an employee, an employee and a provider, 83148
or an employer and a provider, prior to an appeal under section 83149
4123.511 of the Revised Code. Rules the administrator adopts 83150
pursuant to division (A)(1)(a) of this section may specify that 83151

the resolution procedures shall not be used to resolve disputes 83152
concerning medical services rendered that have been approved 83153
through standard treatment guidelines, pathways, or presumptive 83154
authorization guidelines. 83155

~~(2)~~(b) Prohibitions against discrimination against any 83156
category of health care providers; 83157

~~(3)~~(c) Procedures for reporting injuries to employers and the 83158
bureau by providers; 83159

~~(4)~~(d) Appropriate financial incentives to reduce service 83160
cost and insure proper system utilization without sacrificing the 83161
quality of service; 83162

~~(5)~~(e) Adequate methods of peer review, utilization review, 83163
quality assurance, and dispute resolution to prevent, and provide 83164
sanctions for, inappropriate, excessive or not medically necessary 83165
treatment; 83166

~~(6)~~(f) A timely and accurate method of collection of 83167
necessary information regarding medical and health care service 83168
and supply costs, quality, and utilization to enable the 83169
administrator to determine the effectiveness of the program; 83170

~~(7)~~(g) Provisions for necessary emergency medical treatment 83171
for an injury or occupational disease provided by a health care 83172
provider who is not part of the program; 83173

~~(8)~~(h) Discounted pricing for all in-patient and out-patient 83174
medical services, all professional services, and all 83175
pharmaceutical services; 83176

~~(9)~~(i) Provisions for provider referrals, pre-admission and 83177
post-admission approvals, second surgical opinions, and other cost 83178
management techniques; 83179

~~(10)~~(j) Antifraud mechanisms; 83180

~~(11)~~(k) Standards and criteria for the bureau to utilize in 83181

certifying or recertifying a health care provider or a ~~vendor~~ 83182
managed care organization for participation in the health 83183
partnership program; 83184

~~(12)(1)~~ Standards ~~and criteria~~ for the bureau to utilize in 83185
penalizing or decertifying a health care provider ~~or a vendor~~ from 83186
participation in the health partnership program. 83187

(2) Notwithstanding section 119.061 of the Revised Code, the 83188
rules may include provisions limiting, restricting, or regulating 83189
any marketing or advertising by a managed care organization, or by 83190
any individual or entity that is affiliated with or acting on 83191
behalf of the managed care organization, under the health 83192
partnership program. 83193

(B) The administrator shall implement the health partnership 83194
program according to the rules the administrator adopts under this 83195
section for the provision and payment of medical, surgical, 83196
nursing, drug, hospital, and rehabilitation services and supplies 83197
to an employee for an injury or occupational disease that is 83198
compensable under this chapter or Chapter 4123., 4127., or 4131. 83199
of the Revised Code." 83200

Sec. 4121.50. Not later than July 1, 2012, the administrator 83201
of workers' compensation shall adopt rules in accordance with 83202
Chapter 119. of the Revised Code to implement a coordinated 83203
services program for claimants under this chapter or Chapter 83204
4123., 4127., or 4131. of the Revised Code who are found to have 83205
obtained prescription drugs that were reimbursed pursuant to an 83206
order of the administrator or of the industrial commission or by a 83207
self-insuring employer but were obtained at a frequency or in an 83208
amount that is not medically necessary. The program shall be 83209
implemented in a manner that is substantially similar to the 83210
coordinated services programs established for the medicaid program 83211
under ~~section 5111.085~~ sections 5164.758 and ~~5111.179~~ 5167.13 of 83212

the Revised Code. 83213

Sec. 4121.69. (A) The administrator of workers' compensation 83214
may establish compensation plans, including schedules of hourly 83215
rates, for the compensation of professional, administrative, and 83216
managerial employees who are employed to fulfill the duties placed 83217
upon the bureau of workers' compensation pursuant to sections 83218
4121.61 to 4121.69 of the Revised Code. The administrator may 83219
establish rules or policies for the administration of the 83220
respective compensation plans. 83221

This division does not apply to employees for whom the state 83222
employment relations board establishes appropriate bargaining 83223
units pursuant to section 4117.06 of the Revised Code. 83224

(B) The administrator may employ the services and resources 83225
of any public entity or private person, business, or association 83226
in fulfilling the duties placed upon the bureau of workers' 83227
compensation by sections 4121.61 to 4121.69 of the Revised Code. 83228
The ~~rehabilitation services commission~~ opportunities for Ohioans 83229
with disabilities agency, the director of job and family services, 83230
and any other public officer, employee, or agency shall give to 83231
the bureau of workers' compensation full cooperation and, at the 83232
request of the administrator, enter into a written agreement 83233
stating the procedures and criteria for referring, accepting, and 83234
providing services to claimants in the job placement and 83235
rehabilitation efforts of the bureau of workers' compensation on 83236
behalf of a claimant when referred by the bureau of workers' 83237
compensation. 83238

(C) In appropriate cases, the bureau may refer a candidate to 83239
the ~~rehabilitation services commission~~ opportunities for Ohioans 83240
with disabilities agency for participation in a program of the 83241
~~commission~~ agency. For that purpose, the bureau of workers' 83242
compensation shall compensate the ~~commission~~ agency for the 83243

nonfederal portion of its services. 83244

Sec. 4123.32. The administrator of workers' compensation, 83245
with the advice and consent of the bureau of workers' compensation 83246
board of directors, shall adopt rules with respect to the 83247
collection, maintenance, and disbursements of the state insurance 83248
fund including all of the following: 83249

(A) A rule providing that the premium security deposit 83250
collected from any employer entitles the employer to the benefits 83251
of this chapter for the remainder of the six months and also for 83252
an additional adjustment period of two months, and, thereafter, if 83253
the employer pays the premium due at the close of any six-month 83254
period, coverage shall be extended for an additional eight-month 83255
period beginning from the end of the six-month period for which 83256
the employer pays the premium due; 83257

(B) A rule providing for ascertaining the correctness of any 83258
employer's report of estimated or actual expenditure of wages and 83259
the determination and adjustment of proper premiums and the 83260
payment of those premiums by the employer for or during any period 83261
less than eight months and notwithstanding any payment or 83262
determination of premium made when exceptional conditions or 83263
circumstances in the judgment of the administrator justify the 83264
action; 83265

(C) Such special rules as the administrator considers 83266
necessary to safeguard the fund and that are just in the 83267
circumstances, covering the rates to be applied where one employer 83268
takes over the occupation or industry of another or where an 83269
employer first makes application for state insurance, and the 83270
administrator may require that if any employer transfers a 83271
business in whole or in part or otherwise reorganizes the 83272
business, the successor in interest shall assume, in proportion to 83273
the extent of the transfer, as determined by the administrator, 83274

the employer's account and shall continue the payment of all 83275
contributions due under this chapter; 83276

(D) A rule providing that an employer who employs an employee 83277
covered under the federal "Longshore and Harbor Workers'
Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et seq., and this 83278
chapter and Chapter 4121. of the Revised Code shall be assessed a 83279
premium in accordance with the expenditure of wages, payroll, or 83280
both attributable to only labor performed and services provided by 83281
such an employee when the employee performs labor and provides 83282
services for which the employee is not eligible to receive 83283
compensation and benefits under that federal act. 83284
83285

(E) A rule providing for all of the following: 83286

(1) If, within two months immediately after the expiration of 83287
the six-month period, an employer fails to file a report of the 83288
employer's actual payroll expenditures for the period, the premium 83289
found to be due from the employer for the period shall be 83290
increased in an amount equal to one per cent of the premium, but 83291
the increase shall not be less than three nor more than fifteen 83292
dollars; 83293

(2) The premium determined by the administrator to be due 83294
from an employer shall be payable on or before the end of the 83295
coverage period established by the premium security deposit, or 83296
within the time specified by the administrator if the period for 83297
which the advance premium has been paid is less than eight months. 83298
If an employer fails to pay the premium when due, the 83299
administrator may add a late fee penalty of not more than thirty 83300
dollars to the premium plus an additional penalty amount as 83301
follows: 83302

(a) For a premium from sixty-one to ninety days past due, the 83303
prime interest rate, multiplied by the premium due; 83304

(b) For a premium from ninety-one to one hundred twenty days 83305

past due, the prime interest rate plus two per cent, multiplied by 83306
the premium due; 83307

(c) For a premium from one hundred twenty-one to one hundred 83308
fifty days past due, the prime interest rate plus four per cent, 83309
multiplied by the premium due; 83310

(d) For a premium from one hundred fifty-one to one hundred 83311
eighty days past due, the prime interest rate plus six per cent, 83312
multiplied by the premium due; 83313

(e) For a premium from one hundred eighty-one to two hundred 83314
ten days past due, the prime interest rate plus eight per cent, 83315
multiplied by the premium due; 83316

(f) For each additional thirty-day period or portion thereof 83317
that a premium remains past due after it has remained past due for 83318
more than two hundred ten days, the prime interest rate plus eight 83319
per cent, multiplied by the premium due. 83320

(3) Notwithstanding the interest rates specified in division 83321
(E)(2) of this section, at no time shall the additional penalty 83322
amount assessed under division (E)(2) of this section exceed 83323
fifteen per cent of the premium due. 83324

(4) An employer may appeal a late fee penalty or additional 83325
penalty to an adjudicating committee pursuant to section 4123.291 83326
of the Revised Code. 83327

For purposes of division (E) of this section, "prime interest 83328
rate" means the average bank prime rate, and the administrator 83329
shall determine the prime interest rate in the same manner as a 83330
county auditor determines the average bank prime rate under 83331
section 929.02 of the Revised Code. 83332

(5) If the employer files an appropriate payroll report, 83333
within the time provided by law or within the time specified by 83334
the administrator if the period for which the employer paid an 83335

estimated premium is less than eight months, the employer shall 83336
not be in default and division (E)(2) of this section shall not 83337
apply if the employer pays the premiums within fifteen days after 83338
being first notified by the administrator of the amount due. 83339

(6) Any deficiencies in the amounts of the premium security 83340
deposit paid by an employer for any period shall be subject to an 83341
interest charge of six per cent per annum from the date the 83342
premium obligation is incurred. In determining the interest due on 83343
deficiencies in premium security deposit payments, a charge in 83344
each case shall be made against the employer in an amount equal to 83345
interest at the rate of six per cent per annum on the premium 83346
security deposit due but remaining unpaid sixty days after notice 83347
by the administrator. 83348

(7) Any interest charges or penalties provided for in 83349
divisions (E)(2) and (6) of this section shall be credited to the 83350
employer's account for rating purposes in the same manner as 83351
premiums. 83352

(F) A rule providing that each employer, on the occasion of 83353
instituting coverage under this chapter, shall submit a premium 83354
security deposit. The deposit shall be calculated equivalent to 83355
thirty per cent of the semiannual premium obligation of the 83356
employer based upon the employer's estimated expenditure for wages 83357
for the ensuing six-month period plus thirty per cent of an 83358
additional adjustment period of two months but only up to a 83359
maximum of one thousand dollars and not less than ten dollars. The 83360
administrator shall review the security deposit of every employer 83361
who has submitted a deposit which is less than the 83362
one-thousand-dollar maximum. The administrator may require any 83363
such employer to submit additional money up to the maximum of one 83364
thousand dollars that, in the administrator's opinion, reflects 83365
the employer's current payroll expenditure for an eight-month 83366
period. 83367

(G) A rule providing that each employer, on the occasion of instituting coverage under this chapter, shall submit an application for coverage that completely provides all of the information required for the administrator to establish coverage for that employer, and that the employer's failure to provide all of the information completely may be grounds for the administrator to deny coverage for that employer.

(H) A rule providing that, in addition to any other remedies permitted in this chapter, the administrator may discontinue an employer's coverage if the employer fails to pay the premium due on or before the premium's due date.

(I) A rule providing that if after a final adjudication it is determined that an employer has failed to pay an obligation, billing, account, or assessment that is greater than one thousand dollars on or before its due date, the administrator may discontinue the employer's coverage in addition to any other remedies permitted in this chapter, and that the administrator shall not discontinue an employer's coverage pursuant to this division prior to a final adjudication regarding the employer's failure to pay such obligation, billing, account, or assessment on or before its due date.

(J) As used in divisions (H) and (I) of this section:

(1) "Employer" has the same meaning as in division (B) of section 4123.01 of the Revised Code except that "employer" does not include the state, a state hospital, or a state university or college.

(2) "State university or college" has the same meaning as in section 3345.12 of the Revised Code and also includes the Ohio agricultural research and development center and ~~the Ohio state university cooperative~~ OSU extension service.

(3) "State hospital" means the Ohio state university hospital

and its ancillary facilities and the medical university of Ohio at 83399
Toledo hospital. 83400

Sec. 4123.322. (A) Notwithstanding any provision to the 83401
contrary in section 4123.32 or 4123.41 of the Revised Code, the 83402
administrator of workers' compensation, with the advice and 83403
consent of the bureau of workers' compensation board of directors, 83404
may adopt rules with respect to the collection, maintenance, and 83405
disbursements of the state insurance fund to provide for a system 83406
of prospective payment of workers' compensation premiums. If the 83407
administrator elects to adopt rules establishing a prospective 83408
payment system, those rules shall include all of the following: 83409

(1) A requirement that, notwithstanding section 4123.26 of 83410
the Revised Code, on or before the thirtieth day of June of each 83411
year, or such other date as the administrator establishes, every 83412
employer mentioned in division (B)(2) of section 4123.01 of the 83413
Revised Code shall file with the bureau of workers' compensation 83414
an estimate of the employer's payroll for the immediately 83415
following twelve-month period or other period as the administrator 83416
establishes; 83417

(2) A requirement that upon an initial application for 83418
coverage, an employer mentioned in division (B)(2) of section 83419
4123.01 of the Revised Code shall file with the application an 83420
estimate of the employer's payroll for the unexpired period from 83421
the date of application to the period ending on the following 83422
thirtieth day of June or other date as established by the 83423
administrator pursuant to division (A)(1) of this section, and 83424
shall pay the amount the administrator determines by rule in order 83425
to establish coverage for the employer as described in division 83426
(B)(12) of section 4121.121 of the Revised Code; 83427

(3) A requirement that, notwithstanding section 4123.26 or 83428
4123.41 of the Revised Code, on or before the first day of January 83429

of each year, or such other date as the administrator establishes, 83430
every employer mentioned in division (B)(1) of section 4123.01 of 83431
the Revised Code, except for a state agency or a state university 83432
or college, shall file with the bureau an estimate of the 83433
employer's payroll for the immediately following twelve-month 83434
period or other period as the administrator establishes; 83435

(4) A requirement that upon an initial application for 83436
coverage, an employer mentioned in division (B)(1) of section 83437
4123.01 of the Revised Code, except for a state agency or state 83438
university or college, shall file with the application an estimate 83439
of the employer's payroll for the unexpired period from the date 83440
of application to the period ending on the following thirty-first 83441
day of December or other date as established by the administrator 83442
pursuant to division (A)(3) of this section, and shall pay the 83443
amount the administrator determines by rule in order to establish 83444
coverage for the employer as described in division (B)(12) of 83445
section 4121.121 of the Revised Code; 83446

(5) The assessment of a penalty if an employer fails to 83447
timely file the estimates of payroll required by the rules adopted 83448
pursuant to this section; 83449

(6) A requirement that an employer complete periodic payroll 83450
reports of actual expenditures for previous coverage periods for 83451
reconciliation with estimated payroll reports; 83452

(7) The assessment of a penalty for late payroll 83453
reconciliation reports and for late payment of any reconciliation 83454
premium; 83455

(8) The establishment of a transition period during which 83456
time the bureau shall determine the adequacy of existing premium 83457
security deposits of employers, the establishment of provisions 83458
for additional premium payments during that transition, the 83459
provision of a credit of those deposits toward the first premium 83460

due from an employer under the rules adopted under divisions 83461
(A)(1) to (7) of this section, and the establishment of penalties 83462
for late payment or failure to comply with the rules. 83463

(B) For purposes of division (A)(6) of this section, an 83464
employer shall make timely payment of any premium owed when actual 83465
payroll expenditures exceeded estimated payroll, and the employer 83466
shall receive premium credit when the estimated payroll exceeded 83467
the actual payroll. 83468

(C) For purposes of division (A)(7) of this section, if the 83469
employer's actual payroll substantially exceeds the estimated 83470
payroll, the administrator may assess additional penalties 83471
specified in rules the administrator adopts on the reconciliation 83472
premium. 83473

(D) As used in this section, "state university or college" 83474
has the same meaning as in section 4123.32 of the Revised Code. 83475

Sec. 4123.35. (A) Except as provided in this section, every 83476
employer mentioned in division (B)(2) of section 4123.01 of the 83477
Revised Code, and every publicly owned utility shall pay 83478
semiannually in the months of January and July into the state 83479
insurance fund the amount of annual premium the administrator of 83480
workers' compensation fixes for the employment or occupation of 83481
the employer, the amount of which premium to be paid by each 83482
employer to be determined by the classifications, rules, and rates 83483
made and published by the administrator. The employer shall pay 83484
semiannually a further sum of money into the state insurance fund 83485
as may be ascertained to be due from the employer by applying the 83486
rules of the administrator, and a receipt or certificate 83487
certifying that payment has been made, along with a written notice 83488
as is required in section 4123.54 of the Revised Code, shall be 83489
mailed immediately to the employer by the bureau of workers' 83490
compensation. The receipt or certificate is prima-facie evidence 83491

of the payment of the premium, and the proper posting of the 83492
notice constitutes the employer's compliance with the notice 83493
requirement mandated in section 4123.54 of the Revised Code. 83494

If the administrator adopts rules to establish a prospective 83495
payment of premium under section 4123.322 of the Revised Code, 83496
every employer mentioned in division (B)(2) of section 4123.01 of 83497
the Revised Code and every publicly owned utility shall pay into 83498
the state insurance fund the amount of premium the administrator 83499
fixes for the employment or occupation of the employer, the amount 83500
of which premium to be paid by each employer to be determined by 83501
the classifications, rules, and rates made and published by the 83502
administrator and based upon the estimates and reconciliations 83503
required by the rules the administrator adopts under section 83504
4123.322 of the Revised Code. 83505

The bureau of workers' compensation shall verify with the 83506
secretary of state the existence of all corporations and 83507
organizations making application for workers' compensation 83508
coverage and shall require every such application to include the 83509
employer's federal identification number. 83510

An employer as defined in division (B)(2) of section 4123.01 83511
of the Revised Code who has contracted with a subcontractor is 83512
liable for the unpaid premium due from any subcontractor with 83513
respect to that part of the payroll of the subcontractor that is 83514
for work performed pursuant to the contract with the employer. 83515

Division (A) of this section providing for the payment of 83516
premiums semiannually does not apply to any employer who was a 83517
subscriber to the state insurance fund prior to January 1, 1914, 83518
or who may first become a subscriber to the fund in any month 83519
other than January or July. Instead, the semiannual premiums shall 83520
be paid by those employers from time to time upon the expiration 83521
of the respective periods for which payments into the fund have 83522
been made by them. 83523

The administrator shall adopt rules to permit employers to 83524
make periodic payments of the semiannual premium due under this 83525
division. The rules shall include provisions for the assessment of 83526
interest charges, where appropriate, and for the assessment of 83527
penalties when an employer fails to make timely premium payments. 83528
An employer who timely pays the amounts due under this division is 83529
entitled to all of the benefits and protections of this chapter. 83530
Upon receipt of payment, the bureau immediately shall mail a 83531
receipt or certificate to the employer certifying that payment has 83532
been made, which receipt is prima-facie evidence of payment. 83533
Workers' compensation coverage under this chapter continues 83534
uninterrupted upon timely receipt of payment under this division. 83535

Every public employer, except public employers that are 83536
self-insuring employers under this section, shall comply with 83537
sections 4123.38 to 4123.41, and 4123.48 of the Revised Code in 83538
regard to the contribution of moneys to the public insurance fund. 83539

(B) Employers who will abide by the rules of the 83540
administrator and who may be of sufficient financial ability to 83541
render certain the payment of compensation to injured employees or 83542
the dependents of killed employees, and the furnishing of medical, 83543
surgical, nursing, and hospital attention and services and 83544
medicines, and funeral expenses, equal to or greater than is 83545
provided for in sections 4123.52, 4123.55 to 4123.62, and 4123.64 83546
to 4123.67 of the Revised Code, and who do not desire to insure 83547
the payment thereof or indemnify themselves against loss sustained 83548
by the direct payment thereof, upon a finding of such facts by the 83549
administrator, may be granted the privilege to pay individually 83550
compensation, and furnish medical, surgical, nursing, and hospital 83551
services and attention and funeral expenses directly to injured 83552
employees or the dependents of killed employees, thereby being 83553
granted status as a self-insuring employer. The administrator may 83554
charge employers who apply for the status as a self-insuring 83555

employer a reasonable application fee to cover the bureau's costs 83556
in connection with processing and making a determination with 83557
respect to an application. 83558

All employers granted status as self-insuring employers shall 83559
demonstrate sufficient financial and administrative ability to 83560
assure that all obligations under this section are promptly met. 83561
The administrator shall deny the privilege where the employer is 83562
unable to demonstrate the employer's ability to promptly meet all 83563
the obligations imposed on the employer by this section. 83564

(1) The administrator shall consider, but is not limited to, 83565
the following factors, where applicable, in determining the 83566
employer's ability to meet all of the obligations imposed on the 83567
employer by this section: 83568

(a) The employer employs a minimum of five hundred employees 83569
in this state; 83570

(b) The employer has operated in this state for a minimum of 83571
two years, provided that an employer who has purchased, acquired, 83572
or otherwise succeeded to the operation of a business, or any part 83573
thereof, situated in this state that has operated for at least two 83574
years in this state, also shall qualify; 83575

(c) Where the employer previously contributed to the state 83576
insurance fund or is a successor employer as defined by bureau 83577
rules, the amount of the buyout, as defined by bureau rules; 83578

(d) The sufficiency of the employer's assets located in this 83579
state to insure the employer's solvency in paying compensation 83580
directly; 83581

(e) The financial records, documents, and data, certified by 83582
a certified public accountant, necessary to provide the employer's 83583
full financial disclosure. The records, documents, and data 83584
include, but are not limited to, balance sheets and profit and 83585
loss history for the current year and previous four years. 83586

(f) The employer's organizational plan for the administration of the workers' compensation law; 83587
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(g) The employer's proposed plan to inform employees of the change from a state fund insurer to a self-insuring employer, the procedures the employer will follow as a self-insuring employer, and the employees' rights to compensation and benefits; and 83589
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(h) The employer has either an account in a financial institution in this state, or if the employer maintains an account with a financial institution outside this state, ensures that workers' compensation checks are drawn from the same account as payroll checks or the employer clearly indicates that payment will be honored by a financial institution in this state. 83593
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The administrator may waive the requirements of divisions (B)(1)(a) and (b) of this section and the requirement of division (B)(1)(e) of this section that the financial records, documents, and data be certified by a certified public accountant. The administrator shall adopt rules establishing the criteria that an employer shall meet in order for the administrator to waive the ~~requirement~~ requirements of division divisions (B)(1)(a), (b), and (e) of this section. Such rules may require additional security of that employer pursuant to division (E) of section 4123.351 of the Revised Code. 83599
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The administrator shall not grant the status of self-insuring employer to the state, except that the administrator may grant the status of self-insuring employer to a state institution of higher education, including its hospitals, that meets the requirements of division (B)(2) of this section. 83609
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(2) When considering the application of a public employer, except for a board of county commissioners described in division (G) of section 4123.01 of the Revised Code, a board of a county hospital, or a publicly owned utility, the administrator shall 83614
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verify that the public employer satisfies all of the following 83618
requirements as the requirements apply to that public employer: 83619

(a) For the two-year period preceding application under this 83620
section, the public employer has maintained an unvoted debt 83621
capacity equal to at least two times the amount of the current 83622
annual premium established by the administrator under this chapter 83623
for that public employer for the year immediately preceding the 83624
year in which the public employer makes application under this 83625
section. 83626

(b) For each of the two fiscal years preceding application 83627
under this section, the unreserved and undesignated year-end fund 83628
balance in the public employer's general fund is equal to at least 83629
five per cent of the public employer's general fund revenues for 83630
the fiscal year computed in accordance with generally accepted 83631
accounting principles. 83632

(c) For the five-year period preceding application under this 83633
section, the public employer, to the extent applicable, has 83634
complied fully with the continuing disclosure requirements 83635
established in rules adopted by the United States securities and 83636
exchange commission under 17 C.F.R. 240.15c 2-12. 83637

(d) For the five-year period preceding application under this 83638
section, the public employer has not had its local government fund 83639
distribution withheld on account of the public employer being 83640
indebted or otherwise obligated to the state. 83641

(e) For the five-year period preceding application under this 83642
section, the public employer has not been under a fiscal watch or 83643
fiscal emergency pursuant to section 118.023, 118.04, or 3316.03 83644
of the Revised Code. 83645

(f) For the public employer's fiscal year preceding 83646
application under this section, the public employer has obtained 83647
an annual financial audit as required under section 117.10 of the 83648

Revised Code, which has been released by the auditor of state 83649
within seven months after the end of the public employer's fiscal 83650
year. 83651

(g) On the date of application, the public employer holds a 83652
debt rating of Aa3 or higher according to Moody's investors 83653
service, inc., or a comparable rating by an independent rating 83654
agency similar to Moody's investors service, inc. 83655

(h) The public employer agrees to generate an annual 83656
accumulating book reserve in its financial statements reflecting 83657
an actuarially generated reserve adequate to pay projected claims 83658
under this chapter for the applicable period of time, as 83659
determined by the administrator. 83660

(i) For a public employer that is a hospital, the public 83661
employer shall submit audited financial statements showing the 83662
hospital's overall liquidity characteristics, and the 83663
administrator shall determine, on an individual basis, whether the 83664
public employer satisfies liquidity standards equivalent to the 83665
liquidity standards of other public employers. 83666

(j) Any additional criteria that the administrator adopts by 83667
rule pursuant to division (E) of this section. 83668

The administrator may adopt rules establishing the criteria 83669
that a public employer shall satisfy in order for the 83670
administrator to waive any of the requirements listed in divisions 83671
(B)(2)(a) to (j) of this section. The rules may require additional 83672
security from that employer pursuant to division (E) of section 83673
4123.351 of the Revised Code. The administrator shall not waive 83674
any of the requirements listed in divisions (B)(2)(a) to (j) of 83675
this section for a public employer who does not satisfy the 83676
criteria established in the rules the administrator adopts. 83677

(C) A board of county commissioners described in division (G) 83678
of section 4123.01 of the Revised Code, as an employer, that will 83679

abide by the rules of the administrator and that may be of 83680
sufficient financial ability to render certain the payment of 83681
compensation to injured employees or the dependents of killed 83682
employees, and the furnishing of medical, surgical, nursing, and 83683
hospital attention and services and medicines, and funeral 83684
expenses, equal to or greater than is provided for in sections 83685
4123.52, 4123.55 to 4123.62, and 4123.64 to 4123.67 of the Revised 83686
Code, and that does not desire to insure the payment thereof or 83687
indemnify itself against loss sustained by the direct payment 83688
thereof, upon a finding of such facts by the administrator, may be 83689
granted the privilege to pay individually compensation, and 83690
furnish medical, surgical, nursing, and hospital services and 83691
attention and funeral expenses directly to injured employees or 83692
the dependents of killed employees, thereby being granted status 83693
as a self-insuring employer. The administrator may charge a board 83694
of county commissioners described in division (G) of section 83695
4123.01 of the Revised Code that applies for the status as a 83696
self-insuring employer a reasonable application fee to cover the 83697
bureau's costs in connection with processing and making a 83698
determination with respect to an application. All employers 83699
granted such status shall demonstrate sufficient financial and 83700
administrative ability to assure that all obligations under this 83701
section are promptly met. The administrator shall deny the 83702
privilege where the employer is unable to demonstrate the 83703
employer's ability to promptly meet all the obligations imposed on 83704
the employer by this section. The administrator shall consider, 83705
but is not limited to, the following factors, where applicable, in 83706
determining the employer's ability to meet all of the obligations 83707
imposed on the board as an employer by this section: 83708

(1) The board as an employer employs a minimum of five 83709
hundred employees in this state; 83710

(2) The board has operated in this state for a minimum of two 83711

years; 83712

(3) Where the board previously contributed to the state 83713
insurance fund or is a successor employer as defined by bureau 83714
rules, the amount of the buyout, as defined by bureau rules; 83715

(4) The sufficiency of the board's assets located in this 83716
state to insure the board's solvency in paying compensation 83717
directly; 83718

(5) The financial records, documents, and data, certified by 83719
a certified public accountant, necessary to provide the board's 83720
full financial disclosure. The records, documents, and data 83721
include, but are not limited to, balance sheets and profit and 83722
loss history for the current year and previous four years. 83723

(6) The board's organizational plan for the administration of 83724
the workers' compensation law; 83725

(7) The board's proposed plan to inform employees of the 83726
proposed self-insurance, the procedures the board will follow as a 83727
self-insuring employer, and the employees' rights to compensation 83728
and benefits; 83729

(8) The board has either an account in a financial 83730
institution in this state, or if the board maintains an account 83731
with a financial institution outside this state, ensures that 83732
workers' compensation checks are drawn from the same account as 83733
payroll checks or the board clearly indicates that payment will be 83734
honored by a financial institution in this state; 83735

(9) The board shall provide the administrator a surety bond 83736
in an amount equal to one hundred twenty-five per cent of the 83737
projected losses as determined by the administrator. 83738

(D) The administrator shall require a surety bond from all 83739
self-insuring employers, issued pursuant to section 4123.351 of 83740
the Revised Code, that is sufficient to compel, or secure to 83741

injured employees, or to the dependents of employees killed, the 83742
payment of compensation and expenses, which shall in no event be 83743
less than that paid or furnished out of the state insurance fund 83744
in similar cases to injured employees or to dependents of killed 83745
employees whose employers contribute to the fund, except when an 83746
employee of the employer, who has suffered the loss of a hand, 83747
arm, foot, leg, or eye prior to the injury for which compensation 83748
is to be paid, and thereafter suffers the loss of any other of the 83749
members as the result of any injury sustained in the course of and 83750
arising out of the employee's employment, the compensation to be 83751
paid by the self-insuring employer is limited to the disability 83752
suffered in the subsequent injury, additional compensation, if 83753
any, to be paid by the bureau out of the surplus created by 83754
section 4123.34 of the Revised Code. 83755

(E) In addition to the requirements of this section, the 83756
administrator shall make and publish rules governing the manner of 83757
making application and the nature and extent of the proof required 83758
to justify a finding of fact by the administrator as to granting 83759
the status of a self-insuring employer, which rules shall be 83760
general in their application, one of which rules shall provide 83761
that all self-insuring employers shall pay into the state 83762
insurance fund such amounts as are required to be credited to the 83763
surplus fund in division (B) of section 4123.34 of the Revised 83764
Code. The administrator may adopt rules establishing requirements 83765
in addition to the requirements described in division (B)(2) of 83766
this section that a public employer shall meet in order to qualify 83767
for self-insuring status. 83768

Employers shall secure directly from the bureau central 83769
offices application forms upon which the bureau shall stamp a 83770
designating number. Prior to submission of an application, an 83771
employer shall make available to the bureau, and the bureau shall 83772
review, the information described in division (B)(1) of this 83773

section, and public employers shall make available, and the bureau 83774
shall review, the information necessary to verify whether the 83775
public employer meets the requirements listed in division (B)(2) 83776
of this section. An employer shall file the completed application 83777
forms with an application fee, which shall cover the costs of 83778
processing the application, as established by the administrator, 83779
by rule, with the bureau at least ninety days prior to the 83780
effective date of the employer's new status as a self-insuring 83781
employer. The application form is not deemed complete until all 83782
the required information is attached thereto. The bureau shall 83783
only accept applications that contain the required information. 83784

(F) The bureau shall review completed applications within a 83785
reasonable time. If the bureau determines to grant an employer the 83786
status as a self-insuring employer, the bureau shall issue a 83787
statement, containing its findings of fact, that is prepared by 83788
the bureau and signed by the administrator. If the bureau 83789
determines not to grant the status as a self-insuring employer, 83790
the bureau shall notify the employer of the determination and 83791
require the employer to continue to pay its full premium into the 83792
state insurance fund. The administrator also shall adopt rules 83793
establishing a minimum level of performance as a criterion for 83794
granting and maintaining the status as a self-insuring employer 83795
and fixing time limits beyond which failure of the self-insuring 83796
employer to provide for the necessary medical examinations and 83797
evaluations may not delay a decision on a claim. 83798

(G) The administrator shall adopt rules setting forth 83799
procedures for auditing the program of self-insuring employers. 83800
The bureau shall conduct the audit upon a random basis or whenever 83801
the bureau has grounds for believing that a self-insuring employer 83802
is not in full compliance with bureau rules or this chapter. 83803

The administrator shall monitor the programs conducted by 83804
self-insuring employers, to ensure compliance with bureau 83805

requirements and for that purpose, shall develop and issue to 83806
self-insuring employers standardized forms for use by the 83807
self-insuring employer in all aspects of the self-insuring 83808
employers' direct compensation program and for reporting of 83809
information to the bureau. 83810

The bureau shall receive and transmit to the self-insuring 83811
employer all complaints concerning any self-insuring employer. In 83812
the case of a complaint against a self-insuring employer, the 83813
administrator shall handle the complaint through the 83814
self-insurance division of the bureau. The bureau shall maintain a 83815
file by employer of all complaints received that relate to the 83816
employer. The bureau shall evaluate each complaint and take 83817
appropriate action. 83818

The administrator shall adopt as a rule a prohibition against 83819
any self-insuring employer from harassing, dismissing, or 83820
otherwise disciplining any employee making a complaint, which rule 83821
shall provide for a financial penalty to be levied by the 83822
administrator payable by the offending self-insuring employer. 83823

(H) For the purpose of making determinations as to whether to 83824
grant status as a self-insuring employer, the administrator may 83825
subscribe to and pay for a credit reporting service that offers 83826
financial and other business information about individual 83827
employers. The costs in connection with the bureau's subscription 83828
or individual reports from the service about an applicant may be 83829
included in the application fee charged employers under this 83830
section. 83831

(I) The administrator, notwithstanding other provisions of 83832
this chapter, may permit a self-insuring employer to resume 83833
payment of premiums to the state insurance fund with appropriate 83834
credit modifications to the employer's basic premium rate as such 83835
rate is determined pursuant to section 4123.29 of the Revised 83836
Code. 83837

(J) On the first day of July of each year, the administrator shall calculate separately each self-insuring employer's assessments for the safety and hygiene fund, administrative costs pursuant to section 4123.342 of the Revised Code, and for the portion of the surplus fund under division (B) of section 4123.34 of the Revised Code that is not used for handicapped reimbursement, on the basis of the paid compensation attributable to the individual self-insuring employer according to the following calculation:

(1) The total assessment against all self-insuring employers as a class for each fund and for the administrative costs for the year that the assessment is being made, as determined by the administrator, divided by the total amount of paid compensation for the previous calendar year attributable to all amenable self-insuring employers;

(2) Multiply the quotient in division (J)(1) of this section by the total amount of paid compensation for the previous calendar year that is attributable to the individual self-insuring employer for whom the assessment is being determined. Each self-insuring employer shall pay the assessment that results from this calculation, unless the assessment resulting from this calculation falls below a minimum assessment, which minimum assessment the administrator shall determine on the first day of July of each year with the advice and consent of the bureau of workers' compensation board of directors, in which event, the self-insuring employer shall pay the minimum assessment.

In determining the total amount due for the total assessment against all self-insuring employers as a class for each fund and the administrative assessment, the administrator shall reduce proportionately the total for each fund and assessment by the amount of money in the self-insurance assessment fund as of the date of the computation of the assessment.

The administrator shall calculate the assessment for the 83870
portion of the surplus fund under division (B) of section 4123.34 83871
of the Revised Code that is used for handicapped reimbursement in 83872
the same manner as set forth in divisions (J)(1) and (2) of this 83873
section except that the administrator shall calculate the total 83874
assessment for this portion of the surplus fund only on the basis 83875
of those self-insuring employers that retain participation in the 83876
handicapped reimbursement program and the individual self-insuring 83877
employer's proportion of paid compensation shall be calculated 83878
only for those self-insuring employers who retain participation in 83879
the handicapped reimbursement program. The administrator, as the 83880
administrator determines appropriate, may determine the total 83881
assessment for the handicapped portion of the surplus fund in 83882
accordance with sound actuarial principles. 83883

The administrator shall calculate the assessment for the 83884
portion of the surplus fund under division (B) of section 4123.34 83885
of the Revised Code that under division (D) of section 4121.66 of 83886
the Revised Code is used for rehabilitation costs in the same 83887
manner as set forth in divisions (J)(1) and (2) of this section, 83888
except that the administrator shall calculate the total assessment 83889
for this portion of the surplus fund only on the basis of those 83890
self-insuring employers who have not made the election to make 83891
payments directly under division (D) of section 4121.66 of the 83892
Revised Code and an individual self-insuring employer's proportion 83893
of paid compensation only for those self-insuring employers who 83894
have not made that election. 83895

The administrator shall calculate the assessment for the 83896
portion of the surplus fund under division (B) of section 4123.34 83897
of the Revised Code that is used for reimbursement to a 83898
self-insuring employer under division (H) of section 4123.512 of 83899
the Revised Code in the same manner as set forth in divisions 83900
(J)(1) and (2) of this section except that the administrator shall 83901

calculate the total assessment for this portion of the surplus 83902
fund only on the basis of those self-insuring employers that 83903
retain participation in reimbursement to the self-insuring 83904
employer under division (H) of section 4123.512 of the Revised 83905
Code and the individual self-insuring employer's proportion of 83906
paid compensation shall be calculated only for those self-insuring 83907
employers who retain participation in reimbursement to the 83908
self-insuring employer under division (H) of section 4123.512 of 83909
the Revised Code. 83910

An employer who no longer is a self-insuring employer in this 83911
state or who no longer is operating in this state, shall continue 83912
to pay assessments for administrative costs and for the portion of 83913
the surplus fund under division (B) of section 4123.34 of the 83914
Revised Code that is not used for handicapped reimbursement, based 83915
upon paid compensation attributable to claims that occurred while 83916
the employer was a self-insuring employer within this state. 83917

(K) There is hereby created in the state treasury the 83918
self-insurance assessment fund. All investment earnings of the 83919
fund shall be deposited in the fund. The administrator shall use 83920
the money in the self-insurance assessment fund only for 83921
administrative costs as specified in section 4123.341 of the 83922
Revised Code. 83923

(L) Every self-insuring employer shall certify, in affidavit 83924
form subject to the penalty for perjury, to the bureau the amount 83925
of the self-insuring employer's paid compensation for the previous 83926
calendar year. In reporting paid compensation paid for the 83927
previous year, a self-insuring employer shall exclude from the 83928
total amount of paid compensation any reimbursement the 83929
self-insuring employer receives in the previous calendar year from 83930
the surplus fund pursuant to section 4123.512 of the Revised Code 83931
for any paid compensation. The self-insuring employer also shall 83932
exclude from the paid compensation reported any amount recovered 83933

under section 4123.931 of the Revised Code and any amount that is 83934
determined not to have been payable to or on behalf of a claimant 83935
in any final administrative or judicial proceeding. The 83936
self-insuring employer shall exclude such amounts from the paid 83937
compensation reported in the reporting period subsequent to the 83938
date the determination is made. The administrator shall adopt 83939
rules, in accordance with Chapter 119. of the Revised Code, that 83940
provide for all of the following: 83941

(1) Establishing the date by which self-insuring employers 83942
must submit such information and the amount of the assessments 83943
provided for in division (J) of this section for employers who 83944
have been granted self-insuring status within the last calendar 83945
year; 83946

(2) If an employer fails to pay the assessment when due, the 83947
administrator may add a late fee penalty of not more than five 83948
hundred dollars to the assessment plus an additional penalty 83949
amount as follows: 83950

(a) For an assessment from sixty-one to ninety days past due, 83951
the prime interest rate, multiplied by the assessment due; 83952

(b) For an assessment from ninety-one to one hundred twenty 83953
days past due, the prime interest rate plus two per cent, 83954
multiplied by the assessment due; 83955

(c) For an assessment from one hundred twenty-one to one 83956
hundred fifty days past due, the prime interest rate plus four per 83957
cent, multiplied by the assessment due; 83958

(d) For an assessment from one hundred fifty-one to one 83959
hundred eighty days past due, the prime interest rate plus six per 83960
cent, multiplied by the assessment due; 83961

(e) For an assessment from one hundred eighty-one to two 83962
hundred ten days past due, the prime interest rate plus eight per 83963
cent, multiplied by the assessment due; 83964

(f) For each additional thirty-day period or portion thereof 83965
that an assessment remains past due after it has remained past due 83966
for more than two hundred ten days, the prime interest rate plus 83967
eight per cent, multiplied by the assessment due. 83968

(3) An employer may appeal a late fee penalty and penalty 83969
assessment to the administrator. 83970

For purposes of division (L)(2) of this section, "prime 83971
interest rate" means the average bank prime rate, and the 83972
administrator shall determine the prime interest rate in the same 83973
manner as a county auditor determines the average bank prime rate 83974
under section 929.02 of the Revised Code. 83975

The administrator shall include any assessment and penalties 83976
that remain unpaid for previous assessment periods in the 83977
calculation and collection of any assessments due under this 83978
division or division (J) of this section. 83979

(M) As used in this section, "paid compensation" means all 83980
amounts paid by a self-insuring employer for living maintenance 83981
benefits, all amounts for compensation paid pursuant to sections 83982
4121.63, 4121.67, 4123.56, 4123.57, 4123.58, 4123.59, 4123.60, and 83983
4123.64 of the Revised Code, all amounts paid as wages in lieu of 83984
such compensation, all amounts paid in lieu of such compensation 83985
under a nonoccupational accident and sickness program fully funded 83986
by the self-insuring employer, and all amounts paid by a 83987
self-insuring employer for a violation of a specific safety 83988
standard pursuant to Section 35 of Article II, Ohio Constitution 83989
and section 4121.47 of the Revised Code. 83990

(N) Should any section of this chapter or Chapter 4121. of 83991
the Revised Code providing for self-insuring employers' 83992
assessments based upon compensation paid be declared 83993
unconstitutional by a final decision of any court, then that 83994
section of the Revised Code declared unconstitutional shall revert 83995

back to the section in existence prior to November 3, 1989, 83996
providing for assessments based upon payroll. 83997

(O) The administrator may grant a self-insuring employer the 83998
privilege to self-insure a construction project entered into by 83999
the self-insuring employer that is scheduled for completion within 84000
six years after the date the project begins, and the total cost of 84001
which is estimated to exceed one hundred million dollars or, for 84002
employers described in division (R) of this section, if the 84003
construction project is estimated to exceed twenty-five million 84004
dollars. The administrator may waive such cost and time criteria 84005
and grant a self-insuring employer the privilege to self-insure a 84006
construction project regardless of the time needed to complete the 84007
construction project and provided that the cost of the 84008
construction project is estimated to exceed fifty million dollars. 84009
A self-insuring employer who desires to self-insure a construction 84010
project shall submit to the administrator an application listing 84011
the dates the construction project is scheduled to begin and end, 84012
the estimated cost of the construction project, the contractors 84013
and subcontractors whose employees are to be self-insured by the 84014
self-insuring employer, the provisions of a safety program that is 84015
specifically designed for the construction project, and a 84016
statement as to whether a collective bargaining agreement 84017
governing the rights, duties, and obligations of each of the 84018
parties to the agreement with respect to the construction project 84019
exists between the self-insuring employer and a labor 84020
organization. 84021

A self-insuring employer may apply to self-insure the 84022
employees of either of the following: 84023

(1) All contractors and subcontractors who perform labor or 84024
work or provide materials for the construction project; 84025

(2) All contractors and, at the administrator's discretion, a 84026
substantial number of all the subcontractors who perform labor or 84027

work or provide materials for the construction project. 84028

Upon approval of the application, the administrator shall 84029
mail a certificate granting the privilege to self-insure the 84030
construction project to the self-insuring employer. The 84031
certificate shall contain the name of the self-insuring employer 84032
and the name, address, and telephone number of the self-insuring 84033
employer's representatives who are responsible for administering 84034
workers' compensation claims for the construction project. The 84035
self-insuring employer shall post the certificate in a conspicuous 84036
place at the site of the construction project. 84037

The administrator shall maintain a record of the contractors 84038
and subcontractors whose employees are covered under the 84039
certificate issued to the self-insured employer. A self-insuring 84040
employer immediately shall notify the administrator when any 84041
contractor or subcontractor is added or eliminated from inclusion 84042
under the certificate. 84043

Upon approval of the application, the self-insuring employer 84044
is responsible for the administration and payment of all claims 84045
under this chapter and Chapter 4121. of the Revised Code for the 84046
employees of the contractor and subcontractors covered under the 84047
certificate who receive injuries or are killed in the course of 84048
and arising out of employment on the construction project, or who 84049
contract an occupational disease in the course of employment on 84050
the construction project. For purposes of this chapter and Chapter 84051
4121. of the Revised Code, a claim that is administered and paid 84052
in accordance with this division is considered a claim against the 84053
self-insuring employer listed in the certificate. A contractor or 84054
subcontractor included under the certificate shall report to the 84055
self-insuring employer listed in the certificate, all claims that 84056
arise under this chapter and Chapter 4121. of the Revised Code in 84057
connection with the construction project for which the certificate 84058
is issued. 84059

A self-insuring employer who complies with this division is 84060
entitled to the protections provided under this chapter and 84061
Chapter 4121. of the Revised Code with respect to the employees of 84062
the contractors and subcontractors covered under a certificate 84063
issued under this division for death or injuries that arise out 84064
of, or death, injuries, or occupational diseases that arise in the 84065
course of, those employees' employment on that construction 84066
project, as if the employees were employees of the self-insuring 84067
employer, provided that the self-insuring employer also complies 84068
with this section. No employee of the contractors and 84069
subcontractors covered under a certificate issued under this 84070
division shall be considered the employee of the self-insuring 84071
employer listed in that certificate for any purposes other than 84072
this chapter and Chapter 4121. of the Revised Code. Nothing in 84073
this division gives a self-insuring employer authority to control 84074
the means, manner, or method of employment of the employees of the 84075
contractors and subcontractors covered under a certificate issued 84076
under this division. 84077

The contractors and subcontractors included under a 84078
certificate issued under this division are entitled to the 84079
protections provided under this chapter and Chapter 4121. of the 84080
Revised Code with respect to the contractor's or subcontractor's 84081
employees who are employed on the construction project which is 84082
the subject of the certificate, for death or injuries that arise 84083
out of, or death, injuries, or occupational diseases that arise in 84084
the course of, those employees' employment on that construction 84085
project. 84086

The contractors and subcontractors included under a 84087
certificate issued under this division shall identify in their 84088
payroll records the employees who are considered the employees of 84089
the self-insuring employer listed in that certificate for purposes 84090
of this chapter and Chapter 4121. of the Revised Code, and the 84091

amount that those employees earned for employment on the 84092
construction project that is the subject of that certificate. 84093
Notwithstanding any provision to the contrary under this chapter 84094
and Chapter 4121. of the Revised Code, the administrator shall 84095
exclude the payroll that is reported for employees who are 84096
considered the employees of the self-insuring employer listed in 84097
that certificate, and that the employees earned for employment on 84098
the construction project that is the subject of that certificate, 84099
when determining those contractors' or subcontractors' premiums or 84100
assessments required under this chapter and Chapter 4121. of the 84101
Revised Code. A self-insuring employer issued a certificate under 84102
this division shall include in the amount of paid compensation it 84103
reports pursuant to division (L) of this section, the amount of 84104
paid compensation the self-insuring employer paid pursuant to this 84105
division for the previous calendar year. 84106

Nothing in this division shall be construed as altering the 84107
rights of employees under this chapter and Chapter 4121. of the 84108
Revised Code as those rights existed prior to September 17, 1996. 84109
Nothing in this division shall be construed as altering the rights 84110
devolved under sections 2305.31 and 4123.82 of the Revised Code as 84111
those rights existed prior to September 17, 1996. 84112

As used in this division, "privilege to self-insure a 84113
construction project" means privilege to pay individually 84114
compensation, and to furnish medical, surgical, nursing, and 84115
hospital services and attention and funeral expenses directly to 84116
injured employees or the dependents of killed employees. 84117

(P) A self-insuring employer whose application is granted 84118
under division (O) of this section shall designate a safety 84119
professional to be responsible for the administration and 84120
enforcement of the safety program that is specifically designed 84121
for the construction project that is the subject of the 84122
application. 84123

A self-insuring employer whose application is granted under 84124
division (O) of this section shall employ an ombudsperson for the 84125
construction project that is the subject of the application. The 84126
ombudsperson shall have experience in workers' compensation or the 84127
construction industry, or both. The ombudsperson shall perform all 84128
of the following duties: 84129

(1) Communicate with and provide information to employees who 84130
are injured in the course of, or whose injury arises out of 84131
employment on the construction project, or who contract an 84132
occupational disease in the course of employment on the 84133
construction project; 84134

(2) Investigate the status of a claim upon the request of an 84135
employee to do so; 84136

(3) Provide information to claimants, third party 84137
administrators, employers, and other persons to assist those 84138
persons in protecting their rights under this chapter and Chapter 84139
4121. of the Revised Code. 84140

A self-insuring employer whose application is granted under 84141
division (O) of this section shall post the name of the safety 84142
professional and the ombudsperson and instructions for contacting 84143
the safety professional and the ombudsperson in a conspicuous 84144
place at the site of the construction project. 84145

(Q) The administrator may consider all of the following when 84146
deciding whether to grant a self-insuring employer the privilege 84147
to self-insure a construction project as provided under division 84148
(O) of this section: 84149

(1) Whether the self-insuring employer has an organizational 84150
plan for the administration of the workers' compensation law; 84151

(2) Whether the safety program that is specifically designed 84152
for the construction project provides for the safety of employees 84153
employed on the construction project, is applicable to all 84154

contractors and subcontractors who perform labor or work or 84155
provide materials for the construction project, and has as a 84156
component, a safety training program that complies with standards 84157
adopted pursuant to the "Occupational Safety and Health Act of 84158
1970," 84 Stat. 1590, 29 U.S.C.A. 651, and provides for continuing 84159
management and employee involvement; 84160

(3) Whether granting the privilege to self-insure the 84161
construction project will reduce the costs of the construction 84162
project; 84163

(4) Whether the self-insuring employer has employed an 84164
ombudsperson as required under division (P) of this section; 84165

(5) Whether the self-insuring employer has sufficient surety 84166
to secure the payment of claims for which the self-insuring 84167
employer would be responsible pursuant to the granting of the 84168
privilege to self-insure a construction project under division (O) 84169
of this section. 84170

(R) As used in divisions (O), (P), and (Q), "self-insuring 84171
employer" includes the following employers, whether or not they 84172
have been granted the status of being a self-insuring employer 84173
under division (B) of this section: 84174

(1) A state institution of higher education; 84175

(2) A school district; 84176

(3) A county school financing district; 84177

(4) An educational service center; 84178

(5) A community school established under Chapter 3314. of the 84179
Revised Code; 84180

(6) A municipal power agency as defined in section 3734.058 84181
of the Revised Code. 84182

(S) As used in this section: 84183

(1) "Unvoted debt capacity" means the amount of money that a public employer may borrow without voter approval of a tax levy;

(2) "State institution of higher education" means the state universities listed in section 3345.011 of the Revised Code, community colleges created pursuant to Chapter 3354. of the Revised Code, university branches created pursuant to Chapter 3355. of the Revised Code, technical colleges created pursuant to Chapter 3357. of the Revised Code, and state community colleges created pursuant to Chapter 3358. of the Revised Code.

Sec. 4123.41. (A) By the first day of January of each year, the bureau of workers' compensation shall furnish to the county auditor of each county and the chief fiscal officer of each taxing district in a county and of each district activity and institution mentioned in section 4123.39 of the Revised Code forms containing the premium rates applicable to the county, district, district activity, or institution as an employer, on which to report the amount of money expended by the county, district, district activity, or institution during the previous twelve calendar months for the services of employees under this chapter.

(B) Each county auditor and each fiscal officer of a district, district activity, and institution shall calculate on the form it receives from the bureau under division (A) of this section the premium due as its proper contribution to the public insurance fund and issue a warrant in favor of the bureau for the amount due from the county, district, district activity, or institution to the public insurance fund according to the following schedule:

(1) On or before the fifteenth day of May of each year, no less than forty-five per cent of the amount due;

(2) On or before the first day of September of each year, no less than the total amount due.

(C) The legislative body of any county, district, district activity, or institution may reimburse the fund from which the workers' compensation payments are made by transferring to the fund from any other fund of the county, district, district activity, or institution, the proportionate amount of the payments that should be chargeable to the fund, whether the fund is derived from taxation or otherwise. The proportionate amount of the payments chargeable to the fund may be based on payroll, relative exposure, relative loss experience, or any combination of these factors, as determined by the legislative body.

(1) The workers' compensation program payments of any county, district, district activity, or institution may include all payments required by any bureau of workers' compensation rating plan.

(2) The workers' compensation program payments of any county, district, district activity, or institution, except for a county board of developmental disabilities, a board of alcohol, drug addiction, and mental health services, a board of mental health services, and a board of alcohol and drug addiction services, also may include any of the following:

(a) Direct administrative costs incurred in the management of the county, district, district activity, or institution's workers' compensation program;

(b) Indirect costs that are necessary and reasonable for the proper and efficient administration of the workers' compensation program as documented in a cost allocation plan. The indirect cost plan shall conform to the United States office of management and budget circular A-87 "cost principles for state and local governments," 2 C.F.R. 225, as most recently amended on May 10, 2004. The plan shall not authorize payment from the fund of any general government expense required to carry out the overall governmental responsibilities.

(3) Within sixty days before a legislative body changes the method used for calculating the proportionate amount of the payments chargeable to the fund, it shall notify, consult with, and give information supporting the change to any elected official affected by the change. A transfer made pursuant to division (B)(2) of this section is not subject to section 5705.16 of the Revised Code.

(D) Any county board of developmental disabilities, board of alcohol, drug addiction, and mental health services, board of mental health services, or board of alcohol and drug addiction services whose workers' compensation payments, on or before ~~the effective date of this section~~ September 28, 2012, includes costs referred to in division (C)(2) of this section may continue to do so on and after ~~the effective date of this amendment~~ September 28, 2012.

(E) The bureau may investigate the correctness of the information provided by the county auditor and chief fiscal officer under division (B) of this section, and if the bureau determines at any time that the county, district, district activity, or institution has not reported the correct information, the administrator of workers' compensation may make deductions or additions as the facts warrant and take those facts into consideration in determining the current or future contributions to be made by the county, district, district activity, or institution. If the county, district, district activity, or institution does not furnish the report in the time required by this section, the administrator may fix the amount of contribution the county, district, district activity, or institution must make and certify that amount for payment.

(F) The administrator shall provide a discount to any county, district, district activity, or institution that pays its total amount due to the public insurance fund on or before the fifteenth

day of May of each year as its proper contribution for premiums. 84279
The administrator shall base the discount provided under this 84280
division on the savings generated by the early payment to the 84281
public insurance fund. The administrator may provide the discount 84282
through a refund to the county, district, district activity, or 84283
institution or an offset against the future contributions due to 84284
the public insurance fund from the county, district, district 84285
activity, or institution. 84286

(G) The administrator may impose an interest penalty for late 84287
payment of any amount due from a county, district, district 84288
activity, and institution at the interest rate established by the 84289
state tax commissioner pursuant to section 5703.47 of the Revised 84290
Code. 84291

(H) If the administrator adopts rules for the prospective 84292
payment of premium as permitted under section 4123.322 of the 84293
Revised Code, every employer mentioned in division (B)(1) of 84294
section 4123.01 of the Revised Code, except for a state agency or 84295
a state university or college as defined in section 4123.32 of the 84296
Revised Code, shall pay into the state insurance fund the amount 84297
of premium the administrator fixes for the employment or 84298
occupation of the employer, the amount of which premium to be paid 84299
by each employer to be determined by the classifications, rules, 84300
and rates made and published by the administrator and based upon 84301
the estimates and reconciliations required by the rules the 84302
administrator adopts under section 4123.322 of the Revised Code. 84303

Sec. 4123.57. Partial disability compensation shall be paid 84304
as follows. 84305

Except as provided in this section, not earlier than 84306
twenty-six weeks after the date of termination of the latest 84307
period of payments under section 4123.56 of the Revised Code, or 84308
not earlier than twenty-six weeks after the date of the injury or 84309

contraction of an occupational disease in the absence of payments 84310
under section 4123.56 of the Revised Code, the employee may file 84311
an application with the bureau of workers' compensation for the 84312
determination of the percentage of the employee's permanent 84313
partial disability resulting from an injury or occupational 84314
disease. 84315

Whenever the application is filed, the bureau shall send a 84316
copy of the application to the employee's employer or the 84317
employer's representative and shall schedule the employee for a 84318
medical examination by the bureau medical section. The bureau 84319
shall send a copy of the report of the medical examination to the 84320
employee, the employer, and their representatives. Thereafter, the 84321
administrator of workers' compensation shall review the employee's 84322
claim file and make a tentative order as the evidence before the 84323
administrator at the time of the making of the order warrants. If 84324
the administrator determines that there is a conflict of evidence, 84325
the administrator shall send the application, along with the 84326
claimant's file, to the district hearing officer who shall set the 84327
application for a hearing. 84328

The administrator shall notify the employee, the employer, 84329
and their representatives, in writing, of the tentative order and 84330
of the parties' right to request a hearing. Unless the employee, 84331
the employer, or their representative notifies the administrator, 84332
in writing, of an objection to the tentative order within twenty 84333
days after receipt of the notice thereof, the tentative order 84334
shall go into effect and the employee shall receive the 84335
compensation provided in the order. In no event shall there be a 84336
reconsideration of a tentative order issued under this division. 84337

If the employee, the employer, or their representatives 84338
timely notify the administrator of an objection to the tentative 84339
order, the matter shall be referred to a district hearing officer 84340
who shall set the application for hearing with written notices to 84341

all interested persons. Upon referral to a district hearing officer, the employer may obtain a medical examination of the employee, pursuant to rules of the industrial commission.

(A) The district hearing officer, upon the application, shall determine the percentage of the employee's permanent disability, except as is subject to division (B) of this section, based upon that condition of the employee resulting from the injury or occupational disease and causing permanent impairment evidenced by medical or clinical findings reasonably demonstrable. The employee shall receive sixty-six and two-thirds per cent of the employee's average weekly wage, but not more than a maximum of thirty-three and one-third per cent of the statewide average weekly wage as defined in division (C) of section 4123.62 of the Revised Code, per week regardless of the average weekly wage, for the number of weeks which equals the percentage of two hundred weeks. Except on application for reconsideration, review, or modification, which is filed within ten days after the date of receipt of the decision of the district hearing officer, in no instance shall the former award be modified unless it is found from medical or clinical findings that the condition of the claimant resulting from the injury has so progressed as to have increased the percentage of permanent partial disability. A staff hearing officer shall hear an application for reconsideration filed and the staff hearing officer's decision is final. An employee may file an application for a subsequent determination of the percentage of the employee's permanent disability. If such an application is filed, the bureau shall send a copy of the application to the employer or the employer's representative. No sooner than sixty days from the date of the mailing of the application to the employer or the employer's representative, the administrator shall review the application. The administrator may require a medical examination or medical review of the employee. The administrator shall issue a tentative order based upon the evidence before the administrator,

provided that if the administrator requires a medical examination 84375
or medical review, the administrator shall not issue the tentative 84376
order until the completion of the examination or review. 84377

The employer may obtain a medical examination of the employee 84378
and may submit medical evidence at any stage of the process up to 84379
a hearing before the district hearing officer, pursuant to rules 84380
of the commission. The administrator shall notify the employee, 84381
the employer, and their representatives, in writing, of the nature 84382
and amount of any tentative order issued on an application 84383
requesting a subsequent determination of the percentage of an 84384
employee's permanent disability. An employee, employer, or their 84385
representatives may object to the tentative order within twenty 84386
days after the receipt of the notice thereof. If no timely 84387
objection is made, the tentative order shall go into effect. In no 84388
event shall there be a reconsideration of a tentative order issued 84389
under this division. If an objection is timely made, the 84390
application for a subsequent determination shall be referred to a 84391
district hearing officer who shall set the application for a 84392
hearing with written notice to all interested persons. No 84393
application for subsequent percentage determinations on the same 84394
claim for injury or occupational disease shall be accepted for 84395
review by the district hearing officer unless supported by 84396
substantial evidence of new and changed circumstances developing 84397
since the time of the hearing on the original or last 84398
determination. 84399

No award shall be made under this division based upon a 84400
percentage of disability which, when taken with all other 84401
percentages of permanent disability, exceeds one hundred per cent. 84402
If the percentage of the permanent disability of the employee 84403
equals or exceeds ninety per cent, compensation for permanent 84404
partial disability shall be paid for two hundred weeks. 84405

Compensation payable under this division accrues and is 84406

payable to the employee from the date of last payment of 84407
compensation, or, in cases where no previous compensation has been 84408
paid, from the date of the injury or the date of the diagnosis of 84409
the occupational disease. 84410

When an award under this division has been made prior to the 84411
death of an employee, all unpaid installments accrued or to accrue 84412
under the provisions of the award are payable to the surviving 84413
spouse, or if there is no surviving spouse, to the dependent 84414
children of the employee, and if there are no children surviving, 84415
then to other dependents as the administrator determines. 84416

(B) For purposes of this division, "payable per week" means 84417
the seven-consecutive-day period in which compensation is paid in 84418
installments according to the schedule associated with the 84419
applicable injury as set forth in this division. 84420

Compensation paid in weekly installments according to the 84421
schedule described in this division may only be commuted to one or 84422
more ~~lump sum~~ lump sum payments pursuant to the procedure set 84423
forth in section 4123.64 of the Revised Code. 84424

In cases included in the following schedule the compensation 84425
payable per week to the employee is the statewide average weekly 84426
wage as defined in division (C) of section 4123.62 of the Revised 84427
Code per week and shall be paid in installments according to the 84428
following schedule: 84429

For the loss of a first finger, commonly known as a thumb, 84430
sixty weeks. 84431

For the loss of a second finger, commonly called index 84432
finger, thirty-five weeks. 84433

For the loss of a third finger, thirty weeks. 84434

For the loss of a fourth finger, twenty weeks. 84435

For the loss of a fifth finger, commonly known as the little 84436

finger, fifteen weeks. 84437

The loss of a second, or distal, phalange of the thumb is 84438
considered equal to the loss of one half of such thumb; the loss 84439
of more than one half of such thumb is considered equal to the 84440
loss of the whole thumb. 84441

The loss of the third, or distal, phalange of any finger is 84442
considered equal to the loss of one-third of the finger. 84443

The loss of the middle, or second, phalange of any finger is 84444
considered equal to the loss of two-thirds of the finger. 84445

The loss of more than the middle and distal phalanges of any 84446
finger is considered equal to the loss of the whole finger. In no 84447
case shall the amount received for more than one finger exceed the 84448
amount provided in this schedule for the loss of a hand. 84449

For the loss of the metacarpal bone (bones of the palm) for 84450
the corresponding thumb, or fingers, add ten weeks to the number 84451
of weeks under this division. 84452

For ankylosis (total stiffness of) or contractures (due to 84453
scars or injuries) which makes any of the fingers, thumbs, or 84454
parts of either useless, the same number of weeks apply to the 84455
members or parts thereof as given for the loss thereof. 84456

If the claimant has suffered the loss of two or more fingers 84457
by amputation or ankylosis and the nature of the claimant's 84458
employment in the course of which the claimant was working at the 84459
time of the injury or occupational disease is such that the 84460
handicap or disability resulting from the loss of fingers, or loss 84461
of use of fingers, exceeds the normal handicap or disability 84462
resulting from the loss of fingers, or loss of use of fingers, the 84463
administrator may take that fact into consideration and increase 84464
the award of compensation accordingly, but the award made shall 84465
not exceed the amount of compensation for loss of a hand. 84466

For the loss of a hand, one hundred seventy-five weeks.	84467
For the loss of an arm, two hundred twenty-five weeks.	84468
For the loss of a great toe, thirty weeks.	84469
For the loss of one of the toes other than the great toe, ten weeks.	84470 84471
The loss of more than two-thirds of any toe is considered equal to the loss of the whole toe.	84472 84473
The loss of less than two-thirds of any toe is considered no loss, except as to the great toe; the loss of the great toe up to the interphalangeal joint is co-equal to the loss of one-half of the great toe; the loss of the great toe beyond the interphalangeal joint is considered equal to the loss of the whole great toe.	84474 84475 84476 84477 84478 84479
For the loss of a foot, one hundred fifty weeks.	84480
For the loss of a leg, two hundred weeks.	84481
For the loss of the sight of an eye, one hundred twenty-five weeks.	84482 84483
For the permanent partial loss of sight of an eye, the portion of one hundred twenty-five weeks as the administrator in each case determines, based upon the percentage of vision actually lost as a result of the injury or occupational disease, but, in no case shall an award of compensation be made for less than twenty-five per cent loss of uncorrected vision. "Loss of uncorrected vision" means the percentage of vision actually lost as the result of the injury or occupational disease.	84484 84485 84486 84487 84488 84489 84490 84491
For the permanent and total loss of hearing of one ear, twenty-five weeks; but in no case shall an award of compensation be made for less than permanent and total loss of hearing of one ear.	84492 84493 84494 84495
For the permanent and total loss of hearing, one hundred	84496

twenty-five weeks; but, except pursuant to the next preceding 84497
paragraph, in no case shall an award of compensation be made for 84498
less than permanent and total loss of hearing. 84499

In case an injury or occupational disease results in serious 84500
facial or head disfigurement which either impairs or may in the 84501
future impair the opportunities to secure or retain employment, 84502
the administrator shall make an award of compensation as it deems 84503
proper and equitable, in view of the nature of the disfigurement, 84504
and not to exceed the sum of ten thousand dollars. For the purpose 84505
of making the award, it is not material whether the employee is 84506
gainfully employed in any occupation or trade at the time of the 84507
administrator's determination. 84508

When an award under this division has been made prior to the 84509
death of an employee all unpaid installments accrued or to accrue 84510
under the provisions of the award shall be payable to the 84511
surviving spouse, or if there is no surviving spouse, to the 84512
dependent children of the employee and if there are no such 84513
children, then to such dependents as the administrator determines. 84514

When an employee has sustained the loss of a member by 84515
severance, but no award has been made on account thereof prior to 84516
the employee's death, the administrator shall make an award in 84517
accordance with this division for the loss which shall be payable 84518
to the surviving spouse, or if there is no surviving spouse, to 84519
the dependent children of the employee and if there are no such 84520
children, then to such dependents as the administrator determines. 84521

(C) Compensation for partial impairment under divisions (A) 84522
and (B) of this section is in addition to the compensation paid 84523
the employee pursuant to section 4123.56 of the Revised Code. A 84524
claimant may receive compensation under divisions (A) and (B) of 84525
this section. 84526

In all cases arising under division (B) of this section, if 84527

it is determined by any one of the following: (1) the amputee 84528
clinic at University hospital, Ohio state university; (2) the 84529
~~rehabilitation services commission~~ opportunities for Ohioans with 84530
disabilities agency; (3) an amputee clinic or prescribing 84531
physician approved by the administrator or the administrator's 84532
designee, that an injured or disabled employee is in need of an 84533
artificial appliance, or in need of a repair thereof, regardless 84534
of whether the appliance or its repair will be serviceable in the 84535
vocational rehabilitation of the injured employee, and regardless 84536
of whether the employee has returned to or can ever again return 84537
to any gainful employment, the bureau shall pay the cost of the 84538
artificial appliance or its repair out of the surplus created by 84539
division (B) of section 4123.34 of the Revised Code. 84540

In those cases where a ~~rehabilitation services commission~~ an 84541
opportunities for Ohioans with disabilities agency recommendation 84542
that an injured or disabled employee is in need of an artificial 84543
appliance would conflict with their state plan, adopted pursuant 84544
to the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 84545
701, the administrator or the administrator's designee or the 84546
bureau may obtain a recommendation from an amputee clinic or 84547
prescribing physician that they determine appropriate. 84548

(D) If an employee of a state fund employer makes application 84549
for a finding and the administrator finds that the employee has 84550
contracted silicosis as defined in division (X), or coal miners' 84551
pneumoconiosis as defined in division (Y), or asbestosis as 84552
defined in division (AA) of section 4123.68 of the Revised Code, 84553
and that a change of such employee's occupation is medically 84554
advisable in order to decrease substantially further exposure to 84555
silica dust, asbestos, or coal dust and if the employee, after the 84556
finding, has changed or shall change the employee's occupation to 84557
an occupation in which the exposure to silica dust, asbestos, or 84558
coal dust is substantially decreased, the administrator shall 84559

allow to the employee an amount equal to fifty per cent of the 84560
statewide average weekly wage per week for a period of thirty 84561
weeks, commencing as of the date of the discontinuance or change, 84562
and for a period of one hundred weeks immediately following the 84563
expiration of the period of thirty weeks, the employee shall 84564
receive sixty-six and two-thirds per cent of the loss of wages 84565
resulting directly and solely from the change of occupation but 84566
not to exceed a maximum of an amount equal to fifty per cent of 84567
the statewide average weekly wage per week. No such employee is 84568
entitled to receive more than one allowance on account of 84569
discontinuance of employment or change of occupation and benefits 84570
shall cease for any period during which the employee is employed 84571
in an occupation in which the exposure to silica dust, asbestos, 84572
or coal dust is not substantially less than the exposure in the 84573
occupation in which the employee was formerly employed or for any 84574
period during which the employee may be entitled to receive 84575
compensation or benefits under section 4123.68 of the Revised Code 84576
on account of disability from silicosis, asbestosis, or coal 84577
miners' pneumoconiosis. An award for change of occupation for a 84578
coal miner who has contracted coal miners' pneumoconiosis may be 84579
granted under this division even though the coal miner continues 84580
employment with the same employer, so long as the coal miner's 84581
employment subsequent to the change is such that the coal miner's 84582
exposure to coal dust is substantially decreased and a change of 84583
occupation is certified by the claimant as permanent. The 84584
administrator may accord to the employee medical and other 84585
benefits in accordance with section 4123.66 of the Revised Code. 84586

(E) If a firefighter or police officer makes application for 84587
a finding and the administrator finds that the firefighter or 84588
police officer has contracted a cardiovascular and pulmonary 84589
disease as defined in division (W) of section 4123.68 of the 84590
Revised Code, and that a change of the firefighter's or police 84591
officer's occupation is medically advisable in order to decrease 84592

substantially further exposure to smoke, toxic gases, chemical 84593
fumes, and other toxic vapors, and if the firefighter, or police 84594
officer, after the finding, has changed or changes occupation to 84595
an occupation in which the exposure to smoke, toxic gases, 84596
chemical fumes, and other toxic vapors is substantially decreased, 84597
the administrator shall allow to the firefighter or police officer 84598
an amount equal to fifty per cent of the statewide average weekly 84599
wage per week for a period of thirty weeks, commencing as of the 84600
date of the discontinuance or change, and for a period of 84601
seventy-five weeks immediately following the expiration of the 84602
period of thirty weeks the administrator shall allow the 84603
firefighter or police officer sixty-six and two-thirds per cent of 84604
the loss of wages resulting directly and solely from the change of 84605
occupation but not to exceed a maximum of an amount equal to fifty 84606
per cent of the statewide average weekly wage per week. No such 84607
firefighter or police officer is entitled to receive more than one 84608
allowance on account of discontinuance of employment or change of 84609
occupation and benefits shall cease for any period during which 84610
the firefighter or police officer is employed in an occupation in 84611
which the exposure to smoke, toxic gases, chemical fumes, and 84612
other toxic vapors is not substantially less than the exposure in 84613
the occupation in which the firefighter or police officer was 84614
formerly employed or for any period during which the firefighter 84615
or police officer may be entitled to receive compensation or 84616
benefits under section 4123.68 of the Revised Code on account of 84617
disability from a cardiovascular and pulmonary disease. The 84618
administrator may accord to the firefighter or police officer 84619
medical and other benefits in accordance with section 4123.66 of 84620
the Revised Code. 84621

(F) An order issued under this section is appealable pursuant 84622
to section 4123.511 of the Revised Code but is not appealable to 84623
court under section 4123.512 of the Revised Code. 84624

Sec. 4123.93. As used in sections 4123.93 and 4123.931 of the Revised Code:

(A) "Claimant" means a person who is eligible to receive compensation, medical benefits, or death benefits under this chapter or Chapter 4121., 4127., or 4131. of the Revised Code.

(B) "Statutory subrogee" means the administrator of workers' compensation, a self-insuring employer, or an employer that contracts for the direct payment of medical services pursuant to division ~~(L)~~(P) of section 4121.44 of the Revised Code.

(C) "Third party" means an individual, private insurer, public or private entity, or public or private program that is or may be liable to make payments to a person without regard to any statutory duty contained in this chapter or Chapter 4121., 4127., or 4131. of the Revised Code.

(D) "Subrogation interest" includes past, present, and estimated future payments of compensation, medical benefits, rehabilitation costs, or death benefits, and any other costs or expenses paid to or on behalf of the claimant by the statutory subrogee pursuant to this chapter or Chapter 4121., 4127., or 4131. of the Revised Code.

(E) "Net amount recovered" means the amount of any award, settlement, compromise, or recovery by a claimant against a third party, minus the attorney's fees, costs, or other expenses incurred by the claimant in securing the award, settlement, compromise, or recovery. "Net amount recovered" does not include any punitive damages that may be awarded by a judge or jury.

(F) "Uncompensated damages" means the claimant's demonstrated or proven damages minus the statutory subrogee's subrogation interest.

Sec. 4131.03. (A) For the relief of persons who are entitled

to receive benefits by virtue of the federal act, there is hereby 84655
established a coal-workers pneumoconiosis fund, which shall be 84656
separate from the funds established and administered pursuant to 84657
Chapter 4123. of the Revised Code. The fund shall consist of 84658
premiums and other payments thereto by subscribers who elect to 84659
subscribe to the fund to insure the payment of benefits required 84660
by the federal act. 84661

(B)~~(1)~~ The coal-workers pneumoconiosis fund shall be in the 84662
custody of the treasurer of state. The bureau of workers' 84663
compensation shall make disbursements from the fund to those 84664
persons entitled to payment therefrom and in the amounts required 84665
pursuant to sections 4131.01 to 4131.06 of the Revised Code. All 84666
investment earnings of the fund shall be credited to the fund. 84667

~~(2) Beginning July 1, 2011, and ending June 30, 2013, the 84668
director of natural resources annually may request the 84669
administrator of workers' compensation to transfer a portion of 84670
the investment earnings credited to the coal workers 84671
pneumoconiosis fund as provided in this division. If the 84672
administrator receives a request from the director, the 84673
administrator, on the first day of July, or as soon as possible 84674
after that date, shall transfer from the investment earnings 84675
credited to the coal workers pneumoconiosis fund an amount not to 84676
exceed three million dollars to the mine safety fund created in 84677
section 1561.24 of the Revised Code for the purposes specified in 84678
that section and an amount not to exceed one million five hundred 84679
thousand dollars to the coal mining administration and reclamation 84680
reserve fund created in section 1513.181 of the Revised Code for 84681
the purposes specified in that section. The administrator, with 84682
the advice and consent of the bureau of workers' compensation 84683
board of directors, shall adopt rules governing the transfer in 84684
order to ensure the solvency of the coal workers pneumoconiosis 84685
fund. For that purpose, the rules may establish tests based on 84686~~

~~measures of net assets, liabilities, expenses, interest, dividend
income, or other factors that the administrator determines
appropriate that may be applied prior to a transfer.~~

(C) The administrator shall have the same powers to invest
any of the surplus or reserve belonging to the coal-workers
pneumoconiosis fund as are delegated to the administrator under
section 4123.44 of the Revised Code with respect to the state
insurance fund.

(D) If the administrator determines that reinsurance of the
risks of the coal-workers pneumoconiosis fund is necessary to
assure solvency of the fund, the administrator may:

(1) Enter into contracts for the purchase of reinsurance
coverage of the risks of the fund with any company or agency
authorized by law to issue contracts of reinsurance;

(2) Pay the cost of reinsurance from the fund;

(3) Include the costs of reinsurance as a liability and
estimated liability of the fund.

Sec. 4141.162. (A) The director of job and family services
shall establish an income and eligibility verification system that
complies with section 1137 of the "Social Security Act." The
programs included in the system are all of the following:

(1) Unemployment compensation pursuant to section 3304 of the
"Internal Revenue Code of 1954";

(2) The state programs funded in part under part A of Title
IV of the "Social Security Act" and administered under Chapters
5107. and 5108. of the Revised Code;

~~(3) Medicaid pursuant to Title XIX of the "Social Security
Act"~~ The medicaid program;

(4) The supplemental nutrition assistance program pursuant to

the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.;

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(5) Any Ohio program under a plan approved under Title I, X,
XIV, or XVI of the "Social Security Act."

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Wage information provided by employers to the director shall
be furnished to the income and eligibility verification system.
Such information shall be used by the director to determine
eligibility of individuals for unemployment compensation benefits
and the amount of those benefits and used by the agencies that
administer the programs identified in divisions (A)(2) to (5) of
this section to determine or verify eligibility for or the amount
of benefits under those programs.

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The director shall fully implement the use of wage
information to determine eligibility for and the amount of
unemployment compensation benefits by September 30, 1988.

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Information furnished under the system shall also be made
available to the appropriate state or local child support
enforcement agency for the purposes of an approved plan under
Title IV-D of the "Social Security Act" and to the appropriate
federal agency for the purposes of Titles II and XVI of the
"Social Security Act."

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(B) The director shall adopt rules as necessary under which
the department of job and family services and other state agencies
that the director determines must participate in order to ensure
compliance with section 1137 of the "Social Security Act" exchange
information with each other or authorized federal agencies about
individuals who are applicants for or recipients of benefits under
any of the programs enumerated in division (A) of this section.
The rules shall extend to all of the following:

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(1) A requirement for standardized formats and procedures for
a participating agency to request and receive information about an
individual, which information shall include the individual's

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social security number; 84747

(2) A requirement that all applicants for and recipients of 84748
benefits under any program enumerated in division (A) of this 84749
section be notified at the time of application, and periodically 84750
thereafter, that information available through the system may be 84751
shared with agencies that administer other benefit programs and 84752
utilized in establishing or verifying eligibility or benefit 84753
amounts under the other programs enumerated in division (A) of 84754
this section; 84755

(3) A requirement that information is made available only to 84756
the extent necessary to assist in the valid administrative needs 84757
of the program receiving the information and is targeted for use 84758
in ways which are most likely to be productive in identifying and 84759
preventing ineligibility and incorrect payments; 84760

(4) A requirement that information is adequately protected 84761
against unauthorized disclosures for purposes other than to 84762
establish or verify eligibility or benefit amounts under the 84763
programs enumerated in division (A) of this section; 84764

(5) A requirement that a program providing information is 84765
reimbursed by the program using the information for the actual 84766
costs of furnishing the information and that the director be 84767
reimbursed by the participating programs for any actual costs 84768
incurred in operating the system; 84769

(6) Requirements for any other matters necessary to ensure 84770
the effective, efficient, and timely exchange of necessary 84771
information or that the director determines must be addressed in 84772
order to ensure compliance with the requirements of section 1137 84773
of the "Social Security Act." 84774

(C) Each participating agency shall furnish to the income and 84775
eligibility verification system established in division (A) of 84776
this section that information, which the director, by rule, 84777

determines is necessary in order to comply with section 1137 of 84778
the "Social Security Act." 84779

(D) Notwithstanding the information disclosure requirements 84780
of this section and section 4141.21 and division (A) of section 84781
4141.284 of the Revised Code, the director shall administer those 84782
provisions of law so as to comply with section 1137 of the "Social 84783
Security Act." 84784

(E) Requirements in section 4141.21 of the Revised Code with 84785
respect to confidentiality of information obtained in the 84786
administration of Chapter 4141. of the Revised Code and any 84787
sanctions imposed for improper disclosure of such information 84788
shall apply to the redisclosure of information disclosed under 84789
this section. 84790

(F) The director of job and family services shall consult 84791
with the medicaid director and the director of administrative 84792
services regarding the implementation of this section. 84793

Sec. 4141.29. Each eligible individual shall receive benefits 84794
as compensation for loss of remuneration due to involuntary total 84795
or partial unemployment in the amounts and subject to the 84796
conditions stipulated in this chapter. 84797

(A) No individual is entitled to a waiting period or benefits 84798
for any week unless the individual: 84799

(1) Has filed a valid application for determination of 84800
benefit rights in accordance with section 4141.28 of the Revised 84801
Code; 84802

(2) Has made a claim for benefits in accordance with section 84803
4141.28 of the Revised Code; 84804

(3) Has registered at an employment office or other 84805
registration place maintained or designated by the director of job 84806
and family services. Registration shall be made in accordance with 84807

the time limits, frequency, and manner prescribed by the director. 84808

(4)(a)(i) Is able to work and available for suitable work 84809
and, except as provided in division (A)(4)(a)(ii) of this section, 84810
is actively seeking suitable work either in a locality in which 84811
the individual has earned wages subject to this chapter during the 84812
individual's base period, or if the individual leaves that 84813
locality, then in a locality where suitable work normally is 84814
performed. 84815

(ii) The director may waive the requirement that a claimant 84816
be actively seeking work when the director finds that the 84817
individual has been laid off and the employer who laid the 84818
individual off has notified the director within ten days after the 84819
layoff, that work is expected to be available for the individual 84820
within a specified number of days not to exceed forty-five 84821
calendar days following the last day the individual worked. In the 84822
event the individual is not recalled within the specified period, 84823
this waiver shall cease to be operative with respect to that 84824
layoff. 84825

(b) The individual shall be instructed as to the efforts that 84826
the individual must make in the search for suitable work, except 84827
where the active search for work requirement has been waived under 84828
division (A)(4)(a) of this section, and shall keep a record of 84829
where and when the individual has sought work in complying with 84830
those instructions and, upon request, shall produce that record 84831
for examination by the director. 84832

(c) An individual who is attending a training course approved 84833
by the director meets the requirement of this division, if 84834
attendance was recommended by the director and the individual is 84835
regularly attending the course and is making satisfactory 84836
progress. An individual also meets the requirements of this 84837
division if the individual is participating and advancing in a 84838
training program, as defined in division (P) of section 5709.61 of 84839

the Revised Code, and if an enterprise, defined in division (B) of 84840
section 5709.61 of the Revised Code, is paying all or part of the 84841
cost of the individual's participation in the training program 84842
with the intention of hiring the individual for employment as a 84843
new employee, as defined in division (L) of section 5709.61 of the 84844
Revised Code, for at least ninety days after the individual's 84845
completion of the training program. 84846

(d) An individual who becomes unemployed while attending a 84847
regularly established school and whose base period qualifying 84848
weeks were earned in whole or in part while attending that school, 84849
meets the availability and active search for work requirements of 84850
division (A)(4)(a) of this section if the individual regularly 84851
attends the school during weeks with respect to which the 84852
individual claims unemployment benefits and makes self available 84853
on any shift of hours for suitable employment with the 84854
individual's most recent employer or any other employer in the 84855
individual's base period, or for any other suitable employment to 84856
which the individual is directed, under this chapter. 84857

(e) The director shall adopt any rules that the director 84858
deems necessary for the administration of division (A)(4) of this 84859
section. 84860

(f) Notwithstanding any other provisions of this section, no 84861
otherwise eligible individual shall be denied benefits for any 84862
week because the individual is in training approved under section 84863
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 84864
2296, nor shall that individual be denied benefits by reason of 84865
leaving work to enter such training, provided the work left is not 84866
suitable employment, or because of the application to any week in 84867
training of provisions in this chapter, or any applicable federal 84868
unemployment compensation law, relating to availability for work, 84869
active search for work, or refusal to accept work. 84870

For the purposes of division (A)(4)(f) of this section, 84871

"suitable employment" means with respect to an individual, work of 84872
a substantially equal or higher skill level than the individual's 84873
past adversely affected employment, as defined for the purposes of 84874
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 84875
wages for such work at not less than eighty per cent of the 84876
individual's average weekly wage as determined for the purposes of 84877
that federal act. 84878

(5) Is unable to obtain suitable work. An individual who is 84879
provided temporary work assignments by the individual's employer 84880
under agreed terms and conditions of employment, and who is 84881
required pursuant to those terms and conditions to inquire with 84882
the individual's employer for available work assignments upon the 84883
conclusion of each work assignment, is not considered unable to 84884
obtain suitable employment if suitable work assignments are 84885
available with the employer but the individual fails to contact 84886
the employer to inquire about work assignments. 84887

(6) Participates in reemployment services, such as job search 84888
assistance services, if the individual has been determined to be 84889
likely to exhaust benefits under this chapter, including 84890
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 84891
extended compensation, and needs reemployment services pursuant to 84892
the profiling system established by the director under division 84893
(K) of this section, unless the director determines that: 84894

(a) The individual has completed such services; or 84895

(b) There is justifiable cause for the claimant's failure to 84896
participate in such services. 84897

(B) An individual suffering total or partial unemployment is 84898
eligible for benefits for unemployment occurring subsequent to a 84899
waiting period of one week and no benefits shall be payable during 84900
this required waiting period. Not more than one week of waiting 84901
period shall be required of any individual in any benefit year in 84902

order to establish the individual's eligibility for total or 84903
partial unemployment benefits. 84904

(C) The waiting period for total or partial unemployment 84905
shall commence on the first day of the first week with respect to 84906
which the individual first files a claim for benefits at an 84907
employment office or other place of registration maintained or 84908
designated by the director or on the first day of the first week 84909
with respect to which the individual has otherwise filed a claim 84910
for benefits in accordance with the rules of the department of job 84911
and family services, provided such claim is allowed by the 84912
director. 84913

(D) Notwithstanding division (A) of this section, no 84914
individual may serve a waiting period or be paid benefits under 84915
the following conditions: 84916

(1) For any week with respect to which the director finds 84917
that: 84918

(a) The individual's unemployment was due to a labor dispute 84919
other than a lockout at any factory, establishment, or other 84920
premises located in this or any other state and owned or operated 84921
by the employer by which the individual is or was last employed; 84922
and for so long as the individual's unemployment is due to such 84923
labor dispute. No individual shall be disqualified under this 84924
provision if either of the following applies: 84925

(i) The individual's employment was with such employer at any 84926
factory, establishment, or premises located in this state, owned 84927
or operated by such employer, other than the factory, 84928
establishment, or premises at which the labor dispute exists, if 84929
it is shown that the individual is not financing, participating 84930
in, or directly interested in such labor dispute; 84931

(ii) The individual's employment was with an employer not 84932
involved in the labor dispute but whose place of business was 84933

located within the same premises as the employer engaged in the 84934
dispute, unless the individual's employer is a wholly owned 84935
subsidiary of the employer engaged in the dispute, or unless the 84936
individual actively participates in or voluntarily stops work 84937
because of such dispute. If it is established that the claimant 84938
was laid off for an indefinite period and not recalled to work 84939
prior to the dispute, or was separated by the employer prior to 84940
the dispute for reasons other than the labor dispute, or that the 84941
individual obtained a bona fide job with another employer while 84942
the dispute was still in progress, such labor dispute shall not 84943
render the employee ineligible for benefits. 84944

(b) The individual has been given a disciplinary layoff for 84945
misconduct in connection with the individual's work. 84946

(2) For the duration of the individual's unemployment if the 84947
director finds that: 84948

(a) The individual quit work without just cause or has been 84949
discharged for just cause in connection with the individual's 84950
work, provided division (D)(2) of this section does not apply to 84951
the separation of a person under any of the following 84952
circumstances: 84953

(i) Separation from employment for the purpose of entering 84954
the armed forces of the United States if the individual is 84955
inducted into the armed forces within one of the following 84956
periods: 84957

(I) Thirty days after separation; 84958

(II) One hundred eighty days after separation if the 84959
individual's date of induction is delayed solely at the discretion 84960
of the armed forces. 84961

(ii) Separation from employment pursuant to a 84962
labor-management contract or agreement, or pursuant to an 84963
established employer plan, program, or policy, which permits the 84964

employee, because of lack of work, to accept a separation from 84965
employment; 84966

(iii) The individual has left employment to accept a recall 84967
from a prior employer or, except as provided in division 84968
(D)(2)(a)(iv) of this section, to accept other employment as 84969
provided under section 4141.291 of the Revised Code, or left or 84970
was separated from employment that was concurrent employment at 84971
the time of the most recent separation or within six weeks prior 84972
to the most recent separation where the remuneration, hours, or 84973
other conditions of such concurrent employment were substantially 84974
less favorable than the individual's most recent employment and 84975
where such employment, if offered as new work, would be considered 84976
not suitable under the provisions of divisions (E) and (F) of this 84977
section. Any benefits that would otherwise be chargeable to the 84978
account of the employer from whom an individual has left 84979
employment or was separated from employment that was concurrent 84980
employment under conditions described in division (D)(2)(a)(iii) 84981
of this section, shall instead be charged to the mutualized 84982
account created by division (B) of section 4141.25 of the Revised 84983
Code, except that any benefits chargeable to the account of a 84984
reimbursing employer under division (D)(2)(a)(iii) of this section 84985
shall be charged to the account of the reimbursing employer and 84986
not to the mutualized account, except as provided in division 84987
(D)(2) of section 4141.24 of the Revised Code. 84988

(iv) When an individual has been issued a definite layoff 84989
date by the individual's employer and before the layoff date, the 84990
individual quits to accept other employment, the provisions of 84991
division (D)(2)(a)(iii) of this section apply and no 84992
disqualification shall be imposed under division (D) of this 84993
section. However, if the individual fails to meet the employment 84994
and earnings requirements of division (A)(2) of section 4141.291 84995
of the Revised Code, then the individual, pursuant to division 84996

(A)(5) of this section, shall be ineligible for benefits for any 84997
week of unemployment that occurs prior to the layoff date. 84998

(v) The individual's spouse is a member of the armed forces 84999
of the United States who is on active duty as defined in 10 U.S.C. 85000
101(d)(1), the spouse is the subject of a military transfer, the 85001
individual left employment to accompany the individual's spouse to 85002
a location from which it is impractical to commute to the 85003
individual's place of employment, and upon arrival at the new 85004
place of residence, the individual is in all respects able and 85005
available for suitable work. 85006

(b) The individual has refused without good cause to accept 85007
an offer of suitable work when made by an employer either in 85008
person or to the individual's last known address, or has refused 85009
or failed to investigate a referral to suitable work when directed 85010
to do so by a local employment office of this state or another 85011
state, provided that this division shall not cause a 85012
disqualification for a waiting week or benefits under the 85013
following circumstances: 85014

(i) When work is offered by the individual's employer and the 85015
individual is not required to accept the offer pursuant to the 85016
terms of the labor-management contract or agreement; or 85017

(ii) When the individual is attending a training course 85018
pursuant to division (A)(4) of this section except, in the event 85019
of a refusal to accept an offer of suitable work or a refusal or 85020
failure to investigate a referral, benefits thereafter paid to 85021
such individual shall not be charged to the account of any 85022
employer and, except as provided in division (B)(1)(b) of section 85023
4141.241 of the Revised Code, shall be charged to the mutualized 85024
account as provided in division (B) of section 4141.25 of the 85025
Revised Code. 85026

(c) Such individual quit work to marry or because of marital, 85027

parental, filial, or other domestic obligations. 85028

(d) The individual became unemployed by reason of commitment 85029
to any correctional institution. 85030

(e) The individual became unemployed because of dishonesty in 85031
connection with the individual's most recent or any base period 85032
work. Remuneration earned in such work shall be excluded from the 85033
individual's total base period remuneration and qualifying weeks 85034
that otherwise would be credited to the individual for such work 85035
in the individual's base period shall not be credited for the 85036
purpose of determining the total benefits to which the individual 85037
is eligible and the weekly benefit amount to be paid under section 85038
4141.30 of the Revised Code. Such excluded remuneration and 85039
noncredited qualifying weeks shall be excluded from the 85040
calculation of the maximum amount to be charged, under division 85041
(D) of section 4141.24 and section 4141.33 of the Revised Code, 85042
against the accounts of the individual's base period employers. In 85043
addition, no benefits shall thereafter be paid to the individual 85044
based upon such excluded remuneration or noncredited qualifying 85045
weeks. 85046

For purposes of division (D)(2)(e) of this section, 85047
"dishonesty" means the commission of substantive theft, fraud, or 85048
deceitful acts. 85049

(E) No individual otherwise qualified to receive benefits 85050
shall lose the right to benefits by reason of a refusal to accept 85051
new work if: 85052

(1) As a condition of being so employed the individual would 85053
be required to join a company union, or to resign from or refrain 85054
from joining any bona fide labor organization, or would be denied 85055
the right to retain membership in and observe the lawful rules of 85056
any such organization. 85057

(2) The position offered is vacant due directly to a strike, 85058

lockout, or other labor dispute. 85059

(3) The work is at an unreasonable distance from the 85060
individual's residence, having regard to the character of the work 85061
the individual has been accustomed to do, and travel to the place 85062
of work involves expenses substantially greater than that required 85063
for the individual's former work, unless the expense is provided 85064
for. 85065

(4) The remuneration, hours, or other conditions of the work 85066
offered are substantially less favorable to the individual than 85067
those prevailing for similar work in the locality. 85068

(F) Subject to the special exceptions contained in division 85069
(A)(4)(f) of this section and section 4141.301 of the Revised 85070
Code, in determining whether any work is suitable for a claimant 85071
in the administration of this chapter, the director, in addition 85072
to the determination required under division (E) of this section, 85073
shall consider the degree of risk to the claimant's health, 85074
safety, and morals, the individual's physical fitness for the 85075
work, the individual's prior training and experience, the length 85076
of the individual's unemployment, the distance of the available 85077
work from the individual's residence, and the individual's 85078
prospects for obtaining local work. 85079

(G) The "duration of unemployment" as used in this section 85080
means the full period of unemployment next ensuing after a 85081
separation from any base period or subsequent work and until an 85082
individual has become reemployed in employment subject to this 85083
chapter, or the unemployment compensation act of another state, or 85084
of the United States, and until such individual has worked six 85085
weeks and for those weeks has earned or been paid remuneration 85086
equal to six times an average weekly wage of not less than: 85087
eighty-five dollars and ten cents per week beginning on June 26, 85088
1990; and beginning on and after January 1, 1992, twenty-seven and 85089
one-half per cent of the statewide average weekly wage as computed 85090

each first day of January under division (B)(3) of section 4141.30 85091
of the Revised Code, rounded down to the nearest dollar, except 85092
for purposes of division (D)(2)(c) of this section, such term 85093
means the full period of unemployment next ensuing after a 85094
separation from such work and until such individual has become 85095
reemployed subject to the terms set forth above, and has earned 85096
wages equal to one-half of the individual's average weekly wage or 85097
sixty dollars, whichever is less. 85098

(H) If a claimant is disqualified under division (D)(2)(a), 85099
(c), or (d) of this section or found to be qualified under the 85100
exceptions provided in division (D)(2)(a)(i), (iii), ~~or~~ (iv), or 85101
(v) of this section or division (A)(2) of section 4141.291 of the 85102
Revised Code, then benefits that may become payable to such 85103
claimant, which are chargeable to the account of the employer from 85104
whom the individual was separated under such conditions, shall be 85105
charged to the mutualized account provided in section 4141.25 of 85106
the Revised Code, provided that no charge shall be made to the 85107
mutualized account for benefits chargeable to a reimbursing 85108
employer, except as provided in division (D)(2) of section 4141.24 85109
of the Revised Code. In the case of a reimbursing employer, the 85110
director shall refund or credit to the account of the reimbursing 85111
employer any over-paid benefits that are recovered under division 85112
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 85113
other states, the United States, or Canada that are subject to 85114
agreements and arrangements that are established pursuant to 85115
section 4141.43 of the Revised Code shall be credited or 85116
reimbursed according to the agreements and arrangements to which 85117
the chargeable amounts are subject. 85118

(I)(1) Benefits based on service in employment as provided in 85119
divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 85120
shall be payable in the same amount, on the same terms, and 85121
subject to the same conditions as benefits payable on the basis of 85122

other service subject to this chapter; except that after December 31, 1977: 85123
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(a) Benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education, as defined in division (Y) of section 4141.01 of the Revised Code; or for an educational institution as defined in division (CC) of section 4141.01 of the Revised Code, shall not be paid to any individual for any week of unemployment that begins during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms or during a period of paid sabbatical leave provided for in the individual's contract, if the individual performs such services in the first of those academic years or terms and has a contract or a reasonable assurance that the individual will perform services in any such capacity for any such institution in the second of those academic years or terms. 85125
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(b) Benefits based on service for an educational institution or an institution of higher education in other than an instructional, research, or principal administrative capacity, shall not be paid to any individual for any week of unemployment which begins during the period between two successive academic years or terms of the employing educational institution or institution of higher education, provided the individual performed those services for the educational institution or institution of higher education during the first such academic year or term and, there is a reasonable assurance that such individual will perform those services for any educational institution or institution of higher education in the second of such academic years or terms. 85139
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If compensation is denied to any individual for any week under division (I)(1)(b) of this section and the individual was not offered an opportunity to perform those services for an institution of higher education or for an educational institution 85151
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for the second of such academic years or terms, the individual is 85155
entitled to a retroactive payment of compensation for each week 85156
for which the individual timely filed a claim for compensation and 85157
for which compensation was denied solely by reason of division 85158
(I)(1)(b) of this section. An application for retroactive benefits 85159
shall be timely filed if received by the director or the 85160
director's deputy within or prior to the end of the fourth full 85161
calendar week after the end of the period for which benefits were 85162
denied because of reasonable assurance of employment. The 85163
provision for the payment of retroactive benefits under division 85164
(I)(1)(b) of this section is applicable to weeks of unemployment 85165
beginning on and after November 18, 1983. The provisions under 85166
division (I)(1)(b) of this section shall be retroactive to 85167
September 5, 1982, only if, as a condition for full tax credit 85168
against the tax imposed by the "Federal Unemployment Tax Act," 53 85169
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 85170
secretary of labor determines that retroactivity is required by 85171
federal law. 85172

(c) With respect to weeks of unemployment beginning after 85173
December 31, 1977, benefits shall be denied to any individual for 85174
any week which commences during an established and customary 85175
vacation period or holiday recess, if the individual performs any 85176
services described in divisions (I)(1)(a) and (b) of this section 85177
in the period immediately before the vacation period or holiday 85178
recess, and there is a reasonable assurance that the individual 85179
will perform any such services in the period immediately following 85180
the vacation period or holiday recess. 85181

(d) With respect to any services described in division 85182
(I)(1)(a), (b), or (c) of this section, benefits payable on the 85183
basis of services in any such capacity shall be denied as 85184
specified in division (I)(1)(a), (b), or (c) of this section to 85185
any individual who performs such services in an educational 85186

institution or institution of higher education while in the employ 85187
of an educational service agency. For this purpose, the term 85188
"educational service agency" means a governmental agency or 85189
governmental entity that is established and operated exclusively 85190
for the purpose of providing services to one or more educational 85191
institutions or one or more institutions of higher education. 85192

(e) Any individual employed by a county board of 85193
developmental disabilities shall be notified by the thirtieth day 85194
of April each year if the individual is not to be reemployed the 85195
following academic year. 85196

(f) Any individual employed by a school district, other than 85197
a municipal school district as defined in section 3311.71 of the 85198
Revised Code, shall be notified by the first day of June each year 85199
if the individual is not to be reemployed the following academic 85200
year. 85201

(2) No disqualification will be imposed, between academic 85202
years or terms or during a vacation period or holiday recess under 85203
this division, unless the director or the director's deputy has 85204
received a statement in writing from the educational institution 85205
or institution of higher education that the claimant has a 85206
contract for, or a reasonable assurance of, reemployment for the 85207
ensuing academic year or term. 85208

(3) If an individual has employment with an educational 85209
institution or an institution of higher education and employment 85210
with a noneducational employer, during the base period of the 85211
individual's benefit year, then the individual may become eligible 85212
for benefits during the between-term, or vacation or holiday 85213
recess, disqualification period, based on employment performed for 85214
the noneducational employer, provided that the employment is 85215
sufficient to qualify the individual for benefit rights separately 85216
from the benefit rights based on school employment. The weekly 85217
benefit amount and maximum benefits payable during a 85218

disqualification period shall be computed based solely on the 85219
nonschool employment. 85220

(J) Benefits shall not be paid on the basis of employment 85221
performed by an alien, unless the alien had been lawfully admitted 85222
to the United States for permanent residence at the time the 85223
services were performed, was lawfully present for purposes of 85224
performing the services, or was otherwise permanently residing in 85225
the United States under color of law at the time the services were 85226
performed, under section 212(d)(5) of the "Immigration and 85227
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 85228

(1) Any data or information required of individuals applying 85229
for benefits to determine whether benefits are not payable to them 85230
because of their alien status shall be uniformly required from all 85231
applicants for benefits. 85232

(2) In the case of an individual whose application for 85233
benefits would otherwise be approved, no determination that 85234
benefits to the individual are not payable because of the 85235
individual's alien status shall be made except upon a 85236
preponderance of the evidence that the individual had not, in 85237
fact, been lawfully admitted to the United States. 85238

(K) The director shall establish and utilize a system of 85239
profiling all new claimants under this chapter that: 85240

(1) Identifies which claimants will be likely to exhaust 85241
regular compensation and will need job search assistance services 85242
to make a successful transition to new employment; 85243

(2) Refers claimants identified pursuant to division (K)(1) 85244
of this section to reemployment services, such as job search 85245
assistance services, available under any state or federal law; 85246

(3) Collects follow-up information relating to the services 85247
received by such claimants and the employment outcomes for such 85248
claimant's subsequent to receiving such services and utilizes such 85249

information in making identifications pursuant to division (K)(1) 85250
of this section; and 85251

(4) Meets such other requirements as the United States 85252
secretary of labor determines are appropriate. 85253

Sec. 4301.01. (A) As used in the Revised Code: 85254

(1) "Intoxicating liquor" and "liquor" include all liquids 85255
and compounds, other than beer, containing one-half of one per 85256
cent or more of alcohol by volume which are fit to use for 85257
beverage purposes, from whatever source and by whatever process 85258
produced, by whatever name called, and whether they are medicated, 85259
proprietary, or patented. "Intoxicating liquor" and "liquor" 85260
include ~~wine even if it contains less than four per cent of~~ 85261
~~alcohol by volume, mixed beverages even if they contain less than~~ 85262
~~four per cent of alcohol by volume,~~ cider, and alcohol, and all 85263
solids and confections which contain ~~any alcohol~~ one-half of one 85264
per cent or more of alcohol by volume. 85265

(2) Except as used in sections 4301.01 to 4301.20, 4301.22 to 85266
4301.52, 4301.56, 4301.70, 4301.72, and 4303.01 to 4303.36 of the 85267
Revised Code, "sale" and "sell" include exchange, barter, gift, 85268
offer for sale, sale, distribution and delivery of any kind, and 85269
the transfer of title or possession of beer and intoxicating 85270
liquor either by constructive or actual delivery by any means or 85271
devices whatever, including the sale of beer or intoxicating 85272
liquor by means of a controlled access alcohol and beverage 85273
cabinet pursuant to section 4301.21 of the Revised Code. "Sale" 85274
and "sell" do not include the mere solicitation of orders for beer 85275
or intoxicating liquor from the holders of permits issued by the 85276
division of liquor control authorizing the sale of the beer or 85277
intoxicating liquor, but no solicitor shall solicit any such 85278
orders until the solicitor has been registered with the division 85279
pursuant to section 4303.25 of the Revised Code. 85280

(3) "Vehicle" includes all means of transportation by land, 85281
by water, or by air, and everything made use of in any way for 85282
such transportation. 85283

(B) As used in this chapter: 85284

(1) "Alcohol" means ethyl alcohol, whether rectified or 85285
diluted with water or not, whatever its origin may be, and 85286
includes synthetic ethyl alcohol. "Alcohol" does not include 85287
denatured alcohol and wood alcohol. 85288

(2) "Beer" includes all beverages brewed or fermented wholly 85289
or in part from malt products and containing one-half of one per 85290
cent or more, but not more than twelve per cent, of alcohol by 85291
volume. 85292

(3) "Wine" includes all liquids fit to use for beverage 85293
purposes containing not less than one-half of one per cent of 85294
alcohol by volume and not more than twenty-one per cent of alcohol 85295
by volume, which is made from the fermented juices of grapes, 85296
fruits, or other agricultural products, except that as used in 85297
sections 4301.13, 4301.421, 4301.422, 4301.432, and 4301.44 of the 85298
Revised Code, and, for purposes of determining the rate of the tax 85299
that applies, division (B) of section 4301.43 of the Revised Code, 85300
"wine" does not include cider. 85301

(4) "Mixed beverages," ~~such as~~ include bottled and prepared 85302
cordials, cocktails, ~~and~~ highballs, and solids and confections 85303
that are ~~products~~ obtained by mixing any type of whiskey, neutral 85304
spirits, brandy, gin, or other distilled spirits with, or over, 85305
carbonated or plain water, pure juices from flowers and plants, 85306
and other flavoring materials. The completed product shall contain 85307
not less than one-half of one per cent of alcohol by volume and 85308
not more than twenty-one per cent of alcohol by volume. 85309

(5) "Spirituous liquor" includes all intoxicating liquors 85310
containing more than twenty-one per cent of alcohol by volume. 85311

- (6) "Sealed container" means any container having a capacity of not more than one hundred twenty-eight fluid ounces, the opening of which is closed to prevent the entrance of air. 85312
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- (7) "Person" includes firms and corporations. 85315
- (8) "Manufacture" includes all processes by which beer or intoxicating liquor is produced, whether by distillation, rectifying, fortifying, blending, fermentation, or brewing, or in any other manner. 85316
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- (9) "Manufacturer" means any person engaged in the business of manufacturing beer or intoxicating liquor. 85320
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- (10) "Wholesale distributor" and "distributor" means a person engaged in the business of selling to retail dealers for purposes of resale. 85322
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- (11) "Hotel" has the same meaning as in section 3731.01 of the Revised Code, subject to the exceptions mentioned in section 3731.03 of the Revised Code. 85325
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- (12) "Restaurant" means a place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served at noon and evening, as the principal business of the place. "Restaurant" does not include pharmacies, confectionery stores, lunch stands, night clubs, and filling stations. 85328
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- (13) "Club" means a corporation or association of individuals organized in good faith for social, recreational, benevolent, charitable, fraternal, political, patriotic, or athletic purposes, which is the owner, lessor, or occupant of a permanent building or part of a permanent building operated solely for those purposes, membership in which entails the prepayment of regular dues, and includes the place so operated. 85335
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(14) "Night club" means a place operated for profit, where 85342
food is served for consumption on the premises and one or more 85343
forms of amusement are provided or permitted for a consideration 85344
that may be in the form of a cover charge or may be included in 85345
the price of the food and beverages, or both, purchased by 85346
patrons. 85347

(15) "At retail" means for use or consumption by the 85348
purchaser and not for resale. 85349

(16) "Pharmacy" means an establishment, as defined in section 85350
4729.01 of the Revised Code, that is under the management or 85351
control of a licensed pharmacist in accordance with section 85352
4729.27 of the Revised Code. 85353

(17) "Enclosed shopping center" means a group of retail sales 85354
and service business establishments that face into an enclosed 85355
mall, share common ingress, egress, and parking facilities, and 85356
are situated on a tract of land that contains an area of not less 85357
than five hundred thousand square feet. "Enclosed shopping center" 85358
also includes not more than one business establishment that is 85359
located within a free-standing building on such a tract of land, 85360
so long as the sale of beer and intoxicating liquor on the tract 85361
of land was approved in an election held under former section 85362
4301.353 of the Revised Code. 85363

(18) "Controlled access alcohol and beverage cabinet" means a 85364
closed container, either refrigerated, in whole or in part, or 85365
nonrefrigerated, access to the interior of which is restricted by 85366
means of a device that requires the use of a key, magnetic card, 85367
or similar device and from which beer, intoxicating liquor, other 85368
beverages, or food may be sold. 85369

(19) "Community facility" means either of the following: 85370

(a) Any convention, sports, or entertainment facility or 85371
complex, or any combination of these, that is used by or 85372

accessible to the general public and that is owned or operated in 85373
whole or in part by the state, a state agency, or a political 85374
subdivision of the state or that is leased from, or located on 85375
property owned by or leased from, the state, a state agency, a 85376
political subdivision of the state, or a convention facilities 85377
authority created pursuant to section 351.02 of the Revised Code; 85378

(b) An area designated as a community entertainment district 85379
pursuant to section 4301.80 of the Revised Code. 85380

(20) "Low-alcohol beverage" means any brewed or fermented 85381
malt product, or any product made from the fermented juices of 85382
grapes, fruits, or other agricultural products, that contains 85383
either no alcohol or less than one-half of one per cent of alcohol 85384
by volume. The beverages described in division (B)(20) of this 85385
section do not include a soft drink such as root beer, birch beer, 85386
or ginger beer. 85387

(21) "Cider" means all liquids fit to use for beverage 85388
purposes that contain one-half of one per cent of alcohol by 85389
volume, but not more than six per cent of alcohol by weight, and 85390
that are made through the normal alcoholic fermentation of the 85391
juice of sound, ripe apples, including, without limitation, 85392
flavored, sparkling, or carbonated cider and cider made from pure 85393
condensed apple must. 85394

(22) "Sales area or territory" means an exclusive geographic 85395
area or territory that is assigned to a particular A or B permit 85396
holder and that either has one or more political subdivisions as 85397
its boundaries or consists of an area of land with readily 85398
identifiable geographic boundaries. "Sales area or territory" does 85399
not include, however, any particular retail location in an 85400
exclusive geographic area or territory that had been assigned to 85401
another A or B permit holder before April 9, 2001. 85402

Sec. 4301.10. (A) The division of liquor control shall do all 85403

of the following: 85404

(1) Control the traffic in beer and intoxicating liquor in 85405
this state, including the manufacture, importation, and sale of 85406
beer and intoxicating liquor; 85407

(2) Grant or refuse permits for the manufacture, 85408
distribution, transportation, and sale of beer and intoxicating 85409
liquor and the sale of alcohol, as authorized or required by this 85410
chapter and Chapter 4303. of the Revised Code. A certificate, 85411
signed by the superintendent of liquor control and to which is 85412
affixed the official seal of the division, stating that it appears 85413
from the records of the division that no permit has been issued to 85414
the person specified in the certificate, or that a permit, if 85415
issued, has been revoked, canceled, or suspended, shall be 85416
received as prima-facie evidence of the facts recited in the 85417
certificate in any court or before any officer of this state. 85418

(3) Put into operation, manage, and control a system of state 85419
liquor stores for the sale of spirituous liquor at retail and to 85420
holders of permits authorizing the sale of spirituous liquor; 85421
however, the division shall not establish any drive-in state 85422
liquor stores; and by means of those types of stores, and any 85423
manufacturing plants, distributing and bottling plants, 85424
warehouses, and other facilities that it considers expedient, 85425
establish and maintain a state monopoly of the distribution of 85426
spirituous liquor and its sale in packages or containers; and for 85427
that purpose, manufacture, buy, import, possess, and sell 85428
spirituous liquors as provided in this chapter and Chapter 4303. 85429
of the Revised Code, and in the rules promulgated by the 85430
superintendent of liquor control pursuant to those chapters; lease 85431
or in any manner acquire the use of any land or building required 85432
for any of those purposes; purchase any equipment that is 85433
required; and borrow money to carry on its business, and issue, 85434
sign, endorse, and accept notes, checks, and bills of exchange; 85435

but all obligations of the division created under authority of 85436
this division shall be a charge only upon the moneys received by 85437
the division from the sale of spirituous liquor and its other 85438
business transactions in connection with the sale of spirituous 85439
liquor, and shall not be general obligations of the state; 85440

(4) Enforce the administrative provisions of this chapter and 85441
Chapter 4303. of the Revised Code, and the rules and orders of the 85442
liquor control commission and the superintendent relating to the 85443
manufacture, importation, transportation, distribution, and sale 85444
of beer or intoxicating liquor. The attorney general, any 85445
prosecuting attorney, and any prosecuting officer of a municipal 85446
corporation or a municipal court shall, at the request of the 85447
division of liquor control or the department of public safety, 85448
prosecute any person charged with the violation of any provision 85449
in those chapters or of any section of the Revised Code relating 85450
to the manufacture, importation, transportation, distribution, and 85451
sale of beer or intoxicating liquor. 85452

(5) Determine the locations of all state liquor stores and 85453
manufacturing, distributing, and bottling plants required in 85454
connection with those stores, subject to this chapter and Chapter 85455
4303. of the Revised Code; 85456

(6) Conduct inspections of liquor permit premises to 85457
determine compliance with the administrative provisions of this 85458
chapter and Chapter 4303. of the Revised Code and the rules 85459
adopted under those provisions by the liquor control commission. 85460

Except as otherwise provided in division (A)(6) of this 85461
section, those inspections may be conducted only during those 85462
hours in which the permit holder is open for business and only by 85463
authorized agents or employees of the division or by any peace 85464
officer, as defined in section 2935.01 of the Revised Code. 85465
Inspections may be conducted at other hours only to determine 85466
compliance with laws or commission rules that regulate the hours 85467

of sale of beer or intoxicating liquor and only if the 85468
investigator has reasonable cause to believe that those laws or 85469
rules are being violated. Any inspection conducted pursuant to 85470
division (A)(6) of this section is subject to all of the following 85471
requirements: 85472

(a) The only property that may be confiscated is contraband, 85473
as defined in section 2901.01 of the Revised Code, or property 85474
that is otherwise necessary for evidentiary purposes. 85475

(b) A complete inventory of all property confiscated from the 85476
premises shall be given to the permit holder or the permit 85477
holder's agent or employee by the confiscating agent or officer at 85478
the conclusion of the inspection. At that time, the inventory 85479
shall be signed by the confiscating agent or officer, and the 85480
agent or officer shall give the permit holder or the permit 85481
holder's agent or employee the opportunity to sign the inventory. 85482

(c) Inspections conducted pursuant to division (A)(6) of this 85483
section shall be conducted in a reasonable manner. A finding by 85484
any court of competent jurisdiction that an inspection was not 85485
conducted in a reasonable manner in accordance with this section 85486
or any rules adopted by the commission may be considered grounds 85487
for suppression of evidence. A finding by the commission that an 85488
inspection was not conducted in a reasonable manner in accordance 85489
with this section or any rules adopted by it may be considered 85490
grounds for dismissal of the commission case. 85491

If any court of competent jurisdiction finds that property 85492
confiscated as the result of an administrative inspection is not 85493
necessary for evidentiary purposes and is not contraband, as 85494
defined in section 2901.01 of the Revised Code, the court shall 85495
order the immediate return of the confiscated property, provided 85496
that property is not otherwise subject to forfeiture, to the 85497
permit holder. However, the return of this property is not grounds 85498
for dismissal of the case. The commission likewise may order the 85499

return of confiscated property if no criminal prosecution is 85500
pending or anticipated. 85501

(7) Delegate to any of its agents or employees any power of 85502
investigation that the division possesses with respect to the 85503
enforcement of any of the administrative laws relating to beer or 85504
intoxicating liquor, provided that this division does not 85505
authorize the division to designate any agent or employee to serve 85506
as an enforcement agent. The employment and designation of 85507
enforcement agents shall be within the exclusive authority of the 85508
director of public safety pursuant to sections 5502.13 to 5502.19 85509
of the Revised Code. 85510

(8) Collect the following fees: 85511

(a) A biennial fifty-dollar registration fee for each agent, 85512
solicitor, trade marketing professional, or salesperson, 85513
registered pursuant to section 4303.25 of the Revised Code, of a 85514
beer or intoxicating liquor manufacturer, supplier, broker, trade 85515
marketing company, or wholesale distributor doing business in this 85516
state; 85517

(b) A fifty-dollar product registration fee for each new beer 85518
or intoxicating liquor product sold in this state. The product 85519
registration fee also applies to products sold in this state by 85520
B-2a and S permit holders. The product registration fee shall be 85521
accompanied by a copy of the federal label and product approval 85522
for the new product. 85523

(c) An annual three-hundred-dollar supplier registration fee 85524
from each manufacturer or supplier that produces and ships into 85525
this state, or ships into this state, intoxicating liquor or beer, 85526
in addition to an initial application fee of one hundred dollars. 85527
A manufacturer that produces and ships beer or wine into this 85528
state and that holds only an S permit is exempt from the supplier 85529
registration fee. A manufacturer that produces and ships wine into 85530

this state and that holds a B-2a permit shall pay an annual 85531
seventy-six-dollar supplier registration fee. A manufacturer that 85532
produces and ships wine into this state and that does not hold 85533
either an S or a B-2a permit, but that produces less than two 85534
hundred fifty thousand gallons of wine per year and that is 85535
entitled to a tax credit under 27 C.F.R. 24.278 shall pay an 85536
annual seventy-six-dollar supplier registration fee. A B-2a or S 85537
permit holder that does not sell its wine to wholesale 85538
distributors of wine in this state and an S permit holder that 85539
does not sell its beer to wholesale distributors of beer in this 85540
state shall not be required to submit to the division territory 85541
designation forms. 85542

Each supplier, agent, solicitor, trade marketing 85543
professional, or salesperson registration issued under this 85544
division shall authorize the person named to carry on the activity 85545
specified in the registration. Each agent, solicitor, trade 85546
marketing professional, or salesperson registration is valid for 85547
two years or for the unexpired portion of a two-year registration 85548
period. Each supplier registration is valid for one year or for 85549
the unexpired portion of a one-year registration period. 85550
Registrations shall end on their respective uniform expiration 85551
date, which shall be designated by the division, and are subject 85552
to suspension, revocation, cancellation, or fine as authorized by 85553
this chapter and Chapter 4303. of the Revised Code. 85554

As used in this division, "trade marketing company" and 85555
"trade marketing professional" have the same meanings as in 85556
section 4301.171 of the Revised Code. 85557

(9) Establish a system of electronic data interchange within 85558
the division and regulate the electronic transfer of information 85559
and funds among persons and governmental entities engaged in the 85560
manufacture, distribution, and retail sale of alcoholic beverages; 85561

(10) Notify all holders of retail permits of the forms of 85562

permissible identification for purposes of division (A) of section 85563
4301.639 of the Revised Code; 85564

(11) Exercise all other powers expressly or by necessary 85565
implication conferred upon the division by this chapter and 85566
Chapter 4303. of the Revised Code, and all powers necessary for 85567
the exercise or discharge of any power, duty, or function 85568
expressly conferred or imposed upon the division by those 85569
chapters. 85570

(B) The division may do all of the following: 85571

(1) Sue, but may be sued only in connection with the 85572
execution of leases of real estate and the purchases and contracts 85573
necessary for the operation of the state liquor stores that are 85574
made under this chapter and Chapter 4303. of the Revised Code; 85575

(2) Enter into leases and contracts of all descriptions and 85576
acquire and transfer title to personal property with regard to the 85577
sale, distribution, and storage of spirituous liquor within the 85578
state; 85579

(3) Terminate at will any lease entered into pursuant to 85580
division (B)(2) of this section upon first giving ninety days' 85581
notice in writing to the lessor of its intention to do so; 85582

(4) Fix the wholesale and retail prices at which the various 85583
classes, varieties, and brands of spirituous liquor shall be sold 85584
by the division. Those retail prices shall be the same at all 85585
state liquor stores, except to the extent that a price 85586
differential is required to collect a county sales tax levied 85587
pursuant to section 5739.021 of the Revised Code and for which tax 85588
the tax commissioner has authorized prepayment pursuant to section 85589
5739.05 of the Revised Code. In fixing selling prices, the 85590
division shall compute an anticipated gross profit at least 85591
sufficient to provide in each calendar year all costs and expenses 85592
of the division and also an adequate working capital reserve for 85593

the division. The gross profit shall not exceed forty per cent of 85594
the retail selling price based on costs of the division, and in 85595
addition the sum required by section 4301.12 of the Revised Code 85596
to be paid into the state treasury. An amount equal to one and 85597
one-half per cent of that gross profit shall be paid into the 85598
statewide treatment and prevention fund created by section 4301.30 85599
of the Revised Code and be appropriated by the general assembly 85600
from the fund to the department of ~~alcohol and drug addiction~~ 85601
~~services~~ mental health and addiction services as provided in 85602
section 4301.30 of the Revised Code. 85603

On spirituous liquor manufactured in this state from the 85604
juice of grapes or fruits grown in this state, the division shall 85605
compute an anticipated gross profit of not to exceed ten per cent. 85606

The wholesale prices fixed under this division shall be at a 85607
discount of not less than six per cent of the retail selling 85608
prices as determined by the division in accordance with this 85609
section. 85610

(C) The division may approve the expansion or diminution of a 85611
premises to which a liquor permit has been issued and may adopt 85612
standards governing such an expansion or diminution. 85613

Sec. 4301.171. (A) As used in this section: 85614

(1) "Agency store" includes an area that is immediately 85615
adjacent to an agency store if beer and other intoxicating liquor 85616
are sold in the area and if the area and the agency store are 85617
located on the same premises. 85618

(2) "Broker" and "solicitor" have the same meanings as in 85619
rules adopted by the superintendent of liquor control under 85620
section 4303.25 of the Revised Code. 85621

~~(2)~~(3) "Tasting sample" means a small amount of spirituous 85622
liquor that is provided in a serving of not more than a quarter 85623

ounce of spirituous liquor and, if provided, not more than one 85624
ounce of nonalcoholic mixer to an authorized purchaser and that 85625
allows the purchaser to determine, by tasting only, the quality 85626
and character of the beverage. 85627

~~(3)~~(4) "Trade marketing company" means a company that 85628
solicits the purchase of beer and intoxicating liquor and educates 85629
the public about beer and intoxicating liquor. 85630

~~(4)~~(5) "Trade marketing professional" means an individual who 85631
is an employee of, or is under contract with, a trade marketing 85632
company and who has successfully completed a training program 85633
described in section 4301.253 of the Revised Code. 85634

(B) Notwithstanding section 4301.24 of the Revised Code, an 85635
agency store to which a D-8 permit has been issued may allow a 85636
trade marketing professional, broker, or solicitor to offer for 85637
sale tasting samples of spirituous liquor when conducted in 85638
accordance with this section. A tasting sample shall not be sold 85639
for the purpose of general consumption. 85640

(C) Tasting samples of spirituous liquor may be offered for 85641
sale at an agency store by a trade marketing professional, broker, 85642
or solicitor if all of the following apply: 85643

(1) The tasting samples are sold ~~only~~ in the area of the 85644
agency store ~~in which spirituous liquor is sold and that area~~ that 85645
is open to the public. 85646

(2) The tasting samples are sold only by the trade marketing 85647
professional, broker, or solicitor. 85648

(3) The spirituous liquor is registered under division (A)(8) 85649
of section 4301.10 of the Revised Code. 85650

(4) Not less than ~~five~~ ten business days prior to the sale, 85651
the trade marketing professional, broker, or solicitor has 85652
provided written notice to the division of liquor control of the 85653

date and time of the sampling, and of the type and brand of 85654
spirituous liquor to be sampled at the agency store. 85655

(D) A sale of tasting samples of spirituous liquor is subject 85656
to rules adopted by the superintendent of liquor control or the 85657
liquor control commission. 85658

(E) An offering for sale of tasting samples of spirituous 85659
liquor shall be limited to a period of not more than two hours. 85660

(F) For purposes of offering for sale tasting samples of 85661
spirituous liquor, ~~an a trade marketing professional, broker, or~~ 85662
~~solicitor shall purchase the spirituous liquor from the~~ agency 85663
store ~~shall purchase the spirituous liquor~~ at the current retail 85664
price. An authorized purchaser shall be charged not less than 85665
fifty cents for each tasting sample of spirituous liquor. ~~However,~~ 85666
~~the aggregate amount charged for the sale of tasting samples shall~~ 85667
~~be sufficient to cover the wholesale price of the spirituous~~ 85668
~~liquor being tasted as that price is fixed under division (B)(4)~~ 85669
~~of section 4301.10 of the Revised Code. Of the amount collected~~ 85670
~~from the sale of tasting samples of spirituous liquor, the trade~~ 85671
~~marketing professional, broker, or solicitor shall reimburse the~~ 85672
~~agency store for the amount of the retail price of the spirituous~~ 85673
~~liquor.~~ When the sale of tasting samples of spirituous liquor at 85674
an agency store is completed, any bottles of spirituous liquor 85675
used to provide tasting samples that are not empty shall be marked 85676
as "sample" and removed from the agency store by the trade 85677
marketing professional, broker, or solicitor, as applicable. 85678

(G) No trade marketing professional, broker, or solicitor 85679
shall do any of the following: 85680

(1) Advertise the offering for sale of tasting samples of 85681
spirituous liquor other than at the agency store where the tasting 85682
samples will be offered; 85683

(2) Solicit orders or make sales of tasting samples of 85684

spirituous liquor for quantities greater than those specified in 85685
division (G)(3) of this section; 85686

(3) Allow any authorized purchaser to consume more than four 85687
tasting samples of spirituous liquor per day. 85688

(H) The purchase of a tasting sample of spirituous liquor 85689
shall not be contingent upon the purchase of any other product 85690
from an agency store. 85691

(I) No employee of an agency store that allows the sale of 85692
tasting samples of spirituous liquor shall purchase or consume a 85693
tasting sample while on duty. 85694

(J) If an employee of an agency store that allows the sale of 85695
tasting samples of spirituous liquor consumes a tasting sample of 85696
spirituous liquor, the employee shall not perform the employee's 85697
duties and responsibilities at the agency store on the day the 85698
tasting sample is consumed. 85699

(K) No person under twenty-one years of age shall consume a 85700
tasting sample of spirituous liquor. 85701

(L) Not more than ~~five~~ three events at which the sale of 85702
tasting samples of spirituous liquor are offered shall occur at an 85703
agency store in a calendar ~~month~~ week provided that: 85704

(1) Not more than two events shall occur in the same day; and 85705

(2) There is not less than one hour between the end of one 85706
event and the beginning of the next event. 85707

(M) No trade marketing professional, trade marketing company, 85708
broker, solicitor, owner or operator of an agency store, or an 85709
agent or employee of the owner or operator shall violate this 85710
section or any rules adopted by the superintendent or the 85711
commission for the purposes of this section. 85712

Sec. 4301.30. (A) All fees collected by the division of 85713

liquor control shall be deposited in the state treasury to the 85714
credit of the undivided liquor permit fund, which is hereby 85715
created, at the time prescribed under section 4301.12 of the 85716
Revised Code. Each payment shall be accompanied by a statement 85717
showing separately the amount collected for each class of permits 85718
in each municipal corporation and in each township outside the 85719
limits of any municipal corporation in such township. 85720

(B)(1) An amount equal to forty-five per cent of the fund 85721
shall be paid from the fund into the state liquor regulatory fund, 85722
which is hereby created in the state treasury. The state liquor 85723
regulatory fund shall be used to pay the operating expenses of the 85724
division of liquor control in administering and enforcing Title 85725
XLIII of the Revised Code and the operating expenses of the liquor 85726
control commission. Investment earnings of the fund shall be 85727
credited to the fund. 85728

(2) Whenever, in the judgment of the director of budget and 85729
management, the amount of money that is in the state liquor 85730
regulatory fund is in excess of the amount that is needed to pay 85731
the operating expenses of the division in administering and 85732
enforcing Title XLIII of the Revised Code and the operating 85733
expenses of the commission, the director shall credit the excess 85734
amount to the general revenue fund. 85735

(C) Twenty per cent of the undivided liquor permit fund shall 85736
be paid into the statewide treatment and prevention fund, which is 85737
hereby created in the state treasury. This amount shall be 85738
appropriated by the general assembly, together with an amount 85739
equal to one and one-half per cent of the gross profit of the 85740
division of liquor control derived under division (B)(4) of 85741
section 4301.10 of the Revised Code, to the department of ~~alcohol~~ 85742
~~and drug addiction services~~ mental health and addiction services. 85743
In planning for the allocation of and in allocating these amounts 85744
for the purposes of Chapter ~~3793~~ 5119. of the Revised Code, the 85745

~~department of alcohol and drug addiction services~~ shall comply 85746
with the nondiscrimination provisions of Title VI of the Civil 85747
Rights Act of 1964, and any rules adopted under that act. 85748

(D) Thirty-five per cent of the undivided liquor permit fund 85749
shall be distributed by the superintendent of liquor control at 85750
quarterly calendar periods as follows: 85751

(1) To each municipal corporation, the aggregate amount shown 85752
by the statements to have been collected from permits in the 85753
municipal corporation, for the use of the general fund of the 85754
municipal corporation; 85755

(2) To each township, the aggregate amount shown by the 85756
statements to have been collected from permits in its territory, 85757
outside the limits of any municipal corporation located in the 85758
township, for the use of the general fund of the township, or for 85759
fire protection purposes, including buildings and equipment in the 85760
township or in an established fire district within the township, 85761
to the extent that the funds are derived from liquor permits 85762
within the territory comprising such fire district. 85763

(E) For the purpose of the distribution required by this 85764
section, E, H, and D permits covering boats or vessels are deemed 85765
to have been issued in the municipal corporation or township 85766
wherein the owner or operator of the vehicle, boat, vessel, or 85767
dining car equipment to which the permit relates has the owner's 85768
or operator's principal office or place of business within the 85769
state. 85770

(F) If the liquor control commission determines that the 85771
police or other officers of any municipal corporation or township 85772
entitled to share in distributions under this section are refusing 85773
or culpably neglecting to enforce this chapter and Chapter 4303. 85774
of the Revised Code, or the penal laws of this state relating to 85775
the manufacture, importation, transportation, distribution, and 85776

sale of beer and intoxicating liquors, or if the prosecuting 85777
officer of a municipal corporation or a municipal court fails to 85778
comply with the request of the commission authorized by division 85779
(A)(4) of section 4301.10 of the Revised Code, the commission, by 85780
certified mail, may notify the chief executive officer of the 85781
municipal corporation or the board of township trustees of the 85782
township of the failure and require the immediate cooperation of 85783
the responsible officers of the municipal corporation or township 85784
with the division of liquor control in the enforcement of those 85785
chapters and penal laws. Within thirty days after the notice is 85786
served, the commission shall determine whether the requirement has 85787
been complied with. If the commission determines that the 85788
requirement has not been complied with, it may issue an order to 85789
the superintendent to withhold the distributive share of the 85790
municipal corporation or township until further order of the 85791
commission. This action of the commission is reviewable within 85792
thirty days thereafter in the court of common pleas of Franklin 85793
county. 85794

(G) All fees collected by the division of liquor control from 85795
the issuance or renewal of B-2a and S permits, and paid by B-2a 85796
and S permit holders who do not also hold A-2 permits, shall be 85797
deposited in the state treasury to the credit of the state liquor 85798
regulatory fund. Once during each fiscal year, an amount equal to 85799
fifty per cent of the fees collected shall be paid from the state 85800
liquor regulatory fund into the general revenue fund. 85801

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 85802
the Revised Code: 85803

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 85804
fluid ounces. 85805

(2) "Sale" or "sell" includes exchange, barter, gift, 85806
distribution, and, except with respect to A-4 permit holders, 85807

offer for sale. 85808

(B) For the purposes of providing revenues for the support of 85809
the state and encouraging the grape industries in the state, a tax 85810
is hereby levied on the sale or distribution of wine in Ohio, 85811
except for known sacramental purposes, at the rate of thirty cents 85812
per wine gallon for wine containing not less than four per cent of 85813
alcohol by volume and not more than fourteen per cent of alcohol 85814
by volume, ninety-eight cents per wine gallon for wine containing 85815
more than fourteen per cent but not more than twenty-one per cent 85816
of alcohol by volume, one dollar and eight cents per wine gallon 85817
for vermouth, and one dollar and forty-eight cents per wine gallon 85818
for sparkling and carbonated wine and champagne, the tax to be 85819
paid by the holders of A-2 and B-5 permits or by any other person 85820
selling or distributing wine upon which no tax has been paid. From 85821
the tax paid under this section on wine, vermouth, and sparkling 85822
and carbonated wine and champagne, the treasurer of state shall 85823
credit to the Ohio grape industries fund created under section 85824
924.54 of the Revised Code a sum equal to one cent per gallon for 85825
each gallon upon which the tax is paid. 85826

(C) For the purpose of providing revenues for the support of 85827
the state, there is hereby levied a tax on prepared and bottled 85828
highballs, cocktails, cordials, and other mixed beverages at the 85829
rate of one dollar and twenty cents per wine gallon to be paid by 85830
holders of A-4 permits or by any other person selling or 85831
distributing those products upon which no tax has been paid. Only 85832
one sale of the same article shall be used in computing the amount 85833
of tax due. The tax on mixed beverages to be paid by holders of 85834
A-4 permits under this section shall not attach until the 85835
ownership of the mixed beverage is transferred for valuable 85836
consideration to a wholesaler or retailer, and no payment of the 85837
tax shall be required prior to that time. 85838

(D) During the period of July 1, ~~2011~~ 2013, through June 30, 85839

~~2013~~ 2015, from the tax paid under this section on wine, vermouth, 85840
and sparkling and carbonated wine and champagne, the treasurer of 85841
state shall credit to the Ohio grape industries fund created under 85842
section 924.54 of the Revised Code a sum equal to two cents per 85843
gallon upon which the tax is paid. The amount credited under this 85844
division is in addition to the amount credited to the Ohio grape 85845
industries fund under division (B) of this section. 85846

(E) For the purpose of providing revenues for the support of 85847
the state, there is hereby levied a tax on cider at the rate of 85848
twenty-four cents per wine gallon to be paid by the holders of A-2 85849
and B-5 permits or by any other person selling or distributing 85850
cider upon which no tax has been paid. Only one sale of the same 85851
article shall be used in computing the amount of the tax due. 85852

Sec. 4301.62. (A) As used in this section: 85853

(1) "Chauffeured limousine" means a vehicle registered under 85854
section 4503.24 of the Revised Code. 85855

(2) "Street," "highway," and "motor vehicle" have the same 85856
meanings as in section 4511.01 of the Revised Code. 85857

(B) No person shall have in the person's possession an opened 85858
container of beer or intoxicating liquor in any of the following 85859
circumstances: 85860

(1) Except as provided in division (C)(1)(e) of this section, 85861
in an agency store; 85862

(2) Except as provided in division (C) of this section, on 85863
the premises of the holder of any permit issued by the division of 85864
liquor control; 85865

(3) In any other public place; 85866

(4) Except as provided in division (D) or (E) of this 85867
section, while operating or being a passenger in or on a motor 85868
vehicle on any street, highway, or other public or private 85869

property open to the public for purposes of vehicular travel or 85870
parking; 85871

(5) Except as provided in division (D) or (E) of this 85872
section, while being in or on a stationary motor vehicle on any 85873
street, highway, or other public or private property open to the 85874
public for purposes of vehicular travel or parking. 85875

(C)(1) A person may have in the person's possession an opened 85876
container of any of the following: 85877

(a) Beer or intoxicating liquor that has been lawfully 85878
purchased for consumption on the premises where bought from the 85879
holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, 85880
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 85881
D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or 85882
F-8 permit; 85883

(b) Beer, wine, or mixed beverages served for consumption on 85884
the premises by the holder of an F-3 permit or wine served for 85885
consumption on the premises by the holder of an F-4 or F-6 permit; 85886

(c) Beer or intoxicating liquor consumed on the premises of a 85887
convention facility as provided in section 4303.201 of the Revised 85888
Code; 85889

(d) Beer or intoxicating liquor to be consumed during 85890
tastings and samplings approved by rule of the liquor control 85891
commission; 85892

(e) Spirituous liquor to be consumed for purposes of a 85893
tasting sample, as defined in section 4301.171 of the Revised 85894
Code. 85895

(2) A person may have in the person's possession on an F 85896
liquor permit premises an opened container of beer or intoxicating 85897
liquor that was not purchased from the holder of the F permit if 85898
the premises for which the F permit is issued is a music festival 85899

and the holder of the F permit grants permission for that 85900
possession on the premises during the period for which the F 85901
permit is issued. As used in this division, "music festival" means 85902
a series of outdoor live musical performances, extending for a 85903
period of at least three consecutive days and located on an area 85904
of land of at least forty acres. 85905

(3)(a) A person may have in the person's possession on a D-2 85906
liquor permit premises an opened or unopened container of wine 85907
that was not purchased from the holder of the D-2 permit if the 85908
premises for which the D-2 permit is issued is an outdoor 85909
performing arts center, the person is attending an orchestral 85910
performance, and the holder of the D-2 permit grants permission 85911
for the possession and consumption of wine in certain 85912
predesignated areas of the premises during the period for which 85913
the D-2 permit is issued. 85914

(b) As used in division (C)(3)(a) of this section: 85915

(i) "Orchestral performance" means a concert comprised of a 85916
group of not fewer than forty musicians playing various musical 85917
instruments. 85918

(ii) "Outdoor performing arts center" means an outdoor 85919
performing arts center that is located on not less than one 85920
hundred fifty acres of land and that is open for performances from 85921
the first day of April to the last day of October of each year. 85922

(4) A person may have in the person's possession an opened or 85923
unopened container of beer or intoxicating liquor at an outdoor 85924
location at which the person is attending an orchestral 85925
performance as defined in division (C)(3)(b)(i) of this section if 85926
the person with supervision and control over the performance 85927
grants permission for the possession and consumption of beer or 85928
intoxicating liquor in certain predesignated areas of that outdoor 85929
location. 85930

(5) A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the person is attending an orchestral performance and the holder of the F-9 permit grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued.

As used in division (C)(5) of this section, "orchestral performance" has the same meaning as in division (C)(3)(b) of this section.

(6)(a) A person may have in the person's possession on the property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply:

(i) The person is attending a racing event at the facility;
and

(ii) The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility.

(b) As used in division (C)(6)(a) of this section:

(i) "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.

(ii) "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply:

(I) It is two and four-tenths miles or more in length.

(II) It is located on two hundred acres or more of land.

(III) The primary business of the owner of the facility is the hosting and promoting of racing events.

(IV) The holder of a D-1, D-2, or D-3 permit is located on

the property of the facility. 85961

(D) This section does not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract, or the guest of the person, when all of the following apply:

(1) The person or guest is a passenger in the limousine. 85966

(2) The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located. 85967 85968 85969

(3) The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking. 85970 85971 85972

(E) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply: 85973 85974 85975 85976

(1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with. 85977 85978 85979 85980 85981

(2) The opened bottle of wine that is resealed in accordance with division (E)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver. 85982 85983 85984 85985 85986 85987

Sec. 4303.181. (A) Permit D-5a may be issued either to the owner or operator of a hotel or motel that is required to be licensed under section 3731.03 of the Revised Code, that contains 85988 85989 85990

at least fifty rooms for registered transient guests or is owned 85991
by a state institution of higher education as defined in section 85992
3345.011 of the Revised Code or a private college or university, 85993
and that qualifies under the other requirements of this section, 85994
or to the owner or operator of a restaurant specified under this 85995
section, to sell beer and any intoxicating liquor at retail, only 85996
by the individual drink in glass and from the container, for 85997
consumption on the premises where sold, and to registered guests 85998
in their rooms, which may be sold by means of a controlled access 85999
alcohol and beverage cabinet in accordance with division (B) of 86000
section 4301.21 of the Revised Code; and to sell the same products 86001
in the same manner and amounts not for consumption on the premises 86002
as may be sold by holders of D-1 and D-2 permits. The premises of 86003
the hotel or motel shall include a retail food establishment or a 86004
food service operation licensed pursuant to Chapter 3717. of the 86005
Revised Code that operates as a restaurant for purposes of this 86006
chapter and that is affiliated with the hotel or motel and within 86007
or contiguous to the hotel or motel, and that serves food within 86008
the hotel or motel, but the principal business of the owner or 86009
operator of the hotel or motel shall be the accommodation of 86010
transient guests. In addition to the privileges authorized in this 86011
division, the holder of a D-5a permit may exercise the same 86012
privileges as the holder of a D-5 permit. 86013

The owner or operator of a hotel, motel, or restaurant who 86014
qualified for and held a D-5a permit on August 4, 1976, may, if 86015
the owner or operator held another permit before holding a D-5a 86016
permit, either retain a D-5a permit or apply for the permit 86017
formerly held, and the division of liquor control shall issue the 86018
permit for which the owner or operator applies and formerly held, 86019
notwithstanding any quota. 86020

A D-5a permit shall not be transferred to another location. 86021
No quota restriction shall be placed on the number of D-5a permits 86022

that may be issued. 86023

The fee for this permit is two thousand three hundred 86024
forty-four dollars. 86025

(B) Permit D-5b may be issued to the owner, operator, tenant, 86026
lessee, or occupant of an enclosed shopping center to sell beer 86027
and intoxicating liquor at retail, only by the individual drink in 86028
glass and from the container, for consumption on the premises 86029
where sold; and to sell the same products in the same manner and 86030
amount not for consumption on the premises as may be sold by 86031
holders of D-1 and D-2 permits. In addition to the privileges 86032
authorized in this division, the holder of a D-5b permit may 86033
exercise the same privileges as a holder of a D-5 permit. 86034

A D-5b permit shall not be transferred to another location. 86035

One D-5b permit may be issued at an enclosed shopping center 86036
containing at least two hundred twenty-five thousand, but less 86037
than four hundred thousand, square feet of floor area. 86038

Two D-5b permits may be issued at an enclosed shopping center 86039
containing at least four hundred thousand square feet of floor 86040
area. No more than one D-5b permit may be issued at an enclosed 86041
shopping center for each additional two hundred thousand square 86042
feet of floor area or fraction of that floor area, up to a maximum 86043
of five D-5b permits for each enclosed shopping center. The number 86044
of D-5b permits that may be issued at an enclosed shopping center 86045
shall be determined by subtracting the number of D-3 and D-5 86046
permits issued in the enclosed shopping center from the number of 86047
D-5b permits that otherwise may be issued at the enclosed shopping 86048
center under the formulas provided in this division. Except as 86049
provided in this section, no quota shall be placed on the number 86050
of D-5b permits that may be issued. Notwithstanding any quota 86051
provided in this section, the holder of any D-5b permit first 86052
issued in accordance with this section is entitled to its renewal 86053

in accordance with section 4303.271 of the Revised Code. 86054

The holder of a D-5b permit issued before April 4, 1984, 86055
whose tenancy is terminated for a cause other than nonpayment of 86056
rent, may return the D-5b permit to the division of liquor 86057
control, and the division shall cancel that permit. Upon 86058
cancellation of that permit and upon the permit holder's payment 86059
of taxes, contributions, premiums, assessments, and other debts 86060
owing or accrued upon the date of cancellation to this state and 86061
its political subdivisions and a filing with the division of a 86062
certification of that payment, the division shall issue to that 86063
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 86064
that person requests. The division shall issue the D-5 permit, or 86065
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 86066
D-3, or D-5 permits currently issued in the municipal corporation 86067
or in the unincorporated area of the township where that person's 86068
proposed premises is located equals or exceeds the maximum number 86069
of such permits that can be issued in that municipal corporation 86070
or in the unincorporated area of that township under the 86071
population quota restrictions contained in section 4303.29 of the 86072
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 86073
be transferred to another location. If a D-5b permit is canceled 86074
under the provisions of this paragraph, the number of D-5b permits 86075
that may be issued at the enclosed shopping center for which the 86076
D-5b permit was issued, under the formula provided in this 86077
division, shall be reduced by one if the enclosed shopping center 86078
was entitled to more than one D-5b permit under the formula. 86079

The fee for this permit is two thousand three hundred 86080
forty-four dollars. 86081

(C) Permit D-5c may be issued to the owner or operator of a 86082
retail food establishment or a food service operation licensed 86083
pursuant to Chapter 3717. of the Revised Code that operates as a 86084
restaurant for purposes of this chapter and that qualifies under 86085

the other requirements of this section to sell beer and any 86086
intoxicating liquor at retail, only by the individual drink in 86087
glass and from the container, for consumption on the premises 86088
where sold, and to sell the same products in the same manner and 86089
amounts not for consumption on the premises as may be sold by 86090
holders of D-1 and D-2 permits. In addition to the privileges 86091
authorized in this division, the holder of a D-5c permit may 86092
exercise the same privileges as the holder of a D-5 permit. 86093

To qualify for a D-5c permit, the owner or operator of a 86094
retail food establishment or a food service operation licensed 86095
pursuant to Chapter 3717. of the Revised Code that operates as a 86096
restaurant for purposes of this chapter, shall have operated the 86097
restaurant at the proposed premises for not less than twenty-four 86098
consecutive months immediately preceding the filing of the 86099
application for the permit, have applied for a D-5 permit no later 86100
than December 31, 1988, and appear on the division's quota waiting 86101
list for not less than six months immediately preceding the filing 86102
of the application for the permit. In addition to these 86103
requirements, the proposed D-5c permit premises shall be located 86104
within a municipal corporation and further within an election 86105
precinct that, at the time of the application, has no more than 86106
twenty-five per cent of its total land area zoned for residential 86107
use. 86108

A D-5c permit shall not be transferred to another location. 86109
No quota restriction shall be placed on the number of such permits 86110
that may be issued. 86111

Any person who has held a D-5c permit for at least two years 86112
may apply for a D-5 permit, and the division of liquor control 86113
shall issue the D-5 permit notwithstanding the quota restrictions 86114
contained in section 4303.29 of the Revised Code or in any rule of 86115
the liquor control commission. 86116

The fee for this permit is one thousand five hundred 86117

sixty-three dollars. 86118

(D) Permit D-5d may be issued to the owner or operator of a 86119
retail food establishment or a food service operation licensed 86120
pursuant to Chapter 3717. of the Revised Code that operates as a 86121
restaurant for purposes of this chapter and that is located at an 86122
airport operated by a board of county commissioners pursuant to 86123
section 307.20 of the Revised Code, at an airport operated by a 86124
port authority pursuant to Chapter 4582. of the Revised Code, or 86125
at an airport operated by a regional airport authority pursuant to 86126
Chapter 308. of the Revised Code. The holder of a D-5d permit may 86127
sell beer and any intoxicating liquor at retail, only by the 86128
individual drink in glass and from the container, for consumption 86129
on the premises where sold, and may sell the same products in the 86130
same manner and amounts not for consumption on the premises where 86131
sold as may be sold by the holders of D-1 and D-2 permits. In 86132
addition to the privileges authorized in this division, the holder 86133
of a D-5d permit may exercise the same privileges as the holder of 86134
a D-5 permit. 86135

A D-5d permit shall not be transferred to another location. 86136
No quota restrictions shall be placed on the number of such 86137
permits that may be issued. 86138

The fee for this permit is two thousand three hundred 86139
forty-four dollars. 86140

(E) Permit D-5e may be issued to any nonprofit organization 86141
that is exempt from federal income taxation under the "Internal 86142
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 86143
amended, or that is a charitable organization under any chapter of 86144
the Revised Code, and that owns or operates a riverboat that meets 86145
all of the following: 86146

(1) Is permanently docked at one location; 86147

(2) Is designated as an historical riverboat by the Ohio 86148

historical society;	86149
(3) Contains not less than fifteen hundred square feet of floor area;	86150 86151
(4) Has a seating capacity of fifty or more persons.	86152
The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.	86153 86154 86155
A D-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.	86156 86157 86158 86159 86160 86161 86162 86163 86164 86165
The fee for this permit is one thousand two hundred nineteen dollars.	86166 86167
(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following:	86168 86169 86170 86171 86172
(1) It contains not less than twenty-five hundred square feet of floor area.	86173 86174
(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river.	86175 86176
(3) It provides docking space for twenty-five boats.	86177
(4) It provides entertainment and recreation, provided that	86178

not less than fifty per cent of the business on the permit 86179
premises shall be preparing and serving meals for a consideration. 86180

In addition, each application for a D-5f permit shall be 86181
accompanied by a certification from the local legislative 86182
authority that the issuance of the D-5f permit is not inconsistent 86183
with that political subdivision's comprehensive development plan 86184
or other economic development goal as officially established by 86185
the local legislative authority. 86186

The holder of a D-5f permit may sell beer and intoxicating 86187
liquor at retail, only by the individual drink in glass and from 86188
the container, for consumption on the premises where sold. 86189

A D-5f permit shall not be transferred to another location. 86190

The division of liquor control shall not issue a D-5f permit 86191
if the permit premises or proposed permit premises are located 86192
within an area in which the sale of spirituous liquor by the glass 86193
is prohibited. 86194

A fee for this permit is two thousand three hundred 86195
forty-four dollars. 86196

As used in this division, "navigable river" means a river 86197
that is also a "navigable water" as defined in the "Federal Power 86198
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 86199

(G) Permit D-5g may be issued to a nonprofit corporation that 86200
is either the owner or the operator of a national professional 86201
sports museum. The holder of a D-5g permit may sell beer and any 86202
intoxicating liquor at retail, only by the individual drink in 86203
glass and from the container, for consumption on the premises 86204
where sold. The holder of a D-5g permit shall sell no beer or 86205
intoxicating liquor for consumption on the premises where sold 86206
after two-thirty a.m. A D-5g permit shall not be transferred to 86207
another location. No quota restrictions shall be placed on the 86208
number of D-5g permits that may be issued. The fee for this permit 86209

is one thousand eight hundred seventy-five dollars. 86210

(H)(1) Permit D-5h may be issued to any nonprofit 86211
organization that is exempt from federal income taxation under the 86212
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 86213
501(c)(3), as amended, that owns or operates any of the following: 86214

(a) A fine arts museum, provided that the nonprofit 86215
organization has no less than one thousand five hundred bona fide 86216
members possessing full membership privileges; 86217

(b) A community arts center. As used in division (H)(1)(b) of 86218
this section, "community arts center" means a facility that 86219
provides arts programming to the community in more than one arts 86220
discipline, including, but not limited to, exhibits of works of 86221
art and performances by both professional and amateur artists. 86222

(c) A community theater, provided that the nonprofit 86223
organization is a member of the Ohio arts council and the American 86224
community theatre association and has been in existence for not 86225
less than ten years. As used in division (H)(1)(c) of this 86226
section, "community theater" means a facility that contains at 86227
least one hundred fifty seats and has a primary function of 86228
presenting live theatrical performances and providing recreational 86229
opportunities to the community. 86230

(2) The holder of a D-5h permit may sell beer and any 86231
intoxicating liquor at retail, only by the individual drink in 86232
glass and from the container, for consumption on the premises 86233
where sold. The holder of a D-5h permit shall sell no beer or 86234
intoxicating liquor for consumption on the premises where sold 86235
after one a.m. A D-5h permit shall not be transferred to another 86236
location. No quota restrictions shall be placed on the number of 86237
D-5h permits that may be issued. 86238

(3) The fee for a D-5h permit is one thousand eight hundred 86239
seventy-five dollars. 86240

(I) Permit D-5i may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following requirements:

(1) It is located in a municipal corporation or a township with a population of one hundred thousand or less.

(2) It has inside seating capacity for at least one hundred forty persons.

(3) It has at least four thousand square feet of floor area.

(4) It offers full-course meals, appetizers, and sandwiches.

(5) Its receipts from beer and liquor sales, excluding wine sales, do not exceed twenty-five per cent of its total gross receipts.

(6) It has at least one of the following characteristics:

(a) The value of its real and personal property exceeds seven hundred twenty-five thousand dollars.

(b) It is located on property that is owned or leased by the state or a state agency, and its owner or operator has authorization from the state or the state agency that owns or leases the property to obtain a D-5i permit.

The holder of a D-5i permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5i permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after two-thirty a.m. In addition to the privileges authorized in this division, the holder of a D-5i

permit may exercise the same privileges as the holder of a D-5 86271
permit. 86272

A D-5i permit shall not be transferred to another location. 86273
The division of liquor control shall not renew a D-5i permit 86274
unless the retail food establishment or food service operation for 86275
which it is issued continues to meet the requirements described in 86276
divisions (I)(1) to (6) of this section. No quota restrictions 86277
shall be placed on the number of D-5i permits that may be issued. 86278
The fee for the D-5i permit is two thousand three hundred 86279
forty-four dollars. 86280

(J) Permit D-5j may be issued to the owner or the operator of 86281
a retail food establishment or a food service operation licensed 86282
under Chapter 3717. of the Revised Code to sell beer and 86283
intoxicating liquor at retail, only by the individual drink in 86284
glass and from the container, for consumption on the premises 86285
where sold and to sell beer and intoxicating liquor in the same 86286
manner and amounts not for consumption on the premises where sold 86287
as may be sold by the holders of D-1 and D-2 permits. The holder 86288
of a D-5j permit may exercise the same privileges, and shall 86289
observe the same hours of operation, as the holder of a D-5 86290
permit. 86291

The D-5j permit shall be issued only within a community 86292
entertainment district that is designated under section 4301.80 of 86293
the Revised Code and that meets one of the following 86294
qualifications: 86295

(1) It is located in a municipal corporation with a 86296
population of at least one hundred thousand. 86297

(2) It is located in a municipal corporation with a 86298
population of at least twenty thousand, and either of the 86299
following applies: 86300

(a) It contains an amusement park the rides of which have 86301

been issued a permit by the department of agriculture under 86302
Chapter 1711. of the Revised Code. 86303

(b) Not less than fifty million dollars will be invested in 86304
development and construction in the community entertainment 86305
district's area located in the municipal corporation. 86306

(3) It is located in a township with a population of at least 86307
forty thousand. 86308

(4) It is located in a township with a population of at least 86309
twenty thousand, and not less than seventy million dollars will be 86310
invested in development and construction in the community 86311
entertainment district's area located in the township. 86312

(5) It is located in a municipal corporation with a 86313
population between ten thousand and twenty thousand, and both of 86314
the following apply: 86315

(a) The municipal corporation was incorporated as a village 86316
prior to calendar year ~~1840~~ 1860 and currently has a historic 86317
downtown business district. 86318

(b) The municipal corporation is located in the same county 86319
as another municipal corporation with at least one community 86320
entertainment district. 86321

(6) It is located in a municipal corporation with a 86322
population of at least ten thousand, and not less than seventy 86323
million dollars will be invested in development and construction 86324
in the community entertainment district's area located in the 86325
municipal corporation. 86326

(7) It is located in a municipal corporation with a 86327
population of at least five thousand, and not less than one 86328
hundred million dollars will be invested in development and 86329
construction in the community entertainment district's area 86330
located in the municipal corporation. 86331

The location of a D-5j permit may be transferred only within 86332
the geographic boundaries of the community entertainment district 86333
in which it was issued and shall not be transferred outside the 86334
geographic boundaries of that district. 86335

Not more than one D-5j permit shall be issued within each 86336
community entertainment district for each five acres of land 86337
located within the district. Not more than fifteen D-5j permits 86338
may be issued within a single community entertainment district. 86339
Except as otherwise provided in division (J)(4) of this section, 86340
no quota restrictions shall be placed upon the number of D-5j 86341
permits that may be issued. 86342

The fee for a D-5j permit is two thousand three hundred 86343
forty-four dollars. 86344

(K)(1) Permit D-5k may be issued to any nonprofit 86345
organization that is exempt from federal income taxation under the 86346
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 86347
501(c)(3), as amended, that is the owner or operator of a 86348
botanical garden recognized by the American association of 86349
botanical gardens and arboreta, and that has not less than 86350
twenty-five hundred bona fide members. 86351

(2) The holder of a D-5k permit may sell beer and any 86352
intoxicating liquor at retail, only by the individual drink in 86353
glass and from the container, on the premises where sold. 86354

(3) The holder of a D-5k permit shall sell no beer or 86355
intoxicating liquor for consumption on the premises where sold 86356
after one a.m. 86357

(4) A D-5k permit shall not be transferred to another 86358
location. 86359

(5) No quota restrictions shall be placed on the number of 86360
D-5k permits that may be issued. 86361

(6) The fee for the D-5k permit is one thousand eight hundred 86362
seventy-five dollars. 86363

(L)(1) Permit D-5l may be issued to the owner or the operator 86364
of a retail food establishment or a food service operation 86365
licensed under Chapter 3717. of the Revised Code to sell beer and 86366
intoxicating liquor at retail, only by the individual drink in 86367
glass and from the container, for consumption on the premises 86368
where sold and to sell beer and intoxicating liquor in the same 86369
manner and amounts not for consumption on the premises where sold 86370
as may be sold by the holders of D-1 and D-2 permits. The holder 86371
of a D-5l permit may exercise the same privileges, and shall 86372
observe the same hours of operation, as the holder of a D-5 86373
permit. 86374

(2) The D-5l permit shall be issued only to a premises to 86375
which all of the following apply: 86376

(a) The premises has gross annual receipts from the sale of 86377
food and meals that constitute not less than seventy-five per cent 86378
of its total gross annual receipts. 86379

(b) The premises is located within a revitalization district 86380
that is designated under section 4301.81 of the Revised Code. 86381

(c) The premises is located in a municipal corporation or 86382
township in which the number of D-5 permits issued equals or 86383
exceeds the number of those permits that may be issued in that 86384
municipal corporation or township under section 4303.29 of the 86385
Revised Code. 86386

(d) The premises meets any of the following qualifications: 86387

(i) It is located in a county with a population of one 86388
hundred twenty-five thousand or less according to the population 86389
estimates certified by the development services agency for 86390
calendar year 2006. 86391

(ii) It is located in the municipal corporation that has the largest population in a county when the county has a population between two hundred fifteen thousand and two hundred twenty-five thousand according to the population estimates certified by the development services agency for calendar year 2006. Division (L)(2)(d)(ii) of this section applies only to a municipal corporation that is wholly located in a county.

(iii) It is located in the municipal corporation that has the largest population in a county when the county has a population between one hundred forty thousand and one hundred forty-one thousand according to the population estimates certified by the development services agency for calendar year 2006. Division (L)(2)(d)(iii) of this section applies only to a municipal corporation that is wholly located in a county.

(3) The location of a D-51 permit may be transferred only within the geographic boundaries of the revitalization district in which it was issued and shall not be transferred outside the geographic boundaries of that district.

(4) Not more than one D-51 permit shall be issued within each revitalization district for each five acres of land located within the district. Not more than fifteen D-51 permits may be issued within a single revitalization district. Except as otherwise provided in division (L)(4) of this section, no quota restrictions shall be placed upon the number of D-51 permits that may be issued.

(5) No D-51 permit shall be issued to an adult entertainment establishment as defined in section 2907.39 of the Revised Code.

(6) The fee for a D-51 permit is two thousand three hundred forty-four dollars.

(M) Permit D-5m may be issued to either the owner or the operator of a retail food establishment or food service operation

licensed under Chapter 3717. of the Revised Code that operates as 86423
a restaurant for purposes of this chapter and that is located in, 86424
or affiliated with, a center for the preservation of wild animals 86425
as defined in section 4301.404 of the Revised Code, to sell beer 86426
and any intoxicating liquor at retail, only by the glass and from 86427
the container, for consumption on the premises where sold, and to 86428
sell the same products in the same manner and amounts not for 86429
consumption on the premises as may be sold by the holders of D-1 86430
and D-2 permits. In addition to the privileges authorized by this 86431
division, the holder of a D-5m permit may exercise the same 86432
privileges as the holder of a D-5 permit. 86433

A D-5m permit shall not be transferred to another location. 86434
No quota restrictions shall be placed on the number of D-5m 86435
permits that may be issued. The fee for a permit D-5m is two 86436
thousand three hundred forty-four dollars. 86437

(N) Permit D-5n shall be issued to either a casino operator 86438
or a casino management company licensed under Chapter 3772. of the 86439
Revised Code that operates a casino facility under that chapter, 86440
to sell beer and any intoxicating liquor at retail, only by the 86441
individual drink in glass and from the container, for consumption 86442
on the premises where sold, and to sell the same products in the 86443
same manner and amounts not for consumption on the premises as may 86444
be sold by the holders of D-1 and D-2 permits. In addition to the 86445
privileges authorized by this division, the holder of a D-5n 86446
permit may exercise the same privileges as the holder of a D-5 86447
permit. A D-5n permit shall not be transferred to another 86448
location. Only one D-5n permit may be issued per casino facility 86449
and not more than four D-5n permits shall be issued in this state. 86450
The fee for a permit D-5n shall be twenty thousand dollars. The 86451
holder of a D-5n permit may conduct casino gaming on the permit 86452
premises notwithstanding any provision of the Revised Code or 86453
Administrative Code. 86454

(O) Permit D-5o may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located within a casino facility for which a D-5n permit has been issued. The holder of a D-5o permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5o permit may exercise the same privileges as the holder of a D-5 permit. A D-5o permit shall not be transferred to another location. No quota restrictions shall be placed on the number of such permits that may be issued. The fee for this permit is two thousand three hundred forty-four dollars.

(P) Permit D-5p may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located within a park district. The holder of a D-5p permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5p permit may exercise the same privileges as the holder of a D-5 permit. A D-5p permit shall not be transferred to another location. No quota restrictions shall be placed on the number of such permits that may be issued. The fee for a D-5p permit is two thousand three hundred forty-four dollars.

As used in this division, "park district" means a park district that is created under Chapter 1545. of the Revised Code consisting of not less than twenty-two thousand acres of land, a portion of which is adjacent to Lake Erie.

Sec. 4305.131. (A) If any permit holder fails to pay the taxes levied by section 4301.42, 4301.43, 4301.432, or 4305.01 of the Revised Code in the manner prescribed by section 4303.33 of the Revised Code, or by section 4301.421 or 4301.424 of the Revised Code in the manner prescribed in section 4301.422 of the Revised Code, and by the rules of the tax commissioner, the commissioner may make an assessment against the permit holder based upon any information in the commissioner's possession.

No assessment shall be made against any permit holder for any taxes imposed by section 4301.42, 4301.421, 4301.424, 4301.43, 4301.432, or 4305.01 of the Revised Code more than three years after the last day of the calendar month in which the sale was made or more than three years after the return for that period is filed, whichever is later. This section does not bar an assessment against any permit holder or registrant as provided in section 4303.331 of the Revised Code who fails to file a return as required by section 4301.422 or 4303.33 of the Revised Code, or who files a fraudulent return.

A penalty of up to thirty per cent may be added to the amount of every assessment made under this section. The commissioner may adopt rules providing for the imposition and remission of penalties added to assessments made under this section.

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner 86519
within sixty days after service of the notice of assessment, 86520
either personally or by certified mail, a written petition for 86521
reassessment, signed by the party assessed or that party's 86522
authorized agent having knowledge of the facts, the assessment 86523
becomes final and the amount of the assessment is due and payable 86524
from the party assessed to the treasurer of state. The petition 86525
shall indicate the objections of the party assessed, but 86526
additional objections may be raised in writing if received by the 86527
commissioner prior to the date shown on the final determination. 86528
If the petition has been properly filed, the commissioner shall 86529
proceed under section 5703.60 of the Revised Code. 86530

(C) After an assessment becomes final, if any portion of the 86531
assessment remains unpaid, including accrued interest, a certified 86532
copy of the tax commissioner's entry making the assessment final 86533
may be filed in the office of the clerk of the court of common 86534
pleas in the county in which the permit holder's place of business 86535
is located or the county in which the party assessed resides. If 86536
the party assessed maintains no place of business in this state 86537
and is not a resident of this state, the certified copy of the 86538
entry may be filed in the office of the clerk of the court of 86539
common pleas of Franklin county. 86540

Immediately upon the filing of the entry, the clerk shall 86541
enter a judgment for the state against the party assessed in the 86542
amount shown on the entry. The judgment may be filed by the clerk 86543
in a loose-leaf book entitled "special judgments for state beer 86544
and liquor sales taxes," and shall have the same effect as other 86545
judgments. Execution shall issue upon the judgment upon the 86546
request of the commissioner, and all laws applicable to sales on 86547
execution shall apply to sales made under the judgment, except as 86548
otherwise provided in this chapter and Chapters 4301. and 4307. of 86549
the Revised Code. 86550

~~The portion of~~ If the assessment is not paid in its entirety 86551
within sixty days after the day the assessment was issued, the 86552
portion of the assessment consisting of tax due shall bear 86553
interest at the rate per annum prescribed by section 5703.47 of 86554
the Revised Code from the day the commissioner issues the 86555
assessment until it is paid or until it is certified to the 86556
attorney general for collection under section 131.02 of the 86557
Revised Code, whichever comes first. If the unpaid portion of the 86558
assessment is certified to the attorney general for collection, 86559
the entire unpaid portion of the assessment shall bear interest at 86560
the rate per annum prescribed by section 5703.47 of the Revised 86561
Code from the date of certification until the date it is paid in 86562
its entirety. Interest shall be paid in the same manner as the tax 86563
and may be collected by the issuance of an assessment under this 86564
section. 86565

(D) All money collected under this section shall be 86566
considered as revenue arising from the taxes imposed by sections 86567
4301.42, 4301.421, 4301.424, 4301.43, 4301.432, and 4305.01 of the 86568
Revised Code. 86569

Sec. 4501.01. As used in this chapter and Chapters 4503., 86570
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 86571
Revised Code, and in the penal laws, except as otherwise provided: 86572

(A) "Vehicles" means everything on wheels or runners, 86573
including motorized bicycles, but does not mean electric personal 86574
assistive mobility devices, vehicles that are operated exclusively 86575
on rails or tracks or from overhead electric trolley wires, and 86576
vehicles that belong to any police department, municipal fire 86577
department, or volunteer fire department, or that are used by such 86578
a department in the discharge of its functions. 86579

(B) "Motor vehicle" means any vehicle, including mobile homes 86580
and recreational vehicles, that is propelled or drawn by power 86581

other than muscular power or power collected from overhead 86582
electric trolley wires. "Motor vehicle" does not include utility 86583
vehicles as defined in division (VV) of this section, motorized 86584
bicycles, road rollers, traction engines, power shovels, power 86585
cranes, and other equipment used in construction work and not 86586
designed for or employed in general highway transportation, 86587
well-drilling machinery, ditch-digging machinery, farm machinery, 86588
and trailers that are designed and used exclusively to transport a 86589
boat between a place of storage and a marina, or in and around a 86590
marina, when drawn or towed on a public road or highway for a 86591
distance of no more than ten miles and at a speed of twenty-five 86592
miles per hour or less. 86593

(C) "Agricultural tractor" and "traction engine" mean any 86594
self-propelling vehicle that is designed or used for drawing other 86595
vehicles or wheeled machinery, but has no provisions for carrying 86596
loads independently of such other vehicles, and that is used 86597
principally for agricultural purposes. 86598

(D) "Commercial tractor," except as defined in division (C) 86599
of this section, means any motor vehicle that has motive power and 86600
either is designed or used for drawing other motor vehicles, or is 86601
designed or used for drawing another motor vehicle while carrying 86602
a portion of the other motor vehicle or its load, or both. 86603

(E) "Passenger car" means any motor vehicle that is designed 86604
and used for carrying not more than nine persons and includes any 86605
motor vehicle that is designed and used for carrying not more than 86606
fifteen persons in a ridesharing arrangement. 86607

(F) "Collector's vehicle" means any motor vehicle or 86608
agricultural tractor or traction engine that is of special 86609
interest, that has a fair market value of one hundred dollars or 86610
more, whether operable or not, and that is owned, operated, 86611
collected, preserved, restored, maintained, or used essentially as 86612
a collector's item, leisure pursuit, or investment, but not as the 86613

owner's principal means of transportation. "Licensed collector's vehicle" means a collector's vehicle, other than an agricultural tractor or traction engine, that displays current, valid license tags issued under section 4503.45 of the Revised Code, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

(G) "Historical motor vehicle" means any motor vehicle that is over twenty-five years old and is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, but that in no event is used for general transportation.

(H) "Noncommercial motor vehicle" means any motor vehicle, including a farm truck as defined in section 4503.04 of the Revised Code, that is designed by the manufacturer to carry a load of no more than one ton and is used exclusively for purposes other than engaging in business for profit.

(I) "Bus" means any motor vehicle that has motor power and is designed and used for carrying more than nine passengers, except any motor vehicle that is designed and used for carrying not more than fifteen passengers in a ridesharing arrangement.

(J) "Commercial car" or "truck" means any motor vehicle that has motor power and is designed and used for carrying merchandise or freight, or that is used as a commercial tractor.

(K) "Bicycle" means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two or more wheels, any of which is more than fourteen inches in diameter.

(L) "Motorized bicycle" means any vehicle that either has two tandem wheels or one wheel in the front and two wheels in the

rear, that is capable of being pedaled, and that is equipped with 86645
a helper motor of not more than fifty cubic centimeters piston 86646
displacement that produces no more than one brake horsepower and 86647
is capable of propelling the vehicle at a speed of no greater than 86648
twenty miles per hour on a level surface. 86649

(M) "Trailer" means any vehicle without motive power that is 86650
designed or used for carrying property or persons wholly on its 86651
own structure and for being drawn by a motor vehicle, and includes 86652
any such vehicle that is formed by or operated as a combination of 86653
a semitrailer and a vehicle of the dolly type such as that 86654
commonly known as a trailer dolly, a vehicle used to transport 86655
agricultural produce or agricultural production materials between 86656
a local place of storage or supply and the farm when drawn or 86657
towed on a public road or highway at a speed greater than 86658
twenty-five miles per hour, and a vehicle that is designed and 86659
used exclusively to transport a boat between a place of storage 86660
and a marina, or in and around a marina, when drawn or towed on a 86661
public road or highway for a distance of more than ten miles or at 86662
a speed of more than twenty-five miles per hour. "Trailer" does 86663
not include a manufactured home or travel trailer. 86664

(N) "Noncommercial trailer" means any trailer, except a 86665
travel trailer or trailer that is used to transport a boat as 86666
described in division (B) of this section, but, where applicable, 86667
includes a vehicle that is used to transport a boat as described 86668
in division (M) of this section, that has a gross weight of no 86669
more than ten thousand pounds, and that is used exclusively for 86670
purposes other than engaging in business for a profit, such as the 86671
transportation of personal items for personal or recreational 86672
purposes. 86673

(O) "Mobile home" means a building unit or assembly of closed 86674
construction that is fabricated in an off-site facility, is more 86675
than thirty-five body feet in length or, when erected on site, is 86676

three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code.

(P) "Semitrailer" means any vehicle of the trailer type that does not have motive power and is so designed or used with another and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by the other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this division, and includes, for the purpose only of registration and taxation under those chapters, any vehicle of the dolly type, such as a trailer dolly, that is designed or used for the conversion of a semitrailer into a trailer.

(Q) "Recreational vehicle" means a vehicular portable structure that meets all of the following conditions:

(1) It is designed for the sole purpose of recreational travel.

(2) It is not used for the purpose of engaging in business for profit.

(3) It is not used for the purpose of engaging in intrastate commerce.

(4) It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended.

(5) It is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923. of the Revised Code.

(6) It is classed as one of the following:

(a) "Travel trailer" means a nonself-propelled recreational

vehicle that does not exceed an overall length of thirty-five 86707
feet, exclusive of bumper and tongue or coupling, and contains 86708
less than three hundred twenty square feet of space when erected 86709
on site. "Travel trailer" includes a tent-type fold-out camping 86710
trailer as defined in section 4517.01 of the Revised Code. 86711

(b) "Motor home" means a self-propelled recreational vehicle 86712
that has no fifth wheel and is constructed with permanently 86713
installed facilities for cold storage, cooking and consuming of 86714
food, and for sleeping. 86715

(c) "Truck camper" means a nonself-propelled recreational 86716
vehicle that does not have wheels for road use and is designed to 86717
be placed upon and attached to a motor vehicle. "Truck camper" 86718
does not include truck covers that consist of walls and a roof, 86719
but do not have floors and facilities enabling them to be used as 86720
a dwelling. 86721

(d) "Fifth wheel trailer" means a vehicle that is of such 86722
size and weight as to be movable without a special highway permit, 86723
that has a gross trailer area of four hundred square feet or less, 86724
that is constructed with a raised forward section that allows a 86725
bi-level floor plan, and that is designed to be towed by a vehicle 86726
equipped with a fifth-wheel hitch ordinarily installed in the bed 86727
of a truck. 86728

(e) "Park trailer" means a vehicle that is commonly known as 86729
a park model recreational vehicle, meets the American national 86730
standard institute standard A119.5 (1988) for park trailers, is 86731
built on a single chassis, has a gross trailer area of four 86732
hundred square feet or less when set up, is designed for seasonal 86733
or temporary living quarters, and may be connected to utilities 86734
necessary for the operation of installed features and appliances. 86735

(R) "Pneumatic tires" means tires of rubber and fabric or 86736
tires of similar material, that are inflated with air. 86737

(S) "Solid tires" means tires of rubber or similar elastic material that are not dependent upon confined air for support of the load. 86738
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(T) "Solid tire vehicle" means any vehicle that is equipped with two or more solid tires. 86741
86742

(U) "Farm machinery" means all machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm, agricultural tractors, threshing machinery, hay-baling machinery, corn shellers, hammermills, and machinery used in the production of horticultural, agricultural, and vegetable products. 86743
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(V) "Owner" includes any person or firm, other than a manufacturer or dealer, that has title to a motor vehicle, except that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" includes in addition manufacturers and dealers. 86751
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(W) "Manufacturer" and "dealer" include all persons and firms that are regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles, at an established place of business that is used exclusively for the purpose of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. A place of business that is used for manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles shall be deemed to be used exclusively for those purposes even though snowmobiles or all-purpose vehicles are sold or displayed for sale thereat, even though farm machinery is sold or displayed for sale thereat, or even though repair, accessory, gasoline and oil, storage, parts, service, or paint departments are maintained thereat, or, in any county having a population of less than seventy-five thousand at the last federal census, even though a department in a place of 86755
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business is used to dismantle, salvage, or rebuild motor vehicles 86770
by means of used parts, if such departments are operated for the 86771
purpose of furthering and assisting in the business of 86772
manufacturing, selling, displaying, offering for sale, or dealing 86773
in motor vehicles. Places of business or departments in a place of 86774
business used to dismantle, salvage, or rebuild motor vehicles by 86775
means of using used parts are not considered as being maintained 86776
for the purpose of assisting or furthering the manufacturing, 86777
selling, displaying, and offering for sale or dealing in motor 86778
vehicles. 86779

(X) "Operator" includes any person who drives or operates a 86780
motor vehicle upon the public highways. 86781

(Y) "Chauffeur" means any operator who operates a motor 86782
vehicle, other than a taxicab, as an employee for hire; or any 86783
operator whether or not the owner of a motor vehicle, other than a 86784
taxicab, who operates such vehicle for transporting, for gain, 86785
compensation, or profit, either persons or property owned by 86786
another. Any operator of a motor vehicle who is voluntarily 86787
involved in a ridesharing arrangement is not considered an 86788
employee for hire or operating such vehicle for gain, 86789
compensation, or profit. 86790

(Z) "State" includes the territories and federal districts of 86791
the United States, and the provinces of Canada. 86792

(AA) "Public roads and highways" for vehicles includes all 86793
public thoroughfares, bridges, and culverts. 86794

(BB) "Manufacturer's number" means the manufacturer's 86795
original serial number that is affixed to or imprinted upon the 86796
chassis or other part of the motor vehicle. 86797

(CC) "Motor number" means the manufacturer's original number 86798
that is affixed to or imprinted upon the engine or motor of the 86799
vehicle. 86800

(DD) "Distributor" means any person who is authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed motor vehicle dealers at an established place of business that is used exclusively for the purpose of distributing new motor vehicles to licensed motor vehicle dealers, except when the distributor also is a new motor vehicle dealer, in which case the distributor may distribute at the location of the distributor's licensed dealership.

(EE) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.

(FF) "Apportionable vehicle" means any vehicle that is used or intended for use in two or more international registration plan member jurisdictions that allocate or proportionally register vehicles, that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and that meets any of the following qualifications:

(1) Is a power unit having a gross vehicle weight in excess of twenty-six thousand pounds;

(2) Is a power unit having three or more axles, regardless of the gross vehicle weight;

(3) Is a combination vehicle with a gross vehicle weight in excess of twenty-six thousand pounds.

"Apportionable vehicle" does not include recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, buses used for the transportation of chartered parties, or vehicles owned and operated by the United States, this state, or any political subdivisions thereof.

(GG) "Chartered party" means a group of persons who contract as a group to acquire the exclusive use of a passenger-carrying

motor vehicle at a fixed charge for the vehicle in accordance with 86832
the carrier's tariff, lawfully on file with the United States 86833
department of transportation, for the purpose of group travel to a 86834
specified destination or for a particular itinerary, either agreed 86835
upon in advance or modified by the chartered group after having 86836
left the place of origin. 86837

(HH) "International registration plan" means a reciprocal 86838
agreement of member jurisdictions that is endorsed by the American 86839
association of motor vehicle administrators, and that promotes and 86840
encourages the fullest possible use of the highway system by 86841
authorizing apportioned registration of fleets of vehicles and 86842
recognizing registration of vehicles apportioned in member 86843
jurisdictions. 86844

(II) "Restricted plate" means a license plate that has a 86845
restriction of time, geographic area, mileage, or commodity, and 86846
includes license plates issued to farm trucks under division (J) 86847
of section 4503.04 of the Revised Code. 86848

(JJ) "Gross vehicle weight," with regard to any commercial 86849
car, trailer, semitrailer, or bus that is taxed at the rates 86850
established under section 4503.042 or 4503.65 of the Revised Code, 86851
means the unladen weight of the vehicle fully equipped plus the 86852
maximum weight of the load to be carried on the vehicle. 86853

(KK) "Combined gross vehicle weight" with regard to any 86854
combination of a commercial car, trailer, and semitrailer, that is 86855
taxed at the rates established under section 4503.042 or 4503.65 86856
of the Revised Code, means the total unladen weight of the 86857
combination of vehicles fully equipped plus the maximum weight of 86858
the load to be carried on that combination of vehicles. 86859

(LL) "Chauffeured limousine" means a motor vehicle that is 86860
designed to carry nine or fewer passengers and is operated for 86861
hire ~~on an hourly basis~~ pursuant to a prearranged contract for the 86862

transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an agreement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine ~~at a fixed rate per hour or trip~~. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing.

(MM) "Manufactured home" has the same meaning as in division (C)(4) of section 3781.06 of the Revised Code.

(NN) "Acquired situs," with respect to a manufactured home or a mobile home, means to become located in this state by the placement of the home on real property, but does not include the placement of a manufactured home or a mobile home in the inventory of a new motor vehicle dealer or the inventory of a manufacturer, remanufacturer, or distributor of manufactured or mobile homes.

(OO) "Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

(PP) "Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

(QQ) "Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record.

(RR) "Financial transaction device" has the same meaning as in division (A) of section 113.40 of the Revised Code.

(SS) "Electronic motor vehicle dealer" means a motor vehicle dealer licensed under Chapter 4517. of the Revised Code whom the registrar of motor vehicles determines meets the criteria

designated in section 4503.035 of the Revised Code for electronic 86894
motor vehicle dealers and designates as an electronic motor 86895
vehicle dealer under that section. 86896

(TT) "Electric personal assistive mobility device" means a 86897
self-balancing two non-tandem wheeled device that is designed to 86898
transport only one person, has an electric propulsion system of an 86899
average of seven hundred fifty watts, and when ridden on a paved 86900
level surface by an operator who weighs one hundred seventy pounds 86901
has a maximum speed of less than twenty miles per hour. 86902

(UU) "Limited driving privileges" means the privilege to 86903
operate a motor vehicle that a court grants under section 4510.021 86904
of the Revised Code to a person whose driver's or commercial 86905
driver's license or permit or nonresident operating privilege has 86906
been suspended. 86907

(VV) "Utility vehicle" means a self-propelled vehicle 86908
designed with a bed, principally for the purpose of transporting 86909
material or cargo in connection with construction, agricultural, 86910
forestry, grounds maintenance, lawn and garden, materials 86911
handling, or similar activities. "Utility vehicle" includes a 86912
vehicle with a maximum attainable speed of twenty miles per hour 86913
or less that is used exclusively within the boundaries of state 86914
parks by state park employees or volunteers for the operation or 86915
maintenance of state park facilities. 86916

Sec. 4501.21. (A) There is hereby created in the state 86917
treasury the license plate contribution fund. The fund shall 86918
consist of all contributions paid by motor vehicle registrants and 86919
collected by the registrar of motor vehicles pursuant to sections 86920
4503.491, 4503.493, 4503.494, 4503.496, 4503.498, 4503.499, 86921
4503.50, 4503.501, 4503.502, 4503.505, 4503.51, 4503.522, 86922
4503.523, 4503.524, 4503.526, 4503.531, 4503.545, 4503.55, 86923
4503.551, 4503.552, 4503.553, 4503.561, 4503.562, 4503.564, 86924

4503.591, 4503.67, 4503.68, 4503.69, 4503.701, 4503.71, 4503.711, 86925
4503.712, 4503.713, 4503.72, 4503.73, 4503.732, 4503.74, 4503.75, 86926
4503.751, 4503.85, 4503.89, 4503.92, and 4503.94 of the Revised 86927
Code. 86928

(B) The registrar shall pay the contributions the registrar 86929
collects in the fund as follows: 86930

The registrar shall pay the contributions received pursuant 86931
to section 4503.491 of the Revised Code to the breast cancer fund 86932
of Ohio, which shall use that money only to pay for programs that 86933
provide assistance and education to Ohio breast cancer patients 86934
and that improve access for such patients to quality health care 86935
and clinical trials and shall not use any of the money for 86936
abortion information, counseling, services, or other 86937
abortion-related activities. 86938

The registrar shall pay the contributions received pursuant 86939
to section 4503.493 of the Revised Code to the autism society of 86940
Ohio, which shall use the contributions for programs and autism 86941
awareness efforts throughout the state. 86942

The registrar shall pay the contributions the registrar 86943
receives pursuant to section 4503.494 of the Revised Code to the 86944
national multiple sclerosis society for distribution in equal 86945
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 86946
chapters of the national multiple sclerosis society. These 86947
chapters shall use the money they receive under this section to 86948
assist in paying the expenses they incur in providing services 86949
directly to their clients. 86950

The registrar shall pay the contributions the registrar 86951
receives pursuant to section 4503.496 of the Revised Code to the 86952
Ohio sickle cell and health association, which shall use the 86953
contributions to help support educational, clinical, and social 86954
support services for adults who have sickle cell disease. 86955

The registrar shall pay the contributions the registrar receives pursuant to section 4503.498 of the Revised Code to special olympics Ohio, inc., which shall use the contributions for its programs, charitable efforts, and other activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.499 of the Revised Code to the children's glioma cancer foundation, which shall use the contributions for its research and other programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.50 of the Revised Code to the future farmers of America foundation, which shall deposit the contributions into its general account to be used for educational and scholarship purposes of the future farmers of America foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.501 of the Revised Code to the 4-H youth development program of the Ohio state university extension program, which shall use those contributions to pay the expenses it incurs in conducting its educational activities.

The registrar shall pay the contributions received pursuant to section 4503.502 of the Revised Code to the Ohio cattlemen's foundation, which shall use those contributions for scholarships and other educational activities.

The registrar shall pay the contributions received pursuant to section 4503.505 of the Revised Code to the organization Ohio region phi theta kappa, which shall use those contributions for scholarships for students who are members of that organization.

The registrar shall pay each contribution the registrar receives pursuant to section 4503.51 of the Revised Code to the university or college whose name or marking or design appears on collegiate license plates that are issued to a person under that

section. A university or college that receives contributions from 86987
the fund shall deposit the contributions into its general 86988
scholarship fund. 86989

The registrar shall pay the contributions the registrar 86990
receives pursuant to section 4503.522 of the Revised Code to the 86991
"friends of Perry's victory and international peace memorial, 86992
incorporated," a nonprofit corporation organized under the laws of 86993
this state, to assist that organization in paying the expenses it 86994
incurs in sponsoring or holding charitable, educational, and 86995
cultural events at the monument. 86996

The registrar shall pay the contributions the registrar 86997
receives pursuant to section 4503.523 of the Revised Code to the 86998
fairport lights foundation, which shall use the money to pay for 86999
the restoration, maintenance, and preservation of the lighthouses 87000
of fairport harbor. 87001

The registrar shall pay the contributions the registrar 87002
receives pursuant to section 4503.524 of the Revised Code to the 87003
Massillon tiger football booster club, which shall use the 87004
contributions only to promote and support the football team of 87005
Washington high school of the Massillon city school district. 87006

The registrar shall pay the contributions the registrar 87007
receives pursuant to section 4503.526 of the Revised Code to the 87008
Ohio district Kiwanis foundation of the Ohio district of Kiwanis 87009
international, which shall use the money it receives under this 87010
section to pay the costs of its educational and humanitarian 87011
activities. 87012

The registrar shall pay the contributions the registrar 87013
receives pursuant to section 4503.531 of the Revised Code to the 87014
thank you foundation, incorporated, a nonprofit corporation 87015
organized under the laws of this state, to assist that 87016
organization in paying for the charitable activities and programs 87017

it sponsors in support of United States military personnel, 87018
veterans, and their families. 87019

The registrar shall pay the contributions the registrar 87020
receives pursuant to section 4503.55 of the Revised Code to the 87021
pro football hall of fame, which shall deposit the contributions 87022
into a special bank account that it establishes and which shall be 87023
separate and distinct from any other account the pro football hall 87024
of fame maintains, to be used exclusively for the purpose of 87025
promoting the pro football hall of fame as a travel destination. 87026

The registrar shall pay the contributions that are paid to 87027
the registrar pursuant to section 4503.545 of the Revised Code to 87028
the national rifle association foundation, which shall use the 87029
money to pay the costs of the educational activities and programs 87030
the foundation holds or sponsors in this state. 87031

The registrar shall pay to the Ohio pet fund the 87032
contributions the registrar receives pursuant to section 4503.551 87033
of the Revised Code and any other money from any other source, 87034
including donations, gifts, and grants, that is designated by the 87035
source to be paid to the Ohio pet fund. The Ohio pet fund shall 87036
use the moneys it receives under this section to support programs 87037
for the sterilization of dogs and cats and for educational 87038
programs concerning the proper veterinary care of those animals, 87039
and for expenses of the Ohio pet fund that are reasonably 87040
necessary for it to obtain and maintain its tax-exempt status and 87041
to perform its duties. 87042

The registrar shall pay the contributions the registrar 87043
receives pursuant to section 4503.552 of the Revised Code to the 87044
rock and roll hall of fame and museum, incorporated. 87045

The registrar shall pay the contributions the registrar 87046
receives pursuant to section 4503.553 of the Revised Code to the 87047
Ohio coalition for animals, incorporated, a nonprofit corporation. 87048

Except as provided in division (B) of this section, the coalition 87049
shall distribute the money to its members, and the members shall 87050
use the money only to pay for educational, charitable, and other 87051
programs of each coalition member that provide care for unwanted, 87052
abused, and neglected horses. The Ohio coalition for animals may 87053
use a portion of the money to pay for reasonable marketing costs 87054
incurred in the design and promotion of the license plate and for 87055
administrative costs incurred in the disbursement and management 87056
of funds received under this section. 87057

The registrar shall pay the contributions the registrar 87058
receives pursuant to section 4503.561 of the Revised Code to the 87059
state of Ohio chapter of ducks unlimited, inc., which shall 87060
deposit the contributions into a special bank account that it 87061
establishes. The special bank account shall be separate and 87062
distinct from any other account the state of Ohio chapter of ducks 87063
unlimited, inc., maintains and shall be used exclusively for the 87064
purpose of protecting, enhancing, restoring, and managing wetlands 87065
and conserving wildlife habitat. The state of Ohio chapter of 87066
ducks unlimited, inc., annually shall notify the registrar in 87067
writing of the name, address, and account to which such payments 87068
are to be made. 87069

The registrar shall pay the contributions the registrar 87070
receives pursuant to section 4503.562 of the Revised Code to the 87071
Mahoning river consortium, which shall use the money to pay the 87072
expenses it incurs in restoring and maintaining the Mahoning river 87073
watershed. 87074

The registrar shall pay the contributions the registrar 87075
receives pursuant to section 4503.564 of the Revised Code to 87076
Antioch college for the use of the Glen Helen ecology institute to 87077
pay expenses related to the Glen Helen nature preserve. 87078

The registrar shall pay to a sports commission created 87079
pursuant to section 4503.591 of the Revised Code each contribution 87080

the registrar receives under that section that an applicant pays 87081
to obtain license plates that bear the logo of a professional 87082
sports team located in the county of that sports commission and 87083
that is participating in the license plate program pursuant to 87084
division (E) of that section, irrespective of the county of 87085
residence of an applicant. 87086

The registrar shall pay to a community charity each 87087
contribution the registrar receives under section 4503.591 of the 87088
Revised Code that an applicant pays to obtain license plates that 87089
bear the logo of a professional sports team that is participating 87090
in the license plate program pursuant to division (G) of that 87091
section. 87092

The registrar shall pay the contributions the registrar 87093
receives pursuant to section 4503.67 of the Revised Code to the 87094
Dan Beard council of the boy scouts of America. The council shall 87095
distribute all contributions in an equitable manner throughout the 87096
state to regional councils of the boy scouts. 87097

The registrar shall pay the contributions the registrar 87098
receives pursuant to section 4503.68 of the Revised Code to the 87099
great river council of the girl scouts of the United States of 87100
America. The council shall distribute all contributions in an 87101
equitable manner throughout the state to regional councils of the 87102
girl scouts. 87103

The registrar shall pay the contributions the registrar 87104
receives pursuant to section 4503.69 of the Revised Code to the 87105
Dan Beard council of the boy scouts of America. The council shall 87106
distribute all contributions in an equitable manner throughout the 87107
state to regional councils of the boy scouts. 87108

The registrar shall pay the contributions the registrar 87109
receives pursuant to section 4503.701 of the Revised Code to the 87110
Prince Hall grand lodge of free and accepted masons of Ohio, which 87111

shall use the contributions for scholarship purposes. 87112

The registrar shall pay the contributions the registrar 87113
receives pursuant to section 4503.71 of the Revised Code to the 87114
fraternal order of police of Ohio, incorporated, which shall 87115
deposit the fees into its general account to be used for purposes 87116
of the fraternal order of police of Ohio, incorporated. 87117

The registrar shall pay the contributions the registrar 87118
receives pursuant to section 4503.711 of the Revised Code to the 87119
fraternal order of police of Ohio, incorporated, which shall 87120
deposit the contributions into an account that it creates to be 87121
used for the purpose of advancing and protecting the law 87122
enforcement profession, promoting improved law enforcement 87123
methods, and teaching respect for law and order. 87124

The registrar shall pay the contributions received pursuant 87125
to section 4503.712 of the Revised Code to Ohio concerns of police 87126
survivors, which shall use those contributions to provide whatever 87127
assistance may be appropriate to the families of Ohio law 87128
enforcement officers who are killed in the line of duty. 87129

The registrar shall pay the contributions received pursuant 87130
to section 4503.713 of the Revised Code to the greater Cleveland 87131
peace officers memorial society, which shall use those 87132
contributions to honor law enforcement officers who have died in 87133
the line of duty and support its charitable purposes. 87134

The registrar shall pay the contributions the registrar 87135
receives pursuant to section 4503.72 of the Revised Code to the 87136
organization known on March 31, 2003, as the Ohio CASA/GAL 87137
association, a private, nonprofit corporation organized under 87138
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 87139
shall use these contributions to pay the expenses it incurs in 87140
administering a program to secure the proper representation in the 87141
courts of this state of abused, neglected, and dependent children, 87142

and for the training and supervision of persons participating in 87143
that program. 87144

The registrar shall pay the contributions the registrar 87145
receives pursuant to section 4503.73 of the Revised Code to Wright 87146
B. Flyer, incorporated, which shall deposit the contributions into 87147
its general account to be used for purposes of Wright B. Flyer, 87148
incorporated. 87149

The registrar shall pay the contributions the registrar 87150
receives pursuant to section 4503.732 of the Revised Code to the 87151
Siegel & Shuster society, a nonprofit organization dedicated to 87152
commemorating and celebrating the creation of Superman in 87153
Cleveland, Ohio. 87154

The registrar shall pay the contributions the registrar 87155
receives pursuant to section 4503.74 of the Revised Code to the 87156
Columbus zoological park association, which shall disburse the 87157
moneys to Ohio's major metropolitan zoos, as defined in section 87158
4503.74 of the Revised Code, in accordance with a written 87159
agreement entered into by the major metropolitan zoos. 87160

The registrar shall pay the contributions the registrar 87161
receives pursuant to section 4503.75 of the Revised Code to the 87162
rotary foundation, located on March 31, 2003, in Evanston, 87163
Illinois, to be placed in a fund known as the permanent fund and 87164
used to endow educational and humanitarian programs of the rotary 87165
foundation. 87166

The registrar shall pay the contributions the registrar 87167
receives pursuant to section 4503.751 of the Revised Code to the 87168
Ohio association of realtors, which shall deposit the 87169
contributions into a property disaster relief fund maintained 87170
under the Ohio realtors charitable and education foundation. 87171

The registrar shall pay the contributions the registrar 87172
receives pursuant to section 4503.85 of the Revised Code to the 87173

Ohio sea grant college program to be used for Lake Erie area 87174
research projects. 87175

The registrar shall pay the contributions the registrar 87176
receives pursuant to section 4503.89 of the Revised Code to the 87177
American red cross of greater Columbus on behalf of the Ohio 87178
chapters of the American red cross, which shall use the 87179
contributions for disaster readiness, preparedness, and response 87180
programs on a statewide basis. 87181

The registrar shall pay the contributions received pursuant 87182
to section 4503.92 of the Revised Code to support our troops, 87183
incorporated, a national nonprofit corporation, which shall use 87184
those contributions in accordance with its articles of 87185
incorporation and for the benefit of servicemembers of the armed 87186
forces of the United States and their families when they are in 87187
financial need. 87188

The registrar shall pay the contributions the registrar 87189
receives pursuant to section 4503.94 of the Revised Code to the 87190
Michelle's leading star foundation, which shall use the money 87191
solely to fund the rental, lease, or purchase of the simulated 87192
driving curriculum of the Michelle's leading star foundation by 87193
boards of education of city, exempted village, local, and joint 87194
vocational school districts. 87195

(C) All investment earnings of the license plate contribution 87196
fund shall be credited to the fund. Not later than the first day 87197
of May of every year, the registrar shall distribute to each 87198
entity described in division (B) of this section the investment 87199
income the fund earned the previous calendar year. The amount of 87200
such a distribution paid to an entity shall be proportionate to 87201
the amount of money the entity received from the fund during the 87202
previous calendar year. 87203

Sec. 4503.03. (A)(1)(a) The Except as provided in division 87204

~~(B) of this section, the registrar of motor vehicles may designate the county auditor in each county any of the following persons as a deputy registrar. If the population of a county is forty thousand or less according to the last federal census and if the county auditor is designated by the registrar as a deputy registrar, no other person need be designated in the county to act as a deputy registrar:~~

~~(i) The county auditor in any county;~~

~~(ii) The clerk of a court of common pleas in any county subject to division (A)(1)(b) of this section;~~

~~(iii) An individual;~~

~~(iv) A nonprofit corporation as defined in division (C) of section 1702.01 of the Revised Code.~~

(b) The registrar may designate a clerk of a court of common pleas as a deputy registrar if the population of ~~the~~ a county is forty thousand or less according to the last federal census. In a county with a population greater than forty thousand but not more than fifty thousand according to the last federal census, the clerk of a court of common pleas is eligible to act as a deputy registrar and may participate in the competitive selection process for the award of a deputy registrar contract by applying in the same manner as any other person. All fees collected and retained by a clerk for conducting deputy registrar services shall be paid into the county treasury to the credit of the certificate of title administration fund created under section 325.33 of the Revised Code.

~~(c) In all other instances, the registrar shall contract with one or more other persons in each county to act as deputy registrars. As part of the selection process in awarding a deputy registrar contract, the registrar shall consider the customer service performance record of any person previously awarded a~~

~~deputy registrar contract.~~ 87236

Notwithstanding the county population restrictions in 87237
division (A)(1)(b) of this section, if no person applies to act 87238
under contract as a deputy registrar in a county and the county 87239
auditor is not designated as a deputy registrar, the registrar may 87240
ask the clerk of a court of common pleas to serve as the deputy 87241
registrar for that county. 87242

(c) The registrar shall determine the need for a deputy 87243
registrar in each county. If the registrar determines that deputy 87244
registrar services are adequately provided either by a deputy 87245
registrar in that county or a deputy registrar in an adjoining 87246
county, no additional person shall be designated pursuant to 87247
division (A)(1) of this section to act as deputy registrar. If the 87248
registrar determines that deputy registrar services are not 87249
adequately provided in that county, the registrar may appoint one 87250
or more deputy registrars as are necessary to provide adequate 87251
services. 87252

As part of the selection process in awarding a deputy 87253
registrar contract, the registrar shall consider the customer 87254
service performance record of any person previously awarded a 87255
deputy registrar contract pursuant to division (A)(1) of this 87256
section. 87257

(2) Deputy registrars shall accept applications for the 87258
annual license tax for any vehicle not taxed under section 4503.63 87259
of the Revised Code and shall assign distinctive numbers in the 87260
same manner as the registrar. ~~Such deputies shall be located in 87261
such locations in the county as the registrar sees fit. There 87262
shall be at least one deputy registrar in each county.~~ 87263

Deputy registrar contracts are subject to the provisions of 87264
division (B) of section 125.081 of the Revised Code. 87265

(B)(1) The registrar shall not ~~contract with~~ designate any 87266

person to act as a deputy registrar under division (A)(1) of this 87267
section if the person or, where applicable, the person's spouse or 87268
a member of the person's immediate family has made, within the 87269
current calendar year or any one of the previous three calendar 87270
years, one or more contributions totaling in excess of one hundred 87271
dollars to any person or entity included in division (A)(2) of 87272
section 4503.033 of the Revised Code. As used in this division, 87273
"immediate family" has the same meaning as in division (D) of 87274
section 102.01 of the Revised Code, and "entity" includes any 87275
political party and any "continuing association" as defined in 87276
division (B)(4) of section 3517.01 of the Revised Code or 87277
"political action committee" as defined in division (B)(8) of that 87278
section that is primarily associated with that political party. 87279
For purposes of this division, contributions to any continuing 87280
association or any political action committee that is primarily 87281
associated with a political party shall be aggregated with 87282
contributions to that political party. 87283

The contribution limitations contained in this division do 87284
not apply to any county auditor or clerk of a court of common 87285
pleas. A county auditor or clerk of a court of common pleas is not 87286
required to file the disclosure statement or pay the filing fee 87287
required under section 4503.033 of the Revised Code. The 87288
limitations of this division also do not apply to a deputy 87289
registrar who, subsequent to being awarded a deputy registrar 87290
contract, is elected to an office of a political subdivision. 87291

(2) The registrar shall not ~~contract with~~ designate either of 87292
the following to act as a deputy registrar: 87293

~~(1)~~(a) Any elected public official other than a county 87294
auditor or, as authorized by division (A)(1)(b) of this section, a 87295
clerk of a court of common pleas, acting in an official capacity, 87296
except that, the registrar shall continue and may renew a contract 87297
with any deputy registrar who, subsequent to being awarded a 87298

deputy registrar contract, is elected to an office of a political subdivision; 87299
87300

~~(2)~~(b) Any person holding a current, valid contract to 87301
conduct motor vehicle inspections under section 3704.14 of the 87302
Revised Code. 87303

(3) As used in division (B) of this section, "political 87304
subdivision" has the same meaning as in section 3501.01 of the 87305
Revised Code. 87306

(C)(1) Except as provided in division (C)(2) of this section, 87307
deputy registrars are independent contractors and neither they nor 87308
their employees are employees of this state, except that nothing 87309
in this section shall affect the status of county auditors or 87310
clerks of courts of common pleas as public officials, nor the 87311
status of their employees as employees of any of the counties of 87312
this state, which are political subdivisions of this state. Each 87313
deputy registrar shall be responsible for the payment of all 87314
unemployment compensation premiums, all workers' compensation 87315
premiums, social security contributions, and any and all taxes for 87316
which the deputy registrar is legally responsible. Each deputy 87317
registrar shall comply with all applicable federal, state, and 87318
local laws requiring the withholding of income taxes or other 87319
taxes from the compensation of the deputy registrar's employees. 87320
Each deputy registrar shall maintain during the entire term of the 87321
deputy registrar's contract a policy of business liability 87322
insurance satisfactory to the registrar and shall hold the 87323
department of public safety, the director of public safety, the 87324
bureau of motor vehicles, and the registrar harmless upon any and 87325
all claims for damages arising out of the operation of the deputy 87326
registrar agency. 87327

(2) For purposes of Chapter 4141. of the Revised Code, 87328
determinations concerning the employment of deputy registrars and 87329
their employees shall be made under Chapter 4141. of the Revised 87330

Code. 87331

(D)(1) With the approval of the director, the registrar shall 87332
adopt rules governing ~~the deputy registrars. The rules shall do~~ 87333
all of the following: 87334

(a) Establish requirements governing the terms of the 87335
contract between the registrar and each deputy registrar and 87336
~~specifications for the services to be performed. The rules shall~~ 87337
~~include specifications relating to the;~~ 87338

(b) Establish requirements governing the amount of bond to be 87339
given as provided in this section; ~~the~~ 87340

(c) Establish requirements governing the size and location of 87341
the deputy's office; ~~and~~ 87342

(d) Establish requirements governing the leasing of equipment 87343
necessary to conduct the vision screenings required under section 87344
4507.12 of the Revised Code and training in the use of the 87345
equipment. ~~The specifications shall permit and encourage;~~ 87346

(e) Encourage every deputy registrar to inform the public of 87347
the location of the deputy registrar's office and hours of 87348
operation by means of public service announcements ~~and allow;~~ 87349

(f) Allow any deputy registrar to advertise in regard to the 87350
operation of the deputy registrar's office. ~~The rules also shall~~ 87351
~~include specifications for;~~ 87352

(g) Specify the hours the deputy's office is to be open to 87353
the public and ~~shall~~ require as a minimum that one deputy's office 87354
in each county containing a deputy registrar's office be open to 87355
the public for at least four hours each weekend, provided that if 87356
only one deputy's office is located within the boundary of the 87357
county seat, that office is the office that shall be open for the 87358
four-hour period each weekend. ~~The rules also shall include~~ 87359
~~specifications providing;~~ 87360

(h) Specify that every deputy in each county registrar, upon 87361
request, provide any person with information about the location 87362
and office hours of all deputy registrars in the county ~~and that~~ 87363
~~every deputy prominently display within the deputy's office, the~~ 87364
~~toll free telephone number of the bureau. The rules shall not~~ 87365
~~prohibit the award of;~~ 87366

(i) Allow a deputy registrar contract to be awarded to a 87367
nonprofit corporation formed under the laws of this state. ~~The~~ 87368
~~rules shall;~~ 87369

(j) Except as provided in division (D)(2) of this section, 87370
prohibit any deputy registrar from operating more than one ~~such~~ 87371
deputy registrar's office at any time, except that the rules may 87372
~~permit a nonprofit corporation formed for the purposes of~~ 87373
~~providing automobile related services to its members or the public~~ 87374
~~and that provides such services from more than one location in~~ 87375
~~this state to operate a deputy registrar office at any such~~ 87376
~~location, provided that the nonprofit corporation operates no more~~ 87377
~~than one deputy registrar office in any one county. The rules may~~ 87378
~~include such other specifications as the registrar and director~~ 87379
~~consider necessary to provide a high level of service.~~ 87380

~~The rules shall establish;~~ 87381

(k) For the duration of any deputy registrar contract, 87382
require that the deputy registrar occupy a primary residence in a 87383
location that is within a one-hour commute time from the deputy 87384
registrar's office or offices. The rules shall require the 87385
registrar to determine commute time by using multiple established 87386
internet-based mapping services. 87387

(l) Establish procedures for a deputy registrar ~~who requests~~ 87388
such to request the authority to collect reinstatement fees under 87389
sections 4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 87390
4510.72, and 4511.191 of the Revised Code and to transmit the 87391

reinstatement fees and two dollars of the service fee collected 87392
under those sections. The registrar shall ensure that, not later 87393
than January 1, 2012, at least one deputy registrar in each county 87394
containing a deputy registrar's office has the necessary equipment 87395
and is able to accept reinstatement fees. The registrar shall 87396
deposit the service fees received from a deputy registrar under 87397
those sections into the state bureau of motor vehicles fund 87398
created in section 4501.25 of the Revised Code and shall use the 87399
money for deputy registrar equipment necessary in connection with 87400
accepting reinstatement fees. 87401

(m) Establish such other requirements as the registrar and 87402
director consider necessary to provide a high level of service. 87403

(2) Notwithstanding division (D)(1)(j) of this section, the 87404
rules may allow both of the following: 87405

(a) The registrar to award a contract to a deputy registrar 87406
to operate more than one deputy registrar's office if determined 87407
by the registrar to be practical; 87408

(b) A nonprofit corporation formed for the purposes of 87409
providing automobile-related services to its members or the public 87410
and that provides such services from more than one location in 87411
this state to operate a deputy registrar office at any location. 87412

(3) As a daily adjustment, the bureau of motor vehicles shall 87413
credit to a deputy registrar three dollars and fifty cents for 87414
each damaged license plate or validation sticker the deputy 87415
registrar replaces as a service to a member of the public. 87416

~~(3)~~(4)(a) With the prior approval of the registrar, each 87417
deputy registrar may conduct at the location of the deputy 87418
registrar's office any business that is consistent with the 87419
functions of a deputy registrar and that is not specifically 87420
mandated or authorized by this or another chapter of the Revised 87421
Code or by implementing rules of the registrar. 87422

(b) In accordance with guidelines the director of public safety shall establish, a deputy registrar may operate or contract for the operation of a vending machine at a deputy registrar location if products of the vending machine are consistent with the functions of a deputy registrar.

(c) A deputy registrar may enter into an agreement with the Ohio turnpike and infrastructure commission pursuant to division (A)(11) of section 5537.04 of the Revised Code for the purpose of allowing the general public to acquire from the deputy registrar the electronic toll collection devices that are used under the multi-jurisdiction electronic toll collection agreement between the Ohio turnpike and infrastructure commission and any other entities or agencies that participate in such an agreement. The approval of the registrar is not necessary if a deputy registrar engages in this activity.

~~(4)~~(5) As used in this section and in section 4507.01 of the Revised Code, "nonprofit corporation" has the same meaning as in section 1702.01 of the Revised Code.

(E)(1) Unless otherwise terminated and except for interim contracts ~~of less~~ lasting not longer than one year, contracts with deputy registrars shall be ~~for a term of at least two years, but no more than three years, and all contracts effective on or after entered into through a competitive selection process and shall be limited in duration as follows:~~

(a) For contracts entered into between July 1, 1996, shall be for a term of more and June 29, 2014, for a period of not less than two years, but not more than three years. All;

(b) For contracts entered into on or after June 29, 2014, for a period of five years, unless the registrar determines that a shorter contract term is appropriate for a particular deputy registrar.

(2) All contracts with deputy registrars shall expire on the 87454
last Saturday of June in the year of their expiration. The Prior 87455
to the expiration of any deputy registrar contract, the registrar, 87456
with the approval of the director, may award a one-year contract 87457
extension to any deputy registrar who has provided exemplary 87458
service based upon objective performance evaluations. 87459

(3)(a) The auditor of state may examine the accounts, 87460
reports, systems, and other data of each deputy registrar at least 87461
every two years. The registrar, with the approval of the director, 87462
shall immediately remove a deputy who violates any provision of 87463
the Revised Code related to the duties as a deputy, any rule 87464
adopted by the registrar, or a term of the deputy's contract with 87465
the registrar. The registrar also may remove a deputy who, in the 87466
opinion of the registrar, has engaged in any conduct that is 87467
either unbecoming to one representing this state or is 87468
inconsistent with the efficient operation of the deputy's office. 87469

(b) If the registrar, with the approval of the director, 87470
determines that there is good cause to believe that a deputy 87471
registrar or a person proposing for a deputy registrar contract 87472
has engaged in any conduct that would require the denial or 87473
termination of the deputy registrar contract, the registrar may 87474
require the production of books, records, and papers as the 87475
registrar determines are necessary, and may take the depositions 87476
of witnesses residing within or outside the state in the same 87477
manner as is prescribed by law for the taking of depositions in 87478
civil actions in the court of common pleas, and for that purpose 87479
the registrar may issue a subpoena for any witness or a subpoena 87480
duces tecum to compel the production of any books, records, or 87481
papers, directed to the sheriff of the county where the witness 87482
resides or is found. Such a subpoena shall be served and returned 87483
in the same manner as a subpoena in a criminal case is served and 87484
returned. The fees of the sheriff shall be the same as that 87485

allowed in the court of common pleas in criminal cases. Witnesses 87486
shall be paid the fees and mileage provided for under section 87487
119.094 of the Revised Code. The fees and mileage shall be paid 87488
from the fund in the state treasury for the use of the agency in 87489
the same manner as other expenses of the agency are paid. 87490

In any case of disobedience or neglect of any subpoena served 87491
on any person or the refusal of any witness to testify to any 87492
matter regarding which the witness lawfully may be interrogated, 87493
the court of common pleas of any county where the disobedience, 87494
neglect, or refusal occurs or any judge of that court, on 87495
application by the registrar, shall compel obedience by attachment 87496
proceedings for contempt, as in the case of disobedience of the 87497
requirements of a subpoena issued from that court, or a refusal to 87498
testify in that court. 87499

(4) Nothing in ~~this~~ division (E) of this section shall be 87500
construed to require a hearing of any nature prior to the 87501
termination of any deputy registrar contract by the registrar, 87502
with the approval of the director, for cause. 87503

(F) Except as provided in section 2743.03 of the Revised 87504
Code, no court, other than the court of common pleas of Franklin 87505
county, has jurisdiction of any action against the department of 87506
public safety, the director, the bureau, or the registrar to 87507
restrain the exercise of any power or authority, or to entertain 87508
any action for declaratory judgment, in the selection and 87509
appointment of, or contracting with, deputy registrars. Neither 87510
the department, the director, the bureau, nor the registrar is 87511
liable in any action at law for damages sustained by any person 87512
because of any acts of the department, the director, the bureau, 87513
or the registrar, or of any employee of the department or bureau, 87514
in the performance of official duties in the selection and 87515
appointment of, and contracting with, deputy registrars. 87516

(G) The registrar shall assign to each deputy registrar a 87517

series of numbers sufficient to supply the demand at all times in 87518
the area the deputy registrar serves, and the registrar shall keep 87519
a record in the registrar's office of the numbers within the 87520
series assigned. Each deputy shall be required to give bond in the 87521
amount of at least twenty-five thousand dollars, or in such higher 87522
amount as the registrar determines necessary, based on a uniform 87523
schedule of bond amounts established by the registrar and 87524
determined by the volume of registrations handled by the deputy. 87525
The form of the bond shall be prescribed by the registrar. The 87526
bonds required of deputy registrars, in the discretion of the 87527
registrar, may be individual or schedule bonds or may be included 87528
in any blanket bond coverage carried by the department. 87529

(H) Each deputy registrar shall keep a file of each 87530
application received by the deputy and shall register that motor 87531
vehicle with the name and address of its owner. 87532

(I) Upon request, a deputy registrar shall make the physical 87533
inspection of a motor vehicle and issue the physical inspection 87534
certificate required in section 4505.061 of the Revised Code. 87535

(J) Each deputy registrar shall file a report semiannually 87536
with the registrar of motor vehicles listing the number of 87537
applicants for licenses the deputy has served, the number of voter 87538
registration applications the deputy has completed and transmitted 87539
to the board of elections, and the number of voter registration 87540
applications declined. 87541

Sec. 4503.0610. (A) As used in this section: 87542

(1) "Eligible manufactured home" means a manufactured home or 87543
mobile home that is not an ineligible manufactured home. 87544

(2) "Ineligible manufactured home" means either of the 87545
following: 87546

(a) A manufactured home or mobile home against which 87547

foreclosure or other proceedings to take possession of the 87548
manufactured home or mobile home have been initiated based on a 87549
mortgage, lien, or security interest on or in the manufactured 87550
home or mobile home. A manufactured home or mobile home is an 87551
"ineligible manufactured home" for any tax year during which such 87552
proceedings against the manufactured home or mobile home remain 87553
pending. 87554

(b) A manufactured home that is listed on the delinquent 87555
manufactured home tax list. A manufactured home is an "ineligible 87556
manufactured home" for any tax year during which the manufactured 87557
home is listed on the delinquent manufactured home tax list. 87558

(B) If a board of county commissioners adopts a resolution 87559
granting a partial real property tax exemption under section 87560
323.158 of the Revised Code, it also shall adopt a resolution 87561
under this section granting a partial manufactured home tax 87562
exemption. The partial exemption shall take the form of a 87563
reduction each year in the manufactured home tax charged against 87564
each eligible manufactured home in the county under section 87565
4503.06 of the Revised Code, by the same percentage by which real 87566
property taxes were reduced for the preceding year in the 87567
resolution adopted under section 323.158 of the Revised Code. Upon 87568
adopting the resolution under this section, the board shall 87569
certify copies of it to the county auditor and the tax 87570
commissioner. 87571

~~(B)~~(C) After complying with sections 4503.06 and 4503.065 of 87572
the Revised Code, the county auditor shall reduce the remaining 87573
sum to be levied against a an eligible manufactured home by the 87574
percentage called for in the resolution adopted under division (A) 87575
of this section. The auditor shall certify the amount of tax 87576
remaining after the reduction to the county treasurer for 87577
collection as the manufactured home tax charged and payable on the 87578
eligible manufactured home. 87579

~~(C)~~(D) For each tax year, the county auditor shall certify to 87580
the board of county commissioners the total amount by which 87581
manufactured home taxes are reduced under this section. At the 87582
time of each semi-annual distribution of manufactured home taxes 87583
in the county, the board shall pay to the auditor one-half of that 87584
total amount. Upon receipt of the payment, the auditor shall 87585
distribute it among the various taxing districts in the county as 87586
though it had been levied and collected as manufactured home 87587
taxes. The board shall make the payment from the county general 87588
fund or from any other county revenue that may be used for that 87589
purpose. 87590

~~(D)~~(E) If a board of county commissioners repeals a 87591
resolution adopted under section 323.158 of the Revised Code, it 87592
also shall repeal the resolution adopted under this section. 87593

Sec. 4503.44. (A) As used in this section and in section 87594
4511.69 of the Revised Code: 87595

(1) "Person with a disability that limits or impairs the 87596
ability to walk" means any person who, as determined by a health 87597
care provider, meets any of the following criteria: 87598

(a) Cannot walk two hundred feet without stopping to rest; 87599

(b) Cannot walk without the use of, or assistance from, a 87600
brace, cane, crutch, another person, prosthetic device, 87601
wheelchair, or other assistive device; 87602

(c) Is restricted by a lung disease to such an extent that 87603
the person's forced (respiratory) expiratory volume for one 87604
second, when measured by spirometry, is less than one liter, or 87605
the arterial oxygen tension is less than sixty millimeters of 87606
mercury on room air at rest; 87607

(d) Uses portable oxygen; 87608

(e) Has a cardiac condition to the extent that the person's 87609

functional limitations are classified in severity as class III or 87610
class IV according to standards set by the American heart 87611
association; 87612

(f) Is severely limited in the ability to walk due to an 87613
arthritic, neurological, or orthopedic condition; 87614

(g) Is blind. 87615

(2) "Organization" means any private organization or 87616
corporation, or any governmental board, agency, department, 87617
division, or office, that, as part of its business or program, 87618
transports persons with disabilities that limit or impair the 87619
ability to walk on a regular basis in a motor vehicle that has not 87620
been altered for the purpose of providing it with special 87621
equipment for use by ~~handicapped~~ persons with disabilities. This 87622
definition does not apply to division (J) of this section. 87623

(3) "Health care provider" means a physician, physician 87624
assistant, advanced practice registered nurse, or chiropractor as 87625
defined in this section. 87626

(4) "Physician" means a person licensed to practice medicine 87627
or surgery or osteopathic medicine and surgery under Chapter 4731. 87628
of the Revised Code. 87629

(5) "Chiropractor" means a person licensed to practice 87630
chiropractic under Chapter 4734. of the Revised Code. 87631

(6) "Advanced practice registered nurse" means a certified 87632
nurse practitioner, clinical nurse specialist, certified 87633
registered nurse anesthetist, or certified nurse-midwife who holds 87634
a certificate of authority issued by the board of nursing under 87635
Chapter 4723. of the Revised Code. 87636

(7) "Physician assistant" means a person who holds a 87637
certificate to practice as a physician assistant issued under 87638
Chapter 4730. of the Revised Code. 87639

(B) Any organization or person with a disability that limits 87640
or impairs the ability to walk may apply to the registrar of motor 87641
vehicles for a removable windshield placard or, if the person owns 87642
or leases a motor vehicle, the person may apply for the 87643
registration of any motor vehicle the person owns or leases. In 87644
addition to one or more sets of license plates or one placard, a 87645
person with a disability that limits or impairs the ability to 87646
walk is entitled to one additional placard, but only if the person 87647
applies separately for the additional placard, states the reasons 87648
why the additional placard is needed, and the registrar, in the 87649
registrar's discretion, determines that good and justifiable cause 87650
exists to approve the request for the additional placard. When a 87651
motor vehicle has been altered for the purpose of providing it 87652
with special equipment for a person with a disability that limits 87653
or impairs the ability to walk, but is owned or leased by someone 87654
other than such a person, the owner or lessee may apply to the 87655
registrar or a deputy registrar for registration under this 87656
section. The application for registration of a motor vehicle owned 87657
or leased by a person with a disability that limits or impairs the 87658
ability to walk shall be accompanied by a signed statement from 87659
the applicant's health care provider certifying that the applicant 87660
meets at least one of the criteria contained in division (A)(1) of 87661
this section and that the disability is expected to continue for 87662
more than six consecutive months. The application for a removable 87663
windshield placard made by a person with a disability that limits 87664
or impairs the ability to walk shall be accompanied by a 87665
prescription from the applicant's health care provider prescribing 87666
such a placard for the applicant, provided that the applicant 87667
meets at least one of the criteria contained in division (A)(1) of 87668
this section. The health care provider shall state on the 87669
prescription the length of time the health care provider expects 87670
the applicant to have the disability that limits or impairs the 87671
applicant's ability to walk. The application for a removable 87672

windshield placard made by an organization shall be accompanied by 87673
such documentary evidence of regular transport of persons with 87674
disabilities that limit or impair the ability to walk by the 87675
organization as the registrar may require by rule and shall be 87676
completed in accordance with procedures that the registrar may 87677
require by rule. The application for registration of a motor 87678
vehicle that has been altered for the purpose of providing it with 87679
special equipment for a person with a disability that limits or 87680
impairs the ability to walk but is owned by someone other than 87681
such a person shall be accompanied by such documentary evidence of 87682
vehicle alterations as the registrar may require by rule. 87683

(C) When an organization, a person with a disability that 87684
limits or impairs the ability to walk, or a person who does not 87685
have a disability that limits or impairs the ability to walk but 87686
owns a motor vehicle that has been altered for the purpose of 87687
providing it with special equipment for a person with a disability 87688
that limits or impairs the ability to walk first submits an 87689
application for registration of a motor vehicle under this section 87690
and every fifth year thereafter, the organization or person shall 87691
submit a signed statement from the applicant's health care 87692
provider, a completed application, and any required documentary 87693
evidence of vehicle alterations as provided in division (B) of 87694
this section, and also a power of attorney from the owner of the 87695
motor vehicle if the applicant leases the vehicle. Upon submission 87696
of these items, the registrar or deputy registrar shall issue to 87697
the applicant appropriate vehicle registration and a set of 87698
license plates and validation stickers, or validation stickers 87699
alone when required by section 4503.191 of the Revised Code. In 87700
addition to the letters and numbers ordinarily inscribed thereon, 87701
the license plates shall be imprinted with the international 87702
symbol of access. The license plates and validation stickers shall 87703
be issued upon payment of the regular license fee as prescribed 87704
under section 4503.04 of the Revised Code and any motor vehicle 87705

tax levied under Chapter 4504. of the Revised Code, and the 87706
payment of a service fee equal to the amount specified in division 87707
(D) or (G) of section 4503.10 of the Revised Code. 87708

(D)(1) Upon receipt of a completed and signed application for 87709
a removable windshield placard, a prescription as described in 87710
division (B) of this section, documentary evidence of regular 87711
transport of persons with disabilities that limit or impair the 87712
ability to walk, if required, and payment of a service fee equal 87713
to the amount specified in division (D) or (G) of section 4503.10 87714
of the Revised Code, the registrar or deputy registrar shall issue 87715
to the applicant a removable windshield placard, which shall bear 87716
the date of expiration on both sides of the placard and shall be 87717
valid until expired, revoked, or surrendered. Every removable 87718
windshield placard expires as described in division (D)(2) of this 87719
section, but in no case shall a removable windshield placard be 87720
valid for a period of less than sixty days. Removable windshield 87721
placards shall be renewable upon application as provided in 87722
division (B) of this section, and a service fee equal to the 87723
amount specified in division (D) or (G) of section 4503.10 of the 87724
Revised Code shall be charged for the renewal of a removable 87725
windshield placard. The registrar shall provide the application 87726
form and shall determine the information to be included thereon. 87727
The registrar also shall determine the form and size of the 87728
removable windshield placard, the material of which it is to be 87729
made, and any other information to be included thereon, and shall 87730
adopt rules relating to the issuance, expiration, revocation, 87731
surrender, and proper display of such placards. Any placard issued 87732
after October 14, 1999, shall be manufactured in a manner that 87733
allows the expiration date of the placard to be indicated on it 87734
through the punching, drilling, boring, or creation by any other 87735
means of holes in the placard. 87736

(2) At the time a removable windshield placard is issued to a 87737

person with a disability that limits or impairs the ability to 87738
walk, the registrar or deputy registrar shall enter into the 87739
records of the bureau of motor vehicles the last date on which the 87740
person will have that disability, as indicated on the accompanying 87741
prescription. Not less than thirty days prior to that date and all 87742
removable windshield placard renewal dates, the bureau shall send 87743
a renewal notice to that person at the person's last known address 87744
as shown in the records of the bureau, informing the person that 87745
the person's removable windshield placard will expire on the 87746
indicated date not to exceed five years from the date of issuance, 87747
and that the person is required to renew the placard by submitting 87748
to the registrar or a deputy registrar another prescription, as 87749
described in division (B) of this section, and by complying with 87750
the renewal provisions prescribed in division (D)(1) of this 87751
section. If such a prescription is not received by the registrar 87752
or a deputy registrar by that date, the placard issued to that 87753
person expires and no longer is valid, and this fact shall be 87754
recorded in the records of the bureau. 87755

(3) At least once every year, on a date determined by the 87756
registrar, the bureau shall examine the records of the office of 87757
vital statistics, located within the department of health, that 87758
pertain to deceased persons, and also the bureau's records of all 87759
persons who have been issued removable windshield placards and 87760
temporary removable windshield placards. If the records of the 87761
office of vital statistics indicate that a person to whom a 87762
removable windshield placard or temporary removable windshield 87763
placard has been issued is deceased, the bureau shall cancel that 87764
placard, and note the cancellation in its records. 87765

The office of vital statistics shall make available to the 87766
bureau all information necessary to enable the bureau to comply 87767
with division (D)(3) of this section. 87768

(4) Nothing in this section shall be construed to require a 87769

person or organization to apply for a removable windshield placard 87770
or special license plates if the parking card or special license 87771
plates issued to the person or organization under prior law have 87772
not expired or been surrendered or revoked. 87773

(E)(1)(a) Any person with a disability that limits or impairs 87774
the ability to walk may apply to the registrar or a deputy 87775
registrar for a temporary removable windshield placard. The 87776
application for a temporary removable windshield placard shall be 87777
accompanied by a prescription from the applicant's health care 87778
provider prescribing such a placard for the applicant, provided 87779
that the applicant meets at least one of the criteria contained in 87780
division (A)(1) of this section and that the disability is 87781
expected to continue for six consecutive months or less. The 87782
health care provider shall state on the prescription the length of 87783
time the health care provider expects the applicant to have the 87784
disability that limits or impairs the applicant's ability to walk, 87785
which cannot exceed six months from the date of the prescription. 87786
Upon receipt of an application for a temporary removable 87787
windshield placard, presentation of the prescription from the 87788
applicant's health care provider, and payment of a service fee 87789
equal to the amount specified in division (D) or (G) of section 87790
4503.10 of the Revised Code, the registrar or deputy registrar 87791
shall issue to the applicant a temporary removable windshield 87792
placard. 87793

(b) Any active-duty member of the armed forces of the United 87794
States, including the reserve components of the armed forces and 87795
the national guard, who has an illness or injury that limits or 87796
impairs the ability to walk may apply to the registrar or a deputy 87797
registrar for a temporary removable windshield placard. With the 87798
application, the person shall present evidence of the person's 87799
active-duty status and the illness or injury. Evidence of the 87800
illness or injury may include a current department of defense 87801

convalescent leave statement, any department of defense document 87802
indicating that the person currently has an ill or injured 87803
casualty status or has limited duties, or a prescription from any 87804
health care provider prescribing the placard for the applicant. 87805
Upon receipt of the application and the necessary evidence, the 87806
registrar or deputy registrar shall issue the applicant the 87807
temporary removable windshield placard without the payment of any 87808
service fee. 87809

(2) The temporary removable windshield placard shall be of 87810
the same size and form as the removable windshield placard, shall 87811
be printed in white on a red-colored background, and shall bear 87812
the word "temporary" in letters of such size as the registrar 87813
shall prescribe. A temporary removable windshield placard also 87814
shall bear the date of expiration on the front and back of the 87815
placard, and shall be valid until expired, surrendered, or 87816
revoked, but in no case shall such a placard be valid for a period 87817
of less than sixty days. The registrar shall provide the 87818
application form and shall determine the information to be 87819
included on it, provided that the registrar shall not require a 87820
health care provider's prescription or certification for a person 87821
applying under division (E)(1)(b) of this section. The registrar 87822
also shall determine the material of which the temporary removable 87823
windshield placard is to be made and any other information to be 87824
included on the placard and shall adopt rules relating to the 87825
issuance, expiration, surrender, revocation, and proper display of 87826
those placards. Any temporary removable windshield placard issued 87827
after October 14, 1999, shall be manufactured in a manner that 87828
allows for the expiration date of the placard to be indicated on 87829
it through the punching, drilling, boring, or creation by any 87830
other means of holes in the placard. 87831

(F) If an applicant for a removable windshield placard is a 87832
veteran of the armed forces of the United States whose disability, 87833

as defined in division (A)(1) of this section, is 87834
service-connected, the registrar or deputy registrar, upon receipt 87835
of the application, presentation of a signed statement from the 87836
applicant's health care provider certifying the applicant's 87837
disability, and presentation of such documentary evidence from the 87838
department of veterans affairs that the disability of the 87839
applicant meets at least one of the criteria identified in 87840
division (A)(1) of this section and is service-connected as the 87841
registrar may require by rule, but without the payment of any 87842
service fee, shall issue the applicant a removable windshield 87843
placard that is valid until expired, surrendered, or revoked. 87844

(G) Upon a conviction of a violation of division (I), (J), or 87845
(K) of this section, the court shall report the conviction, and 87846
send the placard or parking card, if available, to the registrar, 87847
who thereupon shall revoke the privilege of using the placard or 87848
parking card and send notice in writing to the placardholder or 87849
cardholder at that holder's last known address as shown in the 87850
records of the bureau, and the placardholder or cardholder shall 87851
return the placard or card if not previously surrendered to the 87852
court, to the registrar within ten days following mailing of the 87853
notice. 87854

Whenever a person to whom a removable windshield placard or 87855
parking card has been issued moves to another state, the person 87856
shall surrender the placard or card to the registrar; and whenever 87857
an organization to which a placard or card has been issued changes 87858
its place of operation to another state, the organization shall 87859
surrender the placard or card to the registrar. 87860

(H) Subject to division (F) of section 4511.69 of the Revised 87861
Code, the operator of a motor vehicle displaying a removable 87862
windshield placard, temporary removable windshield placard, 87863
parking card, or the special license plates authorized by this 87864
section is entitled to park the motor vehicle in any special 87865

parking location reserved for persons with disabilities that limit 87866
or impair the ability to walk, also known as handicapped parking 87867
spaces or disability parking spaces. 87868

(I) No person or organization that is not eligible under 87869
division (B) or (E) of this section shall willfully and falsely 87870
represent that the person or organization is so eligible. 87871

No person or organization shall display license plates issued 87872
under this section unless the license plates have been issued for 87873
the vehicle on which they are displayed and are valid. 87874

(J) No person or organization to which a removable windshield 87875
placard or temporary removable windshield placard is issued shall 87876
do either of the following: 87877

(1) Display or permit the display of the placard on any motor 87878
vehicle when having reasonable cause to believe the motor vehicle 87879
is being used in connection with an activity that does not include 87880
providing transportation for persons with disabilities that limit 87881
or impair the ability to walk; 87882

(2) Refuse to return or surrender the placard, when required. 87883

(K)(1) No person or organization to which a parking card is 87884
issued shall do either of the following: 87885

(a) Display or permit the display of the parking card on any 87886
motor vehicle when having reasonable cause to believe the motor 87887
vehicle is being used in connection with an activity that does not 87888
include providing transportation for a ~~handicapped~~ person with a 87889
disability; 87890

(b) Refuse to return or surrender the parking card, when 87891
required. 87892

(2) As used in division (K) of this section: 87893

(a) "~~Handicapped person~~ Person with a disability" means any 87894
person who has lost the use of one or both legs or one or both 87895

arms, who is blind, deaf, or so severely ~~handicapped~~ disabled as 87896
to be unable to move about without the aid of crutches or a 87897
wheelchair, or whose mobility is restricted by a permanent 87898
cardiovascular, pulmonary, or other ~~handicapping~~ disabling 87899
condition. 87900

(b) "Organization" means any private organization or 87901
corporation, or any governmental board, agency, department, 87902
division, or office, that, as part of its business or program, 87903
transports ~~handicapped~~ persons with disabilities on a regular 87904
basis in a motor vehicle that has not been altered for the 87905
purposes of providing it with special equipment for use by 87906
~~handicapped~~ persons with disabilities. 87907

(L) If a removable windshield placard, temporary removable 87908
windshield placard, or parking card is lost, destroyed, or 87909
mutilated, the placardholder or cardholder may obtain a duplicate 87910
by doing both of the following: 87911

(1) Furnishing suitable proof of the loss, destruction, or 87912
mutilation to the registrar; 87913

(2) Paying a service fee equal to the amount specified in 87914
division (D) or (G) of section 4503.10 of the Revised Code. 87915

Any placardholder or cardholder who loses a placard or card 87916
and, after obtaining a duplicate, finds the original, immediately 87917
shall surrender the original placard or card to the registrar. 87918

(M) The registrar shall pay all fees received under this 87919
section for the issuance of removable windshield placards or 87920
temporary removable windshield placards or duplicate removable 87921
windshield placards or cards into the state treasury to the credit 87922
of the state bureau of motor vehicles fund created in section 87923
4501.25 of the Revised Code. 87924

(N) In addition to the fees collected under this section, the 87925
registrar or deputy registrar shall ask each person applying for a 87926

removable windshield placard or temporary removable windshield 87927
placard or duplicate removable windshield placard or license plate 87928
issued under this section, whether the person wishes to make a 87929
two-dollar voluntary contribution to support rehabilitation 87930
employment services. The registrar shall transmit the 87931
contributions received under this division to the treasurer of 87932
state for deposit into the rehabilitation employment fund, which 87933
is hereby created in the state treasury. A deputy registrar shall 87934
transmit the contributions received under this division to the 87935
registrar in the time and manner prescribed by the registrar. The 87936
contributions in the fund shall be used by the ~~rehabilitation~~ 87937
~~services commission~~ opportunities for Ohioans with disabilities 87938
agency to purchase services related to vocational evaluation, work 87939
adjustment, personal adjustment, job placement, job coaching, and 87940
community-based assessment from accredited community 87941
rehabilitation program facilities. 87942

(O) For purposes of enforcing this section, every peace 87943
officer is deemed to be an agent of the registrar. Any peace 87944
officer or any authorized employee of the bureau of motor vehicles 87945
who, in the performance of duties authorized by law, becomes aware 87946
of a person whose placard or parking card has been revoked 87947
pursuant to this section, may confiscate that placard or parking 87948
card and return it to the registrar. The registrar shall prescribe 87949
any forms used by law enforcement agencies in administering this 87950
section. 87951

No peace officer, law enforcement agency employing a peace 87952
officer, or political subdivision or governmental agency employing 87953
a peace officer, and no employee of the bureau is liable in a 87954
civil action for damages or loss to persons arising out of the 87955
performance of any duty required or authorized by this section. As 87956
used in this division, "peace officer" has the same meaning as in 87957
division (B) of section 2935.01 of the Revised Code. 87958

(P) All applications for registration of motor vehicles, 87959
removable windshield placards, and temporary removable windshield 87960
placards issued under this section, all renewal notices for such 87961
items, and all other publications issued by the bureau that relate 87962
to this section shall set forth the criminal penalties that may be 87963
imposed upon a person who violates any provision relating to 87964
special license plates issued under this section, the parking of 87965
vehicles displaying such license plates, and the issuance, 87966
procurement, use, and display of removable windshield placards and 87967
temporary removable windshield placards issued under this section. 87968

(Q) Whoever violates this section is guilty of a misdemeanor 87969
of the fourth degree. 87970

Sec. 4503.524. (A) The owner or lessee of any passenger car, 87971
noncommercial motor vehicle, recreational vehicle, or other 87972
vehicle of a class approved by the registrar of motor vehicles may 87973
apply to the registrar for the registration of the vehicle and 87974
issuance of "Massillon tiger football booster club" license 87975
plates. The application for "Massillon tiger football booster 87976
club" license plates may be combined with a request for a special 87977
reserved license plate under section 4503.40 or 4503.42 of the 87978
Revised Code. Upon receipt of the completed application and 87979
compliance with division (B) of this section, the registrar shall 87980
issue to the applicant the appropriate vehicle registration and a 87981
set of "Massillon tiger football booster club" license plates with 87982
a validation sticker or a validation sticker alone when required 87983
by section 4503.191 of the Revised Code. In addition to the 87984
letters and numbers ordinarily inscribed thereon, "Massillon tiger 87985
football booster club" license plates shall be inscribed with 87986
words and markings selected and designed by the Massillon tiger 87987
football booster club and approved by the registrar. "Massillon 87988
tiger football booster club" license plates shall bear county 87989
identification stickers that identify the county of registration 87990

by name or number. 87991

(B) "Massillon tiger football booster club" license plates 87992
and validation stickers shall be issued upon payment of the 87993
regular license tax as prescribed under section 4503.04 of the 87994
Revised Code, any applicable motor vehicle tax levied under 87995
Chapter 4504. of the Revised Code, a bureau of motor vehicles 87996
administrative fee of ten dollars, the contribution specified in 87997
division (C) of this section, and compliance with all other 87998
applicable laws relating to the registration of motor vehicles. If 87999
the application for "Massillon tiger football booster club" 88000
license plates is combined with a request for a special reserved 88001
license plate under section 4503.40 or 4503.42 of the Revised 88002
Code, the license plates and validation sticker shall be issued 88003
upon payment of the contribution, fees, and taxes contained in 88004
this division and the additional fee prescribed under section 88005
4503.40 or 4503.42 of the Revised Code. 88006

(C) For each application for registration and registration 88007
renewal submitted under this section, the registrar shall collect 88008
a contribution of twenty-five dollars. The registrar shall 88009
transmit this contribution to the treasurer of state for deposit 88010
into the license plate contribution fund created in section 88011
4501.21 of the Revised Code. 88012

The registrar shall deposit the ten-dollar bureau 88013
administrative fee, the purpose of which is to compensate the 88014
bureau for additional services required in issuing "Massillon 88015
tiger football booster club" license plates, into the state bureau 88016
of motor vehicles fund created in section 4501.25 of the Revised 88017
Code. 88018

Sec. 4503.526. (A) The owner or lessee of any passenger car, 88019
noncommercial motor vehicle, recreational vehicle, or other 88020

vehicle of a class approved by the registrar of motor vehicles may 88021
apply to the registrar for the registration of the vehicle and 88022
issuance of Kiwanis club license plates. The application for 88023
Kiwanis club license plates may be combined with a request for a 88024
special reserved license plate under section 4503.40 or 4503.42 of 88025
the Revised Code. Upon receipt of the completed application and 88026
compliance with division (B) of this section, the registrar shall 88027
issue to the applicant the appropriate vehicle registration and a 88028
set of Kiwanis club license plates with a validation sticker or a 88029
validation sticker alone when required by section 4503.191 of the 88030
Revised Code. 88031

In addition to the letters and numbers ordinarily inscribed 88032
thereon, Kiwanis club license plates shall be inscribed with words 88033
and markings selected and designed by the Ohio district of Kiwanis 88034
international. The registrar shall approve the final design. 88035
Kiwanis club license plates shall bear county identification 88036
stickers that identify the county of registration by name or 88037
number. 88038

(B) Kiwanis club license plates and validation stickers shall 88039
be issued upon payment of the regular license tax as prescribed 88040
under section 4503.04 of the Revised Code, any applicable motor 88041
vehicle tax levied under Chapter 4504. of the Revised Code, a 88042
bureau of motor vehicles administrative fee of ten dollars, the 88043
contribution specified under division (C) of this section, and 88044
compliance with all other applicable laws relating to the 88045
registration of motor vehicles. If the application for Kiwanis 88046
club license plates is combined with a request for a special 88047
reserved license plate under section 4503.40 or 4503.42 of the 88048
Revised Code, the license plates and validation sticker shall be 88049
issued upon payment of the fees and taxes contained in this 88050
division and the additional fee prescribed by section 4503.40 or 88051
4503.42 of the Revised Code. 88052

(C) For each application for registration and registration renewal received under this section, the registrar shall collect a contribution of twenty-five dollars. The registrar shall pay this contribution into the state treasury to the credit of the license plate contribution fund created in section 4501.21 of the Revised Code. 88053
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The registrar shall deposit the ten-dollar bureau administrative fee, the purpose of which is to compensate the bureau for the additional services required in issuing Kiwanis club license plates, into the state treasury to the credit of the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code. 88059
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Sec. 4503.62. (A) Application for the registration of an apportionable vehicle shall be made to the registrar of motor vehicles in accordance with division (J) of section 4503.10 of the Revised Code. 88065
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(B) Any person applying to register a vehicle or combination vehicle that has a gross vehicle weight of twenty-six thousand pounds or less or two axles, or that is a bus used in charter party service, also may register the vehicle in accordance with division (J) of section 4503.10 of the Revised Code if the vehicle is used or intended for use in two or more international registration plan member jurisdictions. 88069
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(C) No later than December 31, 2011, the registrar shall adopt rules under Chapter 119. of the Revised Code to establish a program to accept applications for vehicle registration transactions of apportionable vehicles electronically over the internet. The program also may provide for vehicle registration transactions of nonapportionable commercial motor vehicles over the internet. 88076
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(D) The internet registration program shall provide an option 88083

for the payment of all registration taxes and fees by use of a 88084
financial transaction device. In providing for payment by the use 88085
of a financial transaction device, the registrar ~~may, but is not~~ 88086
~~required to,~~ shall comply with section 113.40 of the Revised Code. 88087
~~The registrar, with the approval of the director of public safety,~~ 88088
~~may contract with a third party to accept and process payments~~ 88089
~~made by use of a financial transaction device on behalf of the~~ 88090
~~bureau of motor vehicles.~~ All fees associated with payment by use 88091
of a financial transaction device shall be borne by the applicants 88092
seeking the registration of apportionable or other vehicles under 88093
the program established pursuant to division (C) of this section. 88094
The bureau shall not pay any costs, and shall not retain any 88095
additional fees, associated with the use of a financial 88096
transaction device. 88097

(E) As used in this section, "financial transaction device" 88098
has the same meaning as in section 113.40 of the Revised Code. 88099

Sec. 4503.732. (A) The owner or lessee of any passenger car, 88100
noncommercial motor vehicle, recreational vehicle, or other 88101
vehicle of a class approved by the registrar of motor vehicles may 88102
apply to the registrar for the registration of the vehicle and 88103
issuance of "Truth, Justice, and the American Way" license plates. 88104
The application may be combined with a request for a special 88105
reserved license plate under section 4503.40 or 4503.42 of the 88106
Revised Code. Upon receipt of an application for registration of a 88107
motor vehicle under this section, the registrar shall issue to the 88108
applicant the appropriate motor vehicle registration and a set of 88109
"Truth, Justice, and the American Way" license plates and a 88110
validation sticker, or a validation sticker alone when required by 88111
section 4503.191 of the Revised Code. 88112

In addition to the letters and numbers ordinarily inscribed 88113
on the license plates, "Truth, Justice, and the American Way" 88114

license plates shall be inscribed with the words "Truth, Justice, and the American Way" and a design, logo, or marking selected by the entity that owns the Superman name. The registrar shall approve the final design after entering into a license agreement with that entity for appropriate use of the Superman name and associated logo or marking, as applicable. The license plates shall bear county identification stickers that identify the county of registration by name or number. 88115
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(B) "Truth, Justice, and the American Way" license plates and validation stickers shall be issued upon receipt of a contribution as provided in division (C)(1) of this section and upon payment of the regular license tax as prescribed under section 4503.04 of the Revised Code, any applicable motor vehicle license tax levied under Chapter 4504. of the Revised Code, and a bureau of motor vehicles administrative fee of ten dollars. The applicant shall comply with all other applicable laws relating to the registration of motor vehicles. If the application for "Truth, Justice, and the American Way" license plates is combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code, the license plates and validation sticker shall be issued upon payment of the fees and taxes specified in this division and the additional fee prescribed under section 4503.40 or 4503.42 of the Revised Code. 88123
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(C)(1) For each application for registration and registration renewal notice the registrar receives under this section, the registrar shall collect a contribution of ten dollars. The registrar shall pay this contribution into the state treasury to the credit of the license plate contribution fund created in section 4501.21 of the Revised Code. 88138
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(2) The registrar shall pay into the state treasury the ten-dollar bureau administrative fee, the purpose of which is to compensate the bureau for additional services required in issuing 88144
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"Truth, Justice, and the American Way" license plates, to the 88147
credit of the state bureau of motor vehicles fund created in 88148
section 4501.25 of Revised Code. 88149

Sec. 4503.95. (A) The owner or lessee of any passenger car, 88150
noncommercial motor vehicle, recreational vehicle, or other 88151
vehicle of a class approved by the registrar of motor vehicles may 88152
apply to the registrar for the registration of the vehicle and 88153
issuance of "Ohio history" license plates. The application for 88154
"Ohio history" license plates may be combined with a request for a 88155
special reserved license plate under section 4503.40 or 4503.42 of 88156
the Revised Code. Upon receipt of the completed application and 88157
compliance with division (B) of this section, the registrar shall 88158
issue to the applicant the appropriate vehicle registration and a 88159
set of "Ohio history" license plates with a validation sticker or 88160
a validation sticker alone when required by section 4503.191 of 88161
the Revised Code. In addition to the letters and numbers 88162
ordinarily inscribed thereon, "Ohio history" license plates shall 88163
be inscribed with words and markings selected and designed by the 88164
Ohio historical society and approved by the registrar. "Ohio 88165
history" license plates shall bear county identification stickers 88166
that identify the county of registration by name or number. 88167

(B) "Ohio history" license plates and validation stickers 88168
shall be issued upon payment of the regular license tax as 88169
prescribed under section 4503.04 of the Revised Code, any 88170
applicable motor vehicle tax levied under Chapter 4504. of the 88171
Revised Code, a bureau of motor vehicles administrative fee of ten 88172
dollars, the contribution specified in division (C) of this 88173
section, and compliance with all other applicable laws relating to 88174
the registration of motor vehicles. If the application for "Ohio 88175
history" license plates is combined with a request for a special 88176
reserved license plate under section 4503.40 or 4503.42 of the 88177
Revised Code, the license plates and validation sticker shall be 88178

issued upon payment of the contribution, fees, and taxes contained 88179
in this division and the additional fee prescribed under section 88180
4503.40 or 4503.42 of the Revised Code. 88181

(C) For each application for registration and registration 88182
renewal submitted under this section, the registrar shall collect 88183
a contribution of twenty dollars. The registrar shall transmit 88184
this contribution to the treasurer of state for deposit in the 88185
Ohio history license plate contribution fund created in section 88186
149.307 of the Revised Code. 88187

The registrar shall deposit the ten-dollar bureau 88188
administrative fee, the purpose of which is to compensate the 88189
bureau for additional services required in issuing "Ohio history" 88190
license plates, in the state bureau of motor vehicles fund created 88191
in section 4501.25 of the Revised Code. 88192

Sec. 4503.96. (A) The owner or lessee of any passenger car, 88193
noncommercial motor vehicle, recreational vehicle, or other 88194
vehicle of a class approved by the registrar of motor vehicles may 88195
apply to the registrar for the registration of the vehicle and 88196
issuance of Ohio coal license plates. An application made under 88197
this section may be combined with a request for a special reserved 88198
license plate under section 4503.40 or 4503.42 of the Revised 88199
Code. Upon receipt of the completed application and compliance by 88200
the applicant with divisions (B) and (C) of this section, the 88201
registrar shall issue to the applicant the appropriate vehicle 88202
registration and a set of Ohio coal license plates and a 88203
validation sticker, or a validation sticker alone when required by 88204
section 4503.191 of the Revised Code. 88205

In addition to the letters and numbers ordinarily inscribed 88206
on the license plates, Ohio coal license plates shall be inscribed 88207
with identifying words or markings that are designed by the Ohio 88208
coal association and approved by the registrar. Ohio coal license 88209

plates shall display county identification stickers that identify 88210
the county of registration by name or number. 88211

(B) Ohio coal license plates and validation stickers shall be 88212
issued upon payment of the regular license tax as prescribed under 88213
section 4503.04 of the Revised Code, any applicable motor vehicle 88214
license tax levied under Chapter 4504. of the Revised Code, and a 88215
bureau of motor vehicles administrative fee of ten dollars. The 88216
applicant shall comply with all other applicable laws relating to 88217
the registration of motor vehicles. If the application for Ohio 88218
coal license plates is combined with a request for a special 88219
reserved license plate under section 4503.40 or 4503.42 of the 88220
Revised Code, the license plates and validation sticker shall be 88221
issued upon payment of the fees and taxes specified in this 88222
division and the additional fee prescribed under section 4503.40 88223
or 4503.42 of the Revised Code. 88224

(C) The registrar shall deposit into the state treasury the 88225
ten-dollar bureau administrative fee, the purpose of which is to 88226
compensate the bureau for additional services required in issuing 88227
Ohio coal license plates, to the credit of the state bureau of 88228
motor vehicles fund created in section 4501.25 of Revised Code. 88229

Sec. 4505.02. The registrar of motor vehicles shall issue 88230
rules as the registrar determines necessary to ensure uniform and 88231
orderly operation of this chapter and to ensure that the 88232
identification of each applicant for a certificate of title is 88233
reasonably accurate. The clerks of the courts of common pleas 88234
shall conform thereto. The clerks shall provide the forms as 88235
prescribed by the registrar, except the manufacturers' or 88236
importers' certificates. The clerks shall provide, from moneys in 88237
the automated title processing fund, certificates of title and 88238
ribbons, cartridges, or other devices necessary for the operation 88239
of the certificate of title processing equipment as determined by 88240

the automated title processing board pursuant to division (C) of 88241
section 4505.09 of the Revised Code. All other automated title 88242
processing system supplies shall be provided by the clerks. 88243

If it appears that any certificate of title has been 88244
improperly issued, the registrar shall cancel the certificate. 88245
Upon the cancellation of any certificate of title, the registrar 88246
shall notify the clerk who issued it, and the clerk thereupon 88247
shall enter the cancellation upon the clerk's records. The 88248
registrar also shall notify the person to whom such certificate of 88249
title was issued, as well as any lienholders appearing thereon, of 88250
the cancellation and shall demand the surrender of the certificate 88251
of title immediately, but the cancellation shall not affect the 88252
validity of any lien noted thereon. The holder of such certificate 88253
of title immediately shall return it to the registrar. If a 88254
certificate of registration has been issued to the holder of a 88255
certificate of title so canceled the registrar immediately shall 88256
cancel it and demand the return of such certificate of 88257
registration and license plates, and the holder of such 88258
certificate of registration and license plates shall return the 88259
same to the registrar forthwith. The clerks shall keep on hand a 88260
sufficient supply of blank forms, which, except for certificate of 88261
title and memorandum certificate forms, shall be furnished and 88262
distributed without charge to registered manufacturers or dealers, 88263
or other persons residing within the county. 88264

Sec. 4505.09. (A)(1) The clerk of a court of common pleas 88265
shall charge and retain fees as follows: 88266

(a) Five dollars for each certificate of title that is not 88267
applied for within thirty days after the later of the assignment 88268
or delivery of the motor vehicle described in it. The entire fee 88269
shall be retained by the clerk. 88270

(b) Fifteen dollars for each certificate of title or 88271

duplicate certificate of title including the issuance of a 88272
memorandum certificate of title, or authorization to print a 88273
non-negotiable evidence of ownership described in division (G) of 88274
section 4505.08 of the Revised Code, non-negotiable evidence of 88275
ownership printed by the clerk under division (H) of that section, 88276
and notation of any lien on a certificate of title that is applied 88277
for at the same time as the certificate of title. The clerk shall 88278
retain eleven dollars and fifty cents of that fee for each 88279
certificate of title when there is a notation of a lien or 88280
security interest on the certificate of title, twelve dollars and 88281
twenty-five cents when there is no lien or security interest noted 88282
on the certificate of title, and eleven dollars and fifty cents 88283
for each duplicate certificate of title. 88284

(c) Four dollars and fifty cents for each certificate of 88285
title with no security interest noted that is issued to a licensed 88286
motor vehicle dealer for resale purposes and, in addition, a 88287
separate fee of fifty cents. The clerk shall retain two dollars 88288
and twenty-five cents of that fee. 88289

(d) Five dollars for each memorandum certificate of title or 88290
non-negotiable evidence of ownership that is applied for 88291
separately. The clerk shall retain that entire fee. 88292

(2) The fees that are not retained by the clerk shall be paid 88293
to the registrar of motor vehicles by monthly returns, which shall 88294
be forwarded to the registrar not later than the fifth day of the 88295
month next succeeding that in which the certificate is issued or 88296
that in which the registrar is notified of a lien or cancellation 88297
of a lien. 88298

(B)(1) The registrar shall pay twenty-five cents of the 88299
amount received for each certificate of title issued to a motor 88300
vehicle dealer for resale, one dollar for certificates of title 88301
issued with a lien or security interest noted on the certificate 88302
of title, and twenty-five cents for each certificate of title with 88303

no lien or security interest noted on the certificate of title 88304
into the state bureau of motor vehicles fund established in 88305
section 4501.25 of the Revised Code. 88306

(2) Fifty cents of the amount received for each certificate 88307
of title shall be paid by the registrar as follows: 88308

(a) Four cents shall be paid into the state treasury to the 88309
credit of the motor vehicle dealers board fund, which is hereby 88310
created. All investment earnings of the fund shall be credited to 88311
the fund. The moneys in the motor vehicle dealers board fund shall 88312
be used by the motor vehicle dealers board created under section 88313
4517.30 of the Revised Code, together with other moneys 88314
appropriated to it, in the exercise of its powers and the 88315
performance of its duties under Chapter 4517. of the Revised Code, 88316
except that the director of budget and management may transfer 88317
excess money from the motor vehicle dealers board fund to the 88318
bureau of motor vehicles fund if the registrar determines that the 88319
amount of money in the motor vehicle dealers board fund, together 88320
with other moneys appropriated to the board, exceeds the amount 88321
required for the exercise of its powers and the performance of its 88322
duties under Chapter 4517. of the Revised Code and requests the 88323
director to make the transfer. 88324

(b) Twenty-one cents shall be paid into the highway operating 88325
fund. 88326

(c) Twenty-five cents shall be paid into the state treasury 88327
to the credit of the motor vehicle sales audit fund, which is 88328
hereby created. The moneys in the fund shall be used by the tax 88329
commissioner together with other funds available to the 88330
commissioner to conduct a continuing investigation of sales and 88331
use tax returns filed for motor vehicles in order to determine if 88332
sales and use tax liability has been satisfied. The commissioner 88333
shall refer cases of apparent violations of section 2921.13 of the 88334
Revised Code made in connection with the titling or sale of a 88335

motor vehicle and cases of any other apparent violations of the 88336
sales or use tax law to the appropriate county prosecutor whenever 88337
the commissioner considers it advisable. 88338

(3) Two dollars of the amount received by the registrar under 88339
divisions (A)(1)(a), (b), and (d) of this section and one dollar 88340
and fifty cents of the amount received by the registrar under 88341
division (A)(1)(c) of this section for each certificate of title 88342
shall be paid into the state treasury to the credit of the 88343
automated title processing fund, which is hereby created and which 88344
shall consist of moneys collected under division (B)(3) of this 88345
section and under sections 1548.10 and 4519.59 of the Revised 88346
Code. All investment earnings of the fund shall be credited to the 88347
fund. The moneys in the fund shall be used as follows: 88348

(a) Except for moneys collected under section 1548.10 of the 88349
Revised Code and as provided in division (B)(3)(c) of this 88350
section, moneys collected under division (B)(3) of this section 88351
shall be used to implement and maintain an automated title 88352
processing system for the issuance of motor vehicle, off-highway 88353
motorcycle, and all-purpose vehicle certificates of title in the 88354
offices of the clerks of the courts of common pleas. 88355

(b) Moneys collected under section 1548.10 of the Revised 88356
Code shall be used to issue marine certificates of title in the 88357
offices of the clerks of the courts of common pleas as provided in 88358
Chapter 1548. of the Revised Code. 88359

(c) Moneys collected under division (B)(3) of this section 88360
shall be used in accordance with section 4505.25 of the Revised 88361
Code to implement Sub. S.B. 59 of the 124th general assembly. 88362

(4) The registrar shall pay the fifty-cent separate fee 88363
collected from a licensed motor vehicle dealer under division 88364
(A)(1)(c) of this section into the title defect recision fund 88365
created by section 1345.52 of the Revised Code. 88366

(C)(1) The automated title processing board is hereby created 88367
consisting of the registrar or the registrar's representative, a 88368
person selected by the registrar, the president of the Ohio clerks 88369
of court association or the president's representative, and two 88370
clerks of courts of common pleas appointed by the governor. The 88371
director of budget and management or the director's designee, the 88372
chief of the division of watercraft in the department of natural 88373
resources or the chief's designee, and the tax commissioner or the 88374
commissioner's designee shall be nonvoting members of the board. 88375
The purpose of the board is to facilitate the operation and 88376
maintenance of an automated title processing system and approve 88377
the procurement of automated title processing system equipment and 88378
ribbons, cartridges, or other devices necessary for the operation 88379
of that equipment. Voting members of the board, excluding the 88380
registrar or the registrar's representative, shall serve without 88381
compensation, but shall be reimbursed for travel and other 88382
necessary expenses incurred in the conduct of their official 88383
duties. The registrar or the registrar's representative shall 88384
receive neither compensation nor reimbursement as a board member. 88385

(2) The automated title processing board shall determine each 88386
of the following: 88387

(a) The automated title processing equipment and certificates 88388
of title requirements for each county; 88389

(b) The payment of expenses that may be incurred by the 88390
counties in implementing an automated title processing system; 88391

(c) The repayment to the counties for existing title 88392
processing equipment. 88393

(3) The registrar shall purchase, lease, or otherwise acquire 88394
any automated title processing equipment and certificates of title 88395
that the board determines are necessary from moneys in the 88396
automated title processing fund established by division (B)(3) of 88397

this section. 88398

(D) All counties shall conform to the requirements of the 88399
registrar regarding the operation of their automated title 88400
processing system for motor vehicle titles, certificates of title 88401
for off-highway motorcycles and all-purpose vehicles, and 88402
certificates of title for watercraft and outboard motors. 88403

Sec. 4506.07. (A) Every application for a commercial driver's 88404
license, restricted commercial driver's license, or a commercial 88405
driver's temporary instruction permit, or a duplicate of such a 88406
license, shall be made upon a form approved and furnished by the 88407
registrar of motor vehicles. Except as provided in section 4506.24 88408
of the Revised Code in regard to a restricted commercial driver's 88409
license, the application shall be signed by the applicant and 88410
shall contain the following information: 88411

(1) The applicant's name, date of birth, social security 88412
account number, sex, general description including height, weight, 88413
and color of hair and eyes, current residence, duration of 88414
residence in this state, country of citizenship, and occupation; 88415

(2) Whether the applicant previously has been licensed to 88416
operate a commercial motor vehicle or any other type of motor 88417
vehicle in another state or a foreign jurisdiction and, if so, 88418
when, by what state, and whether the license or driving privileges 88419
currently are suspended or revoked in any jurisdiction, or the 88420
applicant otherwise has been disqualified from operating a 88421
commercial motor vehicle, or is subject to an out-of-service order 88422
issued under this chapter or any similar law of another state or a 88423
foreign jurisdiction and, if so, the date of, locations involved, 88424
and reason for the suspension, revocation, disqualification, or 88425
out-of-service order; 88426

(3) Whether the applicant is afflicted with or suffering from 88427
any physical or mental disability or disease that prevents the 88428

applicant from exercising reasonable and ordinary control over a 88429
motor vehicle while operating it upon a highway or is or has been 88430
subject to any condition resulting in episodic impairment of 88431
consciousness or loss of muscular control and, if so, the nature 88432
and extent of the disability, disease, or condition, and the names 88433
and addresses of the physicians attending the applicant; 88434

(4) Whether the applicant has obtained a medical examiner's 88435
certificate as required by this chapter and, beginning January 30, 88436
2012, the applicant, prior to or at the time of applying, has 88437
self-certified to the registrar the applicable status of the 88438
applicant under division (A)(2) of section 4506.10 of the Revised 88439
Code; 88440

(5) Whether the applicant has pending a citation for 88441
violation of any motor vehicle law or ordinance except a parking 88442
violation and, if so, a description of the citation, the court 88443
having jurisdiction of the offense, and the date when the offense 88444
occurred; 88445

(6) ~~Whether~~ If an applicant has not certified the applicant's 88446
willingness to make an anatomical gift under section 2108.05 of 88447
the Revised Code, whether the applicant wishes to certify 88448
willingness to make such an anatomical gift ~~under section 2108.05~~ 88449
~~of the Revised Code~~, which shall be given no consideration in the 88450
issuance of a license; 88451

(7) On and after May 1, 1993, whether the applicant has 88452
executed a valid durable power of attorney for health care 88453
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 88454
executed a declaration governing the use or continuation, or the 88455
withholding or withdrawal, of life-sustaining treatment pursuant 88456
to sections 2133.01 to 2133.15 of the Revised Code and, if the 88457
applicant has executed either type of instrument, whether the 88458
applicant wishes the license issued to indicate that the applicant 88459
has executed the instrument; 88460

(8) On and after October 7, 2009, whether the applicant is a veteran, active duty, or reservist of the armed forces of the United States and, if the applicant is such, whether the applicant wishes the license issued to indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States by a military designation on the license.

(B) Every applicant shall certify, on a form approved and furnished by the registrar, all of the following:

(1) That the motor vehicle in which the applicant intends to take the driving skills test is representative of the type of motor vehicle that the applicant expects to operate as a driver;

(2) That the applicant is not subject to any disqualification or out-of-service order, or license suspension, revocation, or cancellation, under the laws of this state, of another state, or of a foreign jurisdiction and does not have more than one driver's license issued by this or another state or a foreign jurisdiction;

(3) Any additional information, certification, or evidence that the registrar requires by rule in order to ensure that the issuance of a commercial driver's license to the applicant is in compliance with the law of this state and with federal law.

(C) Every applicant shall execute a form, approved and furnished by the registrar, under which the applicant consents to the release by the registrar of information from the applicant's driving record.

(D) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall register as an elector any applicant for a commercial driver's license or for a renewal or duplicate of such a license under this chapter, if the applicant is eligible and wishes to be registered as an elector. The decision of an applicant whether to register as an elector shall be given no consideration in the decision of whether to

issue the applicant a license or a renewal or duplicate. 88492

(E) The registrar or a deputy registrar, in accordance with 88493
section 3503.11 of the Revised Code, shall offer the opportunity 88494
of completing a notice of change of residence or change of name to 88495
any applicant for a commercial driver's license or for a renewal 88496
or duplicate of such a license who is a resident of this state, if 88497
the applicant is a registered elector who has changed the 88498
applicant's residence or name and has not filed such a notice. 88499

(F) In considering any application submitted pursuant to this 88500
section, the bureau of motor vehicles may conduct any inquiries 88501
necessary to ensure that issuance or renewal of a commercial 88502
driver's license would not violate any provision of the Revised 88503
Code or federal law. 88504

(G) In addition to any other information it contains, on and 88505
after October 7, 2009, the form approved and furnished by the 88506
registrar of motor vehicles for an application for a commercial 88507
driver's license, restricted commercial driver's license, or a 88508
commercial driver's temporary instruction permit or an application 88509
for a duplicate of such a license shall inform applicants that the 88510
applicant must present a copy of the applicant's DD-214 or an 88511
equivalent document in order to qualify to have the license or 88512
duplicate indicate that the applicant is a veteran, active duty, 88513
or reservist of the armed forces of the United States based on a 88514
request made pursuant to division (A)(8) of this section. 88515

Sec. 4507.01. (A) As used in this chapter, "motor vehicle," 88516
"motorized bicycle," "state," "owner," "operator," "chauffeur," 88517
and "highways" have the same meanings as in section 4501.01 of the 88518
Revised Code. 88519

"Driver's license" means a class D license issued to any 88520
person to operate a motor vehicle or motor-driven cycle, other 88521
than a commercial motor vehicle, and includes "probationary 88522

license," "restricted license," and any operator's or chauffeur's 88523
license issued before January 1, 1990. 88524

"Probationary license" means the license issued to any person 88525
between sixteen and eighteen years of age to operate a motor 88526
vehicle. 88527

"Restricted license" means the license issued to any person 88528
to operate a motor vehicle subject to conditions or restrictions 88529
imposed by the registrar of motor vehicles. 88530

"Commercial driver's license" means the license issued to a 88531
person under Chapter 4506. of the Revised Code to operate a 88532
commercial motor vehicle. 88533

"Commercial motor vehicle" has the same meaning as in section 88534
4506.01 of the Revised Code. 88535

"Motorized bicycle license" means the license issued under 88536
section 4511.521 of the Revised Code to any person to operate a 88537
motorized bicycle including a "probationary motorized bicycle 88538
license." 88539

"Probationary motorized bicycle license" means the license 88540
issued under section 4511.521 of the Revised Code to any person 88541
between fourteen and sixteen years of age to operate a motorized 88542
bicycle. 88543

"Identification card" means a card issued under sections 88544
4507.50 and 4507.51 of the Revised Code. 88545

"Resident" means a person who, in accordance with standards 88546
prescribed in rules adopted by the registrar, resides in this 88547
state on a permanent basis. 88548

"Temporary resident" means a person who, in accordance with 88549
standards prescribed in rules adopted by the registrar, resides in 88550
this state on a temporary basis. 88551

(B) In the administration of this chapter and Chapter 4506. 88552

of the Revised Code, the registrar has the same authority as is 88553
conferred on the registrar by section 4501.02 of the Revised Code. 88554
Any act of an authorized deputy registrar of motor vehicles under 88555
direction of the registrar is deemed the act of the registrar. 88556

To carry out this chapter, the registrar shall appoint such 88557
deputy registrars ~~in each county~~ as are necessary. 88558

The registrar also shall provide at each place where an 88559
application for a driver's or commercial driver's license or 88560
identification card may be made the necessary equipment to take a 88561
color photograph of the applicant for such license or card as 88562
required under section 4506.11 or 4507.06 of the Revised Code, and 88563
to conduct the vision screenings required by section 4507.12 of 88564
the Revised Code, and equipment to laminate licenses, motorized 88565
bicycle licenses, and identification cards as required by sections 88566
4507.13, 4507.52, and 4511.521 of the Revised Code. 88567

The registrar shall assign one or more deputy registrars to 88568
any driver's license examining station operated under the 88569
supervision of the director of public safety, whenever the 88570
registrar considers such assignment possible. Space shall be 88571
provided in the driver's license examining station for any such 88572
deputy registrar so assigned. The deputy registrars shall not 88573
exercise the powers conferred by such sections upon the registrar, 88574
unless they are specifically authorized to exercise such powers by 88575
such sections. 88576

(C) No agent for any insurance company, writing automobile 88577
insurance, shall be appointed deputy registrar, and any such 88578
appointment is void. No deputy registrar shall in any manner 88579
solicit any form of automobile insurance, nor in any manner 88580
advise, suggest, or influence any licensee or applicant for 88581
license for or against any kind or type of automobile insurance, 88582
insurance company, or agent, nor have the deputy registrar's 88583
office directly connected with the office of any automobile 88584

insurance agent, nor impart any information furnished by any 88585
applicant for a license or identification card to any person, 88586
except the registrar. This division shall not apply to any 88587
nonprofit corporation appointed deputy registrar. 88588

(D) The registrar shall immediately remove a deputy registrar 88589
who violates the requirements of this chapter. 88590

(E) The registrar shall periodically solicit bids and enter 88591
into a contract for the provision of laminating equipment and 88592
laminating materials to the registrar and all deputy registrars. 88593
The registrar shall not consider any bid that does not provide for 88594
the supplying of both laminating equipment and laminating 88595
materials. The laminating materials selected shall contain a 88596
security feature so that any tampering with the laminating 88597
material covering a license or identification card is readily 88598
apparent. In soliciting bids and entering into a contract for the 88599
provision of laminating equipment and laminating materials, the 88600
registrar shall observe all procedures required by law. 88601

Sec. 4507.06. (A)(1) Every application for a driver's license 88602
or motorcycle operator's license or endorsement, or duplicate of 88603
any such license or endorsement, shall be made upon the approved 88604
form furnished by the registrar of motor vehicles and shall be 88605
signed by the applicant. 88606

Every application shall state the following: 88607

(a) The applicant's name, date of birth, social security 88608
number if such has been assigned, sex, general description, 88609
including height, weight, color of hair, and eyes, residence 88610
address, including county of residence, duration of residence in 88611
this state, and country of citizenship; 88612

(b) Whether the applicant previously has been licensed as an 88613
operator, chauffeur, driver, commercial driver, or motorcycle 88614

operator and, if so, when, by what state, and whether such license 88615
is suspended or canceled at the present time and, if so, the date 88616
of and reason for the suspension or cancellation; 88617

(c) Whether the applicant is now or ever has been afflicted 88618
with epilepsy, or whether the applicant now is suffering from any 88619
physical or mental disability or disease and, if so, the nature 88620
and extent of the disability or disease, giving the names and 88621
addresses of physicians then or previously in attendance upon the 88622
applicant; 88623

(d) Whether an applicant for a duplicate driver's license, or 88624
duplicate license containing a motorcycle operator endorsement has 88625
pending a citation for violation of any motor vehicle law or 88626
ordinance, a description of any such citation pending, and the 88627
date of the citation; 88628

(e) ~~Whether~~ If an applicant has not certified the applicant's 88629
willingness to make an anatomical gift under section 2108.05 of 88630
the Revised Code, whether the applicant wishes to certify 88631
willingness to make such an anatomical gift ~~under section 2108.05~~ 88632
~~of the Revised Code~~, which shall be given no consideration in the 88633
issuance of a license or endorsement; 88634

(f) Whether the applicant has executed a valid durable power 88635
of attorney for health care pursuant to sections 1337.11 to 88636
1337.17 of the Revised Code or has executed a declaration 88637
governing the use or continuation, or the withholding or 88638
withdrawal, of life-sustaining treatment pursuant to sections 88639
2133.01 to 2133.15 of the Revised Code and, if the applicant has 88640
executed either type of instrument, whether the applicant wishes 88641
the applicant's license to indicate that the applicant has 88642
executed the instrument; 88643

(g) On and after October 7, 2009, whether the applicant is a 88644
veteran, active duty, or reservist of the armed forces of the 88645

United States and, if the applicant is such, whether the applicant 88646
wishes the applicant's license to indicate that the applicant is a 88647
veteran, active duty, or reservist of the armed forces of the 88648
United States by a military designation on the license. 88649

(2) Every applicant for a driver's license shall be 88650
photographed in color at the time the application for the license 88651
is made. The application shall state any additional information 88652
that the registrar requires. 88653

(B) The registrar or a deputy registrar, in accordance with 88654
section 3503.11 of the Revised Code, shall register as an elector 88655
any person who applies for a driver's license or motorcycle 88656
operator's license or endorsement under division (A) of this 88657
section, or for a renewal or duplicate of the license or 88658
endorsement, if the applicant is eligible and wishes to be 88659
registered as an elector. The decision of an applicant whether to 88660
register as an elector shall be given no consideration in the 88661
decision of whether to issue the applicant a license or 88662
endorsement, or a renewal or duplicate. 88663

(C) The registrar or a deputy registrar, in accordance with 88664
section 3503.11 of the Revised Code, shall offer the opportunity 88665
of completing a notice of change of residence or change of name to 88666
any applicant for a driver's license or endorsement under division 88667
(A) of this section, or for a renewal or duplicate of the license 88668
or endorsement, if the applicant is a registered elector who has 88669
changed the applicant's residence or name and has not filed such a 88670
notice. 88671

(D) In addition to any other information it contains, on and 88672
after October 7, 2009, the approved form furnished by the 88673
registrar of motor vehicles for an application for a driver's 88674
license or motorcycle operator's license or endorsement or an 88675
application for a duplicate of any such license or endorsement 88676
shall inform applicants that the applicant must present a copy of 88677

the applicant's DD-214 or an equivalent document in order to 88678
qualify to have the license or duplicate indicate that the 88679
applicant is a veteran, active duty, or reservist of the armed 88680
forces of the United States based on a request made pursuant to 88681
division (A)(1)(g) of this section. 88682

Sec. 4507.51. (A)(1) Every application for an identification 88683
card or duplicate shall be made on a form furnished by the 88684
registrar of motor vehicles, shall be signed by the applicant, and 88685
by the applicant's parent or guardian if the applicant is under 88686
eighteen years of age, and shall contain the following information 88687
pertaining to the applicant: name, date of birth, sex, general 88688
description including the applicant's height, weight, hair color, 88689
and eye color, address, and social security number. The 88690
application also shall ~~state~~ include, for an applicant who has not 88691
already certified the applicant's willingness to make an 88692
anatomical gift under section 2108.05 of the Revised Code, whether 88693
~~an~~ the applicant wishes to certify willingness to make such an 88694
anatomical gift ~~under section 2108.05 of the Revised Code~~ and 88695
shall include information about the requirements of sections 88696
2108.01 to 2108.29 of the Revised Code that apply to persons who 88697
are less than eighteen years of age. The statement regarding 88698
willingness to make such a donation shall be given no 88699
consideration in the decision of whether to issue an 88700
identification card. Each applicant shall be photographed in color 88701
at the time of making application. 88702

(2)(a) The application also shall state whether the applicant 88703
has executed a valid durable power of attorney for health care 88704
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 88705
executed a declaration governing the use or continuation, or the 88706
withholding or withdrawal, of life-sustaining treatment pursuant 88707
to sections 2133.01 to 2133.15 of the Revised Code and, if the 88708
applicant has executed either type of instrument, whether the 88709

applicant wishes the identification card issued to indicate that 88710
the applicant has executed the instrument. 88711

(b) On and after October 7, 2009, the application also shall 88712
state whether the applicant is a veteran, active duty, or 88713
reservist of the armed forces of the United States and, if the 88714
applicant is such, whether the applicant wishes the identification 88715
card issued to indicate that the applicant is a veteran, active 88716
duty, or reservist of the armed forces of the United States by a 88717
military designation on the identification card. 88718

(3) The registrar or deputy registrar, in accordance with 88719
section 3503.11 of the Revised Code, shall register as an elector 88720
any person who applies for an identification card or duplicate if 88721
the applicant is eligible and wishes to be registered as an 88722
elector. The decision of an applicant whether to register as an 88723
elector shall be given no consideration in the decision of whether 88724
to issue the applicant an identification card or duplicate. 88725

(B) The application for an identification card or duplicate 88726
shall be filed in the office of the registrar or deputy registrar. 88727
Each applicant shall present documentary evidence as required by 88728
the registrar of the applicant's age and identity, and the 88729
applicant shall swear that all information given is true. An 88730
identification card issued by the department of rehabilitation and 88731
correction under section 5120.59 of the Revised Code or an 88732
identification card issued by the department of youth services 88733
under section 5139.511 of the Revised Code shall be sufficient 88734
documentary evidence under this division upon verification of the 88735
applicant's social security number by the registrar or a deputy 88736
registrar. Upon issuing an identification card under this section 88737
for a person who has been issued an identification card under 88738
section 5120.59 or section 5139.511 of the Revised Code, the 88739
registrar or deputy registrar shall destroy the identification 88740
card issued under section 5120.59 or section 5139.511 of the 88741

Revised Code. 88742

All applications for an identification card or duplicate 88743
shall be filed in duplicate, and if submitted to a deputy 88744
registrar, a copy shall be forwarded to the registrar. The 88745
registrar shall prescribe rules for the manner in which a deputy 88746
registrar is to file and maintain applications and other records. 88747
The registrar shall maintain a suitable, indexed record of all 88748
applications denied and cards issued or canceled. 88749

(C) In addition to any other information it contains, on and 88750
after the date that is fifteen months after April 7, 2009, the 88751
form furnished by the registrar of motor vehicles for an 88752
application for an identification card or duplicate shall inform 88753
applicants that the applicant must present a copy of the 88754
applicant's DD-214 or an equivalent document in order to qualify 88755
to have the card or duplicate indicate that the applicant is an 88756
honorably discharged veteran of the armed forces of the United 88757
States based on a request made pursuant to division (A)(2)(b) of 88758
this section. 88759

Sec. 4510.038. (A) Any person whose driver's or commercial 88760
driver's license or permit is suspended or who is granted limited 88761
driving privileges under section 4510.037, under division (H) of 88762
section 4511.19, or under section 4510.07 of the Revised Code for 88763
a violation of a municipal ordinance that is substantially 88764
equivalent to division (B) of section 4511.19 of the Revised Code 88765
is not eligible to retain the license, or to have the driving 88766
privileges reinstated, until each of the following has occurred: 88767

(1) The person successfully completes a course of remedial 88768
driving instruction approved by the director of public safety. A 88769
minimum of twenty-five per cent of the number of hours of 88770
instruction included in the course shall be devoted to instruction 88771
on driver attitude. 88772

The course also shall devote a number of hours to instruction 88773
in the area of alcohol and drugs and the operation of vehicles. 88774
The instruction shall include, but not be limited to, a review of 88775
the laws governing the operation of a vehicle while under the 88776
influence of alcohol, drugs, or a combination of them, the dangers 88777
of operating a vehicle while under the influence of alcohol, 88778
drugs, or a combination of them, and other information relating to 88779
the operation of vehicles and the consumption of alcoholic 88780
beverages and use of drugs. The director, in consultation with the 88781
director of ~~alcohol and drug addiction services~~ mental health and 88782
addiction services, shall prescribe the content of the 88783
instruction. The number of hours devoted to the area of alcohol 88784
and drugs and the operation of vehicles shall comprise a minimum 88785
of twenty-five per cent of the number of hours of instruction 88786
included in the course. 88787

(2) The person is examined in the manner provided for in 88788
section 4507.20 of the Revised Code, and found by the registrar of 88789
motor vehicles to be qualified to operate a motor vehicle; 88790

(3) The person gives and maintains proof of financial 88791
responsibility, in accordance with section 4509.45 of the Revised 88792
Code. 88793

(B)(1) Except as provided in division (B)(2) of this section, 88794
any course of remedial driving instruction the director of public 88795
safety approves under this section shall require its students to 88796
attend at least fifty per cent of the course in person and the 88797
director shall not approve any course of remedial driving 88798
instruction that permits its students to take more than fifty per 88799
cent of the course in any other manner, including via video 88800
teleconferencing or the internet. 88801

(2) The director may approve a course of remedial instruction 88802
that permits students to take the entire course via video 88803
teleconferencing or the internet. 88804

Sec. 4510.45. (A)(1) A manufacturer of ignition interlock devices that desires for its devices to be certified under section 4510.43 of the Revised Code and then to be included on the list of certified devices that the department of public safety compiles and makes available to courts pursuant to that section first shall obtain a license from the department under this section. The department, in accordance with Chapter 119. of the Revised Code, shall adopt any rules that are necessary to implement this licensing requirement.

(2) A manufacturer shall apply to the department for the license and shall include all information the department may require by rule. Each application, including an application for license renewal, shall be accompanied by an application fee of one hundred dollars, which the department shall deposit into the state treasury to the credit of the indigent drivers alcohol treatment fund created by section 4511.191 of the Revised Code.

(3) Upon receipt of a completed application, if the department finds that a manufacturer has complied with all application requirements, the department shall issue a license to the manufacturer. A manufacturer that has been issued a license under this section is eligible immediately to have the models of ignition interlock devices it produces certified under section 4510.43 of the Revised Code and then included on the list of certified devices that the department compiles and makes available to courts pursuant to that section.

(4)(a) A license issued under this section shall expire annually on a date selected by the department. The department shall reject the license application of a manufacturer if any of the following apply:

(i) The application is not accompanied by the application fee.

(ii) The department finds that the manufacturer has not 88836
complied with all application requirements. 88837

(iii) The license application is a renewal application and 88838
the manufacturer failed to file the annual report or failed to pay 88839
the fee as required by division (B) of this section. 88840

(b) A manufacturer whose license application is rejected by 88841
the department may appeal the decision to the director of public 88842
safety. The director or the director's designee shall hold a 88843
hearing on the matter not more than thirty days from the date of 88844
the manufacturer's appeal. If the director or the director's 88845
designee upholds the denial of the manufacturer's application for 88846
a license, the manufacturer may appeal the decision to the 88847
Franklin county court of common pleas. If the director or the 88848
director's designee reverses the denial of the manufacturer's 88849
application for a license, the director or the director's designee 88850
shall issue a written order directing that the department issue a 88851
license to the manufacturer. 88852

(B) Every manufacturer of ignition interlock devices that is 88853
issued a license under this section shall file an annual report 88854
with the department on a form the department prescribes on or 88855
before a date the department prescribes. The annual report shall 88856
state the amount of net profit the manufacturer earned during a 88857
twelve-month period specified by the department that is 88858
attributable to the sales of that manufacturer's certified 88859
ignition interlock devices to purchasers in this state. Each 88860
manufacturer shall pay a fee equal to five per cent of the amount 88861
of the net profit described in this division. 88862

The department may permit annual reports to be filed via 88863
electronic means. 88864

(C) The department shall deposit all fees it receives from 88865
manufacturers under this section into the state treasury to the 88866

credit of the indigent drivers alcohol treatment fund created by 88867
section 4511.191 of the Revised Code. All money so deposited into 88868
that fund that is paid by the department of ~~alcohol and drug~~ 88869
~~addiction services~~ mental health and addiction services to county 88870
indigent drivers alcohol treatment funds, county juvenile indigent 88871
drivers alcohol treatment funds, and municipal indigent drivers 88872
alcohol treatment funds shall be used only as described in 88873
division (H)(3) of section 4511.191 of the Revised Code. 88874

(D)(1) The director may make an assessment, based on any 88875
information in the director's possession, against any manufacturer 88876
that fails to file an annual report or pay the fee required by 88877
division (B) of this section. The director, in accordance with 88878
Chapter 119. of the Revised Code, shall adopt rules governing 88879
assessments and assessment procedures and related provisions. In 88880
adopting these rules, the director shall incorporate the 88881
provisions of section 5751.09 of the Revised Code to the greatest 88882
extent possible, except that the director is not required to 88883
incorporate any provisions of that section that by their nature 88884
are not applicable, appropriate, or necessary to assessments made 88885
by the director under this section. 88886

(2) A manufacturer may appeal the final determination of the 88887
director regarding an assessment made by the director under this 88888
section. The director, in accordance with Chapter 119. of the 88889
Revised Code, shall adopt rules governing such appeals. In 88890
adopting these rules, the director shall incorporate the 88891
provisions of section 5717.02 of the Revised Code to the greatest 88892
extent possible, except that the director is not required to 88893
incorporate any provisions of that section that by their nature 88894
are not applicable, appropriate, or necessary to appeals of 88895
assessments made by the director under this section. 88896

(E) The director, in accordance with Chapter 119. of the 88897
Revised Code, shall adopt a penalty schedule setting forth the 88898

monetary penalties to be imposed upon a manufacturer that is 88899
issued a license under this section and fails to file an annual 88900
report or pay the fee required by division (B) of this section in 88901
a timely manner. The penalty amounts shall not exceed the maximum 88902
penalty amounts established in section 5751.06 of the Revised Code 88903
for similar or equivalent facts or circumstances. 88904

(F)(1) No manufacturer of ignition interlock devices that is 88905
required by division (B) of this section to file an annual report 88906
with the department or to pay a fee shall fail to do so as 88907
required by that division. 88908

(2) No manufacturer of ignition interlock devices that is 88909
required by division (B) of this section to file an annual report 88910
with the department shall file a report that contains incorrect or 88911
erroneous information. 88912

(G) Whoever violates division (F)(2) of this section is 88913
guilty of a misdemeanor of the first degree. The department shall 88914
remove from the list of certified devices described in division 88915
(A)(1) of this section the ignition interlock devices manufactured 88916
by a manufacturer that violates division (F)(1) or (2) of this 88917
section. 88918

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 88919
streetcar, or trackless trolley within this state, if, at the time 88920
of the operation, any of the following apply: 88921

(a) The person is under the influence of alcohol, a drug of 88922
abuse, or a combination of them. 88923

(b) The person has a concentration of eight-hundredths of one 88924
per cent or more but less than seventeen-hundredths of one per 88925
cent by weight per unit volume of alcohol in the person's whole 88926
blood. 88927

(c) The person has a concentration of ninety-six-thousandths 88928

of one per cent or more but less than two hundred four-thousandths 88929
of one per cent by weight per unit volume of alcohol in the 88930
person's blood serum or plasma. 88931

(d) The person has a concentration of eight-hundredths of one 88932
gram or more but less than seventeen-hundredths of one gram by 88933
weight of alcohol per two hundred ten liters of the person's 88934
breath. 88935

(e) The person has a concentration of eleven-hundredths of 88936
one gram or more but less than two hundred 88937
thirty-eight-thousandths of one gram by weight of alcohol per one 88938
hundred milliliters of the person's urine. 88939

(f) The person has a concentration of seventeen-hundredths of 88940
one per cent or more by weight per unit volume of alcohol in the 88941
person's whole blood. 88942

(g) The person has a concentration of two hundred 88943
four-thousandths of one per cent or more by weight per unit volume 88944
of alcohol in the person's blood serum or plasma. 88945

(h) The person has a concentration of seventeen-hundredths of 88946
one gram or more by weight of alcohol per two hundred ten liters 88947
of the person's breath. 88948

(i) The person has a concentration of two hundred 88949
thirty-eight-thousandths of one gram or more by weight of alcohol 88950
per one hundred milliliters of the person's urine. 88951

(j) Except as provided in division (K) of this section, the 88952
person has a concentration of any of the following controlled 88953
substances or metabolites of a controlled substance in the 88954
person's whole blood, blood serum or plasma, or urine that equals 88955
or exceeds any of the following: 88956

(i) The person has a concentration of amphetamine in the 88957
person's urine of at least five hundred nanograms of amphetamine 88958

per milliliter of the person's urine or has a concentration of 88959
amphetamine in the person's whole blood or blood serum or plasma 88960
of at least one hundred nanograms of amphetamine per milliliter of 88961
the person's whole blood or blood serum or plasma. 88962

(ii) The person has a concentration of cocaine in the 88963
person's urine of at least one hundred fifty nanograms of cocaine 88964
per milliliter of the person's urine or has a concentration of 88965
cocaine in the person's whole blood or blood serum or plasma of at 88966
least fifty nanograms of cocaine per milliliter of the person's 88967
whole blood or blood serum or plasma. 88968

(iii) The person has a concentration of cocaine metabolite in 88969
the person's urine of at least one hundred fifty nanograms of 88970
cocaine metabolite per milliliter of the person's urine or has a 88971
concentration of cocaine metabolite in the person's whole blood or 88972
blood serum or plasma of at least fifty nanograms of cocaine 88973
metabolite per milliliter of the person's whole blood or blood 88974
serum or plasma. 88975

(iv) The person has a concentration of heroin in the person's 88976
urine of at least two thousand nanograms of heroin per milliliter 88977
of the person's urine or has a concentration of heroin in the 88978
person's whole blood or blood serum or plasma of at least fifty 88979
nanograms of heroin per milliliter of the person's whole blood or 88980
blood serum or plasma. 88981

(v) The person has a concentration of heroin metabolite 88982
(6-monoacetyl morphine) in the person's urine of at least ten 88983
nanograms of heroin metabolite (6-monoacetyl morphine) per 88984
milliliter of the person's urine or has a concentration of heroin 88985
metabolite (6-monoacetyl morphine) in the person's whole blood or 88986
blood serum or plasma of at least ten nanograms of heroin 88987
metabolite (6-monoacetyl morphine) per milliliter of the person's 88988
whole blood or blood serum or plasma. 88989

(vi) The person has a concentration of L.S.D. in the person's 88990
urine of at least twenty-five nanograms of L.S.D. per milliliter 88991
of the person's urine or a concentration of L.S.D. in the person's 88992
whole blood or blood serum or plasma of at least ten nanograms of 88993
L.S.D. per milliliter of the person's whole blood or blood serum 88994
or plasma. 88995

(vii) The person has a concentration of marihuana in the 88996
person's urine of at least ten nanograms of marihuana per 88997
milliliter of the person's urine or has a concentration of 88998
marihuana in the person's whole blood or blood serum or plasma of 88999
at least two nanograms of marihuana per milliliter of the person's 89000
whole blood or blood serum or plasma. 89001

(viii) Either of the following applies: 89002

(I) The person is under the influence of alcohol, a drug of 89003
abuse, or a combination of them, and, as measured by gas 89004
chromatography mass spectrometry, the person has a concentration 89005
of marihuana metabolite in the person's urine of at least fifteen 89006
nanograms of marihuana metabolite per milliliter of the person's 89007
urine or has a concentration of marihuana metabolite in the 89008
person's whole blood or blood serum or plasma of at least five 89009
nanograms of marihuana metabolite per milliliter of the person's 89010
whole blood or blood serum or plasma. 89011

(II) As measured by gas chromatography mass spectrometry, the 89012
person has a concentration of marihuana metabolite in the person's 89013
urine of at least thirty-five nanograms of marihuana metabolite 89014
per milliliter of the person's urine or has a concentration of 89015
marihuana metabolite in the person's whole blood or blood serum or 89016
plasma of at least fifty nanograms of marihuana metabolite per 89017
milliliter of the person's whole blood or blood serum or plasma. 89018

(ix) The person has a concentration of methamphetamine in the 89019
person's urine of at least five hundred nanograms of 89020

methamphetamine per milliliter of the person's urine or has a 89021
concentration of methamphetamine in the person's whole blood or 89022
blood serum or plasma of at least one hundred nanograms of 89023
methamphetamine per milliliter of the person's whole blood or 89024
blood serum or plasma. 89025

(x) The person has a concentration of phencyclidine in the 89026
person's urine of at least twenty-five nanograms of phencyclidine 89027
per milliliter of the person's urine or has a concentration of 89028
phencyclidine in the person's whole blood or blood serum or plasma 89029
of at least ten nanograms of phencyclidine per milliliter of the 89030
person's whole blood or blood serum or plasma. 89031

(xi) The state board of pharmacy has adopted a rule pursuant 89032
to section 4729.041 of the Revised Code that specifies the amount 89033
of salvia divinorum and the amount of salvinorin A that constitute 89034
concentrations of salvia divinorum and salvinorin A in a person's 89035
urine, in a person's whole blood, or in a person's blood serum or 89036
plasma at or above which the person is impaired for purposes of 89037
operating any vehicle, streetcar, or trackless trolley within this 89038
state, the rule is in effect, and the person has a concentration 89039
of salvia divinorum or salvinorin A of at least that amount so 89040
specified by rule in the person's urine, in the person's whole 89041
blood, or in the person's blood serum or plasma. 89042

(2) No person who, within twenty years of the conduct 89043
described in division (A)(2)(a) of this section, previously has 89044
been convicted of or pleaded guilty to a violation of this 89045
division, a violation of division (A)(1) or (B) of this section, 89046
or any other equivalent offense shall do both of the following: 89047

(a) Operate any vehicle, streetcar, or trackless trolley 89048
within this state while under the influence of alcohol, a drug of 89049
abuse, or a combination of them; 89050

(b) Subsequent to being arrested for operating the vehicle, 89051

streetcar, or trackless trolley as described in division (A)(2)(a) 89052
of this section, being asked by a law enforcement officer to 89053
submit to a chemical test or tests under section 4511.191 of the 89054
Revised Code, and being advised by the officer in accordance with 89055
section 4511.192 of the Revised Code of the consequences of the 89056
person's refusal or submission to the test or tests, refuse to 89057
submit to the test or tests. 89058

(B) No person under twenty-one years of age shall operate any 89059
vehicle, streetcar, or trackless trolley within this state, if, at 89060
the time of the operation, any of the following apply: 89061

(1) The person has a concentration of at least two-hundredths 89062
of one per cent but less than eight-hundredths of one per cent by 89063
weight per unit volume of alcohol in the person's whole blood. 89064

(2) The person has a concentration of at least 89065
three-hundredths of one per cent but less than 89066
ninety-six-thousandths of one per cent by weight per unit volume 89067
of alcohol in the person's blood serum or plasma. 89068

(3) The person has a concentration of at least two-hundredths 89069
of one gram but less than eight-hundredths of one gram by weight 89070
of alcohol per two hundred ten liters of the person's breath. 89071

(4) The person has a concentration of at least twenty-eight 89072
one-thousandths of one gram but less than eleven-hundredths of one 89073
gram by weight of alcohol per one hundred milliliters of the 89074
person's urine. 89075

(C) In any proceeding arising out of one incident, a person 89076
may be charged with a violation of division (A)(1)(a) or (A)(2) 89077
and a violation of division (B)(1), (2), or (3) of this section, 89078
but the person may not be convicted of more than one violation of 89079
these divisions. 89080

(D)(1)(a) In any criminal prosecution or juvenile court 89081
proceeding for a violation of division (A)(1)(a) of this section 89082

or for an equivalent offense that is vehicle-related, the result 89083
of any test of any blood or urine withdrawn and analyzed at any 89084
health care provider, as defined in section 2317.02 of the Revised 89085
Code, may be admitted with expert testimony to be considered with 89086
any other relevant and competent evidence in determining the guilt 89087
or innocence of the defendant. 89088

(b) In any criminal prosecution or juvenile court proceeding 89089
for a violation of division (A) or (B) of this section or for an 89090
equivalent offense that is vehicle-related, the court may admit 89091
evidence on the concentration of alcohol, drugs of abuse, 89092
controlled substances, metabolites of a controlled substance, or a 89093
combination of them in the defendant's whole blood, blood serum or 89094
plasma, breath, urine, or other bodily substance at the time of 89095
the alleged violation as shown by chemical analysis of the 89096
substance withdrawn within three hours of the time of the alleged 89097
violation. The three-hour time limit specified in this division 89098
regarding the admission of evidence does not extend or affect the 89099
two-hour time limit specified in division (A) of section 4511.192 89100
of the Revised Code as the maximum period of time during which a 89101
person may consent to a chemical test or tests as described in 89102
that section. The court may admit evidence on the concentration of 89103
alcohol, drugs of abuse, or a combination of them as described in 89104
this division when a person submits to a blood, breath, urine, or 89105
other bodily substance test at the request of a law enforcement 89106
officer under section 4511.191 of the Revised Code or a blood or 89107
urine sample is obtained pursuant to a search warrant. Only a 89108
physician, a registered nurse, an emergency medical 89109
technician-intermediate, an emergency medical 89110
technician-paramedic, or a qualified technician, chemist, or 89111
phlebotomist shall withdraw a blood sample for the purpose of 89112
determining the alcohol, drug, controlled substance, metabolite of 89113
a controlled substance, or combination content of the whole blood, 89114
blood serum, or blood plasma. This limitation does not apply to 89115

the taking of breath or urine specimens. A person authorized to 89116
withdraw blood under this division may refuse to withdraw blood 89117
under this division, if in that person's opinion, the physical 89118
welfare of the person would be endangered by the withdrawing of 89119
blood. 89120

The bodily substance withdrawn under division (D)(1)(b) of 89121
this section shall be analyzed in accordance with methods approved 89122
by the director of health by an individual possessing a valid 89123
permit issued by the director pursuant to section 3701.143 of the 89124
Revised Code. 89125

(c) As used in division (D)(1)(b) of this section, "emergency 89126
medical technician-intermediate" and "emergency medical 89127
technician-paramedic" have the same meanings as in section 4765.01 89128
of the Revised Code. 89129

(2) In a criminal prosecution or juvenile court proceeding 89130
for a violation of division (A) of this section or for an 89131
equivalent offense that is vehicle-related, if there was at the 89132
time the bodily substance was withdrawn a concentration of less 89133
than the applicable concentration of alcohol specified in 89134
divisions (A)(1)(b), (c), (d), and (e) of this section or less 89135
than the applicable concentration of a listed controlled substance 89136
or a listed metabolite of a controlled substance specified for a 89137
violation of division (A)(1)(j) of this section, that fact may be 89138
considered with other competent evidence in determining the guilt 89139
or innocence of the defendant. This division does not limit or 89140
affect a criminal prosecution or juvenile court proceeding for a 89141
violation of division (B) of this section or for an equivalent 89142
offense that is substantially equivalent to that division. 89143

(3) Upon the request of the person who was tested, the 89144
results of the chemical test shall be made available to the person 89145
or the person's attorney, immediately upon the completion of the 89146
chemical test analysis. 89147

If the chemical test was obtained pursuant to division 89148
(D)(1)(b) of this section, the person tested may have a physician, 89149
a registered nurse, or a qualified technician, chemist, or 89150
phlebotomist of the person's own choosing administer a chemical 89151
test or tests, at the person's expense, in addition to any 89152
administered at the request of a law enforcement officer. If the 89153
person was under arrest as described in division (A)(5) of section 89154
4511.191 of the Revised Code, the arresting officer shall advise 89155
the person at the time of the arrest that the person may have an 89156
independent chemical test taken at the person's own expense. If 89157
the person was under arrest other than described in division 89158
(A)(5) of section 4511.191 of the Revised Code, the form to be 89159
read to the person to be tested, as required under section 89160
4511.192 of the Revised Code, shall state that the person may have 89161
an independent test performed at the person's expense. The failure 89162
or inability to obtain an additional chemical test by a person 89163
shall not preclude the admission of evidence relating to the 89164
chemical test or tests taken at the request of a law enforcement 89165
officer. 89166

(4)(a) As used in divisions (D)(4)(b) and (c) of this 89167
section, "national highway traffic safety administration" means 89168
the national highway traffic safety administration established as 89169
an administration of the United States department of 89170
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 89171

(b) In any criminal prosecution or juvenile court proceeding 89172
for a violation of division (A) or (B) of this section, of a 89173
municipal ordinance relating to operating a vehicle while under 89174
the influence of alcohol, a drug of abuse, or alcohol and a drug 89175
of abuse, or of a municipal ordinance relating to operating a 89176
vehicle with a prohibited concentration of alcohol, a controlled 89177
substance, or a metabolite of a controlled substance in the whole 89178
blood, blood serum or plasma, breath, or urine, if a law 89179

enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the national highway traffic safety administration, all of the following apply:

(i) The officer may testify concerning the results of the field sobriety test so administered.

(ii) The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

(iii) If testimony is presented or evidence is introduced under division (D)(4)(b)(i) or (ii) of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

(c) Division (D)(4)(b) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (D)(4)(b) of this section.

(E)(1) Subject to division (E)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) or (B)(1), (2), (3), or (4) of this section or for an equivalent

offense that is substantially equivalent to any of those 89211
divisions, a laboratory report from any laboratory personnel 89212
issued a permit by the department of health authorizing an 89213
analysis as described in this division that contains an analysis 89214
of the whole blood, blood serum or plasma, breath, urine, or other 89215
bodily substance tested and that contains all of the information 89216
specified in this division shall be admitted as prima-facie 89217
evidence of the information and statements that the report 89218
contains. The laboratory report shall contain all of the 89219
following: 89220

(a) The signature, under oath, of any person who performed 89221
the analysis; 89222

(b) Any findings as to the identity and quantity of alcohol, 89223
a drug of abuse, a controlled substance, a metabolite of a 89224
controlled substance, or a combination of them that was found; 89225

(c) A copy of a notarized statement by the laboratory 89226
director or a designee of the director that contains the name of 89227
each certified analyst or test performer involved with the report, 89228
the analyst's or test performer's employment relationship with the 89229
laboratory that issued the report, and a notation that performing 89230
an analysis of the type involved is part of the analyst's or test 89231
performer's regular duties; 89232

(d) An outline of the analyst's or test performer's 89233
education, training, and experience in performing the type of 89234
analysis involved and a certification that the laboratory 89235
satisfies appropriate quality control standards in general and, in 89236
this particular analysis, under rules of the department of health. 89237

(2) Notwithstanding any other provision of law regarding the 89238
admission of evidence, a report of the type described in division 89239
(E)(1) of this section is not admissible against the defendant to 89240
whom it pertains in any proceeding, other than a preliminary 89241

hearing or a grand jury proceeding, unless the prosecutor has 89242
served a copy of the report on the defendant's attorney or, if the 89243
defendant has no attorney, on the defendant. 89244

(3) A report of the type described in division (E)(1) of this 89245
section shall not be prima-facie evidence of the contents, 89246
identity, or amount of any substance if, within seven days after 89247
the defendant to whom the report pertains or the defendant's 89248
attorney receives a copy of the report, the defendant or the 89249
defendant's attorney demands the testimony of the person who 89250
signed the report. The judge in the case may extend the seven-day 89251
time limit in the interest of justice. 89252

(F) Except as otherwise provided in this division, any 89253
physician, registered nurse, emergency medical 89254
technician-intermediate, emergency medical technician-paramedic, 89255
or qualified technician, chemist, or phlebotomist who withdraws 89256
blood from a person pursuant to this section or section 4511.191 89257
or 4511.192 of the Revised Code, and any hospital, first-aid 89258
station, or clinic at which blood is withdrawn from a person 89259
pursuant to this section or section 4511.191 or 4511.192 of the 89260
Revised Code, is immune from criminal liability and civil 89261
liability based upon a claim of assault and battery or any other 89262
claim that is not a claim of malpractice, for any act performed in 89263
withdrawing blood from the person. The immunity provided in this 89264
division also extends to an emergency medical service organization 89265
that employs an emergency medical technician-intermediate or 89266
emergency medical technician-paramedic who withdraws blood under 89267
this section. The immunity provided in this division is not 89268
available to a person who withdraws blood if the person engages in 89269
willful or wanton misconduct. 89270

As used in this division, "emergency medical 89271
technician-intermediate" and "emergency medical 89272
technician-paramedic" have the same meanings as in section 4765.01 89273

of the Revised Code. 89274

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 89275
to (i) or (A)(2) of this section is guilty of operating a vehicle 89276
under the influence of alcohol, a drug of abuse, or a combination 89277
of them. Whoever violates division (A)(1)(j) of this section is 89278
guilty of operating a vehicle while under the influence of a 89279
listed controlled substance or a listed metabolite of a controlled 89280
substance. The court shall sentence the offender for either 89281
offense under Chapter 2929. of the Revised Code, except as 89282
otherwise authorized or required by divisions (G)(1)(a) to (e) of 89283
this section: 89284

(a) Except as otherwise provided in division (G)(1)(b), (c), 89285
(d), or (e) of this section, the offender is guilty of a 89286
misdemeanor of the first degree, and the court shall sentence the 89287
offender to all of the following: 89288

(i) If the sentence is being imposed for a violation of 89289
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 89290
mandatory jail term of three consecutive days. As used in this 89291
division, three consecutive days means seventy-two consecutive 89292
hours. The court may sentence an offender to both an intervention 89293
program and a jail term. The court may impose a jail term in 89294
addition to the three-day mandatory jail term or intervention 89295
program. However, in no case shall the cumulative jail term 89296
imposed for the offense exceed six months. 89297

The court may suspend the execution of the three-day jail 89298
term under this division if the court, in lieu of that suspended 89299
term, places the offender under a community control sanction 89300
pursuant to section 2929.25 of the Revised Code and requires the 89301
offender to attend, for three consecutive days, a drivers' 89302
intervention program certified under section ~~3793.10~~ 5119.38 of 89303
the Revised Code. The court also may suspend the execution of any 89304
part of the three-day jail term under this division if it places 89305

the offender under a community control sanction pursuant to 89306
section 2929.25 of the Revised Code for part of the three days, 89307
requires the offender to attend for the suspended part of the term 89308
a drivers' intervention program so certified, and sentences the 89309
offender to a jail term equal to the remainder of the three 89310
consecutive days that the offender does not spend attending the 89311
program. The court may require the offender, as a condition of 89312
community control and in addition to the required attendance at a 89313
drivers' intervention program, to attend and satisfactorily 89314
complete any treatment or education programs that comply with the 89315
minimum standards adopted pursuant to Chapter ~~3793.~~ 5119. of the 89316
Revised Code by the director of ~~alcohol and drug addiction~~ 89317
~~services~~ mental health and addiction services that the operators 89318
of the drivers' intervention program determine that the offender 89319
should attend and to report periodically to the court on the 89320
offender's progress in the programs. The court also may impose on 89321
the offender any other conditions of community control that it 89322
considers necessary. 89323

(ii) If the sentence is being imposed for a violation of 89324
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 89325
section, except as otherwise provided in this division, a 89326
mandatory jail term of at least three consecutive days and a 89327
requirement that the offender attend, for three consecutive days, 89328
a drivers' intervention program that is certified pursuant to 89329
section ~~3793.10~~ 5119.38 of the Revised Code. As used in this 89330
division, three consecutive days means seventy-two consecutive 89331
hours. If the court determines that the offender is not conducive 89332
to treatment in a drivers' intervention program, if the offender 89333
refuses to attend a drivers' intervention program, or if the jail 89334
at which the offender is to serve the jail term imposed can 89335
provide a driver's intervention program, the court shall sentence 89336
the offender to a mandatory jail term of at least six consecutive 89337
days. 89338

The court may require the offender, under a community control 89339
sanction imposed under section 2929.25 of the Revised Code, to 89340
attend and satisfactorily complete any treatment or education 89341
programs that comply with the minimum standards adopted pursuant 89342
to Chapter ~~3793~~. 5119. of the Revised Code by the director of 89343
~~alcohol and drug addiction services~~ mental health and addiction 89344
services, in addition to the required attendance at drivers' 89345
intervention program, that the operators of the drivers' 89346
intervention program determine that the offender should attend and 89347
to report periodically to the court on the offender's progress in 89348
the programs. The court also may impose any other conditions of 89349
community control on the offender that it considers necessary. 89350

(iii) In all cases, a fine of not less than three hundred 89351
seventy-five and not more than one thousand seventy-five dollars; 89352

(iv) In all cases, a class five license suspension of the 89353
offender's driver's or commercial driver's license or permit or 89354
nonresident operating privilege from the range specified in 89355
division (A)(5) of section 4510.02 of the Revised Code. The court 89356
may grant limited driving privileges relative to the suspension 89357
under sections 4510.021 and 4510.13 of the Revised Code. 89358

(b) Except as otherwise provided in division (G)(1)(e) of 89359
this section, an offender who, within six years of the offense, 89360
previously has been convicted of or pleaded guilty to one 89361
violation of division (A) or (B) of this section or one other 89362
equivalent offense is guilty of a misdemeanor of the first degree. 89363
The court shall sentence the offender to all of the following: 89364

(i) If the sentence is being imposed for a violation of 89365
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 89366
mandatory jail term of ten consecutive days. The court shall 89367
impose the ten-day mandatory jail term under this division unless, 89368
subject to division (G)(3) of this section, it instead imposes a 89369
sentence under that division consisting of both a jail term and a 89370

term of house arrest with electronic monitoring, with continuous 89371
alcohol monitoring, or with both electronic monitoring and 89372
continuous alcohol monitoring. The court may impose a jail term in 89373
addition to the ten-day mandatory jail term. The cumulative jail 89374
term imposed for the offense shall not exceed six months. 89375

In addition to the jail term or the term of house arrest with 89376
electronic monitoring or continuous alcohol monitoring or both 89377
types of monitoring and jail term, the court shall require the 89378
offender to be assessed by ~~an alcohol and drug treatment program a~~ 89379
community addiction services provider that is authorized by 89380
section ~~3793.02~~ 5119.21 of the Revised Code, subject to division 89381
(I) of this section, and shall order the offender to follow the 89382
treatment recommendations of the ~~program~~ services provider. The 89383
purpose of the assessment is to determine the degree of the 89384
offender's alcohol usage and to determine whether or not treatment 89385
is warranted. Upon the request of the court, the ~~program~~ services 89386
provider shall submit the results of the assessment to the court, 89387
including all treatment recommendations and clinical diagnoses 89388
related to alcohol use. 89389

(ii) If the sentence is being imposed for a violation of 89390
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 89391
section, except as otherwise provided in this division, a 89392
mandatory jail term of twenty consecutive days. The court shall 89393
impose the twenty-day mandatory jail term under this division 89394
unless, subject to division (G)(3) of this section, it instead 89395
imposes a sentence under that division consisting of both a jail 89396
term and a term of house arrest with electronic monitoring, with 89397
continuous alcohol monitoring, or with both electronic monitoring 89398
and continuous alcohol monitoring. The court may impose a jail 89399
term in addition to the twenty-day mandatory jail term. The 89400
cumulative jail term imposed for the offense shall not exceed six 89401
months. 89402

In addition to the jail term or the term of house arrest with 89403
electronic monitoring or continuous alcohol monitoring or both 89404
types of monitoring and jail term, the court shall require the 89405
offender to be assessed by ~~an alcohol and drug treatment program~~ a 89406
community addiction service provider that is authorized by section 89407
~~3793.02~~ 5119.21 of the Revised Code, subject to division (I) of 89408
this section, and shall order the offender to follow the treatment 89409
recommendations of the ~~program~~ services provider. The purpose of 89410
the assessment is to determine the degree of the offender's 89411
alcohol usage and to determine whether or not treatment is 89412
warranted. Upon the request of the court, the ~~program~~ services 89413
provider shall submit the results of the assessment to the court, 89414
including all treatment recommendations and clinical diagnoses 89415
related to alcohol use. 89416

(iii) In all cases, notwithstanding the fines set forth in 89417
Chapter 2929. of the Revised Code, a fine of not less than five 89418
hundred twenty-five and not more than one thousand six hundred 89419
twenty-five dollars; 89420

(iv) In all cases, a class four license suspension of the 89421
offender's driver's license, commercial driver's license, 89422
temporary instruction permit, probationary license, or nonresident 89423
operating privilege from the range specified in division (A)(4) of 89424
section 4510.02 of the Revised Code. The court may grant limited 89425
driving privileges relative to the suspension under sections 89426
4510.021 and 4510.13 of the Revised Code. 89427

(v) In all cases, if the vehicle is registered in the 89428
offender's name, immobilization of the vehicle involved in the 89429
offense for ninety days in accordance with section 4503.233 of the 89430
Revised Code and impoundment of the license plates of that vehicle 89431
for ninety days. 89432

(c) Except as otherwise provided in division (G)(1)(e) of 89433
this section, an offender who, within six years of the offense, 89434

previously has been convicted of or pleaded guilty to two 89435
violations of division (A) or (B) of this section or other 89436
equivalent offenses is guilty of a misdemeanor. The court shall 89437
sentence the offender to all of the following: 89438

(i) If the sentence is being imposed for a violation of 89439
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 89440
mandatory jail term of thirty consecutive days. The court shall 89441
impose the thirty-day mandatory jail term under this division 89442
unless, subject to division (G)(3) of this section, it instead 89443
imposes a sentence under that division consisting of both a jail 89444
term and a term of house arrest with electronic monitoring, with 89445
continuous alcohol monitoring, or with both electronic monitoring 89446
and continuous alcohol monitoring. The court may impose a jail 89447
term in addition to the thirty-day mandatory jail term. 89448
Notwithstanding the jail terms set forth in sections 2929.21 to 89449
2929.28 of the Revised Code, the additional jail term shall not 89450
exceed one year, and the cumulative jail term imposed for the 89451
offense shall not exceed one year. 89452

(ii) If the sentence is being imposed for a violation of 89453
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 89454
section, a mandatory jail term of sixty consecutive days. The 89455
court shall impose the sixty-day mandatory jail term under this 89456
division unless, subject to division (G)(3) of this section, it 89457
instead imposes a sentence under that division consisting of both 89458
a jail term and a term of house arrest with electronic monitoring, 89459
with continuous alcohol monitoring, or with both electronic 89460
monitoring and continuous alcohol monitoring. The court may impose 89461
a jail term in addition to the sixty-day mandatory jail term. 89462
Notwithstanding the jail terms set forth in sections 2929.21 to 89463
2929.28 of the Revised Code, the additional jail term shall not 89464
exceed one year, and the cumulative jail term imposed for the 89465
offense shall not exceed one year. 89466

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Revised Code, a fine of not less than eight hundred fifty and not more than two thousand seven hundred fifty dollars;

(iv) In all cases, a class three license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(3) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, the court shall order the offender to participate ~~in an alcohol and drug~~ with a community addiction program services provider authorized by section ~~3793.02~~ 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the ~~program services provider~~. The operator of the ~~program services provider~~ shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the ~~program services provider~~ shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(d) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to three or

four violations of division (A) or (B) of this section or other 89499
equivalent offenses or an offender who, within twenty years of the 89500
offense, previously has been convicted of or pleaded guilty to 89501
five or more violations of that nature is guilty of a felony of 89502
the fourth degree. The court shall sentence the offender to all of 89503
the following: 89504

(i) If the sentence is being imposed for a violation of 89505
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 89506
mandatory prison term of one, two, three, four, or five years as 89507
required by and in accordance with division (G)(2) of section 89508
2929.13 of the Revised Code if the offender also is convicted of 89509
or also pleads guilty to a specification of the type described in 89510
section 2941.1413 of the Revised Code or, in the discretion of the 89511
court, either a mandatory term of local incarceration of sixty 89512
consecutive days in accordance with division (G)(1) of section 89513
2929.13 of the Revised Code or a mandatory prison term of sixty 89514
consecutive days in accordance with division (G)(2) of that 89515
section if the offender is not convicted of and does not plead 89516
guilty to a specification of that type. If the court imposes a 89517
mandatory term of local incarceration, it may impose a jail term 89518
in addition to the sixty-day mandatory term, the cumulative total 89519
of the mandatory term and the jail term for the offense shall not 89520
exceed one year, and, except as provided in division (A)(1) of 89521
section 2929.13 of the Revised Code, no prison term is authorized 89522
for the offense. If the court imposes a mandatory prison term, 89523
notwithstanding division (A)(4) of section 2929.14 of the Revised 89524
Code, it also may sentence the offender to a definite prison term 89525
that shall be not less than six months and not more than thirty 89526
months and the prison terms shall be imposed as described in 89527
division (G)(2) of section 2929.13 of the Revised Code. If the 89528
court imposes a mandatory prison term or mandatory prison term and 89529
additional prison term, in addition to the term or terms so 89530
imposed, the court also may sentence the offender to a community 89531

control sanction for the offense, but the offender shall serve all 89532
of the prison terms so imposed prior to serving the community 89533
control sanction. 89534

(ii) If the sentence is being imposed for a violation of 89535
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 89536
section, a mandatory prison term of one, two, three, four, or five 89537
years as required by and in accordance with division (G)(2) of 89538
section 2929.13 of the Revised Code if the offender also is 89539
convicted of or also pleads guilty to a specification of the type 89540
described in section 2941.1413 of the Revised Code or, in the 89541
discretion of the court, either a mandatory term of local 89542
incarceration of one hundred twenty consecutive days in accordance 89543
with division (G)(1) of section 2929.13 of the Revised Code or a 89544
mandatory prison term of one hundred twenty consecutive days in 89545
accordance with division (G)(2) of that section if the offender is 89546
not convicted of and does not plead guilty to a specification of 89547
that type. If the court imposes a mandatory term of local 89548
incarceration, it may impose a jail term in addition to the one 89549
hundred twenty-day mandatory term, the cumulative total of the 89550
mandatory term and the jail term for the offense shall not exceed 89551
one year, and, except as provided in division (A)(1) of section 89552
2929.13 of the Revised Code, no prison term is authorized for the 89553
offense. If the court imposes a mandatory prison term, 89554
notwithstanding division (A)(4) of section 2929.14 of the Revised 89555
Code, it also may sentence the offender to a definite prison term 89556
that shall be not less than six months and not more than thirty 89557
months and the prison terms shall be imposed as described in 89558
division (G)(2) of section 2929.13 of the Revised Code. If the 89559
court imposes a mandatory prison term or mandatory prison term and 89560
additional prison term, in addition to the term or terms so 89561
imposed, the court also may sentence the offender to a community 89562
control sanction for the offense, but the offender shall serve all 89563
of the prison terms so imposed prior to serving the community 89564

control sanction. 89565

(iii) In all cases, notwithstanding section 2929.18 of the 89566
Revised Code, a fine of not less than one thousand three hundred 89567
fifty nor more than ten thousand five hundred dollars; 89568

(iv) In all cases, a class two license suspension of the 89569
offender's driver's license, commercial driver's license, 89570
temporary instruction permit, probationary license, or nonresident 89571
operating privilege from the range specified in division (A)(2) of 89572
section 4510.02 of the Revised Code. The court may grant limited 89573
driving privileges relative to the suspension under sections 89574
4510.021 and 4510.13 of the Revised Code. 89575

(v) In all cases, if the vehicle is registered in the 89576
offender's name, criminal forfeiture of the vehicle involved in 89577
the offense in accordance with section 4503.234 of the Revised 89578
Code. Division (G)(6) of this section applies regarding any 89579
vehicle that is subject to an order of criminal forfeiture under 89580
this division. 89581

(vi) In all cases, the court shall order the offender to 89582
participate ~~in an alcohol and drug~~ with a community addiction 89583
~~program~~ services provider authorized by section ~~3793.02~~ 5119.21 of 89584
the Revised Code, subject to division (I) of this section, and 89585
shall order the offender to follow the treatment recommendations 89586
of the ~~program~~ services provider. The operator of the ~~program~~ 89587
services provider shall determine and assess the degree of the 89588
offender's alcohol dependency and shall make recommendations for 89589
treatment. Upon the request of the court, the ~~program~~ services 89590
provider shall submit the results of the assessment to the court, 89591
including all treatment recommendations and clinical diagnoses 89592
related to alcohol use. 89593

(vii) In all cases, if the court sentences the offender to a 89594
mandatory term of local incarceration, in addition to the 89595

mandatory term, the court, pursuant to section 2929.17 of the Revised Code, may impose a term of house arrest with electronic monitoring. The term shall not commence until after the offender has served the mandatory term of local incarceration.

(e) An offender who previously has been convicted of or pleaded guilty to a violation of division (A) of this section that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony of the third degree. The court shall sentence the offender to all of the following:

(i) If the offender is being sentenced for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or a mandatory prison term of sixty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender is not convicted of and does not plead guilty to a specification of that type. The court may impose a prison term in addition to the mandatory prison term. The cumulative total of a sixty-day mandatory prison term and the additional prison term for the offense shall not exceed five years. In addition to the mandatory prison term or mandatory prison term and additional prison term the court imposes, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, a mandatory prison term of one, two, three, four, or five

years as required by and in accordance with division (G)(2) of 89628
section 2929.13 of the Revised Code if the offender also is 89629
convicted of or also pleads guilty to a specification of the type 89630
described in section 2941.1413 of the Revised Code or a mandatory 89631
prison term of one hundred twenty consecutive days in accordance 89632
with division (G)(2) of section 2929.13 of the Revised Code if the 89633
offender is not convicted of and does not plead guilty to a 89634
specification of that type. The court may impose a prison term in 89635
addition to the mandatory prison term. The cumulative total of a 89636
one hundred twenty-day mandatory prison term and the additional 89637
prison term for the offense shall not exceed five years. In 89638
addition to the mandatory prison term or mandatory prison term and 89639
additional prison term the court imposes, the court also may 89640
sentence the offender to a community control sanction for the 89641
offense, but the offender shall serve all of the prison terms so 89642
imposed prior to serving the community control sanction. 89643

(iii) In all cases, notwithstanding section 2929.18 of the 89644
Revised Code, a fine of not less than one thousand three hundred 89645
fifty nor more than ten thousand five hundred dollars; 89646

(iv) In all cases, a class two license suspension of the 89647
offender's driver's license, commercial driver's license, 89648
temporary instruction permit, probationary license, or nonresident 89649
operating privilege from the range specified in division (A)(2) of 89650
section 4510.02 of the Revised Code. The court may grant limited 89651
driving privileges relative to the suspension under sections 89652
4510.021 and 4510.13 of the Revised Code. 89653

(v) In all cases, if the vehicle is registered in the 89654
offender's name, criminal forfeiture of the vehicle involved in 89655
the offense in accordance with section 4503.234 of the Revised 89656
Code. Division (G)(6) of this section applies regarding any 89657
vehicle that is subject to an order of criminal forfeiture under 89658
this division. 89659

(vi) In all cases, the court shall order the offender to participate in ~~an alcohol and drug~~ with a community addiction program services provider authorized by section ~~3793.02~~ 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the ~~program services provider~~. The operator of the ~~program services provider~~ shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the ~~program services provider~~ shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(2) An offender who is convicted of or pleads guilty to a violation of division (A) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F)(2) of section 4511.191 of the Revised Code.

(3) If an offender is sentenced to a jail term under division (G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative sentence under this division that includes a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring.

As an alternative to a mandatory jail term of ten consecutive days required by division (G)(1)(b)(i) of this section, the court,

under this division, may sentence the offender to five consecutive 89692
days in jail and not less than eighteen consecutive days of house 89693
arrest with electronic monitoring, with continuous alcohol 89694
monitoring, or with both electronic monitoring and continuous 89695
alcohol monitoring. The cumulative total of the five consecutive 89696
days in jail and the period of house arrest with electronic 89697
monitoring, continuous alcohol monitoring, or both types of 89698
monitoring shall not exceed six months. The five consecutive days 89699
in jail do not have to be served prior to or consecutively to the 89700
period of house arrest. 89701

As an alternative to the mandatory jail term of twenty 89702
consecutive days required by division (G)(1)(b)(ii) of this 89703
section, the court, under this division, may sentence the offender 89704
to ten consecutive days in jail and not less than thirty-six 89705
consecutive days of house arrest with electronic monitoring, with 89706
continuous alcohol monitoring, or with both electronic monitoring 89707
and continuous alcohol monitoring. The cumulative total of the ten 89708
consecutive days in jail and the period of house arrest with 89709
electronic monitoring, continuous alcohol monitoring, or both 89710
types of monitoring shall not exceed six months. The ten 89711
consecutive days in jail do not have to be served prior to or 89712
consecutively to the period of house arrest. 89713

As an alternative to a mandatory jail term of thirty 89714
consecutive days required by division (G)(1)(c)(i) of this 89715
section, the court, under this division, may sentence the offender 89716
to fifteen consecutive days in jail and not less than fifty-five 89717
consecutive days of house arrest with electronic monitoring, with 89718
continuous alcohol monitoring, or with both electronic monitoring 89719
and continuous alcohol monitoring. The cumulative total of the 89720
fifteen consecutive days in jail and the period of house arrest 89721
with electronic monitoring, continuous alcohol monitoring, or both 89722
types of monitoring shall not exceed one year. The fifteen 89723

consecutive days in jail do not have to be served prior to or 89724
consecutively to the period of house arrest. 89725

As an alternative to the mandatory jail term of sixty 89726
consecutive days required by division (G)(1)(c)(ii) of this 89727
section, the court, under this division, may sentence the offender 89728
to thirty consecutive days in jail and not less than one hundred 89729
ten consecutive days of house arrest with electronic monitoring, 89730
with continuous alcohol monitoring, or with both electronic 89731
monitoring and continuous alcohol monitoring. The cumulative total 89732
of the thirty consecutive days in jail and the period of house 89733
arrest with electronic monitoring, continuous alcohol monitoring, 89734
or both types of monitoring shall not exceed one year. The thirty 89735
consecutive days in jail do not have to be served prior to or 89736
consecutively to the period of house arrest. 89737

(4) If an offender's driver's or occupational driver's 89738
license or permit or nonresident operating privilege is suspended 89739
under division (G) of this section and if section 4510.13 of the 89740
Revised Code permits the court to grant limited driving 89741
privileges, the court may grant the limited driving privileges in 89742
accordance with that section. If division (A)(7) of that section 89743
requires that the court impose as a condition of the privileges 89744
that the offender must display on the vehicle that is driven 89745
subject to the privileges restricted license plates that are 89746
issued under section 4503.231 of the Revised Code, except as 89747
provided in division (B) of that section, the court shall impose 89748
that condition as one of the conditions of the limited driving 89749
privileges granted to the offender, except as provided in division 89750
(B) of section 4503.231 of the Revised Code. 89751

(5) Fines imposed under this section for a violation of 89752
division (A) of this section shall be distributed as follows: 89753

(a) Twenty-five dollars of the fine imposed under division 89754
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 89755

division (G)(1)(b)(iii), one hundred twenty-three dollars of the 89756
fine imposed under division (G)(1)(c)(iii), and two hundred ten 89757
dollars of the fine imposed under division (G)(1)(d)(iii) or 89758
(e)(iii) of this section shall be paid to an enforcement and 89759
education fund established by the legislative authority of the law 89760
enforcement agency in this state that primarily was responsible 89761
for the arrest of the offender, as determined by the court that 89762
imposes the fine. The agency shall use this share to pay only 89763
those costs it incurs in enforcing this section or a municipal OVI 89764
ordinance and in informing the public of the laws governing the 89765
operation of a vehicle while under the influence of alcohol, the 89766
dangers of the operation of a vehicle under the influence of 89767
alcohol, and other information relating to the operation of a 89768
vehicle under the influence of alcohol and the consumption of 89769
alcoholic beverages. 89770

(b) Fifty dollars of the fine imposed under division 89771
(G)(1)(a)(iii) of this section shall be paid to the political 89772
subdivision that pays the cost of housing the offender during the 89773
offender's term of incarceration. If the offender is being 89774
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 89775
(e), or (j) of this section and was confined as a result of the 89776
offense prior to being sentenced for the offense but is not 89777
sentenced to a term of incarceration, the fifty dollars shall be 89778
paid to the political subdivision that paid the cost of housing 89779
the offender during that period of confinement. The political 89780
subdivision shall use the share under this division to pay or 89781
reimburse incarceration or treatment costs it incurs in housing or 89782
providing drug and alcohol treatment to persons who violate this 89783
section or a municipal OVI ordinance, costs of any immobilizing or 89784
disabling device used on the offender's vehicle, and costs of 89785
electronic house arrest equipment needed for persons who violate 89786
this section. 89787

(c) Twenty-five dollars of the fine imposed under division 89788
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 89789
division (G)(1)(b)(iii) of this section shall be deposited into 89790
the county or municipal indigent drivers' alcohol treatment fund 89791
under the control of that court, as created by the county or 89792
municipal corporation under division (F) of section 4511.191 of 89793
the Revised Code. 89794

(d) One hundred fifteen dollars of the fine imposed under 89795
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 89796
fine imposed under division (G)(1)(c)(iii), and four hundred forty 89797
dollars of the fine imposed under division (G)(1)(d)(iii) or 89798
(e)(iii) of this section shall be paid to the political 89799
subdivision that pays the cost of housing the offender during the 89800
offender's term of incarceration. The political subdivision shall 89801
use this share to pay or reimburse incarceration or treatment 89802
costs it incurs in housing or providing drug and alcohol treatment 89803
to persons who violate this section or a municipal OVI ordinance, 89804
costs for any immobilizing or disabling device used on the 89805
offender's vehicle, and costs of electronic house arrest equipment 89806
needed for persons who violate this section. 89807

(e) Fifty dollars of the fine imposed under divisions 89808
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 89809
and (G)(1)(e)(iii) of this section shall be deposited into the 89810
special projects fund of the court in which the offender was 89811
convicted and that is established under division (E)(1) of section 89812
2303.201, division (B)(1) of section 1901.26, or division (B)(1) 89813
of section 1907.24 of the Revised Code, to be used exclusively to 89814
cover the cost of immobilizing or disabling devices, including 89815
certified ignition interlock devices, and remote alcohol 89816
monitoring devices for indigent offenders who are required by a 89817
judge to use either of these devices. If the court in which the 89818
offender was convicted does not have a special projects fund that 89819

is established under division (E)(1) of section 2303.201, division 89820
(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 89821
of the Revised Code, the fifty dollars shall be deposited into the 89822
indigent drivers interlock and alcohol monitoring fund under 89823
division (I) of section 4511.191 of the Revised Code. 89824

(f) Seventy-five dollars of the fine imposed under division 89825
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 89826
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 89827
of the fine imposed under division (G)(1)(c)(iii), and five 89828
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 89829
or (e)(iii) of this section shall be transmitted to the treasurer 89830
of state for deposit into the indigent defense support fund 89831
established under section 120.08 of the Revised Code. 89832

(g) The balance of the fine imposed under division 89833
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 89834
section shall be disbursed as otherwise provided by law. 89835

(6) If title to a motor vehicle that is subject to an order 89836
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 89837
this section is assigned or transferred and division (B)(2) or (3) 89838
of section 4503.234 of the Revised Code applies, in addition to or 89839
independent of any other penalty established by law, the court may 89840
fine the offender the value of the vehicle as determined by 89841
publications of the national automobile dealers association. The 89842
proceeds of any fine so imposed shall be distributed in accordance 89843
with division (C)(2) of that section. 89844

(7) In all cases in which an offender is sentenced under 89845
division (G) of this section, the offender shall provide the court 89846
with proof of financial responsibility as defined in section 89847
4509.01 of the Revised Code. If the offender fails to provide that 89848
proof of financial responsibility, the court, in addition to any 89849
other penalties provided by law, may order restitution pursuant to 89850
section 2929.18 or 2929.28 of the Revised Code in an amount not 89851

exceeding five thousand dollars for any economic loss arising from 89852
an accident or collision that was the direct and proximate result 89853
of the offender's operation of the vehicle before, during, or 89854
after committing the offense for which the offender is sentenced 89855
under division (G) of this section. 89856

(8) As used in division (G) of this section, "electronic 89857
monitoring," "mandatory prison term," and "mandatory term of local 89858
incarceration" have the same meanings as in section 2929.01 of the 89859
Revised Code. 89860

(H) Whoever violates division (B) of this section is guilty 89861
of operating a vehicle after underage alcohol consumption and 89862
shall be punished as follows: 89863

(1) Except as otherwise provided in division (H)(2) of this 89864
section, the offender is guilty of a misdemeanor of the fourth 89865
degree. In addition to any other sanction imposed for the offense, 89866
the court shall impose a class six suspension of the offender's 89867
driver's license, commercial driver's license, temporary 89868
instruction permit, probationary license, or nonresident operating 89869
privilege from the range specified in division (A)(6) of section 89870
4510.02 of the Revised Code. 89871

(2) If, within one year of the offense, the offender 89872
previously has been convicted of or pleaded guilty to one or more 89873
violations of division (A) or (B) of this section or other 89874
equivalent offenses, the offender is guilty of a misdemeanor of 89875
the third degree. In addition to any other sanction imposed for 89876
the offense, the court shall impose a class four suspension of the 89877
offender's driver's license, commercial driver's license, 89878
temporary instruction permit, probationary license, or nonresident 89879
operating privilege from the range specified in division (A)(4) of 89880
section 4510.02 of the Revised Code. 89881

(3) If the offender also is convicted of or also pleads 89882

guilty to a specification of the type described in section 89883
2941.1416 of the Revised Code and if the court imposes a jail term 89884
for the violation of division (B) of this section, the court shall 89885
impose upon the offender an additional definite jail term pursuant 89886
to division (E) of section 2929.24 of the Revised Code. 89887

(4) The offender shall provide the court with proof of 89888
financial responsibility as defined in section 4509.01 of the 89889
Revised Code. If the offender fails to provide that proof of 89890
financial responsibility, then, in addition to any other penalties 89891
provided by law, the court may order restitution pursuant to 89892
section 2929.28 of the Revised Code in an amount not exceeding 89893
five thousand dollars for any economic loss arising from an 89894
accident or collision that was the direct and proximate result of 89895
the offender's operation of the vehicle before, during, or after 89896
committing the violation of division (B) of this section. 89897

(I)(1) No court shall sentence an offender to an alcohol 89898
treatment program under this section unless the treatment program 89899
complies with the minimum standards for alcohol treatment programs 89900
adopted under Chapter ~~3793~~, 5119, of the Revised Code by the 89901
director of ~~alcohol and drug addiction services~~ mental health and 89902
addiction services. 89903

(2) An offender who stays in a drivers' intervention program 89904
or in an alcohol treatment program under an order issued under 89905
this section shall pay the cost of the stay in the program. 89906
However, if the court determines that an offender who stays in an 89907
alcohol treatment program under an order issued under this section 89908
is unable to pay the cost of the stay in the program, the court 89909
may order that the cost be paid from the court's indigent drivers' 89910
alcohol treatment fund. 89911

(J) If a person whose driver's or commercial driver's license 89912
or permit or nonresident operating privilege is suspended under 89913
this section files an appeal regarding any aspect of the person's 89914

trial or sentence, the appeal itself does not stay the operation of the suspension. 89915
89916

(K) Division (A)(1)(j) of this section does not apply to a person who operates a vehicle, streetcar, or trackless trolley while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply: 89917
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(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs. 89924
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89926

(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions. 89927
89928

(L) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in division (A)(1)(j) of this section also apply in a prosecution of a violation of division (D) of section 2923.16 of the Revised Code in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol. 89929
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(M) All terms defined in section 4510.01 of the Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Revised Code conflicts with the meaning of the same term as defined in section 4501.01 or 4511.01 of the Revised Code, the term as defined in section 4510.01 of the Revised Code applies to this section. 89935
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(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, as adopted by the supreme court under authority of section 2937.46 of the Revised Code, do not apply to felony violations of this section. Subject to division (N)(2) of this section, the Rules of Criminal Procedure apply to felony violations of this section. 89941
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(2) If, on or after January 1, 2004, the supreme court 89946
modifies the Ohio Traffic Rules to provide procedures to govern 89947
felony violations of this section, the modified rules shall apply 89948
to felony violations of this section. 89949

Sec. 4511.191. (A)(1) As used in this section: 89950

(a) "Physical control" has the same meaning as in section 89951
4511.194 of the Revised Code. 89952

(b) "Alcohol monitoring device" means any device that 89953
provides for continuous alcohol monitoring, any ignition interlock 89954
device, any immobilizing or disabling device other than an 89955
ignition interlock device that is constantly available to monitor 89956
the concentration of alcohol in a person's system, or any other 89957
device that provides for the automatic testing and periodic 89958
reporting of alcohol consumption by a person and that a court 89959
orders a person to use as a sanction imposed as a result of the 89960
person's conviction of or plea of guilty to an offense. 89961

(2) Any person who operates a vehicle, streetcar, or 89962
trackless trolley upon a highway or any public or private property 89963
used by the public for vehicular travel or parking within this 89964
state or who is in physical control of a vehicle, streetcar, or 89965
trackless trolley shall be deemed to have given consent to a 89966
chemical test or tests of the person's whole blood, blood serum or 89967
plasma, breath, or urine to determine the alcohol, drug of abuse, 89968
controlled substance, metabolite of a controlled substance, or 89969
combination content of the person's whole blood, blood serum or 89970
plasma, breath, or urine if arrested for a violation of division 89971
(A) or (B) of section 4511.19 of the Revised Code, section 89972
4511.194 of the Revised Code or a substantially equivalent 89973
municipal ordinance, or a municipal OVI ordinance. 89974

(3) The chemical test or tests under division (A)(2) of this 89975
section shall be administered at the request of a law enforcement 89976

officer having reasonable grounds to believe the person was 89977
operating or in physical control of a vehicle, streetcar, or 89978
trackless trolley in violation of a division, section, or 89979
ordinance identified in division (A)(2) of this section. The law 89980
enforcement agency by which the officer is employed shall 89981
designate which of the tests shall be administered. 89982

(4) Any person who is dead or unconscious, or who otherwise 89983
is in a condition rendering the person incapable of refusal, shall 89984
be deemed to have consented as provided in division (A)(2) of this 89985
section, and the test or tests may be administered, subject to 89986
sections 313.12 to 313.16 of the Revised Code. 89987

(5)(a) If a law enforcement officer arrests a person for a 89988
violation of division (A) or (B) of section 4511.19 of the Revised 89989
Code, section 4511.194 of the Revised Code or a substantially 89990
equivalent municipal ordinance, or a municipal OVI ordinance and 89991
if the person if convicted would be required to be sentenced under 89992
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 89993
Code, the law enforcement officer shall request the person to 89994
submit, and the person shall submit, to a chemical test or tests 89995
of the person's whole blood, blood serum or plasma, breath, or 89996
urine for the purpose of determining the alcohol, drug of abuse, 89997
controlled substance, metabolite of a controlled substance, or 89998
combination content of the person's whole blood, blood serum or 89999
plasma, breath, or urine. A law enforcement officer who makes a 90000
request pursuant to this division that a person submit to a 90001
chemical test or tests is not required to advise the person of the 90002
consequences of submitting to, or refusing to submit to, the test 90003
or tests and is not required to give the person the form described 90004
in division (B) of section 4511.192 of the Revised Code, but the 90005
officer shall advise the person at the time of the arrest that if 90006
the person refuses to take a chemical test the officer may employ 90007
whatever reasonable means are necessary to ensure that the person 90008

submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (A)(3) and (4) of this section apply to the administration of a chemical test or tests pursuant to this division.

(b) If a person refuses to submit to a chemical test upon a request made pursuant to division (A)(5)(a) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar of motor vehicles and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The

suspension shall be for whichever of the following periods 90041
applies: 90042

(a) Except when division (B)(1)(b), (c), or (d) of this 90043
section applies and specifies a different class or length of 90044
suspension, the suspension shall be a class C suspension for the 90045
period of time specified in division (B)(3) of section 4510.02 of 90046
the Revised Code. 90047

(b) If the arrested person, within six years of the date on 90048
which the person refused the request to consent to the chemical 90049
test, had refused one previous request to consent to a chemical 90050
test or had been convicted of or pleaded guilty to one violation 90051
of division (A) or (B) of section 4511.19 of the Revised Code or 90052
one other equivalent offense, the suspension shall be a class B 90053
suspension imposed for the period of time specified in division 90054
(B)(2) of section 4510.02 of the Revised Code. 90055

(c) If the arrested person, within six years of the date on 90056
which the person refused the request to consent to the chemical 90057
test, had refused two previous requests to consent to a chemical 90058
test, had been convicted of or pleaded guilty to two violations of 90059
division (A) or (B) of section 4511.19 of the Revised Code or 90060
other equivalent offenses, or had refused one previous request to 90061
consent to a chemical test and also had been convicted of or 90062
pleaded guilty to one violation of division (A) or (B) of section 90063
4511.19 of the Revised Code or other equivalent offenses, which 90064
violation or offense arose from an incident other than the 90065
incident that led to the refusal, the suspension shall be a class 90066
A suspension imposed for the period of time specified in division 90067
(B)(1) of section 4510.02 of the Revised Code. 90068

(d) If the arrested person, within six years of the date on 90069
which the person refused the request to consent to the chemical 90070
test, had refused three or more previous requests to consent to a 90071
chemical test, had been convicted of or pleaded guilty to three or 90072

more violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses, or had refused a number of previous requests to consent to a chemical test and also had been convicted of or pleaded guilty to a number of violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses that cumulatively total three or more such refusals, convictions, and guilty pleas, the suspension shall be for five years.

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (B)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial.

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (B)(1) of this section.

(C)(1) Upon receipt of the sworn report of the law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the

person's whole blood, blood serum or plasma, breath, or urine 90105
contained at least the concentration of alcohol specified in 90106
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 90107
Revised Code or at least the concentration of a listed controlled 90108
substance or a listed metabolite of a controlled substance 90109
specified in division (A)(1)(j) of section 4511.19 of the Revised 90110
Code, the registrar shall enter into the registrar's records the 90111
fact that the person's driver's or commercial driver's license or 90112
permit or nonresident operating privilege was suspended by the 90113
arresting officer under this division and section 4511.192 of the 90114
Revised Code and the period of the suspension, as determined under 90115
divisions (C)(1)(a) to (d) of this section. The suspension shall 90116
be subject to appeal as provided in section 4511.197 of the 90117
Revised Code. The suspension described in this division does not 90118
apply to, and shall not be imposed upon, a person arrested for a 90119
violation of section 4511.194 of the Revised Code or a 90120
substantially equivalent municipal ordinance who submits to a 90121
designated chemical test. The suspension shall be for whichever of 90122
the following periods applies: 90123

(a) Except when division (C)(1)(b), (c), or (d) of this 90124
section applies and specifies a different period, the suspension 90125
shall be a class E suspension imposed for the period of time 90126
specified in division (B)(5) of section 4510.02 of the Revised 90127
Code. 90128

(b) The suspension shall be a class C suspension for the 90129
period of time specified in division (B)(3) of section 4510.02 of 90130
the Revised Code if the person has been convicted of or pleaded 90131
guilty to, within six years of the date the test was conducted, 90132
one violation of division (A) or (B) of section 4511.19 of the 90133
Revised Code or one other equivalent offense. 90134

(c) If, within six years of the date the test was conducted, 90135
the person has been convicted of or pleaded guilty to two 90136

violations of a statute or ordinance described in division 90137
(C)(1)(b) of this section, the suspension shall be a class B 90138
suspension imposed for the period of time specified in division 90139
(B)(2) of section 4510.02 of the Revised Code. 90140

(d) If, within six years of the date the test was conducted, 90141
the person has been convicted of or pleaded guilty to more than 90142
two violations of a statute or ordinance described in division 90143
(C)(1)(b) of this section, the suspension shall be a class A 90144
suspension imposed for the period of time specified in division 90145
(B)(1) of section 4510.02 of the Revised Code. 90146

(2) The registrar shall terminate a suspension of the 90147
driver's or commercial driver's license or permit of a resident or 90148
of the operating privilege of a nonresident, or a denial of a 90149
driver's or commercial driver's license or permit, imposed 90150
pursuant to division (C)(1) of this section upon receipt of notice 90151
that the person has entered a plea of guilty to, or that the 90152
person has been convicted after entering a plea of no contest to, 90153
operating a vehicle in violation of section 4511.19 of the Revised 90154
Code or in violation of a municipal OVI ordinance, if the offense 90155
for which the conviction is had or the plea is entered arose from 90156
the same incident that led to the suspension or denial. 90157

The registrar shall credit against any judicial suspension of 90158
a person's driver's or commercial driver's license or permit or 90159
nonresident operating privilege imposed pursuant to section 90160
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 90161
Revised Code for a violation of a municipal OVI ordinance, any 90162
time during which the person serves a related suspension imposed 90163
pursuant to division (C)(1) of this section. 90164

(D)(1) A suspension of a person's driver's or commercial 90165
driver's license or permit or nonresident operating privilege 90166
under this section for the time described in division (B) or (C) 90167
of this section is effective immediately from the time at which 90168

the arresting officer serves the notice of suspension upon the 90169
arrested person. Any subsequent finding that the person is not 90170
guilty of the charge that resulted in the person being requested 90171
to take the chemical test or tests under division (A) of this 90172
section does not affect the suspension. 90173

(2) If a person is arrested for operating a vehicle, 90174
streetcar, or trackless trolley in violation of division (A) or 90175
(B) of section 4511.19 of the Revised Code or a municipal OVI 90176
ordinance, or for being in physical control of a vehicle, 90177
streetcar, or trackless trolley in violation of section 4511.194 90178
of the Revised Code or a substantially equivalent municipal 90179
ordinance, regardless of whether the person's driver's or 90180
commercial driver's license or permit or nonresident operating 90181
privilege is or is not suspended under division (B) or (C) of this 90182
section or Chapter 4510. of the Revised Code, the person's initial 90183
appearance on the charge resulting from the arrest shall be held 90184
within five days of the person's arrest or the issuance of the 90185
citation to the person, subject to any continuance granted by the 90186
court pursuant to section 4511.197 of the Revised Code regarding 90187
the issues specified in that division. 90188

(E) When it finally has been determined under the procedures 90189
of this section and sections 4511.192 to 4511.197 of the Revised 90190
Code that a nonresident's privilege to operate a vehicle within 90191
this state has been suspended, the registrar shall give 90192
information in writing of the action taken to the motor vehicle 90193
administrator of the state of the person's residence and of any 90194
state in which the person has a license. 90195

(F) At the end of a suspension period under this section, 90196
under section 4511.194, section 4511.196, or division (G) of 90197
section 4511.19 of the Revised Code, or under section 4510.07 of 90198
the Revised Code for a violation of a municipal OVI ordinance and 90199
upon the request of the person whose driver's or commercial 90200

driver's license or permit was suspended and who is not otherwise 90201
subject to suspension, cancellation, or disqualification, the 90202
registrar shall return the driver's or commercial driver's license 90203
or permit to the person upon the occurrence of all of the 90204
conditions specified in divisions (F)(1) and (2) of this section: 90205

(1) A showing that the person has proof of financial 90206
responsibility, a policy of liability insurance in effect that 90207
meets the minimum standards set forth in section 4509.51 of the 90208
Revised Code, or proof, to the satisfaction of the registrar, that 90209
the person is able to respond in damages in an amount at least 90210
equal to the minimum amounts specified in section 4509.51 of the 90211
Revised Code. 90212

(2) Subject to the limitation contained in division (F)(3) of 90213
this section, payment by the person to the registrar or an 90214
eligible deputy registrar of a license reinstatement fee of four 90215
hundred seventy-five dollars, which fee shall be deposited in the 90216
state treasury and credited as follows: 90217

(a) One hundred twelve dollars and fifty cents shall be 90218
credited to the statewide treatment and prevention fund created by 90219
section 4301.30 of the Revised Code. Money credited to the fund 90220
under this section shall be used for purposes identified ~~in the~~ 90221
~~comprehensive statewide alcohol and drug addiction services plan~~ 90222
~~developed~~ under section ~~3793.04~~ 5119.22 of the Revised Code. 90223

(b) Seventy-five dollars shall be credited to the reparations 90224
fund created by section 2743.191 of the Revised Code. 90225

(c) Thirty-seven dollars and fifty cents shall be credited to 90226
the indigent drivers alcohol treatment fund, which is hereby 90227
established in the state treasury. Except as otherwise provided in 90228
division (F)(2)(c) of this section, moneys in the fund shall be 90229
distributed by the department of ~~alcohol and drug addiction~~ 90230
~~services~~ mental health and addiction services to the county 90231

indigent drivers alcohol treatment funds, the county juvenile 90232
indigent drivers alcohol treatment funds, and the municipal 90233
indigent drivers alcohol treatment funds that are required to be 90234
established by counties and municipal corporations pursuant to 90235
division (H) of this section, and shall be used only to pay the 90236
cost of an alcohol and drug addiction treatment program attended 90237
by an offender or juvenile traffic offender who is ordered to 90238
attend an alcohol and drug addiction treatment program by a 90239
county, juvenile, or municipal court judge and who is determined 90240
by the county, juvenile, or municipal court judge not to have the 90241
means to pay for the person's attendance at the program or to pay 90242
the costs specified in division (H)(4) of this section in 90243
accordance with that division. In addition, a county, juvenile, or 90244
municipal court judge may use moneys in the county indigent 90245
drivers alcohol treatment fund, county juvenile indigent drivers 90246
alcohol treatment fund, or municipal indigent drivers alcohol 90247
treatment fund to pay for the cost of the continued use of an 90248
alcohol monitoring device as described in divisions (H)(3) and (4) 90249
of this section. Moneys in the fund that are not distributed to a 90250
county indigent drivers alcohol treatment fund, a county juvenile 90251
indigent drivers alcohol treatment fund, or a municipal indigent 90252
drivers alcohol treatment fund under division (H) of this section 90253
because the director of ~~alcohol and drug addiction services~~ mental 90254
health and addiction services does not have the information 90255
necessary to identify the county or municipal corporation where 90256
the offender or juvenile offender was arrested may be transferred 90257
by the director of budget and management to the statewide 90258
treatment and prevention fund created by section 4301.30 of the 90259
Revised Code, upon certification of the amount by the director of 90260
~~alcohol and drug addiction services~~ mental health and addiction 90261
services. 90262

(d) Seventy-five dollars shall be credited to the ~~Ohio~~ 90263
~~rehabilitation services commission~~ opportunities for Ohioans with 90264

disabilities agency established by section ~~3304.12~~ 3304.15 of the Revised Code, to the services for rehabilitation fund, which is hereby established. The fund shall be used to match available federal matching funds where appropriate, and for any other purpose or program of the ~~commission agency~~ to rehabilitate people persons with disabilities to help them become employed and independent.

(e) Seventy-five dollars shall be deposited into the state treasury and credited to the drug abuse resistance education programs fund, which is hereby established, to be used by the attorney general for the purposes specified in division (F)(4) of this section.

(f) Thirty dollars shall be credited to the state bureau of motor vehicles fund created by section 4501.25 of the Revised Code.

(g) Twenty dollars shall be credited to the trauma and emergency medical services fund created by section 4513.263 of the Revised Code.

(h) Fifty dollars shall be credited to the indigent drivers interlock and alcohol monitoring fund, which is hereby established in the state treasury. Moneys in the fund shall be distributed by the department of public safety to the county indigent drivers interlock and alcohol monitoring funds, the county juvenile indigent drivers interlock and alcohol monitoring funds, and the municipal indigent drivers interlock and alcohol monitoring funds that are required to be established by counties and municipal corporations pursuant to this section, and shall be used only to pay the cost of an immobilizing or disabling device, including a certified ignition interlock device, or an alcohol monitoring device used by an offender or juvenile offender who is ordered to use the device by a county, juvenile, or municipal court judge and who is determined by the county, juvenile, or municipal court

judge not to have the means to pay for the person's use of the 90297
device. 90298

(3) If a person's driver's or commercial driver's license or 90299
permit is suspended under this section, under section 4511.196 or 90300
division (G) of section 4511.19 of the Revised Code, under section 90301
4510.07 of the Revised Code for a violation of a municipal OVI 90302
ordinance or under any combination of the suspensions described in 90303
division (F)(3) of this section, and if the suspensions arise from 90304
a single incident or a single set of facts and circumstances, the 90305
person is liable for payment of, and shall be required to pay to 90306
the registrar or an eligible deputy registrar, only one 90307
reinstatement fee of four hundred seventy-five dollars. The 90308
reinstatement fee shall be distributed by the bureau in accordance 90309
with division (F)(2) of this section. 90310

(4) The attorney general shall use amounts in the drug abuse 90311
resistance education programs fund to award grants to law 90312
enforcement agencies to establish and implement drug abuse 90313
resistance education programs in public schools. Grants awarded to 90314
a law enforcement agency under this section shall be used by the 90315
agency to pay for not more than fifty per cent of the amount of 90316
the salaries of law enforcement officers who conduct drug abuse 90317
resistance education programs in public schools. The attorney 90318
general shall not use more than six per cent of the amounts the 90319
attorney general's office receives under division (F)(2)(e) of 90320
this section to pay the costs it incurs in administering the grant 90321
program established by division (F)(2)(e) of this section and in 90322
providing training and materials relating to drug abuse resistance 90323
education programs. 90324

The attorney general shall report to the governor and the 90325
general assembly each fiscal year on the progress made in 90326
establishing and implementing drug abuse resistance education 90327
programs. These reports shall include an evaluation of the 90328

effectiveness of these programs. 90329

(5) In addition to the reinstatement fee under this section, 90330
if the person pays the reinstatement fee to a deputy registrar, 90331
the deputy registrar shall collect a service fee of ten dollars to 90332
compensate the deputy registrar for services performed under this 90333
section. The deputy registrar shall retain eight dollars of the 90334
service fee and shall transmit the reinstatement fee, plus two 90335
dollars of the service fee, to the registrar in the manner the 90336
registrar shall determine. 90337

(G) Suspension of a commercial driver's license under 90338
division (B) or (C) of this section shall be concurrent with any 90339
period of disqualification under section 3123.611 or 4506.16 of 90340
the Revised Code or any period of suspension under section 3123.58 90341
of the Revised Code. No person who is disqualified for life from 90342
holding a commercial driver's license under section 4506.16 of the 90343
Revised Code shall be issued a driver's license under Chapter 90344
4507. of the Revised Code during the period for which the 90345
commercial driver's license was suspended under division (B) or 90346
(C) of this section. No person whose commercial driver's license 90347
is suspended under division (B) or (C) of this section shall be 90348
issued a driver's license under Chapter 4507. of the Revised Code 90349
during the period of the suspension. 90350

(H)(1) Each county shall establish an indigent drivers 90351
alcohol treatment fund, each county shall establish a juvenile 90352
indigent drivers alcohol treatment fund, and each municipal 90353
corporation in which there is a municipal court shall establish an 90354
indigent drivers alcohol treatment fund. All revenue that the 90355
general assembly appropriates to the indigent drivers alcohol 90356
treatment fund for transfer to a county indigent drivers alcohol 90357
treatment fund, a county juvenile indigent drivers alcohol 90358
treatment fund, or a municipal indigent drivers alcohol treatment 90359
fund, all portions of fees that are paid under division (F) of 90360

this section and that are credited under that division to the 90361
indigent drivers alcohol treatment fund in the state treasury for 90362
a county indigent drivers alcohol treatment fund, a county 90363
juvenile indigent drivers alcohol treatment fund, or a municipal 90364
indigent drivers alcohol treatment fund, all portions of 90365
additional costs imposed under section 2949.094 of the Revised 90366
Code that are specified for deposit into a county, county 90367
juvenile, or municipal indigent drivers alcohol treatment fund by 90368
that section, and all portions of fines that are specified for 90369
deposit into a county or municipal indigent drivers alcohol 90370
treatment fund by section 4511.193 of the Revised Code shall be 90371
deposited into that county indigent drivers alcohol treatment 90372
fund, county juvenile indigent drivers alcohol treatment fund, or 90373
municipal indigent drivers alcohol treatment fund. The portions of 90374
the fees paid under division (F) of this section that are to be so 90375
deposited shall be determined in accordance with division (H)(2) 90376
of this section. Additionally, all portions of fines that are paid 90377
for a violation of section 4511.19 of the Revised Code or of any 90378
prohibition contained in Chapter 4510. of the Revised Code, and 90379
that are required under section 4511.19 or any provision of 90380
Chapter 4510. of the Revised Code to be deposited into a county 90381
indigent drivers alcohol treatment fund or municipal indigent 90382
drivers alcohol treatment fund shall be deposited into the 90383
appropriate fund in accordance with the applicable division of the 90384
section or provision. 90385

(2) That portion of the license reinstatement fee that is 90386
paid under division (F) of this section and that is credited under 90387
that division to the indigent drivers alcohol treatment fund shall 90388
be deposited into a county indigent drivers alcohol treatment 90389
fund, a county juvenile indigent drivers alcohol treatment fund, 90390
or a municipal indigent drivers alcohol treatment fund as follows: 90391

(a) Regarding a suspension imposed under this section, that 90392

portion of the fee shall be deposited as follows: 90393

(i) If the fee is paid by a person who was charged in a 90394
county court with the violation that resulted in the suspension or 90395
in the imposition of the court costs, the portion shall be 90396
deposited into the county indigent drivers alcohol treatment fund 90397
under the control of that court; 90398

(ii) If the fee is paid by a person who was charged in a 90399
juvenile court with the violation that resulted in the suspension 90400
or in the imposition of the court costs, the portion shall be 90401
deposited into the county juvenile indigent drivers alcohol 90402
treatment fund established in the county served by the court; 90403

(iii) If the fee is paid by a person who was charged in a 90404
municipal court with the violation that resulted in the suspension 90405
or in the imposition of the court costs, the portion shall be 90406
deposited into the municipal indigent drivers alcohol treatment 90407
fund under the control of that court. 90408

(b) Regarding a suspension imposed under section 4511.19 of 90409
the Revised Code or under section 4510.07 of the Revised Code for 90410
a violation of a municipal OVI ordinance, that portion of the fee 90411
shall be deposited as follows: 90412

(i) If the fee is paid by a person whose license or permit 90413
was suspended by a county court, the portion shall be deposited 90414
into the county indigent drivers alcohol treatment fund under the 90415
control of that court; 90416

(ii) If the fee is paid by a person whose license or permit 90417
was suspended by a municipal court, the portion shall be deposited 90418
into the municipal indigent drivers alcohol treatment fund under 90419
the control of that court. 90420

(3) Expenditures from a county indigent drivers alcohol 90421
treatment fund, a county juvenile indigent drivers alcohol 90422
treatment fund, or a municipal indigent drivers alcohol treatment 90423

fund shall be made only upon the order of a county, juvenile, or municipal court judge and only for payment of the cost of an assessment or the cost of the attendance at an alcohol and drug addiction treatment program of a person who is convicted of, or found to be a juvenile traffic offender by reason of, a violation of division (A) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend the alcohol and drug addiction treatment program, and who is determined by the court to be unable to pay the cost of the assessment or the cost of attendance at the treatment program or for payment of the costs specified in division (H)(4) of this section in accordance with that division. The alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code and serving the alcohol, drug addiction, and mental health service district in which the court is located shall administer the indigent drivers alcohol treatment program of the court. When a court orders an offender or juvenile traffic offender to obtain an assessment or attend an alcohol and drug addiction treatment program, the board shall determine which program is suitable to meet the needs of the offender or juvenile traffic offender, and when a suitable program is located and space is available at the program, the offender or juvenile traffic offender shall attend the program designated by the board. A reasonable amount not to exceed five per cent of the amounts credited to and deposited into the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund serving every court whose program is administered by that board shall be paid to the board to cover the costs it incurs in administering those indigent drivers alcohol treatment programs.

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In addition, upon exhaustion of moneys in the indigent 90456

drivers interlock and alcohol monitoring fund for the use of an 90457
alcohol monitoring device, a county, juvenile, or municipal court 90458
judge may use moneys in the county indigent drivers alcohol 90459
treatment fund, county juvenile indigent drivers alcohol treatment 90460
fund, or municipal indigent drivers alcohol treatment fund in the 90461
following manners: 90462

(a) If the source of the moneys was an appropriation of the 90463
general assembly, a portion of a fee that was paid under division 90464
(F) of this section, a portion of a fine that was specified for 90465
deposit into the fund by section 4511.193 of the Revised Code, or 90466
a portion of a fine that was paid for a violation of section 90467
4511.19 of the Revised Code or of a provision contained in Chapter 90468
4510. of the Revised Code that was required to be deposited into 90469
the fund, to pay for the continued use of an alcohol monitoring 90470
device by an offender or juvenile traffic offender, in conjunction 90471
with a treatment program approved by the department of ~~alcohol and~~ 90472
~~drug addiction services~~ mental health and addiction services, when 90473
such use is determined clinically necessary by the treatment 90474
program and when the court determines that the offender or 90475
juvenile traffic offender is unable to pay all or part of the 90476
daily monitoring or cost of the device; 90477

(b) If the source of the moneys was a portion of an 90478
additional court cost imposed under section 2949.094 of the 90479
Revised Code, to pay for the continued use of an alcohol 90480
monitoring device by an offender or juvenile traffic offender when 90481
the court determines that the offender or juvenile traffic 90482
offender is unable to pay all or part of the daily monitoring or 90483
cost of the device. The moneys may be used for a device as 90484
described in this division if the use of the device is in 90485
conjunction with a treatment program approved by the department of 90486
~~alcohol and drug addiction services~~ mental health and addiction 90487
services, when the use of the device is determined clinically 90488

necessary by the treatment program, but the use of a device is not 90489
required to be in conjunction with a treatment program approved by 90490
the department in order for the moneys to be used for the device 90491
as described in this division. 90492

(4) If a county, juvenile, or municipal court determines, in 90493
consultation with the alcohol and drug addiction services board or 90494
the board of alcohol, drug addiction, and mental health services 90495
established pursuant to section 340.02 or 340.021 of the Revised 90496
Code and serving the alcohol, drug addiction, and mental health 90497
district in which the court is located, that the funds in the 90498
county indigent drivers alcohol treatment fund, the county 90499
juvenile indigent drivers alcohol treatment fund, or the municipal 90500
indigent drivers alcohol treatment fund under the control of the 90501
court are more than sufficient to satisfy the purpose for which 90502
the fund was established, as specified in divisions (H)(1) to (3) 90503
of this section, the court may declare a surplus in the fund. If 90504
the court declares a surplus in the fund, the court may expend the 90505
amount of the surplus in the fund for: 90506

(a) Alcohol and drug abuse assessment and treatment of 90507
persons who are charged in the court with committing a criminal 90508
offense or with being a delinquent child or juvenile traffic 90509
offender and in relation to whom both of the following apply: 90510

(i) The court determines that substance abuse was a 90511
contributing factor leading to the criminal or delinquent activity 90512
or the juvenile traffic offense with which the person is charged. 90513

(ii) The court determines that the person is unable to pay 90514
the cost of the alcohol and drug abuse assessment and treatment 90515
for which the surplus money will be used. 90516

(b) All or part of the cost of purchasing alcohol monitoring 90517
devices to be used in conjunction with division (H)(3) of this 90518
section, upon exhaustion of moneys in the indigent drivers 90519

interlock and alcohol monitoring fund for the use of an alcohol 90520
monitoring device. 90521

(5) For the purpose of determining as described in division 90522
(F)(2)(c) of this section whether an offender does not have the 90523
means to pay for the offender's attendance at an alcohol and drug 90524
addiction treatment program or whether an alleged offender or 90525
delinquent child is unable to pay the costs specified in division 90526
(H)(4) of this section, the court shall use the indigent client 90527
eligibility guidelines and the standards of indigency established 90528
by the state public defender to make the determination. 90529

(6) The court shall identify and refer any ~~alcohol and drug~~ 90530
community addiction program services provider that is not 90531
certified under section ~~3793.06~~ 5119.36 of the Revised Code and 90532
that is interested in receiving amounts from the surplus in the 90533
fund declared under division (H)(4) of this section to the 90534
department of ~~alcohol and drug addiction services~~ mental health 90535
and addiction services in order for the ~~program services provider~~ 90536
to become a certified ~~alcohol and drug~~ community addiction program 90537
services provider. The department shall keep a record of applicant 90538
referrals received pursuant to this division and shall submit a 90539
report on the referrals each year to the general assembly. If a 90540
~~program services provider~~ interested in becoming certified makes 90541
an application to become certified pursuant to section ~~3793.06~~ 90542
5119.36 of the Revised Code, the ~~program services provider~~ is 90543
eligible to receive surplus funds as long as the application is 90544
pending with the department. The department of ~~alcohol and drug~~ 90545
~~addiction services~~ mental health and addiction services must offer 90546
technical assistance to the applicant. If the interested ~~program~~ 90547
services provider withdraws the certification application, the 90548
department must notify the court, and the court shall not provide 90549
the interested ~~program services provider~~ with any further surplus 90550
funds. 90551

(7)(a) Each alcohol and drug addiction services board and 90552
board of alcohol, drug addiction, and mental health services 90553
established pursuant to section 340.02 or 340.021 of the Revised 90554
Code shall submit to the department of ~~alcohol and drug addiction~~ 90555
~~services~~ mental health and addiction services an annual report for 90556
each indigent drivers alcohol treatment fund in that board's area. 90557

(b) The report, which shall be submitted not later than sixty 90558
days after the end of the state fiscal year, shall provide the 90559
total payment that was made from the fund, including the number of 90560
indigent consumers that received treatment services and the number 90561
of indigent consumers that received an alcohol monitoring device. 90562
The report shall identify the treatment program and expenditure 90563
for an alcohol monitoring device for which that payment was made. 90564
The report shall include the fiscal year balance of each indigent 90565
drivers alcohol treatment fund located in that board's area. In 90566
the event that a surplus is declared in the fund pursuant to 90567
division (H)(4) of this section, the report also shall provide the 90568
total payment that was made from the surplus moneys and identify 90569
the treatment program and expenditure for an alcohol monitoring 90570
device for which that payment was made. ~~The department may require~~ 90571
~~additional information necessary to complete the comprehensive~~ 90572
~~statewide alcohol and drug addiction services plan as required by~~ 90573
~~section 3793.04 of the Revised Code.~~ 90574

(c) If a board is unable to obtain adequate information to 90575
develop the report to submit to the department for a particular 90576
indigent drivers alcohol treatment fund, the board shall submit a 90577
report detailing the effort made in obtaining the information. 90578

(I)(1) Each county shall establish an indigent drivers 90579
interlock and alcohol monitoring fund and a juvenile indigent 90580
drivers interlock and alcohol treatment fund, and each municipal 90581
corporation in which there is a municipal court shall establish an 90582
indigent drivers interlock and alcohol monitoring fund. All 90583

revenue that the general assembly appropriates to the indigent 90584
drivers interlock and alcohol monitoring fund for transfer to a 90585
county indigent drivers interlock and alcohol monitoring fund, a 90586
county juvenile indigent drivers interlock and alcohol monitoring 90587
fund, or a municipal indigent drivers interlock and alcohol 90588
monitoring fund, all portions of license reinstatement fees that 90589
are paid under division (F)(2) of this section and that are 90590
credited under that division to the indigent drivers interlock and 90591
alcohol monitoring fund in the state treasury, and all portions of 90592
fines that are paid under division (G) of section 4511.19 of the 90593
Revised Code and that are credited by division (G)(5)(e) of that 90594
section to the indigent drivers interlock and alcohol monitoring 90595
fund in the state treasury shall be deposited in the appropriate 90596
fund in accordance with division (I)(2) of this section. 90597

(2) That portion of the license reinstatement fee that is 90598
paid under division (F) of this section and that portion of the 90599
fine paid under division (G) of section 4511.19 of the Revised 90600
Code and that is credited under either division to the indigent 90601
drivers interlock and alcohol monitoring fund shall be deposited 90602
into a county indigent drivers interlock and alcohol monitoring 90603
fund, a county juvenile indigent drivers interlock and alcohol 90604
monitoring fund, or a municipal indigent drivers interlock and 90605
alcohol monitoring fund as follows: 90606

(a) If the fee or fine is paid by a person who was charged in 90607
a county court with the violation that resulted in the suspension 90608
or fine, the portion shall be deposited into the county indigent 90609
drivers interlock and alcohol monitoring fund under the control of 90610
that court. 90611

(b) If the fee or fine is paid by a person who was charged in 90612
a juvenile court with the violation that resulted in the 90613
suspension or fine, the portion shall be deposited into the county 90614
juvenile indigent drivers interlock and alcohol monitoring fund 90615

established in the county served by the court. 90616

(c) If the fee or fine is paid by a person who was charged in 90617
a municipal court with the violation that resulted in the 90618
suspension, the portion shall be deposited into the municipal 90619
indigent drivers interlock and alcohol monitoring fund under the 90620
control of that court. 90621

Sec. 4511.21. (A) No person shall operate a motor vehicle, 90622
trackless trolley, or streetcar at a speed greater or less than is 90623
reasonable or proper, having due regard to the traffic, surface, 90624
and width of the street or highway and any other conditions, and 90625
no person shall drive any motor vehicle, trackless trolley, or 90626
streetcar in and upon any street or highway at a greater speed 90627
than will permit the person to bring it to a stop within the 90628
assured clear distance ahead. 90629

(B) It is prima-facie lawful, in the absence of a lower limit 90630
declared or established pursuant to this section by the director 90631
of transportation or local authorities, for the operator of a 90632
motor vehicle, trackless trolley, or streetcar to operate the same 90633
at a speed not exceeding the following: 90634

(1)(a) Twenty miles per hour in school zones during school 90635
recess and while children are going to or leaving school during 90636
the opening or closing hours, and when twenty miles per hour 90637
school speed limit signs are erected; except that, on 90638
controlled-access highways and expressways, if the right-of-way 90639
line fence has been erected without pedestrian opening, the speed 90640
shall be governed by division (B)(4) of this section and on 90641
freeways, if the right-of-way line fence has been erected without 90642
pedestrian opening, the speed shall be governed by divisions 90643
(B)(9) and (10) of this section. The end of every school zone may 90644
be marked by a sign indicating the end of the zone. Nothing in 90645
this section or in the manual and specifications for a uniform 90646

system of traffic control devices shall be construed to require 90647
school zones to be indicated by signs equipped with flashing or 90648
other lights, or giving other special notice of the hours in which 90649
the school zone speed limit is in effect. 90650

(b) As used in this section and in section 4511.212 of the 90651
Revised Code, "school" means any school chartered under section 90652
3301.16 of the Revised Code and any nonchartered school that 90653
during the preceding year filed with the department of education 90654
in compliance with rule 3301-35-08 of the Ohio Administrative 90655
Code, a copy of the school's report for the parents of the 90656
school's pupils certifying that the school meets Ohio minimum 90657
standards for nonchartered, nontax-supported schools and presents 90658
evidence of this filing to the jurisdiction from which it is 90659
requesting the establishment of a school zone. "School" also 90660
includes a special elementary school that in writing requests the 90661
county engineer of the county in which the special elementary 90662
school is located to create a school zone at the location of that 90663
school. Upon receipt of such a written request, the county 90664
engineer shall create a school zone at that location by erecting 90665
the appropriate signs. 90666

(c) As used in this section, "school zone" means that portion 90667
of a street or highway passing a school fronting upon the street 90668
or highway that is encompassed by projecting the school property 90669
lines to the fronting street or highway, and also includes that 90670
portion of a state highway. Upon request from local authorities 90671
for streets and highways under their jurisdiction and that portion 90672
of a state highway under the jurisdiction of the director of 90673
transportation or a request from a county engineer in the case of 90674
a school zone for a special elementary school, the director may 90675
extend the traditional school zone boundaries. The distances in 90676
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 90677
exceed three hundred feet per approach per direction and are 90678

bounded by whichever of the following distances or combinations 90679
thereof the director approves as most appropriate: 90680

(i) The distance encompassed by projecting the school 90681
building lines normal to the fronting highway and extending a 90682
distance of three hundred feet on each approach direction; 90683

(ii) The distance encompassed by projecting the school 90684
property lines intersecting the fronting highway and extending a 90685
distance of three hundred feet on each approach direction; 90686

(iii) The distance encompassed by the special marking of the 90687
pavement for a principal school pupil crosswalk plus a distance of 90688
three hundred feet on each approach direction of the highway. 90689

Nothing in this section shall be construed to invalidate the 90690
director's initial action on August 9, 1976, establishing all 90691
school zones at the traditional school zone boundaries defined by 90692
projecting school property lines, except when those boundaries are 90693
extended as provided in divisions (B)(1)(a) and (c) of this 90694
section. 90695

(d) As used in this division, "crosswalk" has the meaning 90696
given that term in division (LL)(2) of section 4511.01 of the 90697
Revised Code. 90698

The director may, upon request by resolution of the 90699
legislative authority of a municipal corporation, the board of 90700
trustees of a township, or a county board of developmental 90701
disabilities created pursuant to Chapter 5126. of the Revised 90702
Code, and upon submission by the municipal corporation, township, 90703
or county board of such engineering, traffic, and other 90704
information as the director considers necessary, designate a 90705
school zone on any portion of a state route lying within the 90706
municipal corporation, lying within the unincorporated territory 90707
of the township, or lying adjacent to the property of a school 90708
that is operated by such county board, that includes a crosswalk 90709

customarily used by children going to or leaving a school during 90710
recess and opening and closing hours, whenever the distance, as 90711
measured in a straight line, from the school property line nearest 90712
the crosswalk to the nearest point of the crosswalk is no more 90713
than one thousand three hundred twenty feet. Such a school zone 90714
shall include the distance encompassed by the crosswalk and 90715
extending three hundred feet on each approach direction of the 90716
state route. 90717

(e) As used in this section, "special elementary school" 90718
means a school that meets all of the following criteria: 90719

(i) It is not chartered and does not receive tax revenue from 90720
any source. 90721

(ii) It does not educate children beyond the eighth grade. 90722

(iii) It is located outside the limits of a municipal 90723
corporation. 90724

(iv) A majority of the total number of students enrolled at 90725
the school are not related by blood. 90726

(v) The principal or other person in charge of the special 90727
elementary school annually sends a report to the superintendent of 90728
the school district in which the special elementary school is 90729
located indicating the total number of students enrolled at the 90730
school, but otherwise the principal or other person in charge does 90731
not report any other information or data to the superintendent. 90732

(2) Twenty-five miles per hour in all other portions of a 90733
municipal corporation, except on state routes outside business 90734
districts, through highways outside business districts, and 90735
alleys; 90736

(3) Thirty-five miles per hour on all state routes or through 90737
highways within municipal corporations outside business districts, 90738
except as provided in divisions (B)(4) and (6) of this section; 90739

- (4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations; 90740
90741
- (5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B)(8) of this section, highways as provided in division (B)(9) of this section, and freeways as provided in divisions (B)~~(12)~~, (13), ~~(14)~~, (16), and (17) of this section; 90742
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- (6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section; 90747
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90749
- (7) Fifteen miles per hour on all alleys within the municipal corporation; 90750
90751
- (8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction; 90752
90753
- (9) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H)(2) of this section. 90754
90755
90756
- (10) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B)~~(12)~~, (13), ~~(14)~~, (16), and (17) of this section; 90757
90758
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90760
- (11) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in divisions (B)~~(12)~~, (13), ~~(14)~~, (16), and (17) of this section; 90761
90762
90763
- (12) ~~Fifty-five~~ Sixty miles per hour at all times on all portions of freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had a speed limit of fifty-five miles per hour immediately prior to the effective date of this amendment, for operators of 90764
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any motor vehicle weighing in excess of eight thousand pounds 90770
empty weight and any noncommercial bus; 90771

(13) ~~Fifty-five~~ Sixty miles per hour for operators of any 90772
motor vehicle weighing eight thousand pounds or less empty weight 90773
and any commercial bus at all times on all portions of freeways 90774
that are not part of the interstate system, but are built to the 90775
standards and specifications that are applicable to freeways that 90776
are part of the interstate system and that had ~~such~~ a speed limit 90777
established of fifty-five miles per hour immediately prior to 90778
~~October 1, 1995, unless a higher speed limit is established under~~ 90779
~~division (L) the effective date of this section amendment;~~ 90780

(14) ~~Sixty-five~~ Seventy miles per hour for operators of any 90781
motor vehicle weighing ~~eight thousand pounds or less empty weight~~ 90782
~~and any commercial bus~~ at all times on all portions of both of the 90783
following: 90784

(a) Freeways that are not part of the interstate system, but 90785
are built to the standards and specifications that are applicable 90786
to freeways that are part of the interstate system and that had 90787
~~such~~ a speed limit established of sixty-five miles per hour 90788
immediately prior to October 1, 1995 the effective date of this 90789
amendment; 90790

(b) ~~Freeways that are not part of the interstate system but~~ 90791
~~are built to the standards and specifications that are applicable~~ 90792
~~to freeways that are part of the interstate system, and that had~~ 90793
~~such a speed limit established under division (L) of this section;~~ 90794

~~(c)~~ Rural, divided, multi-lane highways that are designated 90795
as part of the national highway system under the "National Highway 90796
System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, 90797
and that had ~~such~~ a speed limit established under division (M) of 90798
sixty-five miles per hour immediately prior to the effective date 90799
of this ~~section~~ amendment. 90800

(15) Fifty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in congested areas as determined by the director and that are part of the interstate system and are located within a municipal corporation or within an interstate freeway outerbelt;

(16) Sixty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in urban areas as determined by the director and that are part of the interstate system and are part of an interstate freeway outerbelt;

(17) Seventy miles per hour at all times on all portions of freeways that are part of the interstate system and are outside urbanized areas, as designated in accordance with 23 U.S.C. 101, for operators of all motor vehicles.

(C) It is prima-facie unlawful for any person to exceed any of the speed limitations in divisions (B)(1)(a), (2), (3), (4), (6), (7), and (8) of this section, or any declared or established pursuant to this section by the director or local authorities and it is unlawful for any person to exceed any of the speed limitations in division (D) of this section. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

(D) No person shall operate a motor vehicle, trackless trolley, or streetcar upon a street or highway as follows:

(1) At a speed exceeding fifty-five miles per hour, except upon a two-lane state route as provided in division (B)(9) of this section and upon a freeway as provided in divisions (B)~~(12)~~, (13), ~~(14)~~, (16), and (17) of this section;

(2) At a speed exceeding sixty miles per hour upon a two-lane state route as provided in division (B)(9) of this section ~~and~~ upon a freeway as provided in divisions (B)(12) and (13) of this

section; 90832

(3) At a speed exceeding sixty-five miles per hour upon a 90833
freeway as provided in division (B)(16) of this section, except 90834
upon a freeway as provided in ~~division~~ divisions (B)(14) and (17) 90835
of this section; 90836

(4) At a speed exceeding seventy miles per hour upon a 90837
freeway as provided in ~~division~~ divisions (B)(14) and (17) of this 90838
section; 90839

(5) If a motor vehicle weighing in excess of eight thousand 90840
pounds empty weight or a noncommercial bus as prescribed in 90841
division (B)(~~11~~)(12) of this section, at a speed exceeding 90842
~~fifty-five~~ sixty miles per hour, except upon a freeway as provided 90843
in divisions (B)(14), (16), and (17) of this section; 90844

(6) At a speed exceeding the posted speed limit upon a 90845
freeway for which the director has determined and declared a speed 90846
limit of not more than sixty-five miles per hour pursuant to 90847
division (L)(2) or (M) of this section; 90848

(7) At a speed exceeding sixty-five miles per hour upon a 90849
freeway for which such a speed limit has been established through 90850
the operation of division (L)(3) of this section; 90851

(8) At a speed exceeding the posted speed limit upon a 90852
freeway for which the director has determined and declared a speed 90853
limit pursuant to division (I)(2) of this section. 90854

(E) In every charge of violation of this section the 90855
affidavit and warrant shall specify the time, place, and speed at 90856
which the defendant is alleged to have driven, and in charges made 90857
in reliance upon division (C) of this section also the speed which 90858
division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit 90859
declared or established pursuant to, this section declares is 90860
prima-facie lawful at the time and place of such alleged 90861
violation, except that in affidavits where a person is alleged to 90862

have driven at a greater speed than will permit the person to 90863
bring the vehicle to a stop within the assured clear distance 90864
ahead the affidavit and warrant need not specify the speed at 90865
which the defendant is alleged to have driven. 90866

(F) When a speed in excess of both a prima-facie limitation 90867
and a limitation in division (D) of this section is alleged, the 90868
defendant shall be charged in a single affidavit, alleging a 90869
single act, with a violation indicated of both division (B)(1)(a), 90870
(2), (3), (4), (6), (7), or (8) of this section, or of a limit 90871
declared or established pursuant to this section by the director 90872
or local authorities, and of the limitation in division (D) of 90873
this section. If the court finds a violation of division 90874
(B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared 90875
or established pursuant to, this section has occurred, it shall 90876
enter a judgment of conviction under such division and dismiss the 90877
charge under division (D) of this section. If it finds no 90878
violation of division (B)(1)(a), (2), (3), (4), (6), (7), or (8) 90879
of, or a limit declared or established pursuant to, this section, 90880
it shall then consider whether the evidence supports a conviction 90881
under division (D) of this section. 90882

(G) Points shall be assessed for violation of a limitation 90883
under division (D) of this section in accordance with section 90884
4510.036 of the Revised Code. 90885

(H)(1) Whenever the director determines upon the basis of a 90886
geometric and traffic characteristic study that any speed limit 90887
set forth in divisions (B)(1)(a) to (D) of this section is greater 90888
or less than is reasonable or safe under the conditions found to 90889
exist at any portion of a street or highway under the jurisdiction 90890
of the director, the director shall determine and declare a 90891
reasonable and safe prima-facie speed limit, which shall be 90892
effective when appropriate signs giving notice of it are erected 90893
at the location. 90894

(2) Whenever the director determines upon the basis of a geometric and traffic characteristic study that the speed limit of fifty-five miles per hour on a two-lane state route outside a municipal corporation is less than is reasonable or safe under the conditions found to exist at that portion of the state route, the director may determine and declare a speed limit of sixty miles per hour for that portion of the state route, which shall be effective when appropriate signs giving notice of it are erected at the location.

(I)(1) Except as provided in divisions (I)(2) and (K) of this section, whenever local authorities determine upon the basis of an engineering and traffic investigation that the speed permitted by divisions (B)(1)(a) to (D) of this section, on any part of a highway under their jurisdiction, is greater than is reasonable and safe under the conditions found to exist at such location, the local authorities may by resolution request the director to determine and declare a reasonable and safe prima-facie speed limit. Upon receipt of such request the director may determine and declare a reasonable and safe prima-facie speed limit at such location, and if the director does so, then such declared speed limit shall become effective only when appropriate signs giving notice thereof are erected at such location by the local authorities. The director may withdraw the declaration of a prima-facie speed limit whenever in the director's opinion the altered prima-facie speed becomes unreasonable. Upon such withdrawal, the declared prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the local authorities.

(2) A local authority may determine on the basis of a geometric and traffic characteristic study that the speed limit of sixty-five miles per hour on a portion of a freeway under its jurisdiction that was established through the operation of

division (L)(3) of this section is greater than is reasonable or 90927
safe under the conditions found to exist at that portion of the 90928
freeway. If the local authority makes such a determination, the 90929
local authority by resolution may request the director to 90930
determine and declare a reasonable and safe speed limit of not 90931
less than fifty-five miles per hour for that portion of the 90932
freeway. If the director takes such action, the declared speed 90933
limit becomes effective only when appropriate signs giving notice 90934
of it are erected at such location by the local authority. 90935

(J) Local authorities in their respective jurisdictions may 90936
authorize by ordinance higher prima-facie speeds than those stated 90937
in this section upon through highways, or upon highways or 90938
portions thereof where there are no intersections, or between 90939
widely spaced intersections, provided signs are erected giving 90940
notice of the authorized speed, but local authorities shall not 90941
modify or alter the basic rule set forth in division (A) of this 90942
section or in any event authorize by ordinance a speed in excess 90943
of fifty miles per hour. 90944

Alteration of prima-facie limits on state routes by local 90945
authorities shall not be effective until the alteration has been 90946
approved by the director. The director may withdraw approval of 90947
any altered prima-facie speed limits whenever in the director's 90948
opinion any altered prima-facie speed becomes unreasonable, and 90949
upon such withdrawal, the altered prima-facie speed shall become 90950
ineffective and the signs relating thereto shall be immediately 90951
removed by the local authorities. 90952

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 90953
section, "unimproved highway" means a highway consisting of any of 90954
the following: 90955

(a) Unimproved earth; 90956

(b) Unimproved graded and drained earth; 90957

(c) Gravel. 90958

(2) Except as otherwise provided in divisions (K)(4) and (5) 90959
of this section, whenever a board of township trustees determines 90960
upon the basis of an engineering and traffic investigation that 90961
the speed permitted by division (B)(5) of this section on any part 90962
of an unimproved highway under its jurisdiction and in the 90963
unincorporated territory of the township is greater than is 90964
reasonable or safe under the conditions found to exist at the 90965
location, the board may by resolution declare a reasonable and 90966
safe prima-facie speed limit of fifty-five but not less than 90967
twenty-five miles per hour. An altered speed limit adopted by a 90968
board of township trustees under this division becomes effective 90969
when appropriate traffic control devices, as prescribed in section 90970
4511.11 of the Revised Code, giving notice thereof are erected at 90971
the location, which shall be no sooner than sixty days after 90972
adoption of the resolution. 90973

(3)(a) Whenever, in the opinion of a board of township 90974
trustees, any altered prima-facie speed limit established by the 90975
board under this division becomes unreasonable, the board may 90976
adopt a resolution withdrawing the altered prima-facie speed 90977
limit. Upon the adoption of such a resolution, the altered 90978
prima-facie speed limit becomes ineffective and the traffic 90979
control devices relating thereto shall be immediately removed. 90980

(b) Whenever a highway ceases to be an unimproved highway and 90981
the board has adopted an altered prima-facie speed limit pursuant 90982
to division (K)(2) of this section, the board shall, by 90983
resolution, withdraw the altered prima-facie speed limit as soon 90984
as the highway ceases to be unimproved. Upon the adoption of such 90985
a resolution, the altered prima-facie speed limit becomes 90986
ineffective and the traffic control devices relating thereto shall 90987
be immediately removed. 90988

(4)(a) If the boundary of two townships rests on the 90989

centerline of an unimproved highway in unincorporated territory 90990
and both townships have jurisdiction over the highway, neither of 90991
the boards of township trustees of such townships may declare an 90992
altered prima-facie speed limit pursuant to division (K)(2) of 90993
this section on the part of the highway under their joint 90994
jurisdiction unless the boards of township trustees of both of the 90995
townships determine, upon the basis of an engineering and traffic 90996
investigation, that the speed permitted by division (B)(5) of this 90997
section is greater than is reasonable or safe under the conditions 90998
found to exist at the location and both boards agree upon a 90999
reasonable and safe prima-facie speed limit of less than 91000
fifty-five but not less than twenty-five miles per hour for that 91001
location. If both boards so agree, each shall follow the procedure 91002
specified in division (K)(2) of this section for altering the 91003
prima-facie speed limit on the highway. Except as otherwise 91004
provided in division (K)(4)(b) of this section, no speed limit 91005
altered pursuant to division (K)(4)(a) of this section may be 91006
withdrawn unless the boards of township trustees of both townships 91007
determine that the altered prima-facie speed limit previously 91008
adopted becomes unreasonable and each board adopts a resolution 91009
withdrawing the altered prima-facie speed limit pursuant to the 91010
procedure specified in division (K)(3)(a) of this section. 91011

(b) Whenever a highway described in division (K)(4)(a) of 91012
this section ceases to be an unimproved highway and two boards of 91013
township trustees have adopted an altered prima-facie speed limit 91014
pursuant to division (K)(4)(a) of this section, both boards shall, 91015
by resolution, withdraw the altered prima-facie speed limit as 91016
soon as the highway ceases to be unimproved. Upon the adoption of 91017
the resolution, the altered prima-facie speed limit becomes 91018
ineffective and the traffic control devices relating thereto shall 91019
be immediately removed. 91020

(5) As used in division (K)(5) of this section: 91021

(a) "Commercial subdivision" means any platted territory 91022
outside the limits of a municipal corporation and fronting a 91023
highway where, for a distance of three hundred feet or more, the 91024
frontage is improved with buildings in use for commercial 91025
purposes, or where the entire length of the highway is less than 91026
three hundred feet long and the frontage is improved with 91027
buildings in use for commercial purposes. 91028

(b) "Residential subdivision" means any platted territory 91029
outside the limits of a municipal corporation and fronting a 91030
highway, where, for a distance of three hundred feet or more, the 91031
frontage is improved with residences or residences and buildings 91032
in use for business, or where the entire length of the highway is 91033
less than three hundred feet long and the frontage is improved 91034
with residences or residences and buildings in use for business. 91035

Whenever a board of township trustees finds upon the basis of 91036
an engineering and traffic investigation that the prima-facie 91037
speed permitted by division (B)(5) of this section on any part of 91038
a highway under its jurisdiction that is located in a commercial 91039
or residential subdivision, except on highways or portions thereof 91040
at the entrances to which vehicular traffic from the majority of 91041
intersecting highways is required to yield the right-of-way to 91042
vehicles on such highways in obedience to stop or yield signs or 91043
traffic control signals, is greater than is reasonable and safe 91044
under the conditions found to exist at the location, the board may 91045
by resolution declare a reasonable and safe prima-facie speed 91046
limit of less than fifty-five but not less than twenty-five miles 91047
per hour at the location. An altered speed limit adopted by a 91048
board of township trustees under this division shall become 91049
effective when appropriate signs giving notice thereof are erected 91050
at the location by the township. Whenever, in the opinion of a 91051
board of township trustees, any altered prima-facie speed limit 91052
established by it under this division becomes unreasonable, it may 91053

adopt a resolution withdrawing the altered prima-facie speed, and 91054
upon such withdrawal, the altered prima-facie speed shall become 91055
ineffective, and the signs relating thereto shall be immediately 91056
removed by the township. 91057

(L)(1) Within one hundred twenty days of February 29, 1996, 91058
the director of transportation, based upon a geometric and traffic 91059
characteristic study of a freeway that is part of the interstate 91060
system or that is not part of the interstate system, but is built 91061
to the standards and specifications that are applicable to 91062
freeways that are part of the interstate system, in consultation 91063
with the director of public safety and, if applicable, the local 91064
authority having jurisdiction over a portion of such freeway, may 91065
determine and declare that the speed limit of less than sixty-five 91066
miles per hour established on such freeway or portion of freeway 91067
either is reasonable and safe or is less than that which is 91068
reasonable and safe. 91069

(2) If the established speed limit for such a freeway or 91070
portion of freeway is determined to be less than that which is 91071
reasonable and safe, the director of transportation, in 91072
consultation with the director of public safety and, if 91073
applicable, the local authority having jurisdiction over the 91074
portion of freeway, shall determine and declare a reasonable and 91075
safe speed limit of not more than sixty-five miles per hour for 91076
that freeway or portion of freeway. 91077

The director of transportation or local authority having 91078
jurisdiction over the freeway or portion of freeway shall erect 91079
appropriate signs giving notice of the speed limit at such 91080
location within one hundred fifty days of February 29, 1996. Such 91081
speed limit becomes effective only when such signs are erected at 91082
the location. 91083

(3) If, within one hundred twenty days of February 29, 1996, 91084
the director of transportation does not make a determination and 91085

declaration of a reasonable and safe speed limit for a freeway or 91086
portion of freeway that is part of the interstate system or that 91087
is not part of the interstate system, but is built to the 91088
standards and specifications that are applicable to freeways that 91089
are part of the interstate system and that has a speed limit of 91090
less than sixty-five miles per hour, the speed limit on that 91091
freeway or portion of a freeway shall be sixty-five miles per 91092
hour. The director of transportation or local authority having 91093
jurisdiction over the freeway or portion of the freeway shall 91094
erect appropriate signs giving notice of the speed limit of 91095
sixty-five miles per hour at such location within one hundred 91096
fifty days of February 29, 1996. Such speed limit becomes 91097
effective only when such signs are erected at the location. A 91098
speed limit established through the operation of division (L)(3) 91099
of this section is subject to reduction under division (I)(2) of 91100
this section. 91101

(M) Within three hundred sixty days after February 29, 1996, 91102
the director of transportation, based upon a geometric and traffic 91103
characteristic study of a rural, divided, multi-lane highway that 91104
has been designated as part of the national highway system under 91105
the "National Highway System Designation Act of 1995," 109 Stat. 91106
568, 23 U.S.C.A. 103, in consultation with the director of public 91107
safety and, if applicable, the local authority having jurisdiction 91108
over a portion of the highway, may determine and declare that the 91109
speed limit of less than sixty-five miles per hour established on 91110
the highway or portion of highway either is reasonable and safe or 91111
is less than that which is reasonable and safe. 91112

If the established speed limit for the highway or portion of 91113
highway is determined to be less than that which is reasonable and 91114
safe, the director of transportation, in consultation with the 91115
director of public safety and, if applicable, the local authority 91116
having jurisdiction over the portion of highway, shall determine 91117

and declare a reasonable and safe speed limit of not more than 91118
sixty-five miles per hour for that highway or portion of highway. 91119
The director of transportation or local authority having 91120
jurisdiction over the highway or portion of highway shall erect 91121
appropriate signs giving notice of the speed limit at such 91122
location within three hundred ninety days after February 29, 1996. 91123
The speed limit becomes effective only when such signs are erected 91124
at the location. 91125

(N)(1)(a) If the boundary of two local authorities rests on 91126
the centerline of a highway and both authorities have jurisdiction 91127
over the highway, the speed limit for the part of the highway 91128
within their joint jurisdiction shall be either one of the 91129
following as agreed to by both authorities: 91130

(i) Either prima-facie speed limit permitted by division (B) 91131
of this section; 91132

(ii) An altered speed limit determined and posted in 91133
accordance with this section. 91134

(b) If the local authorities are unable to reach an 91135
agreement, the speed limit shall remain as established and posted 91136
under this section. 91137

(2) Neither local authority may declare an altered 91138
prima-facie speed limit pursuant to this section on the part of 91139
the highway under their joint jurisdiction unless both of the 91140
local authorities determine, upon the basis of an engineering and 91141
traffic investigation, that the speed permitted by this section is 91142
greater than is reasonable or safe under the conditions found to 91143
exist at the location and both authorities agree upon a uniform 91144
reasonable and safe prima-facie speed limit of less than 91145
fifty-five but not less than twenty-five miles per hour for that 91146
location. If both authorities so agree, each shall follow the 91147
procedure specified in this section for altering the prima-facie 91148

speed limit on the highway, and the speed limit for the part of 91149
the highway within their joint jurisdiction shall be uniformly 91150
altered. No altered speed limit may be withdrawn unless both local 91151
authorities determine that the altered prima-facie speed limit 91152
previously adopted becomes unreasonable and each adopts a 91153
resolution withdrawing the altered prima-facie speed limit 91154
pursuant to the procedure specified in this section. 91155

(0) As used in this section: 91156

(1) "Interstate system" has the same meaning as in 23 91157
U.S.C.A. 101. 91158

(2) "Commercial bus" means a motor vehicle designed for 91159
carrying more than nine passengers and used for the transportation 91160
of persons for compensation. 91161

(3) "Noncommercial bus" includes but is not limited to a 91162
school bus or a motor vehicle operated solely for the 91163
transportation of persons associated with a charitable or 91164
nonprofit organization. 91165

(4) "Outerbelt" means a portion of a freeway that is part of 91166
the interstate system and is located in the outer vicinity of a 91167
major municipal corporation or group of municipal corporations, as 91168
designated by the director. 91169

(P)(1) A violation of any provision of this section is one of 91170
the following: 91171

(a) Except as otherwise provided in divisions (P)(1)(b), 91172
(1)(c), (2), and (3) of this section, a minor misdemeanor; 91173

(b) If, within one year of the offense, the offender 91174
previously has been convicted of or pleaded guilty to two 91175
violations of any provision of this section or of any provision of 91176
a municipal ordinance that is substantially similar to any 91177
provision of this section, a misdemeanor of the fourth degree; 91178

(c) If, within one year of the offense, the offender 91179
previously has been convicted of or pleaded guilty to three or 91180
more violations of any provision of this section or of any 91181
provision of a municipal ordinance that is substantially similar 91182
to any provision of this section, a misdemeanor of the third 91183
degree. 91184

(2) If the offender has not previously been convicted of or 91185
pleaded guilty to a violation of any provision of this section or 91186
of any provision of a municipal ordinance that is substantially 91187
similar to this section and operated a motor vehicle faster than 91188
thirty-five miles an hour in a business district of a municipal 91189
corporation, faster than fifty miles an hour in other portions of 91190
a municipal corporation, or faster than thirty-five miles an hour 91191
in a school zone during recess or while children are going to or 91192
leaving school during the school's opening or closing hours, a 91193
misdemeanor of the fourth degree. 91194

(3) Notwithstanding division (P)(1) of this section, if the 91195
offender operated a motor vehicle in a construction zone where a 91196
sign was then posted in accordance with section 4511.98 of the 91197
Revised Code, the court, in addition to all other penalties 91198
provided by law, shall impose upon the offender a fine of two 91199
times the usual amount imposed for the violation. No court shall 91200
impose a fine of two times the usual amount imposed for the 91201
violation upon an offender if the offender alleges, in an 91202
affidavit filed with the court prior to the offender's sentencing, 91203
that the offender is indigent and is unable to pay the fine 91204
imposed pursuant to this division and if the court determines that 91205
the offender is an indigent person and unable to pay the fine. 91206

Sec. 4511.69. (A) Every vehicle stopped or parked upon a 91207
roadway where there is an adjacent curb shall be stopped or parked 91208
with the right-hand wheels of the vehicle parallel with and not 91209

more than twelve inches from the right-hand curb, unless it is 91210
impossible to approach so close to the curb; in such case the stop 91211
shall be made as close to the curb as possible and only for the 91212
time necessary to discharge and receive passengers or to load or 91213
unload merchandise. Local authorities by ordinance may permit 91214
angle parking on any roadway under their jurisdiction, except that 91215
angle parking shall not be permitted on a state route within a 91216
municipal corporation unless an unoccupied roadway width of not 91217
less than twenty-five feet is available for free-moving traffic. 91218

(B) Local authorities by ordinance may permit parking of 91219
vehicles with the left-hand wheels adjacent to and within twelve 91220
inches of the left-hand curb of a one-way roadway. 91221

(C)(1)~~(a)~~ Except as provided in division (C)~~(2)~~~~(1)~~(b) of this 91222
section, no vehicle or trackless trolley shall be stopped or 91223
parked on a road or highway with the vehicle or trackless trolley 91224
facing in a direction other than the direction of travel on that 91225
side of the road or highway. 91226

~~(2)~~(b) The operator of a motorcycle may back the motorcycle 91227
into an angled parking space so that when the motorcycle is parked 91228
it is facing in a direction other than the direction of travel on 91229
the side of the road or highway. 91230

(2) The operator of a motorcycle may back the motorcycle into 91231
a parking space that is located on the side of, and parallel to, a 91232
road or highway. The motorcycle may face any direction when so 91233
parked. Not more than two motorcycles at a time shall be parked in 91234
a parking space as described in division (C)(2) of this section 91235
irrespective of whether or not the space is metered. 91236

(D) Notwithstanding any statute or any rule, resolution, or 91237
ordinance adopted by any local authority, air compressors, 91238
tractors, trucks, and other equipment, while being used in the 91239
construction, reconstruction, installation, repair, or removal of 91240

facilities near, on, over, or under a street or highway, may stop, 91241
stand, or park where necessary in order to perform such work, 91242
provided a flagperson is on duty or warning signs or lights are 91243
displayed as may be prescribed by the director of transportation. 91244

(E) Special parking locations and privileges for persons with 91245
disabilities that limit or impair the ability to walk, also known 91246
as handicapped parking spaces or disability parking spaces, shall 91247
be provided and designated by all political subdivisions and by 91248
the state and all agencies and instrumentalities thereof at all 91249
offices and facilities, where parking is provided, whether owned, 91250
rented, or leased, and at all publicly owned parking garages. The 91251
locations shall be designated through the posting of an elevated 91252
sign, whether permanently affixed or movable, imprinted with the 91253
international symbol of access and shall be reasonably close to 91254
exits, entrances, elevators, and ramps. All elevated signs posted 91255
in accordance with this division and division (C) of section 91256
3781.111 of the Revised Code shall be mounted on a fixed or 91257
movable post, and the distance from the ground to the bottom edge 91258
of the sign shall measure not less than five feet. If a new sign 91259
or a replacement sign designating a special parking location is 91260
posted on or after October 14, 1999, there also shall be affixed 91261
upon the surface of that sign or affixed next to the designating 91262
sign a notice that states the fine applicable for the offense of 91263
parking a motor vehicle in the special designated parking location 91264
if the motor vehicle is not legally entitled to be parked in that 91265
location. 91266

(F)(1) No person shall stop, stand, or park any motor vehicle 91267
at special parking locations provided under division (E) of this 91268
section or at special clearly marked parking locations provided in 91269
or on privately owned parking lots, parking garages, or other 91270
parking areas and designated in accordance with that division, 91271
unless one of the following applies: 91272

(a) The motor vehicle is being operated by or for the 91273
transport of a person with a disability that limits or impairs the 91274
ability to walk and is displaying a valid removable windshield 91275
placard or special license plates; 91276

(b) The motor vehicle is being operated by or for the 91277
transport of a handicapped person and is displaying a parking card 91278
or special handicapped license plates. 91279

(2) Any motor vehicle that is parked in a special marked 91280
parking location in violation of division (F)(1)(a) or (b) of this 91281
section may be towed or otherwise removed from the parking 91282
location by the law enforcement agency of the political 91283
subdivision in which the parking location is located. A motor 91284
vehicle that is so towed or removed shall not be released to its 91285
owner until the owner presents proof of ownership of the motor 91286
vehicle and pays all towing and storage fees normally imposed by 91287
that political subdivision for towing and storing motor vehicles. 91288
If the motor vehicle is a leased vehicle, it shall not be released 91289
to the lessee until the lessee presents proof that that person is 91290
the lessee of the motor vehicle and pays all towing and storage 91291
fees normally imposed by that political subdivision for towing and 91292
storing motor vehicles. 91293

(3) If a person is charged with a violation of division 91294
(F)(1)(a) or (b) of this section, it is an affirmative defense to 91295
the charge that the person suffered an injury not more than 91296
seventy-two hours prior to the time the person was issued the 91297
ticket or citation and that, because of the injury, the person 91298
meets at least one of the criteria contained in division (A)(1) of 91299
section 4503.44 of the Revised Code. 91300

(G) When a motor vehicle is being operated by or for the 91301
transport of a person with a disability that limits or impairs the 91302
ability to walk and is displaying a removable windshield placard 91303
or a temporary removable windshield placard or special license 91304

plates, or when a motor vehicle is being operated by or for the 91305
transport of a handicapped person and is displaying a parking card 91306
or special handicapped license plates, the motor vehicle is 91307
permitted to park for a period of two hours in excess of the legal 91308
parking period permitted by local authorities, except where local 91309
ordinances or police rules provide otherwise or where the vehicle 91310
is parked in such a manner as to be clearly a traffic hazard. 91311

(H) No owner of an office, facility, or parking garage where 91312
special parking locations are required to be designated in 91313
accordance with division (E) of this section shall fail to 91314
properly mark the special parking locations in accordance with 91315
that division or fail to maintain the markings of the special 91316
locations, including the erection and maintenance of the fixed or 91317
movable signs. 91318

(I) Nothing in this section shall be construed to require a 91319
person or organization to apply for a removable windshield placard 91320
or special license plates if the parking card or special license 91321
plates issued to the person or organization under prior law have 91322
not expired or been surrendered or revoked. 91323

(J)(1) Whoever violates division (A) or (C) of this section 91324
is guilty of a minor misdemeanor. 91325

(2)(a) Whoever violates division (F)(1)(a) or (b) of this 91326
section is guilty of a misdemeanor and shall be punished as 91327
provided in division (J)(2)(a) and (b) of this section. Except as 91328
otherwise provided in division (J)(2)(a) of this section, an 91329
offender who violates division (F)(1)(a) or (b) of this section 91330
shall be fined not less than two hundred fifty nor more than five 91331
hundred dollars. An offender who violates division (F)(1)(a) or 91332
(b) of this section shall be fined not more than one hundred 91333
dollars if the offender, prior to sentencing, proves either of the 91334
following to the satisfaction of the court: 91335

(i) At the time of the violation of division (F)(1)(a) of 91336
this section, the offender or the person for whose transport the 91337
motor vehicle was being operated had been issued a removable 91338
windshield placard that then was valid or special license plates 91339
that then were valid but the offender or the person neglected to 91340
display the placard or license plates as described in division 91341
(F)(1)(a) of this section. 91342

(ii) At the time of the violation of division (F)(1)(b) of 91343
this section, the offender or the person for whose transport the 91344
motor vehicle was being operated had been issued a parking card 91345
that then was valid or special handicapped license plates that 91346
then were valid but the offender or the person neglected to 91347
display the card or license plates as described in division 91348
(F)(1)(b) of this section. 91349

(b) In no case shall an offender who violates division 91350
(F)(1)(a) or (b) of this section be sentenced to any term of 91351
imprisonment. 91352

An arrest or conviction for a violation of division (F)(1)(a) 91353
or (b) of this section does not constitute a criminal record and 91354
need not be reported by the person so arrested or convicted in 91355
response to any inquiries contained in any application for 91356
employment, license, or other right or privilege, or made in 91357
connection with the person's appearance as a witness. 91358

The clerk of the court shall pay every fine collected under 91359
division (J)(2) of this section to the political subdivision in 91360
which the violation occurred. Except as provided in division 91361
(J)(2) of this section, the political subdivision shall use the 91362
fine moneys it receives under division (J)(2) of this section to 91363
pay the expenses it incurs in complying with the signage and 91364
notice requirements contained in division (E) of this section. The 91365
political subdivision may use up to fifty per cent of each fine it 91366
receives under division (J)(2) of this section to pay the costs of 91367

educational, advocacy, support, and assistive technology programs 91368
for persons with disabilities, and for public improvements within 91369
the political subdivision that benefit or assist persons with 91370
disabilities, if governmental agencies or nonprofit organizations 91371
offer the programs. 91372

(3) Whoever violates division (H) of this section shall be 91373
punished as follows: 91374

(a) Except as otherwise provided in division (J)(3) of this 91375
section, the offender shall be issued a warning. 91376

(b) If the offender previously has been convicted of or 91377
pleaded guilty to a violation of division (H) of this section or 91378
of a municipal ordinance that is substantially similar to that 91379
division, the offender shall not be issued a warning but shall be 91380
fined not more than twenty-five dollars for each parking location 91381
that is not properly marked or whose markings are not properly 91382
maintained. 91383

(K) As used in this section: 91384

(1) "Handicapped person" means any person who has lost the 91385
use of one or both legs or one or both arms, who is blind, deaf, 91386
or so severely handicapped as to be unable to move without the aid 91387
of crutches or a wheelchair, or whose mobility is restricted by a 91388
permanent cardiovascular, pulmonary, or other handicapping 91389
condition. 91390

(2) "Person with a disability that limits or impairs the 91391
ability to walk" has the same meaning as in section 4503.44 of the 91392
Revised Code. 91393

(3) "Special license plates" and "removable windshield 91394
placard" mean any license plates or removable windshield placard 91395
or temporary removable windshield placard issued under section 91396
4503.41 or 4503.44 of the Revised Code, and also mean any 91397
substantially similar license plates or removable windshield 91398

placard or temporary removable windshield placard issued by a 91399
state, district, country, or sovereignty. 91400

Sec. 4511.85. (A) The operator of a chauffeured limousine 91401
shall accept passengers only on the basis of prearranged 91402
contracts, as defined in division (LL) of section 4501.01 of the 91403
Revised Code, and shall not cruise in search of patronage unless 91404
the limousine is in compliance with any statute or ordinance 91405
governing the operation of taxicabs or other similar vehicles for 91406
hire. 91407

(B) The operator of a chauffeured limousine may provide 91408
transportation to passengers who arrange for the transportation 91409
through an intermediary, including a digital dispatching service. 91410
Notwithstanding any law to the contrary, when providing 91411
transportation arranged through an intermediary, the operator of a 91412
chauffeured limousine may establish the fare and method of fare 91413
calculation, so long as the method of fare calculation is provided 91414
to the passenger upon request. 91415

(C) No person shall advertise or hold self out as doing 91416
business as a limousine service or livery service or other similar 91417
designation unless each vehicle used by the person to provide the 91418
service is registered in accordance with section 4503.24 of the 91419
Revised Code and is in compliance with section 4509.80 of the 91420
Revised Code. 91421

~~(C)~~(D) Whoever violates this section is guilty of a 91422
misdemeanor of the first degree. 91423

Sec. 4513.34. (A)(1) The director of transportation with 91424
respect to all highways that are a part of the state highway 91425
system and local authorities with respect to highways under their 91426
jurisdiction, upon application in writing, shall issue a special 91427
regional heavy hauling permit authorizing the applicant to operate 91428

or move a vehicle or combination of vehicles as follows: 91429

(a) At a size or weight of vehicle or load exceeding the 91430
maximum specified in sections 5577.01 to 5577.09 of the Revised 91431
Code, or otherwise not in conformity with sections 4513.01 to 91432
4513.37 of the Revised Code; 91433

(b) Upon any highway under the jurisdiction of the authority 91434
granting the permit except those highways with a condition 91435
insufficient to bear the weight of the vehicle or combination of 91436
vehicles as stated in the application; 91437

(c) For regional trips at distances of one hundred fifty 91438
miles or less from a facility stated on the application as the 91439
applicant's point of origin. 91440

Issuance of a special regional heavy hauling permit is 91441
subject to the payment of a fee established by the director or 91442
local authority in accordance with this section. 91443

(2) In circumstances where a person is not eligible to 91444
receive a permit under division (A)(1) of this section, the 91445
director of transportation with respect to all highways that are a 91446
part of the state highway system and local authorities with 91447
respect to highways under their jurisdiction, upon application in 91448
writing and for good cause shown, may issue a special permit in 91449
writing authorizing the applicant to operate or move a vehicle or 91450
combination of vehicles of a size or weight of vehicle or load 91451
exceeding the maximum specified in sections 5577.01 to 5577.09 of 91452
the Revised Code, or otherwise not in conformity with sections 91453
4513.01 to 4513.37 of the Revised Code, upon any highway under the 91454
jurisdiction of the authority granting the permit. 91455

(3) For purposes of this section, the director may designate 91456
certain state highways or portions of state highways as special 91457
economic development highways. If an application submitted to the 91458

director under this section involves travel of a nonconforming 91459
vehicle or combination of vehicles upon a special economic 91460
development highway, the director, in determining whether good 91461
cause has been shown that issuance of a permit is justified, shall 91462
consider the effect the travel of the vehicle or combination of 91463
vehicles will have on the economic development in the area in 91464
which the designated highway or portion of highway is located. 91465

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 91466
Code, the holder of a permit issued by the director under this 91467
section may move the vehicle or combination of vehicles described 91468
in the permit on any highway that is a part of the state highway 91469
system when the movement is partly within and partly without the 91470
corporate limits of a municipal corporation. No local authority 91471
shall require any other permit or license or charge any license 91472
fee or other charge against the holder of a permit for the 91473
movement of a vehicle or combination of vehicles on any highway 91474
that is a part of the state highway system. The director shall not 91475
require the holder of a permit issued by a local authority to 91476
obtain a special permit for the movement of vehicles or 91477
combination of vehicles on highways within the jurisdiction of the 91478
local authority. Permits may be issued for any period of time not 91479
to exceed one year, as the director in the director's discretion 91480
or a local authority in its discretion determines advisable, or 91481
for the duration of any public construction project. 91482

(C)(1) The application for a permit issued under this section 91483
shall be in the form that the director or local authority 91484
prescribes. The director or local authority may prescribe a permit 91485
fee to be imposed and collected when any permit described in this 91486
section is issued. The permit fee may be in an amount sufficient 91487
to reimburse the director or local authority for the 91488
administrative costs incurred in issuing the permit, and also to 91489
cover the cost of the normal and expected damage caused to the 91490

roadway or a street or highway structure as the result of the 91491
operation of the nonconforming vehicle or combination of vehicles. 91492
The director, in accordance with Chapter 119. of the Revised Code, 91493
shall establish a schedule of fees for permits issued by the 91494
director under this section; however, the fee to operate a triple 91495
trailer unit, at locations authorized under federal law, shall be 91496
one hundred dollars. 91497

(2) For the purposes of this section and of rules adopted by 91498
the director under this section, milk transported in bulk by 91499
vehicle is deemed a nondivisible load. 91500

(3) For purposes of this section and of rules adopted by the 91501
director under this section, three or fewer aluminum coils, 91502
transported by a vehicle, are deemed a nondivisible load. The 91503
director shall adopt rules establishing requirements for an 91504
aluminum coil permit that are substantially similar to the 91505
requirements for a steel coil permit under Chapter 5501:2-1 of the 91506
Administrative Code. 91507

(D) The director or a local authority shall issue a special 91508
regional heavy hauling permit under division (A)(1) of this 91509
section upon application and payment of the applicable fee. 91510
However, the director or local authority may issue or withhold a 91511
special permit specified in division (A)(2) of this section. If a 91512
permit is to be issued, the director or local authority may limit 91513
or prescribe conditions of operation for the vehicle and may 91514
require the posting of a bond or other security conditioned upon 91515
the sufficiency of the permit fee to compensate for damage caused 91516
to the roadway or a street or highway structure. In addition, a 91517
local authority, as a condition of issuance of an overweight 91518
permit, may require the applicant to develop and enter into a 91519
mutual agreement with the local authority to compensate for or to 91520
repair excess damage caused to the roadway by travel under the 91521
permit. 91522

For a permit that will allow travel of a nonconforming
vehicle or combination of vehicles on a special economic
development highway, the director, as a condition of issuance, may
require the applicant to agree to make periodic payments to the
department to compensate for damage caused to the roadway by
travel under the permit.

(E) Every permit issued under this section shall be carried
in the vehicle or combination of vehicles to which it refers and
shall be open to inspection by any police officer or authorized
agent of any authority granting the permit. No person shall
violate any of the terms of a permit.

(F) The director may debar an applicant from applying for a
permit under this section upon a finding based on a reasonable
belief that the applicant has done any of the following:

(1) Abused the process by repeatedly submitting false
information or false travel plans or by using another company or
individual's name, insurance, or escrow account without proper
authorization;

(2) Failed to comply with or substantially perform under a
previously issued permit according to its terms, conditions, and
specifications within specified time limits;

(3) Failed to cooperate in the application process for the
permit or in any other procedures that are related to the issuance
of the permit by refusing to provide information or documents
required in a permit or by failing to respond to and correct
matters related to the permit;

(4) Accumulated repeated justified complaints regarding
performance under a permit that was previously issued to the
applicant or previously failed to obtain a permit when such a
permit was required;

(5) Attempted to influence a public employee to breach

ethical conduct standards; 91554

(6) Been convicted of a criminal offense related to the 91555
application for, or performance under, a permit, including, but 91556
not limited to, bribery, falsification, fraud or destruction of 91557
records, receiving stolen property, and any other offense that 91558
directly reflects on the applicant's integrity or commercial 91559
driver's license; 91560

(7) Accumulated repeated convictions under a state or federal 91561
safety law governing commercial motor vehicles or a rule or 91562
regulation adopted under such a law; 91563

(8) Accumulated repeated convictions under a law, rule, or 91564
regulation governing the movement of traffic over the public 91565
streets and highways; 91566

(9) Failed to pay any fees associated with any permitted 91567
operation or move; 91568

(10) Deliberately or willfully submitted false or misleading 91569
information in connection with the application for, or performance 91570
under, a permit issued under this section. 91571

If the applicant is a partnership, association, or 91572
corporation, the director also may debar from consideration for 91573
permits any partner of the partnership, or the officers, 91574
directors, or employees of the association or corporation being 91575
debarred. 91576

The director may adopt rules in accordance with Chapter 119. 91577
of the Revised Code governing the debarment of an applicant. 91578

(G) When the director reasonably believes that grounds for 91579
debarment exist, the director shall send the person that is 91580
subject to debarment a notice of the proposed debarment. A notice 91581
of proposed debarment shall indicate the grounds for the debarment 91582
of the person and the procedure for requesting a hearing. The 91583

notice and hearing shall be in accordance with Chapter 119. of the 91584
Revised Code. If the person does not respond with a request for a 91585
hearing in the manner specified in that chapter, the director 91586
shall issue the debarment decision without a hearing and shall 91587
notify the person of the decision by certified mail, return 91588
receipt requested. The debarment period may be of any length 91589
determined by the director, and the director may modify or rescind 91590
the debarment at any time. During the period of debarment, the 91591
director shall not issue, or consider issuing, a permit under this 91592
section to any partnership, association, or corporation that is 91593
affiliated with a debarred person. After the debarment period 91594
expires, the person, and any partnership, association, or 91595
corporation affiliated with the person, may reapply for a permit. 91596

(H)(1) No person shall violate the terms of a permit issued 91597
under this section that relate to gross load limits. 91598

(2) No person shall violate the terms of a permit issued 91599
under this section that relate to axle load by more than two 91600
thousand pounds per axle or group of axles. 91601

(3) No person shall violate the terms of a permit issued 91602
under this section that relate to an approved route except upon 91603
order of a law enforcement officer or authorized agent of the 91604
issuing authority. 91605

(I) Whoever violates division (H) of this section shall be 91606
punished as provided in section 4513.99 of the Revised Code. 91607

(J) A permit issued by the department of transportation or a 91608
local authority under this section for the operation of a vehicle 91609
or combination of vehicles is valid for the purposes of the 91610
vehicle operation in accordance with the conditions and 91611
limitations specified on the permit. Such a permit is voidable by 91612
law enforcement only for operation of a vehicle or combination of 91613
vehicles in violation of the weight, dimension, or route 91614

provisions of the permit. However, a permit is not voidable for 91615
operation in violation of a route provision of a permit if the 91616
operation is upon the order of a law enforcement officer. 91617

Sec. 4519.11. One dollar and twenty-five cents of each fee 91618
collected under sections 4519.04 and 4519.09 of the Revised Code 91619
shall be paid into the state bureau of motor vehicles fund created 91620
by section 4501.25 of the Revised Code. All other fees, and all 91621
taxes and fines levied, charged, or referred to in this chapter, 91622
unless otherwise designated by law, shall be deposited into the 91623
state treasury to the credit of the state recreational vehicle 91624
fund, which is hereby created. The state recreational vehicle fund 91625
shall be used for the purpose of enforcing and administering the 91626
law relative to the registration and operation of snowmobiles, 91627
off-highway motorcycles, and all-purpose vehicles within the 91628
state. In addition, subject to controlling board approval, the 91629
fund shall be used for the purpose of expanding the activities of 91630
the department of natural resources to provide trails and other 91631
areas for the operation of such vehicles on state-controlled land 91632
and waters, for the purchase of additional land to be used for 91633
such purposes, and for the development and implementation by the 91634
department of programs relating to the safe use and enjoyment of 91635
snowmobiles, off-highway motorcycles, and all-purpose vehicles. 91636

All investment earnings of the state recreational vehicle 91637
fund shall be credited to the fund. 91638

Notwithstanding section 1501.01 of the Revised Code, nothing 91639
in this section authorizes the appropriation of property to 91640
provide trails and other areas for the operation of snowmobiles, 91641
off-highway motorcycles, and all-purpose vehicles. 91642

Sec. 4701.03. (A) The accountancy board annually shall elect 91643
a president, secretary, and treasurer from its members. The board 91644

may adopt and amend rules for the orderly conduct of its affairs 91645
and for the administration of this chapter. The board may adopt 91646
and amend rules defining the practice of public accounting, rules 91647
of professional conduct appropriate to establish and maintain a 91648
high standard of integrity and dignity in registrants and 91649
certificate holders under this chapter, and rules regulating the 91650
sole proprietorship, partnership, limited liability company, 91651
professional association, corporation-for-profit, or other legal 91652
entity practice of public accounting. A majority of the board 91653
shall constitute a quorum for the transaction of business. 91654

(B) The board shall keep and hold open for public inspection 91655
all records of its proceedings. 91656

(C) The board may employ any clerks that are necessary to 91657
assist it in the performance of its duties and the keeping of its 91658
records. If the board employs an executive director, the board 91659
shall pay the executive director ~~shall be paid~~ in accordance with 91660
~~pay range 18 of schedule E-1 of section 124.152 of the Revised~~ 91661
~~Code, or, if the director was employed and being paid on June 28,~~ 91662
~~2003, in accordance with step 7 in pay range 18 of schedule E-1 of~~ 91663
~~former section 124.152 of the Revised Code and continued to be so~~ 91664
~~paid on June 29, 2003, the executive director shall be paid in~~ 91665
~~accordance with pay range 18 of salary schedule E-1 for step seven~~ 91666
~~only of section 124.152 of the Revised Code.~~ 91667

Sec. 4707.02. (A) No person shall act as an auction firm, 91668
auctioneer, apprentice auctioneer, or special auctioneer within 91669
this state without a license issued by the department of 91670
agriculture. No auction shall be conducted in this state except by 91671
an auctioneer licensed by the department. 91672

The department shall not issue or renew a license if the 91673
applicant or licensee has been convicted of a felony or crime 91674
involving fraud or theft in this or another state at any time 91675

during the ten years immediately preceding application or renewal. 91676

(B) Division (A) of this section does not apply to any of the 91677
following: 91678

(1) Sales at auction that either are required by law to be at 91679
auction, other than sales pursuant to a judicial order or decree, 91680
or are conducted by or under the direction of a public authority; 91681

(2) The owner of any real or personal property desiring to 91682
sell the property at auction, provided that the property was not 91683
acquired for the purpose of resale; 91684

(3) An auction mediation company; 91685

(4) An auction that is conducted in a course of study for 91686
auctioneers that is approved by the state auctioneers commission 91687
created under section 4707.03 of the Revised Code for purposes of 91688
student training and is supervised by a licensed auctioneer; 91689

(5)(a) An auction that is sponsored by a nonprofit or 91690
charitable organization that is registered in this state under 91691
Chapter 1702. or Chapter 1716. of the Revised Code, respectively, 91692
if the auction only involves the property of the members of the 91693
organization and the auction is part of a fair that is organized 91694
by an agricultural society under Chapter 1711. of the Revised Code 91695
or by the Ohio expositions commission under Chapter 991. of the 91696
Revised Code at which an auctioneer who is licensed under this 91697
chapter physically conducts the auction; or 91698

(b) Sales at an auction sponsored by a charitable, religious, 91699
or civic organization that is tax exempt under subsection 91700
501(c)(3) of the Internal Revenue Code, or by a public school, 91701
chartered nonpublic school, or community school, if no person in 91702
the business of organizing, arranging, or conducting an auction 91703
for compensation and no consignor of consigned items sold at the 91704
auction, except such organization or school, receives compensation 91705
from the proceeds of the auction. As used in division (B)(5)(b) of 91706

this section, "compensation" means money, a thing of value other than participation in a charitable event, or a financial benefit.

(6) A person licensed as a livestock dealer under Chapter 943. of the Revised Code who exclusively sells livestock and uses an auctioneer who is licensed under this chapter to conduct the auction;

(7) A person licensed as a motor vehicle auction owner under Chapter 4517. of the Revised Code who exclusively sells motor vehicles to a person licensed under Chapter 4517. of the Revised Code and who uses an auctioneer who is licensed under this chapter to conduct the auction;

(8) A person who sells real or personal property by means of the internet;

(9) A bid calling contest that is approved by the commission and that is conducted for the purposes of the advancement or promotion of the auction profession in this state, provided that no compensation is paid to the sponsor of or participants in the contest other than a prize or award for winning the contest;

(10) An auction at which the champion of a national or international bid calling contest appears, provided that both of the following apply:

(a) The champion is not paid a commission.

(b) The auction is conducted under the direct supervision of an auctioneer licensed under this chapter in order to ensure that the champion complies with this chapter and rules adopted under it.

(C)(1) No person shall advertise or hold oneself out as an auction firm, auctioneer, apprentice auctioneer, or special auctioneer without a license issued by the department of agriculture.

(2) Division (C)(1) of this section does not apply to an individual who is the subject of an advertisement regarding an auction conducted under division (B)(5)(b) of this section.

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Sec. 4707.073. (A) No corporation, limited liability company, general or limited partnership, or unincorporated association shall act or hold itself out as an auctioneer without a valid auctioneer's license issued under this section. This section does not apply to a person who is issued a license under section 4707.071 of the Revised Code.

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(B) The department of agriculture may grant an auctioneer's license to a corporation, limited liability company, general or limited partnership, or unincorporated association that is determined to be qualified by the department. Every applicant for a license under this section shall furnish to the department, on forms provided by the department, satisfactory proof that the applicant:

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(1) Is in good standing with the secretary of state if the applicant is a corporation;

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(2) Is of trustworthy character;

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(3) Has provided proof of financial responsibility as required in section 4707.11 of the Revised Code;

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(4) Is registered with the secretary of state or a local authority, as applicable, to do business in this state;

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(5) Has complied with any other requirement that the director establishes in rules adopted under section 4707.19 of the Revised Code.

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(C) An application submitted under this section shall list the names of all of the owners, directors, partners, or members of the applicant, as applicable, and shall indicate those that have an auctioneer's license issued under section 4707.07 of the

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Revised Code. 91767

(D)~~(1)~~ The department shall not issue a license under this 91768
section unless one of the following applies, as applicable: 91769

~~(a)~~(1) If the applicant is a limited liability company or a 91770
general or limited partnership, not less than fifty per cent of 91771
the members or general partners have a current license issued 91772
under section 4707.07 of the Revised Code. 91773

~~(b)~~(2) If the applicant is a corporation, not less than fifty 91774
per cent of the directors and the president or chief executive 91775
have a current license issued under section 4707.07 of the Revised 91776
Code. 91777

~~(c)~~(3) If the applicant is an unincorporated association, not 91778
less than fifty per cent of the members have a current license 91779
issued under section 4707.07 of the Revised Code. 91780

Failure of a corporation, limited liability company, 91781
partnership, or unincorporated association to maintain the 91782
applicable requirements of this division after the issuance of a 91783
license under this section may be sufficient cause for the 91784
revocation of the license under section 4707.15 of the Revised 91785
Code. 91786

~~(2) Not later than two years after the effective date of this~~ 91787
~~section, a corporation, partnership, or unincorporated association~~ 91788
~~that was issued a license under section 4707.07 of the Revised~~ 91789
~~Code on or before the effective date of this section shall comply~~ 91790
~~with the requirements established in division (D)(1) of this~~ 91791
~~section. If such a corporation, partnership, or unincorporated~~ 91792
~~association fails to comply with those requirements, the license~~ 91793
~~of the corporation, partnership, or unincorporated association~~ 91794
~~immediately shall terminate.~~ 91795

(E) Upon the issuance of a license under this section, a 91796
corporation, limited liability company, partnership, or 91797

unincorporated association shall designate an individual from 91798
among its directors, partners, or members who is licensed under 91799
section 4707.07 of the Revised Code as its agent for purposes of 91800
communication with the department. If that individual ceases to be 91801
the agent, the corporation, limited liability company, 91802
partnership, or unincorporated association shall notify the 91803
department not later than ten days after the day on which the 91804
individual ceases to be the agent. Upon notification to the 91805
department, the license of the corporation, limited liability 91806
company, partnership, or unincorporated association, as 91807
applicable, immediately shall terminate. If the corporation, 91808
limited liability company, partnership, or unincorporated 91809
association notifies the department of the designation of a new 91810
agent in accordance with the requirements of this division and 91811
pays a fee in the amount of ten dollars, the department shall 91812
issue the corporation, limited liability company, partnership, or 91813
unincorporated association a new license. 91814

(F) This section does not preclude a corporation, limited 91815
liability company, partnership, or unincorporated association from 91816
selling real property at auction, provided that the requirements 91817
of this section and section 4707.021 and Chapter 4735. of the 91818
Revised Code are satisfied. 91819

(G) A person licensed as a real estate broker under Chapter 91820
4735. of the Revised Code shall not be required to obtain a 91821
license under this section if the person complies with sections 91822
4707.021 and 4707.22 of the Revised Code. 91823

Sec. 4707.10. (A) The fee for each apprentice auctioneer's or 91824
auction firm license issued by the department of agriculture is 91825
one hundred dollars, and the annual renewal fee for any such 91826
license is one hundred dollars. All licenses expire annually on 91827
the last day of June of each year and shall be renewed according 91828

to the standard renewal procedures of Chapter 4745. of the Revised Code, or the procedures of this section. Any licensee under this chapter who wishes to renew the licensee's license, but fails to do so before the first day of July shall reapply for licensure in the same manner and pursuant to the same requirements as for initial licensure, unless before the first day of September of the year of expiration, the former licensee pays to the department, in addition to the regular renewal fee, a late renewal penalty of one hundred dollars.

(B)(1) Each person to whom the department issues an auctioneer's license or special auctioneer's license shall pay a licensure fee. Those licenses are biennial and expire in accordance with the schedule established in division (B)(2) of this section. If such a license is issued during the first year of a biennium, the licensee shall pay a fee in the amount of two hundred dollars. If the license is issued during the second year of a biennium, the licensee shall pay a fee in the amount of one hundred dollars. With respect to an auctioneer's license, the fees apply regardless of whether the license is issued to an individual under section 4707.07 of the Revised Code or to a corporation, limited liability company, partnership, or association under section 4707.073 of the Revised Code.

All auctioneer's licenses and special auctioneer's licenses expire on the last day of June of the biennium. The licenses shall be renewed in accordance with the standard renewal procedures of Chapter 4745. of the Revised Code or the procedures in this section and upon the licensee's payment to the department of a renewal fee of two hundred dollars. A licensee who wishes to renew the licensee's license, but who fails to do so before the first day of July following the license's expiration, shall reapply for licensure in the same manner and pursuant to the same requirements as for the initial licensure unless before the first day of

September following the expiration, the former licensee pays to 91861
the department, in addition to the regular renewal fee, a late 91862
renewal penalty of one hundred dollars. 91863

(2) The biennial expiration of an auctioneer's license or 91864
special auctioneer's license shall occur in accordance with the 91865
following schedule: 91866

(a) The license shall expire in odd-numbered years if the 91867
business name or last name, as applicable, of the licensee begins 91868
with the letters "A" through "J" or with the letters "X" through 91869
"Z." 91870

(b) The license shall expire in even-numbered years if the 91871
business name or last name, as applicable, of the licensee begins 91872
with the letters "K" through "W." 91873

(C) Any person who fails to renew the person's license before 91874
the first day of July is prohibited from engaging in any activity 91875
specified or comprehended in section 4707.01 of the Revised Code 91876
until such time as the person's license is renewed or a new 91877
license is issued. Renewal of a license between the first day of 91878
July and the first day of September does not relieve any person 91879
from complying with this division. The department may refuse to 91880
renew the license of or issue a new license to any person who 91881
violates this division. 91882

(D) The department shall prepare and deliver to each licensee 91883
a permanent license certificate and an identification card, the 91884
appropriate portion of which shall be carried on the person of the 91885
licensee at all times when engaged in any type of auction 91886
activity, and part of which shall be posted with the permanent 91887
certificate in a conspicuous location at the licensee's place of 91888
business. 91889

(E) Notice in writing shall be given to the department by 91890
each auctioneer or apprentice auctioneer licensee of any change of 91891

principal business location or any change or addition to the name 91892
or names under which business is conducted, whereupon the 91893
department shall issue a new license for the unexpired period. Any 91894
change of business location or change or addition of names without 91895
notification to the department shall automatically cancel any 91896
license previously issued. For each new ~~auctioneer~~ auctioneer's or 91897
apprentice ~~auctioneer~~ auctioneer's license issued upon the 91898
occasion of a change in business location or a change in or an 91899
addition of names under which business is conducted, the 91900
department may collect a fee of ten dollars for each change in 91901
location, or name or each added name unless the notification of 91902
the change occurs concurrently with the renewal application or 91903
unless otherwise provided in section 4707.07 of the Revised Code. 91904

Sec. 4709.11. Every license issued pursuant to this chapter 91905
expires on the thirty-first day of August of each even-numbered 91906
year. Each licensee desiring to do so shall, on or before the 91907
first day of September of each even-numbered year, renew ~~his~~ the 91908
licensee's license pursuant to the standard renewal procedure of 91909
Chapter 4745. of the Revised Code. Any holder of an expired 91910
license shall restore ~~his~~ the holder's license before continuing 91911
the practice of barbering or the activity for which ~~he~~ the holder 91912
is licensed under this chapter and pay the appropriate restoration 91913
fee. If the person fails to restore ~~his~~ the person's license 91914
within ~~three~~ six years, ~~he~~ the person shall pay any required 91915
restoration fee and take any examination required for the license 91916
under this chapter. 91917

Sec. 4713.08. (A) The state board of cosmetology shall adopt 91918
rules in accordance with Chapter 119. of the Revised Code as 91919
necessary to implement this chapter. The rules shall do all of the 91920
following: 91921

(1) Govern the practice of the branches of cosmetology and 91922

management of salons;	91923
(2) Specify conditions a person must satisfy to qualify for a temporary pre-examination work permit under section 4713.22 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section;	91924 91925 91926 91927
(3) Provide for the conduct of examinations under section 4713.24 of the Revised Code;	91928 91929
(4) Specify conditions under which the board will take into account, under section 4713.32 of the Revised Code, instruction an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code received more than five years before the date of application for the license;	91930 91931 91932 91933 91934
(5) Provide for the granting of waivers under section 4713.29 of the Revised Code;	91935 91936
(6) Specify conditions an applicant must satisfy for the board to issue the applicant a license under section 4713.34 of the Revised Code without the applicant taking an examination conducted under section 4713.24 of the Revised Code;	91937 91938 91939 91940
(7) Specify locations in which glamour photography services in which a branch of cosmetology is practiced may be provided;	91941 91942
(8) Establish conditions and the fee for a temporary special occasion work permit under section 4713.37 of the Revised Code and specify the amount of time such a permit is valid;	91943 91944 91945
(9) Specify conditions an applicant must satisfy for the board to issue the applicant an independent contractor license under section 4713.39 of the Revised Code and the fee for issuance and renewal of the license;	91946 91947 91948 91949
(10) Establish conditions under which food may be sold at a salon;	91950 91951
(11) Specify which professions regulated by a professional	91952

regulatory board of this state may be practiced in a salon under 91953
section 4713.42 of the Revised Code; 91954

(12) Establish standards for the provision of cosmetic 91955
therapy, massage therapy, or other professional service in a salon 91956
pursuant to section 4713.42 of the Revised Code; 91957

(13) Establish standards for board approval of, and the 91958
granting of credits for, training in branches of cosmetology at 91959
schools of cosmetology licensed in this state; 91960

(14) Establish the manner in which a school of cosmetology 91961
licensed under section 4713.44 of the Revised Code may offer 91962
post-secondary and advanced practice programs; 91963

(15) Establish sanitary standards for the practice of the 91964
branches of cosmetology, salons, and schools of cosmetology; 91965

~~(15)~~(16) Establish the application process for obtaining a 91966
tanning facility permit under section 4713.48 of the Revised Code, 91967
including the amount of the fee for an initial or renewed permit; 91968

~~(16)~~(17) Establish standards for installing and operating a 91969
tanning facility in a manner that ensures the health and safety of 91970
consumers, including standards that do all of the following: 91971

(a) Establish a maximum safe time of exposure to radiation 91972
and a maximum safe temperature at which sun lamps may be operated; 91973

(b) Require consumers to wear protective eyeglasses and be 91974
supervised as to the length of time consumers use the facility; 91975

(c) Require the operator to prohibit consumers from standing 91976
too close to sun lamps and to post signs warning consumers of the 91977
potential effects of radiation on persons taking certain 91978
medications and of the possible relationship of the radiation to 91979
skin cancer; 91980

(d) Require the installation of protective shielding for sun 91981
lamps and handrails for consumers; 91982

(e) Require floors to be dry during operation of lamps;	91983
(f) Require a consumer who is under the age of eighteen to obtain written consent from the consumer's parent or legal guardian prior to receiving tanning services.	91984 91985 91986
(17) (18)(a) If the board, under section 4713.61 of the Revised Code, develops a procedure for classifying licenses inactive, do both of the following:	91987 91988 91989
(i) Establish a fee for having a license classified inactive that reflects the cost to the board of providing the inactive license service;	91990 91991 91992
(ii) Specify the continuing education that a person whose license has been classified inactive must complete to have the license restored. The continuing education shall be sufficient to ensure the minimum competency in the use or administration of a new procedure or product required by a licensee necessary to protect public health and safety. The requirement shall not exceed the cumulative number of hours of continuing education that the person would have been required to complete had the person retained an active license.	91993 91994 91995 91996 91997 91998 91999 92000 92001
(b) In addition, the board may specify the conditions and method for granting a temporary work permit to practice a branch of cosmetology to a person whose license has been classified inactive.	92002 92003 92004 92005
(18) (19) Establish a fee for approval of a continuing education program under section 4713.62 of the Revised Code that is adequate to cover any expense the board incurs in the approval process;	92006 92007 92008 92009
(19) (20) Anything else necessary to implement this chapter.	92010
(B)(1) The rules adopted under division (A)(2) of this section may establish additional conditions for a temporary	92011 92012

pre-examination work permit under section 4713.22 of the Revised Code that are applicable to persons who practice a branch of cosmetology in another state or country.

(2) The rules adopted under division (A)~~(17)~~(18)(b) of this section may establish additional conditions for a temporary work permit that are applicable to persons who practice a branch of cosmetology in another state.

(C) The conditions specified in rules adopted under division (A)(6) of this section may include that an applicant is applying for a license to practice a branch of cosmetology for which the board determines an examination is unnecessary.

(D) The rules adopted under division (A)(11) of this section shall not include a profession if practice of the profession in a salon is a violation of a statute or rule governing the profession.

(E) The sanitary standards established under division (A)~~(14)~~(15) of this section shall focus in particular on precautions to be employed to prevent infectious or contagious diseases being created or spread. The board shall consult with the Ohio department of health when establishing the sanitary standards.

(F) The fee established by rules adopted under division (A)~~(15)~~(16) of this section shall cover the cost the board incurs in inspecting tanning facilities and enforcing the board's rules but may not exceed one hundred dollars per location of such facilities.

Sec. 4713.44. (A) The state board of cosmetology shall issue a license to operate a school of cosmetology to an applicant who pays the applicable fee and satisfies all of the following requirements:

~~(A)~~(1) Maintains a course of practical training and technical instruction for the branch or branches of cosmetology to be taught at the school equal to the requirements for admission to an examination under section 4713.24 of the Revised Code that a person must pass to obtain a license to practice that branch or those branches of cosmetology;

~~(B)~~(2) Possesses or makes available apparatus and equipment sufficient for the ready and full teaching of all subjects of the curriculum;

~~(C)~~(3) Maintains persons licensed under section 4713.31 or 4713.34 of the Revised Code to teach the theory and practice of the branches of cosmetology;

~~(D)~~(4) Notifies the board of the enrollment of each new student, keeps a record devoted to the different practices, establishes grades, and holds examinations in order to certify the students' completion of the prescribed course of study before the issuance of certificates of completion;

~~(E)~~(5) In the case of a school of cosmetology that offers clock hours for the purpose of satisfying minimum hours of training and instruction, keeps a daily record of the attendance of each student;

~~(F)~~(6) On the date that an apprentice cosmetology instructor begins cosmetology instructor training at the school, certifies the name of the apprentice cosmetology instructor to the board along with the date on which the apprentice's instructor training began;

~~(G)~~(7) Instructs not more than six apprentice cosmetology instructors at any one time;

~~(H)~~(8) Files with the board a good and sufficient surety bond executed by the person, firm, or corporation operating the school of cosmetology as principal and by a surety company as surety in

the amount of ten thousand dollars; provided, that this 92074
requirement does not apply to a vocational program conducted by a 92075
city, exempted village, local, or joint vocational school 92076
district. The bond shall be in the form prescribed by the board 92077
and be conditioned upon the school's continued instruction in the 92078
theory and practice of the branches of cosmetology. Every bond 92079
shall continue in effect until notice of its termination is given 92080
to the board by registered mail and every bond shall so provide. 92081

(9) Establishes and maintains an internal procedure for 92082
processing complaints filed against the school and for providing 92083
students with instructions on how to file a complaint directly 92084
with the board pursuant to section 4713.641 of the Revised Code. 92085

(B) A school of cosmetology holding a license issued under 92086
division (A) of this section is an educational institution and is 92087
authorized to offer educational programs beyond secondary 92088
education, advanced practice programs, or both in accordance with 92089
rules adopted by the board pursuant to section 4713.08 of the 92090
Revised Code. 92091

(C) A school of cosmetology holding a license to operate a 92092
school of cosmetology on the effective date of this amendment 92093
shall establish and maintain an internal procedure for processing 92094
complaints filed against the school and shall provide each of the 92095
school's students with instructions on how to file a complaint 92096
directly with the board pursuant to section 4713.641 of the 92097
Revised Code. 92098

Sec. 4713.641. Any student or former student of a school of 92099
cosmetology licensed under division (A) of section 4713.44 of the 92100
Revised Code may file a complaint with the state board of 92101
cosmetology alleging that the school has violated division (A) of 92102
section 4713.64 of the Revised Code. The complaint shall be in 92103
writing and signed by the person bringing the complaint. Upon 92104

receiving a complaint, the board shall initiate a preliminary 92105
investigation to determine whether it is probable that a violation 92106
was committed. If the board determines after preliminary 92107
investigation that it is not probable that a violation was 92108
committed, the board shall notify the person who filed the 92109
complaint of the board's findings and that the board will not 92110
issue a formal complaint in the matter. If the board determines 92111
after a preliminary investigation that it is probable that a 92112
violation was committed, the board shall proceed against the 92113
school pursuant to the board's authority under section 4713.64 of 92114
the Revised Code and in accordance with the hearing and notice 92115
requirements prescribed in Chapter 119. of the Revised Code. 92116

Sec. 4715.22. (A)(1) This section applies only when a 92117
licensed dental hygienist is not practicing under a permit issued 92118
pursuant to section 4715.363 of the Revised Code authorizing 92119
practice under the oral health access supervision of a dentist. 92120

(2) As used in this section, "health care facility" means 92121
either of the following: 92122

(a) A hospital registered under section 3701.07 of the 92123
Revised Code; 92124

(b) A "home" as defined in section 3721.01 of the Revised 92125
Code. 92126

(B) A licensed dental hygienist shall practice under the 92127
supervision, order, control, and full responsibility of a dentist 92128
licensed under this chapter. A dental hygienist may practice in a 92129
dental office, public or private school, health care facility, 92130
dispensary, or public institution. Except as provided in division 92131
(C) or (D) of this section, a dental hygienist may not provide 92132
dental hygiene services to a patient when the supervising dentist 92133
is not physically present at the location where the dental 92134

hygienist is practicing. 92135

(C) A dental hygienist may provide, for not more than fifteen 92136
consecutive business days, dental hygiene services to a patient 92137
when the supervising dentist is not physically present at the 92138
location at which the services are provided if all of the 92139
following requirements are met: 92140

(1) The dental hygienist has at least two years and a minimum 92141
of three thousand hours of experience in the practice of dental 92142
hygiene. 92143

(2) The dental hygienist has successfully completed a course 92144
approved by the state dental board in the identification and 92145
prevention of potential medical emergencies. 92146

(3) The dental hygienist complies with written protocols for 92147
emergencies the supervising dentist establishes. 92148

(4) The dental hygienist does not perform, while the 92149
supervising dentist is absent from the location, procedures while 92150
the patient is anesthetized, definitive root planing, definitive 92151
subgingival curettage, or other procedures identified in rules the 92152
state dental board adopts. 92153

(5) The supervising dentist has evaluated the dental 92154
hygienist's skills. 92155

(6) The supervising dentist examined the patient not more 92156
than seven months prior to the date the dental hygienist provides 92157
the dental hygiene services to the patient. 92158

(7) The dental hygienist complies with written protocols or 92159
written standing orders that the supervising dentist establishes. 92160

(8) The supervising dentist completed and evaluated a medical 92161
and dental history of the patient not more than one year prior to 92162
the date the dental hygienist provides dental hygiene services to 92163
the patient and, except when the dental hygiene services are 92164

provided in a health care facility, the supervising dentist 92165
determines that the patient is in a medically stable condition. 92166

(9) If the dental hygiene services are provided in a health 92167
care facility, a doctor of medicine and surgery or osteopathic 92168
medicine and surgery who holds a current certificate issued under 92169
Chapter 4731. of the Revised Code or a registered nurse licensed 92170
under Chapter 4723. of the Revised Code is present in the health 92171
care facility when the services are provided. 92172

(10) In advance of the appointment for dental hygiene 92173
services, the patient is notified that the supervising dentist 92174
will be absent from the location and that the dental hygienist 92175
cannot diagnose the patient's dental health care status. 92176

(11) The dental hygienist is employed by, or under contract 92177
with, one of the following: 92178

(a) The supervising dentist; 92179

(b) A dentist licensed under this chapter who is one of the 92180
following: 92181

(i) The employer of the supervising dentist; 92182

(ii) A shareholder in a professional association formed under 92183
Chapter 1785. of the Revised Code of which the supervising dentist 92184
is a shareholder; 92185

(iii) A member or manager of a limited liability company 92186
formed under Chapter 1705. of the Revised Code of which the 92187
supervising dentist is a member or manager; 92188

(iv) A shareholder in a corporation formed under division (B) 92189
of section 1701.03 of the Revised Code of which the supervising 92190
dentist is a shareholder; 92191

(v) A partner or employee of a partnership or a limited 92192
liability partnership formed under Chapter 1775. or 1776. of the 92193
Revised Code of which the supervising dentist is a partner or 92194

employee. 92195

(c) A government entity that employs the dental hygienist to 92196
provide dental hygiene services in a public school or in 92197
connection with other programs the government entity administers. 92198

(D) A dental hygienist may provide dental hygiene services to 92199
a patient when the supervising dentist is not physically present 92200
at the location at which the services are provided if the services 92201
are provided as part of a dental hygiene program that is approved 92202
by the state dental board and all of the following requirements 92203
are met: 92204

(1) The program is operated through a school district board 92205
of education or the governing board of an educational service 92206
center; the board of health of a city or general health district 92207
or the authority having the duties of a board of health under 92208
section 3709.05 of the Revised Code; a national, state, district, 92209
or local dental association; or any other public or private entity 92210
recognized by the state dental board. 92211

(2) The supervising dentist is employed by or a volunteer 92212
for, and the patients are referred by, the entity through which 92213
the program is operated. 92214

(3) The (a) Except as provided in division (D)(3)(b) of this 92215
section, the services are performed after examination and 92216
diagnosis by the dentist and in accordance with the dentist's 92217
written treatment plan. 92218

(b) The requirement in division (D)(3)(a) of this section 92219
does not apply when the only service to be provided by the dental 92220
hygienist is the placement of pit and fissure sealants, the 92221
administration of fluoride mouth rinse through a school-based 92222
fluoride mouth rinse program authorized by section 3701.136 of the 92223
Revised Code, or both. 92224

(E) No person shall do either of the following: 92225

(1) Practice dental hygiene in a manner that is separate or otherwise independent from the dental practice of a supervising dentist;	92226 92227 92228
(2) Establish or maintain an office or practice that is primarily devoted to the provision of dental hygiene services.	92229 92230
(F) The state dental board shall adopt rules under division (C) of section 4715.03 of the Revised Code identifying procedures a dental hygienist may not perform when practicing in the absence of the supervising dentist pursuant to division (C) or (D) of this section.	92231 92232 92233 92234 92235
Sec. 4715.36. As used in this section and sections 4715.361 to 4715.374 of the Revised Code:	92236 92237
(A) "Accredited dental hygiene school" means a dental hygiene school accredited by the American dental association commission on dental accreditation or a dental hygiene school whose educational standards are recognized by the American dental association commission on dental accreditation and approved by the state dental board.	92238 92239 92240 92241 92242 92243
(B) "Authorizing dentist" means a dentist who authorizes a dental hygienist to perform dental hygiene services under section 4715.365 of the Revised Code.	92244 92245 92246
(C) "Clinical evaluation" means a diagnosis and treatment plan formulated for an individual patient by a dentist.	92247 92248
(D) "Dentist" means an individual licensed under this chapter to practice dentistry.	92249 92250
(E) "Dental hygienist" means an individual licensed under this chapter to practice as a dental hygienist.	92251 92252
(F) "Dental hygiene services" means the prophylactic, preventive, and other procedures that dentists are authorized by this chapter and rules of the state dental board to assign to	92253 92254 92255

dental hygienists, except for procedures while a patient is 92256
anesthetized, definitive root planing, definitive subgingival 92257
curettage, the administration of local anesthesia, and the 92258
procedures specified in rules adopted by the board as described in 92259
division (C)(4) of section 4715.22 of the Revised Code. 92260

(G) "Facility" means any of the following: 92261

(1) A health care facility, as defined in section 4715.22 of 92262
the Revised Code; 92263

(2) A state correctional institution, as defined in section 92264
2967.01 of the Revised Code; 92265

(3) A comprehensive child development program that receives 92266
funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 92267
42 U.S.C. 9831, as amended, and is licensed as a child day-care 92268
center; 92269

(4) A residential facility licensed under section 5123.19 of 92270
the Revised Code; 92271

(5) A public school, as defined in section 3701.93 of the 92272
Revised Code, located in an area designated as a dental health 92273
resource shortage area pursuant to section 3702.87 of the Revised 92274
Code; 92275

(6) A nonpublic school, as defined in section 3701.93 of the 92276
Revised Code, located in an area designated as a dental health 92277
resource shortage area pursuant to section 3702.87 of the Revised 92278
Code; 92279

(7) A federally qualified health center or federally 92280
qualified health center look-alike, as defined in section 3701.047 92281
of the Revised Code; 92282

(8) A shelter for victims of domestic violence, as defined in 92283
section 3113.33 of the Revised Code; 92284

(9) A facility operated by the department of youth services 92285

under Chapter 5139. of the Revised Code;	92286
(10) A shelter for runaways, as defined in section 5119.64 of the Revised Code;	92287 92288
(11) A foster home, as defined in section 5103.02 of the Revised Code;	92289 92290
(12) <u>(11)</u> A nonprofit clinic, as defined in section 3715.87 of the Revised Code;	92291 92292
(13) <u>(12)</u> The residence of one or more individuals receiving services provided by a home health agency, as defined in section 5101.61 of the Revised Code;	92293 92294 92295
(14) <u>(13)</u> A dispensary;	92296
(15) <u>(14)</u> A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;	92297 92298
(16) <u>(15)</u> The residence of one or more individuals enrolled in a home and community-based services medicaid waiver component, as defined in section 5111.851 <u>5166.01</u> of the Revised Code;	92299 92300 92301
(17) <u>(16)</u> A facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	92302 92303 92304
(18) <u>(17)</u> A women, infants, and children clinic;	92305
(19) <u>(18)</u> A mobile dental unit located at any location listed in divisions (G)(1) to (18) <u>(17)</u> of this section;	92306 92307
(20) <u>(19)</u> Any other location, as specified by the state dental board in rules adopted under section 4715.372 of the Revised Code, that is in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code and provides health care services to individuals who are <u>medicaid</u> recipients of medical assistance under the medicaid program established pursuant to Chapter 5111. of the Revised Code and to indigent and uninsured persons, as defined in section 2305.234 of the Revised Code.	92308 92309 92310 92311 92312 92313 92314 92315

Sec. 4715.372. (A) The state dental board shall adopt rules 92316
in accordance with Chapter 119. of the Revised Code as necessary 92317
to implement the oral health access supervision program, including 92318
rules that do all of the following: 92319

(1) For the purpose of division (G)~~(20)~~(19) of section 92320
4715.36 of the Revised Code, designate additional facilities at 92321
which a dental hygienist may be authorized to perform dental 92322
hygiene services under the oral health access supervision program; 92323

(2) For the purpose of section 4715.362 of the Revised Code, 92324
prescribe the application form and requirements for obtaining an 92325
oral health access supervision permit; 92326

(3) For the purpose of section 4715.363 of the Revised Code, 92327
prescribe the application form for a permit to practice as a 92328
dental hygienist under the oral health access supervision of a 92329
dentist; 92330

(4) For the purpose of division (B)(3) of section 4715.363 of 92331
the Revised Code and subject to division (B) of this section, 92332
establish standards for the course in the practice of dental 92333
hygiene under oral health access supervision; 92334

(5) For the purpose of section 4715.369 of the Revised Code, 92335
prescribe the form for renewal of an oral health access 92336
supervision permit; 92337

(6) For the purpose of section 4715.37 of the Revised Code, 92338
prescribe the form for renewal of a permit to practice as a dental 92339
hygienist under the oral health access supervision of a dentist. 92340

(B) The course in the practice of dental hygiene under oral 92341
health access supervision for which the board establishes 92342
standards under division (A)(4) of this section shall meet all of 92343
the following requirements: 92344

(1) Be eight hours in length; 92345

(2) Include, at a minimum, instruction in both of the following: 92346
92347

(a) The treatment of geriatric patients, medically compromised patients, developmentally disabled patients, and pediatric patients; 92348
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92350

(b) Recordkeeping practices. 92351

(3) Be developed and offered by an institution accredited by the American dental association commission on dental accreditation or a program provided by a sponsor of continuing education approved by the board; 92352
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(4) Include content that is separate and independent from the course content required for the completion of dental hygiene education from an accredited dental hygiene school. 92356
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92358

Sec. 4715.39. (A) The state dental board may define the duties that may be performed by dental assistants and other individuals designated by the board as qualified personnel. If defined, the duties shall be defined in rules adopted in accordance with Chapter 119. of the Revised Code. The rules may include training and practice standards for dental assistants and other qualified personnel. The standards may include examination and issuance of a certificate. If the board issues a certificate, the recipient shall display the certificate in a conspicuous location in any office in which the recipient is employed to perform the duties authorized by the certificate. 92359
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(B) A dental assistant may polish the clinical crowns of teeth if all of the following requirements are met: 92370
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(1) The dental assistant's polishing activities are limited to the use of a rubber cup attached to a slow-speed rotary dental hand piece to remove soft deposits that build up over time on the crowns of teeth. 92372
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(2) The polishing is performed only after a dentist has 92376
evaluated the patient and any calculus detected on the teeth to be 92377
polished has been removed by a dentist or dental hygienist. 92378

(3) The dentist supervising the assistant supervises not more 92379
than two dental assistants engaging in polishing activities at any 92380
given time. 92381

(4) The dental assistant is certified by the dental assisting 92382
national board or the Ohio commission on dental assistant 92383
certification. 92384

(5) The dental assistant receives a certificate from the 92385
board authorizing the assistant to engage in the polishing 92386
activities. The board shall issue the certificate if the 92387
individual has successfully completed training in the polishing of 92388
clinical crowns through a program accredited by the American 92389
dental association commission on dental accreditation or 92390
equivalent training approved by the board. The training shall 92391
include courses in basic dental anatomy and infection control, 92392
followed by a course in coronal polishing that includes didactic, 92393
preclinical, and clinical training; any other training required by 92394
the board; and a skills assessment that includes successful 92395
completion of standardized testing. The board shall adopt rules 92396
pursuant to division (A) of this section establishing standards 92397
for approval of this training. 92398

(C) A dental assistant may apply pit and fissure sealants if 92399
all of the following requirements are met: 92400

(1) A (a) Except as provided in division (C)(1)(b) of this 92401
section, a dentist evaluates the patient and designates the teeth 92402
and surfaces that will benefit from the application of sealant on 92403
the day the application is to be performed; 92404

(b) The requirement in division (C)(1)(a) of this section 92405
does not apply if the director of health makes a determination 92406

authorized by division (A)(1) of section 3701.138 of the Revised Code. 92407
92408

(2) The dental assistant is certified by the dental assisting national board or the Ohio commission on dental assistant certification. 92409
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(3) The dental assistant has successfully completed a course in the application of sealants consisting of at least two hours of didactic instruction and six hours of clinical instruction through a program provided by an institution accredited by the American dental association commission on dental accreditation or a program provided by a sponsor of continuing education approved by the board. 92412
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(4) The dentist supervising the assistant has observed the assistant successfully apply at least six sealants. 92419
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(5) The dentist supervising the assistant checks and approves the application of all sealants placed by the assistant before the patient leaves the location where the sealant application procedure is performed. 92421
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(D) If the director of health establishes a school-based fluoride mouth rinse program under section 3701.136 of the Revised Code and makes a determination authorized by division (A)(2) of section 3701.138 of the Revised Code, a dental assistant who is certified by the dental assisting national board or the Ohio commission on dental assistant certification may administer fluoride mouth rinse to a student under the program when a dentist is not present and without a dentist first examining the student. 92425
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(E) Subject to this section and the applicable rules of the board, licensed dentists may assign to dental assistants and other qualified personnel dental procedures that do not require the professional competence or skill of the licensed dentist, a dental hygienist, or an expanded function dental auxiliary as this 92433
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section or the board by rule authorizes dental assistants and 92438
other qualified personnel to perform. The performance of dental 92439
procedures by dental assistants and other qualified personnel 92440
shall be under direct supervision and full responsibility of the 92441
licensed dentist. 92442

~~(E)~~(F) Nothing in this section shall be construed by rule of 92443
the state dental board or otherwise to do the following: 92444

(1) Authorize dental assistants or other qualified personnel 92445
to engage in the practice of dental hygiene as defined by sections 92446
4715.22 and 4715.23 of the Revised Code or to perform the duties 92447
of a dental hygienist, including the removal of calcarious 92448
deposits, dental cement, or accretions on the crowns and roots of 92449
teeth other than as authorized pursuant to this section; 92450

(2) Authorize dental assistants or other qualified personnel 92451
to engage in the practice of an expanded function dental auxiliary 92452
as specified in section 4715.64 of the Revised Code or to perform 92453
the duties of an expanded function dental auxiliary other than as 92454
authorized pursuant to this section. 92455

(3) Authorize the assignment of any of the following: 92456

(a) Diagnosis; 92457

(b) Treatment planning and prescription, including 92458
prescription for drugs and medicaments or authorization for 92459
restorative, prosthodontic, or orthodontic appliances; 92460

(c) Surgical procedures on hard or soft tissue of the oral 92461
cavity, or any other intraoral procedure that contributes to or 92462
results in an irremediable alteration of the oral anatomy; 92463

(d) The making of final impressions from which casts are made 92464
to construct any dental restoration. 92465

~~(F)~~(G) No dentist shall assign any dental assistant or other 92466
individual acting in the capacity of qualified personnel to 92467

perform any dental procedure that the assistant or other 92468
individual is not authorized by this section or by board rule to 92469
perform. No dental assistant or other individual acting in the 92470
capacity of qualified personnel shall perform any dental procedure 92471
other than in accordance with this section and any applicable 92472
board rule or any dental procedure that the assistant or other 92473
individual is not authorized by this section or by board rule to 92474
perform. 92475

Sec. 4715.64. (A) The practice of an expanded function dental 92476
auxiliary shall consist of the following: 92477

(1) The procedures involved in the placement of restorative 92478
materials limited to amalgam restorative materials and 92479
~~non-metallic~~ nonmetallic restorative materials, including 92480
direct-bonded restorative materials; 92481

(2) The procedures involved in the placement of sealants; 92482

(3) Any additional procedures authorized by the state dental 92483
board in rules adopted under section 4715.66 of the Revised Code. 92484

(B)(1) An expanded function dental auxiliary shall practice 92485
under the direct supervision, order, control, and full 92486
responsibility of a dentist licensed under this chapter. At no 92487
time shall more than two expanded function dental auxiliaries be 92488
practicing as expanded function dental auxiliaries under the 92489
direct supervision of the same dentist. ~~An~~ Except as provided in 92490
division (B)(2) of this section, an expanded function dental 92491
auxiliary shall not practice as an expanded function dental 92492
auxiliary when the supervising dentist is not physically present 92493
at the location where the expanded function dental auxiliary is 92494
practicing. 92495

(2)(a) If the director of health makes a determination 92496
authorized by division (B)(1) of section 3701.138 of the Revised 92497

Code, an expanded function dental auxiliary may perform the 92498
procedures described in division (A)(2) of this section through a 92499
program operated by a school district board of education or the 92500
governing board of an educational service center if the 92501
supervising dentist is not physically present at the location 92502
where the expanded function dental auxiliary is practicing or a 92503
dentist has not first examined the patient. 92504

(b) If the director of health establishes a school-based 92505
fluoride mouth rinse program under section 3701.136 of the Revised 92506
Code and makes a determination authorized by division (B)(2) of 92507
section 3701.138 of the Revised Code, an expanded function dental 92508
auxiliary may administer fluoride mouth rinse to a student under 92509
the program when the supervising dentist is not physically present 92510
at the location where the expanded function dental auxiliary is 92511
practicing or a dentist has not first examined the patient. 92512

(C) Nothing in this section shall be construed by rule of the 92513
board or otherwise to authorize an expanded function dental 92514
auxiliary to engage in the practice of dental hygiene as defined 92515
by sections 4715.22 and 4715.23 of the Revised Code. 92516

Sec. 4717.03. (A) Members of the board of embalmers and 92517
funeral directors shall annually in July, or within thirty days 92518
after the senate's confirmation of the new members appointed in 92519
that year, meet and organize by selecting from among its members a 92520
president, vice-president, and secretary-treasurer. The board may 92521
hold other meetings as it determines necessary. A quorum of the 92522
board consists of four members, of whom at least three shall be 92523
members who are embalmers and funeral directors. The concurrence 92524
of at least four members is necessary for the board to take any 92525
action. The president and secretary-treasurer shall sign all 92526
licenses issued under this chapter and affix the board's seal to 92527
each license. 92528

(B) The board may appoint an individual who is not a member of the board to serve as executive director of the board. The board shall fix the compensation of the executive director. The executive director serves at the pleasure of the board and shall do all of the following:

(1) Serve as the board's chief administrative officer;

(2) Act as custodian of the board's records;

(3) Execute all of the board's orders;

(4) Employ staff who are not members of the board and who serve at the pleasure of the executive director to provide any assistance that the board considers necessary;

(5) Fix the compensation of staff employed pursuant to division (B)(4) of this section.

(C) In executing the board's orders as required by division (B)(3) of this section, the executive director may enter the premises, establishment, office, or place of business of any embalmer, funeral director, or operator of a crematory facility in this state. The executive director may serve and execute any process issued by any court under this chapter.

~~(C) The board may employ clerical or technical staff who are not members of the board and who serve at the pleasure of the board to provide any clerical or technical assistance the board considers necessary.~~ (D) The board executive director may employ necessary inspectors, who shall be licensed embalmers and funeral directors. ~~Any~~ An inspector employed by the ~~board~~ executive director may enter the premises, establishment, office, or place of business of any embalmer, funeral director, or operator of a crematory facility in this state, for the purposes of inspecting the facility and premises; the license and registration of embalmers and funeral directors operating in the facility; and the license of the funeral home, embalming facility, or crematory. ~~The~~

~~inspector shall serve and execute any process issued by any court~~ 92560
~~under this chapter, serve and execute any papers or process issued~~ 92561
~~by the board or any officer or member of the board, facility and~~ 92562
perform any other duties delegated to the inspector by the board 92563
or assigned to the inspector by the executive director. The 92564
executive director may enter the facility or premises of a funeral 92565
home, embalming facility, or crematory for the purpose of an 92566
inspection if accompanied by an inspector or, if an inspector is 92567
not available, when a situation presents a danger of immediate and 92568
serious harm to the public. 92569

~~(D)~~(E) The president of the board shall designate three of 92570
~~its~~ the board's members to serve on the crematory review board, 92571
which is hereby created, for such time as the president finds 92572
appropriate to carry out the provisions of this chapter. Those 92573
members of the crematory review board designated by the president 92574
to serve and three members designated by the cemetery dispute 92575
resolution commission shall designate, by a majority vote, one 92576
person who is experienced in the operation of a crematory facility 92577
and who is not affiliated with a cemetery or a funeral home to 92578
serve on the crematory review board for such time as the crematory 92579
review board finds appropriate. Members serving on the crematory 92580
review board shall not receive any additional compensation for 92581
serving on the board, but may be reimbursed for their actual and 92582
necessary expenses incurred in the performance of official duties 92583
as members of the board. Members of the crematory review board 92584
shall designate one from among its members to serve as a 92585
chairperson for such time as the board finds appropriate. Costs 92586
associated with conducting an adjudicatory hearing in accordance 92587
with division ~~(E)~~(F) of this section shall be paid from funds 92588
available to the board of embalmers and funeral directors. 92589

~~(E)~~(F) Upon receiving written notice from the board of 92590
embalmers and funeral directors of any of the following, the 92591

crematory review board shall conduct an adjudicatory hearing on 92592
the matter in accordance with Chapter 119. of the Revised Code, 92593
except as otherwise provided in this section or division (C) of 92594
section 4717.14 of the Revised Code: 92595

(1) Notice provided under division ~~(H)~~(I) of this section of 92596
an alleged violation of any provision of this chapter or any rules 92597
adopted under this chapter governing or in connection with 92598
crematory facilities or cremation; 92599

(2) Notice provided under division (B) of section 4717.14 of 92600
the Revised Code that the board of embalmers and funeral directors 92601
proposes to refuse to grant or renew, or to suspend or revoke, a 92602
license to operate a crematory facility; 92603

(3) Notice provided under division (C) of section 4717.14 of 92604
the Revised Code that the board of embalmers and funeral directors 92605
has issued an order summarily suspending a license to operate a 92606
crematory facility; 92607

(4) Notice provided under division (B) of section 4717.15 of 92608
the Revised Code that the board of embalmers and funeral directors 92609
proposes to issue a notice of violation and order requiring 92610
payment of a forfeiture for any violation described in divisions 92611
(A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in 92612
connection with a crematory facility or cremation. 92613

Nothing in division ~~(E)~~(F) of this section precludes the 92614
crematory review board from appointing an independent examiner in 92615
accordance with section 119.09 of the Revised Code to conduct any 92616
adjudication hearing required under division ~~(E)~~(F) of this 92617
section. 92618

The crematory review board shall submit a written report of 92619
findings and advisory recommendations, and a written transcript of 92620
its proceedings, to the board of embalmers and funeral directors. 92621
The board of embalmers and funeral directors shall serve a copy of 92622

the written report of the crematory review board's findings and 92623
advisory recommendations on the party to the adjudication or the 92624
party's attorney, by certified mail, within five days after 92625
receiving the report and advisory recommendations. A party may 92626
file objections to the written report with the board of embalmers 92627
and funeral directors within ten days after receiving the report. 92628
No written report is final or appealable until it is issued as a 92629
final order by the board of embalmers and funeral directors and 92630
entered on the record of the proceedings. The board of embalmers 92631
and funeral directors shall consider objections filed by the party 92632
prior to issuing a final order. After reviewing the findings and 92633
advisory recommendations of the crematory review board, the 92634
written transcript of the crematory review board's proceedings, 92635
and any objections filed by a party, the board of embalmers and 92636
funeral directors shall issue a final order in the matter. Any 92637
party may appeal the final order issued by the board of embalmers 92638
and funeral directors in a matter described in divisions ~~(E)~~(F)(1) 92639
to (4) of this section in accordance with section 119.12 of the 92640
Revised Code, except that the appeal may be made to the court of 92641
common pleas in the county in which is located the crematory 92642
facility to which the final order pertains, or in the county in 92643
which the party resides. 92644

~~(F)~~(G) On its own initiative or on receiving a written 92645
complaint from any person whose identity is made known to the 92646
board of embalmers and funeral directors, the board shall 92647
investigate the acts or practices of any person holding or 92648
claiming to hold a license or registration under this chapter 92649
that, if proven to have occurred, would violate this chapter or 92650
any rules adopted under it. The board may compel witnesses by 92651
subpoena to appear and testify in relation to investigations 92652
conducted under this chapter and may require by subpoena duces 92653
tecum the production of any book, paper, or document pertaining to 92654
an investigation. If a person does not comply with a subpoena or 92655

subpoena duces tecum, the board may apply to the court of common 92656
pleas of any county in this state for an order compelling the 92657
person to comply with the subpoena or subpoena duces tecum, or for 92658
failure to do so, to be held in contempt of court. 92659

~~(G)~~(H) If, as a result of its investigation conducted under 92660
division ~~(F)~~(G) of this section, the board of embalmers and 92661
funeral directors has reasonable cause to believe that the person 92662
investigated is violating any provision of this chapter or any 92663
rules adopted under this chapter governing or in connection with 92664
embalming, funeral directing, funeral homes, embalming facilities, 92665
or the operation of funeral homes or embalming facilities, it may, 92666
after providing the opportunity for an adjudicatory hearing, issue 92667
an order directing the person to cease the acts or practices that 92668
constitute the violation. The board shall conduct the adjudicatory 92669
hearing in accordance with Chapter 119. of the Revised Code except 92670
that, notwithstanding the provisions of that chapter, the 92671
following shall apply: 92672

(1) The board shall send the notice informing the person of 92673
the person's right to a hearing by certified mail. 92674

(2) The person is entitled to a hearing only if the person 92675
requests a hearing and if the board receives the request within 92676
thirty days after the mailing of the notice described in division 92677
~~(G)~~(H)(1) of this section. 92678

(3) A stenographic record shall be taken, in the manner 92679
prescribed in section 119.09 of the Revised Code, at every 92680
adjudicatory hearing held under this section, regardless of 92681
whether the record may be the basis of an appeal to a court. 92682

~~(H)~~(I) If, as a result of its investigation conducted under 92683
division ~~(F)~~(G) of this section, the board of embalmers and 92684
funeral directors has reasonable cause to believe that the person 92685
investigated is violating any provision of this chapter or any 92686

rules adopted under this chapter governing or in connection with 92687
crematory facilities or cremation, the board shall send written 92688
notice of the alleged violation to the crematory review board. If, 92689
after the conclusion of the adjudicatory hearing in the matter 92690
conducted under division ~~(E)~~(F) of this section, the board of 92691
embalmers and funeral directors finds that a person is in 92692
violation of any provision of this chapter or any rules adopted 92693
under this chapter governing or in connection with crematory 92694
facilities or cremation, the board may issue a final order under 92695
that division directing the person to cease the acts or practices 92696
that constitute the violation. 92697

~~(I)~~(J) The board of embalmers and funeral directors may bring 92698
a civil action to enjoin any violation or threatened violation of 92699
sections 4717.01 to 4717.15 of the Revised Code or a rule adopted 92700
under any of those sections; division (A) or (B) of section 92701
4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or 92702
(F)(1) or (2), or divisions (H) to (K) of section 4717.26; 92703
division (D)(1) of section 4717.27; divisions (A) to (C) of 92704
section 4717.28, or division (D) or (E) of section 4717.31 of the 92705
Revised Code. The action shall be brought in the county where the 92706
violation occurred or the threatened violation is expected to 92707
occur. At the request of the board, the attorney general shall 92708
represent the board in any matter arising under this chapter. 92709

~~(J)~~(K) The board of embalmers and funeral directors and the 92710
crematory review board may issue subpoenas for funeral directors 92711
and embalmers or persons holding themselves out as such, for 92712
operators of crematory facilities or persons holding themselves 92713
out as such, or for any other person whose testimony, in the 92714
opinion of either board, is necessary. The subpoena shall require 92715
the person to appear before the appropriate board or any 92716
designated member of either board, upon any hearing conducted 92717
under this chapter. The penalty for disobedience to the command of 92718

such a subpoena is the same as for refusal to answer such a 92719
process issued under authority of the court of common pleas. 92720

~~(K)~~(L) All moneys received by the board of embalmers and 92721
funeral directors from any source shall be deposited in the state 92722
treasury to the credit of the occupational licensing and 92723
regulatory fund created in section 4743.05 of the Revised Code. 92724

~~(L)~~(M) The board of embalmers and funeral directors shall 92725
submit a written report to the governor on or before the first 92726
Monday of July of each year. This report shall contain a detailed 92727
statement of the nature and amount of the board's receipts and the 92728
amount and manner of its expenditures. 92729

Sec. 4717.06. (A)(1) Any person who desires to obtain a 92730
license to operate a funeral home, embalming facility, or 92731
crematory facility shall apply to the board of embalmers and 92732
funeral directors on a form provided by the board. The application 92733
shall include the initial license fee set forth in section 4717.07 92734
of the Revised Code and proof satisfactory to the board that the 92735
funeral home, embalming facility, or crematory facility is in 92736
compliance with rules adopted by the board under section 4717.04 92737
of the Revised Code, rules adopted by the board of building 92738
standards under Chapter 3781. of the Revised Code, and all other 92739
federal, state, and local requirements relating to the safety of 92740
the premises. 92741

(2) If the funeral home, embalming facility, or crematory 92742
facility to which the license application pertains is owned by a 92743
corporation or limited liability company, the application shall 92744
include the name and address of the corporation's or limited 92745
liability company's statutory agent appointed under section 92746
1701.07 or 1705.06 of the Revised Code or, in the case of a 92747
foreign corporation, the corporation's designated agent appointed 92748
under section 1703.041 of the Revised Code. If the funeral home, 92749

embalming facility, or crematory facility to which the application 92750
pertains is owned by a partnership, the application shall include 92751
the name and address of each of the partners. If, at any time 92752
after the submission of a license application or issuance of a 92753
license, the statutory or designated agent of a corporation or 92754
limited liability company owning a funeral home, embalming 92755
facility, or crematory facility or the address of the statutory or 92756
designated agent changes or, in the case of a partnership, any of 92757
the partners of the funeral home, embalming facility, or crematory 92758
facility or the address of any of the partners changes, the 92759
applicant for or holder of the license to operate the funeral 92760
home, embalming facility, or crematory facility shall submit 92761
written notice to the board, within thirty days after the change, 92762
informing the board of the change and of any name or address of a 92763
statutory or designated agent or partner that has changed from 92764
that contained in the application for the license or the most 92765
recent notice submitted under division (A)(2) of this section. 92766

(B)(1) The board shall issue a license to operate a funeral 92767
home only for the address at which the funeral home is operated. 92768
The funeral home license and licenses of the embalmers and funeral 92769
directors employed by the funeral home shall be displayed in a 92770
conspicuous place within the funeral home. 92771

(2) The funeral home shall have on the premises one of the 92772
following: 92773

(a) If embalming will take place at the funeral home, an 92774
embalming room that is adequately equipped and maintained. The 92775
embalming room shall be kept in a clean and sanitary manner and 92776
used only for the embalming, preparation, or holding of dead human 92777
bodies. The embalming room shall contain only the articles, 92778
facilities, and instruments necessary for those purposes. 92779

(b) If embalming will not take place at the funeral home, a 92780
holding room that is adequately equipped and maintained. The 92781

holding room shall be kept in a clean and sanitary manner and used 92782
only for the preparation, other than embalming, and holding of 92783
dead human bodies. The holding room shall contain only the 92784
articles and facilities necessary for those purposes. 92785

(3) Except as provided in division (B) of section 4717.11 of 92786
the Revised Code, a funeral home shall be established and operated 92787
only under the name of a holder of a funeral director's license 92788
issued by the board who is actually in charge of and ultimately 92789
responsible for the funeral home, and a funeral home license shall 92790
not include directional or geographical references in the name of 92791
the funeral home. The holder of the funeral home license shall be 92792
a funeral director licensed under this chapter who is actually in 92793
charge of and ultimately responsible for the funeral home. Nothing 92794
in division (B)(3) of this section prohibits the holder of a 92795
funeral home license from including directional or geographical 92796
references in promotional or advertising materials identifying the 92797
location of the funeral home. 92798

(4) Each funeral home shall be directly supervised by a 92799
funeral director licensed under this chapter, who ~~shall~~ may 92800
supervise ~~only~~ more than one funeral home. 92801

(C)(1) The board shall issue a license to operate an 92802
embalming facility only for the address at which the embalming 92803
facility is operated. The license shall be displayed in a 92804
conspicuous place within the facility. 92805

(2) The embalming facility shall be adequately equipped and 92806
maintained in a sanitary manner. The embalming room at such a 92807
facility shall contain only the articles, facilities, and 92808
instruments necessary for its stated purpose. The embalming room 92809
shall be kept in a clean and sanitary condition and used only for 92810
the care and preparation of dead human bodies. 92811

(3) An embalming facility license shall be issued only to an 92812

embalmer licensed under division (B) of section 4717.05 of the Revised Code, who is actually in charge of the facility.

(D)(1) The board shall issue a license to operate a crematory facility only for the address at which the crematory facility is located and operated. The license shall be displayed in a conspicuous place within the crematory facility.

(2) The crematory facility shall be adequately equipped and maintained in a clean and sanitary manner. The crematory facility may be located in a funeral home, embalming facility, cemetery building, or other building in which the crematory facility may lawfully operate. If a crematory facility engages in the cremation of animals, the crematory facility shall cremate animals in a cremation chamber that also is not used to cremate dead human bodies or human body parts and shall not cremate animals in a cremation chamber used for the cremation of dead human bodies and human body parts. Cremation chambers that are used for the cremation of dead human bodies or human body parts and cremation chambers used for the cremation of animals may be located in the same area.

(3) A license to operate a crematory facility shall be issued to the person actually in charge of the crematory facility. This section does not require the individual who is actually in charge of the crematory facility to be an embalmer or funeral director licensed under this chapter.

(4) Nothing in this section or rules adopted under section 4717.04 of the Revised Code precludes the establishment and operation of a crematory facility on or adjacent to the property on which a cemetery, funeral home, or embalming facility is located.

Sec. 4717.07. (A) The board of embalmers and funeral directors shall charge and collect the following fees:

(1) For the initial issuance or biennial renewal of an embalmer's or funeral director's license, one hundred forty <u>fifty</u> dollars;	92844
	92845
	92846
(2) For the issuance of an embalmer or funeral director registration, twenty-five dollars;	92847
	92848
(3) For filing an embalmer or funeral director certificate of apprenticeship, ten dollars;	92849
	92850
(4) For the application to take the examination for a license to practice as an embalmer or funeral director, or to retake a section of the examination, thirty-five dollars;	92851
	92852
	92853
(5) For the initial issuance of a license to operate a funeral home, two <u>three</u> hundred fifty dollars and biennial renewal of a license to operate a funeral home, two <u>three</u> hundred fifty dollars;	92854
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(6) For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A)(1) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than <u>one thousand dollars</u> ;	92858
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(7) For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A)(5) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	92863
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(8) For the initial issuance of a license to operate an embalming facility, two <u>three</u> hundred <u>fifty</u> dollars and biennial renewal of a license to operate an embalming facility, two <u>three</u> hundred <u>fifty</u> dollars;	92867
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	92870
(9) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A)(8) of this section plus fifty dollars for each month or portion of a	92871
	92872
	92873

month the license is lapsed until reinstatement; 92874

(10) For the initial issuance of a license to operate a 92875
crematory facility, ~~two~~ three hundred fifty dollars and biennial 92876
renewal of a license to operate a crematory facility, ~~two~~ three 92877
hundred fifty dollars; 92878

(11) For the reinstatement of a lapsed license to operate a 92879
crematory facility, the renewal fee prescribed in division (A)(10) 92880
of this section plus fifty dollars for each month or portion of a 92881
month the license is lapsed until reinstatement; 92882

(12) For the issuance of a duplicate of a license issued 92883
under this chapter, ~~four~~ ten dollars. 92884

(B) In addition to the fees set forth in division (A) of this 92885
section, an applicant shall pay the examination fee assessed by 92886
any examining agency the board uses for any section of an 92887
examination required under this chapter. 92888

(C) Subject to the approval of the controlling board, the 92889
board of embalmers and funeral directors may establish fees in 92890
excess of the amounts set forth in this section, provided that 92891
these fees do not exceed the amounts set forth in this section by 92892
more than fifty per cent. 92893

Sec. 4717.10. (A) The board of embalmers and funeral 92894
directors may recognize licenses issued to embalmers and funeral 92895
directors by other states, and upon presentation of such licenses, 92896
may issue to the holder an embalmer's or funeral director's 92897
license under this chapter. The board shall charge the same fee as 92898
prescribed in section 4717.07 of the Revised Code to issue or 92899
renew such an embalmer's or funeral director's license. Such 92900
licenses shall be renewed ~~annually~~ biennially as provided in 92901
section 4717.08 of the Revised Code. The board shall not issue a 92902
license to any person under this section unless the applicant 92903

proves that the applicant, in the state in which the applicant is licensed, has complied with requirements substantially equal to those established in section 4717.05 of the Revised Code.

(B) The board of embalmers and funeral directors may issue courtesy cards. A courtesy cardholder shall be authorized to undertake both the following acts in this state:

(1) Prepare and complete those sections of a death certificate and other permits needed for disposition of deceased human remains in this state and sign and file such death certificates and permits;

(2) Supervise and conduct funeral ceremonies and interments in this state.

(C) The board of embalmers and funeral directors may determine under what conditions a courtesy card may be issued to funeral directors in bordering states after taking into account whether and under what conditions and fees such border states issue similar courtesy cards to funeral directors licensed in this state. Applicants for courtesy cards shall apply on forms prescribed by the board, pay ~~an annual~~ a biennial fee set by the board for initial applications and renewals, and adhere to such other requirements imposed by the board on courtesy cardholders.

(D) No courtesy cardholder shall be authorized to undertake any of the following activities in this state:

(1) Arranging funerals or disposition services with members of the public in this state;

(2) Be employed by or under contract to a funeral home licensed in this state to perform funeral services in this state;

(3) Advertise funeral or disposition services in this state;

(4) Enter into or execute funeral or disposition contracts in this state;

(5) Prepare or embalm deceased human remains in this state;	92934
(6) Arrange for or carry out the disinterment of human remains in this state.	92935 92936
(E) As used in this section, "courtesy card" means a special permit that may be issued to a funeral director licensed in a state that borders this state and who does not hold a funeral director's license under this chapter.	92937 92938 92939 92940
Sec. 4717.14. (A) The board of embalmers and funeral directors may refuse to grant or renew, or may suspend or revoke, any license issued under this chapter or may require the holder of a license to take corrective action courses for any of the following reasons:	92941 92942 92943 92944 92945
(1) The license was obtained by fraud or misrepresentation either in the application or in passing the examination.	92946 92947
(2) The applicant or licensee has been convicted of or has pleaded guilty to a felony or of any crime involving moral turpitude.	92948 92949 92950
(3) The applicant or licensee has purposely violated any provision of sections 4717.01 to 4717.15 or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code; any rule or order of the department of health or a board of health of a health district governing the disposition of dead human bodies; or any other rule or order applicable to the applicant or licensee.	92951 92952 92953 92954 92955 92956 92957 92958 92959 92960
(4) The applicant or licensee has committed immoral or unprofessional conduct.	92961 92962
(5) The applicant or licensee knowingly permitted an	92963

unlicensed person, other than a person serving an apprenticeship, 92964
to engage in the profession or business of embalming or funeral 92965
directing under the applicant's or licensee's supervision. 92966

(6) The applicant or licensee has been habitually 92967
intoxicated, or is addicted to the use of morphine, cocaine, or 92968
other habit-forming or illegal drugs. 92969

(7) The applicant or licensee has refused to promptly submit 92970
the custody of a dead human body upon the express order of the 92971
person legally entitled to the body. 92972

(8) The licensee loaned the licensee's own license, or the 92973
applicant or licensee borrowed or used the license of another 92974
person, or knowingly aided or abetted the granting of an improper 92975
license. 92976

(9) The applicant or licensee transferred a license to 92977
operate a funeral home, embalming facility, or crematory from one 92978
owner or operator to another, or from one location to another, 92979
without notifying the board. 92980

(10) The applicant or licensee misled the public by using 92981
false or deceptive advertising. 92982

(B)(1) The board of embalmers and funeral directors shall 92983
refuse to grant or renew, or shall suspend or revoke, an 92984
embalmer's, funeral director's, funeral home, or embalming 92985
facility license only in accordance with Chapter 119. of the 92986
Revised Code. 92987

(2) The board shall send to the crematory review board 92988
written notice that it proposes to refuse to issue or renew, or 92989
proposes to suspend or revoke, a license to operate a crematory 92990
facility. If, after the conclusion of the adjudicatory hearing on 92991
the matter conducted under division ~~(E)~~(F) of section 4717.03 of 92992
the Revised Code, the board of embalmers and funeral directors 92993
finds that any of the circumstances described in divisions (A)(1) 92994

to (10) of this section apply to the person named in its proposed 92995
action, the board may issue a final order under division ~~(E)~~(F) of 92996
section 4717.03 of the Revised Code refusing to issue or renew, or 92997
suspending or revoking, the person's license to operate a 92998
crematory facility. 92999

(C) If the board of embalmers and funeral directors 93000
determines that there is clear and convincing evidence that any of 93001
the circumstances described in divisions (A)(1) to (10) of this 93002
section apply to the holder of a license issued under this chapter 93003
and that the licensee's continued practice presents a danger of 93004
immediate and serious harm to the public, the board may suspend 93005
the licensee's license without a prior adjudicatory hearing. The 93006
executive director of the board shall prepare written allegations 93007
for consideration by the board. 93008

The board, after reviewing the written allegations, may 93009
suspend a license without a prior hearing. 93010

The board shall issue a written order of suspension by a 93011
delivery system or in person in accordance with section 119.07 of 93012
the Revised Code. Such an order is not subject to suspension by 93013
the court during the pendency of any appeal filed under section 93014
119.12 of the Revised Code. If the holder of an embalmer's, 93015
funeral director's, funeral home, or embalming facility license 93016
requests an adjudicatory hearing by the board, the date set for 93017
the hearing shall be within fifteen days, but not earlier than 93018
seven days, after the licensee has requested a hearing, unless the 93019
board and the licensee agree to a different time for holding the 93020
hearing. 93021

Upon issuing a written order of suspension to the holder of a 93022
license to operate a crematory facility, the board of embalmers 93023
and funeral directors shall send written notice of the issuance of 93024
the order to the crematory review board. The crematory review 93025
board shall hold an adjudicatory hearing on the order under 93026

division ~~(E)~~(F) of section 4717.03 of the Revised Code within 93027
fifteen days, but not earlier than seven days, after the issuance 93028
of the order, unless the crematory review board and the licensee 93029
agree to a different time for holding the adjudicatory hearing. 93030

Any summary suspension imposed under this division shall 93031
remain in effect, unless reversed on appeal, until a final 93032
adjudicatory order issued by the board of embalmers and funeral 93033
directors pursuant to this division and Chapter 119. of the 93034
Revised Code, or division ~~(E)~~(F) of section 4717.03 of the Revised 93035
Code, as applicable, becomes effective. The board of embalmers and 93036
funeral directors shall issue its final adjudicatory order within 93037
sixty days after the completion of its hearing or, in the case of 93038
the summary suspension of a license to operate a crematory 93039
facility, within sixty days after completion of the adjudicatory 93040
hearing by the crematory review board. A failure to issue the 93041
order within that time results in the dissolution of the summary 93042
suspension order, but does not invalidate any subsequent final 93043
adjudicatory order. 93044

(D) If the board of embalmers and funeral directors suspends 93045
or revokes a license held by a funeral director or a funeral home 93046
for any reason identified in division (A) of this section, the 93047
board may file a complaint with the court of common pleas in the 93048
county where the violation occurred requesting appointment of a 93049
receiver and the sequestration of the assets of the funeral home 93050
that held the suspended or revoked license or the licensed funeral 93051
home that employs the funeral director that held the suspended or 93052
revoked license. If the court of common pleas is satisfied with 93053
the application for a receivership, the court may appoint a 93054
receiver. 93055

The board or a receiver may employ and procure whatever 93056
assistance or advice is necessary in the receivership or 93057
liquidation and distribution of the assets of the funeral home, 93058

and, for that purpose, may retain officers or employees of the 93059
funeral home as needed. All expenses of the receivership or 93060
liquidation shall be paid from the assets of the funeral home and 93061
shall be a lien on those assets, and that lien shall be a priority 93062
to any other lien. 93063

(E) Any holder of a license issued under this chapter who has 93064
pleaded guilty to, has been found by a judge or jury to be guilty 93065
of, or has had a judicial finding of eligibility for treatment in 93066
lieu of conviction entered against the individual in this state 93067
for aggravated murder, murder, voluntary manslaughter, felonious 93068
assault, kidnapping, rape, sexual battery, gross sexual 93069
imposition, aggravated arson, aggravated robbery, or aggravated 93070
burglary, or who has pleaded guilty to, has been found by a judge 93071
or jury to be guilty of, or has had a judicial finding of 93072
eligibility for treatment in lieu of conviction entered against 93073
the individual in another jurisdiction for any substantially 93074
equivalent criminal offense, is hereby suspended from practice 93075
under this chapter by operation of law, and any license issued to 93076
the individual under this chapter is hereby suspended by operation 93077
of law as of the date of the guilty plea, verdict or finding of 93078
guilt, or judicial finding of eligibility for treatment in lieu of 93079
conviction, regardless of whether the proceedings are brought in 93080
this state or another jurisdiction. The board shall notify the 93081
suspended individual of the suspension of the individual's license 93082
by the operation of this division by a delivery system or in 93083
person in accordance with section 119.07 of the Revised Code. If 93084
an individual whose license is suspended under this division fails 93085
to make a timely request for an adjudicatory hearing, the board 93086
shall enter a final order revoking the license. 93087

(F) No person whose license has been suspended or revoked 93088
under or by the operation of this section shall practice embalming 93089
or funeral directing or operate a funeral home, embalming 93090

facility, or crematory facility until the board has reinstated the 93091
person's license. 93092

Sec. 4717.15. (A) The board of embalmers and funeral 93093
directors, without the necessity for conducting a prior 93094
adjudication hearing, may issue a notice of violation to the 93095
holder of an embalmer's, funeral director's, funeral home, or 93096
embalming facility license issued under this chapter who the board 93097
finds has committed any of the violations described in divisions 93098
(A)(9)(a) to (g) of section 4717.04 of the Revised Code. The 93099
notice shall set forth the specific violation committed by the 93100
licensee and shall be sent by certified mail. The notice shall be 93101
accompanied by an order requiring the payment of the appropriate 93102
forfeiture prescribed in rules adopted under division (A)(9) of 93103
section 4717.04 of the Revised Code and by a notice informing the 93104
licensee that the licensee is entitled to an adjudicatory hearing 93105
on the notice of violation and order if the licensee requests a 93106
hearing and if the board receives the request within thirty days 93107
after the mailing of the notice of violation and order. The board 93108
shall conduct any such adjudicatory hearing in accordance with 93109
Chapter 119. of the Revised Code, except as otherwise provided in 93110
this division. 93111

A licensee who receives a notice of violation and order under 93112
this division shall pay to the executive director of the board the 93113
full amount of the forfeiture by certified check within thirty 93114
days after the notice of violation and order were mailed to the 93115
licensee unless, within that time, the licensee submits a request 93116
for an adjudicatory hearing on the notice of violation and order. 93117
If such a request for an adjudicatory hearing is timely filed, the 93118
licensee need not pay the forfeiture to the executive director 93119
until after a final, nonappealable administrative or judicial 93120
decision is rendered on the order requiring payment of the 93121
forfeiture. If a final nonappealable administrative or judicial 93122

decision is rendered affirming the board's order, the licensee 93123
shall pay to the executive director of the board the full amount 93124
of the forfeiture by certified check within thirty days after 93125
notice of the decision was sent to the licensee. A forfeiture is 93126
considered to be paid when the licensee's certified check is 93127
received by the executive director in Columbus. If the licensee 93128
fails to so pay the full amount of the forfeiture to the executive 93129
director within that time, the board shall issue an order 93130
suspending or revoking the individual's license, as the board 93131
considers appropriate. 93132

(B) The board shall send to the crematory review board 93133
written notice that it proposes to issue to the holder of a 93134
license to operate a crematory facility issued under this chapter 93135
a notice of violation and order requiring payment of a forfeiture 93136
specified in rules adopted under division (A)(9) of section 93137
4717.04 of the Revised Code. If, after the conclusion of the 93138
adjudicatory hearing on the matter conducted under division ~~(E)~~(F) 93139
of section 4717.03 of the Revised Code, the board of embalmers and 93140
funeral directors finds that the licensee has committed any of the 93141
violations described in divisions (A)(9)(a) to (g) of section 93142
4717.04 of the Revised Code in connection with the operation of a 93143
crematory facility or cremation, the board of embalmers and 93144
funeral directors may issue a final order under division ~~(E)~~(F) of 93145
section 4717.03 of the Revised Code requiring payment of the 93146
appropriate forfeiture specified in rules adopted under division 93147
(A)(9) of section 4717.04 of the Revised Code. A licensee who 93148
receives such an order shall pay the full amount of the forfeiture 93149
to the executive director by certified check within thirty days 93150
after the order was sent to the licensee unless, within that time, 93151
the licensee files a notice of appeal in accordance with division 93152
~~(E)~~(F) of section 4717.03 and section 119.12 of the Revised Code. 93153
If such a notice of appeal is timely filed, the licensee need not 93154
pay the forfeiture to the executive director until after a final, 93155

nonappealable judicial decision is rendered in the appeal. If a 93156
final, nonappealable judicial decision is rendered affirming the 93157
board's order, the licensee shall pay to the executive director 93158
the full amount of the forfeiture by certified check within thirty 93159
days after notice of the decision was sent to the licensee. A 93160
forfeiture is considered paid when the licensee's certified check 93161
is received by the executive director in Columbus. If the licensee 93162
fails to so pay the full amount of the forfeiture to the executive 93163
director within that time, the board shall issue an order 93164
suspending or revoking the individual's license, as the board 93165
considers appropriate. 93166

Sec. 4719.01. (A) As used in sections 4719.01 to 4719.18 of 93167
the Revised Code: 93168

(1) "Affiliate" means a business entity that is owned by, 93169
operated by, controlled by, or under common control with another 93170
business entity. 93171

(2) "Communication" means a written or oral notification or 93172
advertisement that meets both of the following criteria, as 93173
applicable: 93174

(a) The notification or advertisement is transmitted by or on 93175
behalf of the seller of goods or services and by or through any 93176
printed, audio, video, cinematic, telephonic, or electronic means. 93177

(b) In the case of a notification or advertisement other than 93178
by telephone, either of the following conditions is met: 93179

(i) The notification or advertisement is followed by a 93180
telephone call from a telephone solicitor or salesperson. 93181

(ii) The notification or advertisement invites a response by 93182
telephone, and, during the course of that response, a telephone 93183
solicitor or salesperson attempts to make or makes a sale of goods 93184
or services. As used in division (A)(2)(b)(ii) of this section, 93185

"invites a response by telephone" excludes the mere listing or 93186
inclusion of a telephone number in a notification or 93187
advertisement. 93188

(3) "Gift, award, or prize" means anything of value that is 93189
offered or purportedly offered, or given or purportedly given by 93190
chance, at no cost to the receiver and with no obligation to 93191
purchase goods or services. As used in this division, "chance" 93192
includes a situation in which a person is guaranteed to receive an 93193
item and, at the time of the offer or purported offer, the 93194
telephone solicitor does not identify the specific item that the 93195
person will receive. 93196

(4) "Goods or services" means any real property or any 93197
tangible or intangible personal property, or services of any kind 93198
provided or offered to a person. "Goods or services" includes, but 93199
is not limited to, advertising; labor performed for the benefit of 93200
a person; personal property intended to be attached to or 93201
installed in any real property, regardless of whether it is so 93202
attached or installed; timeshare estates or licenses; and extended 93203
service contracts. 93204

(5) "Purchaser" means a person that is solicited to become or 93205
does become financially obligated as a result of a telephone 93206
solicitation. 93207

(6) "Salesperson" means an individual who is employed, 93208
appointed, or authorized by a telephone solicitor to make 93209
telephone solicitations but does not mean any of the following: 93210

(a) An individual who comes within one of the exemptions in 93211
division (B) of this section; 93212

(b) An individual employed, appointed, or authorized by a 93213
person who comes within one of the exemptions in division (B) of 93214
this section; 93215

(c) An individual under a written contract with a person who 93216

comes within one of the exemptions in division (B) of this 93217
section, if liability for all transactions with purchasers is 93218
assumed by the person so exempted. 93219

(7) "Telephone solicitation" means a communication to a 93220
person that meets both of the following criteria: 93221

(a) The communication is initiated by or on behalf of a 93222
telephone solicitor or by a salesperson. 93223

(b) The communication either represents a price or the 93224
quality or availability of goods or services or is used to induce 93225
the person to purchase goods or services, including, but not 93226
limited to, inducement through the offering of a gift, award, or 93227
prize. 93228

(8) "Telephone solicitor" means a person that engages in 93229
telephone solicitation directly or through one or more 93230
salespersons either from a location in this state, or from a 93231
location outside this state to persons in this state. "Telephone 93232
solicitor" includes, but is not limited to, any such person that 93233
is an owner, operator, officer, or director of, partner in, or 93234
other individual engaged in the management activities of, a 93235
business. 93236

(B) A telephone solicitor is exempt from the provisions of 93237
sections 4719.02 to 4719.18 and section 4719.99 of the Revised 93238
Code if the telephone solicitor is any one of the following: 93239

(1) A person engaging in a telephone solicitation that is a 93240
one-time or infrequent transaction not done in the course of a 93241
pattern of repeated transactions of a like nature; 93242

(2) A person engaged in telephone solicitation solely for 93243
religious or political purposes; a charitable organization, 93244
fund-raising counsel, or professional solicitor in compliance with 93245
the registration and reporting requirements of Chapter 1716. of 93246
the Revised Code; or any person or other entity exempt under 93247

section 1716.03 of the Revised Code from filing a registration statement under section 1716.02 of the Revised Code; 93248
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(3) A person, making a telephone solicitation involving a home solicitation sale as defined in section 1345.21 of the Revised Code, that makes the sales presentation and completes the sale at a later, face-to-face meeting between the seller and the purchaser rather than during the telephone solicitation. However, if the person, following the telephone solicitation, causes another person to collect the payment of any money, this exemption does not apply. 93250
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(4) A licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person when making a telephone solicitation within the scope of the person's license. As used in division (B)(4) of this section, "licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person" means a person subject to licensure or registration as such by the securities and exchange commission; the National Association of Securities Dealers or other self-regulatory organization, as defined by 15 U.S.C.A. 78c; by the division of securities under Chapter 1707. of the Revised Code; or by an official or agency of any other state of the United States. 93258
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(5)(a) A person primarily engaged in soliciting the sale of a newspaper of general circulation; 93270
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(b) As used in division (B)(5)(a) of this section, "newspaper of general circulation" includes, but is not limited to, both of the following: 93272
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(i) A newspaper that is a daily law journal designated as an official publisher of court calendars pursuant to section 2701.09 of the Revised Code; 93275
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(ii) A newspaper or publication that has at least twenty-five 93278

per cent editorial, non-advertising content, exclusive of inserts, 93279
measured relative to total publication space, and an audited 93280
circulation to at least fifty per cent of the households in the 93281
newspaper's retail trade zone as defined by the audit. 93282

(6)(a) An issuer, or its subsidiary, that has a class of 93283
securities to which all of the following apply: 93284

(i) The class of securities is subject to section 12 of the 93285
"Securities Exchange Act of 1934," 15 U.S.C.A. 781, and is 93286
registered or is exempt from registration under 15 U.S.C.A. 93287
781(g)(2)(A), (B), (C), (E), (F), (G), or (H); 93288

(ii) The class of securities is listed on the New York stock 93289
exchange, the American stock exchange, or the NASDAQ national 93290
market system; 93291

(iii) The class of securities is a reported security as 93292
defined in 17 C.F.R. 240.11Aa3-1(a)(4). 93293

(b) An issuer, or its subsidiary, that formerly had a class 93294
of securities that met the criteria set forth in division 93295
(B)(6)(a) of this section if the issuer, or its subsidiary, has a 93296
net worth in excess of one hundred million dollars, files or its 93297
parent files with the securities and exchange commission an S.E.C. 93298
form 10-K, and has continued in substantially the same business 93299
since it had a class of securities that met the criteria in 93300
division (B)(6)(a) of this section. As used in division (B)(6)(b) 93301
of this section, "issuer" and "subsidiary" include the successor 93302
to an issuer or subsidiary. 93303

(7) A person soliciting a transaction regulated by the 93304
commodity futures trading commission, if the person is registered 93305
or temporarily registered for that activity with the commission 93306
under 7 U.S.C.A. 1 et. seq. and the registration or temporary 93307
registration has not expired or been suspended or revoked; 93308

(8) A person soliciting the sale of any book, record, audio 93309

tape, compact disc, or video, if the person allows the purchaser 93310
to review the merchandise for at least seven days and provides a 93311
full refund within thirty days to a purchaser who returns the 93312
merchandise or if the person solicits the sale on behalf of a 93313
membership club operating in compliance with regulations adopted 93314
by the federal trade commission in 16 C.F.R. 425; 93315

(9) A supervised financial institution or its subsidiary. As 93316
used in division (B)(9) of this section, "supervised financial 93317
institution" means a bank, trust company, savings and loan 93318
association, savings bank, credit union, industrial loan company, 93319
consumer finance lender, commercial finance lender, or institution 93320
described in section 2(c)(2)(F) of the "Bank Holding Company Act 93321
of 1956," 12 U.S.C.A. 1841(c)(2)(F), as amended, supervised by an 93322
official or agency of the United States, this state, or any other 93323
state of the United States; or a licensee or registrant under 93324
sections 1321.01 to 1321.19, 1321.51 to 1321.60, or 1321.71 to 93325
1321.83 of the Revised Code. 93326

(10)(a) An insurance company, association, or other 93327
organization that is licensed or authorized to conduct business in 93328
this state by the superintendent of insurance pursuant to Title 93329
XXXIX of the Revised Code or Chapter 1751. of the Revised Code, 93330
when soliciting within the scope of its license or authorization. 93331

(b) A licensed insurance broker, agent, or solicitor when 93332
soliciting within the scope of the person's license. As used in 93333
division (B)(10)(b) of this section, "licensed insurance broker, 93334
agent, or solicitor" means any person licensed as an insurance 93335
broker, agent, or solicitor by the superintendent of insurance 93336
pursuant to Title XXXIX of the Revised Code. 93337

(11) A person soliciting the sale of services provided by a 93338
cable television system operating under authority of a 93339
governmental franchise or permit; 93340

(12) A person soliciting a business-to-business sale under 93341
which any of the following conditions are met: 93342

(a) The telephone solicitor has been operating continuously 93343
for at least three years under the same business name under which 93344
it solicits purchasers, and at least fifty-one per cent of its 93345
gross dollar volume of sales consists of repeat sales to existing 93346
customers to whom it has made sales under the same business name. 93347

(b) The purchaser business intends to resell the goods 93348
purchased. 93349

(c) The purchaser business intends to use the goods or 93350
services purchased in a recycling, reuse, manufacturing, or 93351
remanufacturing process. 93352

(d) The telephone solicitor is a publisher of a periodical or 93353
of magazines distributed as controlled circulation publications as 93354
defined in division (CC) of section 5739.01 of the Revised Code 93355
and is soliciting sales of advertising, subscriptions, reprints, 93356
lists, information databases, conference participation or 93357
sponsorships, trade shows or media products related to the 93358
periodical or magazine, or other publishing services provided by 93359
the controlled circulation publication. 93360

(13) A person that, not less often than once each year, 93361
publishes and delivers to potential purchasers a catalog that 93362
complies with both of the following: 93363

(a) It includes all of the following: 93364

(i) The business address of the seller; 93365

(ii) A written description or illustration of each good or 93366
service offered for sale; 93367

(iii) A clear and conspicuous disclosure of the sale price of 93368
each good or service; shipping, handling, and other charges; and 93369
return policy. 93370

- (b) One of the following applies: 93371
- (i) The catalog includes at least twenty-four pages of 93372
written material and illustrations, is distributed in more than 93373
one state, and has an annual postage-paid mail circulation of not 93374
less than two hundred fifty thousand households; 93375
- (ii) The catalog includes at least ten pages of written 93376
material or an equivalent amount of material in electronic form on 93377
the internet or an on-line computer service, the person does not 93378
solicit customers by telephone but solely receives telephone calls 93379
made in response to the catalog, and during the calls the person 93380
takes orders but does not engage in further solicitation of the 93381
purchaser. As used in division (B)(13)(b)(ii) of this section, 93382
"further solicitation" does not include providing the purchaser 93383
with information about, or attempting to sell, any other item in 93384
the catalog that prompted the purchaser's call or in a 93385
substantially similar catalog issued by the seller. 93386
- (14) A political subdivision or instrumentality of the United 93387
States, this state, or any state of the United States; 93388
- (15) A college or university or any other public or private 93389
institution of higher education in this state; 93390
- (16) A public utility as defined in section 4905.02 of the 93391
Revised Code or a retail natural gas supplier as defined in 93392
section 4929.01 of the Revised Code, if the utility or supplier is 93393
subject to regulation by the public utilities commission, or the 93394
affiliate of the utility or supplier; 93395
- (17) A person that solicits sales through a television 93396
program or advertisement that is presented in the same market area 93397
no fewer than twenty days per month or offers for sale no fewer 93398
than ten distinct items of goods or services; and offers to the 93399
purchaser an unconditional right to return any good or service 93400
purchased within a period of at least seven days and to receive a 93401

full refund within thirty days after the purchaser returns the 93402
good or cancels the service; 93403

(18)(a) A person that, for at least one year, has been 93404
operating a retail business under the same name as that used in 93405
connection with telephone solicitation and both of the following 93406
occur on a continuing basis: 93407

(i) The person either displays goods and offers them for 93408
retail sale at the person's business premises or offers services 93409
for sale and provides them at the person's business premises. 93410

(ii) At least fifty-one per cent of the person's gross dollar 93411
volume of retail sales involves purchases of goods or services at 93412
the person's business premises. 93413

(b) An affiliate of a person that meets the requirements in 93414
division (B)(18)(a) of this section if the affiliate meets all of 93415
the following requirements: 93416

(i) The affiliate has operated a retail business for a period 93417
of less than one year; 93418

(ii) The affiliate either displays goods and offers them for 93419
retail sale at the affiliate's business premises or offers 93420
services for sale and provides them at the affiliate's business 93421
premises; 93422

(iii) At least fifty-one per cent of the affiliate's gross 93423
dollar volume of retail sales involves purchases of goods or 93424
services at the affiliate's business premises. 93425

(c) A person that, for a period of less than one year, has 93426
been operating a retail business in this state under the same name 93427
as that used in connection with telephone solicitation, as long as 93428
all of the following requirements are met: 93429

(i) The person either displays goods and offers them for 93430
retail sale at the person's business premises or offers services 93431

for sale and provides them at the person's business premises; 93432

(ii) The goods or services that are the subject of telephone 93433
solicitation are sold at the person's business premises, and at 93434
least sixty-five per cent of the person's gross dollar volume of 93435
retail sales involves purchases of goods or services at the 93436
person's business premises; 93437

(iii) The person conducts all telephone solicitation 93438
activities according to sections 310.3, 310.4, and 310.5 of the 93439
telemarketing sales rule adopted by the federal trade commission 93440
in 16 C.F.R. part 310. 93441

(19) A person who performs telephone solicitation sales 93442
services on behalf of other persons and to whom one of the 93443
following applies: 93444

(a) The person has operated under the same ownership, 93445
control, and business name for at least five years, and the person 93446
receives at least seventy-five per cent of its gross revenues from 93447
written telephone solicitation contracts with persons who come 93448
within one of the exemptions in division (B) of this section. 93449

(b) The person is an affiliate of one or more exempt persons 93450
and makes telephone solicitations on behalf of only the exempt 93451
persons of which it is an affiliate. 93452

(c) The person makes telephone solicitations on behalf of 93453
only exempt persons, the person and each exempt person on whose 93454
behalf telephone solicitations are made have entered into a 93455
written contract that specifies the manner in which the telephone 93456
solicitations are to be conducted and that at a minimum requires 93457
compliance with the telemarketing sales rule adopted by the 93458
federal trade commission in 16 C.F.R. part 310, and the person 93459
conducts the telephone solicitations in the manner specified in 93460
the written contract. 93461

(d) The person performs telephone solicitation for religious 93462

or political purposes, a charitable organization, a fund-raising 93463
council, or a professional solicitor in compliance with the 93464
registration and reporting requirements of Chapter 1716. of the 93465
Revised Code; and meets all of the following requirements: 93466

(i) The person has operated under the same ownership, 93467
control, and business name for at least five years, and the person 93468
receives at least fifty-one per cent of its gross revenues from 93469
written telephone solicitation contracts with persons who come 93470
within the exemption in division (B)(2) of this section; 93471

(ii) The person does not conduct a prize promotion or offer 93472
the sale of an investment opportunity; 93473

(iii) The person conducts all telephone solicitation 93474
activities according to sections 310.3, 310.4, and 310.5 of the 93475
telemarketing sales rules adopted by the federal trade commission 93476
in 16 C.F.R. part 310. 93477

(20) A person that is a licensed real estate salesperson or 93478
broker under Chapter 4735. of the Revised Code when soliciting 93479
within the scope of the person's license; 93480

(21)(a) Either of the following: 93481

(i) A publisher that solicits the sale of the publisher's 93482
periodical or magazine of general, paid circulation, or a person 93483
that solicits a sale of that nature on behalf of a publisher under 93484
a written agreement directly between the publisher and the person. 93485

(ii) A publisher that solicits the sale of the publisher's 93486
periodical or magazine of general, paid circulation, or a person 93487
that solicits a sale of that nature as authorized by a publisher 93488
under a written agreement directly with a publisher's 93489
clearinghouse provided the person is a resident of Ohio for more 93490
than three years and initiates all telephone solicitations from 93491
Ohio and the person conducts the solicitation and sale in 93492
compliance with 16 C.F.R. part 310, as adopted by the federal 93493

trade commission. 93494

(b) As used in division (B)(21) of this section, "periodical or magazine of general, paid circulation" excludes a periodical or magazine circulated only as part of a membership package or given as a free gift or prize from the publisher or person. 93495
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(22) A person that solicits the sale of food, as defined in section 3715.01 of the Revised Code, or the sale of products of horticulture, as defined in section 5739.01 of the Revised Code, if the person does not intend the solicitation to result in, or the solicitation actually does not result in, a sale that costs the purchaser an amount greater than five hundred dollars. 93499
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(23) A funeral director licensed pursuant to Chapter 4717. of the Revised Code when soliciting within the scope of that license, if both of the following apply: 93505
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(a) The solicitation and sale are conducted in compliance with 16 C.F.R. part 453, as adopted by the federal trade commission, and with sections 1107.33 and 1345.21 to 1345.28 of the Revised Code; 93508
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(b) The person provides to the purchaser of any preneed funeral contract a notice that clearly and conspicuously sets forth the cancellation rights specified in division (G) of section 1107.33 of the Revised Code, and retains a copy of the notice signed by the purchaser. 93512
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(24) A person, or affiliate thereof, licensed to sell or issue Ohio instruments designated as travelers checks pursuant to sections 1315.01 to 1315.18 of the Revised Code. 93517
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(25) A person that solicits sales from its previous purchasers and meets all of the following requirements: 93520
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(a) The solicitation is made under the same business name that was previously used to sell goods or services to the 93522
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purchaser; 93524

(b) The person has, for a period of not less than three 93525
years, operated a business under the same business name as that 93526
used in connection with telephone solicitation; 93527

(c) The person does not conduct a prize promotion or offer 93528
the sale of an investment opportunity; 93529

(d) The person conducts all telephone solicitation activities 93530
according to sections 310.3, 310.4, and 310.5 of the telemarketing 93531
sales rules adopted by the federal trade commission in 16 C.F.R. 93532
part 310; 93533

(e) Neither the person nor any of its principals has been 93534
convicted of, pleaded guilty to, or has entered a plea of no 93535
contest for a felony or a theft offense as defined in sections 93536
2901.02 and 2913.01 of the Revised Code or similar law of another 93537
state or of the United States; 93538

(f) Neither the person nor any of its principals has had 93539
entered against them an injunction or a final judgment or order, 93540
including an agreed judgment or order, an assurance of voluntary 93541
compliance, or any similar instrument, in any civil or 93542
administrative action involving engaging in a pattern of corrupt 93543
practices, fraud, theft, embezzlement, fraudulent conversion, or 93544
misappropriation of property; the use of any untrue, deceptive, or 93545
misleading representation; or the use of any unfair, unlawful, 93546
deceptive, or unconscionable trade act or practice. 93547

(26) An institution defined as a home health agency in 93548
section 3701.881 of the Revised Code, that conducts all telephone 93549
solicitation activities according to sections 310.3, 310.4, and 93550
310.5 of the telemarketing sales rules adopted by the federal 93551
trade commission in 16 C.F.R. part 310, and engages in telephone 93552
solicitation only within the scope of the institution's 93553
certification, accreditation, contract with the department of 93554

aging, or status as a home health agency; and that meets one of 93555
the following requirements: 93556

(a) The institution is certified as a provider of home health 93557
services under Title XVIII of the Social Security Act, 49 Stat. 93558
620, 42 U.S.C. 301, as amended; 93559

(b) The institution is accredited by either the joint 93560
commission on accreditation of health care organizations or the 93561
community health accreditation program; 93562

(c) The institution is providing ~~passport~~ PASSPORT services 93563
under the direction of the ~~Ohio~~ department of aging under ~~section~~ 93564
~~173.40~~ sections 173.52 to 173.523 of the Revised Code; 93565

(d) An affiliate of an institution that meets the 93566
requirements of division (B)(26)(a), (b), or (c) of this section 93567
when offering for sale substantially the same goods and services 93568
as those that are offered by the institution that meets the 93569
requirements of division (B)(26)(a), (b), or (c) of this section. 93570

(27) A person licensed by the department of health pursuant 93571
to section 3712.04 or 3712.041 of the Revised Code to provide a 93572
hospice care program or pediatric respite care program when 93573
conducting telephone solicitations within the scope of the 93574
person's license and according to sections 310.3, 310.4, and 310.5 93575
of the telemarketing sales rules adopted by the federal trade 93576
commission in 16 C.F.R. part 310. 93577

Sec. 4723.18. (A) The board of nursing shall authorize a 93578
licensed practical nurse to administer to an adult intravenous 93579
therapy if the nurse supplies evidence satisfactory to the board 93580
that all of the following are the case: 93581

(1) The nurse holds a current, valid license issued under 93582
this chapter to practice nursing as a licensed practical nurse. 93583

(2) The nurse has been authorized under section 4723.18 of 93584

the Revised Code to administer medications. 93585

(3) The nurse successfully completed a course of study in the 93586
safe performance of intravenous therapy approved by the board 93587
pursuant to section 4723.19 of the Revised Code or by an agency in 93588
another jurisdiction that regulates the practice of nursing and 93589
has requirements for intravenous therapy course approval that are 93590
substantially similar to the requirements in division (B) of 93591
section 4723.19 of the Revised Code, as determined by the board. 93592

(4) The nurse has successfully completed a minimum of forty 93593
hours of training that includes all of the following: 93594

(a) The curriculum established by rules adopted by the board; 93595

(b) Training in the anatomy and physiology of the 93596
cardiovascular system, signs and symptoms of local and systemic 93597
complications in the administration of fluids and antibiotic 93598
additives, and guidelines for management of these complications; 93599

(c) Any other training or instruction the board considers 93600
appropriate; 93601

(d) A testing component that requires the nurse to perform a 93602
successful demonstration of the intravenous procedures, including 93603
all skills needed to perform them safely. 93604

(B) Except as provided in section 4723.181 of the Revised 93605
Code and subject to the restrictions in division (D) of this 93606
section, a licensed practical nurse may perform intravenous 93607
therapy on an adult patient only if authorized by the board 93608
pursuant to division (A) of this section and only at the direction 93609
of one of the following: 93610

(1) A licensed physician, dentist, optometrist, or podiatrist 93611
who, except as provided in division (C)(2) of this section, is 93612
present and readily available at the facility where the 93613
intravenous therapy procedure is performed; 93614

(2) A registered nurse in accordance with division (C) of this section. 93615
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(C)(1) Except as provided in division (C)(2) of this section and section 4723.181 of the Revised Code, when a licensed practical nurse authorized by the board to perform intravenous therapy performs an intravenous therapy procedure at the direction of a registered nurse, the registered nurse or another registered nurse shall be readily available at the site where the intravenous therapy is performed, and before the licensed practical nurse initiates the intravenous therapy, the registered nurse shall personally perform an on-site assessment of the adult patient who is to receive the intravenous therapy. 93617
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(2) When a licensed practical nurse authorized by the board to perform intravenous therapy performs an intravenous therapy procedure in a home as defined in section 3721.10 of the Revised Code, or in an intermediate care facility for ~~the mentally retarded~~ individuals with intellectual disabilities as defined in section ~~5111.20~~ 5124.01 of the Revised Code, at the direction of a registered nurse or licensed physician, dentist, optometrist, or podiatrist, a registered nurse shall be on the premises of the home or facility or accessible by some form of telecommunication. 93627
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(D) No licensed practical nurse shall perform any of the following intravenous therapy procedures: 93636
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(1) Initiating or maintaining any of the following: 93638

(a) Blood or blood components; 93639

(b) Solutions for total parenteral nutrition; 93640

(c) Any cancer therapeutic medication including, but not limited to, cancer chemotherapy or an anti-neoplastic agent; 93641
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(d) Solutions administered through any central venous line or arterial line or any other line that does not terminate in a 93643
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peripheral vein, except that a licensed practical nurse authorized 93645
by the board to perform intravenous therapy may maintain the 93646
solutions specified in division (D)(6)(a) of this section that are 93647
being administered through a central venous line or peripherally 93648
inserted central catheter; 93649

(e) Any investigational or experimental medication. 93650

(2) Initiating intravenous therapy in any vein, except that a 93651
licensed practical nurse authorized by the board to perform 93652
intravenous therapy may initiate intravenous therapy in accordance 93653
with this section in a vein of the hand, forearm, or antecubital 93654
fossa; 93655

(3) Discontinuing a central venous, arterial, or any other 93656
line that does not terminate in a peripheral vein; 93657

(4) Initiating or discontinuing a peripherally inserted 93658
central catheter; 93659

(5) Mixing, preparing, or reconstituting any medication for 93660
intravenous therapy, except that a licensed practical nurse 93661
authorized by the board to perform intravenous therapy may prepare 93662
or reconstitute an antibiotic additive; 93663

(6) Administering medication via the intravenous route, 93664
including all of the following activities: 93665

(a) Adding medication to an intravenous solution or to an 93666
existing infusion, except that a licensed practical nurse 93667
authorized by the board to perform intravenous therapy may do any 93668
of the following: 93669

(i) Initiate an intravenous infusion containing one or more 93670
of the following elements: dextrose 5%, normal saline, lactated 93671
ringers, sodium chloride .45%, sodium chloride 0.2%, sterile 93672
water; 93673

(ii) Hang subsequent containers of the intravenous solutions 93674

specified in division (D)(6)(a)(i) of this section that contain 93675
vitamins or electrolytes, if a registered nurse initiated the 93676
infusion of that same intravenous solution; 93677

(iii) Initiate or maintain an intravenous infusion containing 93678
an antibiotic additive. 93679

(b) Injecting medication via a direct intravenous route, 93680
except that a licensed practical nurse authorized by the board to 93681
perform intravenous therapy may inject heparin or normal saline to 93682
flush an intermittent infusion device or heparin lock including, 93683
but not limited to, bolus or push. 93684

(7) Changing tubing on any line including, but not limited 93685
to, an arterial line or a central venous line, except that a 93686
licensed practical nurse authorized by the board to perform 93687
intravenous therapy may change tubing on an intravenous line that 93688
terminates in a peripheral vein; 93689

(8) Programming or setting any function of a patient 93690
controlled infusion pump. 93691

(E) Notwithstanding divisions (A) and (D) of this section, at 93692
the direction of a physician or a registered nurse, a licensed 93693
practical nurse authorized by the board to perform intravenous 93694
therapy may perform the following activities for the purpose of 93695
performing dialysis: 93696

(1) The routine administration and regulation of saline 93697
solution for the purpose of maintaining an established fluid plan; 93698

(2) The administration of a heparin dose intravenously; 93699

(3) The administration of a heparin dose peripherally via a 93700
fistula needle; 93701

(4) The loading and activation of a constant infusion pump; 93702

(5) The intermittent injection of a dose of medication that 93703
is administered via the hemodialysis blood circuit and through the 93704

patient's venous access. 93705

(F) No person shall employ or direct a licensed practical 93706
nurse to perform an intravenous therapy procedure without first 93707
verifying that the licensed practical nurse is authorized by the 93708
board to perform intravenous therapy. 93709

Sec. 4723.35. (A) As used in this section, "chemical 93710
dependency" means either of the following: 93711

(1) The chronic and habitual use of alcoholic beverages to 93712
the extent that the user no longer can control the use of alcohol 93713
or endangers the user's health, safety, or welfare or that of 93714
others; 93715

(2) The use of a controlled substance as defined in section 93716
3719.01 of the Revised Code, a harmful intoxicant as defined in 93717
section 2925.01 of the Revised Code, or a dangerous drug as 93718
defined in section 4729.01 of the Revised Code, to the extent that 93719
the user becomes physically or psychologically dependent on the 93720
substance, intoxicant, or drug or endangers the user's health, 93721
safety, or welfare or that of others. 93722

(B) The board of nursing may abstain from taking disciplinary 93723
action under section 4723.28 or 4723.86 of the Revised Code 93724
against an individual with a chemical dependency if it finds that 93725
the individual can be treated effectively and there is no 93726
impairment of the individual's ability to practice according to 93727
acceptable and prevailing standards of safe care. The board shall 93728
establish a chemical dependency monitoring program to monitor the 93729
registered nurses, licensed practical nurses, dialysis 93730
technicians, and certified community health workers against whom 93731
the board has abstained from taking action. The board shall 93732
develop the program, select the program's name, and designate a 93733
coordinator to administer the program. 93734

(C) Determinations regarding an individual's eligibility for admission to, continued participation in, and successful completion of the monitoring program shall be made by the board's supervising member for disciplinary matters in accordance with rules adopted under division (D) of this section.

(D) The board shall adopt rules in accordance with Chapter 119. of the Revised Code that establish the following:

(1) Eligibility requirements for admission to and continued participation in the monitoring program;

(2) Terms and conditions that must be met to participate in and successfully complete the program;

(3) Procedures for keeping confidential records regarding participants;

(4) Any other requirements or procedures necessary to establish and administer the program.

(E)(1) As a condition of being admitted to the monitoring program, an individual shall surrender to the program coordinator the license or certificate that the individual holds. While the surrender is in effect, the individual is prohibited from engaging in the practice of nursing, engaging in the provision of dialysis care, or engaging in the provision of services that were being provided as a certified community health worker.

If the board's supervising member for disciplinary matters determines that a participant is capable of resuming practice according to acceptable and prevailing standards of safe care, the program coordinator shall return the participant's license or certificate. If the participant violates the terms and conditions of resumed practice, the coordinator shall require the participant to surrender the license or certificate as a condition of continued participation in the program. The coordinator may require the surrender only on the approval of the board's

supervising member for disciplinary matters. 93766

The surrender of a license or certificate on admission to the 93767
monitoring program or while participating in the program does not 93768
constitute an action by the board under section 4723.28 or 4723.86 93769
of the Revised Code. The participant may rescind the surrender at 93770
any time and the board may proceed by taking action under section 93771
4723.28 or 4723.86 of the Revised Code. 93772

(2) If the program coordinator determines that a participant 93773
is significantly out of compliance with the terms and conditions 93774
for participation, the coordinator shall notify the board's 93775
supervising member for disciplinary matters and the supervising 93776
member shall determine whether to temporarily suspend the 93777
participant's license or certificate. The board shall notify the 93778
participant of the suspension by certified mail sent to the 93779
participant's last known address and shall refer the matter to the 93780
board for formal action under section 4723.28 or 4723.86 of the 93781
Revised Code. 93782

(F) All of the following apply with respect to the receipt, 93783
release, and maintenance of records and information by the 93784
monitoring program: 93785

(1) The program coordinator shall maintain all program 93786
records in the board's office, and for each participant, shall 93787
retain the records for a period of two years following the 93788
participant's date of successful completion of the program. 93789

(2) When applying to participate in the monitoring program, 93790
the applicant shall sign a waiver permitting the board to receive 93791
and release information necessary to determine whether the 93792
individual is eligible for admission. After being admitted, the 93793
participant shall sign a waiver permitting the board to receive 93794
and release information necessary to determine whether the 93795
individual is eligible for continued participation in the program. 93796

Information that may be necessary for the board's supervising member for disciplinary matters to determine eligibility for admission or continued participation in the monitoring program includes, but is not limited to, information provided to and by employers, probation officers, law enforcement agencies, peer assistance programs, health professionals, and treatment providers. No entity with knowledge that the information has been provided to the monitoring program shall divulge that knowledge to any other person.

(3) Except as provided in division (F)(4) of this section, all records pertaining to an individual's application for or participation in the monitoring program, including medical records, treatment records, and mental health records, shall be confidential. The records are not public records for the purposes of section 149.43 of the Revised Code and are not subject to discovery by subpoena or admissible as evidence in any judicial proceeding.

(4) The board may disclose information regarding a participant's progress in the program to any person or government entity that the participant authorizes in writing to be given the information. In disclosing information under this division, the board shall not include any information that is protected under section ~~3793.13~~ 5119.27 of the Revised Code or any federal statute or regulation that provides for the confidentiality of medical, mental health, or substance abuse records.

(G) In the absence of fraud or bad faith, the board as a whole, its individual members, and its employees and representatives are not liable for damages in any civil action as a result of disclosing information in accordance with division (F)(4) of this section. In the absence of fraud or bad faith, any person reporting to the program with regard to an individual's chemical dependence, or the progress or lack of progress of that

individual with regard to treatment, is not liable for damages in 93829
any civil action as a result of the report. 93830

Sec. 4723.481. This section establishes standards and 93831
conditions regarding the authority of a clinical nurse specialist, 93832
certified nurse-midwife, or certified nurse practitioner to 93833
prescribe drugs and therapeutic devices under a certificate to 93834
prescribe issued under section ~~4723.481~~ 4723.48 of the Revised 93835
Code. 93836

(A) A clinical nurse specialist, certified nurse-midwife, or 93837
certified nurse practitioner shall not prescribe any drug or 93838
therapeutic device that is not included in the types of drugs and 93839
devices listed on the formulary established in rules adopted under 93840
section 4723.50 of the Revised Code. 93841

(B) The prescriptive authority of a clinical nurse 93842
specialist, certified nurse-midwife, or certified nurse 93843
practitioner shall not exceed the prescriptive authority of the 93844
collaborating physician or podiatrist, including the collaborating 93845
physician's authority to treat chronic pain with controlled 93846
substances and products containing tramadol as described in 93847
section 4731.052 of the Revised Code. 93848

(C)(1) Except as provided in division (C)(2) or (3) of this 93849
section, a clinical nurse specialist, certified nurse-midwife, or 93850
certified nurse practitioner may prescribe to a patient a schedule 93851
II controlled substance only if all of the following are the case: 93852

(a) The patient has a terminal condition, as defined in 93853
section 2133.01 of the Revised Code. 93854

(b) The collaborating physician of the clinical nurse 93855
specialist, certified nurse-midwife, or certified nurse 93856
practitioner initially prescribed the substance for the patient. 93857

(c) The prescription is for an amount that does not exceed 93858

the amount necessary for the patient's use in a single, 93859
twenty-four-hour period. 93860

(2) The restrictions on prescriptive authority in division 93861
(C)(1) of this section do not apply if a clinical nurse 93862
specialist, certified nurse-midwife, or certified nurse 93863
practitioner issues the prescription to the patient from any of 93864
the following locations: 93865

(a) A hospital registered under section 3701.07 of the 93866
Revised Code; 93867

(b) An entity owned or controlled, in whole or in part, by a 93868
hospital or by an entity that owns or controls, in whole or in 93869
part, one or more hospitals; 93870

(c) A health care facility operated by the department of 93871
~~mental health~~ mental health and addiction services or the 93872
department of developmental disabilities; 93873

(d) A nursing home licensed under section 3721.02 of the 93874
Revised Code or by a political subdivision certified under section 93875
3721.09 of the Revised Code; 93876

(e) A county home or district home operated under Chapter 93877
5155. of the Revised Code that is certified under the medicare or 93878
medicaid program; 93879

(f) A hospice care program, as defined in section 3712.01 of 93880
the Revised Code; 93881

(g) A community mental health ~~agency~~ services provider, as 93882
defined in section 5122.01 of the Revised Code; 93883

(h) An ambulatory surgical facility, as defined in section 93884
3702.30 of the Revised Code; 93885

(i) A freestanding birthing center, as defined in section 93886
~~3702.51~~ 3702.141 of the Revised Code; 93887

(j) A federally qualified health center, as defined in 93888

section 3701.047 of the Revised Code; 93889

(k) A federally qualified health center look-alike, as 93890
defined in section 3701.047 of the Revised Code; 93891

(l) A health care office or facility operated by the board of 93892
health of a city or general health district or the authority 93893
having the duties of a board of health under section 3709.05 of 93894
the Revised Code; 93895

(m) A site where a medical practice is operated, but only if 93896
the practice is comprised of one or more physicians who also are 93897
owners of the practice; the practice is organized to provide 93898
direct patient care; and the clinical nurse specialist, certified 93899
nurse-midwife, or certified nurse practitioner providing services 93900
at the site has a standard care arrangement and collaborates with 93901
at least one of the physician owners who practices primarily at 93902
that site. 93903

(3) A clinical nurse specialist, certified nurse-midwife, or 93904
certified nurse practitioner shall not issue to a patient a 93905
prescription for a schedule II controlled substance from a 93906
convenience care clinic even if the clinic is owned or operated by 93907
an entity specified in division (C)(2) of this section. 93908

(D) A pharmacist who acts in good faith reliance on a 93909
prescription issued by a clinical nurse specialist, certified 93910
nurse-midwife, or certified nurse practitioner under division 93911
(C)(2) of this section is not liable for or subject to any of the 93912
following for relying on the prescription: damages in any civil 93913
action, prosecution in any criminal proceeding, or professional 93914
disciplinary action by the state board of pharmacy under Chapter 93915
4729. of the Revised Code. 93916

(E) A clinical nurse specialist, certified nurse-midwife, or 93917
certified nurse practitioner may personally furnish to a patient a 93918
sample of any drug or therapeutic device included in the types of 93919

drugs and devices listed on the formulary, except that all of the 93920
following conditions apply: 93921

(1) The amount of the sample furnished shall not exceed a 93922
seventy-two-hour supply, except when the minimum available 93923
quantity of the sample is packaged in an amount that is greater 93924
than a seventy-two-hour supply, in which case the packaged amount 93925
may be furnished. 93926

(2) No charge may be imposed for the sample or for furnishing 93927
it. 93928

(3) Samples of controlled substances may not be personally 93929
furnished. 93930

(F) A clinical nurse specialist, certified nurse-midwife, or 93931
certified nurse practitioner may personally furnish to a patient a 93932
complete or partial supply of a drug or therapeutic device 93933
included in the types of drugs and devices listed on the 93934
formulary, except that all of the following conditions apply: 93935

(1) The clinical nurse specialist, certified nurse-midwife, 93936
or certified nurse practitioner shall personally furnish only 93937
antibiotics, antifungals, scabicides, contraceptives, prenatal 93938
vitamins, antihypertensives, drugs and devices used in the 93939
treatment of diabetes, drugs and devices used in the treatment of 93940
asthma, and drugs used in the treatment of dyslipidemia. 93941

(2) The clinical nurse specialist, certified nurse-midwife, 93942
or certified nurse practitioner shall not furnish the drugs and 93943
devices in locations other than a health department operated by 93944
the board of health of a city or general health district or the 93945
authority having the duties of a board of health under section 93946
3709.05 of the Revised Code, a federally funded comprehensive 93947
primary care clinic, or a nonprofit health care clinic or program. 93948

(3) The clinical nurse specialist, certified nurse-midwife, 93949
or certified nurse practitioner shall comply with all safety 93950

standards for personally furnishing supplies of drugs and devices, 93951
as established in rules adopted under section 4723.50 of the 93952
Revised Code. 93953

Sec. 4725.03. The governor, with the advice and consent of 93954
the senate, shall appoint a state board of optometry consisting of 93955
six nonmedical residents of this state, five of whom shall be 93956
persons actually engaged in the practice of optometry for five 93957
years preceding appointment and one of whom shall be a member of 93958
the public at least ~~sixty~~ fifty years of age. Terms of office 93959
shall be five years, commencing on the twenty-sixth day of 93960
September and ending on the twenty-fifth day of September. Each 93961
member shall hold office from the date of appointment until the 93962
end of the term for which appointed. Any member appointed to fill 93963
a vacancy occurring prior to the expiration of the term for which 93964
the member's predecessor was appointed shall hold office for the 93965
remainder of the term. A member shall continue in office 93966
subsequent to the expiration date of the member's term until the 93967
member's successor takes office, or until a period of sixty days 93968
has elapsed, whichever occurs first. No person shall serve as a 93969
member for more than two terms. 93970

Sec. 4725.16. (A) Each certificate of licensure, topical 93971
ocular pharmaceutical agents certificate, and therapeutic 93972
pharmaceutical agents certificate issued by the state board of 93973
optometry shall expire annually on the last day of December, and 93974
may be renewed in accordance with this section and the standard 93975
renewal procedure established under Chapter 4745. of the Revised 93976
Code. 93977

An optometrist seeking to continue to practice optometry 93978
shall file with the board an application for license renewal. The 93979
application shall be in such form and require such pertinent 93980
professional biographical data as the board may require. 93981

(B) All licensed optometrists shall annually complete 93982
continuing education in subjects relating to the practice of 93983
optometry, to the end that the utilization and application of new 93984
techniques, scientific and clinical advances, and the achievements 93985
of research will assure comprehensive care to the public. The 93986
board shall prescribe by rule the continuing optometric education 93987
that licensed optometrists must complete. The length of study 93988
shall be twenty-five clock hours each year, including ten clock 93989
hours of instruction in pharmacology to be completed by all 93990
licensed optometrists. 93991

Unless the continuing education required under this division 93992
is waived or deferred under division (D) of this section, the 93993
continuing education must be completed during the twelve-month 93994
period beginning on the first day of October and ending on the 93995
last day of September. If the board receives notice from a 93996
continuing education program indicating that an optometrist 93997
completed the program after the last day of September, and the 93998
optometrist wants to use the continuing education completed after 93999
that day to renew the license that expires on the last day of 94000
December of that year, the optometrist shall pay the penalty 94001
specified under section 4725.34 of the Revised Code for late 94002
completion of continuing education. 94003

At least once annually, the board shall post on its web site 94004
and shall mail, or send by electronic mail, to each licensed 94005
optometrist a list of courses approved in accordance with 94006
standards prescribed by board rule. Upon the request of a licensed 94007
optometrist, the executive director of the board shall supply a 94008
list of additional courses that the board has approved subsequent 94009
to the most recent web site posting, electronic mail transmission, 94010
or mailing of the list of approved courses. 94011

(C)(1) Annually, not later than the first day of November, 94012
the board shall mail or send by electronic mail a notice regarding 94013

license renewal to each licensed optometrist who may be eligible 94014
for renewal. The notice shall be sent to the optometrist's ~~last~~ 94015
most recent electronic mail or mailing address shown in the 94016
board's records. If the board knows that the optometrist has 94017
completed the required continuing optometric education for the 94018
year, the board may include with the notice an application for 94019
license renewal. 94020

(2) Filing a license renewal application with the board shall 94021
serve as notice by the optometrist that the continuing optometric 94022
education requirement has been successfully completed. If the 94023
board finds that an optometrist has not completed the required 94024
continuing optometric education, the board shall disapprove the 94025
optometrist's application. The board's disapproval of renewal is 94026
effective without a hearing, unless a hearing is requested 94027
pursuant to Chapter 119. of the Revised Code. 94028

(3) The board shall refuse to accept an application for 94029
renewal from any applicant whose license is not in good standing 94030
or who is under disciplinary review pursuant to section 4725.19 of 94031
the Revised Code. 94032

(4) Notice of an applicant's failure to qualify for renewal 94033
shall be served upon the applicant by mail. The notice shall be 94034
sent not later than the fifteenth day of November to the 94035
applicant's last address shown in the board's records. 94036

(D) In cases of certified illness or undue hardship, the 94037
board may waive or defer for up to twelve months the requirement 94038
of continuing optometric education, except that in such cases the 94039
board may not waive or defer the continuing education in 94040
pharmacology required to be completed by optometrists who hold 94041
topical ocular pharmaceutical agents certificates or therapeutic 94042
pharmaceutical agents certificates. The board shall waive the 94043
requirement of continuing optometric education for any optometrist 94044
who is serving in the armed forces of the United States or who has 94045

received an initial certificate of licensure during the nine-month 94046
period which ended on the last day of September. 94047

(E) An optometrist whose renewal application has been 94048
approved may renew each certificate held by paying to the 94049
treasurer of state the fees for renewal specified under section 94050
4725.34 of the Revised Code. On payment of all applicable fees, 94051
the board shall issue a renewal of the optometrist's certificate 94052
of licensure, topical ocular pharmaceutical agents certificate, 94053
and therapeutic pharmaceutical agents certificate, as appropriate. 94054

(F) Not later than the fifteenth day of December, the board 94055
shall mail or send by electronic mail a second notice regarding 94056
license renewal to each licensed optometrist who may be eligible 94057
for renewal but did not respond to the notice sent under division 94058
(C)(1) of this section. The notice shall be sent to the 94059
optometrist's ~~last~~ most recent electronic mail or mailing address 94060
shown in the board's records. If an optometrist fails to file a 94061
renewal application after the second notice is sent, the board 94062
shall send a third notice regarding license renewal prior to any 94063
action under division (I) of this section to classify the 94064
optometrist's certificates as delinquent. 94065

(G) The failure of an optometrist to apply for license 94066
renewal or the failure to pay the applicable annual renewal fees 94067
on or before the date of expiration, shall automatically work a 94068
forfeiture of the optometrist's authority to practice optometry in 94069
this state. 94070

(H) The board shall accept renewal applications and renewal 94071
fees that are submitted from the first day of January to the last 94072
day of April of the year next succeeding the date of expiration. 94073
An individual who submits such a late renewal application or fee 94074
shall pay the late renewal fee specified in section 4725.34 of the 94075
Revised Code. 94076

(I)(1) If the certificates issued by the board to an individual have expired and the individual has not filed a complete application during the late renewal period, the individual's certificates shall be classified in the board's records as delinquent.

(2) Any optometrist subject to delinquent classification may submit a written application to the board for reinstatement. For reinstatement to occur, the applicant must meet all of the following conditions:

(a) Submit to the board evidence of compliance with board rules requiring continuing optometric education in a sufficient number of hours to make up for any delinquent compliance;

(b) Pay the renewal fees for the year in which application for reinstatement is made and the reinstatement fee specified under division (A)(8) of section 4725.34 of the Revised Code;

(c) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code as the board considers appropriate to determine whether the application for reinstatement should be approved;

(d) If the applicant has been practicing optometry in another state or country, submit evidence that the applicant's license to practice optometry in the other state or country is in good standing.

(3) The board shall approve an application for reinstatement if the conditions specified in division (I)(2) of this section are met. An optometrist who receives reinstatement is subject to the continuing education requirements specified under division (B) of this section for the year in which reinstatement occurs.

Sec. 4729.01. As used in this chapter:

(A) "Pharmacy," except when used in a context that refers to

the practice of pharmacy, means any area, room, rooms, place of 94107
business, department, or portion of any of the foregoing where the 94108
practice of pharmacy is conducted. 94109

(B) "Practice of pharmacy" means providing pharmacist care 94110
requiring specialized knowledge, judgment, and skill derived from 94111
the principles of biological, chemical, behavioral, social, 94112
pharmaceutical, and clinical sciences. As used in this division, 94113
"pharmacist care" includes the following: 94114

(1) Interpreting prescriptions; 94115

(2) Dispensing drugs and drug therapy related devices; 94116

(3) Compounding drugs; 94117

(4) Counseling individuals with regard to their drug therapy, 94118
recommending drug therapy related devices, and assisting in the 94119
selection of drugs and appliances for treatment of common diseases 94120
and injuries and providing instruction in the proper use of the 94121
drugs and appliances; 94122

(5) Performing drug regimen reviews with individuals by 94123
discussing all of the drugs that the individual is taking and 94124
explaining the interactions of the drugs; 94125

(6) Performing drug utilization reviews with licensed health 94126
professionals authorized to prescribe drugs when the pharmacist 94127
determines that an individual with a prescription has a drug 94128
regimen that warrants additional discussion with the prescriber; 94129

(7) Advising an individual and the health care professionals 94130
treating an individual with regard to the individual's drug 94131
therapy; 94132

(8) Acting pursuant to a consult agreement with a physician 94133
authorized under Chapter 4731. of the Revised Code to practice 94134
medicine and surgery or osteopathic medicine and surgery, if an 94135
agreement has been established with the physician; 94136

(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	94137 94138
<u>(10) Electronic supervision and control of and communication with a remote dispensing system operated under section 4729.542 of the Revised Code.</u>	94139 94140 94141
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	94142 94143 94144
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	94145 94146
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	94147 94148
(3) As an incident to research, teaching activities, or chemical analysis;	94149 94150
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	94151 94152 94153
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:	94154 94155 94156 94157 94158
(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer.	94159 94160 94161 94162 94163
(b) A limited quantity of the drug is compounded and provided to the professional.	94164 94165
(c) The drug is compounded and provided to the professional	94166

as an occasional exception to the normal practice of dispensing 94167
drugs pursuant to patient-specific prescriptions. 94168

(D) "Consult agreement" means an agreement to manage an 94169
individual's drug therapy that has been entered into by a 94170
pharmacist and a physician authorized under Chapter 4731. of the 94171
Revised Code to practice medicine and surgery or osteopathic 94172
medicine and surgery. 94173

(E) "Drug" means: 94174

(1) Any article recognized in the United States pharmacopoeia 94175
and national formulary, or any supplement to them, intended for 94176
use in the diagnosis, cure, mitigation, treatment, or prevention 94177
of disease in humans or animals; 94178

(2) Any other article intended for use in the diagnosis, 94179
cure, mitigation, treatment, or prevention of disease in humans or 94180
animals; 94181

(3) Any article, other than food, intended to affect the 94182
structure or any function of the body of humans or animals; 94183

(4) Any article intended for use as a component of any 94184
article specified in division (E)(1), (2), or (3) of this section; 94185
but does not include devices or their components, parts, or 94186
accessories. 94187

(F) "Dangerous drug" means any of the following: 94188

(1) Any drug to which either of the following applies: 94189

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 94190
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 94191
required to bear a label containing the legend "Caution: Federal 94192
law prohibits dispensing without prescription" or "Caution: 94193
Federal law restricts this drug to use by or on the order of a 94194
licensed veterinarian" or any similar restrictive statement, or 94195
the drug may be dispensed only upon a prescription; 94196

(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription. 94197
94198

(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply; 94199
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(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body. 94202
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(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code. 94205
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(H) "Prescription" means a written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs. 94207
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(I) "Licensed health professional authorized to prescribe drugs" or "prescriber" means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following: 94211
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(1) A dentist licensed under Chapter 4715. of the Revised Code; 94216
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(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code; 94218
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(3) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate; 94221
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(4) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; 94224
94225
94226

(5) A physician assistant who holds a certificate to prescribe issued under Chapter 4730. of the Revised Code;	94227 94228
(6) A veterinarian licensed under Chapter 4741. of the Revised Code.	94229 94230
(J) "Sale" and "sell" include delivery, transfer, barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal proprietor, agent, or employee.	94231 94232 94233 94234
(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.	94235 94236 94237
(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.	94238 94239
(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility.	94240 94241 94242 94243 94244
(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following:	94245 94246 94247
(1) The proprietary name of the drug product;	94248
(2) The established (generic) name of the drug product;	94249
(3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active ingredient are required if such a relevant strength cannot be so associated with a drug product containing more than one	94250 94251 94252 94253 94254 94255 94256

ingredient. 94257

(4) The dosage form; 94258

(5) The price charged for a specific quantity of the drug 94259
product. The stated price shall include all charges to the 94260
consumer, including, but not limited to, the cost of the drug 94261
product, professional fees, handling fees, if any, and a statement 94262
identifying professional services routinely furnished by the 94263
pharmacy. Any mailing fees and delivery fees may be stated 94264
separately without repetition. The information shall not be false 94265
or misleading. 94266

(O) "Wholesale distributor of dangerous drugs" means a person 94267
engaged in the sale of dangerous drugs at wholesale and includes 94268
any agent or employee of such a person authorized by the person to 94269
engage in the sale of dangerous drugs at wholesale. 94270

(P) "Manufacturer of dangerous drugs" means a person, other 94271
than a pharmacist, who manufactures dangerous drugs and who is 94272
engaged in the sale of those dangerous drugs within this state. 94273

(Q) "Terminal distributor of dangerous drugs" means a person 94274
who is engaged in the sale of dangerous drugs at retail, or any 94275
person, other than a wholesale distributor or a pharmacist, who 94276
has possession, custody, or control of dangerous drugs for any 94277
purpose other than for that person's own use and consumption, and 94278
includes pharmacies, hospitals, nursing homes, and laboratories 94279
and all other persons who procure dangerous drugs for sale or 94280
other distribution by or under the supervision of a pharmacist or 94281
licensed health professional authorized to prescribe drugs. 94282

(R) "Promote to the public" means disseminating a 94283
representation to the public in any manner or by any means, other 94284
than by labeling, for the purpose of inducing, or that is likely 94285
to induce, directly or indirectly, the purchase of a dangerous 94286
drug at retail. 94287

(S) "Person" includes any individual, partnership, 94288
association, limited liability company, or corporation, the state, 94289
any political subdivision of the state, and any district, 94290
department, or agency of the state or its political subdivisions. 94291

(T) "Finished dosage form" has the same meaning as in section 94292
3715.01 of the Revised Code. 94293

(U) "Generically equivalent drug" has the same meaning as in 94294
section 3715.01 of the Revised Code. 94295

(V) "Animal shelter" means a facility operated by a humane 94296
society or any society organized under Chapter 1717. of the 94297
Revised Code or a dog pound operated pursuant to Chapter 955. of 94298
the Revised Code. 94299

(W) "Food" has the same meaning as in section 3715.01 of the 94300
Revised Code. 94301

(X) "Pain management clinic" has the same meaning as in 94302
section 4731.054 of the Revised Code. 94303

(Y) "Institutional facility" means any of the following at 94304
which medical care is provided and a medical record documenting 94305
episodes of care, including dangerous drugs prescribed, dispensed, 94306
or administered, is maintained: 94307

(1) A hospital classified by the department of health under 94308
section 3701.07 of Revised Code or licensed by the department of 94309
mental health under section 5119.20 of the Revised Code; 94310

(2) A facility licensed by the department of health, 94311
including a health care facility as defined in section 3702.30 of 94312
the Revised Code, a home as defined in section 3721.01 of the 94313
Revised Code, or any other facility licensed by the department at 94314
which medical care is provided; 94315

(3) A facility maintained or operated by the department of 94316
rehabilitation and correction or the department of developmental 94317

disabilities at which medical care is provided. 94318

Sec. 4729.51. (A) No person other than a registered wholesale distributor of dangerous drugs shall possess for sale, sell, distribute, or deliver, at wholesale, dangerous drugs, except as follows: 94319
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94322

(1) A pharmacist who is a licensed terminal distributor of dangerous drugs or who is employed by a licensed terminal distributor of dangerous drugs may make occasional sales of dangerous drugs at wholesale; 94323
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(2) A licensed terminal distributor of dangerous drugs having more than one establishment or place may transfer or deliver dangerous drugs from one establishment or place for which a license has been issued to the terminal distributor to another establishment or place for which a license has been issued to the terminal distributor if the license issued for each establishment or place is in effect at the time of the transfer or delivery. 94327
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(B)(1) No registered wholesale distributor of dangerous drugs shall possess for sale, or sell, at wholesale, dangerous drugs to any person other than the following: 94334
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(a) Except as provided in division (B)(2)(a) of this section, a licensed health professional authorized to prescribe drugs; 94337
94338

(b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents certificate; 94339
94340
94341

(c) A registered wholesale distributor of dangerous drugs; 94342

(d) A manufacturer of dangerous drugs; 94343

(e) Subject to division (B)(3) of this section, a licensed terminal distributor of dangerous drugs; 94344
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(f) Carriers or warehouses for the purpose of carriage or 94346

storage; 94347

(g) Terminal or wholesale distributors of dangerous drugs who 94348
are not engaged in the sale of dangerous drugs within this state; 94349

(h) An individual who holds a current license, certificate, 94350
or registration issued under Title 47 XLVII of the Revised Code 94351
and has been certified to conduct diabetes education by a national 94352
certifying body specified in rules adopted by the state board of 94353
pharmacy under section 4729.68 of the Revised Code, but only with 94354
respect to insulin that will be used for the purpose of diabetes 94355
education and only if diabetes education is within the 94356
individual's scope of practice under statutes and rules regulating 94357
the individual's profession; 94358

(i) An individual who holds a valid certificate issued by a 94359
nationally recognized S.C.U.B.A. diving certifying organization 94360
approved by the state board of pharmacy in rule, but only with 94361
respect to medical oxygen that will be used for the purpose of 94362
emergency care or treatment at the scene of a diving emergency; 94363

(j) Except as provided in division (B)(2)(b) of this section, 94364
a business entity that is a corporation formed under division (B) 94365
of section 1701.03 of the Revised Code, a limited liability 94366
company formed under Chapter 1705. of the Revised Code, or a 94367
professional association formed under Chapter 1785. of the Revised 94368
Code if the entity has a sole shareholder who is a licensed health 94369
professional authorized to prescribe drugs and is authorized to 94370
provide the professional services being offered by the entity; 94371

(k) Except as provided in division (B)(2)(c) of this section, 94372
a business entity that is a corporation formed under division (B) 94373
of section 1701.03 of the Revised Code, a limited liability 94374
company formed under Chapter 1705. of the Revised Code, a 94375
partnership or a limited liability partnership formed under 94376
Chapter 1775. of the Revised Code, or a professional association 94377

formed under Chapter 1785. of the Revised Code, if, to be a 94378
shareholder, member, or partner, an individual is required to be 94379
licensed, certified, or otherwise legally authorized under Title 94380
XLVII of the Revised Code to perform the professional service 94381
provided by the entity and each such individual is a licensed 94382
health professional authorized to prescribe drugs. 94383

(2) No registered wholesale distributor of dangerous drugs 94384
shall possess for sale, or sell, at wholesale, dangerous drugs to 94385
any of the following: 94386

(a) A prescriber who is employed by a pain management clinic 94387
that is not licensed as a terminal distributor of dangerous drugs 94388
with a pain management clinic classification issued under section 94389
4729.552 of the Revised Code; 94390

(b) A business entity described in division (B)(1)(j) of this 94391
section that is, or is operating, a pain management clinic without 94392
a license as a terminal distributor of dangerous drugs with a pain 94393
management clinic classification issued under section 4729.552 of 94394
the Revised Code; 94395

(c) A business entity described in division (B)(1)(k) of this 94396
section that is, or is operating, a pain management clinic without 94397
a license as a terminal distributor of dangerous drugs with a pain 94398
management clinic classification issued under section 4729.552 of 94399
the Revised Code. 94400

(3) No registered wholesale distributor of dangerous drugs 94401
shall possess dangerous drugs for sale at wholesale, or sell such 94402
drugs at wholesale, to a licensed terminal distributor of 94403
dangerous drugs, except as follows: 94404

(a) In the case of a terminal distributor with a category I 94405
license, only dangerous drugs described in category I, as defined 94406
in division (A)(1) of section 4729.54 of the Revised Code; 94407

(b) In the case of a terminal distributor with a category II 94408

license, only dangerous drugs described in category I and category 94409
II, as defined in divisions (A)(1) and (2) of section 4729.54 of 94410
the Revised Code; 94411

(c) In the case of a terminal distributor with a category III 94412
license, dangerous drugs described in category I, category II, and 94413
category III, as defined in divisions (A)(1), (2), and (3) of 94414
section 4729.54 of the Revised Code; 94415

(d) In the case of a terminal distributor with a limited 94416
category I, II, or III license, only the dangerous drugs specified 94417
in the certificate furnished by the terminal distributor in 94418
accordance with section 4729.60 of the Revised Code. 94419

(C)(1) Except as provided in division (C)(4) of this section, 94420
no person shall sell, at retail, dangerous drugs. 94421

(2) Except as provided in division (C)(4) of this section, no 94422
person shall possess for sale, at retail, dangerous drugs. 94423

(3) Except as provided in division (C)(4) of this section, no 94424
person shall possess dangerous drugs. 94425

(4) Divisions (C)(1), (2), and (3) of this section do not 94426
apply to a registered wholesale distributor of dangerous drugs, a 94427
licensed terminal distributor of dangerous drugs, or a person who 94428
possesses, or possesses for sale or sells, at retail, a dangerous 94429
drug in accordance with Chapters 3719., 4715., 4723., 4725., 94430
4729., 4730., 4731., and 4741. of the Revised Code. 94431

Divisions (C)(1), (2), and (3) of this section do not apply 94432
to an individual who holds a current license, certificate, or 94433
registration issued under Title XLVII of the Revised Code and has 94434
been certified to conduct diabetes education by a national 94435
certifying body specified in rules adopted by the state board of 94436
pharmacy under section 4729.68 of the Revised Code, but only to 94437
the extent that the individual possesses insulin or personally 94438
supplies insulin solely for the purpose of diabetes education and 94439

only if diabetes education is within the individual's scope of 94440
practice under statutes and rules regulating the individual's 94441
profession. 94442

Divisions (C)(1), (2), and (3) of this section do not apply 94443
to an individual who holds a valid certificate issued by a 94444
nationally recognized S.C.U.B.A. diving certifying organization 94445
approved by the state board of pharmacy in rule, but only to the 94446
extent that the individual possesses medical oxygen or personally 94447
supplies medical oxygen for the purpose of emergency care or 94448
treatment at the scene of a diving emergency. 94449

(D) No licensed terminal distributor of dangerous drugs shall 94450
purchase for the purpose of resale dangerous drugs from any person 94451
other than a registered wholesale distributor of dangerous drugs, 94452
except as follows: 94453

(1) A licensed terminal distributor of dangerous drugs may 94454
make occasional purchases of dangerous drugs for resale from a 94455
pharmacist who is a licensed terminal distributor of dangerous 94456
drugs or who is employed by a licensed terminal distributor of 94457
dangerous drugs; 94458

(2) A licensed terminal distributor of dangerous drugs having 94459
more than one establishment or place may transfer or receive 94460
dangerous drugs from one establishment or place for which a 94461
license has been issued to the terminal distributor to another 94462
establishment or place for which a license has been issued to the 94463
terminal distributor if the license issued for each establishment 94464
or place is in effect at the time of the transfer or receipt. 94465

(E) A pharmacy that is a licensed terminal distributor of 94466
dangerous drugs may operate a remote dispensing system in an 94467
institutional facility in accordance with section 4729.542 of the 94468
Revised Code. 94469

(F) No licensed terminal distributor of dangerous drugs shall 94470

engage in the sale or other distribution of dangerous drugs at 94471
retail or maintain possession, custody, or control of dangerous 94472
drugs for any purpose other than the distributor's personal use or 94473
consumption, at any establishment or place other than that or 94474
those described in the license issued by the state board of 94475
pharmacy to such terminal distributor. 94476

~~(F)~~(G) Nothing in this section shall be construed to 94477
interfere with the performance of official duties by any law 94478
enforcement official authorized by municipal, county, state, or 94479
federal law to collect samples of any drug, regardless of its 94480
nature or in whose possession it may be. 94481

Sec. 4729.54. (A) As used in this section and section 94482
4729.541 of the Revised Code: 94483

(1) "Category I" means single-dose injections of intravenous 94484
fluids, including saline, Ringer's lactate, five per cent dextrose 94485
and distilled water, and other intravenous fluids or parenteral 94486
solutions included in this category by rule of the state board of 94487
pharmacy, that have a volume of one hundred milliliters or more 94488
and that contain no added substances, or single-dose injections of 94489
epinephrine to be administered pursuant to sections 4765.38 and 94490
4765.39 of the Revised Code. 94491

(2) "Category II" means any dangerous drug that is not 94492
included in category I or III. 94493

(3) "Category III" means any controlled substance that is 94494
contained in schedule I, II, III, IV, or V. 94495

(4) "Emergency medical service organization" has the same 94496
meaning as in section 4765.01 of the Revised Code. 94497

(5) "Person" includes an emergency medical service 94498
organization. 94499

(6) "Schedule I, schedule II, schedule III, schedule IV, and 94500

schedule V" mean controlled substance schedules I, II, III, IV, 94501
and V, respectively, as established pursuant to section 3719.41 of 94502
the Revised Code and as amended. 94503

(B)(1) A person who desires to be licensed as a terminal 94504
distributor of dangerous drugs shall file with the executive 94505
director of the state board of pharmacy a verified application. 94506
After it is filed, the application may not be withdrawn without 94507
approval of the board. 94508

(2) An application shall contain all the following that apply 94509
in the applicant's case: 94510

(a) Information that the board requires relative to the 94511
qualifications of a terminal distributor of dangerous drugs set 94512
forth in section 4729.55 of the Revised Code; 94513

(b) A statement that the person wishes to be licensed as a 94514
category I, category II, category III, limited category I, limited 94515
category II, or limited category III terminal distributor of 94516
dangerous drugs; 94517

(c) If the person wishes to be licensed as a limited category 94518
I, limited category II, or limited category III terminal 94519
distributor of dangerous drugs, a notarized list of the dangerous 94520
drugs that the person wishes to possess, have custody or control 94521
of, and distribute, which list shall also specify the purpose for 94522
which those drugs will be used and their source; 94523

(d) If the person is an emergency medical service 94524
organization, the information that is specified in division (C)(1) 94525
of this section; 94526

(e) Except for an emergency medical service organization, the 94527
identity of the one establishment or place at which the person 94528
intends to engage in the sale or other distribution of dangerous 94529
drugs at retail, and maintain possession, custody, or control of 94530
dangerous drugs for purposes other than the person's own use or 94531

consumption and any institutional facility at which the person 94532
intends to operate a remote dispensing system in accordance with 94533
section 4729.542 of the Revised Code; 94534

(f) If the application pertains to a pain management clinic, 94535
information that demonstrates, to the satisfaction of the board, 94536
compliance with division (A) of section 4729.552 of the Revised 94537
Code. 94538

(C)(1) An emergency medical service organization that wishes 94539
to be licensed as a terminal distributor of dangerous drugs shall 94540
list in its application for licensure the following additional 94541
information: 94542

(a) The units under its control that the organization 94543
determines will possess dangerous drugs for the purpose of 94544
administering emergency medical services in accordance with 94545
Chapter 4765. of the Revised Code; 94546

(b) With respect to each such unit, whether the dangerous 94547
drugs that the organization determines the unit will possess are 94548
in category I, II, or III. 94549

(2) An emergency medical service organization that is 94550
licensed as a terminal distributor of dangerous drugs shall file a 94551
new application for such licensure if there is any change in the 94552
number, or location of, any of its units or any change in the 94553
category of the dangerous drugs that any unit will possess. 94554

(3) A unit listed in an application for licensure pursuant to 94555
division (C)(1) of this section may obtain the dangerous drugs it 94556
is authorized to possess from its emergency medical service 94557
organization or, on a replacement basis, from a hospital pharmacy. 94558
If units will obtain dangerous drugs from a hospital pharmacy, the 94559
organization shall file, and maintain in current form, the 94560
following items with the pharmacist who is responsible for the 94561
hospital's terminal distributor of dangerous drugs license: 94562

- (a) A copy of its standing orders or protocol; 94563
- (b) A list of the personnel employed or used by the 94564
organization to provide emergency medical services in accordance 94565
with Chapter 4765. of the Revised Code, who are authorized to 94566
possess the drugs, which list also shall indicate the personnel 94567
who are authorized to administer the drugs. 94568
- (D) Each emergency medical service organization that applies 94569
for a terminal distributor of dangerous drugs license shall submit 94570
with its application the following: 94571
- (1) A notarized copy of its standing orders or protocol, 94572
which orders or protocol shall be signed by a physician and 94573
specify the dangerous drugs that its units may carry, expressed in 94574
standard dose units; 94575
- (2) A list of the personnel employed or used by the 94576
organization to provide emergency medical services in accordance 94577
with Chapter 4765. of the Revised Code. 94578
- An emergency medical service organization that is licensed as 94579
a terminal distributor shall notify the board immediately of any 94580
changes in its standing orders or protocol. 94581
- (E) There shall be six categories of terminal distributor of 94582
dangerous drugs licenses, which categories shall be as follows: 94583
- (1) Category I license. A person who obtains this license may 94584
possess, have custody or control of, and distribute only the 94585
dangerous drugs described in category I. 94586
- (2) Limited category I license. A person who obtains this 94587
license may possess, have custody or control of, and distribute 94588
only the dangerous drugs described in category I that were listed 94589
in the application for licensure. 94590
- (3) Category II license. A person who obtains this license 94591
may possess, have custody or control of, and distribute only the 94592

dangerous drugs described in category I and category II. 94593

(4) Limited category II license. A person who obtains this 94594
license may possess, have custody or control of, and distribute 94595
only the dangerous drugs described in category I or category II 94596
that were listed in the application for licensure. 94597

(5) Category III license, which may include a pain management 94598
clinic classification issued under section 4729.552 of the Revised 94599
Code. A person who obtains this license may possess, have custody 94600
or control of, and distribute the dangerous drugs described in 94601
category I, category II, and category III. If the license includes 94602
a pain management clinic classification, the person may operate a 94603
pain management clinic. 94604

(6) Limited category III license. A person who obtains this 94605
license may possess, have custody or control of, and distribute 94606
only the dangerous drugs described in category I, category II, or 94607
category III that were listed in the application for licensure. 94608

(F) Except for an application made on behalf of an animal 94609
shelter, if an applicant for licensure as a limited category I, 94610
II, or III terminal distributor of dangerous drugs intends to 94611
administer dangerous drugs to a person or animal, the applicant 94612
shall submit, with the application, a notarized copy of its 94613
protocol or standing orders, which protocol or orders shall be 94614
signed by a licensed health professional authorized to prescribe 94615
drugs, specify the dangerous drugs to be administered, and list 94616
personnel who are authorized to administer the dangerous drugs in 94617
accordance with federal law or the law of this state. An 94618
application made on behalf of an animal shelter shall include a 94619
notarized list of the dangerous drugs to be administered to 94620
animals and the personnel who are authorized to administer the 94621
drugs to animals in accordance with section 4729.532 of the 94622
Revised Code. After obtaining a terminal distributor license, a 94623
licensee shall notify the board immediately of any changes in its 94624

protocol or standing orders, or in such personnel. 94625

(G)(1) Except as provided in division (G)(2) of this section, 94626
each applicant for licensure as a terminal distributor of 94627
dangerous drugs shall submit, with the application, a license fee 94628
determined as follows: 94629

(a) For a category I or limited category I license, 94630
forty-five dollars; 94631

(b) For a category II or limited category II license, one 94632
hundred twelve dollars and fifty cents; 94633

(c) For a category III license, including a license with a 94634
pain management clinic classification issued under section 94635
4729.552 of the Revised Code, or a limited category III license, 94636
one hundred fifty dollars. 94637

(2) For a professional association, corporation, partnership, 94638
or limited liability company organized for the purpose of 94639
practicing veterinary medicine, the fee shall be forty dollars. 94640

(3) Fees assessed under divisions (G)(1) and (2) of this 94641
section shall not be returned if the applicant fails to qualify 94642
for registration. 94643

(H)(1) The board shall issue a terminal distributor of 94644
dangerous drugs license to each person who submits an application 94645
for such licensure in accordance with this section, pays the 94646
required license fee, is determined by the board to meet the 94647
requirements set forth in section 4729.55 of the Revised Code, and 94648
satisfies any other applicable requirements of this section. 94649

(2) The license of a person other than an emergency medical 94650
service organization shall describe the one establishment or place 94651
at which the licensee may engage in the sale or other distribution 94652
of dangerous drugs at retail and maintain possession, custody, or 94653
control of dangerous drugs for purposes other than the licensee's 94654

own use or consumption and any institutional facility at which the 94655
person intends to operate a remote dispensing system in accordance 94656
with section 4729.542 of the Revised Code. The one establishment 94657
or place and any institutional facility at which the person 94658
intends to operate a remote dispensing system shall be ~~that which~~ 94659
~~is~~ those described in the application for licensure. 94660

No such license shall authorize or permit the terminal 94661
distributor of dangerous drugs named in it to engage in the sale 94662
or other distribution of dangerous drugs at retail or to maintain 94663
possession, custody, or control of dangerous drugs for any purpose 94664
other than the distributor's own use or consumption, at any 94665
establishment or place other than ~~that~~ those described in the 94666
license, except that an agent or employee of an animal shelter may 94667
possess and use dangerous drugs in the course of business as 94668
provided in division (D) of section 4729.532 of the Revised Code. 94669

(3) The license of an emergency medical service organization 94670
shall cover and describe all the units of the organization listed 94671
in its application for licensure. 94672

(4) The license of every terminal distributor of dangerous 94673
drugs shall indicate, on its face, the category of licensure. If 94674
the license is a limited category I, II, or III license, it shall 94675
specify, and shall authorize the licensee to possess, have custody 94676
or control of, and distribute only, the dangerous drugs that were 94677
listed in the application for licensure. 94678

(I) All licenses issued pursuant to this section shall be 94679
effective for a period of twelve months from the first day of 94680
January of each year. A license shall be renewed by the board for 94681
a like period, annually, according to the provisions of this 94682
section, and the standard renewal procedure of Chapter 4745. of 94683
the Revised Code. A person who desires to renew a license shall 94684
submit an application for renewal and pay the required fee on or 94685
before the thirty-first day of December each year. The fee 94686

required for the renewal of a license shall be the same as the fee 94687
paid for the license being renewed, and shall accompany the 94688
application for renewal. 94689

A license that has not been renewed during December in any 94690
year and by the first day of February of the following year may be 94691
reinstated only upon payment of the required renewal fee and a 94692
penalty fee of fifty-five dollars. 94693

(J)(1) No emergency medical service organization that is 94694
licensed as a terminal distributor of dangerous drugs shall fail 94695
to comply with division (C)(2) or (3) of this section. 94696

(2) No emergency medical service organization that is 94697
licensed as a terminal distributor of dangerous drugs shall fail 94698
to comply with division (D) of this section. 94699

(3) No licensed terminal distributor of dangerous drugs shall 94700
possess, have custody or control of, or distribute dangerous drugs 94701
that the terminal distributor is not entitled to possess, have 94702
custody or control of, or distribute by virtue of its category of 94703
licensure. 94704

(4) No licensee that is required by division (F) of this 94705
section to notify the board of changes in its protocol or standing 94706
orders, or in personnel, shall fail to comply with that division. 94707

Sec. 4729.542. (A) As used in this section, "remote 94708
dispensing system" means a mechanical system for dispensing drugs 94709
that is installed in an institutional facility and communicates 94710
electronically with a pharmacy. 94711

(B) A pharmacy licensed under this chapter as a terminal 94712
distributor of dangerous drugs may use a remote dispensing system 94713
to assist in the distribution of dangerous drugs at an 94714
institutional facility if all of the following requirements are 94715
met: 94716

(1) The system has a documented and ongoing quality assurance program that monitors total system performance and requires one hundred per cent accuracy in drugs dispensed and their strength. 94717
94718
94719

(2) The system has security adequate to prevent unauthorized access to dangerous drugs. 94720
94721

(3) Records kept by the system comply with requirements of the state board of pharmacy. 94722
94723

(C) A pharmacist licensed under this chapter shall maintain supervision and control of a remote dispensing system but is not required to be physically present at the facility where the system is used to dispense drugs. 94724
94725
94726
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(D) As part of the quality assurance program required by division (B)(1) of this section, the facility where the remote dispensing system is located shall complete periodic audits of controlled substances dispensed through the system. 94728
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Sec. 4729.69. (A) The state board of pharmacy, in 94732
collaboration with the director of ~~alcohol and drug addiction~~ 94733
~~services~~ mental health and addiction services and attorney 94734
general, shall establish and administer a drug take-back program 94735
under which drugs are collected from the community for the purpose 94736
of destruction or disposal of the drugs. 94737

(B) The program shall be established and administered in such 94738
a manner that it does both of the following: 94739

(1) Complies with any state or federal laws regarding the 94740
collection, destruction, or disposal of drugs; 94741

(2) Maintains the confidentiality of individuals who submit 94742
or otherwise provide drugs under the program. 94743

(C) In consultation with the director of ~~alcohol and drug~~ 94744
~~addiction services~~ mental health and addiction services and 94745
attorney general, the board shall adopt rules governing the 94746

program. The rules shall be adopted in accordance with Chapter 94747
119. of the Revised Code. In adopting the rules, the board shall 94748
specify all of the following: 94749

(1) The entities that may participate; 94750

(2) Guidelines and responsibilities for accepting drugs by 94751
participating entities; 94752

(3) Drugs that may be collected; 94753

(4) Record-keeping requirements; 94754

(5) Proper methods to destroy unused drugs; 94755

(6) Privacy protocols and security standards; 94756

(7) Drug transportation procedures; 94757

(8) The schedule, duration, and frequency of the collections 94758
of drugs, except that the first collection shall occur not later 94759
than one year after ~~the effective date of this section~~ May 20, 94760
2011; 94761

(9) Any other standards and procedures the board considers 94762
necessary for purposes of governing the program. 94763

(D) In accordance with state and federal law, the board may 94764
adopt rules to allow an entity participating in the program to 94765
return any unused drugs to the pharmacy that originally dispensed 94766
the drug. The rules shall include procedures to be followed to 94767
maintain the confidentiality of the person for whom the drug was 94768
dispensed. 94769

(E) Rules adopted under this section may not do any of the 94770
following: 94771

(1) Require any entity to establish, fund, or operate a drug 94772
take-back program; 94773

(2) Establish any new licensing requirement or fee to 94774
participate in the program; 94775

(3) Require any entity to compile data on drugs collected.	94776
(F) The board may compile data on the amount and type of drugs collected under the program. For purposes of this division, the board may cooperate with a public or private entity in obtaining assistance in the compilation of data. An entity providing the assistance shall not be reimbursed under the program for any costs incurred in providing the assistance.	94777 94778 94779 94780 94781 94782
(G) If the board compiles data under division (F) of this section, the board shall submit a report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly. The report, to the extent possible, shall include the following information:	94783 94784 94785 94786 94787
(1) Total weight of drugs collected, both with and without packaging;	94788 94789
(2) The weight of controlled substances;	94790
(3) The amount of all of the following as a per cent of total drugs collected:	94791 94792
(a) Controlled substances;	94793
(b) Brand name drugs;	94794
(c) Generic drugs;	94795
(d) Prescription drugs;	94796
(e) Non-prescription drugs.	94797
(4) The amount of vitamins, herbal supplements, and personal care products collected;	94798 94799
(5) If provided by the person who submitted or otherwise donated drugs to the program, the reasons why the drugs were returned or unused.	94800 94801 94802
(H) No entity is required to participate in a drug take-back program established under this section, and no entity shall be	94803 94804

subject to civil liability or professional disciplinary action for 94805
declining to participate. 94806

(I) The board may accept grants, gifts, or donations for 94807
purposes of the program. Money received under this division shall 94808
be deposited into the drug take-back program fund established 94809
under section 109.90 of the Revised Code. 94810

Sec. 4729.77. (A) If the state board of pharmacy establishes 94811
and maintains a drug database pursuant to section 4729.75 of the 94812
Revised Code, each pharmacy licensed as a terminal distributor of 94813
dangerous drugs that dispenses drugs to patients in this state and 94814
is included in the types of pharmacies specified in rules adopted 94815
under section 4729.84 of the Revised Code shall submit to the 94816
board the following prescription information: 94817

(1) Terminal distributor identification; 94818

(2) Patient identification; 94819

(3) Prescriber identification; 94820

(4) Date prescription was issued by prescriber; 94821

(5) Date drug was dispensed; 94822

(6) Indication of whether the drug dispensed is new or a 94823
refill; 94824

(7) Name, strength, and national drug code of the drug 94825
dispensed; 94826

(8) Quantity of drug dispensed; 94827

(9) Number of days' supply of drug dispensed; 94828

(10) Serial or prescription number assigned by the terminal 94829
distributor; 94830

(11) Source of payment for the drug dispensed. 94831

(B)(1) The information shall be transmitted as specified by 94832

the board in rules adopted under section 4729.84 of the Revised Code. 94833
94834

(2) The information shall be submitted electronically in the 94835
format specified by the board, except that the board may grant a 94836
waiver allowing the distributor to submit the information in 94837
another format. 94838

(3) The information shall be submitted ~~in accordance with any~~ 94839
~~time limits specified by the board~~ not less than once each day 94840
that the distributor conducts business, except that the board may 94841
grant an extension if either of the following occurs: 94842

(a) The distributor suffers a mechanical or electronic 94843
failure, or cannot meet the deadline for other reasons beyond the 94844
distributor's control. 94845

(b) The board is unable to receive electronic submissions. 94846

(C) This section does not apply to a prescriber personally 94847
furnishing or administering dangerous drugs to the prescriber's 94848
patient. 94849

Sec. 4729.78. (A) If the state board of pharmacy establishes 94850
and maintains a drug database pursuant to section 4729.75 of the 94851
Revised Code, each wholesale distributor of dangerous drugs that 94852
delivers drugs in this state to prescribers or terminal 94853
distributors of dangerous drugs shall submit to the board the 94854
following purchase information: 94855

(1) Purchaser identification; 94856

(2) Identification of the drug sold; 94857

(3) Quantity of the drug sold; 94858

(4) Date of sale; 94859

(5) The wholesale distributor's license number issued by the 94860
board. 94861

(B)(1) The information shall be transmitted as specified by the board in rules adopted under section 4729.84 of the Revised Code.

(2) The information shall be submitted electronically in the format specified by the board, except that the board may grant a waiver allowing the distributor to submit the information in another format.

(3) The information shall be submitted ~~in accordance with any time limits specified by the board~~ not less than once each day that the distributor conducts business, except that the board may grant an extension if either of the following occurs:

(a) The distributor suffers a mechanical or electronic failure, or cannot meet the deadline for other reasons beyond the distributor's control.

(b) The board is unable to receive electronic submissions.

Sec. 4729.79. (A) If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, each licensed health professional authorized to prescribe drugs, except as provided in division (C) of this section, who personally furnishes to a patient a controlled substance or other dangerous drug the board includes in the database pursuant to rules adopted under section 4729.84 of the Revised Code shall submit to the board the following information:

(1) Prescriber identification;

(2) Patient identification;

(3) Date drug was furnished by the prescriber;

(4) Indication of whether the drug furnished is new or a refill;

(5) Name, strength, and national drug code of drug furnished;

(6) Quantity of drug furnished;	94891
(7) Number of days' supply of drug furnished;	94892
(8) Source of payment for the drug furnished;	94893
(9) Identification of the owner of the drug furnished.	94894
(B)(1) The information shall be transmitted as specified by	94895
the board in rules adopted under section 4729.84 of the Revised	94896
Code.	94897
(2) The information shall be submitted electronically in the	94898
format specified by the board, except that the board may grant a	94899
waiver allowing the prescriber to submit the information in	94900
another format.	94901
(3) The information shall be submitted in accordance with any	94902
time limits specified by the board <u>not less than once each day</u>	94903
<u>that the prescriber conducts business</u> , except that the board may	94904
grant an extension if either of the following occurs:	94905
(a) The prescriber's transmission system suffers a mechanical	94906
or electronic failure, or the prescriber cannot meet the deadline	94907
for other reasons beyond the prescriber's control.	94908
(b) The board is unable to receive electronic submissions.	94909
(C)(1) The information required to be submitted under	94910
division (A) of this section may be submitted on behalf of the	94911
prescriber by the owner of the drug being personally furnished or	94912
by a delegate approved by that owner.	94913
(2) The requirements of this section to submit information to	94914
the board do not apply to a prescriber who is a veterinarian.	94915
(D) If the board becomes aware of a prescriber's failure to	94916
comply with this section, the board shall notify the government	94917
entity responsible for licensing the prescriber.	94918
Sec. 4729.80. (A) If the state board of pharmacy establishes	94919

and maintains a drug database pursuant to section 4729.75 of the Revised Code, the board is authorized or required to provide information from the database in accordance with the following:

(1) On receipt of a request from a designated representative of a government entity responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs, the board may provide to the representative information from the database relating to the professional who is the subject of an active investigation being conducted by the government entity.

(2) On receipt of a request from a federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs, the board shall provide to the officer information from the database relating to the person who is the subject of an active investigation of a drug abuse offense, as defined in section 2925.01 of the Revised Code, being conducted by the officer's employing government entity.

(3) Pursuant to a subpoena issued by a grand jury, the board shall provide to the grand jury information from the database relating to the person who is the subject of an investigation being conducted by the grand jury.

(4) Pursuant to a subpoena, search warrant, or court order in connection with the investigation or prosecution of a possible or alleged criminal offense, the board shall provide information from the database as necessary to comply with the subpoena, search warrant, or court order.

(5) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board may provide to the prescriber information from the database relating to a patient who is either of the following, if the prescriber certifies in a form specified by the board that it is for the

purpose of providing medical treatment to the patient who is the 94951
subject of the request; 94952

(a) A current patient of the prescriber; 94953

(b) A potential patient of the prescriber based on a referral 94954
of the patient to the prescriber. 94955

(6) On receipt of a request from a pharmacist or the 94956
pharmacist's delegate approved by the board, the board may provide 94957
to the pharmacist information from the database relating to a 94958
current patient of the pharmacist, if the pharmacist certifies in 94959
a form specified by the board that it is for the purpose of the 94960
pharmacist's practice of pharmacy involving the patient who is the 94961
subject of the request. 94962

(7) On receipt of a request from an individual seeking the 94963
individual's own database information in accordance with the 94964
procedure established in rules adopted under section 4729.84 of 94965
the Revised Code, the board may provide to the individual the 94966
individual's own database information. 94967

(8) On receipt of a request from the medical director of a 94968
managed care organization that has entered into a data security 94969
agreement with the board required by section ~~5111.1710~~ 5167.14 of 94970
the Revised Code, the board ~~may~~ shall provide to the medical 94971
director information from the database relating to a medicaid 94972
recipient enrolled in the managed care organization, including 94973
information in the database related to prescriptions for the 94974
recipient that were not covered or reimbursed under a program 94975
administered by the department of medicaid. 94976

(9) On receipt of a request from the medicaid director ~~of job~~ 94977
~~and family services~~, the board ~~may~~ shall provide to the director 94978
information from the database relating to a recipient of a program 94979
administered by the department of ~~job and family services~~ 94980
medicaid, including information in the database related to 94981

prescriptions for the recipient that were not covered or paid by a 94982
program administered by the department. 94983

(10) On receipt of a request from the administrator of 94984
workers' compensation, the board may provide to the administrator 94985
information from the database relating to a claimant under Chapter 94986
4121., 4123., 4127., or 4131. of the Revised Code. 94987

(11) On receipt of a request from a requestor described in 94988
division (A)(1), (2), (5), or (6) of this section who is from or 94989
participating with another state's prescription monitoring 94990
program, the board may provide to the requestor information from 94991
the database, but only if there is a written agreement under which 94992
the information is to be used and disseminated according to the 94993
laws of this state. 94994

(B) The state board of pharmacy shall maintain a record of 94995
each individual or entity that requests information from the 94996
database pursuant to this section. In accordance with rules 94997
adopted under section 4729.84 of the Revised Code, the board may 94998
use the records to document and report statistics and law 94999
enforcement outcomes. 95000

The board may provide records of an individual's requests for 95001
database information to the following: 95002

(1) A designated representative of a government entity that 95003
is responsible for the licensure, regulation, or discipline of 95004
health care professionals with authority to prescribe, administer, 95005
or dispense drugs who is involved in an active investigation being 95006
conducted by the government entity of the individual who submitted 95007
the requests for database information; 95008

(2) A federal officer, or a state or local officer of this or 95009
any other state, whose duties include enforcing laws relating to 95010
drugs and who is involved in an active investigation being 95011
conducted by the officer's employing government entity of the 95012

individual who submitted the requests for database information. 95013

(C) Information contained in the database and any information 95014
obtained from it is not a public record. Information contained in 95015
the records of requests for information from the database is not a 95016
public record. Information that does not identify a person may be 95017
released in summary, statistical, or aggregate form. 95018

(D) A pharmacist or prescriber shall not be held liable in 95019
damages to any person in any civil action for injury, death, or 95020
loss to person or property on the basis that the pharmacist or 95021
prescriber did or did not seek or obtain information from the 95022
database. 95023

Sec. 4729.81. If the state board of pharmacy establishes and 95024
maintains a drug database pursuant to section 4729.75 of the 95025
Revised Code, the board shall review the information in the drug 95026
database. If the board determines from the review that a violation 95027
of law may have occurred, it shall notify the appropriate law 95028
enforcement agency or a government entity responsible for the 95029
licensure, regulation, or discipline of licensed health 95030
professionals authorized to prescribe drugs and supply information 95031
required by the agency or entity for an investigation of the 95032
violation of law that may have occurred. The board also shall 95033
notify the medicaid director if the board determines that the 95034
violation may have been committed by a provider of services under 95035
a program administered by the department of medicaid. 95036

Sec. 4729.99. (A) Whoever violates section 4729.16, division 95037
(A) or (B) of section 4729.38, or section 4729.57 of the Revised 95038
Code is guilty of a minor misdemeanor. Each day's violation 95039
constitutes a separate offense. 95040

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 of 95041
the Revised Code is guilty of a misdemeanor of the third degree. 95042

Each day's violation constitutes a separate offense. If the
offender previously has been convicted of or pleaded guilty to a
violation of this chapter, that person is guilty of a misdemeanor
of the second degree.

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 of
the Revised Code is guilty of a misdemeanor.

(D) Whoever violates division (A), (B), (D), or ~~(E)~~(F) of
section 4729.51 of the Revised Code is guilty of a misdemeanor of
the first degree.

(E)(1) Whoever violates section 4729.37, division (C)(2) of
section 4729.51, division (J) of section 4729.54, or section
4729.61 of the Revised Code is guilty of a felony of the fifth
degree. If the offender previously has been convicted of or
pleaded guilty to a violation of this chapter or a violation of
Chapter 2925. or 3719. of the Revised Code, that person is guilty
of a felony of the fourth degree.

(2) If an offender is convicted of or pleads guilty to a
violation of section 4729.37, division (C) of section 4729.51,
division (J) of section 4729.54, or section 4729.61 of the Revised
Code, if the violation involves the sale, offer to sell, or
possession of a schedule I or II controlled substance, with the
exception of marihuana, and if the court imposing sentence upon
the offender finds that the offender as a result of the violation
is a major drug offender, as defined in section 2929.01 of the
Revised Code, and is guilty of a specification of the type
described in section 2941.1410 of the Revised Code, the court, in
lieu of the prison term authorized or required by division (E)(1)
of this section and sections 2929.13 and 2929.14 of the Revised
Code and in addition to any other sanction imposed for the offense
under sections 2929.11 to 2929.18 of the Revised Code, shall
impose upon the offender, in accordance with division (B)(3) of
section 2929.14 of the Revised Code, the mandatory prison term

specified in that division. 95075

(3) Notwithstanding any contrary provision of section 3719.21 95076
of the Revised Code, the clerk of court shall pay any fine imposed 95077
for a violation of section 4729.37, division (C) of section 95078
4729.51, division (J) of section 4729.54, or section 4729.61 of 95079
the Revised Code pursuant to division (A) of section 2929.18 of 95080
the Revised Code in accordance with and subject to the 95081
requirements of division (F) of section 2925.03 of the Revised 95082
Code. The agency that receives the fine shall use the fine as 95083
specified in division (F) of section 2925.03 of the Revised Code. 95084

(F) Whoever violates section 4729.531 of the Revised Code or 95085
any rule adopted thereunder or section 4729.532 of the Revised 95086
Code is guilty of a misdemeanor of the first degree. 95087

(G) Whoever violates division (C)(1) of section 4729.51 of 95088
the Revised Code is guilty of a felony of the fourth degree. If 95089
the offender has previously been convicted of or pleaded guilty to 95090
a violation of this chapter, or of a violation of Chapter 2925. or 95091
3719. of the Revised Code, that person is guilty of a felony of 95092
the third degree. 95093

(H) Whoever violates division (C)(3) of section 4729.51 of 95094
the Revised Code is guilty of a misdemeanor of the first degree. 95095
If the offender has previously been convicted of or pleaded guilty 95096
to a violation of this chapter, or of a violation of Chapter 2925. 95097
or 3719. of the Revised Code, that person is guilty of a felony of 95098
the fifth degree. 95099

(I)(1) Whoever violates division (B) of section 4729.42 of 95100
the Revised Code is guilty of unauthorized pharmacy-related drug 95101
conduct. Except as otherwise provided in this section, 95102
unauthorized pharmacy-related drug conduct is a misdemeanor of the 95103
second degree. If the offender previously has been convicted of or 95104
pleaded guilty to a violation of division (B), (C), (D), or (E) of 95105

that section, unauthorized pharmacy-related drug conduct is a 95106
misdemeanor of the first degree on a second offense and a felony 95107
of the fifth degree on a third or subsequent offense. 95108

(2) Whoever violates division (C) or (D) of section 4729.42 95109
of the Revised Code is guilty of permitting unauthorized 95110
pharmacy-related drug conduct. Except as otherwise provided in 95111
this section, permitting unauthorized pharmacy-related drug 95112
conduct is a misdemeanor of the second degree. If the offender 95113
previously has been convicted of or pleaded guilty to a violation 95114
of division (B), (C), (D), or (E) of that section, permitting 95115
unauthorized pharmacy-related drug conduct is a misdemeanor of the 95116
first degree on a second offense and a felony of the fifth degree 95117
on a third or subsequent offense. 95118

(3) Whoever violates division (E) of section 4729.42 of the 95119
Revised Code is guilty of the offense of falsification under 95120
section 2921.13 of the Revised Code. In addition to any other 95121
sanction imposed for the violation, the offender is forever 95122
disqualified from engaging in any activity specified in division 95123
(B)(1), (2), or (3) of section 4729.42 of the Revised Code and 95124
from performing any function as a health care professional or 95125
health care worker. As used in this division, "health care 95126
professional" and "health care worker" have the same meanings as 95127
in section 2305.234 of the Revised Code. 95128

(4) Notwithstanding any contrary provision of section 3719.21 95129
of the Revised Code or any other provision of law that governs the 95130
distribution of fines, the clerk of the court shall pay any fine 95131
imposed pursuant to division (I)(1), (2), or (3) of this section 95132
to the state board of pharmacy if the board has adopted a written 95133
internal control policy under division (F)(2) of section 2925.03 95134
of the Revised Code that addresses fine moneys that it receives 95135
under Chapter 2925. of the Revised Code and if the policy also 95136
addresses fine moneys paid under this division. The state board of 95137

pharmacy shall use the fines so paid in accordance with the 95138
written internal control policy to subsidize the board's law 95139
enforcement efforts that pertain to drug offenses. 95140

(J)(1) Whoever violates division (A)(1) of section 4729.86 of 95141
the Revised Code is guilty of a misdemeanor of the third degree. 95142
If the offender has previously been convicted of or pleaded guilty 95143
to a violation of division (A)(1), (2), or (3) of section 4729.86 95144
of the Revised Code, that person is guilty of a misdemeanor of the 95145
first degree. 95146

(2) Whoever violates division (A)(2) of section 4729.86 of 95147
the Revised Code is guilty of a misdemeanor of the first degree. 95148
If the offender has previously been convicted of or pleaded guilty 95149
to a violation of division (A)(1), (2), or (3) of section 4729.86 95150
of the Revised Code, that person is guilty of a felony of the 95151
fifth degree. 95152

(3) Whoever violates division (A)(3) of section 4729.86 of 95153
the Revised Code is guilty of a felony of the fifth degree. If the 95154
offender has previously been convicted of or pleaded guilty to a 95155
violation of division (A)(1), (2), or (3) of section 4729.86 of 95156
the Revised Code, that person is guilty of a felony of the fourth 95157
degree. 95158

(K) A person who violates division (C) of section 4729.552 of 95159
the Revised Code is guilty of a misdemeanor of the first degree. 95160
If the person previously has been convicted of or pleaded guilty 95161
to a violation of division (C) of section 4729.552 of the Revised 95162
Code, that person is guilty of a felony of the fifth degree. 95163

Sec. 4730.411. (A) Except as provided in division (B) or (C) 95164
of this section, a physician assistant may prescribe to a patient 95165
a schedule II controlled substance only if all of the following 95166
are the case: 95167

(1) The patient is in a terminal condition, as defined in section 2133.01 of the Revised Code. 95168
95169

(2) The physician assistant's supervising physician initially prescribed the substance for the patient. 95170
95171

(3) The prescription is for an amount that does not exceed the amount necessary for the patient's use in a single, twenty-four-hour period. 95172
95173
95174

(B) The restrictions on prescriptive authority in division (A) of this section do not apply if a physician assistant issues the prescription to the patient from any of the following locations: 95175
95176
95177
95178

(1) A hospital registered under section 3701.07 of the Revised Code; 95179
95180

(2) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals; 95181
95182
95183

(3) A health care facility operated by the department of ~~mental health~~ mental health and addiction services or the department of developmental disabilities; 95184
95185
95186

(4) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code; 95187
95188
95189

(5) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program; 95190
95191
95192

(6) A hospice care program, as defined in section 3712.01 of the Revised Code; 95193
95194

(7) A community mental health ~~agency~~ services provider, as defined in section 5122.01 of the Revised Code; 95195
95196

(8) An ambulatory surgical facility, as defined in section 95197

3702.30 of the Revised Code;	95198
(9) A freestanding birthing center, as defined in section	95199
3702.51 <u>3702.141</u> of the Revised Code;	95200
(10) A federally qualified health center, as defined in	95201
section 3701.047 of the Revised Code;	95202
(11) A federally qualified health center look-alike, as	95203
defined in section 3701.047 of the Revised Code;	95204
(12) A health care office or facility operated by the board	95205
of health of a city or general health district or the authority	95206
having the duties of a board of health under section 3709.05 of	95207
the Revised Code;	95208
(13) A site where a medical practice is operated, but only if	95209
the practice is comprised of one or more physicians who also are	95210
owners of the practice; the practice is organized to provide	95211
direct patient care; and the physician assistant has entered into	95212
a supervisory agreement with at least one of the physician owners	95213
who practices primarily at that site.	95214
(C) A physician assistant shall not issue to a patient a	95215
prescription for a schedule II controlled substance from a	95216
convenience care clinic even if the convenience care clinic is	95217
owned or operated by an entity specified in division (B) of this	95218
section.	95219
(D) A pharmacist who acts in good faith reliance on a	95220
prescription issued by a physician assistant under division (B) of	95221
this section is not liable for or subject to any of the following	95222
for relying on the prescription: damages in any civil action,	95223
prosecution in any criminal proceeding, or professional	95224
disciplinary action by the state board of pharmacy under Chapter	95225
4729. of the Revised Code.	95226
Sec. 4731.05. (A) The state medical board shall adopt rules	95227

in accordance with Chapter 119. of the Revised Code to carry out 95228
the purposes of this chapter. All adjudicative proceedings of the 95229
state medical board shall be conducted in accordance with Chapter 95230
119. of the Revised Code. 95231

(B) The state medical board shall appoint an executive 95232
director who shall be in the unclassified service of the state. 95233
The board may appoint other employees of the board as are 95234
necessary and shall prescribe their titles and duties. 95235

(C) The state medical board shall develop requirements for 95236
and provide appropriate initial and continuing training for 95237
investigators employed by the board to carry out its duties under 95238
Chapter 4731. of the Revised Code. The training and continuing 95239
education may include enrollment in courses operated or approved 95240
by the Ohio peace officer training commission that the board 95241
considers appropriate under conditions set forth in section 109.79 95242
of the Revised Code. 95243

(D)(1) The state medical board shall adopt internal 95244
management rules pursuant to section 111.15 of the Revised Code. 95245
The rules shall set forth criteria for assessing the board's 95246
accomplishments, activities, and performance data, including 95247
metrics detailing the board's revenues and reimbursements; budget 95248
distribution; investigation and licensing activity, including 95249
processing time frames; and enforcement data, including processing 95250
time frames. The board shall include the assessment in the annual 95251
report required by section 149.01 of the Revised Code. 95252

(2) The state medical board shall cause the internal 95253
management rules and annual report described in division (D)(1) of 95254
this section to be publicly accessible on the state medical 95255
board's web site. 95256

Sec. 4731.151. (A) Naprapaths who received a certificate to 95257
practice from the board prior to March 2, 1992, may continue to 95258

practice naprapathy, as defined in rules adopted by the board. 95259
Such naprapaths shall practice in accordance with rules adopted by 95260
the board. 95261

(B)(1) As used in this division: 95262

(a) "Mechanotherapy" means all of the following: 95263

(i) Examining patients by verbal inquiry; 95264

(ii) Examination of the musculoskeletal system by hand; 95265

(iii) Visual inspection and observation; 95266

(iv) Diagnosing a patient's condition only as to whether the 95267
patient has a disorder of the musculoskeletal system; 95268

(v) In the treatment of patients, employing the techniques of 95269
advised or supervised exercise; electrical neuromuscular 95270
stimulation; massage or manipulation; or air, water, heat, cold, 95271
sound, or infrared ray therapy only to those disorders of the 95272
musculoskeletal system that are amenable to treatment by such 95273
techniques and that are identifiable by examination performed in 95274
accordance with division (B)(1)(a)(i) of this section and 95275
diagnosable in accordance with division (B)(1)(a)(ii) of this 95276
section. 95277

(b) "Educational requirements" means the completion of a 95278
course of study appropriate for certification to practice 95279
mechanotherapy on or before November 3, 1985, as determined by 95280
rules adopted under this chapter. 95281

(2) Mechanotherapists who received a certificate to practice 95282
from the board prior to March 2, 1992, may continue to practice 95283
mechanotherapy, as defined in rules adopted by the board. Such 95284
mechanotherapists shall practice in accordance with rules adopted 95285
by the board. 95286

A person authorized by this division to practice as a 95287
mechanotherapist may examine, diagnose, and assume responsibility 95288

for the care of patients with due regard for first aid and the 95289
hygienic and nutritional care of the patients. Roentgen rays shall 95290
be used by a mechanotherapist only for diagnostic purposes. 95291

(3) A person who holds a certificate to practice 95292
mechanotherapy and completed educational requirements in 95293
mechanotherapy on or before November 3, 1985, is entitled to use 95294
the title "doctor of mechanotherapy" and is a "physician" who 95295
performs "medical services" for the purposes of Chapters 4121. and 95296
4123. of the Revised Code and the medicaid program ~~established~~ 95297
~~under section 5111.01 of the Revised Code~~, and shall receive 95298
payment or reimbursement as provided under those chapters and that 95299
~~section~~ program. 95300

Sec. 4731.23. (A)(1)(a) The state medical board shall 95301
designate one or more attorneys at law who have been admitted to 95302
the practice of law, and who are classified as either 95303
administrative law attorney examiners or as administrative law 95304
attorney examiner administrators under the state job 95305
classification plan adopted under section 124.14 of the Revised 95306
Code, as hearing examiners, subject to Chapter 119. of the Revised 95307
Code, to conduct any hearing which the medical board is empowered 95308
to hold or undertake pursuant to Chapter 119. of the Revised Code. 95309

(b) Notwithstanding the requirement of division (A)(1)(a) of 95310
this section that the board designate as a hearing examiner an 95311
attorney who is classified as either an administrative law 95312
attorney examiner or an administrative law attorney examiner 95313
administrator, the board may, subject to ~~controlling board~~ 95314
~~approval~~ section 127.16 of the Revised Code, enter into a personal 95315
service contract with an attorney admitted to the practice of law 95316
in this state to serve on a temporary basis as a hearing examiner. 95317

(2) The hearing examiner shall hear and consider the oral and 95318
documented evidence introduced by the parties and issue in writing 95319

proposed findings of fact and conclusions of law to the board for 95320
their consideration within thirty days following the close of the 95321
hearing. 95322

(B) The board shall be given copies of the transcript of the 95323
record hearing and all exhibits and documents presented by the 95324
parties at the hearing. 95325

(C) The board shall, upon the favorable vote of three 95326
members, allow the parties or their counsel the opportunity to 95327
present oral arguments on the proposed findings of fact and 95328
conclusions of law of the hearing examiner prior to the board's 95329
final action. 95330

(D) The board shall render a decision and take action within 95331
sixty days following the receipt of the hearing examiner's 95332
proposed findings of fact and conclusions of law or within any 95333
longer period mutually agreed upon by the board and the 95334
certificate holder. 95335

(E) The final decision of the board in any hearing which the 95336
board is empowered to undertake shall be in writing and contain 95337
findings of fact and conclusions of law. Copies of the decision 95338
shall be delivered to the parties personally or by certified mail. 95339
The decision shall be final upon delivery or mailing, except that 95340
the certificate holder may appeal in the manner provided by 95341
Chapter 119. of the Revised Code. 95342

Sec. 4731.299. (A) The state medical board may issue, without 95343
examination, to an applicant who meets all of the requirements of 95344
this section an expedited certificate to practice medicine and 95345
surgery or osteopathic medicine and surgery by endorsement. 95346
95347

(B) An individual who seeks an expedited certificate to 95348
practice medicine and surgery or osteopathic medicine and surgery 95349

by endorsement shall file with the board a written application on 95350
a form prescribed and supplied by the board. The application shall 95351
include all of the information the board considers necessary to 95352
process it. 95353

(C) To be eligible to receive an expedited certificate by 95354
endorsement, an applicant shall do both of the following: 95355

(1) Provide evidence satisfactory to the board that the 95356
applicant meets all of the following requirements: 95357

(a) Has passed one of the following: 95358

(i) Steps one, two, and three of the United States medical 95359
licensing examination; 95360

(ii) Levels one, two, and three of the comprehensive 95361
osteopathic medical licensing examination of the United States; 95362

(iii) Any other medical licensing examination recognized by 95363
the board. 95364

(b) For at least five years immediately preceding the date of 95365
application, has held a current, unrestricted license to practice 95366
medicine and surgery or osteopathic medicine and surgery issued by 95367
the licensing authority of another state or a Canadian province; 95368

(c) For at least two years immediately preceding the date of 95369
application, has actively practiced medicine and surgery or 95370
osteopathic medicine and surgery in a clinical setting. 95371

(2) Certify to the board that all of the following are the 95372
case: 95373

(a) Not more than two malpractice claims have been filed 95374
against the applicant within a period of ten years and no 95375
malpractice claim against the applicant has resulted in total 95376
payment of more than five hundred thousand dollars. 95377

(b) The applicant does not have a criminal record according 95378
to the criminal records check required by section 4731.081 of the 95379

Revised Code. 95380

(c) The applicant does not have a medical condition that could affect the applicant's ability to practice according to acceptable and prevailing standards of care. 95381
95382
95383

(d) No adverse action has been taken against the applicant by a health care institution. 95384
95385

(e) To the applicant's knowledge, no federal agency, medical society, medical association, or branch of the United States military has investigated or taken action against the applicant. 95386
95387
95388

(f) No professional licensing or regulatory authority has filed a complaint against, investigated, or taken action against the applicant and the applicant has not withdrawn a professional license application. 95389
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(g) The applicant has not been suspended or expelled from any institution of higher education or school, including a medical school. 95393
95394
95395

(D) An applicant for an expedited certificate by endorsement shall comply with section 4731.081 of the Revised Code. 95396
95397

(E) At the time of application, the applicant shall pay to the board a fee of one thousand dollars, no part of which shall be returned. No application shall be considered filed until the board receives the fee. 95398
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(F) The board shall review all applications received under this section. If the board determines that an applicant meets the requirements for an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement, the board shall issue the certificate to the applicant. Each certificate issued by the board under this section shall be signed by the president and secretary of the board and attested by its seal. 95402
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Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the Revised Code:

(A)(1) "Clinical laboratory services" means either of the following:

(a) Any examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment or for the assessment of health;

(b) Procedures to determine, measure, or otherwise describe the presence or absence of various substances or organisms in the body.

(2) "Clinical laboratory services" does not include the mere collection or preparation of specimens.

(B) "Designated health services" means any of the following:

(1) Clinical laboratory services;

(2) Home health care services;

(3) Outpatient prescription drugs.

(C) "Fair market value" means the value in arms-length transactions, consistent with general market value and:

(1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use;

(2) With respect to a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor if the lessor is a potential source of referrals to the lessee.

(D) "Governmental health care program" means any program providing health care benefits that is administered by the federal government, this state, or a political subdivision of this state,

including the medicare program ~~established under Title XVIII of~~ 95439
~~the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301,~~ 95440
~~as amended,~~ health care coverage for public employees, health care 95441
benefits administered by the bureau of workers' compensation, and 95442
the medicaid program ~~established under Chapter 5111. of the~~ 95443
~~Revised Code.~~ 95444

(E)(1) "Group practice" means a group of two or more holders 95445
of certificates under this chapter legally organized as a 95446
partnership, professional corporation or association, limited 95447
liability company, foundation, nonprofit corporation, faculty 95448
practice plan, or similar group practice entity, including an 95449
organization comprised of a nonprofit medical clinic that 95450
contracts with a professional corporation or association of 95451
physicians to provide medical services exclusively to patients of 95452
the clinic in order to comply with section 1701.03 of the Revised 95453
Code and including a corporation, limited liability company, 95454
partnership, or professional association described in division (B) 95455
of section 4731.226 of the Revised Code formed for the purpose of 95456
providing a combination of the professional services of 95457
optometrists who are licensed, certificated, or otherwise legally 95458
authorized to practice optometry under Chapter 4725. of the 95459
Revised Code, chiropractors who are licensed, certificated, or 95460
otherwise legally authorized to practice chiropractic or 95461
acupuncture under Chapter 4734. of the Revised Code, psychologists 95462
who are licensed, certificated, or otherwise legally authorized to 95463
practice psychology under Chapter 4732. of the Revised Code, 95464
registered or licensed practical nurses who are licensed, 95465
certificated, or otherwise legally authorized to practice nursing 95466
under Chapter 4723. of the Revised Code, pharmacists who are 95467
licensed, certificated, or otherwise legally authorized to 95468
practice pharmacy under Chapter 4729. of the Revised Code, 95469
physical therapists who are licensed, certificated, or otherwise 95470
legally authorized to practice physical therapy under sections 95471

4755.40 to 4755.56 of the Revised Code, occupational therapists 95472
who are licensed, certificated, or otherwise legally authorized to 95473
practice occupational therapy under sections 4755.04 to 4755.13 of 95474
the Revised Code, mechanotherapists who are licensed, 95475
certificated, or otherwise legally authorized to practice 95476
mechanotherapy under section 4731.151 of the Revised Code, and 95477
doctors of medicine and surgery, osteopathic medicine and surgery, 95478
or podiatric medicine and surgery who are licensed, certificated, 95479
or otherwise legally authorized for their respective practices 95480
under this chapter, to which all of the following apply: 95481

(a) Each physician who is a member of the group practice 95482
provides substantially the full range of services that the 95483
physician routinely provides, including medical care, 95484
consultation, diagnosis, or treatment, through the joint use of 95485
shared office space, facilities, equipment, and personnel. 95486

(b) Substantially all of the services of the members of the 95487
group are provided through the group and are billed in the name of 95488
the group and amounts so received are treated as receipts of the 95489
group. 95490

(c) The overhead expenses of and the income from the practice 95491
are distributed in accordance with methods previously determined 95492
by members of the group. 95493

(d) The group practice meets any other requirements that the 95494
state medical board applies in rules adopted under section 4731.70 95495
of the Revised Code. 95496

(2) In the case of a faculty practice plan associated with a 95497
hospital with a medical residency training program in which 95498
physician members may provide a variety of specialty services and 95499
provide professional services both within and outside the group, 95500
as well as perform other tasks such as research, the criteria in 95501
division (E)(1) of this section apply only with respect to 95502

services rendered within the faculty practice plan. 95503

(F) "Home health care services" and "immediate family" have 95504
the same meanings as in the rules adopted under section 4731.70 of 95505
the Revised Code. 95506

(G) "Hospital" has the same meaning as in section 3727.01 of 95507
the Revised Code. 95508

(H) A "referral" includes both of the following: 95509

(1) A request by a holder of a certificate under this chapter 95510
for an item or service, including a request for a consultation 95511
with another physician and any test or procedure ordered by or to 95512
be performed by or under the supervision of the other physician; 95513

(2) A request for or establishment of a plan of care by a 95514
certificate holder that includes the provision of designated 95515
health services. 95516

(I) "Third-party payer" has the same meaning as in section 95517
3901.38 of the Revised Code. 95518

Sec. 4731.71. The auditor of state may implement procedures 95519
to detect violations of section 4731.66 or 4731.69 of the Revised 95520
Code within governmental health care programs administered by the 95521
state. The auditor of state shall report any violation of either 95522
section to the state medical board and shall certify to the 95523
attorney general in accordance with section 131.02 of the Revised 95524
Code the amount of any refund owed to a state-administered 95525
governmental health care program under section 4731.69 of the 95526
Revised Code as a result of a violation. If a refund is owed to 95527
the medicaid program ~~established under Chapter 5111. of the~~ 95528
~~Revised Code~~, the auditor of state also shall report the amount to 95529
the department of ~~job and family services~~ medicaid. 95530

The state medical board also may implement procedures to 95531
detect violations of section 4731.66 or 4731.69 of the Revised 95532

Code. 95533

Sec. 4732.06. The principal office of the state board of 95534
psychology shall be in Columbus, but it may meet or conduct 95535
business at any place in this state. The board may empower any one 95536
or more of its members to conduct any proceeding, hearing, or 95537
investigation necessary to its purposes, including the 95538
administration and enforcement of Chapter 4783. of the Revised 95539
Code. The board shall meet at least twice annually and at such 95540
other times as it determines. Special meetings may be called by 95541
the president and shall be called by the secretary upon the 95542
written request of two members. 95543

The board shall make such rules as are necessary to conduct 95544
its business. 95545

The board may employ such assistants and clerical help as are 95546
necessary to administer and enforce this chapter and Chapter 4783. 95547
of the Revised Code. 95548

Sec. 4732.07. The state board of psychology shall keep a 95549
record of its proceedings and a register of applicants for 95550
licenses under this chapter and applicants for certificates under 95551
Chapter 4783. of the Revised Code. The books and records of the 95552
board shall be prima-facie evidence of the matters therein 95553
contained. ~~Such records~~ The records regarding licensure 95554
applications shall include applicants' written examination papers. 95555

Sec. 4732.08. All receipts of the state board of psychology 95556
from any source, including moneys collected under Chapter 4783. of 95557
the Revised Code, shall be deposited in the state treasury to the 95558
credit of the occupational licensing and regulatory fund." 95559

Sec. 4734.41. (A) As used in this section: 95560

(1) "Chemical dependency" means either of the following: 95561

(a) The chronic and habitual use of alcoholic beverages to 95562
the extent that the user no longer can control the use of alcohol 95563
or endangers the user's health, safety, or welfare or that of 95564
others; 95565

(b) The use of a controlled substance as defined in section 95566
3719.01 of the Revised Code, a harmful intoxicant as defined in 95567
section 2925.01 of the Revised Code, or a dangerous drug as 95568
defined in section 4729.01 of the Revised Code, to the extent that 95569
the user becomes physically or psychologically dependent on the 95570
substance, intoxicant, or drug or endangers the user's health, 95571
safety, or welfare or that of others. 95572

(2) "Mental illness" means a recognized psychiatric or 95573
psychological condition, disorder, or syndrome that has been 95574
diagnosed by a psychiatrist, psychologist, professional clinical 95575
counselor, or independent social worker as a condition, disorder, 95576
or syndrome that may pose a danger to the person diagnosed or 95577
others or may prevent the person from practicing the person's 95578
profession according to acceptable and prevailing standards of 95579
care. 95580

(B) The state chiropractic board shall establish a chemical 95581
dependency and mental illness monitoring program. The program 95582
shall be made available to any individual under the board's 95583
jurisdiction who has a chemical dependency or mental illness and 95584
meets the board's eligibility requirements for admission to and 95585
continued participation in the program. The board shall develop 95586
the program and may designate a coordinator to administer it or 95587
enter into a contract for the program to be administered by 95588
another entity through a coordinator. The board shall adopt rules 95589
in accordance with Chapter 119. of the Revised Code that establish 95590
standards and procedure for operating the program. 95591

(C) Except as provided in division (D) of this section, all records of an individual's participation in the monitoring program, including medical records, chemical dependency records, and mental health records, shall be confidential, are not public records for the purposes of section 149.43 of the Revised Code, and are not subject to discovery by subpoena or ~~admissible~~ admissible as evidence in any judicial proceeding. The program coordinator shall maintain all records as directed by the board.

(D) The monitoring program's coordinator may disclose records or information regarding an individual's progress and status of participation in the program to the disciplinary section of the board and to any person or government entity that the program participant authorizes in writing to be given the records or information.

In disclosing records or information under this division, the coordinator shall not include any record or information that is protected under section ~~3793.13~~ 5119.27 of the Revised Code or any federal statute or regulation that provides for the confidentiality of mental health or substance abuse records.

(E) In the absence of fraud or bad faith, the monitoring program's coordinator, the board and the board's employees and representatives are not liable for damages in any civil action as a result of disclosing records or information in accordance with division (D) of this section. In the absence of fraud or bad faith, any person reporting to the program an individual's chemical dependency or mental illness, or the progress or lack of progress of that individual with regard to treatment, is not liable for damages in any civil action as a result of the report.

(F) The board may abstain from taking formal disciplinary action under section 4734.31 of the Revised Code against an individual because of the individual's chemical dependency or mental illness, if the individual meets the eligibility

requirements for admission into the monitoring program and all of 95624
the following occur: 95625

(1) The individual enters into a monitoring agreement with 95626
the coordinator of the program; 95627

(2) The individual complies with the terms and conditions for 95628
continued participation in the program, as specified in the 95629
monitoring agreement; 95630

(3) The individual successfully completes the terms and 95631
conditions of the monitoring agreement, including the condition 95632
that the individual attain the ability to practice in accordance 95633
with acceptable and prevailing standards of care applicable to the 95634
practice of chiropractic. 95635

Sec. 4735.07. (A) The superintendent of real estate, with the 95636
consent of the Ohio real estate commission, may enter into 95637
agreements with recognized national testing services to administer 95638
the real estate broker's examination under the superintendent's 95639
supervision and control, consistent with the requirements of this 95640
chapter as to the contents of such examination. 95641

(B) No applicant for a real estate broker's license shall 95642
take the broker's examination who has not established to the 95643
satisfaction of the superintendent that the applicant: 95644

(1) Is honest, truthful, and of good reputation; 95645

(2)(a) Has not been convicted of a felony or crime of moral 95646
turpitude, or if the applicant has been so convicted, the 95647
superintendent has disregarded the conviction because the 95648
applicant has proven to the superintendent, by a preponderance of 95649
the evidence, that the applicant's activities and employment 95650
record since the conviction show that the applicant is honest, 95651
truthful, and of good reputation, and there is no basis in fact 95652
for believing that the applicant again will violate the laws 95653

involved; 95654

(b) Has not been finally adjudged by a court to have violated 95655
any municipal, state, or federal civil rights laws relevant to the 95656
protection of purchasers or sellers of real estate or, if the 95657
applicant has been so adjudged, at least two years have passed 95658
since the court decision and the superintendent has disregarded 95659
the adjudication because the applicant has proven, by a 95660
preponderance of the evidence, that the applicant's activities and 95661
employment record since the adjudication show that the applicant 95662
is honest, truthful, and of good reputation, and there is no basis 95663
in fact for believing that the applicant will again violate the 95664
laws involved. 95665

(3) Has not, during any period in which the applicant was 95666
licensed under this chapter, violated any provision of, or any 95667
rule adopted pursuant to, this chapter, or, if the applicant has 95668
violated any such provision or rule, has established to the 95669
satisfaction of the superintendent that the applicant will not 95670
again violate such provision or rule; 95671

(4) Is at least eighteen years of age; 95672

(5) Has been a licensed real estate broker or salesperson for 95673
at least two years; during at least two of the five years 95674
preceding the person's application, has worked as a licensed real 95675
estate broker or salesperson for an average of at least thirty 95676
hours per week; and has completed one of the following: 95677

(a) At least twenty real estate transactions, in which 95678
property was sold for another by the applicant while acting in the 95679
capacity of a real estate broker or salesperson; 95680

(b) Such equivalent experience as is defined by rules adopted 95681
by the commission. 95682

(6)(a) If licensed as a real estate salesperson prior to 95683
August 1, 2001, successfully has completed at an institution of 95684

higher education all of the following:	95685
(i) Thirty hours of classroom instruction in real estate practice;	95686 95687
(ii) Thirty hours of classroom instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the classroom instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the classroom instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.	95688 95689 95690 95691 95692 95693 95694 95695 95696 95697 95698 95699 95700 95701
(iii) Thirty hours of classroom instruction in real estate appraisal;	95702 95703
(iv) Thirty hours of classroom instruction in real estate finance;	95704 95705
(v) Three quarter hours, or its equivalent in semester hours, in financial management;	95706 95707
(vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management;	95708 95709
(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;	95710 95711
(viii) Three quarter hours, or its equivalent in semester hours, in business law.	95712 95713
(b) If licensed as a real estate salesperson on or after	95714

August 1, 2001, successfully has completed at an institution of higher education all of the following:

(i) Forty hours of classroom instruction in real estate practice;

(ii) Forty hours of classroom instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the classroom instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the classroom instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

(iii) Twenty hours of classroom instruction in real estate appraisal;

(iv) Twenty hours of classroom instruction in real estate finance;

(v) The training in the amount of hours specified under divisions (B)(6)(a)(v), (vi), (vii), and (viii) of this section.

(c) Division (B)(6)(a) or (b) of this section does not apply to any applicant who holds a valid real estate salesperson's license issued prior to January 2, 1972. Divisions (B)(6)(a)(v), (vi), (vii), and (viii) or division (B)(6)(b)(v) of this section do not apply to any applicant who holds a valid real estate salesperson's license issued prior to January 3, 1984.

(d) Divisions (B)(6)(a)(iii) and (B)(6)(b)(iii) of this

section do not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate broker's license.

(7) If licensed as a real estate salesperson on or after January 3, 1984, satisfactorily has completed a minimum of two years of post-secondary education, or its equivalent in semester or quarter hours, at an institution of higher education, and has fulfilled the requirements of division (B)(6)(a) or (b) of this section. The requirements of division (B)(6)(a) or (b) of this section may be included in the two years of post-secondary education, or its equivalent in semester or quarter hours, that is required by this division.

(C) Each applicant for a broker's license shall be examined in the principles of real estate practice, Ohio real estate law, and financing and appraisal, and as to the duties of real estate brokers and real estate salespersons, the applicant's knowledge of real estate transactions and instruments relating to them, and the canons of business ethics pertaining to them. The commission from time to time shall promulgate such canons and cause them to be published in printed form.

(D) Examinations shall be administered with reasonable accommodations in accordance with the requirements of the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101. The contents of an examination shall be consistent with the requirements of division (B)(6) of this section and with the other specific requirements of this section. An applicant who has completed the requirements of division (B)(6) of this section at the time of application shall be examined no later than twelve months after the applicant is notified of admission to the examination.

(E) The superintendent may waive one or more of the requirements of this section in the case of an application from a

nonresident real estate broker pursuant to a reciprocity agreement 95778
with the licensing authority of the state from which the 95779
nonresident applicant holds a valid real estate broker license. 95780

(F) There shall be no limit placed on the number of times an 95781
applicant may retake the examination. 95782

(G)(1) Not earlier than the date of issue of a real estate 95783
broker's license to a licensee, but not later than twelve months 95784
after the date of issue of a real estate broker's license to a 95785
licensee, the licensee shall submit proof satisfactory to the 95786
superintendent, on forms made available by the superintendent, of 95787
the completion of ten hours of classroom instruction that shall be 95788
completed in schools, seminars, and educational institutions that 95789
are approved by the commission. Approval of the curriculum and 95790
providers shall be granted according to rules adopted pursuant to 95791
section 4735.10 of the Revised Code. 95792

If the required proof of completion is not submitted to the 95793
superintendent within twelve months of the date a license is 95794
issued under this section, the license of the real estate broker 95795
is suspended automatically without the taking of any action by the 95796
superintendent. The broker's license shall not be reactivated by 95797
the superintendent until it is established, to the satisfaction of 95798
the superintendent, that the requirements of this division have 95799
been met and that the licensee is in compliance with this chapter. 95800
A licensee's license is revoked automatically without the taking 95801
of any action by the superintendent if the licensee fails to 95802
submit proof of completion of the education requirements specified 95803
under division (G)(1) of this section within twelve months of the 95804
date the license is suspended. 95805

(2) If the license of a real estate broker is suspended 95806
pursuant to division (G)(1) of this section, the license of a real 95807
estate salesperson associated with that broker correspondingly is 95808
suspended pursuant to division (H) of section 4735.20 of the 95809

Revised Code. However, the suspended license of the associated 95810
real estate salesperson shall be reactivated and no fee shall be 95811
charged or collected for that reactivation if all of the following 95812
occur: 95813

(a) That broker subsequently submits satisfactory proof to 95814
the superintendent that the broker has complied with the 95815
requirements of division (G)(1) of this section and requests that 95816
the broker's license as a real estate broker be reactivated; 95817

(b) The superintendent then reactivates the broker's license 95818
as a real estate broker; 95819

(c) The associated real estate salesperson intends to 95820
continue to be associated with that broker and otherwise is in 95821
compliance with this chapter. 95822

Sec. 4735.09. (A) Application for a license as a real estate 95823
salesperson shall be made to the superintendent of real estate on 95824
forms furnished by the superintendent and signed by the applicant. 95825
The application shall be in the form prescribed by the 95826
superintendent and shall contain such information as is required 95827
by this chapter and the rules of the Ohio real estate commission. 95828
The application shall be accompanied by the recommendation of the 95829
real estate broker with whom the applicant is associated or with 95830
whom the applicant intends to be associated, certifying that the 95831
applicant is honest, truthful, and of good reputation, has not 95832
been convicted of a felony or a crime involving moral turpitude, 95833
and has not been finally adjudged by a court to have violated any 95834
municipal, state, or federal civil rights laws relevant to the 95835
protection of purchasers or sellers of real estate, which 95836
conviction or adjudication the applicant has not disclosed to the 95837
superintendent, and recommending that the applicant be admitted to 95838
the real estate salesperson examination. 95839

(B) A fee of sixty dollars shall accompany the application, 95840

which fee includes the fee for the initial year of the licensing 95841
period, if a license is issued. The initial year of the licensing 95842
period commences at the time the license is issued and ends on the 95843
applicant's first birthday thereafter. The application fee shall 95844
be nonrefundable. A fee of sixty dollars shall be charged by the 95845
superintendent for each successive application made by the 95846
applicant. One dollar of each application fee shall be credited to 95847
the real estate education and research fund. 95848

(C) There shall be no limit placed on the number of times an 95849
applicant may retake the examination. 95850

(D) The superintendent, with the consent of the commission, 95851
may enter into an agreement with a recognized national testing 95852
service to administer the real estate salesperson's examination 95853
under the superintendent's supervision and control, consistent 95854
with the requirements of this chapter as to the contents of the 95855
examination. 95856

If the superintendent, with the consent of the commission, 95857
enters into an agreement with a national testing service to 95858
administer the real estate salesperson's examination, the 95859
superintendent may require an applicant to pay the testing 95860
service's examination fee directly to the testing service. If the 95861
superintendent requires the payment of the examination fee 95862
directly to the testing service, each applicant shall submit to 95863
the superintendent a processing fee in an amount determined by the 95864
Ohio real estate commission pursuant to division (A)(1) of section 95865
4735.10 of the Revised Code. 95866

(E) The superintendent shall issue a real estate 95867
salesperson's license when satisfied that the applicant has 95868
received a passing score on each portion of the salesperson's 95869
examination as determined by rule by the real estate commission, 95870
except that the superintendent may waive one or more of the 95871
requirements of this section in the case of an applicant who is a 95872

licensed real estate salesperson in another state pursuant to a 95873
reciprocity agreement with the licensing authority of the state 95874
from which the applicant holds a valid real estate salesperson's 95875
license. 95876

(F) No applicant for a salesperson's license shall take the 95877
salesperson's examination who has not established to the 95878
satisfaction of the superintendent that the applicant: 95879

(1) Is honest, truthful, and of good reputation; 95880

(2)(a) Has not been convicted of a felony or crime of moral 95881
turpitude or, if the applicant has been so convicted, the 95882
superintendent has disregarded the conviction because the 95883
applicant has proven to the superintendent, by a preponderance of 95884
the evidence, that the applicant's activities and employment 95885
record since the conviction show that the applicant is honest, 95886
truthful, and of good reputation, and there is no basis in fact 95887
for believing that the applicant again will violate the laws 95888
involved; 95889

(b) Has not been finally adjudged by a court to have violated 95890
any municipal, state, or federal civil rights laws relevant to the 95891
protection of purchasers or sellers of real estate or, if the 95892
applicant has been so adjudged, at least two years have passed 95893
since the court decision and the superintendent has disregarded 95894
the adjudication because the applicant has proven, by a 95895
preponderance of the evidence, that the applicant is honest, 95896
truthful, and of good reputation, and there is no basis in fact 95897
for believing that the applicant again will violate the laws 95898
involved. 95899

(3) Has not, during any period in which the applicant was 95900
licensed under this chapter, violated any provision of, or any 95901
rule adopted pursuant to this chapter, or, if the applicant has 95902
violated such provision or rule, has established to the 95903

satisfaction of the superintendent that the applicant will not
again violate such provision or rule;

(4) Is at least eighteen years of age;

(5) If born after the year 1950, has a high school diploma or
its equivalent as recognized by the state department of education;

(6) Has successfully completed at an institution of higher
education all of the following:

(a) Forty hours of classroom instruction in real estate
practice;

(b) Forty hours of classroom instruction that includes the
subjects of Ohio real estate law, municipal, state, and federal
civil rights law, new case law on housing discrimination,
desegregation issues, and methods of eliminating the effects of
prior discrimination. If feasible, the classroom instruction in
Ohio real estate law shall be taught by a member of the faculty of
an accredited law school. If feasible, the classroom instruction
in municipal, state, and federal civil rights law, new case law on
housing discrimination, desegregation issues, and methods of
eliminating the effects of prior discrimination shall be taught by
a staff member of the Ohio civil rights commission who is
knowledgeable with respect to those subjects. The requirements of
this division do not apply to an applicant who is admitted to
practice before the supreme court.

(c) Twenty hours of classroom instruction in real estate
appraisal;

(d) Twenty hours of classroom instruction in real estate
finance.

(G) Division (F)(6)(c) of this section does not apply to any
new applicant who holds a valid Ohio real estate appraiser license
or certificate issued prior to the date of application for a real

estate salesperson's license. 95934

(H) Any person who has not been licensed as a real estate 95935
salesperson or broker within a four-year period immediately 95936
preceding the person's current application for the salesperson's 95937
examination shall have successfully completed the prelicensure 95938
classroom instruction required by division (F)(6) of this section 95939
within a ten-year period immediately preceding the person's 95940
current application for the salesperson's examination. 95941

~~(H)~~(I) Not earlier than the date of issue of a real estate 95942
salesperson's license to a licensee, but not later than twelve 95943
months after the date of issue of a real estate salesperson 95944
license to a licensee, the licensee shall submit proof 95945
satisfactory to the superintendent, on forms made available by the 95946
superintendent, of the completion of ten hours of classroom 95947
instruction that shall be completed in schools, seminars, and 95948
educational institutions approved by the commission. Approval of 95949
the curriculum and providers shall be granted according to rules 95950
adopted pursuant to section 4735.10 of the Revised Code. 95951

If proof of completion of the required instruction is not 95952
submitted within twelve months of the date a license is issued 95953
under this section, the licensee's license is suspended 95954
automatically without the taking of any action by the 95955
superintendent. The superintendent immediately shall notify the 95956
broker with whom such salesperson is associated of the suspension 95957
of the salesperson's license. A salesperson whose license has been 95958
suspended under this division shall have twelve months after the 95959
date of the suspension of the salesperson's license to submit 95960
proof of successful completion of the instruction required under 95961
this division. No such license shall be reactivated by the 95962
superintendent until it is established, to the satisfaction of the 95963
superintendent, that the requirements of this division have been 95964
met and that the licensee is in compliance with this chapter. A 95965

licensee's license is revoked automatically without the taking of 95966
any action by the superintendent when the licensee fails to submit 95967
the required proof of completion of the education requirements 95968
under division ~~(H)~~(I) of this section within twelve months of the 95969
date the license is suspended. 95970

~~(I)~~(J) Examinations shall be administered with reasonable 95971
accommodations in accordance with the requirements of the 95972
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 95973
U.S.C. 12189. The contents of an examination shall be consistent 95974
with the classroom instructional requirements of division (F)(6) 95975
of this section. An applicant who has completed the classroom 95976
instructional requirements of division (F)(6) of this section at 95977
the time of application shall be examined no later than twelve 95978
months after the applicant is notified of the applicant's 95979
admission to the examination. 95980

Sec. 4735.10. (A)(1) The Ohio real estate commission may 95981
adopt reasonable rules in accordance with Chapter 119. of the 95982
Revised Code, necessary for implementing the provisions of this 95983
chapter relating, but not limited to, the following: 95984

(a) The form and manner of filing applications for licensure; 95985

(b) Times and form of examination for license; 95986

(c) Placing an existing broker's license on deposit or a 95987
salesperson's license on an inactive status for an indefinite 95988
period; 95989

(d) Specifying the process by which a licensee may resign the 95990
licensee's license; 95991

(e) Defining any additional license status that the 95992
commission determines is necessary and that is not otherwise 95993
defined in this chapter and establishing the process by which a 95994
licensee places the licensee's license in a status defined by the 95995

commission in the rules the commission adopts; 95996

(f) Clarification of the activities that require a license 95997
under this chapter. 95998

(2) The commission shall adopt reasonable rules in accordance 95999
with Chapter 119. of the Revised Code, for implementing the 96000
provisions of this chapter relating to the following: 96001

(a) The issuance, renewal, suspension, and revocation of 96002
licenses, other sanctions that may be imposed for violations of 96003
this chapter, the conduct of hearings related to these actions, 96004
and the process of reactivating a license; 96005

(b) A three-year license and a three-year license renewal 96006
system; 96007

(c) Standards for the approval of the ten-hour postlicensure 96008
courses as required by division (G) of section 4735.07 and 96009
division ~~(H)~~(I) of section 4735.09 of the Revised Code, courses of 96010
study required for licenses, courses offered in preparation for 96011
license examinations, or courses required as continuing education 96012
for licenses. 96013

(d) Guidelines to ensure that continuing education classes 96014
are open to all persons licensed under this chapter. The rules 96015
shall specify that an organization that sponsors a continuing 96016
education class may offer its members a reasonable reduction in 96017
the fees charged for the class. 96018

(e) Requirements for trust accounts and property management 96019
accounts. The rules shall specify that: 96020

(i) Brokerages engaged in the management of property for 96021
another may, pursuant to a written contract with the property 96022
owner, exercise signatory authority for withdrawals from property 96023
management accounts maintained in the name of the property owner. 96024
The exercise of authority for withdrawals does not constitute a 96025

violation of any provision of division (A) of section 4735.18 of the Revised Code. 96026
96027

(ii) The interest earned on property management trust accounts maintained in the name of the property owner or the broker shall be payable to the property owner unless otherwise specified in a written contract. 96028
96029
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96031

(f) Notice of renewal forms and filing deadlines; 96032

(g) Special assessments under division (A) of section 4735.12 of the Revised Code. 96033
96034

(B) The commission may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and guidelines with which the superintendent of real estate shall comply in the exercise of the following powers: 96035
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96037
96038

(1) Appointment and recommendation of ancillary trustees under section 4735.05 of the Revised Code; 96039
96040

(2) Rejection of names proposed to be used by partnerships, associations, limited liability companies, limited liability partnerships, and corporations, under division (A) of section 4735.06 of the Revised Code; 96041
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96044

(3) Acceptance and rejection of applications to take the broker and salesperson examinations and licensure, with appropriate waivers pursuant to division (E) of section 4735.07 and section 4735.09 of the Revised Code; 96045
96046
96047
96048

(4) Approval of applications of brokers to place their licenses in an inactive status and to become salespersons under section 4735.13 of the Revised Code; 96049
96050
96051

(5) Appointment of hearing examiners under section 119.09 of the Revised Code; 96052
96053

(6) Acceptance and rejection of applications to take the foreign real estate dealer and salesperson examinations and 96054
96055

licensure, with waiver of examination, under sections 4735.27 and 96056
4735.28 of the Revised Code; 96057

(7) Qualification of foreign real estate under section 96058
4735.25 of the Revised Code. 96059

If at any time there is no rule in effect establishing a 96060
guideline or standard required by this division, the 96061
superintendent may adopt a rule in accordance with Chapter 119. of 96062
the Revised Code for such purpose. 96063

(C) The commission or superintendent may hear testimony in 96064
matters relating to the duties imposed upon them, and the 96065
president of the commission and superintendent may administer 96066
oaths. The commission or superintendent may require other proof of 96067
the honesty, truthfulness, and good reputation of any person named 96068
in an application for a real estate broker's or real estate 96069
salesperson's license before admitting the applicant to the 96070
examination or issuing a license. 96071

Sec. 4735.142. (A) Any person licensed under section 4735.07 96072
or 4735.09 of the Revised Code, at any time prior to the date the 96073
licensee is required to file a notice of renewal pursuant to 96074
division (B) of section 4735.14 of the Revised Code may apply to 96075
the superintendent of real estate and professional licensing to 96076
place the licensee's license in a permanently resigned status. 96077

(B) A licensee, at any time during which a license has been 96078
suspended pursuant to division (G) of section 4735.07, division 96079
~~(H)~~(I) of section 4735.09, division (E) of section 4735.12, 96080
division (C) of section 4735.14, division (C) of section 4735.141, 96081
or section 4735.182 of the Revised Code, may apply to the 96082
superintendent on a form prescribed by the superintendent to 96083
permanently resign the licensee's license voluntarily. The 96084
resignation of a license is considered to be final without the 96085
taking of any action by the superintendent. 96086

(C) If a person whose license is in a permanently resigned status pursuant to a request made under this section wishes to obtain an active or inactive license, the person shall apply for such a license in accordance with the requirements specified in section 4735.07 or 4735.09 of the Revised Code, as applicable, or in the rules adopted by the commission pursuant to division (A) of section 4735.10 of the Revised Code.

(D) If placing a broker's license in a permanently resigned status will result in the closure of the broker's brokerage, the broker, within three days after applying to the superintendent to place the license in a permanently resigned status, shall provide to each salesperson associated with that broker a written notice stating that fact.

(E) This section does not apply to any licensee whose license has been suspended pursuant to division (F) of section 4735.181 of the Revised Code or due to disciplinary action ordered by the commission pursuant to section 4735.051 of the Revised Code.

Sec. 4735.56. (A) Each brokerage shall develop a written brokerage policy on agency to be given to prospective sellers and purchasers in accordance with divisions (C) and (D) of this section.

(B) The brokerage policy on agency described in division (A) of this section shall include all of the following information:

(1) An explanation of the permissible agency relationships available under section 4735.53 of the Revised Code and the duties that the agent owes the agent's client;

(2) The brokerage's policy on representation of purchasers or sellers;

(3) Whether at some time during the agency relationship the brokerage and its licensee may act as a dual agent, and the

options and consequences for the client if a dual agency situation 96117
arises including the right of the client to terminate the agency 96118
relationship and seek representation from another source; 96119

(4) Whether at some time during the agency relationship, 96120
another licensee affiliated with the same brokerage as the 96121
licensee may become the exclusive agent for the other party in the 96122
transaction and whether each licensee will represent only the 96123
interests of that licensee's client; 96124

(5) The brokerage's policy on cooperation with other 96125
brokerages, including whether the brokerage offers compensation to 96126
other brokerages or will seek compensation from other brokerages; 96127

(6) That a brokerage that has a purchaser as a client 96128
represents the purchaser's interests even though the seller's 96129
agent or the seller may compensate that purchaser's brokerage; 96130

(7) That the signature of the purchaser or the seller 96131
indicates acknowledgement of receipt of the brokerage policy on 96132
agency. 96133

(C) A licensee acting as a seller's agent shall provide the 96134
seller with the brokerage policy on agency described in this 96135
section prior to marketing or showing the seller's real estate and 96136
shall obtain a signature from the seller acknowledging receipt 96137
unless the seller refuses to provide a signature. If the seller 96138
refuses to provide a signature, the licensee shall note this on 96139
the policy. 96140

(D) A licensee working directly with a purchaser in a real 96141
estate transaction, whether as the purchaser's agent, the seller's 96142
agent, or the seller's subagent, shall provide the purchaser with 96143
the brokerage policy on agency described in this section and 96144
obtain a signature from the purchaser acknowledging receipt of the 96145
policy unless the purchaser refuses to provide a signature. If the 96146
purchaser refuses to provide a signature, the licensee shall note 96147

this on the policy. Except as provided in division (E) of this 96148
section, the licensee shall provide the brokerage policy on agency 96149
to a purchaser prior to the earliest of the following actions of 96150
the licensee: 96151

(1) Initiating a prequalification evaluation to determine 96152
whether the purchaser has the financial ability to purchase or 96153
lease a particular real estate property; 96154

(2) Requesting specific financial information from the 96155
purchaser to determine the purchaser's ability to purchase or 96156
finance real estate in a particular price range; 96157

(3) Showing the real estate to the purchaser other than at an 96158
open house; 96159

(4) Discussing, with the purchaser, the making of an offer to 96160
purchase or lease real estate; 96161

(5) Submitting an offer to purchase or lease real estate on 96162
behalf of the purchaser. 96163

(E) If the earliest event described in division (D) of this 96164
section is by telephone or electronic mail, the licensee shall 96165
disclose by that same medium the nature of the agency relationship 96166
that the licensee has with both the seller and the purchaser. The 96167
licensee shall provide the purchaser with the brokerage policy on 96168
agency described in this section at the first meeting with the 96169
purchaser following this disclosure of the agency relationship. 96170

(F) A licensee acting as a seller's agent is not required to 96171
provide a purchaser with the brokerage policy on agency described 96172
in this section except in the case of an event described in 96173
division (D) of this section. 96174

(G) The requirements of this section regarding provision of a 96175
brokerage policy on agency ~~do not~~ apply only in ~~any~~ of the 96176
following situations: 96177

(1) <u>The sale or lease of vacant land;</u>	96178
(2) <u>The sale of a parcel of real estate containing one to</u>	96179
<u>four residential units;</u>	96180
(3) The rental or leasing of residential premises as defined	96181
in section 5321.01 of the Revised Code, if the rental or lease	96182
agreement can be performed in <u>is for a term of more than</u> eighteen	96183
months or less;	96184
(2) The referral of a prospective purchaser or seller to	96185
another licensee;	96186
(3) Transactions involving the sale, lease, or exchange of	96187
foreign real estate as defined in division (E) of section 4735.01	96188
of the Revised Code;	96189
(4) Transactions involving the sale of a cemetery lot or a	96190
cemetery interment right.	96191
Sec. 4742.01. As used in this chapter:	96192
(A) "Emergency service provider" has the same meaning as in	96193
section 5507.01 <u>128.01</u> of the Revised Code.	96194
(B) "Emergency service telecommunicator" means an individual	96195
employed by an emergency service provider, whose primary	96196
responsibility is to be an operator for the receipt or processing	96197
of calls for emergency services made by telephone, radio, or other	96198
electronic means.	96199
Sec. 4751.01. As used in sections 4751.01 to 4751.11 <u>4751.13</u>	96200
of the Revised Code:	96201
(A) <u>"Long-term services and supports settings" means any</u>	96202
<u>institutional or community-based setting in which medical, health,</u>	96203
<u>psycho-social, habilitative, rehabilitative, or personal care</u>	96204
<u>services are provided to individuals on a post-acute care basis.</u>	96205

(B) "Nursing home administrator" means any individual responsible for planning, organizing, directing, and managing the operation of a nursing home, or who in fact performs such function, whether or not such functions and duties are shared by one or more other persons.

~~(B)~~(C) "Nursing home" means a nursing home as defined by or under the authority of section 3721.01 of the Revised Code, or a nursing home operated by a governmental agency.

~~(C)~~(D) "Temporary license" means a license for a period not to exceed one hundred eighty days issued pursuant to division (B) of section 4751.06 of the Revised Code.

~~(D)~~(E) "Valid license" means a license which is current and in good standing.

Sec. 4751.02. (A) No person shall operate a nursing home unless it is under the supervision of an administrator whose principal occupation is nursing home administration or hospital administration and who holds a valid nursing home administrator's license and registration, or a temporary license, issued pursuant to Chapter 4751. of the Revised Code.

(B) No person other than a licensed and registered nursing home administrator or person holding a temporary license as required by Chapter 4751. of the Revised Code shall practice or offer to practice nursing home administration in this state. All nursing home administrators and temporary licensees shall comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder.

(C) Every operator of a nursing home shall report to the board of ~~examiners~~ executives of ~~nursing home administrators~~ long-term services and supports the name and license number of each nursing home administrator for said home within ten days

after the operator engages a nursing home administrator, and 96236
within ten days after a nursing home administrator is no longer 96237
engaged as such by such operator for said home. 96238

(D) Each individual who holds a nursing home administrator 96239
license or temporary license shall report ~~his~~ the individual's 96240
residence mailing address and the name and address of each place 96241
of employment to the board within ten days after any change. 96242

Sec. 4751.03. (A) There is hereby established in the 96243
department of health a board of ~~examiners~~ executives of ~~nursing~~ 96244
~~home administrators~~ long-term services and supports, which board 96245
shall be composed of ~~nine~~ the following eleven members, ~~eight~~ of 96246
whom shall be representative of the professions and institutions 96247
concerned with care and treatment of chronically ill or infirm 96248
aged patients, and one of whom shall be a public member at least 96249
sixty years of age, provided that less than a majority of the 96250
board members shall be representative of a single profession or 96251
institutional category, and provided further that a person 96252
appointed as a noninstitutional member shall neither have nor 96253
acquire any direct financial interest in a nursing home. For 96254
purposes of this section, nursing home administrators are 96255
~~considered representatives of institutions.~~ 96256

~~Four members shall be nursing home administrators, owners of~~ 96257
~~nursing homes or an officer of a corporation owning a nursing~~ 96258
~~home. The director of health or his designated representative~~ 96259
~~shall be a member. All:~~ 96260

(1) Four members who are nursing home administrators, owners 96261
of nursing homes, or officers of corporations owning nursing 96262
homes, and who shall have an understanding of person-centered 96263
care, and experience with a range of long-term services and 96264
supports settings; 96265

(2) Three members who work in long-term services and supports 96266

settings that are not nursing homes, and who shall have an 96267
understanding of person-centered care, and experience with a range 96268
of long-term services and supports settings; 96269

(3) One member who is a member of the academic community; 96270

(4) One member who is a consumer of services offered in a 96271
long-term services and supports setting; 96272

(5) One member who is a representative of the department of 96273
health, designated by the director of health, who is involved in 96274
the nursing home survey and certification process; 96275

(6) One member who is a representative of the office of the 96276
state long-term care, designated by the state long-term care 96277
ombudsman. 96278

All members of the board shall be citizens of the United 96279
States and residents of this state. No member of the board who is 96280
appointed under divisions (A)(3) to (6) of this section may have 96281
or acquire any direct financial interest in a nursing home or 96282
long-term services and supports settings. 96283

(B) The term of office for each appointed member of the board 96284
shall be for three years, commencing on the twenty-eighth day of 96285
May and ending on the twenty-seventh day of May. Each member shall 96286
serve from the date of ~~his~~ appointment until the end of the term 96287
for which ~~he was~~ appointed. No member shall serve more than two 96288
consecutive full terms. 96289

(C) Appointments to the board shall be made by the governor. 96290
Any member appointed to fill a vacancy occurring prior to the 96291
expiration of the term for which ~~his~~ the member's predecessor was 96292
appointed shall hold office for the remainder of such term. Any 96293
appointed member shall continue in office subsequent to the 96294
expiration date of ~~his~~ the member's term until ~~his~~ the member's 96295
successor takes office, or until a period of sixty days has 96296
elapsed, whichever occurs first. 96297

(D) The governor may remove any member of the board for 96298
misconduct, incapacity, incompetence, or neglect of duty after the 96299
member so charged has been served with a written statement of 96300
charges and has been given an opportunity to be heard. 96301

(E) Each member of the board, except the member designated by 96302
the director of health ~~or his~~ and the member designated 96303
~~representative by the ombudsman~~, shall be paid in accordance with 96304
section 124.15 of the Revised Code and each member shall be 96305
reimbursed for ~~his~~ the member's actual and necessary expenses 96306
incurred in the discharge of such duties. 96307

(F) The board shall elect annually from its membership a 96308
~~chairman~~ chairperson and a ~~vice-chairman~~ vice-chairperson. 96309

(G) The board shall hold and conduct meetings quarterly and 96310
at such other times as its business requires. A majority of the 96311
board shall constitute a quorum. The affirmative vote of a 96312
majority of the members of the board is necessary for the board to 96313
act. 96314

(H) The board shall appoint a secretary who has no financial 96315
interest in a ~~nursing home~~ long-term services and supports 96316
setting, and may employ and prescribe the powers and duties of 96317
such employees and consultants as are necessary to carry out this 96318
chapter and the rules adopted under it. ~~Administrative, technical,~~ 96319
~~or other services shall be performed, insofar as practicable, by~~ 96320
~~personnel of the department of health.~~ 96321

Sec. 4751.04. (A) The board of ~~examiners~~ executives of 96322
~~nursing home administrators~~ long-term services and supports shall: 96323

(1) Develop, adopt, impose, and enforce regulations 96324
prescribing standards which must be met by individuals in order to 96325
receive a license as a nursing home administrator, which standards 96326
shall be designed to ensure that nursing home administrators are 96327

of good character and are otherwise suitable, and who, by training 96328
and experience, are qualified to serve as nursing home 96329
administrators; 96330

(2) Develop and apply appropriate techniques, including 96331
examinations and investigations, for determining whether an 96332
individual meets such standards; 96333

(3) Issue licenses and registrations to individuals 96334
determined, after application of such techniques, to meet such 96335
standards, and revoke or suspend licenses or registrations 96336
previously issued by the board in any case where the individual 96337
holding such license or registration is determined to have failed 96338
substantially to conform to the requirements of such standards; 96339

(4) Develop, adopt, impose, and enforce regulations and 96340
procedures designed to ensure that individuals holding a temporary 96341
license, or licensed as nursing home administrators will, during 96342
any period that they serve as such, comply with Chapter 4751. of 96343
the Revised Code and the regulations adopted thereunder; 96344

(5) Receive, investigate, and take appropriate action with 96345
respect to any charge or complaint filed with the board to the 96346
effect that any individual licensed as a nursing home 96347
administrator has failed to comply with Chapter 4751. of the 96348
Revised Code and the regulations adopted thereunder; 96349

(6) Take such other actions as may be necessary to enable the 96350
state to meet the requirements set forth in the "Social Security 96351
Amendments of 1967," 81 Stat. 908 (1968), 42 U.S.C. 1396 g; 96352

(7) Pay all license and registration fees collected under 96353
Chapter 4751. of the Revised Code into the general operations fund 96354
created by section 3701.83 of the Revised Code to be used in 96355
administering and enforcing this chapter and the rules adopted 96356
under it; 96357

(8) Administer, or contract with a government or private 96358

entity to administer, examinations for licensure as a nursing home administrator. If the board contracts with a government or private entity to administer the examinations, the contract may authorize the entity to collect and keep, as all or part of the entity's compensation under the contract, any fee an applicant for licensure pays to take an examination. The entity is not required to deposit the fee into the state treasury;

(9) Enter into a contract with the department of health as required under section 4751.042 of the Revised Code;

(10) Create opportunities for the education, training, and credentialing of nursing home administrators and others in leadership positions who practice in long-term services and supports settings or who direct the practices of others in those settings. In carrying out this function, the board shall do the following:

(a) Identify core competencies and areas of knowledge that are appropriate for nursing home administrators and others working within the long-term services and supports settings system, with an emphasis on all of the following:

(i) Leadership;

(ii) Person-centered care;

(iii) Principles of management within both the business and regulatory environments;

(iv) An understanding of all post-acute settings, including transitions from acute settings and between post-acute settings.

(b) Assist in the development of a strong, competitive market in Ohio for training, continuing education, and degree programs in long-term services and supports settings administration.

(B) In the administration and enforcement of Chapter 4751. of the Revised Code, and the regulations adopted thereunder, the

board is subject to Chapter 119. of the Revised Code and sections 96389
4743.01 and 4743.02 of the Revised Code except that a notice of 96390
appeal of an order of the board adopting, amending, or rescinding 96391
a rule or regulation does not operate as a stay of the effective 96392
date of such order as provided in section 119.11 of the Revised 96393
Code. The court, at its discretion, may grant a stay of any 96394
regulation in its application against the person filing the notice 96395
of appeal. 96396

Sec. 4751.041. Except when the board of ~~examiners~~ executives 96397
of ~~nursing home administrators~~ long-term services and supports 96398
considers it necessary, the board shall not disclose test 96399
materials, examinations, or evaluation tools used in an 96400
examination for licensure as a nursing home administrator that the 96401
board administers under section 4751.04 of the Revised Code or 96402
contracts under that section with a private or government entity 96403
to administer. 96404

Sec. 4751.042. (A) The board of executives of long-term 96405
services and supports shall enter into a written agreement with 96406
the department of health for the department to serve as the 96407
board's fiscal agent. The fiscal agent shall be responsible for 96408
all the board's fiscal matters and financial transactions, as 96409
specified in the agreement. The written agreement shall specify 96410
the fees that the board shall pay to the fiscal agent for services 96411
performed under the agreement, and such fees shall be in 96412
proportion to the services performed for the board. 96413

(1) The agreement shall require the fiscal agent to provide 96414
the following services: 96415

(a) Preparation and processing of payroll and other personnel 96416
documents that the board approves; 96417

(b) Maintenance of ledgers of accounts and reports of account 96418

balances, and monitoring of budgets and allotment plans in 96419
consultation with the board; 96420

(c) Performance of other routine support services, specified 96421
in the agreement, that the fiscal agent considers appropriate to 96422
achieve efficiency. 96423

(2) The agreement may require the fiscal agent to provide the 96424
following services: 96425

(a) Any shared services between the board and the fiscal 96426
agent; 96427

(b) Any other services agreed to by the board and the 96428
department, including administrative or technical services. 96429

(B) The board has sole authority to expend funds from the 96430
board's accounts for programs and any other necessary expenses the 96431
board may incur. The board shall inform the fiscal agent fully of 96432
any financial transactions to ensure compliance with fiscal 96433
regulations. 96434

(C) The board shall follow all state procurement, fiscal, 96435
human resources, information technology, statutory, and 96436
administrative rule requirements. 96437

(D) In its role as fiscal agent for the board, the department 96438
shall serve as a contractor of the board, and does not assume 96439
responsibility for the debts or fiscal obligations of the board. 96440

Sec. 4751.05. (A) The board of ~~examiners~~ executives of 96441
~~nursing home administrators~~ long-term services and supports, or a 96442
government or private entity under contract with the board to 96443
administer examinations for licensure as a nursing home 96444
administrator, shall admit to an examination any candidate who: 96445

(1) Pays the application fee of fifty dollars; 96446

(2) Submits evidence of good moral character and suitability; 96447

- (3) Is at least eighteen years of age; 96448
- (4) Has completed educational requirements and work 96449
experience satisfactory to the board; 96450
- (5) Submits an application on forms prescribed by the board; 96451
- (6) Pays the examination fee charged by the board or 96452
government or private entity. 96453
- (B) Nothing in Chapter 4751. of the Revised Code or the rules 96454
adopted thereunder shall be construed to require an applicant for 96455
licensure or a temporary license, who is employed by an 96456
institution for the care and treatment of the sick to demonstrate 96457
proficiency in any medical techniques or to meet any medical 96458
educational qualifications or medical standards not in accord with 96459
the remedial care and treatment provided by the institution if the 96460
institution is all of the following: 96461
- (1) Operated exclusively for patients who use spiritual means 96462
for healing and for whom the acceptance of medical care is 96463
inconsistent with their religious beliefs; 96464
- (2) Accredited by a national accrediting organization; 96465
- (3) Exempt from federal income taxation under section 501 of 96466
the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C.A. 1, 96467
as amended; 96468
- (4) Providing twenty-four hour nursing care pursuant to the 96469
exemption in division (E) of section 4723.32 of the Revised Code 96470
from the licensing requirements of Chapter 4723. of the Revised 96471
Code. 96472
- (C) If a person fails three times to attain a passing grade 96473
on the examination, said person, before the person may again be 96474
admitted to examination, shall meet such additional education or 96475
experience requirements, or both, as may be prescribed by the 96476
board. 96477

Sec. 4751.06. (A) An applicant for licensure as a nursing 96478
home administrator who has successfully completed the requirements 96479
of section 4751.05 of the Revised Code, passed the examination 96480
administered by the board of ~~examiners~~ executives of ~~nursing home~~ 96481
~~administrators~~ long-term services and supports or a government or 96482
private entity under contract with the board, and paid to the 96483
board an original license fee of two hundred fifty dollars shall 96484
be issued a license on a form provided by the board. Such license 96485
shall certify that the applicant has met the licensure 96486
requirements of Chapter 4751. of the Revised Code and is entitled 96487
to practice as a licensed nursing home administrator. 96488

(B) A temporary license for a period not to exceed one 96489
hundred eighty days may be issued to an individual temporarily 96490
filling the position of a nursing home administrator vacated by 96491
reason of death, illness, or other unexpected cause, pursuant to 96492
regulations adopted by the board. 96493

(C) The fee for a temporary license is one hundred dollars. 96494
Said fee must accompany the application for the temporary license. 96495

(D) Any license or temporary license issued by the board 96496
pursuant to this section shall be under the hand of the 96497
chairperson and the secretary of the board. 96498

(E) A duplicate of the original certificate of registration 96499
or license may be secured to replace one that has been lost or 96500
destroyed by submitting to the board a notarized statement 96501
explaining the conditions of the loss, mutilation, or destruction 96502
of the certificate or license and by paying a fee of twenty-five 96503
dollars. 96504

(F) A duplicate certificate of registration and license may 96505
be issued in the event of a legal change of name by submitting to 96506
the board a certified copy of the court order or marriage license 96507
establishing the change of name, by returning at the same time the 96508

original license and certificate of registration, and by paying a fee of twenty-five dollars.

Sec. 4751.07. (A) Every individual who holds a valid license as a nursing home administrator issued under division (A) of section 4751.06 of the Revised Code, shall immediately upon issuance thereof be registered with the board of ~~examiners~~ executives of nursing home administrators long-term services and supports and be issued a certificate of registration. Such individual shall annually apply to the board for a new certificate of registration on forms provided for such purpose prior to the expiration of the certificate of registration and shall at the same time submit satisfactory evidence to the board of having attended such continuing education programs or courses of study as may be prescribed in rules adopted by the board.

(B) Upon making an application for a new certificate of registration such individual shall pay the annual registration fee of three hundred dollars.

(C) Upon receipt of such application for registration and the registration fee required by divisions (A) and (B) of this section, the board shall issue a certificate of registration to such nursing home administrator.

(D) The license of a nursing home administrator who fails to comply with this section shall automatically lapse.

(E) A nursing home administrator who has been licensed and registered in this state who determines to temporarily abandon the practice of nursing home administration shall notify the board in writing immediately; provided, that such individual may thereafter register to resume the practice of nursing home administration within the state upon complying with the requirements of this section regarding annual registration.

(F) Only an individual who has qualified as a licensed and registered nursing home administrator under Chapter 4751. of the Revised Code and the rules adopted thereunder, and who holds a valid current registration certificate pursuant to this section, may use the title "nursing home administrator," or the abbreviation "N.H.A." after the individual's name. No other person shall use such title or such abbreviation or any other words, letters, sign, card, or device tending to indicate or to imply that the person is a licensed and registered nursing home administrator.

(G) Every person holding a valid license entitling the person to practice nursing home administration in this state shall display said license in the nursing home which is the person's principal place of employment, and while engaged in the practice of nursing home administration shall have at hand the current registration certificate.

(H) Every person holding a valid temporary license shall have such license at hand while engaged in the practice of nursing home administration.

Sec. 4751.08. The board of ~~examiners~~ executives of ~~nursing home administrators~~ long-term services and supports, in its discretion, and otherwise subject to Chapter 4751. of the Revised Code and the rules adopted by the board thereunder prescribing the qualifications for a nursing home administrator license, may license a nursing home administrator without examination if ~~he~~ the nursing home administrator has a valid license issued by the proper authorities of any other state, upon payment of a fee of one hundred fifty dollars, and upon submission of evidence satisfactory to the board both:

(A) That such other state maintained a system and standard of qualifications and examinations for a nursing home administrator

license which were substantially equivalent to those required in 96570
this state at the time such other license was issued by such other 96571
state; 96572

(B) That such other state gives similar recognition to 96573
nursing home administrators licensed in this state. 96574

Sec. 4751.10. The license or registration, or both, or the 96575
temporary license of any person practicing or offering to practice 96576
nursing home administration, shall be revoked or suspended by the 96577
board of ~~examiners~~ executives of ~~nursing home administrators~~ 96578
long-term services and supports if such licensee or temporary 96579
licensee: 96580

(A) Is unfit or incompetent by reason of negligence, habits, 96581
or other causes; 96582

(B) Has willfully or repeatedly violated any of the 96583
provisions of Chapter 4751. of the Revised Code or the regulations 96584
adopted thereunder; or willfully or repeatedly acted in a manner 96585
inconsistent with the health and safety of the patients of the 96586
nursing home in which ~~he~~ the licensee or temporary licensee is the 96587
administrator; 96588

(C) Is guilty of fraud or deceit in the practice of nursing 96589
home administration or in ~~his~~ the licensee's or temporary 96590
licensee's admission to such practice; 96591

(D) Has been convicted in a court of competent jurisdiction, 96592
either within or without this state, of a felony. 96593

Proceedings under this section shall be instituted by the 96594
board or shall be begun by filing with the board charges in 96595
writing and under oath. 96596

Sec. 4751.11. (A) The board of ~~examiners~~ executives of 96597
~~nursing home administrators~~ long-term services and supports may, 96598

in its discretion, reissue a license or registration, or both, to any person whose license or registration, or both, has been revoked. 96599
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(B) Application for the reissuance of a license or registration, or both, shall not be made prior to one year after revocation and shall be made in such manner as the board may direct. 96602
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(C) If a person convicted of a felony is subsequently pardoned by the governor of the state where such conviction was had or by the president of the United States, or receives a final release granted by the adult parole authority of this state or its equivalent agency of another state, the board may, in its discretion, on application of such person and on the submission of evidence satisfactory to the board restore to such person the nursing home administrator's license or registration, or both. 96606
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Sec. 4751.12. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the board of ~~examiners~~ executives of ~~nursing home administrators~~ long-term services and supports shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter. 96614
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Sec. 4751.13. The board of ~~examiners~~ executives of ~~nursing home administrators~~ long-term services and supports shall comply with section 4776.20 of the Revised Code. 96620
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Sec. 4753.071. A person who is required to meet the supervised professional experience requirement of division (F) of section 4753.06 of the Revised Code shall submit to the board of speech-language pathology and audiology an application for a conditional license. The application shall include a plan for the content of the supervised professional experience on a form the 96623
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board shall prescribe. The board shall issue the conditional 96629
license to the applicant if the applicant meets the requirements 96630
of section 4753.06 of the Revised Code, other than the requirement 96631
to have obtained the supervised professional experience, and pays 96632
to the board the appropriate fee for a conditional license. An 96633
applicant may not begin employment until the conditional license 96634
has been issued. 96635

A conditional license authorizes an individual to practice 96636
speech-language pathology or audiology while completing the 96637
supervised professional experience as required by division (F) of 96638
section 4753.06 of the Revised Code. A person holding a 96639
conditional license may practice speech-language pathology or 96640
audiology while working under the supervision of a person fully 96641
licensed in accordance with this chapter. A conditional license is 96642
valid for eighteen months unless suspended or revoked pursuant to 96643
section 3123.47 or 4753.10 of the Revised Code. 96644

A person holding a conditional license may perform services 96645
for which ~~reimbursement~~ payment will be sought under the medicare 96646
program ~~established under Title XVIII of the "Social Security~~ 96647
~~Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended,~~ or the 96648
medicaid program ~~established under Chapter 5111. of the Revised~~ 96649
~~Code~~ but all requests for ~~reimbursement~~ payment for such services 96650
shall be made by the person who supervises the person performing 96651
the services. 96652

Sec. 4755.11. (A) In accordance with Chapter 119. of the 96653
Revised Code, the occupational therapy section of the Ohio 96654
occupational therapy, physical therapy, and athletic trainers 96655
board may suspend, revoke, or refuse to issue or renew an 96656
occupational therapist license, occupational therapy assistant 96657
license, occupational therapist limited permit, occupational 96658
therapy assistant limited permit, or reprimand, fine, place a 96659

license or limited permit holder on probation, or require the	96660
license or limited permit holder to take corrective action	96661
courses, for any of the following:	96662
(1) Conviction of an offense involving moral turpitude or a	96663
felony, regardless of the state or country in which the conviction	96664
occurred;	96665
(2) Violation of any provision of sections 4755.04 to 4755.13	96666
of the Revised Code;	96667
(3) Violation of any lawful order or rule of the occupational	96668
therapy section;	96669
(4) Obtaining or attempting to obtain a license or limited	96670
permit issued by the occupational therapy section by fraud or	96671
deception, including the making of a false, fraudulent, deceptive,	96672
or misleading statements in relation to these activities;	96673
(5) Negligence, unprofessional conduct, or gross misconduct	96674
in the practice of the profession of occupational therapy;	96675
(6) Accepting commissions or rebates or other forms of	96676
remuneration for referring persons to other professionals;	96677
(7) Communicating, without authorization, information	96678
received in professional confidence;	96679
(8) Using controlled substances, habit forming drugs, or	96680
alcohol to an extent that it impairs the ability to perform the	96681
work of an occupational therapist, occupational therapy assistant,	96682
occupational therapist limited permit holder, or occupational	96683
therapy assistant limited permit holder;	96684
(9) Practicing in an area of occupational therapy for which	96685
the individual is untrained or incompetent;	96686
(10) Failing the licensing or Ohio jurisprudence examination;	96687
(11) Aiding, abetting, directing, or supervising the	96688
unlicensed practice of occupational therapy;	96689

(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;

(13) Except as provided in division (B) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay.

(14) Working or representing oneself as an occupational therapist, occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder without a current and valid license or limited permit issued by the occupational therapy section;

(15) Engaging in a deceptive trade practice, as defined in section 4165.02 of the Revised Code;

(16) Violation of the standards of ethical conduct in the practice of occupational therapy as identified by the occupational therapy section;

(17) A departure from, or the failure to conform to, minimal standards of care required of licensees or limited permit holders, whether or not actual injury to a patient is established;

(18) An adjudication by a court that the applicant, licensee,

or limited permit holder is incompetent for the purpose of holding 96720
a license or limited permit and has not thereafter been restored 96721
to legal capacity for that purpose; 96722

(19)(a) Except as provided in division (A)(19)(b) of this 96723
section, failure to cooperate with an investigation conducted by 96724
the occupational therapy section, including failure to comply with 96725
a subpoena or orders issued by the section or failure to answer 96726
truthfully a question presented by the section at a deposition or 96727
in written interrogatories. 96728

(b) Failure to cooperate with an investigation does not 96729
constitute grounds for discipline under this section if a court of 96730
competent jurisdiction issues an order that either quashes a 96731
subpoena or permits the individual to withhold the testimony or 96732
evidence at issue. 96733

(20) Conviction of a misdemeanor reasonably related to the 96734
practice of occupational therapy, regardless of the state or 96735
country in which the conviction occurred; 96736

(21) Inability to practice according to acceptable and 96737
prevailing standards of care because of mental or physical 96738
illness, including physical deterioration that adversely affects 96739
cognitive, motor, or perception skills; 96740

(22) Violation of conditions, limitations, or agreements 96741
placed by the occupational therapy section on a license or limited 96742
permit to practice; 96743

(23) Making a false, fraudulent, deceptive, or misleading 96744
statement in the solicitation of or advertising for patients in 96745
relation to the practice of occupational therapy; 96746

(24) Failure to complete continuing education requirements as 96747
prescribed in rules adopted by the occupational therapy section 96748
under section 4755.06 of the Revised Code. 96749

(B) Sanctions shall not be imposed under division (A)(13) of 96750
this section against any individual who waives deductibles and 96751
copayments as follows: 96752

(1) In compliance with the health benefit plan that expressly 96753
allows such a practice. Waiver of the deductibles or copayments 96754
shall be made only with the full knowledge and consent of the plan 96755
purchaser, payer, and third-party administrator. Documentation of 96756
the consent shall be made available to the section upon request. 96757

(2) For professional services rendered to any other person 96758
licensed pursuant to sections 4755.04 to 4755.13 of the Revised 96759
Code to the extent allowed by those sections and the rules of the 96760
occupational therapy section. 96761

(C) Except as provided in division (D) of this section, the 96762
suspension or revocation of a license or limited permit under this 96763
section is not effective until either the order for suspension or 96764
revocation has been affirmed following an adjudication hearing, or 96765
the time for requesting a hearing has elapsed. 96766

When a license or limited permit is revoked under this 96767
section, application for reinstatement may not be made sooner than 96768
one year after the date of revocation. The occupational therapy 96769
section may accept or refuse an application for reinstatement and 96770
may require that the applicant pass an examination as a condition 96771
of reinstatement. 96772

When a license or limited permit holder is placed on 96773
probation under this section, the occupational therapy section's 96774
probation order shall be accompanied by a statement of the 96775
conditions under which the individual may be removed from 96776
probation and restored to unrestricted practice. 96777

(D) On receipt of a complaint that a person who holds a 96778
license or limited permit issued by the occupational therapy 96779
section has committed any of the prohibited actions listed in 96780

division (A) of this section, the section may immediately suspend 96781
the license or limited permit prior to holding a hearing in 96782
accordance with Chapter 119. of the Revised Code if it determines, 96783
based on the complaint, that the licensee or limited permit holder 96784
poses an immediate threat to the public. The section may review 96785
the allegations and vote on the suspension by telephone conference 96786
call. If the section votes to suspend a license or limited permit 96787
under this division, the section shall ~~notify~~ issue a written 96788
order of summary suspension to the licensee or limited permit 96789
holder ~~of the suspension~~ in accordance with section 119.07 of the 96790
Revised Code. If the individual whose license or limited permit is 96791
suspended fails to make a timely request for an adjudication under 96792
Chapter 119. of the Revised Code, the section shall enter a final 96793
order permanently revoking the individual's license or limited 96794
permit. Notwithstanding section 119.12 of the Revised Code, a 96795
court of common pleas shall not grant a suspension of the 96796
section's order of summary suspension pending the determination of 96797
an appeal filed under that section. Any order of summary 96798
suspension issued under this division shall remain in effect, 96799
unless reversed on appeal, until a final adjudication order issued 96800
by the section pursuant to division (A) of this section becomes 96801
effective. The section shall issue its final adjudication order 96802
regarding an order of summary suspension issued under this 96803
division not later than ninety days after completion of its 96804
hearing. Failure to issue the order within ninety days shall 96805
result in immediate dissolution of the suspension order, but shall 96806
not invalidate any subsequent, final adjudication order. 96807

(E) If any person other than a person who holds a license or 96808
limited permit issued under section 4755.08 of the Revised Code 96809
has engaged in any practice that is prohibited under sections 96810
4755.04 to 4755.13 of the Revised Code or the rules of the 96811
occupational therapy section, the section may apply to the court 96812
of common pleas of the county in which the violation occurred, for 96813

an injunction or other appropriate order restraining this conduct, 96814
and the court shall issue this order. 96815

Sec. 4755.47. (A) In accordance with Chapter 119. of the 96816
Revised Code, the physical therapy section of the Ohio 96817
occupational therapy, physical therapy, and athletic trainers 96818
board may refuse to grant a license to an applicant for an initial 96819
or renewed license as a physical therapist or physical therapist 96820
assistant or, by an affirmative vote of not less than five 96821
members, may limit, suspend, or revoke the license of a physical 96822
therapist or physical therapist assistant or reprimand, fine, 96823
place a license holder on probation, or require the license holder 96824
to take corrective action courses, on any of the following 96825
grounds: 96826

(1) Habitual indulgence in the use of controlled substances, 96827
other habit-forming drugs, or alcohol to an extent that affects 96828
the individual's professional competency; 96829

(2) Conviction of a felony or a crime involving moral 96830
turpitude, regardless of the state or country in which the 96831
conviction occurred; 96832

(3) Obtaining or attempting to obtain a license issued by the 96833
physical therapy section by fraud or deception, including the 96834
making of a false, fraudulent, deceptive, or misleading statement; 96835

(4) An adjudication by a court, as provided in section 96836
5122.301 of the Revised Code, that the applicant or licensee is 96837
incompetent for the purpose of holding the license and has not 96838
thereafter been restored to legal capacity for that purpose; 96839

(5) Subject to section 4755.471 of the Revised Code, 96840
violation of the code of ethics adopted by the physical therapy 96841
section; 96842

(6) Violating or attempting to violate, directly or 96843

indirectly, or assisting in or abetting the violation of or 96844
conspiring to violate sections 4755.40 to 4755.56 of the Revised 96845
Code or any order issued or rule adopted under those sections; 96846

(7) Failure of one or both of the examinations required under 96847
section 4755.43 or 4755.431 of the Revised Code; 96848

(8) Permitting the use of one's name or license by a person, 96849
group, or corporation when the one permitting the use is not 96850
directing the treatment given; 96851

(9) Denial, revocation, suspension, or restriction of 96852
authority to practice a health care occupation, including physical 96853
therapy, for any reason other than a failure to renew, in Ohio or 96854
another state or jurisdiction; 96855

(10) Failure to maintain minimal standards of practice in the 96856
administration or handling of drugs, as defined in section 4729.01 96857
of the Revised Code, or failure to employ acceptable scientific 96858
methods in the selection of drugs, as defined in section 4729.01 96859
of the Revised Code, or other modalities for treatment; 96860

(11) Willful betrayal of a professional confidence; 96861

(12) Making a false, fraudulent, deceptive, or misleading 96862
statement in the solicitation of or advertising for patients in 96863
relation to the practice of physical therapy; 96864

(13) A departure from, or the failure to conform to, minimal 96865
standards of care required of licensees when under the same or 96866
similar circumstances, whether or not actual injury to a patient 96867
is established; 96868

(14) Obtaining, or attempting to obtain, money or anything of 96869
value by fraudulent misrepresentations in the course of practice; 96870

(15) Violation of the conditions of limitation or agreements 96871
placed by the physical therapy section on a license to practice; 96872

(16) Failure to renew a license in accordance with section 96873

4755.46 of the Revised Code;	96874
(17) Except as provided in section 4755.471 of the Revised Code, engaging in the division of fees for referral of patients or receiving anything of value in return for a specific referral of a patient to utilize a particular service or business;	96875 96876 96877 96878
(18) Inability to practice according to acceptable and prevailing standards of care because of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;	96879 96880 96881 96882
(19) The revocation, suspension, restriction, or termination of clinical privileges by the United States department of defense or department of veterans affairs;	96883 96884 96885
(20) Termination or suspension from participation in the medicare or medicaid program established under Title XVIII and Title XIX, respectively, of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, for an act or acts that constitute a violation of sections 4755.40 to 4755.56 of the Revised Code;	96886 96887 96888 96889 96890 96891
(21) Failure of a physical therapist to maintain supervision of a student, physical therapist assistant, unlicensed support personnel, other assistant personnel, or a license applicant in accordance with the requirements of sections 4755.40 to 4755.56 of the Revised Code and rules adopted under those sections;	96892 96893 96894 96895 96896
(22) Failure to complete continuing education requirements as prescribed in section 4755.51 or 4755.511 of the Revised Code or to satisfy any rules applicable to continuing education requirements that are adopted by the physical therapy section;	96897 96898 96899 96900
(23) Conviction of a misdemeanor when the act that constitutes the misdemeanor occurs during the practice of physical therapy;	96901 96902 96903

(24)(a) Except as provided in division (A)(24)(b) of this section, failure to cooperate with an investigation conducted by the physical therapy section, including failure to comply with a subpoena or orders issued by the section or failure to answer truthfully a question presented by the section at a deposition or in written interrogatories. 96904
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(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue. 96910
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(25) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the physical therapist or physical therapist assistant, in any of the following: 96915
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(a) Sexual contact, as defined in section 2907.01 of the Revised Code; 96919
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(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning. 96921
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(26) Failure to notify the physical therapy section of a change in name, business address, or home address within thirty days after the date of change; 96924
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(27) Except as provided in division (B) of this section: 96927

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider; 96928
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(b) Advertising that the individual will waive the payment of 96934
all or any part of a deductible or copayment that a patient, 96935
pursuant to a health insurance or health care policy, contract, or 96936
plan that covers physical therapy, would otherwise be required to 96937
pay; 96938

(28) Violation of any section of this chapter or rule adopted 96939
under it. 96940

(B) Sanctions shall not be imposed under division (A)(27) of 96941
this section against any individual who waives deductibles and 96942
copayments as follows: 96943

(1) In compliance with the health benefit plan that expressly 96944
allows such a practice. Waiver of the deductibles or copayments 96945
shall be made only with the full knowledge and consent of the plan 96946
purchaser, payer, and third-party administrator. Documentation of 96947
the consent shall be made available to the physical therapy 96948
section upon request. 96949

(2) For professional services rendered to any other person 96950
licensed pursuant to sections 4755.40 to 4755.56 of the Revised 96951
Code to the extent allowed by those sections and the rules of the 96952
physical therapy section. 96953

(C) When a license is revoked under this section, application 96954
for reinstatement may not be made sooner than one year after the 96955
date of revocation. The physical therapy section may accept or 96956
refuse an application for reinstatement and may require that the 96957
applicant pass an examination as a condition for reinstatement. 96958

When a license holder is placed on probation under this 96959
section, the physical therapy section's order for placement on 96960
probation shall be accompanied by a statement of the conditions 96961
under which the individual may be removed from probation and 96962
restored to unrestricted practice. 96963

(D) When an application for an initial or renewed license is 96964

refused under this section, the physical therapy section shall 96965
notify the applicant in writing of the section's decision to 96966
refuse issuance of a license and the reason for its decision. 96967

(E) On receipt of a complaint that a person licensed by the 96968
physical therapy section has committed any of the actions listed 96969
in division (A) of this section, the physical therapy section may 96970
immediately suspend the license of the physical therapist or 96971
physical therapist assistant prior to holding a hearing in 96972
accordance with Chapter 119. of the Revised Code if it determines, 96973
based on the complaint, that the person poses an immediate threat 96974
to the public. The physical therapy section may review the 96975
allegations and vote on the suspension by telephone conference 96976
call. If the physical therapy section votes to suspend a license 96977
under this division, the physical therapy section shall ~~notify~~ 96978
issue a written order of summary suspension to the person ~~of the~~ 96979
suspension in accordance with section 119.07 of the Revised Code. 96980
If the person fails to make a timely request for an adjudication 96981
under Chapter 119. of the Revised Code, the physical therapy 96982
section shall enter a final order permanently revoking the 96983
person's license. Notwithstanding section 119.12 of the Revised 96984
Code, a court of common pleas shall not grant a suspension of the 96985
physical therapy section's order of summary suspension pending the 96986
determination of an appeal filed under that section. Any order of 96987
summary suspension issued under this division shall remain in 96988
effect, unless reversed on appeal, until a final adjudication 96989
order issued by the physical therapy section pursuant to division 96990
(A) of this section becomes effective. The physical therapy 96991
section shall issue its final adjudication order regarding an 96992
order of summary suspension issued under this division not later 96993
than ninety days after completion of its hearing. Failure to issue 96994
the order within ninety days shall result in immediate dissolution 96995
of the suspension order, but shall not invalidate any subsequent, 96996
final adjudication order. 96997

Sec. 4755.481. (A) If a physical therapist evaluates and 96998
treats a patient without the prescription of, or the referral of 96999
the patient by, a person described in division (G)(1) of section 97000
4755.48 of the Revised Code, all of the following apply: 97001

(1) The physical therapist shall, upon consent of the 97002
patient, inform the relevant person described in division (G)(1) 97003
of section 4755.48 of the Revised Code of the evaluation not later 97004
than five business days after the evaluation is made. 97005

(2) If the physical therapist determines, based on reasonable 97006
evidence, that no substantial progress has been made with respect 97007
to that patient during the thirty-day period immediately following 97008
the date of the patient's initial visit with the physical 97009
therapist, the physical therapist shall consult with or refer the 97010
patient to a person described in division (G)(1) of section 97011
4755.48 of the Revised Code, unless either of the following 97012
applies: 97013

(a) The evaluation, treatment, or services are being provided 97014
for fitness, wellness, or prevention purposes. 97015

(b) The patient previously was diagnosed with chronic, 97016
neuromuscular, or developmental conditions and the evaluation, 97017
treatment, or services are being provided for problems or symptoms 97018
associated with one or more of those previously diagnosed 97019
conditions. 97020

(3) If the physical therapist determines that orthotic 97021
devices are necessary to treat the patient, the physical therapist 97022
shall be limited to the application of the following orthotic 97023
devices: 97024

(a) Upper extremity adaptive equipment used to facilitate the 97025
activities of daily living; 97026

(b) Finger splints; 97027

(c) Wrist splints;	97028
(d) Prefabricated elastic or fabric abdominal supports with or without metal or plastic reinforcing stays and other prefabricated soft goods requiring minimal fitting;	97029 97030 97031
(e) Nontherapeutic accommodative inlays;	97032
(f) Shoes that are not manufactured or modified for a particular individual;	97033 97034
(g) Prefabricated foot care products;	97035
(h) Custom foot orthotics;	97036
(i) Durable medical equipment.	97037
(4) If, at any time, the physical therapist has reason to believe that the patient has symptoms or conditions that require treatment or services beyond the scope of practice of a physical therapist, the physical therapist shall refer the patient to a licensed health care practitioner acting within the practitioner's scope of practice.	97038 97039 97040 97041 97042 97043
(B) Nothing in sections 4755.40 to 4755.56 of the Revised Code shall be construed to require reimbursement under any health insuring corporation policy, contract, or agreement, any sickness and accident insurance policy, the medical assistance <u>medicaid</u> program as defined in section 5111.01 of the Revised Code , or the health partnership program or qualified health plans established pursuant to sections 4121.44 to 4121.442 of the Revised Code, for any physical therapy service rendered without the prescription of, or the referral of the patient by, a person described in division (G)(1) of section 4755.48 of the Revised Code.	97044 97045 97046 97047 97048 97049 97050 97051 97052 97053
(C) For purposes of this section, "business day" means any calendar day that is not a Saturday, Sunday, or legal holiday. "Legal holiday" has the same meaning as in section 1.14 of the Revised Code.	97054 97055 97056 97057

Sec. 4755.64. (A) In accordance with Chapter 119. of the 97058
Revised Code, the athletic trainers section of the Ohio 97059
occupational therapy, physical therapy, and athletic trainers 97060
board may suspend, revoke, or refuse to issue or renew an athletic 97061
trainers license, or reprimand, fine, or place a licensee on 97062
probation, for any of the following: 97063

(1) Conviction of a felony or offense involving moral 97064
turpitude, regardless of the state or country in which the 97065
conviction occurred; 97066

(2) Violation of sections 4755.61 to 4755.65 of the Revised 97067
Code or any order issued or rule adopted thereunder; 97068

(3) Obtaining a license through fraud, false or misleading 97069
representation, or concealment of material facts; 97070

(4) Negligence or gross misconduct in the practice of 97071
athletic training; 97072

(5) Violating the standards of ethical conduct in the 97073
practice of athletic training as adopted by the athletic trainers 97074
section under section 4755.61 of the Revised Code; 97075

(6) Using any controlled substance or alcohol to the extent 97076
that the ability to practice athletic training at a level of 97077
competency is impaired; 97078

(7) Practicing in an area of athletic training for which the 97079
individual is untrained, incompetent, or practicing without the 97080
referral of a practitioner licensed under Chapter 4731. of the 97081
Revised Code, a dentist licensed under Chapter 4715. of the 97082
Revised Code, a chiropractor licensed under Chapter 4734. of the 97083
Revised Code, or a physical therapist licensed under this chapter; 97084

(8) Employing, directing, or supervising a person in the 97085
performance of athletic training procedures who is not authorized 97086
to practice as a licensed athletic trainer under this chapter; 97087

(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice; 97088
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(10) Failing the licensing examination; 97092

(11) Aiding or abetting the unlicensed practice of athletic training; 97093
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(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic training, for any reason other than a failure to renew, in Ohio or another state or jurisdiction. 97095
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(B) If the athletic trainers section places a licensee on probation under division (A) of this section, the section's order for placement on probation shall be accompanied by a written statement of the conditions under which the person may be removed from probation and restored to unrestricted practice. 97099
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(C) A licensee whose license has been revoked under division (A) of this section may apply to the athletic trainers section for reinstatement of the license one year following the date of revocation. The athletic trainers section may accept or deny the application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement. 97104
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(D) On receipt of a complaint that a person licensed by the athletic trainers section has committed any of the prohibited actions listed in division (A) of this section, the section may immediately suspend the license of a licensed athletic trainer prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the licensee poses an immediate threat to the public. The section may review the allegations and vote on the suspension by telephone conference call. If the section votes to suspend a license under 97110
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this division, the section shall ~~notify~~ issue a written order of 97119
summary suspension to the licensed athletic trainer ~~of the~~ 97120
~~suspension~~ in accordance with section 119.07 of the Revised Code. 97121
If the individual whose license is suspended fails to make a 97122
timely request for an adjudication under Chapter 119. of the 97123
Revised Code, the section shall enter a final order permanently 97124
revoking the individual's license. Notwithstanding section 119.12 97125
of the Revised Code, a court of common pleas shall not grant a 97126
suspension of the section's order of summary suspension pending 97127
the determination of an appeal filed under that section. Any order 97128
of summary suspension issued under this division shall remain in 97129
effect, unless reversed on appeal, until a final adjudication 97130
order issued by the section pursuant to division (A) of this 97131
section becomes effective. The section shall issue its final 97132
adjudication order regarding an order of summary suspension issued 97133
under this division not later than ninety days after completion of 97134
its hearing. Failure to issue the order within ninety days shall 97135
result in immediate dissolution of the suspension order, but shall 97136
not invalidate any subsequent, final adjudication order. 97137

Sec. 4758.10. (A) There is hereby created the chemical 97138
dependency professionals board. 97139

(B) The governor shall appoint all of the following voting 97140
members of the board with the advice and consent of the senate: 97141

(1) Four individuals who hold a valid independent chemical 97142
dependency counselor-clinical supervisor license or independent 97143
chemical dependency counselor license issued under this chapter, 97144
including at least two of whom have received at least a master's 97145
degree in a field related to chemical dependency counseling from 97146
an accredited educational institution; 97147

(2) Two individuals who hold a valid chemical dependency 97148
counselor III license issued under this chapter; 97149

(3) One individual who holds a valid chemical dependency counselor II license issued under this chapter; 97150
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(4) Two individuals who hold a valid prevention specialist II certificate or prevention specialist I certificate issued under this chapter; 97152
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(5) One individual who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery and has experience practicing in a field related to chemical dependency counseling; 97155
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(6) Two individuals who represent the public and have not practiced chemical dependency counseling or alcohol and other drug prevention services and have not been involved in the delivery of chemical dependency counseling services or alcohol and other drug prevention services. At least one of these individuals shall be at least ~~sixty~~ fifty years of age. During their terms, the public members shall not practice chemical dependency counseling or alcohol and other drug prevention services or be involved in the delivery of chemical dependency counseling services or alcohol and other drug prevention services. 97159
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(C) Not later than ninety days after December 23, 2002, the director of ~~alcohol and drug addiction services~~ mental health and addiction services shall appoint an individual who represents the department of ~~alcohol and drug addiction services~~ mental health and addiction services to serve as an ex officio member of the chemical dependency professionals board. 97169
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(D) Not more than one-half of the voting members of the board may be of the same gender or members of the same political party. At least two voting members of the board shall be of African, Native American, Hispanic, or Asian descent. 97175
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Sec. 4758.11. Of the initial appointees to the chemical 97179

dependency professionals board appointed by the governor under 97180
division (B) of section 4758.10 of the Revised Code, four shall be 97181
appointed for terms ending one year after ~~the effective date of~~ 97182
~~this section~~ December 23, 2002, four shall be appointed for terms 97183
ending two years after ~~the effective date of this section~~ December 97184
23, 2002, and four shall be appointed for terms ending three years 97185
after ~~the effective date of this section~~ December 23, 2002. After 97186
the initial appointments, terms of office shall be three years, 97187
each term ending on the same day of the same month of the year as 97188
the term it succeeds. 97189

A voting member of the board shall hold office from the date 97190
of appointment until the end of the term for which the member was 97191
appointed. A voting member appointed to fill a vacancy occurring 97192
prior to the expiration of the term for which the member's 97193
predecessor was appointed shall hold office for the remainder of 97194
that term. A voting member shall continue in office after the 97195
expiration date of the member's term until the member's successor 97196
takes office or until a period of sixty days has elapsed, 97197
whichever occurs first. Voting members may be reappointed, except 97198
that an individual who has held office for two consecutive full 97199
terms shall not be reappointed sooner than one year after the 97200
expiration of the second full term. 97201

The ex officio member of the board appointed by the director 97202
of ~~alcohol and drug addiction services~~ mental health and addiction 97203
services under division (C) of section 4758.10 of the Revised Code 97204
shall serve at the pleasure of the director. 97205

Sec. 4761.01. As used in this chapter: 97206

(A) "Respiratory care" means rendering or offering to render 97207
to individuals, groups, organizations, or the public any service 97208
involving the evaluation of cardiopulmonary function, the 97209
treatment of cardiopulmonary impairment, the assessment of 97210

treatment effectiveness, and the care of patients with 97211
deficiencies and abnormalities associated with the cardiopulmonary 97212
system. The practice of respiratory care includes: 97213

(1) Obtaining, analyzing, testing, measuring, and monitoring 97214
blood and gas samples in the determination of cardiopulmonary 97215
parameters and related physiologic data, including flows, 97216
pressures, and volumes, and the use of equipment employed for this 97217
purpose; 97218

(2) Administering, monitoring, recording the results of, and 97219
instructing in the use of medical gases, aerosols, and 97220
bronchopulmonary hygiene techniques, including drainage, 97221
aspiration, and sampling, and applying, maintaining, and 97222
instructing in the use of artificial airways, ventilators, and 97223
other life support equipment employed in the treatment of 97224
cardiopulmonary impairment and provided in collaboration with 97225
other licensed health care professionals responsible for providing 97226
care; 97227

(3) Performing cardiopulmonary resuscitation and respiratory 97228
rehabilitation techniques; 97229

(4) Administering medications for the testing or treatment of 97230
cardiopulmonary impairment. 97231

(B) "Respiratory care professional" means a person who is 97232
licensed under this chapter to practice the full range of 97233
respiratory care services as defined in division (A) of this 97234
section. 97235

(C) "Physician" means an individual authorized under Chapter 97236
4731. of the Revised Code to practice medicine and surgery or 97237
osteopathic medicine and surgery. 97238

(D) "Registered nurse" means an individual licensed under 97239
Chapter 4723. of the Revised Code to engage in the practice of 97240
nursing as a registered nurse. 97241

(E) "Hospital" means a facility that meets the operating standards of section 3727.02 of the Revised Code. 97242
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(F) "Nursing facility" has the same meaning as in section 5111.20 5165.01 of the Revised Code. 97244
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Sec. 4776.01. As used in this chapter: 97246

(A) "License" means an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing agency to a licensee or to an applicant for an initial license by which the licensee or initial license applicant has or claims the privilege to engage in a profession, occupation, or occupational activity, or, except in the case of the state dental board, to have control of and operate certain specific equipment, machinery, or premises, over which the licensing agency has jurisdiction. 97247
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(B) Except as provided in section 4776.20 of the Revised Code, "licensee" means the person to whom the license is issued by a licensing agency. 97256
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(C) Except as provided in section 4776.20 of the Revised Code, "licensing agency" means any of the following: 97259
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(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 4759., 4760., 4761., 4762., ~~and 4779.~~ and 4783. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specified equipment, machinery, or premises. 97261
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(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code. 97267
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(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license 97270
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by reciprocity, endorsement, or similar manner of a license issued 97272
in another state. 97273

(E) "Applicant for a restored license" includes persons 97274
seeking restoration of a certificate under section 4730.14, 97275
4731.281, 4760.06, or 4762.06 of the Revised Code. 97276

(F) "Criminal records check" has the same meaning as in 97277
section 109.572 of the Revised Code. 97278

Sec. 4778.02. (A)(1) Except as provided in division (B) of 97279
this section, no person shall practice as a genetic counselor 97280
unless the person holds a current, valid license to practice as a 97281
genetic counselor issued under this chapter. 97282

(2) No person shall use the title "genetic counselor," or 97283
otherwise hold the person out as a genetic counselor, unless the 97284
person holds a current, valid license to practice as a genetic 97285
counselor issued under this chapter. 97286

(B) Division (A)(1) of this section does not apply to either 97287
of the following: 97288

(1) A student performing an activity as part of a genetic 97289
counseling graduate program described in division (B)~~(2)~~(1)(b) of 97290
section 4778.03 of the Revised Code; 97291

(2) A person who is authorized pursuant to another provision 97292
of the Revised Code to perform any of the activities that a 97293
genetic counselor is authorized to perform. 97294

Sec. 4778.03. (A) An individual seeking a license to practice 97295
as a genetic counselor shall file with the state medical board an 97296
application in a manner prescribed by the board. The application 97297
shall include all the information the board considers necessary to 97298
process the application, including evidence satisfactory to the 97299
board that the applicant meets the requirements specified in 97300

division (B) of this section. 97301

At the time an application is submitted, the applicant shall 97302
pay the board an application fee of two hundred dollars. No part 97303
of the fee shall be returned to the applicant or transferred for 97304
purposes of another application. 97305

(B)(1) To be eligible to receive a license to practice as a 97306
genetic counselor, an applicant shall demonstrate to the board 97307
that the applicant meets all of the following requirements: 97308

~~(1)~~(a) Is at least eighteen years of age and of good moral 97309
character; 97310

~~(2)~~ ~~Has~~ (b) Except as provided in division (B)(2) of this 97311
section, has attained a master's degree or higher degree from a 97312
genetic counseling graduate program accredited by the American 97313
board of genetic counseling, inc.; 97314

~~(3)~~(c) Is a certified genetic counselor; 97315

~~(4)~~(d) Has satisfied any other requirements established by 97316
the board in rules adopted under section 4778.12 of the Revised 97317
Code. 97318

(2) In the case of an applicant who files an application not 97319
later than December 31, 2013, and meets all eligibility 97320
requirements other than the requirement specified in division 97321
(B)(1)(b) of this section, the applicant is eligible for a license 97322
to practice as a genetic counselor if the applicant has attained a 97323
master's or higher degree in education or in a field that the 97324
state medical board considers to be closely related to genetic 97325
counseling. 97326

(C) The board shall review all applications received under 97327
this section. Not later than sixty days after receiving an 97328
application it considers complete, the board shall determine 97329
whether the applicant meets the requirements for a license to 97330

practice as a genetic counselor. The affirmative vote of not fewer 97331
than six members of the board is required to determine that the 97332
applicant meets the requirements for the license. 97333

Sec. 4781.121. (A) The manufactured homes commission, 97334
pursuant to section 4781.04 of the Revised Code, may investigate 97335
any person who allegedly has committed a violation. If, after an 97336
investigation the commission determines that reasonable evidence 97337
exists that a person has committed a violation, within seven days 97338
after that determination, the commission shall send a written 97339
notice to that person in the same manner as prescribed in section 97340
119.07 of the Revised Code for licensees, except that the notice 97341
shall specify that a hearing will be held and specify the date, 97342
time, and place of the hearing. 97343

(B) The commission shall hold a hearing regarding the alleged 97344
violation in the same manner prescribed for an adjudication 97345
hearing under section 119.09 of the Revised Code. If the 97346
commission, after the hearing, determines that a violation has 97347
occurred, the commission, upon an affirmative vote of five of its 97348
members, may impose a fine not exceeding one thousand dollars per 97349
violation per day. The commission's determination is an order that 97350
the person may appeal in accordance with section 119.12 of the 97351
Revised Code. 97352

(C) If the person who allegedly committed a violation fails 97353
to appear for a hearing, the commission may request the court of 97354
common pleas of the county where the alleged violation occurred to 97355
compel the person to appear before the commission for a hearing. 97356

(D) If the commission assesses a person a civil penalty for a 97357
violation and the person fails to pay that civil penalty within 97358
the time period prescribed by the commission pursuant to section 97359
131.02 of the Revised Code, the commission shall forward to the 97360
attorney general the name of the person and the amount of the 97361

civil penalty for the purpose of collecting that civil penalty. In 97362
addition to the civil penalty assessed pursuant to this section, 97363
the person also shall pay any fee assessed by the attorney general 97364
for collection of the civil penalty. 97365

(E) The authority provided to the commission pursuant to this 97366
section, and any fine imposed under this section, shall be in 97367
addition to, and not in lieu of, all penalties and other remedies 97368
provided in this chapter. Any fines collected pursuant to this 97369
section shall be used solely to administer and enforce this 97370
chapter and rules adopted under it. Any fees collected pursuant to 97371
this section shall be transmitted to the treasurer of state and 97372
shall be credited to the manufactured homes commission regulatory 97373
fund created in section 4781.54 of the Revised Code and the rules 97374
adopted thereunder. The fees shall be used only for the purpose of 97375
administering and enforcing sections 4781.26 to 4781.35 of the 97376
Revised Code and the rules adopted thereunder. 97377

(F) As used in this section, "violation" means a violation of 97378
section 4781.11, 4781.16, or 4781.27 of the Revised Code, or any 97379
rule adopted pursuant to ~~section 4781.04, of the Revised Code~~ this 97380
chapter. 97381

Sec. 4781.28. The manufactured homes commission may charge a 97382
fee for an annual license to operate a manufactured home park. The 97383
fee for a license shall be determined in accordance with section 97384
~~4781.26~~ 4781.27 of the Revised Code and shall include the cost of 97385
licensing and all inspections. 97386

Any fees collected shall be transmitted to the treasurer of 97387
state and shall be credited to the manufactured homes commission 97388
regulatory fund created in section 4781.54 of the Revised Code and 97389
used only for the purpose of administering and enforcing sections 97390
4781.26 to 4781.35 of the Revised Code and the rules adopted 97391
thereunder. 97392

Sec. 4781.29. The manufactured homes commission may refuse to grant, may suspend, or may revoke any license granted to any person for failure to comply with ~~sections 4781.26 to 4781.35 of the Revised Code~~ this chapter or with any rule adopted under ~~section 4781.26 of the Revised Code~~ this chapter.

Sec. 4783.01. As used in this chapter:

(A) "Certified Ohio behavior analyst" means an individual holding a current, valid certificate issued under section 4783.04 of the Revised Code.

(B)(1) "Practice of applied behavior analysis" means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior and includes the following:

(a) The empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis;

(b) Interventions based on scientific research and the direct observation and measurement of behavior and the environment;

(c) Utilization of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop new behaviors, increase or decrease existing behaviors, and emit behaviors under specific environmental conditions.

(2) "Practice of applied behavior analysis" does not include psychological testing, diagnosis of a mental or physical disorder, neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, and long-term counseling as treatment modalities.

Sec. 4783.02. (A) Except as otherwise provided in division

(B) of this section, no person shall do either of the following: 97422

(1) Engage in the practice of applied behavior analysis in this state without holding a certificate issued under section 4783.04 of the Revised Code; 97423
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(2) Hold the person's self out to be a certified Ohio behavior analyst unless the person holds a certificate issued under section 4783.04 of the Revised Code. 97426
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(B) This chapter does not apply to any of the following: 97429

(1) An individual licensed under Chapter 4732. of the Revised Code to practice psychology, if the practice of applied behavior analysis engaged in by the licensed psychologist is within the licensed psychologist's education, training, and experience; 97430
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(2) An individual acting under the authority and direction of an individual described in division (B)(1) of this section; 97434
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(3) An individual practicing applied behavior analysis who is supervised by a certified Ohio behavior analyst and acting under the authority and direction of that certified Ohio behavior analyst; 97436
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(4) The delivery of interventions by a direct care provider or family member to implement components of an applied behavior analysis treatment plan. 97440
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(5) A behavior analyst who practices with nonhuman or nonpatient clients or consumers, including applied animal behaviorists and practitioners of organizational behavior management; 97443
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(6) A licensed professional authorized to practice in this state who, in the offering or rendering of services, does not represent oneself in any printed materials or verbally by incorporating the term "applied behavior analyst," if the services of the licensed professional are within the scope of practice of 97447
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the licensing law governing the licensed professional and the 97452
services performed are commensurate with the licensed 97453
professional's education, training, and experience; 97454

(7) A matriculated graduate student or postdoctoral trainee 97455
whose activities are part of a defined program of study or 97456
professional training; 97457

(8) An individual employed by an agency that falls under the 97458
jurisdiction of the department of developmental disabilities when 97459
the individual is acting in the scope of that employment; 97460

(9) A professional employed in a school or other setting that 97461
falls under the regulation of the state board of education when 97462
the professional is acting within the scope of that employment. 97463

(C) For purposes of division (B)(2) or (3) of this section, 97464
an individual is not subject to this chapter only if the licensed 97465
psychologist or the certified Ohio behavior analyst under whose 97466
authority and direction the individual is acting pursuant to 97467
division (B)(2) or (3) of this section signs an attestation 97468
stating that the licensed psychologist or certified Ohio behavior 97469
analyst is responsible for the care provided by the individual. 97470

Sec. 4783.03. (A) The state board of psychology shall 97471
administer and enforce this chapter. The board shall adopt rules 97472
under Chapter 119. of the Revised Code establishing all of the 97473
following: 97474

(1) Procedures and requirements for applying for a 97475
certificate issued under section 4783.04 of the Revised Code; 97476

(2) Fees for issuance of a certificate; 97477

(3) Reductions of the hours of continuing education required 97478
by section 4783.05 of the Revised Code for persons in their first 97479
certificate period. 97480

(B) The board may adopt additional rules in accordance with 97481

Chapter 119. of the Revised Code as the board determines are 97482
necessary to implement and enforce this chapter. 97483

Sec. 4783.04. (A) An individual seeking a certificate to 97484
practice as a certified Ohio behavior analyst shall file with the 97485
state board of psychology a written application on a form 97486
prescribed and supplied by the board. To be eligible for a 97487
certificate, the individual shall do all of the following: 97488

(1) Demonstrate that the applicant is of good moral character 97489
and conducts the applicant's professional activities in accordance 97490
with accepted professional and ethical standards; 97491

(2) Comply with sections 4776.01 to 4776.04 of the Revised 97492
Code; 97493

(3) Demonstrate an understanding of the law regarding 97494
behavioral health practice; 97495

(4) Demonstrate current certification as a board certified 97496
behavior analyst by the behavior analyst certification board or 97497
its successor organization or demonstrate completion of equivalent 97498
requirements and passage of a psychometrically valid examination 97499
administered by a nationally accredited credentialing 97500
organization; 97501

(5) Pay the fee established by the state board of psychology. 97502

(B) The state board of psychology shall review all 97503
applications received under this section. The state board of 97504
psychology shall not grant a certificate to an applicant for an 97505
initial certificate unless the applicant complies with sections 97506
4776.01 to 4776.04 of the Revised Code and the state board of 97507
psychology, in its discretion, decides that the results of the 97508
criminal records check do not make the applicant ineligible for a 97509
certificate issued pursuant to section 4783.09 of the Revised 97510
Code. If the state board of psychology determines that an 97511

applicant satisfies the requirements for a certificate to practice 97512
as a certified Ohio behavior analyst, the state board of 97513
psychology shall issue the applicant a certificate. 97514

Sec. 4783.05. (A)(1) Except as otherwise provided in this 97515
division, a certificate issued under this chapter is valid for a 97516
period of two years. On or before the thirty-first day of August 97517
of each even-numbered year, each certified Ohio behavior analyst 97518
shall do both of the following: 97519

(a) Register with the state board of psychology on a form 97520
prescribed by the board, giving the certified Ohio behavior 97521
analyst's name, address, certificate number, the continuing 97522
education information required under division (B) of this section, 97523
and any other reasonable information as the board requires; 97524

(b) Pay to the board secretary a biennial registration fee in 97525
an amount of one hundred fifty dollars. 97526

(2) An individual who is issued a certificate under section 97527
4783.04 of the Revised Code for the first time on or before the 97528
thirty-first day of August of an even-numbered year shall next be 97529
required to register on or before the thirty-first day of August 97530
of the next even-numbered year. 97531

(B) Every two years a certified Ohio behavior analyst who 97532
wishes to renew the certified Ohio behavior analyst's certificate 97533
issued under this chapter shall produce proof of not less than 97534
twenty-three hours of continuing education, including not less 97535
than four hours in ethics, professional conduct, or cultural 97536
competency. Continuing education hours may be earned through 97537
providers of continuing education approved by the behavior analyst 97538
certification board or its successor organization or other 97539
organizations approved by the state board of psychology as 97540
providers of continuing education. 97541

Sec. 4783.09. (A) The state board of psychology may refuse to 97542
issue a certificate to any applicant, may issue a reprimand, or 97543
suspend or revoke the certificate of any certified Ohio behavior 97544
analyst, on any of the following grounds: 97545

(1) Conviction of a felony, or of any offense involving moral 97546
turpitude, in a court of this or any other state or in a federal 97547
court; 97548

(2) Using fraud or deceit in the procurement of the 97549
certificate to practice applied behavior analysis or knowingly 97550
assisting another in the procurement of such a certificate through 97551
fraud or deceit; 97552

(3) Accepting commissions or rebates or other forms of 97553
remuneration for referring persons to other professionals; 97554

(4) Willful, unauthorized communication of information 97555
received in professional confidence; 97556

(5) Being negligent in the practice of applied behavior 97557
analysis; 97558

(6) Using any controlled substance or alcoholic beverage to 97559
an extent that such use impairs the person's ability to perform 97560
the work of a certified Ohio behavior analyst with safety to the 97561
public; 97562

(7) Violating any rule of professional conduct promulgated by 97563
the board; 97564

(8) Practicing in an area of applied behavior analysis for 97565
which the person is clearly untrained or incompetent; 97566

(9) An adjudication by a court, as provided in section 97567
5122.301 of the Revised Code, that the person is incompetent for 97568
the purpose of holding the certificate; 97569

(10) Waiving the payment of all or any part of a deductible 97570

or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers applied behavior analysis services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider; 97571
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(11) Advertising that the person will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers applied behavior analysis services, would otherwise be required to pay. 97576
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(B) For purposes of division (A)(9) of this section, a person may have the person's certificate issued or restored only upon determination by a court that the person is competent for the purpose of holding the certificate and upon the decision by the board that the certificate be issued or restored. The board may require an examination prior to such issuance or restoration. 97581
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(C) Notwithstanding divisions (A)(10) and (11) of this section, sanctions shall not be imposed against any certificate holder who waives deductibles and copayments: 97587
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(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Such consent shall be made available to the board upon request. 97590
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(2) For professional services rendered to any other person holding a certificate issued pursuant to this chapter to the extent allowed by this chapter and the rules of the board. 97595
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(D) Except as provided in section 4783.10 of the Revised Code, before the board may deny, suspend, or revoke a certificate under this section, or otherwise discipline the holder of a certificate, written charges shall be filed with the board by the 97598
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secretary and a hearing shall be had thereon in accordance with 97602
Chapter 119. of the Revised Code. 97603

Sec. 4783.10. On receipt of a complaint that any of the 97604
grounds listed in division (A) of section 4783.09 of the Revised 97605
Code exist, the state board of psychology may suspend the 97606
certificate of the certified Ohio behavior analyst prior to 97607
holding a hearing in accordance with Chapter 119. of the Revised 97608
Code if it determines, based on the complaint, that an immediate 97609
threat to the public exists. 97610

After suspending a certificate pursuant to this section, the 97611
board shall notify the certified Ohio behavior analyst of the 97612
suspension in accordance with section 119.07 of the Revised Code. 97613
If the individual whose certificate is suspended fails to make a 97614
timely request for an adjudication under Chapter 119. of the 97615
Revised Code, the board shall enter a final order permanently 97616
revoking the individual's certificate. 97617

Sec. 4783.11. (A) Except as provided in division (B) of this 97618
section, if, at the conclusion of a hearing required by section 97619
4783.09 of the Revised Code, the state board of psychology 97620
determines that a certified Ohio behavior analyst has engaged in 97621
sexual conduct or had sexual contact with the certified Ohio 97622
behavior analyst's patient or client in violation of any 97623
prohibition contained in Chapter 2907. of the Revised Code, the 97624
board shall do one of the following: 97625

(1) Suspend the certified Ohio behavior analyst's 97626
certificate; 97627

(2) Permanently revoke the certified Ohio behavior analyst's 97628
certificate. 97629

(B) If the board determines at the conclusion of the hearing 97630
that neither of the sanctions described in division (A) of this 97631

section is appropriate, the board shall impose another sanction it 97632
considers appropriate and issue a written finding setting forth 97633
the reasons for the sanction imposed and the reason that neither 97634
of the sanctions described in division (A) of this section is 97635
appropriate. 97636

Sec. 4783.12. On receipt of a notice pursuant to section 97637
3123.43 of the Revised Code, the state board of psychology shall 97638
comply with sections 3123.41 to 3123.50 of the Revised Code and 97639
any applicable rules adopted under section 3123.63 of the Revised 97640
Code with respect to a certificate issued pursuant to this 97641
chapter. 97642

Sec. 4783.13. The state board of psychology shall comply with 97643
section 4776.20 of the Revised Code. 97644

Sec. 4783.99. Whoever violates division (A) of section 97645
4783.02 of the Revised Code shall be fined not less than one 97646
hundred dollars nor more than five hundred dollars or imprisoned 97647
for not less than six months nor more than one year, or both. Each 97648
violation shall be a separate offense. 97649

Sec. 4906.20. (A) No person shall commence to construct an 97650
economically significant wind farm in this state without first 97651
having obtained a certificate from the power siting board. An 97652
economically significant wind farm with respect to which such a 97653
certificate is required shall be constructed, operated, and 97654
maintained in conformity with that certificate and any terms, 97655
conditions, and modifications it contains. A certificate shall be 97656
issued only pursuant to this section. The certificate may be 97657
transferred, subject to the approval of the board, to a person 97658
that agrees to comply with those terms, conditions, and 97659
modifications. 97660

(B) The board shall adopt rules governing the certificating 97661
of economically significant wind farms under this section. Initial 97662
rules shall be adopted within one hundred twenty days after June 97663
24, 2008. 97664

(1) The rules shall provide for an application process for 97665
certificating economically significant wind farms that is 97666
identical to the extent practicable to the process applicable to 97667
certificating major utility facilities under sections 4906.06, 97668
4906.07, 4906.08, 4906.09, 4906.10, 4906.11, and 4906.12 of the 97669
Revised Code and shall prescribe a reasonable schedule of 97670
application filing fees structured in the manner of the schedule 97671
of filing fees required for major utility facilities. 97672

(2) Additionally, the rules shall prescribe reasonable 97673
regulations regarding any wind turbines and associated facilities 97674
of an economically significant wind farm, including, but not 97675
limited to, their location, erection, construction, 97676
reconstruction, change, alteration, maintenance, removal, use, or 97677
enlargement and including erosion control, aesthetics, 97678
recreational land use, wildlife protection, interconnection with 97679
power lines and with regional transmission organizations, 97680
independent transmission system operators, or similar 97681
organizations, ice throw, sound and noise levels, blade shear, 97682
shadow flicker, decommissioning, and necessary cooperation for 97683
site visits and enforcement investigations. The rules also shall 97684
prescribe a minimum setback for a wind turbine of an economically 97685
significant wind farm. That minimum shall be equal to a horizontal 97686
distance, from the turbine's base to the property line of the wind 97687
farm property, equal to one and one-tenth times the total height 97688
of the turbine structure as measured from its base to the tip of 97689
its highest blade and be at least ~~seven~~ one thousand one hundred 97690
fifty twenty-five feet in horizontal distance from the tip of the 97691
turbine's nearest blade at ninety degrees to the exterior of the 97692

nearest, habitable, residential structure, if any, located on 97693
adjacent property at the time of the certification application. 97694
For any existing certificates and amendments thereto, and existing 97695
certification applications that have been found by the chairperson 97696
to be in compliance with division (A) of section 4906.06 of the 97697
Revised Code before the effective date of the amendment of this 97698
section by H.B. 59 of the 130th general assembly, the distance 97699
shall be seven hundred fifty feet instead of one thousand one 97700
hundred twenty-five feet. The setback shall apply in all cases 97701
except those in which all owners of property adjacent to the wind 97702
farm property waive application of the setback to that property 97703
pursuant to a procedure the board shall establish by rule and 97704
except in which, in a particular case, the board determines that a 97705
setback greater than the minimum is necessary. 97706

Sec. 4906.201. An electric generating plant that consists of 97707
wind turbines and associated facilities with a single 97708
interconnection to the electrical grid that is designed for, or 97709
capable of, operation at an aggregate capacity of fifty megawatts 97710
or more is subject to the minimum setback requirements established 97711
in rules adopted by the power siting board under division (B)(2) 97712
of section 4906.20 of the Revised Code. For any existing 97713
certificates and amendments thereto, and existing certification 97714
applications that have been found by the chairperson to be in 97715
compliance with division (A) of section 4906.06 of the Revised 97716
Code before the effective date of the amendment of this section by 97717
H.B. 59 of the 130th general assembly, the distance shall be seven 97718
hundred fifty feet instead of one thousand one hundred twenty-five 97719
feet. 97720

Sec. 4909.157. (A) The public utilities commission may 97721
authorize a natural gas company or gas company to recover 97722
environmental remediation costs to which both of the following 97723

apply: 97724

(1) They are prudently incurred before January 1, 2025. 97725

(2) They are related to real property that, at the time recovery is authorized, is or was used for the provision of public utility service. 97726
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(B) Recovery under division (A) of this section may be provided for through the establishment of a mechanism by the commission. Any such mechanism shall set forth the specific terms of the recovery. The mechanism shall cause recovery to occur through a uniform percentage applied to base distribution revenue. 97729
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(C) If the commission authorizes recovery under this section, the company, upon the sale of the property described in division (A)(2) of this section, shall return to the company's customers the difference between the sale price of the property, minus any reasonable expenses related to the sale, and the fair market value of the property prior to remediation. 97734
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(D) Divisions (A)(1) and (4) of section 4909.15 of the Revised Code do not preclude the recovery of environmental remediation costs as described in this section. 97740
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Sec. 4955.32. ~~(A) Every company shall attach to each locomotive engine passing upon its railroad a bell of the ordinary size in use on such engines and a steam or compressed air whistle~~ 97743
~~As used in this section, "lite locomotive consist" means a consist of locomotives not attached to any piece of equipment or attached only to a caboose.~~ 97744
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~~(B) When an engine the locomotive in motion and the lead of a train, when a lite locomotive consist, or when an individual locomotive is approaching a turnpike, public highway, or street crossing or private a grade crossing where the view of such crossing is obstructed by embankment, trees, curve, or other~~ 97749
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~~obstruction to view, upon the same line with the crossing, and in
like manner where the railroad crosses any other traveled place,
by bridge or otherwise, either of the following shall occur:~~ 97754
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(1) The engineer or person in charge of ~~such engine the~~ locomotive shall sound ~~such whistle at a distance of at least~~ locomotive horn in accordance with 49 C.F.R. part 222; 97757
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(2) An alternative audible warning system approved by the public utilities commission under section 4955.321 of the Revised Code shall be activated in accordance with guidelines established by the ~~public utilities~~ commission. 97763
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~~(C) This section shall not interfere with the proper observance of an ordinance passed by the legislative authority of a municipal corporation regulating the management of railroads, locomotives, and steam whistles on locomotives, within the limits of such municipal corporation.~~ 97767
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~~(D)~~ The establishment of an alternative audible warning system does not preclude the sounding of a ~~whistle~~ locomotive horn by an engineer or other person in charge of ~~an engine~~ a locomotive in an emergency situation, as determined by the sole judgment of the engineer or other person. 97772
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Sec. 4955.321. The public utilities commission may evaluate alternative systems for providing an audible warning of an approaching locomotive ~~engine~~. The commission may approve the use of an audible warning system as an alternative to the ~~whistle and bell~~ horn sounding required under division (B)(1) of section 4955.32 of the Revised Code only if it determines that the alternative audible warning system complies with applicable federal requirements for an audible warning of an approaching 97777
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train and only if train-activated warning devices also are present 97785
at any public highway or grade crossing at which the alternative 97786
audible warning system is installed. The commission shall 97787
establish guidelines for the use and operation of any alternative 97788
audible warning system it approves. 97789

Sec. 4955.322. The sounding of a locomotive horn at a private 97790
crossing or the failure to sound a locomotive horn at a private 97791
crossing is not a basis for a civil action against the railroad 97792
company that operated the locomotive, a board of county 97793
commissioners, or any local authority, or against the employees or 97794
agents of the company, board, or authority. 97795

Sec. 4955.34. Every engineer or person in charge of an engine 97796
a locomotive who fails to comply with section 4955.32 of the 97797
Revised Code is personally liable to a penalty of not less than 97798
fifty nor more than one hundred dollars, to be recovered by civil 97799
action at the suit of the state in the court of common pleas of a 97800
county in which the public highway or grade crossing is located. 97801

The company in whose employ such engineer or person in charge 97803
of ~~an engine~~ a locomotive is, as well as the engineer or person 97804
~~himself~~ in charge, is liable in damages to a person or company 97805
injured in person or property by such neglect or act of such 97806
engineer or person in charge. 97807

Sec. 4955.44. (A) On and after the date of first operation of 97808
a railroad quiet zone established pursuant to section 4955.42 of 97809
the Revised Code, divisions (B)(1) and (2) of section 4955.32 ~~and 97810~~
~~division (A)(2) of section 4999.04~~ of the Revised Code do not 97811
apply with respect to a ~~public or private grade crossing included 97812~~
~~in~~ the zone. 97813

(B) The establishment of a railroad quiet zone pursuant to 97814

sections 4955.41 to 4955.47 of the Revised Code does not preclude 97815
the sounding of a locomotive whistle, horn, bell, or other audible 97816
device by an engineer or other person in charge of the locomotive 97817
to address a perceived potential for injury, death, or loss to 97818
person or property, as determined by the sole judgment of the 97819
engineer or other person. 97820

(C) The commission may suspend summarily the operation of a 97821
quiet zone established pursuant to section 4955.42 of the Revised 97822
Code if the commission, through any source, obtains sufficient, 97823
credible evidence showing that a condition at a public grade 97824
crossing located within a quiet zone has changed to such an extent 97825
that, even with the continuing existence of the supplemental 97826
safety measures at the crossing, the quiet zone no longer 97827
qualifies as such under federal law or the commission determines 97828
that public safety is otherwise compromised at the crossing. 97829
Within fifteen days following the quiet zone suspension date 97830
described in this division, the commission shall hold a hearing in 97831
the general vicinity of the quiet zone in question to determine 97832
whether the quiet zone suspension should be lifted or continued, 97833
or whether commission approval of the quiet zone should be 97834
rescinded and the quiet zone eliminated. 97835

Sec. 4955.47. No railroad company and no employee or agent of 97836
the company shall be charged, or is liable in damages to person or 97837
property, for any failure to sound an audible warning by whistle, 97838
horn, bell, or other audible warning device at a ~~public or private~~ 97839
railroad grade crossing to which any of the following apply: 97840

(A) The crossing is equipped in accordance with division 97841
(B)(2) of section 4955.32 of the Revised Code ~~or.~~ 97842

(B) The crossing is located in a railroad quiet zone 97843
established pursuant to section 4955.42 of the Revised Code ~~or.~~ 97844

(C) The crossing is located in a jurisdiction in which such 97845

sounding is restricted or prohibited by law. 97846

Sec. 4999.04. (A) No person in charge of a locomotive shall 97847
~~do the following:~~ 97848

~~(1) Fail~~ fail to bring the locomotive to a full stop at least 97849
two hundred feet before arriving at a crossing with another track, 97850
or proceed through the crossing before signaled to do so or before 97851
the way is clear: 97852

~~(2) When approaching a grade crossing, fail to sound the 97853
locomotive whistle at frequent intervals, beginning not less than 97854
thirteen hundred twenty feet from such crossing and continuing 97855
until the locomotive has passed the crossing. 97856~~

(B) (1) Whoever violates this section or fails to comply with 97857
division (B)(1) of section 4955.32 of the Revised Code is guilty 97858
of a misdemeanor of the fourth degree. If the violation of this 97859
section or failure to comply causes physical harm to any person, 97860
whoever violates this section or fails to comply with division 97861
(B)(1) of section 4955.32 of the Revised Code is guilty of a 97862
misdemeanor of the third degree. 97863

(2) With respect to a charge of violating division (B)(1) of 97864
this section for a failure to comply with division (B)(1) of 97865
section 4955.32 of the Revised Code, it is an affirmative defense 97866
that an alternative audible warning system described in division 97867
(B)(2) of that section was activated. 97868

Sec. 5101.01. (A) As used in the Revised Code, the 97869
"department of public welfare" and the "department of human 97870
services" mean the department of job and family services and the 97871
"director of public welfare" and the "director of human services" 97872
mean the director of job and family services. ~~Whenever~~ Except as 97873
provided in section 5160.011 of the Revised Code, whenever the 97874
department or director of public welfare or the department or 97875

director of human services is referred to or designated in any 97876
statute, rule, contract, grant, or other document, the reference 97877
or designation shall be deemed to refer to the department or 97878
director of job and family services, as the case may be. 97879

(B) As used in this chapter: 97880

(1) References to a county department of job and family 97881
services include a joint county department of job and family 97882
services established under section 329.40 of the Revised Code. 97883

(2) References to a board of county commissioners include the 97884
board of directors of a joint county department of job and family 97885
services established under section 329.40 of the Revised Code. 97886

Sec. 5101.101. (A) This section establishes the order of 97887
priority to be followed by the department of job and family 97888
services when distributing funds for the purpose of providing 97889
family planning services, including funds the department receives 97890
through Title XX of the "Social Security Act," 88 Stat. 2337 97891
(1974), 42 U.S.C. 1397, as amended, and funds the department 97892
receives through Title IV-A of the "Social Security Act," 110 97893
Stat. 2113 (1996), 42 U.S.C. 601, as amended, to be used for 97894
purposes of providing Title XX social services. This section does 97895
not apply to payments made under the medicaid program. 97896

(B) With respect to each period during which funds from a 97897
particular source are distributed for the purpose of providing 97898
family planning services, the department is subject to both of the 97899
following when distributing the funds to applicants seeking those 97900
funds: 97901

(1) Foremost priority shall be given to public entities that 97902
are operated by state or local government entities and that 97903
provide or are able to provide family planning services. 97904

(2) If any funds remain after the department distributes 97905

funds to public entities under division (B)(1) of this section, 97906
the department may distribute funds to nonpublic entities. If 97907
funds are distributed to nonpublic entities, the department shall 97908
distribute the funds in the following order of descending 97909
priority: 97910

(a) Nonpublic entities that are federally qualified health 97911
centers or federally qualified health center look-alikes, both as 97912
defined in section 3701.047 of the Revised Code, or community 97913
action agencies, as defined in section 122.66 of the Revised Code; 97914

(b) Nonpublic entities that provide comprehensive primary and 97915
preventive care services in addition to family planning services; 97916

(c) Nonpublic entities that provide family planning services, 97917
but do not provide comprehensive primary and preventive care 97918
services. 97919

~~Sec. 5101.11. This section does not apply to contracts~~ 97920
~~entered into under section 5111.90 or 5111.91 of the Revised Code.~~ 97921

(A) As used in this section: 97922

(1) "Entity" includes an agency, board, commission, or 97923
department of the state or a political subdivision of the state; a 97924
private, nonprofit entity; a school district; a private school; or 97925
a public or private institution of higher education. 97926

(2) "Federal financial participation" means the federal 97927
government's share of expenditures made by an entity in 97928
implementing a program administered by the department of job and 97929
family services. 97930

(B) At the request of any public entity having authority to 97931
implement a program administered by the department of job and 97932
family services or any private entity under contract with a public 97933
entity to implement a program administered by the department, the 97934
department may seek to obtain federal financial participation for 97935

costs incurred by the entity. Federal financial participation may 97936
be sought from programs operated pursuant to Title IV-A, of the 97937
"Social Security Act," 42 U.S.C. 601 et seq.; Title IV-E, ~~and~~ 97938
~~Title XIX~~ of the "Social Security Act," ~~49 Stat. 620 (1935),~~ 42 97939
U.S.C. 301, ~~as amended~~ 670 et seq.; the Food and Nutrition Act of 97940
2008 (7 U.S.C. 2011 et seq.); and any other statute or regulation 97941
under which federal financial participation may be available, 97942
except that federal financial participation may be sought only for 97943
expenditures made with funds for which federal financial 97944
participation is available under federal law. 97945

(C) All funds collected by the department ~~of job and family~~ 97946
~~services~~ pursuant to division (B) of this section shall be 97947
distributed to the entities that incurred the costs, except for 97948
any amounts retained by the department pursuant to division (D)(3) 97949
of this section. 97950

(D) In distributing federal financial participation pursuant 97951
to this section, the department may either enter into an agreement 97952
with the entity that is to receive the funds or distribute the 97953
funds in accordance with rules adopted under division (F) of this 97954
section. If the department decides to enter into an agreement to 97955
distribute the funds, the agreement may include terms that do any 97956
of the following: 97957

(1) Provide for the whole or partial reimbursement of any 97958
cost incurred by the entity in implementing the program; 97959

(2) In the event that federal financial participation is 97960
disallowed or otherwise unavailable for any expenditure, require 97961
the department ~~of job and family services~~ or the entity, whichever 97962
party caused the disallowance or unavailability of federal 97963
financial participation, to assume responsibility for the 97964
expenditures; 97965

(3) Permit the department to retain not more than five per 97966

cent of the amount of the federal financial participation to be 97967
distributed to the entity; 97968

(4) Require the public entity to certify the availability of 97969
sufficient unencumbered funds to match the federal financial 97970
participation it receives under this section; 97971

(5) Establish the length of the agreement, which may be for a 97972
fixed or a continuing period of time; 97973

(6) Establish any other requirements determined by the 97974
department to be necessary for the efficient administration of the 97975
agreement. 97976

(E) An entity that receives federal financial participation 97977
pursuant to this section for a program aiding children and their 97978
families shall establish a process for collaborative planning with 97979
the department ~~of job and family services~~ for the use of the funds 97980
to improve and expand the program. 97981

(F) The director of job and family services shall adopt rules 97982
as necessary to implement this section, including rules for the 97983
distribution of federal financial participation pursuant to this 97984
section. The rules shall be adopted in accordance with Chapter 97985
119. of the Revised Code. The director may adopt or amend any 97986
statewide plan required by the federal government for a program 97987
administered by the department, as necessary to implement this 97988
section. 97989

(G) Federal financial participation received pursuant to this 97990
section shall not be included in any calculation made under 97991
section 5101.16 or 5101.161 of the Revised Code. 97992

Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1410 97993
of the Revised Code, "Title IV-E" means Title IV-E of the "Social 97994
Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 97995

(B) The department of job and family services shall act as 97996

the single state agency to administer federal payments for foster 97997
care and adoption assistance made pursuant to Title IV-E. The 97998
director of job and family services shall adopt rules to implement 97999
this authority. Rules governing financial and administrative 98000
requirements applicable to public children services agencies and 98001
government entities that provide Title IV-E reimbursable placement 98002
services to children shall be adopted in accordance with section 98003
111.15 of the Revised Code, as if they were internal management 98004
rules. Rules governing requirements applicable to private child 98005
placing agencies and private noncustodial agencies and rules 98006
establishing eligibility, program participation, and other 98007
requirements concerning Title IV-E shall be adopted in accordance 98008
with Chapter 119. of the Revised Code. A public children services 98009
agency to which the department distributes Title IV-E funds shall 98010
administer the funds in accordance with those rules. 98011

(C)(1) The county, on behalf of each child eligible for 98012
foster care maintenance payments under Title IV-E, shall make 98013
payments to cover the cost of providing all of the following: 98014

(a) The child's food, clothing, shelter, daily supervision, 98015
and school supplies; 98016

(b) The child's personal incidentals; 98017

(c) Reasonable travel to the child's home for visitation. 98018

(2) In addition to payments made under division (C)(1) of 98019
this section, the county may, on behalf of each child eligible for 98020
foster care maintenance payments under Title IV-E, make payments 98021
to cover the cost of providing the following: 98022

(a) Liability insurance with respect to the child; 98023

(b) If the county is participating in the demonstration 98024
project established under division (A) of section 5101.142 of the 98025
Revised Code, services provided under the project. 98026

(3) With respect to a child who is in a child-care institution, including any type of group home designed for the care of children or any privately operated program consisting of two or more certified foster homes operated by a common administrative unit, the foster care maintenance payments made by the county on behalf of the child shall include the reasonable cost of the administration and operation of the institution, group home, or program, as necessary to provide the items described in divisions (C)(1) and (2) of this section.

(D) To the extent that either foster care maintenance payments under division (C) of this section or Title IV-E adoption assistance payments for maintenance costs require the expenditure of county funds, the board of county commissioners shall report the nature and amount of each expenditure of county funds to the department.

(E) The department shall distribute to public children services agencies that incur and report expenditures of the type described in division (D) of this section federal financial participation received for administrative and training costs incurred in the operation of foster care maintenance and adoption assistance programs. The department may withhold not more than three per cent of the federal financial participation received. The funds withheld may be used only to fund the following:

(1) The Ohio child welfare training program established under section 5103.30 of the Revised Code;

(2) The university partnership program for college and university students majoring in social work who have committed to work for a public children services agency upon graduation;

(3) Efforts supporting organizational excellence, including voluntary activities to be accredited by a nationally recognized accreditation organization.

The funds withheld shall be in addition to any administration 98058
and training cost for which the department is reimbursed through 98059
its own cost allocation plan. 98060

(F) All federal financial participation funds received by a 98061
county pursuant to this section shall be deposited into the 98062
county's children services fund created pursuant to section 98063
5101.144 of the Revised Code. 98064

(G) The department shall periodically publish and distribute 98065
the maximum amounts that the department will reimburse public 98066
children services agencies for making payments on behalf of 98067
children eligible for foster care maintenance payments. 98068

(H) The department, by and through its director, is hereby 98069
authorized to develop, participate in the development of, 98070
negotiate, and enter into one or more interstate compacts on 98071
behalf of this state with agencies of any other states, for the 98072
provision of ~~medical assistance and other~~ social services to 98073
children in relation to whom all of the following apply: 98074

(1) They have special needs. 98075

(2) This state or another state that is a party to the 98076
interstate compact is providing adoption assistance on their 98077
behalf. 98078

(3) They move into this state from another state or move out 98079
of this state to another state. 98080

Sec. 5101.16. (A) As used in this section and sections 98081
5101.161 and 5101.162 of the Revised Code: 98082

(1) "Disability financial assistance" means the financial 98083
assistance program established under Chapter 5115. of the Revised 98084
Code. 98085

(2) "Supplemental nutrition assistance program" means the 98086
program administered by the department of job and family services 98087

pursuant to section 5101.54 of the Revised Code. 98088

~~(3) "Medicaid" means the medical assistance program established by Chapter 5111. of the Revised Code, excluding transportation services provided under that chapter.~~ 98089
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~~(4)~~ "Ohio works first" means the program established by Chapter 5107. of the Revised Code. 98092
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~~(5)~~(4) "Prevention, retention, and contingency" means the program established by Chapter 5108. of the Revised Code. 98094
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~~(6)~~(5) "Public assistance expenditures" means expenditures for all of the following: 98096
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(a) Ohio works first; 98098

(b) County administration of Ohio works first; 98099

(c) Prevention, retention, and contingency; 98100

(d) County administration of prevention, retention, and contingency; 98101
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(e) Disability financial assistance; 98103

(f) County administration of disability financial assistance; 98104

(g) County administration of the supplemental nutrition assistance program; 98105
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(h) County administration of medicaid, excluding administrative expenditures for transportation services covered by the medicaid program. 98107
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(7) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code. 98110
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(B) Each board of county commissioners shall pay the county share of public assistance expenditures in accordance with section 5101.161 of the Revised Code. Except as provided in division (C) of this section, a county's share of public assistance expenditures is the sum of all of the following for state fiscal 98112
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year 1998 and each state fiscal year thereafter: 98117

(1) The amount that is twenty-five per cent of the county's 98118
total expenditures for disability financial assistance and county 98119
administration of that program during the state fiscal year ending 98120
in the previous calendar year that the department of job and 98121
family services determines are allowable. 98122

(2) The amount that is ten per cent, or other percentage 98123
determined under division (D) of this section, of the county's 98124
total expenditures for county administration of the supplemental 98125
nutrition assistance program and medicaid (excluding 98126
administrative expenditures for transportation services covered by 98127
the medicaid program) during the state fiscal year ending in the 98128
previous calendar year that the department determines are 98129
allowable, less the amount of federal reimbursement credited to 98130
the county under division (E) of this section for the state fiscal 98131
year ending in the previous calendar year; 98132

(3) A percentage of the actual amount of the county share of 98133
program and administrative expenditures during federal fiscal year 98134
1994 for assistance and services, other than child care, provided 98135
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 98136
620 (1935), 42 U.S.C. 301, as those titles existed prior to the 98137
enactment of the "Personal Responsibility and Work Opportunity 98138
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 98139
and family services shall determine the actual amount of the 98140
county share from expenditure reports submitted to the United 98141
States department of health and human services. The percentage 98142
shall be the percentage established in rules adopted under 98143
division (F) of this section. 98144

(C)(1) If a county's share of public assistance expenditures 98145
determined under division (B) of this section for a state fiscal 98146
year exceeds one hundred five per cent of the county's share for 98147
those expenditures for the immediately preceding state fiscal 98148

year, the department of job and family services shall reduce the 98149
county's share for expenditures under divisions (B)(1) and (2) of 98150
this section so that the total of the county's share for 98151
expenditures under division (B) of this section equals one hundred 98152
five per cent of the county's share of those expenditures for the 98153
immediately preceding state fiscal year. 98154

(2) A county's share of public assistance expenditures 98155
determined under division (B) of this section may be increased 98156
pursuant to section 5101.163 of the Revised Code and a sanction 98157
under section 5101.24 of the Revised Code. An increase made 98158
pursuant to section 5101.163 of the Revised Code may cause the 98159
county's share to exceed the limit established by division (C)(1) 98160
of this section. 98161

(D)(1) If the per capita tax duplicate of a county is less 98162
than the per capita tax duplicate of the state as a whole and 98163
division (D)(2) of this section does not apply to the county, the 98164
percentage to be used for the purpose of division (B)(2) of this 98165
section is the product of ten multiplied by a fraction of which 98166
the numerator is the per capita tax duplicate of the county and 98167
the denominator is the per capita tax duplicate of the state as a 98168
whole. The department of job and family services shall compute the 98169
per capita tax duplicate for the state and for each county by 98170
dividing the tax duplicate for the most recent available year by 98171
the current estimate of population prepared by the ~~department of~~ 98172
development services agency. 98173

(2) If the percentage of families in a county with an annual 98174
income of less than three thousand dollars is greater than the 98175
percentage of such families in the state and division (D)(1) of 98176
this section does not apply to the county, the percentage to be 98177
used for the purpose of division (B)(2) of this section is the 98178
product of ten multiplied by a fraction of which the numerator is 98179
the percentage of families in the state with an annual income of 98180

less than three thousand dollars a year and the denominator is the percentage of such families in the county. The department of job and family services shall compute the percentage of families with an annual income of less than three thousand dollars for the state and for each county by multiplying the most recent estimate of such families published by the ~~department of~~ development services agency, by a fraction, the numerator of which is the estimate of average annual personal income published by the bureau of economic analysis of the United States department of commerce for the year on which the census estimate is based and the denominator of which is the most recent such estimate published by the bureau.

(3) If the per capita tax duplicate of a county is less than the per capita tax duplicate of the state as a whole and the percentage of families in the county with an annual income of less than three thousand dollars is greater than the percentage of such families in the state, the percentage to be used for the purpose of division (B)(2) of this section shall be determined as follows:

(a) Multiply ten by the fraction determined under division (D)(1) of this section;

(b) Multiply the product determined under division (D)(3)(a) of this section by the fraction determined under division (D)(2) of this section.

(4) The department of job and family services shall determine, for each county, the percentage to be used for the purpose of division (B)(2) of this section not later than the first day of July of the year preceding the state fiscal year for which the percentage is used.

(E) The department of job and family services shall credit to a county the amount of federal reimbursement the department receives from the United States departments of agriculture and health and human services for the county's expenditures for

administration of the supplemental nutrition assistance program 98212
and medicaid (excluding administrative expenditures for 98213
transportation services covered by the medicaid program) that the 98214
department determines are allowable administrative expenditures. 98215

(F)(1) The director of job and family services shall adopt 98216
rules in accordance with section 111.15 of the Revised Code to 98217
establish all of the following: 98218

(a) The method the department is to use to change a county's 98219
share of public assistance expenditures determined under division 98220
(B) of this section as provided in division (C) of this section; 98221

(b) The allocation methodology and formula the department 98222
will use to determine the amount of funds to credit to a county 98223
under this section; 98224

(c) The method the department will use to change the payment 98225
of the county share of public assistance expenditures from a 98226
calendar-year basis to a state fiscal year basis; 98227

(d) The percentage to be used for the purpose of division 98228
(B)(3) of this section, which shall, except as provided in section 98229
5101.163 of the Revised Code, meet both of the following 98230
requirements: 98231

(i) The percentage shall not be less than seventy-five per 98232
cent nor more than eighty-two per cent; 98233

(ii) The percentage shall not exceed the percentage that the 98234
state's qualified state expenditures is of the state's historic 98235
state expenditures as those terms are defined in 42 U.S.C. 98236
609(a)(7). 98237

(e) Other procedures and requirements necessary to implement 98238
this section. 98239

(2) The director of job and family services may amend the 98240
rule adopted under division (F)(1)(d) of this section to modify 98241

the percentage on determination that the amount the general 98242
assembly appropriates for Title IV-A programs makes the 98243
modification necessary. The rule shall be adopted and amended as 98244
if an internal management rule and in consultation with the 98245
director of budget and management. 98246

Sec. 5101.162. Subject to available federal funds and 98247
appropriations made by the general assembly, the department of job 98248
and family services may, at its sole discretion, use available 98249
federal funds to reimburse county expenditures for county 98250
administration of the supplemental nutrition assistance program or 98251
medicaid (excluding administrative expenditures for transportation 98252
services covered by the medicaid program) even though the county 98253
expenditures meet or exceed the maximum allowable reimbursement 98254
amount established by rules adopted under section 5101.161 of the 98255
Revised Code. The director of job and family services may adopt 98256
internal management rules in accordance with section 111.15 of the 98257
Revised Code to implement this section. 98258

Sec. 5101.18. ~~(A)~~ When the director of job and family 98259
services adopts rules under section 5107.05 regarding income 98260
requirements for the Ohio works first program and under section 98261
5115.03 of the Revised Code regarding income and resource 98262
requirements for the disability financial assistance program, the 98263
director shall determine what payments shall be regarded or 98264
disregarded. In making this determination, the director shall 98265
consider: 98266

~~(1)~~(A) The source of the payment; 98267

~~(2)~~(B) The amount of the payment; 98268

~~(3)~~(C) The purpose for which the payment was made; 98269

~~(4)~~(D) Whether regarding the payment as income would be in 98270
the public interest; 98271

~~(5)(E)~~ Whether treating the payment as income would be 98272
detrimental to any of the programs administered in whole or in 98273
part by the department of job and family services and whether such 98274
determination would jeopardize the receipt of any federal grant or 98275
payment by the state or any receipt of aid under Chapter 5107. of 98276
the Revised Code. 98277

~~(B) Any recipient of aid under Title XVI of the "Social 98278
Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, 98279
whose money payment is discontinued as the result of a general 98280
increase in old age, survivors, and disability insurance benefits 98281
under such act, shall remain a recipient for the purpose of 98282
receiving medical assistance through the medical assistance 98283
program established under section 5111.01 of the Revised Code. 98284~~

Sec. 5101.181. (A) As used in this section and section 98285
5101.182 of the Revised Code: 98286

~~(1) "Public, "public assistance" means any or all of the 98287
following: 98288~~

~~(a)(1) Ohio works first; 98289~~

~~(b)(2) Prevention, retention, and contingency; 98290~~

~~(c)(3) Disability financial assistance; 98291~~

~~(d)(4) General assistance provided prior to July 17, 1995, 98292
under former Chapter 5113. of the Revised Code. 98293~~

~~(2) "Medical assistance" means medical assistance provided 98294
pursuant to, or under programs established by, section 5101.49, 98295
sections 5101.50 to 5101.529, Chapter 5111., or any other 98296
provision of the Revised Code. 98297~~

(B) As part of the procedure for the determination of 98298
overpayment to a recipient of public assistance under Chapter 98299
5107., 5108., or 5115. of the Revised Code, the director of job 98300
and family services may furnish quarterly the name and social 98301

security number of each individual who receives public assistance 98302
to the director of administrative services, the administrator of 98303
the bureau of workers' compensation, and each of the state's 98304
retirement boards. Within fourteen days after receiving the name 98305
and social security number of an individual who receives public 98306
assistance, the director of administrative services, 98307
administrator, or board shall inform the auditor of state as to 98308
whether such individual is receiving wages or benefits, the amount 98309
of any wages or benefits being received, the social security 98310
number, and the address of the individual. The director of 98311
administrative services, administrator, boards, and any agent or 98312
employee of those officials and boards shall comply with the rules 98313
of the director of job and family services restricting the 98314
disclosure of information regarding recipients of public 98315
assistance. Any person who violates this provision shall 98316
thereafter be disqualified from acting as an agent or employee or 98317
in any other capacity under appointment or employment of any state 98318
board, commission, or agency. 98319

(C) The auditor of state may enter into a reciprocal 98320
agreement with the director of job and family services or 98321
comparable officer of any other state for the exchange of names, 98322
current or most recent addresses, or social security numbers of 98323
persons receiving public assistance under Title IV-A of the 98324
"Social Security Act," ~~49 Stat. 620 (1935)~~, 42 U.S.C. 301, ~~as~~ 98325
~~amended 601 et seq.~~ 98326

(D) The auditor of state shall retain, for not less than two 98327
years, at least one copy of all information received under this 98328
section and sections 145.27, 742.41, 3307.20, 3309.22, 4123.27, 98329
5101.182, and 5505.04 of the Revised Code. 98330

~~(E) On the request of the director of job and family 98331
services, the auditor of state may conduct an audit of an 98332
individual who receives medical assistance. If the auditor decides 98333~~

~~to conduct an audit, the auditor shall enter into an interagency agreement with the department of job and family services that specifies that the auditor agrees to comply with section 5101.271 of the Revised Code with respect to any information the auditor receives pursuant to the audit.~~ 98334
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(F) The auditor shall review the information described in division (D) of this section to determine whether overpayments were made to recipients of public assistance under Chapters 5107., 5108., and 5115. of the Revised Code. The auditor of state shall initiate action leading to prosecution, where warranted, of recipients who received overpayments by forwarding the name of each recipient who received overpayment, together with other pertinent information, to the director of job and family services, the attorney general, and the county director of job and family services and county prosecutor of the county through which public assistance was received. 98339
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~~(G)~~(F) The auditor of state and the attorney general or their designees may examine any records, whether in computer or printed format, in the possession of the director of job and family services or any county director of job and family services. They shall provide safeguards which restrict access to such records to purposes directly connected with an audit or investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of the programs and shall comply with ~~sections~~ section 5101.27 ~~and 5101.271~~ of the Revised Code and ~~adopts~~ rules of adopted by the director of job and family services restricting the disclosure of information regarding recipients of public assistance ~~or medical assistance~~. Any person who violates this provision shall thereafter be disqualified from acting as an agent or employee or in any other capacity under appointment or employment of any state board, commission, or agency. 98350
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~~(H)~~(G) Costs incurred by the auditor of state in carrying out 98366
the auditor of state's duties under this section shall be borne by 98367
the auditor of state. 98368

Sec. 5101.183. (A) ~~Except as provided in section 5111.12 of~~ 98369
~~the Revised Code, the~~ The director of job and family services, in 98370
accordance with section 111.15 of the Revised Code, may adopt 98371
rules under which county family services agencies shall take 98372
action to recover the cost of the following benefits and services 98373
available under programs administered by the department of job and 98374
family services: 98375

(1) Benefits or services provided to any of the following: 98376

(a) Persons who were not eligible for the benefits or 98377
services but who secured the benefits or services through fraud or 98378
misrepresentation; 98379

(b) Persons who were eligible for the benefits or services 98380
but who intentionally diverted the benefits or services to other 98381
persons who were not eligible for the benefits or services. 98382

(2) Any benefits or services provided by a county family 98383
services agency for which recovery is required or permitted by 98384
federal law for the federal programs administered by the agency. 98385

(B) A county family services agency may bring a civil action 98386
against a recipient of benefits or services to recover any costs 98387
described in division (A) of this section. 98388

(C) A county family services agency shall retain any money it 98389
recovers under division (A) of this section and shall use the 98390
money to meet a family services duty, except that, if federal law 98391
requires the department of job and family services to return any 98392
portion of the money so recovered to the federal government, the 98393
county family services agency shall pay that portion to the 98394
department of job and family services. 98395

Sec. 5101.184. (A) The director of job and family services 98396
shall work with the tax commissioner to collect overpayments of 98397
assistance under Chapter 5107.~~7-5111.7~~ or 5115., former Chapter 98398
5113., or section 5101.54 of the Revised Code from refunds of 98399
state income taxes for taxable year 1992 and thereafter that are 98400
payable to the recipients of such overpayments. 98401

Any overpayment of assistance, whether obtained by fraud or 98402
misrepresentation, as the result of an error by the recipient or 98403
by the agency making the payment, or in any other manner, may be 98404
collected under this section. Any reduction under section 5747.12 98405
or 5747.121 of the Revised Code to an income tax refund shall be 98406
made before a reduction under this section. No reduction shall be 98407
made under this section if the amount of the refund is less than 98408
twenty-five dollars after any reduction under section 5747.12 of 98409
the Revised Code. A reduction under this section shall be made 98410
before any part of the refund is contributed under section 98411
5747.113 of the Revised Code, or is credited under section 5747.12 98412
of the Revised Code against tax due in any subsequent year. 98413

The director and the tax commissioner, by rules adopted in 98414
accordance with Chapter 119. of the Revised Code, shall establish 98415
procedures to implement this division. The procedures shall 98416
provide for notice to a recipient of assistance and an opportunity 98417
for the recipient to be heard before the recipient's income tax 98418
refund is reduced. 98419

(B) The director of job and family services may enter into 98420
agreements with the federal government to collect overpayments of 98421
assistance from refunds of federal income taxes that are payable 98422
to recipients of the overpayments. 98423

Sec. 5101.26. As used in this section and in sections 5101.27 98424
to 5101.30 of the Revised Code: 98425

(A) "County agency" means a county department of job and family services or a public children services agency. 98426
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(B) "Fugitive felon" means an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing or, in the case of New Jersey, a high misdemeanor, regardless of whether the individual has departed from the individual's usual place of residence. 98428
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(C) "Information" means records as defined in section 149.011 of the Revised Code, any other documents in any format, and data derived from records and documents that are generated, acquired, or maintained by the department of job and family services, a county agency, or an entity performing duties on behalf of the department or a county agency. 98436
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(D) "Law enforcement agency" means the state highway patrol, an agency that employs peace officers as defined in section 109.71 of the Revised Code, the adult parole authority, a county department of probation, a prosecuting attorney, the attorney general, similar agencies of other states, federal law enforcement agencies, and postal inspectors. "Law enforcement agency" includes the peace officers and other law enforcement officers employed by the agency. 98442
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~~(E) "Medical assistance" means medical assistance provided pursuant to, or under programs established by, section 5101.49, sections 5101.50 to 5101.529, Chapter 5111., or any other provision of the Revised Code.~~ 98450
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~~(F) "Medical assistance recipient" means an applicant for or recipient or former recipient of medical assistance.~~ 98454
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~~(G) "Public assistance" means financial assistance or social~~ 98456

services that are ~~not medical assistance~~ provided under a program 98457
administered by the department of job and family services or a 98458
county agency pursuant to Chapter 329., 5101., 5104., 5107., 98459
5108., or 5115. of the Revised Code or an executive order issued 98460
under section 107.17 of the Revised Code. "Public assistance" does 98461
not mean medical assistance provided under a medical assistance 98462
program, as defined in section 5160.01 of the Revised Code. 98463

~~(H)~~(F) "Public assistance recipient" means an applicant for 98464
or recipient or former recipient of public assistance. 98465

Sec. 5101.272. (A) For the purposes of ~~sections~~ section 98466
5101.27 ~~and 5101.271~~ of the Revised Code, an authorization shall 98467
be made on a form that uses language understandable to the average 98468
person and contains all of the following: 98469

(1) A description of the information to be used or disclosed 98470
that identifies the information in a specific and meaningful 98471
fashion; 98472

(2) The name or other specific identification of the person 98473
or class of persons authorized to make the requested use or 98474
disclosure; 98475

(3) The name or other specific identification of the person 98476
or governmental entity to which the information may be released; 98477

(4) A description of each purpose of the requested use or 98478
disclosure of the information; 98479

(5) The date on which the authorization expires or an event 98480
related either to the individual who is the subject of the request 98481
or to the purposes of the requested use or disclosure, the 98482
occurrence of which will cause the authorization to expire; 98483

(6) A statement that the information used or disclosed 98484
pursuant to the authorization may be disclosed by the recipient of 98485
the information and may no longer be protected from disclosure; 98486

(7) The signature of the individual or the individual's authorized representative and the date on which the authorization was signed; 98487
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(8) If signed by an authorized representative, a description of the representative's authority to act for the individual; 98490
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(9) A statement of the individual or authorized representative's right to prospectively revoke the written authorization in writing, along with one of the following: 98492
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(a) A description of how the individual or authorized representative may revoke the authorization; 98495
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(b) If the department of job and family services' privacy notice contains a description of how the individual or authorized representative may revoke the authorization, a reference to that privacy notice. 98497
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(10) A statement that treatment, payment, enrollment, or eligibility for public assistance ~~or medical assistance~~ cannot be conditioned on signing the authorization unless the authorization is necessary for determining eligibility for the public assistance ~~or medical assistance~~ program. 98501
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~~(B) An authorization for the release of information regarding a medical assistance recipient to the recipient's attorney under division (C)(3) of section 5101.271 of the Revised Code may include a provision specifically authorizing the release of the recipient's electronic health records, if any, in accordance with rules the director of job and family services adopts under section 5101.30 of the Revised Code.~~ 98506
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~~(C)~~ When an individual requests information pursuant to section 5101.27 ~~or 5101.271~~ of the Revised Code regarding the individual's receipt of public assistance ~~or medical assistance~~ and does not wish to provide a statement of purpose, the statement "at request of the individual" is a sufficient description for 98513
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purposes of division (A)(4) of this section. 98518

Sec. 5101.273. The department of job and family services 98519
shall enter into any necessary agreements with the United States 98520
department of health and human services and neighboring states to 98521
join and participate as an active member in the public assistance 98522
reporting information system. The department may disclose 98523
information regarding a public assistance recipient ~~or medical~~ 98524
~~assistance recipient~~ to the extent necessary to participate as an 98525
active member in the public assistance reporting information 98526
system. 98527

Sec. 5101.30. (A) The director of job and family services 98528
shall adopt rules in accordance with Chapter 119. of the Revised 98529
Code implementing sections 5101.26 to 5101.30 of the Revised Code 98530
and governing the custody, use, disclosure, and preservation of 98531
the information generated or received by the department of job and 98532
family services, county agencies, other state and county entities, 98533
contractors, grantees, private entities, or officials 98534
participating in the administration of public assistance ~~or~~ 98535
~~medical assistance~~ programs. The rules shall comply with 98536
applicable federal statutes and regulations. 98537

(1) The rules shall specify conditions and procedures for the 98538
release of information which may include, among other conditions 98539
and procedures, both of the following: 98540

(a) Permitting providers of services or assistance under 98541
public assistance programs limited access to information that is 98542
essential for the providers to render services or assistance or to 98543
bill for services or assistance rendered. The department of aging, 98544
when investigating a complaint under section 173.20 of the Revised 98545
Code, shall be granted any limited access permitted in the rules 98546
pursuant to division (A)(1) of this section. 98547

(b) Permitting a contractor, grantee, or other state or county entity limited access to information that is essential for the contractor, grantee, or entity to perform administrative or other duties on behalf of the department or county agency. A contractor, grantee, or entity given access to information pursuant to division (A)(2) of this section is bound by the director's rules, and disclosure of the information by the contractor, grantee, or entity in a manner not authorized by the rules is a violation of section 5101.27 of the Revised Code.

(2) The rules may define who is an "authorized representative" for purposes of sections 5101.27, ~~5101.271~~, and 5101.272 of the Revised Code.

(B) Whenever names, addresses, or other information relating to public assistance recipients is held by any agency other than the department or a county agency, that other agency shall adopt rules consistent with sections 5101.26 to 5101.30 of the Revised Code to prevent the publication or disclosure of names, lists, or other information concerning those recipients.

Sec. 5101.34. (A) There is hereby created in the department of job and family services the Ohio commission on fatherhood. The commission shall consist of the following members:

(1)(a) Four members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party. Two of the members must be from legislative districts that include a county or part of a county that is among the one-third of counties in this state with the highest number per capita of households headed by females.

(b) Two members of the senate appointed by the president of the senate, each from a different political party. One of the members must be from a legislative district that includes a county or part of a county that is among the one-third of counties in

this state with the highest number per capita of households headed by females. 98579
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(2) The governor, or the governor's designee; 98581

(3) One representative of the judicial branch of government appointed by the chief justice of the supreme court; 98582
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(4) The directors of health, job and family services, rehabilitation and correction, ~~alcohol and drug addiction services~~ mental health and addiction services, and youth services and the superintendent of public instruction, or their designees; 98584
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(5) One representative of the Ohio family and children first cabinet council created under section 121.37 of the Revised Code appointed by the chairperson of the council; 98588
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(6) Five representatives of the general public appointed by the governor. These members shall have extensive experience in issues related to fatherhood. 98591
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(B) The appointing authorities of the Ohio commission on fatherhood shall make initial appointments to the commission within thirty days after September 29, 1999. Of the initial appointments to the commission made pursuant to divisions (A)(3), (5), and (6) of this section, three of the members shall serve a term of one year and four shall serve a term of two years. Members so appointed subsequently shall serve two-year terms. A member appointed pursuant to division (A)(1) of this section shall serve on the commission until the end of the general assembly from which the member was appointed or until the member ceases to serve in the chamber of the general assembly in which the member serves at the time of appointment, whichever occurs first. The governor or the governor's designee shall serve on the commission until the governor ceases to be governor. The directors and superintendent or their designees shall serve on the commission until they cease, or the director or superintendent a designee represents ceases, to 98594
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be director or superintendent. Each member shall serve on the 98610
commission from the date of appointment until the end of the term 98611
for which the member was appointed. Members may be reappointed. 98612

Vacancies shall be filled in the manner provided for original 98613
appointments. Any member appointed to fill a vacancy occurring 98614
prior to the expiration date of the term for which the member's 98615
predecessor was appointed shall serve on the commission for the 98616
remainder of that term. A member shall continue to serve on the 98617
commission subsequent to the expiration date of the member's term 98618
until the member's successor is appointed or until a period of 98619
sixty days has elapsed, whichever occurs first. Members shall 98620
serve without compensation but shall be reimbursed for necessary 98621
expenses. 98622

Sec. 5101.35. (A) As used in this section: 98623

(1)(a) "Agency" means the following entities that administer 98624
a family services program: 98625

~~(a)(i)~~ The department of job and family services; 98626

~~(b)(ii)~~ A county department of job and family services; 98627

~~(c)(iii)~~ A public children services agency; 98628

~~(d)(iv)~~ A private or government entity administering, in 98629
whole or in part, a family services program for or on behalf of 98630
the department of job and family services or a county department 98631
of job and family services or public children services agency. 98632

(b) If the department of medicaid contracts with the 98633
department of job and family services to hear appeals authorized 98634
by section 5160.31 of the Revised Code regarding medical 98635
assistance programs, "agency" includes the department of medicaid. 98636

(2) "Appellant" means an applicant, participant, former 98637
participant, recipient, or former recipient of a family services 98638
program who is entitled by federal or state law to a hearing 98639

regarding a decision or order of the agency that administers the program. 98640
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(3)(a) "Family services program" means ~~assistance provided~~ 98642
~~under a~~ all of the following: 98643

(i) A Title IV-A program as defined in section 5101.80 of the 98644
Revised Code ~~or~~; 98645

(ii) Programs that provide assistance under Chapter 5104. 98646
~~5111.7~~ or 5115. ~~or~~ of the Revised Code; 98647

(iii) Programs that provide assistance under section ~~5119.69,~~ 98648
5101.141, ~~5101.46,~~ 5101.461, 5101.54, ~~5119.41,~~ 5153.163, or 98649
5153.165 of the Revised Code; ~~i~~ 98650

(iv) Title XX social services provided under section 5101.46 98651
of the Revised Code, other than assistance such services provided 98652
~~under section 5101.46 of the Revised Code~~ by the department of 98653
~~mental health~~ mental health and addiction services, the department 98654
of developmental disabilities, a board of alcohol, drug addiction, 98655
and mental health services, or a county board of developmental 98656
disabilities. 98657

(b) If the department of medicaid contracts with the 98658
department of job and family services to hear appeals authorized 98659
by section 5160.31 of the Revised Code regarding medical 98660
assistance programs, "family services program" includes medical 98661
assistance programs. 98662

(4) "Medical assistance program" has the same meaning as in 98663
section 5160.01 of the Revised Code. 98664

(B) Except as provided by divisions (G) and (H) of this 98665
section, an appellant who appeals under federal or state law a 98666
decision or order of an agency administering a family services 98667
program shall, at the appellant's request, be granted a state 98668
hearing by the department of job and family services. This state 98669

hearing shall be conducted in accordance with rules adopted under 98670
this section. The state hearing shall be recorded, but neither the 98671
recording nor a transcript of the recording shall be part of the 98672
official record of the proceeding. A Except as provided in section 98673
5160.31 of the Revised Code, a state hearing decision is binding 98674
upon the agency and department, unless it is reversed or modified 98675
on appeal to the director of job and family services or a court of 98676
common pleas. 98677

(C) Except as provided by division (G) of this section, an 98678
appellant who disagrees with a state hearing decision may make an 98679
administrative appeal to the director of job and family services 98680
in accordance with rules adopted under this section. This 98681
administrative appeal does not require a hearing, but the director 98682
or the director's designee shall review the state hearing decision 98683
and previous administrative action and may affirm, modify, remand, 98684
or reverse the state hearing decision. An administrative appeal 98685
decision is the final decision of the department and, except as 98686
provided in section 5160.31 of the Revised Code, is binding upon 98687
the department and agency, unless it is reversed or modified on 98688
appeal to the court of common pleas. 98689

(D) An agency shall comply with a decision issued pursuant to 98690
division (B) or (C) of this section within the time limits 98691
established by rules adopted under this section. If a county 98692
department of job and family services or a public children 98693
services agency fails to comply within these time limits, the 98694
department may take action pursuant to section 5101.24 of the 98695
Revised Code. If another agency, other than the department of 98696
medicaid, fails to comply within the time limits, the department 98697
may force compliance by withholding funds due the agency or 98698
imposing another sanction established by rules adopted under this 98699
section. 98700

(E) An appellant who disagrees with an administrative appeal 98701

decision of the director of job and family services or the 98702
director's designee issued under division (C) of this section may 98703
appeal from the decision to the court of common pleas pursuant to 98704
section 119.12 of the Revised Code. The appeal shall be governed 98705
by section 119.12 of the Revised Code except that: 98706

(1) The person may appeal to the court of common pleas of the 98707
county in which the person resides, or to the court of common 98708
pleas of Franklin county if the person does not reside in this 98709
state. 98710

(2) The person may apply to the court for designation as an 98711
indigent and, if the court grants this application, the appellant 98712
shall not be required to furnish the costs of the appeal. 98713

(3) The appellant shall mail the notice of appeal to the 98714
department of job and family services and file notice of appeal 98715
with the court within thirty days after the department mails the 98716
administrative appeal decision to the appellant. For good cause 98717
shown, the court may extend the time for mailing and filing notice 98718
of appeal, but such time shall not exceed six months from the date 98719
the department mails the administrative appeal decision. Filing 98720
notice of appeal with the court shall be the only act necessary to 98721
vest jurisdiction in the court. 98722

(4) The department shall be required to file a transcript of 98723
the testimony of the state hearing with the court only if the 98724
court orders the department to file the transcript. The court 98725
shall make such an order only if it finds that the department and 98726
the appellant are unable to stipulate to the facts of the case and 98727
that the transcript is essential to a determination of the appeal. 98728
The department shall file the transcript not later than thirty 98729
days after the day such an order is issued. 98730

(F) The department of job and family services shall adopt 98731
rules in accordance with Chapter 119. of the Revised Code to 98732

implement this section, including rules governing the following: 98733

(1) State hearings under division (B) of this section. The 98734
rules shall include provisions regarding notice of eligibility 98735
termination and the opportunity of an appellant appealing a 98736
decision or order of a county department of job and family 98737
services to request a county conference with the county department 98738
before the state hearing is held. 98739

(2) Administrative appeals under division (C) of this 98740
section; 98741

(3) Time limits for complying with a decision issued under 98742
division (B) or (C) of this section; 98743

(4) Sanctions that may be applied against an agency under 98744
division (D) of this section. 98745

(G) The department of job and family services may adopt rules 98746
in accordance with Chapter 119. of the Revised Code establishing 98747
an appeals process for an appellant who appeals a decision or 98748
order regarding a Title IV-A program identified under division 98749
(A)(4)(c), (d), (e), ~~or~~ (f), or (g) of section 5101.80 of the 98750
Revised Code that is different from the appeals process 98751
established by this section. The different appeals process may 98752
include having a state agency that administers the Title IV-A 98753
program pursuant to an interagency agreement entered into under 98754
section 5101.801 of the Revised Code administer the appeals 98755
process. 98756

(H) If an appellant receiving medicaid through a health 98757
insuring corporation that holds a certificate of authority under 98758
Chapter 1751. of the Revised Code is appealing a denial of 98759
medicaid services based on lack of medical necessity or other 98760
clinical issues regarding coverage by the health insuring 98761
corporation, the person hearing the appeal may order an 98762
independent medical review if that person determines that a review 98763

is necessary. The review shall be performed by a health care professional with appropriate clinical expertise in treating the recipient's condition or disease. The department shall pay the costs associated with the review.

A review ordered under this division shall be part of the record of the hearing and shall be given appropriate evidentiary consideration by the person hearing the appeal.

(I) The requirements of Chapter 119. of the Revised Code apply to a state hearing or administrative appeal under this section only to the extent, if any, specifically provided by rules adopted under this section.

Sec. 5101.36. Any application for public assistance gives a right of subrogation to the department of job and family services for any workers' compensation benefits payable to a person who is subject to a support order, as defined in section 3119.01 of the Revised Code, on behalf of the applicant, to the extent of any public assistance payments made on the applicant's behalf. If the director of job and family services, in consultation with a child support enforcement agency and the administrator of the bureau of workers' compensation, determines that a person responsible for support payments to a recipient of public assistance is receiving workers' compensation, the director shall notify the administrator of the amount of the benefit to be paid to the department of job and family services.

For purposes of this section, "public assistance" means ~~medical assistance provided through the medical assistance program established under section 5111.01 of the Revised Code;~~ Ohio works first provided under Chapter 5107. of the Revised Code; prevention, retention, and contingency benefits and services provided under Chapter 5108. of the Revised Code; or disability financial assistance provided under Chapter 5115. of the Revised

Code.	98795
Sec. 5101.46. (A) As used in this section:	98796
(1) "Title XX" means Title XX of the "Social Security Act,"	98797
88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended.	98798
(2) "Respective local agency" means, with respect to the	98799
department of job and family services, a county department of job	98800
and family services; with respect to the department of mental	98801
health <u>mental health and addiction services</u> , a board of alcohol,	98802
drug addiction, and mental health services; and with respect to	98803
the department of developmental disabilities, a county board of	98804
developmental disabilities.	98805
(3) "Federal poverty guidelines" means the poverty guidelines	98806
as revised annually by the United States department of health and	98807
human services in accordance with section 673(2) of the "Omnibus	98808
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A.	98809
9902, as amended, for a family size equal to the size of the	98810
family of the person whose income is being determined.	98811
(B) The departments of job and family services, mental	98812
health, and developmental disabilities, with their respective	98813
local agencies, shall administer the provision of social services	98814
funded through grants made under Title XX. The social services	98815
furnished with Title XX funds shall be directed at the following	98816
goals:	98817
(1) Achieving or maintaining economic self-support to	98818
prevent, reduce, or eliminate dependency;	98819
(2) Achieving or maintaining self-sufficiency, including	98820
reduction or prevention of dependency;	98821
(3) Preventing or remedying neglect, abuse, or exploitation	98822
of children and adults unable to protect their own interests, or	98823
preserving, rehabilitating, or reuniting families;	98824

(4) Preventing or reducing inappropriate institutional care	98825
by providing for community-based care, home-based care, or other	98826
forms of less intensive care;	98827
(5) Securing referral or admission for institutional care	98828
when other forms of care are not appropriate, or providing	98829
services to individuals in institutions.	98830
(C)(1) All federal funds received under Title XX shall be	98831
appropriated as follows:	98832
(a) Seventy-two and one-half per cent to the department of	98833
job and family services;	98834
(b) Twelve and ninety-three one-hundredths per cent to the	98835
department of mental health <u>mental health and addiction services</u> ;	98836
(c) Fourteen and fifty-seven one-hundredths per cent to the	98837
department of developmental disabilities.	98838
(2) Each of the state departments shall, subject to the	98839
approval of the controlling board, develop a formula for the	98840
distribution of the Title XX funds appropriated to the department	98841
to its respective local agencies. The formula developed by each	98842
state department shall take into account all of the following for	98843
each of its respective local agencies:	98844
(a) The total population of the area that is served by the	98845
respective local agency;	98846
(b) The percentage of the population in the area served that	98847
falls below the federal poverty guidelines;	98848
(c) The respective local agency's history of and ability to	98849
utilize Title XX funds.	98850
(3) Each of the state departments shall expend for state	98851
administrative costs not more than three per cent of the Title XX	98852
funds appropriated to the department.	98853
Each state department shall establish for each of its	98854

respective local agencies the maximum percentage of the Title XX 98855
funds distributed to the respective local agency that the 98856
respective local agency may expend for local administrative costs. 98857
The percentage shall be established by rule and shall comply with 98858
federal law governing the use of Title XX funds. The rules shall 98859
be adopted in accordance with section 111.15 of the Revised Code 98860
as if they were internal management rules. 98861

(4) The department of job and family services shall expend 98862
for the training of the following not more than two per cent of 98863
the Title XX funds appropriated to the department: 98864

(a) Employees of county departments of job and family 98865
services; 98866

(b) Providers of services under contract with the state 98867
departments' respective local agencies; 98868

(c) Employees of a public children services agency directly 98869
engaged in providing Title XX services. 98870

(5) Title XX funds distributed for the purpose of providing 98871
family planning services shall be distributed by the respective 98872
local agencies according to the same order of priority that 98873
applies to the department of job and family services under section 98874
5101.101 of the Revised Code. 98875

(D) The department of job and family services shall prepare 98876
an annual comprehensive Title XX social services plan on the 98877
intended use of Title XX funds. The department shall develop a 98878
method for obtaining public comment during the development of the 98879
plan and following its completion. 98880

For each federal fiscal year, the department of job and 98881
family services shall prepare a report on the actual use of Title 98882
XX funds. The department shall make the annual report available 98883
for public inspection. 98884

The departments of ~~mental health~~ mental health and addiction 98885
services and developmental disabilities shall prepare and submit 98886
to the department of job and family services the portions of each 98887
annual plan and report that apply to services for mental health 98888
and mental retardation and developmental disabilities. Each 98889
respective local agency of the three state departments shall 98890
submit information as necessary for the preparation of annual 98891
plans and reports. 98892

(E) Each county department of job and family services shall 98893
adopt a county profile for the administration and provision of 98894
Title XX social services in the county. In developing its county 98895
profile, the county department shall take into consideration the 98896
comments and recommendations received from the public by the 98897
county family services planning committee pursuant to section 98898
329.06 of the Revised Code. As part of its preparation of the 98899
county profile, the county department may prepare a local needs 98900
report analyzing the need for Title XX social services. 98901

The county department shall submit the county profile to the 98902
board of county commissioners for its review. Once the county 98903
profile has been approved by the board, the county department 98904
shall file a copy of the county profile with the department of job 98905
and family services. The department shall approve the county 98906
profile if the department determines the profile provides for the 98907
Title XX social services to meet the goals specified in division 98908
(B) of this section. 98909

(F) Any of the three state departments and their respective 98910
local agencies may require that an entity under contract to 98911
provide social services with Title XX funds submit to an audit on 98912
the basis of alleged misuse or improper accounting of funds. If an 98913
audit is required, the social services provider shall reimburse 98914
the state department or respective local agency for the cost it 98915
incurred in conducting the audit or having the audit conducted. 98916

If an audit demonstrates that a social services provider is responsible for one or more adverse findings, the provider shall reimburse the appropriate state department or its respective local agency the amount of the adverse findings. The amount shall not be reimbursed with Title XX funds received under this section. The three state departments and their respective local agencies may terminate or refuse to enter into a Title XX contract with a social services provider if there are adverse findings in an audit that are the responsibility of the provider.

(G) Except with respect to the matters for which each of the state departments must adopt rules under division (C)(3) of this section, the department of job and family services may adopt any rules it considers necessary to implement and carry out the purposes of this section. Rules governing financial and operational matters of the department or matters between the department and county departments of job and family services shall be adopted as internal management rules in accordance with section 111.15 of the Revised Code. Rules governing eligibility for services, program participation, and other matters pertaining to applicants and participants shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 5101.461. (A) As used in this section:

(1) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

(2) "Title XX" has the same meaning as in section 5101.46 of the Revised Code.

(B) To the extent authorized by federal law, the department of job and family services may use funds received through the Title IV-A temporary assistance for needy families block grant for purposes of providing Title XX social services. The amount used under this section shall not exceed the maximum amount permitted

by federal law. The funds and provision of Title XX social 98948
services with the funds are not subject to section 5101.46 of the 98949
Revised Code. 98950

Funds distributed under this section for the purpose of 98951
providing family planning services shall be distributed by a 98952
county department of job and family services according to the same 98953
order of priority that applies to the department of job and family 98954
services under section 5101.101 of the Revised Code. 98955

(C) The department and any county department of job and 98956
family services may require an entity under contract to provide 98957
Title XX social services with funds used under this section to 98958
submit to an audit on the basis of alleged misuse or improper 98959
accounting of funds. If an audit is required, the social services 98960
provider shall reimburse the state department or county department 98961
for the cost it incurred in conducting the audit or having the 98962
audit conducted. 98963

If an audit demonstrates that a social services provider is 98964
responsible for one or more adverse findings, the provider shall 98965
reimburse the state department or county department the amount of 98966
the adverse findings. The amount shall not be reimbursed with 98967
funds received under this section. The state department and county 98968
departments may terminate or refuse to enter into a contract with 98969
a social services provider to provide services with funds 98970
available pursuant to this section if there are adverse findings 98971
in an audit that are the responsibility of the provider. 98972

(D) The state department of job and family services may adopt 98973
rules to implement and carry out the purposes of this section. 98974
Rules governing financial and operational matters of the 98975
department or matters between the department and county 98976
departments of job and family services shall be adopted as 98977
internal management rules in accordance with section 111.15 of the 98978
Revised Code. Rules governing eligibility for services, program 98979

participation, and other matters pertaining to applicants and 98980
participants shall be adopted in accordance with Chapter 119. of 98981
the Revised Code. 98982

Sec. 5101.47. (A) Except as provided in divisions (B) and (C) 98983
of this section, the department of job and family services may 98984
accept applications, determine eligibility, redetermine 98985
eligibility, and perform related administrative activities for one 98986
or more of the following: 98987

~~(1) The medicaid program established by Chapter 5111. of the 98988
Revised Code;~~ 98989

~~(2) The children's health insurance program parts I, II, and 98990
III provided for under sections 5101.50 to 5101.529 of the Revised 98991
Code;~~ 98992

~~(3) Publicly funded child care provided under Chapter 5104. 98993
of the Revised Code;~~ 98994

~~(4)(2) The supplemental nutrition assistance program 98995
administered by the department pursuant to section 5101.54 of the 98996
Revised Code;~~ 98997

~~(5)(3) Other programs administered by the department that the 98998
director of job and family services determines are supportive of 98999
children, adults, or families;~~ 99000

~~(6)(4) Other programs administered by the department 99001
regarding which the director determines administrative cost 99002
savings and efficiency may be achieved through the department 99003
accepting applications, determining eligibility, redetermining 99004
eligibility, or performing related administrative activities. 99005~~

~~(B) To the extent permitted by federal law, the department 99006
may enter into agreements with one or more other state agencies, 99007
local government entities, or political subdivisions to accept 99008
applications, determine eligibility, redetermine eligibility, and 99009~~

~~perform related administrative activities on behalf of the~~ 99010
~~department with respect to the medicaid program and the children's~~ 99011
~~health insurance program.~~ 99012

~~(C)~~ If federal law requires a face-to-face interview to 99013
complete an eligibility determination for a program specified in 99014
or pursuant to division (A) of this section, the face-to-face 99015
interview shall not be conducted by the department of job and 99016
family services. 99017

~~(D)~~(C) Subject to division ~~(C)~~(B) of this section, if the 99018
department elects to accept applications, determine eligibility, 99019
redetermine eligibility, and perform related administrative 99020
activities for a program specified in or pursuant to division (A) 99021
of this section, both of the following apply: 99022

(1) An individual seeking services under the program may 99023
apply for the program to the department or to the entity that 99024
state law governing the program authorizes to accept applications 99025
for the program. 99026

(2) The department is subject to federal statutes and 99027
regulations and state statutes and rules that require, permit, or 99028
prohibit an action regarding accepting applications, determining 99029
or redetermining eligibility, and performing related 99030
administrative activities for the program. 99031

~~(E)~~(D) The director may adopt rules as necessary to implement 99032
this section. 99033

Sec. 5101.49. The department of job and family services shall 99034
administer funds received under the "Refugee Act of 1980," 94 99035
Stat. 102, 8 U.S.C.A. 1521, as amended. In administering the 99036
funds, the department may establish a refugee cash assistance 99037
program and a state legalization impact assistance program. The 99038
director of job and family services may adopt rules in accordance 99039

with section 111.15 of the Revised Code and issue appropriate 99040
orders as necessary for administration of these funds and 99041
programs. 99042

Sec. 5101.60. As used in sections 5101.60 to 5101.71 of the 99043
Revised Code: 99044

(A) "Abuse" means the infliction upon an adult by self or 99045
others of injury, unreasonable confinement, intimidation, or cruel 99046
punishment with resulting physical harm, pain, or mental anguish. 99047

(B) "Adult" means any person sixty years of age or older 99048
within this state who is handicapped by the infirmities of aging 99049
or who has a physical or mental impairment which prevents the 99050
person from providing for the person's own care or protection, and 99051
who resides in an independent living arrangement. An "independent 99052
living arrangement" is a domicile of a person's own choosing, 99053
including, but not limited to, a private home, apartment, trailer, 99054
or rooming house. An "independent living arrangement" includes a 99055
residential facility licensed under section ~~5119.22~~ 5119.34 of the 99056
Revised Code that provides accommodations, supervision, and 99057
personal care services for three to sixteen unrelated adults, but 99058
does not include other institutions or facilities licensed by the 99059
state or facilities in which a person resides as a result of 99060
voluntary, civil, or criminal commitment. 99061

(C) "Caretaker" means the person assuming the responsibility 99062
for the care of an adult on a voluntary basis, by contract, 99063
through receipt of payment for care, as a result of a family 99064
relationship, or by order of a court of competent jurisdiction. 99065

(D) "Court" means the probate court in the county where an 99066
adult resides. 99067

(E) "Emergency" means that the adult is living in conditions 99068
which present a substantial risk of immediate and irreparable 99069

physical harm or death to self or any other person. 99070

(F) "Emergency services" means protective services furnished 99071
to an adult in an emergency. 99072

(G) "Exploitation" means the unlawful or improper act of a 99073
caretaker using an adult or an adult's resources for monetary or 99074
personal benefit, profit, or gain. 99075

(H) "In need of protective services" means an adult known or 99076
suspected to be suffering from abuse, neglect, or exploitation to 99077
an extent that either life is endangered or physical harm, mental 99078
anguish, or mental illness results or is likely to result. 99079

(I) "Incapacitated person" means a person who is impaired for 99080
any reason to the extent that the person lacks sufficient 99081
understanding or capacity to make and carry out reasonable 99082
decisions concerning the person's self or resources, with or 99083
without the assistance of a caretaker. Refusal to consent to the 99084
provision of services shall not be the sole determinative that the 99085
person is incapacitated. "Reasonable decisions" are decisions made 99086
in daily living which facilitate the provision of food, shelter, 99087
clothing, and health care necessary for life support. 99088

(J) "Mental illness" means a substantial disorder of thought, 99089
mood, perception, orientation, or memory that grossly impairs 99090
judgment, behavior, capacity to recognize reality, or ability to 99091
meet the ordinary demands of life. 99092

(K) "Neglect" means the failure of an adult to provide for 99093
self the goods or services necessary to avoid physical harm, 99094
mental anguish, or mental illness or the failure of a caretaker to 99095
provide such goods or services. 99096

(L) "Peace officer" means a peace officer as defined in 99097
section 2935.01 of the Revised Code. 99098

(M) "Physical harm" means bodily pain, injury, impairment, or 99099

disease suffered by an adult. 99100

(N) "Protective services" means services provided by the 99101
county department of job and family services or its designated 99102
agency to an adult who has been determined by evaluation to 99103
require such services for the prevention, correction, or 99104
discontinuance of an act of as well as conditions resulting from 99105
abuse, neglect, or exploitation. Protective services may include, 99106
but are not limited to, case work services, medical care, mental 99107
health services, legal services, fiscal management, home health 99108
care, homemaker services, housing-related services, guardianship 99109
services, and placement services as well as the provision of such 99110
commodities as food, clothing, and shelter. 99111

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, 99112
and Friday, except when such day is a holiday as defined in 99113
section 1.14 of the Revised Code. 99114

Sec. 5101.61. (A) As used in this section: 99115

(1) "Senior service provider" means any person who provides 99116
care or services to a person who is an adult as defined in 99117
division (B) of section 5101.60 of the Revised Code. 99118

(2) "Ambulatory health facility" means a nonprofit, public or 99119
proprietary freestanding organization or a unit of such an agency 99120
or organization that: 99121

(a) Provides preventive, diagnostic, therapeutic, 99122
rehabilitative, or palliative items or services furnished to an 99123
outpatient or ambulatory patient, by or under the direction of a 99124
physician or dentist in a facility which is not a part of a 99125
hospital, but which is organized and operated to provide medical 99126
care to outpatients; 99127

(b) Has health and medical care policies which are developed 99128
with the advice of, and with the provision of review of such 99129

policies, an advisory committee of professional personnel, 99130
including one or more physicians, one or more dentists, if dental 99131
care is provided, and one or more registered nurses; 99132

(c) Has a medical director, a dental director, if dental care 99133
is provided, and a nursing director responsible for the execution 99134
of such policies, and has physicians, dentists, nursing, and 99135
ancillary staff appropriate to the scope of services provided; 99136

(d) Requires that the health care and medical care of every 99137
patient be under the supervision of a physician, provides for 99138
medical care in a case of emergency, has in effect a written 99139
agreement with one or more hospitals and other centers or clinics, 99140
and has an established patient referral system to other resources, 99141
and a utilization review plan and program; 99142

(e) Maintains clinical records on all patients; 99143

(f) Provides nursing services and other therapeutic services 99144
in accordance with programs and policies, with such services 99145
supervised by a registered professional nurse, and has a 99146
registered professional nurse on duty at all times of clinical 99147
operations; 99148

(g) Provides approved methods and procedures for the 99149
dispensing and administration of drugs and biologicals; 99150

(h) Has established an accounting and record keeping system 99151
to determine reasonable and allowable costs; 99152

(i) "Ambulatory health facilities" also includes an 99153
alcoholism treatment facility approved by the joint commission on 99154
accreditation of healthcare organizations as an alcoholism 99155
treatment facility or certified by the department of ~~alcohol and~~ 99156
~~drug addiction services~~ mental health and addiction services, and 99157
such facility shall comply with other provisions of this division 99158
not inconsistent with such accreditation or certification. 99159

(3) "Community mental health facility" means a facility which provides community mental health services and is included in the comprehensive mental health plan for the alcohol, drug addiction, and mental health service district in which it is located.

(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility.

(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which:

(a) Is primarily engaged in providing home health services;

(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered professional nurses, to govern the home health services it provides and which includes a requirement that every patient must be under the care of a duly licensed doctor of medicine or osteopathy;

(c) Is under the supervision of a duly licensed doctor of medicine or doctor of osteopathy or a registered professional nurse who is responsible for the execution of such home health policies;

(d) Maintains comprehensive records on all patients;

(e) Is operated by the state, a political subdivision, or an agency of either, or is operated not for profit in this state and is licensed or registered, if required, pursuant to law by the appropriate department of the state, county, or municipality in which it furnishes services; or is operated for profit in this state, meets all the requirements specified in divisions (A)(5)(a) to (d) of this section, and is certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

(6) "Home health service" means the following items and services, provided, except as provided in division (A)(6)(g) of this section, on a visiting basis in a place of residence used as the patient's home:	99191 99192 99193 99194
(a) Nursing care provided by or under the supervision of a registered professional nurse;	99195 99196
(b) Physical, occupational, or speech therapy ordered by the patient's attending physician;	99197 99198
(c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;	99199 99200 99201
(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;	99202 99203 99204
(e) Medical supplies and the use of medical appliances;	99205
(f) Medical services of interns and residents-in-training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;	99206 99207 99208 99209
(g) Any of the foregoing items and services which:	99210
(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;	99211 99212 99213
(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment.	99214 99215 99216 99217 99218
Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in	99219 99220

section 3701.01 of the Revised Code, any nurse licensed under 99221
Chapter 4723. of the Revised Code, any employee of an ambulatory 99222
health facility, any employee of a home health agency, any 99223
employee of a residential facility licensed under section ~~5119.22~~ 99224
5119.34 of the Revised Code that provides accommodations, 99225
supervision, and personal care services for three to sixteen 99226
unrelated adults, any employee of a nursing home, residential care 99227
facility, or home for the aging, as defined in section 3721.01 of 99228
the Revised Code, any senior service provider, any peace officer, 99229
coroner, member of the clergy, any employee of a community mental 99230
health facility, and any person engaged in social work or 99231
counseling having reasonable cause to believe that an adult is 99232
being abused, neglected, or exploited, or is in a condition which 99233
is the result of abuse, neglect, or exploitation shall immediately 99234
report such belief to the county department of job and family 99235
services. This section does not apply to employees of any hospital 99236
or public hospital as defined in section 5122.01 of the Revised 99237
Code. 99238

(B) Any person having reasonable cause to believe that an 99239
adult has suffered abuse, neglect, or exploitation may report, or 99240
cause reports to be made of such belief to the department. 99241

(C) The reports made under this section shall be made orally 99242
or in writing except that oral reports shall be followed by a 99243
written report if a written report is requested by the department. 99244
Written reports shall include: 99245

(1) The name, address, and approximate age of the adult who 99246
is the subject of the report; 99247

(2) The name and address of the individual responsible for 99248
the adult's care, if any individual is, and if the individual is 99249
known; 99250

(3) The nature and extent of the alleged abuse, neglect, or 99251

exploitation of the adult; 99252

(4) The basis of the reporter's belief that the adult has 99253
been abused, neglected, or exploited. 99254

(D) Any person with reasonable cause to believe that an adult 99255
is suffering abuse, neglect, or exploitation who makes a report 99256
pursuant to this section or who testifies in any administrative or 99257
judicial proceeding arising from such a report, or any employee of 99258
the state or any of its subdivisions who is discharging 99259
responsibilities under section 5101.62 of the Revised Code shall 99260
be immune from civil or criminal liability on account of such 99261
investigation, report, or testimony, except liability for perjury, 99262
unless the person has acted in bad faith or with malicious 99263
purpose. 99264

(E) No employer or any other person with the authority to do 99265
so shall discharge, demote, transfer, prepare a negative work 99266
performance evaluation, or reduce benefits, pay, or work 99267
privileges, or take any other action detrimental to an employee or 99268
in any way retaliate against an employee as a result of the 99269
employee's having filed a report under this section. 99270

(F) Neither the written or oral report provided for in this 99271
section nor the investigatory report provided for in section 99272
5101.62 of the Revised Code shall be considered a public record as 99273
defined in section 149.43 of the Revised Code. Information 99274
contained in the report shall upon request be made available to 99275
the adult who is the subject of the report, to agencies authorized 99276
by the department to receive information contained in the report, 99277
and to legal counsel for the adult. 99278

Sec. 5101.80. (A) As used in this section and in section 99279
5101.801 of the Revised Code: 99280

(1) "County family services agency" has the same meaning as 99281

in section 307.981 of the Revised Code. 99282

(2) "State agency" has the same meaning as in section 9.82 of 99283
the Revised Code. 99284

(3) "Title IV-A administrative agency" means both of the 99285
following: 99286

(a) A county family services agency or state agency 99287
administering a Title IV-A program under the supervision of the 99288
department of job and family services; 99289

(b) A government agency or private, not-for-profit entity 99290
administering a project funded in whole or in part with funds 99291
provided under the Title IV-A demonstration program created under 99292
section 5101.803 of the Revised Code. 99293

(4) "Title IV-A program" means all of the following that are 99294
funded in part with funds provided under the temporary assistance 99295
for needy families block grant established by Title IV-A of the 99296
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 99297
amended: 99298

(a) The Ohio works first program established under Chapter 99299
5107. of the Revised Code; 99300

(b) The prevention, retention, and contingency program 99301
established under Chapter 5108. of the Revised Code; 99302

(c) A program established by the general assembly or an 99303
executive order issued by the governor that is administered or 99304
supervised by the department of job and family services pursuant 99305
to section 5101.801 of the Revised Code; 99306

(d) The kinship permanency incentive program created under 99307
section 5101.802 of the Revised Code; 99308

(e) The Title IV-A demonstration program created under 99309
section 5101.803 of the Revised Code; 99310

(f) The Ohio parenting and pregnancy program created under 99311

section 5101.804 of the Revised Code; 99312

(g) A component of a Title IV-A program identified under 99313
divisions (A)(4)(a) to ~~(e)~~(f) of this section that the Title IV-A 99314
state plan prepared under division (C)(1) of this section 99315
identifies as a component. 99316

(B) The department of job and family services shall act as 99317
the single state agency to administer and supervise the 99318
administration of Title IV-A programs. The Title IV-A state plan 99319
and amendments to the plan prepared under division (C) of this 99320
section are binding on Title IV-A administrative agencies. No 99321
Title IV-A administrative agency may establish, by rule or 99322
otherwise, a policy governing a Title IV-A program that is 99323
inconsistent with a Title IV-A program policy established, in rule 99324
or otherwise, by the director of job and family services. 99325

(C) The department of job and family services shall do all of 99326
the following: 99327

(1) Prepare and submit to the United States secretary of 99328
health and human services a Title IV-A state plan for Title IV-A 99329
programs; 99330

(2) Prepare and submit to the United States secretary of 99331
health and human services amendments to the Title IV-A state plan 99332
that the department determines necessary, including amendments 99333
necessary to implement Title IV-A programs identified in divisions 99334
(A)(4)(c) to ~~(f)~~(g) of this section; 99335

(3) Prescribe forms for applications, certificates, reports, 99336
records, and accounts of Title IV-A administrative agencies, and 99337
other matters related to Title IV-A programs; 99338

(4) Make such reports, in such form and containing such 99339
information as the department may find necessary to assure the 99340
correctness and verification of such reports, regarding Title IV-A 99341
programs; 99342

(5) Require reports and information from each Title IV-A administrative agency as may be necessary or advisable regarding a Title IV-A program;

(6) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, a Title IV-A program aggrieved by a decision regarding the program;

(7) Administer and expend, pursuant to Chapters 5104., 5107., and 5108. of the Revised Code and sections 5101.801, 5101.802, ~~and 5101.803,~~ and 5101.804 of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and sections and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended;

(8) Conduct investigations and audits as are necessary regarding Title IV-A programs;

(9) Enter into reciprocal agreements with other states relative to the provision of Ohio works first and prevention, retention, and contingency to residents and nonresidents;

(10) Contract with a private entity to conduct an independent on-going evaluation of the Ohio works first program and the prevention, retention, and contingency program. The contract must require the private entity to do all of the following:

(a) Examine issues of process, practice, impact, and outcomes;

(b) Study former participants of Ohio works first who have not participated in Ohio works first for at least one year to determine whether they are employed, the type of employment in which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance,

whether and how often they have received benefits or services 99374
under the prevention, retention, and contingency program, and 99375
whether they are successfully self sufficient; 99376

(c) Provide the department with reports at times the 99377
department specifies. 99378

(11) Not later than the last day of each January and July, 99379
prepare a report containing information on the following: 99380

(a) Individuals exhausting the time limits for participation 99381
in Ohio works first set forth in section 5107.18 of the Revised 99382
Code. 99383

(b) Individuals who have been exempted from the time limits 99384
set forth in section 5107.18 of the Revised Code and the reasons 99385
for the exemption. 99386

(D) The department shall provide copies of the reports it 99387
receives under division (C)(10) of this section and prepares under 99388
division (C)(11) of this section to the governor, the president 99389
and minority leader of the senate, and the speaker and minority 99390
leader of the house of representatives. The department shall 99391
provide copies of the reports to any private or government entity 99392
on request. 99393

(E) An authorized representative of the department or a 99394
county family services agency or state agency administering a 99395
Title IV-A program shall have access to all records and 99396
information bearing thereon for the purposes of investigations 99397
conducted pursuant to this section. An authorized representative 99398
of a government entity or private, not-for-profit entity 99399
administering a project funded in whole or in part with funds 99400
provided under the Title IV-A demonstration program shall have 99401
access to all records and information bearing on the project for 99402
the purpose of investigations conducted pursuant to this section. 99403

Sec. 5101.801. (A) Except as otherwise provided by the law 99404
enacted by the general assembly or executive order issued by the 99405
governor establishing the Title IV-A program, a Title IV-A program 99406
identified under division (A)(4)(c), (d), (e), ~~or (f)~~, or (g) of 99407
section 5101.80 of the Revised Code shall provide benefits and 99408
services that are not "assistance" as defined in 45 C.F.R. 99409
260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) 99410
excludes from the definition of assistance. 99411

(B)(1) Except as otherwise provided by the law enacted by the 99412
general assembly or executive order issued by the governor 99413
establishing the Title IV-A program, the department of job and 99414
family services shall do either of the following regarding a Title 99415
IV-A program identified under division (A)(4)(c), (d), (e), ~~or~~ 99416
(f), or (g) of section 5101.80 of the Revised Code: 99417

(a) Administer the program or supervise a county family 99418
services agency's administration of the program; 99419

(b) Enter into an interagency agreement with a state agency 99420
for the state agency to administer the program under the 99421
department's supervision. 99422

(2) The department may enter into an agreement with a 99423
government entity and, to the extent permitted by federal law, a 99424
private, not-for-profit entity for the entity to receive funding 99425
for a project under the Title IV-A demonstration program created 99426
under section 5101.803 of the Revised Code. 99427

(3) To the extent permitted by federal law, the department 99428
may enter into an agreement with a private, not-for-profit entity 99429
for the entity to receive funds under the Ohio parenting and 99430
pregnancy program created under section 5101.804 of the Revised 99431
Code. 99432

(C) The department may adopt rules governing Title IV-A 99433

programs identified under divisions (A)(4)(c), (d), (e), ~~and (f)~~ and (g) of section 5101.80 of the Revised Code. Rules governing financial and operational matters of the department or between the department and county family services agencies shall be adopted as internal management rules adopted in accordance with section 111.15 of the Revised Code. All other rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(D) If the department enters into an agreement regarding a Title IV-A program identified under division (A)(4)(c), (e), ~~or (f)~~ or (g) of section 5101.80 of the Revised Code pursuant to division (B)(1)(b) or (2) of this section, the agreement shall include at least all of the following:

(1) A requirement that the state agency or entity comply with the requirements for the program or project, including all of the following requirements established by federal statutes and regulations, state statutes and rules, the United States office of management and budget, and the Title IV-A state plan prepared under section 5101.80 of the Revised Code:

(a) Eligibility;

(b) Reports;

(c) Benefits and services;

(d) Use of funds;

(e) Appeals for applicants for, and recipients and former recipients of, the benefits and services;

(f) Audits.

(2) A complete description of all of the following:

(a) The benefits and services that the program or project is to provide;

(b) The methods of program or project administration;

(c) The appeals process under section 5101.35 of the Revised Code for applicants for, and recipients and former recipients of, the program or project's benefits and services; 99463
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(d) Other requirements that the department requires be included. 99466
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(3) Procedures for the department to approve a policy, established by rule or otherwise, that the state agency or entity establishes for the program or project before the policy is established; 99468
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(4) Provisions regarding how the department is to reimburse the state agency or entity for allowable expenditures under the program or project that the department approves, including all of the following: 99472
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(a) Limitations on administrative costs; 99476

(b) The department, at its discretion, doing either of the following: 99477
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(i) Withholding no more than five per cent of the funds that the department would otherwise provide to the state agency or entity for the program or project; 99479
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(ii) Charging the state agency or entity for the costs to the department of performing, or contracting for the performance of, audits and other administrative functions associated with the program or project. 99482
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(5) If the state agency or entity arranges by contract, grant, or other agreement for another entity to perform a function the state agency or entity would otherwise perform regarding the program or project, the state agency or entity's responsibilities for both of the following: 99486
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(a) Ensuring that the other entity complies with the agreement between the state agency or entity and department and 99491
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federal statutes and regulations and state statutes and rules	99493
governing the use of funds for the program or project;	99494
(b) Auditing the other entity in accordance with requirements	99495
established by the United States office of management and budget.	99496
(6) The state agency or entity's responsibilities regarding	99497
the prompt payment, including any interest assessed, of any	99498
adverse audit finding, final disallowance of federal funds, or	99499
other sanction or penalty imposed by the federal government,	99500
auditor of state, department, a court, or other entity regarding	99501
funds for the program or project;	99502
(7) Provisions for the department to terminate the agreement	99503
or withhold reimbursement from the state agency or entity if	99504
either of the following occur:	99505
(a) The federal government disapproves the program or project	99506
or reduces federal funds for the program or project;	99507
(b) The state agency or entity fails to comply with the terms	99508
of the agreement.	99509
(8) Provisions for both of the following:	99510
(a) The department and state agency or entity determining the	99511
performance outcomes expected for the program or project;	99512
(b) An evaluation of the program or project to determine its	99513
success in achieving the performance outcomes determined under	99514
division (D)(8)(a) of this section.	99515
(E) To the extent consistent with the law enacted by the	99516
general assembly or executive order issued by the governor	99517
establishing the Title IV-A program and subject to the approval of	99518
the director of budget and management, the director of job and	99519
family services may terminate a Title IV-A program identified	99520
under division (A)(4)(c), (d), (e), or (f), <u>or</u> (g) of section	99521
5101.80 of the Revised Code or reduce funding for the program if	99522

the director of job and family services determines that federal or 99523
state funds are insufficient to fund the program. If the director 99524
of budget and management approves the termination or reduction in 99525
funding for such a program, the director of job and family 99526
services shall issue instructions for the termination or funding 99527
reduction. If a Title IV-A administrative agency is administering 99528
the program, the agency is bound by the termination or funding 99529
reduction and shall comply with the director's instructions. 99530

(F) The director of job and family services may adopt 99531
internal management rules in accordance with section 111.15 of the 99532
Revised Code as necessary to implement this section. The rules are 99533
binding on each Title IV-A administrative agency. 99534

Sec. 5101.803. (A) Subject to division (E) of section 99535
5101.801 of the Revised Code, there is hereby created the Title 99536
IV-A demonstration program to provide funding for innovative and 99537
promising prevention and intervention projects that meet one or 99538
more of the four purposes of the temporary assistance for needy 99539
families block grant as specified in 42 U.S.C. 601 and are for 99540
individuals with specific and multiple barriers to achieving or 99541
maintaining self-sufficiency and personal responsibility. The 99542
department of job and family services may provide funding for such 99543
projects to government entities and, to the extent permitted by 99544
federal law, private, not-for-profit entities with which the 99545
department enters into agreements under division (B)(2) of section 99546
5101.801 of the Revised Code. 99547

In accordance with criteria the department develops, the 99548
department may solicit proposals ~~for~~ from entities seeking to 99549
enter into an agreement with the department under division (B)(2) 99550
of section 5101.801 of the Revised Code. The department may enter 99551
into such agreements with entities that do both of the following: 99552

(1) Meet the proposals' criteria; 99553

(2) If the entity's proposed project does not potentially affect persons in each county of the state, provides the department evidence that the entity has notified, in writing, the county department of job and family services of each county where persons may be affected by the implementation of the project.

(B) In developing the criteria, soliciting the proposals, and entering in the agreements, the department shall comply with all applicable federal and state laws, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, amendments to the Title IV-A state plan submitted to the United States secretary under that section, and federal waivers the United States secretary grants.

(C) The department shall begin implementation of the Title IV-A demonstration program no later than January 1, 2006.

Sec. 5101.804. (A) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the Ohio parenting and pregnancy program to provide services for pregnant women and parents or other relatives caring for children twelve months of age or younger that do both of the following:

(1) Promote childbirth, parenting, and alternatives to abortion;

(2) Meet one or more of the four purposes of the temporary assistance for needy families block grant as specified in 42 U.S.C. 601.

(B) To the extent permitted by federal law, the department of job and family services may provide funds under the program to entities with which the department enters into agreements under division (B)(3) of section 5101.801 of the Revised Code. In accordance with criteria the department develops, the department

may solicit proposals from entities seeking to provide services 99584
under the program. The department may enter into an agreement with 99585
an entity only if it meets all of the following conditions: 99586

(1) Is a private, not-for-profit entity; 99587

(2) Is an entity whose primary purpose is to promote 99588
childbirth, rather than abortion, through counseling and other 99589
services, including parenting and adoption support; 99590

(3) Provides services to pregnant women and parents or other 99591
relatives caring for children twelve months of age or younger, 99592
including clothing, counseling, diapers, food, furniture, health 99593
care, parenting classes, postpartum recovery, shelter, and any 99594
other supportive services, programs, or related outreach; 99595

(4) Does not charge pregnant women and parents or other 99596
relatives caring for children twelve months of age or younger a 99597
fee for any services received; 99598

(5) Is not involved in or associated with any abortion 99599
activities, including providing abortion counseling or referrals 99600
to abortion clinics, performing abortion-related medical 99601
procedures, or engaging in pro-abortion advertising; 99602

(6) Does not discriminate in its provision of services on the 99603
basis of race, religion, color, age, marital status, national 99604
origin, disability, or gender. 99605

(C) An entity that has entered into an agreement with the 99606
department under division (B)(3) of section 5101.801 of the 99607
Revised Code may enter into a subcontract with another entity 99608
under which the other entity provides all or part of the services 99609
described in division (B)(3) of this section. A subcontract may be 99610
entered into with another entity only if that entity meets all of 99611
the following conditions: 99612

(1) Is a private, not-for-profit entity; 99613

(2) Is physically and financially separate from any entity, 99614
or component of an entity, that engages in abortion activities; 99615

(3) Is not involved in or associated with any abortion 99616
activities, including providing abortion counseling or referrals 99617
to abortion clinics, performing abortion-related medical 99618
procedures, or engaging in pro-abortion advertising. 99619

(D) The director of job and family services shall adopt rules 99620
under division (C) of section 5101.801 of the Revised Code as 99621
necessary to implement the Ohio parenting and pregnancy program. 99622

Sec. 5103.02. As used in sections 5103.03 to 5103.17 of the 99623
Revised Code: 99624

(A)(1) "Association" or "institution" includes ~~any~~ all of the 99625
following: 99626

(a) Any incorporated or unincorporated organization, society, 99627
association, or agency, public or private, that receives or cares 99628
for children for two or more consecutive weeks, including a 99629
therapeutic wilderness camp; ~~any~~ 99630

(b) Any individual, including the operator of a foster home, 99631
who, for hire, gain, or reward, receives or cares for children for 99632
two or more consecutive weeks, unless the individual is related to 99633
them by blood or marriage; ~~and any~~ 99634

(c) Any individual not in the regular employ of a court, or 99635
of an institution or association certified in accordance with 99636
section 5103.03 of the Revised Code, who in any manner becomes a 99637
party to the placing of children in foster homes, unless the 99638
individual is related to such children by blood or marriage, or is 99639
the appointed guardian of such children; ~~provided, that any.~~ 99640

(2) "Association" or "institution" does not include any of 99641
the following: 99642

(a) Any organization, society, association, school, agency, 99643

child guidance center, detention or rehabilitation facility, or 99644
children's clinic licensed, regulated, approved, operated under 99645
the direction of, or otherwise certified by the department of 99646
education, a local board of education, the department of youth 99647
services, the department of ~~mental health~~ mental health and 99648
addiction services, or the department of developmental 99649
disabilities, ~~or any;~~ 99650

(b) Any individual who provides care for only a single-family 99651
group, placed there by their parents or other relative having 99652
custody, ~~shall not be considered as being within the purview of~~ 99653
~~these sections.~~ 99654

(B) "Family foster home" means a foster home that is not a 99655
specialized foster home. 99656

(C) "Foster caregiver" means a person holding a valid foster 99657
home certificate issued under section 5103.03 of the Revised Code. 99658

(D) "Foster home" means a private residence in which children 99659
are received apart from their parents, guardian, or legal 99660
custodian, by an individual reimbursed for providing the children 99661
nonsecure care, supervision, or training twenty-four hours a day. 99662
"Foster home" does not include care provided for a child in the 99663
home of a person other than the child's parent, guardian, or legal 99664
custodian while the parent, guardian, or legal custodian is 99665
temporarily away. Family foster homes and specialized foster homes 99666
are types of foster homes. 99667

(E) "Medically fragile foster home" means a foster home that 99668
provides specialized medical services designed to meet the needs 99669
of children with intensive health care needs who meet all of the 99670
following criteria: 99671

(1) Under rules adopted by the ~~department of job and family~~ 99672
~~services~~ medicaid director governing ~~payment under Chapter 5111.~~ 99673
~~of the Revised Code~~ medicaid payments for long-term care services, 99674

the children require a skilled level of care. 99675

(2) The children require the services of a doctor of medicine 99676
or osteopathic medicine at least once a week due to the 99677
instability of their medical conditions. 99678

(3) The children require the services of a registered nurse 99679
on a daily basis. 99680

(4) The children are at risk of institutionalization in a 99681
hospital, skilled nursing facility, or intermediate care facility 99682
for ~~the mentally retarded~~ individuals with intellectual 99683
disabilities. 99684

(F) "Recommending agency" means a public children services 99685
agency, private child placing agency, or private noncustodial 99686
agency that recommends that the department of job and family 99687
services take any of the following actions under section 5103.03 99688
of the Revised Code regarding a foster home: 99689

(1) Issue a certificate; 99690

(2) Deny a certificate; 99691

(3) Renew a certificate; 99692

(4) Deny renewal of a certificate; 99693

(5) Revoke a certificate. 99694

(G) "Specialized foster home" means a medically fragile 99695
foster home or a treatment foster home. 99696

(H) "Treatment foster home" means a foster home that 99697
incorporates special rehabilitative services designed to treat the 99698
specific needs of the children received in the foster home and 99699
that receives and cares for children who are emotionally or 99700
behaviorally disturbed, chemically dependent, mentally retarded, 99701
developmentally disabled, or who otherwise have exceptional needs. 99702

(I) "Therapeutic wilderness camp" means a structured, 99703

alternative residential setting for children who are experiencing 99704
emotional, behavioral, moral, social, or learning difficulties at 99705
home or school in which both of the following are the case: 99706

(1) The children spend the majority of their time, including 99707
overnight, either outdoors or in a primitive structure; 99708

(2) The children have been placed there by their parents or 99709
another relative having custody. 99710

Sec. 5103.0323. (A) As used in this section, ~~"government~~ 99711
~~auditing standards"~~ means the government auditing standards 99712
~~published by the comptroller general of the United States general~~ 99713
~~accounting office~~ "American institute of certified public 99714
accountants auditing standards" and "AICPA auditing standards" 99715
mean the auditing standards published by the American institute of 99716
certified public accountants. 99717

(B) The first time that a private child placing agency or 99718
private noncustodial agency seeks renewal of a certificate issued 99719
under section 5103.03 of the Revised Code, it shall provide the 99720
department of job and family services, as a condition of renewal, 99721
evidence of an independent financial statement audit ~~of its first~~ 99722
~~year of certification, unless the auditor of state has audited the~~ 99723
~~agency during that year and the audit sets forth that no money has~~ 99724
~~been illegally expended, converted, misappropriated, or is~~ 99725
~~unaccounted for or sets forth findings that are inconsequential,~~ 99726
~~as defined by government~~ performed by a licensed public accounting 99727
firm following applicable AICPA auditing standards for the most 99728
recent fiscal year. Thereafter, when an agency seeks renewal of 99729
its certificate, it shall provide the department evidence of an 99730
independent financial statement audit performed by a licensed 99731
public accounting firm following applicable AICPA auditing 99732
standards for the two most recent previous fiscal years it is 99733
possible for an independent audit to have been conducted, ~~unless~~ 99734

~~the auditor of state has audited the agency during those years and 99735
the audit sets forth that no money has been illegally expended, 99736
converted, misappropriated, or is unaccounted for or sets forth 99737
findings that are inconsequential, as defined by government 99738
auditing standards. 99739~~

(C) For an agency to be eligible for renewal, the independent 99740
audits must demonstrate that the agency operated in a fiscally 99741
accountable manner ~~in accordance with state laws and rules and any 99742
agreement between the agency and a public children services 99743
agency. 99744~~

~~All audits required by this section shall be conducted in 99745
accordance with generally accepted government auditing standards 99746
as determined by the department of job and family services. 99747~~

(D) The director of job and family services may adopt rules 99748
as necessary to implement this section. The director shall adopt 99749
the rules in accordance with section 111.15 of the Revised Code. 99750

Sec. 5103.13. (A) As used in this section and section 99751
5103.131 of the Revised Code: 99752

(1)(a) "Children's crisis care facility" means a facility 99753
that has as its primary purpose the provision of residential and 99754
other care to either or both of the following: 99755

(i) One or more preteens voluntarily placed in the facility 99756
by the preteen's parent or other caretaker who is facing a crisis 99757
that causes the parent or other caretaker to seek temporary care 99758
for the preteen and referral for support services; 99759

(ii) One or more preteens placed in the facility by a public 99760
children services agency or private child placing agency that has 99761
legal custody or permanent custody of the preteen and determines 99762
that an emergency situation exists necessitating the preteen's 99763
placement in the facility rather than an institution certified 99764

under section 5103.03 of the Revised Code or elsewhere. 99765

(b) "Children's crisis care facility" does not include either 99766
of the following: 99767

(i) Any organization, society, association, school, agency, 99768
child guidance center, detention or rehabilitation facility, or 99769
children's clinic licensed, regulated, approved, operated under 99770
the direction of, or otherwise certified by the department of 99771
education, a local board of education, the department of youth 99772
services, the department of ~~mental health~~ mental health and 99773
addiction services, or the department of developmental 99774
disabilities; 99775

(ii) Any individual who provides care for only a 99776
single-family group, placed there by their parents or other 99777
relative having custody. 99778

(2) "Legal custody" and "permanent custody" have the same 99779
meanings as in section 2151.011 of the Revised Code. 99780

(3) "Preteen" means an individual under thirteen years of 99781
age. 99782

(B) No person shall operate a children's crisis care facility 99783
or hold a children's crisis care facility out as a certified 99784
children's crisis care facility unless there is a valid children's 99785
crisis care facility certificate issued under this section for the 99786
facility. 99787

(C) A person seeking to operate a children's crisis care 99788
facility shall apply to the director of job and family services to 99789
obtain a certificate for the facility. The director shall certify 99790
the person's children's crisis care facility if the facility meets 99791
all of the certification standards established in rules adopted 99792
under division (F) of this section and the person complies with 99793
all of the rules governing the certification of children's crisis 99794
care facilities adopted under that division. The issuance of a 99795

children's crisis care facility certificate does not exempt the 99796
facility from a requirement to obtain another certificate or 99797
license mandated by law. 99798

(D)(1) No certified children's crisis care facility shall do 99799
any of the following: 99800

(a) Provide residential care to a preteen for more than one 99801
hundred twenty days in a calendar year; 99802

(b) Subject to division (D)(1)(c) of this section and except 99803
as provided in division (D)(2) of this section, provide 99804
residential care to a preteen for more than sixty consecutive 99805
days; 99806

(c) Except as provided in division (D)(3) of this section, 99807
provide residential care to a preteen for more than seventy-two 99808
consecutive hours if a public children services agency or private 99809
child placing agency placed the preteen in the facility; 99810

(d) Fail to comply with section 2151.86 of the Revised Code. 99811

(2) A certified children's crisis care facility may provide 99812
residential care to a preteen for up to ninety consecutive days, 99813
other than a preteen placed in the facility by a public children 99814
services agency or private child placing agency, if any of the 99815
following are the case: 99816

(a) The preteen's parent or other caretaker is enrolled in an 99817
alcohol and drug addiction ~~program certified under section 3793.06~~ 99818
~~of the Revised Code~~ service or a community mental health service 99819
certified under section ~~5119.611~~ 5119.36 of the Revised Code; 99820

(b) The preteen's parent or other caretaker is an inpatient 99821
in a hospital; 99822

(c) The preteen's parent or other caretaker is incarcerated; 99823

(d) A physician has diagnosed the preteen's parent or other 99824
caretaker as medically incapacitated. 99825

(3) A certified children's crisis care facility may provide residential care to a preteen placed in the facility by a public children services agency or private child placing agency for more than seventy-two consecutive hours if the director of job and family services or the director's designee issues the agency a waiver of the seventy-two consecutive hour limitation. The waiver may authorize the certified children's crisis care facility to provide residential care to the preteen for up to fourteen consecutive days.

(E) The director of job and family services may suspend or revoke a children's crisis care facility's certificate pursuant to Chapter 119. of the Revised Code if the facility violates division (D) of this section or ceases to meet any of the certification standards established in rules adopted under division (F) of this section or the facility's operator ceases to comply with any of the rules governing the certification of children's crisis care facilities adopted under that division.

(F) Not later than ninety days after September 21, 2006, the director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code for the certification of children's crisis care facilities. The rules shall specify that a certificate shall not be issued to an applicant if the conditions at the children's crisis care facility would jeopardize the health or safety of the preteens placed in the facility.

Sec. 5103.42. Prior to the beginning of the fiscal biennium that first follows October 5, 2000, the public children services agencies of Athens, Cuyahoga, Franklin, Greene, Guernsey, ~~Hamilton~~, Lucas, and Summit counties shall each establish and maintain a regional training center. Prior to the beginning of the fiscal biennium that first follows the effective date of this amendment, the public children services agency of Butler county

shall establish and maintain a regional training center. At any 99857
time after the beginning of ~~that~~ the specified biennium, the 99858
department of job and family services, on the recommendation of 99859
the Ohio child welfare training program steering committee, may 99860
direct a public children services agency to establish and maintain 99861
a training center to replace the center established by an agency 99862
under this section. There may be no more and no less than eight 99863
centers in existence at any time. The department may make a grant 99864
to a public children services agency that establishes and 99865
maintains a regional training center under this section for the 99866
purpose of wholly or partially subsidizing the operation of the 99867
center. The department shall specify in the grant all of the 99868
center's duties, including the duties specified in section 99869
5103.422 of the Revised Code. 99870

The regional training center established by the public 99871
children services agency of Butler county under this section 99872
replaces the regional training center previously established by 99873
the public children services agency of Hamilton county under this 99874
section. 99875

Sec. 5104.012. (A)(1) At the times specified in this 99876
division, the administrator of a child day-care center or a type A 99877
family day-care home shall request the superintendent of the 99878
bureau of criminal identification and investigation to conduct a 99879
criminal records check with respect to any applicant who has 99880
applied to the center or type A home for employment as a person 99881
responsible for the care, custody, or control of a child. 99882

The administrator shall request a criminal records check 99883
pursuant to this division at the time of the applicant's initial 99884
application for employment and every ~~four~~ five years thereafter. 99885
When the administrator requests pursuant to this division a 99886
criminal records check for an applicant at the time of the 99887

applicant's initial application for employment, the administrator 99888
shall request that the superintendent obtain information from the 99889
federal bureau of investigation as a part of the criminal records 99890
check for the applicant, including fingerprint-based checks of 99891
national crime information databases as described in 42 U.S.C. 99892
671, for the person subject to the criminal records check. In all 99893
other cases in which the administrator requests a criminal records 99894
check for an applicant pursuant to this division, the 99895
administrator may request that the superintendent include 99896
information from the federal bureau of investigation in the 99897
criminal records check, including fingerprint-based checks of 99898
national crime information databases as described in 42 U.S.C. 99899
671. 99900

(2) A person required by division (A)(1) of this section to 99901
request a criminal records check shall provide to each applicant a 99902
copy of the form prescribed pursuant to division (C)(1) of section 99903
109.572 of the Revised Code, provide to each applicant a standard 99904
impression sheet to obtain fingerprint impressions prescribed 99905
pursuant to division (C)(2) of section 109.572 of the Revised 99906
Code, obtain the completed form and impression sheet from each 99907
applicant, and forward the completed form and impression sheet to 99908
the superintendent of the bureau of criminal identification and 99909
investigation at the time the person requests a criminal records 99910
check pursuant to division (A)(1) of this section. On and after 99911
August 14, 2008, the administrator of a child day-care center or a 99912
type A family day-care home shall review the results of the 99913
criminal records check before the applicant has sole 99914
responsibility for the care, custody, or control of any child. 99915

(3) An applicant who receives pursuant to division (A)(2) of 99916
this section a copy of the form prescribed pursuant to division 99917
(C)(1) of section 109.572 of the Revised Code and a copy of an 99918
impression sheet prescribed pursuant to division (C)(2) of that 99919

section and who is requested to complete the form and provide a 99920
set of fingerprint impressions shall complete the form or provide 99921
all the information necessary to complete the form and shall 99922
provide the impression sheet with the impressions of the 99923
applicant's fingerprints. If an applicant, upon request, fails to 99924
provide the information necessary to complete the form or fails to 99925
provide impressions of the applicant's fingerprints, the center or 99926
type A home shall not employ that applicant for any position for 99927
which a criminal records check is required by division (A)(1) of 99928
this section. 99929

(B)(1) Except as provided in rules adopted under division (E) 99930
of this section, no child day-care center or type A family 99931
day-care home shall employ or contract with another entity for the 99932
services of a person as a person responsible for the care, 99933
custody, or control of a child if the person previously has been 99934
convicted of or pleaded guilty to any of the violations described 99935
in division (A)(5) of section 109.572 of the Revised Code. 99936

(2) A child day-care center or type A family day-care home 99937
may employ an applicant conditionally until the criminal records 99938
check required by this section is completed and the center or home 99939
receives the results of the criminal records check. If the results 99940
of the criminal records check indicate that, pursuant to division 99941
(B)(1) of this section, the applicant does not qualify for 99942
employment, the center or home shall release the applicant from 99943
employment. 99944

(C)(1) Each child day-care center and type A family day-care 99945
home shall pay to the bureau of criminal identification and 99946
investigation the fee prescribed pursuant to division (C)(3) of 99947
section 109.572 of the Revised Code for each criminal records 99948
check conducted in accordance with that section upon the request 99949
pursuant to division (A)(1) of this section of the administrator 99950
or provider of the center or home. 99951

(2) A child day-care center and type A family day-care home 99952
may charge an applicant a fee for the costs it incurs in obtaining 99953
a criminal records check under this section. A fee charged under 99954
this division shall not exceed the amount of fees the center or 99955
home pays under division (C)(1) of this section. If a fee is 99956
charged under this division, the center or home shall notify the 99957
applicant at the time of the applicant's initial application for 99958
employment of the amount of the fee and that, unless the fee is 99959
paid, the center or type A home will not consider the applicant 99960
for employment. 99961

(D) The report of any criminal records check conducted by the 99962
bureau of criminal identification and investigation in accordance 99963
with section 109.572 of the Revised Code and pursuant to a request 99964
under division (A)(1) of this section is not a public record for 99965
the purposes of section 149.43 of the Revised Code and shall not 99966
be made available to any person other than the applicant who is 99967
the subject of the criminal records check or the applicant's 99968
representative; the center or type A home requesting the criminal 99969
records check or its representative; the department of job and 99970
family services or a county department of job and family services; 99971
and any court, hearing officer, or other necessary individual 99972
involved in a case dealing with the denial of employment to the 99973
applicant. 99974

(E) The director of job and family services shall adopt rules 99975
pursuant to Chapter 119. of the Revised Code to implement this 99976
section, including rules specifying circumstances under which a 99977
center or home may hire a person who has been convicted of an 99978
offense listed in division (B)(1) of this section but who meets 99979
standards in regard to rehabilitation set by the department. 99980

(F) Any person required by division (A)(1) of this section to 99981
request a criminal records check shall inform each person, at the 99982
time of the person's initial application for employment, that the 99983

person is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that position.

(G) As used in this section:

(1) "Applicant" means a person who is under final consideration for appointment to or employment in a position with a child day-care center or a type A family day-care home as a person responsible for the care, custody, or control of a child; an in-home aide certified pursuant to section 5104.12 of the Revised Code; or any person who would serve in any position with a child day-care center or a type A family day-care home as a person responsible for the care, custody, or control of a child pursuant to a contract with another entity.

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

Sec. 5104.013. (A)(1) At the times specified in division (A)(3) of this section, the director of job and family services, as part of the process of licensure of child day-care centers and type A family day-care homes, shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to the following persons:

(a) Any owner, licensee, or administrator of a child day-care center;

(b) Any owner, licensee, or administrator of a type A family day-care home and any person eighteen years of age or older who resides in a type A family day-care home.

(2) At the times specified in division (A)(3) of this

section, the director of a county department of job and family 100014
services, as part of the process of certification of type B family 100015
day-care homes, shall request the superintendent of the bureau of 100016
criminal identification and investigation to conduct a criminal 100017
records check with respect to any authorized provider of a 100018
certified type B family day-care home and any person eighteen 100019
years of age or older who resides in a certified type B family 100020
day-care home. 100021

(3) The director of job and family services shall request a 100022
criminal records check pursuant to division (A)(1) of this section 100023
at the time of the initial application for licensure and every 100024
~~four~~ five years thereafter. The director of a county department of 100025
job and family services shall request a criminal records check 100026
pursuant to division (A)(2) of this section at the time of the 100027
initial application for certification and every ~~four~~ five years 100028
thereafter at the time of a certification renewal. When the 100029
director of job and family services or the director of a county 100030
department of job and family services requests pursuant to 100031
division (A)(1) or (2) of this section a criminal records check 100032
for a person at the time of the person's initial application for 100033
licensure or certification, the director shall request that the 100034
superintendent of the bureau of criminal identification and 100035
investigation obtain information from the federal bureau of 100036
investigation as a part of the criminal records check for the 100037
person, including fingerprint-based checks of national crime 100038
information databases as described in 42 U.S.C. 671 for the person 100039
subject to the criminal records check. In all other cases in which 100040
the director of job and family services or the director of a 100041
county department of job and family services requests a criminal 100042
records check for an applicant pursuant to division (A)(1) or (2) 100043
of this section, the director may request that the superintendent 100044
include information from the federal bureau of investigation in 100045
the criminal records check, including fingerprint-based checks of 100046

national crime information databases as described in 42 U.S.C. 100047
671. 100048

(4) The director of job and family services shall review the 100049
results of a criminal records check subsequent to a request made 100050
pursuant to divisions (A)(1) and (3) of this section prior to 100051
approval of a license. The director of a county department of job 100052
and family services shall review the results of a criminal records 100053
check subsequent to a request made pursuant to divisions (A)(2) 100054
and (3) of this section prior to approval of certification. 100055

(B) The director of job and family services or the director 100056
of a county department of job and family services shall provide to 100057
each person for whom a criminal records check is required under 100058
this section a copy of the form prescribed pursuant to division 100059
(C)(1) of section 109.572 of the Revised Code and a standard 100060
impression sheet to obtain fingerprint impressions prescribed 100061
pursuant to division (C)(2) of that section, obtain the completed 100062
form and impression sheet from that person, and forward the 100063
completed form and impression sheet to the superintendent of the 100064
bureau of criminal identification and investigation. 100065

(C) A person who receives pursuant to division (B) of this 100066
section a copy of the form and standard impression sheet described 100067
in that division and who is requested to complete the form and 100068
provide a set of fingerprint impressions shall complete the form 100069
or provide all the information necessary to complete the form and 100070
shall provide the impression sheet with the impressions of the 100071
person's fingerprints. If the person, upon request, fails to 100072
provide the information necessary to complete the form or fails to 100073
provide impressions of the person's fingerprints, the director may 100074
consider the failure as a reason to deny licensure or 100075
certification. 100076

(D) Except as provided in rules adopted under division (G) of 100077
this section, the director of job and family services shall not 100078

grant a license to a child day-care center or type A family day-care home and a county director of job and family services shall not certify a type B family day-care home if a person for whom a criminal records check was required in connection with the center or home previously has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.

(E) Each child day-care center, type A family day-care home, and type B family day-care home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (A) of this section.

(F) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of job and family services, the director of a county department of job and family services, the center, type A home, or type B home involved, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial of licensure or certification related to the criminal records check.

(G) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying exceptions to the prohibition in division (D) of this section for persons who have been convicted of an offense listed in that division but who meet

standards in regard to rehabilitation set by the director. 100111

(H) As used in this section, "criminal records check" has the 100112
same meaning as in section 109.572 of the Revised Code. 100113

Sec. 5104.02. (A) The director of job and family services is 100114
responsible for the licensing of child day-care centers and type A 100115
family day-care homes. Each entity operating a head start program 100116
shall meet the criteria for, and be licensed as, a child day-care 100117
center. The director is responsible for the enforcement of this 100118
chapter and of rules promulgated pursuant to this chapter. 100119

No person, firm, organization, institution, or agency shall 100120
operate, establish, manage, conduct, or maintain a child day-care 100121
center or type A family day-care home without a license issued 100122
under section 5104.03 of the Revised Code. The current license 100123
shall be posted in a conspicuous place in the center or type A 100124
home that is accessible to parents, custodians, or guardians and 100125
employees of the center or type A home at all times when the 100126
center or type A home is in operation. 100127

(B) A person, firm, institution, organization, or agency 100128
operating any of the following programs is exempt from the 100129
requirements of this chapter: 100130

(1) A program of child care that operates for two or less 100131
consecutive weeks; 100132

(2) Child care in places of worship during religious 100133
activities during which children are cared for while at least one 100134
parent, guardian, or custodian of each child is participating in 100135
such activities and is readily available; 100136

(3) Religious activities which do not provide child care; 100137

(4) Supervised training, instruction, or activities of 100138
children in specific areas, including, but not limited to: art; 100139
drama; dance; music; gymnastics, swimming, or another athletic 100140

skill or sport; computers; or an educational subject conducted on 100141
an organized or periodic basis no more than one day a week and for 100142
no more than six hours duration; 100143

(5) Programs in which the director determines that at least 100144
one parent, custodian, or guardian of each child is on the 100145
premises of the facility offering child care and is readily 100146
accessible at all times, except that child care provided on the 100147
premises at which a parent, custodian, or guardian is employed 100148
more than two and one-half hours a day shall be licensed in 100149
accordance with division (A) of this section; 100150

(6)(a) Programs that provide child care funded and regulated 100151
or operated and regulated by state departments other than the 100152
department of job and family services or the state board of 100153
education when the director of job and family services has 100154
determined that the rules governing the program are equivalent to 100155
or exceed the rules promulgated pursuant to this chapter. 100156

Notwithstanding any exemption from regulation under this 100157
chapter, each state department shall submit to the director of job 100158
and family services a copy of the rules that govern programs that 100159
provide child care and are regulated or operated and regulated by 100160
the department. Annually, each state department shall submit to 100161
the director a report for each such program it regulates or 100162
operates and regulates that includes the following information: 100163

(i) The site location of the program; 100164

(ii) The maximum number of infants, toddlers, preschool-age 100165
children, or school-age children served by the program at one 100166
time; 100167

(iii) The number of adults providing child care for the 100168
number of infants, toddlers, preschool-age children, or school-age 100169
children; 100170

(iv) Any changes in the rules made subsequent to the time 100171

when the rules were initially submitted to the director. 100172

The director shall maintain a record of the child care 100173
information submitted by other state departments and shall provide 100174
this information upon request to the general assembly or the 100175
public. 100176

(b) Child care programs conducted by boards of education or 100177
by chartered nonpublic schools that are conducted in school 100178
buildings and that provide child care to school-age children only 100179
shall be exempt from meeting or exceeding rules promulgated 100180
pursuant to this chapter. 100181

(7) Any preschool program or school child program, except a 100182
head start program, that is subject to licensure by the department 100183
of education under sections 3301.52 to 3301.59 of the Revised 100184
Code. 100185

(8) Any program providing child care that meets all of the 100186
following requirements and, on October 20, 1987, was being 100187
operated by a nonpublic school that holds a charter issued by the 100188
state board of education for kindergarten only: 100189

(a) The nonpublic school has given the notice to the state 100190
board and the director of job and family services required by 100191
Section 4 of Substitute House Bill No. 253 of the 117th general 100192
assembly; 100193

(b) The nonpublic school continues to be chartered by the 100194
state board for kindergarten, or receives and continues to hold a 100195
charter from the state board for kindergarten through grade five; 100196

(c) The program is conducted in a school building; 100197

(d) The program is operated in accordance with rules 100198
promulgated by the state board under sections 3301.52 to 3301.57 100199
of the Revised Code. 100200

(9) A youth development program operated outside of school 100201

hours by a community-based center to which all of the following 100202
apply: 100203

(a) The children enrolled in the program are under nineteen 100204
years of age and enrolled in or eligible to be enrolled in a grade 100205
of kindergarten or above. 100206

(b) The program provides informal child care ~~and at least~~ 100207
two, which is child care that does not require parental signature, 100208
permission, or notice for the child receiving the care to enter or 100209
leave the program; 100210

(c) The program provides any of the following supervised 100211
activities: educational, recreational, culturally enriching, 100212
social, and personal development activities. 100213

~~(e)~~(d) The program is eligible for participation in the child 100214
and adult care food program as an outside-school-hours care center 100215
pursuant to standards established under section 3313.813 of the 100216
Revised Code. 100217

~~(d)~~(e) The community-based center operating the program is 100218
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 100219
and (c)(3). 100220

(10) A preschool program operated by a nonchartered, 100221
nontax-supported school if the preschool program meets all of the 100222
following conditions: 100223

(a) The program complies with state and local health, fire, 100224
and safety laws. 100225

(b) The program annually certifies in a report to the parents 100226
of its pupils that the school is in compliance with division 100227
(B)(10)(a) of this section and files a copy of the report with the 100228
department of job and family services on or before the thirtieth 100229
day of September of each year. 100230

(c) The program complies with all applicable reporting 100231

requirements in the same manner as required by the state board of 100232
education for nonchartered, nonpublic primary and secondary 100233
schools. 100234

(d) The program is associated with a nonchartered, 100235
nontax-supported primary or secondary school. 100236

Sec. 5104.021. The director of job and family services may 100237
~~not~~ issue a child day-care center or type A family day-care home 100238
license to a youth development program that is exempted by 100239
division (B)(9) of section 5104.02 of the Revised Code from the 100240
requirements of this chapter if the youth development program 100241
applies for and meets all of the requirements for the license. 100242

Sec. 5104.03. (A) Any person, firm, organization, 100243
institution, or agency desiring to establish a child day-care 100244
center or type A family day-care home shall apply for a license to 100245
the director of job and family services on such form as the 100246
director prescribes. The director shall provide at no charge to 100247
each applicant for licensure a copy of the child care license 100248
requirements in this chapter and a copy of the rules adopted 100249
pursuant to this chapter. The copies may be provided in paper or 100250
electronic form. 100251

Fees shall be set by the director pursuant to section 100252
5104.011 of the Revised Code and shall be paid at the time of 100253
application for a license to operate a center or type A home. Fees 100254
collected under this section shall be paid into the state treasury 100255
to the credit of the general revenue fund. 100256

(B) Upon filing of the application for a license, the 100257
director shall investigate and inspect the center or type A home 100258
to determine the license capacity for each age category of 100259
children of the center or type A home and to determine whether the 100260
center or type A home complies with this chapter and rules adopted 100261

pursuant to this chapter. When, after investigation and 100262
inspection, the director is satisfied that this chapter and rules 100263
adopted pursuant to it are complied with, subject to division (G) 100264
of this section, a provisional license shall be issued as soon as 100265
practicable in such form and manner as prescribed by the director. 100266
The provisional license shall be valid for twelve months from the 100267
date of issuance unless revoked. 100268

(C) The director shall investigate and inspect the center or 100269
type A home at least once during operation under the provisional 100270
license. If after the investigation and inspection the director 100271
determines that the requirements of this chapter and rules adopted 100272
pursuant to this chapter are met, subject to division (G) of this 100273
section, the director shall issue a license to the center or home. 100274

(D) The license or provisional license shall state the name 100275
of the licensee, the name of the administrator, the address of the 100276
center or type A home, and the license capacity for each age 100277
category of children. The license or provisional license shall 100278
include thereon, in accordance with section 5104.011 of the 100279
Revised Code, the toll-free telephone number to be used by persons 100280
suspecting that the center or type A home has violated a provision 100281
of this chapter or rules adopted pursuant to this chapter. A 100282
license or provisional license is valid only for the licensee, 100283
administrator, address, and license capacity for each age category 100284
of children designated on the license. The license capacity 100285
specified on the license or provisional license is the maximum 100286
number of children in each age category that may be cared for in 100287
the center or type A home at one time. 100288

The center or type A home licensee shall notify the director 100289
when the administrator of the center or home changes. The director 100290
shall amend the current license or provisional license to reflect 100291
a change in an administrator, if the administrator meets the 100292
requirements of Chapter 5104. of the Revised Code and rules 100293

adopted pursuant to Chapter 5104. of the Revised Code, or a change 100294
in license capacity for any age category of children as determined 100295
by the director of job and family services. 100296

(E) If the director revokes the license of a center or a type 100297
A home, the director shall not issue another license to the owner 100298
of the center or type A home until five years have elapsed from 100299
the date the license is revoked. 100300

If the director denies an application for a license, the 100301
director shall not accept another application from the applicant 100302
until five years have elapsed from the date the application is 100303
denied. 100304

(F) If during the application for licensure process the 100305
director determines that the license of the owner has been 100306
revoked, the investigation of the center or type A home shall 100307
cease. This action does not constitute denial of the application 100308
and may not be appealed under division (G) of this section. 100309

(G) All actions of the director with respect to licensing 100310
centers or type A homes, refusal to license, and revocation of a 100311
license shall be in accordance with Chapter 119. of the Revised 100312
Code. Any applicant who is denied a license or any owner whose 100313
license is revoked may appeal in accordance with section 119.12 of 100314
the Revised Code. 100315

(H) In no case shall the director issue a license or 100316
provisional license under this section for a type A home or center 100317
if the director, based on documentation provided by the 100318
appropriate county department of job and family services, 100319
determines that the applicant previously had been certified as a 100320
type B family day-care home, that the county department revoked 100321
that certification within the immediately preceding five years, 100322
that the revocation was based on the applicant's refusal or 100323
inability to comply with the criteria for certification, and that 100324

the refusal or inability resulted in a risk to the health or 100325
safety of children. 100326

Sec. 5104.08. (A) There is hereby created in the department 100327
of job and family services a child care advisory council to advise 100328
and assist the department in the administration of this chapter 100329
and in the development of child care. The council shall consist of 100330
twenty-two voting members appointed by the director of job and 100331
family services with the approval of the governor. The director of 100332
job and family services, the director of developmental 100333
disabilities, the director of ~~mental health~~ mental health and 100334
addiction services, the superintendent of public instruction, the 100335
director of health, the director of commerce, and the state fire 100336
marshal shall serve as nonvoting members of the council. 100337

Six members shall be representatives of child care centers 100338
subject to licensing, the members to represent a variety of 100339
centers, including nonprofit and proprietary, from different 100340
geographical areas of the state. At least three members shall be 100341
parents, guardians, or custodians of children receiving child care 100342
or publicly funded child care in the child's own home, a center, a 100343
type A home, a head start program, a certified type B home, or a 100344
type B home at the time of appointment. Three members shall be 100345
representatives of in-home aides, type A homes, certified type B 100346
homes, or type B homes or head start programs. At least six 100347
members shall represent county departments of job and family 100348
services. The remaining members shall be representatives of the 100349
teaching, child development, and health professions, and other 100350
individuals interested in the welfare of children. At least six 100351
members of the council shall not be employees or licensees of a 100352
child day-care center, head start program, or type A home, or 100353
providers operating a certified type B home or type B home, or 100354
in-home aides. 100355

Appointments shall be for three-year terms. Vacancies shall 100356
be filled for the unexpired terms. A member of the council is 100357
subject to removal by the director of job and family services for 100358
a willful and flagrant exercise of authority or power that is not 100359
authorized by law, for a refusal or willful neglect to perform any 100360
official duty as a member of the council imposed by law, or for 100361
being guilty of misfeasance, malfeasance, nonfeasance, or gross 100362
neglect of duty as a member of the council. 100363

There shall be two co-chairpersons of the council. One 100364
co-chairperson shall be the director of job and family services or 100365
the director's designee, and one co-chairperson shall be elected 100366
by the members of the council. The council shall meet as often as 100367
is necessary to perform its duties, provided that it shall meet at 100368
least once in each quarter of each calendar year and at the call 100369
of the co-chairpersons. The co-chairpersons or their designee 100370
shall send to each member a written notice of the date, time, and 100371
place of each meeting. 100372

Members of the council shall serve without compensation, but 100373
shall be reimbursed for necessary expenses. 100374

(B) The child care advisory council shall advise the director 100375
on matters affecting the licensing of centers and type A homes and 100376
the certification of type B homes and in-home aides. The council 100377
shall make an annual report to the director of job and family 100378
services that addresses the availability, affordability, 100379
accessibility, and quality of child care and that summarizes the 100380
recommendations and plans of action that the council has proposed 100381
to the director during the preceding fiscal year. The director of 100382
job and family services shall provide copies of the report to the 100383
governor, speaker and minority leader of the house of 100384
representatives, and the president and minority leader of the 100385
senate and, on request, shall make copies available to the public. 100386

(C) The director of job and family services shall adopt rules 100387

pursuant to Chapter 119. of the Revised Code to implement this 100388
section. 100389

Sec. 5104.11. (A)(1) Every person desiring to receive 100390
certification for a type B family day-care home to provide 100391
publicly funded child care shall apply for certification to the 100392
county director of job and family services on such forms as the 100393
director of job and family services prescribes. The county 100394
director shall provide at no charge to each applicant a copy of 100395
rules for certifying type B family day-care homes adopted pursuant 100396
to this chapter. 100397

(2) Except as provided in division (G)(1) of section 5104.011 100398
of the Revised Code, after receipt of an application for 100399
certification from a type B family day-care home, the county 100400
director of job and family services shall inspect the home. If it 100401
complies with this chapter and any applicable rules adopted under 100402
this chapter, the county department shall certify the type B 100403
family day-care home to provide publicly funded child care 100404
pursuant to this chapter and any rules adopted under it. The 100405
director of job and family services or a county director of job 100406
and family services may contract with a government entity or a 100407
private nonprofit entity for that entity to inspect and certify 100408
type B family day-care homes pursuant to this section. The county 100409
department of job and family services, government entity, or 100410
nonprofit entity shall conduct the inspection prior to the 100411
issuance of a certificate for the type B home and, as part of that 100412
inspection, ensure that the type B home is safe and sanitary. 100413

(3)(a) On receipt of an application for certification for a 100414
type B family day-care home to provide publicly funded child care 100415
or for renewal of such certification, the county department shall 100416
request from ~~both of the following~~ the public children services 100417
agency information concerning any abuse or neglect report made 100418

pursuant to section 2151.421 of the Revised Code of which the 100419
applicant, any other adult residing in the applicant's home, or a 100420
person designated by the applicant to be an emergency or 100421
substitute caregiver for the applicant is the subject. 100422

~~(i) The public children services agency, until the county 100423
department is notified by the department of job and family 100424
services that the uniform statewide automated child welfare 100425
information system has been finalized statewide. 100426~~

~~(ii) Upon receipt of notification under division (D) of 100427
section 5101.13 of the Revised Code that the uniform statewide 100428
automated child welfare information system has been implemented 100429
statewide, the uniform statewide automated child welfare 100430
information system via the department. 100431~~

(b) The county department shall consider any information 100432
provided by the agency ~~or the department~~ pursuant to section 100433
5153.175 of the Revised Code. If the county department determines 100434
that the information, when viewed within the totality of the 100435
circumstances, reasonably leads to the conclusion that the 100436
applicant may directly or indirectly endanger the health, safety, 100437
or welfare of children, the county department shall deny the 100438
application for certification or renewal of certification, or 100439
revoke the certification of an authorized provider. 100440

(c) As used in division (A)(3) of this section, "public 100441
children services agency" means either an entity separate from the 100442
county department or the part of the county department that serves 100443
as the county's public children services agency, as appropriate. 100444

(4) Except as provided in division (A)(5) of this section, an 100445
authorized provider of a type B family day-care home that receives 100446
a certificate pursuant to this section to provide publicly funded 100447
child care is an independent contractor and is not an employee of 100448
the county department of job and family services that issues the 100449

certificate. 100450

(5) For purposes of Chapter 4141. of the Revised Code, 100451
determinations concerning the employment of an authorized provider 100452
of a type B family day-care home that receives a certificate 100453
pursuant to this section shall be determined under Chapter 4141. 100454
of the Revised Code. 100455

(B)(1) If the county director of job and family services 100456
determines that the type B family day-care home complies with this 100457
chapter and any rules adopted under it, the county director shall 100458
issue to the provider a certificate to provide publicly funded 100459
child care, ~~which. The~~ certificate is valid for twelve months, 100460
unless revoked earlier. ~~The county director may revoke the~~ 100461
~~certificate after determining that revocation is necessary.~~ The 100462
authorized provider shall post the certificate in a conspicuous 100463
place in the certified type B home that is accessible to parents, 100464
custodians, or guardians at all times. The certificate shall state 100465
the name and address of the authorized provider, the maximum 100466
number of children who may be cared for at any one time in the 100467
certified type B home, the expiration date of the certification, 100468
and the name and telephone number of the county director who 100469
issued the certificate. 100470

(2) The county director may revoke a certificate to provide 100471
publicly funded child care in either of the following 100472
circumstances: 100473

(a) The county director determines, pursuant to rules adopted 100474
under Chapter 119. of the Revised Code, that revocation is 100475
necessary; 100476

(b) The authorized provider does not comply with division 100477
(D)(2) of section 5104.32 of the Revised Code. 100478

(C)(1) The county director shall inspect every certified type 100479
B family day-care home at least twice within each twelve-month 100480

period of the operation of the certified type B home. A minimum of 100481
one inspection shall be unannounced and all inspections may be 100482
unannounced. Upon receipt of a complaint, the county director 100483
shall investigate the certified type B home, and division (C)(2) 100484
of this section applies regarding the complaint. The authorized 100485
provider shall permit the county director to inspect any part of 100486
the certified type B home. The county director shall prepare a 100487
written inspection report and furnish one copy to the authorized 100488
provider within a reasonable time after the inspection. 100489

(2) Upon receipt of a complaint as described in division 100490
(C)(1) of this section, in addition to the investigation that is 100491
required under that division, both of the following apply: 100492

(a) If the complaint alleges that a child suffered physical 100493
harm while receiving child care at the certified type B family 100494
day-care home or that the noncompliance with law or act alleged in 100495
the complaint involved, resulted in, or poses a substantial risk 100496
of physical harm to a child receiving child care at the home, the 100497
county director shall inspect the home. 100498

(b) If division (C)(2)(a) of this section does not apply 100499
regarding the complaint, the county director may inspect the 100500
certified type B family day-care home. 100501

(3) Division (C)(2) of this section does not limit, restrict, 100502
or negate any duty of the county director to inspect a certified 100503
type B family day-care home that otherwise is imposed under this 100504
section, or any authority of the county director to inspect a home 100505
that otherwise is granted under this section when the county 100506
director believes the inspection is necessary and it is permitted 100507
under the grant. 100508

(D) The county director of job and family services, in 100509
accordance with rules adopted pursuant to section 5104.052 of the 100510
Revised Code regarding fire safety and fire prevention, shall 100511

inspect each type B home that applies to be certified that is 100512
providing or is to provide publicly funded child care. 100513

(E) All materials that are supplied by the department of job 100514
and family services to type A family day-care home providers, type 100515
B family day-care home providers, in-home aides, persons who 100516
desire to be type A family day-care home providers, type B family 100517
day-care home providers, or in-home aides, and caretaker parents 100518
shall be written at no higher than the sixth grade reading level. 100519
The department may employ a readability expert to verify its 100520
compliance with this division. 100521

Sec. 5104.12. (A) The county director of job and family 100522
services may certify in-home aides to provide publicly funded 100523
child care pursuant to this chapter and any rules adopted under 100524
it. Any in-home aide who receives a certificate pursuant to this 100525
section to provide publicly funded child care is an independent 100526
contractor and is not an employee of the county department of job 100527
and family services that issues the certificate. 100528

(B) Every person desiring to receive certification as an 100529
in-home aide shall apply for certification to the county director 100530
of job and family services on such forms as the director of job 100531
and family services prescribes. The county director shall provide 100532
at no charge to each applicant a copy of rules for certifying 100533
in-home aides adopted pursuant to this chapter. 100534

(C)(1) If the county director of job and family services 100535
determines that public funds are available and that the person 100536
complies with this chapter and any rules adopted under it, the 100537
county director shall certify the person as an in-home aide and 100538
issue the person a certificate to provide publicly funded child 100539
care for twelve months. ~~The county director may revoke the~~ 100540
~~certificate after determining that revocation is necessary.~~ The 100541
county director shall furnish a copy of the certificate to the 100542

parent, custodian, or guardian. The certificate shall state the 100543
name and address of the in-home aide, the expiration date of the 100544
certification, and the name and telephone number of the county 100545
director who issued the certificate. 100546

(2) The county director may revoke the certificate in either 100547
of the following circumstances: 100548

(a) The county director determines, pursuant to rules adopted 100549
under Chapter 119. of the Revised Code, that revocation is 100550
necessary; 100551

(b) The in-home aide does not comply with division (D)(2) of 100552
section 5104.32 of the Revised Code. 100553

(D)(1) The county director of job and family services shall 100554
inspect every home of a child who is receiving publicly funded 100555
child care in the child's own home while the in-home aide is 100556
providing the services. Inspections may be unannounced. Upon 100557
receipt of a complaint, the county director shall investigate the 100558
in-home aide, shall investigate the home of a child who is 100559
receiving publicly funded child care in the child's own home, and 100560
division (D)(2) of this section applies regarding the complaint. 100561
The caretaker parent shall permit the county director to inspect 100562
any part of the child's home. The county director shall prepare a 100563
written inspection report and furnish one copy each to the in-home 100564
aide and the caretaker parent within a reasonable time after the 100565
inspection. 100566

(2) Upon receipt of a complaint as described in division 100567
(D)(1) of this section, in addition to the investigations that are 100568
required under that division, both of the following apply: 100569

(a) If the complaint alleges that a child suffered physical 100570
harm while receiving publicly funded child care in the child's own 100571
home from an in-home aide or that the noncompliance with law or 100572
act alleged in the complaint involved, resulted in, or poses a 100573

substantial risk of physical harm to a child receiving publicly funded child care in the child's own home from an in-home aide, the county director shall inspect the home of the child.

(b) If division (D)(2)(a) of this section does not apply regarding the complaint, the county director may inspect the home of the child.

(3) Division (D)(2) of this section does not limit, restrict, or negate any duty of the county director to inspect a home of a child who is receiving publicly funded child care from an in-home aide that otherwise is imposed under this section, or any authority of the county director to inspect such a home that otherwise is granted under this section when the county director believes the inspection is necessary and it is permitted under the grant.

Sec. 5104.32. (A) Except as provided in division (C) of this section, all purchases of publicly funded child care shall be made under a contract entered into by a licensed child day-care center, licensed type A family day-care home, certified type B family day-care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of job and family services. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds, all contracts for publicly funded child care shall be entered into in accordance with the provisions of

this chapter and are exempt from any other provision of the 100605
Revised Code that regulates state contracts or contracts involving 100606
the expenditure of state or federal funds. 100607

(B) Each contract for publicly funded child care shall 100608
specify at least the following: 100609

(1) That the provider of publicly funded child care agrees to 100610
be paid for rendering services at the lower of the rate 100611
customarily charged by the provider for children enrolled for 100612
child care or the reimbursement ceiling or rate of payment 100613
established pursuant to section 5104.30 of the Revised Code; 100614

(2) That, if a provider provides child care to an individual 100615
potentially eligible for publicly funded child care who is 100616
subsequently determined to be eligible, the department agrees to 100617
pay for all child care provided between the date the county 100618
department of job and family services receives the individual's 100619
completed application and the date the individual's eligibility is 100620
determined; 100621

(3) Whether the county department of job and family services, 100622
the provider, or a child care resource and referral service 100623
organization will make eligibility determinations, whether the 100624
provider or a child care resource and referral service 100625
organization will be required to collect information to be used by 100626
the county department to make eligibility determinations, and the 100627
time period within which the provider or child care resource and 100628
referral service organization is required to complete required 100629
eligibility determinations or to transmit to the county department 100630
any information collected for the purpose of making eligibility 100631
determinations; 100632

(4) That the provider, other than a border state child care 100633
provider, shall continue to be licensed, approved, or certified 100634
pursuant to this chapter and shall comply with all standards and 100635

other requirements in this chapter and in rules adopted pursuant 100636
to this chapter for maintaining the provider's license, approval, 100637
or certification; 100638

(5) That, in the case of a border state child care provider, 100639
the provider shall continue to be licensed, certified, or 100640
otherwise approved by the state in which the provider is located 100641
and shall comply with all standards and other requirements 100642
established by that state for maintaining the provider's license, 100643
certificate, or other approval; 100644

(6) Whether the provider will be paid by the state department 100645
of job and family services or in some other manner as prescribed 100646
by rules adopted under section 5104.42 of the Revised Code; 100647

(7) That the contract is subject to the availability of state 100648
and federal funds. 100649

(C) Unless specifically prohibited by federal law or by rules 100650
adopted under section 5104.42 of the Revised Code, the county 100651
department of job and family services shall give individuals 100652
eligible for publicly funded child care the option of obtaining 100653
certificates that the individual may use to purchase services from 100654
any provider qualified to provide publicly funded child care under 100655
section 5104.31 of the Revised Code. Providers of publicly funded 100656
child care may present these certificates for payment in 100657
accordance with rules that the director of job and family services 100658
shall adopt. Only providers may receive payment for certificates. 100659
The value of the certificate shall be based on the lower of the 100660
rate customarily charged by the provider or the rate of payment 100661
established pursuant to section 5104.30 of the Revised Code. The 100662
county department may provide the certificates to the individuals 100663
or may contract with child care providers or child care resource 100664
and referral service organizations that make determinations of 100665
eligibility for publicly funded child care pursuant to contracts 100666
entered into under section 5104.34 of the Revised Code for the 100667

providers or resource and referral service organizations to 100668
provide the certificates to individuals whom they determine are 100669
eligible for publicly funded child care. 100670

For each six-month period a provider of publicly funded child 100671
care provides publicly funded child care to the child of an 100672
individual given certificates, the individual shall provide the 100673
provider certificates for days the provider would have provided 100674
publicly funded child care to the child had the child been 100675
present. The maximum number of days providers shall be provided 100676
certificates shall not exceed ten days in a six-month period 100677
during which publicly funded child care is provided to the child 100678
regardless of the number of providers that provide publicly funded 100679
child care to the child during that period. 100680

(D)(1) The department shall establish the Ohio electronic 100681
child care system to track attendance and calculate payments for 100682
publicly funded child care. The system shall include issuing an 100683
electronic child care card to each caretaker parent to swipe 100684
through a point-of-service device issued to an eligible provider, 100685
as described in section 5104.31 of the Revised Code. 100686

(2) Each eligible provider that provides publicly funded 100687
child care shall participate in the Ohio electronic child care 100688
system. A provider participating in the system shall not do any of 100689
the following: 100690

(a) Use or have possession of an electronic child care card 100691
issued to a caretaker parent; 100692

(b) Falsify attendance records; 100693

(c) Knowingly seek payment for publicly funded child care 100694
that was not provided; 100695

(d) Knowingly accept reimbursement for publicly funded child 100696
care that was not provided. 100697

Sec. 5107.10. (A) As used in this section:	100698
(1) "Countable income," "gross earned income," and "gross unearned income" have the meanings established in rules adopted under section 5107.05 of the Revised Code.	100699 100700 100701
(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code, except that references to a person's family in the definition shall be deemed to be references to the person's assistance group.	100702 100703 100704 100705
(3) "Gross income" means gross earned income and gross unearned income.	100706 100707
(4) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment.	100708 100709 100710 100711 100712 100713 100714 100715 100716
(B) Under the Ohio works first program, an assistance group shall receive, except as otherwise provided by this chapter, time-limited cash assistance. In the case of an assistance group that includes a minor head of household or adult, assistance shall be provided in accordance with the self-sufficiency contract entered into under section 5107.14 of the Revised Code.	100717 100718 100719 100720 100721 100722
(C) To be eligible to participate in Ohio works first, an assistance group must meet all of the following requirements:	100723 100724
(1) The assistance group, except as provided in division (E) of this section, must include at least one of the following:	100725 100726
(a) A minor child who, except as provided in section 5107.24	100727

of the Revised Code, resides with a parent, or specified relative 100728
caring for the child, or, to the extent permitted by Title IV-A 100729
and federal regulations adopted until Title IV-A, resides with a 100730
guardian or custodian caring for the child; 100731

(b) A parent residing with and caring for the parent's minor 100732
child who receives supplemental security income under Title XVI of 100733
the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 100734
as amended, or federal, state, or local adoption assistance; 100735

(c) A specified relative residing with and caring for a minor 100736
child who is related to the specified relative in a manner that 100737
makes the specified relative a specified relative and receives 100738
supplemental security income or federal, state, or local foster 100739
care or adoption assistance; 100740

(d) A woman at least six months pregnant. 100741

(2) The assistance group must meet the income requirements 100742
established by division (D) of this section. 100743

(3) No member of the assistance group may be involved in a 100744
strike. 100745

(4) The assistance group must satisfy the requirements for 100746
Ohio works first established by this chapter and ~~sections 5101.58,~~ 100747
~~5101.59, and section~~ 5101.83 of the Revised Code. 100748

(5) The assistance group must meet requirements for Ohio 100749
works first established by rules adopted under section 5107.05 of 100750
the Revised Code. 100751

(D)(1) Except as provided in division (D)(4) of this section, 100752
to determine whether an assistance group is initially eligible to 100753
participate in Ohio works first, a county department of job and 100754
family services shall do the following: 100755

(a) Determine whether the assistance group's gross income 100756
exceeds fifty per cent of the federal poverty guidelines. In 100757

making this determination, the county department shall disregard 100758
amounts that federal statutes or regulations and sections 5101.17 100759
and 5117.10 of the Revised Code require be disregarded. The 100760
assistance group is ineligible to participate in Ohio works first 100761
if the assistance group's gross income, less the amounts 100762
disregarded, exceeds fifty per cent of the federal poverty 100763
guidelines. 100764

(b) If the assistance group's gross income, less the amounts 100765
disregarded pursuant to division (D)(1)(a) of this section, does 100766
not exceed fifty per cent of the federal poverty guidelines, 100767
determine whether the assistance group's countable income is less 100768
than the payment standard. The assistance group is ineligible to 100769
participate in Ohio works first if the assistance group's 100770
countable income equals or exceeds the payment standard. 100771

(2) For the purpose of determining whether an assistance 100772
group meets the income requirement established by division 100773
(D)(1)(a) of this section, the annual revision that the United 100774
States department of health and human services makes to the 100775
federal poverty guidelines shall go into effect on the first day 100776
of July of the year for which the revision is made. 100777

(3) To determine whether an assistance group participating in 100778
Ohio works first continues to be eligible to participate, a county 100779
department of job and family services shall determine whether the 100780
assistance group's countable income continues to be less than the 100781
payment standard. In making this determination, the county 100782
department shall disregard the first two hundred fifty dollars and 100783
fifty per cent of the remainder of the assistance group's gross 100784
earned income. No amounts shall be disregarded from the assistance 100785
group's gross unearned income. The assistance group ceases to be 100786
eligible to participate in Ohio works first if its countable 100787
income, less the amounts disregarded, equals or exceeds the 100788
payment standard. 100789

(4) If an assistance group reapplies to participate in Ohio works first not more than four months after ceasing to participate, a county department of job and family services shall use the income requirement established by division (D)(3) of this section to determine eligibility for resumed participation rather than the income requirement established by division (D)(1) of this section.

(E)(1) An assistance group may continue to participate in Ohio works first even though a public children services agency removes the assistance group's minor children from the assistance group's home due to abuse, neglect, or dependency if the agency does both of the following:

(a) Notifies the county department of job and family services at the time the agency removes the children that it believes the children will be able to return to the assistance group within six months;

(b) Informs the county department at the end of each of the first five months after the agency removes the children that the parent, guardian, custodian, or specified relative of the children is cooperating with the case plans prepared for the children under section 2151.412 of the Revised Code and that the agency is making reasonable efforts to return the children to the assistance group.

(2) An assistance group may continue to participate in Ohio works first pursuant to division (E)(1) of this section for not more than six payment months. This division does not affect the eligibility of an assistance group that includes a woman at least six months pregnant.

Sec. 5107.14. (A) An assistance group is ineligible to participate in Ohio works first unless the following enter into a written self-sufficiency contract with the county department of job and family services:

(1) Each adult member of the assistance group; 100821

(2) The assistance group's minor head of household. 100822

(B) A self-sufficiency contract shall set forth the rights 100823
and responsibilities of the assistance group as applicants for and 100824
participants of Ohio works first. Each self-sufficiency contract 100825
shall include, based on appraisals conducted under section 5107.41 100826
of the Revised Code and assessments conducted under section 100827
5107.70 of the Revised Code, the following: 100828

(1) The assistance group's plan, developed under section 100829
5107.41 of the Revised Code, to achieve the goal of self 100830
sufficiency and personal responsibility through unsubsidized 100831
employment within the time limit for participating in Ohio works 100832
first established by section 5107.18 of the Revised Code; 100833

(2) Work activities, developmental activities, and 100834
alternative work activities to which members of the assistance 100835
group are assigned under sections 5107.40 to 5107.69 of the 100836
Revised Code; 100837

(3) The responsibility of a caretaker member of the 100838
assistance group to cooperate in establishing a minor child's 100839
paternity and establishing, modifying, and enforcing a support 100840
order for the child in accordance with section 5107.22 of the 100841
Revised Code; 100842

(4) Other responsibilities that members of the assistance 100843
group must satisfy to participate in Ohio works first and the 100844
consequences for failure or refusal to satisfy the 100845
responsibilities; 100846

(5) An agreement that, except as otherwise provided in a 100847
waiver issued under section 5107.714 of the Revised Code, the 100848
assistance group will comply with the conditions of participating 100849
in Ohio works first established by this chapter and ~~sections~~ 100850
~~5101.58, 5101.59, and section~~ 5101.83 of the Revised Code; 100851

(6) Assistance and services the county department will provide to the assistance group;	100852 100853
(7) Assistance and services the child support enforcement agency and public children services agency will provide to the assistance group pursuant to a plan of cooperation entered into under section 307.983 of the Revised Code;	100854 100855 100856 100857
(8) Other provisions designed to assist the assistance group in achieving self sufficiency and personal responsibility;	100858 100859
(9) Procedures for assessing whether responsibilities are being satisfied and whether the contract should be amended;	100860 100861
(10) Procedures for amending the contract.	100862
(C) No self-sufficiency contract shall include provisions regarding the LEAP program.	100863 100864
(D) The county department shall provide without charge a copy of the self-sufficiency contract to each assistance group member who signs it.	100865 100866 100867
Sec. 5107.16. (A) If a member of an assistance group fails or refuses, without good cause, to comply in full with a provision of a self-sufficiency contract entered into under section 5107.14 of the Revised Code, a county department of job and family services shall sanction the assistance group as follows:	100868 100869 100870 100871 100872
(1) For a first failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for one payment month or until the failure or refusal ceases, whichever is longer;	100873 100874 100875 100876
(2) For a second failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for three payment months or until the failure or refusal ceases, whichever is longer;	100877 100878 100879 100880

(3) For a third or subsequent failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for six payment months or until the failure or refusal ceases, whichever is longer.

(B) The director of job and family services shall establish standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract in rules adopted under section 5107.05 of the Revised Code.

(C) An assistance group member who fails or refuses, without good cause, to comply in full with a provision of a self-sufficiency contract must complete all compliance activities specified in rules adopted under section 5107.05 of the Revised Code in order for the failure or refusal to be considered to have ceased.

(D) After sanctioning an assistance group under division (A) of this section, a county department of job and family services shall continue to work with the assistance group.

(E) An adult eligible for medicaid ~~pursuant to division (C)(1)(a) of section 5111.01 of the Revised Code~~ who is sanctioned under division (A)(3) of this section for a failure or refusal, without good cause, to comply in full with a provision of a self-sufficiency contract related to work responsibilities under sections 5107.40 to 5107.69 of the Revised Code loses eligibility for medicaid unless the adult is otherwise eligible for medicaid pursuant to ~~another division of section 5111.01 of the Revised Code~~ an eligibility category other than the category associated with Title IV-A.

An assistance group that would be participating in Ohio works first if not for a sanction under this section shall continue to

be eligible for all of the following: 100912

(1) Publicly funded child care in accordance with division 100913
(A)(3) of section 5104.30 of the Revised Code; 100914

(2) Support services in accordance with section 5107.66 of 100915
the Revised Code; 100916

(3) To the extent permitted by the "Fair Labor Standards Act 100917
of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended, to participate 100918
in work activities, developmental activities, and alternative work 100919
activities in accordance with sections 5107.40 to 5107.69 of the 100920
Revised Code. 100921

Sec. 5107.20. As used in this section, "support" means child 100922
support, spousal support, and support for a spouse or a former 100923
spouse. 100924

Participation in Ohio works first constitutes an assignment 100925
to the department of job and family services of any rights members 100926
of an assistance group have to support from any other person, 100927
~~excluding medical support assigned pursuant to section 5101.59 of~~ 100928
~~the Revised Code.~~ The rights to support assigned to the department 100929
pursuant to this section constitute an obligation of the person 100930
who is responsible for providing the support to the state for the 100931
amount of cash assistance provided to the assistance group. 100932

The office of child support in the department of job and 100933
family services shall collect and distribute support payments owed 100934
to Ohio works first participants, whether assigned to the 100935
department or unassigned, in accordance with 42 U.S.C. 654 B and 100936
657 and regulations adopted under those statutes, state statutes, 100937
and rules adopted under section 5107.05 of the Revised Code. 100938

Upon implementation of centralized collection and 100939
disbursement under Chapter 3121. of the Revised Code, in 100940
accordance with 42 U.S.C. 654 B and 657 and regulations adopted 100941

under those statutes, the department shall deposit support 100942
payments it receives pursuant to this section into the state 100943
treasury to the credit of the child support collections fund or 100944
the child support administrative fund, both of which are hereby 100945
created. Money credited to the funds shall be used to make cash 100946
assistance payments under Ohio works first. 100947

Sec. 5107.24. (A) As used in this section: 100948

(1) "Adult-supervised living arrangement" means a family 100949
setting approved, licensed, or certified by the department of job 100950
and family services, the department of ~~mental health~~ mental health 100951
and addiction services, the department of developmental 100952
disabilities, the department of youth services, a public children 100953
services agency, a private child placing agency, or a private 100954
noncustodial agency that is maintained by a person age eighteen or 100955
older who assumes responsibility for the care and control of a 100956
minor parent, pregnant minor, or child of a minor parent or 100957
provides the minor parent, pregnant minor, or child of a minor 100958
parent supportive services, including counseling, guidance, and 100959
supervision. "Adult-supervised living arrangement" does not mean a 100960
public institution. 100961

(2) "Child of a minor parent" means a child born to a minor 100962
parent, except that the child ceases to be considered a child of 100963
minor parent when the minor parent attains age eighteen. 100964

(3) "Minor parent" means a parent who is under age eighteen 100965
and is not married. 100966

(4) "Pregnant minor" means a pregnant person who is under age 100967
eighteen and not married. 100968

(B)(1) Except as provided in division (B)(2) of this section 100969
and to the extent permitted by Title IV-A and federal regulations 100970
adopted under Title IV-A, a pregnant minor, minor parent, or child 100971

of a minor parent must reside in a place of residence maintained 100972
by a parent, guardian, custodian, or specified relative of the 100973
pregnant minor or minor parent as the parent's, guardian's, 100974
custodian's, or specified relative's own home to be eligible to 100975
participate in Ohio works first. 100976

(2) To the extent permitted by Title IV-A and federal 100977
regulations adopted under it, a pregnant minor, minor parent, or 100978
child of a minor parent is exempt from the requirement of division 100979
(B)(1) of this section if any of the following apply: 100980

(a) The minor parent or pregnant minor does not have a 100981
parent, guardian, custodian, or specified relative living or whose 100982
whereabouts are known. 100983

(b) No parent, guardian, custodian, or specified relative of 100984
the minor parent or pregnant minor will allow the pregnant minor, 100985
minor parent, or minor parent's child to live in the parent's, 100986
guardian's, custodian's, or specified relative's home. 100987

(c) The department of job and family services, a county 100988
department of job and family services, or a public children 100989
services agency determines that the physical or emotional health 100990
or safety of the pregnant minor, minor parent, or minor parent's 100991
child would be in jeopardy if the pregnant minor, minor parent, or 100992
minor parent's child lived in the same home as the parent, 100993
guardian, custodian, or specified relative. 100994

(d) The department of job and family services, a county 100995
department of job and family services, or a public children 100996
services agency otherwise determines that it is in the best 100997
interest of the pregnant minor, minor parent, or minor parent's 100998
child to waive the requirement of division (B)(1) of this section. 100999

(C) A pregnant minor, minor parent, or child of a minor 101000
parent exempt from the requirement of division (B)(1) of this 101001
section must reside in an adult-supervised living arrangement to 101002

be eligible to participate in Ohio works first. 101003

(D) The department of job and family services, whenever 101004
possible and to the extent permitted by Title IV-A and federal 101005
regulations adopted under it, shall provide cash assistance under 101006
Ohio works first to the parent, guardian, custodian, or specified 101007
relative of a pregnant minor or minor parent on behalf of the 101008
pregnant minor, minor parent, or minor parent's child. 101009

Sec. 5107.26. (A) As used in this section+ 101010

~~(1) "Transitional, "transitional~~ child care" means publicly 101011
funded child care provided under division (A)(3) of section 101012
5104.34 of the Revised Code. 101013

~~(2) "Transitional medicaid" means the medical assistance 101014
provided under section 5111.0115 of the Revised Code. 101015~~

(B) Except as provided in division (C) of this section, ~~each:~~ 101016

(1) Each member of an assistance group participating in Ohio 101017
works first is ineligible to participate in the program for six 101018
payment months if a county department of job and family services 101019
determines that a member of the assistance group terminated the 101020
member's employment ~~and each.~~ 101021

(2) Each person who, on the day prior to the day a recipient 101022
begins to receive transitional child care ~~or transitional~~ 101023
~~medicaid~~, was a member of the recipient's assistance group is 101024
ineligible to participate in Ohio works first for six payment 101025
months if a county department determines that the recipient 101026
terminated the recipient's employment. 101027

(C) No assistance group member shall lose or be denied 101028
eligibility to participate in Ohio works first pursuant to 101029
division (B) of this section if the termination of employment was 101030
because an assistance group member or recipient of transitional 101031
child care ~~or transitional medicaid~~ secured comparable or better 101032

employment or the county department of job and family services 101033
certifies that the member or recipient terminated the employment 101034
with just cause. 101035

Just cause includes the following: 101036

(1) Discrimination by an employer based on age, race, sex, 101037
color, handicap, religious beliefs, or national origin; 101038

(2) Work demands or conditions that render continued 101039
employment unreasonable, such as working without being paid on 101040
schedule; 101041

(3) Employment that has become unsuitable due to any of the 101042
following: 101043

(a) The wage is less than the federal minimum wage; 101044

(b) The work is at a site subject to a strike or lockout, 101045
unless the strike has been enjoined under section 208 of the 101046
"Labor-Management Relations Act," 61 Stat. 155 (1947), 29 U.S.C.A. 101047
178, as amended, an injunction has been issued under section 10 of 101048
the "Railway Labor Act," 44 Stat. 586 (1926), 45 U.S.C.A. 160, as 101049
amended, or an injunction has been issued under section 4117.16 of 101050
the Revised Code; 101051

(c) The documented degree of risk to the member or 101052
recipient's health and safety is unreasonable; 101053

(d) The member or recipient is physically or mentally unfit 101054
to perform the employment, as documented by medical evidence or by 101055
reliable information from other sources. 101056

(4) Documented illness of the member or recipient or of 101057
another assistance group member of the member or recipient 101058
requiring the presence of the member or recipient; 101059

(5) A documented household emergency; 101060

(6) Lack of adequate child care for children of the member or 101061
recipient who are under six years of age. 101062

Sec. 5107.42. (A) Except as provided in divisions (B) and (C) 101063
of this section, county departments of job and family services 101064
shall assign each minor head of household and adult participating 101065
in Ohio works first, other than a minor head of household 101066
participating in the LEAP program, to one or more work activities 101067
and developmental activities. 101068

If a county department assigns a minor head of household or 101069
adult to the work activity established under division (H) of 101070
section 5107.60 of the Revised Code, the county department shall 101071
make reasonable efforts to assign the minor head of household or 101072
adult to at least one other work activity at the same time. If a 101073
county department assigns a minor head of household or adult to 101074
the work activity established under section 5107.58 of the Revised 101075
Code, the county department shall assign the minor head of 101076
household or adult to at least one other work activity at the same 101077
time. 101078

A county department may not assign a minor head of household 101079
or adult to a work activity established under division (D) of 101080
section 5107.60 of the Revised Code for more than twelve months. 101081

(B) If a county department determines that a minor head of 101082
household or adult has a temporary or permanent barrier to 101083
participation in a work activity, it may assign the minor head of 101084
household or adult to one or more alternative work activities 101085
instead of assigning the minor head of household or adult to one 101086
or more work activities or developmental activities. A county 101087
department may not assign more than twenty per cent of minor heads 101088
of household and adults participating in Ohio works first to an 101089
alternative work activity. 101090

County departments shall establish standards for determining 101091
whether a minor head of household or adult has a temporary or 101092
permanent barrier to participating in a work activity. The 101093

following are examples of circumstances that a county department 1011094
may consider when it develops its standards: 1011095

(1) A minor head of household or adult provides the county 1011096
department documented evidence that one or more members of the 1011097
assistance group have been the victim of domestic violence and are 1011098
in imminent danger of suffering continued domestic violence; 1011099

(2) A minor head of household or adult is actively 1011100
participating in ~~an alcohol or drug~~ a community addiction program 1011101
services provider certified by the department of ~~alcohol and drug~~ 1011102
~~addiction services~~ mental health and addiction services under 1011103
section ~~3793.06~~ 5119.36 of the Revised Code; 1011104

(3) An assistance group is homeless. 1011105

(C) A county department may exempt a minor head of household 1011106
or adult who is unmarried and caring for a minor child under 1011107
twelve months of age from the work requirements of sections 1011108
5107.40 to 5107.69 of the Revised Code for not more than twelve 1011109
months. While exempt, the minor head of household or adult shall 1011110
be disregarded in determining whether the county department is 1011111
meeting the requirement of section 5107.44 of the Revised Code. 1011112
The county department shall assign the exempt minor head of 1011113
household or adult to at least one developmental activity for a 1011114
number of hours a week the county department determines. The 1011115
county department may assign the exempt minor head of household or 1011116
adult to one or more work activities, in addition to developmental 1011117
activities, for a number of hours the county department 1011118
determines. Division (B) of section 5107.43 of the Revised Code 1011119
does not apply to the exempt minor head of household or adult. 1011120

(D) A county department may reassign a minor head of 1011121
household or adult when the county department determines 1011122
reassignment will aid the assistance group in achieving self 1011123
sufficiency and personal responsibility and shall make 1011124

reassignments when circumstances requiring reassignment occur, 101125
including when a temporary barrier to participating in a work 101126
activity is eliminated. 101127

A county department shall include assignments in the 101128
self-sufficiency contract entered into under section 5107.14 of 101129
the Revised Code and shall amend the contract when a reassignment 101130
is made to include the reassignment in the contract. 101131

Sec. 5107.64. County departments of job and family services 101132
shall establish and administer alternative work activities for 101133
minor heads of households and adults participating in Ohio works 101134
first. In establishing alternative work activities, county 101135
departments are not limited by the restrictions Title IV-A imposes 101136
on work activities. The following are examples of alternative work 101137
activities that a county department may establish: 101138

(A) Parenting classes and life-skills training; 101139

(B) Participation in ~~an alcohol or drug~~ a community addiction 101140
~~program~~ services provider certified by the department of ~~alcohol~~ 101141
~~and drug addiction services~~ mental health and addiction services 101142
under section ~~3793.06~~ 5119.36 of the Revised Code; 101143

(C) In the case of a homeless assistance group, finding a 101144
home; 101145

(D) In the case of a minor head of household or adult with a 101146
disability, active work in an individual written rehabilitation 101147
plan with the ~~rehabilitation services commission~~ opportunities for 101148
Ohioans with disabilities agency; 101149

(E) In the case of a minor head of household or adult who has 101150
been the victim of domestic violence, residing in a domestic 101151
violence shelter, receiving counseling or treatment related to the 101152
domestic violence, or participating in criminal justice activities 101153
against the domestic violence offender; 101154

(F) An education program under which a participant who does not speak English attends English as a second language course.

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Sec. 5115.20. (A) The department of job and family services shall establish a disability advocacy program and each county department of job and family services shall establish a disability advocacy program unit or join with other county departments of job and family services to establish a joint county disability advocacy program unit. Through the program the department and county departments shall cooperate in efforts to assist applicants for and recipients of assistance under the disability financial assistance program, who might be eligible for supplemental security income benefits under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended, in applying for those benefits.

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As part of their disability advocacy programs, the state department and county departments may enter into contracts for the services of persons and government entities that in the judgment of the department or county department have demonstrated expertise in representing persons seeking supplemental security income benefits. Each contract shall require the person or entity with which a department contracts to assess each person referred to it by the department to determine whether the person appears to be eligible for supplemental security income benefits, and, if the person appears to be eligible, assist the person in applying and represent the person in any proceeding of the social security administration, including any appeal or reconsideration of a denial of benefits. The department or county department shall provide to the person or entity with which it contracts all records in its possession relevant to the application for supplemental security income benefits. The department shall require a county department with relevant records to submit them to the person or entity.

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(B) Each applicant for or recipient of disability financial assistance who, in the judgment of the department of job and family services or a county department of job and family services might be eligible for supplemental security benefits, shall, as a condition of eligibility for assistance, apply for such benefits if directed to do so by the department or county department.

(C) With regard to applicants for and recipients of disability financial assistance, each county department of job and family services shall do all of the following:

(1) Identify applicants and recipients who might be eligible for supplemental security income benefits;

(2) Assist applicants and recipients in securing documentation of disabling conditions or refer them for such assistance to a person or government entity with which the department of job and family services or county department has contracted under division (A) of this section;

(3) Inform applicants and recipients of available sources of representation, which may include a person or government entity with which the department or county department has contracted under division (A) of this section, and of their right to represent themselves in reconsiderations and appeals of social security administration decisions that deny them supplemental security income benefits. The county department may require the applicants and recipients, as a condition of eligibility for assistance, to pursue reconsiderations and appeals of social security administration decisions that deny them supplemental security income benefits, and shall assist applicants and recipients as necessary to obtain such benefits or refer them to a person or government entity with which the department or county department has contracted under division (A) of this section.

(4) Require applicants and recipients who, in the judgment of

the county department, are or may be aged, blind, or disabled, to 101218
apply for ~~medical assistance under Chapter 5111. of the Revised~~ 101219
~~Code~~ the medicaid program, make determinations when appropriate as 101220
to eligibility for ~~medical assistance~~ medicaid, and refer their 101221
applications when necessary to the disability determination unit 101222
established in accordance with division (F) of this section for 101223
expedited review; 101224

(5) Require each applicant and recipient who in the judgment 101225
of the department or the county department might be eligible for 101226
supplemental security income benefits, as a condition of 101227
eligibility for disability financial assistance, to execute a 101228
written authorization for the secretary of health and human 101229
services to withhold benefits due that individual and pay to the 101230
director of job and family services or the director's designee an 101231
amount sufficient to reimburse the state and county shares of 101232
interim assistance furnished to the individual. For the purposes 101233
of division (C)(5) of this section, "benefits" and "interim 101234
assistance" have the meanings given in Title XVI of the "Social 101235
Security Act." 101236

(D) The director of job and family services shall adopt rules 101237
in accordance with section 111.15 of the Revised Code for the 101238
effective administration of the disability advocacy program. The 101239
rules shall include all of the following: 101240

(1) Methods to be used in collecting information from and 101241
disseminating it to county departments, including the following: 101242

(a) The number of individuals in the county who are disabled 101243
recipients of disability financial assistance; 101244

(b) The final decision made either by the social security 101245
administration or by a court for each application or 101246
reconsideration in which an individual was assisted pursuant to 101247
this section. 101248

(2) The type and process of training to be provided by the department of job and family services to the employees of the county department of job and family services who perform duties under this section;

(3) Requirements for the written authorization required by division (C)(5) of this section.

(E) The department of job and family services shall provide basic and continuing training to employees of the county department of job and family services who perform duties under this section. Training shall include but not be limited to all processes necessary to obtain federal disability benefits, and methods of advocacy.

(F) The department of medicaid shall establish a disability determination unit and develop guidelines for expediting reviews of applications for ~~medical assistance under Chapter 5111. of the Revised Code~~ the medicaid program for persons who have been referred to the unit under division (C)(4) of this section. The department of medicaid shall make determinations of eligibility for ~~medical assistance~~ medicaid for any such person within the time prescribed by federal regulations.

(G) The department of job and family services may, under rules the director of job and family services adopts in accordance with section 111.15 of the Revised Code, pay a portion of the federal reimbursement described in division (C)(5) of this section to persons or government entities that assist or represent assistance recipients in reconsiderations and appeals of social security administration decisions denying them supplemental security income benefits.

(H) The director of job and family services shall conduct investigations to determine whether disability advocacy programs are being administered in compliance with the Revised Code and the

rules adopted by the director pursuant to this section. 101280

Sec. 5117.10. (A) On or before the fifteenth day of January, 101281
the director of development shall pay each applicant determined 101282
eligible for a payment under divisions (A) and (B) of section 101283
5117.07 of the Revised Code one hundred twenty-five dollars. 101284

(B) The director may withhold from any payment to which a 101285
person would otherwise be entitled under division (A) of this 101286
section any amount that the director determines was erroneously 101287
received by such person in a preceding year under this or the 101288
program established under Am. Sub. H.B. 230, as amended by Am. 101289
H.B. 937, Am. Sub. H.B. 1073, Am. Sub. S.B. 493, and Am. Sub. S.B. 101290
523 of the 112th general assembly, provided the director has 101291
employed all other legal methods reasonably available to obtain 101292
reimbursement for the erroneous payment or credit prior to the 101293
commencement of the current program year. 101294

(C) Payments made under this section and credits granted 101295
under section 5117.09 of the Revised Code shall not be considered 101296
income for the purpose of determining eligibility or the level of 101297
benefits or assistance under section 329.042 or Chapters 5107.7 101298
~~5111.7~~ and 5115. of the Revised Code; the medicaid program; 101299
supplemental security income payments under Title XVI of the 101300
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 101301
amended; or any other program under which eligibility or the level 101302
of benefits or assistance is based upon need measured by income. 101303

Sec. ~~3793.01~~ 5119.01. (A) As used in this chapter: 101304

(1) "Addiction" means the chronic and habitual use of 101305
alcoholic beverages, the use of a drug of abuse as defined in 101306
section 3719.011 of the Revised Code, or the use of gambling by an 101307
individual to the extent that the individual no longer can control 101308
the individual's use of alcohol, the individual becomes physically 101309

or psychologically dependent on the drug, the individual's use of 101310
alcohol or drugs endangers the health, safety, or welfare of the 101311
individual or others, or the individual's gambling causes 101312
psychological, financial, emotional, marital, legal, or other 101313
difficulties endangering the health, safety, or welfare of the 101314
individual or others. 101315

(2) "Addiction services" means services, including 101316
intervention, for the treatment of persons with alcohol, drug, or 101317
gambling addictions, and for the prevention of such addictions. 101318

(3) "Alcohol and drug addiction services" means services, 101319
including intervention, for the treatment of alcoholics or persons 101320
who abuse drugs of abuse and for the prevention of alcoholism and 101321
drug addiction. 101322

(4) "Alcoholic" means a person suffering from alcoholism. 101323

(5) "Alcoholism" means the chronic and habitual use of 101324
alcoholic beverages by an individual to the extent that the 101325
individual no longer can control the individual's use of alcohol 101326
or endangers the health, safety, or welfare of the individual or 101327
others. 101328

~~(2) "Alcoholic" means a person suffering from alcoholism.~~ 101329

~~(3)~~(6) "Community addiction services provider" means an 101330
agency, association, corporation, individual, or program that 101331
provides community alcohol, drug addiction, or gambling addiction 101332
services that are certified by the department of mental health and 101333
addiction services under section 5119.36 of the Revised Code. 101334

(7) "Community mental health services provider" means an 101335
agency, association, corporation, individual, or program that 101336
provides community mental health services that are certified by 101337
the department of mental health and addiction services under 101338
section 5119.36 of the Revised Code. 101339

(8) "Drug addiction" means the use of a drug of abuse, as defined in section 3719.011 of the Revised Code, by an individual to the extent that the individual becomes physically or psychologically dependent on the drug or endangers the health, safety, or welfare of the individual or others.

~~(4) "Alcohol and drug addiction services" means services, including intervention, for the treatment of alcoholics or persons who abuse drugs of abuse and for the prevention of alcoholism and drug addiction.~~

~~(5) "Alcohol and drug addiction program" means a program that provides alcohol or drug addiction services and includes a facility or entity that operates such a program.~~

~~(6)~~(9) "Gambling addiction" means the use of gambling by an individual to the extent that it causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

~~(7)~~(10) "Gambling addiction services" means services for the treatment of persons who have a gambling addiction and for the prevention of gambling addiction.

(11) "Hospital" means a hospital or inpatient unit licensed by the department of mental health and addiction services under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code.

(12) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(13) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness as defined in this section.

(14)(a) "Residence" means a person's physical presence in a 101371
county with intent to remain there, except in either of the 101372
following circumstances: 101373

(i) If a person is receiving a mental health service at a 101374
facility that includes nighttime sleeping accommodations, 101375
"residence" means that county in which the person maintained the 101376
person's primary place of residence at the time the person entered 101377
the facility; 101378

(ii) If a person is committed pursuant to section 2945.38, 101379
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 101380
"residence" means the county where the criminal charges were 101381
filed. 101382

(b) When the residence of a person is disputed, the matter of 101383
residence shall be referred to the department of mental health and 101384
addiction services for investigation and determination. Residence 101385
shall not be a basis for a board of alcohol, drug addiction, and 101386
mental health services to deny services to any person present in 101387
the board's service district, and the board shall provide services 101388
for a person whose residence is in dispute while residence is 101389
being determined and for a person in an emergency situation. 101390

(B) Any reference in this chapter to a board of alcohol, drug 101391
addiction, and mental health services also refers to an alcohol 101392
and drug addiction services board or a community mental health 101393
board in a service district in which an alcohol and drug addiction 101394
services board or a community mental health board has been 101395
established under section 340.021 or former section 340.02 of the 101396
Revised Code. 101397

Sec. 5119.04. The department of ~~mental health~~ mental health 101398
and addiction services and any institutions under its supervision 101399
or jurisdiction shall, where applicable, be in substantial 101400
compliance with standards set forth for psychiatric facilities by 101401

the joint commission ~~on accreditation of healthcare organizations~~ 101402
or medical assistance standards under Title XIX of the "Social 101403
Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or 101404
other applicable standards, ~~except that the department and any~~ 101405
~~institution under its supervision or jurisdiction shall be in~~ 101406
~~substantial compliance with standards for physical facilities and~~ 101407
~~equipment by July 1, 1989. The requirements of this section do not~~ 101408
~~apply to any facility designated by the director of mental health~~ 101409
~~for use as a psychiatric rehabilitation center.~~ 101410

The requirements of this section are in addition to any other 101411
requirements established by the Revised Code and nothing in this 101412
section shall be construed to limit any rights, privileges, 101413
protections, or immunities which may exist under the constitution 101414
and laws of the United States or this state. 101415

Sec. ~~5119.27~~ 5119.05. Subject to the rules of the director of 101416
~~mental health~~ mental health and addiction services, each 101417
institution under the jurisdiction of the department shall be 101418
under the management and control of a managing officer to be known 101419
as a ~~superintendent~~ chief executive officer or by another 101420
appropriate title. Such managing officer shall be appointed by the 101421
director of ~~mental health~~ mental health and addiction services, 101422
and shall be in the unclassified service and serve at the pleasure 101423
of the director. Each managing officer shall be of good moral 101424
character and have skill, ability, and experience in ~~his~~ the 101425
managing officer's profession. ~~Appointment to this position may be~~ 101426
~~made from persons holding positions in the classified service in~~ 101427
~~the department.~~ 101428

The managing officer, under the director, shall ~~have entire~~ 101429
~~executive charge~~ serve as the appointing authority of the 101430
institution ~~for~~ to which such managing officer is appointed. 101431
Subject to civil service rules, the managing officer shall have 101432

the power to appoint the necessary and remove employees and he or 101433
the director may remove such employees for cause of the 101434
institution. On behalf of the institution, the managing officer 101435
has the authority and responsibility for entering into contracts 101436
and other agreements for the efficient operations of the 101437
institution. 101438

Sec. ~~5119.44~~ 5119.051. The department of ~~mental health~~ mental 101439
health and addiction services shall keep in its office a proper 101440
and complete set of books and accounts with each institution, 101441
which shall clearly show the nature and amount of every 101442
expenditure authorized and made at such institution, and which 101443
shall contain an account of all appropriations made by the general 101444
assembly and of all other funds, together with the disposition of 101445
such funds. 101446

The department shall prescribe the form of vouchers, records, 101447
and methods of keeping accounts at each of the institutions, which 101448
shall be as nearly uniform as possible. The department may examine 101449
the records of each institution at any time. 101450

The department may authorize any of its ~~bookkeepers~~ 101451
bookkeepers, accountants, or employees to examine and check the 101452
records, accounts, and vouchers or take an inventory of the 101453
property of any institution, or do whatever is necessary, and pay 101454
the actual and reasonable expenses incurred in such service when 101455
an itemized account is filed and approved. 101456

Sec. ~~5119.43~~ 5119.06. The department of ~~mental health~~ mental 101457
health and addiction services shall keep in its office, accessible 101458
only to its employees, except by the consent of the department or 101459
the order of the judge of a court of record, a record showing the 101460
name, residence, sex, age, nativity, occupation, condition, and 101461
date of entrance or commitment of every patient in the 101462

institutions governed by it, the date, cause, and terms of 101463
discharge and the condition of such person at the time of leaving, 101464
and also a record of all transfers from one institution to 101465
another, and, if such person dies while in the care or custody of 101466
the department, the date and cause of death. These and such other 101467
facts as the department requires shall be furnished by the 101468
managing officer of each institution within twenty-four hours 101469
after the commitment, entrance, death, or discharge of a patient. 101470

In case of an accident or injury or peculiar death of a 101471
patient the managing officer shall make a special report to the 101472
department within twenty-four hours thereafter, giving the 101473
circumstances as fully as possible. 101474

Sec. ~~5119.42~~ 5119.07. A person, firm, or corporation may file 101475
a petition in the court of common pleas of the county in which a 101476
benevolent institution of the department of mental health and 101477
addiction services is located, in which petition the desire to 101478
erect or carry on at a less distance than that prescribed in 101479
section 3767.19 of the Revised Code shall be set forth, the 101480
business prohibited, the precise point of its establishment, and 101481
the reasons and circumstances, in its opinion, why the erection or 101482
carrying on ~~thereof~~ of the business would not annoy or endanger 101483
the health, convenience, or recovery of the patients of such 101484
institution. The petitioner shall give notice in a newspaper of 101485
general circulation in the county of the pendency and prayer of 101486
the petition for at least six consecutive weeks before the day set 101487
for hearing the petition and serve a written notice upon the 101488
~~superintendent~~ managing officer of the institution at least thirty 101489
days before the day set for hearing the petition. 101490

If, upon the hearing of the petition, it appears that the 101491
notice has been given as required and the court is of the opinion 101492
that no good reason exists why such establishment may not be 101493

erected or such business carried on and that by the erection or 101494
carrying on ~~thereof~~ of the business at the point named, the 101495
institution will sustain no detriment, the court may issue an 101496
order granting the prayer of the petitioner. Thereafter the 101497
petitioner may locate such establishment or carry on such business 101498
at the point named in the petition. 101499

Sec. ~~5119.14~~ 5119.08. (A) As used in this section, "felony" 101500
has the same meaning as in section 109.511 of the Revised Code. 101501

(B)(1) Subject to division (C) of this section, upon the 101502
recommendation of the director of ~~mental health~~ mental health and 101503
addiction services, the managing officer of an institution under 101504
the jurisdiction of the department of ~~mental health~~ mental health 101505
and addiction services may designate one or more employees to be 101506
special police officers of the department. The special police 101507
officers shall take an oath of office, wear the badge of office, 101508
and give bond for the proper and faithful discharge of their 101509
duties in an amount that the director requires. 101510

(2) In accordance with section 109.77 of the Revised Code, 101511
the special police officers shall be required to complete 101512
successfully a peace officer basic training program approved by 101513
the Ohio peace officer training commission and to be certified by 101514
the commission. The cost of the training shall be paid by the 101515
department of ~~mental health~~ mental health and addiction services. 101516

(3) Special police officers, on the premises of institutions 101517
under the jurisdiction of the department of ~~mental health~~ mental 101518
health and addiction services and subject to the rules of the 101519
department, shall protect the property of the institutions and the 101520
persons and property of patients in the institutions, suppress 101521
riots, disturbances, and breaches of the peace, and enforce the 101522
laws of the state and the rules of the department for the 101523
preservation of good order. They may arrest any person without a 101524

warrant and detain the person until a warrant can be obtained 101525
under the circumstances described in division (F) of section 101526
2935.03 of the Revised Code. 101527

(C)(1) The managing officer of an institution under the 101528
jurisdiction of the department of ~~mental health~~ mental health and 101529
addiction services shall not designate an employee as a special 101530
police officer of the department pursuant to division (B)(1) of 101531
this section on a permanent basis, on a temporary basis, for a 101532
probationary term, or on other than a permanent basis if the 101533
employee previously has been convicted of or has pleaded guilty to 101534
a felony. 101535

(2)(a) The managing officer of an institution under the 101536
jurisdiction of the department of ~~mental health~~ mental health and 101537
addiction services shall terminate the employment as a special 101538
police officer of the department of an employee designated as a 101539
special police officer under division (B)(1) of this section if 101540
that employee does either of the following: 101541

(i) Pleads guilty to a felony; 101542

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 101543
plea agreement as provided in division (D) of section 2929.43 of 101544
the Revised Code in which the employee agrees to surrender the 101545
certificate awarded to that employee under section 109.77 of the 101546
Revised Code. 101547

(b) The managing officer shall suspend from employment as a 101548
special police officer of the department an employee designated as 101549
a special police officer under division (B)(1) of this section if 101550
that employee is convicted, after trial, of a felony. If the 101551
special police officer files an appeal from that conviction and 101552
the conviction is upheld by the highest court to which the appeal 101553
is taken or if the special police officer does not file a timely 101554
appeal, the managing officer shall terminate the employment of 101555

that special police officer. If the special police officer files 101556
an appeal that results in that special police officer's acquittal 101557
of the felony or conviction of a misdemeanor, or in the dismissal 101558
of the felony charge against that special police officer, the 101559
managing officer shall reinstate that special police officer. A 101560
special police officer of the department who is reinstated under 101561
division (C)(2)(b) of this section shall not receive any back pay 101562
unless that special police officer's conviction of the felony was 101563
reversed on appeal, or the felony charge was dismissed, because 101564
the court found insufficient evidence to convict the special 101565
police officer of the felony. 101566

(3) Division (C) of this section does not apply regarding an 101567
offense that was committed prior to January 1, 1997. 101568

(4) The suspension from employment, or the termination of the 101569
employment, of a special police officer under division (C)(2) of 101570
this section shall be in accordance with ~~Chapter 119. of the~~ 101571
~~Revised Code~~ applicable collective bargaining agreements. 101572

Sec. ~~5119.30~~ 5119.09. The attorney general shall attend to 101573
all ~~suits~~ claims instituted on behalf of or against the department 101574
of mental health and addiction services or any institution under 101575
the jurisdiction of the department ~~of mental health~~ and the 101576
managing officer thereof, except such institutions as are 101577
privately owned or operated under a license from the department of 101578
~~mental health~~ mental health and addiction services, and shall 101579
represent the public hospital in proceedings under section 5122.15 101580
of the Revised Code. The department of ~~mental health~~ mental health 101581
and addiction services shall reimburse the attorney general for 101582
the compensation of assistant attorneys general required to 101583
represent the public hospital in proceedings under section 5122.15 101584
of the Revised code and shall also pay the costs of litigation 101585
incurred by the attorney general under that section. 101586

If a writ of habeas corpus is applied for, the clerk of the court shall give notice of the time and place of hearing to the attorney general.

Sec. ~~5119.01~~ 5119.10. (A) The director of ~~mental health~~ mental health and addiction services is the chief executive and ~~administrative officer~~ appointing authority of the department of ~~mental health~~ mental health and addiction services. The director may organize the department for its efficient operation, including creating divisions or offices as necessary. The director may establish procedures for the governance of the department, conduct of its employees and officers, performance of its business, and custody, use, and preservation of departmental records, papers, books, documents, and property. Whenever the Revised Code imposes a duty upon or requires an action of the department or any of its institutions, the director or the director's designee shall perform the action or duty in the name of the department, except that the medical director appointed pursuant to section ~~5119.07~~ 5119.11 of the Revised Code shall be responsible for decisions relating to medical diagnosis, treatment, rehabilitation, quality assurance, and the clinical aspects of the following: licensure of hospitals and residential facilities, research, community addiction and mental health services plans, and certification and delivery of mental health and addiction services.

(B) The director shall:

~~(A)~~(1) Adopt rules for the proper execution of the powers and duties of the department with respect to the institutions under its control, and require the performance of additional duties by the officers of the institutions as necessary to fully meet the requirements, intents, and purposes of this chapter. In case of an apparent conflict between the powers conferred upon any managing officer and those conferred by such sections upon the department,

the presumption shall be conclusive in favor of the department. 101618

~~(B)~~(2) Adopt rules for the nonpartisan management of the 101619
institutions under the department's control. An officer or 101620
employee of the department or any officer or employee of any 101621
institution under its control who, by solicitation or otherwise, 101622
exerts influence directly or indirectly to induce any other 101623
officer or employee of the department or any of its institutions 101624
to adopt the exerting officer's or employee's political views or 101625
to favor any particular person, issue, or candidate for office 101626
shall be removed from the exerting officer's or employee's office 101627
or position, by the department in case of an officer or employee, 101628
and by the governor in case of the director. 101629

~~(C)~~(3) Appoint such employees, including the medical 101630
director, as are necessary for the efficient conduct of the 101631
department, and prescribe their titles and duties; 101632

~~(D)~~(4) Prescribe the forms of affidavits, applications, 101633
medical certificates, orders of hospitalization and release, and 101634
all other forms, reports, and records that are required in the 101635
hospitalization or admission and release of all persons to the 101636
institutions under the control of the department, or are otherwise 101637
required under this chapter or Chapter 5122. of the Revised Code; 101638

~~(E) Contract with hospitals licensed by the department under 101639
section 5119.20 of the Revised Code for the care and treatment of 101640
mentally ill patients, or with persons, organizations, or agencies 101641
for the custody, evaluation, supervision, care, or treatment of 101642
mentally ill persons receiving services elsewhere than within the 101643
enclosure of a hospital operated under section 5119.02 of the 101644
Revised Code;~~ 101645

~~(F)~~(5) Exercise the powers and perform the duties relating to 101646
community addiction and mental health facilities and services that 101647
are assigned to the director under this chapter and Chapter 340. 101648

of the Revised Code; 101649

~~(G)~~(6) Develop and implement clinical evaluation and 101650
monitoring of services that are operated by the department; 101651

~~(H)~~(7) Adopt rules establishing standards for the performance 101652
of evaluations by a forensic center or other psychiatric program 101653
or facility of the mental condition of defendants ordered by the 101654
court under section 2919.271, or 2945.371 of the Revised Code, and 101655
for the treatment of defendants who have been found incompetent to 101656
stand trial and ordered by the court under section 2945.38, 101657
2945.39, 2945.401, or 2945.402 of the Revised Code to receive 101658
treatment in facilities; 101659

~~(I)~~(8) On behalf of the department, have the authority and 101660
responsibility for entering into contracts and other agreements+ 101661
with providers, agencies, institutions, and other entities, both 101662
public and private, as necessary for the department to carry out 101663
its duties under this chapter and Chapters 340., 2919., 2945., and 101664
5122. of the Revised Code. Chapter 125. of the Revised Code does 101665
not apply to contracts the director enters into under this section 101666
for services provided to individuals with mental illness by 101667
providers, agencies, institutions, and other entities not owned or 101668
operated by the department. 101669

~~(J)~~ Prepare and publish regularly a state mental health plan 101670
that describes the department's philosophy, current activities, 101671
and long term and short term goals and activities; 101672

~~(K)~~(9) Adopt rules in accordance with Chapter 119. of the 101673
Revised Code specifying the supplemental services that may be 101674
provided through a trust authorized by section 5815.28 of the 101675
Revised Code; 101676

~~(L)~~(10) Adopt rules in accordance with Chapter 119. of the 101677
Revised Code establishing standards for the maintenance and 101678
distribution to a beneficiary of assets of a trust authorized by 101679

section 5815.28 of the Revised Code. 101680

(C) The director may contract with hospitals licensed by the 101681
department under section 5119.33 of the Revised Code for the care 101682
and treatment of mentally ill patients, or with persons, 101683
organizations, or agencies for the custody, evaluation, 101684
supervision, care, or treatment of mentally ill persons receiving 101685
services elsewhere than within the enclosure of a hospital 101686
operated under section 5119.14 of the Revised Code. 101687

Sec. ~~5119.07~~ 5119.11. (A) The director of mental health 101688
mental health and addiction services shall appoint a medical 101689
director who ~~is a psychiatrist as defined in division (E) of~~ 101690
~~section 5122.01 of the Revised Code,~~ is eligible or certified by 101691
the American board of psychiatry and neurology or the American 101692
osteopathic board of neurology and psychiatry, and has at least 101693
five years of clinical and two years of administrative experience. 101694
The medical director shall also have certification or substantial 101695
training and experience in the field of addiction medicine or 101696
addiction psychiatry. The medical director shall be responsible 101697
for decisions relating to medical diagnosis, treatment, 101698
prevention, rehabilitation, quality assurance, and the clinical 101699
aspects of mental health and addiction services involving all of 101700
the following: ~~licensure~~ 101701

(1) Licensure of hospitals ~~and,~~ residential facilities, 101702
~~research, community mental health and outpatient facilities;~~ 101703

(2) Research; 101704

(3) Community addiction and mental health services plans; 101705

(4) Certification and delivery of mental health and addiction 101706
services. ~~The~~ 101707

(B) The medical director shall also exercise clinical 101708
supervision of the chief clinical officers of hospitals and 101709

institutions under the jurisdiction of the department and shall 101710
review and approve decisions relating to the employment of the 101711
chief clinical officers. The medical director or ~~his~~ the medical 101712
director's designee shall advise the director on matters relating 101713
to licensure, research, ~~community mental health plans,~~ and the 101714
certification and delivery of mental health and addiction services 101715
and community plans. The medical director shall participate in the 101716
development of guidelines for community addiction and mental 101717
health services plans. The director of ~~mental health~~ mental health 101718
and addiction services may establish other duties of the medical 101719
director. ~~The medical director shall participate in the~~ 101720
~~development of guidelines for community mental health plans.~~ 101721

Sec. 5119.02 5119.14. (A) The department of ~~mental health~~ 101722
mental health and addiction services shall maintain, operate, 101723
manage, and govern state institutions and other services for the 101724
care and treatment of mentally ill persons. 101725

(B)(1) The department of ~~mental health~~ mental health and 101726
addiction services may, with the approval of the governor, 101727
designate ~~all~~ the name and purpose of any institutions under its 101728
jurisdiction ~~by appropriate respective names, regardless of~~ 101729
~~present statutory designation~~ and may change, with the approval of 101730
the governor, the designation and name when necessary. 101731

~~(C)~~(2) The department shall divide the state into districts 101732
for the purpose of designating the institution in which mentally 101733
ill persons are hospitalized and may change the districts. 101734

(3) Subject to section 5139.08 and pursuant to Chapter 5122. 101735
of the Revised Code and on the agreement of the departments of 101736
~~mental health~~ mental health and addiction services and youth 101737
services, the department of ~~mental health~~ mental health and 101738
addiction services may receive from the department of youth 101739
services for psychiatric observation, diagnosis, or treatment any 101740

person eighteen years of age or older in the custody of the 101741
department of youth services. The departments ~~shall~~ may enter into 101742
a written agreement specifying the procedures necessary to 101743
implement this division. 101744

~~(D)~~(C) The department of ~~mental health~~ mental health and 101745
addiction services shall designate hospitals, facilities, and 101746
community mental health ~~agencies~~ services providers for the 101747
custody, care, and special treatment of, and authorize payment for 101748
such custody, care, and special treatment provided to, persons who 101749
are charged with a crime and who are found incompetent to stand 101750
trial or not guilty by reason of insanity. 101751

~~(E)~~(D) The department of ~~mental health~~ mental health and 101752
addiction services may do ~~all~~ any of the following: 101753

(1) Require reports from the managing officer of any 101754
institution under the department's jurisdiction, relating to the 101755
admission, examination, comprehensive evaluation, diagnosis, 101756
release, or discharge of any patient; 101757

(2) Visit each institution regularly to review its operations 101758
and to investigate complaints made by any patient or by any person 101759
on behalf of a patient, provided these duties may be performed by 101760
a person designated by the director. 101761

~~(F) The department of mental health shall divide the state~~ 101762
~~into districts for the purpose of designating the institution in~~ 101763
~~which mentally ill persons are hospitalized, and may change the~~ 101764
~~districts.~~ 101765

~~(G)~~(E) The department of mental health and addiction services 101766
may provide or contract to provide addiction services for 101767
offenders incarcerated in the state prison system. 101768

(F) In addition to the powers expressly conferred, the 101769
department of ~~mental health~~ mental health and addiction services 101770
shall have all powers and authority necessary for the full and 101771

efficient exercise of the executive, administrative, and fiscal 101772
supervision over the state institutions described in this section. 101773

~~(H) The department of mental health may provide for the 101774
custody, supervision, control, treatment, and training of mentally 101775
ill persons hospitalized elsewhere than within the enclosure of a 101776
hospital, if the department so determines with respect to any 101777
individual or group of individuals. In all such cases, the 101778
department shall ensure adequate and proper supervision for the 101779
protection of such persons and of the public. 101780~~

Sec. ~~5119.012~~ 5119.141. The department of ~~mental health~~ 101781
mental health and addiction services has all the authority 101782
necessary to carry out its powers and duties under this chapter 101783
and Chapters 340., 2919., 2945., and 5122. of the Revised Code, 101784
including the authority to adopt rules pursuant to Chapter 119. of 101785
the Revised Code that may be necessary to carry out the purposes 101786
of this chapter and Chapters 340., 2919., 2945., and 5122. of the 101787
Revised Code. 101788

Sec. ~~5119.24~~ 5119.15. The department of ~~mental health~~ mental 101789
health and addiction services may make such investigations as are 101790
necessary in the performance of its duties and to that end the 101791
director of ~~mental health~~ mental health and addiction services 101792
shall have the same power as a judge of a county court to 101793
administer oaths and to enforce the attendance and testimony of 101794
witnesses and the production of books or papers. 101795

The department shall keep a record of such investigations 101796
stating the time, place, charges or subject, witnesses summoned 101797
and examined, and its conclusions. 101798

In matters involving the conduct of an officer, a 101799
stenographic report of the evidence shall be taken and a copy of 101800
such report, with all documents introduced, kept on file at the 101801

office of the department. 101802

The fees of witnesses for attendance and travel shall be the 101803
same as in the court of common pleas, but no officer or employee 101804
of the institution under investigation is entitled to such fees. 101805

Any judge of the probate court or of the court of common 101806
pleas, upon application of the department, may compel the 101807
attendance of witnesses, the production of books or papers, and 101808
the giving of testimony before the department, by a judgment for 101809
contempt or otherwise, in the same manner as in cases before such 101810
courts. 101811

The department of ~~mental health~~ mental health and addiction 101812
services may appoint and commission any competent agency or 101813
person, to serve without compensation, as a special agent, 101814
investigator, or representative to perform a designated duty for 101815
the department. Specific credentials shall be given by the 101816
department to each person so designated. Each credential shall 101817
state the: 101818

- (A) Name of the agent, investigator, or representative; 101819
- (B) Agency with which such person is connected; 101820
- (C) Purpose of appointment; 101821
- (D) Date of expiration of appointment; 101822
- (E) Such information as the department considers proper. 101823

Sec. ~~3793.051~~ 5119.161. The department of ~~alcohol and drug~~ 101824
~~addiction services~~ mental health and addiction services, in 101825
conjunction with the department of job and family services, shall 101826
develop a joint state plan to improve the accessibility and 101827
timeliness of alcohol and drug addiction services for individuals 101828
identified by a public children services agency as in need of 101829
those services. The plan shall address the fact that Ohio works 101830
first participants may be among the persons receiving services 101831

under section 340.15 of the Revised Code and shall require the 101832
department of job and family services to seek federal funds 101833
available under Title IV-A of the "Social Security Act," 49 Stat. 101834
620 (1935), 42 U.S.C.A. 301, as amended, for the provision of the 101835
services to Ohio works first participants who are receiving 101836
services under section 340.15 of the Revised Code. 101837

The plan shall address the need and manner for sharing 101838
information and include a request for the general assembly to 101839
appropriate an amount of funds specified in the report to be used 101840
by the departments to pay for services under section 340.15 of the 101841
Revised Code. The departments shall review and amend the plan as 101842
necessary. 101843

Not later than the first day of July of each even-numbered 101844
year, the departments shall submit a report on the progress made 101845
under the joint state plan to the governor, president of the 101846
senate, and speaker of the house of representatives. The report 101847
shall include information on treatment capacity, needs 101848
assessments, and number of individuals who received services 101849
pursuant to section 340.15 of the Revised Code. 101850

Sec. ~~3793.15~~ 5119.17. (A) The department of ~~alcohol and drug~~ 101851
~~addiction services~~ mental health and addiction services, in 101852
accordance with division (B) of this section, shall give priority 101853
to developing, and promptly shall develop, with available public 101854
and private resources a program that does all of the following: 101855

(1) Provides a manner of identifying the aggregate number of 101856
pregnant women in this state who are addicted to a drug of abuse; 101857

(2) Provides for an effective means of intervention to 101858
eliminate the addiction of pregnant women to drugs of abuse prior 101859
to the birth of their children; 101860

(3) Provides for the continued monitoring of women who were 101861

addicted to a drug of abuse during their pregnancies, after the 101862
birth of their children, and for the availability of treatment and 101863
rehabilitation for those women; 101864

(4) Provides a manner of determining the aggregate number of 101865
children who are born in this state to women who are addicted, at 101866
the time of birth, to a drug of abuse, and of children who are 101867
born in this state with an addiction to or a dependency on a drug 101868
of abuse; 101869

(5) Provides for the continued monitoring of children who are 101870
born in this state to women who are addicted, at the time of 101871
birth, to a drug of abuse, or who are born in this state with an 101872
addiction to or dependency on a drug of abuse, after their birth; 101873

(6) Provides for the treatment and rehabilitation of any 101874
child who is born to a woman who is addicted, at the time of 101875
birth, to a drug of abuse, and of any child who is born with an 101876
addiction to or dependency on a drug of abuse. 101877

(B) In developing the program described in division (A) of 101878
this section, the department may obtain information from the 101879
department of health and the department of job and family 101880
services, and those departments shall cooperate with the 101881
department of ~~alcohol and drug addiction services~~ mental health 101882
and addiction services in its development and implementation of 101883
the program. 101884

(C) Immediately upon its development of the program described 101885
in division (A) of this section, the department shall implement 101886
the program. 101887

(D) Any record or information that is obtained or maintained 101888
by the department in connection with the program described in 101889
division (A) of this section and could enable the identification 101890
of any woman or child described in division (A)(1) or (4) of this 101891
section is not a public record subject to inspection or copying 101892

under section 149.43 of the Revised Code. 101893

Sec. ~~5119.071~~ 5119.18. An appointing authority may appoint a 101894
person who holds a certified or permanent position in the 101895
classified service within the department of ~~mental health~~ mental 101896
health and addiction services to a position in the unclassified 101897
service within the department. A person appointed pursuant to this 101898
section to a position in the unclassified service shall retain the 101899
right to resume the position and status held by the person in the 101900
classified service immediately prior to the person's appointment 101901
to the position in the unclassified service, ~~regardless of the~~ 101902
~~number of positions the person held in the unclassified service.~~ 101903
~~An employee's right to resume a position in the classified service~~ 101904
~~may only be exercised when an appointing authority demotes the~~ 101905
~~employee to a pay range lower than the employee's current pay~~ 101906
~~range or revokes the employee's appointment to the unclassified~~ 101907
~~service. An employee forfeits the right to resume a position in~~ 101908
~~the classified service when the employee is removed from the~~ 101909
~~position in the unclassified service due to incompetence,~~ 101910
~~inefficiency, dishonesty, drunkenness, immoral conduct,~~ 101911
~~insubordination, discourteous treatment of the public, neglect of~~ 101912
~~duty, violation of this chapter or Chapter 124. of the Revised~~ 101913
~~Code, violation of the rules of the director of administrative~~ 101914
~~services or the director of mental health, any other failure of~~ 101915
~~good behavior, any other acts of misfeasance, malfeasance, or~~ 101916
~~nonfeasance in office, or conviction of a felony. An employee also~~ 101917
~~forfeits the right to resume a position in the classified service~~ 101918
~~upon transfer to a different agency.~~ 101919

~~Reinstatement to a position in the classified service shall~~ 101920
~~be to a position substantially equal to that position in the~~ 101921
~~classified service held previously, as certified by the director~~ 101922
~~of administrative services. If the position the person previously~~ 101923
~~held in the classified service has been placed in the unclassified~~ 101924

~~service or is otherwise unavailable, the person shall be appointed 101925
to a position in the classified service within the department that 101926
the director of administrative services certifies is comparable in 101927
compensation to the position the person previously held in the 101928
classified service. Service in the position in the unclassified 101929
service shall be counted as service in the position in the 101930
classified service held by the person immediately prior to the 101931
person's appointment to the position in the unclassified service. 101932
When a person is reinstated to a position in the classified 101933
service as provided in this section, the person is entitled to all 101934
rights, status, and benefits accruing to the position in the 101935
classified service during the person's time of service in the 101936
position in the unclassified service pursuant to division (D) of 101937
section 124.11 of the Revised Code. 101938~~

Sec. ~~5119.072~~ 5119.181. (A) No appointing officer shall 101939
appoint a person to fill a position in either the classified or 101940
unclassified service of the department of ~~mental health~~ mental 101941
health and addiction services if the person has been convicted of 101942
or pleaded guilty to a violation of the following: 101943

(1) Any felony contained in the Revised Code, if the felony 101944
bears a direct and substantial relationship to the position being 101945
filled; 101946

(2) Any crime contained in the Revised Code constituting a 101947
misdemeanor of the first degree on the first offense and a felony 101948
on subsequent offenses, if the crime bears a direct and 101949
substantial relationship to the position being filled; 101950

(3) An existing or former law of this state, any other state, 101951
or the United States, if the law violated is substantially 101952
equivalent to any of the offenses described in division (A)(1) or 101953
(2) of this section. 101954

(B) The director of ~~mental health~~ mental health and addiction 101955

services shall adopt rules, in accordance with Chapter 119. of the Revised Code, to implement this section.

(C) The director or an appointing officer shall request the bureau of criminal identification and investigation created by section 109.51 of the Revised Code or, at ~~his~~ the director's or appointing officer's discretion, any other state or federal agency, to supply ~~him~~ the director or appointing officer with a written report regarding the criminal records of any applicant. For each investigation undertaken at the department's request under this section, the department shall pay a reasonable fee to the bureau or other state or federal agency conducting the investigation. The amount of the fee shall be determined by the bureau or other state or federal agency conducting the investigation and shall be sufficient to cover the costs of conducting the investigation. The report made by the bureau or other state or federal agency is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, except the applicant, the director, the appointing officer or ~~his designee~~ the appointing officer's designees, or any hearing officer involved in a case denying employment.

(D) As used in this section, "applicant" means a person who is under final consideration for appointment to a position in the classified or unclassified service of the department of ~~mental health~~ mental health and addiction services.

Sec. ~~5119.08~~ 5119.182. The department of ~~mental health~~ shall mental health and addiction services may require any of its employees and each officer and employee of every institution under its control who may be charged with custody or control of any money or property belonging to the state or who is required to give bond, to give a surety company bond, properly conditioned, in

a sum to be fixed by the department which when approved by the 101987
department, shall be filed in the office of the secretary of 101988
state. The cost of such bonds, when approved by the department, 101989
shall be paid from funds available for the department. The bonds 101990
required or authorized by this section may, in the discretion of 101991
the director of ~~mental health~~ mental health and addiction 101992
services, be individual, schedule, or blanket bonds. 101993

Sec. ~~5119.10~~ 5119.184. The department of ~~mental health~~ mental 101994
health and addiction services may provide educational grants or 101995
tuition reimbursements to upgrade the education, training, and 101996
professional achievement of its employees, whenever it determines 101997
that provision of such grants or reimbursements is essential to 101998
the achievement of its goals. The department may enter into 101999
agreements with its employees for the purposes of this section. 102000
The agreements may require, as a condition of each grant or 102001
reimbursement, that the employee continue employment with the 102002
department or with another federal, state, or local public agency 102003
designated by the department for a period of time stated in the 102004
agreement. If an employee does not fulfill the employment 102005
requirement stated in the agreement, the department may take 102006
action to recover the amount of all educational grants or tuition 102007
reimbursements paid to the employee under this section, plus 102008
interest at the rate of ten per cent per year calculated from the 102009
date of payment of each grant or reimbursement. 102010

Sec. ~~5119.101~~ 5119.185. (A) As used in this section, 102011
"physician" means an individual authorized under Chapter 4731. of 102012
the Revised Code to practice medicine and surgery or osteopathic 102013
medicine and surgery. 102014

(B) The department of ~~mental health~~ mental health and 102015
addiction services may establish a physician recruitment program 102016
under which the department agrees to repay all or part of the 102017

principal and interest of a government or other educational loan 102018
incurred by a physician who agrees to provide services to 102019
inpatients and outpatients of institutions under the department's 102020
administration. To be eligible to participate in the program, a 102021
physician must have attended a school that was, at the time of 102022
attendance, a medical school or osteopathic medical school in this 102023
country accredited by the liason committee on medical education or 102024
the American osteopathic association, or a medical school or 102025
osteopathic medical school located outside this country that was 102026
acknowledged by the world health organization and verified by a 102027
member state of that organization as operating within that state's 102028
jurisdiction. 102029

(C) The department shall enter into a contract with each 102030
physician it recruits under this section. Each contract shall 102031
include at least the following terms: 102032

(1) The physician agrees to provide a specified scope of 102033
medical or osteopathic medical services for a specified number of 102034
hours per week and a specified number of years to patients of one 102035
or more specified institutions administered by the department. 102036

(2) The department agrees to repay all or a specified portion 102037
of the principal and interest of a government or other educational 102038
loan taken by the physician for the following expenses if the 102039
physician meets the service obligation agreed to and the expenses 102040
were incurred while the physician was enrolled in, for up to a 102041
maximum of four years, a school that qualifies the physician to 102042
participate in the program: 102043

(a) Tuition; 102044

(b) Other educational expenses for specific purposes, 102045
including fees, books, and laboratory expenses, in amounts 102046
determined to be reasonable in accordance with rules adopted under 102047
division (D) of this section; 102048

(c) Room and board, in an amount determined to be reasonable 102049
in accordance with rules adopted under division (D) of this 102050
section. 102051

(3) The physician agrees to pay the department a specified 102052
amount, which shall be not less than the amount already paid by 102053
the department pursuant to its agreement, as damages if ~~he~~ the 102054
physician fails to complete the service obligation agreed to or 102055
fails to comply with other specified terms of the contract. The 102056
contract may vary the amount of damages based on the portion of 102057
the physician's service obligation that remains uncompleted as 102058
determined by the department. 102059

(4) Other terms agreed upon by the parties. 102060

(D) If the department elects to implement the physician 102061
recruitment program, it shall adopt rules in accordance with 102062
Chapter 119. of the Revised Code that establish all of the 102063
following: 102064

(1) Criteria for designating institutions for which 102065
physicians will be recruited; 102066

(2) Criteria for selecting physicians for participation in 102067
the program; 102068

(3) Criteria for determining the portion of a physician's 102069
loan that the department will agree to repay; 102070

(4) Criteria for determining reasonable amounts of the 102071
expenses described in divisions (C)(2)(b) and (c) of this section; 102072

(5) Procedures for monitoring compliance by physicians with 102073
the terms of their contracts; 102074

(6) Any other criteria or procedures necessary to implement 102075
the program. 102076

Sec. ~~5119.11~~ 5119.186. (A) The director of ~~mental health~~ 102077

mental health and addiction services or the managing officer of an 102078
institution of the department may enter into an agreement with 102079
boards of trustees or boards of directors of one or more 102080
institutions of higher education or hospitals licensed pursuant to 102081
section ~~5119.20~~ 5119.33 of the Revised Code to establish, manage, 102082
and conduct collaborative training efforts for students enrolled 102083
in courses of studies for occupations or professions ~~which may be~~ 102084
~~determined by the director upon the approval of the medical~~ 102085
~~director to be in occupations or professions needed to provide~~ 102086
~~adequate~~ that involve the care and treatment for persons receiving 102087
mental health or addiction services. 102088

(B) Such collaborative training efforts may include but are 102089
not limited to programs in psychiatry, psychology, nursing, social 102090
work, counseling professions, and others considered appropriate by 102091
the director of ~~mental health~~ mental health and addiction 102092
services. Any such program shall be approved or accredited by its 102093
respective professional organization or state board having 102094
jurisdiction over the profession. 102095

(1) The department shall require that the following be 102096
provided for in agreements between the department and institutions 102097
of higher education or hospitals licensed pursuant to section 102098
~~5119.20~~ 5119.33 of the Revised Code: 102099

(a) Establishment of inter-disciplinary committees to advise 102100
persons responsible for training programs. Each committee shall 102101
have representation drawn from the geographical community the 102102
institution of higher education or hospital serves and shall 102103
include representatives of agencies, boards, targeted populations 102104
as determined by the department, racial and ethnic minority 102105
groups, and publicly funded programs; 102106

(b) Funding procedures; 102107

(c) Specific outcomes and accomplishments that are expected 102108

or required of a program under such agreement; 102109

(d) The types of services to be provided under such 102110
agreement. 102111

(2) The department may require that the following be provided 102112
for in agreements between the department and institutions of 102113
higher education or hospitals licensed pursuant to section ~~5119.20~~ 102114
5119.33 of the Revised Code: 102115

(a) Special arrangements for individual residents or trainees 102116
to encourage their employment in publicly funded settings upon 102117
completion of their training; 102118

(b) Procedures for the selection of residents or trainees to 102119
promote the admission, retention, and graduation of women, 102120
minorities, and ~~handicapped~~ disabled persons; 102121

(c) Cross-cultural training and other subjects considered 102122
necessary to enhance training efforts and the care and treatment 102123
of patients and clients; 102124

(d) Funding of faculty positions oriented toward meeting the 102125
needs of publicly funded programs. 102126

Subject to appropriations by the general assembly, the 102127
director of ~~mental health~~ mental health and addiction services has 102128
final approval of the funding of these collaborative training 102129
efforts. 102130

Sec. ~~5119.12~~ 5119.187. The courses of study for the 102131
instruction and training of all persons in institutions under the 102132
control of the department of ~~mental health~~ mental health and 102133
addiction services shall be subject to the approval of the 102134
superintendent of public instruction. 102135

All teachers employed in institutions under the control of 102136
the department of ~~mental health~~ mental health and addiction 102137
services shall possess such educator licenses or have such 102138

qualifications and approval as the superintendent of public 102139
instruction, after consulting with the officers in charge of the 102140
institutions, prescribes for the various types of service in the 102141
institutions. 102142

Sec. ~~3793.16~~ 5119.188. (A) As used in this section, "state 102143
correctional institution" has the same meaning as in section 102144
2967.01 of the Revised Code. 102145

(B) The department of ~~alcohol and drug addiction services~~ 102146
mental health and addiction services shall develop a program that 102147
is designed to educate and train the employees of each state 102148
correctional institution, the employees of each department of 102149
youth services institution, and other persons associated by 102150
contract or otherwise with each state correctional institution or 102151
each department of youth services institution, who will be 102152
responsible for the conduct of, or otherwise providing treatment 102153
or rehabilitation services pursuant to, a substance abuse 102154
treatment or rehabilitation program offered in the institution to 102155
adult prisoners or juvenile offenders. Upon the development of the 102156
educational and training program, the department of ~~alcohol and~~ 102157
~~drug addiction services~~ mental health and addiction services 102158
promptly shall commence its implementation. The department of 102159
~~alcohol and drug addiction services~~ mental health and addiction 102160
services may charge to the department of rehabilitation and 102161
correction and to the department of youth services a reasonable 102162
annual fee that reflects the expenses incurred by it during the 102163
immediately preceding calendar year in preparing and offering the 102164
educational and training program during that year to the 102165
respective employees and other associated persons described in 102166
this division. 102167

The director of rehabilitation and correction and the 102168
director of youth services shall require the respective employees 102169

and other associated persons described in this division to attend 102170
and successfully complete the educational and training program 102171
developed pursuant to this division as a condition of their 102172
continuing to have responsibility for the conduct of, or their 102173
continuing to provide treatment or rehabilitation services 102174
pursuant to, any treatment or rehabilitation program that is 102175
offered in a state correctional institution or in a department of 102176
youth services institution to adult prisoners or juvenile 102177
offenders. If the department of ~~alcohol and drug addiction~~ 102178
~~services~~ mental health and addiction services charges a reasonable 102179
annual fee as described in this division, the director involved 102180
shall cause that fee to be paid from any available funds of the 102181
department of rehabilitation and correction or any available funds 102182
of the department of youth services. 102183

(C) The department of rehabilitation and correction and the 102184
department of ~~alcohol and drug addiction services~~ mental health 102185
and addiction services jointly shall develop program 102186
specifications for the alcohol and drug addiction treatment 102187
programs offered in state correctional institutions. 102188

Sec. ~~3793.031~~ 5119.201. (A) The director of ~~alcohol and drug~~ 102189
~~addiction services~~ mental health and addiction services may 102190
acquire by purchase, lease, or otherwise such real and personal 102191
property rights in the name of the state as are necessary for the 102192
purposes of the department. ~~The~~ 102193

(B) When it is necessary for a state institution under the 102194
jurisdiction of the department to acquire any real estate, 102195
right-of-way, or easement in real estate in order to accomplish 102196
the purposes for which it was organized or is being conducted, and 102197
the department is unable to agree with the owner of such property 102198
upon the price to be paid for the property, such property may be 102199
appropriated in the manner provided for the appropriation of 102200

property for other state purposes. 102201

~~(C) The director, with the approval of the governor and the~~ 102202
~~attorney general,~~ may work with the department of administrative 102203
services to sell, lease, or exchange portions of real and personal 102204
property of the department when the sale, lease, or exchange is 102205
advantageous to the state. Money received from such sales, leases, 102206
or exchanges shall be credited to the ~~general revenue~~ the 102207
department of mental health and addiction services trust fund, 102208
created in section 5119.46 of the Revised Code. 102209

(D) Any instrument by which real property is acquired 102210
pursuant to this section shall identify the agency of the state 102211
that has the use and benefit of the real property as specified in 102212
section 5301.012 of the Revised Code. 102213

Sec. ~~5119.06~~ 5119.21. (A) The department of ~~mental health~~ 102214
mental health and addiction services shall: 102215

~~(A)(1)~~ To the extent the department has available resources 102216
and in consultation with boards of alcohol, drug addiction, and 102217
mental health services, support a ~~community support system~~ 102218
continuum of care in accordance with ~~section 340.03~~ Chapter 340. 102219
of the Revised Code on a district or multi-district basis. The 102220
department shall define the essential elements of a ~~community~~ 102221
~~support system~~ continuum of care, shall assist in identifying 102222
resources, and may prioritize support for one or more of the 102223
elements. 102224

~~(B) Operate inpatient and other mental health services;~~ 102225

~~(C)(2)~~ Provide training, consultation, and technical 102226
assistance regarding mental health ~~programs~~ and addiction services 102227
and appropriate prevention, recovery, and mental health promotion 102228
activities, including those that are culturally ~~sensitive~~ 102229
competent, to employees of the department, community mental health 102230

~~agencies and addiction services providers, boards of alcohol, drug~~ 102231
~~addiction, and mental health services,~~ and other agencies 102232
providing mental health and addiction services; 102233

~~(D)~~(3) To the extent the department has available resources, 102234
promote and support a full range of mental health and addiction 102235
services that are available and accessible to all residents of 102236
this state, especially for severely mentally disabled children, 102237
adolescents, ~~and~~ adults, pregnant women, parents, guardians or 102238
custodians of children at risk of abuse or neglect, and other 102239
special target populations, including racial and ethnic 102240
minorities, as determined by the department; 102241

~~(E)~~(4) Develop standards and measures for evaluating the 102242
effectiveness of mental health and addiction services, including 102243
services that use methadone treatment, of gambling addiction 102244
services, and for increasing the accountability of mental health 102245
and alcohol and addiction services providers and of gambling 102246
addiction services providers; 102247

(5) Design and set criteria for the determination of ~~severe~~ 102248
~~mental disability~~ priority populations; 102249

~~(F)~~ ~~Establish standards for evaluation of mental health~~ 102250
~~programs;~~ 102251

~~(G)~~(6) Promote, direct, conduct, and coordinate scientific 102252
research, taking ethnic and racial differences into consideration, 102253
concerning the causes and prevention of mental illness and 102254
addiction, methods of providing effective services and treatment, 102255
and means of enhancing the mental health of and recovery from 102256
addiction of all residents of this state; 102257

~~(H)~~(7) Foster the establishment and availability of 102258
vocational rehabilitation services and the creation of employment 102259
opportunities for consumers of mental health and addiction 102260
services, including members of racial and ethnic minorities; 102261

~~(I)~~(8) Establish a program to protect and promote the rights of persons receiving mental health and addiction services, including the issuance of guidelines on informed consent and other rights;

~~(J)~~ Establish, in consultation with board of alcohol, drug addiction, and mental health services representatives and after consideration of the recommendations of the medical director, guidelines for the development of community mental health plans and the review and approval or disapproval of such plans submitted pursuant to section 340.03 of the Revised Code;

~~(K)~~(9) Promote the involvement of persons who are receiving or have received mental health or addiction services, including families and other persons having a close relationship to a person receiving ~~mental health~~ those services, in the planning, evaluation, delivery, and operation of mental health and addiction services;

~~(L)~~(10) Notify and consult with the relevant constituencies that may be affected by rules, standards, and guidelines issued by the department of ~~mental health~~ mental health and addiction services. These constituencies shall include consumers of mental health and addiction services and their families, and may include public and private providers, employee organizations, and others when appropriate. Whenever the department proposes the adoption, amendment, or rescission of rules under Chapter 119. of the Revised Code, the notification and consultation required by this division shall occur prior to the commencement of proceedings under Chapter 119. The department shall adopt rules under Chapter 119. of the Revised Code that establish procedures for the notification and consultation required by this division.

~~(M)~~ In cooperation with board of alcohol, drug addiction, and mental health services representatives, provide training regarding the provision of community based mental health services to those

~~department employees who are utilized in state operated,~~ 102294
~~community based mental health services;~~ 102295

~~(N)(11)~~ Provide consultation to the department of 102296
rehabilitation and correction concerning the delivery of mental 102297
health and addiction services in state correctional institutions. 102298

(12) Promote and coordinate efforts in the provision of 102299
alcohol and drug addiction services and of gambling addiction 102300
services by other state agencies, as defined in section 1.60 of 102301
the Revised Code; courts; hospitals; clinics; physicians in 102302
private practice; public health authorities; boards of alcohol, 102303
drug addiction, and mental health services; alcohol and drug 102304
addiction services providers; law enforcement agencies; gambling 102305
addiction services providers; and related groups; 102306

(13) Provide to each court of record, and biennially update, 102307
a list of the treatment and education programs within that court's 102308
jurisdiction that the court may require an offender, sentenced 102309
pursuant to section 4511.19 of the Revised Code, to attend; 102310

(14) Make the warning sign described in sections 3313.752, 102311
3345.41, and 3707.50 of the Revised Code available on the 102312
department's internet web site; 102313

(15) Provide a program of gambling addiction services on 102314
behalf of the state lottery commission, pursuant to an agreement 102315
entered into with the director of the commission under division 102316
(K) of section 3770.02 of the Revised Code, and provide a program 102317
of gambling addiction services on behalf of the Ohio casino 102318
control commission, under an agreement entered into with the 102319
executive director of the commission under section 3772.062 of the 102320
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 102321
Constitution, the department may enter into agreements with boards 102322
of alcohol, drug addiction, and mental health services, including 102323
boards with districts in which a casino facility is not located, 102324

and nonprofit organizations to provide gambling addiction services 102325
and substance abuse services, and with state institutions of 102326
higher education or private nonprofit institutions that possess a 102327
certificate of authorization issued under Chapter 1713. of the 102328
Revised Code to perform related research. 102329

(B) The department may accept and administer grants from 102330
public or private sources for carrying out any of the duties 102331
enumerated in this section. 102332

(C) Pursuant to Chapter 119. of the Revised Code, the 102333
department shall adopt a rule defining the term "intervention" as 102334
it is used in this chapter in connection with alcohol and drug 102335
addiction services and in connection with gambling addiction 102336
services. The department may adopt other rules as necessary to 102337
implement the requirements of this chapter. 102338

~~Sec. 5119.61 5119.22. Any provision in this chapter that~~ 102339
~~refers to a board of alcohol, drug addiction, and mental health~~ 102340
~~services also refers to the community mental health board in an~~ 102341
~~alcohol, drug addiction, and mental health service district that~~ 102342
~~has a community mental health board.~~ 102343

The director of ~~mental health~~ mental health and addiction 102344
services with respect to all mental health and addiction 102345
facilities and ~~programs~~ services established and operated or 102346
provided under Chapter 340. of the Revised Code ~~for mentally ill~~ 102347
~~and emotionally disturbed persons,~~ shall do all of the following: 102348

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 102349
that may be necessary to carry out the purposes of ~~Chapter this~~ 102350
chapter and Chapters 340. and ~~sections 5119.61 to 5119.63 5122.~~ of 102351
the Revised Code. 102352

~~(1) The rules shall include the following:~~ 102353

~~(a) Rules governing a community mental health agency's~~ 102354

~~services under section 340.091 of the Revised Code to an individual referred to the agency under division (D)(2) of section 5119.69 of the Revised Code;~~

~~(b) For the purpose of division (A)(16) of section 340.03 of the Revised Code, rules governing the duties of mental health agencies and boards of alcohol, drug addiction, and mental health services regarding referrals of individuals with mental illness or severe mental disability to residential facilities as defined in division (A)(9)(b) of section 5119.22 of the Revised Code and effective arrangements for ongoing mental health services for the individuals.~~

~~(2) Rules may be adopted to govern the method of paying a community mental health facility, as defined in section 5111.023 of the Revised Code, for providing services listed in division (B) of that section. Such rules must be consistent with the contract entered into between the departments of job and family services and mental health under section 5111.91 of the Revised Code and include requirements ensuring appropriate service utilization.~~

~~(B) Review and evaluate, and the continuum of care in each service district, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district served by the program submitted under division (A)(4) of section 340.03 of the Revised Code and the requirements and priorities and plans of the state mental health plan department, including the needs of residents of the district now residing in state mental institutions currently receiving services in state-operated hospitals, and make recommendations for needed improvements to boards of alcohol, drug addiction, and mental health services;~~

~~(C) Provide consultative services to community mental health agencies with the knowledge and cooperation of the board of alcohol, drug addiction, and mental health services;~~

~~(D)~~ At the director's discretion, provide to boards of alcohol, drug addiction, and mental health services state or federal funds, in addition to those allocated under section ~~5119.62~~ 5119.23 of the Revised Code, for special programs or projects the director considers necessary but for which local funds are not available;

(D) Establish, in consultation with board of alcohol, drug addiction, and mental health service representatives and after consideration of the recommendations of the medical director, guidelines for the development of community mental health and addiction services plans and the review and approval or disapproval of such plans submitted pursuant to section 340.03 of the Revised Code.

(E) Establish criteria by which a board of alcohol, drug addiction, and mental health services reviews and evaluates the quality, effectiveness, and efficiency of its contracted services ~~provided through its community mental health plan~~. The criteria shall include requirements ensuring appropriate service utilization. The department shall assess a board's evaluation of services and the compliance of each board with this section, Chapter 340. ~~or section 5119.62~~ of the Revised Code, and other state or federal law and regulations. The department, in cooperation with the board, periodically shall review and evaluate the quality, effectiveness, and efficiency of services provided through each board. The department shall collect information that is necessary to perform these functions.

(F) To the extent the director determines necessary and after consulting with boards of alcohol, drug addiction, and mental health services, develop and operate, or contract for the operation of, a community ~~mental~~ behavioral health information system or systems. The department shall specify the information that must be provided by boards of alcohol, drug addiction, and

mental health services and by community addiction and mental 102419
health services providers for inclusion in the system or systems. 102420

Boards of alcohol, drug addiction, and mental health services 102421
and community addiction and mental health services providers shall 102422
submit information requested by the department in the form and 102423
manner and in accordance with time frames prescribed by the 102424
department. Information collected by the department ~~shall~~ may 102425
include, ~~but not be limited to,~~ all of the following: 102426

(1) Information ~~regarding units of~~ on services provided in 102427
~~whole or in part under contract with a board, including diagnosis~~ 102428
~~and special needs, demographic information, the number of units of~~ 102429
~~service provided, past treatment, financial status, and service~~ 102430
~~dates in accordance with rules adopted by the department in~~ 102431
~~accordance with Chapter 119. of the Revised Code;~~ 102432

(2) Financial information ~~other than price or price related~~ 102433
~~data regarding expenditures of boards and community mental health~~ 102434
~~agencies, including units of service provided, budgeted and actual~~ 102435
~~expenses by type, and sources of~~ federal, state, or local funds; 102436

(3) Information about persons served. 102437

~~Boards shall submit the information specified in division~~ 102438
~~(F)(1) of this section no less frequently than annually for each~~ 102439
~~client, and each time the client's case is opened or closed. The~~ 102440
department shall not collect any personal information from the 102441
boards except as required or permitted by state or federal law for 102442
purposes related to payment, health care operations, program and 102443
service evaluation, reporting activities, research, system 102444
administration, and oversight. 102445

(G)(1) Review each board's community mental health and 102446
addiction services plan, budget, and statement of services to be 102447
made available submitted pursuant to ~~section~~ sections 340.03 and 102448
340.08 of the Revised Code and approve or disapprove ~~it~~ the plan, 102449

~~the budget, and the statement of services in whole or in part. 102450~~
~~Periodically, in consultation with representatives of boards and 102451~~
~~after considering the recommendations of the medical director, the 102452~~
~~director shall issue criteria for determining when a plan is 102453~~
~~complete, criteria for plan approval or disapproval, and 102454~~
~~provisions for conditional approval. The factors that the director 102455~~
~~considers may include, but are not limited to, the following: 102456~~

~~(1) The mental health needs of all persons residing within 102457~~
~~the board's service district, especially severely mentally 102458~~
~~disabled children, adolescents, and adults; 102459~~

~~(2) The demonstrated quality, effectiveness, efficiency, and 102460~~
~~cultural relevance of the services provided in each service 102461~~
~~district, the extent to which any services are duplicative of 102462~~
~~other available services, and whether the services meet the needs 102463~~
~~identified above; 102464~~

~~(3) The adequacy of the board's accounting for the 102465~~
~~expenditure of funds. 102466~~

~~If the director disapproves all or part of any plan, the 102467~~
~~director shall provide the board an opportunity to present its 102468~~
~~position. The director shall inform the board of the reasons for 102469~~
~~the disapproval and of the criteria that must be met before the 102470~~
~~plan may be approved. The director shall give the board a 102471~~
~~reasonable time within which to meet the criteria, and shall offer 102472~~
~~technical assistance to the board to help it meet the criteria. 102473~~

~~If the approval of a plan remains in dispute, the board or 102474~~
~~the director may request that the dispute be submitted to a 102475~~
~~mutually agreed upon third party mediator with the cost to be 102476~~
~~shared by the board and the department. The mediator shall issue 102477~~
~~to the board and the department recommendations for resolution of 102478~~
~~the dispute. The director, taking into consideration the 102479~~
~~recommendations of the mediator, shall make a final determination 102480~~

and approve or disapprove the plan, in whole or in part The 102481
department may withhold all or part of the funds allocated to a 102482
board if it disapproves all or part of a plan, budget, or 102483
statement of services. Prior to a final decision to disapprove a 102484
plan, budget, or statement of services, or to withhold funds from 102485
a board, a representative of the director of mental health and 102486
addiction services shall meet with the board and discuss the 102487
reason for the action the department proposes to take and any 102488
corrective action that should be taken to make the plan, budget, 102489
or statement of services acceptable to the department. In 102490
addition, the department shall offer technical assistance to the 102491
board to assist it to make the plan, budget, or statement of 102492
services acceptable. The department shall give the board a 102493
reasonable time in which to revise the plan, budget, or statement 102494
of services. The board thereafter shall submit a revised plan, 102495
budget, or statement of services, or a new plan, budget, or 102496
statement of services. 102497

(2) If a board determines that it is necessary to amend the 102498
plan, budget, or statement of services that has been approved 102499
under this section, the board shall submit the proposed amendment 102500
to the department. The department may approve or disapprove all or 102501
part of the amendment. 102502

(3) If the director disapproves of all or part of any 102503
proposed amendment, the director shall provide the board an 102504
opportunity to present its position. The director shall inform the 102505
board of the reasons for the disapproval and of the criteria that 102506
must be met before the proposed amendment may be approved. The 102507
director shall give the board a reasonable time within which to 102508
meet the criteria and shall offer technical assistance to the 102509
board to help it meet the criteria. 102510

(4) The department shall establish procedures for the review 102511
of plans, budgets, and statements of services, and a timetable for 102512

submission and review of plans, budgets, and statements of 102513
services and for corrective action and submission of new or 102514
revised plans, budgets, and statements of services. 102515

Sec. ~~5119.62~~ 5119.23. (A) The department of ~~mental health~~ 102516
mental health and addiction services shall establish a methodology 102517
for allocating to boards of alcohol, drug addiction, and mental 102518
health services the funds appropriated by the general assembly to 102519
the department for the purpose of local mental health ~~systems and~~ 102520
addiction services continuums of care. The department shall 102521
establish the methodology after notifying and consulting with 102522
relevant constituencies as required by division ~~(L)~~(A)(10) of 102523
section ~~5119.06~~ 5119.21 of the Revised Code. The methodology may 102524
provide for the funds to be allocated to boards on a district or 102525
multi-district basis. ~~Subject~~ 102526

(B) ~~Subject to sections 5119.622 and 5119.623~~ section 5119.25 102527
of the Revised Code, and to required submissions and approvals 102528
under section 340.08 of the Revised Code, the department shall 102529
allocate the funds to the boards in a manner consistent with the 102530
methodology, this section, other state and federal laws, rules, 102531
and regulations. 102532

~~(B) The department may allocate to boards a portion of the~~ 102533
~~funds appropriated by the general assembly to the department for~~ 102534
~~the operation of state hospital services. If the department~~ 102535
~~allocates the funds, the department shall do all of the following:~~ 102536

~~(1) In consultation with the boards:~~ 102537

~~(a) Annually determine the unit costs of providing state~~ 102538
~~hospital services; and~~ 102539

~~(b) Establish the methodology for allocating the funds to the~~ 102540
~~boards.~~ 102541

~~(2) Determine the type of unit costs of providing state~~ 102542

~~hospital services to be included as a factor in the methodology 102543
and include that unit cost as a factor in the methodology; 102544~~

~~(3) Subject to sections 5119.622 and 5119.623 of the Revised 102545
Code, allocate the funds to the boards in a manner consistent with 102546
the methodology, this section, other state and federal laws, 102547
rules, and regulations. 102548~~

~~(c) Not later than the first day of April of each year, the 102549
department shall notify each board of the department's estimate of 102550
the amount of funds to be allocated to the board under this 102551
section during the fiscal year beginning on the next July first. 102552
If the department makes an allocation under division (B) of this 102553
section, the department shall also notify each board of the unit 102554
costs of providing state hospital services for the upcoming fiscal 102555
year as determined under that division. Not later than the first 102556
day of May of each year, each board shall notify the department as 102557
to which of the following options it has elected for the upcoming 102558
fiscal year: 102559~~

~~(1) The board elects to accept distribution of the amount 102560
allocated to it under this section. Funds distributed to each 102561
board shall be used to supplement and not to supplant other state, 102562
local, or federal funds that are being used to support 102563
community based programs for severely mentally disabled children, 102564
adolescents, and adults, unless the funds have been specifically 102565
designated for the initiation of programs in accordance with the 102566
community mental health plan developed and submitted under section 102567
340.03 and approved under section 5119.61 of the Revised Code. 102568
Notwithstanding section 131.33 of the Revised Code, any board may 102569
expend unexpended funds distributed to the board from 102570
appropriations for the purpose of local management of mental 102571
health services in the fiscal year following the fiscal year for 102572
which the appropriations are made, in accordance with the approved 102573
community mental health plan. 102574~~

~~(2) Subject to division (D) of this section, the board elects not to accept the amount allocated to it under this section, authorizes the department to determine the use of its allocation, and agrees to provide the department with a statement of projected utilization of state hospitals and other state operated services by residents of its service district during the fiscal year.~~

~~(D) No board shall elect the option in division (C)(2) of this section unless all of the following apply:~~

~~(1) Either the total funds estimated by the department to be allocated to the board under this section for the next fiscal year are reduced by a substantial amount, as defined in guidelines adopted by the director of mental health under division (E) of this section, in comparison to the amount allocated for the current fiscal year, for reasons not related to performance or the board has experienced other circumstances specified in the guidelines.~~

~~(2) The board provides the department written confirmation that the board has received input about the impact that the board's election will have on the mental health system in the board's district from all of the following:~~

~~(a) Individuals who receive mental health services and such individuals' families;~~

~~(b) Boards of county commissioners;~~

~~(c) Judges of juvenile and probate courts;~~

~~(d) County sheriffs, jail administrators, and other local law enforcement officials.~~

~~(3) Not later than seven days before notifying the department of its election and after providing the department the written confirmation required by division (D)(2) of this section, the board conducts a public hearing on the issue.~~

~~(E) For the purpose of division (D)(1) of this section, the director of mental health shall consult with the boards and other relevant constituencies to develop guidelines for determining what constitutes a substantial reduction of funds and what other circumstances qualify a board to elect the option in division (C)(2) of this section.~~

~~(F) No board shall use state funds for the purpose of discouraging employees from seeking collective bargaining representation or encouraging employees to decertify a recognized collective bargaining agent.~~

~~(G) The department shall charge against the allocation made to a board under division (B) of this section, if any, any unreimbursed costs for services provided by the department.~~

~~(H) A board's use of funds allocated under this section is subject to audit by county, state, and federal authorities.~~

(C) In consultation with boards, community mental health and addiction services providers, and persons receiving services, the department shall establish guidelines for the use of funds allocated and distributed under this section.

Sec. 5119.621 5119.24. (A) As used in this section, "administrative function" means a function related to one or more of the following:

(1) Continuous quality improvement;

(2) Utilization review;

(3) Resource development;

(4) Fiscal administration;

(5) General administration;

(6) Any other function related to administration that is required by Chapter 340. of the Revised Code.

(B) Each board of alcohol, drug addiction, and mental health 102634
services shall submit an annual report to the department of ~~mental~~ 102635
~~health~~ mental health and addiction services specifying how the 102636
board used funds allocated to the board under section ~~5119.62~~ 102637
5119.23 of the Revised Code for administrative functions in the 102638
year preceding the report's submission. The director of ~~mental~~ 102639
~~health~~ mental health and addiction services shall establish the 102640
date by which the report must be submitted each year. 102641

Sec. ~~5119.622~~ 5119.25. (A) The director of ~~mental health~~ 102642
mental health and addiction services, in whole or in part, may 102643
withhold funds otherwise to be allocated to a board of alcohol, 102644
drug addiction, and mental health services under section ~~5119.62~~ 102645
5119.23 of the Revised Code if the board fails to comply with 102646
Chapter 340. or section ~~5119.61, 5119.611, 5119.612, or 5119.621~~ 102647
5119.22, 5119.24, 5119.36, or 5119.37 of the Revised Code or rules 102648
of the department of ~~mental health regarding a community mental~~ 102649
~~health service~~ mental health and addiction services. The 102650

(B) The director of mental health and addiction services may 102651
withhold funds otherwise to be allocated to a board of alcohol, 102652
drug addiction, and mental health services under section 5119.23 102653
of the Revised Code if the board denies available service on the 102654
basis of race, color, religion, creed, sex, age, national origin, 102655
disability as defined in section 4112.01 of the Revised Code, or 102656
developmental disability. 102657

(C) The director shall identify issue a notice identifying 102658
the areas of noncompliance and the action necessary to achieve 102659
compliance. The director ~~shall~~ may offer technical assistance to 102660
the board to achieve compliance. The ~~director shall give the~~ board 102661
~~a reasonable time within which to comply or~~ shall have ten days 102662
from receipt of the notice of noncompliance to present its 102663
position that it is in compliance. Before withholding funds, the 102664

director or the director's designee shall hold a hearing shall be 102665
conducted within ten days of receipt of the board's position to 102666
determine if there are continuing violations and that either 102667
assistance is rejected or the board is unable to achieve 102668
compliance. Subsequent to the hearing process, if it is determined 102669
that compliance has not been achieved, the director may allocate 102670
all or part of the withheld funds to a public or private agency to 102671
provide the community mental health or community addiction service 102672
for which the board is not in compliance until the time that there 102673
is compliance. The director ~~shall~~ may adopt rules in accordance 102674
with Chapter 119. of the Revised Code to implement this section. 102675

Sec. ~~3793.14~~ 5119.26. Any person treated under this chapter 102676
or rules adopted under it shall retain ~~his~~ the person's civil 102677
rights and liberties, including the right not to be experimented 102678
upon with treatment not accepted as good medical practice without 102679
~~his~~ the person's fully informed consent, the right as a ~~patient~~ 102680
person receiving services to maintain the confidentiality of 102681
health and medical records, the right as a person detained for 102682
medical purposes to receive adequate and appropriate treatment, 102683
and the right to vote. 102684

Sec. ~~3793.13~~ 5119.27. (A) Records or information, other than 102685
court journal entries or court docket entries, pertaining to the 102686
identity, diagnosis, or treatment of any ~~patient~~ person seeking or 102687
receiving services that are maintained in connection with the 102688
performance of any drug treatment program or services licensed by, 102689
or certified by, the director of ~~alcohol and drug addiction~~ 102690
~~services,~~ mental health and addiction services under ~~section~~ 102691
~~3793.11 of the Revised Code,~~ this chapter shall be kept 102692
confidential, may be disclosed only for the purposes and under the 102693
circumstances expressly authorized under this section, and may not 102694
otherwise be divulged in any civil, criminal, administrative, or 102695

legislative proceeding. 102696

(B) When the ~~patient~~ person, with respect to whom any record 102697
or information referred to in division (A) of this section is 102698
maintained, gives consent in the form of a written release signed 102699
by the ~~patient~~ person, the content of the record or information 102700
may be disclosed if the written release conforms to all of the 102701
following: 102702

(1) Specifically identifies the person, official, or entity 102703
to whom the information is to be provided; 102704

(2) Describes with reasonable specificity the record, 102705
records, or information to be disclosed; and 102706

(3) Describes with reasonable specificity the purposes of the 102707
disclosure and the intended use of the disclosed information. 102708

(C) A ~~patient~~ person who is subject to a community control 102709
sanction, parole, or a post-release control sanction or who is 102710
ordered to rehabilitation in lieu of conviction, and who has 102711
agreed to participate in a drug treatment or rehabilitation 102712
program as a condition of the community control sanction, 102713
post-release control sanction, parole, or order to rehabilitation, 102714
shall be considered to have consented to the release of records 102715
and information relating to the progress of treatment, frequency 102716
of treatment, adherence to treatment requirements, and probable 102717
outcome of treatment. Release of information and records under 102718
this division shall be limited to the court or governmental 102719
personnel having the responsibility for supervising the ~~patient's~~ 102720
person's community control sanction, post-release control 102721
sanction, parole, or order to rehabilitation. A ~~patient~~ person, 102722
described in this division, who refuses to allow disclosure may be 102723
considered in violation of the conditions of the ~~patient's~~ 102724
person's community control sanction, post-release control 102725
sanction, parole, or order to rehabilitation. 102726

(D) Disclosure of a ~~patient's~~ person's record may be made 102727
without the ~~patient's~~ person's consent to qualified personnel for 102728
the purpose of conducting scientific research, management, 102729
financial audits, or program evaluation, but these personnel may 102730
not identify, directly or indirectly, any individual ~~patient~~ 102731
person in any report of the research, audit, or evaluation, or 102732
otherwise disclose a ~~patient's~~ person's identity in any manner. 102733

(E) Upon the request of a prosecuting attorney or the 102734
director of ~~alcohol and drug addiction services~~ mental health and 102735
addiction services, a court of competent jurisdiction may order 102736
the disclosure of records or information referred to in division 102737
(A) of this section if the court has reason to believe that a 102738
treatment program or facility is being operated or used in a 102739
manner contrary to law. The use of any information or record so 102740
disclosed shall be limited to the prosecution of persons who are 102741
or may be charged with any offense related to the illegal 102742
operation or use of the drug treatment program or facility, or to 102743
the decision to withdraw the authority of a drug treatment program 102744
or facility to continue operation. For purposes of this division 102745
the court shall: 102746

(1) Limit disclosure to those parts of the ~~patient's~~ person's 102747
record considered essential to fulfill the objective for which the 102748
order was granted; 102749

(2) Require, where appropriate, that all information be 102750
disclosed in chambers; 102751

(3) Include any other appropriate measures to keep disclosure 102752
to a minimum, consistent with the protection of the ~~patients~~ 102753
persons seeking or receiving services, the physician-patient 102754
relationship, and the administration of the drug treatment and 102755
rehabilitation program. 102756

(F) As used in this section: 102757

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 102758
102759

(2) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 102760
102761

Sec. 5119.28. (A) All records, and reports, other than court journal entries or court docket entries, identifying a person and pertaining to the person's mental health condition, assessment, provision of care or treatment, or payment for assessment, care or treatment that are maintained in connection with any services certified by the department of mental health and addiction services, or any hospitals or facilities licensed or operated by the department, shall be kept confidential and shall not be disclosed by any person except: 102762
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(1) If the person identified, or the person's legal guardian, if any, or if the person is a minor, the person's parent or legal guardian, consents; 102771
102772
102773

(2) When disclosure is provided for in this chapter or Chapter 340. or 5122., or Title XLVII of the Revised Code; 102774
102775

(3) That hospitals, boards of alcohol, drug addiction, and mental health services, licensed facilities, and community mental health services providers may release necessary information to insurers and other third-party payers, including government entities responsible for processing and authorizing payment, to obtain payment for goods and services furnished to the person; 102776
102777
102778
102779
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(4) Pursuant to a court order signed by a judge; 102782

(5) That a person shall be granted access to the person's own psychiatric and medical records, unless access specifically is restricted in a person's treatment plan for clear treatment reasons; 102783
102784
102785
102786

(6) That the department of mental health and addiction 102787

services may exchange psychiatric records and other pertinent 102788
information with community mental health services providers and 102789
boards of alcohol, drug addiction, and mental health services 102790
relating to the person's care or services. Records and information 102791
that may be exchanged pursuant to this division shall be limited 102792
to medication history, physical health status and history, 102793
financial status, summary of course of treatment, summary of 102794
treatment needs, and a discharge summary, if any. 102795

(7) That the department of mental health and addiction 102796
services, hospitals and community providers operated by the 102797
department, hospitals licensed by the department under section 102798
5119.33 of the Revised Code, and community mental health services 102799
providers may exchange psychiatric records and other pertinent 102800
information with payers and other providers of treatment and 102801
health services if the purpose of the exchange is to facilitate 102802
continuity of care for the person or for the emergency treatment 102803
of the person; 102804

(8) That the department of mental health and addiction 102805
services and community mental health services providers may 102806
exchange psychiatric records and other pertinent information with 102807
boards of alcohol, drug addiction, and mental health services for 102808
purposes of any board function set forth in Chapter 340. of the 102809
Revised Code. Boards of alcohol, drug addiction, and mental health 102810
services shall not access any personal information from the 102811
department or providers except as required or permitted by this 102812
section, or Chapter 340. or 5122. of the Revised Code for purposes 102813
related to payment, care coordination, health care operations, 102814
program and service evaluation, reporting activities, research, 102815
system administration, oversight, or other authorized purposes. 102816

(9) That a person's family member who is involved in the 102817
provision, planning, and monitoring of services to the person may 102818
receive medication information, a summary of the person's 102819

diagnosis and prognosis, and a list of the services and personnel 102820
available to assist the person and the person's family, if the 102821
person's treatment provider determines that the disclosure would 102822
be in the best interests of the person. No such disclosure shall 102823
be made unless the person is notified first and receives the 102824
information and does not object to the disclosure. 102825

(10) That community mental health services providers may 102826
exchange psychiatric records and certain other information with 102827
the board of alcohol, drug addiction, and mental health services 102828
and other providers in order to provide services to a person 102829
involuntarily committed to a board. Release of records under this 102830
division shall be limited to medication history, physical health 102831
status and history, financial status, summary of course of 102832
treatment, summary of treatment needs, and discharge summary, if 102833
any. 102834

(11) That information may be disclosed to the executor or the 102835
administrator of an estate of a deceased person when the 102836
information is necessary to administer the estate; 102837

(12) That information may be disclosed to staff members of 102838
the appropriate board or to staff members designated by the 102839
director of mental health and addiction services for the purpose 102840
of evaluating the quality, effectiveness, and efficiency of 102841
services and determining if the services meet minimum standards. 102842
Information obtained during such evaluations shall not be retained 102843
with the name of any person. 102844

(13) That records pertaining to the person's diagnosis, 102845
course of treatment, treatment needs, and prognosis shall be 102846
disclosed and released to the appropriate prosecuting attorney if 102847
the person was committed pursuant to section 2945.38, 2945.39, 102848
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 102849
attorney designated by the board for proceedings pursuant to 102850
involuntary commitment under Chapter 5122. of the Revised Code. 102851

(14) That the department of mental health and addiction services may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with the department of rehabilitation and correction and with the department of youth services to ensure continuity of care for inmates and offenders who are receiving mental health services in an institution of the department of rehabilitation and correction or the department of youth services and may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with boards of alcohol, drug addiction, and mental health services and community mental health services providers to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution and are scheduled for release within six months. The release of records under this division is limited to records regarding an inmate's or offender's medication history, physical health status and history, summary of course of treatment, summary of treatment needs, and a discharge summary, if any.

(15) That a community mental health services provider that ceases to operate may transfer to either a community mental health services provider that assumes its caseload or to the board of alcohol, drug addiction, and mental health services of the service district in which the person resided at the time services were most recently provided any treatment records that have not been transferred elsewhere at the person's request.

(B) Before records are disclosed pursuant to divisions (A)(3), (6), and (10) of this section, the custodian of the records shall attempt to obtain the person's consent for the disclosure.

(C) No person shall reveal the content of a medical record of a person that is confidential pursuant to this section, except as authorized by law.

Sec. ~~5119.57~~ 5119.29. ~~No later than January 1, 1998, the~~ The 102884
department of ~~mental health~~ mental health and addiction services, 102885
in conjunction with boards of alcohol, drug addiction, and mental 102886
health services and community mental health boards, shall develop 102887
a coordinated system for tracking and monitoring persons found not 102888
guilty by reason of insanity and committed pursuant to section 102889
2945.40 of the Revised Code who have been granted a conditional 102890
release and persons found incompetent to stand trial and committed 102891
pursuant to section 2945.39 of the Revised Code who have been 102892
granted a conditional release. The system shall do all of the 102893
following: 102894

(A) Centralize responsibility for the tracking of those 102895
persons; 102896

(B) Develop uniformity in monitoring those persons; 102897

(C) Develop a mechanism to allow prompt rehospitalization, 102898
reinstitutionalization, or detention when a violation of the 102899
conditional release or decompensation occurs. 102900

Sec. ~~3793.18~~ 5119.30. The department of ~~alcohol and drug~~ 102901
~~addiction services~~ mental health and addiction services promptly 102902
shall develop and maintain a program that continually provides the 102903
courts of this state with relevant information pertaining to 102904
~~alcohol and drug~~ addiction services and programs available both 102905
within their jurisdictions and statewide in order to facilitate 102906
the ability of the courts to utilize treatment and rehabilitation 102907
alternatives in addition to or in lieu of imposing sentences of 102908
imprisonment upon appropriate offenders. 102909

Sec. ~~5119.23~~ 5119.31. The department of ~~mental health~~ mental 102910
health and addiction services may examine into, with or without 102911
expert assistance, the question of the mental and physical 102912
condition of any person committed to or involuntarily confined in 102913

any hospital for the mentally ill, or restrained of ~~his~~ liberty at 102914
any place within this state by reason of alleged mental illness 102915
and may order and compel the discharge of any such person who is 102916
not a mentally ill person subject to hospitalization by court 102917
order as defined in division (B) of section 5122.01 of the Revised 102918
Code and direct what disposition shall be made of ~~him~~ the person. 102919
The order of discharge shall be signed by the director of ~~mental~~ 102920
~~health~~ mental health and addiction services. Upon receipt of such 102921
order by the superintendent or other person in charge of the 102922
building in which the person named in such order is confined, such 102923
person shall forthwith be discharged or otherwise disposed of 102924
according to the terms of said order, and any further or other 102925
detention of such person is unlawful. No such order shall be made 102926
in favor of any person committed and held for trial on a criminal 102927
charge, in confinement by an order of a judge or court made in a 102928
criminal proceeding, or in any case unless notice is given to the 102929
superintendent or other person having charge of the building in 102930
which the alleged mentally ill person is detained, and a 102931
reasonable opportunity is allowed the person in charge to justify 102932
further detention of the person confined. 102933

Sec. ~~5119.60~~ 5119.32. The department of ~~mental health~~ mental 102934
health and addiction services is hereby designated as the state 102935
administrative agency for the ~~alcohol, drug abuse and mental~~ 102936
~~health services~~ substance abuse prevention treatment block grant 102937
and the community mental health services block grant authorized by 102938
the "Public Health Services Act," 95 Stat. 357, 543, 42 U.S.C. 102939
300x, as amended, and similar alcohol, drug abuse, or mental 102940
health programs that are specified in an appropriations act. ~~The~~ 102941
~~department shall establish and administer an annual plan to~~ 102942
~~utilize federal block grant funds. The department shall consult~~ 102943
~~with the department of alcohol and drug addiction services on the~~ 102944
~~allocation of funds for alcohol and drug addiction services~~ 102945

~~pursuant to Chapter 3793. of the Revised Code and shall notify the~~ 102946
~~controlling board, which shall authorize the transfer of funds~~ 102947
~~allocated to the department of alcohol and drug addiction~~ 102948
~~services.~~ 102949

Sec. ~~5119.20~~ 5119.33. The department of ~~mental health~~ mental 102950
health and addiction services shall inspect and license all 102951
hospitals that receive mentally ill persons, except those 102952
hospitals managed by the department. No hospital may receive for 102953
care or treatment, either at public or private expense, any person 102954
who is or appears to be mentally ill, whether or not so 102955
adjudicated, unless the hospital has received a license from the 102956
department authorizing it to receive for care or treatment persons 102957
who are mentally ill or the hospital is managed by the department. 102958

No such license shall be granted to a hospital for the 102959
treatment of mentally ill persons unless the department is 102960
satisfied, after investigation, that the hospital is managed and 102961
operated by qualified persons and has on its staff one or more 102962
qualified physicians responsible for the medical care of the 102963
patients confined there. At least one such physician shall be a 102964
psychiatrist. 102965

The department shall adopt rules under Chapter 119. of the 102966
Revised Code prescribing minimum standards for the operation of 102967
hospitals for the care and treatment of mentally ill persons and 102968
establishing standards and procedures for the issuance, renewal, 102969
or revocation of full, probationary, and interim licenses. No 102970
license shall be granted to any hospital established or used for 102971
the care of mentally ill persons unless such hospital is operating 102972
in accordance with this section and rules adopted pursuant to this 102973
section. A full license shall expire one year after the date of 102974
issuance, a probationary license shall expire at the time 102975
prescribed by rule adopted pursuant to Chapter 119. of the Revised 102976

Code by the director of ~~mental health~~ mental health and addiction 102977
services, and an interim license shall expire ninety days after 102978
the date of issuance. A full, probationary, or interim license may 102979
be renewed, except that an interim license may be renewed only 102980
twice. The department may fix reasonable fees for licenses and for 102981
license renewals. Such hospitals are subject to inspection and 102982
~~visitation~~ on-site review by the department. 102983

Except as otherwise provided in Chapter 5122. of the Revised 102984
Code, neither the director of ~~the department of mental health~~ 102985
mental health and addiction services; an employee of the 102986
department; a board of alcohol, drug addiction, and mental health 102987
services or ~~agency~~ employee of a community mental health services 102988
provider; nor any other public official shall hospitalize any 102989
mentally ill person for care or treatment in any hospital that is 102990
not licensed in accordance with this section. 102991

Any license issued by the department under this section may 102992
be revoked by the department for any of the following reasons: 102993

(A) The hospital is no longer a suitable place for the care 102994
or treatment of mentally ill persons. 102995

(B) The hospital refuses to be subject to inspection or 102996
~~visitation~~ on-site review by the department. 102997

(C) The hospital has failed to furnish humane, kind, and 102998
adequate treatment and care. 102999

(D) The hospital fails to comply with the licensure rules of 103000
the department. 103001

The department may inspect, ~~visit~~ conduct an on-site review, 103002
and review the records of any hospital that the department has 103003
reason to believe is operating without a license. 103004

Sec. ~~5119.201~~ 5119.331. If the department of ~~mental health~~ 103005
mental health and addiction services determines that a hospital 103006

not licensed by the department is receiving for care or treatment 103007
any person who is or appears to be mentally ill, the department 103008
may request in writing that the attorney general petition the 103009
court of common pleas in the county where the hospital is located 103010
to enjoin the hospital from continued operation in violation of 103011
section ~~5119.20~~ 5119.33 of the Revised Code. 103012

Sec. ~~5119.202~~ 5119.332. No third-party payer shall directly 103013
or indirectly reimburse, nor shall any person be obligated to pay 103014
any hospital for psychiatric services for which a license is 103015
required under section ~~5119.20~~ 5119.33 of the Revised Code unless 103016
the hospital is licensed by the department of ~~mental health~~ mental 103017
health and addiction services. 103018

As used in this section, "third-party payer" means a health 103019
insuring corporation licensed under Chapter 1751. of the Revised 103020
Code, an insurance company that issues sickness and accident 103021
insurance in conformity with Chapter 3923. of the Revised Code, a 103022
state-financed health insurance program under Chapter 3701., 103023
4123., or 5101. of the Revised Code, or any self-insurance plan. 103024

Sec. ~~5119.21~~ 5119.333. No person shall keep or maintain a 103025
hospital for the care or treatment of mentally ill persons unless 103026
it is licensed by the department of ~~mental health~~ mental health 103027
and addiction services, as provided by section ~~5119.20~~ 5119.33 of 103028
the Revised Code. 103029

Sec. ~~5119.22~~ 5119.34. (A) As used in this section and ~~section~~ 103030
~~5119.221~~ sections 5119.341 and 5119.342 of the Revised Code: 103031
103032

(1) "Accommodations" means housing, daily meal preparation, 103033
laundry, housekeeping, arranging for transportation, social and 103034
recreational activities, maintenance, security, and other services 103035
that do not constitute personal care services or skilled nursing 103036

care. 103037

(2) "ADAMHS board" means a board of alcohol, drug addiction, 103038
and mental health services. 103039

(3) "Adult" means a person who is eighteen years of age or 103040
older, other than a person described in division (A)(4) of this 103041
section who is between eighteen and twenty-one years of age. 103042

(4) "Child" means a person who is under eighteen years of age 103043
or a person with a mental disability who is under twenty-one years 103044
of age. 103045

(5) "Community mental health ~~agency~~ services provider" means 103046
a community mental health ~~agency~~ services provider as defined in 103047
~~division (H) of section 5122.01~~ 5119.01 of the Revised Code. 103048

(6) "Community mental health services" means any ~~of the~~ 103049
mental health services listed in certified by the department 103050
pursuant to section 340.09 5119.36 of the Revised Code. 103051

(7) "Operator" means the person or persons, firm, 103052
partnership, agency, governing body, association, corporation, or 103053
other entity that is responsible for the administration and 103054
management of a residential facility and that is the applicant for 103055
a residential facility license. 103056

(8) "Personal care services" means services including, but 103057
not limited to, the following: 103058

(a) Assisting residents with activities of daily living; 103059

(b) Assisting residents with self-administration of 103060
medication in accordance with rules adopted under this section; 103061

(c) Preparing special diets, other than complex therapeutic 103062
diets, for residents pursuant to the instructions of a physician 103063
or a licensed dietitian, in accordance with rules adopted under 103064
this section. 103065

"Personal care services" does not include "skilled nursing 103066

care" as defined in section 3721.01 of the Revised Code. A 103067
facility need not provide more than one of the services listed in 103068
division (A)(8) of this section to be considered to be providing 103069
personal care services. 103070

(9) "Residential facility" means a publicly or privately 103071
operated home or facility that provides one of the following: 103072

(a) Accommodations, supervision, personal care services, and 103073
community mental health services for one or more of ~~the following~~ 103074
~~unrelated persons~~ adults with mental illness or severe mental 103075
disabilities or to one or more unrelated children and adolescents 103076
with a serious emotional disturbance or who are in need of mental 103077
health services who are referred by or are receiving community 103078
mental health services from a community mental health ~~agency,~~ 103079
services provider, hospital, or practitioner; 103080

~~(i) Adults with mental illness;~~ 103081

~~(ii) Persons of any age with severe mental disabilities;~~ 103082

~~(iii) Children with serious emotional disturbances or in need 103083
of mental health services.~~ 103084

(b) Accommodations, supervision, and personal care services 103085
~~for only one or two unrelated adults; accommodations, supervision,~~ 103086
~~and personal care services for three to sixteen unrelated adults;~~ 103087
~~or accommodations, supervision, and personal care services for one~~ 103088
~~or two of the following unrelated persons:~~ 103089

~~(i) Persons of any age with mental illness who are referred 103090
by or are receiving community mental health services from a 103091
community mental health agency, hospital, or practitioner;~~ 103092

~~(ii) Persons of any age with severe mental disabilities who 103093
are referred by or are receiving community mental health services 103094
from a community mental health agency, hospital, or practitioner 103095
to any of the following:~~ 103096

<u>(i) One or two unrelated persons with mental illness or persons with severe mental disabilities who are referred by or are receiving mental health services from a community mental health services provider, hospital, or practitioner;</u>	103097
	103098
	103099
	103100
<u>(ii) One or two unrelated adults who are receiving residential state supplement payments;</u>	103101
	103102
<u>(iii) Three to sixteen unrelated adults.</u>	103103
(c) Room and board for five or more of the following unrelated persons:	103104
	103105
(i) Adults <u>adults</u> with mental illness <u>or severe mental disability</u> who are referred by or are receiving community mental health services from a community mental health agency, services provider, hospital, or practitioner:	103106
	103107
	103108
	103109
(ii) Adults with severe mental disabilities who are referred by or are receiving community mental health services from a community mental health agency, hospital, or practitioner.	103110
	103111
	103112
(10) "Residential facility" does not include any of the following:	103113
	103114
(a) A hospital subject to licensure under section 5119.20 <u>5119.33</u> of the Revised Code;	103115
	103116
(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;	103117
	103118
	103119
(c) An institution or association subject to certification under section 5103.03 of the Revised Code;	103120
	103121
(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;	103122
	103123
	103124
(e) A facility operated by a pediatric respite care program licensed under section 3712.041 of the Revised Code that is used	103125
	103126

~~exclusively for care of pediatric respite care patients;~~ 103127

~~(f)~~ A nursing home, residential care facility, or home for 103128
the aging as defined in section 3721.02 of the Revised Code; 103129

~~(g)~~ ~~An alcohol~~ (f) Alcohol or drug addiction ~~program as~~ 103130
~~defined in services certified pursuant to section 3793.01~~ 5119.36 103131
of the Revised Code; 103132

~~(h)~~(g) A facility licensed to provide methadone treatment 103133
under section ~~3793.11~~ 5119.39 of the Revised Code; 103134

~~(i)~~(h) Any facility that receives funding for operating costs 103135
from the ~~department of development~~ services agency under any 103136
program established to provide emergency shelter housing or 103137
transitional housing for the homeless; 103138

~~(j)~~(i) A terminal care facility for the homeless that has 103139
entered into an agreement with a hospice care program under 103140
section 3712.07 of the Revised Code; 103141

~~(k)~~(j) A facility approved by the veterans administration 103142
under section 104(a) of the "Veterans Health Care Amendments of 103143
1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used 103144
exclusively for the placement and care of veterans. 103145

(11) "Room and board" means the provision of sleeping and 103146
living space, meals or meal preparation, laundry services, 103147
housekeeping services, or any combination thereof. 103148

(12) "Residential state supplement" means the program 103149
administered under section 5119.41 of the Revised Code and related 103150
provisions of the Administrative Code under which the state 103151
supplements the supplemental security income payments received by 103152
aged, blind, or disabled adults under Title XVI of the Social 103153
Security Act. Residential state supplement payments are used for 103154
the provision of accommodations, supervision, and personal care 103155
services to supplemental security income recipients the department 103156

of mental health and addition services determines are at risk of 103157
needing institutional care. 103158

(13) "Supervision" means any of the following: 103159

(a) Observing a resident to ensure the resident's health, 103160
safety, and welfare while the resident engages in activities of 103161
daily living or other activities; 103162

(b) Reminding a resident to perform or complete an activity, 103163
such as reminding a resident to engage in personal hygiene or 103164
other self-care activities; 103165

(c) Assisting a resident in making or keeping an appointment. 103166

~~(13)~~(14) "Unrelated" means that a resident is not related to 103167
the owner or operator of a residential facility or to the owner's 103168
or operator's spouse as a parent, grandparent, child, stepchild, 103169
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 103170
the child of an aunt or uncle. 103171

(B) Nothing in division (A)(9) of this section shall be 103172
construed to permit personal care services to be imposed on a 103173
resident who is capable of performing the activity in question 103174
without assistance. 103175

(C) Except in the case of a residential facility described in 103176
division (A)(9)(a) of this section, members of the staff of a 103177
residential facility shall not administer medication to the 103178
facility's residents, but may do any of the following: 103179

(1) Remind a resident when to take medication and watch to 103180
ensure that the resident follows the directions on the container; 103181

(2) Assist a resident in the self-administration of 103182
medication by taking the medication from the locked area where it 103183
is stored, in accordance with rules adopted pursuant to this 103184
section, and handing it to the resident. If the resident is 103185
physically unable to open the container, a staff member may open 103186

the container for the resident. 103187

(3) Assist a physically impaired but mentally alert resident, 103188
such as a resident with arthritis, cerebral palsy, or Parkinson's 103189
disease, in removing oral or topical medication from containers 103190
and in consuming or applying the medication, upon request by or 103191
with the consent of the resident. If a resident is physically 103192
unable to place a dose of medicine to the resident's mouth without 103193
spilling it, a staff member may place the dose in a container and 103194
place the container to the mouth of the resident. 103195

(D)(1) Except as provided in division (D)(2) of this section, 103196
a person operating or seeking to operate a residential facility 103197
shall apply for licensure of the facility to the department of 103198
~~mental health~~ mental health and addiction services. The 103199
application shall be submitted by the operator. When applying for 103200
the license, the applicant shall pay to the department the 103201
application fee specified in rules adopted under division ~~(L)~~(K) 103202
of this section. The fee is nonrefundable. 103203

The department shall send a copy of an application to the 103204
ADAMHS board serving the county in which the person operates or 103205
seeks to operate the facility. The ADAMHS board shall review the 103206
application and provide to the department any information about 103207
the applicant or the facility that the board would like the 103208
department to consider in reviewing the application. 103209

(2) A person may not apply for a license to operate a 103210
residential facility if the person is or has been the owner, 103211
operator, or manager of a residential facility for which a license 103212
to operate was revoked or for which renewal of a license was 103213
refused for any reason other than nonpayment of the license 103214
renewal fee, unless both of the following conditions are met: 103215

(a) A period of not less than two years has elapsed since the 103216
date the director of ~~mental health~~ mental health and addiction 103217

services issued the order revoking or refusing to renew the 103218
facility's license. 103219

(b) The director's revocation or refusal to renew the license 103220
was not based on an act or omission at the facility that violated 103221
a resident's right to be free from abuse, neglect, or 103222
exploitation. 103223

~~(E)(1) Any person may operate a residential facility 103224
providing accommodations and personal care services for one to 103225
five unrelated persons and licensed as a residential facility that 103226
meets the criteria specified in division (A)(9)(b) of this section 103227
as a permitted use in any residential district or zone, including 103228
any single family residential district or zone of any political 103229
subdivision. Such facilities may be required to comply with area, 103230
height, yard, and architectural compatibility requirements that 103231
are uniformly imposed upon all single family residences within the 103232
district or zone. 103233~~

~~(2) Any person may operate a residential facility providing 103234
accommodations and personal care services for six to sixteen 103235
persons and licensed as a residential facility that meets the 103236
criteria specified in division (A)(9)(b) of this section as a 103237
permitted use in any multiple family residential district or zone 103238
of any political subdivision, except that a political subdivision 103239
that has enacted a zoning ordinance or resolution establishing 103240
planned unit development districts as defined in section 519.021 103241
of the Revised Code may exclude such facilities from such 103242
districts, and a political subdivision that has enacted a zoning 103243
ordinance or resolution may regulate such facilities in 103244
multiple family residential districts or zones as a conditionally 103245
permitted use or special exception, in either case, under 103246
reasonable and specific standards and conditions set out in the 103247
zoning ordinance or resolution to: 103248~~

~~(a) Require the architectural design and site layout of the 103249~~

~~home and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood;~~

~~(b) Require compliance with yard, parking, and sign regulation.~~

~~(3) Divisions (E)(1) and (2) of this section do not affect any right of a political subdivision to permit a person to operate a residential facility licensed under this section in a single family residential district or zone under conditions established by the political subdivision.~~

~~(4)(a) Notwithstanding divisions (E)(1) and (2) of this section and except as provided in division (E)(4)(b) of this section, a political subdivision that has enacted a zoning ordinance or resolution may limit the excessive concentration of licensed residential facilities that meet the criteria specified in division (A)(9)(b) of this section.~~

~~(b) Division (E)(4)(a) of this section does not authorize a political subdivision to prevent or limit the continued existence and operation of residential facilities existing and operating on September 10, 2012, and that meet the criteria specified in division (A)(9)(b) of this section. A political subdivision may consider the existence of such facilities for the purpose of limiting the excessive concentration of such facilities that meet the criteria specified in division (A)(9)(b) of this section that are not existing and operating on September 10, 2012.~~

~~(F)(1) The department of ~~mental health~~ mental health and addiction services shall inspect and license the operation of residential facilities. The department shall consider the past record of the facility and the applicant or licensee in arriving at its licensure decision.~~

The department may issue full, probationary, and interim

licenses. A full license shall expire ~~two~~ up to three years after 103281
the date of issuance, a probationary license shall expire in a 103282
shorter period of time as specified in rules adopted by the 103283
director of mental health under division ~~(L)~~(K) of this section, 103284
and an interim license shall expire ninety days after the date of 103285
issuance. A license may be renewed in accordance with rules 103286
adopted by the director under division ~~(L)~~(K) of this section. The 103287
renewal application shall be submitted by the operator. When 103288
applying for renewal of a license, the applicant shall pay to the 103289
department the renewal fee specified in rules adopted under 103290
division ~~(L)~~(K) of this section. The fee is nonrefundable. 103291

(2) The department may issue an order suspending the 103292
admission of residents to the facility or refuse to issue or renew 103293
and may revoke a license if it finds the facility is not in 103294
compliance with rules adopted by the director pursuant to division 103295
~~(L)~~(K) of this section or if any facility operated by the 103296
applicant or licensee has been cited for repeated violations of 103297
statutes or rules during the period of previous licenses. 103298
Proceedings initiated to deny applications for full or 103299
probationary licenses or to revoke such licenses are governed by 103300
Chapter 119. of the Revised Code. 103301

~~(G)~~(F) The department may issue an interim license to operate 103302
a residential facility if both of the following conditions are 103303
met: 103304

(1) The department determines that the closing of or the need 103305
to remove residents from another residential facility has created 103306
an emergency situation requiring immediate removal of residents 103307
and an insufficient number of licensed beds are available. 103308

(2) The residential facility applying for an interim license 103309
meets standards established for interim licenses in rules adopted 103310
by the director under division ~~(L)~~(K) of this section. 103311

An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code.

~~(H)~~(G)(1) The department of ~~mental health~~ mental health and addiction services may conduct an inspection of a residential facility as follows:

(a) Prior to issuance of a license for the facility;

(b) Prior to renewal of the license;

(c) To determine whether the facility has completed a plan of correction required pursuant to division ~~(H)~~(G)(2) of this section and corrected deficiencies to the satisfaction of the department and in compliance with this section and rules adopted pursuant to it;

(d) Upon complaint by any individual or agency;

(e) At any time the director considers an inspection to be necessary in order to determine whether the facility is in compliance with this section and rules adopted pursuant to this section.

(2) In conducting inspections the department may conduct an on-site examination and evaluation of the residential facility and its personnel, activities, and services. The department shall have access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents, and shall have access to the facility in order to conduct interviews with the operator, staff, and residents. Following each inspection and review, the department shall complete a report listing any deficiencies, and including, when appropriate, a time table within which the operator shall correct the deficiencies. The department may require the operator to submit a plan of correction describing how

the deficiencies will be corrected. 103343

~~(I)~~(H) No person shall do any of the following: 103344

(1) Operate a residential facility unless the facility holds 103345
a valid license; 103346

(2) Violate any of the conditions of licensure after having 103347
been granted a license; 103348

(3) Interfere with a state or local official's inspection or 103349
investigation of a residential facility; 103350

(4) Violate any of the provisions of this section or any 103351
rules adopted pursuant to this section. 103352

~~(J)~~(I) The following may enter a residential facility at any 103353
time: 103354

(1) Employees designated by the director of ~~mental health~~ 103355
mental health and addiction services; 103356

(2) Employees of an ADAMHS board under either of the 103357
following circumstances: 103358

(a) When a resident of the facility is receiving services 103359
from a community mental health ~~agency~~ services provider under 103360
contract with that ADAMHS board or another ADAMHS board; 103361

(b) When authorized by section 340.05 of the Revised Code. 103362

(3) Employees of a community mental health ~~agency~~ services 103363
provider under either of the following circumstances: 103364

(a) When the ~~agency~~ services provider has a ~~client~~ person 103365
receiving services residing in the facility; 103366

(b) When the ~~agency~~ services provider is acting as an agent 103367
of an ADAMHS board other than the board with which it is under 103368
contract. 103369

(4) Representatives of the state long-term care ~~ombuds~~person 103370
ombudsman program when the facility provides accommodations, 103371

supervision, and personal care services for three to sixteen 103372
unrelated adults or to one or two unrelated adults who are 103373
recipients under the residential state supplement program. 103374

The persons specified in division ~~(J)~~(I) of this section 103375
shall be afforded access to examine and copy all records, 103376
accounts, and any other documents relating to the operation of the 103377
residential facility, including records pertaining to residents. 103378

~~(K)~~(J) Employees of the department of ~~mental health~~ mental 103379
health and addiction services may enter, for the purpose of 103380
investigation, any institution, residence, facility, or other 103381
structure which has been reported to the department as, or that 103382
the department has reasonable cause to believe is, operating as a 103383
residential facility without a valid license. 103384

~~(L)~~(K) The director shall adopt and may amend and rescind 103385
rules pursuant to Chapter 119. of the Revised Code governing the 103386
licensing and operation of residential facilities. The rules shall 103387
establish all of the following: 103388

(1) Minimum standards for the health, safety, adequacy, and 103389
cultural competency of treatment of and services for persons in 103390
residential facilities; 103391

(2) Procedures for the issuance, renewal, or revocation of 103392
the licenses of residential facilities; 103393

(3) Procedures for conducting criminal records checks for 103394
prospective or current operators, ~~staff employees~~, and ~~other~~ 103395
~~individuals~~ volunteers who, ~~if employed by a residential facility,~~ 103396
~~would~~ may have ~~unsupervised~~ direct access to facility residents; 103397
103398

(4) The fee to be paid when applying for a new residential 103399
facility license or renewing the license; 103400

(5) Procedures for the operator of a residential facility to 103401

follow when notifying the ADAMHS board serving the county in which 103402
the facility is located when the facility is serving residents 103403
with mental illness or severe mental disability, including the 103404
circumstances under which the operator is required to make such a 103405
notification; 103406

(6) Procedures for the issuance and termination of orders of 103407
suspension of admission of residents to a residential facility; 103408

(7) Measures to be taken by residential facilities relative 103409
to residents' medication; 103410

(8) Requirements relating to preparation of special diets; 103411

(9) The maximum number of residents who may be served in a 103412
residential facility; 103413

(10) The rights of residents of residential facilities and 103414
procedures to protect such rights; 103415

(11) Procedures for obtaining an affiliation agreement 103416
approved by the board between a residential facility and a 103417
community mental health ~~agency~~ services provider; 103418

(12) Standards and procedures under which the director may 103419
waive the requirements of any of the rules adopted. 103420

~~(M)~~(L)(1) The department may withhold the source of any 103421
complaint reported as a violation of this section when the 103422
department determines that disclosure could be detrimental to the 103423
department's purposes or could jeopardize the investigation. The 103424
department may disclose the source of any complaint if the 103425
complainant agrees in writing to such disclosure and shall 103426
disclose the source upon order by a court of competent 103427
jurisdiction. 103428

(2) Any person who makes a complaint under division ~~(M)~~(L)(1) 103429
of this section, or any person who participates in an 103430
administrative or judicial proceeding resulting from such a 103431

complaint, is immune from civil liability and is not subject to 103432
criminal prosecution, other than for perjury, unless the person 103433
has acted in bad faith or with malicious purpose. 103434

~~(N)~~(M)(1) The director of ~~mental health~~ mental health and 103435
addiction services may petition the court of common pleas of the 103436
county in which a residential facility is located for an order 103437
enjoining any person from operating a residential facility without 103438
a license or from operating a licensed facility when, in the 103439
director's judgment, there is a present danger to the health or 103440
safety of any of the occupants of the facility. The court shall 103441
have jurisdiction to grant such injunctive relief upon a showing 103442
that the respondent named in the petition is operating a facility 103443
without a license or there is a present danger to the health or 103444
safety of any residents of the facility. 103445

(2) When the court grants injunctive relief in the case of a 103446
facility operating without a license, the court shall issue, at a 103447
minimum, an order enjoining the facility from admitting new 103448
residents to the facility and an order requiring the facility to 103449
assist with the safe and orderly relocation of the facility's 103450
residents. 103451

(3) If injunctive relief is granted against a facility for 103452
operating without a license and the facility continues to operate 103453
without a license, the director shall refer the case to the 103454
attorney general for further action. 103455

~~(O)~~(N) The director may fine a person for violating division 103456
~~(I)~~(H) of this section. The fine shall be five hundred dollars for 103457
a first offense; for each subsequent offense, the fine shall be 103458
one thousand dollars. The director's actions in imposing a fine 103459
shall be taken in accordance with Chapter 119. of the Revised 103460
Code. 103461

Sec. 5119.341. (A) Any person may operate a residential 103462

facility providing accommodations and personal care services for one to five unrelated persons and licensed as a residential facility that meets the criteria specified in division (A)(9)(b) of section 5119.34 of the Revised Code as a permitted use in any residential district or zone, including any single-family residential district or zone of any political subdivision. Such facilities may be required to comply with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within the district or zone.

(B) Any person may operate a residential facility providing accommodations and personal care services for six to sixteen persons and licensed as a residential facility that meets the criteria specified in division (A)(9)(b) of section 5119.34 of the Revised Code as a permitted use in any multiple-family residential district or zone of any political subdivision, except that a political subdivision that has enacted a zoning ordinance or resolution establishing planned-unit developments as defined in section 519.021 of the Revised Code may exclude such facilities from such districts, and a political subdivision that has enacted a zoning ordinance or resolution may regulate such facilities in multiple-family residential districts or zones as a conditionally permitted use or special exception, in either case, under reasonable and specific standards and conditions set out in the zoning ordinance or resolution to:

(1) Require the architectural design and site layout of the home and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood;

(2) Require compliance with yard, parking, and sign regulation.

(C) Divisions (A) and (B) of this section do not affect any right of a political subdivision to permit a person to operate a residential facility licensed under section 5119.34 of the Revised Code in a single-family residential district or zone under conditions established by the political subdivision. 103494
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(D)(1) Notwithstanding divisions (A) and (B) of this section and except as provided in division (D)(2) of this section, a political subdivision that has enacted a zoning ordinance or resolution may limit the excessive concentration of licensed residential facilities that meet the criteria specified in division (A)(9)(b) of section 5119.34 of the Revised Code. 103499
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(2) Division (D)(1) of this section does not authorize a political subdivision to prevent or limit the continued existence and operation of residential facilities existing and operating on September 10, 2012, and that meet the criteria specified in division (A)(9)(b) of section 5119.34 of the Revised Code. A political subdivision may consider the existence of such facilities for the purpose of limiting the excessive concentration of such facilities that meet the criteria specified in division (A)(9)(b) of section 5119.34 of the Revised Code that are not existing and operating on September 10, 2012. 103505
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Sec. ~~5119.221~~ 5119.342. (A) Upon petition by the director of ~~mental health~~ mental health and addiction services, the court of common pleas or the probate court may appoint a receiver to take possession of and operate a residential facility licensed pursuant to section ~~5119.22~~ 5119.34 of the Revised Code, when conditions existing at the residential facility present a substantial risk of physical or mental harm to residents and no other remedies at law are adequate to protect the health, safety, and welfare of the residents. 103515
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Petitions filed pursuant to this section shall include: 103524

(1) A description of the specific conditions existing at the residential facility which present a substantial risk of physical or mental harm to residents;

(2) A statement of the absence of other adequate remedies at law;

(3) The number of individuals residing at the facility;

(4) A statement that the facts have been brought to the attention of the owner or licensee and that conditions have not been remedied within a reasonable period of time or that the conditions, though remedied periodically, habitually exist at the residential facility as a pattern or practice; and

(5) The name and address of the person holding the license for the residential facility.

(B) A court in which a petition is filed pursuant to this section shall notify the person holding the license for the facility of the filing. The department shall send notice of the filing to the following, as appropriate: the Ohio protection and advocacy system as defined in section 5123.60 of the Revised Code; facility owner; facility operator; board of alcohol, drug addiction, and mental health services; board of health; department of developmental disabilities; department of job and family services; facility residents; and residents' families and guardians. The court shall provide a hearing on the petition within five court days of the time it was filed, except that the court may appoint a receiver prior to that time if it determines that the circumstances necessitate such action.

Following a hearing on the petition, and upon a determination that the appointment of a receiver is warranted, the court shall appoint a receiver and notify the department of ~~mental health~~ mental health and addiction services and appropriate persons of this action.

In setting forth the powers of the receiver, the court may generally authorize the receiver to do all that is prudent and necessary to safely and efficiently operate the residential facility within the requirements of state and federal law, but shall require the receiver to obtain court approval prior to making any single expenditure of more than five thousand dollars to correct deficiencies in the structure or furnishings of a facility. The court shall closely review the conduct of the receiver and shall require regular and detailed reports.

(C) A receivership established pursuant to this section shall be terminated, following notification of the appropriate parties and a hearing, if the court determines either of the following:

(1) The residential facility has been closed and the former residents have been relocated to an appropriate facility;

(2) Circumstances no longer exist at the residential facility which present a substantial risk of physical or mental harm to residents, and there is no deficiency in the residential facility that is likely to create a future risk of harm.

Notwithstanding division (C)(2) of this section, the court shall not terminate a receivership for a residential facility that has previously operated under another receivership unless the responsibility for the operation of the facility is transferred to an operator approved by the court and the department of ~~mental health~~ mental health and addiction services.

(D) Except for the department of ~~mental health~~ mental health and addiction services or appropriate board of alcohol, drug addiction, and mental health services, no party or person interested in an action shall be appointed a receiver pursuant to this section.

To assist the court in identifying persons qualified to be named as receivers, the director of ~~the department of mental~~

~~health~~ mental health and addiction services shall maintain a list 103587
of the names of such persons. The department of ~~mental health~~ 103588
mental health and addiction services, the department of job and 103589
family services, and the department of health shall provide 103590
technical assistance to any receiver appointed pursuant to this 103591
section. 103592

Before entering upon the duties of receiver, the receiver 103593
must be sworn to perform the duties faithfully, and, with surety 103594
approved by the court, judge, or clerk, execute a bond to such 103595
person, and in such sum as the court or judge directs, to the 103596
effect that such receiver will faithfully discharge the duties of 103597
receiver in the action, and obey the orders of the court therein. 103598

(1) Under the control of the appointing court, a receiver may 103599
do the following: 103600

(a) Bring and defend actions in the appointee's name as 103601
receiver; 103602

(b) Take and keep possession of property. 103603

(2) The court shall authorize the receiver to do the 103604
following: 103605

(a) Collect payment for all goods and services provided to 103606
the residents or others during the period of the receivership at 103607
the same rate as was charged by the licensee at the time the 103608
petition for receivership was filed, unless a different rate is 103609
set by the court; 103610

(b) Honor all leases, mortgages, and secured transactions 103611
governing all buildings, goods, and fixtures of which the receiver 103612
has taken possession, but, in the case of a rental agreement only 103613
to the extent of payments that are for the use of the property 103614
during the period of the receivership, or, in the case of a 103615
purchase agreement, only to the extent that payments come due 103616
during the period of the receivership; 103617

(c) If transfer of residents is necessary, provide for the orderly transfer of residents by:

(i) Cooperating with all appropriate state and local agencies in carrying out the transfer of residents to alternative community placements;

(ii) Providing for the transportation of residents' belongings and records;

(iii) Helping to locate alternative placements and develop plans for transfer;

(iv) Encouraging residents or guardians to participate in transfer planning except when an emergency exists and immediate transfer is necessary.

(d) Make periodic reports on the status of the residential facility to the court; the appropriate state agencies; and the board of alcohol, drug addiction, and mental health services. Each report shall be made available to residents, their guardians, and families.

(e) Compromise demands or claims; and

(f) Generally do such acts respecting the residential facility as the court authorizes.

Notwithstanding any other provision of law, contracts which are necessary to carry out the powers and duties of the receiver need not be competitively bid.

Sec. ~~5119.611~~ 5119.36. (A) A community mental health ~~agency~~ services provider applicant or community addiction services provider applicant that seeks certification of its community mental health services or community addiction services shall submit an application to the director of ~~mental health~~ mental health and addiction services. On receipt of the application, the director may ~~visit~~ conduct an on-site review and shall evaluate

the ~~agency provider~~ to determine whether its services satisfy the 103648
standards established by rules adopted under division ~~(C)~~(E) of 103649
this section. The director shall make the evaluation, and, if the 103650
director ~~visits~~ conducts an on-site review of the agency provider, 103651
~~shall~~ may make the ~~visit~~ review, in cooperation with the board of 103652
alcohol, drug addiction, and mental health services with which the 103653
~~agency provider~~ seeks to contract under division (A)(8)(a) of 103654
section 340.03 of the Revised Code. 103655

(B) Subject to section ~~5119.612~~ 5119.37 of the Revised Code, 103656
the director shall determine whether the services of an 103657
~~applicant's community mental health agency~~ applicant satisfy the 103658
standards for certification of the services. If the director 103659
determines that a community mental health ~~agency's~~ services 103660
provider's or a community addiction services provider's services 103661
satisfy the standards for certification and the ~~agency provider~~ 103662
has paid the fee required under division (D) of this section, the 103663
director shall certify the services. No community mental health 103664
services provider or community addiction services provider shall 103665
be eligible to receive state or federal funds, or funds 103666
administered by a board of alcohol, drug addiction, and mental 103667
health services unless its services have been certified by the 103668
department. 103669

(C) If the director determines that a community mental health 103670
~~agency's~~ services provider's or a community addiction services 103671
provider's services do not satisfy the standards for 103672
certification, the director shall identify the areas of 103673
noncompliance, specify what action is necessary to satisfy the 103674
standards, and may offer technical assistance to the provider and 103675
to the board of alcohol, drug addiction, and mental health 103676
services so that the board may assist the ~~agency provider~~ in 103677
satisfying the standards. The director shall give the ~~agency~~ 103678
provider a reasonable time within which to demonstrate that its 103679

services satisfy the standards or to bring the services into 103680
compliance with the standards. If the director concludes that the 103681
services continue to fail to satisfy the standards, the director 103682
may request that the board reallocate ~~the~~ any funds for the 103683
~~community~~ mental health or addiction services the ~~agency~~ provider 103684
was to provide to another community mental health ~~agency~~ or 103685
addiction services provider whose community mental health or 103686
community addiction services satisfy the standards. If the board 103687
does not reallocate ~~those~~ such funds in a reasonable period of 103688
time, the director may withhold state and federal funds for the 103689
~~community mental health~~ services and allocate those funds directly 103690
to a community mental health ~~agency~~ or community addiction 103691
services provider whose ~~community mental health~~ services satisfy 103692
the standards. 103693

(D) Each community mental health ~~agency~~ services provider or 103694
community addiction services provider seeking certification of its 103695
~~community~~ mental health or addiction services under this section 103696
shall pay a fee for the certification required by this section, 103697
unless the provider is exempt under rules adopted under division 103698
(E) of this section. Fees shall be paid into the state treasury to 103699
the credit of the sale of goods and services fund created pursuant 103700
to section ~~5119.161~~ 5119.45 of the Revised Code. 103701

(E) The director shall adopt rules in accordance with Chapter 103702
119. of the Revised Code to implement this section. The rules 103703
shall do all of the following: 103704

(1) Establish certification standards for ~~community~~ mental 103705
health services, ~~including assertive community treatment and~~ 103706
~~intensive home based mental health services,~~ and addiction 103707
services that are consistent with nationally recognized applicable 103708
standards and facilitate participation in federal assistance 103709
programs. The rules shall include as certification standards only 103710
requirements that improve the quality of services or the health 103711

and safety of ~~clients~~ of persons receiving community mental health 103712
and addiction services. The standards shall address at a minimum 103713
all of the following: 103714

(a) Reporting major unusual incidents to the director; 103715

(b) Procedures for applicants for and ~~clients~~ of persons 103716
receiving community mental health and addiction services to file 103717
grievances and complaints; 103718

(c) Seclusion; 103719

(d) Restraint; 103720

(e) Requirements regarding physical facilities of service 103721
delivery sites; 103722

(f) Requirements with regard to health, safety, adequacy, and 103723
cultural specificity and sensitivity; 103724

(g) Standards for evaluating services; 103725

(h) Standards and procedures for granting full or conditional 103726
certification to a service provider; 103727

(i) Standards and procedures for revoking the certification 103728
of a provider's services that do not continue to meet the minimum 103729
standards established pursuant to this section; 103730

(j) The limitations to be placed on a provider that is 103731
granted conditional certification; 103732

(k) Development of written policies addressing the rights of 103733
~~clients~~ persons receiving services, including all of the 103734
following: 103735

(i) The right to a copy of the written policies addressing 103736
~~client~~ the rights of persons receiving services; 103737

(ii) The right at all times to be treated with consideration 103738
and respect for the ~~client's~~ person's privacy and dignity; 103739

(iii) The right to have access to the ~~client's~~ person's own 103740

psychiatric, medical, or other treatment records unless access is 103741
specifically restricted in the ~~client's~~ person's treatment plan 103742
for clear treatment reasons; 103743

(iv) The right to have a client rights officer provided by 103744
the ~~agency~~ services provider or board of alcohol, drug addiction, 103745
and mental health services advise the ~~client~~ person of the 103746
~~client's~~ person's rights, including the ~~client's~~ person's rights 103747
under Chapter 5122. of the Revised Code if the ~~client~~ person is 103748
committed to the ~~agency~~ provider or board. 103749

~~(2) Establish standards for qualifications of mental health 103750
professionals as defined in section 340.02 of the Revised Code and 103751
personnel who provide the community mental health services;~~ 103752

~~(3) Establish the process for certification of community 103753
mental health and addiction services;~~ 103754

~~(4)(3) Set the amount of certification review fees based on a 103755
portion of the cost of performing the review;~~ 103756

~~(5)(4) Specify the type of notice and hearing to be provided 103757
prior to a decision on whether to reallocate funds.~~ 103758

(F) The department shall maintain a current list of providers 103759
whose addiction services are certified by the department under 103760
division (B) of this section and shall provide a copy of the list 103761
to a judge of a court of common pleas who requests a copy for the 103762
use of the judge under division (H) of section 2925.03 of the 103763
Revised Code. The list of certified addiction services shall 103764
identify each provider by its name, its address, and the county in 103765
which it is located. 103766

(G) No person shall represent in any manner that a provider 103767
is certified by the department if the provider is not certified at 103768
the time the representation is made. 103769

Sec. ~~5119.613~~ 5119.361. The director of ~~mental health~~ mental 103770

health and addiction services shall require that each board of 103771
alcohol, drug addiction, and mental health services ensure that 103772
each community mental health ~~agency~~ services provider and 103773
community addiction services provider with which it contracts 103774
under division (A)(8)(a) of section 340.03 of the Revised Code to 103775
provide community mental health or addiction services establish 103776
grievance procedures consistent with rules adopted under section 103777
~~5119.611~~ 5119.36 of the Revised Code that are available to all 103778
~~applicants for and clients of the~~ persons seeking or receiving 103779
services from a community mental health or addiction services 103780
provider. 103781

Sec. ~~5119.612~~ 5119.37. (A) In lieu of a determination by the 103782
director of ~~mental health~~ mental health and addiction services of 103783
whether the services of a community mental health ~~agency~~ services 103784
provider or a community addiction services provider satisfy the 103785
standards for certification under section ~~5119.611~~ 5119.36 of the 103786
Revised Code, the director shall accept appropriate accreditation 103787
of an applicant's mental health services, alcohol and drug 103788
addiction services, integrated mental health and alcohol and other 103789
drug addiction services, ~~or~~ integrated mental health and physical 103790
health services, or integrated alcohol and other drug addiction 103791
and physical health services being provided in this state from any 103792
of the following national accrediting organizations as evidence 103793
that the applicant satisfies the standards for certification: 103794

(1) The joint commission; 103795

(2) The commission on accreditation of rehabilitation 103796
facilities; 103797

(3) The council on accreditation; 103798

(4) Other behavioral health accreditation as determined by 103799
the director. 103800

(B) If the director determines that an applicant's accreditation is current, is appropriate for the services for which the applicant is seeking certification, and the applicant meets any other requirements established under this section or in rules adopted under this section, the director shall certify the applicant's services that are accredited. Except as provided in division (C)(2) of this section, the director shall issue the certification without further evaluation of the services.

(C) For purposes of this section, all of the following apply:

(1) The director may review the accrediting organizations listed in division (A) of this section to evaluate whether the accreditation standards and processes used by the organizations are consistent with service delivery models the director considers appropriate for mental health services, alcohol or other drug addiction services, physical health services, or both. The director may communicate to an accrediting organization any identified concerns, trends, needs, and recommendations.

(2) The director may ~~visit~~ conduct an on-site review or otherwise evaluate a community mental health ~~agency~~ services provider or a community addiction services provider at any time based on cause, including complaints made by or on behalf of ~~consumers~~ persons receiving services and confirmed or alleged deficiencies brought to the attention of the director.

(3) The director shall require a community mental health ~~agency~~ services provider and a community addiction services provider to notify the director not later than ten days after any change in the ~~agency's~~ provider's accreditation status. The ~~agency~~ provider may notify the director by providing a copy of the relevant document the ~~agency~~ provider received from the accrediting organization.

(4) The director shall require a community mental health

agency services provider and a community addiction services provider to submit to the director reports of major unusual incidents. 103832
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(5) The director may require a community mental health ~~agency~~ services provider or a community addiction services provider to submit to the director cost reports pertaining to the ~~agency~~ provider. 103835
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(D) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. In adopting the rules, the director shall do all of the following: 103839
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(1) Specify the documentation that must be submitted as evidence of holding appropriate accreditation; 103842
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(2) Establish a process by which the director may review the accreditation standards and processes used by the national accrediting organizations listed in division (A) of this section; 103844
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(3) Specify the circumstances under which reports of major unusual incidents and ~~agency~~ provider cost reports must be submitted to the director; 103847
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(4) Specify the circumstances under which the director may ~~visit~~ conduct an on-site review or otherwise evaluate a community mental health ~~agency~~ services provider and a community addiction services provider for cause; 103850
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(5) Establish a process by which the director, based on deficiencies identified as a result of ~~visiting~~ conducting an on-site review or evaluating a community mental health ~~agency~~ services provider or a community addiction services provider under division (C)(2) of this section, may take any of a range of corrective actions, with the most stringent being revocation of the certification of the ~~agency's~~ provider's services. 103854
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Sec. ~~3793.10~~ 5119.38. A drivers' intervention program may be 103861

used as an alternative to a term of imprisonment for an offender 103862
sentenced pursuant to division (G)(1)(a) of section 4511.19 of the 103863
Revised Code, if it is certified by the director of ~~alcohol and~~ 103864
~~drug addiction services~~ mental health and addiction services 103865
pursuant to this section. No drivers' intervention program shall 103866
be used as an alternative to a term of imprisonment that is 103867
imposed pursuant to division (G)(1)(b), (c), (d), or (e) of 103868
section 4511.19 of the Revised Code. 103869

To qualify for certification by the director and to receive 103870
funds from the statewide treatment and prevention fund created by 103871
section 4301.30 of the Revised Code in any amounts and at any 103872
times that the director determines are appropriate, a drivers' 103873
intervention program shall meet state minimum standards that the 103874
director shall establish by rule. The rules shall include, but are 103875
not limited to, standards governing program course hours and 103876
content, qualifications of program personnel, methods of 103877
identifying and testing participants to isolate participants with 103878
alcohol and drug abuse problems, referral of such persons to 103879
~~alcohol and drug~~ community addiction programs services providers, 103880
the prompt notification of courts by program operators of the 103881
completion of the programs by persons required by courts to attend 103882
them, and record keeping, including methods of tracking 103883
participants for a reasonable time after they have left the 103884
program. 103885

The director shall issue a certificate to any qualified 103886
drivers' intervention program. The certificate is valid for three 103887
years. 103888

Sec. ~~3793.11~~ 5119.39. (A) No ~~alcohol and drug~~ community 103889
addiction ~~program~~ services provider shall employ methadone 103890
treatment or prescribe, dispense, or administer methadone unless 103891
the program is licensed under this section. No ~~alcohol and drug~~ 103892

community addiction program services provider licensed under this 103893
section shall maintain methadone treatment in a manner 103894
inconsistent with this section and the rules adopted under it. 103895

(B) ~~An alcohol and drug~~ A community addiction program 103896
services provider may apply to the department of ~~alcohol and drug~~ 103897
~~addiction services~~ mental health and addiction services for a 103898
license to maintain methadone treatment. The department shall 103899
review all applications received. 103900

(C) The department may issue a license to maintain methadone 103901
treatment to ~~an alcohol and drug~~ community addiction program 103902
services provider only if all of the following apply: 103903

(1) The ~~program~~ provider is operated by a private, nonprofit 103904
organization or by a government entity; 103905

(2) For at least two years immediately preceding the date of 103906
application, the ~~program~~ provider has been fully certified under 103907
section ~~3793.06~~ 5119.36 of the Revised Code; 103908

(3) The ~~program~~ provider has not been denied a license to 103909
maintain methadone treatment or had its license withdrawn or 103910
revoked within the five-year period immediately preceding the date 103911
of application; 103912

(4) It affirmatively appears to the department that the 103913
~~program~~ provider is adequately staffed and equipped to maintain 103914
methadone treatment; 103915

(5) It affirmatively appears to the department that the 103916
~~program~~ provider will maintain methadone treatment in strict 103917
compliance with section 3719.61 of the Revised Code, all other 103918
laws relating to drug abuse, and the rules adopted by the 103919
department; 103920

(6) Except as provided in division (D) of this section, there 103921
is no public or private school, licensed child day-care center, or 103922

other child-serving agency within a radius of five hundred feet of 103923
the location where the program is to maintain methadone treatment. 103924

(D) The department may waive the requirement of division 103925
(C)(6) of this section if it receives, from each public or private 103926
school, licensed child day-care center, or other child-serving 103927
agency that is within the applicable radius of the location where 103928
the program is to maintain methadone treatment, a letter of 103929
support for the location. The department shall determine whether a 103930
letter of support is satisfactory for purposes of waiving the 103931
requirement. 103932

(E) A license to maintain methadone treatment shall expire 103933
one year from the date of issuance. Licenses may be renewed. 103934

(F) The department shall establish procedures and adopt rules 103935
for licensing, inspection, and supervision of ~~alcohol and drug~~ 103936
community addiction programs services providers that maintain 103937
methadone treatment. The rules shall establish standards for the 103938
control, storage, furnishing, use, and dispensing of methadone, 103939
prescribe minimum standards for the operation of the methadone 103940
treatment component of the ~~program~~, provider's operations and 103941
comply with federal laws and regulations. 103942

All rules adopted under this division shall be adopted in 103943
accordance with Chapter 119. of the Revised Code. All actions 103944
taken by the department regarding the licensing of ~~programs~~ 103945
providers to maintain methadone treatment shall be conducted in 103946
accordance with Chapter 119. of the Revised Code, except as 103947
provided in division (L) of this section. 103948

(G) The department of ~~alcohol and drug addiction services~~ 103949
mental health and addiction services shall inspect all ~~alcohol and~~ 103950
~~drug~~ community addiction programs services providers licensed to 103951
maintain methadone treatment. Inspections shall be conducted at 103952
least annually and may be conducted more frequently. No person or 103953

government entity shall interfere with a state or local government 103954
official acting on behalf of the department while conducting an 103955
inspection. 103956

(H) An ~~alcohol and drug~~ community addiction program services 103957
provider shall not administer or dispense methadone in a tablet, 103958
powder, or intravenous form. Methadone shall be administered or 103959
dispensed only in a liquid form intended for ingestion. A ~~program~~ 103960
services provider shall not administer or dispense methadone to an 103961
individual for pain or other medical reasons. 103962

(I) As used in this division, "program sponsor" means a 103963
person who assumes responsibility for the operation and employees 103964
of the methadone treatment component of ~~an alcohol and drug a~~ 103965
community addiction program services provider. 103966

~~An alcohol and drug~~ A community addiction program services 103967
provider shall not employ an individual who receives methadone 103968
treatment from that ~~program services provider~~. A program shall not 103969
permit an individual to act as a ~~program provider~~ sponsor, medical 103970
director, or director of the ~~program provider~~ if the individual is 103971
receiving methadone treatment from any ~~alcohol and drug~~ community 103972
addiction ~~program services provider~~. 103973

(J) The department may issue orders to assure compliance with 103974
section 3719.61 of the Revised Code, all other laws relating to 103975
drug abuse, and the rules adopted under this section. Subject to 103976
section ~~3793.13~~ 5119.27 of the Revised Code, the department may 103977
hold hearings, require the production of relevant matter, compel 103978
testimony, issue subpoenas, and make adjudications. Upon failure 103979
of a person without lawful excuse to obey a subpoena or to produce 103980
relevant matter, the department may apply to a court of common 103981
pleas for an order compelling compliance. 103982

(K) The department may refuse to issue, or may withdraw or 103983
revoke, a license to maintain methadone treatment. A license may 103984

be refused if ~~an alcohol and drug~~ a community addiction ~~program~~ 103985
services provider does not meet the requirements of division (C) 103986
of this section. A license may be withdrawn at any time the 103987
department determines that the program no longer meets the 103988
requirements for receiving the license. A license may be revoked 103989
in accordance with division (L) of this section. 103990

In the case of a license issued prior to ~~the effective date~~ 103991
~~of this amendment~~ December 20, 2012, the department shall not 103992
consider the requirement of division (C)(6) of this section in 103993
determining whether to renew, withdraw, or revoke the license. 103994

(L) If the department of ~~alcohol and drug addiction services~~ 103995
mental health and addiction services finds reasonable cause to 103996
believe that ~~an alcohol and drug~~ a community addiction ~~program~~ 103997
services provider licensed under this section is in violation of 103998
any provision of section 3719.61 of the Revised Code, or of any 103999
other state or federal law or rule relating to drug abuse, the 104000
department may issue an order immediately revoking the license, 104001
subject to division (M) of this section. The department shall set 104002
a date not more than fifteen days later than the date of the order 104003
of revocation for a hearing on the continuation or cancellation of 104004
the revocation. For good cause, the department may continue the 104005
hearing on application of any interested party. In conducting 104006
hearings, the department has all the authority and power set forth 104007
in division (J) of this section. Following the hearing, the 104008
department shall either confirm or cancel the revocation. The 104009
hearing shall be conducted in accordance with Chapter 119. of the 104010
Revised Code, except that the ~~program~~ provider shall not be 104011
permitted to maintain methadone treatment pending the hearing or 104012
pending any appeal from an adjudication made as a result of the 104013
hearing. Notwithstanding any provision of Chapter 119. of the 104014
Revised Code to the contrary, a court shall not stay or suspend 104015
any order of revocation issued by the director under this division 104016

pending judicial appeal. 104017

(M) The department shall not revoke a license to maintain 104018
methadone treatment unless all ~~clients~~ services recipients 104019
receiving methadone treatment from the ~~alcohol and drug~~ community 104020
addiction ~~program~~ services provider are provided adequate 104021
substitute treatment. For purposes of this division, the 104022
department may transfer the ~~clients~~ services recipients to other 104023
programs licensed to maintain methadone treatment or replace any 104024
or all of the administrators and staff of the ~~program~~ provider 104025
with representatives of the department who shall continue on a 104026
provisional basis the methadone treatment component of the 104027
program. 104028

(N) Each time the department receives an application from ~~an~~ 104029
~~alcohol and drug~~ a community addiction ~~program~~ services provider 104030
for a license to maintain methadone treatment, issues or refuses 104031
to issue a license, or withdraws or revokes a license, the 104032
department shall notify the board of alcohol, drug addiction, and 104033
mental health services of each alcohol, drug addiction, and mental 104034
health service district in which the ~~program is operated~~ provider 104035
operates. 104036

(O) Whenever it appears to the department from files, upon 104037
complaint, or otherwise, that ~~an alcohol and drug~~ a community 104038
addiction ~~program~~ services provider has engaged in any practice 104039
declared to be illegal or prohibited by section 3719.61 of the 104040
Revised Code, or any other state or federal laws or regulations 104041
relating to drug abuse, or when the department believes it to be 104042
in the best interest of the public and necessary for the 104043
protection of the citizens of the state, the department may 104044
request criminal proceedings by laying before the prosecuting 104045
attorney of the proper county any evidence of criminality which 104046
may come to its knowledge. 104047

(P) The department shall maintain a current list of ~~alcohol~~ 104048

~~and drug~~ community addiction programs services providers licensed 104049
by the department under this section and shall provide a copy of 104050
the current list to a judge of a court of common pleas who 104051
requests a copy for the use of the judge under division (H) of 104052
section 2925.03 of the Revised Code. The list of licensed ~~alcohol~~ 104053
~~and drug~~ community addiction programs services providers shall 104054
identify each licensed ~~program~~ provider by its name, its address, 104055
and the county in which it is located. 104056

Sec. ~~5119.061~~ 5119.40. (A) As used in this section, "mentally 104057
ill individual" and "specialized services" have the same meanings 104058
as in section ~~5111.202~~ 5165.03 of the Revised Code. 104059

(B)(1) Except as provided in division (B)(2) of this section 104060
and rules adopted under division (E)(3) of this section, for 104061
purposes of section ~~5111.202~~ 5165.03 of the Revised Code, the 104062
department of ~~mental health~~ mental health and addiction services 104063
shall determine in accordance with ~~section 1919(e)(7)~~ of the 104064
"Social Security Act," ~~49 Stat. 620 (1935)~~ section 1919(e)(7), 42 104065
U.S.C.A. ~~301~~ 1396r(e)(7), ~~as amended~~, and regulations adopted 104066
under section 1919(f)(8)(A) of that act, 42 U.S.C. 1396r(f)(8)(A), 104067
whether, because of the individual's physical and mental 104068
condition, a mentally ill individual seeking admission to a 104069
nursing facility requires the level of services provided by a 104070
nursing facility and, if the individual requires that level of 104071
services, whether the individual requires specialized services for 104072
mental illness. The determination required by this division shall 104073
be based on an independent physical and mental evaluation 104074
performed by a person or entity other than the department. 104075

(2) ~~A~~ Except as provided in division (B)(3) of this section, 104076
a determination under this division (B)(1) of this section is not 104077
required for any of the following: 104078

(a) An individual seeking readmission to a nursing facility 104079

after having been transferred from a nursing facility to a hospital for care;

(b) An individual who meets all of the following conditions:

(i) The individual is admitted to the nursing facility directly from a hospital after receiving inpatient care at the hospital;

(ii) The individual requires nursing facility services for the condition for which care in the hospital was received;

(iii) The individual's attending physician has certified, before admission to the nursing facility, that the individual is likely to require less than thirty days of nursing facility services.

(c) An individual transferred from one nursing facility to another nursing facility, with or without an intervening hospital stay.

(3) A determination under division (B)(1) of this section is required for an individual described in division (B)(2)(a) or (b) of this section if the hospital from which the individual is transferred or directly admitted to a nursing facility is either of the following:

(a) A hospital that the department maintains, operates, manages, and governs under section 5119.14 of the Revised Code for the care and treatment of mentally ill persons;

(b) A free-standing hospital, or unit of a hospital, licensed by the department under section 5119.33 of the Revised Code.

(C) Except as provided in rules adopted under division ~~(F)~~(E)(3) of this section, the department of ~~mental health~~ mental health and addiction services shall review and determine for each resident of a nursing facility who is mentally ill, whether the resident, because of the resident's physical and mental condition,

requires the level of services provided by a nursing facility and 104110
whether the resident requires specialized services for mental 104111
illness. The review and determination shall be conducted in 104112
accordance with section 1919(e)(7) of the "Social Security Act" 104113
and the regulations adopted under section 1919(f)(8)(A) of the act 104114
and based on an independent physical and mental evaluation 104115
performed by a person or entity other than the department. The 104116
review and determination shall be completed promptly after a 104117
nursing facility has notified the department that there has been a 104118
significant change in the resident's mental or physical condition. 104119

(D)(1) In the case of a nursing facility resident who has 104120
continuously resided in a nursing facility for at least thirty 104121
months before the date of a review and determination under 104122
division (C) of this section, if the resident is determined not to 104123
require the level of services provided by a nursing facility, but 104124
is determined to require specialized services for mental illness, 104125
the department, in consultation with the resident's family or 104126
legal representative and care givers, shall do all of the 104127
following: 104128

(a) Inform the resident of the institutional and 104129
noninstitutional alternatives covered under the state plan for 104130
medical assistance; 104131

(b) Offer the resident the choice of remaining in the nursing 104132
facility or receiving covered services in an alternative 104133
institutional or noninstitutional setting; 104134

(c) Clarify the effect on eligibility for services under the 104135
state plan for medical assistance if the resident chooses to leave 104136
the facility, including its effect on readmission to the facility; 104137

(d) Provide for or arrange for the provision of specialized 104138
services for the resident's mental illness in the setting chosen 104139
by the resident. 104140

(2) In the case of a nursing facility resident who has 104141
continuously resided in a nursing facility for less than thirty 104142
months before the date of the review and determination under 104143
division (C) of this section, if the resident is determined not to 104144
require the level of services provided by a nursing facility, but 104145
is determined to require specialized services for mental illness, 104146
or if the resident is determined to require neither the level of 104147
services provided by a nursing facility nor specialized services 104148
for mental illness, the department shall act in accordance with 104149
its alternative disposition plan approved by the United States 104150
department of health and human services under section 104151
1919(e)(7)(E) of the "Social Security Act." 104152

(3) In the case of an individual who is determined under 104153
division (B) or (C) of this section to require both the level of 104154
services provided by a nursing facility and specialized services 104155
for mental illness, the department of ~~mental health~~ mental health 104156
and addiction services shall provide or arrange for the provision 104157
of the specialized services needed by the individual or resident 104158
while residing in a nursing facility. 104159

(E) The department of ~~mental health~~ mental health and 104160
addiction services shall adopt rules in accordance with Chapter 104161
119. of the Revised Code that do all of the following: 104162

(1) Establish criteria to be used in making the 104163
determinations required by divisions (B) and (C) of this section. 104164
The criteria shall not exceed the criteria established by 104165
regulations adopted by the United States department of health and 104166
human services under section 1919(f)(8)(A) of the "Social Security 104167
Act." 104168

(2) Specify information to be provided by the individual or 104169
nursing facility resident being assessed; 104170

(3) Specify any circumstances, in addition to circumstances 104171

listed in division (B) of this section, under which determinations 104172
under divisions (B) and (C) of this section are not required to be 104173
made. 104174

Sec. ~~5119.69~~ 5119.41. (A) As used in this section and section 104175
~~5119.691~~ 5119.411 of the Revised Code: 104176

(1) "~~Long term care consultation program~~" means the program 104177
the department of aging is required to develop under section 104178
~~173.42~~ of the Revised Code. 104179

(2) "~~Long term care consultation program administrator~~" or 104180
"~~administrator~~" means the department of aging or, if the 104181
department contracts with an area agency on aging or other entity 104182
to administer the long term care consultation program for a 104183
particular area, that agency or entity. 104184

(3) "Nursing facility" has the same meaning as in section 104185
~~5111.20~~ 5165.01 of the Revised Code. 104186

(4)(2) "Residential state supplement administrative agency" 104187
means the department of ~~mental health~~ mental health and addiction 104188
services or, if the department designates an entity under division 104189
(C) of this section for a particular area, the designated entity. 104190

(5)(3) "Residential state supplement program" means the 104191
program administered pursuant to this section. 104192

(B) The department of ~~mental health~~ mental health and 104193
addiction services shall implement the residential state 104194
supplement program under which the state supplements the 104195
supplemental security income payments received by aged, blind, or 104196
disabled adults under Title XVI of the "Social Security Act," ~~49~~ 104197
~~Stat. 620 (1935)~~, 42 U.S.C.A., as amended 1381 et seq. Residential 104198
state supplement payments shall be used for the provision of 104199
accommodations, supervision, and personal care services to social 104200
security, supplemental security income, and social security 104201

disability insurance recipients who the department determines are 104202
at risk of needing institutional care. 104203

(C) In implementing the program, the department may designate 104204
one or more entities to be responsible for providing 104205
administrative services regarding the program. The department may 104206
designate an entity to be a residential state supplement 104207
administrative agency under this division either by entering into 104208
a contract with the entity to serve in that capacity or by 104209
otherwise delegating to the entity the responsibility to serve in 104210
that capacity. 104211

(D) For an individual to be eligible for residential state 104212
supplement payments, all of the following must be the case: 104213

(1) Except as provided by division (H) of this section, the 104214
individual must reside in one of the following: 104215

(a) A ~~home or residential care facility, other than a nursing~~ 104216
~~home or nursing home unit of a home for the aging,~~ licensed by the 104217
department of health under Chapter 3721. of the Revised Code or an 104218
assisted living program as defined in section 5111.89 of the 104219
Revised Code; 104220

(b) A residential facility as defined in division (A)(9)(b) 104221
of section ~~5119.22~~ 5119.34 of the Revised Code licensed by the 104222
department of ~~mental health~~ mental health and addiction services; 104223

(c) An apartment or room used to provide community mental 104224
health housing services certified by the department of ~~mental~~ 104225
~~health~~ mental health and addiction services under section ~~5119.611~~ 104226
5119.36 of the Revised Code and approved by a board of alcohol, 104227
drug addiction, and mental health services under division (A)(14) 104228
of section 340.03 of the Revised Code. 104229

(2) A residential state supplement administrative agency must 104230
have determined that the environment in which the individual will 104231
be living while receiving the payments is appropriate for the 104232

individual's needs. If the individual is eligible for social 104233
security payments, supplemental security income payments, or 104234
social security disability insurance benefits because of a mental 104235
disability, the residential state supplement administrative agency 104236
shall refer the individual to a community mental health ~~agency~~ 104237
services provider for an assessment under division (A) of section 104238
340.091 of the Revised Code. 104239

(3) The individual satisfies all eligibility requirements 104240
established by rules adopted under division (E) of this section. 104241

(E) The ~~directors~~ director of ~~mental health~~ mental health and 104242
addiction services and ~~job and family services~~ medicaid director 104243
shall adopt rules in accordance with section 111.15 of the Revised 104244
Code as necessary to implement the residential state supplement 104245
program. 104246

To the extent permitted by Title XVI of the "Social Security 104247
Act," and any other provision of federal law, the medicaid 104248
~~director of job and family services~~ may adopt rules establishing 104249
standards for adjusting the eligibility requirements concerning 104250
the level of impairment a person must have so that the amount 104251
appropriated for the program by the general assembly is adequate 104252
for the number of eligible individuals. The rules shall not limit 104253
the eligibility of disabled persons solely on a basis classifying 104254
disabilities as physical or mental. The medicaid ~~director of job~~ 104255
~~and family services~~ also may adopt rules that establish 104256
eligibility standards for aged, blind, or disabled individuals who 104257
reside in one of the homes or facilities specified in division 104258
(D)(1) of this section but who, because of their income, do not 104259
receive supplemental security income payments. The rules may 104260
provide that these individuals may include individuals who receive 104261
other types of benefits, including, social security payments or 104262
social security disability insurance benefits provided under Title 104263
II of the "Social Security Act," ~~49 Stat. 620 (1935)~~, 42 U.S.C.A. 104264

401, ~~as amended~~ et seq. Notwithstanding division (B) of this 104265
section, such payments may be made if funds are available for 104266
them. 104267

The director of ~~mental health~~ mental health and addiction 104268
services may adopt rules establishing the method to be used to 104269
determine the amount an eligible individual will receive under the 104270
program. The amount the general assembly appropriates for the 104271
program may be a factor included in the method that director 104272
establishes. 104273

(F) The county department of job and family services of the 104274
county in which an applicant for the residential state supplement 104275
program resides shall determine whether the applicant meets income 104276
and resource requirements for the program. 104277

(G) The department of ~~mental health~~ mental health and 104278
addiction services shall maintain a waiting list of any 104279
individuals eligible for payments under this section but not 104280
receiving them because moneys appropriated to the department for 104281
the purposes of this section are insufficient to make payments to 104282
all eligible individuals. An individual may apply to be placed on 104283
the waiting list even though the individual does not reside in one 104284
of the homes or facilities specified in division (D)(1) of this 104285
section at the time of application. The director of ~~mental health~~ 104286
mental health and addiction services, by rules adopted in 104287
accordance with Chapter 119. of the Revised Code, may specify 104288
procedures and requirements for placing an individual on the 104289
waiting list and priorities for the order in which individuals 104290
placed on the waiting list are to begin to receive residential 104291
state supplement payments. The rules specifying priorities may 104292
give priority to individuals placed on the waiting list on or 104293
after July 1, 2006, who receive social security payments, social 104294
security disability insurance, or supplemental security income 104295
benefits under Title XVI of the "Social Security Act," ~~86 Stat.~~ 104296

~~1475 (1972)~~, 42 U.S.C. 1381, as ~~amended~~ et seq. The rules shall 104297
not affect the place on the waiting list of any person who was on 104298
the list on July 1, 2006. The rules specifying priorities may also 104299
set additional priorities based on living arrangement, such as 104300
whether an individual resides in a facility listed in division 104301
(D)(1) of this section or has been admitted to a nursing facility. 104302

(H) An individual in a licensed or certified living 104303
arrangement receiving state supplementation on November 15, 1990, 104304
under former section 5101.531 of the Revised Code shall not become 104305
ineligible for payments under this section solely by reason of the 104306
individual's living arrangement as long as the individual remains 104307
in the living arrangement in which the individual resided on 104308
November 15, 1990. 104309

(I) The ~~department of mental health~~ county department of job 104310
and family services from which the person is receiving benefits 104311
shall notify each person denied approval for payments under this 104312
section of the person's right to a hearing. On request, the 104313
hearing shall be provided in accordance with Chapter 119. of the 104314
Revised Code. 104315

Sec. ~~5119.691~~ 5119.411. On a periodic schedule determined by 104316
the department of ~~mental health~~ mental health and addiction 104317
services, each residential state supplement administrative agency 104318
shall determine whether individuals who reside in the area that 104319
the agency serves and are on a waiting list for the residential 104320
state supplement program have been admitted to a nursing facility. 104321
~~¶ The department shall have a process in place to ensure that if~~ 104322
a residential state supplement administrative agency determines 104323
that such an individual has been admitted to a nursing facility, 104324
~~the agency shall notify the long term care consultation program~~ 104325
~~administrator serving the area in which the individual resides~~ 104326
~~about the determination. The administrator shall determine there~~ 104327

shall be a determination whether the residential state supplement 104328
program is appropriate for the individual and whether the 104329
individual would rather participate in the program than continue 104330
residing in the nursing facility. If ~~the administrator determines~~ 104331
it is determined that the residential state supplement program is 104332
appropriate for the individual and the individual would rather 104333
participate in the program than continue residing in the nursing 104334
facility, the ~~administrator shall so notify the department of~~ 104335
~~mental health. On receipt of the notice from the administrator,~~ 104336
the department of ~~mental health~~ mental health and addiction 104337
services shall approve the individual's enrollment in the 104338
residential state supplement program in accordance with the 104339
priorities specified in rules adopted under division (G) of 104340
section ~~5119.69~~ 5119.41 of the Revised Code. Each quarter in which 104341
a waiting list is in place, the department of ~~mental health~~ mental 104342
health and addiction services shall certify to the director of 104343
budget and management the estimated increase in costs of the 104344
residential state supplement program resulting from enrollment of 104345
individuals in the program pursuant to this section. 104346

Sec. ~~5119.63~~ 5119.42. (A) As used in this section, "private, 104347
nonprofit organization" means a private association, organization, 104348
corporation, or other entity that is tax exempt under section 104349
501(a) and described in section 501(c) of the "Internal Revenue 104350
Code of 1986," 100 Stat. 2085, 26 U.S.C. 501. 104351

(B) To the extent funds are available and on application by 104352
boards of alcohol, drug addiction, and mental health services, the 104353
director of ~~mental health~~ mental health and addiction services may 104354
approve state reimbursement of, or state grants for, community 104355
~~mental health~~ construction programs including residential housing 104356
for severely mentally disabled persons and persons with substance 104357
use disorders. The director may also approve an application for 104358
reimbursement or a grant for such programs submitted by other 104359

governmental entities or by private, nonprofit organizations, 104360
after the application has been reviewed and recommended for 104361
approval or disapproval by the board of alcohol, drug addiction, 104362
and mental health services for the district from which the 104363
application came, and the application is consistent with the plan 104364
submitted by the board under division (A) of section 340.03 of the 104365
Revised Code and the budget and statement of services submitted by 104366
the board under divisions (A) and (B) of section 340.08 of the 104367
Revised Code. 104368

(C)(1) The director of ~~mental health~~ mental health and 104369
addiction services shall adopt rules in accordance with Chapter 104370
119. of the Revised Code that specify procedures for applying for 104371
state reimbursement of and state grants for community construction 104372
programs, including residential housing for severely mentally 104373
disabled persons and persons with substance use disorders and 104374
procedures and criteria for approval of such reimbursement and 104375
grants. 104376

(2) The director of ~~mental health~~ mental health and addiction 104377
services shall not approve state reimbursement or a state grant 104378
unless all of the following conditions are met: 104379

(a) The applicant includes with the application a plan 104380
specifying the services, in addition to housing, that will be 104381
provided to persons who will reside in the residential housing. 104382
Services specified may include any of the services ~~listed~~ 104383
described in section 340.09 of the Revised Code. 104384

(b) The director is satisfied that the residential housing 104385
for severely mentally disabled persons will be developed to 104386
promote the maximum practical integration of severely mentally 104387
disabled persons with persons at the same site who are not 104388
severely mentally disabled. 104389

(c) The use of any funds distributed pursuant to the 104390

reimbursement or grant will not subject any obligation from which 104391
the funds are derived to federal income taxation. 104392

(3) The director may enter into an agreement establishing 104393
terms for any reimbursement or grant approved under this division 104394
with the organization, board, or other government entity that is 104395
the recipient of the reimbursement or grant. Any such agreement is 104396
subject to any covenant or agreement pertaining to any obligation 104397
issued to provide funds for the reimbursement or grant. 104398

Sec. ~~5119.631~~ 5119.421. (A) This section applies to a board 104399
of alcohol, drug addiction, and mental health services, another 104400
governmental entity, or a private, nonprofit organization that 104401
received a grant or reimbursement under section ~~5119.63~~ 5119.42 of 104402
the Revised Code for a facility on which the department of ~~mental~~ 104403
~~health~~ mental health and addiction services holds a security 104404
interest. 104405

(B) A board of alcohol, drug addiction, and mental health 104406
services, another governmental entity, or a private, nonprofit 104407
organization to which this section applies may apply to the 104408
director of ~~mental health~~ mental health and addiction services for 104409
approval to sell its facility and acquire, construct, or renovate 104410
a replacement facility pursuant to this section. The director 104411
shall prescribe the form of the application. Before submitting an 104412
application to the director, a governmental entity or private, 104413
nonprofit organization must obtain approval of the application 104414
from the board of alcohol, drug addiction, and mental health 104415
services with jurisdiction over the service district in which the 104416
existing facility is located. The director shall approve an 104417
application for a replacement project upon determining that the 104418
project provides for the continuation of appropriate mental health 104419
and addiction services to the population served by the board, 104420
entity, or organization. 104421

(C) A board, entity, or organization that obtains approval 104422
for a project under division (B) of this section shall pay the 104423
proceeds of the sale of its facility to the director of ~~mental~~ 104424
~~health~~ mental health and addiction services. The director shall 104425
deposit the proceeds to the credit of the community capital 104426
replacement facilities fund. 104427

(D) When a board, entity, or organization that has sold its 104428
facility notifies the director of ~~mental health~~ mental health and 104429
addiction services that it is ready to acquire, construct, or 104430
renovate a replacement facility, the director shall do one of the 104431
following: 104432

(1) If the replacement facility is located in the same 104433
alcohol, drug addiction, and mental health service district as the 104434
original facility, and if the purposes for which the replacement 104435
facility will be used are the same as or similar to those for the 104436
original facility, the director shall pay to the board, entity, or 104437
organization from the community capital replacement facilities 104438
fund an amount equal to the lesser of an amount equal to the 104439
proceeds of the sale of the original facility or the amount of the 104440
state's agreed-upon participation (as a per cent of the total 104441
cost) in the cost of the replacement facility. If the amount of 104442
the state's agreed-upon participation in the cost of the 104443
replacement facility is less than the value of the state's 104444
security interest in the original facility, the difference between 104445
the state's agreed-upon participation in the cost of the 104446
replacement facility and the value of the state's security 104447
interest in the original facility shall be retained in the 104448
community capital replacement facilities fund, and any excess 104449
proceeds shall be paid to the board, entity, or organization. 104450

(2) If the replacement facility is located in a different 104451
alcohol, drug addiction, and mental health service district than 104452
the original facility, or if the purposes for which the 104453

replacement facility will be used are not the same as or similar 104454
to those for the original facility, the director shall request 104455
controlling board approval for release of funds for the project. 104456
If the controlling board so approves, the director shall pay to 104457
the board, entity, or organization from the community capital 104458
replacement facilities fund the lesser of an amount equal to the 104459
proceeds of the sale of the original facility or the amount of the 104460
state's agreed-upon participation (as a per cent of the total 104461
cost) in the cost of the replacement facility. ~~if~~ If the amount of 104462
the state's agreed-upon participation in the cost of the 104463
replacement facility is less than the value of the state's 104464
security interest in the original facility, the difference between 104465
the state's agreed-upon participation in the cost of the 104466
replacement facility and the value of the state's security 104467
interest in the original facility shall be retained in the 104468
community capital replacement facilities fund, and any excess 104469
proceeds shall be paid to the board, entity, or organization. 104470

(E) The director of ~~mental health~~ mental health and addiction 104471
services and a board, entity, or organization shall enter into an 104472
agreement specifying the terms of any payment made to the board, 104473
entity, or organization under division (D) of this section. The 104474
terms may include provision for the department of ~~mental health~~ 104475
mental health and addiction services to hold a security interest 104476
in the facility. 104477

(F)(1) When approving an application under division (B) of 104478
this section, the director of ~~mental health~~ mental health and 104479
addiction services shall establish a deadline by which the board, 104480
entity, or organization must notify the director that it is ready 104481
to acquire, construct, or renovate a replacement facility. If the 104482
board, entity, or organization does not notify the director on or 104483
before the deadline, the director may cancel the project. Upon 104484
canceling the project, the director shall pay to the board, 104485

entity, or organization from the community capital replacement 104486
facilities fund an amount equal to the portion of the proceeds of 104487
the sale of the original facility that exceeds the value of the 104488
state's security interest in the facility. 104489

(2) Notwithstanding the deadline established under division 104490
(F)(1) of this section, if at any time a board, entity, or 104491
organization notifies the director that it does not intend to 104492
acquire, construct, or renovate a replacement facility under this 104493
section, the director shall cancel the replacement project and pay 104494
to the board, entity, or organization from the community capital 104495
replacement facilities fund an amount equal to the portion of the 104496
proceeds of the sale of the original facility that exceeds the 104497
value of the state's security interest in the facility. 104498

(G) If a replacement project is canceled after the sale of 104499
the original facility, the director of ~~mental health~~ mental health 104500
and addiction services shall use funds equal to the value of the 104501
state's security interest in the original facility for additional 104502
grants or reimbursements under section ~~5119.63~~ 5119.42 of the 104503
Revised Code. The director shall obtain the approval of the 104504
controlling board before releasing the additional grants or 104505
reimbursements. 104506

(H) The community capital replacement facilities fund is 104507
hereby created in the state treasury. The director of ~~mental~~ 104508
~~health~~ mental health and addiction services shall use the fund for 104509
the purposes of this section. 104510

Sec. ~~5119.16~~ 5119.44. As used in this section, "free clinic" 104511
has the same meaning as in section 2305.2341 of the Revised Code. 104512

(A) The department of ~~mental health~~ mental health and 104513
addiction services may provide certain goods and services for the 104514
department of ~~mental health~~ mental health and addiction services, 104515
the department of developmental disabilities, the department of 104516

rehabilitation and correction, the department of youth services, 104517
and other state, county, or municipal agencies requesting such 104518
goods and services when the department of ~~mental health~~ mental 104519
health and addiction services determines that it is in the public 104520
interest, and considers it advisable, to provide these goods and 104521
services. The department of ~~mental health~~ mental health and 104522
addiction services also may provide goods and services to agencies 104523
operated by the United States government and to public or private 104524
nonprofit agencies, other than free clinics, that are funded in 104525
whole or in part by the state if the public or private nonprofit 104526
agencies are designated for participation in this program by the 104527
director of ~~mental health~~ mental health and addiction services for 104528
community addiction services providers and community mental health 104529
~~agencies~~ services providers, the director of developmental 104530
disabilities for community mental retardation and developmental 104531
disabilities agencies, the director of rehabilitation and 104532
correction for community rehabilitation and correction agencies, 104533
or the director of youth services for community youth services 104534
agencies. 104535

Designated community agencies or services providers shall 104536
receive goods and services through the department of ~~mental health~~ 104537
mental health and addiction services only in those cases where the 104538
designating state agency certifies that providing such goods and 104539
services to the agency or services provider will conserve public 104540
resources to the benefit of the public and where the provision of 104541
such goods and services is considered feasible by the department 104542
of ~~mental health~~ mental health and addiction services. 104543

(B) The department of ~~mental health~~ mental health and 104544
addiction services may permit free clinics to purchase certain 104545
goods and services to the extent the purchases fall within the 104546
exemption to the Robinson-Patman Act, 15 U.S.C. 13 et seq., 104547
applicable to nonprofit institutions, in 15 U.S.C. 13c, as 104548

amended. 104549

(C) The goods and services that may be provided by the 104550
department of ~~mental health~~ mental health and addiction services 104551
under divisions (A) and (B) of this section may include: 104552

(1) Procurement, storage, processing, and distribution of 104553
food and professional consultation on food operations; 104554

(2) Procurement, storage, and distribution of medical and 104555
laboratory supplies, dental supplies, medical records, forms, 104556
optical supplies, and sundries, subject to section 5120.135 of the 104557
Revised Code; 104558

(3) Procurement, storage, repackaging, distribution, and 104559
dispensing of drugs, the provision of professional pharmacy 104560
consultation, and drug information services; 104561

(4) Other goods and services. 104562

(D) The department of ~~mental health~~ mental health and 104563
addiction services may provide the goods and services designated 104564
in division (C) of this section to its institutions and to 104565
state-operated community-based mental health or addiction services 104566
providers. 104567

(E) After consultation with and advice from the director of 104568
developmental disabilities, the director of rehabilitation and 104569
correction, and the director of youth services, the department of 104570
~~mental health~~ mental health and addiction services may provide the 104571
goods and services designated in division (C) of this section to 104572
the department of developmental disabilities, the department of 104573
rehabilitation and correction, and the department of youth 104574
services. 104575

(F) The cost of administration of this section shall be 104576
determined by the department of ~~mental health~~ mental health and 104577
addiction services and paid by the agencies, services providers, 104578

or free clinics receiving the goods and services to the department 104579
for deposit in the state treasury to the credit of the ~~mental~~ 104580
~~health office of support services~~ fund, which is hereby created. 104581
The fund shall be used to pay the cost of administration of this 104582
section to the department. 104583

(G) Whenever a state agency fails to make a payment for goods 104584
and services provided under this section within thirty-one days 104585
after the date the payment was due, the office of budget and 104586
management may transfer moneys from the state agency to the 104587
department of ~~mental health~~ mental health and addiction services. 104588
The amount transferred shall not exceed the amount of overdue 104589
payments. Prior to making a transfer under this division, the 104590
office of budget and management shall apply any credits the state 104591
agency has accumulated in payments for goods and services provided 104592
under this section. 104593

(H) Purchases of goods and services under this section are 104594
not subject to section 307.86 of the Revised Code. 104595

Sec. ~~5119.161~~ 5119.45. Unless otherwise specifically provided 104596
by law, all moneys received by the department of ~~mental health~~ 104597
mental health and addiction services from the sale of goods and 104598
services, including, but not limited to, shared service agreements 104599
with other governmental entities and nongovernmental entities, 104600
employee housing and cafeteria receipts, fees for copying 104601
services, and sales of other tangible personal property under the 104602
department's control, shall be paid into the state treasury to the 104603
credit of the sale of goods and services fund, which is hereby 104604
created. Moneys received by the department pursuant to section 104605
~~5119.16~~ 5119.44 of the Revised Code shall not be paid into the 104606
fund. The department shall use the moneys in the fund for paying 104607
operating expenses of the department. 104608

Sec. ~~5119.18~~ 5119.46. There is hereby created in the state 104609
treasury the department of ~~mental health~~ mental health and 104610
addiction services trust fund. Not later than the first day of 104611
September of each year, the director of ~~mental health~~ mental 104612
health and addiction services shall certify to the director of 104613
budget and management the amount of all of the unexpended, 104614
unencumbered balances of general revenue fund appropriations made 104615
to the department of ~~mental health~~ mental health and addiction 104616
services for the previous fiscal year, excluding funds 104617
appropriated for rental payments to the Ohio public facilities 104618
commission. On receipt of the certification, the director of 104619
budget and management shall transfer cash to the trust fund in an 104620
amount up to, but not exceeding, the total of the amounts 104621
certified by the director of ~~mental health~~ mental health and 104622
addiction services. 104623

In addition, the trust fund shall receive all amounts, 104624
subject to any provisions in bond documents, received from the 104625
sale or lease of lands and facilities by the department. 104626

All moneys in the trust fund shall be used by the department 104627
of ~~mental health~~ mental health and addiction services to pay for 104628
expenditures the department incurs in performing any of its duties 104629
under this chapter. The use of moneys in the trust fund pursuant 104630
to this section does not represent an ongoing commitment to the 104631
continuation of the trust fund or to the use of moneys in the 104632
trust fund. 104633

Sec. ~~3793.032~~ 5119.47. The director of ~~alcohol and drug~~ 104634
~~addiction services~~ mental health and addiction services shall 104635
administer the problem casino gambling and addictions fund. The 104636
director shall use the money in the fund to support ~~programs that~~ 104637
~~provide~~ gambling addiction services, alcohol and drug addiction 104638
~~programs that provide alcohol and drug addiction services~~, other 104639

~~programs~~ services that relate to gambling addiction and substance 104640
abuse, and research that relates to gambling addiction and 104641
substance abuse. Treatment and prevention services ~~provided under~~ 104642
~~programs~~ supported by money in the fund under this section shall 104643
be services that are ~~provided by alcohol and drug addiction~~ 104644
~~treatment programs~~ certified by the department of alcohol and drug 104645
~~addiction services or provided by counselors who are certified by~~ 104646
~~the department~~ mental health and addiction services. Prevention 104647
~~services provided under programs supported by money in the fund~~ 104648
~~under this section shall be services that are provided by alcohol~~ 104649
~~and drug addiction prevention programs certified by the department~~ 104650
~~of alcohol and drug addiction services.~~ 104651

The director shall prepare an annual report describing the 104652
use of the fund for these purposes. The director shall submit the 104653
report to the Ohio casino control commission, the speaker and 104654
minority leader of the house of representatives, the president and 104655
minority leader of the senate, the governor, and the joint 104656
committee on gaming and wagering. 104657

Sec. ~~3793.22~~ 5119.49. (A) The director of ~~alcohol and drug~~ 104658
~~addiction services~~ mental health and addiction services shall 104659
collaborate with the state board of pharmacy and attorney general 104660
in the establishment and administration of a drug take-back 104661
program, as provided under section 4729.69 of the Revised Code. 104662

(B) The department may accept grants, gifts, or donations for 104663
purposes of the program. Money received under this division shall 104664
be deposited into the drug take-back program fund established 104665
under section 109.90 of the Revised Code. 104666

Sec. ~~5119.34~~ 5119.50. The director of ~~mental health~~ mental 104667
health and addiction services may accept, hold, and administer in 104668
trust on behalf of the state, if it is for the public interest, 104669

any grant, gift, devise, or bequest of money or property made to 104670
the state for the use or benefit of any institution described in 104671
section ~~5119.02~~ 5119.14 of the Revised Code or for the use and 104672
benefit of mentally ill persons under its control. If the trust so 104673
provides, the money or property may be used for any work which the 104674
department of ~~mental health~~ mental health and addiction services 104675
is authorized to undertake. 104676

The department shall keep such gift, grant, devise, or 104677
bequest as a distinct property or fund and, if it is in money, 104678
shall invest it in the manner provided by law. The department may 104679
deposit in a proper trust company or savings bank any money left 104680
in trust during a specified life or lives and shall adopt rules 104681
governing the deposit, transfer, withdrawal, or investment of such 104682
money and the income thereof. 104683

The department shall, in the manner prescribed by the 104684
director of budget and management pursuant to section 126.21 of 104685
the Revised Code, account for all money or property received or 104686
expended under this section. The records, together with a 104687
statement certified by the depository showing the funds deposited 104688
there to the credit of the trust, shall be open to public 104689
inspection. The director of budget and management may require the 104690
department to file a report with ~~him~~ the director on any 104691
particular portion, or the whole, of any trust property received 104692
or expended by it. 104693

The department shall, upon the expiration of any trust 104694
according to its terms, dispose of the funds or property held 104695
thereunder in the manner provided in the instrument creating the 104696
trust. If the instrument creating the trust failed to make any 104697
terms of disposition, or if no trust was in evidence, then the 104698
decendent patient's money, saving or commercial deposits, dividends 104699
or distributions, bonds, or any other interest-bearing debt 104700
certificate or stamp issued by the United States government shall 104701

escheat to the state. All such unclaimed intangible personal 104702
property of a former patient shall be retained by the managing 104703
officer in such institution for the period of one year, during 104704
which time every possible effort shall be made to find such former 104705
patient or ~~his~~ the former patient's legal representative. 104706

If, after a period of one year from the time the patient has 104707
left the institution or has died, the managing officer has been 104708
unable to locate such person or ~~his~~ the person's legal 104709
representative, then upon proper notice of such fact the director 104710
shall at that time formulate in writing a method of disposition on 104711
the minutes of the department authorizing the managing officer to 104712
convert such intangible personal property to cash to be paid into 104713
the state treasury to the credit of the general revenue fund. 104714

The department shall include in its annual report a statement 104715
of all money and property and the terms and conditions relating 104716
thereto. 104717

Sec. ~~5119.17~~ 5119.51. (A) As used in this section, 104718
"supplemental services" has the same meaning as in section 5815.28 104719
of the Revised Code. 104720

(B) There is hereby created in the state treasury the 104721
services fund for individuals with mental illness. On the death of 104722
the beneficiary of a trust created pursuant to section 5815.28 of 104723
the Revised Code, the portion of the remaining assets of the trust 104724
specified in the trust instrument shall be deposited to the credit 104725
of the fund. Money credited to the fund shall be used for 104726
individuals with mental illness. 104727

Supplemental services may be provided through the department 104728
or boards of alcohol, drug addiction, and mental health services. 104729
In accordance with Chapter 119. of the Revised Code, the 104730
department of ~~mental health~~ mental health and addiction services 104731
may adopt any rules necessary to implement this section. 104732

Sec. ~~5119.36~~ 5119.52. Each managing officer of an institution 104733
under the jurisdiction of the department of ~~mental health~~ mental 104734
health and addiction services as described in section ~~5119.02~~ 104735
5119.14 of the Revised Code, with the approval of the director of 104736
~~mental health~~ mental health and addiction services, may establish 104737
local institution funds designated as follows: 104738

(A) Industrial and entertainment fund created and maintained 104740
for the entertainment and welfare of the patients of the 104741
institution. The director shall establish rules for the operation 104742
of the industrial and entertainment fund. 104743

(B) Commissary fund created and maintained for the benefit of 104744
patients in the institution. Commissary revenue over and above 104745
operating costs and reserve shall be considered profits. All 104746
profits from the commissary fund operations shall be paid into the 104747
industrial and entertainment fund and used only for the 104748
entertainment and ~~welfare~~ welfare of patients. The director shall 104749
establish rules for the operation of the commissary fund. 104750

Sec. ~~5119.33~~ 5119.54. The treasurer of state shall have 104751
charge of all funds under the jurisdiction of the department of 104752
~~mental health~~ mental health and addiction services and shall pay 104753
out the same only in accordance with this chapter. 104754

The department shall cause to be furnished a contract of 104755
indemnity to cover all funds received by it or by its managing 104756
officers, employees, or agents while the funds are in the 104757
possession of such managing officers, employees or agents. Such 104758
funds are designated as follows: 104759

(A) Funds which are due and payable to the treasurer of state 104760
as provided by Chapter 131. of the Revised Code; 104761

(B) Those funds which are held in trust by the managing 104762

officers, employees, or agents of the institution as local funds 104763
or accounts under the jurisdiction of the department. 104764

Such contract of indemnity shall be made payable to the state 104765
and the premium for such contract of indemnity may be paid from 104766
any of the moneys received for the use of the department under 104767
this chapter and Chapters 5121. and 5122. of the Revised Code. 104768

Funds collected from various sources, such as the sale of 104769
goods, and all miscellaneous articles, shall be transmitted on or 104770
before Monday of each week to the treasurer of state and a 104771
detailed statement of such collections shall be made to the 104772
department. 104773

Sec. ~~5119.351~~ 5119.55. The department of ~~mental health~~ mental 104774
health and addiction services may pay an amount for personal use 104775
to each individual residing in a state institution as described in 104776
section ~~5119.02~~ 5119.14 of the Revised Code who would be eligible 104777
for supplemental security income benefits at the reduced rate 104778
established by Title XVI of the "Social Security Act," ~~49 Stat.~~ 104779
~~620 (1935), 42 U.S.C.A. 1382, as amended~~ 1381 et seq., if the 104780
~~state plan for providing medical assistance under section 5111.01~~ 104781
~~of the Revised Code included reimbursement of~~ medicaid program 104782
covers services provided in such institutions. The amount paid by 104783
the department shall not exceed the reduced supplemental security 104784
income benefit rate established by Title XVI of the "Social 104785
Security Act." 104786

Sec. ~~5119.35~~ 5119.56. Money or property deposited with 104787
managing officers of institutions under the jurisdiction of the 104788
department of ~~mental health~~ mental health and addiction services 104789
by any patient under the department's control or by relatives, 104790
guardians, conservators, and others for the special benefit of 104791
such patient, as well as all other funds and all other income paid 104792

to the patient, ~~his~~ the patient's estate, or on ~~his~~ the patient's 104793
behalf, or paid to the managing officer or to the institution as 104794
representative payee or otherwise paid on the patient's behalf, 104795
shall remain in the hands of such officers in appropriate accounts 104796
for use accordingly. The managing officer shall keep itemized book 104797
accounts of the receipt and disposition of such money and 104798
property, which book shall be open at all times to the inspection 104799
of the department. The director of ~~mental health~~ mental health and 104800
addiction services shall adopt rules governing the deposit, 104801
transfer, withdrawal, or investment of the funds and the income 104802
thereof, as well as rules under which such funds and income shall 104803
be paid by managing officers for the support of the patients 104804
pursuant to Chapter 5121. of the Revised Code, or for their other 104805
needs. 104806

Whenever any patient confined in any state institution 104807
subject to the jurisdiction of the department dies, escapes, or is 104808
discharged from such institution, and any personal funds of such 104809
person remain in the hands of the managing officer thereof and no 104810
demand for such funds is made upon such managing officer by the 104811
owner of the funds or ~~his~~ the owner's legally appointed 104812
representative, the managing officer shall hold the funds in the 104813
personal deposit fund for a period of at least one year during 104814
which time the managing officer shall make every effort possible 104815
to locate the owner or ~~his~~ the owner's legally appointed 104816
representative. 104817

If at the end of this period no demand has been made for the 104818
funds, the managing officer shall dispose of the funds as follows: 104819

(A) All money in a personal deposit fund in excess of ten 104820
dollars due for the support of a patient shall be paid in 104821
accordance with the provisions of Chapter 5121. of the Revised 104822
Code. 104823

(B) All money in a personal deposit fund in excess of ten 104824

dollars not due for the support of a patient shall be placed to 104825
the credit of the institution's local account designated as the 104826
"industrial and entertainment" fund. 104827

(C) The first ten dollars to the credit of a patient shall be 104828
placed to the credit of the institution's local account designated 104829
as the "industrial and entertainment" fund. 104830

Whenever any patient in any state institution subject to the 104831
jurisdiction of the department dies, escapes, or is discharged 104832
from such institution, and any personal effects of such person 104833
remain in the hands of the managing officer thereof, and no demand 104834
is made upon such managing officer by the owner of the property or 104835
~~his~~ the owner's legally appointed representative, the managing 104836
officer shall hold and dispose of such property in the following 104837
manner. 104838

All the miscellaneous personal effects shall be held for a 104839
period of at least one year, during which time the managing 104840
officer shall make every effort possible to locate the owner or 104841
~~his~~ the owner's legal representative. If at the end of this 104842
period, no demand has been made by the owner of the property or 104843
~~his~~ the owner's legal representative, the managing officer shall 104844
file with the county recorder of the county of commitment of such 104845
owner, all deeds, wills, contract mortgages, or assignments. The 104846
balance of the personal effects shall be sold at public auction 104847
after being duly advertised, and the funds turned over to the 104848
treasurer of state for credit to the general revenue fund. If any 104849
of the property is not of a type to be filed with the county 104850
recorder and is not salable at public auction, then the managing 104851
officer of the institution shall destroy such property. 104852

Sec. ~~5119.46~~ 5119.60. ~~In its annual report, the~~ The 104853
department of ~~mental health~~ mental health and addiction services 104854
shall submit an annual report to the governor that shall describe 104855

the services the department offers and how appropriated funds have 104856
been spent. The report shall include ~~the~~ all of the following: 104857

(A) The utilization of state hospitals by each alcohol, drug 104858
addiction, and mental health service district, ~~the;~~ 104859

(B) The number of persons served by community addiction 104860
services providers that receive funds distributed by the 104861
department, with a breakdown into categories including age, sex, 104862
race, the type of drug to which the person is addicted, and any 104863
other categories the director of mental health and addiction 104864
services considers significant; 104865

(C) The number of severely mentally disabled persons served 104866
in each district, ~~and the;~~ 104867

(D) The number and types of services provided to severely 104868
mentally disabled persons through state-operated services and 104869
community mental health agencies services providers; 104870

(E) A report measuring the success of community addiction 104871
services providers, based on the measures for accountability 104872
developed by the department, including the percentage of persons 104873
served by such community addiction services providers who have not 104874
relapsed; 104875

(F) Any other information that the director considers 104876
significant or is requested by the governor. 104877

Sec. 3793.12 5119.61. ~~(A) The department of alcohol and drug 104878
addiction services~~ mental health and addiction services shall 104879
collect and compile statistics and other information on the care 104880
and treatment of mentally disabled persons, and the care, 104881
treatment, and rehabilitation of alcoholics, drug dependent 104882
persons, and persons in danger of drug dependence in this state, 104883
including, without limitation, information on the number of such 104884
persons, the type of drug involved, the type of care, treatment, 104885

or rehabilitation prescribed or undertaken, and the success or 104886
failure of the care, treatment, or rehabilitation. The department 104887
shall collect information about services delivered and persons 104888
served as required for reporting and evaluation relating to state 104889
and federal funds expended for such purposes. 104890

(B) No alcohol ~~or~~, drug addiction program, or mental health 104891
services provider shall fail to supply statistics and other 104892
information within its knowledge and with respect to its ~~programs~~ 104893
services, upon request of the department. 104894

(C) Communications by a person seeking aid in good faith for 104895
alcoholism or drug dependence are confidential, and this section 104896
does not require the collection or permit the disclosure of 104897
information which reveals or comprises the identity of any person 104898
seeking aid. 104899

(D) Based on the information collected and compiled under 104900
division (A) of this section, the department shall develop a 104901
project to assess the outcomes of persons served by alcohol and 104902
drug addiction ~~programs~~ services providers and mental health 104903
services providers that receive funds distributed by the 104904
department. 104905

Sec. ~~5119.50~~ 5119.70. The "interstate compact on mental 104906
health" is hereby ratified, enacted into law, and entered into by 104907
the state of Ohio as a party thereto with any other state which 104908
has legally joined in the compact as follows: 104909

INTERSTATE COMPACT ON MENTAL HEALTH 104910

The contracting states solemnly agree that: 104911

Article I 104912

The party states find that the proper and expeditious 104913
treatment of the mentally ill and mentally retarded can be 104914
facilitated by cooperative action, to the benefit of the patients, 104915

their families, and society as a whole. Further, the party states 104916
find that the necessity of and desirability for furnishing such 104917
care and treatment bears no primary relation to the residence or 104918
citizenship of the patient but that, on the contrary, the 104919
controlling factors of community safety and humanitarianism 104920
require that facilities and services be made available for all who 104921
are in need of them. Consequently, it is the purpose of this 104922
compact and of the party states to provide the necessary legal 104923
basis for the institutionalization or other appropriate care and 104924
treatment of the mentally ill and mentally retarded under a system 104925
that recognizes the paramount importance of patient welfare and to 104926
establish the responsibilities of the party states in terms of 104927
such welfare. 104928

Article II 104929

As used in this compact: 104930

(a) "Sending state" shall mean a party state from which a 104931
patient is transported pursuant to the provisions of the compact 104932
or from which it is contemplated that a patient may be so sent. 104933

(b) "Receiving state" shall mean a party state to which a 104934
patient is transported pursuant to the provisions of the compact 104935
or to which it is contemplated that a patient may be so sent. 104936

(c) "Institution" shall mean any hospital or other facility 104937
maintained by a party state or political subdivision thereof for 104938
the care and treatment of mental illness or mental retardation. 104939

(d) "Patient" shall mean any person subject to or eligible as 104940
determined by the laws of the sending state, for 104941
institutionalization or other care, treatment, or supervision 104942
pursuant to the provisions of this compact. 104943

(e) "After-care" shall mean care, treatment and services 104944
provided a patient, as defined herein, or convalescent status or 104945
conditional release. 104946

(f) "Mental illness" shall mean mental disease to such extent 104947
that a person so afflicted requires care and treatment for his own 104948
welfare, or the welfare of others, or of the community. 104949

(g) "Mental retardation" shall mean mental retardation as 104950
defined by appropriate clinical authorities to such extent that a 104951
person so afflicted is incapable of managing himself and his 104952
affairs, but shall not include mental illness as defined herein. 104953

(h) "State" shall mean any state, territory or possession of 104954
the United States, the District of Columbia, and the Commonwealth 104955
of Puerto Rico. 104956

Article III 104957

(a) Whenever a person physically present in any party state 104958
shall be in need of institutionalization by reason of mental 104959
illness or mental retardation, he shall be eligible for care and 104960
treatment in an institution in that state irrespective of his 104961
residence, settlement or citizenship qualifications. 104962

(b) The provisions of paragraph (a) of this article to the 104963
contrary notwithstanding, any patient may be transferred to an 104964
institution in another state whenever there are factors based upon 104965
clinical determinations indicating that the care and treatment of 104966
said patient would be facilitated or improved thereby. Any such 104967
institutionalization may be for the entire period of care and 104968
treatment or for any portion or portions thereof. The factors 104969
referred to in this paragraph shall include the patient's full 104970
record with due regard for the location of the patient's family, 104971
character of the illness and probable duration thereof, and such 104972
other factors as shall be considered appropriate. 104973

(c) No state shall be obliged to receive any patient pursuant 104974
to the provisions of paragraph (b) of this article unless the 104975
sending state has given advance notice of its intention to send 104976
the patient; furnished all available medical and other pertinent 104977

records concerning the patient; given the qualified medical or 104978
other appropriate clinical authorities of the receiving state an 104979
opportunity to examine the patient if said authorities so wish; 104980
and unless the receiving state shall agree to accept the patient. 104981

(d) In the event that the laws of the receiving state 104982
establish a system of priorities for the admission of patients, an 104983
interstate patient under this compact shall receive the same 104984
priority as a local patient and shall be taken in the same order 104985
and at the same time that he would be taken if he were a local 104986
patient. 104987

(e) Pursuant to this compact, the determination as to the 104988
suitable place of institutionalization for a patient may be 104989
reviewed at any time and such further transfer of the patient may 104990
be made as seems likely to be in the best interest of the patient. 104991

Article IV 104992

(a) Whenever, pursuant to the laws of the state in which a 104993
patient is physically present, it shall be determined that the 104994
patient should receive after-care or supervision, such care or 104995
supervision may be provided in a receiving state. If the medical 104996
or other appropriate clinical authorities having responsibility 104997
for the care and treatment of the patient in the sending state 104998
shall have reason to believe that after-care in another state 104999
would be in the best interest of the patient and would not 105000
jeopardize the public safety, they shall request the appropriate 105001
authorities in the receiving state to investigate the desirability 105002
of affording the patient such after-care in said receiving state, 105003
and such investigation shall be made with all reasonable speed. 105004
The request for investigation shall be accompanied by complete 105005
information concerning the patient's intended place of residence 105006
and the identity of the person in whose charge it is proposed to 105007
place the patient, the complete medical history of the patient, 105008
and such other documents as may be pertinent. 105009

(b) If the medical or other appropriate clinical authorities 105010
having responsibility for the care and treatment of the patient in 105011
the sending state and the appropriate authorities in the receiving 105012
state find that the best interest of the patient would be served 105013
thereby, and if the public safety would not be jeopardized 105014
thereby, the patient may receive after-care or supervision in the 105015
receiving state. 105016

(c) In supervising, treating, or caring for a patient on 105017
after-care pursuant to the terms of this article, a receiving 105018
state shall employ the same standards of visitation, examination, 105019
care, and treatment that it employs for similar local patients. 105020

Article V 105021

Whenever a dangerous or potentially dangerous patient escapes 105022
from an institution in any party state, that state shall promptly 105023
notify all appropriate authorities within and without the 105024
jurisdiction of the escape in a manner reasonably calculated to 105025
facilitate the speedy apprehension of the escapee. Immediately 105026
upon the apprehension and identification of any such dangerous or 105027
potentially dangerous patient, he shall be detained in the state 105028
where found pending disposition in accordance with law. 105029

Article VI 105030

The duly accredited officers of any state party to this 105031
compact, upon the establishment of their authority and the 105032
identity of the patient, shall be permitted to transport any 105033
patient being moved pursuant to this compact through any and all 105034
states party to this compact, without interference. 105035

Article VII 105036

(a) No person shall be deemed a patient of more than one 105037
institution at any given time. Completion of transfer of any 105038
patient to an institution in a receiving state shall have the 105039
effect of making the person a patient of the institution in the 105040
receiving state. 105041

(b) The sending state shall pay all costs of and incidental 105042
to the transportation of any patient pursuant to this compact, but 105043
any two or more party states may, by making a specific agreement 105044
for that purpose, arrange for a different allocation of costs as 105045
among themselves. 105046

(c) No provision of this compact shall be construed to alter 105047
or affect any internal relationships among the departments, 105048
agencies and officers of and in the government of a party state, 105049
or between a party state and its subdivisions, as to the payment 105050
of costs, or responsibilities therefor. 105051

(d) Nothing in this compact shall be construed to prevent any 105052
party state or subdivision thereof from asserting any right 105053
against any person, agency or other entity in regard to costs for 105054
which such party state or subdivision thereof may be responsible 105055
pursuant to any provision of this compact. 105056

(e) Nothing in this compact shall be construed to invalidate 105057
any reciprocal agreement between a party state and a nonparty 105058
state relating to institutionalization, care or treatment of the 105059
mentally ill or mentally retarded, or any statutory authority 105060
pursuant to which such agreements may be made. 105061

Article VIII 105062

(a) Nothing in this compact shall be construed to abridge, 105063
diminish, or in any way impair the rights, duties, and 105064
responsibilities of any patient's guardian on his own behalf or in 105065
respect of any patient for whom he may serve, except that where 105066
the transfer of any patient to another jurisdiction makes 105067
advisable the appointment of a supplemental or substitute 105068
guardian, any court of competent jurisdiction in the receiving 105069
state may make such supplemental or substitute appointment and the 105070
court which appointed the previous guardian shall upon being duly 105071
advised of the new appointment, and upon the satisfactory 105072
completion of such accounting and other acts as such court may by 105073

law require, relieve the previous guardian of power and 105074
responsibility to whatever extent shall be appropriate in the 105075
circumstances; provided, however, that in the case of any patient 105076
having settlement in the sending state, the court of competent 105077
jurisdiction in the sending state shall have the sole discretion 105078
to relieve a guardian appointed by it or continue his power and 105079
responsibility, whichever it shall deem advisable. The court in 105080
the receiving state may, in its discretion, confirm or reappoint 105081
the person or persons previously serving as guardian in the 105082
sending state in lieu of making a supplemental or substitute 105083
appointment. 105084

(b) The term "guardian" as used in paragraph (a) of this 105085
article shall include any guardian, trustee, legal committee, 105086
conservator, or other person or agency however denominated who is 105087
charged by law with power to act for or responsibility for the 105088
person or property of a patient. 105089

Article IX 105090

(a) No provision of this compact except Article V shall apply 105091
to any person institutionalized while under sentence in a penal or 105092
correctional institution or while subject to trial on a criminal 105093
charge, or whose institutionalization is due to the commission of 105094
an offense for which, in the absence of mental illness or mental 105095
retardation, said person would be subject to incarceration in a 105096
penal or correctional institution. 105097

(b) To every extent possible, it shall be the policy of 105098
states party to this compact that no patient shall be placed or 105099
detained in any prison, jail or lockup, but such patient shall, 105100
with all expedition, be taken to a suitable institutional facility 105101
for mental illness or mental retardation. 105102

Article X 105103

(a) Each party state shall appoint a "compact administrator" 105104
who, on behalf of his state, shall act as general coordinator of 105105

activities under the compact in his state and who shall receive 105106
copies of all reports, correspondence, and other documents 105107
relating to any patient processed under the compact by his state 105108
either in the capacity of sending or receiving state. The compact 105109
administrator or his duly designated representative shall be the 105110
official with whom other party states shall deal in any matter 105111
relating to the compact or any patient processed thereunder. 105112

(b) The compact administrators of the respective party states 105113
shall have power to promulgate reasonable rules and regulations to 105114
carry out more effectively the terms and provisions of this 105115
compact. 105116

Article XI 105117

The duly constituted administrative authorities of any two or 105118
more party states may enter into supplementary agreements for the 105119
provision of any service or facility or for the maintenance of any 105120
institution on a joint or cooperative basis whenever the states 105121
concerned shall find that such agreements will improve services, 105122
facilities, or institutional care and treatment in the fields of 105123
mental illness or mental retardation. No such supplementary 105124
agreement shall be construed so as to relieve any party state of 105125
any obligation which it otherwise would have under other 105126
provisions of this compact. 105127

Article XII 105128

This compact shall enter into full force and effect as to any 105129
state when enacted by it into law and such states shall thereafter 105130
be a party thereto with any and all states legally joining 105131
therein. 105132

Article XIII 105133

(a) A state party to this compact may withdraw therefrom by 105134
enacting a statute repealing the same. Such withdrawal shall take 105135
effect one year after notice thereof has been communicated 105136
officially and in writing to the governors and compact 105137

administrators of all other party states. However, the withdrawal 105138
of any state shall not change the status of any patient who has 105139
been sent to said state or sent out of said state pursuant to the 105140
provisions of the compact. 105141

(b) Withdrawal from any agreement permitted by Article VII 105142
(b) as to costs or from any supplementary agreement made pursuant 105143
to Article XI shall be in accordance with the terms of such 105144
agreement. 105145

Article XIV 105146

This compact shall be liberally construed so as to effectuate 105147
the purposes thereof. The provisions of this compact shall be 105148
severable and if any phrase, clause, sentence or provision of this 105149
compact is declared to be contrary to the constitution of any 105150
party state or of the United States or the applicability thereof 105151
to any government, agency, person or circumstance is held invalid, 105152
the validity of the remainder of this compact and the 105153
applicability thereof to any government, agency, person or 105154
circumstance shall not be affected thereby. If this compact shall 105155
be held contrary to the constitution of any state party thereto, 105156
the compact shall remain in full force and effect as to the 105157
remaining states and in full force and effect as to the state 105158
affected as to all severable matters. 105159

Sec. ~~5119.51~~ 5119.71. Pursuant to Article X of the compact 105160
set forth in section ~~5119.50~~ 5119.70 of the Revised Code, the 105161
director of ~~mental health~~ mental health and addiction services and 105162
the director of developmental disabilities each shall designate an 105163
officer who shall be the compact administrator for the department 105164
and who, acting jointly with like officers of other party states, 105165
shall adopt rules to carry out more effectively the terms of the 105166
compact. The compact administrators of each department shall serve 105167
subject to the pleasure of the governor and shall cooperate with 105168

all departments, agencies, and officers of and in the government 105169
of this state and its subdivisions in facilitating the proper 105170
administration of the compact or of any supplementary agreements 105171
entered into by this state thereunder. 105172

Sec. ~~5119.52~~ 5119.72. The compact administrator may enter 105173
into supplementary agreements with appropriate officials of other 105174
states pursuant to articles VII and XI of the compact set forth in 105175
section ~~5119.50~~ 5119.70 of the Revised Code. In the event that 105176
such supplementary agreements require or contemplate the use of 105177
any institution or facility of this state or require or 105178
contemplate the provision of any service by this state, no such 105179
agreement shall have force or effect until approved by the head of 105180
the department or agency under whose jurisdiction the institution 105181
or facility is operated or whose department or agency will be 105182
charged with the rendering of such service. 105183

Sec. ~~5119.53~~ 5119.73. Any payments necessary to discharge any 105184
financial obligations imposed upon the state of Ohio by the 105185
compact or by any supplementary agreement entered into thereunder, 105186
as provided in sections ~~5119.50~~ 5119.70 to ~~5119.52~~ 5119.72 of the 105187
Revised Code, shall be made from appropriated funds upon 105188
presentation to the director of budget and management of itemized 105189
vouchers approved by the compact administrator. 105190

Sec. ~~3793.31~~ 5119.90. As used in sections ~~3793.31~~ 5119.90 to 105191
~~3793.39~~ 5119.98 of the Revised Code: 105192

(A) "Alcohol and other drug abuse" means alcoholism or drug 105193
addiction. 105194

(B) "Another drug" means a controlled substance as defined in 105195
section 3719.01 of the Revised Code or a harmful intoxicant as 105196
defined in section 2925.01 of the Revised Code. 105197

(C) "Board of alcohol, drug addiction, and mental health services" means a board of alcohol, drug addiction, and mental health services established under section 340.02 or 340.021 of the Revised Code.

(D) "Danger" or "threat of danger to self, family, or others" means substantial physical harm or threat of substantial physical harm upon self, family, or others.

(E) "Hospital" has the same meaning as in section 3701.01 or 3727.01 of the Revised Code but does not include either a hospital operated by the department of ~~mental health~~ mental health and addiction services or an inpatient unit licensed by the department.

(F) "Intoxicated" means being under the influence of alcohol, another drug, or both alcohol and another drug and, as a result, having a significantly impaired ability to function.

(G) "Petitioner" means a person who institutes a proceeding under sections ~~3793.32~~ 5119.91 to ~~3793.39~~ 5119.98 of the Revised Code.

(H) "Probate court" means the probate division of the court of common pleas.

(I) "Qualified health professional" means a person that is properly credentialed or licensed to conduct a drug and alcohol assessment and diagnosis under Ohio law.

(J) "Residence" means the legal residence of a person as determined by applicable principles governing conflicts of law.

(K) "Respondent" means a person alleged in a petition filed or hearing under sections ~~3793.32~~ 5119.91 to ~~3793.39~~ 5119.98 of the Revised Code to be a person who is suffering from alcohol and other drug abuse and who may be ordered under those sections to undergo treatment.

(L) "Treatment" means services and programs for the care and rehabilitation of intoxicated persons and persons suffering from alcohol and other drug abuse. "Treatment" includes residential treatment, a halfway house setting, and an intensive outpatient or outpatient level of care.

Sec. ~~3793.32~~ 5119.91. A probate court may order involuntary treatment for a person suffering from alcohol and other drug abuse pursuant to the procedures set forth in sections ~~3793.31~~ 5119.90 to ~~3793.39~~ 5119.98 of the Revised Code.

Sec. ~~3793.33~~ 5119.92. No person shall be ordered to undergo treatment under sections ~~3793.31~~ 5119.90 to ~~3793.39~~ 5119.98 of the Revised Code unless all of the following apply to that person:

(A) The person suffers from alcohol and other drug abuse.

(B) The person presents an imminent danger or imminent threat of danger to self, family, or others as a result of alcohol and other drug abuse, or there exists a substantial likelihood of such a threat in the near future.

(C) The person can reasonably benefit from treatment.

Sec. ~~3793.34~~ 5119.93. (A) A person may initiate proceedings for treatment for an individual suffering from alcohol and other drug abuse by filing a verified petition in the probate court and paying a filing fee in the same amount, if any, that is charged for the filing under section 5122.11 of the Revised Code of an affidavit seeking the hospitalization of a person. The petition and all subsequent court documents shall be entitled: "In the interest of (name of respondent)." A spouse, relative, or guardian of the individual concerning whom the petition is filed shall file the petition.

(B) A petition filed under division (A) of this section shall

set forth all of the following: 105257

(1) The petitioner's relationship to the respondent; 105258

(2) The respondent's name, residence address, and current 105259
location, if known; 105260

(3) The name and residence of the respondent's parents, if 105261
living and if known, or of the respondent's legal guardian, if any 105262
and if known; 105263

(4) The name and residence of the respondent's spouse, if any 105264
and if known; 105265

(5) The name and residence of the person having custody of 105266
the respondent, if any, or if no such person is known, the name 105267
and residence of a near relative or a statement that the person is 105268
unknown; 105269

(6) The petitioner's belief, including the factual basis for 105270
the belief, that the respondent is suffering from alcohol and 105271
other drug abuse and presents an imminent danger or imminent 105272
threat of danger to self, family, or others if not treated for 105273
alcohol or other drug abuse. 105274

(C)(1) Any petition filed pursuant to divisions (A) and (B) 105275
of this section shall be accompanied by a certificate of a 105276
physician who has examined the respondent within two days prior to 105277
the day that the petition is filed in the probate court. The 105278
physician shall be authorized to practice medicine and surgery or 105279
osteopathic medicine and surgery under Chapter 4731. of the 105280
Revised Code. The physician's certificate shall set forth the 105281
physician's findings in support of the need to treat the 105282
respondent for alcohol or other drug abuse. The certificate shall 105283
indicate if the respondent presents an imminent danger or imminent 105284
threat of danger to self, family, or others if not treated. 105285
Further, the certificate shall indicate the type and length of 105286
treatment required and if the respondent can reasonably benefit 105287

from treatment. If the physician's certificate indicates that 105288
inpatient treatment is required, the certificate shall identify 105289
any inpatient facilities known to the physician that are able and 105290
willing to provide the recommended inpatient treatment. 105291

If the respondent refuses to undergo an examination with a 105292
physician concerning the respondent's possible need for treatment 105293
for alcohol or other drug abuse, the petition shall state that the 105294
respondent has refused all requests made by the petitioner to 105295
undergo a physician's examination. In that case, the petitioner 105296
shall not be required to provide a physician's certificate with 105297
the petition. 105298

(2) Any petition filed pursuant to divisions (A) and (B) of 105299
this section shall contain a statement that the petitioner has 105300
arranged for treatment of the respondent. Further, the petition 105301
shall be accompanied by a statement from the person or facility 105302
who has agreed to provide the treatment that verifies that the 105303
person or facility has agreed to provide the treatment and the 105304
estimated cost of the treatment. 105305

(D) Any petition filed pursuant to divisions (A) and (B) of 105306
this section shall be accompanied by both of the following: 105307

(1) A security deposit to be deposited with the clerk of the 105308
probate court that will cover half of the estimated cost of 105309
treatment of the respondent; 105310

(2) A guarantee, signed by the petitioner or another person 105311
authorized to file the petition obligating the guarantor to pay 105312
the costs of the examinations of the respondent conducted by the 105313
physician and qualified health professional under division (B)(5) 105314
of section ~~3793.35~~ 5119.94 of the Revised Code, the costs of the 105315
respondent that are associated with a hearing conducted in 105316
accordance with section ~~3793.35~~ 5119.94 of the Revised Code and 105317
that the court determines to be appropriate, and the costs of any 105318

treatment ordered by the court. 105319

Sec. ~~3793.35~~ 5119.94. (A) Upon receipt of a petition filed 105320
under section ~~3793.34~~ 5119.93 of the Revised Code and the payment 105321
of the appropriate filing fee, if any, the probate court shall 105322
examine the petitioner under oath as to the contents of the 105323
petition. 105324

(B) If, after reviewing the allegations contained in the 105325
petition and examining the petitioner under oath, it appears to 105326
the probate court that there is probable cause to believe the 105327
respondent may reasonably benefit from treatment, the court shall 105328
do all of the following: 105329

(1) Schedule a hearing to be held within seven days to 105330
determine if there is clear and convincing evidence that the 105331
respondent may reasonably benefit from treatment for alcohol and 105332
other drug abuse; 105333

(2) Notify the respondent, the legal guardian, if any and if 105334
known, and the spouse, parents, or nearest relative or friend of 105335
the respondent concerning the allegations and contents of the 105336
petition and of the date and purpose of the hearing; 105337

(3) Notify the respondent that the respondent may retain 105338
counsel and, if the person is unable to obtain an attorney, that 105339
the respondent may be represented by court-appointed counsel at 105340
public expense if the person is indigent. Upon the appointment of 105341
an attorney to represent an indigent respondent, the court shall 105342
notify the respondent of the name, address, and telephone number 105343
of the attorney appointed to represent the respondent. 105344

(4) Notify the respondent that the court shall cause the 105345
respondent to be examined not later than twenty-four hours before 105346
the hearing date by a physician for the purpose of a physical 105347
examination and by a qualified health professional for the purpose 105348

of a drug and alcohol addiction assessment and diagnosis. In 105349
addition, the court shall notify the respondent that the 105350
respondent may have an independent expert evaluation of the 105351
person's physical and mental condition conducted at the 105352
respondent's own expense. 105353

(5) Cause the respondent to be examined not later than 105354
twenty-four hours before the hearing date by a physician for the 105355
purpose of a physical examination and by a qualified health 105356
professional for the purpose of a drug and alcohol addiction 105357
assessment and diagnosis; 105358

(6) Conduct the hearing. 105359

(C) The physician and qualified health professional who 105360
examine the respondent pursuant to division (B)(5) of this section 105361
or who are obtained by the respondent at the respondent's own 105362
expense shall certify their findings to the court within 105363
twenty-four hours of the examinations. The findings of each 105364
qualified health professional shall include a recommendation for 105365
treatment if the qualified health professional determines that 105366
treatment is necessary. 105367

(D)(1) If upon completion of the hearing held under this 105368
section the probate court finds by clear and convincing evidence 105369
that the respondent may reasonably benefit from treatment, the 105370
court may order the treatment after considering the qualified 105371
health professionals' recommendations for treatment that have been 105372
submitted to the court under division (C) of this section. If the 105373
court orders the treatment under this division, the court shall 105374
order the treatment to be provided through ~~an alcohol and drug a~~ 105375
community addiction ~~program~~ services provider certified under 105376
section ~~3793.06~~ 5119.36 of the Revised Code or by an individual 105377
licensed or certified by the state medical board under Chapter 105378
4731. of the Revised Code, the chemical dependency professionals 105379
board under Chapter 4758. of the Revised Code, the counselor, 105380

social worker, and marriage and family therapist board under 105381
Chapter 4757. of the Revised Code, or a similar board of another 105382
state authorized to provide substance abuse treatment. 105383

(2) Failure of a respondent to undergo and complete any 105384
treatment ordered pursuant to this division is contempt of court. 105385
Any alcohol and drug addiction program or person providing 105386
treatment under this division shall notify the probate court of a 105387
respondent's failure to undergo or complete the ordered treatment. 105388

(E) If, at any time after a petition is filed under section 105389
~~3793.34~~ 5119.93 of the Revised Code, the probate court finds that 105390
there is not probable cause to continue treatment or if the 105391
petitioner withdraws the petition, then the court shall dismiss 105392
the proceedings against the respondent. 105393

Sec. ~~3793.36~~ 5119.95. (A) Following an examination by a 105394
qualified health professional and a certification by that 105395
professional that the person meets the criteria specified in 105396
section ~~3793.33~~ 5119.92 of the Revised Code, a probate court may 105397
order the person hospitalized for a period not to exceed 105398
seventy-two hours if the court finds by clear and convincing 105399
evidence that the person presents an imminent threat of danger to 105400
self, family, or others as a result of alcohol and other drug 105401
abuse. However, if the hearing to be held under section ~~3793.35~~ 105402
5119.94 of the Revised Code will not be held within seventy-two 105403
hours, the court may order the person hospitalized until the 105404
hearing. In making its order, the court shall inform the person 105405
that the person may immediately make a reasonable number of 105406
telephone calls or use other reasonable means to contact an 105407
attorney, a licensed physician, or a qualified health 105408
professional, to contact any other person or persons to secure 105409
representation by counsel, or to obtain medical or psychological 105410
assistance and that the person will be provided assistance in 105411

making calls if the assistance is needed and requested. 105412

(B) Any person who has been admitted to a hospital under 105413
division (A) of this section shall be released from the hospital 105414
immediately upon the expiration of the time period established by 105415
the court for the hospitalization. 105416

(C) No person ordered hospitalized under this section shall 105417
be held in jail pending transportation to the hospital or 105418
evaluation unless the probate court previously has found the 105419
person to be in contempt of court for either failure to undergo 105420
treatment or failure to appear at the evaluation ordered pursuant 105421
to section ~~3793.35~~ 5119.94 of the Revised Code. 105422

Sec. ~~3793.37~~ 5119.96. When a probate court is authorized to 105423
issue an order that the respondent be transported to a hospital, 105424
the court may issue a summons. If the respondent fails to attend 105425
an examination scheduled before the hearing under section ~~3793.35~~ 105426
5119.94 of the Revised Code, the court shall issue a summons. A 105427
summons so issued shall be directed to the respondent and shall 105428
command the respondent to appear at a time and place specified in 105429
the summons. If a respondent who has been summoned fails to appear 105430
at the hospital or the examination, the probate court may order 105431
the sheriff or any other peace officer to transport the respondent 105432
to a hospital on the list provided under section ~~3793.38~~ 5119.97 105433
of the Revised Code for treatment. The sheriff or any other peace 105434
officer, upon agreement of a person authorized by the peace 105435
officer, may authorize a board of alcohol, drug addiction, and 105436
mental health services, a private ~~agency~~ services provider under 105437
contract with a board of alcohol, drug addiction, and mental 105438
health services, or an ambulance service designated by a board of 105439
alcohol, drug addiction, and mental health services to transport 105440
the respondent to the hospital. The transportation costs of the 105441
sheriff, other peace officer, ambulance service, or other private 105442

~~agency services provider~~ under contract with the board of alcohol, 105443
drug addiction, and mental health services shall be included in 105444
the costs of treatment for alcohol and other drug abuse to be paid 105445
by the petitioner. 105446

Sec. ~~3793.38~~ 5119.97. Each board of alcohol, drug addiction, 105447
and mental health services on at least an annual basis shall 105448
submit each of the following lists to the clerk of the probate 105449
court in each county served by the board: 105450

(A) A list of all hospitals in the counties served by the 105451
board that are able and willing to take respondents ordered to 105452
undergo seventy-two hours of treatment and observation pursuant to 105453
section ~~3793.36~~ 5119.95 of the Revised Code; 105454

(B) A list of hospitals and treatment providers in the 105455
counties served by the board that are able and willing to provide 105456
treatment for alcohol and other drug abuse ordered pursuant to 105457
section ~~3793.35~~ 5119.94 of the Revised Code. 105458

Sec. ~~3793.39~~ 5119.98. Sections ~~3793.12, 3793.13~~ 5119.26, 105459
5119.27, and ~~3793.14~~ 5119.61 of the Revised Code apply to a person 105460
who is ordered to undergo treatment under sections ~~3793.31 to~~ 105461
~~3793.39~~ 5119.90 to 5119.98 of the Revised Code. 105462

Sec. 5119.99. (A) Whoever violates section ~~5119.21~~ 5119.333 105463
of the Revised Code is guilty of a misdemeanor of the first 105464
degree. 105465

(B) Whoever violates division (B) of section 5119.61 of the 105466
Revised Code is guilty of a misdemeanor of the fourth degree. 105467

(C) Whoever violates section 5119.27 or 5119.28 or division 105468
(G) of section 5119.36 of the Revised Code is guilty of a felony 105469
of the fifth degree. 105470

Sec. 5120.07. (A) There is hereby created the ex-offender reentry coalition consisting of the following ~~eighteen~~ seventeen members or their designees:

(1) The director of rehabilitation and correction;

(2) The director of aging;

(3) The director of ~~alcohol and drug addiction services~~ mental health and addiction services;

(4) The director of development services;

(5) The superintendent of public instruction;

(6) The director of health;

(7) The director of job and family services;

(8) ~~The director of mental health;~~

~~(9)~~ The director of developmental disabilities;

~~(10)~~(9) The director of public safety;

~~(11)~~(10) The director of youth services;

~~(12)~~(11) The chancellor of the Ohio board of regents;

~~(13)~~(12) A representative or member of the governor's staff;

~~(14)~~(13) The executive director of the ~~rehabilitation services commission~~ opportunities for Ohioans with disabilities agency;

~~(15)~~(14) The director of the department of commerce;

~~(16)~~(15) The executive director of a health care licensing board created under Title XLVII of the Revised Code, as appointed by the chairperson of the coalition;

~~(17)~~(16) The director of veterans services;

~~(18)~~(17) An ex-offender appointed by the director of rehabilitation and correction.

(B) The members of the coalition shall serve without 105498
compensation. The director of rehabilitation and correction or the 105499
director's designee shall be the chairperson of the coalition. 105500

(C) In consultation with persons interested and involved in 105501
the reentry of ex-offenders into the community, including but not 105502
limited to, services providers, community-based organizations, and 105503
local governments, the coalition shall identify and examine social 105504
service barriers and other obstacles to the reentry of 105505
ex-offenders into the community. Not later than one year after 105506
April 7, 2009, and on or before the same date of each year 105507
thereafter, the coalition shall submit to the speaker of the house 105508
of representatives and the president of the senate a report, 105509
including recommendations for legislative action, the activities 105510
of the coalition, and the barriers affecting the successful 105511
reentry of ex-offenders into the community. The report shall 105512
analyze the effects of those barriers on ex-offenders and on their 105513
children and other family members in various areas, including but 105514
not limited to, the following: 105515

(1) Admission to public and other housing; 105516

(2) Child support obligations and procedures; 105517

(3) Parental incarceration and family reunification; 105518

(4) Social security benefits, veterans' benefits, food 105519
stamps, and other forms of public assistance; 105520

(5) Employment; 105521

(6) Education programs and financial assistance; 105522

(7) Substance abuse, ~~mental health~~, and sex offender 105523
treatment programs and financial assistance and mental health 105524
services and financial assistance; 105525

(8) Civic and political participation; 105526

(9) Other collateral consequences under the Revised Code or 105527

the Ohio administrative code law that may result from a criminal conviction. 105528
105529

(D)(1) The report shall also include the following information: 105530
105531

(a) Identification of state appropriations for reentry programs; 105532
105533

(b) Identification of other funding sources for reentry programs that are not funded by the state; 105534
105535

(2) The coalition shall gather information about reentry programs in a repository maintained and made available by the coalition. Where available, the information shall include the following: 105536
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(a) The amount of funding received; 105540

(b) The number of program participants; 105541

(c) The composition of the program, including program goals, methods for measuring success, and program success rate; 105542
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(d) The type of post-program tracking that is utilized; 105544

(e) Information about employment rates and recidivism rates of ex-offenders. 105545
105546

(E) The coalition shall cease to exist on December 31, 2014. 105547

Sec. 5120.09. Under the supervision and control of the director of rehabilitation and correction, the division of business administration shall do all of the following: 105548
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(A) Submit the budgets for the several divisions of the department of rehabilitation and correction, as prepared by the respective chiefs of those divisions, to the director. The director, with the assistance of the chief of the division of business administration, shall compile a departmental budget that contains all proposals submitted by the chiefs of the divisions 105551
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and shall forward the departmental budget to the governor with 105557
comments and recommendations that the director considers 105558
necessary. 105559

(B) Maintain accounts and records and compile statistics that 105560
the director prescribes; 105561

(C) Under the control of the director, coordinate and make 105562
the necessary purchases and requisitions for the department and 105563
its divisions, except when goods and services are provided to the 105564
department as described in section ~~5119.16~~ 5119.44 of the Revised 105565
Code; 105566

(D) Administer within this state federal criminal justice 105567
acts that the governor requires the department to administer. In 105568
order to improve the criminal justice system of this state, the 105569
division of business administration shall apply for, allocate, 105570
disburse, and account for grants that are made available pursuant 105571
to those federal criminal justice acts and grants that are made 105572
available from other federal government sources, state government 105573
sources, or private sources. As used in this division, "criminal 105574
justice system" and "federal criminal justice acts" have the same 105575
meanings as in section 5502.61 of the Revised Code. 105576

(E) Audit the activities of governmental entities, persons as 105577
defined in section 1.59 of the Revised Code, and other types of 105578
nongovernmental entities that are financed in whole or in part by 105579
funds that the department allocates or disburses and that are 105580
derived from grants described in division (D) of this section; 105581

(F) Enter into contracts, including contracts with federal, 105582
state, or local governmental entities, persons as defined in 105583
section 1.59 of the Revised Code, foundations, and other types of 105584
nongovernmental entities, that are necessary for the department to 105585
carry out its duties and that neither the director nor another 105586
section of the Revised Code authorizes another division of the 105587

department to enter; 105588

(G) Exercise other powers and perform other duties that the 105589
director may assign to the division of business administration. 105590

Sec. 5120.135. (A) As used in this section, "laboratory 105591
services" includes the performance of medical laboratory analysis; 105592
professional laboratory and pathologist consultation; the 105593
procurement, storage, and distribution of laboratory supplies; and 105594
the performance of phlebotomy services. 105595

(B) The department of rehabilitation and correction may 105596
provide laboratory services to the departments of ~~mental health~~ 105597
mental health and addiction services, developmental disabilities, 105598
youth services, and rehabilitation and correction. The department 105599
of rehabilitation and correction may also provide laboratory 105600
services to other state, county, or municipal agencies and to 105601
private persons that request laboratory services if the department 105602
of rehabilitation and correction determines that the provision of 105603
laboratory services is in the public interest and considers it 105604
advisable to provide such services. The department of 105605
rehabilitation and correction may also provide laboratory services 105606
to agencies operated by the United States government and to public 105607
and private entities funded in whole or in part by the state if 105608
the director of rehabilitation and correction designates them as 105609
eligible to receive such services. 105610

The department of rehabilitation and correction shall provide 105611
laboratory services from a laboratory that complies with the 105612
standards for certification set by the United States department of 105613
health and human services under the "Clinical Laboratory 105614
Improvement Amendments of 1988," 102 Stat. 293, 42 U.S.C.A. 263a. 105615
In addition, the laboratory shall maintain accreditation or 105616
certification with an appropriate accrediting or certifying 105617
organization as considered necessary by the recipients of its 105618

laboratory services and as authorized by the director of 105619
rehabilitation and correction. 105620

(C) The cost of administering this section shall be 105621
determined by the department of rehabilitation and correction and 105622
shall be paid by entities that receive laboratory services to the 105623
department for deposit in the state treasury to the credit of the 105624
laboratory services fund, which is hereby created. The fund shall 105625
be used to pay the costs the department incurs in administering 105626
this section. 105627

(D) Whenever a state agency fails to make a payment for 105628
laboratory services provided to it by the department of 105629
rehabilitation and correction under this section within thirty-one 105630
days after the date the payment was due, the office of budget and 105631
management may transfer moneys from that state agency to the 105632
department of rehabilitation and correction for deposit to the 105633
credit of the laboratory services fund. The amount transferred 105634
shall not exceed the amount of the overdue payments. Prior to 105635
making a transfer under this division, the office shall apply any 105636
credits the state agency has accumulated in payment for laboratory 105637
services provided under this section. 105638

Sec. 5120.17. (A) As used in this section: 105639

(1) "Mental illness" means a substantial disorder of thought, 105640
mood, perception, orientation, or memory that grossly impairs 105641
judgment, behavior, capacity to recognize reality, or ability to 105642
meet the ordinary demands of life. 105643

(2) "Mentally ill person subject to hospitalization" means a 105644
mentally ill person to whom any of the following applies because 105645
of the person's mental illness: 105646

(a) The person represents a substantial risk of physical harm 105647
to the person as manifested by evidence of threats of, or attempts 105648

at, suicide or serious self-inflicted bodily harm. 105649

(b) The person represents a substantial risk of physical harm 105650
to others as manifested by evidence of recent homicidal or other 105651
violent behavior, evidence of recent threats that place another in 105652
reasonable fear of violent behavior and serious physical harm, or 105653
other evidence of present dangerousness. 105654

(c) The person represents a substantial and immediate risk of 105655
serious physical impairment or injury to the person as manifested 105656
by evidence that the person is unable to provide for and is not 105657
providing for the person's basic physical needs because of the 105658
person's mental illness and that appropriate provision for those 105659
needs cannot be made immediately available in the correctional 105660
institution in which the inmate is currently housed. 105661

(d) The person would benefit from treatment in a hospital for 105662
the person's mental illness and is in need of treatment in a 105663
hospital as manifested by evidence of behavior that creates a 105664
grave and imminent risk to substantial rights of others or the 105665
person. 105666

(3) "Psychiatric hospital" means all or part of a facility 105667
that is operated and managed by the department of ~~mental health~~ 105668
mental health and addiction services to provide psychiatric 105669
hospitalization services in accordance with the requirements of 105670
this section pursuant to an agreement between the directors of 105671
rehabilitation and correction and ~~mental health~~ mental health and 105672
addiction services or, is licensed by the department of ~~mental~~ 105673
~~health~~ mental health and addiction services pursuant to section 105674
~~5119.20~~ 5119.33 of the Revised Code as a psychiatric hospital and 105675
is accredited by a ~~healthcare~~ health care accrediting organization 105676
approved by the department of ~~mental health~~ mental health and 105677
addiction services and the psychiatric hospital is any of the 105678
following: 105679

- (a) Operated and managed by the department of rehabilitation and correction within a facility that is operated by the department of rehabilitation and correction; 105680
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- (b) Operated and managed by a contractor for the department of rehabilitation and correction within a facility that is operated by the department of rehabilitation and correction; 105683
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105685
- (c) Operated and managed in the community by an entity that has contracted with the department of rehabilitation and correction to provide psychiatric hospitalization services in accordance with the requirements of this section. 105686
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- (4) "Inmate patient" means an inmate who is admitted to a psychiatric hospital. 105690
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- (5) "Admitted" to a psychiatric hospital means being accepted for and staying at least one night at the psychiatric hospital. 105692
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- (6) "Treatment plan" means a written statement of reasonable objectives and goals for an inmate patient that is based on the needs of the inmate patient and that is established by the treatment team, with the active participation of the inmate patient and with documentation of that participation. "Treatment plan" includes all of the following: 105694
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- (a) The specific criteria to be used in evaluating progress toward achieving the objectives and goals; 105700
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- (b) The services to be provided to the inmate patient during the inmate patient's hospitalization; 105702
105703
- (c) The services to be provided to the inmate patient after discharge from the hospital, including, but not limited to, housing and mental health services provided at the state correctional institution to which the inmate patient returns after discharge or community mental health services. 105704
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- (7) "Mentally retarded person subject to institutionalization 105709

by court order" has the same meaning as in section 5123.01 of the Revised Code.

(8) "Emergency transfer" means the transfer of a mentally ill inmate to a psychiatric hospital when the inmate presents an immediate danger to self or others and requires hospital-level care.

(9) "Uncontested transfer" means the transfer of a mentally ill inmate to a psychiatric hospital when the inmate has the mental capacity to, and has waived, the hearing required by division (B) of this section.

(10)(a) "Independent decision-maker" means a person who is employed or retained by the department of rehabilitation and correction and is appointed by the chief or chief clinical officer of mental health services as a hospitalization hearing officer to conduct due process hearings.

(b) An independent decision-maker who presides over any hearing or issues any order pursuant to this section shall be a psychiatrist, psychologist, or attorney, shall not be specifically associated with the institution in which the inmate who is the subject of the hearing or order resides at the time of the hearing or order, and previously shall not have had any treatment relationship with nor have represented in any legal proceeding the inmate who is the subject of the order.

(B)(1) Except as provided in division (C) of this section, if the warden of a state correctional institution or the warden's designee believes that an inmate should be transferred from the institution to a psychiatric hospital, the department shall hold a hearing to determine whether the inmate is a mentally ill person subject to hospitalization. The department shall conduct the hearing at the state correctional institution in which the inmate is confined, and the department shall provide qualified

independent assistance to the inmate for the hearing. An 105741
independent decision-maker provided by the department shall 105742
preside at the hearing and determine whether the inmate is a 105743
mentally ill person subject to hospitalization. 105744

(2) Except as provided in division (C) of this section, prior 105745
to the hearing held pursuant to division (B)(1) of this section, 105746
the warden or the warden's designee shall give written notice to 105747
the inmate that the department is considering transferring the 105748
inmate to a psychiatric hospital, that it will hold a hearing on 105749
the proposed transfer at which the inmate may be present, that at 105750
the hearing the inmate has the rights described in division (B)(3) 105751
of this section, and that the department will provide qualified 105752
independent assistance to the inmate with respect to the hearing. 105753
The department shall not hold the hearing until the inmate has 105754
received written notice of the proposed transfer and has had 105755
sufficient time to consult with the person appointed by the 105756
department to provide assistance to the inmate and to prepare for 105757
a presentation at the hearing. 105758

(3) At the hearing held pursuant to division (B)(1) of this 105759
section, the department shall disclose to the inmate the evidence 105760
that it relies upon for the transfer and shall give the inmate an 105761
opportunity to be heard. Unless the independent decision-maker 105762
finds good cause for not permitting it, the inmate may present 105763
documentary evidence and the testimony of witnesses at the hearing 105764
and may confront and cross-examine witnesses called by the 105765
department. 105766

(4) If the independent decision-maker does not find clear and 105767
convincing evidence that the inmate is a mentally ill person 105768
subject to hospitalization, the department shall not transfer the 105769
inmate to a psychiatric hospital but shall continue to confine the 105770
inmate in the same state correctional institution or in another 105771
state correctional institution that the department considers 105772

appropriate. If the independent decision-maker finds clear and convincing evidence that the inmate is a mentally ill person subject to hospitalization, the decision-maker shall order that the inmate be transported to a psychiatric hospital for observation and treatment for a period of not longer than thirty days. After the hearing, the independent decision-maker shall submit to the department a written decision that states one of the findings described in division (B)(4) of this section, the evidence that the decision-maker relied on in reaching that conclusion, and, if the decision is that the inmate should be transferred, the reasons for the transfer.

(C)(1) The department may transfer an inmate to a psychiatric hospital under an emergency transfer order if the chief clinical officer of mental health services of the department or that officer's designee and either a psychiatrist employed or retained by the department or, in the absence of a psychiatrist, a psychologist employed or retained by the department determines that the inmate is mentally ill, presents an immediate danger to self or others, and requires hospital-level care.

(2) The department may transfer an inmate to a psychiatric hospital under an uncontested transfer order if both of the following apply:

(a) A psychiatrist employed or retained by the department determines all of the following apply:

(i) The inmate has a mental illness or is a mentally ill person subject to hospitalization.

(ii) The inmate requires hospital care to address the mental illness.

(iii) The inmate has the mental capacity to make a reasoned choice regarding the inmate's transfer to a hospital.

(b) The inmate agrees to a transfer to a hospital.

(3) The written notice and the hearing required under 105804
divisions (B)(1) and (2) of this section are not required for an 105805
emergency transfer or uncontested transfer under division (C)(1) 105806
or (2) of this section. 105807

(4) After an emergency transfer under division (C)(1) of this 105808
section, the department shall hold a hearing for continued 105809
hospitalization within five working days after admission of the 105810
transferred inmate to the psychiatric hospital. The department 105811
shall hold subsequent hearings pursuant to division (F) of this 105812
section at the same intervals as required for inmate patients who 105813
are transported to a psychiatric hospital under division (B)(4) of 105814
this section. 105815

(5) After an uncontested transfer under division (C)(2) of 105816
this section, the inmate may withdraw consent to the transfer in 105817
writing at any time. Upon the inmate's withdrawal of consent, the 105818
hospital shall discharge the inmate, or, within five working days, 105819
the department shall hold a hearing for continued hospitalization. 105820
The department shall hold subsequent hearings pursuant to division 105821
(F) of this section at the same time intervals as required for 105822
inmate patients who are transported to a psychiatric hospital 105823
under division (B)(4) of this section. 105824

(D)(1) If an independent decision-maker, pursuant to division 105825
(B)(4) of this section, orders an inmate transported to a 105826
psychiatric hospital or if an inmate is transferred pursuant to 105827
division (C)(1) or (2) of this section, the staff of the 105828
psychiatric hospital shall examine the inmate patient when 105829
admitted to the psychiatric hospital as soon as practicable after 105830
the inmate patient arrives at the hospital and no later than 105831
twenty-four hours after the time of arrival. The attending 105832
physician responsible for the inmate patient's care shall give the 105833
inmate patient all information necessary to enable the patient to 105834
give a fully informed, intelligent, and knowing consent to the 105835

treatment the inmate patient will receive in the hospital. The 105836
attending physician shall tell the inmate patient the expected 105837
physical and medical consequences of any proposed treatment and 105838
shall give the inmate patient the opportunity to consult with 105839
another psychiatrist at the hospital and with the inmate advisor. 105840

(2) No inmate patient who is transported or transferred 105841
pursuant to division (B)(4) or (C)(1) or (2) of this section to a 105842
psychiatric hospital within a facility that is operated by the 105843
department of rehabilitation and correction shall be subjected to 105844
any of the following procedures: 105845

(a) Convulsive therapy; 105846

(b) Major aversive interventions; 105847

(c) Any unusually hazardous treatment procedures; 105848

(d) Psychosurgery. 105849

(E) The department of rehabilitation and correction shall 105850
ensure that an inmate patient hospitalized pursuant to this 105851
section receives or has all of the following: 105852

(1) Receives sufficient professional care within twenty days 105853
of admission to ensure that an evaluation of the inmate patient's 105854
current status, differential diagnosis, probable prognosis, and 105855
description of the current treatment plan have been formulated and 105856
are stated on the inmate patient's official chart; 105857

(2) Has a written treatment plan consistent with the 105858
evaluation, diagnosis, prognosis, and goals of treatment; 105859

(3) Receives treatment consistent with the treatment plan; 105860

(4) Receives periodic reevaluations of the treatment plan by 105861
the professional staff at intervals not to exceed thirty days; 105862

(5) Is provided with adequate medical treatment for physical 105863
disease or injury; 105864

(6) Receives humane care and treatment, including, without
being limited to, the following: 105865
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(a) Access to the facilities and personnel required by the
treatment plan; 105867
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(b) A humane psychological and physical environment; 105869

(c) The right to obtain current information concerning the
treatment program, the expected outcomes of treatment, and the
expectations for the inmate patient's participation in the
treatment program in terms that the inmate patient reasonably can
understand; 105870
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(d) Opportunity for participation in programs designed to
help the inmate patient acquire the skills needed to work toward
discharge from the psychiatric hospital; 105875
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(e) The right to be free from unnecessary or excessive
medication and from unnecessary restraints or isolation; 105878
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(f) All other rights afforded inmates in the custody of the
department consistent with rules, policy, and procedure of the
department. 105880
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(F) The department shall hold a hearing for the continued
hospitalization of an inmate patient who is transported or
transferred to a psychiatric hospital pursuant to division (B)(4)
or (C)(1) of this section prior to the expiration of the initial
thirty-day period of hospitalization. The department shall hold
any subsequent hearings, if necessary, not later than ninety days
after the first thirty-day hearing and then not later than each
one hundred and eighty days after the immediately prior hearing.
An independent decision-maker shall conduct the hearings at the
psychiatric hospital in which the inmate patient is confined. The
inmate patient shall be afforded all of the rights set forth in
this section for the hearing prior to transfer to the psychiatric
hospital. The department may not waive a hearing for continued 105883
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commitment. A hearing for continued commitment is mandatory for an inmate patient transported or transferred to a psychiatric hospital pursuant to division (B)(4) or (C)(1) of this section unless the inmate patient has the capacity to make a reasoned choice to execute a waiver and waives the hearing in writing. An inmate patient who is transferred to a psychiatric hospital pursuant to an uncontested transfer under division (C)(2) of this section and who has scheduled hearings after withdrawal of consent for hospitalization may waive any of the scheduled hearings if the inmate has the capacity to make a reasoned choice and executes a written waiver of the hearing.

If upon completion of the hearing the independent decision-maker does not find by clear and convincing evidence that the inmate patient is a mentally ill person subject to hospitalization, the independent decision-maker shall order the inmate patient's discharge from the psychiatric hospital. If the independent decision-maker finds by clear and convincing evidence that the inmate patient is a mentally ill person subject to hospitalization, the independent decision-maker shall order that the inmate patient remain at the psychiatric hospital for continued hospitalization until the next required hearing.

If at any time prior to the next required hearing for continued hospitalization, the medical director of the hospital or the attending physician determines that the treatment needs of the inmate patient could be met equally well in an available and appropriate less restrictive state correctional institution or unit, the medical director or attending physician may discharge the inmate to that facility.

(G) An inmate patient is entitled to the credits toward the reduction of the inmate patient's stated prison term pursuant to Chapters 2967. and 5120. of the Revised Code under the same terms and conditions as if the inmate patient were in any other

institution of the department of rehabilitation and correction. 105928

(H) The adult parole authority may place an inmate patient on 105929
parole or under post-release control directly from a psychiatric 105930
hospital. 105931

(I) If an inmate patient who is a mentally ill person subject 105932
to hospitalization is to be released from a psychiatric hospital 105933
because of the expiration of the inmate patient's stated prison 105934
term, the director of rehabilitation and correction or the 105935
director's designee, at least fourteen days before the expiration 105936
date, may file an affidavit under section 5122.11 or 5123.71 of 105937
the Revised Code with the probate court in the county where the 105938
psychiatric hospital is located or the probate court in the county 105939
where the inmate will reside, alleging that the inmate patient is 105940
a mentally ill person subject to hospitalization by court order or 105941
a mentally retarded person subject to institutionalization by 105942
court order, whichever is applicable. The proceedings in the 105943
probate court shall be conducted pursuant to Chapter 5122. or 105944
5123. of the Revised Code except as modified by this division. 105945

Upon the request of the inmate patient, the probate court 105946
shall grant the inmate patient an initial hearing under section 105947
5122.141 of the Revised Code or a probable cause hearing under 105948
section 5123.75 of the Revised Code before the expiration of the 105949
stated prison term. After holding a full hearing, the probate 105950
court shall make a disposition authorized by section 5122.15 or 105951
5123.76 of the Revised Code before the date of the expiration of 105952
the stated prison term. No inmate patient shall be held in the 105953
custody of the department of rehabilitation and correction past 105954
the date of the expiration of the inmate patient's stated prison 105955
term. 105956

(J) The department of rehabilitation and correction shall set 105957
standards for treatment provided to inmate patients. 105958

(K) A certificate, application, record, or report that is made in compliance with this section and that directly or indirectly identifies an inmate or former inmate whose hospitalization has been sought under this section is confidential. No person shall disclose the contents of any certificate, application, record, or report of that nature or any other psychiatric or medical record or report regarding a mentally ill inmate unless one of the following applies:

(1) The person identified, or the person's legal guardian, if any, consents to disclosure, and the chief clinical officer or designee of mental health services of the department of rehabilitation and correction determines that disclosure is in the best interests of the person.

(2) Disclosure is required by a court order signed by a judge.

(3) An inmate patient seeks access to the inmate patient's own psychiatric and medical records, unless access is specifically restricted in the treatment plan for clear treatment reasons.

(4) Hospitals and other institutions and facilities within the department of rehabilitation and correction may exchange psychiatric records and other pertinent information with other hospitals, institutions, and facilities of the department, but the information that may be released about an inmate patient is limited to medication history, physical health status and history, summary of course of treatment in the hospital, summary of treatment needs, and a discharge summary, if any.

(5) An inmate patient's family member who is involved in planning, providing, and monitoring services to the inmate patient may receive medication information, a summary of the inmate patient's diagnosis and prognosis, and a list of the services and personnel available to assist the inmate patient and family if the

attending physician determines that disclosure would be in the 105990
best interest of the inmate patient. No disclosure shall be made 105991
under this division unless the inmate patient is notified of the 105992
possible disclosure, receives the information to be disclosed, and 105993
does not object to the disclosure. 105994

(6) The department of rehabilitation and correction may 105995
exchange psychiatric hospitalization records, other mental health 105996
treatment records, and other pertinent information with county 105997
sheriffs' offices, hospitals, institutions, and facilities of the 105998
department of ~~mental health~~ mental health and addiction services 105999
and with community mental health ~~agencies~~ services providers and 106000
boards of alcohol, drug addiction, and mental health services with 106001
which the department of ~~mental health~~ mental health and addiction 106002
services has a current agreement for patient care or services to 106003
ensure continuity of care. Disclosure under this division is 106004
limited to records regarding a mentally ill inmate's medication 106005
history, physical health status and history, summary of course of 106006
treatment, summary of treatment needs, and a discharge summary, if 106007
any. No office, department, agency, provider, or board shall 106008
disclose the records and other information unless one of the 106009
following applies: 106010

(a) The mentally ill inmate is notified of the possible 106011
disclosure and consents to the disclosure. 106012

(b) The mentally ill inmate is notified of the possible 106013
disclosure, an attempt to gain the consent of the inmate is made, 106014
and the office, department, agency, or board documents the attempt 106015
to gain consent, the inmate's objections, if any, and the reasons 106016
for disclosure in spite of the inmate's objections. 106017

(7) Information may be disclosed to staff members designated 106018
by the director of rehabilitation and correction for the purpose 106019
of evaluating the quality, effectiveness, and efficiency of 106020
services and determining if the services meet minimum standards. 106021

The name of an inmate patient shall not be retained with the information obtained during the evaluations.

(L) The director of rehabilitation and correction may adopt rules setting forth guidelines for the procedures required under divisions (B), (C)(1), and (C)(2) of this section.

Sec. 5120.171. (A) The department of rehabilitation and correction shall have exclusive direction and control of the care and treatment of seriously mentally ill inmates who are in the department's custody. The department shall enter into any arrangements it considers desirable on such matters, including but not limited to both of the following:

(1) The monitoring of such services by another state agency or agencies;

(2) Adopting joint standards for the provision and monitoring of mental health services with the department of ~~mental health~~ mental health and addiction services and other state agencies.

(B) In order to implement its duties imposed by division (A) of this section, the department of rehabilitation and correction may enter into a contract for the provision of the mental health services described in that division.

Sec. 5120.652. To participate in the prison nursery program, each eligible inmate selected by the department shall do all the following:

(A) Agree in writing to do all the following:

(1) Comply with any program, educational, counseling, and other requirements established for the program by the department of rehabilitation and correction;

(2) If eligible, have the child participate in the medicaid program or a health insurance program;

(3) Accept the normal risks of childrearing; 106051

(4) Abide by any court decisions regarding the allocation of 106052
parental rights and responsibilities with respect to the child. 106053

(B) Assign to the department any rights to support from any 106054
other person, excluding support assigned pursuant to section 106055
5107.20 of the Revised Code and medical support assigned pursuant 106056
to section ~~5101.59~~ 5160.38 of the Revised Code; 106057

(C) Specify with whom the child is to be placed in the event 106058
the inmate's participation in the program is terminated for a 106059
reason other than release from imprisonment. 106060

Sec. 5120.654. (A) The rights to support assigned by an 106061
inmate pursuant to section 5120.652 of the Revised Code constitute 106062
an obligation of the person who is responsible for providing the 106063
support to the department of rehabilitation and correction for the 106064
support provided the inmate and child pursuant to the prison 106065
nursery program. The division of child support in the department 106066
of job and family services shall collect support payments made 106067
pursuant to the assignment and forward them to the department of 106068
rehabilitation and correction. 106069

(B) The department of rehabilitation and correction may 106070
receive the following: 106071

(1) Money that is assigned or donated on behalf of, and 106072
~~public~~ assistance provided under Ohio works first to, a specific 106073
inmate or child participating in the prison nursery program; 106074

(2) Money assigned or donated to establish and maintain the 106075
prison nursery program. 106076

(C) The amounts described in division (B)(1) of this section 106077
shall be placed in the individual nursery account created and 106078
maintained under section 5120.655 of the Revised Code for the 106079
inmate and child for whom the money was received. The money 106080

described in division (B)(2) of this section shall be deposited in 106081
the appropriate prison nursery program fund. 106082

Sec. 5121.051. All outstanding liability of relatives for the 106083
support of any patient or resident in a benevolent institution 106084
under the control of the department of ~~mental health~~ mental health 106085
and addiction services or the department of developmental 106086
disabilities accrued prior to January 1, 1956, including the 106087
liability of the patient personally, is hereby canceled, provided 106088
that this section does not abrogate any written agreements or 106089
security arrangement for the payment of support charges entered 106090
into between the state and any patient or liable relative prior to 106091
such date. 106092

Sec. 5121.30. As used in sections 5121.30 to 5121.56 of the 106093
Revised Code: 106094

(A) ~~"Community mental health services client" or "client"~~ 106095
~~means a person receiving state operated community mental health~~ 106096
~~services.~~ 106097

~~(B)~~ "Countable assets" means all of the following: 106098

(1) Cash; 106099

(2) Bank deposits; 106100

(3) Securities; 106101

(4) Individual retirement accounts; 106102

(5) Qualified employer plans, including 401(k) and Keogh 106103
plans; 106104

(6) Annuities; 106105

(7) Funds in a trust created under section 5815.28 of the 106106
Revised Code; 106107

(8) Investment property and income; 106108

(9) The cash surrender values of life insurance policies;	106109
(10) Assets acquired by gift, bequest, devise, or inheritance;	106110 106111
(11) Any other asset determined by the department of mental health <u>mental health and addiction services</u> to be equivalent to the assets enumerated in this division.	106112 106113 106114
(C) <u>(B)</u> "Federal poverty level" or "FPL" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	106115 106116 106117 106118 106119 106120 106121
(D) <u>(C)</u> "Federal poverty guidelines" means the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	106122 106123 106124 106125 106126 106127
(E) <u>(D)</u> "Hospital" means an institution, hospital, or other place established, controlled, or supervised by the department of mental health <u>mental health and addiction services</u> under Chapter 5119. of the Revised Code.	106128 106129 106130 106131
(F) <u>(E)</u> "Liable relative" means all of the following:	106132
(1) A patient's spouse;	106133
(2) A patient's mother or father, or both, if the patient is under eighteen years of age;	106134 106135
(3) A patient's guardian.	106136
(G) <u>(F)</u> "Patient" means a person admitted to a hospital for inpatient care or treatment, including a person transferred to a	106137 106138

hospital from a state correctional institution or a person under 106139
indictment or conviction who has been transferred to a hospital. 106140

Sec. 5121.32. On an annual basis, the department of ~~mental~~ 106141
~~health~~ mental health and addiction services shall determine both 106142
of the following using generally accepted governmental accounting 106143
principles: 106144

(A) The applicable per diem charge for each hospital operated 106145
by the department; 106146

(B) The ancillary per diem rate for each hospital operated by 106147
the department. 106148

In determining a hospital's applicable per diem charge and 106149
ancillary per diem rate, the department shall consider the average 106150
actual per diem cost of maintaining and treating a patient at the 106151
hospital or, at the department's discretion, the average actual 106152
per diem cost of maintaining and treating a patient in a unit of 106153
the hospital. 106154

Sec. 5121.33. Except as provided in sections 5121.35, 106155
5121.43, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised 106156
Code, the department of ~~mental health~~ mental health and addiction 106157
services shall, for each billing cycle, charge a patient, 106158
patient's estate, or liable relative an amount equal to the sum of 106159
the following: 106160

(A) The applicable per diem charge multiplied by the number 106161
of days the patient was admitted to the hospital; 106162

(B) An amount that was previously billed but not paid. 106163

Sec. 5121.34. (A) A patient, patient's estate, and patient's 106164
liable relatives shall be jointly and severally liable for amounts 106165
charged by the department of ~~mental health~~ mental health and 106166
addiction services in accordance with section 5121.33 or 5121.35 106167

of the Revised Code. In no case shall any of the foregoing persons 106168
be liable for more than one hundred per cent of the full sum 106169
charged under section 5121.33 of the Revised Code. 106170

(B) Collections of support payments shall be made by the 106171
department and, subject to meeting prior requirements for payment 106172
and crediting of such collections and other available receipts, in 106173
accordance with the bond proceedings applicable to obligations 106174
issued pursuant to section 154.20 of the Revised Code. The 106175
collections and other available receipts designated by the 106176
director of ~~mental health~~ mental health and addiction services for 106177
deposit in the special accounts, together with insurance contract 106178
payments provided for in section 5121.43 of the Revised Code, 106179
shall be remitted to the treasurer of state for deposit in the 106180
state treasury to the credit of the mental health operating fund, 106181
which is hereby created, to be used for the general purposes of 106182
the department. The department shall make refunds of overpayment 106183
of support charges from the mental health operating fund. 106184

Sec. 5121.35. The department of ~~mental health~~ mental health 106185
and addiction services shall charge a patient, patient's estate, 106186
or liable relative an amount discounted from the amount the 106187
department charges under section 5121.33 of the Revised Code if 106188
the department determines through the application process 106189
described in section 5121.36 of the Revised Code or through the 106190
financial assessment process described in section 5121.37 of the 106191
Revised Code that the patient, estate, or relative is eligible for 106192
a discount. 106193

Sec. 5121.36. (A) A patient, patient's estate, or liable 106194
relative may apply for a discount by completing an application 106195
form prescribed by the director of ~~mental health~~ mental health and 106196
addiction services. The department of ~~mental health~~ mental health 106197

and addiction services may require a patient, estate, or relative 106198
to furnish any of the following with an application form: 106199

(1) A copy of the patient's, estate's, or liable relative's 106200
federal income tax return for the year preceding the date of 106201
application or, if that is not yet available, the preceding year; 106202

(2) A copy of the patient's, estate's, or liable relative's 106203
employee tax withholding return (form W-2) for the year preceding 106204
the date of application; 106205

(3) Any other relevant documents prescribed by the director 106206
of ~~mental health~~ mental health and addiction services. 106207

(B) To be considered, an application must be submitted to the 106208
department not later than ninety days after the date the patient 106209
is admitted to a hospital. 106210

(C) From the information provided by a patient, estate, or 106211
relative, the department shall determine whether the department 106212
will charge the person a discounted amount in accordance with 106213
sections 5121.40 and 5121.41 of the Revised Code. In making this 106214
determination, the department shall consider whether the patient 106215
is covered by an insurance policy or other contract that provides 106216
for payment of expenses and treatment for mental illness. If the 106217
department determines that the patient has coverage, the 106218
department shall require payment in accordance with section 106219
5121.43 of the Revised Code. 106220

(D) The department shall notify the patient, executor or 106221
administrator of the patient's estate, or liable relative who 106222
submitted the application form in writing regarding whether that 106223
person will be charged a discounted amount and the per diem rate 106224
to be charged. 106225

(E) In accordance with section 5121.42 of the Revised Code, 106226
the department may, at any time, modify an amount charged or 106227

change the per diem rate to be charged if the department learns of 106228
countable assets or income that was not previously disclosed or 106229
was acquired after the application form was submitted. Within a 106230
reasonable time, the department shall notify in writing any person 106231
affected by a modification or change. 106232

Sec. 5121.37. After a patient's admittance to a hospital, the 106233
department of ~~mental health~~ mental health and addiction services 106234
shall conduct a financial assessment to determine whether the 106235
patient, patient's estate, or liable relative will be charged an 106236
amount discounted from the amount the department charges under 106237
section 5121.33 of the Revised Code. The department shall make the 106238
determination in accordance with sections 5121.40 and 5121.41 of 106239
the Revised Code. 106240

If a discounted rate is to be charged, the department shall 106241
notify the person whose financial condition was assessed. The 106242
notice shall specify the per diem rate to be charged. 106243

In accordance with section 5121.42 of the Revised Code, the 106244
department may, at any time, modify an amount charged or change 106245
the per diem rate to be charged if the department learns of 106246
countable assets or income that was not previously disclosed or 106247
was acquired after the assessment was conducted. Within a 106248
reasonable time, the department shall notify in writing any person 106249
affected by a modification or change. 106250

Sec. 5121.38. The department of ~~mental health~~ mental health 106251
and addiction services may subpoena witnesses, take testimony 106252
under oath, and examine any public records relating to the income 106253
and other assets of a patient or of a relative liable for such 106254
patient's support. All information, conclusions, and 106255
recommendations shall be submitted to the department by the 106256
investigating agent of the department. 106257

Sec. 5121.40. (A) A patient, patient's estate, or liable relative may be eligible to be charged an amount discounted from the amount the department of ~~mental health~~ mental health and addiction services charges under section 5121.33 of the Revised Code if the patient, estate, or relative has countable assets with a total value that is not greater than an amount equal to fifty per cent of the difference between the following:

(1) The gross annual income that corresponds with a family size of two persons at one hundred per cent of the federal poverty level for the state;

(2) The gross annual income that corresponds with a family size of one person at one hundred per cent of the federal poverty level for the state. For purposes of determining family size, the patient is one dependent. One additional dependent shall be included for each of the following circumstances and persons:

(a) The patient or liable relative is legally blind or deaf.

(b) The patient or liable relative is ~~of~~ sixty-five years of age or older.

(c) Each child under eighteen years of age for which the patient or liable relative has legal custody;

(d) The patient's or liable relative's spouse.

(B) A patient, estate, or relative may, not later than ninety days after the patient's admission to a hospital, surrender the value of countable assets sufficient to reduce countable assets to not more than the limit described in division (A) of this section.

Sec. 5121.42. (A) Except as provided in division (B) of this section, a patient, patient's estate, or liable relative shall cease to be eligible for a discount under ~~sections~~ section 5121.36 or 5121.37 of the Revised Code on accumulation of countable assets

in excess of an amount equal to fifty per cent of the difference 106287
between the following: 106288

(1) The gross annual income that corresponds with a family 106289
size of two persons at one hundred per cent of the federal poverty 106290
level for the state; 106291

(2) The gross annual income that corresponds with a family 106292
size of one person at one hundred per cent of the federal poverty 106293
level for the state. 106294

(B) Money needed to meet the patient's needs and burial fund 106295
as determined by a needs assessment conducted by the department of 106296
~~mental health~~ mental health and addiction services pursuant to 106297
rules adopted under section ~~5119.01~~ 5119.10 of the Revised Code 106298
shall be excluded from any determination the department makes 106299
under division (A) of this section. 106300

Sec. 5121.43. If a patient is covered by an insurance policy 106301
or other contract that provides for payment of expenses for care 106302
and treatment for mental illness at or from a hospital under the 106303
jurisdiction of the department of ~~mental health~~ mental health and 106304
addiction services, sections 5121.33 to 5121.55 of the Revised 106305
Code are inapplicable to the extent that the policy or contract is 106306
in force. Any insurance carrier or other third party payor 106307
providing coverage for such care and treatment shall pay for the 106308
patient's support obligation in amounts equal to the lesser of 106309
amounts charged by the department under section 5121.33 of the 106310
Revised Code or the benefits provided under the policy or other 106311
contract. Whether or not an insured, owner of, or other person 106312
having an interest in such policy or other contract is liable for 106313
support payments, the insured, policy owner, or other person shall 106314
assign payment directly to the department of all assignable 106315
benefits under the policy or other contract and shall pay to the 106316

department, within ten days of receipt, all insurance or other 106317
benefits received as reimbursement or payment for expenses 106318
incurred by the patient or for any other reason. If the insured, 106319
policy owner, or other person refuses to assign payment to the 106320
department or refuses to pay received reimbursements or payments 106321
to the department within ten days of receipt, the total liability 106322
of the insured, policy owner, or other person for the services is 106323
an amount equal to the per diem charge for the hospital where the 106324
patient was admitted multiplied by the number of days the patient 106325
was admitted. 106326

In no event shall this total liability exceed the 106327
department's actual cost of providing care and treatment to a 106328
patient. The department may disqualify patients and liable 106329
relatives who have retained third party funds from future 106330
discounts. The department may request that the attorney general 106331
petition a court of competent jurisdiction to compel the insured, 106332
owner of, or other person having an interest in the policy or 106333
contract to comply with the assignment requirements in this 106334
section. 106335

Sec. 5121.44. The department of ~~mental health~~ mental health 106336
and addiction services may enter into an extended payment 106337
agreement with a patient, patient's estate, or liable relative who 106338
has notified the department that the patient, estate, or relative 106339
cannot reasonably pay an amount the department has charged. In no 106340
case shall the department take a security interest, mortgage, or 106341
lien against the principal family residence of a patient or liable 106342
relative. 106343

Sec. 5121.45. (A) For purposes of this section, "delinquent 106344
payment" means an amount owed by a patient, patient's estate, or 106345
liable relative to the department of ~~mental health~~ mental health 106346

and addiction services for which the person has failed to do 106347
either of the following not later than ninety days after the 106348
service associated with the charge was incurred: 106349

(1) Make payment in full; 106350

(2) Make a payment in accordance with the terms of an 106351
agreement entered into under section 5121.44 of the Revised Code. 106352

(B) An action to enforce the collection of a delinquent 106353
payment shall be commenced not later than six years after the 106354
later of the following: 106355

(1) The last date the department received money to satisfy 106356
the delinquent payment; 106357

(2) The date the charge was due. 106358

(C) In all actions to enforce the collection of delinquent 106359
payments, a court of record shall receive into evidence the proof 106360
of claim document made by the state together with all debts and 106361
credits. The proof of claim document shall be prima-facie evidence 106362
of the facts stated in the document. 106363

Sec. 5121.46. The department of ~~mental health~~ mental health 106364
and addiction services shall not charge a liable relative under 106365
sections 5121.33 and 5121.35 of the Revised Code who has done 106366
either of the following: 106367

(A) Paid all amounts charged by the department for the care 106368
and treatment of a particular patient for fifteen consecutive 106369
years; 106370

(B) Paid amounts charged by the department for the care and 106371
treatment of more than one patient for a total of fifteen 106372
consecutive years. 106373

Sec. 5121.47. Irrespective of the number of patients for 106374

which the department of ~~mental health~~ mental health and addiction 106375
services may charge a liable relative under sections 5121.33 ~~or~~ 106376
and 5121.35 of the Revised Code, the department shall not charge a 106377
liable relative or group of liable relatives who are members of 106378
the same family unit for the support of more than one patient 106379
during the same period of time. 106380

Sec. 5121.49. (A) Any person who has been charged under 106381
section 5121.33 or 5121.35 of the Revised Code may petition the 106382
department of ~~mental health~~ mental health and addiction services 106383
to do the following: 106384

(1) Release the person from a charge; 106385

(2) Modify or cancel a charge. 106386

(B) The department shall respond to a petition in writing and 106387
inform the petitioner of whether a release, modification, or 106388
cancellation has been approved. 106389

Sec. 5121.50. When a patient is committed to a hospital 106390
pursuant to judicial proceedings, the judge ordering the 106391
commitment shall: 106392

(A) Make a reliable report on the financial condition of the 106393
patient and of each liable relative, as provided in rules adopted 106394
by the director of ~~mental health~~ mental health and addiction 106395
services; 106396

(B) Certify the report required under division (A) of this 106397
section to the managing officer of the hospital. The managing 106398
officer shall thereupon enter in the managing officer's records 106399
the name and address of any guardian appointed and of any relative 106400
liable for the patient's support. 106401

Sec. 5121.51. In case the estate of any patient in a hospital 106402

is sufficient for the patient's support and no guardian has been 106403
appointed for such estate, the agent of the department of ~~mental~~ 106404
~~health~~ mental health and addiction services shall petition the 106405
probate court of the proper county to appoint a guardian. 106406

Sec. 5121.52. On the death of a person who is a patient, or 106407
has been a patient in a hospital, or on the death of a person 106408
responsible under section 5121.34 of the Revised Code for the 106409
support of a patient, the department of ~~mental health~~ mental 106410
health and addiction services may waive the presentation of any 106411
claim for support against the estate of such decedent, when in its 106412
judgment an otherwise dependent person will be directly benefited 106413
by the estate. Claims against an estate for support of a patient 106414
are subject to section 5815.28 and Chapter 2117. of the Revised 106415
Code, and shall be treated, and may be barred, the same as the 106416
claims of other creditors of the estate, pursuant to that section 106417
or chapter. 106418

The department of ~~mental health~~ mental health and addiction 106419
services may accept from a guardian or trustee of a patient a 106420
contract agreeing to pay to the state from the property of the 106421
guardian's or trustee's ward before or at the death of the ward a 106422
fixed annual amount for the support of the ward while the ward is 106423
a patient, with interest at four per cent per annum. A copy of the 106424
contract shall be filed in the probate court of the proper county 106425
and duly entered as a part of the records concerning the ward. 106426

Sec. 5121.55. The cost for support of a client of 106427
state-operated community mental health services is an amount 106428
determined using guidelines the department of ~~mental health~~ mental 106429
health and addiction services shall issue. The guidelines shall be 106430
based on cost findings and rate-settings applicable to such 106431
services. 106432

Sec. 5122.01. As used in this chapter and Chapter 5119. of 106433
the Revised Code: 106434

(A) "Mental illness" means a substantial disorder of thought, 106435
mood, perception, orientation, or memory that grossly impairs 106436
judgment, behavior, capacity to recognize reality, or ability to 106437
meet the ordinary demands of life. 106438

(B) "Mentally ill person subject to hospitalization by court 106439
order" means a mentally ill person who, because of the person's 106440
illness: 106441

(1) Represents a substantial risk of physical harm to self as 106442
manifested by evidence of threats of, or attempts at, suicide or 106443
serious self-inflicted bodily harm; 106444

(2) Represents a substantial risk of physical harm to others 106445
as manifested by evidence of recent homicidal or other violent 106446
behavior, evidence of recent threats that place another in 106447
reasonable fear of violent behavior and serious physical harm, or 106448
other evidence of present dangerousness; 106449

(3) Represents a substantial and immediate risk of serious 106450
physical impairment or injury to self as manifested by evidence 106451
that the person is unable to provide for and is not providing for 106452
the person's basic physical needs because of the person's mental 106453
illness and that appropriate provision for those needs cannot be 106454
made immediately available in the community; or 106455

(4) Would benefit from treatment in a hospital for the 106456
person's mental illness and is in need of such treatment as 106457
manifested by evidence of behavior that creates a grave and 106458
imminent risk to substantial rights of others or the person. 106459

(C)(1) "Patient" means, subject to division (C)(2) of this 106460
section, a person who is admitted either voluntarily or 106461
involuntarily to a hospital or other place under section 2945.39, 106462

2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity or incompetence to stand trial or under this chapter, who is under observation or receiving treatment in such place.

(2) "Patient" does not include a person admitted to a hospital or other place under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code to the extent that the reference in this chapter to patient, or the context in which the reference occurs, is in conflict with any provision of sections 2945.37 to 2945.402 of the Revised Code.

(D) "Licensed physician" means a person licensed under the laws of this state to practice medicine or a medical officer of the government of the United States while in this state in the performance of the person's official duties.

(E) "Psychiatrist" means a licensed physician who has satisfactorily completed a residency training program in psychiatry, as approved by the residency review committee of the American medical association, the committee on post-graduate education of the American osteopathic association, or the American osteopathic board of neurology and psychiatry, or who on July 1, 1989, has been recognized as a psychiatrist by the Ohio state medical association or the Ohio osteopathic association on the basis of formal training and five or more years of medical practice limited to psychiatry.

(F) "Hospital" means a hospital or inpatient unit licensed by the department of ~~mental health~~ mental health and addiction services under section ~~5119.20~~ 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code.

(G) "Public hospital" means a facility that is tax-supported

and under the jurisdiction of the department of ~~mental health~~ 106494
mental health and addiction services. 106495

(H) "Community mental health ~~agency~~ services provider" means 106496
an agency, association, corporation, individual, or program that 106497
provides community mental health services that are certified by 106498
the director of ~~mental health~~ mental health and addiction services 106499
under section ~~5119.611~~ 5119.36 of the Revised Code. 106500

(I) "Licensed clinical psychologist" means a person who holds 106501
a current valid psychologist license issued under section 4732.12 106502
or 4732.15 of the Revised Code, and in addition, meets either of 106503
the following criteria: 106504

(1) Meets the educational requirements set forth in division 106505
(B) of section 4732.10 of the Revised Code and has a minimum of 106506
two years' full-time professional experience, or the equivalent as 106507
determined by rule of the state board of psychology, at least one 106508
year of which shall be a predoctoral internship, in clinical 106509
psychological work in a public or private hospital or clinic or in 106510
private practice, diagnosing and treating problems of mental 106511
illness or mental retardation under the supervision of a 106512
psychologist who is licensed or who holds a diploma issued by the 106513
American board of professional psychology, or whose qualifications 106514
are substantially similar to those required for licensure by the 106515
state board of psychology when the supervision has occurred prior 106516
to enactment of laws governing the practice of psychology; 106517

(2) Meets the educational requirements set forth in division 106518
(B) of section 4732.15 of the Revised Code and has a minimum of 106519
four years' full-time professional experience, or the equivalent 106520
as determined by rule of the state board of psychology, in 106521
clinical psychological work in a public or private hospital or 106522
clinic or in private practice, diagnosing and treating problems of 106523
mental illness or mental retardation under supervision, as set 106524
forth in division (I)(1) of this section. 106525

(J) "Health officer" means any public health physician; 106526
public health nurse; or other person authorized by or designated 106527
by a city health district; a general health district; or a board 106528
of alcohol, drug addiction, and mental health services to perform 106529
the duties of a health officer under this chapter. 106530

(K) "Chief clinical officer" means the medical director of a 106531
hospital, or a community mental health ~~agency~~ services provider, 106532
or a board of alcohol, drug addiction, and mental health services, 106533
or, if there is no medical director, the licensed physician 106534
responsible for the treatment a hospital or community mental 106535
health ~~agency~~ services provider provides. The chief clinical 106536
officer may delegate to the attending physician responsible for a 106537
patient's care the duties imposed on the chief clinical officer by 106538
this chapter. Within a community mental health ~~agency~~ services 106539
provider, the chief clinical officer shall be designated by the 106540
governing body of the ~~agency~~ services provider and shall be a 106541
licensed physician or licensed clinical psychologist who 106542
supervises diagnostic and treatment services. A licensed physician 106543
or licensed clinical psychologist designated by the chief clinical 106544
officer may perform the duties and accept the responsibilities of 106545
the chief clinical officer in the chief clinical officer's 106546
absence. 106547

(L) "Working day" or "court day" means Monday, Tuesday, 106548
Wednesday, Thursday, and Friday, except when such day is a 106549
holiday. 106550

(M) "Indigent" means unable without deprivation of 106551
satisfaction of basic needs to provide for the payment of an 106552
attorney and other necessary expenses of legal representation, 106553
including expert testimony. 106554

(N) "Respondent" means the person whose detention, 106555
commitment, hospitalization, continued hospitalization or 106556
commitment, or discharge is being sought in any proceeding under 106557

this chapter. 106558

(O) "Ohio protection and advocacy system" has the same 106559
meaning as in section 5123.60 of the Revised Code. 106560

(P) "Independent expert evaluation" means an evaluation 106561
conducted by a licensed clinical psychologist, psychiatrist, or 106562
licensed physician who has been selected by the respondent or the 106563
respondent's counsel and who consents to conducting the 106564
evaluation. 106565

(Q) "Court" means the probate division of the court of common 106566
pleas. 106567

(R) "Expunge" means: 106568

(1) The removal and destruction of court files and records, 106569
originals and copies, and the deletion of all index references; 106570

(2) The reporting to the person of the nature and extent of 106571
any information about the person transmitted to any other person 106572
by the court; 106573

(3) Otherwise insuring that any examination of court files 106574
and records in question shall show no record whatever with respect 106575
to the person; 106576

(4) That all rights and privileges are restored, and that the 106577
person, the court, and any other person may properly reply that no 106578
such record exists, as to any matter expunged. 106579

(S) "Residence" means a person's physical presence in a 106580
county with intent to remain there, except that: 106581

(1) If a person is receiving a mental health service at a 106582
facility that includes nighttime sleeping accommodations, 106583
residence means that county in which the person maintained the 106584
person's primary place of residence at the time the person entered 106585
the facility; 106586

(2) If a person is committed pursuant to section 2945.38, 106587

2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 106588
residence means the county where the criminal charges were filed. 106589

When the residence of a person is disputed, the matter of 106590
residence shall be referred to the department of ~~mental health~~ 106591
mental health and addiction services for investigation and 106592
determination. Residence shall not be a basis for a board's 106593
denying services to any person present in the board's service 106594
district, and the board shall provide services for a person whose 106595
residence is in dispute while residence is being determined and 106596
for a person in an emergency situation. 106597

(T) "Admission" to a hospital or other place means that a 106598
patient is accepted for and stays at least one night at the 106599
hospital or other place. 106600

(U) "Prosecutor" means the prosecuting attorney, village 106601
solicitor, city director of law, or similar chief legal officer 106602
who prosecuted a criminal case in which a person was found not 106603
guilty by reason of insanity, who would have had the authority to 106604
prosecute a criminal case against a person if the person had not 106605
been found incompetent to stand trial, or who prosecuted a case in 106606
which a person was found guilty. 106607

(V) "Treatment plan" means a written statement of reasonable 106608
objectives and goals for an individual established by the 106609
treatment team, with specific criteria to evaluate progress 106610
towards achieving those objectives. The active participation of 106611
the patient in establishing the objectives and goals shall be 106612
documented. The treatment plan shall be based on patient needs and 106613
include services to be provided to the patient while the patient 106614
is hospitalized and after the patient is discharged. The treatment 106615
plan shall address services to be provided upon discharge, 106616
including but not limited to housing, financial, and vocational 106617
services. 106618

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

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

Sec. 5122.03. A patient admitted under section 5122.02 of the Revised Code who requests release in writing, or whose release is requested in writing by the patient's counsel, legal guardian, parent, spouse, or adult next of kin shall be released forthwith, except that when:

(A) The patient was admitted on the patient's own application and the request for release is made by a person other than the patient, release may be conditional upon the agreement of the patient; or

(B) The chief clinical officer of the hospital, within three court days from the receipt of the request for release, files or causes to be filed with the court of the county where the patient is hospitalized or of the county where the patient is a resident, an affidavit under section 5122.11 of the Revised Code. Release may be postponed until the hearing held under section 5122.141 of the Revised Code. A telephone communication within three court days from the receipt of the request for release from the chief clinical officer to the court, indicating that the required affidavit has been mailed, is sufficient compliance with the time limit for filing such affidavit.

Unless the patient is released within three days from the receipt of the request by the chief clinical officer, the request shall serve as a request for an initial hearing under section 5122.141 of the Revised Code. If the court finds that the patient is a mentally ill person subject to hospitalization by court order, all provisions of this chapter with respect to involuntary hospitalization apply to such person.

Judicial proceedings for hospitalization shall not be 106650
commenced with respect to a voluntary patient except pursuant to 106651
this section. 106652

Sections 5121.30 to 5121.56 of the Revised Code apply to 106653
persons received in a hospital operated by the department of 106654
~~mental health~~ mental health and addiction services on a voluntary 106655
application. 106656

The chief clinical officer of the hospital shall provide 106657
reasonable means and arrangements for informing patients of their 106658
rights to release as provided in this section and for assisting 106659
them in making and presenting requests for release or for a 106660
hearing under section 5122.141 of the Revised Code. 106661

Before a patient is released from a public hospital, the 106662
chief clinical officer shall, when possible, notify the board of 106663
the patient's county of residence of the patient's pending release 106664
after the chief clinical officer has informed the patient that the 106665
board will be so notified. 106666

Sec. 5122.10. Any psychiatrist, licensed clinical 106667
psychologist, licensed physician, health officer, parole officer, 106668
police officer, or sheriff may take a person into custody, or the 106669
chief of the adult parole authority or a parole or probation 106670
officer with the approval of the chief of the authority may take a 106671
parolee, an offender under a community control sanction or a 106672
post-release control sanction, or an offender under transitional 106673
control into custody and may immediately transport the parolee, 106674
offender on community control or post-release control, or offender 106675
under transitional control to a hospital or, notwithstanding 106676
section ~~5119.20~~ 5119.33 of the Revised Code, to a general hospital 106677
not licensed by the department of ~~mental health~~ mental health and 106678
addiction services where the parolee, offender on community 106679
control or post-release control, or offender under transitional 106680

control may be held for the period prescribed in this section, if 106681
the psychiatrist, licensed clinical psychologist, licensed 106682
physician, health officer, parole officer, police officer, or 106683
sheriff has reason to believe that the person is a mentally ill 106684
person subject to hospitalization by court order under division 106685
(B) of section 5122.01 of the Revised Code, and represents a 106686
substantial risk of physical harm to self or others if allowed to 106687
remain at liberty pending examination. 106688

A written statement shall be given to such hospital by the 106689
transporting psychiatrist, licensed clinical psychologist, 106690
licensed physician, health officer, parole officer, police 106691
officer, chief of the adult parole authority, parole or probation 106692
officer, or sheriff stating the circumstances under which such 106693
person was taken into custody and the reasons for the 106694
psychiatrist's, licensed clinical psychologist's, licensed 106695
physician's, health officer's, parole officer's, police officer's, 106696
chief of the adult parole authority's, parole or probation 106697
officer's, or sheriff's belief. This statement shall be made 106698
available to the respondent or the respondent's attorney upon 106699
request of either. 106700

Every reasonable and appropriate effort shall be made to take 106701
persons into custody in the least conspicuous manner possible. A 106702
person taking the respondent into custody pursuant to this section 106703
shall explain to the respondent: the name, and professional 106704
designation, and ~~agency~~ affiliation of the person taking the 106705
respondent into custody; that the custody-taking is not a criminal 106706
arrest; and that the person is being taken for examination by 106707
mental health professionals at a specified mental health facility 106708
identified by name. 106709

If a person taken into custody under this section is 106710
transported to a general hospital, the general hospital may admit 106711

the person, or provide care and treatment for the person, or both, 106712
notwithstanding section ~~5119.20~~ 5119.33 of the Revised Code, but 106713
by the end of twenty-four hours after arrival at the general 106714
hospital, the person shall be transferred to a hospital as defined 106715
in section 5122.01 of the Revised Code. 106716

A person transported or transferred to a hospital or 106717
community mental health ~~agency~~ services provider under this 106718
section shall be examined by the staff of the hospital or ~~agency~~ 106719
services provider within twenty-four hours after arrival at the 106720
hospital or ~~agency~~ services provider. If to conduct the 106721
examination requires that the person remain overnight, the 106722
hospital or ~~agency~~ services provider shall admit the person in an 106723
unclassified status until making a disposition under this section. 106724
After the examination, if the chief clinical officer of the 106725
hospital or ~~agency~~ services provider believes that the person is 106726
not a mentally ill person subject to hospitalization by court 106727
order, the chief clinical officer shall release or discharge the 106728
person immediately unless a court has issued a temporary order of 106729
detention applicable to the person under section 5122.11 of the 106730
Revised Code. After the examination, if the chief clinical officer 106731
believes that the person is a mentally ill person subject to 106732
hospitalization by court order, the chief clinical officer may 106733
detain the person for not more than three court days following the 106734
day of the examination and during such period admit the person as 106735
a voluntary patient under section 5122.02 of the Revised Code or 106736
file an affidavit under section 5122.11 of the Revised Code. If 106737
neither action is taken and a court has not otherwise issued a 106738
temporary order of detention applicable to the person under 106739
section 5122.11 of the Revised Code, the chief clinical officer 106740
shall discharge the person at the end of the three-day period 106741
unless the person has been sentenced to the department of 106742
rehabilitation and correction and has not been released from the 106743
person's sentence, in which case the person shall be returned to 106744

that department. 106745

Sec. 5122.11. Proceedings for the hospitalization of a person 106746
pursuant to sections 5122.11 to 5122.15 of the Revised Code shall 106747
be commenced by the filing of an affidavit in the manner and form 106748
prescribed by the department of ~~mental health~~ mental health and 106749
addiction services, by any person or persons with the court, 106750
either on reliable information or actual knowledge, whichever is 106751
determined to be proper by the court. This section does not apply 106752
to the hospitalization of a person pursuant to section 2945.39, 106753
2945.40, 2945.401, or 2945.402 of the Revised Code. 106754

The affidavit shall contain an allegation setting forth the 106755
specific category or categories under division (B) of section 106756
5122.01 of the Revised Code upon which the jurisdiction of the 106757
court is based and a statement of alleged facts sufficient to 106758
indicate probable cause to believe that the person is a mentally 106759
ill person subject to hospitalization by court order. The 106760
affidavit may be accompanied, or the court may require that the 106761
affidavit be accompanied, by a certificate of a psychiatrist, or a 106762
certificate signed by a licensed clinical psychologist and a 106763
certificate signed by a licensed physician stating that the person 106764
who issued the certificate has examined the person and is of the 106765
opinion that the person is a mentally ill person subject to 106766
hospitalization by court order, or shall be accompanied by a 106767
written statement by the applicant, under oath, that the person 106768
has refused to submit to an examination by a psychiatrist, or by a 106769
licensed clinical psychologist and licensed physician. 106770

Upon receipt of the affidavit, if a judge of the court or a 106771
referee who is an attorney at law appointed by the court has 106772
probable cause to believe that the person named in the affidavit 106773
is a mentally ill person subject to hospitalization by court 106774
order, the judge or referee may issue a temporary order of 106775

detention ordering any health or police officer or sheriff to take 106776
into custody and transport the person to a hospital or other place 106777
designated in section 5122.17 of the Revised Code, or may set the 106778
matter for further hearing. 106779

The person may be observed and treated until the hearing 106780
provided for in section 5122.141 of the Revised Code. If no such 106781
hearing is held, the person may be observed and treated until the 106782
hearing provided for in section 5122.15 of the Revised Code. 106783

Sec. 5122.12. After receipt of the affidavit required by 106784
section 5122.11 of the Revised Code, the court shall cause written 106785
notice by mail or otherwise of any hearing as the court directs to 106786
be given to the following persons: 106787

(A) The respondent; 106788

(B) The respondent's legal guardian, if any, the respondent's 106789
spouse, if any, and the respondent's parents, if the respondent is 106790
a minor, if these persons' addresses are known to the court or can 106791
be obtained through exercise of reasonable diligence; 106792

(C) The person who filed the affidavit; 106793

(D) Any one person designated by the respondent; but if the 106794
respondent does not make a selection, the notice shall be sent to 106795
the adult next of kin other than the person who filed the 106796
affidavit if that person's address is known to the court or can be 106797
obtained through exercise of reasonable diligence; 106798

(E) The respondent's counsel; 106799

(F) The director, chief clinical officer, or the respective 106800
designee of the hospital, board, ~~agency~~ community mental health 106801
services provider, or facility to which the person has been 106802
committed; 106803

(G) The board of alcohol, drug addiction, and mental health 106804
services serving the respondent's county of residence or ~~an agency~~ 106805

a services provider the board designates. 106806

Any person entitled to notice under this section, with the 106807
exception of the respondent, may waive the notice. 106808

A copy of the affidavit and temporary order of detention 106809
shall be served with the notice to the parties and to respondent's 106810
counsel, if counsel has been appointed or retained. 106811

Sec. 5122.13. Upon receipt of the affidavit required by 106812
section 5122.11 of the Revised Code, the court shall refer the 106813
affidavit to the board of alcohol, drug addiction, and mental 106814
health services or ~~an agency~~ community mental health services 106815
provider the board designates to assist the court in determining 106816
whether the respondent is subject to hospitalization and whether 106817
alternative services are available, unless the ~~agency~~ services 106818
provider or board has already performed such screening. The board 106819
or ~~agency~~ services provider shall review the allegations of the 106820
affidavit and other information relating to whether or not the 106821
person named in the affidavit or statement is a mentally ill 106822
person subject to hospitalization by court order, and the 106823
availability of appropriate treatment alternatives. 106824

The person who conducts the investigation shall promptly make 106825
a report to the court, in writing, in open court or in chambers, 106826
as directed by the court and a full record of the report shall be 106827
made by the court. The report is not admissible as evidence for 106828
the purpose of establishing whether or not the respondent is a 106829
mentally ill person subject to hospitalization by court order, but 106830
shall be considered by the court in its determination of an 106831
appropriate placement for any person after that person is found to 106832
be a mentally ill person subject to hospitalization. 106833

The court, prior to the hearing under section 5122.141 of the 106834
Revised Code, shall release a copy of the investigative report to 106835
the respondent's counsel. 106836

Nothing in this section precludes a judge or referee from 106837
issuing a temporary order of detention pursuant to section 5122.11 106838
of the Revised Code. 106839

Sec. 5122.15. (A) Full hearings shall be conducted in a 106840
manner consistent with this chapter and with due process of law. 106841
The hearings shall be conducted by a judge of the probate court or 106842
a referee designated by a judge of the probate court and may be 106843
conducted in or out of the county in which the respondent is held. 106844
Any referee designated under this division shall be an attorney. 106845

(1) With the consent of the respondent, the following shall 106846
be made available to counsel for the respondent: 106847

(a) All relevant documents, information, and evidence in the 106848
custody or control of the state or prosecutor; 106849

(b) All relevant documents, information, and evidence in the 106850
custody or control of the hospital in which the respondent 106851
currently is held, or in which the respondent has been held 106852
pursuant to this chapter; 106853

(c) All relevant documents, information, and evidence in the 106854
custody or control of any hospital, facility, or person not 106855
included in division (A)(1)(a) or (b) of this section. 106856

(2) The respondent has the right to attend the hearing and to 106857
be represented by counsel of the respondent's choice. The right to 106858
attend the hearing may be waived only by the respondent or counsel 106859
for the respondent after consultation with the respondent. 106860

(3) If the respondent is not represented by counsel, is 106861
absent from the hearing, and has not validly waived the right to 106862
counsel, the court shall appoint counsel immediately to represent 106863
the respondent at the hearing, reserving the right to tax costs of 106864
appointed counsel to the respondent, unless it is shown that the 106865
respondent is indigent. If the court appoints counsel, or if the 106866

court determines that the evidence relevant to the respondent's 106867
absence does not justify the absence, the court shall continue the 106868
case. 106869

(4) The respondent shall be informed that the respondent may 106870
retain counsel and have independent expert evaluation. If the 106871
respondent is unable to obtain an attorney, the respondent shall 106872
be represented by court-appointed counsel. If the respondent is 106873
indigent, court-appointed counsel and independent expert 106874
evaluation shall be provided as an expense under section 5122.43 106875
of the Revised Code. 106876

(5) The hearing shall be closed to the public, unless counsel 106877
for the respondent, with the permission of the respondent, 106878
requests that the hearing be open to the public. 106879

(6) If the hearing is closed to the public, the court, for 106880
good cause shown, may admit persons who have a legitimate interest 106881
in the proceedings. If the respondent, the respondent's counsel, 106882
or the designee of the director or of the chief clinical officer 106883
objects to the admission of any person, the court shall hear the 106884
objection and any opposing argument and shall rule upon the 106885
admission of the person to the hearing. 106886

(7) The affiant under section 5122.11 of the Revised Code 106887
shall be subject to subpoena by either party. 106888

(8) The court shall examine the sufficiency of all documents 106889
filed and shall inform the respondent, if present, and the 106890
respondent's counsel of the nature and content of the documents 106891
and the reason for which the respondent is being detained, or for 106892
which the respondent's placement is being sought. 106893

(9) The court shall receive only reliable, competent, and 106894
material evidence. 106895

(10) Unless proceedings are initiated pursuant to section 106896
5120.17 or 5139.08 of the Revised Code ~~or proceedings are~~ 106897

~~initiated regarding a resident of the service district of a board 106898
of alcohol, drug addiction, and mental health services that elects 106899
under division (C)(2) of section 5119.62 of the Revised Code not 106900
to accept the amount allocated to it under that section, an 106901
attorney that the board designates shall present the case 106902
demonstrating that the respondent is a mentally ill person subject 106903
to hospitalization by court order. The attorney shall offer 106904
evidence of the diagnosis, prognosis, record of treatment, if any, 106905
and less restrictive treatment plans, if any. In proceedings 106906
pursuant to section 5120.17 or 5139.08 of the Revised Code and in 106907
proceedings in which the respondent is a resident of a service 106908
district of a board that elects under division (C)(2) of section 106909
5119.62 of the Revised Code not to accept the amount allocated to 106910
it under that section, the attorney general shall designate an 106911
attorney who shall present the case demonstrating that the 106912
respondent is a mentally ill person subject to hospitalization by 106913
court order. The attorney shall offer evidence of the diagnosis, 106914
prognosis, record of treatment, if any, and less restrictive 106915
treatment plans, if any. 106916~~

(11) The respondent or the respondent's counsel has the right 106917
to subpoena witnesses and documents and to examine and 106918
cross-examine witnesses. 106919

(12) The respondent has the right, but shall not be 106920
compelled, to testify, and shall be so advised by the court. 106921

(13) On motion of the respondent or the respondent's counsel 106922
for good cause shown, or on the court's own motion, the court may 106923
order a continuance of the hearing. 106924

(14) If the respondent is represented by counsel and the 106925
respondent's counsel requests a transcript and record, or if the 106926
respondent is not represented by counsel, the court shall make and 106927
maintain a full transcript and record of the proceeding. If the 106928
respondent is indigent and the transcript and record is made, a 106929

copy shall be provided to the respondent upon request and be 106930
treated as an expense under section 5122.43 of the Revised Code. 106931

(15) To the extent not inconsistent with this chapter, the 106932
Rules of Civil Procedure are applicable. 106933

(B) Unless, upon completion of the hearing the court finds by 106934
clear and convincing evidence that the respondent is a mentally 106935
ill person subject to hospitalization by court order, it shall 106936
order the respondent's discharge immediately. 106937

(C) If, upon completion of the hearing, the court finds by 106938
clear and convincing evidence that the respondent is a mentally 106939
ill person subject to hospitalization by court order, the court 106940
shall order the respondent for a period not to exceed ninety days 106941
to any of the following: 106942

(1) A hospital operated by the department of ~~mental health~~ 106943
mental health and addiction services if the respondent is 106944
committed pursuant to section 5139.08 of the Revised Code; 106945

(2) A nonpublic hospital; 106946

(3) The veterans' administration or other agency of the 106947
United States government; 106948

(4) A board of alcohol, drug addiction, and mental health 106949
services or ~~agency~~ services provider the board designates; 106950

(5) Receive private psychiatric or psychological care and 106951
treatment; 106952

(6) Any other suitable facility or person consistent with the 106953
diagnosis, prognosis, and treatment needs of the respondent. 106954

(D) Any order made pursuant to division (C)(2), (3), (5), or 106955
(6) of this section shall be conditioned upon the receipt by the 106956
court of consent by the hospital, facility, agency, or person to 106957
accept the respondent. 106958

(E) In determining the place to which, or the person with 106959

whom, the respondent is to be committed, the court shall consider 106960
the diagnosis, prognosis, preferences of the respondent and the 106961
projected treatment plan for the respondent and shall order the 106962
implementation of the least restrictive alternative available and 106963
consistent with treatment goals. If the court determines that the 106964
least restrictive alternative available that is consistent with 106965
treatment goals is inpatient hospitalization, the court's order 106966
shall so state. 106967

(F) During such ninety-day period the hospital; facility; 106968
board of alcohol, drug addiction, and mental health services; 106969
~~agency~~ services provider the board designates; or person shall 106970
examine and treat the individual. If, at any time prior to the 106971
expiration of the ninety-day period, it is determined by the 106972
hospital, facility, board, ~~agency~~ services provider, or person 106973
that the respondent's treatment needs could be equally well met in 106974
an available and appropriate less restrictive environment, both of 106975
the following apply: 106976

(1) The respondent shall be released from the care of the 106977
hospital, ~~agency~~ services provider, facility, or person 106978
immediately and shall be referred to the court together with a 106979
report of the findings and recommendations of the hospital, ~~agency~~ 106980
services provider, facility, or person; and 106981

(2) The hospital, ~~agency~~ services provider, facility, or 106982
person shall notify the respondent's counsel or the attorney 106983
designated by a board of alcohol, drug addiction, and mental 106984
health services or, if the respondent was committed to a board or 106985
~~an agency~~ a services provider designated by the board, it shall 106986
place the respondent in the least restrictive environment 106987
available consistent with treatment goals and notify the court and 106988
the respondent's counsel of the placement. 106989

The court shall dismiss the case or order placement in the 106990
least restrictive environment. 106991

(G)(1) Except as provided in divisions (G)(2) and (3) of this section, any person who has been committed under this section, or for whom proceedings for hospitalization have been commenced pursuant to section 5122.11 of the Revised Code, may apply at any time for voluntary admission to the hospital, facility, ~~agency~~ or services provider that the board designates, or person to which the person was committed. Upon admission as a voluntary patient the chief clinical officer of the hospital, ~~agency~~ services provider, or other facility, or the person immediately shall notify the court, the patient's counsel, and the attorney designated by the board, if the attorney has entered the proceedings, in writing of that fact, and, upon receipt of the notice, the court shall dismiss the case.

(2) A person who is found incompetent to stand trial or not guilty by reason of insanity and who is committed pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code shall not voluntarily commit the person pursuant to this section until after the final termination of the commitment, as described in division (J) of section 2945.401 of the Revised Code.

(H) If, at the end of the first ninety-day period or any subsequent period of continued commitment, there has been no disposition of the case, either by discharge or voluntary admission, the hospital, facility, board, ~~agency~~ services provider, or person shall discharge the patient immediately, unless at least ten days before the expiration of the period the attorney the board designates or the prosecutor files with the court an application for continued commitment. The application of the attorney or the prosecutor shall include a written report containing the diagnosis, prognosis, past treatment, a list of alternative treatment settings and plans, and identification of the treatment setting that is the least restrictive consistent with treatment needs. The attorney the board designates or the

prosecutor shall file the written report at least three days prior 107024
to the full hearing. A copy of the application and written report 107025
shall be provided to the respondent's counsel immediately. 107026

The court shall hold a full hearing on applications for 107027
continued commitment at the expiration of the first ninety-day 107028
period and at least every two years after the expiration of the 107029
first ninety-day period. 107030

Hearings following any application for continued commitment 107031
are mandatory and may not be waived. 107032

Upon request of a person who is involuntarily committed under 107033
this section, or the person's counsel, that is made more than one 107034
hundred eighty days after the person's last full hearing, 107035
mandatory or requested, the court shall hold a full hearing on the 107036
person's continued commitment. Upon the application of a person 107037
involuntarily committed under this section, supported by an 107038
affidavit of a psychiatrist or licensed clinical psychologist, 107039
alleging that the person no longer is a mentally ill person 107040
subject to hospitalization by court order, the court for good 107041
cause shown may hold a full hearing on the person's continued 107042
commitment prior to the expiration of one hundred eighty days 107043
after the person's last full hearing. Section 5122.12 of the 107044
Revised Code applies to all hearings on continued commitment. 107045

If the court, after a hearing for continued commitment finds 107046
by clear and convincing evidence that the respondent is a mentally 107047
ill person subject to hospitalization by court order, the court 107048
may order continued commitment at places specified in division (C) 107049
of this section. 107050

(I) Unless the admission is pursuant to section 5120.17 or 107051
5139.08 of the Revised Code, the chief clinical officer of the 107052
hospital or ~~agency~~ services provider admitting a respondent 107053
pursuant to a judicial proceeding, within ten working days of the 107054

admission, shall make a report of the admission to the board of 107055
alcohol, drug addiction, and mental health services serving the 107056
respondent's county of residence. 107057

(J) A referee appointed by the court may make all orders that 107058
a judge may make under this section and sections 5122.11 and 107059
5122.141 of the Revised Code, except an order of contempt of 107060
court. The orders of a referee take effect immediately. Within 107061
fourteen days of the making of an order by a referee, a party may 107062
file written objections to the order with the court. The filed 107063
objections shall be considered a motion, shall be specific, and 107064
shall state their grounds with particularity. Within ten days of 107065
the filing of the objections, a judge of the court shall hold a 107066
hearing on the objections and may hear and consider any testimony 107067
or other evidence relating to the respondent's mental condition. 107068
At the conclusion of the hearing, the judge may ratify, rescind, 107069
or modify the referee's order. 107070

(K) An order of the court under division (C), (H), or (J) of 107071
this section is a final order. 107072

(L) Before a board, or ~~an agency~~ a services provider the 107073
board designates, may place an unconsenting respondent in an 107074
inpatient setting from a less restrictive placement, the board or 107075
~~agency~~ services provider shall do all of the following: 107076

(1) Determine that the respondent is in immediate need of 107077
treatment in an inpatient setting because the respondent 107078
represents a substantial risk of physical harm to the respondent 107079
or others if allowed to remain in a less restrictive setting; 107080

(2) On the day of placement in the inpatient setting or on 107081
the next court day, file with the court a motion for transfer to 107082
an inpatient setting or communicate to the court by telephone that 107083
the required motion has been mailed; 107084

(3) Ensure that every reasonable and appropriate effort is 107085

made to take the respondent to the inpatient setting in the least 107086
conspicuous manner possible; 107087

(4) Immediately notify the board's designated attorney and 107088
the respondent's attorney. 107089

At the respondent's request, the court shall hold a hearing 107090
on the motion and make a determination pursuant to division (E) of 107091
this section within five days of the placement. 107092

(M) Before a board, or ~~an agency~~ a services provider the 107093
board designates, may move a respondent from one residential 107094
placement to another, the board or ~~agency~~ services provider shall 107095
consult with the respondent about the placement. If the respondent 107096
objects to the placement, the proposed placement and the need for 107097
it shall be reviewed by a qualified mental health professional who 107098
otherwise is not involved in the treatment of the respondent. 107099

Sec. 5122.17. Pending ~~his~~ removal to a hospital, a person 107100
taken into custody or ordered to be hospitalized pursuant to this 107101
chapter may be detained for not more than forty-eight hours in a 107102
licensed rest or nursing home, a licensed or unlicensed hospital, 107103
a community mental health ~~agency~~ services provider, or a county 107104
home, but ~~he~~ the person shall not be detained in a nonmedical 107105
facility used for detention of persons charged with or convicted 107106
of penal offenses unless the court finds that a less restrictive 107107
alternative cannot be made available. 107108

Sec. 5122.18. Whenever a person has been involuntarily 107109
detained at or admitted to a hospital, community mental health 107110
~~agency~~ services provider, or other facility at the request of 107111
anyone other than the person's legal guardian, spouse, or next of 107112
kin under this chapter, the chief clinical officer of the 107113
hospital, ~~agency~~ services provider, or other facility in which the 107114
person is temporarily detained under section 5122.17 of the 107115

Revised Code shall immediately notify the person's legal guardian, 107116
spouse or next of kin, and counsel, if these persons can be 107117
ascertained through exercise of reasonable diligence. If a person 107118
voluntarily remains at or is admitted to a hospital, ~~agency~~ 107119
services provider, or other facility, such notification shall not 107120
be given without ~~his~~ the person's consent. The chief clinical 107121
officer of the hospital, ~~agency~~ services provider, or other 107122
facility shall inform a person voluntarily remaining at or 107123
admitted to a hospital, ~~agency~~ services provider, or other 107124
facility that ~~he~~ the person may authorize such notification. 107125

Sec. 5122.19. Every person transported to a hospital or 107126
community mental health ~~agency~~ services provider pursuant to 107127
sections 5122.11 to 5122.16 of the Revised Code, shall be examined 107128
by the staff of the hospital or ~~agency~~ services provider as soon 107129
as practicable after ~~his~~ arrival at the hospital or ~~agency~~ 107130
services provider. Such an examination shall be held within 107131
twenty-four hours after the time of arrival, and if the chief 107132
clinical officer fails after such an examination to certify that 107133
in ~~his~~ the chief clinical officer's opinion the person is a 107134
mentally ill person subject to hospitalization by court order, the 107135
person shall be immediately released. 107136

Sec. 5122.20. The director of ~~mental health~~ mental health and 107137
addiction services or the director's designee may transfer, or 107138
authorize the transfer of, an involuntary patient, or a consenting 107139
voluntary patient hospitalized pursuant to section 5122.02 or 107140
sections 5122.11 to 5122.15 of the Revised Code, from one public 107141
hospital to another, or to a hospital, community mental health 107142
~~agency~~ services provider, or other facility offering treatment or 107143
other services for mental illness, if the medical director of the 107144
department of ~~mental health~~ mental health and addiction services 107145
determines that it would be consistent with the medical needs of 107146

the patient to do so. If such a transfer is made to a private 107147
facility, the transfer shall be conditioned upon the consent of 107148
the facility. 107149

Before an involuntary patient may be transferred to a more 107150
restrictive setting, the chief clinical officer shall file a 107151
motion with the court requesting the court to amend its order of 107152
placement issued under section 5122.15 of the Revised Code. At the 107153
patient's request, the court shall hold a hearing on the motion at 107154
which the patient has the same rights as at a full hearing under 107155
section 5122.15 of the Revised Code. The hearing shall be held 107156
within ten days after the date on which the respondent was 107157
transferred to the more restrictive setting or on which the motion 107158
was filed, whichever is earlier. On the motion of the respondent, 107159
the respondent's counsel, or the chief clinical officer, or on its 107160
own motion, and for good cause shown, the court may order a 107161
continuance of the hearing for up to ten days. 107162

Whenever an involuntary patient is transferred, written 107163
notice of the transfer shall be given to the patient's legal 107164
guardian, parents, spouse, and counsel, or, if none is known, to 107165
the patient's nearest known relative or friend. If the patient is 107166
a minor, the department, before making such a transfer, shall make 107167
a minute of the order for the transfer and the reason for it upon 107168
its record and shall send a certified copy at least seven days 107169
prior to the transfer to the person shown by its record to have 107170
had the care or custody of the minor immediately prior to the 107171
minor's commitment. Whenever a consenting voluntary patient is 107172
transferred, the notification shall be given only at the patient's 107173
request. The chief clinical officer shall advise a voluntary 107174
patient who is being transferred that the patient may decide if 107175
the notification shall be given. In all such transfers, due 107176
consideration shall be given to the wishes of the patient, and the 107177
relationship of the patient to the patient's family, legal 107178

guardian, or friends, so as to maintain the relationship and 107179
encourage visits beneficial to the patient. 107180

When a voluntary patient whose medical or psychological needs 107181
are found by the chief clinical officer to warrant a transfer 107182
refuses to be transferred to an alternate facility, the chief 107183
clinical officer may file an affidavit for a hearing under section 107184
5122.11 of the Revised Code. 107185

Sec. 5122.21. (A) The chief clinical officer shall as 107186
frequently as practicable, and at least once every thirty days, 107187
examine or cause to be examined every patient, and, whenever the 107188
chief clinical officer determines that the conditions justifying 107189
involuntary hospitalization or commitment no longer obtain, shall 107190
discharge the patient not under indictment or conviction for crime 107191
and immediately make a report of the discharge to the department 107192
of ~~mental health~~ mental health and addiction services. The chief 107193
clinical officer may discharge a patient who is under an 107194
indictment, a sentence of imprisonment, a community control 107195
sanction, or a post-release control sanction or on parole ten days 107196
after written notice of intent to discharge the patient has been 107197
given by personal service or certified mail, return receipt 107198
requested, to the court having criminal jurisdiction over the 107199
patient. Except when the patient was found not guilty by reason of 107200
insanity and the defendant's commitment is pursuant to section 107201
2945.40 of the Revised Code, the chief clinical officer has final 107202
authority to discharge a patient who is under an indictment, a 107203
sentence of imprisonment, a community control sanction, or a 107204
post-release control sanction or on parole. 107205

(B) After a finding pursuant to section 5122.15 of the 107206
Revised Code that a person is a mentally ill person subject to 107207
hospitalization by court order, the chief clinical officer of the 107208
hospital or ~~agency~~ community mental health services provider to 107209

which the person is ordered or to which the person is transferred 107210
under section 5122.20 of the Revised Code, may grant a discharge 107211
without the consent or authorization of any court. 107212

Upon discharge, the chief clinical officer shall notify the 107213
court that caused the judicial hospitalization of the discharge 107214
from the hospital. 107215

Sec. 5122.23. The chief clinical officer of a public hospital 107216
shall immediately report to the department of ~~mental health~~ mental 107217
health and addiction services and the board of alcohol, drug 107218
addiction, and mental health services serving the patient's county 107219
of residence the removal, death, escape, discharge, or trial visit 107220
of any patient hospitalized under section 5122.15 of the Revised 107221
Code, or the return of such an escaped or visiting patient to the 107222
department, the probate judge of the county from which such 107223
patient was hospitalized, and the probate judge of the county of 107224
residence of such patient. In case of death, the chief clinical 107225
officer also shall notify one or more of the nearest relatives of 107226
the deceased patient, if known to ~~him~~ the chief clinical officer, 107227
by letter, telegram, or telephone. If the place of residence of 107228
such relative is unknown to the chief clinical officer, 107229
immediately upon receiving notification the probate judge shall in 107230
the speediest manner possible notify such relatives, if known to 107231
~~him~~ the probate judge. 107232

The chief clinical officer of a public hospital, upon the 107233
request of the probate judge of the county from which a patient 107234
was hospitalized or the probate judge of the county of residence 107235
of such a patient, shall make a report to the judge of the 107236
condition of any patient under the care, treatment, custody, or 107237
control of the chief clinical officer. 107238

Sec. 5122.25. Upon the request of a hospital, person, board, 107239

~~agency~~ community mental health services provider, or facility who 107240
has custody of a patient hospitalized pursuant to section 5122.15 107241
of the Revised Code, or on the order of the court, such patient 107242
may be called for a rehearing at such place within the county of 107243
~~his~~ the patient's residence or the county where such patient is 107244
hospitalized as the court designates. The hearing shall be 107245
conducted pursuant to section 5122.15 of the Revised Code. 107246

Sec. 5122.26. (A) If a patient is absent without leave, on a 107247
verbal or written order issued within five days of the time of the 107248
unauthorized absence by the department of ~~mental health~~ mental 107249
health and addiction services, the chief clinical officer of the 107250
hospital from which the patient is absent without leave, or the 107251
court of either the county from which the patient was committed or 107252
in which the patient is found, any health or police officer or 107253
sheriff may take the patient into custody and transport the 107254
patient to the hospital in which the patient was hospitalized or 107255
to a place that is designated in the order. The officer 107256
immediately shall report such fact to the ~~agency~~ entity that 107257
issued the order. 107258

The chief clinical officer of a hospital may discharge a 107259
patient who is under an indictment, a sentence of imprisonment, a 107260
community control sanction, or a post-release control sanction or 107261
on parole and who has been absent without leave for more than 107262
thirty days but shall give written notice of the discharge to the 107263
court with criminal jurisdiction over the patient. The chief 107264
clinical officer of a hospital may discharge any other patient who 107265
has been absent without leave for more than fourteen days. 107266

The chief clinical officer shall take all proper measures for 107267
the apprehension of an escaped patient. The expense of the return 107268
of an escaped patient shall be borne by the hospital where the 107269
patient is hospitalized. 107270

(B)(1) Subject to division (B)(2) of this section, no patient hospitalized under Chapter 5122. of the Revised Code whose absence without leave was caused or contributed to by the patient's mental illness shall be subject to a charge of escape.

(2) Division (B)(1) of this section does not apply to any person who was hospitalized, institutionalized, or confined in a facility under an order made pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code and who escapes from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside the facility, in violation of section 2921.34 of the Revised Code.

Sec. 5122.27. The chief clinical officer of the hospital or the chief clinical officer's designee shall assure that all patients hospitalized or committed pursuant to this chapter shall:

(A) Receive, within twenty days of their admission sufficient professional care to assure that an evaluation of current status, differential diagnosis, probable prognosis, and description of the current treatment plan is stated on the official chart;

(B) Have a written treatment plan consistent with the evaluation, diagnosis, prognosis, and goals which shall be provided, upon request of the patient or patient's counsel, to the patient's counsel and to any private physician or licensed clinical psychologist designated by the patient or the patient's counsel or to the Ohio protection and advocacy system;

(C) Receive treatment consistent with the treatment plan. The department of ~~mental health~~ mental health and addiction services shall set standards for treatment provided to such patients, consistent wherever possible with standards set by the joint

commission ~~on accreditation of healthcare organizations.~~ 107302

(D) Receive periodic reevaluations of the treatment plan by 107303
the professional staff at intervals not to exceed ninety days; 107304

(E) Be provided with adequate medical treatment for physical 107305
disease or injury; 107306

(F) Receive humane care and treatment, including without 107307
limitation, the following: 107308

(1) The least restrictive environment consistent with the 107309
treatment plan; 107310

(2) The necessary facilities and personnel required by the 107311
treatment plan; 107312

(3) A humane psychological and physical environment; 107313

(4) The right to obtain current information concerning the 107314
patient's treatment program and expectations in terms that the 107315
patient can reasonably understand; 107316

(5) Participation in programs designed to afford the patient 107317
substantial opportunity to acquire skills to facilitate return to 107318
the community or to terminate an involuntary commitment; 107319

(6) The right to be free from unnecessary or excessive 107320
medication; 107321

(7) Freedom from restraints or isolation unless it is stated 107322
in a written order by the chief clinical officer or the chief 107323
clinical officer's designee, or the patient's individual physician 107324
or psychologist in a private or general hospital. 107325

If the chief clinical officer of the hospital is unable to 107326
provide the treatment required by divisions (C), (E), and (F) of 107327
this section for any patient hospitalized pursuant to Chapter 107328
5122. of the Revised Code, the chief clinical officer shall 107329
immediately notify the patient, the court, the Ohio protection and 107330
advocacy system, the director of ~~mental health~~ mental health and 107331

addiction services, and the patient's counsel and legal guardian, 107332
if known. If within ten days after receipt of such notification by 107333
the director, the director is unable to effect a transfer of the 107334
patient, pursuant to section 5122.20 of the Revised Code, to a 107335
hospital, community mental health ~~agency~~ services provider, or 107336
other medical facility where treatment is available, or has not 107337
received an order of the court to the contrary, the involuntary 107338
commitment of any patient hospitalized pursuant to Chapter 5122. 107339
of the Revised Code and defined as a mentally ill person subject 107340
to hospitalization by court order under division (B)(4) of section 107341
5122.01 of the Revised Code shall automatically be terminated. 107342

Sec. 5122.271. (A) Except as provided in divisions (C), (D), 107343
and (E) of this section, the chief clinical officer or, in a 107344
nonpublic hospital, the attending physician responsible for a 107345
patient's care shall provide all information, including expected 107346
physical and medical consequences, necessary to enable any patient 107347
of a hospital for the mentally ill to give a fully informed, 107348
intelligent, and knowing consent, the opportunity to consult with 107349
independent specialists and counsel, and the right to refuse 107350
consent for any of the following: 107351

- (1) Surgery; 107352
- (2) Convulsive therapy; 107353
- (3) Major aversive interventions; 107354
- (4) Sterilizations; 107355
- (5) Any unusually hazardous treatment procedures; 107356
- (6) Psycho-surgery. 107357

(B) No patient shall be subjected to any of the procedures 107358
listed in divisions (A)(4) to (6) of this section until both the 107359
patient's informed, intelligent, and knowing consent and the 107360
approval of the court have been obtained, except that court 107361

approval is not required for a legally competent and voluntary patient in a nonpublic hospital. 107362
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(C) If, after providing the information required under division (A) of this section to the patient, the chief clinical officer or attending physician concludes that a patient is physically or mentally unable to receive the information required for surgery under division (A)(1) of this section, or has been adjudicated incompetent, the information may be provided to the patient's natural or court-appointed guardian, who may give an informed, intelligent, and knowing written consent. 107364
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If a patient is physically or mentally unable to receive the information required for surgery under division (A)(1) of this section and has no guardian, the information, the recommendation of the chief clinical officer, and the concurring judgment of a licensed physician who is not a full-time employee of the state may be provided to the court in the county in which the hospital is located, which may approve the surgery. Before approving the surgery, the court shall notify the Ohio protection and advocacy system created by section 5123.60 of the Revised Code, and shall notify the patient of the rights to consult with counsel, to have counsel appointed by the court if the patient is indigent, and to contest the recommendation of the chief clinical officer. 107372
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(D) If, in a medical emergency, and after providing the information required under division (A) of this section to the patient, it is the judgment of one licensed physician that delay in obtaining surgery would create a grave danger to the health of the patient, it may be administered without the consent of the patient or the patient's guardian if the necessary information is provided to the patient's spouse or next of kin to enable that person to give informed, intelligent, and knowing written consent. If no spouse or next of kin can reasonably be contacted, or if the spouse or next of kin is contacted, but refuses to consent, the 107384
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surgery may be performed upon the written authorization of the chief clinical officer or, in a nonpublic hospital, upon the written authorization of the attending physician responsible for the patient's care, and after the approval of the court has been obtained. However, if delay in obtaining court approval would create a grave danger to the life of the patient, the chief clinical officer or, in a nonpublic hospital, the attending physician responsible for the patient's care may authorize surgery, in writing, without court approval. If the surgery is authorized without court approval, the chief clinical officer or the attending physician who made the authorization and the physician who performed the surgery shall each execute an affidavit describing the circumstances constituting the emergency and warranting the surgery and the circumstances warranting their not obtaining prior court approval. The affidavit shall be filed with the court with which the request for prior approval would have been filed within five court days after the surgery, and a copy of the affidavit shall be placed in the patient's file and be given to the guardian, spouse, or next of kin of the patient, to the hospital at which the surgery was performed, and to the Ohio protection and advocacy system as defined in section 5123.60 of the Revised Code.

(E) Major aversive interventions shall not be used unless a patient continues to engage in behavior destructive to self or others after other forms of therapy have been attempted. Major aversive interventions may be applied if approved by the director of ~~mental health~~ mental health and addiction services. Major aversive interventions shall not be applied to a voluntary patient without the informed, intelligent, and knowing written consent of the patient or the patient's guardian.

(F) Unless there is substantial risk of physical harm to self or others, or other than under division (D) of this section, this

chapter does not authorize any form of compulsory medical, 107426
psychological, or psychiatric treatment of any patient who is 107427
being treated by spiritual means through prayer alone in 107428
accordance with a recognized religious method of healing without 107429
specific court authorization. 107430

(G) For purposes of this section, "convulsive therapy" does 107431
not include defibrillation. 107432

Sec. 5122.31. (A) All certificates, applications, records, 107433
and reports made for the purpose of this chapter and sections 107434
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 107435
Code, other than court journal entries or court docket entries, 107436
and directly or indirectly identifying a patient or former patient 107437
or person whose hospitalization has been sought under this 107438
chapter, shall be kept confidential and shall not be disclosed by 107439
any person except: 107440

(1) If the person identified, or the person's legal guardian, 107441
if any, or if the person is a minor, the person's parent or legal 107442
guardian, consents, and if the disclosure is in the best interests 107443
of the person, as may be determined by the court for judicial 107444
records and by the chief clinical officer for medical records; 107445

(2) When disclosure is provided for in this chapter, Chapters 107446
340. or 5119., Title XLVII, or section 5123.601 of the Revised 107447
Code; 107448

(3) That hospitals, boards of alcohol, drug addiction, and 107449
mental health services, and community mental health ~~agencies~~ 107450
services providers may release necessary medical information to 107451
insurers and other third-party payers, including government 107452
entities responsible for processing and authorizing payment, to 107453
obtain payment for goods and services furnished to the patient; 107454

(4) Pursuant to a court order signed by a judge; 107455

(5) That a patient shall be granted access to the patient's own psychiatric and medical records, unless access specifically is restricted in a patient's treatment plan for clear treatment reasons;

(6) That hospitals and other institutions and facilities within the department of ~~mental health~~ mental health and addiction services may exchange psychiatric records and other pertinent information with other hospitals, institutions, and facilities of the department, and with community mental health ~~agencies~~ services providers and boards of alcohol, drug addiction, and mental health services with which the department has a current agreement for patient care or services. Records and information that may be released pursuant to this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment in the hospital, summary of treatment needs, and a discharge summary, if any.

(7) That hospitals within the department, and other institutions and facilities within the department, ~~hospitals licensed by the department under section 5119.20 of the Revised Code, and community mental health agencies~~ may exchange psychiatric records and other pertinent information with payers and other providers of treatment and health services if the purpose of the exchange is to facilitate continuity of care for a patient or for the emergency treatment of an individual;

(8) That a patient's family member who is involved in the provision, planning, and monitoring of services to the patient may receive medication information, a summary of the patient's diagnosis and prognosis, and a list of the services and personnel available to assist the patient and the patient's family, if the patient's treating physician determines that the disclosure would be in the best interests of the patient. No such disclosure shall be made unless the patient is notified first and receives the

information and does not object to the disclosure. 107488

(9) That community mental health ~~agencies~~ services providers 107489
may exchange psychiatric records and certain other information 107490
with the board of alcohol, drug addiction, and mental health 107491
services and other ~~agencies~~ services providers in order to provide 107492
services to a person involuntarily committed to a board. Release 107493
of records under this division shall be limited to medication 107494
history, physical health status and history, financial status, 107495
summary of course of treatment, summary of treatment needs, and 107496
discharge summary, if any. 107497

(10) That information may be disclosed to the executor or the 107498
administrator of an estate of a deceased patient when the 107499
information is necessary to administer the estate; 107500

(11) That records in the possession of the Ohio historical 107501
society may be released to the closest living relative of a 107502
deceased patient upon request of that relative; 107503

~~(12) That information may be disclosed to staff members of 107504
the appropriate board or to staff members designated by the 107505
director of mental health for the purpose of evaluating the 107506
quality, effectiveness, and efficiency of services and determining 107507
if the services meet minimum standards. Information obtained 107508
during such evaluations shall not be retained with the name of any 107509
patient. 107510~~

~~(13)~~ That records pertaining to the patient's diagnosis, 107511
course of treatment, treatment needs, and prognosis shall be 107512
disclosed and released to the appropriate prosecuting attorney if 107513
the patient was committed pursuant to section 2945.38, 2945.39, 107514
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 107515
attorney designated by the board for proceedings pursuant to 107516
involuntary commitment under this chapter. 107517

~~(14)~~(13) That the department of ~~mental health~~ mental health 107518

and addiction services may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with the department of rehabilitation and correction and with the department of youth services to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution of the department of rehabilitation and correction or the department of youth services and may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with boards of alcohol, drug addiction, and mental health services and community mental health services providers to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution and are scheduled for release within six months. The department shall not disclose those records unless the inmate or offender is notified, receives the information, and does not object to the disclosure. The release of records under this division is limited to records regarding an inmate's or offender's medication history, physical health status and history, summary of course of treatment, summary of treatment needs, and a discharge summary, if any.

~~(15) That a community mental health agency that ceases to operate may transfer to either a community mental health agency that assumes its caseload or to the board of alcohol, drug addiction, and mental health services of the service district in which the patient resided at the time services were most recently provided any treatment records that have not been transferred elsewhere at the patient's request.~~

(B) Before records are disclosed pursuant to divisions (A)(3), (6), and (9) of this section, the custodian of the records shall attempt to obtain the patient's consent for the disclosure. No person shall reveal the contents of a medical record of a patient except as authorized by law.

(C) The managing officer of a hospital who releases necessary medical information under division (A)(3) of this section to allow an insurance carrier or other third party payor to comply with section 5121.43 of the Revised Code shall neither be subject to criminal nor civil liability.

Sec. 5122.311. (A) Notwithstanding any provision of the Revised Code to the contrary, if, on or after ~~the effective date of this section~~ April 8, 2004, an individual is found by a court to be a mentally ill person subject to hospitalization by court order or becomes an involuntary patient other than one who is a patient only for purposes of observation, the probate judge who made the adjudication or the chief clinical officer of the hospital, ~~agency~~ community mental health services provider, or facility in which the person is an involuntary patient shall notify the bureau of criminal identification and investigation, on the form described in division (C) of this section, of the identity of the individual. The notification shall be transmitted by the judge or the chief clinical officer not later than seven days after the adjudication or commitment.

(B) The bureau of criminal identification and investigation shall compile and maintain the notices it receives under division (A) of this section and shall use them for the purpose of conducting incompetency records checks pursuant to section 311.41 of the Revised Code. The notices and the information they contain are confidential, except as provided in this division, and are not public records.

(C) The attorney general, by rule adopted under Chapter 119. of the Revised Code, shall prescribe and make available to all probate judges and all chief clinical officers a form to be used by them for the purpose of making the notifications required by division (A) of this section.

Sec. 5122.32. (A) As used in this section: 107582

(1) "Quality assurance committee" means a committee that is 107583
appointed in the central office of the department of ~~mental health~~ 107584
mental health and addiction services by the director of ~~mental~~ 107585
~~health~~ mental health and addiction services, a committee of a 107586
hospital or community setting program, ~~a committee established~~ 107587
~~pursuant to section 5119.47 of the Revised Code of the department~~ 107588
~~of mental health appointed by the managing officer of the hospital~~ 107589
~~or program~~, or a duly authorized subcommittee of a committee of 107590
that nature and that is designated to carry out quality assurance 107591
program activities. 107592

(2) "Quality assurance program" means a comprehensive program 107593
within the department of ~~mental health~~ mental health and addiction 107594
services to systematically review and improve the quality of 107595
medical and mental health services within the department and its 107596
hospitals and community setting programs, the safety and security 107597
of persons receiving medical and mental health services within the 107598
department and its hospitals and community setting programs, and 107599
the efficiency and effectiveness of the utilization of staff and 107600
resources in the delivery of medical and mental health services 107601
within the department and its hospitals and community setting 107602
programs. "Quality assurance program" includes the central office 107603
quality assurance committees, morbidity and mortality review 107604
committees, quality assurance programs of community setting 107605
programs, quality assurance committees of hospitals operated by 107606
the department of ~~mental health~~ mental health and addiction 107607
services, and the office of licensure and certification of the 107608
department. 107609

(3) "Quality assurance program activities" include collecting 107610
or compiling information and reports required by a quality 107611
assurance committee, receiving, reviewing, or implementing the 107612

recommendations made by a quality assurance committee, and 107613
credentialing, privileging, infection control, tissue review, peer 107614
review, utilization review including access to patient care 107615
records, patient care assessment records, and medical and mental 107616
health records, medical and mental health resource management, 107617
mortality and morbidity review, and identification and prevention 107618
of medical or mental health incidents and risks, whether performed 107619
by a quality assurance committee or by persons who are directed by 107620
a quality assurance committee. 107621

(4) "Quality assurance records" means the proceedings, 107622
discussion, records, findings, recommendations, evaluations, 107623
opinions, minutes, reports, and other documents or actions that 107624
emanate from quality assurance committees, quality assurance 107625
programs, or quality assurance program activities. "Quality 107626
assurance records" does not include aggregate statistical 107627
information that does not disclose the identity of persons 107628
receiving or providing medical or mental health services in 107629
department of ~~mental health institutions~~ mental health and 107630
addiction services hospitals or community setting programs . 107631

(B)(1) Except as provided in division (E) of this section, 107632
quality assurance records are confidential and are not public 107633
records under section 149.43 of the Revised Code, and shall be 107634
used only in the course of the proper functions of a quality 107635
assurance program. 107636

(2) Except as provided in division (E) of this section, no 107637
person who possesses or has access to quality assurance records 107638
and who knows that the records are quality assurance records shall 107639
willfully disclose the contents of the records to any person or 107640
entity. 107641

(C)(1) Except as provided in division (E) of this section, no 107642
quality assurance record shall be subject to discovery ~~in~~, and is 107643
not admissible in evidence, in any judicial or administrative 107644

proceeding. 107645

(2) Except as provided in division (E) of this section, no 107646
member of a quality assurance committee or a person who is 107647
performing a function that is part of a quality assurance program 107648
shall be permitted or required to testify in a judicial or 107649
administrative proceeding with respect to quality assurance 107650
records or with respect to any finding, recommendation, 107651
evaluation, opinion, or other action taken by the committee, 107652
member, or person. 107653

(3) Information, documents, or records otherwise available 107654
from original sources are not to be construed as being unavailable 107655
for discovery or admission in evidence in a judicial or 107656
administrative proceeding merely because they were presented to a 107657
quality assurance committee. No person testifying before a quality 107658
assurance committee or person who is a member of a quality 107659
assurance committee shall be prevented from testifying as to 107660
matters within the person's knowledge, but the witness cannot be 107661
asked about the witness' testimony before the quality assurance 107662
committee or about an opinion formed by the person as a result of 107663
the quality assurance committee proceedings. 107664

(D)(1) A person who, without malice and in the reasonable 107665
belief that the information is warranted by the facts known to the 107666
person, provides information to a person engaged in quality 107667
assurance program activities is not liable for damages in a civil 107668
action for injury, death, or loss to person or property to any 107669
person as a result of providing the information. 107670

(2) A member of a quality assurance committee, a person 107671
engaged in quality assurance program activities, and an employee 107672
of the department of ~~mental health~~ mental health and addiction 107673
services shall not be liable in damages in a civil action for 107674
injury, death, or loss to person or property to any person for any 107675
acts, omissions, decisions, or other conduct within the scope of 107676

the functions of the quality assurance program. 107677

(3) Nothing in this section shall relieve any institution or 107678
individual from liability arising from the treatment of a patient. 107679

(E) Quality assurance records may be disclosed, and testimony 107680
may be provided concerning quality assurance records, only to the 107681
following persons or entities: 107682

(1) Persons who are employed or retained by the department of 107683
~~mental health~~ mental health and addiction services and who have 107684
authority to evaluate or implement the recommendations of a 107685
state-operated hospital, community setting program, or central 107686
office quality assurance committee; 107687

(2) Public or private agencies or organizations if needed to 107688
perform a licensing or accreditation function related to 107689
department of ~~mental health~~ mental health and addiction services 107690
hospitals or community setting programs, or to perform monitoring 107691
of a hospital or program of that nature as required by law. 107692

(F) A disclosure of quality assurance records pursuant to 107693
division (E) of this section does not otherwise waive the 107694
confidential and privileged status of the disclosed quality 107695
assurance records. 107696

(G) Nothing in this section shall limit the access of the 107697
Ohio protection and advocacy system to records or personnel as 107698
required under section 5123.601 of the Revised Code. Nothing in 107699
this section shall limit the admissibility of documentary or 107700
testimonial evidence in an action brought by the Ohio protection 107701
and advocacy system in its own name or on behalf of a client. 107702

Sec. 5122.33. The department of ~~mental health~~ mental health 107703
and addiction services may prescribe the form of applications, 107704
reports, records, and medical certificates provided for under this 107705
chapter, and the information required to be contained therein; 107706

require reports from the chief clinical officer of any public 107707
hospital relating to the admission, examination, diagnosis, 107708
release, or discharge of any patient; visit each such hospital 107709
regularly to review the admission procedures of all new patients 107710
admitted between visits; investigate by personal visit complaints 107711
made by any patient or by any person on behalf of a patient; and 107712
adopt such rules as are reasonably necessary to effectuate the 107713
provisions of this chapter. 107714

Sec. 5122.34. (A) Persons, including, but not limited to, 107715
boards of alcohol, drug addiction, and mental health services and 107716
community mental health ~~agencies~~ services providers, acting in 107717
good faith, either upon actual knowledge or information thought by 107718
them to be reliable, who procedurally or physically assist in the 107719
hospitalization or discharge, determination of appropriate 107720
placement, or in judicial proceedings of a person under this 107721
chapter, do not come within any criminal provisions, and are free 107722
from any liability to the person hospitalized or to any other 107723
person. 107724

(B) Regardless of whether any affirmative action has been 107725
taken under this chapter with respect to a mental health client or 107726
patient and except as otherwise provided in section 2305.51 of the 107727
Revised Code, no person shall be liable for any harm that results 107728
to any other person as a result of failing to disclose any 107729
confidential information about the mental health client or 107730
patient, or failing to otherwise attempt to protect such other 107731
person from harm by such client or patient. 107732

(C) This section applies to expert witnesses who testify at 107733
hearings under this chapter. 107734

(D) The immunity from liability conferred by this section is 107735
in addition to and not in limitation of any immunity conferred by 107736
any other section of the Revised Code or by judicial precedent. 107737

Sec. 5122.341. (A) As used in this section: 107738

(1) "Facility or ~~agency provider~~" means, in the context of a 107739
person committed to the department of ~~mental health~~ mental health 107740
and addiction services under sections 2945.37 to 2945.402 of the 107741
Revised Code, any entity in which the department of ~~mental health~~ 107742
mental health and addiction services places such a person. 107743

(2) "Person committed to the department" means a person 107744
committed to the department of ~~mental health~~ mental health and 107745
addiction services under sections 2945.37 to 2945.402 of the 107746
Revised Code. 107747

(B) No member of a board of directors, or employee, of a 107748
facility or ~~agency provider~~ in which the department of ~~mental~~ 107749
~~health~~ mental health and addiction services places a person 107750
committed to the department is liable for injury or damages caused 107751
by any action or inaction taken within the scope of the board 107752
member's official duties or employee's employment relating to the 107753
commitment of, and services provided to, the person committed to 107754
the department, unless the action or inaction constitutes willful 107755
or wanton misconduct. A board member's or employee's action or 107756
inaction does not constitute willful or wanton misconduct if the 107757
board member or employee acted in good faith and reasonably under 107758
the circumstances and with the knowledge reasonably attributable 107759
to the board member or employee. 107760

The immunity from liability conferred by this section is in 107761
addition to and not in limitation of any immunity conferred by any 107762
other section of the Revised Code or by judicial precedent. 107763

Sec. 5122.39. (A) Mentally ill minors shall remain under the 107764
natural guardianship of their parents, notwithstanding 107765
hospitalization pursuant to this chapter, unless parental rights 107766
have been terminated pursuant to a court finding that the minor is 107767

neglected or dependent. Where a mentally ill minor is found to be 107768
dependent or neglected, the public children's services agency in 107769
the county of residence has final guardianship authority and 107770
responsibility. 107771

(B) In no case shall the guardianship of a mentally ill 107772
person be assigned to the chief medical officer or any staff 107773
member of a hospital, board, or ~~agency~~ provider from which the 107774
person is receiving mental health services. 107775

Sec. 5122.43. (A) Costs, fees, and expenses of all 107776
proceedings held under this chapter shall be paid as follows: 107777

(1) To police and health officers, other than sheriffs or 107778
their deputies, the same fees allowed to constables, to be paid 107779
upon the approval of the probate judge; 107780

(2) To sheriffs or their deputies, the same fees allowed for 107781
similar services in the court of common pleas; 107782

(3) To physicians or licensed clinical psychologists acting 107783
as expert witnesses and to other expert witnesses designated by 107784
the court, an amount determined by the court; 107785

(4) To other witnesses, the same fees and mileage as for 107786
attendance at the court of common pleas, to be paid upon the 107787
approval of the probate judge; 107788

(5) To a person, other than the sheriff or the sheriff's 107789
deputies, for taking a mentally ill person to a hospital or 107790
removing a mentally ill person from a hospital, the actual 107791
necessary expenses incurred, specifically itemized, and approved 107792
by the probate judge; 107793

(6) To assistants who convey mentally ill persons to the 107794
hospital when authorized by the probate judge, a fee set by the 107795
probate court, provided the assistants are not drawing a salary 107796
from the state or any political subdivision of the state, and 107797

their actual necessary expenses incurred, provided that the 107798
expenses are specifically itemized and approved by the probate 107799
judge; 107800

(7) To an attorney appointed by the probate division for an 107801
indigent who allegedly is a mentally ill person pursuant to any 107802
section of this chapter, the fees that are determined by the 107803
probate division. When those indigent persons are before the 107804
court, all filing and recording fees shall be waived. 107805

(8) To a referee who is appointed to conduct proceedings 107806
under this chapter that involve a respondent whose domicile is or, 107807
before the respondent's hospitalization, was not the county in 107808
which the proceedings are held, compensation as fixed by the 107809
probate division, but not more than the compensation paid for 107810
similar proceedings for respondents whose domicile is in the 107811
county in which the proceedings are held; 107812

(9) To a court reporter appointed to make a transcript of 107813
proceedings under this chapter, the compensation and fees allowed 107814
in other cases under section 2101.08 of the Revised Code. 107815

(B) A county shall pay for the costs, fees, and expenses 107816
described in division (A) of this section with money appropriated 107817
pursuant to section 2101.11 of the Revised Code. A county may seek 107818
reimbursement from the department of ~~mental health~~ mental health
and addiction services by submitting a request and certification 107819
by the county auditor of the costs, fees, and expenses to the 107820
department within two months of the date the costs, fees, and 107821
expenses are incurred by the county. 107822
107823

Each fiscal year, based on past allocations, historical 107824
utilization, and other factors the department considers 107825
appropriate, the department shall allocate for each county an 107826
amount for reimbursements under this section. The total of all the 107827
allocations shall equal the amount appropriated for the fiscal 107828

year to the department specifically for the purposes of this 107829
section. 107830

On receipt, the department shall review each request for 107831
reimbursement and prepare a voucher for the amount of the costs, 107832
fees, and expenses incurred by the county, provided that the total 107833
amount of money paid to all counties in each fiscal year shall not 107834
exceed the total amount of moneys specifically appropriated to the 107835
department for these purposes. 107836

The department's total reimbursement to each county shall be 107837
the lesser of the full amount requested or the amount allocated 107838
for the county under this division. In addition, the department 107839
shall distribute any surplus remaining from the money appropriated 107840
for the fiscal year to the department for the purposes of this 107841
section as follows to counties whose full requests exceed their 107842
allocations: 107843

(1) If the surplus is sufficient to reimburse such counties 107844
the full amount of their requests, each such county shall receive 107845
the full amount of its request; 107846

(2) If the surplus is insufficient, each such county shall 107847
receive a percentage of the surplus determined by dividing the 107848
difference between the county's full request and its allocation by 107849
the difference between the total of the full requests of all such 107850
counties and the total of the amounts allocated for all such 107851
counties. 107852

The department may adopt rules in accordance with Chapter 107853
119. of the Revised Code to implement the payment of costs, fees, 107854
and expenses under this section. 107855

Sec. 5122.44. As used in sections 5122.44 to 5122.47 of the 107856
Revised Code: 107857

(A) "Compilation" means a written list of the following 107858

information, as the department of ~~mental health~~ mental health and 107859
addiction services is able to reasonably ascertain, for every 107860
patient who was buried, entombed, or inurned prior to ~~the~~ 107861
~~effective date of this section~~ March 31, 2005, in a cemetery 107862
located on the grounds of or adjacent to the grounds of a public 107863
hospital: 107864

(1) Name; 107865

(2) Date of birth; 107866

(3) Date of death or burial; 107867

(4) Specific physical location of the burial, entombment, or 107868
inurnment, including the plot or grave site number if available. 107869

(B) "Patient" means an individual who died while admitted to 107870
a public hospital that was under the control of the department of 107871
~~mental health~~ mental health and addiction services. 107872

(C) "Record" has the same meaning as in section 149.011 of 107873
the Revised Code. 107874

(D) "State agency" means every organized body, office, or 107875
agency established by the laws of the state for the exercise of 107876
any function of state government. 107877

Sec. 5122.45. The department of ~~mental health~~ mental health 107878
and addiction services shall create a separate compilation for 107879
each cemetery located on the grounds of or adjacent to the grounds 107880
of a public hospital that is under the control of the department 107881
on ~~the effective date of this section~~ March 31, 2005. The 107882
compilation shall be created within a reasonable time not 107883
exceeding three years after ~~the effective date of this section~~ 107884
March 31, 2005. The department shall use its best efforts to 107885
create the most complete compilations possible using records in 107886
the department's possession and records obtained in accordance 107887
with section 5122.46 of the Revised Code. 107888

Sec. 5122.46. The Ohio historical society and each state agency shall, at the request of the department of ~~mental health~~ mental health and addiction services, provide the department access to records and information in the possession of the historical society or state agency for purposes of creating compilations.

Sec. 5122.47. The department of ~~mental health~~ mental health and addiction services shall deposit a copy of each compilation with the Ohio historical society and the state library as soon as a compilation is completed. The department shall not disclose any record or information used to create a compilation except as provided in sections 149.43 and 5122.31 of the Revised Code.

Sec. 5123.01. As used in this chapter:

(A) "Chief medical officer" means the licensed physician appointed by the managing officer of an institution for the mentally retarded with the approval of the director of developmental disabilities to provide medical treatment for residents of the institution.

(B) "Chief program director" means a person with special training and experience in the diagnosis and management of the mentally retarded, certified according to division (C) of this section in at least one of the designated fields, and appointed by the managing officer of an institution for the mentally retarded with the approval of the director to provide habilitation and care for residents of the institution.

(C) "Comprehensive evaluation" means a study, including a sequence of observations and examinations, of a person leading to conclusions and recommendations formulated jointly, with dissenting opinions if any, by a group of persons with special training and experience in the diagnosis and management of persons

with mental retardation or a developmental disability, which group 107919
shall include individuals who are professionally qualified in the 107920
fields of medicine, psychology, and social work, together with 107921
such other specialists as the individual case may require. 107922

(D) "Education" means the process of formal training and 107923
instruction to facilitate the intellectual and emotional 107924
development of residents. 107925

(E) "Habilitation" means the process by which the staff of 107926
the institution assists the resident in acquiring and maintaining 107927
those life skills that enable the resident to cope more 107928
effectively with the demands of the resident's own person and of 107929
the resident's environment and in raising the level of the 107930
resident's physical, mental, social, and vocational efficiency. 107931
Habilitation includes but is not limited to programs of formal, 107932
structured education and training. 107933

(F) "Health officer" means any public health physician, 107934
public health nurse, or other person authorized or designated by a 107935
city or general health district. 107936

(G) "Home and community-based services" means medicaid-funded 107937
home and community-based services specified in division ~~(B)~~(A)(1) 107938
of section ~~5111.87~~ 5166.20 of the Revised Code provided under the 107939
medicaid waiver components the department of developmental 107940
disabilities administers pursuant to section ~~5111.871~~ 5166.21 of 107941
the Revised Code. Except as provided in section 5123.0412 of the 107942
Revised Code, home and community-based services provided under the 107943
medicaid waiver component known as the transitions developmental 107944
disabilities waiver are to be considered to be home and 107945
community-based services for the purposes of this chapter, and 107946
Chapters 5124. and 5126. of the Revised Code, only to the extent, 107947
if any, provided by the contract required by section ~~5111.871~~ 107948
5166.21 of the Revised Code regarding the waiver. 107949

(H) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 107950
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(I) "Indigent person" means a person who is unable, without substantial financial hardship, to provide for the payment of an attorney and for other necessary expenses of legal representation, including expert testimony. 107952
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~~(I)~~(J) "Institution" means a public or private facility, or a part of a public or private facility, that is licensed by the appropriate state department and is equipped to provide residential habilitation, care, and treatment for the mentally retarded. 107956
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~~(J)~~(K) "Licensed physician" means a person who holds a valid certificate issued under Chapter 4731. of the Revised Code authorizing the person to practice medicine and surgery or osteopathic medicine and surgery, or a medical officer of the government of the United States while in the performance of the officer's official duties. 107961
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~~(K)~~(L) "Managing officer" means a person who is appointed by the director of developmental disabilities to be in executive control of an institution for the mentally retarded under the jurisdiction of the department. 107967
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~~(L)~~ "~~Medicaid~~" ~~has the same meaning as in section 5111.01 of the Revised Code.~~ 107971
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(M) "Medicaid case management services" means case management services provided to an individual with mental retardation or other developmental disability that the state medicaid plan requires. 107973
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(N) "Mentally retarded person" means a person having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period. 107977
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(O) "Mentally retarded person subject to institutionalization by court order" means a person eighteen years of age or older who is at least moderately mentally retarded and in relation to whom, because of the person's retardation, either of the following conditions exist:

(1) The person represents a very substantial risk of physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's most basic physical needs and that provision for those needs is not available in the community;

(2) The person needs and is susceptible to significant habilitation in an institution.

(P) "A person who is at least moderately mentally retarded" means a person who is found, following a comprehensive evaluation, to be impaired in adaptive behavior to a moderate degree and to be functioning at the moderate level of intellectual functioning in accordance with standard measurements as recorded in the most current revision of the manual of terminology and classification in mental retardation published by the American association on mental retardation.

(Q) As used in this division, "substantial functional limitation," "developmental delay," and "established risk" have the meanings established pursuant to section 5123.011 of the Revised Code.

"Developmental disability" means a severe, chronic disability that is characterized by all of the following:

(1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of section 5122.01 of the Revised Code.

(2) It is manifested before age twenty-two.

- (3) It is likely to continue indefinitely. 108012
- (4) It results in one of the following: 108013
- (a) In the case of a person under three years of age, at 108014
least one developmental delay or an established risk; 108015
- (b) In the case of a person at least three years of age but 108016
under six years of age, at least two developmental delays or an 108017
established risk; 108018
- (c) In the case of a person six years of age or older, a 108019
substantial functional limitation in at least three of the 108020
following areas of major life activity, as appropriate for the 108021
person's age: self-care, receptive and expressive language, 108022
learning, mobility, self-direction, capacity for independent 108023
living, and, if the person is at least sixteen years of age, 108024
capacity for economic self-sufficiency. 108025
- (5) It causes the person to need a combination and sequence 108026
of special, interdisciplinary, or other type of care, treatment, 108027
or provision of services for an extended period of time that is 108028
individually planned and coordinated for the person. 108029
- (R) "Developmentally disabled person" means a person with a 108030
developmental disability. 108031
- (S) "State institution" means an institution that is 108032
tax-supported and under the jurisdiction of the department. 108033
- (T) "Residence" and "legal residence" have the same meaning 108034
as "legal settlement," which is acquired by residing in Ohio for a 108035
period of one year without receiving general assistance prior to 108036
July 17, 1995, under former Chapter 5113. of the Revised Code, 108037
financial assistance under Chapter 5115. of the Revised Code, or 108038
assistance from a private agency that maintains records of 108039
assistance given. A person having a legal settlement in the state 108040
shall be considered as having legal settlement in the assistance 108041

area in which the person resides. No adult person coming into this 108042
state and having a spouse or minor children residing in another 108043
state shall obtain a legal settlement in this state as long as the 108044
spouse or minor children are receiving public assistance, care, or 108045
support at the expense of the other state or its subdivisions. For 108046
the purpose of determining the legal settlement of a person who is 108047
living in a public or private institution or in a home subject to 108048
licensing by the department of job and family services, the 108049
department of ~~mental health~~ mental health and addiction services, 108050
or the department of developmental disabilities, the residence of 108051
the person shall be considered as though the person were residing 108052
in the county in which the person was living prior to the person's 108053
entrance into the institution or home. Settlement once acquired 108054
shall continue until a person has been continuously absent from 108055
Ohio for a period of one year or has acquired a legal residence in 108056
another state. A woman who marries a man with legal settlement in 108057
any county immediately acquires the settlement of her husband. The 108058
legal settlement of a minor is that of the parents, surviving 108059
parent, sole parent, parent who is designated the residential 108060
parent and legal custodian by a court, other adult having 108061
permanent custody awarded by a court, or guardian of the person of 108062
the minor, provided that: 108063

(1) A minor female who marries shall be considered to have 108064
the legal settlement of her husband and, in the case of death of 108065
her husband or divorce, she shall not thereby lose her legal 108066
settlement obtained by the marriage. 108067

(2) A minor male who marries, establishes a home, and who has 108068
resided in this state for one year without receiving general 108069
assistance prior to July 17, 1995, under former Chapter 5113. of 108070
the Revised Code, financial assistance under Chapter 5115. of the 108071
Revised Code, or assistance from a private agency that maintains 108072
records of assistance given shall be considered to have obtained a 108073

legal settlement in this state. 108074

(3) The legal settlement of a child under eighteen years of 108075
age who is in the care or custody of a public or private child 108076
caring agency shall not change if the legal settlement of the 108077
parent changes until after the child has been in the home of the 108078
parent for a period of one year. 108079

No person, adult or minor, may establish a legal settlement 108080
in this state for the purpose of gaining admission to any state 108081
institution. 108082

(U)(1) "Resident" means, subject to division ~~(R)~~(U)(2) of 108083
this section, a person who is admitted either voluntarily or 108084
involuntarily to an institution or other facility pursuant to 108085
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 108086
Code subsequent to a finding of not guilty by reason of insanity 108087
or incompetence to stand trial or under this chapter who is under 108088
observation or receiving habilitation and care in an institution. 108089

(2) "Resident" does not include a person admitted to an 108090
institution or other facility under section 2945.39, 2945.40, 108091
2945.401, or 2945.402 of the Revised Code to the extent that the 108092
reference in this chapter to resident, or the context in which the 108093
reference occurs, is in conflict with any provision of sections 108094
2945.37 to 2945.402 of the Revised Code. 108095

(V) "Respondent" means the person whose detention, 108096
commitment, or continued commitment is being sought in any 108097
proceeding under this chapter. 108098

(W) "Working day" and "court day" mean Monday, Tuesday, 108099
Wednesday, Thursday, and Friday, except when such day is a legal 108100
holiday. 108101

(X) "Prosecutor" means the prosecuting attorney, village 108102
solicitor, city director of law, or similar chief legal officer 108103
who prosecuted a criminal case in which a person was found not 108104

guilty by reason of insanity, who would have had the authority to 108105
prosecute a criminal case against a person if the person had not 108106
been found incompetent to stand trial, or who prosecuted a case in 108107
which a person was found guilty. 108108

(Y) "Court" means the probate division of the court of common 108109
pleas. 108110

(Z) "Supported living" and "residential services" have the 108111
same meanings as in section 5126.01 of the Revised Code. 108112

Sec. 5123.021. (A) As used in this section, "mentally 108113
retarded individual" and "specialized services" have the same 108114
meanings as in section ~~5111.202~~ 5165.03 of the Revised Code. 108115

(B)(1) Except as provided in division (B)(2) of this section 108116
and rules adopted under division (E)(3) of this section, for 108117
purposes of section ~~5111.202~~ 5165.03 of the Revised Code, the 108118
department of developmental disabilities shall determine in 108119
accordance with section 1919(e)(7) of the "Social Security Act," 108120
49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and regulations 108121
adopted under section 1919(f)(8)(A) of that act whether, because 108122
of the individual's physical and mental condition, a mentally 108123
retarded individual seeking admission to a nursing facility 108124
requires the level of services provided by a nursing facility and, 108125
if the individual requires that level of services, whether the 108126
individual requires specialized services for mental retardation. 108127

(2) A determination under this division is not required for 108128
any of the following: 108129

(a) An individual seeking readmission to a nursing facility 108130
after having been transferred from a nursing facility to a 108131
hospital for care; 108132

(b) An individual who meets all of the following conditions: 108133

(i) The individual is admitted to the nursing facility 108134

directly from a hospital after receiving inpatient care at the hospital; 108135
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(ii) The individual requires nursing facility services for the condition for which the individual received care in the hospital; 108137
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(iii) The individual's attending physician has certified, before admission to the nursing facility, that the individual is likely to require less than thirty days of nursing facility services. 108140
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(c) An individual transferred from one nursing facility to another nursing facility, with or without an intervening hospital stay. 108144
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(C) Except as provided in rules adopted under division (F)(3) of this section, the department of developmental disabilities shall review and determine, for each resident of a nursing facility who is mentally retarded, whether the resident, because of the resident's physical and mental condition, requires the level of services provided by a nursing facility and whether the resident requires specialized services for mental retardation. The review and determination shall be conducted in accordance with section 1919(e)(7) of the "Social Security Act" and the regulations adopted under section 1919(f)(8)(A) of the act. The review and determination shall be completed promptly after a nursing facility has notified the department that there has been a significant change in the resident's mental or physical condition. 108147
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(D)(1) In the case of a nursing facility resident who has continuously resided in a nursing facility for at least thirty months before the date of a review and determination under division (C) of this section, if the resident is determined not to require the level of services provided by a nursing facility, but is determined to require specialized services for mental 108160
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retardation, the department, in consultation with the resident's family or legal representative and care givers, shall do all of the following:

(a) Inform the resident of the institutional and noninstitutional alternatives covered under the state plan for medical assistance;

(b) Offer the resident the choice of remaining in the nursing facility or receiving covered services in an alternative institutional or noninstitutional setting;

(c) Clarify the effect on eligibility for services under the state plan for medical assistance if the resident chooses to leave the facility, including its effect on readmission to the facility;

(d) Provide for or arrange for the provision of specialized services for the resident's mental retardation in the setting chosen by the resident.

(2) In the case of a nursing facility resident who has continuously resided in a nursing facility for less than thirty months before the date of the review and determination under division (C) of this section, if the resident is determined not to require the level of services provided by a nursing facility, but is determined to require specialized services for mental retardation, or if the resident is determined to require neither the level of services provided by a nursing facility nor specialized services for mental retardation, the department shall act in accordance with its alternative disposition plan approved by the United States department of health and human services under section 1919(e)(7)(E) of the "Social Security Act."

(3) In the case of an individual who is determined under division (B) or (C) of this section to require both the level of services provided by a nursing facility and specialized services for mental retardation, the department of developmental

disabilities shall provide or arrange for the provision of the 108197
specialized services needed by the individual or resident while 108198
residing in a nursing facility. 108199

(E) The department of developmental disabilities shall adopt 108200
rules in accordance with Chapter 119. of the Revised Code that do 108201
all of the following: 108202

(1) Establish criteria to be used in making the 108203
determinations required by divisions (B) and (C) of this section. 108204
The criteria shall not exceed the criteria established by 108205
regulations adopted by the United States department of health and 108206
human services under section 1919(f)(8)(A) of the "Social Security 108207
Act." 108208

(2) Specify information to be provided by the individual or 108209
nursing facility resident being assessed; 108210

(3) Specify any circumstances, in addition to circumstances 108211
listed in division (B) of this section, under which determinations 108212
under divisions (B) and (C) of this section are not required to be 108213
made. 108214

Sec. 5123.022. ~~It~~ (A) As used in this section: 108215

(1) "Community employment" means competitive employment that 108216
takes place in an integrated setting. 108217

(2) "Competitive employment" means full-time or part-time 108218
work in the competitive labor market in which payment is at or 108219
above the minimum wage but not less than the customary wage and 108220
level of benefits paid by the employer for the same or similar 108221
work performed by persons who are not disabled. 108222

(3) "Integrated setting" means a setting typically found in 108223
the community where individuals with developmental disabilities 108224
interact with individuals who do not have disabilities to the same 108225
extent that individuals in comparable positions who are not 108226

disabled interact with other individuals, including in employment 108227
settings in which employees interact with the community through 108228
technology. 108229

(B) It is hereby declared to be the policy of this state that 108230
employment services for individuals with developmental 108231
disabilities be directed at ~~placement whenever possible of each~~ 108232
~~individual in a position in the community in which the individual~~ 108233
~~is integrated with the employer's other workers who are not~~ 108234
~~developmentally disabled employment.~~ The Every individual with a 108235
developmental disability is presumed capable of community 108236
employment. 108237

The departments of developmental disabilities, education, 108238
medicaid, job and family services, and mental health ~~mental health~~ 108239
and addiction services; ~~the rehabilitation services commission~~ 108240
opportunities for Ohioans with disabilities agency; and each other 108241
state agency that provides employment services to individuals with 108242
developmental disabilities shall implement ~~this~~ the policy of this 108243
state and ensure that it is followed whenever employment services 108244
are provided to individuals with developmental disabilities. 108245
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The department of developmental disabilities shall coordinate 108247
the actions taken by state agencies to comply with the state's 108248
policy. Agencies shall collaborate within their divisions and with 108249
each other to ensure that state programs, policies, procedures, 108250
and funding support competitive and integrated employment of 108251
individuals with developmental disabilities. State agencies shall 108252
share information with the department, and the department shall 108253
track progress toward full implementation of the policy. The 108254
department, in coordination with any task force established by the 108255
governor, shall compile data and annually submit to the governor a 108256
report on implementation of the policy. 108257

The department and state agencies may adopt rules to 108258

implement the state's policy. 108259

(C) The state's policy articulated in this section is 108260
intended to promote the right of each individual with a 108261
developmental disability to informed choice; however, nothing in 108262
this section requires any employer to give preference in hiring to 108263
an individual because the individual has a disability. 108264

Sec. 5123.023. (A) The director of developmental disabilities 108265
may establish an employment first task force consisting of the 108266
departments of developmental disabilities, education, medicaid, 108267
job and family services, and mental health and addiction services; 108268
and the opportunities for Ohioans with disabilities agency. The 108269
purpose of the task force shall be to improve the coordination of 108270
the state's efforts to address the needs of individuals with 108271
developmental disabilities who seek community employment as 108272
defined in section 5123.022 of the Revised Code. 108273

(B) The department of developmental disabilities may enter 108275
into interagency agreements with any of the government entities on 108276
the task force. The interagency agreements may specify either or 108277
both of the following: 108278

(1) The roles and responsibilities of the government entities 108279
that are members of the task force, including any money to be 108280
contributed by those entities; 108281

(2) The projects and activities of the task force. 108282

(C) There is hereby created in the state treasury the 108283
employment first taskforce fund. Any money received by the task 108284
force from its members shall be credited to the fund. The 108285
department of developmental disabilities shall use the fund to 108286
support the work of the task force. 108287

(D) The task force shall cease to exist on January 1, 2020. 108288

Any money, assets, or employees of the department of developmental 108289
disabilities that on that date are dedicated to the work of the 108290
task force shall be reallocated by the department for employment 108291
services for individuals with developmental disabilities. 108292

Sec. 5123.03. (A) The department of developmental 108293
disabilities shall do all of the following: 108294

(1) Maintain, operate, manage, and govern all state 108295
institutions for the care, treatment, and training of the mentally 108296
retarded; 108297

(2) Designate all such institutions by appropriate names; 108298

(3) Provide and designate facilities for the custody, care, 108299
and special treatment of persons of the following classes: 108300

(a) Dangerous persons in state institutions for the mentally 108301
retarded who represent a serious threat to the safety of the other 108302
patients of the institution; 108303

(b) Persons charged with crimes who are found incompetent to 108304
stand trial or not guilty by reason of insanity and who are also 108305
mentally retarded persons subject to institutionalization by court 108306
order. 108307

(4) Have control of all institutions maintained in part by 108308
the state for the care, treatment, and training of the mentally 108309
retarded; 108310

(5) Administer the laws relative to persons in such 108311
institutions in an efficient, economical, and humane manner; 108312

(6) Ascertain by actual examinations and inquiry whether 108313
institutionalizations are made according to law. 108314

(B) The department may do any of the following: 108315

(1) Subject to section 5139.08 of the Revised Code, receive 108316
from the department of youth services for observation, diagnosis, 108317

care, habilitation, or placement any children in the custody of 108318
the department of youth services; 108319

(2) Receive for observation any minor from a public 108320
institution other than an institution under the jurisdiction of 108321
the department of developmental disabilities, from a private 108322
charitable institution, or from a person having legal custody of 108323
such a minor, upon such terms as are proper; 108324

(3) Receive from the department of ~~mental health~~ mental 108325
health and addiction services any patient in the custody of the 108326
department who is transferred to the department of developmental 108327
disabilities upon such terms and conditions as may be agreed upon 108328
by the two departments. 108329

(C) In addition to the powers and duties expressly conferred 108330
by this section, the department may take any other action 108331
necessary for the full and efficient executive, administrative, 108332
and fiscal supervision of the state institutions described in this 108333
section. 108334

Sec. 5123.0412. (A) The department of developmental 108335
disabilities shall charge each county board of developmental 108336
disabilities an annual fee equal to one and one-quarter per cent 108337
of the total value of all medicaid paid claims for home and 108338
community-based services provided during the year to an individual 108339
eligible for services from the county board. However, the 108340
department shall not charge the fee for home and community-based 108341
services provided under the medicaid waiver component known as the 108342
transitions developmental disabilities waiver. No county board 108343
shall pass the cost of a fee charged to the county board under 108344
this section on to another provider of these services. 108345

(B) The fees collected under this section shall be deposited 108346
into the ODDD administration and oversight fund ~~and the ODJFS~~ 108347
~~administration and oversight fund, both of~~ , which are is hereby 108348

created in the state treasury. ~~The portion of the fees to be~~ 108349
~~deposited into the ODDD administration and oversight fund and the~~ 108350
~~portion of the fees to be deposited into the ODJFS administration~~ 108351
~~and oversight fund shall be the portion specified in an~~ 108352
~~interagency agreement entered into under division (C) of this~~ 108353
~~section.~~ The department of developmental disabilities shall use 108354
the money in the ODDD administration and oversight fund ~~and the~~ 108355
~~department of job and family services shall use the money in the~~ 108356
~~ODJFS administration and oversight fund~~ for both of the following 108357
purposes: 108358

(1) Medicaid administrative costs, including administrative 108359
and oversight costs of medicaid case management services and home 108360
and community-based services. The administrative and oversight 108361
costs of medicaid case management services and home and 108362
community-based services shall include costs for staff, systems, 108363
and other resources the ~~departments need~~ department needs and 108364
~~dedicate~~ dedicates solely to the following duties associated with 108365
the services: 108366

- (a) Eligibility determinations; 108367
- (b) Training; 108368
- (c) Fiscal management; 108369
- (d) Claims processing; 108370
- (e) Quality assurance oversight; 108371
- (f) Other duties the ~~departments identify~~ department 108372
identifies. 108373

(2) Providing technical support to county boards' local 108374
administrative authority under section 5126.055 of the Revised 108375
Code for the services. 108376

~~(C) The departments of developmental disabilities and job and~~ 108377
~~family services shall enter into an interagency agreement to do~~ 108378

~~both of the following:~~ 108379

~~(1) Specify which portion of the fees collected under this section is to be deposited into the ODDD administration and oversight fund and which portion is to be deposited into the ODJFS administration and oversight fund;~~ 108380
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~~(2) Provide for the departments to coordinate the staff whose costs are paid for with money in the ODDD administration and oversight fund and the ODJFS administration and oversight fund.~~ 108384
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~~(D) The departments department shall submit an annual report to the director of budget and management certifying how the department spent the money in the ODDD administration and oversight fund and the ODJFS administration and oversight fund for the purposes specified in division (B) of this section.~~ 108387
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Sec. 5123.0417. (A) The director of developmental disabilities shall establish one or more programs for individuals under twenty-two years of age who have intensive behavioral needs, including such individuals with a primary diagnosis of autism spectrum disorder. The programs may include one or more medicaid waiver components that the director administers pursuant to section ~~5111.871~~ 5166.21 of the Revised Code. The programs may do one or more of the following: 108392
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(1) Establish models that incorporate elements common to effective intervention programs and evidence-based practices in services for children with intensive behavioral needs; 108400
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(2) Design a template for individualized education plans and individual service plans that provide consistent intervention programs and evidence-based practices for the care and treatment of children with intensive behavioral needs; 108403
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(3) Disseminate best practice guidelines for use by families of children with intensive behavioral needs and professionals 108407
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working with such families; 108409

(4) Develop a transition planning model for effectively 108410
mainstreaming school-age children with intensive behavioral needs 108411
to their public school district; 108412

(5) Contribute to the field of early and effective 108413
identification and intervention programs for children with 108414
intensive behavioral needs by providing financial support for 108415
scholarly research and publication of clinical findings. 108416

(B) The director of developmental disabilities shall 108417
collaborate with the medicaid director ~~of job and family services~~ 108418
and consult with the executive director of the Ohio center for 108419
autism and low incidence and university-based programs that 108420
specialize in services for individuals with developmental 108421
disabilities when establishing programs under this section. 108422

Sec. 5123.09. Subject to the rules of the department of 108423
developmental disabilities, each institution under the 108424
jurisdiction of the department shall be under the control of a 108425
managing officer to be known as a superintendent or by other 108426
appropriate title. The managing officer shall be appointed by the 108427
director of developmental disabilities and shall be in the 108428
unclassified service and serve at the pleasure of the director. 108429
Each managing officer shall be of good moral character and have 108430
skill, ability, and experience in the managing officer's 108431
profession. Appointment to the position of managing officer of an 108432
institution may be made from persons holding positions in the 108433
classified service in the department. 108434

The managing officer, under the director, shall have entire 108435
executive charge of the institution for which the managing officer 108436
is appointed, except as provided in section ~~5119.16~~ 5119.44 of the 108437
Revised Code. Subject to civil service rules and rules adopted by 108438
the department, the managing officer shall appoint the necessary 108439

employees, and the managing officer or the director may remove 108440
those employees for cause. A report of all appointments, 108441
resignations, and discharges shall be filed with the appropriate 108442
division at the close of each month. 108443

After conference with the managing officer of each 108444
institution, the director shall determine the number of employees 108445
to be appointed to the various institutions and clinics. 108446

Sec. 5123.171. As used in this section, "respite care" means 108447
appropriate, short-term, temporary care provided to a mentally 108448
retarded or developmentally disabled person to sustain the family 108449
structure or to meet planned or emergency needs of the family. 108450

The department of developmental disabilities shall provide 108451
respite care services to persons with mental retardation or a 108452
developmental disability for the purpose of promoting 108453
self-sufficiency and normalization, preventing or reducing 108454
inappropriate institutional care, and furthering the unity of the 108455
family by enabling the family to meet the special needs of a 108456
mentally retarded or developmentally disabled person. 108457

In order to be eligible for respite care services under this 108458
section, the mentally retarded or developmentally disabled person 108459
must be in need of habilitation services as defined in section 108460
5126.01 of the Revised Code. 108461

Respite care may be provided in a residential facility 108462
licensed under section 5123.19 of the Revised Code ~~and including a~~ 108463
~~residential facility certified as an intermediate care facility~~ 108464
~~for the mentally retarded under Title XIX of the "Social Security~~ 108465
~~Act," 79 Stat. 344 (1965), 42 U.S.C. 1396, et seq., as amended)~~ 108466
ICF/IID, and a respite care home certified under section 5126.05 108467
of the Revised Code. 108468

The department shall develop a system for locating vacant 108469

beds that are available for respite care and for making 108470
information on vacant beds available to users of respite care 108471
services. ~~Facilities certified as intermediate care facilities for~~ 108472
~~the mentally retarded~~ ICFs/IID shall report vacant beds to the 108473
department but shall not be required to accept respite care 108474
clients. 108475

The director of developmental disabilities shall adopt, and 108476
may amend or rescind, rules in accordance with Chapter 119. of the 108477
Revised Code for both of the following: 108478

(A) Certification by county boards of developmental 108479
disabilities of respite care homes; 108480

(B) Provision of respite care services authorized by this 108481
section. Rules adopted under this division shall establish all of 108482
the following: 108483

(1) A formula for distributing funds appropriated for respite 108484
care services; 108485

(2) Standards for supervision, training and quality control 108486
in the provision of respite care services; 108487

(3) Eligibility criteria for emergency respite care services. 108488

Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of 108489
the Revised Code: 108490

(1) "Independent living arrangement" means an arrangement in 108491
which a mentally retarded or developmentally disabled person 108492
resides in an individualized setting chosen by the person or the 108493
person's guardian, which is not dedicated principally to the 108494
provision of residential services for mentally retarded or 108495
developmentally disabled persons, and for which no financial 108496
support is received for rendering such service from any 108497
governmental agency by a provider of residential services. 108498

(2) ~~"Intermediate care facility for the mentally retarded"~~ 108499

~~has the same meaning as in section 1905(d) of the "Social Security Act," 101 Stat. 1330-204 (1987), 42 U.S.C. 1396d(d), as amended.~~

~~(3)~~ "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section.

~~(4)~~(3) "Political subdivision" means a municipal corporation, county, or township.

~~(5)~~(4) "Related party" has the same meaning as in section 5123.16 of the Revised Code except that "provider" as used in the definition of "related party" means a person or government entity that held or applied for a license to operate a residential facility, rather than a person or government entity certified to provide supported living.

~~(6)~~(5)(a) Except as provided in division (A)~~(6)~~(5)(b) of this section, "residential facility" means a home or facility, including ~~a facility certified as an intermediate care facility for the mentally retarded~~ an ICF/IID, in which an individual with mental retardation or a developmental disability resides.

(b) "Residential facility" does not mean any of the following:

(i) The home of a relative or legal guardian in which an individual with mental retardation or a developmental disability resides;

(ii) A respite care home certified under section 5126.05 of the Revised Code;

(iii) A county home or district home operated pursuant to Chapter 5155. of the Revised Code;

(iv) A dwelling in which the only residents with mental retardation or developmental disabilities are in independent living arrangements or are being provided supported living.

(B) Every person or government agency desiring to operate a residential facility shall apply for licensure of the facility to the director of developmental disabilities unless the residential facility is subject to section 3721.02, 5103.03, ~~5119.20~~ 5119.33, or division (A)(9)(b) of section ~~5119.22~~ 5119.34 of the Revised Code.

(C) Subject to section 5123.196 of the Revised Code, the director of developmental disabilities shall license the operation of residential facilities. An initial license shall be issued for a period that does not exceed one year, unless the director denies the license under division (D) of this section. A license shall be renewed for a period that does not exceed three years, unless the director refuses to renew the license under division (D) of this section. The director, when issuing or renewing a license, shall specify the period for which the license is being issued or renewed. A license remains valid for the length of the licensing period specified by the director, unless the license is terminated, revoked, or voluntarily surrendered.

(D) If it is determined that an applicant or licensee is not in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, the director may deny issuance of a license, refuse to renew a license, terminate a license, revoke a license, issue an order for the suspension of admissions to a facility, issue an order for the placement of a monitor at a facility, issue an order for the immediate removal of residents, or take any other action the director considers necessary consistent with the director's authority under this chapter regarding residential facilities. In the director's selection and administration of the sanction to be imposed, all of the following apply:

(1) The director may deny, refuse to renew, or revoke a license, if the director determines that the applicant or licensee

has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents of a residential facility.

(2) The director may terminate a license if more than twelve consecutive months have elapsed since the residential facility was last occupied by a resident or a notice required by division (K) of this section is not given.

(3) The director may issue an order for the suspension of admissions to a facility for any violation that may result in sanctions under division (D)(1) of this section and for any other violation specified in rules adopted under division (H)(2) of this section. If the suspension of admissions is imposed for a violation that may result in sanctions under division (D)(1) of this section, the director may impose the suspension before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift an order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(4) The director may order the placement of a monitor at a residential facility for any violation specified in rules adopted under division (H)(2) of this section. The director shall lift the order when the director determines that the violation that formed the basis for the order has been corrected.

(5) If the director determines that two or more residential facilities owned or operated by the same person or government entity are not being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, and the director's findings are based on the same or a substantially similar action, practice, circumstance, or incident that creates a substantial risk to the health and safety of the residents, the director shall conduct a survey as soon as practicable at each residential facility owned

or operated by that person or government entity. The director may 108594
take any action authorized by this section with respect to any 108595
facility found to be operating in violation of a provision of this 108596
chapter that applies to residential facilities or the rules 108597
adopted under such a provision. 108598

(6) When the director initiates license revocation 108599
proceedings, no opportunity for submitting a plan of correction 108600
shall be given. The director shall notify the licensee by letter 108601
of the initiation of the proceedings. The letter shall list the 108602
deficiencies of the residential facility and inform the licensee 108603
that no plan of correction will be accepted. The director shall 108604
also send a copy of the letter to the county board of 108605
developmental disabilities. The county board shall send a copy of 108606
the letter to each of the following: 108607

(a) Each resident who receives services from the licensee; 108608

(b) The guardian of each resident who receives services from 108609
the licensee if the resident has a guardian; 108610

(c) The parent or guardian of each resident who receives 108611
services from the licensee if the resident is a minor. 108612

(7) Pursuant to rules which shall be adopted in accordance 108613
with Chapter 119. of the Revised Code, the director may order the 108614
immediate removal of residents from a residential facility 108615
whenever conditions at the facility present an immediate danger of 108616
physical or psychological harm to the residents. 108617

(8) In determining whether a residential facility is being 108618
operated in compliance with a provision of this chapter that 108619
applies to residential facilities or the rules adopted under such 108620
a provision, or whether conditions at a residential facility 108621
present an immediate danger of physical or psychological harm to 108622
the residents, the director may rely on information obtained by a 108623
county board of developmental disabilities or other governmental 108624

agencies. 108625

(9) In proceedings initiated to deny, refuse to renew, or 108626
revoke licenses, the director may deny, refuse to renew, or revoke 108627
a license regardless of whether some or all of the deficiencies 108628
that prompted the proceedings have been corrected at the time of 108629
the hearing. 108630

(E) The director shall establish a program under which public 108631
notification may be made when the director has initiated license 108632
revocation proceedings or has issued an order for the suspension 108633
of admissions, placement of a monitor, or removal of residents. 108634
The director shall adopt rules in accordance with Chapter 119. of 108635
the Revised Code to implement this division. The rules shall 108636
establish the procedures by which the public notification will be 108637
made and specify the circumstances for which the notification must 108638
be made. The rules shall require that public notification be made 108639
if the director has taken action against the facility in the 108640
eighteen-month period immediately preceding the director's latest 108641
action against the facility and the latest action is being taken 108642
for the same or a substantially similar violation of a provision 108643
of this chapter that applies to residential facilities or the 108644
rules adopted under such a provision. The rules shall specify a 108645
method for removing or amending the public notification if the 108646
director's action is found to have been unjustified or the 108647
violation at the residential facility has been corrected. 108648

(F)(1) Except as provided in division (F)(2) of this section, 108649
appeals from proceedings initiated to impose a sanction under 108650
division (D) of this section shall be conducted in accordance with 108651
Chapter 119. of the Revised Code. 108652

(2) Appeals from proceedings initiated to order the 108653
suspension of admissions to a facility shall be conducted in 108654
accordance with Chapter 119. of the Revised Code, unless the order 108655
was issued before providing an opportunity for an adjudication, in 108656

which case all of the following apply: 108657

(a) The licensee may request a hearing not later than ten 108658
days after receiving the notice specified in section 119.07 of the 108659
Revised Code. 108660

(b) If a timely request for a hearing that includes the 108661
licensee's current address is made, the hearing shall commence not 108662
later than thirty days after the department receives the request. 108663

(c) After commencing, the hearing shall continue 108664
uninterrupted, except for Saturdays, Sundays, and legal holidays, 108665
unless other interruptions are agreed to by the licensee and the 108666
director. 108667

(d) If the hearing is conducted by a hearing examiner, the 108668
hearing examiner shall file a report and recommendations not later 108669
than ten days after the last of the following: 108670

(i) The close of the hearing; 108671

(ii) If a transcript of the proceedings is ordered, the 108672
hearing examiner receives the transcript; 108673

(iii) If post-hearing briefs are timely filed, the hearing 108674
examiner receives the briefs. 108675

(e) A copy of the written report and recommendation of the 108676
hearing examiner shall be sent, by certified mail, to the licensee 108677
and the licensee's attorney, if applicable, not later than five 108678
days after the report is filed. 108679

(f) Not later than five days after the hearing examiner files 108680
the report and recommendations, the licensee may file objections 108681
to the report and recommendations. 108682

(g) Not later than fifteen days after the hearing examiner 108683
files the report and recommendations, the director shall issue an 108684
order approving, modifying, or disapproving the report and 108685
recommendations. 108686

(h) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(G) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is one year after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation.

(H) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities. The rules for residential facilities that are ~~intermediate care facilities for the mentally retarded~~ ICFs/IID may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;

(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;

(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;

(4) Procedures for surveying residential facilities;

(5) Requirements for the training of residential facility personnel;	108718 108719
(6) Classifications for the various types of residential facilities;	108720 108721
(7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure that they have the skills and qualifications to properly operate or manage residential facilities;	108722 108723 108724 108725
(8) The maximum number of persons who may be served in a particular type of residential facility;	108726 108727
(9) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;	108728 108729
(10) Other standards for the operation of residential facilities and the services provided at residential facilities;	108730 108731
(11) Procedures for waiving any provision of any rule adopted under this section.	108732 108733
(I) Before issuing a license, the director of the department or the director's designee shall conduct a survey of the residential facility for which application is made. The director or the director's designee shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there.	108734 108735 108736 108737 108738 108739 108740 108741 108742
In conducting surveys, the director or the director's designee shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf of, under the control	108743 108744 108745 108746 108747

of, or in connection with the licensee. The licensee and all 108748
persons on behalf of, under the control of, or in connection with 108749
the licensee shall cooperate with the director or the director's 108750
designee in conducting the survey. 108751

Following each survey, unless the director initiates a 108752
license revocation proceeding, the director or the director's 108753
designee shall provide the licensee with a report listing any 108754
deficiencies, specifying a timetable within which the licensee 108755
shall submit a plan of correction describing how the deficiencies 108756
will be corrected, and, when appropriate, specifying a timetable 108757
within which the licensee must correct the deficiencies. After a 108758
plan of correction is submitted, the director or the director's 108759
designee shall approve or disapprove the plan. A copy of the 108760
report and any approved plan of correction shall be provided to 108761
any person who requests it. 108762

The director shall initiate disciplinary action against any 108763
department employee who notifies or causes the notification to any 108764
unauthorized person of an unannounced survey of a residential 108765
facility by an authorized representative of the department. 108766

(J) In addition to any other information which may be 108767
required of applicants for a license pursuant to this section, the 108768
director shall require each applicant to provide a copy of an 108769
approved plan for a proposed residential facility pursuant to 108770
section 5123.042 of the Revised Code. This division does not apply 108771
to renewal of a license or to an applicant for an initial or 108772
modified license who meets the requirements of section 5123.197 of 108773
the Revised Code. 108774

(K) A licensee shall notify the owner of the building in 108775
which the licensee's residential facility is located of any 108776
significant change in the identity of the licensee or management 108777
contractor before the effective date of the change if the licensee 108778
is not the owner of the building. 108779

Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may require notification to the department of any significant change in the ownership of a residential facility or in the identity of the licensee or management contractor. If the director determines that a significant change of ownership is proposed, the director shall consider the proposed change to be an application for development by a new operator pursuant to section 5123.042 of the Revised Code and shall advise the applicant within sixty days of the notification that the current license shall continue in effect or a new license will be required pursuant to this section. If the director requires a new license, the director shall permit the facility to continue to operate under the current license until the new license is issued, unless the current license is revoked, refused to be renewed, or terminated in accordance with Chapter 119. of the Revised Code.

(L) A county board of developmental disabilities and any interested person may file complaints alleging violations of statute or department rule relating to residential facilities with the department. All complaints shall be in writing and shall state the facts constituting the basis of the allegation. The department shall not reveal the source of any complaint unless the complainant agrees in writing to waive the right to confidentiality or until so ordered by a court of competent jurisdiction.

The department shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures for the receipt, referral, investigation, and disposition of complaints filed with the department under this division.

(M) The department shall establish procedures for the notification of interested parties of the transfer or interim care of residents from residential facilities that are closing or are

losing their license. 108812

(N) Before issuing a license under this section to a 108813
residential facility that will accommodate at any time more than 108814
one mentally retarded or developmentally disabled individual, the 108815
director shall, by first class mail, notify the following: 108816

(1) If the facility will be located in a municipal 108817
corporation, the clerk of the legislative authority of the 108818
municipal corporation; 108819

(2) If the facility will be located in unincorporated 108820
territory, the clerk of the appropriate board of county 108821
commissioners and the fiscal officer of the appropriate board of 108822
township trustees. 108823

The director shall not issue the license for ten days after 108824
mailing the notice, excluding Saturdays, Sundays, and legal 108825
holidays, in order to give the notified local officials time in 108826
which to comment on the proposed issuance. 108827

Any legislative authority of a municipal corporation, board 108828
of county commissioners, or board of township trustees that 108829
receives notice under this division of the proposed issuance of a 108830
license for a residential facility may comment on it in writing to 108831
the director within ten days after the director mailed the notice, 108832
excluding Saturdays, Sundays, and legal holidays. If the director 108833
receives written comments from any notified officials within the 108834
specified time, the director shall make written findings 108835
concerning the comments and the director's decision on the 108836
issuance of the license. If the director does not receive written 108837
comments from any notified local officials within the specified 108838
time, the director shall continue the process for issuance of the 108839
license. 108840

(O) Any person may operate a licensed residential facility 108841
that provides room and board, personal care, habilitation 108842

services, and supervision in a family setting for at least six but 108843
not more than eight persons with mental retardation or a 108844
developmental disability as a permitted use in any residential 108845
district or zone, including any single-family residential district 108846
or zone, of any political subdivision. These residential 108847
facilities may be required to comply with area, height, yard, and 108848
architectural compatibility requirements that are uniformly 108849
imposed upon all single-family residences within the district or 108850
zone. 108851

(P) Any person may operate a licensed residential facility 108852
that provides room and board, personal care, habilitation 108853
services, and supervision in a family setting for at least nine 108854
but not more than sixteen persons with mental retardation or a 108855
developmental disability as a permitted use in any multiple-family 108856
residential district or zone of any political subdivision, except 108857
that a political subdivision that has enacted a zoning ordinance 108858
or resolution establishing planned unit development districts may 108859
exclude these residential facilities from those districts, and a 108860
political subdivision that has enacted a zoning ordinance or 108861
resolution may regulate these residential facilities in 108862
multiple-family residential districts or zones as a conditionally 108863
permitted use or special exception, in either case, under 108864
reasonable and specific standards and conditions set out in the 108865
zoning ordinance or resolution to: 108866

(1) Require the architectural design and site layout of the 108867
residential facility and the location, nature, and height of any 108868
walls, screens, and fences to be compatible with adjoining land 108869
uses and the residential character of the neighborhood; 108870

(2) Require compliance with yard, parking, and sign 108871
regulation; 108872

(3) Limit excessive concentration of these residential 108873
facilities. 108874

(Q) This section does not prohibit a political subdivision 108875
from applying to residential facilities nondiscriminatory 108876
regulations requiring compliance with health, fire, and safety 108877
regulations and building standards and regulations. 108878

(R) Divisions (O) and (P) of this section are not applicable 108879
to municipal corporations that had in effect on June 15, 1977, an 108880
ordinance specifically permitting in residential zones licensed 108881
residential facilities by means of permitted uses, conditional 108882
uses, or special exception, so long as such ordinance remains in 108883
effect without any substantive modification. 108884

(S)(1) The director may issue an interim license to operate a 108885
residential facility to an applicant for a license under this 108886
section if either of the following is the case: 108887

(a) The director determines that an emergency exists 108888
requiring immediate placement of persons in a residential 108889
facility, that insufficient licensed beds are available, and that 108890
the residential facility is likely to receive a permanent license 108891
under this section within thirty days after issuance of the 108892
interim license. 108893

(b) The director determines that the issuance of an interim 108894
license is necessary to meet a temporary need for a residential 108895
facility. 108896

(2) To be eligible to receive an interim license, an 108897
applicant must meet the same criteria that must be met to receive 108898
a permanent license under this section, except for any differing 108899
procedures and time frames that may apply to issuance of a 108900
permanent license. 108901

(3) An interim license shall be valid for thirty days and may 108902
be renewed by the director for a period not to exceed one hundred 108903
fifty days. 108904

(4) The director shall adopt rules in accordance with Chapter 108905

119. of the Revised Code as the director considers necessary to 108906
administer the issuance of interim licenses. 108907

(T) Notwithstanding rules adopted pursuant to this section 108908
establishing the maximum number of persons who may be served in a 108909
particular type of residential facility, a residential facility 108910
shall be permitted to serve the same number of persons being 108911
served by the facility on the effective date of the rules or the 108912
number of persons for which the facility is authorized pursuant to 108913
a current application for a certificate of need with a letter of 108914
support from the department of developmental disabilities and 108915
which is in the review process prior to April 4, 1986. 108916

(U) The director or the director's designee may enter at any 108917
time, for purposes of investigation, any home, facility, or other 108918
structure that has been reported to the director or that the 108919
director has reasonable cause to believe is being operated as a 108920
residential facility without a license issued under this section. 108921

The director may petition the court of common pleas of the 108922
county in which an unlicensed residential facility is located for 108923
an order enjoining the person or governmental agency operating the 108924
facility from continuing to operate without a license. The court 108925
may grant the injunction on a showing that the person or 108926
governmental agency named in the petition is operating a 108927
residential facility without a license. The court may grant the 108928
injunction, regardless of whether the residential facility meets 108929
the requirements for receiving a license under this section. 108930

Sec. 5123.192. (A) A person or government agency operating, 108931
~~on the effective date of this section September 10, 2012, an~~ 108932
~~intermediate care facility for the mentally retarded~~ ICF/IID 108933
pursuant to a nursing home license issued under Chapter 3721. of 108934
the Revised Code shall do both of the following as a condition of 108935
continuing to operate the ~~facility~~ ICF/IID on and after July 1, 108936

2013: 108937

(1) Not later than February 1, 2013, apply to the director of developmental disabilities for a residential facility license under section 5123.19 of the Revised Code for the ~~facility~~ ICF/IID; 108938
108939
108940
108941

(2) Not later than July 1, 2013, obtain the residential facility license for the ~~facility~~ ICF/IID. 108942
108943

(B) The nursing home license of an ~~intermediate care facility for the mentally retarded~~ ICF/IID shall cease to be valid at the earliest of the following: 108944
108945
108946

(1) The date that the ~~facility's~~ ICF/IID's nursing home license is revoked or voided under section 3721.07 of the Revised Code; 108947
108948
108949

(2) The date that a residential facility license is obtained for the ~~facility~~ ICF/IID under section 5123.19 of the Revised Code; 108950
108951
108952

(3) July 1, 2013. 108953

(C) Except for existing nursing home beds not certified as ~~intermediate care facility for the mentally retarded~~ ICF/IID beds and relocated in accordance with a move authorized by a certificate of need under Chapter 3702. of the Revised Code, no bed that is part of an ~~intermediate care facility for the mentally retarded~~ ICF/IID that is licensed as a nursing home on ~~the effective date of this section~~ September 10, 2012, may be used as part of a nursing home on and after the earlier of the following: 108954
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108958
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108961

(1) The date that a residential facility license is obtained for the ~~facility~~ ICF/IID under section 5123.19 of the Revised Code; 108962
108963
108964

(2) July 1, 2013. 108965

Sec. 5123.197. Neither an applicant for an initial residential facility license under section 5123.19 of the Revised Code nor an applicant for a modification of an existing residential facility license under that section is required to obtain approval of a plan for the proposed new residential facility or modification to the existing residential facility pursuant to section 5123.042 of the Revised Code if all of the following apply:

(A) The new residential facility or modification to the existing residential facility is to serve individuals who have diagnoses or special care needs for which a ~~medicaid reimbursement~~ payment rate is set pursuant to section ~~5111.258~~ 5124.152 of the Revised Code;

(B) The ~~directors of job and family services~~ medicaid director and director of developmental disabilities determine that there is a need under the medicaid program for the proposed new residential facility or modification to the existing residential facility and that approving the application for the initial residential facility license or modification to the existing residential facility license is fiscally prudent for the medicaid program;

(C) The director of budget and management notifies the ~~directors of job and family services~~ medicaid director and director of developmental disabilities that the director of budget and management agrees with the directors' determination under division (B) of this section.

Sec. 5123.198. (A) As used in this section, "date of the commitment" means the date that an individual specified in division (B) of this section begins to reside in a state-operated ~~intermediate care facility for the mentally retarded~~ ICF/IID after

being committed to the ~~facility~~ ICF/IID pursuant to sections 108996
5123.71 to 5123.76 of the Revised Code. 108997

(B) Except as provided in division (C) of this section, 108998
whenever a resident of a residential facility is committed to a 108999
state-operated ~~intermediate care facility for the mentally~~ 109000
~~retarded~~ ICF/IID pursuant to sections 5123.71 to 5123.76 of the 109001
Revised Code, the department of developmental disabilities, 109002
pursuant to an adjudication order issued in accordance with 109003
Chapter 119. of the Revised Code, shall reduce by one the number 109004
of residents for which the residential facility in which the 109005
resident resided is licensed. 109006

(C) The department shall not reduce under division (B) of 109007
this section the number of residents for which a residential 109008
facility is licensed if any of the following are the case: 109009

(1) The resident of the residential facility who is committed 109010
to a state-operated ~~intermediate care facility for the mentally~~ 109011
~~retarded~~ ICF/IID resided in the residential facility because of 109012
the closure, on or after June 26, 2003, of another state-operated 109013
~~intermediate care facility for the mentally retarded~~ ICF/IID; 109014

(2) The residential facility admits within ninety days of the 109015
date of the commitment an individual who resides on the date of 109016
the commitment in a state-operated ~~intermediate care facility for~~ 109017
~~the mentally retarded~~ ICF/IID or another residential facility; 109018

(3) The department fails to do either of the following within 109019
ninety days of the date of the commitment: 109020

(a) Identify an individual to whom all of the following 109021
applies: 109022

(i) Resides on the date of the commitment in a state-operated 109023
~~intermediate care facility for the mentally retarded~~ ICF/IID or 109024
another residential facility; 109025

(ii) Has indicated to the department an interest in 109026
relocating to the residential facility or has a parent or guardian 109027
who has indicated to the department an interest for the individual 109028
to relocate to the residential facility; 109029

(iii) The department determines the individual has needs that 109030
the residential facility can meet. 109031

(b) Provide the residential facility with information about 109032
the individual identified under division (C)(2)(a) of this section 109033
that the residential facility needs in order to determine whether 109034
the facility can meet the individual's needs. 109035

(4) If the department completes the actions specified in 109036
divisions (C)(3)(a) and (b) of this section not later than ninety 109037
days after the date of the commitment and except as provided in 109038
division (D) of this section, the residential facility does all of 109039
the following not later than ninety days after the date of the 109040
commitment: 109041

(a) Evaluates the information provided by the department; 109042

(b) Assesses the identified individual's needs; 109043

(c) Determines that the residential facility cannot meet the 109044
identified individual's needs. 109045

(5) If the department completes the actions specified in 109046
divisions (C)(3)(a) and (b) of this section not later than ninety 109047
days after the date of the commitment and the residential facility 109048
determines that the residential facility can meet the identified 109049
individual's needs, the individual, or a parent or guardian of the 109050
individual, refuses placement in the residential facility. 109051

(D) The department may reduce under division (B) of this 109052
section the number of residents for which a residential facility 109053
is licensed even though the residential facility completes the 109054
actions specified in division (C)(4) of this section not later 109055

than ninety days after the date of the commitment if all of the 109056
following are the case: 109057

(1) The department disagrees with the residential facility's 109058
determination that the residential facility cannot meet the 109059
identified individual's needs. 109060

(2) The department issues a written decision pursuant to the 109061
uniform procedures for admissions, transfers, and discharges 109062
established by rules adopted under division (H)(9) of section 109063
5123.19 of the Revised Code that the residential facility should 109064
admit the identified individual. 109065

(3) After the department issues the written decision 109066
specified in division (D)(2) of this section, the residential 109067
facility refuses to admit the identified individual. 109068

(E) A residential facility that admits, refuses to admit, 109069
transfers, or discharges a resident under this section shall 109070
comply with the uniform procedures for admissions, transfers, and 109071
discharges established by rules adopted under division (H)(9) of 109072
section 5123.19 of the Revised Code. 109073

~~(F) The department of developmental disabilities may notify 109074
the department of job and family services of any reduction under 109075
this section in the number of residents for which a residential 109076
facility that is an intermediate care facility for the mentally 109077
retarded is licensed. On receiving the notice, the department of 109078
job and family services may transfer to the department of 109079
developmental disabilities the savings in the nonfederal share of 109080
medicaid expenditures for each fiscal year after the year of the 109081
commitment to be used for costs of the resident's care in the 109082
state-operated intermediate care facility for the mentally 109083
retarded. In determining the amount saved, the department of job 109084
and family services shall consider medicaid payments for the 109085
remaining residents of the facility in which the resident resided. 109086~~

Sec. 5123.38. (A) Except as provided in division (B) of this 109087
section, if an individual receiving supported living or home and 109088
community-based services funded by a county board of developmental 109089
disabilities is committed to a state-operated ~~intermediate care~~ 109090
~~facility for the mentally retarded~~ ICF/IID pursuant to sections 109091
5123.71 to 5123.76 of the Revised Code, the county board is 109092
responsible for the nonfederal share of medicaid expenditures for 109093
the individual's care in the state-operated ~~facility~~ ICF/IID. The 109094
department of developmental disabilities shall collect the amount 109095
of the nonfederal share from the county board by either 109096
withholding that amount from funds the department has otherwise 109097
allocated to the county board or submitting an invoice for payment 109098
of that amount to the county board. 109099

(B) Division (A) of this section does not apply under any of 109100
the following circumstances: 109101

(1) The county board, not later than ninety days after the 109102
date of the commitment of a person receiving supported living, 109103
commences funding of supported living for an individual who 109104
resides in a state-operated ~~intermediate care facility for the~~ 109105
~~mentally retarded~~ ICF/IID on the date of the commitment or another 109106
eligible individual designated by the department. 109107

(2) The county board, not later than ninety days after the 109108
date of the commitment of a person receiving home and 109109
community-based services, commences funding of home and 109110
community-based services for an individual who resides in a 109111
state-operated ~~intermediate care facility for the mentally~~ 109112
~~retarded~~ ICF/IID on the date of the commitment or another eligible 109113
individual designated by the department. 109114

(3) The director of developmental disabilities, after 109115
determining that circumstances warrant granting a waiver in an 109116
individual's case, grants the county board a waiver that exempts 109117

the county board from responsibility for the nonfederal share for 109118
that case. 109119

Sec. 5123.61. (A) As used in this section: 109120

(1) "Law enforcement agency" means the state highway patrol, 109121
the police department of a municipal corporation, or a county 109122
sheriff. 109123

(2) "Abuse" has the same meaning as in section 5123.50 of the 109124
Revised Code, except that it includes a misappropriation, as 109125
defined in that section. 109126

(3) "Neglect" has the same meaning as in section 5123.50 of 109127
the Revised Code. 109128

(B) The department of developmental disabilities shall 109129
establish a registry office for the purpose of maintaining reports 109130
of abuse, neglect, and other major unusual incidents made to the 109131
department under this section and reports received from county 109132
boards of developmental disabilities under section 5126.31 of the 109133
Revised Code. The department shall establish committees to review 109134
reports of abuse, neglect, and other major unusual incidents. 109135

(C)(1) Any person listed in division (C)(2) of this section, 109136
having reason to believe that a person with mental retardation or 109137
a developmental disability has suffered or faces a substantial 109138
risk of suffering any wound, injury, disability, or condition of 109139
such a nature as to reasonably indicate abuse or neglect of that 109140
person, shall immediately report or cause reports to be made of 109141
such information to the entity specified in this division. Except 109142
as provided in section 5120.173 of the Revised Code or as 109143
otherwise provided in this division, the person making the report 109144
shall make it to a law enforcement agency or to the county board 109145
of developmental disabilities. If the report concerns a resident 109146
of a facility operated by the department of developmental 109147

disabilities the report shall be made either to a law enforcement 109148
agency or to the department. If the report concerns any act or 109149
omission of an employee of a county board of developmental 109150
disabilities, the report immediately shall be made to the 109151
department and to the county board. 109152

(2) All of the following persons are required to make a 109153
report under division (C)(1) of this section: 109154

(a) Any physician, including a hospital intern or resident, 109155
any dentist, podiatrist, chiropractor, practitioner of a limited 109156
branch of medicine as specified in section 4731.15 of the Revised 109157
Code, hospital administrator or employee of a hospital, nurse 109158
licensed under Chapter 4723. of the Revised Code, employee of an 109159
ambulatory health facility as defined in section 5101.61 of the 109160
Revised Code, employee of a home health agency, employee of a 109161
residential facility licensed under section ~~5119.22~~ 5119.34 of the 109162
Revised Code that provides accommodations, supervision, and person 109163
care services for three to sixteen unrelated adults, or employee 109164
of a community mental health facility; 109165

(b) Any school teacher or school authority, social worker, 109166
psychologist, attorney, peace officer, coroner, or residents' 109167
rights advocate as defined in section 3721.10 of the Revised Code; 109168

(c) A superintendent, board member, or employee of a county 109169
board of developmental disabilities; an administrator, board 109170
member, or employee of a residential facility licensed under 109171
section 5123.19 of the Revised Code; an administrator, board 109172
member, or employee of any other public or private provider of 109173
services to a person with mental retardation or a developmental 109174
disability, or any MR/DD employee, as defined in section 5123.50 109175
of the Revised Code; 109176

(d) A member of a citizen's advisory council established at 109177
an institution or branch institution of the department of 109178

developmental disabilities under section 5123.092 of the Revised Code; 109179
109180

(e) A member of the clergy who is employed in a position that includes providing specialized services to an individual with mental retardation or another developmental disability, while acting in an official or professional capacity in that position, or a person who is employed in a position that includes providing specialized services to an individual with mental retardation or another developmental disability and who, while acting in an official or professional capacity, renders spiritual treatment through prayer in accordance with the tenets of an organized religion. 109181
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(3)(a) The reporting requirements of this division do not apply to employees of the Ohio protection and advocacy system. 109191
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(b) An attorney or physician is not required to make a report pursuant to division (C)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding, except that the client or patient is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to that communication and the attorney or physician shall make a report pursuant to division (C)(1) of this section, if both of the following apply: 109193
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(i) The client or patient, at the time of the communication, is a person with mental retardation or a developmental disability. 109205
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(ii) The attorney or physician knows or suspects, as a result of the communication or any observations made during that communication, that the client or patient has suffered or faces a 109207
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substantial risk of suffering any wound, injury, disability, or 109210
condition of a nature that reasonably indicates abuse or neglect 109211
of the client or patient. 109212

(4) Any person who fails to make a report required under 109213
division (C) of this section and who is an MR/DD employee, as 109214
defined in section 5123.50 of the Revised Code, shall be eligible 109215
to be included in the registry regarding misappropriation, abuse, 109216
neglect, or other specified misconduct by MR/DD employees 109217
established under section 5123.52 of the Revised Code. 109218

(D) The reports required under division (C) of this section 109219
shall be made forthwith by telephone or in person and shall be 109220
followed by a written report. The reports shall contain the 109221
following: 109222

(1) The names and addresses of the person with mental 109223
retardation or a developmental disability and the person's 109224
custodian, if known; 109225

(2) The age of the person with mental retardation or a 109226
developmental disability; 109227

(3) Any other information that would assist in the 109228
investigation of the report. 109229

(E) When a physician performing services as a member of the 109230
staff of a hospital or similar institution has reason to believe 109231
that a person with mental retardation or a developmental 109232
disability has suffered injury, abuse, or physical neglect, the 109233
physician shall notify the person in charge of the institution or 109234
that person's designated delegate, who shall make the necessary 109235
reports. 109236

(F) Any person having reasonable cause to believe that a 109237
person with mental retardation or a developmental disability has 109238
suffered or faces a substantial risk of suffering abuse or neglect 109239
may report or cause a report to be made of that belief to the 109240

entity specified in this division. Except as provided in section 109241
5120.173 of the Revised Code or as otherwise provided in this 109242
division, the person making the report shall make it to a law 109243
enforcement agency or the county board of developmental 109244
disabilities. If the person is a resident of a facility operated 109245
by the department of developmental disabilities, the report shall 109246
be made to a law enforcement agency or to the department. If the 109247
report concerns any act or omission of an employee of a county 109248
board of developmental disabilities, the report immediately shall 109249
be made to the department and to the county board. 109250

(G)(1) Upon the receipt of a report concerning the possible 109251
abuse or neglect of a person with mental retardation or a 109252
developmental disability, the law enforcement agency shall inform 109253
the county board of developmental disabilities or, if the person 109254
is a resident of a facility operated by the department of 109255
developmental disabilities, the director of the department or the 109256
director's designee. 109257

(2) On receipt of a report under this section that includes 109258
an allegation of action or inaction that may constitute a crime 109259
under federal law or the law of this state, the department of 109260
developmental disabilities shall notify the law enforcement 109261
agency. 109262

(3) When a county board of developmental disabilities 109263
receives a report under this section that includes an allegation 109264
of action or inaction that may constitute a crime under federal 109265
law or the law of this state, the superintendent of the board or 109266
an individual the superintendent designates under division (H) of 109267
this section shall notify the law enforcement agency. The 109268
superintendent or individual shall notify the department of 109269
developmental disabilities when it receives any report under this 109270
section. 109271

(4) When a county board of developmental disabilities 109272

receives a report under this section and believes that the degree 109273
of risk to the person is such that the report is an emergency, the 109274
superintendent of the board or an employee of the board the 109275
superintendent designates shall attempt a face-to-face contact 109276
with the person with mental retardation or a developmental 109277
disability who allegedly is the victim within one hour of the 109278
board's receipt of the report. 109279

(H) The superintendent of the board may designate an 109280
individual to be responsible for notifying the law enforcement 109281
agency and the department when the county board receives a report 109282
under this section. 109283

(I) An adult with mental retardation or a developmental 109284
disability about whom a report is made may be removed from the 109285
adult's place of residence only by law enforcement officers who 109286
consider that the adult's immediate removal is essential to 109287
protect the adult from further injury or abuse or in accordance 109288
with the order of a court made pursuant to section 5126.33 of the 109289
Revised Code. 109290

(J) A law enforcement agency shall investigate each report of 109291
abuse or neglect it receives under this section. In addition, the 109292
department, in cooperation with law enforcement officials, shall 109293
investigate each report regarding a resident of a facility 109294
operated by the department to determine the circumstances 109295
surrounding the injury, the cause of the injury, and the person 109296
responsible. The investigation shall be in accordance with the 109297
memorandum of understanding prepared under section 5126.058 of the 109298
Revised Code. The department shall determine, with the registry 109299
office which shall be maintained by the department, whether prior 109300
reports have been made concerning an adult with mental retardation 109301
or a developmental disability or other principals in the case. If 109302
the department finds that the report involves action or inaction 109303
that may constitute a crime under federal law or the law of this 109304

state, it shall submit a report of its investigation, in writing, 109305
to the law enforcement agency. If the person with mental 109306
retardation or a developmental disability is an adult, with the 109307
consent of the adult, the department shall provide such protective 109308
services as are necessary to protect the adult. The law 109309
enforcement agency shall make a written report of its findings to 109310
the department. 109311

If the person is an adult and is not a resident of a facility 109312
operated by the department, the county board of developmental 109313
disabilities shall review the report of abuse or neglect in 109314
accordance with sections 5126.30 to 5126.33 of the Revised Code 109315
and the law enforcement agency shall make the written report of 109316
its findings to the county board. 109317

(K) Any person or any hospital, institution, school, health 109318
department, or agency participating in the making of reports 109319
pursuant to this section, any person participating as a witness in 109320
an administrative or judicial proceeding resulting from the 109321
reports, or any person or governmental entity that discharges 109322
responsibilities under sections 5126.31 to 5126.33 of the Revised 109323
Code shall be immune from any civil or criminal liability that 109324
might otherwise be incurred or imposed as a result of such actions 109325
except liability for perjury, unless the person or governmental 109326
entity has acted in bad faith or with malicious purpose. 109327

(L) No employer or any person with the authority to do so 109328
shall discharge, demote, transfer, prepare a negative work 109329
performance evaluation, reduce pay or benefits, terminate work 109330
privileges, or take any other action detrimental to an employee or 109331
retaliate against an employee as a result of the employee's having 109332
made a report under this section. This division does not preclude 109333
an employer or person with authority from taking action with 109334
regard to an employee who has made a report under this section if 109335
there is another reasonable basis for the action. 109336

(M) Reports made under this section are not public records as 109337
defined in section 149.43 of the Revised Code. Information 109338
contained in the reports on request shall be made available to the 109339
person who is the subject of the report, to the person's legal 109340
counsel, and to agencies authorized to receive information in the 109341
report by the department or by a county board of developmental 109342
disabilities. 109343

(N) Notwithstanding section 4731.22 of the Revised Code, the 109344
physician-patient privilege shall not be a ground for excluding 109345
evidence regarding the injuries or physical neglect of a person 109346
with mental retardation or a developmental disability or the cause 109347
thereof in any judicial proceeding resulting from a report 109348
submitted pursuant to this section. 109349

Sec. 5123.86. (A) Except as provided in divisions (C), (D), 109350
(E), and (F) of this section, the chief medical officer shall 109351
provide all information, including expected physical and medical 109352
consequences, necessary to enable any resident of an institution 109353
for the mentally retarded to give a fully informed, intelligent, 109354
and knowing consent if any of the following procedures are 109355
proposed: 109356

- (1) Surgery; 109357
- (2) Convulsive therapy; 109358
- (3) Major aversive interventions; 109359
- (4) Sterilization; 109360
- (5) Experimental procedures; 109361
- (6) Any unusual or hazardous treatment procedures. 109362

(B) No resident shall be subjected to any of the procedures 109363
listed in division (A)(4), (5), or (6) of this section without the 109364
resident's informed consent. 109365

(C) If a resident is physically or mentally unable to receive the information required for surgery under division (A)(1) of this section, or has been adjudicated incompetent, the information may be provided to the resident's natural or court-appointed guardian, including an agency providing guardianship services under contract with the department of developmental disabilities under sections 5123.55 to 5123.59 of the Revised Code, who may give the informed, intelligent, and knowing written consent for surgery. Consent for surgery shall not be provided by a guardian who is an officer or employee of the department of ~~mental health~~ mental health and addiction services or the department of developmental disabilities.

If a resident is physically or mentally unable to receive the information required for surgery under division (A)(1) of this section and has no guardian, then the information, the recommendation of the chief medical officer, and the concurring judgment of a licensed physician who is not a full-time employee of the state may be provided to the court in the county in which the institution is located, which may approve the surgery. Before approving the surgery, the court shall notify the Ohio protection and advocacy system created by section 5123.60 of the Revised Code, and shall notify the resident of the resident's rights to consult with counsel, to have counsel appointed by the court if the resident is indigent, and to contest the recommendation of the chief medical officer.

(D) If, in the judgment of two licensed physicians, delay in obtaining consent for surgery would create a grave danger to the health of a resident, emergency surgery may be performed without the consent of the resident if the necessary information is provided to the resident's guardian, including an agency providing guardianship services under contract with the department of developmental disabilities under sections 5123.55 to 5123.59 of

the Revised Code, or to the resident's spouse or next of kin to 109398
enable that person or agency to give an informed, intelligent, and 109399
knowing written consent. 109400

If the guardian, spouse, or next of kin cannot be contacted 109401
through exercise of reasonable diligence, or if the guardian, 109402
spouse, or next of kin is contacted, but refuses to consent, then 109403
the emergency surgery may be performed upon the written 109404
authorization of the chief medical officer and after court 109405
approval has been obtained. However, if delay in obtaining court 109406
approval would create a grave danger to the life of the resident, 109407
the chief medical officer may authorize surgery, in writing, 109408
without court approval. If the surgery is authorized without court 109409
approval, the chief medical officer who made the authorization and 109410
the physician who performed the surgery shall each execute an 109411
affidavit describing the circumstances constituting the emergency 109412
and warranting the surgery and the circumstances warranting their 109413
not obtaining prior court approval. The affidavit shall be filed 109414
with the court with which the request for prior approval would 109415
have been filed within five court days after the surgery, and a 109416
copy of the affidavit shall be placed in the resident's file and 109417
shall be given to the guardian, spouse, or next of kin of the 109418
resident, to the hospital at which the surgery was performed, and 109419
to the Ohio protection and advocacy system created by section 109420
5123.60 of the Revised Code. 109421

(E)(1) If it is the judgment of two licensed physicians, as 109422
described in division (E)(2) of this section, that a medical 109423
emergency exists and delay in obtaining convulsive therapy creates 109424
a grave danger to the life of a resident who is both mentally 109425
retarded and mentally ill, convulsive therapy may be administered 109426
without the consent of the resident if the resident is physically 109427
or mentally unable to receive the information required for 109428
convulsive therapy and if the necessary information is provided to 109429

the resident's natural or court-appointed guardian, including an agency providing guardianship services under contract with the department of developmental disabilities under sections 5123.55 to 5123.59 of the Revised Code, or to the resident's spouse or next of kin to enable that person or agency to give an informed, intelligent, and knowing written consent. If neither the resident's guardian, spouse, nor next of kin can be contacted through exercise of reasonable diligence, or if the guardian, spouse, or next of kin is contacted, but refuses to consent, then convulsive therapy may be performed upon the written authorization of the chief medical officer and after court approval has been obtained.

(2) The two licensed physicians referred to in division (E)(1) of this section shall not be associated with each other in the practice of medicine or surgery by means of a partnership or corporate arrangement, other business arrangement, or employment. At least one of the physicians shall be a psychiatrist as defined in division (E) of section 5122.01 of the Revised Code.

(F) Major aversive interventions shall not be used unless a resident continues to engage in behavior destructive to self or others after other forms of therapy have been attempted. Major aversive interventions shall not be applied to a voluntary resident without the informed, intelligent, and knowing written consent of the resident or the resident's guardian, including an agency providing guardianship services under contract with the department of developmental disabilities under sections 5123.55 to 5123.59 of the Revised Code.

(G)(1) This chapter does not authorize any form of compulsory medical or psychiatric treatment of any resident who is being treated by spiritual means through prayer alone in accordance with a recognized religious method of healing.

(2) For purposes of this section, "convulsive therapy" does

not include defibrillation. 109462

Sec. 5124.01. As used in this chapter: 109463

(A) "Affiliated operator" means an operator affiliated with 109464
either of the following: 109465

(1) The exiting operator for whom the affiliated operator is 109466
to assume liability for the entire amount of the exiting 109467
operator's debt under the medicaid program or the portion of the 109468
debt that represents the franchise permit fee the exiting operator 109469
owes; 109470

(2) The entering operator involved in the change of operator 109471
with the exiting operator specified in division (A)(1) of this 109472
section. 109473

(B) "Allowable costs" means an ICF/IID's costs that the 109474
department of developmental disabilities determines are 109475
reasonable. Fines paid under section 5124.99 of the Revised Code 109476
are not allowable costs. 109477

(C) "Capital costs" means an ICF/IID's costs of ownership and 109478
costs of nonextensive renovation. 109479

(D) "Case-mix score" means the measure determined under 109480
section 5124.192 of the Revised Code of the relative direct-care 109481
resources needed to provide care and habilitation to an ICF/IID 109482
resident. 109483

(E) "Change of operator" means an entering operator becoming 109484
the operator of an ICF/IID in the place of the exiting operator. 109485

(1) Actions that constitute a change of operator include the 109486
following: 109487

(a) A change in an exiting operator's form of legal 109488
organization, including the formation of a partnership or 109489
corporation from a sole proprietorship; 109490

<u>(b) A transfer of all the exiting operator's ownership</u>	109491
<u>interest in the operation of the ICF/IID to the entering operator,</u>	109492
<u>regardless of whether ownership of any or all of the real property</u>	109493
<u>or personal property associated with the ICF/IID is also</u>	109494
<u>transferred;</u>	109495
<u>(c) A lease of the ICF/IID to the entering operator or the</u>	109496
<u>exiting operator's termination of the exiting operator's lease;</u>	109497
<u>(d) If the exiting operator is a partnership, dissolution of</u>	109498
<u>the partnership;</u>	109499
<u>(e) If the exiting operator is a partnership, a change in</u>	109500
<u>composition of the partnership unless both of the following apply:</u>	109501
<u>(i) The change in composition does not cause the</u>	109502
<u>partnership's dissolution under state law.</u>	109503
<u>(ii) The partners agree that the change in composition does</u>	109504
<u>not constitute a change in operator.</u>	109505
<u>(f) If the operator is a corporation, dissolution of the</u>	109506
<u>corporation, a merger of the corporation into another corporation</u>	109507
<u>that is the survivor of the merger, or a consolidation of one or</u>	109508
<u>more other corporations to form a new corporation.</u>	109509
<u>(2) The following, alone, do not constitute a change of</u>	109510
<u>operator:</u>	109511
<u>(a) A contract for an entity to manage an ICF/IID as the</u>	109512
<u>operator's agent, subject to the operator's approval of daily</u>	109513
<u>operating and management decisions;</u>	109514
<u>(b) A change of ownership, lease, or termination of a lease</u>	109515
<u>of real property or personal property associated with an ICF/IID</u>	109516
<u>if an entering operator does not become the operator in place of</u>	109517
<u>an exiting operator;</u>	109518
<u>(c) If the operator is a corporation, a change of one or more</u>	109519
<u>members of the corporation's governing body or transfer of</u>	109520

<u>ownership of one or more shares of the corporation's stock, if the</u>	109521
<u>same corporation continues to be the operator.</u>	109522
<u>(F) "Cost center" means the following:</u>	109523
<u>(1) Capital costs;</u>	109524
<u>(2) Direct care costs;</u>	109525
<u>(3) Indirect care costs;</u>	109526
<u>(4) Other protected costs.</u>	109527
<u>(G) "Costs of nonextensive renovations" means the actual</u>	109528
<u>expense incurred by an ICF/IID for depreciation or amortization</u>	109529
<u>and interest on renovations that are not extensive renovations.</u>	109530
<u>(H)(1) "Costs of ownership" means the actual expenses</u>	109531
<u>incurred by an ICF/IID for all of the following:</u>	109532
<u>(a) Subject to division (H)(2) of this section, depreciation</u>	109533
<u>and interest on any capital assets that cost five hundred dollars</u>	109534
<u>or more per item, including the following:</u>	109535
<u>(i) Buildings;</u>	109536
<u>(ii) Building improvements that are not approved as</u>	109537
<u>nonextensive renovations under section 5124.17 of the Revised</u>	109538
<u>Code;</u>	109539
<u>(iii) Equipment;</u>	109540
<u>(iv) Extensive renovations;</u>	109541
<u>(v) Transportation equipment.</u>	109542
<u>(b) Amortization and interest on land improvements and</u>	109543
<u>leasehold improvements;</u>	109544
<u>(c) Amortization of financing costs;</u>	109545
<u>(d) Except as provided in division (Z) of this section, lease</u>	109546
<u>and rent of land, building, and equipment.</u>	109547
<u>(2) The costs of capital assets of less than five hundred</u>	109548

dollars per item may be considered costs of ownership in 109549
accordance with an ICF/IID provider's practice. 109550

(I)(1) "Date of licensure" means the following: 109551

(a) In the case of an ICF/IID that was originally licensed as 109552
a nursing home under Chapter 3721. of the Revised Code, the date 109553
that it was originally so licensed, regardless that it was 109554
subsequently licensed as a residential facility under section 109555
5123.19 of the Revised Code; 109556

(b) In the case of an ICF/IID that was originally licensed as 109557
a residential facility under section 5123.19 of the Revised Code, 109558
the date it was originally so licensed; 109559

(c) In the case of an ICF/IID that was not required by law to 109560
be licensed as a nursing home or residential facility when it was 109561
originally operated as a residential facility, the date it first 109562
was operated as a residential facility, regardless of the date the 109563
ICF/IID was first licensed as a nursing home or residential 109564
facility. 109565

(2) If, after an ICF/IID's original date of licensure, more 109566
residential facility beds are added to the ICF/IID or all or part 109567
of the ICF/IID undergoes an extensive renovation, the ICF/IID has 109568
a different date of licensure for the additional beds or 109569
extensively renovated portion of the ICF/IID. This does not apply, 109570
however, to additional beds when both of the following apply: 109571

(a) The additional beds are located in a part of the ICF/IID 109572
that was constructed at the same time as the continuing beds 109573
already located in that part of the ICF/IID; 109574

(b) The part of the ICF/IID in which the additional beds are 109575
located was constructed as part of the ICF/IID at a time when the 109576
ICF/IID was not required by law to be licensed as a nursing home 109577
or residential facility. 109578

(3) The definition of "date of licensure" in this section applies in determinations of ICFs/IID's medicaid payment rates but does not apply in determinations of ICFs/IID's franchise permit fees under sections 5168.60 to 5168.71 of the Revised Code.

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(J) "Desk-reviewed" means that an ICF/IID's costs as reported on a cost report filed under section 5124.10 or 5124.101 of the Revised Code have been subjected to a desk review under section 5124.108 of the Revised Code and preliminarily determined to be allowable costs.

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(K) "Developmental center" means a residential facility that is maintained and operated by the department of developmental disabilities.

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(L) "Direct care costs" means all of the following costs incurred by an ICF/IID:

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(1) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the ICF/IID;

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(2) Costs for direct care staff, administrative nursing staff, medical directors, respiratory therapists, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation staff (including habilitation supervisors), qualified intellectual disability professionals, program directors, social services staff, activities staff, off-site day programming, psychologists, psychology assistants, social workers, counselors, and other persons holding degrees qualifying them to provide therapy;

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(3) Costs of purchased nursing services;

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(4) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5124.03 of the Revised Code, for

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<u>personnel listed in divisions (L)(1), (2), and (3) of this</u>	109610
<u>section;</u>	109611
<u>(5) Costs of quality assurance;</u>	109612
<u>(6) Costs of consulting and management fees related to direct</u>	109613
<u>care;</u>	109614
<u>(7) Allocated direct care home office costs;</u>	109615
<u>(8) Costs of other direct-care resources that are specified</u>	109616
<u>as direct care costs in rules adopted under section 5124.03 of the</u>	109617
<u>Revised Code.</u>	109618
<u>(M) "Downsized ICF/IID" means an ICF/IID that permanently</u>	109619
<u>reduced its medicaid-certified capacity pursuant to a plan</u>	109620
<u>approved by the department of developmental disabilities under</u>	109621
<u>section 5123.042 of the Revised Code.</u>	109622
<u>(N) "Effective date of a change of operator" means the day</u>	109623
<u>the entering operator becomes the operator of the ICF/IID.</u>	109624
<u>(O) "Effective date of a facility closure" means the last day</u>	109625
<u>that the last of the residents of the ICF/IID resides in the</u>	109626
<u>ICF/IID.</u>	109627
<u>(P) "Effective date of an involuntary termination" means the</u>	109628
<u>date the department of medicaid terminates the operator's provider</u>	109629
<u>agreement for the ICF/IID or the last day that such a provider</u>	109630
<u>agreement is in effect when the department cancels or refuses to</u>	109631
<u>revalidate it.</u>	109632
<u>(O) "Effective date of a voluntary termination" means the day</u>	109633
<u>the ICF/IID ceases to accept medicaid recipients.</u>	109634
<u>(R) "Entering operator" means the person or government entity</u>	109635
<u>that will become the operator of an ICF/IID when a change of</u>	109636
<u>operator occurs or following an involuntary termination.</u>	109637
<u>(S) "Exiting operator" means any of the following:</u>	109638

<u>(1) An operator that will cease to be the operator of an ICF/IID on the effective date of a change of operator;</u>	109639
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<u>(2) An operator that will cease to be the operator of an ICF/IID on the effective date of a facility closure;</u>	109641
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<u>(3) An operator of an ICF/IID that is undergoing or has undergone a voluntary termination;</u>	109643
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<u>(4) An operator of an ICF/IID that is undergoing or has undergone an involuntary termination.</u>	109645
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<u>(T)(1) "Extensive renovation" means the following:</u>	109647
<u>(a) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:</u>	109648
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<u>(i) It was started before July 1, 1993;</u>	109650
<u>(ii) It meets the definition of "extensive renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992.</u>	109651
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<u>(b) An ICF/IID's betterment, improvement, or restoration to which all of the following apply:</u>	109654
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<u>(i) It was started on or after July 1, 1993;</u>	109656
<u>(ii) Except as provided in division (T)(2) of this section, it costs more than sixty-five per cent and not more than eighty-five per cent of the cost of constructing a new bed;</u>	109657
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<u>(iii) It extends the useful life of the assets for at least ten years.</u>	109660
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<u>(2) The department of developmental disabilities may treat a renovation that costs more than eighty-five per cent of the cost of constructing new beds as an extensive renovation if the department determines that the renovation is more prudent than construction of new beds.</u>	109662
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<u>(3) For the purpose of division (T)(1)(b)(ii) of this</u>	109667

section, the cost of constructing a new bed shall be considered to 109668
be forty thousand dollars, adjusted for the estimated rate of 109669
inflation from January 1, 1993, to the end of the calendar year 109670
during which the extensive renovation is completed, using the 109671
consumer price index for shelter costs for all urban consumers for 109672
the north central region, as published by the United States bureau 109673
of labor statistics. 109674

(U)(1) Subject to divisions (U)(2) and (3) of this section, 109675
"facility closure" means either of the following: 109676

(a) Discontinuance of the use of the building, or part of the 109677
building, that houses the facility as an ICF/IID that results in 109678
the relocation of all of the facility's residents; 109679

(b) Conversion of the building, or part of the building, that 109680
houses an ICF/IID to a different use with any necessary license or 109681
other approval needed for that use being obtained and one or more 109682
of the facility's residents remaining in the facility to receive 109683
services under the new use. 109684

(2) A facility closure occurs regardless of any of the 109685
following: 109686

(a) The operator completely or partially replacing the 109687
ICF/IID by constructing a new ICF/IID or transferring the 109688
ICF/IID's license to another ICF/IID; 109689

(b) The ICF/IID's residents relocating to another of the 109690
operator's ICFs/IID; 109691

(c) Any action the department of health takes regarding the 109692
ICF/IID's medicaid certification that may result in the transfer 109693
of part of the ICF/IID's survey findings to another of the 109694
operator's ICFs/IID; 109695

(d) Any action the department of developmental disabilities 109696
takes regarding the ICF/IID's license under section 5123.19 of the 109697

<u>Revised Code.</u>	109698
<u>(3) A facility closure does not occur if all of the ICF/IID's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the ICF/IID not later than thirty days after the evacuation occurs.</u>	109699 109700 109701 109702
<u>(V) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.</u>	109703 109704
<u>(W) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.</u>	109705 109706
<u>(X) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.</u>	109707 109708
<u>(Y) "ICF/IID services" has the same meaning as in 42 C.F.R. 440.150.</u>	109709 109710
<u>(Z)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/IID other than capital costs, direct care costs, and other protected costs. "Indirect care costs" includes costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repair expenses, help-wanted advertising, informational advertising, start-up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs, as specified in rules adopted under section 5124.03 of the Revised Code, for personnel listed in this division. Notwithstanding division (H) of</u>	109711 109712 109713 109714 109715 109716 109717 109718 109719 109720 109721 109722 109723 109724 109725 109726 109727 109728

this section, "indirect care costs" also means the cost of 109729
equipment, including vehicles, acquired by operating lease 109730
executed before December 1, 1992, if the costs are reported as 109731
administrative and general costs on the ICF/IID's cost report for 109732
the cost reporting period ending December 31, 1992. 109733

(2) For the purpose of division (Z)(1) of this section, an 109734
operating lease shall be construed in accordance with generally 109735
accepted accounting principles. 109736

(AA) "Inpatient days" means both of the following: 109737

(1) All days during which a resident, regardless of payment 109738
source, occupies a bed in an ICF/IID that is included in the 109739
ICF/IID's medicaid-certified capacity; 109740

(2) All days for which payment is made under section 5124.34 109741
of the Revised Code. 109742

(BB) "Intermediate care facility for individuals with 109743
disabilities" and "ICF/IID" mean an intermediate care facility for 109744
the mentally retarded as defined in the "Social Security Act," 109745
section 1905(d), 42 U.S.C. 1396d(d). 109746

(CC) "Involuntary termination" means the department of 109747
medicaid's termination of, cancellation of, or refusal to 109748
revalidate the operator's provider agreement for the ICF/IID when 109749
such action is not taken at the operator's request. 109750

(DD) "Maintenance and repair expenses" means, except as 109751
provided in division (TT)(2)(b) of this section, expenditures that 109752
are necessary and proper to maintain an asset in a normally 109753
efficient working condition and that do not extend the useful life 109754
of the asset two years or more. "Maintenance and repair expenses" 109755
includes the costs of ordinary repairs such as painting and 109756
wallpapering. 109757

(EE) "Medicaid-certified capacity" means the number of an 109758

ICF/IID's beds that are certified for participation in medicaid as 109759
ICF/IID beds. 109760

(FF) "Medicaid days" means both of the following: 109761

(1) All days during which a resident who is a medicaid 109762
recipient eligible for ICF/IID services occupies a bed in an 109763
ICF/IID that is included in the ICF/IID's medicaid-certified 109764
capacity; 109765

(2) All days for which payment is made under section 5124.34 109766
of the Revised Code. 109767

(GG)(1) "New ICF/IID" means an ICF/IID for which the provider 109768
obtains an initial provider agreement following the director of 109769
health's medicaid certification of the ICF/IID, including such an 109770
ICF/IID that replaces one or more ICFs/IID for which a provider 109771
previously held a provider agreement. 109772

(2) "New ICF/IID" does not mean either of the following: 109773

(a) An ICF/IID for which the entering operator seeks a 109774
provider agreement pursuant to section 5124.511 or 5124.512 or 109775
(pursuant to section 5124.515) section 5124.07 of the Revised 109776
Code; 109777

(b) A downsized ICF/IID or partially converted ICF/IID. 109778

(HH) "Nursing home" has the same meaning as in section 109779
3721.01 of the Revised Code. 109780

(II) "Operator" means the person or government entity 109781
responsible for the daily operating and management decisions for 109782
an ICF/IID. 109783

(JJ) "Other protected costs" means costs incurred by an 109784
ICF/MR for medical supplies; real estate, franchise, and property 109785
taxes; natural gas, fuel oil, water, electricity, sewage, and 109786
refuse and hazardous medical waste collection; allocated other 109787
protected home office costs; and any additional costs defined as 109788

other protected costs in rules adopted under section 5124.03 of 109789
the Revised Code. 109790

(KK)(1) "Owner" means any person or government entity that 109791
has at least five per cent ownership or interest, either directly, 109792
indirectly, or in any combination, in any of the following 109793
regarding an ICF/IID: 109794

(a) The land on which the ICF/IID is located; 109795

(b) The structure in which the ICF/IID is located; 109796

(c) Any mortgage, contract for deed, or other obligation 109797
secured in whole or in part by the land or structure on or in 109798
which the ICF/IID is located; 109799

(d) Any lease or sublease of the land or structure on or in 109800
which the ICF/IID is located. 109801

(2) "Owner" does not mean a holder of a debenture or bond 109802
related to an ICF/IID and purchased at public issue or a regulated 109803
lender that has made a loan related to the ICF/IID unless the 109804
holder or lender operates the ICF/IID directly or through a 109805
subsidiary. 109806

(LL) "Partially converted ICF/IID" means an ICF/IID that 109807
converted some, but not all, of its beds to providing home and 109808
community-based services under the individual options waiver 109809
pursuant to section 5124.60 or 5124.61 of the Revised Code. 109810

(MM)(1) Except as provided in divisions (MM)(2) and (3) of 109811
this section, "per diem" means an ICF/IID's desk-reviewed, actual, 109812
allowable costs in a given cost center in a cost reporting period, 109813
divided by the facility's inpatient days for that cost reporting 109814
period. 109815

(2) When determining capital costs for the purpose of section 109816
5124.17 of the Revised Code, "per diem" means an ICF/IID's actual, 109817
allowable capital costs in a cost-reporting period divided by the 109818

greater of the facility's inpatient days for that period or the 109819
number of inpatient days the ICF/IID would have had during that 109820
period if its occupancy rate had been ninety-five per cent. 109821

(3) When determining indirect care costs for the purpose of 109822
section 5124.21 of the Revised Code, "per diem" means an ICF/IID's 109823
actual, allowable indirect care costs in a cost-reporting period 109824
divided by the greater of the ICF/IID's inpatient days for that 109825
period or the number of inpatient days the ICF/IID would have had 109826
during that period if its occupancy rate had been eighty-five per 109827
cent. 109828

(NN) "Provider" means an operator with a valid provider 109829
agreement. 109830

(OO) "Provider agreement" means a provider agreement, as 109831
defined in section 5164.01 of the Revised Code, that is between 109832
the department of medicaid and the operator of an ICF/IID for the 109833
provision of ICF/IID services under the medicaid program. 109834

(PP) "Purchased nursing services" means services that are 109835
provided in an ICF/IID by registered nurses, licensed practical 109836
nurses, or nurse aides who are not employees of the ICF/IID. 109837

(OO) "Reasonable" means that a cost is an actual cost that is 109838
appropriate and helpful to develop and maintain the operation of 109839
resident care facilities and activities, including normal standby 109840
costs, and that does not exceed what a prudent buyer pays for a 109841
given item or services. Reasonable costs may vary from provider to 109842
provider and from time to time for the same provider. 109843

(RR) "Related party" means an individual or organization 109844
that, to a significant extent, has common ownership with, is 109845
associated or affiliated with, has control of, or is controlled 109846
by, a provider. 109847

(1) An individual who is a relative of an owner is a related 109848
party. 109849

(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property. 109850
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(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization. 109859
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(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met: 109862
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(a) The supplier is a separate bona fide organization. 109865

(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes. 109866
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(c) The types of goods or services are commonly obtained by other ICFs/IID from outside organizations and are not a basic element of resident care ordinarily furnished directly to residents by the ICFs/IID. 109870
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(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier. 109874
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(SS) "Relative of owner" means an individual who is related to an owner of an ICF/IID by one of the following relationships: 109878
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<u>(1) Spouse;</u>	109880
<u>(2) Natural parent, child, or sibling;</u>	109881
<u>(3) Adopted parent, child, or sibling;</u>	109882
<u>(4) Stepparent, stepchild, stepbrother, or stepsister;</u>	109883
<u>(5) Father-in-law, mother-in-law, son-in-law,</u>	109884
<u>daughter-in-law, brother-in-law, or sister-in-law;</u>	109885
<u>(6) Grandparent or grandchild;</u>	109886
<u>(7) Foster caregiver, foster child, foster brother, or foster</u>	109887
<u>sister.</u>	109888
<u>(TT)(1) "Renovation" means the following:</u>	109889
<u>(a) An ICF/IID's betterment, improvement, or restoration to</u>	109890
<u>which both of the following apply:</u>	109891
<u>(i) It was started before July 1, 1993;</u>	109892
<u>(ii) It meets the definition of "renovation" established in</u>	109893
<u>rules that were adopted by the director of job and family services</u>	109894
<u>and in effect on December 22, 1992.</u>	109895
<u>(b) An ICF/IID's betterment, improvement, or restoration to</u>	109896
<u>which both of the following apply:</u>	109897
<u>(i) It was started on or after July 1, 1993;</u>	109898
<u>(ii) It betters, improves, or restores the ICF/IID beyond its</u>	109899
<u>current functional capacity through a structural change that costs</u>	109900
<u>at least five hundred dollars per bed.</u>	109901
<u>(2) A renovation started on or after July 1, 1993, may</u>	109902
<u>include both of the following:</u>	109903
<u>(a) A betterment, improvement, restoration, or replacement of</u>	109904
<u>assets that are affixed to a building and have a useful life of at</u>	109905
<u>least five years;</u>	109906
<u>(b) Costs that otherwise would be considered maintenance and</u>	109907

repair expenses if they are an integral part of the structural 109908
change that makes up the renovation project. 109909

(3) "Renovation" does not mean construction of additional 109910
space for beds that will be added to an ICF/IID's licensed 109911
capacity or medicaid-certified capacity. 109912

(UU) "Residential facility" has the same meaning as in 109913
section 5123.19 of the Revised Code. 109914

(VV) "Sponsor" means an adult relative, friend, or guardian 109915
of an ICF/IID resident who has an interest or responsibility in 109916
the resident's welfare. 109917

(WW) "Title XIX" means Title XIX of the "Social Security 109918
Act," 42 U.S.C. 1396, et seq. 109919

(XX) "Title XVIII" means Title XVIII of the "Social Security 109920
Act," 42 U.S.C. 1395, et seq. 109921

(YY) "Voluntary termination" means an operator's voluntary 109922
election to terminate the participation of an ICF/IID in the 109923
medicaid program but to continue to provide service of the type 109924
provided by a residential facility as defined in section 5123.19 109925
of the Revised Code. 109926

Sec. 5111.226 5124.02. ~~Subject, if needed, to the approval of~~ 109927
~~the United States secretary of health and human services, the~~ 109928
~~The~~ department of ~~job and family services~~ medicaid shall enter into a 109929
contract with the department of developmental disabilities under 109930
section ~~5111.91~~ 5162.35 of the Revised Code that provides for the 109931
department of developmental disabilities to assume the powers and 109932
duties of the department of ~~job and family services~~ medicaid with 109933
regard to the medicaid program's coverage of ICF/IID services 109934
~~provided by intermediate care facilities for the mentally~~ 109935
~~retarded.~~ The contract shall include a schedule for the assumption 109936
of the powers and duties. The contract may provide for the 109937

department of medicaid to perform one or more duties of the 109938
department of developmental disabilities under sections 5124.50 to 109939
5124.53 of the Revised Code. Except as otherwise authorized by the 109940
United States secretary of health and human services, no provision 109941
of the contract may violate a federal law or regulation governing 109942
the medicaid program. ~~Once the contract goes into effect, all~~ 109943
~~references to the department of job and family services, and all~~ 109944
~~references to the director of job and family services, with regard~~ 109945
~~to intermediate care facilities for the mentally retarded that are~~ 109946
~~in law enacted by the general assembly shall be deemed to be~~ 109947
~~references to the department of developmental disabilities and~~ 109948
~~director of developmental disabilities, respectively, to the~~ 109949
~~extent necessary to implement the terms of the contract.~~ 109950

Sec. 5124.03. To the extent authorized by rules authorized by 109951
section 5162.021 of the Revised Code, the director of 109952
developmental disabilities shall adopt rules in accordance with 109953
Chapter 119. of the Revised Code as necessary to implement this 109954
chapter. 109955

Sec. 5124.05. The medicaid program shall cover ICF/IID 109956
services when all of the following apply: 109957

(A) The ICF/IID services are provided to a medicaid recipient 109958
eligible for the services. 109959

(B) The ICF/IID services are provided by an ICF/IID for which 109960
the provider has a valid provider agreement. 109961

(C) Federal financial participation is available for the 109962
ICF/IID services. 109963

Sec. 5124.06. (A) Subject to section 5124.072 of the Revised 109964
Code, an ICF/IID operator is eligible to enter into a provider 109965
agreement for an ICF/IID if all of the following apply: 109966

(1) The ICF/IID is certified by the director of health for participation in medicaid; 109967
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(2) The ICF/IID is licensed by the director of developmental disabilities as a residential facility; 109969
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(3) Subject to division (B) of this section, the operator and ICF/IID comply with all applicable state and federal statutes and rules. 109971
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(B) A state rule that requires an ICF/IID operator to have received approval of a plan for the proposed ICF/IID pursuant to section 5123.042 of the Revised Code as a condition of the operator being eligible to receive medicaid payments for ICF/IID services the ICF/IID provides does not apply if, under former section 5123.193 of the Revised Code as enacted by Am. Sub. H.B. 1 of the 128th general assembly or section 5123.197 of the Revised Code, a residential facility license was obtained or modified for the ICF/IID without obtaining approval of such a plan. 109974
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Sec. 5124.07. (A) Except as provided in section 5124.072 of the Revised Code, the department of medicaid shall enter into a provider agreement with an ICF/IID operator who applies, and is eligible, for the provider agreement. 109983
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(B) A provider agreement shall require the department of developmental disabilities, pursuant to its agreement with the department of medicaid under section 5124.02 of the Revised Code, to make medicaid payments to the provider in accordance with this chapter for ICF/IID services the ICF/IID provides to its residents who are medicaid recipients eligible for ICF/IID services. 109987
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(C) A provider agreement shall require the provider to do all of the following: 109993
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(1) Maintain eligibility for the provider agreement as provided in section 5124.06 of the Revised Code; 109995
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<u>(2) Keep records relating to a cost reporting period for the</u>	109997
<u>greater of seven years after the cost report is filed or, if the</u>	109998
<u>department of developmental disabilities issues an audit report in</u>	109999
<u>accordance with section 5124.109 of the Revised Code, six years</u>	110000
<u>after all appeal rights relating to the audit report are</u>	110001
<u>exhausted;</u>	110002
<u>(3) File reports as the department of developmental</u>	110003
<u>disabilities requires;</u>	110004
<u>(4) Open all records relating to the costs of the ICF/IID's</u>	110005
<u>services for inspection and audit by the department of</u>	110006
<u>developmental disabilities;</u>	110007
<u>(5) Open its premises for inspection by the department of</u>	110008
<u>developmental disabilities, department of health, and any other</u>	110009
<u>state or local authority having authority to inspect;</u>	110010
<u>(6) Supply to the department of developmental disabilities</u>	110011
<u>such information as it requires concerning the ICF/IID's services</u>	110012
<u>to residents who are, or are eligible to be, medicaid recipients;</u>	110013
<u>(7) Comply with section 5124.08 of the Revised Code.</u>	110014
<u>(D) A provider agreement may contain other provisions that</u>	110015
<u>are consistent with law and considered necessary by the department</u>	110016
<u>of medicaid or the department of developmental disabilities.</u>	110017
<u>Sec. 5124.071. An ICF/IID operator may enter into provider</u>	110018
<u>agreements for more than one ICF/IID.</u>	110019
<u>Sec. 5124.072. The department of medicaid shall not</u>	110020
<u>revalidate an ICF/IID provider agreement if the provider fails to</u>	110021
<u>maintain eligibility for the provider agreement as provided in</u>	110022
<u>section 5124.06 of the Revised Code.</u>	110023
<u>Sec. 5124.08. (A) Every provider agreement with an ICF/IID</u>	110024

provider shall do both of the following: 110025

(1) Except as provided by division (B) of this section, 110026
include any part of the ICF/IID that meets federal and state 110027
standards for medicaid certification; 110028

(2) Prohibit the provider from doing either of the following: 110029

(a) Discriminating against a resident on the basis of race, 110030
color, sex, creed, or national origin; 110031

(b) Subject to division (D) of this section, failing or 110032
refusing to do either of the following: 110033

(i) Admit as a resident of the ICF/IID an individual because 110034
the individual is, or may (as a resident of the ICF/IID) become, a 110035
medicaid recipient if less than eighty per cent of the ICF/IID's 110036
residents are medicaid recipients; 110037

(ii) Retain as a resident of the ICF/IID an individual 110038
because the individual is, or may (as a resident of the ICF/IID) 110039
become, a medicaid recipient. 110040

(B) Unless otherwise required by federal law, an ICF/IID bed 110041
is not required to be included in a provider agreement if the bed 110042
is designated for respite care under a medicaid waiver component 110043
operated pursuant to a waiver sought under section 5166.20 of the 110044
Revised Code. 110045

(C) For the purpose of division (A)(2)(b)(ii) of this 110046
section, a medicaid recipient who is a resident of an ICF/IID 110047
shall be considered a resident of the ICF/IID during any hospital 110048
stays totaling less than twenty-five days during any twelve-month 110049
period. A medicaid recipient identified by the department of 110050
developmental disabilities or its designee as requiring the level 110051
of care of an ICF/IID shall not be subject to a maximum period of 110052
absences during which the recipient is considered to be an ICF/IID 110053
resident if prior authorization of the department for visits with 110054

relatives and friends and participation in therapeutic programs is 110055
obtained in accordance with rules adopted under section 5124.03 of 110056
the Revised Code. 110057

(D) Nothing in this section shall bar a provider from doing 110058
any of the following: 110059

(1) If the provider is a religious organization operating a 110060
religious or denominational ICF/IID, giving preference to persons 110061
of the same religion or denomination; 110062

(2) Giving preference to persons with whom the provider has 110063
contracted to provide continuing care; 110064

(3) Retaining residents who have resided in the provider's 110065
ICF/IID for not less than one year as private pay residents and 110066
who subsequently become medicaid recipients but refusing to admit 110067
as a resident an individual who is, or may (as a resident of the 110068
ICF/IID) become, a medicaid recipient, if all of the following 110069
apply: 110070

(a) The provider does not refuse to retain a resident who has 110071
resided in the provider's ICF/IID for not less than one year as a 110072
private pay resident because the resident becomes a medicaid 110073
recipient, except as necessary to comply with division (D)(3)(b) 110074
of this section. 110075

(b) The number of medicaid recipients retained under division 110076
(D)(3) of this section does not at any time exceed ten per cent of 110077
all the ICF/IID's residents. 110078

(c) On July 1, 1980, all the ICF/IID's residents were private 110079
pay residents. 110080

(E) No provider shall violate the provider agreement 110081
obligations imposed by this section. 110082

Sec. 5124.081. An ICF/IID resident has a cause of action 110083
against the provider of the ICF/IID for breach of the provider 110084

agreement obligations or other duties imposed by section 5124.08 110085
of the Revised Code. The action may be commenced by the resident, 110086
or on the resident's behalf by the resident's sponsor, by the 110087
filing of a civil action in the court of common pleas of the 110088
county in which the ICF/IID is located or in the court of common 110089
pleas of Franklin county. 110090

If a court of common pleas finds that a provider has breached 110091
a provider agreement obligation or other duty imposed by section 110092
5124.08 of the Revised Code, the court may do one or more of the 110093
following: 110094

(A) Enjoin the provider from engaging in the practice; 110095

(B) Order such affirmative relief as may be necessary; 110096

(C) Award to a resident and a sponsor that brings the action 110097
on behalf of a resident actual damages, costs, and reasonable 110098
attorney's fees. 110099

Sec. 5124.10. (A) Except as provided in division (D) of this 110100
section and division (E)(2) of section 5124.101 of the Revised 110101
Code, each ICF/IID provider shall file with the department of 110102
developmental disabilities an annual cost report for each of the 110103
provider's ICFs/IID for which the provider has a valid provider 110104
agreement. The cost report for a year shall cover the calendar 110105
year or portion of the calendar year during which the ICF/IID 110106
participated in the medicaid program. Except as provided in 110107
division (E) of this section, the cost report is due not later 110108
than ninety days after the end of the calendar year, or portion of 110109
the calendar year, that the cost report covers. 110110

(B)(1) If an ICF/IID undergoes a change of provider that the 110111
department determines, in accordance with rules adopted under 110112
section 5124.03 of the Revised Code, is not an arms length 110113
transaction, the new provider shall file the ICF/IID's cost report 110114

in accordance with division (A) of this section and the cost 110115
report shall cover the portion of the calendar year during which 110116
the new provider operated the ICF/IID and the portion of the 110117
calendar year during which the previous provider operated the 110118
ICF/IID. 110119

(2) If an ICF/IID undergoes a change of provider that the 110120
department determines, in accordance with rules adopted under 110121
section 5124.03 of the Revised Code, is an arms length 110122
transaction, the new provider shall file with the department a 110123
cost report for the ICF/IID not later than, except as provided in 110124
division (E) of this section, ninety days after the end of the 110125
ICF/IID's first three full calendar months of operation under the 110126
new provider. The cost report shall cover the period that begins 110127
with the ICF/IID's first day of operation under the new provider 110128
and ends on the first day of the month immediately following the 110129
first three full months of operation under the new provider. 110130

(C) If the medicaid payment rate for a new ICF/IID was most 110131
recently determined in accordance with section 5124.151 of the 110132
Revised Code, the provider shall file with the department a cost 110133
report for the new ICF/IID not later than, except as provided in 110134
division (E) of this section, ninety days after the end of the new 110135
ICF/IID's first three full calendar months of operation. The cost 110136
report shall cover the period that begins with the ICF/IID's first 110137
day of operation and ends on the first day of the month 110138
immediately following the first three full months of operation. 110139

(D) An ICF/IID provider is not required to file a cost report 110140
for an ICF/IID for a calendar year in accordance with division (A) 110141
of this section if the provider files a cost report for the 110142
ICF/IID under division (B)(2) or (C) of this section and that cost 110143
report covers a period that begins after the first day of October 110144
of that calendar year. The provider shall file a cost report for 110145
the ICF/IID in accordance with division (A) of this section for 110146

the immediately following calendar year. 110147

(E) The department may grant to a provider a fourteen-day extension to file a cost report under this section or section 5124.101 of the Revised Code if the provider provides the department a written request for the extension and the department determines that there is good cause for the extension. 110148
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Sec. 5124.101. (A) The provider of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID or is a new ICF/IID on or after July 1, 2013, may file with the department of developmental disabilities a cost report covering the period specified in division (B) of this section if the following applies to the ICF/IID: 110153
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(1) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID, the ICF/IID has either of the following on the day it becomes a downsized ICF/IID or partially converted ICF/IID: 110159
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(a) A medicaid-certified capacity that is at least ten per cent less than its medicaid-certified capacity on the day immediately preceding the day it becomes a downsized ICF/IID or partially converted ICF/IID; 110163
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(b) At least five fewer beds certified as ICF/IID beds than it has on the day immediately preceding the day it becomes a downsized ICF/IID or partially converted ICF/IID. 110167
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(2) In the case of a new ICF/IID, the ICF/IID's beds are from a downsized ICF/IID and the downsized ICF/IID has either of the following on the day it becomes a downsized ICF/IID: 110170
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(a) A medicaid-certified capacity that is at least ten per cent less than its medicaid-certified capacity on the day immediately preceding the day it becomes a downsized ICF/IID; 110173
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(b) At least five fewer beds certified as ICF/IID beds than 110176

it has on the day immediately preceding the day it becomes a downsized ICF/IID. 110177
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(B) A cost report filed under division (A) of this section shall cover the period that begins and ends as follows: 110179
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(1) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID: 110181
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(a) The period begins with the day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID. 110183
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(b) The period ends on the last day of the last month of the first three full months of operation as a downsized ICF/IID or partially converted ICF/IID. 110185
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(2) In the case of a new ICF/IID: 110188

(a) The period begins with the day that the provider agreement for the ICF/IID takes effect. 110189
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(b) The period ends on the last day of the last month of the first three full months that the provider agreement is in effect. 110191
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(C) The department shall refuse to accept a cost report filed under division (A) of this section if either of the following apply: 110193
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(1) Except as provided in division (E) of section 5124.10 of the Revised Code, the provider fails to file the cost report with the department not later than ninety days after the last day of the period the cost report covers; 110196
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(2) The cost report is incomplete or inadequate. 110200

(D) If the department accepts a cost report filed under division (A) of this section, the department shall use that cost report, rather than the cost report that otherwise would be used pursuant to section 5124.17, 5124.19, 5124.21, or 5124.23 of the Revised Code, to determine the ICF/IID's medicaid payment rate in accordance with this chapter for ICF/IID services the ICF/IID 110201
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<u>provides during the period that begins and ends as follows:</u>	110207
<u>(1) The period begins on the following:</u>	110208
<u>(a) In the case of an ICF/IID that becomes a downsized</u>	110209
<u>ICF/IID or partially converted ICF/IID:</u>	110210
<u>(i) The day that the ICF/IID becomes a downsized ICF/IID or</u>	110211
<u>partially converted ICF/IID if that day is the first day of a</u>	110212
<u>month;</u>	110213
<u>(ii) The first day of the month immediately following the</u>	110214
<u>month that the ICF/IID becomes a downsized ICF/IID or partially</u>	110215
<u>converted ICF/IID if division (D)(1)(a)(i) of this section does</u>	110216
<u>not apply.</u>	110217
<u>(b) In the case of a new ICF/IID, the day that the ICF/IID's</u>	110218
<u>provider agreement takes effect.</u>	110219
<u>(2) The period ends on the last day of the fiscal year that</u>	110220
<u>immediately precedes the fiscal year for which the ICF/IID begins</u>	110221
<u>to be paid a rate determined using a cost report that division (E)</u>	110222
<u>of this section requires be filed in accordance with division (A)</u>	110223
<u>of section 5124.10 of the Revised Code.</u>	110224
<u>(E)(1) If the department accepts a cost report filed under</u>	110225
<u>division (A) of this section for an ICF/IID that becomes a</u>	110226
<u>downsized ICF/IID or partially converted ICF/IID on or before the</u>	110227
<u>first day of October of a calendar year, or for a new ICF/IID that</u>	110228
<u>has a provider agreement that takes effect on or before that date,</u>	110229
<u>the provider also shall file a cost report for the ICF/IID in</u>	110230
<u>accordance with division (A) of section 5124.10 of the Revised</u>	110231
<u>Code for the portion of that calendar year that the ICF/IID</u>	110232
<u>operated as a downsized ICF/IID or partially converted ICF/IID or,</u>	110233
<u>in the case of a new ICF/IID, for the portion that the provider</u>	110234
<u>agreement was in effect.</u>	110235
<u>(2) If the department accepts a cost report filed under</u>	110236

division (A) of this section for an ICF/IID that becomes a 110237
downsized ICF/IID or partially converted ICF/IID after the first 110238
day of October of a calendar year, or for a new ICF/IID that has a 110239
provider agreement that takes effect on or after that date, the 110240
provider is not required to file a cost report for that calendar 110241
year in accordance with division (A) of section 5124.10 of the 110242
Revised Code. The provider shall file a cost report for the 110243
ICF/IID in accordance with division (A) of section 5124.10 of the 110244
Revised Code for the immediately following calendar year. 110245

Sec. 5124.102. No ICF/IID provider shall report fines paid 110246
under section 5124.99 of the Revised Code in a cost report filed 110247
under section 5124.10, 5124.101, or 5124.522 of the Revised Code. 110248

Sec. 5124.103. Cost reports shall be completed using the form 110249
prescribed under section 5124.104 of the Revised Code and in 110250
accordance with the guidelines established under that section. 110251

Sec. 5124.104. The department of developmental disabilities 110252
shall do all of the following: 110253

(A) Prescribe the form to be used for completing a cost 110254
report and a uniform chart of accounts for the purpose of 110255
reporting costs on the form; 110256

(B) Distribute a paper copy of the form, or computer software 110257
for electronic submission of the form, to each provider at least 110258
sixty days before the date the cost report is due; 110259

(C) Establish guidelines for completing the form. 110260

Sec. 5124.105. The department of developmental disabilities 110261
shall develop an addendum to the cost report form that an ICF/IID 110262
provider may use to set forth costs that the provider believes the 110263
department may dispute. The department may consider such costs in 110264

determining an ICF/IID's medicaid payment rate. If the department 110265
does not consider such costs in determining an ICF/IID's medicaid 110266
payment rate, the provider may seek reconsideration of the 110267
determination in accordance with section 5124.38 of the Revised 110268
Code. If the department subsequently includes such costs in an 110269
ICF/IID's medicaid payment rate, the department shall pay the 110270
provider interest at a reasonable rate established in rules 110271
adopted under section 5124.03 of the Revised Code for the period 110272
that the rate excluded the costs. 110273

Sec. 5124.106. If an ICF/IID provider required by section 110274
5124.10 of the Revised Code to file a cost report for the ICF/IID 110275
fails to file the cost report by the date it is due or the date, 110276
if any, to which the due date is extended pursuant to division (E) 110277
of that section, or files an incomplete or inadequate report for 110278
the ICF/IID under that section, the department of developmental 110279
disabilities shall provide immediate written notice to the 110280
provider that the provider agreement for the ICF/IID will be 110281
terminated in thirty days unless the provider submits a complete 110282
and adequate cost report for the ICF/IID within thirty days. 110283
During the thirty-day termination period or any additional time 110284
allowed for an appeal of the proposed termination of a provider 110285
agreement, the provider shall be paid the ICF/IID's then current 110286
per medicaid day payment rate, minus the dollar amount by which 110287
ICFs/IID's per medicaid day payment rates are reduced during 110288
fiscal year 2013 in accordance with division (A)(2) of section 110289
5111.26 of the Revised Code (renumbered as section 5165.10 of the 110290
Revised Code by H.B. 59 of the 130th general assembly) as that 110291
section existed on the day immediately preceding the effective 110292
date of this section. On the first day of each July, the 110293
department shall adjust the amount of the reduction in effect 110294
during the previous twelve months to reflect the rate of inflation 110295

during the preceding twelve months, as shown in the consumer price index for all items for all urban consumers for the midwest region, published by the United States bureau of labor statistics. 110296
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Sec. 5124.107. (A) Except as provided in division (B) of this section and not later than three years after an ICF/IID provider files a cost report with the department of developmental disabilities under section 5124.10 or 5124.101 of the Revised Code, the provider may amend the cost report if the provider discovers a material error in the cost report or additional information to be included in the cost report. The department shall review the amended cost report for accuracy and notify the provider of its determination. 110299
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(B) An ICF/IID provider may not amend a cost report if the department has notified the provider that an audit of the cost report or a cost report of the provider for a subsequent cost reporting period is to be conducted under section 5124.109 of the Revised Code. The provider may, however, provide the department information that affects the costs included in the cost report. Such information may not be provided after the adjudication of the final settlement of the cost report. 110308
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Sec. 5124.108. The department of developmental disabilities shall conduct a desk review of all cost reports it receives under sections 5124.10, 5124.101, and 5124.522 of the Revised Code. Based on the desk review, the department shall make a preliminary determination of whether the reported costs are allowable costs. The department shall notify each ICF/IID provider of whether any of the reported costs are preliminarily determined not to be allowable costs, the medicaid payment rate determined under this chapter as a result of the determination regarding allowable costs, and the reasons for the determination and resulting rate. 110316
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The department shall allow the provider to verify the calculation 110326
and submit additional information. 110327

Sec. 5124.109. (A) The department of developmental 110328
disabilities may conduct an audit, as defined in rules adopted 110329
under section 5124.03 of the Revised Code, of any cost report 110330
filed under section 5124.10, 5124.101, or 5124.522 of the Revised 110331
Code. The decision whether to conduct an audit and the scope of 110332
the audit, which may be a desk or field audit, may be determined 110333
based on prior performance of the provider, a risk analysis, or 110334
other evidence that gives the department reason to believe that 110335
the provider has reported costs improperly. A desk or field audit 110336
may be performed annually, but is required whenever a provider 110337
does not pass the risk analysis tolerance factors. 110338

(B) Audits shall be conducted by auditors under contract with 110339
the department, auditors working for firms under contract with the 110340
department, or auditors employed by the department. 110341

The department may establish a contract for the auditing of 110342
ICFs/IID by outside firms. Each contract entered into by bidding 110343
shall be effective for one to two years. 110344

(C) The department shall notify a provider of the findings of 110345
an audit of a cost report by issuing an audit report. The 110346
department shall issue the audit report not later than three years 110347
after the earlier of the following: 110348

(1) The date the cost report is filed; 110349

(2) The date a desk or field audit of the cost report or a 110350
cost report for a subsequent cost reporting period is completed. 110351

(D) The department shall prepare a written summary of any 110352
audit disallowance that is made after the effective date of the 110353
rate that is based on the cost. Where the provider is pursuing 110354
judicial or administrative remedies in good faith regarding the 110355

disallowance, the department shall not withhold from the 110356
provider's current payments any amounts the department claims to 110357
be due from the provider pursuant to section 5124.41 of the 110358
Revised Code. 110359

(E)(1) The department shall establish an audit manual and 110360
program for field audits conducted under this section. Each 110361
auditor conducting a field audit under this section shall follow 110362
the audit manual and program, regardless of whether the auditor is 110363
under contract with the department, works for a firm under 110364
contract with the department, or is employed by the department. 110365
The manual and program shall do both of the following: 110366

(a) Require each field audit to be conducted by an auditor to 110367
whom all of the following apply: 110368

(i) During the period of the auditor's contract, firm's 110369
contract, or auditor's employment with the department, the auditor 110370
or firm does not have and is not committed to acquire any direct 110371
or indirect financial interest in the ownership, financing, or 110372
operation of ICFs/IID in this state. 110373

(ii) The auditor does not audit any provider that has been a 110374
client of the auditor or the auditor's firm. 110375

(iii) The auditor is otherwise independent as determined by 110376
the standards of independence included in the government auditing 110377
standards produced by the United States government accountability 110378
office. 110379

(b) Require each auditor conducting a field audit to do all 110380
of the following: 110381

(i) Comply with applicable rules prescribed pursuant to Title 110382
XIX; 110383

(ii) Consider generally accepted auditing standards 110384
prescribed by the American institute of certified public 110385

accountants; 110386

(iii) Include a written summary as to whether the costs 110387
included in the cost report examined during the audit are 110388
allowable and are presented in accordance with state and federal 110389
laws and regulations, and whether, in all material respects, 110390
allowable costs are documented, reasonable, and related to patient 110391
care; 110392

(iv) Complete the audit within the time period specified by 110393
the department; 110394

(v) Provide to the provider complete written interpretations 110395
that explain in detail the application of all relevant contract 110396
provisions, regulations, auditing standards, rate formulae, and 110397
departmental policies, with explanations and examples, that are 110398
sufficient to permit the provider to calculate with reasonable 110399
certainty those costs that are allowable and the rate to which the 110400
provider's ICF/IID is entitled. 110401

(2) For the purpose of division (E)(1)(a)(i) of this section, 110402
employment of a member of an auditor's family by an ICF/IID that 110403
the auditor does not audit does not constitute a direct or 110404
indirect financial interest in the ownership, financing, or 110405
operation of the ICF/IID. 110406

Sec. ~~5111.224~~ 5124.15. (A) Except as otherwise provided by 110407
sections ~~5111.20~~ 5124.151 to ~~5111.331~~ 5124.154 of the Revised Code 110408
and ~~by~~ division (B) of this section, the ~~payments~~ total per 110409
medicaid day payment rate that the department of ~~job and family~~ 110410
~~services~~ developmental disabilities shall ~~agree to make pay to the~~ 110411
~~an ICF/IID provider of an intermediate care facility for the~~ 110412
~~mentally retarded pursuant to a provider agreement for ICF/IID~~ 110413
services the provider's ICF/IID provides during a fiscal year 110414
shall equal the sum of all of the following: 110415

(1) <u>The per medicaid day payment rate for capital costs</u>	110416
<u>determined for the ICF/IID under section 5124.17 of the Revised</u>	110417
<u>Code;</u>	110418
(2) <u>The per medicaid day payment rate for direct care costs</u>	110419
<u>determined for the facility ICF/IID under section 5111.23 5124.19</u>	110420
<u>of the Revised Code;</u>	110421
(2) (3) <u>The per medicaid day payment rate for indirect care</u>	110422
<u>costs determined for the ICF/IID under section 5124.21 of the</u>	110423
<u>Revised Code;</u>	110424
(4) <u>The per medicaid day payment rate for other protected</u>	110425
<u>costs determined for the facility ICF/IID under section 5111.235</u>	110426
<u>5124.23 of the Revised Code;</u>	110427
(3) The rate for indirect care costs determined for the	110428
facility under section 5111.241 of the Revised Code;	110429
(4) The rate for capital costs determined for the facility	110430
under section 5111.251 of the Revised Code.	110431
(B) The department shall adjust the total rate otherwise	110432
determined under division (A) of this section as directed by the	110433
general assembly through the enactment of law governing medicaid	110434
payments to <u>ICF/IID</u> providers of intermediate care facilities for	110435
the mentally retarded.	110436
(C) <u>In addition to paying an ICF/IID provider the total rate</u>	110437
<u>determined for the provider's ICF/IID under divisions (A) and (B)</u>	110438
<u>of this section for a fiscal year, the department, in accordance</u>	110439
<u>with section 5124.25 of the Revised Code, may pay the provider a</u>	110440
<u>rate add-on for pediatric ventilator-dependent outlier ICF/IID</u>	110441
<u>services if the rate add-on is to be paid under that section and</u>	110442
<u>the department approves the provider's application for the rate</u>	110443
<u>add-on. The rate add-on is not to be part of the ICF/IID's total</u>	110444
<u>rate.</u>	110445

~~Sec. 5111.255 5124.151.~~ (A) ~~The department of job and family services shall establish initial rates for an intermediate care facility for the mentally retarded with a first date of licensure that is on or after January 1, 1993, including a facility that replaces one or more existing facilities, or for an intermediate care facility for the mentally retarded with a first date of licensure before that date that was initially certified for the medicaid program on or after that date, total per medicaid day payment rate determined under section 5124.15 of the Revised Code shall not be the initial rate for ICF/IID services provided by a new ICF/IID. Instead, the initial total per medicaid day payment rate for ICF/IID services provided by a new ICF/IID shall be determined~~ in the following manner:

(1) The initial rate for capital costs shall be determined under section 5124.17 of the Revised Code using the greater of the new ICF/IID's actual inpatient days or an imputed occupancy rate of eighty per cent.

(2) The initial rate for direct care costs shall be determined as follows:

(a) If there are no cost or resident assessment data for the new ICF/IID as necessary to ~~calculate~~ determine a rate under section ~~5111.23 5124.19~~ of the Revised Code, the rate shall be determined as follows:

(i) Determine the median cost per case-mix unit ~~calculated~~ under division (B)~~(1)~~ of ~~that~~ section 5124.19 of the Revised Code for the ~~relevant~~ new ICF/IID's peer group for the calendar year immediately preceding the fiscal year in which the rate will be paid, ~~multiplied;~~

(ii) Multiply the amount determined under division (A)(2)(a)(i) of this section by the median annual average case-mix score for the new ICF/IID's peer group for that period ~~and;~~

(iii) Adjust the product determined under division 110477
(A)(2)(a)(ii) of this section by the rate of inflation estimated 110478
under division (B)(3)(D) of that section 5124.19 of the Revised 110479
Code. This rate shall be recalculated to reflect the facility's 110480
actual quarterly average case mix score, in accordance with that 110481
section, after it submits its first quarterly assessment data that 110482
qualifies for use in calculating a case mix score in accordance 110483
with rules authorized by division (E) of section 5111.232 of the 110484
Revised Code. If the facility's first two quarterly submissions do 110485
not contain assessment data that qualifies for use in calculating 110486
a case mix score, the department shall continue to calculate the 110487
rate using the median annual case mix score for the peer group in 110488
lieu of an assigned quarterly case mix score. The department shall 110489
assign a case mix score or, if necessary, a cost per case mix unit 110490
under division (D) of section 5111.232 of the Revised Code for any 110491
subsequent submissions that do not contain assessment data that 110492
qualifies for use in calculating a case mix score. 110493

(b) If the facility new ICF/IID is a replacement facility 110494
ICF/IID and the facility ICF/IID or facilities ICFs/IID that are 110495
being replaced are in operation immediately before the replacement 110496
facility new ICF/IID opens, the rate shall be the same as the rate 110497
for the replaced facility ICF/IID or facilities ICFs/IID, 110498
proportionate to the number of ICF/IID beds in each replaced 110499
facility ICF/IID. ~~If one or more of the replaced facilities is~~ 110500

(c) If the new ICF/IID is a replacement ICF/IID and the 110501
ICF/IID or ICFs/IID that are being replaced are not in operation 110502
immediately before the replacement facility new ICF/IID opens, its 110503
~~proportion~~ the rate shall be determined under division 110504
(A)(1)(2)(a) of this section. 110505

(2)(3) The initial rate for indirect care costs shall be the 110506
maximum rate for the new ICF/IID's peer group as determined for 110507
the fiscal year in accordance with division (C) of section 5124.21 110508

of the Revised Code. 110509

(4) The initial rate for other protected costs shall be one 110510
hundred fifteen per cent of the median rate for ~~intermediate care~~ 110511
~~facilities for the mentally retarded~~ calculated ICFs/IID 110512
determined for the fiscal year under section ~~5111.235~~ 5124.23 of 110513
the Revised Code. 110514

~~(3) The rate for indirect care costs shall be the applicable~~ 110515
~~maximum rate for the facility's peer group as specified in~~ 110516
~~division (B) of section 5111.241 of the Revised Code.~~ 110517

~~(4) The rate for capital costs shall be determined under~~ 110518
~~section 5111.251 of the Revised Code using the greater of actual~~ 110519
~~inpatient days or an imputed occupancy rate of eighty per cent.~~ 110520

(B) The (1) Except as provided in division (B)(2) of this 110521
section, the department shall adjust ~~the rates established~~ a new 110522
ICF/IID's initial total per medicaid day payment rate determined 110523
under division (A) of this section at both of the following times: 110524
110525

~~(1) Effective effective the first day of July, to reflect new~~ 110526
~~rate calculations determinations for all facilities ICFs/IID under~~ 110527
~~sections 5111.20 to 5111.331 of the Revised Code;~~ 110528

~~(2) Following the provider's submission of the facility's~~ 110529
~~cost report under division (A)(1)(b) of section 5111.26 of the~~ 110530
~~Revised Code this chapter.~~ 110531

~~The department shall pay the rate adjusted based on the cost~~ 110532
~~report beginning the first day of the calendar quarter that begins~~ 110533
~~more than ninety days after the department receives the cost~~ 110534
~~report.~~ 110535

(2) If the department accepts, under division (A) of section 110536
5124.101 of the Revised Code, a cost report filed by the provider 110537
of a new ICF/IID, the department shall adjust the ICF/IID's 110538

initial total per medicaid day payment rate in accordance with 110539
divisions (D) and (E) of that section rather than division (B)(1) 110540
of this section. 110541

Sec. 5124.152. (A) The total per medicaid day payment rate 110542
determined under section 5124.15 of the Revised Code shall not be 110543
paid for ICF/IID services provided by an ICF/IID, or discrete unit 110544
of an ICF/IID, designated by the department of developmental 110545
disabilities as an outlier ICF/IID or unit. Instead, the provider 110546
of a designated outlier ICF/IID or unit shall be paid each fiscal 110547
year a total per medicaid day payment rate that the department 110548
shall prospectively determine in accordance with a methodology 110549
established in rules authorized by this section. 110550

(B) The department may designate an ICF/IID, or discrete unit 110551
of an ICF/IID, as an outlier ICF/IID or unit if the ICF/IID or 110552
unit serves residents who have either of the following: 110553

(1) Diagnoses or special care needs that require direct care 110554
resources that are not measured adequately by the resident 110555
assessment instrument specified in rules authorized by section 110556
5124.191 of the Revised Code; 110557

(2) Diagnoses or special care needs that are specified in 110558
rules authorized by this section as otherwise qualifying for 110559
consideration under this section. 110560

(C) Notwithstanding any other provision of this chapter, the 110561
costs incurred by a designated outlier ICF/IID or unit shall not 110562
be considered in establishing medicaid payment rates for other 110563
ICFs/IID or units. 110564

(D) The director of developmental disabilities shall adopt 110565
rules under section 5124.03 of the Revised Code as necessary to 110566
implement this section. 110567

(1)(a) The rules shall do both of the following: 110568

(i) Specify the criteria and procedures the department will apply when designating an ICF/IID, or discrete unit of an ICF/IID, as an outlier ICF/IID or unit; 110569
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(ii) Establish a methodology for prospectively determining the total per medicaid day payment rate that will be paid each fiscal year for ICF/IID services provided by a designated outlier ICF/IID or unit. 110572
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(b) The rules adopted under division (D)(1)(a)(i) of this section regarding the criteria for designating outlier ICFs/IID and units shall do both of the following: 110576
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(i) Provide for consideration of whether all of the allowable costs of an ICF/IID, or discrete unit of an ICF/IID, would be paid by the rate determined under section 5124.15 of the Revised Code; 110579
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110581

(ii) Specify the minimum number of ICF/IID beds that an ICF/IID, or discrete unit of an ICF/IID, must have to be designated an outlier ICF/IID or unit. 110582
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(c) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier ICFs/IID and units shall not limit the designation to ICFs/IID, or discrete units of ICFs/IID, located in large cities. 110585
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(d) The rules authorized by division (D)(1)(a)(ii) of this section regarding the methodology for prospectively determining the rates of designated outlier ICFs/IID and units shall provide for the methodology to consider the historical costs of providing ICF/IID services to the residents of designated outlier ICFs/IID and units. 110589
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(2)(a) The rules may do both of the following: 110595

(i) Include for designation as an outlier ICF/IID or unit, an ICF/IID, or discrete unit of an ICF/IID, that serves residents who have complex medical conditions or severe behavioral problems; 110596
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(ii) Require that a designated outlier ICF/IID or unit receive authorization from the department before admitting or retaining a resident. 110599
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(b) If the director adopts rules authorized by division (D)(2)(a)(ii) of this section regarding the authorization of a designated outlier ICF/IID or unit to admit or retain a resident, the rules shall specify the criteria and procedures the department will apply when granting the authorization. 110602
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Sec. 5124.153. (A) To the extent, if any, provided for in rules authorized by this section, the total per medicaid day payment rate determined under section 5124.15 of the Revised Code shall not be paid for ICF/IID services that an ICF/IID not designated as an outlier ICF/IID or unit provides to a resident who meets the criteria for admission to a designated outlier ICF/IID or unit, as specified in rules authorized by section 5124.152 of the Revised Code. Instead, the provider of an ICF/IID providing ICF/IID services to such a resident shall be paid each fiscal year a total per medicaid day payment rate that the department shall prospectively determine in accordance with a methodology established in rules authorized by this section. 110607
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(B) The director of developmental disabilities may adopt rules under section 5124.03 of the Revised Code to implement this section. The rules may require that an ICF/IID receive authorization from the department before admitting or retaining a resident who meets the criteria for admission to a designated outlier ICF/IID or unit. If the director adopts such rules, the rules shall specify the criteria and procedures the department will apply when granting the authorization. 110619
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Sec. ~~5111.291~~ 5124.154. Notwithstanding sections ~~5111.20 to 5111.331~~ of the Revised Code The department of developmental 110627
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~~disabilities is not required to pay the total per medicaid day~~ 110629
~~payment rates determined under section 5124.15 of the Revised Code~~ 110630
~~for ICF/IID services provided by developmental centers. Instead,~~ 110631
the department of ~~job and family services~~ may ~~compute~~ determine 110632
the ~~rate~~ medicaid payment rates for ~~intermediate care facilities~~ 110633
~~for the mentally retarded operated by the department of~~ 110634
~~developmental disabilities or the department of mental health~~ 110635
centers according to the reasonable cost principles of Title 110636
XVIII. 110637

Sec. ~~5111.251~~ 5124.17. (A) ~~The~~ For each fiscal year, the 110638
department of ~~job and family services~~ developmental disabilities 110639
shall ~~pay a provider for~~ determine each of the provider's eligible 110640
~~intermediate care facilities for the mentally retarded for its~~ 110641
~~reasonable capital costs, a ICF/IID's per resident per medicaid~~ 110642
~~day payment rate established prospectively each fiscal year for~~ 110643
~~each intermediate care facility for the mentally retarded for~~ 110644
reasonable capital costs. Except as otherwise provided in ~~sections~~ 110645
~~5111.20 to 5111.331 of the Revised Code~~ this chapter, the an 110646
ICF/IID's rate shall be determined prospectively and based on the 110647
facility's ICF/IID's capital costs for the calendar year preceding 110648
the fiscal year in which the rate will be paid. ~~The~~ Subject to 110649
section 5124.28, an ICF/IID's rate shall equal the sum of the 110650
following: 110651

(1) ~~The facility's ICF/IID's~~ ICF/IID's desk-reviewed, actual, 110652
allowable, per diem ~~cost~~ costs of ownership for the immediately 110653
preceding cost reporting period, limited as provided in divisions 110654
(B) and (C) and (F) of this section; 110655

(2) ~~Any efficiency incentive determined under division (B) of~~ 110656
~~this section;~~ 110657

~~(3) Any amounts for~~ The ICF/IID's per medicaid day payment 110658
for the ICF/IID's per diem capitalized costs of nonextensive 110659

renovations determined under division (D)(1) of this section if 110660
the ICF/IID qualifies for a payment for such costs as specified in 110661
division (D)(2) of this section; 110662

~~(4) Any amounts for (3) The ICF/IID's per medicaid day~~ 110663
~~efficiency incentive determined under division (E) of this~~ 110664
~~section;~~ 110665

~~(4) Until fiscal year 2015, the ICF/IID's return on net~~ 110666
~~equity determined under division (H)(F) of this section.~~ 110667

~~Buildings shall be depreciated using the straight line method~~ 110668
~~over forty years or over a different period approved by the~~ 110669
~~department. Components and equipment shall be depreciated using~~ 110670
~~the straight line method over a period designated by the director~~ 110671
~~of job and family services in rules adopted under section 5111.02~~ 110672
~~of the Revised Code, consistent with the guidelines of the~~ 110673
~~American hospital association, or over a different period approved~~ 110674
~~by the department of job and family services. Any rules authorized~~ 110675
~~by this division that specify useful lives of buildings,~~ 110676
~~components, or equipment apply only to assets acquired on or after~~ 110677
~~July 1, 1993. Depreciation for costs paid or reimbursed by any~~ 110678
~~government agency shall not be included in costs of ownership or~~ 110679
~~renovation unless that part of the payment under sections 5111.20~~ 110680
~~to 5111.331 of the Revised Code is used to reimburse the~~ 110681
~~government agency.~~ 110682

~~(B) The department of job and family services shall pay to a~~ 110683
~~provider for each of the provider's eligible intermediate care~~ 110684
~~facilities for the mentally retarded an efficiency incentive equal~~ 110685
~~to fifty per cent of the difference between any desk reviewed,~~ 110686
~~actual, allowable cost of ownership and the applicable limit on~~ 110687
~~cost of ownership payments under division (C) of this section. For~~ 110688
~~purposes of computing the efficiency incentive, depreciation for~~ 110689
~~costs paid or reimbursed by any government agency shall be~~ 110690
~~considered as a cost of ownership, and the applicable limit under~~ 110691

~~division (C) of this section shall apply both to facilities with more than eight beds and facilities with eight or fewer beds. The efficiency incentive paid to a provider for a facility with eight or fewer beds shall not exceed three dollars per patient day, adjusted annually for the inflation rate for the twelve month period beginning on the first day of July of the calendar year preceding the calendar year that precedes the fiscal year for which the efficiency incentive is determined and ending on the thirtieth day of the following June, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.~~

~~(C) Cost The costs of ownership payments per diem payment rates for intermediate care facilities for the mentally retarded ICFs/IID with more than eight beds shall not exceed the following limits:~~

~~(1) For facilities ICFs/IID with dates of licensure prior to January 1, 1958, not exceeding two dollars and fifty cents per patient day;~~

~~(2) For facilities ICFs/IID with dates of licensure after December 31, 1957, but prior to January 1, 1968, not exceeding:~~

~~(a) Three dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or more per bed;~~

~~(b) Two dollars and fifty cents per patient day if the cost of construction was less than three thousand five hundred dollars per bed.~~

~~(3) For facilities ICFs/IID with dates of licensure after December 31, 1967, but prior to January 1, 1976, not exceeding:~~

~~(a) Four dollars and fifty cents per patient day if the cost of construction was five thousand one hundred fifty dollars or~~

more per bed; 110723

(b) Three dollars and fifty cents ~~per patient day~~ if the cost 110724
of construction was less than five thousand one hundred fifty 110725
dollars per bed, but exceeds three thousand five hundred dollars 110726
per bed; 110727

(c) Two dollars and fifty cents ~~per patient day~~ if the cost 110728
of construction was three thousand five hundred dollars or less 110729
per bed. 110730

(4) For ~~facilities~~ ICFs/IID with dates of licensure after 110731
December 31, 1975, but prior to January 1, 1979, not exceeding: 110732

(a) Five dollars and fifty cents ~~per patient day~~ if the cost 110733
of construction was six thousand eight hundred dollars or more per 110734
bed; 110735

(b) Four dollars and fifty cents ~~per patient day~~ if the cost 110736
of construction was less than six thousand eight hundred dollars 110737
per bed but exceeds five thousand one hundred fifty dollars per 110738
bed; 110739

(c) Three dollars and fifty cents ~~per patient day~~ if the cost 110740
of construction was five thousand one hundred fifty dollars or 110741
less per bed, but exceeds three thousand five hundred dollars per 110742
bed; 110743

(d) Two dollars and fifty cents ~~per patient day~~ if the cost 110744
of construction was three thousand five hundred dollars or less 110745
per bed. 110746

(5) For ~~facilities~~ ICFs/IID with dates of licensure after 110747
December 31, 1978, but prior to January 1, 1980, not exceeding: 110748

(a) Six dollars ~~per patient day~~ if the cost of construction 110749
was seven thousand six hundred twenty-five dollars or more per 110750
bed; 110751

(b) Five dollars and fifty cents ~~per patient day~~ if the cost 110752

of construction was less than seven thousand six hundred 110753
twenty-five dollars per bed but exceeds six thousand eight hundred 110754
dollars per bed; 110755

(c) Four dollars and fifty cents ~~per patient day~~ if the cost 110756
of construction was six thousand eight hundred dollars or less per 110757
bed but exceeds five thousand one hundred fifty dollars per bed; 110758

(d) Three dollars and fifty cents ~~per patient day~~ if the cost 110759
of construction was five thousand one hundred fifty dollars or 110760
less but exceeds three thousand five hundred dollars per bed; 110761

(e) Two dollars and fifty cents ~~per patient day~~ if the cost 110762
of construction was three thousand five hundred dollars or less 110763
per bed. 110764

(6) For ~~facilities~~ ICFs/IID with dates of licensure after 110765
December 31, 1979, but prior to January 1, 1981, not exceeding: 110766

(a) Twelve dollars ~~per patient day~~ if the beds were 110767
originally licensed as residential facility beds by the department 110768
of developmental disabilities; 110769

(b) Six dollars ~~per patient day~~ if the beds were originally 110770
licensed as nursing home beds by the department of health. 110771

(7) For ~~facilities~~ ICFs/IID with dates of licensure after 110772
December 31, 1980, but prior to January 1, 1982, not exceeding: 110773

(a) Twelve dollars ~~per patient day~~ if the beds were 110774
originally licensed as residential facility beds by the department 110775
of developmental disabilities; 110776

(b) Six dollars and forty-five cents ~~per patient day~~ if the 110777
beds were originally licensed as nursing home beds by the 110778
department of health. 110779

(8) For ~~facilities~~ ICFs/IID with dates of licensure after 110780
December 31, 1981, but prior to January 1, 1983, not exceeding: 110781

(a) Twelve dollars ~~per patient day~~ if the beds were 110782

originally licensed as residential facility beds by the department 110783
of developmental disabilities; 110784

(b) Six dollars and seventy-nine cents ~~per patient day~~ if the 110785
beds were originally licensed as nursing home beds by the 110786
department of health. 110787

(9) For ~~facilities~~ ICFs/IID with dates of licensure after 110788
December 31, 1982, but prior to January 1, 1984, not exceeding: 110789

(a) Twelve dollars ~~per patient day~~ if the beds were 110790
originally licensed as residential facility beds by the department 110791
of developmental disabilities; 110792

(b) Seven dollars and nine cents ~~per patient day~~ if the beds 110793
were originally licensed as nursing home beds by the department of 110794
health. 110795

(10) For ~~facilities~~ ICFs/IID with dates of licensure after 110796
December 31, 1983, but prior to January 1, 1985, not exceeding: 110797

(a) Twelve dollars and twenty-four cents ~~per patient day~~ if 110798
the beds were originally licensed as residential facility beds by 110799
the department of developmental disabilities; 110800

(b) Seven dollars and twenty-three cents ~~per patient day~~ if 110801
the beds were originally licensed as nursing home beds by the 110802
department of health. 110803

(11) For ~~facilities~~ ICFs/IID with dates of licensure after 110804
December 31, 1984, but prior to January 1, 1986, not exceeding: 110805

(a) Twelve dollars and fifty-three cents ~~per patient day~~ if 110806
the beds were originally licensed as residential facility beds by 110807
the department of developmental disabilities; 110808

(b) Seven dollars and forty cents ~~per patient day~~ if the beds 110809
were originally licensed as nursing home beds by the department of 110810
health. 110811

(12) For ~~facilities~~ ICFs/IID with dates of licensure after 110812

December 31, 1985, but prior to January 1, 1987, not exceeding: 110813

(a) Twelve dollars and seventy cents ~~per patient day~~ if the 110814
beds were originally licensed as residential facility beds by the 110815
department of developmental disabilities; 110816

(b) Seven dollars and fifty cents ~~per patient day~~ if the beds 110817
were originally licensed as nursing home beds by the department of 110818
health. 110819

(13) For ~~facilities~~ ICFs/IID with dates of licensure after 110820
December 31, 1986, but prior to January 1, 1988, not exceeding: 110821

(a) Twelve dollars and ninety-nine cents ~~per patient day~~ if 110822
the beds were originally licensed as residential facility beds by 110823
the department of developmental disabilities; 110824

(b) Seven dollars and sixty-seven cents ~~per patient day~~ if 110825
the beds were originally licensed as nursing home beds by the 110826
department of health. 110827

(14) For ~~facilities~~ ICFs/IID with dates of licensure after 110828
December 31, 1987, but prior to January 1, 1989, not exceeding 110829
thirteen dollars and twenty-six cents ~~per patient day~~; 110830

(15) For ~~facilities~~ ICFs/IID with dates of licensure after 110831
December 31, 1988, but prior to January 1, 1990, not exceeding 110832
thirteen dollars and forty-six cents ~~per patient day~~; 110833

(16) For ~~facilities~~ ICFs/IID with dates of licensure after 110834
December 31, 1989, but prior to January 1, 1991, not exceeding 110835
thirteen dollars and sixty cents ~~per patient day~~; 110836

(17) For ~~facilities~~ ICFs/IID with dates of licensure after 110837
December 31, 1990, but prior to January 1, 1992, not exceeding 110838
thirteen dollars and forty-nine cents ~~per patient day~~; 110839

(18) For ~~facilities~~ ICFs/IID with dates of licensure after 110840
December 31, 1991, but prior to January 1, 1993, not exceeding 110841
thirteen dollars and sixty-seven cents ~~per patient day~~; 110842

(19) For ~~facilities~~ ICFs/IID with dates of licensure after 110843
December 31, 1992, not exceeding fourteen dollars and twenty-eight 110844
cents ~~per patient day~~. 110845

(C)(1) The costs of ownership per diem payment rate for an 110846
ICF/IID with eight or fewer beds shall not exceed the following 110847
limits: 110848

(a) Eighteen dollars and thirty cents as adjusted for 110849
inflation pursuant to division (C)(2) of this section if any of 110850
the following apply to the ICF/IID: 110851

(i) The ICF/IID has a date of licensure, or was granted 110852
project authorization by the department of developmental 110853
disabilities, before July 1, 1993. 110854

(ii) The ICF/IID has a date of licensure, or was granted 110855
project authorization by the department, on or after July 1, 1993, 110856
and the provider demonstrates that the provider made substantial 110857
commitments of funds for the ICF/IID before that date. 110858

(iii) The ICF/IID has a date of licensure, or was granted 110859
project authorization by the department, on or after July 1, 1993, 110860
the provider made no substantial commitment of funds for the 110861
ICF/IID before that date, and the department of job and family 110862
services or department of developmental disabilities gave prior 110863
approval for the ICF/IID's construction. 110864

(b) If division (C)(1)(a) of this section does not apply to 110865
the ICF/IID, the amount that would apply to the ICF/IID under 110866
division (B) of this section if it had more than eight beds. 110867

(2) The eighteen-dollar and thirty-cent payment rate 110868
specified in division (C)(1)(a) of this section shall be increased 110869
as follows: 110870

(a) For the period beginning June 30, 1990, and ending July 110871
1, 1993, by the change in the "Dodge building cost indexes, 110872

northeastern and north central states," published by Marshall and 110873
Swift; 110874

(b) For each fiscal year thereafter, in accordance with 110875
division (G) of this section. 110876

(D)(1) Beginning January 1, 1981, regardless of the original 110877
date of licensure, the ~~department of job and family services shall~~ 110878
~~pay a payment~~ rate for the per diem capitalized costs of 110879
~~nonextensive~~ renovations to ~~intermediate care facilities for the~~ 110880
~~mentally retarded~~ made after January 1, 1981, to a qualifying 110881
ICF/IID, shall not exceeding exceed six dollars per ~~patient~~ 110882
medicaid day using 1980 as the base year and adjusting the amount 110883
annually until June 30, 1993, for fluctuations in construction 110884
costs calculated by the department using the "Dodge building cost 110885
indexes, northeastern and north central states," published by 110886
Marshall and Swift. The payment rate shall be further adjusted in 110887
accordance with division (G) of this section. The payment provided 110888
for in this division is the only payment that shall be made for 110889
~~the an ICF/IID's~~ capitalized costs of a nonextensive ~~renovation of~~ 110890
~~an intermediate care facility for the mentally retarded~~ 110891
renovations. Nonextensive renovation costs Costs of nonextensive 110892
renovations shall not be included in ~~cost~~ costs of ownership, and 110893
a ~~nonextensive renovation~~ shall not affect the date of licensure 110894
for purposes of division (B) or (C) of this section. This division 110895
applies to nonextensive renovations regardless of whether they are 110896
made by an owner or a lessee. If the tenancy of a lessee that has 110897
made nonextensive renovations ends before the depreciation expense 110898
for the ~~renovation~~ costs of nonextensive renovations has been 110899
fully reported, the former lessee shall not report the 110900
undepreciated balance as an expense. 110901

~~For a nonextensive renovation to qualify~~ (2) An ICF/IID 110902
qualifies for a payment under this division, both for costs of 110903
nonextensive renovations if all of the following conditions must 110904

~~be met~~ apply: 110905

~~(1)~~(a) Either of the following applies: 110906

(i) The ICF/IID has more than eight beds and either the 110907
department approved the nonextensive renovation before July 1, 110908
2013, or the nonextensive renovation is part of a project that 110909
results in the ICF/IID becoming a downsized ICF/IID or partially 110910
converted ICF/IID. 110911

(ii) The ICF/IID has eight or fewer beds. 110912

(b) At least five years have elapsed since the ICF/IID's date 110913
of licensure or date of an extensive renovation of the portion of 110914
the ~~facility~~ ICF/IID that is proposed to be nonextensively 110915
renovated, ~~except that this condition does not apply if unless~~ the 110916
nonextensive renovation is necessary to meet the requirements of 110917
federal, state, or local statutes, ordinances, rules, or policies. 110918

~~(2)~~(c) The provider has obtained prior approval from the 110919
department of job and family services. The provider shall submit 110920
of the ICF/IID does both of the following: 110921

(i) Submits to the department a plan that describes in detail 110922
the changes in capital assets to be accomplished by means of the 110923
nonextensive renovation and the timetable for completing the 110924
project. ~~The time for completion of the project, which~~ shall be ~~no~~ 110925
not more than eighteen months after the nonextensive renovation 110926
begins; 110927

(ii) Obtains prior approval from the department for the 110928
nonextensive renovation. The 110929

(3) The director of ~~job and family services~~ developmental 110930
disabilities shall adopt rules under section ~~5111.02~~ 5124.03 of 110931
the Revised Code that specify criteria and procedures for prior 110932
approval of nonextensive renovation and extensive renovation 110933
projects. No provider shall separate a project with the intent to 110934

evade the characterization of the project as a nonextensive 110935
renovation or as an extensive renovation. No provider shall 110936
increase the scope of a project after it is approved by the 110937
department ~~of job and family services~~ unless the increase in scope 110938
is approved by the department. 110939

(E)(1) Subject to division (E)(2) of this section, an 110940
ICF/IID's per medicaid day efficiency incentive payment rate shall 110941
equal the following percentage of the difference between the 110942
ICF/IID's desk-reviewed, actual, allowable per diem costs of 110943
ownership and the applicable limit on costs of ownership payment 110944
rates established by division (B) of this section: 110945

(a) In the case of an ICF/IID with more than eight beds, the 110946
following percentage: 110947

(i) Fifty per cent for fiscal year 2014; 110948

(ii) Fifty per cent for fiscal year 2015 and each fiscal year 110949
thereafter if the provider of the ICF/IID obtains the department's 110950
approval to become a downsized ICF/IID and the approval is 110951
conditioned on the downsizing being completed not later than July 110952
1, 2018; 110953

(iii) Twenty-five per cent; 110954

(b) In the case of an ICF/IID with eight or fewer beds, fifty 110955
per cent. 110956

(2) The efficiency incentive payment rate for an ICF/IID with 110957
eight or fewer beds shall not exceed three dollars per medicaid 110958
day, adjusted annually in accordance with division (G) of this 110959
section. For the purpose of determining an ICF/IID's efficiency 110960
incentive payment rate, both of the following apply: 110961

(a) Depreciation for costs paid or reimbursed by any 110962
government agency shall be considered as a cost of ownership; 110963

(b) The applicable limit under division (B) of this section 110964

shall apply both to ICFs/IID with more than eight beds and 110965
ICFs/IID with eight or fewer beds. 110966

(F) An ICF/IID's return on net equity shall be determined at 110967
the rate of one and one-half times the average of interest rates 110968
on special issues of public debt obligations issued to the federal 110969
hospital insurance trust fund for the cost reporting period. In 110970
determining an ICF/IID's rate for return on net equity, the 110971
department shall use the greater of the ICF/IID's inpatient days 110972
during the applicable cost reporting period or the number of 110973
inpatient days the ICF/IID would have had during that period if 110974
the ICF/IID's occupancy rate had been ninety-five per cent. No 110975
ICF/IID's rate for return on net equity shall exceed one dollar 110976
per medicaid day. No ICF/IID's rate for capital costs shall 110977
include a rate for return on net equity beginning July 1, 2014. 110978

(G) The amounts specified in divisions (B), (C) and (D), and 110979
(E) of this section shall be adjusted beginning July 1, 1993, for 110980
the estimated inflation rate for the twelve-month period beginning 110981
on the first day of July of the calendar year immediately 110982
preceding the calendar year that immediately precedes the fiscal 110983
year for which rate will be paid and ending on the thirtieth day 110984
of the following June, using the consumer price index for shelter 110985
costs for all urban consumers for the north-central midwest 110986
region, as published by the United States bureau of labor 110987
statistics. 110988

~~(F)(1) For facilities of eight or fewer beds that have dates~~ 110989
~~of licensure or have been granted project authorization by the~~ 110990
~~department of developmental disabilities before July 1, 1993, and~~ 110991
~~for facilities of eight or fewer beds that have dates of licensure~~ 110992
~~or have been granted project authorization after that date if the~~ 110993
~~providers of the facilities demonstrate that they made substantial~~ 110994
~~commitments of funds on or before that date, cost of ownership~~ 110995
~~shall not exceed eighteen dollars and thirty cents per resident~~ 110996

~~per day. The eighteen dollar and thirty cent amount shall be increased by the change in the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift, during the period beginning June 30, 1990, and ending July 1, 1993, and by the change in the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics, annually thereafter.~~

~~(2) For facilities with eight or fewer beds that have dates of licensure or have been granted project authorization by the department of developmental disabilities on or after July 1, 1993, for which substantial commitments of funds were not made before that date, cost of ownership payments shall not exceed the applicable amount calculated under division (F)(1) of this section, if the department of job and family services gives prior approval for construction of the facility. If the department does not give prior approval, cost of ownership payments shall not exceed the amount specified in division (C) of this section.~~

~~(3)(H) Notwithstanding divisions (C) and (D) and (F)(1) and (2) of this section, the total payment rate for cost costs of ownership, cost of ownership efficiency incentive, and capitalized costs of nonextensive renovations, and the efficiency incentive for an intermediate care facility for the mentally retarded ICF/IID with eight or fewer beds shall not exceed the sum of the limitations specified in divisions (C) and (D) of this section.~~

~~(G) Notwithstanding any provision of this section or section 5111.241 of the Revised Code, the director of job and family services may adopt rules under section 5111.02 of the Revised Code that provide for a calculation of a combined maximum payment limit for indirect care costs and cost of ownership for intermediate care facilities for the mentally retarded with eight or fewer beds.~~

~~(H) The department of job and family services shall pay a provider for each of the provider's eligible proprietary intermediate care facilities for the mentally retarded a return on the facility's net equity computed at the rate of one and one half times the average of interest rates on special issues of public debt obligations issued to the federal hospital insurance trust fund for the cost reporting period. No facility's return on net equity paid under this division shall exceed one dollar per patient day.~~

~~In calculating the rate for return on net equity, the department shall use the greater of the facility's inpatient days during the applicable cost reporting period or the number of inpatient days the facility would have had during that period if its occupancy rate had been ninety five per cent.~~

(I)(1) For the purpose of determining ICFs/IID's medicaid payment rates for capital costs:

(a) Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department.

(b) Components and equipment shall be depreciated using the straight line method over a period designated by the director of developmental disabilities in rules adopted under section 5124.03 of the Revised Code, consistent with the guidelines of the American hospital association, or over a different period approved by the department.

(2) Any rules authorized by division (I)(1) of this section that specify useful lives of buildings, components, or equipment apply only to assets acquired on or after July 1, 1993. Depreciation for costs paid or reimbursed by any government agency shall not be included in costs of ownership or costs of nonextensive renovations unless that part of the payment under

this chapter is used to reimburse the government agency. 111060

(J)(1) Except as provided in division ~~(I)~~(J)(2) of this 111061
section, if a provider leases or transfers an interest in a 111062
~~facility~~ an ICF/IID to another provider who is a related party, 111063
the related party's allowable ~~cost~~ costs of ownership shall 111064
include the lesser of the following: 111065

(a) The annual lease expense or actual cost of ownership, 111066
whichever is applicable; 111067

(b) The reasonable cost to the lessor or provider making the 111068
transfer. 111069

(2) If a provider leases or transfers an interest in a 111070
~~facility~~ an ICF/IID to another provider who is a related party, 111071
regardless of the date of the lease or transfer, the related 111072
party's allowable cost of ownership shall include the annual lease 111073
expense or actual cost of ownership, whichever is applicable, 111074
subject to the limitations specified in divisions (B) to ~~(H)~~(I) of 111075
this section, if all of the following conditions are met: 111076

(a) The related party is a relative of owner; 111077

(b) In the case of a lease, if the lessor retains any 111078
ownership interest, it is, except as provided in division 111079
~~(I)~~(J)(2)(d)(ii) of this section, in only the real property and 111080
any improvements on the real property; 111081

(c) In the case of a transfer, the provider making the 111082
transfer retains, except as provided in division ~~(I)~~(J)(2)(d)(iv) 111083
of this section, no ownership interest in the ~~facility~~ ICF/IID; 111084

(d) The department ~~of job and family services~~ determines that 111085
the lease or transfer is an arm's length transaction pursuant to 111086
rules adopted under section ~~5111.02~~ 5124.03 of the Revised Code. 111087
The rules shall provide that a lease or transfer is an arm's 111088
length transaction if all of the following, as applicable, apply: 111089

(i) In the case of a lease, once the lease goes into effect, 111090
the lessor has no direct or indirect interest in the lessee or, 111091
except as provided in division ~~(I)~~(J)(2)(b) of this section, the 111092
~~facility~~ ICF/IID itself, including interest as an owner, officer, 111093
director, employee, independent contractor, or consultant, but 111094
excluding interest as a lessor. 111095

(ii) In the case of a lease, the lessor does not reacquire an 111096
interest in the ~~facility~~ ICF/IID except through the exercise of a 111097
lessor's rights in the event of a default. If the lessor 111098
reacquires an interest in the ~~facility~~ ICF/IID in this manner, the 111099
department shall treat the ~~facility~~ ICF/IID as if the lease never 111100
occurred when the department ~~calculates~~ determines its 111101
~~reimbursement rates~~ payment rate for capital costs. 111102

(iii) In the case of a transfer, once the transfer goes into 111103
effect, the provider that made the transfer has no direct or 111104
indirect interest in the provider that acquires the ~~facility~~ 111105
ICF/IID or the ~~facility~~ ICF/IID itself, including interest as an 111106
owner, officer, director, employee, independent contractor, or 111107
consultant, but excluding interest as a creditor. 111108

(iv) In the case of a transfer, the provider that made the 111109
transfer does not reacquire an interest in the ~~facility~~ ICF/IID 111110
except through the exercise of a creditor's rights in the event of 111111
a default. If the provider reacquires an interest in the ~~facility~~ 111112
ICF/IID in this manner, the department shall treat the ~~facility~~ 111113
ICF/IID as if the transfer never occurred when the department 111114
~~calculates~~ determines its ~~reimbursement rates~~ payment rate for 111115
capital costs. 111116

(v) The lease or transfer satisfies any other criteria 111117
specified in the rules. 111118

(e) Except in the case of hardship caused by a catastrophic 111119
event, as determined by the department, or in the case of a lessor 111120

or provider making the transfer who is at least sixty-five years 111121
of age, not less than twenty years have elapsed since, for the 111122
same ~~facility~~ ICF/IID, allowable cost of ownership was determined 111123
most recently under this division. 111124

Sec. ~~5111.23~~ 5124.19. (A) ~~The~~ (1) For each fiscal year, the 111125
~~department of job and family services~~ developmental disabilities 111126
~~shall pay a provider for~~ determine each of the provider's eligible 111127
~~intermediate care facilities for the mentally retarded a~~ ICF/IID's 111128
~~per resident per medicaid day payment~~ rate for direct care costs 111129
~~established prospectively for each facility. The department shall~~ 111130
~~establish each facility's rate for direct care costs quarterly as~~ 111131
follows: 111132

(a) Multiply the lesser of the following by the ICF/IID's 111133
annual average case-mix score determined or assigned under section 111134
5124.192 of the Revised Code for the calendar year immediately 111135
preceding the fiscal year for which the rate will be paid: 111136

(i) The ICF/IID's cost per case-mix unit for the calendar 111137
year immediately preceding the fiscal year for which the rate will 111138
be paid, as determined under division (B) of this section; 111139

(ii) The maximum cost per case-mix unit for the ICF/IID's 111140
peer group for the fiscal year for which the rate will be paid, as 111141
set under division (C) of this section; 111142

(b) Adjust the product determined under division (A)(1)(a) of 111143
this section by the inflation rate estimated under division (D)(1) 111144
of this section and modified under division (D)(2) of this 111145
section. 111146

(2) Except as otherwise directed by law enacted by the 111147
general assembly, the department shall determine each ICF/IID's 111148
rate for direct care costs prospectively. 111149

~~(B) Each facility's rate for direct care costs shall be based~~ 111150

~~on the facility's cost per case mix unit, subject to the maximum 111151
costs per case mix unit established under division (B)(2) of this 111152
section, from the calendar year preceding the fiscal year in which 111153
the rate is paid. To determine the rate, the department shall do 111154
all of the following: 111155~~

~~(1) Determine each facility's an ICF/IID's cost per case-mix 111156
unit for the calendar year immediately preceding the fiscal year 111157
in which the rate will be paid by dividing, the facility's 111158
department shall divide the ICF/IID's desk-reviewed, actual, 111159
allowable, per diem direct care costs for that calendar year by 111160
its annual average case-mix score determined under section 111161
5111.232 5124.192 of the Revised Code for the same calendar year. 111162~~

~~(2)(a) Set (C)(1) For each fiscal year for which a rate will 111163
be paid, the department shall set the maximum cost per case-mix 111164
unit for each peer group of intermediate care facilities for the 111165
mentally retarded ICFs/IID with more than eight beds specified in 111166
rules adopted under division (F) of this section at a percentage 111167
above the cost per case-mix unit of determined under division (B) 111168
of this section for the facility ICF/IID in the peer group that 111169
has the peer group's median number of medicaid ~~day~~ days for the 111170
calendar year immediately preceding the fiscal year in which the 111171
rate will be paid, as calculated under division (B)(1) of this 111172
section, that is. The percentage shall be no less than the 111173
percentage ealculated under division (E)(2) of this section above 111174
the cost per case-mix unit determined under division (B) of this 111175
section for the ICF/IID that has the median number of medicaid 111176
days for calendar year 1992 for all ICFs/IID with more than eight 111177
beds that would result in payment of all desk-reviewed, actual, 111178
allowable direct care costs for eighty and one-half per cent of 111179
the medicaid days for such ICFs/IID for calendar year 1992. 111180~~

~~(b) Set (2) For each fiscal year for which a rate will be 111181
paid, the department shall set the maximum cost per case-mix unit 111182~~

for each peer group of ~~intermediate care facilities for the~~ 111183
~~mentally retarded ICFs/IID~~ with eight or fewer beds ~~specified in~~ 111184
~~rules adopted under division (F) of this section~~ at a percentage 111185
above the cost per case-mix unit ~~of~~ determined under division (B) 111186
of this section for the facility ICF/IID in the peer group that 111187
has the peer group's median number of medicaid day days for the 111188
calendar year immediately preceding the fiscal year in which the 111189
rate will be paid, ~~as calculated under division (B)(1) of this~~ 111190
~~section, that is. The percentage shall be no less than the~~ 111191
~~percentage calculated under division (E)(3) of this section above~~ 111192
the cost per case-mix unit determined under division (B) of this 111193
section for the ICF/IID that has the median number of medicaid 111194
days for calendar year 1992 for all ICFs/IID with eight or fewer 111195
beds that would result in payment of all desk-reviewed, actual, 111196
allowable direct care costs for eighty and one-half per cent of 111197
the medicaid days for such ICFs/IID for calendar year 1992. 111198

~~(e)(3)~~ In calculating determining the maximum cost per 111199
case-mix unit under divisions ~~(B)(2)(a)(C)(1)~~ and ~~(b)(2)~~ of this 111200
section for each peer group, the department shall exclude from its 111201
~~calculations~~ determinations the cost per case-mix unit of any 111202
~~facility ICF/IID~~ in the peer group that participated in the 111203
medicaid program under the same ~~operator~~ provider for less than 111204
twelve months during the calendar year immediately preceding the 111205
fiscal year in which the rate will be paid. 111206

~~(3) Estimate (4)~~ The department shall not reset a peer 111207
group's maximum cost per case-mix unit for a fiscal year under 111208
division (C)(1) or (2) of this section based on additional 111209
information that it receives after it sets the maximum for that 111210
fiscal year. The department shall reset a peer group's maximum 111211
cost per case-mix unit for a fiscal year only if it made an error 111212
in setting the maximum for that fiscal year based on information 111213
available to the department at the time it originally sets the 111214

maximum for that fiscal year. 111215

~~(D)(1) The department shall estimate the rate of inflation 111216
for the eighteen-month period beginning on the first day of July 111217
of the calendar year preceding the fiscal year in which ~~the a~~ a rate 111218
will be paid and ending on the thirty-first day of December of the 111219
fiscal year in which the rate will be paid, using the ~~index~~ 111220
~~specified in division (C) of this section. If the estimated~~ 111221
~~inflation rate for the eighteen month period is different from the~~ 111222
~~actual inflation rate for that period, as measured using the same~~ 111223
~~index, the difference shall be added to or subtracted from the~~ 111224
~~inflation rate estimated under division (B)(3) of this section for~~ 111225
~~the following fiscal year.~~ 111226~~

~~(4) The department shall not recalculate a maximum cost per 111227
case mix unit under division (B)(2) of this section or a 111228
percentage under division (E) of this section based on additional 111229
information that it receives after the maximum costs per case mix 111230
unit or percentages are set. The department shall recalculate a 111231
maximum cost per case mix units or percentage only if it made an 111232
error in computing the maximum cost per case mix unit or 111233
percentage based on information available at the time of the 111234
original calculation.~~ 111235

~~(C) The department shall use the following index for the 111236
purpose of division (B)(3) of this section:~~ 111237

~~(1) The (a) Subject to division (D)(1)(b) of this section, 111238
the employment cost index for total compensation, health ~~services~~ 111239
care and social assistance component, published by the United 111240
States bureau of labor statistics; 111241~~

~~(2)(b) If the United States bureau of labor statistics ceases 111242
to publish the index specified in division ~~(C)~~(D)(1)(a) of this 111243
section, the index that is subsequently published by the bureau 111244
and covers ~~nursing facilities~~ the staff costs of ICFs/IID. 111245~~

~~(D) Each facility's rate for direct care costs shall be determined as follows for each calendar quarter within a fiscal year:~~ 111246
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~~(1) Multiply the lesser of the following by the facility's average case mix score determined under section 5111.232 of the Revised Code for the calendar quarter that preceded the immediately preceding calendar quarter:~~ 111249
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~~(a) The facility's cost per case mix unit for the calendar year preceding the fiscal year in which the rate will be paid, as determined under division (B)(1) of this section;~~ 111253
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~~(b) The maximum cost per case mix unit established for the fiscal year in which the rate will be paid for the facility's peer group under division (B)(2) of this section;~~ 111256
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~~(2) Adjust the product determined under division (D)(1) of this section by the inflation rate estimated under division (B)(3) of this section.~~ 111259
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~~(E)(1) The department shall calculate the percentage above the median cost per case mix unit determined under division (B)(1) of this section for the facility that has the median medicaid day for calendar year 1992 for all intermediate care facilities for the mentally retarded with more than eight beds that would result in payment of all desk reviewed, actual, allowable direct care costs for eighty and one half per cent of the medicaid days for such facilities for calendar year 1992.~~ 111262
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~~(2) The department shall calculate the percentage above the median cost per case mix unit determined under division (B)(1) of this section for the facility that has the median medicaid day for calendar year 1992 for all intermediate care facilities for the mentally retarded with eight or fewer beds that would result in payment of all desk reviewed, actual, allowable direct care costs for eighty and one half per cent of the medicaid days for such~~ 111270
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~~facilities for calendar year 1992.~~ 111277

~~(F)(2) If the estimated inflation rate for the eighteen-month period specified in division (D)(1) of this section is different from the actual inflation rate for that period, as measured using the same index, the difference shall be added to or subtracted from the inflation rate estimated under division (D)(1) of this section for the following fiscal year.~~ 111278
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~~(E) The director of job and family services developmental disabilities shall adopt rules under section 5111.02 5124.03 of the Revised Code that specify peer groups of intermediate care facilities for the mentally retarded ICFs/IID with more than eight beds and intermediate care facilities for the mentally retarded peer groups of ICFs/IID with eight or fewer beds, based on findings of significant per diem direct care cost differences due to geography and facility bed-size. The rules also may specify peer groups based on findings of significant per diem direct care cost differences due to other factors which may include case-mix.~~ 111284
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~~(G) The department, in accordance with division (D) of section 5111.232 of the Revised Code and rules adopted under division (F) of that section, may assign case mix scores or costs per case mix unit if a provider fails to submit assessment data necessary to calculate an intermediate care facility for the mentally retarded's case mix score in accordance with that section.~~ 111294
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Sec. 5124.191. Each calendar quarter, each ICF/IID provider shall compile complete assessment data for each resident of each of the provider's ICFs/IID, regardless of payment source, who is in the ICF/IID, or on hospital or therapeutic leave from the ICF/IID, on the last day of the quarter. A resident assessment instrument specified in rules adopted under section 5124.03 of the Revised Code shall be used to compile the resident assessment 111301
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data. Each provider shall submit the resident assessment data to 111308
the department of developmental disabilities not later than 111309
fifteen days after the end of the calendar quarter for which the 111310
data is compiled. The resident assessment data shall be submitted 111311
to the department through the medium or media specified in rules 111312
adopted under section 5124.03 of the Revised Code. 111313

Sec. 5124.192. (A) Except as provided in division (B) of this 111314
section, the department of developmental disabilities shall do 111315
both of the following: 111316

(1) For each calendar quarter, determine a case-mix score for 111317
each ICF/IID using the resident assessment data submitted to the 111318
department under section 5124.191 of the Revised Code and the 111319
grouper methodology prescribed in rules authorized by this 111320
section; 111321

(2) After the end of each calendar year and in accordance 111322
with rules authorized by this section, determine an annual average 111323
case-mix score for each ICF/IID using the ICF/IID's quarterly 111324
case-mix scores for that calendar year. 111325

(B)(1) Subject to division (B)(2) of this section, the 111326
department, for one or more months of a calendar quarter, may 111327
assign to an ICF/IID a case-mix score that is five per cent less 111328
than the ICF/IID's case-mix score for the immediately preceding 111329
calendar quarter if any of the following apply: 111330

(a) The provider does not timely submit complete and accurate 111331
resident assessment data necessary to determine the ICF/IID's 111332
case-mix score for the calendar quarter; 111333

(b) The ICF/IID was subject to an exception review under 111334
section 5124.193 of the Revised Code for the immediately preceding 111335
calendar quarter; 111336

(c) The ICF/IID was assigned a case-mix score for the 111337

immediately preceding calendar quarter. 111338

(2) Before assigning a case-mix score to an ICF/IID due to 111339
the submission of incorrect resident assessment data, the 111340
department shall permit the provider to correct the data. The 111341
department may assign the case-mix score if the provider fails to 111342
submit the corrected resident assessment data not later than 111343
forty-five days after the end of the calendar quarter to which the 111344
data pertains or later due date specified in rules authorized by 111345
this section. 111346

(3) If, for more than six months during a calendar year, a 111347
provider is paid a rate determined for an ICF/IID using a case-mix 111348
score assigned to the ICF/IID under division (B)(1) of this 111349
section, the department may assign the ICF/IID a cost per case-mix 111350
unit that is five per cent less than the ICF/IID's actual or 111351
assigned cost per case-mix unit for the immediately preceding 111352
calendar year. The department may use the assigned cost per 111353
case-mix unit, instead of determining the ICF/IID's actual cost 111354
per case-mix unit in accordance with section 5124.19 of the 111355
Revised Code, to establish the ICF/IID's rate for direct care 111356
costs for the fiscal year immediately following the calendar year 111357
for which the cost per case-mix unit is assigned. 111358

(4) The department shall take action under division (B)(1), 111359
(2), or (3) of this section only in accordance with rules 111360
authorized by this section. The department shall not take an 111361
action that affects medicaid payment rates for prior payment 111362
periods except in accordance with sections 5124.41 and 5124.42 of 111363
the Revised Code. 111364

(C) The director of developmental disabilities shall adopt 111365
rules under section 5124.03 of the Revised Code as necessary to 111366
implement this section. 111367

(1) The rules shall do all of the following: 111368

(a) Prescribe a grouper methodology to be used when determining the case-mix scores for ICFs/IID; 111369
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(b) Specify the process for determining the annual average case-mix scores for ICFs/IID; 111371
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(c) Establish procedures under which resident assessment data is to be reviewed for accuracy and providers are to be notified of any data that requires correction; 111373
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(d) Establish procedures for providers to correct resident assessment data and, if necessary, specify a due date for corrections that is later than the due date specified in division (B)(2) of this section. 111376
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(e) Specify when and how the department will assign a case-mix score or cost per case-mix unit to an ICF/IID under division (B) of this section if information necessary to calculate the ICF/IID's case-mix score is not provided or corrected in accordance with the procedures established by the rules. 111380
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(2) Notwithstanding any other provision of this chapter, the rules may provide for excluding case-mix scores assigned to an ICF/IID under division (B) of this section from the determination of the ICF/IID's annual average case-mix score and the maximum cost per case-mix unit for the ICF/IID's peer group. 111385
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Sec. 5124.193. (A) The department of developmental disabilities may, pursuant to rules authorized by this section, conduct an exception review of resident assessment data submitted by an ICF/IID provider under section 5124.191 of the Revised Code. The department may conduct an exception review based on the findings of a medicaid certification survey conducted by the department of health, a risk analysis, or prior performance of the provider. 111390
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Exception reviews shall be conducted at the ICF/IID by 111398

appropriate health professionals under contract with or employed 111399
by the department. The professionals may review resident 111400
assessment forms and supporting documentation, conduct interviews, 111401
and observe residents to identify any patterns or trends of 111402
inaccurate resident assessments and resulting inaccurate case-mix 111403
scores. 111404

(B) If an exception review is conducted before the effective 111405
date of an ICF/IID's rate for direct care costs that is based on 111406
the resident assessment data being reviewed and the review results 111407
in findings that exceed tolerance levels specified in the rules 111408
authorized by this section, the department, in accordance with the 111409
rules authorized by this section, may use the findings to 111410
redetermine individual resident case-mix scores, the ICF/IID's 111411
case-mix score for the quarter, and the ICF/IID's annual average 111412
case-mix score. The department may use the ICF/IID's redetermined 111413
quarterly and annual average case-mix scores to determine the 111414
ICF/IID's rate for direct care costs for the appropriate calendar 111415
quarter or quarters. 111416

(C) The department shall prepare a written summary of any 111417
exception review finding that is made after the effective date of 111418
an ICF/IID's rate for direct care costs that is based on the 111419
resident assessment data that was reviewed. Where the provider is 111420
pursuing judicial or administrative remedies in good faith 111421
regarding the finding, the department shall not withhold from the 111422
provider's current payments any amounts the department claims to 111423
be due from the provider pursuant to section 5124.41 of the 111424
Revised Code. 111425

(D)(1) The director of developmental disabilities shall adopt 111426
rules under section 5124.03 of the Revised Code as necessary to 111427
implement this section. The rules shall establish an exception 111428
review program that does all of the following: 111429

(a) Requires each exception review to comply with Title XIX; 111430

(b) Requires a written summary for each exception review that states whether resident assessment forms have been completed accurately; 111431
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(c) Prohibits each health professional who conducts an exception review from doing either of the following: 111434
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(i) During the period of the professional's contract or employment with the department, having or being committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of ICFs/IID in this state; 111436
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(ii) Reviewing any provider that has been a client of the professional. 111440
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(2) For the purposes of division (D)(1)(c)(i) of this section, employment of a member of a health professional's family by an ICF/IID that the professional does not review does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the ICF/IID. 111442
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Sec. ~~5111.233~~ 5124.194. The costs of day programming shall be 111447
part of the direct care costs of an ~~intermediate care facility for~~ 111448
~~the mentally retarded~~ ICF/IID as off-site day programming if the 111449
area in which the day programming is provided is not certified by 111450
the director of health as an ~~intermediate care facility for the~~ 111451
~~mentally retarded~~ ICF/IID under Title XIX and regardless of either 111452
of the following: 111453

(A) Whether or not the area in which the day programming is 111454
provided is less than two hundred feet away from the ~~intermediate~~ 111455
~~care facility for the mentally retarded~~ ICF/IID; 111456

(B) Whether or not the day programming is provided by an 111457
individual who, or organization that, is a related party to the 111458
provider of the ~~intermediate care facility for the mentally~~ 111459
~~retarded~~ ICF/IID. 111460

~~Sec. 5111.241~~ 5124.21. (A) ~~The~~ For each fiscal year, the 111461
~~department of job and family services developmental disabilities~~ 111462
~~shall pay a provider for~~ determine each of the provider's eligible 111463
~~intermediate care facilities for the mentally retarded a~~ ICF/IID's 111464
~~per resident per medicaid day payment~~ rate for indirect care costs 111465
~~established prospectively each fiscal year for each facility. The~~ 111466
Except as otherwise provided in this chapter, an ICF/IID's rate 111467
shall be determined prospectively. Subject to section 5124.28 of 111468
the Revised Code, an ICF/IID's rate for each intermediate care 111469
facility for the mentally retarded shall be the sum of the 111470
following, but shall not exceed lesser of the individual rate 111471
determined under division (B) of this section and the maximum rate 111472
established determined for the facility's ICF/IID's peer group 111473
under division (B)(C) of this section. 111474

(B) An ICF/IID's individual rate is the sum of the following: 111475

(1) ~~The facility's ICF/IID's~~ desk-reviewed, actual, 111476
allowable, per diem indirect care costs from the calendar year 111477
immediately preceding the fiscal year in which the rate will be 111478
paid, adjusted for the inflation rate estimated under division 111479
~~(C)(D)~~(1) of this section; 111480

(2) ~~An~~ If the ICF/IID has more than eight beds, an efficiency 111481
incentive in the following amount: 111482

(a) ~~For fiscal years ending in even numbered calendar years:~~ 111483

~~(i) In the case of intermediate care facilities for the~~ 111484
~~mentally retarded with more than eight beds, year 2014,~~ seven and 111485
one-tenth per cent of the maximum rate established for the 111486
~~facility's ICF/IID's~~ peer group under division ~~(B)(C)~~ of this 111487
section; 111488

~~(ii) In the case of intermediate care facilities for the~~ 111489
~~mentally retarded with~~ (b) For fiscal year 2015, the following 111490

amount: 111491

(i) The amount calculated for fiscal year 2014 under division (B)(2)(a) of this section if the provider of the ICF/IID obtains the department's approval to become a downsized ICF/IID and the approval is conditioned on the downsizing being completed not later than July 1, 2018; 111492
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(ii) One-half of the amount calculated for fiscal year 2014 under division (B)(2)(a) of this section if division (B)(2)(b)(i) of this section does not apply to the ICF/IID. 111497
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(c) For fiscal year 2016 and each fiscal year thereafter ending in an even-numbered calendar year, the following percentages of the maximum rate established for the ICF/IID's peer group under division (C) of this section: 111500
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(i) Seven and one-tenth per cent if the provider of the ICF/IID obtains the department's approval to become a downsized ICF/IID and the approval is conditioned on the downsizing being completed not later than July 1, 2018; 111504
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(ii) Three and fifty-five hundredths per cent if division (B)(2)(c)(i) of this section does not apply to the ICF/IID. 111508
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(d) For fiscal year 2017 and each fiscal year thereafter ending in an odd-numbered calendar year, the amount calculated for the immediately preceding fiscal year under division (B)(2)(c) of this section. 111510
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(3) If the ICF/IID has eight or fewer beds, an efficiency incentive in the following amount: 111514
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(a) For each fiscal year ending in an even-numbered calendar year, seven per cent of the maximum rate established for the facility's ICF/IID's peer group under division (B)(C) of this section; 111516
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(b) For each fiscal years year ending in an odd-numbered 111520

calendar ~~years~~ year, the amount calculated for the immediately 111521
preceding fiscal year under division ~~(A)(2)(B)(3)~~(a) of this 111522
section. 111523

~~(B)(C)~~(1) The maximum rate for indirect care costs for each 111524
peer group of ~~intermediate care facilities for the mentally~~ 111525
~~retarded ICFs/IID~~ with more than eight beds ~~specified in rules~~ 111526
~~adopted under division (D) of this section~~ shall be determined as 111527
follows: 111528

(a) For each fiscal ~~years~~ year ending in an even-numbered 111529
calendar ~~years~~ year, the maximum rate for each such peer group 111530
shall be the rate that is no less than twelve and four-tenths per 111531
cent above the median desk-reviewed, actual, allowable, per diem 111532
indirect care cost for all ~~intermediate care facilities for the~~ 111533
~~mentally retarded with more than eight beds~~ ICFs/IID in the peer 111534
group, ~~(excluding facilities ICFs/IID in the peer group whose~~ 111535
indirect care costs for that period are more than three standard 111536
deviations from the mean desk-reviewed, actual, allowable, per 111537
diem indirect care cost for all ~~intermediate care facilities for~~ 111538
~~the mentally retarded ICFs/IID~~ with more than eight beds, ~~)~~ for the 111539
calendar year immediately preceding the fiscal year in which the 111540
rate will be paid, adjusted by the inflation rate estimated under 111541
division ~~(C)(D)~~(1) of this section. 111542

(b) For each fiscal ~~years~~ year ending in an odd-numbered 111543
calendar ~~years~~ year, the maximum rate for each such peer group is 111544
the peer group's maximum rate for the previous fiscal year, 111545
adjusted for the inflation rate estimated under division ~~(C)(D)~~(2) 111546
of this section. 111547

(2) The maximum rate for indirect care costs for each peer 111548
group of ~~intermediate care facilities for the mentally retarded~~ 111549
ICFs/IID with eight or fewer beds ~~specified in rules adopted under~~ 111550
~~division (D) of this section~~ shall be determined as follows: 111551

(a) For each fiscal ~~years~~ year ending in an even-numbered 111552
calendar ~~years~~ year, the maximum rate for each such peer group 111553
shall be the rate that is no less than ten and three-tenths per 111554
cent above the median desk-reviewed, actual, allowable, per diem 111555
indirect care cost for all ~~intermediate care facilities for the~~ 111556
~~mentally retarded with eight or fewer beds~~ ICFs/IID in the peer 111557
group, ~~(excluding facilities ICFs/IID in the peer group whose~~ 111558
indirect care costs are more than three standard deviations from 111559
the mean desk-reviewed, actual, allowable, per diem indirect care 111560
cost for all ~~intermediate care facilities for the mentally~~ 111561
~~retarded ICFs/IID~~ with eight or fewer beds, ~~)~~ for the calendar year 111562
immediately preceding the fiscal year in which the rate will be 111563
paid, adjusted by the inflation rate estimated under division 111564
~~(C)~~(D)(1) of this section. 111565

(b) For each fiscal ~~years that end~~ year ending in an 111566
odd-numbered calendar ~~years~~ year, the maximum rate for each such 111567
peer group is the peer group's maximum rate for the previous 111568
fiscal year, adjusted for the inflation rate estimated under 111569
division ~~(C)~~(D)(2) of this section. 111570

(3) The department shall not ~~recalculate~~ redetermine a 111571
maximum rate for indirect care costs under division ~~(B)~~(C)(1) or 111572
(2) of this section based on additional information that it 111573
receives after the maximum rate is set. The department shall 111574
~~recalculate~~ redetermine the maximum rate for indirect care costs 111575
only if it made an error in computing the maximum rate based on 111576
the information available to the department at the time of the 111577
original calculation. 111578

~~(C)~~(D)(1) When adjusting rates for inflation under divisions 111579
~~(A)~~(B)(1), ~~(B)~~(C)(1)(a), and ~~(B)~~(C)(2)(a) of this section, the 111580
department shall estimate the rate of inflation for the 111581
eighteen-month period beginning on the first day of July of the 111582
calendar year immediately preceding the fiscal year in which the 111583

rate will be paid and ending on the thirty-first day of December 111584
of the fiscal year in which the rate will be paid. To estimate the 111585
rate of inflation, the department shall use the following: 111586

(a) ~~The~~ Subject to division (D)(1)(b) of this section, the 111587
consumer price index for all items for all urban consumers for the 111588
~~north-central~~ midwest region, published by the United States 111589
bureau of labor statistics; 111590

(b) If the United States bureau of labor statistics ceases to 111591
publish the index specified in division ~~(C)~~(D)(1)(a) of this 111592
section, a comparable index that the bureau publishes and the 111593
department determines is appropriate. 111594

(2) When adjusting rates for inflation under divisions 111595
~~(B)~~(C)(1)(b) and ~~(B)~~(C)(2)(b) of this section, the department 111596
shall estimate the rate of inflation for the twelve-month period 111597
beginning on the first day of January of the fiscal year 111598
immediately preceding the fiscal year in which the rate will be 111599
paid and ending on the thirty-first day of December of the fiscal 111600
year in which the rate will be paid. To estimate the rate of 111601
inflation, the department shall use the following: 111602

(a) ~~The~~ Subject to division (D)(2)(b) of this section, the 111603
consumer price index for all items for all urban consumers for the 111604
~~north-central~~ midwest region, published by the United States 111605
bureau of labor statistics; 111606

(b) If the United States bureau of labor statistics ceases to 111607
publish the index specified in division ~~(C)~~(D)(2)(a) of this 111608
section, a comparable index that the bureau publishes and the 111609
department determines is appropriate. 111610

(3) If an inflation rate estimated under division ~~(C)~~(D)(1) 111611
or (2) of this section is different from the actual inflation rate 111612
for the relevant time period, as measured using the same index, 111613
the difference shall be added to or subtracted from the inflation 111614

rate estimated pursuant to this division for the following fiscal 111615
year. 111616

~~(D)~~(E) The director of ~~job and family services~~ developmental 111617
disabilities shall adopt rules under section ~~5111.02~~ 5124.03 of 111618
the Revised Code that specify peer groups of ~~intermediate care~~ 111619
~~facilities for the mentally retarded~~ ICFs/IID with more than eight 111620
beds, and peer groups of ~~intermediate care facilities for the~~ 111621
~~mentally retarded~~ ICFs/IID with eight or fewer beds, based on 111622
findings of significant per diem indirect care cost differences 111623
due to geography and ~~facility~~ bed-size. The rules also may specify 111624
peer groups based on findings of significant per diem indirect 111625
care cost differences due to other factors, including case-mix. 111626

Sec. ~~5111.235~~ 5124.23. (A) ~~The~~ For each fiscal year, the 111627
department of ~~job and family services~~ developmental disabilities 111628
shall ~~pay a provider for~~ determine each of the provider's eligible 111629
~~intermediate care facilities for the mentally retarded a~~ ICF/IID's 111630
per ~~resident per~~ medicaid day payment rate for other protected 111631
costs ~~established prospectively each fiscal year for each~~ 111632
~~facility. The~~ Except as otherwise provided in this chapter, an 111633
ICF/IID's rate shall be determined prospectively. An ICF/IID's 111634
rate ~~for each facility~~ shall be the ~~facility's~~ ICF/IID's 111635
desk-reviewed, actual, allowable, per diem other protected costs 111636
from the calendar year immediately preceding the fiscal year in 111637
which the rate will be paid, all adjusted for the estimated 111638
inflation rate for the eighteen-month period beginning on the 111639
first day of July of the calendar year immediately preceding the 111640
fiscal year in which the rate will be paid and ending on the 111641
thirty-first day of December of that fiscal year. The department 111642
shall estimate inflation using the index specified in division (B) 111643
of this section. If the estimated inflation rate for the 111644
eighteen-month period is different from the actual inflation rate 111645
for that period, the difference shall be added to or subtracted 111646

from the inflation rate estimated for the following year. 111647

(B) The department shall use the following index for the 111648
purpose of division (A) of this section: 111649

(1) The Subject to division (B)(2) of this section, the 111650
consumer price index for all urban consumers for nonprescription 111651
drugs and medical supplies, as published by the United States 111652
bureau of labor statistics; 111653

(2) If the United States bureau of labor statistics ceases to 111654
publish the index specified in division (B)(1) of this section, 111655
the index that is subsequently published by the bureau and covers 111656
nonprescription drugs and medical supplies. 111657

Sec. 5124.25. (A) Subject to division (D) of this section, 111658
the department of developmental disabilities may pay a medicaid 111659
rate add-on to an ICF/IID provider for outlier ICF/IID services 111660
the ICF/IID provides to qualifying ventilator-dependent residents 111661
on or after the effective date of this section, if the provider 111662
applies to the department of developmental disabilities to receive 111663
the rate add-on and the department approves the application. The 111664
department of developmental disabilities may approve a provider's 111665
application if all of the following apply: 111666

(1) The provider submits to the department of developmental 111667
disabilities a best practices protocol for providing outlier 111668
ICF/IID services under this section and the department of 111669
developmental disabilities determines that the protocol is 111670
acceptable; 111671

(2) The provider executes with the department of medicaid an 111672
addendum to its provider agreement for the ICF/IID regarding the 111673
outlier ICF/IID services; 111674

(3) The provider and ICF/IID meet all other eligibility 111675
requirements for the rate add-on established in rules authorized 111676

by this section. 111677

(B) An ICF/IID that has been approved by the department of developmental disabilities to provider outlier ICF/IID services under this section shall provide the services in accordance with both of the following: 111678
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(1) The best practices protocol the department of developmental disabilities determined is acceptable; 111682
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(2) Requirements regarding the services established in rules authorized by this section. 111684
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(C) To qualify to receive outlier ICF/IID services from an ICF/IID under this section, a resident of the ICF/IID must be a medicaid recipient, be under twenty-two years of age, be dependent on a ventilator, and meet all other eligibility requirements established in rules authorized by this section. 111686
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(D) The department of developmental disabilities shall negotiate the amount of the medicaid payment rate add-on, if any, to be paid under this section, or the method by which that amount is to be determined, with the department of medicaid. The department of developmental disabilities shall not pay the rate add-on unless the department has approved the amount of the rate add-on or method by which the amount is to be determined. 111691
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Sec. 5124.28. Notwithstanding any provision of section 5124.17 or 5124.21 of the Revised Code, the director of developmental disabilities may adopt rules under section 5124.03 of the Revised Code that provide for the determination of a combined maximum payment limit for indirect care costs and costs of ownership for ICFs/IID with eight or fewer beds. 111698
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Sec. ~~5111.263~~ 5124.29. Except as otherwise provided in section ~~5111.264~~ 5124.30 of the Revised Code, the department of job and family services developmental disabilities, in determining 111704
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whether an ~~intermediate care facility for the mentally retarded's~~ 111707
ICF/IID's direct care costs and indirect care costs are allowable, 111708
shall place no limit on specific categories of reasonable costs 111709
other than compensation of owners, compensation of relatives of 111710
owners, and compensation of administrators. 111711

Compensation cost limits for owners and relatives of owners 111712
shall be based on compensation costs for individuals who hold 111713
comparable positions but who are not owners or relatives of 111714
owners, as reported on ~~facility~~ ICFs/IID's cost reports. As used 111715
in this section, "comparable position" means the position that is 111716
held by the owner or the owner's relative, if that position is 111717
listed separately on the cost report form, or if the position is 111718
not listed separately, the group of positions that is listed on 111719
the cost report form and that includes the position held by the 111720
owner or the owner's relative. In the case of an owner or owner's 111721
relative who serves the ~~facility~~ ICFs/IID in a capacity such as 111722
corporate officer, proprietor, or partner for which no comparable 111723
position or group of positions is listed on the cost report form, 111724
the compensation cost limit shall be based on civil service 111725
equivalents and shall be specified in rules adopted under section 111726
~~5111.02~~ 5124.03 of the Revised Code. 111727

Compensation cost limits for administrators shall be based on 111728
compensation costs for administrators who are not owners or 111729
relatives of owners, as reported on ~~facility~~ ICFs/IID's cost 111730
reports. Compensation cost limits for administrators of four or 111731
more ~~intermediate care facilities for the mentally retarded~~ 111732
ICFs/IID shall be the same as the limits for administrators of 111733
~~intermediate care facilities for the mentally retarded~~ ICFs/IID 111734
with one hundred fifty or more beds. 111735

Sec. 5124.30. Except as provided in section 5124.17 of the 111736
Revised Code, the costs of goods, services, and facilities, 111737

furnished to an ICF/IID provider by a related party are includable 111738
in the allowable costs of the provider at the reasonable cost to 111739
the related party. 111740

Sec. 5124.31. The department of developmental disabilities 111741
shall adjust medicaid payment rates determined under this chapter 111742
to account for reasonable additional costs that must be incurred 111743
by ICFs/IID to comply with requirements of federal or state 111744
statutes, rules, or policies enacted or amended after January 1, 111745
1992, or with orders issued by state or local fire authorities. 111746

Sec. 5124.32. The department of developmental disabilities 111747
shall not reduce an ICF/IID's medicaid payment rate determined 111748
under this chapter on the basis that the provider charges a lower 111749
rate to any resident who is not eligible for medicaid. 111750

Sec. 5124.33. No medicaid payment shall be made to an ICF/IID 111751
provider for the day a medicaid recipient is discharged from the 111752
ICF/IID. 111753

Sec. ~~5111.33~~ 5124.34. Reimbursement to a (A) The department 111754
of developmental disabilities shall pay an ICF/IID provider of an 111755
intermediate care facility for the mentally retarded under 111756
sections ~~5111.20 to 5111.331~~ of the Revised Code shall include 111757
payments to the provider, at a rate equal to the percentage one 111758
hundred per cent of the per resident total per medicaid day rates 111759
that the department of job and family services has established 111760
payment rate determined for the provider's facility ICF/IID under 111761
sections ~~5111.20 to 5111.331~~ of the Revised Code for the fiscal 111762
year for which the cost of services is reimbursed, this chapter to 111763
reserve a bed for a resident who is a medicaid recipient during a 111764
temporary absence under conditions prescribed by the department, 111765
to include hospitalization for an acute condition, visits with 111766

~~relatives and friends, and participation in therapeutic programs~~ 111767
~~outside the facility, when the~~ if all of the following apply: 111768

(1) The recipient is temporarily absent from the ICF/IID for 111769
a reason that makes the absence qualified for payments under this 111770
section as specified in rules authorized by this section; 111771

(2) The resident's plan of care provides for such the absence 111772
and federal; 111773

(3) Federal financial participation in the payments is 111774
available for the payments. The 111775

(B) The maximum period during which medicaid payments may be 111776
made to reserve a bed shall not exceed the maximum period 111777
specified under in federal regulations, and shall not be more than 111778
thirty days during any calendar year for hospital stays, visits 111779
with relatives and friends, and participation in therapeutic 111780
programs. 111781

Recipients programs. However, a resident shall not be subject 111782
to a maximum period during which payments may be made to reserve a 111783
bed in an intermediate care facility for the mentally retarded if 111784
prior authorization of the department is obtained for hospital 111785
stays, visits with relatives and friends, and participation in 111786
therapeutic programs. The 111787

(C)(1) The director of job and family services developmental 111788
disabilities shall adopt rules under section 5111.02 5124.03 of 111789
the Revised Code establishing as necessary to implement this 111790
section, including rules that do the following: 111791

(a) Specify the reasons for which a temporary absence from an 111792
ICF/IID makes the absence qualify for payments under this section; 111793

(b) Establish conditions under which prior authorization may 111794
be obtained for the purpose of division (B) of this section. 111795

(2) The rules authorized by division (C)(1)(a) of this 111796

section shall include the following as reasons for which a 111797
temporary absence from an ICF/IID qualifies for payments under 111798
this section: 111799

(a) Hospitalization for acute conditions; 111800

(b) Visits with relatives and friends; 111801

(c) Participation in therapeutic programs outside the 111802
ICF/IID. 111803

Sec. 5124.35. Medicaid payments may be made for ICF/IID 111804
services provided not later than thirty days after the effective 111805
date of an involuntary termination of the ICF/IID that provides 111806
the services if the services are provided to a medicaid recipient 111807
who is eligible for the services and resided in the ICF/IID before 111808
the effective date of the involuntary termination. 111809

Sec. 5124.37. The department of developmental disabilities 111810
shall make its best efforts each year to determine ICFs/IID's 111811
medicaid payment rates under this chapter in time to pay the rates 111812
by August fifteenth of each fiscal year. If the department is 111813
unable to calculate the rates so that they can be paid by that 111814
date, the department shall pay each provider the rate calculated 111815
for the provider's ICFs/IID under those sections at the end of the 111816
previous fiscal year. If the department also is unable to 111817
calculate the rates to make the payments due by the fifteenth day 111818
of September and the fifteenth day of October, the department 111819
shall pay the previous fiscal year's rate to make those payments. 111820
The department may increase by five per cent the previous fiscal 111821
year's rate paid for any ICF/IID pursuant to this section at the 111822
request of the provider. The department shall use rates calculated 111823
for the current fiscal year to make the payments due by the 111824
fifteenth day of November. 111825

If an ICF/IID's medicaid payment rate paid under this section 111826

is lower than the rate calculated for it for the current fiscal 111827
year, the department shall pay the provider the difference between 111828
the two rates for the number of days for which the provider is 111829
paid the lower rate. If an ICF/IID's medicaid payment rate paid 111830
under this section is higher than the rate calculated for it for 111831
the current fiscal year, the provider shall refund to the 111832
department the difference between the two rates for the number of 111833
days for which the provider is paid the higher rate. 111834

Sec. 5124.38. (A) The director of developmental disabilities 111835
shall establish a process under which an ICF/IID provider, or a 111836
group or association of ICF/IID providers, may seek 111837
reconsideration of medicaid payment rates established under this 111838
chapter, including a rate for direct care costs redetermined 111839
before the effective date of the rate as a result of an exception 111840
review conducted under section 5124.193 of the Revised Code. 111841
Except as provided in divisions (B) to (D) of this section, the 111842
only issue that a provider, group, or association may raise in the 111843
rate reconsideration is whether the rate was calculated in 111844
accordance with this chapter and the rules adopted under section 111845
5124.03 of the Revised Code. The provider, group, or association 111846
may submit written arguments or other materials that support its 111847
position. The provider, group, or association and department shall 111848
take actions regarding the rate reconsideration within time frames 111849
specified in rules authorized by this section. 111850

If the department determines, as a result of the rate 111851
reconsideration, that the rate established for one or more 111852
ICFs/IID is less than the rate to which the ICF/IID is entitled, 111853
the department shall increase the rate. If the department has paid 111854
the incorrect rate for a period of time, the department shall pay 111855
the provider of the ICF/IID the difference between the amount the 111856
provider was paid for that period for the ICF/IID and the amount 111857
the provider should have been paid for the ICF/IID. 111858

(B)(1) The department, through the rate reconsideration process, may increase during a fiscal year the medicaid payment rate determined for an ICF/IID under this chapter if the provider demonstrates that the ICF/IID's actual, allowable costs have increased because of any of the following extreme circumstances: 111859

(a) A natural disaster; 111860
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(b) A nonextensive renovation approved under division (D) of section 5124.17 of the Revised Code; 111864
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(c) If the ICF/IID has an appropriate claims management program, an increase in the ICF/IID's workers' compensation experience rating of greater than five per cent; 111867
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(d) If the ICF/IID is an inner-city ICF/IID, increased security costs; 111870
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(e) A change of ownership that results from bankruptcy, foreclosure, or findings by the department of health of violations of medicaid certification requirements; 111872
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(f) Other extreme circumstances specified in rules authorized by this section. 111875
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(2) An ICF/IID may qualify for a rate increase under this division only if its per diem, actual, allowable costs have increased to a level that exceeds its total rate. An increase under this division is subject to any rate limitations or maximum rates established by this chapter for specific cost centers. Any rate increase granted under this division shall take effect on the first day of the first month after the department receives the request. 111877
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(C) The department, through the rate reconsideration process, may increase an ICF/IID's rate as determined under this chapter if the department, in the department's sole discretion, determines that the rate as determined under those sections works an extreme 111885
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hardship on the ICF/IID. 111889

(D) When beds certified for the medicaid program are added to 111890
an existing ICF/IID or replaced at the same site, the department, 111891
through the rate reconsideration process, may increase the 111892
ICF/IID's rate for capital costs proportionately, as limited by 111893
any applicable limitation under section 5124.17 of the Revised 111894
Code, to account for the costs of the beds that are added or 111895
replaced. If the department makes this increase, it shall make the 111896
increase one month after the first day of the month after the 111897
department receives sufficient documentation of the costs. Any 111898
rate increase granted under this division after June 30, 1993, 111899
shall remain in effect until the effective date of a rate for 111900
capital costs determined under section 5124.17 of the Revised Code 111901
that includes costs incurred for a full calendar year for the bed 111902
addition or bed replacement. The ICF/IID shall report double 111903
accumulated depreciation in an amount equal to the depreciation 111904
included in the rate adjustment on its cost report for the first 111905
year of operation. During the term of any loan used to finance a 111906
project for which a rate adjustment is granted under this 111907
division, if the ICF/IID is operated by the same provider, the 111908
provider shall subtract from the interest costs it reports on its 111909
cost report an amount equal to the difference between the 111910
following: 111911

(1) The actual, allowable interest costs for the loan during 111912
the calendar year for which the costs are being reported; 111913

(2) The actual, allowable interest costs attributable to the 111914
loan that were used to calculate the rates paid to the provider 111915
for the ICF/IID during the same calendar year. 111916

(E) The department's decision at the conclusion of the 111917
reconsideration process is not subject to any administrative 111918
proceedings under Chapter 119. or any other provision of the 111919
Revised Code. 111920

(F) The director of developmental disabilities shall adopt rules under section 5124.03 of the Revised Code as necessary to implement this section. 111921
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Sec. 5124.40. If an ICF/IID provider properly amends a cost report for an ICF/IID under section 5124.107 of the Revised Code and the amended report shows that the provider received a lower medicaid payment rate under the original cost report than the provider was entitled to receive, the department of developmental disabilities shall adjust the provider's rate for the ICF/IID prospectively to reflect the corrected information. The department shall pay the adjusted rate beginning two months after the first day of the month after the provider files the amended cost report. 111924
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If the department finds, from an exception review of resident assessment data conducted pursuant to section 5124.193 of the Revised Code after the effective date of an ICF/IID's rate for direct care costs that is based on the resident assessment data, that inaccurate resident assessment data resulted in the provider receiving a lower rate for the ICF/IID than the provider was entitled to receive, the department prospectively shall adjust the provider's rate for the ICF/IID accordingly. The department shall make payments to the provider using the adjusted rate for the remainder of the calendar quarter for which the resident assessment data is used to determine the rate, beginning one month after the first day of the month after the exception review is completed. 111933
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Sec. 5124.41. (A) The department of developmental disabilities shall redetermine a provider's medicaid payment rate for an ICF/IID using revised information if any of the following results in a determination that the provider received a higher medicaid payment rate for the ICF/IID than the provider was entitled to receive: 111946
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(1) The provider properly amends a cost report for the ICF/IID under section 5124.107 of the Revised Code; 111952
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(2) The department makes a finding based on an audit under section 5124.109 of the Revised Code; 111954
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(3) The department makes a finding based on an exception review of resident assessment data conducted under section 5124.193 of the Revised Code after the effective date of the ICF/IID's rate for direct care costs that is based on the resident assessment data. 111956
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(B) The department shall apply the redetermined rate to the periods when the provider received the incorrect rate to determine the amount of the overpayment. The provider shall refund the amount of the overpayment. The department may charge the provider the following amount of interest from the time the overpayment was made: 111961
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(1) If the overpayment resulted from costs reported for calendar year 1993, the interest shall be not greater than one and one-half times the current average bank prime rate. 111967
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(2) If the overpayment resulted from costs reported for a subsequent calendar year: 111970
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(a) The interest shall be not greater than two times the current average bank prime rate if the overpayment was not more than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to determine a rate. 111972
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(b) The interest shall be not greater than two and one-half times the current average bank prime rate if the overpayment was more than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to determine a rate. 111977
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Sec. 5124.42. In addition to the other penalties authorized 111982
by this chapter, the department of developmental disabilities may 111983
impose the following penalties on an ICF/IID provider: 111984

(A) If the provider does not furnish invoices or other 111985
documentation that the department requests during an audit within 111986
sixty days after the request, a fine of not more than the greater 111987
of the following: 111988

(1) One thousand dollars per audit; 111989

(2) Twenty-five per cent of the cumulative amount by which 111990
the costs for which documentation was not furnished increased the 111991
total medicaid payments to the provider during the fiscal year for 111992
which the costs were used to determine a rate. 111993

(B) If an exiting operator or owner fails to provide notice 111994
of a facility closure or voluntary termination as required by 111995
section 5124.50 of the Revised Code, or an exiting operator or 111996
owner and entering operator fail to provide notice of a change of 111997
operator as required by section 5124.51 of the Revised Code, a 111998
fine of not more than the current average bank prime rate plus 111999
four per cent of the last two monthly payments. 112000

Sec. 5124.43. For the purposes of sections 5124.41 and 112001
5124.42 of the Revised Code, the department of developmental 112002
disabilities shall determine the current average bank prime rate 112003
using statistical release H.15, "selected interest rates," a 112004
weekly publication of the federal reserve board, or any successor 112005
publication. If statistical release H.15, or its successor, ceases 112006
to contain the bank prime rate information or ceases to be 112007
published, the department shall request a written statement of the 112008
average bank prime rate from the federal reserve bank of Cleveland 112009
or the federal reserve board. 112010

Sec. 5124.44. (A) Except as provided in division (B) of this section, the department of developmental disabilities shall deduct the following from the next available medicaid payment the department makes to an ICF/IID provider who continues to participate in medicaid:

(1) Any amount the provider is required to refund, and any interest charged, under section 5124.41 of the Revised Code;

(2) The amount of any penalty imposed on the provider under section 5124.42 of the Revised Code.

(B) The department and an ICF/IID provider may enter into an agreement under which a deduction required by division (A) of this section is taken in installments from payments the department makes to the provider.

Sec. 5124.45. The department of developmental disabilities shall transmit to the treasurer of state for deposit in the general revenue fund amounts collected from the following:

(A) Refunds required by, and interest charged under, section 5124.41 of the Revised Code;

(B) Amounts collected from penalties imposed under section 5124.42 of the Revised Code.

Sec. 5124.46. All of the following are subject to an adjudication conducted in accordance with Chapter 119. of the Revised Code:

(A) Any audit disallowance that the department of developmental disabilities makes as the result of an audit under section 5124.109 of the Revised Code;

(B) Any adverse finding that results from an exception review of resident assessment data conducted for an ICF/IID under section

5124.193 of the Revised Code after the effective date of the 112039
ICF/IID's medicaid payment rate for direct care costs that is 112040
based on the resident assessment data; 112041

(C) Any medicaid payment deemed an overpayment under section 112042
5124.523 of the Revised Code; 112043

(D) Any penalty the department imposes under section 5124.42 112044
of the Revised Code or section 5124.523 of the Revised Code. 112045

Sec. 5124.50. An exiting operator or owner of an ICF/IID 112046
participating in the medicaid program shall provide the department 112047
of developmental disabilities and department of medicaid written 112048
notice of a facility closure or voluntary termination not less 112049
than ninety days before the effective date of the facility closure 112050
or voluntary termination. The written notice shall be provided to 112051
the department of developmental disabilities and department of 112052
medicaid in accordance with the method specified in rules 112053
authorized by section 5124.53 of the Revised Code. 112054

The written notice shall include all of the following: 112055

(A) The name of the exiting operator and, if any, the exiting 112056
operator's authorized agent; 112057

(B) The name of the ICF/IID that is the subject of the 112058
written notice; 112059

(C) The exiting operator's medicaid provider agreement number 112060
for the ICF/IID that is the subject of the written notice; 112061

(D) The effective date of the facility closure or voluntary 112062
termination; 112063

(E) The signature of the exiting operator's or owner's 112064
representative. 112065

Sec. 5124.51. (A) An exiting operator or owner and entering 112066
operator shall provide the department of developmental 112067

disabilities and department of medicaid written notice of a change 112068
of operator if the ICF/IID participates in the medicaid program 112069
and the entering operator seeks to continue the ICF/IID's 112070
participation. The written notice shall be provided to the 112071
department of developmental disabilities and department of 112072
medicaid in accordance with the method specified in rules 112073
authorized by section 5124.53 of the Revised Code. The written 112074
notice shall be provided to the department of developmental 112075
disabilities and department of medicaid not later than forty-five 112076
days before the effective date of the change of operator if the 112077
change of operator does not entail the relocation of residents. 112078
The written notice shall be provided to the department of 112079
developmental disabilities and department of medicaid not later 112080
than ninety days before the effective date of the change of 112081
operator if the change of operator entails the relocation of 112082
residents. 112083

The written notice shall include all of the following: 112084

(1) The name of the exiting operator and, if any, the exiting 112085
operator's authorized agent; 112086

(2) The name of the ICF/IID that is the subject of the change 112087
of operator; 112088

(3) The exiting operator's seven-digit medicaid legacy number 112089
and ten-digit national provider identifier number for the ICF/IID 112090
that is the subject of the change of operator; 112091

(4) The name of the entering operator; 112092

(5) The effective date of the change of operator; 112093

(6) The manner in which the entering operator becomes the 112094
ICF/IID's operator, including through sale, lease, merger, or 112095
other action; 112096

(7) If the manner in which the entering operator becomes the 112097

ICF/IID's operator involves more than one step, a description of each step; 112098
112099

(8) Written authorization from the exiting operator or owner and entering operator for the department of medicaid to process a provider agreement for the entering operator; 112100
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(9) The names and addresses of the persons to whom the department of developmental disabilities and department of medicaid should send initial correspondence regarding the change of operator; 112103
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(10) The signature of the exiting operator's or owner's representative. 112107
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(B) An exiting operator or owner and entering operator immediately shall provide the department of developmental disabilities and department of medicaid notice of any changes to information included in a written notice of a change of operator that occur after that notice is provided to the department of developmental disabilities and department of medicaid. The notice of the changes shall be provided to the department of developmental disabilities and department of medicaid in accordance with the method specified in rules authorized by section 5124.53 of the Revised Code. 112109
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Sec. 5124.511. The department of medicaid may enter into a provider agreement with an entering operator that goes into effect at 12:01 a.m. on the effective date of the change of operator if all of the following requirements are met: 112119
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(A) The department receives a properly completed written notice required by section 5124.51 of the Revised Code on or before the date required by that section. 112123
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(B) The department receives both of the following in accordance with the method specified in rules authorized by 112126
112127

section 5124.53 of the Revised Code and not later than ten days 112128
after the effective date of the change of operator: 112129

(1) From the entering operator, a completed application for a 112130
provider agreement and all other forms and documents specified in 112131
rules authorized by section 5124.53 of the Revised Code; 112132

(2) From the exiting operator or owner, all forms and 112133
documents specified in rules authorized by section 5124.53 of the 112134
Revised Code. 112135

(C) The entering operator is eligible to enter into a 112136
provider agreement for the ICF/IID as provided in section 5124.06 112137
of the Revised Code. 112138

Sec. 5124.512. (A) The department of medicaid may enter into 112139
a provider agreement with an entering operator that goes into 112140
effect at 12:01 a.m. on the date determined under division (B) of 112141
this section if all of the following are the case: 112142

(1) The department receives a properly completed written 112143
notice required by section 5124.51 of the Revised Code. 112144

(2) The department receives, from the entering operator and 112145
in accordance with the method specified in rules authorized by 112146
section 5124.53 of the Revised Code, a completed application for a 112147
provider agreement and all other forms and documents specified in 112148
rules adopted under that section. 112149

(3) The department receives, from the exiting operator or 112150
owner and in accordance with the method specified in rules 112151
authorized by section 5124.53 of the Revised Code, all forms and 112152
documents specified in rules adopted under that section. 112153

(4) One or more of the following apply: 112154

(a) The requirement of division (A)(1) of this section is met 112155
after the time required by section 5124.51 of the Revised Code; 112156

(b) The requirement of division (A)(2) of this section is met 112157
more than ten days after the effective date of the change of 112158
operator; 112159

(c) The requirement of division (A)(3) of this section is met 112160
more than ten days after the effective date of the change of 112161
operator. 112162

(5) The entering operator is eligible to enter into a 112163
provider agreement for the ICF/IID as provided in section 5124.06 112164
of the Revised Code. 112165

(B) The department shall determine the date a provider 112166
agreement entered into under this section is to go into effect as 112167
follows: 112168

(1) The effective date shall give the department sufficient 112169
time to process the change of operator and give the department 112170
sufficient time to assure no duplicate payments are made and make 112171
the withholding required by section 5124.521 of the Revised Code. 112172

(2) The effective date shall be not earlier than the latest 112173
of the following: 112174

(a) The effective date of the change of operator; 112175

(b) The date that the entering operator complies with section 112176
5124.51 of the Revised Code and division (A)(2) of this section; 112177

(c) The date that the exiting operator or owner complies with 112178
section 5124.51 of the Revised Code and division (A)(3) of this 112179
section. 112180

(3) The effective date shall be not later than the following 112181
after the later of the dates specified in division (B)(2) of this 112182
section: 112183

(a) Forty-five days if the change of operator does not entail 112184
the relocation of residents; 112185

(b) Ninety days if the change of operator entails the 112186

<u>relocation of residents.</u>	112187
<u>Sec. 5124.513. A provider that enters into a provider</u>	112188
<u>agreement with the department of medicaid under section 5124.511</u>	112189
<u>or 5124.512 of the Revised Code shall do all of the following:</u>	112190
<u>(A) Comply with all applicable federal statutes and</u>	112191
<u>regulations;</u>	112192
<u>(B) Comply with section 5124.07 of the Revised Code and all</u>	112193
<u>other applicable state statutes and rules;</u>	112194
<u>(C) Comply with all the terms and conditions of the exiting</u>	112195
<u>operator's provider agreement, including all of the following:</u>	112196
<u>(1) Any plan of correction;</u>	112197
<u>(2) Compliance with health and safety standards;</u>	112198
<u>(3) Compliance with the ownership and financial interest</u>	112199
<u>disclosure requirements of 42 C.F.R. 455.104, 455.105, and 1002.3;</u>	112200
<u>(4) Compliance with the civil rights requirements of 45</u>	112201
<u>C.F.R. parts 80, 84, and 90;</u>	112202
<u>(5) Compliance with additional requirements imposed by the</u>	112203
<u>department;</u>	112204
<u>(6) Any sanctions relating to remedies for violation of the</u>	112205
<u>provider agreement, including deficiencies, compliance periods,</u>	112206
<u>accountability periods, monetary penalties, notification for</u>	112207
<u>correction of contract violations, and history of deficiencies.</u>	112208
<u>Sec. 5124.514. In the case of a change of operator, the</u>	112209
<u>exiting operator shall be considered to be the operator of the</u>	112210
<u>ICF/IID for purposes of the medicaid program, including medicaid</u>	112211
<u>payments, until the effective date of the entering operator's</u>	112212
<u>provider agreement if the provider agreement is entered into under</u>	112213
<u>section 5124.511 or 5124.512 of the Revised Code.</u>	112214

Sec. 5124.515. The department of medicaid may enter into a provider agreement as provided in section 5124.07 of the Revised Code, rather than section 5124.511 or 5124.512 of the Revised Code, with an entering operator if the entering operator does not agree to a provider agreement that satisfies the requirements of division (C) of section 5124.513 of the Revised Code. The department may not enter into the provider agreement unless the department of health certifies the ICF/IID under Title XIX. The effective date of the provider agreement shall not precede any of the following:

(A) The date that the department of health certifies the ICF/IID;

(B) The effective date of the change of operator;

(C) The date the requirement of section 5124.51 of the Revised Code is satisfied.

Sec. 5124.516. The director of developmental disabilities may adopt rules under section 5124.03 of the Revised Code governing adjustments to the medicaid reimbursement rate for an ICF/IID that undergoes a change of operator. No rate adjustment resulting from a change of operator shall be effective before the effective date of the entering operator's provider agreement. This is the case regardless of whether the provider agreement is entered into under section 5124.511, section 5124.512, or, pursuant to section 5124.515, section 5124.07 of the Revised Code.

Sec. 5124.517. The department of developmental disabilities' determination that a change of operator has or has not occurred for purposes of licensure under section 5123.19 of the Revised Code shall not affect either of the following:

(A) A determination by the department of developmental

disabilities or department of medicaid of whether or when a change 112244
of operator occurs; 112245

(B) The department of medicaid's determination of the 112246
effective date of an entering operator's provider agreement under 112247
section 5124.511, section 5124.512, or, pursuant to section 112248
5124.515, section 5124.07 of the Revised Code. 112249

Sec. 5124.52. (A) On receipt of a written notice under 112250
section 5124.50 of the Revised Code of a facility closure or 112251
voluntary termination, on receipt of a written notice under 112252
section 5124.51 of the Revised Code of a change of operator, or on 112253
the effective date of an involuntary termination, the department 112254
of developmental disabilities shall estimate the amount of any 112255
overpayments made under the medicaid program to the exiting 112256
operator, including overpayments the exiting operator disputes, 112257
and other actual and potential debts the exiting operator owes or 112258
may owe to the department and United States centers for medicare 112259
and medicaid services under the medicaid program, including a 112260
franchise permit fee. 112261

(B) In estimating the exiting operator's other actual and 112262
potential debts to the department and the United States centers 112263
for medicare and medicaid services under the medicaid program, the 112264
department shall use a debt estimation methodology the director of 112265
developmental disabilities shall establish in rules authorized by 112266
section 5124.53 of the Revised Code. The methodology shall provide 112267
for estimating all of the following that the department determines 112268
are applicable: 112269

(1) Refunds due the department under section 5124.41 of the 112270
Revised Code; 112271

(2) Interest owed to the department and United States centers 112272
for medicare and medicaid services; 112273

(3) Final civil monetary and other penalties for which all 112274
right of appeal has been exhausted; 112275

(4) Money owed the department and United States centers for 112276
medicare and medicaid services from any outstanding final fiscal 112277
audit, including a final fiscal audit for the last fiscal year or 112278
portion thereof in which the exiting operator participated in the 112279
medicaid program; 112280

(5) Other amounts the department determines are applicable. 112281

(C) The department shall provide the exiting operator written 112282
notice of the department's estimate under division (A) of this 112283
section not later than thirty days after the department receives 112284
the notice under section 5124.50 of the Revised Code of the 112285
facility closure or voluntary termination; the department receives 112286
the notice under section 5124.51 of the Revised Code of the change 112287
of operator; or the effective date of the involuntary termination. 112288
The department's written notice shall include the basis for the 112289
estimate. 112290

Sec. 5124.521. (A) Except as provided in divisions (B), (C), 112291
and (D) of this section, the department of developmental 112292
disabilities may withhold from payment due an exiting operator 112293
under the medicaid program the total amount specified in the 112294
notice provided under division (C) of section 5124.52 of the 112295
Revised Code that the exiting operator owes or may owe to the 112296
department and United States centers for medicare and medicaid 112297
services under the medicaid program. 112298

(B) In the case of a change of operator and subject to 112299
division (E) of this section, the following shall apply regarding 112300
a withholding under division (A) of this section if the exiting 112301
operator or entering operator or an affiliated operator executes a 112302
successor liability agreement meeting the requirements of division 112303
(F) of this section: 112304

(1) If the exiting operator, entering operator, or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section 5124.525 of the Revised Code, the department shall not make the withholding. 112305
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(2) If the exiting operator, entering operator, or affiliated operator assumes liability for only the portion of the amount specified in division (B)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section 5124.52 of the Revised Code and the amount for which the exiting operator, entering operator, or affiliated operator assumes liability. 112311
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(C) In the case of a voluntary termination or facility closure and subject to division (E) of this section, the following shall apply regarding a withholding under division (A) of this section if the exiting operator or an affiliated operator executes a successor liability agreement meeting the requirements of division (F) of this section: 112320
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(1) If the exiting operator or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section 5124.525 of the Revised Code, the department shall not make the withholding. 112326
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(2) If the exiting operator or affiliated operator assumes liability for only the portion of the amount specified in division (C)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the 112332
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notice provided under division (C) of section 5124.52 of the 112337
Revised Code and the amount for which the exiting operator or 112338
affiliated operator assumes liability. 112339

(D) In the case of an involuntary termination and subject to 112340
division (E) of this section, the following shall apply regarding 112341
a withholding under division (A) of this section if the exiting 112342
operator, the entering operator, or an affiliated operator 112343
executes a successor liability agreement meeting the requirements 112344
of division (F) of this section and the department approves the 112345
successor liability agreement: 112346

(1) If the exiting operator, entering operator, or affiliated 112347
operator assumes liability for the total, actual amount of debt 112348
the exiting operator owes the department and the United States 112349
centers for medicare and medicaid services under the medicaid 112350
program as determined under section 5124.525 of the Revised Code, 112351
the department shall not make the withholding. 112352

(2) If the exiting operator, entering operator, or affiliated 112353
operator assumes liability for only the portion of the amount 112354
specified in division (D)(1) of this section that represents the 112355
franchise permit fee the exiting operator owes, the department 112356
shall withhold not more than the difference between the total 112357
amount specified in the notice provided under division (C) of 112358
section 5124.52 of the Revised Code and the amount for which the 112359
exiting operator, entering operator, or affiliated operator 112360
assumes liability. 112361

(E) For an exiting operator or affiliated operator to be 112362
eligible to enter into a successor liability agreement under 112363
division (B), (C), or (D) of this section, both of the following 112364
must apply: 112365

(1) The exiting operator or affiliated operator must have one 112366
or more valid provider agreements, other than the provider 112367

agreement for the ICF/IID that is the subject of the involuntary termination, voluntary termination, facility closure, or change of operator; 112368
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(2) During the twelve-month period preceding either the effective date of the involuntary termination or the month in which the department receives the notice of the voluntary termination or facility closure under section 5124.50 of the Revised Code or the notice of the change of operator under section 5124.51 of the Revised Code, the average monthly medicaid payment made to the exiting operator or affiliated operator pursuant to the exiting operator's or affiliated operator's one or more provider agreements, other than the provider agreement for the ICF/IID that is the subject of the involuntary termination, voluntary termination, facility closure, or change of operator, must equal at least ninety per cent of the sum of the following: 112371
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(a) The average monthly medicaid payment made to the exiting operator pursuant to the exiting operator's provider agreement for the ICF/IID that is the subject of the involuntary termination, voluntary termination, facility closure, or change of operator; 112383
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(b) Whichever of the following apply: 112387

(i) If the exiting operator or affiliated operator has assumed liability under one or more other successor liability agreements, the total amount for which the exiting operator or affiliated operator has assumed liability under the other successor liability agreements; 112388
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(ii) If the exiting operator or affiliated operator has not assumed liability under any other successor liability agreements, zero. 112393
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(F) A successor liability agreement executed under this section must comply with all of the following: 112396
112397

(1) It must provide for the operator who executes the 112398

successor liability agreement to assume liability for either of 112399
the following as specified in the agreement: 112400

(a) The total, actual amount of debt the exiting operator 112401
owes the department and the United States centers for medicare and 112402
medicaid services under the medicaid program as determined under 112403
section 5124.525 of the Revised Code; 112404

(b) The portion of the amount specified in division (F)(1)(a) 112405
of this section that represents the franchise permit fee the 112406
exiting operator owes. 112407

(2) It may not require the operator who executes the 112408
successor liability agreement to furnish a surety bond. 112409

(3) It must provide that the department, after determining 112410
under section 5124.525 of the Revised Code the actual amount of 112411
debt the exiting operator owes the department and United States 112412
centers for medicare and medicaid services under the medicaid 112413
program, may deduct the lesser of the following from medicaid 112414
payments made to the operator who executes the successor liability 112415
agreement: 112416

(a) The total, actual amount of debt the exiting operator 112417
owes the department and the United States centers for medicare and 112418
medicaid services under the medicaid program as determined under 112419
section 5124.525 of the Revised Code; 112420

(b) The amount for which the operator who executes the 112421
successor liability agreement assumes liability under the 112422
agreement. 112423

(4) It must provide that the deductions authorized by 112424
division (F)(3) of this section are to be made for a number of 112425
months, not to exceed six, agreed to by the operator who executes 112426
the successor liability agreement and the department or, if the 112427
operator who executes the successor liability agreement and 112428
department cannot agree on a number of months that is less than 112429

six, a greater number of months determined by the attorney general 112430
pursuant to a claims collection process authorized by statute of 112431
this state. 112432

(5) It must provide that, if the attorney general determines 112433
the number of months for which the deductions authorized by 112434
division (F)(3) of this section are to be made, the operator who 112435
executes the successor liability agreement shall pay, in addition 112436
to the amount collected pursuant to the attorney general's claims 112437
collection process, the part of the amount so collected that, if 112438
not for division (H) of this section, would be required by section 112439
109.081 of the Revised Code to be paid into the attorney general 112440
claims fund. 112441

(G) Execution of a successor liability agreement does not 112442
waive an exiting operator's right to contest the amount specified 112443
in the notice the department provides the exiting operator under 112444
division (C) of section 5124.52 of the Revised Code. 112445

(H) Notwithstanding section 109.081 of the Revised Code, the 112446
entire amount that the attorney general, whether by employees or 112447
agents of the attorney general or by special counsel appointed 112448
pursuant to section 109.08 of the Revised Code, collects under a 112449
successor liability agreement, other than the additional amount 112450
the operator who executes the agreement is required by division 112451
(F)(5) of this section to pay, shall be paid to the department of 112452
developmental disabilities for deposit into the appropriate fund. 112453
The additional amount that the operator is required to pay shall 112454
be paid into the state treasury to the credit of the attorney 112455
general claims fund created under section 109.081 of the Revised 112456
Code. 112457

Sec. 5124.522. (A) Except as provided in division (B) of this 112458
section, an exiting operator shall file with the department of 112459
developmental disabilities a cost report not later than ninety 112460

days after the last day the exiting operator's provider agreement 112461
is in effect. The cost report shall cover the period that begins 112462
with the day after the last day covered by the operator's most 112463
recent previous cost report filed under section 5124.10 or 112464
5124.101 of the Revised Code and ends on the last day the exiting 112465
operator's provider agreement is in effect. The cost report shall 112466
include, as applicable, all of the following: 112467

(1) The sale price of the ICF/IID; 112468

(2) A final depreciation schedule that shows which assets are 112469
transferred to the buyer and which assets are not transferred to 112470
the buyer; 112471

(3) Any other information the department requires. 112472

(B) The department, at its sole discretion, may waive the 112473
requirement that an exiting operator file a cost report in 112474
accordance with division (A) of this section. 112475

Sec. 5124.523. If an exiting operator required by section 112476
5124.522 of the Revised Code to file a cost report with the 112477
department of developmental disabilities fails to file the cost 112478
report in accordance with that section, all payments under the 112479
medicaid program for the period the cost report is required to 112480
cover are deemed overpayments until the date the department 112481
receives the properly completed cost report. The department may 112482
impose on the exiting operator a penalty of one hundred dollars 112483
for each calendar day the properly completed cost report is late. 112484

Sec. 5124.524. The department of developmental disabilities 112485
may not provide an exiting operator final payment under the 112486
medicaid program until the department receives all properly 112487
completed cost reports the exiting operator is required to file 112488
under sections 5124.10 and 5124.522 of the Revised Code. 112489

Sec. 5124.525. The department of developmental disabilities shall determine the actual amount of debt an exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program by completing all final fiscal audits not already completed and performing all other appropriate actions the department determines to be necessary. The department shall issue an initial debt summary report on this matter not later than sixty days after the date the exiting operator files the properly completed cost report required by section 5124.522 of the Revised Code with the department or, if the department waives the cost report requirement for the exiting operator, sixty days after the date the department waives the cost report requirement. The initial debt summary report becomes the final debt summary report thirty-one days after the department issues the initial debt summary report unless the exiting operator, or an affiliated operator who executes a successor liability agreement under section 5124.521 of the Revised Code, requests a review before that date.

The exiting operator, and an affiliated operator who executes a successor liability agreement under section 5124.521 of the Revised Code, may request a review to contest any of the department's findings included in the initial debt summary report. The request for the review must be submitted to the department not later than thirty days after the date the department issues the initial debt summary report. The department shall conduct the review on receipt of a timely request and issue a revised debt summary report. If the department has withheld money from payment due the exiting operator under division (A) of section 5124.521 of the Revised Code, the department shall issue the revised debt summary report not later than ninety days after the date the department receives the timely request for the review unless the department and exiting operator or affiliated operator agree to a

later date. The exiting operator or affiliated operator may submit information to the department explaining what the operator contests before and during the review, including documentation of the amount of any debt the department owes the operator. The exiting operator or affiliated operator may submit additional information to the department not later than thirty days after the department issues the revised debt summary report. The revised debt summary report becomes the final debt summary report thirty-one days after the department issues the revised debt summary report unless the exiting operator or affiliated operator timely submits additional information to the department. If the exiting operator or affiliated operator timely submits additional information to the department, the department shall consider the additional information and issue a final debt summary report not later than sixty days after the department issues the revised debt summary report unless the department and exiting operator or affiliated operator agree to a later date.

Each debt summary report the department issues under this section shall include the department's findings and the amount of debt the department determines the exiting operator owes the department and United States centers for medicare and medicaid services under the medicaid program. The department shall explain its findings and determination in each debt summary report.

The exiting operator, and an affiliated operator who executes a successor liability agreement under section 5124.521 of the Revised Code, may request, in accordance with Chapter 119. of the Revised Code, an adjudication regarding a finding in a final debt summary report that pertains to an audit or alleged overpayment made under the medicaid program to the exiting operator. The adjudication shall be consolidated with any other uncompleted adjudication that concerns a matter addressed in the final debt summary report.

Sec. 5124.526. The department of developmental disabilities shall release the actual amount withheld under division (A) of section 5124.521 of the Revised Code, less any amount the exiting operator owes the department and United States centers for medicare and medicaid services under the medicaid program, as follows: 112554
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(A) Unless the department issues the initial debt summary report required by section 5124.525 of the Revised Code not later than sixty days after the date the exiting operator files the properly completed cost report required by section 5124.522 of the Revised Code, sixty-one days after the date the exiting operator files the properly completed cost report; 112560
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(B) If the department issues the initial debt summary report required by section 5124.525 of the Revised Code not later than sixty days after the date the exiting operator files a properly completed cost report required by section 5124.522 of the Revised Code, not later than the following: 112566
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(1) Thirty days after the deadline for requesting an adjudication under section 5124.525 of the Revised Code regarding the final debt summary report if the exiting operator, and an affiliated operator who executes a successor liability agreement under section 5124.521 of the Revised Code, fail to request the adjudication on or before the deadline; 112571
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(2) Thirty days after the completion of an adjudication of the final debt summary report if the exiting operator, or an affiliated operator who executes a successor liability agreement under section 5124.521 of the Revised Code, requests the adjudication on or before the deadline for requesting the adjudication. 112577
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(C) Unless the department issues the initial debt summary report required by section 5124.525 of the Revised Code not later 112583
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than sixty days after the date the department waives the cost 112585
report requirement of section 5124.522 of the Revised Code, 112586
sixty-one days after the date the department waives the cost 112587
report requirement; 112588

(D) If the department issues the initial debt summary report 112589
required by section 5124.525 of the Revised Code not later than 112590
sixty days after the date the department waives the cost report 112591
requirement of section 5124.522 of the Revised Code, not later 112592
than the following: 112593

(1) Thirty days after the deadline for requesting an 112594
adjudication under section 5124.525 of the Revised Code regarding 112595
the final debt summary report if the exiting operator, and an 112596
affiliated operator who executes a successor liability agreement 112597
under section 5124.521 of the Revised Code, fail to request the 112598
adjudication on or before the deadline; 112599

(2) Thirty days after the completion of an adjudication of 112600
the final debt summary report if the exiting operator, or an 112601
affiliated operator who executes a successor liability agreement 112602
under section 5124.521 of the Revised Code, requests the 112603
adjudication on or before the deadline for requesting the 112604
adjudication. 112605

Sec. 5124.527. The department of developmental disabilities, 112606
at its sole discretion, may release the amount withheld under 112607
division (A) of section 5124.521 of the Revised Code if the 112608
exiting operator submits to the department written notice of a 112609
postponement of a change of operator, facility closure, or 112610
voluntary termination and the transactions leading to the change 112611
of operator, facility closure, or voluntary termination are 112612
postponed for at least thirty days but less than ninety days after 112613
the date originally proposed for the change of operator, facility 112614
closure, or voluntary termination as reported in the written 112615

notice required by section 5124.50 or 5124.51 of the Revised Code. 112616
The department shall release the amount withheld if the exiting 112617
operator submits to the department written notice of a 112618
cancellation or postponement of a change of operator, facility 112619
closure, or voluntary termination and the transactions leading to 112620
the change of operator, facility closure, or voluntary termination 112621
are canceled or postponed for more than ninety days after the date 112622
originally proposed for the change of operator, facility closure, 112623
or voluntary termination as reported in the written notice 112624
required by section 5124.50 or 5124.51 of the Revised Code. A 112625
written notice shall be provided to the department in accordance 112626
with the method specified in rules authorized by section 5124.53 112627
of the Revised Code. 112628

After the department receives a written notice regarding a 112629
cancellation or postponement of a facility closure or voluntary 112630
termination, the exiting operator or owner shall provide new 112631
written notice to the department under section 5124.50 of the 112632
Revised Code regarding any transactions leading to a facility 112633
closure or voluntary termination at a future time. After the 112634
department receives a written notice regarding a cancellation or 112635
postponement of a change of operator, the exiting operator or 112636
owner and entering operator shall provide new written notice to 112637
the department under section 5124.51 of the Revised Code regarding 112638
any transactions leading to a change of operator at a future time. 112639

Sec. 5124.528. (A) All amounts withheld under section 112640
5124.521 of the Revised Code from payment due an exiting operator 112641
under the medicaid program shall be deposited into the medicaid 112642
payment withholding fund created by the controlling board pursuant 112643
to section 131.35 of the Revised Code. Money in the fund shall be 112644
used as follows: 112645

(1) To pay an exiting operator when a withholding is released 112646

to the exiting operator under section 5124.526 or 5124.527 of the 112647
Revised Code; 112648

(2) To pay the department of medicaid or department of 112649
developmental disabilities, and United States centers for medicare 112650
and medicaid services, the amount an exiting operator owes the 112651
department of medicaid or department of developmental disabilities 112652
and United States centers under the medicaid program. 112653

(B) Amounts paid from the medicaid payment withholding fund 112654
pursuant to division (A)(2) of this section shall be deposited 112655
into the appropriate fund. 112656

Sec. 5124.53. The director of developmental disabilities 112657
shall adopt rules under section 5124.03 of the Revised Code to 112658
implement sections 5124.50 to 5124.53 of the Revised Code. The 112659
rules shall specify all of the following: 112660

(A) The method by which written notices to the department 112661
required by sections 5124.50 to 5124.53 of the Revised Code are to 112662
be provided; 112663

(B) The forms and documents that are to be provided to the 112664
department under sections 5124.511 and 5124.512 of the Revised 112665
Code, which shall include, in the case of such forms and documents 112666
provided by entering operators, all the fully executed leases, 112667
management agreements, merger agreements and supporting documents, 112668
and fully executed sales contracts and any other supporting 112669
documents culminating in the change of operator; 112670

(C) The method by which the forms and documents identified in 112671
division (B) of this section are to be provided to the department. 112672

~~Sec. 5111.874 5124.60. (A) As used in sections 5111.874 to~~ 112673
~~5111.8710 of the Revised Code:~~ 112674

~~"Home and community based services" has the same meaning as~~ 112675

~~in section 5123.01 of the Revised Code.~~ 112676

~~"ICF/MR services" means intermediate care facility for the 112677
mentally retarded services covered by the medicaid program that an 112678
intermediate care facility for the mentally retarded provides to a 112679
resident of the facility who is a medicaid recipient eligible for 112680
medicaid covered intermediate care facility for the mentally 112681
retarded services.~~ 112682

~~"Intermediate care facility for the mentally retarded" means 112683
an intermediate care facility for the mentally retarded that is 112684
certified as in compliance with applicable standards for the 112685
medicaid program by the director of health in accordance with 112686
Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 112687
U.S.C. 1396, as amended, and licensed as a residential facility 112688
under section 5123.19 of the Revised Code.~~ 112689

~~"Residential facility" has the same meaning as in section 112690
5123.19 of the Revised Code.~~ 112691

~~(B) For the purpose of increasing the number of slots 112692
available for home and community-based services and subject to 112693
sections ~~5111.877~~ 5124.63 and ~~5111.878~~ 5124.64 of the Revised 112694
Code, the operator of an ~~intermediate care facility for the~~ 112695
~~mentally retarded~~ ICF/IID may convert some or all of the beds in 112696
the ~~facility~~ ICF/IID from providing ~~ICF/MR~~ ICF/IID services to 112697
providing home and community-based services if all of the 112698
following requirements are met:~~ 112699

(1) The operator provides the directors of health and 112700
developmental disabilities at least ninety days' notice of the 112701
operator's intent to make the conversion. 112702

(2) The operator complies with the requirements of sections 112703
~~5111.65~~ 5124.50 to ~~5111.689~~ 5124.53 of the Revised Code regarding 112704
a voluntary termination as defined in ~~section 5111.65~~ of the 112705
~~Revised Code~~ if those requirements are applicable. 112706

(3) If the operator intends to convert all of the ~~facility's~~ 112707
ICF/IID's beds, the operator notifies each of the ~~facility's~~ 112708
ICF/IID's residents that the ~~facility~~ ICF/IID is to cease 112709
providing ~~ICF/MR~~ ICF/IID services and inform each resident that 112710
the resident may do either of the following: 112711

(a) Continue to receive ~~ICF/MR~~ ICF/IID services by 112712
transferring to another ~~facility~~ ICF/IID that is ~~an intermediate~~ 112713
~~care facility for the mentally retarded~~ willing and able to accept 112714
the resident if the resident continues to qualify for ~~ICF/MR~~ 112715
ICF/IID services; 112716

(b) Begin to receive home and community-based services 112717
instead of ~~ICF/MR~~ ICF/IID services from any provider of home and 112718
community-based services that is willing and able to provide the 112719
services to the resident if the resident is eligible for the 112720
services and a slot for the services is available to the resident. 112721

(4) If the operator intends to convert some but not all of 112722
the ~~facility's~~ ICF/IID's beds, the operator notifies each of the 112723
~~facility's~~ ICF/IID's residents that the ~~facility~~ ICF/IID is to 112724
convert some of its beds from providing ~~ICF/MR~~ ICF/IID services to 112725
providing home and community-based services and inform each 112726
resident that the resident may do either of the following: 112727

(a) Continue to receive ~~ICF/MR~~ ICF/IID services from any 112728
~~provider of services~~ ~~ICF/MR~~ ICF/IID that is willing and able to 112729
provide the services to the resident if the resident continues to 112730
qualify for ~~ICF/MR~~ ICF/IID services; 112731

(b) Begin to receive home and community-based services 112732
instead of ~~ICF/MR~~ ICF/IID services from any provider of home and 112733
community-based services that is willing and able to provide the 112734
services to the resident if the resident is eligible for the 112735
services and a slot for the services is available to the resident. 112736

(5) The operator meets the requirements for providing home 112737

and community-based services, including the following: 112738

(a) Such requirements applicable to a residential facility if 112739
the operator maintains the facility's license as a residential 112740
facility; 112741

(b) Such requirements applicable to a facility that is not 112742
licensed as a residential facility if the operator surrenders the 112743
facility's license as a residential facility under section 5123.19 112744
of the Revised Code. 112745

(6) The director of developmental disabilities approves the 112746
conversion. 112747

~~(C)~~(B) A decision by the director of developmental 112748
disabilities to approve or refuse to approve a proposed conversion 112749
of beds is final. In making a decision, the director shall 112750
consider all of the following: 112751

(1) The fiscal impact on the ~~facility~~ ICF/IID if some but not 112752
all of the beds are converted; 112753

(2) The fiscal impact on the ~~medical assistance~~ medicaid 112754
program; 112755

(3) The availability of home and community-based services. 112756

~~(D)~~(C) The notice provided to the directors under division 112757
~~(B)~~(A)(1) of this section shall specify whether some or all of the 112758
~~facility's~~ ICF/IID's beds are to be converted. If some but not all 112759
of the beds are to be converted, the notice shall specify how many 112760
of the ~~facility's~~ ICF/IID's beds are to be converted and how many 112761
of the beds are to continue to provide ~~ICF/MR~~ ICF/IID services. 112762
The notice to the director of developmental disabilities shall 112763
specify whether the operator wishes to surrender the ~~facility's~~ 112764
ICF/IID's license as a residential facility under section 5123.19 112765
of the Revised Code. 112766

~~(E)~~(D)(1) If the director of developmental disabilities 112767

approves a conversion under division ~~(C)~~(B) of this section, the 112768
director of health shall do the following: 112769

(a) Terminate the ICF/IID's medicaid certification ~~of the~~ 112770
~~intermediate care facility for the mentally retarded~~ if the notice 112771
specifies that all of the ~~facility's~~ ICF/IID's beds are to be 112772
converted; 112773

(b) Reduce the ~~facility's certified~~ ICF/IID's 112774
medicaid-certified capacity by the number of beds being converted 112775
if the notice specifies that some but not all of the beds are to 112776
be converted. 112777

(2) The director of health shall notify the medicaid director 112778
~~of job and family services~~ of the termination or reduction. On 112779
receipt of the ~~director of health's~~ notice, the medicaid director 112780
~~of job and family services~~ shall do the following: 112781

(a) Terminate the operator's medicaid provider agreement that 112782
authorizes the operator to provide ~~ICF/MR~~ ICF/IID services at the 112783
~~facility~~ ICF/IID if the ~~facility's~~ ICF/IID's certification was 112784
terminated; 112785

(b) Amend the operator's medicaid provider agreement to 112786
reflect the ~~facility's~~ ICF/IID's reduced ~~certified~~ 112787
medicaid-certified capacity if the ~~facility's certified~~ ICF/IID's 112788
medicaid-certified capacity is reduced. 112789

(3) In the case of action taken under division ~~(E)~~(D)(2)(a) 112790
of this section, the operator is not entitled to notice or a 112791
hearing under Chapter 119. of the Revised Code before the medicaid 112792
~~director of job and family services~~ terminates the medicaid 112793
provider agreement. 112794

Sec. ~~5111.875~~ 5124.61. (A) For the purpose of increasing the 112795
number of slots available for home and community-based services 112796
and subject to sections ~~5111.877~~ 5124.63 and ~~5111.878~~ 5124.64 of 112797

the Revised Code, a person who acquires, through a request for 112798
proposals issued by the director of developmental disabilities, a 112799
~~residential facility that is an intermediate care facility for the~~ 112800
~~mentally retarded and~~ an ICF/IID for which ~~the~~ a residential 112801
facility license as ~~a residential facility~~ was previously 112802
surrendered or revoked may convert some or all of the ~~facility's~~ 112803
ICF/IID's beds from providing ~~ICF/MR~~ ICF/IID services to providing 112804
home and community-based services if all of the following 112805
requirements are met: 112806

(1) The person provides the directors of health, ~~job and~~ 112807
~~family services,~~ and developmental disabilities and medicaid 112808
director at least ninety days' notice of the person's intent to 112809
make the conversion. 112810

(2) The person complies with the requirements of sections 112811
~~5111.65~~ 5124.50 to ~~5111.689~~ 5124.53 of the Revised Code regarding 112812
a voluntary termination ~~as defined in section 5111.65 of the~~ 112813
~~Revised Code~~ if those requirements are applicable. 112814

(3) If the person intends to convert all of the ~~facility's~~ 112815
ICF/IID's beds, the person notifies each of the ~~facility's~~ 112816
ICF/IID's residents that the ~~facility~~ ICF/IID is to cease 112817
providing ~~ICF/MR~~ ICF/IID services and informs each resident that 112818
the resident may do either of the following: 112819

(a) Continue to receive ~~ICF/MR~~ ICF/IID services by 112820
transferring to another ~~facility that is an intermediate care~~ 112821
~~facility for the mentally retarded~~ ICF/IID willing and able to 112822
accept the resident if the resident continues to qualify for 112823
~~ICF/MR~~ ICF/IID services; 112824

(b) Begin to receive home and community-based services 112825
instead of ~~ICF/MR~~ ICF/IID services from any provider of home and 112826
community-based services that is willing and able to provide the 112827
services to the resident if the resident is eligible for the 112828

services and a slot for the services is available to the resident. 112829

(4) If the person intends to convert some but not all of the 112830
~~facility's~~ ICF/IID's beds, the person notifies each of the 112831
~~facility's~~ ICF/IID's residents that the ~~facility~~ ICF/IID is to 112832
convert some of its beds from providing ~~ICF/MR~~ ICF/IID services to 112833
providing home and community-based services and inform each 112834
resident that the resident may do either of the following: 112835

(a) Continue to receive ~~ICF/MR~~ ICF/IID services from any 112836
~~provider of ICF/MR services~~ that is willing and able to provide 112837
the services to the resident if the resident continues to qualify 112838
for ~~ICF/MR~~ ICF/IID services; 112839

(b) Begin to receive home and community-based services 112840
instead of ~~ICF/MR~~ ICF/IID services from any provider of home and 112841
community-based services that is willing and able to provide the 112842
services to the resident if the resident is eligible for the 112843
services and a slot for the services is available to the resident. 112844

(5) The person meets the requirements for providing home and 112845
community-based services at a residential facility. 112846

(B) The notice provided to the directors under division 112847
(A)(1) of this section shall specify whether some or all of the 112848
~~facility's~~ ICF/IID's beds are to be converted. If some but not all 112849
of the beds are to be converted, the notice shall specify how many 112850
of the ~~facility's~~ ICF/IID's beds are to be converted and how many 112851
of the beds are to continue to provide ~~ICF/MR~~ ICF/IID services. 112852

(C) On receipt of a notice under division (A)(1) of this 112853
section, the director of health shall do the following: 112854

(1) Terminate the ICF/IID's medicaid certification ~~of the~~ 112855
~~intermediate care facility for the mentally retarded~~ if the notice 112856
specifies that all of the facility's beds are to be converted; 112857

(2) Reduce the ~~facility's~~ certified ICF/IID's 112858

medicaid-certified capacity by the number of beds being converted 112859
if the notice specifies that some but not all of the beds are to 112860
be converted. 112861

(D) The director of health shall notify the medicaid director 112862
~~of job and family services~~ of the termination or reduction under 112863
division (C) of this section. On receipt of the director of 112864
health's notice, the medicaid director ~~of job and family services~~ 112865
shall do the following: 112866

(1) Terminate the person's medicaid provider agreement that 112867
authorizes the person to provide ~~ICF/MR~~ ICF/IID services at the 112868
~~facility~~ ICF/IID if the ~~facility's~~ ICF/IID's medicaid 112869
certification was terminated; 112870

(2) Amend the person's medicaid provider agreement to reflect 112871
the ~~facility's~~ ICF/IID's reduced certified medicaid-certified 112872
capacity if the ~~facility's certified~~ ICF/IID's medicaid-certified 112873
capacity is reduced. 112874

The person is not entitled to notice or a hearing under 112875
Chapter 119. of the Revised Code before the medicaid director ~~of~~ 112876
~~job and family services~~ terminates or amends the medicaid provider 112877
agreement. 112878

Sec. ~~5111.876~~ 5124.62. Subject to section ~~5111.877~~ 5124.63 of 112879
the Revised Code, the director of developmental disabilities may 112880
request that the medicaid director ~~of job and family services~~ seek 112881
the approval of the United States secretary of health and human 112882
services to increase the number of slots available for home and 112883
community-based services by a number not exceeding the number of 112884
beds that were part of the licensed capacity of a residential 112885
facility that had its license revoked or surrendered under section 112886
5123.19 of the Revised Code if the residential facility was an 112887
~~intermediate care facility for the mentally retarded~~ ICF/IID at 112888
the time of the license revocation or surrender. The revocation or 112889

surrender may have occurred before, or may occur on or after, June 24, 2008. The request may include beds the director of developmental disabilities removed from such a residential facility's licensed capacity before transferring ownership or operation of the residential facility pursuant to a request for proposals.

Sec. ~~5111.877~~ 5124.63. The medicaid director ~~of job and family services~~ may seek approval from the United States secretary of health and human services for not more than a total of ~~five~~ six hundred slots for home and community-based services for the purposes of sections ~~5111.874~~ 5124.60, ~~5111.875~~ 5124.61, and ~~5111.876~~ 5124.62 of the Revised Code.

Sec. ~~5111.878~~ 5124.64. Not more than a total of ~~five~~ six hundred beds may be converted from providing ~~ICF/MR~~ ICF/IID services to providing home and community-based services under sections ~~5111.874~~ 5124.60 and ~~5111.875~~ 5124.61 of the Revised Code.

Sec. ~~5111.879~~ 5124.65. No person or government entity may reconvert a bed to be used for ~~ICF/MR~~ ICF/IID services if the bed was converted to use for home and community-based services under section ~~5111.874~~ 5124.60 or ~~5111.875~~ 5124.61 of the Revised Code. This prohibition applies regardless of either of the following:

(A) The bed is part of the licensed capacity of a residential facility.

(B) The bed has been sold, leased, or otherwise transferred to another person or government entity.

Sec. 5124.67. (A) The department of developmental disabilities shall strive to achieve, not later than July 1, 2018,

the following statewide reductions in ICF/IID beds: 112918

(1) At least five hundred and not more than six hundred beds 112919
in ICFs/IID that, before becoming downsized ICFs/IID, have sixteen 112920
or more beds; 112921

(2) At least five hundred and not more than six hundred beds 112922
in ICFs/IID with any number of beds that convert some or all of 112923
their beds from providing ICF/IID services to providing home and 112924
community-based services pursuant to section 5124.60 or 5124.61 of 112925
the Revised Code. 112926

(B) In its efforts to achieve the reductions under division 112927
(A) of this section, the department shall collaborate with the 112928
Ohio association of county boards serving people with 112929
developmental disabilities, the Ohio provider resource 112930
association, the Ohio centers for intellectual disabilities formed 112931
by the Ohio health care association, and the values and faith 112932
alliance. The collaboration efforts may include the following: 112933

(1) Identifying ICFs/IID that may reduce the number of their 112934
beds to help achieve the reductions under division (A) of this 112935
section; 112936

(2) Encouraging ICF/IID providers to reduce the number of 112937
their ICFs/IID's beds; 112938

(3) Establishing interim time frames for making progress in 112939
achieving the reductions; 112940

(4) Creating incentives for, and removing impediments to, the 112941
reductions; 112942

(5) In the case of ICF/IID beds that are converted to 112943
providing home and community-based services, developing a 112944
mechanism to compensate providers for beds that permanently cease 112945
to provide ICF/IID services. 112946

(C) The department shall meet not less than twice each year 112947

with the organizations specified in division (B) of this section 112948
to do all of the following: 112949

(1) Review the progress being made in achieving the 112950
reductions under division (A) of this section; 112951

(2) Prepare written reports on the progress; 112952

(3) Identify additional measures needed to achieve the 112953
reductions. 112954

Sec. 5124.99. Whoever violates section 5124.102 or division 112955
(E) of section 5124.08 of the Revised Code shall be fined not less 112956
than five hundred dollars nor more than one thousand dollars for 112957
the first offense and not less than one thousand dollars nor more 112958
than five thousand dollars for each subsequent offense. 112959

Fines paid under this section shall be deposited in the state 112960
treasury to the credit of the general revenue fund. 112961

Sec. 5126.01. As used in this chapter: 112962

(A) As used in this division, "adult" means an individual who 112963
is eighteen years of age or over and not enrolled in a program or 112964
service under Chapter 3323. of the Revised Code and an individual 112965
sixteen or seventeen years of age who is eligible for adult 112966
services under rules adopted by the director of developmental 112967
disabilities pursuant to Chapter 119. of the Revised Code. 112968

(1) "Adult services" means services provided to an adult 112969
outside the home, except when they are provided within the home 112970
according to an individual's assessed needs and identified in an 112971
individual service plan, that support learning and assistance in 112972
the area of self-care, sensory and motor development, 112973
socialization, daily living skills, communication, community 112974
living, social skills, or vocational skills. 112975

(2) "Adult services" includes all of the following: 112976

(a) Adult day habilitation services;	112977
(b) Adult day care;	112978
(c) Prevocational services;	112979
(d) Sheltered employment;	112980
(e) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with mental retardation and developmental disabilities, including trade schools, vocational or technical schools, adult education, job exploration and sampling, unpaid work experience in the community, volunteer activities, and spectator sports;	112981 112982 112983 112984 112985 112986 112987
(f) Community employment services and supported employment services.	112988 112989
(B)(1) "Adult day habilitation services" means adult services that do the following:	112990 112991
(a) Provide access to and participation in typical activities and functions of community life that are desired and chosen by the general population, including such activities and functions as opportunities to experience and participate in community exploration, companionship with friends and peers, leisure activities, hobbies, maintaining family contacts, community events, and activities where individuals without disabilities are involved;	112992 112993 112994 112995 112996 112997 112998 112999
(b) Provide supports or a combination of training and supports that afford an individual a wide variety of opportunities to facilitate and build relationships and social supports in the community.	113000 113001 113002 113003
(2) "Adult day habilitation services" includes all of the following:	113004 113005
(a) Personal care services needed to ensure an individual's	113006

ability to experience and participate in vocational services, 113007
educational services, community activities, and any other adult 113008
day habilitation services; 113009

(b) Skilled services provided while receiving adult day 113010
habilitation services, including such skilled services as behavior 113011
management intervention, occupational therapy, speech and language 113012
therapy, physical therapy, and nursing services; 113013

(c) Training and education in self-determination designed to 113014
help the individual do one or more of the following: develop 113015
self-advocacy skills, exercise the individual's civil rights, 113016
acquire skills that enable the individual to exercise control and 113017
responsibility over the services received, and acquire skills that 113018
enable the individual to become more independent, integrated, or 113019
productive in the community; 113020

(d) Recreational and leisure activities identified in the 113021
individual's service plan as therapeutic in nature or assistive in 113022
developing or maintaining social supports; 113023

(e) Counseling and assistance provided to obtain housing, 113024
including such counseling as identifying options for either rental 113025
or purchase, identifying financial resources, assessing needs for 113026
environmental modifications, locating housing, and planning for 113027
ongoing management and maintenance of the housing selected; 113028

(f) Transportation necessary to access adult day habilitation 113029
services; 113030

(g) Habilitation management, as described in section 5126.14 113031
of the Revised Code. 113032

(3) "Adult day habilitation services" does not include 113033
activities that are components of the provision of residential 113034
services, family support services, or supported living services. 113035

(C) "Appointing authority" means the following: 113036

(1) In the case of a member of a county board of developmental disabilities appointed by, or to be appointed by, a board of county commissioners, the board of county commissioners; 113037
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(2) In the case of a member of a county board appointed by, or to be appointed by, a senior probate judge, the senior probate judge. 113040
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(D) "Community employment," "competitive employment," and "integrated setting" have the same meanings as in section 5123.022 of the Revised Code. 113043
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~~(E) "Community employment services" or "supported~~ Supported employment services" means vocational assessment, job training and coaching, job development and placement, worksite accessibility, and other services related to employment outside a sheltered workshop. ~~"Community employment services" or "supported~~ Supported employment services" ~~include all~~ includes both of the following: 113046
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(1) Job training resulting in the attainment of ~~competitive work~~ community employment, supported work in a typical work environment, or self-employment; 113052
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(2) ~~Supervised work experience through an employer paid to provide the supervised work experience;~~ 113055
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~~(3) Ongoing work in a competitive work environment at a wage commensurate with workers without disabilities;~~ 113057
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~~(4) Ongoing supervision by an employer paid to provide the supervision~~ Support for ongoing community employment, supported work at community-based sites, or self-employment. 113059
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~~(E)~~(F) As used in this division, "substantial functional limitation," "developmental delay," and "established risk" have the meanings established pursuant to section 5123.011 of the Revised Code. 113062
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"Developmental disability" means a severe, chronic disability 113066

that is characterized by all of the following: 113067

(1) It is attributable to a mental or physical impairment or 113068
a combination of mental and physical impairments, other than a 113069
mental or physical impairment solely caused by mental illness as 113070
defined in division (A) of section 5122.01 of the Revised Code; 113071

(2) It is manifested before age twenty-two; 113072

(3) It is likely to continue indefinitely; 113073

(4) It results in one of the following: 113074

(a) In the case of a person under age three, at least one 113075
developmental delay or an established risk; 113076

(b) In the case of a person at least age three but under age 113077
six, at least two developmental delays or an established risk; 113078

(c) In the case of a person age six or older, a substantial 113079
functional limitation in at least three of the following areas of 113080
major life activity, as appropriate for the person's age: 113081
self-care, receptive and expressive language, learning, mobility, 113082
self-direction, capacity for independent living, and, if the 113083
person is at least age sixteen, capacity for economic 113084
self-sufficiency. 113085

(5) It causes the person to need a combination and sequence 113086
of special, interdisciplinary, or other type of care, treatment, 113087
or provision of services for an extended period of time that is 113088
individually planned and coordinated for the person. 113089

~~(F)~~(G) "Early childhood services" means a planned program of 113090
habilitation designed to meet the needs of individuals with mental 113091
retardation or other developmental disabilities who have not 113092
attained compulsory school age. 113093

~~(G)~~(H) "Employment services" means prevocational services or 113094
supported employment services. 113095

(I)(1) "Environmental modifications" means the physical 113096

adaptations to an individual's home, specified in the individual's 113097
service plan, that are necessary to ensure the individual's 113098
health, safety, and welfare or that enable the individual to 113099
function with greater independence in the home, and without which 113100
the individual would require institutionalization. 113101

(2) "Environmental modifications" includes such adaptations 113102
as installation of ramps and grab-bars, widening of doorways, 113103
modification of bathroom facilities, and installation of 113104
specialized electric and plumbing systems necessary to accommodate 113105
the individual's medical equipment and supplies. 113106

(3) "Environmental modifications" does not include physical 113107
adaptations or improvements to the home that are of general 113108
utility or not of direct medical or remedial benefit to the 113109
individual, including such adaptations or improvements as 113110
carpeting, roof repair, and central air conditioning. 113111

~~(H)~~(J) "Family support services" means the services provided 113112
under a family support services program operated under section 113113
5126.11 of the Revised Code. 113114

~~(I)~~(K) "Habilitation" means the process by which the staff of 113115
the facility or agency assists an individual with mental 113116
retardation or other developmental disability in acquiring and 113117
maintaining those life skills that enable the individual to cope 113118
more effectively with the demands of the individual's own person 113119
and environment, and in raising the level of the individual's 113120
personal, physical, mental, social, and vocational efficiency. 113121
Habilitation includes, but is not limited to, programs of formal, 113122
structured education and training. 113123

~~(J)~~(L) "Home and community-based services" ~~means~~ 113124
~~medicaid funded home and community based services specified in~~ 113125
~~division (B)(1) of section 5111.87 of the Revised Code and~~ 113126
~~provided under the medicaid waiver components the department of~~ 113127

~~developmental disabilities administers pursuant to~~ has the same 113128
~~meaning as in section 5111.871~~ 5123.01 of the Revised Code. 113129
~~However, home and community based services provided under the~~ 113130
~~medicaid waiver component known as the transitions developmental~~ 113131
~~disabilities waiver are to be considered to be home and~~ 113132
~~community based services for the purposes of this chapter only to~~ 113133
~~the extent, if any, provided by the contract required by section~~ 113134
~~5111.871 of the Revised Code regarding the waiver.~~ 113135

~~(K)~~(M) "ICF/IID" has the same meaning as in section 5124.01 113136
of the Revised Code. 113137

(N) "Immediate family" means parents, grandparents, brothers, 113138
sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, 113139
fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and 113140
daughters-in-law. 113141

~~(L)~~ "Medicaid" ~~has the same meaning as in section 5111.01 of~~ 113142
~~the Revised Code.~~ 113143

~~(M)~~(O) "Medicaid case management services" means case 113144
management services provided to an individual with mental 113145
retardation or other developmental disability that the state 113146
medicaid plan requires. 113147

~~(N)~~(P) "Mental retardation" means a mental impairment 113148
manifested during the developmental period characterized by 113149
significantly subaverage general intellectual functioning existing 113150
concurrently with deficiencies in the effectiveness or degree with 113151
which an individual meets the standards of personal independence 113152
and social responsibility expected of the individual's age and 113153
cultural group. 113154

~~(O)~~(Q) "Prevocational services" means services, including 113155
services as a volunteer, that provide learning and work 113156
experiences from which an individual can develop general strengths 113157
and skills that are not specific to a particular task or job but 113158

contribute to employability in community employment, supported 113159
work at community-based sites, or self-employment. 113160

(R) "Residential services" means services to individuals with 113161
mental retardation or other developmental disabilities to provide 113162
housing, food, clothing, habilitation, staff support, and related 113163
support services necessary for the health, safety, and welfare of 113164
the individuals and the advancement of their quality of life. 113165
"Residential services" includes program management, as described 113166
in section 5126.14 of the Revised Code. 113167

~~(P)~~(S) "Resources" means available capital and other assets, 113168
including moneys received from the federal, state, and local 113169
governments, private grants, and donations; appropriately 113170
qualified personnel; and appropriate capital facilities and 113171
equipment. 113172

~~(Q)~~(T) "Senior probate judge" means the current probate judge 113173
of a county who has served as probate judge of that county longer 113174
than any of the other current probate judges of that county. If a 113175
county has only one probate judge, "senior probate judge" means 113176
that probate judge. 113177

~~(R)~~(U) "Service and support administration" means the duties 113178
performed by a service and support administrator pursuant to 113179
section 5126.15 of the Revised Code. 113180

~~(S)~~(V)(1) "Specialized medical, adaptive, and assistive 113181
equipment, supplies, and supports" means equipment, supplies, and 113182
supports that enable an individual to increase the ability to 113183
perform activities of daily living or to perceive, control, or 113184
communicate within the environment. 113185

(2) "Specialized medical, adaptive, and assistive equipment, 113186
supplies, and supports" includes the following: 113187

(a) Eating utensils, adaptive feeding dishes, plate guards, 113188
mylatex straps, hand splints, reaches, feeder seats, adjustable 113189

pointer sticks, interpreter services, telecommunication devices 113190
for the deaf, computerized communications boards, other 113191
communication devices, support animals, veterinary care for 113192
support animals, adaptive beds, supine boards, prone boards, 113193
wedges, sand bags, sidelayers, bolsters, adaptive electrical 113194
switches, hand-held shower heads, air conditioners, humidifiers, 113195
emergency response systems, folding shopping carts, vehicle lifts, 113196
vehicle hand controls, other adaptations of vehicles for 113197
accessibility, and repair of the equipment received. 113198

(b) Nondisposable items not covered by medicaid that are 113199
intended to assist an individual in activities of daily living or 113200
instrumental activities of daily living. 113201

~~(T)~~(W) "Supportive home services" means a range of services 113202
to families of individuals with mental retardation or other 113203
developmental disabilities to develop and maintain increased 113204
acceptance and understanding of such persons, increased ability of 113205
family members to teach the person, better coordination between 113206
school and home, skills in performing specific therapeutic and 113207
management techniques, and ability to cope with specific 113208
situations. 113209

~~(U)~~(X)(1) "Supported living" means services provided for as 113210
long as twenty-four hours a day to an individual with mental 113211
retardation or other developmental disability through any public 113212
or private resources, including moneys from the individual, that 113213
enhance the individual's reputation in community life and advance 113214
the individual's quality of life by doing the following: 113215

(a) Providing the support necessary to enable an individual 113216
to live in a residence of the individual's choice, with any number 113217
of individuals who are not disabled, or with not more than three 113218
individuals with mental retardation and developmental disabilities 113219
unless the individuals are related by blood or marriage; 113220

(b) Encouraging the individual's participation in the community;	113221 113222
(c) Promoting the individual's rights and autonomy;	113223
(d) Assisting the individual in acquiring, retaining, and improving the skills and competence necessary to live successfully in the individual's residence.	113224 113225 113226
(2) "Supported living" includes the provision of all of the following:	113227 113228
(a) Housing, food, clothing, habilitation, staff support, professional services, and any related support services necessary to ensure the health, safety, and welfare of the individual receiving the services;	113229 113230 113231 113232
(b) A combination of lifelong or extended-duration supervision, training, and other services essential to daily living, including assessment and evaluation and assistance with the cost of training materials, transportation, fees, and supplies;	113233 113234 113235 113236 113237
(c) Personal care services and homemaker services;	113238
(d) Household maintenance that does not include modifications to the physical structure of the residence;	113239 113240
(e) Respite care services;	113241
(f) Program management, as described in section 5126.14 of the Revised Code.	113242 113243
Sec. 5126.026. Except as otherwise provided in this section and section 5126.0218 of the Revised Code, a member of a county board of developmental disabilities may be reappointed to the county board. Prior to making a reappointment, the appointing authority shall ascertain, through written communication with the board, that the member being considered for reappointment meets	113244 113245 113246 113247 113248 113249

the requirements of sections 5126.022 and 5126.0218 of the Revised Code. 113250
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A member who has served during each of three consecutive terms shall not be reappointed for a subsequent term until two years after ceasing to be a member of the county board, except that a member who has served for ten years or less within three consecutive terms may be reappointed for a subsequent term before becoming ineligible for reappointment for two years. 113252
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If, however, a county board experiences extenuating circumstances that would severely restrict the board from being able to fill a pending vacancy of a board member who will become ineligible for service on the board after serving three consecutive terms, the appointing authority may request a waiver from the director of developmental disabilities to allow that member to serve an additional four-year term subsequent to serving three consecutive four-year terms. The director shall determine if the extenuating circumstances associated with the board warrant the granting of such a waiver. 113258
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Sec. 5126.043. (A) Unless a guardian has been appointed for the individual, when a decision regarding receipt of a service or participation in a program provided for or funded under this chapter or Chapter 5123. or 5124. of the Revised Code by an individual with mental retardation or other developmental disability must be made, the individual shall be permitted to make the decision. The individual may obtain support and guidance from an adult family member or other person, but doing so does not affect the right of the individual to make the decision. 113268
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(B) An individual with mental retardation or other developmental disability may authorize an adult to make a decision described in division (A) of this section on the individual's behalf, as long as the adult does not have a financial interest in 113277
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the decision. The authorization shall be made in writing. 113281

(C) If a guardian has been appointed for an individual with 113282
mental retardation or other developmental disability, the guardian 113283
shall make any decision described in division (A) of this section 113284
on behalf of the individual. This section does not require 113285
appointment of a guardian. 113286

(D) Individuals with mental retardation and other 113287
developmental disabilities, including those who have been 113288
adjudicated incompetent pursuant to Chapter 2111. of the Revised 113289
Code, have the right to participate in decisions that affect their 113290
lives and to have their needs, desires, and preferences 113291
considered. An adult or guardian who makes a decision pursuant to 113292
division (B) or (C) of this section shall make a decision that is 113293
in the best interests of the individual on whose behalf the 113294
decision is made and that is consistent with the needs, desires, 113295
and preferences of that individual. 113296

Sec. 5126.05. (A) Subject to the rules established by the 113297
director of developmental disabilities pursuant to Chapter 119. of 113298
the Revised Code for programs and services offered pursuant to 113299
this chapter, and subject to the rules established by the state 113300
board of education pursuant to Chapter 119. of the Revised Code 113301
for programs and services offered pursuant to Chapter 3323. of the 113302
Revised Code, the county board of developmental disabilities 113303
shall: 113304

(1) Administer and operate facilities, programs, and services 113305
as provided by this chapter and Chapter 3323. of the Revised Code 113306
and establish policies for their administration and operation; 113307

(2) Coordinate, monitor, and evaluate existing services and 113308
facilities available to individuals with mental retardation and 113309
developmental disabilities; 113310

- (3) Provide early childhood services, supportive home services, and adult services, according to the plan and priorities developed under section 5126.04 of the Revised Code; 113311
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- (4) Provide or contract for special education services pursuant to Chapters 3317. and 3323. of the Revised Code and ensure that related services, as defined in section 3323.01 of the Revised Code, are available according to the plan and priorities developed under section 5126.04 of the Revised Code; 113314
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- (5) Adopt a budget, authorize expenditures for the purposes specified in this chapter and do so in accordance with section 319.16 of the Revised Code, approve attendance of board members and employees at professional meetings and approve expenditures for attendance, and exercise such powers and duties as are prescribed by the director; 113319
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- (6) Submit annual reports of its work and expenditures, pursuant to sections 3323.09 and 5126.12 of the Revised Code, to the director, the superintendent of public instruction, and the board of county commissioners at the close of the fiscal year and at such other times as may reasonably be requested; 113325
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- (7) Authorize all positions of employment, establish compensation, including but not limited to salary schedules and fringe benefits for all board employees, approve contracts of employment for management employees that are for a term of more than one year, employ legal counsel under section 309.10 of the Revised Code, and contract for employee benefits; 113330
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- (8) Provide service and support administration in accordance with section 5126.15 of the Revised Code; 113336
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- (9) Certify respite care homes pursuant to rules adopted under section 5123.171 of the Revised Code by the director of developmental disabilities; 113338
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- (10) Implement an employment first policy that clearly 113341

identifies community employment as the desired outcome for every 113342
individual of working age who receives services from the board; 113343

(11) Set benchmarks for improving community employment 113344
outcomes. 113345

(B) To the extent that rules adopted under this section apply 113346
to the identification and placement of children with disabilities 113347
under Chapter 3323. of the Revised Code, they shall be consistent 113348
with the standards and procedures established under sections 113349
3323.03 to 3323.05 of the Revised Code. 113350

(C) Any county board may enter into contracts with other such 113351
boards and with public or private, nonprofit, or profit-making 113352
agencies or organizations of the same or another county, to 113353
provide the facilities, programs, and services authorized or 113354
required, upon such terms as may be agreeable, and in accordance 113355
with this chapter and Chapter 3323. of the Revised Code and rules 113356
adopted thereunder and in accordance with sections 307.86 and 113357
5126.071 of the Revised Code. 113358

(D) A county board may combine transportation for children 113359
and adults enrolled in programs and services offered under Chapter 113360
5126. of the Revised Code with transportation for children 113361
enrolled in classes funded under ~~section~~ sections 3317.0213 and 113362
3317.20 ~~or units approved under section 3317.05~~ of the Revised 113363
Code. 113364

(E) A county board may purchase all necessary insurance 113365
policies, may purchase equipment and supplies through the 113366
department of administrative services or from other sources, and 113367
may enter into agreements with public agencies or nonprofit 113368
organizations for cooperative purchasing arrangements. 113369

(F) A county board may receive by gift, grant, devise, or 113370
bequest any moneys, lands, or property for the benefit of the 113371
purposes for which the board is established and hold, apply, and 113372

dispose of the moneys, lands, and property according to the terms 113373
of the gift, grant, devise, or bequest. All money received by 113374
gift, grant, bequest, or disposition of lands or property received 113375
by gift, grant, devise, or bequest shall be deposited in the 113376
county treasury to the credit of such board and shall be available 113377
for use by the board for purposes determined or stated by the 113378
donor or grantor, but may not be used for personal expenses of the 113379
board members. Any interest or earnings accruing from such gift, 113380
grant, devise, or bequest shall be treated in the same manner and 113381
subject to the same provisions as such gift, grant, devise, or 113382
bequest. 113383

(G) The board of county commissioners shall levy taxes and 113384
make appropriations sufficient to enable the county board of 113385
developmental disabilities to perform its functions and duties, 113386
and may utilize any available local, state, and federal funds for 113387
such purpose. 113388

Sec. 5126.051. (A) To the extent that resources are 113389
available, a county board of developmental disabilities shall 113390
provide for or arrange residential services and supported living 113391
for individuals with mental retardation and developmental 113392
disabilities. 113393

A county board may acquire, convey, lease, or sell property 113394
for residential services and supported living and enter into loan 113395
agreements, including mortgages, for the acquisition of such 113396
property. A county board is not required to comply with provisions 113397
of Chapter 307. of the Revised Code providing for competitive 113398
bidding or sheriff sales in the acquisition, lease, conveyance, or 113399
sale of property under this division, but the acquisition, lease, 113400
conveyance, or sale must be at fair market value determined by 113401
appraisal of one or more disinterested persons appointed by the 113402
board. 113403

Any action taken by a county board under this division that 113404
will incur debt on the part of the county shall be taken in 113405
accordance with Chapter 133. of the Revised Code. A county board 113406
shall not incur any debt on the part of the county without the 113407
prior approval of the board of county commissioners. 113408

(B)(1) To the extent that resources are available, ~~in~~ 113409
~~addition to sheltered employment and work activities provided as a~~ 113410
~~county board shall provide or arrange for the provision of adult~~ 113411
~~services pursuant to division (A)(3) of section 5126.05 of the~~ 113412
~~Revised Code, a county board of developmental disabilities may~~ 113413
~~provide or arrange for job training, vocational evaluation, and~~ 113414
~~community employment services to mentally retarded and~~ 113415
~~developmentally disabled~~ individuals who are age eighteen and 113416
older and not enrolled in a program or service under Chapter 3323. 113417
of the Revised Code or age sixteen or seventeen and eligible for 113418
adult services under rules adopted by the director of 113419
developmental disabilities under Chapter 119. of the Revised Code. 113420
These services shall be provided in accordance with the 113421
individual's individual service ~~or habilitation~~ plan and shall 113422
include support services specified in the plan. 113423

(2) Any prevocational services shall be provided in 113424
accordance with the individual's individual service plan and occur 113425
over a specified period of time with specific outcomes sought to 113426
be achieved. 113427

(3) A county board may, in cooperation with the Ohio 113428
rehabilitation services commission opportunities for Ohioans with 113429
disabilities agency, seek federal funds for job training and or 113430
other services directly at helping individuals obtain community 113431
employment. 113432

~~(3)~~(4) A county board may contract with any agency, board, or 113433
other entity that is accredited by the commission on accreditation 113434
of rehabilitation facilities to provide services. A county board 113435

that is accredited by the commission on accreditation of 113436
rehabilitation facilities may provide services for which it is 113437
certified by the commission. 113438

(C) To the extent that resources are available, a county 113439
board may provide services to an individual with mental 113440
retardation or other developmental disability in addition to those 113441
provided pursuant to this section, section 5126.05 of the Revised 113442
Code, or any other section of this chapter. The services shall be 113443
provided in accordance with the individual's ~~habilitation or~~ 113444
individual service plan and may be provided in collaboration with 113445
other entities of state or local government. 113446

Sec. 5126.054. (A) Each county board of developmental 113447
disabilities shall, by resolution, develop a three-calendar year 113448
plan that includes the following three components: 113449

(1) An assessment component that includes all of the 113450
following: 113451

(a) The number of individuals with mental retardation or 113452
other developmental disability residing in the county who need the 113453
level of care provided by an ~~intermediate care facility for the~~ 113454
~~mentally retarded~~ ICF/IID, may seek home and community-based 113455
services, and are given priority on a waiting list established for 113456
the services pursuant to section 5126.042 of the Revised Code; the 113457
service needs of those individuals; and the projected annualized 113458
cost for services; 113459

(b) The source of funds available to the county board to pay 113460
the nonfederal share of medicaid expenditures that the county 113461
board is required by sections 5126.059 and 5126.0510 of the 113462
Revised Code to pay; 113463

(c) Any other applicable information or conditions that the 113464
department of developmental disabilities requires as a condition 113465

of approving the component under section 5123.046 of the Revised Code. 113466
113467

(2) A preliminary implementation component that specifies the number of individuals to be provided, during the first year that the plan is in effect, home and community-based services pursuant to the waiting list priority given to them under section 5126.042 of the Revised Code and the types of home and community-based services the individuals are to receive; 113468
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(3) A component that provides for the implementation of medicaid case management services and home and community-based services for individuals who begin to receive the services on or after the date the plan is approved under section 5123.046 of the Revised Code. A county board shall include all of the following in the component: 113474
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(a) If the department of developmental disabilities or department of ~~job and family services~~ medicaid requires, an agreement to pay the nonfederal share of medicaid expenditures that the county board is required by sections 5126.059 and 5126.0510 of the Revised Code to pay; 113480
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(b) How the services are to be phased in over the period the plan covers, including how the county board will serve individuals who have priority on a waiting list established under section 5126.042 of the Revised Code; 113485
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(c) Any agreement or commitment regarding the county board's funding of home and community-based services that the county board has with the department at the time the county board develops the component; 113489
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(d) Assurances adequate to the department that the county board will comply with all of the following requirements: 113493
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(i) To provide the types of home and community-based services specified in the preliminary implementation component required by 113495
113496

division (A)(2) of this section to at least the number of 113497
individuals specified in that component; 113498

(ii) To use any additional funds the county board receives 113499
for the services to improve the county board's resource 113500
capabilities for supporting such services available in the county 113501
at the time the component is developed and to expand the services 113502
to accommodate the unmet need for those services in the county; 113503

(iii) To employ or contract with a business manager or enter 113504
into an agreement with another county board of developmental 113505
disabilities that employs or contracts with a business manager to 113506
have the business manager serve both county boards. No 113507
superintendent of a county board may serve as the county board's 113508
business manager. 113509

(iv) To employ or contract with a medicaid services manager 113510
or enter into an agreement with another county board of 113511
developmental disabilities that employs or contracts with a 113512
medicaid services manager to have the medicaid services manager 113513
serve both county boards. No superintendent of a county board may 113514
serve as the county board's medicaid services manager. 113515

(e) Programmatic and financial accountability measures and 113516
projected outcomes expected from the implementation of the plan; 113517

(f) Any other applicable information or conditions that the 113518
department requires as a condition of approving the component 113519
under section 5123.046 of the Revised Code. 113520

(B) A county board whose plan developed under division (A) of 113521
this section is approved by the department under section 5123.046 113522
of the Revised Code shall update and renew the plan in accordance 113523
with a schedule the department shall develop. 113524

Sec. 5126.055. (A) Except as provided in section 5126.056 of 113525
the Revised Code, a county board of developmental disabilities has 113526

medicaid local administrative authority to, and shall, do all of 113527
the following for an individual with mental retardation or other 113528
developmental disability who resides in the county that the county 113529
board serves and seeks or receives home and community-based 113530
services: 113531

(1) Perform assessments and evaluations of the individual. As 113532
part of the assessment and evaluation process, the county board 113533
shall do all of the following: 113534

(a) Make a recommendation to the department of developmental 113535
disabilities on whether the department should approve or deny the 113536
individual's application for the services, including on the basis 113537
of whether the individual needs the level of care an ~~intermediate~~ 113538
~~care facility for the mentally retarded~~ ICF/IID provides; 113539

(b) If the individual's application is denied because of the 113540
county board's recommendation and the individual ~~requests a~~ 113541
~~hearing under~~ appeals pursuant to section 5101.35 5160.31 of the 113542
Revised Code, present, with the department of developmental 113543
disabilities or department of ~~job and family services~~ medicaid, 113544
whichever denies the application, the reasons for the 113545
recommendation and denial at the hearing; 113546

(c) If the individual's application is approved, recommend to 113547
the departments of developmental disabilities and ~~job and family~~ 113548
~~services~~ medicaid the services that should be included in the 113549
individual's individualized service plan and, if either department 113550
approves, reduces, denies, or terminates a service included in the 113551
individual's individualized service plan under section ~~5111.871~~ 113552
5166.20 of the Revised Code because of the county board's 113553
recommendation, present, with the department that made the 113554
approval, reduction, denial, or termination, the reasons for the 113555
recommendation and approval, reduction, denial, or termination at 113556
a hearing held pursuant to an appeal made under section ~~5101.35~~ 113557
5160.31 of the Revised Code. 113558

(2) Perform any duties assigned to the county board in rules adopted under section 5126.046 of the Revised Code regarding the individual's right to choose a qualified and willing provider of the services and, at a hearing held pursuant to an appeal made under section ~~5101.35~~ 5160.31 of the Revised Code, present evidence of the process for appropriate assistance in choosing providers;

(3) If the county board is certified under section 5123.161 of the Revised Code to provide the services and agrees to provide the services to the individual and the individual chooses the county board to provide the services, furnish, in accordance with the county board's medicaid provider agreement and for the authorized reimbursement rate, the services the individual requires;

(4) Monitor the services provided to the individual and ensure the individual's health, safety, and welfare. The monitoring shall include quality assurance activities. If the county board provides the services, the department of developmental disabilities shall also monitor the services.

(5) Develop, with the individual and the provider of the individual's services, an effective individualized service plan that includes coordination of services, recommend that the departments of developmental disabilities and ~~job and family services~~ medicaid approve the plan, and implement the plan unless either department disapproves it. The individualized service plan shall include a summary page, agreed to by the county board, provider, and individual receiving services, that clearly outlines the amount, duration, and scope of services to be provided under the plan.

(6) Have an investigative agent conduct investigations under section 5126.313 of the Revised Code that concern the individual;

(7) Have a service and support administrator perform the 113590
duties under division (B)(9) of section 5126.15 of the Revised 113591
Code that concern the individual. 113592

(B) A county board shall perform its medicaid local 113593
administrative authority under this section in accordance with all 113594
of the following: 113595

(1) The county board's plan that the department of 113596
developmental disabilities approves under section 5123.046 of the 113597
Revised Code; 113598

(2) All applicable federal and state laws; 113599

(3) All applicable policies of the departments of 113600
developmental disabilities and ~~job and family services~~ medicaid 113601
and the United States department of health and human services; 113602

(4) The department of ~~job and family services'~~ medicaid's 113603
supervision under its authority ~~under section 5111.01 of the~~ 113604
~~Revised Code to act~~ as the single state medicaid agency; 113605

(5) The department of developmental disabilities' oversight. 113606

(C) The departments of developmental disabilities and ~~job and~~ 113607
~~family services~~ medicaid shall communicate with and provide 113608
training to county boards regarding medicaid local administrative 113609
authority granted by this section. The communication and training 113610
shall include issues regarding audit protocols and other standards 113611
established by the United States department of health and human 113612
services that the departments determine appropriate for 113613
communication and training. County boards shall participate in the 113614
training. The departments shall assess the county board's 113615
compliance against uniform standards that the departments shall 113616
establish. 113617

(D) A county board may not delegate its medicaid local 113618
administrative authority granted under this section but may 113619

contract with a person or government entity, including a council 113620
of governments, for assistance with its medicaid local 113621
administrative authority. A county board that enters into such a 113622
contract shall notify the director of developmental disabilities. 113623
The notice shall include the tasks and responsibilities that the 113624
contract gives to the person or government entity. The person or 113625
government entity shall comply in full with all requirements to 113626
which the county board is subject regarding the person or 113627
government entity's tasks and responsibilities under the contract. 113628
The county board remains ultimately responsible for the tasks and 113629
responsibilities. 113630

(E) A county board that has medicaid local administrative 113631
authority under this section shall, through the departments of 113632
developmental disabilities and ~~job and family services~~ medicaid, 113633
reply to, and cooperate in arranging compliance with, a program or 113634
fiscal audit or program violation exception that a state or 113635
federal audit or review discovers. The department of ~~job and~~ 113636
~~family services~~ medicaid shall timely notify the department of 113637
developmental disabilities and the county board of any adverse 113638
findings. After receiving the notice, the county board, in 113639
conjunction with the department of developmental disabilities, 113640
shall cooperate fully with the department of ~~job and family~~ 113641
~~services~~ medicaid and timely prepare and send to the department a 113642
written plan of correction or response to the adverse findings. 113643
The county board is liable for any adverse findings that result 113644
from an action it takes or fails to take in its implementation of 113645
medicaid local administrative authority. 113646

(F) If the department of developmental disabilities or 113647
department of ~~job and family services~~ medicaid determines that a 113648
county board's implementation of its medicaid local administrative 113649
authority under this section is deficient, the department that 113650
makes the determination shall require that county board do the 113651

following: 113652

(1) If the deficiency affects the health, safety, or welfare 113653
of an individual with mental retardation or other developmental 113654
disability, correct the deficiency within twenty-four hours; 113655

(2) If the deficiency does not affect the health, safety, or 113656
welfare of an individual with mental retardation or other 113657
developmental disability, receive technical assistance from the 113658
department or submit a plan of correction to the department that 113659
is acceptable to the department within sixty days and correct the 113660
deficiency within the time required by the plan of correction. 113661

Sec. 5126.131. (A)(1) Each regional council established under 113662
section 5126.13 of the Revised Code shall file with the department 113663
of developmental disabilities an annual cost report detailing the 113664
regional council's income and expenditures. 113665

(2) Each county board of developmental disabilities shall 113666
file with the department an annual cost report detailing the 113667
board's income and expenditures. 113668

(B)(1)(a) Unless the department establishes a later date for 113669
all regional council cost reports, each council shall file its 113670
cost report not later than the last day of April. At the written 113671
request of a regional council, the department may grant a 113672
fourteen-day extension for filing the cost report. 113673

(b) Unless the department establishes a later date for all 113674
county board cost reports, each board shall file its cost report 113675
not later than the last day of May. At the written request of a 113676
board, the department may grant a fourteen-day extension for 113677
filing the board's cost report. 113678

(2) The cost report shall contain information on the previous 113679
calendar year's income and expenditures. Once filed by a regional 113680
council or board, no changes may be made to the cost report, 113681

including the submission of additional documentation, except as 113682
otherwise provided in this section. 113683

(C) Each cost report filed under this section by a regional 113684
council or board shall be audited by the department or an entity 113685
designated by the department. The department or designated entity 113686
shall notify the regional council or board of the date on which 113687
the audit is to begin. The department may permit a regional 113688
council or board to submit changes to the cost report before the 113689
audit begins. 113690

If the department or designated entity determines that a 113691
filed cost report is not auditable, it shall provide written 113692
notification to the regional council or board of the cost report's 113693
deficiencies and may request additional documentation. If the 113694
department or designated entity requests additional documentation, 113695
the regional council or board shall be given sixty days after the 113696
request is made to provide the additional documentation. After 113697
sixty days, the department or designated entity shall determine 113698
whether the cost report is auditable with any additional 113699
documentation provided and shall notify the regional council or 113700
board of its determination. The determination of the department or 113701
designated entity is final. 113702

(D) The department or designated entity shall certify its 113703
audit as complete and file a copy of the certified audit in the 113704
office of the clerk of the governing body, executive officer of 113705
the governing body, and chief fiscal officer of the audited 113706
regional council or board. Changes may not be made to a cost 113707
report once the department or designated entity files the 113708
certified audit. The cost report is not a public record under 113709
section 149.43 of the Revised Code until copies of the cost report 113710
are filed pursuant to this section. 113711

(E) The department may withhold any funds that it distributes 113712
to a regional council or board as subsidy payments if either of 113713

the following is the case: 113714

(1) The cost report is not timely filed by the regional council or board with the department in accordance with division (B) of this section. 113715
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(2) The cost report is determined not auditable under division (C) of this section after the department or designated entity gives the regional council or board sixty days to provide additional documentation. 113718
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(F) Cost reports shall be retained by regional councils and boards for seven years. The department shall provide annual training to regional council and board employees regarding cost reports required by this section. 113722
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(G) The department, in accordance with Chapter 119. of the Revised Code, may adopt any rules necessary to implement this section. 113726
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Sec. 5139.03. The department of youth services shall control and manage all state institutions or facilities established or created for the training or rehabilitation of delinquent children committed to the department, except where the control and management of an institution or facility is vested by law in another agency. The department shall employ, in addition to other personnel authorized under Chapter 5139. of the Revised Code, sufficient personnel to maintain food service and buildings and grounds operations. 113729
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The department of youth services shall, insofar as practicable, purchase foods and other commodities incident to food service operations from the department of ~~mental health~~ mental health and addiction services. The department of youth services may enter into agreements with the department of ~~mental health~~ mental health and addiction services providing for assistance and 113738
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consultation in the construction of, or major modifications to, 113744
capital facilities of the department of youth services. 113745

The directors of ~~mental health~~ mental health and addiction 113746
services and of youth services shall enter into written agreements 113747
to implement this section. Such directors may, from time to time, 113748
amend any agreements entered into under this section for the 113749
purposes of making more efficient use of personnel, taking 113750
advantage of economies in quantity purchasing, or for any other 113751
purpose which is mutually advantageous to both the department of 113752
youth services and the department of ~~mental health~~ mental health
and addiction services. 113753
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The department of youth services may transfer any of its 113755
excess or surplus supplies to a community corrections facility. 113756
These supplies shall remain the property of the department for a 113757
period of five years from the date of the transfer. After the 113758
five-year period, the supplies shall become the property of the 113759
facility. 113760

Sec. 5139.04. The department of youth services shall do all 113761
of the following: 113762

(A) Support service districts through a central 113763
administrative office that shall have as its administrative head a 113764
deputy director who shall be appointed by the director of the 113765
department. When a vacancy occurs in the office of that deputy 113766
director, an assistant deputy director shall act as that deputy 113767
director until the vacancy is filled. The position of deputy 113768
director and assistant deputy director described in this division 113769
shall be in the unclassified civil service of the state. 113770

(B) Receive custody of all children committed to it under 113771
Chapter 2152. of the Revised Code, cause a study to be made of 113772
those children, and issue any orders, as it considers best suited 113773
to the needs of any of those children and the interest of the 113774

public, for the treatment of each of those children; 113775

(C) Obtain personnel necessary for the performance of its 113776
duties; 113777

(D) Adopt rules that regulate its organization and operation, 113778
that implement sections 5139.34 and 5139.41 to 5139.43 of the 113779
Revised Code, and that pertain to the administration of other 113780
sections of this chapter; 113781

(E) Submit reports of its operations to the governor and the 113782
general assembly by the thirty-first day of January of each 113783
odd-numbered year; 113784

(F) Conduct a program of research in diagnosis, training, and 113785
treatment of delinquent children to evaluate the effectiveness of 113786
the department's services and to develop more adequate methods; 113787

(G) Develop a standard form for the disposition investigation 113788
report that a juvenile court is required pursuant to section 113789
2152.18 of the Revised Code to complete and provide to the 113790
department when the court commits a child to the legal custody of 113791
the department; 113792

(H) Provide the state public defender the reasonable access 113793
authorized under division (I) of section 120.06 of the Revised 113794
Code in order to fulfill the department's constitutional 113795
obligation to provide juveniles who have been committed to the 113796
department's care access to the courts. 113797

(I) Do all other acts necessary or desirable to carry out 113798
this chapter. 113799

Sec. 5139.08. The department of youth services may enter into 113800
an agreement with the director of rehabilitation and correction 113801
pursuant to which the department of youth services, in accordance 113802
with division (C)(2) of section 5139.06 and section 5120.162 of 113803
the Revised Code, may transfer to a correctional medical center 113804

established by the department of rehabilitation and correction, 113805
children who are within its custody for diagnosis or treatment of 113806
an illness, physical condition, or other medical problem. The 113807
department of youth services may enter into any other agreements 113808
with the director of job and family services, the director of 113809
~~mental health~~ mental health and addiction services, the director 113810
of developmental disabilities, the director of rehabilitation and 113811
correction, with the courts having probation officers or other 113812
public officials, and with private agencies or institutions for 113813
separate care or special treatment of children subject to the 113814
control of the department of youth services. The department of 113815
youth services may, upon the request of a juvenile court not 113816
having a regular probation officer, provide probation services for 113817
such court. 113818

Upon request by the department of youth services, any public 113819
agency or group care facility established or administered by the 113820
state for the care and treatment of children and youth shall, 113821
consistent with its functions, accept and care for any child whose 113822
custody is vested in the department in the same manner as it would 113823
be required to do if custody had been vested by a court in such 113824
agency or group care facility. If the department has reasonable 113825
grounds to believe that any child or youth whose custody is vested 113826
in it is mentally ill or mentally retarded, the department may 113827
file an affidavit under section 5122.11 or 5123.76 of the Revised 113828
Code. The department's affidavit for admission of a child or youth 113829
to such institution shall be filed with the probate court of the 113830
county from which the child was committed to the department. Such 113831
court may request the probate court of the county in which the 113832
child is held to conduct the hearing on the application, in which 113833
case the court making such request shall bear the expenses of the 113834
proceeding. If the department files such an affidavit, the child 113835
or youth may be kept in such institution until a final decision on 113836
the affidavit is made by the appropriate court. 113837

Sec. 5139.34. (A) Funds may be appropriated to the department 113838
of youth services for the purpose of granting state subsidies to 113839
counties. A county or the juvenile court that serves a county 113840
shall use state subsidies granted to the county pursuant to this 113841
section only in accordance with divisions (B)(2)(a) and (3)(a) of 113842
section 5139.43 of the Revised Code and the rules pertaining to 113843
the state subsidy funds that the department adopts pursuant to 113844
division (D) of section 5139.04 of the Revised Code. The 113845
department shall not grant financial assistance pursuant to this 113846
section for the provision of care and services for children in a 113847
placement facility unless the facility has been certified, 113848
licensed, or approved by a state or national agency with 113849
certification, licensure, or approval authority, including, but 113850
not limited to, the department of job and family services, 113851
department of education, department of ~~mental health~~ mental health 113852
and addiction services, department of developmental disabilities, 113853
or American correctional association. For the purposes of this 113854
section, placement facilities do not include a state institution 113855
or a county or district children's home. 113856

The department also shall not grant financial assistance 113857
pursuant to this section for the provision of care and services 113858
for children, including, but not limited to, care and services in 113859
a detention facility, in another facility, or in out-of-home 113860
placement, unless the minimum standards applicable to the care and 113861
services that the department prescribes in rules adopted pursuant 113862
to division (D) of section 5139.04 of the Revised Code have been 113863
satisfied. 113864

(B) The department of youth services shall apply the 113865
following formula to determine the amount of the annual grant that 113866
each county is to receive pursuant to division (A) of this 113867
section, subject to the appropriation for this purpose to the 113868
department made by the general assembly: 113869

(1) Each county shall receive a basic annual grant of fifty thousand dollars. 113870
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(2) The sum of the basic annual grants provided under 113872
division (B)(1) of this section shall be subtracted from the total 113873
amount of funds appropriated to the department of youth services 113874
for the purpose of making grants pursuant to division (A) of this 113875
section to determine the remaining portion of the funds 113876
appropriated. The remaining portion of the funds appropriated 113877
shall be distributed on a per capita basis to each county that has 113878
a population of more than twenty-five thousand for that portion of 113879
the population of the county that exceeds twenty-five thousand. 113880

(C)(1) Prior to a county's receipt of an annual grant 113881
pursuant to this section, the juvenile court that serves the 113882
county shall prepare, submit, and file in accordance with division 113883
(B)(3)(a) of section 5139.43 of the Revised Code an annual grant 113884
agreement and application for funding that is for the combined 113885
purposes of, and that satisfies the requirements of, this section 113886
and section 5139.43 of the Revised Code. In addition to the 113887
subject matters described in division (B)(3)(a) of section 5139.43 113888
of the Revised Code or in the rules that the department adopts to 113889
implement that division, the annual grant agreement and 113890
application for funding shall address fiscal accountability and 113891
performance matters pertaining to the programs, care, and services 113892
that are specified in the agreement and application and for which 113893
state subsidy funds granted pursuant to this section will be used. 113894

(2) The county treasurer of each county that receives an 113895
annual grant pursuant to this section shall deposit the state 113896
subsidy funds so received into the county's felony delinquent care 113897
and custody fund created pursuant to division (B)(1) of section 113898
5139.43 of the Revised Code. Subject to exceptions prescribed in 113899
section 5139.43 of the Revised Code that may apply to the 113900
disbursement, the department shall disburse the state subsidy 113901

funds to which a county is entitled in a lump sum payment that 113902
shall be made in July of each calendar year. 113903

(3) Upon an order of the juvenile court that serves a county 113904
and subject to appropriation by the board of county commissioners 113905
of that county, a county treasurer shall disburse from the 113906
county's felony delinquent care and custody fund the state subsidy 113907
funds granted to the county pursuant to this section for use only 113908
in accordance with this section, the applicable provisions of 113909
section 5139.43 of the Revised Code, and the county's approved 113910
annual grant agreement and application for funding. 113911

(4) The moneys in a county's felony delinquent care and 113912
custody fund that represent state subsidy funds granted pursuant 113913
to this section are subject to appropriation by the board of 113914
county commissioners of the county; shall be disbursed by the 113915
county treasurer as required by division (C)(3) of this section; 113916
shall be used in the manners referred to in division (C)(3) of 113917
this section; shall not revert to the county general fund at the 113918
end of any fiscal year; shall carry over in the felony delinquent 113919
care and custody fund from the end of any fiscal year to the next 113920
fiscal year; shall be in addition to, and shall not be used to 113921
reduce, any usual annual increase in county funding that the 113922
juvenile court is eligible to receive or the current level of 113923
county funding of the juvenile court and of any programs, care, or 113924
services for alleged or adjudicated delinquent children, unruly 113925
children, or juvenile traffic offenders or for children who are at 113926
risk of becoming delinquent children, unruly children, or juvenile 113927
traffic offenders; and shall not be used to pay for the care and 113928
custody of felony ~~delinquents~~ delinquents who are in the care and 113929
custody of an institution pursuant to a commitment, recommitment, 113930
or revocation of a release on parole by the juvenile court of that 113931
county or who are in the care and custody of a community 113932
corrections facility pursuant to a placement by the department 113933

with the consent of the juvenile court as described in division 113934
(E) of section 5139.36 of the Revised Code. 113935

(5) As a condition of the continued receipt of state subsidy 113936
funds pursuant to this section, each county and the juvenile court 113937
that serves each county that receives an annual grant pursuant to 113938
this section shall comply with divisions (B)(3)(b), (c), and (d) 113939
of section 5139.43 of the Revised Code. 113940

Sec. 5145.162. (A) There is hereby created the office of 113941
enterprise development advisory council of directors for prison 113942
labor consisting board to advise and assist the department of 113943
rehabilitation and correction with the creation of training 113944
programs and jobs for inmates and releasees through partnerships 113945
with private sector businesses. The board shall consist of at 113946
least five appointed members and the executive director of the 113947
office of the correctional institution inspection committee, who 113948
shall serve as an ex officio member. Each member shall have 113949
experience in labor relations, marketing, business management, or 113950
business. The members and chairperson shall be appointed by the 113951
governor director of the department of rehabilitation and 113952
correction. Within thirty days after April 9, 1981, the governor 113953
shall make the initial appointments to the council of directors. 113954
Of the initial appointments made to the council of directors, two 113955
shall be for a term ending one year after April 9, 1981, two shall 113956
be for a term ending two years after that date, and one shall be 113957
for a term ending three years after that date. After the 113958
expiration of the initial terms, the terms of office for the 113959
members shall be for three years, each term ending on the same day 113960
of the same month of the year as did the term that it succeeds. 113961
Each member shall hold office from the date of appointment until 113962
the end of the term for which the member was appointed. Any 113963
vacancy on the advisory council shall be filled by the governor. 113964
Any member appointed to fill a vacancy occurring prior to the 113965

~~expiration of the term for which the member's predecessor was 113966
appointed shall hold office for the remainder of the predecessor's 113967
term. Any member shall continue in office subsequent to the 113968
expiration date of the member's term until a successor takes 113969
office, or until a period of sixty days has elapsed, whichever 113970
occurs first. 113971~~

(B) ~~Each member of the advisory council, while engaged in the 113972
performance of the business of the advisory council, board shall 113973
receive no compensation but may be reimbursed for expenses 113974
actually and necessarily incurred in the performance of official 113975
duties of the board. Members of the board who are state employees 113976
shall be reimbursed for expenses pursuant to travel rules 113977
promulgated by the office of budget and management. 113978~~

(C) ~~The advisory ~~council~~ board shall adopt procedures for the 113979
conduct of the board's meetings. The board shall meet within two 113980
weeks after the initial members have been appointed at a time and 113981
place determined by the governor. At its first meeting, the 113982
advisory council shall elect a chairperson and shall adopt rules 113983
for its procedures. The advisory council shall elect a new 113984
chairperson annually at its January meeting. The advisory council 113985
shall meet at least once every January and at least once every two 113986
months thereafter quarter, and otherwise shall meet at the call of 113987
the chairperson or upon the written request of at least a quorum 113988
of the members. Three director of the department of rehabilitation 113989
and correction. Sixty per cent of the members constitutes shall 113990
constitute a quorum, and no action. No transaction of the board's 113991
business shall be taken without the concurrence of a quorum of the 113992
members. The board may have committees with persons who are not 113993
members of the board but whose experience and expertise is 113994
relevant and useful to the work of the committee. 113995~~

(D) ~~The advisory ~~council~~ board shall advise and assist the 113996
department of rehabilitation and correction when the department 113997~~

~~adopts rules pursuant to division (B) of section 5145.03 of the Revised Code, establishes prices for goods, products, services, or labor produced or supplied by prisoners, and otherwise establishes and administers the program for employment of prisoners established by the department pursuant to division (A) of section 5145.16 of the Revised Code. The department shall consider the advice and assistance of the advisory council that is provided pursuant to this section, and shall cooperate with the advisory council. The advisory council may recommend have the following duties:~~

(1) Solicit business proposals offering job training, apprenticeship, education programs, and employment opportunities for inmates and releasees;

(2) Provide information and input to the office of enterprise development to support the job training and employment program of inmates and releasees and any additional, related duties as requested by the director of the department of rehabilitation and correction;

(3) Recommend to the ~~general assembly~~ office of enterprise development any further legislation, administrative rule, or department policy change that ~~it~~ the board believes is necessary to implement the department's program of employment of prisoners;

(4) Promote public awareness of the office of enterprise development and the office's employment program;

(5) Familiarize itself and the public with avenues to access the office of enterprise development on employment program concerns;

(6) Advocate for the needs and concerns of the office of enterprise development in local communities, counties, and the state;

(7) Play an active role in the office of enterprise

development's efforts to reduce recidivism in the state by doing 114029
all of the following: 114030

(a) Providing input and making recommendations for the 114031
office's consideration in monitoring employment program compliance 114032
and effectiveness; 114033

(b) Making suggestions on the appropriate priorities for the 114034
office's grant award criteria; 114035

(c) Being a liaison between the office and constituents of 114036
the board's members; 114037

(d) Working to develop constituent groups interested in 114038
employment program issues; 114039

(8) Aid in the employment program development process by 114040
playing a leadership role in professional associations by 114041
discussing employment program issues. 114042

(E) The department of rehabilitation and correction shall 114043
initially screen each proposal obtained under division (D)(1) of 114044
this section to ensure that the proposal is a viable venture to 114045
pursue. If the department determines that a proposal is a viable 114046
venture to pursue, the department shall submit the proposal to the 114047
board for objective review against established guidelines. The 114048
board shall determine whether to recommend the implementation of 114049
the program to the department. 114050

Sec. 5145.18. Any printing or binding performed in a state 114051
correctional institution may be performed for the use of the 114052
institution, the departments of ~~mental health~~ mental health and 114053
addiction services, developmental disabilities, and rehabilitation 114054
and correction, the department of public safety in connection with 114055
the registration of motor vehicles, and for any other purpose 114056
authorized by division (B) of section 5145.03 and by sections 114057
5145.16 and 5145.161 of the Revised Code. 114058

Sec. 5149.22. There is hereby established the Ohio council 114059
for interstate adult offender supervision pursuant to Article IV 114060
of the interstate compact for adult offender supervision. The 114061
council shall be comprised of ~~seven~~ at least twelve members. One 114062
member shall be the compact administrator for this state for the 114063
interstate compact for adult offender supervision, or the 114064
administrator's designee. The speaker of the house of 114065
representatives shall appoint one member, shall be of the house of 114066
representatives. The president of the senate shall appoint one 114067
member, who shall be a member of the senate. The chief justice of 114068
the supreme court shall appoint ~~one member~~ three members, ~~who two~~ 114069
of whom shall be ~~a member~~ members of the judiciary. The governor 114070
shall appoint ~~three~~ five members, ~~one of whom shall be~~ including a 114071
representative of a crime victim's organization, ~~and one of whom~~ 114072
~~shall be from~~ a member of the executive branch, a prosecuting 114073
attorney, a member of the state public defender's office, and a 114074
chief probation officer. The attorney general shall appoint one 114075
member, who shall be from the bureau of criminal identification 114076
and investigation. The director of rehabilitation and correction 114077
shall appoint as many additional members as the director considers 114078
necessary to fulfill the mission of the compact. The Ohio council 114079
for interstate adult offender supervision is not subject to 114080
section 101.84 of the Revised Code. 114081

Each appointee to the state council shall be appointed in 114082
consultation with the department of rehabilitation and correction 114083
and shall serve at the pleasure of the appointing authority. The 114084
members of the council shall serve without compensation, but each 114085
member shall be reimbursed for the member's actual and necessary 114086
expenses incurred in the performance of the member's official 114087
duties on the council. 114088

The compact administrator for this state for the interstate 114089
compact for adult offender supervision, or the administrator's 114090

designee, shall serve as commissioner of the state council and as 114091
this state's representative to the interstate commission 114092
established under Article III of that compact. 114093

Sec. 5153.16. (A) Except as provided in section 2151.422 of 114094
the Revised Code, in accordance with rules adopted under section 114095
5153.166 of the Revised Code, and on behalf of children in the 114096
county whom the public children services agency considers to be in 114097
need of public care or protective services, the public children 114098
services agency shall do all of the following: 114099

(1) Make an investigation concerning any child alleged to be 114100
an abused, neglected, or dependent child; 114101

(2) Enter into agreements with the parent, guardian, or other 114102
person having legal custody of any child, or with the department 114103
of job and family services, department of ~~mental health~~ mental 114104
health and addiction services, department of developmental 114105
disabilities, other department, any certified organization within 114106
or outside the county, or any agency or institution outside the 114107
state, having legal custody of any child, with respect to the 114108
custody, care, or placement of any child, or with respect to any 114109
matter, in the interests of the child, provided the permanent 114110
custody of a child shall not be transferred by a parent to the 114111
public children services agency without the consent of the 114112
juvenile court; 114113

(3) Accept custody of children committed to the public 114114
children services agency by a court exercising juvenile 114115
jurisdiction; 114116

(4) Provide such care as the public children services agency 114117
considers to be in the best interests of any child adjudicated to 114118
be an abused, neglected, or dependent child the agency finds to be 114119
in need of public care or service; 114120

- (5) Provide social services to any unmarried girl adjudicated 114121
to be an abused, neglected, or dependent child who is pregnant 114122
with or has been delivered of a child; 114123
- (6) Make available to the bureau for children with medical 114124
handicaps of the department of health at its request any 114125
information concerning a crippled child found to be in need of 114126
treatment under sections 3701.021 to 3701.028 of the Revised Code 114127
who is receiving services from the public children services 114128
agency; 114129
- (7) Provide temporary emergency care for any child considered 114130
by the public children services agency to be in need of such care, 114131
without agreement or commitment; 114132
- (8) Find certified foster homes, within or outside the 114133
county, for the care of children, including handicapped children 114134
from other counties attending special schools in the county; 114135
- (9) Subject to the approval of the board of county 114136
commissioners and the state department of job and family services, 114137
establish and operate a training school or enter into an agreement 114138
with any municipal corporation or other political subdivision of 114139
the county respecting the operation, acquisition, or maintenance 114140
of any children's home, training school, or other institution for 114141
the care of children maintained by such municipal corporation or 114142
political subdivision; 114143
- (10) Acquire and operate a county children's home, establish, 114144
maintain, and operate a receiving home for the temporary care of 114145
children, or procure certified foster homes for this purpose; 114146
- (11) Enter into an agreement with the trustees of any 114147
district children's home, respecting the operation of the district 114148
children's home in cooperation with the other county boards in the 114149
district; 114150
- (12) Cooperate with, make its services available to, and act 114151

as the agent of persons, courts, the department of job and family 114152
services, the department of health, and other organizations within 114153
and outside the state, in matters relating to the welfare of 114154
children, except that the public children services agency shall 114155
not be required to provide supervision of or other services 114156
related to the exercise of parenting time rights granted pursuant 114157
to section 3109.051 or 3109.12 of the Revised Code or 114158
companionship or visitation rights granted pursuant to section 114159
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 114160
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 114161
a common pleas court, pursuant to division (E)(6) of section 114162
3113.31 of the Revised Code, requires the provision of supervision 114163
or other services related to the exercise of the parenting time 114164
rights or companionship or visitation rights; 114165

(13) Make investigations at the request of any superintendent 114166
of schools in the county or the principal of any school concerning 114167
the application of any child adjudicated to be an abused, 114168
neglected, or dependent child for release from school, where such 114169
service is not provided through a school attendance department; 114170

(14) Administer funds provided under Title IV-E of the 114171
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 114172
amended, in accordance with rules adopted under section 5101.141 114173
of the Revised Code; 114174

(15) In addition to administering Title IV-E adoption 114175
assistance funds, enter into agreements to make adoption 114176
assistance payments under section 5153.163 of the Revised Code; 114177

(16) Implement a system of safety and risk assessment, in 114178
accordance with rules adopted by the director of job and family 114179
services, to assist the public children services agency in 114180
determining the risk of abuse or neglect to a child; 114181

(17) Enter into a plan of cooperation with the board of 114182

county commissioners under section 307.983 of the Revised Code and 114183
comply with each fiscal agreement the board enters into under 114184
section 307.98 of the Revised Code that include family services 114185
duties of public children services agencies and contracts the 114186
board enters into under sections 307.981 and 307.982 of the 114187
Revised Code that affect the public children services agency; 114188

(18) Make reasonable efforts to prevent the removal of an 114189
alleged or adjudicated abused, neglected, or dependent child from 114190
the child's home, eliminate the continued removal of the child 114191
from the child's home, or make it possible for the child to return 114192
home safely, except that reasonable efforts of that nature are not 114193
required when a court has made a determination under division 114194
(A)(2) of section 2151.419 of the Revised Code; 114195

(19) Make reasonable efforts to place the child in a timely 114196
manner in accordance with the permanency plan approved under 114197
division (E) of section 2151.417 of the Revised Code and to 114198
complete whatever steps are necessary to finalize the permanent 114199
placement of the child; 114200

(20) Administer a Title IV-A program identified under 114201
division (A)(4)(c) or ~~(f)~~(g) of section 5101.80 of the Revised 114202
Code that the department of job and family services provides for 114203
the public children services agency to administer under the 114204
department's supervision pursuant to section 5101.801 of the 114205
Revised Code; 114206

(21) Administer the kinship permanency incentive program 114207
created under section 5101.802 of the Revised Code under the 114208
supervision of the director of job and family services; 114209

(22) Provide independent living services pursuant to sections 114210
2151.81 to 2151.84 of the Revised Code; 114211

(23) File a missing child report with a local law enforcement 114212
agency upon becoming aware that a child in the custody of the 114213

public children services agency is or may be missing. 114214

(B) The public children services agency shall use the system 114215
implemented pursuant to division (A)(16) of this section in 114216
connection with an investigation undertaken pursuant to division 114217
(F)(1) of section 2151.421 of the Revised Code to assess both of 114218
the following: 114219

(1) The ongoing safety of the child; 114220

(2) The appropriateness of the intensity and duration of the 114221
services provided to meet child and family needs throughout the 114222
duration of a case. 114223

(C) Except as provided in section 2151.422 of the Revised 114224
Code, in accordance with rules of the director of job and family 114225
services, and on behalf of children in the county whom the public 114226
children services agency considers to be in need of public care or 114227
protective services, the public children services agency may do 114228
the following: 114229

(1) Provide or find, with other child serving systems, 114230
specialized foster care for the care of children in a specialized 114231
foster home, as defined in section 5103.02 of the Revised Code, 114232
certified under section 5103.03 of the Revised Code; 114233

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of 114234
this section, contract with the following for the purpose of 114235
assisting the agency with its duties: 114236

(i) County departments of job and family services; 114237

(ii) Boards of alcohol, drug addiction, and mental health 114238
services; 114239

(iii) County boards of developmental disabilities; 114240

(iv) Regional councils of political subdivisions established 114241
under Chapter 167. of the Revised Code; 114242

(v) Private and government providers of services; 114243

(vi) Managed care organizations and prepaid health plans.	114244
(b) A public children services agency contract under division	114245
(C)(2)(a) of this section regarding the agency's duties under	114246
section 2151.421 of the Revised Code may not provide for the	114247
entity under contract with the agency to perform any service not	114248
authorized by the department's rules.	114249
(c) Only a county children services board appointed under	114250
section 5153.03 of the Revised Code that is a public children	114251
services agency may contract under division (C)(2)(a) of this	114252
section. If an entity specified in division (B) or (C) of section	114253
5153.02 of the Revised Code is the public children services agency	114254
for a county, the board of county commissioners may enter into	114255
contracts pursuant to section 307.982 of the Revised Code	114256
regarding the agency's duties.	114257
<u>Sec. 5160.01. As used in this chapter:</u>	114258
<u>(A) "Dual eligible individual" has the same meaning as in the</u>	114259
<u>"Social Security Act," section 1915(h)(2)(B), 42 U.S.C.</u>	114260
<u>1396n(h)(2)(B). A dual eligible individual is a medicare-medicaid</u>	114261
<u>enrollee (MME).</u>	114262
<u>(B) "Exchange" has the same meaning as in 45 C.F.R. 155.20.</u>	114263
<u>(C) "Federal financial participation" means the federal</u>	114264
<u>government's share of expenditures made by an entity in</u>	114265
<u>implementing a medical assistance program.</u>	114266
<u>(D) "Medical assistance program" means all of the following:</u>	114267
<u>(1) The medicaid program;</u>	114268
<u>(2) The children's health insurance program;</u>	114269
<u>(3) The refugee medical assistance program;</u>	114270
<u>(4) Any other program that provides medical assistance and</u>	114271
<u>state statutes authorize the department of medicaid to administer.</u>	114272

(E) "Medical assistance recipient" means a recipient of a medical assistance program. To the extent appropriate in the context, "medical assistance recipient" includes an individual applying for a medical assistance program, a former medical assistance recipient, or both. 114273
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(F) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 114278
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(G) "Refugee medical assistance program" means the program that the department of medicaid administers pursuant to section 5160.50 of the Revised Code. 114280
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114282

Sec. 5160.011. References to the department or director of public welfare, department or director of human services, department or director of job and family services, office of medical assistance, or medical assistance director in any statute, rule, contract, grant, or other document is deemed to refer to the department of medicaid or medicaid director, as the case may be, to the extent the reference is about a duty or authority of the department of medicaid or medicaid director regarding a medical assistance program. 114283
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Sec. 5160.02. The medicaid director shall adopt rules as necessary to implement this chapter. 114292
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Sec. 5160.021. (A) When the medicaid director is authorized by a statute to adopt a rule, the director shall adopt the rule in accordance with the following: 114294
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114296

(1) Chapter 119. of the Revised Code if either of the following applies: 114297
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(a) The statute authorizing the rule requires that the rule be adopted in accordance with Chapter 119. of the Revised Code. 114299
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(b) Unless division (A)(2)(b) of this section applies, the 114301

statute authorizing the rule does not specify the procedure for 114302
the rule's adoption. 114303

(2) Section 111.15 of the Revised Code, excluding divisions 114304
(D) and (E) of that section, if either of the following applies: 114305

(a) The statute authorizing the rule requires that the rule 114306
be adopted in accordance with section 111.15 of the Revised Code 114307
and, by the terms of division (D) of that section, division (D) of 114308
that section does not apply to the rule. 114309

(b) The statute authorizing the rule does not specify the 114310
procedure for the rule's adoption and the rule concerns the 114311
day-to-day staff procedures and operations of the department of 114312
medicaid or financial and operational matters between the 114313
department and a person or government entity receiving a grant 114314
from the department. 114315

(3) Section 111.15 of the Revised Code, including divisions 114316
(D) and (E) of that section, if the statute authorizing the rule 114317
requires that the rule be adopted in accordance with that section 114318
and the rule is not exempt from the application of division (D) of 114319
that section. 114320

(B) Except as otherwise required by a statute, the adoption 114321
of a rule in accordance with Chapter 119. of the Revised Code does 114322
not make the department of medicaid subject to the notice, 114323
hearing, or other requirements of sections 119.06 to 119.13 of the 114324
Revised Code. 114325

Sec. 5160.03. The medicaid director is the executive head of 114326
the department of medicaid. All duties conferred on the department 114327
by law or order of the director are under the director's control 114328
and shall be performed in accordance with rules the director 114329
adopts. 114330

Sec. 5160.04. The medicaid director shall appoint one 114331

assistant director for the department of medicaid. The assistant 114332
director shall exercise powers, and perform duties, as ordered by 114333
the medicaid director. The assistant director shall act as the 114334
medicaid director in the medicaid director's absence or disability 114335
and when the position of medicaid director is vacant. 114336

Sec. 5160.05. The medicaid director may appoint such 114337
employees as are necessary for the efficient operation of the 114338
department of medicaid. The director may prescribe the title and 114339
duties of the employees. 114340

Sec. 5160.051. If the medicaid director determines that a 114341
position with the department of medicaid can best be filled in 114342
accordance with division (A)(2) of section 124.30 of the Revised 114343
Code or without regard to a residency requirement established by a 114344
rule adopted by the director of administrative services, the 114345
medicaid director shall provide the director of administrative 114346
services certification of the determination. 114347

Sec. 5160.052. The department of medicaid shall collaborate 114348
with the superintendent of the bureau of criminal identification 114349
and investigation to develop procedures and formats necessary to 114350
produce the notices described in division (C) of section 109.5721 114351
of the Revised Code in a format that is acceptable for use by the 114352
department. The medicaid director may adopt rules under section 114353
5160.02 of the Revised Code necessary for such collaboration. Any 114354
such rules shall be adopted in accordance with section 111.15 of 114355
the Revised Code as if they were internal management rules. 114356

The medicaid director may adopt rules under section 5160.02 114357
of the Revised Code necessary for utilizing the information 114358
received pursuant to section 109.5721 of the Revised Code. The 114359
rules shall be adopted in accordance with Chapter 119. of the 114360

Revised Code. 114361

Sec. 5160.06. The medicaid director may require any of the 114362
employees of the department of medicaid who may be charged with 114363
custody or control of any public money or property or who is 114364
required to give bond, to give a bond, properly conditioned, in a 114365
sum to be fixed by the director which when approved by the 114366
director, shall be filed in the office of the secretary of state. 114367
The cost of such bonds, when approved by the director, shall be 114368
paid from funds available for the department. The bonds required 114369
or authorized by this section may, in the discretion of the 114370
director, be individual, schedule, or blanket bonds. 114371

Sec. 5160.10. The medicaid director may expend funds 114372
appropriated or available to the department of medicaid from 114373
persons and government entities. For purposes of this section, the 114374
director may enter into contracts or agreements with persons and 114375
government entities and make grants to persons and government 114376
entities. To the extent permitted by federal law, the director may 114377
advance funds to a grantee when necessary for the grantee to 114378
perform duties under the grant as specified by the director. 114379

The director may adopt rules under section 5160.02 of the 114380
Revised Code as necessary to define terms and adopt procedures and 114381
other provisions necessary to implement this section. 114382

Sec. 5160.11. The state health care grants fund is hereby 114383
created in the state treasury. Money the department of medicaid 114384
receives from private foundations in support of pilot projects 114385
that promote exemplary programs that enhance programs the 114386
department administers shall be credited to the fund. The 114387
department may expend the money on such projects, may use the 114388
money, to the extent allowable, to match federal financial 114389
participation in support of such projects, and shall comply with 114390

requirements the foundations have stipulated in their agreements 114391
with the department as to the purposes for which the money may be 114392
expended. 114393

Sec. 5160.12. (A) As used in this section, "entity" includes 114394
an agency, board, commission, or department of the state or a 114395
political subdivision of the state; a private, nonprofit entity; a 114396
school district; a private school; or a public or private 114397
institution of higher education. 114398

(B) This section does not apply to contracts entered into 114399
under section 5162.32 or 5162.35 of the Revised Code. 114400

(C) At the request of any public entity having authority to 114401
implement a program administered by the department of medicaid or 114402
any private entity under contract with a public entity to 114403
implement a program administered by the department, the department 114404
may seek to obtain federal financial participation for costs 114405
incurred by the entity. Federal financial participation may be 114406
sought from programs operated pursuant to Title XIX of the "Social 114407
Security Act," 42 U.S.C. 1396, et seq., and any other statute or 114408
regulation under which federal financial participation may be 114409
available, except that federal financial participation may be 114410
sought only for expenditures made with funds for which federal 114411
financial participation is available under federal law. 114412

(D) All funds collected by the department pursuant to 114413
division (C) of this section shall be distributed to the entities 114414
that incurred the costs. 114415

(E) In distributing federal financial participation pursuant 114416
to this section, the department may either enter into an agreement 114417
with the entity that is to receive the funds or distribute the 114418
funds in accordance with rules authorized by division (H) of this 114419
section. If the department decides to enter into an agreement to 114420

distribute the funds, the agreement may include terms that do any 114421
of the following: 114422

(1) Provide for the whole or partial reimbursement of any 114423
cost incurred by the entity in implementing the program; 114424

(2) In the event that federal financial participation is 114425
disallowed or otherwise unavailable for any expenditure, require 114426
the department or the entity, whichever party caused the 114427
disallowance or unavailability of federal financial participation, 114428
to assume responsibility for the expenditures; 114429

(3) Require the entity to certify to the department the 114430
availability of sufficient unencumbered funds to match the federal 114431
financial participation the entity receives under this section; 114432

(4) Establish the length of the agreement, which may be for a 114433
fixed or a continuing period of time; 114434

(5) Establish any other requirements determined by the 114435
department to be necessary for the efficient administration of the 114436
agreement. 114437

(F) An entity that receives federal financial participation 114438
pursuant to this section for a program aiding children and their 114439
families shall establish a process for collaborative planning with 114440
the department for the use of the funds to improve and expand the 114441
program. 114442

(G) Federal financial participation received pursuant to this 114443
section shall not be included in any calculation made under 114444
section 5101.16 or 5101.161 of the Revised Code. 114445

(H) The medicaid director may adopt rules under section 114446
5160.02 of the Revised Code as necessary to implement this 114447
section, including rules for the distribution of federal financial 114448
participation pursuant to this section. The rules shall be adopted 114449
in accordance with Chapter 119. of the Revised Code. 114450

Sec. 5160.13. The department of medicaid may enter into contracts with private entities to maximize federal revenue without the expenditure of state money. In selecting private entities with which to contract, the department shall engage in a request for proposals process. The department, subject to the approval of the controlling board, may also directly enter into contracts with public entities providing revenue maximization services.

Sec. 5160.16. The department of medicaid may appoint and commission any competent person to serve as a special agent, investigator, or representative to perform a designated duty for and on behalf of the department. Specific credentials shall be given by the department to each person so designated, and each credential shall state the following:

- (A) The person's name;
- (B) The agency with which the person is connected;
- (C) The purpose of the appointment;
- (D) The date the appointment expires, if appropriate;
- (E) Such information as the department considers proper.

Sec. 5160.20. (A) The department of medicaid may conduct any audits or investigations that are necessary in the performance of the department's duties, and to that end, the department has the same power as a judge of a county court to administer oaths and to enforce the attendance and testimony of witnesses and the production of books or papers.

The department shall keep a record of the department's audits and investigations stating the time, place, charges, or subject; witnesses summoned and examined; and the department's conclusions.

Witnesses shall be paid the fees and mileage provided for 114479
under section 119.094 of the Revised Code. 114480

(B) Any judge of any division of the court of common pleas, 114481
on application of the department, may compel the attendance of 114482
witnesses, the production of books or papers, and the giving of 114483
testimony before the department, by a judgment for contempt or 114484
otherwise, in the same manner as in cases before those courts. 114485

(C) Until an audit report is formally released by the 114486
department, the audit report or any working paper or other 114487
document or record prepared by the department and related to the 114488
audit that is the subject of the audit report is not a public 114489
record under section 149.43 of the Revised Code. 114490

(D) The medicaid director may adopt rules under section 114491
5160.02 of the Revised Code as necessary to implement this 114492
section. The rules shall be adopted in accordance with section 114493
111.15 of the Revised Code as if they were internal management 114494
rules. 114495

Sec. 5160.21. On the request of the medicaid director, the 114496
auditor of state may conduct an audit of any medical assistance 114497
recipient. If the auditor decides to conduct an audit under this 114498
section, the auditor shall enter into an interagency agreement 114499
with the department of medicaid that specifies that the auditor 114500
agrees to comply with section 5160.45 of the Revised Code with 114501
respect to any information the auditor receives pursuant to the 114502
audit. 114503

Sec. 5160.22. (A) The auditor of state and attorney general, 114504
or their designees, may examine any records, whether in computer 114505
or printed format, in the possession of the medicaid director or 114506
any county director of job and family services, regarding medical 114507
assistance programs. The auditor of state and attorney general 114508

shall do both of the following regarding the records: 114509

(1) Provide safeguards that restrict access to the records to purposes directly connected with an audit or investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of the programs; 114510
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(2) Comply, and ensure that their designees comply, with section 5160.45 of the Revised Code and rules of the medicaid director restricting the disclosure of information regarding medical assistance recipients. 114514
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(B) Any person who fails to comply with the restriction specified in division (A) of this section is disqualified from acting as an agent or employee or in any other capacity under appointment or employment of any state board, commission, or agency. 114518
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Sec. 5160.23. The auditor of state is responsible for the costs the auditor incurs in carrying out the auditor's duties under sections 5160.21 and 5160.22 of the Revised Code. 114523
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Sec. 5160.30. (A) Except as provided in divisions (B) and (C) of this section, the department of medicaid may accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for medical assistance programs. 114526
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(B) The department may enter into agreements with one or more agencies of the federal government, the state, other states, and local governments of this or other states to accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities on behalf of the department with respect to medical assistance programs. 114531
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(C) If federal law requires a face-to-face interview to 114537

complete an eligibility determination for a medical assistance 114538
program, the department shall not conduct the face-to-face 114539
interview. 114540

(D) Subject to division (C) of this section, if the 114541
department elects to accept applications, determine eligibility, 114542
redetermine eligibility, and perform related administrative 114543
activities for a medical assistance program, both of the following 114544
apply: 114545

(1) An individual may apply for the medical assistance 114546
program to the department or an agency authorized by an agreement 114547
entered into under division (B) of this section to accept the 114548
individual's application; 114549

(2) The department is subject to federal statutes and 114550
regulations and state statutes and rules that require, permit, or 114551
prohibit an action regarding accepting applications, determining 114552
or redetermining eligibility, and performing related 114553
administrative activities for the medical assistance program. 114554

Sec. 5160.31. (A) A medical assistance recipient may appeal a 114555
decision regarding the recipient's eligibility for a medical 114556
assistance program or services available to the recipient under a 114557
medical assistance program. 114558

(B) Regarding appeals authorized by this section, the 114559
department of medicaid shall do one or more of the following: 114560

(1) Administer an appeals process similar to the appeals 114561
process established under section 5101.35 of the Revised Code; 114562

(2) Contract with the department of job and family services 114563
pursuant to section 5162.35 of the Revised Code to provide for the 114564
department of job and family services to hear the appeals in 114565
accordance with section 5101.35 of the Revised Code; 114566

(3) Delegate authority to hear appeals to an exchange or 114567

exchange appeals entity. 114568

(C) If a medical assistance recipient files an appeal as 114569
authorized by this section, the department of medicaid may do 114570
either or both of the following: 114571

(1) Take corrective action regarding the matter being 114572
appealed before a hearing decision regarding the matter is issued; 114573

(2) If a hearing decision, administrative appeal decision, or 114574
court ruling is against the recipient, take action in favor of the 114575
recipient despite the contrary decision or ruling, unless, in the 114576
case of a court's ruling, the ruling prohibits the department from 114577
taking the action. 114578

Sec. ~~5101.571~~ 5160.35. As used in sections ~~5101.571~~ 5160.35 114579
to ~~5101.591~~ 5160.43 of the Revised Code: 114580

(A) "Information" means all of the following: 114581

(1) An individual's name, address, date of birth, and social 114582
security number; 114583

(2) The group or plan number, or other identifier, assigned 114584
by a third party to a policy held by an individual or a plan in 114585
which the individual participates and the nature of the coverage; 114586

(3) Any other data the medicaid director ~~of job and family~~ 114587
~~services~~ specifies in rules ~~adopted under~~ authorized by section 114588
~~5101.591~~ 5160.43 of the Revised Code. 114589

(B) "~~Medical assistance~~" means ~~medical items or services~~ 114590
~~provided under any of the following:~~ 114591

~~(1) Medicaid, as defined in section 5111.01 of the Revised~~ 114592
~~Code;~~ 114593

~~(2) The children's health insurance program part I, part II,~~ 114594
~~and part III established under sections 5101.50, 5101.51, and~~ 114595
~~5101.52 of the Revised Code.~~ 114596

~~(C)~~ "Medical support" means support specified as support for the purpose of medical care by order of a court or administrative agency. 114597
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~~(D) "Public assistance" means medical assistance or assistance under the Ohio works first program established under Chapter 5107. of the Revised Code.~~ 114600
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~~(E)(C)~~(1) Subject to division ~~(E)(C)~~(2) of this section, and except as provided in division ~~(E)(C)~~(3) of this section, "third party" means all of the following: 114603
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(a) A person authorized to engage in the business of sickness and accident insurance under Title XXXIX of the Revised Code; 114606
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(b) A person or governmental entity providing coverage for medical services or items to individuals on a self-insurance basis; 114608
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(c) A health insuring corporation as defined in section 1751.01 of the Revised Code; 114611
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(d) A group health plan as defined in 29 U.S.C. 1167; 114613

(e) A service benefit plan as referenced in 42 U.S.C. 1396a(a)(25); 114614
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(f) A managed care organization; 114616

(g) A pharmacy benefit manager; 114617

(h) A third party administrator; 114618

(i) Any other person or governmental entity that is, by law, contract, or agreement, responsible for the payment or processing of a claim for a medical item or service for a public medical assistance recipient ~~or participant~~. 114619
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(2) Except when otherwise provided by the "Social Security Act," section 1862(b), 42 U.S.C. 1395y(b), a person or governmental entity listed in division ~~(E)(C)~~(1) of this section 114623
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is a third party even if the person or governmental entity limits 114626
or excludes payments for a medical item or service in the case of 114627
a public assistance recipient. 114628

(3) "Third party" does not include the program for medically 114629
handicapped children established under section 3701.023 of the 114630
Revised Code. 114631

Sec. ~~5101.58~~ 5160.37. (A) ~~The acceptance of public~~ A medical 114632
assistance recipient's enrollment in a medical assistance program 114633
gives an automatic right of recovery to the department of ~~job and~~ 114634
~~family services~~ medicaid and a county department of job and family 114635
services against the liability of a third party for the cost of 114636
medical assistance paid on behalf of the ~~public assistance~~ 114637
recipient ~~or participant~~. When an action or claim is brought 114638
against a third party by a ~~public~~ medical assistance recipient ~~or~~ 114639
~~participant~~, any payment, settlement or compromise of the action 114640
or claim, or any court award or judgment, is subject to the 114641
recovery right of the department of ~~job and family services~~ 114642
medicaid or county department of ~~job and family services~~. Except 114643
in the case of a medical assistance recipient ~~or participant~~ who 114644
receives medical assistance through a medicaid managed care 114645
organization, the department's or county department's claim shall 114646
not exceed the amount of medical assistance paid by ~~a~~ the 114647
department or county department on behalf of the recipient ~~or~~ 114648
~~participant~~. A payment, settlement, compromise, judgment, or award 114649
that excludes the cost of medical assistance paid for by ~~a~~ the 114650
department or county department shall not preclude a department 114651
from enforcing its rights under this section. 114652

(B) In the case of a medical assistance recipient ~~or~~ 114653
~~participant~~ who receives medical assistance through a medicaid 114654
managed care organization, the amount of the department's or 114655
county department's claim shall be the amount the medicaid managed 114656

care organization pays for medical assistance rendered to the 114657
recipient ~~or participant~~, even if that amount is more than the 114658
amount ~~a~~ the department or county department pays to the medicaid 114659
managed care organization for the recipient's ~~or participant's~~ 114660
medical assistance. 114661

(C) A medical assistance recipient ~~or participant~~, and the 114662
recipient's ~~or participant's~~ attorney, if any, shall cooperate 114663
with the departments. In furtherance of this requirement, the 114664
medical assistance recipient ~~or participant~~, or the recipient's ~~or~~ 114665
~~participant's~~ attorney, if any, shall, not later than thirty days 114666
after initiating informal recovery activity or filing a legal 114667
recovery action against a third party, provide written notice of 114668
the activity or action to the department of ~~job and family~~ 114669
~~services when~~ medicaid or county department if it has paid for 114670
medical assistance under ~~medicaid has been paid~~ a medical 114671
assistance program. 114672

(D) The written notice that must be given under division (C) 114673
of this section shall disclose the identity and address of any 114674
third party against whom the medical assistance recipient ~~or~~ 114675
~~participant~~ has or may have a right of recovery. 114676

(E) No settlement, compromise, judgment, or award or any 114677
recovery in any action or claim by a medical assistance recipient 114678
~~or participant~~ where the ~~departments have~~ department or county 114679
department has a right of recovery shall be made final without 114680
first giving the ~~appropriate departments~~ department or county 114681
department written notice as described in division (C) of this 114682
section and a reasonable opportunity to perfect ~~their~~ its rights 114683
of recovery. If the ~~departments are~~ department or county 114684
department is not given the appropriate written notice, the 114685
medical assistance recipient ~~or participant~~ and, if there is one, 114686
the recipient's ~~or participant's~~ attorney, are liable to reimburse 114687
the ~~departments~~ department or county department for the recovery 114688

received to the extent of medical assistance payments made by the 114689
~~departments~~ department or county department. 114690

(F) The ~~departments~~ department or county department shall be 114691
permitted to enforce ~~their~~ its recovery rights against the third 114692
party even though ~~they~~ it accepted prior payments in discharge of 114693
~~their~~ its rights under this section if, at the time the 114694
~~departments~~ department or county department received such 114695
payments, ~~they were~~ it was not aware that additional medical 114696
expenses had been incurred but had not yet been paid by the 114697
~~departments~~ department or county department. The third party 114698
becomes liable to the department ~~of job and family services~~ or 114699
county department ~~of job and family services~~ as soon as the third 114700
party is notified in writing of the valid claims for recovery 114701
under this section. 114702

(G)(1) Subject to division (G)(2) of this section, the right 114703
of recovery of a the department or county department does not 114704
apply to that portion of any judgment, award, settlement, or 114705
compromise of a claim, to the extent of attorneys' fees, costs, or 114706
other expenses incurred by a medical assistance recipient ~~or~~ 114707
~~participant~~ in securing the judgment, award, settlement, or 114708
compromise, or to the extent of medical, surgical, and hospital 114709
expenses paid by such recipient ~~or participant~~ from the 114710
recipient's ~~or participant's~~ own resources. 114711

(2) Reasonable attorneys' fees, not to exceed one-third of 114712
the total judgment, award, settlement, or compromise, plus costs 114713
and other expenses incurred by the medical assistance recipient ~~or~~ 114714
~~participant~~ in securing the judgment, award, settlement, or 114715
compromise, shall first be deducted from the total judgment, 114716
award, settlement, or compromise. After fees, costs, and other 114717
expenses are deducted from the total judgment, award, settlement, 114718
or compromise, the department of ~~job and family services~~ medicaid 114719
or ~~appropriate~~ county department ~~of job and family services~~ shall 114720

receive no less than one-half of the remaining amount, or the 114721
actual amount of medical assistance paid, whichever is less. 114722

(H) A right of recovery created by this section may be 114723
enforced separately or jointly by the department of ~~job and family~~ 114724
~~services~~ medicaid or the ~~appropriate~~ county department of ~~job and~~ 114725
~~family services~~. To enforce ~~their~~ its recovery rights, the 114726
~~departments~~ department or county department may do any of the 114727
following: 114728

(1) Intervene or join in any action or proceeding brought by 114729
the medical assistance recipient ~~or participant~~ or on the 114730
recipient's ~~or participant's~~ behalf against any third party who 114731
may be liable for the cost of medical assistance paid; 114732

(2) Institute and pursue legal proceedings against any third 114733
party who may be liable for the cost of medical assistance paid; 114734

(3) Initiate legal proceedings in conjunction with any 114735
injured, diseased, or disabled medical assistance recipient ~~or~~ 114736
~~participant~~ or the recipient's ~~or participant's~~ attorney or 114737
representative. 114738

(I) A medical assistance recipient ~~or participant~~ shall not 114739
assess attorney fees, costs, or other expenses against the 114740
department of ~~job and family services~~ medicaid or a county 114741
department of ~~job and family services~~ when the department or 114742
county department enforces its right of recovery created by this 114743
section. 114744

(J) The right of recovery given to the department under this 114745
section ~~does not include rights to support from any other person~~ 114746
~~assigned to the state under sections 5107.20 and 5115.07 of the~~ 114747
~~Revised Code, but~~ includes payments made by a third party under 114748
contract with a person having a duty to support. 114749

(K) The department of medicaid may assign to a medical 114750
assistance provider the right of recovery given to the department 114751

under this section with respect to any claim for which the 114752
department has notified the provider that the department intends 114753
to recoup the department's prior payment for the claim. 114754

Sec. 5160.371. In addition to the requirement of division (C) 114755
of section 5160.37 of the Revised Code to cooperate with the 114756
department of medicaid and county department of job and family 114757
services, a medical assistance recipient and the recipient's 114758
attorney, if any, shall cooperate with each medical provider of 114759
the recipient. Cooperation with a medical provider shall consist 114760
of disclosing to the provider all information the recipient and 114761
attorney, if any, possess that would assist the provider in 114762
determining each third party that is responsible for the payment 114763
or processing of a claim for medical assistance provided to the 114764
recipient. If disclosure is not made in accordance with this 114765
section, the recipient and the recipient's attorney, if any, are 114766
liable to reimburse the department or county department for the 114767
amount that would have been paid by a third party had the third 114768
party been disclosed to the provider by the recipient or the 114769
recipient's attorney. 114770

Sec. ~~5101.59~~ 5160.38. (A) The application for, or acceptance 114771
of enrollment in, public a medical assistance program constitutes 114772
an automatic assignment of ~~certain~~ rights specified in division 114773
(B) of this section to the department of ~~job and family services~~ 114774
medicaid. This assignment includes the rights of the ~~applicant,~~ 114775
medical assistance recipient, ~~or participant~~ and also the rights 114776
of any other member of the assistance group for whom the 114777
~~applicant,~~ recipient, ~~or participant~~ can legally make an 114778
assignment. 114779

(B) Pursuant to this section, ~~the applicant,~~ a medical 114780
assistance recipient, ~~or participant~~ assigns to the department any 114781
rights to medical support available to the ~~applicant,~~ recipient, 114782

~~or participant~~ or for other members of the recipient's assistance group under an order of a court or administrative agency, and any rights to payments by a liable third party for the cost of medical assistance paid on behalf of a ~~public assistance~~ the recipient ~~or participant~~ or other members of the assistance group. The recipient ~~or participant~~ shall cooperate with the department in obtaining such payments.

Medicare benefits shall not be assigned pursuant to this section. Benefits assigned to the department by operation of this section are directly reimbursable to the department by liable third parties.

(C) Refusal by ~~the applicant, a medical assistance recipient,~~ ~~or participant~~ to cooperate in obtaining medical assistance paid for self or any other member of the recipient's assistance group renders the ~~applicant, recipient, or participant~~ ineligible for ~~public~~ a medical assistance program, unless cooperation is waived by the department. Eligibility shall continue for any individual who cannot legally assign the individual's own rights and who would have been eligible for ~~public~~ a medical assistance program but for the refusal to assign the individual's rights or to cooperate as required by this section by another person legally able to assign the individual's rights.

(D) If ~~the applicant, a medical assistance recipient, or participant~~ or any member of the recipient's assistance group becomes ineligible for ~~public~~ a medical assistance program, the department shall restore to the ~~applicant, recipient, participant,~~ or ~~member of the~~ assistance group member any future rights to benefits assigned under this section.

~~(E) The rights of assignment given to the department under this section do not include rights to support assigned under section 5107.20 or 5115.07 of the Revised Code.~~

Sec. ~~5101.572~~ 5160.39. (A) A third party shall cooperate with 114814
the department of ~~job and family services~~ medicaid in identifying 114815
individuals for the purpose of establishing third party liability 114816
~~pursuant to Title XIX of the Social Security Act, as amended~~ 114817
regarding medical assistance programs. 114818

(B) In furtherance of the requirement in division (A) of this 114819
section and to allow the department to determine any period that 114820
the individual or the individual's spouse or dependent may have 114821
been covered by the third party and the nature of the coverage, a 114822
third party shall provide, as the department so chooses, 114823
information or access to information, or both, in the third 114824
party's electronic data system on the department's request and in 114825
accordance with division (C) of this section. 114826

(C)(1) If the department chooses to receive information 114827
directly, the third party shall provide the information under all 114828
of the following circumstances: 114829

(a) In a medium, format, and manner prescribed ~~by the~~ 114830
~~director of job and family services~~ in rules ~~adopted under~~ 114831
authorized by section ~~5101.591~~ 5160.43 of the Revised Code; 114832

(b) Free of charge; 114833

(c) Not later than the end of the thirtieth day after the 114834
department makes its request, unless a different time is agreed to 114835
by the director in writing. 114836

(2) If the department chooses to receive access to 114837
information, the third party shall provide access by a method 114838
~~prescribed by the director of job and family services~~ in rules 114839
~~adopted under~~ authorized by section ~~5101.591~~ 5160.43 of the 114840
Revised Code. In facilitating access, the department may enter 114841
into a trading partner agreement with the third party to permit 114842
the exchange of information via "ASC X 12N 270/271 Health Care 114843

Eligibility Benefit Inquiry and Response" transactions. 114844

(D) All of the following apply with respect to information 114845
provided by a third party to the department under this section: 114846

(1) The information is confidential and not a public record 114847
under section 149.43 of the Revised Code. 114848

(2) The release of information to the department is not to be 114849
considered a violation of any right of confidentiality or contract 114850
that the third party may have with covered persons including, but 114851
not limited to, contractees, beneficiaries, heirs, assignees, and 114852
subscribers. 114853

(3) The third party is immune from any liability that it may 114854
otherwise incur through its release of information to the 114855
department. 114856

The department ~~of job and family services~~ shall limit its use 114857
of information gained from third parties to purposes directly 114858
connected with the administration of the medicaid program and the 114859
child support program authorized by Title IV-D of the "Social 114860
Security Act," 42 U.S.C. 651 et seq. 114861

(E) No third party shall disclose to other parties or make 114862
use of any information regarding medical assistance recipients ~~of~~ 114863
~~aid under Chapter 5107. or 5111. of the Revised Code~~ that it 114864
obtains from the department, except in the manner provided ~~for by~~ 114865
~~the director of job and family services~~ in administrative rules 114866
authorized by section 5160.43 of the Revised Code. 114867

Sec. ~~5101.573~~ 5160.40. (A) Subject to divisions (B) and (C) 114868
of this section, a third party shall do all of the following: 114869

(1) Accept the department of ~~job and family services'~~ 114870
medicaid's right of recovery under section ~~5101.58~~ 5160.37 of the 114871
Revised Code and the assignment of rights to the department that 114872
are described in section ~~5101.59~~ 5160.38 of the Revised Code; 114873

(2) Respond to an inquiry by the department regarding a claim 114874
for payment of a medical item or service that was submitted to the 114875
third party not later than six years after the date of the 114876
provision of such medical item or service; 114877

(3) Not charge a fee to do either of the following for a 114878
claim described in division (A)(2) of this section: 114879

(a) Determine whether the claim should be paid; 114880

(b) Process the claim. 114881

(4) Pay a claim described in division (A)(2) of this section; 114882

(5) Not deny a claim submitted by the department solely on 114883
the basis of the date of submission of the claim, type or format 114884
of the claim form, or a failure by the medical assistance 114885
recipient who is the subject of the claim to present proper 114886
documentation of coverage at the time of service, if both of the 114887
following ~~are true~~ have occurred: 114888

(a) The claim was submitted by the department not later than 114889
six years after the date of the provision of the medical item or 114890
service. 114891

(b) An action by the department to enforce its right of 114892
recovery under section ~~5101.58~~ 5160.37 of the Revised Code on the 114893
claim was commenced not later than six years after the 114894
department's submission of the claim. 114895

(6) Consider the department's payment of a claim for a 114896
medical item or service to be the equivalent of the medical 114897
assistance recipient having obtained prior authorization for the 114898
item or service from the third party; 114899

(7) Not deny a claim described in division (A)(6) of this 114900
section that is submitted by the department solely on the basis of 114901
the medical assistance recipient's failure to obtain prior 114902
authorization for the medical item or service. 114903

(B) For purposes of the requirements in division (A) of this section, a third party shall treat a medicaid managed care organization as the department for a claim ~~in which both of the following are true:~~

~~(1) The if the individual who is the subject of the claim received a medical item or service through a medicaid managed care organization that has entered into a contract with the department of job and family services under section 5111.17 of the Revised Code;~~

~~(2) The and the department has assigned its right of recovery for the claim to the medicaid managed care organization.~~

(C) If the department of medicaid, as permitted by division (K) of section 5160.37 of the Revised Code, assigns to a medical assistance provider the department's right of recovery for a claim for which it has notified the provider that it intends to recoup its prior payment for a claim, a third party shall treat the provider as the department and shall pay the provider the greater of the following:

(1) The amount the department intends to recoup from the provider for the claim.

(2) If the third party and the provider have an agreement that requires the third party to pay the provider at the time the provider presents the claim to the third party, the amount that is to be paid under that agreement.

(D) The time limitations associated with the requirements in divisions (A)(2) and (5) of this section apply only to submissions of claims to, and payments of claims by, a health insurer to which the "Social Security Act," section 1902(a)(25)(I), 42 U.S.C. 1396a(a)(25)(I), applies.

Sec. ~~5101.574~~ 5160.41. No third party shall consider whether

an individual is eligible for or ~~receives~~ enrolled in a medical 114934
assistance program when either of the following applies: 114935

(A) The individual seeks to obtain a policy or enroll in a 114936
plan or program operated or administered by the third party; 114937

(B) The individual, or a person or governmental entity on the 114938
individual's behalf, seeks payment for a medical item or service 114939
provided to the individual. 114940

Sec. ~~5101.575~~ 5160.42. (A) If a third party violates section 114941
~~5101.572~~ 5160.39, ~~5101.573~~ 5160.40, or ~~5101.574~~ 5160.41 of the 114942
Revised Code, a governmental entity that is responsible for 114943
issuing a license, certificate of authority, registration, or 114944
approval that authorizes the third party to do business in this 114945
state may impose a fine against the third party or deny, revoke, 114946
or terminate the third party's license, certificate, registration, 114947
or approval to do business in this state. The governmental entity 114948
shall determine which sanction is to be imposed. All actions to 114949
impose the sanction shall be taken in accordance with Chapter 119. 114950
of the Revised Code. 114951

(B) In addition to the sanctions that may be imposed under 114952
division (A) of this section for a violation of section ~~5101.572~~ 114953
5160.39, ~~5101.573~~ 5160.40, or ~~5101.574~~ 5160.41 of the Revised 114954
Code, the attorney general may petition a court of common pleas to 114955
enjoin the violation. 114956

Sec. ~~5101.591~~ 5160.43. (A) ~~Except as provided in division (B)~~ 114957
~~of this section, the~~ The medicaid director ~~of job and family~~ 114958
~~services~~ may adopt rules ~~in accordance with Chapter 119. under~~ 114959
section 5160.02 of the Revised Code to implement sections ~~5101.571~~ 114960
5160.35 to ~~5101.59~~ 5160.43 of the Revised Code, including rules 114961
that specify what constitutes cooperating with efforts to obtain 114962
support or payments, or medical assistance payments, and when 114963

cooperation may be waived. 114964

(B) The department shall adopt rules ~~in accordance with~~ 114965
~~Chapter 119. under section 5160.02~~ of the Revised Code to do all 114966
of the following: 114967

(1) For purposes of the definition of "information" in 114968
division (A) of section ~~5101.571~~ 5160.35 of the Revised Code, any 114969
data other than the data specified in that division that should be 114970
included in the definition. 114971

(2) For purposes of division (C)(1)(a) of section ~~5101.572~~ 114972
5160.39 of the Revised Code, the medium, format, and manner in 114973
which a third party must provide information to the department. 114974

(3) For purposes of division (C)(2) of section ~~5101.572~~ 114975
5160.39 of the Revised Code, the method by which a third party 114976
must provide the department with access to information. 114977

(C) Rules authorized by division (A) of this section may be 114978
adopted in accordance with section 111.15 of the Revised Code. 114979
Rules authorized by division (B) of this section shall be adopted 114980
in accordance with Chapter 119. of the Revised Code. 114981

Sec. ~~5101.271~~ 5160.45. (A) As used in sections 5160.45 to 114982
5160.481 of the Revised Code, "information" means all of the 114983
following: 114984

(1) Records, as defined in section 149.011 of the Revised 114985
Code; 114986

(2) Any other documents in any format; 114987

(3) Data derived from records and documents that are 114988
generated, acquired, or maintained by the department of medicaid, 114989
a county department of job and family services, or an entity 114990
performing duties on behalf of the department or a county 114991
department. 114992

~~(B)~~ Except as permitted by this section, section ~~5101.273~~ 114993
~~5160.47~~, or rules ~~adopted under~~ authorized by section ~~5101.30~~ 114994
~~5160.48 or 5160.481~~ of the Revised Code, or when required by 114995
federal law, no person or government entity shall use or disclose 114996
information regarding a medical assistance recipient for any 114997
purpose not directly connected with the administration of ~~the a~~ 114998
medical assistance program. 114999

~~(B)~~(C) Both of the following shall be considered to be 115000
purposes directly connected with the administration of ~~the a~~ 115001
medical assistance program: 115002

(1) Treatment, payment, or other operations or activities 115003
authorized by 42 C.F.R. Chapter IV; 115004

(2) Any administrative function or duty the department of ~~job~~ 115005
~~and family services~~ medicaid performs alone or jointly with a 115006
federal government entity, another state government entity, or a 115007
local government entity implementing a provision of federal law. 115008

~~(C)~~(D) The department or a county ~~agency~~ department of job 115009
and family services may disclose information regarding a medical 115010
assistance recipient to any of the following: 115011

(1) The recipient or the recipient's authorized 115012
representative; 115013

(2) The recipient's legal guardian in accordance with 115014
division (C) of section 2111.13 of the Revised Code; 115015

(3) The attorney of the recipient, if the department or 115016
county ~~agency~~ department has obtained authorization from the 115017
recipient, or the recipient's authorized representative, ~~or the~~ 115018
~~recipient's~~ legal guardian that meets all requirements of the 115019
Health Insurance Portability and Accountability Act of 1996, ~~Pub.~~ 115020
~~L. 104-191, 110 Stat. 1955,~~ 42 U.S.C. 1320d et seq., ~~as amended,~~ 115021
regulations promulgated by the United States department of health 115022
and human services to implement the act, section ~~5101.272~~ 5160.46 115023

of the Revised Code, and any rules ~~the director of job and family~~ 115024
~~services adopts under~~ authorized by section ~~5101.30~~ 5160.48 of the 115025
Revised Code; 115026

(4) A health information or health records management entity 115027
that has executed with the department a business associate 115028
agreement required by 45 C.F.R 164.502(e)(2) and has been 115029
authorized by the recipient, or the recipient's authorized 115030
representative, ~~or the recipient's~~ legal guardian to receive the 115031
recipient's electronic health records in accordance with rules ~~the~~ 115032
~~director of job and family services adopts under~~ authorized by 115033
section ~~5101.30~~ 5160.48 of the Revised Code; 115034

(5) A court if pursuant to a written order of the court. 115035

~~(D)~~(E) The department may receive from county departments of 115036
job and family services information regarding any medical 115037
assistance recipient for purposes of training and verifying the 115038
accuracy of eligibility determinations for a medical assistance 115039
program. The department may assemble information received under 115040
this division into a report if the report is in a form specified 115041
by the department. Information received and assembled into a 115042
report under this division shall remain confidential and not be 115043
subject to disclosure pursuant to section 149.43 or 1347.08 of the 115044
Revised Code. 115045

~~(E)~~(F) The department shall notify courts in this state 115046
regarding its authority, under division ~~(C)~~(D)(5) of this section, 115047
to disclose information regarding a medical assistance recipient 115048
pursuant to a written court order. 115049

Sec. 5160.46. (A) For the purposes of section 5160.45 of the 115050
Revised Code, an authorization shall be made on a form that uses 115051
language understandable to the average person and contains all of 115052
the following: 115053

- (1) A description of the information to be used or disclosed that identifies the information in a specific and meaningful fashion; 115054
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- (2) The name or other specific identification of the person or class of persons authorized to make the requested use or disclosure; 115057
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- (3) The name or other specific identification of the person or government entity to which the information may be released; 115060
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- (4) A description of each purpose of the requested use or disclosure of the information; 115062
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- (5) The date on which the authorization expires or an event related either to the individual who is the subject of the request or to the purposes of the requested use or disclosure, the occurrence of which will cause the authorization to expire; 115064
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- (6) A statement that the information used or disclosed pursuant to the authorization may be disclosed by the recipient of the information and may no longer be protected from disclosure; 115068
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- (7) The signature of the individual or the individual's authorized representative and the date on which the authorization was signed; 115071
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- (8) If signed by an authorized representative, a description of the representative's authority to act for the individual; 115074
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- (9) A statement of the individual or authorized representative's right to prospectively revoke the written authorization in writing, along with either of the following: 115076
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- (a) A description of how the individual or authorized representative may revoke the authorization; 115079
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- (b) If the department of medicaid has established a privacy notice that contains a description of how the individual or authorized representative may revoke the authorization, a 115081
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reference to the privacy notice. 115084

(10) A statement that treatment, payment, enrollment, or 115085
eligibility for a medical assistance program cannot be conditioned 115086
on signing the authorization unless the authorization is necessary 115087
for determining eligibility for the program. 115088

(B) An authorization for the release of information regarding 115089
a medical assistance recipient to the recipient's attorney under 115090
division (D)(3) of section 5160.45 of the Revised Code may include 115091
a provision specifically authorizing the release of the 115092
recipient's electronic health records, if any, in accordance with 115093
rules authorized by section 5160.48 or 5160.481 of the Revised 115094
Code. 115095

(C) When an individual requests information pursuant to 115096
section 5160.45 of the Revised Code regarding the individual's 115097
enrollment in a medical assistance program and does not wish to 115098
provide a statement of purpose, the statement "at request of the 115099
individual" is a sufficient description for purposes of division 115100
(A)(4) of this section. 115101

Sec. 5160.47. The department of medicaid shall enter into any 115102
necessary agreements with the United States department of health 115103
and human services and neighboring states to join and participate 115104
as an active member in the public assistance reporting information 115105
system. The department may disclose information regarding a 115106
medical assistance recipient to the extent necessary to 115107
participate as an active member in the system. 115108

Sec. 5160.48. (A) The medicaid director shall adopt rules 115109
under section 5160.02 of the Revised Code implementing sections 115110
5160.45 to 5160.481 of the Revised Code and governing the custody, 115111
use, disclosure, and preservation of the information generated or 115112
received by the department of medicaid, county departments of job 115113

and family services, other state and county entities, contractors, grantees, private entities, or officials participating in the administration of medical assistance programs. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. The rules may define who is an "authorized representative" for purposes of sections 5160.45 and 5160.46 of the Revised Code. The rules shall specify conditions and procedures for the release of information, which may include both of the following:

(1) Permitting a provider of a service under a medical assistance program limited access to information that is essential for the provider to render the service or to bill for the service rendered;

(2) Permitting a contractor, grantee, or other state or county entity limited access to information that is essential for the contractor, grantee, or entity to perform administrative or other duties on behalf of the department or a county department.

(B) The department of aging, when investigating a complaint under section 173.20 of the Revised Code, shall be granted any limited access permitted in the rules authorized by division (A)(1) of this section.

A contractor, grantee, or entity given access to information pursuant to the rules authorized by division (A)(2) of this section is bound by the director's rules. Disclosure of the information by the contractor, grantee, or entity in a manner not authorized by the rules is a violation of section 5160.45 of the Revised Code.

Sec. 5160.481. Whenever names, addresses, or other information relating to medical assistance recipients is held by any agency other than the department of medicaid or a county department of job and family services, that other agency shall

adopt rules consistent with sections 5160.45 to 5160.481 of the 115144
Revised Code to prevent the publication or disclosure of names, 115145
lists, or other information concerning those recipients. 115146

Sec. 5160.50. The department of medicaid shall administer the 115147
refugee medical assistance program authorized by the "Immigration 115148
and Nationality Act," section 412(e), 8 U.S.C. 1522(e). 115149
115150

Sec. 5160.52. The medicaid director may provide for the 115151
department of medicaid to develop, participate in the development 115152
of, negotiate, and enter into one or more interstate compacts on 115153
behalf of this state with agencies of any other states, for the 115154
provision of medical assistance to children in relation to whom 115155
all of the following apply: 115156

(A) They have special needs. 115157

(B) This state or another state that is a party to the 115158
interstate compact is providing adoption assistance on their 115159
behalf. 115160

(C) They move into this state from another state or move out 115161
of this state to another state. 115162

Sec. 5160.99. Whoever violates division (B) of section 115163
5160.45 of the Revised Code is guilty of a misdemeanor of the 115164
first degree. 115165

Sec. 5161.01. (A) As used in the Revised Code, "children's 115166
health insurance program" and, when used as an acronym for the 115167
children's health insurance program, "CHIP" mean the program of 115168
child health assistance authorized by Title XXI of the "Social 115169
Security Act," 42 U.S.C. 1397aa et seq. CHIP part I, CHIP part II, 115170
and CHIP part III, as authorized by this chapter, are components 115171

of CHIP. Any reference in statute enacted by the general assembly 115172
to medicaid or the medicaid program also means CHIP to the extent, 115173
if any, that CHIP is provided under the medicaid program. 115174

(B) As used in this chapter, "federal poverty line" means the 115175
official poverty line defined by the United States office of 115176
management and budget based on the most recent data available from 115177
the United States bureau of the census and revised by the United 115178
States secretary of health and human services pursuant to the 115179
"Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 115180
U.S.C. 9902(2). 115181

Sec. ~~5101.502~~ 5161.02. The medicaid director ~~of job and~~ 115182
~~family services~~ may adopt rules in accordance with Chapter 119. of 115183
the Revised Code as necessary for the efficient administration of 115184
the children's health insurance program ~~part I~~, including rules 115185
that establish all of the following: 115186

(A) The conditions under which ~~health assistance services~~ the 115187
program will ~~be reimbursed~~ pay for health benefits coverage; 115188

(B) The method of ~~reimbursement applicable to services~~ 115189
~~reimbursable under the program~~ payment; 115190

(C) The amount of ~~reimbursement~~ payment, or the method by 115191
which the amount is to be determined, for each ~~reimbursable~~ 115192
service included in the health benefits coverage. 115193

Sec. ~~5101.50~~ 5161.05. ~~(A) As used in sections 5101.50 to~~ 115194
~~5101.529 of the Revised Code:~~ 115195

~~(1) "Children's health insurance program" means the program~~ 115196
~~authorized by Title XXI of the "Social Security Act," 111 Stat.~~ 115197
~~552 (1997), 42 U.S.C.A. 1397aa.~~ 115198

~~(2) "Federal poverty guidelines" has the same meaning as in~~ 115199
~~section 5101.46 of the Revised Code.~~ 115200

(B) The medicaid director ~~of job and family services~~ may 115201
continue to operate the component of the children's health 115202
insurance program initially authorized by an executive order 115203
issued under section 107.17 of the Revised Code as long as federal 115204
financial participation is available for the program. If operated, 115205
the ~~program~~ component shall ~~provide health assistance to pay for~~ 115206
part or all of the cost of health benefits coverage for uninsured 115207
individuals under nineteen years of age with family incomes not 115208
exceeding one hundred fifty per cent of the federal poverty 115209
guidelines line. ~~In accordance with 42 U.S.C.A. 1397aa, the~~ 115210
~~director may provide for the health assistance to meet the~~ 115211
~~requirements of 42 U.S.C.A. 1397ec, to be provided under the~~ 115212
~~medicaid program established under Chapter 5111. of the Revised~~ 115213
~~Code, or to be a combination of both.~~ 115214

Sec. ~~5101.501~~ 5161.06. ~~Health assistance provided under The~~ 115215
component of the children's health insurance program authorized by 115216
section ~~5101.50~~ 5161.05 of the Revised Code shall be known as ~~the~~ 115217
~~children's health insurance program~~ CHIP part I. 115218

Sec. ~~5101.51~~ 5161.10. In accordance with federal law 115219
governing the children's health insurance program, the medicaid 115220
director ~~of job and family services~~ may submit a state child 115221
health plan to the United States secretary of health and human 115222
services to ~~provide pay~~, except as provided in section ~~5101.516~~ 115223
5161.22 of the Revised Code, ~~health assistance to for part or all~~ 115224
of the cost of health benefits coverage for uninsured individuals 115225
under nineteen years of age with family incomes above one hundred 115226
fifty per cent of the federal poverty guidelines line but not 115227
exceeding two hundred per cent of the federal poverty guidelines 115228
line. If the director submits the plan, the director shall ~~include~~ 115229
~~both of the following~~ stipulate in the plan- 115230

(A) ~~The health assistance will not begin before January 1,~~ 115231

2000. 115232

(B) ~~The health assistance that the payments~~ will be available 115233
only while federal financial participation is available for ~~it~~ 115234
~~them.~~ 115235

Sec. ~~5101.511~~ 5161.11. ~~Health assistance provided under The~~ 115236
~~component of the children's health insurance program authorized by~~ 115237
~~section 5101.51~~ 5161.10 of the Revised Code shall be known as ~~the~~ 115238
~~children's health insurance program~~ CHIP part II. 115239

Sec. ~~5101.512~~ 5161.12. If the medicaid director ~~of job and~~ 115240
~~family services~~ submits a state child health plan to the United 115241
States secretary of health and human services under section 115242
~~5101.51~~ 5161.10 of the Revised Code and the secretary approves the 115243
plan, the director shall implement ~~the children's health insurance~~ 115244
~~program~~ CHIP part II in accordance with the plan. ~~The director may~~ 115245
~~adopt rules in accordance with Chapter 119. of the Revised Code as~~ 115246
~~necessary for the efficient administration of the program,~~ 115247
~~including rules that establish all of the following:~~ 115248

(A) ~~The conditions under which health assistance services~~ 115249
~~will be reimbursed;~~ 115250

(B) ~~The method of reimbursement applicable to services~~ 115251
~~reimbursable under the program;~~ 115252

(C) ~~The amount of reimbursement, or the method by which the~~ 115253
~~amount is to be determined, for each reimbursable service.~~ 115254

Sec. ~~5101.52~~ 5161.15. In accordance with federal law 115255
governing the children's health insurance program, the medicaid 115256
director ~~of job and family services~~ may submit a request for a 115257
federal waiver to the United States secretary of health and human 115258
services to ~~provide~~ pay, except as provided in section ~~5101.526~~ 115259
5161.22 of the Revised Code, ~~health assistance to~~ for part or all 115260

~~of the cost of health benefits coverage for individuals under~~ 115261
~~nineteen years of age with family incomes above two hundred per~~ 115262
~~cent of the federal poverty ~~guidelines~~ line but not exceeding~~ 115263
~~three hundred per cent of the federal poverty ~~guidelines~~ line. If~~ 115264
~~the director submits the ~~plan waiver request~~, the director shall~~ 115265
~~stipulate in the ~~plan request~~ that the ~~health assistance payments~~~~ 115266
~~will be available only while federal financial participation is~~ 115267
~~available for it and that health assistance shall not begin before~~ 115268
~~January 1, 2008 them.~~ 115269

~~Sec. 5101.521~~ 5161.16. ~~Health assistance provided under The~~ 115270
~~component of the children's health insurance program authorized by~~ 115271
~~section 5101.52~~ 5161.15 of the Revised Code shall be known as ~~the~~ 115272
~~children's health insurance program~~ CHIP part III. 115273

~~Sec. 5101.522~~ 5161.17. If the medicaid director ~~of job and~~ 115274
~~family services~~ submits a waiver request to the United States 115275
secretary of health and human services under section ~~5101.52~~ 115276
5161.15 of the Revised Code and the secretary grants the waiver, 115277
the director shall implement ~~the children's health insurance~~ 115278
~~program~~ CHIP part III in accordance with the waiver. ~~The director~~ 115279
~~may adopt rules in accordance with Chapter 119. of the Revised~~ 115280
~~Code as necessary for the efficient administration of the program,~~ 115281
~~including rules that establish all of the following:~~ 115282

~~(A) The conditions under which health assistance services~~ 115283
~~will be reimbursed;~~ 115284

~~(B) The method of reimbursement applicable to services~~ 115285
~~reimbursable under the program;~~ 115286

~~(C) The amount of reimbursement, or the method by which the~~ 115287
~~amount is to be determined, for each reimbursable service.~~ 115288

~~Sec. 5101.524~~ 5161.20. In accordance with the "Social 115289

Security Act," section 2101, 42 U.S.C. 1397aa, the director of job and family services shall provide for health assistance under the children's health insurance program ~~part III to meet~~ shall provide payments for obtaining health benefits coverage through any of the following: 115290
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(A) Obtaining coverage that meets the requirements the "Social Security Act," section 2103, of 42 U.S.C. 1397cc, to be provided; 115295
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(B) Providing benefits under the medicaid program established under Chapter 5111. of the Revised Code, or to be a; 115298
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(C) A combination of both divisions (A) and (B) of this section. 115300
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Sec. ~~5101.516~~ 5161.22. If the medicaid director ~~of job and family services~~ determines that federal financial participation for the children's health insurance program CHIP part II, part III, or both parts is insufficient to provide health assistance to pay for part or all of the costs of health benefits coverage for all the individuals the director anticipates are eligible for the program part or parts, the director may refuse to accept new applications for the program part or parts or may make the program's eligibility requirements more restrictive for the part or parts. 115302
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Sec. ~~5101.517~~ 5161.24. To the extent permitted by the "Social Security Act," section 2103(e), 42 U.S.C.A. 1397cc(e), the medicaid director of job and family services may require an individual receiving health assistance under the children's health insurance program seeking to enroll, or who is enrolled, in CHIP part II to pay a premium, deductible, coinsurance payment, or other cost-sharing expense. 115312
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Sec. ~~5101.527~~ 5161.25. To the extent permitted by the "Social Security Act," section 2103(e), 42 U.S.C. 1397cc(e), the medicaid director of job and family services shall require an individual receiving health assistance under the children's health insurance program seeking to enroll, or who is enrolled, in CHIP part III to pay the following as a term of participation in the program enrollment: 115319
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(A) A premium of not less than forty dollars per month for a family with one individual ~~receiving health assistance under seeking to enroll, or who is enrolled, in the program part;~~ 115326
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(B) A premium of not less than eighty dollars per month for a family with two individuals ~~receiving health assistance under seeking to enroll, or who is enrolled, in the program part;~~ 115329
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(C) A premium of not less than one hundred twenty dollars per month for a family with three or more individuals ~~receiving health assistance under seeking to enroll, or who are enrolled, in the program part.~~ 115332
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Sec. ~~5101.519~~ 5161.27. A completed application for ~~medical assistance under Chapter 5111. of the Revised Code medicaid shall be treated as an application for health assistance under the children's health insurance program part II if the application is for an assistance group that includes a child under nineteen years of age and is denied.~~ 115336
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Sec. ~~5101.513~~ 5161.30. The medicaid director ~~of job and family services~~ may contract with a government entity or person to perform the director's administrative duties regarding ~~the children's health insurance program CHIP part I, part II, part III, two of the parts, or all three parts,~~ other than the duty to submit a state child health plan to the United States secretary of health and human services under ~~section 5101.51~~ 5161.10 of the 115342
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Revised Code, the duty to submit a waiver request under section 115349
5161.15 of the Revised Code, and the duty to adopt rules under 115350
section ~~5101.512~~ 5161.02 of the Revised Code. 115351

Sec. ~~5101.5110~~ 5161.35. (A) The medicaid director ~~of job and~~ 115352
~~family services~~ may submit a waiver request to the United States 115353
secretary of health and human services to provide health 115354
assistance to any individual who meets all of the following 115355
requirements: 115356

(1) Is the parent of a child who is under nineteen years of 115357
age ~~who,~~ resides with the parent, and is ~~eligible for health~~ 115358
~~assistance under~~ enrolled in the children's health insurance 115359
program part I or II or the medicaid program ~~established under~~ 115360
~~Chapter 5111. of the Revised Code;~~ 115361

(2) Is uninsured; 115362

(3) Has a family income that does not exceed one hundred per 115363
cent of the federal poverty ~~guidelines~~ line. 115364

(B) A waiver request the director submits under division (A) 115365
of this section may seek federal funds allotted to the state under 115366
~~Title XXI of the "Social Security Act," 111 Stat. 558 (1997)~~ 115367
section 2104, 42 U.S.C.A. 1397dd, ~~as amended,~~ that are not 115368
otherwise used to fund the children's health insurance program 115369
parts I and II. 115370

~~(C) If a waiver request the director submits under division~~ 115371
~~(A) of this section is granted, the director may adopt rules in~~ 115372
~~accordance with Chapter 119. of the Revised Code as necessary for~~ 115373
~~the efficient administration of the program authorization by the~~ 115374
~~waiver.~~ 115375

Sec. 5162.01. (A) As used in the Revised Code: 115376

(1) "Medicaid" and "medicaid program" mean the program of 115377

medical assistance established by Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., including any medical assistance provided under the medicaid state plan or a federal medicaid waiver granted by the United States secretary of health and human services. 115378
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(2) "Medicare" and "medicare program" mean the federal health insurance program established by Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq. 115383
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(B) As used in this chapter: 115386

(1) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code. 115387
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(2) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code. 115389
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(3) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2). 115391
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(4) "Healthy start component" means the component of the medicaid program that covers pregnant women and children and is identified in rules adopted under section 5162.02 of the Revised Code as the healthy start component. 115397
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(5) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 115401
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(6) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 115403
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(7) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 115405
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(8) "Medicaid services" has the same meaning as in section 115407

<u>5164.01 of the Revised Code.</u>	115408
<u>(9) "Nursing facility" has the same meaning as in section</u>	115409
<u>5165.01 of the Revised Code.</u>	115410
<u>(10) "Political subdivision" means a municipal corporation,</u>	115411
<u>township, county, school district, or other body corporate and</u>	115412
<u>politic responsible for governmental activities only in a</u>	115413
<u>geographical area smaller than that of the state.</u>	115414
<u>(11) "Prescribed drug" has the same meaning as in section</u>	115415
<u>5164.01 of the Revised Code.</u>	115416
<u>(12) "Provider agreement" has the same meaning as in section</u>	115417
<u>5164.01 of the Revised Code.</u>	115418
<u>(13) "Qualified medicaid school provider" means the board of</u>	115419
<u>education of a city, local, or exempted village school district,</u>	115420
<u>the governing authority of a community school established under</u>	115421
<u>Chapter 3314. of the Revised Code, the state school for the deaf,</u>	115422
<u>and the state school for the blind to which both of the following</u>	115423
<u>apply:</u>	115424
<u>(a) It holds a valid provider agreement.</u>	115425
<u>(b) It meets all other conditions for participation in the</u>	115426
<u>medicaid school component of the medicaid program established in</u>	115427
<u>rules authorized by section 5162.364 of the Revised Code.</u>	115428
<u>(14) "State agency" means every organized body, office, or</u>	115429
<u>agency, other than the department of medicaid, established by the</u>	115430
<u>laws of the state for the exercise of any function of state</u>	115431
<u>government.</u>	115432
<u>(15) "Vendor offset" means a reduction of a medicaid payment</u>	115433
<u>to a medicaid provider to correct a previous, incorrect medicaid</u>	115434
<u>payment to that provider.</u>	115435
<u>Sec. 5162.02. The medicaid director shall adopt rules as</u>	115436

necessary to implement this chapter. 115437

Sec. 5162.021. The medicaid director shall adopt rules under 115438
sections 5160.02, 5162.02, 5163.03, 5164.04, 5165.05, 5166.02, and 115439
5167.02 of the Revised Code as necessary to authorize the 115440
directors of other state agencies to adopt rules regarding 115441
medicaid components, or aspects of medicaid components, the other 115442
state agencies administer pursuant to contracts entered into under 115443
section 5162.35 of the Revised Code. 115444

Sec. 5162.022. The medicaid director's rules governing 115445
medicaid are binding on other state agencies and political 115446
subdivisions that administer one or more components of the 115447
medicaid program, or one or more aspects of a component, pursuant 115448
to contracts entered into under section 5162.35 of the Revised 115449
Code. No state agency or political subdivision may establish, by 115450
rule or otherwise, a policy governing medicaid that is 115451
inconsistent with a medicaid policy established, in rule or 115452
otherwise, by the director. 115453

Sec. ~~5111.01~~ 5162.03. (A) ~~As used in this chapter:~~ 115454

"Children's health insurance program" means ~~the children's~~ 115455
health insurance program part I, children's health insurance 115456
program part II, and children's health insurance program part III 115457
authorized by sections 5101.50 to 5101.529 of the Revised Code. 115458

"Medical assistance program" or "medicaid" means the program 115459
that is authorized by this chapter and provided by the office of 115460
medical assistance under this chapter, Title XIX of the "Social 115461
Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, et seq., as 115462
amended, and the waivers of Title XIX requirements granted to the 115463
office by the centers for medicare and medicaid services of the 115464
United States department of health and human services. 115465

~~(B) There is hereby established the office of medical assistance as a work unit within the department of job and family services. The chief of the office shall hold the title of medical assistance director. Notwithstanding section 5101.06 of the Revised Code, the governor shall appoint the medical assistance director and the medical assistance director shall serve at the governor's pleasure. The medical assistance director is not an assistant director of the department of job and family services for purposes of section 121.05 or 5101.03 of the Revised Code or any other purpose.~~

~~Subject to appropriations for the medicaid program and children's health insurance program, the department of job and family services shall provide staff and support services as necessary for the operation of the office of medical assistance.~~

~~If a statute, rule, contract, or other legal authority requires the director of job and family services or department of job and family services to take an action regarding the medicaid program or children's health insurance program, the medical assistance director or office of medical assistance shall take the action in place of the director of job and family services or department of job and family services. If a statute, rule, contract, or other legal authority permits the director of job and family services or department of job and family services to take an action regarding the medicaid program or children's health insurance program, the medical assistance director or office of medical assistance shall take the action in place of the director of job and family services or department of job and family services if the action is to be taken.~~

~~The office For the purpose of the "Social Security Act," section 1902(a)(5), 42 U.S.C. 1396a(a)(5), the department of medical assistance medicaid shall act as the single state agency to supervise the administration of the medicaid program. As the~~

single state agency, the ~~office department~~ shall comply with 42 115498
C.F.R. 431.10(e) ~~and all other federal requirements applicable to~~ 115499
~~the single state agency.~~ The ~~office's rules governing medicaid are~~ 115500
~~binding on other agencies that administer components of the~~ 115501
~~medicaid program. No agency may establish, by rule or otherwise, a~~ 115502
~~policy governing medicaid that is inconsistent with a medicaid~~ 115503
~~policy established, in rule or otherwise, by the medical~~ 115504
~~assistance director.~~ 115505

~~(C) The office of medical assistance may provide medical~~ 115506
~~assistance under the medicaid program as long as federal funds are~~ 115507
~~provided for such assistance, to the following:~~ 115508

~~(1) Families with children that meet either of the following~~ 115509
~~conditions:~~ 115510

~~(a) The family meets the income, resource, and family~~ 115511
~~composition requirements in effect on July 16, 1996, for the~~ 115512
~~former aid to dependent children program as those requirements~~ 115513
~~were established by Chapter 5107. of the Revised Code, federal~~ 115514
~~waivers granted pursuant to requests made under former section~~ 115515
~~5101.09 of the Revised Code, and rules adopted by the department~~ 115516
~~or any changes the department makes to those requirements in~~ 115517
~~accordance with paragraph (a)(2) of section 114 of the "Personal~~ 115518
~~Responsibility and Work Opportunity Reconciliation Act of 1996,"~~ 115519
~~110 Stat. 2177, 42 U.S.C.A. 1396u 1, for the purpose of~~ 115520
~~implementing section 5111.0120 of the Revised Code. An adult loses~~ 115521
~~eligibility for medicaid under division (C)(1)(a) of this section~~ 115522
~~pursuant to division (E) of section 5107.16 of the Revised Code.~~ 115523

~~(b) The family does not meet the requirements specified in~~ 115524
~~division (C)(1)(a) of this section but is eligible for medicaid~~ 115525
~~pursuant to section 5101.18 of the Revised Code.~~ 115526

~~(2) Aged, blind, and disabled persons who meet the following~~ 115527
~~conditions:~~ 115528

~~(a) Receive federal aid under Title XVI of the "Social Security Act," or are eligible for but are not receiving such aid, provided that the income from all other sources for individuals with independent living arrangements shall not exceed one hundred seventy five dollars per month. The income standards hereby established shall be adjusted annually at the rate that is used by the United States department of health and human services to adjust the amounts payable under Title XVI.~~ 115529
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~~(b) Do not receive aid under Title XVI, but meet any of the following criteria:~~ 115537
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~~(i) Would be eligible to receive such aid, except that their income, other than that excluded from consideration as income under Title XVI, exceeds the maximum under division (C)(2)(a) of this section, and incurred expenses for medical care, as determined under federal regulations applicable to section 209(b) of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 U.S.C. 1396a(f), as amended, equal or exceed the amount by which their income exceeds the maximum under division (C)(2)(a) of this section;~~ 115539
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~~(ii) Received aid for the aged, aid to the blind, or aid for the permanently and totally disabled prior to January 1, 1974, and continue to meet all the same eligibility requirements;~~ 115548
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~~(iii) Are eligible for medicaid pursuant to section 5101.18 of the Revised Code.~~ 115551
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~~(3) Persons to whom federal law requires, as a condition of state participation in the medicaid program, that medicaid be provided;~~ 115553
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~~(4) Persons under age twenty one who meet the income requirements for the Ohio works first program established under Chapter 5107. of the Revised Code but do not meet other eligibility requirements for the program. The medical assistance~~ 115556
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~~director shall adopt rules in accordance with Chapter 119. of the Revised Code specifying which Ohio works first requirements shall be waived for the purpose of providing medicaid eligibility under division (C)(4) of this section.~~

~~(D) If sufficient funds are appropriated for the medicaid program, the office of medical assistance may provide medical assistance under the medicaid program to persons in groups designated by federal law as groups to which a state, at its option, may provide medical assistance under the medicaid program.~~

~~(E) The office of medical assistance may expand eligibility for the medicaid program to include individuals under age nineteen with family incomes at or below one hundred fifty per cent of the federal poverty guidelines, except that the eligibility expansion shall not occur unless the office receives the approval of the federal government. The office may implement the eligibility expansion authorized under this division on any date selected by the office, but not sooner than January 1, 1998.~~

~~(F) In addition to any other authority or requirement to adopt rules under this chapter, the medical assistance director may adopt rules in accordance with section 111.15 of the Revised Code as the director considers necessary to establish standards, procedures, and other requirements regarding the provision of medical assistance under the medicaid program. The rules may establish requirements to be followed in applying for medicaid, making determinations of eligibility for medicaid, and verifying eligibility for medicaid. The rules may include special conditions as the office determines appropriate for making applications, determining eligibility, and verifying eligibility for any medical assistance that the office may provide under the medicaid program pursuant to division (E) of this section and section 5111.014 or 5111.0120 of the Revised Code.~~

Sec. ~~5111.98~~ 5162.031. (A) The medicaid director ~~of job and family services~~ may do all of the following as necessary for the department of ~~job and family services~~ medicaid to fulfill the duties it has, as the single state agency for the medicaid program, under the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" Pub. L. No. 108-173, ~~117 Stat. 2066~~:

(1) Adopt rules in accordance with division (B) of this section;

(2) Assign duties to county departments of job and family services;

(3) Make payments to the United States department of health and human services from appropriations made to the department of ~~job and family services~~ medicaid for this purpose.

(B) Rules ~~adopted under~~ authorized by division (A)(1) of this section shall be adopted as follows:

(1) If the rules concern the department's duties regarding service medicaid providers, ~~in accordance with Chapter 119. under sections 5164.02 and 5165.02~~ of the Revised Code, as appropriate;

(2) If the rules concern the department's duties concerning individuals' eligibility for medicaid services, ~~in accordance with~~ under section ~~111.15~~ 5163.02 of the Revised Code;

(3) If the rules concern the department's duties concerning financial and operational matters between the department and county departments of job and family services, ~~in accordance with~~ under section ~~111.15~~ 5162.02 of the Revised Code ~~as if the rules were internal management rules~~.

Sec. ~~5111.102~~ 5162.04. As used in this section, "state agency" has the same meaning as in section 9.23 of the Revised Code.

No provision of Title LI of the Revised Code or any other law 115620
of this state that incorporates any provision of federal ~~Medicaid~~ 115621
medicaid law, ~~Title XIX of the Social Security Act, 79 Stat. 286~~ 115622
~~(1965), 42 U.S.C. 1396,~~ or that may be construed as requiring the 115623
state, a state agency, or any state official or employee to comply 115624
with that federal provision, shall be construed as creating a 115625
cause of action to enforce such state law beyond the causes of 115626
action available under federal law for enforcement of the 115627
provision of federal law. 115628

Sec. 5162.05. The medicaid program shall be implemented in 115629
accordance with all of the following: 115630

(A) The medicaid state plan approved by the United States 115631
secretary of health and human services, including amendments to 115632
the plan approved by the United States secretary; 115633

(B) Federal medicaid waivers granted by the United States 115634
secretary, including amendments to waivers approved by the United 115635
States secretary; 115636

(C) Other types of federal approval, including demonstration 115637
grants, that establish requirements for components of the medicaid 115638
program; 115639

(D) Except as otherwise authorized by a federal medicaid 115640
waiver granted by the United States secretary, all applicable 115641
federal statutes, regulations, and policy guidances; 115642

(E) All applicable state statutes. 115643

Sec. 5162.06. (A) Notwithstanding any other state statute, no 115644
component, or aspect of a component, of the medicaid program shall 115645
be implemented without all of the following: 115646

(1) Subject to division (B) of this section, if the 115647
component, or aspect of the component, requires federal approval, 115648

receipt of the federal approval; 115649

(2) Sufficient federal financial participation for the 115650

component or aspect of the component; 115651

(3) Sufficient nonfederal funds for the component or aspect 115652

of the component that qualify as funds needed to obtain the 115653

federal financial participation. 115654

(B) A component, or aspect of a component, of the medicaid 115655

program that requires federal approval may begin to be implemented 115656

before receipt of the federal approval if federal law authorizes 115657

implementation to begin before receipt of the federal approval. 115658

Implementation shall cease if the federal approval is ultimately 115659

denied. 115660

Sec. 5162.07. The medicaid director shall seek federal 115661

approval for all components, and aspects of components, of the 115662

medicaid program for which federal approval is needed, except that 115663

the director is permitted rather than required to seek federal 115664

approval for components, and aspects of components, that state 115665

statutes permit rather than require be implemented. Federal 115666

approval shall be sought in the following forms as appropriate: 115667

(A) The medicaid state plan; 115668

(B) Amendments to the medicaid state plan; 115669

(C) Federal medicaid waivers; 115670

(D) Amendments to federal medicaid waivers; 115671

(E) Other types of federal approval, including demonstration 115672

grants. 115673

Sec. ~~5111.10~~ 5162.10. The medicaid director of ~~job and family~~ 115674

~~services~~ may conduct reviews of the medicaid program. The reviews 115675

may include physical inspections of records and sites where 115676

~~medicaid-funded medicaid~~ services are provided and interviews of 115677

~~medicaid providers and medicaid recipients of the services.~~ If the 115678
director determines pursuant to a review that a person or 115679
government entity has violated a rule governing the medicaid 115680
program, the director may establish a corrective action plan for 115681
the violator and impose fiscal, administrative, or both types of 115682
sanctions on the violator in accordance with rules ~~governing the~~ 115683
~~medicaid program~~ adopted under section 5162.02 of the Revised 115684
Code. 115685

Sec. ~~5111.915~~ 5162.11. (A) The department of ~~job and family~~ 115686
~~services~~ medicaid shall enter into an agreement with the 115687
department of administrative services for the department of 115688
administrative services to contract through competitive selection 115689
pursuant to section 125.07 of the Revised Code with a vendor to 115690
perform an assessment of the data collection and data warehouse 115691
functions of the medicaid data warehouse system, including the 115692
ability to link the data sets of all agencies serving medicaid 115693
recipients. 115694

The assessment of the data system shall include functions 115695
related to fraud and abuse detection, program management and 115696
budgeting, and performance measurement capabilities of all 115697
agencies serving medicaid recipients, including the departments of 115698
aging, ~~alcohol and drug addiction services,~~ health, job and family 115699
services, medicaid, mental health mental health and addiction 115700
services, and developmental disabilities. 115701

~~The department of administrative services shall enter into~~ 115702
~~this contract within thirty days after September 29, 2005. The~~ 115703
~~contract shall require the vendor to complete the assessment~~ 115704
~~within ninety days after September 29, 2005.~~ 115705

A qualified vendor with whom the department of administrative 115706
services contracts to assess the data system shall also assist the 115707
medicaid agencies in the definition of the requirements for an 115708

enhanced data system or a new data system and assist the 115709
department of administrative services in the preparation of a 115710
request for ~~proposal~~ proposals to enhance or develop a data 115711
system. 115712

(B) Based on the assessment performed pursuant to division 115713
(A) of this section, the department of administrative services 115714
shall seek a qualified vendor through competitive selection 115715
pursuant to section 125.07 of the Revised Code to develop or 115716
enhance a data collection and data warehouse system for the 115717
department of ~~job and family services~~ medicaid and all agencies 115718
serving medicaid recipients. 115719

~~Within ninety days after September 29, 2005, the~~ The 115720
department of ~~job and family services~~ medicaid shall seek enhanced 115721
federal ~~funding~~ financial participation for ninety per cent of the 115722
funds required to establish or enhance the data system. The 115723
department of administrative services shall not award a contract 115724
for establishing or enhancing the data system until the department 115725
of ~~job and family services~~ medicaid receives approval from the 115726
~~secretary of the~~ United States ~~department~~ secretary of health and 115727
human services for the ninety per cent federal ~~match~~ financial 115728
participation. 115729

Sec. 5162.12. (A) The medicaid director may enter into a 115730
contract with one or more persons to receive and process, on the 115731
director's behalf, requests for medicaid recipient or claims 115732
payment data, data from reports of audits conducted under section 115733
5165.109 of the Revised Code, or extracts or analyses of any of 115734
the foregoing data made by persons who intend to use the items for 115735
commercial or academic purposes. 115736

(B) At a minimum, a contract entered into under this section 115737
shall do both of the following: 115738

(1) Authorize the contracting person to engage in the 115739

activities described in division (A) of this section for 115740
compensation, which must be stated as a percentage of the fees 115741
paid by persons who are provided the items; 115742

(2) Specify the schedule of fees the contracting person is to 115743
charge for the items. 115744

(C) Except as required by federal or state law and subject to 115745
division (E) of this section, both of the following conditions 115746
apply with respect to a request for data described in division (A) 115747
of this section: 115748

(1) The request shall be made through a person who has 115749
entered into a contract with the medicaid director under this 115750
section. 115751

(2) An item prepared pursuant to the request may be provided 115752
to the department of medicaid and is confidential and not subject 115753
to disclosure under section 149.43 or 1347.08 of the Revised Code. 115754

(D) The medicaid director shall use fees the director 115755
receives pursuant to a contract entered into under this section to 115756
pay obligations specified in contracts entered under this section. 115757
Any money remaining after the obligations are paid shall be 115758
deposited in the health care services administration fund created 115759
under section 5162.54 of the Revised Code. 115760

(E) This section does not apply to requests for medicaid 115761
recipient or claims payment data, data from reports of audits 115762
conducted under section 5165.109 of the Revised Code, or extracts 115763
or analyses of any of the foregoing data that are for any of the 115764
following purposes: 115765

(1) Treatment of medicaid recipients; 115766

(2) Payment of medicaid claims; 115767

(3) Establishment or management of medicaid third party 115768
liability pursuant to sections 5160.35 to 5160.43 of the Revised 115769

Code; 115770

(4) Compliance with the terms of an agreement the medicaid director enters into for purposes of administering the medicaid program; 115771
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(5) Compliance with an operating protocol the executive director of the office of health transformation or the executive director's designee adopts under division (D) of section 191.06 of the Revised Code. 115774
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Sec. ~~5111.09~~ 5162.13. On or before the first day of January 115778
of each year, the department of ~~job and family services~~ medicaid 115779
shall submit to the speaker and minority leader of the house of 115780
representatives and the president and minority leader of the 115781
senate, and shall make available to the public, a report on the 115782
effectiveness of the ~~Ohio works first program established under~~ 115783
~~Chapter 5107. of the Revised Code and the medical assistance~~ 115784
medicaid program established under this chapter in meeting the 115785
health care needs of low-income pregnant women, infants, and 115786
children. The report shall include: the estimated number of 115787
~~persons eligible for health care services to~~ pregnant women, 115788
infants, and children ~~under the programs~~ eligible for the program; 115789
the actual number of eligible persons ~~served~~ enrolled in the 115790
program; the number of prenatal, postpartum, and child health 115791
visits; a report on birth outcomes, including a comparison of 115792
low-birthweight births and infant mortality rates of ~~program~~ 115793
~~participants~~ medicaid recipients with the general female 115794
child-bearing and infant population in this state; and a 115795
comparison of the prenatal, delivery, and child health costs of 115796
the ~~programs~~ program with such costs of similar programs in other 115797
states, where available. 115798

Sec. ~~5111.091~~ 5162.131. Semiannually, the medicaid director 115799

~~of job and family services~~ shall submit to the president and 115800
minority leader of the senate, speaker and minority leader of the 115801
house of representatives, and the chairpersons of the standing 115802
committees of the senate and house of representatives with primary 115803
responsibility for legislation making biennial appropriations a 115804
report on the establishment and implementation of programs 115805
designed to control the increase of the cost of the medicaid 115806
program, increase the efficiency of the medicaid program, and 115807
promote better health outcomes. In each calendar year, one report 115808
shall be submitted not later than the last day of June and the 115809
subsequent report shall be submitted not later than the last day 115810
of December. 115811

Sec. ~~5111.092~~ 5162.132. ~~(A) Not later than January 1, 2010,~~ 115812
~~and each year thereafter~~ Annually, the department of ~~job and~~ 115813
~~family services~~ medicaid shall prepare a report on the 115814
department's efforts to minimize fraud, waste, and abuse in the 115815
medicaid program. 115816

~~(B)~~ Each report shall be made available on the department's 115817
web site. The department shall submit a copy of each report to the 115818
governor and, in accordance with section 101.68 of the Revised 115819
Code, the general assembly. Copies of the report also shall be 115820
made available to the public on request. 115821

Sec. ~~5111.101~~ 5162.15. (A) As used in this section; 115822

"Agent" and "contractor" include any agent, contractor, 115823
subcontractor, or other person who, on behalf of an entity, 115824
furnishes or authorizes the furnishing of ~~health care items or~~ 115825
medicaid services ~~under the medicaid program~~, performs billing or 115826
coding functions, or is involved in monitoring of health care that 115827
an entity provides. 115828

"Employee" includes any officer or employee (including 115829

management employees) of an entity. 115830

"Entity" includes a governmental entity or an organization, 115831
unit, corporation, partnership, or other business arrangement, 115832
including any medicaid managed care organization, irrespective of 115833
the form of business structure or arrangement by which it exists, 115834
whether for-profit or not-for-profit. "Entity" does not include a 115835
government entity that administers one or more components of the 115836
medicaid program, unless the government entity receives medicaid 115837
payments for providing ~~items or~~ medicaid services. 115838

"Federal health care programs" has the same meaning as in the 115839
"Social Security Act," section 1128B, 42 U.S.C. 1320a-7b(f). 115840

(B) Each entity that receives or makes in a federal fiscal 115841
year payments under the medicaid program, either through the 115842
medicaid state ~~medicaid~~ plan or a federal medicaid waiver, 115843
totaling at least five million dollars shall, as a condition of 115844
receiving such payments, do all of the following not later than 115845
the first day of the succeeding calendar year: 115846

(1) Establish written policies for all of the entity's 115847
employees, contractors, and agents that provide detailed 115848
information about the role of all of the following in preventing 115849
and detecting fraud, waste, and abuse in federal health care 115850
programs: 115851

(a) Federal false claims law under 31 U.S.C. 3729 to 3733; 115852

(b) Federal administrative remedies for false claims and 115853
statements available under 31 U.S.C. 3801 to 3812; 115854

(c) Sections 124.341, 2913.40, 2913.401, and 2921.13 of the 115855
Revised Code and any other state laws pertaining to civil or 115856
criminal penalties for false claims and statements; 115857

(d) Whistleblower protections under the laws specified in 115858
divisions (B)(1)(a) to (c) of this section. 115859

(2) Include as part of the written policies required by 115860
division (B)(1) of this section detailed provisions regarding the 115861
entity's policies and procedures for preventing and detecting 115862
fraud, waste, and abuse. 115863

(3) Disseminate the written policies required by division 115864
(B)(1) of this section to each of the entity's employees, 115865
contractors, and agents in a paper or electronic form and make the 115866
written policies readily available to the entity's employees, 115867
contractors, and agents. 115868

(4) If the entity has an employee handbook, include in the 115869
employee handbook a specific discussion of the laws specified in 115870
division (B)(1) of this section, the rights of employees to be 115871
protected as whistleblowers, and the entity's policies and 115872
procedures for preventing and detecting fraud, waste, and abuse. 115873

(5) Require the entity's contractors and agents to adopt the 115874
entity's written policies required by division (B)(1) of this 115875
section. 115876

(C) An entity that furnishes ~~items or~~ medicaid services at 115877
multiple locations or under multiple contractual or other payment 115878
arrangements is required to comply with division (B) of this 115879
section if the entity receives in a federal fiscal year medicaid 115880
payments totaling in the aggregate at least five million dollars. 115881
This applies regardless of whether the entity submits claims for 115882
medicaid payments using multiple provider identification or tax 115883
identification numbers. 115884

Sec. ~~5111.0112~~ 5162.20. (A) The ~~director~~ department of job 115885
~~and family services~~ medicaid shall institute a cost-sharing 115886
~~program under requirements for~~ the medicaid program. ~~In~~ 115887
~~instituting the cost sharing program, the director shall comply~~ 115888
~~with federal law.~~ The cost-sharing ~~program~~ requirements shall 115889
establish include a copayment requirement for at least dental 115890

services, vision services, nonemergency emergency department 115891
services, and ~~prescription~~ prescribed drugs, ~~other than generic~~ 115892
~~drugs~~. The cost-sharing ~~program~~ requirements also shall ~~establish~~ 115893
include requirements regarding premiums, enrollment fees, 115894
deductions, and similar charges. ~~The director shall adopt rules~~ 115895
~~under section 5111.02 of the Revised Code governing the~~ 115896
~~cost-sharing program.~~ 115897

(B) ~~The cost sharing program shall, to the extent permitted~~ 115898
~~by federal law, provide for all of the following with regard to~~ 115899
~~any providers participating in the medicaid program.~~ 115900

(1) No provider shall refuse to provide a service to a 115901
medicaid recipient who is unable to pay a required copayment for 115902
the service. 115903

(2) Division (B)(1) of this section shall not be considered 115904
to do either of the following with regard to a medicaid recipient 115905
who is unable to pay a required copayment: 115906

(a) Relieve the medicaid recipient from the obligation to pay 115907
a copayment; 115908

(b) Prohibit the provider from attempting to collect an 115909
unpaid copayment. 115910

~~(3)~~(C) Except as provided in division ~~(C)~~(F) of this section, 115911
no provider shall waive a medicaid recipient's obligation to pay 115912
the provider a copayment. 115913

~~(4)~~(D) No provider or drug manufacturer, including the 115914
manufacturer's representative, employee, independent contractor, 115915
or agent, shall pay any copayment on behalf of a medicaid 115916
recipient. 115917

~~(5)~~(E) If it is the routine business practice of ~~the a~~ 115918
provider to refuse service to any individual who owes an 115919
outstanding debt to the provider, the provider may consider an 115920

unpaid copayment imposed by the cost-sharing ~~program~~ requirements 115921
as an outstanding debt and may refuse service to a medicaid 115922
recipient who owes the provider an outstanding debt. If the 115923
provider intends to refuse service to a medicaid recipient who 115924
owes the provider an outstanding debt, the provider shall notify 115925
the ~~individual~~ recipient of the provider's intent to refuse 115926
~~services~~ service. 115927

~~(C)~~(F) In the case of a provider that is a hospital, the 115928
cost-sharing program shall permit the hospital to take action to 115929
collect a copayment by providing, at the time services are 115930
rendered to a medicaid recipient, notice that a copayment may be 115931
owed. If the hospital provides the notice and chooses not to take 115932
any further action to pursue collection of the copayment, the 115933
prohibition against waiving copayments specified in division 115934
~~(B)~~~~(3)~~(C) of this section does not apply. 115935

~~(D)~~(G) The department of ~~job and family services~~ medicaid may 115936
~~work~~ collaborate with a state agency that is administering, 115937
pursuant to a contract entered into under section ~~5111.91~~ 5162.35 115938
of the Revised Code, one or more components ~~of the medicaid~~ 115939
~~program~~, or one or more aspects of a component, of the medicaid 115940
program as necessary for the state agency to apply the 115941
cost-sharing ~~program~~ requirements to the components or aspects of 115942
~~the medicaid program~~ a component that the state agency 115943
administers. 115944

Sec. ~~5111.11~~ 5162.21. (A) As used in this section and section 115945
~~5111.111~~ 5162.211 of the Revised Code: 115946

(1) "Estate" includes both of the following: 115947

(a) All real and personal property and other assets to be 115948
administered under Title XXI of the Revised Code and property that 115949
would be administered under that title if not for section 2113.03 115950
or 2113.031 of the Revised Code; 115951

(b) Any other real and personal property and other assets in 115952
which an individual had any legal title or interest at the time of 115953
death (to the extent of the interest), including assets conveyed 115954
to a survivor, heir, or assign of the individual through joint 115955
tenancy, tenancy in common, survivorship, life estate, living 115956
trust, or other arrangement. 115957

(2) "Institution" means a nursing facility, ~~intermediate care~~ 115958
~~facility for the mentally retarded~~ ICF/IID, or a medical 115959
institution. 115960

(3) ~~"Intermediate care facility for the mentally retarded"~~ 115961
~~and "nursing facility" have the same meanings as in section~~ 115962
~~5111.20 of the Revised Code.~~ 115963

~~(4)~~ "Permanently institutionalized individual" means an 115964
individual to whom all of the following apply: 115965

(a) Is an inpatient in an institution; 115966

(b) Is required, as a condition of the medicaid program 115967
paying for the individual's services in the institution, to spend 115968
for costs of medical or nursing care all of the individual's 115969
income except for an amount for personal needs specified by the 115970
department of ~~job and family services~~ medicaid; 115971

(c) Cannot reasonably be expected to be discharged from the 115972
institution and return home as determined by the department of ~~job~~ 115973
~~and family services~~ medicaid. 115974

~~(5)~~(4) "Qualified state long-term care insurance partnership 115975
program" means the program established under section ~~5111.18~~ 115976
5164.86 of the Revised Code. 115977

~~(6)~~(5) "Time of death" shall not be construed to mean a time 115978
after which a legal title or interest in real or personal property 115979
or other asset may pass by survivorship or other operation of law 115980
due to the death of the decedent or terminate by reason of the 115981

decedent's death. 115982

(B) To the extent permitted by federal law, the department of 115983
~~job and family services~~ medicaid shall institute a medicaid estate 115984
recovery program under which the department shall, except as 115985
provided in divisions (C) and (E) of this section, and subject to 115986
division (D) of this section, do all of the following: 115987

(1) For the costs of medicaid services the medicaid program 115988
correctly paid or will pay on behalf of a permanently 115989
institutionalized individual of any age, seek adjustment or 115990
recovery from the individual's estate or on the sale of property 115991
of the individual or spouse that is subject to a lien imposed 115992
under section ~~5111.111~~ 5162.211 of the Revised Code; 115993

(2) For the costs of medicaid services the medicaid program 115994
correctly paid or will pay on behalf of an individual fifty-five 115995
years of age or older who is not a permanently institutionalized 115996
individual, seek adjustment or recovery from the individual's 115997
estate; 115998

(3) Seek adjustment or recovery from the estate of other 115999
individuals as permitted by federal law. 116000

(C)(1) No adjustment or recovery may be made under division 116001
(B)(1) of this section from a permanently institutionalized 116002
individual's estate or on the sale of property of a permanently 116003
institutionalized individual that is subject to a lien imposed 116004
under section ~~5111.111~~ 5162.211 of the Revised Code or under 116005
division (B)(2) or (3) of this section from an individual's estate 116006
while either of the following are alive: 116007

(a) The spouse of the permanently institutionalized 116008
individual or individual; 116009

(b) The son or daughter of a permanently institutionalized 116010
individual or individual if the son or daughter is under age 116011
twenty-one or, under the "Social Security Act," section 1614, 42 116012

U.S.C. 1382c, is considered blind or disabled. 116013

(2) No adjustment or recovery may be made under division 116014
(B)(1) of this section from a permanently institutionalized 116015
individual's home that is subject to a lien imposed under section 116016
~~5111.111~~ 5162.211 of the Revised Code while either of the 116017
following lawfully reside in the home: 116018

(a) The permanently institutionalized individual's sibling 116019
who resided in the home for at least one year immediately before 116020
the date of the permanently institutionalized individual's 116021
admission to the institution and on a continuous basis since that 116022
time; 116023

(b) The permanently institutionalized individual's son or 116024
daughter who provided care to the permanently institutionalized 116025
individual that delayed the permanently institutionalized 116026
individual's institutionalization and resided in the home for at 116027
least two years immediately before the date of the permanently 116028
institutionalized individual's admission to the institution and on 116029
a continuous basis since that time. 116030

(D) In the case of a participant of the qualified state 116031
long-term care insurance partnership program, adjustment or 116032
recovery required by this section may be reduced in accordance 116033
with rules ~~adopted under~~ authorized by division (G) of this 116034
section. 116035

(E) The department shall, in accordance with procedures and 116036
criteria established in rules ~~adopted under~~ authorized by division 116037
(G) of this section, waive seeking an adjustment or recovery 116038
otherwise required by this section if the medicaid director ~~of job~~ 116039
~~and family services~~ determines that adjustment or recovery would 116040
work an undue hardship. The department may limit the duration of 116041
the waiver to the period during which the undue hardship exists. 116042

(F) For the purpose of determining whether an individual 116043

meets the definition of "permanently institutionalized individual" 116044
established for this section, a rebuttable presumption exists that 116045
the individual cannot reasonably be expected to be discharged from 116046
an institution and return home if either of the following is the 116047
case: 116048

(1) The individual declares that he or she does not intend to 116049
return home. 116050

(2) The individual has been an inpatient in an institution 116051
for at least six months. 116052

~~(G) The director of job and family services shall adopt rules 116053
in accordance with Chapter 119. of the Revised Code regarding the 116054
medicaid estate recovery program, including rules that Rules 116055
adopted under section 5162.02 of the Revised Code shall do both of 116056
the following: 116057~~

(1) For the purpose of division (D) of this section and 116058
consistent with the "Social Security Act," section 1917(b)(1)(C), 116059
42 U.S.C. 1396p(b)(1)(C), provide for reducing an adjustment or 116060
recovery in the case of a participant of the qualified state 116061
long-term care insurance partnership program; 116062

(2) For the purpose of division (E) of this section and 116063
consistent with the standards specified by the United States 116064
secretary of health and human services under the "Social Security 116065
Act," section 1917(b)(3), 42 U.S.C. 1396p(b)(3), establish 116066
procedures and criteria for waiving adjustment or recovery due to 116067
an undue hardship. 116068

Sec. ~~5111.111~~ 5162.211. (A) Except as provided in division 116069
(B) of this section and section ~~5111.12~~ 5162.23 of the Revised 116070
Code, no lien may be imposed against the property of an individual 116071
before the individual's death on account of medicaid services 116072
correctly paid or to be paid on the individual's behalf. 116073

(B) Except as provided in division (C) of this section, the department of ~~job and family services~~ medicaid may impose a lien against the real property of a medicaid recipient who is a permanently institutionalized individual and against the real property of the recipient's spouse, including any real property that is jointly held by the recipient and spouse. The lien may be imposed on account of medicaid paid or to be paid on the recipient's behalf.

(C) No lien may be imposed under division (B) of this section against the home of a medicaid recipient if any of the following lawfully resides in the home:

(1) The recipient's spouse;

(2) The recipient's son or daughter who is under twenty-one years of age or, under the "Social Security Act," section 1614, 42 U.S.C. 1382c, considered to be blind or disabled;

(3) The recipient's sibling who has an equity interest in the home and resided in the home for at least one year immediately before the date of the recipient's admission to the institution.

(D) The medicaid director ~~of job and family services~~ or a person designated by the director shall sign a certificate to effectuate a lien required to be imposed under this section. The county department of job and family services shall file for recording and indexing the certificate, or a certified copy, in the real estate mortgage records in the office of the county recorder in every county in which real property of the recipient or spouse is situated. From the time of filing the certificate in the office of the county recorder, the lien attaches to all real property of the recipient or spouse described in the certificate for all amounts for which adjustment or recovery may be made under ~~section 5111.11~~ 5162.21 of the Revised Code and, except as provided in division (E) of this section, shall remain a lien

until satisfied. 116105

Upon filing the certificate in the office of the recorder, 116106
all persons are charged with notice of the lien and the rights of 116107
the department of ~~job and family services~~ medicaid thereunder. 116108

The county recorder shall keep a record of every certificate 116109
filed showing its date, the time of filing, the name and residence 116110
of the recipient or spouse, and any release, waivers, or 116111
satisfaction of the lien. 116112

The priority of the lien shall be established in accordance 116113
with state and federal law. 116114

The department may waive the priority of its lien to provide 116115
for the costs of the last illness as determined by the department, 116116
administration, attorney fees, administrator fees, a sum for the 116117
payment of the costs of burial, which shall be computed by 116118
deducting from five hundred dollars whatever amount is available 116119
for the same purpose from all other sources, and a similar sum for 116120
the spouse of the decedent. 116121

(E) A lien imposed with respect to a medicaid recipient under 116122
this section shall dissolve on the recipient's discharge from the 116123
institution and return home. 116124

Sec. ~~5111.112~~ 5162.212. The department of ~~job and family~~ 116125
~~services~~ medicaid shall certify amounts due under the medicaid 116126
estate recovery program instituted under section ~~5111.11~~ 5162.21 116127
of the Revised Code to the attorney general pursuant to section 116128
131.02 of the Revised Code. The attorney general may enter into a 116129
contract with any person or government entity to collect the 116130
amounts due on behalf of the attorney general. 116131

The attorney general, in entering into a contract under this 116132
section, shall comply with all of the requirements that must be 116133
met for the state to receive federal financial participation for 116134

the costs incurred in entering into the contract and carrying out 116135
actions under the contract. The contract may provide for the 116136
person or government entity with which the attorney general 116137
contracts to be compensated from the property recovered under the 116138
medicaid estate recovery program or may provide for another manner 116139
of compensation agreed to by the parties to the contract. 116140

Regardless of whether the attorney general collects the 116141
amounts due under the medicaid estate recovery program or 116142
contracts with a person or government entity to collect the 116143
amounts due on behalf of the attorney general, the amounts due 116144
shall be collected in accordance with applicable requirements of 116145
federal statutes and regulations and state statutes and rules. 116146

Sec. ~~5111.113~~ 5162.22. (A) As used in this section: 116147

(1) "Commissioner" means a person appointed by a probate 116148
court under division (E) of section 2113.03 of the Revised Code to 116149
act as a commissioner. 116150

(2) "Home" has the same meaning as in section 3721.10 of the 116151
Revised Code. 116152

(3) "Personal needs allowance account" means an account or 116153
petty cash fund that holds the money of a resident of ~~an adult~~ 116154
~~care~~ a residential facility or home and that the facility or home 116155
manages for the resident. 116156

(4) "Residential facility" means a residential facility 116157
licensed under section ~~5119.22~~ 5119.34 of the Revised Code that 116158
provides accommodations, supervision, and personal care services 116159
for three to sixteen unrelated adults. 116160

(B) Except as provided in divisions (C) and (D) of this 116161
section, the owner or operator of a home or residential facility 116162
shall transfer to the department of ~~job and family services~~ 116163
medicaid the money in the personal needs allowance account of a 116164

resident of the home or facility who was a medicaid recipient of 116165
~~the medical assistance program~~ no earlier than sixty days but not 116166
later than ninety days after the resident dies. The home or 116167
facility shall transfer the money even though the owner or 116168
operator of the facility or home has not been issued letters 116169
testamentary or letters of administration concerning the 116170
resident's estate. 116171

(C) If funeral or burial expenses for a resident of a home or 116172
residential facility who has died have not been paid and the only 116173
resource the resident had that could be used to pay for the 116174
expenses is the money in the resident's personal needs allowance 116175
account, or all other resources of the resident are inadequate to 116176
pay the full cost of the expenses, the money in the resident's 116177
personal needs allowance account shall be used to pay for the 116178
expenses rather than being transferred to the department of ~~job~~ 116179
~~and family services~~ medicaid pursuant to division (B) of this 116180
section. 116181

(D) If, not later than sixty days after a resident of a home 116182
or residential facility dies, letters testamentary or letters of 116183
administration are issued, or an application for release from 116184
administration is filed under section 2113.03 of the Revised Code, 116185
concerning the resident's estate, the owner or operator of the 116186
home or facility shall transfer the money in the resident's 116187
personal needs allowance account to the administrator, executor, 116188
commissioner, or person who filed the application for release from 116189
administration. 116190

(E) The transfer or use of money in a resident's personal 116191
needs allowance account in accordance with division (B), (C), or 116192
(D) of this section discharges and releases the home or 116193
residential facility, and the owner or operator of the home, from 116194
any claim for the money from any source. 116195

(F) If, sixty-one or more days after a resident of a home or 116196

residential facility dies, letters testamentary or letters of 116197
administration are issued, or an application for release from 116198
administration under section 2113.03 of the Revised Code is filed, 116199
concerning the resident's estate, the department of ~~job and family~~ 116200
~~services~~ medicaid shall transfer the funds to the administrator, 116201
executor, commissioner, or person who filed the application, 116202
unless the department is entitled to recover the money under the 116203
medicaid estate recovery program instituted under section ~~5111.11~~ 116204
5162.21 of the Revised Code. 116205

Sec. ~~5111.12~~ 5162.23. (A) The medicaid director ~~of job and~~ 116206
~~family services~~ shall ~~establish~~ adopt rules under ~~which~~ section 116207
5162.02 of the Revised Code permitting county departments of job 116208
and family services ~~may~~ to take action to recover benefits 116209
incorrectly paid on behalf of medicaid recipients ~~of medical~~ 116210
~~assistance~~. The rules shall provide for recovery by the following 116211
methods: 116212

(1) Soliciting voluntary payments from recipients or from 116213
persons holding property in which a recipient has a legal or 116214
equitable interest; 116215

(2) Obtaining a lien on property pursuant to division (B) of 116216
this section. 116217

(B) A county department of job and family services may bring 116218
a civil action in a court of common pleas against a medicaid 116219
recipient ~~of medical assistance~~ for the recovery of any ~~medical~~ 116220
~~assistance benefits~~ medicaid payments determined by the court to 116221
have been paid incorrectly on behalf of the recipient. All persons 116222
holding property in which the recipient has a legal or equitable 116223
interest may be joined as parties. The court may issue 116224
pre-judgment orders, including injunctive relief or attachment 116225
under Chapter 2715. of the Revised Code, for the preservation of 116226
real or personal property in which the recipient may have a legal 116227

or equitable interest. If the court determines that ~~benefits~~ 116228
medicaid payments were ~~paid~~ made incorrectly and issues a judgment 116229
to that effect, the county department may obtain a lien upon 116230
property of the recipient in accordance with Chapter 2329. of the 116231
Revised Code. 116232

(C) The county department of job and family services shall 116233
retain fifty per cent of the balance remaining after deduction 116234
from the recovery of the amount required to be returned to the 116235
federal government and shall pay the other fifty per cent of the 116236
balance to the department of ~~job and family services~~ medicaid. 116237

(D) Recovery of ~~medical assistance benefits~~ medicaid payments 116238
incorrectly ~~paid to~~ made on behalf of a medicaid recipient may not 116239
be accomplished by reducing the amount of benefits the recipient 116240
is entitled to receive under another government assistance 116241
program. 116242

(E) The remedies provided pursuant to this section do not 116243
affect any other remedies county departments of job and family 116244
services may have to recover benefits incorrectly paid on behalf 116245
of medicaid recipients ~~of medical assistance~~. 116246

Sec. ~~5111.121~~ 5162.24. (A) As used in this section, "third 116247
party" has the same meaning as in section ~~5101.571~~ 5160.35 of the 116248
Revised Code. 116249

(B) In addition to the authority granted under section 116250
~~5101.59~~ 5160.38 of the Revised Code, the department of ~~job and~~ 116251
~~family services~~ medicaid may, to the extent necessary to reimburse 116252
its costs, garnish the wages, salary, or other employment income 116253
of, and withhold amounts from state tax refunds to, any person to 116254
whom both of the following apply: 116255

(1) The person is required by a court or administrative order 116256
to provide coverage of the cost of health care services to a child 116257

eligible for ~~medical assistance under this chapter~~ medicaid. 116258

(2) The person has received payment from a third party for 116259
the costs of such services but has not used the payment to 116260
reimburse either the other parent or guardian of the child or the 116261
provider of the services. 116262

(C) Claims for current and past due child support shall take 116263
priority over claims under division (B) of this section. 116264

Sec. ~~5111.83~~ 5162.30. (A) ~~Not later than January 1, 2012, the~~ 116265
~~The medicaid director of job and family services shall apply to~~ 116266
~~the United States secretary of health and human services for~~ 116267
~~approval of~~ create a medicaid administrative claiming program 116268
under which federal financial participation is received ~~as~~ 116269
~~reimbursement~~ for the administrative costs incurred by the 116270
department of health and the Arthur G. James cancer hospital and 116271
Richard J. Solove research institute of the Ohio state university 116272
in analyzing and evaluating both of the following pursuant to 116273
sections 3701.261 ~~to 3701.236~~ and 3701.262 of the Revised Code: 116274

(1) Cancer reports under the Ohio cancer incidence 116275
surveillance system; 116276

(2) The incidence, prevalence, costs, and medical 116277
consequences of cancer on medicaid recipients and other low-income 116278
populations. 116279

(B) The medicaid director ~~of job and family services~~ shall 116280
consult with the director of health in ~~seeking approval of~~ 116281
creating the medicaid administrative claiming program. ~~The~~ 116282
~~directors shall cooperate in seeking the approval to the extent~~ 116283
~~they find the approval necessary for the effective and efficient~~ 116284
~~administration of the medicaid program.~~ 116285

Sec. 5162.31. Local funds, whether from public or private 116286
sources, expended by a county department of job and family 116287

services for administration of the healthy start component shall 116288
be considered to have been expended by the state for the purpose 116289
of determining the extent to which the state has complied with any 116290
federal requirement that the state provide funds to match federal 116291
financial participation for the medicaid program. This section 116292
does not affect the amount of funds a county is entitled to 116293
receive under sections 5101.16 and 5101.161 of the Revised Code. 116294

Sec. ~~5111.90~~ 5162.32. ~~(A) As used in sections 5111.90 to~~ 116295
~~5111.93 of the Revised Code:~~ 116296

~~(1) "Political subdivision" means a municipal corporation,~~ 116297
~~township, county, school district, or other body corporate and~~ 116298
~~politic responsible for governmental activities only in a~~ 116299
~~geographical area smaller than that of the state.~~ 116300

~~(2) "State agency" means every organized body, office, or~~ 116301
~~agency, other than the department of job and family services,~~ 116302
~~established by the laws of the state for the exercise of any~~ 116303
~~function of state government.~~ 116304

~~(B) To the extent permitted by Title XIX of the "Social~~ 116305
~~Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended,~~ 116306
~~and regulations adopted under that title, the The department of~~ 116307
~~job and family services medicaid may enter into contracts with~~ 116308
~~political subdivisions to use funds of the political subdivision~~ 116309
~~to pay the nonfederal share of expenditures under the medicaid~~ 116310
~~program. The determination and provision of federal financial~~ 116311
~~reimbursement participation to a subdivision entering into a~~ 116312
~~contract under this section shall be determined by the department,~~ 116313
~~subject to section ~~5111.92~~ 5162.40 of the Revised Code, ~~approval~~~~ 116314
~~by the United States secretary of health and human services, and~~ 116315
~~the availability of federal financial participation.~~ 116316

Sec. ~~5111.91~~ 5162.35. The department of job and family 116317

~~services~~ medicaid may enter into contracts with one or more other state agencies or political subdivisions to have the state agency or political subdivision administer one or more components of the medicaid program, or one or more aspects of a component, under the department's supervision. A state agency or political subdivision that enters into such a contract shall comply with the terms of the contract and any rules the medicaid director of ~~job and family services~~ has adopted governing the component, or aspect of the component, that the state agency or political subdivision is to administer, including any rules establishing review, audit, and corrective action plan requirements. A contract with a state agency shall be in the form of an interagency agreement.

A state agency or political subdivision that enters into a contract with the department under this section shall reimburse the department for the nonfederal share of the cost to the department of performing, or contracting for the performance of, a fiscal audit of the component of the medicaid program, or aspect of the component, that the state agency or political subdivision administers if rules governing the component, or aspect of the component, require that a fiscal audit be conducted.

~~There is hereby created in the state treasury the medicaid administrative reimbursement fund. The department shall use money in the fund to pay for the nonfederal share of the cost of a fiscal audit for which a state agency or political subdivision is required by this section to reimburse the department. The department shall deposit the reimbursements into the fund.~~

Sec. 5111.71 5162.36. (A) ~~As used in sections 5111.71 to 5111.715 of the Revised Code, "qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, the governing authority of a community school established under Chapter 3314. of the Revised Code, the state~~

~~school for the deaf, and the state school for the blind to which
both of the following apply:~~ 116349
116350

~~(1) It holds a valid medicaid provider agreement.~~ 116351

~~(2) It meets all other conditions for participation in the
medicaid school component of the medicaid program established in
rules adopted under section 5111.715 of the Revised Code.~~ 116352
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~~(B) The medicaid director of job and family services shall
submit a state medicaid plan amendment to the United States
secretary of health and human services for the purpose of creating
create, in accordance with sections 5111.71 5162.36 to 5111.715
5162.364 of the Revised Code, the medicaid school component of the
medicaid program. The director shall create the medicaid school
component on receipt of the United States secretary's approval of
the amendment.~~ 116355
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Sec. ~~5111.711~~ 5162.361. A qualified medicaid school provider 116363
participating in the medicaid school component of the medicaid 116364
program may submit a claim to the department of ~~job and family~~ 116365
~~services~~ medicaid for federal financial participation for 116366
providing, in schools, services covered by the medicaid school 116367
component to medicaid recipients who are eligible for the 116368
services. No qualified medicaid school provider may submit such a 116369
claim before the provider incurs the cost of providing the 116370
service. 116371

The claim shall include certification of the qualified 116372
medicaid school provider's expenditures for the service. The 116373
certification shall show that the money the qualified medicaid 116374
school provider used for the expenditures was nonfederal money the 116375
provider may legally use for providing the service and that the 116376
amount of the expenditures was sufficient to pay the full cost of 116377
the service. 116378

Except as otherwise provided in sections ~~5111.71~~ 5162.36 to 116379
~~5111.715~~ 5162.364 of the Revised Code and rules ~~adopted under~~ 116380
authorized by sections ~~5111.713~~ 5162.363 and ~~5111.715~~ 5162.364 of 116381
the Revised Code, a qualified medicaid school provider is subject 116382
to all conditions of participation in the medicaid program that 116383
generally apply to providers of goods and services under the 116384
medicaid program, including conditions regarding audits and 116385
recovery of overpayments. 116386

Sec. ~~5111.712~~ 5162.362. The department of ~~job and family~~ 116387
~~services~~ medicaid shall seek federal financial participation for 116388
each claim a qualified medicaid school provider properly submits 116389
to the department under section ~~5111.711~~ 5162.361 of the Revised 116390
Code. The department shall disburse the federal financial 116391
participation the department receives from the federal government 116392
for such a claim to the qualified medicaid school provider that 116393
submitted the claim. The department may not pay the qualified 116394
medicaid school provider the nonfederal share of the cost of the 116395
services for which the claim was submitted. 116396

Sec. ~~5111.713~~ 5162.363. The department of ~~job and family~~ 116397
~~services~~ medicaid shall enter into an interagency agreement with 116398
the department of education under section ~~5111.91~~ 5162.35 of the 116399
Revised Code that provides for the department of education to 116400
administer the medicaid school component of the medicaid program 116401
other than the aspects of the component that sections ~~5111.71~~ 116402
5162.36 to ~~5111.715~~ 5162.364 of the Revised Code require the 116403
department of ~~job and family services~~ medicaid to administer. The 116404
interagency agreement may include a provision that provides for 116405
the department of education to pay to the department of ~~job and~~ 116406
~~family services~~ medicaid the nonfederal share of a portion of the 116407
administrative expenses the department of ~~job and family services~~ 116408
medicaid incurs in administering the aspects of the component that 116409

the department of ~~job and family services~~ medicaid administrators. 116410

~~The~~ To the extent authorized by rules authorized by section 116411
5162.021 of the Revised Code, the department of education shall 116412
establish, in rules adopted under ~~Chapter 119.~~ section 5162.02 of 116413
the Revised Code, a process by which qualified medicaid school 116414
providers participating in the medicaid school component pay to 116415
the department of education the nonfederal share of the 116416
department's expenses incurred in administering the component. The 116417
rules shall be adopted in accordance with Chapter 119. of the 116418
Revised Code. 116419

Sec. ~~5111.715~~ 5162.364. The medicaid director of ~~job and~~ 116420
~~family services~~ shall adopt rules under ~~Chapter 119.~~ section 116421
5162.02 of the Revised Code as necessary to implement the medicaid 116422
school component of the medicaid program, including rules that 116423
establish or specify all of the following: 116424

(A) Conditions a board of education of a city, local, or 116425
exempted school district, governing authority of a community 116426
school established under Chapter 3314. of the Revised Code, the 116427
state school for the deaf, and the state school for the blind must 116428
meet to participate in the component; 116429

(B) Services the component covers; 116430

(C) ~~Reimbursement~~ Payment rates for the services the 116431
component covers. 116432

The rules shall be adopted in accordance with Chapter 119. of 116433
the Revised Code. 116434

Sec. ~~5111.911~~ 5162.37. Any contract the department of ~~job and~~ 116435
~~family services~~ medicaid enters into with the department of ~~mental~~ 116436
~~health or department of alcohol and drug addiction services~~ mental 116437
health and addiction services under section ~~5111.91~~ 5162.35 of the 116438

Revised Code is subject to the approval of the director of budget 116439
and management and shall require or specify all of the following: 116440

~~(A) In the case of a contract with the department of mental~~ 116441
~~health, that~~ That section ~~5111.912~~ 5162.371 of the Revised Code be 116442
complied with; 116443

~~(B) In the case of a contract with the department of alcohol~~ 116444
~~and drug addiction services, that section 5111.913 of the Revised~~ 116445
~~Code be complied with;~~ 116446

~~(C)~~ How providers will be paid for providing the services; 116447

~~(D)~~(C) ~~The department of mental health's or department of~~ 116448
~~alcohol and drug addiction services'~~ responsibilities of the 116449
department of mental health and addiction services with regard to 116450
providers, including program oversight and quality assurance. 116451

Sec. ~~5111.912~~ 5162.371. If the department of ~~job and family~~ 116452
~~services~~ medicaid enters into a contract with the department of 116453
~~mental health~~ mental health and addiction services under section 116454
~~5111.91~~ 5162.35 of the Revised Code, the department of ~~job and~~ 116455
~~family services~~ medicaid shall pay the nonfederal share of any 116456
medicaid payment to a provider for services under the component, 116457
or aspect of the component, the department of ~~mental health~~ mental 116458
health and addiction services administers. ~~If necessary, the~~ 116459
~~director of job and family services shall submit a medicaid state~~ 116460
~~plan amendment to the United States secretary of health and human~~ 116461
~~services regarding the department of job and family services' duty~~ 116462
~~under this section.~~ 116463

Sec. ~~5111.92~~ 5162.40. (A)(1) Except as provided in division 116464
(B) of this section, if a state agency or political subdivision 116465
administers one or more components of the medicaid program that 116466
the United States department of health and human services 116467

approved, and for which federal financial participation was 116468
initially obtained, prior to January 1, 2002, or administers one 116469
or more aspects of such a component, the department of ~~job and~~ 116470
~~family services~~ medicaid may retain or collect not more than ten 116471
per cent of the federal financial participation the state agency 116472
or political subdivision obtains through an approved, 116473
administrative claim regarding the component or aspect of the 116474
component. If the department retains or collects a percentage of 116475
such federal financial participation, the percentage the 116476
department retains or collects shall be specified in a contract 116477
the department enters into with the state agency or political 116478
subdivision under section ~~5111.91~~ 5162.35 of the Revised Code. 116479

(2) Except as provided in division (B) of this section, if a 116480
state agency or political subdivision administers one or more 116481
components of the medicaid program that the United States 116482
department of health and human services approved on or after 116483
January 1, 2002, or administers one or more aspects of such a 116484
component, the department of ~~job and family services~~ medicaid 116485
shall retain or collect not less than three and not more than ten 116486
per cent of the federal financial participation the state agency 116487
or political subdivision obtains through an approved, 116488
administrative claim regarding the component or aspect of the 116489
component. The percentage the department retains or collects shall 116490
be specified in a contract the department enters into with the 116491
state agency or political subdivision under section ~~5111.91~~ 116492
5162.35 of the Revised Code. 116493

~~(B) The department of job and family services may retain or~~ 116494
~~collect a percentage of federal financial participation under~~ 116495
~~divisions (A)(1) and (2) of this section only to the extent~~ 116496
~~permitted by federal statutes and regulations.~~ 116497

~~(C)~~ All amounts the department retains or collects under this 116498

section shall be deposited into the health care services 116499
administration fund created under section ~~5111.94~~ 5162.54 of the 116500
Revised Code. 116501

Sec. ~~5111.93~~ 5162.41. The department of ~~job and family~~ 116502
~~services~~ medicaid may retain or collect a percentage of the 116503
federal financial participation included in a supplemental 116504
medicaid payment to one or more medicaid providers owned or 116505
operated by a state agency or political subdivision that brings 116506
the payment to such provider or providers to the upper payment 116507
limit established by 42 C.F.R. 447.272. If the department retains 116508
or collects a percentage of that federal financial participation, 116509
the ~~department~~ medicaid director shall adopt a rule under ~~Chapter~~ 116510
~~119-~~ section 5162.02 of the Revised Code specifying the percentage 116511
the department is to retain or collect. All amounts the department 116512
retains or collects under this section shall be deposited into the 116513
health care services administration fund created under section 116514
~~5111.94~~ 5162.54 of the Revised Code. 116515

Sec. ~~5111.943~~ 5162.50. (A) The health care - federal fund is 116516
hereby created in the state treasury. All of the following shall 116517
be credited to the fund: 116518

(1) Funds that division (B) of section ~~5112.18~~ 5168.11 of the 116519
Revised Code requires be credited to the fund; 116520

(2) The federal share of all rebates paid by drug 116521
manufacturers to the department of ~~job and family services~~ 116522
medicaid in accordance with a rebate agreement required by the 116523
"Social Security Act," section 1927, 42 U.S.C. 1396r-8; 116524

(3) The federal share of all supplemental rebates paid by 116525
drug manufacturers to the department of ~~job and family services~~ 116526
medicaid in accordance with the supplemental drug rebate program 116527
established under section ~~5111.081~~ 5164.755 of the Revised Code; 116528

(4) Except as otherwise provided by statute or as authorized 116529
by the controlling board, the federal share of all other 116530
medicaid-related revenues, collections, and recoveries. 116531

(B) All money credited to the health care - federal fund 116532
pursuant to division (B) of section ~~5112.10~~ 5168.11 of the Revised 116533
Code shall be used solely for distributing funds to hospitals 116534
under section ~~5112.08~~ 5168.09 of the Revised Code. The department 116535
of ~~job and family services~~ medicaid shall use all other money 116536
credited to the fund to pay for other medicaid services and 116537
contracts. 116538

Sec. ~~5111.941~~ 5162.52. (A) The health care/medicaid support 116539
and recoveries fund is hereby created in the state treasury. All 116540
of the following shall be credited to the fund: 116541

(1) Except as otherwise provided by statute or as authorized 116542
by the controlling board, the nonfederal share of all 116543
medicaid-related revenues, collections, and recoveries; 116544

(2) Federal reimbursement received for payment adjustments 116545
made pursuant to ~~section 1923~~ of the "Social Security Act," ~~101~~ 116546
~~Stat. 1330-148 (1987)~~ section 1923, 42 U.S.C. 1396r-4, ~~as amended,~~ 116547
under the medicaid program to state mental health hospitals 116548
maintained and operated by the department of ~~mental health~~ mental 116549
health and addiction services under division (A) of section 116550
~~5119.02~~ 5119.14 of the Revised Code; 116551

(3) Revenues the department of ~~job and family services~~ 116552
medicaid receives from another state agency for medicaid services 116553
pursuant to an interagency agreement, other than such revenues 116554
required to be deposited into the health care services 116555
administration fund created under section ~~5111.94~~ 5162.54 of the 116556
Revised Code; 116557

(4) The first seven hundred fifty thousand dollars the 116558

department receives in a fiscal year for performing eligibility 116559
verification services necessary for compliance with the 116560
independent, certified audit requirement of 42 C.F.R. 455.304; 116561

(5) The nonfederal share of all rebates paid by drug 116562
manufacturers to the department of medicaid in accordance with a 116563
rebate agreement required by the "Social Security Act," section 116564
1927, 42 U.S.C. 1396r-8; 116565

(6) The nonfederal share of all supplemental rebates paid by 116566
drug manufacturers to the department of medicaid in accordance 116567
with the supplemental drug rebate program established under 116568
section 5164.755 of the Revised Code. 116569

(B) The department of ~~job and family services~~ medicaid shall 116570
use money credited to the health care/medicaid support and 116571
recoveries fund to pay for medicaid services and contracts. 116572

Sec. ~~5111.94~~ 5162.54. (A) ~~As used in this section, "vendor 116573~~
~~offset" means a reduction of a medicaid payment to a medicaid 116574~~
~~provider to correct a previous, incorrect medicaid payment to that 116575~~
~~provider. 116576~~

~~(B)~~ There is hereby created in the state treasury the health 116577
care services administration fund. Except as provided in division 116578
(C) of this section, all the following shall be deposited into the 116579
fund: 116580

(1) Amounts deposited into the fund pursuant to sections 116581
~~5111.92~~ 5162.12, 5162.40, and ~~5111.93~~ 5162.41 of the Revised Code; 116582

(2) The amount of the state share of all money the department 116583
of ~~job and family services, in fiscal year 2003 and each fiscal 116584~~
~~year thereafter,~~ medicaid recovers each fiscal year pursuant to a 116585
tort action under the department's right of recovery under section 116586
~~5101.58~~ 5160.37 of the Revised Code that exceeds the state share 116587
of all money the department, in fiscal year 2002, recovers 116588

pursuant to a tort action under that right of recovery; 116589

(3) Subject to division ~~(D)~~(B) of this section, the amount of 116590
the state share of all money the department of ~~job and family~~ 116591
~~services~~ medicaid, in fiscal year 2003 and each fiscal year 116592
thereafter, recovers through audits of medicaid providers that 116593
exceeds the state share of all money the department, in fiscal 116594
year 2002, recovers through such audits; 116595

(4) Amounts from assessments on hospitals under section 116596
~~5112.06~~ 5168.06 of the Revised Code and intergovernmental 116597
transfers by governmental hospitals under section ~~5112.07~~ 5168.07 116598
of the Revised Code that are deposited into the fund in accordance 116599
with the law; 116600

(5) Amounts that the department of education pays to the 116601
department of ~~job and family services~~ medicaid, if any, pursuant 116602
to an interagency agreement ~~entered into under~~ authorized by 116603
section ~~5111.713~~ 5162.363 of the Revised Code; 116604

(6) The application fees charged to providers under section 116605
~~5111.063~~ 5164.31 of the Revised Code; 116606

(7) The fines collected under section ~~5111.271~~ 5165.1010 of 116607
the Revised Code; 116608

(8) Money the department receives in a fiscal year for 116609
performing eligibility verification services necessary for 116610
compliance with the independent, certified audit requirement of 42 116611
C.F.R. 455.304, other than the amounts of such money that are to 116612
be credited to the health care/medicaid support and recoveries 116613
fund under section 5162.52 of the Revised Code. 116614

~~(C) No funds shall be deposited into the health care services~~ 116615
~~administration fund in violation of federal statutes or~~ 116616
~~regulations.~~ 116617

~~(D)~~(B) In determining under division ~~(B)~~(A)(3) of this 116618

section the amount of money the department, in a fiscal year, 116619
recovers through audits of medicaid providers, the amount 116620
recovered in the form of vendor offset shall be excluded. 116621

~~(E)(C)~~ The ~~director~~ department of ~~job and family services~~ 116622
medicaid shall use funds available in the health care services 116623
administration fund to pay for costs associated with the 116624
administration of the medicaid program. 116625

Sec. ~~5111.945~~ 5162.56. There is created in the state treasury 116626
the health care special activities fund. The department of ~~job and~~ 116627
~~family services~~ medicaid shall deposit all funds it receives 116628
pursuant to the administration of the medicaid program into the 116629
fund, other than any such funds that are required by law to be 116630
deposited into another fund. The department shall use the money in 116631
the fund to pay for expenses related to the services provided 116632
under, and the administration of, the medicaid program. 116633

Sec. ~~5111.944~~ 5162.58. ~~(A) As used in this section:~~ 116634

~~"Dual eligible individual" has the same meaning as in section~~ 116635
~~1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315 (2010),~~ 116636
~~42 U.S.C. 1396n(h)(2)(B).~~ 116637

~~"Dual eligible integrated care demonstration project" means~~ 116638
~~the demonstration project authorized by section 5111.981 of the~~ 116639
~~Revised Code.~~ 116640

~~"Medicare program" means the program created under Title~~ 116641
~~XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.~~ 116642
~~1395, as amended.~~ 116643

~~(B)~~ There is created in the state treasury the integrated 116644
care delivery systems fund. If the terms of the federal approval 116645
for the dual eligible integrated care demonstration project 116646
authorized by section 5164.91 of the Revised Code provide for the 116647
state to receive a portion of the amounts that the demonstration 116648

project saves the medicare program, such amounts shall be 116649
deposited into the fund. The department of ~~job and family services~~ 116650
medicaid shall use the money in the fund to further develop 116651
integrated delivery systems and improved care coordination for 116652
dual eligible individuals. 116653

Sec. 5162.60. (A) There is hereby created in the state 116654
treasury the managed care performance payment fund. The fund shall 116655
consist of all of the following: 116656

(1) Amounts transferred to it by the director of budget and 116657
management for the purpose of the managed care performance payment 116658
program established under section 5167.30 of the Revised Code; 116659

(2) All fines imposed on and collected from medicaid managed 116660
care organizations for failure to meet performance standards or 116661
other requirements specified in provider agreements or rules 116662
adopted under section 5167.02 of the Revised Code; 116663

(3) All investment earnings of the fund. 116664

(B) Amounts in the fund may be used for the following: 116665

(1) To make performance payments to medicaid managed care 116666
organizations in accordance with section 5167.30 of the Revised 116667
Code; 116668

(2) To meet obligations specified in the provider agreements; 116669

(3) To pay for medicaid services provided by a medicaid 116670
managed care organization; 116671

(4) To reimburse a medicaid managed care organization that 116672
has paid a fine for failure to meet performance standards or other 116673
requirements specified in provider agreements or rules adopted 116674
under section 5167.02 of the Revised Code if that organization 116675
comes into compliance with those standards or requirements. 116676

Sec. 5162.62. There is hereby created in the state treasury 116677

the medicaid administrative reimbursement fund. The department of 116678
medicaid shall use money in the fund to pay for the nonfederal 116679
share of the cost of a fiscal audit for which a state agency or 116680
political subdivision is required by section 5162.35 of the 116681
Revised Code to reimburse the department. The department shall 116682
deposit the reimbursements into the fund. 116683

Sec. ~~5111.714~~ 5162.64. (A) There is hereby created in the 116684
state treasury the medicaid school program administrative fund. 116685

(B) Both of the following shall be deposited into the 116686
medicaid school program administrative fund: 116687

(1) The federal funds the department of education receives 116688
for the expenses the department incurs in administering the 116689
medicaid school component of the medicaid program created under 116690
section 5162.36 of the Revised Code; 116691

(2) The money the department collects from qualified medicaid 116692
school providers in the process established in rules ~~adopted under~~ 116693
authorized by section ~~5111.713~~ 5162.363 of the Revised Code. 116694

(C) ~~No funds shall be deposited into the medicaid school~~ 116695
~~program administrative fund in violation of federal statutes or~~ 116696
~~regulations.~~ 116697

~~(D)~~ The department of education shall use money in the 116698
medicaid school program administrative fund for both of the 116699
following purposes: 116700

(1) Paying for the expenses the department incurs in 116701
administering the medicaid school component of the medicaid 116702
program; 116703

(2) Paying a qualified medicaid school provider a refund for 116704
any overpayment the provider makes to the department under the 116705
process established in rules ~~adopted under~~ authorized by section 116706

5111.713 5162.363 of the Revised Code if the process results in an overpayment.

Sec. ~~5111.62~~ 5162.66. The As used in this section, "deficiency" has the same meaning as in section 5165.60 of the Revised Code.

The proceeds of all fines, including interest, collected under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code shall be deposited in the state treasury to the credit of the residents protection fund, which is hereby created. The proceeds of all fines, including interest, collected under section 173.42 of the Revised Code shall be deposited in the state treasury to the credit of the residents protection fund.

Money in the fund shall be used for the protection of the health or property of residents of nursing facilities in which the department of health finds deficiencies, including payment for the costs of relocation of residents to other facilities, maintenance of operation of a facility pending correction of deficiencies or closure, and reimbursement of residents for the loss of money managed by the facility under section 3721.15 of the Revised Code. Money in the fund may also be used to make payments under section ~~5111.511~~ 5165.78 of the Revised Code.

The fund shall be maintained and administered by the department of ~~job and family services~~ medicaid under rules developed in consultation with the departments of health and aging and adopted ~~by the director of job and family services~~ under ~~Chapter 119.~~ section 5162.02 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 5163.01. As used in this chapter:

"Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.

"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code. 116737
116738

"Healthy start component" has the same meaning as in section 5162.01 of the Revised Code. 116739
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"Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 116741
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"Intermediate care facility for individuals with intellectual disabilities" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code. 116743
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"Mandatory eligibility groups" means the groups of individuals that must be covered by the medicaid state plan as a condition of the state receiving federal financial participation for the medicaid program. 116746
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"Medicaid buy-in for workers with disabilities program" means the component of the medicaid program established under sections 5163.09 to 5163.0910 of the Revised Code. 116750
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"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 116753
116754

"Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 116755
116756

"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code. 116757
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"Optional eligibility groups" means the groups of individuals who may be covered by the medicaid state plan or a federal medicaid waiver and for whom the medicaid program receives federal financial participation. 116759
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"Other medicaid-funded long-term care services" has the meaning specified in rules adopted under section 5163.02 of the Revised Code. 116763
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"Supplemental security income program" means the program 116766

established by Title XVI of the "Social Security Act," 42 U.S.C. 116767
1381 et seq. 116768

~~Sec. 5111.011 5163.02. (A) The medicaid director of ~~job and~~ 116769
~~family services~~ shall adopt rules establishing as necessary to 116770
implement this chapter. The rules shall establish eligibility 116771
requirements for the medicaid program. The rules may establish 116772
requirements for applying for medicaid and determining and 116773
verifying eligibility for medicaid. The rules shall be adopted 116774
~~pursuant to~~ in accordance with section 111.15 of the Revised Code 116775
~~and shall be consistent with federal and state law. The rules~~ 116776
~~shall include rules that do all of the following:~~ 116777~~

~~(1) Establish standards consistent with federal law for~~ 116778
~~allocating income and resources as income and resources of the~~ 116779
~~spouse, children, parents, or stepparents of a recipient of or~~ 116780
~~applicant for medicaid;~~ 116781

~~(2) Define the term "resources" as used in division (A)(1) of~~ 116782
~~this section;~~ 116783

~~(3) Specify the number of months that is to be used for the~~ 116784
~~purpose of the term "look back date" used in section 5111.0116 of~~ 116785
~~the Revised Code;~~ 116786

~~(4) Establish processes to be used to determine both of the~~ 116787
~~following:~~ 116788

~~(a) The date an institutionalized individual's ineligibility~~ 116789
~~for services under section 5111.0116 of the Revised Code is to~~ 116790
~~begin;~~ 116791

~~(b) The number of months an institutionalized individual's~~ 116792
~~ineligibility for such services is to continue.~~ 116793

~~(5) For the purpose of division (C) of section 5111.0116 of~~ 116794
~~the Revised Code, establish procedures for granting waivers of all~~ 116795
~~or a portion of the period of ineligibility that an~~ 116796

~~institutionalized individual would otherwise be subject to under
that section and additional reasons for which such waivers may be
granted;~~ 116797
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~~(6) Define the term "other medicaid funded long term care
services" as used in sections 5111.0117 and 5111.0118 of the
Revised Code;~~ 116800
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~~(7) For the purpose of division (C)(2)(c) of section
5111.0117 of the Revised Code, establish the process to determine
whether the child of an aged, blind, or disabled individual is
financially dependent on the individual for housing.~~ 116803
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~~(B) Notwithstanding any provision of state law, including
statutes, administrative rules, common law, and court rules,
regarding real or personal property or domestic relations, the
standards established under rules adopted under ~~division (A)(1) of~~
this section shall be used to determine eligibility for medicaid.~~ 116807
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Sec. 5163.03. (A) Subject to sections 5163.04 and 5163.05 of
the Revised Code, the medicaid program shall cover all mandatory
eligibility groups. 116812
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(B) The medicaid program shall cover all of the optional
eligibility groups that state statutes require the medicaid
program to cover. 116815
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(C) The medicaid program may cover any of the optional
eligibility groups to which either of the following applies: 116818
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(1) State statutes expressly permit the medicaid program to
cover the optional eligibility group. 116820
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(2) State statutes do not address whether the medicaid
program may cover the optional eligibility group. 116822
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(D) The medicaid program shall not cover any eligibility
group that state statutes prohibit the medicaid program from
covering. 116824
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Sec. 5163.04. The medicaid program shall not cover the group 116827
described in the "Social Security Act," section 116828
1902(a)(10)(A)(i)(VIII), 42 U.S.C. 1396a(a)(10)(A)(i)(VIII). 116829

This section does not affect the medicaid eligibility of any 116830
individual who begins to participate in the metrohealth care plus 116831
medicaid waiver component on or after February 5, 2013. 116832

Sec. 5163.05. The medicaid program's eligibility requirements 116833
for aged, blind, and disabled individuals may be more restrictive 116834
than the eligibility requirements for the supplemental security 116835
income program. Any such more restrictive eligibility requirements 116836
shall be consistent with the 209(b) option described in the 116837
"Social Security Act," section 1902(f), 42 U.S.C. 1396a(f). 116838

Sec. 5163.06. Beginning January 1, 2014, the medicaid 116839
director may alter the eligibility requirements for, and terminate 116840
the medicaid program's coverage of, one or more optional 116841
eligibility groups or subgroups, including the following: 116842

(A) Children placed with adoptive parents who may be covered 116843
by medicaid pursuant to the "Social Security Act," section 116844
1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII); 116845

(B) Low income women and children who may be covered by 116846
medicaid pursuant to the "Social Security Act," section 116847
1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX); 116848

(C) Independent foster care adolescents who may be covered by 116849
medicaid pursuant to the "Social Security Act," section 116850
1902(a)(10)(A)(ii)(XVII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVII); 116851

(D) Women in need of treatment for breast or cervical cancer 116852
who may be covered by medicaid pursuant to the "Social Security 116853
Act," section 1902(a)(10)(A)(ii)(XVIII), 42 U.S.C. 116854
1396a(a)(10)(A)(ii)(XVIII); 116855

(E) Low income, nonpregnant individuals who may receive family planning services and supplies under medicaid pursuant to the "Social Security Act," section 1902(a)(10)(A)(ii)(XXI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XXI); 116856
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(F) Pregnant women who may be determined presumptively eligible for medicaid pursuant to the "Social Security Act," section 1920, 42 U.S.C. 1396r-1; 116860
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(G) Children who may be determined presumptively eligible for medicaid pursuant to the "Social Security Act," section 1920A, 42 U.S.C. 1396r-1a; 116863
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(H) Low income parents who may be covered by medicaid pursuant to the "Social Security Act," section 1931, 42 U.S.C. 1396u-1. 116866
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Sec. 5163.061. If the medicaid director alters the eligibility requirements for, or terminates the medicaid program's coverage of, an optional eligibility group or subgroup pursuant to section 5163.06 of the Revised Code, all of the following apply: 116869
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(A) In the case of an optional eligibility group or subgroup for which the eligibility requirements are altered: 116873
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(1) No individual enrolled, before the effective date of the altered eligibility requirements, in medicaid as part of the group or subgroup shall remain enrolled in medicaid on and after that effective date unless the individual meets the altered eligibility requirements for the group or subgroup or meets the eligibility requirements for another eligibility group or subgroup. 116875
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(2) Beginning on the effective date of the altered eligibility requirements, no individual may enroll in medicaid as part of the group or subgroup unless the individual meets the altered eligibility requirements for the group or subgroup or meets the eligibility requirements for another eligibility group 116881
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116885

or subgroup. 116886

(B) In the case of an optional eligibility group or subgroup 116887
whose medicaid coverage is terminated: 116888

(1) No individual enrolled, before the effective date of the 116889
termination, in medicaid as part of the group or subgroup shall 116890
remain enrolled in medicaid on and after that effective date 116891
unless the individual meets the eligibility requirements for 116892
another eligibility group or subgroup. 116893

(2) Beginning on the effective date of the termination, no 116894
individual may enroll in medicaid as part of the group or subgroup 116895
but may enroll in medicaid as part of another group or subgroup 116896
for which the individual meets the eligibility requirements. 116897

(C) The department of medicaid shall take actions as the 116898
department determines necessary, including requiring actions from 116899
county departments of job and family services, to do both of the 116900
following: 116901

(1) Inform medicaid recipients about the altered eligibility 116902
requirements or termination of the medicaid program's coverage of 116903
the group or subgroup; 116904

(2) In the case of medicaid recipients who will cease to be 116905
eligible for medicaid as part of the group or subgroup because of 116906
the altered eligibility requirements or termination of the group's 116907
or subgroup's coverage, offer to assist the recipients with the 116908
following: 116909

(a) To continue to be enrolled in medicaid as part of another 116910
eligibility group or subgroup for which they meet the eligibility 116911
requirements; 116912

(b) Transition to other health coverage options available to 116913
them. 116914

(D) Regarding appeals authorized by section 5160.31 of the 116915

Revised Code: 116916

(1) No individual may appeal a denial of medicaid eligibility as part of a group or subgroup whose medicaid coverage is terminated if the denial is for medicaid eligibility that would begin or continue on or after the effective date of the termination. 116917
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(2) An individual may initiate or continue, on or after the effective date of the termination, an appeal concerning the individual's eligibility for medicaid as part of the group or subgroup if the decision being appealed concerns the individual's eligibility for medicaid as part of the group or subgroup before the effective date of the termination. 116922
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(3) An appeal initiated or continued pursuant to division (D)(2) of this section may not result in the appellant being enrolled, or continuing to be enrolled, in medicaid as part of the group or subgroup on or after the effective date of the termination. 116928
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(E) The altered eligibility requirements or termination of the medicaid program's coverage of the group or subgroup has no effect on either of the following: 116933
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(1) An automatic right of recovery given under section 5160.37 of the Revised Code; 116936
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(2) An automatic assignment of rights under section 5160.38 of the Revised Code. 116938
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(F) All rules, standards, guidelines, or orders regarding the group or subgroup issued by the medicaid director before the effective date of the altered eligibility requirements or termination of the medicaid program's coverage of the group or subgroup shall be used for the purpose of determining the state's legal obligations for claims related to the group or subgroup that arise from any of the following: 116940
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<u>(1) Eligibility determinations regarding enrollment in medicaid before that effective date;</u>	116947
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<u>(2) Claims for payment for medicaid services provided before that effective date;</u>	116949
	116950
<u>(3) Recoveries of erroneous medicaid payments.</u>	116951
<u>Sec. 5163.08. The medicaid director shall implement the option authorized by the "Social Security Act," section 1925(a)(5), 42 U.S.C. 1396r-6(a)(5), regarding the single twelve-month eligibility period for transitional medicaid.</u>	116952
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<u>Sec. 5111.70 5163.09. (A) As used in sections 5111.70 5163.09 to 5111.7011 5163.0910 of the Revised Code:</u>	116956
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<u>"Applicant" means an individual who applies to participate in the medicaid buy-in for workers with disabilities program.</u>	116958
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<u>"Earned income" has the meaning established by rules adopted under authorized by section 5111.708 5163.098 of the Revised Code.</u>	116960
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<u>"Employed individual with a medically improved disability" has the same meaning as in the "Social Security Act," section 1905(v), 42 U.S.C. 1396d(v).</u>	116962
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	116964
<u>"Family" means an applicant or participant and the spouse and dependent children of the applicant or participant. If an applicant or participant is under eighteen years of age, "family" also means the parents of the applicant or participant.</u>	116965
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<u>"Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.</u>	116969
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<u>"Health insurance" has the meaning established by rules adopted under authorized by section 5111.708 5163.098 of the Revised Code.</u>	116971
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<u>"Income" means earned income and unearned income.</u>	116974

"Participant" means an individual who has been determined eligible for the medicaid buy-in for workers with disabilities program and is participating in the program. 116975
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"Resources" has the meaning established by rules ~~adopted~~ under authorized by section ~~5111.708~~ 5163.098 of the Revised Code. 116978
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"Spouse" has the meaning established in rules ~~adopted under~~ authorized by section ~~5111.708~~ 5163.098 of the Revised Code. 116980
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~~"Supplemental security income program" means the program established under Title XVI of the "Social Security Act," 86 Stat. 1329 (1972), 42 U.S.C. 1381, as amended.~~ 116982
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~~"Medicaid buy in for workers with disabilities program" means the component of the medicaid program established under sections 5111.70 to 5111.7011 of the Revised Code.~~ 116985
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"Unearned income" has the meaning established by rules ~~adopted under~~ authorized by section ~~5111.708~~ 5163.098 of the Revised Code. 116988
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(B) ~~Not later than one hundred eighty days after the effective date of this section, the director of job and family services shall submit to the United States secretary of health and human services an amendment to the state medicaid plan and any federal waiver necessary to establish the medicaid buy in for workers with disabilities program in accordance with~~ The medicaid program shall cover the optional eligibility groups specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XV) and (XVI), 42 U.S.C. 1396a(a) (10)(A)(ii)(XV) and (XVI) and in accordance with sections 5111.70 5163.09 to 5111.7011 5163.0910 of the Revised Code. The director shall implement sections 5111.701 to 5111.7011 of the Revised Code if the amendment and, if needed, federal waiver are approved. The medicaid program's coverage of these optional eligibility groups shall be known as the medicaid buy-in for workers with disabilities program. 116991
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Sec. ~~5111.701~~ 5163.091. Under the medicaid buy-in for workers with disabilities program, an individual who does all of the following in accordance with rules ~~adopted under~~ authorized by section ~~5111.708~~ 5163.098 of the Revised Code qualifies for ~~medical assistance under~~ the medicaid program:

(A) Applies for the medicaid buy-in for workers with disabilities program;

(B) Provides satisfactory evidence of all of the following:

(1) That the individual is at least sixteen years of age and under sixty-five years of age;

(2) Except as provided in section ~~5111.706~~ 5163.096 of the Revised Code, that one of the following applies to the individual:

(a) The individual is considered disabled for the purpose of the supplemental security income program, regardless of whether the individual receives supplemental security income benefits, and the individual has earnings from employment.

(b) The individual is an employed individual with a medically improved disability.

(3) That the value of the individual's resources, less amounts disregarded pursuant to rules ~~adopted under~~ authorized by section ~~5111.708~~ 5163.098 of the Revised Code, does not exceed the amount provided for by section ~~5111.702~~ 5163.092 of the Revised Code;

(4) That the individual's income, less amounts disregarded pursuant to section ~~5111.703~~ 5163.093 of the Revised Code, does not exceed two hundred fifty per cent of the federal poverty guidelines line;

(5) That the individual meets the additional eligibility requirements for the medicaid buy-in for workers with disabilities program ~~that the director of job and family services establishes~~

established in rules ~~adopted under~~ authorized by section ~~5111.708~~ 117036
5163.098 of the Revised Code. 117037

(C) To the extent required by section ~~5111.704~~ 5163.094 of 117038
the Revised Code, pays the premium established under that section. 117039

Sec. ~~5111.702~~ 5163.092. (A) Except as provided in division 117040
(B) of this section, the maximum value of resources, less amounts 117041
disregarded pursuant to rules ~~adopted under~~ authorized by section 117042
~~5111.708~~ 5163.098 of the Revised Code, that an individual may have 117043
without the individual exceeding the resource eligibility limit 117044
for the medicaid buy-in for workers with disabilities program 117045
shall not exceed ten thousand dollars. 117046

(B) Each calendar year, the medicaid director ~~of job and~~ 117047
~~family services~~ shall adjust the resource eligibility limit 117048
specified in division (A) of this section by the change in the 117049
consumer price index for all items for all urban consumers for the 117050
previous calendar year, as published by the United States bureau 117051
of labor statistics. The annual adjustment shall go into effect on 117052
the earliest date possible. 117053

Sec. ~~5111.703~~ 5163.093. For the purpose of determining 117054
whether an individual is within the income eligibility limit for 117055
the medicaid buy-in for workers with disabilities program, all of 117056
the following apply: 117057

(A) Twenty thousand dollars of the individual's earned income 117058
shall be disregarded. 117059

(B) No amount that the individual's employer pays to obtain 117060
health insurance for one or more members of the individual's 117061
family, including any amount of a premium established under 117062
section ~~5111.704~~ 5163.094 of the Revised Code that the employer 117063
pays, shall be treated as the individual's income. 117064

(C) Any other amounts, if any, specified in rules ~~adopted~~ 117065

~~under authorized by~~ section ~~5111.708~~ 5163.098 of the Revised Code 117066
shall be disregarded from the individual's earned income, unearned 117067
income, or both. 117068

Sec. ~~5111.704~~ 5163.094. An individual whose income exceeds 117069
one hundred fifty per cent of the federal poverty ~~guidelines~~ line 117070
shall pay an annual premium as a condition of qualifying for the 117071
medicaid buy-in for workers with disabilities program. The amount 117072
of the premium shall be determined as follows: 117073

(A) Subtract one hundred fifty per cent of the federal 117074
poverty ~~guidelines~~ line, as applicable for a family size equal to 117075
the size of the individual's family, from the amount of the income 117076
of the individual's family; 117077

(B) Subtract an amount specified in rules ~~adopted under~~ 117078
~~authorized by~~ section ~~5111.708~~ 5163.098 of the Revised Code from 117079
the difference determined under division (A) of this section; 117080

(C) Multiply the difference determined under division (B) of 117081
this section by one tenth. 117082

Sec. ~~5111.705~~ 5163.095. No individual shall be denied 117083
eligibility for the medicaid buy-in for workers with disabilities 117084
program on the basis that the individual receives services under a 117085
home and community-based services medicaid waiver component ~~as~~ 117086
~~defined in section 5111.85 of the Revised Code.~~ 117087

Sec. ~~5111.706~~ 5163.096. An individual participating in the 117088
medicaid buy-in for workers with disabilities program may continue 117089
to participate in the program for up to six months even though the 117090
individual ceases to have earnings from employment or to be an 117091
employed individual with a medically improved disability due to 117092
ceasing to be employed if the individual continues to meet all 117093
other eligibility requirements for the program. 117094

Sec. ~~5111.707~~ 5163.097. If the United States secretary of health and human services requires that a provision ~~in the amendment to the state medicaid plan or the federal waiver request submitted under section 5111.70 of the Revised Code of the medicaid buy-in for workers with disabilities program~~ be changed or removed in order for the secretary to approve the ~~amendment or waiver program~~ or to avoid an extended delay in the secretary's approval, the medicaid director ~~of job and family services~~ shall make the change or removal. The change or removal may cause the medicaid buy-in for workers with disabilities program to include a provision that is inconsistent with sections ~~5111.70~~ 5163.09 to ~~5111.706~~ 5163.096 of the Revised Code. Such a change or removal shall be made only to the extent necessary to obtain the United States secretary's approval or avoid an extended delay in the secretary's approval and shall be reflected in rules ~~adopted under~~ authorized by section ~~5111.708~~ 5163.098 of the Revised Code.

Sec. ~~5111.708~~ 5163.098. (A) The medicaid director ~~of job and family services~~ shall adopt rules ~~in accordance with Chapter 119. under section 5163.02~~ of the Revised Code as necessary to implement the medicaid buy-in for workers with disabilities program. The rules shall do all of the following:

(1) Specify assets, asset values, and amounts to be disregarded in determining asset and income eligibility limits for the program;

(2) Establish meanings for the terms "earned income," "health insurance," "resources," "spouse," and "unearned income";

(3) Establish additional eligibility requirements for the program that must be established for the United States secretary of health and human services to approve the program;

(4) For the purpose of division (B) of section ~~5111.704~~

5163.094 of the Revised Code, specify an amount to be subtracted 117125
from the difference determined under division (A) of that section. 117126

(B) The director may adopt rules ~~in accordance with Chapter~~ 117127
~~119.~~ under section 5163.02 of the Revised Code to specify amounts 117128
to be disregarded from an individual's earned income, unearned 117129
income, or both under division (C) of section ~~5111.703~~ 5163.093 of 117130
the Revised Code for the purpose of determining whether the 117131
individual is within the income eligibility limit for the medicaid 117132
buy-in for workers with disabilities program. 117133

Sec. ~~5111.709~~ 5163.099. (A) There is hereby created the 117134
medicaid buy-in advisory council. The council shall consist of all 117135
of the following: 117136

(1) The following voting members: 117137

(a) The executive director of assistive technology of Ohio or 117138
the executive director's designee; 117139

(b) The director of the axis center for public awareness of 117140
people with disabilities or the director's designee; 117141

(c) The executive director of the cerebral palsy association 117142
of Ohio or the executive director's designee; 117143

(d) The chief executive officer of Ohio advocates for mental 117144
health or the chief executive officer's designee; 117145

(e) The state director of the Ohio chapter of AARP or the 117146
state director's designee; 117147

(f) The director of the Ohio developmental disabilities 117148
council created under section 5123.35 of the Revised Code or the 117149
director's designee; 117150

(g) The executive director of the governor's council on 117151
people with disabilities created under section 3303.41 of the 117152
Revised Code or the executive director's designee; 117153

- (h) The chairperson of the Ohio Olmstead task force or the chairperson's designee; 117154
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- (i) The executive director of the Ohio statewide independent living council or the executive director's designee; 117156
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- (j) The president of the Ohio chapter of the national multiple sclerosis society or the president's designee; 117158
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- (k) The executive director of the arc of Ohio or the executive director's designee; 117160
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- (l) The executive director of the commission on minority health or the executive director's designee; 117162
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- (m) The executive director of the brain injury association of Ohio or the executive director's designee; 117164
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- (n) The executive officer of any other advocacy organization who volunteers to serve on the council, or such an executive officer's designee, if the other voting members, at a meeting called by the chairperson elected under division (C) of this section, determine it is appropriate for the advocacy organization to be represented on the council; 117166
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- (o) One or more participants who volunteer to serve on the council and are selected by the other voting members at a meeting the chairperson calls after the medicaid buy-in for workers with disabilities program is implemented. 117172
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- (2) The following non-voting members: 117176
- (a) The medicaid director ~~of job and family services~~ or the director's designee; 117177
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- (b) The ~~administrator~~ executive director of the ~~rehabilitation services commission~~ opportunities for Ohioans with disabilities agency or the ~~administrator's~~ executive director's designee; 117179
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- (c) ~~The director of alcohol and drug addiction services or~~ 117183

~~the director's designee;~~ 117184

~~(d)~~ The director of developmental disabilities or the 117185
director's designee; 117186

~~(e)~~(d) The director of mental health and addiction services 117187
or the director's designee; 117188

~~(f)~~(e) The executive officer of any other government entity, 117189
or the executive officer's designee, if the voting members, at a 117190
meeting called by the chairperson, determine it is appropriate for 117191
the government entity to be represented on the council. 117192

(B) All members of the medicaid buy-in advisory council shall 117193
serve without compensation or reimbursement, except as serving on 117194
the council is considered part of their usual job duties. 117195

(C) The voting members of the medicaid buy-in advisory 117196
council shall elect one of the members of the council to serve as 117197
the council's chairperson for a two-year term. The chairperson may 117198
be re-elected to successive terms. 117199

(D) The department of ~~job and family services~~ medicaid shall 117200
provide the Ohio medicaid buy-in advisory council with 117201
accommodations for the council to hold its meetings and shall 117202
provide the council with other administrative assistance the 117203
council needs to perform its duties. 117204

Sec. ~~5111.7011~~ 5163.0910. Not less than once each year, the 117205
medicaid director of ~~job and family services~~ shall submit a report 117206
on the medicaid buy-in for workers with disabilities program to 117207
the governor, speaker and minority leader of the house of 117208
representatives, president and minority leader of the senate, and 117209
chairpersons of the house and senate committees to which the 117210
biennial operating budget bill is referred. The report shall 117211
include all of the following information: 117212

(A) The number of individuals who participated in the 117213

medicaid buy-in for workers with disabilities program;	117214
(B) The cost of the program;	117215
(C) The amount of revenue generated by premiums that participants pay under section 5111.704 <u>5163.094</u> of the Revised Code;	117216 117217 117218
(D) The average amount of earned income of participants' families;	117219 117220
(E) The average amount of time participants have participated in the program;	117221 117222
(F) The types of other health insurance participants have been able to obtain.	117223 117224
Sec. 5111.15 <u>5163.20</u>. If a <u>medicaid</u> recipient of medical assistance is the beneficiary of a trust created pursuant to section 5815.28 of the Revised Code, then, notwithstanding any contrary provision of this chapter or of a rule adopted pursuant to this chapter <u>under section 5163.02 of the Revised Code</u> , divisions (C) and (D) of that section shall apply in determining the assets or resources of the recipient, the recipient's estate, the settlor, or the settlor's estate and to claims arising under this chapter against the recipient, the recipient's estate, the settlor, or the settlor's estate.	117225 117226 117227 117228 117229 117230 117231 117232 117233 117234
Sec. 5111.151 <u>5163.21</u>. (A)(1) This section applies only to either of the following:	117235 117236
(a) Initial eligibility determinations for the medicaid program made by the department of job and family services pursuant to section 5101.47 of the Revised Code or by a county department of job and family services pursuant to section 5111.012 of the Revised Code;	117237 117238 117239 117240 117241
(b) An appeal from a <u>an initial eligibility</u> determination	117242

~~described in division (A)(1)(a) of this section~~ pursuant to 117243
section ~~5101.35~~ 5160.31 of the Revised Code. 117244

(2)(a) Except as provided in division (A)(2)(b) of this 117245
section, this section shall not be used by a court to determine 117246
the effect of a trust on an individual's initial eligibility for 117247
the medicaid program. 117248

(b) The prohibition in division (A)(2)(a) of this section 117249
does not apply to an appeal described in division (A)(1)(b) of 117250
this section. 117251

(B) As used in this section: 117252

(1) "Trust" means any arrangement in which a grantor 117253
transfers real or personal property to a trust with the intention 117254
that it be held, managed, or administered by at least one trustee 117255
for the benefit of the grantor or beneficiaries. "Trust" includes 117256
any legal instrument or device similar to a trust. 117257

(2) "Legal instrument or device similar to a trust" includes, 117258
but is not limited to, escrow accounts, investment accounts, 117259
partnerships, contracts, and other similar arrangements that are 117260
not called trusts under state law but are similar to a trust and 117261
to which all of the following apply: 117262

(a) The property in the trust is held, managed, retained, or 117263
administered by a trustee. 117264

(b) The trustee has an equitable, legal, or fiduciary duty to 117265
hold, manage, retain, or administer the property for the benefit 117266
of the beneficiary. 117267

(c) The trustee holds identifiable property for the 117268
beneficiary. 117269

(3) "Grantor" is a person who creates a trust, including all 117270
of the following: 117271

(a) An individual; 117272

(b) An individual's spouse;	117273
(c) A person, including a court or administrative body, with legal authority to act in place of or on behalf of an individual or an individual's spouse;	117274 117275 117276
(d) A person, including a court or administrative body, that acts at the direction or on request of an individual or the individual's spouse.	117277 117278 117279
(4) "Beneficiary" is a person or persons, including a grantor, who benefits in some way from a trust.	117280 117281
(5) "Trustee" is a person who manages a trust's principal and income for the benefit of the beneficiaries.	117282 117283
(6) "Person" has the same meaning as in section 1.59 of the Revised Code and includes an individual, corporation, business trust, estate, trust, partnership, and association.	117284 117285 117286
(7) "Applicant" is an individual who applies for medicaid or the individual's spouse.	117287 117288
(8) "Recipient" is an individual who receives medicaid or the individual's spouse.	117289 117290
(9) "Revocable trust" is a trust that can be revoked by the grantor or the beneficiary, including all of the following, even if the terms of the trust state that it is irrevocable:	117291 117292 117293
(a) A trust that provides that the trust can be terminated only by a court;	117294 117295
(b) A trust that terminates on the happening of an event, but only if the event occurs at the direction or control of the grantor, beneficiary, or trustee.	117296 117297 117298
(10) "Irrevocable trust" is a trust that cannot be revoked by the grantor or terminated by a court and that terminates only on the occurrence of an event outside of the control or direction of the beneficiary or grantor.	117299 117300 117301 117302

(11) "Payment" is any disbursement from the principal or income of the trust, including actual cash, noncash or property disbursements, or the right to use and occupy real property.

(12) "Payments to or for the benefit of the applicant or recipient" is a payment to any person resulting in a direct or indirect benefit to the applicant or recipient.

(13) "Testamentary trust" is a trust that is established by a will and does not take effect until after the death of the person who created the trust.

(C)(1) If an applicant or recipient is a beneficiary of a trust, the applicant or recipient shall submit a complete copy of the trust instrument to the county department of job and family services and the department of medicaid. A copy shall be considered complete if it contains all pages of the trust instrument and all schedules, attachments, and accounting statements referenced in or associated with the trust. The copy is confidential and is not subject to disclosure under section 149.43 of the Revised Code.

(2) On receipt of a copy of a trust instrument or otherwise determining that an applicant or recipient is a beneficiary of a trust, the county department of job and family services shall determine what type of trust it is and shall treat the trust in accordance with the appropriate provisions of this section and rules adopted ~~by the department of job and family services under section 5163.02 of the Revised Code~~ governing trusts. The county department of job and family services may determine that any of the following is the case regarding the trust or portion of the trust:

(a) ~~It is~~ It is a resource available to the applicant or recipient;

(b) ~~Contains~~ It contains income available to the applicant or

recipient; 117334

(c) ~~Constitutes both items described in divisions~~ Divisions 117335
(C)~~(1)~~(2)(a) and (b) of this section are both applicable; 117336

(d) ~~Is neither an item described in~~ Neither division 117337
(C)~~(1)~~(2)(a) nor ~~(C)~~(1)(b) of this section is applicable. 117338

~~(2)~~(3) Except as provided in division (F) of this section, a 117339
trust or portion of a trust that is a resource available to the 117340
applicant or recipient or contains income available to the 117341
applicant or recipient shall be counted for purposes of 117342
determining medicaid eligibility. 117343

(D)(1) A trust or legal instrument or device similar to a 117344
trust shall be considered a medicaid qualifying trust if all of 117345
the following apply: 117346

(a) The trust was established on or prior to August 10, 1993. 117347

(b) The trust was not established by a will. 117348

(c) The trust was established by an applicant or recipient. 117349

(d) The applicant or recipient is or may become the 117350
beneficiary of all or part of the trust. 117351

(e) Payment from the trust is determined by one or more 117352
trustees who are permitted to exercise any discretion with respect 117353
to the distribution to the applicant or recipient. 117354

(2) If a trust meets the requirement of division (D)(1) of 117355
this section, the amount of the trust that is considered by the 117356
county department of job and family services to be a resource 117357
available to the applicant or recipient shall be the maximum 117358
amount of payments permitted under the terms of the trust to be 117359
distributed to the applicant or recipient, assuming the full 117360
exercise of discretion by the trustee or trustees. The maximum 117361
amount shall include only amounts that are permitted to be 117362
distributed but are not distributed from either the income or 117363

principal of the trust. 117364

(3) Amounts that are actually distributed from a medicaid 117365
qualifying trust to a beneficiary for any purpose shall be treated 117366
in accordance with rules adopted ~~by the department of job and~~ 117367
~~family services~~ under section 5163.02 of the Revised Code 117368
governing income. 117369

(4) Availability of a medicaid qualifying trust shall be 117370
considered without regard to any of the following: 117371

(a) Whether or not the trust is irrevocable or was 117372
established for purposes other than to enable a grantor to qualify 117373
for medicaid, ~~medical assistance for covered families and~~ 117374
~~children, or as a qualified medicare beneficiary, specified~~ 117375
~~low income medicare beneficiary, qualifying individual 1, or~~ 117376
~~qualifying individual 2;~~ 117377

(b) Whether or not the trustee actually exercises discretion. 117378

(5) If any real or personal property is transferred to a 117379
medicaid qualifying trust that is not distributable to the 117380
applicant or recipient, the transfer shall be considered an 117381
improper disposition of assets and shall be subject to section 117382
~~5111.0116~~ 5163.30 of the Revised Code and rules to implement that 117383
section adopted under section ~~5111.011~~ 5163.02 of the Revised 117384
Code. 117385

(6) The baseline date for the look-back period for 117386
disposition of assets involving a medicaid qualifying trust shall 117387
be the date on which the applicant or recipient is both 117388
institutionalized and first applies for medicaid. 117389

(E)(1) A trust or legal instrument or device similar to a 117390
trust shall be considered a self-settled trust if all of the 117391
following apply: 117392

(a) The trust was established on or after August 11, 1993. 117393

(b) The trust was not established by a will. 117394

(c) The trust was established by an applicant or recipient, 117395
spouse of an applicant or recipient, or a person, including a 117396
court or administrative body, with legal authority to act in place 117397
of or on behalf of an applicant, recipient, or spouse, or acting 117398
at the direction or on request of an applicant, recipient, or 117399
spouse. 117400

(2) A trust that meets the requirements of division (E)(1) of 117401
this section and is a revocable trust shall be treated by the 117402
county department of job and family services as follows: 117403

(a) The corpus of the trust shall be considered a resource 117404
available to the applicant or recipient. 117405

(b) Payments from the trust to or for the benefit of the 117406
applicant or recipient shall be considered unearned income of the 117407
applicant or recipient. 117408

(c) Any other payments from the trust shall be considered an 117409
improper disposition of assets and shall be subject to section 117410
~~5111.0116~~ 5163.30 of the Revised Code and rules to implement that 117411
section adopted under section ~~5111.011~~ 5163.02 of the Revised 117412
Code. 117413

(3) A trust that meets the requirements of division (E)(1) of 117414
this section and is an irrevocable trust shall be treated by the 117415
county department of job and family services as follows: 117416

(a) If there are any circumstances under which payment from 117417
the trust could be made to or for the benefit of the applicant or 117418
recipient, including a payment that can be made only in the 117419
future, the portion from which payments could be made shall be 117420
considered a resource available to the applicant or recipient. The 117421
county department of job and family services shall not take into 117422
account when payments can be made. 117423

(b) Any payment that is actually made to or for the benefit of the applicant or recipient from either the corpus or income shall be considered unearned income.

(c) If a payment is made to someone other than to the applicant or recipient and the payment is not for the benefit of the applicant or recipient, the payment shall be considered an improper disposition of assets and shall be subject to section ~~5111.0116~~ 5163.30 of the Revised Code and rules to implement that section adopted under section ~~5111.011~~ 5163.02 of the Revised Code.

(d) The date of the disposition shall be the later of the date of establishment of the trust or the date of the occurrence of the event.

(e) When determining the value of the disposed asset under this provision, the value of the trust shall be its value on the date payment to the applicant or recipient was foreclosed.

(f) Any income earned or other resources added subsequent to the foreclosure date shall be added to the total value of the trust.

(g) Any payments to or for the benefit of the applicant or recipient after the foreclosure date but prior to the application date shall be subtracted from the total value. Any other payments shall not be subtracted from the value.

(h) Any addition of assets after the foreclosure date shall be considered a separate disposition.

(4) If a trust is funded with assets of another person or persons in addition to assets of the applicant or recipient, the applicable provisions of this section and rules adopted ~~by the department of job and family services under section 5163.02 of the Revised Code~~ governing trusts shall apply only to the portion of the trust attributable to the applicant or recipient.

(5) The availability of a self-settled trust shall be	117455
considered without regard to any of the following:	117456
(a) The purpose for which the trust is established;	117457
(b) Whether the trustees have exercised or may exercise	117458
discretion under the trust;	117459
(c) Any restrictions on when or whether distributions may be	117460
made from the trust;	117461
(d) Any restrictions on the use of distributions from the	117462
trust.	117463
(6) The baseline date for the look-back period for	117464
dispositions of assets involving a self-settled trust shall be the	117465
date on which the applicant or recipient is both institutionalized	117466
and first applies for medicaid.	117467
(F) The principal or income from any of the following shall	117468
not be a resource available to the applicant or recipient:	117469
(1)(a) A special needs trust that meets all of the following	117470
requirements:	117471
(i) The trust contains assets of an applicant or recipient	117472
under sixty-five years of age and may contain the assets of other	117473
individuals.	117474
(ii) The applicant or recipient is disabled as defined in	117475
rules adopted by the department of job and family services <u>under</u>	117476
<u>section 5163.02 of the Revised Code.</u>	117477
(iii) The trust is established for the benefit of the	117478
applicant or recipient by a parent, grandparent, legal guardian,	117479
or a court.	117480
(iv) The trust requires that on the death of the applicant or	117481
recipient the state will receive all amounts remaining in the	117482
trust up to an amount equal to the total amount of medicaid paid	117483
<u>payments made</u> on behalf of the applicant or recipient.	117484

(b) If a special needs trust meets the requirements of 117485
division (F)(1)(a) of this section and has been established for a 117486
disabled applicant or recipient under sixty-five years of age, the 117487
exemption for the trust granted pursuant to division (F) of this 117488
section shall continue after the disabled applicant or recipient 117489
becomes sixty-five years of age if the applicant or recipient 117490
continues to be disabled as defined in rules adopted ~~by the~~ 117491
~~department of job and family services~~ under section 5163.02 of the 117492
Revised Code. Except for income earned by the trust, the grantor 117493
shall not add to or otherwise augment the trust after the 117494
applicant or recipient attains sixty-five years of age. An 117495
addition or augmentation of the trust by the applicant or 117496
recipient with the applicant's own assets after the applicant or 117497
recipient attains sixty-five years of age shall be treated as an 117498
improper disposition of assets. 117499

(c) Cash distributions to the applicant or recipient shall be 117500
counted as unearned income. All other distributions from the trust 117501
shall be treated as provided in rules adopted ~~by the department of~~ 117502
~~job and family services~~ under section 5163.02 of the Revised Code 117503
governing in-kind income. 117504

(d) Transfers of assets to a special needs trust shall not be 117505
treated as an improper transfer of resources. An asset held prior 117506
to the transfer to the trust shall be considered as a resource 117507
available to the applicant or recipient, income available to the 117508
applicant or recipient, or both a resource and income available to 117509
the individual. 117510

(2)(a) A qualifying income trust that meets all of the 117511
following requirements: 117512

(i) The trust is composed only of pension, social security, 117513
and other income to the applicant or recipient, including 117514
accumulated interest in the trust. 117515

- (ii) The income is received by the individual and the right to receive the income is not assigned or transferred to the trust. 117516
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- (iii) The trust requires that on the death of the applicant or recipient the state will receive all amounts remaining in the trust up to an amount equal to the total amount of medicaid ~~paid~~ payments made on behalf of the applicant or recipient. 117518
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- (b) No resources shall be used to establish or augment the trust. 117522
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- (c) If an applicant or recipient has irrevocably transferred or assigned the applicant's or recipient's right to receive income to the trust, the trust shall not be considered a qualifying income trust by the county department of job and family services. 117524
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- (d) Income placed in a qualifying income trust shall not be counted in determining an applicant's or recipient's eligibility for medicaid. The recipient of the funds may place any income directly into a qualifying income trust without those funds adversely affecting the applicant's or recipient's eligibility for medicaid. Income generated by the trust that remains in the trust shall not be considered as income to the applicant or recipient. 117528
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- (e) All income placed in a qualifying income trust shall be combined with any income available to the individual that is not placed in the trust to arrive at a base income figure to be used for spend down calculations. 117535
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- (f) The base income figure shall be used for post-eligibility deductions, including personal needs allowance, monthly income allowance, family allowance, and medical expenses not subject to third party payment. Any income remaining shall be used toward payment of patient liability. Payments made from a qualifying income trust shall not be combined with the base income figure for post-eligibility calculations. 117539
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- (g) The base income figure shall be used when determining the 117546

spend down budget for the applicant or recipient. Any income 117547
remaining after allowable deductions are permitted as provided 117548
under rules adopted ~~by the department of job and family services~~ 117549
under section 5163.02 of the Revised Code shall be considered the 117550
applicant's or recipient's spend down liability. 117551

(3)(a) A pooled trust that meets all of the following 117552
requirements: 117553

(i) The trust contains the assets of the applicant or 117554
recipient of any age who is disabled as defined in rules adopted 117555
~~by the department of job and family services~~ under section 5163.02 117556
of the Revised Code. 117557

(ii) The trust is established and managed by a nonprofit 117558
organization. 117559

(iii) A separate account is maintained for each beneficiary 117560
of the trust but, for purposes of investment and management of 117561
funds, the trust pools the funds in these accounts. 117562

(iv) Accounts in the trust are established by the applicant 117563
or recipient, the applicant's or recipient's parent, grandparent, 117564
or legal guardian, or a court solely for the benefit of 117565
individuals who are disabled. 117566

(v) The trust requires that, to the extent that any amounts 117567
remaining in the beneficiary's account on the death of the 117568
beneficiary are not retained by the trust, the trust pay to the 117569
state the amounts remaining in the trust up to an amount equal to 117570
the total amount of medicaid ~~paid~~ payments made on behalf of the 117571
beneficiary. 117572

(b) Cash distributions to the applicant or recipient shall be 117573
counted as unearned income. All other distributions from the trust 117574
shall be treated as provided in rules adopted ~~by the department of~~ 117575
~~job and family services~~ under section 5163.02 of the Revised Code 117576
governing in-kind income. 117577

(c) Transfers of assets to a pooled trust shall not be 117578
treated as an improper disposition of assets. An asset held prior 117579
to the transfer to the trust shall be considered as a resource 117580
available to the applicant or recipient, income available to the 117581
applicant or recipient, or both a resource and income available to 117582
the applicant or recipient. 117583

(4) A supplemental services trust that meets the requirements 117584
of section 5815.28 of the Revised Code and to which all of the 117585
following apply: 117586

(a) A person may establish a supplemental services trust 117587
pursuant to section 5815.28 of the Revised Code only for another 117588
person who is eligible to receive services through one of the 117589
following agencies: 117590

(i) The department of developmental disabilities; 117591

(ii) A county board of developmental disabilities; 117592

(iii) The department of ~~mental health~~ mental health and 117593
addiction services; 117594

(iv) A board of alcohol, drug addiction, and mental health 117595
services. 117596

(b) A county department of job and family services shall not 117597
determine eligibility for another agency's program. An applicant 117598
or recipient shall do one of the following: 117599

(i) Provide documentation from one of the agencies listed in 117600
division (F)(4)(a) of this section that establishes that the 117601
applicant or recipient was determined to be eligible for services 117602
from the agency at the time of the creation of the trust; 117603

(ii) Provide an order from a court of competent jurisdiction 117604
that states that the applicant or recipient was eligible for 117605
services from one of the agencies listed in division (F)(4)(a) of 117606
this section at the time of the creation of the trust. 117607

(c) At the time the trust is created, the trust principal 117608
does not exceed the maximum amount permitted. The maximum amount 117609
permitted in calendar year 2006 is two hundred twenty-two thousand 117610
dollars. Each year thereafter, the maximum amount permitted is the 117611
prior year's amount plus two thousand dollars. 117612

(d) A county department of job and family services shall 117613
review the trust to determine whether it complies with the 117614
provisions of section 5815.28 of the Revised Code. 117615

(e) Payments from supplemental services trusts shall be 117616
exempt as long as the payments are for supplemental services as 117617
defined in rules adopted ~~by the department of job and family~~ 117618
~~services~~ under section 5163.02 of the Revised Code. All 117619
supplemental services shall be purchased by the trustee and shall 117620
not be purchased through direct cash payments to the beneficiary. 117621

(f) If a trust is represented as a supplemental services 117622
trust and a county department of job and family services 117623
determines that the trust does not meet the requirements provided 117624
in division (F)(4) of this section and section 5815.28 of the 117625
Revised Code, the county department of job and family services 117626
shall not consider it an exempt trust. 117627

(G)(1) A trust or legal instrument or device similar to a 117628
trust shall be considered a trust established by an individual for 117629
the benefit of the applicant or recipient if all of the following 117630
apply: 117631

(a) The trust is created by a person other than the applicant 117632
or recipient. 117633

(b) The trust names the applicant or recipient as a 117634
beneficiary. 117635

(c) The trust is funded with assets or property in which the 117636
applicant or recipient has never held an ownership interest prior 117637
to the establishment of the trust. 117638

(2) Any portion of a trust that meets the requirements of 117639
division (G)(1) of this section shall be a resource available to 117640
the applicant or recipient only if the trust permits the trustee 117641
to expend principal, corpus, or assets of the trust for the 117642
applicant's or recipient's medical care, care, comfort, 117643
maintenance, health, welfare, general well being, or any 117644
combination of these purposes. 117645

(3) A trust that meets the requirements of division (G)(1) of 117646
this section shall be considered a resource available to the 117647
applicant or recipient even if the trust contains any of the 117648
following types of provisions: 117649

(a) A provision that prohibits the trustee from making 117650
payments that would supplant or replace medicaid or other public 117651
assistance; 117652

(b) A provision that prohibits the trustee from making 117653
payments that would impact or have an effect on the applicant's or 117654
recipient's right, ability, or opportunity to receive medicaid or 117655
other public assistance; 117656

(c) A provision that attempts to prevent the trust or its 117657
corpus or principal from being a resource available to the 117658
applicant or recipient. 117659

(4) A trust that meets the requirements of division (G)(1) of 117660
this section shall not be counted as a resource available to the 117661
applicant or recipient if at least one of the following 117662
circumstances applies: 117663

(a) If a trust contains a clear statement requiring the 117664
trustee to preserve a portion of the trust for another beneficiary 117665
or remainderman, that portion of the trust shall not be counted as 117666
a resource available to the applicant or recipient. Terms of a 117667
trust that grant discretion to preserve a portion of the trust 117668
shall not qualify as a clear statement requiring the trustee to 117669

preserve a portion of the trust. 117670

(b) If a trust contains a clear statement requiring the trustee to use a portion of the trust for a purpose other than medical care, care, comfort, maintenance, welfare, or general well being of the applicant or recipient, that portion of the trust shall not be counted as a resource available to the applicant or recipient. Terms of a trust that grant discretion to limit the use of a portion of the trust shall not qualify as a clear statement requiring the trustee to use a portion of the trust for a particular purpose. 117671
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(c) If a trust contains a clear statement limiting the trustee to making fixed periodic payments, the trust shall not be counted as a resource available to the applicant or recipient and payments shall be treated in accordance with rules adopted ~~by the department of job and family services~~ under section 5163.02 of the Revised Code governing income. Terms of a trust that grant discretion to limit payments shall not qualify as a clear statement requiring the trustee to make fixed periodic payments. 117680
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(d) If a trust contains a clear statement that requires the trustee to terminate the trust if it is counted as a resource available to the applicant or recipient, the trust shall not be counted as such. Terms of a trust that grant discretion to terminate the trust do not qualify as a clear statement requiring the trustee to terminate the trust. 117688
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(e) If a person obtains a judgment from a court of competent jurisdiction that expressly prevents the trustee from using part or all of the trust for the medical care, care, comfort, maintenance, welfare, or general well being of the applicant or recipient, the trust or that portion of the trust subject to the court order shall not be counted as a resource available to the applicant or recipient. 117694
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(f) If a trust is specifically exempt from being counted as a resource available to the applicant or recipient by a provision of the Revised Code, rules, or federal law, the trust shall not be counted as such.

(g) If an applicant or recipient presents a final judgment from a court demonstrating that the applicant or recipient was unsuccessful in a civil action against the trustee to compel payments from the trust, the trust shall not be counted as a resource available to the applicant or recipient.

(h) If an applicant or recipient presents a final judgment from a court demonstrating that in a civil action against the trustee the applicant or recipient was only able to compel limited or periodic payments, the trust shall not be counted as a resource available to the applicant or recipient and payments shall be treated in accordance with rules adopted ~~by the department of job and family services~~ under section 5163.02 of the Revised Code governing income.

(i) If an applicant or recipient provides written documentation showing that the cost of a civil action brought to compel payments from the trust would be cost prohibitive, the trust shall not be counted as a resource available to the applicant or recipient.

(5) Any actual payments to the applicant or recipient from a trust that meet the requirements of division (G)(1) of this section, including trusts that are not counted as a resource available to the applicant or recipient, shall be treated as provided in rules adopted ~~by the department of job and family services~~ under section 5163.02 of the Revised Code governing income. Payments to any person other than the applicant or recipient shall not be considered income to the applicant or recipient. Payments from the trust to a person other than the applicant or recipient shall not be considered an improper

disposition of assets. 117733

Sec. ~~5111.181~~ 5163.22. (A) The general assembly hereby finds 117734
that the state has an insurable interest in ~~medical assistance~~ 117735
medicaid recipients because of the state's statutory right to 117736
recover from the estate of a recipient state funds used to provide 117737
the recipient with ~~medical care and~~ medicaid services. 117738

(B) As used in this section: 117739

(1) "Beneficiary" means the person or entity designated in a 117740
life insurance policy to receive the proceeds of the policy on the 117741
death of the insured or maturity of the policy. 117742

(2) "Owner" means the person who has the right to designate 117743
the beneficiary of a life insurance policy and to change the 117744
designation. 117745

(C) ~~Notwithstanding section 5111.011 of the Revised Code, the~~ 117746
The value of a life insurance policy that would otherwise be 117747
considered a resource in determining eligibility for the ~~medical~~ 117748
~~assistance~~ medicaid program shall be excluded from any 117749
determination of a person's eligibility for the ~~medical assistance~~ 117750
medicaid program if the owner designates the department of ~~job and~~ 117751
~~family services~~ medicaid as beneficiary of the policy. The 117752
department may pay premiums to keep the policy in force. Premiums 117753
paid by the department are ~~medical assistance~~ medicaid payments 117754
correctly paid on behalf of a ~~medical assistance~~ medicaid 117755
recipient and subject to recovery under section ~~5111.11~~ 5162.21 of 117756
the Revised Code. 117757

(D) The medicaid director ~~of job and family services~~ shall 117758
deposit the proceeds of a life insurance policy that do not exceed 117759
the amount the department may recover against the property and 117760
estate of the owner under section ~~5111.11~~ 5162.21 of the Revised 117761
Code into the general revenue fund. The director shall pay any 117762

remaining proceeds to the person designated by the owner. If the 117763
owner failed to designate a person, the director shall pay the 117764
remaining proceeds to the surviving spouse, or, if there is no 117765
surviving spouse, to the estate of the owner. 117766

(E) If the owner designates the department of ~~job and family~~ 117767
~~services~~ medicaid as the policy's beneficiary, the department 117768
shall notify the owner that the owner may designate a person to 117769
receive proceeds of the policy that exceed the amount the 117770
department may recover against the owner's property and estate 117771
under section ~~5111.11~~ 5162.21 of the Revised Code. The designation 117772
shall be made on a form provided by the department. 117773

~~(F) The department of job and family services shall not 117774
implement this section if implementation would violate any federal 117775
requirement unless the department receives a waiver of the 117776
requirement from the United States department of health and human 117777
services. 117778~~

Sec. ~~5111.0116~~ 5163.30. (A) As used in this section: 117779

(1) "Assets" include all of an individual's income and 117780
resources and those of the individual's spouse, including any 117781
income or resources the individual or spouse is entitled to but 117782
does not receive because of action by any of the following: 117783

(a) The individual or spouse; 117784

(b) A person or government entity, including a court or 117785
administrative agency, with legal authority to act in place of or 117786
on behalf of the individual or spouse; 117787

(c) A person or government entity, including a court or 117788
administrative agency, acting at the direction or on the request 117789
of the individual or spouse. 117790

(2) "Home and community-based services" means home and 117791
community-based services furnished under a medicaid waiver granted 117792

by the United States secretary of health and human services under 117793
the "Social Security Act," section 1915(c) or (d), 42 U.S.C. 117794
1396n(c) or (d). 117795

(3) "Institutionalized individual" means a resident of a 117796
nursing facility, an inpatient in a medical institution for whom a 117797
payment is made based on a level of care provided in a nursing 117798
facility, or an individual described in the "Social Security Act," 117799
section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A)(ii)(VI). 117800

(4) "Look-back date" means the date that is a number of 117801
months specified in rules adopted under section ~~5111.011~~ 5163.02 117802
of the Revised Code immediately before either of the following: 117803

(a) The date an individual becomes an institutionalized 117804
individual if the individual is eligible for medicaid on that 117805
date; 117806

(b) The date an individual applies for medicaid while an 117807
institutionalized individual. 117808

(5) ~~"Nursing facility" has the same meaning as in section~~ 117809
~~5111.20 of the Revised Code.~~ 117810

~~(6)~~ "Nursing facility equivalent services" means services 117811
that are covered by the medicaid program, equivalent to nursing 117812
facility services, provided by an institution that provides the 117813
same level of care as a nursing facility, and provided to an 117814
inpatient of the institution who is a medicaid recipient eligible 117815
for medicaid-covered nursing facility equivalent services. 117816

~~(7) "Nursing facility services" means nursing facility~~ 117817
~~services covered by the medicaid program that a nursing facility~~ 117818
~~provides to a resident of the nursing facility who is a medicaid~~ 117819
~~recipient eligible for medicaid-covered nursing facility services.~~ 117820

~~(8)~~ (6) "Undue hardship" means being deprived of either of the 117821
following: 117822

(a) Medical care such that an individual's health or life is 117823
endangered; 117824

(b) Food, clothing, shelter, or other necessities of life. 117825

(B) Except as provided in division (C) of this section and 117826
rules adopted under section ~~5111.011~~ 5163.02 of the Revised Code, 117827
an institutionalized individual is ineligible for nursing facility 117828
services, nursing facility equivalent services, and home and 117829
community-based services if the individual or individual's spouse 117830
disposes of assets for less than fair market value on or after the 117831
look-back date. The institutionalized individual's ineligibility 117832
shall begin on a date determined in accordance with rules adopted 117833
under section ~~5111.011~~ 5163.02 of the Revised Code and shall 117834
continue for a number of months determined in accordance with such 117835
rules. 117836

(C) An institutionalized individual may be granted a waiver 117837
of all or a portion of the period of ineligibility to which the 117838
individual would otherwise be subjected under division (B) of this 117839
section if the ineligibility would cause an undue hardship for the 117840
individual. An institutionalized individual shall be granted a 117841
waiver of all or a portion of the period of ineligibility if the 117842
administrator of the nursing facility in which the individual 117843
resides has notified the individual of a proposed transfer or 117844
discharge under section 3721.16 of the Revised Code due to failure 117845
to pay for the care the nursing facility has provided to the 117846
individual, the individual or the individual's sponsor requests a 117847
hearing on the proposed transfer or discharge in accordance with 117848
section 3721.161 of the Revised Code, and the transfer or 117849
discharge is upheld by a final determination that is not subject 117850
to further appeal. Waivers shall be granted in accordance with 117851
rules adopted under section ~~5111.011~~ 5163.02 of the Revised Code. 117852

(D) To secure compliance with this section, the medicaid 117853
director ~~of job and family services~~ may require an individual, as 117854

a condition of initial or continued eligibility for medicaid, to 117855
provide documentation of the individual's assets up to five years 117856
before the date the individual becomes an institutionalized 117857
individual if the individual is eligible for medicaid on that date 117858
or the date the individual applies for medicaid while an 117859
institutionalized individual. Documentation may include tax 117860
returns, records from financial institutions, and real property 117861
records. 117862

Sec. ~~5111.0117~~ 5163.31. (A) ~~As used in this section and~~ 117863
~~section 5111.0118 of the Revised Code:~~ 117864

~~(1) "ICF/MR services" means intermediate care facility for~~ 117865
~~the mentally retarded services covered by the medicaid program~~ 117866
~~that an intermediate care facility for the mentally retarded~~ 117867
~~provides to a resident of the facility who is a medicaid recipient~~ 117868
~~eligible for medicaid covered intermediate care facility for the~~ 117869
~~mentally retarded services.~~ 117870

~~(2) "Intermediate care facility for the mentally retarded"~~ 117871
~~has the same meaning as in section 5111.20 of the Revised Code.~~ 117872

~~(3) "Nursing facility" has the same meaning as in section~~ 117873
~~5111.20 of the Revised Code.~~ 117874

~~(4) "Nursing facility services" means nursing facility~~ 117875
~~services covered by the medicaid program that a nursing facility~~ 117876
~~provides to a resident of the nursing facility who is a medicaid~~ 117877
~~recipient eligible for medicaid covered nursing facility services.~~ 117878

~~(5) "Other medicaid funded long term care services" has the~~ 117879
~~meaning specified in rules adopted under section 5111.011 of the~~ 117880
~~Revised Code.~~ 117881

~~(B)~~ Except as provided by division ~~(C)~~(A) of this section and 117882
for the purpose of determining whether an aged, blind, or disabled 117883
individual is eligible for nursing facility services, ~~ICF/MR~~ 117884

ICF/IID services, or other medicaid-funded long-term care 117885
services, the medicaid director ~~of job and family services~~ may 117886
consider an aged, blind, or disabled individual's real property to 117887
not be the individual's homestead or principal place of residence 117888
once the individual has resided in a nursing facility, 117889
~~intermediate care facility for the mentally retarded~~ ICF/IID, or 117890
other medical institution for at least thirteen months. 117891

~~(C)~~(B) Division ~~(B)~~(A) of this section does not apply to an 117892
individual if any of the following reside in the individual's real 117893
property that, because of this division, continues to be 117894
considered the individual's homestead or principal place of 117895
residence: 117896

(1) The individual's spouse; 117897

(2) The individual's child if any of the following apply: 117898

(a) The child is under twenty-one years of age. 117899

(b) The child is considered blind or disabled under the 117900
"Social Security Act," section 1614, 42 U.S.C. 1382c. 117901

(c) The child is financially dependent on the individual for 117902
housing as determined in accordance with rules adopted under 117903
section ~~5111.011~~ 5163.02 of the Revised Code. 117904

(3) The individual's sibling if the sibling has a verified 117905
equity interest in the real property and resided in the real 117906
property for at least one year immediately before the date the 117907
individual was admitted to the nursing facility, ~~intermediate care~~ 117908
~~facility for the mentally retarded~~ ICF/IID, or other medical 117909
institution. 117910

Sec. ~~5111.0118~~ 5163.32. (A) Except as otherwise provided by 117911
this section, no individual shall qualify for nursing facility 117912
services or other medicaid-funded long-term care services if the 117913
individual's equity interest in the individual's home exceeds five 117914

hundred thousand dollars. The medicaid director ~~of job and family~~ 117915
~~services~~ shall increase this amount effective January 1, 2011, and 117916
the first day of each year thereafter, by the percentage increase 117917
in the consumer price index for all urban consumers (all items; 117918
United States city average), rounded to the nearest one thousand 117919
dollars. 117920

(B) This section does not apply to an individual if either of 117921
the following applies: 117922

(1) Either of the following lawfully reside in the 117923
individual's home: 117924

(a) The individual's spouse; 117925

(b) The individual's child if the child is under twenty-one 117926
years of age or, under the "Social Security Act," section 1614, 42 117927
U.S.C. 1382c, considered blind or disabled. 117928

(2) The individual qualifies, pursuant to the process 117929
established under division (C) of this section, for a waiver of 117930
this section due to a demonstrated hardship. 117931

(C) The director shall establish a process by which 117932
individuals may obtain a waiver of this section due to a 117933
demonstrated hardship. The process shall be consistent with the 117934
process for such waivers established by the United States 117935
secretary of health and human services under the "Social Security 117936
Act," section 1917(f)(4), 42 U.S.C. 1396p(f)(4). 117937

(D) Nothing in this section shall be construed as preventing 117938
an individual from using a reverse mortgage or home equity loan to 117939
reduce the individual's total equity interest in the home. 117940

Sec. ~~5111.114~~ 5163.33. ~~As used in this section, "nursing~~ 117941
~~facility" and "intermediate care facility for the mentally~~ 117942
~~retarded" have the same meanings as in section 5111.20 of the~~ 117943

~~Revised Code.~~ 117944

(A) In determining the amount of income that a ~~recipient of medical assistance~~ medicaid recipient must apply monthly toward payment of the cost of care in a nursing facility or ~~intermediate care facility for the mentally retarded~~ ICF/IID, the a county department of job and family services shall deduct from the recipient's monthly income a monthly personal needs allowance in accordance with ~~section 1902 of the "Social Security Act," 49 Stat. 620 (1935)~~ section 1902(q), 42 U.S.C.A. 1396a, as amended 1396a(q).

~~For~~ (B) In the case of a resident of a nursing facility, the monthly personal needs allowance shall be as follows:

(1) Prior to January 1, 2014, not less than forty dollars for an individual resident and not less than eighty dollars for a married couple if both spouses are residents of a nursing facility and their incomes are considered available to each other in determining eligibility;

(2) For calendar year 2014, not less than forty-five dollars for an individual resident and not less than ninety dollars for a married couple if both spouses are residents of a nursing facility and their incomes are considered available to each other in determining eligibility;

(3) For calendar year 2015 and each calendar year thereafter, not less than fifty dollars for an individual resident and not less than one hundred dollars for a married couple if both spouses are residents of a nursing facility and their incomes are considered available to each other in determining eligibility.

~~For~~ (C) In the case of a resident of an ~~intermediate care facility for the mentally retarded~~ ICF/IID, the monthly personal needs allowance shall be forty dollars unless the resident has earned income, in which case the monthly personal needs allowance

shall be determined by the ~~state~~ department of ~~job and family~~ 117975
~~services~~ medicaid, or the department's designee, but shall not 117976
exceed one hundred five dollars. 117977

Sec. ~~5111.013~~ 5163.40. (A) ~~The provision of medical~~ 117978
~~assistance to pregnant women and young children who are eligible~~ 117979
~~for medical assistance under division (C)(3) of section 5111.01 of~~ 117980
~~the Revised Code, but who are not otherwise eligible for medical~~ 117981
~~assistance under that section, shall be known as the healthy start~~ 117982
~~program.~~ 117983

~~(B)~~ The department of ~~job and family services~~ medicaid shall 117984
do all of the following with regard to the application procedures 117985
for the healthy start component of the medicaid program: 117986

(1) Establish a short application form for the ~~program~~ 117987
component that requires the applicant to provide no more 117988
information than is necessary for making determinations of 117989
eligibility for the ~~healthy start program~~ component, except that 117990
the form may require applicants to provide their social security 117991
numbers. The form shall include a statement, which must be signed 117992
by the applicant, indicating that she does not choose at the time 117993
of making application for the ~~program~~ component to apply for 117994
assistance provided under any other program administered by the 117995
department or the department of job and family services and that 117996
she understands that she is permitted at any other time to apply 117997
at the county department of job and family services of the county 117998
in which she resides for ~~any~~ other assistance administered by the 117999
department or the department of job and family services. 118000

(2) ~~To the extent permitted by federal law, do~~ Do one or both 118001
of the following: 118002

(a) Distribute the application form for the ~~program~~ component 118003
to each public or private entity that serves as a women, infants, 118004
and children clinic or as a child and family health clinic and to 118005

each administrative body for such clinics and train employees of 118006
each such ~~agency clinic~~ or ~~entity administrative body~~ to provide 118007
applicants assistance in completing the form; 118008

(b) In cooperation with the department of health, develop 118009
arrangements under which employees of county departments of job 118010
and family services are stationed at public or private ~~agencies or~~ 118011
entities selected by the department of ~~job and family services~~ 118012
medicaid that serve as women, infants, and children clinics; child 118013
and family health clinics; or administrative bodies for such 118014
clinics for the purpose both of assisting applicants for the 118015
~~program component~~ in completing the application form and of making 118016
determinations at that location of eligibility for the ~~program~~ 118017
component. 118018

(3) Establish performance standards by which a county 118019
department of job and family services' level of enrollment of 118020
persons potentially eligible for the ~~program component~~ can be 118021
measured, and establish acceptable levels of enrollment for each 118022
county department. 118023

(4) Direct any county department of job and family services 118024
whose rate of enrollment of potentially eligible enrollees in the 118025
~~program component~~ is below acceptable levels established under 118026
division ~~(B)~~(A)(3) of this section to implement corrective action. 118027
Corrective action may include but is not limited to any one or 118028
more of the following ~~to the extent permitted by federal law:~~ 118029
118030

(a) Establishing formal referral and outreach methods with 118031
local health departments and local entities receiving funding 118032
through the bureau of maternal and child health; 118033

(b) Designating a specialized intake unit within the county 118034
department for healthy start applicants; 118035

(c) Establishing abbreviated timeliness requirements to 118036

shorten the time between receipt of an application and the 118037
scheduling of an initial application interview; 118038

(d) Establishing a system for telephone scheduling of intake 118039
interviews for applicants; 118040

(e) Establishing procedures to minimize the time an applicant 118041
must spend in completing the application and eligibility 118042
determination process, including permitting applicants to complete 118043
the process at times other than the regular business hours of the 118044
county department and at locations other than the offices of the 118045
county department. 118046

~~(C) To the extent permitted by federal law, local funds, 118047
whether from public or private sources, expended by a county 118048
department for administration of the healthy start program shall 118049
be considered to have been expended by the state for the purpose 118050
of determining the extent to which the state has complied with any 118051
federal requirement that the state provide funds to match federal 118052
funds for medical assistance, except that this division shall not 118053
affect the amount of funds the county is entitled to receive under 118054
section 5101.16, 5101.161, or 5111.012 of the Revised Code. 118055~~

~~(D)~~(B) A county department of job and family services that 118056
maintains offices at more than one location shall accept 118057
applications for the healthy start ~~program~~ component at all of 118058
those locations. 118059

~~(E) The director of job and family services shall adopt rules 118060
in accordance with section 111.15 of the Revised Code as necessary 118061
to implement this section. 118062~~

Sec. ~~5111.0119~~ 5163.45. (A)(1) As used in this section, 118063
subject to division (A)(2) of this section, "state or local 118064
correctional facility" means any of the following: 118065

(a) A "state correctional institution," as defined in section 118066

2967.01 of the Revised Code; 118067

(b) A "local correctional facility," as defined in section 118068
2903.13 of the Revised Code; 118069

(c) A correctional facility that is privately operated and 118070
managed pursuant to section 9.06 of the Revised Code. 118071

(2) "State or local correctional facility" does not include 118072
any facility operated directly by or at the direction of the 118073
department of youth services. 118074

(B) If a person who is confined in a state or local 118075
correctional facility was a medicaid recipient immediately prior 118076
to being confined in the facility, all of the following apply: 118077

(1) The person's eligibility for medicaid while so confined 118078
shall be suspended due to the confinement. 118079

(2) No medicaid payment shall be made for any care, services, 118080
or supplies provided to the person during the suspension described 118081
in division (B)(1) of this section. 118082

(3) The suspension described in division (B)(1) of this 118083
section shall end upon the release of the person from the 118084
confinement. 118085

(4) Except as provided in division (C) of this section, the 118086
person shall not be required to reapply or undergo a 118087
redetermination of eligibility for medicaid when the suspension 118088
described in division (B)(1) of this section ends. 118089

(C) A person may be disenrolled from medicaid any time after 118090
the suspension described in division (B)(1) of this section ends 118091
if the person is no longer eligible for medicaid. A person may be 118092
required to undergo a redetermination of eligibility for medicaid 118093
any time after the suspension described in division (B)(1) of this 118094
section ends if it is time or past time for the person's 118095
eligibility redetermination or the person's circumstances have 118096

changed in a manner warranting a redetermination. 118097

~~(D) The department of job and family services shall take the 118098
steps necessary to begin implementation of this section not later 118099
than September 1, 2009. 118100~~

Sec. 5164.01. As used in this chapter: 118101

(A) "Early and periodic screening, diagnostic, and treatment 118102
services" has the same meaning as in the "Social Security Act," 118103
section 1905(r), 42 U.S.C. 1396d(r). 118104

(B) "Federal financial participation" has the same meaning as 118105
in section 5160.01 of the Revised Code. 118106

(C) "Healthcheck" means the component of the medicaid program 118107
that provides early and periodic screening, diagnostic, and 118108
treatment services. 118109

(D) "Home and community-based services medicaid waiver 118110
component" has the same meaning as in section 5166.01 of the 118111
Revised Code. 118112

(E) "Hospital" has the same meaning as in section 3727.01 of 118113
the Revised Code. 118114

(F) "ICDS participant" means a dual eligible individual who 118115
participates in the integrated care delivery system. 118116

(G) "ICF/IID" has the same meaning as in section 5124.01 of 118117
the Revised Code. 118118

(H) "Integrated care delivery system" and "ICDS" mean the 118119
demonstration project authorized by section 5164.91 of the Revised 118120
Code. 118121

(I) "Mandatory services" means the health care services and 118122
items that must be covered by the medicaid state plan as a 118123
condition of the state receiving federal financial participation 118124
for the medicaid program. 118125

(J) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 118126
118127

(K) "Medicaid provider" means a person or government entity with a valid provider agreement to provide medicaid services to medicaid recipients. To the extent appropriate in the context, "medicaid provider" includes a person or government entity applying for a provider agreement, a former medicaid provider, or both. 118128
118129
118130
118131
118132
118133

(L) "Medicaid services" means either or both of the following: 118134
118135

(1) Mandatory services; 118136

(2) Optional services that the medicaid program covers. 118137

(M) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 118138
118139

(N) "Optional services" means the health care services and items that may be covered by the medicaid state plan or a federal medicaid waiver and for which the medicaid program receives federal financial participation. 118140
118141
118142
118143

(O) "Prescribed drug" has the same meaning as in 42 C.F.R. 440.120. 118144
118145

(P) "Provider agreement" means an agreement to which all of the following apply: 118146
118147

(1) It is between a medicaid provider and the department of medicaid; 118148
118149

(2) It provides for the medicaid provider to provide medicaid services to medicaid recipients; 118150
118151

(3) It complies with 42 C.F.R. 431.107(b). 118152

(O) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code. 118153
118154

~~Sec. 5111.02 5164.02.~~ (A) ~~The director of job and family services shall adopt, and may amend or rescind, rules under~~ 118155
~~medicaid director shall adopt rules as necessary to implement this~~ 118156
~~chapter. The rules shall be adopted in accordance with Chapter~~ 118157
~~119. of the Revised Code establishing the amount, duration, and~~ 118158
~~scope of medicaid services. The rules shall be consistent with~~ 118159
~~federal and state law. The rules may be different for different~~ 118160
~~medicaid services. The~~ 118161
~~118162~~

(B) The rules shall establish all of the following: 118163

~~(A) The conditions under which the medicaid program shall~~ 118164
~~cover and reimburse medicaid services;~~ 118165

~~(B) The method of reimbursement applicable to each medicaid~~ 118166
~~service (1) The amount, duration, and scope of the medicaid~~ 118167
~~services covered by the medicaid program;~~ 118168

~~(C)(2) The payment amount of reimbursement for each medicaid~~ 118169
~~service or, in lieu of amounts the payment amount, methods the~~ 118170
~~method by which amounts are the payment amount is to be determined~~ 118171
~~for each medicaid service;~~ 118172

~~(D)(3) Procedures for enforcing the rules adopted under this~~ 118173
~~section that provide due process protections, including procedures~~ 118174
~~for corrective action plans for, and imposing financial and~~ 118175
~~administrative sanctions on, persons and government entities that~~ 118176
~~violate the rules.~~ 118177

(C) The rules may be different for different medicaid 118178
services. 118179

(D) The medicaid director is not required to adopt a rule 118180
establishing the payment amount for a medicaid service if the 118181
director adopts a rule establishing the method by which the 118182
payment amount is to be determined for the medicaid service and 118183
makes the payment amount available on the internet web site 118184

maintained by the department of medicaid. 118185

Sec. 5164.03. (A) The medicaid program shall cover all 118186
mandatory services. 118187

(B) The medicaid program shall cover all of the optional 118188
services that state statutes require the medicaid program to 118189
cover. 118190

(C) The medicaid program may cover any of the optional 118191
services to which either of the following applies: 118192

(1) State statutes expressly permit the medicaid program to 118193
cover the optional service; 118194

(2) State statutes do not address whether the medicaid 118195
program may cover the optional service. 118196

(D) The medicaid program shall not cover any optional 118197
services that state statutes prohibit the medicaid program from 118198
covering. 118199

Sec. ~~5111.04~~ 5164.05. (A) As used in this section: 118200

(1) "Outpatient health facility" means a facility that 118201
provides comprehensive primary health services by or under the 118202
direction of a physician at least five days per week on a 118203
forty-hour per week basis to outpatients, is operated by the board 118204
of health of a city or general health district or another public 118205
agency or by a nonprofit private agency or organization under the 118206
direction and control of a governing board that has no 118207
health-related responsibilities other than the direction and 118208
control of one or more such outpatient health facilities, and 118209
receives at least seventy-five per cent of its operating funds 118210
from public sources, except that it does not include an outpatient 118211
hospital facility or a federally qualified health center as 118212
defined in ~~Sec. 1905(1) (2)(B)~~ of the "Social Security Act," ~~103~~ 118213

Stat. 2264 (1989) section 1905(1)(2)(B), 42 U.S.C.A. 118214
1396d(1)(2)(B). 118215

(2) "Comprehensive primary health services" means preventive, 118216
diagnostic, therapeutic, rehabilitative, or palliative items or 118217
services that include all of the following: 118218

(a) Services of physicians, physician assistants, and 118219
certified nurse practitioners; 118220

(b) Diagnostic laboratory and radiological services; 118221

(c) Preventive health services, such as children's eye and 118222
ear examinations, perinatal services, well child services, and 118223
family planning services; 118224

(d) Arrangements for emergency medical services; 118225

(e) Transportation services. 118226

(3) "Certified nurse practitioner" has the same meaning as in 118227
section 4723.01 of the Revised Code. 118228

(B) ~~Outpatient~~ Subject to division (C) of this section, the 118229
medicaid program shall cover comprehensive primary health services 118230
provided by outpatient health facilities are a separate category 118231
of medical care provider under the rules governing the 118232
administration of the medical assistance program established under 118233
section 5111.01 of the Revised Code with valid provider 118234
agreements. Rates of reimbursement for items and services provided 118235
by an outpatient health facility under this section shall be 118236
prospectively determined by the ~~The~~ department of job and family 118237
services medicaid shall prospectively determine the medicaid 118238
payment rates for such comprehensive primary health services not 118239
less often than once each year~~7~~. The rates shall not be subject to 118240
retroactive adjustment based on actual costs incurred~~7~~, and. The 118241
rates shall not exceed the maximum fee schedule or rates of 118242
payment, limitations based on reasonable costs or customary 118243

charges, and limitations based on combined payments received for 118244
furnishing comparable services, as are applicable to outpatient 118245
hospital facilities under ~~Title XVIII of the "Social Security Act~~ 118246
medicare program." In determining ~~rates of reimbursement an~~ 118247
outpatient health facility's rate prospectively, the department 118248
shall take into account the historic expenses of the facility, the 118249
operating requirements and services offered by the facility, and 118250
the geographical location of the facility, shall provide 118251
incentives for the efficient and economical utilization of the 118252
facility's resources, and shall ensure that the facility does not 118253
discriminate between classes of persons for whom or by whom 118254
payment for ~~items and the~~ services is made. 118255

(C) ~~A~~ An outpatient health facility does not qualify for 118256
~~classification as an outpatient health facility~~ medicaid payments 118257
under this section unless it: 118258

(1) Has health and medical care policies developed with the 118259
advice of and subject to review by an advisory committee of 118260
professional personnel, including one or more physicians, one or 118261
more dentists if dental care is provided, and one or more 118262
registered nurses; 118263

(2) Has a medical director, a dental director, if dental care 118264
is provided, and a nursing director responsible for the execution 118265
of such policies, and has physicians, dentists, nursing, and 118266
ancillary staff appropriate to the scope of services provided; 118267

(3) Requires that the care of every patient be under the 118268
supervision of a physician, provides for medical care in case of 118269
emergency, has in effect a written agreement with one or more 118270
hospitals and one or more other outpatient facilities, and has an 118271
established system for the referral of patients to other resources 118272
and a utilization review plan and program; 118273

(4) Maintains clinical records on all patients; 118274

(5) Provides nursing services and other therapeutic services 118275
in compliance with applicable laws and rules and under the 118276
supervision of a registered nurse, and has a registered nurse on 118277
duty at all times when the facility is in operation; 118278

(6) Follows approved methods and procedures for the 118279
dispensing and administration of drugs and biologicals; 118280

(7) Maintains the accounting and record-keeping system 118281
required under federal laws and regulations for the determination 118282
of reasonable and allowable costs. 118283

Sec. ~~5111.029~~ 5164.06. The medicaid program shall cover 118284
occupational therapy services provided by an occupational 118285
therapist licensed under section 4755.08 of the Revised Code. 118286
Coverage shall not be limited to services provided in a hospital 118287
or nursing facility. Any licensed occupational therapist may enter 118288
into a ~~medicaid~~ provider agreement with the department of ~~job and~~ 118289
~~family services~~ medicaid to provide occupational therapy services 118290
under the medicaid program. 118291

Sec. ~~5111.018~~ 5164.07. (A) The ~~provision of medical~~ 118292
~~assistance under this chapter~~ medicaid program shall include 118293
coverage of inpatient care and follow-up care for a mother and her 118294
newborn as follows: 118295

(1) The ~~medical assistance~~ medicaid program shall cover a 118296
minimum of forty-eight hours of inpatient care following a normal 118297
vaginal delivery and a minimum of ninety-six hours of inpatient 118298
care following a cesarean delivery. Services covered as inpatient 118299
care shall include medical, educational, and any other services 118300
that are consistent with the inpatient care recommended in the 118301
protocols and guidelines developed by national organizations that 118302
represent pediatric, obstetric, and nursing professionals. 118303

(2) The ~~medical assistance~~ medicaid program shall cover a 118304

physician-directed source of follow-up care. Services covered as 118305
follow-up care shall include physical assessment of the mother and 118306
newborn, parent education, assistance and training in breast or 118307
bottle feeding, assessment of the home support system, performance 118308
of any medically necessary and appropriate clinical tests, and any 118309
other services that are consistent with the follow-up care 118310
recommended in the protocols and guidelines developed by national 118311
organizations that represent pediatric, obstetric, and nursing 118312
professionals. The coverage shall apply to services provided in a 118313
medical setting or through home health care visits. The coverage 118314
shall apply to a home health care visit only if the health care 118315
professional who conducts the visit is knowledgeable and 118316
experienced in maternity and newborn care. 118317

When a decision is made in accordance with division (B) of 118318
this section to discharge a mother or newborn prior to the 118319
expiration of the applicable number of hours of inpatient care 118320
required to be covered, the coverage of follow-up care shall apply 118321
to all follow-up care that is provided within forty-eight hours 118322
after discharge. When a mother or newborn receives at least the 118323
number of hours of inpatient care required to be covered, the 118324
coverage of follow-up care shall apply to follow-up care that is 118325
determined to be medically necessary by the health care 118326
professionals responsible for discharging the mother or newborn. 118327

(B) Any decision to shorten the length of inpatient stay to 118328
less than that specified under division (A)(1) of this section 118329
shall be made by the physician attending the mother or newborn, 118330
except that if a nurse-midwife is attending the mother in 118331
collaboration with a physician, the decision may be made by the 118332
nurse-midwife. Decisions regarding early discharge shall be made 118333
only after conferring with the mother or a person responsible for 118334
the mother or newborn. For purposes of this division, a person 118335
responsible for the mother or newborn may include a parent, 118336

guardian, or any other person with authority to make medical 118337
decisions for the mother or newborn. 118338

(C) The department of ~~job and family services~~ medicaid, in 118339
administering the ~~medical assistance~~ medicaid program, may not do 118340
either of the following: 118341

(1) Terminate the ~~participation~~ provider agreement of a 118342
health care professional or health care facility ~~as a provider~~ 118343
~~under the program~~ solely for making recommendations for inpatient 118344
or follow-up care for a particular mother or newborn that are 118345
consistent with the care required to be covered by this section; 118346

(2) Establish or offer monetary or other financial incentives 118347
for the purpose of encouraging a person to decline the inpatient 118348
or follow-up care required to be covered by this section. 118349

(D) This section does not do any of the following: 118350

(1) Require the ~~medical assistance~~ medicaid program to cover 118351
inpatient or follow-up care that is not received in accordance 118352
with the program's terms pertaining to the health care 118353
professionals and facilities from which ~~an individual~~ a medicaid
recipient is authorized to receive health care services. 118354
118355

(2) Require a mother or newborn to stay in a hospital or 118356
other inpatient setting for a fixed period of time following 118357
delivery; 118358

(3) Require a child to be delivered in a hospital or other 118359
inpatient setting; 118360

(4) Authorize a nurse-midwife to practice beyond the 118361
authority to practice nurse-midwifery in accordance with Chapter 118362
4723. of the Revised Code; 118363

(5) Establish minimum standards of medical diagnosis, care, 118364
or treatment for inpatient or follow-up care for a mother or 118365
newborn. A deviation from the care required to be covered under 118366

this section shall not, on the basis of this section, give rise to 118367
a medical claim or derivative medical claim, as those terms are 118368
defined in section 2305.113 of the Revised Code. 118369

Sec. ~~5111.024~~ 5164.08. (A) As used in this section, 118370
"screening mammography" means a radiologic examination utilized to 118371
detect unsuspected breast cancer at an early stage in asymptomatic 118372
women and includes the x-ray examination of the breast using 118373
equipment that is dedicated specifically for mammography, 118374
including the x-ray tube, filter, compression device, screens, 118375
film, and cassettes, and that has an average radiation exposure 118376
delivery of less than one rad mid-breast. "Screening mammography" 118377
includes two views for each breast. The term also includes the 118378
professional interpretation of the film. 118379

"Screening mammography" does not include diagnostic 118380
mammography. 118381

(B) ~~In addition to any other services required to be included~~ 118382
~~in the program or for which federal approval is received, the~~ 118383
~~medical assistance~~ The medicaid program shall ~~include~~ cover both 118384
of the following ~~if approval for use of federal funds is granted~~ 118385
~~to the department by the federal agency responsible for~~ 118386
~~distributing funds under Title XIX of the "Social Security Act,"~~ 118387
~~49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended:~~ 118388

(1) ~~Effective July 1, 1993, screening~~ Screening mammography 118389
to detect the presence of breast cancer in adult women; 118390

(2) ~~Effective January 1, 1993, cytologic~~ Cytologic screening 118391
for the presence of cervical cancer. 118392

(C) ~~The service provided under medicaid program's coverage of~~ 118393
screening mammography pursuant to division (B)(1) of this section 118394
shall be provided in accordance with all of the following: 118395

(1) If a woman is at least thirty-five years of age but under 118396

forty years of age, one screening mammography; 118397

(2) If a woman is at least forty years of age but under fifty 118398
years of age, either of the following: 118399

(a) One screening mammography every two years; 118400

(b) If a licensed physician has determined that the woman has 118401
risk factors to breast cancer, one screening mammography every 118402
year. 118403

(3) If a woman is at least fifty years of age but under 118404
sixty-five years of age, one screening mammography every year. 118405

(D) The ~~service provided under~~ medicaid program's coverage of 118406
screening mammographies pursuant to division (B)(1) of this 118407
section shall be provided only for screening mammographies that 118408
are performed in a facility or mobile mammography screening unit 118409
that is accredited under the American college of radiology 118410
mammography accreditation program or in a hospital as defined in 118411
section 3727.01 of the Revised Code. 118412

(E) The ~~service provided under~~ medicaid program's coverage of 118413
cytologic screenings pursuant to division (B)(2) of this section 118414
shall be provided only for cytologic screenings that are processed 118415
and interpreted in a laboratory certified by the college of 118416
American pathologists or in a hospital as defined in section 118417
3727.01 of the Revised Code. 118418

Sec. ~~5111.023~~ 5164.15. (A) As used in this section: 118419

(1) "Community mental health ~~agency~~ services provider or 118420
facility" means a community mental health ~~agency~~ services provider 118421
or facility that has its community mental health services 118422
certified by the department of ~~mental health~~ mental health and 118423
addiction services under section ~~5119.611~~ 5119.36 of the Revised 118424
Code or by the department of job and family services under section 118425
5103.03 of the Revised Code. 118426

(2) "Mental health professional" means a person qualified to work with mentally ill persons under the standards established by the director of ~~mental health~~ mental health and addiction services pursuant to section ~~5119.611~~ 5119.36 of the Revised Code.

(B) The ~~state~~ medicaid plan program may ~~include provision of~~ cover the following mental health services when provided by community mental health ~~agencies~~ services providers or facilities:

(1) Outpatient mental health services, including, but not limited to, preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, monitored, and reviewed;

(2) Partial-hospitalization mental health services rendered by persons directly supervised by a mental health professional;

(3) Unscheduled, emergency mental health services of a kind ordinarily provided to persons in crisis when rendered by persons supervised by a mental health professional;

(4) ~~Subject to receipt of federal approval, assertive~~ Assertive community treatment and intensive home-based mental health services.

(C) The department of ~~job and family services~~ medicaid shall enter into a separate contract with the department of ~~mental health~~ mental health and addiction services under section ~~5111.91~~ 5162.35 of the Revised Code with regard to the ~~component of mental health services~~ the medicaid program provided for by covers pursuant to this section.

Sec. ~~5111.027~~ 5164.20. ~~If the medicaid program provides prescription drug services to medicaid recipients, the~~ The medicaid program shall not provide reimbursement for prescription

cover prescribed drugs for treatment of erectile dysfunction. 118457

Sec. ~~5111.042~~ 5164.25. The departments of developmental 118458
disabilities and ~~job and family services~~ medicaid may approve, 118459
reduce, deny, or terminate a medicaid service included in the 118460
individualized service plan developed for a medicaid recipient 118461
with mental retardation or other developmental disability who is 118462
eligible for medicaid case management services. If either 118463
department approves, reduces, denies, or terminates a service, 118464
that department shall timely notify the medicaid recipient that 118465
the recipient may ~~request a hearing under~~ appeal pursuant to 118466
section ~~5101.35~~ 5160.31 of the Revised Code. 118467

Sec. ~~5111.016~~ 5164.26. (A) ~~As used in this section,~~ 118468
~~"healthcheck" has the same meaning as in section 3313.714 of the~~ 118469
~~Revised Code.~~ 118470

(B) The department of ~~job and family services~~ medicaid shall 118471
~~adopt rules in accordance with Chapter 119. of the Revised Code~~ 118472
~~establishing~~ establish a combination of written and oral methods 118473
designed to provide information about healthcheck to all persons 118474
eligible for the program or their parents or guardians. The 118475
department shall ensure that its methods of providing information 118476
are effective. ~~The methods shall comply with federal law and~~ 118477
~~regulations.~~ 118478

Each ~~county department of job and family services or other~~ 118479
entity that distributes or accepts applications for ~~medical~~ 118480
~~assistance~~ medicaid shall prominently display a notice that 118481
complies with the ~~rules adopted~~ methods of providing information 118482
about healthcheck established under this division section. 118483

Sec. 5164.30. No person or government entity may participate 118484
in the medicaid program as a medicaid provider without a valid 118485

provider agreement with the department of medicaid. 118486

Sec. ~~5111.053~~ 5164.301. (A) As used in this section, "group 118487
practice" has the same meaning as in section 4731.65 of the 118488
Revised Code. 118489

(B) The department of ~~job and family services~~ medicaid shall 118490
establish a process by which a physician assistant may enter into 118491
a ~~medicaid~~ provider agreement. 118492

(C)(1) Subject to division (C)(2) of this section, a claim 118493
for ~~reimbursement~~ medicaid payment for a medicaid service provided 118494
by a physician assistant to a medicaid recipient may be submitted 118495
by the physician assistant who provided the service or the 118496
physician, group practice, clinic, or other health care facility 118497
that employs the physician assistant. 118498

(2) A claim for ~~reimbursement~~ medicaid payment may be 118499
submitted by the physician assistant who provided the service only 118500
if the physician assistant has a valid provider agreement. When 118501
submitting the claim, the physician assistant shall use only the 118502
medicaid provider number the department has assigned to the 118503
physician assistant. 118504

~~(D) The director of job and family services may adopt rules 118505
under section 5111.02 of the Revised Code to implement this 118506
section.~~ 118507

Sec. ~~5111.063~~ 5164.31. (A) For the purpose of raising funds 118508
necessary to pay the expenses of implementing the provider 118509
screening requirements of subpart E of 42 C.F.R. Part 455 and 118510
except as provided in division (B) of this section, the department 118511
of ~~job and family services~~ medicaid shall ~~charge~~ collect an 118512
application fee ~~to~~ from a medicaid provider ~~seeking to enter into~~ 118513
~~or renew a medicaid provider agreement, unless the provider is~~ 118514

~~exempt from paying the application fee under 42 C.F.R. 455.460(a)~~ 118515
before doing any of the following: 118516

(1) Entering into a provider agreement with a medicaid 118517
provider that seeks initial enrollment as a provider; 118518

(2) Entering into a provider agreement with a former medicaid 118519
provider that seeks re-enrollment as a provider; 118520

(3) Revalidating a medicaid provider's continued enrollment 118521
as a provider. The 118522

(B) The department is not to collect an application fee from 118523
a medicaid provider that is exempt from paying the fee under 42 118524
C.F.R. 455.460(a). 118525

(C) The application fees shall be deposited into the health 118526
care services administration fund created under section 5111.94 118527
5162.54 of the Revised Code. Application fees are nonrefundable 118528
when collected in accordance with 42 C.F.R. 455.460(a). 118529

(D) The medicaid director of job and family services shall 118530
adopt rules in accordance with Chapter 119. under section 5164.02 118531
of the Revised Code as necessary to implement this section, 118532
including a rule establishing the amount of the application fee 118533
that is charged to be collected under this section. The amount of 118534
the application fee shall not be set at an amount that is more 118535
than necessary to pay for the expenses of implementing the 118536
provider screening requirements. 118537

Sec. 5111.028 5164.32. ~~(A) Pursuant to section 5111.02 of the~~ 118538
~~Revised Code, the director of job and family services shall adopt~~ 118539
~~rules establishing procedures for the use of time limited provider~~ 118540
~~agreements under the medicaid program. Except as provided in~~ 118541
~~division (E) of this section, all provider agreements shall be~~ 118542
~~time limited in accordance with the procedures established in the~~ 118543
~~rules.~~ 118544

~~The department of job and family services shall phase in the use of time limited provider agreements pursuant to this section during a period commencing not later than January 1, 2008, and ending January 1, 2015.~~

~~(B) In the use of time limited provider agreements pursuant to this section, all of the following apply:~~

~~(1) Each medicaid provider agreement shall expire not later than ~~seven~~ five years from the its effective date of the agreement.~~

~~(2) During the phase in period specified in division (A) of this section, the department may provide for the conversion of. If a provider agreement without a time limit entered into before the effective date of this amendment does not have a time limit, the department of medicaid shall convert the agreement to a provider agreement with a time limit. The department may take an action to convert the provider agreement by sending a notice by regular mail to the address of the provider on record with the department advising the provider of the conversion.~~

~~(3) The department may make the effective date of a provider agreement retroactive for a period not to exceed one year from the date of the provider's application for the agreement, as long as the provider met all medicaid program requirements during that period.~~

~~(C)(B) The medicaid director shall adopt rules under section 5164.02 of the Revised Code as necessary to implement this section. The rules ~~for use of time limited provider agreements pursuant to this section~~ shall be consistent with subpart E of 42 C.F.R. Part 455 and include a process for re-enrollment of providers revalidating medicaid providers' continued enrollments as providers. All of the following apply to the ~~re-enrollment revalidation~~ process:~~

(1) ~~The department of job and family services may terminate a time limited provider agreement or deny re-enrollment shall refuse to revalidate a provider's provider agreement when a the provider fails to file an a complete application for re-enrollment revalidation within the time and in the manner required under the re-enrollment revalidation process.~~ 118576
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(2) If a provider files ~~an a complete~~ application for ~~re-enrollment revalidation~~ within the time and in the manner required under the ~~re-enrollment revalidation~~ process, but the provider agreement expires before the department acts on the application or before the effective date of the department's decision on the application, the provider, subject to division (B)(3) of this section, may continue operating under the terms of the expired provider agreement until the effective date of the department's decision. 118582
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(3) ~~A decision by the department to approve an application for re-enrollment becomes effective on the date of the department's decision. A decision by the department to deny re-enrollment shall take effect not sooner than thirty days after the date the department mails written notice of the decision to the provider. The department shall specify in the notice the date on which the provider is required to cease operating under the provider agreement~~ If a provider continues operating under the terms of an expired provider agreement pursuant to division (B)(2) of this section and the department denies the provider's application for revalidation, medicaid payments shall not be made for services or items the provider provides during the period beginning on the date the provider agreement expired and ending on the effective date of a subsequent provider agreement, if any, the department enters into with the provider. 118591
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~~(D) Pursuant to section 5111.06 of the Revised Code, the department is not required to take the actions specified in~~ 118606
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~~division (C)(1) of this section by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code.~~

~~(E) The use of time limited provider agreements pursuant to this section does not apply to provider agreements issued to the following, including any provider agreements issued to the following that are otherwise time limited under the medicaid program:~~

~~(1) A managed care organization under contract with the department pursuant to section 5111.17 of the Revised Code;~~

~~(2) A nursing facility, as defined in section 5111.20 of the Revised Code;~~

~~(3) An intermediate care facility for the mentally retarded, as defined in section 5111.20 of the Revised Code;~~

~~(4) A hospital.~~

Sec. 5164.33. (A) The medicaid director may do the following for any reason permitted or required by federal law and when the director determines that the action is in the best interests of medicaid recipients or the state:

(1) Deny, refuse to revalidate, suspend, or terminate a provider agreement;

(2) Exclude an individual, provider of services or goods, or other entity from participation in the medicaid program.

(B) No individual, provider, or entity excluded from participation in the medicaid program under this section shall do any of the following:

(1) Own, or provide services to, any other medicaid provider or risk contractor;

(2) Arrange for, render, or order services for medicaid

recipients during the period of exclusion; 118637

(3) During the period of exclusion, receive direct payments 118638
under the medicaid program or indirect payments of medicaid funds 118639
in the form of salary, shared fees, contracts, kickbacks, or 118640
rebates from or through any other medicaid provider or risk 118641
contractor. 118642

(C) An individual, provider, or entity excluded from 118643
participation in the medicaid program under this section may 118644
request a reconsideration of the exclusion. The director shall 118645
adopt rules under section 5164.02 of the Revised Code governing 118646
the process for requesting a reconsideration. 118647

(D) Nothing in this section limits the applicability of 118648
section 5164.38 of the Revised Code to a medicaid provider. 118649

Sec. ~~5111.032~~ 5164.34. (A) As used in this section: 118650

(1) "Criminal records check" has the same meaning as in 118651
section 109.572 of the Revised Code. 118652

(2) "Disqualifying offense" means any of the offenses listed 118653
or described in divisions (A)(3)(a) to (e) of section 109.572 of 118654
the Revised Code. 118655

(3) "Owner" means a person who has an ownership interest in a 118656
medicaid provider or applicant to be a provider in an amount 118657
designated in rules ~~adopted under~~ authorized by this section. 118658

(4) "Person subject to the criminal records check 118659
requirement" means the following: 118660

(a) A medicaid provider or applicant to be a provider who is 118661
notified under division (E)(1) of this section that the provider 118662
~~or applicant~~ is subject to a criminal records check; 118663

(b) An owner or prospective owner, officer or prospective 118664
officer, or board member or prospective board member of a medicaid 118665

provider ~~or applicant to be a provider~~ if, pursuant to division 118666
(E)(1)(a) of this section, the owner or prospective owner, officer 118667
or prospective officer, or board member or prospective board 118668
member is specified in information given to the provider ~~or~~ 118669
~~applicant~~ under division (E)(1) of this section; 118670

(c) An employee or prospective employee of a medicaid 118671
provider ~~or applicant to be a provider~~ if both of the following 118672
apply: 118673

(i) The employee or prospective employee is specified, 118674
pursuant to division (E)(1)(b) of this section, in information 118675
given to the provider ~~or applicant~~ under division (E)(1) of this 118676
section. 118677

(ii) The provider ~~or applicant~~ is not prohibited by division 118678
(D)(3)(b) of this section from employing the employee or 118679
prospective employee. 118680

(5) "~~Provider~~" ~~means a person, institution, or entity that~~ 118681
~~has a medicaid provider agreement with the department of job and~~ 118682
~~family services.~~ 118683

~~(6)~~ "Responsible entity" means the following: 118684

(a) With respect to a criminal records check required under 118685
this section for a medicaid provider ~~or applicant to be a~~ 118686
~~provider~~, the department of ~~job and family services~~ medicaid or 118687
the department's designee; 118688

(b) With respect to a criminal records check required under 118689
this section for an owner or prospective owner, officer or 118690
prospective officer, board member or prospective board member, or 118691
employee or prospective employee of a medicaid provider ~~or~~ 118692
~~applicant to be a provider~~, the provider ~~or applicant~~. 118693

(B) This section does not apply to any individual who is 118694
subject to a criminal records check under section 3712.09, 118695

3721.121, ~~5111.034~~, 5123.081, ~~or 5123.169~~, or 5164.341 of the 118696
Revised Code or any individual who is subject to a database review 118697
or criminal records check under section ~~173.394~~ 173.38, 3701.881, 118698
or ~~5111.033~~ 5164.342 of the Revised Code. 118699

(C) The department of ~~job and family services~~ medicaid may do 118700
any of the following: 118701

(1) Require that any medicaid provider ~~or applicant to be a~~ 118702
~~provider~~ submit to a criminal records check as a condition of 118703
~~having~~ obtaining or maintaining a medicaid provider agreement; 118704

(2) Require that any medicaid provider ~~or applicant to be a~~ 118705
~~provider~~ require an owner or prospective owner, officer or 118706
prospective officer, or board member or prospective board member 118707
of the provider ~~or applicant~~ submit to a criminal records check as 118708
a condition of being an owner, officer, or board member of the 118709
provider ~~or applicant~~; 118710

(3) Require that any medicaid provider ~~or applicant to be a~~ 118711
~~provider~~ do the following: 118712

(a) If so required by rules ~~adopted under~~ authorized by this 118713
section, determine pursuant to a database review conducted under 118714
division (F)(1)(a) of this section whether any employee or 118715
prospective employee of the provider ~~or applicant~~ is included in a 118716
database; 118717

(b) Unless the provider ~~or applicant~~ is prohibited by 118718
division (D)(3)(b) of this section from employing the employee or 118719
prospective employee, require the employee or prospective employee 118720
to submit to a criminal records check as a condition of being an 118721
employee of the provider ~~or applicant~~. 118722

(D)(1) The department or the department's designee shall deny 118723
or terminate a medicaid provider's ~~medicaid~~ provider agreement ~~or~~ 118724
~~deny an applicant's application for a medicaid provider agreement~~ 118725
if the provider ~~or applicant~~ is a person subject to the criminal 118726

records check requirement and either of the following applies: 118727

(a) The provider ~~or applicant~~ fails to obtain the criminal 118728
records check after being given the information specified in 118729
division (G)(1) of this section. 118730

(b) Except as provided in rules ~~adopted under~~ authorized by 118731
this section, the provider ~~or applicant~~ is found by the criminal 118732
records check to have been convicted of, or have pleaded guilty 118733
to, ~~or been found eligible for intervention in lieu of conviction~~ 118734
~~for~~ a disqualifying offense, regardless of the date of the 118735
conviction, or the date of entry of the guilty plea, ~~or the date~~ 118736
~~the applicant or provider was found eligible for intervention in~~ 118737
~~lieu of conviction.~~ 118738

(2) No medicaid provider ~~or applicant to be a provider~~ shall 118739
permit a person to be an owner, officer, or board member of the 118740
provider ~~or applicant~~ if the person is a person subject to the 118741
criminal records check requirement and either of the following 118742
applies: 118743

(a) The person fails to obtain the criminal records check 118744
after being given the information specified in division (G)(1) of 118745
this section. 118746

(b) Except as provided in rules ~~adopted under~~ authorized by 118747
this section, the person is found by the criminal records check to 118748
have been convicted of, or have pleaded guilty to, ~~or been found~~ 118749
~~eligible for intervention in lieu of conviction for~~ a 118750
disqualifying offense, regardless of the date of the conviction, 118751
or the date of entry of the guilty plea, ~~or the date the person~~ 118752
~~was found eligible for intervention in lieu of conviction.~~ 118753

(3) No medicaid provider ~~or applicant to be a provider~~ shall 118754
employ a person if any of the following apply: 118755

(a) The person has been excluded from ~~providing services or~~ 118756
~~items under the~~ being a medicaid ~~program~~ provider, the a medicare 118757

~~program operated pursuant to Title XVIII of the "Social Security Act provider,"~~ or provider for any other federal health care program. 118758
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(b) If the person is subject to a database review conducted under division (F)(1)(a) of this section, the person is found by the database review to be included in a database and the rules ~~adopted under~~ authorized by this section regarding the database review prohibit the provider ~~or applicant~~ from employing a person included in the database. 118761
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(c) If the person is a person subject to the criminal records check requirement, either of the following applies: 118767
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(i) The person fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section. 118769
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(ii) Except as provided in rules ~~adopted under~~ authorized by this section, the person is found by the criminal records check to have been convicted of, or have pleaded guilty to, ~~or been found eligible for intervention in lieu of conviction for a~~ disqualifying offense, regardless of the date of the conviction, or the date of entry of the guilty plea, ~~or the date the person was found eligible for intervention in lieu of conviction.~~ 118772
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(E)(1) The department or the department's designee shall inform each medicaid provider ~~or applicant to be a provider~~ whether the provider ~~or applicant~~ is subject to a criminal records check. For providers with valid provider agreements, the information shall be given at times designated in rules ~~adopted under~~ authorized by this section. For ~~applicants~~ providers applying to be medicaid providers, the information shall be given at the time of initial application. When the information is given, the department or the department's designee shall specify the following: 118779
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(a) Which of the provider's ~~or applicant's~~ owners or prospective owners, officers or prospective officers, or board members or prospective board members are subject to a criminal records check; 118789
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(b) Which of the provider's ~~or applicant's~~ employees or prospective employees are subject to division (C)(3) of this section. 118793
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(2) At times designated in rules ~~adopted under~~ authorized by this section, a medicaid provider ~~or applicant to be a provider~~ that is a person subject to the criminal records check requirement shall do the following: 118796
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(a) Inform each person specified under division (E)(1)(a) of this section that the person is required to submit to a criminal records check as a condition of being an owner, officer, or board member of the provider ~~or applicant~~; 118800
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(b) Inform each person specified under division (E)(1)(b) of this section that the person is subject to division (C)(3) of this section. 118804
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(F)(1) If a medicaid provider ~~or applicant to be a provider~~ is a person subject to the criminal records check requirement, the department or the department's designee shall require the conduct of a criminal records check by the superintendent of the bureau of criminal identification and investigation. A medicaid provider ~~or applicant to be a provider~~ shall require the conduct of a criminal records check by the superintendent with respect to each of the persons specified under division (E)(1)(a) of this section. With respect to each employee and prospective employee specified under division (E)(1)(b) of this section, a medicaid provider ~~or applicant to be a provider~~ shall do the following: 118807
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(a) If rules ~~adopted under~~ authorized by this section require the provider ~~or applicant~~ to conduct a database review to 118818
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determine whether the employee or prospective employee is included 118820
in a database, conduct the database review in accordance with the 118821
rules; 118822

(b) Unless the provider ~~or applicant~~ is prohibited by 118823
division (D)(3)(b) of this section from employing the employee or 118824
prospective employee, require the conduct of a criminal records 118825
check of the employee or prospective employee by the 118826
superintendent. 118827

(2) If a person subject to the criminal records check 118828
requirement does not present proof of having been a resident of 118829
this state for the five-year period immediately prior to the date 118830
the criminal records check is requested or provide evidence that 118831
within that five-year period the superintendent has requested 118832
information about the person from the federal bureau of 118833
investigation in a criminal records check, the responsible entity 118834
shall require the person to request that the superintendent obtain 118835
information from the federal bureau of investigation as part of 118836
the criminal records check of the person. Even if the person 118837
presents proof of having been a resident of this state for the 118838
five-year period, the responsible entity may require that the 118839
person request that the superintendent obtain information from the 118840
federal bureau of investigation and include it in the criminal 118841
records check of the person. 118842

(G) Criminal records checks required by this section shall be 118843
obtained as follows: 118844

(1) The responsible entity shall provide each person subject 118845
to the criminal records check requirement information about 118846
accessing and completing the form prescribed pursuant to division 118847
(C)(1) of section 109.572 of the Revised Code and the standard 118848
impression sheet prescribed pursuant to division (C)(2) of that 118849
section. 118850

(2) The person subject to the criminal records check 118851
requirement shall submit the required form and one complete set of 118852
the person's fingerprint impressions directly to the 118853
superintendent for purposes of conducting the criminal records 118854
check using the applicable methods prescribed by division (C) of 118855
section 109.572 of the Revised Code. The person shall pay all fees 118856
associated with obtaining the criminal records check. 118857

(3) The superintendent shall conduct the criminal records 118858
check in accordance with section 109.572 of the Revised Code. The 118859
person subject to the criminal records check requirement shall 118860
instruct the superintendent to submit the report of the criminal 118861
records check directly to the responsible entity. If the 118862
department or the department's designee is not the responsible 118863
entity, the department or designee may require the responsible 118864
entity to submit the report to the department or designee. 118865

(H)(1) A medicaid provider ~~or applicant to be a provider~~ may 118866
employ conditionally a person for whom a criminal records check is 118867
required by this section prior to obtaining the results of the 118868
criminal records check if both of the following apply: 118869

(a) The provider ~~or applicant~~ is not prohibited by division 118870
(D)(3)(b) of this section from employing the person. 118871

(b) The person submits a request for the criminal records 118872
check not later than five business days after the person begins 118873
conditional employment. 118874

(2) A medicaid provider ~~or applicant to be a provider~~ that 118875
employs a person conditionally under division (H)(1) of this 118876
section shall terminate the person's employment if the results of 118877
the criminal records check request are not obtained within the 118878
period ending sixty days after the date the request is made. 118879
Regardless of when the results of the criminal records check are 118880
obtained, if the results indicate that the person has been 118881

convicted of, or has pleaded guilty to, ~~or has been found eligible~~ 118882
~~for intervention in lieu of conviction for~~ a disqualifying 118883
offense, the provider ~~or applicant~~ shall terminate the person's 118884
employment unless circumstances specified in rules ~~adopted under~~ 118885
authorized by this section exist that permit the provider ~~or~~ 118886
~~applicant~~ to employ the person and the provider ~~or applicant~~ 118887
chooses to employ the person. 118888

(I) The report of a criminal records check conducted pursuant 118889
to this section is not a public record for the purposes of section 118890
149.43 of the Revised Code and shall not be made available to any 118891
person other than the following: 118892

(1) The person who is the subject of the criminal records 118893
check or the person's representative; 118894

(2) The medicaid director ~~of job and family services~~ and the 118895
staff of the department who are involved in the administration of 118896
the medicaid program; 118897

(3) The department's designee; 118898

(4) The medicaid provider ~~or applicant to be a provider~~ who 118899
required the person who is the subject of the criminal records 118900
check to submit to the criminal records check; 118901

(5) An individual receiving or deciding whether to receive, 118902
from the subject of the criminal records check, home and 118903
community-based services available under the medicaid state plan; 118904

(6) A court, hearing officer, or other necessary individual 118905
involved in a case dealing with any of the following: 118906

(a) The denial or termination of a ~~medicaid~~ provider 118907
agreement; 118908

(b) A person's denial of employment, termination of 118909
employment, or employment or unemployment benefits; 118910

(c) A civil or criminal action regarding the medicaid 118911

program. 118912

(J) The medicaid director ~~of job and family services~~ may 118913
adopt rules ~~in accordance with Chapter 119.~~ under section 5164.02 118914
of the Revised Code to implement this section. If the director 118915
adopts such rules, the rules shall designate the times at which a 118916
criminal records check must be conducted under this section. The 118917
rules may do any of the following: 118918

(1) Designate the categories of persons who are subject to a 118919
criminal records check under this section; 118920

(2) Specify circumstances under which the department or the 118921
department's designee may continue a medicaid provider agreement 118922
or issue a medicaid provider agreement ~~to an applicant~~ when the 118923
medicaid provider ~~or applicant~~ is found by a criminal records 118924
check to have been convicted of, pleaded guilty to, or been found 118925
eligible for intervention in lieu of conviction for a 118926
disqualifying offense; 118927

(3) Specify circumstances under which a medicaid provider ~~or~~ 118928
~~applicant to be a provider~~ may permit a person to be an employee, 118929
owner, officer, or board member of the provider ~~or applicant~~, when 118930
the person is found by a criminal records check conducted pursuant 118931
to this section to have been convicted of, or have pleaded guilty 118932
~~to, or been found eligible for intervention in lieu of conviction~~ 118933
~~for~~ a disqualifying offense; 118934

(4) Specify all of the following: 118935

(a) The circumstances under which a database review must be 118936
conducted under division (F)(1)(a) of this section to determine 118937
whether an employee or prospective employee of a medicaid provider 118938
~~or applicant to be a provider~~ is included in a database; 118939

(b) The procedures for conducting the database review; 118940

(c) The databases that are to be checked; 118941

(d) The circumstances under which a medicaid provider ~~or~~ 118942
~~applicant to be a provider~~ is prohibited from employing a person 118943
who is found by the database review to be included in a database. 118944

Sec. ~~5111.034~~ 5164.341. (A) As used in this section: 118945

"Anniversary date" means the later of the effective date of 118946
the provider agreement relating to the independent provider or 118947
sixty days after September 26, 2003. 118948

"Applicant" means a person who has applied for a ~~medicaid~~ 118949
provider agreement to provide home and community-based services as 118950
an independent provider under a home and community-based medicaid 118951
waiver component administered by the department of ~~job and family~~ 118952
~~services~~ medicaid. 118953

"Criminal records check" has the same meaning as in section 118954
109.572 of the Revised Code. 118955

"Disqualifying offense" means any of the offenses listed or 118956
described in divisions (A)(3)(a) to (e) of section 109.572 of the 118957
Revised Code. 118958

"Independent provider" means a person who has a ~~medicaid~~ 118959
provider agreement to provide home and community-based services as 118960
an independent provider in a home and community-based services 118961
medicaid waiver component administered by the department of ~~job~~ 118962
~~and family services~~ medicaid. 118963

~~"Home and community based services medicaid waiver component"~~ 118964
~~has the same meaning as in section 5111.85 of the Revised Code.~~ 118965

(B) The department of ~~job and family services~~ medicaid or the 118966
department's designee shall deny an applicant's application for a 118967
~~medicaid~~ provider agreement and shall terminate an independent 118968
provider's ~~medicaid~~ provider agreement if either of the following 118969
applies: 118970

(1) After the applicant or independent provider is given the 118971

information and notification required by divisions (D)(2)(a) and 118972
(b) of this section, the applicant or independent provider fails 118973
to do either of the following: 118974

(a) Access, complete, or forward to the superintendent of the 118975
bureau of criminal identification and investigation the form 118976
prescribed pursuant to division (C)(1) of section 109.572 of the 118977
Revised Code or the standard impression sheet prescribed pursuant 118978
to division (C)(2) of that section; 118979

(b) Instruct the superintendent to submit the completed 118980
report of the criminal records check required by this section 118981
directly to the department or the department's designee. 118982

(2) Except as provided in rules ~~adopted under~~ authorized by 118983
this section, the applicant or independent provider is found by a 118984
criminal records check required by this section to have been 118985
convicted of, or have pleaded guilty to, ~~or been found eligible~~ 118986
~~for intervention in lieu of conviction for~~ a disqualifying 118987
offense, regardless of the date of the conviction, or the date of 118988
entry of the guilty plea, ~~or the date the applicant or independent~~ 118989
~~provider was found eligible for intervention in lieu of~~ 118990
~~conviction.~~ 118991

(C)(1) The department or the department's designee shall 118992
inform each applicant, at the time of initial application for a 118993
~~medicaid~~ provider agreement, that the applicant is required to 118994
provide a set of the applicant's fingerprint impressions and that 118995
a criminal records check is required to be conducted as a 118996
condition of the department's approving the application. 118997

(2) Beginning on September 26, 2003, the department or the 118998
department's designee shall inform each independent provider on or 118999
before the time of the anniversary date of the ~~medicaid~~ provider 119000
agreement that the independent provider is required to provide a 119001
set of the independent provider's fingerprint impressions and that 119002

a criminal records check is required to be conducted. 119003

(D)(1) The department or the department's designee shall 119004
require an applicant to complete a criminal records check prior to 119005
entering into a ~~medicaid~~ provider agreement with the applicant. 119006
The department or the department's designee shall require an 119007
independent provider to complete a criminal records check at least 119008
annually. If an applicant or independent provider for whom a 119009
criminal records check is required by this section does not 119010
present proof of having been a resident of this state for the 119011
five-year period immediately prior to the date the criminal 119012
records check is requested or provide evidence that within that 119013
five-year period the superintendent of the bureau of criminal 119014
identification and investigation has requested information about 119015
the applicant or independent provider from the federal bureau of 119016
investigation in a criminal records check, the department or the 119017
department's designee shall request that the applicant or 119018
independent provider obtain through the superintendent a criminal 119019
records request from the federal bureau of investigation as part 119020
of the criminal records check of the applicant or independent 119021
provider. Even if an applicant or independent provider for whom a 119022
criminal records check request is required by this section 119023
presents proof of having been a resident of this state for the 119024
five-year period, the department or the department's designee may 119025
request that the applicant or independent provider obtain 119026
information through the superintendent from the federal bureau of 119027
investigation in the criminal records check. 119028

(2) The department or the department's designee shall provide 119029
the following to each applicant and independent provider for whom 119030
a criminal records check is required by this section: 119031

(a) Information about accessing, completing, and forwarding 119032
to the superintendent of the bureau of criminal identification and 119033
investigation the form prescribed pursuant to division (C)(1) of 119034

section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section; 119035
119036

(b) Written notification that the applicant or independent provider is to instruct the superintendent to submit the completed report of the criminal records check directly to the department or the department's designee. 119037
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119040

(3) Each applicant and independent provider for whom a criminal records check is required by this section shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for the criminal records check conducted of the applicant or independent provider. 119041
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(E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following: 119047
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(1) The person who is the subject of the criminal records check or the person's representative; 119053
119054

(2) The medicaid director ~~of job and family services~~ and the staff of the department who are involved in the administration of the medicaid program; 119055
119056
119057

(3) The department's designee; 119058

(4) An individual ~~who receives~~ receiving or deciding whether to receive home and community-based services from the person who is the subject of the criminal records check; 119059
119060
119061

(5) A court, hearing officer, or other necessary individual involved in a case dealing with either of the following: 119062
119063

(a) A denial or termination of a provider agreement related 119064

to the criminal records check; 119065

(b) A civil or criminal action regarding the medicaid 119066
program. 119067

(F) The medicaid director ~~of job and family services~~ shall 119068
adopt rules ~~in accordance with Chapter 119. under section 5164.02~~ 119069
of the Revised Code to implement this section. The rules shall 119070
specify circumstances under which the department or the 119071
department's designee may either approve an applicant's 119072
application or allow an independent provider to maintain an 119073
existing ~~medicaid~~ provider agreement even though the applicant or 119074
independent provider is found by a criminal records check required 119075
by this section to have been convicted of, or have pleaded guilty 119076
to, ~~or been found eligible for intervention in lieu of conviction~~ 119077
~~for~~ a disqualifying offense. 119078

Sec. ~~5111.033~~ 5164.342. (A) As used in this section: 119079

"Applicant" means a person who is under final consideration 119080
for employment with a waiver agency in a full-time, part-time, or 119081
temporary position that involves providing home and 119082
community-based services. 119083

"Community-based long-term care agency provider" ~~has the same~~ 119084
~~meaning~~ means a provider as defined in section 173.39 of the 119085
Revised Code. 119086

"Community-based long-term care subcontractor" means a 119087
subcontractor as defined in section 173.38 of the Revised Code. 119088

"Criminal records check" has the same meaning as in section 119089
109.572 of the Revised Code. 119090

"Disqualifying offense" means any of the offenses listed or 119091
described in divisions (A)(3)(a) to (e) of section 109.572 of the 119092
Revised Code. 119093

"Employee" means a person employed by a waiver agency in a 119094

full-time, part-time, or temporary position that involves 119095
providing home and community-based services. 119096

~~"Home and community based services medicaid waiver component"~~ 119097
~~has the same meaning as in section 5111.85 of the Revised Code.~~ 119098

"Waiver agency" means a person or government entity that 119099
provides home and community-based services under a home and 119100
community-based services medicaid waiver component administered by 119101
the department of ~~job and family services~~ medicaid, other than 119102
such a person or government entity that is certified under the 119103
medicare program. "Waiver agency" does not mean an independent 119104
provider as defined in section ~~5111.034~~ 5164.341 of the Revised 119105
Code. 119106

(B) This section does not apply to any individual who is 119107
subject to a database review or criminal records check under 119108
section 3701.881 of the Revised Code. If a waiver agency also is a 119109
community-based long-term care ~~agency~~ provider or community-based 119110
long-term care subcontractor, the waiver agency may provide for 119111
applicants and employees to undergo database reviews and criminal 119112
records checks in accordance with section ~~173.394~~ 173.38 of the 119113
Revised Code rather than this section. 119114

(C) No waiver agency shall employ an applicant or continue to 119115
employ an employee in a position that involves providing home and 119116
community-based services if any of the following apply: 119117

(1) A review of the databases listed in division (E) of this 119118
section reveals any of the following: 119119

(a) That the applicant or employee is included in one or more 119120
of the databases listed in divisions (E)(1) to (5) of this 119121
section; 119122

(b) That there is in the state nurse aide registry 119123
established under section 3721.32 of the Revised Code a statement 119124
detailing findings by the director of health that the applicant or 119125

employee neglected or abused a long-term care facility or 119126
residential care facility resident or misappropriated property of 119127
such a resident; 119128

(c) That the applicant or employee is included in one or more 119129
of the databases, if any, specified in rules ~~adopted under~~ 119130
authorized by this section and the rules prohibit the waiver 119131
agency from employing an applicant or continuing to employ an 119132
employee included in such a database in a position that involves 119133
providing home and community-based services. 119134

(2) After the applicant or employee is given the information 119135
and notification required by divisions (F)(2)(a) and (b) of this 119136
section, the applicant or employee fails to do either of the 119137
following: 119138

(a) Access, complete, or forward to the superintendent of the 119139
bureau of criminal identification and investigation the form 119140
prescribed to division (C)(1) of section 109.572 of the Revised 119141
Code or the standard impression sheet prescribed pursuant to 119142
division (C)(2) of that section; 119143

(b) Instruct the superintendent to submit the completed 119144
report of the criminal records check required by this section 119145
directly to the chief administrator of the waiver agency. 119146

(3) Except as provided in rules ~~adopted under~~ authorized by 119147
this section, the applicant or employee is found by a criminal 119148
records check required by this section to have been convicted of, 119149
or have pleaded guilty to, ~~or been found eligible for intervention~~ 119150
~~in lieu of conviction for~~ a disqualifying offense, regardless of 119151
the date of the conviction, or date of entry of the guilty plea, 119152
~~or the date the applicant or employee was found eligible for~~ 119153
~~intervention in lieu of conviction.~~ 119154

(D) At the time of each applicant's initial application for 119155
employment in a position that involves providing home and 119156

community-based services, the chief administrator of a waiver agency shall inform the applicant of both of the following:

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

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

(E) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall conduct a database review of the applicant in accordance with rules ~~adopted under~~ authorized by this section. If rules ~~adopted under~~ authorized by this section so require, the chief administrator of a waiver agency shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. A database review shall determine whether the applicant or employee is included in any of the following:

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

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to ~~section 1128 of the~~ "Social Security Act," ~~94 Stat. 2619 (1980)~~ sections 1128 and

~~1156~~, 42 U.S.C. 1320a-7, ~~as amended~~, and ~~section 1156 of the~~ 119188
~~"Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. 1320c-5, as~~ 119189
~~amended;~~ 119190

(3) The registry of MR/DD employees established under section 119191
5123.52 of the Revised Code; 119192

(4) The internet-based sex offender and child-victim offender 119193
database established under division (A)(11) of section 2950.13 of 119194
the Revised Code; 119195

(5) The internet-based database of inmates established under 119196
section 5120.66 of the Revised Code; 119197

(6) The state nurse aide registry established under section 119198
3721.32 of the Revised Code; 119199

(7) Any other database, if any, specified in rules ~~adopted~~ 119200
~~under~~ authorized by this section. 119201

(F)(1) As a condition of employing any applicant in a 119202
position that involves providing home and community-based 119203
services, the chief administrator of a waiver agency shall require 119204
the applicant to request that the superintendent of the bureau of 119205
criminal identification and investigation conduct a criminal 119206
records check of the applicant. If rules ~~adopted under~~ authorized 119207
by this section so require, the chief administrator of a waiver 119208
agency shall require an employee to request that the 119209
superintendent conduct a criminal records check of the employee at 119210
times specified in the rules as a condition of continuing to 119211
employ the employee in a position that involves providing home and 119212
community-based services. However, a criminal records check is not 119213
required for an applicant or employee if the waiver agency is 119214
prohibited by division (C)(1) of this section from employing the 119215
applicant or continuing to employ the employee in a position that 119216
involves providing home and community-based services. If an 119217
applicant or employee for whom a criminal records check request is 119218

required by this section does not present proof of having been a 119219
resident of this state for the five-year period immediately prior 119220
to the date the criminal records check is requested or provide 119221
evidence that within that five-year period the superintendent has 119222
requested information about the applicant or employee from the 119223
federal bureau of investigation in a criminal records check, the 119224
chief administrator shall require the applicant or employee to 119225
request that the superintendent obtain information from the 119226
federal bureau of investigation as part of the criminal records 119227
check. Even if an applicant or employee for whom a criminal 119228
records check request is required by this section presents proof 119229
of having been a resident of this state for the five-year period, 119230
the chief administrator may require the applicant or employee to 119231
request that the superintendent include information from the 119232
federal bureau of investigation in the criminal records check. 119233

(2) The chief administrator shall provide the following to 119234
each applicant and employee for whom a criminal records check is 119235
required by this section: 119236

(a) Information about accessing, completing, and forwarding 119237
to the superintendent of the bureau of criminal identification and 119238
investigation the form prescribed pursuant to division (C)(1) of 119239
section 109.572 of the Revised Code and the standard impression 119240
sheet prescribed pursuant to division (C)(2) of that section; 119241

(b) Written notification that the applicant or employee is to 119242
instruct the superintendent to submit the completed report of the 119243
criminal records check directly to the chief administrator. 119244

(3) A waiver agency shall pay to the bureau of criminal 119245
identification and investigation the fee prescribed pursuant to 119246
division (C)(3) of section 109.572 of the Revised Code for any 119247
criminal records check required by this section. However, a waiver 119248
agency may require an applicant to pay to the bureau the fee for a 119249
criminal records check of the applicant. If the waiver agency pays 119250

the fee for an applicant, it may charge the applicant a fee not exceeding the amount the waiver agency pays to the bureau under this section if the waiver agency notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(G)(1) A waiver agency may employ conditionally an applicant for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The waiver agency is not prohibited by division (C)(1) of this section from employing the applicant in a position that involves providing home and community-based services.

(b) The chief administrator of the waiver agency requires the applicant to request a criminal records check regarding the applicant in accordance with division (F)(1) of this section not later than five business days after the applicant begins conditional employment.

(2) A waiver agency that employs an applicant conditionally under division (G)(1) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of, or has pleaded guilty to, ~~or has been found eligible for intervention in lieu of conviction for~~ a disqualifying offense, the waiver agency shall terminate the applicant's employment unless circumstances specified in rules ~~adopted under~~ authorized by this section exist that permit the waiver agency to employ the applicant and the

waiver agency chooses to employ the applicant. 119283

(H) The report of any criminal records check conducted 119284
pursuant to a request made under this section is not a public 119285
record for the purposes of section 149.43 of the Revised Code and 119286
shall not be made available to any person other than the 119287
following: 119288

(1) The applicant or employee who is the subject of the 119289
criminal records check or the representative of the applicant or 119290
employee; 119291

(2) The chief administrator of the waiver agency that 119292
requires the applicant or employee to request the criminal records 119293
check or the administrator's representative; 119294

(3) The medicaid director ~~of job and family services~~ and the 119295
staff of the department who are involved in the administration of 119296
the medicaid program; 119297

(4) The director of aging or the director's designee if the 119298
waiver agency also is a community-based long-term care ~~agency~~ 119299
provider or community-based long-term care subcontractor; 119300

(5) An individual receiving or deciding whether to receive 119301
home and community-based services from the subject of the criminal 119302
records check; 119303

(6) A court, hearing officer, or other necessary individual 119304
involved in a case dealing with any of the following: 119305

(a) A denial of employment of the applicant or employee; 119306

(b) Employment or unemployment benefits of the applicant or 119307
employee; 119308

(c) A civil or criminal action regarding the medicaid 119309
program. 119310

(I) The medicaid director ~~of job and family services~~ shall 119311
adopt rules ~~in accordance with Chapter 119.~~ under section 5164.02 119312

of the Revised Code to implement this section. 119313

(1) The rules may do the following: 119314

(a) Require employees to undergo database reviews and 119315
criminal records checks under this section; 119316

(b) If the rules require employees to undergo database 119317
reviews and criminal records checks under this section, exempt one 119318
or more classes of employees from the requirements; 119319

(c) For the purpose of division (E)(7) of this section, 119320
specify other databases that are to be checked as part of a 119321
database review conducted under this section. 119322

(2) The rules shall specify all of the following: 119323

(a) The procedures for conducting a database review under 119324
this section; 119325

(b) If the rules require employees to undergo database 119326
reviews and criminal records checks under this section, the times 119327
at which the database reviews and criminal records checks are to 119328
be conducted; 119329

(c) If the rules specify other databases to be checked as 119330
part of a database review, the circumstances under which a waiver 119331
agency is prohibited from employing an applicant or continuing to 119332
employ an employee who is found by the database review to be 119333
included in one or more of those databases; 119334

(d) The circumstances under which a waiver agency may employ 119335
an applicant or employee who is found by a criminal records check 119336
required by this section to have been convicted of, or have 119337
~~pleaded guilty to, or been found eligible for intervention in lieu~~ 119338
~~of conviction for~~ a disqualifying offense. 119339

(J) The amendments made by H.B. 487 of the 129th general 119340
assembly to this section do not preclude the department of ~~job and~~ 119341
~~family services~~ medicaid from taking action against a person for 119342

failure to comply with former division (H) of this section as that 119343
division existed on the day preceding ~~the effective date of this~~ 119344
~~amendment~~ January 1, 2013. 119345

Sec. ~~5111.03~~ 5164.35. (A) As used in this section, "owner" 119346
means any person having at least five per cent ownership in a 119347
medicaid provider. 119348

(B)(1) No medicaid provider of services or goods contracting 119349
with the department of job and family services pursuant to the 119350
medicaid program shall, by do any of the following: 119351

(a) By deception, obtain or attempt to obtain payments under 119352
this chapter the medicaid program to which the provider is not 119353
entitled pursuant to the provider's provider agreement, or the 119354
rules of the federal government or the department of job and 119355
family services medicaid director relating to the program. No 119356
provider shall willfully; 119357

(b) Willfully receive payments to which the provider is not 119358
entitled, or willfully; 119359

(c) Willfully receive payments in a greater amount than that 119360
to which the provider is entitled; nor shall any provider falsify 119361

(d) Falsify any report or document required by state or 119362
federal law, rule, or provider agreement relating to medicaid 119363
payments. As used in this section, a 119364

(2) A medicaid provider engages in "deception" for the 119365
purpose of this section when the provider, acting with actual 119366
knowledge of the representation or information involved, acting in 119367
deliberate ignorance of the truth or falsity of the representation 119368
or information involved, or acting in reckless disregard of the 119369
truth or falsity of the representation or information involved, 119370
deceives another or causes another to be deceived by any false or 119371
misleading representation, by withholding information, by 119372

preventing another from acquiring information, or by any other 119373
conduct, act, or omission that creates, confirms, or perpetuates a 119374
false impression in another, including a false impression as to 119375
law, value, state of mind, or other objective or subjective fact. 119376
No proof of specific intent to defraud is required to show, for 119377
purposes of this section, that a medicaid provider has engaged in 119378
deception. 119379

~~(B)~~(C) Any medicaid provider who violates division ~~(A)~~(B) of 119380
this section shall be liable, in addition to any other penalties 119381
provided by law, for all of the following civil penalties: 119382

(1) Payment of interest on the amount of the excess payments 119383
at the maximum interest rate allowable for real estate mortgages 119384
under section 1343.01 of the Revised Code on the date the payment 119385
was made to the provider for the period from the date upon which 119386
payment was made, to the date upon which repayment is made to the 119387
state; 119388

(2) Payment of an amount equal to three times the amount of 119389
any excess payments; 119390

(3) Payment of a sum of not less than five thousand dollars 119391
and not more than ten thousand dollars for each deceptive claim or 119392
falsification; 119393

(4) All reasonable expenses which the court determines have 119394
been necessarily incurred by the state in the enforcement of this 119395
section. 119396

~~(C) As used in this division, "intermediate care facility for 119397
the mentally retarded" and "nursing facility" have the same 119398
meanings given in section 5111.20 of the Revised Code. 119399~~

(D) In addition to the civil penalties provided in division 119400
~~(B)~~(C) of this section, the medicaid director ~~of job and family 119401
services~~, upon the conviction of, or the entry of a judgment in 119402
either a criminal or civil action against, a medicaid provider or 119403

its owner, officer, authorized agent, associate, manager, or 119404
employee in an action brought pursuant to section 109.85 of the 119405
Revised Code, shall terminate the provider's provider agreement 119406
~~between the department and the provider~~ and stop ~~reimbursement~~ 119407
payment to the provider for medicaid services rendered from the 119408
date of conviction or entry of judgment. ~~As used in this division,~~ 119409
~~"owner" means any person having at least five per cent ownership~~ 119410
~~in the medicaid provider.~~ No such medicaid provider, owner, 119411
officer, authorized agent, associate, manager, or employee shall 119412
own or provide medicaid services to any other medicaid provider or 119413
risk contractor or arrange for, render, or order medicaid services 119414
for medicaid recipients, nor shall such provider, owner, officer, 119415
authorized agent, associate, manager, or employee receive 119416
~~reimbursement in the form of~~ direct payments ~~from the department~~ 119417
under the medicaid program or indirect payments of medicaid funds 119418
in the form of salary, shared fees, contracts, kickbacks, or 119419
rebates from or through any ~~participating~~ other medicaid provider 119420
or risk contractor. The provider agreement shall not be terminated 119421
~~or reimbursement, and payment shall not be~~ terminated, if the 119422
medicaid provider or owner can demonstrate that the provider or 119423
owner did not directly or indirectly sanction the action of its 119424
authorized agent, associate, manager, or employee that resulted in 119425
the conviction or entry of a judgment in a criminal or civil 119426
action brought pursuant to section 109.85 of the Revised Code. 119427
Nothing in this division prohibits any owner, officer, authorized 119428
agent, associate, manager, or employee of a medicaid provider from 119429
entering into a ~~medicaid~~ provider agreement if the person can 119430
demonstrate that the person had no knowledge of an action of the 119431
medicaid provider the person was formerly associated with that 119432
resulted in the conviction or entry of a judgment in a criminal or 119433
civil action brought pursuant to section 109.85 of the Revised 119434
Code. 119435

Nursing facility ~~or intermediate care facility for the~~ 119436

~~mentally retarded and ICF/IID providers whose provider agreements~~ 119437
~~are terminated pursuant to this section may continue to receive~~ 119438
~~reimbursement medicaid payments~~ for up to thirty days after the 119439
effective date of the termination if the provider makes reasonable 119440
efforts to transfer medicaid recipients to another facility or to 119441
alternate care and if federal ~~funds are~~ financial participation is 119442
provided for ~~such reimbursement~~ the payments. 119443

~~(D) For any reason permitted or required by federal law, the~~ 119444
~~director of job and family services may deny a provider agreement~~ 119445
~~or terminate a provider agreement.~~ 119446

~~For any reason permitted or required by federal law, the~~ 119447
~~director may exclude an individual, provider of services or goods,~~ 119448
~~or other entity from participation in the medicaid program. No~~ 119449
~~individual, provider, or entity excluded under this division shall~~ 119450
~~own or provide services to any other medicaid provider or risk~~ 119451
~~contractor or arrange for, render, or order services for medicaid~~ 119452
~~recipients during the period of exclusion, nor, during the period~~ 119453
~~of exclusion, shall such individual, provider, or entity receive~~ 119454
~~reimbursement in the form of direct payments from the department~~ 119455
~~or indirect payments of medicaid funds in the form of salary,~~ 119456
~~shared fees, contracts, kickbacks, or rebates from or through any~~ 119457
~~participating provider or risk contractor. An excluded individual,~~ 119458
~~provider, or entity may request a reconsideration of the~~ 119459
~~exclusion. The director shall adopt rules in accordance with~~ 119460
~~Chapter 119. of the Revised Code governing the process for~~ 119461
~~requesting a reconsideration.~~ 119462

~~Nothing in this division limits the applicability of section~~ 119463
~~5111.06 of the Revised Code to a medicaid provider.~~ 119464

~~(E) Any provider of services or goods contracting with the~~ 119465
~~department of job and family services pursuant to Title XIX of the~~ 119466
~~"Social Security Act," who, without intent, obtains payments under~~ 119467
~~this chapter in excess of the amount to which the provider is~~ 119468

~~entitled, thereby becomes liable for payment of interest on the amount of the excess payments at the maximum real estate mortgage rate on the date the payment was made to the provider for the period from the date upon which payment was made to the date upon which repayment is made to the state.~~

~~(F)~~(E) The attorney general on behalf of the state may commence proceedings to enforce this section in any court of competent jurisdiction; and the attorney general may settle or compromise any case brought under this section with the approval of the department of ~~job and family services~~ medicaid. Notwithstanding any other provision of law providing a shorter period of limitations, the attorney general may commence a proceeding to enforce this section at any time within six years after the conduct in violation of this section terminates.

~~(G) The authority, under state and federal law, of the department of job and family services or a county department of job and family services to recover excess payments made to a provider is not limited by the availability of remedies under sections 5111.11 and 5111.12 of the Revised Code for recovering benefits paid on behalf of recipients of medical assistance.~~

~~The penalties under this chapter apply to any overpayment, billing, or falsification occurring on and after April 24, 1978.~~

(F) All moneys collected by the state pursuant to this section shall be deposited in the state treasury to the credit of the general revenue fund.

Sec. ~~5111.035~~ 5164.36. (A) As used in this section:

(1) "~~Creditable~~ Credible allegation of fraud" has the same meaning as in 42 C.F.R. 455.2, except that for purposes of this section any reference in that regulation to the "state" or the "state medicaid agency" means the department of ~~job and family services~~ medicaid.

(2) ~~"Provider" has the same meaning as in section 5111.032 of the Revised Code.~~ 119500
119501

~~(3) "Owner" has the same meaning as in section 5111.031 119502
5164.37 of the Revised Code. 119503~~

(B)(1) Except as provided in division (C) of this section and 119504
in rules ~~adopted~~ authorized by the ~~department of job and family 119505
services under division (J) of this section,~~ on determining there 119506
is a ~~creditible~~ credible allegation of fraud for which an 119507
investigation is pending under the medicaid program against a 119508
medicaid provider, the department of medicaid shall suspend the 119509
provider agreement held by the provider. Subject to division (C) 119510
of this section, the department shall also terminate medicaid 119511
~~reimbursement~~ payments to the provider for services rendered. 119512

(2)(a) The suspension shall continue in effect until either 119513
of the following is the case: 119514

(i) The department or a prosecuting authority determines that 119515
there is insufficient evidence of fraud by the medicaid provider; 119516

(ii) The proceedings in any related criminal case are 119517
completed through dismissal of the indictment or through 119518
conviction, entry of a guilty plea, or finding of not guilty. 119519

(b) If the department commences a process to terminate the 119520
suspended provider agreement, the suspension shall also continue 119521
in effect until the termination process is concluded. 119522

~~(3) Pursuant to section 5111.06 of the Revised Code, the 119523
department is not required to take action under division (B)(1) of 119524
this section by issuing an order pursuant to an adjudication in 119525
accordance with Chapter 119. of the Revised Code. 119526~~

~~(4) When subject to a suspension under this section, a 119527
medicaid provider, owner, officer, authorized agent, associate, 119528
manager, or employee shall not own or provide services to any 119529~~

other medicaid provider or risk contractor or arrange for, render, 119530
or order services to any other medicaid provider or risk 119531
contractor or arrange for, render, or order services for medicaid 119532
recipients during the period of suspension. During the period of 119533
suspension, the provider, owner, officer, authorized agent, 119534
associate, manager, or employee shall not receive ~~reimbursement in~~ 119535
~~the form of~~ direct payments ~~from the department~~ under the medicaid 119536
program or indirect payments of medicaid funds in the form of 119537
salary, shared fees, contracts, kickbacks, or rebates from or 119538
through any ~~participating~~ other medicaid provider or risk 119539
contractor. 119540

(C) The department shall not suspend a provider agreement or 119541
terminate medicaid ~~reimbursement~~ payments under division (B) of 119542
this section if the medicaid provider or owner can demonstrate 119543
through the submission of written evidence that the provider or 119544
owner did not directly or indirectly sanction the action of its 119545
authorized agent, associate, manager, or employee that resulted in 119546
the ~~creditable~~ credible allegation of fraud. 119547

(D) The termination of medicaid ~~reimbursement~~ payment under 119548
division (B) of this section applies only to payments for medicaid 119549
services rendered subsequent to the date on which the notice 119550
required by division (E) of this section is sent. Claims for 119551
~~reimbursement~~ payment of medicaid services rendered by the 119552
medicaid provider prior to the issuance of the notice may be 119553
subject to prepayment review procedures whereby the department 119554
reviews claims to determine whether they are supported by 119555
sufficient documentation, are in compliance with state and federal 119556
statutes and rules, and are otherwise complete. 119557

(E) After suspending a provider agreement under division (B) 119558
of this section, the department shall, as specified in 42 C.F.R. 119559
455.23(b), send notice of the suspension to the affected medicaid 119560
provider or owner in accordance with the following timeframes: 119561

(1) Not later than five days after the suspension, unless a law enforcement agency makes a written request to temporarily delay the notice;

(2) If a law enforcement agency makes a written request to temporarily delay the notice, not later than thirty days after the suspension occurs subject to the conditions specified in division (F) of this section.

(F) A written request for a temporary delay described in division (E)(2) of this section may be renewed in writing by a law enforcement agency not more than two times except that under no circumstances shall the notice be issued more than ninety days after the suspension occurs.

(G) The notice required by division (E) of this section shall do all of the following:

(1) State that payments are being suspended in accordance with this section and 42 C.F.R. 455.23;

(2) Set forth the general allegations related to the nature of the conduct leading to the suspension, except that it is not necessary to disclose any specific information concerning an ongoing investigation;

(3) State that the suspension continues to be in effect until either of the following is the case:

(a) The department or a prosecuting authority determines that there is insufficient evidence of fraud by the provider;

(b) The proceedings in any related criminal case are completed through dismissal of the indictment or through conviction, entry of a guilty plea, or finding of not guilty and, if the department commences a process to terminate the suspended provider agreement, until the termination process is concluded.

(4) Specify, if applicable, the type or types of medicaid

claims or business units of the medicaid provider that are 119592
affected by the suspension; 119593

(5) Inform the medicaid provider or owner of the opportunity 119594
to submit to the department, not later than thirty days after 119595
receiving the notice, a request for reconsideration of the 119596
suspension in accordance with division (H) of this section. 119597

(H)(1) Pursuant to the procedure specified in division (H)(2) 119598
of this section, a medicaid provider or owner subject to a 119599
suspension under this section may request a reconsideration of the 119600
suspension. The request shall be made not later than thirty days 119601
after receipt of a notice required by division (E) of this 119602
section. The reconsideration is not subject to an adjudication 119603
hearing pursuant to Chapter 119. of the Revised Code. 119604

(2) In requesting a reconsideration, the medicaid provider or 119605
owner shall submit written information and documents to the 119606
department. The information and documents may pertain to any of 119607
the following issues: 119608

(a) Whether the determination to suspend the provider 119609
agreement was based on a mistake of fact, other than the validity 119610
of an indictment in a related criminal case. 119611

(b) If there has been an indictment in a related criminal 119612
case, whether any offense charged in the indictment resulted from 119613
an offense specified in division (E) of section ~~5111.031~~ 5164.37 119614
of the Revised Code. 119615

(c) Whether the provider or owner can demonstrate that the 119616
provider or owner did not directly or indirectly sanction the 119617
action of its authorized agent, associate, manager, or employee 119618
that resulted in the suspension under this section or an 119619
indictment in a related criminal case. 119620

(I) The department shall review the information and documents 119621
submitted in a request made under division (H) of this section for 119622

reconsideration of a suspension. After the review, the suspension 119623
may be affirmed, reversed, or modified, in whole or in part. The 119624
department shall notify the affected provider or owner of the 119625
results of the review. The review and notification of its results 119626
shall be completed not later than forty-five days after receiving 119627
the information and documents submitted in a request for 119628
reconsideration. 119629

~~(J) The department may adopt rules in accordance with Chapter 119630
119. of the Revised Code to implement this section. The rules 119631
Rules adopted under section 5164.02 of the Revised Code may 119632
specify circumstances under which the department would not suspend 119633
a provider agreement pursuant to this section. 119634~~

Sec. ~~5111.031~~ 5164.37. (A) As used in this section: 119635

(1) "Independent provider" has the same meaning as in section 119636
~~5111.034~~ 5164.341 of the Revised Code. 119637

~~(2) "Intermediate care facility for the mentally retarded" 119638
and "nursing facility" have the same meanings as in section 119639
5111.20 of the Revised Code. 119640~~

~~(3) "Noninstitutional medicaid provider" means any person or 119641
entity with a medicaid provider agreement other than a hospital, 119642
nursing facility, or ~~intermediate care facility for the mentally 119643
retarded~~ ICF/IID. 119644~~

~~(4)~~(3) "Owner" means any person having at least five per cent 119645
ownership in a noninstitutional medicaid provider. 119646

(B) Notwithstanding any provision of this chapter to the 119647
contrary, the department of ~~job and family services~~ medicaid shall 119648
take action under this section against a noninstitutional medicaid 119649
provider or its owner, officer, authorized agent, associate, 119650
manager, or employee. 119651

(C) Except as provided in division (D) of this section and in 119652

rules ~~adopted~~ authorized by the department under ~~division (H) of~~ 119653
this section, on receiving notice and a copy of an indictment that 119654
is issued on or after September 29, 2007, and charges a 119655
noninstitutional medicaid provider or its owner, officer, 119656
authorized agent, associate, manager, or employee with committing 119657
an offense specified in division (E) of this section, the 119658
department shall suspend the provider agreement held by the 119659
noninstitutional medicaid provider. Subject to division (D) of 119660
this section, the department shall also terminate medicaid 119661
~~reimbursement~~ payments to the provider for medicaid services 119662
rendered. 119663

The suspension shall continue in effect until the proceedings 119664
in the criminal case are completed through dismissal of the 119665
indictment or through conviction, entry of a guilty plea, or 119666
finding of not guilty. If the department commences a process to 119667
terminate the suspended provider agreement, the suspension shall 119668
also continue in effect until the termination process is 119669
concluded. 119670

~~Pursuant to section 5111.06 of the Revised Code, the~~ 119671
~~department is not required to take action under this division by~~ 119672
~~issuing an order pursuant to an adjudication conducted in~~ 119673
~~accordance with Chapter 119. of the Revised Code.~~ 119674

When subject to a suspension under this division, a provider, 119675
owner, officer, authorized agent, associate, manager, or employee 119676
shall not own or provide medicaid services to any other medicaid 119677
provider or risk contractor or arrange for, render, or order 119678
medicaid services for medicaid recipients during the period of 119679
suspension. During the period of suspension, the provider, owner, 119680
officer, authorized agent, associate, manager, or employee shall 119681
not receive ~~reimbursement in the form of~~ direct payments ~~from~~ 119682
under the department medicaid program or indirect payments of 119683
medicaid funds in the form of salary, shared fees, contracts, 119684

kickbacks, or rebates from or through any ~~participating other~~ medicaid provider or risk contractor. 119685
119686

(D)(1) The department shall not suspend a provider agreement 119687
or terminate medicaid ~~reimbursement~~ payments under division (C) of 119688
this section if the provider or owner can demonstrate through the 119689
submission of written evidence that the provider or owner did not 119690
directly or indirectly sanction the action of its authorized 119691
agent, associate, manager, or employee that resulted in the 119692
indictment. 119693

(2) The termination of medicaid ~~reimbursement~~ payments 119694
applies only to payments for medicaid services rendered subsequent 119695
to the date on which the notice required under division (F) of 119696
this section is sent. Claims for ~~reimbursement~~ payment for 119697
medicaid services rendered by the provider prior to the issuance 119698
of the notice may be subject to prepayment review procedures 119699
whereby the department reviews claims to determine whether they 119700
are supported by sufficient documentation, are in compliance with 119701
state and federal statutes and rules, and are otherwise complete. 119702

(E)(1) In the case of a noninstitutional medicaid provider 119703
that is not an independent provider, the suspension of a provider 119704
agreement under division (C) of this section applies when an 119705
indictment charges a person with committing an act that would be a 119706
felony or misdemeanor under the laws of this state and the act 119707
relates to or results from either of the following: 119708

(a) Furnishing or billing for ~~medical care,~~ medicaid 119709
~~services, or supplies~~ under the medicaid program; 119710

(b) Participating in the performance of management or 119711
administrative services relating to furnishing ~~medical care,~~ 119712
medicaid services, ~~or supplies~~ under the medicaid program. 119713

(2) In the case of a noninstitutional medicaid provider that 119714
is an independent provider, the suspension of a provider agreement 119715

under division (C) of this section applies when an indictment 119716
charges a person with committing an act that would constitute a 119717
disqualifying offense as defined in section ~~5111.032~~ 5164.34 of 119718
the Revised Code. 119719

(F) Not later than five days after suspending a provider 119720
agreement under division (C) of this section, the department shall 119721
send notice of the suspension to the affected provider or owner. 119722
In providing the notice, the department shall do all of the 119723
following: 119724

(1) Describe the indictment that was the cause of the 119725
suspension, without necessarily disclosing specific information 119726
concerning any ongoing civil or criminal investigation; 119727

(2) State that the suspension will continue in effect until 119728
the proceedings in the criminal case are completed through 119729
dismissal of the indictment or through conviction, entry of a 119730
guilty plea, or finding of not guilty and, if the department 119731
commences a process to terminate the suspended provider agreement, 119732
until the termination process is concluded; 119733

(3) Inform the provider or owner of the opportunity to submit 119734
to the department, not later than thirty days after receiving the 119735
notice, a request for a reconsideration pursuant to division (G) 119736
of this section. 119737

(G)(1) Pursuant to the procedure specified in division (G)(2) 119738
of this section, a noninstitutional medicaid provider or owner 119739
subject to a suspension under this section may request a 119740
reconsideration. The request shall be made not later than thirty 119741
days after receipt of the notice provided under division (F) of 119742
this section. The reconsideration is not subject to an 119743
adjudication hearing pursuant to Chapter 119. of the Revised Code. 119744

(2) In requesting a reconsideration, the provider or owner 119745
shall submit written information and documents to the department. 119746

The information and documents may pertain to any of the following 119747
issues: 119748

(a) Whether the determination to suspend the provider 119749
agreement was based on a mistake of fact, other than the validity 119750
of the indictment; 119751

(b) Whether any offense charged in the indictment resulted 119752
from an offense specified in division (E) of this section; 119753

(c) Whether the provider or owner can demonstrate that the 119754
provider or owner did not directly or indirectly sanction the 119755
action of its authorized agent, associate, manager, or employee 119756
that resulted in the indictment. 119757

(3) The department shall review the information and documents 119758
submitted in a request for reconsideration. After the review, the 119759
suspension may be affirmed, reversed, or modified, in whole or in 119760
part. The department shall notify the affected provider or owner 119761
of the results of the review. The review and notification of its 119762
results shall be completed not later than forty-five days after 119763
receiving the information and documents submitted in a request for 119764
reconsideration. 119765

~~(H) The department may adopt rules in accordance with Chapter 119766
119. of the Revised Code to implement this section. The rules 119767
Rules adopted under section 5164.02 of the Revised Code may 119768
specify circumstances under which the department would not suspend 119769
a provider agreement pursuant to this section. 119770~~

Sec. ~~5111.06~~ 5164.38. (A)~~(1)~~ As used in this section ~~and in~~ 119771
~~sections 5111.061 and 5111.063 of the Revised Code:~~ 119772

~~(a) "Provider" means any person, institution, or entity that 119773
furnishes medicaid services under a provider agreement with the 119774
department of job and family services pursuant to Title XIX of the 119775
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 119776~~

~~amended.~~ 119777

~~(b) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.~~ 119778
119779

~~(e)(1) "Adjudication" has the same meaning as in division (D) of section 119.01 of the Revised Code.~~ 119780
119781

~~(2) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.~~ 119782
119783

~~(3) "Revalidate" means to approve a medicaid provider's continued enrollment as a medicaid provider in accordance with the revalidation process established in rules authorized by section 5164.32 of the Revised Code.~~ 119784
119785
119786
119787

~~(B) This section does not apply to either of the following:~~ 119788

~~(a)(1) Any action taken or decision made by the department of job and family services medicaid with respect to entering into or refusing to enter into a contract with a managed care organization pursuant to section ~~5111.17~~ 5167.10 of the Revised Code;~~ 119789
119790
119791
119792

~~(b)(2) Any action taken by the department under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code.~~ 119793
119794

~~(B)(C) Except as provided in division ~~(D)~~(E) of this section and section ~~5111.914~~ 5164.58 of the Revised Code, the department shall do ~~either~~ any of the following by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code:~~ 119795
119796
119797
119798
119799

~~(1) Enter into or refuse Refuse to enter into a provider agreement with a medicaid provider, ~~or suspend;~~~~ 119800
119801

~~(2) Refuse to revalidate a medicaid provider's provider agreement;~~ 119802
119803

~~(3) Suspend or terminate, renew, or refuse to renew an existing a medicaid provider's provider agreement with a provider;~~ 119804
119805

~~(2)~~(4) Take any action based upon a final fiscal audit of a medicaid provider. 119806
119807

~~(C)~~(D) Any party who is adversely affected by the issuance of 119808
an adjudication order under division ~~(B)~~(C) of this section may 119809
appeal to the court of common pleas of Franklin county in 119810
accordance with section 119.12 of the Revised Code. 119811

~~(D)~~(E) The department is not required to comply with division 119812
~~(B)~~(C)(1), (2), or (3) of this section whenever any of the 119813
following occur: 119814

(1) The terms of a provider agreement require the medicaid 119815
provider to hold a license, permit, or certificate or maintain a 119816
certification issued by an official, board, commission, 119817
department, division, bureau, or other agency of state or federal 119818
government other than the department of ~~job and family services~~ 119819
medicaid, and the license, permit, certificate, or certification 119820
has been denied, revoked, not renewed, suspended, or otherwise 119821
limited. 119822

(2) The terms of a provider agreement require the medicaid 119823
provider to hold a license, permit, or certificate or maintain 119824
certification issued by an official, board, commission, 119825
department, division, bureau, or other agency of state or federal 119826
government other than the department of ~~job and family services~~ 119827
medicaid, and the provider has not obtained the license, permit, 119828
certificate, or certification. 119829

(3) The medicaid provider's application for a provider 119830
agreement is denied, or the provider's provider agreement is 119831
terminated, or not renewed due revalidated, because of or pursuant 119832
to the any of the following: 119833

(a) The termination, refusal to renew, or denial of a 119834
license, permit, certificate, or certification by an official, 119835
board, commission, department, division, bureau, or other agency 119836

of this state other than the department of ~~job and family services~~ 119837
medicaid, notwithstanding the fact that the provider may hold a 119838
license, permit, certificate, or certification from an official, 119839
board, commission, department, division, bureau, or other agency 119840
of another state. 119841

~~(4) The provider agreement is denied, terminated, or not~~ 119842
~~renewed pursuant to division (C);~~ 119843

(b) Division (D) or (F)(E) of section 5111.03 5164.35 of the 119844
Revised Code. 119845

~~(5) The provider agreement is denied, terminated, or not~~ 119846
~~renewed due to the;~~ 119847

(c) The provider's termination, suspension, or exclusion from 119848
the medicare program established under Title XVIII of the "Social 119849
Security Act" or from another state's medicaid program and, in 119850
either case, the termination, suspension, or exclusion is binding 119851
on the provider's participation in the medicaid program in this 119852
state. 119853

~~(6) The provider agreement is denied, terminated, or not~~ 119854
~~renewed due to the;~~ 119855

(d) The provider's pleading guilty to or being convicted of a 119856
criminal activity materially related to either the medicare or 119857
medicaid program; 119858

(e) The provider or its owner, officer, authorized agent, 119859
associate, manager, or employee having been convicted of one of 119860
the offenses that caused the provider's provider agreement to be 119861
suspended pursuant to section 5164.36 of the Revised Code; 119862

(f) The provider's failure to provide the department the 119863
national provider identifier assigned the provider by the national 119864
provider system pursuant to 45 C.F.R. 162.408. 119865

~~(7)(4) The medicaid provider's application for a provider~~ 119866

agreement is denied, or the provider's provider agreement is 119867
terminated, or suspended, as a result of action by the United 119868
States department of health and human services and that action is 119869
binding on the provider's medicaid participation ~~in the medicaid~~ 119870
~~program.~~ 119871

~~(8)~~(5) Pursuant to either section ~~5111.031~~ 5164.36 or 119872
~~5111.035~~ 5164.37 of the Revised Code, the medicaid provider's 119873
provider agreement is suspended and payments to the provider are 119874
suspended pending indictment of the provider. 119875

~~(9) The provider agreement is denied, terminated, or not~~ 119876
~~renewed because the provider or its owner, officer, authorized~~ 119877
~~agent, associate, manager, or employee has been convicted of one~~ 119878
~~of the offenses that caused the provider agreement to be suspended~~ 119879
~~pursuant to section 5111.031 of the Revised Code.~~ 119880

~~(10)~~(6) The medicaid provider's application for a provider 119881
agreement is denied because the provider's application was not 119882
complete; 119883

(7) The medicaid provider's provider agreement is converted 119884
under section ~~5111.028~~ 5164.32 of the Revised Code from a provider 119885
agreement that is not time-limited to a provider agreement that is 119886
time-limited. 119887

~~(11) The provider agreement is terminated or an application~~ 119888
~~for re enrollment is denied because the provider has failed to~~ 119889
~~apply for re enrollment within the time or in the manner specified~~ 119890
~~for re enrollment~~ (8) Unless the medicaid provider is a nursing 119891
facility or ICF/IID, the provider's provider agreement is not 119892
revalidated pursuant to division (B)(1) of section ~~5111.028~~ 119893
5164.32 of the Revised Code. 119894

~~(12)~~(9) The medicaid provider's provider agreement is 119895
suspended ~~or,~~ terminated, or an application for enrollment or 119896
~~re enrollment is denied, for any~~ not revalidated because of either 119897

of the following: 119898

(a) Any reason authorized or required by one or more of the 119899
following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 119900
455.450- 119901

~~(13) The provider agreement is terminated or not renewed 119902
because the;~~ 119903

(b) The provider has not billed or otherwise submitted a 119904
medicaid claim ~~to the department~~ for two years or longer. 119905

~~(14) The provider agreement is denied, terminated, or not 119906
renewed because the provider fails to provide to the department 119907
the national provider identifier assigned the provider by the 119908
national provider system pursuant to 45 C.F.R. 162.408.~~ 119909

(F) In the case of a medicaid provider described in division 119910
~~(D)(13)(E)(3)(f), (6), (7), or (14)(9)(b)~~ of this section, the 119911
department may take its proposed action ~~against a provider 119912
agreement~~ by sending a notice explaining the proposed action to 119913
the provider. The notice shall be sent to the medicaid provider's 119914
address on record with the department. The notice may be sent by 119915
regular mail. 119916

~~(E)(G)~~ (G) The department may withhold payments for medicaid 119917
services rendered by a medicaid provider ~~under the medicaid 119918
program~~ during the pendency of proceedings initiated under 119919
division ~~(B)(C)(1), (2), or (3)~~ of this section. If the 119920
proceedings are initiated under division ~~(B)(2)(C)(4)~~ of this 119921
section, the department may withhold payments only to the extent 119922
that they equal amounts determined in a final fiscal audit as 119923
being due the state. This division does not apply if the 119924
department fails to comply with section 119.07 of the Revised 119925
Code, requests a continuance of the hearing, or does not issue a 119926
decision within thirty days after the hearing is completed. This 119927
division does not apply to nursing facilities and ~~intermediate~~ 119928

~~care facilities for the mentally retarded as defined in section 5111.20 of the Revised Code ICFs/IID.~~ 119929
119930

Sec. ~~5111.062~~ 5164.39. In any action taken by the department 119931
of ~~job and family services~~ medicaid under section ~~5111.06~~ 5164.38 119932
or ~~5111.061~~ 5164.57 of the Revised Code or any other ~~provision of~~ 119933
~~this chapter~~ state statute governing the medicaid program that 119934
requires the department to give notice of an opportunity for a 119935
hearing in accordance with Chapter 119. of the Revised Code, if 119936
the department gives notice of the opportunity for a hearing but 119937
the medicaid provider or other entity subject to the notice does 119938
not request a hearing or timely request a hearing in accordance 119939
with section 119.07 of the Revised Code, the department is not 119940
required to hold a hearing. The medicaid director ~~of job and~~ 119941
~~family service~~ may proceed by issuing a final adjudication order 119942
in accordance with Chapter 119. of the Revised Code. 119943

Sec. ~~5111.05~~ 5164.45. (A) The department of ~~job and family~~ 119944
~~services~~ medicaid may contract with any person or persons as a 119945
fiscal agent for the examination, processing, and determination of 119946
~~medical assistance~~ medicaid claims ~~under this chapter~~. The 119947
contracting party may provide any of the following services, as 119948
required by the contract: 119949

(1) Design and operate medicaid management information 119950
systems, including the provision of data processing services; 119951

(2) Determine the amounts of payments to be made upon claims 119952
for ~~medical assistance~~ medicaid; 119953

(3) Prepare and furnish to the department lists and computer 119954
tapes of such claims for payment; 119955

(4) In addition to audits which may be conducted by the 119956
department and by the auditor of state, make audits of providers 119957
and the claims of medicaid providers ~~of medical assistance~~ 119958

according to the standards set forth in the contract; 119959

(5) Assist medicaid providers ~~of medical assistance~~ in the 119960
development of procedures relating to utilization practices, make 119961
studies of the effectiveness of such procedures and methods for 119962
their improvement, implement and enforce standards of medical 119963
policy, and assist in the application of safeguards against 119964
unnecessary utilization; 119965

(6) Assist any institution, facility, or agency to qualify as 119966
a medicaid provider ~~of medical assistance~~; 119967

(7) Establish and maintain fiscal records for the ~~medical~~ 119968
~~assistance~~ medicaid program; 119969

(8) Perform statistical and research studies; 119970

(9) Develop and implement programs for ~~medical assistance~~ 119971
medicaid cost containment; 119972

(10) Perform such other duties as are necessary to carry out 119973
the ~~medical assistance~~ medicaid program. 119974

(B) The department ~~of job and family services~~ may contract 119975
with any person or persons as an insuring agent for the 119976
examination, processing, and determination of ~~medical assistance~~ 119977
medicaid claims, as provided in division (A) of this section, and 119978
for the payment of ~~medical assistance~~ medicaid claims through an 119979
underwritten program in which the state pays the insuring agent a 119980
monthly premium and the insuring agent pays for ~~medical~~ medicaid 119981
services ~~authorized under the state's medical assistance program~~. 119982
The person with whom the department contracts, with respect to the 119983
awarding, provisions, and performance of such contract, shall not 119984
be subject to the provisions of Title XXXIX of the Revised Code or 119985
to regulation by the department of insurance, nor to taxation as 119986
an insurance company pursuant to section 5725.18 or 5729.03 of the 119987
Revised Code. A contract with an insuring agent shall specify the 119988
qualifications, including capital and surplus requirements, and 119989

other conditions with which the insuring agent must comply. 119990

(C) In entering into a contract under this section, the 119991
department, in cooperation with the director of budget and 119992
management, shall determine that the contracting party is 119993
qualified to perform the required services and shall follow 119994
applicable procedures required of the department of administrative 119995
services in sections 125.07 to 125.11 of the Revised Code. A 119996
contract shall be awarded to the bidder who, with due 119997
consideration to the bidder's experience and financial capability, 119998
offers the lowest and best bid to the state for control of the 119999
costs of the ~~medical assistance~~ medicaid program consistent with 120000
meeting the obligations under that program for fair and equitable 120001
treatment of medicaid recipients and medicaid providers ~~of medical~~ 120002
~~services~~. Any arrangement whereby funds are paid to an insuring or 120003
fiscal agent for administrative functions under this section 120004
shall, for the purposes of section 125.081 of the Revised Code, be 120005
deemed to be a contract or purchase by the department of 120006
administrative services; however, money to be used by an insuring 120007
agent to pay for ~~medical~~ medicaid services ~~authorized under the~~ 120008
~~state's medical assistance program~~ shall not be deemed a contract 120009
or purchase within the meaning of such section. 120010

Sec. ~~5111.052~~ 5164.46. (A) As used in this section, 120011
"electronic claims submission process" means any of the following: 120012

(1) Electronic interchange of data; 120013

(2) Direct entry of data through an internet-based mechanism 120014
implemented by the department of ~~job and family services~~ medicaid; 120015

(3) Any other process for the electronic submission of claims 120016
that is specified in rules adopted under ~~this~~ section 5162.02 of 120017
the Revised Code. 120018

(B) Not later than January 1, 2013, and except as provided in 120019

division (C) of this section, each medicaid provider ~~of services~~ 120020
~~to medicaid recipients~~ shall do both of the following: 120021

(1) Use only an electronic claims submission process to 120022
submit to the department of ~~job and family services~~ medicaid 120023
claims for medicaid ~~reimbursement~~ payment for medicaid services 120024
provided to medicaid recipients; 120025

(2) Arrange to receive medicaid ~~reimbursement~~ payment from 120026
the department by means of electronic funds transfer. 120027

(C) Division (B) of this section does not apply to any of the 120028
following: 120029

(1) A nursing facility, ~~as defined in section 5111.20 of the~~ 120030
~~Revised Code;~~ 120031

(2) An ~~intermediate care facility for the mentally retarded,~~ 120032
~~as defined in section 5111.20 of the Revised Code~~ ICF/IID; 120033

(3) A medicaid managed care organization ~~under contract with~~ 120034
~~the department pursuant to section 5111.17 of the Revised Code;~~ 120035

(4) Any other medicaid provider or type of medicaid provider 120036
designated in rules adopted under ~~this~~ section 5162.02 of the 120037
Revised Code. 120038

(D) The department shall not process a medicaid claim 120039
submitted on or after January 1, 2013, unless the claim is 120040
submitted through an electronic claims submission process in 120041
accordance with this section. 120042

~~(E) The director of job and family services may adopt rules~~ 120043
~~in accordance with Chapter 119. of the Revised Code as the~~ 120044
~~director considers necessary to implement this section.~~ 120045

Sec. ~~5111.054~~ 5164.47. (A) As used in this section+ 120046

~~(1) "Federal financial participation" means the federal~~ 120047
~~government's share of expenditures made by an entity in~~ 120048

~~implementing the medicaid program.~~ 120049

(2) "OCHSPS" means the private, not-for-profit corporation 120050
known as the Ohio children's hospital solutions for patient 120051
safety, which was formed for the purpose of improving pediatric 120052
patient care in this state, which performs functions that are 120053
included within the functions of a peer review committee as 120054
defined in section 2305.25 of the Revised Code, and which consists 120055
of all of the following members: Akron children's hospital, 120056
Cincinnati children's hospital medical center, Cleveland clinic 120057
children's hospital, Dayton children's medical center, mercy 120058
children's hospital, nationwide children's hospital, rainbow 120059
babies & children's hospital, and Toledo children's hospital. 120060

(B) If, as authorized by section ~~5101.10~~ 5160.10 of the 120061
Revised Code, the ~~department of job and family services~~ medicaid
director chooses to contract with a person to perform either or 120062
both of the following services, ~~it~~ the director may contract with 120063
any qualified person, including OCHSPS, to perform the service or 120064
services on ~~the department's~~ behalf of the department of medicaid: 120065
120066

(1) Review and analyze claims for ~~medical assistance made~~ 120067
~~under this chapter~~ medicaid services provided to children in 120068
accordance with all state and federal laws governing the 120069
confidentiality of patient-identifying information; 120070

(2) Perform quality assurance and quality review functions, 120071
other than those described in division (B)(1) of this section, 120072
related to ~~medical assistance made under this chapter~~ medicaid
services provided to children. 120073
120074

The functions specified in division (B)(2) of this section 120075
may include those recommended by the best evidence for advancing 120076
child health in Ohio now (BEACON) council. 120077

(C) If the ~~department~~ director enters into a contract with 120078
OCHSPS for OCHSPS to perform either or both of the services 120079

described in division (B) of this section, OCHSPS shall, only for 120080
purposes of section ~~5101.11~~ 5160.12 of the Revised Code, be 120081
considered a public entity and the ~~department~~ director shall seek 120082
federal financial participation for costs incurred by OCHSPS in 120083
performing the service or services. 120084

Sec. ~~5111.051~~ 5164.48. The medicaid director ~~of job and~~ 120085
~~family services~~ may ~~submit a medicaid state plan amendment or~~ 120086
~~request for a federal waiver to the United States secretary of~~ 120087
~~health and human services as necessary to implement, at the~~ 120088
~~director's discretion,~~ a system under which medicaid payments for 120089
~~medical assistance provided under the medicaid program services~~ 120090
are made to an organization on behalf of the medicaid providers ~~of~~ 120091
~~the medical assistance~~. The system may not provide for an 120092
organization to receive an amount that exceeds, in aggregate, the 120093
amount the ~~department~~ medicaid program would have paid directly to 120094
the medicaid providers if not for this section. 120095

Sec. 5164.55. The department of medicaid may conduct final 120096
fiscal audits of medicaid providers in accordance with the 120097
applicable requirements set forth in federal laws and regulations 120098
and determine any amounts the provider may owe the state. When 120099
conducting final fiscal audits, the department shall consider 120100
generally accepted auditing standards, which include the use of 120101
statistical sampling. 120102

Sec. ~~5111.022~~ 5164.56. Under the medicaid program, any amount 120103
determined to be owed the state by a final fiscal audit conducted 120104
pursuant to ~~division (D) of section 5111.021~~ 5164.55 of the 120105
Revised Code, upon the issuance of an adjudication order pursuant 120106
to Chapter 119. of the Revised Code that contains a finding that 120107
there is a preponderance of the evidence that ~~the~~ a medicaid 120108
provider will liquidate assets or file bankruptcy in order to 120109

prevent payment of the amount determined to be owed the state, 120110
becomes a lien upon the real and personal property of the 120111
provider. Upon failure of the provider to pay the amount to the 120112
state, the medicaid director ~~of job and family services~~ shall file 120113
notice of the lien, for which there shall be no charge, in the 120114
office of the county recorder of the county in which it is 120115
ascertained that the provider owns real or personal property. The 120116
director shall notify the provider by mail of the lien, but 120117
absence of proof that the notice was sent does not affect the 120118
validity of the lien. The lien is not valid as against the claim 120119
of any mortgagee, pledgee, purchaser, judgment creditor, or other 120120
lienholder of record at the time the notice is filed. 120121

If the provider acquires real or personal property after 120122
notice of the lien is filed, the lien shall not be valid as 120123
against the claim of any mortgagee, pledgee, subsequent bona fide 120124
purchaser for value, judgment creditor, or other lienholder of 120125
record to such after-acquired property unless the notice of lien 120126
is refiled after the property is acquired by the provider and 120127
before the competing lien attaches to the after-acquired property 120128
or before the conveyance to the subsequent bona fide purchaser for 120129
value. 120130

When the amount has been paid, the provider may record with 120131
the recorder notice of the payment. For recording such notice of 120132
payment, the recorder shall charge and receive from the provider a 120133
base fee of one dollar for services and a housing trust fund fee 120134
of one dollar pursuant to section 317.36 of the Revised Code. 120135

In the event of a distribution of a the provider's assets 120136
pursuant to an order of any court under the law of this state 120137
including any receivership, assignment for benefit of creditors, 120138
adjudicated insolvency, or similar proceedings, amounts then or 120139
thereafter due the state under ~~this chapter~~ the medicaid program 120140
have the same priority as provided by law for the payment of taxes 120141

due the state and shall be paid out of the receivership trust fund 120142
or other such trust fund in the same manner as provided for claims 120143
for unpaid taxes due the state. 120144

If the attorney general finds after investigation that any 120145
amount due the state under ~~this chapter~~ the medicaid program is 120146
uncollectable, in whole or in part, the attorney general shall 120147
recommend to the director the cancellation of all or part of the 120148
claim. The director may thereupon effect the cancellation. 120149

Sec. ~~5111.061~~ 5164.57. (A) As used in this section, 120150
"adjudication" has the same meaning as in section 119.01 of the 120151
Revised Code. 120152

(B)(1) Except as provided in division ~~(A)~~(B)(2) of this 120153
section, the department of ~~job and family services~~ medicaid may 120154
recover a medicaid payment or portion of a payment made to a 120155
medicaid provider to which the provider is not entitled if the 120156
department notifies the provider of the overpayment during the 120157
five-year period immediately following the end of the state fiscal 120158
year in which the overpayment was made. 120159

(2) In the case of a hospital medicaid provider, if the 120160
department determines as a result of a medicare or medicaid cost 120161
report settlement that the provider received an amount under the 120162
medicaid program to which the provider is not entitled, the 120163
department may recover the overpayment if the department notifies 120164
the provider of the overpayment during the later of the following: 120165

(a) The five-year period immediately following the end of the 120166
state fiscal year in which the overpayment was made; 120167

(b) The one-year period immediately following the date the 120168
department receives from the United States centers for medicare 120169
and medicaid services a completed, audited, medicare cost report 120170
for the provider that applies to the state fiscal year in which 120171

the overpayment was made. 120172

~~(B)~~(C) Among the overpayments that may be recovered under 120173
this section are the following: 120174

(1) Payment for a medicaid service, or a day of service, not 120175
rendered; 120176

(2) Payment for a day of service at a full per diem rate that 120177
should have been paid at a percentage of the full per diem rate; 120178

(3) Payment for a medicaid service, or day of service, that 120179
was paid by, or partially paid by, a third party, as defined in 120180
section ~~5101.571~~ 5160.35 of the Revised Code, and the third 120181
party's payment or partial payment was not offset against the 120182
amount paid by the medicaid program to reduce or eliminate the 120183
amount that was paid by the medicaid program; 120184

(4) Payment when a medicaid recipient's responsibility for 120185
payment was understated and resulted in an overpayment to the 120186
provider. 120187

~~(C)~~(D) The department may recover an overpayment under this 120188
section prior to or after any of the following: 120189

(1) Adjudication of a final fiscal audit that section ~~5111.06~~ 120190
5164.38 of the Revised Code requires to be conducted in accordance 120191
with Chapter 119. of the Revised Code; 120192

(2) Adjudication of a finding under any other provision of 120193
~~this chapter~~ state statutes governing the medicaid program or the 120194
rules adopted under ~~it~~ those statutes; 120195

(3) Expiration of the time to issue a final fiscal audit that 120196
section ~~5111.06~~ 5164.38 of the Revised Code requires to be 120197
conducted in accordance with Chapter 119. of the Revised Code; 120198

(4) Expiration of the time to issue a finding under any other 120199
provision of ~~this chapter~~ state statutes governing the medicaid 120200
program or the rules adopted under ~~it~~ those statutes. 120201

~~(D)~~(E)(1) Subject to division ~~(D)~~(E)(2) of this section, the recovery of an overpayment under this section does not preclude the department from subsequently doing the following:

(a) Issuing a final fiscal audit in accordance with Chapter 119. of the Revised Code, as required under section ~~5111.06~~ 5164.38 of the Revised Code;

(b) Issuing a finding under any other provision of ~~this chapter~~ state statutes governing the medicaid program or the rules adopted under ~~it~~ those statutes.

(2) A final fiscal audit or finding issued subsequent to the recovery of an overpayment under this section shall be reduced by the amount of the prior recovery, as appropriate.

~~(E)~~(F) Nothing in this section limits the department's authority to recover overpayments pursuant to any other provision of the Revised Code.

Sec. ~~5111.914~~ 5164.58. (A) ~~As used in this section, "provider" has the same meaning as in section 5111.06 of the Revised Code.~~

~~(B)~~ If a state agency that enters into a contract with the department of ~~job and family services~~ medicaid under section ~~5111.91~~ 5162.35 of the Revised Code identifies that a medicaid overpayment has been made to a medicaid provider, the state agency may commence actions to recover the overpayment on behalf of the department.

~~(C)~~(B) In recovering an overpayment pursuant to this section, a state agency shall comply with the following procedures:

(1) The state agency shall attempt to recover the overpayment by notifying the medicaid provider of the overpayment and requesting voluntary repayment. Not later than five business days after notifying the medicaid provider, the state agency shall

notify the department in writing of the overpayment. The state 120232
agency may negotiate a settlement of the overpayment and notify 120233
the department of the settlement. A settlement negotiated by the 120234
state agency is not valid and shall not be implemented until the 120235
department has given its written approval of the settlement. 120236

(2) If the state agency is unable to obtain voluntary 120237
repayment of an overpayment, the agency shall give the medicaid 120238
provider notice of an opportunity for a hearing in accordance with 120239
Chapter 119. of the Revised Code. If the medicaid provider timely 120240
requests a hearing in accordance with section 119.07 of the 120241
Revised Code, the state agency shall conduct the hearing to 120242
determine the legal and factual validity of the overpayment. On 120243
completion of the hearing, the state agency shall submit its 120244
hearing officer's report and recommendation and the complete 120245
record of proceedings, including all transcripts, to the medicaid 120246
director ~~of job and family services~~ for final adjudication. The 120247
director may issue a final adjudication order in accordance with 120248
Chapter 119. of the Revised Code. The state agency shall pay any 120249
attorney's fees imposed under section 119.092 of the Revised Code. 120250
The department of ~~job and family services~~ medicaid shall pay any 120251
attorney's fees imposed under section 2335.39 of the Revised Code. 120252

~~(D)~~(C) In any action taken by a state agency under this 120253
section that requires the agency to give notice of an opportunity 120254
for a hearing in accordance with Chapter 119. of the Revised Code, 120255
if the agency gives notice of the opportunity for a hearing but 120256
the medicaid provider subject to the notice does not request a 120257
hearing or timely request a hearing in accordance with section 120258
119.07 of the Revised Code, the agency is not required to hold a 120259
hearing. The agency may request that the medicaid director ~~of job~~ 120260
~~and family services~~ issue a final adjudication order in accordance 120261
with Chapter 119. of the Revised Code. 120262

~~(E)~~(D) This section does not preclude the department of ~~job~~ 120263

~~and family services~~ medicaid from adjudicating a final fiscal 120264
audit under section ~~5111.06~~ 5164.38 of the Revised Code, 120265
recovering overpayments under section ~~5111.061~~ 5164.57 of the 120266
Revised Code, or making findings or taking other actions 120267
authorized by ~~this chapter~~ state statutes governing the medicaid 120268
program. 120269

Sec. 5164.59. The department of medicaid may deduct from 120270
medicaid payments for medicaid services rendered by a medicaid 120271
provider any amounts the provider owes the state as the result of 120272
incorrect medicaid payments the department has made to the 120273
provider. 120274

Sec. 5164.60. (A) As used in this section, "recovery audit 120275
contractor program" means the program that must be established 120276
under the "Social Security Act," section 1902(a)(42)(B), 42 U.S.C. 120277
1396a(a)(42)(B). 120278

(B) Except as provided in division (C) of this section, any 120279
medicaid provider who, without intent, obtains payments under the 120280
medicaid program in excess of the amount to which the provider is 120281
entitled is liable for payment of interest on the amount of the 120282
excess payments at the maximum interest rate allowable for real 120283
estate mortgages under section 1343.01 of the Revised Code on the 120284
date the payment was made to the provider for the period from the 120285
date on which payment was made to the date on which repayment is 120286
made to the state. 120287

(C) Division (B) of this section does not apply to an excess 120288
payment identified under the recovery audit contractor program if 120289
the medicaid provider who obtains the excess payment repays the 120290
excess payment in full not later than thirty days after receiving 120291
notice of the excess payment. 120292

Sec. 5164.61. The authority, under state and federal law, of 120293

the department of medicaid or a county department of job and family services to recover excess medicaid payments made to a medicaid provider is not limited by the availability of remedies under sections 5162.21 and 5162.23 of the Revised Code for recovering benefits paid on behalf of medicaid recipients.

Sec. ~~5111.021~~ 5164.70. ~~Under the medicaid program:~~

~~(A) Except as otherwise required by federal statute or regulation, the department of job and family services shall not reimburse a medical provider no medicaid payment for any medical assistance rendered under the program an amount that exceeds medicaid service shall exceed the following:~~

~~(1)(A) If the medicaid provider is a hospital, nursing facility, or ~~intermediate care facility for the mentally retarded ICF/IID~~, the limits established under Subpart C of 42 C.F.R. Part 447;~~

~~(2)(B) If the medicaid provider is other than a provider described in division (A)(1) of this section, the authorized reimbursement payment limits for the same service under the medicare program established under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.~~

~~(B) Reimbursement for freestanding medical laboratory charges shall not exceed the customary and usual fee for laboratory profiles.~~

~~(C) The department may deduct from payments for services rendered by a medicaid provider under the medicaid program any amounts the provider owes the state as the result of incorrect medicaid payments the department has made to the provider.~~

~~(D) The department may conduct final fiscal audits in accordance with the applicable requirements set forth in federal laws and regulations and determine any amounts the provider may~~

~~owe the state. When conducting final fiscal audits, the department 120324
shall consider generally accepted auditing standards, which 120325
include the use of statistical sampling. 120326~~

~~(E) The number of days of inpatient hospital care for which 120327
reimbursement is made on behalf of a medicaid recipient to a 120328
hospital that is not paid under a diagnostic-related-group 120329
prospective payment system shall not exceed thirty days during a 120330
period beginning on the day of the recipient's admission to the 120331
hospital and ending sixty days after the termination of that 120332
hospital stay, except that the department may make exceptions to 120333
this limitation. The limitation does not apply to children 120334
participating in the program for medically handicapped children 120335
established under section 3701.023 of the Revised Code. 120336~~

~~(F) The division of any reimbursement between a collaborating 120337
physician or podiatrist and a clinical nurse specialist, certified 120338
nurse midwife, or certified nurse practitioner for services 120339
performed by the nurse shall be determined and agreed on by the 120340
nurse and collaborating physician or podiatrist. In no case shall 120341
reimbursement exceed the payment that the physician or podiatrist 120342
would have received had the physician or podiatrist provided the 120343
entire service. 120344~~

Sec. 5164.71. Medicaid payments for freestanding medical 120345
laboratory charges shall not exceed the customary and usual fee 120346
for laboratory profiles. 120347

Sec. 5164.72. The number of days of inpatient hospital care 120348
for which a medicaid payment is made on behalf of a medicaid 120349
recipient to a hospital that is not paid under a 120350
diagnostic-related-group prospective payment system shall not 120351
exceed thirty days during a period beginning on the day of the 120352
recipient's admission to the hospital and ending sixty days after 120353

the termination of that hospital stay, except that the department 120354
of medicaid may make exceptions to this limitation. The limitation 120355
does not apply to children participating in the program for 120356
medically handicapped children established under section 3701.023 120357
of the Revised Code. 120358

Sec. 5164.73. The division of any medicaid payment between a 120359
collaborating physician or podiatrist and a clinical nurse 120360
specialist, certified nurse-midwife, or certified nurse 120361
practitioner for services performed by the nurse shall be 120362
determined and agreed on by the nurse and collaborating physician 120363
or podiatrist. In no case shall the medicaid payment exceed the 120364
medicaid payment that the physician or podiatrist would have 120365
received had the physician or podiatrist provided the entire 120366
service. 120367

Sec. ~~5111.19~~ 5164.74. The medicaid director of job and family 120368
services shall adopt rules under section 5164.02 of the Revised 120369
Code governing the calculation and payment of, and the allocation 120370
of payments for, graduate medical education costs associated with 120371
medicaid services rendered to medicaid recipients after June 30, 120372
1994. Subject to section ~~5111.19~~ 5164.741 of the Revised Code, 120373
the rules shall provide for reimbursement payment of graduate 120374
medical education costs associated with medicaid services rendered 120375
to medicaid recipients, including recipients enrolled in a 120376
medicaid managed care organization under contract with the 120377
department office under section ~~5111.17~~ of the Revised Code, that 120378
the department of medicaid determines are allowable and 120379
reasonable. 120380

If the department requires a managed care organization to pay 120381
a provider for graduate medical education costs associated with 120382
the delivery of services to medicaid recipients enrolled in the 120383

~~organization, the department shall include in its payment to the organization an amount sufficient for the organization to pay such costs. If the department does not include in its payments to the managed care organization amounts for graduate medical education costs of providers, all of the following apply:~~

~~(A) Except as provided in section 5111.191 of the Revised Code, the department shall pay the provider for graduate medical education costs associated with the delivery of services to medicaid recipients enrolled in the organization;~~

~~(B) No provider shall seek reimbursement from the organization for such costs;~~

~~(C) The organization is not required to pay providers for such costs.~~

Sec. ~~5111.191~~ 5164.741. (A) Except as provided in division (B) of this section, the department of ~~job and family services~~ medicaid may deny medicaid payment to a hospital for direct graduate medical education costs associated with the delivery of medicaid services to any medicaid recipient if the hospital refuses without good cause to contract with a medicaid managed care organization that ~~serves participants in the care management system established under section 5111.16 of the Revised Code who are required to be enrolled in a managed care organization and the managed care organization~~ serves the area in which the hospital is located.

(B) A hospital is not subject to division (A) of this section if all of the following are the case:

(1) The hospital is located in a county in which participants in the care management system are required before January 1, 2006, to be enrolled in a medicaid managed care organization that is a health insuring corporation.

(2) The hospital has entered into a contract before January 1, 2006, with at least one health insuring corporation serving the participants specified in division (B)(1) of this section.

(3) The hospital remains under contract with at least one health insuring corporation serving participants in the care management system who are required to be enrolled in a health insuring corporation.

(C) The medicaid director ~~of job and family services~~ shall specify in the rules adopted under section ~~5111.19~~ 5164.02 of the Revised Code what constitutes good cause for a hospital to refuse to contract with a medicaid managed care organization.

Sec. ~~5111.086~~ 5164.75. As used in this section, "federal upper reimbursement limit" means the limit established pursuant to ~~section 1927(e) of the "Social Security Act," 104 Stat. 1388-151 (1990)~~ section 1927(e), 42 U.S.C. 1396r-8(e), as amended.

The medicaid payment for a drug that is subject to a federal upper reimbursement limit shall not exceed, in the aggregate, the federal upper reimbursement limit for the drug. ~~The director of job and family services shall adopt rules under section 5111.02 of the Revised Code as necessary to implement this section.~~

Sec. ~~5111.082~~ 5164.751. (A) As used in this section:

~~(1) "State, "state~~ "state maximum allowable cost" means the per unit amount the ~~department of job and family services reimburses~~ medicaid program pays a terminal distributor of dangerous drugs for a ~~prescription~~ prescribed drug included in the state maximum allowable cost program established under division (B) of this section. "State maximum allowable cost" excludes dispensing fees and copayments, coinsurance, or other cost-sharing charges, if any.

~~(2) "Terminal distributor of dangerous drugs" has the same~~

~~meaning as in section 4729.01 of the Revised Code.~~ 120444

(B) The medicaid director ~~of job and family services~~ shall 120445
establish a state maximum allowable cost program for purposes of 120446
managing ~~reimbursement~~ medicaid payments to terminal distributors 120447
of dangerous drugs for ~~prescription~~ prescribed drugs identified by 120448
the director pursuant to this division. The director shall do all 120449
of the following with respect to the program: 120450

(1) Identify and create a list of ~~prescription~~ prescribed 120451
drugs to be included in the program. 120452

(2) Update the list of ~~prescription~~ prescribed drugs 120453
described in division (B)(1) of this section on a weekly basis. 120454

(3) Review the state maximum allowable cost for each 120455
prescribed drug included on the list described in division (B)(1) 120456
of this section on a weekly basis. 120457

~~(C) The director may adopt rules in accordance with Chapter 120458
119. of the Revised Code to implement this section.~~ 120459

Sec. 5111.07 5164.752. ~~Commencing in In July, 1986, and of~~ 120460
~~every second July thereafter~~ even-numbered year, the department of 120461
~~job and family services~~ medicaid shall initiate a ~~private~~ 120462
confidential survey of ~~retail pharmacy operations~~ the cost of 120463
dispensing drugs incurred by terminal distributors of dangerous 120464
drugs in the this state. The survey shall be used as the basis for 120465
establishing a ~~current maximum~~ the medicaid program's dispensing 120466
fee for licensed ~~pharmacists who are providers of drugs under this~~ 120467
~~chapter. The~~ terminal distributors in accordance with section 120468
5164.753 of the Revised Code. The survey shall be completed and 120469
its results published not later than the last day of October of 120470
the year in which it is conducted. 120471

Each terminal distributor that is a provider of drugs under 120472
the medicaid program shall participate in the survey. Except as 120473

necessary to publish the survey's results, a terminal 120474
distributor's responses to the survey are confidential and not a 120475
public record under section 149.43 of the Revised Code. 120476

The survey shall be conducted in conformance with the 120477
requirements set forth in 42 C.F.R. 447.331 through 447.333, as 120478
amended or superseded, and 447.500 to 447.518. The survey shall 120479
include operational data and direct prescription expenses, 120480
professional services and personnel costs, and usual and customary 120481
overhead expenses, and profit data of the retail pharmacies 120482
terminal distributors surveyed. The survey shall be completed and 120483
its results published no later than the last day of October of the 120484
year in which the survey is conducted, and the survey shall 120485
compute and report the cost of dispensing fees on a basis of the 120486
usual and customary charges by retail pharmacies terminal 120487
distributors to their customers for dispensing drugs. The director 120488
of job and family services shall take into account the results of 120489
the survey in establishing a dispensing fee. 120490

Sec. ~~5111.071~~ 5164.753. Commencing in In December, 1986, and 120491
of every second December thereafter even-numbered year, the 120492
medicaid director of job and family services shall establish a 120493
dispensing fee, effective the following January July, for licensed 120494
pharmacists who terminal distributors of dangerous drugs that are 120495
providers of drugs under this chapter the medicaid program. The In 120496
establishing the dispensing fee, the director shall take into 120497
consideration the results of the survey conducted under section 120498
5111.07 5164.752 of the Revised Code. 120499

The director may reduce the amount of the dispensing fee 120500
provided to a terminal distributor that fails to fully comply with 120501
the requirement of section 5164.752 of the Revised Code that the 120502
distributor participate in the survey. In establishing the amount 120503
of the reduction, the director may take into account the extent to 120504

which the terminal distributor failed to fully participated in the 120505
survey. 120506

Sec. ~~5111.0114~~ 5164.754. (A) As used in this section, 120507
"dangerous drug" and "manufacturer of dangerous drugs" have the 120508
same meaning as in section 4729.01 of the Revised Code. 120509

(B) The medicaid director ~~of job and family services~~ may 120510
enter into or administer an agreement or cooperative arrangement 120511
with other states to create or join a multiple-state prescription 120512
drug purchasing program for the purpose of negotiating with 120513
manufacturers of dangerous drugs to receive discounts or rebates 120514
for dangerous drugs ~~dispensed under~~ covered by the medicaid 120515
program. 120516

Sec. ~~5111.081~~ 5164.755. The medicaid director ~~of job and~~ 120517
~~family services~~, in rules adopted under section ~~5111.02~~ 5164.02 of 120518
the Revised Code, may establish and implement a supplemental drug 120519
rebate program under which drug manufacturers may be required to 120520
provide the department of ~~job and family services~~ medicaid a 120521
supplemental rebate as a condition of having the drug 120522
manufacturers' drug products covered by the medicaid program 120523
without prior approval. The department may receive a supplemental 120524
rebate negotiated under the program for a drug dispensed to a 120525
medicaid recipient pursuant to a prescription or a drug purchased 120526
by a medicaid provider for administration to a medicaid recipient 120527
in the provider's primary place of business. ~~If necessary, the~~ 120528
~~director may apply to the United States secretary of health and~~ 120529
~~human services for a waiver of federal statutes and regulations to~~ 120530
~~establish the supplemental drug rebate program.~~ 120531

If the director establishes a supplemental drug rebate 120532
program, the director shall consult with drug manufacturers 120533
regarding the establishment and implementation of the program. 120534

~~Sec. 5101.31~~ 5164.756. Any record, data, pricing information, 120535
or other information regarding a drug rebate agreement or a 120536
supplemental drug rebate agreement for the medicaid program 120537
~~established under Chapter 5111. of the Revised Code~~ that the 120538
department of ~~job and family services~~ medicaid receives from a 120539
pharmaceutical manufacturer or creates pursuant to negotiation of 120540
the agreement is not a public record under section 149.43 of the 120541
Revised Code and shall be treated by the department as 120542
confidential information. 120543

~~Sec. 5111.083~~ 5164.757. (A) As used in this section, 120544
"licensed health professional authorized to prescribe drugs" has 120545
the same meaning as in section 4729.01 of the Revised Code. 120546

(B) The medicaid director ~~of job and family services~~ may 120547
~~establish an~~ acquire or specify technologies to provide 120548
information regarding medicaid recipient eligibility, claims 120549
history, and drug coverage to medicaid providers through 120550
electronic health record and e-prescribing system for the medicaid 120551
~~program under which~~ applications. 120552

If such technologies are acquired or specified, the 120553
e-prescribing applications shall enable a medicaid provider who is 120554
a licensed health professional authorized to prescribe drugs ~~shall~~ 120555
to use an electronic system to prescribe a drug for a medicaid 120556
recipient ~~when required to do so by division (C) of this section.~~ 120557
The ~~e-prescribing~~ purpose of the electronic system shall is to 120558
eliminate the need for such medicaid providers to ~~make~~ issue 120559
prescriptions for medicaid recipients by handwriting or telephone. 120560
The ~~e-prescribing system~~ technologies acquired or specified by the 120561
director also shall provide such medicaid providers with an 120562
up-to-date, clinically relevant drug information database and a 120563
system of electronically monitoring medicaid recipients' medical 120564
history, drug regimen compliance, and fraud and abuse. 120565

~~(C) If the director establishes an e-prescribing system under
division (B) of this section, the director shall do all of the
following:~~ 120566
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~~(1) Require that a medicaid provider who is a licensed health
professional authorized to prescribe drugs use the e-prescribing
system during a fiscal year if the medicaid provider was one of
the ten medicaid providers who, during the calendar year that
precedes that fiscal year, issued the most prescriptions for
medicaid recipients receiving hospital services;~~ 120569
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~~(2) Before the beginning of each fiscal year, determine the
ten medicaid providers that issued the most prescriptions for
medicaid recipients receiving hospital services during the
calendar year that precedes the upcoming fiscal year and notify
those medicaid providers that they must use the e-prescribing
system for the upcoming fiscal year;~~ 120575
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~~(3) Seek the most federal financial participation available
for the development and implementation of the e-prescribing
system.~~ 120581
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Sec. 5111.085 5164.758. ~~Not later than July 1, 2012, the
department of job and family services The medicaid director shall
adopt rules in accordance with Chapter 119. under section 5164.02
of the Revised Code to implement a coordinated services program
for medicaid recipients who are found to have obtained
prescription prescribed drugs under the medicaid program at a
frequency or in an amount that is not medically necessary. The
program shall be implemented in a manner that is consistent with
section 1915(a)(2) of the "Social Security Act," ~~95 Stat. 810~~
~~(1981)~~ section 1915(a)(2), 42 U.S.C. 1396n(a)(2), ~~as amended,~~ and
42 C.F.R. 431.54(e).~~ 120584
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Sec. 5111.08 5164.759. In accordance with ~~subsection (g) of~~ 120595

~~section 1927~~ of the "Social Security Act," ~~49 Stat. 320 (1935)~~ 120596
~~section 1927(g)~~, 42 U.S.C.A. 1396r-8(g), ~~as amended~~, the 120597
department of ~~job and family services~~ medicaid shall establish an 120598
outpatient drug use review program to assure that prescriptions 120599
obtained by medicaid recipients ~~of medical assistance under this~~ 120600
~~chapter~~ are appropriate, medically necessary, and unlikely to 120601
cause adverse medical results. 120602

Sec. ~~5111.084~~ 5164.7510. (A) There is hereby established the 120603
pharmacy and therapeutics committee of the department of ~~job and~~ 120604
~~family services~~ medicaid. The committee shall assist the 120605
department with developing and maintaining a preferred drug list 120606
for the medicaid program. 120607

The committee shall review and recommend to the medicaid 120608
director ~~of job and family services~~ the drugs that should be 120609
included on the preferred drug list. The recommendations shall be 120610
made based on the evaluation of competent evidence regarding the 120611
relative safety, efficacy, and effectiveness of ~~prescription~~ 120612
prescribed drugs within a class or classes of ~~prescription~~ 120613
prescribed drugs. 120614

(B) The committee shall consist of ten members and shall be 120615
appointed by the medicaid director ~~of job and family services~~. The 120616
director shall seek recommendations for membership from relevant 120617
professional organizations. A candidate for membership recommended 120618
by a professional organization shall have professional experience 120619
working with medicaid recipients. 120620

The membership of the committee shall include: 120621

(1) Three pharmacists licensed under Chapter 4729. of the 120622
Revised Code; 120623

(2) Two doctors of medicine and two doctors of osteopathy who 120624
hold certificates to practice issued under Chapter 4731. of the 120625

Revised Code, one of whom is a family practice physician; 120626

(3) A registered nurse licensed under Chapter 4723. of the 120627
Revised Code; 120628

(4) A pharmacologist who has a doctoral degree; 120629

(5) A psychiatrist who holds a certificate to practice issued 120630
under Chapter 4731. of the Revised Code and specializes in 120631
psychiatry. 120632

(C) The committee shall elect from among its members a 120633
chairperson. Five committee members constitute a quorum. 120634

The committee shall establish guidelines necessary for the 120635
committee's operation. 120636

The committee may establish one or more subcommittees to 120637
investigate and analyze issues consistent with the duties of the 120638
committee under this section. The subcommittees may submit 120639
proposals regarding the issues to the committee and the committee 120640
may adopt, reject, or modify the proposals. 120641

A vote by a majority of a quorum is necessary to make 120642
recommendations to the director. In the case of a tie, the 120643
chairperson shall decide the outcome. 120644

(D) The director shall act on the committee's recommendations 120645
not later than thirty days after the recommendation is posted on 120646
the department's web site under division (F) of this section. If 120647
the director does not accept a recommendation of the committee, 120648
the director shall present the basis for this determination not 120649
later than fourteen days after making the determination or at the 120650
next scheduled meeting of the committee, whichever is sooner. 120651

(E) An interested party may request, and shall be permitted, 120652
to make a presentation or submit written materials to the 120653
committee during a committee meeting. The presentation or other 120654
materials shall be relevant to an issue under consideration by the 120655

committee and any written material, including a transcript of 120656
testimony to be given on the day of the meeting, may be submitted 120657
to the committee in advance of the meeting. 120658

(F) The department shall post the following on the 120659
department's web site: 120660

(1) Guidelines established by the committee under division 120661
(C) of this section; 120662

(2) A detailed committee agenda not later than fourteen days 120663
prior to the date of a regularly scheduled meeting and not later 120664
than seventy-two hours prior to the date of a special meeting 120665
called by the committee; 120666

(3) Committee recommendations not later than seven days after 120667
the meeting at which the recommendation was approved; 120668

(4) The director's final determination as to the 120669
recommendations made by the committee under this section. 120670

Sec. ~~5111.025~~ 5164.76. (A) In rules adopted under section 120671
~~5111.02~~ 5164.02 of the Revised Code, the medicaid director ~~of job~~ 120672
~~and family services~~ shall modify the manner or establish a new 120673
manner in which the following are paid under medicaid: 120674

(1) Community mental health ~~agencies~~ service providers or 120675
facilities for providing community mental health services ~~included~~ 120676
~~in~~ covered by the ~~state~~ medicaid ~~plan~~ program pursuant to section 120677
~~5111.023~~ 5164.15 of the Revised Code; 120678

(2) Providers of alcohol and drug addiction services for 120679
providing alcohol and drug addiction services ~~included in~~ covered 120680
~~by~~ the medicaid program ~~pursuant to rules adopted under section~~ 120681
~~5111.02~~ ~~of the Revised Code.~~ 120682

(B) The director's authority to modify the manner, or to 120683
establish a new manner, for medicaid to pay for the services 120684
specified in division (A) of this section is not limited by any 120685

rules adopted under section ~~5111.02 or 5119.61~~ 5119.22 or 5164.02 120686
of the Revised Code that are in effect on June 26, 2003, and 120687
govern the way medicaid pays for those services. This is the case 120688
regardless of what state agency adopted the rules. 120689

Sec. ~~5111.0213~~ 5164.77. (A) As used in this section: 120690

(1) "Aide services" means all of the following: 120691

(a) Home health aide services available under the home health 120692
services benefit pursuant to 42 C.F.R. 440.70(b)(2); 120693

(b) Home care attendant services available under a home and 120694
community-based services medicaid waiver component; 120695

(c) Personal care aide services available under a home and 120696
community-based services medicaid waiver component. 120697

(2) "~~Home and community based services medicaid waiver~~ 120698
~~component~~" has the same meaning as in section ~~5111.85~~ of the 120699
~~Revised Code.~~ 120700

~~(3)~~ "Independent provider" means an individual who personally 120701
provides aide services or nursing services and is not employed by, 120702
under contract with, or affiliated with another entity that 120703
provides those services. 120704

~~(4)~~(3) "Nursing services" means all of the following: 120705

(a) Nursing services available under the home health services 120706
benefit pursuant to 42 C.F.R. 440.70(b)(1); 120707

(b) Private duty nursing services as defined in 42 C.F.R. 120708
440.80; 120709

(c) Nursing services available under a home and 120710
community-based services medicaid waiver component. 120711

(B) The department of ~~job and family services~~ medicaid shall 120712
do ~~both~~ all of the following: 120713

(1) Effective October 1, 2011, reduce the medicaid program's first-hour-unit price for aide services to ninety-seven per cent of the price paid on June 30, 2011, and for nursing services to ninety-five per cent of the price paid on June 30, 2011;

(2) Effective October 1, 2011, pay for a service that is an aide service or a nursing service provided by an independent provider eighty per cent of the price it pays for the same service provided by a provider that is not an independent provider;

(3) Not sooner than July 1, 2012, adjust the medicaid ~~reimbursement~~ payment rates for aide services and nursing services in a manner that reflects, at a minimum, labor market data, education and licensure status, home health agency and independent provider status, and length of service visit.

(C) The department shall strive to have the adjustment made under division (B)(3) of this section go into effect on July 1, 2012. The reductions made under divisions (B)(1) and (2) of this section shall remain in effect until the adjustment made under division (B)(3) of this section goes into effect.

~~(D) The director of job and family services shall adopt rules under sections 5111.02 and 5111.85 of the Revised Code as necessary to implement this section.~~

Sec. 5164.78. (A) The medicaid payment rates for physician, pregnancy-related, evaluation, and management services provided by a physician group practice meeting the requirements of division (B) of this section shall be determined in accordance with rule 5101:3-1-60.1 of the Administrative Code as the rule is in effect on the day immediately preceding the effective date of this section.

(B) A physician group practice meets the requirements of this division if both of the following apply to the practice:

(1) The practice is physically attached to a hospital that does not provide physician clinic outpatient services and the practice and hospital have signed a letter of agreement providing for the practice to provide outpatient hospital clinic services for the hospital. 120744
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(2) The medicaid provider utilization summary for calendar year 1990 establishes that the practice provided both of the following that year: 120749
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(a) At least forty per cent of the total number of medicaid physician visits provided in the county in which the practice is located; 120752
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(b) An aggregate total of at least ten per cent of medicaid physician visits provided in the contiguous counties. 120755
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(C) Not later than four years after the effective date of this section, the department of medicaid shall submit a report regarding this section to the general assembly in accordance with section 101.68 of the Revised Code. 120757
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Sec. ~~5111.0212~~ 5164.80. As necessary to comply with ~~section 1902(a)(13)(A) of the "Social Security Act," 411 Stat. 507 (1997)~~ section 1902(a)(13)(A), 42 U.S.C. 1396a(a)(13)(A), as amended, and any other federal law that requires public notice of proposed changes to ~~reimbursement payment~~ reimbursement payment rates for ~~medical assistance provided under the medicaid program services,~~ the medicaid director of ~~job and family services~~ shall give public notice in the register of Ohio of any change to a method or standard used to determine the medicaid ~~reimbursement payment~~ reimbursement payment rate for ~~medical assistance~~ a medicaid service. 120761
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Sec. ~~5111.0214~~ 5164.82. The department of ~~job and family services~~ medicaid shall not knowingly make a medicaid payment for a provider-preventable condition for which federal financial 120771
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participation is prohibited by regulations adopted under ~~section~~ 120774
~~2702~~ of the "Patient Protection and Affordable Care Act," ~~124~~ 120775
~~Stat. 318 (2010)~~ section 2702, 42 U.S.C. 1396b-1. ~~The director of~~ 120776
~~job and family services shall adopt rules under section 5111.02 of~~ 120777
~~the Revised Code as necessary to implement this section.~~ 120778

Sec. ~~5111.13~~ 5164.85. (A) As used in this section, 120779
"cost-effective" and "group health plan" have the same meanings as 120780
in ~~section 1906~~ of the "Social Security Act," ~~104 Stat. 1388 161~~ 120781
~~(1990)~~ section 1906, 42 U.S.C. 1396e, ~~as amended~~, and any 120782
regulations adopted under that section. 120783

(B) The department of ~~job and family services~~ medicaid may 120784
~~submit a medicaid state plan amendment to the United States~~ 120785
~~secretary of health and human services for the purpose of~~ 120786
~~implementing~~ implement a program pursuant to ~~section 1906~~ of the 120787
"Social Security Act," ~~104 Stat. 1388 161 (1990)~~ section 1906, 42 120788
U.S.C. 1396e, ~~as amended~~, for the enrollment of medicaid-eligible 120789
individuals in group health plans when the department determines 120790
that enrollment is cost-effective. 120791

~~(C) The director of job and family services may adopt rules~~ 120792
~~in accordance with Chapter 119. of the Revised Code as necessary~~ 120793
~~to implement this section.~~ 120794

Sec. ~~5111.18~~ 5164.86. ~~Not later than September 1, 2007, the~~ 120795
~~The medicaid~~ director of ~~job and family services~~ shall establish a 120796
qualified state long-term care insurance partnership program 120797
consistent with the definition of that term in the "Social 120798
Security Act," section 1917(b)(1)(C)(iii), 42 U.S.C. 120799
1396p(b)(1)(C)(iii). An individual participating in the program 120800
who is subject to the medicaid estate recovery program instituted 120801
under section ~~5111.11~~ 5162.21 of the Revised Code shall be 120802
eligible for the reduced adjustment or recovery under division (D) 120803

of that section. 120804

~~The director of job and family services may adopt rules in 120805
accordance with Chapter 119. of the Revised Code as necessary to 120806
implement this section. 120807~~

Sec. ~~5111.14~~ 5164.88. The medicaid director ~~of job and family~~ 120808
~~services~~ may ~~submit to the United States secretary of health and~~ 120809
~~human services an amendment to the medicaid state plan in order to~~ 120810
implement within the medicaid program a system under which 120811
medicaid recipients with chronic conditions are provided with 120812
coordinated care through health homes, as authorized by ~~section~~ 120813
~~1945~~ of the "Social Security Act," ~~124 Stat. 319 (2010)~~ section 120814
1945, 42 U.S.C. 1396w-4. 120815

~~The director may adopt rules under section 5111.02 of the 120816
Revised Code to implement this section. 120817~~

Sec. 5164.881. The medicaid director, in consultation with 120818
the director of developmental disabilities, may develop and 120819
implement within the medicaid program a system under which 120820
eligible individuals with chronic conditions, as defined in the 120821
"Social Security Act," section 1945 (h)(1), 42 U.S.C. 120822
1396w-4(h)(1), who also have mental retardation or other 120823
developmental disabilities may receive health home services, as 120824
defined in the "Social Security Act," section 1945 (h)(4), 42 120825
U.S.C. 1396w-4(h)(4). Any such system shall focus on the needs of 120826
individuals and have as its goal improving services and outcomes 120827
under the medicaid program by improving integration of long-term 120828
care services and supportive services with primary and acute 120829
health care services. 120830

In developing any system under this section, the directors 120831
shall consult with representatives of county boards of 120832
developmental disabilities, the Ohio provider resource 120833

association, and the arc of Ohio. The directors may consult with 120834
any other individuals or entities that have an interest in the 120835
well being of individuals with developmental disabilities. 120836

Sec. ~~5111.141~~ 5164.89. The department of ~~job and family~~ 120837
~~services~~ medicaid may require county departments of job and family 120838
services to provide case management of nonemergency transportation 120839
services provided under the ~~medical assistance~~ medicaid program. 120840
County departments shall provide the case management if required 120841
by the department in accordance with rules adopted ~~by the director~~ 120842
~~of job and family services~~ under section 5164.02 of the Revised 120843
Code. 120844

The department shall determine, for the purposes of claiming 120845
federal ~~reimbursement under the medical assistance program~~ 120846
financial participation, whether it will claim expenditures for 120847
nonemergency transportation services as administrative or program 120848
expenditures. 120849

Sec. ~~5111.96~~ 5164.90. (A) As used in this section, "MFP 120850
demonstration project" means a money follows the person 120851
demonstration project that the United States secretary of health 120852
and human services is authorized to award under section 6071 of 120853
the "Deficit Reduction Act of 2005" (Pub. L. No. 109-171, as 120854
amended). 120855

(B) To the extent funds are available under an MFP 120856
demonstration project awarded to the department of ~~job and family~~ 120857
~~services~~ medicaid, the director of ~~job and family services~~ 120858
medicaid may operate the helping Ohioans move, expanding (HOME) 120859
choice demonstration component of the medicaid program to 120860
transition medicaid recipients who qualify for the demonstration 120861
component to community settings. ~~The director may adopt rules in~~ 120862
~~accordance with Chapter 119. of the Revised Code for the~~ 120863

~~administration and operation of the demonstration component.~~ 120864

~~Sec. 5111.981 5164.91. (A) As used in this section and section 5111.982 of the Revised Code:~~ 120865
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~~"Dual eligible individual" has the same meaning as in the "Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 1396n(h)(2)(B).~~ 120867
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~~"Medicare" means the program created in the "Social Security Act," Title XVIII, 42 U.S.C. 1395 et seq., as amended.~~ 120870
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~~(B) Subject to division (C) of this section, the medical assistance The medicaid director may implement a demonstration project called the integrated care delivery system to test and evaluate the integration of the care that dual eligible individuals receive under medicare and medicaid. No provision of Title LI of the Revised Code applies to the integrated care delivery system if that provision implements or incorporates a provision of federal law governing medicaid and that provision of federal law does not apply to the system.~~ 120872
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~~(C) Before implementing the integrated care delivery system under division (B) of this section, the director shall obtain the approval of the United States secretary of health and human services in the form of a federal medicaid waiver, medicaid state plan amendment, or demonstration grant. The director is required to seek the federal approval only if the director seeks to implement the integrated care delivery system. The director shall implement the integrated care delivery system in accordance with the terms of the federal approval, including the terms regarding the duration of the system.~~ 120881
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~~Sec. 5164.911. (A) If the medicaid director implements the integrated care delivery system and except as provided in division (D) of this section, the director shall annually evaluate all of~~ 120891
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<u>the following:</u>	120894
<u>(1) The health outcomes of ICDS participants;</u>	120895
<u>(2) How changes to the administration of the ICDS affect all</u>	120896
<u>of the following:</u>	120897
<u>(a) Claims processing;</u>	120898
<u>(b) The appeals process;</u>	120899
<u>(c) The number of reassessments requested;</u>	120900
<u>(d) Prior authorization requests for services.</u>	120901
<u>(3) The provider panel selection process used by medicaid</u>	120902
<u>managed care organizations participating in the ICDS.</u>	120903
<u>(B) When conducting an evaluation under division (A) of this</u>	120904
<u>section, the director shall do all of the following:</u>	120905
<u>(1) For the purpose of division (A)(1) of this section, do</u>	120906
<u>both of the following:</u>	120907
<u>(a) Compare the health outcomes of ICDS participants to the</u>	120908
<u>health outcomes of individuals who are not ICDS participants;</u>	120909
<u>(b) Use both of the following:</u>	120910
<u>(i) A control group consisting of ICDS participants who</u>	120911
<u>receive health care services from providers not participating in</u>	120912
<u>ICDS;</u>	120913
<u>(ii) A control group consisting of ICDS participants who</u>	120914
<u>receive health care services from alternative providers that are</u>	120915
<u>not part of a participating medicaid managed care organization's</u>	120916
<u>provider panel but provide health care services in the geographic</u>	120917
<u>service area in which ICDS participants receive health care</u>	120918
<u>services.</u>	120919
<u>(2) For the purpose of division (A)(2) of this section, do</u>	120920
<u>all of the following:</u>	120921

<u>(a) To the extent the data is available, use data from all of</u>	120922
<u>the following:</u>	120923
<u>(i) The fee-for-service component of the medicaid program;</u>	120924
<u>(ii) Medicaid managed care organizations;</u>	120925
<u>(iii) Managed care organizations participating in the</u>	120926
<u>medicare advantage program established under Part C of Title XVIII</u>	120927
<u>of the "Social Security Act," 42 U.S.C. 1395w-21 et seq.</u>	120928
<u>(b) Identify all of the following:</u>	120929
<u>(i) Changes in the amount of time it takes to process claims</u>	120930
<u>and the number of claims denied and the reasons for the changes;</u>	120931
<u>(ii) The impact that changes to the administration of the</u>	120932
<u>ICDS had on the appeals process and number of reassessments</u>	120933
<u>requested;</u>	120934
<u>(iii) The number of prior authorization denials that were</u>	120935
<u>overturned and the reasons for the overturned denials.</u>	120936
<u>(3) Require medicaid managed care organizations participating</u>	120937
<u>in the ICDS to submit to the director any data the director needs</u>	120938
<u>for the evaluation.</u>	120939
<u>(C) Not later than the first day of each July, the director</u>	120940
<u>shall complete a report of the evaluation conducted under this</u>	120941
<u>section. The director shall provide a copy of the report to the</u>	120942
<u>general assembly in accordance with section 101.68 of the Revised</u>	120943
<u>Code and make the report available to the public.</u>	120944
<u>(D) The director is not required to conduct an evaluation</u>	120945
<u>under this section for a year if the same evaluation is conducted</u>	120946
<u>for that year by an organization under contract with the United</u>	120947
<u>States department of health and human services.</u>	120948
Sec. 5111.0210 5164.92. As used in this section, "advanced	120949
diagnostic imaging services" means magnetic resonance imaging	120950

services, computed tomography services, positron emission 120951
tomography services, cardiac nuclear medicine services, and 120952
similar imaging services. 120953

~~Not later than January 1, 2010, the~~ The department of ~~job and~~ 120954
~~family services~~ medicaid shall implement evidence-based, best 120955
practice guidelines or protocols and decision support tools for 120956
advanced diagnostic imaging services ~~available under~~ covered by 120957
the fee-for-service component of the medicaid program. 120958

Sec. ~~5111.0215~~ 5164.93. (A) The department of ~~job and family~~ 120959
~~services~~ medicaid may establish a program under which it provides 120960
incentive payments, as authorized by the "~~Health Information~~ 120961
~~Technology for Economic and Clinical Health~~ Social Security Act," 120962
~~123 Stat. 489 (2009)~~ section 1903(a)(3)(F) and (t), 42 U.S.C. 120963
~~1396b(a)(3)(F) and 1396b(t), as amended,~~ to encourage the adoption 120964
and use of electronic health record technology by medicaid 120965
providers who are identified under that federal law as eligible 120966
professionals. 120967

(B) After the department has made a determination regarding 120968
the amount of a medicaid provider's electronic health record 120969
incentive payment or the denial of an incentive payment, the 120970
department shall notify the provider. The provider may request 120971
that the department reconsider its determination. 120972

A request for reconsideration shall be submitted in writing 120973
to the department not later than fifteen days after the provider 120974
receives notification of the determination. The request shall be 120975
accompanied by written materials setting forth the basis for, and 120976
supporting, the reconsideration request. 120977

On receipt of a timely request, the department shall 120978
reconsider the determination. On the basis of the written 120979
materials accompanying the request, the department may uphold, 120980

reverse, or modify its original determination. The department 120981
shall mail to the provider by certified mail a written notice of 120982
the reconsideration decision. 120983

In accordance with Chapter 2505. of the Revised Code, the 120984
medicaid provider may appeal the reconsideration decision by 120985
filing a notice of appeal with the court of common pleas of 120986
Franklin county. The notice shall identify the decision being 120987
appealed and the specific grounds for the appeal. The notice of 120988
appeal shall be filed not later than fifteen days after the 120989
department mails its notice of the reconsideration decision. A 120990
copy of the notice of appeal shall be filed with the department 120991
not later than three days after the notice is filed with the 120992
court. 120993

(C) The medicaid director ~~of job and family services~~ may 120994
adopt rules ~~in accordance with Chapter 119.~~ under section 5162.02 120995
of the Revised Code as necessary to implement this section. The 120996
rules, if any, shall be adopted in accordance with Chapter 119. of 120997
the Revised Code. 120998

~~Sec. 5111.20~~ 5165.01. As used in ~~sections 5111.20 to 5111.331~~ 120999
~~of the Revised Code~~ this chapter: 121000

(A) "Affiliated operator" means an operator affiliated with 121001
either of the following: 121002

(1) The exiting operator for whom the affiliated operator is 121003
to assume liability for the entire amount of the exiting 121004
operator's debt under the medicaid program or the portion of the 121005
debt that represents the franchise permit fee the exiting operator 121006
owes; 121007

(2) The entering operator involved in the change of operator 121008
with the exiting operator specified in division (A)(1) of this 121009
section. 121010

(B) "Allowable costs" are ~~those a nursing facility's costs~~ 121011
~~determined by that~~ the department of job and family services to be 121012
medicaid determines are reasonable and do not include fines. Fines 121013
paid under sections ~~5111.35~~ 5165.60 to ~~5111.61~~ 5165.89 and section 121014
~~5111.99~~ 5165.99 of the Revised Code are not allowable costs. 121015

~~(B)~~(C) "Ancillary and support costs" means all reasonable 121016
costs incurred by a nursing facility other than direct care costs, 121017
tax costs, or capital costs. "Ancillary and support costs" 121018
includes, but is not limited to, costs of activities, social 121019
services, pharmacy consultants, habilitation supervisors, 121020
qualified mental retardation professionals, program directors, 121021
medical and habilitation records, program supplies, incontinence 121022
supplies, food, enterals, dietary supplies and personnel, laundry, 121023
housekeeping, security, administration, medical equipment, 121024
utilities, liability insurance, bookkeeping, purchasing 121025
department, human resources, communications, travel, dues, license 121026
fees, subscriptions, home office costs not otherwise allocated, 121027
legal services, accounting services, minor equipment, maintenance 121028
and repairs, help-wanted advertising, informational advertising, 121029
start-up costs, organizational expenses, other interest, property 121030
insurance, employee training and staff development, employee 121031
benefits, payroll taxes, and workers' compensation premiums or 121032
costs for self-insurance claims and related costs as specified in 121033
rules adopted ~~by the director of job and family services~~ under 121034
section ~~5111.02~~ 5165.02 of the Revised Code, for personnel listed 121035
in this division. "Ancillary and support costs" also means the 121036
cost of equipment, including vehicles, acquired by operating lease 121037
executed before December 1, 1992, if the costs are reported as 121038
administrative and general costs on the nursing facility's cost 121039
report for the cost reporting period ending December 31, 1992. 121040

~~(C)~~(D)(1) "Capital costs" means ~~costs of ownership and, in~~ 121041
~~the case of an intermediate care facility for the mentally~~ 121042

retarded, costs of nonextensive renovation <u>the actual expense</u>	121043
<u>incurred by a nursing facility for all of the following:</u>	121044
<u>(a) Depreciation and interest on any capital assets that cost</u>	121045
<u>five hundred dollars or more per item, including the following:</u>	121046
<u>(i) Buildings;</u>	121047
<u>(ii) Building improvements;</u>	121048
<u>(iii) Except as provided in division (C) of this section,</u>	121049
<u>equipment;</u>	121050
<u>(iv) Transportation equipment.</u>	121051
<u>(b) Amortization and interest on land improvements and</u>	121052
<u>leasehold improvements;</u>	121053
<u>(c) Amortization of financing costs;</u>	121054
<u>(d) Lease and rent of land, buildings, and equipment.</u>	121055
<u>(2) The costs of capital assets of less than five hundred</u>	121056
<u>dollars per item may be considered capital costs in accordance</u>	121057
<u>with a provider's practice.</u>	121058
(1) "Cost of ownership" means the actual expense incurred for	121059
all of the following:	121060
(a) Depreciation and interest on any capital assets that cost	121061
five hundred dollars or more per item, including the following:	121062
(i) Buildings;	121063
(ii) Building improvements that are not approved as	121064
nonextensive renovations under section 5111.251 of the Revised	121065
Code;	121066
(iii) Except as provided in division (B) of this section,	121067
equipment;	121068
(iv) In the case of an intermediate care facility for the	121069
mentally retarded, extensive renovations;	121070

(v) Transportation equipment.	121071
(b) Amortization and interest on land improvements and leasehold improvements;	121072
(c) Amortization of financing costs;	121073
(d) Except as provided in division (K) of this section, lease and rent of land, building, and equipment.	121074
The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.	121075
(2) "Costs of nonextensive renovation" means the actual expense incurred by an intermediate care facility for the mentally retarded for depreciation or amortization and interest on renovations that are not extensive renovations.	121076
(D)(E) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.	121077
(E) "Case-mix score" means the measure determined under section 5111.232 of the Revised Code of the relative direct care resources needed to provide care and habilitation to a resident of a nursing facility or intermediate care facility for the mentally retarded.	121078
(F) "Case-mix score" means a measure determined under section 5165.192 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a nursing facility resident.	121079
(G) "Change of operator" means an entering operator becoming the operator of a nursing facility in the place of the exiting operator.	121080
(1) <u>Actions that constitute a change of operator include the following:</u>	121081
	121082
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<u>(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;</u>	121101
	121102
	121103
<u>(b) A transfer of all the exiting operator's ownership interest in the operation of the nursing facility to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing facility is also transferred;</u>	121104
	121105
	121106
	121107
	121108
<u>(c) A lease of the nursing facility to the entering operator or the exiting operator's termination of the exiting operator's lease;</u>	121109
	121110
	121111
<u>(d) If the exiting operator is a partnership, dissolution of the partnership;</u>	121112
	121113
<u>(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:</u>	121114
	121115
<u>(i) The change in composition does not cause the partnership's dissolution under state law.</u>	121116
	121117
<u>(ii) The partners agree that the change in composition does not constitute a change in operator.</u>	121118
	121119
<u>(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.</u>	121120
	121121
	121122
	121123
<u>(2) The following, alone, do not constitute a change of operator:</u>	121124
	121125
<u>(a) A contract for an entity to manage a nursing facility as the operator's agent, subject to the operator's approval of daily operating and management decisions;</u>	121126
	121127
	121128
<u>(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing</u>	121129
	121130

facility if an entering operator does not become the operator in 121131
place of an exiting operator; 121132

(c) If the operator is a corporation, a change of one or more 121133
members of the corporation's governing body or transfer of 121134
ownership of one or more shares of the corporation's stock, if the 121135
same corporation continues to be the operator. 121136

(H) "Cost center" means the following: 121137

(1) Ancillary and support costs; 121138

(2) Capital costs; 121139

(3) Direct care costs; 121140

(4) Tax costs. 121141

(I) "Custom wheelchair" means a wheelchair to which both of 121142
the following apply: 121143

(1) It has been measured, fitted, or adapted in consideration 121144
of either of the following: 121145

(a) The body size or disability of the individual who is to 121146
use the wheelchair; 121147

(b) The individual's period of need for, or intended use of, 121148
the wheelchair. 121149

(2) It has customized features, modifications, or components, 121150
such as adaptive seating and positioning systems, that the 121151
supplier who assembled the wheelchair, or the manufacturer from 121152
which the wheelchair was ordered, added or made in accordance with 121153
the instructions of the physician of the individual who is to use 121154
the wheelchair. 121155

(J)(1) "Date of licensure~~7~~" ~~for a~~ means the following: 121156

(a) In the case of a nursing facility originally that was 121157
required by law to be licensed as a nursing home under Chapter 121158
3721. of the Revised Code when it originally began to be operated 121159

~~as a nursing home, means the date specific beds were the nursing facility was originally so licensed as nursing home beds under that chapter, regardless of whether they were subsequently licensed as residential facility beds under section 5123.19 of the Revised Code. For a facility originally licensed as a residential facility under section 5123.19 of the Revised Code, "date of licensure" means the date specific beds were originally licensed as residential facility beds under that section.~~i

~~If (b) In the case of a nursing home beds licensed under Chapter 3721. of the Revised Code or residential facility beds licensed under section 5123.19 of the Revised Code were facility that was not required by law to be licensed as a nursing home when they were it originally used to provide began to be operated as a nursing home or residential facility services, "date of licensure" means the date the beds it first were used to provide began to be operated as a nursing home or residential facility services, regardless of the date the present provider obtained licensure nursing facility was first licensed as a nursing home.~~

~~(2) If a facility adds, after a nursing facility's original date of licensure, more nursing home beds or residential facility beds or extensively renovates all or part of the facility after its original date of licensure are added to the nursing facility, it will have the nursing facility has a different date of licensure for the additional beds or extensively renovated portion of the facility, unless the beds are added in a space. This does not apply, however, to additional beds when both of the following apply:~~

~~(a) The additional beds are located in a part of the nursing facility that was constructed at the same time as the previously licensed continuing beds but already located in that part of the nursing facility;~~

~~(b) The part of the nursing facility in which the additional~~

beds are located was constructed as part of the nursing facility 121192
at a time when the nursing facility was not required by law to be 121193
licensed under Chapter 3721. or section 5123.19 of the Revised 121194
Code at that time as a nursing home. 121195

~~(2)~~(3) The definition of "date of licensure" in this section 121196
applies in determinations of the nursing facilities' medicaid 121197
~~reimbursement rate for a nursing facility or intermediate care~~ 121198
~~facility for the mentally retarded payment rates~~ but does not 121199
apply in determinations of the nursing facilities' franchise 121200
~~permit fee for a nursing facility or intermediate care facility~~ 121201
~~for the mentally retarded fees.~~ 121202

~~(G)~~(K) "Desk-reviewed" means that a nursing facility's costs 121203
as reported on a cost report submitted under section ~~5111.26~~ 121204
5165.10 of the Revised Code have been subjected to a desk review 121205
under ~~division (A) of section 5111.27~~ 5165.108 of the Revised Code 121206
and preliminarily determined to be allowable costs. 121207

~~(H)~~(L) "Direct care costs" means all of the following costs 121208
incurred by a nursing facility: 121209

(1)~~(a)~~ Costs for registered nurses, licensed practical 121210
nurses, and nurse aides employed by the nursing facility; 121211

~~(b)~~(2) Costs for direct care staff, administrative nursing 121212
staff, medical directors, respiratory therapists, and except as 121213
provided in division ~~(H)~~(2)~~(L)~~(8) of this section, other persons 121214
holding degrees qualifying them to provide therapy; 121215

~~(c)~~(3) Costs of purchased nursing services; 121216

~~(d)~~(4) Costs of quality assurance; 121217

~~(e)~~(5) Costs of training and staff development, employee 121218
benefits, payroll taxes, and workers' compensation premiums or 121219
costs for self-insurance claims and related costs as specified in 121220
~~rules adopted by the director of job and family services in~~ 121221

~~accordance with Chapter 119. under section 5165.02 of the Revised Code, for personnel listed in divisions (H)(L)(1)(a), (b)(2), and (d)(4), and (8) of this section;~~ 121222
121223
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~~(f)(6) Costs of consulting and management fees related to direct care;~~ 121225
121226

~~(g)(7) Allocated direct care home office costs.~~ 121227

~~(2) In addition to the costs specified in division (H)(1) of this section, for nursing facilities only, direct care costs include costs;~~ 121228
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(8) Costs of habilitation staff (other than habilitation supervisors), medical supplies, emergency oxygen, over-the-counter pharmacy products, behavioral and mental health services, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation supplies, ~~wheelchairs, resident transportation,~~ and universal precautions supplies.; 121231
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~~(3) In addition to the costs specified in division (H)(1) of this section, for intermediate care facilities for the mentally retarded only, direct care costs include both of the following:~~ 121238
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121240

~~(a) Costs for physical therapists and physical therapy assistants, occupational therapists and occupational therapy assistants, speech therapists, audiologists, habilitation staff (including habilitation supervisors), qualified mental retardation professionals, program directors, social services staff, activities staff, off-site day programming, psychologists and psychology assistants, and social workers and counselors;~~ 121241
121242
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~~(b) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self insurance claims and related costs as specified in rules adopted under section 5111.02 of the Revised Code, for personnel listed in division (H)(3)(a) of this section.~~ 121248
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<u>(4)(9) Until January 1, 2014, costs of oxygen, wheelchairs,</u>	121253
<u>and resident transportation;</u>	121254
<u>(10) Beginning January 1, 2014, costs of both of the</u>	121255
<u>following:</u>	121256
<u>(a) Emergency oxygen;</u>	121257
<u>(b) Wheelchairs other than the following:</u>	121258
<u>(i) Custom wheelchairs;</u>	121259
<u>(ii) Repairs to and replacements of custom wheelchairs and</u>	121260
<u>parts that are made in accordance with the instructions of the</u>	121261
<u>physician of the individual who uses the custom wheelchair.</u>	121262
<u>(11) Costs of other direct-care resources that are specified</u>	121263
<u>as direct care costs in rules adopted under section 5111.02</u>	121264
<u>5165.02 of the Revised Code.</u>	121265
<u>(I)(M) "Dual eligible individual" has the same meaning as in</u>	121266
<u>section 5160.01 of the Revised Code.</u>	121267
<u>(N) "Effective date of a change of operator" means the day</u>	121268
<u>the entering operator becomes the operator of the nursing</u>	121269
<u>facility.</u>	121270
<u>(O) "Effective date of a facility closure" means the last day</u>	121271
<u>that the last of the residents of the nursing facility resides in</u>	121272
<u>the nursing facility.</u>	121273
<u>(P) "Effective date of an involuntary termination" means the</u>	121274
<u>date the department of medicaid terminates the operator's provider</u>	121275
<u>agreement for the nursing facility.</u>	121276
<u>(Q) "Effective date of a voluntary withdrawal of</u>	121277
<u>participation" means the day the nursing facility ceases to accept</u>	121278
<u>new medicaid residents other than the individuals who reside in</u>	121279
<u>the nursing facility on the day before the effective date of the</u>	121280
<u>voluntary withdrawal of participation.</u>	121281

(R) "Entering operator" means the person or government entity that will become the operator of a nursing facility when a change of operator occurs or following an involuntary termination.

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(S) "Exiting operator" means any of the following:

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(1) An operator that will cease to be the operator of a nursing facility on the effective date of a change of operator;

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121287

(2) An operator that will cease to be the operator of a nursing facility on the effective date of a facility closure;

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(3) An operator of a nursing facility that is undergoing or has undergone a voluntary withdrawal of participation;

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121291

(4) An operator of a nursing facility that is undergoing or has undergone an involuntary termination.

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(T)(1) Subject to divisions (T)(2) and (3) of this section, "facility closure" means either of the following:

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(a) Discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility that results in the relocation of all of the nursing facility's residents;

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(b) Conversion of the building, or part of the building, that houses a nursing facility to a different use with any necessary license or other approval needed for that use being obtained and one or more of the nursing facility's residents remaining in the building, or part of the building, to receive services under the new use.

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(2) A facility closure occurs regardless of any of the following:

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(a) The operator completely or partially replacing the nursing facility by constructing a new nursing facility or transferring the nursing facility's license to another nursing facility;

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(b) The nursing facility's residents relocating to another of 121312
the operator's nursing facilities; 121313

(c) Any action the department of health takes regarding the 121314
nursing facility's medicaid certification that may result in the 121315
transfer of part of the nursing facility's survey findings to 121316
another of the operator's nursing facilities; 121317

(d) Any action the department of health takes regarding the 121318
nursing facility's license under Chapter 3721. of the Revised 121319
Code. 121320

(3) A facility closure does not occur if all of the nursing 121321
facility's residents are relocated due to an emergency evacuation 121322
and one or more of the residents return to a medicaid-certified 121323
bed in the nursing facility not later than thirty days after the 121324
evacuation occurs. 121325

(U) "Fiscal year" means the fiscal year of this state, as 121326
specified in section 9.34 of the Revised Code. 121327

~~(J)(V) "Franchise permit fee" means the following:~~ 121328

~~(1) In the context of nursing facilities, the fee imposed by~~ 121329
~~sections 3721.50 5168.40 to 3721.58 5168.56 of the Revised Code;~~ 121330

~~(2) In the context of intermediate care facilities for the~~ 121331
~~mentally retarded, the fee imposed by sections 5112.30 to 5112.39~~ 121332
~~of the Revised Code.~~ 121333

~~(K) "Indirect care costs" means all reasonable costs incurred~~ 121334
~~by an intermediate care facility for the mentally retarded other~~ 121335
~~than direct care costs, other protected costs, or capital costs.~~ 121336
~~"Indirect care costs" includes but is not limited to costs of~~ 121337
~~habilitation supplies, pharmacy consultants, medical and~~ 121338
~~habilitation records, program supplies, incontinence supplies,~~ 121339
~~food, enterals, dietary supplies and personnel, laundry,~~ 121340
~~housekeeping, security, administration, liability insurance,~~ 121341

bookkeeping, purchasing department, human resources, 121342
communications, travel, dues, license fees, subscriptions, home 121343
office costs not otherwise allocated, legal services, accounting 121344
services, minor equipment, maintenance and repairs, help wanted 121345
advertising, informational advertising, start up costs, 121346
organizational expenses, other interest, property insurance, 121347
employee training and staff development, employee benefits, 121348
payroll taxes, and workers' compensation premiums or costs for 121349
self-insurance claims and related costs as specified in rules 121350
adopted under section 5111.02 of the Revised Code, for personnel 121351
listed in this division. Notwithstanding division (C)(1) of this 121352
section, "indirect care costs" also means the cost of equipment, 121353
including vehicles, acquired by operating lease executed before 121354
December 1, 1992, if the costs are reported as administrative and 121355
general costs on the facility's cost report for the cost reporting 121356
period ending December 31, 1992. 121357

~~(L)(W)~~ "Inpatient days" means ~~the following:~~ 121358

~~(1) In the context of a nursing facility, both of the 121359
following: 121360~~

~~(a)(1) All days during which a resident, regardless of 121361
payment source, occupies a bed in a nursing facility that is 121362
included in the nursing facility's ~~certified~~ medicaid-certified 121363
capacity under Title XIX; 121364~~

~~(b)(2) Fifty per cent of the days for which payment is made 121365
under section ~~5111.331~~ 5165.34 of the Revised Code. 121366~~

~~(2) In the context of an intermediate care facility for the 121367
mentally retarded, both of the following: 121368~~

~~(a) All days during which a resident, regardless of payment 121369
source, occupies a bed in an intermediate care facility for the 121370
mentally retarded that is included in the facility's certified 121371
capacity under Title XIX; 121372~~

~~(b) All days for which payment is made under section 5111.33 of the Revised Code.~~ 121373
121374

~~(M) "Intermediate care facility for the mentally retarded" means an intermediate care facility for the mentally retarded certified as in compliance with applicable standards for the medicaid program by the director of health in accordance with Title XIX.~~ 121375
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~~(N)(X) "Involuntary termination" means the department of medicaid's termination of the operator's provider agreement for the nursing facility when the termination is not taken at the operator's request.~~ 121380
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~~(Y) "Low resource utilization resident" means a medicaid recipient residing in a nursing facility who, for purposes of calculating the nursing facility's medicaid payment rate for direct care costs, is placed in either of the two lowest resource utilization groups, excluding any resource utilization group that is a default group used for residents with incomplete assessment data.~~ 121384
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~~(Z) "Maintenance and repair expenses" means, except as provided in division (BB)(2) of this section, a nursing facility's expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes but is not limited to the ~~cost~~ costs of ordinary repairs such as painting and wallpapering.~~ 121391
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121393
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~~(O)(AA) "Medicaid-certified capacity" means the number of a nursing facility's beds that are certified for participation in medicaid as nursing facility beds.~~ 121398
121399
121400

~~(BB) "Medicaid days" means the following:~~ 121401

~~(1) In the context of a nursing facility, both of the following:~~ 121402
121403

~~(a)(1)~~ All days during which a resident who is a medicaid recipient eligible for nursing facility services occupies a bed in a nursing facility that is included in the nursing facility's ~~certified~~ medicaid-certified capacity ~~under Title XIX;~~

~~(b)(2)~~ Fifty per cent of the days for which payment is made under section ~~5111.331~~ 5165.34 of the Revised Code.

~~(2)~~ ~~In the context of an intermediate care facility for the mentally retarded, both of the following:~~

~~(a)~~ All days during which a resident who is a medicaid recipient eligible for intermediate care facility for the mentally retarded services occupies a bed in an intermediate care facility for the mentally retarded that is included in the facility's certified capacity under Title XIX;

~~(b)~~ All days for which payment is made under section ~~5111.33~~ of the Revised Code.

~~(P)(CC)(1)~~ "New nursing facility" means a nursing facility for which the provider obtains an initial provider agreement following medicaid certification of the nursing facility by the director of health, including such a nursing facility that replaces one or more nursing facilities for which a provider previously held a provider agreement.

(2) "New nursing facility" does not mean a nursing facility for which the entering operator seeks a provider agreement pursuant to section 5165.511 or 5165.512 or (pursuant to section 5165.515) section 5165.07 of the Revised Code.

~~(DD)~~ "Nursing facility" means a facility, or a distinct part of a facility, that is certified as a nursing facility by the director of health in accordance with Title XIX and is not an intermediate care facility for the mentally retarded. "Nursing facility" includes a facility, or a distinct part of a facility, that is certified as a nursing facility by the director of health

~~in accordance with Title XIX and is certified as a skilled nursing facility by the director in accordance with Title XVIII has the same meaning as in the "Social Security Act," section 1919(a), 42 U.S.C. 1396r(a).~~

~~(Q)(EE) "Nursing facility services" has the same meaning as in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f).~~

~~(FF) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.~~

~~(GG) "Operator" means the person or government entity responsible for the daily operating and management decisions for a nursing facility or intermediate care facility for the mentally retarded.~~

~~(R) "Other protected costs" means costs incurred by an intermediate care facility for the mentally retarded for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5111.02 of the Revised Code.~~

~~(S)(HH)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding a nursing facility or intermediate care facility for the mentally retarded:~~

~~(a) The land on which the nursing facility is located;~~

~~(b) The structure in which the nursing facility is located;~~

~~(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the nursing facility is located;~~

~~(d) Any lease or sublease of the land or structure on or in~~

which the nursing facility is located. 121465

(2) "Owner" does not mean a holder of a debenture or bond 121466
related to the nursing facility ~~or intermediate care facility for~~ 121467
~~the mentally retarded~~ and purchased at public issue or a regulated 121468
lender that has made a loan related to the nursing facility unless 121469
the holder or lender operates the nursing facility directly or 121470
through a subsidiary. 121471

~~(T) "Patient" includes "resident."~~ 121472

~~(U) Except as provided in divisions (U)(1) and (2) of this~~ 121473
~~section, "per (II) "Per diem" means a nursing facility's or~~ 121474
~~intermediate care facility for the mentally retarded's~~ actual, 121475
allowable costs in a given cost center in a cost reporting period, 121476
divided by the nursing facility's inpatient days for that cost 121477
reporting period. 121478

~~(1) When calculating indirect care costs for the purpose of~~ 121479
~~establishing rates under section 5111.241 of the Revised Code,~~ 121480
~~"per diem" means an intermediate care facility for the mentally~~ 121481
~~retarded's actual, allowable indirect care costs in a cost~~ 121482
~~reporting period divided by the greater of the facility's~~ 121483
~~inpatient days for that period or the number of inpatient days the~~ 121484
~~facility would have had during that period if its occupancy rate~~ 121485
~~had been eighty five per cent.~~ 121486

~~(2) When calculating capital costs for the purpose of~~ 121487
~~establishing rates under section 5111.251 of the Revised Code,~~ 121488
~~"per diem" means a facility's actual, allowable capital costs in a~~ 121489
~~cost reporting period divided by the greater of the facility's~~ 121490
~~inpatient days for that period or the number of inpatient days the~~ 121491
~~facility would have had during that period if its occupancy rate~~ 121492
~~had been ninety five per cent.~~ 121493

~~(V)(JJ)~~ "Provider" means an operator with a provider 121494
agreement. 121495

~~(W)~~(KK) "Provider agreement" means a ~~contract~~ provider 121496
agreement, as defined in section 5164.01 of the Revised Code, that 121497
is between the department of ~~job and family services~~ medicaid and 121498
the operator of a nursing facility ~~or intermediate care facility~~ 121499
~~for the mentally retarded~~ for the provision of nursing facility 121500
services ~~or intermediate care facility services for the mentally~~ 121501
~~retarded~~ under the medicaid program. 121502

~~(X)~~(LL) "Purchased nursing services" means services that are 121503
provided in a nursing facility by registered nurses, licensed 121504
practical nurses, or nurse aides who are not employees of the 121505
nursing facility. 121506

~~(Y)~~(MM) "Reasonable" means that a cost is an actual cost that 121507
is appropriate and helpful to develop and maintain the operation 121508
of patient care facilities and activities, including normal 121509
standby costs, and that does not exceed what a prudent buyer pays 121510
for a given item or services. Reasonable costs may vary from 121511
provider to provider and from time to time for the same provider. 121512

~~(Z)~~(NN) "Related party" means an individual or organization 121513
that, to a significant extent, has common ownership with, is 121514
associated or affiliated with, has control of, or is controlled 121515
by, the provider. 121516

(1) An individual who is a relative of an owner is a related 121517
party. 121518

(2) Common ownership exists when an individual or individuals 121519
possess significant ownership or equity in both the provider and 121520
the other organization. Significant ownership or equity exists 121521
when an individual or individuals possess five per cent ownership 121522
or equity in both the provider and a supplier. Significant 121523
ownership or equity is presumed to exist when an individual or 121524
individuals possess ten per cent ownership or equity in both the 121525
provider and another organization from which the provider 121526

purchases or leases real property. 121527

(3) Control exists when an individual or organization has the 121528
power, directly or indirectly, to significantly influence or 121529
direct the actions or policies of an organization. 121530

(4) An individual or organization that supplies goods or 121531
services to a provider shall not be considered a related party if 121532
all of the following conditions are met: 121533

(a) The supplier is a separate bona fide organization. 121534

(b) A substantial part of the supplier's business activity of 121535
the type carried on with the provider is transacted with others 121536
than the provider and there is an open, competitive market for the 121537
types of goods or services the supplier furnishes. 121538

(c) The types of goods or services are commonly obtained by 121539
other nursing facilities ~~or intermediate care facilities for the~~ 121540
~~mentally retarded~~ from outside organizations and are not a basic 121541
element of patient care ordinarily furnished directly to patients 121542
by ~~the~~ nursing facilities. 121543

(d) The charge to the provider is in line with the charge for 121544
the goods or services in the open market and no more than the 121545
charge made under comparable circumstances to others by the 121546
supplier. 121547

~~(AA)~~(OO) "Relative of owner" means an individual who is 121548
related to an owner of a nursing facility ~~or intermediate care~~ 121549
~~facility for the mentally retarded~~ by one of the following 121550
relationships: 121551

(1) Spouse; 121552

(2) Natural parent, child, or sibling; 121553

(3) Adopted parent, child, or sibling; 121554

(4) Stepparent, stepchild, stepbrother, or stepsister; 121555

(5) Father-in-law, mother-in-law, son-in-law,	121556
daughter-in-law, brother-in-law, or sister-in-law;	121557
(6) Grandparent or grandchild;	121558
(7) Foster caregiver, foster child, foster brother, or foster	121559
sister.	121560
(BB) "Renovation" and "extensive renovation" mean:	121561
(1) Any betterment, improvement, or restoration of an	121562
intermediate care facility for the mentally retarded started	121563
before July 1, 1993, that meets the definition of a renovation or	121564
extensive renovation established in rules adopted by the director	121565
of job and family services in effect on December 22, 1992.	121566
(2) In the case of betterments, improvements, and	121567
restorations of intermediate care facilities for the mentally	121568
retarded started on or after July 1, 1993:	121569
(a) "Renovation" means the betterment, improvement, or	121570
restoration of an intermediate care facility for the mentally	121571
retarded beyond its current functional capacity through a	121572
structural change that costs at least five hundred dollars per	121573
bed. A renovation may include betterment, improvement,	121574
restoration, or replacement of assets that are affixed to the	121575
building and have a useful life of at least five years. A	121576
renovation may include costs that otherwise would be considered	121577
maintenance and repair expenses if they are an integral part of	121578
the structural change that makes up the renovation project.	121579
"Renovation" does not mean construction of additional space for	121580
beds that will be added to a facility's licensed or certified	121581
capacity.	121582
(b) "Extensive renovation" means a renovation that costs more	121583
than sixty five per cent and no more than eighty five per cent of	121584
the cost of constructing a new bed and that extends the useful	121585
life of the assets for at least ten years.	121586

~~For the purposes of division (BB)(2) of this section, the cost of constructing a new bed shall be considered to be forty thousand dollars, adjusted for the estimated rate of inflation from January 1, 1993, to the end of the calendar year during which the renovation is completed, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.~~

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~~The department of job and family services may treat a renovation that costs more than eighty five per cent of the cost of constructing new beds as an extensive renovation if the department determines that the renovation is more prudent than construction of new beds.~~

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~~(CC)(PP) "Residents' rights advocate" has the same meaning as in section 3721.10 of the Revised Code.~~

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~~(OO) "Skilled nursing facility" has the same meaning as in the "Social Security Act," section 1819(a), 42 U.S.C. 1395i-3(a).~~

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~~(RR) "Sponsor" has the same meaning as in section 3721.10 of the Revised Code.~~

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~~(SS) "Tax costs" means the costs of taxes imposed under Chapter 5751. of the Revised Code, real estate taxes, personal property taxes, and corporate franchise taxes.~~

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~~(DD)(TT) "Title XIX" means Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended et seq.~~

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~~(EE)(UU) "Title XVIII" means Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended et seq.~~

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~~(VV) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to~~

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provide service of the type provided by a nursing facility. 121617

Sec. ~~5111.201~~ 5165.011. Whenever (A) Except as provided in 121618
division (B) of this section, whenever "skilled nursing facility," 121619
"intermediate care facility," or "dual skilled nursing and 121620
intermediate care facility" is referred to or designated in any 121621
statute, rule, contract, provider agreement, or other document 121622
pertaining to the ~~medical assistance~~ medicaid program, the 121623
reference or designation is deemed to refer to a nursing facility, 121624
~~except that a.~~ 121625

(B) A reference to or designation of an "intermediate care 121626
facility for the mentally retarded individuals with intellectual 121627
disabilities" or "ICF/IID" is not deemed to refer to a nursing 121628
facility. 121629

Sec. 5165.02. The medicaid director shall adopt rules as 121630
necessary to implement this chapter. The rules shall be adopted in 121631
accordance with Chapter 119. of the Revised Code. 121632

Sec. ~~5111.202~~ 5165.03. (A) As used in this section: 121633

(1) "Dementia" includes Alzheimer's disease or a related 121634
disorder. 121635

(2) "Serious mental illness" means "serious mental illness," 121636
as defined by the United States department of health and human 121637
services in regulations adopted under ~~section 1919(e)(7)(G)(i) of~~ 121638
the "Social Security Act," ~~49 Stat. 620 (1935)~~ section 121639
1919(e)(7)(G)(i), 42 U.S.C.A. 301, as amended 1396r(e)(7)(G)(i). 121640

(3) "Mentally ill individual" means an individual who has a 121641
serious mental illness other than either of the following: 121642

(a) A primary diagnosis of dementia; 121643

(b) A primary diagnosis that is not a primary diagnosis of 121644

dementia and a primary diagnosis of something other than a serious 121645
mental illness. 121646

(4) "Mentally retarded individual" means an individual who is 121647
mentally retarded or has a related condition, as described in 121648
~~section 1905(d) of the "Social Security Act-,"~~ section 1905(d), 42 121649
U.S.C. 1396d(d). 121650

(5) "Specialized services" means the services specified by 121651
the United States department of health and human services in 121652
regulations adopted under ~~section 1919(e)(7)(G)(iii) of the~~ 121653
"Social Security Act-," section 1919(e)(7)(G)(iii), 42 U.S.C. 121654
1396r(e)(7)(G)(iii). 121655

(B)(1) Except as provided in division (D) of this section, no 121656
nursing facility shall admit as a resident any mentally ill 121657
individual unless the facility has received evidence that the 121658
department of ~~mental health~~ mental health and addiction services 121659
has determined both of the following under ~~section 5119.061~~ 121660
5119.40 of the Revised Code: 121661

(a) That the individual requires the level of services 121662
provided by a nursing facility because of the individual's 121663
physical and mental condition; 121664

(b) Whether the individual requires specialized services for 121665
mental illness. 121666

(2) Except as provided in division (D) of this section, no 121667
nursing facility shall admit as a resident any mentally retarded 121668
individual unless the facility has received evidence that the 121669
department of developmental disabilities has determined both of 121670
the following under section 5123.021 of the Revised Code: 121671

(a) That the individual requires the level of services 121672
provided by a nursing facility because of the individual's 121673
physical and mental condition; 121674

(b) Whether the individual requires specialized services for 121675
mental retardation. 121676

(C) The department of ~~job and family services~~ medicaid shall 121677
not make medicaid payments ~~under the medical assistance program~~ to 121678
a nursing facility on behalf of any individual who is admitted to 121679
the facility in violation of division (B) of this section for the 121680
period beginning on the date of admission and ending on the date 121681
the requirements of division (B) of this section are met. 121682

(D) A determination under division (B) of this section is not 121683
required for any individual who is exempted from the requirement 121684
that a determination be made by division (B)(2) of section 121685
~~5119.061~~ 5119.40 of the Revised Code or rules adopted by the 121686
department of ~~mental health~~ mental health and addiction services 121687
under division (E)(3) of that section, or by division (B)(2) of 121688
section 5123.021 of the Revised Code or rules adopted by the 121689
department of developmental disabilities under division (E)(3) of 121690
that section. 121691

Sec. ~~5111.203~~ 5165.031. ~~Regardless of whether or not an~~ 121692
~~applicant~~ An individual who applies for admission to a nursing 121693
facility or ~~resident of~~ resides in a nursing facility ~~is an~~ 121694
~~applicant for or recipient of medical assistance, the department~~ 121695
~~of job and family services shall provide notice and an opportunity~~ 121696
~~for a hearing to any applicant for admission to a nursing facility~~ 121697
~~or resident of a nursing facility who is~~ may appeal if adversely 121698
affected by a determination made by the department of ~~mental~~ 121699
~~health~~ mental health and addiction services under section ~~5119.061~~ 121700
5119.40 of the Revised Code or by the department of developmental 121701
disabilities under section 5123.021 of the Revised Code. ~~The~~ 121702
~~hearing shall be conducted in the same manner as hearings~~ 121703
~~conducted under~~ If the individual is an applicant for or recipient 121704
of medicaid, the individual may appeal pursuant to section 5160.31 121705

of the Revised Code. If the individual is not an applicant for or 121706
recipient of medicaid, the individual may appeal pursuant to a 121707
process the department of medicaid shall establish, which shall be 121708
similar to the appeals process established by section 5101.35 of 121709
the Revised Code. The department of medicaid shall provide notice 121710
of the right to appeal to individuals adversely affected by 121711
determinations made under sections 5119.40 and 5123.021 of the 121712
Revised Code. Any decision made by the department of job and 121713
family services on the basis of the hearing such an appeal is 121714
binding on the department of mental health mental health and 121715
addiction services and the department of developmental 121716
disabilities. 121717

Sec. ~~5111.204~~ 5165.04. (A) As used in this section, 121718
"representative" means a person acting on behalf of an applicant 121719
for or recipient of medicaid. A representative may be a family 121720
member, attorney, hospital social worker, or any other person 121721
chosen to act on behalf of an applicant or recipient. 121722

(B) The department of ~~job and family services~~ medicaid may 121723
require each applicant for or recipient of medicaid who applies or 121724
intends to apply for admission to a nursing facility or resides in 121725
a nursing facility to undergo an assessment to determine whether 121726
the applicant or recipient needs the level of care provided by a 121727
nursing facility. The assessment may be performed concurrently 121728
with a long-term care consultation provided under section 173.42 121729
of the Revised Code. 121730

To the maximum extent possible, the assessment shall be based 121731
on information from the resident assessment instrument specified 121732
in rules ~~adopted~~ authorized by the ~~director of job and family~~ 121733
~~services under division (E)~~ of section ~~5111.232~~ 5165.191 of the 121734
Revised Code. The assessment shall also be based on criteria and 121735
procedures established in rules ~~adopted under~~ authorized by 121736

division (F) of this section and information provided by the 121737
person being assessed or the person's representative. 121738

The department of ~~job and family services~~ medicaid, or if the 121739
assessment is performed by an agency under contract with the 121740
department pursuant to division (G) of this section, the agency, 121741
shall, not later than the time the level of care determination 121742
based on the assessment is required to be provided under division 121743
(C) of this section, give written notice of its conclusions and 121744
the basis for them to the person assessed and, if the department 121745
~~of job and family services~~ or agency under contract with the 121746
department has been informed that the person has a representative, 121747
to the representative. 121748

(C) The department ~~of job and family services~~ or agency under 121749
contract with the department, whichever performs the assessment, 121750
shall provide a level of care determination based on the 121751
assessment as follows: 121752

(1) In the case of a person applying or intending to apply 121753
for admission to a nursing facility while hospitalized, not later 121754
than one of the following: 121755

(a) One working day after the person or the person's 121756
representative submits the application or notifies the department 121757
of the person's intention to apply and submits all information 121758
required for providing the level of care determination, as 121759
specified in rules ~~adopted under~~ authorized by division (F)(2) of 121760
this section; 121761

(b) A later date requested by the person or the person's 121762
representative. 121763

(2) In the case of a person applying or intending to apply 121764
for admission to a nursing facility who is not hospitalized, not 121765
later than one of the following: 121766

(a) Five calendar days after the person or the person's 121767

representative submits the application or notifies the department 121768
of the person's intention to apply and submits all information 121769
required for providing the level of care determination, as 121770
specified in rules ~~adopted under~~ authorized by division (F)(2) of 121771
this section; 121772

(b) A later date requested by the person or the person's 121773
representative. 121774

(3) In the case of a person who resides in a nursing 121775
facility, not later than one of the following: 121776

(a) Five calendar days after the person or the person's 121777
representative submits an application for ~~medical assistance~~ 121778
medicaid and submits all information required for providing the 121779
level of care determination, as specified in rules ~~adopted under~~ 121780
authorized by division (F)(2) of this section; 121781

(b) A later date requested by the person or the person's 121782
representative. 121783

(4) In the case of an emergency, as specified in rules 121784
~~adopted under~~ authorized by division (F)(4) of this section, 121785
within the number of days specified in the rules. 121786

(D) A person assessed under this section or the person's 121787
representative may ~~request a state hearing to dispute~~ appeal the 121788
conclusions reached by the department ~~of job and family services~~ 121789
or agency under contract with the department on the basis of the 121790
assessment. The ~~request for a state hearing~~ appeal shall be made 121791
~~in accordance with~~ pursuant to section ~~5101.35~~ 5160.31 of the 121792
Revised Code. The department ~~of job and family services~~ or agency 121793
under contract with the department shall provide to the person or 121794
the person's representative and the nursing facility written 121795
notice of the person's right to request a state hearing. The 121796
notice shall include an explanation of the procedure for 121797
requesting a state hearing. If a state hearing is requested, the 121798

state shall be represented in the hearing by the department ~~of job~~ 121799
~~and family services~~ or the agency under contract with the 121800
department, whichever performed the assessment. 121801

(E) A nursing facility that admits or retains a person 121802
determined pursuant to an assessment required under this section 121803
not to need the level of care provided by the nursing facility 121804
shall not be ~~reimbursed~~ paid under the medicaid program for the 121805
person's care. 121806

(F) The medicaid director ~~of job and family services~~ shall 121807
adopt rules ~~in accordance with Chapter 119.~~ under section 5165.02 121808
of the Revised Code to implement and administer this section. The 121809
rules shall include all of the following: 121810

(1) Criteria and procedures to be used in determining whether 121811
admission to a nursing facility or continued stay in a nursing 121812
facility is appropriate for the person being assessed; 121813

(2) Information the person being assessed or the person's 121814
representative must provide to the department or agency under 121815
contract with the department for purposes of the assessment and 121816
providing a level of care determination based on the assessment; 121817

(3) Circumstances under which a person is not required to be 121818
assessed; 121819

(4) Circumstances that constitute an emergency for purposes 121820
of division (C)(4) of this section and the number of days within 121821
which a level of care determination must be provided in the case 121822
of an emergency. 121823

(G) Pursuant to section ~~5111.91~~ 5162.35 of the Revised Code, 121824
the department of ~~job and family services~~ medicaid may enter into 121825
contracts in the form of interagency agreements with one or more 121826
other state agencies to perform the assessments required under 121827
this section. The interagency agreements shall specify the 121828
responsibilities of each agency in the performance of the 121829

assessments. 121830

~~Sec. 5111.21 5165.06. (A) In order to be Subject to section 121831
5165.072 of the Revised Code, an operator is eligible for medicaid 121832
payments, the operator of to enter into a provider agreement for a 121833
nursing facility or intermediate care facility for the mentally 121834
retarded shall do if all of the following apply: 121835~~

~~(1) Enter into a provider agreement with the department as 121836
provided in section 5111.22, 5111.671, or 5111.672 of the Revised 121837
Code (A) The nursing facility is certified by the director of 121838
health for participation in medicaid; 121839~~

~~(2) Apply for and maintain a valid license to operate (B) The 121840
nursing facility is licensed by the director of health as a 121841
nursing home if so required by law; 121842~~

~~(3) Subject to division (B) of this section, (C) The operator 121843
and nursing facility comply with all applicable state and federal 121844
laws and rules. 121845~~

~~(B) A state rule that requires the operator of an 121846
intermediate care facility for the mentally retarded to have 121847
received approval of a plan for the proposed facility pursuant to 121848
section 5123.042 of the Revised Code as a condition of the 121849
operator being eligible for medicaid payments for the facility 121850
does not apply if, under former section 5123.193 of the Revised 121851
Code as enacted by Am. Sub. H.B. 1 of the 128th general assembly 121852
or section 5123.197 of the Revised Code, a residential facility 121853
license was obtained or modified for the facility without 121854
obtaining approval of such a plan. 121855~~

~~(C)(1) Except as provided in division (C)(2) of this section, 121856
the operator of a nursing facility that elects to obtain and 121857
maintain eligibility for payments under the medicaid program shall 121858
qualify all of the facility's medicaid-certified beds in the 121859~~

~~medicare program established by Title XVIII. The director of job and family services may adopt rules under section 5111.02 of the Revised Code to establish the time frame in which a nursing facility must comply with this requirement.~~ 121860
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~~(2) The department of veterans services is not required to qualify all of the medicaid certified beds in a nursing facility the agency maintains and operates under section 5907.01 of the Revised Code in the medicare program.~~ 121864
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Sec. 5111.22 5165.07. (A) Except as provided in section 5165.072 of the Revised Code, the department of medicaid shall enter into a provider agreement with a nursing facility operator who applies, and is eligible, for the provider agreement. 121868
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~~(B) A provider agreement between the department of job and family services and the provider of a nursing facility or intermediate care facility for the mentally retarded shall contain~~ 121872
require the following provisions: 121873
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~~(A) The department agrees to make medicaid payments to the provider, as provided in sections 5111.20 to 5111.331 of the Revised Code, in accordance with this chapter for medicaid covered nursing facility services the nursing facility provides to a resident of the its residents who are medicaid recipients eligible for nursing facility who is a medicaid recipient services. No payment shall be made for the day a medicaid recipient is discharged from the facility.~~ 121876
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~~(B) The~~ (C) A provider agreement shall require the provider agrees to do all of the following: 121884
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(1) Maintain eligibility for the provider agreement as provided in section ~~5111.21~~ 5165.06 of the Revised Code; 121886
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(2) Keep records relating to a cost reporting period for the greater of seven years after the cost report is filed or, if the 121888
121889

department issues an audit report in accordance with ~~division (B)~~ 121890
~~of section 5111.27~~ 5165.109 of the Revised Code, six years after 121891
all appeal rights relating to the audit report are exhausted; 121892

(3) File reports as required by the department; 121893

(4) Open all records relating to the costs of ~~its~~ the nursing 121894
facility's services for inspection and audit by the department; 121895

(5) Open its premises for inspection by the department, the 121896
department of health, and any other state or local authority 121897
having authority to inspect; 121898

(6) Supply to the department such information as it requires 121899
concerning the nursing facility's services to residents who are, 121900
or are eligible to be, medicaid recipients; 121901

(7) Comply with section ~~5111.31~~ 5165.08 of the Revised Code. 121902

~~The (D) A~~ provider agreement may contain other provisions 121903
that are consistent with law and considered necessary by the 121904
department. 121905

~~A provider agreement shall be effective for no longer than~~ 121906
~~twelve months, except that if federal statute or regulations~~ 121907
~~authorize a longer term, it may be effective for a longer term so~~ 121908
~~authorized. A provider agreement may be renewed only if the~~ 121909
~~facility is certified by the department of health for~~ 121910
~~participation in the medicaid program.~~ 121911

~~The department of job and family services, in accordance with~~ 121912
~~rules adopted under section 5111.02 of the Revised Code, may elect~~ 121913
~~not to enter into, not to renew, or to terminate a provider~~ 121914
~~agreement when the department determines that such an agreement~~ 121915
~~would not be in the best interests of medicaid recipients or of~~ 121916
~~the state.~~ 121917

Sec. ~~5111.223~~ 5165.071. ~~The A nursing facility operator of a~~ 121918
~~nursing facility or intermediate care facility for the mentally~~ 121919

~~retarded~~ may enter into provider agreements for more than one 121920
nursing facility ~~or intermediate care facility for the mentally~~ 121921
~~retarded.~~ 121922

Sec. 5165.072. The department of medicaid shall not 121923
revalidate a nursing facility provider agreement if the provider 121924
fails to maintain eligibility for the provider agreement as 121925
provided in section 5165.06 of the Revised Code. 121926

Sec. 5111.30 5165.073. The department of ~~job and family~~ 121927
~~services~~ medicaid shall terminate the provider agreement with a 121928
nursing facility provider that does not comply with the 121929
requirements of section 3721.071 of the Revised Code for the 121930
installation of fire extinguishing and fire alarm systems. 121931

Sec. 5111.31 5165.08. (A) As used in this section: 121932

"Bed need" means the number of long-term care beds a county 121933
needs as determined by the director of health pursuant to division 121934
(B)(3) of section 3702.593 of the Revised Code. 121935

"Bed need excess" means that a county's bed need is such that 121936
one or more long-term care beds may be relocated from the county 121937
according to the director's determination of the county's bed 121938
need. 121939

(B) Every provider agreement with the a nursing facility 121940
provider of a nursing facility or intermediate care facility for 121941
the mentally retarded shall do both of the following: 121942

(1) Permit the provider to exclude one or more parts of the 121943
nursing facility from the provider agreement, even though those 121944
parts meet federal and state standards for medicaid certification, 121945
if all of the following apply: 121946

(a) The nursing facility initially obtained both its nursing 121947
home license under Chapter 3721. of the Revised Code and medicaid 121948

certification on or after January 1, 2008. 121949

(b) The nursing facility is located in a county that has a bed need excess at the time the provider excludes the parts from the provider agreement. 121950
121951
121952

(c) Federal law permits the provider to exclude the parts from the provider agreement. 121953
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(d) The provider gives the department of medicaid written notice of the exclusion not less than forty-five days before the first day of the calendar quarter in which the exclusion is to occur. 121955
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(2) Prohibit the provider from doing either of the following: 121959

(a) Discriminating against a resident on the basis of race, color, sex, creed, or national origin; 121960
121961

(b) Subject to division (D) of this section, failing or refusing to retain do either of the following: 121962
121963

(i) Except as otherwise prohibited under section 5165.82 of the Revised Code, admit as a resident of the nursing facility an individual because the individual is, or may (as a resident of the nursing facility) become, a medicaid recipient unless at least twenty-five per cent of the nursing facility's medicaid-certified beds are occupied by medicaid recipients at the time the person would otherwise be admitted; 121964
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(ii) Retain as a ~~patient~~ any person resident of the nursing facility an individual because the ~~person~~ individual is, ~~becomes,~~ or may (as a resident of the nursing facility) become, ~~as a patient in the facility,~~ become a medicaid recipient. For the purposes of this division, a medicaid recipient who is a patient in a facility shall be considered a patient in the facility during any hospital stays totaling less than twenty five days during any twelve month period. Recipients who have been identified by the 121971
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~~department of job and family services or its designee as requiring 121979
the level of care of an intermediate care facility for the 121980
mentally retarded shall not be subject to a maximum period of 121981
absences during which they are considered patients if prior 121982
authorization of the department for visits with relatives and 121983
friends and participation in therapeutic programs is obtained 121984
under rules adopted under section 5111.02 of the Revised Code. 121985~~

~~(2) Except as provided by division (B)(1) of this section, 121986
include any part of the facility that meets standards for 121987
certification of compliance with federal and state laws and rules 121988
for participation in the medicaid program. 121989~~

~~(3) Prohibit the provider from discriminating against any 121990
patient on the basis of race, color, sex, creed, or national 121991
origin. 121992~~

~~(4) Except as otherwise prohibited under section 5111.55 of 121993
the Revised Code, prohibit the provider from failing or refusing 121994
to accept a patient because the patient is, becomes, or may, as a 121995
patient in the facility, become a medicaid recipient if less than 121996
eighty per cent of the patients in the facility are medicaid 121997
recipients. 121998~~

~~(B)(1) Except as provided by division (B)(2) of this section, 121999
the following are not required to be included in a provider 122000
agreement unless otherwise required by federal law: 122001~~

~~(a) Beds added during the period beginning July 1, 1987, and 122002
ending July 1, 1993, to a nursing home licensed under Chapter 122003
3721. of the Revised Code; 122004~~

~~(b) Beds in an intermediate care facility for the mentally 122005
retarded that are designated for respite care under a medicaid 122006
waiver component operated pursuant to a waiver sought under 122007
section 5111.87 of the Revised Code. 122008~~

~~(2) If a provider chooses to include a bed specified in 122009~~

~~division (B)(1)(a) of this section in a provider agreement, the
bed may not be removed from the provider agreement unless the
provider withdraws the facility in which the bed is located from
the medicaid program.~~

(C) For the purpose of division (B)(2)(b)(ii) of this
section, a medicaid recipient who is a resident of a nursing
facility shall be considered a resident of the nursing facility
during any hospital stays totaling less than twenty-five days
during any twelve-month period.

(D) Nothing in this section shall bar a provider ~~that~~ from
doing any of the following:

(1) If the provider is a religious organization operating a
religious or denominational nursing facility ~~or intermediate care
facility for the mentally retarded~~ from giving preference to
persons of the same religion or denomination. ~~Nothing in this
section shall bar any provider from giving;~~

(2) Giving preference to persons with whom the provider has
contracted to provide continuing care.

~~(D) Nothing in this section shall bar the provider of;~~

(3) If the nursing facility is a county home organized under
Chapter 5155. of the Revised Code ~~from,~~ admitting residents
exclusively from the county in which the county home is located.

~~(E) No provider of a nursing facility or intermediate care
facility for the mentally retarded for which a provider agreement
is in effect shall violate the provider contract obligations
imposed under this section.~~

~~(F) Nothing in divisions (A) and (C) of this section shall
bar a provider from retaining patients;~~

(4) Retaining residents who have resided in the provider's
nursing facility for not less than one year as private pay

patients and who subsequently become medicaid recipients, but 122040
refusing to accept as a ~~patient~~ resident any person who is, or 122041
may, ~~(as a patient in~~ resident of the nursing facility,) become a 122042
medicaid recipient, if all of the following apply: 122043

~~(1)~~(a) The provider does not refuse to retain any ~~patient~~ 122044
resident who has resided in the provider's nursing facility for 122045
not less than one year as a private pay ~~patient~~ resident because 122046
the ~~patient~~ resident becomes a medicaid recipient, except as 122047
necessary to comply with division ~~(F)~~(2)(D)(4)(b) of this section; 122048

~~(2)~~(b) The number of medicaid recipients retained under ~~this~~ 122049
division (D)(4) of this section does not at any time exceed ten 122050
per cent of all the ~~patients~~ residents in the nursing facility; 122051

~~(3)~~(c) On July 1, 1980, all the ~~patients~~ residents in the 122052
nursing facility were private pay ~~patients~~ residents. 122053

(E) No provider shall violate the provider agreement 122054
obligations imposed by this section. 122055

(F) A nursing facility provider who excludes one or more 122056
parts of the nursing facility from a provider agreement pursuant 122057
to division (B)(1) of this section does not violate division (C) 122058
of section 3702.53 of the Revised Code. 122059

Sec. ~~5111.32~~ 5165.081. ~~Any patient~~ A nursing facility 122060
resident has a cause of action against ~~the~~ a nursing facility 122061
~~provider of a nursing facility or intermediate care facility for~~ 122062
~~the mentally retarded~~ for breach of the provider agreement 122063
obligations or other duties imposed by section ~~5111.31~~ 5165.08 of 122064
the Revised Code. The action may be commenced by the ~~patient~~ 122065
resident, or on the ~~patient's~~ resident's behalf by the ~~patient's~~ 122066
resident's sponsor or a residents' rights advocate, ~~as either is~~ 122067
~~defined under section 3721.10 of the Revised Code,~~ by the filing 122068
of a civil action in the court of common pleas of the county in 122069

which the nursing facility is located, or in the court of common 122070
pleas of Franklin county. 122071

If ~~the~~ a court of common pleas finds that a ~~breach of the~~ 122072
provider has breached a provider agreement obligations obligation 122073
or other duty imposed by section ~~5111.31~~ 5165.08 of the Revised 122074
Code ~~has occurred~~, the court may ~~enjoin~~ do one or more of the 122075
following: 122076

(A) Enjoin the provider from engaging in the practice, ~~order;~~ 122077

(B) Order such affirmative relief as may be necessary, ~~and~~ 122078
~~award;~~ 122079

(C) Award to ~~the patient~~ a resident and a ~~person~~ sponsor or 122080
~~public agency~~ government entity that brings ~~an~~ the action on 122081
behalf of a ~~patient~~ resident actual damages, costs, and reasonable 122082
attorney's fees. 122083

Sec. 5165.082. (A) Except as provided in division (B) of this 122084
section, the operator of a nursing facility that elects to have 122085
the nursing facility participate in the medicaid program shall 122086
qualify all of the nursing facility's medicaid-certified beds in 122087
the medicare program. The medicaid director may adopt rules under 122088
section 5165.02 of the Revised Code to establish the time frame in 122089
which a nursing facility must comply with this requirement. 122090

(B) The department of veterans services is not required to 122092
qualify all of the medicaid-certified beds in a nursing facility 122093
the department maintains and operates under section 5907.01 of the 122094
Revised Code in the medicare program. 122095

Sec. ~~5111.26~~ 5165.10. (A)~~(1)(a)~~ Except as provided in 122096
division ~~(A)(1)(b)~~ (D) of this section, each nursing facility 122097
provider shall file with the department of ~~job and family services~~ 122098
medicaid an annual cost report for each of the provider's nursing 122099

facilities and intermediate care facilities for the mentally 122100
retarded that participate in the medicaid program. A provider 122101
shall prepare the reports in accordance with guidelines 122102
established by the department. A The cost report for a year shall 122103
cover a the calendar year or the portion of a the calendar year 122104
during which the nursing facility participated in the medicaid 122105
program. A provider shall file the reports within Except as 122106
provided in division (E) of this section, the cost report is due 122107
not later than ninety days after the end of the calendar year, or 122108
portion of the calendar year, that the cost report covers. The 122109
department, for good cause, may grant a fourteen day extension of 122110
the time for filing cost reports upon written request from a 122111
provider. The director of job and family services shall prescribe, 122112
in rules adopted under section 5111.02 of the Revised Code, the 122113
cost reporting form and a uniform chart of accounts for the 122114
purpose of cost reporting, and shall distribute cost reporting 122115
forms or computer software for electronic submission of the cost 122116
report to each provider at least sixty days before the reporting 122117
date. 122118

(b) ~~If rates for a provider's nursing facility or 122119
intermediate care facility for the mentally retarded were most 122120
recently established under section 5111.254 or 5111.255 of the 122121
Revised Code, the provider shall submit a cost report for that 122122
facility no later than ninety days after the end of the facility's 122123
first three full calendar months of operation. If a nursing 122124
facility or intermediate care facility for the mentally retarded 122125
undergoes a change of provider that the department determines, in 122126
accordance with rules adopted under section 5111.02 of the Revised 122127
Code, is an arm's length transaction, the new provider shall 122128
submit a cost report for that facility not later than ninety days 122129
after the end of the facility's first three full calendar months 122130
of operation under the new provider. The provider of a facility 122131
that opens or undergoes a change of provider that is an arm's 122132~~

~~length transaction after the first day of October in any calendar year is not required to file a cost report for that calendar year.~~ 122133
122134

~~(e)(B)~~ If a nursing facility undergoes a change of provider that the department determines, in accordance with rules adopted under section ~~5111.02~~ 5165.02 of the Revised Code, is not an ~~arms~~ arm's length transaction, the new provider shall file a the nursing facility's cost report ~~under~~ in accordance with division (A)(1)(a) of this section ~~for the facility. The~~ and the cost report shall cover the portion of the calendar year during which the new provider operated the nursing facility and the portion of the calendar year during which the previous provider operated the nursing facility. 122135
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~~(2) If a provider required to submit a cost report for a nursing facility or intermediate care facility for the mentally retarded does not file the report within the required time period or within fourteen days thereafter if an extension is granted under division (A)(1)(a) of this section, or files an incomplete or inadequate report for the facility, the department shall provide immediate written notice to the provider that the provider agreement for the facility will be terminated in thirty days unless the provider submits a complete and adequate cost report for the facility within thirty days. During the thirty day termination period or any additional time allowed for an appeal of the proposed termination of a provider agreement, the provider shall be paid the facility's then current per resident per day rate, minus two dollars. On July 1, 1994, the department shall adjust the two dollar reduction to reflect the rate of inflation during the preceding twelve months, as shown in the consumer price index for all items for all urban consumers for the north central region, published by the United States bureau of labor statistics. On July 1, 1995, and the first day of July of each year thereafter, the department shall adjust the amount of the~~ 122145
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~~reduction in effect during the previous twelve months to reflect 122165
the rate of inflation during the preceding twelve months, as shown 122166
in the same index. 122167~~

~~(B) No provider shall report fines paid under sections 122168
5111.35 to 5111.62 or section 5111.99 of the Revised Code in any 122169
cost report filed under this section. 122170~~

~~(C) The department shall develop an addendum to the cost 122171
report form that a provider may use to set forth costs that the 122172
provider believes may be disputed by the department. Any costs 122173
reported by the provider on the addendum may be considered by the 122174
department in setting the facility's rate. If the department does 122175
not consider the costs listed on the addendum in setting the 122176
facility's rate, the provider may seek reconsideration of that 122177
determination under section 5111.29 of the Revised Code. If the 122178
department subsequently includes the costs listed in the addendum 122179
in the facility's rate, the department shall pay the provider 122180
interest at a reasonable rate established in rules adopted under 122181
section 5111.02 of the Revised Code for the time that the rate 122182
paid excluded the costs. If the medicaid payment rate for a new 122183
nursing facility was most recently determined in accordance with 122184
section 5165.151 of the Revised Code, the provider shall file with 122185
the department a cost report for the new nursing facility not 122186
later than, except as provided in division (E) of this section, 122187
ninety days after the end of the new nursing facility's first 122188
three full calendar months of operation. The cost report shall 122189
cover the period that begins with the nursing facility's first day 122190
of operation and ends on the first day of the month immediately 122191
following the first three full months of operation. 122192~~

~~(D) A nursing facility provider is not required to file a 122193
cost report for a nursing facility for a calendar year in 122194
accordance with division (A) of this section if the provider files 122195
a cost report for the nursing facility under division (C) of this 122196~~

section and that cost report covers a period that begins after the 122197
first day of October of that calendar year. The provider shall 122198
file a cost report for the nursing facility in accordance with 122199
division (A) of this section for the immediately following 122200
calendar year. 122201

(E) The department may grant to a provider a fourteen-day 122202
extension to file a cost report under this section if the provider 122203
provides the department a written request for the extension and 122204
the department determines that there is good cause for the 122205
extension. 122206

Sec. ~~5111.266~~ 5165.101. A nursing facility provider ~~of a~~ 122207
~~nursing facility~~ filing the nursing facility's cost report with 122208
the department of ~~job and family services~~ medicaid under section 122209
~~5111.26~~ 5165.10 or 5165.522 of the Revised Code shall report as a 122210
nonreimbursable expense the cost of the nursing facility's 122211
franchise permit fee. 122212

Sec. 5165.102. No nursing facility provider shall report 122213
finer paid under sections 5165.60 to 5165.89 or section 5165.99 of 122214
the Revised Code in a cost report filed under section 5165.10 or 122215
5165.522 of the Revised Code. 122216

Sec. 5165.103. Cost reports shall be completed using the form 122217
prescribed under section 5165.104 of the Revised Code and in 122218
accordance with the guidelines established under that section. 122219

Sec. 5165.104. The department of medicaid shall do all of the 122220
following: 122221

(A) Prescribe the form to be used for completing a cost 122222
report and a uniform chart of accounts for the purpose of 122223
reporting costs on the form; 122224

(B) Distribute a paper copy of the form, or computer software for electronic submission of the form, to each provider at least sixty days before the date the cost report is due; 122225
122226
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(C) Establish guidelines for completing the form. 122228

Sec. 5165.105. The department of medicaid shall develop an addendum to the cost report form that a nursing facility provider may use to set forth costs that the provider believes the department may dispute. The department may consider such costs in determining a nursing facility's medicaid payment rate. If the department does not consider such costs in determining a nursing facility's medicaid payment rate, the provider may seek reconsideration of the determination in accordance with section 5165.38 of the Revised Code. If the department subsequently includes such costs in a nursing facility's medicaid payment rate, the department shall pay the provider interest at a reasonable rate established in rules adopted under section 5165.02 of the Revised Code for the period that the rate excluded the costs. 122229
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Sec. 5165.106. If a nursing facility provider required by section 5165.10 of the Revised Code to file a cost report for the nursing facility fails to file the cost report by the date it is due or the date, if any, to which the due date is extended pursuant to division (E) of that section, or files an incomplete or inadequate report for the nursing facility under that section, the department of medicaid shall provide immediate written notice to the provider that the provider agreement for the nursing facility will be terminated in thirty days unless the provider submits a complete and adequate cost report for the nursing facility within thirty days. During the thirty-day termination period or any additional time allowed for an appeal of the proposed termination of a provider agreement, the provider shall be paid the nursing facility's then current per medicaid day 122242
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payment rate, minus the dollar amount by which nursing facility's 122256
per medicaid day payment rates are reduced during fiscal year 2013 122257
in accordance with division (A)(2) of section 5111.26 of the 122258
Revised Code (renumbered as section 5165.10 of the Revised Code by 122259
H.B. 59 of the 130th general assembly) as that section existed on 122260
the day immediately preceding the effective date of this section. 122261
On the first day of each July, the department shall adjust the 122262
amount of the reduction in effect during the previous twelve 122263
months to reflect the rate of inflation during the preceding 122264
twelve months, as shown in the consumer price index for all items 122265
for all urban consumers for the north central region, published by 122266
the United States bureau of labor statistics. 122267

Sec. ~~5111.261~~ 5165.107. (A) Except as provided in division 122268
(B) of this section and not later than three years after a nursing 122269
facility provider files a cost report with the department of ~~job~~ 122270
~~and family services~~ medicaid under section ~~5111.26~~ 5165.10 of the 122271
Revised Code, the provider may amend the cost report if the 122272
provider discovers a material error in the cost report or 122273
additional information to be included in the cost report. The 122274
department shall review the amended cost report for accuracy and 122275
notify the provider of its determination. 122276

(B) A provider may not amend a cost report if the department 122277
has notified the provider that an audit of the cost report or a 122278
cost report of the provider for a subsequent cost reporting period 122279
is to be conducted under section ~~5111.27~~ 5165.109 of the Revised 122280
Code. The provider may, however, provide the department 122281
information that affects the costs included in the cost report. 122282
Such information may not be provided after the adjudication of the 122283
final settlement of the cost report. 122284

Sec. ~~5111.27~~ 5165.108. (A) The department of ~~job and family~~ 122285

~~services~~ medicaid shall conduct a desk review of each cost report 122286
it receives under section ~~5111.26~~ 5165.10 or 5165.522 of the 122287
Revised Code. Based on the desk review, the department shall make 122288
a preliminary determination of whether the reported costs are 122289
allowable costs. The department shall notify each nursing facility 122290
provider of whether any of the reported costs are preliminarily 122291
determined not to be allowable, the medicaid payment rate 122292
calculation determined under ~~sections 5111.20 to 5111.331~~ of the 122293
~~Revised Code~~ this chapter that results from that determination, 122294
and the reasons for the determination and resulting rate. The 122295
department shall allow the provider to verify the calculation and 122296
submit additional information. 122297

~~(B) The department may conduct an audit, as defined by rule 122298
adopted under section 5111.02 of the Revised Code, of any cost 122299
report. The decision whether to conduct an audit and the scope of 122300
the audit, which may be a desk or field audit, may be determined 122301
based on prior performance of the provider, a risk analysis, or 122302
other evidence that gives the department reason to believe that 122303
the provider has reported costs improperly. A desk or field audit 122304
may be performed annually, but is required whenever a provider 122305
does not pass the risk analysis tolerance factors. An audit shall 122306
be conducted by auditors under contract with or employed by the 122307
department. The department shall notify a provider of the findings 122308
of an audit by issuing an audit report. An audit report regarding 122309
a nursing facility shall include notice of any fine imposed under 122310
section 5111.271 of the Revised Code. The department shall issue 122311
the audit report no later than three years after the cost report 122312
is filed, or upon the completion of a desk or field audit on the 122313
report or a report for a subsequent cost reporting period, 122314
whichever is earlier. 122315~~

~~The department may establish a contract for the auditing of 122316
facilities by outside firms. Each contract entered into by bidding 122317~~

~~shall be effective for one to two years. The department shall 122318
establish an audit manual and program which shall require that all 122319
field audits, conducted either pursuant to a contract or by 122320
department employees: 122321~~

~~(1) Comply with the applicable rules prescribed pursuant to 122322
Titles XVIII and XIX; 122323~~

~~(2) Consider generally accepted auditing standards prescribed 122324
by the American institute of certified public accountants; 122325~~

~~(3) Include a written summary as to whether the costs 122326
included in the report examined during the audit are allowable and 122327
are presented in accordance with state and federal laws and 122328
regulations, and whether, in all material respects, allowable 122329
costs are documented, reasonable, and related to patient care; 122330~~

~~(4) Are conducted by accounting firms or auditors who, during 122331
the period of the auditors' professional engagement or employment 122332
and during the period covered by the cost reports, do not have nor 122333
are committed to acquire any direct or indirect financial interest 122334
in the ownership, financing, or operation of a nursing facility or 122335
intermediate care facility for the mentally retarded in this 122336
state; 122337~~

~~(5) Are conducted by accounting firms or auditors who, as a 122338
condition of the contract or employment, shall not audit any 122339
facility that has been a client of the firm or auditor; 122340~~

~~(6) Are conducted by auditors who are otherwise independent 122341
as determined by the standards of independence included in the 122342
government auditing standards produced by the United States 122343
government accountability office; 122344~~

~~(7) Are completed within the time period specified by the 122345
department; 122346~~

~~(8) Provide to the provider complete written interpretations 122347~~

~~that explain in detail the application of all relevant contract provisions, regulations, auditing standards, rate formulae, and departmental policies, with explanations and examples, that are sufficient to permit the provider to calculate with reasonable certainty those costs that are allowable and the rate to which the provider's facility is entitled.~~

~~For the purposes of division (B)(4) of this section, employment of a member of an auditor's family by a nursing facility or intermediate care facility for the mentally retarded that the auditor does not review does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the facility.~~

~~(C) The department, pursuant to rules adopted under section 5111.02 of the Revised Code, may conduct an exception review of assessment data submitted under section 5111.232 of the Revised Code. The department may conduct an exception review based on the findings of a certification survey conducted by the department of health, a risk analysis, or prior performance of the provider.~~

~~Exception reviews shall be conducted at the facility by appropriate health professionals under contract with or employed by the department of job and family services. The professionals may review resident assessment forms and supporting documentation, conduct interviews, and observe residents to identify any patterns or trends of inaccurate assessments and resulting inaccurate case mix scores.~~

~~The rules shall establish an exception review program that requires that exception reviews do all of the following:~~

- ~~(1) Comply with Titles XVIII and XIX;~~
- ~~(2) Provide a written summary that states whether the resident assessment forms have been completed accurately;~~
- ~~(3) Are conducted by health professionals who, during the~~

~~period of their professional engagement or employment with the 122379
department, neither have nor are committed to acquire any direct 122380
or indirect financial interest in the ownership, financing, or 122381
operation of a nursing facility or intermediate care facility for 122382
the mentally retarded in this state; 122383~~

~~(4) Are conducted by health professionals who, as a condition 122384
of their engagement or employment with the department, shall not 122385
review any provider that has been a client of the professional. 122386~~

~~For the purposes of division (C)(3) of this section, 122387
employment of a member of a health professional's family by a 122388
nursing facility or intermediate care facility for the mentally 122389
retarded that the professional does not review does not constitute 122390
a direct or indirect financial interest in the ownership, 122391
financing, or operation of the facility. 122392~~

~~If an exception review is conducted before the effective date 122393
of the rate that is based on the case mix data subject to the 122394
review and the review results in findings that exceed tolerance 122395
levels specified in the rules adopted under this division, the 122396
department, in accordance with those rules, may use the findings 122397
to recalculate individual resident case mix scores, quarterly 122398
average facility case mix scores, and annual average facility 122399
case mix scores. The department may use the recalculated quarterly 122400
and annual facility average case mix scores to calculate the 122401
facility's rate for direct care costs for the appropriate calendar 122402
quarter or quarters. 122403~~

~~(D) The department shall prepare a written summary of any 122404
audit disallowance or exception review finding that is made after 122405
the effective date of the rate that is based on the cost or 122406
case mix data. Where the provider is pursuing judicial or 122407
administrative remedies in good faith regarding the disallowance 122408
or finding, the department shall not withhold from the provider's 122409
current payments any amounts the department claims to be due from 122410~~

~~the provider pursuant to section 5111.28 of the Revised Code.~~ 122411

~~(E) The department shall not reduce rates calculated under 122412
sections 5111.20 to 5111.331 of the Revised Code on the basis that 122413
the provider charges a lower rate to any resident who is not 122414
eligible for the medicaid program. 122415~~

~~(F) The department shall adjust the rates calculated under 122416
sections 5111.20 to 5111.331 of the Revised Code to account for 122417
reasonable additional costs that must be incurred by intermediate 122418
care facilities for the mentally retarded to comply with 122419
requirements of federal or state statutes, rules, or policies 122420
enacted or amended after January 1, 1992, or with orders issued by 122421
state or local fire authorities. 122422~~

Sec. 5165.109. (A) The department of medicaid may conduct an 122423
audit, as defined in rules adopted under section 5165.02 of the 122424
Revised Code, of any cost report filed under section 5165.10 or 122425
5165.522 of the Revised Code. The decision whether to conduct an 122426
audit and the scope of the audit, which may be a desk or field 122427
audit, may be determined based on prior performance of the 122428
provider, a risk analysis, or other evidence that gives the 122429
department reason to believe that the provider has reported costs 122430
improperly. A desk or field audit may be performed annually, but 122431
is required whenever a provider does not pass the risk analysis 122432
tolerance factors. 122433

(B) Audits shall be conducted by auditors under contract with 122434
the department, auditors working for firms under contract with the 122435
department, or auditors employed by the department. 122436

The department may establish a contract for the auditing of 122437
nursing facilities by outside firms. Each contract entered into by 122438
bidding shall be effective for one to two years. 122439

(C) The department shall notify a provider of the findings of 122440

an audit of a cost report by issuing an audit report. The audit 122441
report shall include notice of any fine imposed under section 122442
5165.1010 of the Revised Code. The department shall issue the 122443
audit report not later than three years after the earlier of the 122444
following: 122445

(1) The date the cost report is filed; 122446

(2) The date a desk or field audit of the cost report or a 122447
cost report for a subsequent cost reporting period is completed. 122448

(D) The department shall prepare a written summary of any 122449
audit disallowance that is made after the effective date of the 122450
rate that is based on the cost. Where the provider is pursuing 122451
judicial or administrative remedies in good faith regarding the 122452
disallowance, the department shall not withhold from the 122453
provider's current payments any amounts the department claims to 122454
be due from the provider pursuant to section 5165.41 of the 122455
Revised Code. 122456

(E)(1) The department shall establish an audit manual and 122457
program for field audits conducted under this section. Each 122458
auditor conducting a field audit under this section shall follow 122459
the audit manual and program, regardless of whether the auditor is 122460
under contract with the department, works for a firm under 122461
contract with the department, or is employed by the department. 122462
The manual and program shall do both of the following: 122463

(a) Require each field audit to be conducted by an auditor to 122464
whom all of the following apply: 122465

(i) During the period of the auditor's contract, firm's 122466
contract, or auditor's employment with the department, the auditor 122467
or firm does not have and is not committed to acquire any direct 122468
or indirect financial interest in the ownership, financing, or 122469
operation of nursing facilities in this state. 122470

(ii) The auditor does not audit any provider that has been a 122471

client of the auditor or the auditor's firm. 122472

(iii) The auditor is otherwise independent as determined by 122473
the standards of independence included in the government auditing 122474
standards produced by the United States government accountability 122475
office. 122476

(b) Require each auditor conducting a field audit to do all 122477
of the following: 122478

(i) Comply with applicable rules prescribed pursuant to Title 122479
XVIII and Title XIX; 122480

(ii) Consider generally accepted auditing standards 122481
prescribed by the American institute of certified public 122482
accountants; 122483

(iii) Include a written summary as to whether the costs 122484
included in the cost report examined during the audit are 122485
allowable and are presented in accordance with state and federal 122486
laws and regulations, and whether, in all material respects, 122487
allowable costs are documented, reasonable, and related to patient 122488
care; 122489

(iv) Complete the audit within the time period specified by 122490
the department; 122491

(v) Provide to the provider complete written interpretations 122492
that explain in detail the application of all relevant contract 122493
provisions, regulations, auditing standards, rate formulae, and 122494
departmental policies, with explanations and examples, that are 122495
sufficient to permit the provider to calculate with reasonable 122496
certainty those costs that are allowable and the rate to which the 122497
provider's nursing facility is entitled. 122498

(2) For the purpose of division (E)(1)(a)(i) of this section, 122499
employment of a member of an auditor's family by a nursing 122500
facility that the auditor does not audit does not constitute a 122501

direct or indirect financial interest in the ownership, financing, 122502
or operation of the nursing facility. 122503

Sec. ~~5111.271~~ 5165.1010. (A) Subject to division (D) of this 122504
section, the department of ~~job and family services~~ medicaid shall 122505
fine the provider of a nursing facility if the report of an audit 122506
conducted under ~~division (B) of section 5111.27~~ 5165.109 of the 122507
Revised Code regarding a cost report for the nursing facility 122508
includes either of the following: 122509

(1) Adverse findings that exceed three per cent of the total 122510
amount of ~~medicaid-reimbursable~~ medicaid-allowable costs reported 122511
in the cost report; 122512

(2) Adverse findings that exceed twenty per cent of 122513
~~medicaid-reimbursable~~ medicaid-allowable costs for a particular 122514
cost center reported in the cost report. 122515

(B) A fine issued under this section shall equal the greatest 122516
of the following: 122517

(1) If the adverse findings exceed three per cent but do not 122518
exceed ten per cent of the total amount of ~~medicaid-reimbursable~~ 122519
medicaid-allowable costs reported in the cost report, the greater 122520
of three per cent of those reported costs or ten thousand dollars; 122521

(2) If the adverse findings exceed ten per cent but do not 122522
exceed twenty per cent of the total amount of 122523
~~medicaid-reimbursable~~ medicaid-allowable costs reported in the 122524
cost report, the greater of six per cent of those reported costs 122525
or twenty-five thousand dollars; 122526

(3) If the adverse findings exceed twenty per cent of the 122527
total amount of ~~medicaid-reimbursable~~ medicaid-allowable costs 122528
reported in the cost report, the greater of ten per cent of those 122529
reported costs or fifty thousand dollars; 122530

(4) If the adverse findings exceed twenty per cent but do not 122531

exceed twenty-five per cent of ~~medicaid-reimbursable~~ 122532
medicaid-allowable costs for a particular cost center reported in 122533
the cost report, the greater of three per cent of the total amount 122534
of ~~medicaid-reimbursable~~ medicaid-allowable costs reported in the 122535
cost report or ten thousand dollars; 122536

(5) If the adverse findings exceed twenty-five per cent but 122537
do not exceed thirty per cent of ~~medicaid-reimbursable~~ 122538
medicaid-allowable costs for a particular cost center reported in 122539
the cost report, the greater of six per cent of the total amount 122540
of ~~medicaid-reimbursable~~ medicaid-allowable costs reported in the 122541
cost report or twenty-five thousand dollars; 122542

(6) If the adverse findings exceed thirty per cent of 122543
~~medicaid-reimbursable~~ medicaid-allowable costs for a particular 122544
cost center reported in the cost report, the greater of ten per 122545
cent of the total amount of ~~medicaid-reimbursable~~ 122546
medicaid-allowable costs reported in the cost report or fifty 122547
thousand dollars. 122548

(C) Fines paid under this section shall be deposited into the 122549
health care services administration fund created under section 122550
~~5111.94~~ 5162.54 of the Revised Code. 122551

(D) The department may not collect a fine under this section 122552
until all appeal rights relating to the audit report that is the 122553
basis for the fine are exhausted. 122554

Sec. ~~5111.222~~ 5165.15. (A) ~~As used in this section, "low~~ 122555
~~resource utilization resident" means a medicaid recipient residing~~ 122556
~~in a nursing facility who, for purposes of calculating the nursing~~ 122557
~~facility's medicaid reimbursement rate for direct care costs, is~~ 122558
~~placed in either of the two lowest resource utilization groups,~~ 122559
~~excluding any resource utilization group that is a default group~~ 122560
~~used for residents with incomplete assessment data.~~ 122561

~~(B)~~ Except as otherwise provided by sections ~~5111.20~~ 5165.151 122562
to ~~5111.331~~ 5165.156 and 5165.34 of the Revised Code ~~and by~~ 122563
~~division (C) of this section,~~ the total per medicaid day payment 122564
rate that the department of ~~job and family services~~ medicaid shall 122565
~~agree to pay for a fiscal year to the provider of a nursing~~ 122566
facility ~~pursuant to a provider agreement~~ provider for nursing 122567
facility services the provider's nursing facility provides during 122568
a fiscal year shall equal the sum of all of the following: 122569

~~(1) The rate for direct care costs determined for the nursing~~ 122570
~~facility under section 5111.231 of the Revised Code;~~ 122571

~~(2)~~ The per medicaid day payment rate for ancillary and 122572
support costs determined for the nursing ~~facility's ancillary and~~ 122573
~~support cost peer group~~ facility under section ~~5111.24~~ 5165.16 of 122574
the Revised Code; 122575

~~(3)~~~~(2)~~ The per medicaid day payment rate for capital costs 122576
determined for the nursing facility under section 5165.17 of the 122577
Revised Code; 122578

(3) The per medicaid day payment rate for direct care costs 122579
determined for the nursing facility under section 5165.19 of the 122580
Revised Code; 122581

(4) The per medicaid day payment rate for tax costs 122582
determined for the nursing facility under section ~~5111.242~~ 5165.21 122583
of the Revised Code; 122584

~~(4) The quality incentive payment paid to the nursing~~ 122585
~~facility under section 5111.244 of the Revised Code;~~ 122586

(5) If the nursing facility qualifies as a critical access 122587
nursing facility, the nursing facility's critical access incentive 122588
payment paid ~~to the nursing facility~~ under section ~~5111.246~~ 122589
5165.23 of the Revised Code; 122590

~~(6) The rate for capital costs determined for the nursing~~ 122591

~~facility's capital costs peer group under section 5111.25 quality~~ 122592
~~incentive payment paid to the nursing facility under section~~ 122593
~~5165.25 of the Revised Code.~~ 122594

~~(C) The total rate determined under division (B) of this~~ 122595
~~section shall not be paid for nursing facility services provided~~ 122596
~~to low resource utilization residents. Instead, the total rate for~~ 122597
~~nursing facility services that a nursing facility provides to low~~ 122598
~~resource utilization residents shall be one hundred thirty dollars~~ 122599
~~per medicaid day.~~ 122600

~~(D)~~(B) In addition to paying a nursing facility provider the 122601
nursing facility's total rate determined under division ~~(B)~~ or 122602
~~(C)~~(A) of this section for a fiscal year, the department shall pay 122603
the provider a quality bonus under section ~~5111.245~~ 5165.26 of the 122604
Revised Code for that fiscal year if the provider's nursing 122605
facility is a qualifying nursing facility, as defined in that 122606
section, for that fiscal year. The quality bonus shall not be part 122607
of the total rate. 122608

Sec. ~~5111.254~~ 5165.151. (A) ~~The department of job and family~~ 122609
~~services shall establish initial rates for a nursing facility with~~ 122610
~~a first date of licensure that is on or after July 1, 2006,~~ 122611
~~including a facility that replaces one or more existing~~ 122612
~~facilities, or for a nursing facility with a first date of~~ 122613
~~licensure before that date that was initially certified for the~~ 122614
~~medicaid program on or after that date, total per medicaid day~~ 122615
~~payment rate determined under section 5165.15 of the Revised Code~~ 122616
~~shall not be the initial rate for nursing facility services~~ 122617
~~provided by a new nursing facility. Instead, the initial total per~~ 122618
~~medicaid day payment rate for nursing facility services provided~~ 122619
~~by a new nursing facility shall be determined in the following~~ 122620
manner: 122621

(1) The initial rate for ancillary and support costs shall be 122622

the rate for the new nursing facility's peer group determined 122623
under division (D) of section 5165.16 of the Revised Code. 122624

(2) The initial rate for capital costs shall be the rate for 122625
the new nursing facility's peer group determined under division 122626
(D) of section 5165.17 of the Revised Code; 122627

(3) The initial rate for direct care costs shall be the 122628
product of the cost per case-mix unit determined under division 122629
(D) of section ~~5111.231~~ 5165.19 of the Revised Code for the new 122630
nursing facility's peer group and the new nursing facility's 122631
case-mix score determined under division (B) of this section. For 122632
the purpose of division (A)(1) of this section, the nursing 122633
facility's case mix score shall be the following: 122634

(a) Unless the nursing facility replaces an existing nursing 122635
facility that participated in the medicaid program immediately 122636
before the replacement nursing facility begins participating in 122637
the medicaid program, the median annual average case mix score for 122638
the nursing facility's peer group; 122639

(b) If the nursing facility replaces an existing nursing 122640
facility that participated in the medicaid program immediately 122641
before the replacement nursing facility begins participating in 122642
the medicaid program, the semiannual case mix score most recently 122643
determined under section 5111.232 of the Revised Code for the 122644
replaced nursing facility as adjusted, if necessary, to reflect 122645
any difference in the number of beds in the replaced and 122646
replacement nursing facilities. 122647

(2) The rate for ancillary and support costs shall be the 122648
rate for the facility's peer group determined under division (D) 122649
of section 5111.24 of the Revised Code. 122650

(3) The rate for capital costs shall be the rate for the 122651
facility's peer group determined under division (D) of section 122652
5111.25 of the Revised Code. 122653

(4) The initial rate for tax costs shall be the median rate 122654
for tax costs for the new nursing facility's peer group in which 122655
the nursing facility is placed under division (C) of section 122656
~~5111.24~~ 5165.16 of the Revised Code. 122657

(5) The quality incentive payment shall be the mean payment 122658
made to nursing facilities under section ~~5111.244~~ 5165.25 of the 122659
Revised Code. 122660

(B) For the purpose of division (A)(3) of this section, a new 122661
nursing facility's case-mix score shall be the following: 122662

(1) Unless the new nursing facility replaces an existing 122663
nursing facility that participated in the medicaid program 122664
immediately before the new nursing facility begins participating 122665
in the medicaid program, the median annual average case-mix score 122666
for the new nursing facility's peer group; 122667

(2) If the nursing facility replaces an existing nursing 122668
facility that participated in the medicaid program immediately 122669
before the new nursing facility begins participating in the 122670
medicaid program, the semiannual case-mix score most recently 122671
determined under section 5165.192 of the Revised Code for the 122672
replaced nursing facility as adjusted, if necessary, to reflect 122673
any difference in the number of beds in the replaced and new 122674
nursing facilities. 122675

(C) Subject to division ~~(C)~~(D) of this section, the 122676
department shall adjust the rates established under division (A) 122677
of this section effective the first day of July, to reflect new 122678
rate calculations for all nursing facilities under ~~sections~~ 122679
~~5111.20 to 5111.331 of the Revised Code~~ this chapter. 122680

~~(C)~~(D) If a rate for direct care costs is determined under 122681
this section for a new nursing facility using the median annual 122682
average case-mix score for the new nursing facility's peer group, 122683
the rate shall be redetermined to reflect the ~~replacement~~ new 122684

nursing facility's actual semiannual average case-mix score 122685
determined under section ~~5111.232~~ 5165.192 of the Revised Code 122686
after the new nursing facility submits its first two quarterly 122687
assessment data that qualify for use in calculating a case-mix 122688
score in accordance with rules authorized by ~~division (E) of~~ 122689
section ~~5111.232~~ 5165.192 of the Revised Code. If the new nursing 122690
facility's quarterly submissions do not qualify for use in 122691
calculating a case-mix score, the department shall continue to use 122692
the median annual average case-mix score for the new nursing 122693
facility's peer group in lieu of the new nursing facility's 122694
semiannual case-mix score until the new nursing facility submits 122695
two consecutive quarterly assessment data that qualify for use in 122696
calculating a case-mix score. 122697

Sec. 5165.152. The total per medicaid day payment rate 122698
determined under section 5165.15 of the Revised Code shall not be 122699
paid for nursing facility services provided to low resource 122700
utilization residents. Instead, the total rate for such nursing 122701
facility services shall be one hundred thirty dollars per medicaid 122702
day. 122703

Sec. ~~5111.258~~ 5165.153. (A) ~~Notwithstanding sections 5111.20~~ 122704
~~to 5111.331 of the Revised Code (except section 5111.259 of the~~ 122705
~~Revised Code), the director of job and family services shall adopt~~ 122706
~~rules under section 5111.02 of the Revised Code that establish a~~ 122707
~~methodology for calculating the prospective rates that will be~~ 122708
~~paid each fiscal year to a provider for each of the provider's~~ 122709
~~eligible nursing facilities and intermediate care facilities for~~ 122710
~~the mentally retarded, and discrete units of the provider's~~ 122711
~~nursing facilities or intermediate care facilities for the~~ 122712
~~mentally retarded, that serve residents who have diagnoses The~~ 122713
total per medicaid day payment rate determined under section 122714
5165.15 of the Revised Code shall not be paid for nursing facility 122715

services provided by a nursing facility, or discrete unit of a 122716
nursing facility, designated by the department of medicaid as an 122717
outlier nursing facility or unit. Instead, the provider of a 122718
designated outlier nursing facility or unit shall be paid each 122719
fiscal year a total per medicaid day payment rate that the 122720
department shall prospectively determine in accordance with a 122721
methodology established in rules authorized by this section. 122722

(B) The department may designate a nursing facility, or 122723
discrete unit of a nursing facility, as an outlier nursing 122724
facility or unit if the nursing facility or unit serves residents 122725
who have either of the following: 122726

(1) Diagnoses or special care needs that require direct care 122727
resources that are not measured adequately by the applicable 122728
resident assessment instrument specified in rules authorized by 122729
section ~~5111.232~~ 5165.191 of the Revised Code, ~~or who have~~ 122730
diagnoses; 122731

(2) Diagnoses or special care needs specified in ~~the~~ rules 122732
authorized by this section as otherwise qualifying for 122733
consideration under this section. ~~The facilities and units of~~ 122734
~~facilities whose rates are established under this division may~~ 122735
~~include, but shall not be limited to, any of the following:~~ 122736

~~(1) In the case of nursing facilities, facilities and units~~ 122737
~~of facilities that serve medically fragile pediatric residents,~~ 122738
~~residents who are dependent on ventilators, or residents who have~~ 122739
~~severe traumatic brain injury, end stage Alzheimer's disease, or~~ 122740
~~end stage acquired immunodeficiency syndrome;~~ 122741

~~(2) In the case of intermediate care facilities for the~~ 122742
~~mentally retarded, facilities and units of facilities that serve~~ 122743
~~residents who have complex medical conditions or severe behavioral~~ 122744
~~problems.~~ 122745

~~The department shall use the methodology established under~~ 122746

~~this division to pay for services rendered by such facilities and units after June 30, 1993.~~ 122747
122748

(C) Notwithstanding any other provision of this chapter (except section 5165.156 of the Revised Code), the costs incurred by a designated outlier nursing facility or unit shall not be considered in establishing medicaid payment rates for other nursing facilities or units. 122749
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122753

(D) The medicaid director shall adopt rules under section 5165.02 of the Revised Code as necessary to implement this section. 122754
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122756

(1)(a) The rules authorized by this division shall specify do both of the following: 122757
122758

(i) Specify the criteria and procedures the department will apply when designating facilities and units that qualify for calculation of rates under this division a nursing facility, or discrete unit of a nursing facility, as an outlier nursing facility or unit; 122759
122760
122761
122762
122763

(ii) Establish a methodology for prospectively determining the total per medicaid day payment rate that will be paid each fiscal year for nursing facility services provided by a designated outlier nursing facility or unit. The criteria shall include 122764
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122766
122767

(b) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier nursing facilities and units shall do both of the following: 122768
122769
122770

(i) Provide for consideration of whether all of the allowable costs of the a nursing facility, or discrete unit of a nursing facility, would be paid by rates established a rate determined under sections 5111.20 to 5111.331 section 5165.15 of the Revised Code, and shall establish a; 122771
122772
122773
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122775

(ii) Specify the minimum bed size for a number of nursing 122776

~~facility beds that a nursing facility, or discrete unit to qualify
to of a nursing facility, must have its rates established under
this division to be designated an outlier nursing facility or
unit, which may vary based on the diagnoses or special care needs
of the residents served by the nursing facility or unit. The
criteria shall not be designed to require that residents be served
only in~~

(c) The rules authorized by division (D)(1)(a)(i) of this
section regarding the criteria for designating outlier nursing
facilities and units shall not limit the designation to nursing
facilities, or discrete units of nursing facilities, located in
large cities. The

(d) The rules authorized by division (D)(1)(a)(ii) of this
section regarding the methodology for prospectively determining
the rates of designated outlier nursing facilities and units shall
provide for the methodology established by the rules shall to
consider the historical costs of providing care nursing facility
services to the residents of the designated outlier nursing
facilities or and units.

(2)(a) The rules may require do both of the following:

(i) Include for designation as an outlier nursing facility or
unit, a nursing facility, or discrete unit of a nursing facility,
that serves medically fragile pediatric residents; residents who
are dependent on ventilators; residents who have severe traumatic
brain injury, end-stage Alzheimer's disease, or end-stage acquired
immunodeficiency syndrome; or residents with other diagnoses or
special care needs specified in the rules;

(ii) Require that a designated outlier nursing facility
designated under this division or containing a unit designated
under this division receive authorization from the department to
admit before admitting or retain retaining a resident to the

~~facility or unit and.~~ 122808

(b) If the director adopts rules authorized by division 122809
(D)(2)(a)(ii) of this section regarding the authorization of a 122810
designated outlier nursing facility or unit to admit or retain a 122811
resident, the rules shall specify the criteria and procedures the 122812
department will apply when granting that authorization. 122813

~~Notwithstanding any other provision of sections 5111.20 to~~ 122814
~~5111.331 of the Revised Code (except section 5111.259 of the~~ 122815
~~Revised Code), the costs incurred by facilities or units whose~~ 122816
~~rates are established under this division shall not be considered~~ 122817
~~in establishing payment rates for other facilities or units.~~ 122818

~~(B) The director may adopt rules under section 5111.02 of the~~ 122819
~~Revised Code under which the department, notwithstanding any other~~ 122820
~~provision of sections 5111.20 to 5111.331 of the Revised Code~~ 122821
~~(except section 5111.259 of the Revised Code), may adjust the~~ 122822
~~rates determined under sections 5111.20 to 5111.331 of the Revised~~ 122823
~~Code for a facility that serves a resident who has a diagnosis or~~ 122824
~~special care need that, in the rules authorized by division (A) of~~ 122825
~~this section, would qualify a facility or unit of a facility to~~ 122826
~~have its rate determined under that division, but who is not in~~ 122827
~~such a unit. The rules may require that a facility that qualifies~~ 122828
~~for a rate adjustment under this division receive authorization~~ 122829
~~from the department to admit or retain a resident who qualifies~~ 122830
~~the facility for the rate adjustment and shall specify the~~ 122831
~~criteria and procedures the department will apply when granting~~ 122832
~~that authorization.~~ 122833

Sec. 5165.154. (A) To the extent, if any, provided for in 122834
rules authorized by this section, the total per medicaid day 122835
payment rate determined under section 5165.15 of the Revised Code 122836
shall not be paid for nursing facility services that a nursing 122837
facility not designated as an outlier nursing facility or unit 122838

provides to a resident who meets the criteria for admission to a 122839
designated outlier nursing facility or unit, as specified in rules 122840
authorized by section 5165.153 of the Revised Code. Instead, the 122841
provider of a nursing facility providing nursing facility services 122842
to such a resident shall be paid each fiscal year a total per 122843
medicaid day payment rate that the department of medicaid shall 122844
prospectively determine in accordance with a methodology 122845
established in rules authorized by this section. 122846

(B) The medicaid director may adopt rules under section 122847
5165.02 of the Revised Code to implement this section. The rules 122848
may require that a nursing facility receive authorization from the 122849
department before admitting or retaining a resident who meets the 122850
criteria for admission to a designated outlier nursing facility or 122851
unit. If the director adopts such rules, the rules shall specify 122852
the criteria and procedures the department will apply when 122853
granting the authorization. 122854

Sec. ~~5111.225~~ 5165.155. (A) As used in this section: 122855

~~"Dual eligible individual" has the same meaning as in section~~ 122856
~~1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315 (2010),~~ 122857
~~42 U.S.C. 1396n(h)(2)(B).~~ 122858

~~"Medicaid, "medicaid maximum allowable amount" means one~~ 122859
~~hundred per cent of a nursing facility's total per diem medicaid~~ 122860
~~day payment rate for a medicaid day.~~ 122861

(B) The ~~Instead of paying the total per medicaid day payment~~ 122862
rate determined under section 5165.15 of the Revised Code, the 122863
department of ~~job and family services~~ medicaid shall pay the 122864
provider of a nursing facility the lesser of the following for 122865
nursing facility services the nursing facility provides on or 122866
after January 1, 2012, to a dual eligible individual who is 122867
eligible for nursing facility services under the medicaid program 122868

and post-hospital extended care services under Part A of Title 122869
XVIII: 122870

(1) The coinsurance amount for the services as provided under 122871
Part A of Title XVIII; 122872

(2) The medicaid maximum allowable amount for the services, 122873
less the amount paid under Part A of Title XVIII for the services. 122874

Sec. ~~5111.259~~ 5165.156. The medicaid director ~~of job and~~ 122875
~~family services~~ may ~~submit a request to the United States~~ 122876
~~secretary of health and human services for approval to~~ establish a 122877
centers of excellence component of the medicaid program. The 122878
purpose of the centers of excellence component is to increase the 122879
efficiency and quality of nursing facility services provided to 122880
medicaid recipients with complex nursing facility service needs. 122881
~~If federal approval for the centers of excellence component is~~ 122882
~~granted, the~~ The director may adopt rules under section ~~5111.02~~ 122883
5165.02 of the Revised Code governing the component, including 122884
rules that establish a method of determining the medicaid 122885
~~reimbursement~~ payment rates for nursing facilities providing 122886
nursing facility services to medicaid recipients participating in 122887
the component. The rules may specify the extent to which, if any, 122888
of the provisions of ~~section 5111.258~~ sections 5165.153 and 122889
5165.154 of the Revised Code are to apply to the centers of 122890
excellence component. If such rules are adopted, the nursing 122891
facilities that provide nursing facility services to medicaid 122892
recipients participating in the centers of excellence component 122893
shall be paid for those services in accordance with the method 122894
established in the rules ~~notwithstanding anything to the contrary~~ 122895
~~in sections 5111.20 to 5111.331~~ instead of the total per medicaid 122896
day payment rate determined under section 5165.15 of the Revised 122897
Code. 122898

Sec. ~~5111.24~~ 5165.16. (A) As used in this section: 122899

(1) "Applicable calendar year" means the following: 122900

(a) For the purpose of the department of ~~job and family services~~ medicaid's initial determination under division (D) of this section of each peer group's rate for ancillary and support costs, calendar year 2003; 122901
122902
122903
122904

(b) For the purpose of the department's rebasings, the calendar year the department selects. 122905
122906

(2) "Rebasing" means a redetermination under division (D) of this section of each peer ~~groups~~ group's rate for ancillary and support costs using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such rates. 122907
122908
122909
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(B) The department of ~~job and family services~~ medicaid shall ~~pay a provider for~~ determine each of the provider's eligible nursing facilities ~~a facility's~~ per resident per medicaid day payment rate for ancillary and support costs ~~determined for the.~~ A nursing facility's peer group rate shall be the rate determined under division (D) of this section for the nursing facility's peer group. However, for the period beginning October 1, 2013, and ending on the first day of the first rebasing, the rate for a nursing facility located in Mahoning or Stark county shall be the rate determined for the following: 122912
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(1) If the nursing facility has fewer than one hundred beds, the nursing facilities in peer group three; 122922
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(2) If the nursing facility has one hundred or more beds, the nursing facilities in peer group four. 122924
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(C) For the purpose of determining nursing facilities' ~~rate~~ rates for ancillary and support costs, the department shall establish six peer groups. 122926
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Each (1) Until the first rebasing occurs, the peer groups 122929
shall be composed as follows: 122930

(a) Each nursing facility located in any of the following 122931
counties shall be placed in peer group one or two: Brown, Butler, 122932
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 122933
located in any of those counties that has fewer than one hundred 122934
beds shall be placed in peer group one. Each nursing facility 122935
located in any of those counties that has one hundred or more beds 122936
shall be placed in peer group two. 122937

(b) Each nursing facility located in any of the following 122938
counties shall be placed in peer group three or four: Ashtabula, 122939
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 122940
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 122941
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 122942
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 122943
Union, and Wood. Each nursing facility located in any of those 122944
counties that has fewer than one hundred beds shall be placed in 122945
peer group three. Each nursing facility located in any of those 122946
counties that has one hundred or more beds shall be placed in peer 122947
group four. 122948

(c) Each nursing facility located in any of the following 122949
counties shall be placed in peer group five or six: Adams, Allen, 122950
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 122951
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 122952
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 122953
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 122954
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 122955
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 122956
Washington, Wayne, Williams, and Wyandot. Each nursing facility 122957
located in any of those counties that has fewer than one hundred 122958
beds shall be placed in peer group five. Each nursing facility 122959
located in any of those counties that has one hundred or more beds 122960

shall be placed in peer group six. 122961

(2) Beginning with the first rebasing, the peer groups shall 122962
be composed as they are under division (C)(1) of this section 122963
except as follows: 122964

(a) Each nursing facility that has fewer than one hundred 122965
beds and is located in Mahoning or Stark county shall be placed in 122966
peer group three rather than peer group five. 122967

(b) Each nursing facility that has one hundred or more beds 122968
and is located in Mahoning or Stark county shall be placed in peer 122969
group four rather than peer group six. 122970

(D)(1) The department shall determine the rate for ancillary 122971
and support costs for each peer group established under division 122972
(C) of this section. The department is not required to conduct a 122973
rebasings more than once every ten years. Except as necessary to 122974
implement the amendments made to this section by Am. Sub. H.B. 153 122975
and Sub. H.B. 303, both of the 129th general assembly, the rate 122976
for ancillary and support costs determined under this division for 122977
a peer group shall be used for subsequent years until the 122978
department conducts a rebasing. To determine a peer group's rate 122979
for ancillary and support costs, the department shall do all of 122980
the following: 122981

(a) Subject to division (D)(2) of this section, determine the 122982
rate for ancillary and support costs for each nursing facility in 122983
the peer group for the applicable calendar year by using the 122984
greater of the nursing facility's actual inpatient days for the 122985
applicable calendar year or the inpatient days the nursing 122986
facility would have had for the applicable calendar year if its 122987
occupancy rate had been ninety per cent; 122988

(b) Subject to division (D)(3) of this section, identify 122989
which nursing facility in the peer group is at the twenty-fifth 122990
percentile of the rate for ancillary and support costs for the 122991

applicable calendar year determined under division (D)(1)(a) of 122992
this section; 122993

(c) Multiply the rate for ancillary and support costs 122994
determined under division (D)(1)(a) of this section for the 122995
nursing facility identified under division (D)(1)(b) of this 122996
section by the rate of inflation for the eighteen-month period 122997
beginning on the first day of July of the applicable calendar year 122998
and ending the last day of December of the calendar year 122999
immediately following the applicable calendar year using the 123000
following: 123001

(i) Until the first rebasing occurs, the consumer price index 123002
for all items for all urban consumers for the north central 123003
region, published by the United States bureau of labor statistics, 123004
as that index existed on July 1, 2005; 123005

(ii) Effective with the first rebasing and except as provided 123006
in division (D)(1)(c)(iii) of this section, the consumer price 123007
index for all items for all urban consumers for the midwest 123008
region, published by the United States bureau of labor statistics; 123009

(iii) If the United States bureau of labor statistics ceases 123010
to publish the index specified in division (D)(1)(c)(ii) of this 123011
section, the index the bureau subsequently publishes that covers 123012
urban consumers' prices for items for the region that includes 123013
this state. 123014

(d) Until the first rebasing occurs, increase the amount 123015
calculated under division (D)(1)(c) of this section by five and 123016
eight hundredths per cent. 123017

(2) For the purpose of determining a nursing facility's 123018
occupancy rate under division (D)(1)(a) of this section, the 123019
department shall include any beds that the nursing facility 123020
removes from its medicaid-certified capacity unless the nursing 123021
facility also removes the beds from its licensed bed capacity. 123022

(3) In making the identification under division (D)(1)(b) of this section, the department shall exclude both of the following:

(a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(b) Nursing facilities whose ancillary and support costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem ancillary and support cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year.

(4) The department shall not redetermine a peer group's rate for ancillary and support costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for ancillary and support costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination.

Sec. ~~5111.25~~ 5165.17. (A) As used in this section:

(1) "Applicable calendar year" means the following:

(a) For the purpose of the department of ~~job and family services~~ medicaid's initial determination under division (D) of this section of each peer group's rate for capital costs, calendar year 2003;

(b) For the purpose of the department's rebasings, the calendar year the department selects.

(2) "Rebasing" means a redetermination under division (D) of this section of each peer ~~groups~~ group's rate for capital costs using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such rates.

(B) The department of ~~job and family services~~ medicaid shall 123053
~~pay a provider for~~ determine each of the provider's eligible 123054
~~nursing facilities~~ a facility's per ~~resident~~ per medicaid day 123055
payment rate for capital costs ~~determined for the~~. A nursing 123056
facility's ~~peer group~~ rate shall be the rate determined under 123057
division (D) of this section. However, for the period beginning 123058
October 1, 2013, and ending on the first day of the first 123059
rebasings, the rate for a nursing facility located in Mahoning or 123060
Stark county shall be the rate determined for the following: 123061

(1) If the nursing facility has fewer than one hundred beds, 123062
the nursing facilities in peer group three; 123063

(2) If the nursing facility has one hundred or more beds, the 123064
nursing facilities in peer group four. 123065

(C) For the purpose of determining nursing facilities' ~~rate~~ 123066
rates for capital costs, the department shall establish six peer 123067
groups. 123068

~~Each~~ (1) Until the first rebasing occurs, the peer groups 123069
shall be composed as follows: 123070

(a) Each nursing facility located in any of the following 123071
counties shall be placed in peer group one or two: Brown, Butler, 123072
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 123073
located in any of those counties that has fewer than one hundred 123074
beds shall be placed in peer group one. Each nursing facility 123075
located in any of those counties that has one hundred or more beds 123076
shall be placed in peer group two. 123077

(b) Each nursing facility located in any of the following 123078
counties shall be placed in peer group three or four: Ashtabula, 123079
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 123080
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 123081
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 123082
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 123083

Union, and Wood. Each nursing facility located in any of those 123084
counties that has fewer than one hundred beds shall be placed in 123085
peer group three. Each nursing facility located in any of those 123086
counties that has one hundred or more beds shall be placed in peer 123087
group four. 123088

(c) Each nursing facility located in any of the following 123089
counties shall be placed in peer group five or six: Adams, Allen, 123090
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 123091
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 123092
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 123093
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 123094
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 123095
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 123096
Washington, Wayne, Williams, and Wyandot. Each nursing facility 123097
located in any of those counties that has fewer than one hundred 123098
beds shall be placed in peer group five. Each nursing facility 123099
located in any of those counties that has one hundred or more beds 123100
shall be placed in peer group six. 123101

(2) Beginning with the first rebasing, the peer groups shall 123102
be composed as they are under division (C)(1) of this section 123103
except as follows: 123104

(a) Each nursing facility that has fewer than one hundred 123105
beds and is located in Mahoning or Stark county shall be placed in 123106
peer group three rather than peer group five. 123107

(b) Each nursing facility that has one hundred or more beds 123108
and is located in Mahoning or Stark county shall be placed in peer 123109
group four rather than peer group six. 123110

(D)(1) The department shall determine the rate for capital 123111
costs for each peer group established under division (C) of this 123112
section. The department is not required to conduct a rebasing more 123113
than once every ten years. Except as necessary to implement the 123114

amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 123115
303, both of the 129th general assembly, the rate for capital 123116
costs determined under this division for a peer group shall be 123117
used for subsequent years until the department conducts a 123118
rebasings. To determine a peer group's rate for capital costs, the 123119
department shall do both of the following: 123120

(a) Determine the rate for capital costs for the nursing 123121
facility in the peer group that is at the twenty-fifth percentile 123122
of the rate for capital costs for the applicable calendar year; 123123

(b) Until the first rebasing occurs, increase the amount 123124
calculated under division (D)(1)(a) of this section by five and 123125
eight hundredths per cent. 123126

(2) To identify the nursing facility in a peer group that is 123127
at the twenty-fifth percentile of the rate for capital costs for 123128
the applicable calendar year, the department shall do both of the 123129
following: 123130

(a) Subject to division (D)(3) of this section, use the 123131
greater of each nursing facility's actual inpatient days for the 123132
applicable calendar year or the inpatient days the nursing 123133
facility would have had for the applicable calendar year if its 123134
occupancy rate had been one hundred per cent; 123135

(b) Exclude both of the following: 123136

(i) Nursing facilities that participated in the medicaid 123137
program under the same provider for less than twelve months in the 123138
applicable calendar year; 123139

(ii) Nursing facilities whose capital costs are more than one 123140
standard deviation from the mean desk-reviewed, actual, allowable, 123141
per diem capital cost for all nursing facilities in the nursing 123142
facility's peer group for the applicable calendar year. 123143

(3) For the purpose of determining a nursing facility's 123144

occupancy rate under division (D)(2)(a) of this section, the 123145
department shall include any beds that the nursing facility 123146
removes from its medicaid-certified capacity after June 30, 2005, 123147
unless the nursing facility also removes the beds from its 123148
licensed bed capacity. 123149

(4) The department shall not redetermine a peer group's rate 123150
for capital costs under this division based on additional 123151
information that it receives after the rate is determined. The 123152
department shall redetermine a peer group's rate for capital costs 123153
only if the department made an error in determining the rate based 123154
on information available to the department at the time of the 123155
original determination. 123156

(E) Buildings shall be depreciated using the straight line 123157
method over forty years or over a different period approved by the 123158
department. Components and equipment shall be depreciated using 123159
the straight-line method over a period designated in rules adopted 123160
under section ~~5111.02~~ 5165.02 of the Revised Code, consistent with 123161
the guidelines of the American hospital association, or over a 123162
different period approved by the department. Any rules authorized 123163
by this division that specify useful lives of buildings, 123164
components, or equipment apply only to assets acquired on or after 123165
July 1, 1993. Depreciation for costs paid or reimbursed by any 123166
government agency shall not be included in capital costs unless 123167
that part of the payment under ~~sections 5111.20 to 5111.331 of the~~ 123168
~~Revised Code~~ this chapter is used to reimburse the government 123169
agency. 123170

(F) The capital cost basis of nursing facility assets shall 123171
be determined in the following manner: 123172

(1) Except as provided in division (F)(3) of this section, 123173
for purposes of calculating the rates to be paid for facilities 123174
with dates of licensure on or before June 30, 1993, the capital 123175
cost basis of each asset shall be equal to the desk-reviewed, 123176

actual, allowable, capital cost basis that is listed on the 123177
facility's cost report for the calendar year preceding the fiscal 123178
year during which the rate will be paid. 123179

(2) For facilities with dates of licensure after June 30, 123180
1993, the capital cost basis shall be determined in accordance 123181
with the principles of the medicare program ~~established under~~ 123182
~~Title XVIII~~, except as otherwise provided in ~~sections 5111.20 to~~ 123183
~~5111.331 of the Revised Code~~ this chapter. 123184

(3) Except as provided in division (F)(4) of this section, if 123185
a provider transfers an interest in a facility to another provider 123186
after June 30, 1993, there shall be no increase in the capital 123187
cost basis of the asset if the providers are related parties or 123188
the provider to which the interest is transferred authorizes the 123189
provider that transferred the interest to continue to operate the 123190
facility under a lease, management agreement, or other 123191
arrangement. If the previous sentence does not prohibit the 123192
adjustment of the capital cost basis under this division, the 123193
basis of the asset shall be adjusted by one-half of the change in 123194
the consumer price index for all items for all urban consumers, as 123195
published by the United States bureau of labor statistics, during 123196
the time that the transferor held the asset. 123197

(4) If a provider transfers an interest in a facility to 123198
another provider who is a related party, the capital cost basis of 123199
the asset shall be adjusted as specified in division (F)(3) of 123200
this section if all of the following conditions are met: 123201

(a) The related party is a relative of owner; 123202

(b) Except as provided in division (F)(4)(c)(ii) of this 123203
section, the provider making the transfer retains no ownership 123204
interest in the facility; 123205

(c) The department ~~of job and family services~~ determines that 123206
the transfer is an arm's length transaction pursuant to rules 123207

adopted under section ~~5111.02~~ 5165.02 of the Revised Code. The 123208
rules shall provide that a transfer is an arm's length transaction 123209
if all of the following apply: 123210

(i) Once the transfer goes into effect, the provider that 123211
made the transfer has no direct or indirect interest in the 123212
provider that acquires the facility or the facility itself, 123213
including interest as an owner, officer, director, employee, 123214
independent contractor, or consultant, but excluding interest as a 123215
creditor. 123216

(ii) The provider that made the transfer does not reacquire 123217
an interest in the facility except through the exercise of a 123218
creditor's rights in the event of a default. If the provider 123219
reacquires an interest in the facility in this manner, the 123220
department shall treat the facility as if the transfer never 123221
occurred when the department calculates its reimbursement rates 123222
for capital costs. 123223

(iii) The transfer satisfies any other criteria specified in 123224
the rules. 123225

(d) Except in the case of hardship caused by a catastrophic 123226
event, as determined by the department, or in the case of a 123227
provider making the transfer who is at least sixty-five years of 123228
age, not less than twenty years have elapsed since, for the same 123229
facility, the capital cost basis was adjusted most recently under 123230
division (F)(4) of this section or actual, allowable ~~cost of~~ 123231
~~ownership~~ capital costs was determined most recently under 123232
division (G)(9) of this section. 123233

(G) As used in this division: 123234

"Imputed interest" means the lesser of the prime rate plus 123235
two per cent or ten per cent. 123236

"Lease expense" means lease payments in the case of an 123237
operating lease and depreciation expense and interest expense in 123238

the case of a capital lease. 123239

"New lease" means a lease, to a different lessee, of a 123240
nursing facility that previously was operated under a lease. 123241

(1) Subject to division (B) of this section, for a lease of a 123242
facility that was effective on May 27, 1992, the entire lease 123243
expense is an actual, allowable capital cost during the term of 123244
the existing lease. The entire lease expense also is an actual, 123245
allowable capital cost if a lease in existence on May 27, 1992, is 123246
renewed under either of the following circumstances: 123247

(a) The renewal is pursuant to a renewal option that was in 123248
existence on May 27, 1992; 123249

(b) The renewal is for the same lease payment amount and 123250
between the same parties as the lease in existence on May 27, 123251
1992. 123252

(2) Subject to division (B) of this section, for a lease of a 123253
facility that was in existence but not operated under a lease on 123254
May 27, 1992, actual, allowable capital costs shall include the 123255
lesser of the annual lease expense or the annual depreciation 123256
expense and imputed interest expense that would be calculated at 123257
the inception of the lease using the lessor's entire historical 123258
capital asset cost basis, adjusted by one-half of the change in 123259
the consumer price index for all items for all urban consumers, as 123260
published by the United States bureau of labor statistics, during 123261
the time the lessor held each asset until the beginning of the 123262
lease. 123263

(3) Subject to division (B) of this section, for a lease of a 123264
facility with a date of licensure on or after May 27, 1992, that 123265
is initially operated under a lease, actual, allowable capital 123266
costs shall include the annual lease expense if there was a 123267
substantial commitment of money for construction of the facility 123268
after December 22, 1992, and before July 1, 1993. If there was not 123269

a substantial commitment of money after December 22, 1992, and 123270
before July 1, 1993, actual, allowable capital costs shall include 123271
the lesser of the annual lease expense or the sum of the 123272
following: 123273

(a) The annual depreciation expense that would be calculated 123274
at the inception of the lease using the lessor's entire historical 123275
capital asset cost basis; 123276

(b) The greater of the lessor's actual annual amortization of 123277
financing costs and interest expense at the inception of the lease 123278
or the imputed interest expense calculated at the inception of the 123279
lease using seventy per cent of the lessor's historical capital 123280
asset cost basis. 123281

(4) Subject to division (B) of this section, for a lease of a 123282
facility with a date of licensure on or after May 27, 1992, that 123283
was not initially operated under a lease and has been in existence 123284
for ten years, actual, allowable capital costs shall include the 123285
lesser of the annual lease expense or the annual depreciation 123286
expense and imputed interest expense that would be calculated at 123287
the inception of the lease using the entire historical capital 123288
asset cost basis of one-half of the change in the consumer price 123289
index for all items for all urban consumers, as published by the 123290
United States bureau of labor statistics, during the time the 123291
lessor held each asset until the beginning of the lease. 123292

(5) Subject to division (B) of this section, for a new lease 123293
of a facility that was operated under a lease on May 27, 1992, 123294
actual, allowable capital costs shall include the lesser of the 123295
annual new lease expense or the annual old lease payment. If the 123296
old lease was in effect for ten years or longer, the old lease 123297
payment from the beginning of the old lease shall be adjusted by 123298
one-half of the change in the consumer price index for all items 123299
for all urban consumers, as published by the United States bureau 123300
of labor statistics, from the beginning of the old lease to the 123301

beginning of the new lease. 123302

(6) Subject to division (B) of this section, for a new lease 123303
of a facility that was not in existence or that was in existence 123304
but not operated under a lease on May 27, 1992, actual, allowable 123305
capital costs shall include the lesser of annual new lease expense 123306
or the annual amount calculated for the old lease under division 123307
(G)(2), (3), (4), or (6) of this section, as applicable. If the 123308
old lease was in effect for ten years or longer, the lessor's 123309
historical capital asset cost basis shall be, for purposes of 123310
calculating the annual amount under division (G)(2), (3), (4), or 123311
(6) of this section, adjusted by one-half of the change in the 123312
consumer price index for all items for all urban consumers, as 123313
published by the United States bureau of labor statistics, from 123314
the beginning of the old lease to the beginning of the new lease. 123315

In the case of a lease under division (G)(3) of this section 123316
of a facility for which a substantial commitment of money was made 123317
after December 22, 1992, and before July 1, 1993, the old lease 123318
payment shall be adjusted for the purpose of determining the 123319
annual amount. 123320

(7) For any revision of a lease described in division (G)(1), 123321
(2), (3), (4), (5), or (6) of this section, or for any subsequent 123322
lease of a facility operated under such a lease, other than 123323
execution of a new lease, the portion of actual, allowable capital 123324
costs attributable to the lease shall be the same as before the 123325
revision or subsequent lease. 123326

(8) Except as provided in division (G)(9) of this section, if 123327
a provider leases an interest in a facility to another provider 123328
who is a related party or previously operated the facility, the 123329
related party's or previous operator's actual, allowable capital 123330
costs shall include the lesser of the annual lease expense or the 123331
reasonable cost to the lessor. 123332

(9) If a provider leases an interest in a facility to another provider who is a related party, regardless of the date of the lease, the related party's actual, allowable capital costs shall include the annual lease expense, subject to the limitations specified in divisions (G)(1) to (7) of this section, if all of the following conditions are met:

(a) The related party is a relative of owner;

(b) If the lessor retains an ownership interest, it is, except as provided in division (G)(9)(c)(ii) of this section, in only the real property and any improvements on the real property;

(c) The department ~~of job and family services~~ determines that the lease is an arm's length transaction pursuant to rules adopted under section ~~5111.02~~ 5165.02 of the Revised Code. The rules shall provide that a lease is an arm's length transaction if all of the following apply:

(i) Once the lease goes into effect, the lessor has no direct or indirect interest in the lessee or, except as provided in division (G)(9)(b) of this section, the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a lessor.

(ii) The lessor does not reacquire an interest in the facility except through the exercise of a lessor's rights in the event of a default. If the lessor reacquires an interest in the facility in this manner, the department shall treat the facility as if the lease never occurred when the department calculates its reimbursement rates for capital costs.

(iii) The lease satisfies any other criteria specified in the rules.

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a lessor who is at least sixty-five years of age, not less than twenty

years have elapsed since, for the same facility, the capital cost 123364
basis was adjusted most recently under division (F)(4) of this 123365
section or actual, allowable capital costs were determined most 123366
recently under division (G)(9) of this section. 123367

(10) This division does not apply to leases of specific items 123368
of equipment. 123369

Sec. ~~5111.231~~ 5165.19. (A) As used in this section: 123370

(1) "Applicable calendar year" means the following: 123371

(a) For the purpose of the department of ~~job and family~~ 123372
~~services~~ medicaid's initial determination under division (D) of 123373
this section of each peer group's cost per case-mix unit, calendar 123374
year 2003; 123375

(b) For the purpose of the department's rebasings, the 123376
calendar year the department selects. 123377

(2) "Rebasing" means a redetermination under division (D) of 123378
this section of each peer ~~groups~~ group's cost per case-mix unit 123379
using information from cost reports for an applicable calendar 123380
year that is later than the applicable calendar year used for the 123381
previous determination of such costs. 123382

(B) ~~The~~ Semiannually, the department of ~~job and family~~ 123383
~~services~~ medicaid shall ~~pay a provider for~~ determine each of the 123384
~~provider's eligible nursing facilities~~ a facility's per resident 123385
per medicaid day payment rate for direct care costs ~~determined~~ 123386
~~semiannually by multiplying the cost per case-mix unit determined~~ 123387
~~under division (D) of this section for the facility's peer group~~ 123388
~~by~~ the facility's semiannual case-mix score determined under 123389
section ~~5111.232~~ 5165.192 of the Revised Code by the cost per 123390
case-mix unit determined under division (D) of this section for 123391
the facility's peer group. However, for the period beginning 123392
October 1, 2013, and ending on the first day of the first 123393

rebasing, the rate for a nursing facility located in Mahoning or Stark county shall be determined semiannually by multiplying the facility's semiannual case-mix score determined under section 5165.192 of the Revised Code by the cost per case-mix unit determined under division (D) of this section for the nursing facilities in peer group two.

(C) For the purpose of determining nursing facilities' ~~rate~~ rates for direct care costs, the department shall establish three peer groups.

~~Each~~ (1) Until the first rebasing occurs, the peer groups shall be composed as follows:

(a) Each nursing facility located in any of the following counties shall be placed in peer group one: Brown, Butler, Clermont, Clinton, Hamilton, and Warren.

(b) Each nursing facility located in any of the following counties shall be placed in peer group two: Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, and Wood.

(c) Each nursing facility located in any of the following counties shall be placed in peer group three: Adams, Allen, Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and Wyandot.

(2) Beginning with the first rebasing, the peer groups shall

be composed as they are under division (C)(1) of this section 123425
except that each nursing facility located in Mahoning or Stark 123426
county shall be placed in peer group two rather than peer group 123427
three. 123428

(D)(1) The department shall determine a cost per case-mix 123429
unit for each peer group established under division (C) of this 123430
section. The department is not required to conduct a rebasing more 123431
than once every ten years. Except as necessary to implement the 123432
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 123433
303, both of the 129th general assembly, and H.B. 59 of the 130th 123434
general assembly, the cost per case-mix unit determined under this 123435
division for a peer group shall be used for subsequent years until 123436
the department conducts a rebasing. To determine a peer group's 123437
cost per case-mix unit, the department shall do all of the 123438
following: 123439

(a) Determine the cost per case-mix unit for each nursing 123440
facility in the peer group for the applicable calendar year by 123441
dividing each facility's desk-reviewed, actual, allowable, per 123442
diem direct care costs for the applicable calendar year by the 123443
facility's annual average case-mix score determined under section 123444
~~5111.232~~ 5165.192 of the Revised Code for the applicable calendar 123445
year; 123446

(b) Subject to division (D)(2) of this section, identify 123447
which nursing facility in the peer group is at the twenty-fifth 123448
percentile of the cost per case-mix units determined under 123449
division (D)(1)(a) of this section; 123450

(c) Calculate the amount that is two per cent above the cost 123451
per case-mix unit determined under division (D)(1)(a) of this 123452
section for the nursing facility identified under division 123453
(D)(1)(b) of this section; 123454

(d) Using the index specified in division (D)(3) of this 123455

section, multiply the rate of inflation for the eighteen-month 123456
period beginning on the first day of July of the applicable 123457
calendar year and ending the last day of December of the calendar 123458
year immediately following the applicable calendar year by the 123459
amount calculated under division (D)(1)(c) of this section; 123460

(e) Add the following to the amount calculated under division 123461
(D)(1)(d) of this section: 123462

(i) Until the earlier of January 1, 2014, or when the first 123463
rebasings occurs, add one dollar and eighty-eight cents to the 123464
amount calculated under division (D)(1)(d) of this section; 123465

(ii) Unless the first rebasing occurs before January 1, 2014, 123466
beginning January 1, 2014, and until the first rebasing occurs, 123467
eighty-six cents. 123468

(f) Until the first rebasing occurs, increase the amount 123469
calculated under division (D)(1)(e) of this section by five and 123470
eight hundredths per cent. 123471

(2) In making the identification under division (D)(1)(b) of 123472
this section, the department shall exclude both of the following: 123473

(a) Nursing facilities that participated in the medicaid 123474
program under the same provider for less than twelve months in the 123475
applicable calendar year; 123476

(b) Nursing facilities whose cost per case-mix unit is more 123477
than one standard deviation from the mean cost per case-mix unit 123478
for all nursing facilities in the nursing facility's peer group 123479
for the applicable calendar year. 123480

(3) The following index shall be used for the purpose of the 123481
calculation made under division (D)(1)(d) of this section: 123482

(a) Until the first rebasing occurs, the employment cost 123483
index for total compensation, health services component, published 123484
by the United States bureau of labor statistics, as the index 123485

existed on July 1, 2005; 123486

(b) Effective with the first rebasing and except as provided 123487
in division (D)(3)(c) of this section, the employment cost index 123488
for total compensation, nursing and residential care facilities 123489
occupational group, published by the United States bureau of labor 123490
statistics; 123491

(c) If the United States bureau of labor statistics ceases to 123492
publish the index specified in division (D)(3)(b) of this section, 123493
the index the bureau subsequently publishes that covers nursing 123494
facilities' staff costs. 123495

(4) The department shall not redetermine a peer group's cost 123496
per case-mix unit under this division based on additional 123497
information that it receives after the peer group's per case-mix 123498
unit is determined. The department shall redetermine a peer 123499
group's cost per case-mix unit only if it made an error in 123500
determining the peer group's cost per case-mix unit based on 123501
information available to the department at the time of the 123502
original determination. 123503

Sec. 5165.191. Each calendar quarter, each nursing facility 123504
provider shall compile complete assessment data for each resident 123505
of each of the provider's nursing facilities, regardless of 123506
payment source, who is in the nursing facility, or on hospital or 123507
therapeutic leave from the nursing facility, on the last day of 123508
the quarter. A resident assessment instrument specified in rules 123509
authorized by this section shall be used to compile the resident 123510
assessment data. Each provider shall submit the resident 123511
assessment data to the department of health and, if required by 123512
the rules, the department of medicaid. The resident assessment 123513
data shall be submitted not later than fifteen days after the end 123514
of the calendar quarter for which the data is compiled. If the 123515
resident assessment data is to be submitted to the department of 123516

medicaid, it shall be submitted to the department through the 123517
medium or media specified in the rules. 123518

Rules adopted under section 5165.02 of the Revised Code shall 123519
do all of the following: 123520

(A) In a manner consistent with the "Social Security Act," 123521
section 1919(e)(5), 42 U.S.C. 1396r(e)(5), specify a resident 123522
assessment instrument to be used by nursing facility providers 123523
under this section; 123524

(B) Specify whether nursing facility providers must submit 123525
the resident assessment data to the department of medicaid; 123526

(C) If the rules specify that nursing facility providers must 123527
submit the resident assessment data to the department, specify the 123528
medium or media through which the data is to be submitted. 123529

Sec. ~~5111.232~~ 5165.192. (A)(1) The Except as provided in 123530
division (B) of this section and in accordance with the process 123531
specified in rules authorized by this section, the department of 123532
job and family services medicaid shall do all of the following: 123533

(a) Every quarter, determine the following two case-mix 123534
scores for each nursing facility: 123535

(i) A quarterly case-mix score that includes each resident 123536
who is a medicaid recipient and is not a low resource utilization 123537
resident; 123538

(ii) A quarterly case-mix score that includes each resident 123539
regardless of payment source. 123540

(b) Every six months, determine a semiannual and annual 123541
average case-mix scores score for each nursing facilities facility 123542
by using all of the following: quarterly case-mix scores 123543
determined for the nursing facility pursuant to division 123544
(A)(1)(a)(i) of this section; 123545

(c) After the end of each calendar year, determine an annual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A)(1)(a)(ii) of this section. 123546
123547
123548
123549

(2) When determining case-mix scores under division (A)(1) of this section, the department shall use all of the following: 123550
123551

(a) Data from a resident assessment instrument specified in rules ~~adopted under~~ authorized by section ~~5111.02~~ 5165.191 of the Revised Code ~~pursuant to section 1919(e)(5) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r(e)(5), as amended, for the following residents:~~ 123552
123553
123554
123555
123556

~~(i) When determining semiannual case mix scores for fiscal year 2012, each resident who is a medicaid recipient;~~ 123557
123558

~~(ii) When determining semiannual case mix scores for fiscal year 2013 and thereafter, each resident who is a medicaid recipient and not placed in either of the two lowest resource utilization groups, excluding any resource utilization group that is a default group used for residents with incomplete assessment data;~~ 123559
123560
123561
123562
123563
123564

~~(iii) When determining annual average case mix scores, each resident regardless of payment source.~~ 123565
123566

(b) Except as provided in rules authorized by ~~divisions (A)(2)(a) and (b) of~~ this section, the case-mix values established by the United States department of health and human services; 123567
123568
123569

(c) Except as modified in rules authorized by ~~division (A)(2)(c) of~~ this section, the grouper methodology used on June 30, 1999, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program ~~established by Title XVIII.~~ 123570
123571
123572
123573
123574

~~(2) The director of job and family services may adopt rules~~ 123575

~~under section 5111.02 of the Revised Code that do any of the following:~~ 123576
123577

~~(a) Adjust the case mix values specified in division (A)(1)(b) of this section to reflect changes in relative wage differentials that are specific to this state;~~ 123578
123579
123580

~~(b) Express all of those case mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case mix values to one another;~~ 123581
123582
123583
123584

~~(c) Modify the grouper methodology specified in division (A)(1)(c) of this section as follows:~~ 123585
123586

~~(i) Establish a different hierarchy for assigning residents to case mix categories under the methodology;~~ 123587
123588

~~(ii) Prohibit the use of the index maximizer element of the methodology;~~ 123589
123590

~~(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999;~~ 123591
123592
123593

~~(iv) Make other changes the department determines are necessary.~~ 123594
123595

~~(B) The department shall determine case mix scores for intermediate care facilities for the mentally retarded using data for each resident, regardless of payment source, from a resident assessment instrument and grouper methodology prescribed in rules adopted under section 5111.02 of the Revised Code and expressed in case mix values established by the department in those rules.~~ 123596
123597
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~~(C) Each calendar quarter, each provider shall compile complete assessment data, from the resident assessment instrument specified in rules authorized by division (A) or (B) of this section, for each resident of each of the provider's facilities,~~ 123602
123603
123604
123605

~~regardless of payment source, who was in the facility or on
hospital or therapeutic leave from the facility on the last day of
the quarter. Providers of a nursing facility shall submit the data
to the department of health and, if required by rules, the
department of job and family services. Providers of an
intermediate care facility for the mentally retarded shall submit
the data to the department of job and family services. The data
shall be submitted not later than fifteen days after the end of
the calendar quarter for which the data is compiled.~~

~~Except as provided in division (D) of this section, the
department, every six months and after the end of each calendar
year, shall calculate a semiannual and annual average case mix
score for each nursing facility using the facility's quarterly
case mix scores for that six month period or calendar year. Also
except as provided in division (D) of this section, the
department, after the end of each calendar year, shall calculate
an annual average case mix score for each intermediate care
facility for the mentally retarded using the facility's quarterly
case mix scores for that calendar year. The department shall make
the calculations pursuant to procedures specified in rules adopted
under section 5111.02 of the Revised Code.~~

~~(D)(1) If a Subject to division (B)(2) of this section, the
department, for one or more months of a calendar quarter, may
assign to a nursing facility a case-mix score that is five per
cent less than the nursing facility's case-mix score for the
immediately preceding calendar quarter if any of the following
apply:~~

~~(a) The provider does not timely submit information complete
and accurate resident assessment data necessary to determine the
nursing facility's case-mix score for a the calendar quarter
necessary to calculate a facility's case mix score, or submits
incomplete or inaccurate information for a calendar quarter, the~~

~~department may assign the facility a quarterly average case mix score that is five per cent less than the facility's quarterly average case mix score for the preceding calendar quarter. If the;~~ 123638
123639
123640

(b) The nursing facility was subject to an exception review 123641
under ~~division (C) of section 5111.27~~ 5165.193 of the Revised Code 123642
for the immediately preceding calendar quarter, ~~the department may~~ 123643
~~assign a quarterly average case mix score that is five per cent~~ 123644
~~less than the score determined by the exception review. If the;~~ 123645

(c) The nursing facility was assigned a ~~quarterly average~~ 123646
case-mix score for the immediately preceding calendar quarter, ~~the~~ 123647
~~department may assign a quarterly average case mix score that is~~ 123648
~~five per cent less than that score assigned for the preceding~~ 123649
~~quarter.~~ 123650

~~The department may use a quarterly average case mix score~~ 123651
~~assigned under division (D)(1) of this section, instead of a~~ 123652
~~quarterly average case mix score calculated based on the~~ 123653
~~provider's submitted information, to calculate the facility's rate~~ 123654
~~for direct care costs being established under section 5111.23 or~~ 123655
~~5111.231 of the Revised Code for one or more months, as specified~~ 123656
~~in rules authorized by division (E) of this section, of the~~ 123657
~~quarter for which the rate established under section 5111.23 or~~ 123658
~~5111.231 of the Revised Code will be paid.~~ 123659

(2) Before taking action under division (D)(1) of this 123660
section assigning a case-mix score to a nursing facility due to 123661
the submission of incorrect resident assessment data, the 123662
department shall permit the provider a ~~reasonable period of time,~~ 123663
~~specified in rules authorized by division (E) of this section, to~~ 123664
correct the information data. In the ~~case of an intermediate care~~ 123665
~~facility for the mentally retarded, the department shall not~~ 123666
~~assign a quarterly average case mix score due to late submission~~ 123667
~~of corrections to assessment information unless the provider fails~~ 123668
~~to submit corrected information prior to the eighty first day~~ 123669

after the end of the calendar quarter to which the information 123670
pertains. In the case of a nursing facility, the ~~The~~ department 123671
~~shall not~~ may assign a ~~quarterly average~~ the case-mix score ~~due to~~ 123672
~~late submission of corrections to assessment information unless if~~ 123673
the provider fails to submit the corrected information ~~prior to~~ 123674
resident assessment data not later than the earlier of the 123675
~~forty-sixth~~ forty-fifth day after the end of the calendar quarter 123676
to which the ~~information~~ data pertains or the deadline for 123677
submission of such corrections established by regulations adopted 123678
by the United States department of health and human services under 123679
~~Titles~~ Title XVIII and Title XIX. 123680

~~(2)~~(3) If, for more than six months in a calendar year, a 123681
provider is paid a rate determined for a nursing facility 123682
~~calculated~~ using a ~~quarterly average~~ case-mix score assigned to 123683
the nursing facility under division ~~(D)~~(B)(1) of this section ~~for~~ 123684
~~more than six months in a calendar year, the department may assign~~ 123685
the nursing facility a cost per case-mix unit that is five per 123686
cent less than the nursing facility's actual or assigned cost per 123687
case-mix unit for the immediately preceding calendar year. The 123688
department may use the assigned cost per case-mix unit, instead of 123689
~~calculating~~ determining the nursing facility's actual cost per 123690
case-mix unit in accordance with section ~~5111.23 or 5111.231~~ 123691
5165.19 of the Revised Code, to establish the nursing facility's 123692
rate for direct care costs for the ~~following~~ fiscal year 123693
immediately following the calendar year for which the cost per 123694
case-mix unit is assigned. 123695

~~(3)~~(4) The department shall take action under division 123696
~~(D)~~(B)(1) ~~or~~, (2), or (3) of this section only in accordance with 123697
rules authorized by ~~division (E)~~ of this section. The department 123698
shall not take an action that affects rates for prior payment 123699
periods except in accordance with sections ~~5111.27~~ 5165.41 and 123700
~~5111.28~~ 5165.42 of the Revised Code. 123701

~~(E)(C)~~ The medicaid director shall adopt rules under section 123702
5111.02 5165.02 of the Revised Code that as necessary to implement 123703
this section. 123704

(1) The rules shall do all of the following: 123705

~~(1) Specify whether providers of a nursing facility must 123706~~
~~submit the assessment data to the department of job and family 123707~~
~~services; 123708~~

~~(2) Specify the medium or media through which the completed 123709~~
~~assessment data shall be submitted; 123710~~

~~(3)(a) Specify the process for determining the semiannual and 123711~~
~~annual average case-mix scores for nursing facilities; 123712~~

(b) Adjust the case-mix values specified in division 123713
(A)(2)(b) of this section to reflect changes in relative wage 123714
differentials that are specific to this state; 123715

(c) Express all of those case-mix values in numeric terms 123716
that are different from the terms specified by the United States 123717
department of health and human services but that do not alter the 123718
relationship of the case-mix values to one another; 123719

(d) Modify the grouper methodology specified in division 123720
(A)(2)(c) of this section as follows: 123721

(i) Establish a different hierarchy for assigning residents 123722
to case-mix categories under the methodology; 123723

(ii) Prohibit the use of the index maximizer element of the 123724
methodology; 123725

(iii) Incorporate changes to the methodology the United 123726
States department of health and human services makes after June 123727
30, 1999; 123728

(iv) Make other changes the department determines are 123729
necessary. 123730

(e) Establish procedures under which ~~the~~ resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction;

~~(4)~~(f) Establish procedures for providers to correct resident assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections ~~by providers of nursing facilities~~ in the manner required by regulations adopted by the United States department of health and human services under ~~Titles~~ Title XVIII and Title XIX.

~~(5)~~(g) Specify when and how the department will assign case-mix scores or costs per case-mix unit to a nursing facility under division ~~(D)~~(B) of this section if information necessary to calculate the nursing facility's case-mix score is not provided or corrected in accordance with the procedures established by the rules. ~~Notwithstanding~~

(2) Notwithstanding any other provision of ~~sections 5111.20 to 5111.331 of the Revised Code~~ this chapter, the rules ~~also~~ may provide for the following:

~~(a) Exclusion of case mix scores assigned under division (D) of this section from calculation of an intermediate care facility for the mentally retarded's annual average case mix score and the maximum cost per case mix unit for the facility's peer group;~~

~~(b) Exclusion~~ exclusion of case-mix scores assigned to a nursing facility under division ~~(D)~~(B) of this section from ~~ealculation~~ the determination of a the nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the nursing facility's peer group.

Sec. 5165.193. (A) The department of medicaid may, pursuant to rules authorized by this section, conduct an exception review

of resident assessment data submitted by a nursing facility 123761
provider under section 5165.191 of the Revised Code. The 123762
department may conduct an exception review based on the findings 123763
of a medicaid certification survey conducted by the department of 123764
health, a risk analysis, or prior performance of the provider. 123765

Exception reviews shall be conducted at the nursing facility 123766
by appropriate health professionals under contract with or 123767
employed by the department. The professionals may review resident 123768
assessment forms and supporting documentation, conduct interviews, 123769
and observe residents to identify any patterns or trends of 123770
inaccurate resident assessments and resulting inaccurate case-mix 123771
scores. 123772

(B) If an exception review is conducted before the effective 123773
date of a nursing facility's rate for direct care costs that is 123774
based on the resident assessment data being reviewed and the 123775
review results in findings that exceed tolerance levels specified 123776
in the rules authorized by this section, the department, in 123777
accordance with those rules, may use the findings to redetermine 123778
individual resident case-mix scores, the nursing facility's 123779
case-mix score for the quarter, and the nursing facility's annual 123780
average case-mix score. The department may use the nursing 123781
facility's redetermined quarterly and annual average case-mix 123782
scores to determine the nursing facility's rate for direct care 123783
costs for the appropriate calendar quarter or quarters. 123784

(C) The department shall prepare a written summary of any 123785
exception review finding that is made after the effective date of 123786
a nursing facility's rate for direct care costs that is based on 123787
the resident assessment data that was reviewed. Where the provider 123788
is pursuing judicial or administrative remedies in good faith 123789
regarding the finding, the department shall not withhold from the 123790
provider's current payments any amounts the department claims to 123791

be due from the provider pursuant to section 5165.41 of the 123792
Revised Code. 123793

(D)(1) The medicaid director shall adopt rules under section 123794
5165.02 of the Revised Code as necessary to implement this 123795
section. The rules shall establish an exception review program 123796
that does all of the following: 123797

(a) Requires each exception review to comply with Title XVIII 123798
and Title XIX; 123799

(b) Requires a written summary for each exception review that 123800
states whether resident assessment forms have been completed 123801
accurately; 123802

(c) Prohibits each health professional who conducts an 123803
exception review from doing either of the following: 123804

(i) During the period of the professional's contract or 123805
employment with the department, having or being committed to 123806
acquire any direct or indirect financial interest in the 123807
ownership, financing, or operation of nursing facilities in this 123808
state; 123809

(ii) Reviewing any provider that has been a client of the 123810
professional. 123811

(2) For the purposes of division (D)(1)(c)(i) of this 123812
section, employment of a member of a health professional's family 123813
by a nursing facility that the professional does not review does 123814
not constitute a direct or indirect financial interest in the 123815
ownership, financing, or operation of the nursing facility. 123816

Sec. ~~5111.242~~ 5165.21. (A) As used in this section: 123817

(1) "Applicable calendar year" means the following: 123818

(a) For the purpose of the department of ~~job and family~~ 123819
~~services~~ medicaid's initial determination under this section of 123820

nursing facilities' rate for tax costs, calendar year 2003; 123821

(b) For the purpose of the department's rebasings, the 123822
calendar year the department selects. 123823

(2) "Rebasing" means a redetermination under division ~~(C)~~(B) 123824
of this section of each nursing facility's rate for tax costs 123825
using information from cost reports for an applicable calendar 123826
year that is later than the applicable calendar year used for the 123827
previous determination of such rates. 123828

~~(B) The department of job and family services shall pay a 123829
provider for each of the provider's eligible nursing facilities a 123830
per resident per day rate for tax costs determined under division 123831
~~(C)~~ of this section. 123832~~

~~(C)~~ The department of medicaid shall determine ~~the~~ each 123833
nursing facility's per medicaid day payment rate for tax costs ~~for~~ 123834
~~each nursing facility~~. The department is not required to conduct a 123835
rebasings more than once every ten years. Except as necessary to 123836
implement the amendments made to this section by Sub. H.B. 303 of 123837
the 129th general assembly, the rate for tax costs determined 123838
under this division for a nursing facility shall be used for 123839
subsequent years until the department conducts a rebasing. To 123840
determine a nursing facility's rate for tax costs and except as 123841
provided in division ~~(D)~~(C) of this section, the department shall 123842
do both of the following: 123843

(1) Divide the nursing facility's desk-reviewed, actual, 123844
allowable tax costs paid for the applicable calendar year by the 123845
number of inpatient days the nursing facility would have had if 123846
its occupancy rate had been one hundred per cent during the 123847
applicable calendar year; 123848

(2) Until the first rebasing occurs, increase the amount 123849
calculated under division ~~(C)~~(B)(1) of this section by five and 123850
eight hundredths per cent. 123851

~~(D)~~(C) If a nursing facility had a credit regarding its real estate taxes reflected on its cost report for calendar year 2003, the department shall determine, as follows, its rate for tax costs for the period beginning on July 1, 2010, and ending on the first day of the fiscal year for which the department first conducts a rebasing:

(1) Divide the nursing facility's desk-reviewed, actual, allowable tax costs paid for calendar year 2004 by the number of inpatient days the nursing facility would have had if its occupancy rate had been one hundred per cent during calendar year 2004;

(2) Until the first rebasing occurs, increase the amount calculated under division ~~(D)~~(C)(1) of this section by five and eight hundredths per cent.

Sec. ~~5111.246~~ 5165.23. (A) Each fiscal year, the department of ~~job and family services~~ medicaid shall ~~pay a~~ determine the critical access incentive payment ~~to the provider of~~ for each nursing facility that qualifies as a critical access nursing facility. To qualify as a critical access nursing facility for a fiscal year, a nursing facility must meet all of the following requirements:

(1) The nursing facility must be located in an area that, on December 31, 2011, was designated an empowerment zone under ~~section 1391 of the "Internal Revenue Code of 1986," 107 Stat. 543~~ section 1391, 26 U.S.C. 1391, ~~as amended~~.

(2) The nursing facility must have an occupancy rate of at least eighty-five per cent as of the last day of the calendar year immediately preceding the fiscal year.

(3) The nursing facility must have a medicaid utilization rate of at least sixty-five per cent as of the last day of the

calendar year immediately preceding the fiscal year. 123882

(4) The nursing facility must have been awarded at least five 123883
points for meeting accountability measures under section 5165.25 123884
of the Revised Code for the fiscal year and at least one of the 123885
five points must have been awarded for meeting the following: 123886

(a) For fiscal year 2014, the accountability measures 123887
identified in divisions (C)(10), (11), (12), and (13) of section 123888
5165.25 of the Revised Code; 123889

(b) For fiscal year 2015 and each fiscal year thereafter, the 123890
accountability measures identified in divisions (D)(9), (10), 123891
(11), (12), and (14) of section 5165.25 of the Revised Code. 123892

(B) A critical access nursing facility's critical access 123893
incentive payment for a fiscal year shall equal five per cent of 123894
the portion of the nursing facility's total rate for the fiscal 123895
year that is the sum of the rates and payment identified in 123896
divisions ~~(B)~~(A)(1) to (4) and (6) of section ~~5111.222~~ 5165.15 of 123897
the Revised Code. 123898

Sec. ~~5111.244~~ 5165.25. (A) As used in this section: 123899

~~(1) "Applicable percentage" means, for the accountability 123900~~
~~measures identified in divisions (C)(10) to (13) of this section, 123901~~
~~the following: 123902~~

~~(a) For fiscal year 2013, whichever of the following applies: 123903~~

~~(i) The percentage that the department of job and family 123904~~
~~services specifies for an accountability measure pursuant to 123905~~
~~division (E)(1)(b) or (E)(2)(a)(ii) of this section; 123906~~

~~(ii) The percentage specified for an accountability measure 123907~~
~~in division (E)(2)(b), (ii), (iii), (iv), or (v) of this section. 123908~~

~~(b) For fiscal year 2014, whichever of the following applies: 123909~~

~~(i) The percentage used pursuant to division (F)(2) of this 123910~~

~~section:~~ 123911

~~(ii) The percentage that the department specifies for an~~ 123912
~~accountability measure pursuant to division (F)(3)(a) of this~~ 123913
~~section.~~ 123914

~~(c) For fiscal year 2015 and thereafter, whichever of the~~ 123915
~~following applies:~~ 123916

~~(i) The percentage used pursuant to division (F)(2) of this~~ 123917
~~section:~~ 123918

~~(ii) The percentage used pursuant to division (F)(3)(b) of~~ 123919
~~this section.~~ 123920

~~(2) "Complaint surveys" has the same meaning as in 42 C.F.R.~~ 123921
~~488.30.~~ 123922

~~(3)(2) "Customer satisfaction survey" means the annual survey~~ 123923
~~of long-term care facilities required by section 173.47 of the~~ 123924
~~Revised Code.~~ 123925

~~(4)(3) "Deficiency" has the same meaning as in 42 C.F.R.~~ 123926
~~488.301.~~ 123927

~~(4) "Exempted hospital discharge" has the same meaning as in~~ 123928
~~42 C.F.R. 483.106(b)(2)(i).~~ 123929

(5) "Family satisfaction survey" means a customer 123930
satisfaction survey, or part of a customer satisfaction survey, 123931
that contains the results of information obtained from the 123932
families of a nursing facility's residents. 123933

(6) "Minimum data set" means the standardized, uniform 123934
comprehensive assessment of nursing facility residents that is 123935
used to identify potential problems, strengths, and preferences of 123936
residents and is part of the resident assessment instrument 123937
required by ~~section 1919(e)(5) of the "Social Security Act," 101~~ 123938
~~Stat. 1330-197 (1987)~~ section 1919(e)(5), 42 U.S.C. 1396r(e)(5),
as amended. 123939
123940

(7) ~~"National voluntary consensus standards for nursing homes" means measures used to determine the quality of care provided by nursing facilities as endorsed by the national quality forum.~~ 123941
123942
123943
123944

~~(8)~~ "Nurse aide" has the same meaning as in section 3721.21 of the Revised Code. 123945
123946

~~(9)~~(8) "Resident satisfaction survey" means a customer satisfaction survey, or part of a customer satisfaction survey, that contains the results of information obtained from a nursing facility's residents. 123947
123948
123949
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~~(10)~~(9) "Room mirror" means a mirror that is located in either of the following rooms: 123951
123952

(a) A resident bathroom if the sink used by a resident after the resident uses the resident bathroom is in the resident bathroom; 123953
123954
123955

(b) A resident's room if the sink used by a resident after the resident uses the resident bathroom is in the resident's room. 123956
123957

~~(11)~~(10) "Room sink" means a sink that is located in either of the following rooms: 123958
123959

(a) A resident bathroom if the sink used by a resident after the resident uses the resident bathroom is in the resident bathroom; 123960
123961
123962

(b) A resident's room if the sink used by a resident after the resident uses the resident bathroom is in the resident's room. 123963
123964

~~(12)~~(11) "Standard survey" has the same meaning as in 42 C.F.R. 488.301. 123965
123966

(12) "Special focus facility list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program required by the "Social Security Act," section 1919(f)(10), 42 U.S.C. 123967
123968
123969
123970

1396r(f)(10). 123971

(13) "Substantial wall" means a permanent structure that reaches from floor to ceiling and divides a semiprivate room into two distinct living spaces, each with its own window. 123972
123973
123974

(14) "Table B of the special focus facility list" means the table included in the special focus facility list that identifies nursing facilities that have not improved. 123975
123976
123977

(B)(1) Each fiscal year, the department of ~~job and family services~~ medicaid shall ~~pay a~~ determine each nursing facility's quality incentive payment ~~to the provider of each nursing facility that is awarded one or more points for meeting accountability measures under division (C) of this section.~~ Subject to ~~division~~ divisions (B)(2) and (3) of this section, the per medicaid day amount of a quality incentive payment paid to a nursing facility provider shall be the product of the following: 123978
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123980
123981
123982
123983
123984
123985

(a) The number of points the provider's nursing facility is awarded for meeting accountability measures under ~~division (C) of~~ this section; 123986
123987
123988

(b) Three dollars and twenty-nine cents. 123989

(2) The maximum quality incentive payment that may be paid to ~~the provider of~~ a nursing facility provider for a fiscal year 2014 shall be sixteen dollars and forty-four cents per medicaid day. 123990
123991
123992

(3) The maximum quality incentive payment that may be paid to a nursing facility provider for fiscal year 2015 and each fiscal year thereafter shall be the following: 123993
123994
123995

(a) Sixteen dollars and forty-four cents if at least one of the points awarded to the nursing facility for meeting accountability measures is for an accountability measure identified in division (D)(9), (10), (11), (12), or (14) of this section; 123996
123997
123998
123999
124000

<u>(b) Thirteen dollars and sixteen cents if division (B)(3)(a)</u>	124001
<u>of this section does not apply.</u>	124002
(C) <u>Subject For fiscal year 2014 only and subject to</u>	124003
<u>divisions (D), division (E), and (F)</u> of this section, the	124004
department shall award each nursing facility participating in the	124005
medicaid program one point for each of the following	124006
accountability measures the facility meets:	124007
(1) The facility's overall score on its resident satisfaction	124008
survey is at least eighty-six.	124009
(2) The facility's overall score on its family satisfaction	124010
survey is at least eighty-eight.	124011
(3) The facility satisfies the requirements for participation	124012
in the advancing excellence in America's nursing homes campaign.	124013
(4) The facility had neither of the following on the	124014
facility's most recent standard survey conducted not later than	124015
the last day of the calendar year <u>immediately</u> preceding the fiscal	124016
year for which the point is to be awarded or any complaint surveys	124017
conducted in the calendar year <u>immediately</u> preceding the fiscal	124018
year for which the point is to be awarded:	124019
(a) A health deficiency with a scope and severity level	124020
greater than F;	124021
(b) A deficiency that constitutes a substandard quality of	124022
care.	124023
(5) The facility offers at least fifty per cent of its	124024
residents at least one of the following dining choices for at	124025
least one meal each day:	124026
(a) Restaurant-style dining in which food is brought from the	124027
food preparation area to residents per the residents' orders;	124028
(b) Buffet-style dining in which residents obtain their own	124029
food, or have the facility's staff bring food to them per the	124030

residents' directions, from the buffet;	124031
(c) Family-style dining in which food is customarily served on a serving dish and shared by residents;	124032 124033
(d) Open dining in which residents have at least a two-hour period to choose when to have a meal;	124034 124035
(e) Twenty-four-hour dining in which residents may order meals from the facility any time of the day.	124036 124037
(6) At least fifty per cent of the facility's residents are able to take a bath or shower as often as they choose.	124038 124039
(7) The facility has at least both of the following scores on its resident satisfaction survey:	124040 124041
(a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty-nine;	124042 124043 124044
(b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy-six.	124045 124046 124047
(8) The facility has at least both of the following scores on its family satisfaction survey:	124048 124049
(a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty-eight;	124050 124051 124052
(b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy-five.	124053 124054 124055
(9) All of the following apply to the facility:	124056
(a) At least seventy-five per cent of the facility's residents have the opportunity, following admission to the facility and before completing or quarterly updating their	124057 124058 124059

individual plans of care, to discuss their goals for the care they 124060
are to receive at the facility, including their preferences for 124061
advance care planning, with a member of the residents' ~~healthcare~~ 124062
health care teams that the facility, residents, and residents' 124063
sponsors consider appropriate. 124064

(b) The facility records the residents' care goals, including 124065
the residents' advance care planning preferences, in their medical 124066
records. 124067

(c) The facility uses the residents' care goals, including 124068
the residents' advance care planning preferences, in the 124069
development of the residents' individual plans of care. 124070

(10) Not more than ~~the applicable percentage~~ thirteen and 124071
thirty-five hundredths per cent of the facility's long-stay 124072
residents report severe to moderate pain during the minimum data 124073
set assessment process. 124074

(11) Not more than ~~the applicable percentage~~ five and 124075
seventy-three hundredths per cent of the facility's long-stay, 124076
high-risk residents have been assessed as having one or more stage 124077
two, three, or four pressure ulcers during the minimum data set 124078
assessment process. 124079

(12) Not more than ~~the applicable percentage~~ one and 124080
fifty-two hundredths per cent of the facility's long-stay 124081
residents were physically restrained as reported during the 124082
minimum data set assessment process. 124083

(13) Less than ~~the applicable percentage~~ seven and 124084
seventy-eight hundredths per cent of the facility's long-stay 124085
residents had a urinary tract infection as reported during the 124086
minimum data set assessment process. 124087

(14) The facility uses a tool for tracking residents' 124088
admissions to hospitals. 124089

(15) An average of at least fifty per cent of the facility's
medicaid-certified beds are in private rooms.

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124091

(16) The facility has accessible resident bathrooms, all of
which meet at least two of the following standards and at least
some of which meet all of the following standards:

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124093
124094

(a) There are room mirrors that are accessible to residents
in wheelchairs, can be adjusted so as to be visible to residents
who are seated or standing, or both.

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124096
124097

(b) There are room sinks that are accessible to residents in
wheelchairs and have clearance for wheelchairs.

124098
124099

(c) There are room sinks that have faucets with adaptive or
easy-to-use lever or paddle handles.

124100
124101

(17) The facility does both of the following:

124102

(a) Maintains a written policy that prohibits the use of
overhead paging systems or limits the use of overhead paging
systems to emergencies, as defined in the policy;

124103
124104
124105

(b) Communicates the policy to its staff, residents, and
families of residents.

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(18) The facility has a score of at least ninety on its
resident satisfaction survey with regard to the question in the
survey regarding residents' ability to personalize their rooms
with personal belongings.

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(19) The facility has a score of at least ninety-five on its
family satisfaction survey with regard to the question in the
survey regarding residents' ability to personalize their rooms
with personal belongings.

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(20) The facility does both of the following:

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(a) Maintains a written policy that requires consistent
assignment of nurse aides and specifies the goal of having a
resident receive nurse aide care from not more than eight

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124119

different nurse aides during a thirty-day period;	124120
(b) Communicates the policy to its staff, residents, and families of residents.	124121 124122
(21) The facility's staff retention rate is at least seventy-five per cent.	124123 124124
(22) The facility's turnover rate for nurse aides is not higher than sixty-five per cent.	124125 124126
(23) For at least fifty per cent of the resident care conferences in the facility, a nurse aide who is a primary caregiver for the resident attends and participates in the conference.	124127 124128 124129 124130
(D) <u>For fiscal year 2015 and each fiscal year thereafter and subject to division (E) of this section, the department shall award each nursing facility participating in the medicaid program one point for each of the following accountability measures the facility meets:</u>	124131 124132 124133 124134 124135
(1) <u>The facility's overall score on its resident satisfaction survey is at least eighty-seven and five-tenths.</u>	124136 124137
(2) <u>The facility's overall score on its family satisfaction survey is at least eighty-five and nine-tenths.</u>	124138 124139
(3) <u>The facility satisfies the requirements for participation in the advancing excellence in America's nursing homes campaign.</u>	124140 124141
(4) <u>Both of the following apply to the facility:</u>	124142
(a) <u>The facility had not been listed on table B of the special focus facility list for eighteen or more consecutive months during any time during the calendar year immediately preceding the fiscal year for which the point is to be awarded.</u>	124143 124144 124145 124146
(b) <u>The facility had neither of the following on the facility's most recent standard survey conducted not later than the last day of the calendar year immediately preceding the fiscal</u>	124147 124148 124149

<u>year for which the point is to be awarded or any complaint surveys</u>	124150
<u>conducted in the calendar year immediately preceding the fiscal</u>	124151
<u>year for which the point is to be awarded:</u>	124152
<u>(i) A health deficiency with a scope and severity level</u>	124153
<u>greater than F;</u>	124154
<u>(ii) A deficiency that constitutes a substandard quality of</u>	124155
<u>care.</u>	124156
<u>(5) The facility does all of the following:</u>	124157
<u>(a) Offers at least fifty per cent of its residents at least</u>	124158
<u>one of the following dining choices for at least two meals each</u>	124159
<u>day:</u>	124160
<u>(i) Restaurant-style dining in which food is brought from the</u>	124161
<u>food preparation area to residents per the residents' orders;</u>	124162
<u>(ii) Buffet-style dining in which residents obtain their own</u>	124163
<u>food, or have the facility's staff bring food to them per the</u>	124164
<u>residents' directions, from the buffet;</u>	124165
<u>(iii) Family-style dining in which food is customarily served</u>	124166
<u>on a serving dish and shared by residents;</u>	124167
<u>(iv) Open dining in which residents have at least a two-hour</u>	124168
<u>period to choose when to have a meal;</u>	124169
<u>(v) Twenty-four-hour dining in which residents may order</u>	124170
<u>meals from the facility any time of the day.</u>	124171
<u>(b) Maintains a written policy specifying the manner or</u>	124172
<u>manners in which residents' dining choices for meals are offered;</u>	124173
<u>(c) Communicates the policy to its staff, residents, and</u>	124174
<u>families of residents.</u>	124175
<u>(6) The facility does all of the following:</u>	124176
<u>(a) Enables at least fifty per cent of the facility's</u>	124177
<u>residents to take a bath or shower when they choose;</u>	124178

<u>(b) Maintains a written policy regarding residents' choices</u>	124179
<u>in bathing;</u>	124180
<u>(c) Communicates the policy to its staff, residents, and</u>	124181
<u>families of residents.</u>	124182
<u>(7) The facility has at least both of the following scores on</u>	124183
<u>its resident satisfaction survey:</u>	124184
<u>(a) With regard to the question in the survey regarding</u>	124185
<u>residents' ability to choose when to go to bed in the evening, at</u>	124186
<u>least eighty-nine;</u>	124187
<u>(b) With regard to the question in the survey regarding</u>	124188
<u>residents' ability to choose when to get out of bed in the</u>	124189
<u>morning, at least seventy-six.</u>	124190
<u>(8) The facility has at least both of the following scores on</u>	124191
<u>its family satisfaction survey:</u>	124192
<u>(a) With regard to the question in the survey regarding</u>	124193
<u>residents' ability to choose when to go to bed in the evening, at</u>	124194
<u>least eighty-eight;</u>	124195
<u>(b) With regard to the question in the survey regarding</u>	124196
<u>residents' ability to choose when to get out of bed in the</u>	124197
<u>morning, at least seventy-five.</u>	124198
<u>(9) Not more than thirteen and thirty-five hundredths per</u>	124199
<u>cent of the facility's long-stay residents report severe to</u>	124200
<u>moderate pain during the minimum data set assessment process.</u>	124201
<u>(10) Not more than five and sixteen hundredths per cent of</u>	124202
<u>the facility's long-stay, high-risk residents have been assessed</u>	124203
<u>as having one or more stage two, three, or four pressure ulcers</u>	124204
<u>during the minimum data set assessment process.</u>	124205
<u>(11) Not more than one and fifty-two hundredths per cent of</u>	124206
<u>the facility's long-stay residents were physically restrained as</u>	124207
<u>reported during the minimum data set assessment process.</u>	124208

<u>(12) Less than seven per cent of the facility's long-stay residents had a urinary tract infection as reported during the minimum data set assessment process.</u>	124209
	124210
	124211
<u>(13) The facility does both of the following:</u>	124212
<u>(a) Uses a tool for tracking residents' admissions to hospitals;</u>	124213
	124214
<u>(b) Annually reports to the department data on hospital admissions by month for all residents.</u>	124215
	124216
<u>(14) Both of the following apply:</u>	124217
<u>(a) At least ninety-five per cent of the facility's long-stay residents are vaccinated against pneumococcal pneumonia, decline the vaccination, or are not vaccinated because the vaccination is medically contraindicated.</u>	124218
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	124221
<u>(b) At least ninety-three per cent of the facility's long-stay residents are vaccinated against seasonal influenza, decline the vaccination, or are not vaccinated because the vaccination is medically contraindicated.</u>	124222
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	124224
	124225
<u>(15) An average of at least fifty per cent of the facility's medicaid-certified beds are in either, or in a combination of both, of the following:</u>	124226
	124227
	124228
<u>(a) Private rooms;</u>	124229
<u>(b) Semiprivate rooms to which all of the following apply:</u>	124230
<u>(i) Each room provides a distinct territory for each resident occupying the room.</u>	124231
	124232
<u>(ii) Each distinct territory has a window and is separated by a substantial wall from the other distinct territories in the room.</u>	124233
	124234
	124235
<u>(iii) Each resident is able to enter and exit the distinct territory of the resident's room without entering or exiting</u>	124236
	124237

<u>another resident's distinct territory.</u>	124238
<u>(iv) Complete visual privacy for each distinct territory may be obtained by drawing a curtain or other screen.</u>	124239
	124240
<u>(16) The facility obtains at least a ninety-five per cent compliance rate with requesting resident reviews required by 42 C.F.R. 483.106(b)(2)(ii) for individuals who are exempted hospital discharges.</u>	124241
	124242
	124243
	124244
<u>(17) The facility does both of the following:</u>	124245
<u>(a) Maintains a written policy that requires consistent assignment of nurse aides and specifies the goal of having a resident receive nurse aide care from not more than twelve different nurse aides during a thirty-day period;</u>	124246
	124247
	124248
	124249
<u>(b) Communicates the policy to its staff, residents, and families of residents.</u>	124250
	124251
<u>(18) The facility's staff retention rate is at least seventy-five per cent.</u>	124252
	124253
<u>(19) The facility's turnover rate for nurse aides is not higher than sixty-five per cent.</u>	124254
	124255
<u>(20) For at least fifty per cent of the resident care conferences in the facility, a nurse aide who is a primary caregiver for the resident attends and participates in the conference.</u>	124256
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	124258
	124259
<u>(21) All of the following apply to the facility:</u>	124260
<u>(a) At least seventy-five per cent of the facility's residents have the opportunity, following admission to the facility and before completing or quarterly updating their individual plans of care, to discuss their goals for the care they are to receive at the facility, including their preferences for advance care planning, with a member of the residents' health care teams that the facility, residents, and residents' sponsors</u>	124261
	124262
	124263
	124264
	124265
	124266
	124267

consider appropriate. 124268

(b) The facility records the residents' care goals, including the residents' advance care planning preferences, in their medical records. 124269
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124271

(c) The facility uses the residents' care goals, including the residents' advance care planning preferences, in the development of the residents' individual plans of care. 124272
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(22) The facility does both of the following: 124275

(a) Maintains a written policy that prohibits the use of overhead paging systems or limits the use of overhead paging systems to emergencies, as defined in the policy; 124276
124277
124278

(b) Communicates the policy to its staff, residents, and families of residents. 124279
124280

(E)(1) To be awarded a point for meeting an accountability measure under division (C) or (D) of this section other than the accountability measure identified in ~~division~~ divisions (C)(4) and (D)(4)(b) of this section, a nursing facility must meet the accountability measure in the calendar year immediately preceding the fiscal year for which the point is to be awarded. ~~However, a nursing facility must meet the accountability measures specified in divisions (C)(3), (5), (6), (9), (14) to (17), (20), (22), and (23) of this section in the period beginning January 1, 2012, and ending March 31, 2012, to be awarded points for those accountability measures for fiscal year 2013.~~ 124281
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124291

(2) The department shall award points pursuant to ~~division~~ divisions (C)(1), (7), ~~or~~ and (18) and (D)(1) and (7) of this section to a nursing facility only if a resident satisfaction survey was initiated under section 173.47 of the Revised Code for the nursing facility in the calendar year immediately preceding the fiscal year for which the points are to be awarded. 124292
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(3) The department shall award points pursuant to ~~division~~ 124298
~~divisions~~ (C)(2), (8), ~~or~~ and (19) and (D)(2) and (8) of this 124299
section to a nursing facility only if a family satisfaction survey 124300
was initiated under section 173.47 of the Revised Code for the 124301
nursing facility in the calendar year immediately preceding the 124302
fiscal year for which the points are to be awarded. 124303

(4) The department shall award points pursuant to divisions 124304
(D)(21) and (22) of this section only for fiscal year 2015. 124305

(5) Not later than July 1, 2013, the department shall adjust 124306
the score used for the purpose of division (C)(8)(b) of this 124307
section in a manner that causes at least fifty per cent of nursing 124308
facilities to meet division (C)(8)(b) of this section. 124309

~~(E) For the purposes of awarding points under divisions~~ 124310
~~(C)(10) to (13) of this section for fiscal year 2013, the~~ 124311
~~following apply:~~ 124312

~~(1) If, by July 1, 2012, the United States centers for~~ 124313
~~medicare and medicaid services makes calculations using the 3.0~~ 124314
~~version of the minimum data set that indicate whether nursing~~ 124315
~~facilities meet those accountability measures, the department~~ 124316
~~shall do both of the following:~~ 124317

~~(a) Rely on those calculations;~~ 124318

~~(b) Specify the percentages to be used for the purposes of~~ 124319
~~those accountability measures and, in specifying the percentages,~~ 124320
~~provide for at least fifty per cent of nursing facilities to earn~~ 124321
~~points for meeting those accountability measures.~~ 124322

~~(2) If, by July 1, 2012, the United States centers for~~ 124323
~~medicare and medicaid services does not make calculations using~~ 124324
~~the 3.0 version of the minimum data set that indicate whether~~ 124325
~~nursing facilities meet those accountability measures, the~~ 124326
~~department shall do either of the following:~~ 124327

(a) Do both of the following:	124328
(i) Make the calculations using the 3.0 version of the minimum data set in accordance with the national voluntary consensus standards for nursing homes;	124329
	124330
	124331
(ii) Specify the percentages to be used for the purposes of those accountability measures and, in specifying the percentages, provide for at least fifty per cent of nursing facilities to earn points for meeting those accountability measures.	124332
	124333
	124334
	124335
(b) Do all of the following:	124336
(i) Rely on the most recent calculations the United States centers for medicare and medicaid services made using the 2.0 version of the minimum data set that indicate whether nursing facilities meet those accountability measures;	124337
	124338
	124339
	124340
(ii) Use four per cent as the applicable percentage for the accountability measure identified in division (C)(10) of this section;	124341
	124342
	124343
(iii) Use nine per cent as the applicable percentage for the accountability measure identified in division (C)(11) of this section;	124344
	124345
	124346
(iv) Use two per cent as the applicable percentage for the accountability measure identified in division (C)(12) of this section;	124347
	124348
	124349
(v) Use ten per cent as the applicable percentage for the accountability measure identified in division (C)(13) of this section.	124350
	124351
	124352
(F) For the purposes of awarding points under divisions (C)(10) to (13) of this section for fiscal year 2014 and thereafter, the department shall do the following:	124353
	124354
	124355
(1) Rely on calculations the United States centers for medicare and medicaid services makes using the 3.0 version of the	124356
	124357

~~minimum data set that indicate whether nursing facilities meet those accountability measures;~~ 124358
124359

~~(2) If the department takes action pursuant to division (E)(1) of this section for fiscal year 2013, continue to use the percentages the department specifies pursuant to division (E)(1)(b) of this section for the purposes of those accountability measures;~~ 124360
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~~(3) If the department takes action pursuant to division (E)(2) of this section for fiscal year 2013, do the following:~~ 124365
124366

~~(a) For fiscal year 2014, specify the percentages to be used for the purposes of those accountability measures and, in specifying the percentages, provide for at least fifty per cent of nursing facilities to earn points for meeting those accountability measures;~~ 124367
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~~(b) For fiscal year 2015 and thereafter, continue to use the percentages the department specifies pursuant to division (F)(3)(a) of this section for the purposes of those accountability measures. Not later than July 1, 2014, the department shall submit, in accordance with section 101.68 of the Revised Code, recommendations to the general assembly for accountability measures to replace the accountability measures identified in divisions (D)(21) and (22) of this section.~~ 124372
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~~(G) The director of job and family services shall adopt rules under section 5111.02 of the Revised Code as necessary to implement this section.~~ 124380
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~~The rules Rules adopted under section 5165.02 of the Revised Code may specify what is meant by "some" as that word is used in division (C)(16) of this section.~~ 124383
124384
124385

Sec. ~~5111.245~~ 5165.26. (A) As used in this section: 124386

(1) "Budgeted amount for quality incentive payments for a 124387

<u>fiscal year" means the amount determined for a fiscal year as</u>	124388
<u>follows:</u>	124389
<u>(a) Multiply the total number of medicaid days in the</u>	124390
<u>immediately preceding fiscal year by sixteen dollars and</u>	124391
<u>forty-four cents;</u>	124392
<u>(b) Determine the total amount of quality incentive payments</u>	124393
<u>that was paid under section 5165.25 of the Revised Code to all</u>	124394
<u>nursing facility providers for the immediately preceding fiscal</u>	124395
<u>year;</u>	124396
<u>(c) Subtract the amount determined under division (A)(1)(b)</u>	124397
<u>of this section from the product calculated under division</u>	124398
<u>(A)(1)(a) of this section;</u>	124399
<u>(d) Add thirty million dollars to the difference calculated</u>	124400
<u>under division (A)(1)(c) of this section.</u>	124401
<u>(2) "Point days for a fiscal year" means the product of the</u>	124402
<u>following:</u>	124403
(a) A qualifying nursing facility's quality bonus points for	124404
the fiscal year;	124405
(b) The number of the qualifying nursing facility's medicaid	124406
days in the <u>immediately preceding</u> fiscal year.	124407
(2) (3) "Qualifying nursing facility" means a nursing facility	124408
that qualifies for a quality bonus for a fiscal year as determined	124409
under division (B) of this section.	124410
(3) (4) "Quality bonus points for a fiscal year" means the	124411
amount determined by subtracting five from the number of points	124412
awarded to a qualifying nursing facility <u>for meeting</u>	124413
<u>accountability measures</u> under division (C) of section 5111.244	124414
<u>5165.25</u> of the Revised Code for a fiscal year.	124415
(4) "Residual budgeted amount for quality incentive payments	124416
for a fiscal year" means the amount determined for a fiscal year	124417

as follows: 124418

~~(a) Multiply the total number of medicaid days in the fiscal year by sixteen dollars and forty four cents; 124419
124420~~

~~(b) Determine the total amount of quality incentive payments that was paid under section 5111.244 of the Revised Code to all nursing facility providers for the fiscal year; 124421
124422
124423~~

~~(c) Subtract the amount determined under division (A)(4)(b) of this section from the product calculated under division (A)(4)(a) of this section. 124424
124425
124426~~

(B) Not later than the first day of November of each fiscal year, the department of job and family services medicaid shall pay a nursing facility provider a quality bonus for a the fiscal year if both of the following apply: 124427
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124429
124430

~~(1) The provider's nursing facility is awarded more than five points for meeting accountability measures under division (C) of section 5111.244 5165.25 of the Revised Code for the fiscal year and the following applies: 124431
124432
124433
124434~~

(1) For fiscal year 2014, at least two of the points are awarded to the nursing facility pursuant to division (C)(10), (11), (12), (13), or (14) of section 5165.25 of the Revised Code. 124435
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(2) For fiscal year 2015 and each fiscal year thereafter, at least two of the points are awarded to the nursing facility pursuant to division (D)(9), (10), (11), (12), (13), or (14) of section 5165.25 of the Revised Code. 124438
124439
124440
124441

~~(2) The residual budgeted amount for quality incentive payments for the fiscal year is greater than zero. 124442
124443~~

(C) The total quality bonus to be paid to the provider of a qualifying nursing facility for a fiscal year shall equal the product of the following: 124444
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124446

(1) The quality bonus per medicaid day for the fiscal year 124447

determined for the provider's qualifying nursing facility under	124448
division (D) of this section;	124449
(2) The number of the qualifying nursing facility's medicaid	124450
days in the <u>immediately preceding</u> fiscal year.	124451
(D) A qualifying nursing facility's quality bonus per	124452
medicaid day for a fiscal year shall be the product of the	124453
following:	124454
(1) The nursing facility's quality bonus points for the	124455
fiscal year;	124456
(2) The quality bonus per point for the fiscal year	124457
determined under division (E) of this section.	124458
(E) The quality bonus per point for a fiscal year shall be	124459
determined as follows:	124460
(1) Determine the number of each qualifying nursing	124461
facility's point days for the fiscal year;	124462
(2) Determine the sum of all qualifying nursing facilities'	124463
point days for the fiscal year;	124464
(3) Divide the residual budgeted amount for quality incentive	124465
payments for the fiscal year by the sum determined under division	124466
(E)(2) of this section.	124467
(F) The calculation of a qualifying nursing facility's bonus	124468
payment is not subject to appeal under Chapter 119. of the Revised	124469
Code.	124470
(G) The director of job and family services may adopt rules	124471
under section 5111.02 of the Revised Code as necessary to	124472
implement this section.	124473
Sec. 5111.257 <u>5165.28</u>. If a provider of a nursing facility	124474
adds or replaces one or more medicaid certified beds to or at the	124475
nursing facility, or renovates one or more of the nursing	124476

facility's beds, the medicaid payment rate for the added, 124477
replaced, or renovated beds shall be the same as the medicaid 124478
payment rate for the nursing facility's existing beds. 124479

Sec. ~~5111.265~~ 5165.29. If one or more medicaid-certified beds 124480
are relocated from one nursing facility to another nursing 124481
facility owned by a different person or government entity and the 124482
application for the certificate of need authorizing the relocation 124483
is filed with the director of health on or after ~~the effective~~ 124484
~~date of this section~~ July 1, 2005, amortization of the cost of 124485
acquiring operating rights for the relocated beds is not an 124486
allowable cost for the purpose of determining the nursing 124487
facility's medicaid ~~reimbursement~~ payment rate. 124488

Sec. ~~5111.264~~ 5165.30. Except as provided in section ~~5111.25~~ 124489
~~or 5111.251~~ 5165.17 of the Revised Code, the costs of goods, 124490
services, and facilities, furnished to a nursing facility provider 124491
by a related party are includable in the allowable costs of the 124492
provider at the reasonable cost to the related party. 124493

Sec. 5165.32. The department of medicaid shall not reduce a 124494
nursing facility's medicaid payment rate determined under this 124495
chapter on the basis that the provider charges a lower rate to any 124496
resident who is not eligible for medicaid. 124497

Sec. 5165.33. No medicaid payment shall be made to a nursing 124498
facility provider for the day a medicaid recipient is discharged 124499
from the nursing facility. 124500

Sec. ~~5111.331~~ 5165.34. (A) The department of ~~job and family~~ 124501
~~services~~ medicaid may make medicaid payments to a nursing facility 124502
provider ~~of a nursing facility~~ under ~~sections 5111.20 to 5111.331~~ 124503
~~of the Revised Code~~ this chapter to reserve a bed for a recipient 124504

during a temporary absence under conditions prescribed by the 124505
department, to include hospitalization for an acute condition, 124506
visits with relatives and friends, and participation in 124507
therapeutic programs outside the facility, when the resident's 124508
plan of care provides for such absence and federal financial 124509
participation ~~in~~ for the payments is available. 124510

(B) The maximum period for which payments may be made to 124511
reserve a bed in a nursing facility shall not exceed thirty days 124512
in a calendar year. 124513

(C) The department shall establish the per ~~diem~~ medicaid day 124514
payment rates ~~to be paid to providers of nursing facilities~~ for 124515
reserving beds under this section. In establishing the per ~~diem~~ 124516
medicaid day payment rates, the department shall ~~do the following:~~ 124517

~~(1) In the case of a payment to reserve a bed for a day 124518
during calendar year 2011, set the per diem rate at an amount not 124519
exceeding fifty per cent of the per diem rate the provider would 124520
be paid if the recipient were not absent from the nursing facility 124521
that day; 124522~~

~~(2) In the case of a payment to reserve a bed for a day 124523
during calendar year 2012 and each calendar year thereafter, set 124524
the per ~~diem~~ medicaid day payment rate at an amount equal to the 124525
following: 124526~~

~~(a)(1) In the case of a nursing facility that had an 124527
occupancy rate ~~in the preceding calendar year~~ exceeding 124528
ninety-five per cent, an amount not exceeding fifty per cent of 124529
the per ~~diem~~ medicaid day payment rate the provider would be paid 124530
if the recipient were not absent from the nursing facility that 124531
day; 124532~~

~~(b)(2) In the case of a nursing facility that had an 124533
occupancy rate ~~in the preceding calendar year~~ not exceeding 124534~~

ninety-five per cent, an amount not exceeding eighteen per cent of 124535
the per diem medicaid day payment rate the provider would be paid 124536
if the recipient were not absent from the nursing facility that 124537
day. 124538

(D) For the purpose of setting a nursing facility's per 124539
medicaid day payment rate to reserve a bed for a day during the 124540
period beginning on the effective date of this amendment and 124541
ending December 31, 2013, the department shall determine the 124542
nursing facility's occupancy rate by using information reported on 124543
the nursing facility's cost report for calendar year 2012. For the 124544
purpose of setting a nursing facility's per medicaid day payment 124545
rate to reserve a bed for January 1, 2014, or thereafter, the 124546
department shall determine the nursing facility's occupancy rate 124547
by using information reported on the nursing facility's cost 124548
report for the calendar year preceding the fiscal year in which 124549
the reservation falls. 124550

~~Sec. 5111.212 5165.35. As used in this section, "effective 124551
date of an involuntary termination" and "involuntary termination" 124552
have the same meanings as in section 5111.65 of the Revised Code. 124553~~

Medicaid payments may be made for nursing facility services 124554
~~and intermediate care facility for the mentally retarded services 124555~~
provided not later than thirty days after the effective date of an 124556
involuntary termination of the nursing facility that provides the 124557
services if the services are provided to a medicaid recipient who 124558
is eligible for the services and resided in the nursing facility 124559
before the effective date of the involuntary termination. 124560

~~Sec. 5111.221 5165.37. The department of job and family 124561
services medicaid shall make its best efforts each year to 124562
calculate nursing facilities' medicaid payment rates under 124563
sections 5111.20 to 5111.331 of the Revised Code this chapter in 124564~~

time to ~~use them to make~~ pay the ~~payments due to providers~~ rates 124565
by the fifteenth day of August of each fiscal year. If the 124566
department is unable to calculate the rates so that they can be 124567
paid by that date, the department shall pay each provider the rate 124568
calculated for the provider's nursing facilities ~~and intermediate~~ 124569
~~care facilities for the mentally retarded under those sections~~ 124570
this chapter at the end of the previous fiscal year. If the 124571
department also is unable to calculate the rates to ~~make the~~ 124572
~~payments due~~ pay the rates by the fifteenth day of September and 124573
the fifteenth day of October, the department shall pay the 124574
previous fiscal year's rate to make those payments. The department 124575
may increase by five per cent the previous fiscal year's rate paid 124576
for any nursing facility pursuant to this section at the request 124577
of the provider. The department shall use rates calculated for the 124578
current fiscal year to make the payments due by the fifteenth day 124579
of November. 124580

If the rate paid to a provider for a nursing facility 124581
pursuant to this section is lower than the rate calculated for the 124582
nursing facility for the current fiscal year, the department shall 124583
pay the provider the difference between the two rates for the 124584
number of days for which the provider was paid for the nursing 124585
facility pursuant to this section. If the rate paid for a nursing 124586
facility pursuant to this section is higher than the rate 124587
calculated for it for the current fiscal year, the provider shall 124588
refund to the department the difference between the two rates for 124589
the number of days for which the provider was paid for the nursing 124590
facility pursuant to this section. 124591

Sec. ~~5111.29~~ 5165.38. (A) The medicaid director ~~of job and~~ 124592
~~family services~~ shall adopt rules under section ~~5111.02~~ 5165.02 of 124593
the Revised Code that establish a process under which a nursing 124594
facility provider, or a group or association of nursing facility 124595
providers, may seek reconsideration of medicaid payment rates 124596

established under ~~sections 5111.20 to 5111.331 of the Revised Code~~ 124597
this chapter, including a rate for direct care costs recalculated 124598
before the effective date of the rate as a result of an exception 124599
review of resident assessment ~~information~~ data conducted under 124600
section ~~5111.27~~ 5165.193 of the Revised Code. The 124601

~~(1) Except as provided in divisions (A)(2) to (4) of this~~ 124602
~~section, the only issue that a provider, group, or association may~~ 124603
raise in the rate reconsideration shall be whether the rate was 124604
calculated in accordance with ~~sections 5111.20 to 5111.331 of the~~ 124605
~~Revised Code~~ this chapter and the rules adopted under section 124606
~~5111.02~~ 5165.02 of the Revised Code. ~~The rules shall permit a~~ 124607
provider, group, or association ~~to~~ may submit written arguments or 124608
other materials that support its position. ~~The rules shall specify~~ 124609
provider, group, or association and department of medicaid shall 124610
take actions regarding the rate reconsideration within time frames 124611
~~within which the provider, group, or association and the~~ 124612
~~department must act~~ specified in rules authorized by this section. 124613
~~if~~ 124614

If the department determines, as a result of the rate 124615
reconsideration, that the rate ~~established~~ determined for one or 124616
more nursing facilities ~~of a provider~~ is less than the rate to 124617
which the nursing facility is entitled, the department shall 124618
increase the rate. If the department has paid the incorrect rate 124619
for a period of time, the department shall pay the provider the 124620
difference between the amount the provider was paid for that 124621
period for the nursing facility and the amount the provider should 124622
have been paid for the nursing facility. 124623

~~(2) The rules shall provide that during a fiscal year, the~~ 124624
~~department, by means of the rate reconsideration process, may~~ 124625
~~increase the rate determined for an intermediate care facility for~~ 124626
~~the mentally retarded as calculated under sections 5111.20 to~~ 124627
~~5111.331 of the Revised Code if the provider of the facility~~ 124628

~~demonstrates that the facility's actual, allowable costs have 124629
increased because of extreme circumstances. A facility may qualify 124630
for a rate increase only if the facility's per diem, actual, 124631
allowable costs have increased to a level that exceeds its total 124632
rate. The rules shall specify the circumstances that would justify 124633
a rate increase under division (A)(2) of this section. The rules 124634
shall provide that the extreme circumstances include natural 124635
disasters, renovations approved under division (D) of section 124636
5111.251 of the Revised Code, an increase in workers' compensation 124637
experience rating of greater than five per cent for a facility 124638
that has an appropriate claims management program, increased 124639
security costs for an inner city facility, and a change of 124640
ownership that results from bankruptcy, foreclosure, or findings 124641
of violations of certification requirements by the department of 124642
health. An increase under division (A)(2) of this section is 124643
subject to any rate limitations or maximum rates established by 124644
sections 5111.20 to 5111.331 of the Revised Code for specific cost 124645
centers. Any rate increase granted under division (A)(2) of this 124646
section shall take effect on the first day of the first month 124647
after the department receives the request. 124648~~

~~(3) The rules shall provide that the department, through the 124649
rate reconsideration process, may increase an intermediate care 124650
facility for the mentally retarded's rate as calculated under 124651
sections 5111.20 to 5111.331 of the Revised Code if the 124652
department, in the department's sole discretion, determines that 124653
the rate as calculated under those sections works an extreme 124654
hardship on the facility. 124655~~

~~(4) The rules shall provide that when beds certified for the 124656
medicaid program are added to an existing intermediate care 124657
facility for the mentally retarded or replaced at the same site, 124658
the department, through the rate reconsideration process, shall 124659
increase the intermediate care facility for the mentally 124660~~

~~retarded's rate for capital costs proportionately, as limited by 124661
any applicable limitation under section 5111.251 of the Revised 124662
Code, to account for the costs of the beds that are added or 124663
replaced. The department shall make this increase one month after 124664
the first day of the month after the department receives 124665
sufficient documentation of the costs. Any rate increase granted 124666
under division (A)(4) of this section after June 30, 1993, shall 124667
remain in effect until the effective date of a rate calculated 124668
under section 5111.251 of the Revised Code that includes costs 124669
incurred for a full calendar year for the bed addition or bed 124670
replacement. The facility shall report double accumulated 124671
depreciation in an amount equal to the depreciation included in 124672
the rate adjustment on its cost report for the first year of 124673
operation. During the term of any loan used to finance a project 124674
for which a rate adjustment is granted under division (A)(4) of 124675
this section, if the facility is operated by the same provider, 124676
the provider shall subtract from the interest costs it reports on 124677
its cost report an amount equal to the difference between the 124678
following: 124679~~

~~(a) The actual, allowable interest costs for the loan during 124680
the calendar year for which the costs are being reported; 124681~~

~~(b) The actual, allowable interest costs attributable to the 124682
loan that were used to calculate the rates paid to the provider 124683
for the facility during the same calendar year. 124684~~

~~(5) The department's decision at the conclusion of the 124685
reconsideration process shall not be subject to any administrative 124686
proceedings under Chapter 119. or any other provision of the 124687
Revised Code. 124688~~

~~(B) All of the following are subject to an adjudication 124689
conducted in accordance with Chapter 119. of the Revised Code: 124690~~

~~(1) Any audit disallowance that the department makes as the 124691~~

~~result of an audit under section 5111.27 of the Revised Code;~~ 124692

~~(2) Any adverse finding that results from an exception review 124693
of resident assessment information conducted under section 5111.27 124694
of the Revised Code after the effective date of the facility's 124695
rate that is based on the assessment information;~~ 124696

~~(3) Any medicaid payment deemed an overpayment under section 124697
5111.683 of the Revised Code;~~ 124698

~~(4) Any penalty the department imposes under division (C) of 124699
section 5111.28 of the Revised Code or section 5111.683 of the 124700
Revised Code.~~ 124701

Sec. 5111.28 5165.40. (A) If a nursing facility provider 124702
properly amends ~~its~~ a cost report for the nursing facility under 124703
section ~~5111.261~~ 5165.107 of the Revised Code and the amended 124704
report shows that the provider received a lower medicaid payment 124705
rate under the original cost report than ~~it~~ the provider was 124706
entitled to receive, the department of ~~job and family services~~ 124707
medicaid shall adjust the provider's rate for the nursing facility 124708
prospectively to reflect the corrected information. The department 124709
shall pay the adjusted rate beginning two months after the first 124710
day of the month after the provider files the amended cost report. 124711
~~if~~ 124712

If the department finds, from an exception review of resident 124713
assessment ~~information~~ data conducted pursuant to section 5165.193 124714
of the Revised Code after the effective date of ~~the~~ a nursing 124715
facility's rate for direct care costs that is based on the 124716
resident assessment information data, that inaccurate resident 124717
assessment ~~information~~ data resulted in the provider receiving a 124718
lower rate for the nursing facility than it was entitled to 124719
receive, the department prospectively shall adjust the provider's 124720
rate accordingly and. The department shall make payments to the 124721
provider using the adjusted rate for the remainder of the ~~calendar~~ 124722

~~quarter six-month period~~ for which the ~~resident~~ assessment information ~~data~~ is used to determine the rate, beginning one month after the first day of the month after the exception review is completed.

~~(B) If the provider properly amends its cost report under section 5111.261 of the Revised Code, the department makes a finding based on an audit under section 5111.27 of the Revised Code, or the department makes a finding based on an exception review of resident assessment information conducted under section 5111.27 of the Revised Code after the effective date of the rate for direct care costs that is based on the assessment information, any of which results in a determination that the provider has received a higher rate than it was entitled to receive, the department shall recalculate the provider's rate using the revised information. The department shall apply the recalculated rate to the periods when the provider received the incorrect rate to determine the amount of the overpayment. The provider shall refund the amount of the overpayment.~~

~~In addition to requiring a refund under this division, the department may charge the provider interest at the applicable rate specified in this division from the time the overpayment was made.~~

~~(1) If the overpayment resulted from costs reported for calendar year 1993, the interest shall be no greater than one and one-half times the average bank prime rate.~~

~~(2) If the overpayment resulted from costs reported for subsequent calendar years:~~

~~(a) The interest shall be no greater than two times the average bank prime rate if the overpayment was equal to or less than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to establish a rate.~~

~~(b) The interest shall be no greater than two and one half times the current average bank prime rate if the overpayment was greater than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to establish a rate.~~

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~~(C) The department also may impose the following penalties:~~

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~~(1) If a provider does not furnish invoices or other documentation that the department requests during an audit within sixty days after the request, no more than the greater of one thousand dollars per audit or twenty five per cent of the cumulative amount by which the costs for which documentation was not furnished increased the total medicaid payments to the provider during the fiscal year for which the costs were used to establish a rate;~~

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~~(2) If an exiting operator or owner fails to provide notice of a facility closure, voluntary termination, or voluntary withdrawal of participation in the medicaid program as required by section 5111.66 of the Revised Code, or an exiting operator or owner and entering operator fail to provide notice of a change of operator as required by section 5111.67 of the Revised Code, no more than the current average bank prime rate plus four per cent of the last two monthly payments.~~

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~~(D) If the provider continues to participate in the medicaid program, the department shall deduct any amount that the provider is required to refund under this section, and the amount of any interest charged or penalty imposed under this section, from the next available payment from the department to the provider. The department and the provider may enter into an agreement under which the amount, together with interest, is deducted in installments from payments from the department to the provider.~~

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~~(E) The department shall transmit refunds and penalties to~~

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~~the treasurer of state for deposit in the general revenue fund.~~ 124785

~~(F) For the purpose of this section, the department shall 124786
determine the average bank prime rate using statistical release 124787
H.15, "selected interest rates," a weekly publication of the 124788
federal reserve board, or any successor publication. If 124789
statistical release H.15, or its successor, ceases to contain the 124790
bank prime rate information or ceases to be published, the 124791
department shall request a written statement of the average bank 124792
prime rate from the federal reserve bank of Cleveland or the 124793
federal reserve board. 124794~~

Sec. 5165.41. (A) The department of medicaid shall 124795
redetermine a provider's medicaid payment rate for a nursing 124796
facility using revised information if any of the following results 124797
in a determination that the provider received a higher medicaid 124798
payment rate for the nursing facility than the provider was 124799
entitled to receive: 124800

(1) The provider properly amends a cost report for the 124801
nursing facility under section 5165.107 of the Revised Code; 124802

(2) The department makes a finding based on an audit under 124803
section 5165.109 of the Revised Code; 124804

(3) The department makes a finding based on an exception 124805
review of resident assessment data conducted under section 124806
5165.193 of the Revised Code after the effective date of the 124807
nursing facility's rate for direct care costs that is based on the 124808
resident assessment data; 124809

(4) The department makes a finding based on a post-payment 124810
review conducted under section 5165.49 of the Revised Code. 124811

(B) The department shall apply the redetermined rate to the 124812
periods when the provider received the incorrect rate to determine 124813
the amount of the overpayment. The provider shall refund the 124814

amount of the overpayment. The department may charge the provider 124815
the following amount of interest from the time the overpayment was 124816
made: 124817

(1) If the overpayment resulted from costs reported for 124818
calendar year 1993, the interest shall be no greater than one and 124819
one-half times the current average bank prime rate. 124820

(2) If the overpayment resulted from costs reported for a 124821
subsequent calendar year: 124822

(a) The interest shall be no greater than two times the 124823
current average bank prime rate if the overpayment was no more 124824
than one per cent of the total medicaid payments to the provider 124825
for the fiscal year for which the overpayment was made. 124826

(b) The interest shall be no greater than two and one-half 124827
times the current average bank prime rate if the overpayment was 124828
more than one per cent of the total medicaid payments to the 124829
provider for the fiscal year for which the overpayment was made. 124830

Sec. 5165.42. In addition to the other penalties authorized 124831
by this chapter, the department of medicaid may impose the 124832
following penalties on a nursing facility provider: 124833

(A) If the provider does not furnish invoices or other 124834
documentation that the department requests during an audit within 124835
sixty days after the request, a fine of no more than the greater 124836
of the following: 124837

(1) One thousand dollars per audit; 124838

(2) Twenty-five per cent of the cumulative amount by which 124839
the costs for which documentation was not furnished increased the 124840
total medicaid payments to the provider during the fiscal year for 124841
which the costs were used to determine a rate. 124842

(B) If an exiting operator or owner fails to provide notice 124843
of a facility closure or voluntary withdrawal of participation in 124844

the medicaid program as required by section 5165.50 of the Revised Code, or an exiting operator or owner and entering operator fail to provide notice of a change of operator as required by section 5165.51 of the Revised Code, a fine of not more than the current average bank prime rate plus four per cent of the last two monthly payments. 124845
124846
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Sec. 5165.43. For the purposes of sections 5165.41 and 5165.42 of the Revised Code, the department of medicaid shall determine the current average bank prime rate using statistical release H.15, "selected interest rates," a weekly publication of the federal reserve board, or any successor publication. If statistical release H.15, or its successor, ceases to contain the bank prime rate information or ceases to be published, the department shall request a written statement of the average bank prime rate from the federal reserve bank of Cleveland or the federal reserve board. 124851
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Sec. 5165.44. (A) Except as provided in division (B) of this section, the department of medicaid shall deduct the following from the next available medicaid payment the department makes to a nursing facility provider who continues to participate in medicaid: 124861
124862
124863
124864
124865

(1) Any amount the provider is required to refund, and any interest charged, under section 5165.41 of the Revised Code; 124866
124867

(2) The amount of any penalty imposed on the provider under section 5165.42 of the Revised Code. 124868
124869

(B) The department and a nursing facility provider may enter into an agreement under which a deduction required by division (A) of this section is taken in installments from payments the department makes to the provider. 124870
124871
124872
124873

Sec. 5165.45. The department of medicaid shall transmit to 124874
the treasurer of state for deposit in the general revenue fund 124875
amounts collected from the following: 124876

(A) Refunds required by, and interest charged under, section 124877
5165.41 of the Revised Code; 124878

(B) Amounts collected from penalties imposed under section 124879
5165.42 of the Revised Code. 124880

Sec. 5165.46. All of the following are subject to an 124881
adjudication conducted in accordance with Chapter 119. of the 124882
Revised Code: 124883

(A) Any audit disallowance that the department of medicaid 124884
makes as the result of an audit under section 5165.109 of the 124885
Revised Code; 124886

(B) Any adverse finding that results from an exception review 124887
of resident assessment data conducted for a nursing facility under 124888
section 5165.193 of the Revised Code after the effective date of 124889
the nursing facility's medicaid payment rate for direct care costs 124890
that is based on the resident assessment data; 124891

(C) Any medicaid payment deemed an overpayment under section 124892
5165.523 of the Revised Code; 124893

(D) Any penalty the department imposes under section 5165.42 124894
of the Revised Code or section 5165.523 of the Revised Code. 124895

~~Sec. 5111.262~~ 5165.47. No person, other than the a nursing 124896
facility provider of a nursing facility, shall submit a claim for 124897
medicaid ~~reimbursement~~ payment for a service provided to a nursing 124898
facility resident if the service is included in a medicaid payment 124899
made to the nursing facility provider of a nursing facility under 124900
~~sections 5111.20 to 5111.33 of the Revised Code~~ this chapter or in 124901
the ~~reimbursable~~ allowable expenses reported on a provider's cost 124902

report for a nursing facility. No ~~nursing facility~~ provider of a 124903
~~nursing facility~~ shall submit a separate claim for medicaid 124904
~~reimbursement payment~~ for a service provided to a resident of the 124905
nursing facility if the service is included in a medicaid payment 124906
made to the provider under ~~sections 5111.20 to 5111.331 of the~~ 124907
~~Revised Code~~ this chapter or in the ~~reimbursable allowable~~ 124908
expenses on the provider's cost report for the nursing facility. 124909
124910

Sec. ~~5111.0211~~ 5165.48. ~~As used in this section, "nursing~~ 124911
~~facility" and "provider" have the same meanings as in section~~ 124912
~~5111.20 of the Revised Code.~~ 124913

The provider of a nursing facility is not required to submit 124914
a claim to the department of ~~job and family services~~ medicaid 124915
regarding the medicare cost-sharing expenses of a resident of the 124916
nursing facility who, under federal law, is eligible to have the 124917
medicaid program pay for a part of the cost-sharing expenses if 124918
the provider determines that, under rules adopted under section 124919
~~5111.02~~ 5165.02 of the Revised Code, the nursing facility would 124920
not receive a medicaid payment for any part of the medicare 124921
cost-sharing expenses. In such a situation, a claim for the 124922
medicare cost-sharing expenses shall be considered to have been 124923
adjudicated at no payment. 124924

Sec. 5165.49. The department of medicaid may conduct a 124925
post-payment review of a claim submitted by a nursing facility 124926
provider and paid by the medicaid program to determine whether the 124927
provider was overpaid. The department shall provide the provider a 124928
written summary of the review's results. The review's results are 124929
not subject to an adjudication under Chapter 119. of the Revised 124930
Code; however, the provider may request that the medicaid director 124931
reconsider the review's results. The director shall reconsider the 124932
review's results on receipt of a request made in good faith. The 124933

department shall not deduct any amounts the department claims to 124934
be due from the provider as a result of the review from the 124935
provider's medicaid payments pursuant to section 5165.44 of the 124936
Revised Code until the conclusion of the director's 124937
reconsideration, if any, of the review. 124938

Sec. ~~5111.66~~ 5165.50. An exiting operator or owner of a 124939
nursing facility ~~or intermediate care facility for the mentally~~ 124940
~~retarded~~ participating in the medicaid program shall provide the 124941
department of ~~job and family services~~ medicaid written notice of a 124942
facility closure, ~~voluntary termination,~~ or voluntary withdrawal 124943
of participation not less than ninety days before the effective 124944
date of the facility closure, ~~voluntary termination,~~ or voluntary 124945
withdrawal of participation. The written notice shall be provided 124946
to the department in accordance with the method specified in rules 124947
~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 124948
Revised Code. 124949

The written notice shall include all of the following: 124950

(A) The name of the exiting operator and, if any, the exiting 124951
operator's authorized agent; 124952

(B) The name of the nursing facility ~~or intermediate care~~ 124953
~~facility for the mentally retarded~~ that is the subject of the 124954
written notice; 124955

(C) The exiting operator's medicaid provider agreement number 124956
for the nursing facility that is the subject of the written 124957
notice; 124958

(D) The effective date of the facility closure, ~~voluntary~~ 124959
~~termination,~~ or voluntary withdrawal of participation; 124960

(E) The signature of the exiting operator's or owner's 124961
representative. 124962

Sec. ~~5111.661~~ 5165.501. An operator shall comply with ~~section~~ 124963
~~1919(c)(2)(F) of the "Social Security Act," 79 Stat. 286 (1965)~~ 124964
section 1919(c)(2)(F), 42 U.S.C. 1396r(c)(2)(F) if the operator's 124965
nursing facility undergoes a voluntary withdrawal of 124966
participation. 124967

Sec. ~~5111.67~~ 5165.51. (A) An exiting operator or owner and 124968
entering operator shall provide the department of ~~job and family~~ 124969
~~services~~ medicaid written notice of a change of operator if the 124970
nursing facility ~~or intermediate care facility for the mentally~~ 124971
~~retarded~~ participates in the medicaid program and the entering 124972
operator seeks to continue the nursing facility's participation. 124973
The written notice shall be provided to the department in 124974
accordance with the method specified in rules ~~adopted under~~ 124975
authorized by section ~~5111.689~~ 5165.53 of the Revised Code. The 124976
written notice shall be provided to the department not later than 124977
forty-five days before the effective date of the change of 124978
operator if the change of operator does not entail the relocation 124979
of residents. The written notice shall be provided to the 124980
department not later than ninety days before the effective date of 124981
the change of operator if the change of operator entails the 124982
relocation of residents. 124983

The written notice shall include all of the following: 124984

(1) The name of the exiting operator and, if any, the exiting 124985
operator's authorized agent; 124986

(2) The name of the nursing facility ~~or intermediate care~~ 124987
~~facility for the mentally retarded~~ that is the subject of the 124988
change of operator; 124989

(3) The exiting operator's seven-digit medicaid legacy number 124990
and ten-digit national provider identifier number for the nursing 124991
facility that is the subject of the change of operator; 124992

(4) The name of the entering operator;	124993
(5) The effective date of the change of operator;	124994
(6) The manner in which the entering operator becomes the <u>nursing</u> facility's operator, including through sale, lease, merger, or other action;	124995 124996 124997
(7) If the manner in which the entering operator becomes the <u>nursing</u> facility's operator involves more than one step, a description of each step;	124998 124999 125000
(8) Written authorization from the exiting operator or owner and entering operator for the department to process a provider agreement for the entering operator;	125001 125002 125003
(9) The names and addresses of the persons to whom the department should send initial correspondence regarding the change of operator;	125004 125005 125006
(10) If the nursing facility also participates in the medicare program, notification of whether the entering operator intends to accept assignment of the exiting operator's medicare provider agreement;	125007 125008 125009 125010
(11) The signature of the exiting operator's or owner's representative.	125011 125012
(B) An exiting operator or owner and entering operator immediately shall provide the department written notice of any changes to information included in a written notice of a change of operator that occur after that notice is provided to the department. The notice of the changes shall be provided to the department in accordance with the method specified in rules adopted under <u>authorized by</u> section 5111.689 <u>5165.53</u> of the Revised Code.	125013 125014 125015 125016 125017 125018 125019 125020
Sec. 5111.671 <u>5165.511</u>. The department of job and family services <u>medicaid</u> may enter into a provider agreement with an	125021 125022

entering operator that goes into effect at 12:01 a.m. on the 125023
effective date of the change of operator if all of the following 125024
requirements are met: 125025

(A) The department receives a properly completed written 125026
notice required by section ~~5111.67~~ 5165.51 of the Revised Code on 125027
or before the date required by that section. 125028

(B) The department receives both of the following in 125029
accordance with the method specified in rules ~~adopted under~~ 125030
authorized by section ~~5111.689~~ 5165.53 of the Revised Code and not 125031
later than ten days after the effective date of the change of 125032
operator: 125033

(1) From the entering operator, a completed application for a 125034
provider agreement and all other forms and documents specified in 125035
rules ~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 125036
Revised Code; 125037

(2) From the exiting operator or owner, all forms and 125038
documents specified in rules ~~adopted under~~ authorized by section 125039
~~5111.689~~ 5165.53 of the Revised Code. 125040

(C) The entering operator is eligible for medicaid payments 125041
as provided in section ~~5111.21~~ 5165.06 of the Revised Code. 125042

Sec. ~~5111.672~~ 5165.512. (A) The department of ~~job and family~~ 125043
~~services~~ medicaid may enter into a provider agreement with an 125044
entering operator that goes into effect at 12:01 a.m. on the date 125045
determined under division (B) of this section if all of the 125046
following are the case: 125047

(1) The department receives a properly completed written 125048
notice required by section ~~5111.67~~ 5165.51 of the Revised Code. 125049

(2) The department receives, from the entering operator and 125050
in accordance with the method specified in rules ~~adopted under~~ 125051

authorized by section ~~5111.689~~ 5165.53 of the Revised Code, a 125052
completed application for a provider agreement and all other forms 125053
and documents specified in rules adopted under that section. 125054

(3) The department receives, from the exiting operator or 125055
owner and in accordance with the method specified in rules ~~adopted~~ 125056
~~under~~ authorized by section ~~5111.689~~ 5165.53 of the Revised Code, 125057
all forms and documents specified in rules adopted under that 125058
section. 125059

(4) One or more of the following apply: 125060

(a) The requirement of division (A)(1) of this section is met 125061
after the time required by section ~~5111.67~~ 5165.51 of the Revised 125062
Code; 125063

(b) The requirement of division (A)(2) of this section is met 125064
more than ten days after the effective date of the change of 125065
operator; 125066

(c) The requirement of division (A)(3) of this section is met 125067
more than ten days after the effective date of the change of 125068
operator. 125069

(5) The entering operator is eligible for medicaid payments 125070
as provided in section ~~5111.21~~ 5165.06 of the Revised Code. 125071

(B) The department shall determine the date a provider 125072
agreement entered into under this section is to go into effect as 125073
follows: 125074

(1) The effective date shall give the department sufficient 125075
time to process the change of operator, assure no duplicate 125076
payments are made, and make the withholding required by section 125077
~~5111.681~~ 5165.521 of the Revised Code. 125078

(2) The effective date shall be not earlier than the latest 125079
of the following: 125080

(a) The effective date of the change of operator; 125081

(b) The date that the entering operator complies with section 125082
~~5111.67~~ 5165.51 of the Revised Code and division (A)(2) of this 125083
section; 125084

(c) The date that the exiting operator or owner complies with 125085
section ~~5111.67~~ 5165.51 of the Revised Code and division (A)(3) of 125086
this section. 125087

(3) The effective date shall be not later than the following 125088
after the later of the dates specified in division (B)(2) of this 125089
section: 125090

(a) Forty-five days if the change of operator does not entail 125091
the relocation of residents; 125092

(b) Ninety days if the change of operator entails the 125093
relocation of residents. 125094

Sec. ~~5111.673~~ 5165.513. (A) A provider that enters into a 125095
provider agreement with the department of ~~job and family services~~ 125096
medicaid under section ~~5111.671~~ 5165.511 or ~~5111.672~~ 5165.512 of 125097
the Revised Code shall do all of the following: 125098

~~(A)(1)~~ (1) Comply with all applicable federal statutes and 125099
regulations; 125100

~~(B)(2)~~ (2) Comply with section ~~5111.22~~ 5165.07 of the Revised 125101
Code and all other applicable state statutes and rules; 125102

~~(C) Comply~~ (3) Subject to division (B) of this section, 125103
comply with all the terms and conditions of the exiting operator's 125104
provider agreement, including, but not limited to, all of the 125105
following: 125106

~~(1)(a)~~ (a) Any plan of correction; 125107

~~(2)(b)~~ (b) Compliance with health and safety standards; 125108

~~(3)(c)~~ (c) Compliance with the ownership and financial interest 125109
disclosure requirements of 42 C.F.R. 455.104, 455.105, and 1002.3; 125110

~~(4)~~(d) Compliance with the civil rights requirements of 45 C.F.R. parts 80, 84, and 90; 125111
125112

~~(5)~~(e) Compliance with additional requirements imposed by the department; 125113
125114

~~(6)~~(f) Any sanctions relating to remedies for violation of the provider agreement, including deficiencies, compliance periods, accountability periods, monetary penalties, notification for correction of contract violations, and history of deficiencies. 125115
125116
125117
125118
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(B) Division (A)(3) of this section does not prohibit a nursing facility provider from excluding one or more parts of the nursing facility from the provider agreement pursuant to division (B)(1) of section 5165.08 of the Revised Code. 125120
125121
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125123

Sec. ~~5111.674~~ 5165.514. In the case of a change of operator, the exiting operator shall be considered to be the operator of the nursing facility ~~or intermediate care facility for the mentally retarded~~ for purposes of the medicaid program, including medicaid payments, until the effective date of the entering operator's provider agreement if the provider agreement is entered into under section ~~5111.671~~ 5165.511 or ~~5111.672~~ 5165.512 of the Revised Code. 125124
125125
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Sec. ~~5111.675~~ 5165.515. The department of ~~job and family services~~ medicaid may enter into a provider agreement as provided in section ~~5111.22~~ 5165.07 of the Revised Code, rather than section ~~5111.671~~ 5165.511 or ~~5111.672~~ 5165.512 of the Revised Code, with an entering operator if the entering operator does not agree to a provider agreement that satisfies the requirements of division ~~(C)(A)(3)~~ of section ~~5111.673~~ 5165.513 of the Revised Code. The department may not enter into the provider agreement unless the department of health certifies the nursing facility ~~or~~ 125132
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~~intermediate care facility for the mentally retarded under Title~~ 125141
~~XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.~~ 125142
~~1396, as amended for participation in medicaid.~~ The effective date 125143
of the provider agreement shall not precede any of the following: 125144

(A) The date that the department of health certifies the 125145
nursing facility; 125146

(B) The effective date of the change of operator; 125147

(C) The date the requirement of section ~~5111.67~~ 5165.51 of 125148
the Revised Code is satisfied. 125149

Sec. ~~5111.676~~ 5165.516. The medicaid director ~~of job and~~ 125150
~~family services~~ may adopt rules ~~in accordance with Chapter 119.~~ 125151
under section 5165.02 of the Revised Code governing adjustments to 125152
the medicaid ~~reimbursement~~ payment rate for a nursing facility ~~or~~ 125153
~~intermediate care facility for the mentally retarded~~ that 125154
undergoes a change of operator. No rate adjustment resulting from 125155
a change of operator shall be effective before the effective date 125156
of the entering operator's provider agreement. This is the case 125157
regardless of whether the provider agreement is entered into under 125158
section ~~5111.671~~ 5165.511, section ~~5111.672~~ 5165.512, or, pursuant 125159
to section ~~5111.675~~ 5165.515, section ~~5111.22~~ 5165.07 of the 125160
Revised Code. 125161

Sec. ~~5111.677~~ 5165.517. ~~Neither of the following~~ The 125162
department of health's determination that a change of operator has 125163
or has not occurred for purposes of licensure under Chapter 3721. 125164
of the Revised Code shall not affect the department of ~~job and~~ 125165
~~family services'~~ medicaid's determination of whether or when a 125166
change of operator occurs or the effective date of an entering 125167
operator's provider agreement under section ~~5111.671~~ 5165.511, 125168
section ~~5111.672~~ 5165.512, or, pursuant to section ~~5111.675~~ 125169
5165.515, section ~~5111.22~~ 5165.07 of the Revised Code. 125170

~~(A) The department of health's determination that a change of operator has or has not occurred for purposes of licensure under Chapter 3721. of the Revised Code;~~ 125171
125172
125173

~~(B) The department of developmental disabilities' determination that a change of operator has or has not occurred for purposes of licensure under section 5123.19 of the Revised Code.~~ 125174
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Sec. ~~5111.68~~ 5165.52. (A) On receipt of a written notice 125178
under section ~~5111.66~~ 5165.50 of the Revised Code of a facility 125179
closure, ~~voluntary termination,~~ or voluntary withdrawal of 125180
participation, on receipt of a written notice under section 125181
~~5111.67~~ 5165.51 of the Revised Code of a change of operator, or on 125182
the effective date of an involuntary termination, the department 125183
of ~~job and family services~~ medicaid shall estimate the amount of 125184
any overpayments made under the medicaid program to the exiting 125185
operator, including overpayments the exiting operator disputes, 125186
and other actual and potential debts the exiting operator owes or 125187
may owe to the department and United States centers for medicare 125188
and medicaid services under the medicaid program, including a 125189
franchise permit fee. 125190

(B) In estimating the exiting operator's other actual and 125191
potential debts to the department and the United States centers 125192
for medicare and medicaid services under the medicaid program, the 125193
department shall use a debt estimation methodology the medicaid 125194
~~director of job and family services~~ shall establish in rules 125195
~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 125196
Revised Code. The methodology shall provide for estimating all of 125197
the following that the department determines are applicable: 125198

(1) Refunds due the department under section ~~5111.27~~ 5165.41 125199
of the Revised Code; 125200

(2) Interest owed to the department and United States centers 125201

for medicare and medicaid services;	125202
(3) Final civil monetary and other penalties for which all right of appeal has been exhausted;	125203 125204
(4) Money owed the department and United States centers for medicare and medicaid services from any outstanding final fiscal audit, including a final fiscal audit for the last fiscal year or portion thereof in which the exiting operator participated in the medicaid program;	125205 125206 125207 125208 125209
(5) Other amounts the department determines are applicable.	125210
(C) The department shall provide the exiting operator written notice of the department's estimate under division (A) of this section not later than thirty days after the department receives the notice under section 5111.66 <u>5165.50</u> of the Revised Code of the facility closure, voluntary termination , or voluntary withdrawal of participation; the department receives the notice under section 5111.67 <u>5165.51</u> of the Revised Code of the change of operator; or the effective date of the involuntary termination. The department's written notice shall include the basis for the estimate.	125211 125212 125213 125214 125215 125216 125217 125218 125219 125220
Sec. 5111.681 <u>5165.521</u>. (A) Except as provided in divisions (B), (C), and (D) of this section, the department of job and family services <u>medicaid</u> may withhold from payment due an exiting operator under the medicaid program the total amount specified in the notice provided under division (C) of section 5111.68 <u>5165.52</u> of the Revised Code that the exiting operator owes or may owe to the department and United States centers for medicare and medicaid services under the medicaid program.	125221 125222 125223 125224 125225 125226 125227 125228
(B) In the case of a change of operator and subject to division (E) of this section, the following shall apply regarding a withholding under division (A) of this section if the exiting	125229 125230 125231

operator or entering operator or an affiliated operator executes a successor liability agreement meeting the requirements of division (F) of this section:

(1) If the exiting operator, entering operator, or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section ~~5111.685~~ 5165.525 of the Revised Code, the department shall not make the withholding.

(2) If the exiting operator, entering operator, or affiliated operator assumes liability for only the portion of the amount specified in division (B)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section ~~5111.68~~ 5165.52 of the Revised Code and the amount for which the exiting operator, entering operator, or affiliated operator assumes liability.

(C) In the case of a ~~voluntary termination~~, voluntary withdrawal of participation, or facility closure and subject to division (E) of this section, the following shall apply regarding a withholding under division (A) of this section if the exiting operator or an affiliated operator executes a successor liability agreement meeting the requirements of division (F) of this section:

(1) If the exiting operator or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section ~~5111.685~~ 5165.525 of the Revised Code, the department shall not make the withholding.

(2) If the exiting operator or affiliated operator assumes liability for only the portion of the amount specified in division (C)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section ~~5111.68~~ 5165.52 of the Revised Code and the amount for which the exiting operator or affiliated operator assumes liability.

(D) In the case of an involuntary termination and subject to division (E) of this section, the following shall apply regarding a withholding under division (A) of this section if the exiting operator, the entering operator, or an affiliated operator executes a successor liability agreement meeting the requirements of division (F) of this section and the department approves the successor liability agreement:

(1) If the exiting operator, entering operator, or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section ~~5111.685~~ 5165.525 of the Revised Code, the department shall not make the withholding.

(2) If the exiting operator, entering operator, or affiliated operator assumes liability for only the portion of the amount specified in division (D)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section ~~5111.68~~ 5165.52 of the Revised Code and the amount for which the exiting operator, entering operator, or affiliated operator assumes liability.

(E) For an exiting operator or affiliated operator to be eligible to enter into a successor liability agreement under

division (B), (C), or (D) of this section, both of the following 125295
must apply: 125296

(1) The exiting operator or affiliated operator must have one 125297
or more valid provider agreements, other than the provider 125298
agreement for the nursing facility ~~or intermediate care facility~~ 125299
~~for the mentally retarded~~ that is the subject of the involuntary 125300
termination, ~~voluntary termination~~, voluntary withdrawal of 125301
participation, facility closure, or change of operator; 125302

(2) During the twelve-month period preceding either the 125303
effective date of the involuntary termination or the month in 125304
which the department receives the notice of the ~~voluntary~~ 125305
~~termination~~, voluntary withdrawal of participation, or facility 125306
closure under section ~~5111.66~~ 5165.50 of the Revised Code or the 125307
notice of the change of operator under section ~~5111.67~~ 5165.51 of 125308
the Revised Code, the average monthly medicaid payment made to the 125309
exiting operator or affiliated operator pursuant to the exiting 125310
operator's or affiliated operator's one or more provider 125311
agreements, other than the provider agreement for the nursing 125312
facility ~~or intermediate care facility for the mentally retarded~~ 125313
that is the subject of the involuntary termination, ~~voluntary~~ 125314
~~termination~~, voluntary withdrawal of participation, facility 125315
closure, or change of operator, must equal at least ninety per 125316
cent of the sum of the following: 125317

(a) The average monthly medicaid payment made to the exiting 125318
operator pursuant to the exiting operator's provider agreement for 125319
the nursing facility ~~or intermediate care facility for the~~ 125320
~~mentally retarded~~ that is the subject of the involuntary 125321
termination, ~~voluntary termination~~, voluntary withdrawal of 125322
participation, facility closure, or change of operator; 125323

(b) Whichever of the following apply: 125324

(i) If the exiting operator or affiliated operator has 125325

assumed liability under one or more other successor liability 125326
agreements, the total amount for which the exiting operator or 125327
affiliated operator has assumed liability under the other 125328
successor liability agreements; 125329

(ii) If the exiting operator or affiliated operator has not 125330
assumed liability under any other successor liability agreements, 125331
zero. 125332

(F) A successor liability agreement executed under this 125333
section must comply with all of the following: 125334

(1) It must provide for the operator who executes the 125335
successor liability agreement to assume liability for either of 125336
the following as specified in the agreement: 125337

(a) The total, actual amount of debt the exiting operator 125338
owes the department and the United States centers for medicare and 125339
medicaid services under the medicaid program as determined under 125340
section ~~5111.685~~ 5165.525 of the Revised Code; 125341

(b) The portion of the amount specified in division (F)(1)(a) 125342
of this section that represents the franchise permit fee the 125343
exiting operator owes. 125344

(2) It may not require the operator who executes the 125345
successor liability agreement to furnish a surety bond. 125346

(3) It must provide that the department, after determining 125347
under section ~~5111.685~~ 5165.525 of the Revised Code the actual 125348
amount of debt the exiting operator owes the department and United 125349
States centers for medicare and medicaid services under the 125350
medicaid program, may deduct the lesser of the following from 125351
medicaid payments made to the operator who executes the successor 125352
liability agreement: 125353

(a) The total, actual amount of debt the exiting operator 125354
owes the department and the United States centers for medicare and 125355

medicaid services under the medicaid program as determined under 125356
section ~~5111.685~~ 5165.525 of the Revised Code; 125357

(b) The amount for which the operator who executes the 125358
successor liability agreement assumes liability under the 125359
agreement. 125360

(4) It must provide that the deductions authorized by 125361
division (F)(3) of this section are to be made for a number of 125362
months, not to exceed six, agreed to by the operator who executes 125363
the successor liability agreement and the department or, if the 125364
operator who executes the successor liability agreement and 125365
department cannot agree on a number of months that is less than 125366
six, a greater number of months determined by the attorney general 125367
pursuant to a claims collection process authorized by statute of 125368
this state. 125369

(5) It must provide that, if the attorney general determines 125370
the number of months for which the deductions authorized by 125371
division (F)(3) of this section are to be made, the operator who 125372
executes the successor liability agreement shall pay, in addition 125373
to the amount collected pursuant to the attorney general's claims 125374
collection process, the part of the amount so collected that, if 125375
not for division (H) of this section, would be required by section 125376
109.081 of the Revised Code to be paid into the attorney general 125377
claims fund. 125378

(G) Execution of a successor liability agreement does not 125379
waive an exiting operator's right to contest the amount specified 125380
in the notice the department provides the exiting operator under 125381
division (C) of section ~~5111.68~~ 5165.52 of the Revised Code. 125382

(H) Notwithstanding section 109.081 of the Revised Code, the 125383
entire amount that the attorney general, whether by employees or 125384
agents of the attorney general or by special counsel appointed 125385
pursuant to section 109.08 of the Revised Code, collects under a 125386

successor liability agreement, other than the additional amount 125387
the operator who executes the agreement is required by division 125388
(F)(5) of this section to pay, shall be paid to the department of 125389
~~job and family services~~ medicaid for deposit into the appropriate 125390
fund. The additional amount that the operator is required to pay 125391
shall be paid into the state treasury to the credit of the 125392
attorney general claims fund created under section 109.081 of the 125393
Revised Code. 125394

Sec. ~~5111.682~~ 5165.522. (A) Except as provided in division 125395
(B) of this section, an exiting operator shall file with the 125396
department of ~~job and family services~~ medicaid a cost report not 125397
later than ninety days after the last day the exiting operator's 125398
provider agreement is in effect or, in the case of a voluntary 125399
withdrawal of participation, the effective date of the voluntary 125400
withdrawal of participation. The cost report shall cover the 125401
period that begins with the day after the last day covered by the 125402
operator's most recent previous cost report required by section 125403
~~5111.26~~ 5165.10 of the Revised Code and ends on the last day the 125404
exiting operator's provider agreement is in effect or, in the case 125405
of a voluntary withdrawal of participation, the effective date of 125406
the voluntary withdrawal of participation. The cost report shall 125407
include, as applicable, all of the following: 125408

(1) The sale price of the nursing facility ~~or intermediate~~ 125409
~~care facility for the mentally retarded;~~ 125410

(2) A final depreciation schedule that shows which assets are 125411
transferred to the buyer and which assets are not transferred to 125412
the buyer; 125413

(3) Any other information the department requires. 125414

(B) The department, at its sole discretion, may waive the 125415
requirement that an exiting operator file a cost report in 125416
accordance with division (A) of this section. 125417

Sec. ~~5111.683~~ 5165.523. If an exiting operator required by 125418
section ~~5111.682~~ 5165.522 of the Revised Code to file a cost 125419
report with the department of ~~job and family services~~ medicaid 125420
fails to file the cost report in accordance with that section, all 125421
payments under the medicaid program for the period the cost report 125422
is required to cover are deemed overpayments until the date the 125423
department receives the properly completed cost report. The 125424
department may impose on the exiting operator a penalty of one 125425
hundred dollars for each calendar day the properly completed cost 125426
report is late. 125427

Sec. ~~5111.684~~ 5165.524. The department of ~~job and family~~ 125428
~~services~~ medicaid may not provide an exiting operator final 125429
payment under the medicaid program until the department receives 125430
all properly completed cost reports the exiting operator is 125431
required to file under sections ~~5111.26~~ 5165.10 and ~~5111.682~~ 125432
5165.522 of the Revised Code. 125433

Sec. ~~5111.685~~ 5165.525. The department of ~~job and family~~ 125434
~~services~~ medicaid shall determine the actual amount of debt an 125435
exiting operator owes the department and the United States centers 125436
for medicare and medicaid services under the medicaid program by 125437
completing all final fiscal audits not already completed and 125438
performing all other appropriate actions the department determines 125439
to be necessary. The department shall issue an initial debt 125440
summary report on this matter not later than sixty days after the 125441
date the exiting operator files the properly completed cost report 125442
required by section ~~5111.682~~ 5165.522 of the Revised Code with the 125443
department or, if the department waives the cost report 125444
requirement for the exiting operator, sixty days after the date 125445
the department waives the cost report requirement. The initial 125446
debt summary report becomes the final debt summary report 125447

thirty-one days after the department issues the initial debt summary report unless the exiting operator, or an affiliated operator who executes a successor liability agreement under section ~~5111.681~~ 5165.521 of the Revised Code, requests a review before that date.

The exiting operator, and an affiliated operator who executes a successor liability agreement under section ~~5111.681~~ 5165.521 of the Revised Code, may request a review to contest any of the department's findings included in the initial debt summary report. The request for the review must be submitted to the department not later than thirty days after the date the department issues the initial debt summary report. The department shall conduct the review on receipt of a timely request and issue a revised debt summary report. If the department has withheld money from payment due the exiting operator under division (A) of section ~~5111.681~~ 5165.521 of the Revised Code, the department shall issue the revised debt summary report not later than ninety days after the date the department receives the timely request for the review unless the department and exiting operator or affiliated operator agree to a later date. The exiting operator or affiliated operator may submit information to the department explaining what the operator contests before and during the review, including documentation of the amount of any debt the department owes the operator. The exiting operator or affiliated operator may submit additional information to the department not later than thirty days after the department issues the revised debt summary report. The revised debt summary report becomes the final debt summary report thirty-one days after the department issues the revised debt summary report unless the exiting operator or affiliated operator timely submits additional information to the department. If the exiting operator or affiliated operator timely submits additional information to the department, the department shall consider the additional information and issue a final debt summary

report not later than sixty days after the department issues the 125481
revised debt summary report unless the department and exiting 125482
operator or affiliated operator agree to a later date. 125483

Each debt summary report the department issues under this 125484
section shall include the department's findings and the amount of 125485
debt the department determines the exiting operator owes the 125486
department and United States centers for medicare and medicaid 125487
services under the medicaid program. The department shall explain 125488
its findings and determination in each debt summary report. 125489

The exiting operator, and an affiliated operator who executes 125490
a successor liability agreement under section ~~5111.681~~ 5165.521 of 125491
the Revised Code, may request, in accordance with Chapter 119. of 125492
the Revised Code, an adjudication regarding a finding in a final 125493
debt summary report that pertains to an audit or alleged 125494
overpayment made under the medicaid program to the exiting 125495
operator. The adjudication shall be consolidated with any other 125496
uncompleted adjudication that concerns a matter addressed in the 125497
final debt summary report. 125498

Sec. ~~5111.686~~ 5165.526. The department of ~~job and family~~ 125499
~~services~~ medicaid shall release the actual amount withheld under 125500
division (A) of section ~~5111.681~~ 5165.521 of the Revised Code, 125501
less any amount the exiting operator owes the department and 125502
United States centers for medicare and medicaid services under the 125503
medicaid program, as follows: 125504

(A) Unless the department issues the initial debt summary 125505
report required by section ~~5111.685~~ 5165.525 of the Revised Code 125506
not later than sixty days after the date the exiting operator 125507
files the properly completed cost report required by section 125508
~~5111.682~~ 5165.522 of the Revised Code, sixty-one days after the 125509
date the exiting operator files the properly completed cost 125510
report; 125511

(B) If the department issues the initial debt summary report 125512
required by section ~~5111.685~~ 5165.525 of the Revised Code not 125513
later than sixty days after the date the exiting operator files a 125514
properly completed cost report required by section ~~5111.682~~ 125515
5165.522 of the Revised Code, not later than the following: 125516

(1) Thirty days after the deadline for requesting an 125517
adjudication under section ~~5111.685~~ 5165.525 of the Revised Code 125518
regarding the final debt summary report if the exiting operator, 125519
and an affiliated operator who executes a successor liability 125520
agreement under section ~~5111.681~~ 5165.521 of the Revised Code, 125521
fail to request the adjudication on or before the deadline; 125522

(2) Thirty days after the completion of an adjudication of 125523
the final debt summary report if the exiting operator, or an 125524
affiliated operator who executes a successor liability agreement 125525
under section ~~5111.681~~ 5165.521 of the Revised Code, requests the 125526
adjudication on or before the deadline for requesting the 125527
adjudication. 125528

(C) Unless the department issues the initial debt summary 125529
report required by section ~~5111.685~~ 5165.525 of the Revised Code 125530
not later than sixty days after the date the department waives the 125531
cost report requirement of section ~~5111.682~~ 5165.522 of the 125532
Revised Code, sixty-one days after the date the department waives 125533
the cost report requirement; 125534

(D) If the department issues the initial debt summary report 125535
required by section ~~5111.685~~ 5165.525 of the Revised Code not 125536
later than sixty days after the date the department waives the 125537
cost report requirement of section ~~5111.682~~ 5165.522 of the 125538
Revised Code, not later than the following: 125539

(1) Thirty days after the deadline for requesting an 125540
adjudication under section ~~5111.685~~ 5165.525 of the Revised Code 125541
regarding the final debt summary report if the exiting operator, 125542

and an affiliated operator who executes a successor liability agreement under section ~~5111.681~~ 5165.521 of the Revised Code, fail to request the adjudication on or before the deadline;

(2) Thirty days after the completion of an adjudication of the final debt summary report if the exiting operator, or an affiliated operator who executes a successor liability agreement under section ~~5111.681~~ 5165.521 of the Revised Code, requests the adjudication on or before the deadline for requesting the adjudication.

Sec. ~~5111.687~~ 5165.527. The department of ~~job and family services~~ medicaid, at its sole discretion, may release the amount withheld under division (A) of section ~~5111.681~~ 5165.521 of the Revised Code if the exiting operator submits to the department written notice of a postponement of a change of operator, facility closure, ~~voluntary termination~~, or voluntary withdrawal of participation and the transactions leading to the change of operator, facility closure, ~~voluntary termination~~, or voluntary withdrawal of participation are postponed for at least thirty days but less than ninety days after the date originally proposed for the change of operator, facility closure, ~~voluntary termination~~, or voluntary withdrawal of participation as reported in the written notice required by section ~~5111.66~~ 5165.50 or ~~5111.67~~ 5165.51 of the Revised Code. The department shall release the amount withheld if the exiting operator submits to the department written notice of a cancellation or postponement of a change of operator, facility closure, ~~voluntary termination~~, or voluntary withdrawal of participation and the transactions leading to the change of operator, facility closure, ~~voluntary termination~~, or voluntary withdrawal of participation are canceled or postponed for more than ninety days after the date originally proposed for the change of operator, facility closure, ~~voluntary termination~~, or voluntary withdrawal of participation as reported in the

written notice required by section ~~5111.66~~ 5165.50 or ~~5111.67~~ 125575
5165.51 of the Revised Code. A written notice shall be provided to 125576
the department in accordance with the method specified in rules 125577
~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 125578
Revised Code. 125579

After the department receives a written notice regarding a 125580
cancellation or postponement of a facility closure, ~~voluntary~~ 125581
~~termination,~~ or voluntary withdrawal of participation, the exiting 125582
operator or owner shall provide new written notice to the 125583
department under section ~~5111.66~~ 5165.50 of the Revised Code 125584
regarding any transactions leading to a facility closure, 125585
~~voluntary termination,~~ or voluntary withdrawal of participation at 125586
a future time. After the department receives a written notice 125587
regarding a cancellation or postponement of a change of operator, 125588
the exiting operator or owner and entering operator shall provide 125589
new written notice to the department under section ~~5111.67~~ 5165.51 125590
of the Revised Code regarding any transactions leading to a change 125591
of operator at a future time. 125592

Sec. ~~5111.688~~ 5165.528. (A) All amounts withheld under 125593
section ~~5111.681~~ 5165.521 of the Revised Code from payment due an 125594
exiting operator under the medicaid program shall be deposited 125595
into the medicaid payment withholding fund created by the 125596
controlling board pursuant to section 131.35 of the Revised Code. 125597
Money in the fund shall be used as follows: 125598

(1) To pay an exiting operator when a withholding is released 125599
to the exiting operator under section ~~5111.686~~ 5165.526 or 125600
~~5111.687~~ 5165.527 of the Revised Code; 125601

(2) To pay the department of ~~job and family services~~ medicaid 125602
and United States centers for medicare and medicaid services the 125603
amount an exiting operator owes the department and United States 125604

centers under the medicaid program. 125605

(B) Amounts paid from the medicaid payment withholding fund 125606
pursuant to division (A)(2) of this section shall be deposited 125607
into the appropriate department fund. 125608

Sec. ~~5111.689~~ 5165.53. The medicaid director ~~of job and~~ 125609
~~family services~~ shall adopt rules under section ~~5111.02~~ 5165.02 of 125610
the Revised Code to implement sections ~~5111.65~~ 5165.50 to ~~5111.689~~ 125611
5165.53 of the Revised Code, including rules applicable to an 125612
exiting operator that provides written notification under section 125613
~~5111.66~~ 5165.50 of the Revised Code of a voluntary withdrawal of 125614
participation. Rules adopted under this section shall comply with 125615
section ~~1919(c)(2)(F)~~ of the "Social Security Act," ~~79 Stat. 286~~ 125616
~~(1965)~~ section 1919(c)(2)(F), 42 U.S.C. 1396r(c)(2)(F), regarding 125617
restrictions on transfers or discharges of nursing facility 125618
residents in the case of a voluntary withdrawal of participation. 125619
The rules may prescribe a medicaid reimbursement payment 125620
methodology and other procedures that are applicable after the 125621
effective date of a voluntary withdrawal of participation that 125622
differ from the reimbursement payment methodology and other 125623
procedures that would otherwise apply. The rules shall specify all 125624
of the following: 125625

(A) The method by which written notices to the department 125626
required by sections ~~5111.65~~ 5165.50 to ~~5111.689~~ 5165.53 of the 125627
Revised Code are to be provided; 125628

(B) The forms and documents that are to be provided to the 125629
department of medicaid under sections ~~5111.671~~ 5165.511 and 125630
~~5111.672~~ 5165.512 of the Revised Code, which shall include, in the 125631
case of such forms and documents provided by entering operators, 125632
all the fully executed leases, management agreements, merger 125633
agreements and supporting documents, and fully executed sales 125634
contracts and any other supporting documents culminating in the 125635

change of operator; 125636

(C) The method by which the forms and documents identified in 125637
division (B) of this section are to be provided to the department. 125638

Sec. ~~5111.35~~ 5165.60. As used in this section, "a resident's 125639
rights" means the rights of a nursing facility resident under 125640
sections 3721.10 to 3721.17 of the Revised Code ~~and subsection (e)~~ 125641
~~of section 1819 or 1919 of,~~ the "Social Security Act," ~~49 Stat.~~ 125642
~~620 (1935)~~ sections 1819(c) and 1919(c), 42 U.S.C.A. ~~301,~~ as 125643
~~amended~~ 1395i-3(c) and 1396r(c), and federal regulations issued 125644
under those ~~subsections~~ sections of the "Social Security Act." 125645

As used in sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the 125646
Revised Code: 125647

(A) "Certification requirements" means the requirements for 125648
nursing facilities established under ~~sections 1819 and 1919 of the~~ 125649
"Social Security Act," sections 1819 and 1919, 42 U.S.C. 1395i-3 125650
and 1396r. 125651

(B) "Compliance" means substantially meeting all applicable 125652
certification requirements. 125653

(C) "Contracting agency" means a state agency that has 125654
entered into a contract with the department of ~~job and family~~ 125655
~~services~~ medicaid under section ~~5111.38~~ 5165.63 of the Revised 125656
Code. 125657

(D)(1) "Deficiency" means a finding cited by the department 125658
of health during a survey, on the basis of one or more actions, 125659
practices, situations, or incidents occurring at a nursing 125660
facility, that constitutes a severity level three finding, 125661
severity level four finding, scope level three finding, or scope 125662
level four finding. Whenever the finding is a repeat finding, 125663
"deficiency" also includes any finding that is a severity level 125664
two and scope level one finding, a severity level two and scope 125665

level two finding, or a severity level one and scope level two finding. 125666
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(2) "Cluster of deficiencies" means deficiencies that result from noncompliance with two or more certification requirements and are causing or resulting from the same action, practice, situation, or incident. 125668
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(E) "Emergency" means either of the following: 125672

(1) A deficiency or cluster of deficiencies that creates a condition of immediate jeopardy; 125673
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(2) An unexpected situation or sudden occurrence of a serious or urgent nature that creates a substantial likelihood that one or more residents of a nursing facility may be seriously harmed if allowed to remain in the facility, including the following: 125675
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(a) A flood or other natural disaster, civil disaster, or similar event; 125679
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(b) A labor strike that suddenly causes the number of staff members in a nursing facility to be below that necessary for resident care. 125681
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125683

(F) "Finding" means a finding of noncompliance with certification requirements determined by the department of health under section ~~5111.41~~ 5165.66 of the Revised Code. 125684
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(G) "Immediate jeopardy" means that one or more residents of a nursing facility are in imminent danger of serious physical or life-threatening harm. 125687
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(H) "Medicaid eligible resident" means a person who is a resident of a nursing facility, or is applying for admission to a nursing facility, and is eligible ~~to receive financial assistance~~ for nursing facility services under the ~~medical assistance~~ medicaid program ~~for the care the person receives in such a facility.~~ 125690
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(I) "Noncompliance" means failure to substantially meet all applicable certification requirements. 125696
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(J) "Nursing facility" ~~has the same meaning as in section 5111.20 of the Revised Code~~ includes a skilled nursing facility to the extent the context requires. 125698
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125700

(K) ~~"Provider" means a person, institution, or entity that furnishes nursing facility services under a medical assistance program provider agreement.~~ 125701
125702
125703

~~(L) "Provider agreement" means a contract between the department of job and family services and a provider for the provision of nursing facility services under the medicaid program.~~ 125704
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~~(M)~~ "Repeat finding" or "repeat deficiency" means a finding or deficiency cited pursuant to a survey, to which both of the following apply: 125707
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(1) The finding or deficiency involves noncompliance with the same certification requirement, and the same kind of actions, practices, situations, or incidents caused by or resulting from the noncompliance, as were cited in the immediately preceding standard survey or another survey conducted subsequent to the immediately preceding standard survey of the facility. For purposes of this division, actions, practices, situations, or incidents may be of the same kind even though they involve different residents, staff, or parts of the facility. 125710
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(2) The finding or deficiency is cited subsequent to a determination by the department of health that the finding or deficiency cited on the immediately preceding standard survey, or another survey conducted subsequent to the immediately preceding standard survey, had been corrected. 125719
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~~(N)~~(L)(1) "Scope level one finding" means a finding of noncompliance by a nursing facility in which the actions, situations, practices, or incidents causing or resulting from the 125724
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125726

noncompliance affect one or a very limited number of facility 125727
residents and involve one or a very limited number of facility 125728
staff members. 125729

(2) "Scope level two finding" means a finding of 125730
noncompliance by a nursing facility in which the actions, 125731
situations, practices, or incidents causing or resulting from the 125732
noncompliance affect more than a limited number of facility 125733
residents or involve more than a limited number of facility staff 125734
members, but the number or percentage of facility residents 125735
affected or staff members involved and the number or frequency of 125736
the actions, situations, practices, or incidents in short 125737
succession does not establish any reasonable degree of 125738
predictability of similar actions, situations, practices, or 125739
incidents occurring in the future. 125740

(3) "Scope level three finding" means a finding of 125741
noncompliance by a nursing facility in which the actions, 125742
situations, practices, or incidents causing or resulting from the 125743
noncompliance affect more than a limited number of facility 125744
residents or involve more than a limited number of facility staff 125745
members, and the number or percentage of facility residents 125746
affected or staff members involved or the number or frequency of 125747
the actions, situations, practices, or incidents in short 125748
succession establishes a reasonable degree of predictability of 125749
similar actions, situations, practices, or incidents occurring in 125750
the future. 125751

(4) "Scope level four finding" means a finding of 125752
noncompliance by a nursing facility causing or resulting from 125753
actions, situations, practices, or incidents that involve a 125754
sufficient number or percentage of facility residents or staff 125755
members or occur with sufficient regularity over time that the 125756
noncompliance can be considered systemic or pervasive in the 125757
facility. 125758

~~(O)~~(M)(1) "Severity level one finding" means a finding of noncompliance by a nursing facility that has not caused and, if continued, is unlikely to cause physical harm to a facility resident, mental or emotional harm to a resident, or a violation of a resident's rights that results in physical, mental, or emotional harm to the resident.

(2) "Severity level two finding" means a finding of noncompliance by a nursing facility that, if continued over time, will cause, or is likely to cause, physical harm to a facility resident, mental or emotional harm to a resident, or a violation of a resident's rights that results in physical, mental, or emotional harm to the resident.

(3) "Severity level three finding" means a finding of noncompliance by a nursing facility that has caused physical harm to a facility resident, mental or emotional harm to a resident, or a violation of a resident's rights that results in physical, mental, or emotional harm to the resident.

(4) "Severity level four finding" means a finding of noncompliance by a nursing facility that has caused life-threatening harm to a facility resident or caused a resident's death.

~~(P)~~(N) "State agency" has the same meaning as in section 1.60 of the Revised Code.

~~(Q)~~(O) "Substandard care" means care furnished in a facility in which the department of health has cited a deficiency or deficiencies that constitute one of the following:

(1) A severity level four finding, regardless of scope;

(2) A severity level three and scope level four finding, in the quality of care provided to residents;

(3) A severity level three and scope level three finding, in

the quality of care provided to residents. 125789

~~(R)~~(P)(1) "Survey" means a survey of a nursing facility 125790
conducted under section ~~5111.39~~ 5165.64 of the Revised Code. 125791

(2) "Standard survey" means a survey conducted by the 125792
department of health under division (A) of section ~~5111.39~~ 5165.64 125793
of the Revised Code and includes an extended survey. 125794

(3) "Follow-up survey" means a survey conducted by the 125795
department of health to determine whether a nursing facility has 125796
substantially corrected deficiencies cited in a previous survey. 125797

Sec. ~~5111.36~~ 5165.61. The medicaid director of ~~job and family~~ 125798
~~services~~ may adopt rules under ~~Chapter 119. section~~ 5165.02 of the 125799
Revised Code that are consistent with regulations, guidelines, and 125800
procedures issued by the United States secretary of health and 125801
human services under ~~sections 1819 and 1919~~ of the "Social 125802
Security Act," ~~49 Stat. 620 (1935)~~ sections 1819 and 1919, 42 125803
U.S.C.A. ~~301, as amended 1395i-3 and 1396r~~, and necessary for 125804
administration and enforcement of sections ~~5111.35~~ 5165.60 to 125805
~~5111.62~~ 5165.89 of the Revised Code. If the secretary does not 125806
issue appropriate regulations for enforcement of those sections 125807
~~1819 and 1919~~ of the "Social Security Act" on or before December 125808
13, 1990, the medicaid director of ~~job and family services~~ may 125809
adopt, under ~~Chapter 119. section~~ 5165.02 of the Revised Code, 125810
rules that are consistent with those sections and with sections 125811
~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. 125812

Sec. ~~5111.37~~ 5165.62. The department of ~~job and family~~ 125813
~~services~~ medicaid is hereby authorized to enforce sections ~~5111.35~~ 125814
5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. The department may 125815
enforce the sections directly or through contracting agencies. The 125816
department and agencies shall enforce the sections in accordance 125817
with the requirements of ~~sections 1819 and 1919~~ of the "Social 125818

Security Act," ~~49 Stat. 620 (1935)~~ sections 1819 and 1919, 42 125819
U.S.C.A. ~~301~~, as amended 1395i-3 and 1396r, that apply to nursing 125820
facilities; with regulations, guidelines, and procedures adopted 125821
by the United States secretary of health and human services for 125822
the enforcement of those sections ~~1819 and 1919~~ of the "Social 125823
Security Act"; and with the rules ~~adopted under~~ authorized by 125824
section ~~5111.36~~ 5165.61 of the Revised Code. The department and 125825
agencies shall enforce sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 125826
of the Revised Code for purposes of the medicare program, ~~Title~~ 125827
~~XVIII of the "Social Security Act,"~~ only to the extent prescribed 125828
by the regulations, guidelines, and procedures issued by the 125829
secretary under ~~section 1819 of that act~~ the "Social Security 125830
Act," section 1819, 42 U.S.C. 1395i-3. 125831

Sec. ~~5111.38~~ 5165.63. The department of ~~job and family~~ 125832
~~services~~ medicaid may enter into contracts with other state 125833
agencies pursuant to section 5162.35 of the Revised Code that 125834
authorize the agencies to perform all or part of the duties 125835
assigned to the department of ~~job and family services~~ medicaid 125836
under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised 125837
Code. Each contract shall specify the duties the agency is 125838
authorized to perform and the sections of the Revised Code under 125839
which the agency is authorized to perform those duties. 125840

Sec. ~~5111.39~~ 5165.64. (A) The department of health shall 125841
conduct a survey, titled a standard survey, of every nursing 125842
facility in this state on a statewide average of not more than 125843
once every twelve months. Each nursing facility shall undergo a 125844
standard survey at least once every fifteen months as a condition 125845
of meeting certification requirements. The department may extend a 125846
standard survey; such a survey is titled an extended survey. 125847

(B) The department may conduct surveys in addition to 125848
standard surveys when it considers them necessary. 125849

(C) The department shall conduct surveys in accordance with 125850
the regulations, guidelines, and procedures issued by the United 125851
States secretary of health and human services under ~~Titles~~ Title 125852
XVIII and Title XIX of the "~~Social Security Act,~~" ~~49 Stat. 620~~ 125853
(~~1935~~), ~~42 U.S.C.A. 301, as amended,~~ sections ~~5111.40~~ 5165.65 to 125854
~~5111.42~~ 5165.68 of the Revised Code, and rules adopted under 125855
section 3721.022 of the Revised Code. 125856

Sec. ~~5111.40~~ 5165.65. (A) At the conclusion of each survey, 125857
the department of health survey team shall conduct an exit 125858
interview with the administrator or other person in charge of the 125859
nursing facility and any other facility staff members designated 125860
by the administrator or person in charge of the facility. During 125861
the exit interview, at the request of the administrator or other 125862
person in charge of the facility, the survey team shall provide 125863
one of the following, as selected by the survey team: 125864

(1) Copies of all survey notes and any other written 125865
materials created during the survey; 125866

(2) A written summary of the survey team's recommendations 125867
regarding findings of noncompliance with certification 125868
requirements; 125869

(3) An audio or audiovisual recording of the interview. If 125870
the survey team selects this option, at least two copies of the 125871
recording shall be made and the survey team shall select one copy 125872
to be kept by the survey team for use by the department of health. 125873

(B) All expenses of copying under division (A)(1) of this 125874
section or recording under division (A)(3) of this section, 125875
including the cost of the copy of the recording kept by the survey 125876
team, shall be paid by the facility. 125877

Sec. ~~5111.41~~ 5165.66. (A) Except as provided in section 125878
3721.17 of the Revised Code, a finding shall be cited only on the 125879

basis of a survey and a determination that one or more actions, 125880
practices, situations, or incidents at a nursing facility caused 125881
or resulted from the facility's failure to comply with one or more 125882
certification requirements. The department of health shall 125883
determine whether the actions, practices, situations, or incidents 125884
can be justified by either of the following: 125885

(1) The actions, practices, situations, or incidents resulted 125886
from a resident exercising the resident's rights guaranteed under 125887
the laws of the United States or of this state; 125888

(2) The actions, practices, situations, or incidents resulted 125889
from a facility following the orders of a person licensed under 125890
Chapter 4731. of the Revised Code to practice medicine or surgery 125891
or osteopathic medicine and surgery. 125892

(B) If the department of health determines both that the 125893
actions, practices, situations, or incidents cannot be justified 125894
by the factors identified in division (A) of this section and that 125895
one or more of the following are applicable, the department shall 125896
declare that the actions, practices, situations, or incidents 125897
constitute a finding: 125898

(1) The actions, practices, situations, or incidents could 125899
have been prevented by one or more persons involved in the 125900
facility's operation; 125901

(2) No person involved in the facility's operation identified 125902
the actions, practices, situations, or incidents prior to the 125903
survey; 125904

(3) Prior to the survey, no person involved in the facility's 125905
operation initiated action to correct the noncompliance caused by 125906
or resulting in the actions, practices, situations, or incidents; 125907

(4) The facility does not have in effect, if needed, a 125908
contingency plan that is reasonably calculated to prevent 125909
physical, mental, or emotional harm to residents while permanent 125910

corrective action is being taken. 125911

(C) The department of health shall determine the severity 125912
level and scope level of each finding. 125913

(D) A deficiency that is substantially corrected within the 125914
time limits specified in sections ~~5111.52~~ 5165.79 to 125915
~~5111.56~~5165.83 of the Revised Code and for which no remedy is 125916
imposed, shall be counted as a deficiency for the purpose of 125917
determining whether a deficiency is a repeat deficiency. 125918

(E) Whenever the department of health determines that during 125919
the period between two surveys a finding existed at the facility, 125920
but the facility substantially corrected it prior to the second 125921
survey, the department shall cite it. However, the department of 125922
~~job and family services~~ medicaid or a contracting agency shall 125923
impose a remedy only as provided in division (C) of section 125924
~~5111.46~~ 5165.72 of the Revised Code. 125925

(F) Immediately upon determining the severity and scope of a 125926
finding at a nursing facility, the department of health shall 125927
notify the department of ~~job and family services~~ medicaid and any 125928
contracting agency of the finding, the severity and scope of the 125929
finding, and whether the finding creates immediate jeopardy. 125930
Immediately upon determining that an emergency exists at a 125931
facility that does not result from a deficiency that creates 125932
immediate jeopardy, the department of health shall notify the 125933
department of ~~job and family services~~ medicaid and any contracting 125934
agency. 125935

Sec. ~~5111.411~~ 5165.67. The results of a survey of a nursing 125936
facility that is conducted under section ~~5111.39~~ 5165.64 of the 125937
Revised Code, including any statement of deficiencies and all 125938
findings and deficiencies cited in the statement on the basis of 125939
the survey, shall be used solely to determine the nursing 125940
facility's compliance with certification requirements or with this 125941

chapter or another chapter of the Revised Code. Those results of a survey, that statement of deficiencies, and the findings and deficiencies cited in that statement shall not be used in any court or in any action or proceeding that is pending in any court and are not admissible in evidence in any action or proceeding unless that action or proceeding is an appeal of an administrative action by the department of ~~job and family services~~ medicaid or contracting agency under this chapter or is an action by any department or agency of the state to enforce this chapter or another chapter of the Revised Code.

Nothing in this section prohibits the results of a survey, a statement of deficiencies, or the findings and deficiencies cited in that statement on the basis of the survey under this section from being used in a criminal investigation or prosecution.

Sec. ~~5111.42~~ 5165.68. (A) Not later than ten days after an exit interview, the department of health shall deliver to the nursing facility a detailed statement, titled a statement of deficiencies, setting forth all findings and deficiencies cited on the basis of the survey, including any finding cited pursuant to division (E) of section ~~5111.41~~ 5165.66 of the Revised Code. The statement shall indicate the severity and scope level of each finding and fully describe the incidents or other facts that form the basis of the department's determination of the existence of each finding and deficiency. A failure by the survey team to completely disclose in the exit interview every finding that may result from the survey does not affect the validity of any finding or deficiency cited in the statement of deficiencies. On request of the facility, the department shall provide a copy of any written worksheet or other document produced by the survey team in making recommendations regarding scope and severity levels of findings and deficiencies.

(B) At the same time the department of health delivers a 125973
statement of deficiencies, it also shall deliver to the facility a 125974
separate written notice that states all of the following: 125975

(1) That the department of ~~job and family services~~ medicaid 125976
or a contracting agency will issue an order under section ~~5111.57~~ 125977
5165.84 of the Revised Code denying payment for any medicaid 125978
eligible residents admitted on and after the effective date of the 125979
order if the facility does not substantially correct, within 125980
ninety days after the exit interview, the deficiency or 125981
deficiencies cited in the statement of deficiencies in accordance 125982
with the plan of correction it submitted under section ~~5111.43~~ 125983
5165.69 of the Revised Code; 125984

(2) If a condition of substandard care has been cited on the 125985
basis of a standard survey and a condition of substandard care was 125986
also cited on the immediately preceding standard survey, that the 125987
department of ~~job and family services~~ medicaid or a contracting 125988
agency will issue an order under section ~~5111.57~~ 5165.84 of the 125989
Revised Code denying payment for any medicaid eligible residents 125990
admitted on and after the effective date of the order if a 125991
condition of substandard care is cited on the basis of the next 125992
standard survey; 125993

(3) That the department of ~~job and family services~~ medicaid 125994
or a contracting agency will issue an order under section ~~5111.58~~ 125995
5165.88 of the Revised Code terminating the facility's 125996
participation in the ~~medical assistance~~ medicaid program if either 125997
of the following applies: 125998

(a) The facility does not substantially correct the 125999
deficiency or deficiencies in accordance with the plan of 126000
correction it submitted under section ~~5111.43~~ 5165.69 of the 126001
Revised Code within six months after the exit interview. 126002

(b) The facility substantially corrects the deficiency or 126003

deficiencies within the six-month period, but after correcting it, 126004
the department of health, based on a follow-up survey conducted 126005
during the remainder of the six-month period, determines that the 126006
facility has failed to maintain compliance with certification 126007
requirements. 126008

Sec. ~~5111.43~~ 5165.69. (A) Whenever a nursing facility 126009
receives a statement of deficiencies under section ~~5111.42~~ 5165.68 126010
of the Revised Code, the facility shall submit to the department 126011
of health for its approval a plan of correction for each finding 126012
cited in the statement. The plan shall ~~describe~~ include all of the 126013
following: 126014

(1) Detailed descriptions of the actions the facility will 126015
take to correct each finding and specify the date by which each 126016
finding will be corrected. ~~In;~~ 126017

(2) In the case of a finding cited pursuant to division (E) 126018
of section ~~5111.41~~ 5165.66 of the Revised Code, ~~the plan shall~~ 126019
~~describe a description of~~ the actions the facility took to correct 126020
the finding and the date on which it was corrected; 126021

(3) Beginning one year after the effective date of the first 126022
federal regulation promulgated under the "Social Security Act," 126023
section 1128I(c), 42 U.S.C. 1320a-7j(c), regarding the quality 126024
assurance and performance improvement program and in the case of a 126025
finding assigned a severity level indicating that a resident was 126026
harmed or immediate jeopardy exists, an explanation of how the 126027
actions described in the components of the plan required by 126028
divisions (A)(1) and (2) of this section are part of the 126029
facility's actions to meet the standards and implement the best 126030
practices established under the quality assurance and performance 126031
improvement program. 126032

(B)(1) The department shall approve any plan, and any 126033
modification of an existing plan a nursing facility submits to the 126034

department, that ~~conforms~~ does both of the following: 126035

(a) Conforms to the requirements for approval of plans of 126036
corrections, and modifications, established in the regulations, 126037
guidelines, and procedures issued by the United States secretary 126038
of health and human services under ~~Titles~~ Title XVIII and Title 126039
~~XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A.~~ 126040
~~301, as amended;~~ 126041

(b) Includes all the information required by division (A) of 126042
this section. ~~The department also shall approve any modification~~ 126043
~~of an existing plan submitted by a facility, if the plan as~~ 126044
~~modified conforms to those regulations, guidelines, and~~ 126045
~~procedures. The~~ 126046

(2) The department shall not reject a facility's plan of 126047
correction or modification on the ground that the facility 126048
disputes the finding, if the plan or modification is reasonably 126049
calculated to correct the finding. 126050

(C) A facility that complies with this section shall not be 126051
considered to have admitted the existence of a finding cited by 126052
the department. 126053

Sec. ~~5111.44~~ 5165.70. The department of health may appoint 126054
employees of the department to conduct on-site monitoring of a 126055
nursing facility whenever a finding is cited, including any 126056
finding cited pursuant to division (E) of section ~~5111.41~~ 5165.66 126057
of the Revised Code, or an emergency is found to exist. 126058
Appointment of monitors under this section is not subject to 126059
appeal under section ~~5111.60~~ 5165.87 or any other section of the 126060
Revised Code. No employee of a facility for which monitors are 126061
appointed, no person employed by the facility within the previous 126062
two years, and no person who currently has a consulting or other 126063
contract with the department or the facility, shall be appointed 126064
as a monitor under this section. Every monitor appointed under 126065

this section shall have the professional qualifications necessary 126066
to monitor correction of the finding or elimination of the 126067
emergency. 126068

Sec. ~~5111.45~~ 5165.71. (A) If the department of health cites a 126069
deficiency or deficiencies that was not substantially corrected 126070
before a survey and that does not constitute a severity level four 126071
finding or create immediate jeopardy, the department of ~~job and~~ 126072
~~family services~~ medicaid or a contracting agency shall permit the 126073
nursing facility to continue participating in the ~~medical~~ 126074
~~assistance~~ medicaid program for up to six months after the exit 126075
interview, if all of the following apply: 126076

(1) The facility meets the requirements, established in 126077
regulations issued by the United States secretary of health and 126078
human services under Title XIX ~~of the "Social Security Act,"~~ 49 126079
~~Stat. 620 (1935),~~ 42 U.S.C.A. 301, ~~as amended,~~ for certification 126080
of nursing facilities that have a deficiency. 126081

(2) The department of health has approved a plan of 126082
correction submitted by the facility under section ~~5111.43~~ 5165.69 126083
of the Revised Code for each deficiency. 126084

(3) The provider agrees to repay the department of ~~job and~~ 126085
~~family services~~ medicaid, in accordance with section ~~5111.58~~ 126086
5165.85 of the Revised Code, the federal share of all payments 126087
made by the department to the facility during the six-month period 126088
following the exit interview if the facility does not within the 126089
six-month period substantially correct the deficiency or 126090
deficiencies in accordance with the plan of correction submitted 126091
under section ~~5111.43~~ 5165.69 of the Revised Code. 126092

(B) If any of the conditions in divisions (A)(1) to (3) of 126093
this section do not apply, the department of ~~job and family~~ 126094
~~services~~ medicaid or contracting agency shall issue an order 126095
terminating the facility's participation in the ~~medical assistance~~ 126096

medicaid program. An order issued under this division is subject 126097
to appeal under Chapter 119. of the Revised Code. The order shall 126098
not take effect prior to the later of the thirtieth day after it 126099
is delivered to the facility or, if the order is appealed, the 126100
date on which a final adjudication order upholding the termination 126101
becomes effective pursuant to Chapter 119. of the Revised Code. 126102

(C) At the time the department of ~~job and family services~~ 126103
medicaid or contracting agency issues an order under division (B) 126104
of this section terminating a nursing facility's participation in 126105
the ~~medical assistance~~ medicaid program, it may also impose, 126106
subject to section ~~5111.50~~ 5165.76 of the Revised Code, other 126107
remedies under sections ~~5111.46~~ 5165.72 to ~~5111.48~~ 5165.74 of the 126108
Revised Code. 126109

Sec. ~~5111.46~~ 5165.72. (A) If the department of health cites a 126110
deficiency, or cluster of deficiencies, that was not substantially 126111
corrected before a survey and constitutes a severity level four 126112
finding, the department of ~~job and family services~~ medicaid or 126113
contracting agency shall, subject to sections ~~5111.52~~ 5165.79 to 126114
~~5111.56~~ 5165.83 of the Revised Code, impose a remedy for the 126115
deficiency or cluster of deficiencies. The department or agency 126116
may act under either division (A)(1) or (2) of this section: 126117

(1) The department or agency may impose one or more of the 126118
following remedies: 126119
126120

(a) Issue an order terminating the nursing facility's 126121
participation in the ~~medical assistance~~ medicaid program. 126122

(b) Do either of the following: 126123

(i) Regardless of whether the provider consents, appoint a 126124
temporary manager of the facility. 126125

(ii) Apply to the common pleas court of the county in which 126126

the facility is located for such injunctive or other equitable relief as is necessary for the appointment of a special master with such powers and authority over the facility and length of appointment as the court considers necessary.

(c) Do either of the following:

(i) Issue an order denying ~~payment~~ medicaid payments to the facility ~~under the medical assistance program~~ for all medicaid eligible residents admitted after the effective date of the order;

(ii) Impose a fine.

(d) Issue an order denying ~~payment~~ medicaid payments to the facility ~~under the medical assistance program~~ for medicaid eligible residents admitted after the effective date of the order who have certain diagnoses or special care needs specified by the department or agency.

(2) The department or agency may impose one or more of the following remedies:

(a) Appoint, subject to the continuing consent of the provider, a temporary manager of the facility;

(b) Do either of the following:

(i) Regardless of whether the provider consents, appoint a temporary manager of the facility;

(ii) Apply to the common pleas court of the county in which the facility is located for such injunctive or other equitable relief as is necessary for the appointment of a special master with such powers and authority over the facility and length of appointment as the court considers necessary.

(c) Do either of the following:

(i) Issue an order denying ~~payment~~ medicaid payments to the facility ~~under the medical assistance program~~ for all medicaid eligible residents admitted after the effective date of the order;

(ii) Impose a fine. 126157

(d) Issue an order denying ~~payment~~ medicaid payments to the 126158
facility ~~under the medical assistance program~~ for medicaid 126159
eligible residents admitted after the effective date of the order 126160
who have certain diagnoses or special care needs specified by the 126161
department or agency; 126162

(e) Issue an order requiring the facility to correct the 126163
deficiency or cluster of deficiencies under the plan of correction 126164
submitted by the facility and approved by the department of health 126165
under section ~~5111.43~~ 5165.69 of the Revised Code. 126166

(B) The department of ~~job and family services~~ medicaid or 126167
contracting agency shall deliver a written order issued under 126168
division (A)(1) of this section terminating a nursing facility's 126169
participation in the ~~medical assistance~~ medicaid program to the 126170
facility within five days after the exit interview. If the 126171
facility alleges, at any time prior to the later of the twentieth 126172
day after the exit interview or the fifteenth day after it 126173
receives the order, that the deficiency or cluster of deficiencies 126174
for which the order was issued has been substantially corrected, 126175
the department of health shall conduct a follow-up survey to 126176
determine whether the deficiency or cluster of deficiencies has 126177
been substantially corrected. The order shall take effect and the 126178
facility's participation shall terminate on the twentieth day 126179
after the exit interview, unless the facility has substantially 126180
corrected the deficiency or cluster of deficiencies that 126181
constituted a severity level four finding or did not receive 126182
notice from the department of ~~job and family services~~ medicaid or 126183
contracting agency within five days after the exit interview. In 126184
the latter case, the order shall take effect and the facility's 126185
participation shall terminate on the fifteenth day after the 126186
facility received the order. 126187

(C) If the department of health cites a deficiency or cluster 126188

of deficiencies pursuant to division (E) of section ~~5111.41~~ 126189
~~5165.66~~ of the Revised Code that constituted a severity level four 126190
finding, the department of ~~job and family services~~ medicaid or a 126191
contracting agency shall, subject to section ~~5111.56~~ 5165.83 of 126192
the Revised Code, impose a fine. The fine shall be in effect for a 126193
period equal to the number of days the deficiency or cluster of 126194
deficiencies existed at the facility. 126195

Sec. ~~5111.47~~ 5165.73. If the department of health cites a 126196
deficiency, or cluster of deficiencies, that was not substantially 126197
corrected before a survey and constitutes a severity level three 126198
and scope level three or four finding, the department of ~~job and~~ 126199
~~family services~~ medicaid or a contracting agency may, subject to 126200
sections ~~5111.55~~ 5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, 126201
impose one or more of the following remedies: 126202

(A) Do either of the following: 126203

(1) Issue an order denying ~~payment~~ medicaid payments to the 126204
facility ~~under the medical assistance program~~ for all medicaid 126205
eligible residents admitted after the effective date of the order; 126206

(2) Impose a fine. 126207

(B) Issue an order denying ~~payment~~ medicaid payments to the 126208
facility ~~under the medical assistance program~~ for medicaid 126209
eligible residents admitted after the effective date of the order 126210
who have certain diagnoses or special care needs specified by the 126211
department or agency; 126212

(C) Issue an order requiring the facility to correct the 126213
deficiency or cluster of deficiencies under the plan of correction 126214
submitted by the facility and approved by the department of health 126215
under section ~~5111.43~~ 5165.69 of the Revised Code. 126216

Sec. ~~5111.48~~ 5165.74. (A) If the department of health cites a 126217
deficiency, or cluster of deficiencies, that was not substantially 126218

corrected before a survey and constitutes a severity level three 126219
and scope level two finding, the department of ~~job and family~~ 126220
~~services~~ medicaid or a contracting agency may, subject to sections 126221
~~5111.55~~ 5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, impose 126222
one or more of the following remedies: 126223

(1) Do either of the following: 126224

(a) Issue an order denying ~~payment~~ medicaid payments to the 126225
facility ~~under the medical assistance program~~ for all medicaid 126226
eligible residents admitted after the effective date of the order; 126227

(b) Impose a fine. 126228

(2) Issue an order denying ~~payment~~ medicaid payments to the 126229
facility ~~under the medical assistance program~~ for medicaid 126230
eligible residents admitted after the effective date of the order 126231
who have certain diagnoses or special care needs specified by the 126232
department or agency; 126233

(3) Issue an order requiring the facility to correct the 126234
deficiency or cluster of deficiencies under the plan of correction 126235
proposed by the facility and approved by the department of health 126236
under section ~~5111.43~~ 5165.69 of the Revised Code. 126237

(B) If the department of health cites a deficiency, or 126238
cluster of deficiencies, that was not substantially corrected 126239
before a survey and constitutes a severity level three and scope 126240
level one finding, the department of ~~job and family services~~ 126241
medicaid or a contracting agency may, subject to sections ~~5111.55~~ 126242
5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, impose one or 126243
more of the following remedies: 126244

(1) Impose a fine; 126245

(2) Issue an order denying ~~payment~~ medicaid payments to the 126246
facility ~~under the medical assistance program~~ for medicaid 126247
eligible residents admitted after the effective date of the order 126248

who have certain diagnoses or special care needs specified by the department or agency;

(3) Issue an order requiring the facility to correct the deficiency or cluster of deficiencies under the plan of correction proposed by the facility and approved by the department of health under section ~~5111.43~~ 5165.69 of the Revised Code.

(C) If the department of health cites a deficiency, or cluster of deficiencies, that was not substantially corrected before a survey and constitutes a severity level two and a scope level three or four finding, the department of ~~job and family services~~ medicaid or a contracting agency may, subject to sections ~~5111.55~~ 5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, impose one or more of the following remedies:

(1) Impose a fine;

(2) Issue an order denying ~~payment~~ medicaid payments to the facility ~~under the medical assistance program~~ for medicaid eligible residents admitted after the effective date of the order who have certain diagnoses or special care needs specified by the department or agency;

(3) Issue an order requiring the facility to correct the deficiency or cluster of deficiencies under the plan of correction submitted by the facility and approved by the department of health under section ~~5111.43~~ 5165.69 of the Revised Code.

(D) If the department of health cites a deficiency, or cluster of deficiencies, that was not substantially corrected before a survey, constitutes a severity level two and scope level one or two finding, and is a repeat finding, the department of ~~job and family services~~ medicaid or a contracting agency may issue an order requiring the facility to correct the deficiency or cluster of deficiencies under the plan of correction submitted by the facility and approved by the department of health under section

~~5111.43~~ 5165.69 of the Revised Code. 126280

(E) If the department of health cites a deficiency, or 126281
cluster of deficiencies, that was not substantially corrected 126282
before a survey and constitutes a severity level one and scope 126283
level three or four finding, the department of ~~job and family~~ 126284
~~services~~ medicaid or a contracting agency may issue an order 126285
requiring the facility to correct the deficiency or cluster of 126286
deficiencies under the plan of correction submitted by the 126287
facility and approved by the department of health under section 126288
~~5111.43~~ 5165.69 of the Revised Code. 126289

(F) If the department of health cites a deficiency, or 126290
cluster of deficiencies, that was not substantially corrected 126291
before a survey, constitutes a severity level one and scope level 126292
two finding, and is a repeat finding, the department of ~~job and~~ 126293
~~family services~~ medicaid or a contracting agency may issue an 126294
order requiring the facility to correct the deficiency or cluster 126295
of deficiencies under the plan of correction submitted by the 126296
facility and approved by the department of health under section 126297
~~5111.43~~ 5165.69 of the Revised Code. 126298

Sec. ~~5111.49~~ 5165.75. (A) In determining which remedies to 126299
impose under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 126300
5165.74 of the Revised Code, including whether a fine should be 126301
imposed, the department of ~~job and family services~~ medicaid or a 126302
contracting agency shall do both of the following: 126303

(1) Impose the remedies that are most likely to achieve 126304
correction of deficiencies, encourage sustained compliance with 126305
certification requirements, and protect the health, safety, and 126306
rights of facility residents, but that are not directed at 126307
punishment of the facility; 126308

(2) Consider all of the following: 126309

(a) The presence or absence of immediate jeopardy;	126310
(b) The relationships of groups of deficiencies to each other;	126311 126312
(c) The facility's history of compliance with certification requirements generally and in the specific area of the deficiency or deficiencies;	126313 126314 126315
(d) Whether the deficiency or deficiencies are directly related to resident care;	126316 126317
(e) The corrective, long-term compliance, resident protective, and nonpunitive outcomes sought by the department or agency;	126318 126319 126320
(f) The nature, scope, and duration of the noncompliance with certification requirements;	126321 126322
(g) The existence of repeat deficiencies;	126323
(h) The category of certification requirements with which the facility is out of compliance;	126324 126325
(i) Any period of noncompliance with certification requirements that occurred between two certifications by the department of health that the facility was in compliance with certification requirements;	126326 126327 126328 126329
(j) The facility's degree of culpability;	126330
(k) The accuracy, extent, and availability of facility records;	126331 126332
(l) The facility's financial condition, exclusive of any moneys donated to a facility that is an organization described in subsection 501(c)(3) and is tax exempt under subsection 501(a) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1;	126333 126334 126335 126336 126337
(m) Any adverse effect that the action or fine would have on	126338

the health and safety of facility residents; 126339

(n) If the noncompliance that resulted in the citation of a 126340
deficiency or cluster of deficiencies existed before a change in 126341
ownership of the facility, whether the new owner or owners have 126342
had sufficient time to correct the noncompliance. 126343

(B) Whenever the department or agency imposes remedies under 126344
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of 126345
the Revised Code, it shall provide a written statement to the 126346
nursing facility that specifies all of the following: 126347

(1) The effective date of each remedy; 126348

(2) The deficiency or cluster of deficiencies for which each 126349
remedy is imposed; 126350

(3) The severity and scope of the deficiency or cluster of 126351
deficiencies; 126352

(4) The rationale, including all applicable factors specified 126353
in division (A) of this section, for imposing the remedies. 126354

Sec. ~~5111.50~~ 5165.76. At the time the department of ~~job and~~ 126355
~~family services~~ medicaid or a contracting agency, under section 126356
~~5111.45~~ 5165.71, ~~5111.46~~ 5165.72, or ~~5111.51~~ 5165.77 of the 126357
Revised Code, issues an order terminating a nursing facility's 126358
participation in the ~~medical assistance~~ medicaid program, the 126359
department or agency may also impose a fine, in accordance with 126360
sections ~~5111.46~~ 5165.72 to ~~5111.48~~ 5165.74 and ~~5111.56~~ 5165.83 of 126361
the Revised Code, to be collected in the event the termination 126362
order does not take effect. The department or agency shall not 126363
collect this fine if the termination order takes effect. 126364

Sec. ~~5111.51~~ 5165.77. (A) If the department of health finds 126365
during a survey that an emergency exists at a nursing facility, as 126366
the result of a deficiency or cluster of deficiencies that creates 126367

immediate jeopardy, the department of ~~job and family services~~ 126368
medicaid or a contracting agency shall impose one or more of the 126369
remedies described in division (A)(1) of this section and, in 126370
addition, may take one or both of the actions described in 126371
division (A)(2) of this section. 126372

(1) The department or agency shall impose one or more of the 126373
following remedies: 126374

(a) Appoint, subject to the continuing consent of the 126375
provider, a temporary manager of the facility; 126376

(b) Apply to the common pleas court of the county in which 126377
the facility is located for a temporary restraining order, 126378
preliminary injunction, or such other injunctive or equitable 126379
relief as is necessary to close the facility, transfer one or more 126380
residents to other nursing facilities or other appropriate care 126381
settings, or otherwise eliminate the condition of immediate 126382
jeopardy. If the court grants such an order, injunction, or 126383
relief, it may appoint a special master empowered to implement the 126384
court's judgment under the court's direct supervision. 126385

(c) Issue an order terminating the facility's participation 126386
in the ~~medical assistance~~ medicaid program; 126387

(d) Regardless of whether the provider consents, appoint a 126388
temporary manager of the facility. 126389

(2) The department or agency may do one or both of the 126390
following: 126391

(a) Issue an order denying ~~payment~~ medicaid payments to the 126392
facility for all medicaid eligible residents admitted after the 126393
effective date of the order; 126394

(b) Impose remedies under sections ~~5111.46~~ 5165.72 to ~~5111.48~~ 126395
5165.74 of the Revised Code appropriate to the severity and scope 126396
of the deficiency or cluster of deficiencies, except that the 126397

department or agency shall not impose a fine for the same 126398
deficiency for which the department or agency has issued an order 126399
under division (A)(2)(a) of this section. 126400

(B) If the department of health, department of ~~job and family~~ 126401
~~services~~ medicaid, or a contracting agency finds on the basis of a 126402
survey or other visit to the facility by representatives of that 126403
department or agency that an emergency exists at a facility that 126404
is not the result of a deficiency or cluster of deficiencies that 126405
constitutes immediate jeopardy, the department of ~~job and family~~ 126406
~~services~~ medicaid or contracting agency may do either of the 126407
following: 126408

(1) Appoint, subject to the continuing consent of the 126409
provider, a temporary manager of the facility; 126410

(2) Apply to the common pleas court of the county in which 126411
the facility is located for a temporary restraining order, 126412
preliminary injunction, or such other injunctive or equitable 126413
relief as is necessary to close the facility, transfer one or more 126414
residents to other nursing facilities or other appropriate care 126415
settings, or otherwise eliminate the emergency. If the court 126416
grants such an order, injunction, or relief, it may appoint a 126417
special master empowered to implement the court's judgment under 126418
the court's direct supervision. 126419

(C)(1) Prior to acting under division (A)(1)(b), (c), (d), or 126420
(2), or (B)(2) of this section, the department of ~~job and family~~ 126421
~~services~~ medicaid or contracting agency shall give written notice 126422
to the facility specifying all of the following: 126423

(a) The nature of the emergency, including the nature of any 126424
deficiency or deficiencies that caused the emergency; 126425

(b) The nature of the action the department or agency intends 126426
to take unless the department of health determines that the 126427
facility, in the absence of state intervention, possesses the 126428

capacity to eliminate the emergency; 126429

(c) The rationale for taking the action. 126430

(2) If the department of health determines that the facility 126431
does not possess the capacity to eliminate the emergency in the 126432
absence of state intervention, the department of ~~job and family~~ 126433
~~services~~ medicaid or contracting agency may immediately take 126434
action under division (A) or (B) of this section. If the 126435
department of health determines that the facility possesses the 126436
capacity to eliminate the emergency, the department of ~~job and~~ 126437
~~family services~~ medicaid or contracting agency shall direct the 126438
facility to eliminate the emergency within five days after the 126439
facility's receipt of the notice. At the end of the five-day 126440
period, the department of health shall conduct a follow-up survey 126441
that focuses on the emergency. If the department of health 126442
determines that the facility has eliminated the emergency within 126443
the time period, the department of ~~job and family services~~ 126444
medicaid or contracting agency shall not act under division 126445
(A)(1)(b), (c), (d), or (2)(a), or (B)(2) of this section. If the 126446
department of health determines that the facility has failed to 126447
eliminate the emergency within the five-day period, the department 126448
of ~~job and family services~~ medicaid or contracting agency shall 126449
take appropriate action under division (A)(1)(b), (c), (d), or 126450
(2), or (B)(2) of this section. 126451

(3) Until the written notice required by division (C)(1) of 126452
this section is actually delivered, no action taken by the 126453
department of ~~job and family services~~ medicaid or contracting 126454
agency under division (A)(1)(b), (c), (d), or (2), or (B)(2) of 126455
this section shall have any legal effect. In addition to the 126456
written notice, the department of health survey team shall give 126457
oral notice to the facility, at the time of the survey, concerning 126458
any recommendations the survey team intends to make that could 126459
form the basis of a determination that an emergency exists. 126460

(D) The department of ~~job and family services~~ medicaid or 126461
contracting agency shall deliver a written order issued under 126462
division (A)(1) of this section terminating a nursing facility's 126463
participation in the ~~medical assistance~~ medicaid program to the 126464
facility within five days after the exit interview. If the 126465
facility alleges, at any time prior to the later of the twentieth 126466
day after the exit interview or the fifteenth day after it 126467
receives the order, that the condition of immediate jeopardy for 126468
which the order was issued has been eliminated, the department of 126469
health shall conduct a follow-up survey to determine whether the 126470
immediate jeopardy has been eliminated. The order shall take 126471
effect and the facility's participation shall terminate on the 126472
twentieth day after the exit interview, unless the facility has 126473
eliminated the immediate jeopardy or did not receive notice from 126474
the department of ~~job and family services~~ medicaid or contracting 126475
agency within five days after the exit interview. In the latter 126476
case, the order shall take effect and the facility's participation 126477
shall terminate on the fifteenth day after the facility received 126478
the order. 126479

(E) Any action taken by the department of ~~job and family~~ 126480
~~services~~ medicaid or a contracting agency under division 126481
(A)(1)(c), (d), or (2)(a) of this section is subject to appeal 126482
under Chapter 119. of the Revised Code, except that the department 126483
or agency may take such action prior to and during the pendency of 126484
any proceeding under that chapter. No action taken by a facility 126485
under division (C) of this section to eliminate an emergency cited 126486
by the department of health shall be considered an admission by 126487
the facility of the existence of an emergency. 126488

Sec. 5165.771. (A) As used in this section: 126489

"SFF list" means the list of nursing facilities that the 126490
United States department of health and human services creates 126491

under the special focus facility program. 126492

"Special focus facility program" means the program conducted 126493
by the United States secretary of health and human services 126494
pursuant to the "Social Security Act," section 1919(f)(10), 42 126495
U.S.C. 1396r(f)(10). 126496

"Table A" means the table included in the SFF list that 126497
identifies nursing facilities that are newly added to the SFF 126498
list. 126499

"Table B" means the table included in the SFF list that 126500
identifies nursing facilities that have not improved. 126501

"Table C" means the table included in the SFF list that 126502
identifies nursing facilities that have shown improvement. 126503

"Table D" means the table included in the SFF list that 126504
identifies nursing facilities that have recently graduated from 126505
the special focus facility program. 126506

(B) The department of medicaid may issue an order terminating 126507
a nursing facility's participation in the medicaid program if any 126508
of the following apply: 126509

(1) The nursing facility is listed in table A or table B on 126510
the effective date of this section and fails to be placed in table 126511
C not later than eighteen months after the effective date of this 126512
section; 126513

(2) The nursing facility is listed in table A, table B, or 126514
table C on the effective date of this section and fails to be 126515
placed in table D not later than thirty months after the effective 126516
date of this section; 126517

(3) The nursing facility is placed in table A after the 126518
effective date of this section and fails to be placed in table C 126519
not later than eighteen months after the nursing facility is 126520
placed in table A; 126521

(4) The nursing facility is placed in table A after the effective date of this section and fails to be placed in table D not later than thirty months after the nursing facility is placed in table A. 126522
126523
126524
126525

(C) An order issued under this section is subject to appeal under Chapter 119. of the Revised Code. 126526
126527

Sec. ~~5111.511~~ 5165.78. (A) If the department of ~~job and family services~~ medicaid determines that a nursing facility is experiencing or is likely to experience a serious financial loss or failure that jeopardizes or is likely to jeopardize the health, safety, and welfare of its residents, the department, subject to the provider's consent, may appoint a temporary resident safety assurance manager in the nursing facility to take actions the department determines are appropriate to ensure the health, safety, and welfare of the residents. 126528
126529
126530
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126536

(B) A temporary resident safety assurance manager appointed under this section is vested with the authority necessary to take actions the department of ~~job and family services~~ medicaid determines are appropriate to ensure the health, safety, and welfare of the residents. 126537
126538
126539
126540
126541

(C) A temporary resident safety assurance manager appointed under this section may use any of the following funds to pay for costs the manager incurs on behalf of the nursing facility: 126542
126543
126544

(1) Medicaid payments made in accordance with the provider agreement for the nursing facility; 126545
126546

(2) Funds from the residents protection fund that the department provides the manager under section ~~5111.62~~ 5162.66 of the Revised Code; 126547
126548
126549

(3) Other funds the department determines are appropriate if such use of the funds is consistent with the appropriations that 126550
126551

authorize the use of the funds and all other state and federal 126552
laws governing the use of the funds. 126553

(D) The provider is liable to the department for the amount 126554
of any payments the department makes to the temporary resident 126555
safety assurance manager, other than payments specified in 126556
division (C)(1) of this section. The department may recover the 126557
amount the provider owes the department by doing any of the 126558
following: 126559

(1) Offsetting medicaid payments made to the provider in 126560
accordance with the provider agreement; 126561

(2) Placing a lien on any of the provider's real and personal 126562
property; 126563

(3) Initiating other collection actions. 126564

(E) No action the department takes under this section is 126565
subject to appeal under Chapter 119. of the Revised Code. 126566

(F) In rules ~~adopted under~~ authorized by section ~~5111.36~~ 126567
5165.61 of the Revised Code, the medicaid director ~~of job and~~ 126568
~~family services~~ may establish all of the following: 126569

(1) Qualifications persons must meet to be appointed 126570
temporary resident safety assurance managers under this section; 126571

(2) Procedures for maintaining a list of qualified temporary 126572
resident safety assurance managers; 126573

(3) Procedures consistent with federal law for paying for the 126574
services of temporary resident safety assurance managers; 126575

(4) Accounting and reporting requirements for temporary 126576
resident safety assurance managers; 126577

(5) Other procedures and requirements the director determines 126578
are necessary to implement this section. 126579

Sec. ~~5111.52~~ 5165.79. (A) As used in this section, 126580

"terminating" includes not renewing. 126581

(B) A nursing facility's participation in the ~~medical~~ 126582
~~assistance~~ medicaid program shall be terminated under sections 126583
~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code as follows: 126584

(1) If the department of ~~job and family services~~ medicaid is 126586
terminating the facility's participation, it shall issue an order 126587
terminating the facility's provider agreement. 126588

(2) If the department of health, acting as a contracting 126589
agency, is terminating the facility's participation, it shall 126590
issue an order terminating certification of the facility's 126591
compliance with certification requirements. When the department of 126592
health terminates certification, the department of ~~job and family~~ 126593
~~services~~ medicaid shall terminate the facility's provider 126594
agreement. The department of ~~job and family services~~ medicaid is 126595
not required to provide an adjudication hearing when it terminates 126596
a provider agreement following termination of certification by the 126597
department of health. 126598

(3) If a state agency other than the department of health, 126599
acting as a contracting agency, is terminating the facility's 126600
participation, it shall notify the department of ~~job and family~~ 126601
~~services~~ medicaid, and the department of ~~job and family services~~ 126602
medicaid shall issue an order terminating the facility's provider 126603
agreement. The contracting agency shall conduct any administrative 126604
proceedings concerning the order. 126605

(C) If the following conditions are met, the department of 126606
~~job and family services~~ medicaid may make ~~medical assistance~~ 126607
medicaid payments to a nursing facility for a period not exceeding 126608
thirty days after the effective date of termination under sections 126609
~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code of the 126610
facility's participation in the ~~medical assistance~~ medicaid 126611

program: 126612

(1) The payments are for medicaid eligible residents admitted 126613
to the facility prior to the effective date of the termination; 126614

(2) The provider is making reasonable efforts to transfer 126615
medicaid eligible residents to other care settings. 126616

The period during which payments may be made under this 126617
division begins on the later of the effective date of the 126618
termination or, if the facility has appealed a termination order, 126619
the date of issuance of the adjudication order upholding 126620
termination. 126621

Sec. ~~5111.53~~ 5165.80. (A) Whenever a nursing facility is 126622
closed under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the 126623
Revised Code, the department of ~~job and family services~~ medicaid 126624
or contracting agency shall arrange for the safe and orderly 126625
transfer of all residents, including residents who are not 126626
medicaid eligible residents, to other appropriate care settings. 126627
Whenever a nursing facility's participation in the ~~medical~~ 126628
~~assistance~~ medicaid program is terminated under sections ~~5111.35~~ 126629
5165.60 to ~~5111.62~~ 5165.89 of the Revised Code, the department or 126630
agency shall arrange for the safe and orderly transfer of all 126631
medicaid eligible residents or, if the termination results in the 126632
closure of the facility, of all residents. The provider and all 126633
persons involved in the facility's operation shall cooperate with 126634
and assist in the transfer of residents. 126635

(B) After a nursing facility's participation in the ~~medical~~ 126636
~~assistance~~ medicaid program is terminated under section ~~5111.45~~ 126637
5165.71, ~~5111.46~~ 5165.72, ~~5111.51~~ 5165.77, 5165.771, or ~~5111.58~~ 126638
5165.85 of the Revised Code, the department of ~~job and family~~ 126639
~~services~~ medicaid or contracting agency may appoint a temporary 126640
manager subject to the continuing consent of the provider, or may 126641
apply to the common pleas court of the county in which the 126642

facility is located for such injunctive relief as is necessary for 126643
the appointment of a special master, to ensure the transfer of 126644
medicaid eligible residents to other appropriate care settings 126645
and, if applicable, the orderly closure of the facility. 126646

Sec. ~~5111.54~~ 5165.81. (A) A temporary manager of a nursing 126647
facility appointed by the department of ~~job and family services~~ 126648
medicaid or a contracting agency under sections ~~5111.35~~ 5165.60 to 126649
~~5111.62~~ 5165.89 of the Revised Code shall meet all of the 126650
following qualifications: 126651

(1) Be licensed as a nursing home administrator under Chapter 126652
4751. of the Revised Code; 126653

(2) Have demonstrated competence as a nursing home 126654
administrator; 126655

(3) Have had no disciplinary action taken against the 126656
temporary manager by any licensing board or professional society 126657
in this state. 126658

(B) The salary of a temporary manager or special master 126659
appointed under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the 126660
Revised Code shall be paid by the facility and set by the 126661
department of ~~job and family services~~ medicaid or contracting 126662
agency, in the case of a temporary manager, or by the court, in 126663
the case of a special master, at a rate not to exceed the maximum 126664
allowable compensation for an administrator under the ~~medical~~ 126665
~~assistance~~ medicaid program. The extent to which this compensation 126666
is allowable under the ~~medical assistance~~ medicaid program is 126667
subject to and limited by this chapter and rules ~~of the department~~ 126668
adopted under section 5165.02 of the Revised Code. 126669

Subject to division (C) of this section, any costs incurred 126670
on behalf of a nursing facility by a temporary manager or special 126671
master appointed under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 126672

of the Revised Code shall be paid by the facility. The 126673
allowability of these costs under the ~~medical assistance~~ medicaid 126674
program shall be subject to and governed by this chapter and ~~the~~ 126675
~~rules of the department~~ adopted under section 5165.02 of the 126676
Revised Code. This division does not prohibit a facility from 126677
applying for or receiving any waiver of cost ceilings available 126678
under the ~~rules of the department~~. 126679

(C) No temporary manager or special master appointed under 126680
sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code 126681
shall enter into any employment contract on behalf of a facility, 126682
or purchase any capital goods using facility funds totaling more 126683
than ten thousand dollars, unless the temporary manager or special 126684
master has obtained prior approval for the contract or purchase 126685
from either the provider or the court. 126686

(D)(1) A temporary manager appointed for a nursing facility 126687
under section ~~5111.46~~ 5165.72 of the Revised Code is hereby 126688
vested, subject to division (C) of this section, with the legal 126689
authority necessary to correct any deficiency or cluster of 126690
deficiencies at a facility, bring the facility into compliance 126691
with certification requirements, and otherwise ensure the health 126692
and safety of the residents. 126693

(2) A temporary manager appointed under section ~~5111.51~~ 126694
5165.77 of the Revised Code is hereby vested, subject to division 126695
(C) of this section, with the authority necessary to eliminate the 126696
emergency, bring the facility into compliance with certification 126697
requirements, and otherwise ensure the health and safety of the 126698
residents. 126699

(3) A temporary manager appointed under section ~~5111.53~~ 126700
5165.80 of the Revised Code is hereby vested, subject to division 126701
(C) of this section, with the authority necessary to ensure the 126702
transfer of medicaid eligible residents to other appropriate care 126703
settings and, if applicable, the orderly closure of the facility, 126704

and to otherwise ensure the health and safety of the residents. 126705

(E) Prior to acting under division (A)(1)(b) or (2)(b) of 126706
section ~~5111.46~~ 5165.72 of the Revised Code to appoint a temporary 126707
manager or apply for a special master, the department of ~~job and~~ 126708
~~family services~~ medicaid or contracting agency shall order the 126709
facility to substantially correct the deficiency or deficiencies 126710
within five days after receiving the statement and inform the 126711
facility, in the statement it provides pursuant to division (B) of 126712
section ~~5111.49~~ 5165.75 of the Revised Code, of the order and that 126713
it will not take that action unless the facility fails to 126714
substantially correct the deficiency or deficiencies within that 126715
five-day period. At the end of the five-day period, the department 126716
of health shall conduct a follow-up survey that focuses on the 126717
deficiency or deficiencies. If the department of health determines 126718
that the facility has substantially corrected the deficiency or 126719
deficiencies within that time, the department of ~~job and family~~ 126720
~~services~~ medicaid or contracting agency shall not appoint a 126721
temporary manager or apply for a special master. If the department 126722
of health determines that the facility has failed to substantially 126723
correct the deficiency or deficiencies within that time, the 126724
department of ~~job and family services~~ medicaid or contracting 126725
agency may proceed with appointment of the temporary manager or 126726
application for a special master. Until the statement required 126727
under division (B) of section ~~5111.49~~ 5165.75 of the Revised Code 126728
is actually delivered, no action taken by the department or agency 126729
to appoint a temporary manager or apply for a temporary manager 126730
under division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 5165.72 of 126731
the Revised Code shall have any legal effect. No action taken by a 126732
facility under this division to substantially correct a deficiency 126733
or deficiencies shall be considered an admission by the facility 126734
of the existence of a deficiency or deficiencies. 126735

(F) Appointment of a temporary manager under division 126736

(A)(1)(b) or (2)(b) of section ~~5111.46~~ 5165.72 or division 126737
(A)(1)(d) of section ~~5111.51~~ 5165.77 of the Revised Code shall 126738
expire at the end of the seventh day following the appointment. If 126739
the department of ~~job and family services~~ medicaid or contracting 126740
agency finds that the deficiency or deficiencies that prompted the 126741
appointment under division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 126742
5165.72 of the Revised Code cannot be substantially corrected, or 126743
the condition of immediate jeopardy that prompted the appointment 126744
under division (A)(1)(d) of section ~~5111.51~~ 5165.77 of the Revised 126745
Code cannot be eliminated, prior to the expiration of the 126746
appointment, it may take one of the following actions: 126747

(1) Appoint, subject to the continuing consent of the 126748
provider, a temporary manager for the facility; 126749

(2) Apply to the common pleas court of the county in which 126750
the facility is located for an order appointing a special master 126751
who, under the authority and direct supervision of the court and 126752
subject to divisions (B) and (C) of this section, may take such 126753
additional actions as are necessary to correct the deficiency or 126754
deficiencies or eliminate the condition of immediate jeopardy and 126755
bring the facility into compliance with certification 126756
requirements. 126757

(G) The court, on finding that the deficiency or deficiencies 126758
for which a special master was appointed under division (F)(2) of 126759
this section or division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 126760
5165.72 of the Revised Code has been substantially corrected, or 126761
the emergency for which a special master was appointed under 126762
division (F)(2) of this section or division (A)(1)(b) or (B)(2) of 126763
section ~~5111.51~~ 5165.77 of the Revised Code has been eliminated, 126764
that the facility has been brought into compliance with 126765
certification requirements, and that the provider has established 126766
the management capability to ensure continued compliance with the 126767
certification requirements, shall immediately terminate its 126768

jurisdiction over the facility and return control and management 126769
of the facility to the provider. If the deficiency or deficiencies 126770
cannot be substantially corrected, or the emergency cannot be 126771
eliminated practicably within a reasonable time following 126772
appointment of the special master, the court may order the special 126773
master to close the facility and transfer all residents to other 126774
nursing facilities or other appropriate care settings. 126775

(H) This section does not apply to temporary resident safety 126776
assurance managers appointed under section ~~5111.511~~ 5165.78 of the 126777
Revised Code. 126778

Sec. ~~5111.55~~ 5165.82. (A) An order issued under section 126779
~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, ~~5111.48~~ 5165.74, ~~5111.51~~ 126780
5165.77, or ~~5111.57~~ 5165.84 of the Revised Code denying ~~payment~~ 126781
medicaid payments to a nursing facility for all medicaid eligible 126782
residents admitted after its effective date, or an order issued 126783
under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 126784
of the Revised Code denying ~~payment~~ medicaid payments to a nursing 126785
facility for medicaid eligible residents admitted after the 126786
effective date of the order who have specified diagnoses or 126787
special care needs, shall also apply to individuals admitted to 126788
the facility on and after the effective date of the order who are 126789
not medicaid eligible residents but become medicaid eligible 126790
residents after admission. Such an order shall not apply to any of 126791
the following: 126792

(1) An individual who was a medicaid eligible resident of the 126793
facility on the day immediately preceding the effective date of 126794
the order and continues to be a medicaid eligible resident on and 126795
after that date; 126796

(2) An individual who was a resident of the facility on the 126797
day immediately preceding the effective date of the order, 126798
continues to be a resident on and after that date, and becomes 126799

medicaid eligible on or after that date; 126800

(3) An individual who was a medicaid eligible resident of the 126801
facility prior to the effective date of the order, is temporarily 126802
absent from the facility on that or a subsequent date due to 126803
hospitalization or participation in therapeutic programs outside 126804
the facility, and chooses to return to the facility; 126805

(4) An individual who was a resident of the facility prior to 126806
the effective date of the order, is temporarily absent from the 126807
facility on that or a subsequent date due to hospitalization or 126808
participation in therapeutic programs outside the facility, 126809
becomes medicaid eligible on or after that date, and chooses to 126810
return to the facility. 126811

(B) An order issued under section ~~5111.46~~ 5165.72 of the 126812
Revised Code denying ~~payment~~ medicaid payments to a nursing 126813
facility for all medicaid eligible residents admitted after its 126814
effective date, or denying ~~payment~~ medicaid payments to a facility 126815
for medicaid eligible residents admitted after the effective date 126816
of the order who have specified diagnoses or special care needs 126817
shall not take effect prior to the fifth day after the order is 126818
delivered to the facility. Such an order issued under section 126819
~~5111.47~~ 5165.73 or ~~5111.48~~ 5165.74 of the Revised Code shall not 126820
take effect prior to the twentieth day after it is delivered to 126821
the facility. 126822

(C) No nursing facility that has received an order under 126823
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, ~~5111.48~~ 5165.74, ~~5111.51~~ 126824
5165.77, or ~~5111.57~~ 5165.84 of the Revised Code denying ~~payment~~ 126825
medicaid payments for all new admissions of medicaid eligible 126826
residents shall admit a medicaid eligible resident on or after the 126827
effective date of the order, unless the resident is described in 126828
division (A)(3) or (4) of this section, until the order is 126829
terminated pursuant to this section. No nursing facility that has 126830
received an order under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, 126831

or ~~5111.48~~ 5165.74 of the Revised Code denying ~~payment~~ medicaid 126832
payments to a nursing facility for new admissions of medicaid 126833
eligible residents with specified diagnoses or special care needs 126834
shall admit such a resident on or after the effective date of the 126835
order, unless the resident is described in division (A)(3) or (4) 126836
of this section, until the order is terminated pursuant to this 126837
section. 126838

(D) In the case of an order imposed under division (B) of 126839
section ~~5111.57~~ 5165.84 of the Revised Code, the department or 126840
agency shall appoint monitors in accordance with section ~~5111.44~~ 126841
5165.70 of the Revised Code to conduct on-site monitoring. 126842

(E)(1) A facility may give written notice to the department 126843
of health whenever any of the following apply: 126844

(a) With respect to an order denying payment issued under 126845
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of 126846
the Revised Code, either of the following is the case: 126847

(i) The facility has completed implementation of the plan of 126848
correction it submitted under section ~~5111.43~~ 5165.69 of the 126849
Revised Code and substantially corrected all deficiencies for 126850
which the order was issued. 126851

(ii) The facility has reduced the severity or scope of all of 126852
the deficiencies to a level at which sections ~~5111.46~~ 5165.72 to 126853
~~5111.48~~ 5165.74 of the Revised Code do not authorize the order. 126854

(b) With respect to an order denying payment issued under 126855
section ~~5111.51~~ 5165.77 of the Revised Code, the facility has 126856
eliminated the immediate jeopardy. 126857

(c) With respect to an order denying ~~payment~~ medicaid 126858
payments issued under division (A) of section ~~5111.57~~ 5165.84 of 126859
the Revised Code, the facility has completed implementation of the 126860
plan of correction it submitted under section ~~5111.43~~ 5165.69 of 126861
the Revised Code and substantially corrected all deficiencies for 126862

which the order was issued. 126863

(d) With respect to an order denying ~~payment~~ medicaid 126864
payments issued under division (B) of section ~~5111.57~~ 5165.84 of 126865
the Revised Code, both of the following are the case: 126866

(i) The facility has completed implementation of the plan of 126867
correction it submitted under section ~~5111.43~~ 5165.69 of the 126868
Revised Code and substantially corrected all deficiencies for 126869
which the order was issued. 126870

(ii) The facility is in compliance with certification 126871
requirements and has provided adequate assurance that it will 126872
remain in compliance with them. 126873

(2) Within ten working days after it receives the notice 126874
under division (E)(1) of this section, the department of health 126875
shall conduct a follow-up survey that focuses on the cited 126876
deficiency or deficiencies, unless the department is able to 126877
determine, on the basis of documentation provided by the facility, 126878
that the facility has completed the applicable action described in 126879
divisions (E)(1)(a) to (d) of this section. If the department of 126880
health makes that determination on the basis of the documentation, 126881
the department of ~~job and family services~~ medicaid or contracting 126882
agency shall terminate the order denying ~~payment~~ medicaid payments 126883
as of the date the facility completed the applicable action, as 126884
subsequently verified by the department of health. If the 126885
department of health conducts a follow-up survey, the department 126886
of ~~job and family services~~ medicaid or contracting agency shall 126887
terminate the order denying ~~payment~~ medicaid payments as of the 126888
date the department of health makes the determination that the 126889
facility completed the applicable action. 126890

(F) The department of ~~job and family services~~ medicaid or 126891
contracting agency shall provide public notice implementing an 126892
order under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, ~~5111.48~~ 126893

~~5165.74, 5111.51 5165.77, or 5111.57 5165.84~~ of the Revised Code 126894
denying ~~payment~~ medicaid payments to a nursing facility ~~under the~~ 126895
~~medical assistance program~~ for all medicaid eligible residents by 126896
publishing in a newspaper of general circulation in the county in 126897
which the facility is located an announcement stating: "By order 126898
of the (Ohio Department of ~~Job and Family Services~~ Medicaid or 126899
name of contracting agency), effective on and after (effective 126900
date of order), (name of facility) is no longer authorized to 126901
admit Medicaid eligible residents." Immediately following 126902
termination of any such order, the department or agency shall 126903
publish in a newspaper of general circulation in the county in 126904
which the facility is located an announcement stating: "By order 126905
of the (Ohio Department of ~~Job and Family Services~~ Medicaid or 126906
name of contracting agency), effective on and after (effective 126907
date of termination), (name of facility) is hereby authorized to 126908
admit Medicaid eligible residents." Neither the department nor the 126909
contracting agency shall issue public notice of an order under 126910
section ~~5111.46 5165.72, 5111.47 5165.73, or 5111.48 5165.74~~ of 126911
the Revised Code denying payment to a nursing facility for 126912
medicaid eligible residents with specified diagnoses or special 126913
care needs; public notice is not required for such an order to 126914
take effect. 126915

(G) A facility that complies with division (E) of this 126916
section shall not be considered to have admitted to the existence 126917
of the deficiency that constitutes the basis of the department's 126918
or agency's order. 126919

Sec. ~~5111.56 5165.83.~~ (A) As used in this section, "certified 126920
beds" means beds certified under Title XVIII or Title XIX ~~of the~~ 126921
~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as~~ 126922
~~amended.~~ 126923

(B) If the department of ~~job and family services~~ medicaid or 126924

a contracting agency imposes a fine on a nursing facility under 126925
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of 126926
the Revised Code, it may impose one or more of the following: 126927

(1) One hundred sixty per cent of the amount calculated under 126928
division (C) of this section for any deficiency or cluster of 126929
deficiencies that constitutes a severity level four and scope 126930
level four finding; 126931

(2) One hundred forty per cent of the amount calculated under 126932
division (C) of this section for any deficiency or cluster of 126933
deficiencies that constitutes a severity level four and scope 126934
level three finding; 126935

(3) One hundred twenty per cent of the amount calculated 126936
under division (C) of this section for any deficiency or cluster 126937
of deficiencies that constitutes a severity level four and scope 126938
level two finding; 126939

(4) The amount calculated under division (C) of this section 126940
for any deficiency or cluster of deficiencies that constitutes a 126941
severity level four and scope level one finding or any deficiency 126942
or cluster of deficiencies that constitutes a severity level three 126943
and scope level four finding; 126944

(5) Ninety per cent of the amount calculated under division 126945
(C) of this section for any deficiency or cluster of deficiencies 126946
that constitutes a severity level three and scope level three 126947
finding; 126948

(6) Eighty per cent of the amount calculated under division 126949
(C) of this section for any deficiency or cluster of deficiencies 126950
that constitutes a severity level three and scope level two 126951
finding; 126952

(7) Seventy per cent of the amount calculated under division 126953
(C) of this section for any deficiency or cluster of deficiencies 126954
that constitutes a severity level three and scope level one 126955

finding; 126956

(8) Fifty per cent of the amount calculated under division 126957
(C) of this section for any deficiency or cluster of deficiencies 126958
that constitutes a severity level two and scope level four 126959
finding; 126960

(9) Forty per cent of the amount calculated under division 126961
(C) of this section for any deficiency or cluster of deficiencies 126962
that constitutes a severity level two and scope level three 126963
finding. 126964

(C) The amount subject to division (B) of this section shall 126965
be the product of multiplying two dollars and fifty cents for each 126966
day the fine is in effect by the total number of licensed nursing 126967
home beds or certified beds, whichever is greater, in the facility 126968
as of the date the deficiency or cluster of deficiencies that is 126969
the reason for the fine was cited. 126970

(D)(1) The department of ~~job and family services~~ medicaid or 126971
contracting agency shall not impose on a facility, at any one 126972
time, more than four fines as a result of any one survey. 126973

(2) The department of ~~job and family services~~ medicaid or 126974
contracting agency shall not impose more than one fine based on a 126975
deficiency or cluster of deficiencies. However, if the department 126976
of health, in a follow-up or other subsequent survey, finds a 126977
change in the scope or severity of the deficiency or cluster of 126978
deficiencies, the department of ~~job and family services~~ medicaid 126979
or contracting agency may increase or decrease the fine in 126980
accordance with division (B) of this section to reflect the change 126981
in scope or severity. The department or agency shall give the 126982
facility written notice of the change in the amount of the fine. 126983
The change shall take effect on the date the follow-up or other 126984
subsequent survey is completed. 126985

If the department of health finds that a deficiency is a 126986

repeat deficiency, the department of ~~job and family services~~ 126987
medicaid or contracting agency may impose a fine that is one 126988
hundred per cent greater than the fine specified in division (B) 126989
of this section for the deficiency. 126990

(E) The total amount of fines the department of ~~job and~~ 126991
~~family services~~ medicaid or contracting agency may impose on a 126992
facility in a single calendar year shall not exceed five hundred 126993
dollars for each licensed nursing home bed or certified bed, 126994
whichever is greater in number, in the facility. 126995

(F)(1) Except as provided in division (F)(2) of this section, 126996
the department of ~~job and family services~~ medicaid or contracting 126997
agency shall not impose a fine under section ~~5111.46~~ 5165.72, 126998
~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of the Revised Code if the 126999
deficiency or cluster of deficiencies is substantially corrected 127000
within twenty days after the nursing facility receives the 127001
statement provided under division (B) of section ~~5111.49~~ 5165.75 127002
of the Revised Code. The department or agency shall inform the 127003
nursing facility in that statement that the fine will not be 127004
imposed if the deficiency or cluster of deficiencies is 127005
substantially corrected within the twenty-day period. 127006

(2) If a nursing facility has substantially corrected a 127007
deficiency or cluster of deficiencies within six months after the 127008
exit interview of a survey that was the basis for citing a 127009
deficiency or cluster of deficiencies, but after correcting it has 127010
been cited for the same deficiency or cluster of deficiencies by 127011
the department of health on the basis of a subsequent survey 127012
conducted during the remainder of the six-month period, the 127013
department of ~~job and family services~~ medicaid or contracting 127014
agency may impose a fine beginning on the date of the exit 127015
interview of the subsequent survey. 127016

(G) Whenever a facility believes that it has completed 127017
implementation of the plan of correction it submitted under 127018

section ~~5111.43~~ 5165.69 of the Revised Code and substantially 127019
corrected the cited deficiency or cluster of deficiencies that is 127020
the basis for a fine, it may give written notice to that effect to 127021
the department of health. After receiving the notice, the 127022
department shall conduct a follow-up survey of the facility that 127023
focuses on the deficiency or cluster, unless the department is 127024
able to determine, on the basis of documentation provided by the 127025
facility, that the facility has substantially corrected the 127026
deficiency or cluster. If, based on the follow-up survey, the 127027
department establishes that the facility had not completed 127028
implementation of the plan of correction at the time the 127029
department received the notice, any fine based on the deficiency 127030
or cluster shall be doubled effective from the date the department 127031
received the notice. A facility that complies with this division 127032
shall not be considered to have admitted the existence of the 127033
deficiency or cluster that is the basis for the fine. 127034

(H) Except for a fine imposed under division (C) of section 127035
~~5111.46~~ 5165.72 of the Revised Code and as provided in division 127036
(F)(2) of this section, the department of ~~job and family services~~ 127037
medicaid or contracting agency shall impose a fine only if the 127038
facility fails to give notice under division (G) of this section 127039
within twenty days after it receives the statement required by 127040
division (B) of section ~~5111.49~~ 5165.75 of the Revised Code or if 127041
the department of health determines, based on a follow-up survey, 127042
that the deficiency or cluster of deficiencies for which the fine 127043
is proposed has not been substantially corrected within the 127044
twenty-day period. The fine shall be imposed effective on the 127045
twenty-first day after the facility receives the statement under 127046
division (B) of section ~~5111.49~~ 5165.75 of the Revised Code. The 127047
fine shall remain in effect until the earliest of the following: 127048

(1) The date the department of health receives notice under 127049
division (G) of this section, unless the department determines, on 127050

the basis of a follow-up survey, that the deficiency or cluster of 127051
deficiencies that is the basis for the fine has not been 127052
substantially corrected as of that date; 127053

(2) The date on which the department of health makes a 127054
determination, on the basis of a follow-up survey, that the 127055
deficiency or cluster of deficiencies has been substantially 127056
corrected; 127057

(3) The date the facility substantially corrected the 127058
deficiency or cluster, as subsequently determined by the 127059
department of health on the basis of documentation provided by the 127060
facility. 127061

(I) Any fine imposed by the department of ~~job and family~~ 127062
~~services~~ medicaid or contracting agency under this section is 127063
subject to appeal under Chapter 119. of the Revised Code. If the 127064
facility does not request a hearing under Chapter 119. of the 127065
Revised Code and either pays or agrees in writing to pay the fine 127066
when payment becomes due under division (J) of this section, the 127067
department or agency shall reduce the fine by fifty per cent. The 127068
department or agency may compromise any claim for payment of a 127069
fine under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the 127070
Revised Code. 127071

(J) The department of ~~job and family services~~ medicaid or 127072
contracting agency shall collect interest on fines, at the rate 127073
per calendar month that equals one-twelfth of the rate per year 127074
prescribed by section 5703.47 of the Revised Code for the calendar 127075
year that includes the month for which the interest charge 127076
accrues. Payment of a fine is due, and interest begins to accrue 127077
on the unpaid fine or balance, on the thirty-first day after the 127078
department or agency issues a final adjudication order imposing 127079
the fine. If the deficiency or deficiencies on which the fine is 127080
based have not been corrected when the final adjudication order is 127081
issued, the payment is due, and interest begins to accrue on the 127082

unpaid fine or balance, on the thirty-first day after the 127083
deficiency or deficiencies are corrected and the department or 127084
agency mails a notice specifying the amount of the fine to the 127085
facility. 127086

(K) The department of ~~job and family services~~ medicaid or 127087
contracting agency shall collect fines and interest imposed under 127088
this section through one of the following means: 127089

(1) A lump sum payment from the provider; 127090

(2) Periodic payments for a period not to exceed twelve 127091
months, in accordance with a schedule approved by the department 127092
or agency; 127093

(3) Appropriately reducing the amounts of medicaid payments 127094
made to the facility for ~~care~~ nursing facility services provided 127095
to medicaid eligible residents for a period not to exceed twelve 127096
months following the date on which payment of the fine becomes due 127097
under division (J) of this section. An amount equal to the amount 127098
by which each payment is reduced shall be deposited to the credit 127099
of the residents protection fund in accordance with section 127100
~~5111.62~~ 5162.66 of the Revised Code. 127101

Sec. ~~5111.57~~ 5165.84. (A) The department of ~~job and family~~ 127102
~~services~~ medicaid or a contracting agency shall issue an order 127103
denying ~~payment~~ medicaid payments to a nursing facility for all 127104
medicaid eligible residents admitted to the facility on or after 127105
the effective date of the order, if the facility has failed to 127106
substantially correct within ninety days after the exit interview 127107
a deficiency or cluster of deficiencies in accordance with the 127108
plan of correction it submitted under section ~~5111.43~~ 5165.69 of 127109
the Revised Code, as determined by the department of health on the 127110
basis of a follow-up survey. 127111

(B) The department of ~~job and family services~~ medicaid or 127112

contracting agency shall issue an order denying ~~payment~~ medicaid 127113
payments to a nursing facility for all medicaid eligible residents 127114
admitted to the facility on or after the effective date of the 127115
order, if during three consecutive standard surveys conducted 127116
after December 13, 1990, the department of health has found a 127117
condition of substandard care in a facility. 127118

(C) An order issued under division (A) or (B) of this section 127119
shall take effect on the later of the date the facility receives 127120
the order or the date the public notice required under division 127121
(F) of section ~~5111.55~~ 5165.82 of the Revised Code is published. 127122
The order is subject to appeal under Chapter 119. of the Revised 127123
Code; however the order may take effect prior to or during the 127124
pendency of any hearing under that chapter. In that case, the 127125
department or agency shall provide the facility an opportunity for 127126
a hearing in accordance with section ~~5111.60~~ 5165.87 of the 127127
Revised Code. 127128

Sec. ~~5111.58~~ 5165.85. (A) If a nursing facility notifies the 127129
department of ~~job and family services~~ medicaid or a contracting 127130
agency, at any time during the six-month period following the exit 127131
interview of a survey that was the basis for citing a deficiency 127132
or deficiencies, that the deficiency or deficiencies have been 127133
substantially corrected in accordance with the plan of correction 127134
submitted and approved under section ~~5111.43~~ 5165.69 of the 127135
Revised Code, the department of health shall conduct a follow-up 127136
survey to determine whether the deficiency or deficiencies have 127137
been substantially corrected in accordance with the plan. 127138

(B) The department of ~~job and family services~~ medicaid or a 127139
contracting agency shall terminate a nursing facility's 127140
participation in the ~~medical assistance~~ medicaid program whenever 127141
the facility has not substantially corrected, within six months 127142
after the exit interview of the survey on the basis of which it 127143

was cited, a deficiency or deficiencies in accordance with the 127144
plan of correction submitted under section ~~5111.43~~ 5165.69 of the 127145
Revised Code, as determined by the department of health on the 127146
basis of a follow-up survey. 127147

(C) Unless the facility has substantially corrected the 127148
deficiency or deficiencies in accordance with the plan of 127149
correction, as determined by the department of health on the basis 127150
of a follow-up survey, the department of ~~job and family services~~ 127151
medicaid or contracting agency shall deliver to the facility, at 127152
least thirty days prior to the day that is six months after the 127153
exit interview, a written order terminating the facility's 127154
participation in the ~~medical assistance~~ medicaid program. The 127155
order shall take effect and the facility's participation shall 127156
terminate on the day that is six months after the exit interview. 127157
The order shall not take effect if, after it is delivered to the 127158
facility and prior to the effective date of the order, the 127159
department of health determines on the basis of a follow-up survey 127160
that the facility has corrected the deficiency or deficiencies. 127161

An order issued under this section is subject to appeal under 127162
Chapter 119. of the Revised Code; however, the order may take 127163
effect prior to or during the pendency of any hearing under that 127164
chapter. In that case, the department of ~~job and family services~~ 127165
medicaid or contracting agency shall provide the facility an 127166
opportunity for a hearing in accordance with section ~~5111.60~~ 127167
5165.87 of the Revised Code. 127168

(D) Except as provided in division (E) of this section, 127169
whenever the department of ~~job and family services~~ medicaid or a 127170
contracting agency terminates a facility's participation in the 127171
~~medical assistance~~ medicaid program pursuant to this section, the 127172
provider shall repay the department the federal share of all 127173
medicaid payments made by the department to the facility ~~under the~~ 127174
~~medical assistance program~~ during the six-month period following 127175

the exit interview of the survey that was the basis for citing the 127176
deficiency or cluster of deficiencies. The provider shall repay 127177
the department within thirty days after the department repays to 127178
the federal government the federal share of medicaid payments made 127179
to the facility during that six-month period. 127180

(E) A provider is not required to repay the department of ~~job~~ 127181
~~and family services~~ medicaid if either of the following is the 127182
case: 127183

(1) The facility has brought an appeal under Chapter 119. of 127184
the Revised Code of termination of its participation in the 127185
~~medical assistance~~ medicaid program, except that the provider 127186
shall repay the department of ~~job and family services~~ medicaid 127187
within thirty days after the facility exhausts its right to appeal 127188
under that chapter. 127189

(2) The facility complied with the plan of correction 127190
approved by the department of health and the obligation to repay 127191
resulted from the department's failure to provide timely 127192
verification to the United States department of health and human 127193
services of the facility's compliance with the plan of correction. 127194

(F) If a provider's obligation to repay the department of ~~job~~ 127195
~~and family services~~ medicaid under division (D) of this section 127196
results from disallowance of federal financial participation by 127197
the United States department of health and human services, the 127198
provider shall not be required to repay the department of ~~job and~~ 127199
~~family services~~ medicaid until the federal disallowance becomes 127200
final. 127201

(G) Any fines paid under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 127202
5165.89 of the Revised Code during any period for which the 127203
facility is required to repay the department of ~~job and family~~ 127204
~~services~~ medicaid under division (D) of this section shall be 127205
offset against the amount the provider is required to repay the 127206

department for that period. 127207

(H) Prior to a change of ownership of a facility for which a 127208
provider has an obligation to repay the department of ~~job and~~ 127209
~~family services~~ medicaid under division (D) of this section that 127210
has not become final, or has become final but not been paid, the 127211
department may do one or more of the following: 127212

(1) Require the provider to place money in escrow, or obtain 127213
a bond, in sufficient amount to indemnify the state against the 127214
provider's failure to repay the department after the change of 127215
ownership occurs; 127216

(2) Place a lien on the facility's real property; 127217

(3) Use any method to recover the medicaid payments that is 127218
available to the attorney general to recover payments on behalf of 127219
the department of ~~job and family services~~ medicaid. 127220

Sec. ~~5111.59~~ 5165.86. The department of ~~job and family~~ 127221
~~services~~ medicaid, the department of health, and any contracting 127222
agency shall deliver a written notice, statement, or order to a 127223
nursing facility under sections ~~5111.35~~ 5165.60 to ~~5111.41~~ 5165.66 127224
and ~~5111.43~~ 5165.69 to ~~5111.62~~ 5165.89 of the Revised Code by 127225
certified mail or hand delivery. If the notice, statement, or 127226
order is mailed, it shall be addressed to the administrator of the 127227
facility as indicated in the department's or agency's records. If 127228
it is hand delivered, it shall be delivered to a person at the 127229
facility who would appear to the average prudent person to have 127230
authority to accept it. 127231

Delivery of written notice by a nursing facility to the 127232
department of health, the department of ~~job and family services~~ 127233
medicaid, or a contracting agency under sections ~~5111.35~~ 5165.60 127234
to ~~5111.62~~ 5165.89 of the Revised Code shall be by certified mail 127235
or hand delivery to the appropriate department or the agency. 127236

Sec. ~~5111.60~~ 5165.87. (A) Except as provided in division (B) 127237
of this section, the following remedies are subject to appeal 127238
under Chapter 119. of the Revised Code: 127239

(1) An order issued under section ~~5111.45~~ 5165.71, ~~5111.46~~ 127240
5165.72, ~~5111.51~~ 5165.77, or ~~5111.58~~ 5165.85 of the Revised Code 127241
terminating a nursing facility's participation in the ~~medical~~ 127242
~~assistance~~ medicaid program; 127243

(2) Appointment of a temporary manager of a facility under 127244
division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 5165.72, or 127245
division (A)(1)(d) of section ~~5111.51~~ 5165.77 of the Revised Code; 127246

(3) An order issued under section ~~5111.46~~ 5165.72, ~~5111.47~~ 127247
5165.73, ~~5111.48~~ 5165.74, ~~5111.51~~ 5165.77, or ~~5111.57~~ 5165.84 of 127248
the Revised Code denying ~~payment~~ medicaid payments to a facility 127249
~~under the medical assistance program~~ for all medicaid eligible 127250
residents admitted after the effective date of the order; 127251

(4) An order issued under section ~~5111.46~~ 5165.72, ~~5111.47~~ 127252
5165.73, or ~~5111.48~~ 5165.74 of the Revised Code denying ~~payment~~ 127253
medicaid payments to a facility ~~under the medical assistance~~ 127254
~~program~~ for medicaid eligible residents admitted after the 127255
effective date of the order who have certain diagnoses or special 127256
care needs specified by the department or agency; 127257

(5) A fine imposed under section ~~5111.46~~ 5165.72, ~~5111.47~~ 127258
5165.73, or ~~5111.48~~ 5165.74 of the Revised Code. 127259

(B) The department of ~~job and family services~~ medicaid or 127260
contracting agency may do any of the following prior to or during 127261
the pendency of any proceeding under Chapter 119. of the Revised 127262
Code: 127263

(1) Issue and execute an order under section ~~5111.46~~ 5165.72, 127264
~~5111.51~~ 5165.77, or ~~5111.58~~ 5165.85 of the Revised Code 127265
terminating a nursing facility's participation in the ~~medical~~ 127266

assistance medicaid program; 127267

(2) Appoint a temporary manager under division (A)(1)(b) or 127268
(2)(b) of section ~~5111.46~~ 5165.72 or division (A)(1)(d) of section 127269
~~5111.51~~ 5165.77 of the Revised Code; 127270

(3) Issue and execute an order under section ~~5111.46~~ 5165.72, 127271
~~5111.47~~ 5165.73, ~~5111.51~~ 5165.77, or ~~5111.57~~ 5165.84 of the 127272
Revised Code denying ~~payment~~ medicaid payments to a facility for 127273
all medicaid eligible residents admitted after the effective date 127274
of the order; 127275

(4) Issue and execute an order under section ~~5111.46~~ 5165.72 127276
or ~~5111.47~~ 5165.73 or division (A), (B), or (C) of section ~~5111.48~~ 127277
5165.74 of the Revised Code denying ~~payment~~ medicaid payments to a 127278
facility for medicaid eligible residents admitted after the 127279
effective date of the order who have specified diagnoses or 127280
special care needs. 127281

(C) Whenever the department or agency imposes a remedy listed 127282
in division (B) of this section prior to or during the pendency of 127283
a proceeding, all of the following apply: 127284

(1) The provider against whom the action is taken shall have 127285
ten days after the date the facility actually receives the notice 127286
specified in section 119.07 of the Revised Code to request a 127287
hearing. 127288

(2) The hearing shall commence within thirty days after the 127289
date the department or agency receives the provider's request for 127290
a hearing. 127291

(3) The hearing shall continue uninterrupted from day to day, 127292
except for Saturdays, Sundays, and legal holidays, unless other 127293
interruptions are agreed to by the provider and the department or 127294
agency. 127295

(4) If the hearing is conducted by a hearing examiner, the 127296

hearing examiner shall file a report and recommendations within 127297
ten days after the close of the hearing. 127298

(5) The provider shall have five days after the date the 127299
hearing officer files the report and recommendations within which 127300
to file objections to the report and recommendations. 127301

(6) Not later than fifteen days after the date the hearing 127302
officer files the report and recommendations, the medicaid 127303
~~director of job and family services~~ or the director of the 127304
contracting agency shall issue an order approving, modifying, or 127305
disapproving the report and recommendations of the hearing 127306
examiner. 127307

(D) If the department or agency imposes more than one remedy 127308
as the result of deficiencies cited in a single survey, the 127309
proceedings for all of the remedies shall be consolidated. If any 127310
of the remedies are imposed during the pendency of a hearing, as 127311
permitted by division (B) of this section, the consolidated 127312
hearing shall be conducted in accordance with division (C) of this 127313
section. The consolidation of the remedies for purposes of a 127314
hearing does not affect the effective dates prescribed in sections 127315
~~5111.35~~ 5165.60 to ~~5111.58~~ 2165.85 of the Revised Code. 127316

(E) If a contracting agency conducts administrative 127317
proceedings pertaining to remedies imposed under sections ~~5111.35~~ 127318
5165.60 to ~~5111.62~~ 5165.89 of the Revised Code, the department of 127319
~~job and family services~~ medicaid shall not be considered a party 127320
to the proceedings. 127321

Sec. ~~5111.61~~ 5165.88. (A)(1) Except as required by court 127322
order, as necessary for the administration or enforcement of any 127323
statute relating to nursing facilities, or as provided in division 127324
(C) of this section, the department of ~~job and family services~~ 127325
medicaid and any contracting agency shall not release any of the 127326
following information without the permission of the individual or 127327

the individual's legal representative: 127328

(a) The identity of any resident of a nursing facility; 127329

(b) The identity of any individual who submits a complaint 127330
about a nursing facility; 127331

(c) The identity of any individual who provides the 127332
department or agency with information about a nursing facility and 127333
has requested confidentiality; 127334

(d) Any information that reasonably would tend to disclose 127335
the identity of any individual described in division (A)(1)(a) to 127336
(c) of this section. 127337

(2) An agency or individual to whom the department or 127338
contracting agency is required, by court order or for the 127339
administration or enforcement of a statute relating to nursing 127340
facilities, to release information described in division (A)(1) of 127341
this section shall not release the information without the 127342
permission of the individual who would be or would reasonably tend 127343
to be identified, or of the individual's legal representative, 127344
unless the agency or individual is required to release it by 127345
division (C) of this section, by court order, or for the 127346
administration or enforcement of a statute relating to nursing 127347
facilities. 127348

(B) Except as provided in division (C) of this section, any 127349
record that identifies an individual described in division (A)(1) 127350
of this section or that reasonably would tend to identify such an 127351
individual is not a public record for the purposes of section 127352
149.43 of the Revised Code, and is not subject to inspection and 127353
copying under section 1347.08 of the Revised Code. 127354

(C) If the department or a contracting agency, or an agency 127355
or individual to whom the department or contracting agency was 127356
required by court order or for administration or enforcement of a 127357
statute relating to nursing facilities to release information 127358

described in division (A)(1) of this section, uses information in 127359
any administrative or judicial proceeding against a facility that 127360
reasonably would tend to identify an individual described in 127361
division (A)(1) of this section, the department, agency, or 127362
individual shall disclose that information to the facility. 127363
However, the department, agency, or individual shall not disclose 127364
information that directly identifies an individual described in 127365
divisions (A)(1)(a) to (c) of this section, unless the individual 127366
is to testify in the proceedings. 127367

(D) No person shall knowingly register a false complaint 127368
about a nursing facility with the department or a contracting 127369
agency, or knowingly swear or affirm the truth of a false 127370
complaint, when the allegation is made for the purpose of 127371
incriminating another. 127372

~~Sec. 5111.63 5165.89. For the purposes of this section,~~ 127373
~~"facility," "medicare," and "medicaid" have the same meanings as~~ 127374
~~in section 3721.10 of the Revised Code.~~ 127375

The department of health shall be the designee of the 127376
department of ~~job and family services~~ medicaid for the purpose of 127377
conducting a hearing pursuant to section 3721.162 of the Revised 127378
Code concerning a nursing facility's decision to transfer or 127379
discharge a resident if the resident is a medicaid recipient or 127380
medicare beneficiary. 127381

~~Sec. 5111.99 5165.99.~~ (A) Whoever violates ~~division (B) of~~ 127382
~~section 5111.26 5165.102~~ or division (E) of section ~~5111.31~~ 127383
5165.08 of the Revised Code shall be fined not less than five 127384
hundred dollars nor more than one thousand dollars for the first 127385
offense and not less than one thousand dollars nor more than five 127386
thousand dollars for each subsequent offense. Fines paid under 127387
this section shall be deposited in the state treasury to the 127388

credit of the general revenue fund. 127389

(B) Whoever violates division (D) of section ~~5111.61~~ 5165.88 127390
of the Revised Code is guilty of registering a false complaint, a 127391
misdemeanor of the first degree. 127392

Sec. 5166.01. As used in this chapter: 127393

"Administrative agency" means, with respect to a home and 127394
community-based services medicaid waiver component, the department 127395
of medicaid or, if a state agency or political subdivision 127396
contracts with the department under section 5162.35 of the Revised 127397
Code to administer the component, that state agency or political 127398
subdivision. 127399

"Dual eligible individual" has the same meaning as in section 127400
5160.01 of the Revised Code. 127401

"Home and community-based services medicaid waiver component" 127402
means a medicaid waiver component under which home and 127403
community-based services are provided as an alternative to 127404
hospital services, nursing facility services, or ICF/IID services. 127405

"Hospital" has the same meaning as in section 3727.01 of the 127406
Revised Code. 127407

"Hospital long-term care unit" has the same meaning as in 127408
section 5168.40 of the Revised Code. 127409

"ICDS participant" has the same meaning as in section 5164.01 127410
of the Revised Code. 127411

"ICF/IID" and "ICF/IID services" have the same meanings as in 127412
section 5124.01 of the Revised Code. 127413

"Integrated care delivery system" and "ICDS" have the same 127414
meanings as in section 5164.01 of the Revised Code. 127415

"Level of care determination" means a determination of 127416
whether an individual needs the level of care provided by a 127417

hospital, nursing facility, or ICF/IID and whether the individual, 127418
if determined to need that level of care, would receive hospital 127419
services, nursing facility services, or ICF/IID services if not 127420
for a home and community-based services medicaid waiver component. 127421

"Medicaid buy-in for workers with disabilities program" has 127422
the same meaning as in section 5163.01 of the Revised Code. 127423

"Medicaid services" has the same meaning as in section 127424
5164.01 of the Revised Code. 127425

"Medicaid waiver component" means a component of the medicaid 127426
program authorized by a waiver granted by the United States 127427
department of health and human services under the "Social Security 127428
Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid 127429
waiver component" does not include a care management system 127430
established under section 5167.03 of the Revised Code. 127431

"Nursing facility" and "nursing facility services" have the 127432
same meanings as in section 5165.01 of the Revised Code. 127433

"Ohio home care waiver program" means the home and 127434
community-based services medicaid waiver component that is known 127435
as Ohio home care and was created pursuant to section 5166.11 of 127436
the Revised Code. 127437

"Ohio transitions II aging carve-out program" means the home 127438
and community-based services medicaid waiver component that is 127439
known as Ohio transitions II aging carve-out and was created 127440
pursuant to section 5166.11 of the Revised Code. 127441

"Provider agreement" has the same meaning as in section 127442
5164.01 of the Revised Code. 127443

"Residential treatment facility" means a residential facility 127444
licensed by the department of mental health and addiction services 127445
under section 5119.34 of the Revised Code, or an institution 127446
certified by the department of job and family services under 127447

section 5103.03 of the Revised Code, that serves children and 127448
either has more than sixteen beds or is part of a campus of 127449
multiple facilities or institutions that, combined, have a total 127450
of more than sixteen beds. 127451

"Skilled nursing facility" has the same meaning as in section 127452
5165.01 of the Revised Code. 127453

"Unified long-term services and support medicaid waiver 127454
component" means the medicaid waiver component authorized by 127455
section 5166.14 of the Revised Code. 127456

~~Sec. 5111.85 5166.02.~~ (A) ~~As used in this section and~~ 127457
~~sections 5111.851 to 5111.856 of the Revised Code:~~ 127458

~~"Home and community based services medicaid waiver component"~~ 127459
~~means a medicaid waiver component under which home and~~ 127460
~~community based services are provided as an alternative to~~ 127461
~~hospital, nursing facility, or intermediate care facility for the~~ 127462
~~mentally retarded services.~~ 127463

~~"Hospital" has the same meaning as in section 3727.01 of the~~ 127464
~~Revised Code.~~ 127465

~~"Intermediate care facility for the mentally retarded" has~~ 127466
~~the same meaning as in section 5111.20 of the Revised Code.~~ 127467

~~"Medicaid waiver component" means a component of the medicaid~~ 127468
~~program authorized by a waiver granted by the United States~~ 127469
~~department of health and human services under section 1115 or 1915~~ 127470
~~of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A.~~ 127471
~~1315 or 1396n. "Medicaid waiver component" does not include a care~~ 127472
~~management system established under section 5111.16 of the Revised~~ 127473
~~Code.~~ 127474

~~"Nursing facility" has the same meaning as in section 5111.20~~ 127475
~~of the Revised Code.~~ 127476

~~(B) The medicaid director of job and family services may~~ 127477

shall adopt rules ~~under~~ in accordance with Chapter 119. of the 127478
Revised Code governing medicaid waiver components ~~that~~. The rules 127479
may establish all of the following: 127480

(1) Eligibility requirements for the medicaid waiver 127481
components; 127482

(2) The type, amount, duration, and scope of medicaid 127483
services the medicaid waiver components ~~provide~~ cover; 127484

(3) The conditions under which the medicaid waiver components 127485
cover medicaid services; 127486

(4) The ~~amount~~ amounts the medicaid waiver components pay for 127487
medicaid services or the ~~method~~ methods by which the ~~amount is~~ 127488
amounts are determined; 127489

(5) The ~~manner~~ manners in which the medicaid waiver 127490
components pay for medicaid services; 127491

(6) Safeguards for the health and welfare of medicaid 127492
recipients receiving medicaid services under a medicaid waiver 127493
component; 127494

(7) Procedures for prioritizing and approving for enrollment 127495
individuals who are eligible for a home and community-based 127496
services medicaid waiver component and choose to be enrolled in 127497
the component; 127498

(8) Procedures for enforcing the rules, including 127499
establishing corrective action plans for, and imposing financial 127500
and administrative sanctions on, persons and government entities 127501
that violate the rules. Sanctions shall include terminating 127502
~~medicaid~~ provider agreements. The procedures shall include due 127503
process protections. 127504

(9) Other policies necessary for the efficient administration 127505
of the medicaid waiver components. 127506

~~(C)(B)~~ The director of ~~job and family services~~ may adopt 127507

different rules for the different medicaid waiver components. The 127508
rules shall be consistent with the terms of the waiver authorizing 127509
the medicaid waiver component. 127510

~~(D)~~(C) The following apply to procedures established under 127511
division ~~(B)~~(A)(7) of this section: 127512

(1) Any such procedures established for the medicaid-funded 127513
component of the PASSPORT program shall be consistent with section 127514
~~173.401~~ 173.521 of the Revised Code. 127515

(2) Any such procedures established for the medicaid-funded 127516
component of the assisted living program shall be consistent with 127517
section 173.542 of the Revised Code. 127518

(3) Any such procedures established for the Ohio home care 127519
waiver program shall be consistent with section ~~5111.862~~ 5166.121 127520
of the Revised Code. 127521

~~(3)~~(4) Any such procedures established for the unified 127522
long-term services and support medicaid waiver program shall be 127523
consistent with section ~~5111.865~~ 5166.141 of the Revised Code. 127524

~~(4) Any such procedures established for the medicaid-funded~~ 127525
~~component of the assisted living program shall be consistent with~~ 127526
~~section 5111.894 of the Revised Code.~~ 127527

Sec. ~~5111.84~~ 5166.03. The medicaid director ~~of job and family~~ 127528
~~services~~ may not submit a request to the United States secretary 127529
of health and human services for a medicaid waiver under ~~section~~ 127530
~~1115~~ of the "Social Security Act ~~of 1935,~~" section 1115, 42 U.S.C. 127531
1315, unless the director provides the speaker of the house of 127532
representatives and president of the senate written notice of the 127533
director's intent to submit the request at least ten days before 127534
the date the director submits the request to the United States 127535
secretary. The notice shall include a detailed explanation of the 127536
medicaid waiver the director proposes to seek. 127537

~~Sec. 5111.851 5166.04. (A) As used in sections 5111.851 to 127538
5111.855 of the Revised Code: 127539~~

~~"Administrative agency" means, with respect to a home and 127540
community based services medicaid waiver component, the department 127541
of job and family services or, if a state agency or political 127542
subdivision contracts with the department under section 5111.91 of 127543
the Revised Code to administer the component, that state agency or 127544
political subdivision. 127545~~

~~"Level of care determination" means a determination of 127546
whether an individual needs the level of care provided by a 127547
hospital, nursing facility, or intermediate care facility for the 127548
mentally retarded and whether the individual, if determined to 127549
need that level of care, would receive hospital, nursing facility, 127550
or intermediate care facility for the mentally retarded services 127551
if not for a home and community based services medicaid waiver 127552
component. 127553~~

~~"Medicaid buy in for workers with disabilities program" means 127554
the component of the medicaid program established under sections 127555
5111.70 to 5111.7011 of the Revised Code. 127556~~

~~"Skilled nursing facility" means a facility certified as a 127557
skilled nursing facility under Title XVIII of the "Social Security 127558
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 127559~~

~~(B) The following requirements apply to each home and 127560
community-based services medicaid waiver component: 127561~~

~~(1)(A) Only an individual who qualifies for a component shall 127562
receive that component's medicaid services. 127563~~

~~(2)(B) A level of care determination shall be made as part of 127564
the process of determining whether an individual qualifies for a 127565
component and shall be made each year after the initial 127566
determination if, during such a subsequent year, the 127567~~

administrative agency determines there is a reasonable indication 127568
that the individual's needs have changed. 127569

~~(3)~~(C) A written plan of care or individual service plan 127570
based on an individual assessment of the medicaid services that an 127571
individual needs to avoid needing admission to a hospital, nursing 127572
facility, or ~~intermediate care facility for the mentally retarded~~ 127573
ICF/IID shall be created for each individual determined eligible 127574
for a component. 127575

~~(4)~~(D) Each individual determined eligible for a component 127576
shall receive that component's medicaid services in accordance 127577
with the individual's level of care determination and written plan 127578
of care or individual service plan. 127579

~~(5)~~(E) No individual may receive medicaid services under a 127580
component while the individual is a hospital inpatient or resident 127581
of a skilled nursing facility, nursing facility, or ~~intermediate~~ 127582
~~care facility for the mentally retarded~~ ICF/IID. 127583

~~(6)~~(F) No individual may receive prevocational, educational, 127584
or supported employment services under a component if the 127585
individual is eligible for such services that are funded with 127586
federal funds provided under 29 U.S.C. 730 or the "Individuals 127587
with Disabilities Education Act," 111 Stat. 37 (1997), 20 U.S.C. 127588
1400, as amended. 127589

~~(7)~~(G) Safeguards shall be taken to protect the health and 127590
welfare of individuals receiving medicaid services under a 127591
component, including safeguards established in rules adopted under 127592
section ~~5111.95~~ 5166.02 of the Revised Code and safeguards 127593
established by licensing and certification requirements that are 127594
applicable to the providers of that component's medicaid services. 127595

~~(8)~~(H) No medicaid services may be provided under a component 127596
by a provider that is subject to standards that the "Social 127597
Security Act," section 1616(e)(1), 42 U.S.C. 1382e(e)(1), requires 127598

be established if the provider fails to comply with the standards 127599
applicable to the provider. 127600

~~(9)~~(I) Individuals determined to be eligible for a component, 127601
or such individuals' representatives, shall be informed of that 127602
component's medicaid services, including any choices that the 127603
individual or representative may make regarding the component's 127604
medicaid services, and given the choice of either receiving 127605
medicaid services under that component or, as appropriate, 127606
hospital services, nursing facility services, or ~~intermediate care~~ 127607
~~facility for the mentally retarded~~ ICF/IID services. 127608

~~(10)~~(J) No individual shall lose eligibility for services 127609
under a component, or have the services reduced or otherwise 127610
disrupted, on the basis that the individual also receives services 127611
under the medicaid buy-in for workers with disabilities program. 127612

~~(11)~~(K) No individual shall lose eligibility for services 127613
under a component, or have the services reduced or otherwise 127614
disrupted, on the basis that the individual's income or resources 127615
increase to an amount above the eligibility limit for the 127616
component if the individual is participating in the medicaid 127617
buy-in for workers with disabilities program and the amount of the 127618
individual's income or resources does not exceed the eligibility 127619
limit for the medicaid buy-in for workers with disabilities 127620
program. 127621

~~(12)~~(L) No individual receiving services under a component 127622
shall be required to pay any cost sharing expenses for the 127623
services for any period during which the individual also 127624
participates in the medicaid buy-in for workers with disabilities 127625
program. 127626

Sec. ~~5111.852~~ 5166.05. The department of ~~job and family~~ 127627
~~services~~ medicaid may review and approve, modify, or deny written 127628
plans of care and individual service plans that section ~~5111.851~~ 127629

5166.04 of the Revised Code requires be created for individuals 127630
determined eligible for a home and community-based services 127631
medicaid waiver component. If a state agency or political 127632
subdivision contracts with the department under section ~~5111.91~~ 127633
5162.35 of the Revised Code to administer a home and 127634
community-based services medicaid waiver component and approves, 127635
modifies, or denies a written plan of care or individual service 127636
plan pursuant to the agency's or subdivision's administration of 127637
the component, the department may review the agency's or 127638
subdivision's approval, modification, or denial and order the 127639
agency or subdivision to reverse or modify the approval, 127640
modification, or denial. The state agency or political subdivision 127641
shall comply with the department's order. 127642

The department of ~~job and family services~~ medicaid shall be 127643
granted full and immediate access to any records the department 127644
needs to implement its duties under this section. 127645

Sec. ~~5111.853~~ 5166.06. Each administrative agency shall 127646
maintain, for a period of time the department of ~~job and family~~ 127647
~~services~~ medicaid shall specify, financial records documenting the 127648
costs of medicaid services provided under the home and 127649
community-based services medicaid waiver components that the 127650
agency administers, including records of independent audits. The 127651
administrative agency shall make the financial records available 127652
on request to the United States secretary of health and human 127653
services, United States comptroller general, and their designees. 127654

Sec. ~~5111.854~~ 5166.07. Each administrative agency is 127655
financially accountable for funds expended for medicaid services 127656
~~provided under~~ covered by the home and community-based services 127657
medicaid waiver components that the agency administers. 127658

Sec. ~~5111.855~~ 5166.08. Each state agency and political 127659
subdivision that enters into a contract with the department of ~~job~~ 127660
~~and family services~~ medicaid under section ~~5111.91~~ 5162.35 of the 127661
Revised Code to administer a home and community-based services 127662
medicaid waiver component, or one or more aspects of such a 127663
component, shall provide the department a written assurance that 127664
the agency or subdivision will not violate any of the requirements 127665
of sections ~~5111.85~~ 5166.01 to ~~5111.854~~ 5166.07 of the Revised 127666
Code. 127667

Sec. ~~5111.856~~ 5166.10. To the extent necessary for the 127668
efficient and economical administration of medicaid waiver 127669
components, the department of ~~job and family services~~ medicaid may 127670
transfer an individual enrolled in a medicaid waiver component 127671
administered by the department to another medicaid waiver 127672
component the department administers if the individual is eligible 127673
for the medicaid waiver component and the transfer does not 127674
jeopardize the individual's health or safety. 127675

Sec. ~~5111.86~~ 5166.11. (A) As used in this section: 127676

~~(1) "Hospital" has the same meaning as in section 3727.01 of~~ 127677
~~the Revised Code.~~ 127678

~~(2) "Medicaid waiver component" has the same meaning as in~~ 127679
~~section 5111.85 of the Revised Code.~~ 127680

~~(3) "Nursing facility" has the same meaning as in section~~ 127681
~~5111.20 of the Revised Code.~~ 127682

~~(4),~~ "Ohio home care program" means the program the 127683
department of ~~job and family services~~ medicaid administers that 127684
provides state plan services and medicaid waiver component 127685
services pursuant to rules adopted ~~under sections 5111.01 and~~ 127686
~~5111.02 of the Revised Code~~ for the medicaid program and a 127687

medicaid waiver that went into effect July 1, 1998. 127688

(B) ~~The director department of job and family services~~ 127689
~~medicaid may submit requests to the United States secretary of~~ 127690
~~health and human services pursuant to section 1915 of the "Social~~ 127691
~~Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396n, as amended,~~ 127692
~~to obtain waivers of federal medicaid requirements that would~~ 127693
~~otherwise be violated in the creation and implementation of~~ 127694
~~create~~ 127694
~~and administer~~ two or more medicaid waiver components under which 127695
home and community-based services are provided to eligible 127696
individuals who need the level of care provided by a nursing 127697
facility or hospital. In administering the ~~requests~~ medicaid 127698
waiver components, the ~~director department~~ may specify the 127699
following: 127700

(1) The maximum number of individuals who may be enrolled in 127701
each of the medicaid waiver components ~~included in the requests;~~ 127702

(2) The maximum amount the medicaid program may expend each 127703
year for each individual enrolled in the medicaid waiver 127704
components; 127705

(3) The maximum amount the medicaid program may expend each 127706
year for all individuals enrolled in the medicaid waiver 127707
components; 127708

(4) Any other requirements the ~~director department~~ selects 127709
for the medicaid waiver components. 127710

(C) ~~If the secretary approves the medicaid waivers requested~~ 127711
~~under this section, the director may create and implement the~~ 127712
~~medicaid waiver components in accordance with the provisions of~~ 127713
~~the approved waivers. The department of job and family services~~ 127714
~~shall administer the medicaid waiver components.~~ 127715

(D) After the first of any of the medicaid waiver components 127716
created that the department administers under this section begins 127717
to enroll eligible individuals, the ~~director department~~ may ~~submit~~ 127718

~~to the United States secretary of health and human services an
amendment to a medicaid waiver component of the Ohio home care
program authorizing the department to cease enrolling to enroll
additional individuals in that a medicaid waiver component of the
Ohio home care program. If the secretary approves the amendment,
the director may cease to enroll additional individuals in that
medicaid waiver component of the Ohio home care program.~~

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~~Sec. 5111.861 5166.12. (A) As used in this section:~~

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~~"Medicaid waiver component" has the same meaning as in
section 5111.85 of the Revised Code.~~

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~~"Unified long term services and support medicaid waiver
component" means the medicaid waiver component authorized by
section 5111.864 of the Revised Code.~~

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~~(B) Subject to division (C) of this section, there is hereby
created the Ohio home care program. The program shall provide home
and community based services. The department of job and family
services medicaid shall administer the program.~~

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~~(C) If the unified long-term services and support medicaid
waiver component is created, the departments of aging and job and
family services medicaid shall ~~work together~~ collaborate to
determine whether the Ohio home care waiver program should
continue to operate as a separate medicaid waiver component or be
terminated. If the departments determine that the Ohio home care
waiver program should be terminated, the program shall cease to
exist on a date the departments shall specify.~~

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~~Sec. 5111.862 5166.121. (A) As used in this section:~~

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~~"Hospital long term care unit" has the same meaning as in
section 3721.50 of the Revised Code.~~

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127746

~~"Nursing facility" has the same meaning as in section 5111.20~~

127747

~~of the Revised Code.~~ 127748

~~"Ohio home care program" means the medicaid waiver component
created under section 5111.861 of the Revised Code.~~ 127749
127750

~~"Residential treatment facility" means a residential facility
licensed by the department of mental health under section 5119.22
of the Revised Code, or an institution certified by the department
of job and family services under section 5103.03 of the Revised
Code, that serves children and either has more than sixteen beds
or is part of a campus of multiple facilities or institutions
that, combined, have a total of more than sixteen beds.~~ 127751
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127757

~~(B) Subject to division (C) of Unless the Ohio home care
waiver program is terminated pursuant to section 5111.861 5165.12
of the Revised Code, the department of job and family services
medicaid shall establish a home first component for the Ohio home
care waiver program. An individual is eligible for the Ohio home
care waiver program's home first component if the individual has
been determined to be eligible for the Ohio home care waiver
program and at least one of the following applies:~~ 127758
127759
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127765

(1) If the individual is under twenty-one years of age, the 127766
individual received inpatient hospital services for at least 127767
fourteen consecutive days, or had at least three inpatient 127768
hospital stays during the twelve months, immediately preceding the 127769
date the individual applies for the Ohio home care waiver program. 127770

(2) If the individual is at least twenty-one but less than 127771
sixty years of age, the individual received inpatient hospital 127772
services for at least fourteen consecutive days immediately 127773
preceding the date the individual applies for the Ohio home care 127774
waiver program. 127775

(3) The individual received private duty nursing services 127776
under the medicaid program for at least twelve consecutive months 127777
immediately preceding the date the individual applies for the Ohio 127778

home care waiver program. 127779

(4) The individual does not reside in a nursing facility or 127780
hospital long-term care unit at the time the individual applies 127781
for the Ohio home care waiver program but is at risk of imminent 127782
admission to a nursing facility or hospital long-term care unit 127783
due to a documented loss of a primary caregiver. 127784

(5) The individual resides in a nursing facility at the time 127785
the individual applies for the Ohio home care waiver program. 127786

(6) At the time the individual applies for the Ohio home care 127787
waiver program, the individual participates in the money follows 127788
the person demonstration project authorized by section 6071 of the 127789
"Deficit Reduction Act of 2005," Pub. L. No. 109-171, as amended, 127790
and either resides in a residential treatment facility or 127791
inpatient hospital setting. 127792

~~(C)(B)~~ An individual determined to be eligible for the home 127793
first component of the Ohio home care waiver program shall be 127794
enrolled in the ~~Ohio home care~~ program in accordance with rules 127795
adopted under section ~~5111.85~~ 5166.02 of the Revised Code. 127796

Sec. ~~5111.863~~ 5166.13. ~~(A) As used in this section:~~ 127797

~~"Medicaid waiver component" has the same meaning as in~~ 127798
~~section 5111.85 of the Revised Code.~~ 127799

~~"Unified long term services and support medicaid waiver~~ 127800
~~component" means the medicaid waiver component authorized by~~ 127801
~~section 5111.864 of the Revised Code.~~ 127802

~~(B) Subject to division (C) of this section, there is hereby~~ 127803
~~created the Ohio transitions II aging carve out program. The~~ 127804
~~program shall provide home and community based services. The~~ 127805
~~department of job and family services shall administer the~~ 127806
~~program.~~ 127807

~~(C) If the unified long-term services and support medicaid~~ 127808

waiver component is created, the departments of aging and ~~job and~~ 127809
~~family services~~ medicaid shall ~~work together~~ collaborate to 127810
determine whether the Ohio transitions II aging carve-out program 127811
should continue to operate as a separate medicaid waiver component 127812
or be terminated. If the departments determine that the Ohio 127813
transitions II aging carve-out program should be terminated, the 127814
program shall cease to exist on a date the departments shall 127815
specify. 127816

Sec. ~~5111.864~~ 5166.14. ~~(A) As used in this section:~~ 127817

~~"Medicaid waiver component" has the same meaning as in~~ 127818
~~section 5111.85 of the Revised Code.~~ 127819

~~"Nursing facility" has the same meaning as in section 5111.20~~ 127820
~~of the Revised Code.~~ 127821

~~(B) The director department of ~~job and family services~~~~ 127822
~~medicaid shall submit a request to the United States secretary of~~ 127823
~~health and human services pursuant to section 1915n of the "Social~~ 127824
~~Security Act," 95 Stat. 809 (1981), 42 U.S.C. 1396n, as amended,~~ 127825
~~to obtain approval to create a unified long-term services and~~ 127826
~~support medicaid waiver component to provide home and~~ 127827
~~community-based services to eligible individuals of any age who~~ 127828
~~require the level of care provided by nursing facilities. The~~ 127829
~~director department of ~~job and family services~~ medicaid shall ~~work~~~~ 127830
~~collaborate with the director department of aging in ~~seeking~~~~ 127831
~~approval of the unified long term services and support medicaid~~ 127832
~~waiver component and, if the approval is obtained, in creating and~~ 127833
~~implementing the component.~~ 127834

~~If the request to create the unified long term services and~~ 127835
~~support medicaid waiver component is approved, the The medicaid~~ 127836
~~director of ~~job and family services~~, ~~working~~ shall collaborate~~ 127837
~~with the director of aging, ~~shall adopt~~ when adopting rules under~~ 127838
~~section 5111.85 5166.02 of the Revised Code to implement the~~ 127839

~~component. The rules may authorize the director of aging to adopt 127840
rules in accordance with Chapter 119. of the Revised Code 127841
governing aspects of the unified long term services and support 127842
medicaid waiver component. 127843~~

~~**Sec. 5111.865 5166.141.** (A) As used in this section, "unified 127844
long term services and support medicaid waiver program" or 127845
"program" means the medicaid waiver component authorized by 127846
section 5111.864 of the Revised Code. 127847~~

~~(B) If the United States secretary of health and human 127848
services approves the request submitted under section 5111.864 of 127849
the Revised Code to create the unified long term services and 127850
support medicaid waiver program, the The department of job and 127851
family services medicaid shall establish a home first component 127852
for the unified long-term services and support medicaid waiver 127853
program. The home first component shall be similar to the home 127854
first component of the medicaid-funded component of the PASSPORT 127855
program established under section ~~173.401~~ 173.521 of the Revised 127856
Code, ~~the home first component of the Ohio home care program~~ 127857
~~established under section 5111.862 of the Revised Code, and the~~ 127858
home first component of the medicaid-funded component of the 127859
assisted living program established under section ~~5111.894~~ 173.542 127860
of the Revised Code, and the home first component of the Ohio home 127861
care waiver program established under section 5166.121 of the 127862
Revised Code. 127863~~

~~**Sec. 5166.16.** (A) As used in this section, "ODA or MCD 127864
medicaid waiver component" means all of the following: 127865~~

~~(1) The medicaid-funded component of the PASSPORT program, 127866
unless it is terminated pursuant to division (C) of section 173.52 127867
of the Revised Code; 127868~~

~~(2) The choices program, unless it is terminated pursuant to 127869~~

<u>division (B) of section 173.53 of the Revised Code;</u>	127870
<u>(3) The medicaid-funded component of the assisted living program, unless it is terminated pursuant to division (C) of section 173.54 of the Revised Code;</u>	127871
	127872
	127873
<u>(4) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code;</u>	127874
	127875
<u>(5) The Ohio transitions II aging carve-out program, unless it is terminated pursuant to section 5166.13 of the Revised Code.</u>	127876
	127877
<u>(B) The medicaid director may create a home and community-based services medicaid waiver component as part of the integrated care delivery system. If the ICDS medicaid waiver component is created, both of the following apply:</u>	127878
	127879
	127880
	127881
<u>(1) The department of medicaid shall administer it;</u>	127882
<u>(2) When it begins to accept enrollments, no ICDS participant who is eligible for the ICDS medicaid waiver component shall be enrolled in an ODA or MCD medicaid waiver component regardless of whether the participant prefers to remain or be enrolled in an ODA or MCD medicaid waiver component.</u>	127883
	127884
	127885
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	127887
<u>(C) A dual eligible individual who is eligible for an ODA or MCD medicaid waiver component may enroll in the component before the individual becomes an ICDS participant. The dual eligible individual shall disenroll from the ODA or MCD medicaid waiver component and enroll in the ICDS medicaid waiver component once the individual becomes an ICDS participant and it is possible to enroll the individual in the ICDS medicaid waiver component. The disenrollment from the ODA or MCD medicaid waiver component and enrollment into the ICDS medicaid waiver component shall occur regardless of whether the individual prefers to remain enrolled in the ODA or MCD medicaid waiver component.</u>	127888
	127889
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	127898
<u>(D) An ICDS participant's disenrollment from an ODA or MCD</u>	127899

medicaid waiver component and enrollment in the ICDS medicaid 127900
waiver component resulting from division (B)(2) or (C) of this 127901
section shall be accomplished without a disruption in the 127902
participant's services under the components. 127903

Sec. ~~5111.87~~ 5166.20. (A) ~~As used in this section and section~~ 127904
~~5111.871 of the Revised Code:~~ 127905

~~(1) "Intermediate care facility for the mentally retarded"~~ 127906
~~has the same meaning as in section 5111.20 of the Revised Code.~~ 127907

~~(2) "Medicaid waiver component" has the same meaning as in~~ 127908
~~section 5111.85 of the Revised Code.~~ 127909

~~(B) The director department of job and family services~~ 127910
~~medicaid may apply to the United States secretary of health and~~ 127911
~~human services for both of create the following:~~ 127912

(1) One or more medicaid waiver components under which home 127913
and community-based services are provided to individuals with 127914
mental retardation or other developmental disability as an 127915
alternative to placement in ~~an intermediate care facility for the~~ 127916
~~mentally retarded ICFs/IID;~~ 127917

(2) One or more medicaid waiver components under which home 127918
and community-based services are provided in the form of any of 127919
the following: 127920

(a) Early intervention and supportive services for children 127921
under three years of age who have developmental delays or 127922
disabilities the ~~director~~ department determines are significant; 127923

(b) Therapeutic services for children who have autism; 127924

(c) Specialized habilitative services for individuals who are 127925
eighteen years of age or older and have autism. 127926

~~(C)(B)~~ No medicaid waiver component ~~authorized by~~ created 127927
pursuant to division ~~(B)(A)~~(2)(b) or (c) of this section shall 127928

provide services that are available under another medicaid waiver 127929
component. No medicaid waiver component ~~authorized by~~ created 127930
pursuant to division ~~(B)(A)~~(2)(b) of this section shall provide 127931
services to an individual that the individual is eligible to 127932
receive through an individualized education program as defined in 127933
section 3323.01 of the Revised Code. 127934

~~(D)(C)~~ The director of developmental disabilities ~~or~~ and 127935
director of health may request that the ~~director~~ department of ~~job~~ 127936
~~and family services~~ apply for medicaid create one or more medicaid 127937
~~waivers~~ waiver components under this section. 127938

~~(E)(D)~~ Before ~~applying for~~ creating a medicaid waiver 127939
component under this section, the ~~director~~ department of ~~job and~~ 127940
~~family services~~ medicaid shall seek, accept, and consider public 127941
comments. 127942

Sec. ~~5111.871~~ 5166.21. The department of ~~job and family~~ 127943
~~services~~ medicaid shall enter into a contract with the department 127944
of developmental disabilities under section ~~5111.91~~ 5162.35 of the 127945
Revised Code with regard to one or more of the medicaid waiver 127946
components ~~established~~ created by the department of ~~job and family~~ 127947
~~services~~ medicaid under section ~~5111.87~~ 5166.20 of the Revised 127948
Code. ~~Subject, if needed, to the approval of the United States~~ 127949
~~secretary of health and human services, the~~ The contract shall 127950
include the medicaid waiver component known as the transitions 127951
developmental disabilities waiver. The contract shall provide for 127952
the department of developmental disabilities to administer the 127953
components in accordance with the terms of the federal medicaid 127954
waivers authorizing the components. The contract shall include a 127955
schedule for the department of developmental disabilities to begin 127956
administering the transitions developmental disabilities waiver. 127957
~~The directors of job and family services and developmental~~ 127958
~~disabilities shall adopt rules in accordance with Chapter 119. of~~ 127959

~~the Revised Code governing the components.~~ 127960

If the department of developmental disabilities or the 127961
department of ~~job and family services~~ medicaid denies an 127962
individual's application for home and community-based services 127963
provided under any of these medicaid components, the department 127964
that denied the services shall give timely notice to the 127965
individual that the individual may ~~request a hearing under~~ appeal 127966
pursuant to section 5101.35 5160.31 of the Revised Code. 127967

The departments of developmental disabilities and ~~job and~~ 127968
~~family services~~ medicaid may approve, reduce, deny, or terminate a 127969
medicaid service included in the individualized service plan 127970
developed for a medicaid recipient eligible for home and 127971
community-based services provided under any of these medicaid 127972
components. The departments shall consider the recommendations a 127973
county board of developmental disabilities makes under division 127974
(A)(1)(c) of section 5126.055 of the Revised Code. If either 127975
department approves, reduces, denies, or terminates a medicaid 127976
service, that department shall give timely notice to the medicaid 127977
recipient that the recipient may ~~request a hearing under~~ appeal 127978
pursuant to section 5101.35 5160.31 of the Revised Code. 127979

If supported living, as defined in section 5126.01 of the 127980
Revised Code, is to be provided as a medicaid service under any of 127981
these components, any person or government entity with a current, 127982
valid ~~medicaid~~ provider agreement and a current, valid certificate 127983
under section 5123.161 of the Revised Code may provide the 127984
medicaid service. 127985

If a medicaid service is to be provided under any of these 127986
components by a residential facility, as defined in section 127987
5123.19 of the Revised Code, any person or government entity with 127988
a current, valid ~~medicaid~~ provider agreement and a current, valid 127989
license under section 5123.19 of the Revised Code may provide the 127990
medicaid service. 127991

Sec. ~~5111.872~~ 5166.22. (A) Subject to division (B) of this section, when the department of developmental disabilities allocates enrollment numbers to a county board of developmental disabilities for home and community-based services specified in division ~~(B)~~(A)(1) of section ~~5111.87~~ 5166.20 of the Revised Code and provided under any of the medicaid waiver components that the department administers under section ~~5111.871~~ 5166.21 of the Revised Code, the department shall consider all of the following:

(1) The number of individuals with mental retardation or other developmental disability who are on a waiting list the county board establishes under section 5126.042 of the Revised Code for those services and are given priority on the waiting list;

(2) The implementation component required by division (A)(3) of section 5126.054 of the Revised Code of the county board's plan approved under section 5123.046 of the Revised Code;

(3) Anything else the department considers necessary to enable county boards to provide those services to individuals in accordance with the priority requirements for waiting lists established under section 5126.042 of the Revised Code for those services.

(B) Division (A) of this section applies to home and community-based services provided under the medicaid waiver component known as the transitions developmental disabilities waiver only to the extent, if any, provided by the contract required by section ~~5111.871~~ 5166.21 of the Revised Code regarding the ~~waiver~~ component.

Sec. ~~5111.873~~ 5166.23. (A) Subject to division (D) of this section, the medicaid director ~~of job and family services~~ shall adopt rules ~~in accordance with Chapter 119.~~ under section 5166.02

of the Revised Code establishing the ~~amount of reimbursement~~ 128022
payment amounts or the methods by which the payment amounts of 128023
~~reimbursement~~ are to be determined for home and community-based 128024
services specified in division ~~(B)~~(A)(1) of section ~~5111.87~~ 128025
5166.20 of the Revised Code and provided under the components of 128026
the medicaid program that the department of developmental 128027
disabilities administers under section ~~5111.871~~ 5166.21 of the 128028
Revised Code. With respect to these rules, all of the following 128029
apply: 128030

(1) The rules shall establish procedures for the department 128031
of developmental disabilities to follow in arranging for the 128032
initial and ongoing collection of cost information from a 128033
comprehensive, statistically valid sample of persons and 128034
government entities providing the services at the time the 128035
information is obtained. 128036

(2) The rules shall establish procedures for the collection 128037
of consumer-specific information through an assessment instrument 128038
the department of developmental disabilities shall provide to the 128039
department of ~~job and family services~~ medicaid. 128040

(3) With the information collected pursuant to divisions 128041
(A)(1) and (2) of this section, an analysis of that information, 128042
and other information the director determines relevant, the rules 128043
shall establish ~~reimbursement~~ payment standards that do all of the 128044
following: 128045

(a) Assure that ~~reimbursement is~~ payment amounts are 128046
consistent with efficiency, economy, and quality of care; 128047

(b) Consider the intensity of consumer resource need; 128048

(c) Recognize variations in different geographic areas 128049
regarding the resources necessary to assure the health and welfare 128050
of consumers; 128051

(d) Recognize variations in environmental supports available 128052

to consumers. 128053

(B) As part of the process of adopting rules ~~under~~ authorized 128054
by this section, the director shall consult with the director of 128055
developmental disabilities, representatives of county boards of 128056
developmental disabilities, persons who provide the home and 128057
community-based services, and other persons and government 128058
entities the director identifies. 128059

(C) The ~~directors of job and family services~~ medicaid 128060
director and director of developmental disabilities shall review 128061
the rules ~~adopted under~~ authorized by this section at times they 128062
determine are necessary to ensure that the ~~amount of reimbursement~~ 128063
payment amounts or the methods by which the payment amounts ~~of~~ 128064
~~reimbursement~~ are to be determined continue to meet the 128065
~~reimbursement~~ payment standards established under division (A)(3) 128066
of this section. 128067

(D) This section applies to home and community-based services 128068
provided under the medicaid waiver component known as the 128069
transitions developmental disabilities waiver only to the extent, 128070
if any, provided by the contract required by section ~~5111.871~~ 128071
5166.21 of the Revised Code regarding the ~~waiver component~~. 128072

Sec. ~~5111.88~~ 5166.30. (A) As used in sections ~~5111.88~~ 5166.30 128073
to ~~5111.8811~~ 5166.3010 of the Revised Code: 128074

(1) "Adult" means an individual at least eighteen years of 128075
age. 128076

(2) "Appropriate director" means the following: 128077

(a) The medicaid director in the context of all of the 128078
following: 128079

(i) The Ohio home care waiver program, unless it is 128080
terminated pursuant to section 5166.12 of the Revised Code; 128081

(ii) The Ohio transitions II aging carve-out program, unless 128082

it is terminated pursuant to section 5166.13 of the Revised Code; 128083

(iii) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code. 128084
128085

(b) The director of aging in the context of the medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code. 128086
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128089

(3) "Authorized representative" means the following: 128090

(a) In the case of a consumer who is a minor, the consumer's parent, custodian, or guardian; 128091
128092

(b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section ~~5111.8810~~ 5166.3010 of the Revised Code to act on the consumer's behalf for purposes regarding home care attendant services. 128093
128094
128095
128096

~~(3)~~(4) "Authorizing health care professional" means a health care professional who, pursuant to section ~~5111.887~~ 5166.307 of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both. 128097
128098
128099
128100
128101

~~(4)~~(5) "Consumer" means an individual to whom all of the following apply: 128102
128103

(a) The individual is enrolled in a participating medicaid waiver component. 128104
128105

(b) The individual has a medically determinable physical impairment to which both of the following apply: 128106
128107

(i) It is expected to last for a continuous period of not less than twelve months. 128108
128109

(ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the 128110
128111
128112

performance of nursing tasks, or both. 128113

(c) In the case of an individual who is an adult, the 128114
individual is mentally alert and is, or has an authorized 128115
representative who is, capable of selecting, directing the actions 128116
of, and dismissing a home care attendant. 128117

(d) In the case of an individual who is a minor, the 128118
individual has an authorized representative who is capable of 128119
selecting, directing the actions of, and dismissing a home care 128120
attendant. 128121

~~(5)~~(6) "Controlled substance" has the same meaning as in 128122
section 3719.01 of the Revised Code. 128123

~~(6)~~(7) "Custodian" has the same meaning as in section 128124
2151.011 of the Revised Code. 128125

~~(7)~~(8) "Gastrostomy tube" means a percutaneously inserted 128126
catheter that terminates in the stomach. 128127

~~(8)~~(9) "Guardian" has the same meaning as in section 2111.01 128128
of the Revised Code. 128129

~~(9)~~(10) "Health care professional" means a physician or 128130
registered nurse. 128131

~~(10)~~(11) "Home care attendant" means an individual holding a 128132
valid ~~medicaid~~ provider agreement in accordance with section 128133
~~5111.881~~ 5166.301 of the Revised Code that authorizes the 128134
individual to provide home care attendant services to consumers. 128135

~~(11)~~(12) "Home care attendant services" means all of the 128136
following as provided by a home care attendant: 128137

(a) Personal care aide services; 128138

(b) Assistance with the self-administration of medication; 128139

(c) Assistance with nursing tasks. 128140

~~(12)~~(13) "Jejunostomy tube" means a percutaneously inserted 128141

catheter that terminates in the jejunum. 128142

~~(13) "Medicaid waiver component" has the same meaning as in~~ 128143
~~section 5111.85 of the Revised Code.~~ 128144

(14) "Medication" means a drug as defined in section 4729.01 128145
of the Revised Code. 128146

(15) "Minor" means an individual under eighteen years of age. 128147

(16) "Participating medicaid waiver component" means ~~both~~ all 128148
of the following: 128149

(a) The medicaid-funded component of the PASSPORT program, 128150
unless it is terminated pursuant to division (C) of section 173.52 128151
of the Revised Code; 128152

(b) The Ohio home care waiver program created under, unless 128153
it is terminated pursuant to section 5111.861 5166.12 of the 128154
Revised Code; 128155

~~(b)~~(c) The Ohio transitions II aging carve-out program 128156
created under, unless it is terminated pursuant to section 128157
5111.863 5166.13 of the Revised Code; 128158

(d) The integrated care delivery system medicaid waiver 128159
component authorized by section 5166.16 of the Revised Code. 128160

(17) "Physician" means an individual authorized under Chapter 128161
4731. of the Revised Code to practice medicine and surgery or 128162
osteopathic medicine and surgery. 128163

(18) "Practice of nursing as a registered nurse," "practice 128164
of nursing as a licensed practical nurse," and "registered nurse" 128165
have the same meanings as in section 4723.01 of the Revised Code. 128166
"Registered nurse" includes an advanced practice registered nurse, 128167
as defined in section 4723.01 of the Revised Code. 128168

(19) "Schedule II," "schedule III," "schedule IV," and 128169
"schedule V" have the same meanings as in section 3719.01 of the 128170
Revised Code. 128171

(B) ~~The director of job and family services may submit requests to the United States secretary of health and human services to amend the federal medicaid waivers authorizing the participating~~ Participating medicaid waiver components ~~to have those components~~ may cover home care attendant services in accordance with sections ~~5111.88~~ 5166.30 to ~~5111.8810~~ 5166.3010 of the Revised Code and rules adopted under section ~~5111.8811~~ 5166.02 of the Revised Code. ~~Notwithstanding sections 5111.881 to 5111.8811 of the Revised Code, those sections shall be implemented regarding a participating medicaid waiver component only if the secretary approves a waiver amendment for the component.~~

Sec. ~~5111.881~~ 5166.301. The medicaid director ~~of job and family services~~ shall enter into a medicaid provider agreement with an individual to authorize the individual to provide home care attendant services to consumers if the individual does both of the following:

(A) Agrees to comply with the requirements of sections ~~5111.88~~ 5166.30 to ~~5111.8810~~ 5166.3010 and rules adopted under section ~~5111.8811~~ 5166.02 of the Revised Code;

(B) Provides the director evidence satisfactory to the director of all of the following:

(1) That the individual either meets the personnel qualifications specified in 42 C.F.R. 484.4 for home health aides or has successfully completed at least one of the following:

(a) A competency evaluation program or training and competency evaluation program approved or conducted by the director of health under section 3721.31 of the Revised Code;

(b) A training program approved by the ~~department of job and family services~~ appropriate director that includes training in at least all of the following and provides training equivalent to a

training and competency evaluation program specified in division 128202
(B)(1)(a) of this section or meets the requirements of 42 C.F.R. 128203
484.36(a): 128204

(i) Basic home safety; 128205

(ii) Universal precautions for the prevention of disease 128206
transmission, including hand-washing and proper disposal of bodily 128207
waste and medical instruments that are sharp or may produce sharp 128208
pieces if broken; 128209

(iii) Personal care aide services; 128210

(iv) The labeling, counting, and storage requirements for 128211
schedule II, III, IV, and V medications. 128212

(2) That the individual has obtained a certificate of 128213
completion of a course in first aid from a first aid course to 128214
which all of the following apply: 128215

(a) It is not provided solely through the internet. 128216

(b) It includes hands-on training provided by a first aid 128217
instructor who is qualified to provide such training according to 128218
standards set in rules adopted under section ~~5111.8811~~ 5166.02 of 128219
the Revised Code. 128220

(c) It requires the individual to demonstrate successfully 128221
that the individual has learned the first aid taught in the 128222
course. 128223

(3) That the individual meets any other requirements for the 128224
medicaid provider agreement specified in rules adopted under 128225
section ~~5111.8811~~ 5166.02 of the Revised Code. 128226

Sec. ~~5111.882~~ 5166.302. A home care attendant shall complete 128227
not less than twelve hours of in-service continuing education 128228
regarding home care attendant services each year and provide the 128229
appropriate director of ~~job and family services~~ evidence 128230

satisfactory to the appropriate director that the attendant 128231
satisfied this requirement. The evidence shall be submitted to the 128232
appropriate director not later than the annual anniversary of the 128233
issuance of the home care attendant's initial ~~medicaid~~ provider 128234
agreement. 128235

Sec. ~~5111.883~~ 5166.303. A home care attendant shall do all of 128236
the following: 128237

(A) Maintain a clinical record for each consumer to whom the 128238
attendant provides home care attendant services in a manner that 128239
protects the consumer's privacy; 128240

(B) Participate in a face-to-face visit every ninety days 128241
with all of the following to monitor the health and welfare of 128242
each of the consumers to whom the attendant provides home care 128243
attendant services: 128244

(1) The consumer; 128245

(2) The consumer's authorized representative, if any; 128246

(3) A registered nurse who agrees to answer any questions 128247
that the attendant, consumer, or authorized representative has 128248
about consumer care needs, medications, and other issues. 128249

(C) Document the activities of each visit required by 128250
division (B) of this section in the consumer's clinical record 128251
with the assistance of the registered nurse. 128252

Sec. ~~5111.884~~ 5166.304. (A) A home care attendant may assist 128253
a consumer with nursing tasks or self-administration of medication 128254
only after the attendant does both of the following: 128255

(1) Subject to division (B) of this section, completes 128256
consumer-specific training in how to provide the assistance that 128257
the authorizing health care professional authorizes the attendant 128258

to provide to the consumer; 128259

(2) At the request of the consumer, consumer's authorized 128260
representative, or authorizing health care professional, 128261
successfully demonstrates that the attendant has learned how to 128262
provide the authorized assistance to the consumer. 128263

(B) The training required by division (A)(1) of this section 128264
shall be provided by either of the following: 128265

(1) The authorizing health care professional; 128266

(2) The consumer or consumer's authorized representative in 128267
cooperation with the authorizing health care professional. 128268

Sec. ~~5111.885~~ 5166.305. A home care attendant shall comply 128269
with both of the following when assisting a consumer with nursing 128270
tasks or self-administration of medication: 128271

(A) The written consent of the consumer or consumer's 128272
authorized representative provided to the appropriate director ~~of~~ 128273
~~job and family services~~ under section ~~5111.886~~ 5166.306 of the 128274
Revised Code; 128275

(B) The authorizing health care professional's written 128276
authorization provided to the appropriate director under section 128277
~~5111.887~~ 5166.307 of the Revised Code. 128278

Sec. ~~5111.886~~ 5166.306. To consent to a home care attendant 128279
assisting a consumer with nursing tasks or self-administration of 128280
medication, the consumer or consumer's authorized representative 128281
shall provide the appropriate director ~~of job and family services~~ 128282
a written statement signed by the consumer or authorized 128283
representative under which the consumer or authorized 128284
representative consents to both of the following: 128285

(A) Having the attendant assist the consumer with nursing 128286
tasks or self-administration of medication; 128287

(B) Assuming responsibility for directing the attendant when 128288
the attendant assists the consumer with nursing tasks or 128289
self-administration of medication. 128290

Sec. ~~5111.887~~ 5166.307. To authorize a home care attendant to 128291
assist a consumer with nursing tasks or self-administration of 128292
medication, a health care professional shall provide the 128293
appropriate director ~~of job and family services~~ a written 128294
statement signed by the health care professional that includes all 128295
of the following: 128296

(A) The consumer's name and address; 128297

(B) A description of the nursing tasks or self-administration 128298
of medication with which the attendant is to assist the consumer, 128299
including, in the case of assistance with self-administration of 128300
medication, the name and dosage of the medication; 128301

(C) The times or intervals when the attendant is to assist 128302
the consumer with the self-administration of each dosage of the 128303
medication or nursing tasks; 128304

(D) The dates the attendant is to begin and cease providing 128305
the assistance; 128306

(E) A list of severe adverse reactions the attendant must 128307
report to the health care professional should the consumer 128308
experience one or more of the reactions; 128309

(F) At least one telephone number at which the attendant can 128310
reach the health care professional in an emergency; 128311

(G) Instructions the attendant is to follow when assisting 128312
the consumer with nursing tasks or self-administration of 128313
medication, including instructions for maintaining sterile 128314
conditions and for storage of task-related equipment and supplies; 128315

(H) The health care professional's attestation of both of the 128316
following: 128317

(1) That the consumer or consumer's authorized representative 128318
has demonstrated to the health care professional the ability to 128319
direct the attendant; 128320

(2) That the attendant has demonstrated to the health care 128321
professional the ability to provide the consumer assistance with 128322
nursing tasks or self-administration of medication that the health 128323
care professional has specifically authorized the attendant to 128324
provide and that the consumer or consumer's authorized 128325
representative has indicated to the health care professional that 128326
the consumer or authorized representative is satisfied with the 128327
attendant's demonstration. 128328

Sec. ~~5111.888~~ 5166.308. When authorizing a home care 128329
attendant to assist a consumer with nursing tasks or 128330
self-administration of medication, a health care professional may 128331
not authorize a home care attendant to do any of the following: 128332

(A) Perform a task that is outside of the health care 128333
professional's scope of practice; 128334

(B) Assist the consumer with the self-administration of a 128335
medication, including a schedule II, schedule III, schedule IV, or 128336
schedule V drug unless both of the following apply: 128337

(1) The medication is administered orally, topically, or via 128338
a gastrostomy tube or jejunostomy tube, including through any of 128339
the following: 128340

(a) In the case of an oral medication, a metered dose 128341
inhaler; 128342

(b) In the case of a topical medication, including a 128343
transdermal medication, either of the following: 128344

(i) An eye, ear, or nose drop or spray; 128345

(ii) A vaginal or rectal suppository. 128346

(c) In the case of a gastrostomy tube or jejunostomy tube, only through a pre-programmed pump. 128347
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(2) The medication is in its original container and the label attached to the container displays all of the following: 128349
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(a) The consumer's full name in print; 128351

(b) The medication's dispensing date, which must not be more than twelve months before the date the attendant assists the consumer with self-administration of the medication; 128352
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(c) The exact dosage and means of administration that match the health care professional's authorization to the attendant. 128355
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(C) Assist the consumer with the self-administration of a schedule II, schedule III, schedule IV, or schedule V medication unless, in addition to meeting the requirements of division (B) of this section, all of the following apply: 128357
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(1) The medication has a warning label on its container. 128361

(2) The attendant counts the medication in the consumer's or authorized representative's presence when the medication is administered to the consumer and records the count on a form used for the count as specified in rules adopted under section ~~5111.8811~~ 5166.02 of the Revised Code. 128362
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(3) The attendant recounts the medication in the consumer's or authorized representative's presence at least monthly and reconciles the recount on a log located in the consumer's clinical record. 128367
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(4) The medication is stored separately from all other medications and is secured and locked at all times when not being administered to the consumer to prevent unauthorized access. 128371
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(D) Perform an intramuscular injection; 128374

(E) Perform a subcutaneous injection unless it is for a routine dose of insulin; 128375
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(F) Program a pump used to deliver a medication unless the pump is used to deliver a routine dose of insulin;	128377
(G) Insert, remove, or discontinue an intravenous access device;	128378
(H) Engage in intravenous medication administration;	128379
(I) Insert or initiate an infusion therapy;	128380
(J) Perform a central line dressing change.	128381
Sec. 5111.889 <u>5166.309</u>. A home care attendant who provides home care attendant services to a consumer in accordance with the authorizing health care professional's authorization does not engage in the practice of nursing as a registered nurse or in the practice of nursing as a licensed practical nurse in violation of section 4723.03 of the Revised Code.	128382
A consumer or the consumer's authorized representative shall report to the <u>appropriate</u> director of job and family services if a home care attendant engages in the practice of nursing as a registered nurse or the practice of nursing as a licensed practical nurse beyond the authorizing health care professional's authorization. The <u>appropriate</u> director shall forward a copy of each report to the board of nursing.	128384
Sec. 5111.8810 <u>5166.3010</u>. A consumer who is an adult may select an individual to act on the consumer's behalf for purposes regarding home care attendant services by submitting a written notice of the consumer's selection of an authorized representative to the <u>appropriate</u> director of job and family services . The notice shall specifically identify the individual the consumer selects as authorized representative and may limit what the authorized representative may do on the consumer's behalf regarding home care attendant services. A consumer may not select the consumer's home care attendant to be the consumer's authorized representative.	128385
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~~Sec. 5111.97~~ 5166.35. (A) ~~As used in this section:~~

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~~(1) "Home and community based services medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~

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~~(2) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~

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~~(B) To the extent funds are available, the~~ The medicaid director ~~of job and family services~~ may establish the Ohio access success project to help medicaid recipients make the transition from residing in a nursing ~~facility~~ facilities to residing in a community ~~setting~~ settings. The project may be established as a separate nonmedicaid program or integrated into a new or existing home and community-based services medicaid waiver component. The director shall permit any medicaid recipient ~~of medicaid funded receiving~~ nursing facility services to apply for participation in the project, but may limit the number of project participants.

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The director shall ensure that an assessment of an applicant is conducted as soon as practicable to determine whether the applicant is eligible for participation in the project. To the maximum extent possible, the assessment and eligibility determination shall be completed not later than the date that occurs six months after the applicant ~~became a recipient of medicaid funded~~ begins to receive nursing facility services.

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~~(C)~~ (B) To be eligible for benefits under the project, a medicaid recipient must satisfy all of the following requirements:

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(1) The medicaid recipient must be ~~a recipient of medicaid funded receiving~~ nursing facility services, at the time of applying for the project benefits.

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(2) If the project is established as a nonmedicaid program, 128436
the medicaid recipient must be able to remain in the community as 128437
a result of receiving project benefits and the projected cost of 128438
the benefits to the project does not exceed eighty per cent of the 128439
average monthly medicaid cost of a medicaid recipient in a nursing 128440
facility. 128441

(3) If the project is integrated into a home and 128442
community-based services medicaid waiver component, the medicaid 128443
recipient must meet the waiver component's enrollment criteria. 128444

~~(D)~~(C) If the director establishes the Ohio access success 128445
project, the benefits provided under the project may include 128446
payment of all of the following: 128447

(1) The first month's rent in a community setting; 128448

(2) Rental deposits; 128449

(3) Utility deposits; 128450

(4) Moving expenses; 128451

(5) Other expenses not covered by the medicaid program that 128452
facilitate a medicaid recipient's move from a nursing facility to 128453
a community setting. 128454

~~(E)~~(D) If the project is established as a nonmedicaid 128455
program, no participant may receive more than two thousand 128456
dollars' worth of benefits under the project. 128457

~~(F)~~(E) If the department of ~~job and family services~~ medicaid 128458
enters into a contract with an entity to provide fiscal management 128459
services regarding the project, the contract may provide for a 128460
portion of a participant's benefits under the project to be paid 128461
to the contracting entity. The contract shall specify the portion 128462
to be paid to the contracting entity. 128463

~~(G) The director may submit a request to the United States 128464
secretary of health and human services pursuant to section 1915 of 128465~~

~~the "Social Security Act," 95 Stat. 809 (1981), 42 U.S.C. 1396n,~~ 128466
~~as amended, to create a home and community based services medicaid~~ 128467
~~waiver component to serve individuals who meet the criteria for~~ 128468
~~participation in the Ohio access success project.~~ 128469

~~(H)(F)~~ The director may adopt rules in accordance with 128470
Chapter 119. of the Revised Code for the administration and 128471
operation of the project. If the project is integrated into a home 128472
and community-based services medicaid waiver component, the rules 128473
shall be adopted under section ~~5111.85~~ 5166.02 of the Revised 128474
Code. 128475

Sec. 5167.01. As used in this chapter: 128476

(A) "Controlled substance" has the same meaning as in section 128477
3719.01 of the Revised Code. 128478

(B) "Dual eligible individual" has the same meaning as in 128479
section 5160.01 of the Revised Code. 128480

(C) "Emergency services" has the same meaning as in the 128481
"Social Security Act," section 1932(b)(2), 42 U.S.C. 128482
1396u-2(b)(2). 128483

(D) "Home and community-based services medicaid waiver 128484
component" has the same meaning as in section 5166.01 of the 128485
Revised Code. 128486

(E) "Medicaid managed care organization" means a managed care 128487
organization under contract with the department of medicaid 128488
pursuant to section 5167.10 of the Revised Code. 128489

(F) "Medicaid waiver component" has the same meaning as in 128490
section 5166.01 of the Revised Code. 128491

(G) "Nursing facility" has the same meaning as in section 128492
5165.01 of the Revised Code. 128493

(H) "Prescribed drug" has the same meaning as in section 128494

5164.01 of the Revised Code. 128495

(I) "Provider" means any person or government entity that 128496
furnishes services to a medicaid recipient enrolled in a medicaid 128497
managed care organization, regardless of whether the person or 128498
entity has a provider agreement. 128499

(J) "Provider agreement" has the same meaning as in section 128500
5164.01 of the Revised Code. 128501

Sec. 5167.02. The medicaid director shall adopt rules as 128502
necessary to implement this chapter. The rules shall be adopted in 128503
accordance with Chapter 119. of the Revised Code. 128504

Sec. ~~5111.16~~ 5167.03. (A) As part of the medicaid program, 128505
the department of ~~job and family services~~ medicaid shall establish 128506
a care management system. ~~The department shall submit, if~~ 128507
~~necessary, applications to the United States department of health~~ 128508
~~and human services for waivers of federal medicaid requirements~~ 128509
~~that would otherwise be violated in the implementation of the~~ 128510
~~system.~~ 128511

(B) The department shall implement the care management system 128512
in some or all counties and shall designate the medicaid 128513
recipients who are required or permitted to participate in the 128514
system. In the department's implementation of the system and 128515
designation of participants, all of the following apply: 128516

(1) In the case of individuals who receive medicaid on the 128517
basis of being included in the category identified by the 128518
department as covered families and children, the department shall 128519
implement the care management system in all counties. All 128520
individuals included in the category shall be designated for 128521
participation, except for individuals included in one or more of 128522
the medicaid recipient groups specified in 42 C.F.R. 438.50(d). 128523
The department shall ensure that all participants are enrolled in 128524

~~medicaid managed care organizations that are health insuring 128525
corporations under contract with the department pursuant to 128526
section 5111.17 of the Revised Code. 128527~~

(2) In the case of individuals who receive medicaid on the 128528
basis of being aged, blind, or disabled, ~~as specified in division 128529
(C)(2) of section 5111.01 of the Revised Code,~~ the department 128530
shall implement the care management system in all counties. Except 128531
as provided in division (C) of this section, all individuals 128532
included in the category shall be designated for participation. 128533
The department shall ensure that all participants are enrolled in 128534
medicaid managed care organizations that are health insuring 128535
corporations under contract with the department pursuant to 128536
section 5111.17 of the Revised Code. 128537

(3) Alcohol, drug addiction, and mental health services 128538
covered by medicaid shall not be included in any component of the 128539
care management system when the nonfederal share of the cost of 128540
those services is provided by a board of alcohol, drug addiction, 128541
and mental health services or a state agency other than the 128542
department of ~~job and family services~~ medicaid, but the recipients 128543
of those services may otherwise be designated for participation in 128544
the system. 128545

(C)(1) In designating participants who receive medicaid on 128546
the basis of being aged, blind, or disabled, the department shall 128547
not include any of the following, except as provided under 128548
division (C)(2) of this section: 128549

(a) Individuals who are under twenty-one years of age; 128550

(b) Individuals who are institutionalized; 128551

(c) Individuals who become eligible for medicaid by spending 128552
down their income or resources to a level that meets the medicaid 128553
program's financial eligibility requirements; 128554

(d) ~~Individuals who are dually~~ Dual eligible under the 128555

~~medicaid program and the medicare program established under Title 128556
XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 128557
1395, as amended individuals;~~ 128558

(e) Individuals to the extent that they are receiving 128559
medicaid services through a medicaid waiver component, ~~as defined~~ 128560
~~in section 5111.85 of the Revised Code.~~ 128561

(2) ~~If any necessary waiver of federal medicaid requirements~~ 128562
~~is granted, the~~ The department may designate any of the following 128563
individuals who receive medicaid on the basis of being aged, 128564
blind, or disabled as individuals who are permitted or required to 128565
participate in the care management system: 128566

(a) Individuals who are under twenty-one years of age; 128567

(b) Individuals who reside in a nursing facility, ~~as defined~~ 128568
~~in section 5111.20 of the Revised Code;~~ 128569

(c) Individuals who, as an alternative to receiving nursing 128570
facility services, are participating in a home and community-based 128571
services medicaid waiver component, ~~as defined in section 5111.85~~ 128572
~~of the Revised Code;~~ 128573

(d) ~~Individuals who are dually~~ Dual eligible under the 128574
~~medicaid program and the medicare program~~ individuals. 128575

(D) Subject to division (B) of this section, the department 128576
may do both of the following under the care management system: 128577

(1) Require or permit participants in the system to obtain 128578
health care services from providers designated by the department; 128579

(2) Require or permit participants in the system to obtain 128580
health care services through medicaid managed care organizations 128581
~~under contract with the department pursuant to section 5111.17 of~~ 128582
~~the Revised Code.~~ 128583

~~(E)(1) The department shall prepare an annual report on the~~ 128584
~~care management system. The report shall address the department's~~ 128585

~~ability to implement the system, including all of the following components:~~ 128586
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~~(a) The required designation of participants included in the category identified by the department as covered families and children;~~ 128588
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~~(b) The required designation of participants included in the aged, blind, or disabled category of medicaid recipients;~~ 128591
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~~(c) The use of any programs for enhanced care management.~~ 128593

~~(2) The department shall submit each annual report to the general assembly. The first report shall be submitted not later than October 1, 2007.~~ 128594
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~~(F) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.~~ 128597
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Sec. ~~5111.161~~ 5167.031. (A) As used in this section: 128600

(1) "Children's care network" means any of the following: 128601

(a) A children's hospital; 128602

(b) A group of children's hospitals; 128603

(c) A group of pediatric physicians. 128604

(2) "Children's hospital" has the same meaning as in section 2151.86 of the Revised Code. 128605
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(B) If the department of ~~job and family services~~ medicaid includes in the care management system, pursuant to section ~~5111.16~~ 5167.03 of the Revised Code, individuals under twenty-one years of age who are included in the category of individuals who receive medicaid on the basis of being aged, blind, or disabled, ~~as specified in division (C)(2) of section 5111.01 of the Revised Code,~~ the department ~~shall develop a system to~~ may recognize entities as pediatric accountable care organizations. ~~The purpose~~ 128607
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~~of the recognition system shall be to meet the complex medical and behavioral needs of disabled children through new approaches to care coordination. The department shall implement the recognition system not later than July 1, 2012.~~

An entity recognized by the department as a pediatric accountable care organization may develop innovative partnerships between relevant groups and may contract directly or subcontract with the state to provide care coordination and other services to the medicaid recipients under twenty-one years of age described in this division who are permitted or required to participate in the care management system.

(C)(1) To be recognized by the department as a pediatric accountable care organization, an entity shall meet the standards established ~~in rules adopted under this section by the department.~~ Unless required by ~~sections~~ section 2706 and ~~3022~~ of the "Patient Protection and Affordable Care Act," 124 Stat. 325 (2010) and ~~Title XVIII of the "Social Security Act," 124 Stat. 395 (2010)~~ section 1895, 42 U.S.C. 1395jjj, the regulations adopted pursuant to those sections, and the laws of this state, the department shall not require that an entity be a health insuring corporation as a condition of receiving the department's recognition.

(2) Any of the following entities may receive the department's recognition, if the standards for recognition have been met:

(a) A children's care network;

(b) A children's care network that may include one or more other entities, including, but not limited to, health insuring corporations or other managed care organizations;

(c) Any other entity the department determines is qualified.

(D) The ~~department~~ medicaid director shall consult with all of the following in adopting rules ~~under~~ authorized by division

(E) of this section necessary for an entity to be recognized by the department as a pediatric accountable care organization: 128646
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(1) The superintendent of insurance; 128648

(2) Children's hospitals; 128649

(3) ~~Managed Medicaid managed~~ care organizations ~~under contract pursuant to section 5111.17 of the Revised Code;~~ 128650
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(4) Any other relevant entities, as determined necessary by the department, with interests in pediatric accountable care organizations. 128652
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~~(E) The department shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section.~~ In adopting the rules under section 5167.02 of the Revised Code, the ~~department~~ medicaid director shall do all of the following: 128655
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(1) Establish application procedures to be followed by an entity seeking recognition as a pediatric accountable care organization; 128660
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(2) Ensure that the standards for recognition as a pediatric accountable care organization are the same as and do not conflict with those specified in ~~sections~~ section 2706 and 3022 of the "Patient Protection and Affordable Care Act," 124 Stat. 325 (2010) and ~~Title XVIII of the "Social Security Act," 124 Stat. 395 (2010)~~ section 1895, 42 U.S.C. 1395jjj or the regulations adopted pursuant to those sections; 128663
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(3) Establish requirements regarding the access to pediatric specialty care provided through or by a pediatric accountable care organization; 128670
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(4) Establish accountability and financial requirements for an entity recognized as a pediatric accountable care organization; 128673
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(5) Establish quality improvement initiatives consistent with 128675

any state medicaid quality plan established by the department; 128676

(6) Establish transparency and consumer protection 128677
requirements for an entity recognized as a pediatric accountable 128678
care organization; 128679

(7) Establish a process for sharing data. 128680

(F) This section does not limit the authority of the 128681
department of insurance to regulate the business of insurance in 128682
this state. 128683

Sec. ~~5111.17~~ 5167.10. (A) The department of ~~job and family~~ 128684
~~services~~ medicaid may enter into contracts with managed care 128685
organizations, including health insuring corporations, under which 128686
the organizations are authorized to provide, or arrange for the 128687
provision of, health care services to ~~medical assistance~~ medicaid 128688
recipients who are required or permitted to obtain health care 128689
services through managed care organizations as part of the care 128690
management system established under section ~~5111.16~~ 5167.03 of the 128691
Revised Code. 128692

(B) ~~The~~ (1) Subject to division (B)(2)(a) of this section, 128693
the department or its actuary shall base the hospital inpatient 128694
capital payment portion of the payment made to managed care 128695
organizations on data for services provided to all recipients 128696
enrolled in managed care organizations with which the department 128697
contracts, as reported by hospitals on relevant cost reports 128698
submitted pursuant to rules adopted under ~~this~~ section 5167.02 of 128699
the Revised Code. 128700

(2)(a) The hospital inpatient capital payment portion of the 128701
payment made to medicaid managed care organizations shall not 128702
exceed any maximum rate established by the department pursuant to 128703
rules adopted under this section. 128704

(b) If a maximum rate is established, a medicaid managed care 128705

organization shall not compensate hospitals for inpatient capital costs in an amount that exceeds that rate. 128706
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~~(C) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.~~ 128708
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~~(D)~~ The department of ~~job and family services~~ medicaid shall allow a medicaid managed care organization to use providers to render care upon completion of the medicaid managed care organization's credentialing process. 128711
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Sec. ~~5111.177~~ 5167.11. When contracting under section ~~5111.17~~ 5167.10 of the Revised Code with a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code, the department of ~~job and family services~~ medicaid shall require the health insuring corporation to provide a grievance process for medicaid recipients in accordance with 42 C.F.R. 438, subpart F. 128715
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Sec. ~~5111.172~~ 5167.12. (A) When contracting under section ~~5111.17~~ 5167.10 of the Revised Code with a managed care organization that is a health insuring corporation, the department of ~~job and family services~~ medicaid shall require the health insuring corporation to provide coverage of ~~prescription~~ prescribed drugs for medicaid recipients enrolled in the health insuring corporation. In providing the required coverage, the health insuring corporation may, subject to the department's approval and the limitations specified in division (B) of this section, use strategies for the management of drug utilization. 128722
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(B) The department shall not permit a health insuring corporation to impose a prior authorization requirement in the case of a drug to which all of the following apply: 128732
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(1) The drug is an antidepressant or antipsychotic. 128735

(2) The drug is administered or dispensed in a standard 128736
tablet or capsule form, except that in the case of an 128737
antipsychotic, the drug also may be administered or dispensed in a 128738
long-acting injectable form. 128739

(3) The drug is prescribed by either of the following: 128740

(a) A physician whom the health insuring corporation, 128741
pursuant to division (C) of section ~~5111.17~~ 5167.10 of the Revised 128742
Code, has credentialed to provide care as a psychiatrist; 128743

(b) A psychiatrist practicing at a community mental health 128744
~~agency services provider~~ certified by the department of ~~mental~~ 128745
~~health~~ mental health and addiction services under section ~~5119.611~~ 128746
5119.36 of the Revised Code. 128747

(4) The drug is prescribed for a use that is indicated on the 128748
drug's labeling, as approved by the federal food and drug 128749
administration. 128750

~~(C) As used in this division, "controlled substance" has the 128751
same meaning as in section 3719.01 of the Revised Code.~~ 128752

The department shall permit a health insuring corporation to 128753
develop and implement a pharmacy utilization management program 128754
under which prior authorization through the program is established 128755
as a condition of obtaining a controlled substance pursuant to a 128756
prescription. 128757

Sec. ~~5111.179~~ 5167.13. Each contract the department of ~~job~~ 128758
~~and family services~~ medicaid enters into with a managed care 128759
organization under section ~~5111.17~~ 5167.10 of the Revised Code 128760
shall require the managed care organization to implement a 128761
coordinated services program for medicaid recipients enrolled in 128762
the organization who are found to have obtained ~~prescription~~ 128763
prescribed drugs under the medicaid program at a frequency or in 128764
an amount that is not medically necessary. The program shall be 128765

implemented in a manner that is consistent with ~~section 1915(a)(2)~~ 128766
of the "Social Security Act," ~~95 Stat. 810 (1981)~~ section 128767
1915(a)(2), 42 U.S.C. 1396n(a)(2), ~~as amended~~, and 42 C.F.R. 128768
431.54(e). 128769

Sec. ~~5111.1710~~ 5167.14. Each contract the department of ~~job~~ 128770
~~and family services~~ medicaid enters into with a managed care 128771
organization under section ~~5111.17~~ 5167.10 of the Revised Code 128772
shall require the managed care organization to enter into a data 128773
security agreement with the state board of pharmacy governing the 128774
managed care organization's use of the board's drug database 128775
established and maintained under section 4729.75 of the Revised 128776
Code. 128777

This section does not apply if the board no longer maintains 128778
the drug database. 128779

Sec. ~~5111.162~~ 5167.20. (A) ~~As used in this section:~~ 128780
~~(1) "Emergency services" has the same meaning as in section~~ 128781
~~1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42~~ 128782
~~U.S.C. 1396u-2(b)(2), as amended.~~ 128783

~~(2) "Medicaid managed care organization" means a managed care~~ 128784
~~organization that has entered into a contract with the department~~ 128785
~~of job and family services pursuant to section 5111.17 of the~~ 128786
~~Revised Code.~~ 128787

~~(B)~~ Except as provided in division ~~(C)~~ (B) of this section, 128788
when a participant in the care management system established under 128789
~~section 5111.16 of the Revised Code~~ this chapter is enrolled in a 128790
medicaid managed care organization and the organization refers the 128791
participant to receive services, other than emergency services 128792
provided on or after January 1, 2007, at a hospital that 128793
participates in the medicaid program but is not under contract 128794
with the organization, the hospital shall provide the service for 128795

which the referral was made and shall accept from the 128796
organization, as payment in full, the amount derived from the 128797
~~reimbursement~~ payment rate used by the department to ~~reimburse pay~~ 128798
other hospitals of the same type for providing the same service to 128799
a medicaid recipient who is not enrolled in a medicaid managed 128800
care organization. 128801

~~(C)~~(B) A hospital is not subject to division ~~(B)~~(A) of this 128802
section if all of the following are the case: 128803

(1) The hospital is located in a county in which participants 128804
in the care management system are required before January 1, 2006, 128805
to be enrolled in a medicaid managed care organization that is a 128806
health insuring corporation; 128807

(2) The hospital has entered into a contract before January 128808
1, 2006, with at least one health insuring corporation serving the 128809
participants specified in division ~~(C)~~(B)(1) of this section; 128810

(3) The hospital remains under contract with at least one 128811
health insuring corporation serving participants in the care 128812
management system who are required to be enrolled in a health 128813
insuring corporation. 128814

~~(D)~~(C) The medicaid director ~~of job and family services~~ shall 128815
adopt rules under section 5167.02 of the Revised Code specifying 128816
the circumstances under which a medicaid managed care organization 128817
is permitted to refer a participant in the care management system 128818
to a hospital that is not under contract with the organization. 128819
~~The director may adopt any other rules necessary to implement this~~ 128820
~~section. All rules adopted under this section shall be adopted in~~ 128821
~~accordance with Chapter 119. of the Revised Code.~~ 128822

Sec. ~~5111.163~~ 5167.201. ~~(A) As used in this section:~~ 128823

~~(1) "Emergency services" has the same meaning as in section~~ 128824
~~1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42~~ 128825

~~U.S.C. 1396u-2(b)(2), as amended.~~ 128826

~~(2) "Medicaid managed care organization" has the same meaning
as in section 5111.162 of the Revised Code.~~ 128827
128828

~~(3) "Provider" means any person, institution, or entity that
furnishes emergency services to a medicaid recipient enrolled in a
medicaid managed care organization, regardless of whether the
person, institution, or entity has a provider agreement with the
department of job and family services pursuant to Title XIX of the
"Social Security Act."~~ 128829
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~~(B) When a participant in the care management system
established under section 5111.16 of the Revised Code this chapter
is enrolled in a medicaid managed care organization and receives
emergency services on or after January 1, 2007, from a provider
that is not under contract with the organization, the provider
shall accept from the organization, as payment in full, not more
than the amounts (less any payments for indirect costs of medical
education and direct costs of graduate medical education) that the
provider could collect if the participant received medicaid other
than through enrollment in a managed care organization.~~ 128835
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~~An agreement entered into by a participant, a participant's
parent, or a participant's legal guardian that requires payment
for emergency services in violation of this section is void and
unenforceable.~~ 128845
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Sec. ~~5111.982~~ 5167.21. (A) As used in this section: 128849

(1) "Covered skilled nursing facility services" has the same 128850
meaning as in the "Social Security Act," section 1888(e)(2)(A), 42 128851
U.S.C. 1395yy(e)(2)(A). 128852

(2) "Current medicare fee-for-service rate" means the 128853
fee-for-service rate in effect for a covered skilled nursing 128854
facility service under medicare at the time the service is 128855

provided. 128856

(3) "Skilled nursing facility" has the same meaning as in the 128857
"Social Security Act," section 1819(a), 42 U.S.C. 1395i-3(a). 128858

(B) Except as provided in division (C) of this section, a 128859
medicaid managed care organization shall pay a skilled nursing 128860
facility at least the current medicare fee-for-service rate, 128861
without deduction for any coinsurance, for covered skilled nursing 128862
facility services that the skilled nursing facility provides to a 128863
dual eligible individual if the medicaid managed care organization 128864
is responsible for the payment under the terms of a contract that 128865
the medicaid managed care organization, ~~medical assistance~~ 128866
medicaid director, and United States secretary of health and human 128867
services jointly enter into under the integrated care delivery 128868
system authorized by section ~~5111.981~~ 5164.91 of the Revised Code. 128869

(C) A medicaid managed care organization is required to pay 128870
the rate specified in division (B) of this section for covered 128871
skilled nursing facility services only if all of the following 128872
apply: 128873

(1) The United States secretary agrees to the payment rate as 128874
part of the contract that the medicaid managed care organization, 128875
~~medical assistance~~ medicaid director, and United States secretary 128876
jointly enter into under the integrated care delivery system; 128877

(2) The medicaid managed care organization receives a federal 128878
capitation payment that is an actuarially sufficient amount for 128879
the costs that the medicaid managed care organization incurs in 128880
paying the rate; 128881

(3) No state funds are used for any part of the costs that 128882
the medicaid managed care organization incurs in paying the rate; 128883

(4) The integrated care delivery system provides for dual 128884
eligible individuals to receive the covered skilled nursing 128885
facility services as part of the system. 128886

Sec. ~~5111.178~~ 5167.25. (A) The medicaid director ~~of job and family services~~ shall determine whether a waiver of federal medicaid requirements is necessary to fulfill the requirements of section 3901.3814 of the Revised Code. If the director determines a waiver is necessary, the department of ~~job and family services~~ medicaid shall apply to the United States secretary of health and human services for the waiver.

(B)(1) If the director determines that section 3901.3814 of the Revised Code can be implemented without a waiver or a waiver is granted, the department shall notify the department of insurance that the section can be implemented. Implementation of the section shall be effective eighteen months after the notice is sent.

(2) At the time the notice is given under division (B)(1) of this section, the department shall also give notice to each health insuring corporation that provides coverage to medicaid recipients. The notice shall inform the corporation that sections 3901.38 and 3901.381 to 3901.3814 of the Revised Code apply to claims for services rendered to recipients on the date determined under division (B)(1) of this section, instead of the prompt payment requirements of 42 C.F.R. 447.46. That date shall be specified in the notice.

Sec. ~~5111.175~~ 5167.26. For the purpose of determining the amount the department of ~~job and family services~~ medicaid pays hospitals under section ~~5112.08~~ 5168.09 of the Revised Code and the amount of disproportionate share hospital payments paid by the medicare program ~~established under Title XVIII of~~ pursuant to the "Social Security Act," ~~79 Stat. 286 (1965)~~ section 1915, 42 U.S.C. 1396n, ~~as amended,~~ a medicaid managed care organization ~~under contract with the department pursuant to section 5111.17 of the Revised Code authorizing the organization to provide, or arrange~~

~~for the provision of, hospital services to medicaid recipients~~ 128918
shall keep detailed records for each hospital with which it 128919
contracts ~~about, including records regarding~~ the cost to the 128920
hospital of providing ~~the hospital~~ services for the organization, 128921
payments made by the organization to the hospital for the 128922
services, utilization of hospital services by medicaid recipients 128923
enrolled in the organization, and other utilization data required 128924
by the department. 128925

Sec. ~~5111.1711~~ 5167.30. (A)(1) The department of ~~job and~~ 128926
~~family services~~ medicaid shall establish a managed care 128927
performance payment program. Under the program, the department may 128928
provide payments to medicaid managed care organizations ~~under~~ 128929
~~contract with the department pursuant to section 5111.17 of the~~ 128930
~~Revised Code~~ that meet performance standards established by the 128931
department. 128932

(2) In establishing performance standards, the department may 128933
consult any of the following: 128934

(a) Any quality measurements developed under the pediatric 128935
quality measures program established pursuant to the "Social 128936
Security Act," section 1139A, 42 U.S.C. 1320b-9a; 128937

(b) Any core set of adult health quality measures for 128938
medicaid eligible adults used for purposes of the "Social Security 128939
Act," section 1139A, 42 U.S.C. 1320b-9b, and any adult health 128940
quality used for purposes of the medicaid quality measurement 128941
program when the program is established under ~~42 U.S.C. 1320b-9b~~ 128942
that section of the "Social Security Act"; 128943

(c) The most recent healthcare effectiveness data and 128944
information set and quality measurement tool established by the 128945
national committee for quality assurance. 128946

(3) The standards that must be met to receive the payments 128947

may be specified in the contract the department enters into with a medicaid managed care organization. 128948
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(4) If a medicaid managed care organization meets the 128950
performance standards established by the department, the 128951
department shall make one or more performance payments to the 128952
organization. The amount of each performance payment, the number 128953
of payments, and the schedule for making the payments shall be 128954
established by the department. The payments shall be discontinued 128955
if the department determines that the organization no longer meets 128956
the performance standards. The department shall not make or 128957
discontinue payments based on any performance standard that has 128958
been in effect as part of the organization's contract for less 128959
than six months. 128960

(B) For purposes of the program, the department shall 128961
establish an amount that is to be withheld each time a premium 128962
payment is made to a medicaid managed care organization. The 128963
amount shall be established as a percentage of each premium 128964
payment. The percentage shall be the same for all medicaid managed 128965
care organizations ~~under contract with the department~~. The sum of 128966
all withholdings under this division shall not exceed ~~one~~ two per 128967
cent of the total of all premium payments made to all medicaid 128968
managed care organizations ~~under contract with the department~~. 128969

Each medicaid managed care organization shall agree to the 128970
withholding as a condition of receiving or maintaining its 128971
~~medicaid~~ provider agreement with the department. 128972

When the amount is established and each time the amount is 128973
modified thereafter, the department shall certify the amount to 128974
the director of budget and management and begin withholding the 128975
amount from each premium the department pays to a medicaid managed 128976
care organization. 128977

~~(C) There is hereby created in the state treasury the managed 128978~~

~~care performance payment fund. The fund shall consist of amounts transferred to it by the director of budget and management for the purpose of the program. All investment earnings of the fund shall be credited to the fund. Amounts in the fund shall be used solely to make performance payments to managed care organizations in accordance with this section.~~ 128979
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~~(D) The department may adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.~~ 128985
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Sec. ~~5111.171~~ 5167.31. The department of ~~job and family services~~ medicaid may provide financial incentive awards to medicaid managed care organizations ~~under contract with the department pursuant to section 5111.17 of the Revised Code that meet or exceed performance standards specified in provider agreements or rules adopted by the department~~ medicaid director under section 5167.02 of the Revised Code. The department may specify in a contract with a medicaid managed care organization the amounts of financial incentive awards, methodology for distributing awards, types of awards, and standards for administration by the department. 128988
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Sec. ~~5111.173~~ 5167.40. The department of ~~job and family services~~ medicaid shall appoint a temporary manager for a medicaid managed care organization ~~under contract with the department pursuant to section 5111.17 of the Revised Code if the department determines that the~~ medicaid managed care organization has repeatedly failed to meet substantive requirements specified in ~~section 1903(m) of the "Social Security Act," 79 Stat. 286 (1965)~~ sections 1903(m) and 1932, 42 U.S.C. 1396b(m), as amended; section 1932 of the Social Security Act, 42 U.S.C. and 1396u-2, as amended; or 42 C.F.R. 438 Part I. The appointment of a temporary manager does not preclude the department from imposing other 128999
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sanctions available to the department against the medicaid managed care organization. 129010
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The medicaid managed care organization shall pay all costs of 129012
having the temporary manager perform the temporary manager's 129013
duties, including all costs the temporary manager incurs in 129014
performing those duties. If the temporary manager incurs costs or 129015
liabilities on behalf of the medicaid managed care organization, 129016
the medicaid managed care organization shall pay those costs and 129017
be responsible for those liabilities. 129018

The appointment of a temporary manager is not subject to 129019
Chapter 119. of the Revised Code, but the managed care 129020
organization may request a reconsideration of the appointment. 129021
Reconsiderations shall be requested and conducted in accordance 129022
with rules the ~~director of job and family services~~ medicaid 129023
director shall adopt ~~in accordance with Chapter 119. of~~ under 129024
section 5167.02 of the Revised Code. 129025

The appointment of a temporary manager does not cause the 129026
medicaid managed care organization to lose the right to appeal, in 129027
accordance with Chapter 119. of the Revised Code, any proposed 129028
termination or any decision not to ~~renew~~ revalidate the medicaid 129029
managed care organization's ~~medicaid~~ provider agreement or the 129030
right to initiate the sale of the medicaid managed care 129031
organization or its assets. 129032

~~In addition to the rules required to be adopted under this~~ 129033
~~section, the director may adopt any other rules necessary to~~ 129034
~~implement this section. The rules shall be adopted in accordance~~ 129035
~~with Chapter 119. of the Revised Code.~~ 129036

Sec. ~~5111.174~~ 5167.41. The department of ~~job and family~~ 129037
~~services~~ medicaid may disenroll some or all medicaid recipients 129038
enrolled in a medicaid managed care organization ~~under contract~~ 129039

with the department pursuant to section 5111.17 of the Revised Code if the department proposes to terminate or not to renew the contract and determines that the recipients' access to medically necessary services is jeopardized by the proposal to terminate or not to renew the contract. The disenrollment is not subject to Chapter 119. of the Revised Code, but the medicaid managed care organization may request a reconsideration of the disenrollment. Reconsiderations shall be requested and conducted in accordance with rules the medicaid director of job and family services shall adopt ~~in accordance with Chapter 119.~~ under section 5167.02 of the Revised Code. The request for, or conduct of, a reconsideration regarding a proposed disenrollment shall not delay the disenrollment.

~~In addition to the rules required to be adopted under this section, the director may adopt any other rules necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.~~

Sec. ~~5112.01~~ 5168.01. As used in sections ~~5112.03~~ 5168.01 to ~~5112.21~~ 5168.14 of the Revised Code:

(A) "Bad debt," "charity care," "courtesy care," and "contractual allowances" have the same meanings given these terms in regulations adopted under Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

(B) "Cost reporting period" means the twelve-month period used by a hospital in reporting costs for purposes of Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

(C) "Disproportionate share hospital" means a hospital that meets the definition of a disproportionate share hospital in rules adopted under section 5168.02 of the Revised Code.

(D) "Federal poverty line" means the official poverty line

defined by the United States office of management and budget based 129070
on the most recent data available from the United States bureau of 129071
the census and revised by the United States secretary of health 129072
and human services pursuant to the "Omnibus Budget Reconciliation 129073
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 129074

(E) "Governmental hospital" means a county hospital with more 129075
than five hundred registered beds or a state-owned and -operated 129076
hospital with more than five hundred registered beds. 129077

(F)(1) "Hospital" means a nonfederal hospital to which either 129078
of the following applies: 129079

(a) The hospital is registered under section 3701.07 of the 129080
Revised Code as a general medical and surgical hospital or a 129081
pediatric general hospital, and provides inpatient hospital 129082
services, as defined in 42 C.F.R. 440.10; 129083

(b) The hospital is recognized under the medicare program 129084
~~established by Title XVIII of the "Social Security Act," 49 Stat.~~ 129085
~~620 (1935), 42 U.S.C.A. 301, as amended,~~ as a cancer hospital and 129086
is exempt from the medicare prospective payment system. 129087

(2) "Hospital" does not include a hospital operated by a 129088
health insuring corporation that has been issued a certificate of 129089
authority under section 1751.05 of the Revised Code or a hospital 129090
that does not charge patients for services. 129091

~~(2) "Disproportionate share hospital" means a hospital that~~ 129092
~~meets the definition of a disproportionate share hospital in rules~~ 129093
~~adopted under section 5112.03 of the Revised Code.~~ 129094

~~(B) "Bad debt," "charity care," "courtesy care," and~~ 129095
~~"contractual allowances" have the same meanings given these terms~~ 129096
~~in regulations adopted under Title XVIII of the "Social Security~~ 129097
~~Act."~~ 129098

~~(C) "Cost reporting period" means the twelve-month period~~ 129099

~~used by a hospital in reporting costs for purposes of Title XVIII~~ 129100
~~of the "Social Security Act."~~ 129101

~~(D) "Governmental hospital" means a county hospital with more~~ 129102
~~than five hundred registered beds or a state owned and operated~~ 129103
~~hospital with more than five hundred registered beds.~~ 129104

~~(E)~~(G) "Indigent care pool" means the sum of the following: 129105

(1) The total of assessments to be paid in a program year by 129106
all hospitals under section ~~5112.06~~ 5168.06 of the Revised Code, 129107
less the assessments deposited into the legislative budget 129108
services fund under section ~~5112.19~~ 5168.12 of the Revised Code 129109
and into the health care services administration fund created 129110
under section ~~5111.94~~ 5162.54 of the Revised Code; 129111

(2) The total amount of intergovernmental transfers required 129112
to be made in the same program year by governmental hospitals 129113
under section ~~5112.07~~ 5168.07 of the Revised Code, less the amount 129114
of transfers deposited into the legislative budget services fund 129115
under section ~~5112.19~~ 5168.12 of the Revised Code and into the 129116
health care services administration fund created under section 129117
~~5111.94~~ 5162.54 of the Revised Code; 129118

(3) The total amount of federal matching funds that will be 129119
made available in the same program year as a result of funds 129120
distributed by the department of ~~job and family services~~ medicaid 129121
to hospitals under section ~~5112.08~~ 5168.09 of the Revised Code. 129122

~~(F)~~(H) "Intergovernmental transfer" means any transfer of 129123
money by a governmental hospital under section ~~5112.07~~ 5168.07 of 129124
the Revised Code. 129125

~~(G) "Medical assistance program" means the program of medical~~ 129126
~~assistance established under section 5111.01 of the Revised Code~~ 129127
~~and Title XIX of the "Social Security Act."~~ 129128

~~(H)~~(I) "Medicaid services" has the same meaning as in section 129129

5164.01 of the Revised Code. 129130

(J) "Program year" means a period beginning the first day of 129131
October, or a later date designated in rules adopted under section 129132
~~5112.03~~ 5168.02 of the Revised Code, and ending the thirtieth day 129133
of September, or an earlier date designated in rules adopted under 129134
that section. 129135

~~(I)~~(K) "Registered beds" means the total number of hospital 129136
beds registered with the department of health, as reported in the 129137
most recent "directory of registered hospitals" published by the 129138
department of health. 129139

~~(J)~~(L) "Third-party payer" means any person or government 129140
entity that may be liable by law or contract to make payment to or 129141
on behalf of an individual for health care services. "Third-party 129142
payer" does not include a hospital. 129143

(M) "Total facility costs" means the total costs for all 129144
services rendered to all patients, including the direct, indirect, 129145
and overhead cost to the hospital of all services, supplies, 129146
equipment, and capital related to the care of patients, regardless 129147
of whether patients are enrolled in a health insuring corporation, 129148
excluding costs associated with providing skilled nursing services 129149
in distinct-part nursing facility units, as shown on the 129150
hospital's cost report filed under section ~~5112.04~~ 5168.05 of the 129151
Revised Code. Effective October 1, 1993, if rules adopted under 129152
section ~~5112.03~~ 5168.02 of the Revised Code so provide, "total 129153
facility costs" may exclude costs associated with providing care 129154
to recipients of any of the governmental programs listed in 129155
division (B) of that section. 129156

~~(K)~~(N) "Uncompensated care" means bad debt and charity care. 129157

Sec. ~~5112.03~~ 5168.02. (A) The ~~director of job and family~~ 129158
~~services shall adopt, and may amend and rescind,~~ medicaid director 129159

shall adopt rules in accordance with Chapter 119. of the Revised 129160
Code for the purpose of administering sections ~~5112.01~~ 5168.01 to 129161
~~5112.21~~ 5168.14 of the Revised Code, including rules that do all 129162
of the following: 129163

(1) Define as a "disproportionate share hospital" any 129164
hospital included under ~~subsection (b) of section 1923 of the~~ 129165
"Social Security Act," ~~49 Stat. 620 (1935)~~ section 1923(b), 42 129166
U.S.C.A. 1396r-4(b), ~~as amended~~, and any other hospital the 129167
director determines appropriate; 129168

(2) Prescribe the form for submission of cost reports under 129169
section ~~5112.04~~ 5168.05 of the Revised Code; 129170

(3) Establish, in accordance with division (A) of section 129171
~~5112.06~~ 5168.06 of the Revised Code, the assessment rate or rates 129172
to be applied to hospitals under that section; 129173

(4) Establish schedules for hospitals to pay installments on 129174
their assessments under section ~~5112.06~~ 5168.06 of the Revised 129175
Code and for governmental hospitals to pay installments on their 129176
intergovernmental transfers under section ~~5112.07~~ 5168.07 of the 129177
Revised Code; 129178

(5) Establish procedures to notify hospitals of adjustments 129179
made under division (B)(2)(b) of section ~~5112.06~~ 5168.06 of the 129180
Revised Code in the amount of installments on their assessment; 129181

(6) Establish procedures to notify hospitals of adjustments 129182
made under division (D) of section ~~5112.09~~ 5168.08 of the Revised 129183
Code in the total amount of their assessment and to adjust for the 129184
remainder of the program year the amount of the installments on 129185
the assessments; 129186

(7) Establish, in accordance with section ~~5112.08~~ 5168.09 of 129187
the Revised Code, the methodology for paying hospitals under that 129188
section. 129189

The director shall consult with hospitals when adopting the rules required by divisions (A)(4) and (5) of this section in order to minimize hospitals' cash flow difficulties.

(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following:

(1) ~~Recipients of the medical assistance program~~ Medicaid recipients;

(2) Recipients of disability financial assistance provided under Chapter 5115. of the Revised Code;

(3) Recipients of the program for medically handicapped children established under section 3701.023 of the Revised Code;

(4) ~~Recipients of the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;~~ Medicare beneficiaries;

(5) Recipients of Title V of the "Social Security Act," 42 U.S.C. 701 et seq.,;

(6) Any other category of costs deemed appropriate by the director in accordance with Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., and the rules adopted under that title.

Sec. ~~5112.05~~ 5168.03. The requirements of sections ~~5112.06~~ 5168.06 to ~~5112.09~~ 5168.09 of the Revised Code apply only as long as the United States health care financing administration determines that the assessment imposed under section ~~5112.06~~ 5168.06 of the Revised Code is a permissible health care-related tax pursuant to ~~section 1903(w) of the "Social Security Act," 49 Stat. 620 (1935)~~ section 1903(w), 42 U.S.C.A. 1396b(w), as amended. Whenever the department of ~~job and family services~~ medicaid is informed that the assessment is an impermissible

health care-related tax, the department shall promptly refund to 129220
each hospital the amount of money currently in the hospital care 129221
assurance program fund created by section ~~5112.18~~ 5168.11 of the 129222
Revised Code that has been paid by the hospital under section 129223
~~5112.06~~ 5168.06 or ~~5112.07~~ 5168.07 of the Revised Code, plus any 129224
investment earnings on that amount. 129225

Sec. ~~5112.10~~ 5168.04. The department of ~~job and family~~ 129226
~~services~~ medicaid shall operate the hospital care assurance 129227
program established by sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 129228
of the Revised Code on a program year basis. The department shall 129229
complete all program requirements on or before the thirtieth day 129230
of September each year. 129231

Sec. ~~5112.04~~ 5168.05. (A) Except as provided in division (C) 129232
of this section, each hospital, on or before the first day of July 129233
of each year or at a later date approved by the medicaid director 129234
~~of job and family services~~, shall submit to the department of ~~job~~ 129235
~~and family services~~ medicaid a financial statement for the 129236
preceding calendar year that accurately reflects the income, 129237
expenses, assets, liabilities, and net worth of the hospital, and 129238
accompanying notes. A hospital that has a fiscal year different 129239
from the calendar year shall file its financial statement within 129240
one hundred eighty days of the end of its fiscal year or at a 129241
later date approved by the director ~~of job and family services~~. 129242
The financial statement shall be prepared by an independent 129243
certified public accountant and reflect an official audit report 129244
prepared in a manner consistent with generally accepted accounting 129245
principles. The financial statement shall, to the extent that the 129246
hospital has sufficient financial records, show bad debt and 129247
charity care separately from courtesy care and contractual 129248
allowances. 129249

(B) Except as provided in division (C) of this section, each 129250

hospital, within one hundred eighty days after the end of the 129251
hospital's cost reporting period, shall submit to the department a 129252
cost report in a format prescribed in rules adopted ~~by the~~ 129253
~~director of job and family services~~ under section ~~5112.03~~ 5168.02 129254
of the Revised Code. The department shall grant a hospital an 129255
extension of the one hundred eighty day period if the health care 129256
financing administration of the United States department of health 129257
and human services extends the date by which the hospital must 129258
submit its cost report for the hospital's cost reporting period. 129259

(C) The director ~~of job and family services~~ may adopt rules 129260
under section ~~5112.03~~ 5168.02 of the Revised Code specifying 129261
financial information that must be submitted by hospitals for 129262
which no financial statement or cost report is available. The 129263
rules shall specify deadlines for submitting the information. Each 129264
such hospital shall submit the information specified in the rules 129265
not later than the deadline specified in the rules. 129266

Sec. ~~5112.06~~ 5168.06. (A) For the purpose of distributing 129267
funds to hospitals under the ~~medical assistance~~ medicaid program 129268
pursuant to sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 of the 129269
Revised Code and depositing funds into the legislative budget 129270
services fund under section ~~5112.19~~ 5168.12 of the Revised Code 129271
and into the health care services administration fund created 129272
under section ~~5111.94~~ 5162.54 of the Revised Code, there is hereby 129273
imposed an assessment on all hospitals. Each hospital's assessment 129274
shall be based on total facility costs. All hospitals shall be 129275
assessed according to the rate or rates established each program 129276
year ~~by the department of job and family services~~ in rules adopted 129277
under section ~~5112.03~~ 5168.02 of the Revised Code. The department 129278
shall assess all hospitals uniformly and in a manner consistent 129279
with federal statutes and regulations. During any program year, 129280
the department shall not assess any hospital more than two per 129281
cent of the hospital's total facility costs. 129282

The department shall establish an assessment rate or rates 129283
each program year that will do both of the following: 129284

(1) Yield funds that, when combined with intergovernmental 129285
transfers and federal matching funds, will produce a program of 129286
sufficient size to pay a substantial portion of the indigent care 129287
provided by hospitals; 129288

(2) Yield funds that, when combined with intergovernmental 129289
transfers and federal matching funds, will produce amounts for 129290
distribution to disproportionate share hospitals that do not 129291
exceed, in the aggregate, the limits prescribed by the United 129292
States health care financing administration under ~~subsection (f)~~ 129293
~~of section 1923 of the "Social Security Act," 49 Stat. 620 (1935)~~ 129294
section 1923(f), 42 U.S.C.A. 1396r-4(f), as amended. 129295

(B)(1) Except as provided in division (B)(3) of this section, 129296
each hospital shall pay its assessment in periodic installments in 129297
accordance with a schedule established ~~by the director of job and~~ 129298
~~family services~~ in rules adopted under section ~~5112.03~~ 5168.02 of 129299
the Revised Code. 129300

(2) The installments shall be equal in amount, unless either 129301
of the following applies: 129302

(a) The department makes adjustments during a program year 129303
under division (D) of section ~~5112.09~~ 5168.08 of the Revised Code 129304
in the total amount of hospitals' assessments; 129305

(b) The medicaid director ~~of job and family services~~ 129306
determines that adjustments in the amounts of installments are 129307
necessary for the administration of sections ~~5112.01~~ 5168.01 to 129308
~~5112.21~~ 5168.14 of the Revised Code and that unequal installments 129309
will not create cash flow difficulties for hospitals. 129310

(3) The director may adopt rules under section ~~5112.03~~ 129311
5168.02 of the Revised Code establishing alternate schedules for 129312
hospitals to pay assessments under this section in order to reduce 129313

hospitals' cash flow difficulties. 129314

Sec. ~~5112.07~~ 5168.07. (A) The department of ~~job and family~~ 129315
~~services~~ medicaid may require governmental hospitals to make 129316
intergovernmental transfers each program year for the purpose of 129317
distributing funds to hospitals under the ~~medical assistance~~ 129318
medicaid program pursuant to sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 129319
5168.14 of the Revised Code and depositing funds into the 129320
legislative budget services fund under section ~~5112.19~~ 5168.12 of 129321
the Revised Code and into the health care services administration 129322
fund created under section ~~5111.94~~ 5162.54 of the Revised Code. 129323
The department shall not require transfers in an amount that, when 129324
combined with hospital assessments paid under section ~~5112.06~~ 129325
5168.06 of the Revised Code and federal matching funds, produce 129326
amounts for distribution to disproportionate share hospitals that, 129327
in the aggregate, exceed limits prescribed by the United States 129328
health care financing administration under ~~subsection (f) of~~ 129329
~~section 1923 of the "Social Security Act," 49 Stat. 620 (1935)~~ 129330
section 1923(f), 42 U.S.C.A. 1396r-4(f), ~~as amended.~~ 129331

(B) Before or during each program year, the department shall 129332
notify each governmental hospital of the amount of the 129333
intergovernmental transfer it is required to make during the 129334
program year. Each governmental hospital shall make 129335
intergovernmental transfers as required by the department under 129336
this section in periodic installments, executed by electronic fund 129337
transfer, in accordance with a schedule established in rules 129338
adopted under section ~~5112.03~~ 5168.02 of the Revised Code. 129339

Sec. ~~5112.09~~ 5168.08. (A) Before or during each program year, 129340
the department of ~~job and family services~~ medicaid shall mail to 129341
each hospital by certified mail, return receipt requested, the 129342
preliminary determination of the amount that the hospital is 129343
assessed under section ~~5112.06~~ 5168.06 of the Revised Code during 129344

the program year. The preliminary determination of a hospital's 129345
assessment shall be calculated for a cost-reporting period that is 129346
specified in rules adopted under section ~~5112.03~~ 5168.02 of the 129347
Revised Code. 129348

The department shall consult with hospitals each year when 129349
determining the date on which it will mail the preliminary 129350
determinations in order to minimize hospitals' cash flow 129351
difficulties. 129352

If no hospital submits a request for reconsideration under 129353
division (B) of this section, the preliminary determination 129354
constitutes the final reconciliation of each hospital's assessment 129355
under section ~~5112.06~~ 5168.06 of the Revised Code. The final 129356
reconciliation is subject to adjustments under division (D) of 129357
this section. 129358

(B) Not later than fourteen days after the preliminary 129359
determinations are mailed, any hospital may submit to the 129360
department a written request to reconsider the preliminary 129361
determinations. The request shall be accompanied by written 129362
materials setting forth the basis for the reconsideration. If one 129363
or more hospitals submit a request, the department shall hold a 129364
public hearing not later than thirty days after the preliminary 129365
determinations are mailed to reconsider the preliminary 129366
determinations. The department shall mail to each hospital a 129367
written notice of the date, time, and place of the hearing at 129368
least ten days prior to the hearing. On the basis of the evidence 129369
submitted to the department or presented at the public hearing, 129370
the department shall reconsider and may adjust the preliminary 129371
determinations. The result of the reconsideration is the final 129372
reconciliation of the hospital's assessment under section ~~5112.06~~ 129373
5168.06 of the Revised Code. The final reconciliation is subject 129374
to adjustments under division (D) of this section. 129375

(C) The department shall mail to each hospital a written 129376

notice of its assessment for the program year under the final 129377
reconciliation. A hospital may appeal the final reconciliation of 129378
its assessment to the court of common pleas of Franklin county. 129379
While a judicial appeal is pending, the hospital shall pay, in 129380
accordance with the schedules required by division (B) of section 129381
~~5112.06~~ 5168.06 of the Revised Code, any amount of its assessment 129382
that is not in dispute into the hospital care assurance program 129383
fund created in section ~~5112.10~~ 5168.11 of the Revised Code. 129384

(D) In the course of any program year, the department may 129385
adjust the assessment rate or rates established in rules pursuant 129386
to section ~~5112.06~~ 5168.06 of the Revised Code or adjust the 129387
amounts of intergovernmental transfers required under section 129388
~~5112.07~~ 5168.07 of the Revised Code and, as a result of the 129389
adjustment, adjust each hospital's assessment and 129390
intergovernmental transfer, to reflect refinements made by the 129391
United States health care financing administration during that 129392
program year to the limits it prescribed under ~~subsection (f) of~~ 129393
~~section 1923 of the "Social Security Act," 49 Stat. 620 (1935)~~ 129394
section 1923(f), 42 U.S.C.A. 1396r-4(f), as amended. When 129395
adjusted, the assessment rate or rates must comply with division 129396
(A) of section ~~5112.06~~ 5168.06 of the Revised Code. An adjusted 129397
intergovernmental transfer must comply with division (A) of 129398
section ~~5112.07~~ 5168.07 of the Revised Code. The department shall 129399
notify hospitals of adjustments made under this division and 129400
adjust for the remainder of the program year the installments paid 129401
by hospitals under sections ~~5112.06~~ 5168.06 and ~~5112.07~~ 5168.07 of 129402
the Revised Code in accordance with rules adopted under section 129403
~~5112.03~~ 5168.02 of the Revised Code. 129404

Sec. ~~5112.08~~ 5168.09. The medicaid director of ~~job and family~~ 129405
~~services~~ shall adopt rules under section ~~5112.03~~ 5168.02 of the 129406
Revised Code establishing a methodology to pay hospitals that is 129407
sufficient to expend all money in the indigent care pool. Under 129408

the rules: 129409

(A) The department of ~~job and family services~~ medicaid may 129410
classify similar hospitals into groups and allocate funds for 129411
distribution within each group. 129412

(B) The department shall establish a method of allocating 129413
funds to hospitals, taking into consideration the relative amount 129414
of indigent care provided by each hospital or group of hospitals. 129415
The amount to be allocated shall be based on any combination of 129416
the following indicators of indigent care that the director 129417
considers appropriate: 129418

(1) Total costs, volume, or proportion of services to 129419
recipients of the medical assistance program, including recipients 129420
enrolled in health insuring corporations; 129421

(2) Total costs, volume, or proportion of services to 129422
low-income patients in addition to medicaid recipients ~~of the~~ 129423
~~medical assistance program~~, which may include recipients of Title 129424
V of the "Social Security Act," ~~49 Stat. 620 (1935)~~, 42 U.S.C.A. 129425
~~301 701 et seq., as amended~~, and recipients of disability 129426
financial assistance provided under Chapter 5115. of the Revised 129427
Code; 129428

(3) The amount of uncompensated care provided by the hospital 129429
or group of hospitals; 129430

(4) Other factors that the director considers to be 129431
appropriate indicators of indigent care. 129432

(C) The department shall distribute funds to each hospital or 129433
group of hospitals in a manner that first may provide for an 129434
additional distribution to individual hospitals that provide a 129435
high proportion of indigent care in relation to the total care 129436
provided by the hospital or in relation to other hospitals. The 129437
department shall establish a formula to distribute the remainder 129438
of the funds. The formula shall be consistent with ~~section 1923 of~~ 129439

the "Social Security Act," section 1923, 42 U.S.C.A. 1396r-4, ~~as~~ 129440
~~amended,~~ and shall be based on any combination of the indicators 129441
of indigent care listed in division (B) of this section that the 129442
director considers appropriate. 129443

(D) The department shall distribute funds to each hospital in 129444
installments not later than ten working days after the deadline 129445
established in rules for each hospital to pay an installment on 129446
its assessment under section ~~5112.06~~ 5168.06 of the Revised Code. 129447
In the case of a governmental hospital that makes 129448
intergovernmental transfers, the department shall pay an 129449
installment under this section not later than ten working days 129450
after the earlier of that deadline or the deadline established in 129451
rules for the governmental hospital to pay an installment on its 129452
intergovernmental transfer. If the amount in the hospital care 129453
assurance program fund created under section ~~5112.18~~ 5168.11 of 129454
the Revised Code and the portion of the health care - federal fund 129455
created under section ~~5111.943~~ 5162.50 of the Revised Code that is 129456
credited to that fund pursuant to division (B) of section ~~5112.18~~ 129457
5168.11 of the Revised Code are insufficient to make the total 129458
distributions for which hospitals are eligible to receive in any 129459
period, the department shall reduce the amount of each 129460
distribution by the percentage by which the amount and portion are 129461
insufficient. The department shall distribute to hospitals any 129462
amounts not distributed in the period in which they are due as 129463
soon as moneys are available in the funds. 129464

Sec. ~~5112.11~~ 5168.10. Except for moneys deposited into the 129465
legislative budget services fund under section ~~5112.19~~ 5168.12 of 129466
the Revised Code and the health care services administration fund 129467
created under section ~~5111.94~~ 5162.54 of the Revised Code, the 129468
department of ~~job and family services~~ medicaid shall not use money 129469
paid to the department under sections ~~5112.06~~ 5168.06 and ~~5112.07~~ 129470
5168.07 of the Revised Code or money that the department pays to 129471

hospitals under section ~~5112.08~~ 5168.09 of the Revised Code to 129472
replace any funds appropriated by the general assembly for the 129473
~~medical assistance~~ medicaid program. 129474

Sec. ~~5112.18~~ 5168.11. (A) Except as provided in section 129475
~~5112.19~~ 5168.12 of the Revised Code, all payments of assessments 129476
by hospitals under section ~~5112.06~~ 5168.06 of the Revised Code and 129477
all intergovernmental transfers under section ~~5112.07~~ 5168.07 of 129478
the Revised Code shall be deposited in the state treasury to the 129479
credit of the hospital care assurance program fund, hereby 129480
created. All investment earnings of the hospital care assurance 129481
program fund shall be credited to the fund. The department of ~~job~~ 129482
~~and family services~~ medicaid shall maintain records that show the 129483
amount of money in the hospital care assurance program fund at any 129484
time that has been paid by each hospital and the amount of any 129485
investment earnings on that amount. All moneys credited to the 129486
hospital care assurance program fund shall be used solely to make 129487
payments to hospitals under division (D) of this section and 129488
section ~~5112.08~~ 5168.09 of the Revised Code. 129489

(B) All federal matching funds received as a result of the 129490
department distributing funds from the hospital care assurance 129491
program fund to hospitals under section ~~5112.08~~ 5168.09 of the 129492
Revised Code shall be credited to the health care - federal fund 129493
created under section ~~5111.943~~ 5162.50 of the Revised Code. 129494

(C) All distributions of funds to hospitals under section 129495
~~5112.08~~ 5168.09 of the Revised Code are conditional on: 129496

(1) Expiration of the time for appeals under section ~~5112.09~~ 129497
5168.08 of the Revised Code without the filing of an appeal, or on 129498
court determinations, in the event of appeals, that the hospital 129499
is entitled to the funds; 129500

(2) The sum of the following being sufficient to distribute 129501
the funds after the final determination of any appeals: 129502

(a) The available money in the hospital care assurance program fund; 129503
129504

(b) The available portion of the money in the health care - federal fund that is credited to that fund pursuant to division (B) of this section. 129505
129506
129507

(3) The hospital's compliance with section ~~5112.17~~ 5168.14 of the Revised Code. 129508
129509

(D) If an audit conducted by the department of the amounts of payments made and funds received by hospitals under sections ~~5112.06~~ 5168.06, ~~5112.07~~ 5168.07, and ~~5112.08~~ 5168.09 of the Revised Code identifies amounts that, due to errors by the department, a hospital should not have been required to pay but did pay, should have been required to pay but did not pay, should not have received but did receive, or should have received but did not receive, the department shall: 129510
129511
129512
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(1) Make payments to any hospital that the audit reveals paid amounts it should not have been required to pay or did not receive amounts it should have received; 129518
129519
129520

(2) Take action to recover from a hospital any amounts that the audit reveals it should have been required to pay but did not pay or that it should not have received but did receive. 129521
129522
129523

Payments made under division (D)(1) of this section shall be made from the hospital care assurance program fund. Amounts recovered under division (D)(2) of this section shall be deposited to the credit of that fund. Any hospital may appeal the amount the hospital is to be paid under division (D)(1) or the amount that is to be recovered from the hospital under division (D)(2) of this section to the court of common pleas of Franklin county. 129524
129525
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Sec. ~~5112.19~~ 5168.12. From the first installment of assessments paid under section ~~5112.06~~ 5168.06 of the Revised Code 129531
129532

and intergovernmental transfers made under section ~~5112.07~~ 5168.07 129533
of the Revised Code during each program year beginning in an 129534
odd-numbered calendar year, the department of ~~job and family~~ 129535
~~services~~ medicaid shall deposit into the state treasury to the 129536
credit of the legislative budget services fund, which is hereby 129537
created, a total amount equal to the amount by which the biennial 129538
appropriation from that fund exceeds the amount of unexpended, 129539
unencumbered moneys in that fund. All investment earnings of the 129540
legislative budget services fund shall be credited to that fund. 129541
Money in the legislative budget services fund shall be used solely 129542
to pay the expenses of the legislative budget office of the 129543
legislative service commission. 129544

Sec. ~~5112.21~~ 5168.13. Except as specifically required by 129545
sections ~~5112.01~~ 5168.01 to ~~5112.19~~ 5168.14 of the Revised Code, 129546
information filed under those sections shall not include any 129547
patient-identifying material. Information that includes 129548
patient-identifying material is not a public record under section 129549
149.43 of the Revised Code, and no patient-identifying material 129550
shall be released publicly by the department of ~~job and family~~ 129551
~~services~~ medicaid or by any person under contract with the 129552
department who has access to such information. 129553

Sec. ~~5112.17~~ 5168.14. (A) ~~As used in this section:~~ 129554

~~(1) "Federal poverty guideline" means the official poverty~~ 129555
~~guideline as revised annually by the United States secretary of~~ 129556
~~health and human services in accordance with section 673 of the~~ 129557
~~"Community Service Block Grant Act," 95 Stat. 511 (1981), 42~~ 129558
~~U.S.C.A. 9902, as amended, for a family size equal to the size of~~ 129559
~~the family of the person whose income is being determined.~~ 129560

~~(2) "Third party payer" means any private or public entity or~~ 129561
~~program that may be liable by law or contract to make payment to~~ 129562

~~or on behalf of an individual for health care services.~~ 129563

~~"Third party payer" does not include a hospital.~~ 129564

~~(B)~~ Each hospital that receives funds distributed under 129565
sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 of the Revised Code 129566
shall provide, without charge to the individual, basic, medically 129567
necessary hospital-level services to individuals who are residents 129568
of this state, are not medicaid recipients ~~of the medical~~ 129569
~~assistance program~~, and whose income is at or below the federal 129570
poverty ~~guideline~~ line. Recipients of disability financial 129571
assistance provided under Chapter 5115. of the Revised Code 129572
qualify for services under this section. The medicaid director ~~of~~ 129573
~~job and family services~~ shall adopt rules under section ~~5112.03~~ 129574
5168.02 of the Revised Code specifying the hospital services to be 129575
provided under this section. 129576

~~(C)~~(B) Nothing in this section shall be construed to prevent 129577
a hospital from requiring an individual to apply for eligibility 129578
~~under the medical assistance~~ medicaid program before the hospital 129579
processes an application under this section. Hospitals may bill 129580
any third-party payer for services rendered under this section. 129581
Hospitals may bill the ~~medical assistance~~ medicaid program, in 129582
accordance with ~~Chapter 5111. of the Revised Code~~ state statutes 129583
governing the medicaid program and ~~the~~ rules adopted under ~~that~~ 129584
~~chapter~~ those statutes, for medicaid services rendered under this 129585
section if the individual becomes a medicaid recipient ~~of the~~ 129586
~~program~~. Hospitals may bill individuals for services under this 129587
section if all of the following apply: 129588

(1) The hospital has an established post-billing procedure 129589
for determining the individual's income and canceling the charges 129590
if the individual is found to qualify for services under this 129591
section. 129592

(2) The initial bill, and at least the first follow-up bill, 129593
is accompanied by a written statement that does all of the 129594

following: 129595

(a) Explains that individuals with income at or below the 129596
federal poverty ~~guideline~~ line are eligible for services without 129597
charge; 129598

(b) Specifies the federal poverty ~~guideline~~ line for 129599
individuals and families of various sizes at the time the bill is 129600
sent; 129601

(c) Describes the procedure required by division (C)(1) of 129602
this section. 129603

(3) The hospital complies with any additional rules ~~the~~ 129604
~~department adopts~~ adopted under section ~~5112.03~~ 5168.02 of the 129605
Revised Code. 129606

Notwithstanding division (B) of this section, a hospital 129607
providing care to an individual under this section is subrogated 129608
to the rights of any individual to receive compensation or 129609
benefits from any person or governmental entity for the hospital 129610
goods and services rendered. 129611

~~(D)~~(C) Each hospital shall collect and report to the 129612
department of medicaid, in the form and manner prescribed by the 129613
department, information on the number and identity of patients 129614
served pursuant to this section. 129615

~~(E)~~(D) This section applies beginning May 22, 1992, 129616
regardless of whether ~~the department has adopted~~ rules specifying 129617
the services to be provided have been adopted. Nothing in this 129618
section alters the scope or limits the obligation of any 129619
governmental entity or program, including the program awarding 129620
reparations to victims of crime under sections 2743.51 to 2743.72 129621
of the Revised Code and the program for medically handicapped 129622
children established under section 3701.023 of the Revised Code, 129623
to pay for hospital services in accordance with state or local 129624
law. 129625

Sec. ~~5112.40~~ 5168.20. As used in sections ~~5112.40~~ 5168.20 to 129626
~~5112.48~~ 5168.28 of the Revised Code: 129627

(A) "Applicable assessment percentage" means the percentage 129628
specified in rules adopted under section ~~5112.46~~ 5168.26 of the 129629
Revised Code that is used in calculating a hospital's assessment 129630
under section ~~5112.41~~ 5168.21 of the Revised Code. 129631

(B) "Assessment program year" means the twelve-month period 129632
beginning the first day of October of a calendar year and ending 129633
the last day of September of the following calendar year. 129634

(C) "Cost reporting period" means the period of time used by 129635
a hospital in reporting costs for purposes of the medicare 129636
program. 129637

(D) "Federal fiscal year" means the twelve-month period 129638
beginning the first day of October of a calendar year and ending 129639
the last day of September of the following calendar year. 129640

(E)(1) Except as provided in division (E)(2) of this section, 129641
"hospital" means a hospital to which any of the following applies: 129642

(a) The hospital is registered under section 3701.07 of the 129643
Revised Code as a general medical and surgical hospital or a 129644
pediatric general hospital and provides inpatient hospital 129645
services, as defined in 42 C.F.R. 440.10. 129646

(b) The hospital is recognized under the medicare program as 129647
a cancer hospital and is exempt from the medicare prospective 129648
payment system. 129649

(c) The hospital is a psychiatric hospital licensed under 129650
section ~~5119.20~~ 5119.33 of the Revised Code. 129651

(2) "Hospital" does not include either of the following: 129652

(a) A federal hospital; 129653

(b) A hospital that does not charge any of its patients for 129654

its services. 129655

(F) "Hospital care assurance program" means the program 129656
established under sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 of 129657
the Revised Code. 129658

(G) ~~"Medicaid" has the same meaning as in section 5111.01 of~~ 129659
~~the Revised Code.~~ 129660

~~(H) "Medicare" means the program established under Title~~ 129661
~~XVIII of the Social Security Act.~~ 129662

~~(I)~~ "State fiscal year" means the twelve-month period 129663
beginning the first day of July of a calendar year and ending the 129664
last day of June of the following calendar year. 129665

~~(J)~~(H)(1) Except as provided in divisions ~~(J)~~(H)(2) and (3) 129666
of this section, "total facility costs" means the total costs to a 129667
hospital for all care provided to all patients, including the 129668
direct, indirect, and overhead costs to the hospital of all 129669
services, supplies, equipment, and capital related to the care of 129670
patients, regardless of whether patients are enrolled in a health 129671
insuring corporation. 129672

(2) "Total facility costs" excludes all of the following of a 129673
hospital's costs as shown on the cost-reporting data used for 129674
purposes of determining the hospital's assessment under section 129675
~~5112.41~~ 5168.21 of the Revised Code: 129676

(a) Skilled nursing services provided in distinct-part 129677
nursing facility units; 129678

(b) Home health services; 129679

(c) Hospice services; 129680

(d) Ambulance services; 129681

(e) Renting durable medical equipment; 129682

(f) Selling durable medical equipment. 129683

(3) "Total facility costs" excludes any costs excluded from a hospital's total facility costs pursuant to rules, if any, adopted under division (B)(1) of section ~~5112.46~~ 5168.26 of the Revised Code.

Sec. ~~5112.41~~ 5168.21. (A) For the purposes specified in section ~~5112.45~~ 5168.25 of the Revised Code and subject to section ~~5112.48~~ 5168.28 of the Revised Code, there is hereby imposed an assessment on all hospitals each assessment program year. The amount of a hospital's assessment for an assessment program year shall equal the applicable assessment percentage of the hospital's total facility costs for the period of time specified in division (B) of this section. The amount of a hospital's total facility costs shall be derived from cost-reporting data for the hospital submitted to the department of ~~job and family services~~ medicaid for purposes of the hospital care assurance program. If a hospital has not submitted that cost-reporting data to the department, the amount of a hospital's total facility costs shall be derived from other financial statements that the hospital shall provide to the department as directed by the department. The cost-reporting data or financial statements used to determine a hospital's assessment is subject to the same type of adjustments made to the cost-reporting data under the hospital care assurance program.

(B) The period of time specified in this division is the hospital's cost reporting period that ends in the state fiscal year that ends in the federal fiscal year that precedes the federal fiscal year that precedes the assessment program year for which the assessment is imposed.

(C) The assessment imposed by this section on a hospital is in addition to the assessment imposed by section ~~5112.06~~ 5168.06 of the Revised Code.

Sec. ~~5112.42~~ 5168.22. (A) Before or during each assessment 129715
program year, the department of ~~job and family services~~ medicaid 129716
shall mail to each hospital by certified mail, return receipt 129717
requested, the preliminary determination of the amount that the 129718
hospital is assessed under section ~~5112.41~~ 5168.21 of the Revised 129719
Code for the assessment program year. Except as provided in 129720
division (B) of this section, the preliminary determination 129721
becomes the final determination for the assessment program year 129722
fifteen days after the preliminary determination is mailed to the 129723
hospital. 129724

(B) A hospital may request that the department reconsider the 129725
preliminary determination mailed to the hospital under division 129726
(A) of this section by submitting to the department a written 129727
request for a reconsideration not later than fourteen days after 129728
the hospital's preliminary determination is mailed to the 129729
hospital. The request must be accompanied by written materials 129730
setting forth the basis for the reconsideration. On receipt of the 129731
timely request, the department shall reconsider the preliminary 129732
determination and may adjust the preliminary determination on the 129733
basis of the written materials accompanying the request. The 129734
result of the reconsideration is the final determination of the 129735
hospital's assessment under section ~~5112.41~~ 5168.21 of the Revised 129736
Code for the assessment program year. 129737

(C) The department shall mail to each hospital a written 129738
notice of the final determination of its assessment for the 129739
assessment program year. A hospital may appeal the final 129740
determination to the court of common pleas of Franklin county. 129741
While a judicial appeal is pending, the hospital shall pay, in 129742
accordance with section ~~5112.43~~ 5168.23 of the Revised Code, any 129743
amount of its assessment that is not in dispute. 129744

Sec. ~~5112.43~~ 5168.23. Unless rules adopted under section 129745

~~5112.46~~ 5168.26 of the Revised Code establish a different payment schedule, each hospital shall pay the amount it is assessed under section ~~5112.41~~ 5168.21 of the Revised Code in accordance with the following payment schedule:

(A) Twenty-eight per cent of a hospital's assessment is due on the last business day of October of each assessment program year.

(B) Thirty-one per cent of a hospital's assessment is due on the last business day of February of each assessment program year.

(C) Forty-one per cent of a hospital's assessment is due on the last business day of May of each assessment program year.

Sec. ~~5112.44~~ 5168.24. The department of ~~job and family services~~ medicaid may audit a hospital to ensure that the hospital properly pays the amount it is assessed under section ~~5112.41~~ 5168.21 of the Revised Code. The department shall take action to recover from a hospital any amount the audit reveals that the hospital should have paid but did not pay.

Sec. ~~5112.45~~ 5168.25. There is hereby created in the state treasury the hospital assessment fund. All installment payments made by hospitals under section ~~5112.43~~ 5168.23 of the Revised Code and all recoveries the department of ~~job and family services~~ medicaid makes under section ~~5112.44~~ 5168.24 of the Revised Code shall be deposited into the fund. All investment earnings of the fund shall be credited to the fund. The department shall use money in the fund to pay for the costs of the medicaid program, including the program's administrative costs.

Sec. ~~5112.46~~ 5168.26. (A) The ~~director of job and family services shall adopt, amend, and rescind~~ medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code as

necessary to implement sections ~~5112.40~~ 5168.20 to ~~5112.48~~ 5168.28 129775
of the Revised Code, including rules that specify the percentage 129776
of hospitals' total facility costs to be used in calculating 129777
hospitals' assessments under section ~~5112.41~~ 5168.21 of the 129778
Revised Code. 129779

(B) The rules adopted under this section may do the 129780
following: 129781

(1) Provide that a hospital's total facility costs for the 129782
purpose of the assessment under section ~~5112.41~~ 5168.21 of the 129783
Revised Code exclude any of the following: 129784

(a) A hospital's costs associated with providing care to 129785
recipients of any of the following: 129786

(i) The medicaid program; 129787

(ii) The medicare program; 129788

(iii) The disability financial assistance program established 129789
under Chapter 5115. of the Revised Code; 129790

(iv) The program for medically handicapped children 129791
established under section 3701.023 of the Revised Code; 129792

(v) Services provided under the maternal and child health 129793
services block grant established under Title V of the "Social 129794
Security Act," 42 U.S.C. 701 et seq. 129795

(b) Any other category of hospital costs the director deems 129796
appropriate under federal law and regulations governing the 129797
medicaid program. 129798

(2) Subject to division (C) of this section, provide for the 129799
percentage of hospitals' total facility costs used in calculating 129800
hospitals' assessments to vary for different hospitals; 129801

(3) To reduce hospitals' cash flow difficulties, establish a 129802
schedule for hospitals to pay their assessments that is different 129803

from the schedule established under section ~~5112.43~~ 5168.23 of the Revised Code. 129804
129805

(C) Before adopting rules authorized by division (B)(2) of 129806
this section that establish varied percentages to be used in 129807
calculating hospitals' assessments, the director shall obtain a 129808
waiver from the United States secretary of health and human 129809
services under ~~section 1903(w)(3)(E)~~ of the "Social Security Act," 129810
~~105 Stat. 1796 (1991)~~ section 1903(w)(3)(E), 42 U.S.C. 129811
1396b(w)(3)(E), ~~as amended~~, if the varied percentages would cause 129812
the assessments to not be imposed uniformly. 129813

Sec. ~~5112.47~~ 5168.27. The medicaid director ~~of job and family~~ 129814
~~services~~ shall implement the assessment imposed by section ~~5112.41~~ 129815
5168.21 of the Revised Code in a manner that does not cause a 129816
reduction in federal financial participation for the medicaid 129817
program under the "Social Security Act," section 1903(w), 42 129818
U.S.C. 1396b(w). 129819

Sec. ~~5112.48~~ 5168.28. If the United States secretary of 129820
health and human services determines that the assessment imposed 129821
by section ~~5112.41~~ 5168.21 of the Revised Code is an impermissible 129822
health care-related tax under the "Social Security Act," section 129823
1903(w), 42 U.S.C. 1396b(w), the medicaid director ~~of job and~~ 129824
~~family services~~ shall take all necessary actions to cease 129825
implementation of sections ~~5112.40~~ 5168.20 to ~~5112.47~~ 5168.27 of 129826
the Revised Code and shall promptly refund to each hospital the 129827
amount of money in the hospital assessment fund at the time the 129828
refund is to be made that the hospital paid under section ~~5112.43~~ 129829
5168.23 of the Revised Code, plus any corresponding investment 129830
earnings on that amount. 129831

Sec. ~~3721.50~~ 5168.40. As used in sections ~~3721.50~~ 5168.40 to 129832
~~3721.58~~ 5168.56 of the Revised Code: 129833

(A) "Bed surrender" means the following:	129834
(1) In the case of a nursing home, the removal of a bed from a nursing home's licensed capacity in a manner that reduces the total licensed capacity of all nursing homes;	129835 129836 129837
(2) In the case of a hospital, the removal of a hospital bed from registration under section 3701.07 of the Revised Code as a skilled nursing facility bed or long-term care bed in a manner that reduces the total number of hospital beds registered under that section as skilled nursing facility beds or long-term care beds.	129838 129839 129840 129841 129842 129843
(B) "Change of operator" means an entering operator becoming the operator of a nursing home or hospital in the place of the exiting operator.	129844 129845 129846
(1) Actions that constitute a change of operator include the following:	129847 129848
(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;	129849 129850 129851
(b) A transfer of all the exiting operator's ownership interest in the operation of the nursing home or hospital to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing home or hospital is also transferred;	129852 129853 129854 129855 129856
(c) A lease of the nursing home or hospital to the entering operator or the exiting operator's termination of the exiting operator's lease;	129857 129858 129859
(d) If the exiting operator is a partnership, dissolution of the partnership;	129860 129861
(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:	129862 129863

(i) The change in composition does not cause the partnership's dissolution under state law. 129864
129865

(ii) The partners agree that the change in composition does not constitute a change in operator. 129866
129867

(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation. 129868
129869
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(2) The following, alone, do not constitute a change of operator: 129872
129873

(a) A contract for an entity to manage a nursing home or hospital as the operator's agent, subject to the operator's approval of daily operating and management decisions; 129874
129875
129876

(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing home or hospital if an entering operator does not become the operator in place of an exiting operator; 129877
129878
129879
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(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator. 129881
129882
129883
129884

(C) "Effective date of a change of operator" means the day an entering operator becomes the operator of a nursing home or hospital. 129885
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129887

(D) "Entering operator" means the person or government entity that will become the operator of a nursing home or hospital on the effective date of a change of operator. 129888
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(E) "Exiting operator" means an operator that will cease to be the operator of a nursing home or hospital on the effective date of a change of operator. 129891
129892
129893

(F) "Franchise permit fee rate" means the following:	129894
(1) For fiscal year 2012, eleven dollars and forty seven cents;	129895
(2) For fiscal year 2013 and each fiscal year thereafter, eleven dollars and sixty seven cents rate determined in accordance with section 5168.41 of the Revised Code.	129896
(G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	129897
	129898
	129899
(H) "Hospital long-term care unit" means any distinct part of a hospital in which any of the following beds are located:	129900
	129901
(1) Beds registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term care beds;	129902
	129903
(2) Beds licensed as nursing home beds under section 3721.02 or 3721.09 of the Revised Code.	129904
	129905
	129906
(I) "Indirect guarantee percentage" means the percentage specified in section 1903(w)(4)(C)(ii) of the "Social Security Act," 120 Stat. 2994 (2006) <u>section 1903(w)(4)(C)(ii)</u> , 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a class of providers is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following:	129907
	129908
	129909
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	129913
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	129916
(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change;	129917
	129918
(2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage.	129919
	129920
(J) "Medicaid <u>days</u> " has the same meaning as in section 5111.01 of the Revised Code.	129921
	129922
(K) "Medicare" means the program established by Title XVIII.	129923

~~(L)~~ and "Nursing nursing facility" ~~has~~ have the same ~~meaning~~ 129924
meanings as in section ~~5111.20~~ 5165.01 of the Revised Code. 129925

~~(M)~~(K)(1) "Nursing home" means all of the following: 129926

(a) A nursing home licensed under section 3721.02 or 3721.09 129927
of the Revised Code, including any part of a home for the aging 129928
licensed as a nursing home; 129929

(b) A facility or part of a facility, other than a hospital, 129930
that is certified as a skilled nursing facility under Title XVIII; 129931

(c) A nursing facility, other than a portion of a hospital 129932
certified as a nursing facility. 129933

(2) "Nursing home" does not include either of the following: 129934

(a) A county home, county nursing home, or district home 129935
operated pursuant to Chapter 5155. of the Revised Code; 129936

(b) A nursing home maintained and operated by the department 129937
of veterans services under section 5907.01 of the Revised Code. 129938

~~(N)~~(L) "Operator" means the person or government entity 129939
responsible for the daily operating and management decisions for a 129940
nursing home or hospital. 129941

~~(O)~~(M) "Title XIX" means Title XIX of the "Social Security 129942
Act," ~~79 Stat. 286 (1965)~~, 42 U.S.C. 1396, ~~as amended~~ et seq. 129943

~~(P)~~(N) "Title XVIII" means Title XVIII of the "Social 129944
Security Act," ~~79 Stat. 286 (1965)~~, 42 U.S.C. 1395, ~~as amended~~ et 129945
seq. 129946

Sec. 5168.41. (A) The franchise permit fee rate shall be 129947
determined for each fiscal year as follows: 129948

(1) Determine the estimated total net patient revenues for 129949
all nursing homes and hospital long-term care units for the fiscal 129950
year; 129951

<u>(2) Multiply the estimated total net patient revenues</u>	129952
<u>determined under division (A)(1) of this section by the lesser of</u>	129953
<u>the following:</u>	129954
<u>(a) The indirect guarantee percentage;</u>	129955
<u>(b) Six per cent.</u>	129956
<u>(3) Divide the product determined under division (A)(2) of</u>	129957
<u>this section by the number of days in the fiscal year;</u>	129958
<u>(4) Determine the sum of the following:</u>	129959
<u>(a) The total number of beds in all nursing homes and</u>	129960
<u>hospital long-term care units that are subject to the franchise</u>	129961
<u>permit fee for the fiscal year;</u>	129962
<u>(b) The total number of nursing home beds that are exempt</u>	129963
<u>from the franchise permit fee for the fiscal year because of the</u>	129964
<u>waiver obtained pursuant to section 5168.43 of the Revised Code.</u>	129965
<u>(5) Divide the quotient determined under division (A)(3) of</u>	129966
<u>this section by the sum determined under division (A)(4) of this</u>	129967
<u>section.</u>	129968
<u>(B) In determining the estimated total net patient revenues</u>	129969
<u>for all nursing homes and hospital long-term care units for a</u>	129970
<u>fiscal year, the department of medicaid shall use at least all of</u>	129971
<u>the following:</u>	129972
<u>(1) Information from medicaid cost reports filed under</u>	129973
<u>section 5165.10 of the Revised Code that are the most recent at</u>	129974
<u>the time the determination is made;</u>	129975
<u>(2) The projected total medicaid payment rates for nursing</u>	129976
<u>facility services for the fiscal year;</u>	129977
<u>(3) The projected total number of medicaid days for the</u>	129978
<u>fiscal year.</u>	129979
Sec. 3721.51 5168.42. The department of job and family	129980

~~services~~ medicaid shall do all of the following: 129981

(A) Subject to sections ~~3721.512~~ 5168.44, ~~3721.513~~ 5168.45, 129982
and ~~3721.531~~ 5168.48 of the Revised Code and divisions (C) and (D) 129983
of this section and for the purposes specified in section ~~3721.56~~ 129984
5168.54 of the Revised Code, determine an annual franchise permit 129985
fee on each nursing home in an amount equal to the franchise 129986
permit fee rate multiplied by the product of the following: 129987

(1) The number of beds licensed as nursing home beds, plus 129988
any other beds certified as skilled nursing facility beds under 129989
Title XVIII or nursing facility beds under Title XIX on the first 129990
day of May of the calendar year in which the fee is determined 129991
pursuant to division (A) of section ~~3721.53~~ 5168.47 of the Revised 129992
Code; 129993

(2) The number of days in the fiscal year beginning on the 129994
first day of July of the calendar year in which the fee is 129995
determined pursuant to division (A) of section ~~3721.53~~ 5168.47 of 129996
the Revised Code. 129997

(B) Subject to sections ~~3721.512~~ 5168.44, ~~3721.513~~ 5168.45, 129998
and ~~3721.531~~ 5168.48 of the Revised Code and divisions (C) and (D) 129999
of this section and for the purposes specified in section ~~3721.56~~ 130000
5168.54 of the Revised Code, determine an annual franchise permit 130001
fee on each hospital in an amount equal to the franchise permit 130002
fee rate multiplied by the product of the following: 130003

(1) The number of beds registered pursuant to section 3701.07 130004
of the Revised Code as skilled nursing facility beds or long-term 130005
care beds, plus any other beds licensed as nursing home beds under 130006
section 3721.02 or 3721.09 of the Revised Code, on the first day 130007
of May of the calendar year in which the fee is determined 130008
pursuant to division (A) of section ~~3721.53~~ 5168.47 of the Revised 130009
Code; 130010

(2) The number of days in the fiscal year beginning on the 130011

first day of July of the calendar year in which the fee is 130012
determined pursuant to division (A) of section ~~3721.53~~ 5168.47 of 130013
the Revised Code. 130014

(C) If the total amount of the franchise permit fee assessed 130015
under divisions (A) and (B) of this section for a fiscal year 130016
exceeds the indirect guarantee percentage of the actual net 130017
patient revenue for all nursing homes and hospital long-term care 130018
units for that fiscal year and seventy-five per cent or more of 130019
the combined total number of nursing homes and hospital long-term 130020
care units receive enhanced medicaid payments or other state 130021
payments equal to seventy-five per cent or more of their total 130022
franchise permit fee assessments, do both of the following: 130023

(1) Recalculate the assessments under divisions (A) and (B) 130024
of this section using a per bed per day rate equal to the indirect 130025
guarantee percentage of actual net patient revenue for all nursing 130026
homes and hospital long-term care units for that fiscal year; 130027

(2) Refund the difference between the amount of the franchise 130028
permit fee assessed for that fiscal year under divisions (A) and 130029
(B) of this section and the amount recalculated under division 130030
(C)(1) of this section as a credit against the assessments imposed 130031
under divisions (A) and (B) of this section for the subsequent 130032
fiscal year. 130033

(D) If the United States centers for medicare and medicaid 130034
services determines that the franchise permit fee established by 130035
sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the Revised Code is 130036
an impermissible health care-related tax under ~~section 1903(w)~~ of 130037
the "Social Security Act," ~~49 Stat. 620 (1935)~~ section 1903(w), 42 130038
U.S.C. 1396b(w), ~~as amended~~, take all necessary actions to cease 130039
implementation of sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of 130040
the Revised Code in accordance with rules adopted under section 130041
~~3721.58~~ 5168.56 of the Revised Code. 130042

Sec. ~~3721.511~~ 5168.43. (A) Not later than four months after 130043
July 17, 2009, the department of ~~job and family services~~ medicaid 130044
shall apply to the United States secretary of health and human 130045
services for a waiver under the "Social Security Act," section 130046
1903(w)(3)(E), 42 U.S.C. 1396b(w)(3)(E), as necessary to do both 130047
of the following regarding the franchise permit fee assessed under 130048
section ~~3721.51~~ 5168.42 of the Revised Code: 130049

(1) Reduce the franchise permit fee rate to zero dollars for 130050
each nursing home licensed under section 3721.02 or 3721.09 of the 130051
Revised Code to which either of the following applies: 130052

(a) The nursing home: 130053

(i) Is exempt from state taxation under section 140.08 of the 130054
Revised Code or is exempt from state taxation as a home for the 130055
aged as defined in section 5701.13 of the Revised Code; 130056

(ii) Is exempt from federal income taxation under section 501 130057
of the Internal Revenue Code of 1986; 130058

(iii) Does not participate in medicaid or medicare; and 130059

(iv) Provides services for the life of each resident without 130060
regard to the resident's ability to secure payment for the 130061
services. 130062

(b) The nursing home: 130063

(i) Has had a written affiliation agreement with a university 130064
in this state for education and research related to Alzheimer's 130065
disease for each of the twenty years preceding July 17, 2009, and 130066
has such an agreement on July 17, 2009; 130067

(ii) Was constructed pursuant to a certificate of need 130068
granted under Section 3 of Am. Sub. S.B. 256 of the 116th general 130069
assembly; and 130070

(iii) Does not participate in medicaid or medicare. 130071

(2) For each nursing facility with more than two hundred beds certified as nursing facility beds under Title XIX, reduce the franchise permit fee rate for a number of the nursing facility's beds specified by the department to the amount necessary to obtain approval of the waiver sought under this section.

(B) The effective date of the waiver sought under this section shall be the first day of the quarter beginning after the United States secretary approves the waiver.

Sec. ~~3721.512~~ 5168.44. If the United States secretary of health and human services approves the waiver sought under section ~~3721.511~~ 5168.43 of the Revised Code, the department of ~~job and family services~~ medicaid shall, for each nursing home and hospital that qualifies for a reduction of its franchise permit fee rate under the waiver, reduce the franchise permit fee rate in accordance with the terms of the waiver. For purposes of the first fiscal year during which the waiver takes effect, the department shall determine the amount of the reduction not later than the effective date of the waiver and shall mail to each nursing home and hospital qualifying for the reduction notice of the reduction not later than the last day of the first month of the quarter that begins after the United States secretary approves the waiver. For purposes of subsequent fiscal years, the department shall make such determinations and mail such notices in accordance with section ~~3721.53~~ 5168.47 of the Revised Code.

Sec. ~~3721.513~~ 5168.45. (A) If the United States secretary of health and human services approves the waiver sought under section ~~3721.511~~ 5168.43 of the Revised Code, the department of ~~job and family services~~ medicaid may do both of the following regarding the franchise permit fee assessed under section ~~3721.51~~ 5168.42 of the Revised Code:

(1) Determine how much money the franchise permit fee would have raised in a fiscal year if not for the waiver;

(2) For each nursing home and hospital subject to the franchise permit fee, other than a nursing home or hospital that has its franchise permit fee rate reduced under section ~~3721.512~~ 5168.44 of the Revised Code, uniformly increase the amount of the franchise permit fee rate for a fiscal year to an amount that will have the franchise permit fee raise an amount of money that does not exceed the amount determined under division (A)(1) of this section for that fiscal year.

(B) If the department increases the franchise permit fee rate in accordance with division (A) of this section for the first fiscal year during which the waiver takes effect, the department shall determine the amount of the increase not later than the effective date of the waiver and shall mail to each nursing home and hospital subject to the increase notice of the increase not later than the last day of the first month of the quarter that begins after the United States secretary approves the waiver. If the department increases the franchise permit fee rate in accordance with division (A) of this section for a subsequent fiscal year, the department shall make such determinations and mail such notices in accordance with section ~~3721.53~~ 5168.47 of the Revised Code.

Sec. ~~3721.52~~ 5168.46. The department of health shall do all of the following:

(A) For the purpose of the determinations made under divisions (A) and (B) of section ~~3721.51~~ 5168.42 of the Revised Code and not later than the first day of each June, report to the department of ~~job and family services~~ medicaid the following:

(1) For each nursing home, the number of beds in the nursing home licensed on the preceding first day of May under section

3721.02 or 3721.09 of the Revised Code or certified on that date 130133
under Title XVIII or Title XIX; 130134

(2) For each hospital, the number of beds in the hospital 130135
registered on the preceding first day of May pursuant to section 130136
3701.07 of the Revised Code as skilled nursing facility or 130137
long-term care beds or licensed on that date under section 3721.02 130138
or 3721.09 of the Revised Code as nursing home beds. 130139

(B) For the purpose of the redetermination under section 130140
~~3721.531~~ 5168.48 of the Revised Code and not later than the 130141
fifteenth day of each January, report to the department of ~~job and~~ 130142
~~family services~~ medicaid, for each nursing home and hospital, the 130143
number of beds for which a bed surrender occurred during the 130144
period beginning on the first day of May of the preceding calendar 130145
year and ending on the first day of January of the calendar year 130146
in which the redetermination is made. 130147

Sec. ~~3721.53~~ 5168.47. (A) Not later than the fifteenth day of 130148
September of each year, the department of ~~job and family services~~ 130149
medicaid shall determine the annual franchise permit fee for each 130150
nursing home and hospital in accordance with section ~~3721.51~~ 130151
5168.42 of the Revised Code and any adjustments made in accordance 130152
with sections ~~3721.512~~ 5168.44 and ~~3721.513~~ 5168.45 of the Revised 130153
Code. 130154

(B) Not later than the first day of October of each year, the 130155
department shall mail to each nursing home and hospital notice of 130156
the amount of the franchise permit fee that has been determined 130157
for the nursing home or hospital. 130158

(C) Subject to section ~~3721.531~~ 5168.48 of the Revised Code, 130159
each nursing home and hospital shall pay its fee under section 130160
~~3721.51~~ 5168.42 of the Revised Code, as adjusted in accordance 130161
with sections ~~3721.512~~ 5168.44 and ~~3721.513~~ 5168.45 of the Revised 130162
Code, to the department in four installment payments not later 130163

than forty-five days after the last day of each October, December, 130164
March, and June. 130165

Sec. ~~3721.531~~ 5168.48. (A) Not later than the last day of 130166
February of each year, the department of ~~job and family services~~ 130167
~~medicaid~~ shall redetermine each nursing home's and hospital's 130168
franchise permit fee if one or more bed surrenders occur during 130169
the period beginning on the first day of May of the preceding 130170
calendar year and ending on the first day of January of the 130171
calendar year in which the redetermination is made. 130172

(B) In redetermining nursing homes' and hospitals' franchise 130173
permit fees under this section, the department shall do both of 130174
the following: 130175

(1) Provide for the redetermination to be conducted in a 130176
manner consistent with the terms of the waiver sought under 130177
section ~~3721.511~~ 5168.43 of the Revised Code; 130178

(2) Recalculate each nursing home's and hospital's franchise 130179
permit fee in accordance with division (A) or (B) of section 130180
~~3721.51~~ 5168.42 of the Revised Code with the following changes: 130181

(a) In the case of a nursing home or hospital for which one 130182
or more bed surrenders occurred during the period beginning on the 130183
first day of May of the preceding calendar year and ending on the 130184
first day of January of the calendar year in which the 130185
redetermination is made, the number of beds included in the 130186
calculation for the purpose of division (A)(1) or (B)(1) of 130187
section ~~3721.51~~ 5168.42 of the Revised Code shall exclude the beds 130188
for which bed surrenders occurred during that period. 130189

(b) The number of days used in the calculation under division 130190
(A)(2) or (B)(2) of section ~~3721.51~~ 5168.42 of the Revised Code 130191
shall be the number of days in the first half of the calendar year 130192
in which the redetermination is made. 130193

(c) The franchise permit fee rate shall reflect adjustments 130194
made under sections ~~3721.512~~ 5168.44 and ~~3721.513~~ 5168.45 of the 130195
Revised Code. 130196

(C) Not later than the first day of March of each year, the 130197
department shall mail to each nursing home and hospital notice of 130198
the amount of its redetermined franchise permit fee. 130199

(D) Each nursing home and hospital shall pay its redetermined 130200
fee to the department in two installment payments not later than 130201
forty-five days after the last day of March and June of the 130202
calendar year in which the redetermination is made. 130203

Sec. ~~3721.532~~ 5168.49. If a nursing home or hospital 130204
undergoes a change of operator during a fiscal year, the 130205
responsibility for paying the franchise permit fee that was 130206
determined for the nursing home or hospital under section ~~3721.53~~ 130207
5168.47 of the Revised Code, or redetermined for the nursing home 130208
or hospital under section ~~3721.531~~ 5168.48 of the Revised Code, 130209
for that fiscal year shall be divided proportionally. The exiting 130210
operator shall be responsible for paying the amount of the fee 130211
that is for the part of the fiscal year that ends on the day 130212
before the effective date of the change of operator. The entering 130213
operator shall be responsible for paying the amount of the fee 130214
that is for the part of the fiscal year that begins on the 130215
effective date of the change of operator. The department of ~~job~~ 130216
~~and family services~~ medicaid is not required to mail a notice to 130217
the entering operator regarding the amount of that fiscal year's 130218
fee for which the entering operator is responsible. 130219

Sec. ~~3721.533~~ 5168.50. No nursing home or hospital shall 130220
directly bill its residents for the franchise permit fee paid 130221
under section ~~3721.53~~ 5168.47 or ~~3721.531~~ 5168.48 of the Revised 130222
Code or otherwise directly pass the fee through to its residents. 130223

Sec. ~~3721.54~~ 5168.51. If a nursing home or hospital fails to pay the full amount of a franchise permit fee installment when due, the department of ~~job and family services~~ medicaid may assess a five per cent penalty on the amount due for each month or fraction thereof the installment is overdue.

Sec. ~~3721.541~~ 5168.52. (A) In addition to assessing a penalty pursuant to section ~~3721.54~~ 5168.51 of the Revised Code, the department of ~~job and family services~~ medicaid may do any of the following if a nursing facility or hospital fails to pay the full amount of a franchise permit fee installment when due:

(1) Withhold an amount less than or equal to the installment and penalty assessed under section ~~3721.54~~ 5168.51 of the Revised Code from a ~~medicaid~~ medicaid payment due the nursing facility or hospital until the nursing facility or hospital pays the installment and penalty;

(2) Offset an amount less than or equal to the installment and penalty assessed under section ~~3721.54~~ 5168.51 of the Revised Code from a ~~Medicaid~~ medicaid payment due the nursing facility or hospital;

(3) Terminate the nursing facility or hospital's ~~medicaid~~ medicaid provider agreement.

(B) The department may offset a ~~medicaid~~ medicaid payment under division (A) of this section without providing notice to the nursing facility or hospital and without conducting an adjudication under Chapter 119. of the Revised Code.

Sec. ~~3721.55~~ 5168.53. (A) A nursing home or hospital may appeal the fee assessed under section ~~3721.51~~ 5168.42 of the Revised Code, as adjusted under section ~~3721.512~~ 5168.44 or ~~3721.513~~ 5168.45 of the Revised Code, and redetermined under

section ~~3721.531~~ 5168.48 of the Revised Code solely on the grounds 130253
that the department of ~~job and family services~~ medicaid committed 130254
a material error in determining or redetermining the amount of the 130255
fee. A request for an appeal must be received by the department 130256
not later than fifteen days after the date the department mails 130257
the notice of the fee and must include written materials setting 130258
forth the basis for the appeal. 130259

(B) If a nursing home or hospital submits a request for an 130260
appeal within the time required under division (A) of this 130261
section, the department of ~~job and family services~~ shall hold a 130262
public hearing in Columbus not later than thirty days after the 130263
date the department receives the request for an appeal. The 130264
department shall, not later than ten days before the date of the 130265
hearing, mail a notice of the date, time, and place of the hearing 130266
to the nursing home or hospital. The department may hear all the 130267
requested appeals in one public hearing. 130268

(C) On the basis of the evidence presented at the hearing or 130269
any other evidence submitted by the nursing home or hospital, the 130270
department may adjust a fee. The department's decision is final. 130271

Sec. ~~3721.56~~ 5168.54. (A) There is hereby created in the 130272
state treasury the nursing home franchise permit fee fund. All 130273
payments and penalties paid by nursing homes and hospitals under 130274
sections ~~3721.53~~ 5168.47, ~~3721.531~~ 5168.48, and ~~3721.54~~ 5168.51 of 130275
the Revised Code shall be deposited into the fund. The fund shall 130276
also consist of money deposited into it pursuant to sections 130277
3769.08 and 3769.26 of the Revised Code. Subject to division (B) 130278
of section 3769.08 of the Revised Code, the department of ~~job and~~ 130279
~~family services~~ medicaid shall use the money in the fund to make 130280
medicaid payments to providers of nursing facility services and 130281
providers of home and community-based services. Money in the fund 130282
may also be used for the residential state supplement program 130283

established under section ~~5119.69~~ 5119.41 of the Revised Code. 130284

(B) Any money remaining in the nursing home franchise permit 130285
fee fund after payments specified in division (A) of this section 130286
are made shall be retained in the fund. Any interest or other 130287
investment proceeds earned on money in the fund shall be credited 130288
to the fund and used to make medicaid payments in accordance with 130289
division (A) of this section. 130290

Sec. ~~3721.57~~ 5168.55. The department of ~~job and family~~ 130291
~~services~~ medicaid may make any investigation it considers 130292
appropriate to obtain information necessary to fulfill its duties 130293
under sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the Revised 130294
Code. At the request of the department, the attorney general shall 130295
aid in any such investigations. The attorney general shall 130296
institute and prosecute all necessary actions for the enforcement 130297
of sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the Revised 130298
Code, except that at the request of the attorney general, the 130299
county prosecutor of the county in which a nursing home or 130300
hospital that has failed to comply with sections ~~3721.50~~ 5168.40 130301
to ~~3721.58~~ 5168.56 of the Revised Code is located shall institute 130302
and prosecute any necessary action against the nursing home or 130303
hospital. 130304

Sec. ~~3721.58~~ 5168.56. The medicaid director of ~~job and family~~ 130305
~~services~~ shall adopt rules in accordance with Chapter 119. of the 130306
Revised Code to do both of the following: 130307

(A) Prescribe the actions the department of ~~job and family~~ 130308
~~services~~ medicaid will take to cease implementation of sections 130309
~~3721.50 through 3721.57~~ 5168.40 to 5168.56 of the Revised Code if 130310
the United States centers for medicare and medicaid services 130311
determines that the franchise permit fee established by those 130312
sections is an impermissible health-care related tax under ~~section~~ 130313

~~1903(w) of the "Social Security Act," 105 Stat. 1793 (1991)~~ 130314
section 1903(w), 42 U.S.C. 1396b(w), as amended; 130315

(B) Establish any requirements or procedures the director 130316
considers necessary to implement sections ~~3721.50~~ 5168.40 to 130317
~~3721.58~~ 5168.56 of the Revised Code. 130318

Sec. ~~5112.30~~ 5168.60. As used in sections ~~5112.30~~ 5168.60 to 130319
~~5112.39~~ 5168.71 of the Revised Code: 130320

(A) "Franchise permit fee rate" means the following: 130321

(1) For fiscal year ~~2012~~ 2014, ~~seventeen~~ eighteen dollars and 130322
~~ninety-nine~~ twenty-four cents; 130323

(2) For fiscal year ~~2013~~ 2015 and each fiscal year 130324
thereafter, eighteen dollars and ~~thirty-two~~ seventeen cents. 130325

(B) "Indirect guarantee percentage" means the percentage 130326
specified in ~~section 1903(w)(4)(C)(ii) of the "Social Security~~ 130327
~~Act," 120 Stat. 2994 (2006)~~ section 1903(w)(4)(C)(ii), 42 U.S.C. 130328
1396b(w)(4)(C)(ii), ~~as amended~~, that is to be used in determining 130329
whether a class of providers is indirectly held harmless for any 130330
portion of the costs of a broad-based health-care-related tax. If 130331
the indirect guarantee percentage changes during a fiscal year, 130332
the indirect guarantee percentage is the following: 130333

(1) For the part of the fiscal year before the change takes 130334
effect, the percentage in effect before the change; 130335

(2) For the part of the fiscal year beginning with the date 130336
the indirect guarantee percentage changes, the new percentage. 130337

(C) ~~"Intermediate care facility for the mentally retarded~~ 130338
ICF/IID" has the same meaning as in section ~~5111.20~~ 5124.01 of the 130339
Revised Code, ~~except that, until August 1, 2009, it does not~~ 130340
~~include any such facility operated by the department of~~ 130341
~~developmental disabilities.~~ 130342

(D) "~~Medicaid~~ Medicaid-certified capacity" has the same 130343
meaning as in section ~~5111.01~~ 5124.01 of the Revised Code. 130344

(E) "Provider agreement" has the same meaning as in section 130345
5124.01 of the Revised Code. 130346

Sec. ~~5112.31~~ 5168.61. The department of ~~job and family~~ 130347
~~services~~ developmental disabilities shall do all of the following: 130348
130349

(A) Subject to section ~~5112.331~~ 5168.64 of the Revised Code 130350
and divisions (B) and (C) of this section and for the purposes 130351
specified in section ~~5112.371~~ 5168.69 of the Revised Code, assess 130352
for each fiscal year each ~~intermediate care facility for the~~ 130353
~~mentally retarded~~ ICF/IID a franchise permit fee equal to the 130354
franchise permit fee rate multiplied by the product of the 130355
following: 130356

(1) The ~~number of beds certified under Title XIX of the~~ 130357
~~"Social Security Act"~~ ICF/IID's medicaid-certified capacity on the 130358
first day of May of the calendar year in which the assessment is 130359
determined pursuant to division (A) of section ~~5112.33~~ 5168.63 of 130360
the Revised Code; 130361

(2) The number of days in the fiscal year. 130362

(B) If the total amount of the franchise permit fee assessed 130363
under division (A) of this section for a fiscal year exceeds the 130364
indirect guarantee percentage of the actual net patient revenue 130365
for all ~~intermediate care facilities for the mentally retarded~~ 130366
ICFs/IID for that fiscal year and seventy-five per cent or more of 130367
the total number of ~~intermediate care facilities for the mentally~~ 130368
~~retarded~~ ICFs/IID receive enhanced medicaid payments or other 130369
state payments equal to seventy-five per cent or more of their 130370
total franchise permit fee assessments, do both of the following: 130371

(1) Recalculate the assessments under division (A) of this 130372

section using a per bed per day rate equal to the indirect 130373
guarantee percentage of actual net patient revenue for all 130374
~~intermediate care facilities for the mentally retarded~~ ICFs/IID 130375
for that fiscal year; 130376

(2) Refund the difference between the amount of the franchise 130377
permit fee assessed for that fiscal year under division (A) of 130378
this section and the amount recalculated under division (B)(1) of 130379
this section as a credit against the assessments imposed under 130380
division (A) of this section for the subsequent fiscal year. 130381

(C) If the United States secretary of health and human 130382
services determines that the franchise permit fee established by 130383
sections ~~5112.30~~ 5168.60 to ~~5112.39~~ 5168.71 of the Revised Code 130384
would be an impermissible health care-related tax under ~~section~~ 130385
~~1903(w)~~ of the "Social Security Act," ~~105 Stat. 1793 (1991)~~ 130386
section 1903(w), 42 U.S.C. 1396b(w), ~~as amended~~, take all 130387
necessary actions to cease implementation of those sections in 130388
accordance with rules adopted under section ~~5112.39~~ 5168.71 of the 130389
Revised Code. 130390

Sec. ~~5112.32~~ 5168.62. For the purpose of the franchise permit 130391
fee imposed under section ~~5112.31~~ 5168.61 of the Revised Code and 130392
not later than the first day of each June, the department of 130393
developmental disabilities shall: 130394

~~(A) Not later than August 1, 1993, report to the department~~ 130395
~~of job and family services the number of beds in each intermediate~~ 130396
~~care facility for the mentally retarded certified on July 1, 1993,~~ 130397
~~under Title XIX of the "Social Security Act," 49 Stat. 620 (1935),~~ 130398
~~42 U.S.C.A. 301, as amended;~~ 130399

~~(B) Not later than June 1, 1994, and the first day of each~~ 130400
~~June thereafter, report to the department of job and family~~ 130401
~~services~~ medicaid the number of beds in each ~~such facility~~ 130402
~~certified~~ ICF/IID on the preceding first day of May ~~under that~~ 130403

title. 130404

Sec. ~~5112.33~~ 5168.63. (A) Not later than the fifteenth day of 130405
August of each year, the department of ~~job and family services~~ 130406
developmental disabilities shall determine the annual franchise 130407
permit fee for each ~~intermediate care facility for the mentally~~ 130408
~~retarded~~ ICF/IID in accordance with section ~~5112.31~~ 5168.61 of the 130409
Revised Code. 130410

(B) Not later than the first day of September of each year, 130411
the department shall mail to each ~~intermediate care facility for~~ 130412
~~the mentally retarded~~ ICF/IID notice of the amount of the 130413
franchise permit fee the ~~facility~~ ICF/IID has been assessed under 130414
section ~~5112.31~~ 5168.61 of the Revised Code. 130415

(C) Subject to section ~~5112.331~~ 5168.64 of the Revised Code, 130416
each ~~intermediate care facility for the mentally retarded~~ ICF/IID 130417
shall pay its fee under section ~~5112.31~~ 5168.61 of the Revised 130418
Code to the department in quarterly installment payments not later 130419
than forty-five days after the last day of each September, 130420
December, March, and June. 130421

Sec. ~~5112.331~~ 5168.64. (A) If, during the period beginning on 130422
the first day of May of a calendar year and ending on the first 130423
day of January of the immediately following calendar year, the 130424
operator of an ~~intermediate care facility for the mentally~~ 130425
~~retarded~~ ICF/IID converts, pursuant to section ~~5111.874~~ 5124.60 of 130426
the Revised Code, one or more of the ~~facility's~~ ICF/IID's beds to 130427
providing home and community-based services, the department of ~~job~~ 130428
~~and family services~~ developmental disabilities shall do the 130429
following: 130430

(1) If the ~~facility's~~ ICF/IID's medicaid certification is 130431
terminated because of the conversion, terminate the ~~facility's~~ 130432
ICF/IID's franchise permit fee effective on the first day of the 130433

quarter immediately following the quarter in which the department 130434
receives the notice of the conversion from the director of health; 130435

(2) If the ~~facility's certified~~ ICF/IID's medicaid-certified 130436
capacity ~~under medicaid~~ is reduced because of the conversion, 130437
redetermine the ~~facility's~~ ICF/IID's franchise permit fee in 130438
accordance with division (B) of this section for the second half 130439
of the fiscal year for which the fee is assessed. 130440

(B)(1) To redetermine an ~~intermediate care facility for the~~ 130441
~~mentally retarded's~~ ICF/IID's franchise permit fee, the department 130442
shall multiply the franchise permit fee rate by the product of the 130443
following: 130444

(a) The ~~number of the facility's beds that remain certified~~ 130445
~~under Title XIX of the "Social Security Act"~~ ICF/IID's 130446
medicaid-certified capacity as of the date the conversion takes 130447
effect; 130448

(b) The number of days in the second half of the fiscal year 130449
for which the redetermination is made. 130450

(2) The ~~intermediate care facility for the mentally retarded~~ 130451
ICF/IID shall pay its franchise permit fee as redetermined under 130452
division (B)(1) of this section in installment payments not later 130453
than forty-five days after the last day of March and June of the 130454
fiscal year for which the redetermination is made. 130455

Sec. ~~5112.34~~ 5168.65. If an ~~intermediate care facility for~~ 130456
~~the mentally retarded~~ ICF/IID fails to pay the full amount of an 130457
installment when due, the department of ~~job and family services~~ 130458
developmental disabilities may assess a five per cent penalty on 130459
the amount due for each month or fraction thereof the installment 130460
is overdue. 130461

Sec. ~~5112.341~~ 5168.66. (A) In addition to assessing a penalty 130462
pursuant to section ~~5112.34~~ 5168.65 of the Revised Code, the 130463

department of ~~job and family services~~ developmental disabilities 130464
may do any of the following if an ~~intermediate care facility for~~ 130465
~~the mentally retarded~~ ICF/IID fails to pay the full amount of a 130466
franchise permit fee installment when due: 130467

(1) Withhold an amount less than or equal to the installment 130468
and penalty assessed under section ~~5112.34~~ 5168.65 of the Revised 130469
Code from a medicaid payment due the ~~facility~~ ICF/IID until the 130470
~~facility~~ ICF/IID pays the installment and penalty; 130471

(2) Offset an amount less than or equal to the installment 130472
and penalty assessed under section ~~5112.34~~ 5168.65 of the Revised 130473
Code from a medicaid payment due the ~~facility~~ ICF/IID; 130474

(3) ~~Terminate~~ Provide for the department of medicaid to 130475
terminate the facility's medicaid ICF/IID's provider agreement. 130476

(B) The department may offset a medicaid payment under 130477
division (A) of this section without providing notice to the 130478
~~intermediate care facility for the mentally retarded~~ ICF/IID and 130479
without conducting an adjudication under Chapter 119. of the 130480
Revised Code. 130481

Sec. ~~5112.35~~ 5168.67. (A) An ~~intermediate care facility for~~ 130482
~~the mentally retarded~~ ICF/IID may appeal the franchise permit fee 130483
imposed under section ~~5112.31~~ 5168.61 of the Revised Code solely 130484
on the grounds that the department of ~~job and family services~~ 130485
developmental disabilities committed a material error in 130486
determining the amount of the fee. A request for an appeal must be 130487
received by the department not later than fifteen days after the 130488
date the department mails the notice of the fee and must include 130489
written materials setting forth the basis for the appeal. 130490

(B) If an ~~intermediate care facility for the mentally~~ 130491
~~retarded~~ ICF/IID submits a request for an appeal within the time 130492
required under division (A) of this section, the department shall 130493

hold a public hearing in Columbus not later than thirty days after 130494
the date the department receives the request for an appeal. The 130495
department shall, not later than ten days before the date of the 130496
hearing, mail a notice of the date, time, and place of the hearing 130497
to the ~~facility~~ ICF/IID. The department may hear all requested 130498
appeals in one public hearing. 130499

(C) On the basis of the evidence presented at the hearing or 130500
any other evidence submitted by the ~~intermediate care facility for~~ 130501
~~the mentally retarded~~ ICF/IID, the department may adjust a fee. 130502
The department's decision is final. 130503

Sec. ~~5112.37~~ 5168.68. There is hereby created in the state 130504
treasury the home and community-based services for the mentally 130505
retarded and developmentally disabled fund. All installment 130506
payments and penalties paid by an ~~intermediate care facility for~~ 130507
~~the mentally retarded~~ ICF/IID under sections ~~5112.33~~ 5168.63 and 130508
~~5112.34~~ 5168.65 of the Revised Code shall be deposited into the 130509
fund. As soon as possible after the end of each quarter, the 130510
~~medicaid~~ director of ~~job and family services~~ shall certify to the 130511
director of budget and management the amount of money that is in 130512
the fund as of the last day of that quarter. On receipt of a 130513
certification, the director of budget and management shall 130514
transfer the amount so certified from the home and community-based 130515
services for the mentally retarded and developmentally disabled 130516
fund to the department of developmental disabilities operating and 130517
services fund created under section ~~5112.371~~ 5168.69 of the 130518
Revised Code. 130519

Sec. ~~5112.371~~ 5168.69. There is hereby created in the state 130520
treasury the department of developmental disabilities operating 130521
and services fund. The fund shall consist of the money transferred 130522
to it under section ~~5112.37~~ 5168.68 of the Revised Code. The money 130523
in the fund shall be used for the expenses of the programs that 130524

the department of developmental disabilities administers and the 130525
department's administrative expenses. 130526

Sec. ~~5112.38~~ 5168.70. The department of ~~job and family~~ 130527
~~services developmental disabilities~~ may make any investigation it 130528
considers appropriate to obtain information necessary to fulfill 130529
its duties under sections ~~5112.30~~ 5168.60 to ~~5112.39~~ 5168.71 of 130530
the Revised Code. At the request of the department, the attorney 130531
general shall aid in any such investigations. The attorney general 130532
shall institute and prosecute all necessary actions for the 130533
enforcement of sections ~~5112.30~~ 5168.60 to ~~5112.39~~ 5168.71 of the 130534
Revised Code, except that at the request of the attorney general, 130535
the county prosecutor of the county in which an ~~intermediate care~~ 130536
~~facility for the mentally retarded~~ ICF/IID that has failed to 130537
comply with those sections is located shall institute and 130538
prosecute any necessary action against the ~~facility~~ ICF/IID. 130539

Sec. ~~5112.39~~ 5168.71. ~~The~~ To the extent authorized by rules 130540
authorized by section 5162.021 of the Revised Code, the director 130541
of ~~job and family services developmental disabilities~~ shall adopt 130542
rules in accordance with Chapter 119. of the Revised Code to do 130543
both of the following: 130544

(A) Prescribe the actions the department of developmental 130545
disabilities will take to cease implementation of sections ~~5112.30~~ 130546
5168.60 to ~~5112.39~~ 5168.71 of the Revised Code if the United 130547
States secretary of health and human services determines that the 130548
franchise permit fee imposed under section ~~5112.31~~ 5168.61 of the 130549
Revised Code is an impermissible health care-related tax under 130550
~~section 1903(w) of the "Social Security Act," 105 Stat. 1793~~ 130551
~~(1991)~~ section 1903(w), 42 U.S.C. 1396b(w), as amended; 130552

(B) Establish any other requirements or procedures the 130553
director considers necessary to implement sections ~~5112.30~~ 5168.60 130554

to ~~5112.39~~ 5168.71 of the Revised Code. 130555

Sec. ~~5112.99~~ 5168.99. (A) The medicaid director ~~of job and family services~~ shall impose a penalty for each day that a hospital fails to report the information required under section ~~5112.04~~ 5168.05 of the Revised Code on or before the dates specified in that section. The amount of the penalty shall be established by the director in rules adopted under section ~~5112.03~~ 5168.02 of the Revised Code. 130556
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(B) In addition to any other remedy available to the department of ~~job and family services~~ medicaid under law to collect unpaid assessments and transfers under sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 of the Revised Code, the director shall impose a penalty of ten per cent of the amount due on any hospital that fails to pay assessments or make intergovernmental transfers by the dates required by rules adopted under section ~~5112.03~~ 5168.02 of the Revised Code. 130563
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(C) In addition to any other remedy available to the department of ~~job and family services~~ medicaid under law to collect unpaid assessments imposed under section ~~5112.41~~ 5168.21 of the Revised Code, the director shall impose a penalty of ten per cent of the amount due on any hospital that fails to pay the assessment by the date it is due. 130571
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(D) The director shall waive the penalties provided for in this section for good cause shown by the hospital. 130577
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(E) All penalties imposed under this section shall be deposited into the health care administration fund created by section ~~5111.94~~ 5162.54 of the Revised Code. 130579
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Sec. ~~5112.991~~ 5168.991. The department of ~~job and family services~~ medicaid may offset the amount of a hospital's unpaid penalty imposed under section ~~5112.99~~ 5168.99 of the Revised Code 130582
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from one or more payments due the hospital under the medicaid 130585
program. The total amount that may be offset from one or more 130586
payments shall not exceed the amount of the unpaid penalty. 130587

Sec. 5302.221. (A) As used in this section: 130588

"Estate" has the same meaning as in section ~~5111.11~~ 5162.21 130589
of the Revised Code. 130590

"Medicaid estate recovery program" means the program 130591
instituted under section ~~5111.11~~ 5162.21 of the Revised Code. 130592

(B) The administrator of the medicaid estate recovery program 130593
shall prescribe a form on which a beneficiary of a transfer on 130594
death designation affidavit as provided in section 5302.22 of the 130595
Revised Code, who survives the deceased owner of the real property 130596
or an interest in the real property or that is in existence on the 130597
date of death of the deceased owner, or that beneficiary's 130598
representative is to indicate both of the following: 130599

(1) Whether the deceased owner was either of the following: 130600

(a) A decedent subject to the medicaid estate recovery 130601
program; 130602

(b) The spouse of a decedent subject to the medicaid estate 130603
recovery program. 130604

(2) Whether the real property or interest in the real 130605
property was part of the estate of a decedent subject to the 130606
medicaid estate recovery program. 130607

(C) A county recorder shall obtain a properly completed form 130608
prescribed under division (B) of this section from the beneficiary 130609
of a transfer on death designation affidavit or the beneficiary's 130610
representative and send a copy of the form to the administrator of 130611
the medicaid estate recovery program before recording the transfer 130612
of the real property or interest in the real property under 130613

section 5302.222 of the Revised Code. 130614

Sec. 5309.082. (A) As used in this section: 130615

"Estate" has the same meaning as in section ~~5111.11~~ 5162.21 130616
of the Revised Code. 130617

"Medicaid estate recovery program" means the program 130618
instituted under section ~~5111.11~~ 5162.21 of the Revised Code. 130619

(B) The administrator of the medicaid estate recovery program 130620
shall prescribe a form on which a surviving tenant under a 130621
survivorship tenancy or such a surviving tenant's representative 130622
is to indicate both of the following: 130623

(1) Whether the deceased survivorship tenant was either of 130624
the following: 130625

(a) A decedent subject to the medicaid estate recovery 130626
program; 130627

(b) The spouse of a decedent subject to the medicaid estate 130628
recovery program. 130629

(2) Whether the registered land under a survivorship tenancy 130630
was part of the estate of a decedent subject to the medicaid 130631
estate recovery program. 130632

(C) A county recorder shall obtain a properly completed form 130633
prescribed under division (B) of this section from the surviving 130634
tenant under a survivorship tenancy or the surviving tenant's 130635
representative and send a copy of the form to the administrator of 130636
the medicaid estate recovery program before registering the title 130637
in the surviving tenants under section 5309.081 of the Revised 130638
Code. 130639

Sec. 5309.68. Any person owning real estate, the title to 130640
which is registered, may request the withdrawal of such real 130641
estate from registration by presenting to the county recorder an 130642

affidavit of intention to withdraw. The affidavit shall describe 130643
the real estate, shall be properly executed and signed, and shall 130644
have attached to it the owner's duplicate certificate of title. 130645
Thereupon the county recorder shall register or record the 130646
affidavit and, upon order of the court, cancel said certificate of 130647
record, and thereafter record the court's order in the 130648
unregistered land official records. Thereafter, said title shall 130649
be considered the same as other unregistered lands. ~~All deeds and~~ 130650
~~mortgages heretofore filed conveying registered lands, the A~~ 130651
registration certificate ~~of which~~ that has been surrendered as 130652
herein provided, shall be recorded according to law, and 130653
thereafter the lands conveyed therein shall be considered the same 130654
as other unregistered lands. 130655

Sec. 5309.86. (A) Every memorial, notation, or cancellation 130656
of such memorial or notation, made on any certificate of title or 130657
duplicate thereof that is kept by paper means shall be signed by 130658
the county recorder or ~~his~~ the recorder's authorized deputy or 130659
clerk. 130660

(B) If a county recorder maintains registered land records by 130661
nonpaper means in the manner authorized by section 5309.031 of the 130662
Revised Code, the signature and seal of the county recorder or the 130663
recorder's authorized deputy or clerk may be reproduced by 130664
electronic facsimile on a certificate of title or duplicate 130665
thereof. Any prior memorial, notation, or cancellation of such 130666
memorial or notation on a certificate of title or duplicate 130667
thereof shall note only the name of the prior recorder and need 130668
not be signed by the county recorder or the recorder's authorized 130669
deputy or clerk. 130670

Sec. 5501.311. (A) Notwithstanding sections 123.01 and 127.16 130671
of the Revised Code the director of transportation may lease or 130672
lease-purchase all or any part of a transportation facility to or 130673

from one or more persons, one or more governmental agencies, a transportation improvement district, or any combination thereof, and may grant leases, easements, or licenses for lands under the control of the department of transportation. The director may adopt rules necessary to give effect to this section.

(B) Plans and specifications for the construction of a transportation facility under a lease or lease-purchase agreement are subject to approval of the director and must meet or exceed all applicable standards of the department.

(C) Any lease or lease-purchase agreement under which the department is the lessee shall be for a period not exceeding the then current two-year period for which appropriations have been made by the general assembly to the department, and such agreement may contain such other terms as the department and the other parties thereto agree, notwithstanding any other provision of law, including provisions that rental payments in amounts sufficient to pay bond service charges payable during the current two-year lease term shall be an absolute and unconditional obligation of the department independent of all other duties under the agreement without set-off or deduction or any other similar rights or defenses. Any such agreement may provide for renewal of the agreement at the end of each term for another term, not exceeding two years, provided that no renewal shall be effective until the effective date of an appropriation enacted by the general assembly from which the department may lawfully pay rentals under such agreement. Any such agreement may include, without limitation, any agreement by the department with respect to any costs of transportation facilities to be included prior to acquisition and construction of such transportation facilities. Any such agreement shall not constitute a debt or pledge of the faith and credit of the state, or of any political subdivision of the state, and the

lessor shall have no right to have taxes or excises levied by the 130706
general assembly, or the taxing authority of any political 130707
subdivision of the state, for the payment of rentals thereunder. 130708
Any such agreement shall contain a statement to that effect. 130709

(D) A municipal corporation, township, or county may use 130710
service payments in lieu of taxes credited to special funds or 130711
accounts pursuant to sections 5709.43, 5709.75, and 5709.80 of the 130712
Revised Code to provide its contribution to the cost of a 130713
transportation facility, provided such facility was among the 130714
purposes for which such service payments were authorized. The 130715
contribution may be in the form of a lump sum or periodic 130716
payments. 130717

(E) Pursuant to the "Telecommunications Act of 1996," 110 130718
Stat. 152, 47 U.S.C. 332 note, the director may grant a lease, 130719
easement, or license in a transportation facility to a 130720
telecommunications service provider for construction, placement, 130721
or operation of a telecommunications facility. An interest granted 130722
under this division is subject to all of the following conditions: 130723

(1) The transportation facility is owned in fee simple or 130724
easement by this state at the time the lease, easement, or license 130725
is granted to the telecommunications provider. 130726

(2) The lease, easement, or license shall be granted on a 130727
competitive basis in accordance with policies and procedures to be 130728
determined by the director. The policies and procedures may 130729
include provisions for master leases for multiple sites. 130730

(3) The telecommunications facility shall be designed to 130731
accommodate the state's multi-agency radio communication system, 130732
the intelligent transportation system, and the department's 130733
communication system as the director may determine is necessary 130734
for highway or other departmental purposes. 130735

(4) The telecommunications facility shall be designed to 130736

accommodate such additional telecommunications equipment as may 130737
feasibly be co-located thereon as determined in the discretion of 130738
the director. 130739

(5) The telecommunications service providers awarded the 130740
lease, easement, or license, agree to permit other 130741
telecommunications service providers to co-locate on the 130742
telecommunications facility, and agree to the terms and conditions 130743
of the co-location as determined in the discretion of the 130744
director. 130745

(6) The director shall require indemnity agreements in favor 130746
of the department as a condition of any lease, easement, or 130747
license granted under this division. Each indemnity agreement 130748
shall secure this state and its agents from liability for damages 130749
arising out of safety hazards, zoning, and any other matter of 130750
public interest the director considers necessary. 130751

(7) The telecommunications service provider fully complies 130752
with any permit issued under section 5515.01 of the Revised Code 130753
pertaining to land that is the subject of the lease, easement, or 130754
license. 130755

(8) All plans and specifications shall meet with the 130756
director's approval. 130757

(9) Any other conditions the director determines necessary. 130758

(F) In accordance with section 5501.031 of the Revised Code, 130759
to further efforts to promote energy conservation and energy 130760
efficiency, the director may grant a lease, easement, or license 130761
in a transportation facility to a utility service provider that 130762
has received its certificate from the Ohio power siting board or 130763
appropriate local entity for construction, placement, or operation 130764
of an alternative energy generating facility service provider as 130765
defined in section 4928.64 of the Revised Code. An interest 130766
granted under this division is subject to all of the following 130767

conditions: 130768

(1) The transportation facility is owned in fee simple or in 130769
easement by this state at the time the lease, easement, or license 130770
is granted to the utility service provider. 130771

(2) The lease, easement, or license shall be granted on a 130772
competitive basis in accordance with policies and procedures to be 130773
determined by the director. The policies and procedures may 130774
include provisions for master leases for multiple sites. 130775

(3) The alternative energy generating facility shall be 130776
designed to provide energy for the department's transportation 130777
facilities with the potential for selling excess power on the 130778
power grid, as the director may determine is necessary for highway 130779
or other departmental purposes. 130780

(4) The director shall require indemnity agreements in favor 130781
of the department as a condition of any lease, easement, or 130782
license granted under this division. Each indemnity agreement 130783
shall secure this state from liability for damages arising out of 130784
safety hazards, zoning, and any other matter of public interest 130785
the director considers necessary. 130786

(5) The alternative energy service provider fully complies 130787
with any permit issued by the Ohio power siting board under 130788
Chapter 4906. of the Revised Code and complies with section 130789
5515.01 of the Revised Code pertaining to land that is the subject 130790
of the lease, easement, or license. 130791

(6) All plans and specifications shall meet with the 130792
director's approval. 130793

(7) Any other conditions the director determines necessary. 130794

(G) Money the department receives under ~~divisions (E) and (F)~~ 130795
~~of~~ this section shall be deposited into the state treasury to the 130796
credit of the highway operating fund. 130797

(H) A lease, easement, or license granted under division (E) 130798
or (F) of this section, and any telecommunications facility or 130799
alternative energy generating facility relating to such interest 130800
in a transportation facility, is hereby deemed to further the 130801
essential highway purpose of building and maintaining a safe, 130802
energy-efficient, and accessible transportation system. 130803

Sec. 5501.312. (A) The director of transportation may do all 130804
of the following: 130805

~~(A)~~(1) Contract in the manner provided by this section with 130806
one or more persons, a transportation improvement district, one or 130807
more governmental agencies, or any combination thereof, desiring 130808
the use or service of a transportation facility, and fix the 130809
terms, conditions, rentals, or other charges for such use or 130810
services. Such contract may provide for acquisition by such person 130811
or governmental agency of all or any part of the facility for such 130812
consideration payable over the period of the contract or otherwise 130813
as the director in ~~his~~ the director's sole discretion determines 130814
to be appropriate. 130815

~~(B)~~(2) Make loans from any available source, including the 130816
federal share of a project, for the planning, acquisition, or 130817
construction of transportation facilities upon such terms as the 130818
director may determine or authorize, including secured or 130819
unsecured loans, and in connection therewith, enter into loan 130820
agreements, subordination agreements, and other agreements, accept 130821
notes and other forms of obligation to evidence the indebtedness 130822
and mortgages, liens, pledges, assignments, or other security 130823
interests to secure the indebtedness, which may be prior or 130824
subordinate to or on a parity with other indebtedness, 130825
obligations, mortgages, pledges, assignments, other security 130826
interests, or liens or encumbrances, and take such actions as are 130827
appropriate to protect the security and safeguard against losses, 130828

including foreclosure and the bidding upon and purchase of 130829
property upon foreclosure or other sale. Repayments of a federal 130830
share loan may be obligated by the director for any transportation 130831
purpose, including the reloaning of such repaid funds for other 130832
projects. Reloaned funds would be considered state loans, not 130833
federal share loans. 130834

~~(C)~~(3) Sell transportation facilities under such terms as ~~he~~ 130835
the director may determine, including conditional sale or 130836
installment sale, under which title may pass prior to or after 130837
completion of the facility, or at any time provided in the 130838
agreement pertaining to the sale, including sale under an option 130839
to purchase at a price which may be a nominal amount or less than 130840
true value at the time of the purchase; 130841

~~(D)~~(4) Grant a ~~mortage~~ mortgage, lien, or other encumbrance 130842
on, or pledge or assignment of, or other security interest with 130843
respect to, all or any part of a transportation facility, or on, 130844
of, or with respect to any lease, sublease, sale, conditional sale 130845
or installment sale agreement, loan agreement, or other agreement 130846
pertaining to the lease, sublease, sale, or other disposition of a 130847
facility or pertaining to a loan made for a facility, or any 130848
guaranty or insurance agreement made with respect thereto, or any 130849
interest of the department of transportation therein, or any other 130850
interest granted, assigned, or released to secure payments to be 130851
made by the department, which mortgage, lien, encumbrance, pledge, 130852
assignment, or other security interest may be prior or subordinate 130853
to or on a parity with any other mortgage assignment, or other 130854
security interest, lien, or encumbrance; 130855

~~(E)~~(5) Contract for the acquisition or construction of a 130856
transportation facility or any part thereof and for the leasing, 130857
subleasing, sale, or other disposition of the facility in a manner 130858
determined by the director. 130859

(B) All money received by the department under this section 130860

shall be deposited into the state treasury to the credit of the 130861
highway operating fund. 130862

Sec. 5501.73. (A) After selecting a solicited or unsolicited 130863
proposal for a public-private initiative, the department of 130864
transportation shall enter into a public-private agreement for a 130865
transportation facility with the selected private entity or any 130866
configuration of private entities. An affected jurisdiction may be 130867
a party to a public-private agreement entered into by the 130868
department and a selected private entity or combination of private 130869
entities. 130870

(B) A public-private agreement under this section shall 130871
provide for all of the following: 130872

(1) Planning, acquisition, financing, development, design, 130873
construction, reconstruction, replacement, improvement, 130874
maintenance, management, repair, leasing, or operation of a 130875
transportation facility; 130876

(2) Term of the public-private agreement; 130877

(3) Type of property interest, if any, the private entity 130878
will have in the transportation facility; 130879

(4) A specific plan to ensure proper maintenance of the 130880
transportation facility throughout the term of the agreement and a 130881
return of the facility to the department, if applicable, in good 130882
condition and repair; 130883

(5) Whether user fees will be collected on the transportation 130884
facility and the basis by which such user fees shall be determined 130885
and modified; 130886

(6) Compliance with applicable federal, state, and local 130887
laws; 130888

(7) Grounds for termination of the public-private agreement 130889
by the department or operator; 130890

(8) Disposition of the facility upon completion of the agreement;	130891
	130892
(9) Procedures for amendment of the agreement.	130893
(C) A public-private agreement under this section may provide for any of the following:	130894
	130895
(1) Review and approval by the department of the operator's plans for the development and operation of the transportation facility;	130896
	130897
	130898
(2) Inspection by the department of construction of or improvements to the transportation facility;	130899
	130900
(3) Maintenance by the operator of a policy of liability insurance or self-insurance;	130901
	130902
(4) Filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the department;	130903
	130904
	130905
(5) Filing by the operator, on a periodic basis, of traffic reports in a form acceptable to the department;	130906
	130907
(6) Financing obligations of the operator and the department;	130908
(7) Apportionment of expenses between the operator and the department;	130909
	130910
(8) Rights and duties of the operator, the department, and other state and local governmental entities with respect to use of the transportation facility;	130911
	130912
	130913
(9) Rights and remedies available in the event of default or delay;	130914
	130915
(10) Terms and conditions of indemnification of the operator by the department;	130916
	130917
(11) Assignment, subcontracting, or other delegation of responsibilities of the operator or the department under the	130918
	130919

agreement to third parties, including other private entities and 130920
other state agencies; 130921

(12) Sale or lease to the operator of private property 130922
related to the transportation facility; 130923

(13) Traffic enforcement and other policing issues, including 130924
any reimbursement by the private entity for such services. 130925

(D)(1) The director of transportation may include in any 130926
public-private agreement under sections 5501.70 to 5501.83 of the 130927
Revised Code a provision authorizing a binding dispute resolution 130928
method for any controversy subsequently arising out of the 130929
contract. The binding dispute resolution method may proceed only 130930
upon agreement of all parties to the controversy. If all parties 130931
do not agree to proceed to a binding dispute resolution, a party 130932
having a claim against the department shall exhaust its 130933
administrative remedies specified in the public-private agreement 130934
prior to filing any action against the department in the court of 130935
claims. 130936

No appeal from the determination of a technical expert lies 130937
to any court, except that the court of common pleas of Franklin 130938
County may issue an order vacating such a determination upon the 130939
application of any party to the binding dispute resolution if any 130940
of the following applies: 130941

(a) The determination was procured by corruption, fraud, or 130942
undue means. 130943

(b) There was evidence of partiality or corruption on the 130944
part of the technical expert. 130945

(c) The technical expert was guilty of misconduct in refusing 130946
to postpone the hearing, upon sufficient cause shown, or in 130947
refusing to hear evidence pertinent and material to the 130948
controversy, or of any other misbehavior by which the rights of 130949
any party have been prejudiced. 130950

(2) As used in this division, "binding dispute resolution" 130951
means a binding determination after review by a technical expert 130952
of all relevant items, which may include documents, and by 130953
interviewing appropriate personnel and visiting the project site 130954
involved in the controversy. "Binding dispute resolution" does not 130955
involve representation by legal counsel or advocacy by any person 130956
on behalf of any party to the controversy. 130957

(E) No public-private agreement entered into under this 130958
section shall be construed to transfer to a private entity the 130959
director's authority to appropriate property under Chapters 163., 130960
5501., and 5519. of the Revised Code. 130961

(F) Money collected by the department pursuant to an 130962
agreement entered into under this section shall be deposited into 130963
the state treasury to the credit of the highway operating fund. 130964

Sec. 5502.011. (A) As used in this section, "department of 130965
public safety" and "department" include all divisions within the 130966
department of public safety. 130967

(B) The director of public safety is the chief executive and 130968
administrative officer of the department. The director may 130969
establish policies governing the department, the performance of 130970
its employees and officers, the conduct of its business, and the 130971
custody, use, and preservation of departmental records, papers, 130972
books, documents, and property. The director also may authorize 130973
and approve investigations to be conducted by any of the 130974
department's divisions. Whenever the Revised Code imposes a duty 130975
upon or requires an action of the department, the director may 130976
perform the action or duty in the name of the department or direct 130977
such performance to be performed by the director's designee. 130978

(C) In addition to any other duties enumerated in the Revised 130979
Code, the director or the director's designee shall do all of the 130980
following: 130981

(1) Administer and direct the performance of the duties of the department;	130982 130983
(2) Pursuant to Chapter 119. of the Revised Code, approve, adopt, and prescribe such forms and rules as are necessary to carry out the duties of the department;	130984 130985 130986
(3) On behalf of the department and in addition to any authority the Revised Code otherwise grants to the department, have the authority and responsibility for approving and entering into contracts, agreements, and other business arrangements;	130987 130988 130989 130990
(4) Make appointments for the department as needed to comply with requirements of the Revised Code;	130991 130992
(5) Approve employment actions of the department, including appointments, promotions, discipline, investigations, and terminations;	130993 130994 130995
(6) Accept, hold, and use, for the benefit of the department, any gift, donation, bequest, or devise, and may agree to and perform all conditions of the gift, donation, bequest, or devise, that are not contrary to law;	130996 130997 130998 130999
(7) Apply for, allocate, disburse, and account for grants made available under federal law or from other federal, state, or private sources;	131000 131001 131002
(8) Develop a list of disqualifying offenses for licensure as a private investigator or a security guard provider pursuant to sections 4749.03, 4749.04, 4749.10, and 4776.10 of the Revised Code;	131003 131004 131005 131006
(9) Do all other acts necessary or desirable to carry out this chapter.	131007 131008
(D)(1) The director of public safety may assess a reasonable fee, plus the amount of any charge or fee passed on from a financial institution, on a drawer or indorser for each of the	131009 131010 131011

following:	131012
(a) A check, draft, or money order that is returned or dishonored;	131013 131014
(b) An automatic bank transfer that is declined, due to insufficient funds or for any other reason;	131015 131016
(c) Any financial transaction device that is returned or dishonored for any reason.	131017 131018
(2) The director shall deposit any fee collected under this division in an appropriate fund as determined by the director based on the tax, fee, or fine being paid.	131019 131020 131021
(3) As used in this division, "financial transaction device" has the same meaning as in section 113.40 of the Revised Code.	131022 131023
(E) The director shall establish a homeland security advisory council to advise the director on homeland security, including homeland security funding efforts. The advisory council shall include, but not be limited to, state and local government officials who have homeland security or emergency management responsibilities and who represent first responders. The director shall appoint the members of the council, who shall serve without compensation.	131024 131025 131026 131027 131028 131029 131030 131031
(F)(1) The director or the director's designee shall carry out the duties required of the director under Chapter 5507. of the Revised Code. The director may, at the director's discretion, assign employees of the department to provide assistance in carrying out those duties as the director considers necessary.	131032 131033 131034 131035 131036
(2) The director may adopt rules under Chapter 111. of the Revised Code to approve, adopt, and prescribe such forms and processes as are necessary to carry out the duties required of the director under Chapter 5507. of the Revised Code.	131037 131038 131039 131040
Sec. 5505.12. (A) The state highway patrol retirement board	131041

shall have prepared annually by or under the supervision of an 131042
actuary an actuarial valuation of the pension assets, liabilities, 131043
and funding requirements of the state highway patrol retirement 131044
system as established pursuant to this chapter. The actuary shall 131045
complete the valuation in accordance with actuarial standards of 131046
practice promulgated by the actuarial standards board of the 131047
American academy of actuaries and prepare a report of the 131048
valuation. The report shall include all of the following: 131049

(1) A summary of the benefit provisions evaluated; 131050

(2) A summary of the census data and financial information 131051
used in the valuation; 131052

(3) A description of the actuarial assumptions, actuarial 131053
cost method, and asset valuation method used in the valuation, 131054
including a statement of the assumed rate of payroll growth and 131055
assumed rate of growth or decline in the number of members 131056
contributing to the retirement system; 131057

(4) A summary of findings that includes a statement of the 131058
actuarial accrued pension liabilities and unfunded actuarial 131059
accrued pension liabilities; 131060

(5) A schedule showing the effect of any changes in the 131061
benefit provisions, actuarial assumptions, or cost methods since 131062
the last annual actuarial valuation; 131063

(6) A statement of whether contributions to the retirement 131064
system are expected to be sufficient to satisfy the funding 131065
objectives established by the board. 131066

The board shall submit the report to the Ohio retirement 131067
study council, the director of budget and management, and the 131068
standing committees of the house of representatives and the senate 131069
with primary responsibility for retirement legislation immediately 131070
upon its availability and not later than the first day of July 131071
following the year for which the valuation was made. 131072

(B) At such times as the state highway patrol retirement board determines, and at least once in each five-year period after January 1, 1966, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the mortality, service, and other experience of the members, retirants, and beneficiaries to update the actuarial assumptions used in the actuarial valuation required by division (A) of this section. The actuary shall prepare a report of the actuarial investigation. The report shall be prepared and any recommended changes in actuarial assumptions shall be made in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The report shall include all of the following:

(1) A summary of relevant decrement and economic assumption experience observed over the period of the investigation;

(2) Recommended changes in actuarial assumptions to be used in subsequent actuarial valuations required by division (A) of this section;

(3) A measurement of the financial effect of the recommended changes in actuarial assumptions;

(4) If the investigation required by this division includes the investigation required by division (F) of this section, a report of the result of that investigation.

The board shall submit the report to the Ohio retirement study council and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation not later than the first day of November following the last fiscal year of the period the report covers.

(C) The board may at any time request the actuary to make any studies or actuarial valuations to determine the adequacy of the rates of contributions provided by section 5505.15 of the Revised

Code. 131104

(D) The board shall have prepared by or under the supervision 131105
of an actuary an actuarial analysis of any introduced legislation 131106
expected to have a measurable financial impact on the retirement 131107
system. The actuarial analysis shall be completed in accordance 131108
with the actuarial standards of practice promulgated by the 131109
actuarial standards board of the American academy of actuaries. 131110
The actuary shall prepare a report of the actuarial analysis, 131111
which shall include all of the following: 131112

(1) A summary of the statutory changes that are being 131113
evaluated; 131114

(2) A description of or reference to the actuarial 131115
assumptions and actuarial cost method used in the report; 131116

(3) A description of the participant group or groups included 131117
in the report; 131118

(4) A statement of the financial impact of the legislation, 131119
including the resulting increase, if any, in the employer normal 131120
cost percentage; the increase, if any, in actuarial accrued 131121
liabilities; and the per cent of payroll that would be required to 131122
amortize the increase in actuarial accrued liabilities as a level 131123
per cent of covered payroll for all active members over a period 131124
not to exceed thirty years; 131125

(5) A statement of whether the scheduled contributions to the 131126
system after the proposed change is enacted are expected to be 131127
sufficient to satisfy the funding objectives established by the 131128
board. 131129

Not later than sixty days from the date of introduction of 131130
the legislation, the board shall submit a copy of the actuarial 131131
analysis to the legislative service commission, the standing 131132
committees of the house of representatives and the senate with 131133
primary responsibility for retirement legislation, and the Ohio 131134

retirement study council.	131135
(E) The board shall have prepared annually a report giving a full accounting of the revenues and costs relating to the provision of benefits under section 5505.28 of the Revised Code. The report shall be made as of December 31, 1997, and the thirty-first day of December of each year thereafter. The report shall include the following:	131136 131137 131138 131139 131140 131141
(1) A description of the statutory authority for the benefits provided;	131142 131143
(2) A summary of the benefits;	131144
(3) A summary of the eligibility requirements for the benefits;	131145 131146
(4) A statement of the number of participants eligible for the benefits;	131147 131148
(5) A description of the accounting, asset valuation, and funding method used to provide the benefits;	131149 131150
(6) A statement of the net assets available for the provision of the benefits as of the last day of the fiscal year;	131151 131152
(7) A statement of any changes in the net assets available for the provision of benefits, including participant and employer contributions, net investment income, administrative expenses, and benefits provided to participants, as of the last day of the fiscal year;	131153 131154 131155 131156 131157
(8) For the last six consecutive fiscal years, a schedule of the net assets available for the benefits, the annual cost of benefits, administrative expenses incurred, and annual employer contributions allocated for the provision of benefits;	131158 131159 131160 131161
(9) A description of any significant changes that affect the comparability of the report required under this division;	131162 131163
(10) A statement of the amount paid under division (B) of	131164

section 5505.28 of the Revised Code. 131165

The board shall submit the report to the Ohio retirement 131166
study council, the director of budget and management, and the 131167
standing committees of the house of representatives and the senate 131168
with primary responsibility for retirement legislation immediately 131169
upon its availability and not later than the thirtieth day of June 131170
following the year for which the report was made. 131171

(F) At least once in each five-year period, the board shall 131172
have prepared by or under the supervision of an actuary an 131173
actuarial investigation of the deferred retirement option plan 131174
established under section 5505.50 of the Revised Code. The 131175
investigation shall include an examination of the financial 131176
impact, if any, on the retirement system of offering the plan to 131177
members. 131178

The actuary shall prepare a report of the actuarial 131179
investigation. The report shall include a determination of whether 131180
the plan, as established or modified, has a negative financial 131181
impact on the retirement system and, if so, recommendations on how 131182
to modify the plan to eliminate the negative financial impact. If 131183
the actuarial report indicates that the plan has a negative 131184
financial impact on the retirement system, the board shall modify 131185
the plan. If the board modifies the plan, the rights and 131186
obligations of members who have already elected to participate 131187
shall not be altered. 131188

The state's contributions to the employer accumulation fund 131189
shall not be increased to offset any negative financial impact of 131190
the deferred retirement option plan. 131191

The board may include the actuarial investigation required 131192
under this division as part of the actuarial investigation 131193
required under division (B) of this section. If the report of the 131194
actuarial investigation required by this division is not included 131195

in the report required by division (B) of this section, the board 131196
shall submit the report required by this division to the Ohio 131197
retirement study council and the standing committees of the house 131198
of representatives and the senate with primary responsibility for 131199
retirement legislation not later than the first day of November 131200
following the last fiscal year of the period the report covers. 131201

Sec. 5511.03. The director of transportation shall examine 131202
the existing highway facilities serving the several hospitals, 131203
educational institutions, and correctional and other similar 131204
institutions belonging to the state, and located outside municipal 131205
corporations. Where the director finds that any such state 131206
institution is not located on a state highway or connected with a 131207
highway by a suitable road, affording in its present condition 131208
adequate transportation facilities to those having occasion to 131209
visit such institution, the director may establish a state highway 131210
leading to such institution from a convenient point on an existing 131211
highway. Where the director finds that any such institution is not 131212
served by adequate highway facilities connecting it with the 131213
railroad delivery point from which it principally obtains fuel, 131214
provisions, and supplies, the director may establish a highway 131215
connecting such institution and railroad delivery point. 131216
Limitations imposed on the mileage of state highways shall not 131217
apply to highways established under this section. 131218

The director may construct at state expense all highways 131219
established under authority of this section and pay the entire 131220
cost thereof from the state highway operating fund. Such highways 131221
shall be maintained by the department of transportation and the 131222
cost shall be paid from the highway operating fund of the 131223
department. 131224

The directors of transportation, ~~mental health~~ mental health 131225
and addiction services, developmental disabilities, and 131226

rehabilitation and correction may cooperate in the establishment, 131227
construction, reconstruction, maintenance, and repair of roads 131228
within the limits of state institutions. The cost shall be paid 131229
from funds appropriated for highway purposes and from the funds 131230
appropriated to the department of ~~mental health~~ mental health and 131231
addiction services, department of developmental disabilities, or 131232
the department of rehabilitation and correction for capital 131233
improvements or maintenance in such proportion as may be agreed 131234
upon by the directors of transportation, ~~mental health~~ mental 131235
health and addiction services, developmental disabilities, and 131236
rehabilitation and correction. 131237

Sec. 5515.08. (A) The department of transportation may 131238
contract to sell commercial advertising space within or on the 131239
outside surfaces of any building located within a roadside rest 131240
area under its jurisdiction in exchange for cash payment. Money 131241
the department receives under this section shall be deposited in 131242
the state treasury to the credit of the ~~roadside rest area~~ 131243
~~improvement~~ highway operating fund, which is hereby created. The 131244
~~department shall use the money in the fund only to improve~~ 131245
~~roadside rest areas in accordance with section 5529.06 of the~~ 131246
~~Revised Code.~~ 131247

(B) Advertising placed under this section shall comply with 131248
all of the following: 131249

(1) It shall not be libelous or obscene and shall not promote 131250
any illegal product or service. 131251

(2) It shall not promote illegal discrimination on the basis 131252
of the race, religion, national origin, handicap, age, or ancestry 131253
of any person. 131254

(3) It shall not support or oppose any candidate for 131255
political office or any political cause, issue, or organization. 131256

(4) It shall comply with any controlling federal or state regulations or restrictions. 131257
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(5) To the extent physically and technically practical, it shall state that the advertisement is a paid commercial advertisement and that the state does not endorse the product or service promoted by the advertisement or make any representation about the accuracy of the advertisement or the quality or performance of the product or service promoted by the advertisement. 131259
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(6) It shall conform to all applicable rules adopted by the director of transportation under division (E) of this section. 131266
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(C) Contracts entered into under this section shall be awarded only to the qualified bidder who submits the highest responsive bid or according to uniformly applied rate classes. 131268
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(D) No person, except an advertiser alleging a breach of contract or the improper awarding of a contract, has a cause of action against the state with respect to any contract or advertising authorized by this section. Under no circumstances is the state liable for consequential or noneconomic damages with respect to any contract or advertising authorized under this section. 131271
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(E) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules to implement this section. The rules shall be consistent with the policy of protecting the safety of the traveling public and consistent with the national policy governing the use and control of such roadside rest areas. The rules shall regulate the awarding of contracts and may regulate the content, display, and other aspects of the commercial advertising authorized by this section. 131278
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Sec. 5540.03. (A) A transportation improvement district may: 131286

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business;	131287 131288
(2) Adopt an official seal;	131289
(3) Sue and be sued in its own name, plead and be impleaded, provided any actions against the district shall be brought in the court of common pleas of the county in which the principal office of the district is located, or in the court of common pleas of the county in which the cause of action arose, and all summonses, exceptions, and notices of every kind shall be served on the district by leaving a copy thereof at its principal office with the secretary-treasurer;	131290 131291 131292 131293 131294 131295 131296 131297
(4) Purchase, construct, maintain, repair, sell, exchange, police, operate, or lease projects;	131298 131299
(5) Issue either or both of the following for the purpose of providing funds to pay the costs of any project or part thereof:	131300 131301
(a) Transportation improvement district revenue bonds;	131302
(b) Bonds pursuant to Section 13 of Article VIII, Ohio Constitution;	131303 131304
(6) Maintain such funds as it considers necessary;	131305
(7) Direct its agents or employees, when properly identified in writing and after at least five days' written notice, to enter upon lands within its jurisdiction to make surveys and examinations preliminary to the location and construction of projects for the district, without liability of the district or its agents or employees except for actual damage done;	131306 131307 131308 131309 131310 131311
(8) Make and enter into all contracts and agreements necessary or incidental to the performance of its functions and the execution of its powers under this chapter;	131312 131313 131314
(9) Employ or retain or contract for the services of consulting engineers, superintendents, managers, and such other	131315 131316

engineers, construction and accounting experts, financial 131317
advisers, trustees, marketing, remarketing, and administrative 131318
agents, attorneys, and other employees, independent contractors, 131319
or agents as are necessary in its judgment and fix their 131320
compensation, provided all such expenses shall be payable solely 131321
from the proceeds of bonds or from revenues; 131322

(10) Receive and accept from the federal or any state or 131323
local government, including, but not limited to, any agency, 131324
entity, or instrumentality of any of the foregoing, loans and 131325
grants for or in aid of the construction, maintenance, or repair 131326
of any project, and receive and accept aid or contributions from 131327
any source or person of money, property, labor, or other things of 131328
value, to be held, used, and applied only for the purposes for 131329
which such loans, grants, and contributions are made. Nothing in 131330
division (A)(10) of this section shall be construed as imposing 131331
any liability on this state for any loan received by a 131332
transportation improvement district from a third party unless this 131333
state has entered into an agreement to accept such liability. 131334

(11) Acquire, hold, and dispose of property in the exercise 131335
of its powers and the performance of its duties under this 131336
chapter; 131337

(12) Establish and collect tolls or user charges for its 131338
projects; 131339

(13) Subject to section 5540.18 of the Revised Code, enter 131340
into an agreement with a contiguous board of county commissioners 131341
other than the board of county commissioners that created the 131342
transportation improvement district, for the district to exercise 131343
all or any portion of its powers with respect to a project that is 131344
located wholly or partially within the county that is party to the 131345
agreement; 131346

(14) Do all acts necessary and proper to carry out the powers 131347

expressly granted in this chapter. 131348

(B) Chapters 123., 124., 125., 153., and 4115., and sections 131349
9.331 to 9.335 and 307.86 of the Revised Code do not apply to 131350
contracts or projects of a transportation improvement district. 131351

Sec. 5540.18. A board of county commissioners may enter into 131352
an agreement with a contiguous transportation improvement district 131353
that the board of county commissioners did not create for the 131354
district to undertake a project that is located wholly or 131355
partially within that county provided that, the board of county 131356
commissioners of the county that created the transportation 131357
improvement district also must enter into the agreement. 131358

No transportation improvement district shall undertake a 131359
project that is located wholly or partially within a county that 131360
did not create the transportation improvement district except 131361
pursuant to an agreement entered into in accordance with this 131362
section, a project being undertaken by two or more transportation 131363
improvement districts, or as otherwise provided by law. 131364

Sec. 5701.13. (A) As used in this section: 131365

(1) "Nursing home" means a nursing home or a home for the 131366
aging, as those terms are defined in section 3721.01 of the 131367
Revised Code, that is issued a license pursuant to section 3721.02 131368
of the Revised Code. 131369

(2) "Residential care facility" means a residential care 131370
facility, as defined in section 3721.01 of the Revised Code, that 131371
is issued a license pursuant to section 3721.02 of the Revised 131372
Code. 131373

(3) "Residential facility" means a residential facility 131374
licensed under section ~~5119.22~~ 5119.34 of the Revised Code that 131375
provides accommodations, supervision, and personal care services 131376
for three to sixteen unrelated adults. 131377

(B) As used in Title LVII of the Revised Code, and for the purpose of other sections of the Revised Code that refer specifically to Chapter 5701. or section 5701.13 of the Revised Code, a "home for the aged" means either of the following:

(1) A place of residence for aged and infirm persons that satisfies divisions (B)(1)(a) to (e) of this section:

(a) It is a nursing home, residential care facility, or residential facility.

(b) It is owned by a corporation, unincorporated nonprofit association, or trust of a charitable, religious, or fraternal nature, that is organized and operated not for profit, is not formed for the pecuniary gain or profit of, and whose net earnings or any part of whose net earnings is not distributable to, its members, trustees, officers, or other private persons, and is exempt from federal income taxation under section 501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1.

(c) It is open to the public without regard to race, color, or national origin.

(d) It does not pay, directly or indirectly, compensation for services rendered, interest on debts incurred, or purchase price for land, building, equipment, supplies, or other goods or chattels, which compensation, interest, or purchase price is unreasonably high.

(e) It provides services for the life of each resident without regard to the resident's ability to continue payment for the full cost of the services.

(2) A place of residence that satisfies divisions (B)(1)(b), (d), and (e) of this section; that satisfies the definition of "nursing home" or "residential care facility" under section 3721.01 of the Revised Code or the definition of "residential facility" under division (A)(3) of this section regardless of

whether it is licensed as such a home or facility; and that is 131409
provided at no charge to individuals on account of their service 131410
without compensation to a charitable, religious, fraternal, or 131411
educational institution, which individuals are aged or infirm and 131412
are members of the corporation, association, or trust that owns 131413
the place of residence. For the purposes of division (B)(2) of 131414
this section, "compensation" does not include furnishing room and 131415
board, clothing, health care, or other necessities, or stipends or 131416
other de minimis payments to defray the cost thereof. 131417

Exemption from taxation shall be accorded, on proper 131418
application, only to those homes or parts of homes that meet the 131419
standards and provide the services specified in this section. 131420

Nothing in this section shall be construed as preventing a 131421
home from requiring a resident with financial need to apply for 131422
any applicable financial assistance or requiring a home to retain 131423
a resident who willfully refuses to pay for services for which the 131424
resident has contracted even though the resident has sufficient 131425
resources to do so. 131426

(C)(1) If a corporation, unincorporated nonprofit 131427
association, or trust described in division (B)(1)(b) of this 131428
section is granted a certificate of need pursuant to section 131429
3702.52 of the Revised Code to construct, add to, or otherwise 131430
modify a nursing home, or is given approval pursuant to section 131431
3791.04 of the Revised Code to construct, add to, or otherwise 131432
modify a residential care facility or residential facility and if 131433
the corporation, association, or trust submits an affidavit to the 131434
tax commissioner stating that, commencing on the date of licensure 131435
and continuing thereafter, the home or facility will be operated 131436
in accordance with the requirements of divisions (B)(1)(a) to (e) 131437
of this section, the corporation, association, or trust shall be 131438
considered to be operating a "home for the aged" within the 131439
meaning of division (B)(1) of this section, beginning on the first 131440

day of January of the year in which such certificate is granted or approval is given. 131441
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(2) If a corporation, association, or trust is considered to be operating a "home for the aged" pursuant to division (C)(1) of this section, the corporation, association, or trust shall notify the tax commissioner in writing upon the occurrence of any of the following events: 131443
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(a) The corporation, association, or trust no longer intends to complete the construction of, addition to, or modification of the home or facility, to obtain the appropriate license for the home or facility, or to commence operation of the home or facility in accordance with the requirements of divisions (B)(1)(a) to (e) of this section; 131448
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(b) The certificate of approval referred to in division (C)(1) of this section expires, is revoked, or is otherwise terminated prior to the completion of the construction of, addition to, or modification of the home or facility; 131454
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(c) The license to operate the home or facility is not granted by the director of health within one year following completion of the construction of, addition to, or modification of the home or facility; 131458
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(d) The license to operate the home or facility is not granted by the director of health within four years following the date upon which the certificate or approval referred to in division (C)(1) of this section was granted or given; 131462
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(e) The home or facility is granted a license to operate as a nursing home, residential care facility, or residential facility. 131466
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(3) Upon the occurrence of any of the events referred to in divisions (C)(2)(a), (b), (c), (d), and (e) of this section, the corporation, association, or trust shall no longer be considered to be operating a "home for the aged" pursuant to division (C)(1) 131468
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of this section, except that the tax commissioner, for good cause 131472
shown and to the extent the commissioner considers appropriate, 131473
may extend the time period specified in division (C)(2)(c) or (d) 131474
of this section, or both. Nothing in division (C)(3) of this 131475
section shall be construed to prevent a nursing home, residential 131476
care facility, or residential facility from qualifying as a "home 131477
for the aged" if, upon proper application made pursuant to 131478
division (B) of this section, it is found to meet the requirements 131479
of divisions (A) and (B) of this section. 131480

Sec. 5703.052. (A) There is hereby created in the state 131481
treasury the tax refund fund, from which refunds shall be paid for 131482
taxes illegally or erroneously assessed or collected, or for any 131483
other reason overpaid, that are levied by Chapter 4301., 4305., 131484
5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 5741., 131485
5743., 5747., 5748., 5749., 5751., or 5753. and sections 3737.71, 131486
3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 131487
5727.81, and 5727.811 of the Revised Code. Refunds for fees 131488
illegally or erroneously assessed or collected, or for any other 131489
reason overpaid, that are levied by sections 3734.90 to 3734.9014 131490
of the Revised Code also shall be paid from the fund. Refunds for 131491
amounts illegally or erroneously assessed or collected by the tax 131492
commissioner, or for any other reason overpaid, that are due under 131493
section 1509.50 of the Revised Code shall be paid from the fund. 131494
However, refunds for taxes levied under section 5739.101 of the 131495
Revised Code shall not be paid from the tax refund fund, but shall 131496
be paid as provided in section 5739.104 of the Revised Code. 131497

(B)(1) Upon certification by the tax commissioner to the 131498
treasurer of state of a tax refund, ~~a fee refund,~~ or ~~an other~~ 131499
another amount refunded, or by the superintendent of insurance of 131500
a domestic or foreign insurance tax refund, the treasurer of state 131501
shall place the amount certified to the credit of the fund. The 131502
certified amount transferred shall be derived from ~~current~~ the 131503

receipts of the same tax, fee, or other amount from which the 131504
refund arose. ~~If current receipts from the tax, fee, or other~~ 131505
~~amount from which the refund arose are inadequate to make the~~ 131506
~~transfer of the amount so certified, the treasurer of state shall~~ 131507
~~transfer such certified amount from current receipts of the sales~~ 131508
~~tax levied by section 5739.02 of the Revised Code.~~ 131509

(2) ~~When the treasurer of state provides for the payment of a~~ 131510
~~refund of a tax, fee, or other amount from the current receipts of~~ 131511
~~the sales tax, and the a refund is for a tax, fee, or other amount~~ 131512
that is not levied by the state, the tax commissioner shall 131513
recover the amount of that refund from the next distribution of 131514
that tax, fee, or other amount that otherwise would be made to the 131515
taxing jurisdiction. If the amount to be recovered would exceed 131516
twenty-five per cent of the next distribution of that tax, fee, or 131517
other amount, the commissioner may spread the recovery over more 131518
than one future distribution, taking into account the amount to be 131519
recovered and the amount of the anticipated future distributions. 131520
In no event may the commissioner spread the recovery over a period 131521
to exceed twenty-four months. 131522

Sec. 5703.053. As used in this section, "postal service" 131523
means the United States postal service. 131524

An application to the tax commissioner for a tax refund under 131525
section 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 131526
5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5736.08, 5739.07, 131527
5741.10, 5743.05, 5743.53, 5745.11, 5749.08, or 5751.08 of the 131528
Revised Code or division (B) of section 5703.05 of the Revised 131529
Code, or a fee refunded under section 3734.905 of the Revised 131530
Code, that is received after the last day for filing under such 131531
section shall be considered to have been filed in a timely manner 131532
if: 131533

(A) The application is delivered by the postal service and 131534

the earliest postal service postmark on the cover in which the application is enclosed is not later than the last day for filing the application;

(B) The application is delivered by the postal service, the only postmark on the cover in which the application is enclosed was affixed by a private postal meter, the date of that postmark is not later than the last day for filing the application, and the application is received within seven days of such last day; or

(C) The application is delivered by the postal service, no postmark date was affixed to the cover in which the application is enclosed or the date of the postmark so affixed is not legible, and the application is received within seven days of the last day for making the application.

Sec. 5703.059. (A) The tax commissioner may adopt rules requiring returns, including any accompanying schedule or statement, for any of the following taxes to be filed electronically using the Ohio business gateway as defined in section 718.051 of the Revised Code, filed telephonically using the system known as the Ohio telefile system, or filed by any other electronic means prescribed by the commissioner:

(1) Employer income tax withholding under Chapter 5747. of the Revised Code;

(2) Motor fuel tax under Chapter 5735. of the Revised Code;

(3) Cigarette and tobacco product tax under Chapter 5743. of the Revised Code;

(4) Severance tax under Chapter 5749. of the Revised Code;

(5) Use tax under Chapter 5741. of the Revised Code;

(6) Commercial activity tax under Chapter 5751. of the Revised Code;

<u>(7) Financial institutions tax under Chapter 5726. of the</u>	131564
<u>Revised Code;</u>	131565
<u>(8) Motor fuel receipts tax under Chapter 5736. of the</u>	131566
<u>Revised Code.</u>	131567
(B) The tax commissioner may adopt rules requiring any	131568
payment of tax shown on such a return to be due to be made	131569
electronically in a manner approved by the commissioner.	131570
(C) A rule adopted under this section does not apply to	131571
returns or reports filed or payments made before six months after	131572
the effective date of the rule. The commissioner shall publicize	131573
any new electronic filing requirement on the department's web	131574
site. The commissioner shall educate the public of the requirement	131575
through seminars, workshops, conferences, or other outreach	131576
activities.	131577
(D) Any person required to file returns and make payments	131578
electronically under rules adopted under this section may apply to	131579
the commissioner, on a form prescribed by the commissioner, to be	131580
excused from that requirement. For good cause shown, the	131581
commissioner may excuse the applicant from the requirement and	131582
permit the applicant to file the returns or reports or make the	131583
payments required under this section by nonelectronic means.	131584
Sec. 5703.19. (A) To carry out the purposes of the laws that	131585
the tax commissioner is required to administer, the commissioner	131586
or any person employed by the commissioner for that purpose, upon	131587
demand, may inspect books, accounts, records, and memoranda of any	131588
person or public utility subject to those laws, and may examine	131589
under oath any officer, agent, or employee of that person or	131590
public utility. Any person other than the commissioner who makes a	131591
demand pursuant to this section shall produce the person's	131592
authority to make the inspection.	131593

(B) If a person or public utility receives at least ten days' written notice of a demand made under division (A) of this section and refuses to comply with that demand, a penalty of five hundred dollars shall be imposed upon the person or public utility for each day the person or public utility refuses to comply with the demand. Penalties imposed under this division may be assessed and collected in the same manner as assessments made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., or sections 3734.90 to 3734.9014, of the Revised Code.

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation, except in the agent's report to the department or when called on to testify in any court or proceeding, shall divulge any information acquired by the agent as to the transactions, property, or business of any person while acting or claiming to act under orders of the department. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the department.

(B)(1) For purposes of an audit pursuant to section 117.15 of the Revised Code, or an audit of the department pursuant to Chapter 117. of the Revised Code, or an audit, pursuant to that chapter, the objective of which is to express an opinion on a financial report or statement prepared or issued pursuant to division (A)(7) or (9) of section 126.21 of the Revised Code, the officers and employees of the auditor of state charged with conducting the audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the audit. Any information acquired as the result of that access and examination

shall not be divulged for any purpose other than as required for 131626
the audit or unless the officers and employees are required to 131627
testify in a court or proceeding under compulsion of legal 131628
process. Whoever violates this provision shall thereafter be 131629
disqualified from acting as an officer or employee or in any other 131630
capacity under appointment or employment of the auditor of state. 131631

(2) For purposes of an internal audit pursuant to section 131632
126.45 of the Revised Code, the officers and employees of the 131633
office of internal ~~auditing~~ audit in the office of budget and 131634
management charged with ~~conducting~~ directing the internal audit 131635
shall have access to and the right to examine any state tax 131636
returns and state tax return information in the possession of the 131637
department to the extent that the access and examination are 131638
necessary for purposes of the internal audit. Any information 131639
acquired as the result of that access and examination shall not be 131640
divulged for any purpose other than as required for the internal 131641
audit or unless the officers and employees are required to testify 131642
in a court or proceeding under compulsion of legal process. 131643
Whoever violates this provision shall thereafter be disqualified 131644
from acting as an officer or employee or in any other capacity 131645
under appointment or employment of the office of internal ~~auditing~~ 131646
audit. 131647

(3) As provided by section 6103(d)(2) of the Internal Revenue 131648
Code, any federal tax returns or federal tax information that the 131649
department has acquired from the internal revenue service, through 131650
federal and state statutory authority, may be disclosed to the 131651
auditor of state or the office of internal ~~auditing~~ audit solely 131652
for purposes of an audit of the department. 131653

(4) For purposes of Chapter 3739. of the Revised Code, an 131654
agent of the department of taxation may share information with the 131655
division of state fire marshal that the agent finds during the 131656
course of an investigation. 131657

(C) Division (A) of this section does not prohibit any of the following: 131658
131659

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code; 131660
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131663

(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code; 131664
131665
131666

(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code; 131667
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131669
131670
131671

(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code; 131672
131673
131674

(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code; 131675
131676
131677

(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to rules adopted under section 5745.16 of the Revised Code; 131678
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131680
131681

(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, 131682
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direct payment permit, or seller's use tax account; 131689

(8) Releasing invoices or invoice information furnished under 131690
section 4301.433 of the Revised Code pursuant to that section; 131691

(9) Providing to a county auditor notices or documents 131692
concerning or affecting the taxable value of property in the 131693
county auditor's county. Unless authorized by law to disclose 131694
documents so provided, the county auditor shall not disclose such 131695
documents; 131696

(10) Providing to a county auditor sales or use tax return or 131697
audit information under section 333.06 of the Revised Code; 131698

(11) Subject to section 4301.441 of the Revised Code, 131699
disclosing to the appropriate state agency information in the 131700
possession of the department of taxation that is necessary to 131701
verify a permit holder's gallonage or noncompliance with taxes 131702
levied under Chapter 4301. or 4305. of the Revised Code; 131703

(12) Disclosing to the department of natural resources 131704
information in the possession of the department of taxation that 131705
is necessary for the department of taxation to verify the 131706
taxpayer's compliance with ~~division (A)(1), (5), (6), (8), or (9)~~ 131707
~~of section 5749.02 of the Revised Code and information received~~ 131708
~~pursuant to section 1509.50 of the Revised Code concerning the~~ 131709
~~amount due under that section~~ or to allow the department of 131710
natural resources to enforce Chapter 1509. of the Revised Code; 131711

(13) Disclosing to the department of job and family services, 131712
industrial commission, and bureau of workers' compensation 131713
information in the possession of the department of taxation solely 131714
for the purpose of identifying employers that misclassify 131715
employees as independent contractors or that fail to properly 131716
report and pay employer tax liabilities. The department of 131717
taxation shall disclose only such information that is necessary to 131718
verify employer compliance with law administered by those 131719

agencies. 131720

(14) Disclosing to the Ohio casino control commission 131721
information in the possession of the department of taxation that 131722
is necessary to verify a casino operator's compliance with section 131723
5747.063 or 5753.02 of the Revised Code and sections related 131724
thereto; 131725

(15) Disclosing to the state lottery commission information 131726
in the possession of the department of taxation that is necessary 131727
to verify a lottery sales agent's compliance with section 5747.064 131728
of the Revised Code. 131729

Sec. 5703.37. (A)(1) Except as provided in division (B) of 131730
this section, whenever service of a notice or order is required in 131731
the manner provided in this section, a copy of the notice or order 131732
shall be served upon the person affected thereby either by 131733
personal service, by certified mail, or by a delivery service 131734
authorized under section 5703.056 of the Revised Code that 131735
notifies the tax commissioner of the date of delivery. 131736

(2) In lieu of serving a copy of a notice or order through 131737
one of the means provided in division (A)(1) of this section, the 131738
commissioner may serve a notice or order upon the person affected 131739
thereby through alternative means as provided in this section, 131740
including, but not limited to, delivery by secure electronic mail 131741
as provided in division (F) of this section. Delivery by such 131742
means satisfies the requirements for delivery under this section. 131743

(B)(1)(a) If certified mail is returned because of an 131744
undeliverable address, the commissioner shall first utilize 131745
reasonable means to ascertain a new last known address, including 131746
the use of a change of address service offered by the United 131747
States postal service or an authorized delivery service under 131748
section 5703.056 of the Revised Code. If, after using reasonable 131749
means, the commissioner is unable to ascertain a new last known 131750

address, the assessment is final for purposes of section 131.02 of the Revised Code sixty days after the notice or order sent by certified mail is first returned to the commissioner, and the commissioner shall certify the notice or order, if applicable, to the attorney general for collection under section 131.02 of the Revised Code.

(b) Notwithstanding certification to the attorney general under division (B)(1)(a) of this section, once the commissioner or attorney general, or the designee of either, makes an initial contact with the person to whom the notice or order is directed, the person may protest an assessment by filing a petition for reassessment within sixty days after the initial contact. The certification of an assessment under division (B)(1)(a) of this section is prima-facie evidence that delivery is complete and that the notice or order is served.

(2) If mailing of a notice or order by certified mail is returned for some cause other than an undeliverable address or if a person does not access an electronic notice or order within the time provided in division (F) of this section, the commissioner shall resend the notice or order by ordinary mail. The notice or order shall show the date the commissioner sends the notice or order and include the following statement:

"This notice or order is deemed to be served on the addressee under applicable law ten days from the date this notice or order was mailed by the commissioner as shown on the notice or order, and all periods within which an appeal may be filed apply from and after that date."

Unless the mailing is returned because of an undeliverable address, the mailing of that information is prima-facie evidence that delivery of the notice or order was completed ten days after the commissioner sent the notice or order by ordinary mail and that the notice or order was served.

If the ordinary mail is subsequently returned because of an undeliverable address, the commissioner shall proceed under division (B)(1)(a) of this section. A person may challenge the presumption of delivery and service under this division in accordance with division (C) of this section.

(C)(1) A person disputing the presumption of delivery and service under division (B) of this section bears the burden of proving by a preponderance of the evidence that the address to which the notice or order was sent was not an address with which the person was associated at the time the commissioner originally mailed the notice or order by certified mail. For the purposes of this section, a person is associated with an address at the time the commissioner originally mailed the notice or order if, at that time, the person was residing, receiving legal documents, or conducting business at the address; or if, before that time, the person had conducted business at the address and, when the notice or order was mailed, the person's agent or the person's affiliate was conducting business at the address. For the purposes of this section, a person's affiliate is any other person that, at the time the notice or order was mailed, owned or controlled at least twenty per cent, as determined by voting rights, of the addressee's business.

(2) If the person elects to protest an assessment certified to the attorney general for collection, the person must do so within sixty days after the attorney general's initial contact with the person. The attorney general may enter into a compromise with the person under sections 131.02 and 5703.06 of the Revised Code if the person does not file a petition for reassessment with the commissioner.

(D) Nothing in this section prohibits the commissioner or the commissioner's designee from delivering a notice or order by personal service.

(E) Collection actions taken pursuant to section 131.02 of the Revised Code upon any assessment being challenged under division (B)(1)(b) of this section shall be stayed upon the pendency of an appeal under this section. If a petition for reassessment is filed pursuant to this section on a claim that has been certified to the attorney general for collection, the claim shall be uncertified.

(F) The commissioner may serve a notice or order upon the person affected by the notice or order through secure electronic means only with the person's consent. The commissioner must inform the recipient, electronically or by mail, that a notice or order is available for electronic review and provide instructions to access and print the notice or order. The recipient's electronic access of the notice or order satisfies the requirements for delivery under this section. If the recipient fails to access the notice or order electronically within ten business days, then the commissioner shall inform the recipient a second time, electronically or by mail, that a notice or order is available for electronic review and provide instructions to access and print the notice or order. If the recipient fails to access the notice or order electronically within ten business days of the second notification, the notice or order shall be served upon the person through ~~one of~~ the means provided in division ~~(A)(1)~~(B)(2) of this section.

(G) As used in this section:

(1) "Last known address" means the address the department has at the time the document is originally sent by certified mail, or any address the department can ascertain using reasonable means such as the use of a change of address service offered by the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code.

(2) "Undeliverable address" means an address to which the

United States postal service or an authorized delivery service 131847
under section 5703.056 of the Revised Code is not able to deliver 131848
a notice or order, except when the reason for nondelivery is 131849
because the addressee fails to acknowledge or accept the notice or 131850
order. 131851

Sec. 5703.50. As used in sections 5703.50 to 5703.53 of the 131852
Revised Code: 131853

(A) "Tax" includes only those taxes imposed on tangible 131854
personal property listed in accordance with Chapter 5711. of the 131855
Revised Code and taxes imposed under Chapters 5733., 5736., 5739., 131856
5741., 5747., and 5751. of the Revised Code. 131857

(B) "Taxpayer" means a person subject to or potentially 131858
subject to a tax including an employer required to deduct and 131859
withhold any amount under section 5747.06 of the Revised Code. 131860

(C) "Audit" means the examination of a taxpayer or the 131861
inspection of the books, records, memoranda, or accounts of a 131862
taxpayer for the purpose of determining liability for a tax. 131863

(D) "Assessment" means a notice of underpayment or nonpayment 131864
of a tax issued pursuant to section 5711.26, 5711.32, 5733.11, 131865
5736.09, 5739.13, 5741.11, 5741.13, 5747.13, or 5751.09 of the 131866
Revised Code. 131867

(E) "County auditor" means the auditor of the county in which 131868
the tangible personal property subject to a tax is located. 131869

Sec. 5703.70. (A) On the filing of an application for refund 131870
under section 3734.905, 4307.05, 4307.07, 5726.30, 5727.28, 131871
5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 131872
5735.142, 5735.18, 5736.08, 5739.07, 5739.071, 5739.104, 5741.10, 131873
5743.05, 5743.53, 5749.08, 5751.08, or 5753.06 of the Revised 131874
Code, or an application for compensation under section 5739.061 of 131875
the Revised Code, if the tax commissioner determines that the 131876

amount of the refund or compensation to which the applicant is 131877
entitled is less than the amount claimed in the application, the 131878
commissioner shall give the applicant written notice by ordinary 131879
mail of the amount. The notice shall be sent to the address shown 131880
on the application unless the applicant notifies the commissioner 131881
of a different address. The applicant shall have sixty days from 131882
the date the commissioner mails the notice to provide additional 131883
information to the commissioner or request a hearing, or both. 131884

(B) If the applicant neither requests a hearing nor provides 131885
additional information to the tax commissioner within the time 131886
prescribed by division (A) of this section, the commissioner shall 131887
take no further action, and the refund or compensation amount 131888
denied becomes final. 131889

(C)(1) If the applicant requests a hearing within the time 131890
prescribed by division (A) of this section, the tax commissioner 131891
shall assign a time and place for the hearing and notify the 131892
applicant of such time and place, but the commissioner may 131893
continue the hearing from time to time as necessary. After the 131894
hearing, the commissioner may make such adjustments to the refund 131895
or compensation as the commissioner finds proper, and shall issue 131896
a final determination thereon. 131897

(2) If the applicant does not request a hearing, but provides 131898
additional information, within the time prescribed by division (A) 131899
of this section, the commissioner shall review the information, 131900
make such adjustments to the refund or compensation as the 131901
commissioner finds proper, and issue a final determination 131902
thereon. 131903

(3) The commissioner shall serve a copy of the final 131904
determination made under division (C)(1) or (2) of this section on 131905
the applicant in the manner provided in section 5703.37 of the 131906
Revised Code, and the decision is final, subject to appeal under 131907

section 5717.02 of the Revised Code. 131908

(D) The tax commissioner shall certify to the director of 131909
budget and management and treasurer of state for payment from the 131910
tax refund fund created by section 5703.052 of the Revised Code, 131911
the amount of the refund to be refunded under division (B) or (C) 131912
of this section. The commissioner also shall certify to the 131913
director and treasurer of state for payment from the general 131914
revenue fund the amount of compensation to be paid under division 131915
(B) or (C) of this section. 131916

Sec. 5703.75. This section applies to any tax payable to the 131917
state and administered by the tax commissioner. If the total 131918
amount of any such tax shown to be due on a return, amended 131919
return, or notice does not exceed one dollar, the taxpayer shall 131920
not be required to remit the amount due. If the total amount of a 131921
taxpayer's overpayment of any such tax does not exceed one dollar, 131922
the tax commissioner shall not be required to refund the 131923
overpayment. 131924

Sec. 5703.76. Any payment or distribution of money that the 131925
tax commissioner is required by law to make to a political 131926
subdivision of this state, an officer thereof, or a political 131927
party shall be made by electronic funds transfer. The commissioner 131928
shall promulgate any rules necessary to administer this section. 131929

Sec. 5703.82. (A) Not later than April 1, 2009, the 131930
department of taxation shall acquire the necessary hardware, 131931
software, and services to establish and implement a tax discovery 131932
data system to increase the efficiency of tax collections in the 131933
state. The system must be fully integrated and pre-staged for the 131934
purposes of assisting in revenue analysis, discovering 131935
noncompliant taxpayers, and collecting taxes from those taxpayers. 131936
The system shall consolidate tax data from various mainframe 131937

systems and operate as a single tax discovery data system. The 131938
department shall contract, pursuant to a competitive bidding 131939
process, for the necessary hardware, software, and services to 131940
implement the tax discovery data system. 131941

~~(B) There is hereby created in the state treasury the 131942
discovery project fund. All money to the credit of the fund shall 131943
be used to pay the costs of implementing and operating the tax 131944
discovery data system and to defray the costs incurred by the 131945
department of taxation in administering the system. 131946~~

~~(C) Beginning July 1, 2009, on or before the first day of 131947
January, April, July, and October of each calendar year, the tax 131948
commissioner shall determine and certify to the director of budget 131949
and management the amount needed to pay the costs of operating the 131950
tax discovery data system in the previous calendar quarter and the 131951
costs incurred in the previous calendar quarter by the department 131952
of taxation in administering the system. The director shall 131953
provide for payment from the general revenue fund to the discovery 131954
project fund of the amount so certified. 131955~~

Sec. 5705.01. As used in this chapter: 131956

(A) "Subdivision" means any county; municipal corporation; 131957
township; township police district; joint police district; 131958
township fire district; joint fire district; joint ambulance 131959
district; joint emergency medical services district; fire and 131960
ambulance district; joint recreation district; township waste 131961
disposal district; township road district; community college 131962
district; technical college district; detention facility district; 131963
a district organized under section 2151.65 of the Revised Code; a 131964
combined district organized under sections 2152.41 and 2151.65 of 131965
the Revised Code; a joint-county alcohol, drug addiction, and 131966
mental health service district; a drainage improvement district 131967

created under section 6131.52 of the Revised Code; a lake 131968
facilities authority created under Chapter 353. of the Revised 131969
Code; a union cemetery district; a county school financing 131970
district; a city, local, exempted village, cooperative education, 131971
or joint vocational school district; or a regional student 131972
education district created under section 3313.83 of the Revised 131973
Code. 131974

(B) "Municipal corporation" means all municipal corporations, 131975
including those that have adopted a charter under Article XVIII, 131976
Ohio Constitution. 131977

(C) "Taxing authority" or "bond issuing authority" means, in 131978
the case of any county, the board of county commissioners; in the 131979
case of a municipal corporation, the council or other legislative 131980
authority of the municipal corporation; in the case of a city, 131981
local, exempted village, cooperative education, or joint 131982
vocational school district, the board of education; in the case of 131983
a community college district, the board of trustees of the 131984
district; in the case of a technical college district, the board 131985
of trustees of the district; in the case of a detention facility 131986
district, a district organized under section 2151.65 of the 131987
Revised Code, or a combined district organized under sections 131988
2152.41 and 2151.65 of the Revised Code, the joint board of county 131989
commissioners of the district; in the case of a township, the 131990
board of township trustees; in the case of a joint police 131991
district, the joint police district board; in the case of a joint 131992
fire district, the board of fire district trustees; in the case of 131993
a joint recreation district, the joint recreation district board 131994
of trustees; in the case of a joint-county alcohol, drug 131995
addiction, and mental health service district, the district's 131996
board of alcohol, drug addiction, and mental health services; in 131997
the case of a joint ambulance district or a fire and ambulance 131998
district, the board of trustees of the district; in the case of a 131999

union cemetery district, the legislative authority of the 132000
municipal corporation and the board of township trustees, acting 132001
jointly as described in section 759.341 of the Revised Code; in 132002
the case of a drainage improvement district, the board of county 132003
commissioners of the county in which the drainage district is 132004
located; in the case of a lake facilities authority, the board of 132005
directors; in the case of a joint emergency medical services 132006
district, the joint board of county commissioners of all counties 132007
in which all or any part of the district lies; and in the case of 132008
a township police district, a township fire district, a township 132009
road district, or a township waste disposal district, the board of 132010
township trustees of the township in which the district is 132011
located. "Taxing authority" also means the educational service 132012
center governing board that serves as the taxing authority of a 132013
county school financing district as provided in section 3311.50 of 132014
the Revised Code, and the board of directors of a regional student 132015
education district created under section 3313.83 of the Revised 132016
Code. 132017

(D) "Fiscal officer" in the case of a county, means the 132018
county auditor; in the case of a municipal corporation, the city 132019
auditor or village clerk, or an officer who, by virtue of the 132020
charter, has the duties and functions of the city auditor or 132021
village clerk, except that in the case of a municipal university 132022
the board of directors of which have assumed, in the manner 132023
provided by law, the custody and control of the funds of the 132024
university, the chief accounting officer of the university shall 132025
perform, with respect to the funds, the duties vested in the 132026
fiscal officer of the subdivision by sections 5705.41 and 5705.44 132027
of the Revised Code; in the case of a school district, the 132028
treasurer of the board of education; in the case of a county 132029
school financing district, the treasurer of the educational 132030
service center governing board that serves as the taxing 132031
authority; in the case of a township, the township fiscal officer; 132032

in the case of a joint police district, the treasurer of the 132033
district; in the case of a joint fire district, the clerk of the 132034
board of fire district trustees; in the case of a joint ambulance 132035
district, the clerk of the board of trustees of the district; in 132036
the case of a joint emergency medical services district, the 132037
person appointed as fiscal officer pursuant to division (D) of 132038
section 307.053 of the Revised Code; in the case of a fire and 132039
ambulance district, the person appointed as fiscal officer 132040
pursuant to division (B) of section 505.375 of the Revised Code; 132041
in the case of a joint recreation district, the person designated 132042
pursuant to section 755.15 of the Revised Code; in the case of a 132043
union cemetery district, the clerk of the municipal corporation 132044
designated in section 759.34 of the Revised Code; in the case of a 132045
children's home district, educational service center, general 132046
health district, joint-county alcohol, drug addiction, and mental 132047
health service district, county library district, detention 132048
facility district, district organized under section 2151.65 of the 132049
Revised Code, a combined district organized under sections 2152.41 132050
and 2151.65 of the Revised Code, or a metropolitan park district 132051
for which no treasurer has been appointed pursuant to section 132052
1545.07 of the Revised Code, the county auditor of the county 132053
designated by law to act as the auditor of the district; in the 132054
case of a metropolitan park district which has appointed a 132055
treasurer pursuant to section 1545.07 of the Revised Code, that 132056
treasurer; in the case of a drainage improvement district, the 132057
auditor of the county in which the drainage improvement district 132058
is located; in the case of a lake facilities authority, the fiscal 132059
officer designated under section 353.02 of the Revised Code; in 132060
the case of a regional student education district, the fiscal 132061
officer appointed pursuant to section 3313.83 of the Revised Code; 132062
and in all other cases, the officer responsible for keeping the 132063
appropriation accounts and drawing warrants for the expenditure of 132064
the moneys of the district or taxing unit. 132065

(E) "Permanent improvement" or "improvement" means any property, asset, or improvement with an estimated life or usefulness of five years or more, including land and interests therein, and reconstructions, enlargements, and extensions thereof having an estimated life or usefulness of five years or more.

(F) "Current operating expenses" and "current expenses" mean the lawful expenditures of a subdivision, except those for permanent improvements, and except payments for interest, sinking fund, and retirement of bonds, notes, and certificates of indebtedness of the subdivision.

(G) "Debt charges" means interest, sinking fund, and retirement charges on bonds, notes, or certificates of indebtedness.

(H) "Taxing unit" means any subdivision or other governmental district having authority to levy taxes on the property in the district or issue bonds that constitute a charge against the property of the district, including conservancy districts, metropolitan park districts, sanitary districts, road districts, and other districts.

(I) "District authority" means any board of directors, trustees, commissioners, or other officers controlling a district institution or activity that derives its income or funds from two or more subdivisions, such as the educational service center, the trustees of district children's homes, the district board of health, a joint-county alcohol, drug addiction, and mental health service district's board of alcohol, drug addiction, and mental health services, detention facility districts, a joint recreation district board of trustees, districts organized under section 2151.65 of the Revised Code, combined districts organized under sections 2152.41 and 2151.65 of the Revised Code, and other such boards.

(J) "Tax list" and "tax duplicate" mean the general tax lists and duplicates prescribed by sections 319.28 and 319.29 of the Revised Code.

(K) "Property" as applied to a tax levy means taxable property listed on general tax lists and duplicates.

(L) "Association library district" means a territory, the boundaries of which are defined by the state library board pursuant to division (I) of section 3375.01 of the Revised Code, in which a library association or private corporation maintains a free public library.

(M) "Library district" means a territory, the boundaries of which are defined by the state library board pursuant to section 3375.01 of the Revised Code, in which the board of trustees of a county, municipal corporation, school district, or township public library maintains a free public library.

(N) "Qualifying library levy" means either of the following:

(1) A levy for the support of a library association or private corporation that has an association library district with boundaries that are not identical to those of a subdivision;

(2) A levy proposed under section 5705.23 of the Revised Code for the support of the board of trustees of a public library that has a library district with boundaries that are not identical to those of a subdivision.

(O) "School library district" means a school district in which a free public library has been established that is under the control and management of a board of library trustees as provided in section 3375.15 of the Revised Code.

Sec. 5705.10. (A) All revenue derived from the general levy for current expense within the ten-mill limitation, from any general levy for current expense authorized by vote in excess of

the ten-mill limitation, and from sources other than the general 132127
property tax, unless its use for a particular purpose is 132128
prescribed by law, shall be paid into the general fund. 132129

(B) All revenue derived from general or special levies for 132130
debt charges, whether within or in excess of the ten-mill 132131
limitation, which is levied for the debt charges on serial bonds, 132132
notes, or certificates of indebtedness having a life less than 132133
five years, shall be paid into the bond retirement fund; and all 132134
such revenue which is levied for the debt charges on all other 132135
bonds, notes, or certificates of indebtedness shall be paid into 132136
the sinking fund. 132137

(C) All revenue derived from a special levy shall be credited 132138
to a special fund for the purpose for which the levy was made. 132139

(D) Except as otherwise provided by resolution adopted 132140
pursuant to section 3315.01 of the Revised Code, all revenue 132141
derived from a source other than the general property tax and 132142
which the law prescribes shall be used for a particular purpose, 132143
shall be paid into a special fund for such purpose. Except as 132144
otherwise provided by resolution adopted pursuant to section 132145
3315.01 of the Revised Code or as otherwise provided by section 132146
3315.40 of the Revised Code, all revenue derived from a source 132147
other than the general property tax, for which the law does not 132148
prescribe use for a particular purpose, including interest earned 132149
on the principal of any special fund, regardless of the source or 132150
purpose of the principal, shall be paid into the general fund. 132151

(E) All proceeds from the sale of public obligations or 132152
fractionalized interests in public obligations as defined in 132153
section 133.01 of the Revised Code, except premium and accrued 132154
interest, shall be paid into a special fund for the purpose of 132155
such issue, and any interest and other income earned on money in 132156
such special fund may be used for the purposes for which the 132157
indebtedness was authorized or may be credited to the general fund 132158

or other fund or account as the taxing authority authorizes and 132159
used for the purposes of that fund or account. The premium and 132160
accrued interest received from such sale shall be paid into the 132161
sinking fund or the bond retirement fund of the subdivision. 132162

(F) Except as provided in ~~division~~ divisions (G) and (H) of 132163
this section, if a permanent improvement of the subdivision is 132164
sold, the amount received from the sale shall be paid into the 132165
sinking fund, the bond retirement fund, or a special fund for the 132166
construction or acquisition of permanent improvements; provided 132167
that the proceeds from the sale of a public utility shall be paid 132168
into the sinking fund or bond retirement fund to the extent 132169
necessary to provide for the retirement of the outstanding 132170
indebtedness incurred in the construction or acquisition of such 132171
utility. Proceeds from the sale of property other than a permanent 132172
improvement shall be paid into the fund from which such property 132173
was acquired or is maintained or, if there is no such fund, into 132174
the general fund. 132175

(G) A township that has a population greater than fifteen 132176
thousand according to the most recent federal decennial census and 132177
that has declared one or more improvements in the township to be a 132178
public purpose under section 5709.73 of the Revised Code may pay 132179
proceeds from the sale of a permanent improvement of the township 132180
into its general fund if both of the following conditions are 132181
satisfied: 132182

(1) The township fiscal officer determines that all 132183
foreseeable public infrastructure improvements, as defined in 132184
section 5709.40 of the Revised Code, to be made in the township in 132185
the ten years immediately following the date the permanent 132186
improvement is sold will have been financed through resolutions 132187
adopted under section 5709.73 of the Revised Code on or before the 132188
date of the sale. The fiscal officer shall provide written 132189
certification of this determination for the township's records. 132190

(2) The permanent improvement being sold was financed 132191
entirely from moneys in the township's general fund. 132192

(H) If a board of education of a school district disposes of 132193
real property under section 3313.41 of the Revised Code, the 132194
proceeds received from the sale may be paid into the school 132195
district's general fund and used only to pay for the costs of 132196
nonoperating capital expenses related to technological upgrades 132197
and equipment to be used for instruction and assessment. 132198

(I) Money paid into any fund shall be used only for the 132199
purposes for which such fund is established. 132200

Sec. 5705.19. This section does not apply to school districts 132201
or county school financing districts, or lake facilities 132202
authorities. 132203

The taxing authority of any subdivision at any time and in 132204
any year, by vote of two-thirds of all the members of the taxing 132205
authority, may declare by resolution and certify the resolution to 132206
the board of elections not less than ninety days before the 132207
election upon which it will be voted that the amount of taxes that 132208
may be raised within the ten-mill limitation will be insufficient 132209
to provide for the necessary requirements of the subdivision and 132210
that it is necessary to levy a tax in excess of that limitation 132211
for any of the following purposes: 132212

(A) For current expenses of the subdivision, except that the 132213
total levy for current expenses of a detention facility district 132214
or district organized under section 2151.65 of the Revised Code 132215
shall not exceed two mills and that the total levy for current 132216
expenses of a combined district organized under sections 2151.65 132217
and 2152.41 of the Revised Code shall not exceed four mills; 132218

(B) For the payment of debt charges on certain described 132219
bonds, notes, or certificates of indebtedness of the subdivision 132220

issued subsequent to January 1, 1925;	132221
(C) For the debt charges on all bonds, notes, and	132222
certificates of indebtedness issued and authorized to be issued	132223
prior to January 1, 1925;	132224
(D) For a public library of, or supported by, the subdivision	132225
under whatever law organized or authorized to be supported;	132226
(E) For a municipal university, not to exceed two mills over	132227
the limitation of one mill prescribed in section 3349.13 of the	132228
Revised Code;	132229
(F) For the construction or acquisition of any specific	132230
permanent improvement or class of improvements that the taxing	132231
authority of the subdivision may include in a single bond issue;	132232
(G) For the general construction, reconstruction,	132233
resurfacing, and repair of streets, roads, and bridges in	132234
municipal corporations, counties, or townships;	132235
(H) For parks and recreational purposes;	132236
(I) For the purpose of providing and maintaining fire	132237
apparatus, appliances, buildings, or sites therefor, or sources of	132238
water supply and materials therefor, or the establishment and	132239
maintenance of lines of fire alarm telegraph, or the payment of	132240
firefighting companies or permanent, part-time, or volunteer	132241
firefighting, emergency medical service, administrative, or	132242
communications personnel to operate the same, including the	132243
payment of any employer contributions required for such personnel	132244
under section 145.48 or 742.34 of the Revised Code, or the	132245
purchase of ambulance equipment, or the provision of ambulance,	132246
paramedic, or other emergency medical services operated by a fire	132247
department or firefighting company;	132248
(J) For the purpose of providing and maintaining motor	132249
vehicles, communications, other equipment, buildings, and sites	132250

for such buildings used directly in the operation of a police 132251
department, or the payment of salaries of permanent or part-time 132252
police, communications, or administrative personnel to operate the 132253
same, including the payment of any employer contributions required 132254
for such personnel under section 145.48 or 742.33 of the Revised 132255
Code, or the payment of the costs incurred by townships as a 132256
result of contracts made with other political subdivisions in 132257
order to obtain police protection, or the provision of ambulance 132258
or emergency medical services operated by a police department; 132259

(K) For the maintenance and operation of a county home or 132260
detention facility; 132261

(L) For community mental retardation and developmental 132262
disabilities programs and services pursuant to Chapter 5126. of 132263
the Revised Code, except that the procedure for such levies shall 132264
be as provided in section 5705.222 of the Revised Code; 132265

(M) For regional planning; 132266

(N) For a county's share of the cost of maintaining and 132267
operating schools, district detention facilities, forestry camps, 132268
or other facilities, or any combination thereof, established under 132269
section 2151.65 or 2152.41 of the Revised Code or both of those 132270
sections; 132271

(O) For providing for flood defense, providing and 132272
maintaining a flood wall or pumps, and other purposes to prevent 132273
floods; 132274

(P) For maintaining and operating sewage disposal plants and 132275
facilities; 132276

(Q) For the purpose of purchasing, acquiring, constructing, 132277
enlarging, improving, equipping, repairing, maintaining, or 132278
operating, or any combination of the foregoing, a county transit 132279
system pursuant to sections 306.01 to 306.13 of the Revised Code, 132280
or of making any payment to a board of county commissioners 132281

operating a transit system or a county transit board pursuant to	132282
section 306.06 of the Revised Code;	132283
(R) For the subdivision's share of the cost of acquiring or	132284
constructing any schools, forestry camps, detention facilities, or	132285
other facilities, or any combination thereof, under section	132286
2151.65 or 2152.41 of the Revised Code or both of those sections;	132287
(S) For the prevention, control, and abatement of air	132288
pollution;	132289
(T) For maintaining and operating cemeteries;	132290
(U) For providing ambulance service, emergency medical	132291
service, or both;	132292
(V) For providing for the collection and disposal of garbage	132293
or refuse, including yard waste;	132294
(W) For the payment of the police officer employers'	132295
contribution or the firefighter employers' contribution required	132296
under sections 742.33 and 742.34 of the Revised Code;	132297
(X) For the construction and maintenance of a drainage	132298
improvement pursuant to section 6131.52 of the Revised Code;	132299
(Y) For providing or maintaining senior citizens services or	132300
facilities as authorized by section 307.694, 307.85, 505.70, or	132301
505.706 or division (EE) of section 717.01 of the Revised Code;	132302
(Z) For the provision and maintenance of zoological park	132303
services and facilities as authorized under section 307.76 of the	132304
Revised Code;	132305
(AA) For the maintenance and operation of a free public	132306
museum of art, science, or history;	132307
(BB) For the establishment and operation of a 9-1-1 system,	132308
as defined in section 5507.01 <u>128.01</u> of the Revised Code;	132309
(CC) For the purpose of acquiring, rehabilitating, or	132310

developing rail property or rail service. As used in this 132311
division, "rail property" and "rail service" have the same 132312
meanings as in section 4981.01 of the Revised Code. This division 132313
applies only to a county, township, or municipal corporation. 132314

(DD) For the purpose of acquiring property for, constructing, 132315
operating, and maintaining community centers as provided for in 132316
section 755.16 of the Revised Code; 132317

(EE) For the creation and operation of an office or joint 132318
office of economic development, for any economic development 132319
purpose of the office, and to otherwise provide for the 132320
establishment and operation of a program of economic development 132321
pursuant to sections 307.07 and 307.64 of the Revised Code, or to 132322
the extent that the expenses of a county land reutilization 132323
corporation organized under Chapter 1724. of the Revised Code are 132324
found by the board of county commissioners to constitute the 132325
promotion of economic development, for the payment of such 132326
operations and expenses; 132327

(FF) For the purpose of acquiring, establishing, 132328
constructing, improving, equipping, maintaining, or operating, or 132329
any combination of the foregoing, a township airport, landing 132330
field, or other air navigation facility pursuant to section 505.15 132331
of the Revised Code; 132332

(GG) For the payment of costs incurred by a township as a 132333
result of a contract made with a county pursuant to section 132334
505.263 of the Revised Code in order to pay all or any part of the 132335
cost of constructing, maintaining, repairing, or operating a water 132336
supply improvement; 132337

(HH) For a board of township trustees to acquire, other than 132338
by appropriation, an ownership interest in land, water, or 132339
wetlands, or to restore or maintain land, water, or wetlands in 132340
which the board has an ownership interest, not for purposes of 132341

recreation, but for the purposes of protecting and preserving the 132342
natural, scenic, open, or wooded condition of the land, water, or 132343
wetlands against modification or encroachment resulting from 132344
occupation, development, or other use, which may be styled as 132345
protecting or preserving "greenspace" in the resolution, notice of 132346
election, or ballot form. Except as otherwise provided in this 132347
division, land is not acquired for purposes of recreation, even if 132348
the land is used for recreational purposes, so long as no 132349
building, structure, or fixture used for recreational purposes is 132350
permanently attached or affixed to the land. Except as otherwise 132351
provided in this division, land that previously has been acquired 132352
in a township for these greenspace purposes may subsequently be 132353
used for recreational purposes if the board of township trustees 132354
adopts a resolution approving that use and no building, structure, 132355
or fixture used for recreational purposes is permanently attached 132356
or affixed to the land. The authorization to use greenspace land 132357
for recreational use does not apply to land located in a township 132358
that had a population, at the time it passed its first greenspace 132359
levy, of more than thirty-eight thousand within a county that had 132360
a population, at that time, of at least eight hundred sixty 132361
thousand. 132362

(II) For the support by a county of a crime victim assistance 132363
program that is provided and maintained by a county agency or a 132364
private, nonprofit corporation or association under section 307.62 132365
of the Revised Code; 132366

(JJ) For any or all of the purposes set forth in divisions 132367
(I) and (J) of this section. This division applies only to a 132368
township. 132369

(KK) For a countywide public safety communications system 132370
under section 307.63 of the Revised Code. This division applies 132371
only to counties. 132372

(LL) For the support by a county of criminal justice services 132373

under section 307.45 of the Revised Code; 132374

(MM) For the purpose of maintaining and operating a jail or 132375
other detention facility as defined in section 2921.01 of the 132376
Revised Code; 132377

(NN) For purchasing, maintaining, or improving, or any 132378
combination of the foregoing, real estate on which to hold, and 132379
the operating expenses of, agricultural fairs operated by a county 132380
agricultural society or independent agricultural society under 132381
Chapter 1711. of the Revised Code. This division applies only to a 132382
county. 132383

(OO) For constructing, rehabilitating, repairing, or 132384
maintaining sidewalks, walkways, trails, bicycle pathways, or 132385
similar improvements, or acquiring ownership interests in land 132386
necessary for the foregoing improvements; 132387

(PP) For both of the purposes set forth in divisions (G) and 132388
(OO) of this section. 132389

(QQ) For both of the purposes set forth in divisions (H) and 132390
(HH) of this section. This division applies only to a township. 132391

(RR) For the legislative authority of a municipal 132392
corporation, board of county commissioners of a county, or board 132393
of township trustees of a township to acquire agricultural 132394
easements, as defined in section 5301.67 of the Revised Code, and 132395
to supervise and enforce the easements. 132396

(SS) For both of the purposes set forth in divisions (BB) and 132397
(KK) of this section. This division applies only to a county. 132398

(TT) For the maintenance and operation of a facility that is 132399
organized in whole or in part to promote the sciences and natural 132400
history under section 307.761 of the Revised Code. 132401

(UU) For the creation and operation of a county land 132402
reutilization corporation and for any programs or activities of 132403

the corporation found by the board of directors of the corporation 132404
to be consistent with the purposes for which the corporation is 132405
organized; 132406

(VV) For construction and maintenance of improvements and 132407
expenses of soil and water conservation district programs under 132408
Chapter 1515. of the Revised Code; 132409

(WW) For the ~~Ohio cooperative~~ OSU extension ~~service~~ fund 132410
created under section 3335.35 of the Revised Code for the purposes 132411
prescribed under section 3335.36 of the Revised Code for the 132412
benefit of the citizens of a county. This division applies only to 132413
a county. 132414

(XX) For a municipal corporation that withdraws or proposes 132415
by resolution to withdraw from a regional transit authority under 132416
section 306.55 of the Revised Code to provide transportation 132417
services for the movement of persons within, from, or to the 132418
municipal corporation; 132419

(YY) For any combination of the purposes specified in 132420
divisions (NN), (VV), and (WW) of this section. This division 132421
applies only to a county. 132422

The resolution shall be confined to the purpose or purposes 132423
described in one division of this section, to which the revenue 132424
derived therefrom shall be applied. The existence in any other 132425
division of this section of authority to levy a tax for any part 132426
or all of the same purpose or purposes does not preclude the use 132427
of such revenues for any part of the purpose or purposes of the 132428
division under which the resolution is adopted. 132429

The resolution shall specify the amount of the increase in 132430
rate that it is necessary to levy, the purpose of that increase in 132431
rate, and the number of years during which the increase in rate 132432
shall be in effect, which may or may not include a levy upon the 132433
duplicate of the current year. The number of years may be any 132434

number not exceeding five, except as follows: 132435

(1) When the additional rate is for the payment of debt 132436
charges, the increased rate shall be for the life of the 132437
indebtedness. 132438

(2) When the additional rate is for any of the following, the 132439
increased rate shall be for a continuing period of time: 132440

(a) For the current expenses for a detention facility 132441
district, a district organized under section 2151.65 of the 132442
Revised Code, or a combined district organized under sections 132443
2151.65 and 2152.41 of the Revised Code; 132444

(b) For providing a county's share of the cost of maintaining 132445
and operating schools, district detention facilities, forestry 132446
camps, or other facilities, or any combination thereof, 132447
established under section 2151.65 or 2152.41 of the Revised Code 132448
or under both of those sections. 132449

(3) When the additional rate is for either of the following, 132450
the increased rate may be for a continuing period of time: 132451

(a) For the purposes set forth in division (I), (J), (U), or 132452
(KK) of this section; 132453

(b) For the maintenance and operation of a joint recreation 132454
district. 132455

(4) When the increase is for the purpose or purposes set 132456
forth in division (D), (G), (H), (CC), or (PP) of this section, 132457
the tax levy may be for any specified number of years or for a 132458
continuing period of time, as set forth in the resolution. 132459

(5) When the additional rate is for the purpose described in 132460
division (Z) of this section, the increased rate shall be for any 132461
number of years not exceeding ten. 132462

A levy for one of the purposes set forth in division (G), 132463
(I), (J), or (U) of this section may be reduced pursuant to 132464

section 5705.261 or 5705.31 of the Revised Code. A levy for one of 132465
the purposes set forth in division (G), (I), (J), or (U) of this 132466
section may also be terminated or permanently reduced by the 132467
taxing authority if it adopts a resolution stating that the 132468
continuance of the levy is unnecessary and the levy shall be 132469
terminated or that the millage is excessive and the levy shall be 132470
decreased by a designated amount. 132471

A resolution of a detention facility district, a district 132472
organized under section 2151.65 of the Revised Code, or a combined 132473
district organized under both sections 2151.65 and 2152.41 of the 132474
Revised Code may include both current expenses and other purposes, 132475
provided that the resolution shall apportion the annual rate of 132476
levy between the current expenses and the other purpose or 132477
purposes. The apportionment need not be the same for each year of 132478
the levy, but the respective portions of the rate actually levied 132479
each year for the current expenses and the other purpose or 132480
purposes shall be limited by the apportionment. 132481

Whenever a board of county commissioners, acting either as 132482
the taxing authority of its county or as the taxing authority of a 132483
sewer district or subdistrict created under Chapter 6117. of the 132484
Revised Code, by resolution declares it necessary to levy a tax in 132485
excess of the ten-mill limitation for the purpose of constructing, 132486
improving, or extending sewage disposal plants or sewage systems, 132487
the tax may be in effect for any number of years not exceeding 132488
twenty, and the proceeds of the tax, notwithstanding the general 132489
provisions of this section, may be used to pay debt charges on any 132490
obligations issued and outstanding on behalf of the subdivision 132491
for the purposes enumerated in this paragraph, provided that any 132492
such obligations have been specifically described in the 132493
resolution. 132494

A resolution adopted by the legislative authority of a 132495
municipal corporation that is for the purpose in division (XX) of 132496

this section may be combined with the purpose provided in section 132497
306.55 of the Revised Code, by vote of two-thirds of all members 132498
of the legislative authority. The legislative authority may 132499
certify the resolution to the board of elections as a combined 132500
question. The question appearing on the ballot shall be as 132501
provided in section 5705.252 of the Revised Code. 132502

The resolution shall go into immediate effect upon its 132503
passage, and no publication of the resolution is necessary other 132504
than that provided for in the notice of election. 132505

When the electors of a subdivision or, in the case of a 132506
qualifying library levy for the support of a library association 132507
or private corporation, the electors of the association library 132508
district, have approved a tax levy under this section, the taxing 132509
authority of the subdivision may anticipate a fraction of the 132510
proceeds of the levy and issue anticipation notes in accordance 132511
with section 5705.191 or 5705.193 of the Revised Code. 132512

Sec. 5705.192. (A) For the purposes of this section only, 132513
"taxing authority" includes a township board of park commissioners 132514
appointed under section 511.18 of the Revised Code. 132515

(B) A taxing authority may propose to replace an existing 132516
levy that the taxing authority is authorized to levy, regardless 132517
of the section of the Revised Code under which the authority is 132518
granted, except a school district emergency levy proposed pursuant 132519
to sections 5705.194 to 5705.197 of the Revised Code. The taxing 132520
authority may propose to replace the existing levy in its entirety 132521
at the rate at which it is authorized to be levied; may propose to 132522
replace a portion of the existing levy at a lesser rate; or may 132523
propose to replace the existing levy in its entirety and increase 132524
the rate at which it is levied. If the taxing authority proposes 132525
to replace an existing levy, the proposed levy shall be called a 132526
replacement levy and shall be so designated on the ballot. Except 132527

as otherwise provided in this division, a replacement levy shall 132528
be limited to the purpose of the existing levy, and shall appear 132529
separately on the ballot from, and shall not be conjoined with, 132530
the renewal of any other existing levy. In the case of an existing 132531
school district levy imposed under section 5705.21 of the Revised 132532
Code for the purpose specified in division (F) of section 5705.19 132533
of the Revised Code, or in the case of an existing school district 132534
levy imposed under section 5705.217 of the Revised Code for the 132535
acquisition, construction, enlargement, renovation, and financing 132536
of permanent improvements, the replacement for that existing levy 132537
may be for the same purpose or for the purpose of general 132538
permanent improvements as defined in section 5705.21 of the 132539
Revised Code. 132540

The resolution proposing a replacement levy shall specify the 132541
purpose of the levy; its proposed rate expressed in mills; whether 132542
the proposed rate is the same as the rate of the existing levy, a 132543
reduction, or an increase; the extent of any reduction or increase 132544
expressed in mills; the first calendar year in which the levy will 132545
be due; and the term of the levy, expressed in years or, if 132546
applicable, that it will be levied for a continuing period of 132547
time. 132548

The sections of the Revised Code governing the maximum rate 132549
and term of the existing levy, the contents of the resolution that 132550
proposed the levy, the adoption of the resolution, the 132551
arrangements for the submission of the question of the levy, and 132552
notice of the election also govern the respective provisions of 132553
the proposal to replace the existing levy, except as provided in 132554
divisions (B)(1) to (3) of this section: 132555

(1) In the case of an existing school district levy that is 132556
imposed under section 5705.21 of the Revised Code for the purpose 132557
specified in division (F) of section 5705.19 of the Revised Code 132558
or under section 5705.217 of the Revised Code for the acquisition, 132559

construction, enlargement, renovation, and financing of permanent 132560
improvements, and that is to be replaced by a levy for general 132561
permanent improvements, the maximum term of the replacement levy 132562
is not limited to the term of the existing levy and may be for a 132563
continuing period of time. 132564

(2) The date on which the election is held shall be as 132565
follows: 132566

(a) For the replacement of a levy with a fixed term of years, 132567
the date of the general election held during the last year the 132568
existing levy may be extended on the real and public utility 132569
property tax list and duplicate, or the date of any election held 132570
in the ensuing year; 132571

(b) For the replacement of a levy imposed for a continuing 132572
period of time, the date of any election held in any year after 132573
the year the levy to be replaced is first approved by the 132574
electors, except that only one election on the question of 132575
replacing the levy may be held during any calendar year. 132576

The failure by the electors to approve a proposal to replace 132577
a levy imposed for a continuing period of time does not terminate 132578
the existing continuing levy. 132579

(3) In the case of an existing school district levy imposed 132580
under division (B) of section 5705.21, division (C) of section 132581
5705.212, or division (J) of section 5705.218 of the Revised Code, 132582
the rates allocated to the municipal school district and to 132583
partnering community schools each may be increased or decreased or 132584
remain the same, and the total rate may be increased, decreased, 132585
or remain the same. 132586

(C) The form of the ballot at the election on the question of 132587
a replacement levy shall be as follows: 132588

"A replacement of a tax for the benefit of (name 132589
of subdivision or public library) for the purpose of 132590

(the purpose stated in the resolution) at a rate not exceeding 132591
 mills for each one dollar of valuation, which amounts 132592
 to (rate expressed in dollars and cents) for each one 132593
 hundred dollars in valuation, for (number of years levy 132594
 is to run, or that it will be levied for a continuous period of 132595
 time) 132596

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

132597
 132598
 132599
 132600

If the replacement levy is proposed by a municipal school 132601
 district to replace an existing tax levied under division (B) of 132602
 section 5705.21, division (C)(1) of section 5705.212, or division 132603
 (J) of section 5705.218 of the Revised Code, the form of the 132604
 ballot shall be modified by adding, after the phrase "each one 132605
 dollar of valuation," the following: "(of which mills is to 132606
 be allocated to partnering community schools)." 132607

If the proposal is to replace an existing levy and increase 132608
 the rate of the existing levy, the form of the ballot shall be 132609
 changed by adding the words "..... mills of an existing levy 132610
 and an increase of mills, to constitute" after the 132611
 words "a replacement of." If the proposal is to replace only a 132612
 portion of an existing levy, the form of the ballot shall be 132613
 changed by adding the words "a portion of an existing levy, being 132614
 a reduction of mills, to constitute" after the words "a 132615
 replacement of." If the existing levy is imposed under division 132616
 (B) of section 5705.21, division (C)(1) of section 5705.212, or 132617
 division (J) of section 5705.218 of the Revised Code, the form of 132618
 the ballot also shall state the portion of the total increased 132619
 rate or of the total rate as reduced that is to be allocated to 132620
 partnering community schools. 132621

If the tax is to be placed on the tax list of the current tax 132622
year, the form of the ballot shall be modified by adding at the 132623
end of the form the phrase ", commencing in (first year 132624
the replacement tax is to be levied), first due in calendar year 132625
..... (first calendar year in which the tax shall be due)." 132626

The question covered by the resolution shall be submitted as 132627
a separate proposition, but may be printed on the same ballot with 132628
any other proposition submitted at the same election, other than 132629
the election of officers. More than one such question may be 132630
submitted at the same election. 132631

(D) Two existing levies, or any portion of those levies, may 132632
be combined into one replacement levy, so long as both of the 132633
existing levies are for the same purpose and either both are due 132634
to expire the same year or both are for a continuing period of 132635
time. The question of combining all or portions of the two 132636
existing levies into the replacement levy shall appear as one 132637
ballot proposition before the electors. If the electors approve 132638
the ballot proposition, all or the stated portions of the two 132639
existing levies are replaced by one replacement levy. 132640

(E) A levy approved in excess of the ten-mill limitation 132641
under this section shall be certified to the tax commissioner. In 132642
the first year of a levy approved under this section, the levy 132643
shall be extended on the tax lists after the February settlement 132644
succeeding the election at which the levy was approved. If the 132645
levy is to be placed on the tax lists of the current year, as 132646
specified in the resolution providing for its submission, the 132647
result of the election shall be certified immediately after the 132648
canvass by the board of elections to the taxing authority, which 132649
shall forthwith make the necessary levy and certify it to the 132650
county auditor, who shall extend it on the tax lists for 132651
collection. After the first year, the levy shall be included in 132652
the annual tax budget that is certified to the county budget 132653

commission. 132654

If notes are authorized to be issued in anticipation of the 132655
proceeds of the existing levy, notes may be issued in anticipation 132656
of the proceeds of the replacement levy, and such issuance is 132657
subject to the terms and limitations governing the issuance of 132658
notes in anticipation of the proceeds of the existing levy. 132659

(F) This section does not authorize a tax to be levied in any 132660
year after the year in which revenue is not needed for the purpose 132661
for which the tax is levied. 132662

Sec. 5705.21. (A) At any time, the board of education of any 132663
city, local, exempted village, cooperative education, or joint 132664
vocational school district, by a vote of two-thirds of all its 132665
members, may declare by resolution that the amount of taxes which 132666
may be raised within the ten-mill limitation by levies on the 132667
current tax duplicate will be insufficient to provide an adequate 132668
amount for the necessary requirements of the school district, that 132669
it is necessary to levy a tax in excess of such limitation for one 132670
of the purposes specified in division (A), (D), (F), (H), or (DD) 132671
of section 5705.19 of the Revised Code, for general permanent 132672
improvements, for the purpose of operating a cultural center, for 132673
the purpose of providing for school safety and security, or for 132674
the purpose of providing education technology, and that the 132675
question of such additional tax levy shall be submitted to the 132676
electors of the school district at a special election on a day to 132677
be specified in the resolution. In the case of a qualifying 132678
library levy for the support of a library association or private 132679
corporation, the question shall be submitted to the electors of 132680
the association library district. If the resolution states that 132681
the levy is for the purpose of operating a cultural center, the 132682
ballot shall state that the levy is "for the purpose of operating 132683
the (name of cultural center)." 132684

As used in this division, "cultural center" means a 132685
freestanding building, separate from a public school building, 132686
that is open to the public for educational, musical, artistic, and 132687
cultural purposes; "education technology" means, but is not 132688
limited to, computer hardware, equipment, materials, and 132689
accessories, equipment used for two-way audio or video, and 132690
software; and "general permanent improvements" means permanent 132691
improvements without regard to the limitation of division (F) of 132692
section 5705.19 of the Revised Code that the improvements be a 132693
specific improvement or a class of improvements that may be 132694
included in a single bond issue. 132695

A resolution adopted under this division shall be confined to 132696
a single purpose and shall specify the amount of the increase in 132697
rate that it is necessary to levy, the purpose of the levy, and 132698
the number of years during which the increase in rate shall be in 132699
effect. The number of years may be any number not exceeding five 132700
or, if the levy is for current expenses of the district or for 132701
general permanent improvements, for a continuing period of time. 132702

(B)(1) The board of education of a municipal school district, 132703
by resolution, may declare that it is necessary to levy a tax in 132704
excess of the ten-mill limitation for the purpose of paying the 132705
current expenses of the district and of partnering community 132706
schools and that the question of the additional tax levy shall be 132707
submitted to the electors of the school district at a special 132708
election on a day to be specified in the resolution. The 132709
resolution shall state the purpose of the levy, the rate of the 132710
tax expressed in mills per dollar of taxable value, the number of 132711
such mills to be levied for the current expenses of the partnering 132712
community schools and the number of such mills to be levied for 132713
the current expenses of the school district, the number of years 132714
the tax will be levied, and the first year the tax will be levied. 132715
The number of years the tax may be levied may be any number not 132716

exceeding ten years, or for a continuing period of time. 132717

The levy of a tax for the current expenses of a partnering 132718
community school under this section and the distribution of 132719
proceeds from the tax by a municipal school district to partnering 132720
community schools is hereby determined to be a proper public 132721
purpose. 132722

(2) The form of the ballot at an election held pursuant to 132723
division (B) of this section shall be as follows: 132724

"Shall a levy be imposed by the (insert the name of 132725
the municipal school district) for the purpose of current expenses 132726
of the school district and of partnering community schools at a 132727
rate not exceeding (insert the number of mills) mills for 132728
each one dollar of valuation (of which (insert the number 132729
of mills to be allocated to partnering community schools) mills is 132730
to be allocated to partnering community schools), which amounts to 132731
..... (insert the rate expressed in dollars and cents) for each 132732
one hundred dollars of valuation, for (insert the number of 132733
years the levy is to be imposed, or that it will be levied for a 132734
continuing period of time), beginning (insert first year 132735
the tax is to be levied), which will first be payable in calendar 132736
year (insert the first calendar year in which the tax would 132737
be payable)? 132738

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

(3) Upon each receipt of a tax distribution by the municipal 132741
school district, the board of education shall credit the portion 132742
allocated to partnering community schools to the partnering 132743
community schools fund. All income from the investment of money in 132744
the partnering community schools fund shall be credited to that 132745
fund. 132746

Not more than forty-five days after the municipal school 132747

district receives and deposits each tax distribution, the board of 132748
education shall distribute the partnering community schools amount 132749
among the then qualifying community schools. From each tax 132750
distribution, each such partnering community school shall receive 132751
a portion of the partnering community schools amount in the 132752
proportion that the number of its resident students bears to the 132753
aggregate number of resident students of all such partnering 132754
community schools as of the date of receipt and deposit of the tax 132755
distribution. For the purposes of this division, the number of 132756
resident students shall be the number of such students reported 132757
under section 3317.03 of the Revised Code and established by the 132758
department of education as of the date of receipt and deposit of 132759
the tax distribution. 132760

(4) To the extent an agreement whereby the municipal school 132761
district and a community school endorse each other's programs is 132762
necessary for the community school to qualify as a partnering 132763
community school under division (B)(6)(b) of this section, the 132764
board of education of the school district shall certify to the 132765
department of education the agreement along with the determination 132766
that such agreement satisfies the requirements of that division. 132767
The board's determination is conclusive. 132768

(5) For the purposes of Chapter 3317. of the Revised Code or 132769
other laws referring to the "taxes charged and payable" for a 132770
school district, the taxes charged and payable for a municipal 132771
school district that levies a tax under division (B) of this 132772
section includes only the taxes charged and payable under that 132773
levy for the current expenses of the school district, and does not 132774
include the taxes charged and payable for the current expenses of 132775
partnering community schools. The taxes charged and payable for 132776
the current expenses of partnering community schools shall not 132777
affect the calculation of "state education aid" as defined in 132778
section 5751.20 of the Revised Code. 132779

(6) As used in division (B) of this section:	132780
(a) "Municipal school district" has the same meaning as in section 3311.71 of the Revised Code.	132781 132782
(b) "Partnering community school" means a community school established under Chapter 3314. of the Revised Code that is located within the territory of the municipal school district and that either is sponsored by the district or is a party to an agreement with the district whereby the district and the community school endorse each other's programs.	132783 132784 132785 132786 132787 132788
(c) "Partnering community schools amount" means the product obtained, as of the receipt and deposit of the tax distribution, by multiplying the amount of a tax distribution by a fraction, the numerator of which is the number of mills per dollar of taxable value of the property tax to be allocated to partnering community schools, and the denominator of which is the total number of mills per dollar of taxable value authorized by the electors in the election held under division (B) of this section, each as set forth in the resolution levying the tax.	132789 132790 132791 132792 132793 132794 132795 132796 132797
(d) "Partnering community schools fund" means a separate fund established by the board of education of a municipal school district for the deposit of partnering community school amounts under this section.	132798 132799 132800 132801
(e) "Resident student" means a student enrolled in a partnering community school who is entitled to attend school in the municipal school district under section 3313.64 or 3313.65 of the Revised Code.	132802 132803 132804 132805
(f) "Tax distribution" means a distribution of proceeds of the tax authorized by division (B) of this section under section 321.24 of the Revised Code and distributions that are attributable to that tax under sections 323.156 and 4503.068 of the Revised Code or other applicable law.	132806 132807 132808 132809 132810

(C) A resolution adopted under this section shall specify the date of holding the election, which shall not be earlier than ninety days after the adoption and certification of the resolution and which shall be consistent with the requirements of section 3501.01 of the Revised Code.

A resolution adopted under this section may propose to renew one or more existing levies imposed under division (A) or (B) of this section or to increase or decrease a single levy imposed under either such division.

If the board of education imposes one or more existing levies for the purpose specified in division (F) of section 5705.19 of the Revised Code, the resolution may propose to renew one or more of those existing levies, or to increase or decrease a single such existing levy, for the purpose of general permanent improvements.

If the resolution proposes to renew two or more existing levies, the levies shall be levied for the same purpose. The resolution shall identify those levies and the rates at which they are levied. The resolution also shall specify that the existing levies shall not be extended on the tax lists after the year preceding the year in which the renewal levy is first imposed, regardless of the years for which those levies originally were authorized to be levied.

If the resolution proposes to renew an existing levy imposed under division (B) of this section, the rates allocated to the municipal school district and to partnering community schools each may be increased or decreased or remain the same, and the total rate may be increased, decreased, or remain the same. The resolution and notice of election shall specify the number of the mills to be levied for the current expenses of the partnering community schools and the number of the mills to be levied for the current expenses of the municipal school district.

A resolution adopted under this section shall go into
immediate effect upon its passage, and no publication of the
resolution shall be necessary other than that provided for in the
notice of election. A copy of the resolution shall immediately
after its passing be certified to the board of elections of the
proper county in the manner provided by section 5705.25 of the
Revised Code. That section shall govern the arrangements for the
submission of such question and other matters concerning the
election to which that section refers, including publication of
notice of the election, except that the election shall be held on
the date specified in the resolution. In the case of a resolution
adopted under division (B) of this section, the publication of
notice of that election shall state the number of the mills to be
levied for the current expenses of partnering community schools
and the number of the mills to be levied for the current expenses
of the municipal school district. If a majority of the electors
voting on the question so submitted in an election vote in favor
of the levy, the board of education may make the necessary levy
within the school district or, in the case of a qualifying library
levy for the support of a library association or private
corporation, within the association library district, at the
additional rate, or at any lesser rate in excess of the ten-mill
limitation on the tax list, for the purpose stated in the
resolution. A levy for a continuing period of time may be reduced
pursuant to section 5705.261 of the Revised Code. The tax levy
shall be included in the next tax budget that is certified to the
county budget commission.

(D)(1) After the approval of a levy on the current tax list
and duplicate for current expenses, for recreational purposes, for
community centers provided for in section 755.16 of the Revised
Code, or for a public library of the district under division (A)
of this section, and prior to the time when the first tax
collection from the levy can be made, the board of education may

anticipate a fraction of the proceeds of the levy and issue 132875
anticipation notes in a principal amount not exceeding fifty per 132876
cent of the total estimated proceeds of the levy to be collected 132877
during the first year of the levy. 132878

(2) After the approval of a levy for general permanent 132879
improvements for a specified number of years or for permanent 132880
improvements having the purpose specified in division (F) of 132881
section 5705.19 of the Revised Code, the board of education may 132882
anticipate a fraction of the proceeds of the levy and issue 132883
anticipation notes in a principal amount not exceeding fifty per 132884
cent of the total estimated proceeds of the levy remaining to be 132885
collected in each year over a period of five years after the 132886
issuance of the notes. 132887

The notes shall be issued as provided in section 133.24 of 132888
the Revised Code, shall have principal payments during each year 132889
after the year of their issuance over a period not to exceed five 132890
years, and may have a principal payment in the year of their 132891
issuance. 132892

(3) After approval of a levy for general permanent 132893
improvements for a continuing period of time, the board of 132894
education may anticipate a fraction of the proceeds of the levy 132895
and issue anticipation notes in a principal amount not exceeding 132896
fifty per cent of the total estimated proceeds of the levy to be 132897
collected in each year over a specified period of years, not 132898
exceeding ten, after the issuance of the notes. 132899

The notes shall be issued as provided in section 133.24 of 132900
the Revised Code, shall have principal payments during each year 132901
after the year of their issuance over a period not to exceed ten 132902
years, and may have a principal payment in the year of their 132903
issuance. 132904

(4) After the approval of a levy on the current tax list and 132905

duplicate under division (B) of this section, and prior to the 132906
time when the first tax collection from the levy can be made, the 132907
board of education may anticipate a fraction of the proceeds of 132908
the levy for the current expenses of the school district and issue 132909
anticipation notes in a principal amount not exceeding fifty per 132910
cent of the estimated proceeds of the levy to be collected during 132911
the first year of the levy and allocated to the school district. 132912
The portion of the levy proceeds to be allocated to partnering 132913
community schools under that division shall not be included in the 132914
estimated proceeds anticipated under this division and shall not 132915
be used to pay debt charges on any anticipation notes. 132916

The notes shall be issued as provided in section 133.24 of 132917
the Revised Code, shall have principal payments during each year 132918
after the year of their issuance over a period not to exceed five 132919
years, and may have a principal payment in the year of their 132920
issuance. 132921

(E) The submission of questions to the electors under this 132922
section is subject to the limitation on the number of election 132923
dates established by section 5705.214 of the Revised Code. 132924

Sec. 5705.217. (A) The board of education of a city, local, 132925
or exempted village school district, at any time by a vote of 132926
two-thirds of all its members, may declare by resolution that the 132927
amount of taxes that can be raised within the ten-mill limitation 132928
will be insufficient to provide an adequate amount for the present 132929
and future requirements of the school district; that it is 132930
necessary to levy an additional tax in excess of that limitation 132931
for the purposes of providing funds for current operating expenses 132932
and for ~~the acquisition, construction, enlargement, renovation,~~ 132933
~~and financing of~~ general permanent improvements as defined in 132934
section 5705.21 of the Revised Code; and that the question of the 132935
tax shall be submitted to the electors of the district at a 132936

special election. The tax may be levied for a specified number of 132937
years not exceeding five or, ~~if the tax is for current operating~~ 132938
~~expenses or for general, on going permanent improvements,~~ for a 132939
continuing period of time. The resolution shall specify the 132940
proposed tax rate, the first year the tax will be levied, and the 132941
number of years it will be levied, or that it will be levied for a 132942
continuing period of time. The resolution shall apportion the 132943
annual rate of the tax between current operating expenses and 132944
permanent improvements. The apportionment may but need not be the 132945
same for each year of the tax, but the respective portions of the 132946
rate actually levied each year for current operating expenses and 132947
permanent improvements shall be limited by the apportionment. 132948

The resolution shall specify the date of holding the special 132949
election, which shall not be earlier than ninety days after 132950
certification of the resolution to the board of elections and 132951
shall be consistent with the requirements of section 3501.01 of 132952
the Revised Code. The resolution shall go into immediate effect 132953
upon its passage, and no publication of it is necessary other than 132954
that provided in the notice of election. The board of education 132955
shall certify a copy of the resolution to the board of elections 132956
immediately after its adoption. Section 5705.25 of the Revised 132957
Code governs the arrangements and form of the ballot for the 132958
submission of the question to the electors. 132959

If a majority of the electors voting on the question vote in 132960
favor of the tax, the board of education may make the levy at the 132961
additional rate, or at any lesser rate in excess of the ten-mill 132962
limitation. If the tax is for a continuing period of time, it may 132963
be decreased in accordance with section 5705.261 of the Revised 132964
Code. 132965

A board of education may adopt a resolution to renew one or 132966
more existing levies imposed under this section, or to increase or 132967
decrease the rate of a tax levied under this section, for the 132968

purpose of providing funds for either current expenses and general 132969
permanent improvements or solely for general permanent 132970
improvements. 132971

(B)(1) After the approval of a tax for current operating 132972
expenses under this section and prior to the time the first 132973
collection and distribution from the levy can be made, the board 132974
of education may anticipate a fraction of the proceeds of such 132975
levy and issue anticipation notes in a principal amount not 132976
exceeding fifty per cent of the total estimated proceeds of the 132977
tax to be collected during the first year of the levy. 132978

(2) After the approval of a tax ~~under this section~~ for 132979
general permanent improvements having a specific purpose levied 132980
under this section for a specified number of years, the board of 132981
education may anticipate a fraction of the proceeds of such tax 132982
and issue anticipation notes in a principal amount not exceeding 132983
fifty per cent of the total estimated proceeds of the tax 132984
remaining to be collected in each year over a specified period of 132985
five years, not exceeding the number of years for which the tax 132986
was levied, after issuance of the notes. 132987

(3) After the approval of a tax for general, ~~on-going~~ 132988
permanent improvements levied under this section for a continuing 132989
period of time, the board of education may anticipate a fraction 132990
of the proceeds of such tax and issue anticipation notes in a 132991
principal amount not exceeding fifty per cent of the total 132992
estimated proceeds of the tax to be collected in each year over a 132993
specified period of years, not exceeding ten, after issuance of 132994
the notes. 132995

Anticipation notes under this section shall be issued as 132996
provided in section 133.24 of the Revised Code. Notes issued under 132997
division (B)(1) or (2) of this section shall have principal 132998
payments during each year after the year of their issuance over a 132999
period not to exceed five years, and may have a principal payment 133000

in the year of their issuance. Notes issued under division (B)(3) 133001
of this section shall have principal payments during each year 133002
after the year of their issuance over a period not to exceed ten 133003
years, and may have a principal payment in the year of their 133004
issuance. 133005

(C) The submission of a question to the electors under this 133006
section is subject to the limitation on the number of elections 133007
that can be held in a year under section 5705.214 of the Revised 133008
Code. 133009

Sec. 5705.218. (A) The board of education of a city, local, 133010
or exempted village school district, at any time by a vote of 133011
two-thirds of all its members, may declare by resolution that it 133012
may be necessary for the school district to issue general 133013
obligation bonds for permanent improvements. The resolution shall 133014
state all of the following: 133015

(1) The necessity and purpose of the bond issue; 133016

(2) The date of the special election at which the question 133017
shall be submitted to the electors; 133018

(3) The amount, approximate date, estimated rate of interest, 133019
and maximum number of years over which the principal of the bonds 133020
may be paid; 133021

(4) The necessity of levying a tax outside the ten-mill 133022
limitation to pay debt charges on the bonds and any anticipatory 133023
securities. 133024

On adoption of the resolution, the board shall certify a copy 133025
of it to the county auditor. The county auditor promptly shall 133026
estimate and certify to the board the average annual property tax 133027
rate required throughout the stated maturity of the bonds to pay 133028
debt charges on the bonds, in the same manner as under division 133029
(C) of section 133.18 of the Revised Code. 133030

(B) After receiving the county auditor's certification under 133031
division (A) of this section, the board of education of the city, 133032
local, or exempted village school district, by a vote of 133033
two-thirds of all its members, may declare by resolution that the 133034
amount of taxes that can be raised within the ten-mill limitation 133035
will be insufficient to provide an adequate amount for the present 133036
and future requirements of the school district; that it is 133037
necessary to issue general obligation bonds of the school district 133038
for permanent improvements and to levy an additional tax in excess 133039
of the ten-mill limitation to pay debt charges on the bonds and 133040
any anticipatory securities; that it is necessary for a specified 133041
number of years or for a continuing period of time to levy 133042
additional taxes in excess of the ten-mill limitation to provide 133043
funds for the acquisition, construction, enlargement, renovation, 133044
and financing of permanent improvements or to pay for current 133045
operating expenses, or both; and that the question of the bonds 133046
and taxes shall be submitted to the electors of the school 133047
district at a special election, which shall not be earlier than 133048
ninety days after certification of the resolution to the board of 133049
elections, and the date of which shall be consistent with section 133050
3501.01 of the Revised Code. The resolution shall specify all of 133051
the following: 133052

(1) The county auditor's estimate of the average annual 133053
property tax rate required throughout the stated maturity of the 133054
bonds to pay debt charges on the bonds; 133055

(2) The proposed rate of the tax, if any, for current 133056
operating expenses, the first year the tax will be levied, and the 133057
number of years it will be levied, or that it will be levied for a 133058
continuing period of time; 133059

(3) The proposed rate of the tax, if any, for permanent 133060
improvements, the first year the tax will be levied, and the 133061
number of years it will be levied, or that it will be levied for a 133062

continuing period of time. 133063

The resolution shall apportion the annual rate of the tax 133064
between current operating expenses and permanent improvements, if 133065
both taxes are proposed. The apportionment may but need not be the 133066
same for each year of the tax, but the respective portions of the 133067
rate actually levied each year for current operating expenses and 133068
permanent improvements shall be limited by the apportionment. The 133069
resolution shall go into immediate effect upon its passage, and no 133070
publication of it is necessary other than that provided in the 133071
notice of election. The board of education shall certify a copy of 133072
the resolution, along with copies of the auditor's estimate and 133073
its resolution under division (A) of this section, to the board of 133074
elections immediately after its adoption. 133075

(C) The board of elections shall make the arrangements for 133076
the submission to the electors of the school district of the 133077
question proposed under division (B) or (J) of this section, and 133078
the election shall be conducted, canvassed, and certified in the 133079
same manner as regular elections in the district for the election 133080
of county officers. The resolution shall be put before the 133081
electors as one ballot question, with a favorable vote indicating 133082
approval of the bond issue, the levy to pay debt charges on the 133083
bonds and any anticipatory securities, the current operating 133084
expenses levy, the permanent improvements levy, and the levy for 133085
the current expenses of a municipal school district and of 133086
partnering community schools, as those levies may be proposed. The 133087
board of elections shall publish notice of the election in a 133088
newspaper of general circulation in the school district once a 133089
week for two consecutive weeks, or as provided in section 7.16 of 133090
the Revised Code, prior to the election. If a board of elections 133091
operates and maintains a web site, that board also shall post 133092
notice of the election on its web site for thirty days prior to 133093
the election. The notice of election shall state all of the 133094

following:	133095
(1) The principal amount of the proposed bond issue;	133096
(2) The permanent improvements for which the bonds are to be issued;	133097 133098
(3) The maximum number of years over which the principal of the bonds may be paid;	133099 133100
(4) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor;	133101 133102 133103
(5) The proposed rate of the additional tax, if any, for current operating expenses and, if the question is proposed under division (J) of this section, the portion of the rate to be allocated to the school district and the portion to be allocated to partnering community schools;	133104 133105 133106 133107 133108
(6) The number of years the current operating expenses tax will be in effect, or that it will be in effect for a continuing period of time;	133109 133110 133111
(7) The proposed rate of the additional tax, if any, for permanent improvements;	133112 133113
(8) The number of years the permanent improvements tax will be in effect, or that it will be in effect for a continuing period of time;	133114 133115 133116
(9) The time and place of the special election.	133117
(D) The form of the ballot for an election under this section is as follows:	133118 133119
"Shall the school district be authorized to do the following:	133120 133121
(1) Issue bonds for the purpose of in the principal amount of \$....., to be repaid annually over a maximum	133122 133123

period of years, and levy a property tax outside the 133124
ten-mill limitation, estimated by the county auditor to average 133125
over the bond repayment period mills for each one dollar of 133126
tax valuation, which amounts to (rate expressed in cents or 133127
dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 133128
tax valuation, to pay the annual debt charges on the bonds, and to 133129
pay debt charges on any notes issued in anticipation of those 133130
bonds?" 133131

If either a levy for permanent improvements or a levy for 133132
current operating expenses is proposed, or both are proposed, the 133133
ballot also shall contain the following language, as appropriate: 133134

"(2) Levy an additional property tax to provide funds for the 133135
acquisition, construction, enlargement, renovation, and financing 133136
of permanent improvements at a rate not exceeding mills 133137
for each one dollar of tax valuation, which amounts to 133138
(rate expressed in cents or dollars and cents) for each \$100 of 133139
tax valuation, for (number of years of the levy, or a 133140
continuing period of time)? 133141

(3) Levy an additional property tax to pay current operating 133142
expenses at a rate not exceeding mills for each one dollar 133143
of tax valuation, which amounts to (rate expressed in 133144
cents or dollars and cents) for each \$100 of tax valuation, for 133145
..... (number of years of the levy, or a continuing period of 133146
time)? 133147

133148

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

"

133149

133150

133151

If the question is proposed under division (J) of this 133152
section, the form of the ballot shall be modified as prescribed by 133153
division (J)(4) of this section. 133154

(E) The board of elections promptly shall certify the results 133155
of the election to the tax commissioner and the county auditor of 133156
the county in which the school district is located. If a majority 133157
of the electors voting on the question vote for it, the board of 133158
education may proceed with issuance of the bonds and with the levy 133159
and collection of the property tax or taxes at the additional rate 133160
or any lesser rate in excess of the ten-mill limitation. Any 133161
securities issued by the board of education under this section are 133162
Chapter 133. securities, as that term is defined in section 133.01 133163
of the Revised Code. 133164

(F)(1) After the approval of a tax for current operating 133165
expenses under this section and prior to the time the first 133166
collection and distribution from the levy can be made, the board 133167
of education may anticipate a fraction of the proceeds of such 133168
levy and issue anticipation notes in a principal amount not 133169
exceeding fifty per cent of the total estimated proceeds of the 133170
tax to be collected during the first year of the levy. 133171

(2) After the approval of a tax under this section for 133172
permanent improvements having a specific purpose, the board of 133173
education may anticipate a fraction of the proceeds of such tax 133174
and issue anticipation notes in a principal amount not exceeding 133175
fifty per cent of the total estimated proceeds of the tax 133176
remaining to be collected in each year over a period of five years 133177
after issuance of the notes. 133178

(3) After the approval of a tax under this section for 133179
general, ~~on-going~~ permanent improvements as defined under ~~this~~ 133180
section 5705.21 of the Revised Code, the board of education may 133181
anticipate a fraction of the proceeds of such tax and issue 133182
anticipation notes in a principal amount not exceeding fifty per 133183
cent of the total estimated proceeds of the tax to be collected in 133184
each year over a specified period of years, not exceeding ten, 133185
after issuance of the notes. 133186

Anticipation notes under this section shall be issued as 133187
provided in section 133.24 of the Revised Code. Notes issued under 133188
division (F)(1) or (2) of this section shall have principal 133189
payments during each year after the year of their issuance over a 133190
period not to exceed five years, and may have a principal payment 133191
in the year of their issuance. Notes issued under division (F)(3) 133192
of this section shall have principal payments during each year 133193
after the year of their issuance over a period not to exceed ten 133194
years, and may have a principal payment in the year of their 133195
issuance. 133196

(G) A tax for current operating expenses or for permanent 133197
improvements levied under this section for a specified number of 133198
years may be renewed or replaced in the same manner as a tax for 133199
current operating expenses or for permanent improvements levied 133200
under section 5705.21 of the Revised Code. A tax for current 133201
operating expenses or for permanent improvements levied under this 133202
section for a continuing period of time may be decreased in 133203
accordance with section 5705.261 of the Revised Code. 133204

(H) The submission of a question to the electors under this 133205
section is subject to the limitation on the number of elections 133206
that can be held in a year under section 5705.214 of the Revised 133207
Code. 133208

(I) A school district board of education proposing a ballot 133209
measure under this section to generate local resources for a 133210
project under the school building assistance expedited local 133211
partnership program under section 3318.36 of the Revised Code may 133212
combine the questions under division (D) of this section with a 133213
question for the levy of a property tax to generate moneys for 133214
maintenance of the classroom facilities acquired under that 133215
project as prescribed in section 3318.361 of the Revised Code. 133216

(J)(1) After receiving the county auditor's certification 133217
under division (A) of this section, the board of education of a 133218

municipal school district, by a vote of two-thirds of all its members, may declare by resolution that it is necessary to levy a tax in excess of the ten-mill limitation for the purpose of paying the current expenses of the school district and of partnering community schools, as defined in section 5705.21 of the Revised Code; that it is necessary to issue general obligation bonds of the school district for permanent improvements of the district and to levy an additional tax in excess of the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities; and that the question of the bonds and taxes shall be submitted to the electors of the school district at a special election, which shall not be earlier than ninety days after certification of the resolution to the board of elections, and the date of which shall be consistent with section 3505.01 of the Revised Code.

The levy of taxes for the current expenses of a partnering community school under division (J) of this section and the distribution of proceeds from the tax by a municipal school district to partnering community schools is hereby determined to be a proper public purpose.

(2) The tax for the current expenses of the school district and of partnering community schools is subject to the requirements of divisions (B)(3), (4), and (5) of section 5705.21 of the Revised Code.

(3) In addition to the required specifications of the resolution under division (B) of this section, the resolution shall express the rate of the tax in mills per dollar of taxable value, state the number of the mills to be levied for the current expenses of the partnering community schools and the number of the mills to be levied for the current expenses of the school district, specify the number of years (not exceeding ten) the tax will be levied or that it will be levied for a continuing period of time, and state the first year the tax will be levied.

The resolution shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of education shall certify a copy of the resolution, along with copies of the auditor's estimate and its resolution under division (A) of this section, to the board of elections immediately after its adoption.

(4) The form of the ballot shall be modified by replacing the ballot form set forth in division (D)(3) of this section with the following:

"Levy an additional property tax for the purpose of the current expenses of the school district and of partnering community schools at a rate not exceeding (insert the number of mills) mills for each one dollar of valuation (of which (insert the number of mills to be allocated to partnering community schools) mills is to be allocated to partnering community schools), which amounts to (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation, for (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time)?

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

(5) After the approval of a tax for the current expenses of the school district and of partnering community schools under division (J) of this section, and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy for the current expenses of the school district and issue anticipation notes in a principal amount not exceeding fifty per cent of the estimated proceeds of the levy to be collected during the first year of the levy and allocated to the school district. The portion of levy proceeds to be allocated to partnering

community schools shall not be included in the estimated proceeds 133283
anticipated under this division and shall not be used to pay debt 133284
charges on any anticipation notes. 133285

The notes shall be issued as provided in section 133.24 of 133286
the Revised Code, shall have principal payments during each year 133287
after the year of their issuance over a period not to exceed five 133288
years, and may have a principal payment in the year of their 133289
issuance. 133290

(6) A tax for the current expenses of the school district and 133291
of partnering community schools levied under division (J) of this 133292
section for a specified number of years may be renewed or replaced 133293
in the same manner as a tax for the current expenses of a school 133294
district and of partnering community schools levied under division 133295
(B) of section 5705.21 of the Revised Code. A tax for the current 133296
expenses of the school district and of partnering community 133297
schools levied under this division for a continuing period of time 133298
may be decreased in accordance with section 5705.261 of the 133299
Revised Code. 133300

(7) The proceeds from the issuance of the general obligation 133301
bonds under division (J) of this section shall be used solely to 133302
pay for permanent improvements of the school district and not for 133303
permanent improvements of partnering community schools. 133304

Sec. 5705.221. (A) At any time, the board of county 133305
commissioners of any county by a majority vote of the full 133306
membership may declare by resolution and certify to the board of 133307
elections of the county that the amount of taxes which may be 133308
raised within the ten-mill limitation by levies on the current tax 133309
duplicate will be insufficient to provide the necessary 133310
requirements of the county's alcohol, drug addiction, and mental 133311
health service district established pursuant to Chapter 340. of 133312
the Revised Code, or the county's contribution to a joint-county 133313

district of which the county is a part, and that it is necessary 133314
to levy a tax in excess of such limitation for the operation of 133315
~~alcohol and drug~~ community addiction ~~programs~~ services providers 133316
and community mental health ~~programs~~ services providers and the 133317
acquisition, construction, renovation, financing, maintenance, and 133318
operation of alcohol and drug addiction facilities and mental 133319
health facilities. 133320

Such resolution shall conform to section 5705.19 of the 133321
Revised Code, except that the increased rate may be in effect for 133322
any number of years not exceeding ten. 133323

The resolution shall be certified and submitted in the manner 133324
provided in section 5705.25 of the Revised Code, except that it 133325
may be placed on the ballot in any election, and shall be 133326
certified to the board of elections not less than ninety days 133327
before the election at which it will be voted upon. 133328

If the majority of the electors voting on a levy to 133329
supplement general fund appropriations for the support of the 133330
comprehensive ~~alcohol and drug~~ community addiction and mental 133331
health ~~program~~ services providers vote in favor of the levy, the 133332
board may levy a tax within the county at the additional rate 133333
outside the ten-mill limitation during the specified or continuing 133334
period, for the purpose stated in the resolution. 133335

(B) When electors have approved a tax levy under this 133336
section, the board of county commissioners may anticipate a 133337
fraction of the proceeds of the levy and, from time to time, issue 133338
anticipation notes in accordance with section 5705.191 or 5705.193 133339
of the Revised Code. 133340

(C) The county auditor who is the fiscal officer of the 133341
alcohol, drug addiction, and mental health service district, upon 133342
receipt of a resolution from the board of alcohol, drug addiction, 133343
and mental health services, shall establish for the district a 133344

capital improvements account or a reserve balance account, or 133345
both, as specified in the resolution. The capital improvements 133346
account shall be a contingency fund for the necessary acquisition, 133347
replacement, renovation, or construction of facilities and movable 133348
and fixed equipment. Upon the request of the board, funds not 133349
needed to pay for current expenses may be appropriated to the 133350
capital improvements account, in amounts such that the account 133351
does not exceed twenty-five per cent of the replacement value of 133352
all capital facilities and equipment currently used by the board 133353
for programs and services. Other funds which are available for 133354
current capital expenses from federal, state, or local sources may 133355
also be appropriated to this account. 133356

The reserve balance account shall contain those funds that 133357
are not needed to pay for current operating expenses and not 133358
deposited in the capital improvements account but that will be 133359
needed to pay for operating expenses in the future. Upon the 133360
request of a board, such funds shall be appropriated to the 133361
reserve balance account. Payments from the capital improvements 133362
account and the reserve balance account shall be made by the 133363
county treasurer who is the custodian of funds for the district 133364
upon warrants issued by the county auditor who is the fiscal 133365
officer of the district pursuant to orders of the board. 133366

Sec. 5705.25. (A) A copy of any resolution adopted as 133367
provided in section 5705.19 or 5705.2111 of the Revised Code shall 133368
be certified by the taxing authority to the board of elections of 133369
the proper county not less than ninety days before the general 133370
election in any year, and the board shall submit the proposal to 133371
the electors of the subdivision at the succeeding November 133372
election. In the case of a qualifying library levy, the board 133373
shall submit the question to the electors of the library district 133374
or association library district. Except as otherwise provided in 133375
this division, a resolution to renew an existing levy, regardless 133376

of the section of the Revised Code under which the tax was 133377
imposed, shall not be placed on the ballot unless the question is 133378
submitted at the general election held during the last year the 133379
tax to be renewed or replaced may be extended on the real and 133380
public utility property tax list and duplicate, or at any election 133381
held in the ensuing year. The limitation of the foregoing sentence 133382
does not apply to a resolution to renew and increase or to renew 133383
part of an existing levy that was imposed under section 5705.191 133384
of the Revised Code to supplement the general fund for the purpose 133385
of making appropriations for one or more of the following 133386
purposes: for public assistance, human or social services, relief, 133387
welfare, hospitalization, health, and support of general 133388
hospitals. The limitation of the second preceding sentence also 133389
does not apply to a resolution that proposes to renew two or more 133390
existing levies imposed under section 5705.21 or 5705.217 of the 133391
Revised Code, in which case the question shall be submitted on the 133392
date of the general or primary election held during the last year 133393
at least one of the levies to be renewed may be extended on the 133394
real and public utility property tax list and duplicate, or at any 133395
election held during the ensuing year. For purposes of this 133396
section, a levy shall be considered to be an "existing levy" 133397
through the year following the last year it can be placed on that 133398
tax list and duplicate. 133399

The board shall make the necessary arrangements for the 133400
submission of such questions to the electors of such subdivision, 133401
library district, or association library district, and the 133402
election shall be conducted, canvassed, and certified in the same 133403
manner as regular elections in such subdivision, library district, 133404
or association library district for the election of county 133405
officers. Notice of the election shall be published in a newspaper 133406
of general circulation in the subdivision, library district, or 133407
association library district once a week for two consecutive 133408
weeks, or as provided in section 7.16 of the Revised Code, prior 133409

to the election. If the board of elections operates and maintains 133410
a web site, the board of elections shall post notice of the 133411
election on its web site for thirty days prior to the election. 133412
The notice shall state the purpose, the proposed increase in rate 133413
expressed in dollars and cents for each one hundred dollars of 133414
valuation as well as in mills for each one dollar of valuation, 133415
the number of years during which the increase will be in effect, 133416
the first month and year in which the tax will be levied, and the 133417
time and place of the election. 133418

(B) The form of the ballots cast at an election held pursuant 133419
to division (A) of this section shall be as follows: 133420

"An additional tax for the benefit of (name of subdivision or 133421
public library) for the purpose of (purpose stated in 133422
the resolution) at a rate not exceeding mills 133423
for each one dollar of valuation, which amounts to (rate expressed 133424
in dollars and cents) for each one hundred dollars of 133425
valuation, for (life of indebtedness or number of years the 133426
levy is to run). 133427

	For the Tax Levy	
	Against the Tax Levy	"

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(C) If the levy is to be in effect for a continuing period of 133432
time, the notice of election and the form of ballot shall so state 133433
instead of setting forth a specified number of years for the levy. 133434

If the tax is to be placed on the current tax list, the form 133435
of the ballot shall be modified by adding, after the statement of 133436
the number of years the levy is to run, the phrase ", commencing 133437
in (first year the tax is to be levied), first due in 133438
calendar year (first calendar year in which the tax 133439
shall be due)." 133440

If the levy submitted is a proposal to renew, increase, or decrease an existing levy, the form of the ballot specified in division (B) of this section may be changed by substituting for the words "An additional" at the beginning of the form, the words "A renewal of a" in case of a proposal to renew an existing levy in the same amount; the words "A renewal of mills and an increase of mills to constitute a" in the case of an increase; or the words "A renewal of part of an existing levy, being a reduction of mills, to constitute a" in the case of a decrease in the proposed levy.

If the levy submitted is a proposal to renew two or more existing levies imposed under section 5705.21 or 5705.217 of the Revised Code, the form of the ballot specified in division (B) of this section shall be modified by substituting for the words "an additional tax" the words "a renewal of(insert the number of levies to be renewed) existing taxes."

If the levy submitted is a levy under section 5705.72 of the Revised Code or a proposal to renew, increase, or decrease an existing levy imposed under that section, the name of the subdivision shall be "the unincorporated area of (name of township)."

The question covered by such resolution shall be submitted as a separate proposition but may be printed on the same ballot with any other proposition submitted at the same election, other than the election of officers. More than one such question may be submitted at the same election.

(D) A levy voted in excess of the ten-mill limitation under this section shall be certified to the tax commissioner. In the first year of the levy, it shall be extended on the tax lists after the February settlement succeeding the election. If the additional tax is to be placed upon the tax list of the current year, as specified in the resolution providing for its submission,

the result of the election shall be certified immediately after 133473
the canvass by the board of elections to the taxing authority, who 133474
shall make the necessary levy and certify it to the county 133475
auditor, who shall extend it on the tax lists for collection. 133476
After the first year, the tax levy shall be included in the annual 133477
tax budget that is certified to the county budget commission. 133478

Sec. 5705.55. (A) The board of directors of a lake facilities 133479
authority, by a vote of two-thirds of all its members, may at any 133480
time declare by resolution that the amount of taxes which may be 133481
raised within the ten-mill limitation by levies on the current tax 133482
duplicate will be insufficient to provide an adequate amount for 133483
the necessary requirements of the authority, that it is necessary 133484
to levy a tax in excess of such limitation for any of the purposes 133485
specified in divisions (A), (B), (F), and (H) of section 5705.19 133486
of the Revised Code, and that the question of such additional tax 133487
levy shall be submitted by the board to the electors residing 133488
within the boundaries of the impacted lake district on the day of 133489
a primary or general election. The resolution shall conform to 133490
section 5705.19 of the Revised Code, except that the tax levy may 133491
be in effect for no more than five years, as set forth in the 133492
resolution, unless the levy is for the payment of debt charges, 133493
and the total number of mills levied for each dollar of taxable 133494
valuation that may be levied under this section for any tax year 133495
shall not exceed one mill. If the levy is for the payment of debt 133496
charges, the levy shall be for the life of the bond indebtedness. 133497

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The resolution shall specify the date of holding the 133499
election, which shall not be earlier than ninety days after the 133500
adoption and certification of the resolution to the board of 133501
elections. The resolution shall not include a levy on the current 133502
tax list and duplicate unless the election is to be held at or 133503
prior to the first Tuesday after the first Monday in November of 133504

the current tax year. 133505

The resolution shall be certified to the board of elections 133506
of the proper county or counties not less than ninety days before 133507
the date of the election. The resolution shall go into immediate 133508
effect upon its passage, and no publication of the resolution 133509
shall be necessary other than that provided in the notice of 133510
election. Section 5705.25 of the Revised Code shall govern the 133511
arrangements for the submission of such question and other matters 133512
concerning the election, to which that section refers, except that 133513
the election shall be held on the date specified in the 133514
resolution. If a majority of the electors voting on the question 133515
so submitted in an election vote in favor of the levy, the board 133516
of directors may forthwith make the necessary levy within the 133517
boundaries of the impacted lake district at the additional rate in 133518
excess of the ten-mill limitation on the tax list, for the purpose 133519
stated in the resolution. The tax levy shall be included in the 133520
next annual tax budget that is certified to the county budget 133521
commission. 133522

(B) The form of the ballot in an election held on the 133523
question of levying a tax proposed pursuant to this section shall 133524
be as follows or in any other form acceptable to the secretary of 133525
state: 133526

"A tax for the benefit of (name of lake facilities authority) 133527
..... for the purpose of at a rate not exceeding 133528
..... mills for each one dollar of valuation, which amounts to 133529
(rate expressed in dollars and cents) for each one 133530
hundred dollars of valuation, for (life of 133531
indebtedness or number of years the levy is to run). 133532

	<u>For the Tax Levy</u>
	<u>Against the Tax Levy</u>

"

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(C) On approval of the levy, notes may be issued in anticipation of the collection of the proceeds of the tax levy, other than the proceeds to be received for the payment of bond debt charges, in the amount and manner and at the times as are provided in section 5705.193 of the Revised Code, for the issuance of notes by a county in anticipation of the proceeds of a tax levy. The lake facilities authority may borrow money in anticipation of the collection of current revenues as provided in section 133.10 of the Revised Code.

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(D) If a tax is levied under this section in a tax year, no other taxing authority of a subdivision or taxing unit, including a port authority, may levy a tax on property in the impacted lake district in the same tax year if the purpose of the levy is substantially the same as the purpose for which the lake facilities authority of the impacted lake district was created.

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Sec. 5709.17. The following property shall be exempted from taxation:

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(A) Real estate held or occupied by an association or corporation, organized or incorporated under the laws of this state relative to soldiers' memorial associations, monumental building associations, or cemetery associations or corporations, which in the opinion of the trustees, directors, or managers thereof is necessary and proper to carry out the object intended for such association or corporation;

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(B) Real estate and tangible personal property held or occupied by a veterans' organization that qualifies for exemption from taxation under section 501(c)(19) or 501(c)(23) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, and is incorporated under the laws of this state or the United States, except real estate held by such organization for

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the production of rental ~~or other~~ income in excess of the 133567
designated amount, before accounting for any cost or expense 133568
incurred in the production of such income. For the purposes of 133569
this division, ~~the:~~ 133570

(1) "Rental income" includes only income arising directly 133571
from renting the real estate to others for consideration. 133572

(2) The "designated amount" equals seven thousand five 133573
hundred dollars in tax year 2002, and shall be increased by two 133574
hundred fifty dollars each year thereafter until tax year 2012, 133575
when it shall equal ten thousand dollars. For tax years 2013 and 133576
thereafter, the designated amount shall equal ~~ten~~ thirty-six 133577
thousand dollars. 133578

(C) Tangible personal property held by a corporation 133579
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 133580
section 501(c)(3) of the Internal Revenue Code, and exempt from 133581
taxation under section 501(a) of the Internal Revenue Code shall 133582
be exempt from taxation if it is property obtained as described in 133583
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 133584

(D) Real estate held or occupied by a fraternal organization 133585
and used primarily for meetings of and the administration of the 133586
fraternal organization. As used in this division, "fraternal 133587
organization" means a domestic fraternal society, order, or 133588
association operating under the lodge, council, or grange system 133589
that qualifies for exemption from taxation under section 133590
501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal Revenue Code 133591
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; that provides 133592
financial support for charitable purposes, as defined in division 133593
(B)(12) of section 5739.02 of the Revised Code; and that has been 133594
operating in this state with a state governing body for at least 133595
one hundred years. 133596

Sec. 5709.75. (A) Any township that receives service payments 133597

in lieu of taxes under section 5709.74 of the Revised Code shall 133598
establish a township public improvement tax increment equivalent 133599
fund into which those payments shall be deposited. If the board of 133600
township trustees has adopted a resolution under division (C) of 133601
section 5709.73 of the Revised Code, the township shall establish 133602
at least one account in that fund with respect to resolutions 133603
adopted under division (B) of that section, and one account with 133604
respect to each incentive district created by a resolution adopted 133605
under division (C) of that section. If a resolution adopted under 133606
division (C) of section 5709.73 of the Revised Code also 133607
authorizes the use of service payments for housing renovations 133608
within the incentive district, the township shall establish 133609
separate accounts for the service payments designated for public 133610
infrastructure improvements and for the service payments 133611
authorized for the purpose of housing renovations. 133612

(B) Except as otherwise provided in division (C) or (D) of 133613
this section, money deposited in an account of the township public 133614
improvement tax increment equivalent fund shall be used by the 133615
township to pay the costs of public infrastructure improvements 133616
designated in or the housing renovations authorized by the 133617
resolution with respect to which the account is established, 133618
including any interest on and principal of the notes; in the case 133619
of an account established with respect to a resolution adopted 133620
under division (C) of that section, money in the account shall be 133621
used to finance the public infrastructure improvements designated, 133622
or the housing renovations authorized, for each incentive district 133623
created in the resolution. Money in an account shall not be used 133624
to finance or support housing renovations that take place after 133625
the incentive district has expired. 133626

(C)(1)(a) A township may distribute money in such an account 133627
to any school district in which the exempt property is located in 133628
an amount not to exceed the amount of real property taxes that 133629

such school district would have received from the improvement if 133630
it were not exempt from taxation. The resolution establishing the 133631
fund shall set forth the percentage of such maximum amount that 133632
will be distributed to any affected school district. 133633

(b) A township also may distribute money in such an account 133634
as follows: 133635

(i) To a board of county commissioners, in the amount that is 133636
owed to the board pursuant to division (E) of section 5709.73 of 133637
the Revised Code; 133638

(ii) To a county in accordance with section 5709.913 of the 133639
Revised Code. 133640

(2) Money from an account in a township public improvement 133641
tax increment equivalent fund may be distributed under division 133642
(C)(1)(b) of this section, regardless of the date a resolution was 133643
adopted under section 5709.73 of the Revised Code that prompted 133644
the establishment of the account, even if the resolution was 133645
adopted prior to March 30, 2006. 133646

(D) A board of township trustees that adopted a resolution 133647
under ~~division (B) of~~ section 5709.73 of the Revised Code ~~before~~ 133648
~~January 1, 1995,~~ and that, with respect to property exempted under 133649
such a resolution, is party to a hold-harmless or service 133650
agreement, may appropriate and expend unencumbered money in the 133651
fund to pay current public safety expenses of the township. A 133652
township appropriating and expending money under this division 133653
shall reimburse the fund for the sum so appropriated and expended 133654
not later than the day the exemption granted under the resolution 133655
expires. For the purposes of this division, a "hold-harmless 133656
agreement" is an agreement with the board of education of a city, 133657
local, or exempted village school district under which the board 133658
of township trustees agrees to compensate the school district for 133659
one hundred per cent of the tax revenue the school district would 133660

have received from improvements to parcels designated in the 133661
resolution were it not for the exemption granted by the 133662
resolution. 133663

(E) Any ~~incidental surplus~~ unencumbered money remaining in 133664
the township public improvement tax increment equivalent fund or 133665
an account of that fund upon dissolution of the account or fund 133666
shall be transferred to the general fund of the township. 133667

Sec. 5723.01. (A)(1) Every tract of land and town lot, which, 133668
pursuant to foreclosure proceedings under section 323.25, sections 133669
323.65 to 323.79, or section 5721.18 of the Revised Code, has been 133670
advertised and offered for sale on two separate occasions, not 133671
less than two weeks apart, and not sold for want of bidders, shall 133672
be forfeited to the state or to a political subdivision, school 133673
district, or county land reutilization corporation pursuant to 133674
division (A)(3) of this section. 133675

(2) The county prosecuting attorney shall certify to the 133676
court that such tract of land or town lot has been twice offered 133677
for sale and not sold for want of a bidder. Such forfeiture of 133678
lands and town lots shall be effective when the court by entry 133679
orders such lands and town lots forfeited to the state or to a 133680
political subdivision, school district, or county land 133681
reutilization corporation pursuant to division (A)(3) of this 133682
section. A copy of such entry shall be certified to the county 133683
auditor and, after the date of the certification, all the right, 133684
title, claim, and interest of the former owner is transferred to 133685
and vested in the state to be disposed of in compliance with this 133686
chapter. 133687

(3) After having been notified pursuant to division (A)(2) of 133688
this section that the tract of land or town lot has been twice 133689
offered for sale and not sold for want of bidders, the court shall 133690
notify the political subdivision and school district in which the 133691

property is located, and any county land reutilization corporation 133692
in the county, and offer to forfeit the property to the political 133693
subdivision, school district, or corporation, or to an electing 133694
subdivision as defined in section 5722.01 of the Revised Code, 133695
upon a petition from the political subdivision, school district, 133696
or corporation. If no such petition is filed with the court within 133697
ten days after notification by the court, the court shall forfeit 133698
the property to the state. If a political subdivision, school 133699
district, or corporation requests through a petition to receive 133700
the property through forfeiture, the forfeiture of land and town 133701
lots is effective when, by entry, the court orders such lands and 133702
town lots forfeited to the political subdivision, school district, 133703
or corporation. The court shall certify a copy of the entry to the 133704
county auditor and, after the date of certification, all the 133705
right, title, claim, and interest of the former owner is 133706
transferred to and vested in the political subdivision, school 133707
district, or corporation free and clear of all taxes, assessments, 133708
charges, penalties, interest, and costs. Any subordinate liens 133709
shall be deemed fully and forever satisfied and discharged. 133710

(B) Every parcel against which a judgment of foreclosure and 133711
forfeiture is made in accordance with section 5721.16 of the 133712
Revised Code is forfeited to the state on the date the court 133713
enters a finding under that section. After that date, all the 133714
right, title, claim, and interest of the former owner is 133715
transferred to the state to be disposed of in compliance with the 133716
relevant provisions of this chapter. 133717

Sec. 5725.18. (A) An annual franchise tax on the privilege of 133718
being an insurance company is hereby levied on each domestic 133719
insurance company. In the month of May, annually, the treasurer of 133720
state shall charge for collection from each domestic insurance 133721
company a franchise tax in the amount computed in accordance with 133722
the following, as applicable: 133723

(1) With respect to a domestic insurance company that is a health insuring corporation, one per cent of all premium rate payments received, exclusive of payments received under the medicare program ~~established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ and exclusive of payments received pursuant to the ~~medical assistance~~ medicaid program ~~established under Chapter 5111. of the Revised Code~~ for the period ending September 30, 2009, as reflected in its annual report for the preceding calendar year;

(2) With respect to a domestic insurance company that is not a health insuring corporation, one and four-tenths per cent of the gross amount of premiums received from policies covering risks within this state, exclusive of premiums received under the medicare program ~~established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ and exclusive of payments received pursuant to the ~~medical assistance~~ medicaid program ~~established under Chapter 5111. of the Revised Code~~ for the period ending September 30, 2009, as reflected in its annual statement for the preceding calendar year, and, if the company operates a health insuring corporation as a line of business, one per cent of all premium rate payments received from that line of business, exclusive of payments received under the medicare program ~~established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ and exclusive of payments received pursuant to the ~~medical assistance~~ medicaid program ~~established under Chapter 5111. of the Revised Code~~ for the period ending September 30, 2009, as reflected in its annual statement for the preceding calendar year.

Domestic insurance companies, including health insuring corporations, receiving payments pursuant to the ~~medical assistance~~ medicaid program ~~established under Chapter 5111. of the~~

~~Revised Code~~ during the period beginning October 1, 2009, and 133756
ending December 31, 2009, shall file with the 2009 annual 133757
statement to the superintendent a schedule that reflects those 133758
payments received pursuant to the ~~medical assistance~~ medicaid 133759
program for that period. The payments reflected in the schedule, 133760
plus all other taxable premiums, are subject to the annual 133761
franchise tax due to be paid in 2010. 133762

(B) The gross amount of premium rate payments or premiums 133763
used to compute the applicable tax in accordance with division (A) 133764
of this section is subject to the deductions prescribed by section 133765
5729.03 of the Revised Code for foreign insurance companies. The 133766
objects of such tax are those declared in section 5725.24 of the 133767
Revised Code, to which only such tax shall be applied. 133768

(C) In no case shall such tax be less than two hundred fifty 133769
dollars. 133770

Sec. 5725.33. (A) Except as otherwise provided in this 133771
section, terms used in this section have the same meaning as 133772
section 45D of the Internal Revenue Code, any related proposed, 133773
temporary or final regulations promulgated under the Internal 133774
Revenue Code, any rules or guidance of the internal revenue 133775
service or the United States department of the treasury, and any 133776
related rules or guidance issued by the community development 133777
financial institutions fund of the United States department of the 133778
treasury, as such law, regulations, rules, and guidance exist on 133779
October 16, 2009. 133780

As used in this section: 133781

(1) "Adjusted purchase price" means the amount paid for 133782
qualified equity investments multiplied by the qualified 133783
low-income community investments made by the issuer in projects 133784
located in this state as a percentage of the total amount of 133785
qualified low-income community investments made by the issuer in 133786

projects located in all states on the credit allowance date during 133787
the applicable tax year, subject to divisions (B)(1) and (2) of 133788
this section. 133789

(2) "Applicable percentage" means zero per cent for each of 133790
the first two credit allowance dates, seven per cent for the third 133791
credit allowance date, and eight per cent for the four following 133792
credit allowance dates. 133793

(3) "Credit allowance date" means the date, on or after 133794
January 1, 2010, a qualified equity investment is made and each of 133795
the six anniversary dates thereafter. For qualified equity 133796
investments made after October 16, 2009, but before January 1, 133797
2010, the initial credit allowance date is January 1, 2010, and 133798
each of the six anniversary dates thereafter is on the first day 133799
of January of each year. 133800

~~(4) "Qualified active low income community business" excludes 133801
any business that derives or projects to derive fifteen per cent 133802
or more of annual revenue from the rental or sale of real 133803
property, except any business that is a special purpose entity 133804
principally owned by a principal user of that property formed 133805
solely for the purpose of renting, either directly or indirectly, 133806
or selling real property back to such principal user if such 133807
principal user does not derive fifteen per cent or more of its 133808
gross annual revenue from the rental or sale of real property. 133809~~

~~(5) "Qualified community development entity" includes only 133810
entities. 133811~~

~~(a) That that have entered into an allocation agreement with 133812
the community development financial institutions fund of the 133813
United States department of the treasury with respect to credits 133814
authorized by section 45D of the Internal Revenue Code. 133815~~

~~(b) Whose and whose service area includes any portion of this 133816
state. and 133817~~

~~(c) That will designate an equity investment in such entities as a qualified equity investment for purposes of both section 45D of the Internal Revenue Code and this section.~~

~~(6)(5)~~ "Qualified equity investment" is limited to an equity investment in a qualified community development entity that:

(a) Is acquired after October 16, 2009, at its original issuance solely in exchange for cash;

(b) Has at least eighty-five per cent of its cash purchase price used by the qualified community development entity to make qualified low-income community investments, provided that in the seventh year after a qualified equity investment is made, only seventy-five per cent of such cash purchase price must be used by the qualified community development entity to make qualified low-income community investments; and

(c) Is designated by the issuer as a qualified equity investment.

"Qualified equity investment" includes any equity investment that would, but for division (A)~~(6)(5)~~(a) of this section, be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder.

(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5725.18 of the Revised Code for an insurance company holding a qualified equity investment on the credit allowance date occurring in the calendar year for which the tax is due. The credit shall equal the applicable percentage of the adjusted purchase price of qualified low-income community investments, subject to divisions (B)(1) and (2) of this section:

(1) For the purpose of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment shall be considered held by a

qualified community development entity even if the investment has 133849
been sold or repaid, provided that, at any time before the seventh 133850
anniversary of the issuance of the qualified equity investment, 133851
the qualified community development entity reinvests an amount 133852
equal to the capital returned to or received or recovered by the 133853
qualified community development entity from the original 133854
investment, exclusive of any profits realized and costs incurred 133855
in the sale or repayment, in another qualified low-income 133856
community investment within twelve months of the receipt of such 133857
capital. If the qualified low-income community investment is sold 133858
or repaid after the sixth anniversary of the issuance of the 133859
qualified equity investment, the qualified low-income community 133860
investment shall be considered held by the qualified community 133861
development entity through the seventh anniversary of the 133862
qualified equity investment's issuance. 133863

(2) The qualified low-income community investment made in 133864
this state shall equal the sum of the qualified low-income 133865
community investments in each qualified active low-income 133866
community business in this state, not to exceed two million five 133867
hundred sixty-four thousand dollars, in which the qualified 133868
community development entity invests, including such investments 133869
in any such businesses in this state related to that qualified 133870
active low-income community business through majority ownership or 133871
control. 133872

The credit shall be claimed in the order prescribed by 133873
section 5725.98 of the Revised Code. If the amount of the credit 133874
exceeds the amount of tax otherwise due after deducting all other 133875
credits in that order, the excess may be carried forward and 133876
applied to the tax due for not more than four ensuing years. 133877

By claiming a tax credit under this section, an insurance 133878
company waives its rights under section 5725.222 of the Revised 133879
Code with respect to the time limitation for the assessment of 133880

taxes as it relates to credits claimed that later become subject 133881
to recapture under division (E) of this section. 133882

(C) The amount of qualified equity investments on the basis 133883
of which credits may be claimed under this section and sections 133884
5726.54, 5729.16, and 5733.58 of the Revised Code shall not exceed 133885
the amount, estimated by the director of development, that would 133886
cause the total amount of credits allowed each fiscal year to 133887
exceed ten million dollars, computed without regard to the 133888
potential for taxpayers to carry tax credits forward to later 133889
years. 133890

(D) If any amount of ~~the~~ a federal tax credit allowed for a 133891
qualified equity investment for which a credit was received under 133892
this section is recaptured under section 45D of the Internal 133893
Revenue Code, or if the director of development services 133894
determines that an investment for which a tax credit is claimed 133895
under this section is not a qualified equity investment or that 133896
the proceeds of an investment for which a tax credit is claimed 133897
under this section are used to make qualified low-income community 133898
investments other than in a qualified active low-income community 133899
business, all or a portion of the credit received on account of 133900
that investment shall be paid by the insurance company that 133901
received the credit to the superintendent of insurance. The amount 133902
to be recovered shall be determined by the director of development 133903
services pursuant to rules adopted under division (E) of this 133904
section. The director shall certify any amount due under this 133905
division to the superintendent of insurance, and the 133906
superintendent shall notify the treasurer of state of the amount 133907
due. Upon notification, the treasurer shall invoice the insurance 133908
company for the amount due. The amount due is payable not later 133909
than thirty days after the date the treasurer invoices the 133910
insurance company. The amount due shall be considered to be tax 133911
due under section 5725.18 of the Revised Code, and may be 133912

collected by assessment without regard to the time limitations 133913
imposed under section 5725.222 of the Revised Code for the 133914
assessment of taxes by the superintendent. All amounts collected 133915
under this division shall be credited as revenue from the tax 133916
levied under section 5725.18 of the Revised Code. 133917

(E) The tax credits authorized under this section and 133918
sections 5726.54, 5729.16, and 5733.58 of the Revised Code shall 133919
be administered by the ~~department of~~ development services agency. 133920
The director of development services, in consultation with the tax 133921
commissioner and the superintendent of insurance, pursuant to 133922
Chapter 119. of the Revised Code, shall adopt rules for the 133923
administration of this section and sections 5726.54, 5729.16, and 133924
5733.58 of the Revised Code. The rules shall provide for 133925
determining the recovery of credits under division (D) of this 133926
section and under sections 5726.54, 5729.16, and 5733.58 of the 133927
Revised Code, including prorating the amount of the credit to be 133928
recovered on any reasonable basis, the manner in which credits may 133929
be allocated among claimants, and the amount of any application or 133930
other fees to be charged in connection with a recovery. 133931

(F) There is hereby created in the state treasury the new 133932
markets tax credit operating fund. The director of development 133933
services is authorized to charge reasonable application and other 133934
fees in connection with the administration of tax credits 133935
authorized by this section and sections 5726.54, 5729.16, and 133936
5733.58 of the Revised Code. Any such fees collected shall be 133937
credited to the fund. The director of development services shall 133938
use money in the fund to pay expenses related to the 133939
administration of tax credits authorized under sections 5725.33, 133940
5726.54, 5729.16, and 5733.58 of the Revised Code. 133941

Sec. 5725.34. (A) As used in this section, "certificate 133942
owner" has the same meaning as in section 149.311 of the Revised 133943

Code. 133944

(B) There is allowed a credit against the tax imposed by 133945
section 5725.18 of the Revised Code for an insurance company 133946
subject to that tax that is a certificate owner of a 133947
rehabilitation tax credit certificate issued under section 149.311 133948
of the Revised Code. The credit shall equal twenty-five per cent 133949
of the dollar amount indicated on the certificate, but the amount 133950
of the credit allowed for any company for any year shall not 133951
exceed ~~five~~ ten million dollars. The credit shall be claimed in 133952
the calendar year specified in the certificate and in the order 133953
required under section 5725.98 of the Revised Code. If the credit 133954
exceeds the amount of tax otherwise due in that year, the excess 133955
shall be refunded to the company but, if any amount of the credit 133956
is refunded, the sum of the amount refunded and the amount applied 133957
to reduce the tax otherwise due in that year shall not exceed 133958
three million dollars. The company may carry forward any balance 133959
of the credit in excess of the amount claimed in that year for not 133960
more than five ensuing years, and shall deduct any amount claimed 133961
in any such year from the amount claimed in an ensuing year. 133962

(C) An insurance company claiming a credit under this section 133963
shall retain the rehabilitation tax credit certificate for four 133964
years following the end of the year in which the credit was 133965
claimed, and shall make the certificate available for inspection 133966
by the tax commissioner upon the request of the tax commissioner 133967
during that period. 133968

Sec. 5726.20. (A) The tax commissioner may make an 133969
assessment, based on any information in the commissioner's 133970
possession, against any person that fails to file a return or 133971
report or pay any tax as required by this chapter. The reporting 133972
person for a taxpayer shall file the annual report required under 133973
section 5726.02 of the Revised Code and remit the tax imposed by 133974

this chapter. Each person included in the annual report of the taxpayer is jointly and severally liable for the tax imposed by this chapter and any penalties and interest thereon. If the reporting person fails, for any reason, to file and remit any tax, the amount due may be collected by assessment against the reporting person and against any or all other persons required to be included in the annual report of the taxpayer in the manner provided by this section. The commissioner shall give the person assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on the manner in which to petition for reassessment and request a hearing with respect to the petition.

(B) No assessment shall be made or issued against a person under this section more than four years after the later of the final date the report subject to assessment was required to be filed or the date such report was filed. Such time limit may be extended if both the person and the commissioner consent in writing to the extension or if an agreement waiving or extending the time limit has been entered into pursuant to section 122.171 of the Revised Code. Any such extension shall extend the four-year time limit prescribed in division (A) of section 5726.30 of the Revised Code for the same period of time. There shall be no bar or limit to an assessment against a person that fails to file a report subject to assessment as required by this chapter, or that files a fraudulent report.

(C) Unless the person assessed, within sixty days after service of the notice of assessment, files with the tax commissioner, either in person or by certified mail, a written petition for reassessment signed by the person or the person's authorized agent having knowledge of the facts, the assessment shall become final, and the amount of the assessment is due and payable from the person assessed to the treasurer of state. A

petition shall indicate the objections of the person assessed, but 134007
additional objections may be raised in writing if received by the 134008
commissioner prior to the date shown on the final determination. 134009
If a petition for reassessment has been properly filed, the 134010
commissioner shall proceed under section 5703.60 of the Revised 134011
Code. 134012

(D)(1) After an assessment becomes final, if any portion of 134013
the assessment, including any accrued interest, remains unpaid, a 134014
certified copy of the tax commissioner's entry making the 134015
assessment final may be filed in the office of the clerk of the 134016
court of common pleas in the county in which the person resides or 134017
has its principal place of business in this state, or in the 134018
office of the clerk of court of common pleas of Franklin county. 134019

(2) Immediately upon the filing of the entry, the clerk shall 134020
enter judgment for the state against the person assessed in the 134021
amount shown on the entry. The judgment may be filed by the clerk 134022
in a loose-leaf book entitled, "special judgments for the 134023
financial institution tax" and shall have the same effect as other 134024
judgments. Execution shall issue upon the judgment at the request 134025
of the tax commissioner, and all laws applicable to sales on 134026
execution shall apply to sales made under the judgment. 134027

(3) ~~The portion of~~ If the assessment is not paid in its 134028
entirety within sixty days after the day the assessment was 134029
issued, the portion of the assessment consisting of tax due shall 134030
bear interest at the rate per annum prescribed by section 5703.47 134031
of the Revised Code from the date the tax commissioner issues the 134032
assessment until the date the assessment is paid or until it is 134033
certified to the attorney general for collection under section 134034
131.02 of the Revised Code, whichever comes first. If the unpaid 134035
portion of the assessment is certified to the attorney general for 134036
collection, the entire unpaid portion of the assessment shall bear 134037
interest at the rate per annum prescribed by section 5703.47 of 134038

the Revised Code from the date of certification until the date it 134039
is paid in its entirety. Interest shall be paid in the same manner 134040
as the tax and may be collected by the issuance of an assessment 134041
under this section. 134042

(E) If the tax commissioner believes that collection of the 134043
tax imposed by this chapter will be jeopardized unless proceedings 134044
to collect or secure collection of the tax are instituted without 134045
delay, the commissioner may issue a jeopardy assessment against 134046
the person liable for the tax. Immediately upon the issuance of 134047
the jeopardy assessment, the commissioner shall file an entry with 134048
the clerk of the court of common pleas in the manner prescribed by 134049
division (D) of this section. Notice of the jeopardy assessment 134050
shall be served on the person assessed or the person's authorized 134051
agent in the manner provided in section 5703.37 of the Revised 134052
Code within five days of the filing of the entry with the clerk. 134053
The total amount assessed shall be immediately due and payable, 134054
unless the person assessed files a petition for reassessment in 134055
accordance with division (C) of this section and provides security 134056
in a form satisfactory to the commissioner and in an amount 134057
sufficient to satisfy the unpaid balance of the assessment. Full 134058
or partial payment of the assessment shall not prejudice the 134059
commissioner's consideration of the petition for reassessment. 134060

(F) The tax commissioner shall immediately forward to the 134061
treasurer of state all amounts the commissioner receives under 134062
this section. Such amounts shall be considered as revenue arising 134063
from the tax imposed by this chapter. 134064

(G) If the tax commissioner possesses information indicating 134065
that the amount of tax a taxpayer is required to pay under this 134066
chapter exceeds the amount the reporting person for the taxpayer 134067
paid, the tax commissioner may audit a sample of the taxpayer's 134068
gross receipts over a representative period of time to ascertain 134069
the amount of tax due, and may issue an assessment based on the 134070

audit. The tax commissioner shall make a good faith effort to 134071
reach agreement with the taxpayer in selecting a representative 134072
sample. The tax commissioner may apply a sampling method only if 134073
the commissioner has prescribed the method by rule. 134074

(H) If the whereabouts of a person subject to this chapter is 134075
not known to the tax commissioner, the secretary of state is 134076
hereby deemed to be that person's agent for purposes of service of 134077
process or notice of any assessment, action, or proceedings 134078
instituted in this state against the person under this chapter. 134079
Such process or notice shall be served on such person by the 134080
commissioner or by an agent of the commissioner by leaving a true 134081
and attested copy of the process or notice at the office of the 134082
secretary of state at least fifteen days before the return day of 134083
such process or notice, and by sending a copy of the process or 134084
notice to such person by ordinary mail, with an endorsement 134085
thereon of the service upon the secretary of state, addressed to 134086
such person at the person's last known address. 134087

Sec. 5726.52. (A) As used in this section, "certificate 134088
owner" has the same meaning as in section 149.311 of the Revised 134089
Code. 134090

(B) A taxpayer may claim a refundable credit against the tax 134091
imposed by this chapter for each person included in the annual 134092
report of a taxpayer that is a certificate owner of a 134093
rehabilitation tax credit certificate issued under section 149.311 134094
of the Revised Code. The credit shall equal twenty-five per cent 134095
of the dollar amount indicated on each certificate, but shall not 134096
exceed ~~five~~ ten million dollars for each certificate. 134097

The credit shall be claimed for the calendar year specified 134098
in the certificate and in the order required under section 5726.98 134099
of the Revised Code. If the credit exceeds the amount of tax 134100
otherwise due in that year, the excess shall be refunded to the 134101

taxpayer, provided that, if any amount of the credit is refunded, 134102
the sum of the amount refunded and the amount applied to reduce 134103
the tax otherwise due in that year shall not exceed three million 134104
dollars. The taxpayer may carry forward any balance of the credit 134105
in excess of the amount claimed in that year for not more than 134106
five ensuing years, and shall deduct any amount claimed in any 134107
such year from the amount claimed in an ensuing year. A taxpayer 134108
may claim against the tax imposed by this chapter any unused 134109
portion of the credit authorized under section 5725.151 of the 134110
Revised Code, but only to the extent of the five-year carry 134111
forward period authorized by that section. 134112

(C) A taxpayer claiming a credit under this section shall 134113
retain the rehabilitation tax credit certificate for four years 134114
following the end of the year to which the credit was applied, and 134115
shall make the certificate available for inspection by the tax 134116
commissioner upon the request of the commissioner during that 134117
period. 134118

Sec. 5726.54. (A) Any term used in this section has the same 134119
meaning as in section 5725.33 of the Revised Code. 134120

(B) A taxpayer may claim a nonrefundable credit against the 134121
tax imposed by this chapter for each person included in the annual 134122
report of the taxpayer that holds a qualified equity investment on 134123
a credit allowance date occurring in the calendar year immediately 134124
preceding the tax year for which the tax is due. The credit shall 134125
be computed in the same manner prescribed for the computation of 134126
credits allowed under section 5725.33 of the Revised Code. 134127

By claiming a tax credit under this section, a taxpayer 134128
waives its rights under section 5726.20 of the Revised Code with 134129
respect to the time limitation for the assessment of taxes as it 134130
relates to credits claimed under this section that later become 134131
subject to recapture under division (D) of this section. 134132

A taxpayer may claim against the tax imposed by this chapter 134133
any unused portion of the credits authorized under sections 134134
5725.33 and 5733.58 of the Revised Code, but only to the extent of 134135
the remaining carry forward period authorized by those sections. 134136

The credit shall be claimed in the order prescribed by 134137
section 5726.98 of the Revised Code. If the amount of the credit 134138
exceeds the amount of tax otherwise due after deducting all other 134139
credits preceding the credit in the order prescribed in section 134140
5726.98 of the Revised Code, the excess may be carried forward for 134141
not more than four ensuing tax years. 134142

(C) The total amount of qualified equity investments on the 134143
basis of which credits may be claimed under this section and 134144
sections 5725.33, 5729.16, and 5733.58 of the Revised Code is 134145
subject to the limitation of division (C) of section 5725.33 of 134146
the Revised Code. 134147

(D) If any amount of ~~the~~ a federal tax credit allowed for a 134148
qualified equity investment for which a credit was received under 134149
this section is recaptured under section 45D of the Internal 134150
Revenue Code, or if the director of development services 134151
determines that an investment for which a tax credit is claimed 134152
under this section is not a qualified equity investment or that 134153
the proceeds of an investment for which a tax credit is claimed 134154
under this section are used to make qualified low-income community 134155
investments other than in a qualified active low-income community 134156
business, all or a portion of the credit received on account of 134157
that investment shall be paid by the taxpayer that received the 134158
credit to the tax commissioner. The amount to be recovered shall 134159
be determined by the director pursuant to rules adopted under 134160
section 5725.33 of the Revised Code. The director shall certify 134161
any amount due under this division to the tax commissioner, and 134162
the commissioner shall notify the taxpayer of the amount due. The 134163
amount due is payable not later than thirty days after the day the 134164

commissioner issues the notice. The amount due shall be considered 134165
to be tax due under section 5726.02 of the Revised Code, and may 134166
be collected by assessment without regard to the limitations 134167
imposed under section 5726.20 of the Revised Code for the 134168
assessment of taxes by the commissioner. All amounts collected 134169
under this division shall be credited as revenue from the tax 134170
levied under section 5726.02 of the Revised Code. 134171

Sec. 5727.26. (A) The tax commissioner may make an 134172
assessment, based on any information in the commissioner's 134173
possession, against any natural gas company or combined company 134174
that fails to file a return or pay any tax, interest, or 134175
additional charge as required by sections 5727.24 to 5727.29 of 134176
the Revised Code. The commissioner shall give the company assessed 134177
written notice of the assessment as provided in section 5703.37 of 134178
the Revised Code. With the notice, the commissioner shall provide 134179
instructions on how to petition for reassessment and request a 134180
hearing on the petition. A penalty of up to fifteen per cent may 134181
be added to all amounts assessed under this section. The tax 134182
commissioner may adopt rules providing for the imposition and 134183
remission of the penalty. 134184

(B) Unless the company assessed, within sixty days after 134185
service of the notice of assessment, files with the tax 134186
commissioner, either personally or by certified mail, a written 134187
petition signed by the company's authorized agent having knowledge 134188
of the facts, the assessment becomes final, and the amount of the 134189
assessment is due and payable from the company assessed to the 134190
treasurer of state. The petition shall indicate the objections of 134191
the company assessed, but additional objections may be raised in 134192
writing if received by the commissioner prior to the date shown on 134193
the final determination. 134194

If a petition for reassessment has been properly filed, the 134195

commissioner shall proceed under section 5703.60 of the Revised Code. 134196
134197

(C) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the natural gas company's or combined company's principal place of business is located, or in the office of the clerk of court of common pleas of Franklin county. 134198
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Immediately on the filing of the entry, the clerk shall enter judgment for the state against the company assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled, "special judgments for the public utility excise tax on natural gas and combined companies," and shall have the same effect as other judgments. Execution shall issue upon the judgment at the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment. 134206
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~~The portion of~~ If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issues the assessment until it is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax 134215
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and may be collected by the issuance of an assessment under this section. 134228
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(D) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the company liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the company assessed or the company's authorized agent in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the company assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment. 134230
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(E) The tax commissioner shall immediately forward to the treasurer of state all amounts that the tax commissioner receives under this section, and such amounts shall be considered revenue arising from the tax imposed by section 5727.24 of the Revised Code. 134248
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(F) No assessment shall be made or issued against a natural gas company or combined company for the tax imposed by section 5727.24 of the Revised Code more than four years after the return date for the period in which the tax was reported, or more than four years after the return for the period was filed, whichever is later. 134253
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Sec. 5727.75. (A) For purposes of this section:	134259
(1) "Qualified energy project" means an energy project certified by the director of development <u>services</u> pursuant to this section.	134260 134261 134262
(2) "Energy project" means a project to provide electric power through the construction, installation, and use of an energy facility.	134263 134264 134265
(3) "Alternative energy zone" means a county declared as such by the board of county commissioners under division (E)(1)(b) or (c) of this section.	134266 134267 134268
(4) "Full-time equivalent employee" means the total number of employee-hours for which compensation was paid to individuals employed at a qualified energy project for services performed at the project during the calendar year divided by two thousand eighty hours.	134269 134270 134271 134272 134273
(5) "Solar energy project" means an energy project composed of an energy facility using solar panels to generate electricity.	134274 134275
(B)(1) Tangible personal property of a qualified energy project using renewable energy resources is exempt from taxation for tax years 2011, 2012, 2013, and 2014 <u>through 2019</u> if all of the following conditions are satisfied:	134276 134277 134278 134279
(a) On or before December 31, 2013 <u>2018</u> , the owner or a lessee pursuant to a sale and leaseback transaction of the project submits an application to the power siting board for a certificate under section 4906.20 of the Revised Code, or if that section does not apply, submits an application for any approval, consent, permit, or certificate or satisfies any condition required by a public agency or political subdivision of this state for the construction or initial operation of an energy project.	134280 134281 134282 134283 134284 134285 134286 134287
(b) Construction or installation of the energy facility	134288

begins on or after January 1, 2009, and before January 1, ~~2014~~ 134289
2019. For the purposes of this division, construction begins on 134290
the earlier of the date of application for a certificate or other 134291
approval or permit described in division (B)(1)(a) of this 134292
section, or the date the contract for the construction or 134293
installation of the energy facility is entered into. 134294

(c) For a qualified energy project with a nameplate capacity 134295
of five megawatts or greater, a board of county commissioners of a 134296
county in which property of the project is located has adopted a 134297
resolution under division (E)(1)(b) or (c) of this section to 134298
approve the application submitted under division (E) of this 134299
section to exempt the property located in that county from 134300
taxation. A board's adoption of a resolution rejecting an 134301
application or its failure to adopt a resolution approving the 134302
application does not affect the tax-exempt status of the qualified 134303
energy project's property that is located in another county. 134304

(2) If tangible personal property of a qualified energy 134305
project using renewable energy resources was exempt from taxation 134306
under this section beginning in any of tax years 2011, 2012, 2013, 134307
~~or 2014, 2015, 2016, 2017, 2018, or 2019,~~ and the certification 134308
under division (E)(2) of this section has not been revoked, the 134309
tangible personal property of the qualified energy project is 134310
exempt from taxation for tax year ~~2015~~ 2020 and all ensuing tax 134311
years if the property was placed into service before January 1, 134312
~~2015~~ 2020, as certified in the construction progress report 134313
required under division (F)(2) of this section. Tangible personal 134314
property that has not been placed into service before that date is 134315
taxable property subject to taxation. An energy project for which 134316
certification has been revoked is ineligible for further exemption 134317
under this section. Revocation does not affect the tax-exempt 134318
status of the project's tangible personal property for the tax 134319
year in which revocation occurs or any prior tax year. 134320

(C) Tangible personal property of a qualified energy project 134321
using clean coal technology, advanced nuclear technology, or 134322
cogeneration technology is exempt from taxation for the first tax 134323
year that the property would be listed for taxation and all 134324
subsequent years if all of the following circumstances are met: 134325

(1) The property was placed into service before January 1, 134326
~~2019~~ 2024. Tangible personal property that has not been placed 134327
into service before that date is taxable property subject to 134328
taxation. 134329

(2) For such a qualified energy project with a nameplate 134330
capacity of five megawatts or greater, a board of county 134331
commissioners of a county in which property of the qualified 134332
energy project is located has adopted a resolution under division 134333
(E)(1)(b) or (c) of this section to approve the application 134334
submitted under division (E) of this section to exempt the 134335
property located in that county from taxation. A board's adoption 134336
of a resolution rejecting the application or its failure to adopt 134337
a resolution approving the application does not affect the 134338
tax-exempt status of the qualified energy project's property that 134339
is located in another county. 134340

(3) The certification for the qualified energy project issued 134341
under division (E)(2) of this section has not been revoked. An 134342
energy project for which certification has been revoked is 134343
ineligible for exemption under this section. Revocation does not 134344
affect the tax-exempt status of the project's tangible personal 134345
property for the tax year in which revocation occurs or any prior 134346
tax year. 134347

(D) Except as otherwise provided in this section, real 134348
property of a qualified energy project is exempt from taxation for 134349
any tax year for which the tangible personal property of the 134350
qualified energy project is exempted under this section. 134351

(E)(1)(a) A person may apply to the director of development 134352
services for certification of an energy project as a qualified 134353
energy project on or before the following dates: 134354

(i) December 31, ~~2013~~ 2018, for an energy project using 134355
renewable energy resources; 134356

(ii) December 31, ~~2015~~ 2020, for an energy project using 134357
clean coal technology, advanced nuclear technology, or 134358
cogeneration technology. 134359

(b) The director shall forward a copy of each application for 134360
certification of an energy project with a nameplate capacity of 134361
five megawatts or greater to the board of county commissioners of 134362
each county in which the project is located and to each taxing 134363
unit with territory located in each of the affected counties. Any 134364
board that receives from the director a copy of an application 134365
submitted under this division shall adopt a resolution approving 134366
or rejecting the application unless it has adopted a resolution 134367
under division (E)(1)(c) of this section. A resolution adopted 134368
under division (E)(1)(b) or (c) of this section may require an 134369
annual service payment to be made in addition to the service 134370
payment required under division (G) of this section. The sum of 134371
the service payment required in the resolution and the service 134372
payment required under division (G) of this section shall not 134373
exceed nine thousand dollars per megawatt of nameplate capacity 134374
located in the county. The resolution shall specify the time and 134375
manner in which the payments required by the resolution shall be 134376
paid to the county treasurer. The county treasurer shall deposit 134377
the payment to the credit of the county's general fund to be used 134378
for any purpose for which money credited to that fund may be used. 134379

The board shall send copies of the resolution by certified 134380
mail to the owner of the facility and the director within thirty 134381
days after receipt of the application, or a longer period of time 134382
if authorized by the director. 134383

(c) A board of county commissioners may adopt a resolution 134384
declaring the county to be an alternative energy zone and 134385
declaring all applications submitted to the director of 134386
development services under this division after the adoption of the 134387
resolution, and prior to its repeal, to be approved by the board. 134388

All tangible personal property and real property of an energy 134389
project with a nameplate capacity of five megawatts or greater is 134390
taxable if it is located in a county in which the board of county 134391
commissioners adopted a resolution rejecting the application 134392
submitted under this division or failed to adopt a resolution 134393
approving the application under division (E)(1)(b) or (c) of this 134394
section. 134395

(2) The director shall certify an energy project if all of 134396
the following circumstances exist: 134397

(a) The application was timely submitted. 134398

(b) For an energy project with a nameplate capacity of five 134399
megawatts or greater, a board of county commissioners of at least 134400
one county in which the project is located has adopted a 134401
resolution approving the application under division (E)(1)(b) or 134402
(c) of this section. 134403

(c) No portion of the project's facility was used to supply 134404
electricity before December 31, 2009. 134405

(3) The director shall deny a certification application if 134406
the director determines the person has failed to comply with any 134407
requirement under this section. The director may revoke a 134408
certification if the director determines the person, or subsequent 134409
owner or lessee pursuant to a sale and leaseback transaction of 134410
the qualified energy project, has failed to comply with any 134411
requirement under this section. Upon certification or revocation, 134412
the director shall notify the person, owner, or lessee, the tax 134413
commissioner, and the county auditor of a county in which the 134414

project is located of the certification or revocation. Notice 134415
shall be provided in a manner convenient to the director. 134416

(F) The owner or a lessee pursuant to a sale and leaseback 134417
transaction of a qualified energy project shall do each of the 134418
following: 134419

(1) Comply with all applicable regulations; 134420

(2) File with the director of development services a 134421
certified construction progress report before the first day of 134422
March of each year during the energy facility's construction or 134423
installation indicating the percentage of the project completed, 134424
and the project's nameplate capacity, as of the preceding 134425
thirty-first day of December. Unless otherwise instructed by the 134426
director of development services, the owner or lessee of an energy 134427
project shall file a report with the director on or before the 134428
first day of March each year after completion of the energy 134429
facility's construction or installation indicating the project's 134430
nameplate capacity as of the preceding thirty-first day of 134431
December. Not later than sixty days after June 17, 2010, the owner 134432
or lessee of an energy project, the construction of which was 134433
completed before June 17, 2010, shall file a certificate 134434
indicating the project's nameplate capacity. 134435

(3) File with the director of development services, in a 134436
manner prescribed by the director, a report of the total number of 134437
full-time equivalent employees, and the total number of full-time 134438
equivalent employees domiciled in Ohio, who are employed in the 134439
construction or installation of the energy facility; 134440

(4) For energy projects with a nameplate capacity of five 134441
megawatts or greater, repair all roads, bridges, and culverts 134442
affected by construction as reasonably required to restore them to 134443
their preconstruction condition, as determined by the county 134444
engineer in consultation with the local jurisdiction responsible 134445

for the roads, bridges, and culverts. In the event that the county engineer deems any road, bridge, or culvert to be inadequate to support the construction or decommissioning of the energy facility, the road, bridge, or culvert shall be rebuilt or reinforced to the specifications established by the county engineer prior to the construction or decommissioning of the facility. The owner or lessee of the facility shall post a bond in an amount established by the county engineer and to be held by the board of county commissioners to ensure funding for repairs of roads, bridges, and culverts affected during the construction. The bond shall be released by the board not later than one year after the date the repairs are completed. The energy facility owner or lessee pursuant to a sale and leaseback transaction shall post a bond, as may be required by the Ohio power siting board in the certificate authorizing commencement of construction issued pursuant to section 4906.10 of the Revised Code, to ensure funding for repairs to roads, bridges, and culverts resulting from decommissioning of the facility. The energy facility owner or lessee and the county engineer may enter into an agreement regarding specific transportation plans, reinforcements, modifications, use and repair of roads, financial security to be provided, and any other relevant issue.

(5) Provide or facilitate training for fire and emergency responders for response to emergency situations related to the energy project and, for energy projects with a nameplate capacity of five megawatts or greater, at the person's expense, equip the fire and emergency responders with proper equipment as reasonably required to enable them to respond to such emergency situations;

(6) Maintain a ratio of Ohio-domiciled full-time equivalent employees employed in the construction or installation of the energy project to total full-time equivalent employees employed in the construction or installation of the energy project of not less

than eighty per cent in the case of a solar energy project, and 134478
not less than fifty per cent in the case of any other energy 134479
project. In the case of an energy project for which certification 134480
from the power siting board is required under section 4906.20 of 134481
the Revised Code, the number of full-time equivalent employees 134482
employed in the construction or installation of the energy project 134483
equals the number actually employed or the number projected to be 134484
employed in the certificate application, if such projection is 134485
required under regulations adopted pursuant to section 4906.03 of 134486
the Revised Code, whichever is greater. For all other energy 134487
projects, the number of full-time equivalent employees employed in 134488
the construction or installation of the energy project equals the 134489
number actually employed or the number projected to be employed by 134490
the director of development services, whichever is greater. To 134491
estimate the number of employees to be employed in the 134492
construction or installation of an energy project, the director 134493
shall use a generally accepted job-estimating model in use for 134494
renewable energy projects, including but not limited to the job 134495
and economic development impact model. The director may adjust an 134496
estimate produced by a model to account for variables not 134497
accounted for by the model. 134498

(7) For energy projects with a nameplate capacity in excess 134499
of two megawatts, establish a relationship with a member of the 134500
university system of Ohio as defined in section 3345.011 of the 134501
Revised Code or with a person offering an apprenticeship program 134502
registered with the employment and training administration within 134503
the United States department of labor or with the apprenticeship 134504
council created by section 4139.02 of the Revised Code, to educate 134505
and train individuals for careers in the wind or solar energy 134506
industry. The relationship may include endowments, cooperative 134507
programs, internships, apprenticeships, research and development 134508
projects, and curriculum development. 134509

(8) Offer to sell power or renewable energy credits from the energy project to electric distribution utilities or electric service companies subject to renewable energy resource requirements under section 4928.64 of the Revised Code that have issued requests for proposal for such power or renewable energy credits. If no electric distribution utility or electric service company issues a request for proposal on or before December 31, 2010, or accepts an offer for power or renewable energy credits within forty-five days after the offer is submitted, power or renewable energy credits from the energy project may be sold to other persons. Division (F)(8) of this section does not apply if:

(a) The owner or lessee is a rural electric company or a municipal power agency as defined in section 3734.058 of the Revised Code.

(b) The owner or lessee is a person that, before completion of the energy project, contracted for the sale of power or renewable energy credits with a rural electric company or a municipal power agency.

(c) The owner or lessee contracts for the sale of power or renewable energy credits from the energy project before June 17, 2010.

(9) Make annual service payments as required by division (G) of this section and as may be required in a resolution adopted by a board of county commissioners under division (E) of this section.

(G) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall make annual service payments in lieu of taxes to the county treasurer on or before the final dates for payments of taxes on public utility personal property on the real and public utility personal property tax list for each tax year for which property of the energy

project is exempt from taxation under this section. The county 134541
treasurer shall allocate the payment on the basis of the project's 134542
physical location. Upon receipt of a payment, or if timely payment 134543
has not been received, the county treasurer shall certify such 134544
receipt or non-receipt to the director of development services and 134545
tax commissioner in a form determined by the director and 134546
commissioner, respectively. Each payment shall be in the following 134547
amount: 134548

(1) In the case of a solar energy project, seven thousand 134549
dollars per megawatt of nameplate capacity located in the county 134550
as of December 31, 2010, for tax year 2011, as of December 31, 134551
2011, for tax year 2012, as of December 31, 2012, for tax year 134552
2013, as of December 31, 2013, for tax year 2014, ~~and~~ as of 134553
December 31, 2014, for tax year 2015, as of December 31, 2015, for 134554
tax year 2016, as of December 31, 2016, for tax year 2017, as of 134555
December 31, 2017, for tax year 2018, as of December 31, 2018, for 134556
tax year 2019, and as of December 31, 2019, for tax year 2020 and 134557
each tax year thereafter; 134558

(2) In the case of any other energy project using renewable 134559
energy resources, the following: 134560

(a) If the project maintains during the construction or 134561
installation of the energy facility a ratio of Ohio-domiciled 134562
full-time equivalent employees to total full-time equivalent 134563
employees of not less than seventy-five per cent, six thousand 134564
dollars per megawatt of nameplate capacity located in the county 134565
as of the thirty-first day of December of the preceding tax year; 134566

(b) If the project maintains during the construction or 134567
installation of the energy facility a ratio of Ohio-domiciled 134568
full-time equivalent employees to total full-time equivalent 134569
employees of less than seventy-five per cent but not less than 134570
sixty per cent, seven thousand dollars per megawatt of nameplate 134571
capacity located in the county as of the thirty-first day of 134572

December of the preceding tax year; 134573

(c) If the project maintains during the construction or 134574
installation of the energy facility a ratio of Ohio-domiciled 134575
full-time equivalent employees to total full-time equivalent 134576
employees of less than sixty per cent but not less than fifty per 134577
cent, eight thousand dollars per megawatt of nameplate capacity 134578
located in the county as of the thirty-first day of December of 134579
the preceding tax year. 134580

(3) In the case of an energy project using clean coal 134581
technology, advanced nuclear technology, or cogeneration 134582
technology, the following: 134583

(a) If the project maintains during the construction or 134584
installation of the energy facility a ratio of Ohio-domiciled 134585
full-time equivalent employees to total full-time equivalent 134586
employees of not less than seventy-five per cent, six thousand 134587
dollars per megawatt of nameplate capacity located in the county 134588
as of the thirty-first day of December of the preceding tax year; 134589

(b) If the project maintains during the construction or 134590
installation of the energy facility a ratio of Ohio-domiciled 134591
full-time equivalent employees to total full-time equivalent 134592
employees of less than seventy-five per cent but not less than 134593
sixty per cent, seven thousand dollars per megawatt of nameplate 134594
capacity located in the county as of the thirty-first day of 134595
December of the preceding tax year; 134596

(c) If the project maintains during the construction or 134597
installation of the energy facility a ratio of Ohio-domiciled 134598
full-time equivalent employees to total full-time equivalent 134599
employees of less than sixty per cent but not less than fifty per 134600
cent, eight thousand dollars per megawatt of nameplate capacity 134601
located in the county as of the thirty-first day of December of 134602
the preceding tax year. 134603

(H) The director of development services in consultation with 134604
the tax commissioner shall adopt rules pursuant to Chapter 119. of 134605
the Revised Code to implement and enforce this section. 134606

Sec. 5727.84. (A) As used in this section and sections 134607
5727.85, 5727.86, and 5727.87 of the Revised Code: 134608

(1) "School district" means a city, local, or exempted 134609
village school district. 134610

(2) "Joint vocational school district" means a joint 134611
vocational school district created under section 3311.16 of the 134612
Revised Code, and includes a cooperative education school district 134613
created under section 3311.52 or 3311.521 of the Revised Code and 134614
a county school financing district created under section 3311.50 134615
of the Revised Code. 134616

(3) "Local taxing unit" means a subdivision or taxing unit, 134617
as defined in section 5705.01 of the Revised Code, a park district 134618
created under Chapter 1545. of the Revised Code, or a township 134619
park district established under section 511.23 of the Revised 134620
Code, but excludes school districts and joint vocational school 134621
districts. 134622

(4) "State education aid," for a school district, means the 134623
following: 134624

(a) For fiscal years prior to fiscal year 2010, the sum of 134625
state aid amounts computed for the district under former sections 134626
3317.029, 3317.052, and 3317.053 of the Revised Code and the 134627
following provisions, as they existed for the applicable fiscal 134628
year: divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 134629
3317.022; divisions (B), (C), and (D) of section 3317.023; 134630
divisions (G), (L), and (N) of section 3317.024; and sections 134631
~~3317.029~~, 3317.0216, 3317.0217, 3317.04, and 3317.05, ~~3317.052,~~ 134632
~~and 3317.053~~ of the Revised Code; and the adjustments required by: 134633

division (C) of section 3310.08; division (C)(2) of section 134634
3310.41; division (C) of section 3314.08; division (D)(2) of 134635
section 3314.091; division (D) of former section 3314.13; 134636
divisions (E), (K), (L), (M), and (N) of section 3317.023; 134637
division (C) of section 3317.20; and sections 3313.979 and 134638
3313.981 of the Revised Code. However, when calculating state 134639
education aid for a school district for fiscal years 2008 and 134640
2009, include the amount computed for the district under Section 134641
269.20.80 of H.B. 119 of the 127th general assembly, as 134642
subsequently amended, instead of division (D) of section 3317.022 134643
of the Revised Code; and include amounts calculated under Section 134644
269.30.80 of H.B. 119 of the 127th general assembly, as 134645
subsequently amended. 134646

(b) For fiscal years 2010 and 2011, the sum of the amounts 134647
computed for the district under former sections 3306.052, 3306.12, 134648
3306.13, 3306.19, 3306.191, ~~and 3306.192, 3317.052, and 3317.053~~ 134649
of the Revised Code and the following provisions, as they existed 134650
for the applicable fiscal year: division (G) of section 3317.024; 134651
~~sections~~ section 3317.05, ~~3317.052, and 3317.053~~ of the Revised 134652
Code; and the adjustments required by division (C) of section 134653
3310.08; division (C)(2) of section 3310.41; division (C) of 134654
section 3314.08; division (D)(2) of section 3314.091; division (D) 134655
of former section 3314.13; divisions (E), (K), (L), (M), and (N) 134656
of section 3317.023; division (C) of section 3317.20; and sections 134657
3313.979, 3313.981, and 3326.33 of the Revised Code. 134658

(c) For fiscal years 2012 and 2013, the amount paid in 134659
accordance with the section of H.B. 153 of the 129th general 134660
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 134661
SCHOOL DISTRICTS" and the adjustments required by division (C) of 134662
section 3310.08; division (C)(2) of section 3310.41; section 134663
3310.55; division (C) of section 3314.08; division (D)(2) of 134664
section 3314.091; division (D) of former section 3314.13; 134665

divisions (B), (H), (I), (J), and (K) of section 3317.023; 134666
division (C) of section 3317.20; and sections 3313.979 and 134667
3313.981 of the Revised Code; 134668

(d) For fiscal year 2014 and each fiscal year thereafter, the 134669
sum of amounts computed for and paid to the district under section 134670
3317.022 of the Revised Code; and the adjustments required by 134671
division (C) of section 3310.08, division (C)(2) of section 134672
3310.41, section 3310.55, division (C) of section 3314.08, 134673
division (D)(2) of section 3314.091, divisions (B), (H), (J), and 134674
(K) of section 3317.023, and sections 3313.978, 3313.981, 134675
3317.0212, 3317.0213, 3317.0214, and 3326.33 of the Revised Code. 134676
However, for fiscal years 2014 and 2015, the amount computed for 134677
the district under the section of this act entitled "TRANSITIONAL 134678
AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" also 134679
shall be included. 134680

(5) "State education aid," for a joint vocational school 134681
district, means the following: 134682

(a) For fiscal years prior to fiscal year 2010, the sum of 134683
the state aid amounts computed for the district under division (N) 134684
of section 3317.024 and section 3317.16 of the Revised Code. 134685
However, when calculating state education aid for a joint 134686
vocational school district for fiscal years 2008 and 2009, include 134687
the amount computed for the district under Section 269.30.90 of 134688
H.B. 119 of the 127th general assembly, as subsequently amended. 134689

(b) For fiscal years 2010 and 2011, the amount computed for 134690
the district in accordance with the section of H.B. 1 of the 128th 134691
general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 134692
DISTRICTS". 134693

(c) For fiscal years 2012 and 2013, the amount paid in 134694
accordance with the section of H.B. 153 of the 129th general 134695
assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 134696

(d) For fiscal year 2014 and each fiscal year thereafter, the amount computed for the district under section 3317.16 of the Revised Code; except that, for fiscal years 2014 and 2015, the amount computed for the district under the section of this act entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" shall be included.

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(6) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5727.85 of the Revised Code.

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(7) "Recognized valuation" ~~has the same meaning as in~~ means the amount computed for a school district pursuant to section 3317.02 3317.015 of the Revised Code.

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(8) "Electric company tax value loss" means the amount determined under division (D) of this section.

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(9) "Natural gas company tax value loss" means the amount determined under division (E) of this section.

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(10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.

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(11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.

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(12) "Fixed-rate levy loss" means the amount determined under division (G) of this section.

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(13) "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or levied in excess of the ten-mill limitation to pay debt charges, and includes school district emergency levies charged and payable pursuant to section 5705.194 of the Revised Code.

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(14) "Fixed-sum levy loss" means the amount determined under division (H) of this section.

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(15) "Consumer price index" means the consumer price index

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(all items, all urban consumers) prepared by the bureau of labor 134727
statistics of the United States department of labor. 134728

(16) "Total resources" and "total library resources" have the 134729
same meanings as in section 5751.20 of the Revised Code. 134730

(17) "2011 current expense S.B. 3 allocation" means the sum 134731
of payments received by a school district or joint vocational 134732
school district in fiscal year 2011 for current expense levy 134733
losses pursuant to division (C)(2) of section 5727.85 of the 134734
Revised Code. If a fixed-rate levy eligible for reimbursement is 134735
not charged and payable in any year after tax year 2010, "2011 134736
current expense S.B. 3 allocation" used to compute payments to be 134737
made under division (C)(3) of section 5727.85 of the Revised Code 134738
in the tax years following the last year the levy is charged and 134739
payable shall be reduced to the extent that those payments are 134740
attributable to the fixed-rate levy loss of that levy. 134741

(18) "2010 current expense S.B. 3 allocation" means the sum 134742
of payments received by a municipal corporation in calendar year 134743
2010 for current expense levy losses pursuant to division (A)(1) 134744
of section 5727.86 of the Revised Code, excluding any such 134745
payments received for current expense levy losses attributable to 134746
a tax levied under section 5705.23 of the Revised Code. If a 134747
fixed-rate levy eligible for reimbursement is not charged and 134748
payable in any year after tax year 2010, "2010 current expense 134749
S.B. 3 allocation" used to compute payments to be made under 134750
division (A)(1)(d) or (e) of section 5727.86 of the Revised Code 134751
in the tax years following the last year the levy is charged and 134752
payable shall be reduced to the extent that those payments are 134753
attributable to the fixed-rate levy loss of that levy. 134754

(19) "2010 S.B. 3 allocation" means the sum of payments 134755
received by a local taxing unit during calendar year 2010 pursuant 134756
to division (A)(1) of section 5727.86 of the Revised Code, 134757
excluding any such payments received for fixed-rate levy losses 134758

attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy eligible for reimbursement is not charged and payable in any year after tax year 2010, "2010 S.B. 3 allocation" used to compute payments to be made under division (A)(1)(d) or (e) of section 5727.86 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that those payments are attributable to the fixed-rate levy loss of that levy.

(20) "Total S.B. 3 allocation" means, in the case of a school district or joint vocational school district, the sum of the payments received in fiscal year 2011 pursuant to divisions (C)(2) and (D) of section 5727.85 of the Revised Code. In the case of a local taxing unit, "total S.B. 3 allocation" means the sum of payments received by the unit in calendar year 2010 pursuant to divisions (A)(1) and (4) of section 5727.86 of the Revised Code, excluding any such payments received for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy eligible for reimbursement is not charged and payable in any year after tax year 2010, "total S.B. 3 allocation" used to compute payments to be made under division (C)(3) of section 5727.85 or division (A)(1)(d) or (e) of section 5727.86 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that those payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (C)(2) of section 5727.85 or division (A)(1)(b) of section 5727.86 of the Revised Code.

(21) "2011 non-current expense S.B. 3 allocation" means the difference of a school district's or joint vocational school district's total S.B. 3 allocation minus the sum of the school district's 2011 current expense S.B. 3 allocation and the portion of the school district's total S.B. 3 allocation constituting

reimbursement for debt levies pursuant to division (D) of section 134791
5727.85 of the Revised Code. 134792

(22) "2010 non-current expense S.B. 3 allocation" means the 134793
difference of a municipal corporation's total S.B. 3 allocation 134794
minus the sum of its 2010 current expense S.B. 3 allocation and 134795
the portion of its total S.B. 3 allocation constituting 134796
reimbursement for debt levies pursuant to division (A)(4) of 134797
section 5727.86 of the Revised Code. 134798

(23) "S.B. 3 allocation for library purposes" means, in the 134799
case of a county, municipal corporation, school district, or 134800
township public library that receives the proceeds of a tax levied 134801
under section 5705.23 of the Revised Code, the sum of the payments 134802
received by the public library in calendar year 2010 pursuant to 134803
section 5727.86 of the Revised Code for fixed-rate levy losses 134804
attributable to a tax levied under section 5705.23 of the Revised 134805
Code. If a fixed-rate levy authorized under section 5705.23 of the 134806
Revised Code that is eligible for reimbursement is not charged and 134807
payable in any year after tax year 2010, "S.B. 3 allocation for 134808
library purposes" used to compute payments to be made under 134809
division (A)(1)(f) of section 5727.86 of the Revised Code in the 134810
tax years following the last year the levy is charged and payable 134811
shall be reduced to the extent that those payments are 134812
attributable to the fixed-rate levy loss of that levy as would be 134813
computed under division (A)(1)(b) of section 5727.86 of the 134814
Revised Code. 134815

(24) "Threshold per cent" means, in the case of a school 134816
district or joint vocational school district, two per cent for 134817
fiscal year 2012 and four per cent for fiscal years 2013 and 134818
thereafter. In the case of a local taxing unit or public library 134819
that receives the proceeds of a tax levied under section 5705.23 134820
of the Revised Code, "threshold per cent" means two per cent for 134821
calendar year 2011, four per cent for calendar year 2012, and six 134822

per cent for calendar years 2013 and thereafter. 134823

(B) The kilowatt-hour tax receipts fund is hereby created in 134824
the state treasury and shall consist of money arising from the tax 134825
imposed by section 5727.81 of the Revised Code. All money in the 134826
kilowatt-hour tax receipts fund shall be credited as follows: 134827

Fiscal Year	General Revenue Fund	School District Property Tax Replacement Fund	Local Government Property Tax Replacement Fund	
2001-2011	63.0%	25.4%	11.6%	134829
2012 and thereafter	88.0%	9.0%	3.0%	134830

(C) The natural gas tax receipts fund is hereby created in 134831
the state treasury and shall consist of money arising from the tax 134832
imposed by section 5727.811 of the Revised Code. All money in the 134833
fund shall be credited as follows: 134834

(1) For fiscal years before fiscal year 2012: 134835

(a) Sixty-eight and seven-tenths per cent shall be credited 134836
to the school district property tax replacement fund for the 134837
purpose of making the payments described in section 5727.85 of the 134838
Revised Code. 134839

(b) Thirty-one and three-tenths per cent shall be credited to 134840
the local government property tax replacement fund for the purpose 134841
of making the payments described in section 5727.86 of the Revised 134842
Code. 134843

(2) For fiscal years 2012 and thereafter, one hundred per 134844
cent to the general revenue fund. 134845

(D) Not later than January 1, 2002, the tax commissioner 134846
shall determine for each taxing district its electric company tax 134847
value loss, which is the sum of the applicable amounts described 134848
in divisions (D)(1) to (4) of this section: 134849

(1) The difference obtained by subtracting the amount 134850
described in division (D)(1)(b) from the amount described in 134851
division (D)(1)(a) of this section. 134852

(a) The value of electric company and rural electric company 134853
tangible personal property as assessed by the tax commissioner for 134854
tax year 1998 on a preliminary assessment, or an amended 134855
preliminary assessment if issued prior to March 1, 1999, and as 134856
apportioned to the taxing district for tax year 1998; 134857

(b) The value of electric company and rural electric company 134858
tangible personal property as assessed by the tax commissioner for 134859
tax year 1998 had the property been apportioned to the taxing 134860
district for tax year 2001, and assessed at the rates in effect 134861
for tax year 2001. 134862

(2) The difference obtained by subtracting the amount 134863
described in division (D)(2)(b) from the amount described in 134864
division (D)(2)(a) of this section. 134865

(a) The three-year average for tax years 1996, 1997, and 1998 134866
of the assessed value from nuclear fuel materials and assemblies 134867
assessed against a person under Chapter 5711. of the Revised Code 134868
from the leasing of them to an electric company for those 134869
respective tax years, as reflected in the preliminary assessments; 134870

(b) The three-year average assessed value from nuclear fuel 134871
materials and assemblies assessed under division (D)(2)(a) of this 134872
section for tax years 1996, 1997, and 1998, as reflected in the 134873
preliminary assessments, using an assessment rate of twenty-five 134874
per cent. 134875

(3) In the case of a taxing district having a nuclear power 134876
plant within its territory, any amount, resulting in an electric 134877
company tax value loss, obtained by subtracting the amount 134878
described in division (D)(1) of this section from the difference 134879
obtained by subtracting the amount described in division (D)(3)(b) 134880

of this section from the amount described in division (D)(3)(a) of 134881
this section. 134882

(a) The value of electric company tangible personal property 134883
as assessed by the tax commissioner for tax year 2000 on a 134884
preliminary assessment, or an amended preliminary assessment if 134885
issued prior to March 1, 2001, and as apportioned to the taxing 134886
district for tax year 2000; 134887

(b) The value of electric company tangible personal property 134888
as assessed by the tax commissioner for tax year 2001 on a 134889
preliminary assessment, or an amended preliminary assessment if 134890
issued prior to March 1, 2002, and as apportioned to the taxing 134891
district for tax year 2001. 134892

(4) In the case of a taxing district having a nuclear power 134893
plant within its territory, the difference obtained by subtracting 134894
the amount described in division (D)(4)(b) of this section from 134895
the amount described in division (D)(4)(a) of this section, 134896
provided that such difference is greater than ten per cent of the 134897
amount described in division (D)(4)(a) of this section. 134898

(a) The value of electric company tangible personal property 134899
as assessed by the tax commissioner for tax year 2005 on a 134900
preliminary assessment, or an amended preliminary assessment if 134901
issued prior to March 1, 2006, and as apportioned to the taxing 134902
district for tax year 2005; 134903

(b) The value of electric company tangible personal property 134904
as assessed by the tax commissioner for tax year 2006 on a 134905
preliminary assessment, or an amended preliminary assessment if 134906
issued prior to March 1, 2007, and as apportioned to the taxing 134907
district for tax year 2006. 134908

(E) Not later than January 1, 2002, the tax commissioner 134909
shall determine for each taxing district its natural gas company 134910
tax value loss, which is the sum of the amounts described in 134911

divisions (E)(1) and (2) of this section:	134912
(1) The difference obtained by subtracting the amount	134913
described in division (E)(1)(b) from the amount described in	134914
division (E)(1)(a) of this section.	134915
(a) The value of all natural gas company tangible personal	134916
property, other than property described in division (E)(2) of this	134917
section, as assessed by the tax commissioner for tax year 1999 on	134918
a preliminary assessment, or an amended preliminary assessment if	134919
issued prior to March 1, 2000, and apportioned to the taxing	134920
district for tax year 1999;	134921
(b) The value of all natural gas company tangible personal	134922
property, other than property described in division (E)(2) of this	134923
section, as assessed by the tax commissioner for tax year 1999 had	134924
the property been apportioned to the taxing district for tax year	134925
2001, and assessed at the rates in effect for tax year 2001.	134926
(2) The difference in the value of current gas obtained by	134927
subtracting the amount described in division (E)(2)(b) from the	134928
amount described in division (E)(2)(a) of this section.	134929
(a) The three-year average assessed value of current gas as	134930
assessed by the tax commissioner for tax years 1997, 1998, and	134931
1999 on a preliminary assessment, or an amended preliminary	134932
assessment if issued prior to March 1, 2001, and as apportioned in	134933
the taxing district for those respective years;	134934
(b) The three-year average assessed value from current gas	134935
under division (E)(2)(a) of this section for tax years 1997, 1998,	134936
and 1999, as reflected in the preliminary assessment, using an	134937
assessment rate of twenty-five per cent.	134938
(F) The tax commissioner may request that natural gas	134939
companies, electric companies, and rural electric companies file a	134940
report to help determine the tax value loss under divisions (D)	134941
and (E) of this section. The report shall be filed within thirty	134942

days of the commissioner's request. A company that fails to file 134943
the report or does not timely file the report is subject to the 134944
penalty in section 5727.60 of the Revised Code. 134945

(G) Not later than January 1, 2002, the tax commissioner 134946
shall determine for each school district, joint vocational school 134947
district, and local taxing unit its fixed-rate levy loss, which is 134948
the sum of its electric company tax value loss multiplied by the 134949
tax rate in effect in tax year 1998 for fixed-rate levies and its 134950
natural gas company tax value loss multiplied by the tax rate in 134951
effect in tax year 1999 for fixed-rate levies. 134952

(H) Not later than January 1, 2002, the tax commissioner 134953
shall determine for each school district, joint vocational school 134954
district, and local taxing unit its fixed-sum levy loss, which is 134955
the amount obtained by subtracting the amount described in 134956
division (H)(2) of this section from the amount described in 134957
division (H)(1) of this section: 134958

(1) The sum of the electric company tax value loss multiplied 134959
by the tax rate in effect in tax year 1998, and the natural gas 134960
company tax value loss multiplied by the tax rate in effect in tax 134961
year 1999, for fixed-sum levies for all taxing districts within 134962
each school district, joint vocational school district, and local 134963
taxing unit. For the years 2002 through 2006, this computation 134964
shall include school district emergency levies that existed in 134965
1998 in the case of the electric company tax value loss, and 1999 134966
in the case of the natural gas company tax value loss, and all 134967
other fixed-sum levies that existed in 1998 in the case of the 134968
electric company tax value loss and 1999 in the case of the 134969
natural gas company tax value loss and continue to be charged in 134970
the tax year preceding the distribution year. For the years 2007 134971
through 2016 in the case of school district emergency levies, and 134972
for all years after 2006 in the case of all other fixed-sum 134973
levies, this computation shall exclude all fixed-sum levies that 134974

existed in 1998 in the case of the electric company tax value loss 134975
and 1999 in the case of the natural gas company tax value loss, 134976
but are no longer in effect in the tax year preceding the 134977
distribution year. For the purposes of this section, an emergency 134978
levy that existed in 1998 in the case of the electric company tax 134979
value loss, and 1999 in the case of the natural gas company tax 134980
value loss, continues to exist in a year beginning on or after 134981
January 1, 2007, but before January 1, 2017, if, in that year, the 134982
board of education levies a school district emergency levy for an 134983
annual sum at least equal to the annual sum levied by the board in 134984
tax year 1998 or 1999, respectively, less the amount of the 134985
payment certified under this division for 2002. 134986

(2) The total taxable value in tax year 1999 less the tax 134987
value loss in each school district, joint vocational school 134988
district, and local taxing unit multiplied by one-fourth of one 134989
mill. 134990

If the amount computed under division (H) of this section for 134991
any school district, joint vocational school district, or local 134992
taxing unit is greater than zero, that amount shall equal the 134993
fixed-sum levy loss reimbursed pursuant to division (F) of section 134994
5727.85 of the Revised Code or division (A)(2) of section 5727.86 134995
of the Revised Code, and the one-fourth of one mill that is 134996
subtracted under division (H)(2) of this section shall be 134997
apportioned among all contributing fixed-sum levies in the 134998
proportion of each levy to the sum of all fixed-sum levies within 134999
each school district, joint vocational school district, or local 135000
taxing unit. 135001

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 135002
section, in computing the tax value loss, fixed-rate levy loss, 135003
and fixed-sum levy loss, the tax commissioner shall use the 135004
greater of the 1998 tax rate or the 1999 tax rate in the case of 135005
levy losses associated with the electric company tax value loss, 135006

but the 1999 tax rate shall not include for this purpose any tax 135007
levy approved by the voters after June 30, 1999, and the tax 135008
commissioner shall use the greater of the 1999 or the 2000 tax 135009
rate in the case of levy losses associated with the natural gas 135010
company tax value loss. 135011

(J) Not later than January 1, 2002, the tax commissioner 135012
shall certify to the department of education the tax value loss 135013
determined under divisions (D) and (E) of this section for each 135014
taxing district, the fixed-rate levy loss calculated under 135015
division (G) of this section, and the fixed-sum levy loss 135016
calculated under division (H) of this section. The calculations 135017
under divisions (G) and (H) of this section shall separately 135018
display the levy loss for each levy eligible for reimbursement. 135019

(K) Not later than September 1, 2001, the tax commissioner 135020
shall certify the amount of the fixed-sum levy loss to the county 135021
auditor of each county in which a school district with a fixed-sum 135022
levy loss has territory. 135023

Sec. 5727.89. (A) The tax commissioner may make an 135024
assessment, based on any information in the commissioner's 135025
possession, against any natural gas distribution company, electric 135026
distribution company, self-assessing purchaser, or qualified end 135027
user that fails to file a return or pay any tax, interest, or 135028
additional charge as required by sections 5727.80 to 5727.95 of 135029
the Revised Code. 135030

When information in the possession of the tax commissioner 135031
indicates that a person liable for the tax imposed by section 135032
5727.81 or 5727.811 of the Revised Code has not paid the full 135033
amount of tax due, the commissioner may audit a representative 135034
sample of the person's business and may issue an assessment based 135035
on the audit. The commissioner shall give the person assessed 135036
written notice of the assessment in the manner provided in section 135037

5703.37 of the Revised Code. With the notice, the commissioner 135038
shall provide instructions on how to petition for reassessment and 135039
request a hearing on the petition. 135040

The tax commissioner may issue an assessment for which the 135041
tax imposed by section 5727.81 or 5727.811 of the Revised Code was 135042
due and unpaid on the date the person was informed by an agent of 135043
the tax commissioner of an investigation or audit of the person. 135044
Any payment of the tax for the period covered by the assessment, 135045
after the person is so informed, shall be credited against the 135046
assessment. 135047

A penalty of up to fifteen per cent may be added to all 135048
amounts assessed under this section. The commissioner may adopt 135049
rules providing for the imposition and remission of penalties. 135050

(B) Unless the party assessed files with the tax commissioner 135051
within sixty days after service of the notice of assessment, 135052
either personally or by certified mail, a written petition for 135053
reassessment signed by the party assessed or that party's 135054
authorized agent having knowledge of the facts, the assessment 135055
becomes final and the amount of the assessment is due and payable 135056
from the party assessed to the treasurer of state. The petition 135057
shall indicate the objections of the party assessed, but 135058
additional objections may be raised in writing if received by the 135059
commissioner prior to the date shown on the final determination. 135060
If the petition has been properly filed, the commissioner shall 135061
proceed under section 5703.60 of the Revised Code. 135062

(C) After an assessment becomes final, if any portion of the 135063
assessment, including accrued interest, remains unpaid, a 135064
certified copy of the tax commissioner's entry making the 135065
assessment final may be filed in the office of the clerk of the 135066
court of common pleas in the county in which the party assessed 135067
resides or in which the party's business is conducted. If the 135068
party assessed maintains no place of business in this state and is 135069

not a resident of this state, the certified copy of the entry may 135070
be filed in the office of the clerk of the court of common pleas 135071
of Franklin county. 135072

Immediately upon the filing of the entry, the clerk shall 135073
enter a judgment for the state against the person assessed in the 135074
amount shown on the entry. The judgment may be filed by the clerk 135075
in a loose-leaf book entitled "special judgments for the 135076
distribution excise taxes," and shall have the same effect as 135077
other judgments. Execution shall issue upon the judgment at the 135078
request of the tax commissioner, and all laws applicable to sales 135079
on execution shall apply to sales made under the judgment. 135080

~~The portion of~~ If the assessment is not paid in its entirety 135081
within sixty days after the day the assessment was issued, the 135082
portion of the assessment consisting of tax due shall bear 135083
interest at the rate per annum prescribed by section 5703.47 of 135084
the Revised Code from the day the tax commissioner issues the 135085
assessment until the day the assessment is paid or until it is 135086
certified to the attorney general for collection under section 135087
131.02 of the Revised Code, whichever comes first. If the unpaid 135088
portion of the assessment is certified to the attorney general for 135089
collection, the entire unpaid portion of the assessment shall bear 135090
interest at the rate per annum prescribed by section 5703.47 of 135091
the Revised Code from the date of certification until the date it 135092
is paid in its entirety. Interest shall be paid in the same manner 135093
as the tax and may be collected by the issuance of an assessment 135094
under this section. 135095

(D) If the tax commissioner believes that collection of the 135096
tax imposed by section 5727.81 or 5727.811 of the Revised Code 135097
will be jeopardized unless proceedings to collect or secure 135098
collection of the tax are instituted without delay, the 135099
commissioner may issue a jeopardy assessment against the person 135100
liable for the tax. Immediately upon the issuance of the jeopardy 135101

assessment, the commissioner shall file an entry with the clerk of 135102
the court of common pleas in the manner prescribed by division (C) 135103
of this section. Notice of the jeopardy assessment shall be served 135104
on the party assessed or the party's legal representative within 135105
five days of the filing of the entry with the clerk. The total 135106
amount assessed is immediately due and payable, unless the party 135107
assessed files a petition for reassessment in accordance with 135108
division (B) of this section and provides security in a form 135109
satisfactory to the commissioner and in an amount sufficient to 135110
satisfy the unpaid balance of the assessment. Full or partial 135111
payment of the assessment does not prejudice the commissioner's 135112
consideration of the petition for reassessment. 135113

(E) All money collected by the tax commissioner under this 135114
section shall be paid to the treasurer of state, and when paid 135115
shall be considered as revenue arising from the taxes imposed by 135116
sections 5727.81 and 5727.811 of the Revised Code. 135117

Sec. 5728.10. (A) If any person required to file a fuel use 135118
tax return by sections 5728.01 to 5728.14 of the Revised Code, 135119
fails to file the return within the time prescribed by those 135120
sections, files an incomplete return, files an incorrect return, 135121
or fails to remit the full amount of the tax due for the period 135122
covered by the return, the tax commissioner may make an assessment 135123
against the person, based upon any information in the 135124
commissioner's possession, for the period for which the tax was 135125
due. 135126

No assessment shall be made against any person for any tax 135127
imposed by this chapter more than four years after the return date 135128
for the period for which the tax was due or more than four years 135129
after the return for the period was filed, whichever is later. 135130
This section does not bar an assessment against any person who 135131
fails to file a fuel use tax return as required by this chapter, 135132

or who files a fraudulent fuel use tax return. 1351133

A penalty of up to fifteen per cent may be added to the 1351134
amount of every assessment made pursuant to this section. The 1351135
commissioner may adopt rules providing for the imposition and 1351136
remission of penalties added to assessments made under this 1351137
section. 1351138

The commissioner shall give the party assessed written notice 1351139
of the assessment in the manner provided in section 5703.37 of the 1351140
Revised Code. With the notice, the commissioner shall provide 1351141
instructions on how to petition for reassessment and request a 1351142
hearing on the petition. 1351143

(B) Unless the party assessed files with the tax commissioner 1351144
within sixty days after service of the notice of assessment, 1351145
either personally or by certified mail, a written petition for 1351146
reassessment, signed by the party assessed, or by the party's 1351147
authorized agent having knowledge of the facts, the assessment 1351148
becomes final and the amount of the assessment is due and payable 1351149
from the party assessed to the treasurer of state. The petition 1351150
shall indicate the objections of the party assessed, but 1351151
additional objections may be raised in writing if received by the 1351152
commissioner prior to the date shown on the final determination. 1351153
If the petition has been properly filed, the commissioner shall 1351154
proceed under section 5703.60 of the Revised Code. 1351155

(C) After an assessment becomes final, if any portion of the 1351156
assessment remains unpaid, including accrued interest, a certified 1351157
copy of the tax commissioner's entry making the assessment final 1351158
may be filed in the office of the clerk of the court of common 1351159
pleas in the county in which the party's place of business is 1351160
located or the county in which the party assessed resides. If the 1351161
party maintains no office in this state and is not a resident of 1351162
this state, the certified copy of the entry may be filed in the 1351163
office of the clerk of the court of common pleas of Franklin 1351164

county. 135165

Immediately upon the filing of the entry, the clerk shall 135166
enter a judgment for the state of Ohio against the party assessed 135167
in the amount shown on the entry. The judgment may be filed by the 135168
clerk in a loose-leaf book entitled "special judgments for state 135169
fuel use tax," and shall have the same effect as other judgments. 135170
Execution shall issue upon the judgment upon the request of the 135171
commissioner, and all laws applicable to sales on execution shall 135172
apply to sales made under the judgment. 135173

~~The portion of~~ If the assessment is not paid within sixty 135174
days after the day the assessment was issued, the portion of the 135175
assessment consisting of tax due shall bear interest at the rate 135176
per annum prescribed by section 5703.47 of the Revised Code from 135177
the day the commissioner issues the assessment until it is paid or 135178
until it is certified to the attorney general for collection under 135179
section 131.02 of the Revised Code, whichever comes first. If the 135180
unpaid portion of the assessment is certified to the attorney 135181
general for collection, the entire unpaid portion of the 135182
assessment shall bear interest at the rate per annum prescribed by 135183
section 5703.47 of the Revised Code from the date of certification 135184
until the date it is paid in its entirety. Interest shall be paid 135185
in the same manner as the tax and may be collected by the issuance 135186
of an assessment under this section. 135187

(D) All money collected by the tax commissioner under this 135188
section shall be paid into the state treasury in the same manner 135189
as the revenues deriving from the taxes imposed by section 5728.06 135190
of the Revised Code. 135191

Sec. 5729.03. (A) If the superintendent of insurance finds 135192
the annual statement required by section 5729.02 of the Revised 135193
Code to be correct, the superintendent shall compute the following 135194
amount, as applicable, of the balance of such gross amount, after 135195

deducting such return premiums and considerations received for 135196
reinsurance, and charge such amount to such company as a tax upon 135197
the business done by it in this state for the period covered by 135198
such annual statement: 135199

(1) If the company is a health insuring corporation, one per 135200
cent of the balance of premium rate payments received, exclusive 135201
of payments received under the medicare program ~~established under~~ 135202
~~Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 135203
~~U.S.C.A. 301, as amended,~~ and exclusive of payments received 135204
pursuant to the ~~medical assistance~~ medicaid program ~~established~~ 135205
~~under Chapter 5111. of the Revised Code for the period ending~~ 135206
September 30, 2009, as reflected in its annual report; 135207

(2) If the company is not a health insuring corporation, one 135208
and four-tenths per cent of the balance of premiums received, 135209
exclusive of premiums received under the medicare program 135210
~~established under Title XVIII of the "Social Security Act," 49~~ 135211
~~Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ and exclusive of 135212
payments received pursuant to the ~~medical assistance~~ medicaid 135213
program ~~established under Chapter 5111. of the Revised Code for~~ 135214
the period ending September 30, 2009, as reflected in its annual 135215
statement, and, if the company operates a health insuring 135216
corporation as a line of business, one per cent of the balance of 135217
premium rate payments received from that line of business, 135218
exclusive of payments received under the medicare program 135219
~~established under Title XVIII of the "Social Security Act," 49~~ 135220
~~Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ and exclusive of 135221
payments received pursuant to the ~~medical assistance~~ medicaid 135222
program ~~established under Chapter 5111. of the Revised Code for~~ 135223
the period ending September 30, 2009, as reflected in its annual 135224
statement. 135225

Each foreign insurance company, including health insuring 135226
corporations, receiving payments pursuant to the ~~medical~~ 135227

assistance medicaid program established under Chapter 5111. of the 135228
Revised Code during the period beginning October 1, 2009, and 135229
ending December 31, 2009, shall file with the 2009 annual 135230
statement to the superintendent a schedule that reflects those 135231
payments received pursuant to the ~~medical assistance~~ medicaid 135232
program for that period. The payments reflected in the schedule, 135233
plus all other taxable premiums, are subject to the annual 135234
franchise tax due to be paid in 2010. 135235

(B) Any insurance policies that were not issued in violation 135236
of Title XXXIX of the Revised Code and that were issued prior to 135237
April 15, 1967, by a life insurance company organized and operated 135238
without profit to any private shareholder or individual, 135239
exclusively for the purpose of aiding educational or scientific 135240
institutions organized and operated without profit to any private 135241
shareholder or individual, are not subject to the tax imposed by 135242
this section. All taxes collected pursuant to this section shall 135243
be credited to the general revenue fund. 135244

(C) In no case shall the tax imposed under this section be 135245
less than two hundred fifty dollars. 135246

Sec. 5729.04. To compute franchise taxes on gross premiums to 135247
be paid under any law of this state by any mutual insurance 135248
company authorized to do business under the laws of this state, or 135249
by any stock insurance company so authorized, doing business on 135250
the plan of distributing back to its policyholders at the end of 135251
the policy year refunds of a portion of the premium collected, the 135252
amount of premium deposits received by the company upon any risk 135253
written pursuant to section 3925.34 or division (A)(1), (2), ~~or~~ 135254
(7), or (14) of section 3929.01 of the Revised Code, within this 135255
state in excess of the net cost of insurance to the insured shall 135256
not be included where the excess deposit is returned ratably by 135257
the company to its policyholders; but the amount of gross or 135258

aggregate premiums received by the company is deemed the balance 135259
remaining after deducting from the gross amount of premium 135260
deposits received or collected by it on risks in this state during 135261
the preceding calendar year that portion of gross premium deposits 135262
returned by it to policyholders during the preceding calendar 135263
year, upon the cancellation or expiration of risks upon property 135264
situated within this state. In addition to the matters of return 135265
required to be made by insurance companies for the purpose of 135266
computing taxes, any company shall also return for such purpose in 135267
its annual statement: 135268

(A) The gross amount of premium deposits received or 135269
collected by it on risks in this state during the preceding 135270
calendar year; 135271

(B) The total amount of gross premium deposits returned to 135272
policyholders during such preceding calendar year upon 135273
cancellation and upon expiration of risks upon property situated 135274
within this state. 135275

Where insurance against fire is included with insurance 135276
against other perils at an undivided premium, a reasonable 135277
allocation from the entire premium shall be made for the fire 135278
portion of the coverage in such manner as the superintendent of 135279
insurance may direct. 135280

Sec. 5729.16. (A) Terms used in this section have the same 135281
meaning as in section 5725.33 of the Revised Code. 135282

(B) There is hereby allowed a nonrefundable credit against 135283
the tax imposed by section 5729.03 of the Revised Code for a 135284
foreign insurance company holding a qualified equity investment on 135285
the credit allowance date occurring in the calendar year for which 135286
the tax is due. The credit shall be computed in the same manner 135287
prescribed for the computation of credits allowed under section 135288
5725.33 of the Revised Code. 135289

The credit shall be claimed in the order prescribed by 135290
section 5729.98 of the Revised Code. If the amount of the credit 135291
exceeds the amount of tax otherwise due after deducting all other 135292
credits in that order, the excess may be carried forward and 135293
applied to the tax due for not more than four ensuing years. 135294

By claiming a tax credit under this section, an insurance 135295
company waives its rights under section 5729.102 of the Revised 135296
Code with respect to the time limitation for the assessment of 135297
taxes as it relates to credits claimed that later become subject 135298
to recapture under division (D) of this section. 135299

(C) The total amount of qualified equity investments on the 135300
basis of which credits may be claimed under this section, section 135301
5725.33, and section 5733.58 of the Revised Code is subject to the 135302
limitation of division (C) of section 5725.33 of the Revised Code. 135303

(D) If any amount of ~~the~~ a federal tax credit allowed for a 135304
qualified equity investment for which a credit was received under 135305
this section is recaptured under section 45D of the Internal 135306
Revenue Code, or if the director of development services 135307
determines that an investment for which a tax credit is claimed 135308
under this section is not a qualified equity investment or that 135309
the proceeds of an investment for which a tax credit is claimed 135310
under this section are used to make qualified low-income community 135311
investments other than in a qualified active low-income community 135312
business, all or a portion of the credit received on account of 135313
that investment shall be paid by the insurance company that 135314
received the credit to the superintendent of insurance. The amount 135315
to be recovered shall be determined by the director of development 135316
services pursuant to rules adopted under section 5725.33 of the 135317
Revised Code. The director shall certify any amount due under this 135318
division to the superintendent of insurance, and the 135319
superintendent shall notify the treasurer of state of the amount 135320
due. Upon notification, the treasurer shall invoice the insurance 135321

company for the amount due. The amount due is payable not later than thirty days after the date the treasurer invoices the insurance company. The amount due shall be considered to be tax due under section 5729.03 of the Revised Code, and may be collected by assessment without regard to the time limitations imposed under section 5729.102 of the Revised Code for the assessment of taxes by the superintendent. All amounts collected under this division shall be credited as revenue from the tax levied under section 5729.03 of the Revised Code.

Sec. 5729.17. (A) As used in this section, "certificate owner" has the same meaning as in section 149.311 of the Revised Code.

(B) There is allowed a credit against the tax imposed by section 5729.03 of the Revised Code for an insurance company subject to that tax that is a certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code. The credit shall equal twenty-five per cent of the dollar amount indicated on the certificate, but the amount of the credit allowed for any company for any year shall not exceed ~~five~~ ten million dollars. The credit shall be claimed in the calendar year specified in the certificate and in the order required under section 5729.98 of the Revised Code. If the credit exceeds the amount of tax otherwise due in that year, the excess shall be refunded to the company but, if any amount of the credit is refunded, the sum of the amount refunded and the amount applied to reduce the tax otherwise due in that year shall not exceed three million dollars. The company may carry forward any balance of the credit in excess of the amount claimed in that year for not more than five ensuing years, and shall deduct any amount claimed in any such year from the amount claimed in an ensuing year.

(C) An insurance company claiming a credit under this section

shall retain the rehabilitation tax credit certificate for four 135353
years following the end of the year in which the credit was 135354
claimed, and shall make the certificate available for inspection 135355
by the tax commissioner upon the request of the tax commissioner 135356
during that period. 135357

Sec. 5731.39. This section does not apply to, and the written 135358
permission of the tax commissioner is not required for asset 135359
transfers with respect to, decedents dying on or after January 1, 135360
2013. 135361

(A) No corporation organized or existing under the laws of 135362
this state shall transfer on its books or issue a new certificate 135363
for any share of its capital stock registered in the name of a 135364
decedent, or in trust for a decedent, or in the name of a decedent 135365
and another person or persons, without the written consent of the 135366
tax commissioner. 135367

(B) No safe deposit company, trust company, financial 135368
institution as defined in division (A) of section 5725.01 of the 135369
Revised Code, or other corporation or person, having in 135370
possession, control, or custody a deposit standing in the name of 135371
a decedent, or in trust for a decedent, or in the name of a 135372
decedent and another person or persons, shall deliver or transfer 135373
an amount in excess of three-fourths of the total value of such 135374
deposit, including accrued interest and dividends, as of the date 135375
of decedent's death, without the written consent of the tax 135376
commissioner. The written consent of the tax commissioner need not 135377
be obtained prior to the delivery or transfer of amounts having a 135378
value of three-fourths or less of said total value. 135379

(C) No life insurance company shall pay the proceeds of an 135380
annuity or matured endowment contract, or of a life insurance 135381
contract payable to the estate of a decedent, or of any other 135382
insurance contract taxable under Chapter 5731. of the Revised 135383

Code, without the written consent of the tax commissioner. Any 135384
life insurance company may pay the proceeds of any insurance 135385
contract not specified in this division (C) without the written 135386
consent of the tax commissioner. 135387

(D) No trust company or other corporation or person shall pay 135388
the proceeds of any death benefit, retirement, pension, or 135389
profit-sharing plan in excess of two thousand dollars, without the 135390
written consent of the tax commissioner. Such trust company or 135391
other corporation or person, however, may pay the proceeds of any 135392
death benefit, retirement, pension, or profit-sharing plan which 135393
consists of insurance on the life of the decedent payable to a 135394
beneficiary other than the estate of the insured without the 135395
written consent of the tax commissioner. 135396

(E) No safe deposit company, trust company, financial 135397
institution as defined in division (A) of section 5725.01 of the 135398
Revised Code, or other corporation or person, having in 135399
possession, control, or custody securities, assets, or other 135400
property (including the shares of the capital stock of, or other 135401
interest in, such safe deposit company, trust company, financial 135402
institution as defined in division (A) of section 5725.01 of the 135403
Revised Code, or other corporation), standing in the name of a 135404
decedent, or in trust for a decedent, or in the name of a decedent 135405
and another person or persons, and the transfer of which is 135406
taxable under Chapter 5731. of the Revised Code, shall deliver or 135407
transfer any such securities, assets, or other property which have 135408
a value as of the date of decedent's death in excess of 135409
three-fourths of the total value thereof, without the written 135410
consent of the tax commissioner. The written consent of the tax 135411
commissioner need not be obtained prior to the delivery or 135412
transfer of any such securities, assets, or other property having 135413
a value of three-fourths or less of said total value. 135414

(F) No safe deposit company, financial institution as defined 135415

in division (A) of section 5725.01 of the Revised Code, or other 135416
corporation or person having possession or control of a safe 135417
deposit box or similar receptacle standing in the name of a 135418
decedent or in the name of the decedent and another person or 135419
persons, or to which the decedent had a right of access, except 135420
when such safe deposit box or other receptacle stands in the name 135421
of a corporation or partnership, or in the name of the decedent as 135422
guardian or executor, shall deliver any of the contents thereof 135423
unless the safe deposit box or similar receptacle has been opened 135424
and inventoried in the presence of the tax commissioner or the 135425
commissioner's agent, and a written consent to transfer issued; 135426
provided, however, that a safe deposit company, financial 135427
institution, or other corporation or person having possession or 135428
control of a safe deposit box may deliver wills, deeds to burial 135429
lots, and insurance policies to a representative of the decedent, 135430
but that a representative of the safe deposit company, financial 135431
institution, or other corporation or person must supervise the 135432
opening of the box and make a written record of the wills, deeds, 135433
and policies removed. Such written record shall be included in the 135434
tax commissioner's inventory records. 135435

(G) Notwithstanding any provision of this section: 135436

(1) The tax commissioner may authorize any delivery or 135437
transfer or waive any of the foregoing requirements under such 135438
terms and conditions as the commissioner may prescribe; 135439

(2) A home, as defined in section 3721.10 of the Revised 135440
Code, or a residential facility licensed under section ~~5119.22~~ 135441
5119.34 of the Revised Code that provides accommodations, 135442
supervision, and personal care services for three to sixteen 135443
unrelated adults, may transfer or use the money in a personal 135444
needs allowance account in accordance with section ~~5111.113~~ 135445
5162.22 of the Revised Code without the written consent of the tax 135446
commissioner, and without the account having been opened and 135447

inventoried in the presence of the commissioner or the 135448
commissioner's agent. 135449

Failure to comply with this section shall render such safe 135450
deposit company, trust company, life insurance company, financial 135451
institution as defined in division (A) of section 5725.01 of the 135452
Revised Code, or other corporation or person liable for the amount 135453
of the taxes and interest due under the provisions of Chapter 135454
5731. of the Revised Code on the transfer of such stock, deposit, 135455
proceeds of an annuity or matured endowment contract or of a life 135456
insurance contract payable to the estate of a decedent, or other 135457
insurance contract taxable under Chapter 5731. of the Revised 135458
Code, proceeds of any death benefit, retirement, pension, or 135459
profit-sharing plan in excess of two thousand dollars, or 135460
securities, assets, or other property of any resident decedent, 135461
and in addition thereto, to a penalty of not less than five 135462
hundred or more than five thousand dollars. 135463

Sec. 5733.01. (A) The tax provided by this chapter for 135464
domestic corporations shall be the amount charged against each 135465
corporation organized for profit under the laws of this state and 135466
each nonprofit corporation organized pursuant to Chapter 1729. of 135467
the Revised Code, except as provided in sections 5733.09 and 135468
5733.10 of the Revised Code, for the privilege of exercising its 135469
franchise during the calendar year in which that amount is 135470
payable, and the tax provided by this chapter for foreign 135471
corporations shall be the amount charged against each corporation 135472
organized for profit and each nonprofit corporation organized or 135473
operating in the same or similar manner as nonprofit corporations 135474
organized under Chapter 1729. of the Revised Code, under the laws 135475
of any state or country other than this state, except as provided 135476
in sections 5733.09 and 5733.10 of the Revised Code, for the 135477
privilege of doing business in this state, owning or using a part 135478
or all of its capital or property in this state, holding a 135479

certificate of compliance with the laws of this state authorizing 135480
it to do business in this state, or otherwise having nexus in or 135481
with this state under the Constitution of the United States, 135482
during the calendar year in which that amount is payable. 135483

(B) A corporation is subject to the tax imposed by section 135484
5733.06 of the Revised Code for each calendar year prior to 2014 135485
that it is so organized, doing business, owning or using a part or 135486
all of its capital or property, holding a certificate of 135487
compliance, or otherwise having nexus in or with this state under 135488
the Constitution of the United States, on the first day of January 135489
of that calendar year. No credit authorized by this chapter may be 135490
claimed for tax year 2014 or any tax year thereafter. 135491

(C) Any corporation subject to this chapter that is not 135492
subject to the federal income tax shall file its returns and 135493
compute its tax liability as required by this chapter in the same 135494
manner as if that corporation were subject to the federal income 135495
tax. 135496

(D) For purposes of this chapter, a federally chartered 135497
financial institution shall be deemed to be organized under the 135498
laws of the state within which its principal office is located. 135499

(E) For purposes of this chapter, any person, as defined in 135500
section 5701.01 of the Revised Code, shall be treated as a 135501
corporation if the person is classified for federal income tax 135502
purposes as an association taxable as a corporation, and an equity 135503
interest in the person shall be treated as capital stock of the 135504
person. 135505

(F) For the purposes of this chapter, "disregarded entity" 135506
has the same meaning as in division (D) of section 5745.01 of the 135507
Revised Code. 135508

(1) A person's interest in a disregarded entity, whether held 135509
directly or indirectly, shall be treated as the person's ownership 135510

of the assets and liabilities of the disregarded entity, and the 135511
income, including gain or loss, shall be included in the person's 135512
net income under this chapter. 135513

(2) Any sale, exchange, or other disposition of the person's 135514
interest in the disregarded entity, whether held directly or 135515
indirectly, shall be treated as a sale, exchange, or other 135516
disposition of the person's share of the disregarded entity's 135517
underlying assets or liabilities, and the gain or loss from such 135518
sale, exchange, or disposition shall be included in the person's 135519
net income under this chapter. 135520

(3) The disregarded entity's payroll, property, and sales 135521
factors shall be included in the person's factors. 135522

(G) The tax a corporation is required to pay under this 135523
chapter shall be as follows: 135524

(1)(a) For financial institutions, the greater of the minimum 135525
payment required under division (E) of section 5733.06 of the 135526
Revised Code or the difference between all taxes charged the 135527
financial institution under this chapter, without regard to 135528
division (G)(2) of this section, less any credits allowable 135529
against such tax. 135530

(b) A corporation satisfying the description in division 135531
(E)(5), (6), (7), (8), or (10) of section 5751.01 of the Revised 135532
Code, as that section existed before its amendment by H.B. 510 of 135533
the 129th general assembly, that is not a financial institution, 135534
insurance company, or dealer in intangibles is subject to the 135535
taxes imposed under this chapter as a corporation and not subject 135536
to tax as a financial institution, and shall pay the greater of 135537
the minimum payment required under division (E) of section 5733.06 135538
of the Revised Code or the difference between all the taxes 135539
charged under this chapter, without regard to division (G)(2) of 135540
this section, less any credits allowable against such tax. 135541

(2) For all corporations other than those persons described 135542
in division (G)(1)(a) or (b) of this section, the amount under 135543
division (G)(2)(a) of this section applicable to the tax year 135544
specified less the amount under division (G)(2)(b) of this 135545
section: 135546

(a)(i) For tax year 2005, the greater of the minimum payment 135547
required under division (E) of section 5733.06 of the Revised Code 135548
or the difference between all taxes charged the corporation under 135549
this chapter and any credits allowable against such tax; 135550

(ii) For tax year 2006, the greater of the minimum payment 135551
required under division (E) of section 5733.06 of the Revised Code 135552
or four-fifths of the difference between all taxes charged the 135553
corporation under this chapter and any credits allowable against 135554
such tax, except the qualifying pass-through entity tax credit 135555
described in division (A)(30) and the refundable credits described 135556
in divisions (A)(31) to (35) of section 5733.98 of the Revised 135557
Code; 135558

(iii) For tax year 2007, the greater of the minimum payment 135559
required under division (E) of section 5733.06 of the Revised Code 135560
or three-fifths of the difference between all taxes charged the 135561
corporation under this chapter and any credits allowable against 135562
such tax, except the qualifying pass-through entity tax credit 135563
described in division (A)(30) and the refundable credits described 135564
in divisions (A)(31) to (35) of section 5733.98 of the Revised 135565
Code; 135566

(iv) For tax year 2008, the greater of the minimum payment 135567
required under division (E) of section 5733.06 of the Revised Code 135568
or two-fifths of the difference between all taxes charged the 135569
corporation under this chapter and any credits allowable against 135570
such tax, except the qualifying pass-through entity tax credit 135571
described in division (A)(30) and the refundable credits described 135572
in divisions (A)(31) to (35) of section 5733.98 of the Revised 135573

Code; 135574

(v) For tax year 2009, the greater of the minimum payment 135575
required under division (E) of section 5733.06 of the Revised Code 135576
or one-fifth of the difference between all taxes charged the 135577
corporation under this chapter and any credits allowable against 135578
such tax, except the qualifying pass-through entity tax credit 135579
described in division (A)(30) and the refundable credits described 135580
in divisions (A)(31), (32), (33), and (34) of section 5733.98 of 135581
the Revised Code; 135582

(vi) For tax year 2010 and each tax year thereafter, no tax. 135583

(b) A corporation shall subtract from the amount calculated 135584
under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section 135585
any qualifying pass-through entity tax credit described in 135586
division (A)(30) and any refundable credits described in divisions 135587
(A)(31) to (35) of section 5733.98 of the Revised Code to which 135588
the corporation is entitled. Any unused qualifying pass-through 135589
entity tax credit is not refundable. 135590

(c) For the purposes of computing the amount of a credit that 135591
may be carried forward to a subsequent tax year under division 135592
(G)(2) of this section, a credit is utilized against the tax for a 135593
tax year to the extent the credit applies against the tax for that 135594
tax year, even if the difference is then multiplied by the 135595
applicable fraction under division (G)(2)(a) of this section. 135596

(d) References in division (G)(2) of this section to section 135597
5733.98 of the Revised Code is to that section before its 135598
amendment by H.B. 59 of the 130th general assembly. 135599

(3) Nothing in division (G) of this section eliminates or 135600
reduces the tax imposed by section 5733.41 of the Revised Code on 135601
a qualifying pass-through entity. 135602

Sec. 5733.06. For tax years prior to tax year 2014, the tax 135603

hereby charged each corporation subject to this chapter shall be 135604
the greater of the sum of divisions (A) and (B) of this section, 135605
after the reduction, if any, provided by division (J) of this 135606
section, or division (C) of this section, after the reduction, if 135607
any, provided by division (J) of this section, except that the tax 135608
hereby charged each financial institution subject to this chapter 135609
shall be the amount computed under division (D) of this section: 135610

(A) Except as set forth in division (F) of this section, five 135611
and one-tenth per cent upon the first fifty thousand dollars of 135612
the value of the taxpayer's issued and outstanding shares of stock 135613
as determined under division (B) of section 5733.05 of the Revised 135614
Code; 135615

(B) Except as set forth in division (F) of this section, 135616
eight and one-half per cent upon the value so determined in excess 135617
of fifty thousand dollars; or 135618

(C)(1) Except as otherwise provided under division (G) of 135619
this section, four mills times that portion of the value of the 135620
issued and outstanding shares of stock as determined under 135621
division (C) of section 5733.05 of the Revised Code. For the 135622
purposes of division (C) of this section, division (C)(2) of 135623
section 5733.065, and division (C) of section 5733.066 of the 135624
Revised Code, the value of the issued and outstanding shares of 135625
stock of an eligible corporation for tax year 2003 through tax 135626
year 2007, or of a qualifying holding company, is zero. 135627

(2) As used in division (C) of this section, "eligible 135628
corporation" means a person treated as a corporation for federal 135629
income tax purposes that meets all of the following criteria: 135630

(a) The corporation conducts business for an entire taxable 135631
year as a qualified trade or business as defined by division (C) 135632
of section 122.15 of the Revised Code, as that section existed 135633
before its repeal by H.B. 59 of the 130th general assembly. 135634

(b) The corporation uses more than fifty per cent of the corporation's assets, based on net book value, that are located in Ohio solely to conduct activities that constitute a qualified trade or business as defined by section 122.15 of the Revised Code, as that section existed before its repeal by H.B. 59 of the 130th general assembly.

(c) The corporation has been formed or organized not more than three years before the report required to be filed by section 5733.02 of the Revised Code is due, without regard to any extensions.

(d) The corporation is not a related member, as defined in section 5733.042 of the Revised Code, at any time during the taxable year with respect to another person treated as a corporation for federal income tax purposes. A corporation is not a related member if during the entire taxable year at least seventy-five per cent of the corporation's stock is owned directly or through a pass-through entity by individuals, estates, and grantor trusts, and the individuals, estates, and grantor trusts do not directly or indirectly own more than twenty per cent of the value of another person treated as a corporation for federal income tax purposes that is conducting a qualified trade or business.

(D) The tax charged each financial institution subject to this chapter shall be that portion of the value of the issued and outstanding shares of stock as determined under division (A) of section 5733.05 of the Revised Code, multiplied by the following amounts:

- (1) For tax years prior to the 1999 tax year, fifteen mills;
- (2) For the 1999 tax year, fourteen mills;
- (3) For tax year 2000 and thereafter, thirteen mills.

(E) No tax shall be charged from any corporation that has

been adjudicated bankrupt, or for which a receiver has been 135666
appointed, or that has made a general assignment for the benefit 135667
of creditors, except for the portion of the then current tax year 135668
during which the tax commissioner finds such corporation had the 135669
power to exercise its corporate franchise unimpaired by such 135670
proceedings or act. The minimum payment for each corporation shall 135671
be as follows: 135672

(1) One thousand dollars in the case of a corporation having 135673
gross receipts for the taxable year equal to at least five million 135674
dollars from activities within or outside this state or in the 135675
case of a corporation employing at least three hundred employees 135676
at some time during the taxable year within or outside this state; 135677

(2) Fifty dollars in the case of any other corporation. 135678

The tax charged to corporations under this chapter for the 135679
privilege of engaging in business in this state, which is an 135680
excise tax levied on the value of the issued and outstanding 135681
shares of stock, shall in no manner be construed as prohibiting or 135682
otherwise limiting the powers of municipal corporations, joint 135683
economic development zones created under section 715.691 of the 135684
Revised Code, and joint economic development districts created 135685
under section 715.70 or 715.71 or sections 715.72 to 715.81 of the 135686
Revised Code in this state to impose an income tax on the income 135687
of such corporations. 135688

(F) If two or more taxpayers satisfy the ownership or control 135689
requirements of division (A) of section 5733.052 of the Revised 135690
Code, each such taxpayer shall substitute "the taxpayer's pro-rata 135691
amount" for "fifty thousand dollars" in divisions (A) and (B) of 135692
this section. For purposes of this division, "the taxpayer's 135693
pro-rata amount" is an amount that, when added to the other such 135694
taxpayers' pro-rata amounts, does not exceed fifty thousand 135695
dollars. For the purpose of making that computation, the 135696
taxpayer's pro-rata amount shall not be less than zero. Nothing in 135697

this division derogates from or eliminates the requirement to make 135698
the alternative computation of tax under division (C) of this 135699
section. 135700

(G) The tax liability of any corporation under division (C) 135701
of this section shall not exceed one hundred fifty thousand 135702
dollars. 135703

(H)(1) For the purposes of division (H) of this section, 135704
"exiting corporation" means a corporation that satisfies all of 135705
the following conditions: 135706

(a) The corporation had nexus with or in this state under the 135707
Constitution of the United States during any portion of a calendar 135708
year; 135709

(b) The corporation was not a corporation described in 135710
division (A) of section 5733.01 of the Revised Code on the first 135711
day of January immediately following that calendar year; 135712

(c) The corporation was not a financial institution on the 135713
first day of January immediately following that calendar year; 135714

(d) If the corporation was a transferor as defined in section 135715
5733.053 of the Revised Code, the corporation's transferee was not 135716
required to add to the transferee's net income the income of the 135717
transferor pursuant to division (B) of that section; 135718

(e) During any portion of that calendar year, or any portion 135719
of the immediately preceding calendar year, the corporation had 135720
net income that was not included in a report filed by the 135721
corporation or its transferee pursuant to section 5733.02, 135722
5733.021, 5733.03, 5733.031, or 5733.053 of the Revised Code; 135723

(f) The corporation would have been subject to the tax 135724
computed under divisions (A), (B), (C), (F), and (G) of this 135725
section if the corporation is assumed to be a corporation 135726
described in division (A) of section 5733.01 of the Revised Code 135727

on the first day of January immediately following the calendar 135728
year to which division (H)(1)(a) of this section refers. 135729

(2) For the purposes of division (H) of this section, 135730
"unreported net income" means net income that was not previously 135731
included in a report filed pursuant to section 5733.02, 5733.021, 135732
5733.03, 5733.031, or 5733.053 of the Revised Code and that was 135733
realized or recognized during the calendar year to which division 135734
(H)(1) of this section refers or the immediately preceding 135735
calendar year. 135736

(3) Each exiting corporation shall pay a tax computed by 135737
first allocating and apportioning the unreported net income 135738
pursuant to division (B) of section 5733.05 and section 5733.051 135739
and, if applicable, section 5733.052 of the Revised Code. The 135740
exiting corporation then shall compute the tax due on its 135741
unreported net income allocated and apportioned to this state by 135742
applying divisions (A), (B), and (F) of this section to that 135743
income. 135744

(4) Divisions (C) and (G) of this section, division (D)(2) of 135745
section 5733.065, and division (C) of section 5733.066 of the 135746
Revised Code do not apply to an exiting corporation, but exiting 135747
corporations are subject to every other provision of this chapter. 135748

(5) Notwithstanding division (B) of section 5733.01 or 135749
sections 5733.02, 5733.021, and 5733.03 of the Revised Code to the 135750
contrary, each exiting corporation shall report and pay the tax 135751
due under division (H) of this section on or before the 135752
thirty-first day of May immediately following the calendar year to 135753
which division (H)(1)(a) of this section refers. The exiting 135754
corporation shall file that report on the form most recently 135755
prescribed by the tax commissioner for the purposes of complying 135756
with sections 5733.02 and 5733.03 of the Revised Code. Upon 135757
request by the corporation, the tax commissioner may extend the 135758
date for filing the report. 135759

(6) If, on account of the application of section 5733.053 of the Revised Code, net income is subject to the tax imposed by divisions (A) and (B) of this section, such income shall not be subject to the tax imposed by division (H)(3) of this section.

(7) The amendments made to division (H) of this section by Am. Sub. S.B. 287 of the 123rd general assembly do not apply to any transfer, as defined in section 5733.053 of the Revised Code, for which negotiations began prior to January 1, 2001, and that was commenced in and completed during calendar year 2001, unless the taxpayer makes an election prior to December 31, 2001, to apply those amendments.

(8) The tax commissioner may adopt rules governing division (H) of this section.

(I) Any reference in the Revised Code to "the tax imposed by section 5733.06 of the Revised Code" or "the tax due under section 5733.06 of the Revised Code" includes the taxes imposed under sections 5733.065 and 5733.066 of the Revised Code.

(J)(1) Division (J) of this section applies solely to a combined company. Section 5733.057 of the Revised Code shall apply when calculating the adjustments required by division (J) of this section.

(2) Subject to division (J)(4) of this section, the total tax calculated in divisions (A) and (B) of this section shall be reduced by an amount calculated by multiplying such tax by a fraction, the numerator of which is the total taxable gross receipts attributed to providing public utility activity other than as an electric company under section 5727.03 of the Revised Code for the year upon which the taxable gross receipts are measured immediately preceding the tax year, and the denominator of which is the total gross receipts from all sources for the year upon which the taxable gross receipts are measured immediately

preceding the tax year. Nothing herein shall be construed to 135791
exclude from the denominator any item of income described in 135792
section 5733.051 of the Revised Code. 135793

(3) Subject to division (J)(4) of this section, the total tax 135794
calculated in division (C) of this section shall be reduced by an 135795
amount calculated by multiplying such tax by the fraction 135796
described in division (J)(2) of this section. 135797

(4) In no event shall the reduction provided by division 135798
(J)(2) or (J)(3) of this section exceed the amount of the excise 135799
tax paid in accordance with section 5727.38 of the Revised Code, 135800
for the year upon which the taxable gross receipts are measured 135801
immediately preceding the tax year. 135802

Sec. 5733.11. (A) If any corporation required to file a 135803
report under this chapter fails to file the report within the time 135804
prescribed, files an incorrect report, or fails to remit the full 135805
amount of the tax due for the period covered by the report, the 135806
tax commissioner may make an assessment against the corporation 135807
for any deficiency for the period for which the report or tax is 135808
due, based upon any information in the commissioner's possession. 135809

No assessment shall be made or issued against a corporation 135810
more than three years after the later of the final date the report 135811
subject to assessment was required to be filed or the date the 135812
report was filed. Such time limit may be extended if both the 135813
corporation and the commissioner consent in writing to the 135814
extension or if an agreement waiving or extending the time limit 135815
has been entered into pursuant to section 122.171 of the Revised 135816
Code. Any such extension shall extend the three-year time limit in 135817
division (B) of section 5733.12 of the Revised Code for the same 135818
period of time. There shall be no bar or limit to an assessment 135819
against a corporation that fails to file a report subject to 135820
assessment as required by this chapter, or that files a fraudulent 135821

report. 135822

The commissioner shall give the corporation assessed written 135823
notice of the assessment in the manner provided in section 5703.37 135824
of the Revised Code. With the notice, the commissioner shall 135825
provide instructions on how to petition for reassessment and 135826
request a hearing on the petition. 135827

(B) Unless the corporation assessed files with the tax 135828
commissioner within sixty days after service of the notice of 135829
assessment, either personally or by certified mail, a written 135830
petition for reassessment, signed by the ~~corporations~~ 135831
corporation's authorized agent having knowledge of the facts, ⁷ the 135832
assessment becomes final, and the amount of the assessment is due 135833
and payable from the corporation assessed to the treasurer of 135834
state. The petition shall indicate the corporation's objections, 135835
but additional objections may be raised in writing if received by 135836
the commissioner prior to the date shown on the final 135837
determination. If the petition has been properly filed, the 135838
commissioner shall proceed under section 5703.60 of the Revised 135839
Code. 135840

(C) After an assessment becomes final, if any portion of the 135841
assessment remains unpaid, including accrued interest, a certified 135842
copy of the tax commissioner's entry making the assessment final 135843
may be filed in the office of the clerk of the court of common 135844
pleas in the county in which the corporation has an office or 135845
place of business in this state, the county in which the 135846
corporation's statutory agent is located, or Franklin county. 135847

Immediately upon the filing of the entry, the clerk shall 135848
enter a judgment against the corporation assessed in the amount 135849
shown on the entry. The judgment may be filed by the clerk in a 135850
loose-leaf book entitled "special judgments for state corporate 135851
franchise and litter taxes," and shall have the same effect as 135852
other judgments. Execution shall issue upon the judgment upon the 135853

request of the tax commissioner, and all laws applicable to sales 135854
on execution shall apply to sales made under the judgment. 135855

~~The portion of an~~ If the assessment is not paid within sixty 135856
days after the day the assessment was issued, the portion of the 135857
assessment consisting of tax due shall bear interest at the rate 135858
per annum prescribed by section 5703.47 of the Revised Code from 135859
the day the tax commissioner issues the assessment until the 135860
assessment is paid or until it is certified to the attorney 135861
general for collection under section 131.02 of the Revised Code, 135862
whichever comes first. If the unpaid portion of the assessment is 135863
certified to the attorney general for collection, the entire 135864
unpaid portion of the assessment shall bear interest at the rate 135865
per annum prescribed by section 5703.47 of the Revised Code from 135866
the date of certification until the date it is paid in its 135867
entirety. Interest shall be paid in the same manner as the tax and 135868
may be collected by issuing an assessment under this section. 135869

(D) All money collected under this section shall be 135870
considered as revenue arising from the taxes imposed by this 135871
chapter. 135872

(E) The portion of an assessment that must be paid upon the 135873
filing of a petition for reassessment shall be as follows: 135874

(1) If the sole item objected to is the assessed penalty or 135875
interest, payment of the assessment, including interest but not 135876
penalty, is required; 135877

(2) If the corporation assessed failed to file, prior to the 135878
date of issuance of the assessment, the annual report required by 135879
section 5733.02 of the Revised Code, any amended report required 135880
by division (C) of section 5733.031 of the Revised Code for the 135881
tax year at issue, or any amended report required by division (D) 135882
of section 5733.067 of the Revised Code to indicate a reduction in 135883
the amount of the credit provided under that section, payment of 135884

the assessment, including interest but not penalty, is required; 135885

(3) If the corporation assessed filed, prior to the date of 135886
issuance of the assessment, the annual report required by section 135887
5733.02 of the Revised Code, all amended reports required by 135888
division (C) of section 5733.031 of the Revised Code for the tax 135889
year at issue, and all amended reports required by division (D) of 135890
section 5733.067 of the Revised Code to indicate a reduction in 135891
the amount of the credit provided under that section, and a 135892
balance of the taxes shown due on the reports as computed on the 135893
reports remains unpaid, payment of only that portion of the 135894
assessment representing the unpaid balance of tax and interest is 135895
required; 135896

(4) If the corporation assessed does not dispute that it is a 135897
taxpayer but claims the protections of section 101 of Public Law 135898
86-272, 73 Stat. 555, 15 U.S.C.A. 381, as amended, payment of only 135899
that portion of the assessment representing any balance of taxes 135900
shown due on the corporation's annual report required by section 135901
5733.02 of the Revised Code, as computed on the report, that 135902
remains unpaid, and that represents taxes imposed by division (C) 135903
of section 5733.06, division (C)(2) of section 5733.065, and 135904
division (C) of section 5733.066 of the Revised Code, together 135905
with all related interest, is required; 135906

(5) If none of the conditions specified in divisions (E)(1) 135907
to (4) of this section apply, or if the corporation assessed 135908
disputes that it is a taxpayer, no payment is required. 135909

(F) Notwithstanding the fact that a petition for reassessment 135910
is pending, the corporation may pay all or a portion of the 135911
assessment that is the subject of the petition. The acceptance of 135912
a payment by the treasurer of state does not prejudice any claim 135913
for refund upon final determination of the petition. 135914

If upon final determination of the petition an error in the 135915

assessment is corrected by the tax commissioner, upon petition so 135916
filed or pursuant to a decision of the board of tax appeals or any 135917
court to which the determination or decision has been appealed, so 135918
that the amount due from the corporation under the corrected 135919
assessment is less than the portion paid, there shall be issued to 135920
the corporation, its assigns, or legal representative a refund in 135921
the amount of the overpayment as provided by section 5733.12 of 135922
the Revised Code, with interest on that amount as provided by 135923
section 5733.26 of the Revised Code, subject to section 5733.121 135924
of the Revised Code. 135925

Sec. 5733.55. (A) As used in this section: 135926

(1) "9-1-1 system" has the same meaning as in section ~~5507.01~~ 135927
128.01 of the Revised Code. 135928

(2) "Nonrecurring 9-1-1 charges" means nonrecurring charges 135929
approved by the public utilities commission for the telephone 135930
network portion of a 9-1-1 system pursuant to section ~~5507.18~~ 135931
128.18 of the Revised Code. 135932

(3) "Eligible nonrecurring 9-1-1 charges" means all 135933
nonrecurring 9-1-1 charges for a 9-1-1 system except both of the 135934
following: 135935

(a) Charges for a system that was not established pursuant to 135936
a plan adopted under section ~~5507.08~~ 128.08 of the Revised Code or 135937
an agreement under section ~~5507.09~~ 128.09 of the Revised Code; 135938

(b) Charges for that part of a system established pursuant to 135939
such a plan or agreement that are excluded from the credit by 135940
division (C)(2) of section ~~5507.18~~ 128.18 of the Revised Code. 135941

(4) "Telephone company" has the same meaning as in section 135942
5727.01 of the Revised Code. 135943

(B) Beginning in tax year 2005, a telephone company shall be 135944
allowed a nonrefundable credit against the tax imposed by section 135945

5733.06 of the Revised Code equal to the amount of its eligible 135946
nonrecurring 9-1-1 charges. The credit shall be claimed for the 135947
company's taxable year that covers the period in which the 9-1-1 135948
service for which the credit is claimed becomes available for use. 135949
The credit shall be claimed in the order required by section 135950
5733.98 of the Revised Code. If the credit exceeds the total taxes 135951
due under section 5733.06 of the Revised Code for the tax year, 135952
the tax commissioner shall credit the excess against taxes due 135953
under that section for succeeding tax years until the full amount 135954
of the credit is granted. 135955

(C) After the last day a return, with any extensions, may be 135956
filed by any telephone company that is eligible to claim a credit 135957
under this section, the commissioner shall determine whether the 135958
sum of the credits allowed for prior tax years commencing with tax 135959
year 2005 plus the sum of the credits claimed for the current tax 135960
year exceeds fifteen million dollars. If it does, the credits 135961
allowed under this section for the current tax year shall be 135962
reduced by a uniform percentage such that the sum of the credits 135963
allowed for the current tax year do not exceed fifteen million 135964
dollars claimed by all telephone companies for all tax years. 135965
Thereafter, no credit shall be granted under this section, except 135966
for the remaining portions of any credits allowed under division 135967
(B) of this section. 135968

(D) A telephone company that is entitled to carry forward a 135969
credit against its public utility excise tax liability under 135970
section 5727.39 of the Revised Code is entitled to carry forward 135971
any amount of that credit remaining after its last public utility 135972
excise tax payment for the period of July 1, 2003, through June 135973
30, 2004, and claim that amount as a credit against its 135974
corporation franchise tax liability under this section. Nothing in 135975
this section authorizes a telephone company to claim a credit 135976
under this section for any eligible nonrecurring 9-1-1 charges for 135977

which it has already claimed a credit under this section or 135978
section 5727.39 of the Revised Code. 135979

Sec. 5733.58. (A) Terms used in this section have the same 135980
meaning as in section 5725.33 of the Revised Code. 135981

(B) There is hereby allowed a nonrefundable credit against 135982
the tax imposed by section 5733.06 of the Revised Code for a 135983
financial institution holding a qualified equity investment on the 135984
credit allowance date occurring in the calendar year immediately 135985
preceding the tax year for which the tax is due. The credit shall 135986
be computed in the same manner prescribed for the computation of 135987
credits allowed under section 5725.33 of the Revised Code. 135988

By claiming a tax credit under this section, a financial 135989
institution waives its rights under section 5733.11 of the Revised 135990
Code with respect to the time limitation for the assessment of 135991
taxes as it relates to credits claimed that later become subject 135992
to recapture under division (D) of this section. 135993

The credit shall be claimed in the order prescribed by 135994
section 5733.98 of the Revised Code. If the amount of the credit 135995
exceeds the amount of tax otherwise due after deducting all other 135996
credits in that order, the excess may be carried forward and 135997
applied to the tax due for not more than four ensuing tax years. 135998

(C) The total amount of qualified equity investments on the 135999
basis of which credits may be claimed under this section and 136000
sections 5725.33 and 5729.16 of the Revised Code is subject to the 136001
limitation of division (C) of section 5725.33 of the Revised Code. 136002

(D) If any amount of ~~the~~ a federal tax credit allowed for a 136003
qualified equity investment for which a credit was received under 136004
this section is recaptured under section 45D of the Internal 136005
Revenue Code, or if the director of development services 136006
determines that an investment for which a tax credit is claimed 136007

under this section is not a qualified equity investment or that 136008
the proceeds of an investment for which a tax credit is claimed 136009
under this section are used to make qualified low-income community 136010
investments other than in a qualified active low-income community 136011
business, all or a portion of the credit received on account of 136012
that investment shall be paid by the financial institution that 136013
received the credit to the tax commissioner. The amount to be 136014
recovered shall be determined by the director of development 136015
services pursuant to rules adopted under section 5725.33 of the 136016
Revised Code. The director shall certify any amount due under this 136017
division to the tax commissioner, and the commissioner shall 136018
notify the financial institution of the amount due. The amount due 136019
is payable not later than thirty days after the day the 136020
commissioner issues the notice. The amount due shall be considered 136021
to be tax due under section 5733.06 of the Revised Code, and may 136022
be collected by assessment without regard to the limitations 136023
imposed under section 5733.11 of the Revised Code for the 136024
assessment of taxes by the commissioner. All amounts collected 136025
under this division shall be credited as revenue from the tax 136026
levied under section 5733.06 of the Revised Code. 136027

Sec. 5733.98. (A) To provide a uniform procedure for 136028
calculating the amount of tax imposed by section 5733.06 of the 136029
Revised Code that is due under this chapter, a taxpayer shall 136030
claim any credits to which it is entitled in the following order, 136031
except as otherwise provided in section 5733.058 of the Revised 136032
Code: 136033

(1) For tax year 2005, the credit for taxes paid by a 136034
qualifying pass-through entity allowed under section 5733.0611 of 136035
the Revised Code; 136036

(2) The credit allowed for financial institutions under 136037
section 5733.45 of the Revised Code; 136038

(3) The credit for qualifying affiliated groups under section 5733.068 of the Revised Code;	136039 136040
(4) The subsidiary corporation credit under section 5733.067 of the Revised Code;	136041 136042
(5) The savings and loan assessment credit under section 5733.063 of the Revised Code;	136043 136044
(6) The credit for recycling and litter prevention donations under section 5733.064 of the Revised Code;	136045 136046
(7) The credit for employers that enter into agreements with child day-care centers under section 5733.36 of the Revised Code;	136047 136048
(8) The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;	136049 136050
(9) The credit for maintaining railroad active grade crossing warning devices under section 5733.43 of the Revised Code;	136051 136052
(10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	136053 136054
(11) The nonrefundable job retention credit under division (B) of section 5733.0610 of the Revised Code;	136055 136056
(12) The credit for tax years 2008 and 2009 for selling alternative fuel under section 5733.48 of the Revised Code;	136057 136058
(13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	136059 136060
(14) The job training credit under section 5733.42 of the Revised Code;	136061 136062
(15) The credit for qualified research expenses under section 5733.351 of the Revised Code;	136063 136064
(16) The enterprise zone credit under section 5709.66 of the Revised Code;	136065 136066
(17) The credit for the eligible costs associated with a	136067

voluntary action under section 5733.34 of the Revised Code;	136068
(18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	136069 136070
(19) The ethanol plant investment credit under section 5733.46 of the Revised Code;	136071 136072
(20) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	136073 136074
(21) The export sales credit under section 5733.069 of the Revised Code;	136075 136076
(22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	136077 136078
(23) The enterprise zone credits under section 5709.65 of the Revised Code;	136079 136080
(24) <u>(23)</u> The credit for using Ohio coal under section 5733.39 of the Revised Code;	136081 136082
(25) <u>(24)</u> The credit for purchases of qualified low-income community investments under section 5733.58 of the Revised Code;	136083 136084
(26) <u>(25)</u> The credit for small telephone companies under section 5733.57 of the Revised Code;	136085 136086
(27) <u>(26)</u> The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	136087 136088
(28) <u>(27)</u> For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code;	136089 136090 136091
(29) <u>(28)</u> The research and development credit under section 5733.352 of the Revised Code;	136092 136093
(30) <u>(29)</u> For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	136094 136095 136096

(31) (30) The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	136097 136098
(32) (31) The refundable jobs creation credit or job retention credit under division (A) of section 5733.0610 of the Revised Code;	136099 136100 136101
(33) (32) The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	136102 136103
(34) (33) The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	136104 136105 136106
(35) (34) For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code;	136107 136108 136109
(36) (35) The refundable motion picture production credit under section 5733.59 of the Revised Code.	136110 136111
(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit.	136112 136113 136114 136115 136116 136117
Sec. 5735.012. Amounts <u>With respect to liquid motor fuel other than liquid natural gas, amounts</u> of motor fuel reported under this chapter shall be measured in gross gallons, except that amounts reported for terminal to terminal transactions shall be measured in net gallons and amounts reported for terminal to Ohio licensed dealer transactions shall be measured in both net gallons and gross gallons. <u>Amounts of liquid natural gas shall be measured in gallon equivalents as described in section 5735.013 of the Revised Code.</u>	136118 136119 136120 136121 136122 136123 136124 136125 136126

Sec. 5735.013. For the purposes of this chapter, if the national conference on weights and measures has adopted a diesel gallon equivalent standard for liquid natural gas, that standard shall be the equivalent of one gallon of motor fuel. If the national conference on weights and measures has not adopted such a standard, six and six one-hundredths pounds of liquid natural gas shall be the equivalent of one gallon of motor fuel.

Sec. 5735.12. (A) Any motor fuel dealer required by this chapter to file reports and pay the tax levied by this chapter who fails to file the report within the time prescribed, may be liable for an additional charge not exceeding the greater of ten per cent of the motor fuel dealer's tax liability for that month or fifty dollars. The tax commissioner may remit all or a portion of the additional charge and may adopt rules relating to the remission of all or a portion of the charge.

If any person required by this chapter to file reports and pay the taxes, interest, or additional charge levied by this chapter fails to file the report, files an incomplete or incorrect report, or fails to remit the full amount of the tax, interest, or additional charge due for the period covered by the report, the commissioner may make an assessment against the person based upon any information in the commissioner's possession.

No assessment shall be made against any motor fuel dealer for taxes imposed by this chapter more than four years after the date on which the report on which the assessment was based was due or was filed, whichever is later. This section does not bar an assessment against any motor fuel dealer who fails to file a report required by section 5735.06 of the Revised Code, or who files a fraudulent motor fuel tax report.

A penalty of up to fifteen per cent may be added to the

amount of every assessment made under this section. The 136157
commissioner may adopt rules providing for the imposition and 136158
remission of penalties added to assessments made under this 136159
section. 136160

The commissioner shall give the party assessed written notice 136161
of the assessment in the manner provided in section 5703.37 of the 136162
Revised Code. With the notice, the commissioner shall provide 136163
instructions on how to petition for reassessment and request a 136164
hearing on the petition. 136165

(B) Unless the party assessed files with the tax commissioner 136166
within sixty days after service of the notice of assessment, 136167
either personally or by certified mail, a written petition for 136168
reassessment in writing, signed by the party assessed or that 136169
party's authorized agent having knowledge of the facts, the 136170
assessment becomes final and the amount of the assessment is due 136171
and payable from the party assessed to the treasurer of state. The 136172
petition shall indicate the objections of the party assessed, but 136173
additional objections may be raised in writing if received by the 136174
commissioner prior to the date shown on the final determination. 136175
If the petition has been properly filed, the commissioner shall 136176
proceed under section 5703.60 of the Revised Code. 136177

(C) After an assessment becomes final, if any portion of the 136178
assessment remains unpaid, including accrued interest, a certified 136179
copy of the tax commissioner's entry making the assessment final 136180
may be filed in the office of the clerk of the court of common 136181
pleas in the county in which the party assessed resides or in 136182
which the business of the party assessed is conducted. If the 136183
party assessed maintains no place of business in this state and is 136184
not a resident of this state, the certified copy of the entry may 136185
be filed in the office of the clerk of the court of common pleas 136186
of Franklin county. 136187

Immediately upon the filing of the entry, the clerk shall 136188

enter a judgment for the state against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state motor fuel tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

~~The portion of~~ If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until it is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) All money collected by the tax commissioner under this section shall be paid to the treasurer of state, and when paid shall be considered as revenue arising from the tax imposed by this chapter.

(E) If the tax commissioner determines that the commissioner has erroneously refunded motor fuel tax to any person, the commissioner may make an assessment against the person for recovery of the erroneously refunded tax.

Sec. 5735.142. (A)(1) Any person who uses any motor fuel, on

which the tax imposed by sections 5735.05, 5735.25, and 5735.29 of 136220
the Revised Code has been paid, for the purpose of operating a 136221
transit bus shall be reimbursed in the amount of such tax paid on 136222
motor fuel used by public transportation systems providing transit 136223
or paratransit service on a regular and continuing basis within 136224
the state; 136225

(2) A city, exempted village, joint vocational, or local 136226
school district or educational service center that purchases any 136227
motor fuel for school district or service center operations, on 136228
which any tax imposed by ~~section~~ sections 5735.25 and 5735.29 of 136229
the Revised Code ~~that became effective on or after July 1, 2003,~~ 136230
has been paid, may, if an application is filed under this section, 136231
be reimbursed in the amount of all ~~but two cents per gallon of the~~ 136232
~~total~~ such tax ~~imposed by such section and paid on motor fuel.~~ 136233

(3) A county board of developmental disabilities that, on or 136234
after July 1, 2005, purchases any motor fuel for county board 136235
operations, on which any tax imposed by section 5735.29 of the 136236
Revised Code has been paid may, if an application is filed under 136237
this section, be reimbursed in the amount of all but two cents per 136238
gallon of the total tax imposed by such section and paid on motor 136239
fuel purchased on or after July 1, 2005. 136240

(B) Such person, school district, educational service center, 136241
or county board shall file with the tax commissioner an 136242
application for refund within one year from the date of purchase, 136243
stating the quantity of fuel used for operating transit buses used 136244
by local transit systems in furnishing scheduled common carrier, 136245
public passenger land transportation service along regular routes 136246
primarily in one or more municipal corporations or for operating 136247
vehicles used for school district, service center, or county board 136248
operations. However, no claim shall be made for the tax on fewer 136249
than one hundred gallons of motor fuel. A school district, 136250
educational service center, or county board shall not apply for a 136251

refund for any tax paid on motor fuel that is sold by the 136252
district, service center, or county board. The application shall 136253
be accompanied by the statement described in section 5735.15 of 136254
the Revised Code showing the purchase, together with evidence of 136255
payment thereof. 136256

(C) After consideration of the application and statement, the 136257
commissioner shall determine the amount of refund to which the 136258
applicant is entitled. If the amount is not less than that 136259
claimed, the commissioner shall certify the amount to the director 136260
of budget and management and treasurer of state for payment from 136261
the tax refund fund created by section 5703.052 of the Revised 136262
Code. If the amount is less than that claimed, the commissioner 136263
shall proceed in accordance with section 5703.70 of the Revised 136264
Code. 136265

The commissioner may require that the application be 136266
supported by the affidavit of the claimant. No refund shall be 136267
authorized or ordered for any single claim for the tax on fewer 136268
than one hundred gallons of motor fuel. No refund shall be 136269
authorized or ordered on motor fuel that is sold by a school 136270
district, educational service center, or county board. 136271

(D) The refund authorized by this section or section 5703.70 136272
of the Revised Code shall be reduced by the cents per gallon 136273
amount of any qualified fuel credit received under section 136274
5735.145 of the Revised Code, as determined by the commissioner, 136275
for each gallon of qualified fuel included in the total gallonage 136276
of motor fuel upon which the refund is computed. 136277

(E) The right to receive any refund under this section or 136278
section 5703.70 of the Revised Code is not assignable. The payment 136279
of this refund shall not be made to any person or entity other 136280
than the person or entity originally entitled thereto who used the 136281
motor fuel upon which the claim for refund is based, except that 136282
the refund when allowed and certified, as provided in this 136283

section, may be paid to the executor, the administrator, the 136284
receiver, the trustee in bankruptcy, or the assignee in insolvency 136285
proceedings of the person. 136286

Sec. 5735.27. (A) There is hereby created in the state 136287
treasury the gasoline excise tax fund, which shall be distributed 136288
in the following manner: 136289

(1) The amount credited pursuant to divisions (B)(2)(a) and 136290
(C)(2)(a) of section 5735.23 of the Revised Code shall be 136291
distributed among municipal corporations. The amount paid to each 136292
municipal corporation shall be that proportion of the amount to be 136293
so distributed that the number of motor vehicles registered within 136294
the municipal corporation bears to the total number of motor 136295
vehicles registered within all the municipal corporations of this 136296
state during the preceding motor vehicle registration year. When a 136297
new village is incorporated, the registrar of motor vehicles shall 136298
determine from the applications on file in the bureau of motor 136299
vehicles the number of motor vehicles located within the territory 136300
comprising the village during the entire registration year in 136301
which the municipal corporation was incorporated. The registrar 136302
shall forthwith certify the number of motor vehicles so determined 136303
to the tax commissioner for use in distributing motor vehicle fuel 136304
tax funds to the village until the village is qualified to 136305
participate in the distribution of the funds pursuant to this 136306
division. The number of motor vehicle registrations shall be 136307
determined by the official records of the bureau of motor 136308
vehicles. The amount received by each municipal corporation shall 136309
be used to plan, construct, reconstruct, repave, widen, maintain, 136310
repair, clear, and clean public highways, roads, and streets; to 136311
maintain and repair bridges and viaducts; to purchase, erect, and 136312
maintain street and traffic signs and markers; to pay the costs 136313
apportioned to the municipal corporation under section 4907.47 of 136314
the Revised Code; to purchase, erect, and maintain traffic lights 136315

and signals; to pay the principal, interest, and charges on bonds 136316
and other obligations issued pursuant to Chapter 133. of the 136317
Revised Code or incurred pursuant to section 5531.09 of the 136318
Revised Code for the purpose of acquiring or constructing roads, 136319
highways, bridges, or viaducts or acquiring or making other 136320
highway improvements for which the municipal corporation may issue 136321
bonds; and to supplement revenue already available for these 136322
purposes. 136323

(2) The amount credited pursuant to division (B) of section 136324
5735.26 of the Revised Code shall be distributed among the 136325
municipal corporations within the state, in the proportion which 136326
the number of motor vehicles registered within each municipal 136327
corporation bears to the total number of motor vehicles registered 136328
within all the municipal corporations of the state during the 136329
preceding calendar year, as shown by the official records of the 136330
bureau of motor vehicles, and shall be expended by each municipal 136331
corporation to plan, construct, reconstruct, repave, widen, 136332
maintain, repair, clear, and clean public highways, roads, and 136333
streets; to maintain and repair bridges and viaducts; to purchase, 136334
erect, and maintain street and traffic signs and markers; to 136335
purchase, erect, and maintain traffic lights and signals; to pay 136336
costs apportioned to the municipal corporation under section 136337
4907.47 of the Revised Code; to pay the principal, interest, and 136338
charges on bonds and other obligations issued pursuant to Chapter 136339
133. of the Revised Code or incurred pursuant to section 5531.09 136340
of the Revised Code for the purpose of acquiring or constructing 136341
roads, highways, bridges, or viaducts or acquiring or making other 136342
highway improvements for which the municipal corporation may issue 136343
bonds; and to supplement revenue already available for these 136344
purposes. 136345

(3) The amount credited pursuant to divisions (B)(2)(b) and 136346
(C)(2)(c) of section 5735.23 of the Revised Code shall be paid in 136347

equal proportions to the county treasurer of each county within 136348
the state and shall be used only for the purposes of planning, 136349
maintaining, and repairing the county system of public roads and 136350
highways within the county; the planning, construction, and repair 136351
of walks or paths along county roads in congested areas; the 136352
planning, construction, purchase, lease, and maintenance of 136353
suitable buildings for the housing and repair of county road 136354
machinery, housing of supplies, and housing of personnel 136355
associated with the machinery and supplies; the payment of costs 136356
apportioned to the county under section 4907.47 of the Revised 136357
Code; the payment of principal, interest, and charges on bonds and 136358
other obligations issued pursuant to Chapter 133. of the Revised 136359
Code or incurred pursuant to section 5531.09 of the Revised Code 136360
for the purpose of acquiring or constructing roads, highways, 136361
bridges, or viaducts or acquiring or making other highway 136362
improvements for which the board of county commissioners may issue 136363
bonds under that chapter; and the purchase, installation, and 136364
maintenance of traffic signal lights. 136365

(4) The amount credited pursuant to division (C) of section 136366
5735.26 of the Revised Code shall be paid in equal proportions to 136367
the county treasurer of each county for the purposes of planning, 136368
maintaining, constructing, widening, and reconstructing the county 136369
system of public roads and highways; paying principal, interest, 136370
and charges on bonds and other obligations issued pursuant to 136371
Chapter 133. of the Revised Code or incurred pursuant to section 136372
5531.09 of the Revised Code for the purpose of acquiring or 136373
constructing roads, highways, bridges, or viaducts or acquiring or 136374
making other highway improvements for which the board of county 136375
commissioners may issue bonds under that chapter; and paying costs 136376
apportioned to the county under section 4907.47 of the Revised 136377
Code. 136378

(5)(a) The amount credited pursuant to division (D) of 136379

section 5735.26 and division (C)(2)(b) of section 5735.23 of the Revised Code shall be divided in equal proportions among the townships within the state.

(b) As used in division (A)(5)(b) of this section, the "formula amount" for any township is the amount that would be allocated to that township if fifty per cent of the amount credited to townships pursuant to section 5735.291 of the Revised Code were allocated among townships in the state proportionate to the number of centerline miles within the boundaries of the respective townships, as determined annually by the department of transportation, and the other fifty per cent of the amount credited pursuant to section 5735.291 of the Revised Code were allocated among townships in the state proportionate to the number of motor vehicles registered within the respective townships, as determined annually by the records of the bureau of motor vehicles. The number of centerline miles within the boundaries of a township shall not include any centerline miles of township roads that have been placed on nonmaintained status by a board of township trustees pursuant to section 5571.20 of the Revised Code.

Beginning on August 15, 2003, the tax levied by section 5735.29 of the Revised Code shall be partially allocated to provide funding for townships. Each township shall receive the greater of the following two calculations:

(i) The total statewide amount credited to townships under division (A) of section 5735.291 of the Revised Code divided by the number of townships in the state at the time of the calculation;

(ii) Seventy per cent of the formula amount for that township.

(c) The total difference between the amount of money credited to townships under division (A) of section 5735.291 of the Revised

Code and the total amount of money required to make all the 136411
payments specified in division (A)(5)(b) of this section shall be 136412
deducted, in accordance with division (B) of section 5735.291 of 136413
the Revised Code, from the revenues resulting from the tax levied 136414
pursuant to section 5735.29 of the Revised Code prior to crediting 136415
portions of such revenues to counties, municipal corporations, and 136416
the highway operating fund. 136417

(d) All amounts credited pursuant to divisions (A)(5)(a) and 136418
(b) of this section shall be paid to the county treasurer of each 136419
county for the total amount payable to the townships within each 136420
of the counties. The county treasurer shall pay to each township 136421
within the county its proportional share of the funds, which shall 136422
be expended by each township only for the purposes of planning, 136423
constructing, maintaining, widening, and reconstructing the public 136424
roads and highways within the township, paying principal, 136425
interest, and charges on bonds and other obligations issued 136426
pursuant to Chapter 133. or 505. of the Revised Code or incurred 136427
pursuant to section 5531.09 of the Revised Code for the purpose of 136428
acquiring or constructing roads, highways, bridges, or viaducts or 136429
acquiring or making other highway improvements for which the board 136430
of township trustees may issue bonds under those chapters, and 136431
paying costs apportioned to the township under section 4907.47 of 136432
the Revised Code. 136433

No part of the funds designated for road and highway purposes 136434
shall be used for any purpose except to pay in whole or part the 136435
contract price of any such work done by contract, or to pay the 136436
cost of labor in planning, constructing, widening, and 136437
reconstructing such roads and highways, and the cost of materials 136438
forming a part of the improvement; provided that the funds may be 136439
used for the purchase of road machinery and equipment ~~and for,~~ the 136440
planning, construction, and maintenance of suitable buildings for 136441
housing road machinery and equipment, and the payment of 136442

principal, interest, and charges on bonds and other obligations 136443
issued pursuant to Chapter 133. or 505. of the Revised Code for 136444
the purpose of purchasing road machinery and equipment or 136445
planning, constructing, and maintaining suitable buildings for 136446
housing road machinery and equipment; and provided that all such 136447
improvement of roads shall be under supervision and direction of 136448
the county engineer as provided in section 5575.07 of the Revised 136449
Code. No obligation against the funds shall be incurred unless 136450
plans and specifications for the improvement, approved by the 136451
county engineer, are on file in the office of the township fiscal 136452
officer, and all contracts for material and for work done by 136453
contract shall be approved by the county engineer before being 136454
signed by the board of township trustees. The board of township 136455
trustees of any township may pass a resolution permitting the 136456
board of county commissioners to expend the township's share of 136457
the funds, or any portion of it, for the improvement of the roads 136458
within the township as may be designated in the resolution. 136459

All investment earnings of the fund shall be credited to the 136460
fund. 136461

(B) Amounts credited to the highway operating fund pursuant 136462
to divisions (B)(2)(c) and (C)(2)(d) of section 5735.23 and 136463
division (A) of section 5735.26 of the Revised Code shall be 136464
expended in the following manner: 136465

(1) The amount credited pursuant to divisions (B)(2)(c) and 136466
(C)(2)(d) of section 5735.23 of the Revised Code shall be 136467
apportioned to and expended by the department of transportation 136468
for the purposes of planning, maintaining, repairing, and keeping 136469
in passable condition for travel the roads and highways of the 136470
state required by law to be maintained by the department; paying 136471
the costs apportioned to the state under section 4907.47 of the 136472
Revised Code; paying that portion of the construction cost of a 136473
highway project which a county, township, or municipal corporation 136474

normally would be required to pay, but which the director of 136475
transportation, pursuant to division (B) of section 5531.08 of the 136476
Revised Code, determines instead will be paid from moneys in the 136477
highway operating fund; and paying the costs of the department of 136478
public safety in administering and enforcing the state law 136479
relating to the registration and operation of motor vehicles. 136480

(2) The amount credited pursuant to division (A) of section 136481
5735.26 of the Revised Code shall be used for paying the state's 136482
share of the cost of planning, constructing, widening, 136483
maintaining, and reconstructing the state highways; paying that 136484
portion of the construction cost of a highway project which a 136485
county, township, or municipal corporation normally would be 136486
required to pay, but which the director of transportation, 136487
pursuant to division (B) of section 5531.08 of the Revised Code, 136488
determines instead will be paid from moneys in the highway 136489
operating fund; and also for supplying the state's share of the 136490
cost of eliminating railway grade crossings upon such highways and 136491
costs apportioned to the state under section 4907.47 of the 136492
Revised Code. The director of transportation may expend portions 136493
of such amount upon extensions of state highways within municipal 136494
corporations or upon portions of state highways within municipal 136495
corporations, as is provided by law. 136496

Sec. 5735.34. (A) If any motor fuel dealer sells that motor 136497
fuel dealer's entire business or discontinues operating that 136498
business, the taxes and any interest and penalties imposed under 136499
this chapter that arose prior to the date of sale or 136500
discontinuation become due and payable immediately. The Within 136501
fifteen days after the date of the sale or discontinuation of the 136502
business, the motor fuel dealer shall make a final return within 136503
fifteen days after the date of the sale or discontinuation of the 136504
business and provide written notification to the tax commissioner 136505
of the sale or discontinuation and the name and contact 136506

information of the purchaser, if applicable. The purchaser of the 136507
business shall withhold a sufficient amount of the purchase money 136508
to cover the amount of such taxes, interest, and penalties due and 136509
unpaid until the seller produces a receipt from the tax 136510
commissioner showing that the taxes, interest, and penalties have 136511
been paid, or until the seller produces a certificate indicating 136512
that no taxes, interest, and penalties are due. 136513

(B) If the purchaser of the business fails to withhold the 136514
purchase money required to be withheld under this section, the 136515
purchaser of the business is personally liable for the payment of 136516
the taxes, interest, and penalties accrued and unpaid during the 136517
operation of the business by the seller, but only to the extent of 136518
the consideration offered for the entire business. 136519

(C) For purposes of this section, "entire business" means 136520
substantially all of the seller's assets determined without regard 136521
to any then existing mortgages, liens, security interests or other 136522
encumbrances attaching to those assets. A person is considered to 136523
have sold the entire business only if the person ceases to qualify 136524
as a motor fuel dealer and has relinquished or the tax 136525
commissioner has canceled the person's motor fuel dealer's 136526
license. 136527

Sec. 5736.01. As used in this division: 136528

(A) "Calendar quarter" and "person" have the same meanings as 136529
in section 5751.01 of the Revised Code. 136530

(B) "Distribution system" means a bulk transfer or terminal 136531
system for the distribution of motor fuel consisting of 136532
refineries, pipelines, marine vessels, and terminals. For the 136533
purposes of this section, motor fuel that is in a refinery, 136534
pipeline, terminal, or marine vessel that is transporting motor 136535
fuel to a refinery or terminal is in a "distribution system." 136536
Motor fuel is "outside of a distribution system" if the fuel is in 136537

a fuel storage facility, including, but not limited to, a bulk plant that is not part of a refinery or terminal, the fuel supply tank of an engine or motor vehicle, a marine vessel transporting motor fuel to a fuel storage facility that is not in a distribution system, or a tank car, rail car, trailer, truck, or other equipment suitable for ground transportation.

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(C) "Dyed diesel fuel," "import," "motor fuel," "public highways," and "terminal" have the same meanings as in section 5735.01 of the Revised Code.

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(D) "First sale of motor fuel within this state" means the initial sale of motor fuel when sold for delivery to a location in this state.

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(E) "Gross receipts" means the total amount received by a person, without deduction for the cost of goods sold or other expenses incurred, from the first sale of motor fuel within this state. For the purposes of division (E) of this section, "amount received" includes amounts accrued under the accrual method of accounting. "Gross receipts" shall not include any of the following amounts:

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(1) Receipts derived from the sale of motor fuel when sold for export to another state;

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(2) An amount equal to the federal and state excise taxes paid by the supplier on the motor fuel;

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(3) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" has the same meaning as in section 5751.01 of the Revised Code.

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(4) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer.

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(F) "Motor fuel used to propel vehicles on public highways and waterways" includes motor fuel used for the operation of licensed motor vehicles employed in the maintenance, construction, or repair of public highways. "Motor fuel used to propel vehicles on public highways and waterways" does not include dyed diesel fuel. 136569
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(G) "Rack" means a mechanism capable of delivering motor fuel from a refinery, terminal, or marine vessel into a railroad tank car, transport truck, tank wagon, fuel supply tank, marine vessel, or other means of transport outside of a distribution system. 136575
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(H) "Refinery" means a facility used to produce motor fuel and from which motor fuel may be removed by pipeline, by vessel, or at a rack. 136579
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(I) "Supplier" means either of the following: 136582

(1) A person that sells, exchanges, transfers, or otherwise distributes motor fuel from a terminal or refinery rack to a point outside of a distribution system, if the person distributes such motor fuel at a location in this state; 136583
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(2) A person that imports or causes the importation of motor fuel for sale, exchange, transfer, or other distribution by the person to a point outside of a distribution system in this state. 136587
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(J) "Tax period" means the calendar quarter on the basis of which a taxpayer is required to pay the tax imposed under this chapter. 136590
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(K) "Taxpayer" means a person subject to the tax imposed by this chapter. 136593
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(L) "Waterways" means all streams, lakes, ponds, marshes, water courses, and all other bodies of surface water, natural or artificial, which are situated wholly or partially within this state or within its jurisdiction, except private impounded bodies 136595
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of water. 136599

Sec. 5736.02. (A) Beginning with the tax period that 136600
commences July 1, 2014, and continuing for every tax period 136601
thereafter, there is hereby levied an excise tax on each supplier 136602
measured by the supplier's gross receipts derived from the first 136603
sale of motor fuel within this state. The tax shall be levied at a 136604
rate of six and five-tenths mills for each dollar of the 136605
supplier's gross receipts. 136606

All revenue from the tax shall be distributed as follows: 136607

(1) All revenue from the tax as measured by gross receipts 136608
derived from the sale of motor fuel used for propelling vehicles 136609
on public highways and waterways shall be used for the purposes of 136610
maintaining the state highway system, funding the enforcement of 136611
traffic laws, and covering the costs of hospitalization of 136612
indigent persons injured in motor vehicle accidents on the public 136613
highways. 136614

(2) All revenue not distributed as required by division 136615
(A)(1) of this section shall be used for the purpose of funding 136616
the needs of this state and its local governments. 136617

(B) The tax imposed by this section is in addition to any 136618
other taxes or fees imposed under the Revised Code. 136619

Sec. 5736.03. (A) No person shall avoid the tax imposed by 136620
this chapter by receiving motor fuel outside of this state and 136621
transferring the motor fuel into this state within one year. Any 136622
such person shall be considered to have received the fuel in this 136623
state and shall include as gross receipts the value of motor fuel 136624
the person transfers into this state within one year after the 136625
person receives the property outside of this state. 136626

(B) The tax commissioner may adopt rules necessary to 136627
administer this section. 136628

Sec. 5736.04. (A) Not later than the tenth day of the second 136629
month after the end of each calendar quarter, every taxpayer shall 136630
file with the tax commissioner a tax return in such form as the 136631
commissioner prescribes. The return shall include, but is not 136632
limited to, the amount of the taxpayer's gross receipts for the 136633
calendar quarter and shall indicate the amount of tax due under 136634
section 5736.02 of the Revised Code for the calendar quarter. The 136635
taxpayer shall indicate on each return the portion of the 136636
taxpayer's gross receipts attributable to motor fuel used for 136637
propelling vehicles on public highways and waterways and the 136638
portion of such receipts attributable to motor fuel used for other 136639
purposes. 136640

(B)(1) The taxpayer shall remit the tax shown to be due on 136641
the return, and, if required by the tax commissioner, file the 136642
return, electronically. The commissioner may require taxpayers to 136643
use the Ohio business gateway as defined in section 718.051 of the 136644
Revised Code to file return returns and remit the tax, or may 136645
provide another means for taxpayers to file and remit the tax 136646
electronically. 136647

(2) A person required by this section to remit taxes or file 136648
returns electronically may apply to the commissioner, on the form 136649
prescribed by the commissioner, to be excused from that 136650
requirement. The commissioner may excuse a person from such 136651
requirement for good cause. 136652

(C) The tax rate with respect to gross receipts for a 136653
calendar quarter is not fixed until the end of the measurement 136654
period for each calendar quarter. The total amount of gross 136655
receipts reported for a given calendar quarter shall be subject to 136656
the tax rate in effect in that quarter. 136657

Sec. 5736.05. (A) Any taxpayer that fails to file a return or 136658

pay the full amount of the tax due within the period prescribed 136659
therefor under this chapter shall pay a penalty in an amount not 136660
exceeding the greater of fifty dollars or ten per cent of the tax 136661
required to be paid for the tax period. 136662

(B)(1) If any additional tax is found to be due, the tax 136663
commissioner may impose an additional penalty of up to fifteen per 136664
cent on the additional tax found to be due. 136665

(2) Any delinquent payments of the tax made after a taxpayer 136666
is notified of an audit or a tax discrepancy by the commissioner 136667
is subject to the penalty imposed by division (B) of this section. 136668
If an assessment is issued under section 5736.09 of the Revised 136669
Code in connection with such delinquent payments, the payments 136670
shall be credited to the assessment. 136671

(C) If a person required to remit taxes or file a return 136672
electronically under section 5736.04 of the Revised Code fails to 136673
do so, the commissioner may impose a penalty not to exceed the 136674
following: 136675

(1) For either of the first two calendar quarters the person 136676
so fails, five per cent of the amount of the payment that was 136677
required to be remitted; 136678

(2) For the third and any subsequent calendar quarters the 136679
person so fails, ten per cent of the amount of the payment that 136680
was required to be remitted. 136681

(D) The tax commissioner may collect any penalty or interest 136682
imposed by this section in the same manner as the tax imposed 136683
under this chapter. Penalties and interest so collected shall be 136684
considered as revenue arising from the tax imposed under this 136685
chapter. 136686

(E) The tax commissioner may abate all or a portion of any 136687
penalties imposed under this section and may adopt rules governing 136688

such abatements. 136689

(F) If any tax due is not timely paid in accordance with this chapter, the taxpayer shall pay interest, calculated at the rate per annum prescribed by section 5703.47 of the Revised Code, from the date the tax payment was due to the date of payment or to the date an assessment was issued, whichever occurs first. 136690
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Sec. 5736.06. (A) No person subject to the tax imposed by section 5736.02 of the Revised Code shall distribute, import, or cause the importation of motor fuel for consumption in this state without holding a supplier's license issued by the tax commissioner to engage in such activities. 136695
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(B)(1) A person subject to the tax imposed by section 5736.02 of the Revised Code shall, on or before March 1, 2014, or within thirty days of first becoming subject to the tax imposed by this chapter, whichever is earlier, apply to the tax commissioner for a supplier's license on the form prescribed by the commissioner. 136700
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(2) Each person issued a supplier's license under division (B)(1) of this section shall apply to renew the license on or before the first day of March of each year. 136705
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(3) With each license application submitted under division (B)(1) or (2) of this section, the applicant shall pay an application fee equal to one of the following amounts: 136708
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(a) If the applicant solely imports or causes the importation of motor fuel for sale, exchange, or transfer by the person in this state, three hundred dollars; 136711
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(b) If the applicant engages in activities in addition to those described in division (B)(3)(a) of this section, one thousand dollars. 136714
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If an applicant timely submits an application under division (B)(1) of this section on or after the first day of September of 136717
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any year, the fee that would apply to the applicant under division (B)(3)(a) or (b) of this section shall be reduced by one-half. 136719
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(4) The failure to apply to the commissioner for a supplier's license does not relieve a person from the requirement to file returns and pay the tax imposed by this chapter. 136721
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(C) The tax commissioner may refuse to issue a license to any applicant under this section in the following circumstances: 136724
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(1) The applicant has previously had any license canceled for cause by the commissioner. 136726
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(2) The commissioner believes that the application is not filed in good faith or is filed as a subterfuge in an attempt to procure a license for another person. 136728
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(3) The applicant has violated any provision of this chapter. 136731

(D) If the tax commissioner refuses to issue a license to an applicant under this section, the applicant is entitled to a refund of the application fee in accordance with section 5736.08 of the Revised Code. All application fees collected under this section shall be deposited into the motor fuel receipts tax administration fund created in section 5736.13 of the Revised Code. 136732
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(E) No person shall make a false or fraudulent statement on an application required by this section. 136739
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Sec. 5736.07. (A) If a taxpayer files a false return, fails to file a return as required by section 5736.04 of the Revised Code, or fails to pay the full amount of tax due with a return, the tax commissioner may revoke the supplier's license issued to the taxpayer under section 5736.06 of the Revised Code by notifying the taxpayer in writing of such revocation by certified mail sent to the last known address of the taxpayer appearing on the files of the commissioner. 136741
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(B) Upon the request of a person that is no longer subject to the tax imposed by this chapter, the tax commissioner may cancel the supplier's license issued to the person under section 5736.06 of the Revised Code. The cancellation shall become effective at the time determined by the commissioner. No license shall be canceled upon the request of any person unless, prior to the date of cancellation, the person has paid to the state all taxes payable by such person under the laws of the state, together with any interest and penalties.

Sec. 5736.08. (A) An application for refund to the taxpayer of the amount of taxes imposed under this chapter that are overpaid, paid illegally or erroneously, or paid on any illegal or erroneous assessment shall be filed by the taxpayer with the tax commissioner, on the form prescribed by the commissioner, within four years after the date of the illegal or erroneous payment of the tax, or within any additional period allowed under division (F) of section 5736.09 of the Revised Code. The applicant shall provide the amount of the requested refund along with the claimed reasons for, and documentation to support, the issuance of a refund.

(B) On the filing of the refund application, the commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from the tax refund fund created under section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

(C) Interest on a refund applied for under this section, computed at the rate provided for in section 5703.47 of the Revised Code, shall be allowed from the later of the date the tax

was paid or when the tax payment was due. 136780

(D) Except as provided in section 5736.081 of the Revised Code, the commissioner may provide for the crediting against tax due for a tax period the amount of any refund due the taxpayer under this chapter for a preceding tax period. 136781
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Sec. 5736.081. As used in this section, "debt to this state" means unpaid taxes due the state, unpaid workers' compensation premiums due under section 4123.35 of the Revised Code, unpaid unemployment compensation contributions due under section 4141.25 of the Revised Code, unpaid unemployment compensation payment in lieu of contribution under section 4141.241 of the Revised Code, unpaid fees payable to the state or to the clerk of courts pursuant to section 4505.06 of the Revised Code, incorrect payments for medicaid services under the medicaid program, or any unpaid charge, penalty, or interest arising from any of the foregoing. 136785
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If a taxpayer entitled to a refund under section 5736.08 of the Revised Code owes any debt to this state, the amount refundable may be applied in satisfaction of the debt. If the amount refundable is less than the amount of the debt, it may be applied in partial satisfaction of the debt. If the amount refundable is greater than the amount of the debt, the amount remaining after satisfaction of the debt shall be refunded. This section applies only to debts that have become final. For the purposes of this section, a debt becomes final when, under the applicable law, any time provided for petition for reassessment, request for reconsideration, or other appeal of the legality or validity of the amount giving rise to the debt expires without an appeal having been filed in the manner provided by law. 136796
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Sec. 5736.09. (A) The tax commissioner may make an 136809

assessment, based on any information in the commissioner's 136810
possession, against any person that fails to file a return or pay 136811
any tax as required by this chapter. The commissioner shall give 136812
the person assessed written notice of the assessment as provided 136813
in section 5703.37 of the Revised Code. With the notice, the 136814
commissioner shall provide instructions on the manner in which to 136815
petition for reassessment and request a hearing with respect to 136816
the petition. 136817

(B) Unless the person assessed, within sixty days after 136818
service of the notice of assessment, files with the commissioner, 136819
either personally or by certified mail, a written petition signed 136820
by the person or the person's authorized agent having knowledge of 136821
the facts, the assessment becomes final, and the amount of the 136822
assessment is due and payable from the person assessed to the 136823
treasurer of state. The petition shall indicate the objections of 136824
the person assessed, but additional objections may be raised in 136825
writing if received by the commissioner prior to the date shown on 136826
the final determination. 136827

If a petition for reassessment has been properly filed, the 136828
commissioner shall proceed under section 5703.60 of the Revised 136829
Code. 136830

(C)(1) After an assessment becomes final, if any portion of 136831
the assessment, including accrued interest, remains unpaid, a 136832
certified copy of the commissioner's entry making the assessment 136833
final may be filed in the office of the clerk of the court of 136834
common pleas in the county in which the person resides or has its 136835
principal place of business in this state, or in the office of the 136836
clerk of court of common pleas of Franklin county. 136837

(2) Immediately upon the filing of the entry, the clerk shall 136838
enter judgment for the state against the person assessed in the 136839
amount shown on the entry. The judgment may be filed by the clerk 136840

in a loose-leaf book entitled, "special judgments for the motor fuel receipts tax" and shall have the same effect as other judgments. Execution shall issue upon the judgment at the request of the commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

(3) If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until it is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) If the commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the person's authorized agent in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the person assessed files a petition for reassessment in accordance with

division (B) of this section and provides security in a form 136873
satisfactory to the commissioner and in an amount sufficient to 136874
satisfy the unpaid balance of the assessment. Full or partial 136875
payment of the assessment does not prejudice the commissioner's 136876
consideration of the petition for reassessment. 136877

(E) The commissioner shall immediately forward to the 136878
treasurer of state all amounts the commissioner receives under 136879
this section, and such amounts shall be considered as revenue 136880
arising from the tax imposed under this chapter. 136881

(F) Except as otherwise provided in this division, no 136882
assessment shall be made or issued against a taxpayer for the tax 136883
imposed under this chapter more than four years after the due date 136884
for the filing of the return for the tax period for which the tax 136885
was reported, or more than four years after the return for the tax 136886
period was filed, whichever is later. The time limit may be 136887
extended if both the taxpayer and the commissioner consent in 136888
writing to the extension or enter into an agreement waiving or 136889
extending the time limit. Any such extension shall extend the 136890
four-year time limit in division (A) of section 5736.08 of the 136891
Revised Code for the same period of time. Nothing in this division 136892
bars an assessment against a taxpayer that fails to file a return 136893
required by this chapter or that files a fraudulent return. 136894

(G) If the commissioner possesses information that indicates 136895
that the amount of tax a taxpayer is required to pay under this 136896
chapter exceeds the amount the taxpayer paid, the commissioner may 136897
audit a sample of the taxpayer's gross receipts over a 136898
representative period of time to ascertain the amount of tax due, 136899
and may issue an assessment based on the audit. The commissioner 136900
shall make a good faith effort to reach agreement with the 136901
taxpayer in selecting a representative sample. The commissioner 136902
may apply a sampling method only if the commissioner has 136903
prescribed the method by rule. 136904

(H) If the whereabouts of a person subject to this chapter is not known to the commissioner, the commissioner shall follow the procedures under section 5703.37 of the Revised Code. 136905
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Sec. 5736.10. If any person liable for the tax imposed under this chapter sells the trade or business, disposes in any manner other than in the regular course of business at least seventy-five per cent of assets of the trade or business, or quits the trade or business, any tax owed by such person shall become due and payable immediately, and the person shall pay the tax under this section, including any applicable penalties and interest, within forty-five days after the date of selling or quitting the trade or business. The person's successor shall withhold a sufficient amount of the purchase money to cover the amount due and unpaid until the former owner produces a receipt from the tax commissioner showing that the amounts are paid or a certificate indicating that no taxes are due. If a purchaser fails to withhold purchase money, that person is personally liable up to the purchase money amount, for such amounts that are unpaid during the operation of the business by the former owner. 136908
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The commissioner may adopt rules regarding the issuance of certificates under this section, including the waiver of the need for a certificate if certain criteria are met. 136924
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Sec. 5736.11. If any person subject to this chapter fails to report or pay the tax as required under this chapter, or fails to pay any penalty imposed under this chapter within ninety days after the time prescribed for payment of the penalty, the attorney general, on the request of the tax commissioner, shall commence an action in quo warranto in the court of appeals of the county in which the person has its principal place of business to forfeit and annul its privileges or franchise within this state. If the court finds that the person is in default for the amount claimed, 136927
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it shall render judgment revoking the person's privileges or 136936
franchise within this state and shall otherwise proceed as 136937
provided in Chapter 2733. of the Revised Code. 136938

Sec. 5736.12. The tax commissioner may prescribe requirements 136939
for the keeping of records and other pertinent documents, the 136940
filing of copies of federal income tax returns and determinations, 136941
and computations reconciling federal income tax returns with the 136942
returns and reports required by section 5736.04 of the Revised 136943
Code. The commissioner may require any person, by rule or notice 136944
served on that person, to keep those records that the commissioner 136945
considers necessary to show whether, and the extent to which, a 136946
person is subject to this chapter. Those records and other 136947
documents shall be open during business hours to the inspection of 136948
the commissioner, and shall be preserved for a period of four 136949
years unless the commissioner, in writing, consents to their 136950
destruction within that period, or by order requires that they be 136951
kept longer. If such records are normally kept by the person 136952
electronically, the person shall provide such records to the 136953
commissioner electronically at the commissioner's request. 136954

Sec. 5736.13. (A) For the purpose of receiving, accounting 136955
for, and distributing revenue received from the tax imposed by 136956
section 5736.02 of the Revised Code, the following funds are 136957
hereby created in the state treasury: 136958

(1) The motor fuel receipts tax fund; 136959

(2) The motor fuel receipts tax administration fund. All 136960
amounts credited to the motor fuel receipts tax administration 136961
fund shall be used solely for the purpose of paying the expenses 136962
of the department of taxation incident to the administration of 136963
the tax imposed by section 5736.02 of the Revised Code. 136964

(3) The motor fuel receipts tax public highways fund. 136965

(B) All money collected from the tax imposed by section 5736.02 of the Revised Code shall be deposited into the motor fuel receipts tax fund. 136966
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(C) From the motor fuel receipts tax fund, the director of budget and management shall place to the credit of the tax refund fund established by section 5703.052 of the Revised Code amounts equal to the refunds certified by the tax commissioner pursuant to section 5736.08 of the Revised Code. 136969
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(D) Not later than the last day of March, June, September, and December of each year, the director of budget and management shall provide for the transfer of the balance of the motor fuel receipts tax fund as of the last day of the preceding month, excluding any amounts required to be transferred as provided in division (C) of this section, as follows: 136974
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(1) To the motor fuel receipts tax administration fund, one per cent; 136980
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(2) To the motor fuel receipts tax public highways fund, an amount that bears the same ratio to the balance in the motor fuel tax receipts fund, after subtracting the amount transferred under division (D)(1) of this section, that (a) the gross receipts attributed to motor fuel used for propelling vehicles on public highways and waterways as indicated by returns filed by the last day of the preceding month, bears to (b) all gross receipts as indicated by those returns; 136982
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(3) To the general revenue fund, the amount remaining after the transfers required by divisions (D)(1) and (2) of this section. 136990
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Sec. 5736.14. (A)(1) If any person, regardless of organizational form, required to file reports and to remit taxes imposed under this chapter fails for any reason to file such 136993
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reports or pay such taxes, any employees of the person having control or supervision of, or charged with the responsibility of, filing reports and making payments, or any officers or trustees of the person responsible for the execution of the person's fiscal responsibilities, are personally liable for the failure. 136996
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(2) The dissolution, termination, or bankruptcy of a person shall not discharge a responsible officer's, shareholder's, member's, manager's, employee's, or trustee's liability for failure of the person to file reports or remit taxes. The sum due for the liability may be collected by assessment in the manner provided in section 5736.09 of the Revised Code. 137001
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(B) If more than one individual is personally liable under this section for the unpaid tax of a person, then the liability of all such individuals shall be joint and several. 137007
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Sec. 5736.99. (A) Any person that files a fraudulent refund claim under section 5736.08 of the Revised Code shall be fined the greater of not more than one thousand dollars or the amount of the fraudulent refund requested or imprisoned not more than sixty days, or both. 137010
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(B) Except as provided in this section, whoever violates any section of this chapter, or any rule adopted by the tax commissioner under this chapter, shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both. 137015
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(C) Any person that is subject to the tax imposed by this chapter and that is found to be engaged in distributing, importing, or causing the importation of motor fuel for consumption in this state without a license as required by section 5736.06 of the Revised Code shall be fined not more than one thousand dollars or imprisoned not more than one hundred eighty days, or both. 137019
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(D) The penalties provided in this section are in addition to 137026
any penalties imposed by the tax commissioner under section 137027
5736.05 of the Revised Code. 137028

Sec. 5739.01. As used in this chapter: 137029

(A) "Person" includes individuals, receivers, assignees, 137030
trustees in bankruptcy, estates, firms, partnerships, 137031
associations, joint-stock companies, joint ventures, clubs, 137032
societies, corporations, the state and its political subdivisions, 137033
and combinations of individuals of any form. 137034

(B) "Sale" and "selling" include all of the following 137035
transactions for a consideration in any manner, whether absolutely 137036
or conditionally, whether for a price or rental, in money or by 137037
exchange, and by any means whatsoever: 137038

(1) All transactions by which title or possession, or both, 137039
of tangible personal property, is or is to be transferred, or a 137040
license to use or consume tangible personal property is or is to 137041
be granted; 137042

(2) All transactions by which lodging by a hotel is or is to 137043
be furnished to transient guests; 137044

(3) All transactions by which: 137045

(a) An item of tangible personal property is or is to be 137046
repaired, except property, the purchase of which would not be 137047
subject to the tax imposed by section 5739.02 of the Revised Code; 137048

(b) An item of tangible personal property is or is to be 137049
installed, except property, the purchase of which would not be 137050
subject to the tax imposed by section 5739.02 of the Revised Code 137051
or property that is or is to be incorporated into and will become 137052
a part of a production, transmission, transportation, or 137053
distribution system for the delivery of a public utility service; 137054

(c) The service of washing, cleaning, waxing, polishing, or 137055

painting a motor vehicle is or is to be furnished; 137056

(d) Until August 1, 2003, industrial laundry cleaning 137057
services are or are to be provided and, on and after August 1, 137058
2003, laundry and dry cleaning services are or are to be provided; 137059

(e) Automatic data processing, computer services, or 137060
electronic information services are or are to be provided for use 137061
in business when the true object of the transaction is the receipt 137062
by the consumer of automatic data processing, computer services, 137063
or electronic information services rather than the receipt of 137064
personal or professional services to which automatic data 137065
processing, computer services, or electronic information services 137066
are incidental or supplemental. Notwithstanding any other 137067
provision of this chapter, such transactions that occur between 137068
members of an affiliated group are not sales. An "affiliated 137069
group" means two or more persons related in such a way that one 137070
person owns or controls the business operation of another member 137071
of the group. In the case of corporations with stock, one 137072
corporation owns or controls another if it owns more than fifty 137073
per cent of the other corporation's common stock with voting 137074
rights. 137075

(f) Telecommunications service, including prepaid calling 137076
service, prepaid wireless calling service, or ancillary service, 137077
is or is to be provided, but not including coin-operated telephone 137078
service; 137079

(g) Landscaping and lawn care service is or is to be 137080
provided; 137081

(h) Private investigation and security service is or is to be 137082
provided; 137083

(i) Information services or tangible personal property is 137084
provided or ordered by means of a nine hundred telephone call; 137085

(j) Building maintenance and janitorial service is or is to 137086

be provided;	137087
(k) Employment service is or is to be provided;	137088
(l) Employment placement service is or is to be provided;	137089
(m) Exterminating service is or is to be provided;	137090
(n) Physical fitness facility service is or is to be provided;	137091 137092
(o) Recreation and sports club service is or is to be provided;	137093 137094
(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;	137095 137096
(q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.	137097 137098 137099 137100 137101 137102 137103 137104
(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;	137105 137106 137107 137108 137109 137110 137111 137112
(s) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle.	137113 137114 137115 137116

(t) On and after August 1, 2003, snow removal service is or is to be provided. As used in this division, "snow removal service" means the removal of snow by any mechanized means, but does not include the providing of such service by a person that has less than five thousand dollars in sales of such service during the calendar year.

(u) Electronic publishing service is or is to be provided to a consumer for use in business, except that such transactions occurring between members of an affiliated group, as defined in division (B)(3)(e) of this section, are not sales.

(4) All transactions by which printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter are or are to be furnished or transferred;

(5) The production or fabrication of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production of fabrication work; and include the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. Except as provided in section 5739.03 of the Revised Code, a construction contract pursuant to which tangible personal property is or is to be incorporated into a structure or improvement on and becoming a part of real property is not a sale of such tangible personal property. The construction contractor is the consumer of such tangible personal property, provided that the sale and installation of carpeting, the sale and installation of agricultural land tile, the sale and erection or installation of portable grain bins, or the provision of landscaping and lawn care service and the transfer of property as part of such service is never a construction contract.

As used in division (B)(5) of this section: 137149

(a) "Agricultural land tile" means fired clay or concrete 137150
tile, or flexible or rigid perforated plastic pipe or tubing, 137151
incorporated or to be incorporated into a subsurface drainage 137152
system appurtenant to land used or to be used primarily in 137153
production by farming, agriculture, horticulture, or floriculture. 137154
The term does not include such materials when they are or are to 137155
be incorporated into a drainage system appurtenant to a building 137156
or structure even if the building or structure is used or to be 137157
used in such production. 137158

(b) "Portable grain bin" means a structure that is used or to 137159
be used by a person engaged in farming or agriculture to shelter 137160
the person's grain and that is designed to be disassembled without 137161
significant damage to its component parts. 137162

(6) All transactions in which all of the shares of stock of a 137163
closely held corporation are transferred, or an ownership interest 137164
in a pass-through entity, as defined in section 5733.04 of the 137165
Revised Code, is transferred, if the corporation or pass-through 137166
entity is not engaging in business and its entire assets consist 137167
of boats, planes, motor vehicles, or other tangible personal 137168
property operated primarily for the use and enjoyment of the 137169
shareholders or owners; 137170

(7) All transactions in which a warranty, maintenance or 137171
service contract, or similar agreement by which the vendor of the 137172
warranty, contract, or agreement agrees to repair or maintain the 137173
tangible personal property of the consumer is or is to be 137174
provided; 137175

(8) The transfer of copyrighted motion picture films used 137176
solely for advertising purposes, except that the transfer of such 137177
films for exhibition purposes is not a sale; 137178

(9) On and after August 1, 2003, all transactions by which 137179

tangible personal property is or is to be stored, except such 137180
property that the consumer of the storage holds for sale in the 137181
regular course of business; 137182

(10) All transactions in which "guaranteed auto protection" 137183
is provided whereby a person promises to pay to the consumer the 137184
difference between the amount the consumer receives from motor 137185
vehicle insurance and the amount the consumer owes to a person 137186
holding title to or a lien on the consumer's motor vehicle in the 137187
event the consumer's motor vehicle suffers a total loss under the 137188
terms of the motor vehicle insurance policy or is stolen and not 137189
recovered, if the protection and its price are included in the 137190
purchase or lease agreement; 137191

(11)(a) Except as provided in division (B)(11)(b) of this 137192
section, on and after October 1, 2009, all transactions by which 137193
health care services are paid for, reimbursed, provided, 137194
delivered, arranged for, or otherwise made available by a medicaid 137195
health insuring corporation pursuant to the corporation's contract 137196
with the state. 137197

(b) If the centers for medicare and medicaid services of the 137198
United States department of health and human services determines 137199
that the taxation of transactions described in division (B)(11)(a) 137200
of this section constitutes an impermissible health care-related 137201
tax under ~~section 1903(w) of the "Social Security Act," 49 Stat.~~ 137202
~~620 (1935)~~ section 1903(w), 42 U.S.C. 1396b(w), ~~as amended,~~ and 137203
regulations adopted thereunder, the medicaid director ~~of job and~~ 137204
~~family services~~ shall notify the tax commissioner of that 137205
determination. Beginning with the first day of the month following 137206
that notification, the transactions described in division 137207
(B)(11)(a) of this section are not sales for the purposes of this 137208
chapter or Chapter 5741. of the Revised Code. The tax commissioner 137209
shall order that the collection of taxes under sections 5739.02, 137210
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 137211

5741.023 of the Revised Code shall cease for transactions 137212
occurring on or after that date. 137213

Except as provided in this section, "sale" and "selling" do 137214
not include transfers of interest in leased property where the 137215
original lessee and the terms of the original lease agreement 137216
remain unchanged, or professional, insurance, or personal service 137217
transactions that involve the transfer of tangible personal 137218
property as an inconsequential element, for which no separate 137219
charges are made. 137220

(C) "Vendor" means the person providing the service or by 137221
whom the transfer effected or license given by a sale is or is to 137222
be made or given and, for sales described in division (B)(3)(i) of 137223
this section, the telecommunications service vendor that provides 137224
the nine hundred telephone service; if two or more persons are 137225
engaged in business at the same place of business under a single 137226
trade name in which all collections on account of sales by each 137227
are made, such persons shall constitute a single vendor. 137228

Physicians, dentists, hospitals, and veterinarians who are 137229
engaged in selling tangible personal property as received from 137230
others, such as eyeglasses, mouthwashes, dentifrices, or similar 137231
articles, are vendors. Veterinarians who are engaged in 137232
transferring to others for a consideration drugs, the dispensing 137233
of which does not require an order of a licensed veterinarian or 137234
physician under federal law, are vendors. 137235

(D)(1) "Consumer" means the person for whom the service is 137236
provided, to whom the transfer effected or license given by a sale 137237
is or is to be made or given, to whom the service described in 137238
division (B)(3)(f) or (i) of this section is charged, or to whom 137239
the admission is granted. 137240

(2) Physicians, dentists, hospitals, and blood banks operated 137241
by nonprofit institutions and persons licensed to practice 137242

veterinary medicine, surgery, and dentistry are consumers of all 137243
tangible personal property and services purchased by them in 137244
connection with the practice of medicine, dentistry, the rendition 137245
of hospital or blood bank service, or the practice of veterinary 137246
medicine, surgery, and dentistry. In addition to being consumers 137247
of drugs administered by them or by their assistants according to 137248
their direction, veterinarians also are consumers of drugs that 137249
under federal law may be dispensed only by or upon the order of a 137250
licensed veterinarian or physician, when transferred by them to 137251
others for a consideration to provide treatment to animals as 137252
directed by the veterinarian. 137253

(3) A person who performs a facility management, or similar 137254
service contract for a contractee is a consumer of all tangible 137255
personal property and services purchased for use in connection 137256
with the performance of such contract, regardless of whether title 137257
to any such property vests in the contractee. The purchase of such 137258
property and services is not subject to the exception for resale 137259
under division (E)(1) of this section. 137260

(4)(a) In the case of a person who purchases printed matter 137261
for the purpose of distributing it or having it distributed to the 137262
public or to a designated segment of the public, free of charge, 137263
that person is the consumer of that printed matter, and the 137264
purchase of that printed matter for that purpose is a sale. 137265

(b) In the case of a person who produces, rather than 137266
purchases, printed matter for the purpose of distributing it or 137267
having it distributed to the public or to a designated segment of 137268
the public, free of charge, that person is the consumer of all 137269
tangible personal property and services purchased for use or 137270
consumption in the production of that printed matter. That person 137271
is not entitled to claim exemption under division (B)(42)(f) of 137272
section 5739.02 of the Revised Code for any material incorporated 137273
into the printed matter or any equipment, supplies, or services 137274

primarily used to produce the printed matter. 137275

(c) The distribution of printed matter to the public or to a 137276
designated segment of the public, free of charge, is not a sale to 137277
the members of the public to whom the printed matter is 137278
distributed or to any persons who purchase space in the printed 137279
matter for advertising or other purposes. 137280

(5) A person who makes sales of any of the services listed in 137281
division (B)(3) of this section is the consumer of any tangible 137282
personal property used in performing the service. The purchase of 137283
that property is not subject to the resale exception under 137284
division (E)(1) of this section. 137285

(6) A person who engages in highway transportation for hire 137286
is the consumer of all packaging materials purchased by that 137287
person and used in performing the service, except for packaging 137288
materials sold by such person in a transaction separate from the 137289
service. 137290

(7) In the case of a transaction for health care services 137291
under division (B)(11) of this section, a medicaid health insuring 137292
corporation is the consumer of such services. The purchase of such 137293
services by a medicaid health insuring corporation is not subject 137294
to the exception for resale under division (E)(1) of this section 137295
or to the exemptions provided under divisions (B)(12), (18), (19), 137296
and (22) of section 5739.02 of the Revised Code. 137297

(E) "Retail sale" and "sales at retail" include all sales, 137298
except those in which the purpose of the consumer is to resell the 137299
thing transferred or benefit of the service provided, by a person 137300
engaging in business, in the form in which the same is, or is to 137301
be, received by the person. 137302

(F) "Business" includes any activity engaged in by any person 137303
with the object of gain, benefit, or advantage, either direct or 137304
indirect. "Business" does not include the activity of a person in 137305

managing and investing the person's own funds. 137306

(G) "Engaging in business" means commencing, conducting, or 137307
continuing in business, and liquidating a business when the 137308
liquidator thereof holds itself out to the public as conducting 137309
such business. Making a casual sale is not engaging in business. 137310

(H)(1)(a) "Price," except as provided in divisions (H)(2), 137311
(3), and (4) of this section, means the total amount of 137312
consideration, including cash, credit, property, and services, for 137313
which tangible personal property or services are sold, leased, or 137314
rented, valued in money, whether received in money or otherwise, 137315
without any deduction for any of the following: 137316

(i) The vendor's cost of the property sold; 137317

(ii) The cost of materials used, labor or service costs, 137318
interest, losses, all costs of transportation to the vendor, all 137319
taxes imposed on the vendor, including the tax imposed under 137320
Chapter 5751. of the Revised Code, and any other expense of the 137321
vendor; 137322

(iii) Charges by the vendor for any services necessary to 137323
complete the sale; 137324

(iv) On and after August 1, 2003, delivery charges. As used 137325
in this division, "delivery charges" means charges by the vendor 137326
for preparation and delivery to a location designated by the 137327
consumer of tangible personal property or a service, including 137328
transportation, shipping, postage, handling, crating, and packing. 137329

(v) Installation charges; 137330

(vi) Credit for any trade-in. 137331

(b) "Price" includes consideration received by the vendor 137332
from a third party, if the vendor actually receives the 137333
consideration from a party other than the consumer, and the 137334
consideration is directly related to a price reduction or discount 137335

on the sale; the vendor has an obligation to pass the price 137336
reduction or discount through to the consumer; the amount of the 137337
consideration attributable to the sale is fixed and determinable 137338
by the vendor at the time of the sale of the item to the consumer; 137339
and one of the following criteria is met: 137340

(i) The consumer presents a coupon, certificate, or other 137341
document to the vendor to claim a price reduction or discount 137342
where the coupon, certificate, or document is authorized, 137343
distributed, or granted by a third party with the understanding 137344
that the third party will reimburse any vendor to whom the coupon, 137345
certificate, or document is presented; 137346

(ii) The consumer identifies the consumer's self to the 137347
seller as a member of a group or organization entitled to a price 137348
reduction or discount. A preferred customer card that is available 137349
to any patron does not constitute membership in such a group or 137350
organization. 137351

(iii) The price reduction or discount is identified as a 137352
third party price reduction or discount on the invoice received by 137353
the consumer, or on a coupon, certificate, or other document 137354
presented by the consumer. 137355

(c) "Price" does not include any of the following: 137356

(i) Discounts, including cash, term, or coupons that are not 137357
reimbursed by a third party that are allowed by a vendor and taken 137358
by a consumer on a sale; 137359

(ii) Interest, financing, and carrying charges from credit 137360
extended on the sale of tangible personal property or services, if 137361
the amount is separately stated on the invoice, bill of sale, or 137362
similar document given to the purchaser; 137363

(iii) Any taxes legally imposed directly on the consumer that 137364
are separately stated on the invoice, bill of sale, or similar 137365
document given to the consumer. For the purpose of this division, 137366

the tax imposed under Chapter 5751. of the Revised Code is not a 137367
tax directly on the consumer, even if the tax or a portion thereof 137368
is separately stated. 137369

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 137370
section, any discount allowed by an automobile manufacturer to its 137371
employee, or to the employee of a supplier, on the purchase of a 137372
new motor vehicle from a new motor vehicle dealer in this state. 137373

(v) The dollar value of a gift card that is not sold by a 137374
vendor or purchased by a consumer and that is redeemed by the 137375
consumer in purchasing tangible personal property or services if 137376
the vendor is not reimbursed and does not receive compensation 137377
from a third party to cover all or part of the gift card value. 137378
For the purposes of this division, a gift card is not sold by a 137379
vendor or purchased by a consumer if it is distributed pursuant to 137380
an awards, loyalty, or promotional program. Past and present 137381
purchases of tangible personal property or services by the 137382
consumer shall not be treated as consideration exchanged for a 137383
gift card. 137384

(2) In the case of a sale of any new motor vehicle by a new 137385
motor vehicle dealer, as defined in section 4517.01 of the Revised 137386
Code, in which another motor vehicle is accepted by the dealer as 137387
part of the consideration received, "price" has the same meaning 137388
as in division (H)(1) of this section, reduced by the credit 137389
afforded the consumer by the dealer for the motor vehicle received 137390
in trade. 137391

(3) In the case of a sale of any watercraft or outboard motor 137392
by a watercraft dealer licensed in accordance with section 137393
1547.543 of the Revised Code, in which another watercraft, 137394
watercraft and trailer, or outboard motor is accepted by the 137395
dealer as part of the consideration received, "price" has the same 137396
meaning as in division (H)(1) of this section, reduced by the 137397
credit afforded the consumer by the dealer for the watercraft, 137398

watercraft and trailer, or outboard motor received in trade. As 137399
used in this division, "watercraft" includes an outdrive unit 137400
attached to the watercraft. 137401

(4) In the case of transactions for health care services 137402
under division (B)(11) of this section, "price" means the amount 137403
of managed care premiums received each month by a medicaid health 137404
insuring corporation. 137405

(I) "Receipts" means the total amount of the prices of the 137406
sales of vendors, provided that the dollar value of gift cards 137407
distributed pursuant to an awards, loyalty, or promotional 137408
program, and cash discounts allowed and taken on sales at the time 137409
they are consummated are not included, minus any amount deducted 137410
as a bad debt pursuant to section 5739.121 of the Revised Code. 137411
"Receipts" does not include the sale price of property returned or 137412
services rejected by consumers when the full sale price and tax 137413
are refunded either in cash or by credit. 137414

(J) "Place of business" means any location at which a person 137415
engages in business. 137416

(K) "Premises" includes any real property or portion thereof 137417
upon which any person engages in selling tangible personal 137418
property at retail or making retail sales and also includes any 137419
real property or portion thereof designated for, or devoted to, 137420
use in conjunction with the business engaged in by such person. 137421

(L) "Casual sale" means a sale of an item of tangible 137422
personal property that was obtained by the person making the sale, 137423
through purchase or otherwise, for the person's own use and was 137424
previously subject to any state's taxing jurisdiction on its sale 137425
or use, and includes such items acquired for the seller's use that 137426
are sold by an auctioneer employed directly by the person for such 137427
purpose, provided the location of such sales is not the 137428
auctioneer's permanent place of business. As used in this 137429

division, "permanent place of business" includes any location 137430
where such auctioneer has conducted more than two auctions during 137431
the year. 137432

(M) "Hotel" means every establishment kept, used, maintained, 137433
advertised, or held out to the public to be a place where sleeping 137434
accommodations are offered to guests, in which five or more rooms 137435
are used for the accommodation of such guests, whether the rooms 137436
are in one or several structures, except as otherwise provided in 137437
division (G) of section 5739.09 of the Revised Code. 137438

(N) "Transient guests" means persons occupying a room or 137439
rooms for sleeping accommodations for less than thirty consecutive 137440
days. 137441

(O) "Making retail sales" means the effecting of transactions 137442
wherein one party is obligated to pay the price and the other 137443
party is obligated to provide a service or to transfer title to or 137444
possession of the item sold. "Making retail sales" does not 137445
include the preliminary acts of promoting or soliciting the retail 137446
sales, other than the distribution of printed matter which 137447
displays or describes and prices the item offered for sale, nor 137448
does it include delivery of a predetermined quantity of tangible 137449
personal property or transportation of property or personnel to or 137450
from a place where a service is performed. 137451

(P) "Used directly in the rendition of a public utility 137452
service" means that property that is to be incorporated into and 137453
will become a part of the consumer's production, transmission, 137454
transportation, or distribution system and that retains its 137455
classification as tangible personal property after such 137456
incorporation; fuel or power used in the production, transmission, 137457
transportation, or distribution system; and tangible personal 137458
property used in the repair and maintenance of the production, 137459
transmission, transportation, or distribution system, including 137460
only such motor vehicles as are specially designed and equipped 137461

for such use. Tangible personal property and services used 137462
primarily in providing highway transportation for hire are not 137463
used directly in the rendition of a public utility service. In 137464
this definition, "public utility" includes a citizen of the United 137465
States holding, and required to hold, a certificate of public 137466
convenience and necessity issued under 49 U.S.C. 41102. 137467

(Q) "Refining" means removing or separating a desirable 137468
product from raw or contaminated materials by distillation or 137469
physical, mechanical, or chemical processes. 137470

(R) "Assembly" and "assembling" mean attaching or fitting 137471
together parts to form a product, but do not include packaging a 137472
product. 137473

(S) "Manufacturing operation" means a process in which 137474
materials are changed, converted, or transformed into a different 137475
state or form from which they previously existed and includes 137476
refining materials, assembling parts, and preparing raw materials 137477
and parts by mixing, measuring, blending, or otherwise committing 137478
such materials or parts to the manufacturing process. 137479
"Manufacturing operation" does not include packaging. 137480

(T) "Fiscal officer" means, with respect to a regional 137481
transit authority, the secretary-treasurer thereof, and with 137482
respect to a county that is a transit authority, the fiscal 137483
officer of the county transit board if one is appointed pursuant 137484
to section 306.03 of the Revised Code or the county auditor if the 137485
board of county commissioners operates the county transit system. 137486

(U) "Transit authority" means a regional transit authority 137487
created pursuant to section 306.31 of the Revised Code or a county 137488
in which a county transit system is created pursuant to section 137489
306.01 of the Revised Code. For the purposes of this chapter, a 137490
transit authority must extend to at least the entire area of a 137491
single county. A transit authority that includes territory in more 137492

than one county must include all the area of the most populous 137493
county that is a part of such transit authority. County population 137494
shall be measured by the most recent census taken by the United 137495
States census bureau. 137496

(V) "Legislative authority" means, with respect to a regional 137497
transit authority, the board of trustees thereof, and with respect 137498
to a county that is a transit authority, the board of county 137499
commissioners. 137500

(W) "Territory of the transit authority" means all of the 137501
area included within the territorial boundaries of a transit 137502
authority as they from time to time exist. Such territorial 137503
boundaries must at all times include all the area of a single 137504
county or all the area of the most populous county that is a part 137505
of such transit authority. County population shall be measured by 137506
the most recent census taken by the United States census bureau. 137507

(X) "Providing a service" means providing or furnishing 137508
anything described in division (B)(3) of this section for 137509
consideration. 137510

(Y)(1)(a) "Automatic data processing" means processing of 137511
others' data, including keypunching or similar data entry services 137512
together with verification thereof, or providing access to 137513
computer equipment for the purpose of processing data. 137514

(b) "Computer services" means providing services consisting 137515
of specifying computer hardware configurations and evaluating 137516
technical processing characteristics, computer programming, and 137517
training of computer programmers and operators, provided in 137518
conjunction with and to support the sale, lease, or operation of 137519
taxable computer equipment or systems. 137520

(c) "Electronic information services" means providing access 137521
to computer equipment by means of telecommunications equipment for 137522
the purpose of either of the following: 137523

(i) Examining or acquiring data stored in or accessible to the computer equipment; 137524
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(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment. 137526
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For transactions occurring on or after the effective date of the amendment of this section by H.B. 157 of the 127th general assembly, December 21, 2007, "electronic information services" does not include electronic publishing as defined in division (LLL) of this section. 137528
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(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services. 137533
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(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to: 137536
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(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material; 137540
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(b) Analyzing business policies and procedures; 137545

(c) Identifying management information needs; 137546

(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives; 137547
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(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management; 137550
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(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;

(g) Testing of business procedures;

(h) Training personnel in business procedure applications;

(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;

(j) Providing debt collection services by any oral, written, graphic, or electronic means.

The services listed in divisions (Y)(2)(a) to (j) of this section are not automatic data processing or computer services.

(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:

(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;

(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it 137584
for a person described by division (Z)(1) or (2) of this section. 137585

(AA)(1) "Telecommunications service" means the electronic 137586
transmission, conveyance, or routing of voice, data, audio, video, 137587
or any other information or signals to a point, or between or 137588
among points. "Telecommunications service" includes such 137589
transmission, conveyance, or routing in which computer processing 137590
applications are used to act on the form, code, or protocol of the 137591
content for purposes of transmission, conveyance, or routing 137592
without regard to whether the service is referred to as voice-over 137593
internet protocol service or is classified by the federal 137594
communications commission as enhanced or value-added. 137595
"Telecommunications service" does not include any of the 137596
following: 137597

(a) Data processing and information services that allow data 137598
to be generated, acquired, stored, processed, or retrieved and 137599
delivered by an electronic transmission to a consumer where the 137600
consumer's primary purpose for the underlying transaction is the 137601
processed data or information; 137602

(b) Installation or maintenance of wiring or equipment on a 137603
customer's premises; 137604

(c) Tangible personal property; 137605

(d) Advertising, including directory advertising; 137606

(e) Billing and collection services provided to third 137607
parties; 137608

(f) Internet access service; 137609

(g) Radio and television audio and video programming 137610
services, regardless of the medium, including the furnishing of 137611
transmission, conveyance, and routing of such services by the 137612
programming service provider. Radio and television audio and video 137613

programming services include, but are not limited to, cable 137614
service, as defined in 47 U.S.C. 522(6), and audio and video 137615
programming services delivered by commercial mobile radio service 137616
providers, as defined in 47 C.F.R. 20.3; 137617

(h) Ancillary service; 137618

(i) Digital products delivered electronically, including 137619
software, music, video, reading materials, or ring tones. 137620

(2) "Ancillary service" means a service that is associated 137621
with or incidental to the provision of telecommunications service, 137622
including conference bridging service, detailed telecommunications 137623
billing service, directory assistance, vertical service, and voice 137624
mail service. As used in this division: 137625

(a) "Conference bridging service" means an ancillary service 137626
that links two or more participants of an audio or video 137627
conference call, including providing a telephone number. 137628
"Conference bridging service" does not include telecommunications 137629
services used to reach the conference bridge. 137630

(b) "Detailed telecommunications billing service" means an 137631
ancillary service of separately stating information pertaining to 137632
individual calls on a customer's billing statement. 137633

(c) "Directory assistance" means an ancillary service of 137634
providing telephone number or address information. 137635

(d) "Vertical service" means an ancillary service that is 137636
offered in connection with one or more telecommunications 137637
services, which offers advanced calling features that allow 137638
customers to identify callers and manage multiple calls and call 137639
connections, including conference bridging service. 137640

(e) "Voice mail service" means an ancillary service that 137641
enables the customer to store, send, or receive recorded messages. 137642
"Voice mail service" does not include any vertical services that 137643

the customer may be required to have in order to utilize the voice 137644
mail service. 137645

(3) "900 service" means an inbound toll telecommunications 137646
service purchased by a subscriber that allows the subscriber's 137647
customers to call in to the subscriber's prerecorded announcement 137648
or live service, and which is typically marketed under the name 137649
"900⁺ service" and any subsequent numbers designated by the 137650
federal communications commission. "900 service" does not include 137651
the charge for collection services provided by the seller of the 137652
telecommunications service to the subscriber, or services or 137653
products sold by the subscriber to the subscriber's customer. 137654

(4) "Prepaid calling service" means the right to access 137655
exclusively telecommunications services, which must be paid for in 137656
advance and which enables the origination of calls using an access 137657
number or authorization code, whether manually or electronically 137658
dialed, and that is sold in predetermined units or dollars of 137659
which the number declines with use in a known amount. 137660

(5) "Prepaid wireless calling service" means a 137661
telecommunications service that provides the right to utilize 137662
mobile telecommunications service as well as other 137663
non-telecommunications services, including the download of digital 137664
products delivered electronically, and content and ancillary 137665
services, that must be paid for in advance and that is sold in 137666
predetermined units or dollars of which the number declines with 137667
use in a known amount. 137668

(6) "Value-added non-voice data service" means a 137669
telecommunications service in which computer processing 137670
applications are used to act on the form, content, code, or 137671
protocol of the information or data primarily for a purpose other 137672
than transmission, conveyance, or routing. 137673

(7) "Coin-operated telephone service" means a 137674

telecommunications service paid for by inserting money into a 137675
telephone accepting direct deposits of money to operate. 137676

(8) "Customer" has the same meaning as in section 5739.034 of 137677
the Revised Code. 137678

(BB) "Laundry and dry cleaning services" means removing soil 137679
or dirt from towels, linens, articles of clothing, or other fabric 137680
items that belong to others and supplying towels, linens, articles 137681
of clothing, or other fabric items. "Laundry and dry cleaning 137682
services" does not include the provision of self-service 137683
facilities for use by consumers to remove soil or dirt from 137684
towels, linens, articles of clothing, or other fabric items. 137685

(CC) "Magazines distributed as controlled circulation 137686
publications" means magazines containing at least twenty-four 137687
pages, at least twenty-five per cent editorial content, issued at 137688
regular intervals four or more times a year, and circulated 137689
without charge to the recipient, provided that such magazines are 137690
not owned or controlled by individuals or business concerns which 137691
conduct such publications as an auxiliary to, and essentially for 137692
the advancement of the main business or calling of, those who own 137693
or control them. 137694

(DD) "Landscaping and lawn care service" means the services 137695
of planting, seeding, sodding, removing, cutting, trimming, 137696
pruning, mulching, aerating, applying chemicals, watering, 137697
fertilizing, and providing similar services to establish, promote, 137698
or control the growth of trees, shrubs, flowers, grass, ground 137699
cover, and other flora, or otherwise maintaining a lawn or 137700
landscape grown or maintained by the owner for ornamentation or 137701
other nonagricultural purpose. However, "landscaping and lawn care 137702
service" does not include the providing of such services by a 137703
person who has less than five thousand dollars in sales of such 137704
services during the calendar year. 137705

(EE) "Private investigation and security service" means the performance of any activity for which the provider of such service is required to be licensed pursuant to Chapter 4749. of the Revised Code, or would be required to be so licensed in performing such services in this state, and also includes the services of conducting polygraph examinations and of monitoring or overseeing the activities on or in, or the condition of, the consumer's home, business, or other facility by means of electronic or similar monitoring devices. "Private investigation and security service" does not include special duty services provided by off-duty police officers, deputy sheriffs, and other peace officers regularly employed by the state or a political subdivision.

(FF) "Information services" means providing conversation, giving consultation or advice, playing or making a voice or other recording, making or keeping a record of the number of callers, and any other service provided to a consumer by means of a nine hundred telephone call, except when the nine hundred telephone call is the means by which the consumer makes a contribution to a recognized charity.

(GG) "Research and development" means designing, creating, or formulating new or enhanced products, equipment, or manufacturing processes, and also means conducting scientific or technological inquiry and experimentation in the physical sciences with the goal of increasing scientific knowledge which may reveal the bases for new or enhanced products, equipment, or manufacturing processes.

(HH) "Qualified research and development equipment" means capitalized tangible personal property, and leased personal property that would be capitalized if purchased, used by a person primarily to perform research and development. Tangible personal property primarily used in testing, as defined in division (A)(4) of section 5739.011 of the Revised Code, or used for recording or storing test results, is not qualified research and development

equipment unless such property is primarily used by the consumer 137738
in testing the product, equipment, or manufacturing process being 137739
created, designed, or formulated by the consumer in the research 137740
and development activity or in recording or storing such test 137741
results. 137742

(II) "Building maintenance and janitorial service" means 137743
cleaning the interior or exterior of a building and any tangible 137744
personal property located therein or thereon, including any 137745
services incidental to such cleaning for which no separate charge 137746
is made. However, "building maintenance and janitorial service" 137747
does not include the providing of such service by a person who has 137748
less than five thousand dollars in sales of such service during 137749
the calendar year. 137750

(JJ) "Employment service" means providing or supplying 137751
personnel, on a temporary or long-term basis, to perform work or 137752
labor under the supervision or control of another, when the 137753
personnel so provided or supplied receive their wages, salary, or 137754
other compensation from the provider or supplier of the employment 137755
service or from a third party that provided or supplied the 137756
personnel to the provider or supplier. "Employment service" does 137757
not include: 137758

(1) Acting as a contractor or subcontractor, where the 137759
personnel performing the work are not under the direct control of 137760
the purchaser. 137761

(2) Medical and health care services. 137762

(3) Supplying personnel to a purchaser pursuant to a contract 137763
of at least one year between the service provider and the 137764
purchaser that specifies that each employee covered under the 137765
contract is assigned to the purchaser on a permanent basis. 137766

(4) Transactions between members of an affiliated group, as 137767
defined in division (B)(3)(e) of this section. 137768

(5) Transactions where the personnel so provided or supplied 137769
by a provider or supplier to a purchaser of an employment service 137770
are then provided or supplied by that purchaser to a third party 137771
as an employment service, except "employment service" does include 137772
the transaction between that purchaser and the third party. 137773

(KK) "Employment placement service" means locating or finding 137774
employment for a person or finding or locating an employee to fill 137775
an available position. 137776

(LL) "Exterminating service" means eradicating or attempting 137777
to eradicate vermin infestations from a building or structure, or 137778
the area surrounding a building or structure, and includes 137779
activities to inspect, detect, or prevent vermin infestation of a 137780
building or structure. 137781

(MM) "Physical fitness facility service" means all 137782
transactions by which a membership is granted, maintained, or 137783
renewed, including initiation fees, membership dues, renewal fees, 137784
monthly minimum fees, and other similar fees and dues, by a 137785
physical fitness facility such as an athletic club, health spa, or 137786
gymnasium, which entitles the member to use the facility for 137787
physical exercise. 137788

(NN) "Recreation and sports club service" means all 137789
transactions by which a membership is granted, maintained, or 137790
renewed, including initiation fees, membership dues, renewal fees, 137791
monthly minimum fees, and other similar fees and dues, by a 137792
recreation and sports club, which entitles the member to use the 137793
facilities of the organization. "Recreation and sports club" means 137794
an organization that has ownership of, or controls or leases on a 137795
continuing, long-term basis, the facilities used by its members 137796
and includes an aviation club, gun or shooting club, yacht club, 137797
card club, swimming club, tennis club, golf club, country club, 137798
riding club, amateur sports club, or similar organization. 137799

(OO) "Livestock" means farm animals commonly raised for food, 137800
food production, or other agricultural purposes, including, but 137801
not limited to, cattle, sheep, goats, swine, poultry, and captive 137802
deer. "Livestock" does not include invertebrates, amphibians, 137803
reptiles, domestic pets, animals for use in laboratories or for 137804
exhibition, or other animals not commonly raised for food or food 137805
production. 137806

(PP) "Livestock structure" means a building or structure used 137807
exclusively for the housing, raising, feeding, or sheltering of 137808
livestock, and includes feed storage or handling structures and 137809
structures for livestock waste handling. 137810

(QQ) "Horticulture" means the growing, cultivation, and 137811
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 137812
and nursery stock. As used in this division, "nursery stock" has 137813
the same meaning as in section 927.51 of the Revised Code. 137814

(RR) "Horticulture structure" means a building or structure 137815
used exclusively for the commercial growing, raising, or 137816
overwintering of horticultural products, and includes the area 137817
used for stocking, storing, and packing horticultural products 137818
when done in conjunction with the production of those products. 137819

(SS) "Newspaper" means an unbound publication bearing a title 137820
or name that is regularly published, at least as frequently as 137821
biweekly, and distributed from a fixed place of business to the 137822
public in a specific geographic area, and that contains a 137823
substantial amount of news matter of international, national, or 137824
local events of interest to the general public. 137825

(TT) "Professional racing team" means a person that employs 137826
at least twenty full-time employees for the purpose of conducting 137827
a motor vehicle racing business for profit. The person must 137828
conduct the business with the purpose of racing one or more motor 137829
racing vehicles in at least ten competitive professional racing 137830

events each year that comprise all or part of a motor racing 137831
series sanctioned by one or more motor racing sanctioning 137832
organizations. A "motor racing vehicle" means a vehicle for which 137833
the chassis, engine, and parts are designed exclusively for motor 137834
racing, and does not include a stock or production model vehicle 137835
that may be modified for use in racing. For the purposes of this 137836
division: 137837

(1) A "competitive professional racing event" is a motor 137838
vehicle racing event sanctioned by one or more motor racing 137839
sanctioning organizations, at which aggregate cash prizes in 137840
excess of eight hundred thousand dollars are awarded to the 137841
competitors. 137842

(2) "Full-time employee" means an individual who is employed 137843
for consideration for thirty-five or more hours a week, or who 137844
renders any other standard of service generally accepted by custom 137845
or specified by contract as full-time employment. 137846

(UU)(1) "Lease" or "rental" means any transfer of the 137847
possession or control of tangible personal property for a fixed or 137848
indefinite term, for consideration. "Lease" or "rental" includes 137849
future options to purchase or extend, and agreements described in 137850
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 137851
the amount of consideration may be increased or decreased by 137852
reference to the amount realized upon the sale or disposition of 137853
the property. "Lease" or "rental" does not include: 137854

(a) A transfer of possession or control of tangible personal 137855
property under a security agreement or a deferred payment plan 137856
that requires the transfer of title upon completion of the 137857
required payments; 137858

(b) A transfer of possession or control of tangible personal 137859
property under an agreement that requires the transfer of title 137860
upon completion of required payments and payment of an option 137861

price that does not exceed the greater of one hundred dollars or 137862
one per cent of the total required payments; 137863

(c) Providing tangible personal property along with an 137864
operator for a fixed or indefinite period of time, if the operator 137865
is necessary for the property to perform as designed. For purposes 137866
of this division, the operator must do more than maintain, 137867
inspect, or ~~set-up~~ set up the tangible personal property. 137868

(2) "Lease" and "rental," as defined in division (UU) of this 137869
section, shall not apply to leases or rentals that exist before 137870
June 26, 2003. 137871

(3) "Lease" and "rental" have the same meaning as in division 137872
(UU)(1) of this section regardless of whether a transaction is 137873
characterized as a lease or rental under generally accepted 137874
accounting principles, the Internal Revenue Code, Title XIII of 137875
the Revised Code, or other federal, state, or local laws. 137876

(VV) "Mobile telecommunications service" has the same meaning 137877
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 137878
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 137879
on and after August 1, 2003, includes related fees and ancillary 137880
services, including universal service fees, detailed billing 137881
service, directory assistance, service initiation, voice mail 137882
service, and vertical services, such as caller ID and three-way 137883
calling. 137884

(WW) "Certified service provider" has the same meaning as in 137885
section 5740.01 of the Revised Code. 137886

(XX) "Satellite broadcasting service" means the distribution 137887
or broadcasting of programming or services by satellite directly 137888
to the subscriber's receiving equipment without the use of ground 137889
receiving or distribution equipment, except the subscriber's 137890
receiving equipment or equipment used in the uplink process to the 137891
satellite, and includes all service and rental charges, premium 137892

channels or other special services, installation and repair 137893
service charges, and any other charges having any connection with 137894
the provision of the satellite broadcasting service. 137895

(YY) "Tangible personal property" means personal property 137896
that can be seen, weighed, measured, felt, or touched, or that is 137897
in any other manner perceptible to the senses. For purposes of 137898
this chapter and Chapter 5741. of the Revised Code, "tangible 137899
personal property" includes motor vehicles, electricity, water, 137900
gas, steam, and prewritten computer software. 137901

(ZZ) "Direct mail" means printed material delivered or 137902
distributed by United States mail or other delivery service to a 137903
mass audience or to addressees on a mailing list provided by the 137904
consumer or at the direction of the consumer when the cost of the 137905
items are not billed directly to the recipients. "Direct mail" 137906
includes tangible personal property supplied directly or 137907
indirectly by the consumer to the direct mail vendor for inclusion 137908
in the package containing the printed material. "Direct mail" does 137909
not include multiple items of printed material delivered to a 137910
single address. 137911

(AAA) "Computer" means an electronic device that accepts 137912
information in digital or similar form and manipulates it for a 137913
result based on a sequence of instructions. 137914

(BBB) "Computer software" means a set of coded instructions 137915
designed to cause a computer or automatic data processing 137916
equipment to perform a task. 137917

(CCC) "Delivered electronically" means delivery of computer 137918
software from the seller to the purchaser by means other than 137919
tangible storage media. 137920

(DDD) "Prewritten computer software" means computer software, 137921
including prewritten upgrades, that is not designed and developed 137922
by the author or other creator to the specifications of a specific 137923

purchaser. The combining of two or more prewritten computer 137924
software programs or prewritten portions thereof does not cause 137925
the combination to be other than prewritten computer software. 137926
"Prewritten computer software" includes software designed and 137927
developed by the author or other creator to the specifications of 137928
a specific purchaser when it is sold to a person other than the 137929
purchaser. If a person modifies or enhances computer software of 137930
which the person is not the author or creator, the person shall be 137931
deemed to be the author or creator only of such person's 137932
modifications or enhancements. Prewritten computer software or a 137933
prewritten portion thereof that is modified or enhanced to any 137934
degree, where such modification or enhancement is designed and 137935
developed to the specifications of a specific purchaser, remains 137936
prewritten computer software; provided, however, that where there 137937
is a reasonable, separately stated charge or an invoice or other 137938
statement of the price given to the purchaser for the modification 137939
or enhancement, the modification or enhancement shall not 137940
constitute prewritten computer software. 137941

(EEE)(1) "Food" means substances, whether in liquid, 137942
concentrated, solid, frozen, dried, or dehydrated form, that are 137943
sold for ingestion or chewing by humans and are consumed for their 137944
taste or nutritional value. "Food" does not include alcoholic 137945
beverages, dietary supplements, soft drinks, or tobacco. 137946

(2) As used in division (EEE)(1) of this section: 137947

(a) "Alcoholic beverages" means beverages that are suitable 137948
for human consumption and contain one-half of one per cent or more 137949
of alcohol by volume. 137950

(b) "Dietary supplements" means any product, other than 137951
tobacco, that is intended to supplement the diet and that is 137952
intended for ingestion in tablet, capsule, powder, softgel, 137953
gelcap, or liquid form, or, if not intended for ingestion in such 137954
a form, is not represented as conventional food for use as a sole 137955

item of a meal or of the diet; that is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label, as required by 21 C.F.R. 101.36; and that contains one or more of the following dietary ingredients:

(i) A vitamin;

(ii) A mineral;

(iii) An herb or other botanical;

(iv) An amino acid;

(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;

(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (EEE)(2)(b)(i) to (v) of this section.

(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.

(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

(FFF) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body.

(GGG) "Prescription" means an order, formula, or recipe

issued in any form of oral, written, electronic, or other means of 137986
transmission by a duly licensed practitioner authorized by the 137987
laws of this state to issue a prescription. 137988

(HHH) "Durable medical equipment" means equipment, including 137989
repair and replacement parts for such equipment, that can 137990
withstand repeated use, is primarily and customarily used to serve 137991
a medical purpose, generally is not useful to a person in the 137992
absence of illness or injury, and is not worn in or on the body. 137993
"Durable medical equipment" does not include mobility enhancing 137994
equipment. 137995

(III) "Mobility enhancing equipment" means equipment, 137996
including repair and replacement parts for such equipment, that is 137997
primarily and customarily used to provide or increase the ability 137998
to move from one place to another and is appropriate for use 137999
either in a home or a motor vehicle, that is not generally used by 138000
persons with normal mobility, and that does not include any motor 138001
vehicle or equipment on a motor vehicle normally provided by a 138002
motor vehicle manufacturer. "Mobility enhancing equipment" does 138003
not include durable medical equipment. 138004

(JJJ) "Prosthetic device" means a replacement, corrective, or 138005
supportive device, including repair and replacement parts for the 138006
device, worn on or in the human body to artificially replace a 138007
missing portion of the body, prevent or correct physical deformity 138008
or malfunction, or support a weak or deformed portion of the body. 138009
As used in this division, "prosthetic device" does not include 138010
corrective eyeglasses, contact lenses, or dental prosthesis. 138011

(KKK)(1) "Fractional aircraft ownership program" means a 138012
program in which persons within an affiliated group sell and 138013
manage fractional ownership program aircraft, provided that at 138014
least one hundred airworthy aircraft are operated in the program 138015
and the program meets all of the following criteria: 138016

(a) Management services are provided by at least one program manager within an affiliated group on behalf of the fractional owners. 138017
138018
138019

(b) Each program aircraft is owned or possessed by at least one fractional owner. 138020
138021

(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft. 138022
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138024

(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners. 138025
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(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program. 138027
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138029

(2) As used in division (KKK)(1) of this section: 138030

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section. 138031
138032

(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (KKK)(1)(e) of this section. 138033
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138036

(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program. 138037
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(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under 138044
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138046

division (KKK)(1)(e) of this section, and offered by the program 138047
manager to the fractional owners, including, at a minimum, the 138048
establishment and implementation of safety guidelines; the 138049
coordination of the scheduling of the program aircraft and crews; 138050
program aircraft maintenance; program aircraft insurance; crew 138051
training for crews employed, furnished, or contracted by the 138052
program manager or the fractional owner; the satisfaction of 138053
record-keeping requirements; and the development and use of an 138054
operations manual and a maintenance manual for the fractional 138055
aircraft ownership program. 138056

(e) "Program manager" means the person that offers management 138057
services to fractional owners pursuant to a management services 138058
agreement under division (KKK)(1)(e) of this section. 138059

(LLL) "Electronic publishing" means providing access to one 138060
or more of the following primarily for business customers, 138061
including the federal government or a state government or a 138062
political subdivision thereof, to conduct research: news; 138063
business, financial, legal, consumer, or credit materials; 138064
editorials, columns, reader commentary, or features; photos or 138065
images; archival or research material; legal notices, identity 138066
verification, or public records; scientific, educational, 138067
instructional, technical, professional, trade, or other literary 138068
materials; or other similar information which has been gathered 138069
and made available by the provider to the consumer in an 138070
electronic format. Providing electronic publishing includes the 138071
functions necessary for the acquisition, formatting, editing, 138072
storage, and dissemination of data or information that is the 138073
subject of a sale. 138074

(MMM) "Medicaid health insuring corporation" means a health 138075
insuring corporation that holds a certificate of authority under 138076
Chapter 1751. of the Revised Code and is under contract with the 138077
department of job and family services pursuant to section 5111.17 138078

of the Revised Code. 138079

(NNN) "Managed care premium" means any premium, capitation, 138080
or other payment a medicaid health insuring corporation receives 138081
for providing or arranging for the provision of health care 138082
services to its members or enrollees residing in this state. 138083

(OOO) "Captive deer" means deer and other cervidae that have 138084
been legally acquired, or their offspring, that are privately 138085
owned for agricultural or farming purposes. 138086

(PPP) "Gift card" means a document, card, certificate, or 138087
other record, whether tangible or intangible, that may be redeemed 138088
by a consumer for a dollar value when making a purchase of 138089
tangible personal property or services. 138090

Sec. 5739.02. For the purpose of providing revenue with which 138091
to meet the needs of the state, for the use of the general revenue 138092
fund of the state, for the purpose of securing a thorough and 138093
efficient system of common schools throughout the state, for the 138094
purpose of affording revenues, in addition to those from general 138095
property taxes, permitted under constitutional limitations, and 138096
from other sources, for the support of local governmental 138097
functions, and for the purpose of reimbursing the state for the 138098
expense of administering this chapter, an excise tax is hereby 138099
levied on each retail sale made in this state. 138100

(A)(1) The tax shall be collected as provided in section 138101
5739.025 of the Revised Code. The rate of the tax shall be five 138102
and one-half per cent. The tax applies and is collectible when the 138103
sale is made, regardless of the time when the price is paid or 138104
delivered. 138105

(2) In the case of the lease or rental, with a fixed term of 138106
more than thirty days or an indefinite term with a minimum period 138107
of more than thirty days, of any motor vehicles designed by the 138108

manufacturer to carry a load of not more than one ton, watercraft, 138109
outboard motor, or aircraft, or of any tangible personal property, 138110
other than motor vehicles designed by the manufacturer to carry a 138111
load of more than one ton, to be used by the lessee or renter 138112
primarily for business purposes, the tax shall be collected by the 138113
vendor at the time the lease or rental is consummated and shall be 138114
calculated by the vendor on the basis of the total amount to be 138115
paid by the lessee or renter under the lease agreement. If the 138116
total amount of the consideration for the lease or rental includes 138117
amounts that are not calculated at the time the lease or rental is 138118
executed, the tax shall be calculated and collected by the vendor 138119
at the time such amounts are billed to the lessee or renter. In 138120
the case of an open-end lease or rental, the tax shall be 138121
calculated by the vendor on the basis of the total amount to be 138122
paid during the initial fixed term of the lease or rental, and for 138123
each subsequent renewal period as it comes due. As used in this 138124
division, "motor vehicle" has the same meaning as in section 138125
4501.01 of the Revised Code, and "watercraft" includes an outdrive 138126
unit attached to the watercraft. 138127

A lease with a renewal clause and a termination penalty or 138128
similar provision that applies if the renewal clause is not 138129
exercised is presumed to be a sham transaction. In such a case, 138130
the tax shall be calculated and paid on the basis of the entire 138131
length of the lease period, including any renewal periods, until 138132
the termination penalty or similar provision no longer applies. 138133
The taxpayer shall bear the burden, by a preponderance of the 138134
evidence, that the transaction or series of transactions is not a 138135
sham transaction. 138136

(3) Except as provided in division (A)(2) of this section, in 138137
the case of a sale, the price of which consists in whole or in 138138
part of the lease or rental of tangible personal property, the tax 138139
shall be measured by the installments of that lease or rental. 138140

(4) In the case of a sale of a physical fitness facility 138141
service or recreation and sports club service, the price of which 138142
consists in whole or in part of a membership for the receipt of 138143
the benefit of the service, the tax applicable to the sale shall 138144
be measured by the installments thereof. 138145

(B) The tax does not apply to the following: 138146

(1) Sales to the state or any of its political subdivisions, 138147
or to any other state or its political subdivisions if the laws of 138148
that state exempt from taxation sales made to this state and its 138149
political subdivisions; 138150

(2) Sales of food for human consumption off the premises 138151
where sold; 138152

(3) Sales of food sold to students only in a cafeteria, 138153
dormitory, fraternity, or sorority maintained in a private, 138154
public, or parochial school, college, or university; 138155

(4) Sales of newspapers and of magazine subscriptions and 138156
sales or transfers of magazines distributed as controlled 138157
circulation publications; 138158

(5) The furnishing, preparing, or serving of meals without 138159
charge by an employer to an employee provided the employer records 138160
the meals as part compensation for services performed or work 138161
done; 138162

(6) Sales of motor fuel upon receipt, use, distribution, or 138163
sale of which in this state a tax is imposed by the law of this 138164
state, but this exemption shall not apply to the sale of motor 138165
fuel on which a refund of the tax is allowable under division (A) 138166
of section 5735.14 of the Revised Code; and the tax commissioner 138167
may deduct the amount of tax levied by this section applicable to 138168
the price of motor fuel when granting a refund of motor fuel tax 138169
pursuant to division (A) of section 5735.14 of the Revised Code 138170
and shall cause the amount deducted to be paid into the general 138171

revenue fund of this state; 138172

(7) Sales of natural gas by a natural gas company, of water 138173
by a water-works company, or of steam by a heating company, if in 138174
each case the thing sold is delivered to consumers through pipes 138175
or conduits, and all sales of communications services by a 138176
telegraph company, all terms as defined in section 5727.01 of the 138177
Revised Code, and sales of electricity delivered through wires; 138178

(8) Casual sales by a person, or auctioneer employed directly 138179
by the person to conduct such sales, except as to such sales of 138180
motor vehicles, watercraft or outboard motors required to be 138181
titled under section 1548.06 of the Revised Code, watercraft 138182
documented with the United States coast guard, snowmobiles, and 138183
all-purpose vehicles as defined in section 4519.01 of the Revised 138184
Code; 138185

(9)(a) Sales of services or tangible personal property, other 138186
than motor vehicles, mobile homes, and manufactured homes, by 138187
churches, organizations exempt from taxation under section 138188
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 138189
organizations operated exclusively for charitable purposes as 138190
defined in division (B)(12) of this section, provided that the 138191
number of days on which such tangible personal property or 138192
services, other than items never subject to the tax, are sold does 138193
not exceed six in any calendar year, except as otherwise provided 138194
in division (B)(9)(b) of this section. If the number of days on 138195
which such sales are made exceeds six in any calendar year, the 138196
church or organization shall be considered to be engaged in 138197
business and all subsequent sales by it shall be subject to the 138198
tax. In counting the number of days, all sales by groups within a 138199
church or within an organization shall be considered to be sales 138200
of that church or organization. 138201

(b) The limitation on the number of days on which tax-exempt 138202
sales may be made by a church or organization under division 138203

(B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution or laws of the United States or the Constitution of this state;

(11) Except for transactions that are sales under division (B)(3)(r) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service;

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing

services to hospitals or charitable institutions; the operation of 138235
a home for the aged, as defined in section 5701.13 of the Revised 138236
Code; the operation of a radio or television broadcasting station 138237
that is licensed by the federal communications commission as a 138238
noncommercial educational radio or television station; the 138239
operation of a nonprofit animal adoption service or a county 138240
humane society; the promotion of education by an institution of 138241
learning that maintains a faculty of qualified instructors, 138242
teaches regular continuous courses of study, and confers a 138243
recognized diploma upon completion of a specific curriculum; the 138244
operation of a parent-teacher association, booster group, or 138245
similar organization primarily engaged in the promotion and 138246
support of the curricular or extracurricular activities of a 138247
primary or secondary school; the operation of a community or area 138248
center in which presentations in music, dramatics, the arts, and 138249
related fields are made in order to foster public interest and 138250
education therein; the production of performances in music, 138251
dramatics, and the arts; or the promotion of education by an 138252
organization engaged in carrying on research in, or the 138253
dissemination of, scientific and technological knowledge and 138254
information primarily for the public. 138255

Nothing in this division shall be deemed to exempt sales to 138256
any organization for use in the operation or carrying on of a 138257
trade or business, or sales to a home for the aged for use in the 138258
operation of independent living facilities as defined in division 138259
(A) of section 5709.12 of the Revised Code. 138260

(13) Building and construction materials and services sold to 138261
construction contractors for incorporation into a structure or 138262
improvement to real property under a construction contract with 138263
this state or a political subdivision of this state, or with the 138264
United States government or any of its agencies; building and 138265
construction materials and services sold to construction 138266

contractors for incorporation into a structure or improvement to 138267
real property that are accepted for ownership by this state or any 138268
of its political subdivisions, or by the United States government 138269
or any of its agencies at the time of completion of the structures 138270
or improvements; building and construction materials sold to 138271
construction contractors for incorporation into a horticulture 138272
structure or livestock structure for a person engaged in the 138273
business of horticulture or producing livestock; building 138274
materials and services sold to a construction contractor for 138275
incorporation into a house of public worship or religious 138276
education, or a building used exclusively for charitable purposes 138277
under a construction contract with an organization whose purpose 138278
is as described in division (B)(12) of this section; building 138279
materials and services sold to a construction contractor for 138280
incorporation into a building under a construction contract with 138281
an organization exempt from taxation under section 501(c)(3) of 138282
the Internal Revenue Code of 1986 when the building is to be used 138283
exclusively for the organization's exempt purposes; building and 138284
construction materials sold for incorporation into the original 138285
construction of a sports facility under section 307.696 of the 138286
Revised Code; building and construction materials and services 138287
sold to a construction contractor for incorporation into real 138288
property outside this state if such materials and services, when 138289
sold to a construction contractor in the state in which the real 138290
property is located for incorporation into real property in that 138291
state, would be exempt from a tax on sales levied by that state; 138292
and, until one calendar year after the construction of a 138293
convention center that qualifies for property tax exemption under 138294
section 5709.084 of the Revised Code is completed, building and 138295
construction materials and services sold to a construction 138296
contractor for incorporation into the real property comprising 138297
that convention center; 138298

(14) Sales of ships or vessels or rail rolling stock used or 138299

to be used principally in interstate or foreign commerce, and 138300
repairs, alterations, fuel, and lubricants for such ships or 138301
vessels or rail rolling stock; 138302

(15) Sales to persons primarily engaged in any of the 138303
activities mentioned in division (B)(42)(a), (g), or (h) of this 138304
section, to persons engaged in making retail sales, or to persons 138305
who purchase for sale from a manufacturer tangible personal 138306
property that was produced by the manufacturer in accordance with 138307
specific designs provided by the purchaser, of packages, including 138308
material, labels, and parts for packages, and of machinery, 138309
equipment, and material for use primarily in packaging tangible 138310
personal property produced for sale, including any machinery, 138311
equipment, and supplies used to make labels or packages, to 138312
prepare packages or products for labeling, or to label packages or 138313
products, by or on the order of the person doing the packaging, or 138314
sold at retail. "Packages" includes bags, baskets, cartons, 138315
crates, boxes, cans, bottles, bindings, wrappings, and other 138316
similar devices and containers, but does not include motor 138317
vehicles or bulk tanks, trailers, or similar devices attached to 138318
motor vehicles. "Packaging" means placing in a package. Division 138319
(B)(15) of this section does not apply to persons engaged in 138320
highway transportation for hire. 138321

(16) Sales of food to persons using supplemental nutrition 138322
assistance program benefits to purchase the food. As used in this 138323
division, "food" has the same meaning as in 7 U.S.C. 2012 and 138324
federal regulations adopted pursuant to the Food and Nutrition Act 138325
of 2008. 138326

(17) Sales to persons engaged in farming, agriculture, 138327
horticulture, or floriculture, of tangible personal property for 138328
use or consumption primarily in the production by farming, 138329
agriculture, horticulture, or floriculture of other tangible 138330
personal property for use or consumption primarily in the 138331

production of tangible personal property for sale by farming, 138332
agriculture, horticulture, or floriculture; or material and parts 138333
for incorporation into any such tangible personal property for use 138334
or consumption in production; and of tangible personal property 138335
for such use or consumption in the conditioning or holding of 138336
products produced by and for such use, consumption, or sale by 138337
persons engaged in farming, agriculture, horticulture, or 138338
floriculture, except where such property is incorporated into real 138339
property; 138340

(18) Sales of drugs for a human being that may be dispensed 138341
only pursuant to a prescription; insulin as recognized in the 138342
official United States pharmacopoeia; urine and blood testing 138343
materials when used by diabetics or persons with hypoglycemia to 138344
test for glucose or acetone; hypodermic syringes and needles when 138345
used by diabetics for insulin injections; epoetin alfa when 138346
purchased for use in the treatment of persons with medical 138347
disease; hospital beds when purchased by hospitals, nursing homes, 138348
or other medical facilities; and medical oxygen and medical 138349
oxygen-dispensing equipment when purchased by hospitals, nursing 138350
homes, or other medical facilities; 138351

(19) Sales of prosthetic devices, durable medical equipment 138352
for home use, or mobility enhancing equipment, when made pursuant 138353
to a prescription and when such devices or equipment are for use 138354
by a human being. 138355

(20) Sales of emergency and fire protection vehicles and 138356
equipment to nonprofit organizations for use solely in providing 138357
fire protection and emergency services, including trauma care and 138358
emergency medical services, for political subdivisions of the 138359
state; 138360

(21) Sales of tangible personal property manufactured in this 138361
state, if sold by the manufacturer in this state to a retailer for 138362
use in the retail business of the retailer outside of this state 138363

and if possession is taken from the manufacturer by the purchaser 138364
within this state for the sole purpose of immediately removing the 138365
same from this state in a vehicle owned by the purchaser; 138366

(22) Sales of services provided by the state or any of its 138367
political subdivisions, agencies, instrumentalities, institutions, 138368
or authorities, or by governmental entities of the state or any of 138369
its political subdivisions, agencies, instrumentalities, 138370
institutions, or authorities; 138371

(23) Sales of motor vehicles to nonresidents of this state 138372
under the circumstances described in division (B) of section 138373
5739.029 of the Revised Code; 138374

(24) Sales to persons engaged in the preparation of eggs for 138375
sale of tangible personal property used or consumed directly in 138376
such preparation, including such tangible personal property used 138377
for cleaning, sanitizing, preserving, grading, sorting, and 138378
classifying by size; packages, including material and parts for 138379
packages, and machinery, equipment, and material for use in 138380
packaging eggs for sale; and handling and transportation equipment 138381
and parts therefor, except motor vehicles licensed to operate on 138382
public highways, used in intraplant or interplant transfers or 138383
shipment of eggs in the process of preparation for sale, when the 138384
plant or plants within or between which such transfers or 138385
shipments occur are operated by the same person. "Packages" 138386
includes containers, cases, baskets, flats, fillers, filler flats, 138387
cartons, closure materials, labels, and labeling materials, and 138388
"packaging" means placing therein. 138389

(25)(a) Sales of water to a consumer for residential use; 138390

(b) Sales of water by a nonprofit corporation engaged 138391
exclusively in the treatment, distribution, and sale of water to 138392
consumers, if such water is delivered to consumers through pipes 138393
or tubing. 138394

(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	138395 138396
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	138397 138398 138399 138400
(a) To prepare food for human consumption for sale;	138401
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	138402 138403 138404 138405
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	138406 138407
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	138408 138409
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	138410 138411 138412 138413
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	138414 138415 138416
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	138417 138418 138419
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the	138420 138421 138422 138423 138424

transportation of tangible personal property; 138425

(33) Sales to the state headquarters of any veterans' 138426
organization in this state that is either incorporated and issued 138427
a charter by the congress of the United States or is recognized by 138428
the United States veterans administration, for use by the 138429
headquarters; 138430

(34) Sales to a telecommunications service vendor, mobile 138431
telecommunications service vendor, or satellite broadcasting 138432
service vendor of tangible personal property and services used 138433
directly and primarily in transmitting, receiving, switching, or 138434
recording any interactive, one- or two-way electromagnetic 138435
communications, including voice, image, data, and information, 138436
through the use of any medium, including, but not limited to, 138437
poles, wires, cables, switching equipment, computers, and record 138438
storage devices and media, and component parts for the tangible 138439
personal property. The exemption provided in this division shall 138440
be in lieu of all other exemptions under division (B)(42)(a) or 138441
(n) of this section to which the vendor may otherwise be entitled, 138442
based upon the use of the thing purchased in providing the 138443
telecommunications, mobile telecommunications, or satellite 138444
broadcasting service. 138445

(35)(a) Sales where the purpose of the consumer is to use or 138446
consume the things transferred in making retail sales and 138447
consisting of newspaper inserts, catalogues, coupons, flyers, gift 138448
certificates, or other advertising material that prices and 138449
describes tangible personal property offered for retail sale. 138450

(b) Sales to direct marketing vendors of preliminary 138451
materials such as photographs, artwork, and typesetting that will 138452
be used in printing advertising material; and of printed matter 138453
that offers free merchandise or chances to win sweepstake prizes 138454
and that is mailed to potential customers with advertising 138455
material described in division (B)(35)(a) of this section; 138456

(c) Sales of equipment such as telephones, computers, facsimile machines, and similar tangible personal property primarily used to accept orders for direct marketing retail sales.	138457 138458 138459
(d) Sales of automatic food vending machines that preserve food with a shelf life of forty-five days or less by refrigeration and dispense it to the consumer.	138460 138461 138462
For purposes of division (B)(35) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.	138463 138464 138465 138466 138467 138468 138469 138470
(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;	138471 138472 138473
(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;	138474 138475 138476 138477 138478
(38) Sales to a professional racing team of any of the following:	138479 138480
(a) Motor racing vehicles;	138481
(b) Repair services for motor racing vehicles;	138482
(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including	138483 138484 138485 138486

tires, consumable fluids, paint, and accessories consisting of 138487
instrumentation sensors and related items added to the vehicle to 138488
collect and transmit data by means of telemetry and other forms of 138489
communication. 138490

(39) Sales of used manufactured homes and used mobile homes, 138491
as defined in section 5739.0210 of the Revised Code, made on or 138492
after January 1, 2000; 138493

(40) Sales of tangible personal property and services to a 138494
provider of electricity used or consumed directly and primarily in 138495
generating, transmitting, or distributing electricity for use by 138496
others, including property that is or is to be incorporated into 138497
and will become a part of the consumer's production, transmission, 138498
or distribution system and that retains its classification as 138499
tangible personal property after incorporation; fuel or power used 138500
in the production, transmission, or distribution of electricity; 138501
energy conversion equipment as defined in section 5727.01 of the 138502
Revised Code; and tangible personal property and services used in 138503
the repair and maintenance of the production, transmission, or 138504
distribution system, including only those motor vehicles as are 138505
specially designed and equipped for such use. The exemption 138506
provided in this division shall be in lieu of all other exemptions 138507
in division (B)(42)(a) or (n) of this section to which a provider 138508
of electricity may otherwise be entitled based on the use of the 138509
tangible personal property or service purchased in generating, 138510
transmitting, or distributing electricity. 138511

(41) Sales to a person providing services under division 138512
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 138513
personal property and services used directly and primarily in 138514
providing taxable services under that section. 138515

(42) Sales where the purpose of the purchaser is to do any of 138516
the following: 138517

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, production of crude oil and natural gas, or directly in the rendition of a public utility service, except that the sales tax levied by this section shall be collected upon all meals, drinks, and food for human consumption sold when transporting persons. Persons engaged in rendering services in the exploration for, and production of, crude oil and natural gas for others are deemed engaged directly in the exploration for, and production of, crude oil and natural gas. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property. 138518
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(b) To hold the thing transferred as security for the performance of an obligation of the vendor; 138535
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(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance; 138537
138538

(d) To use or consume the thing directly in commercial fishing; 138539
138540

(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications; 138541
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(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of 138545
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written or graphic matter; 138549

(g) To use the thing transferred, as described in section 138550
5739.011 of the Revised Code, primarily in a manufacturing 138551
operation to produce tangible personal property for sale; 138552

(h) To use the benefit of a warranty, maintenance or service 138553
contract, or similar agreement, as described in division (B)(7) of 138554
section 5739.01 of the Revised Code, to repair or maintain 138555
tangible personal property, if all of the property that is the 138556
subject of the warranty, contract, or agreement would not be 138557
subject to the tax imposed by this section; 138558

(i) To use the thing transferred as qualified research and 138559
development equipment; 138560

(j) To use or consume the thing transferred primarily in 138561
storing, transporting, mailing, or otherwise handling purchased 138562
sales inventory in a warehouse, distribution center, or similar 138563
facility when the inventory is primarily distributed outside this 138564
state to retail stores of the person who owns or controls the 138565
warehouse, distribution center, or similar facility, to retail 138566
stores of an affiliated group of which that person is a member, or 138567
by means of direct marketing. This division does not apply to 138568
motor vehicles registered for operation on the public highways. As 138569
used in this division, "affiliated group" has the same meaning as 138570
in division (B)(3)(e) of section 5739.01 of the Revised Code and 138571
"direct marketing" has the same meaning as in division (B)(35) of 138572
this section. 138573

(k) To use or consume the thing transferred to fulfill a 138574
contractual obligation incurred by a warrantor pursuant to a 138575
warranty provided as a part of the price of the tangible personal 138576
property sold or by a vendor of a warranty, maintenance or service 138577
contract, or similar agreement the provision of which is defined 138578
as a sale under division (B)(7) of section 5739.01 of the Revised 138579

Code;	138580
(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;	138581 138582
(m) To use tangible personal property to perform a service listed in division (B)(3) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;	138583 138584 138585 138586 138587
(n) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.	138588 138589 138590 138591 138592 138593 138594 138595 138596
(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing.	138597 138598 138599
As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code.	138600 138601 138602
(43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction.	138603 138604 138605 138606 138607 138608 138609
(44) Sales of replacement and modification parts for engines,	138610

airframes, instruments, and interiors in, and paint for, aircraft 138611
used primarily in a fractional aircraft ownership program, and 138612
sales of services for the repair, modification, and maintenance of 138613
such aircraft, and machinery, equipment, and supplies primarily 138614
used to provide those services. 138615

(45) Sales of telecommunications service that is used 138616
directly and primarily to perform the functions of a call center. 138617
As used in this division, "call center" means any physical 138618
location where telephone calls are placed or received in high 138619
volume for the purpose of making sales, marketing, customer 138620
service, technical support, or other specialized business 138621
activity, and that employs at least fifty individuals that engage 138622
in call center activities on a full-time basis, or sufficient 138623
individuals to fill fifty full-time equivalent positions. 138624

(46) Sales by a telecommunications service vendor of 900 138625
service to a subscriber. This division does not apply to 138626
information services, as defined in division (FF) of section 138627
5739.01 of the Revised Code. 138628

(47) Sales of value-added non-voice data service. This 138629
division does not apply to any similar service that is not 138630
otherwise a telecommunications service. 138631

(48)(a) Sales of machinery, equipment, and software to a 138632
qualified direct selling entity for use in a warehouse or 138633
distribution center primarily for storing, transporting, or 138634
otherwise handling inventory that is held for sale to independent 138635
salespersons who operate as direct sellers and that is held 138636
primarily for distribution outside this state; 138637

(b) As used in division (B)(48)(a) of this section: 138638

(i) "Direct seller" means a person selling consumer products 138639
to individuals for personal or household use and not from a fixed 138640
retail location, including selling such product at in-home product 138641

demonstrations, parties, and other one-on-one selling. 138642

(ii) "Qualified direct selling entity" means an entity 138643
selling to direct sellers at the time the entity enters into a tax 138644
credit agreement with the tax credit authority pursuant to section 138645
122.17 of the Revised Code, provided that the agreement was 138646
entered into on or after January 1, 2007. Neither contingencies 138647
relevant to the granting of, nor later developments with respect 138648
to, the tax credit shall impair the status of the qualified direct 138649
selling entity under division (B)(48) of this section after 138650
execution of the tax credit agreement by the tax credit authority. 138651

(c) Division (B)(48) of this section is limited to machinery, 138652
equipment, and software first stored, used, or consumed in this 138653
state within the period commencing June 24, 2008, and ending on 138654
the date that is five years after that date. 138655

(49)(a) Sales of materials, parts, equipment, or engines used 138656
in the repair or maintenance of aircraft or avionics systems of 138657
such aircraft, and sales of repair, remodeling, replacement, or 138658
maintenance services in this state performed on aircraft or on an 138659
aircraft's avionics, engine, or component materials or parts. As 138660
used in division (B)(49)(a) of this section, "aircraft" means 138661
aircraft of more than six thousand pounds maximum certified 138662
takeoff weight or used exclusively in general aviation. 138663

(b) Sales of tangible personal property, including materials, 138664
parts, equipment, software, supplies, tools, fuel, catalysts, oil, 138665
acids, and other consumables, or services used or consumed in 138666
performing research and development activities with respect to 138667
aerospace vehicles, the parts, avionics systems, control systems, 138668
engines, software, component materials, or component parts of such 138669
aerospace vehicles, and human performance equipment and technology 138670
associated with operating and testing aerospace vehicles. As used 138671
in division (B)(49)(b) of this section, "aerospace vehicles" means 138672
any manned or unmanned aviation device including, but not limited 138673

to, aircraft, airplanes, helicopters, missiles, rockets, and space 138674
vehicles. 138675

(50) Sales of full flight simulators that are used for pilot 138676
or flight-crew training, sales of repair or replacement parts or 138677
components, and sales of repair or maintenance services for such 138678
full flight simulators. "Full flight simulator" means a replica of 138679
a specific type, or make, model, and series of aircraft cockpit. 138680
It includes the assemblage of equipment and computer programs 138681
necessary to represent aircraft operations in ground and flight 138682
conditions, a visual system providing an out-of-the-cockpit view, 138683
and a system that provides cues at least equivalent to those of a 138684
three-degree-of-freedom motion system, and has the full range of 138685
capabilities of the systems installed in the device as described 138686
in appendices A and B of part 60 of chapter 1 of title 14 of the 138687
Code of Federal Regulations. 138688

(51) Any transfer or lease of tangible personal property 138689
between the state and a successful proposer in accordance with 138690
sections 126.60 to 126.605 of the Revised Code, provided the 138691
property is part of a project as defined in section 126.60 of the 138692
Revised Code and the state retains ownership of the project or 138693
part thereof that is being transferred or leased, between the 138694
state and JobsOhio in accordance with section 4313.02 of the 138695
Revised Code. 138696

(52)(a) Sales to a qualifying corporation. 138697

(b) As used in division (B)(52) of this section: 138698

(i) "Qualifying corporation" means a nonprofit corporation 138699
organized in this state that leases from an eligible county land, 138700
buildings, structures, fixtures, and improvements to the land that 138701
are part of or used in a public recreational facility used by a 138702
major league professional athletic team or a class A to class AAA 138703
minor league affiliate of a major league professional athletic 138704

team for a significant portion of the team's home schedule, 138705
provided the following apply: 138706

(I) The facility is leased from the eligible county pursuant 138707
to a lease that requires substantially all of the revenue from the 138708
operation of the business or activity conducted by the nonprofit 138709
corporation at the facility in excess of operating costs, capital 138710
expenditures, and reserves to be paid to the eligible county at 138711
least once per calendar year. 138712

(II) Upon dissolution and liquidation of the nonprofit 138713
corporation, all of its net assets are distributable to the board 138714
of commissioners of the eligible county from which the corporation 138715
leases the facility. 138716

(ii) "Eligible county" has the same meaning as in section 138717
307.695 of the Revised Code. 138718

(C) For the purpose of the proper administration of this 138719
chapter, and to prevent the evasion of the tax, it is presumed 138720
that all sales made in this state are subject to the tax until the 138721
contrary is established. 138722

(D) The levy of this tax on retail sales of recreation and 138723
sports club service shall not prevent a municipal corporation from 138724
levying any tax on recreation and sports club dues or on any 138725
income generated by recreation and sports club dues. 138726

(E) The tax collected by the vendor from the consumer under 138727
this chapter is not part of the price, but is a tax collection for 138728
the benefit of the state, and of counties levying an additional 138729
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 138730
Code and of transit authorities levying an additional sales tax 138731
pursuant to section 5739.023 of the Revised Code. Except for the 138732
discount authorized under section 5739.12 of the Revised Code and 138733
the effects of any rounding pursuant to section 5703.055 of the 138734
Revised Code, no person other than the state or such a county or 138735

transit authority shall derive any benefit from the collection or 138736
payment of the tax levied by this section or section 5739.021, 138737
5739.023, or 5739.026 of the Revised Code. 138738

Sec. 5739.026. (A) A board of county commissioners may levy a 138739
tax of one-fourth or one-half of one per cent on every retail sale 138740
in the county, except sales of watercraft and outboard motors 138741
required to be titled pursuant to Chapter 1548. of the Revised 138742
Code and sales of motor vehicles, and may increase an existing 138743
rate of one-fourth of one per cent to one-half of one per cent, to 138744
pay the expenses of administering the tax and, except as provided 138745
in division (A)(6) of this section, for any one or more of the 138746
following purposes provided that the aggregate levy for all such 138747
purposes does not exceed one-half of one per cent: 138748

(1) To provide additional revenues for the payment of bonds 138749
or notes issued in anticipation of bonds issued by a convention 138750
facilities authority established by the board of county 138751
commissioners under Chapter 351. of the Revised Code and to 138752
provide additional operating revenues for the convention 138753
facilities authority; 138754

(2) To provide additional revenues for a transit authority 138755
operating in the county; 138756

(3) To provide additional revenue for the county's general 138757
fund; 138758

(4) To provide additional revenue for permanent improvements 138759
within the county to be distributed by the community improvements 138760
board in accordance with section 307.283 and to pay principal, 138761
interest, and premium on bonds issued under section 307.284 of the 138762
Revised Code; 138763

(5) To provide additional revenue for the acquisition, 138764
construction, equipping, or repair of any specific permanent 138765

improvement or any class or group of permanent improvements, which 138766
improvement or class or group of improvements shall be enumerated 138767
in the resolution required by division (D) of this section, and to 138768
pay principal, interest, premium, and other costs associated with 138769
the issuance of bonds or notes in anticipation of bonds issued 138770
pursuant to Chapter 133. of the Revised Code for the acquisition, 138771
construction, equipping, or repair of the specific permanent 138772
improvement or class or group of permanent improvements; 138773

(6) To provide revenue for the implementation and operation 138774
of a 9-1-1 system in the county. If the tax is levied or the rate 138775
increased exclusively for such purpose, the tax shall not be 138776
levied or the rate increased for more than five years. At the end 138777
of the last year the tax is levied or the rate increased, any 138778
balance remaining in the special fund established for such purpose 138779
shall remain in that fund and be used exclusively for such purpose 138780
until the fund is completely expended, and, notwithstanding 138781
section 5705.16 of the Revised Code, the board of county 138782
commissioners shall not petition for the transfer of money from 138783
such special fund, and the tax commissioner shall not approve such 138784
a petition. 138785

If the tax is levied or the rate increased for such purpose 138786
for more than five years, the board of county commissioners also 138787
shall levy the tax or increase the rate of the tax for one or more 138788
of the purposes described in divisions (A)(1) to (5) of this 138789
section and shall prescribe the method for allocating the revenues 138790
from the tax each year in the manner required by division (C) of 138791
this section. 138792

(7) To provide additional revenue for the operation or 138793
maintenance of a detention facility, as that term is defined under 138794
division (F) of section 2921.01 of the Revised Code; 138795

(8) To provide revenue to finance the construction or 138796
renovation of a sports facility, but only if the tax is levied for 138797

that purpose in the manner prescribed by section 5739.028 of the Revised Code. 138798
138799

As used in division (A)(8) of this section: 138800

(a) "Sports facility" means a facility intended to house major league professional athletic teams. 138801
138802

(b) "Constructing" or "construction" includes providing fixtures, furnishings, and equipment. 138803
138804

(9) To provide additional revenue for the acquisition of agricultural easements, as defined in section 5301.67 of the Revised Code; to pay principal, interest, and premium on bonds issued under section 133.60 of the Revised Code; and for the supervision and enforcement of agricultural easements held by the county; 138805
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(10) To provide revenue for the provision of ambulance, paramedic, or other emergency medical services; 138811
138812

(11) To provide revenue for the operation of a lake facilities authority and the remediation of an impacted watershed by a lake facilities authority, as provided in Chapter 353. of the Revised Code. 138813
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138816

Pursuant to section 755.171 of the Revised Code, a board of county commissioners may pledge and contribute revenue from a tax levied for the purpose of division (A)(5) of this section to the payment of debt charges on bonds issued under section 755.17 of the Revised Code. 138817
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The rate of tax shall be a multiple of one-fourth of one per cent, unless a portion of the rate of an existing tax levied under section 5739.023 of the Revised Code has been reduced, and the rate of tax levied under this section has been increased, pursuant to section 5739.028 of the Revised Code, in which case the aggregate of the rates of tax levied under this section and 138822
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section 5739.023 of the Revised Code shall be a multiple of 138828
one-fourth of one per cent. The tax shall be levied and the rate 138829
increased pursuant to a resolution adopted by a majority of the 138830
members of the board. The board shall deliver a certified copy of 138831
the resolution to the tax commissioner, not later than the 138832
sixty-fifth day prior to the date on which the tax is to become 138833
effective, which shall be the first day of a calendar quarter. 138834

Prior to the adoption of any resolution to levy the tax or to 138835
increase the rate of tax exclusively for the purpose set forth in 138836
division (A)(3) of this section, the board of county commissioners 138837
shall conduct two public hearings on the resolution, the second 138838
hearing to be no fewer than three nor more than ten days after the 138839
first. Notice of the date, time, and place of the hearings shall 138840
be given by publication in a newspaper of general circulation in 138841
the county, or as provided in section 7.16 of the Revised Code, 138842
once a week on the same day of the week for two consecutive weeks. 138843
The second publication shall be no fewer than ten nor more than 138844
thirty days prior to the first hearing. Except as provided in 138845
division (E) of this section, the resolution shall be subject to a 138846
referendum as provided in sections 305.31 to 305.41 of the Revised 138847
Code. If the resolution is adopted as an emergency measure 138848
necessary for the immediate preservation of the public peace, 138849
health, or safety, it must receive an affirmative vote of all of 138850
the members of the board of county commissioners and shall state 138851
the reasons for the necessity. 138852

If the tax is for more than one of the purposes set forth in 138853
divisions (A)(1) to (7), (9), and (10) of this section, or is 138854
exclusively for one of the purposes set forth in division (A)(1), 138855
(2), (4), (5), (6), (7), (9), or (10) of this section, the 138856
resolution shall not go into effect unless it is approved by a 138857
majority of the electors voting on the question of the tax. 138858

(B) The board of county commissioners shall adopt a 138859

resolution under section 351.02 of the Revised Code creating the 138860
convention facilities authority, or under section 307.283 of the 138861
Revised Code creating the community improvements board, before 138862
adopting a resolution levying a tax for the purpose of a 138863
convention facilities authority under division (A)(1) of this 138864
section or for the purpose of a community improvements board under 138865
division (A)(4) of this section. 138866

(C)(1) If the tax is to be used for more than one of the 138867
purposes set forth in divisions (A)(1) to (7), (9), and (10) of 138868
this section, the board of county commissioners shall establish 138869
the method that will be used to determine the amount or proportion 138870
of the tax revenue received by the county during each year that 138871
will be distributed for each of those purposes, including, if 138872
applicable, provisions governing the reallocation of a convention 138873
facilities authority's allocation if the authority is dissolved 138874
while the tax is in effect. The allocation method may provide that 138875
different proportions or amounts of the tax shall be distributed 138876
among the purposes in different years, but it shall clearly 138877
describe the method that will be used for each year. Except as 138878
otherwise provided in division (C)(2) of this section, the 138879
allocation method established by the board is not subject to 138880
amendment during the life of the tax. 138881

(2) Subsequent to holding a public hearing on the proposed 138882
amendment, the board of county commissioners may amend the 138883
allocation method established under division (C)(1) of this 138884
section for any year, if the amendment is approved by the 138885
governing board of each entity whose allocation for the year would 138886
be reduced by the proposed amendment. In the case of a tax that is 138887
levied for a continuing period of time, the board may not so amend 138888
the allocation method for any year before the sixth year that the 138889
tax is in effect. 138890

(a) If the additional revenues provided to the convention 138891

facilities authority are pledged by the authority for the payment 138892
of convention facilities authority revenue bonds for as long as 138893
such bonds are outstanding, no reduction of the authority's 138894
allocation of the tax shall be made for any year except to the 138895
extent that the reduced authority allocation, when combined with 138896
the authority's other revenues pledged for that purpose, is 138897
sufficient to meet the debt service requirements for that year on 138898
such bonds. 138899

(b) If the additional revenues provided to the county are 138900
pledged by the county for the payment of bonds or notes described 138901
in division (A)(4) or (5) of this section, for as long as such 138902
bonds or notes are outstanding, no reduction of the county's or 138903
the community improvements board's allocation of the tax shall be 138904
made for any year, except to the extent that the reduced county or 138905
community improvements board allocation is sufficient to meet the 138906
debt service requirements for that year on such bonds or notes. 138907

(c) If the additional revenues provided to the transit 138908
authority are pledged by the authority for the payment of revenue 138909
bonds issued under section 306.37 of the Revised Code, for as long 138910
as such bonds are outstanding, no reduction of the authority's 138911
allocation of tax shall be made for any year, except to the extent 138912
that the authority's reduced allocation, when combined with the 138913
authority's other revenues pledged for that purpose, is sufficient 138914
to meet the debt service requirements for that year on such bonds. 138915

(d) If the additional revenues provided to the county are 138916
pledged by the county for the payment of bonds or notes issued 138917
under section 133.60 of the Revised Code, for so long as the bonds 138918
or notes are outstanding, no reduction of the county's allocation 138919
of the tax shall be made for any year, except to the extent that 138920
the reduced county allocation is sufficient to meet the debt 138921
service requirements for that year on the bonds or notes. 138922

(D)(1) The resolution levying the tax or increasing the rate 138923

of tax shall state the rate of the tax or the rate of the 138924
increase; the purpose or purposes for which it is to be levied; 138925
the number of years for which it is to be levied or that it is for 138926
a continuing period of time; the allocation method required by 138927
division (C) of this section; and if required to be submitted to 138928
the electors of the county under division (A) of this section, the 138929
date of the election at which the proposal shall be submitted to 138930
the electors of the county, which shall be not less than ninety 138931
days after the certification of a copy of the resolution to the 138932
board of elections and, if the tax is to be levied exclusively for 138933
the purpose set forth in division (A)(3) of this section, shall 138934
not occur in February or August of any year. Upon certification of 138935
the resolution to the board of elections, the board of county 138936
commissioners shall notify the tax commissioner in writing of the 138937
levy question to be submitted to the electors. If approved by a 138938
majority of the electors, the tax shall become effective on the 138939
first day of a calendar quarter next following the sixty-fifth day 138940
following the date the board of county commissioners and tax 138941
commissioner receive from the board of elections the certification 138942
of the results of the election, except as provided in division (E) 138943
of this section. 138944

(2)(a) A resolution specifying that the tax is to be used 138945
exclusively for the purpose set forth in division (A)(3) of this 138946
section that is not adopted as an emergency measure may direct the 138947
board of elections to submit the question of levying the tax or 138948
increasing the rate of the tax to the electors of the county at a 138949
special election held on the date specified by the board of county 138950
commissioners in the resolution, provided that the election occurs 138951
not less than ninety days after the resolution is certified to the 138952
board of elections and the election is not held in February or 138953
August of any year. Upon certification of the resolution to the 138954
board of elections, the board of county commissioners shall notify 138955
the tax commissioner in writing of the levy question to be 138956

submitted to the electors. No resolution adopted under division 138957
(D)(2)(a) of this section shall go into effect unless approved by 138958
a majority of those voting upon it and, except as provided in 138959
division (E) of this section, not until the first day of a 138960
calendar quarter following the expiration of sixty-five days from 138961
the date the tax commissioner receives notice from the board of 138962
elections of the affirmative vote. 138963

(b) A resolution specifying that the tax is to be used 138964
exclusively for the purpose set forth in division (A)(3) of this 138965
section that is adopted as an emergency measure shall become 138966
effective as provided in division (A) of this section, but may 138967
direct the board of elections to submit the question of repealing 138968
the tax or increase in the rate of the tax to the electors of the 138969
county at the next general election in the county occurring not 138970
less than ninety days after the resolution is certified to the 138971
board of elections. Upon certification of the resolution to the 138972
board of elections, the board of county commissioners shall notify 138973
the tax commissioner in writing of the levy question to be 138974
submitted to the electors. The ballot question shall be the same 138975
as that prescribed in section 5739.022 of the Revised Code. The 138976
board of elections shall notify the board of county commissioners 138977
and the tax commissioner of the result of the election immediately 138978
after the result has been declared. If a majority of the qualified 138979
electors voting on the question of repealing the tax or increase 138980
in the rate of the tax vote for repeal of the tax or repeal of the 138981
increase, the board of county commissioners, on the first day of a 138982
calendar quarter following the expiration of sixty-five days after 138983
the date the board and tax commissioner received notice of the 138984
result of the election, shall, in the case of a repeal of the tax, 138985
cease to levy the tax, or, in the case of a repeal of an increase 138986
in the rate of the tax, cease to levy the increased rate and levy 138987
the tax at the rate at which it was imposed immediately prior to 138988
the increase in rate. 138989

(c) A board of county commissioners, by resolution, may 138990
reduce the rate of a tax levied exclusively for the purpose set 138991
forth in division (A)(3) of this section to a lower rate 138992
authorized by this section. Any such reduction shall be made 138993
effective on the first day of the calendar quarter next following 138994
the sixty-fifth day after the tax commissioner receives a 138995
certified copy of the resolution from the board. 138996

(E) If a vendor makes a sale in this state by printed catalog 138997
and the consumer computed the tax on the sale based on local rates 138998
published in the catalog, any tax levied or repealed or rate 138999
changed under this section shall not apply to such a sale until 139000
the first day of a calendar quarter following the expiration of 139001
one hundred twenty days from the date of notice by the tax 139002
commissioner pursuant to division (G) of this section. 139003

(F) The tax levied pursuant to this section shall be in 139004
addition to the tax levied by section 5739.02 of the Revised Code 139005
and any tax levied pursuant to section 5739.021 or 5739.023 of the 139006
Revised Code. 139007

A county that levies a tax pursuant to this section shall 139008
levy a tax at the same rate pursuant to section 5741.023 of the 139009
Revised Code. 139010

The additional tax levied by the county shall be collected 139011
pursuant to section 5739.025 of the Revised Code. 139012

Any tax levied pursuant to this section is subject to the 139013
exemptions provided in section 5739.02 of the Revised Code and in 139014
addition shall not be applicable to sales not within the taxing 139015
power of a county under the Constitution of the United States or 139016
the Ohio Constitution. 139017

(G) Upon receipt from a board of county commissioners of a 139018
certified copy of a resolution required by division (A) of this 139019
section, or from the board of elections a notice of the results of 139020

an election required by division (D)(1), (2)(a), (b), or (c) of 139021
this section, the tax commissioner shall provide notice of a tax 139022
rate change in a manner that is reasonably accessible to all 139023
affected vendors. The commissioner shall provide this notice at 139024
least sixty days prior to the effective date of the rate change. 139025
The commissioner, by rule, may establish the method by which 139026
notice will be provided. 139027

Sec. 5739.09. (A)(1) A board of county commissioners may, by 139028
resolution adopted by a majority of the members of the board, levy 139029
an excise tax not to exceed three per cent on transactions by 139030
which lodging by a hotel is or is to be furnished to transient 139031
guests. The board shall establish all regulations necessary to 139032
provide for the administration and allocation of the tax. The 139033
regulations may prescribe the time for payment of the tax, and may 139034
provide for the imposition of a penalty or interest, or both, for 139035
late payments, provided that the penalty does not exceed ten per 139036
cent of the amount of tax due, and the rate at which interest 139037
accrues does not exceed the rate per annum prescribed pursuant to 139038
section 5703.47 of the Revised Code. Except as provided in 139039
divisions (A)(2), (3), (4), (5), (6), and (7) of this section, the 139040
regulations shall provide, after deducting the real and actual 139041
costs of administering the tax, for the return to each municipal 139042
corporation or township that does not levy an excise tax on the 139043
transactions, a uniform percentage of the tax collected in the 139044
municipal corporation or in the unincorporated portion of the 139045
township from each transaction, not to exceed thirty-three and 139046
one-third per cent. The remainder of the revenue arising from the 139047
tax shall be deposited in a separate fund and shall be spent 139048
solely to make contributions to the convention and visitors' 139049
bureau operating within the county, including a pledge and 139050
contribution of any portion of the remainder pursuant to an 139051
agreement authorized by section 307.695 of the Revised Code, 139052

provided that if the board of county commissioners of an eligible 139053
county as defined in section 307.695 of the Revised Code adopts a 139054
resolution amending a resolution levying a tax under this division 139055
to provide that the revenue from the tax shall be used by the 139056
board as described in division (H) of section 307.695 of the 139057
Revised Code, the remainder of the revenue shall be used as 139058
described in the resolution making that amendment. Except as 139059
provided in division (A)(2), (3), (4), (5), (6), or (7) or (H) of 139060
this section, on and after May 10, 1994, a board of county 139061
commissioners may not levy an excise tax pursuant to this division 139062
in any municipal corporation or township located wholly or partly 139063
within the county that has in effect an ordinance or resolution 139064
levying an excise tax pursuant to division (B) of this section. 139065
The board of a county that has levied a tax under division (C) of 139066
this section may, by resolution adopted within ninety days after 139067
July 15, 1985, by a majority of the members of the board, amend 139068
the resolution levying a tax under this division to provide for a 139069
portion of that tax to be pledged and contributed in accordance 139070
with an agreement entered into under section 307.695 of the 139071
Revised Code. A tax, any revenue from which is pledged pursuant to 139072
such an agreement, shall remain in effect at the rate at which it 139073
is imposed for the duration of the period for which the revenue 139074
from the tax has been so pledged. 139075

The board of county commissioners of an eligible county as 139076
defined in section 307.695 of the Revised Code may, by resolution 139077
adopted by a majority of the members of the board, amend a 139078
resolution levying a tax under this division to provide that the 139079
revenue from the tax shall be used by the board as described in 139080
division (H) of section 307.695 of the Revised Code, in which case 139081
the tax shall remain in effect at the rate at which it was imposed 139082
for the duration of any agreement entered into by the board under 139083
section 307.695 of the Revised Code, the duration during which any 139084
securities issued by the board under that section are outstanding, 139085

or the duration of the period during which the board owns a 139086
project as defined in section 307.695 of the Revised Code, 139087
whichever duration is longest. 139088

(2) A board of county commissioners that levies an excise tax 139089
under division (A)(1) of this section on June 30, 1997, at a rate 139090
of three per cent, and that has pledged revenue from the tax to an 139091
agreement entered into under section 307.695 of the Revised Code 139092
or, in the case of the board of county commissioners of an 139093
eligible county as defined in section 307.695 of the Revised Code, 139094
has amended a resolution levying a tax under division (C) of this 139095
section to provide that proceeds from the tax shall be used by the 139096
board as described in division (H) of section 307.695 of the 139097
Revised Code, may, at any time by a resolution adopted by a 139098
majority of the members of the board, amend the resolution levying 139099
a tax under division (A)(1) of this section to provide for an 139100
increase in the rate of that tax up to seven per cent on each 139101
transaction; to provide that revenue from the increase in the rate 139102
shall be used as described in division (H) of section 307.695 of 139103
the Revised Code or be spent solely to make contributions to the 139104
convention and visitors' bureau operating within the county to be 139105
used specifically for promotion, advertising, and marketing of the 139106
region in which the county is located; and to provide that the 139107
rate in excess of the three per cent levied under division (A)(1) 139108
of this section shall remain in effect at the rate at which it is 139109
imposed for the duration of the period during which any agreement 139110
is in effect that was entered into under section 307.695 of the 139111
Revised Code by the board of county commissioners levying a tax 139112
under division (A)(1) of this section, the duration of the period 139113
during which any securities issued by the board under division (I) 139114
of section 307.695 of the Revised Code are outstanding, or the 139115
duration of the period during which the board owns a project as 139116
defined in section 307.695 of the Revised Code, whichever duration 139117
is longest. The amendment also shall provide that no portion of 139118

that revenue need be returned to townships or municipal 139119
corporations as would otherwise be required under division (A)(1) 139120
of this section. 139121

(3) A board of county commissioners that levies a tax under 139122
division (A)(1) of this section on March 18, 1999, at a rate of 139123
three per cent may, by resolution adopted not later than 139124
forty-five days after March 18, 1999, amend the resolution levying 139125
the tax to provide for all of the following: 139126

(a) That the rate of the tax shall be increased by not more 139127
than an additional four per cent on each transaction; 139128

(b) That all of the revenue from the increase in the rate 139129
shall be pledged and contributed to a convention facilities 139130
authority established by the board of county commissioners under 139131
Chapter 351. of the Revised Code on or before November 15, 1998, 139132
and used to pay costs of constructing, maintaining, operating, and 139133
promoting a facility in the county, including paying bonds, or 139134
notes issued in anticipation of bonds, as provided by that 139135
chapter; 139136

(c) That no portion of the revenue arising from the increase 139137
in rate need be returned to municipal corporations or townships as 139138
otherwise required under division (A)(1) of this section; 139139

(d) That the increase in rate shall not be subject to 139140
diminution by initiative or referendum or by law while any bonds, 139141
or notes in anticipation of bonds, issued by the authority under 139142
Chapter 351. of the Revised Code to which the revenue is pledged, 139143
remain outstanding in accordance with their terms, unless 139144
provision is made by law or by the board of county commissioners 139145
for an adequate substitute therefor that is satisfactory to the 139146
trustee if a trust agreement secures the bonds. 139147

Division (A)(3) of this section does not apply to the board 139148
of county commissioners of any county in which a convention center 139149

or facility exists or is being constructed on November 15, 1998, 139150
or of any county in which a convention facilities authority levies 139151
a tax pursuant to section 351.021 of the Revised Code on that 139152
date. 139153

As used in division (A)(3) of this section, "cost" and 139154
"facility" have the same meanings as in section 351.01 of the 139155
Revised Code, and "convention center" has the same meaning as in 139156
section 307.695 of the Revised Code. 139157

(4)(a) A board of county commissioners that levies a tax 139158
under division (A)(1) of this section on June 30, 2002, at a rate 139159
of three per cent may, by resolution adopted not later than 139160
September 30, 2002, amend the resolution levying the tax to 139161
provide for all of the following: 139162

(i) That the rate of the tax shall be increased by not more 139163
than an additional three and one-half per cent on each 139164
transaction; 139165

(ii) That all of the revenue from the increase in rate shall 139166
be pledged and contributed to a convention facilities authority 139167
established by the board of county commissioners under Chapter 139168
351. of the Revised Code on or before May 15, 2002, and be used to 139169
pay costs of constructing, expanding, maintaining, operating, or 139170
promoting a convention center in the county, including paying 139171
bonds, or notes issued in anticipation of bonds, as provided by 139172
that chapter; 139173

(iii) That no portion of the revenue arising from the 139174
increase in rate need be returned to municipal corporations or 139175
townships as otherwise required under division (A)(1) of this 139176
section; 139177

(iv) That the increase in rate shall not be subject to 139178
diminution by initiative or referendum or by law while any bonds, 139179
or notes in anticipation of bonds, issued by the authority under 139180

Chapter 351. of the Revised Code to which the revenue is pledged, 139181
remain outstanding in accordance with their terms, unless 139182
provision is made by law or by the board of county commissioners 139183
for an adequate substitute therefor that is satisfactory to the 139184
trustee if a trust agreement secures the bonds. 139185

(b) Any board of county commissioners that, pursuant to 139186
division (A)(4)(a) of this section, has amended a resolution 139187
levying the tax authorized by division (A)(1) of this section may 139188
further amend the resolution to provide that the revenue referred 139189
to in division (A)(4)(a)(ii) of this section shall be pledged and 139190
contributed both to a convention facilities authority to pay the 139191
costs of constructing, expanding, maintaining, or operating one or 139192
more convention centers in the county, including paying bonds, or 139193
notes issued in anticipation of bonds, as provided in Chapter 351. 139194
of the Revised Code, and to a convention and visitors' bureau to 139195
pay the costs of promoting one or more convention centers in the 139196
county. 139197

As used in division (A)(4) of this section, "cost" has the 139198
same meaning as in section 351.01 of the Revised Code, and 139199
"convention center" has the same meaning as in section 307.695 of 139200
the Revised Code. 139201

(5)(a) As used in division (A)(5) of this section: 139202

(i) "Port authority" means a port authority created under 139203
Chapter 4582. of the Revised Code. 139204

(ii) "Port authority military-use facility" means port 139205
authority facilities on which or adjacent to which is located an 139206
installation of the armed forces of the United States, a reserve 139207
component thereof, or the national guard and at least part of 139208
which is made available for use, for consideration, by the armed 139209
forces of the United States, a reserve component thereof, or the 139210
national guard. 139211

(b) For the purpose of contributing revenue to pay operating 139212
expenses of a port authority that operates a port authority 139213
military-use facility, the board of county commissioners of a 139214
county that created, participated in the creation of, or has 139215
joined such a port authority may do one or both of the following: 139216

(i) Amend a resolution previously adopted under division 139217
(A)(1) of this section to designate some or all of the revenue 139218
from the tax levied under the resolution to be used for that 139219
purpose, notwithstanding that division; 139220

(ii) Amend a resolution previously adopted under division 139221
(A)(1) of this section to increase the rate of the tax by not more 139222
than an additional two per cent and use the revenue from the 139223
increase exclusively for that purpose. 139224

(c) If a board of county commissioners amends a resolution to 139225
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 139226
of this section, the board also may amend the resolution to 139227
specify that the increase in rate of the tax does not apply to 139228
"hotels," as otherwise defined in section 5739.01 of the Revised 139229
Code, having fewer rooms used for the accommodation of guests than 139230
a number of rooms specified by the board. 139231

(6) A board of county commissioners of a county organized 139232
under a county charter adopted pursuant to Article X, Section 3, 139233
Ohio Constitution, and that levies an excise tax under division 139234
(A)(1) of this section at a rate of three per cent and levies an 139235
additional excise tax under division (E) of this section at a rate 139236
of one and one-half per cent may, by resolution adopted not later 139237
than January 1, 2008, by a majority of the members of the board, 139238
amend the resolution levying a tax under division (A)(1) of this 139239
section to provide for an increase in the rate of that tax by not 139240
more than an additional one per cent on transactions by which 139241
lodging by a hotel is or is to be furnished to transient guests. 139242
Notwithstanding divisions (A)(1) and (E) of this section, the 139243

resolution shall provide that all of the revenue from the increase 139244
in rate, after deducting the real and actual costs of 139245
administering the tax, shall be used to pay the costs of 139246
improving, expanding, equipping, financing, or operating a 139247
convention center by a convention and visitors' bureau in the 139248
county. The increase in rate shall remain in effect for the period 139249
specified in the resolution, not to exceed ten years. The increase 139250
in rate shall be subject to the regulations adopted under division 139251
(A)(1) of this section, except that the resolution may provide 139252
that no portion of the revenue from the increase in the rate shall 139253
be returned to townships or municipal corporations as would 139254
otherwise be required under that division. 139255

(7) Division (A)(7) of this section applies only to a county 139256
with a population greater than sixty-five thousand and less than 139257
seventy thousand according to the most recent federal decennial 139258
census and in which, on December 31, 2006, an excise tax is levied 139259
under division (A)(1) of this section at a rate not less than and 139260
not greater than three per cent, and in which the most recent 139261
increase in the rate of that tax was enacted or took effect in 139262
November 1984. 139263

The board of county commissioners of a county to which this 139264
division applies, by resolution adopted by a majority of the 139265
members of the board, may increase the rate of the tax by not more 139266
than one per cent on transactions by which lodging by a hotel is 139267
or is to be furnished to transient guests. The increase in rate 139268
shall be for the purpose of paying expenses deemed necessary by 139269
the convention and visitors' bureau operating in the county to 139270
promote travel and tourism. The increase in rate shall remain in 139271
effect for the period specified in the resolution, not to exceed 139272
twenty years, provided that the increase in rate may not continue 139273
beyond the time when the purpose for which the increase is levied 139274
ceases to exist. If revenue from the increase in rate is pledged 139275

to the payment of debt charges on securities, the increase in rate 139276
is not subject to diminution by initiative or referendum or by law 139277
for so long as the securities are outstanding, unless provision is 139278
made by law or by the board of county commissioners for an 139279
adequate substitute for that revenue that is satisfactory to the 139280
trustee if a trust agreement secures payment of the debt charges. 139281
The increase in rate shall be subject to the regulations adopted 139282
under division (A)(1) of this section, except that the resolution 139283
may provide that no portion of the revenue from the increase in 139284
the rate shall be returned to townships or municipal corporations 139285
as would otherwise be required under division (A)(1) of this 139286
section. A resolution adopted under division (A)(7) of this 139287
section is subject to referendum under sections 305.31 to 305.99 139288
of the Revised Code. 139289

(B)(1) The legislative authority of a municipal corporation 139290
or the board of trustees of a township that is not wholly or 139291
partly located in a county that has in effect a resolution levying 139292
an excise tax pursuant to division (A)(1) of this section may, by 139293
ordinance or resolution, levy an excise tax not to exceed three 139294
per cent on transactions by which lodging by a hotel is or is to 139295
be furnished to transient guests. The legislative authority of the 139296
municipal corporation or the board of trustees of the township 139297
shall deposit at least fifty per cent of the revenue from the tax 139298
levied pursuant to this division into a separate fund, which shall 139299
be spent solely to make contributions to convention and visitors' 139300
bureaus operating within the county in which the municipal 139301
corporation or township is wholly or partly located, and the 139302
balance of that revenue shall be deposited in the general fund. 139303
The municipal corporation or township shall establish all 139304
regulations necessary to provide for the administration and 139305
allocation of the tax. The regulations may prescribe the time for 139306
payment of the tax, and may provide for the imposition of a 139307
penalty or interest, or both, for late payments, provided that the 139308

penalty does not exceed ten per cent of the amount of tax due, and 139309
the rate at which interest accrues does not exceed the rate per 139310
annum prescribed pursuant to section 5703.47 of the Revised Code. 139311
The levy of a tax under this division is in addition to any tax 139312
imposed on the same transaction by a municipal corporation or a 139313
township as authorized by division (A) of section 5739.08 of the 139314
Revised Code. 139315

(2)(a) The legislative authority of the most populous 139316
municipal corporation located wholly or partly in a county in 139317
which the board of county commissioners has levied a tax under 139318
division (A)(4) of this section may amend, on or before September 139319
30, 2002, that municipal corporation's ordinance or resolution 139320
that levies an excise tax on transactions by which lodging by a 139321
hotel is or is to be furnished to transient guests, to provide for 139322
all of the following: 139323

(i) That the rate of the tax shall be increased by not more 139324
than an additional one per cent on each transaction; 139325

(ii) That all of the revenue from the increase in rate shall 139326
be pledged and contributed to a convention facilities authority 139327
established by the board of county commissioners under Chapter 139328
351. of the Revised Code on or before May 15, 2002, and be used to 139329
pay costs of constructing, expanding, maintaining, operating, or 139330
promoting a convention center in the county, including paying 139331
bonds, or notes issued in anticipation of bonds, as provided by 139332
that chapter; 139333

(iii) That the increase in rate shall not be subject to 139334
diminution by initiative or referendum or by law while any bonds, 139335
or notes in anticipation of bonds, issued by the authority under 139336
Chapter 351. of the Revised Code to which the revenue is pledged, 139337
remain outstanding in accordance with their terms, unless 139338
provision is made by law, by the board of county commissioners, or 139339
by the legislative authority, for an adequate substitute therefor 139340

that is satisfactory to the trustee if a trust agreement secures 139341
the bonds. 139342

(b) The legislative authority of a municipal corporation 139343
that, pursuant to division (B)(2)(a) of this section, has amended 139344
its ordinance or resolution to increase the rate of the tax 139345
authorized by division (B)(1) of this section may further amend 139346
the ordinance or resolution to provide that the revenue referred 139347
to in division (B)(2)(a)(ii) of this section shall be pledged and 139348
contributed both to a convention facilities authority to pay the 139349
costs of constructing, expanding, maintaining, or operating one or 139350
more convention centers in the county, including paying bonds, or 139351
notes issued in anticipation of bonds, as provided in Chapter 351. 139352
of the Revised Code, and to a convention and visitors' bureau to 139353
pay the costs of promoting one or more convention centers in the 139354
county. 139355

As used in division (B)(2) of this section, "cost" has the 139356
same meaning as in section 351.01 of the Revised Code, and 139357
"convention center" has the same meaning as in section 307.695 of 139358
the Revised Code. 139359

(C) For the purposes described in section 307.695 of the 139360
Revised Code and to cover the costs of administering the tax, a 139361
board of county commissioners of a county where a tax imposed 139362
under division (A)(1) of this section is in effect may, by 139363
resolution adopted within ninety days after July 15, 1985, by a 139364
majority of the members of the board, levy an additional excise 139365
tax not to exceed three per cent on transactions by which lodging 139366
by a hotel is or is to be furnished to transient guests. The tax 139367
authorized by this division shall be in addition to any tax that 139368
is levied pursuant to division (A) of this section, but it shall 139369
not apply to transactions subject to a tax levied by a municipal 139370
corporation or township pursuant to the authorization granted by 139371
division (A) of section 5739.08 of the Revised Code. The board 139372

shall establish all regulations necessary to provide for the 139373
administration and allocation of the tax. The regulations may 139374
prescribe the time for payment of the tax, and may provide for the 139375
imposition of a penalty or interest, or both, for late payments, 139376
provided that the penalty does not exceed ten per cent of the 139377
amount of tax due, and the rate at which interest accrues does not 139378
exceed the rate per annum prescribed pursuant to section 5703.47 139379
of the Revised Code. All revenues arising from the tax shall be 139380
expended in accordance with section 307.695 of the Revised Code. 139381
The board of county commissioners of an eligible county as defined 139382
in section 307.695 of the Revised Code may, by resolution adopted 139383
by a majority of the members of the board, amend the resolution 139384
levying a tax under this division to provide that the revenue from 139385
the tax shall be used by the board as described in division (H) of 139386
section 307.695 of the Revised Code. A tax imposed under this 139387
division shall remain in effect at the rate at which it is imposed 139388
for the duration of the period during which any agreement entered 139389
into by the board under section 307.695 of the Revised Code is in 139390
effect, the duration of the period during which any securities 139391
issued by the board under division (I) of section 307.695 of the 139392
Revised Code are outstanding, or the duration of the period during 139393
which the board owns a project as defined in section 307.695 of 139394
the Revised Code, whichever duration is longest. 139395

(D) For the purpose of providing contributions under division 139396
(B)(1) of section 307.671 of the Revised Code to enable the 139397
acquisition, construction, and equipping of a port authority 139398
educational and cultural facility in the county and, to the extent 139399
provided for in the cooperative agreement authorized by that 139400
section, for the purpose of paying debt service charges on bonds, 139401
or notes in anticipation of bonds, described in division (B)(1)(b) 139402
of that section, a board of county commissioners, by resolution 139403
adopted within ninety days after December 22, 1992, by a majority 139404
of the members of the board, may levy an additional excise tax not 139405

to exceed one and one-half per cent on transactions by which 139406
lodging by a hotel is or is to be furnished to transient guests. 139407
The excise tax authorized by this division shall be in addition to 139408
any tax that is levied pursuant to divisions (A), (B), and (C) of 139409
this section, to any excise tax levied pursuant to section 5739.08 139410
of the Revised Code, and to any excise tax levied pursuant to 139411
section 351.021 of the Revised Code. The board of county 139412
commissioners shall establish all regulations necessary to provide 139413
for the administration and allocation of the tax that are not 139414
inconsistent with this section or section 307.671 of the Revised 139415
Code. The regulations may prescribe the time for payment of the 139416
tax, and may provide for the imposition of a penalty or interest, 139417
or both, for late payments, provided that the penalty does not 139418
exceed ten per cent of the amount of tax due, and the rate at 139419
which interest accrues does not exceed the rate per annum 139420
prescribed pursuant to section 5703.47 of the Revised Code. All 139421
revenues arising from the tax shall be expended in accordance with 139422
section 307.671 of the Revised Code and division (D) of this 139423
section. The levy of a tax imposed under this division may not 139424
commence prior to the first day of the month next following the 139425
execution of the cooperative agreement authorized by section 139426
307.671 of the Revised Code by all parties to that agreement. The 139427
tax shall remain in effect at the rate at which it is imposed for 139428
the period of time described in division (C) of section 307.671 of 139429
the Revised Code for which the revenue from the tax has been 139430
pledged by the county to the corporation pursuant to that section, 139431
but, to any extent provided for in the cooperative agreement, for 139432
no lesser period than the period of time required for payment of 139433
the debt service charges on bonds, or notes in anticipation of 139434
bonds, described in division (B)(1)(b) of that section. 139435

(E) For the purpose of paying the costs of acquiring, 139436
constructing, equipping, and improving a municipal educational and 139437
cultural facility, including debt service charges on bonds 139438

provided for in division (B) of section 307.672 of the Revised Code, and for any additional purposes determined by the county in the resolution levying the tax or amendments to the resolution, including subsequent amendments providing for paying costs of acquiring, constructing, renovating, rehabilitating, equipping, and improving a port authority educational and cultural performing arts facility, as defined in section 307.674 of the Revised Code, and including debt service charges on bonds provided for in division (B) of section 307.674 of the Revised Code, the legislative authority of a county, by resolution adopted within ninety days after June 30, 1993, by a majority of the members of the legislative authority, may levy an additional excise tax not to exceed one and one-half per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The excise tax authorized by this division shall be in addition to any tax that is levied pursuant to divisions (A), (B), (C), and (D) of this section, to any excise tax levied pursuant to section 5739.08 of the Revised Code, and to any excise tax levied pursuant to section 351.021 of the Revised Code. The legislative authority of the county shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. All revenues arising from the tax shall be expended in accordance with section 307.672 of the Revised Code and this division. The levy of a tax imposed under this division shall not commence prior to the first day of the month next following the execution of the cooperative agreement authorized by section 307.672 of the Revised Code by all parties to that agreement. The tax shall remain in effect at the rate at

which it is imposed for the period of time determined by the 139472
legislative authority of the county. That period of time shall not 139473
exceed fifteen years, except that the legislative authority of a 139474
county with a population of less than two hundred fifty thousand 139475
according to the most recent federal decennial census, by 139476
resolution adopted by a majority of its members before the 139477
original tax expires, may extend the duration of the tax for an 139478
additional period of time. The additional period of time by which 139479
a legislative authority extends a tax levied under this division 139480
shall not exceed fifteen years. 139481

(F) The legislative authority of a county that has levied a 139482
tax under division (E) of this section may, by resolution adopted 139483
within one hundred eighty days after January 4, 2001, by a 139484
majority of the members of the legislative authority, amend the 139485
resolution levying a tax under that division to provide for the 139486
use of the proceeds of that tax, to the extent that it is no 139487
longer needed for its original purpose as determined by the 139488
parties to a cooperative agreement amendment pursuant to division 139489
(D) of section 307.672 of the Revised Code, to pay costs of 139490
acquiring, constructing, renovating, rehabilitating, equipping, 139491
and improving a port authority educational and cultural performing 139492
arts facility, including debt service charges on bonds provided 139493
for in division (B) of section 307.674 of the Revised Code, and to 139494
pay all obligations under any guaranty agreements, reimbursement 139495
agreements, or other credit enhancement agreements described in 139496
division (C) of section 307.674 of the Revised Code. The 139497
resolution may also provide for the extension of the tax at the 139498
same rate for the longer of the period of time determined by the 139499
legislative authority of the county, but not to exceed an 139500
additional twenty-five years, or the period of time required to 139501
pay all debt service charges on bonds provided for in division (B) 139502
of section 307.672 of the Revised Code and on port authority 139503
revenue bonds provided for in division (B) of section 307.674 of 139504

the Revised Code. All revenues arising from the amendment and 139505
extension of the tax shall be expended in accordance with section 139506
307.674 of the Revised Code, this division, and division (E) of 139507
this section. 139508

(G) For purposes of a tax levied by a county, township, or 139509
municipal corporation under this section or section 5739.08 of the 139510
Revised Code, a board of county commissioners, board of township 139511
trustees, or the legislative authority of a municipal corporation 139512
may adopt a resolution or ordinance at any time specifying that 139513
"hotel," as otherwise defined in section 5739.01 of the Revised 139514
Code, includes the following: 139515

(1) Establishments in which fewer than five rooms are used 139516
for the accommodation of guests. 139517

(2) Establishments at which rooms are used for the 139518
accommodation of guests regardless of whether each room is 139519
accessible through its own keyed entry or several rooms are 139520
accessible through the same keyed entry; and, in determining the 139521
number of rooms, all rooms are included regardless of the number 139522
of structures in which the rooms are situated or the number of 139523
parcels of land on which the structures are located if the 139524
structures are under the same ownership and the structures are not 139525
identified in advertisements of the accommodations as distinct 139526
establishments. For the purposes of division (G)(2) of this 139527
section, two or more structures are under the same ownership if 139528
they are owned by the same person, or if they are owned by two or 139529
more persons the majority of the ownership interests of which are 139530
owned by the same person. 139531

The resolution or ordinance may apply to a tax imposed 139532
pursuant to this section prior to the adoption of the resolution 139533
or ordinance if the resolution or ordinance so states, but the tax 139534
shall not apply to transactions by which lodging by such an 139535
establishment is provided to transient guests prior to the 139536

adoption of the resolution or ordinance. 139537

(H)(1) As used in this division: 139538

(a) "Convention facilities authority" has the same meaning as 139539
in section 351.01 of the Revised Code. 139540

(b) "Convention center" has the same meaning as in section 139541
307.695 of the Revised Code. 139542

(2) Notwithstanding any contrary provision of division (D) of 139543
this section, the legislative authority of a county with a 139544
population of one million or more according to the most recent 139545
federal decennial census that has levied a tax under division (D) 139546
of this section may, by resolution adopted by a majority of the 139547
members of the legislative authority, provide for the extension of 139548
such levy and may provide that the proceeds of that tax, to the 139549
extent that they are no longer needed for their original purpose 139550
as defined by a cooperative agreement entered into under section 139551
307.671 of the Revised Code, shall be deposited into the county 139552
general revenue fund. The resolution shall provide for the 139553
extension of the tax at a rate not to exceed the rate specified in 139554
division (D) of this section for a period of time determined by 139555
the legislative authority of the county, but not to exceed an 139556
additional forty years. 139557

(3) The legislative authority of a county with a population 139558
of one million or more that has levied a tax under division (A)(1) 139559
of this section may, by resolution adopted by a majority of the 139560
members of the legislative authority, increase the rate of the tax 139561
levied by such county under division (A)(1) of this section to a 139562
rate not to exceed five per cent on transactions by which lodging 139563
by a hotel is or is to be furnished to transient guests. 139564
Notwithstanding any contrary provision of division (A)(1) of this 139565
section, the resolution may provide that all collections resulting 139566
from the rate levied in excess of three per cent, after deducting 139567

the real and actual costs of administering the tax, shall be 139568
deposited in the county general fund. 139569

(4) The legislative authority of a county with a population 139570
of one million or more that has levied a tax under division (A)(1) 139571
of this section may, by resolution adopted on or before August 30, 139572
2004, by a majority of the members of the legislative authority, 139573
provide that all or a portion of the proceeds of the tax levied 139574
under division (A)(1) of this section, after deducting the real 139575
and actual costs of administering the tax and the amounts required 139576
to be returned to townships and municipal corporations with 139577
respect to the first three per cent levied under division (A)(1) 139578
of this section, shall be deposited in the county general fund, 139579
provided that such proceeds shall be used to satisfy any pledges 139580
made in connection with an agreement entered into under section 139581
307.695 of the Revised Code. 139582

(5) No amount collected from a tax levied, extended, or 139583
required to be deposited in the county general fund under division 139584
(H) of this section shall be contributed to a convention 139585
facilities authority, corporation, or other entity created after 139586
July 1, 2003, for the principal purpose of constructing, 139587
improving, expanding, equipping, financing, or operating a 139588
convention center unless the mayor of the municipal corporation in 139589
which the convention center is to be operated by that convention 139590
facilities authority, corporation, or other entity has consented 139591
to the creation of that convention facilities authority, 139592
corporation, or entity. Notwithstanding any contrary provision of 139593
section 351.04 of the Revised Code, if a tax is levied by a county 139594
under division (H) of this section, the board of county 139595
commissioners of that county may determine the manner of 139596
selection, the qualifications, the number, and terms of office of 139597
the members of the board of directors of any convention facilities 139598
authority, corporation, or other entity described in division 139599

(H)(5) of this section. 139600

(6)(a) No amount collected from a tax levied, extended, or 139601
required to be deposited in the county general fund under division 139602
(H) of this section may be used for any purpose other than paying 139603
the direct and indirect costs of constructing, improving, 139604
expanding, equipping, financing, or operating a convention center 139605
and for the real and actual costs of administering the tax, 139606
unless, prior to the adoption of the resolution of the legislative 139607
authority of the county authorizing the levy, extension, increase, 139608
or deposit, the county and the mayor of the most populous 139609
municipal corporation in that county have entered into an 139610
agreement as to the use of such amounts, provided that such 139611
agreement has been approved by a majority of the mayors of the 139612
other municipal corporations in that county. The agreement shall 139613
provide that the amounts to be used for purposes other than paying 139614
the convention center or administrative costs described in 139615
division (H)(6)(a) of this section be used only for the direct and 139616
indirect costs of capital improvements, including the financing of 139617
capital improvements. 139618

(b) If the county in which the tax is levied has an 139619
association of mayors and city managers, the approval of that 139620
association of an agreement described in division (H)(6)(a) of 139621
this section shall be considered to be the approval of the 139622
majority of the mayors of the other municipal corporations for 139623
purposes of that division. 139624

(7) Each year, the auditor of state shall conduct an audit of 139625
the uses of any amounts collected from taxes levied, extended, or 139626
deposited under division (H) of this section and shall prepare a 139627
report of the auditor of state's findings. The auditor of state 139628
shall submit the report to the legislative authority of the county 139629
that has levied, extended, or deposited the tax, the speaker of 139630
the house of representatives, the president of the senate, and the 139631

leaders of the minority parties of the house of representatives 139632
and the senate. 139633

(I)(1) As used in this division: 139634

(a) "Convention facilities authority" has the same meaning as 139635
in section 351.01 of the Revised Code. 139636

(b) "Convention center" has the same meaning as in section 139637
307.695 of the Revised Code. 139638

(2) Notwithstanding any contrary provision of division (D) of 139639
this section, the legislative authority of a county with a 139640
population of one million two hundred thousand or more according 139641
to the most recent federal decennial census or the most recent 139642
annual population estimate published or released by the United 139643
States census bureau at the time the resolution is adopted placing 139644
the levy on the ballot, that has levied a tax under division (D) 139645
of this section may, by resolution adopted by a majority of the 139646
members of the legislative authority, provide for the extension of 139647
such levy and may provide that the proceeds of that tax, to the 139648
extent that the proceeds are no longer needed for their original 139649
purpose as defined by a cooperative agreement entered into under 139650
section 307.671 of the Revised Code and after deducting the real 139651
and actual costs of administering the tax, shall be used for 139652
paying the direct and indirect costs of constructing, improving, 139653
expanding, equipping, financing, or operating a convention center. 139654
The resolution shall provide for the extension of the tax at a 139655
rate not to exceed the rate specified in division (D) of this 139656
section for a period of time determined by the legislative 139657
authority of the county, but not to exceed an additional forty 139658
years. 139659

(3) The legislative authority of a county with a population 139660
of one million two hundred thousand or more that has levied a tax 139661
under division (A)(1) of this section may, by resolution adopted 139662

by a majority of the members of the legislative authority, 139663
increase the rate of the tax levied by such county under division 139664
(A)(1) of this section to a rate not to exceed five per cent on 139665
transactions by which lodging by a hotel is or is to be furnished 139666
to transient guests. Notwithstanding any contrary provision of 139667
division (A)(1) of this section, the resolution shall provide that 139668
all collections resulting from the rate levied in excess of three 139669
per cent, after deducting the real and actual costs of 139670
administering the tax, shall be used for paying the direct and 139671
indirect costs of constructing, improving, expanding, equipping, 139672
financing, or operating a convention center. 139673

(4) The legislative authority of a county with a population 139674
of one million two hundred thousand or more that has levied a tax 139675
under division (A)(1) of this section may, by resolution adopted 139676
on or before July 1, 2008, by a majority of the members of the 139677
legislative authority, provide that all or a portion of the 139678
proceeds of the tax levied under division (A)(1) of this section, 139679
after deducting the real and actual costs of administering the tax 139680
and the amounts required to be returned to townships and municipal 139681
corporations with respect to the first three per cent levied under 139682
division (A)(1) of this section, shall be used to satisfy any 139683
pledges made in connection with an agreement entered into under 139684
section 307.695 of the Revised Code or shall otherwise be used for 139685
paying the direct and indirect costs of constructing, improving, 139686
expanding, equipping, financing, or operating a convention center. 139687

(5) Any amount collected from a tax levied or extended under 139688
division (I) of this section may be contributed to a convention 139689
facilities authority created before July 1, 2005, but no amount 139690
collected from a tax levied or extended under division (I) of this 139691
section may be contributed to a convention facilities authority, 139692
corporation, or other entity created after July 1, 2005, unless 139693
the mayor of the municipal corporation in which the convention 139694

center is to be operated by that convention facilities authority, 139695
corporation, or other entity has consented to the creation of that 139696
convention facilities authority, corporation, or entity. 139697

(J) All money collected by a county and distributed under 139698
this section to a convention and visitors' bureau in existence as 139699
of the effective date of H.B. 59 of the 130th general assembly, 139700
except for any such money pledged, as of that effective date, to 139701
the payment of debt service charges on bonds, notes, securities, 139702
or lease agreements, shall be used solely for tourism sales, 139703
marketing and promotion, and their associated costs, including, 139704
but not limited to, operational and administrative costs of the 139705
bureau, sales and marketing, and maintenance of the physical 139706
bureau structure. 139707

(K) Of the funds distributed to a convention and visitors' 139708
bureau under this section, the amount a county may retain for real 139709
and actual costs associated with administering the tax shall not 139710
exceed the sum of (1) three per cent of the first five hundred 139711
thousand dollars distributed to the bureau and (2) one and 139712
one-half per cent of any amount in excess of five hundred thousand 139713
dollars distributed to the bureau. 139714

Sec. 5739.13. (A) If any vendor collects the tax imposed by 139715
or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 139716
the Revised Code, and fails to remit the tax to the state as 139717
prescribed, or on the sale of a motor vehicle, watercraft, or 139718
outboard motor required to be titled, fails to remit payment to a 139719
clerk of a court of common pleas as provided in section 1548.06 or 139720
4505.06 of the Revised Code, the vendor shall be personally liable 139721
for any tax collected and not remitted. The tax commissioner may 139722
make an assessment against such vendor based upon any information 139723
in the commissioner's possession. 139724

If any vendor fails to collect the tax or any consumer fails 139725

to pay the tax imposed by or pursuant to section 5739.02, 139726
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 139727
transaction subject to the tax, the vendor or consumer shall be 139728
personally liable for the amount of the tax applicable to the 139729
transaction. The commissioner may make an assessment against 139730
either the vendor or consumer, as the facts may require, based 139731
upon any information in the commissioner's possession. 139732

An assessment against a vendor when the tax imposed by or 139733
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 139734
the Revised Code has not been collected or paid, shall not 139735
discharge the purchaser's or consumer's liability to reimburse the 139736
vendor for the tax applicable to such transaction. 139737

An assessment issued against either, pursuant to this 139738
section, shall not be considered an election of remedies, nor a 139739
bar to an assessment against the other for the tax applicable to 139740
the same transaction, provided that no assessment shall be issued 139741
against any person for the tax due on a particular transaction if 139742
the tax on that transaction actually has been paid by another. 139743

The commissioner may make an assessment against any vendor 139744
who fails to file a return or remit the proper amount of tax 139745
required by this chapter, or against any consumer who fails to pay 139746
the proper amount of tax required by this chapter. When 139747
information in the possession of the commissioner indicates that 139748
the amount required to be collected or paid under this chapter is 139749
greater than the amount remitted by the vendor or paid by the 139750
consumer, the commissioner may audit a sample of the vendor's 139751
sales or the consumer's purchases for a representative period, to 139752
ascertain the per cent of exempt or taxable transactions or the 139753
effective tax rate and may issue an assessment based on the audit. 139754
The commissioner shall make a good faith effort to reach agreement 139755
with the vendor or consumer in selecting a representative sample. 139756

The commissioner may make an assessment, based on any 139757

information in ~~his~~ the commissioner's possession, against any 139758
person who fails to file a return or remit the proper amount of 139759
tax required by section 5739.102 of the Revised Code. 139760

The commissioner may issue an assessment on any transaction 139761
for which any tax imposed under this chapter or Chapter 5741. of 139762
the Revised Code was due and unpaid on the date the vendor or 139763
consumer was informed by an agent of the tax commissioner of an 139764
investigation or audit. If the vendor or consumer remits any 139765
payment of the tax for the period covered by the assessment after 139766
the vendor or consumer was informed of the investigation or audit, 139767
the payment shall be credited against the amount of the 139768
assessment. 139769

The commissioner shall give the party assessed written notice 139770
of the assessment in the manner provided in section 5703.37 of the 139771
Revised Code. With the notice, the commissioner shall provide 139772
instructions on how to petition for reassessment and request a 139773
hearing on the petition. 139774

(B) Unless the party assessed files with the commissioner 139775
within sixty days after service of the notice of assessment, 139776
either personally or by certified mail, a written petition for 139777
reassessment, signed by the party assessed or that party's 139778
authorized agent having knowledge of the facts, the assessment 139779
becomes final and the amount of the assessment is due from the 139780
party assessed and payable to the treasurer of state and remitted 139781
to the tax commissioner. The petition shall indicate the 139782
objections of the party assessed, but additional objections may be 139783
raised in writing if received by the commissioner prior to the 139784
date shown on the final determination. If the petition has been 139785
properly filed, the commissioner shall proceed under section 139786
5703.60 of the Revised Code. 139787

(C) After an assessment becomes final, if any portion of the 139788
assessment remains unpaid, including accrued interest, a certified 139789

copy of the commissioner's entry making the assessment final may 139790
be filed in the office of the clerk of the court of common pleas 139791
in the county in which the place of business of the party assessed 139792
is located or the county in which the party assessed resides. If 139793
the party assessed maintains no place of business in this state 139794
and is not a resident of this state, the certified copy of the 139795
entry may be filed in the office of the clerk of the court of 139796
common pleas of Franklin county. 139797

Immediately upon the filing of the entry, the clerk shall 139798
enter a judgment for the state against the party assessed in the 139799
amount shown on the entry. The judgment may be filed by the clerk 139800
in a loose-leaf book entitled "special judgments for state, 139801
county, and transit authority retail sales tax" or, if 139802
appropriate, "special judgments for resort area excise tax," and 139803
shall have the same effect as other judgments. Execution shall 139804
issue upon the judgment upon the request of the tax commissioner, 139805
and all laws applicable to sales on execution shall apply to sales 139806
made under the judgment except as otherwise provided in this 139807
chapter. 139808

~~The portion of~~ If the assessment is not paid in its entirety 139809
within sixty days after the date the assessment was issued, the 139810
portion of the assessment consisting of tax due shall bear 139811
interest at the rate per annum prescribed by section 5703.47 of 139812
the Revised Code from the day the tax commissioner issues the 139813
assessment until the assessment is paid or until it is certified 139814
to the attorney general for collection under section 131.02 of the 139815
Revised Code, whichever comes first. If the unpaid portion of the 139816
assessment is certified to the attorney general for collection, 139817
the entire unpaid portion of the assessment shall bear interest at 139818
the rate per annum prescribed by section 5703.47 of the Revised 139819
Code from the date of certification until the date it is paid in 139820
its entirety. Interest shall be paid in the same manner as the tax 139821

and may be collected by issuing an assessment under this section. 139822

(D) All money collected by the tax commissioner under this 139823
section shall be paid to the treasurer of state, and when paid 139824
shall be considered as revenue arising from the taxes imposed by 139825
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 139826

Sec. 5741.01. As used in this chapter: 139827

(A) "Person" includes individuals, receivers, assignees, 139828
trustees in bankruptcy, estates, firms, partnerships, 139829
associations, joint-stock companies, joint ventures, clubs, 139830
societies, corporations, business trusts, governments, and 139831
combinations of individuals of any form. 139832

(B) "Storage" means and includes any keeping or retention in 139833
this state for use or other consumption in this state. 139834

(C) "Use" means and includes the exercise of any right or 139835
power incidental to the ownership of the thing used. A thing is 139836
also "used" in this state if its consumer gives or otherwise 139837
distributes it, without charge, to recipients in this state. 139838

(D) "Purchase" means acquired or received for a 139839
consideration, whether such acquisition or receipt was effected by 139840
a transfer of title, or of possession, or of both, or a license to 139841
use or consume; whether such transfer was absolute or conditional, 139842
and by whatever means the transfer was effected; and whether the 139843
consideration was money, credit, barter, or exchange. Purchase 139844
includes production, even though the article produced was used, 139845
stored, or consumed by the producer. The transfer of copyrighted 139846
motion picture films for exhibition purposes is not a purchase, 139847
except such films as are used solely for advertising purposes. 139848

(E) "Seller" means the person from whom a purchase is made, 139849
and includes every person engaged in this state or elsewhere in 139850
the business of selling tangible personal property or providing a 139851

service for storage, use, or other consumption or benefit in this 139852
state; and when, in the opinion of the tax commissioner, it is 139853
necessary for the efficient administration of this chapter, to 139854
regard any ~~salesman~~ salesperson, representative, peddler, or 139855
canvasser as the agent of a dealer, distributor, supervisor, or 139856
employer under whom the person operates, or from whom the person 139857
obtains tangible personal property, sold by the person for 139858
storage, use, or other consumption in this state, irrespective of 139859
whether or not the person is making such sales on the person's own 139860
behalf, or on behalf of such dealer, distributor, supervisor, or 139861
employer, the commissioner may regard the person as such agent, 139862
and may regard such dealer, distributor, supervisor, or employer 139863
as the seller. "Seller" does not include any person to the extent 139864
the person provides a communications medium, such as, but not 139865
limited to, newspapers, magazines, radio, television, or cable 139866
television, by means of which sellers solicit purchases of their 139867
goods or services. 139868

(F) "Consumer" means any person who has purchased tangible 139869
personal property or has been provided a service for storage, use, 139870
or other consumption or benefit in this state. "Consumer" does not 139871
include a person who receives, without charge, tangible personal 139872
property or a service. 139873

A person who performs a facility management or similar 139874
service contract for a contractee is a consumer of all tangible 139875
personal property and services purchased for use in connection 139876
with the performance of such contract, regardless of whether title 139877
to any such property vests in the contractee. The purchase of such 139878
property and services is not subject to the exception for resale 139879
under division (E) of section 5739.01 of the Revised Code. 139880

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 139881
of this section, has the same meaning as in division (H)(1) of 139882
section 5739.01 of the Revised Code. 139883

(2) In the case of watercraft, outboard motors, or new motor vehicles, "price" has the same meaning as in divisions (H)(2) and (3) of section 5739.01 of the Revised Code.

(3) In the case of a nonresident business consumer that purchases and uses tangible personal property outside this state and subsequently temporarily stores, uses, or otherwise consumes such tangible personal property in the conduct of business in this state, the consumer or the tax commissioner may determine the price based on the value of the temporary storage, use, or other consumption, in lieu of determining the price pursuant to division (G)(1) of this section. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(4) In the case of tangible personal property held in this state as inventory for sale or lease, and that is temporarily stored, used, or otherwise consumed in a taxable manner, the price is the value of the temporary use. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(5) In the case of tangible personal property originally purchased and used by the consumer outside this state, and that becomes permanently stored, used, or otherwise consumed in this state more than six months after its acquisition by the consumer, the consumer or the commissioner may determine the price based on the current value of such tangible personal property, in lieu of determining the price pursuant to division (G)(1) of this section. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(6) If a consumer produces tangible personal property for sale and removes that property from inventory for the consumer's own use, the price is the produced cost of that tangible personal property.

(H) "Nexus with this state" means that the seller engages in continuous and widespread solicitation of purchases from residents of this state or otherwise purposefully directs its business activities at residents of this state.

(I)(1) "Substantial nexus with this state" means that the seller has sufficient contact with this state, in accordance with Section 8 of Article I of the Constitution of the United States, to allow the state to require the seller to collect and remit use tax on sales of tangible personal property or services made to consumers in this state. ~~"Substantial~~

(2) "Substantial nexus with this state" exists is presumed to exist when the seller does any of the following:

~~(1) Maintains a~~ (a) Uses an office, distribution facility, warehouse, storage facility, or similar place of business within this state, whether operated by employees or agents of the seller, by a member of an affiliated group, as defined in division (B)(3)(e) of section 5739.01 of the Revised Code, of which the seller is a member, or by a franchisee using a trade name of the seller; or any other person, other than a common carrier acting in its capacity as a common carrier.

~~(2)(b)~~ Regularly has uses employees, agents, representatives, solicitors, installers, repairmen repairers, salesmen salespersons, or other individuals persons in this state (i) for the purpose of conducting the business of the seller, or that (ii) engage in a business with the same or a similar industry classification as the seller selling a similar product or line of products as the seller, or (iii) use trademarks, service marks, or trade names in this state that are the same or substantially similar to those used by the seller.

~~(3)(c)~~ Uses a any person, other than a common carrier acting in its capacity as a common carrier, in this state for any of the

purpose of receiving <u>following purposes:</u>	139946
<u>(i) Receiving</u> or processing orders of the seller's goods or services;	139947 139948
<u>(ii) Using that person's employees or facilities in this state to advertise, promote, or facilitate sales by the seller to customers;</u>	139949 139950 139951
<u>(iii) Delivering, installing, assembling, or performing maintenance services for the seller's customers;</u>	139952 139953
<u>(iv) Facilitating the seller's delivery of tangible personal property to customers in this state by allowing the seller's customers to pick up property sold by the seller at an office, distribution facility, warehouse, storage facility, or similar place of business.</u>	139954 139955 139956 139957 139958
(4)(d) Makes regular deliveries of tangible personal property into this state by means other than common carrier ; .	139959 139960
(5)(e) Has membership in an affiliated group, as described in division (B)(3)(e) of section 5739.01 of the Revised Code, at least one other member of which <u>person that</u> has substantial nexus with this state;	139961 139962 139963 139964
(6)(f) Owns tangible personal property that is rented or leased to a consumer in this state, or offers tangible personal property, on approval, to consumers in this state;	139965 139966 139967
(7) Except as provided in section 5703.65 of the Revised Code, is registered with the secretary of state to do business in this state or is registered or licensed by any state agency, board, or commission to transact business in this state or to make sales to persons in this state;	139968 139969 139970 139971 139972
(8) Has any other contact with this state that would allow this state to require the seller to collect and remit use tax under Section 8 of Article I of the Constitution of the United	139973 139974 139975

States (g) Enters into an agreement with one or more residents of 139976
this state under which the resident, for a commission or other 139977
consideration, directly or indirectly refers potential customers 139978
to the seller, whether by a link on a web site, an in-person oral 139979
presentation, telemarketing, or otherwise, provided the cumulative 139980
gross receipts from sales to consumers referred to the seller by 139981
all such residents exceeded ten thousand dollars during the 139982
preceding twelve months. 139983

(3) A seller presumed to have substantial nexus with this 139984
state under divisions (I)(2)(a) to (f) of this section may rebut 139985
that presumption by demonstrating that activities described in any 139986
of those divisions that are conducted by a person in this state on 139987
the seller's behalf are not significantly associated with the 139988
seller's ability to establish or maintain a market in this state 139989
for the seller's sales. 139990

(4) A seller presumed to have substantial nexus with this 139991
state under division (I)(2)(g) of this section may rebut that 139992
presumption by submitting proof that each resident engaged by the 139993
seller as described in that division did not engage in any 139994
activity within this state during the preceding twelve months that 139995
was significantly associated with the seller's ability to 139996
establish or maintain the seller's market in this state during the 139997
preceding twelve months. Such proof may consist of sworn written 139998
statements from all the residents with whom the seller has an 139999
agreement stating that the resident did not engage in any 140000
solicitation in this state on behalf of the seller during the 140001
preceding twelve months if such statements are provided and 140002
obtained in good faith. 140003

(5) A seller that does not have substantial nexus with this 140004
state, and any affiliated person of the seller, before selling or 140005
leasing tangible personal property or services to a state agency, 140006
shall register with the tax commissioner in the same manner as a 140007

seller described in division (A)(1) of section 5741.17 of the 140008
Revised Code. 140009

(6) As used in division (I) of this section: 140010

(a) "Affiliated person" means any person that is a member of 140011
the same controlled group of corporations as the seller or any 140012
other person that, notwithstanding the form of organization, bears 140013
the same ownership relationship to the seller as a corporation 140014
that is a member of the same controlled group of corporations. 140015

(b) "Controlled group of corporations" has the same meaning 140016
as in section 1563(a) of the Internal Revenue Code. 140017

(c) "State agency" has the same meaning as in section 1.60 of 140018
the Revised Code. 140019

(J) "Fiscal officer" means, with respect to a regional 140020
transit authority, the secretary-treasurer thereof, and with 140021
respect to a county which is a transit authority, the fiscal 140022
officer of the county transit board appointed pursuant to section 140023
306.03 of the Revised Code or, if the board of county 140024
commissioners operates the county transit system, the county 140025
auditor. 140026

(K) "Territory of the transit authority" means all of the 140027
area included within the territorial boundaries of a transit 140028
authority as they from time to time exist. Such territorial 140029
boundaries must at all times include all the area of a single 140030
county or all the area of the most populous county which is a part 140031
of such transit authority. County population shall be measured by 140032
the most recent census taken by the United States census bureau. 140033

(L) "Transit authority" means a regional transit authority 140034
created pursuant to section 306.31 of the Revised Code or a county 140035
in which a county transit system is created pursuant to section 140036
306.01 of the Revised Code. For the purposes of this chapter, a 140037
transit authority must extend to at least the entire area of a 140038

single county. A transit authority which includes territory in 140039
more than one county must include all the area of the most 140040
populous county which is a part of such transit authority. County 140041
population shall be measured by the most recent census taken by 140042
the United States census bureau. 140043

(M) "Providing a service" has the same meaning as in ~~division~~ 140044
~~(X)~~ of section 5739.01 of the Revised Code. 140045

(N) "Other consumption" includes receiving the benefits of a 140046
service. 140047

(O) "Lease" or "rental" has the same meaning as in ~~division~~ 140048
~~(UU)~~ of section 5739.01 of the Revised Code. 140049

(P) "Certified service provider" has the same meaning as in 140050
section 5740.01 of the Revised Code. 140051

(Q) "Remote sale" means a sale for which the seller could not 140052
be legally required to pay, collect, or remit a tax imposed under 140053
this chapter or Chapter 5739. of the Revised Code, unless 140054
otherwise provided by the laws of the United States. 140055

(R) "Remote seller" means a seller that makes remote sales to 140056
one or more consumers. 140057

(S) "Remote small seller" means a remote seller that has 140058
gross annual receipts from remote sales in the United States not 140059
exceeding one million dollars for the preceding calendar year. For 140060
the purposes of determining whether a person is a small remote 140061
seller, the sales of all persons related within the meaning of 140062
subsection (b) or (c) of section 267 or section 707(b)(1) of the 140063
Internal Revenue Code shall be aggregated, and persons with one or 140064
more ownership relationships shall be aggregated if those 140065
relationships were designed with the principal purpose to qualify 140066
as a remote small seller. 140067

Sec. 5741.03. (A) One hundred per cent of all money deposited 140068

into the state treasury under sections 5741.01 to 5741.22 of the Revised Code that is not required to be distributed as provided in division (B) of this section shall be credited to the general revenue fund.

(B) In any case where any county or transit authority has levied a tax or taxes pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code, the tax commissioner shall, within forty-five days after the end of each month, determine and certify to the director of budget and management the amount of the proceeds of such tax or taxes from billings and assessments received during that month, or shown on tax returns or reports filed during that month, to be returned to the county or transit authority levying the tax or taxes, which amounts shall be determined in the manner provided in section 5739.21 of the Revised Code. The director of budget and management shall transfer, from the general revenue fund, to the permissive tax distribution fund created by division (B)(1) of section 4301.423 of the Revised Code and to the local sales tax administrative fund created by division (C) of section 5739.21 of the Revised Code, the amounts certified by the tax commissioner. The tax commissioner shall then, on or before the twentieth day of the month in which such certification is made, provide for payment of such respective amounts to the county treasurer or to the fiscal officer of the transit authority levying the tax or taxes. The amount transferred to the local sales tax administrative fund is for use by the tax commissioner in defraying costs the commissioner incurs in administering such taxes levied by a county or transit authority.

(C) Not later than the first day of January and of July each calendar year, the tax commissioner shall determine and certify to the director of budget and management the amount of tax imposed by section 5741.02 of the Revised Code and remitted under this

chapter by remote sellers during the six-month period ending on 140101
the preceding last day of November and of May, respectively, 140102
reduced by any refunds issued to remote sellers from the tax 140103
refund fund on account of that tax during the six-month period, 140104
and the director of budget and management shall transfer from the 140105
general revenue fund to the income tax reduction fund the amount 140106
so certified, less one-half of the amount of that tax remitted 140107
during fiscal year 2013 by remote sellers that voluntarily 140108
registered under section 5741.17 of the Revised Code. Amounts 140109
transferred to the income tax reduction fund under this section 140110
shall be included in the determination of the percentage under 140111
division (B)(2) of section 131.44 of the Revised Code required to 140112
be made by the thirty-first day of July of the calendar year in 140113
which the commissioner makes the certifications under this 140114
division. 140115

Sec. 5741.032. There is hereby created in the state treasury 140116
the remote seller administration fund for the purpose of paying 140117
the expenses incurred by the department of taxation in the 140118
administration of this chapter with respect to remote sellers. 140119
Annually, before the thirty-first day of July, the treasurer of 140120
state shall transfer to the remote seller administration fund 140121
one-half of one per cent of the taxes collected from remote 140122
sellers under this chapter during the preceding fiscal year. 140123

Sec. 5741.17. (A)(1) Except as otherwise provided in 140124
divisions (A)(2), (3), and (4) of this section, every seller of 140125
tangible personal property or services who has substantial nexus 140126
with this state shall register with the tax commissioner and 140127
supply any information concerning ~~his~~ the seller's contacts with 140128
this state that may be required by the commissioner. 140129

(2) A seller who is licensed as a vendor pursuant to section 140130
5739.17 of the Revised Code shall not be required to register with 140131

the commissioner pursuant to this section if all sales to consumers in this state are made under the authority of ~~his~~ the seller's vendor's license.

(3) A Unless the seller has substantial nexus with this state pursuant to division (I)(2)(g) of section 5741.01 of the Revised Code, a seller is not required to register under this section if the seller has no contact with this state other than an agency relationship with a person engaged in the business of telemarketing in this state and engaged by the seller exclusively for the purpose of solicitation of customers in other states.

(4) A seller is not required to register under this section if the seller has no contact with this state other than the ownership of property that is located at the facility of a printer with which the seller has contracted for printing and that consists of the final printed product, property that becomes a part of the final printed product, or copy from which the final printed product is produced.

(B) A seller who does not have substantial nexus with this state may voluntarily register with the commissioner. A seller who voluntarily registers with the commissioner under this section is entitled to the same benefits and is subject to the same duties and requirements as a seller required to be registered with the commissioner under this chapter.

The commissioner shall maintain an alphabetical index of all sellers registered under this chapter and records of the use tax reported and paid. Upon request, this information shall be made available to the treasurer of state.

(C) A remote small seller is not required to register under this section.

Sec. 5743.081. (A) If any wholesale dealer or retail dealer

fails to pay the tax levied under section 5743.02, 5743.021, 140162
5743.024, or 5743.026 of the Revised Code as required by sections 140163
5743.01 to 5743.20 of the Revised Code, and by the rules of the 140164
tax commissioner, or fails to collect the tax from the purchaser 140165
or consumer, the commissioner may make an assessment against the 140166
wholesale or retail dealer based upon any information in the 140167
commissioner's possession. 140168

The commissioner may make an assessment against any wholesale 140169
or retail dealer who fails to file a return required by section 140170
5743.03 or 5743.025 of the Revised Code. 140171

No assessment shall be made against any wholesale or retail 140172
dealer for any taxes imposed under section 5743.02, 5743.021, 140173
5743.024, or 5743.026 of the Revised Code more than three years 140174
after the last day of the calendar month that immediately follows 140175
the semiannual period prescribed in section 5743.03 of the Revised 140176
Code in which the sale was made, or more than three years after 140177
the semiannual return for such period is filed, whichever is 140178
later. This section does not bar an assessment against any 140179
wholesale or retail dealer who fails to file a return as required 140180
by section 5743.025 or 5743.03 of the Revised Code, or who files a 140181
fraudulent return. 140182

A penalty of up to thirty per cent may be added to the amount 140183
of every assessment made under this section. The commissioner may 140184
adopt rules providing for the imposition and remission of 140185
penalties added to assessments made under this section. 140186

The commissioner shall give the party assessed written notice 140187
of the assessment in the manner provided in section 5703.37 of the 140188
Revised Code. The notice shall specify separately any portion of 140189
the assessment that represents a county tax. With the notice, the 140190
commissioner shall provide instructions on how to petition for 140191
reassessment and request a hearing on the petition. 140192

(B) Unless the party assessed files with the tax commissioner 140193
within sixty days after service of the notice of assessment, 140194
either personally or by certified mail, a written petition for 140195
reassessment signed by the party assessed or that party's 140196
authorized agent having knowledge of the facts, the assessment 140197
becomes final and the amount of the assessment is due and payable 140198
from the party assessed to the treasurer of state. The petition 140199
shall indicate the objections of the party assessed, but 140200
additional objections may be raised in writing if received by the 140201
commissioner prior to the date shown on the final determination. 140202
If the petition has been properly filed, the commissioner shall 140203
proceed under section 5703.60 of the Revised Code. 140204

(C) After an assessment becomes final, if any portion of the 140205
assessment remains unpaid, including accrued interest, a certified 140206
copy of the tax commissioner's entry making the assessment final 140207
may be filed in the office of the clerk of the court of common 140208
pleas in the county in which the wholesale or retail dealer's 140209
place of business is located or the county in which the party 140210
assessed resides. If the party assessed maintains no place of 140211
business in this state and is not a resident of this state, the 140212
certified copy of the entry may be filed in the office of the 140213
clerk of the court of common pleas of Franklin county. 140214

Immediately upon the filing of the commissioner's entry, the 140215
clerk shall enter a judgment for the state against the party 140216
assessed in the amount shown on the entry. The judgment may be 140217
filed by the clerk in a loose-leaf book entitled "special 140218
judgments for state cigarette sales tax," and shall have the same 140219
effect as other judgments. Execution shall issue upon the judgment 140220
upon the request of the tax commissioner, and all laws applicable 140221
to sales on execution shall apply to sales made under the 140222
judgment, except as otherwise provided in sections 5743.01 to 140223
5743.20 of the Revised Code. 140224

~~The portion of~~ If the assessment is not paid in its entirety 140225
within sixty days after the assessment was issued, the portion of 140226
the assessment consisting of tax due shall bear interest at the 140227
rate per annum prescribed by section 5703.47 of the Revised Code 140228
from the day the commissioner issues the assessment until it is 140229
paid or until it is certified to the attorney general for 140230
collection under section 131.02 of the Revised Code, whichever 140231
comes first. If the unpaid portion of the assessment is certified 140232
to the attorney general for collection, the entire unpaid portion 140233
of the assessment shall bear interest at the rate per annum 140234
prescribed by section 5703.47 of the Revised Code from the date of 140235
certification until the date it is paid in its entirety. Interest 140236
shall be paid in the same manner as the tax and may be collected 140237
by the issuance of an assessment under this section. 140238

(D) All money collected by the tax commissioner under this 140239
section shall be paid to the treasurer of state, and when paid 140240
shall be considered as revenue arising from the taxes imposed by 140241
sections 5743.01 to 5743.20 of the Revised Code. 140242

Sec. 5743.15. (A) Except as otherwise provided in this 140243
division, no person shall engage in this state in the wholesale or 140244
retail business of trafficking in cigarettes or in the business of 140245
a manufacturer or importer of cigarettes without having a license 140246
to conduct each such activity issued by a county auditor under 140247
division (B) of this section or the tax commissioner under 140248
divisions (C) and (F) of this section. On dissolution of a 140249
partnership by death, the surviving partner may operate under the 140250
license of the partnership until expiration of the license, and 140251
the heirs or legal representatives of deceased persons, and 140252
receivers and trustees in bankruptcy appointed by any competent 140253
authority, may operate under the license of the person succeeded 140254
in possession by such heir, representative, receiver, or trustee 140255
in bankruptcy if the partner or successor notifies the issuer of 140256

the license of the dissolution or succession within thirty days 140257
after the dissolution or succession. 140258

(B)(1) Each applicant for a license to engage in the retail 140259
business of trafficking in cigarettes under this section, 140260
annually, on or before the fourth Monday of May, shall make and 140261
deliver to the county auditor of the county in which the applicant 140262
desires to engage in the retail business of trafficking in 140263
cigarettes, upon a blank form furnished by such auditor for that 140264
purpose, a statement showing the name of the applicant, each 140265
physical place in the county where the applicant's business is 140266
conducted, the nature of the business, and any other information 140267
the tax commissioner requires in the form of statement prescribed 140268
by the commissioner. If the applicant is a firm, partnership, or 140269
association other than a corporation, the application shall state 140270
the name and address of each of its members. If the applicant is a 140271
corporation, the application shall state the name and address of 140272
each of its officers. At the time of making the application 140273
required by this section, every person desiring to engage in the 140274
retail business of trafficking in cigarettes shall pay an 140275
application fee in the sum of one hundred twenty-five dollars for 140276
each physical place where the person proposes to carry on such 140277
business. Each place of business shall be deemed such space, under 140278
lease or license to, or under the control of, or under the 140279
supervision of the applicant, as is contained in one or more 140280
contiguous, adjacent, or adjoining buildings constituting an 140281
industrial plant or a place of business operated by, or under the 140282
control of, one person, or under one roof and connected by doors, 140283
halls, stairways, or elevators, which space may contain any number 140284
of points at which cigarettes are offered for sale, provided that 140285
each additional point at which cigarettes are offered for sale 140286
shall be listed in the application. 140287

(2) Upon receipt of the application and exhibition of the 140288

county treasurer's receipt showing the payment of the application 140289
fee, the county auditor shall issue to the applicant a license for 140290
each place of business designated in the application, authorizing 140291
the applicant to engage in such business at such place for one 140292
year commencing on the fourth Monday of May. The form of the 140293
license shall be prescribed by the commissioner. A duplicate 140294
license may be obtained from the county auditor upon payment of a 140295
five-dollar fee if the original license is lost, destroyed, or 140296
defaced. When an application is filed after the fourth Monday of 140297
May, the application fee required to be paid shall be proportioned 140298
in amount to the remainder of the license year, except that it 140299
shall not be less than twenty-five dollars in any one year. 140300

(3) The holder of a retail dealer's cigarette license may 140301
transfer the license to a place of business within the same county 140302
other than that designated on the license on condition that the 140303
licensee's ownership interest and business structure remain 140304
unchanged, and that the licensee applies to the county auditor 140305
therefor, upon forms approved by the commissioner and the payment 140306
of a fee of five dollars into the county treasury. 140307

(C)(1) Each applicant for a license to engage in the 140308
wholesale business of trafficking in cigarettes under this 140309
section, annually, on or before the fourth Monday in May, shall 140310
make and deliver to the tax commissioner, upon a blank form 140311
furnished by the commissioner for that purpose, a statement 140312
showing the name of the applicant, physical street address where 140313
the applicant's business is conducted, the nature of the business, 140314
and any other information required by the commissioner. If the 140315
applicant is a firm, partnership, or association other than a 140316
corporation, the applicant shall state the name and address of 140317
each of its members. If the applicant is a corporation, the 140318
applicant shall state the name and address of each of its 140319
officers. At the time of making the application required by this 140320

section, every person desiring to engage in the wholesale business 140321
of trafficking in cigarettes shall pay an application fee of one 140322
thousand dollars for each physical place where the person proposes 140323
to carry on such business. Each place of business shall be deemed 140324
such space, under lease or license to, or under the control of, or 140325
under the supervision of the applicant, as is contained in one or 140326
more contiguous, adjacent, or adjoining buildings constituting an 140327
industrial plant or a place of business operated by, or under the 140328
control of, one person, or under one roof and connected by doors, 140329
halls, stairways, or elevators. A duplicate license may be 140330
obtained from the commissioner upon payment of a 140331
twenty-five-dollar fee if the original license is lost, destroyed, 140332
or defaced. 140333

(2) Upon receipt of the application and payment of any 140334
application fee required by this section, the commissioner shall 140335
verify that the applicant is ~~in good standing under~~ not in 140336
violation of any provision of Chapter 1346. ~~and or~~ Title LVII of 140337
the Revised Code. The commissioner shall also verify that the 140338
applicant has filed any returns, submitted any information, and 140339
paid any outstanding taxes or fees as required by the 140340
commissioner, to the extent that the commissioner is aware of the 140341
returns, information, taxes, or fees at the time of the 140342
application. Upon approval, the commissioner shall issue to the 140343
applicant a license for each physical place of business designated 140344
in the application authorizing the applicant to engage in business 140345
at that location for one year commencing on the fourth Monday in 140346
May. For licenses issued after the fourth Monday in May, the 140347
application fee shall be reduced proportionately by the remainder 140348
of the twelve-month period for which the license is issued, except 140349
that the application fee required to be paid under this section 140350
shall be not less than two hundred dollars in any one year. 140351

(3) The holder of a wholesale dealer cigarette license may 140352

transfer the license to a place of business other than that 140353
designated on the license on condition that the licensee's 140354
ownership or business structure remains unchanged, and that the 140355
licensee applies to the commissioner for such a transfer upon a 140356
form promulgated by the commissioner and pays a fee of twenty-five 140357
dollars, which shall be deposited into the cigarette tax 140358
enforcement fund created in division (E) of this section. 140359

(D)(1) The wholesale cigarette license application fees 140360
collected under this section shall be paid into the cigarette tax 140361
enforcement fund. 140362

(2) The retail cigarette license application fees collected 140363
under this section shall be distributed as follows: 140364

(a) Thirty per cent shall be paid upon the warrant of the 140365
county auditor into the treasury of the municipal corporation or 140366
township in which the places of business for which the tax revenue 140367
was received are located; 140368

(b) Ten per cent shall be credited to the general fund of the 140369
county; 140370

(c) Sixty per cent shall be paid into the cigarette tax 140371
enforcement fund. 140372

(3) The remainder of the revenues and fines collected under 140373
this section and the penal laws relating to cigarettes shall be 140374
distributed as follows: 140375

(a) Three-fourths shall be paid upon the warrant of the 140376
county auditor into the treasury of the municipal corporation or 140377
township in which the place of business, on account of which the 140378
revenues and fines were received, is located; 140379

(b) One-fourth shall be credited to the general fund of the 140380
county. 140381

(E) There is hereby created within the state treasury the 140382

cigarette tax enforcement fund for the purpose of providing funds 140383
to assist in paying the costs of enforcing sections 1333.11 to 140384
1333.21 and Chapter 5743. of the Revised Code. 140385

The portion of cigarette license application fees received by 140386
a county auditor during the annual application period that ends on 140387
the fourth Monday in May and that is required to be deposited in 140388
the cigarette tax enforcement fund shall be sent to the treasurer 140389
of state by the thirtieth day of June each year accompanied by the 140390
form prescribed by the tax commissioner. The portion of cigarette 140391
license application fees received by each county auditor after the 140392
fourth Monday in May and that is required to be deposited in the 140393
cigarette tax enforcement fund shall be sent to the treasurer of 140394
state by the last day of the month following the month in which 140395
such fees were collected. 140396

(F)(1) Every person who desires to engage in the business of 140397
a manufacturer or importer of cigarettes shall, annually, on or 140398
before the fourth Monday of May, make and deliver to the tax 140399
commissioner, upon a blank form furnished by the commissioner for 140400
that purpose, a statement showing the name of the applicant, the 140401
nature of the applicant's business, and any other information 140402
required by the commissioner. If the applicant is a firm, 140403
partnership, or association other than a corporation, the 140404
applicant shall state the name and address of each of its members. 140405
If the applicant is a corporation, the applicant shall state the 140406
name and address of each of its officers. 140407

(2) Upon receipt of the application required under this 140408
section, the commissioner shall verify that the applicant is ~~in~~ 140409
~~good standing under~~ not in violation of any provision of Chapter 140410
1346. ~~and~~ or Title LVII of the Revised Code. The commissioner 140411
shall also verify that the applicant has filed any returns, 140412
submitted any information, and paid any outstanding taxes or fees 140413
as required by the commissioner, to the extent that the 140414

commissioner is aware of the returns, information, taxes, or fees 140415
at the time of the application. Upon approval, the commissioner 140416
shall issue to the applicant a license authorizing the applicant 140417
to engage in the business of manufacturer or importer, whichever 140418
the case may be, for one year commencing on the fourth Monday of 140419
May. 140420

(3) The issuing of a license under division (F)(1) of this 140421
section to a manufacturer does not excuse a manufacturer from the 140422
certification process required under section 1346.05 of the 140423
Revised Code. A manufacturer who is issued a license under 140424
division (F)(1) of this section and who is not listed on the 140425
directory required under section 1346.05 of the Revised Code shall 140426
not be permitted to sell cigarettes in this state other than to a 140427
licensed cigarette wholesaler for sale outside this state. Such a 140428
manufacturer shall provide documentation to the commissioner 140429
evidencing that the cigarettes are legal for sale in another 140430
state. 140431

(G) The tax commissioner may adopt rules necessary to 140432
administer this section. 140433

Sec. 5743.56. (A) Any person required to pay the tax imposed 140434
by section 5743.51, 5743.62, or 5743.63 of the Revised Code is 140435
personally liable for the tax. The tax commissioner may make an 140436
assessment, based upon any information in the commissioner's 140437
possession, against any person who fails to file a return or pay 140438
any tax, interest, or additional charge as required by this 140439
chapter. The commissioner shall give the person assessed written 140440
notice of such assessment in the manner provided in section 140441
5703.37 of the Revised Code. With the notice, the commissioner 140442
shall provide instructions on how to petition for reassessment and 140443
request a hearing on the petition. 140444

(B) When the information in the possession of the tax 140445

commissioner indicates that a person liable for the tax imposed by 140446
section 5743.51, 5743.62, or 5743.63 of the Revised Code has not 140447
paid the full amount of tax due, the commissioner may audit a 140448
representative sample of the person's business and may issue an 140449
assessment based on such audit. 140450

(C) A penalty of up to fifteen per cent may be added to all 140451
amounts assessed under this section. The tax commissioner may 140452
adopt rules providing for the imposition and remission of such 140453
penalties. 140454

(D) Unless the person assessed files with the tax 140455
commissioner within sixty days after service of the notice of 140456
assessment, either personally or by certified mail, a written 140457
petition for reassessment signed by the person assessed or that 140458
person's authorized agent having knowledge of the facts, the 140459
assessment becomes final and the amount of the assessment is due 140460
and payable from the person assessed to the treasurer of state. A 140461
petition shall indicate the objections of the person assessed, but 140462
additional objections may be raised in writing if received by the 140463
commissioner prior to the date shown on the final determination. 140464
If the petition has been properly filed, the commissioner shall 140465
proceed under section 5703.60 of the Revised Code. 140466

(E) After an assessment becomes final, if any portion of the 140467
assessment, including accrued interest, remains unpaid, a 140468
certified copy of the tax commissioner's entry making the 140469
assessment final may be filed in the office of the clerk of the 140470
court of common pleas in the county in which the person assessed 140471
resides or in which the person assessed conducts business. If the 140472
person assessed maintains no place of business in this state and 140473
is not a resident of this state, the certified copy of the entry 140474
may be filed in the office of the clerk of the court of common 140475
pleas of Franklin county. 140476

Immediately upon the filing of the entry, the clerk shall 140477

enter a judgment for the state against the person assessed in the 140478
amount shown on the entry. The judgment may be filed by the clerk 140479
in a loose-leaf book entitled "special judgments for state tobacco 140480
products tax," and shall have the same effect as other judgments. 140481
Execution shall issue upon the judgment upon the request of the 140482
commissioner, and all laws applicable to sales on execution shall 140483
apply to sales made under the judgment. 140484

~~The portion of~~ If the assessment is not paid in its entirety 140485
within sixty days after the day the assessment is issued, the 140486
portion of the assessment consisting of tax due shall bear 140487
interest at the rate per annum prescribed by section 5703.47 of 140488
the Revised Code from the day the commissioner issues the 140489
assessment until the assessment is paid or until it is certified 140490
to the attorney general for collection under section 131.02 of the 140491
Revised Code, whichever comes first. If the unpaid portion of the 140492
assessment is certified to the attorney general for collection, 140493
the entire unpaid portion of the assessment shall bear interest at 140494
the rate per annum prescribed by section 5703.47 of the Revised 140495
Code from the date of certification until the date it is paid in 140496
its entirety. Interest shall be paid in the same manner as the tax 140497
and may be collected by issuing an assessment under this section. 140498

(F) If the tax commissioner believes that collection of the 140499
tax will be jeopardized unless proceedings to collect or secure 140500
collection of the tax are instituted without delay, the 140501
commissioner may issue a jeopardy assessment against the person 140502
liable for the tax. Immediately upon the issuance of the jeopardy 140503
assessment, the commissioner shall file an entry with the clerk of 140504
the court of common pleas in the manner prescribed by division (E) 140505
of this section. Notice of the jeopardy assessment shall be served 140506
on the person assessed or the legal representative of the person 140507
assessed, as provided in section 5703.37 of the Revised Code, 140508
within five days of the filing of the entry with the clerk. The 140509

total amount assessed is immediately due and payable, unless the 140510
person assessed files a petition for reassessment in accordance 140511
with division (D) of this section and provides security in a form 140512
satisfactory to the commissioner and in an amount sufficient to 140513
satisfy the unpaid balance of the assessment. Full or partial 140514
payment of the assessment does not prejudice the commissioner's 140515
consideration of the petition for reassessment. 140516

(G) All money collected by the tax commissioner under this 140517
section shall be paid to the treasurer of state as revenue arising 140518
from the tax imposed by sections 5743.51, 5743.62, and 5743.63 of 140519
the Revised Code. 140520

Sec. 5745.12. (A) If any taxpayer required to file a report 140521
under this chapter fails to file the report within the time 140522
prescribed, files an incorrect report, or fails to remit the full 140523
amount of the tax due for the period covered by the report, the 140524
tax commissioner may make an assessment against the taxpayer for 140525
any deficiency for the period for which the report or tax is due, 140526
based upon any information in the commissioner's possession. 140527

The tax commissioner shall not make or issue an assessment 140528
against a taxpayer more than three years after the later of the 140529
final date the report subject to assessment was required to be 140530
filed or the date the report was filed. Such time limit may be 140531
extended if both the taxpayer and the commissioner consent in 140532
writing to the extension. Any such extension shall extend the 140533
three-year time limit in section 5745.11 of the Revised Code for 140534
the same period of time. There shall be no bar or limit to an 140535
assessment against a taxpayer that fails to file a report subject 140536
to assessment as required by this chapter, or that files a 140537
fraudulent report. The commissioner shall give the taxpayer 140538
assessed written notice of the assessment as provided in section 140539
5703.37 of the Revised Code. With the notice, the commissioner 140540

shall provide instructions on how to petition for reassessment and 140541
request a hearing on the petition. 140542

(B) Unless the taxpayer assessed files with the tax 140543
commissioner within sixty days after service of the notice of 140544
assessment, either personally or by certified mail, a written 140545
petition for reassessment signed by the authorized agent of the 140546
taxpayer assessed having knowledge of the facts, the assessment 140547
becomes final, and the amount of the assessment is due and payable 140548
from the taxpayer to the treasurer of state. The petition shall 140549
indicate the taxpayer's objections, but additional objections may 140550
be raised in writing if received by the commissioner prior to the 140551
date shown on the final determination. If the petition has been 140552
properly filed, the commissioner shall proceed under section 140553
5703.60 of the Revised Code. 140554

(C) After an assessment becomes final, if any portion of the 140555
assessment remains unpaid, including accrued interest, a certified 140556
copy of the tax commissioner's entry making the assessment final 140557
may be filed in the office of the clerk of the court of common 140558
pleas in the county in which the taxpayer has an office or place 140559
of business in this state, the county in which the taxpayer's 140560
statutory agent is located, or Franklin county. 140561

Immediately upon the filing of the entry, the clerk shall 140562
enter a judgment against the taxpayer assessed in the amount shown 140563
on the entry. The judgment may be filed by the clerk in a 140564
loose-leaf book entitled "special judgments for municipal income 140565
taxes," and shall have the same effect as other judgments. 140566
Execution shall issue upon the judgment upon the request of the 140567
tax commissioner, and all laws applicable to sales on execution 140568
shall apply to sales made under the judgment. 140569

~~The portion of an~~ If the assessment is not paid in its 140570
entirety within sixty days after the day the assessment was 140571
issued, the portion of the assessment consisting of tax due shall 140572

bear interest at the rate per annum prescribed by section 5703.47 140573
of the Revised Code from the day the commissioner issues the 140574
assessment until the assessment is paid or until it is certified 140575
to the attorney general for collection under section 131.02 of the 140576
Revised Code, whichever comes first. If the unpaid portion of the 140577
assessment is certified to the attorney general for collection, 140578
the entire unpaid portion of the assessment shall bear interest at 140579
the rate per annum prescribed by section 5703.47 of the Revised 140580
Code from the date of certification until the date it is paid in 140581
its entirety. Interest shall be paid in the same manner as the tax 140582
and may be collected by issuing an assessment under this section. 140583

(D) All money collected under this section shall be credited 140584
and distributed to the municipal corporation to which the money is 140585
owed based on the assessment issued under this section. 140586

(E) If the tax commissioner believes that collection of the 140587
tax imposed by this chapter will be jeopardized unless proceedings 140588
to collect or secure collection of the tax are instituted without 140589
delay, the commissioner may issue a jeopardy assessment against 140590
the taxpayer liable for the tax. Immediately upon the issuance of 140591
the jeopardy assessment, the commissioner shall file an entry with 140592
the clerk of the court of common pleas in the manner prescribed by 140593
division (C) of this section. Notice of the jeopardy assessment 140594
shall be served on the taxpayer assessed or the taxpayer's legal 140595
representative in the manner provided in section 5703.37 of the 140596
Revised Code within five days of the filing of the entry with the 140597
clerk. The total amount assessed is immediately due and payable, 140598
unless the taxpayer assessed files a petition for reassessment in 140599
accordance with division (B) of this section and provides security 140600
in a form satisfactory to the commissioner and in an amount 140601
sufficient to satisfy the unpaid balance of the assessment. Full 140602
or partial payment of the assessment does not prejudice the 140603
commissioner's consideration of the petition for reassessment. 140604

(F) Notwithstanding the fact that a petition for reassessment 140605
is pending, the taxpayer may pay all or a portion of the 140606
assessment that is the subject of the petition. The acceptance of 140607
a payment by the treasurer of state does not prejudice any claim 140608
for refund upon final determination of the petition. 140609

If upon final determination of the petition an error in the 140610
assessment is corrected by the tax commissioner, upon petition so 140611
filed or pursuant to a decision of the board of tax appeals or any 140612
court to which the determination or decision has been appealed, so 140613
that the amount due from the taxpayer under the corrected 140614
assessment is less than the portion paid, there shall be issued to 140615
the taxpayer, its assigns, or legal representative a refund in the 140616
amount of the overpayment as provided by section 5745.11 of the 140617
Revised Code, with interest on that amount as provided by section 140618
5745.11 of the Revised Code. 140619

Sec. 5747.01. Except as otherwise expressly provided or 140620
clearly appearing from the context, any term used in this chapter 140621
that is not otherwise defined in this section has the same meaning 140622
as when used in a comparable context in the laws of the United 140623
States relating to federal income taxes or if not used in a 140624
comparable context in those laws, has the same meaning as in 140625
section 5733.40 of the Revised Code. Any reference in this chapter 140626
to the Internal Revenue Code includes other laws of the United 140627
States relating to federal income taxes. 140628

As used in this chapter: 140629

(A) "Adjusted gross income" or "Ohio adjusted gross income" 140630
means federal adjusted gross income, as defined and used in the 140631
Internal Revenue Code, adjusted as provided in this section: 140632

(1) Add interest or dividends on obligations or securities of 140633
any state or of any political subdivision or authority of any 140634
state, other than this state and its subdivisions and authorities. 140635

(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes.

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(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

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(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income.

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(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code.

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(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002 or thereafter.

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"Undistributed net income of a trust" means the taxable income of the trust increased by (a)(i) the additions to adjusted gross income required under division (A) of this section and (ii) the personal exemptions allowed to the trust pursuant to section 642(b) of the Internal Revenue Code, and decreased by (b)(i) the deductions to adjusted gross income required under division (A) of

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this section, (ii) the amount of federal income taxes attributable 140668
to such income, and (iii) the amount of taxable income that has 140669
been included in the adjusted gross income of a beneficiary by 140670
reason of a prior accumulation distribution. Any undistributed net 140671
income included in the adjusted gross income of a beneficiary 140672
shall reduce the undistributed net income of the trust commencing 140673
with the earliest years of the accumulation period. 140674

(7) Deduct the amount of wages and salaries, if any, not 140675
otherwise allowable as a deduction but that would have been 140676
allowable as a deduction in computing federal adjusted gross 140677
income for the taxable year, had the targeted jobs credit allowed 140678
and determined under sections 38, 51, and 52 of the Internal 140679
Revenue Code not been in effect. 140680

(8) Deduct any interest or interest equivalent on public 140681
obligations and purchase obligations to the extent that the 140682
interest or interest equivalent is included in federal adjusted 140683
gross income. 140684

(9) Add any loss or deduct any gain resulting from the sale, 140685
exchange, or other disposition of public obligations to the extent 140686
that the loss has been deducted or the gain has been included in 140687
computing federal adjusted gross income. 140688

(10) Deduct or add amounts, as provided under section 5747.70 140689
of the Revised Code, related to contributions to variable college 140690
savings program accounts made or tuition units purchased pursuant 140691
to Chapter 3334. of the Revised Code. 140692

(11)(a) Deduct, to the extent not otherwise allowable as a 140693
deduction or exclusion in computing federal or Ohio adjusted gross 140694
income for the taxable year, the amount the taxpayer paid during 140695
the taxable year for medical care insurance and qualified 140696
long-term care insurance for the taxpayer, the taxpayer's spouse, 140697
and dependents. No deduction for medical care insurance under 140698

division (A)(11) of this section shall be allowed either to any taxpayer who is eligible to participate in any subsidized health plan maintained by any employer of the taxpayer or of the taxpayer's spouse, or to any taxpayer who is entitled to, or on application would be entitled to, benefits under part A of Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of division (A)(11)(a) of this section, "subsidized health plan" means a health plan for which the employer pays any portion of the plan's cost. The deduction allowed under division (A)(11)(a) of this section shall be the net of any related premium refunds, related premium reimbursements, or related insurance premium dividends received during the taxable year.

(b) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income during the taxable year, the amount the taxpayer paid during the taxable year, not compensated for by any insurance or otherwise, for medical care of the taxpayer, the taxpayer's spouse, and dependents, to the extent the expenses exceed seven and one-half per cent of the taxpayer's federal adjusted gross income.

(c) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income, any amount included in federal adjusted gross income under section 105 or not excluded under section 106 of the Internal Revenue Code solely because it relates to an accident and health plan for a person who otherwise would be a "qualifying relative" and thus a "dependent" under section 152 of the Internal Revenue Code but for the fact that the person fails to meet the income and support limitations under section 152(d)(1)(B) and (C) of the Internal Revenue Code.

(d) For purposes of division (A)(11) of this section, "medical care" has the meaning given in section 213 of the Internal Revenue Code, subject to the special rules, limitations,

and exclusions set forth therein, and "qualified long-term care" 140731
has the same meaning given in section 7702B(c) of the Internal 140732
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 140733
of this section, "dependent" includes a person who otherwise would 140734
be a "qualifying relative" and thus a "dependent" under section 140735
152 of the Internal Revenue Code but for the fact that the person 140736
fails to meet the income and support limitations under section 140737
152(d)(1)(B) and (C) of the Internal Revenue Code. 140738

(12)(a) Deduct any amount included in federal adjusted gross 140739
income solely because the amount represents a reimbursement or 140740
refund of expenses that in any year the taxpayer had deducted as 140741
an itemized deduction pursuant to section 63 of the Internal 140742
Revenue Code and applicable United States department of the 140743
treasury regulations. The deduction otherwise allowed under 140744
division (A)(12)(a) of this section shall be reduced to the extent 140745
the reimbursement is attributable to an amount the taxpayer 140746
deducted under this section in any taxable year. 140747

(b) Add any amount not otherwise included in Ohio adjusted 140748
gross income for any taxable year to the extent that the amount is 140749
attributable to the recovery during the taxable year of any amount 140750
deducted or excluded in computing federal or Ohio adjusted gross 140751
income in any taxable year. 140752

(13) Deduct any portion of the deduction described in section 140753
1341(a)(2) of the Internal Revenue Code, for repaying previously 140754
reported income received under a claim of right, that meets both 140755
of the following requirements: 140756

(a) It is allowable for repayment of an item that was 140757
included in the taxpayer's adjusted gross income for a prior 140758
taxable year and did not qualify for a credit under division (A) 140759
or (B) of section 5747.05 of the Revised Code for that year; 140760

(b) It does not otherwise reduce the taxpayer's adjusted 140761

gross income for the current or any other taxable year. 140762

(14) Deduct an amount equal to the deposits made to, and net 140763
investment earnings of, a medical savings account during the 140764
taxable year, in accordance with section 3924.66 of the Revised 140765
Code. The deduction allowed by division (A)(14) of this section 140766
does not apply to medical savings account deposits and earnings 140767
otherwise deducted or excluded for the current or any other 140768
taxable year from the taxpayer's federal adjusted gross income. 140769

(15)(a) Add an amount equal to the funds withdrawn from a 140770
medical savings account during the taxable year, and the net 140771
investment earnings on those funds, when the funds withdrawn were 140772
used for any purpose other than to reimburse an account holder 140773
for, or to pay, eligible medical expenses, in accordance with 140774
section 3924.66 of the Revised Code; 140775

(b) Add the amounts distributed from a medical savings 140776
account under division (A)(2) of section 3924.68 of the Revised 140777
Code during the taxable year. 140778

(16) Add any amount claimed as a credit under section 140779
5747.059 or 5747.65 of the Revised Code to the extent that such 140780
amount satisfies either of the following: 140781

(a) The amount was deducted or excluded from the computation 140782
of the taxpayer's federal adjusted gross income as required to be 140783
reported for the taxpayer's taxable year under the Internal 140784
Revenue Code; 140785

(b) The amount resulted in a reduction of the taxpayer's 140786
federal adjusted gross income as required to be reported for any 140787
of the taxpayer's taxable years under the Internal Revenue Code. 140788

(17) Deduct the amount contributed by the taxpayer to an 140789
individual development account program established by a county 140790
department of job and family services pursuant to sections 329.11 140791
to 329.14 of the Revised Code for the purpose of matching funds 140792

deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section.

(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of this state and is enrolled in or attending a program that culminates in a degree or diploma at an eligible institution. The deduction may be claimed only to the extent that qualified tuition and fees are not otherwise deducted or excluded for any taxable year from federal or Ohio adjusted gross income. The deduction may not be claimed for educational expenses for which the taxpayer claims a credit under section 5747.27 of the Revised Code.

(19) Add any reimbursement received during the taxable year of any amount the taxpayer deducted under division (A)(18) of this section in any previous taxable year to the extent the amount is not otherwise included in Ohio adjusted gross income.

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or distributive share of the amount of depreciation expense allowed by that subsection to a pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of qualifying section 179 depreciation expense, including the taxpayer's proportionate or distributive share of the amount of qualifying section 179 depreciation expense allowed to any pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(iii) Subject to division (A)(20)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, if the increase in income taxes withheld by the taxpayer is equal to or greater than ten per cent of income taxes withheld by the taxpayer during the taxpayer's immediately preceding taxable year, "two-thirds" shall be substituted for "five-sixths" for the purpose of divisions (A)(20)(a)(i) and (ii) of this section.

(iv) Subject to division (A)(20)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, a taxpayer is not required to add an amount under division (A)(20) of this section if the increase in income taxes withheld by the taxpayer and by any pass-through entity in which the taxpayer has a direct or indirect ownership interest is equal to or greater than the sum of (I) the amount of qualifying section 179 depreciation expense and (II) the amount of depreciation expense allowed to the taxpayer by subsection (k) of section 168 of the Internal Revenue Code, and including the taxpayer's proportionate or distributive shares of such amounts allowed to any such pass-through entities.

(v) If a taxpayer directly or indirectly incurs a net operating loss for the taxable year for federal income tax purposes, to the extent such loss resulted from depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code and by qualifying section 179 depreciation expense, "the entire" shall be substituted for "five-sixths of the" for the purpose of divisions (A)(20)(a)(i) and (ii) of this section.

The tax commissioner, under procedures established by the

commissioner, may waive the add-backs related to a pass-through 140857
entity if the taxpayer owns, directly or indirectly, less than 140858
five per cent of the pass-through entity. 140859

(b) Nothing in division (A)(20) of this section shall be 140860
construed to adjust or modify the adjusted basis of any asset. 140861

(c) To the extent the add-back required under division 140862
(A)(20)(a) of this section is attributable to property generating 140863
nonbusiness income or loss allocated under section 5747.20 of the 140864
Revised Code, the add-back shall be situated to the same location 140865
as the nonbusiness income or loss generated by the property for 140866
the purpose of determining the credit under division (A) of 140867
section 5747.05 of the Revised Code. Otherwise, the add-back shall 140868
be apportioned, subject to one or more of the four alternative 140869
methods of apportionment enumerated in section 5747.21 of the 140870
Revised Code. 140871

(d) For the purposes of division (A)(20)(a)(v) of this 140872
section, net operating loss carryback and carryforward shall not 140873
include the allowance of any net operating loss deduction 140874
carryback or carryforward to the taxable year to the extent such 140875
loss resulted from depreciation allowed by section 168(k) of the 140876
Internal Revenue Code and by the qualifying section 179 140877
depreciation expense amount. 140878

(e) For the purposes of divisions (A)(20) and (21) of this 140879
section: 140880

(i) "Income taxes withheld" means the total amount withheld 140881
and remitted under sections 5747.06 and 5747.07 of the Revised 140882
Code by an employer during the employer's taxable year. 140883

(ii) "Increase in income taxes withheld" means the amount by 140884
which the amount of income taxes withheld by an employer during 140885
the employer's current taxable year exceeds the amount of income 140886
taxes withheld by that employer during the employer's immediately 140887

preceding taxable year. 140888

(iii) "Qualifying section 179 depreciation expense" means the 140889
difference between (I) the amount of depreciation expense directly 140890
or indirectly allowed to a taxpayer under section 179 of the 140891
Internal Revised Code, and (II) the amount of depreciation expense 140892
directly or indirectly allowed to the taxpayer under section 179 140893
of the Internal Revenue Code as that section existed on December 140894
31, 2002. 140895

(21)(a) If the taxpayer was required to add an amount under 140896
division (A)(20)(a) of this section for a taxable year, deduct one 140897
of the following: 140898

(i) One-fifth of the amount so added for each of the five 140899
succeeding taxable years if the amount so added was five-sixths of 140900
qualifying section 179 depreciation expense or depreciation 140901
expense allowed by subsection (k) of section 168 of the Internal 140902
Revenue Code; 140903

(ii) One-half of the amount so added for each of the two 140904
succeeding taxable years if the amount so added was two-thirds of 140905
such depreciation expense; 140906

(iii) One-sixth of the amount so added for each of the six 140907
succeeding taxable years if the entire amount of such depreciation 140908
expense was so added. 140909

(b) If the amount deducted under division (A)(21)(a) of this 140910
section is attributable to an add-back allocated under division 140911
(A)(20)(c) of this section, the amount deducted shall be sitused 140912
to the same location. Otherwise, the add-back shall be apportioned 140913
using the apportionment factors for the taxable year in which the 140914
deduction is taken, subject to one or more of the four alternative 140915
methods of apportionment enumerated in section 5747.21 of the 140916
Revised Code. 140917

(c) No deduction is available under division (A)(21)(a) of 140918

this section with regard to any depreciation allowed by section 140919
168(k) of the Internal Revenue Code and by the qualifying section 140920
179 depreciation expense amount to the extent that such 140921
depreciation results in or increases a federal net operating loss 140922
carryback or carryforward. If no such deduction is available for a 140923
taxable year, the taxpayer may carry forward the amount not 140924
deducted in such taxable year to the next taxable year and add 140925
that amount to any deduction otherwise available under division 140926
(A)(21)(a) of this section for that next taxable year. The 140927
carryforward of amounts not so deducted shall continue until the 140928
entire addition required by division (A)(20)(a) of this section 140929
has been deducted. 140930

(d) No refund shall be allowed as a result of adjustments 140931
made by division (A)(21) of this section. 140932

(22) Deduct, to the extent not otherwise deducted or excluded 140933
in computing federal or Ohio adjusted gross income for the taxable 140934
year, the amount the taxpayer received during the taxable year as 140935
reimbursement for life insurance premiums under section 5919.31 of 140936
the Revised Code. 140937

(23) Deduct, to the extent not otherwise deducted or excluded 140938
in computing federal or Ohio adjusted gross income for the taxable 140939
year, the amount the taxpayer received during the taxable year as 140940
a death benefit paid by the adjutant general under section 5919.33 140941
of the Revised Code. 140942

(24) Deduct, to the extent included in federal adjusted gross 140943
income and not otherwise allowable as a deduction or exclusion in 140944
computing federal or Ohio adjusted gross income for the taxable 140945
year, military pay and allowances received by the taxpayer during 140946
the taxable year for active duty service in the United States 140947
army, air force, navy, marine corps, or coast guard or reserve 140948
components thereof or the national guard. The deduction may not be 140949
claimed for military pay and allowances received by the taxpayer 140950

while the taxpayer is stationed in this state. 140951

(25) Deduct, to the extent not otherwise allowable as a 140952
deduction or exclusion in computing federal or Ohio adjusted gross 140953
income for the taxable year and not otherwise compensated for by 140954
any other source, the amount of qualified organ donation expenses 140955
incurred by the taxpayer during the taxable year, not to exceed 140956
ten thousand dollars. A taxpayer may deduct qualified organ 140957
donation expenses only once for all taxable years beginning with 140958
taxable years beginning in 2007. 140959

For the purposes of division (A)(25) of this section: 140960

(a) "Human organ" means all or any portion of a human liver, 140961
pancreas, kidney, intestine, or lung, and any portion of human 140962
bone marrow. 140963

(b) "Qualified organ donation expenses" means travel 140964
expenses, lodging expenses, and wages and salary forgone by a 140965
taxpayer in connection with the taxpayer's donation, while living, 140966
of one or more of the taxpayer's human organs to another human 140967
being. 140968

(26) Deduct, to the extent not otherwise deducted or excluded 140969
in computing federal or Ohio adjusted gross income for the taxable 140970
year, amounts received by the taxpayer as retired ~~military~~ 140971
~~personnel pay for service in the United States army, navy, air~~ 140972
~~force, coast guard, or marine corps~~ uniformed services or reserve 140973
components thereof, or the national guard, or received by the 140974
surviving spouse or former spouse of such a taxpayer under the 140975
survivor benefit plan on account of such a taxpayer's death. If 140976
the taxpayer receives income on account of retirement paid under 140977
the federal civil service retirement system or federal employees 140978
retirement system, or under any successor retirement program 140979
enacted by the congress of the United States that is established 140980
and maintained for retired employees of the United States 140981

government, and such retirement income is based, in whole or in part, on credit for the taxpayer's ~~military~~ uniformed service, the deduction allowed under this division shall include only that portion of such retirement income that is attributable to the taxpayer's ~~military~~ uniformed service, to the extent that portion of such retirement income is otherwise included in federal adjusted gross income and is not otherwise deducted under this section. Any amount deducted under division (A)(26) of this section is not included in a taxpayer's adjusted gross income for the purposes of section 5747.055 of the Revised Code. No amount may be deducted under division (A)(26) of this section on the basis of which a credit was claimed under section 5747.055 of the Revised Code.

(27) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year from the military injury relief fund created in section 5101.98 of the Revised Code.

(28) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received as a veterans bonus during the taxable year from the Ohio department of veterans services as authorized by Section 2r of Article VIII, Ohio Constitution.

(29) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, any loss from wagering transactions that is allowed as an itemized deduction under section 165 of the Internal Revenue Code and that the taxpayer deducted in computing federal taxable income.

(30) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, any income derived from a transfer agreement or from the

enterprise transferred under that agreement under section 4313.02 141014
of the Revised Code. 141015

(31) Deduct, to the extent not otherwise deducted or excluded 141016
in computing federal or Ohio adjusted gross income for the taxable 141017
year, Ohio college opportunity or federal Pell grant amounts 141018
received by the taxpayer or the taxpayer's spouse or dependent 141019
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 141020
1070a, et seq., and used to pay room or board furnished by the 141021
educational institution for which the grant was awarded at the 141022
institution's facilities, including meal plans administered by the 141023
institution. For the purposes of this division, receipt of a grant 141024
includes the distribution of a grant directly to an educational 141025
institution and the crediting of the grant to the enrollee's 141026
account with the institution. 141027

(32) Deduct one-half of the taxpayer's Ohio small business 141028
investor income, not to exceed one hundred eighty-seven thousand 141029
five hundred dollars for each spouse if spouses file separate 141030
returns under section 5747.08 of the Revised Code or three hundred 141031
seventy-five thousand dollars for all other taxpayers. No 141032
pass-through entity may claim a deduction under this division. 141033

For the purposes of this division, "Ohio small business 141034
investor income" means the portion of a taxpayer's adjusted gross 141035
income that is business income reduced by deductions from business 141036
income and apportioned or allocated to this state under sections 141037
5747.21 and 5747.22 of the Revised Code, to the extent not 141038
otherwise deducted or excluded in computing federal or Ohio 141039
adjusted gross income for the taxable year. 141040

(B) "Business income" means income, including gain or loss, 141041
arising from transactions, activities, and sources in the regular 141042
course of a trade or business and includes income, gain, or loss 141043
from real property, tangible property, and intangible property if 141044
the acquisition, rental, management, and disposition of the 141045

property constitute integral parts of the regular course of a 141046
trade or business operation. "Business income" includes income, 141047
including gain or loss, from a partial or complete liquidation of 141048
a business, including, but not limited to, gain or loss from the 141049
sale or other disposition of goodwill. 141050

(C) "Nonbusiness income" means all income other than business 141051
income and may include, but is not limited to, compensation, rents 141052
and royalties from real or tangible personal property, capital 141053
gains, interest, dividends and distributions, patent or copyright 141054
royalties, or lottery winnings, prizes, and awards. 141055

(D) "Compensation" means any form of remuneration paid to an 141056
employee for personal services. 141057

(E) "Fiduciary" means a guardian, trustee, executor, 141058
administrator, receiver, conservator, or any other person acting 141059
in any fiduciary capacity for any individual, trust, or estate. 141060

(F) "Fiscal year" means an accounting period of twelve months 141061
ending on the last day of any month other than December. 141062

(G) "Individual" means any natural person. 141063

(H) "Internal Revenue Code" means the "Internal Revenue Code 141064
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 141065

(I) "Resident" means any of the following, provided that 141066
division (I)(3) of this section applies only to taxable years of a 141067
trust beginning in 2002 or thereafter: 141068

(1) An individual who is domiciled in this state, subject to 141069
section 5747.24 of the Revised Code; 141070

(2) The estate of a decedent who at the time of death was 141071
domiciled in this state. The domicile tests of section 5747.24 of 141072
the Revised Code are not controlling for purposes of division 141073
(I)(2) of this section. 141074

(3) A trust that, in whole or part, resides in this state. If 141075

only part of a trust resides in this state, the trust is a 141076
resident only with respect to that part. 141077

For the purposes of division (I)(3) of this section: 141078

(a) A trust resides in this state for the trust's current 141079
taxable year to the extent, as described in division (I)(3)(d) of 141080
this section, that the trust consists directly or indirectly, in 141081
whole or in part, of assets, net of any related liabilities, that 141082
were transferred, or caused to be transferred, directly or 141083
indirectly, to the trust by any of the following: 141084

(i) A person, a court, or a governmental entity or 141085
instrumentality on account of the death of a decedent, but only if 141086
the trust is described in division (I)(3)(e)(i) or (ii) of this 141087
section; 141088

(ii) A person who was domiciled in this state for the 141089
purposes of this chapter when the person directly or indirectly 141090
transferred assets to an irrevocable trust, but only if at least 141091
one of the trust's qualifying beneficiaries is domiciled in this 141092
state for the purposes of this chapter during all or some portion 141093
of the trust's current taxable year; 141094

(iii) A person who was domiciled in this state for the 141095
purposes of this chapter when the trust document or instrument or 141096
part of the trust document or instrument became irrevocable, but 141097
only if at least one of the trust's qualifying beneficiaries is a 141098
resident domiciled in this state for the purposes of this chapter 141099
during all or some portion of the trust's current taxable year. If 141100
a trust document or instrument became irrevocable upon the death 141101
of a person who at the time of death was domiciled in this state 141102
for purposes of this chapter, that person is a person described in 141103
division (I)(3)(a)(iii) of this section. 141104

(b) A trust is irrevocable to the extent that the transferor 141105
is not considered to be the owner of the net assets of the trust 141106

under sections 671 to 678 of the Internal Revenue Code. 141107

(c) With respect to a trust other than a charitable lead 141108
trust, "qualifying beneficiary" has the same meaning as "potential 141109
current beneficiary" as defined in section 1361(e)(2) of the 141110
Internal Revenue Code, and with respect to a charitable lead trust 141111
"qualifying beneficiary" is any current, future, or contingent 141112
beneficiary, but with respect to any trust "qualifying 141113
beneficiary" excludes a person or a governmental entity or 141114
instrumentality to any of which a contribution would qualify for 141115
the charitable deduction under section 170 of the Internal Revenue 141116
Code. 141117

(d) For the purposes of division (I)(3)(a) of this section, 141118
the extent to which a trust consists directly or indirectly, in 141119
whole or in part, of assets, net of any related liabilities, that 141120
were transferred directly or indirectly, in whole or part, to the 141121
trust by any of the sources enumerated in that division shall be 141122
ascertained by multiplying the fair market value of the trust's 141123
assets, net of related liabilities, by the qualifying ratio, which 141124
shall be computed as follows: 141125

(i) The first time the trust receives assets, the numerator 141126
of the qualifying ratio is the fair market value of those assets 141127
at that time, net of any related liabilities, from sources 141128
enumerated in division (I)(3)(a) of this section. The denominator 141129
of the qualifying ratio is the fair market value of all the 141130
trust's assets at that time, net of any related liabilities. 141131

(ii) Each subsequent time the trust receives assets, a 141132
revised qualifying ratio shall be computed. The numerator of the 141133
revised qualifying ratio is the sum of (1) the fair market value 141134
of the trust's assets immediately prior to the subsequent 141135
transfer, net of any related liabilities, multiplied by the 141136
qualifying ratio last computed without regard to the subsequent 141137
transfer, and (2) the fair market value of the subsequently 141138

transferred assets at the time transferred, net of any related 141139
liabilities, from sources enumerated in division (I)(3)(a) of this 141140
section. The denominator of the revised qualifying ratio is the 141141
fair market value of all the trust's assets immediately after the 141142
subsequent transfer, net of any related liabilities. 141143

(iii) Whether a transfer to the trust is by or from any of 141144
the sources enumerated in division (I)(3)(a) of this section shall 141145
be ascertained without regard to the domicile of the trust's 141146
beneficiaries. 141147

(e) For the purposes of division (I)(3)(a)(i) of this 141148
section: 141149

(i) A trust is described in division (I)(3)(e)(i) of this 141150
section if the trust is a testamentary trust and the testator of 141151
that testamentary trust was domiciled in this state at the time of 141152
the testator's death for purposes of the taxes levied under 141153
Chapter 5731. of the Revised Code. 141154

(ii) A trust is described in division (I)(3)(e)(ii) of this 141155
section if the transfer is a qualifying transfer described in any 141156
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 141157
irrevocable inter vivos trust, and at least one of the trust's 141158
qualifying beneficiaries is domiciled in this state for purposes 141159
of this chapter during all or some portion of the trust's current 141160
taxable year. 141161

(f) For the purposes of division (I)(3)(e)(ii) of this 141162
section, a "qualifying transfer" is a transfer of assets, net of 141163
any related liabilities, directly or indirectly to a trust, if the 141164
transfer is described in any of the following: 141165

(i) The transfer is made to a trust, created by the decedent 141166
before the decedent's death and while the decedent was domiciled 141167
in this state for the purposes of this chapter, and, prior to the 141168
death of the decedent, the trust became irrevocable while the 141169

decedent was domiciled in this state for the purposes of this 141170
chapter. 141171

(ii) The transfer is made to a trust to which the decedent, 141172
prior to the decedent's death, had directly or indirectly 141173
transferred assets, net of any related liabilities, while the 141174
decedent was domiciled in this state for the purposes of this 141175
chapter, and prior to the death of the decedent the trust became 141176
irrevocable while the decedent was domiciled in this state for the 141177
purposes of this chapter. 141178

(iii) The transfer is made on account of a contractual 141179
relationship existing directly or indirectly between the 141180
transferor and either the decedent or the estate of the decedent 141181
at any time prior to the date of the decedent's death, and the 141182
decedent was domiciled in this state at the time of death for 141183
purposes of the taxes levied under Chapter 5731. of the Revised 141184
Code. 141185

(iv) The transfer is made to a trust on account of a 141186
contractual relationship existing directly or indirectly between 141187
the transferor and another person who at the time of the 141188
decedent's death was domiciled in this state for purposes of this 141189
chapter. 141190

(v) The transfer is made to a trust on account of the will of 141191
a testator who was domiciled in this state at the time of the 141192
testator's death for purposes of the taxes levied under Chapter 141193
5731. of the Revised Code. 141194

(vi) The transfer is made to a trust created by or caused to 141195
be created by a court, and the trust was directly or indirectly 141196
created in connection with or as a result of the death of an 141197
individual who, for purposes of the taxes levied under Chapter 141198
5731. of the Revised Code, was domiciled in this state at the time 141199
of the individual's death. 141200

(g) The tax commissioner may adopt rules to ascertain the 141201
part of a trust residing in this state. 141202

(J) "Nonresident" means an individual or estate that is not a 141203
resident. An individual who is a resident for only part of a 141204
taxable year is a nonresident for the remainder of that taxable 141205
year. 141206

(K) "Pass-through entity" has the same meaning as in section 141207
5733.04 of the Revised Code. 141208

(L) "Return" means the notifications and reports required to 141209
be filed pursuant to this chapter for the purpose of reporting the 141210
tax due and includes declarations of estimated tax when so 141211
required. 141212

(M) "Taxable year" means the calendar year or the taxpayer's 141213
fiscal year ending during the calendar year, or fractional part 141214
thereof, upon which the adjusted gross income is calculated 141215
pursuant to this chapter. 141216

(N) "Taxpayer" means any person subject to the tax imposed by 141217
section 5747.02 of the Revised Code or any pass-through entity 141218
that makes the election under division (D) of section 5747.08 of 141219
the Revised Code. 141220

(O) "Dependents" means dependents as defined in the Internal 141221
Revenue Code and as claimed in the taxpayer's federal income tax 141222
return for the taxable year or which the taxpayer would have been 141223
permitted to claim had the taxpayer filed a federal income tax 141224
return. 141225

(P) "Principal county of employment" means, in the case of a 141226
nonresident, the county within the state in which a taxpayer 141227
performs services for an employer or, if those services are 141228
performed in more than one county, the county in which the major 141229
portion of the services are performed. 141230

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:	141231
	141232
(1) "Subdivision" means any county, municipal corporation, park district, or township.	141233
	141234
(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution.	141235
	141236
	141237
	141238
(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.	141239
	141240
(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows:	141241
	141242
	141243
(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section:	141244
	141245
	141246
	141247
	141248
	141249
	141250
	141251
(a) The net amount is not attributable to the S portion of an electing small business trust and has not been distributed to beneficiaries for the taxable year;	141252
	141253
	141254
(b) The net amount is attributable to the S portion of an electing small business trust for the taxable year.	141255
	141256
(2) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations of any authority, commission, instrumentality, territory, or possession of the United States to	141257
	141258
	141259
	141260

the extent that the interest or dividends are exempt from federal 141261
income taxes but not from state income taxes, but only to the 141262
extent that such net amount is not otherwise includible in Ohio 141263
taxable income and is described in either division (S)(1)(a) or 141264
(b) of this section; 141265

(3) Add the amount of personal exemption allowed to the 141266
estate pursuant to section 642(b) of the Internal Revenue Code; 141267

(4) Deduct interest or dividends, net of related expenses 141268
deducted in computing federal taxable income, on obligations of 141269
the United States and its territories and possessions or of any 141270
authority, commission, or instrumentality of the United States to 141271
the extent that the interest or dividends are exempt from state 141272
taxes under the laws of the United States, but only to the extent 141273
that such amount is included in federal taxable income and is 141274
described in either division (S)(1)(a) or (b) of this section; 141275

(5) Deduct the amount of wages and salaries, if any, not 141276
otherwise allowable as a deduction but that would have been 141277
allowable as a deduction in computing federal taxable income for 141278
the taxable year, had the targeted jobs credit allowed under 141279
sections 38, 51, and 52 of the Internal Revenue Code not been in 141280
effect, but only to the extent such amount relates either to 141281
income included in federal taxable income for the taxable year or 141282
to income of the S portion of an electing small business trust for 141283
the taxable year; 141284

(6) Deduct any interest or interest equivalent, net of 141285
related expenses deducted in computing federal taxable income, on 141286
public obligations and purchase obligations, but only to the 141287
extent that such net amount relates either to income included in 141288
federal taxable income for the taxable year or to income of the S 141289
portion of an electing small business trust for the taxable year; 141290

(7) Add any loss or deduct any gain resulting from sale, 141291

exchange, or other disposition of public obligations to the extent 141292
that such loss has been deducted or such gain has been included in 141293
computing either federal taxable income or income of the S portion 141294
of an electing small business trust for the taxable year; 141295

(8) Except in the case of the final return of an estate, add 141296
any amount deducted by the taxpayer on both its Ohio estate tax 141297
return pursuant to section 5731.14 of the Revised Code, and on its 141298
federal income tax return in determining federal taxable income; 141299

(9)(a) Deduct any amount included in federal taxable income 141300
solely because the amount represents a reimbursement or refund of 141301
expenses that in a previous year the decedent had deducted as an 141302
itemized deduction pursuant to section 63 of the Internal Revenue 141303
Code and applicable treasury regulations. The deduction otherwise 141304
allowed under division (S)(9)(a) of this section shall be reduced 141305
to the extent the reimbursement is attributable to an amount the 141306
taxpayer or decedent deducted under this section in any taxable 141307
year. 141308

(b) Add any amount not otherwise included in Ohio taxable 141309
income for any taxable year to the extent that the amount is 141310
attributable to the recovery during the taxable year of any amount 141311
deducted or excluded in computing federal or Ohio taxable income 141312
in any taxable year, but only to the extent such amount has not 141313
been distributed to beneficiaries for the taxable year. 141314

(10) Deduct any portion of the deduction described in section 141315
1341(a)(2) of the Internal Revenue Code, for repaying previously 141316
reported income received under a claim of right, that meets both 141317
of the following requirements: 141318

(a) It is allowable for repayment of an item that was 141319
included in the taxpayer's taxable income or the decedent's 141320
adjusted gross income for a prior taxable year and did not qualify 141321
for a credit under division (A) or (B) of section 5747.05 of the 141322

Revised Code for that year. 141323

(b) It does not otherwise reduce the taxpayer's taxable 141324
income or the decedent's adjusted gross income for the current or 141325
any other taxable year. 141326

(11) Add any amount claimed as a credit under section 141327
5747.059 or 5747.65 of the Revised Code to the extent that the 141328
amount satisfies either of the following: 141329

(a) The amount was deducted or excluded from the computation 141330
of the taxpayer's federal taxable income as required to be 141331
reported for the taxpayer's taxable year under the Internal 141332
Revenue Code; 141333

(b) The amount resulted in a reduction in the taxpayer's 141334
federal taxable income as required to be reported for any of the 141335
taxpayer's taxable years under the Internal Revenue Code. 141336

(12) Deduct any amount, net of related expenses deducted in 141337
computing federal taxable income, that a trust is required to 141338
report as farm income on its federal income tax return, but only 141339
if the assets of the trust include at least ten acres of land 141340
satisfying the definition of "land devoted exclusively to 141341
agricultural use" under section 5713.30 of the Revised Code, 141342
regardless of whether the land is valued for tax purposes as such 141343
land under sections 5713.30 to 5713.38 of the Revised Code. If the 141344
trust is a pass-through entity investor, section 5747.231 of the 141345
Revised Code applies in ascertaining if the trust is eligible to 141346
claim the deduction provided by division (S)(12) of this section 141347
in connection with the pass-through entity's farm income. 141348

Except for farm income attributable to the S portion of an 141349
electing small business trust, the deduction provided by division 141350
(S)(12) of this section is allowed only to the extent that the 141351
trust has not distributed such farm income. Division (S)(12) of 141352
this section applies only to taxable years of a trust beginning in 141353

2002 or thereafter. 141354

(13) Add the net amount of income described in section 641(c) 141355
of the Internal Revenue Code to the extent that amount is not 141356
included in federal taxable income. 141357

(14) Add or deduct the amount the taxpayer would be required 141358
to add or deduct under division (A)(20) or (21) of this section if 141359
the taxpayer's Ohio taxable income were computed in the same 141360
manner as an individual's Ohio adjusted gross income is computed 141361
under this section. In the case of a trust, division (S)(14) of 141362
this section applies only to any of the trust's taxable years 141363
beginning in 2002 or thereafter. 141364

(T) "School district income" and "school district income tax" 141365
have the same meanings as in section 5748.01 of the Revised Code. 141366

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 141367
of this section, "public obligations," "purchase obligations," and 141368
"interest or interest equivalent" have the same meanings as in 141369
section 5709.76 of the Revised Code. 141370

(V) "Limited liability company" means any limited liability 141371
company formed under Chapter 1705. of the Revised Code or under 141372
the laws of any other state. 141373

(W) "Pass-through entity investor" means any person who, 141374
during any portion of a taxable year of a pass-through entity, is 141375
a partner, member, shareholder, or equity investor in that 141376
pass-through entity. 141377

(X) "Banking day" has the same meaning as in section 1304.01 141378
of the Revised Code. 141379

(Y) "Month" means a calendar month. 141380

(Z) "Quarter" means the first three months, the second three 141381
months, the third three months, or the last three months of the 141382
taxpayer's taxable year. 141383

(AA)(1) "Eligible institution" means a state university or 141384
state institution of higher education as defined in section 141385
3345.011 of the Revised Code, or a private, nonprofit college, 141386
university, or other post-secondary institution located in this 141387
state that possesses a certificate of authorization issued by the 141388
Ohio board of regents pursuant to Chapter 1713. of the Revised 141389
Code or a certificate of registration issued by the state board of 141390
career colleges and schools under Chapter 3332. of the Revised 141391
Code. 141392

(2) "Qualified tuition and fees" means tuition and fees 141393
imposed by an eligible institution as a condition of enrollment or 141394
attendance, not exceeding two thousand five hundred dollars in 141395
each of the individual's first two years of post-secondary 141396
education. If the individual is a part-time student, "qualified 141397
tuition and fees" includes tuition and fees paid for the academic 141398
equivalent of the first two years of post-secondary education 141399
during a maximum of five taxable years, not exceeding a total of 141400
five thousand dollars. "Qualified tuition and fees" does not 141401
include: 141402

(a) Expenses for any course or activity involving sports, 141403
games, or hobbies unless the course or activity is part of the 141404
individual's degree or diploma program; 141405

(b) The cost of books, room and board, student activity fees, 141406
athletic fees, insurance expenses, or other expenses unrelated to 141407
the individual's academic course of instruction; 141408

(c) Tuition, fees, or other expenses paid or reimbursed 141409
through an employer, scholarship, grant in aid, or other 141410
educational benefit program. 141411

(BB)(1) "Modified business income" means the business income 141412
included in a trust's Ohio taxable income after such taxable 141413
income is first reduced by the qualifying trust amount, if any. 141414

(2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:

(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, is available to the trust.

(b) The requirements of section 5747.011 of the Revised Code are satisfied for the trust's taxable year in which the trust recognizes the gain or loss.

Any gain or loss that is not a qualifying trust amount is modified business income, qualifying investment income, or modified nonbusiness income, as the case may be.

(3) "Modified nonbusiness income" means a trust's Ohio taxable income other than modified business income, other than the qualifying trust amount, and other than qualifying investment income, as defined in section 5747.012 of the Revised Code, to the extent such qualifying investment income is not otherwise part of modified business income.

(4) "Modified Ohio taxable income" applies only to trusts, and means the sum of the amounts described in divisions (BB)(4)(a) to (c) of this section:

(a) The fraction, calculated under section 5747.013, and applying section 5747.231 of the Revised Code, multiplied by the sum of the following amounts:

(i) The trust's modified business income;

(ii) The trust's qualifying investment income, as defined in

section 5747.012 of the Revised Code, but only to the extent the 141445
qualifying investment income does not otherwise constitute 141446
modified business income and does not otherwise constitute a 141447
qualifying trust amount. 141448

(b) The qualifying trust amount multiplied by a fraction, the 141449
numerator of which is the sum of the book value of the qualifying 141450
investee's physical assets in this state on the last day of the 141451
qualifying investee's fiscal or calendar year ending immediately 141452
prior to the day on which the trust recognizes the qualifying 141453
trust amount, and the denominator of which is the sum of the book 141454
value of the qualifying investee's total physical assets 141455
everywhere on the last day of the qualifying investee's fiscal or 141456
calendar year ending immediately prior to the day on which the 141457
trust recognizes the qualifying trust amount. If, for a taxable 141458
year, the trust recognizes a qualifying trust amount with respect 141459
to more than one qualifying investee, the amount described in 141460
division (BB)(4)(b) of this section shall equal the sum of the 141461
products so computed for each such qualifying investee. 141462

(c)(i) With respect to a trust or portion of a trust that is 141463
a resident as ascertained in accordance with division (I)(3)(d) of 141464
this section, its modified nonbusiness income. 141465

(ii) With respect to a trust or portion of a trust that is 141466
not a resident as ascertained in accordance with division 141467
(I)(3)(d) of this section, the amount of its modified nonbusiness 141468
income satisfying the descriptions in divisions (B)(2) to (5) of 141469
section 5747.20 of the Revised Code, except as otherwise provided 141470
in division (BB)(4)(c)(ii) of this section. With respect to a 141471
trust or portion of a trust that is not a resident as ascertained 141472
in accordance with division (I)(3)(d) of this section, the trust's 141473
portion of modified nonbusiness income recognized from the sale, 141474
exchange, or other disposition of a debt interest in or equity 141475
interest in a section 5747.212 entity, as defined in section 141476

5747.212 of the Revised Code, without regard to division (A) of 141477
that section, shall not be allocated to this state in accordance 141478
with section 5747.20 of the Revised Code but shall be apportioned 141479
to this state in accordance with division (B) of section 5747.212 141480
of the Revised Code without regard to division (A) of that 141481
section. 141482

If the allocation and apportionment of a trust's income under 141483
divisions (BB)(4)(a) and (c) of this section do not fairly 141484
represent the modified Ohio taxable income of the trust in this 141485
state, the alternative methods described in division (C) of 141486
section 5747.21 of the Revised Code may be applied in the manner 141487
and to the same extent provided in that section. 141488

(5)(a) Except as set forth in division (BB)(5)(b) of this 141489
section, "qualifying investee" means a person in which a trust has 141490
an equity or ownership interest, or a person or unit of government 141491
the debt obligations of either of which are owned by a trust. For 141492
the purposes of division (BB)(2)(a) of this section and for the 141493
purpose of computing the fraction described in division (BB)(4)(b) 141494
of this section, all of the following apply: 141495

(i) If the qualifying investee is a member of a qualifying 141496
controlled group on the last day of the qualifying investee's 141497
fiscal or calendar year ending immediately prior to the date on 141498
which the trust recognizes the gain or loss, then "qualifying 141499
investee" includes all persons in the qualifying controlled group 141500
on such last day. 141501

(ii) If the qualifying investee, or if the qualifying 141502
investee and any members of the qualifying controlled group of 141503
which the qualifying investee is a member on the last day of the 141504
qualifying investee's fiscal or calendar year ending immediately 141505
prior to the date on which the trust recognizes the gain or loss, 141506
separately or cumulatively own, directly or indirectly, on the 141507
last day of the qualifying investee's fiscal or calendar year 141508

ending immediately prior to the date on which the trust recognizes 141509
the qualifying trust amount, more than fifty per cent of the 141510
equity of a pass-through entity, then the qualifying investee and 141511
the other members are deemed to own the proportionate share of the 141512
pass-through entity's physical assets which the pass-through 141513
entity directly or indirectly owns on the last day of the 141514
pass-through entity's calendar or fiscal year ending within or 141515
with the last day of the qualifying investee's fiscal or calendar 141516
year ending immediately prior to the date on which the trust 141517
recognizes the qualifying trust amount. 141518

(iii) For the purposes of division (BB)(5)(a)(iii) of this 141519
section, "upper level pass-through entity" means a pass-through 141520
entity directly or indirectly owning any equity of another 141521
pass-through entity, and "lower level pass-through entity" means 141522
that other pass-through entity. 141523

An upper level pass-through entity, whether or not it is also 141524
a qualifying investee, is deemed to own, on the last day of the 141525
upper level pass-through entity's calendar or fiscal year, the 141526
proportionate share of the lower level pass-through entity's 141527
physical assets that the lower level pass-through entity directly 141528
or indirectly owns on the last day of the lower level pass-through 141529
entity's calendar or fiscal year ending within or with the last 141530
day of the upper level pass-through entity's fiscal or calendar 141531
year. If the upper level pass-through entity directly and 141532
indirectly owns less than fifty per cent of the equity of the 141533
lower level pass-through entity on each day of the upper level 141534
pass-through entity's calendar or fiscal year in which or with 141535
which ends the calendar or fiscal year of the lower level 141536
pass-through entity and if, based upon clear and convincing 141537
evidence, complete information about the location and cost of the 141538
physical assets of the lower pass-through entity is not available 141539
to the upper level pass-through entity, then solely for purposes 141540

of ascertaining if a gain or loss constitutes a qualifying trust 141541
amount, the upper level pass-through entity shall be deemed as 141542
owning no equity of the lower level pass-through entity for each 141543
day during the upper level pass-through entity's calendar or 141544
fiscal year in which or with which ends the lower level 141545
pass-through entity's calendar or fiscal year. Nothing in division 141546
(BB)(5)(a)(iii) of this section shall be construed to provide for 141547
any deduction or exclusion in computing any trust's Ohio taxable 141548
income. 141549

(b) With respect to a trust that is not a resident for the 141550
taxable year and with respect to a part of a trust that is not a 141551
resident for the taxable year, "qualifying investee" for that 141552
taxable year does not include a C corporation if both of the 141553
following apply: 141554

(i) During the taxable year the trust or part of the trust 141555
recognizes a gain or loss from the sale, exchange, or other 141556
disposition of equity or ownership interests in, or debt 141557
obligations of, the C corporation. 141558

(ii) Such gain or loss constitutes nonbusiness income. 141559

(6) "Available" means information is such that a person is 141560
able to learn of the information by the due date plus extensions, 141561
if any, for filing the return for the taxable year in which the 141562
trust recognizes the gain or loss. 141563

(CC) "Qualifying controlled group" has the same meaning as in 141564
section 5733.04 of the Revised Code. 141565

(DD) "Related member" has the same meaning as in section 141566
5733.042 of the Revised Code. 141567

(EE)(1) For the purposes of division (EE) of this section: 141568

(a) "Qualifying person" means any person other than a 141569
qualifying corporation. 141570

(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:

(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.

(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.

(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section.

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the

trustee of the trust. 141602

(4) A "pre-income tax trust" is a trust that satisfies all of 141603
the following requirements: 141604

(a) The document or instrument creating the trust was 141605
executed by the grantor before January 1, 1972; 141606

(b) The trust became irrevocable upon the creation of the 141607
trust; and 141608

(c) The grantor was domiciled in this state at the time the 141609
trust was created. 141610

(GG) "Uniformed services" has the same meaning as in 10 141611
U.S.C. 101. 141612

Sec. 5747.02. (A) For the purpose of providing revenue for 141613
the support of schools and local government functions, to provide 141614
relief to property taxpayers, to provide revenue for the general 141615
revenue fund, and to meet the expenses of administering the tax 141616
levied by this chapter, there is hereby levied on every 141617
individual, trust, and estate residing in or earning or receiving 141618
income in this state, on every individual, trust, and estate 141619
earning or receiving lottery winnings, prizes, or awards pursuant 141620
to Chapter 3770. of the Revised Code, on every individual, trust, 141621
and estate earning or receiving winnings on casino gaming, and on 141622
every individual, trust, and estate otherwise having nexus with or 141623
in this state under the Constitution of the United States, an 141624
annual tax measured in the case of individuals by Ohio adjusted 141625
gross income less an exemption for the taxpayer, the taxpayer's 141626
spouse, and each dependent as provided in section 5747.025 of the 141627
Revised Code; measured in the case of trusts by modified Ohio 141628
taxable income under division (D) of this section; and measured in 141629
the case of estates by Ohio taxable income. The tax imposed by 141630
this section on the balance thus obtained is hereby levied as 141631

follows:		141632
(1) For taxable years beginning in 2004:		141633
OHIO ADJUSTED GROSS INCOME LESS		141634
EXEMPTIONS (INDIVIDUALS)		
OR		141635
MODIFIED OHIO		141636
TAXABLE INCOME (TRUSTS)		141637
OR		141638
OHIO TAXABLE INCOME (ESTATES)	TAX	141639
\$5,000 or less	.743%	141640
More than \$5,000 but not more than \$10,000	\$37.15 plus 1.486% of the amount in excess of \$5,000	141641
More than \$10,000 but not more than \$15,000	\$111.45 plus 2.972% of the amount in excess of \$10,000	141642
More than \$15,000 but not more than \$20,000	\$260.05 plus 3.715% of the amount in excess of \$15,000	141643
More than \$20,000 but not more than \$40,000	\$445.80 plus 4.457% of the amount in excess of \$20,000	141644
More than \$40,000 but not more than \$80,000	\$1,337.20 plus 5.201% of the amount in excess of \$40,000	141645
More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	141646
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	141647
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	141648
(2) For taxable years beginning in 2005:		141649
OHIO ADJUSTED GROSS INCOME LESS		141650
EXEMPTIONS (INDIVIDUALS)		
OR		141651
MODIFIED OHIO		141652
TAXABLE INCOME (TRUSTS)		141653

	OR	141654
OHIO TAXABLE INCOME (ESTATES)	TAX	141655
\$5,000 or less	.712%	141656
More than \$5,000 but not more than \$10,000	\$35.60 plus 1.424% of the amount in excess of \$5,000	141657
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	141658
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	141659
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	141660
More than \$40,000 but not more than \$80,000	\$1,281.10 plus 4.983% of the amount in excess of \$40,000	141661
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000	141662
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000	141663
More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	141664
(3) For taxable years beginning in 2006:		141665
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		141666
OR		141667
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		141668
OR		141669
OHIO TAXABLE INCOME (ESTATES)	TAX	141670
\$5,000 or less	.681%	141671
More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	141672
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	141673
More than \$15,000 but not more	\$238.20 plus 3.403% of the	141674
		141675

than \$20,000	amount in excess of \$15,000	
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	141676
More than \$40,000 but not more than \$80,000	\$1,224.95 plus 4.764% of the amount in excess of \$40,000	141677
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	141678
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	141679
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	141680
(4) For taxable years beginning in 2007:		141681
OHIO ADJUSTED GROSS INCOME LESS		141682
EXEMPTIONS (INDIVIDUALS)		
OR		141683
MODIFIED OHIO		141684
TAXABLE INCOME (TRUSTS)		141685
OR		141686
OHIO TAXABLE INCOME (ESTATES)	TAX	141687
\$5,000 or less	.649%	141688
More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	141689
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	141690
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	141691
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	141692
More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	141693
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	141694
More than \$100,000 but not more	\$4,025.85 plus 6.031% of the	141695

than \$200,000	amount in excess of \$100,000	
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	141696
(5) For taxable years beginning in 2008, 2009, or 2010:		141697
OHIO ADJUSTED GROSS INCOME LESS		141698
EXEMPTIONS (INDIVIDUALS)		
OR		141699
MODIFIED OHIO		141700
TAXABLE INCOME (TRUSTS)		141701
OR		141702
OHIO TAXABLE INCOME (ESTATES)	TAX	141703
\$5,000 or less	.618%	141704
More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	141705
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	141706
More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	141707
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	141708
More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	141709
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	141710
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	141711
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	141712
(6) For taxable years beginning in 2011 or thereafter:		141713
OHIO ADJUSTED GROSS INCOME LESS		141714
EXEMPTIONS (INDIVIDUALS)		
OR		141715

MODIFIED OHIO		141716
TAXABLE INCOME (TRUSTS)		141717
OR		141718
OHIO TAXABLE INCOME (ESTATES)	TAX	141719
\$5,000 or less	.587%	141720
More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	141721
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	141722
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	141723
More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	141724
More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	141725
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	141726
More than \$100,000 but not more than \$200,000	\$3,639.00 plus 5.451% of the amount in excess of \$100,000	141727
More than \$200,000	\$9,090.00 plus 5.925% of the amount in excess of \$200,000	141728
In July <u>August</u> of each year, beginning in 2010, the tax		141729
commissioner shall adjust the income amounts prescribed in this		141730
division by multiplying the percentage increase in the gross		141731
domestic product deflator computed that year under section		141732
5747.025 of the Revised Code by each of the income amounts		141733
resulting from the adjustment under this division in the preceding		141734
year, adding the resulting product to the corresponding income		141735
amount resulting from the adjustment in the preceding year, and		141736
rounding the resulting sum to the nearest multiple of fifty		141737
dollars. The tax commissioner also shall recompute each of the tax		141738
dollar amounts to the extent necessary to reflect the adjustment		141739
of the income amounts. The rates of taxation shall not be		141740

adjusted. 141741

The adjusted amounts apply to taxable years beginning in the 141742
calendar year in which the adjustments are made. The tax 141743
commissioner shall not make such adjustments in any year in which 141744
the amount resulting from the adjustment would be less than the 141745
amount resulting from the adjustment in the preceding year. 141746

(B) If the director of budget and management makes a 141747
certification to the tax commissioner under division (B) of 141748
section 131.44 of the Revised Code, the amount of tax as 141749
determined under division (A) of this section shall be reduced by 141750
the percentage prescribed in that certification for taxable years 141751
beginning in the calendar year in which that certification is 141752
made. 141753

(C) The levy of this tax on income does not prevent a 141754
municipal corporation, a joint economic development zone created 141755
under section 715.691, or a joint economic development district 141756
created under section 715.70 or 715.71 or sections 715.72 to 141757
715.81 of the Revised Code from levying a tax on income. 141758

(D) This division applies only to taxable years of a trust 141759
beginning in 2002 or thereafter. 141760

(1) The tax imposed by this section on a trust shall be 141761
computed by multiplying the Ohio modified taxable income of the 141762
trust by the rates prescribed by division (A) of this section. 141763

(2) A resident trust may claim a credit against the tax 141764
computed under division (D) of this section equal to the lesser of 141765
(1) the tax paid to another state or the District of Columbia on 141766
the resident trust's modified nonbusiness income, other than the 141767
portion of the resident trust's nonbusiness income that is 141768
qualifying investment income as defined in section 5747.012 of the 141769
Revised Code, or (2) the effective tax rate, based on modified 141770
Ohio taxable income, multiplied by the resident trust's modified 141771

nonbusiness income other than the portion of the resident trust's 141772
nonbusiness income that is qualifying investment income. The 141773
credit applies before any other applicable credits. 141774

(3) The credits enumerated in divisions (A)(1) to (13) of 141775
section 5747.98 of the Revised Code do not apply to a trust 141776
subject to division (D) of this section. Any credits enumerated in 141777
other divisions of section 5747.98 of the Revised Code apply to a 141778
trust subject to division (D) of this section. To the extent that 141779
the trust distributes income for the taxable year for which a 141780
credit is available to the trust, the credit shall be shared by 141781
the trust and its beneficiaries. The tax commissioner and the 141782
trust shall be guided by applicable regulations of the United 141783
States treasury regarding the sharing of credits. 141784

(E) For the purposes of this section, "trust" means any trust 141785
described in Subchapter J of Chapter 1 of the Internal Revenue 141786
Code, excluding trusts that are not irrevocable as defined in 141787
division (I)(3)(b) of section 5747.01 of the Revised Code and that 141788
have no modified Ohio taxable income for the taxable year, 141789
charitable remainder trusts, qualified funeral trusts and preneed 141790
funeral contract trusts established pursuant to sections 4717.31 141791
to 4717.38 of the Revised Code that are not qualified funeral 141792
trusts, endowment and perpetual care trusts, qualified settlement 141793
trusts and funds, designated settlement trusts and funds, and 141794
trusts exempted from taxation under section 501(a) of the Internal 141795
Revenue Code. 141796

Sec. 5747.022. An individual subject to the tax imposed by 141797
section 5747.02 of the Revised Code may claim a credit equal to 141798
twenty dollars times the number of exemptions allowed for the 141799
taxpayer, ~~his~~ the taxpayer's spouse, and each dependent under 141800
section 5747.02 of the Revised Code. The credit shall be claimed 141801
in the order required under section 5747.98 of the Revised Code. 141802

The credit shall not be considered in determining the taxes 141803
required to be withheld under section 5747.06 of the Revised Code 141804
or the estimated taxes required to be paid under section 5747.09 141805
of the Revised Code. In the case of an individual with respect to 141806
whom an exemption under section 5747.02 of the Revised Code is 141807
allowable to another taxpayer for a taxable year beginning in the 141808
calendar year in which the individual's taxable year begins, the 141809
"number of exemptions allowed" for purposes of calculating the 141810
credit allowed under this section to such individual for the 141811
individual's taxable year shall not include an exemption for the 141812
individual. 141813

Sec. 5747.025. (A) The Except as otherwise provided in this 141814
division, the personal exemption for the taxpayer and the 141815
taxpayer's spouse shall be seven hundred fifty dollars each for 141816
the taxable year beginning in 1996, eight hundred fifty dollars 141817
each for the taxable year beginning in 1997, nine hundred fifty 141818
dollars each for the taxable year beginning in 1998, and one 141819
thousand fifty dollars each for the taxable year beginning in 1999 141820
and taxable years beginning after 1999. The personal exemption 141821
amount prescribed in this division for taxable years beginning 141822
after 1999 shall be adjusted each year in the manner prescribed in 141823
division (C) of this section. In the case of an individual with 141824
respect to whom an exemption under section 5747.02 of the Revised 141825
Code is allowable to another taxpayer for a taxable year beginning 141826
in the calendar year in which the individual's taxable year 141827
begins, the exemption amount applicable to such individual for 141828
such individual's taxable year shall be zero. 141829

(B) The personal exemption for each dependent shall be eight 141830
hundred fifty dollars for the taxable year beginning in 1996, and 141831
one thousand fifty dollars for the taxable year beginning in 1997 141832
and taxable years beginning after 1997. The personal exemption 141833
amount prescribed in this division for taxable years beginning 141834

after 1999 shall be adjusted each year in the manner prescribed in 141835
division (C) of this section. 141836

(C) In ~~September~~ August of each year, ~~beginning in 2000~~, the 141837
tax commissioner shall determine the percentage increase in the 141838
gross domestic product deflator determined by the bureau of 141839
economic analysis of the United States department of commerce from 141840
the first day of January of the preceding calendar year to the 141841
last day of December of the preceding year, and adjust the 141842
personal exemption amount for taxable years beginning in the 141843
current calendar year by multiplying that amount by the percentage 141844
increase in the gross domestic product deflator for that period; 141845
adding the resulting product to the personal exemption amount for 141846
taxable years beginning in the preceding calendar year; and 141847
rounding the resulting sum upward to the nearest multiple of fifty 141848
dollars. The commissioner shall not make such an adjustment in any 141849
calendar year in which the amount resulting from the adjustment 141850
would be less than the amount resulting from the adjustment in the 141851
preceding calendar year. 141852

Sec. 5747.08. An annual return with respect to the tax 141853
imposed by section 5747.02 of the Revised Code and each tax 141854
imposed under Chapter 5748. of the Revised Code shall be made by 141855
every taxpayer for any taxable year for which the taxpayer is 141856
liable for the tax imposed by that section or under that chapter, 141857
unless the total credits allowed under divisions (E), (F), and (G) 141858
of section 5747.05 of the Revised Code for the year are equal to 141859
or exceed the tax imposed by section 5747.02 of the Revised Code, 141860
in which case no return shall be required unless the taxpayer is 141861
liable for a tax imposed pursuant to Chapter 5748. of the Revised 141862
Code. 141863

(A) If an individual is deceased, any return or notice 141864
required of that individual under this chapter shall be made and 141865

filed by that decedent's executor, administrator, or other person 141866
charged with the property of that decedent. 141867

(B) If an individual is unable to make a return or notice 141868
required by this chapter, the return or notice required of that 141869
individual shall be made and filed by the individual's duly 141870
authorized agent, guardian, conservator, fiduciary, or other 141871
person charged with the care of the person or property of that 141872
individual. 141873

(C) Returns or notices required of an estate or a trust shall 141874
be made and filed by the fiduciary of the estate or trust. 141875

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 141876
of this section, any pass-through entity may file a single return 141877
on behalf of one or more of the entity's investors other than an 141878
investor that is a person subject to the tax imposed under section 141879
5733.06 of the Revised Code. The single return shall set forth the 141880
name, address, and social security number or other identifying 141881
number of each of those pass-through entity investors and shall 141882
indicate the distributive share of each of those pass-through 141883
entity investor's income taxable in this state in accordance with 141884
sections 5747.20 to 5747.231 of the Revised Code. Such 141885
pass-through entity investors for whom the pass-through entity 141886
elects to file a single return are not entitled to the exemption 141887
or credit provided for by sections 5747.02 and 5747.022 of the 141888
Revised Code; shall calculate the tax before business credits at 141889
the highest rate of tax set forth in section 5747.02 of the 141890
Revised Code for the taxable year for which the return is filed; 141891
and are entitled to only their distributive share of the business 141892
credits as defined in division (D)(2) of this section. A single 141893
check drawn by the pass-through entity shall accompany the return 141894
in full payment of the tax due, as shown on the single return, for 141895
such investors, other than investors who are persons subject to 141896
the tax imposed under section 5733.06 of the Revised Code. 141897

(b)(i) A pass-through entity shall not include in such a single return any investor that is a trust to the extent that any direct or indirect current, future, or contingent beneficiary of the trust is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(ii) A pass-through entity shall not include in such a single return any investor that is itself a pass-through entity to the extent that any direct or indirect investor in the second pass-through entity is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(c) Nothing in division (D) of this section precludes the tax commissioner from requiring such investors to file the return and make the payment of taxes and related interest, penalty, and interest penalty required by this section or section 5747.02, 5747.09, or 5747.15 of the Revised Code. Nothing in division (D) of this section precludes such an investor from filing the annual return under this section, utilizing the refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor under division (J) of this section, and making the payment of taxes imposed under section 5747.02 of the Revised Code. Nothing in division (D) of this section shall be construed to provide to such an investor or pass-through entity any additional deduction or credit, other than the credit provided by division (J) of this section, solely on account of the entity's filing a return in accordance with this section. Such a pass-through entity also shall make the filing and payment of estimated taxes on behalf of the pass-through entity investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(2) For the purposes of this section, "business credits" means the credits listed in section 5747.98 of the Revised Code excluding the following credits:

(a) The retirement credit under division (B) of section 5747.055 of the Revised Code;	141930 141931
(b) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;	141932 141933
(c) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;	141934 141935
(d) The dependent care credit under section 5747.054 of the Revised Code;	141936 141937
(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	141938 141939
(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	141940 141941
(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	141942 141943
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	141944 141945
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	141946 141947
(j) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	141948 141949
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	141950 141951
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	141952 141953
(m) The low-income credit under section 5747.056 of the Revised Code.	141954 141955
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner	141956 141957 141958

provides otherwise, this election, once made, is binding and 141959
irrevocable for the taxable year for which the election is made. 141960
Nothing in this division shall be construed to provide for any 141961
deduction or credit that would not be allowable if a nonresident 141962
pass-through entity investor were to file an annual return. 141963

(4) If a pass-through entity makes the election provided for 141964
under division (D) of this section, the pass-through entity shall 141965
be liable for any additional taxes, interest, interest penalty, or 141966
penalties imposed by this chapter if the tax commissioner finds 141967
that the single return does not reflect the correct tax due by the 141968
pass-through entity investors covered by that return. Nothing in 141969
this division shall be construed to limit or alter the liability, 141970
if any, imposed on pass-through entity investors for unpaid or 141971
underpaid taxes, interest, interest penalty, or penalties as a 141972
result of the pass-through entity's making the election provided 141973
for under division (D) of this section. For the purposes of 141974
division (D) of this section, "correct tax due" means the tax that 141975
would have been paid by the pass-through entity had the single 141976
return been filed in a manner reflecting the commissioner's 141977
findings. Nothing in division (D) of this section shall be 141978
construed to make or hold a pass-through entity liable for tax 141979
attributable to a pass-through entity investor's income from a 141980
source other than the pass-through entity electing to file the 141981
single return. 141982

(E) If a husband and wife file a joint federal income tax 141983
return for a taxable year, they shall file a joint return under 141984
this section for that taxable year, and their liabilities are 141985
joint and several, but, if the federal income tax liability of 141986
either spouse is determined on a separate federal income tax 141987
return, they shall file separate returns under this section. 141988

If either spouse is not required to file a federal income tax 141989
return and either or both are required to file a return pursuant 141990

to this chapter, they may elect to file separate or joint returns, 141991
and, pursuant to that election, their liabilities are separate or 141992
joint and several. If a husband and wife file separate returns 141993
pursuant to this chapter, each must claim the taxpayer's own 141994
exemption, but not both, as authorized under section 5747.02 of 141995
the Revised Code on the taxpayer's own return. 141996

(F) Each return or notice required to be filed under this 141997
section shall contain the signature of the taxpayer or the 141998
taxpayer's duly authorized agent and of the person who prepared 141999
the return for the taxpayer, and shall include the taxpayer's 142000
social security number. Each return shall be verified by a 142001
declaration under the penalties of perjury. The tax commissioner 142002
shall prescribe the form that the signature and declaration shall 142003
take. 142004

(G) Each return or notice required to be filed under this 142005
section shall be made and filed as required by section 5747.04 of 142006
the Revised Code, on or before the fifteenth day of April of each 142007
year, on forms that the tax commissioner shall prescribe, together 142008
with remittance made payable to the treasurer of state in the 142009
combined amount of the state and all school district income taxes 142010
shown to be due on the form, ~~unless the combined amount shown to~~ 142011
~~be due is one dollar or less, in which case that amount need not~~ 142012
~~be remitted.~~ 142013

Upon good cause shown, the commissioner may extend the period 142014
for filing any notice or return required to be filed under this 142015
section and may adopt rules relating to extensions. If the 142016
extension results in an extension of time for the payment of any 142017
state or school district income tax liability with respect to 142018
which the return is filed, the taxpayer shall pay at the time the 142019
tax liability is paid an amount of interest computed at the rate 142020
per annum prescribed by section 5703.47 of the Revised Code on 142021
that liability from the time that payment is due without extension 142022

to the time of actual payment. Except as provided in section 142023
5747.132 of the Revised Code, in addition to all other interest 142024
charges and penalties, all taxes imposed under this chapter or 142025
Chapter 5748. of the Revised Code and remaining unpaid after they 142026
become due, except combined amounts due of one dollar or less, 142027
bear interest at the rate per annum prescribed by section 5703.47 142028
of the Revised Code until paid or until the day an assessment is 142029
issued under section 5747.13 of the Revised Code, whichever occurs 142030
first. 142031

If the commissioner considers it necessary in order to ensure 142032
the payment of the tax imposed by section 5747.02 of the Revised 142033
Code or any tax imposed under Chapter 5748. of the Revised Code, 142034
the commissioner may require returns and payments to be made 142035
otherwise than as provided in this section. 142036

To the extent that any provision in this division conflicts 142037
with any provision in section 5747.026 of the Revised Code, the 142038
provision in that section prevails. 142039

(H) If any report, claim, statement, or other document 142040
required to be filed, or any payment required to be made, within a 142041
prescribed period or on or before a prescribed date under this 142042
chapter is delivered after that period or that date by United 142043
States mail to the agency, officer, or office with which the 142044
report, claim, statement, or other document is required to be 142045
filed, or to which the payment is required to be made, the date of 142046
the postmark stamped on the cover in which the report, claim, 142047
statement, or other document, or payment is mailed shall be deemed 142048
to be the date of delivery or the date of payment. 142049

If a payment is required to be made by electronic funds 142050
transfer pursuant to section 5747.072 of the Revised Code, the 142051
payment is considered to be made when the payment is received by 142052
the treasurer of state or credited to an account designated by the 142053
treasurer of state for the receipt of tax payments. 142054

"The date of the postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the United States postal service.

(I) The amounts withheld by an employer pursuant to section 5747.06 of the Revised Code, a casino operator pursuant to section 5747.063 of the Revised Code, or a lottery sales agent pursuant to section 5747.064 of the Revised Code shall be allowed to the recipient of the compensation casino winnings, or lottery prize award as credits against payment of the appropriate taxes imposed on the recipient by section 5747.02 and under Chapter 5748. of the Revised Code.

(J) ~~If, in accordance with division (D) of this section,~~ a pass-through entity elects to file a single return under division (D) of this section and if any investor is required to file the annual return and make the payment of taxes required by this chapter on account of the investor's other income that is not included in a single return filed by a pass-through entity or any other investor elects to file the annual return, the investor is entitled to a refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor. The investor shall claim the credit for the investor's taxable year in which or with which ends the taxable year of the pass-through entity. Nothing in this chapter shall be construed to allow any credit provided in this chapter to be claimed more than once. For the ~~purpose~~ purpose of computing any interest, penalty, or interest penalty, the investor shall be deemed to have paid the refundable credit provided by this division on the day that the pass-through entity paid the estimated tax or the tax giving rise to the credit.

(K) The tax commissioner shall ensure that each return required to be filed under this section includes a box that the taxpayer may check to authorize a paid tax preparer who prepared

the return to communicate with the department of taxation about 142087
matters pertaining to the return. The return or instructions 142088
accompanying the return shall indicate that by checking the box 142089
the taxpayer authorizes the department of taxation to contact the 142090
preparer concerning questions that arise during the processing of 142091
the return and authorizes the preparer only to provide the 142092
department with information that is missing from the return, to 142093
contact the department for information about the processing of the 142094
return or the status of the taxpayer's refund or payments, and to 142095
respond to notices about mathematical errors, offsets, or return 142096
preparation that the taxpayer has received from the department and 142097
has shown to the preparer. 142098

(L) The tax commissioner shall permit individual taxpayers to 142099
instruct the department of taxation to cause any refund of 142100
overpaid taxes to be deposited directly into a checking account, 142101
savings account, or an individual retirement account or individual 142102
retirement annuity, or preexisting college savings plan or program 142103
account offered by the Ohio tuition trust authority under Chapter 142104
3334. of the Revised Code, as designated by the taxpayer, when the 142105
taxpayer files the annual return required by this section 142106
electronically. 142107

(M) The tax commissioner may adopt rules to administer this 142108
section. 142109

Sec. 5747.10. If any of the facts, figures, computations, or 142110
attachments required in a taxpayer's annual return to determine 142111
the tax charged by this chapter or Chapter 5748. of the Revised 142112
Code must be altered as the result of an adjustment to the 142113
taxpayer's federal income tax return, whether initiated by the 142114
taxpayer or the internal revenue service, and such alteration 142115
affects the taxpayer's tax liability under this chapter or Chapter 142116
5748. of the Revised Code, the taxpayer shall file an amended 142117

return with the tax commissioner in such form as the commissioner 142118
requires. The amended return shall be filed not later than sixty 142119
days after the adjustment has been agreed to or finally determined 142120
for federal income tax purposes or any federal income tax 142121
deficiency or refund, or the abatement or credit resulting 142122
therefrom, has been assessed or paid, whichever occurs first. 142123

(A) In the case of an underpayment, the amended return shall 142124
be accompanied by payment of any combined additional tax due 142125
together with interest thereon. ~~If the combined tax shown to be 142126
due is one dollar or less, such amount need not accompany the 142127
amended return.~~ An amended return required by this section is a 142128
return subject to assessment under section 5747.13 of the Revised 142129
Code for the purpose of assessing any additional tax due under 142130
this section, together with any applicable penalty and interest. 142131
It shall not reopen those facts, figures, computations, or 142132
attachments from a previously filed return no longer subject to 142133
assessment that are not affected, either directly or indirectly, 142134
by the adjustment to the taxpayer's federal income tax return. 142135

(B) In the case of an overpayment, an application for refund 142136
may be filed under this division within the sixty-day period 142137
prescribed for filing the amended return even if it is filed 142138
beyond the period prescribed in section 5747.11 of the Revised 142139
Code if it otherwise conforms to the requirements of such section. 142140
An application filed under this division shall claim refund of 142141
overpayments resulting from alterations to only those facts, 142142
figures, computations, or attachments required in the taxpayer's 142143
annual return that are affected, either directly or indirectly, by 142144
the adjustment to the taxpayer's federal income tax return unless 142145
it is also filed within the time prescribed in section 5747.11 of 142146
the Revised Code. It shall not reopen those facts, figures, 142147
computations, or attachments that are not affected, either 142148
directly or indirectly, by the adjustment to the taxpayer's 142149

federal income tax return. 142150

Sec. 5747.11. (A) The tax commissioner shall refund to 142151
employers, qualifying entities, or taxpayers, ~~with respect to any~~ 142152
subject to a tax imposed under section 5733.41, 5747.02, or 142153
5747.41, or Chapter 5748. of the Revised Code+ 142154

~~(1) Overpayments of more than one dollar;~~ 142155

~~(2) Amounts in excess of one dollar paid illegally or~~ 142156
~~erroneously;~~ 142157

~~(3) Amounts in excess of one dollar paid on an illegal,~~ 142158
~~erroneous, or excessive assessment~~ the amount of any overpayment 142159
of such tax. 142160

(B) Except as otherwise provided under divisions (D) and (E) 142161
of this section, applications for refund shall be filed with the 142162
tax commissioner, on the form prescribed by the commissioner, 142163
within four years from the date of the illegal, erroneous, or 142164
excessive payment of the tax, or within any additional period 142165
allowed by division (B)(3)(b) of section 5747.05, division (B) of 142166
section 5747.10, division (A) of section 5747.13, or division (C) 142167
of section 5747.45 of the Revised Code. 142168

On filing of the refund application, the commissioner shall 142169
determine the amount of refund due and, if that amount exceeds one 142170
dollar, certify such amount to the director of budget and 142171
management and treasurer of state for payment from the tax refund 142172
fund created by section 5703.052 of the Revised Code. Payment 142173
shall be made as provided in division (C) of section 126.35 of the 142174
Revised Code. 142175

~~(C)(1) Interest shall be allowed and paid upon any illegal or~~ 142176
~~erroneous assessment in excess of one dollar in respect of the tax~~ 142177
~~imposed under section 5747.02 or Chapter 5748. of the Revised Code~~ 142178
~~at the rate per annum prescribed by section 5703.47 of the Revised~~ 142179

~~Code from the date of the payment of the illegal or erroneous 142180
assessment until the date the refund of such amount is paid. If 142181
such refund results from the filing of a return or report, or the 142182
payment accompanying such return or report, by an employer or 142183
taxpayer, rather than from an assessment by the commissioner, such 142184
interest shall run from a period ninety days after the final 142185
filing date of the annual return until the date the refund is 142186
paid. 142187~~

~~(2) Interest shall be allowed and paid at the rate per annum 142188
prescribed by section 5703.47 of the Revised Code ~~upon any~~ 142189
~~overpayment in excess of one dollar in respect of~~ on amounts 142190
refunded with respect to the tax imposed under section 5747.02 or 142191
Chapter 5748. of the Revised Code from the date of the overpayment 142192
until the date of the refund of the overpayment, except that if 142193
any overpayment is refunded within ninety days after the final 142194
filing date of the annual return or ninety days after the return 142195
is filed, whichever is later, no interest shall be allowed on such 142196
overpayment. If the overpayment results from the carryback of a 142197
net operating loss or net capital loss to a previous taxable year, 142198
the overpayment is deemed not to have been made prior to the 142199
filing date, including any extension thereof, for the taxable year 142200
in which the net operating loss or net capital loss arises. For 142201
purposes of the payment of interest on overpayments, no amount of 142202
tax, for any taxable year, shall be treated as having been paid 142203
before the date on which the tax return for that year was due 142204
without regard to any extension of time for filing such return. 142205~~

~~(3)~~(2) Interest shall be allowed at the rate per annum 142206
prescribed by section 5703.47 of the Revised Code on amounts 142207
refunded with respect to the taxes imposed under sections 5733.41 142208
and 5747.41 of the Revised Code. The interest shall run from 142209
whichever of the following days is the latest until the day the 142210
refund is paid: the day the illegal, erroneous, or excessive 142211

payment was made; the ninetieth day after the final day the annual 142212
report was required to be filed under section 5747.42 of the 142213
Revised Code; or the ninetieth day after the day that report was 142214
filed. 142215

(D) "Ninety days" shall be substituted for "four years" in 142216
division (B) of this section if the taxpayer satisfies both of the 142217
following conditions: 142218

(1) The taxpayer has applied for a refund based in whole or 142219
in part upon section 5747.059 of the Revised Code; 142220

(2) The taxpayer asserts that either the imposition or 142221
collection of the tax imposed or charged by this chapter or any 142222
portion of such tax violates the Constitution of the United States 142223
or the Constitution of Ohio. 142224

(E)(1) Division (E)(2) of this section applies only if all of 142225
the following conditions are satisfied: 142226

(a) A qualifying entity pays an amount of the tax imposed by 142227
section 5733.41 or 5747.41 of the Revised Code; 142228

(b) The taxpayer is a qualifying investor as to that 142229
qualifying entity; 142230

(c) The taxpayer did not claim the credit provided for in 142231
section 5747.059 of the Revised Code as to the tax described in 142232
division (E)(1)(a) of this section; 142233

(d) The four-year period described in division (B) of this 142234
section has ended as to the taxable year for which the taxpayer 142235
otherwise would have claimed that credit. 142236

(2) A taxpayer shall file an application for refund pursuant 142237
to division (E) of this section within one year after the date the 142238
payment described in division (E)(1)(a) of this section is made. 142239
An application filed under division (E)(2) of this section shall 142240
claim refund only of overpayments resulting from the taxpayer's 142241

failure to claim the credit described in division (E)(1)(c) of 142242
this section. Nothing in division (E) of this section shall be 142243
construed to relieve a taxpayer from complying with division 142244
(A)(16) of section 5747.01 of the Revised Code. 142245

Sec. 5747.113. (A) Any taxpayer claiming a refund under 142246
section 5747.11 of the Revised Code who wishes to contribute any 142247
part of the taxpayer's refund to the natural areas and preserves 142248
fund created in section 1517.11 of the Revised Code, the nongame 142249
and endangered wildlife fund created in section 1531.26 of the 142250
Revised Code, the military injury relief fund created in section 142251
5101.98 of the Revised Code, the Ohio historical society income 142252
tax contribution fund created in section 149.308 of the Revised 142253
Code, or all of those funds may designate on the taxpayer's income 142254
tax return the amount that the taxpayer wishes to contribute to 142255
the fund or funds. A designated contribution is irrevocable upon 142256
the filing of the return and shall be made in the full amount 142257
designated if the refund found due the taxpayer upon the initial 142258
processing of the taxpayer's return, after any deductions 142259
including those required by section 5747.12 of the Revised Code, 142260
is greater than or equal to the designated contribution. If the 142261
refund due as initially determined is less than the designated 142262
contribution, the contribution shall be made in the full amount of 142263
the refund. The tax commissioner shall subtract the amount of the 142264
contribution from the amount of the refund initially found due the 142265
taxpayer and shall certify the difference to the director of 142266
budget and management and treasurer of state for payment to the 142267
taxpayer in accordance with section 5747.11 of the Revised Code. 142268
For the purpose of any subsequent determination of the taxpayer's 142269
net tax payment, the contribution shall be considered a part of 142270
the refund paid to the taxpayer. 142271

(B) The tax commissioner shall provide a space on the income 142272
tax return form in which a taxpayer may indicate that the taxpayer 142273

wishes to make a donation in accordance with this section. The tax 142274
commissioner shall also print in the instructions accompanying the 142275
income tax return form a description of the purposes for which the 142276
natural areas and preserves fund, the nongame and endangered 142277
wildlife fund, the military injury relief fund, and the Ohio 142278
historical society income tax contribution fund were created and 142279
the use of moneys from the income tax refund contribution system 142280
established in this section. No person shall designate on the 142281
person's income tax return any part of a refund claimed under 142282
section 5747.11 of the Revised Code as a contribution to any fund 142283
other than the natural areas and preserves fund, the nongame and 142284
endangered wildlife fund, the military injury relief fund, or the 142285
Ohio historical society income tax contribution fund. 142286

(C) The money collected under the income tax refund 142287
contribution system established in this section shall be deposited 142288
by the tax commissioner into the natural areas and preserves fund, 142289
the nongame and endangered wildlife fund, the military injury 142290
relief fund, and the Ohio historical society income tax 142291
contribution fund in the amounts designated on the tax returns. 142292

(D) No later than the thirtieth day of September each year, 142293
the tax commissioner shall determine the total amount contributed 142294
to each fund under this section during the preceding eight months, 142295
any adjustments to prior months, and the cost to the department of 142296
taxation of administering the income tax refund contribution 142297
system during that eight-month period. The commissioner shall make 142298
an additional determination no later than the thirty-first day of 142299
January of each year of the total amount contributed to each fund 142300
under this section during the preceding four calendar months, any 142301
adjustments to prior years made during that four-month period, and 142302
the cost to the department of taxation of administering the income 142303
tax contribution system during that period. The cost of 142304
administering the income tax contribution system shall be 142305

certified by the tax commissioner to the director of budget and 142306
management, who shall transfer an amount equal to one-fourth of 142307
such administrative costs from the natural areas and preserves 142308
fund, one-fourth of such costs from the nongame and endangered 142309
wildlife fund, one-fourth of such costs from the military injury 142310
relief fund, and one-fourth of such costs from the Ohio historical 142311
society income tax contribution fund to the ~~litter control and~~ 142312
~~natural resource~~ income tax administration contribution fund, 142313
which is hereby created, provided that the moneys that the 142314
department receives to pay the cost of administering the income 142315
tax refund contribution system in any year shall not exceed two 142316
and one-half per cent of the total amount contributed under that 142317
system during that year. 142318

(E)(1) The director of natural resources, in January of every 142319
odd-numbered year, shall report to the general assembly on the 142320
effectiveness of the income tax refund contribution system as it 142321
pertains to the natural areas and preserves fund and the nongame 142322
and endangered wildlife fund. The report shall include the amount 142323
of money contributed to each fund in each of the previous five 142324
years, the amount of money contributed directly to each fund in 142325
addition to or independently of the income tax refund contribution 142326
system in each of the previous five years, and the purposes for 142327
which the money was expended. 142328

(2) The director of job and family services and the director 142329
of the Ohio historical society, in January of every odd-numbered 142330
year, each shall report to the general assembly on the 142331
effectiveness of the income tax refund contribution system as it 142332
pertains to the military injury relief fund and the Ohio 142333
historical society income tax contribution fund, respectively. The 142334
report shall include the amount of money contributed to the fund 142335
in each of the previous five years, the amount of money 142336
contributed directly to the fund in addition to or independently 142337

of the income tax refund contribution system in each of the 142338
previous five years, and the purposes for which the money was 142339
expended. 142340

Sec. 5747.122. (A) The tax commissioner, in accordance with 142341
section 5101.184 of the Revised Code, shall cooperate with the 142342
director of job and family services to collect overpayments of 142343
assistance under Chapter 5107.~~7~~~~5111.7~~ or 5115., former Chapter 142344
5113., or section 5101.54 of the Revised Code from refunds of 142345
state income taxes for taxable year 1992 and thereafter that are 142346
payable to the recipients of such overpayments. 142347

(B) At the request of the department of job and family 142348
services in connection with the collection of an overpayment of 142349
assistance from a refund of state income taxes pursuant to this 142350
section and section 5101.184 of the Revised Code, the tax 142351
commissioner shall release to the department the home address and 142352
social security number of any recipient of assistance whose 142353
overpayment may be collected from a refund of state income taxes 142354
under those sections. 142355

(C) In the case of a joint income tax return for two people 142356
who were not married to each other at the time one of them 142357
received an overpayment of assistance, only the portion of a 142358
refund that is due to the recipient of the overpayment shall be 142359
available for collection of the overpayment under this section and 142360
section 5101.184 of the Revised Code. The tax commissioner shall 142361
determine such portion. A recipient's spouse who objects to the 142362
portion as determined by the commissioner may file a complaint 142363
with the commissioner within twenty-one days after receiving 142364
notice of the collection, and the commissioner shall afford the 142365
spouse an opportunity to be heard on the complaint. The 142366
commissioner shall waive or extend the twenty-one-day period if 142367
the recipient's spouse establishes that such action is necessary 142368

to avoid unjust, unfair, or unreasonable results. After the 142369
hearing, the commissioner shall make a final determination of the 142370
portion of the refund available for collection of the overpayment. 142371

(D) The welfare overpayment intercept fund is hereby created 142372
in the state treasury. The tax commissioner shall deposit amounts 142373
collected from income tax refunds under this section to the credit 142374
of the welfare overpayment intercept fund. The director of job and 142375
family services shall distribute money in the fund in accordance 142376
with appropriate federal or state laws and procedures regarding 142377
collection of welfare overpayments. 142378

Sec. 5747.13. (A) If any employer collects the tax imposed by 142379
section 5747.02 or under Chapter 5748. of the Revised Code and 142380
fails to remit the tax as required by law, or fails to collect the 142381
tax, the employer is personally liable for any amount collected 142382
that the employer fails to remit, or any amount that the employer 142383
fails to collect. If any taxpayer fails to file a return or fails 142384
to pay the tax imposed by section 5747.02 or under Chapter 5748. 142385
of the Revised Code, the taxpayer is personally liable for the 142386
amount of the tax. 142387

If any employer, taxpayer, or qualifying entity required to 142388
file a return under this chapter fails to file the return within 142389
the time prescribed, files an incorrect return, fails to remit the 142390
full amount of the taxes due for the period covered by the return, 142391
or fails to remit any additional tax due as a result of a 142392
reduction in the amount of the credit allowed under division (B) 142393
of section 5747.05 of the Revised Code together with interest on 142394
the additional tax within the time prescribed by that division, 142395
the tax commissioner may make an assessment against any person 142396
liable for any deficiency for the period for which the return is 142397
or taxes are due, based upon any information in the commissioner's 142398
possession. 142399

An assessment issued against either the employer or the taxpayer pursuant to this section shall not be considered an election of remedies or a bar to an assessment against the other for failure to report or pay the same tax. No assessment shall be issued against any person if the tax actually has been paid by another.

No assessment shall be made or issued against an employer, taxpayer, or qualifying entity more than four years after the final date the return subject to assessment was required to be filed or the date the return was filed, whichever is later. However, the commissioner may assess any balance due as the result of a reduction in the credit allowed under division (B) of section 5747.05 of the Revised Code, including applicable penalty and interest, within four years of the date on which the taxpayer reports a change in either the portion of the taxpayer's adjusted gross income subjected to an income tax or tax measured by income in another state or the District of Columbia, or the amount of liability for an income tax or tax measured by income to another state or the District of Columbia, as required by division (B)(3) of section 5747.05 of the Revised Code. Such time limits may be extended if both the employer, taxpayer, or qualifying entity and the commissioner consent in writing to the extension or if an agreement waiving or extending the time limits has been entered into pursuant to section 122.171 of the Revised Code. Any such extension shall extend the four-year time limit in division (B) of section 5747.11 of the Revised Code for the same period of time. There shall be no bar or limit to an assessment against an employer for taxes withheld from employees and not remitted to the state, against an employer, taxpayer, or qualifying entity that fails to file a return subject to assessment as required by this chapter, or against an employer, taxpayer, or qualifying entity that files a fraudulent return.

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the party assessed to the commissioner with remittance made payable to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the employer's, taxpayer's, or qualifying entity's place of business is located or the county in which the party assessed resides. If the party assessed is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment against the party assessed in the amount shown on the entry. The judgment shall be filed by the clerk in one of two loose-leaf books, one entitled "special judgments for state and

school district income taxes," and the other entitled "special 142464
judgments for qualifying entity taxes." The judgment shall have 142465
the same effect as other judgments. Execution shall issue upon the 142466
judgment upon the request of the tax commissioner, and all laws 142467
applicable to sales on execution shall apply to sales made under 142468
the judgment. 142469

~~The portion of~~ If the assessment is not paid in its entirety 142470
within sixty days after the assessment was issued, the portion of 142471
the assessment consisting of tax due shall bear interest at the 142472
rate per annum prescribed by section 5703.47 of the Revised Code 142473
from the day the tax commissioner issues the assessment until it 142474
is paid or until it is certified to the attorney general for 142475
collection under section 131.02 of the Revised Code, whichever 142476
comes first. If the unpaid portion of the assessment is certified 142477
to the attorney general for collection, the entire unpaid portion 142478
of the assessment shall bear interest at the rate per annum 142479
prescribed by section 5703.47 of the Revised Code from the date of 142480
certification until the date it is paid in its entirety. Interest 142481
shall be paid in the same manner as the tax and may be collected 142482
by the issuance of an assessment under this section. 142483

(D) All money collected under this section shall be 142484
considered as revenue arising from the taxes imposed by this 142485
chapter or Chapter 5733. or 5748. of the Revised Code, as 142486
appropriate. 142487

(E) If the party assessed files a petition for reassessment 142488
under division (B) of this section, the person, on or before the 142489
last day the petition may be filed, shall pay the assessed amount, 142490
including assessed interest and assessed penalties, if any of the 142491
following conditions exists: 142492

(1) The person files a tax return reporting Ohio adjusted 142493
gross income, less the exemptions allowed by section 5747.025 of 142494
the Revised Code, in an amount less than one cent, and the 142495

reported amount is not based on the computations required under 142496
division (A) of section 5747.01 or section 5747.025 of the Revised 142497
Code. 142498

(2) The person files a tax return that the tax commissioner 142499
determines to be incomplete, false, fraudulent, or frivolous. 142500

(3) The person fails to file a tax return, and the basis for 142501
this failure is not either of the following: 142502

(a) An assertion that the person has no nexus with this 142503
state; 142504

(b) The computations required under division (A) of section 142505
5747.01 of the Revised Code or the application of credits allowed 142506
under this chapter has the result that the person's tax liability 142507
is less than one dollar and one cent. 142508

(F) Notwithstanding the fact that a petition for reassessment 142509
is pending, the petitioner may pay all or a portion of the 142510
assessment that is the subject of the petition. The acceptance of 142511
a payment by the treasurer of state does not prejudice any claim 142512
for refund upon final determination of the petition. 142513

If upon final determination of the petition an error in the 142514
assessment is corrected by the tax commissioner, upon petition so 142515
filed or pursuant to a decision of the board of tax appeals or any 142516
court to which the determination or decision has been appealed, so 142517
that the amount due from the party assessed under the corrected 142518
assessment is less than the portion paid, there shall be issued to 142519
the petitioner or to the petitioner's assigns or legal 142520
representative a refund in the amount of the overpayment as 142521
provided by section 5747.11 of the Revised Code, with interest on 142522
that amount as provided by such section, subject to section 142523
5747.12 of the Revised Code. 142524

Sec. 5747.21. (A) This section applies solely for the 142525

purposes of computing the credit allowed under division (A) of 142526
section 5747.05 of the Revised Code, computing income taxable in 142527
this state under division (D) of section 5747.08 of the Revised 142528
Code, computing the deduction under division (A)(32) of section 142529
5747.01 of the Revised Code, and computing the credit allowed 142530
under section 5747.057 of the Revised Code. 142531

(B) Except as otherwise provided under ~~sections 5747.211 and~~ 142532
section 5747.212 of the Revised Code, all items of business income 142533
and business deduction shall be apportioned to this state by 142534
multiplying the adjusted gross income by the fraction calculated 142535
under division (B)(2) of section 5733.05 and section 5733.057 of 142536
the Revised Code as if the taxpayer's business were a corporation 142537
subject to the tax imposed by section 5733.06 of the Revised Code. 142538

(C) If the allocation and apportionment provisions of 142539
sections 5747.20 to 5747.23 of the Revised Code or of any rule 142540
adopted by the tax commissioner, do not fairly represent the 142541
extent of business activity in this state of a taxpayer or 142542
pass-through entity, the taxpayer or pass-through entity may 142543
request, which request must be in writing accompanying ~~the a~~ 142544
timely filed return or timely filed amended return, or the tax 142545
commissioner may require, in respect of all or any part of the 142546
business activity, if reasonable, any one or more of the 142547
following: 142548

(1) Separate accounting; 142549

(2) The exclusion of one or more factors; 142550

(3) The inclusion of one or more additional factors which 142551
will fairly represent the business activity in this state; 142552

(4) The employment of any other method to effectuate an 142553
equitable allocation and apportionment of such business in this 142554
state. An alternative method will be effective only with approval 142555
of the tax commissioner. 142556

The tax commissioner may adopt rules in the manner provided 142557
by sections 5703.14 and 5747.18 of the Revised Code providing for 142558
alternative methods of calculating business income and nonbusiness 142559
income applicable to all taxpayers and pass-through entities, to 142560
classes of taxpayers and pass-through entities, or only to 142561
taxpayers and pass-through entities within a certain industry. 142562

Sec. 5747.22. (A) This section applies solely for the 142563
purposes of computing the credit allowed under division (A) of 142564
section 5747.05 ~~of the Revised Code and,~~ computing income taxable 142565
in this state under division (D) of section 5747.08, and computing 142566
the deduction under division (A)(32) of section 5747.01 of the 142567
Revised Code. 142568

(B) With respect to a pass-through entity, one or more of the 142569
pass-through entity investors of which are liable for the tax 142570
imposed by section 5747.02 of the Revised Code, the business 142571
income and deductions included in the adjusted gross income of the 142572
pass-through entity shall be apportioned to this state in the 142573
hands of the pass-through entity investors pursuant to section 142574
5747.21 of the Revised Code. The business income and deductions as 142575
thus apportioned to this state then shall be allocated to the 142576
pass-through entity investors in proportion to their right to 142577
share in that business income. 142578

(C) With respect to a pass-through entity described in 142579
division (B) of this section, the nonbusiness income and 142580
deductions included in the adjusted gross income of the 142581
pass-through entity shall be allocated to the pass-through entity 142582
investors in proportion to their right to share in the nonbusiness 142583
income, and then the pass-through entity shares shall be allocated 142584
to this state in the hands of each pass-through entity investor 142585
pursuant to section 5747.20 of the Revised Code. 142586

Sec. 5747.47. (A)(1) By the ~~twentieth~~ twenty-fifth day of 142587
July of each year, the tax commissioner shall estimate and certify 142588
the following for each county to its county auditor: 142589

(a) Its guaranteed share of the ensuing year's fund balance; 142590

(b) Its share of the excess of the ensuing year's fund 142591
balance; 142592

(c) Its total entitlement. 142593

(2) In December and in June following such estimations and 142594
certifications, the commissioner shall revise such estimates and 142595
certify such revised estimates to the respective county auditors. 142596

(B) By the tenth day of each month the commissioner shall 142597
distribute the amount credited to the public library fund in the 142598
current month under section 131.51 of the Revised Code. The 142599
distributions shall be made as follows: 142600

(1) During the first six months of each year, each county 142601
shall be paid a percentage of the balance that is the same per 142602
cent that the revised estimate of the county's total entitlement 142603
certified in December under division (A)(2) of this section is of 142604
the sum of such revised estimates of the total entitlements for 142605
all counties. 142606

(2) During the last six months, each county shall be paid a 142607
percentage of the balance that is the same per cent that the 142608
revised estimate of the county's total entitlement certified in 142609
June under division (A)(2) of this section is of the sum of such 142610
revised estimates of the total entitlements for all counties. 142611

(3) During each of the first six months of each year, the 142612
payments made to each county shall be adjusted as follows: 142613

(a) If the county received an overpayment during the 142614
preceding distribution year, reduce the sum of the payments by the 142615
amount of such overpayment. The reduction shall be apportioned 142616

over the six months. 142617

(b) If the county received an underpayment during the 142618
preceding distribution year, increase the sum of the payments by 142619
the amount of such underpayment. The increase shall be apportioned 142620
over the six months. 142621

(C) By the twentieth day of December of each year, the tax 142622
commissioner shall determine and certify to the auditor of each 142623
county each of the following with respect to the current 142624
distribution year: 142625

(1) The year's fund balance; 142626

(2) Each county's guaranteed share; 142627

(3) Each county's share of the excess; 142628

(4) Each county's total entitlement; 142629

(5) Each county's net distribution; 142630

(6) The amount by which each county's net distribution 142631
exceeded or was less than its total entitlement, which amount 142632
shall constitute the county's overpayment or underpayment for 142633
purposes of division (B)(3) of this section in the ensuing 142634
distribution year. 142635

Sec. 5747.501. (A) On or before the twenty-fifth day of July 142636
of each year, the tax commissioner shall estimate and certify to 142637
each county auditor the amount to be distributed from the local 142638
government fund to each undivided local government fund during the 142639
following calendar year under section 5747.50 of the Revised Code. 142640
The estimate shall equal the sum of the separate amounts computed 142641
under divisions (B)(1) and (2) of this section. 142642

(B)(1) The product obtained by multiplying the percentage 142643
described in division (B)(1)(a) of this section by the amount 142644
described in division (B)(1)(b) of this section. 142645

(a) Each county's proportionate share of the total amount distributed to the counties from the local government fund and the local government revenue assistance fund during calendar year 2007. In fiscal year 2014 and thereafter, the amount distributed to any county undivided local government fund shall be an amount not less than seven hundred fifty thousand dollars or the amount distributed to such fund in fiscal year 2013, whichever amount is smaller. To the extent necessary to implement this minimum distribution requirement, the proportionate shares computed under this division shall be adjusted accordingly.

(b) The total amount distributed to counties from the local government fund and the local government revenue assistance fund during calendar year 2007 adjusted downward if, and to the extent that, total local government fund distributions to counties for the following year are projected to be less than what was distributed to counties from the local government fund and local government revenue assistance fund during calendar year 2007.

(2) The product obtained by multiplying the percentage described in division (B)(2)(a) of this section by the amount described in division (B)(2)(b) of this section.

(a) Each county's proportionate share of the state's population as reflected in the most recent federal decennial census or the federal government's most recent census estimates, whichever represents the most recent year.

(b) The amount by which total estimated distributions from the local government fund during the immediately succeeding calendar year, less the total estimated amount to be distributed from the fund to municipal corporations under division (C) of section 5747.50 of the Revised Code during the immediately succeeding calendar year, exceed the total amount distributed to counties from the local government fund and local government revenue assistance fund during calendar year 2007.

Sec. 5747.76. (A) As used in this section, "certificate owner" has the same meaning as in section 149.311 of the Revised Code. 142678
142679
142680

(B) There is allowed a credit against the tax imposed under 142681
section 5747.02 of the Revised Code for a taxpayer that is the 142682
certificate owner of a rehabilitation tax credit certificate 142683
issued under section 149.311 of the Revised Code. The credit shall 142684
equal twenty-five per cent of the dollar amount indicated on the 142685
certificate, but the amount of credit allowed for any taxpayer 142686
shall not exceed ~~five~~ ten million dollars. The credit shall be 142687
claimed for the taxable year specified in the certificate and in 142688
the order required under section 5747.98 of the Revised Code. 142689

(C) Nothing in this section limits or disallows pass-through 142690
treatment of the credit if the certificate owner is a pass-through 142691
entity. If the certificate owner is a pass-through entity, the 142692
amount of the credit allowed for the pass-through entity shall not 142693
exceed five million dollars. If the certificate owner is a 142694
pass-through entity, the credit may be allocated among the 142695
entity's equity owners in proportion to their ownership interests 142696
or in such proportions or amounts as the equity owners mutually 142697
agree. 142698

(D) If the credit allowed for any taxable year exceeds the 142699
tax otherwise due under section 5747.02 of the Revised Code, after 142700
allowing for any other credits preceding the credit in the order 142701
prescribed by section 5747.98 of the Revised Code, the excess 142702
shall be refunded to the taxpayer but, if any amount of the credit 142703
is refunded, the sum of the amount refunded and the amount applied 142704
to reduce the tax otherwise due for that year shall not exceed 142705
three million dollars or, if the certificate owner is a 142706
pass-through entity, shall not exceed the taxpayer's distributive 142707
or proportionate share, as allocated under division (C) of this 142708

section, of three million dollars. The taxpayer may carry forward 142709
any balance of the credit in excess of the amount claimed for that 142710
year for not more than five ensuing taxable years, and shall 142711
deduct any amount claimed for any such year from the amount 142712
claimed in an ensuing year. 142713

(E) A taxpayer claiming a credit under this section shall 142714
retain the rehabilitation tax credit certificate for four years 142715
following the end of the taxable year to which the credit was 142716
applied, and shall make the certificate available for inspection 142717
by the tax commissioner upon the request of the tax commissioner 142718
during that period. 142719

Sec. 5747.98. (A) To provide a uniform procedure for 142720
calculating the amount of tax due under section 5747.02 of the 142721
Revised Code, a taxpayer shall claim any credits to which the 142722
taxpayer is entitled in the following order: 142723

(1) The retirement income credit under division (B) of 142724
section 5747.055 of the Revised Code; 142725

(2) The senior citizen credit under division (C) of section 142726
5747.05 of the Revised Code; 142727

(3) The lump sum distribution credit under division (D) of 142728
section 5747.05 of the Revised Code; 142729

(4) The dependent care credit under section 5747.054 of the 142730
Revised Code; 142731

(5) The lump sum retirement income credit under division (C) 142732
of section 5747.055 of the Revised Code; 142733

(6) The lump sum retirement income credit under division (D) 142734
of section 5747.055 of the Revised Code; 142735

(7) The lump sum retirement income credit under division (E) 142736
of section 5747.055 of the Revised Code; 142737

(8) The low-income credit under section 5747.056 of the Revised Code;	142738 142739
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	142740 142741
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	142742 142743
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	142744 142745
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	142746 142747
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	142748 142749
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	142750 142751
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	142752 142753
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	142754 142755
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	142756 142757
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	142758 142759
(19) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	142760 142761
(20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	142762 142763
(21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	142764 142765 142766

(22) The job training credit under section 5747.39 of the Revised Code;	142767 142768
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	142769 142770
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	142771 142772
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	142773 142774
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	142775 142776
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	142777 142778
(28) The small business investment credit under section 5747.81 of the Revised Code;	142779 142780
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	142781 142782
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	142783 142784
(31) <u>(30)</u> The research and development credit under section 5747.331 of the Revised Code;	142785 142786
(32) <u>(31)</u> The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	142787 142788
(33) <u>(32)</u> The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	142789 142790
(34) <u>(33)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	142791 142792
(35) <u>(34)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	142793 142794
(36) <u>(35)</u> The refundable credits for taxes paid by a	142795

qualifying pass-through entity granted under division (J) of 142796
section 5747.08 of the Revised Code; 142797

~~(37)~~(36) The refundable credit under section 5747.80 of the 142798
Revised Code for losses on loans made to the Ohio venture capital 142799
program under sections 150.01 to 150.10 of the Revised Code; 142800

~~(38)~~(37) The refundable motion picture production credit 142801
under section 5747.66 of the Revised Code. 142802

~~(39)~~(38) The refundable credit for financial institution 142803
taxes paid by a pass-through entity granted under section 5747.65 142804
of the Revised Code. 142805

(B) For any credit, except the refundable credits enumerated 142806
in this section and the credit granted under division (I) of 142807
section 5747.08 of the Revised Code, the amount of the credit for 142808
a taxable year shall not exceed the tax due after allowing for any 142809
other credit that precedes it in the order required under this 142810
section. Any excess amount of a particular credit may be carried 142811
forward if authorized under the section creating that credit. 142812
Nothing in this chapter shall be construed to allow a taxpayer to 142813
claim, directly or indirectly, a credit more than once for a 142814
taxable year. 142815

Sec. 5748.01. As used in this chapter: 142816

(A) "School district income tax" means an income tax adopted 142817
under one of the following: 142818

(1) Former section 5748.03 of the Revised Code as it existed 142819
prior to its repeal by Amended Substitute House Bill No. 291 of 142820
the 115th general assembly; 142821

(2) Section 5748.03 of the Revised Code as enacted in 142822
Substitute Senate Bill No. 28 of the 118th general assembly; 142823

(3) Section 5748.08 of the Revised Code as enacted in Amended 142824
Substitute Senate Bill No. 17 of the 122nd general assembly; 142825

(4) Section 5748.021 of the Revised Code;	142826
(5) Section 5748.081 of the Revised Code;	142827
(6) Section 5748.09 of the Revised Code.	142828
(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.	142829 142830
(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.	142831 142832
(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.	142833 142834
(E) "Taxable income" means:	142835
(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:	142836 142837
(a) Ohio adjusted gross income for the taxable year as defined in division (A) of section 5747.01 of the Revised Code, less the exemptions provided by section 5747.02 of the Revised Code, <u>plus any amount deducted under division (A)(32) of section 5747.01 of the Revised Code for the taxable year;</u>	142838 142839 142840 142841 142842
(b) Wages, salaries, tips, and other employee compensation to the extent included in Ohio adjusted gross income as defined in section 5747.01 of the Revised Code, and net earnings from self-employment, as defined in section 1402(a) of the Internal Revenue Code, to the extent included in Ohio adjusted gross income.	142843 142844 142845 142846 142847 142848
(2) In the case of an estate, taxable income for the taxable year as defined in division (S) of section 5747.01 of the Revised Code.	142849 142850 142851
(F) "Resident" of the school district means:	142852
(1) An individual who is a resident of this state as defined in division (I) of section 5747.01 of the Revised Code during all	142853 142854

or a portion of the taxable year and who, during all or a portion 142855
of such period of state residency, is domiciled in the school 142856
district or lives in and maintains a permanent place of abode in 142857
the school district; 142858

(2) An estate of a decedent who, at the time of death, was 142859
domiciled in the school district. 142860

(G) "School district income" means: 142861

(1) With respect to an individual, the portion of the taxable 142862
income of an individual that is received by the individual during 142863
the portion of the taxable year that the individual is a resident 142864
of the school district and the school district income tax is in 142865
effect in that school district. An individual may have school 142866
district income with respect to more than one school district. 142867

(2) With respect to an estate, the taxable income of the 142868
estate for the portion of the taxable year that the school 142869
district income tax is in effect in that school district. 142870

(H) "Taxpayer" means an individual or estate having school 142871
district income upon which a school district income tax is 142872
imposed. 142873

(I) "School district purposes" means any of the purposes for 142874
which a tax may be levied pursuant to division (A) of section 142875
5705.21 of the Revised Code, including the combined purposes 142876
authorized by section 5705.217 of the Revised Code. 142877

Sec. 5749.02. (A) For the purpose of providing revenue to 142878
administer the state's coal mining and reclamation regulatory 142879
program, to meet the environmental and resource management needs 142880
of this state, and to reclaim land affected by mining, an excise 142881
tax is hereby levied on the privilege of engaging in the severance 142882
of natural resources from the soil or water of this state. The tax 142883
shall be imposed upon the severer ~~and shall be~~ at the rates 142884

<u>prescribed by divisions (A)(1) to (9) of this section:</u>	142885
(1) Ten cents per ton of coal;	142886
(2) Four cents per ton of salt;	142887
(3) Two cents per ton of limestone or dolomite;	142888
(4) Two cents per ton of sand and gravel;	142889
(5) Ten cents per barrel of oil;	142890
(6) Two and one-half cents per thousand cubic feet of natural gas;	142891 142892
(7) One cent per ton of clay, sandstone or conglomerate, shale, gypsum, or quartzite;	142893 142894
(8) Except as otherwise provided in this division or in rules adopted by the reclamation forfeiture fund advisory board under section 1513.182 of the Revised Code, an additional fourteen cents per ton of coal produced from an area under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code for which the performance security is provided under division (C)(2) of section 1513.08 of the Revised Code. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the reclamation forfeiture fund created in section 1513.18 of the Revised Code is equal to or greater than ten million dollars, the rate levied shall be twelve cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is at least five million dollars, but less than ten million dollars, the rate levied shall be fourteen cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is less than five million dollars, the rate levied shall be sixteen cents per ton. Beginning July 1, 2009, not later than thirty days after the close of a fiscal biennium, the chief of the division of mineral resources management shall certify to the tax commissioner the amount of the balance of the reclamation	142895 142896 142897 142898 142899 142900 142901 142902 142903 142904 142905 142906 142907 142908 142909 142910 142911 142912 142913 142914

forfeiture fund as of the close of the fiscal biennium. Any 142915
necessary adjustment of the rate levied shall take effect on the 142916
first day of the following January and shall remain in effect 142917
during the calendar biennium that begins on that date. 142918

(9) An additional one and two-tenths cents per ton of coal 142919
mined by surface mining methods. 142920

(B) ~~Of~~ After the director of budget and management transfers 142921
money from the severance tax receipts fund as required in division 142922
(H) of section 5749.06 of the Revised Code, money remaining in the 142923
severance tax receipts fund, except for money in the fund from the 142924
amounts due under section 1509.50 of the Revised Code, shall be 142925
credited as follows: 142926

(1) Of the moneys received by the treasurer of state in the 142927
fund from the tax levied in division (A)(1) of this section, four 142928
and seventy-six-hundredths per cent shall be credited to the 142929
geological mapping fund created in section 1505.09 of the Revised 142930
Code, eighty and ninety-five-hundredths per cent shall be credited 142931
to the coal mining administration and reclamation reserve fund 142932
created in section 1513.181 of the Revised Code, and fourteen and 142933
twenty-nine-hundredths per cent shall be credited to the 142934
unreclaimed lands fund created in section 1513.30 of the Revised 142935
Code. 142936

(2) The money received by the treasurer of state in the fund 142937
from the tax levied in division (A)(2) of this section shall be 142938
credited to the geological mapping fund. 142939

(3) Of the moneys received by the treasurer of state in the 142940
fund from the tax levied in divisions (A)(3) and (4) of this 142941
section, seven and five-tenths per cent shall be credited to the 142942
geological mapping fund, forty-two and five-tenths per cent shall 142943
be credited to the unreclaimed lands fund, and the remainder shall 142944
be credited to the surface mining fund created in section 1514.06 142945

of the Revised Code. 142946

(4) Of the moneys ~~received by the treasurer of state in the~~ 142947
fund from the tax levied in divisions (A)(5) and (6) of this 142948
section, ninety per cent shall be credited to the oil and gas well 142949
fund created in section 1509.02 of the Revised Code and ten per 142950
cent shall be credited to the geological mapping fund. All of the 142951
moneys ~~received by the treasurer of state in the fund~~ from the tax 142952
levied in division (A)(7) of this section shall be credited to the 142953
surface mining fund. 142954

(5) All of the moneys ~~received by the treasurer of state in~~ 142955
the fund from the tax levied in division (A)(8) of this section 142956
shall be credited to the reclamation forfeiture fund. 142957

(6) All of the moneys ~~received by the treasurer of state in~~ 142958
the fund from the tax levied in division (A)(9) of this section 142959
shall be credited to the unreclaimed lands fund. 142960

(C) When, at the close of any fiscal year, the chief finds 142961
that the balance of the reclamation forfeiture fund, plus 142962
estimated transfers to it from the coal mining administration and 142963
reclamation reserve fund under section 1513.181 of the Revised 142964
Code, plus the estimated revenues from the tax levied by division 142965
(A)(8) of this section for the remainder of the calendar year that 142966
includes the close of the fiscal year, are sufficient to complete 142967
the reclamation of all lands for which the performance security 142968
has been provided under division (C)(2) of section 1513.08 of the 142969
Revised Code, the purposes for which the tax under division (A)(8) 142970
of this section is levied shall be deemed accomplished at the end 142971
of that calendar year. The chief, within thirty days after the 142972
close of the fiscal year, shall certify those findings to the tax 142973
commissioner, and the tax levied under division (A)(8) of this 142974
section shall cease to be imposed for the subsequent calendar year 142975
after the last day of that calendar year on coal produced under a 142976
coal mining and reclamation permit issued under Chapter 1513. of 142977

the Revised Code if the permittee has made tax payments under 142978
division (A)(8) of this section during each of the preceding five 142979
full calendar years. Not later than thirty days after the close of 142980
a fiscal year, the chief shall certify to the tax commissioner the 142981
identity of any permittees who accordingly no longer are required 142982
to pay the tax levied under division (A)(8) of this section for 142983
the subsequent calendar year. 142984

Sec. 5749.06. (A)(1) Each severer liable for the tax imposed 142985
by section 5749.02 of the Revised Code and each severer or owner 142986
liable for the amounts due under section 1509.50 of the Revised 142987
Code shall make and file returns with the tax commissioner in the 142988
prescribed form and as of the prescribed times, computing and 142989
reflecting therein the tax as required by this chapter and amounts 142990
due under section 1509.50 of the Revised Code. 142991

(2) The returns shall be filed for every quarterly period, 142992
which periods shall end on the thirty-first day of March, the 142993
thirtieth day of June, the thirtieth day of September, and the 142994
thirty-first day of December of each year, as required by this 142995
section, unless a different return period is prescribed for a 142996
taxpayer by the commissioner. 142997

(B)(1) A separate return shall be filed for each calendar 142998
quarterly period, or other period, or any part thereof, during 142999
which the severer holds a license as provided by section 5749.04 143000
of the Revised Code, or is required to hold the license, or during 143001
which an owner is required to file a return, ~~and the.~~ The return 143002
shall be filed within forty-five days after the last day of each 143003
such calendar month, or other period, or any part thereof, for 143004
which the return is required ~~and shall include remittance payable~~ 143005
~~to the treasurer of state of the amount of.~~ The tax due is payable 143006
along with the return. All such returns shall contain such 143007
information as the commissioner may require to fairly administer 143008

the tax. 143009

(2) All returns shall be signed by the severer or owner, as 143010
applicable, shall contain the full and complete information 143011
requested, and shall be made under penalty of perjury. 143012

(C) If the commissioner believes that quarterly payments of 143013
tax would result in a delay that might jeopardize the collection 143014
of such tax payments, the commissioner may order that such 143015
payments be made weekly, or more frequently if necessary, such 143016
payments to be made not later than seven days following the close 143017
of the period for which the jeopardy payment is required. Such an 143018
order shall be delivered to the taxpayer personally or by 143019
certified mail and shall remain in effect until the commissioner 143020
notifies the taxpayer to the contrary. 143021

(D) Upon good cause the commissioner may extend for thirty 143022
days the period for filing any notice or return required to be 143023
filed under this section, and may remit all or a part of penalties 143024
that may become due under this chapter. 143025

(E) Any tax and any amount due under section 1509.50 of the 143026
Revised Code not paid by the day the tax or amount is due shall 143027
bear interest computed at the rate per annum prescribed by section 143028
5703.47 of the Revised Code on that amount due from the day that 143029
the amount was originally required to be paid to the day of actual 143030
payment or to the day an assessment was issued under section 143031
5749.07 or 5749.10 of the Revised Code, whichever occurs first. 143032

(F) ~~The severer shall make all payments payable to the~~ 143033
~~treasurer of state. Except for the amounts due under section~~ 143034
~~1509.50 of the Revised Code, all~~ A severer or owner, as 143035
applicable, that fails to file a complete return or pay the full 143036
amount due under this chapter within the time prescribed, 143037
including any extensions of time granted by the commissioner, 143038
shall be subject to a penalty not to exceed the greater of fifty 143039

dollars or ten per cent of the amount due for the period. 143040

(G)(1) A severer or owner, as applicable, shall remit 143041
payments electronically and, if required by the commissioner, file 143042
each return electronically. The commissioner may require that the 143043
severer or owner use the Ohio business gateway, as defined in 143044
section 718.051 of the Revised Code, or another electronic means 143045
to file returns and remit payments electronically. 143046

(2) A severer or owner that is required to remit payments 143047
electronically under this section may apply to the commissioner, 143048
in the manner prescribed by the commissioner, to be excused from 143049
that requirement. The commissioner may excuse a severer or owner 143050
from the requirements of division (G) of this section for good 143051
cause. 143052

(3) If a severer or owner that is required to remit payments 143053
or file returns electronically under this section fails to do so, 143054
the commissioner may impose a penalty on the severer or owner not 143055
to exceed the following: 143056

(a) For the first or second payment or return the severer or 143057
owner fails to remit or file electronically, the greater of five 143058
per cent of the amount of the payment that was required to be 143059
remitted or twenty-five dollars; 143060

(b) For every payment or return after the second that the 143061
severer or owner fails to remit or file electronically, the 143062
greater of ten per cent of the amount of the payment that was 143063
required to be remitted or fifty dollars. 143064

(H)(1) All amounts that the ~~tax~~ commissioner receives under 143065
this section shall be deemed to be revenue from taxes imposed 143066
under this chapter. ~~The commissioner shall immediately forward to~~ 143067
~~the treasurer of state all amounts received under this section or~~ 143068
~~from the amount due under section 1509.50 of the Revised Code, as~~ 143069
~~applicable, and shall be deposited in the severance tax receipts~~ 143070

fund, which is hereby created in the state treasury. 143071

(2) The director of budget and management shall transfer from 143072
the severance tax receipts fund to the tax refund fund amounts 143073
equal to the refunds certified by the commissioner under section 143074
5749.08 of the Revised Code. Any amount transferred under division 143075
(H)(2) of this section shall be derived from receipts of the same 143076
tax or other amount from which the refund arose. 143077

(3) After the director of budget and management makes any 143078
transfer required by division (H)(2) of this section, but not 143079
later than the fifteenth day of the month following the end of 143080
each calendar quarter, the commissioner shall certify to the 143081
director the total amount remaining in the severance tax receipts 143082
fund organized according to the amount attributable to each 143083
natural resource and according to the amount attributable to a tax 143084
imposed by this chapter and the amounts due under section 1509.50 143085
of the Revised Code. 143086

(I) Penalties imposed under this section are in addition to 143087
any other penalty imposed under this chapter and shall be 143088
considered as revenue arising from the tax levied under this 143089
chapter or the amount due under section 1509.50 of the Revised 143090
Code, as applicable. The commissioner may collect any penalty or 143091
interest imposed under this section in the same manner as provided 143092
for the making of an assessment in section 5749.07 of the Revised 143093
Code. The commissioner may abate all or a portion of such interest 143094
or penalties and may adopt rules governing such abatements. 143095

Sec. 5749.07. (A) If any severer required by this chapter to 143096
make and file returns and pay the tax levied by section 5749.02 of 143097
the Revised Code, or any severer or owner liable for the amounts 143098
due under section 1509.50 of the Revised Code, fails to make such 143099
return or pay such tax or amounts, the tax commissioner may make 143100
an assessment against the severer or owner based upon any 143101

information in the commissioner's possession. 143102

No assessment shall be made or issued against any severer for 143103
any tax imposed by section 5749.02 of the Revised Code or against 143104
any severer or owner for any amount due under section 1509.50 of 143105
the Revised Code more than four years after the return was due or 143106
was filed, whichever is later. This section does not bar an 143107
assessment against a severer or owner who fails to file a return 143108
as required by this chapter, or who files a fraudulent return. 143109

The commissioner shall give the party assessed written notice 143110
of such assessment in the manner provided in section 5703.37 of 143111
the Revised Code. With the notice, the commissioner shall provide 143112
instructions on how to petition for reassessment and request a 143113
hearing on the petition. 143114

(B) Unless the party assessed files with the commissioner 143115
within sixty days after service of the notice of assessment, 143116
either personally or by certified mail, a written petition for 143117
reassessment signed by the party assessed or that party's 143118
authorized agent having knowledge of the facts, the assessment 143119
becomes final and the amount of the assessment is due and payable 143120
from the party assessed to the treasurer of state. The petition 143121
shall indicate the objections of the party assessed, but 143122
additional objections may be raised in writing if received by the 143123
commissioner prior to the date shown on the final determination. 143124
If the petition has been properly filed, the commissioner shall 143125
proceed under section 5703.60 of the Revised Code. 143126

(C) After an assessment becomes final, if any portion of the 143127
assessment remains unpaid, including accrued interest, a certified 143128
copy of the commissioner's entry making the assessment final may 143129
be filed in the office of the clerk of the court of common pleas 143130
in the county in which the party assessed resides or in which the 143131
party's business is conducted. If the party assessed maintains no 143132
place of business in this state and is not a resident of this 143133

state, the certified copy of the entry may be filed in the office 143134
of the clerk of the court of common pleas of Franklin county. 143135

Immediately upon the filing of such entry, the clerk shall 143136
enter a judgment for the state against the party assessed in the 143137
amount shown on the entry. The judgment may be filed by the clerk 143138
in a loose-leaf book entitled "special judgments for state 143139
severance tax," and shall have the same effect as other judgments. 143140
Execution shall issue upon the judgment upon the request of the 143141
commissioner, and all laws applicable to sales on execution shall 143142
apply to sales made under the judgment. 143143

~~The portion of~~ If the assessment is not paid in its entirety 143144
within sixty days after the day the assessment is issued, the 143145
portion of the assessment consisting of tax due or amounts due 143146
under section 1509.50 of the Revised Code shall bear interest at 143147
the rate per annum prescribed by section 5703.47 of the Revised 143148
Code from the day the commissioner issues the assessment until it 143149
is paid or until it is certified to the attorney general for 143150
collection under section 131.02 of the Revised Code, whichever 143151
comes first. If the unpaid portion of the assessment is certified 143152
to the attorney general for collection, the entire unpaid portion 143153
of the assessment shall bear interest at the rate per annum 143154
prescribed by section 5703.47 of the Revised Code from the date of 143155
certification until the date it is paid in its entirety. Interest 143156
shall be paid in the same manner as the tax and may be collected 143157
by the issuance of an assessment under this section. 143158

(D) All money collected by the commissioner under this 143159
section shall be paid to the treasurer of state, and when paid 143160
shall be considered as revenue arising from the tax imposed by 143161
section 5749.02 of the Revised Code and the amount due under 143162
section 1509.50 of the Revised Code, as applicable. 143163

Sec. 5749.17. ~~Any~~ Except for purposes of enforcing Chapter 143164

1509. of the Revised Code, any information provided to the 143165
department of natural resources by the department of taxation in 143166
accordance with division (C)(12) of section 5703.21 of the Revised 143167
Code shall not be disclosed publicly by the department of natural 143168
resources, ~~but~~, However the department of natural resources may 143169
provide such information to the attorney general for purposes of 143170
enforcement of ~~the law~~ Chapter 1509. of the Revised Code. 143171

Sec. 5751.01. As used in this chapter: 143172

(A) "Person" means, but is not limited to, individuals, 143173
combinations of individuals of any form, receivers, assignees, 143174
trustees in bankruptcy, firms, companies, joint-stock companies, 143175
business trusts, estates, partnerships, limited liability 143176
partnerships, limited liability companies, associations, joint 143177
ventures, clubs, societies, for-profit corporations, S 143178
corporations, qualified subchapter S subsidiaries, qualified 143179
subchapter S trusts, trusts, entities that are disregarded for 143180
federal income tax purposes, and any other entities. 143181

(B) "Consolidated elected taxpayer" means a group of two or 143182
more persons treated as a single taxpayer for purposes of this 143183
chapter as the result of an election made under section 5751.011 143184
of the Revised Code. 143185

(C) "Combined taxpayer" means a group of two or more persons 143186
treated as a single taxpayer for purposes of this chapter under 143187
section 5751.012 of the Revised Code. 143188

(D) "Taxpayer" means any person, or any group of persons in 143189
the case of a consolidated elected taxpayer or combined taxpayer 143190
treated as one taxpayer, required to register or pay tax under 143191
this chapter. "Taxpayer" does not include excluded persons. 143192

(E) "Excluded person" means any of the following: 143193

(1) Any person with not more than one hundred fifty thousand 143194

dollars of taxable gross receipts during the calendar year. 143195

Division (E)(1) of this section does not apply to a person that is 143196
a member of a consolidated elected taxpayer; 143197

(2) A public utility that paid the excise tax imposed by 143198
section 5727.24 or 5727.30 of the Revised Code based on one or 143199
more measurement periods that include the entire tax period under 143200
this chapter, except that a public utility that is a combined 143201
company is a taxpayer with regard to the following gross receipts: 143202

(a) Taxable gross receipts directly attributed to a public 143203
utility activity, but not directly attributed to an activity that 143204
is subject to the excise tax imposed by section 5727.24 or 5727.30 143205
of the Revised Code; 143206

(b) Taxable gross receipts that cannot be directly attributed 143207
to any activity, multiplied by a fraction whose numerator is the 143208
taxable gross receipts described in division (E)(2)(a) of this 143209
section and whose denominator is the total taxable gross receipts 143210
that can be directly attributed to any activity; 143211

(c) Except for any differences resulting from the use of an 143212
accrual basis method of accounting for purposes of determining 143213
gross receipts under this chapter and the use of the cash basis 143214
method of accounting for purposes of determining gross receipts 143215
under section 5727.24 of the Revised Code, the gross receipts 143216
directly attributed to the activity of a natural gas company shall 143217
be determined in a manner consistent with division (D) of section 143218
5727.03 of the Revised Code. 143219

As used in division (E)(2) of this section, "combined 143220
company" and "public utility" have the same meanings as in section 143221
5727.01 of the Revised Code. 143222

(3) A financial institution, as defined in section 5726.01 of 143223
the Revised Code, that paid the tax imposed by section 5726.02 of 143224
the Revised Code based on one or more taxable years that include 143225

the entire tax period under this chapter; 143226

(4) A person directly or indirectly owned by one or more 143227
financial institutions, as defined in section 5726.01 of the 143228
Revised Code, that paid the tax imposed by section 5726.02 of the 143229
Revised Code based on one or more taxable years that include the 143230
entire tax period under this chapter. 143231

For the purposes of division (E)(4) of this section, a person 143232
owns another person under the following circumstances: 143233

(a) In the case of corporations issuing capital stock, one 143234
corporation owns another corporation if it owns fifty per cent or 143235
more of the other corporation's capital stock with current voting 143236
rights; 143237

(b) In the case of a limited liability company, one person 143238
owns the company if that person's membership interest, as defined 143239
in section 1705.01 of the Revised Code, is fifty per cent or more 143240
of the combined membership interests of all persons owning such 143241
interests in the company; 143242

(c) In the case of a partnership, trust, or other 143243
unincorporated business organization other than a limited 143244
liability company, one person owns the organization if, under the 143245
articles of organization or other instrument governing the affairs 143246
of the organization, that person has a beneficial interest in the 143247
organization's profits, surpluses, losses, or distributions of 143248
fifty per cent or more of the combined beneficial interests of all 143249
persons having such an interest in the organization. 143250

(5) A domestic insurance company or foreign insurance 143251
company, as defined in section 5725.01 of the Revised Code, that 143252
paid the insurance company premiums tax imposed by section 5725.18 143253
or Chapter 5729. of the Revised Code, or an unauthorized insurance 143254
company whose gross premiums are subject to tax under section 143255
3905.36 of the Revised Code based on one or more measurement 143256

periods that include the entire tax period under this chapter; 143257

(6) A person that solely facilitates or services one or more 143258
securitizations of phase-in-recovery property pursuant to a final 143259
financing order as those terms are defined in section 4928.23 of 143260
the Revised Code. For purposes of this division, "securitization" 143261
means transferring one or more assets to one or more persons and 143262
then issuing securities backed by the right to receive payment 143263
from the asset or assets so transferred. 143264

(7) Except as otherwise provided in this division, a 143265
pre-income tax trust as defined in division (FF)(4) of section 143266
5747.01 of the Revised Code and any pass-through entity of which 143267
such pre-income tax trust owns or controls, directly, indirectly, 143268
or constructively through related interests, more than five per 143269
cent of the ownership or equity interests. If the pre-income tax 143270
trust has made a qualifying pre-income tax trust election under 143271
division (FF)(3) of section 5747.01 of the Revised Code, then the 143272
trust and the pass-through entities of which it owns or controls, 143273
directly, indirectly, or constructively through related interests, 143274
more than five per cent of the ownership or equity interests, 143275
shall not be excluded persons for purposes of the tax imposed 143276
under section 5751.02 of the Revised Code. 143277

(8) Nonprofit organizations or the state and its agencies, 143278
instrumentalities, or political subdivisions. 143279

(F) Except as otherwise provided in divisions (F)(2), (3), 143280
and (4) of this section, "gross receipts" means the total amount 143281
realized by a person, without deduction for the cost of goods sold 143282
or other expenses incurred, that contributes to the production of 143283
gross income of the person, including the fair market value of any 143284
property and any services received, and any debt transferred or 143285
forgiven as consideration. 143286

(1) The following are examples of gross receipts: 143287

(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;	143288 143289
(b) Amounts realized from the taxpayer's performance of services for another;	143290 143291
(c) Amounts realized from another's use or possession of the taxpayer's property or capital;	143292 143293
(d) Any combination of the foregoing amounts.	143294
(2) "Gross receipts" excludes the following amounts:	143295
(a) Interest income except interest on credit sales;	143296
(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;	143297 143298 143299 143300
(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.	143301 143302 143303 143304 143305 143306 143307 143308 143309 143310 143311 143312 143313 143314 143315 143316 143317 143318

(d) Proceeds received attributable to the repayment,	143319
maturity, or redemption of the principal of a loan, bond, mutual	143320
fund, certificate of deposit, or marketable instrument;	143321
(e) The principal amount received under a repurchase	143322
agreement or on account of any transaction properly characterized	143323
as a loan to the person;	143324
(f) Contributions received by a trust, plan, or other	143325
arrangement, any of which is described in section 501(a) of the	143326
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter	143327
1, Subchapter (D) of the Internal Revenue Code applies;	143328
(g) Compensation, whether current or deferred, and whether in	143329
cash or in kind, received or to be received by an employee, former	143330
employee, or the employee's legal successor for services rendered	143331
to or for an employer, including reimbursements received by or for	143332
an individual for medical or education expenses, health insurance	143333
premiums, or employee expenses, or on account of a dependent care	143334
spending account, legal services plan, any cafeteria plan	143335
described in section 125 of the Internal Revenue Code, or any	143336
similar employee reimbursement;	143337
(h) Proceeds received from the issuance of the taxpayer's own	143338
stock, options, warrants, puts, or calls, or from the sale of the	143339
taxpayer's treasury stock;	143340
(i) Proceeds received on the account of payments from	143341
insurance policies, except those proceeds received for the loss of	143342
business revenue;	143343
(j) Gifts or charitable contributions received; membership	143344
dues received by trade, professional, homeowners', or condominium	143345
associations; and payments received for educational courses,	143346
meetings, meals, or similar payments to a trade, professional, or	143347
other similar association; and fundraising receipts received by	143348
any person when any excess receipts are donated or used	143349

exclusively for charitable purposes;	143350
(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;	143351 143352 143353
(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;	143354 143355 143356
(m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;	143357 143358 143359 143360 143361 143362 143363 143364 143365 143366
(n) Pension reversions;	143367
(o) Contributions to capital;	143368
(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;	143369 143370 143371 143372 143373
(q) In the case of receipts from the sale of cigarettes or tobacco products by a wholesale dealer, retail dealer, distributor, manufacturer, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes or tobacco products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code;	143374 143375 143376 143377 143378 143379 143380

(r) ~~In the case of receipts from the sale of motor fuel by a licensed motor fuel dealer, licensed retail dealer, or licensed permissive motor fuel dealer, all as defined in section 5735.01 of the Revised Code, an amount equal to federal and state excise taxes paid by any person on such motor fuel under section 4081 of the Internal Revenue Code or Chapter 5735. Receipts from the sale, transfer, exchange, or other disposition of motor fuel as "motor fuel" is defined in section 5736.01 of the Revised Code;~~ 143381
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(s) In the case of receipts from the sale of beer or intoxicating liquor, as defined in section 4301.01 of the Revised Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code; 143389
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(t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need to meet a specific customer's preference for a motor vehicle; 143396
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(u) Receipts from a financial institution described in division (E)(3) of this section for services provided to the financial institution in connection with the issuance, processing, servicing, and management of loans or credit accounts, if such financial institution and the recipient of such receipts have at least fifty per cent of their ownership interests owned or controlled, directly or constructively through related interests, by common owners; 143403
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(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic 143411
143412

agents, and supportive drugs in a physician's office to patients 143413
with cancer; 143414

(w) Funds received or used by a mortgage broker that is not a 143415
dealer in intangibles, other than fees or other consideration, 143416
pursuant to a table-funding mortgage loan or warehouse-lending 143417
mortgage loan. Terms used in division (F)(2)(w) of this section 143418
have the same meanings as in section 1322.01 of the Revised Code, 143419
except "mortgage broker" means a person assisting a buyer in 143420
obtaining a mortgage loan for a fee or other consideration paid by 143421
the buyer or a lender, or a person engaged in table-funding or 143422
warehouse-lending mortgage loans that are first lien mortgage 143423
loans. 143424

(x) Property, money, and other amounts received by a 143425
professional employer organization, as defined in section 4125.01 143426
of the Revised Code, from a client employer, as defined in that 143427
section, in excess of the administrative fee charged by the 143428
professional employer organization to the client employer; 143429

(y) In the case of amounts retained as commissions by a 143430
permit holder under Chapter 3769. of the Revised Code, an amount 143431
equal to the amounts specified under that chapter that must be 143432
paid to or collected by the tax commissioner as a tax and the 143433
amounts specified under that chapter to be used as purse money; 143434

(z) Qualifying distribution center receipts. 143435

(i) For purposes of division (F)(2)(z) of this section: 143436

(I) "Qualifying distribution center receipts" means receipts 143437
of a supplier from qualified property that is delivered to a 143438
qualified distribution center, multiplied by a quantity that 143439
equals one minus the Ohio delivery percentage. If the qualified 143440
distribution center is a refining facility, "supplier" includes 143441
all dealers, brokers, processors, sellers, vendors, cosigners, and 143442
distributors of qualified property. 143443

(II) "Qualified property" means tangible personal property 143444
delivered to a qualified distribution center that is shipped to 143445
that qualified distribution center solely for further shipping by 143446
the qualified distribution center to another location in this 143447
state or elsewhere or, in the case of gold, silver, platinum, or 143448
palladium delivered to a refining facility solely for refining to 143449
a grade and fineness acceptable for delivery to a registered 143450
commodities exchange. "Further shipping" includes storing and 143451
repackaging property into smaller or larger bundles, so long as 143452
the property is not subject to further manufacturing or 143453
processing. "Refining" is limited to extracting impurities from 143454
gold, silver, platinum, or palladium through smelting or some 143455
other process at a refining facility. 143456

(III) "Qualified distribution center" means a warehouse, a 143457
facility similar to a warehouse, or a refining facility in this 143458
state that, for the qualifying year, is operated by a person that 143459
is not part of a combined taxpayer group and that has a qualifying 143460
certificate. All warehouses or facilities similar to warehouses 143461
that are operated by persons in the same taxpayer group and that 143462
are located within one mile of each other shall be treated as one 143463
qualified distribution center. All refining facilities that are 143464
operated by persons in the same taxpayer group and that are 143465
located in the same or adjacent counties may be treated as one 143466
qualified distribution center. 143467

(IV) "Qualifying year" means the calendar year to which the 143468
qualifying certificate applies. 143469

(V) "Qualifying period" means the period of the first day of 143470
July of the second year preceding the qualifying year through the 143471
thirtieth day of June of the year preceding the qualifying year. 143472

(VI) "Qualifying certificate" means the certificate issued by 143473
the tax commissioner after the operator of a distribution center 143474
files an annual application with the commissioner. The application 143475

and annual fee shall be filed and paid for each qualified 143476
distribution center on or before the first day of September before 143477
the qualifying year or within forty-five days after the 143478
distribution center opens, whichever is later. 143479

The applicant must substantiate to the commissioner's 143480
satisfaction that, for the qualifying period, all persons 143481
operating the distribution center have more than fifty per cent of 143482
the cost of the qualified property shipped to a location such that 143483
it would be situated outside this state under the provisions of 143484
division (E) of section 5751.033 of the Revised Code. The 143485
applicant must also substantiate that the distribution center 143486
cumulatively had costs from its suppliers equal to or exceeding 143487
five hundred million dollars during the qualifying period. (For 143488
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 143489
excludes any person that is part of the consolidated elected 143490
taxpayer group, if applicable, of the operator of the qualified 143491
distribution center.) The commissioner may require the applicant 143492
to have an independent certified public accountant certify that 143493
the calculation of the minimum thresholds required for a qualified 143494
distribution center by the operator of a distribution center has 143495
been made in accordance with generally accepted accounting 143496
principles. The commissioner shall issue or deny the issuance of a 143497
certificate within sixty days after the receipt of the 143498
application. A denial is subject to appeal under section 5717.02 143499
of the Revised Code. If the operator files a timely appeal under 143500
section 5717.02 of the Revised Code, the operator shall be granted 143501
a qualifying certificate, ~~provided that~~ effective for the 143502
remainder of the qualifying year or until the appeal is finalized, 143503
whichever is earlier. ~~If the operator is liable for any tax,~~ 143504
~~interest, or penalty upon amounts claimed as qualifying~~ 143505
~~distribution center receipts, other than those receipts exempt~~ 143506
~~under division (C)(1) of section 5751.011 of the Revised Code,~~ 143507
~~that would have otherwise not been owed by its suppliers if the~~ 143508

qualifying certificate was valid does not prevail in the appeal, 143509
the operator shall pay the ineligible operator's supplier tax 143510
liability. 143511

(VII) "Ohio delivery percentage" means the proportion of the 143512
total property delivered to a destination inside Ohio from the 143513
qualified distribution center during the qualifying period 143514
compared with total deliveries from such distribution center 143515
everywhere during the qualifying period. 143516

(VIII) "Refining facility" means one or more buildings 143517
located in a county in the Appalachian region of this state as 143518
defined by section 107.21 of the Revised Code and utilized for 143519
refining or smelting gold, silver, platinum, or palladium to a 143520
grade and fineness acceptable for delivery to a registered 143521
commodities exchange. 143522

(IX) "Registered commodities exchange" means a board of 143523
trade, such as New York mercantile exchange, inc. or commodity 143524
exchange, inc., designated as a contract market by the commodity 143525
futures trading commission under the "Commodity Exchange Act," 7 143526
U.S.C. 1 et seq., as amended. 143527

(X) "Ineligible operator's supplier tax liability" means an 143528
amount equal to the tax liability of all suppliers of a 143529
distribution center had the distribution center not been issued a 143530
qualifying certificate for the qualifying year. Ineligible 143531
operator's supplier tax liability shall not include interest or 143532
penalties. The tax commissioner shall determine an ineligible 143533
operator's supplier tax liability based on information that the 143534
commissioner may request from the operator of the distribution 143535
center. An operator shall provide a list of all suppliers of the 143536
distribution center and the corresponding costs of qualified 143537
property for the qualifying year at issue within sixty days of a 143538
request by the commissioner under this division. 143539

(ii)(I) If the distribution center is new and was not open 143540
for the entire qualifying period, the operator of the distribution 143541
center may request that the commissioner grant a qualifying 143542
certificate. If the certificate is granted and it is later 143543
determined that more than fifty per cent of the qualified property 143544
during that year was not shipped to a location such that it would 143545
be situated outside of this state under the provisions of division 143546
(E) of section 5751.033 of the Revised Code or if it is later 143547
determined that the person that operates the distribution center 143548
had average monthly costs from its suppliers of less than forty 143549
million dollars during that year, then the operator of the 143550
distribution center shall pay ~~a penalty for that year equal to~~ 143551
~~five hundred thousand dollars~~ the ineligible operator's supplier 143552
tax liability. (For purposes of division (F)(2)(z)(ii) of this 143553
section, "supplier" excludes any person that is part of the 143554
consolidated elected taxpayer group, if applicable, of the 143555
operator of the qualified distribution center.) 143556

(II) The commissioner may grant a qualifying certificate to a 143557
distribution center that does not qualify as a qualified 143558
distribution center for an entire qualifying period if the 143559
operator of the distribution center demonstrates that the business 143560
operations of the distribution center have changed or will change 143561
such that the distribution center will qualify as a qualified 143562
distribution center within thirty-six months after the date the 143563
operator first applies for a certificate. If, at the end of that 143564
thirty-six-month period, the business operations of the 143565
distribution center have not changed such that the distribution 143566
center qualifies as a qualified distribution center, the operator 143567
of the distribution center shall pay ~~a penalty equal to five~~ 143568
~~hundred thousand dollars~~ the ineligible operator's supplier tax 143569
liability for each year that the distribution center received a 143570
certificate but did not qualify as a qualified distribution 143571
center. For each year the distribution center receives a 143572

certificate under division (F)(2)(z)(ii)(II) of this section, the 143573
distribution center shall pay all applicable fees required under 143574
division (F)(2)(z) of this section and shall submit an updated 143575
business plan showing the progress the distribution center made 143576
toward qualifying as a qualified distribution center during the 143577
preceding year. 143578

(III) An operator may appeal ~~the imposition of a penalty~~ 143579
~~imposed~~ determination under division (F)(2)(z)(ii)(I) or (II) of 143580
this section that the ineligible operator is liable for the 143581
operator's supplier tax liability as a result of not qualifying as 143582
a qualified distribution center, as provided in section 5717.02 of 143583
the Revised Code. 143584

(iii) When filing an application for a qualifying certificate 143585
under division (F)(2)(z)(i)(VI) of this section, the operator of a 143586
qualified distribution center also shall provide documentation, as 143587
the commissioner requires, for the commissioner to ascertain the 143588
Ohio delivery percentage. The commissioner, upon issuing the 143589
qualifying certificate, also shall certify the Ohio delivery 143590
percentage. The operator of the qualified distribution center may 143591
appeal the commissioner's certification of the Ohio delivery 143592
percentage in the same manner as an appeal is taken from the 143593
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 143594
of this section. 143595

~~Within thirty days after all appeals have been exhausted, the~~ 143596
~~operator of the qualified distribution center shall provide the~~ 143597
~~commissioner with a list of all affected suppliers of qualified~~ 143598
~~property. The commissioner shall notify all such suppliers that~~ 143599
~~the suppliers are required to file, within sixty days after~~ 143600
~~receiving the notice, amended reports for the affected calendar~~ 143601
~~quarter or quarters or calendar year, whichever the case may be.~~ 143602
~~Any additional tax liability or tax overpayment shall be subject~~ 143603
~~to interest but shall not be subject to the imposition of any~~ 143604

~~penalty so long as the amended returns are timely filed. The
supplier of tangible personal property delivered to the qualified
distribution center shall include in its report of taxable gross
receipts the receipts from the total sales of property delivered
to the qualified distribution center for the calendar quarter or
calendar year, whichever the case may be, multiplied by the Ohio
delivery percentage for the qualifying year. Nothing in division
(F)(2)(z)(iii) of this section shall be construed as imposing
liability on the operator of a qualified distribution center for
the tax imposed by this chapter arising from any change to the
Ohio delivery percentage.~~

(iv)(I) In the case where the distribution center is new and
not open for the entire qualifying period, the operator shall make
a good faith estimate of an Ohio delivery percentage for use by
suppliers in their reports of taxable gross receipts for the
remainder of the qualifying period. The operator of the facility
shall disclose to the suppliers that such Ohio delivery percentage
is an estimate and is subject to recalculation. By the due date of
the next application for a qualifying certificate, the operator
shall determine the actual Ohio delivery percentage for the
estimated qualifying period and proceed as provided in division
(F)(2)(z)(iii) of this section with respect to the calculation and
recalculation of the Ohio delivery percentage. The supplier is
required to file, within sixty days after receiving notice from
the operator of the qualified distribution center, amended reports
for the impacted calendar quarter or quarters or calendar year,
whichever the case may be. Any additional tax liability or tax
overpayment shall be subject to interest but shall not be subject
to the imposition of any penalty so long as the amended returns
are timely filed.

(II) The operator of a distribution center that receives a
qualifying certificate under division (F)(2)(z)(ii)(II) of this

section shall make a good faith estimate of the Ohio delivery 143637
percentage that the operator estimates will apply to the 143638
distribution center at the end of the thirty-six-month period 143639
after the operator first applied for a qualifying certificate 143640
under that division. The result of the estimate shall be 143641
multiplied by a factor of one and seventy-five one-hundredths. The 143642
product of that calculation shall be the Ohio delivery percentage 143643
used by suppliers in their reports of taxable gross receipts for 143644
each qualifying year that the distribution center receives a 143645
qualifying certificate under division (F)(2)(z)(ii)(II) of this 143646
section, except that, if the product is less than five per cent, 143647
the Ohio delivery percentage used shall be five per cent and that, 143648
if the product exceeds forty-nine per cent, the Ohio delivery 143649
percentage used shall be forty-nine per cent. 143650

(v) Qualifying certificates and Ohio delivery percentages 143651
issued by the commissioner shall be open to public inspection and 143652
shall be timely published by the commissioner. A supplier relying 143653
in good faith on a certificate issued under this division shall 143654
not be subject to tax on the qualifying distribution center 143655
receipts under division (F)(2)(z) of this section. ~~A person~~ An 143656
operator receiving a qualifying certificate is liable for a 143657
~~penalty equal to five hundred thousand dollars~~ the ineligible 143658
operator's supplier tax liability for each year the ~~person~~ 143659
operator received a certificate ~~that should not have been issued~~ 143660
~~because the statutory requirements were in fact not met~~ but did 143661
not qualify as a qualified distribution center. 143662

(vi) The annual fee for a qualifying certificate shall be one 143663
hundred thousand dollars for each qualified distribution center. 143664
If a qualifying certificate is not issued, the annual fee is 143665
subject to refund after the exhaustion of all appeals provided for 143666
in division (F)(2)(z)(i)(VI) of this section. ~~The fee imposed~~ 143667
~~under this division may be assessed in the same manner as the tax~~ 143668

~~imposed under this chapter.~~ The first one hundred thousand dollars 143669
of the annual application fees collected each calendar year shall 143670
be credited to the revenue enhancement fund. The remainder of the 143671
annual application fees collected shall be distributed in the same 143672
manner required under section 5751.20 of the Revised Code. 143673

(vii) The tax commissioner may require that adequate security 143674
be posted by the operator of the distribution center on appeal 143675
when the commissioner disagrees that the applicant has met the 143676
minimum thresholds for a qualified distribution center as set 143677
forth in ~~divisions (F)(2)(z)(i)(VI) and~~ division (F)(2)(z)(ii) of 143678
this section. 143679

(aa) Receipts of an employer from payroll deductions relating 143680
to the reimbursement of the employer for advancing moneys to an 143681
unrelated third party on an employee's behalf; 143682

(bb) Cash discounts allowed and taken; 143683

(cc) Returns and allowances; 143684

(dd) Bad debts from receipts on the basis of which the tax 143685
imposed by this chapter was paid in a prior quarterly tax payment 143686
period. For the purpose of this division, "bad debts" means any 143687
debts that have become worthless or uncollectible between the 143688
preceding and current quarterly tax payment periods, have been 143689
uncollected for at least six months, and that may be claimed as a 143690
deduction under section 166 of the Internal Revenue Code and the 143691
regulations adopted under that section, or that could be claimed 143692
as such if the taxpayer kept its accounts on the accrual basis. 143693
"Bad debts" does not include repossessed property, uncollectible 143694
amounts on property that remains in the possession of the taxpayer 143695
until the full purchase price is paid, or expenses in attempting 143696
to collect any account receivable or for any portion of the debt 143697
recovered; 143698

(ee) Any amount realized from the sale of an account 143699

receivable to the extent the receipts from the underlying 143700
transaction giving rise to the account receivable were included in 143701
the gross receipts of the taxpayer; 143702

(ff) Any receipts directly attributed to a transfer agreement 143703
or to the enterprise transferred under that agreement under 143704
section 4313.02 of the Revised Code. 143705

(gg)(i) As used in this division: 143706

(I) "Qualified uranium receipts" means receipts from the 143707
sale, exchange, lease, loan, production, processing, or other 143708
disposition of uranium within a uranium enrichment zone certified 143709
by the tax commissioner under division (F)(2)(gg)(ii) of this 143710
section. "Qualified uranium receipts" does not include any 143711
receipts with a situs in this state outside a uranium enrichment 143712
zone certified by the tax commissioner under division 143713
(F)(2)(gg)(ii) of this section. 143714

(II) "Uranium enrichment zone" means all real property that 143715
is part of a uranium enrichment facility licensed by the United 143716
States nuclear regulatory commission and that was or is owned or 143717
controlled by the United States department of energy or its 143718
successor. 143719

(ii) Any person that owns, leases, or operates real or 143720
tangible personal property constituting or located within a 143721
uranium enrichment zone may apply to the tax commissioner to have 143722
the uranium enrichment zone certified for the purpose of excluding 143723
qualified uranium receipts under division (F)(2)(gg) of this 143724
section. The application shall include such information that the 143725
tax commissioner prescribes. Within sixty days after receiving the 143726
application, the tax commissioner shall certify the zone for that 143727
purpose if the commissioner determines that the property qualifies 143728
as a uranium enrichment zone as defined in division (F)(2)(gg) of 143729
this section, or, if the tax commissioner determines that the 143730

property does not qualify, the commissioner shall deny the 143731
application or request additional information from the applicant. 143732
If the tax commissioner denies an application, the commissioner 143733
shall state the reasons for the denial. The applicant may appeal 143734
the denial of an application to the board of tax appeals pursuant 143735
to section 5717.02 of the Revised Code. If the applicant files a 143736
timely appeal, the tax commissioner shall conditionally certify 143737
the applicant's property. The conditional certification shall 143738
expire when all of the applicant's appeals are exhausted. Until 143739
final resolution of the appeal, the applicant shall retain the 143740
applicant's records in accordance with section 5751.12 of the 143741
Revised Code, notwithstanding any time limit on the preservation 143742
of records under that section. 143743

~~(hh) Amounts realized by licensed motor fuel dealers or 143744
licensed permissive motor fuel dealers from the exchange of 143745
petroleum products, including motor fuel, between such dealers, 143746
provided that delivery of the petroleum products occurs at a 143747
refinery, terminal, pipeline, or marine vessel and that the 143748
exchanging dealers agree neither dealer shall require monetary 143749
compensation from the other for the value of the exchanged 143750
petroleum products other than such compensation for differences in 143751
product location or grade. Division (F)(2)(hh) of this section 143752
does not apply to amounts realized as a result of differences in 143753
location or grade of exchanged petroleum products or from 143754
handling, lubricity, dye, or other additive injections fees, 143755
pipeline security fees, or similar fees. As used in this division, 143756
"motor fuel," "licensed motor fuel dealer," "licensed permissive 143757
motor fuel dealer," and "terminal" have the same meanings as in 143758
section 5735.01 of the Revised Code. 143759~~

~~(ii) In the case of amounts collected by a licensed casino 143760
operator from casino gaming, amounts in excess of the casino 143761
operator's gross casino revenue. In this division, "casino 143762~~

operator" and "casino gaming" have the meanings defined in section 143763
3772.01 of the Revised Code, and "gross casino revenue" has the 143764
meaning defined in section 5753.01 of the Revised Code. 143765

~~(jj)~~(ii) Receipts realized from the sale of agricultural 143766
commodities by an agricultural commodity handler, both as defined 143767
in section 926.01 of the Revised Code, that is licensed by the 143768
director of agriculture to handle agricultural commodities in this 143769
state. 143770

~~(jj)~~ Any receipts for which the tax imposed by this chapter 143771
is prohibited by the constitution or laws of the United States or 143772
the constitution of this state. 143773

(3) In the case of a taxpayer when acting as a real estate 143774
broker, "gross receipts" includes only the portion of any fee for 143775
the service of a real estate broker, or service of a real estate 143776
salesperson associated with that broker, that is retained by the 143777
broker and not paid to an associated real estate salesperson or 143778
another real estate broker. For the purposes of this division, 143779
"real estate broker" and "real estate salesperson" have the same 143780
meanings as in section 4735.01 of the Revised Code. 143781

(4) A taxpayer's method of accounting for gross receipts for 143782
a tax period shall be the same as the taxpayer's method of 143783
accounting for federal income tax purposes for the taxpayer's 143784
federal taxable year that includes the tax period. If a taxpayer's 143785
method of accounting for federal income tax purposes changes, its 143786
method of accounting for gross receipts under this chapter shall 143787
be changed accordingly. 143788

(G) "Taxable gross receipts" means gross receipts situated to 143789
this state under section 5751.033 of the Revised Code. 143790

(H) A person has "substantial nexus with this state" if any 143791
of the following applies. The person: 143792

(1) Owns or uses a part or all of its capital in this state; 143793

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;	143794 143795
(3) Has bright-line presence in this state;	143796
(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.	143797 143798 143799
(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:	143800 143801 143802
(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.	143803 143804 143805 143806 143807
(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:	143808 143809 143810
(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;	143811 143812
(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and	143813 143814 143815
(c) Any amount the person pays for services performed in this state on its behalf by another.	143816 143817
(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.	143818 143819
(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.	143820 143821 143822
(5) Is domiciled in this state as an individual or for	143823

corporate, commercial, or other business purposes.	143824
(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.	143825 143826
(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.	143827 143828 143829 143830 143831 143832 143833 143834
(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.	143835 143836 143837
(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.	143838 143839 143840
(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.	143841 143842
(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.	143843 143844
(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:	143845 143846 143847
(1) A person receiving a fee to sell financial instruments;	143848
(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;	143849 143850 143851
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	143852 143853

(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code; 143854
143855

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code. 143856
143857

(Q) "Received" includes amounts accrued under the accrual method of accounting. 143858
143859

(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group. 143860
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Sec. 5751.02. (A) For the purpose of funding the needs of this state and its local governments ~~and providing revenue to the commercial activity tax motor fuel receipts fund~~, there is hereby levied a commercial activity tax on each person with taxable gross receipts for the privilege of doing business in this state. For the purposes of this chapter, "doing business" means engaging in any activity, whether legal or illegal, that is conducted for, or results in, gain, profit, or income, at any time during a calendar year. Persons on which the commercial activity tax is levied include, but are not limited to, persons with substantial nexus with this state. The tax imposed under this section is not a transactional tax and is not subject to Public Law No. 86-272, 73 Stat. 555. The tax imposed under this section is in addition to any other taxes or fees imposed under the Revised Code. The tax levied under this section is imposed on the person receiving the gross receipts and is not a tax imposed directly on a purchaser. The tax imposed by this section is an annual privilege tax for the calendar year that, in the case of calendar year taxpayers, is the 143867
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annual tax period and, in the case of calendar quarter taxpayers, 143885
contains all quarterly tax periods in the calendar year. A 143886
taxpayer is subject to the annual privilege tax for doing business 143887
during any portion of such calendar year. 143888

(B) The tax imposed by this section is a tax on the taxpayer 143889
and shall not be billed or invoiced to another person. Even if the 143890
tax or any portion thereof is billed or invoiced and separately 143891
stated, such amounts remain part of the price for purposes of the 143892
sales and use taxes levied under Chapters 5739. and 5741. of the 143893
Revised Code. Nothing in division (B) of this section prohibits: 143894

(1) A person from including in the price charged for a good 143895
or service an amount sufficient to recover the tax imposed by this 143896
section; or 143897

(2) A lessor from including an amount sufficient to recover 143898
the tax imposed by this section in a lease payment charged, or 143899
from including such an amount on a billing or invoice pursuant to 143900
the terms of a written lease agreement providing for the recovery 143901
of the lessor's tax costs. The recovery of such costs shall be 143902
based on an estimate of the total tax cost of the lessor during 143903
the tax period, as the tax liability of the lessor cannot be 143904
calculated until the end of that period. 143905

Sec. 5751.051. (A)(1) Not later than the tenth day of the 143906
second month after the end of each calendar quarter, every 143907
taxpayer other than a calendar year taxpayer shall file with the 143908
tax commissioner a tax return in such form as the commissioner 143909
prescribes. The return shall include, but is not limited to, the 143910
amount of the taxpayer's taxable gross receipts for the calendar 143911
quarter and shall indicate the amount of tax due under section 143912
5751.03 of the Revised Code for the calendar quarter. ~~The taxpayer~~ 143913
~~shall indicate on the return the portion of the taxpayer's~~ 143914

~~receipts attributable to motor fuel used for propelling vehicles~~ 143915
~~on public highways.~~ 143916

(2)(a) Subject to division (C) of section 5751.05 of the 143917
Revised Code, a calendar quarter taxpayer shall report the taxable 143918
gross receipts for that calendar quarter. 143919

(b) With respect to taxable gross receipts incorrectly 143920
reported in a calendar quarter that has a lower tax rate, the tax 143921
shall be computed at the tax rate in effect for the quarterly 143922
return in which such receipts should have been reported. Nothing 143923
in division (A)(2)(b) of this section prohibits a taxpayer from 143924
filing an application for refund under section 5751.08 of the 143925
Revised Code with regard to the incorrect reporting of taxable 143926
gross receipts discovered after filing the annual return described 143927
in division (A)(3) of this section. 143928

A tax return shall not be deemed to be an incorrect reporting 143929
of taxable gross receipts for the purposes of division (A)(2)(b) 143930
of this section if the return reflects between ninety-five and one 143931
hundred five per cent of the actual taxable gross receipts for the 143932
calendar quarter. 143933

(3) For the purposes of division (A)(2)(b) of this section, 143934
the tax return filed for the fourth calendar quarter of a calendar 143935
year is the annual return for the privilege tax imposed by this 143936
chapter. Such return shall report any additional taxable gross 143937
receipts not previously reported in the calendar year and shall 143938
adjust for any over-reported taxable gross receipts in the 143939
calendar year. If the taxpayer ceases to be a taxpayer before the 143940
end of the calendar year, the last return the taxpayer is required 143941
to file shall be the annual return for the taxpayer and the 143942
taxpayer shall report any additional taxable gross receipts not 143943
previously reported in the calendar year and shall adjust for any 143944
over-reported taxable gross receipts in the calendar year. 143945

~~Taxpayers reporting taxable gross receipts attributable to motor fuel used for propelling vehicles on public highways may not utilize the statutory estimation procedure provided in divisions (A)(2) and (3) of this section.~~

(4) Because the tax imposed by this chapter is a privilege tax, the tax rate with respect to taxable gross receipts for a calendar quarter is not fixed until the end of the measurement period for each calendar quarter. Subject to division (A)(2)(b) of this section, the total amount of taxable gross receipts reported for a given calendar quarter shall be subject to the tax rate in effect in that quarter.

(5) Not later than the tenth day of May following the end of each calendar year, every calendar year taxpayer shall file with the tax commissioner a tax return in such form as the commissioner prescribes. The return shall include, but is not limited to, the amount of the taxpayer's taxable gross receipts for the calendar year and shall indicate the amount of tax due under section 5751.03 of the Revised Code for the calendar year. ~~The taxpayer shall indicate on the return the portion of the taxpayer's receipts attributable to motor fuel used for propelling vehicles on public highways.~~

(B)(1) A person that first becomes subject to the tax imposed under this chapter shall pay the minimum tax imposed under division (B) of section 5751.03 of the Revised Code on or before the day the return is required to be filed for that quarter under division (A)(1) of this section, regardless of whether the person registers as a calendar year taxpayer under section 5751.05 of the Revised Code.

(2) The amount of the minimum tax for a person subject to division (B)(1) of this section shall be reduced to seventy-five dollars if the registration is timely filed after the first day of May and before the first day of January of the following calendar

year. 143978

Sec. 5751.07. (A) Any person required to file returns ~~for a~~ 143979
~~calendar quarter~~ under this chapter shall remit each tax payment, 143980
and, if required by the tax commissioner, file the tax return or 143981
the annual report, electronically. The commissioner may require 143982
taxpayers to use the Ohio business gateway as defined in section 143983
718.051 of the Revised Code to file returns and remit the tax, or 143984
may provide another means for taxpayers to file and remit the tax 143985
electronically. 143986

(B) A person required by this section to remit taxes or file 143987
returns electronically may apply to the tax commissioner, on the 143988
form prescribed by the commissioner, to be excused from that 143989
requirement. The commissioner may excuse a person from the 143990
requirements of this division for good cause. 143991

(C)(1) If a person required to remit taxes or file a return 143992
electronically under this section fails to do so, the commissioner 143993
may impose a penalty not to exceed the following: 143994

(a) For either of the first two ~~calendar quarters~~ tax periods 143995
the person so fails, the greater of twenty-five dollars or five 143996
per cent of the amount of the payment that was required to be 143997
remitted; 143998

(b) For the third and any subsequent ~~calendar quarters~~ tax 143999
periods the person so fails, the greater of fifty dollars or ten 144000
per cent of the amount of the payment that was required to be 144001
remitted. 144002

(2) The penalty imposed under division (C)(1) of this section 144003
is in addition to any other penalty imposed under this chapter and 144004
shall be considered as revenue arising from the tax imposed under 144005
this chapter. A penalty may be collected by assessment in the 144006
manner prescribed by section 5751.09 of the Revised Code. The tax 144007

commissioner may abate all or a portion of such a penalty. 144008

(D) The tax commissioner may adopt rules necessary to 144009
administer this section. 144010

Sec. 5751.081. As used in this section, "debt to this state" 144011
means unpaid taxes due the state, unpaid workers' compensation 144012
premiums due under section 4123.35 of the Revised Code, unpaid 144013
unemployment compensation contributions due under section 4141.25 144014
of the Revised Code, unpaid unemployment compensation payment in 144015
lieu of contribution under section 4141.241 of the Revised Code, 144016
unpaid ~~fee~~ fees payable to the state or to the clerk of courts 144017
pursuant to section 4505.06 of the Revised Code, ~~incorrect medical~~ 144018
~~assistance~~ payments for medicaid services under ~~section 5111.02 of~~ 144019
~~the Revised Code~~ the medicaid program, or any unpaid charge, 144020
penalty, or interest arising from any of the foregoing. 144021

If a taxpayer entitled to a refund under section 5751.08 of 144022
the Revised Code owes any debt to this state, the amount 144023
refundable may be applied in satisfaction of the debt. If the 144024
amount refundable is less than the amount of the debt, it may be 144025
applied in partial satisfaction of the debt. If the amount 144026
refundable is greater than the amount of the debt, the amount 144027
remaining after satisfaction of the debt shall be refunded. This 144028
section applies only to debts that have become final. For the 144029
purposes of this section, a debt becomes final when, under the 144030
applicable law, any time provided for petition for reassessment, 144031
request for reconsideration, or other appeal of the legality or 144032
validity of the amount giving rise to the debt expires without an 144033
appeal having been filed in the manner provided by law. 144034

Sec. 5751.09. (A) The tax commissioner may make an 144035
assessment, based on any information in the commissioner's 144036
possession, against any person that fails to file a return or pay 144037

any tax as required by this chapter. The commissioner shall give 144038
the person assessed written notice of the assessment as provided 144039
in section 5703.37 of the Revised Code. With the notice, the 144040
commissioner shall provide instructions on the manner in which to 144041
petition for reassessment and request a hearing with respect to 144042
the petition. The commissioner shall send any assessments against 144043
consolidated elected taxpayer and combined taxpayer groups under 144044
section 5751.011 or 5751.012 of the Revised Code to the taxpayer's 144045
"reporting person" as defined under division (R) of section 144046
5751.01 of the Revised Code. The reporting person shall notify all 144047
members of the group of the assessment and all outstanding taxes, 144048
interest, and penalties for which the assessment is issued. 144049

(B) Unless the person assessed, within sixty days after 144050
service of the notice of assessment, files with the tax 144051
commissioner, either personally or by certified mail, a written 144052
petition signed by the person or the person's authorized agent 144053
having knowledge of the facts, the assessment becomes final, and 144054
the amount of the assessment is due and payable from the person 144055
assessed to the treasurer of state. The petition shall indicate 144056
the objections of the person assessed, but additional objections 144057
may be raised in writing if received by the commissioner prior to 144058
the date shown on the final determination. 144059

If a petition for reassessment has been properly filed, the 144060
commissioner shall proceed under section 5703.60 of the Revised 144061
Code. 144062

(C)(1) After an assessment becomes final, if any portion of 144063
the assessment, including accrued interest, remains unpaid, a 144064
certified copy of the tax commissioner's entry making the 144065
assessment final may be filed in the office of the clerk of the 144066
court of common pleas in the county in which the person resides or 144067
has its principal place of business in this state, or in the 144068

office of the clerk of court of common pleas of Franklin county. 144069

(2) Immediately upon the filing of the entry, the clerk shall 144070
enter judgment for the state against the person assessed in the 144071
amount shown on the entry. The judgment may be filed by the clerk 144072
in a loose-leaf book entitled, "special judgments for the 144073
commercial activity tax" and shall have the same effect as other 144074
judgments. Execution shall issue upon the judgment at the request 144075
of the tax commissioner, and all laws applicable to sales on 144076
execution shall apply to sales made under the judgment. 144077

(3) ~~The portion of~~ If the assessment is not paid in its 144078
entirety within sixty days after the day the assessment was 144079
issued, the portion of the assessment consisting of tax due shall 144080
bear interest at the rate per annum prescribed by section 5703.47 144081
of the Revised Code from the day the tax commissioner issues the 144082
assessment until it is paid or until it is certified to the 144083
attorney general for collection under section 131.02 of the 144084
Revised Code, whichever comes first. If the unpaid portion of the 144085
assessment is certified to the attorney general for collection, 144086
the entire unpaid portion of the assessment shall bear interest at 144087
the rate per annum prescribed by section 5703.47 of the Revised 144088
Code from the date of certification until the date it is paid in 144089
its entirety. Interest shall be paid in the same manner as the tax 144090
and may be collected by the issuance of an assessment under this 144091
section. 144092

(D) If the tax commissioner believes that collection of the 144093
tax will be jeopardized unless proceedings to collect or secure 144094
collection of the tax are instituted without delay, the 144095
commissioner may issue a jeopardy assessment against the person 144096
liable for the tax. Immediately upon the issuance of the jeopardy 144097
assessment, the commissioner shall file an entry with the clerk of 144098
the court of common pleas in the manner prescribed by division (C) 144099
of this section. Notice of the jeopardy assessment shall be served 144100

on the person assessed or the person's authorized agent in the 144101
manner provided in section 5703.37 of the Revised Code within five 144102
days of the filing of the entry with the clerk. The total amount 144103
assessed is immediately due and payable, unless the person 144104
assessed files a petition for reassessment in accordance with 144105
division (B) of this section and provides security in a form 144106
satisfactory to the commissioner and in an amount sufficient to 144107
satisfy the unpaid balance of the assessment. Full or partial 144108
payment of the assessment does not prejudice the commissioner's 144109
consideration of the petition for reassessment. 144110

(E) The tax commissioner shall immediately forward to the 144111
treasurer of state all amounts the commissioner receives under 144112
this section, and such amounts shall be considered as revenue 144113
arising from the tax imposed under this chapter. 144114

(F) Except as otherwise provided in this division, no 144115
assessment shall be made or issued against a taxpayer for the tax 144116
imposed under this chapter more than four years after the due date 144117
for the filing of the return for the tax period for which the tax 144118
was reported, or more than four years after the return for the tax 144119
period was filed, whichever is later. The time limit may be 144120
extended if both the taxpayer and the commissioner consent in 144121
writing to the extension or enter into an agreement waiving or 144122
extending the time limit. Any such extension shall extend the 144123
four-year time limit in division (B) of section 5751.08 of the 144124
Revised Code for the same period of time. Nothing in this division 144125
bars an assessment against a taxpayer that fails to file a return 144126
required by this chapter or that files a fraudulent return. 144127

(G) If the tax commissioner possesses information that 144128
indicates that the amount of tax a taxpayer is required to pay 144129
under this chapter exceeds the amount the taxpayer paid, the tax 144130
commissioner may audit a sample of the taxpayer's gross receipts 144131
over a representative period of time to ascertain the amount of 144132

tax due, and may issue an assessment based on the audit. The tax 144133
commissioner shall make a good faith effort to reach agreement 144134
with the taxpayer in selecting a representative sample. The tax 144135
commissioner may apply a sampling method only if the commissioner 144136
has prescribed the method by rule. 144137

(H) If the whereabouts of a person subject to this chapter is 144138
not known to the tax commissioner, the commissioner shall follow 144139
the procedures under section 5703.37 of the Revised Code. 144140

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 144141
the Revised Code: 144142

(1) "School district," "joint vocational school district," 144143
"local taxing unit," "recognized valuation," "fixed-rate levy," 144144
and "fixed-sum levy" have the same meanings as used in section 144145
5727.84 of the Revised Code. 144146

(2) "State education aid" for a school district means the 144147
following: 144148

(a) For fiscal years prior to fiscal year 2010, the sum of 144149
state aid amounts computed for the district under the following 144150
provisions, as they existed for the applicable fiscal year: 144151
division (A) of section 3317.022 of the Revised Code, including 144152
the amounts calculated under ~~sections~~ former section 3317.029 and 144153
section 3317.0217 of the Revised Code; divisions (C)(1), (C)(4), 144154
(D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) 144155
of section 3317.023; divisions (L) and (N) of section 3317.024; 144156
section 3317.0216; and any unit payments for gifted student 144157
services paid under ~~sections~~ section 3317.05~~7~~ and former sections 144158
3317.052~~7~~ and 3317.053 of the Revised Code; except that, for 144159
fiscal years 2008 and 2009, the amount computed for the district 144160
under Section 269.20.80 of H.B. 119 of the 127th general assembly 144161
and as that section subsequently may be amended shall be 144162
substituted for the amount computed under division (D) of section 144163

3317.022 of the Revised Code, and the amount computed under 144164
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 144165
that section subsequently may be amended shall be included. 144166

(b) For fiscal years 2010 and 2011, the sum of the amounts 144167
computed under former sections 3306.052, 3306.12, 3306.13, 144168
3306.19, 3306.191, and 3306.192 of the Revised Code; 144169

(c) For fiscal years 2012 and 2013, the sum of the amounts 144170
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 144171
153 of the 129th general assembly; 144172

(d) For fiscal year 2014 and each fiscal year thereafter, the 144173
sum of state amounts computed for the district under section 144174
3317.022 of the Revised Code; except that, for fiscal years 2014 144175
and 2015, the amount computed for the district under the section 144176
of this act entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND 144177
EXEMPTED VILLAGE SCHOOL DISTRICTS" shall be included. 144178

(3) "State education aid" for a joint vocational school 144179
district means the following: 144180

(a) For fiscal years prior to fiscal year 2010, the sum of 144181
the state aid computed for the district under division (N) of 144182
section 3317.024 and former section 3317.16 of the Revised Code, 144183
except that, for fiscal years 2008 and 2009, the amount computed 144184
under Section 269.30.80 of H.B. 119 of the 127th general assembly 144185
and as that section subsequently may be amended shall be included. 144186

(b) For fiscal years 2010 and 2011, the amount paid in 144187
accordance with Section 265.30.50 of H.B. 1 of the 128th general 144188
assembly. 144189

(c) For fiscal years 2012 and 2013, the amount paid in 144190
accordance with Section 267.30.60 of H.B. 153 of the 129th general 144191
assembly. 144192

(d) For fiscal year 2014 and each fiscal year thereafter, the 144193

amount computed for the district under section 3317.16 of the 144194
Revised Code; except that, for fiscal years 2014 and 2015, the 144195
amount computed for the district under the section of this act 144196
entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" 144197
shall be included. 144198

(4) "State education aid offset" means the amount determined 144199
for each school district or joint vocational school district under 144200
division (A)(1) of section 5751.21 of the Revised Code. 144201

(5) "Machinery and equipment property tax value loss" means 144202
the amount determined under division (C)(1) of this section. 144203

(6) "Inventory property tax value loss" means the amount 144204
determined under division (C)(2) of this section. 144205

(7) "Furniture and fixtures property tax value loss" means 144206
the amount determined under division (C)(3) of this section. 144207

(8) "Machinery and equipment fixed-rate levy loss" means the 144208
amount determined under division (D)(1) of this section. 144209

(9) "Inventory fixed-rate levy loss" means the amount 144210
determined under division (D)(2) of this section. 144211

(10) "Furniture and fixtures fixed-rate levy loss" means the 144212
amount determined under division (D)(3) of this section. 144213

(11) "Total fixed-rate levy loss" means the sum of the 144214
machinery and equipment fixed-rate levy loss, the inventory 144215
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 144216
loss, and the telephone company fixed-rate levy loss. 144217

(12) "Fixed-sum levy loss" means the amount determined under 144218
division (E) of this section. 144219

(13) "Machinery and equipment" means personal property 144220
subject to the assessment rate specified in division (F) of 144221
section 5711.22 of the Revised Code. 144222

(14) "Inventory" means personal property subject to the 144223

assessment rate specified in division (E) of section 5711.22 of 144224
the Revised Code. 144225

(15) "Furniture and fixtures" means personal property subject 144226
to the assessment rate specified in division (G) of section 144227
5711.22 of the Revised Code. 144228

(16) "Qualifying levies" are levies in effect for tax year 144229
2004 or applicable to tax year 2005 or approved at an election 144230
conducted before September 1, 2005. For the purpose of determining 144231
the rate of a qualifying levy authorized by section 5705.212 or 144232
5705.213 of the Revised Code, the rate shall be the rate that 144233
would be in effect for tax year 2010. 144234

(17) "Telephone property" means tangible personal property of 144235
a telephone, telegraph, or interexchange telecommunications 144236
company subject to an assessment rate specified in section 144237
5727.111 of the Revised Code in tax year 2004. 144238

(18) "Telephone property tax value loss" means the amount 144239
determined under division (C)(4) of this section. 144240

(19) "Telephone property fixed-rate levy loss" means the 144241
amount determined under division (D)(4) of this section. 144242

(20) "Taxes charged and payable" means taxes charged and 144243
payable after the reduction required by section 319.301 of the 144244
Revised Code but before the reductions required by sections 144245
319.302 and 323.152 of the Revised Code. 144246

(21) "Median estate tax collections" means, in the case of a 144247
municipal corporation to which revenue from the taxes levied in 144248
Chapter 5731. of the Revised Code was distributed in each of 144249
calendar years 2006, 2007, 2008, and 2009, the median of those 144250
distributions. In the case of a municipal corporation to which no 144251
distributions were made in one or more of those years, "median 144252
estate tax collections" means zero. 144253

(22) "Total resources," in the case of a school district, 144254
means the sum of the amounts in divisions (A)(22)(a) to (h) of 144255
this section less any reduction required under division (A)(32) or 144256
(33) of this section. 144257

(a) The state education aid for fiscal year 2010; 144258

(b) The sum of the payments received by the school district 144259
in fiscal year 2010 for current expense levy losses pursuant to 144260
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of 144261
section 5751.21 of the Revised Code, excluding the portion of such 144262
payments attributable to levies for joint vocational school 144263
district purposes; 144264

(c) The sum of fixed-sum levy loss payments received by the 144265
school district in fiscal year 2010 pursuant to division (E)(1) of 144266
section 5727.85 and division (E)(1) of section 5751.21 of the 144267
Revised Code for fixed-sum levies charged and payable for a 144268
purpose other than paying debt charges; 144269

(d) Fifty per cent of the school district's taxes charged and 144270
payable against all property on the tax list of real and public 144271
utility property for current expense purposes for tax year 2008, 144272
including taxes charged and payable from emergency levies charged 144273
and payable under section 5709.194 of the Revised Code and 144274
excluding taxes levied for joint vocational school district 144275
purposes; 144276

(e) Fifty per cent of the school district's taxes charged and 144277
payable against all property on the tax list of real and public 144278
utility property for current expenses for tax year 2009, including 144279
taxes charged and payable from emergency levies and excluding 144280
taxes levied for joint vocational school district purposes; 144281

(f) The school district's taxes charged and payable against 144282
all property on the general tax list of personal property for 144283
current expenses for tax year 2009, including taxes charged and 144284

payable from emergency levies;	144285
(g) The amount certified for fiscal year 2010 under division	144286
(A)(2) of section 3317.08 of the Revised Code;	144287
(h) Distributions received during calendar year 2009 from	144288
taxes levied under section 718.09 of the Revised Code.	144289
(23) "Total resources," in the case of a joint vocational	144290
school district, means the sum of amounts in divisions (A)(23)(a)	144291
to (g) of this section less any reduction required under division	144292
(A)(32) of this section.	144293
(a) The state education aid for fiscal year 2010;	144294
(b) The sum of the payments received by the joint vocational	144295
school district in fiscal year 2010 for current expense levy	144296
losses pursuant to division (C)(2) of section 5727.85 and	144297
divisions (C)(8) and (9) of section 5751.21 of the Revised Code;	144298
(c) Fifty per cent of the joint vocational school district's	144299
taxes charged and payable against all property on the tax list of	144300
real and public utility property for current expense purposes for	144301
tax year 2008;	144302
(d) Fifty per cent of the joint vocational school district's	144303
taxes charged and payable against all property on the tax list of	144304
real and public utility property for current expenses for tax year	144305
2009;	144306
(e) Fifty per cent of a city, local, or exempted village	144307
school district's taxes charged and payable against all property	144308
on the tax list of real and public utility property for current	144309
expenses of the joint vocational school district for tax year	144310
2008;	144311
(f) Fifty per cent of a city, local, or exempted village	144312
school district's taxes charged and payable against all property	144313
on the tax list of real and public utility property for current	144314

expenses of the joint vocational school district for tax year 144315
2009; 144316

(g) The joint vocational school district's taxes charged and 144317
payable against all property on the general tax list of personal 144318
property for current expenses for tax year 2009. 144319

(24) "Total resources," in the case of county mental health 144320
and disability related functions, means the sum of the amounts in 144321
divisions (A)(24)(a) and (b) of this section less any reduction 144322
required under division (A)(32) of this section. 144323

(a) The sum of the payments received by the county for mental 144324
health and developmental disability related functions in calendar 144325
year 2010 under division (A)(1) of section 5727.86 and divisions 144326
(A)(1) and (2) of section 5751.22 of the Revised Code as they 144327
existed at that time; 144328

(b) With respect to taxes levied by the county for mental 144329
health and developmental disability related purposes, the taxes 144330
charged and payable for such purposes against all property on the 144331
tax list of real and public utility property for tax year 2009. 144332

(25) "Total resources," in the case of county senior services 144333
related functions, means the sum of the amounts in divisions 144334
(A)(25)(a) and (b) of this section less any reduction required 144335
under division (A)(32) of this section. 144336

(a) The sum of the payments received by the county for senior 144337
services related functions in calendar year 2010 under division 144338
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 144339
5751.22 of the Revised Code as they existed at that time; 144340

(b) With respect to taxes levied by the county for senior 144341
services related purposes, the taxes charged and payable for such 144342
purposes against all property on the tax list of real and public 144343
utility property for tax year 2009. 144344

(26) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(26)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for children's services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(27) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(27)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for public health related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(28) "Total resources," in the case of all county functions not included in divisions (A)(24) to (27) of this section, means the sum of the amounts in divisions (A)(28)(a) to (d) of this section less any reduction required under division (A)(32) or (33) of this section.

(a) The sum of the payments received by the county for all other purposes in calendar year 2010 under division (A)(1) of

section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of 144376
the Revised Code as they existed at that time; 144377

(b) The county's percentage share of county undivided local 144378
government fund allocations as certified to the tax commissioner 144379
for calendar year 2010 by the county auditor under division (J) of 144380
section 5747.51 of the Revised Code or division (F) of section 144381
5747.53 of the Revised Code multiplied by the total amount 144382
actually distributed in calendar year 2010 from the county 144383
undivided local government fund; 144384

(c) With respect to taxes levied by the county for all other 144385
purposes, the taxes charged and payable for such purposes against 144386
all property on the tax list of real and public utility property 144387
for tax year 2009, excluding taxes charged and payable for the 144388
purpose of paying debt charges; 144389

(d) The sum of the amounts distributed to the county in 144390
calendar year 2010 for the taxes levied pursuant to sections 144391
5739.021 and 5741.021 of the Revised Code. 144392

(29) "Total resources," in the case of a municipal 144393
corporation, means the sum of the amounts in divisions (A)(29)(a) 144394
to (g) of this section less any reduction required under division 144395
(A)(32) or (33) of this section. 144396

(a) The sum of the payments received by the municipal 144397
corporation in calendar year 2010 for current expense levy losses 144398
under division (A)(1) of section 5727.86 and divisions (A)(1) and 144399
(2) of section 5751.22 of the Revised Code as they existed at that 144400
time; 144401

(b) The municipal corporation's percentage share of county 144402
undivided local government fund allocations as certified to the 144403
tax commissioner for calendar year 2010 by the county auditor 144404
under division (J) of section 5747.51 of the Revised Code or 144405
division (F) of section 5747.53 of the Revised Code multiplied by 144406

the total amount actually distributed in calendar year 2010 from 144407
the county undivided local government fund; 144408

(c) The sum of the amounts distributed to the municipal 144409
corporation in calendar year 2010 pursuant to section 5747.50 of 144410
the Revised Code; 144411

(d) With respect to taxes levied by the municipal 144412
corporation, the taxes charged and payable against all property on 144413
the tax list of real and public utility property for current 144414
expenses, defined in division (A)(35) of this section, for tax 144415
year 2009; 144416

(e) The amount of admissions tax collected by the municipal 144417
corporation in calendar year 2008, or if such information has not 144418
yet been reported to the tax commissioner, in the most recent year 144419
before 2008 for which the municipal corporation has reported data 144420
to the commissioner; 144421

(f) The amount of income taxes collected by the municipal 144422
corporation in calendar year 2008, or if such information has not 144423
yet been reported to the tax commissioner, in the most recent year 144424
before 2008 for which the municipal corporation has reported data 144425
to the commissioner; 144426

(g) The municipal corporation's median estate tax 144427
collections. 144428

(30) "Total resources," in the case of a township, means the 144429
sum of the amounts in divisions (A)(30)(a) to (c) of this section 144430
less any reduction required under division (A)(32) or (33) of this 144431
section. 144432

(a) The sum of the payments received by the township in 144433
calendar year 2010 pursuant to division (A)(1) of section 5727.86 144434
of the Revised Code and divisions (A)(1) and (2) of section 144435
5751.22 of the Revised Code as they existed at that time, 144436
excluding payments received for debt purposes; 144437

(b) The township's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to taxes levied by the township, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding taxes charged and payable for the purpose of paying debt charges.

(31) "Total resources," in the case of a local taxing unit that is not a county, municipal corporation, or township, means the sum of the amounts in divisions (A)(31)(a) to (e) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the local taxing unit in calendar year 2010 pursuant to division (A)(1) of section 5727.86 of the Revised Code and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) The local taxing unit's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to taxes levied by the local taxing unit, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding taxes charged and payable for the purpose of paying debt charges;

(d) The amount received from the tax commissioner during 144469
calendar year 2010 for sales or use taxes authorized under 144470
sections 5739.023 and 5741.022 of the Revised Code; 144471

(e) For institutions of higher education receiving tax 144472
revenue from a local levy, as identified in section 3358.02 of the 144473
Revised Code, the final state share of instruction allocation for 144474
fiscal year 2010 as calculated by the board of regents and 144475
reported to the state controlling board. 144476

(32) If a fixed-rate levy that is a qualifying levy is not 144477
charged and payable in any year after tax year 2010, "total 144478
resources" used to compute payments to be made under division 144479
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 144480
5751.22 of the Revised Code in the tax years following the last 144481
year the levy is charged and payable shall be reduced to the 144482
extent that the payments are attributable to the fixed-rate levy 144483
loss of that levy as would be computed under division (C)(2) of 144484
section 5727.85, division (A)(1) of section 5727.85, divisions 144485
(C)(8) and (9) of section 5751.21, or division (A)(1) of section 144486
5751.22 of the Revised Code. 144487

(33) In the case of a county, municipal corporation, school 144488
district, or township with fixed-rate levy losses attributable to 144489
a tax levied under section 5705.23 of the Revised Code, "total 144490
resources" used to compute payments to be made under division 144491
(C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, 144492
division (C)(12) of section 5751.21, or division (A)(1)(c) of 144493
section 5751.22 of the Revised Code shall be reduced by the 144494
amounts described in divisions (A)(34)(a) to (c) of this section 144495
to the extent that those amounts were included in calculating the 144496
"total resources" of the school district or local taxing unit 144497
under division (A)(22), (28), (29), or (30) of this section. 144498

(34) "Total library resources," in the case of a county, 144499
municipal corporation, school district, or township public library 144500

that receives the proceeds of a tax levied under section 5705.23 144501
of the Revised Code, means the sum of the amounts in divisions 144502
(A)(34)(a) to (c) of this section less any reduction required 144503
under division (A)(32) of this section. 144504

(a) The sum of the payments received by the county, municipal 144505
corporation, school district, or township public library in 144506
calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the 144507
Revised Code, as they existed at that time, for fixed-rate levy 144508
losses attributable to a tax levied under section 5705.23 of the 144509
Revised Code for the benefit of the public library; 144510

(b) The public library's percentage share of county undivided 144511
local government fund allocations as certified to the tax 144512
commissioner for calendar year 2010 by the county auditor under 144513
division (J) of section 5747.51 of the Revised Code or division 144514
(F) of section 5747.53 of the Revised Code multiplied by the total 144515
amount actually distributed in calendar year 2010 from the county 144516
undivided local government fund; 144517

(c) With respect to a tax levied pursuant to section 5705.23 144518
of the Revised Code for the benefit of the public library, the 144519
amount of such tax that is charged and payable against all 144520
property on the tax list of real and public utility property for 144521
tax year 2009 excluding any tax that is charged and payable for 144522
the purpose of paying debt charges. 144523

(35) "Municipal current expense property tax levies" means 144524
all property tax levies of a municipality, except those with the 144525
following levy names: airport resurfacing; bond or any levy name 144526
including the word "bond"; capital improvement or any levy name 144527
including the word "capital"; debt or any levy name including the 144528
word "debt"; equipment or any levy name including the word 144529
"equipment," unless the levy is for combined operating and 144530
equipment; employee termination fund; fire pension or any levy 144531
containing the word "pension," including police pensions; 144532

fireman's fund or any practically similar name; sinking fund; road 144533
improvements or any levy containing the word "road"; fire truck or 144534
apparatus; flood or any levy containing the word "flood"; 144535
conservancy district; county health; note retirement; sewage, or 144536
any levy containing the words "sewage" or "sewer"; park 144537
improvement; parkland acquisition; storm drain; street or any levy 144538
name containing the word "street"; lighting, or any levy name 144539
containing the word "lighting"; and water. 144540

(36) "Current expense TPP allocation" means, in the case of a 144541
school district or joint vocational school district, the sum of 144542
the payments received by the school district in fiscal year 2011 144543
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 144544
Revised Code to the extent paid for current expense levies. In the 144545
case of a municipal corporation, "current expense TPP allocation" 144546
means the sum of the payments received by the municipal 144547
corporation in calendar year 2010 pursuant to divisions (A)(1) and 144548
(2) of section 5751.22 of the Revised Code to the extent paid for 144549
municipal current expense property tax levies as defined in 144550
division (A)(35) of this section, excluding any such payments 144551
received for current expense levy losses attributable to a tax 144552
levied under section 5705.23 of the Revised Code. If a fixed-rate 144553
levy that is a qualifying levy is not charged and payable in any 144554
year after tax year 2010, "current expense TPP allocation" used to 144555
compute payments to be made under division (C)(12) of section 144556
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 144557
Revised Code in the tax years following the last year the levy is 144558
charged and payable shall be reduced to the extent that the 144559
payments are attributable to the fixed-rate levy loss of that levy 144560
as would be computed under divisions (C)(10) and (11) of section 144561
5751.21 or division (A)(1) of section 5751.22 of the Revised Code. 144562

(37) "TPP allocation" means the sum of payments received by a 144563
local taxing unit in calendar year 2010 pursuant to divisions 144564

(A)(1) and (2) of section 5751.22 of the Revised Code, excluding 144565
any such payments received for fixed-rate levy losses attributable 144566
to a tax levied under section 5705.23 of the Revised Code. If a 144567
fixed-rate levy that is a qualifying levy is not charged and 144568
payable in any year after tax year 2010, "TPP allocation" used to 144569
compute payments to be made under division (A)(1)(b) or (c) of 144570
section 5751.22 of the Revised Code in the tax years following the 144571
last year the levy is charged and payable shall be reduced to the 144572
extent that the payments are attributable to the fixed-rate levy 144573
loss of that levy as would be computed under division (A)(1) of 144574
that section. 144575

(38) "Total TPP allocation" means, in the case of a school 144576
district or joint vocational school district, the sum of the 144577
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 144578
and (11) and (D) of section 5751.21 of the Revised Code. In the 144579
case of a local taxing unit, "total TPP allocation" means the sum 144580
of payments received by the unit in calendar year 2010 pursuant to 144581
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 144582
Code. If a fixed-rate levy that is a qualifying levy is not 144583
charged and payable in any year after tax year 2010, "total TPP 144584
allocation" used to compute payments to be made under division 144585
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 144586
5751.22 of the Revised Code in the tax years following the last 144587
year the levy is charged and payable shall be reduced to the 144588
extent that the payments are attributable to the fixed-rate levy 144589
loss of that levy as would be computed under divisions (C)(10) and 144590
(11) of section 5751.21 or division (A)(1) of section 5751.22 of 144591
the Revised Code. 144592

(39) "Non-current expense TPP allocation" means the 144593
difference of total TPP allocation minus the sum of current 144594
expense TPP allocation and the portion of total TPP allocation 144595
constituting reimbursement for debt levies, pursuant to division 144596

(D) of section 5751.21 of the Revised Code in the case of a school 144597
district or joint vocational school district and pursuant to 144598
division (A)(3) of section 5751.22 of the Revised Code in the case 144599
of a municipal corporation. 144600

(40) "TPP allocation for library purposes" means the sum of 144601
payments received by a county, municipal corporation, school 144602
district, or township public library in calendar year 2010 144603
pursuant to section 5751.22 of the Revised Code for fixed-rate 144604
levy losses attributable to a tax levied under section 5705.23 of 144605
the Revised Code. If a fixed-rate levy authorized under section 144606
5705.23 of the Revised Code that is a qualifying levy is not 144607
charged and payable in any year after tax year 2010, "TPP 144608
allocation for library purposes" used to compute payments to be 144609
made under division (A)(1)(d) of section 5751.22 of the Revised 144610
Code in the tax years following the last year the levy is charged 144611
and payable shall be reduced to the extent that the payments are 144612
attributable to the fixed-rate levy loss of that levy as would be 144613
computed under division (A)(1) of section 5751.22 of the Revised 144614
Code. 144615

(41) "Threshold per cent" means, in the case of a school 144616
district or joint vocational school district, two per cent for 144617
fiscal year 2012 and four per cent for fiscal years 2013 and 144618
thereafter. In the case of a local taxing unit or public library 144619
that receives the proceeds of a tax levied under section 5705.23 144620
of the Revised Code, "threshold per cent" means two per cent for 144621
tax year 2011, four per cent for tax year 2012, and six per cent 144622
for tax years 2013 and thereafter. 144623

(B)(1) The commercial activities tax receipts fund is hereby 144624
created in the state treasury and shall consist of money arising 144625
from the tax imposed under this chapter. Eighty-five 144626
one-hundredths of one per cent of the money credited to that fund 144627
shall be credited to the revenue enhancement fund and shall be 144628

used to defray the costs incurred by the department of taxation in 144629
administering the tax imposed by this chapter and in implementing 144630
tax reform measures. The remainder of the money in the commercial 144631
activities tax receipts fund shall first be credited to the 144632
commercial activity tax motor fuel receipts fund, pursuant to 144633
division (B)(2) of this section, and the remainder shall be 144634
credited in the following percentages each fiscal year to the 144635
general revenue fund, to the school district tangible property tax 144636
replacement fund, which is hereby created in the state treasury 144637
for the purpose of making the payments described in section 144638
5751.21 of the Revised Code, and to the local government tangible 144639
property tax replacement fund, which is hereby created in the 144640
state treasury for the purpose of making the payments described in 144641
section 5751.22 of the Revised Code, in the following percentages: 144642

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	144644
2007	0%	70.0%	30.0%	144645
2008	0%	70.0%	30.0%	144646
2009	0%	70.0%	30.0%	144647
2010	0%	70.0%	30.0%	144648
2011	0%	70.0%	30.0%	144649
2012	25.0%	52.5%	22.5%	144650
2013 and thereafter	50.0%	35.0%	15.0%	144651

(2) Not later than the twentieth day of February, May, 144652
August, and November of each year, the commissioner shall provide 144653
for payment from the commercial activities tax receipts fund to 144654
the commercial activity tax motor fuel receipts fund an amount 144655
that bears the same ratio to the balance in the commercial 144656
activities tax receipts fund that (a) the taxable gross receipts 144657

attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, for a tax period ending before July 1, 2014, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities.

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent;

(c) For tax year 2008, eighty-three per cent;

(d) For tax year 2009 and thereafter, one hundred per cent.

(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;

(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;

(c) For tax year 2008, a fraction, the numerator of which is

thirteen and one-fourth and the denominator of which is 144688
twenty-three; 144689

(d) For tax year 2009 and thereafter a fraction, the 144690
numerator of which is seventeen and the denominator of which is 144691
twenty-three. 144692

(3) Furniture and fixtures property tax value loss is the 144693
taxable value of furniture and fixture property as reported by 144694
taxpayers for tax year 2004 multiplied by: 144695

(a) For tax year 2006, twenty-five per cent; 144696

(b) For tax year 2007, fifty per cent; 144697

(c) For tax year 2008, seventy-five per cent; 144698

(d) For tax year 2009 and thereafter, one hundred per cent. 144699

The taxable value of property reported by taxpayers used in 144700
divisions (C)(1), (2), and (3) of this section shall be such 144701
values as determined to be final by the tax commissioner as of 144702
August 31, 2005. Such determinations shall be final except for any 144703
correction of a clerical error that was made prior to August 31, 144704
2005, by the tax commissioner. 144705

(4) Telephone property tax value loss is the taxable value of 144706
telephone property as taxpayers would have reported that property 144707
for tax year 2004 if the assessment rate for all telephone 144708
property for that year were twenty-five per cent, multiplied by: 144709

(a) For tax year 2006, zero per cent; 144710

(b) For tax year 2007, zero per cent; 144711

(c) For tax year 2008, zero per cent; 144712

(d) For tax year 2009, sixty per cent; 144713

(e) For tax year 2010, eighty per cent; 144714

(f) For tax year 2011 and thereafter, one hundred per cent. 144715

(5) Division (C)(5) of this section applies to any school district, joint vocational school district, or local taxing unit in a county in which is located a facility currently or formerly devoted to the enrichment or commercialization of uranium or uranium products, and for which the total taxable value of property listed on the general tax list of personal property for any tax year from tax year 2001 to tax year 2004 was fifty per cent or less of the taxable value of such property listed on the general tax list of personal property for the next preceding tax year.

In computing the fixed-rate levy losses under divisions (D)(1), (2), and (3) of this section for any school district, joint vocational school district, or local taxing unit to which division (C)(5) of this section applies, the taxable value of such property as listed on the general tax list of personal property for tax year 2000 shall be substituted for the taxable value of such property as reported by taxpayers for tax year 2004, in the taxing district containing the uranium facility, if the taxable value listed for tax year 2000 is greater than the taxable value reported by taxpayers for tax year 2004. For the purpose of making the computations under divisions (D)(1), (2), and (3) of this section, the tax year 2000 valuation is to be allocated to machinery and equipment, inventory, and furniture and fixtures property in the same proportions as the tax year 2004 values. For the purpose of the calculations in division (A) of section 5751.21 of the Revised Code, the tax year 2004 taxable values shall be used.

To facilitate the calculations required under division (C) of this section, the county auditor, upon request from the tax commissioner, shall provide by August 1, 2005, the values of machinery and equipment, inventory, and furniture and fixtures for all single-county personal property taxpayers for tax year 2004.

(D) Not later than September 15, 2005, the tax commissioner shall determine for each tax year from 2006 through 2009 for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory, and furniture and fixtures fixed-rate levy losses, and for each tax year from 2006 through 2011 its telephone property fixed-rate levy loss. Except as provided in division (F) of this section, such losses are the applicable amounts described in divisions (D)(1), (2), (3), and (4) of this section:

(1) The machinery and equipment fixed-rate levy loss is the machinery and equipment property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(2) The inventory fixed-rate loss is the inventory property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(3) The furniture and fixtures fixed-rate levy loss is the furniture and fixture property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(4) The telephone property fixed-rate levy loss is the telephone property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(E) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss. The fixed-sum levy loss is the amount obtained by subtracting the amount described in division (E)(2) of this section from the amount described in division (E)(1) of this section:

(1) The sum of the machinery and equipment property tax value loss, the inventory property tax value loss, and the furniture and fixtures property tax value loss, and, for 2008 through 2010, the telephone property tax value loss of the district or unit

multiplied by the sum of the fixed-sum tax rates of qualifying 144779
levies. For 2006 through 2010, this computation shall include all 144780
qualifying levies remaining in effect for the current tax year and 144781
any school district levies charged and payable under section 144782
5705.194 or 5705.213 of the Revised Code that are qualifying 144783
levies not remaining in effect for the current year. For 2011 144784
through 2017 in the case of school district levies charged and 144785
payable under section 5705.194 or 5705.213 of the Revised Code and 144786
for all years after 2010 in the case of other fixed-sum levies, 144787
this computation shall include only qualifying levies remaining in 144788
effect for the current year. For purposes of this computation, a 144789
qualifying school district levy charged and payable under section 144790
5705.194 or 5705.213 of the Revised Code remains in effect in a 144791
year after 2010 only if, for that year, the board of education 144792
levies a school district levy charged and payable under section 144793
5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for 144794
an annual sum at least equal to the annual sum levied by the board 144795
in tax year 2004 less the amount of the payment certified under 144796
this division for 2006. 144797

(2) The total taxable value in tax year 2004 less the sum of 144798
the machinery and equipment, inventory, furniture and fixtures, 144799
and telephone property tax value losses in each school district, 144800
joint vocational school district, and local taxing unit multiplied 144801
by one-half of one mill per dollar. 144802

(3) For the calculations in divisions (E)(1) and (2) of this 144803
section, the tax value losses are those that would be calculated 144804
for tax year 2009 under divisions (C)(1), (2), and (3) of this 144805
section and for tax year 2011 under division (C)(4) of this 144806
section. 144807

(4) To facilitate the calculation under divisions (D) and (E) 144808
of this section, not later than September 1, 2005, any school 144809
district, joint vocational school district, or local taxing unit 144810

that has a qualifying levy that was approved at an election 144811
conducted during 2005 before September 1, 2005, shall certify to 144812
the tax commissioner a copy of the county auditor's certificate of 144813
estimated property tax millage for such levy as required under 144814
division (B) of section 5705.03 of the Revised Code, which is the 144815
rate that shall be used in the calculations under such divisions. 144816

If the amount determined under division (E) of this section 144817
for any school district, joint vocational school district, or 144818
local taxing unit is greater than zero, that amount shall equal 144819
the reimbursement to be paid pursuant to division (E) of section 144820
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 144821
and the one-half of one mill that is subtracted under division 144822
(E)(2) of this section shall be apportioned among all contributing 144823
fixed-sum levies in the proportion that each levy bears to the sum 144824
of all fixed-sum levies within each school district, joint 144825
vocational school district, or local taxing unit. 144826

(F) If a school district levies a tax under section 5705.219 144827
of the Revised Code, the fixed-rate levy loss for qualifying 144828
levies, to the extent repealed under that section, shall equal the 144829
sum of the following amounts in lieu of the amounts computed for 144830
such levies under division (D) of this section: 144831

(1) The sum of the rates of qualifying levies to the extent 144832
so repealed multiplied by the sum of the machinery and equipment, 144833
inventory, and furniture and fixtures tax value losses for 2009 as 144834
determined under that division; 144835

(2) The sum of the rates of qualifying levies to the extent 144836
so repealed multiplied by the telephone property tax value loss 144837
for 2011 as determined under that division. 144838

The fixed-rate levy losses for qualifying levies to the 144839
extent not repealed under section 5705.219 of the Revised Code 144840
shall be as determined under division (D) of this section. The 144841

revised fixed-rate levy losses determined under this division and 144842
division (D) of this section first apply in the year following the 144843
first year the district levies the tax under section 5705.219 of 144844
the Revised Code. 144845

(G) Not later than October 1, 2005, the tax commissioner 144846
shall certify to the department of education for every school 144847
district and joint vocational school district the machinery and 144848
equipment, inventory, furniture and fixtures, and telephone 144849
property tax value losses determined under division (C) of this 144850
section, the machinery and equipment, inventory, furniture and 144851
fixtures, and telephone fixed-rate levy losses determined under 144852
division (D) of this section, and the fixed-sum levy losses 144853
calculated under division (E) of this section. The calculations 144854
under divisions (D) and (E) of this section shall separately 144855
display the levy loss for each levy eligible for reimbursement. 144856

(H) Not later than October 1, 2005, the tax commissioner 144857
shall certify the amount of the fixed-sum levy losses to the 144858
county auditor of each county in which a school district, joint 144859
vocational school district, or local taxing unit with a fixed-sum 144860
levy loss reimbursement has territory. 144861

(I) Not later than the twenty-eighth day of February each 144862
year beginning in 2011 and ending in 2014, the tax commissioner 144863
shall certify to the department of education for each school 144864
district first levying a tax under section 5705.219 of the Revised 144865
Code in the preceding year the revised fixed-rate levy losses 144866
determined under divisions (D) and (F) of this section. 144867

(J)(1) There is hereby created in the state treasury the 144868
commercial activity tax motor fuel receipts fund. 144869

(2)(a) On or before June 15, 2014, the director of the Ohio 144870
public works commission shall certify to the director of budget 144871
and management the amount of debt service paid from the general 144872

revenue fund in fiscal years 2013 and 2014 on bonds issued to 144873
finance or assist in the financing of the cost of local 144874
subdivision public infrastructure capital improvement projects, as 144875
provided for in Sections 2k, 2m, and 2p of Article VIII, Ohio 144876
Constitution, that are attributable to costs for construction, 144877
reconstruction, maintenance, or repair of public highways and 144878
bridges and other statutory highway purposes. That certification 144879
shall allocate the total amount of debt service paid from the 144880
general revenue fund and attributable to those costs in each of 144881
fiscal years 2013 and 2014 according to the applicable section of 144882
the Ohio Constitution under which the bonds were originally 144883
issued. 144884

(b) On or before June 30, 2014, the director of budget and 144885
management shall determine an amount up to but not exceeding the 144886
amount certified under division (J)(2)(a) of this section and 144887
shall reserve that amount from the cash balance in the commercial 144888
activity tax motor fuel receipts fund for transfer to the general 144889
revenue fund at times and in amounts to be determined by the 144890
director. The director shall transfer the cash balance in the 144891
commercial activity tax motor fuel receipts fund in excess of the 144892
amount so reserved to the highway operating fund on or before June 144893
30, 2014. 144894

(3)(a) On or before the fifteenth day of June of each fiscal 144895
year beginning with fiscal year 2015, the director of the Ohio 144896
public works commission shall certify to the director of budget 144897
and management the amount of debt service paid from the general 144898
revenue fund in the current fiscal year on bonds issued to finance 144899
or assist in the financing of the cost of local subdivision public 144900
infrastructure capital improvement projects, as provided for in 144901
Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that 144902
are attributable to costs for construction, reconstruction, 144903
maintenance, or repair of public highways and bridges and other 144904

statutory highway purposes. That certification shall allocate the 144905
total amount of debt service paid from the general revenue fund 144906
and attributable to those costs in the current fiscal year 144907
according to the applicable section of the Ohio Constitution under 144908
which the bonds were originally issued. 144909

(b) On or before the thirtieth day of June of each fiscal 144910
year beginning with fiscal year 2015, the director of budget and 144911
management shall determine an amount up to but not exceeding the 144912
amount certified under division (J)(3)(a) of this section and 144913
shall reserve that amount from the cash balance in the motor fuel 144914
receipts tax public highways fund or the commercial activity tax 144915
motor fuel receipts fund for transfer to the general revenue fund 144916
at times and in amounts to be determined by the director. The 144917
director shall transfer the cash balance in the motor fuel 144918
receipts tax public highways fund or the commercial activity tax 144919
motor fuel receipts fund in excess of the amount so reserved to 144920
the highway operating fund on or before the thirtieth day of June 144921
of the current fiscal year. 144922

Sec. 5751.21. (A) Not later than the thirtieth day of July of 144923
2007 through 2010, the department of education shall consult with 144924
the director of budget and management and determine the following 144925
for each school district and each joint vocational school district 144926
eligible for payment under division (B) of this section: 144927

(1) The state education aid offset, which, except as provided 144929
in division (A)(1)(c) of this section, is the difference obtained 144930
by subtracting the amount described in division (A)(1)(b) of this 144931
section from the amount described in division (A)(1)(a) of this 144932
section: 144933

(a) The state education aid computed for the school district 144934
or joint vocational school district for the current fiscal year as 144935

of the thirtieth day of July; 144936

(b) The state education aid that would be computed for the 144937
school district or joint vocational school district for the 144938
current fiscal year as of the thirtieth day of July if the 144939
valuation used in the calculation in division (B)(1) of section 144940
3306.13 of the Revised Code as that division existed for fiscal 144941
years 2010 and 2011 included the machinery and equipment, 144942
inventory, furniture and fixtures, and telephone property tax 144943
value losses for the school district or joint vocational school 144944
district for the second preceding tax year, and if taxes charged 144945
and payable associated with the tax value losses are accounted for 144946
in any state education aid computation dependent on taxes charged 144947
and payable. 144948

(c) The state education aid offset for fiscal year 2010 and 144949
fiscal year 2011 equals the greater of the state education aid 144950
offset calculated for that fiscal year under divisions (A)(1)(a) 144951
and (b) of this section and the state education aid offset 144952
calculated for fiscal year 2009. For fiscal year 2012 and 2013, 144953
the state education aid offset equals the state education aid 144954
offset for fiscal year 2011. 144955

(2) For fiscal years 2008 through 2011, the greater of zero 144956
or the difference obtained by subtracting the state education aid 144957
offset determined under division (A)(1) of this section from the 144958
sum of the machinery and equipment fixed-rate levy loss, the 144959
inventory fixed-rate levy loss, furniture and fixtures fixed-rate 144960
levy loss, and telephone property fixed-rate levy loss certified 144961
under divisions (G) and (I) of section 5751.20 of the Revised Code 144962
for all taxing districts in each school district and joint 144963
vocational school district for the second preceding tax year. 144964

By the thirtieth day of July of each such year, the 144965
department of education and the director of budget and management 144966
shall agree upon the amount to be determined under division (A)(1) 144967

of this section. 144968

(B) On or before the thirty-first day of August of 2008, 144969
2009, and 2010, the department of education shall recalculate the 144970
offset described under division (A) of this section for the 144971
previous fiscal year and recalculate the payments made under 144972
division (C) of this section in the preceding fiscal year using 144973
the offset calculated under this division. If the payments 144974
calculated under this division differ from the payments made under 144975
division (C) of this section in the preceding fiscal year, the 144976
difference shall either be paid to a school district or recaptured 144977
from a school district through an adjustment at the same times 144978
during the current fiscal year that the payments under division 144979
(C) of this section are made. In August and October of the current 144980
fiscal year, the amount of each adjustment shall be three-sevenths 144981
of the amount calculated under this division. In May of the 144982
current fiscal year, the adjustment shall be one-seventh of the 144983
amount calculated under this division. 144984

(C) The department of education shall pay from the school 144985
district tangible property tax replacement fund to each school 144986
district and joint vocational school district all of the following 144987
for fixed-rate levy losses certified under divisions (G) and (I) 144988
of section 5751.20 of the Revised Code: 144989

(1) On or before May 31, 2006, one-seventh of the total 144990
fixed-rate levy loss for tax year 2006; 144991

(2) On or before August 31, 2006, and October 31, 2006, 144992
one-half of six-sevenths of the total fixed-rate levy loss for tax 144993
year 2006; 144994

(3) On or before May 31, 2007, one-seventh of the total 144995
fixed-rate levy loss for tax year 2007; 144996

(4) On or before August 31, 2007, and October 31, 2007, 144997
forty-three per cent of the amount determined under division 144998

(A)(2) of this section for fiscal year 2008, but not less than 144999
zero, plus one-half of six-sevenths of the difference between the 145000
total fixed-rate levy loss for tax year 2007 and the total 145001
fixed-rate levy loss for tax year 2006. 145002

(5) On or before May 31, 2008, fourteen per cent of the 145003
amount determined under division (A)(2) of this section for fiscal 145004
year 2008, but not less than zero, plus one-seventh of the 145005
difference between the total fixed-rate levy loss for tax year 145006
2008 and the total fixed-rate levy loss for tax year 2006. 145007

(6) On or before August 31, 2008, and October 31, 2008, 145008
forty-three per cent of the amount determined under division 145009
(A)(2) of this section for fiscal year 2009, but not less than 145010
zero, plus one-half of six-sevenths of the difference between the 145011
total fixed-rate levy loss in tax year 2008 and the total 145012
fixed-rate levy loss in tax year 2007. 145013

(7) On or before May 31, 2009, fourteen per cent of the 145014
amount determined under division (A)(2) of this section for fiscal 145015
year 2009, but not less than zero, plus one-seventh of the 145016
difference between the total fixed-rate levy loss for tax year 145017
2009 and the total fixed-rate levy loss for tax year 2007. 145018

(8) On or before August 31, 2009, and October 31, 2009, 145019
forty-three per cent of the amount determined under division 145020
(A)(2) of this section for fiscal year 2010, but not less than 145021
zero, plus one-half of six-sevenths of the difference between the 145022
total fixed-rate levy loss in tax year 2009 and the total 145023
fixed-rate levy loss in tax year 2008. 145024

(9) On or before May 31, 2010, fourteen per cent of the 145025
amount determined under division (A)(2) of this section for fiscal 145026
year 2010, but not less than zero, plus one-seventh of the 145027
difference between the total fixed-rate levy loss in tax year 2010 145028
and the total fixed-rate levy loss in tax year 2008. 145029

(10) On or before August 31, 2010, and October 31, 2010, 145030
forty-three per cent of the amount determined under division 145031
(A)(2) of this section for fiscal year 2011, but not less than 145032
zero, plus one-half of six-sevenths of the difference between the 145033
telephone property fixed-rate levy loss for tax year 2010 and the 145034
telephone property fixed-rate levy loss for tax year 2009. 145035

(11) On or before May 31, 2011, fourteen per cent of the 145036
amount determined under division (A)(2) of this section for fiscal 145037
year 2011, but not less than zero, plus one-seventh of the 145038
difference between the telephone property fixed-rate levy loss for 145039
tax year 2011 and the telephone property fixed-rate levy loss for 145040
tax year 2009. 145041

(12) For fiscal years 2012 and thereafter, the sum of the 145042
amounts in divisions (C)(12)(a) or (b) and (c) of this section 145043
shall be paid on or before the ~~twentieth~~ last day of November and 145044
the last day of May: 145045

(a) If the ratio of current expense TPP allocation to total 145046
resources is equal to or less than the threshold per cent, zero; 145047

(b) If the ratio of current expense TPP allocation to total 145048
resources is greater than the threshold per cent, fifty per cent 145049
of the difference of current expense TPP allocation minus the 145050
product of total resources multiplied by the threshold per cent; 145051

(c) Fifty per cent of the product of non-current expense TPP 145052
allocation multiplied by seventy-five per cent for fiscal year 145053
2012 and fifty per cent for fiscal years 2013 and thereafter. 145054

The department of education shall report to each school 145055
district and joint vocational school district the apportionment of 145056
the payments among the school district's or joint vocational 145057
school district's funds based on the certifications under 145058
divisions (G) and (I) of section 5751.20 of the Revised Code. 145059

(D) For taxes levied within the ten-mill limitation for debt 145060

purposes in tax year 2005, payments shall be made equal to one 145061
hundred per cent of the loss computed as if the tax were a 145062
fixed-rate levy, but those payments shall extend from fiscal year 145063
2006 through fiscal year 2018, as long as the qualifying levy 145064
continues to be used for debt purposes. If the purpose of such a 145065
qualifying levy is changed, that levy becomes subject to the 145066
payments determined in division (C) of this section. 145067

(E)(1) Not later than January 1, 2006, for each fixed-sum 145068
levy of each school district or joint vocational school district 145069
and for each year for which a determination is made under division 145070
(E) of section 5751.20 of the Revised Code that a fixed-sum levy 145071
loss is to be reimbursed, the tax commissioner shall certify to 145072
the department of education the fixed-sum levy loss determined 145073
under that division. The certification shall cover a time period 145074
sufficient to include all fixed-sum levies for which the 145075
commissioner made such a determination. On or before the last day 145076
of May of the current year, the department shall pay from the 145077
school district property tax replacement fund to the school 145078
district or joint vocational school district one-third of the 145079
fixed-sum levy loss so certified, plus one-third of the amount 145080
certified under division (I) of section 5751.20 of the Revised 145081
Code, and on or before the ~~twentieth~~ last day of November, 145082
two-thirds of the fixed-sum levy loss so certified, plus 145083
two-thirds of the amount certified under division (I) of section 145084
5751.20 of the Revised Code. Payments under this division of the 145085
amounts certified under division (I) of section 5751.20 of the 145086
Revised Code shall continue until the levy adopted under section 145087
5705.219 of the Revised Code expires. 145088

(2) Beginning in 2006, by the first day of January of each 145089
year, the tax commissioner shall review the certification 145090
originally made under division (E)(1) of this section. If the 145091
commissioner determines that a debt levy that had been scheduled 145092

to be reimbursed in the current year has expired, a revised 145093
certification for that and all subsequent years shall be made to 145094
the department of education. 145095

(F) Beginning in September 2007 and through June 2013, the 145096
director of budget and management shall transfer from the school 145097
district tangible property tax replacement fund to the general 145098
revenue fund each of the following: 145099

(1) On the first day of September, one-fourth of the amount 145100
determined for that fiscal year under division (A)(1) of this 145101
section; 145102

(2) On the first day of December, one-fourth of the amount 145103
determined for that fiscal year under division (A)(1) of this 145104
section; 145105

(3) On the first day of March, one-fourth of the amount 145106
determined for that fiscal year under division (A)(1) of this 145107
section; 145108

(4) On the first day of June, one-fourth of the amount 145109
determined for that fiscal year under division (A)(1) of this 145110
section. 145111

If, when a transfer is required under division (F)(1), (2), 145112
(3), or (4) of this section, there is not sufficient money in the 145113
school district tangible property tax replacement fund to make the 145114
transfer in the required amount, the director shall transfer the 145115
balance in the fund to the general revenue fund and may make 145116
additional transfers on later dates as determined by the director 145117
in a total amount that does not exceed one-fourth of the amount 145118
determined for the fiscal year. 145119

(G) If the total amount in the school district tangible 145120
property tax replacement fund is insufficient to make all payments 145121
under divisions (C), (D), and (E) of this section at the times the 145122
payments are to be made, the director of budget and management 145123

shall transfer from the general revenue fund to the school 145124
district tangible property tax replacement fund the difference 145125
between the total amount to be paid and the amount in the school 145126
district tangible property tax replacement fund. 145127

(H) On the fifteenth day of June of each year, the director 145128
of budget and management may transfer any balance in the school 145129
district tangible property tax replacement fund to the general 145130
revenue fund. 145131

(I) If all of the territory of a school district or joint 145132
vocational school district is merged with another district, or if 145133
a part of the territory of a school district or joint vocational 145134
school district is transferred to an existing or newly created 145135
district, the department of education, in consultation with the 145136
tax commissioner, shall adjust the payments made under this 145137
section as follows: 145138

(1) For a merger of two or more districts, the fixed-sum levy 145139
losses, total resources, current expense TPP allocation, total TPP 145140
allocation, and non-current expense TPP allocation of the 145141
successor district shall be the sum of such items for each of the 145142
districts involved in the merger. 145143

(2) If property is transferred from one district to a 145144
previously existing district, the amount of total resources, 145145
current expense TPP allocation, total TPP allocation, and 145146
non-current expense TPP allocation that shall be transferred to 145147
the recipient district shall be an amount equal to total 145148
resources, current expense TPP allocation, total TPP allocation, 145149
and non-current expense TPP allocation of the transferor district 145150
times a fraction, the numerator of which is the number of pupils 145151
being transferred to the recipient district, measured, in the case 145152
of a school district, by average daily membership as reported 145153
under division (A) of section 3317.03 of the Revised Code or, in 145154
the case of a joint vocational school district, by formula ADM as 145155

reported in division (D) of that section, and the denominator of 145156
which is the average daily membership or formula ADM of the 145157
transferor district. 145158

(3) After December 31, 2010, if property is transferred from 145159
one or more districts to a district that is newly created out of 145160
the transferred property, the newly created district shall be 145161
deemed not to have any total resources, current expense TPP 145162
allocation, total TPP allocation, or non-current expense TPP 145163
allocation. 145164

(4) If the recipient district under division (I)(2) of this 145165
section or the newly created district under division (I)(3) of 145166
this section is assuming debt from one or more of the districts 145167
from which the property was transferred and any of the districts 145168
losing the property had fixed-sum levy losses, the department of 145169
education, in consultation with the tax commissioner, shall make 145170
an equitable division of the fixed-sum levy loss reimbursements. 145171

Sec. 5751.55. (A) As used in this section, "certificate 145172
owner" has the same meaning as in section 149.311 of the Revised 145173
Code. 145174

(B) There is allowed a refundable credit against the tax 145175
imposed by section 5751.02 of the Revised Code for any taxpayer 145176
that is the certificate owner of a rehabilitation tax credit 145177
certificate issued under section 149.311 of the Revised Code. The 145178
credit shall equal twenty-five per cent of the dollar amount 145179
indicated on the certificate, but shall not exceed five million 145180
dollars. The credit shall be claimed for the calendar year 145181
specified in the certificate and in the order required under 145182
section 5751.98 of the Revised Code. For the purpose of making tax 145183
payments under this chapter, taxes equal to the amount of the 145184
credit shall be considered to be paid to the state on the first 145185
day of the tax period. 145186

(C) A taxpayer claiming a credit under this section shall 145187
retain the rehabilitation tax credit certificate for four years 145188
following the end of the tax period to which the credit was 145189
applied and shall make the certificate available for inspection by 145190
the tax commissioner upon the request of the commissioner during 145191
that four-year period. 145192

(D) Nothing in this section limits or disallows pass-through 145193
treatment of the credit if the certificate owner is a pass-through 145194
entity. If the certificate owner is a pass-through entity, the 145195
credit may be allocated among the entity's equity owners in such 145196
proportions or amounts as the equity owners mutually agree, 145197
whether or not the equity owner allocated the credit is part of a 145198
combined taxpayer or consolidated elected taxpayer group with the 145199
pass-through entity. 145200

(E) Notwithstanding division (B) of this section, a taxpayer 145201
that is a certificate owner and that could have claimed the credit 145202
under section 5733.47 of the Revised Code for tax year 2014 or 145203
2015, as that section existed before its amendment by H.B. 510 of 145204
the 129th general assembly, may claim the credit under this 145205
section for calendar year 2013 or 2014. Nothing in this division 145206
allows a taxpayer to claim the credit more than once. 145207

Sec. 5751.98. (A) To provide a uniform procedure for 145208
calculating the amount of tax due under this chapter, a taxpayer 145209
shall claim any credits to which it is entitled in the following 145210
order: 145211

(1) The nonrefundable jobs retention credit under division 145212
(B) of section 5751.50 of the Revised Code; 145213

(2) The nonrefundable credit for qualified research expenses 145214
under division (B) of section 5751.51 of the Revised Code; 145215

(3) The nonrefundable credit for a borrower's qualified 145216

research and development loan payments under division (B) of section 5751.52 of the Revised Code;	145217 145218
(4) The nonrefundable credit for calendar years 2010 to 2029 for unused net operating losses under division (B) of section 5751.53 of the Revised Code;	145219 145220 145221
(5) The refundable motion picture production credit under section 5751.54 of the Revised Code;	145222 145223
(6) The refundable jobs creation credit or job retention credit under division (A) of section 5751.50 of the Revised Code;	145224 145225
(7) The refundable credit for calendar year 2030 for unused net operating losses under division (C) of section 5751.53 of the Revised Code;	145226 145227 145228
<u>(8) The refundable credit for rehabilitating a historic building under section 5751.55 of the Revised Code.</u>	145229 145230
(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a tax period shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating the credit.	145231 145232 145233 145234 145235 145236
Sec. 5753.03. (A) For the purpose of receiving and distributing, and accounting for, revenue received from the tax levied by section 5753.02 of the Revised Code, the following funds are created in the state treasury:	145237 145238 145239 145240
(1) The casino tax revenue fund;	145241
(2) The gross casino revenue county fund;	145242
(3) The gross casino revenue county student fund;	145243
(4) The gross casino revenue host city fund;	145244
(5) The Ohio state racing commission fund;	145245

(6) The Ohio law enforcement training fund;	145246
(7) The problem casino gambling and addictions fund;	145247
(8) The casino control commission fund;	145248
(9) The casino tax administration fund;	145249
(10) The peace officer training academy fund;	145250
(11) The criminal justice services casino tax revenue fund.	145251
(B) All moneys collected from the tax levied under this chapter shall be deposited into the casino tax revenue fund.	145252 145253
(C) From the casino tax revenue fund the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code.	145254 145255 145256 145257
(D) After making any transfers required by division (C) of this section, but not later than the fifteenth day of the month following the end of each calendar quarter, the director of budget and management shall transfer amounts to each fund as follows:	145258 145259 145260 145261
(1) Fifty-one per cent to the gross casino revenue county fund to make payments as required by Section 6(C)(3)(a) of Article XV, Ohio Constitution;	145262 145263 145264
(2) Thirty-four per cent to the gross casino revenue county student fund to make payments as required by Section 6(C)(3)(b) of Article XV, Ohio Constitution and as provided in section 5753.11 of the Revised Code;	145265 145266 145267 145268
(3) Five per cent to the gross casino revenue host city fund for the benefit of the cities in which casino facilities are located;	145269 145270 145271
(4) Three per cent to the Ohio state racing commission fund to support the efforts and activities of the Ohio state racing commission to promote horse racing in this state at which the	145272 145273 145274

pari-mutuel system of wagering is conducted; 145275

(5) Two per cent to the Ohio law enforcement training fund to 145276
support law enforcement functions in the state; 145277

(6) Two per cent to the problem casino gambling and 145278
addictions fund to support efforts of the department of ~~alcohol~~ 145279
~~and drug addiction services~~ mental health and addiction services 145280
to alleviate problem gambling and substance abuse and related 145281
research in the state under section ~~3793.032~~ 5119.47 of the 145282
Revised Code; 145283

(7) Three per cent to the casino control commission fund to 145284
support the operations of the Ohio casino control commission and 145285
to defray the cost of administering the tax levied under section 145286
5753.02 of the Revised Code. 145287

Payments under divisions (D)(1) and (3) of this section shall 145288
be made by the end of the month following the end of the quarterly 145289
period. The tax commissioner shall make the data available to the 145290
director of budget and management for this purpose. 145291

Money in the Ohio state racing commission fund shall be 145292
distributed at the discretion of the Ohio state racing commission 145293
for the purpose stated in division (D)(4) of this section by the 145294
end of the month following the end of the quarterly period. The 145295
commission may retain up to five per cent of the amount 145296
transferred to the fund under division (D)(4) of this section for 145297
operating expenses necessary for the administration of the fund. 145298

Payments from the gross casino revenue county student fund as 145299
required under section 5753.11 of the Revised Code shall be made 145300
by the last day of January and by the last day of August of each 145301
year, beginning in 2013. The tax commissioner shall make the data 145302
available to the director of budget and management for this 145303
purpose. 145304

Of the money credited to the Ohio law enforcement training 145305

fund, the director of budget and management shall distribute 145306
eighty-five per cent of the money to the police officer training 145307
academy fund for the purpose of supporting the law enforcement 145308
training efforts of the Ohio peace officer training academy and 145309
fifteen per cent of the money to the criminal justice services 145310
casino tax revenue fund for the purpose of supporting the law 145311
enforcement training efforts of the division of criminal justice 145312
services. 145313

(E)(1) The tax commissioner shall serve as an agent of the 145314
counties of this state only for the purposes of this division and 145315
solely to make payments directly to municipal corporations and 145316
school districts, as applicable, on the counties' behalf. 145317

(2) On or before the last day of the month following the end 145318
of each calendar quarter, the tax commissioner shall provide for 145319
payment from the funds referenced in divisions (D)(1) and (3) of 145320
this section to each county and municipal corporation as 145321
prescribed in those divisions. 145322

(3) On or before the last day of January and the last day of 145323
August each year, the commissioner shall provide for payments from 145324
the fund referenced in division (D)(2) of this section to each 145325
school district as prescribed in that division. 145326

(F) The director of budget and management shall transfer one 145327
per cent of the money credited to the casino control commission 145328
fund to the casino tax administration fund. The tax commissioner 145329
shall use the casino tax administration fund to defray the costs 145330
incurred in administering the tax levied by this chapter. 145331

(G) All investment earnings of the gross casino revenue 145332
county student fund shall be credited to the fund. 145333

Sec. 5753.07. (A)(1) The tax commissioner may issue an 145334
assessment, based on any information in the tax commissioner's 145335

possession, against a casino operator who fails to pay the tax 145336
levied under section 5753.02 of the Revised Code or to file a 145337
return under section 5753.04 of the Revised Code. The tax 145338
commissioner shall give the casino operator written notice of the 145339
assessment under section 5703.37 of the Revised Code. With the 145340
notice, the tax commissioner shall include instructions on how to 145341
petition for reassessment and on how to request a hearing with 145342
respect to the petition. 145343

(2) Unless the casino operator, within sixty days after 145344
service of the notice of assessment, files with the tax 145345
commissioner, either personally or by certified mail, a written 145346
petition signed by the casino operator, or by the casino 145347
operator's authorized agent who has knowledge of the facts, the 145348
assessment becomes final, and the amount of the assessment is due 145349
and payable from the casino operator to the treasurer of state. 145350
The petition shall indicate the casino operator's objections to 145351
the assessment. Additional objections may be raised in writing if 145352
they are received by the tax commissioner before the date shown on 145353
the final determination. 145354

(3) If a petition for reassessment has been properly filed, 145355
the tax commissioner shall proceed under section 5703.60 of the 145356
Revised Code. 145357

(4) After an assessment becomes final, if any portion of the 145358
assessment, including penalties and accrued interest, remains 145359
unpaid, the tax commissioner may file a certified copy of the 145360
entry making the assessment final in the office of the clerk of 145361
the court of common pleas of Franklin county or in the office of 145362
the clerk of the court of common pleas of the county in which the 145363
casino operator resides, the casino operator's casino facility is 145364
located, or the casino operator's principal place of business in 145365
this state is located. Immediately upon the filing of the entry, 145366

the clerk shall enter a judgment for the state against the 145367
taxpayer assessed in the amount shown on the entry. The judgment 145368
may be filed by the clerk in a loose-leaf book entitled, "special 145369
judgments for the gross casino revenue tax." The judgment has the 145370
same effect as other judgments. Execution shall issue upon the 145371
judgment at the request of the tax commissioner, and all laws 145372
applicable to sales on execution apply to sales made under the 145373
judgment. 145374

(5) ~~The portion of an~~ If the assessment is not paid in its 145375
entirety within sixty days after the day the assessment was issued 145376
~~bears, the portion of the assessment consisting of tax due shall~~ 145377
bear interest at the rate per annum prescribed by section 5703.47 145378
of the Revised Code from the day the tax commissioner issued the 145379
assessment until the assessment is paid or until it is certified 145380
to the attorney general for collection under section 131.02 of the 145381
Revised Code, whichever comes first. If the unpaid portion of the 145382
assessment is certified to the attorney general for collection, 145383
the entire unpaid portion of the assessment shall bear interest at 145384
the rate per annum prescribed by section 5703.47 of the Revised 145385
Code from the date of certification until the date it is paid in 145386
its entirety. Interest shall be paid in the same manner as the tax 145387
levied under section 5753.02 of the Revised Code and may be 145388
collected by the issuance of an assessment under this section. 145389

(B) If the tax commissioner believes that collection of the 145390
tax levied under section 5753.02 of the Revised Code will be 145391
jeopardized unless proceedings to collect or secure collection of 145392
the tax are instituted without delay, the commissioner may issue a 145393
jeopardy assessment against the casino operator who is liable for 145394
the tax. Immediately upon the issuance of a jeopardy assessment, 145395
the tax commissioner shall file an entry with the clerk of the 145396
court of common pleas in the manner prescribed by division (A)(4) 145397
of this section, and the clerk shall proceed as directed in that 145398

division. Notice of the jeopardy assessment shall be served on the 145399
casino operator or the casino operator's authorized agent under 145400
section 5703.37 of the Revised Code within five days after the 145401
filing of the entry with the clerk. The total amount assessed is 145402
immediately due and payable, unless the casino operator assessed 145403
files a petition for reassessment under division (A)(2) of this 145404
section and provides security in a form satisfactory to the tax 145405
commissioner that is in an amount sufficient to satisfy the unpaid 145406
balance of the assessment. If a petition for reassessment has been 145407
filed, and if satisfactory security has been provided, the tax 145408
commissioner shall proceed under division (A)(3) of this section. 145409
Full or partial payment of the assessment does not prejudice the 145410
tax commissioner's consideration of the petition for reassessment. 145411

(C) The tax commissioner shall immediately forward to the 145412
treasurer of state all amounts the tax commissioner receives under 145413
this section, and the amounts forwarded shall be treated as if 145414
they were revenue arising from the tax levied under section 145415
5753.02 of the Revised Code. 145416

(D) Except as otherwise provided in this division, no 145417
assessment shall be issued against a casino operator for the tax 145418
levied under section 5753.02 of the Revised Code more than four 145419
years after the due date for filing the return for the tax period 145420
for which the tax was reported, or more than four years after the 145421
return for the tax period was filed, whichever is later. This 145422
division does not bar an assessment against a casino operator who 145423
fails to file a return as required by section 5753.04 of the 145424
Revised Code or who files a fraudulent return, or when the casino 145425
operator and the tax commissioner waive in writing the time 145426
limitation. 145427

(E) If the tax commissioner possesses information that 145428
indicates that the amount of tax a casino operator is liable to 145429
pay under section 5753.02 of the Revised Code exceeds the amount 145430

the casino operator paid, the tax commissioner may audit a sample 145431
of the casino operator's gross casino revenue over a 145432
representative period of time to ascertain the amount of tax due, 145433
and may issue an assessment based on the audit. The tax 145434
commissioner shall make a good faith effort to reach agreement 145435
with the casino operator in selecting a representative sample. The 145436
tax commissioner may apply a sampling method only if the tax 145437
commissioner has prescribed the method by rule. 145438

(F) If the whereabouts of a casino operator who is liable for 145439
the tax levied under section 5753.02 of the Revised Code are 145440
unknown to the tax commissioner, the tax commissioner shall 145441
proceed under section 5703.37 of the Revised Code. 145442

(G) If a casino operator fails to pay the tax levied under 145443
section 5753.02 of the Revised Code within a period of one year 145444
after the due date for remitting the tax, the Ohio casino control 145445
commission may suspend the casino operator's license. 145446

Sec. 5815.28. (A) As used in this section: 145447

(1) "Ascertainable standard" includes a standard in a trust 145448
instrument requiring the trustee to provide for the care, comfort, 145449
maintenance, welfare, education, or general well-being of the 145450
beneficiary. 145451

(2) "Disability" means any substantial, medically 145452
determinable impairment that can be expected to result in death or 145453
that has lasted or can be expected to last for a continuous period 145454
of at least twelve months, except that "disability" does not 145455
include an impairment that is the result of abuse of alcohol or 145456
drugs. 145457

(3) "Political subdivision" and "state" have the same 145458
meanings as in section 2744.01 of the Revised Code. 145459

(4) "Supplemental services" means services specified by rule 145460

of the department of ~~mental health~~ mental health and addiction 145461
services under section ~~5119.01~~ 5119.10 of the Revised Code or the 145462
department of developmental disabilities under section 5123.04 of 145463
the Revised Code that are provided to an individual with a 145464
disability in addition to services the individual is eligible to 145465
receive under programs authorized by federal or state law. 145466

(B) Any person may create a trust under this section to 145467
provide funding for supplemental services for the benefit of 145468
another individual who meets either of the following conditions: 145469

(1) The individual has a physical or mental disability and is 145470
eligible to receive services through the department of 145471
developmental disabilities or a county board of developmental 145472
disabilities; 145473

(2) The individual has a mental disability and is eligible to 145474
receive services through the department of ~~mental health~~ mental 145475
health and addiction services or a board of alcohol, drug 145476
addiction, and mental health services. 145477

The trust may confer discretion upon the trustee and may 145478
contain specific instructions or conditions governing the exercise 145479
of the discretion. 145480

(C) The general division of the court of common pleas and the 145481
probate court of the county in which the beneficiary of a trust 145482
authorized by division (B) of this section resides or is confined 145483
have concurrent original jurisdiction to hear and determine 145484
actions pertaining to the trust. In any action pertaining to the 145485
trust in a court of common pleas or probate court and in any 145486
appeal of the action, all of the following apply to the trial or 145487
appellate court: 145488

(1) The court shall render determinations consistent with the 145489
testator's or other settlor's intent in creating the trust, as 145490
evidenced by the terms of the trust instrument. 145491

(2) The court may order the trustee to exercise discretion 145492
that the trust instrument confers upon the trustee only if the 145493
instrument contains specific instructions or conditions governing 145494
the exercise of that discretion and the trustee has failed to 145495
comply with the instructions or conditions. In issuing an order 145496
pursuant to this division, the court shall require the trustee to 145497
exercise the trustee's discretion only in accordance with the 145498
instructions or conditions. 145499

(3) The court may order the trustee to maintain the trust and 145500
distribute assets in accordance with rules adopted by the director 145501
of ~~mental health~~ mental health and addiction services under 145502
section ~~5119.01~~ 5119.10 of the Revised Code or the director of 145503
developmental disabilities under section 5123.04 of the Revised 145504
Code if the trustee has failed to comply with such rules. 145505

(D) To the extent permitted by federal law and subject to the 145506
provisions of division (C)(2) of this section pertaining to the 145507
enforcement of specific instructions or conditions governing a 145508
trustee's discretion, a trust authorized by division (B) of this 145509
section that confers discretion upon the trustee shall not be 145510
considered an asset or resource of the beneficiary, the 145511
beneficiary's estate, the settlor, or the settlor's estate and 145512
shall be exempt from the claims of creditors, political 145513
subdivisions, the state, other governmental entities, and other 145514
claimants against the beneficiary, the beneficiary's estate, the 145515
settlor, or the settlor's estate, including claims regarding the 145516
medicaid program or based on provisions of Chapters ~~5111.7~~ 5121.7 145517
or 5123. of the Revised Code and claims sought to be satisfied by 145518
way of a civil action, subrogation, execution, garnishment, 145519
attachment, judicial sale, or other legal process, if all of the 145520
following apply: 145521

(1) At the time the trust is created, the trust principal 145522
does not exceed the maximum amount determined under division (E) 145523

of this section; 145524

(2) The trust instrument contains a statement of the 145525
settlor's intent, or otherwise clearly evidences the settlor's 145526
intent, that the beneficiary does not have authority to compel the 145527
trustee under any circumstances to furnish the beneficiary with 145528
minimal or other maintenance or support, to make payments from the 145529
principal of the trust or from the income derived from the 145530
principal, or to convert any portion of the principal into cash, 145531
whether pursuant to an ascertainable standard specified in the 145532
instrument or otherwise; 145533

(3) The trust instrument provides that trust assets can be 145534
used only to provide supplemental services, as defined by rule of 145535
the director of ~~mental health~~ mental health and addiction services 145536
under section ~~5119.01~~ 5119.10 of the Revised Code or the director 145537
of developmental disabilities under section 5123.04 of the Revised 145538
Code, to the beneficiary; 145539

(4) The trust is maintained and assets are distributed in 145540
accordance with rules adopted by the director of ~~mental health~~ 145541
mental health and addiction services under section ~~5119.01~~ 5119.10 145542
of the Revised Code or the director of developmental disabilities 145543
under section 5123.04 of the Revised Code; 145544

(5) The trust instrument provides that on the death of the 145545
beneficiary, a portion of the remaining assets of the trust, which 145546
shall be not less than fifty per cent of such assets, will be 145547
deposited to the credit of the services fund for individuals with 145548
mental illness created by section ~~5119.17~~ 5119.51 of the Revised 145549
Code or the services fund for individuals with mental retardation 145550
and developmental disabilities created by section 5123.40 of the 145551
Revised Code. 145552

(E) In 1994, the trust principal maximum amount for a trust 145553
created under this section shall be two hundred thousand dollars. 145554

The maximum amount for a trust created under this section prior to 145555
November 11, 1994, may be increased to two hundred thousand 145556
dollars. 145557

In 1995, the maximum amount for a trust created under this 145558
section shall be two hundred two thousand dollars. Each year 145559
thereafter, the maximum amount shall be the prior year's amount 145560
plus two thousand dollars. 145561

(F) This section does not limit or otherwise affect the 145562
creation, validity, interpretation, or effect of any trust that is 145563
not created under this section. 145564

(G) Once a trustee takes action on a trust created by a 145565
settlor under this section and disburses trust funds on behalf of 145566
the beneficiary of the trust, then the trust may not be terminated 145567
or otherwise revoked by a particular event or otherwise without 145568
payment into the services fund created pursuant to section ~~5119.17~~ 145569
5119.51 or 5123.40 of the Revised Code of an amount that is equal 145570
to the disbursements made on behalf of the beneficiary for medical 145571
care by the state from the date the trust vests but that is not 145572
more than fifty per cent of the trust corpus. 145573

Sec. 5902.02. The duties of the director of veterans services 145574
shall include the following: 145575

(A) Furnishing the veterans service commissions of all 145576
counties of the state copies of the state laws, rules, and 145577
legislation relating to the operation of the commissions and their 145578
offices; 145579

(B) Upon application, assisting the general public in 145580
obtaining records of vital statistics pertaining to veterans or 145581
their dependents; 145582

(C) Adopting rules pursuant to Chapter 119. of the Revised 145583
Code pertaining to minimum qualifications for hiring, certifying, 145584

and accrediting county veterans service officers, pertaining to 145585
their required duties, and pertaining to revocation of the 145586
certification of county veterans service officers; 145587

(D) Adopting rules pursuant to Chapter 119. of the Revised 145588
Code for the education, training, certification, and duties of 145589
veterans service commissioners and for the revocation of the 145590
certification of a veterans service commissioner; 145591

(E) Developing and monitoring programs and agreements 145592
enhancing employment and training for veterans in single or 145593
multiple county areas; 145594

(F) Developing and monitoring programs and agreements to 145595
enable county veterans service commissions to address 145596
homelessness, indigency, and other veteran-related issues 145597
individually or jointly; 145598

(G) Developing and monitoring programs and agreements to 145599
enable state agencies, individually or jointly, that provide 145600
services to veterans, including the veterans' homes operated under 145601
Chapter 5907. of the Revised Code and the director of job and 145602
family services, to address homelessness, indigency, employment, 145603
and other veteran-related issues; 145604

(H) Establishing and providing statistical reporting formats 145605
and procedures for county veterans service commissions; 145606

(I) Publishing electronically a listing of county veterans 145607
service offices and county veterans service commissioners. The 145608
listing shall include the expiration dates of commission members' 145609
terms of office and the organizations they represent; the names, 145610
addresses, and telephone numbers of county veterans service 145611
offices; and the addresses and telephone numbers of the Ohio 145612
offices and headquarters of state and national veterans service 145613
organizations. 145614

(J) Establishing a veterans advisory committee to advise and 145615

assist the department of veterans services in its duties. Members 145616
shall include a member of the national guard association of the 145617
United States who is a resident of this state, a member of the 145618
military officers association of America who is a resident of this 145619
state, a state representative of congressionally chartered 145620
veterans organizations referred to in section 5901.02 of the 145621
Revised Code, a representative of any other congressionally 145622
chartered state veterans organization that has at least one 145623
veterans service commissioner in the state, three representatives 145624
of the Ohio state association of county veterans service 145625
commissioners, who shall have a combined vote of one, three 145626
representatives of the state association of county veterans 145627
service officers, who shall have a combined vote of one, one 145628
representative of the county commissioners association of Ohio, 145629
who shall be a county commissioner not from the same county as any 145630
of the other county representatives, a representative of the 145631
advisory committee on women veterans, a representative of a labor 145632
organization, and a representative of the office of the attorney 145633
general. The department of veterans services shall submit to the 145634
advisory committee proposed rules for the committee's operation. 145635
The committee may review and revise these proposed rules prior to 145636
submitting them to the joint committee on agency rule review. 145637

(K) Adopting, with the advice and assistance of the veterans 145638
advisory committee, policy and procedural guidelines that the 145639
veterans service commissions shall adhere to in the development 145640
and implementation of rules, policies, procedures, and guidelines 145641
for the administration of Chapter 5901. of the Revised Code. The 145642
department of veterans services shall adopt no guidelines or rules 145643
regulating the purposes, scope, duration, or amounts of financial 145644
assistance provided to applicants pursuant to sections 5901.01 to 145645
5901.15 of the Revised Code. The director of veterans services may 145646
obtain opinions from the office of the attorney general regarding 145647
rules, policies, procedures, and guidelines of the veterans 145648

service commissions and may enforce compliance with Chapter 5901. 145649
of the Revised Code. 145650

(L) Receiving copies of form DD214 filed in accordance with 145651
the director's guidelines adopted under division (L) of this 145652
section from members of veterans service commissions appointed 145653
under section 5901.02 and from county veterans service officers 145654
employed under section 5901.07 of the Revised Code; 145655

(M) Developing and maintaining and improving a resource, such 145656
as a telephone answering point or a web site, by means of which 145657
veterans and their dependents, through a single portal, can access 145658
multiple sources of information and interaction with regard to the 145659
rights of, and the benefits available to, veterans and their 145660
dependents. The director of veterans services may enter into 145661
agreements with state and federal agencies, with agencies of 145662
political subdivisions, with state and local instrumentalities, 145663
and with private entities as necessary to make the resource as 145664
complete as is possible. 145665

(N) Planning, organizing, advertising, and conducting 145666
outreach efforts, such as conferences and fairs, at which veterans 145667
and their dependents may meet, learn about the organization and 145668
operation of the department of veterans services and of veterans 145669
service commissions, and obtain information about the rights of, 145670
and the benefits and services available to, veterans and their 145671
dependents; 145672

(O) Advertising, in print, on radio and television, and 145673
otherwise, the rights of, and the benefits and services available 145674
to, veterans and their dependents; 145675

(P) Developing and advocating improved benefits and services 145676
for, and improved delivery of benefits and services to, veterans 145677
and their dependents; 145678

(Q) Searching for, identifying, and reviewing statutory and 145679

administrative policies that relate to veterans and their dependents and reporting to the general assembly statutory and administrative policies that should be consolidated in whole or in part within the organization of the department of veterans services to unify funding, delivery, and accounting of statutory and administrative policy expressions that relate particularly to veterans and their dependents;

(R) Encouraging veterans service commissions to innovate and otherwise to improve efficiency in delivering benefits and services to veterans and their dependents and to report successful innovations and efficiencies to the director of veterans services;

(S) Publishing and encouraging adoption of successful innovations and efficiencies veterans service commissions have achieved in delivering benefits and services to veterans and their dependents;

(T) Establishing advisory committees, in addition to the veterans advisory committee established under division (K) of this section, on veterans issues;

(U) Developing and maintaining a relationship with the United States department of veterans affairs, seeking optimal federal benefits and services for Ohio veterans and their dependents, and encouraging veterans service commissions to maximize the federal benefits and services to which veterans and their dependents are entitled;

(V) Developing and maintaining relationships with the several veterans organizations, encouraging the organizations in their efforts at assisting veterans and their dependents, and advocating for adequate state subsidization of the organizations;

(W) Requiring the several veterans organizations that receive funding from the state annually, not later than the thirtieth day of July, to report to the director of veterans services and

prescribing the form and content of the report; 145711

(X) Reviewing the reports submitted to the director under 145712
division (W) of this section within thirty days of receipt and 145713
informing the veterans organization of any deficiencies that exist 145714
in the organization's report and that funding will not be released 145715
until the deficiencies have been corrected and a satisfactory 145716
report submitted; 145717

(Y) Advising the director of budget and management when a 145718
report submitted to the director under division (W) of this 145719
section has been reviewed and determined to be satisfactory; 145720

(Z) Furnishing copies of all reports that the director of 145721
veterans services has determined have been submitted 145722
satisfactorily under division (W) of this section to the 145723
chairperson of the finance committees of the general assembly; 145724

(AA) Investigating complaints against county veterans 145725
services commissioners and county veterans service officers if the 145726
director reasonably believes the investigation to be appropriate 145727
and necessary; 145728

~~(Y)~~(BB) Taking any other actions required by this chapter. 145729

Sec. 5905.02. Whenever it appears that a person is eligible 145730
for care or treatment by the veterans' administration or other 145731
agency of the United States, and hospitalization is necessary for 145732
the proper care or treatment of such person, the probate court, 145733
upon receipt of a certificate from the veterans' administration or 145734
such other agency showing that facilities are available and such 145735
person is eligible for care or treatment therein, may order such 145736
person to said veterans' administration or other agency for care 145737
and treatment. 145738

Upon admission, such person shall be subject to the 145739
applicable regulations of the veterans' administration or other 145740

agency of the United States. The chief officer of any hospital to 145741
which any person is admitted pursuant to hospitalization as 145742
provided in sections 5905.01 to 5905.19 of the Revised Code, or 145743
under the law in effect at the time of such admission, shall have 145744
the same powers as are exercised by heads of hospitals for mental 145745
diseases and the department of ~~mental health~~ mental health and 145746
addiction services with respect to the retention, transfer, 145747
parole, or discharge of the person hospitalized; provided no 145748
person shall be transferred to a hospital operated by the state or 145749
any political subdivision thereof without the consent of such 145750
department. 145751

The right of such person to appear and defend shall not be 145752
denied. 145753

The judgment or order of hospitalization by a court of 145754
competent jurisdiction of another state ordering a person to the 145755
veterans' administration or other agency of the United States, or 145756
any hospital operated by any such agency, for care or treatment 145757
shall have the same effect as to such person while in this state 145758
as in the state in which the court entering such judgment or 145759
making such order is situated, provided that no nonresident 145760
ordered to a veterans' administration facility located in Ohio 145761
shall thereby acquire a legal settlement in Ohio. 145762

Upon receipt of a certificate that facilities are available 145763
in any such hospital operated by the United States for the care or 145764
treatment of any person ordered to any hospital for the mentally 145765
ill or other hospital in this state for the care of persons 145766
similarly afflicted, and that such person is eligible for such 145767
care or treatment, such department may transfer any such person to 145768
the veterans' administration or other agency of the United States 145769
in the state. Upon effecting any such transfer, the ordering court 145770
shall be notified thereof by the transferring agency; provided 145771
that no such person shall be transferred if ~~he~~ the person is 145772

confined pursuant to conviction of any crime or misdemeanor, or if he the person has been acquitted of any such charge solely on the ground of insanity, unless prior to such transfer the court originally ordering such person enters an order for such transfer after appropriate motion and hearing.

Any person transferred as provided in this section is ordered to the veterans' administration or other agency of the United States pursuant to the original order as though ~~he~~ the person had been originally so ordered.

Sec. 5910.02. There is hereby created an Ohio war orphans scholarship board as part of the department of veterans services. The board consists of eight members as follows: the chancellor of the Ohio board of regents or the chancellor's designee; the director of veterans services or the director's designee; one member of the house of representatives, appointed by the speaker; one member of the senate, appointed by the president of the senate; and four members appointed by the governor, one of whom shall be a representative of the American Legion, one of whom shall be a representative of the Veterans of Foreign Wars, one of whom shall be a representative of the Disabled American Veterans, and one of whom shall be a representative of the AMVETS. At least ninety days prior to the expiration of the term of office of the representative of a veterans organization appointed by the governor, the governor shall notify the state headquarters of the affected organization of the need for an appointment and request the organization to make at least three nominations. Within sixty days after making the request for nominations, the governor may make the appointment from the nominations received, or may reject all the nominations and request at least three new nominations, from which the governor shall make an appointment within thirty days after making the request for the new nominations. If the governor receives no nominations during this thirty-day period,

the governor may appoint any veteran. 145805

Terms of office for the four members appointed by the 145806
governor shall be for four years, commencing on the first day of 145807
January and ending on the thirty-first day of December, except 145808
that the term of the AMVETS representative shall expire December 145809
31, 1998, and the new term that succeeds it shall commence on 145810
January 1, 1999, and end on December 31, 2002. Each member shall 145811
hold office from the date of the member's appointment until the 145812
end of the term for which the member was appointed. The other 145813
members shall serve during their terms of office. Any vacancy 145814
shall be filled by appointment in the same manner as by original 145815
appointment. Any member appointed to fill a vacancy occurring 145816
prior to the expiration of the term for which the member's 145817
predecessor was appointed shall hold office for the remainder of 145818
such term. Any appointed member shall continue in office 145819
subsequent to the expiration date of the member's term until the 145820
member's successor takes office, or until a period of sixty days 145821
has elapsed, whichever occurs first. The members of the board 145822
shall serve without pay but shall be reimbursed for travel 145823
expenses and for other actual and necessary expenses incurred in 145824
the performance of their duties, not to exceed ten dollars per day 145825
for ten days in any one year to be appropriated out of any moneys 145826
in the state treasury to the credit of the general revenue fund. 145827

The chancellor of the board of regents shall act as secretary 145828
to the board and shall furnish such clerical and other assistance 145829
as may be necessary to the performance of the duties of the board. 145830

The board shall determine the number of scholarships to be 145831
made available, receive applications for scholarships, pass upon 145832
the eligibility of applicants, decide which applicants are to 145833
receive scholarships, and do all other things necessary for the 145834
proper administration of this chapter. 145835

The board may apply for, and may receive and accept, grants, 145836

and may receive and accept gifts, bequests, and contributions, 145837
from public and private sources, including agencies and 145838
instrumentalities of the United States and this state, and shall 145839
deposit the grants, gifts, bequests, or contributions into the 145840
Ohio war orphans scholarship donation fund. 145841

Sec. 5910.07. The Ohio war orphans scholarship donation fund 145842
is created in the state treasury. The fund shall consist of gifts, 145843
bequests, grants, and contributions made to the fund under section 145844
5910.02 of the Revised Code. Investment earnings of the fund shall 145845
be deposited into the fund. The fund shall be used to operate the 145846
war orphans scholarship program and to provide grants under 145847
sections 5910.01 to 5910.06 of the Revised Code. 145848

Sec. 5910.08. There is hereby created in the state treasury 145849
the war orphans scholarship reserve fund. Not later than the first 145850
day of July of each fiscal year, the chancellor of the Ohio board 145851
of regents shall certify to the director of budget and management 145852
the unencumbered balance of the general revenue fund 145853
appropriations made in the immediately preceding fiscal year for 145854
purposes of the war orphans scholarship program created in Chapter 145855
5910. of the Revised Code. Upon receipt of the certification, the 145856
director may transfer an amount not exceeding the certified amount 145857
from the general revenue fund to the war orphans scholarship 145858
reserve fund. Moneys in the war orphans scholarship reserve fund 145859
shall be used to pay scholarship obligations in excess of the 145860
general revenue fund appropriations made for that purpose. 145861

The director may transfer any unencumbered balance from the 145862
war orphans scholarship reserve fund to the general revenue fund. 145863

Sec. 5919.34. (A) As used in this section: 145864

(1) "Academic term" means any one of the following: 145865

(a) Fall term, which consists of fall semester or fall quarter, as appropriate;	145866 145867
(b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate;	145868 145869
(c) Spring term, which consists of spring quarter;	145870
(d) Summer term, which consists of summer semester or summer quarter, as appropriate.	145871 145872
(2) "Eligible applicant" means any individual to whom all of the following apply:	145873 145874
(a) The individual does not possess a baccalaureate degree.	145875
(b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.	145876 145877 145878
(c) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or four-year degree-granting program at a state institution of higher education or a private institution of higher education, or in a diploma-granting program at a state or private institution of higher education that is a school of nursing.	145879 145880 145881 145882 145883 145884 145885
(d) The individual has not accumulated ninety-six eligibility units under division (E) of this section.	145886 145887
(3) "State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, university branch established under Chapter 3355. of the Revised Code, or technical college established under Chapter 3357. of the Revised Code.	145888 145889 145890 145891 145892 145893 145894 145895

(4) "Private institution of higher education" means an Ohio institution of higher education that is nonprofit and has received a certificate of authorization pursuant to Chapter 1713. of the Revised Code, that is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or that holds a certificate of registration and program authorization issued by the state board of career colleges and schools pursuant to section 3332.05 of the Revised Code.

(5) "Tuition" means the charges imposed to attend an institution of higher education and includes general and instructional fees. "Tuition" does not include laboratory fees, room and board, or other similar fees and charges.

(B) There is hereby created a scholarship program to be known as the Ohio national guard scholarship program.

(C) The adjutant general shall approve scholarships for all eligible applicants. The adjutant general shall process all applications for scholarships for each academic term in the order in which they are received. The scholarships shall be made without regard to financial need. At no time shall one person be placed in priority over another because of sex, race, or religion.

(D)(1) Except as provided in divisions (I) and (J) of this section, for each academic term that an eligible applicant is approved for a scholarship under this section and either remains a current member in good standing of the Ohio national guard or is eligible for a scholarship under division (F)(1) of this section, the institution of higher education in which the applicant is enrolled shall, if the applicant's enlistment obligation extends beyond the end of that academic term or if division (F)(1) of this section applies, be paid on the applicant's behalf the applicable one of the following amounts:

(a) If the institution is a state institution of higher education, an amount equal to one hundred per cent of the institution's tuition charges; 145927
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(b) If the institution is a nonprofit private institution or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, an amount equal to one hundred per cent of the average tuition charges of all state universities; 145930
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(c) If the institution is an institution that holds a certificate of registration from the state board of career colleges and schools, the lesser of the following: 145935
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(i) An amount equal to one hundred per cent of the institution's tuition; 145938
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(ii) An amount equal to one hundred per cent of the average tuition charges of all state universities, as that term is defined in section 3345.011 of the Revised Code. 145940
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(2) An eligible applicant's scholarship shall not be reduced by the amount of that applicant's benefits under "the Montgomery G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 145943
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(E) A scholarship recipient under this section shall be entitled to receive scholarships under this section for the number of quarters or semesters it takes the recipient to accumulate ninety-six eligibility units as determined under divisions (E)(1) to (3) of this section. 145946
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(1) To determine the maximum number of semesters or quarters for which a recipient is entitled to a scholarship under this section, the adjutant general shall convert a recipient's credit hours of enrollment for each academic term into eligibility units in accordance with the following table: 145951
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The 145956

Number of		following		The following	145957
credit hours		number of		number of	145958
of enrollment		eligibility		eligibility	145959
in an academic		units if a		units if a	145960
term	equals	semester	or	quarter	145961
					145962
12 or more hours		12 units		8 units	145963
9 but less than 12		9 units		6 units	145964
6 but less than 9		6 units		4 units	145965
3 but less than 6		3 units		2 units	145966

(2) A scholarship recipient under this section may continue 145967
to apply for scholarships under this section until the recipient 145968
has accumulated ninety-six eligibility units. 145969

(3) If a scholarship recipient withdraws from courses prior 145970
to the end of an academic term so that the recipient's enrollment 145971
for that academic term is less than three credit hours, no 145972
scholarship shall be paid on behalf of that person for that 145973
academic term. Except as provided in division (F)(3) of this 145974
section, if a scholarship has already been paid on behalf of the 145975
person for that academic term, the adjutant general shall add to 145976
that person's accumulated eligibility units the number of 145977
eligibility units for which the scholarship was paid. 145978

(F) This division applies to any eligible applicant called 145979
into active duty on or after September 11, 2001. As used in this 145980
division, "active duty" means active duty pursuant to an executive 145981
order of the president of the United States, an act of the 145982
congress of the United States, or section 5919.29 or 5923.21 of 145983
the Revised Code. 145984

(1) For a period of up to five years from when an 145985
individual's enlistment obligation in the Ohio national guard 145986
ends, an individual to whom this division applies is eligible for 145987
scholarships under this section for those academic terms that were 145988

missed or could have been missed as a result of the individual's 145989
call into active duty. Scholarships shall not be paid for the 145990
academic term in which an eligible applicant's enlistment 145991
obligation ends unless an applicant is eligible under this 145992
division for a scholarship for such academic term due to previous 145993
active duty. 145994

(2) When an individual to whom this division applies 145995
withdraws or otherwise fails to complete courses, for which 145996
scholarships have been awarded under this section, because the 145997
individual was called into active duty, the institution of higher 145998
education shall grant the individual a leave of absence from the 145999
individual's education program and shall not impose any academic 146000
penalty for such withdrawal or failure to complete courses. 146001
Division (F)(2) of this section applies regardless of whether or 146002
not the scholarship amount was paid to the institution of higher 146003
education. 146004

(3) If an individual to whom this division applies withdraws 146005
or otherwise fails to complete courses because the individual was 146006
called into active duty, and if scholarships for those courses 146007
have already been paid, either: 146008

(a) The adjutant general shall not add to that person's 146009
accumulated eligibility units calculated under division (E) of 146010
this section the number of eligibility units for the academic 146011
courses or term for which the scholarship was paid and the 146012
institution of higher education shall repay the scholarship amount 146013
to the state. 146014

(b) The adjutant general shall add to that individual's 146015
accumulated eligibility units calculated under division (E) of 146016
this section the number of eligibility units for the academic 146017
courses or term for which the scholarship was paid if the 146018
institution of higher education agrees to permit the individual to 146019
complete the remainder of the academic courses in which the 146020

individual was enrolled at the time the individual was called into active duty. 146021
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(4) No individual who is discharged from the Ohio national guard under other than honorable conditions shall be eligible for scholarships under this division. 146023
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(G) A scholarship recipient under this section who fails to complete the term of enlistment, re-enlistment, or extension of current enlistment the recipient was serving at the time a scholarship was paid on behalf of the recipient under this section is liable to the state for repayment of a percentage of all Ohio national guard scholarships paid on behalf of the recipient under this section, plus interest at the rate of ten per cent per annum calculated from the dates the scholarships were paid. This percentage shall equal the percentage of the current term of enlistment, re-enlistment, or extension of enlistment a recipient has not completed as of the date the recipient is discharged from the Ohio national guard. 146026
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The attorney general may commence a civil action on behalf of the chancellor of the Ohio board of regents to recover the amount of the scholarships and the interest provided for in this division and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. A scholarship recipient is not liable under this division if the recipient's failure to complete the term of enlistment being served at the time a scholarship was paid on behalf of the recipient under this section is due to the recipient's death or discharge from the national guard due to disability. 146038
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(H) On or before the first day of each academic term, the adjutant general shall provide an eligibility roster to the chancellor and to each institution of higher education at which one or more scholarship recipients have applied for enrollment. The institution shall use the roster to certify the actual 146048
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full-time or part-time enrollment of each scholarship recipient 146053
listed as enrolled at the institution and return the roster to the 146054
adjutant general and the chancellor. Except as provided in 146055
division (J) of this section, the chancellor shall provide for 146056
payment of the appropriate number and amount of scholarships to 146057
each institution of higher education pursuant to division (D) of 146058
this section. If an institution of higher education fails to 146059
certify the actual enrollment of a scholarship recipient listed as 146060
enrolled at the institution within thirty days of the end of an 146061
academic term, the institution shall not be eligible to receive 146062
payment from the Ohio national guard scholarship program or from 146063
the individual enrollee. The adjutant general shall report on a 146064
semiannual basis to the director of budget and management, the 146065
speaker of the house of representatives, the president of the 146066
senate, and the chancellor the number of Ohio national guard 146067
scholarship recipients, the size of the scholarship-eligible 146068
population, and a projection of the cost of the program for the 146069
remainder of the biennium. 146070

(I) The chancellor and the adjutant general may adopt rules 146071
pursuant to Chapter 119. of the Revised Code governing the 146072
administration and fiscal management of the Ohio national guard 146073
scholarship program and the procedure by which the chancellor and 146074
the department of the adjutant general may modify the amount of 146075
scholarships a member receives based on the amount of other state 146076
financial aid a member receives. 146077

(J) The adjutant general, the chancellor, and the director, 146078
or their designees, shall jointly estimate the costs of the Ohio 146079
national guard scholarship program for each upcoming fiscal 146080
biennium, and shall report that estimate prior to the beginning of 146081
the fiscal biennium to the chairpersons of the finance committees 146082
in the general assembly. During each fiscal year of the biennium, 146083
the adjutant general, the chancellor, and the director, or their 146084

designees, shall meet regularly to monitor the actual costs of the 146085
Ohio national guard scholarship program and update cost 146086
projections for the remainder of the biennium as necessary. If the 146087
amounts appropriated for the Ohio national guard scholarship 146088
program and any funds in the Ohio national guard scholarship 146089
reserve fund and the Ohio national guard scholarship donation fund 146090
are not adequate to provide scholarships in the amounts specified 146091
in division (D)(1) of this section for all eligible applicants, 146092
the chancellor shall do all of the following: 146093

(1) Notify each private institution of higher education, 146094
where a scholarship recipient is enrolled, that, by accepting the 146095
Ohio national guard scholarship program as payment for all or part 146096
of the institution's tuition, the institution agrees that if the 146097
chancellor reduces the amount of each scholarship, the institution 146098
shall provide each scholarship recipient a grant or tuition waiver 146099
in an amount equal to the amount the recipient's scholarship was 146100
reduced by the chancellor. 146101

(2) Reduce the amount of each scholarship under division 146102
(D)(1)(a) of this section proportionally based on the amount of 146103
remaining available funds. Each state institution of higher 146104
education shall provide each scholarship recipient under division 146105
(D)(1)(a) of this section a grant or tuition waiver in an amount 146106
equal to the amount the recipient's scholarship was reduced by the 146107
chancellor. 146108

(K) Notwithstanding division (A) of section 127.14 of the 146109
Revised Code, the controlling board shall not transfer all or part 146110
of any appropriation for the Ohio national guard scholarship 146111
program. 146112

(L) The chancellor and the adjutant general may apply for, 146113
and may receive and accept grants, and may receive and accept 146114
gifts, bequests, and contributions, from public and private 146115
sources, including agencies and instrumentalities of the United 146116

States and this state, and shall deposit the grants, gifts, 146117
bequests, or contributions into the national guard scholarship 146118
~~reserve~~ donation fund. 146119

Sec. 5919.342. The national guard scholarship donation fund 146120
is created in the state treasury. The fund shall consist of gifts, 146121
bequests, grants, and contributions made to the fund under 146122
division (L) of section 5919.34 of the Revised Code. Investment 146123
earnings of the fund shall be deposited into the fund. The fund 146124
shall be used to operate the Ohio national guard scholarship 146125
program created under section 5919.34 of the Revised Code. 146126

Sec. 5924.502. (A) If the issue of an accused's competence to 146127
stand trial is raised or if an accused enters a plea of not guilty 146128
by reason of insanity, the court may order one or more evaluations 146129
of the accused's present mental condition or, in the case of a 146130
plea of not guilty by reason of insanity, of the accused's mental 146131
condition at the time of the offense charged. An examiner shall 146132
conduct the evaluation. 146133

(B) If the court orders more than one evaluation under 146134
division (A) of this section, the trial counsel and the defense 146135
counsel may recommend to the court an examiner whom each prefers 146136
to perform one of the evaluations. If an accused enters a plea of 146137
not guilty by reason of insanity and if the court does not 146138
designate an examiner recommended by the defense counsel, the 146139
court shall inform the accused that the accused may have 146140
independent expert evaluation and that it will be obtained for the 146141
accused at public expense. 146142

(C) If the court orders an evaluation under division (A) of 146143
this section, the accused shall be available at the times and 146144
places established by the examiners who are to conduct the 146145
evaluation. The court may order an accused who is not being held 146146

in pretrial confinement to submit to an evaluation under this 146147
section. If an accused who is not being held in pretrial 146148
confinement refuses to submit to a complete evaluation, the court 146149
may order the sheriff to take the accused into custody and deliver 146150
the accused to a center, program, or facility operated or 146151
certified by the department of ~~mental health~~ mental health and 146152
addiction services where the accused may be held for evaluation 146153
for a reasonable period of time not to exceed twenty days. 146154

(D) An accused who is being held in pretrial confinement may 146155
be evaluated at the accused's place of detention. Upon the request 146156
of the examiner, the court may order the sheriff to transport the 146157
accused to a program or facility operated or certified by the 146158
department of ~~mental health~~ mental health and addiction services, 146159
where the accused may be held for evaluation for a reasonable 146160
period of time not to exceed twenty days, and to return the 146161
accused to the place of detention after the evaluation. 146162

(E) If a court orders the evaluation to determine an 146163
accused's mental condition at the time of the offense charged, the 146164
court shall inform the examiner of the offense with which the 146165
accused is charged. 146166

(F) In conducting an evaluation of an accused's mental 146167
condition at the time of the offense charged, the examiner shall 146168
consider all relevant evidence. If the offense charged involves 146169
the use of force against another person, the relevant evidence to 146170
be considered includes, but is not limited to, any evidence that 146171
the accused suffered at the time of the commission of the offense 146172
from the "battered woman syndrome." 146173

(G) The examiner shall file a written report with the court 146174
within thirty days after entry of a court order for evaluation, 146175
and the court shall provide copies of the report to the trial 146176
counsel and defense counsel. The report shall include all of the 146177
following: 146178

- (1) The examiner's findings; 146179
- (2) The facts in reasonable detail on which the findings are based; 146180
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- (3) If the evaluation was ordered to determine the accused's competence to stand trial, all of the following findings or recommendations that are applicable: 146182
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- (a) Whether the accused is capable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense; 146185
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- (b) If the examiner's opinion is that the accused is incapable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense, whether the accused presently is mentally ill; 146188
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- (c) If the examiner's opinion is that the accused is incapable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense, the examiner's opinion as to the likelihood of the accused becoming capable of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense within one year if the accused is provided with a course of treatment; 146192
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- (d) If the examiner's opinion is that the accused is incapable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense and that the accused presently is mentally ill, the examiner's recommendation as to the least restrictive placement or commitment alternative, consistent with the accused's treatment needs for restoration to competency and with the safety of the community; 146200
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- (e) If the accused is charged before a special or summary court-martial with an offense that is not a violation of section 146208
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5924.120, 5924.127, or 5924.128 of the Revised Code and the 146210
examiner's opinion is that the accused is incapable of 146211
understanding the nature and objective of the proceedings against 146212
the accused or of assisting in the accused's defense and that the 146213
accused is presently mentally ill, the examiner's recommendation 146214
as to whether the accused is amenable to engagement in mental 146215
health treatment. 146216

(4) If the evaluation was ordered to determine the accused's 146217
mental condition at the time of the offense charged, the 146218
examiner's findings as to whether the accused at the time of the 146219
offense charged did not know, as a result of a severe mental 146220
disease or defect, the wrongfulness of the accused's acts charged. 146221

(H) An examiner appointed under divisions (A) and (B) of this 146222
section to evaluate an accused to determine the accused's 146223
competence to stand trial also may be appointed to evaluate an 146224
accused who has entered a plea of not guilty by reason of 146225
insanity, but an examiner of that nature shall prepare separate 146226
reports on the issue of competence to stand trial and the defense 146227
of not guilty by reason of insanity. 146228

(I) No statement that an accused makes in an evaluation or 146229
hearing under divisions (A) to (H) of this section relating to the 146230
accused's competence to stand trial or to the accused's mental 146231
condition at the time of the offense charged may be used against 146232
the accused on the issue of guilt in any criminal action or 146233
proceeding, but, in a criminal action or proceeding, the trial 146234
counsel or defense counsel may call as a witness any person who 146235
evaluated the accused or prepared a report pursuant to a referral 146236
under this section. Neither the appointment nor the testimony of 146237
an examiner appointed under this section precludes the trial 146238
counsel or defense counsel from calling other witnesses or 146239
presenting other evidence on competency or insanity issues. 146240

(J) Persons appointed as examiners under divisions (A) and 146241

(B) of this section or under division (H) of this section shall be 146242
paid a reasonable amount for their services and expenses, as 146243
certified by the court. 146244

Sec. 5924.503. (A) If the issue of an accused's competence to 146245
stand trial is raised and if the court, upon conducting the 146246
hearing provided for in section 5924.502 of the Revised Code, 146247
finds that the accused is competent to stand trial, the accused 146248
shall be proceeded against as provided by law. If the court finds 146249
the accused competent to stand trial and the accused is receiving 146250
psychotropic drugs or other medication, the court may authorize 146251
the continued administration of the drugs or medication or other 146252
appropriate treatment in order to maintain the accused's 146253
competence to stand trial unless the accused's attending physician 146254
advises the court against continuation of the drugs, other 146255
medication, or treatment. 146256

(B)(1)(a) If, after taking into consideration all relevant 146257
reports, information, and other evidence, the court finds that the 146258
accused is incompetent to stand trial and that there is a 146259
substantial probability that the accused will become competent to 146260
stand trial within one year if the accused is provided with a 146261
course of treatment, the court shall order the accused to undergo 146262
treatment. If the accused is being tried by a general 146263
court-martial and if, after taking into consideration all relevant 146264
reports, information, and other evidence, the court finds that the 146265
accused is incompetent to stand trial, but the court is unable at 146266
that time to determine whether there is a substantial probability 146267
that the accused will become competent to stand trial within one 146268
year if the accused is provided with a course of treatment, the 146269
court shall order continuing evaluation and treatment of the 146270
accused for a period not to exceed four months to determine 146271
whether there is a substantial probability that the accused will 146272
become competent to stand trial within one year if the accused is 146273

provided with a course of treatment. 146274

(b) The court order for the accused to undergo treatment or 146275
continuing evaluation and treatment under division (B)(1)(a) of 146276
this section shall specify that the accused, if determined to 146277
require mental health treatment or continuing evaluation and 146278
treatment, shall be committed to the department of ~~mental health~~ 146279
mental health and addiction services for treatment or continuing 146280
evaluation and treatment at a hospital, facility, or agency 146281
determined to be clinically appropriate by the department of 146282
~~mental health~~ mental health and addiction services. The order may 146283
restrict the accused's freedom of movement as the court considers 146284
necessary. The trial counsel in the accused's case shall send to 146285
the chief clinical officer of the hospital, facility, or ~~agency~~ 146286
services provider where the accused is placed by the department of 146287
~~mental health~~ mental health and addiction services or to the 146288
managing officer of the institution, the director of the facility, 146289
or the person to which the accused is committed copies of relevant 146290
investigative reports and other background information that 146291
pertains to the accused and is available to the trial counsel 146292
unless the trial counsel determines that the release of any of the 146293
information in the investigative reports or any of the other 146294
background information to unauthorized persons would interfere 146295
with the effective prosecution of any person or would create a 146296
substantial risk of harm to any person. 146297

In committing the accused to the department of ~~mental health~~ 146298
mental health and addiction services, the court shall consider the 146299
extent to which the person is a danger to the person and to 146300
others, the need for security, and the type of crime involved and, 146301
if the court finds that restrictions on the accused's freedom of 146302
movement are necessary, shall specify the least restrictive 146303
limitations on the person's freedom of movement determined to be 146304
necessary to protect public safety. In weighing these factors, the 146305

court shall give preference to protecting public safety. 146306

(c) If the accused is found incompetent to stand trial, if 146307
the chief clinical officer of the hospital, facility, or ~~agency~~ 146308
services provider where the accused is placed, or the managing 146309
officer of the institution, the director of the facility, or the 146310
person to which the accused is committed for treatment or 146311
continuing evaluation and treatment under division (B)(1)(b) of 146312
this section determines that medication is necessary to restore 146313
the accused's competency to stand trial, and if the accused lacks 146314
the capacity to give informed consent or refuses medication, the 146315
chief clinical officer of the hospital, facility, or ~~agency~~ 146316
services provider where the accused is placed or the managing 146317
officer of the institution, the director of the facility, or the 146318
person to which the accused is committed for treatment or 146319
continuing evaluation and treatment may petition the court for 146320
authorization for the involuntary administration of medication. 146321
The court shall hold a hearing on the petition within five days of 146322
the filing of the petition. Following the hearing, the court may 146323
authorize the involuntary administration of medication or may 146324
dismiss the petition. 146325

(d) If the accused is charged before a special or summary 146326
court-martial with an offense that is not a violation of section 146327
5924.120, 5924.127, or 5924.128 of the Revised Code, the trial 146328
counsel may hold the charges in abeyance while the accused engages 146329
in mental health treatment. 146330

(2) If the court finds that the accused is incompetent to 146331
stand trial and that, even if the accused is provided with a 146332
course of treatment, there is not a substantial probability that 146333
the accused will become competent to stand trial within one year, 146334
the court shall order the discharge of the accused, unless upon 146335
motion of the trial counsel or on its own motion, the court either 146336
seeks to retain jurisdiction over the accused pursuant to division 146337

(A)(2) of section 5924.504 of the Revised Code or files an affidavit in the probate court for the civil commitment of the accused pursuant to Chapter 5122. of the Revised Code alleging that the accused is a mentally ill person subject to hospitalization by court order. If an affidavit is filed in the probate court, the trial court shall send to the probate court copies of all written reports of the accused's mental condition that were prepared pursuant to section 5924.502 of the Revised Code. 146338
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The trial court may issue the temporary order of detention that a probate court may issue under section 5122.11 of the Revised Code, to remain in effect until the probable cause or initial hearing in the probate court. Further proceedings in the probate court are civil proceedings governed by Chapter 5122. of the Revised Code. 146347
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(C) No accused shall be required to undergo treatment, including any continuing evaluation and treatment, under division (B)(1) of this section for longer than whichever of the following periods is applicable: 146353
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(1) One year, if the accused is being tried by a general court-martial; 146357
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(2) Six months, if the accused is being tried before a special court-martial; 146359
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(3) Sixty days, if the accused is being tried before a summary court-martial. 146361
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(D) Any accused who is committed pursuant to this section shall not voluntarily admit the accused or be voluntarily admitted to a hospital or institution pursuant to section 5122.02 or 5122.15 of the Revised Code. 146363
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(E) Except as otherwise provided in this division, an accused who is charged with an offense and is committed by the court under 146367
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this section to the department of ~~mental health~~ mental health and 146369
addiction services with restrictions on the accused's freedom of 146370
movement shall not be granted unsupervised on-grounds movement, 146371
supervised off-grounds movement, or nonsecured status except in 146372
accordance with the court order. The court may grant an accused 146373
supervised off-grounds movement to obtain medical treatment or 146374
specialized habilitation treatment services if the person who 146375
supervises the treatment or the continuing evaluation and 146376
treatment of the accused ordered under division (B)(1)(a) of this 146377
section informs the court that the treatment or continuing 146378
evaluation and treatment cannot be provided at the hospital or 146379
facility where the accused is placed by the department of ~~mental~~ 146380
~~health~~ mental health and addiction services. The chief clinical 146381
officer of the hospital or facility where the accused is placed by 146382
the department of ~~mental health~~ mental health and addiction 146383
services or the managing officer of the institution or director of 146384
the facility to which the accused is committed or a designee of 146385
any of those persons may grant an accused movement to a medical 146386
facility for an emergency medical situation with appropriate 146387
supervision to ensure the safety of the accused, staff, and 146388
community during that emergency medical situation. The chief 146389
clinical officer of the hospital or facility where the accused is 146390
placed by the department of ~~mental health~~ mental health and 146391
addiction services or the managing officer of the institution or 146392
director of the facility to which the accused is committed shall 146393
notify the court within twenty-four hours of the accused's 146394
movement to the medical facility for an emergency medical 146395
situation under this division. 146396

(F) The person who supervises the treatment or continuing 146397
evaluation and treatment of an accused ordered to undergo 146398
treatment or continuing evaluation and treatment under division 146399
(B)(1)(a) of this section shall file a written report with the 146400
court at the following times: 146401

(1) Whenever the person believes the accused is capable of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense;

(2) Fourteen days before expiration of the maximum time for treatment as specified in division (C) of this section and fourteen days before the expiration of the maximum time for continuing evaluation and treatment as specified in division (B)(1)(a) of this section;

(3) At a minimum, after each six months of treatment;

(4) Whenever the person who supervises the treatment or continuing evaluation and treatment of an accused ordered under division (B)(1)(a) of this section believes that there is not a substantial probability that the accused will become capable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense even if the accused is provided with a course of treatment.

(G) A report under division (F) of this section shall contain the examiner's findings, the facts in reasonable detail on which the findings are based, and the examiner's opinion as to the accused's capability of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense. If, in the examiner's opinion, the accused remains incapable of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense and there is a substantial probability that the accused will become capable of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense if the accused is provided with a course of treatment, if in the examiner's opinion the accused remains mentally ill, and if the maximum time for treatment as specified in division (C) of this section has not expired, the report also shall contain the examiner's recommendation as to the least

restrictive placement or commitment alternative that is consistent 146434
with the accused's treatment needs for restoration to competency 146435
and with the safety of the community. The court shall provide 146436
copies of the report to the trial counsel and defense counsel. 146437

(H) If an accused is committed pursuant to division (B)(1) of 146438
this section, within ten days after the treating physician of the 146439
accused or the examiner of the accused who is employed or retained 146440
by the treating facility advises that there is not a substantial 146441
probability that the accused will become capable of understanding 146442
the nature and objective of the proceedings against the accused or 146443
of assisting in the accused's defense even if the accused is 146444
provided with a course of treatment, within ten days after the 146445
expiration of the maximum time for treatment as specified in 146446
division (C) of this section, within ten days after the expiration 146447
of the maximum time for continuing evaluation and treatment as 146448
specified in division (B)(1)(a) of this section, within thirty 146449
days after an accused's request for a hearing that is made after 146450
six months of treatment, or within thirty days after being advised 146451
by the treating physician or examiner that the accused is 146452
competent to stand trial, whichever is the earliest, the court 146453
shall conduct another hearing to determine if the accused is 146454
competent to stand trial and shall do whichever of the following 146455
is applicable: 146456

(1) If the court finds that the accused is competent to stand 146457
trial, the accused shall be proceeded against as provided by law. 146458

(2) If the court finds that the accused is incompetent to 146459
stand trial, but that there is a substantial probability that the 146460
accused will become competent to stand trial if the accused is 146461
provided with a course of treatment, and the maximum time for 146462
treatment as specified in division (C) of this section has not 146463
expired, the court, after consideration of the examiner's 146464
recommendation, shall order that treatment be continued, may 146465

change least restrictive limitations on the accused's freedom of movement. 146466
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(3) If the court finds that the accused is incompetent to stand trial, if the accused is being tried by a general court-martial, and if the court finds that there is not a substantial probability that the accused will become competent to stand trial even if the accused is provided with a course of treatment, or if the maximum time for treatment as specified in division (C) of this section has expired, further proceedings shall be as provided in sections 5924.504 to 5924.506 of the Revised Code. 146468
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(4) If the court finds that the accused is incompetent to stand trial, if the accused is being tried before a special court-martial, and if the court finds that there is not a substantial probability that the accused will become competent to stand trial even if the accused is provided with a course of treatment, or if the maximum time for treatment as specified in division (C) of this section has expired, the court shall dismiss the charge against the accused. A dismissal under this division is not a bar to further prosecution based on the same conduct. The court shall discharge the accused unless the court or trial counsel files an affidavit in probate court for civil commitment pursuant to Chapter 5122. of the Revised Code. If an affidavit for civil commitment is filed, the court may detain the accused for ten days pending civil commitment. All of the following provisions apply to persons being tried by a special court-martial who are committed by the probate court subsequent to the court's or trial counsel's filing of an affidavit for civil commitment under authority of this division: 146477
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(a) The chief clinical officer of the entity, hospital, or facility, the managing officer of the institution, or the person to which the accused is committed or admitted shall do all of the 146495
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following: 146498

(i) Notify the trial counsel in writing of the discharge of 146499
the accused, send the notice at least ten days prior to the 146500
discharge unless the discharge is by the probate court, and state 146501
in the notice the date on which the accused will be discharged; 146502

(ii) Notify the trial counsel in writing when the accused is 146503
absent without leave or is granted unsupervised, off-grounds 146504
movement and send this notice promptly after the discovery of the 146505
absence without leave or prior to the granting of the 146506
unsupervised, off-grounds movement, whichever is applicable; 146507

(iii) Notify the trial counsel in writing of the change of 146508
the accused's commitment or admission to voluntary status, send 146509
the notice promptly upon learning of the change to voluntary 146510
status, and state in the notice the date on which the accused was 146511
committed or admitted on a voluntary status. 146512

(b) The trial counsel shall promptly inform the convening 146513
authority of any notification received under division (H)(4)(a) of 146514
this section. Upon receiving notice that the accused will be 146515
granted unsupervised, off-grounds movement, the convening 146516
authority either shall refer the charges against the accused to an 146517
investigating officer again or promptly notify the court that the 146518
convening authority does not intend to refer the charges against 146519
the accused again. 146520

(I) If an accused is convicted of a crime and sentenced to 146521
confinement, the accused's sentence shall be reduced by the total 146522
number of days the accused is confined for evaluation to determine 146523
the accused's competence to stand trial or treatment under this 146524
section and sections 5924.502 and 5924.504 of the Revised Code or 146525
by the total number of days the accused is confined for evaluation 146526
to determine the accused's mental condition at the time of the 146527
offense charged. 146528

Sec. 5924.504. (A) If an accused being tried by a general court-martial is found incompetent to stand trial, after the expiration of the maximum time for treatment as specified in division (C) of section 5924.503 of the Revised Code or after the court finds that there is not a substantial probability that the accused will become competent to stand trial even if the accused is provided with a course of treatment, one of the following applies:

(1) The court or the trial counsel may file an affidavit in probate court for civil commitment of the accused in the manner provided in Chapter 5122. of the Revised Code. If the court or trial counsel files an affidavit for civil commitment, the court may detain the accused for ten days pending civil commitment. If the probate court commits the accused subsequent to the court's or trial counsel's filing of an affidavit for civil commitment, the chief clinical officer of the entity, hospital, or facility, the managing officer of the institution, or the person to which the accused is committed or admitted shall send to the trial counsel the notices described in divisions (H)(4)(a)(i) to (iii) of section 5924.503 of the Revised Code within the periods of time and under the circumstances specified in those divisions.

(2) On the motion of the trial counsel or on its own motion, the court may retain jurisdiction over the accused if at a hearing the court finds both of the following by clear and convincing evidence:

(a) The accused committed the offense with which the accused is charged.

(b) The accused is a mentally ill person subject to hospitalization by court order.

(B) In making its determination under division (A)(2) of this section as to whether to retain jurisdiction over the accused, the

court may consider all relevant evidence, including, but not 146560
limited to, any relevant psychiatric, psychological, or medical 146561
testimony or reports, the acts constituting the offense charged, 146562
and any history of the accused that is relevant to the accused's 146563
ability to conform to the law. 146564

(C) If the court conducts a hearing as described in division 146565
(A)(2) of this section and if the court does not make both 146566
findings described in divisions (A)(2)(a) and (b) of this section 146567
by clear and convincing evidence, the court shall dismiss the 146568
charges against the accused. Upon the dismissal, the court shall 146569
discharge the accused unless the court or trial counsel files an 146570
affidavit in probate court for civil commitment of the accused 146571
pursuant to Chapter 5122. of the Revised Code. If the court or 146572
trial counsel files an affidavit for civil commitment, the court 146573
may order that the accused be detained for up to ten days pending 146574
the civil commitment. If the probate court commits the accused 146575
subsequent to the court's or trial counsel's filing of an 146576
affidavit for civil commitment, the chief clinical officer of the 146577
entity, hospital, or facility, the managing officer of the 146578
institution, or the person to which the accused is committed or 146579
admitted shall send to the trial counsel the notices described in 146580
divisions (H)(4)(a)(i) to (iii) of section 5924.503 of the Revised 146581
Code within the periods of time and under the circumstances 146582
specified in those divisions. A dismissal of charges under this 146583
division is not a bar to further criminal proceedings based on the 146584
same conduct. 146585

(D)(1) If the court conducts a hearing as described in 146586
division (A)(2) of this section and if the court makes the 146587
findings described in divisions (A)(2)(a) and (b) of this section 146588
by clear and convincing evidence, the court shall commit the 146589
accused, if determined to require mental health treatment, to the 146590
department of ~~mental health~~ mental health and addiction services 146591

for treatment at a hospital, facility, or ~~agency services provider~~ 146592
as determined clinically appropriate by the department of ~~mental~~ 146593
~~health~~ mental health and addiction services. In committing the 146594
accused to the department of ~~mental health~~ mental health and 146595
addiction services, the court shall specify the least restrictive 146596
limitations on the accused's freedom of movement determined to be 146597
necessary to protect public safety. 146598

(2) If a court makes a commitment of an accused under 146599
division (D)(1) of this section, the trial counsel shall send to 146600
the hospital, facility, or ~~agency services provider~~ where the 146601
accused is placed by the department of ~~mental health~~ mental health 146602
and addiction services or to the accused's place of commitment all 146603
reports of the accused's current mental condition and, except as 146604
otherwise provided in this division, any other relevant 146605
information, including, but not limited to, a transcript of the 146606
hearing held pursuant to division (A)(2) of this section, copies 146607
of relevant investigative reports, and copies of any prior arrest 146608
and conviction records that pertain to the accused and that the 146609
trial counsel possesses. The trial counsel shall send the reports 146610
of the accused's current mental condition in every case of 146611
commitment, and, unless the trial counsel determines that the 146612
release of any of the other relevant information to unauthorized 146613
persons would interfere with the effective prosecution of any 146614
person or would create a substantial risk of harm to any person, 146615
the trial counsel also shall send the other relevant information. 146616

(3) If a court makes a commitment under division (D)(1) of 146617
this section, all further proceedings shall be in accordance with 146618
Chapter 5122. of the Revised Code. 146619

Sec. 5924.506. (A) If an accused person is found not guilty 146620
by reason of insanity, the verdict shall state that finding, and 146621
the trial court shall conduct a full hearing to determine whether 146622

the person is a mentally ill person subject to hospitalization by 146623
court order. Prior to the hearing, if the military judge believes 146624
that there is probable cause that the person found not guilty by 146625
reason of insanity is a mentally ill person subject to 146626
hospitalization by court order, the military judge may issue a 146627
temporary order of detention for that person to remain in effect 146628
for ten court days or until the hearing, whichever occurs first. 146629

Any person detained pursuant to a temporary order of 146630
detention issued under this division shall be held in a suitable 146631
facility, taking into consideration the place and type of 146632
confinement prior to and during trial. 146633

(B) The court shall hold the hearing under division (A) of 146634
this section to determine whether the person found not guilty by 146635
reason of insanity is a mentally ill person subject to 146636
hospitalization by court order within ten court days after the 146637
finding of not guilty by reason of insanity. Failure to conduct 146638
the hearing within the ten-day period shall cause the immediate 146639
discharge of the respondent, unless the judge grants a continuance 146640
for not longer than ten court days for good cause shown or for any 146641
period of time upon motion of the respondent. 146642

(C) If a person is found not guilty by reason of insanity, 146643
the person has the right to attend a hearing conducted pursuant to 146644
this section. At the hearing, the court shall inform the person 146645
that the person has all of the following rights: 146646

(1) The right to be represented by defense counsel or to 146647
retain civilian counsel, if the person so chooses; 146648

(2) The right to have independent expert evaluation; 146649

(3) The right to subpoena witnesses and documents, to present 146650
evidence on the person's behalf, and to cross-examine witnesses 146651
against the person; 146652

(4) The right to testify in the person's own behalf and to 146653

not be compelled to testify; 146654

(5) The right to have copies of any relevant medical or 146655
mental health document in the custody of the state or of any place 146656
of commitment other than a document for which the court finds that 146657
the release to the person of information contained in the document 146658
would create a substantial risk of harm to any person. 146659

(D) The hearing under division (A) of this section shall be 146660
open to the public, and the court shall conduct the hearing in 146661
accordance with regulations prescribed by the adjutant general. 146662
The court shall make and maintain a full transcript and record of 146663
the hearing proceedings. The court may consider all relevant 146664
evidence, including, but not limited to, any relevant psychiatric, 146665
psychological, or medical testimony or reports, the acts 146666
constituting the offense in relation to which the person was found 146667
not guilty by reason of insanity, and any history of the person 146668
that is relevant to the person's ability to conform to the law. 146669

(E) Upon completion of the hearing under division (A) of this 146670
section, if the court finds there is not clear and convincing 146671
evidence that the person is a mentally ill person subject to 146672
hospitalization by court order, the court shall discharge the 146673
person, unless a detainer has been placed upon the person by the 146674
department of rehabilitation and correction, in which case the 146675
person shall be returned to that department. 146676

(F) If, at the hearing under division (A) of this section, 146677
the court finds by clear and convincing evidence that the person 146678
is a mentally ill person subject to hospitalization by court 146679
order, it shall commit the person to the department of ~~mental~~ 146680
~~health~~ mental health and addiction services for placement in a 146681
hospital, facility, or ~~agency~~ services provider as determined 146682
clinically appropriate by the department of ~~mental health~~ mental 146683
health and addiction services. Further proceedings shall be in 146684
accordance with Chapter 5122. or 5123. of the Revised Code. In 146685

committing the accused to the department of ~~mental health~~ mental 146686
health and addiction services, the court shall specify the least 146687
restrictive limitations on the accused's freedom of movement 146688
determined to be necessary to protect public safety. 146689

(G) If a court makes a commitment of a person under division 146690
(F) of this section, the trial counsel shall send to the hospital, 146691
facility, or ~~agency~~ services provider where the defendant is 146692
placed by the department of ~~mental health~~ mental health and 146693
addiction services or to the accused's place of commitment all 146694
reports of the person's current mental condition, and, except as 146695
otherwise provided in this division, any other relevant 146696
information, including, but not limited to, a transcript of the 146697
hearing held pursuant to division (A) of this section, copies of 146698
relevant investigative reports, and copies of any prior arrest and 146699
conviction records that pertain to the person and that the trial 146700
counsel possesses. The trial counsel shall send the reports of the 146701
person's current mental condition in every case of commitment, 146702
and, unless the trial counsel determines that the release of any 146703
of the other relevant information to unauthorized persons would 146704
interfere with the effective prosecution of any person or would 146705
create a substantial risk of harm to any person, the trial counsel 146706
also shall send the other relevant information. 146707

(H) A person who is committed pursuant to this section shall 146708
not voluntarily admit the person or be voluntarily admitted to a 146709
hospital or institution pursuant to sections 5122.02 and 5122.15 146710
of the Revised Code. 146711

Sec. 6109.21. (A) Except as provided in divisions (I) and (J) 146712
of this section, no person shall operate a public water system in 146713
this state without a license issued by the director of 146714
environmental protection. 146715

(B)~~(1)~~ A person who proposes to operate a new public water 146716

system, in addition to complying with section 6109.07 of the Revised Code and rules adopted under it, shall obtain an initial license from the director. The person shall submit an application for the initial license at least forty-five days prior to commencing the operation of the system.

(C) A license shall expire on the thirtieth day of January in the year following its issuance.

(D) A license shall be renewed annually. A person proposing to continue operating a public water system shall apply for a license renewal at least thirty days prior to the expiration date of the license.

(E) ~~Through June 30, 2014, each~~ Each application for a license or license renewal shall be accompanied by the appropriate fee established under division (M) of section 3745.11 of the Revised Code. However, an applicant for an initial license who is proposing to operate a new public water system shall submit a fee that equals a prorated amount of the appropriate fee established under that division for the remainder of the licensing year.

(F) Not later than thirty days after receiving a completed application and the appropriate license fee for a license or license renewal for a public water system, the director shall do one of the following:

(1) Issue the license or license renewal for the public water system;

(2) Issue the license or license renewal subject to terms and conditions that the director determines are necessary to ensure compliance with this chapter and rules adopted under it;

(3) Deny the license or license renewal if the director finds that the public water system cannot be operated in substantial compliance with this chapter and rules adopted under it.

(G) The director may condition, suspend, or revoke a license 146747
or license renewal issued under this section at any time if the 146748
director finds that the public water system was not or will not be 146749
operated in substantial compliance with this chapter and rules 146750
adopted under it. 146751

(H) The director shall adopt rules in accordance with Chapter 146752
119. of the Revised Code establishing procedures and requirements 146753
governing both of the following: 146754

(1) Information to be included on applications for licenses 146755
and license renewals issued under this section; 146756

(2) The issuance, conditioning, suspension, revocation, and 146757
denial of licenses and license renewals under this section. 146758

(I)(1) As used in division (I) of this section, "church" 146759
means a fellowship of believers, congregation, society, 146760
corporation, convention, or association that is formed primarily 146761
or exclusively for religious purposes and that is not formed or 146762
operated for the private profit of any person. 146763

(2) This section does not apply to a church that operates or 146764
maintains a public water system solely to provide water for that 146765
church or for a campground that is owned by the church and 146766
operated primarily or exclusively for members of the church and 146767
their families. 146768

(J) This section does not apply to any public or nonpublic 146769
school that meets minimum standards of the state board of 146770
education that operates or maintains a public water system solely 146771
to provide water for that school. 146772

(K) The environmental protection agency shall collect well 146773
log filing fees on behalf of the division of soil and water 146774
resources in the department of natural resources in accordance 146775
with section 1521.05 of the Revised Code and rules adopted under 146776
it. The fees shall be submitted to the division quarterly as 146777

provided in those rules. 146778

~~Sec. 6111.037. (A) There is hereby created in the state~~ 146779
~~treasury the nonpoint source pollution management fund. The fund~~ 146780
~~shall consist of grant moneys received under~~ For purposes of state 146781
nonpoint source pollution management and pursuant to section 319 146782
of the "Federal Water Pollution Control Act," ~~for purposes of~~ 146783
~~assisting with the development and implementation of a~~ 146784
~~comprehensive nonpoint source pollution management program~~ 146785
~~pursuant to that section of the act. Moneys credited to the fund~~ 146786
~~may be used for purposes of research, planning, water quality~~ 146787
~~assessments, demonstration projects, enforcement, technical~~ 146788
~~assistance, education, and training regarding management of~~ 146789
~~nonpoint sources of water pollution. The~~ the director of 146790
environmental protection may enter into agreements to receive 146791
grant moneys for ~~the nonpoint source pollution management fund and~~ 146792
for deposit into the state treasury to the credit of the water 146793
quality protection fund created in section 6111.0381 of the 146794
Revised Code. The director may enter into agreements to make 146795
grants of moneys credited to the fund under this section, 146796
including, without limitation, passthrough grants to other state 146797
departments or agencies. 146798

(B) The director shall periodically prepare and, by rules 146799
adopted under division (O) of section 6111.036 of the Revised 146800
Code, establish a priority system for identifying activities 146801
eligible for assistance under this section. The priority system 146802
shall ensure that financial assistance available under this 146803
section is first provided to: 146804

(1) Control particularly difficult or serious nonpoint source 146805
pollution problems, including, without limitation, problems 146806
resulting from mining activities; 146807

(2) Implement innovative methods or practices for controlling 146808

nonpoint sources of pollution, including, without limitation, 146809
regulatory programs that the director determines are appropriate; 146810

(3) Control interstate nonpoint source pollution problems; 146811

(4) Implement ground and surface water quality protection 146812
activities that the director determines are part of a 146813
comprehensive nonpoint source pollution control program, which 146814
activities include research, planning, ~~ground~~ water quality 146815
assessments, demonstration programs, enforcement, technical 146816
assistance, education, and training to protect ~~ground~~ water 146817
quality from nonpoint sources of pollution. 146818

Sec. 6133.041. (A) Notwithstanding any other provision of 146819
this chapter or Chapter 6131. of the Revised Code to the contrary, 146820
a joint board of county commissioners, when practicable, may 146821
conduct proceedings regarding existing improvements by video 146822
conference or, if video conference is not available, by 146823
teleconference. The joint board shall make provisions for public 146824
attendance at any location involved in such a proceeding. The 146825
participation of any commissioner or board of county commissioners 146826
in a video conference or teleconference shall occur at the 146827
location of the commissioners' main office or board room in an 146828
open meeting at which the public is allowed to attend. 146829

(B) Before convening a meeting of a joint board of county 146830
commissioners by video conference or by teleconference, designated 146831
staff shall send, via electronic mail, facsimile, or United States 146832
postal service, a copy of meeting-related documents to each member 146833
of the joint board. 146834

(C) The minutes of each joint county ditch meeting shall 146835
specify who was attending by teleconference, who was attending by 146836
video conference, and who was physically present. 146837

(D) Nothing in section 121.22 of the Revised Code prohibits a 146838

joint board of county commissioners from conducting a proceeding 146839
in a manner authorized by this section. 146840

Section 101.02. That existing sections 9.03, 9.15, 9.231, 146841
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5924.502, 5924.503, 5924.504, 5924.506, 6109.21, and 6111.037 of 147073
the Revised Code are hereby repealed. 147074

Section 105.01. That sections 122.076, 122.15, 122.151, 147075
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5119.68, 5507.65, 5507.66, 5707.05, 5727.41, 5733.35, 5747.211, 147097
5747.33, 6101.451, and 6111.029 of the Revised Code are hereby 147098
repealed. 147099

Section 110.10. That section 3313.88 of the Revised Code as 147100
it results from Section 101.01 of this act be amended and 147101
recodified as section 3313.482 of the Revised Code to read as 147102
follows: 147103

Sec. ~~3313.88~~ 3313.482. (A)(1) Prior to the first day of 147104
August of each school year, the board of education of any school 147105
district or the governing authority of any chartered nonpublic 147106
school may submit to the department of education a plan to require 147107
students to access and complete classroom lessons posted on the 147108
district's or nonpublic school's web portal or web site in order 147109
to make up ~~days~~ hours in that school year on which it is necessary 147110
to close schools for ~~any of the reasons specified in division (B)~~ 147111
~~of section 3317.01 of the Revised Code in excess of the number of~~ 147112
~~days permitted under sections 3313.48, 3313.481, and 3317.01 of~~ 147113
~~the Revised Code~~ disease epidemic, hazardous weather conditions, 147114
law enforcement emergencies, inoperability of school buses or 147115
other equipment necessary to the school's operation, damage to a 147116
school building, or other temporary circumstances due to utility 147117
failure rendering the school building unfit for school use. 147118

Prior to the first day of August of each school year, the 147120
governing authority of any community school established under 147121
Chapter 3314. that is not an internet- or computer-based community 147122
school, as defined in section 3314.02 of the Revised Code, may 147123

submit to the department a plan to require students to access and 147124
complete classroom lessons posted on the school's web portal or 147125
web site in order to make up ~~days or~~ hours in that school year on 147126
which it is necessary to close the school for any of the reasons 147127
specified in division (H)(4) of section 3314.08 of the Revised 147128
Code so that the school is in compliance with the minimum number 147129
of hours required under Chapter 3314. of the Revised Code. 147130

A plan submitted by a school district board ~~or~~ chartered 147131
nonpublic school governing authority ~~shall provide for making up~~ 147132
~~any number of days, up to a maximum of three days. A plan~~ 147133
~~submitted by a, or~~ community school governing authority shall 147134
provide for making up any number of hours, up to a maximum of the 147135
number of hours that are the equivalent of three school days. 147136
Provided the plan meets all requirements of this section, the 147137
department shall permit the board or governing authority to 147138
implement the plan for the applicable school year. 147139

(2) Each plan submitted under this section by a school 147140
district board of education shall include the written consent of 147141
the teachers' employee representative designated under division 147142
(B) of section 4117.04 of the Revised Code. 147143

(3) Each plan submitted under this section shall provide for 147144
the following: 147145

(a) Not later than the first day of November of the school 147146
year, each classroom teacher shall develop a sufficient number of 147147
lessons for each course taught by the teacher that school year to 147148
cover the number of make-up ~~days or~~ hours specified in the plan. 147149
The teacher shall designate the order in which the lessons are to 147150
be posted on the district's, community school's, or nonpublic 147151
school's web portal or web site in the event of a school closure. 147152
Teachers may be granted up to one professional development day to 147153
create lesson plans for those lessons. 147154

(b) To the extent possible and necessary, a classroom teacher shall update or replace, based on current instructional progress, one or more of the lesson plans developed under division (A)(3)(a) of this section before they are posted on the web portal or web site under division (A)(3)(c) of this section or distributed under division (B) of this section.

(c) As soon as practicable after a school closure, a district or school employee responsible for web portal or web site operations shall make the designated lessons available to students on the district's, community school's, or nonpublic school's portal or site. A lesson shall be posted for each course that was scheduled to meet on the day or hours of the closure.

(d) Each student enrolled in a course for which a lesson is posted on the portal or site shall be granted a two-week period from the date of posting to complete the lesson. The student's classroom teacher shall grade the lesson in the same manner as other lessons. The student may receive an incomplete or failing grade if the lesson is not completed on time.

(e) If a student does not have access to a computer at the student's residence and the plan does not include blizzard bags under division (B) of this section, the student shall be permitted to work on the posted lessons at school after the student's school reopens. If the lessons were posted prior to the reopening, the student shall be granted a two-week period from the date of the reopening, rather than from the date of posting as otherwise required under division (A)(3)(d) of this section, to complete the lessons. The district board or community school or nonpublic school governing authority may provide the student access to a computer before, during, or after the regularly scheduled school day or may provide a substantially similar paper lesson in order to complete the lessons.

(B)(1) In addition to posting classroom lessons online under

division (A) of this section, the board of education of any school 147187
district or governing authority of any community or chartered 147188
nonpublic school may include in the plan distribution of "blizzard 147189
bags," which are paper copies of the lessons posted online. 147190

(2) If a school opts to use blizzard bags, teachers shall 147191
prepare paper copies in conjunction with the lessons to be posted 147192
online and update the paper copies whenever the teacher updates 147193
the online lesson plans. 147194

(3) The board of education of any school district or 147195
governing authority of any community or chartered nonpublic school 147196
that opts to use blizzard bags shall specify in the plan the 147197
method of distribution of blizzard bag lessons, which may include, 147198
but not be limited to, requiring distribution by a specific 147199
deadline or requiring distribution prior to anticipated school 147200
closure as directed by the superintendent of a school district or 147201
the principal, director, chief administrative officer, or the 147202
equivalent, of a school. 147203

(4) Students shall turn in completed lessons in accordance 147204
with division (A)(3)(d) of this section. 147205

(C)(1) No school district that implements a plan in 147206
accordance with this section shall be considered to have failed to 147207
comply with division (B) of section 3317.01 of the Revised Code 147208
with respect to the number of make-up ~~days~~ hours specified in the 147209
plan. 147210

(2) No community school that implements a plan in accordance 147211
with this section shall be considered to have failed to comply 147212
with the minimum number of hours required under Chapter 3314. of 147213
the Revised Code with respect to the number of make-up hours 147214
specified in the plan. 147215

Section 110.11. That existing section 3313.88 of the Revised 147216

Code is hereby repealed. 147217

Section 110.12. Sections 110.10 and 110.11 of this act shall 147218
take effect July 1, 2014. 147219

Section 110.20. That the versions of sections 109.57, 147220
2151.011, 2923.126, 5104.012, 5104.013, 5104.03, 5104.08, and 147221
5104.32 of the Revised Code that are scheduled to take effect 147222
January 1, 2014, be amended to read as follows: 147223

Sec. 109.57. (A)(1) The superintendent of the bureau of 147224
criminal identification and investigation shall procure from 147225
wherever procurable and file for record photographs, pictures, 147226
descriptions, fingerprints, measurements, and other information 147227
that may be pertinent of all persons who have been convicted of 147228
committing within this state a felony, any crime constituting a 147229
misdemeanor on the first offense and a felony on subsequent 147230
offenses, or any misdemeanor described in division (A)(1)(a), 147231
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 147232
all children under eighteen years of age who have been adjudicated 147233
delinquent children for committing within this state an act that 147234
would be a felony or an offense of violence if committed by an 147235
adult or who have been convicted of or pleaded guilty to 147236
committing within this state a felony or an offense of violence, 147237
and of all well-known and habitual criminals. The person in charge 147238
of any county, multicounty, municipal, municipal-county, or 147239
multicounty-municipal jail or workhouse, community-based 147240
correctional facility, halfway house, alternative residential 147241
facility, or state correctional institution and the person in 147242
charge of any state institution having custody of a person 147243
suspected of having committed a felony, any crime constituting a 147244
misdemeanor on the first offense and a felony on subsequent 147245
offenses, or any misdemeanor described in division (A)(1)(a), 147246

(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 147247
having custody of a child under eighteen years of age with respect 147248
to whom there is probable cause to believe that the child may have 147249
committed an act that would be a felony or an offense of violence 147250
if committed by an adult shall furnish such material to the 147251
superintendent of the bureau. Fingerprints, photographs, or other 147252
descriptive information of a child who is under eighteen years of 147253
age, has not been arrested or otherwise taken into custody for 147254
committing an act that would be a felony or an offense of violence 147255
who is not in any other category of child specified in this 147256
division, if committed by an adult, has not been adjudicated a 147257
delinquent child for committing an act that would be a felony or 147258
an offense of violence if committed by an adult, has not been 147259
convicted of or pleaded guilty to committing a felony or an 147260
offense of violence, and is not a child with respect to whom there 147261
is probable cause to believe that the child may have committed an 147262
act that would be a felony or an offense of violence if committed 147263
by an adult shall not be procured by the superintendent or 147264
furnished by any person in charge of any county, multicounty, 147265
municipal, municipal-county, or multicounty-municipal jail or 147266
workhouse, community-based correctional facility, halfway house, 147267
alternative residential facility, or state correctional 147268
institution, except as authorized in section 2151.313 of the 147269
Revised Code. 147270

(2) Every clerk of a court of record in this state, other 147271
than the supreme court or a court of appeals, shall send to the 147272
superintendent of the bureau a weekly report containing a summary 147273
of each case involving a felony, involving any crime constituting 147274
a misdemeanor on the first offense and a felony on subsequent 147275
offenses, involving a misdemeanor described in division (A)(1)(a), 147276
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 147277
involving an adjudication in a case in which a child under 147278

eighteen years of age was alleged to be a delinquent child for 147279
committing an act that would be a felony or an offense of violence 147280
if committed by an adult. The clerk of the court of common pleas 147281
shall include in the report and summary the clerk sends under this 147282
division all information described in divisions (A)(2)(a) to (f) 147283
of this section regarding a case before the court of appeals that 147284
is served by that clerk. The summary shall be written on the 147285
standard forms furnished by the superintendent pursuant to 147286
division (B) of this section and shall include the following 147287
information: 147288

(a) The incident tracking number contained on the standard 147289
forms furnished by the superintendent pursuant to division (B) of 147290
this section; 147291

(b) The style and number of the case; 147292

(c) The date of arrest, offense, summons, or arraignment; 147293

(d) The date that the person was convicted of or pleaded 147294
guilty to the offense, adjudicated a delinquent child for 147295
committing the act that would be a felony or an offense of 147296
violence if committed by an adult, found not guilty of the 147297
offense, or found not to be a delinquent child for committing an 147298
act that would be a felony or an offense of violence if committed 147299
by an adult, the date of an entry dismissing the charge, an entry 147300
declaring a mistrial of the offense in which the person is 147301
discharged, an entry finding that the person or child is not 147302
competent to stand trial, or an entry of a nolle prosequi, or the 147303
date of any other determination that constitutes final resolution 147304
of the case; 147305

(e) A statement of the original charge with the section of 147306
the Revised Code that was alleged to be violated; 147307

(f) If the person or child was convicted, pleaded guilty, or 147308
was adjudicated a delinquent child, the sentence or terms of 147309

probation imposed or any other disposition of the offender or the delinquent child.

If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the

state and its political subdivisions. 147342

(4) The superintendent shall carry out Chapter 2950. of the 147343
Revised Code with respect to the registration of persons who are 147344
convicted of or plead guilty to a sexually oriented offense or a 147345
child-victim oriented offense and with respect to all other duties 147346
imposed on the bureau under that chapter. 147347

(5) The bureau shall perform centralized recordkeeping 147348
functions for criminal history records and services in this state 147349
for purposes of the national crime prevention and privacy compact 147350
set forth in section 109.571 of the Revised Code and is the 147351
criminal history record repository as defined in that section for 147352
purposes of that compact. The superintendent or the 147353
superintendent's designee is the compact officer for purposes of 147354
that compact and shall carry out the responsibilities of the 147355
compact officer specified in that compact. 147356

(B) The superintendent shall prepare and furnish to every 147357
county, multicounty, municipal, municipal-county, or 147358
multicounty-municipal jail or workhouse, community-based 147359
correctional facility, halfway house, alternative residential 147360
facility, or state correctional institution and to every clerk of 147361
a court in this state specified in division (A)(2) of this section 147362
standard forms for reporting the information required under 147363
division (A) of this section. The standard forms that the 147364
superintendent prepares pursuant to this division may be in a 147365
tangible format, in an electronic format, or in both tangible 147366
formats and electronic formats. 147367

(C)(1) The superintendent may operate a center for 147368
electronic, automated, or other data processing for the storage 147369
and retrieval of information, data, and statistics pertaining to 147370
criminals and to children under eighteen years of age who are 147371
adjudicated delinquent children for committing an act that would 147372
be a felony or an offense of violence if committed by an adult, 147373

criminal activity, crime prevention, law enforcement, and criminal 147374
justice, and may establish and operate a statewide communications 147375
network to be known as the Ohio law enforcement gateway to gather 147376
and disseminate information, data, and statistics for the use of 147377
law enforcement agencies and for other uses specified in this 147378
division. The superintendent may gather, store, retrieve, and 147379
disseminate information, data, and statistics that pertain to 147380
children who are under eighteen years of age and that are gathered 147381
pursuant to sections 109.57 to 109.61 of the Revised Code together 147382
with information, data, and statistics that pertain to adults and 147383
that are gathered pursuant to those sections. 147384

(2) The superintendent or the superintendent's designee shall 147385
gather information of the nature described in division (C)(1) of 147386
this section that pertains to the offense and delinquency history 147387
of a person who has been convicted of, pleaded guilty to, or been 147388
adjudicated a delinquent child for committing a sexually oriented 147389
offense or a child-victim oriented offense for inclusion in the 147390
state registry of sex offenders and child-victim offenders 147391
maintained pursuant to division (A)(1) of section 2950.13 of the 147392
Revised Code and in the internet database operated pursuant to 147393
division (A)(13) of that section and for possible inclusion in the 147394
internet database operated pursuant to division (A)(11) of that 147395
section. 147396

(3) In addition to any other authorized use of information, 147397
data, and statistics of the nature described in division (C)(1) of 147398
this section, the superintendent or the superintendent's designee 147399
may provide and exchange the information, data, and statistics 147400
pursuant to the national crime prevention and privacy compact as 147401
described in division (A)(5) of this section. 147402

(4) The attorney general may adopt rules under Chapter 119. 147403
of the Revised Code establishing guidelines for the operation of 147404
and participation in the Ohio law enforcement gateway. The rules 147405

may include criteria for granting and restricting access to 147406
information gathered and disseminated through the Ohio law 147407
enforcement gateway. The attorney general shall permit the state 147408
medical board and board of nursing to access and view, but not 147409
alter, information gathered and disseminated through the Ohio law 147410
enforcement gateway. 147411

The attorney general may appoint a steering committee to 147412
advise the attorney general in the operation of the Ohio law 147413
enforcement gateway that is comprised of persons who are 147414
representatives of the criminal justice agencies in this state 147415
that use the Ohio law enforcement gateway and is chaired by the 147416
superintendent or the superintendent's designee. 147417

(D)(1) The following are not public records under section 147418
149.43 of the Revised Code: 147419

(a) Information and materials furnished to the superintendent 147420
pursuant to division (A) of this section; 147421

(b) Information, data, and statistics gathered or 147422
disseminated through the Ohio law enforcement gateway pursuant to 147423
division (C)(1) of this section; 147424

(c) Information and materials furnished to any board or 147425
person under division (F) or (G) of this section. 147426

(2) The superintendent or the superintendent's designee shall 147427
gather and retain information so furnished under division (A) of 147428
this section that pertains to the offense and delinquency history 147429
of a person who has been convicted of, pleaded guilty to, or been 147430
adjudicated a delinquent child for committing a sexually oriented 147431
offense or a child-victim oriented offense for the purposes 147432
described in division (C)(2) of this section. 147433

(E)(1) The attorney general shall adopt rules, in accordance 147434
with Chapter 119. of the Revised Code and subject to division 147435
(E)(2) of this section, setting forth the procedure by which a 147436

person may receive or release information gathered by the 147437
superintendent pursuant to division (A) of this section. A 147438
reasonable fee may be charged for this service. If a temporary 147439
employment service submits a request for a determination of 147440
whether a person the service plans to refer to an employment 147441
position has been convicted of or pleaded guilty to an offense 147442
listed or described in division (A)(1), (2), or (3) of section 147443
109.572 of the Revised Code, the request shall be treated as a 147444
single request and only one fee shall be charged. 147445

(2) Except as otherwise provided in this division, a rule 147446
adopted under division (E)(1) of this section may provide only for 147447
the release of information gathered pursuant to division (A) of 147448
this section that relates to the conviction of a person, or a 147449
person's plea of guilty to, a criminal offense. The superintendent 147450
shall not release, and the attorney general shall not adopt any 147451
rule under division (E)(1) of this section that permits the 147452
release of, any information gathered pursuant to division (A) of 147453
this section that relates to an adjudication of a child as a 147454
delinquent child, or that relates to a criminal conviction of a 147455
person under eighteen years of age if the person's case was 147456
transferred back to a juvenile court under division (B)(2) or (3) 147457
of section 2152.121 of the Revised Code and the juvenile court 147458
imposed a disposition or serious youthful offender disposition 147459
upon the person under either division, unless either of the 147460
following applies with respect to the adjudication or conviction: 147461

(a) The adjudication or conviction was for a violation of 147462
section 2903.01 or 2903.02 of the Revised Code. 147463

(b) The adjudication or conviction was for a sexually 147464
oriented offense, the juvenile court was required to classify the 147465
child a juvenile offender registrant for that offense under 147466
section 2152.82, 2152.83, or 2152.86 of the Revised Code, and that 147467
classification has not been removed. 147468

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

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, or 5153.111 of the Revised Code or that is made under section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the board of education of any school district; the director of developmental disabilities; any county board of developmental disabilities; any provider or subcontractor as defined in section 5123.081 of the Revised Code; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed under Chapter 5104. of the Revised Code; the chief administrator of any head start agency; the executive director of a public children services agency; a private company described in section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code; or an employer described in division (J)(2) of section 3327.10 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with regard to the individual, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, subject to division (E)(2) of this

section, the superintendent shall determine whether that 147502
information exists and, upon request of the person, board, or 147503
entity requesting information, also shall request from the federal 147504
bureau of investigation any criminal records it has pertaining to 147505
that individual. The superintendent or the superintendent's 147506
designee also may request criminal history records from other 147507
states or the federal government pursuant to the national crime 147508
prevention and privacy compact set forth in section 109.571 of the 147509
Revised Code. Within thirty days of the date that the 147510
superintendent receives a request, subject to division (E)(2) of 147511
this section, the superintendent shall send to the board, entity, 147512
or person a report of any information that the superintendent 147513
determines exists, including information contained in records that 147514
have been sealed under section 2953.32 of the Revised Code, and, 147515
within thirty days of its receipt, subject to division (E)(2) of 147516
this section, shall send the board, entity, or person a report of 147517
any information received from the federal bureau of investigation, 147518
other than information the dissemination of which is prohibited by 147519
federal law. 147520

(b) When a board of education or a registered private 147521
provider is required to receive information under this section as 147522
a prerequisite to employment of an individual pursuant to division 147523
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 147524
may accept a certified copy of records that were issued by the 147525
bureau of criminal identification and investigation and that are 147526
presented by an individual applying for employment with the 147527
district in lieu of requesting that information itself. In such a 147528
case, the board shall accept the certified copy issued by the 147529
bureau in order to make a photocopy of it for that individual's 147530
employment application documents and shall return the certified 147531
copy to the individual. In a case of that nature, a district or 147532
provider only shall accept a certified copy of records of that 147533
nature within one year after the date of their issuance by the 147534

bureau. 147535

(c) Notwithstanding division (F)(2)(a) of this section, in 147536
the case of a request under section 3319.39, 3319.391, or 3327.10 147537
of the Revised Code only for criminal records maintained by the 147538
federal bureau of investigation, the superintendent shall not 147539
determine whether any information gathered under division (A) of 147540
this section exists on the person for whom the request is made. 147541

(3) The state board of education may request, with respect to 147542
any individual who has applied for employment after October 2, 147543
1989, in any position with the state board or the department of 147544
education, any information that a school district board of 147545
education is authorized to request under division (F)(2) of this 147546
section, and the superintendent of the bureau shall proceed as if 147547
the request has been received from a school district board of 147548
education under division (F)(2) of this section. 147549

(4) When the superintendent of the bureau receives a request 147550
for information under section 3319.291 of the Revised Code, the 147551
superintendent shall proceed as if the request has been received 147552
from a school district board of education and shall comply with 147553
divisions (F)(2)(a) and (c) of this section. 147554

(5) When a recipient of a classroom reading improvement grant 147555
paid under section 3301.86 of the Revised Code requests, with 147556
respect to any individual who applies to participate in providing 147557
any program or service funded in whole or in part by the grant, 147558
the information that a school district board of education is 147559
authorized to request under division (F)(2)(a) of this section, 147560
the superintendent of the bureau shall proceed as if the request 147561
has been received from a school district board of education under 147562
division (F)(2)(a) of this section. 147563

(G) In addition to or in conjunction with any request that is 147564
required to be made under section 3701.881, 3712.09, or 3721.121 147565

of the Revised Code with respect to an individual who has applied 147566
for employment in a position that involves providing direct care 147567
to an older adult or adult resident, the chief administrator of a 147568
home health agency, hospice care program, home licensed under 147569
Chapter 3721. of the Revised Code, or adult day-care program 147570
operated pursuant to rules adopted under section 3721.04 of the 147571
Revised Code may request that the superintendent of the bureau 147572
investigate and determine, with respect to any individual who has 147573
applied after January 27, 1997, for employment in a position that 147574
does not involve providing direct care to an older adult or adult 147575
resident, whether the bureau has any information gathered under 147576
division (A) of this section that pertains to that individual. 147577

In addition to or in conjunction with any request that is 147578
required to be made under section 173.27 of the Revised Code with 147579
respect to an individual who has applied for employment in a 147580
position that involves providing ~~ombudsperson~~ ombudsman services 147581
to residents of long-term care facilities or recipients of 147582
community-based long-term care services, the state long-term care 147583
~~ombudsperson~~ ombudsman, ~~ombudsperson's designee~~, or the director 147584
of health aging, a regional long-term care ombudsman program, or 147585
the designee of the ombudsman, director, or program may request 147586
that the superintendent investigate and determine, with respect to 147587
any individual who has applied for employment in a position that 147588
does not involve providing such ~~ombudsperson~~ ombudsman services, 147589
whether the bureau has any information gathered under division (A) 147590
of this section that pertains to that applicant. 147591

In addition to or in conjunction with any request that is 147592
required to be made under section ~~173.394~~ 173.38 of the Revised 147593
Code with respect to an individual who has applied for employment 147594
in a direct-care position ~~that involves providing direct care to~~ 147595
~~an individual~~, the chief administrator of a ~~community based~~ 147596
long-term care agency provider, as defined in section 173.39 of 147597

the Revised Code, may request that the superintendent investigate 147598
and determine, with respect to any individual who has applied for 147599
employment in a position that ~~does is not involve providing direct~~ 147600
~~care~~ are a direct-care position, whether the bureau has any 147601
information gathered under division (A) of this section that 147602
pertains to that applicant. 147603

In addition to or in conjunction with any request that is 147604
required to be made under section 3712.09 of the Revised Code with 147605
respect to an individual who has applied for employment in a 147606
position that involves providing direct care to a pediatric 147607
respite care patient, the chief administrator of a pediatric 147608
respite care program may request that the superintendent of the 147609
bureau investigate and determine, with respect to any individual 147610
who has applied for employment in a position that does not involve 147611
providing direct care to a pediatric respite care patient, whether 147612
the bureau has any information gathered under division (A) of this 147613
section that pertains to that individual. 147614

On receipt of a request under this division, the 147615
superintendent shall determine whether that information exists 147616
and, on request of the individual requesting information, shall 147617
also request from the federal bureau of investigation any criminal 147618
records it has pertaining to the applicant. The superintendent or 147619
the superintendent's designee also may request criminal history 147620
records from other states or the federal government pursuant to 147621
the national crime prevention and privacy compact set forth in 147622
section 109.571 of the Revised Code. Within thirty days of the 147623
date a request is received, subject to division (E)(2) of this 147624
section, the superintendent shall send to the requester a report 147625
of any information determined to exist, including information 147626
contained in records that have been sealed under section 2953.32 147627
of the Revised Code, and, within thirty days of its receipt, shall 147628
send the requester a report of any information received from the 147629

federal bureau of investigation, other than information the 147630
dissemination of which is prohibited by federal law. 147631

(H) Information obtained by a government entity or person 147632
under this section is confidential and shall not be released or 147633
disseminated. 147634

(I) The superintendent may charge a reasonable fee for 147635
providing information or criminal records under division (F)(2) or 147636
(G) of this section. 147637

(J) As used in this section: 147638

(1) "Pediatric respite care program" and "pediatric care 147639
patient" have the same meanings as in section 3712.01 of the 147640
Revised Code. 147641

(2) "Sexually oriented offense" and "child-victim oriented 147642
offense" have the same meanings as in section 2950.01 of the 147643
Revised Code. 147644

(3) "Registered private provider" means a nonpublic school or 147645
entity registered with the superintendent of public instruction 147646
under section 3310.41 of the Revised Code to participate in the 147647
autism scholarship program or section 3310.58 of the Revised Code 147648
to participate in the Jon Peterson special needs scholarship 147649
program. 147650

Sec. 2151.011. (A) As used in the Revised Code: 147651

(1) "Juvenile court" means whichever of the following is 147652
applicable that has jurisdiction under this chapter and Chapter 147653
2152. of the Revised Code: 147654

(a) The division of the court of common pleas specified in 147655
section 2101.022 or 2301.03 of the Revised Code as having 147656
jurisdiction under this chapter and Chapter 2152. of the Revised 147657
Code or as being the juvenile division or the juvenile division 147658
combined with one or more other divisions; 147659

(b) The juvenile court of Cuyahoga county or Hamilton county 147660
that is separately and independently created by section 2151.08 or 147661
Chapter 2153. of the Revised Code and that has jurisdiction under 147662
this chapter and Chapter 2152. of the Revised Code; 147663

(c) If division (A)(1)(a) or (b) of this section does not 147664
apply, the probate division of the court of common pleas. 147665

(2) "Juvenile judge" means a judge of a court having 147666
jurisdiction under this chapter. 147667

(3) "Private child placing agency" means any association, as 147668
defined in section 5103.02 of the Revised Code, that is certified 147669
under section 5103.03 of the Revised Code to accept temporary, 147670
permanent, or legal custody of children and place the children for 147671
either foster care or adoption. 147672

(4) "Private noncustodial agency" means any person, 147673
organization, association, or society certified by the department 147674
of job and family services that does not accept temporary or 147675
permanent legal custody of children, that is privately operated in 147676
this state, and that does one or more of the following: 147677

(a) Receives and cares for children for two or more 147678
consecutive weeks; 147679

(b) Participates in the placement of children in certified 147680
foster homes; 147681

(c) Provides adoption services in conjunction with a public 147682
children services agency or private child placing agency. 147683

(B) As used in this chapter: 147684

(1) "Adequate parental care" means the provision by a child's 147685
parent or parents, guardian, or custodian of adequate food, 147686
clothing, and shelter to ensure the child's health and physical 147687
safety and the provision by a child's parent or parents of 147688
specialized services warranted by the child's physical or mental 147689

needs. 147690

(2) "Adult" means an individual who is eighteen years of age 147691
or older. 147692

(3) "Agreement for temporary custody" means a voluntary 147693
agreement authorized by section 5103.15 of the Revised Code that 147694
transfers the temporary custody of a child to a public children 147695
services agency or a private child placing agency. 147696

(4) "Alternative response" means the public children services 147697
agency's response to a report of child abuse or neglect that 147698
engages the family in a comprehensive evaluation of child safety, 147699
risk of subsequent harm, and family strengths and needs and that 147700
does not include a determination as to whether child abuse or 147701
neglect occurred. 147702

(5) "Certified foster home" means a foster home, as defined 147703
in section 5103.02 of the Revised Code, certified under section 147704
5103.03 of the Revised Code. 147705

(6) "Child" means a person who is under eighteen years of 147706
age, except that the juvenile court has jurisdiction over any 147707
person who is adjudicated an unruly child prior to attaining 147708
eighteen years of age until the person attains twenty-one years of 147709
age, and, for purposes of that jurisdiction related to that 147710
adjudication, a person who is so adjudicated an unruly child shall 147711
be deemed a "child" until the person attains twenty-one years of 147712
age. 147713

(7) "Child day camp," "child care," "child day-care center," 147714
"part-time child day-care center," "type A family day-care home," 147715
"licensed type B family day-care home," "type B family day-care 147716
home," "administrator of a child day-care center," "administrator 147717
of a type A family day-care home," and "in-home aide" have the 147718
same meanings as in section 5104.01 of the Revised Code. 147719

(8) "Child care provider" means an individual who is a 147720

child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of job and family services, department of developmental disabilities, or the early childhood programs of the department of education.

(9) "Chronic truant" has the same meaning as in section 2152.02 of the Revised Code.

(10) "Commit" means to vest custody as ordered by the court.

(11) "Counseling" includes both of the following:

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.

(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.

(12) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child.

(13) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code.

(14) "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a court order,

in a public or private facility designed to physically restrict 147751
the movement and activities of children. 147752

(15) "Developmental disability" has the same meaning as in 147753
section 5123.01 of the Revised Code. 147754

(16) "Differential response approach" means an approach that 147755
a public children services agency may use to respond to accepted 147756
reports of child abuse or neglect with either an alternative 147757
response or a traditional response. 147758

(17) "Foster caregiver" has the same meaning as in section 147759
5103.02 of the Revised Code. 147760

(18) "Guardian" means a person, association, or corporation 147761
that is granted authority by a probate court pursuant to Chapter 147762
2111. of the Revised Code to exercise parental rights over a child 147763
to the extent provided in the court's order and subject to the 147764
residual parental rights of the child's parents. 147765

(19) "Habitual truant" means any child of compulsory school 147766
age who is absent without legitimate excuse for absence from the 147767
public school the child is supposed to attend for five or more 147768
consecutive school days, seven or more school days in one school 147769
month, or twelve or more school days in a school year. 147770

(20) "Juvenile traffic offender" has the same meaning as in 147771
section 2152.02 of the Revised Code. 147772

(21) "Legal custody" means a legal status that vests in the 147773
custodian the right to have physical care and control of the child 147774
and to determine where and with whom the child shall live, and the 147775
right and duty to protect, train, and discipline the child and to 147776
provide the child with food, shelter, education, and medical care, 147777
all subject to any residual parental rights, privileges, and 147778
responsibilities. An individual granted legal custody shall 147779
exercise the rights and responsibilities personally unless 147780
otherwise authorized by any section of the Revised Code or by the 147781

court. 147782

(22) A "legitimate excuse for absence from the public school 147783
the child is supposed to attend" includes, but is not limited to, 147784
any of the following: 147785

(a) The fact that the child in question has enrolled in and 147786
is attending another public or nonpublic school in this or another 147787
state; 147788

(b) The fact that the child in question is excused from 147789
attendance at school for any of the reasons specified in section 147790
3321.04 of the Revised Code; 147791

(c) The fact that the child in question has received an age 147792
and schooling certificate in accordance with section 3331.01 of 147793
the Revised Code. 147794

(23) "Mental illness" and "mentally ill person subject to 147795
hospitalization by court order" have the same meanings as in 147796
section 5122.01 of the Revised Code. 147797

(24) "Mental injury" means any behavioral, cognitive, 147798
emotional, or mental disorder in a child caused by an act or 147799
omission that is described in section 2919.22 of the Revised Code 147800
and is committed by the parent or other person responsible for the 147801
child's care. 147802

(25) "Mentally retarded person" has the same meaning as in 147803
section 5123.01 of the Revised Code. 147804

(26) "Nonsecure care, supervision, or training" means care, 147805
supervision, or training of a child in a facility that does not 147806
confine or prevent movement of the child within the facility or 147807
from the facility. 147808

(27) "Of compulsory school age" has the same meaning as in 147809
section 3321.01 of the Revised Code. 147810

(28) "Organization" means any institution, public, 147811

semipublic, or private, and any private association, society, or 147812
agency located or operating in the state, incorporated or 147813
unincorporated, having among its functions the furnishing of 147814
protective services or care for children, or the placement of 147815
children in certified foster homes or elsewhere. 147816

(29) "Out-of-home care" means detention facilities, shelter 147817
facilities, certified children's crisis care facilities, certified 147818
foster homes, placement in a prospective adoptive home prior to 147819
the issuance of a final decree of adoption, organizations, 147820
certified organizations, child day-care centers, type A family 147821
day-care homes, type B family day-care homes, child care provided 147822
by in-home aides, group home providers, group homes, institutions, 147823
state institutions, residential facilities, residential care 147824
facilities, residential camps, day camps, public schools, 147825
chartered nonpublic schools, educational service centers, 147826
hospitals, and medical clinics that are responsible for the care, 147827
physical custody, or control of children. 147828

(30) "Out-of-home care child abuse" means any of the 147829
following when committed by a person responsible for the care of a 147830
child in out-of-home care: 147831

(a) Engaging in sexual activity with a child in the person's 147832
care; 147833

(b) Denial to a child, as a means of punishment, of proper or 147834
necessary subsistence, education, medical care, or other care 147835
necessary for a child's health; 147836

(c) Use of restraint procedures on a child that cause injury 147837
or pain; 147838

(d) Administration of prescription drugs or psychotropic 147839
medication to the child without the written approval and ongoing 147840
supervision of a licensed physician; 147841

(e) Commission of any act, other than by accidental means, 147842

that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.

(31) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:

(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;

(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;

(c) Failure to develop a process for all of the following:

(i) Administration of prescription drugs or psychotropic drugs for the child;

(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;

(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.

(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;

(e) Confinement of the child to a locked room without monitoring by staff;

(f) Failure to provide ongoing security for all prescription and nonprescription medication;

(g) Isolation of a child for a period of time when there is

substantial risk that the isolation, if continued, will impair or 147873
retard the mental health or physical well-being of the child. 147874

(32) "Permanent custody" means a legal status that vests in a 147875
public children services agency or a private child placing agency, 147876
all parental rights, duties, and obligations, including the right 147877
to consent to adoption, and divests the natural parents or 147878
adoptive parents of all parental rights, privileges, and 147879
obligations, including all residual rights and obligations. 147880

(33) "Permanent surrender" means the act of the parents or, 147881
if a child has only one parent, of the parent of a child, by a 147882
voluntary agreement authorized by section 5103.15 of the Revised 147883
Code, to transfer the permanent custody of the child to a public 147884
children services agency or a private child placing agency. 147885

(34) "Person" means an individual, association, corporation, 147886
or partnership and the state or any of its political subdivisions, 147887
departments, or agencies. 147888

(35) "Person responsible for a child's care in out-of-home 147889
care" means any of the following: 147890

(a) Any foster caregiver, in-home aide, or provider; 147891

(b) Any administrator, employee, or agent of any of the 147892
following: a public or private detention facility; shelter 147893
facility; certified children's crisis care facility; organization; 147894
certified organization; child day-care center; type A family 147895
day-care home; licensed type B family day-care home; group home; 147896
institution; state institution; residential facility; residential 147897
care facility; residential camp; day camp; school district; 147898
community school; chartered nonpublic school; educational service 147899
center; hospital; or medical clinic; 147900

(c) Any person who supervises or coaches children as part of 147901
an extracurricular activity sponsored by a school district, public 147902
school, or chartered nonpublic school; 147903

(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.	147904 147905
(36) "Physically impaired" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:	147906 147907 147908 147909
(a) A substantial impairment of vision, speech, or hearing;	147910
(b) A congenital orthopedic impairment;	147911
(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.	147912 147913 147914
(37) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.	147915 147916 147917 147918
(38) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.	147919 147920 147921 147922
(39) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:	147923 147924
(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.	147925 147926 147927
(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.	147928 147929 147930 147931
(40) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the	147932 147933

Revised Code.	147934
(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code.	147935 147936 147937 147938
(42) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.	147939 147940 147941 147942 147943 147944 147945 147946
(43) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.	147947 147948
(44) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	147949 147950
(45) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes.	147951 147952 147953
(46) "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health <u>mental health and addiction services</u> under section 5119.22 <u>5119.34</u> of the Revised Code and that provides care for a child.	147954 147955 147956 147957 147958
(47) "Residential facility" means a home or facility that is licensed by the department of developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides.	147959 147960 147961 147962
(48) "Residual parental rights, privileges, and	147963

responsibilities" means those rights, privileges, and 147964
responsibilities remaining with the natural parent after the 147965
transfer of legal custody of the child, including, but not 147966
necessarily limited to, the privilege of reasonable visitation, 147967
consent to adoption, the privilege to determine the child's 147968
religious affiliation, and the responsibility for support. 147969

(49) "School day" means the school day established by the 147970
~~state~~ board of education of the applicable school district 147971
pursuant to section ~~3313.48~~ 3313.481 of the Revised Code. 147972

(50) "School ~~month~~ and "school year" ~~have~~ has the same 147973
~~meanings~~ meaning as in section 3313.62 of the Revised Code. 147974

(51) "Secure correctional facility" means a facility under 147975
the direction of the department of youth services that is designed 147976
to physically restrict the movement and activities of children and 147977
used for the placement of children after adjudication and 147978
disposition. 147979

(52) "Sexual activity" has the same meaning as in section 147980
2907.01 of the Revised Code. 147981

(53) "Shelter" means the temporary care of children in 147982
physically unrestricted facilities pending court adjudication or 147983
disposition. 147984

(54) "Shelter for victims of domestic violence" has the same 147985
meaning as in section 3113.33 of the Revised Code. 147986

(55) "Temporary custody" means legal custody of a child who 147987
is removed from the child's home, which custody may be terminated 147988
at any time at the discretion of the court or, if the legal 147989
custody is granted in an agreement for temporary custody, by the 147990
person who executed the agreement. 147991

(56) "Traditional response" means a public children services 147992
agency's response to a report of child abuse or neglect that 147993

encourages engagement of the family in a comprehensive evaluation 147994
of the child's current and future safety needs and a fact-finding 147995
process to determine whether child abuse or neglect occurred and 147996
the circumstances surrounding the alleged harm or risk of harm. 147997

(C) For the purposes of this chapter, a child shall be 147998
presumed abandoned when the parents of the child have failed to 147999
visit or maintain contact with the child for more than ninety 148000
days, regardless of whether the parents resume contact with the 148001
child after that period of ninety days. 148002

Sec. 2923.126. (A) A concealed handgun license that is issued 148003
under section 2923.125 of the Revised Code shall expire five years 148004
after the date of issuance. A licensee who has been issued a 148005
license under that section shall be granted a grace period of 148006
thirty days after the licensee's license expires during which the 148007
licensee's license remains valid. Except as provided in divisions 148008
(B) and (C) of this section, a licensee who has been issued a 148009
concealed handgun license under section 2923.125 or 2923.1213 of 148010
the Revised Code may carry a concealed handgun anywhere in this 148011
state if the licensee also carries a valid license and valid 148012
identification when the licensee is in actual possession of a 148013
concealed handgun. The licensee shall give notice of any change in 148014
the licensee's residence address to the sheriff who issued the 148015
license within forty-five days after that change. 148016

If a licensee is the driver or an occupant of a motor vehicle 148017
that is stopped as the result of a traffic stop or a stop for 148018
another law enforcement purpose and if the licensee is 148019
transporting or has a loaded handgun in the motor vehicle at that 148020
time, the licensee shall promptly inform any law enforcement 148021
officer who approaches the vehicle while stopped that the licensee 148022
has been issued a concealed handgun license and that the licensee 148023
currently possesses or has a loaded handgun; the licensee shall 148024

not knowingly disregard or fail to comply with lawful orders of a 148025
law enforcement officer given while the motor vehicle is stopped, 148026
knowingly fail to remain in the motor vehicle while stopped, or 148027
knowingly fail to keep the licensee's hands in plain sight after 148028
any law enforcement officer begins approaching the licensee while 148029
stopped and before the officer leaves, unless directed otherwise 148030
by a law enforcement officer; and the licensee shall not knowingly 148031
have contact with the loaded handgun by touching it with the 148032
licensee's hands or fingers, in any manner in violation of 148033
division (E) of section 2923.16 of the Revised Code, after any law 148034
enforcement officer begins approaching the licensee while stopped 148035
and before the officer leaves. Additionally, if a licensee is the 148036
driver or an occupant of a commercial motor vehicle that is 148037
stopped by an employee of the motor carrier enforcement unit for 148038
the purposes defined in section 5503.04 of the Revised Code and if 148039
the licensee is transporting or has a loaded handgun in the 148040
commercial motor vehicle at that time, the licensee shall promptly 148041
inform the employee of the unit who approaches the vehicle while 148042
stopped that the licensee has been issued a concealed handgun 148043
license and that the licensee currently possesses or has a loaded 148044
handgun. 148045

If a licensee is stopped for a law enforcement purpose and if 148046
the licensee is carrying a concealed handgun at the time the 148047
officer approaches, the licensee shall promptly inform any law 148048
enforcement officer who approaches the licensee while stopped that 148049
the licensee has been issued a concealed handgun license and that 148050
the licensee currently is carrying a concealed handgun; the 148051
licensee shall not knowingly disregard or fail to comply with 148052
lawful orders of a law enforcement officer given while the 148053
licensee is stopped or knowingly fail to keep the licensee's hands 148054
in plain sight after any law enforcement officer begins 148055
approaching the licensee while stopped and before the officer 148056
leaves, unless directed otherwise by a law enforcement officer; 148057

and the licensee shall not knowingly remove, attempt to remove, grasp, or hold the loaded handgun or knowingly have contact with the loaded handgun by touching it with the licensee's hands or fingers, in any manner in violation of division (B) of section 2923.12 of the Revised Code, after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves.

(B) A valid concealed handgun license does not authorize the licensee to carry a concealed handgun in any manner prohibited under division (B) of section 2923.12 of the Revised Code or in any manner prohibited under section 2923.16 of the Revised Code. A valid license does not authorize the licensee to carry a concealed handgun into any of the following places:

(1) A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation, a state correctional institution, jail, workhouse, or other detention facility, an airport passenger terminal, or an institution that is maintained, operated, managed, and governed pursuant to division (A) of section ~~5119.02~~ 5119.14 of the Revised Code or division (A)(1) of section 5123.03 of the Revised Code;

(2) A school safety zone if the licensee's carrying the concealed handgun is in violation of section 2923.122 of the Revised Code;

(3) A courthouse or another building or structure in which a courtroom is located, in violation of section 2923.123 of the Revised Code;

(4) Any premises or open air arena for which a D permit has been issued under Chapter 4303. of the Revised Code if the licensee's carrying the concealed handgun is in violation of section 2923.121 of the Revised Code;

(5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle;

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(6) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;

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(7) A child day-care center, a type A family day-care home, or a type B family day-care home, except that this division does not prohibit a licensee who resides in a type A family day-care home or a type B family day-care home from carrying a concealed handgun at any time in any part of the home that is not dedicated or used for day-care purposes, or from carrying a concealed handgun in a part of the home that is dedicated or used for day-care purposes at any time during which no children, other than children of that licensee, are in the home;

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(8) An aircraft that is in, or intended for operation in, foreign air transportation, interstate air transportation, intrastate air transportation, or the transportation of mail by aircraft;

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(9) Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to division (B)(3) of this section;

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(10) A place in which federal law prohibits the carrying of handguns.

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(C)(1) Nothing in this section shall negate or restrict a rule, policy, or practice of a private employer that is not a

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private college, university, or other institution of higher 148120
education concerning or prohibiting the presence of firearms on 148121
the private employer's premises or property, including motor 148122
vehicles owned by the private employer. Nothing in this section 148123
shall require a private employer of that nature to adopt a rule, 148124
policy, or practice concerning or prohibiting the presence of 148125
firearms on the private employer's premises or property, including 148126
motor vehicles owned by the private employer. 148127

(2)(a) A private employer shall be immune from liability in a 148128
civil action for any injury, death, or loss to person or property 148129
that allegedly was caused by or related to a licensee bringing a 148130
handgun onto the premises or property of the private employer, 148131
including motor vehicles owned by the private employer, unless the 148132
private employer acted with malicious purpose. A private employer 148133
is immune from liability in a civil action for any injury, death, 148134
or loss to person or property that allegedly was caused by or 148135
related to the private employer's decision to permit a licensee to 148136
bring, or prohibit a licensee from bringing, a handgun onto the 148137
premises or property of the private employer. As used in this 148138
division, "private employer" includes a private college, 148139
university, or other institution of higher education. 148140

(b) A political subdivision shall be immune from liability in 148141
a civil action, to the extent and in the manner provided in 148142
Chapter 2744. of the Revised Code, for any injury, death, or loss 148143
to person or property that allegedly was caused by or related to a 148144
licensee bringing a handgun onto any premises or property owned, 148145
leased, or otherwise under the control of the political 148146
subdivision. As used in this division, "political subdivision" has 148147
the same meaning as in section 2744.01 of the Revised Code. 148148

(3)(a) Except as provided in division (C)(3)(b) of this 148149
section, the owner or person in control of private land or 148150
premises, and a private person or entity leasing land or premises 148151

owned by the state, the United States, or a political subdivision 148152
of the state or the United States, may post a sign in a 148153
conspicuous location on that land or on those premises prohibiting 148154
persons from carrying firearms or concealed firearms on or onto 148155
that land or those premises. Except as otherwise provided in this 148156
division, a person who knowingly violates a posted prohibition of 148157
that nature is guilty of criminal trespass in violation of 148158
division (A)(4) of section 2911.21 of the Revised Code and is 148159
guilty of a misdemeanor of the fourth degree. If a person 148160
knowingly violates a posted prohibition of that nature and the 148161
posted land or premises primarily was a parking lot or other 148162
parking facility, the person is not guilty of criminal trespass in 148163
violation of division (A)(4) of section 2911.21 of the Revised 148164
Code and instead is subject only to a civil cause of action for 148165
trespass based on the violation. 148166

(b) A landlord may not prohibit or restrict a tenant who is a 148167
licensee and who on or after September 9, 2008, enters into a 148168
rental agreement with the landlord for the use of residential 148169
premises, and the tenant's guest while the tenant is present, from 148170
lawfully carrying or possessing a handgun on those residential 148171
premises. 148172

(c) As used in division (C)(3) of this section: 148173

(i) "Residential premises" has the same meaning as in section 148174
5321.01 of the Revised Code, except "residential premises" does 148175
not include a dwelling unit that is owned or operated by a college 148176
or university. 148177

(ii) "Landlord," "tenant," and "rental agreement" have the 148178
same meanings as in section 5321.01 of the Revised Code. 148179

(D) A person who holds a concealed handgun license issued by 148180
another state that is recognized by the attorney general pursuant 148181
to a reciprocity agreement entered into pursuant to section 109.69 148182

of the Revised Code has the same right to carry a concealed 148183
handgun in this state as a person who was issued a concealed 148184
handgun license under section 2923.125 of the Revised Code and is 148185
subject to the same restrictions that apply to a person who 148186
carries a license issued under that section. 148187

(E) A peace officer has the same right to carry a concealed 148188
handgun in this state as a person who was issued a concealed 148189
handgun license under section 2923.125 of the Revised Code. For 148190
purposes of reciprocity with other states, a peace officer shall 148191
be considered to be a licensee in this state. 148192

(F)(1) A qualified retired peace officer who possesses a 148193
retired peace officer identification card issued pursuant to 148194
division (F)(2) of this section and a valid firearms 148195
requalification certification issued pursuant to division (F)(3) 148196
of this section has the same right to carry a concealed handgun in 148197
this state as a person who was issued a concealed handgun license 148198
under section 2923.125 of the Revised Code and is subject to the 148199
same restrictions that apply to a person who carries a license 148200
issued under that section. For purposes of reciprocity with other 148201
states, a qualified retired peace officer who possesses a retired 148202
peace officer identification card issued pursuant to division 148203
(F)(2) of this section and a valid firearms requalification 148204
certification issued pursuant to division (F)(3) of this section 148205
shall be considered to be a licensee in this state. 148206

(2)(a) Each public agency of this state or of a political 148207
subdivision of this state that is served by one or more peace 148208
officers shall issue a retired peace officer identification card 148209
to any person who retired from service as a peace officer with 148210
that agency, if the issuance is in accordance with the agency's 148211
policies and procedures and if the person, with respect to the 148212
person's service with that agency, satisfies all of the following: 148213

(i) The person retired in good standing from service as a 148214

peace officer with the public agency, and the retirement was not 148215
for reasons of mental instability. 148216

(ii) Before retiring from service as a peace officer with 148217
that agency, the person was authorized to engage in or supervise 148218
the prevention, detection, investigation, or prosecution of, or 148219
the incarceration of any person for, any violation of law and the 148220
person had statutory powers of arrest. 148221

(iii) At the time of the person's retirement as a peace 148222
officer with that agency, the person was trained and qualified to 148223
carry firearms in the performance of the peace officer's duties. 148224

(iv) Before retiring from service as a peace officer with 148225
that agency, the person was regularly employed as a peace officer 148226
for an aggregate of fifteen years or more, or, in the alternative, 148227
the person retired from service as a peace officer with that 148228
agency, after completing any applicable probationary period of 148229
that service, due to a service-connected disability, as determined 148230
by the agency. 148231

(b) A retired peace officer identification card issued to a 148232
person under division (F)(2)(a) of this section shall identify the 148233
person by name, contain a photograph of the person, identify the 148234
public agency of this state or of the political subdivision of 148235
this state from which the person retired as a peace officer and 148236
that is issuing the identification card, and specify that the 148237
person retired in good standing from service as a peace officer 148238
with the issuing public agency and satisfies the criteria set 148239
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 148240
addition to the required content specified in this division, a 148241
retired peace officer identification card issued to a person under 148242
division (F)(2)(a) of this section may include the firearms 148243
requalification certification described in division (F)(3) of this 148244
section, and if the identification card includes that 148245
certification, the identification card shall serve as the firearms 148246

requalification certification for the retired peace officer. If 148247
the issuing public agency issues credentials to active law 148248
enforcement officers who serve the agency, the agency may comply 148249
with division (F)(2)(a) of this section by issuing the same 148250
credentials to persons who retired from service as a peace officer 148251
with the agency and who satisfy the criteria set forth in 148252
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 148253
credentials so issued to retired peace officers are stamped with 148254
the word "RETIRED." 148255

(c) A public agency of this state or of a political 148256
subdivision of this state may charge persons who retired from 148257
service as a peace officer with the agency a reasonable fee for 148258
issuing to the person a retired peace officer identification card 148259
pursuant to division (F)(2)(a) of this section. 148260

(3) If a person retired from service as a peace officer with 148261
a public agency of this state or of a political subdivision of 148262
this state and the person satisfies the criteria set forth in 148263
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 148264
may provide the retired peace officer with the opportunity to 148265
attend a firearms requalification program that is approved for 148266
purposes of firearms requalification required under section 148267
109.801 of the Revised Code. The retired peace officer may be 148268
required to pay the cost of the course. 148269

If a retired peace officer who satisfies the criteria set 148270
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 148271
firearms requalification program that is approved for purposes of 148272
firearms requalification required under section 109.801 of the 148273
Revised Code, the retired peace officer's successful completion of 148274
the firearms requalification program requalifies the retired peace 148275
officer for purposes of division (F) of this section for five 148276
years from the date on which the program was successfully 148277
completed, and the requalification is valid during that five-year 148278

period. If a retired peace officer who satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the requalification is valid for five years from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under division (F)(2) of this section.

A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code may be required to pay the cost of the program.

(G) As used in this section:

(1) "Qualified retired peace officer" means a person who satisfies all of the following:

(a) The person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (v) of this section.

(b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) The person is not prohibited by federal law from receiving firearms.

(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F)(2) of this section to a person who is a retired peace officer.

(3) "Government facility of this state or a political subdivision of this state" means any of the following:

(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;

(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.

Sec. 5104.012. (A)(1) At the times specified in this division, the administrator of a child day-care center or a type A family day-care home shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the center or type A home for employment as a person responsible for the care, custody, or control of a child.

The administrator shall request a criminal records check pursuant to this division at the time of the applicant's initial application for employment and every ~~four~~ five years thereafter. When the administrator requests pursuant to this division a criminal records check for an applicant at the time of the applicant's initial application for employment, the administrator shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the administrator requests a criminal records check for an applicant pursuant to this division, the

administrator may request that the superintendent include 148340
information from the federal bureau of investigation in the 148341
criminal records check, including fingerprint-based checks of 148342
national crime information databases as described in 42 U.S.C. 148343
671. 148344

(2) A person required by division (A)(1) of this section to 148345
request a criminal records check shall provide to each applicant a 148346
copy of the form prescribed pursuant to division (C)(1) of section 148347
109.572 of the Revised Code, provide to each applicant a standard 148348
impression sheet to obtain fingerprint impressions prescribed 148349
pursuant to division (C)(2) of section 109.572 of the Revised 148350
Code, obtain the completed form and impression sheet from each 148351
applicant, and forward the completed form and impression sheet to 148352
the superintendent of the bureau of criminal identification and 148353
investigation at the time the person requests a criminal records 148354
check pursuant to division (A)(1) of this section. On and after 148355
August 14, 2008, the administrator of a child day-care center or a 148356
type A family day-care home shall review the results of the 148357
criminal records check before the applicant has sole 148358
responsibility for the care, custody, or control of any child. 148359

(3) An applicant who receives pursuant to division (A)(2) of 148360
this section a copy of the form prescribed pursuant to division 148361
(C)(1) of section 109.572 of the Revised Code and a copy of an 148362
impression sheet prescribed pursuant to division (C)(2) of that 148363
section and who is requested to complete the form and provide a 148364
set of fingerprint impressions shall complete the form or provide 148365
all the information necessary to complete the form and shall 148366
provide the impression sheet with the impressions of the 148367
applicant's fingerprints. If an applicant, upon request, fails to 148368
provide the information necessary to complete the form or fails to 148369
provide impressions of the applicant's fingerprints, the center or 148370
type A home shall not employ that applicant for any position for 148371

which a criminal records check is required by division (A)(1) of 148372
this section. 148373

(B)(1) Except as provided in rules adopted under division (E) 148374
of this section, no child day-care center or type A family 148375
day-care home shall employ or contract with another entity for the 148376
services of a person as a person responsible for the care, 148377
custody, or control of a child if the person previously has been 148378
convicted of or pleaded guilty to any of the violations described 148379
in division (A)(5) of section 109.572 of the Revised Code. 148380

(2) A child day-care center or type A family day-care home 148381
may employ an applicant conditionally until the criminal records 148382
check required by this section is completed and the center or home 148383
receives the results of the criminal records check. If the results 148384
of the criminal records check indicate that, pursuant to division 148385
(B)(1) of this section, the applicant does not qualify for 148386
employment, the center or home shall release the applicant from 148387
employment. 148388

(C)(1) Each child day-care center and type A family day-care 148389
home shall pay to the bureau of criminal identification and 148390
investigation the fee prescribed pursuant to division (C)(3) of 148391
section 109.572 of the Revised Code for each criminal records 148392
check conducted in accordance with that section upon the request 148393
pursuant to division (A)(1) of this section of the administrator 148394
or provider of the center or home. 148395

(2) A child day-care center and type A family day-care home 148396
may charge an applicant a fee for the costs it incurs in obtaining 148397
a criminal records check under this section. A fee charged under 148398
this division shall not exceed the amount of fees the center or 148399
home pays under division (C)(1) of this section. If a fee is 148400
charged under this division, the center or home shall notify the 148401
applicant at the time of the applicant's initial application for 148402
employment of the amount of the fee and that, unless the fee is 148403

paid, the center or type A home will not consider the applicant 148404
for employment. 148405

(D) The report of any criminal records check conducted by the 148406
bureau of criminal identification and investigation in accordance 148407
with section 109.572 of the Revised Code and pursuant to a request 148408
under division (A)(1) of this section is not a public record for 148409
the purposes of section 149.43 of the Revised Code and shall not 148410
be made available to any person other than the applicant who is 148411
the subject of the criminal records check or the applicant's 148412
representative; the center or type A home requesting the criminal 148413
records check or its representative; the department of job and 148414
family services or a county department of job and family services; 148415
and any court, hearing officer, or other necessary individual 148416
involved in a case dealing with the denial of employment to the 148417
applicant. 148418

(E) The director of job and family services shall adopt rules 148419
pursuant to Chapter 119. of the Revised Code to implement this 148420
section, including rules specifying circumstances under which a 148421
center or home may hire a person who has been convicted of an 148422
offense listed in division (B)(1) of this section but who meets 148423
standards in regard to rehabilitation set by the department. 148424

(F) Any person required by division (A)(1) of this section to 148425
request a criminal records check shall inform each person, at the 148426
time of the person's initial application for employment, that the 148427
person is required to provide a set of impressions of the person's 148428
fingerprints and that a criminal records check is required to be 148429
conducted and satisfactorily completed in accordance with section 148430
109.572 of the Revised Code if the person comes under final 148431
consideration for appointment or employment as a precondition to 148432
employment for that position. 148433

(G) As used in this section: 148434

(1) "Applicant" means a person who is under final consideration for appointment to or employment in a position with a child day-care center or a type A family day-care home as a person responsible for the care, custody, or control of a child or any person who would serve in any position with a child day-care center or a type A family day-care home as a person responsible for the care, custody, or control of a child pursuant to a contract with another entity.

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

Sec. 5104.013. (A)(1) At the times specified in division (A)(3) of this section, the director of job and family services, as part of the process of licensure of child day-care centers, type A family day-care homes, and licensed type B family day-care homes shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to the following persons:

(a) Any owner, licensee, or administrator of a child day-care center;

(b) Any owner, licensee, or administrator of a type A family day-care home and any person eighteen years of age or older who resides in a type A family day-care home;

(c) Any administrator of a licensed type B family day-care home and any person eighteen years of age or older who resides in a licensed type B family day-care home.

(2) At the time specified in division (A)(3) of this section, the director of a county department of job and family services, as part of the process of certification of in-home aides, shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records

check with respect to any in-home aide. 148465

(3) The director of job and family services shall request a 148466
criminal records check pursuant to division (A)(1) of this section 148467
at the time of the initial application for licensure and every 148468
~~four~~ five years thereafter. The director of a county department of 148469
job and family services shall request a criminal records check 148470
pursuant to division (A)(2) of this section at the time of the 148471
initial application for certification and every ~~four~~ five years 148472
thereafter. When the director of job and family services or the 148473
director of a county department of job and family services 148474
requests pursuant to division (A)(1) or (2) of this section a 148475
criminal records check for a person at the time of the person's 148476
initial application for licensure or certification, the director 148477
shall request that the superintendent of the bureau of criminal 148478
identification and investigation obtain information from the 148479
federal bureau of investigation as a part of the criminal records 148480
check for the person, including fingerprint-based checks of 148481
national crime information databases as described in 42 U.S.C. 671 148482
for the person subject to the criminal records check. In all other 148483
cases in which the director of job and family services or the 148484
director of a county department of job and family services 148485
requests a criminal records check for an applicant pursuant to 148486
division (A)(1) or (2) of this section, the director may request 148487
that the superintendent include information from the federal 148488
bureau of investigation in the criminal records check, including 148489
fingerprint-based checks of national crime information databases 148490
as described in 42 U.S.C. 671. 148491

(4) The director of job and family services shall review the 148492
results of a criminal records check subsequent to a request made 148493
pursuant to divisions (A)(1) and (3) of this section prior to 148494
approval of a license. The director of a county department of job 148495
and family services shall review the results of a criminal records 148496

check subsequent to a request made pursuant to divisions (A)(2) 148497
and (3) of this section prior to approval of certification. 148498

(B) The director of job and family services or the director 148499
of a county department of job and family services shall provide to 148500
each person for whom a criminal records check is required under 148501
this section a copy of the form prescribed pursuant to division 148502
(C)(1) of section 109.572 of the Revised Code and a standard 148503
impression sheet to obtain fingerprint impressions prescribed 148504
pursuant to division (C)(2) of that section, obtain the completed 148505
form and impression sheet from that person, and forward the 148506
completed form and impression sheet to the superintendent of the 148507
bureau of criminal identification and investigation. 148508

(C) A person who receives pursuant to division (B) of this 148509
section a copy of the form and standard impression sheet described 148510
in that division and who is requested to complete the form and 148511
provide a set of fingerprint impressions shall complete the form 148512
or provide all the information necessary to complete the form and 148513
shall provide the impression sheet with the impressions of the 148514
person's fingerprints. If the person, upon request, fails to 148515
provide the information necessary to complete the form or fails to 148516
provide impressions of the person's fingerprints, the director may 148517
consider the failure as a reason to deny licensure or 148518
certification. 148519

(D) Except as provided in rules adopted under division (G) of 148520
this section, the director of job and family services shall not 148521
grant a license to a child day-care center, type A family day-care 148522
home, or type B family day-care home and a county director of job 148523
and family services shall not certify an in-home aide if a person 148524
for whom a criminal records check was required in connection with 148525
the center or home previously has been convicted of or pleaded 148526
guilty to any of the violations described in division (A)(5) of 148527
section 109.572 of the Revised Code. 148528

(E) Each child day-care center, type A family day-care home, 148529
and type B family day-care home shall pay to the bureau of 148530
criminal identification and investigation the fee prescribed 148531
pursuant to division (C)(3) of section 109.572 of the Revised Code 148532
for each criminal records check conducted in accordance with that 148533
section upon a request made pursuant to division (A) of this 148534
section. 148535

(F) The report of any criminal records check conducted by the 148536
bureau of criminal identification and investigation in accordance 148537
with section 109.572 of the Revised Code and pursuant to a request 148538
made under division (A) of this section is not a public record for 148539
the purposes of section 149.43 of the Revised Code and shall not 148540
be made available to any person other than the person who is the 148541
subject of the criminal records check or the person's 148542
representative, the director of job and family services, the 148543
director of a county department of job and family services, the 148544
center, type A home, or type B home involved, and any court, 148545
hearing officer, or other necessary individual involved in a case 148546
dealing with a denial of licensure or certification related to the 148547
criminal records check. 148548

(G) The director of job and family services shall adopt rules 148549
in accordance with Chapter 119. of the Revised Code to implement 148550
this section, including rules specifying exceptions to the 148551
prohibition in division (D) of this section for persons who have 148552
been convicted of an offense listed in that division but who meet 148553
standards in regard to rehabilitation set by the director. 148554

(H) As used in this section, "criminal records check" has the 148555
same meaning as in section 109.572 of the Revised Code. 148556

Sec. 5104.03. (A) Any person, firm, organization, 148557
institution, or agency seeking to establish a child day-care 148558
center, type A family day-care home, or licensed type B family 148559

day-care home shall apply for a license to the director of job and family services on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules adopted pursuant to this chapter. The copies may be provided in paper or electronic form.

Fees shall be set by the director pursuant to sections 5104.015, 5104.017, and 5104.018 of the Revised Code and shall be paid at the time of application for a license to operate a center, type A home, or type B home. Fees collected under this section shall be paid into the state treasury to the credit of the general revenue fund.

(B)(1) Upon filing of the application for a license, the director shall investigate and inspect the center, type A home, or type B home to determine the license capacity for each age category of children of the center, type A home, or type B home and to determine whether the center, type A home, or type B home complies with this chapter and rules adopted pursuant to this chapter. When, after investigation and inspection, the director is satisfied that this chapter and rules adopted pursuant to it are complied with, subject to division (H) of this section, a license shall be issued as soon as practicable in such form and manner as prescribed by the director. The license shall be designated as provisional and shall be valid for twelve months from the date of issuance unless revoked.

(2) The director may contract with a government entity or a private nonprofit entity for the entity to inspect and license type B family day-care homes pursuant to this section. The department, government entity, or nonprofit entity shall conduct the inspection prior to the issuance of a license for the type B home and, as part of that inspection, ensure that the type B home is safe and sanitary.

(C)(1) On receipt of an application for licensure as a type B family day-care home to provide publicly funded child care, the department shall search the uniform statewide automated child welfare information system for information concerning any abuse or neglect report made pursuant to section 2151.421 of the Revised Code of which the applicant, any other adult residing in the applicant's home, or a person designated by the applicant to be an emergency or substitute caregiver for the applicant is the subject.

(2) The department shall consider any information it discovers pursuant to division (C)(1) of this section or that is provided by a public children services agency pursuant to section 5153.175 of the Revised Code. If the department determines that the information, when viewed within the totality of the circumstances, reasonably leads to the conclusion that the applicant may directly or indirectly endanger the health, safety, or welfare of children, the department shall deny the application for licensure or revoke the license of a type B family day-care home.

(D) The director shall investigate and inspect the center, type A home, or type B home at least once during operation under a license designated as provisional. If after the investigation and inspection the director determines that the requirements of this chapter and rules adopted pursuant to this chapter are met, subject to division (H) of this section, the director shall issue a new license to the center or home.

(E) Each license shall state the name of the licensee, the name of the administrator, the address of the center, type A home, or licensed type B home, and the license capacity for each age category of children. The license shall include thereon, in accordance with sections 5104.015, 5104.017, and 5104.018 of the Revised Code, the toll-free telephone number to be used by persons

suspecting that the center, type A home, or licensed type B home 148624
has violated a provision of this chapter or rules adopted pursuant 148625
to this chapter. A license is valid only for the licensee, 148626
administrator, address, and license capacity for each age category 148627
of children designated on the license. The license capacity 148628
specified on the license is the maximum number of children in each 148629
age category that may be cared for in the center, type A home, or 148630
licensed type B home at one time. 148631

The center or type A home licensee shall notify the director 148632
when the administrator of the center or home changes. The director 148633
shall amend the current license to reflect a change in an 148634
administrator, if the administrator meets the requirements of this 148635
chapter and rules adopted pursuant to this chapter, or a change in 148636
license capacity for any age category of children as determined by 148637
the director of job and family services. 148638

(F) If the director revokes the license of a center, a type A 148639
home, or a type B home, the director shall not issue another 148640
license to the owner of the center, type A home, or type B home 148641
until five years have elapsed from the date the license is 148642
revoked. 148643

If the director denies an application for a license, the 148644
director shall not accept another application from the applicant 148645
until five years have elapsed from the date the application is 148646
denied. 148647

(G) If during the application for licensure process the 148648
director determines that the license of the owner has been 148649
revoked, the investigation of the center, type A home, or type B 148650
home shall cease. This action does not constitute denial of the 148651
application and may not be appealed under division (H) of this 148652
section. 148653

(H) All actions of the director with respect to licensing 148654

centers, type A homes, or type B homes, refusal to license, and 148655
revocation of a license shall be in accordance with Chapter 119. 148656
of the Revised Code. Any applicant who is denied a license or any 148657
owner whose license is revoked may appeal in accordance with 148658
section 119.12 of the Revised Code. 148659

(I) In no case shall the director issue a license under this 148660
section for a center, type A home, or type B home if the director, 148661
based on documentation provided by the appropriate county 148662
department of job and family services, determines that the 148663
applicant had been certified as a type B family day-care home when 148664
such certifications were issued by county departments prior to ~~the~~ 148665
~~effective date of this amendment~~ January 1, 2014, that the county 148666
department revoked that certification within the immediately 148667
preceding five years, that the revocation was based on the 148668
applicant's refusal or inability to comply with the criteria for 148669
certification, and that the refusal or inability resulted in a 148670
risk to the health or safety of children. 148671

(J)(1) Except as provided in division (J)(2) of this section, 148672
an administrator of a type B family day-care home that receives a 148673
license pursuant to this section to provide publicly funded child 148674
care is an independent contractor and is not an employee of the 148675
department of job and family services. 148676

(2) For purposes of Chapter 4141. of the Revised Code, 148677
determinations concerning the employment of an administrator of a 148678
type B family day-care home that receives a license pursuant to 148679
this section shall be determined under Chapter 4141. of the 148680
Revised Code. 148681

Sec. 5104.08. (A) There is hereby created in the department 148682
of job and family services a child care advisory council to advise 148683
and assist the department in the administration of this chapter 148684
and in the development of child care. The council shall consist of 148685

twenty-two voting members appointed by the director of job and 148686
family services with the approval of the governor. The director of 148687
job and family services, the director of developmental 148688
disabilities, the director of ~~mental health~~ mental health and 148689
addiction services, the superintendent of public instruction, the 148690
director of health, the director of commerce, and the state fire 148691
marshal shall serve as nonvoting members of the council. 148692

Six members shall be representatives of child care centers 148693
subject to licensing, the members to represent a variety of 148694
centers, including nonprofit and proprietary, from different 148695
geographical areas of the state. At least three members shall be 148696
parents, guardians, or custodians of children receiving child care 148697
or publicly funded child care in the child's own home, a center, a 148698
type A home, a head start program, a licensed type B home, or a 148699
type B home at the time of appointment. Three members shall be 148700
representatives of in-home aides, type A homes, licensed type B 148701
homes, or type B homes or head start programs. At least six 148702
members shall represent county departments of job and family 148703
services. The remaining members shall be representatives of the 148704
teaching, child development, and health professions, and other 148705
individuals interested in the welfare of children. At least six 148706
members of the council shall not be employees or licensees of a 148707
child day-care center, head start program, or type A home, or 148708
providers operating a licensed type B home or type B home, or 148709
in-home aides. 148710

Appointments shall be for three-year terms. Vacancies shall 148711
be filled for the unexpired terms. A member of the council is 148712
subject to removal by the director of job and family services for 148713
a willful and flagrant exercise of authority or power that is not 148714
authorized by law, for a refusal or willful neglect to perform any 148715
official duty as a member of the council imposed by law, or for 148716
being guilty of misfeasance, malfeasance, nonfeasance, or gross 148717

neglect of duty as a member of the council. 148718

There shall be two co-chairpersons of the council. One 148719
co-chairperson shall be the director of job and family services or 148720
the director's designee, and one co-chairperson shall be elected 148721
by the members of the council. The council shall meet as often as 148722
is necessary to perform its duties, provided that it shall meet at 148723
least once in each quarter of each calendar year and at the call 148724
of the co-chairpersons. The co-chairpersons or their designee 148725
shall send to each member a written notice of the date, time, and 148726
place of each meeting. 148727

Members of the council shall serve without compensation, but 148728
shall be reimbursed for necessary expenses. 148729

(B) The child care advisory council shall advise the director 148730
on matters affecting the licensing of centers, type A homes, and 148731
type B homes and the certification of in-home aides. The council 148732
shall make an annual report to the director of job and family 148733
services that addresses the availability, affordability, 148734
accessibility, and quality of child care and that summarizes the 148735
recommendations and plans of action that the council has proposed 148736
to the director during the preceding fiscal year. The director of 148737
job and family services shall provide copies of the report to the 148738
governor, speaker and minority leader of the house of 148739
representatives, and the president and minority leader of the 148740
senate and, on request, shall make copies available to the public. 148741

(C) The director of job and family services shall adopt rules 148742
in accordance with Chapter 119. of the Revised Code to implement 148743
this section. 148744

Sec. 5104.32. (A) Except as provided in division (C) of this 148745
section, all purchases of publicly funded child care shall be made 148746
under a contract entered into by a licensed child day-care center, 148747
licensed type A family day-care home, licensed type B family 148748

day-care home, certified in-home aide, approved child day camp, 148749
licensed preschool program, licensed school child program, or 148750
border state child care provider and the department of job and 148751
family services. All contracts for publicly funded child care 148752
shall be contingent upon the availability of state and federal 148753
funds. The department shall prescribe a standard form to be used 148754
for all contracts for the purchase of publicly funded child care, 148755
regardless of the source of public funds used to purchase the 148756
child care. To the extent permitted by federal law and 148757
notwithstanding any other provision of the Revised Code that 148758
regulates state contracts or contracts involving the expenditure 148759
of state or federal funds, all contracts for publicly funded child 148760
care shall be entered into in accordance with the provisions of 148761
this chapter and are exempt from any other provision of the 148762
Revised Code that regulates state contracts or contracts involving 148763
the expenditure of state or federal funds. 148764

(B) Each contract for publicly funded child care shall 148765
specify at least the following: 148766

(1) That the provider of publicly funded child care agrees to 148767
be paid for rendering services at the lower of the rate 148768
customarily charged by the provider for children enrolled for 148769
child care or the reimbursement ceiling or rate of payment 148770
established pursuant to section 5104.30 of the Revised Code; 148771

(2) That, if a provider provides child care to an individual 148772
potentially eligible for publicly funded child care who is 148773
subsequently determined to be eligible, the department agrees to 148774
pay for all child care provided between the date the county 148775
department of job and family services receives the individual's 148776
completed application and the date the individual's eligibility is 148777
determined; 148778

(3) Whether the county department of job and family services, 148779
the provider, or a child care resource and referral service 148780

organization will make eligibility determinations, whether the 148781
provider or a child care resource and referral service 148782
organization will be required to collect information to be used by 148783
the county department to make eligibility determinations, and the 148784
time period within which the provider or child care resource and 148785
referral service organization is required to complete required 148786
eligibility determinations or to transmit to the county department 148787
any information collected for the purpose of making eligibility 148788
determinations; 148789

(4) That the provider, other than a border state child care 148790
provider, shall continue to be licensed, approved, or certified 148791
pursuant to this chapter and shall comply with all standards and 148792
other requirements in this chapter and in rules adopted pursuant 148793
to this chapter for maintaining the provider's license, approval, 148794
or certification; 148795

(5) That, in the case of a border state child care provider, 148796
the provider shall continue to be licensed, certified, or 148797
otherwise approved by the state in which the provider is located 148798
and shall comply with all standards and other requirements 148799
established by that state for maintaining the provider's license, 148800
certificate, or other approval; 148801

(6) Whether the provider will be paid by the state department 148802
of job and family services or in some other manner as prescribed 148803
by rules adopted under section 5104.42 of the Revised Code; 148804

(7) That the contract is subject to the availability of state 148805
and federal funds. 148806

(C) Unless specifically prohibited by federal law or by rules 148807
adopted under section 5104.42 of the Revised Code, the county 148808
department of job and family services shall give individuals 148809
eligible for publicly funded child care the option of obtaining 148810
certificates that the individual may use to purchase services from 148811

any provider qualified to provide publicly funded child care under 148812
section 5104.31 of the Revised Code. Providers of publicly funded 148813
child care may present these certificates for payment in 148814
accordance with rules that the director of job and family services 148815
shall adopt. Only providers may receive payment for certificates. 148816
The value of the certificate shall be based on the lower of the 148817
rate customarily charged by the provider or the rate of payment 148818
established pursuant to section 5104.30 of the Revised Code. The 148819
county department may provide the certificates to the individuals 148820
or may contract with child care providers or child care resource 148821
and referral service organizations that make determinations of 148822
eligibility for publicly funded child care pursuant to contracts 148823
entered into under section 5104.34 of the Revised Code for the 148824
providers or resource and referral service organizations to 148825
provide the certificates to individuals whom they determine are 148826
eligible for publicly funded child care. 148827

For each six-month period a provider of publicly funded child 148828
care provides publicly funded child care to the child of an 148829
individual given certificates, the individual shall provide the 148830
provider certificates for days the provider would have provided 148831
publicly funded child care to the child had the child been 148832
present. The maximum number of days providers shall be provided 148833
certificates shall not exceed ten days in a six-month period 148834
during which publicly funded child care is provided to the child 148835
regardless of the number of providers that provide publicly funded 148836
child care to the child during that period. 148837

(D)(1) The department shall establish the Ohio electronic 148838
child care system to track attendance and calculate payments for 148839
publicly funded child care. The system shall include issuing an 148840
electronic child care card to each caretaker parent to swipe 148841
through a point of service device issued to an eligible provider, 148842
as described in section 5104.31 of the Revised Code. 148843

(2) Each eligible provider that provides publicly funded child care shall participate in the Ohio electronic child care system. A provider participating in the system shall not do any of the following: 148844
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(a) Use or have possession of an electronic child care card issued to a caretaker parent; 148848
148849

(b) Falsify attendance records; 148850

(c) Knowingly seek payment for publicly funded child care that was not provided; 148851
148852

(d) Knowingly accept reimbursement for publicly funded child care that was not provided. 148853
148854

Section 110.21. That the existing versions of sections 109.57, 2151.011, 2923.126, 5104.012, 5104.013, 5104.03, 5104.08, and 5104.32 of the Revised Code that are scheduled to take effect January 1, 2014, are hereby repealed. 148855
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Section 110.22. Sections 110.20 and 110.21 of this act shall take effect January 1, 2014, except that the amendments by Sections 110.20 and 110.21 of this act to divisions (B)(49) and (50) of section 2151.011 of the Revised Code shall take effect July 1, 2014. 148859
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Section 110.30. That the versions of sections 4501.01, 4507.01, and 4507.06 of the Revised Code that are scheduled to take effect January 1, 2017, be amended to read as follows: 148864
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148866

Sec. 4501.01. As used in this chapter and Chapters 4503., 4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the Revised Code, and in the penal laws, except as otherwise provided: 148867
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148869

(A) "Vehicles" means everything on wheels or runners, including motorized bicycles, but does not mean electric personal 148870
148871

assistive mobility devices, vehicles that are operated exclusively 148872
on rails or tracks or from overhead electric trolley wires, and 148873
vehicles that belong to any police department, municipal fire 148874
department, or volunteer fire department, or that are used by such 148875
a department in the discharge of its functions. 148876

(B) "Motor vehicle" means any vehicle, including mobile homes 148877
and recreational vehicles, that is propelled or drawn by power 148878
other than muscular power or power collected from overhead 148879
electric trolley wires. "Motor vehicle" does not include utility 148880
vehicles as defined in division (VV) of this section, under-speed 148881
vehicles as defined in division (XX) of this section, mini-trucks 148882
as defined in division (BBB) of this section, motorized bicycles, 148883
road rollers, traction engines, power shovels, power cranes, and 148884
other equipment used in construction work and not designed for or 148885
employed in general highway transportation, well-drilling 148886
machinery, ditch-digging machinery, farm machinery, and trailers 148887
that are designed and used exclusively to transport a boat between 148888
a place of storage and a marina, or in and around a marina, when 148889
drawn or towed on a public road or highway for a distance of no 148890
more than ten miles and at a speed of twenty-five miles per hour 148891
or less. 148892

(C) "Agricultural tractor" and "traction engine" mean any 148893
self-propelling vehicle that is designed or used for drawing other 148894
vehicles or wheeled machinery, but has no provisions for carrying 148895
loads independently of such other vehicles, and that is used 148896
principally for agricultural purposes. 148897

(D) "Commercial tractor," except as defined in division (C) 148898
of this section, means any motor vehicle that has motive power and 148899
either is designed or used for drawing other motor vehicles, or is 148900
designed or used for drawing another motor vehicle while carrying 148901
a portion of the other motor vehicle or its load, or both. 148902

(E) "Passenger car" means any motor vehicle that is designed 148903

and used for carrying not more than nine persons and includes any 148904
motor vehicle that is designed and used for carrying not more than 148905
fifteen persons in a ridesharing arrangement. 148906

(F) "Collector's vehicle" means any motor vehicle or 148907
agricultural tractor or traction engine that is of special 148908
interest, that has a fair market value of one hundred dollars or 148909
more, whether operable or not, and that is owned, operated, 148910
collected, preserved, restored, maintained, or used essentially as 148911
a collector's item, leisure pursuit, or investment, but not as the 148912
owner's principal means of transportation. "Licensed collector's 148913
vehicle" means a collector's vehicle, other than an agricultural 148914
tractor or traction engine, that displays current, valid license 148915
tags issued under section 4503.45 of the Revised Code, or a 148916
similar type of motor vehicle that displays current, valid license 148917
tags issued under substantially equivalent provisions in the laws 148918
of other states. 148919

(G) "Historical motor vehicle" means any motor vehicle that 148920
is over twenty-five years old and is owned solely as a collector's 148921
item and for participation in club activities, exhibitions, tours, 148922
parades, and similar uses, but that in no event is used for 148923
general transportation. 148924

(H) "Noncommercial motor vehicle" means any motor vehicle, 148925
including a farm truck as defined in section 4503.04 of the 148926
Revised Code, that is designed by the manufacturer to carry a load 148927
of no more than one ton and is used exclusively for purposes other 148928
than engaging in business for profit. 148929

(I) "Bus" means any motor vehicle that has motor power and is 148930
designed and used for carrying more than nine passengers, except 148931
any motor vehicle that is designed and used for carrying not more 148932
than fifteen passengers in a ridesharing arrangement. 148933

(J) "Commercial car" or "truck" means any motor vehicle that 148934

has motor power and is designed and used for carrying merchandise 148935
or freight, or that is used as a commercial tractor. 148936

(K) "Bicycle" means every device, other than a device that is 148937
designed solely for use as a play vehicle by a child, that is 148938
propelled solely by human power upon which a person may ride, and 148939
that has two or more wheels, any of which is more than fourteen 148940
inches in diameter. 148941

(L) "Motorized bicycle" or "moped" means any vehicle that 148942
either has two tandem wheels or one wheel in the front and two 148943
wheels in the rear, that may be pedaled, and that is equipped with 148944
a helper motor of not more than fifty cubic centimeters piston 148945
displacement that produces no more than one brake horsepower and 148946
is capable of propelling the vehicle at a speed of no greater than 148947
twenty miles per hour on a level surface. 148948

(M) "Trailer" means any vehicle without motive power that is 148949
designed or used for carrying property or persons wholly on its 148950
own structure and for being drawn by a motor vehicle, and includes 148951
any such vehicle that is formed by or operated as a combination of 148952
a semitrailer and a vehicle of the dolly type such as that 148953
commonly known as a trailer dolly, a vehicle used to transport 148954
agricultural produce or agricultural production materials between 148955
a local place of storage or supply and the farm when drawn or 148956
towed on a public road or highway at a speed greater than 148957
twenty-five miles per hour, and a vehicle that is designed and 148958
used exclusively to transport a boat between a place of storage 148959
and a marina, or in and around a marina, when drawn or towed on a 148960
public road or highway for a distance of more than ten miles or at 148961
a speed of more than twenty-five miles per hour. "Trailer" does 148962
not include a manufactured home or travel trailer. 148963

(N) "Noncommercial trailer" means any trailer, except a 148964
travel trailer or trailer that is used to transport a boat as 148965
described in division (B) of this section, but, where applicable, 148966

includes a vehicle that is used to transport a boat as described 148967
in division (M) of this section, that has a gross weight of no 148968
more than ten thousand pounds, and that is used exclusively for 148969
purposes other than engaging in business for a profit, such as the 148970
transportation of personal items for personal or recreational 148971
purposes. 148972

(O) "Mobile home" means a building unit or assembly of closed 148973
construction that is fabricated in an off-site facility, is more 148974
than thirty-five body feet in length or, when erected on site, is 148975
three hundred twenty or more square feet, is built on a permanent 148976
chassis, is transportable in one or more sections, and does not 148977
qualify as a manufactured home as defined in division (C)(4) of 148978
section 3781.06 of the Revised Code or as an industrialized unit 148979
as defined in division (C)(3) of section 3781.06 of the Revised 148980
Code. 148981

(P) "Semitrailer" means any vehicle of the trailer type that 148982
does not have motive power and is so designed or used with another 148983
and separate motor vehicle that in operation a part of its own 148984
weight or that of its load, or both, rests upon and is carried by 148985
the other vehicle furnishing the motive power for propelling 148986
itself and the vehicle referred to in this division, and includes, 148987
for the purpose only of registration and taxation under those 148988
chapters, any vehicle of the dolly type, such as a trailer dolly, 148989
that is designed or used for the conversion of a semitrailer into 148990
a trailer. 148991

(Q) "Recreational vehicle" means a vehicular portable 148992
structure that meets all of the following conditions: 148993

(1) It is designed for the sole purpose of recreational 148994
travel. 148995

(2) It is not used for the purpose of engaging in business 148996
for profit. 148997

(3) It is not used for the purpose of engaging in intrastate commerce.	148998 148999
(4) It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended.	149000 149001
(5) It is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923. of the Revised Code.	149002 149003
(6) It is classed as one of the following:	149004
(a) "Travel trailer" or "house vehicle" means a nonself-propelled recreational vehicle that does not exceed an overall length of forty feet, exclusive of bumper and tongue or coupling. "Travel trailer" includes a tent-type fold-out camping trailer as defined in section 4517.01 of the Revised Code.	149005 149006 149007 149008 149009
(b) "Motor home" means a self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.	149010 149011 149012 149013
(c) "Truck camper" means a nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.	149014 149015 149016 149017 149018 149019
(d) "Fifth wheel trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.	149020 149021 149022 149023 149024 149025
(e) "Park trailer" means a vehicle that is commonly known as a park model recreational vehicle, meets the American national	149026 149027

standard institute standard A119.5 (1988) for park trailers, is 149028
built on a single chassis, has a gross trailer area of four 149029
hundred square feet or less when set up, is designed for seasonal 149030
or temporary living quarters, and may be connected to utilities 149031
necessary for the operation of installed features and appliances. 149032

(R) "Pneumatic tires" means tires of rubber and fabric or 149033
tires of similar material, that are inflated with air. 149034

(S) "Solid tires" means tires of rubber or similar elastic 149035
material that are not dependent upon confined air for support of 149036
the load. 149037

(T) "Solid tire vehicle" means any vehicle that is equipped 149038
with two or more solid tires. 149039

(U) "Farm machinery" means all machines and tools that are 149040
used in the production, harvesting, and care of farm products, and 149041
includes trailers that are used to transport agricultural produce 149042
or agricultural production materials between a local place of 149043
storage or supply and the farm, agricultural tractors, threshing 149044
machinery, hay-baling machinery, corn shellers, hammermills, and 149045
machinery used in the production of horticultural, agricultural, 149046
and vegetable products. 149047

(V) "Owner" includes any person or firm, other than a 149048
manufacturer or dealer, that has title to a motor vehicle, except 149049
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 149050
includes in addition manufacturers and dealers. 149051

(W) "Manufacturer" and "dealer" include all persons and firms 149052
that are regularly engaged in the business of manufacturing, 149053
selling, displaying, offering for sale, or dealing in motor 149054
vehicles, at an established place of business that is used 149055
exclusively for the purpose of manufacturing, selling, displaying, 149056
offering for sale, or dealing in motor vehicles. A place of 149057
business that is used for manufacturing, selling, displaying, 149058

offering for sale, or dealing in motor vehicles shall be deemed to 149059
be used exclusively for those purposes even though snowmobiles or 149060
all-purpose vehicles are sold or displayed for sale thereat, even 149061
though farm machinery is sold or displayed for sale thereat, or 149062
even though repair, accessory, gasoline and oil, storage, parts, 149063
service, or paint departments are maintained thereat, or, in any 149064
county having a population of less than seventy-five thousand at 149065
the last federal census, even though a department in a place of 149066
business is used to dismantle, salvage, or rebuild motor vehicles 149067
by means of used parts, if such departments are operated for the 149068
purpose of furthering and assisting in the business of 149069
manufacturing, selling, displaying, offering for sale, or dealing 149070
in motor vehicles. Places of business or departments in a place of 149071
business used to dismantle, salvage, or rebuild motor vehicles by 149072
means of using used parts are not considered as being maintained 149073
for the purpose of assisting or furthering the manufacturing, 149074
selling, displaying, and offering for sale or dealing in motor 149075
vehicles. 149076

(X) "Operator" includes any person who drives or operates a 149077
motor vehicle upon the public highways. 149078

(Y) "Chauffeur" means any operator who operates a motor 149079
vehicle, other than a taxicab, as an employee for hire; or any 149080
operator whether or not the owner of a motor vehicle, other than a 149081
taxicab, who operates such vehicle for transporting, for gain, 149082
compensation, or profit, either persons or property owned by 149083
another. Any operator of a motor vehicle who is voluntarily 149084
involved in a ridesharing arrangement is not considered an 149085
employee for hire or operating such vehicle for gain, 149086
compensation, or profit. 149087

(Z) "State" includes the territories and federal districts of 149088
the United States, and the provinces of Canada. 149089

(AA) "Public roads and highways" for vehicles includes all 149090

public thoroughfares, bridges, and culverts. 149091

(BB) "Manufacturer's number" means the manufacturer's 149092
original serial number that is affixed to or imprinted upon the 149093
chassis or other part of the motor vehicle. 149094

(CC) "Motor number" means the manufacturer's original number 149095
that is affixed to or imprinted upon the engine or motor of the 149096
vehicle. 149097

(DD) "Distributor" means any person who is authorized by a 149098
motor vehicle manufacturer to distribute new motor vehicles to 149099
licensed motor vehicle dealers at an established place of business 149100
that is used exclusively for the purpose of distributing new motor 149101
vehicles to licensed motor vehicle dealers, except when the 149102
distributor also is a new motor vehicle dealer, in which case the 149103
distributor may distribute at the location of the distributor's 149104
licensed dealership. 149105

(EE) "Ridesharing arrangement" means the transportation of 149106
persons in a motor vehicle where the transportation is incidental 149107
to another purpose of a volunteer driver and includes ridesharing 149108
arrangements known as carpools, vanpools, and buspools. 149109

(FF) "Apportionable vehicle" means any vehicle that is used 149110
or intended for use in two or more international registration plan 149111
member jurisdictions that allocate or proportionally register 149112
vehicles, that is used for the transportation of persons for hire 149113
or designed, used, or maintained primarily for the transportation 149114
of property, and that meets any of the following qualifications: 149115

(1) Is a power unit having a gross vehicle weight in excess 149116
of twenty-six thousand pounds; 149117

(2) Is a power unit having three or more axles, regardless of 149118
the gross vehicle weight; 149119

(3) Is a combination vehicle with a gross vehicle weight in 149120

excess of twenty-six thousand pounds. 149121

"Apportionable vehicle" does not include recreational 149122
vehicles, vehicles displaying restricted plates, city pick-up and 149123
delivery vehicles, buses used for the transportation of chartered 149124
parties, or vehicles owned and operated by the United States, this 149125
state, or any political subdivisions thereof. 149126

(GG) "Chartered party" means a group of persons who contract 149127
as a group to acquire the exclusive use of a passenger-carrying 149128
motor vehicle at a fixed charge for the vehicle in accordance with 149129
the carrier's tariff, lawfully on file with the United States 149130
department of transportation, for the purpose of group travel to a 149131
specified destination or for a particular itinerary, either agreed 149132
upon in advance or modified by the chartered group after having 149133
left the place of origin. 149134

(HH) "International registration plan" means a reciprocal 149135
agreement of member jurisdictions that is endorsed by the American 149136
association of motor vehicle administrators, and that promotes and 149137
encourages the fullest possible use of the highway system by 149138
authorizing apportioned registration of fleets of vehicles and 149139
recognizing registration of vehicles apportioned in member 149140
jurisdictions. 149141

(II) "Restricted plate" means a license plate that has a 149142
restriction of time, geographic area, mileage, or commodity, and 149143
includes license plates issued to farm trucks under division (J) 149144
of section 4503.04 of the Revised Code. 149145

(JJ) "Gross vehicle weight," with regard to any commercial 149146
car, trailer, semitrailer, or bus that is taxed at the rates 149147
established under section 4503.042 or 4503.65 of the Revised Code, 149148
means the unladen weight of the vehicle fully equipped plus the 149149
maximum weight of the load to be carried on the vehicle. 149150

(KK) "Combined gross vehicle weight" with regard to any 149151

combination of a commercial car, trailer, and semitrailer, that is 149152
taxed at the rates established under section 4503.042 or 4503.65 149153
of the Revised Code, means the total unladen weight of the 149154
combination of vehicles fully equipped plus the maximum weight of 149155
the load to be carried on that combination of vehicles. 149156

(LL) "Chauffeured limousine" means a motor vehicle that is 149157
designed to carry nine or fewer passengers and is operated for 149158
hire ~~on an hourly basis~~ pursuant to a prearranged contract for the 149159
transportation of passengers on public roads and highways along a 149160
route under the control of the person hiring the vehicle and not 149161
over a defined and regular route. "Prearranged contract" means an 149162
agreement, made in advance of boarding, to provide transportation 149163
from a specific location in a chauffeured limousine ~~at a fixed~~ 149164
~~rate per hour or trip~~. "Chauffeured limousine" does not include 149165
any vehicle that is used exclusively in the business of funeral 149166
directing. 149167

(MM) "Manufactured home" has the same meaning as in division 149168
(C)(4) of section 3781.06 of the Revised Code. 149169

(NN) "Acquired situs," with respect to a manufactured home or 149170
a mobile home, means to become located in this state by the 149171
placement of the home on real property, but does not include the 149172
placement of a manufactured home or a mobile home in the inventory 149173
of a new motor vehicle dealer or the inventory of a manufacturer, 149174
remanufacturer, or distributor of manufactured or mobile homes. 149175

(OO) "Electronic" includes electrical, digital, magnetic, 149176
optical, electromagnetic, or any other form of technology that 149177
entails capabilities similar to these technologies. 149178

(PP) "Electronic record" means a record generated, 149179
communicated, received, or stored by electronic means for use in 149180
an information system or for transmission from one information 149181
system to another. 149182

(QQ) "Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record.

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(RR) "Financial transaction device" has the same meaning as in division (A) of section 113.40 of the Revised Code.

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(SS) "Electronic motor vehicle dealer" means a motor vehicle dealer licensed under Chapter 4517. of the Revised Code whom the registrar of motor vehicles determines meets the criteria designated in section 4503.035 of the Revised Code for electronic motor vehicle dealers and designates as an electronic motor vehicle dealer under that section.

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(TT) "Electric personal assistive mobility device" means a self-balancing two non-tandem wheeled device that is designed to transport only one person, has an electric propulsion system of an average of seven hundred fifty watts, and when ridden on a paved level surface by an operator who weighs one hundred seventy pounds has a maximum speed of less than twenty miles per hour.

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(UU) "Limited driving privileges" means the privilege to operate a motor vehicle that a court grants under section 4510.021 of the Revised Code to a person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended.

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(VV) "Utility vehicle" means a self-propelled vehicle designed with a bed, principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling, or similar activities.

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(WW) "Low-speed vehicle" means a three- or four-wheeled motor vehicle with an attainable speed in one mile on a paved level surface of more than twenty miles per hour but not more than twenty-five miles per hour and with a gross vehicle weight rating

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less than three thousand pounds. 149214

(XX) "Under-speed vehicle" means a three- or four-wheeled 149215
vehicle, including a vehicle commonly known as a golf cart, with 149216
an attainable speed on a paved level surface of not more than 149217
twenty miles per hour and with a gross vehicle weight rating less 149218
than three thousand pounds. 149219

(YY) "Motor-driven cycle or motor scooter" means any vehicle 149220
designed to travel on not more than three wheels in contact with 149221
the ground, with a seat for the driver and floor pad for the 149222
driver's feet, and is equipped with a motor with a piston 149223
displacement between fifty and one hundred fifty cubic centimeters 149224
piston displacement that produces not more than five brake 149225
horsepower and is capable of propelling the vehicle at a speed 149226
greater than twenty miles per hour on a level surface. 149227

(ZZ) "Motorcycle" means a motor vehicle with motive power 149228
having a seat or saddle for the use of the operator, designed to 149229
travel on not more than three wheels in contact with the ground, 149230
and having no occupant compartment top or occupant compartment top 149231
that can be installed or removed by the user. 149232

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 149233
motive power having a seat or saddle for the use of the operator, 149234
designed to travel on not more than three wheels in contact with 149235
the ground, and having an occupant compartment top or an occupant 149236
compartment top that can be installed or removed by the user. 149237

(BBB) "Mini-truck" means a vehicle that has four wheels, is 149238
propelled by an electric motor with a rated power of seven 149239
thousand five hundred watts or less or an internal combustion 149240
engine with a piston displacement capacity of six hundred sixty 149241
cubic centimeters or less, has a total dry weight of nine hundred 149242
to two thousand two hundred pounds, contains an enclosed cabin and 149243
a seat for the vehicle operator, resembles a pickup truck or van 149244

with a cargo area or bed located at the rear of the vehicle, and 149245
was not originally manufactured to meet federal motor vehicle 149246
safety standards. 149247

Sec. 4507.01. (A) As used in this chapter, "motor vehicle," 149248
"motorized bicycle," "state," "owner," "operator," "chauffeur," 149249
and "highways" have the same meanings as in section 4501.01 of the 149250
Revised Code. 149251

"Driver's license" means a class D license issued to any 149252
person to operate a motor vehicle or motor-driven cycle, other 149253
than a commercial motor vehicle, and includes "probationary 149254
license," "restricted license," and any operator's or chauffeur's 149255
license issued before January 1, 1990. 149256

"Probationary license" means the license issued to any person 149257
between sixteen and eighteen years of age to operate a motor 149258
vehicle. 149259

"Restricted license" means the license issued to any person 149260
to operate a motor vehicle subject to conditions or restrictions 149261
imposed by the registrar of motor vehicles. 149262

"Commercial driver's license" means the license issued to a 149263
person under Chapter 4506. of the Revised Code to operate a 149264
commercial motor vehicle. 149265

"Commercial motor vehicle" has the same meaning as in section 149266
4506.01 of the Revised Code. 149267

"Motorcycle operator's temporary instruction permit, license, 149268
or endorsement" includes a temporary instruction permit, license, 149269
or endorsement for a motor-driven cycle or motor scooter unless 149270
otherwise specified. 149271

"Motorized bicycle license" means the license issued under 149272
section 4511.521 of the Revised Code to any person to operate a 149273
motorized bicycle including a "probationary motorized bicycle 149274

license." 149275

"Probationary motorized bicycle license" means the license 149276
issued under section 4511.521 of the Revised Code to any person 149277
between fourteen and sixteen years of age to operate a motorized 149278
bicycle. 149279

"Identification card" means a card issued under sections 149280
4507.50 and 4507.51 of the Revised Code. 149281

"Resident" means a person who, in accordance with standards 149282
prescribed in rules adopted by the registrar, resides in this 149283
state on a permanent basis. 149284

"Temporary resident" means a person who, in accordance with 149285
standards prescribed in rules adopted by the registrar, resides in 149286
this state on a temporary basis. 149287

(B) In the administration of this chapter and Chapter 4506. 149288
of the Revised Code, the registrar has the same authority as is 149289
conferred on the registrar by section 4501.02 of the Revised Code. 149290
Any act of an authorized deputy registrar of motor vehicles under 149291
direction of the registrar is deemed the act of the registrar. 149292

To carry out this chapter, the registrar shall appoint such 149293
deputy registrars ~~in each county~~ as are necessary. 149294

The registrar also shall provide at each place where an 149295
application for a driver's or commercial driver's license or 149296
identification card may be made the necessary equipment to take a 149297
color photograph of the applicant for such license or card as 149298
required under section 4506.11 or 4507.06 of the Revised Code, and 149299
to conduct the vision screenings required by section 4507.12 of 149300
the Revised Code, and equipment to laminate licenses, motorized 149301
bicycle licenses, and identification cards as required by sections 149302
4507.13, 4507.52, and 4511.521 of the Revised Code. 149303

The registrar shall assign one or more deputy registrars to 149304

any driver's license examining station operated under the 149305
supervision of the director of public safety, whenever the 149306
registrar considers such assignment possible. Space shall be 149307
provided in the driver's license examining station for any such 149308
deputy registrar so assigned. The deputy registrars shall not 149309
exercise the powers conferred by such sections upon the registrar, 149310
unless they are specifically authorized to exercise such powers by 149311
such sections. 149312

(C) No agent for any insurance company, writing automobile 149313
insurance, shall be appointed deputy registrar, and any such 149314
appointment is void. No deputy registrar shall in any manner 149315
solicit any form of automobile insurance, nor in any manner 149316
advise, suggest, or influence any licensee or applicant for 149317
license for or against any kind or type of automobile insurance, 149318
insurance company, or agent, nor have the deputy registrar's 149319
office directly connected with the office of any automobile 149320
insurance agent, nor impart any information furnished by any 149321
applicant for a license or identification card to any person, 149322
except the registrar. This division shall not apply to any 149323
nonprofit corporation appointed deputy registrar. 149324

(D) The registrar shall immediately remove a deputy registrar 149325
who violates the requirements of this chapter. 149326

(E) The registrar shall periodically solicit bids and enter 149327
into a contract for the provision of laminating equipment and 149328
laminating materials to the registrar and all deputy registrars. 149329
The registrar shall not consider any bid that does not provide for 149330
the supplying of both laminating equipment and laminating 149331
materials. The laminating materials selected shall contain a 149332
security feature so that any tampering with the laminating 149333
material covering a license or identification card is readily 149334
apparent. In soliciting bids and entering into a contract for the 149335
provision of laminating equipment and laminating materials, the 149336

registrar shall observe all procedures required by law. 149337

Sec. 4507.06. (A)(1) Every application for a driver's 149338
license, motorcycle operator's license or endorsement, or 149339
motor-driven cycle or motor scooter license or endorsement, or 149340
duplicate of any such license or endorsement, shall be made upon 149341
the approved form furnished by the registrar of motor vehicles and 149342
shall be signed by the applicant. 149343

Every application shall state the following: 149344

(a) The applicant's name, date of birth, social security 149345
number if such has been assigned, sex, general description, 149346
including height, weight, color of hair, and eyes, residence 149347
address, including county of residence, duration of residence in 149348
this state, and country of citizenship; 149349

(b) Whether the applicant previously has been licensed as an 149350
operator, chauffeur, driver, commercial driver, or motorcycle 149351
operator and, if so, when, by what state, and whether such license 149352
is suspended or canceled at the present time and, if so, the date 149353
of and reason for the suspension or cancellation; 149354

(c) Whether the applicant is now or ever has been afflicted 149355
with epilepsy, or whether the applicant now is suffering from any 149356
physical or mental disability or disease and, if so, the nature 149357
and extent of the disability or disease, giving the names and 149358
addresses of physicians then or previously in attendance upon the 149359
applicant; 149360

(d) Whether an applicant for a duplicate driver's license, 149361
duplicate license containing a motorcycle operator endorsement, or 149362
duplicate license containing a motor-driven cycle or motor scooter 149363
endorsement has pending a citation for violation of any motor 149364
vehicle law or ordinance, a description of any such citation 149365
pending, and the date of the citation; 149366

(e) ~~Whether~~ If an applicant has not certified the applicant's willingness to make an anatomical gift under section 2108.05 of the Revised Code, whether the applicant wishes to certify willingness to make such an anatomical gift ~~under section 2108.05 of the Revised Code~~, which shall be given no consideration in the issuance of a license or endorsement;

(f) Whether the applicant has executed a valid durable power of attorney for health care pursuant to sections 1337.11 to 1337.17 of the Revised Code or has executed a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment pursuant to sections 2133.01 to 2133.15 of the Revised Code and, if the applicant has executed either type of instrument, whether the applicant wishes the applicant's license to indicate that the applicant has executed the instrument;

(g) On and after October 7, 2009, whether the applicant is a veteran, active duty, or reservist of the armed forces of the United States and, if the applicant is such, whether the applicant wishes the applicant's license to indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States by a military designation on the license.

(2) Every applicant for a driver's license shall be photographed in color at the time the application for the license is made. The application shall state any additional information that the registrar requires.

(B) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall register as an elector any person who applies for a license or endorsement under division (A) of this section, or for a renewal or duplicate of the license or endorsement, if the applicant is eligible and wishes to be registered as an elector. The decision of an applicant whether to register as an elector shall be given no consideration in the

decision of whether to issue the applicant a license or 149399
endorsement, or a renewal or duplicate. 149400

(C) The registrar or a deputy registrar, in accordance with 149401
section 3503.11 of the Revised Code, shall offer the opportunity 149402
of completing a notice of change of residence or change of name to 149403
any applicant for a driver's license or endorsement under division 149404
(A) of this section, or for a renewal or duplicate of the license 149405
or endorsement, if the applicant is a registered elector who has 149406
changed the applicant's residence or name and has not filed such a 149407
notice. 149408

(D) In addition to any other information it contains, on and 149409
after October 7, 2009, the approved form furnished by the 149410
registrar of motor vehicles for an application for a license or 149411
endorsement or an application for a duplicate of any such license 149412
or endorsement shall inform applicants that the applicant must 149413
present a copy of the applicant's DD-214 or an equivalent document 149414
in order to qualify to have the license or duplicate indicate that 149415
the applicant is a veteran, active duty, or reservist of the armed 149416
forces of the United States based on a request made pursuant to 149417
division (A)(1)(g) of this section. 149418

Section 110.31. That the existing versions of sections 149419
4501.01, 4507.01, and 4507.06 of the Revised Code that are 149420
scheduled to take effect January 1, 2017, are hereby repealed. 149421

Section 110.32. Sections 110.30 and 110.31 of this act shall 149422
take effect January 1, 2017. 149423

Section 125.10. (A) Sections 5168.01, 5168.02, 5168.03, 149424
5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 149425
5168.11, 5168.12, 5168.13, 5168.99, and 5168.991 of the Revised 149426
Code are hereby repealed, effective October 16, 2015. 149427

(B) Any money remaining in the Legislative Budget Services Fund on October 16, 2015, the date that section 5168.12 of the Revised Code is repealed by division (A) of this section, shall be used solely for the purposes stated in then former section 5168.12 of the Revised Code. When all money in the Legislative Budget Services Fund has been spent after then former section 5168.12 of the Revised Code is repealed under division (A) of this section, the fund shall cease to exist.

Section 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised Code are hereby repealed, effective October 1, 2015.

Section 125.11.03. Section 5124.67 of the Revised Code is hereby repealed, effective July 1, 2018.

Section 125.11.10. That Section 267.60.31 of Am. Sub. H.B. 153 of the 129th General Assembly is hereby repealed.

Section 125.12. That Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as most recently amended by Am. Sub. H.B. 153 of the 129th General Assembly, is hereby repealed.

Section 125.13. That Section 125.10 of Am. Sub. H.B. 1 of the 128th General Assembly, as most recently amended by Am. Sub. H.B. 153 of the 129th General Assembly, is hereby repealed.

Section 125.14. That Section 514.03 of Am. Sub. H.B. 66 of the 126th General Assembly is hereby repealed.

Section 201.10. Except as otherwise provided in this act, all appropriation items in this act are appropriated out of any moneys in the state treasury to the credit of the designated fund that are not otherwise appropriated. For all appropriations made in

this act, the amounts in the first column are for fiscal year 2014 149455
and the amounts in the second column are for fiscal year 2015. 149456
149457

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 149458

General Services Fund Group 149459
4J80 889601 CPA Education \$ 325,000 \$ 325,000 149460
Assistance
4K90 889609 Operating Expenses \$ 977,500 \$ 977,500 149461
TOTAL GSF General Services Fund 149462
Group \$ 1,302,500 \$ 1,302,500 149463
TOTAL ALL BUDGET FUND GROUPS \$ 1,302,500 \$ 1,302,500 149464

Section 205.10. ADJ ADJUTANT GENERAL 149466

General Revenue Fund 149467
GRF 745401 Ohio Military Reserve \$ 12,308 \$ 12,308 149468
GRF 745404 Air National Guard \$ 1,810,606 \$ 1,810,606 149469
GRF 745407 National Guard \$ 400,000 \$ 400,000 149470
Benefits
GRF 745409 Central \$ 2,682,098 \$ 2,682,098 149471
Administration
GRF 745499 Army National Guard \$ 3,689,871 \$ 3,689,871 149472
TOTAL GRF General Revenue Fund \$ 8,594,883 \$ 8,594,883 149473
General Services Fund Group 149474
5340 745612 Property Operations \$ 534,304 \$ 534,304 149475
Management
5360 745605 Marksmanship \$ 128,600 \$ 128,600 149476
Activities
5360 745620 Camp Perry and \$ 978,846 \$ 978,846 149477
Buckeye Inn
Operations
5370 745604 Ohio National Guard \$ 62,000 \$ 62,000 149478

Facilities			
Maintenance			
TOTAL GSF General Services Fund	\$	1,703,750	\$ 1,703,750 149479
Group			
Federal Special Revenue Fund Group			149480
3410 745615 Air National Guard	\$	2,919,000	\$ 2,919,000 149481
Base Security			
3420 745616 Army National Guard	\$	15,063,000	\$ 15,063,000 149482
Service Agreement			
3E80 745628 Air National Guard	\$	16,850,000	\$ 16,850,000 149483
Operations and			
Maintenance			
3R80 745603 Counter Drug	\$	15,000	\$ 15,000 149484
Operations			
TOTAL FED Federal Special Revenue	\$	34,847,000	\$ 34,847,000 149485
Fund Group			
State Special Revenue Fund Group			149486
5U80 745613 Community Match	\$	350,000	\$ 350,000 149487
Armories			
TOTAL SSR State Special Revenue	\$	350,000	\$ 350,000 149488
Fund Group			
TOTAL ALL BUDGET FUND GROUPS	\$	45,495,633	\$ 45,495,633 149489
NATIONAL GUARD BENEFITS			149490
The foregoing appropriation item 745407, National Guard			149491
Benefits, shall be used for purposes of sections 5919.31 and			149492
5919.33 of the Revised Code, and for administrative costs of the			149493
associated programs.			149494
If necessary, in order to pay benefits in a timely manner			149495
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the			149496
Adjutant General may request the Director of Budget and Management			149497
transfer appropriation from any appropriation item used by the			149498
Adjutant General to appropriation item 745407, National Guard			149499

Benefits. The Adjutant General may subsequently seek Controlling 149500
Board approval to restore the appropriation in the appropriation 149501
item from which such a transfer was made. 149502

For active duty members of the Ohio National Guard who died 149503
after October 7, 2001, while performing active duty, the death 149504
benefit, pursuant to section 5919.33 of the Revised Code, shall be 149505
paid to the beneficiary or beneficiaries designated on the 149506
member's Servicemembers' Group Life Insurance Policy. 149507

STATE ACTIVE DUTY COSTS 149508

Of the foregoing appropriation item 745409, Central 149509
Administration, \$50,000 in each fiscal year shall be used for the 149510
purpose of paying expenses related to state active duty of members 149511
of the Ohio organized militia, in accordance with a proclamation 149512
of the Governor. Expenses include, but are not limited to, the 149513
cost of equipment, supplies, and services, as determined by the 149514
Adjutant General's Department. 149515

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 149516

General Revenue Fund 149517

GRF 100403 Public Employees \$ 309,600 \$ 309,600 149518

Health Care Program

GRF 100414 MARCS Lease Rental \$ 5,133,700 \$ 5,135,800 149519

Payments

GRF 100415 OAKS Lease Rental \$ 22,998,500 \$ 22,982,500 149520

Payments

GRF 100416 STARS Lease Rental \$ 4,976,500 \$ 4,973,200 149521

Payments

GRF 100447 Administrative \$ 85,847,800 \$ 91,059,600 149522

Building Lease Rental

Payments

GRF 100448 Office Building \$ 20,000,000 \$ 20,000,000 149523

		Operating Payments					
GRF	100449	DAS - Building	\$	7,551,571	\$	7,551,571	149524
		Operating Payments					
GRF	100452	Lean Ohio	\$	1,059,624	\$	1,059,624	149525
GRF	100456	State IT Services	\$	1,739,038	\$	1,739,038	149526
GRF	100457	Equal Opportunity	\$	1,910,516	\$	1,910,516	149527
		Services					
GRF	100459	Ohio Business Gateway	\$	4,049,094	\$	4,049,094	149528
GRF	130321	State Agency Support	\$	2,477,008	\$	2,477,008	149529
		Services					
TOTAL GRF		General Revenue Fund	\$	158,052,951	\$	163,247,551	149530
		General Services Fund Group					149531
1120	100616	DAS Administration	\$	6,127,659	\$	6,147,659	149532
1150	100632	Central Service Agency	\$	911,580	\$	927,699	149533
1170	100644	General Services	\$	12,993,870	\$	12,993,870	149534
		Division - Operating					
1220	100637	Fleet Management	\$	4,200,000	\$	4,200,000	149535
1250	100622	Human Resources	\$	17,749,839	\$	17,749,839	149536
		Division - Operating					
1250	100657	Benefits Communication	\$	712,316	\$	712,316	149537
1280	100620	Office of Collective	\$	3,329,507	\$	3,329,507	149538
		Bargaining					
1300	100606	Risk Management	\$	6,635,784	\$	6,635,784	149539
		Reserve					
1320	100631	DAS Building	\$	19,343,170	\$	19,343,170	149540
		Management					
1330	100607	IT Services Delivery	\$	57,521,975	\$	57,521,975	149541
1880	100649	Equal Opportunity	\$	863,013	\$	863,013	149542
		Division - Operating					
2100	100612	State Printing	\$	20,459,526	\$	20,459,526	149543
2290	100630	IT Governance	\$	16,446,474	\$	16,446,474	149544
2290	100640	Leveraged Enterprise	\$	7,065,639	\$	7,065,639	149545
		Purchases					

4270	100602	Investment Recovery	\$	1,618,062	\$	1,638,515	149546
4N60	100617	Major IT Purchases	\$	56,888,635	\$	56,888,635	149547
4P30	100603	DAS Information Services	\$	6,400,070	\$	6,400,070	149548
5C20	100605	MARCS Administration	\$	14,292,596	\$	14,512,028	149549
5C30	100608	Minor Construction Project Management	\$	1,004,375	\$	1,004,375	149550
5EB0	100635	OAKS Support Organization	\$	25,813,077	\$	19,813,077	149551
5EB0	100656	OAKS Updates and Developments	\$	9,886,923	\$	2,636,923	149552
5HU0	100655	Construction Reform Demo Compliance	\$	150,000	\$	150,000	149553
5KZ0	100659	Building Improvement	\$	500,000	\$	500,000	149554
5L70	100610	Professional Development	\$	2,100,000	\$	2,100,000	149555
5LA0	100660	Building Operation	\$	26,600,767	\$	26,814,648	149556
5LJ0	100661	IT Development	\$	13,200,000	\$	13,200,000	149557
5V60	100619	Employee Educational Development	\$	800,000	\$	800,000	149558
TOTAL GSF General Services Fund							149559
Group			\$	333,614,857	\$	320,854,742	149560
Federal Special Revenue Fund Group							149561
3AJ0	100654	ARRA Broadband Mapping Grant	\$	1,723,009	\$	1,723,009	149562
TOTAL FED Federal Special Revenue							149563
Fund Group			\$	1,723,009	\$	1,723,009	149564
State Special Revenue Fund Group							149565
5JQ0	100658	Professionals Licensing System	\$	3,028,366	\$	990,000	149566
5MV0	100662	Theater Equipment Maintenance	\$	80,891	\$	80,891	149567

5NM0 100663 911 Program	\$	290,000	\$	290,000	149568
TOTAL SSR State Special Revenue					149569
Fund Group	\$	3,399,257	\$	1,360,891	149570
TOTAL ALL BUDGET FUND GROUPS	\$	496,790,074	\$	487,186,193	149571

Section 207.20. OAKS LEASE RENTAL PAYMENTS 149573

The foregoing appropriation item 100415, OAKS Lease Rental 149574
Payments, shall be used for payments at the times they are 149575
required to be made for the period from July 1, 2013, through June 149576
30, 2015, pursuant to leases and agreements entered into under 149577
Chapter 125. of the Revised Code, as supplemented by Section 149578
281.10 of Am. Sub. H.B. 562 of the 127th General Assembly and 149579
other prior acts of the General Assembly, with respect to 149580
financing the costs associated with the acquisition, development, 149581
installation, and implementation of the Ohio Administrative 149582
Knowledge System. If it is determined that additional 149583
appropriations are necessary for this purpose, the amounts are 149584
hereby appropriated. 149585

Section 207.30. STARS LEASE RENTAL PAYMENTS 149586

The foregoing appropriation item 100416, STARS Lease Rental 149587
Payments, shall be used for payments at the times they are 149588
required to be made for the period from July 1, 2013, through June 149589
30, 2015, pursuant to leases and agreements entered into under 149590
Chapter 125. of the Revised Code, as supplemented by Section 149591
207.10.30 of Am. Sub. H.B. 1 of the 128th General Assembly and 149592
other prior acts of the General Assembly, with respect to 149593
financing the cost for the acquisition, development, installation, 149594
and implementation of the State Taxation Accounting and Revenue 149595
System (STARS). If it is determined that additional appropriations 149596
are necessary for this purpose, the amounts are appropriated. 149597

The State Taxation Accounting and Revenue System (STARS) is 149598

an integrated tax collection and audit system that will replace 149599
all of the state's existing separate tax software and 149600
administration systems for the various taxes collected by the 149601
state. The Department of Administrative Services, in conjunction 149602
with the Department of Taxation, may acquire STARS, including, but 149603
not limited to, the application hardware and software and 149604
installation and implementation thereof, for the use of the 149605
Department of Taxation. Any lease-purchase agreement used under 149606
Chapter 125. of the Revised Code to acquire STARS, including any 149607
fractionalized interests as defined in division (N) of section 149608
133.01 of the Revised Code in the lease payments under that 149609
agreement, shall provide at the end of the lease period that the 149610
financed asset becomes the property of the state. The principal 149611
amount of any new such financing is limited, excluding the 149612
principal amounts of any lease-purchase financing heretofore 149613
completed for STARS, to the amount of \$20,000,000. 149614

Section 207.40. MARCS LEASE RENTAL PAYMENTS 149615

The foregoing appropriation item 100414, MARCS Lease Rental 149616
Payments, shall be used for payments at the times they are 149617
required to be made for the period from July 1, 2013, through June 149618
30, 2015, pursuant to leases and agreements entered into under 149619
Chapter 125. of the Revised Code, as supplemented by Section 149620
701.20 of Sub. H.B. 482 of the 129th General Assembly, with 149621
respect to financing the cost for the acquisition, development, 149622
installation, and implementation of the Multi-Agency Radio 149623
Communication System (MARCS) upgrade. If it is determined that 149624
additional appropriations are necessary for this purpose, the 149625
amounts are hereby appropriated. 149626

Section 207.50. MULTI-AGENCY RADIO COMMUNICATION SYSTEM 149627
UPGRADE 149628

The Multi-Agency Radio Communications System (MARCS) is a 149629
statewide computer and communications network designed to provide 149630
instant voice and data communication and supply a communications 149631
backbone to public safety and emergency management. The Department 149632
of Administrative Services may update or add functionality to 149633
MARCS to upgrade the existing system to a 700/800 megahertz voice 149634
and data system specifically designed to support interoperable 149635
communications for public safety law enforcement and first 149636
responders. The improvements may include, but are not limited to, 149637
hardware and software and the installation and implementation 149638
thereof. Any lease-purchase agreement utilized under Chapter 125. 149639
of the Revised Code to acquire MARCS and the enhancements 149640
described above, including any fractionalized interest as defined 149641
in division (N) of section 133.01 of the Revised Code in the lease 149642
payments under that agreement, shall provide at the end of the 149643
lease period that the financed asset becomes the property of the 149644
state. The principal amount of any new such financing is limited, 149645
in addition to the principal amounts of lease-purchase financing 149646
heretofore completed for MARCS, to the amount of \$27,000,000. 149647

Section 207.60. ADMINISTRATIVE BUILDING LEASE RENTAL PAYMENTS 149648

The foregoing appropriation item 100447, Administrative 149649
Building Lease Rental Payments, shall be used to meet all payments 149650
at the times they are required to be made during the period from 149651
July 1, 2013, through June 30, 2015, by the Department of 149652
Administrative Services pursuant to leases and agreements under 149653
Chapters 152. and 154. of the Revised Code. These appropriations 149654
are the source of funds pledged for bond service charges on 149655
related obligations issued under Chapters 152. and 154. of the 149656
Revised Code. 149657

The foregoing appropriation item 100448, Office Building 149658
Operating Payments, shall be used to pay the expenses of vacant 149659

space, space undergoing renovation, agencies funded by the General Revenue Fund, and the rent expenses of tenants that have been relocated because of building renovations that occupy space in the James A. Rhodes State Office Tower, the Vern Riffe Center for Government and the Arts, the Frank J. Lausche State Office Building, the Michael V. DiSalle Government Center, and the Oliver R. Ocasek Government Office Building.

At least once per year, the portion of appropriation item 100448, Office Building Operating Payments, that is not used for expenses of agencies funded by the General Revenue Fund, vacant space, space undergoing renovation, and the rent expenses of tenants that are relocated because of building renovations shall be processed by the Department of Administrative Services through intrastate voucher and placed in the Building Improvements Fund (Fund 5KZ0).

Section 207.70. DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT FUND

The foregoing appropriation item 100449, DAS - Building Operating Payments, shall be used to pay the rent expenses of veterans organizations pursuant to section 123.024 of the Revised Code in fiscal years 2014 and 2015.

The foregoing appropriation item, 100449, DAS - Building Operating Payments, also may be used to provide funding for the cost of property appraisals or building studies that the Department of Administrative Services may be required to obtain for property that is being sold by the state or property under consideration to be renovated or purchased by the state.

Notwithstanding section 125.28 of the Revised Code, the remaining portion of the appropriation may be used to pay the operating expenses of state facilities maintained by the Department of Administrative Services that are not billed to

building tenants, or other costs associated with the Voinovich 149691
Center in Youngstown, Ohio. These expenses may include, but are 149692
not limited to, the costs for vacant space and space undergoing 149693
renovation, and the rent expenses of tenants that are relocated 149694
because of building renovations. These payments may be processed 149695
by the Department of Administrative Services through intrastate 149696
transfer vouchers and placed in the Building Management Fund (Fund 149697
1320) or the Information Technology Services Fund (Fund 1330). 149698

Notwithstanding section 125.28 of the Revised Code, the 149699
Department of Administrative Services may forego some or all of 149700
the amounts attributable to debt service included in 149701
reimbursements made by tenants who are supported in whole or in 149702
part by non-GRF money for the costs of occupying space at the 149703
North High Street Complex in Columbus. 149704

The Director of Budget and Management shall transfer the 149705
portion of payments attributed to depreciation from Fund 1320 to 149706
the General Revenue Fund, as applicable. 149707

CASH TRANSFER FROM THE WORKFORCE DEVELOPMENT FUND TO THE 149708
HUMAN RESOURCES SERVICES FUND 149709

Upon request of the Director of Administrative Services, 149710
during the FY 2014 - FY 2015 biennium, the Director of Budget and 149711
Management shall transfer up to \$975,000 from the Workforce 149712
Development Fund (Fund 5D70) to the Human Resources Services Fund 149713
(Fund 1250) to support one-time human resources administration 149714
activities for state agencies. 149715

Section 207.80. CENTRAL SERVICE AGENCY FUND 149716

Appropriation item 100632, Central Service Agency, shall be 149717
used to purchase the equipment, products, and services that are 149718
needed to maintain existing automated applications for the 149719
professional licensing boards and the Casino Control Commission to 149720

support board licensing functions in fiscal years 2014 and 2015 149721
until these functions are replaced by the Ohio Professionals 149722
Licensing System. The Department of Administrative Services shall 149723
establish charges for recovering the costs of carrying out these 149724
functions. The charges shall be billed to the professional 149725
licensing boards and the Casino Control Commission, and deposited 149726
via intrastate transfer vouchers to the credit of the Central 149727
Service Agency Fund (Fund 1150). 149728

Upon implementation of the replacement Ohio Professionals 149729
Licensing System and the decommissioning of the existing automated 149730
applications, the Director of Budget and Management may transfer 149731
any cash balances that remain in the Central Service Agency Fund 149732
(Fund 1150) and that are attributable to the operation of the 149733
existing automated applications to the Professions Licensing 149734
System Fund (Fund 5JQ0). 149735

Section 207.90. GENERAL SERVICE CHARGES 149736

The Department of Administrative Services, with the approval 149737
of the Director of Budget and Management, shall establish charges 149738
for recovering the costs of administering the programs funded by 149739
the General Services Fund (Fund 1170) and the State Printing Fund 149740
(Fund 2100). Such charges within Fund 1170 may be used to recover 149741
the cost of paying a vendor to establish reduced pricing for 149742
contracted supplies or services. 149743

If the Director of Administrative Services determines that 149744
additional amounts are necessary to pay for consulting and 149745
administrative costs related to securing lower pricing, the 149746
Director of Administrative Services may request that the Director 149747
of Budget and Management approve additional expenditures. Such 149748
approved additional amounts are appropriated to appropriation item 149749
100644, General Services Division-Operating. 149750

Section 207.93. CASH TRANSFER TO THE INVESTMENT RECOVERY FUND 149751

Notwithstanding division (B) of section 125.14 of the Revised 149752
Code, the Director of Budget and Management, at the request of the 149753
Director of Administrative Services, shall transfer up to \$200,000 149754
of cash in excess of needs from the General Services Fund (Fund 149755
1170) to the Investment Recovery Fund (Fund 4270) during the 149756
biennium beginning July 1, 2013, and ending June 30, 2015, to pay 149757
the operating expenses of the State Surplus, Federal Surplus, and 149758
Asset Management Programs, including expenses to develop database 149759
systems for use in these programs. 149760

Section 207.95. TRANSFER OF THE EMPLOYEE ASSISTANCE PROGRAM 149761
TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES 149762

Effective July 1, 2013, the Employee Assistance Program under 149763
section 3701.041 of the Revised Code shall be transferred to the 149764
Ohio Department of Administrative Services. The Department of 149765
Administrative Services is thereupon and thereafter successor to, 149766
assumes the operations, functions, powers, and obligations of, and 149767
otherwise constitutes the continuation of the Employee Assistance 149768
Program as provided in section 3701.041 (124.88) of the Revised 149769
Code. All related functions, equipment, assets, and liabilities, 149770
regardless of form or medium, agreements, and contracts of the 149771
program are transferred to the Department of Administrative 149772
Services. 149773

Employees of the Employee Assistance Program shall be 149774
transferred to the Department of Administrative Services in their 149775
same classification, and shall retain the rights specified in 149776
sections 124.321 to 124.328 of the Revised Code. 149777

On and after the effective date of this section, 149778
notwithstanding any provision of the law to the contrary, if 149779
requested by the Director of Administrative Services, the Director 149780

of Budget and Management shall make the budget changes made 149781
necessary by the transfer, if any, including administrative 149782
reorganization or program transfers. 149783

Effective July 1, 2013, the Director of Budget and Management 149784
shall cancel any existing encumbrances against appropriation item 149785
440633, Employee Assistance Program, and reestablish them against 149786
appropriation item 100622, Human Resources Division - Operating. 149787
The reestablished encumbrance amounts are hereby appropriated. Any 149788
business commenced but not completed under appropriation item 149789
440633, Employee Assistance Program, by July 1, 2013, shall be 149790
completed under appropriation item 100622, Human Resources 149791
Division - Operating, in the same manner, and with the same 149792
effect, as if completed with regard to appropriation item 440633, 149793
Employee Assistance Program. All of the rules, policies, orders, 149794
and determinations associated with the program continue in effect 149795
as rules, orders, and determinations associated with the 149796
Department of Administrative Services until modified or rescinded 149797
by the Director of Administrative Services. If necessary to ensure 149798
the integrity of the Administrative Code rule numbering system, 149799
the Director of the Legislative Service Commission shall renumber 149800
the rules relating to the Employee Assistance Program to reflect 149801
their transfer to the Department of Administrative Services. No 149802
validation, cure, right, privilege, remedy, obligation, or 149803
liability is lost or impaired by reason of the transfer and shall 149804
be administered with regard to appropriation item 100622, Human 149805
Resources Division - Operating. On and after July 1, 2013, if the 149806
Employee Assistance Program is referred to in any statute, rule, 149807
contract, grant, or other document, the reference is deemed to 149808
refer to the Department of Administrative Services. 149809

Funds collected by the Department of Health for the Employee 149810
Assistance Program, which previously were deposited in the 149811
Employee Assistance Fund (Fund 6830), shall be credited to the 149812

Human Resources Services Fund (Fund 1250) created in section 149813
124.07 of the Revised Code. The Director of Budget and Management 149814
shall transfer from the Employee Assistance Fund to the Human 149815
Resources Services Fund any remaining cash balances in the 149816
Employee Assistance Fund. In order to facilitate this transfer, 149817
the Director of Health, on July 1, 2013, or as soon as possible 149818
thereafter, shall certify to the Director of Budget and Management 149819
an estimate of the amount to be transferred. Upon the completion 149820
of this transfer, the Employee Assistance Fund is abolished. 149821

Section 207.100. COLLECTIVE BARGAINING ARBITRATION EXPENSES 149822

With approval of the Director of Budget and Management, the 149823
Department of Administrative Services may seek reimbursement from 149824
state agencies for the actual costs and expenses the Department 149825
incurs in the collective bargaining arbitration process. The 149826
reimbursements shall be processed through intrastate transfer 149827
vouchers and credited to the Collective Bargaining Fund (Fund 149828
1280). 149829

Section 207.110. EQUAL OPPORTUNITY PROGRAM 149830

The Department of Administrative Services, with the approval 149831
of the Director of Budget and Management, shall establish charges 149832
for recovering the costs of administering the activities supported 149833
by the State EEO Fund (Fund 1880). These charges shall be 149834
deposited to the credit of the State EEO Fund (Fund 1880) upon 149835
payment made by state agencies, state-supported or state-assisted 149836
institutions of higher education, and tax-supported agencies, 149837
municipal corporations, and other political subdivisions of the 149838
state, for services rendered. 149839

Section 207.111. STATE PRINTING FUND 149840

On July 1, 2013, or as soon as possible thereafter, the 149841

Director of Budget and Management shall transfer \$30,109.39 in 149842
cash from the General Revenue Fund to the State Printing Fund 149843
(Fund 2100) to correct fiscal year 2012 disbursements that were 149844
made from Fund 2100 but that should have been made from the 149845
General Revenue Fund. 149846

Section 207.113. LEVERAGED ENTERPRISE PURCHASES 149847

The foregoing appropriation item 100640, Leveraged Enterprise 149848
Purchases, shall be used by the Department of Administrative 149849
Services to make information technology purchases for the benefit 149850
of one or more government entities as authorized under division 149851
(G) of section 125.18 of the Revised Code. If the Director of 149852
Administrative Services determines that additional amounts are 149853
necessary to pay for pass-through information technology purchases 149854
that will be billed to one or more state agencies, the Director of 149855
Administrative Services shall seek Controlling Board approval for 149856
an increase in appropriation to make the requested purchases. 149857

Section 207.120. INVESTMENT RECOVERY FUND 149858

Notwithstanding division (B) of section 125.14 of the Revised 149859
Code, cash balances in the Investment Recovery Fund (Fund 4270) 149860
may be used to support the operating expenses of the Federal 149861
Surplus Operating Program created in sections 125.84 to 125.90 of 149862
the Revised Code. 149863

The Director of Administrative Services shall use the 149864
foregoing appropriation item 100602, Investment Recovery, to pay 149865
the operating expenses of the State Surplus Property Program and 149866
the Surplus Federal Property Program, under Chapter 125. of the 149867
Revised Code and this section. If additional appropriations are 149868
necessary for the operations of these programs, the Director of 149869
Administrative Services shall seek increased appropriations from 149870
the Controlling Board under section 131.35 of the Revised Code. 149871

The Director of Administrative Services shall transfer 149872
proceeds from the sale of surplus property from the Investment 149873
Recovery Fund to non-General Revenue Funds under division (A)(2) 149874
of section 125.14 of the Revised Code. 149875

Section 207.130. MAJOR IT PURCHASES CHARGES 149876

The Department of Administrative Services may bill agencies 149877
for actual expenditures made for major IT purchases if those 149878
expenditures are not recovered as part of the information 149879
technology services rates the Department charges and deposits into 149880
the Information Technology Fund (Fund 1330) created in section 149881
125.15 of the Revised Code. These charges shall be deposited to 149882
the credit of the Major IT Purchases Fund (Fund 4N60). 149883

Section 207.140. DAS INFORMATION SERVICES 149884

There is hereby established in the State Treasury the DAS 149885
Information Services Fund. The foregoing appropriation item 149886
100603, DAS Information Services, shall be used to pay the costs 149887
of providing information systems and services in the Department of 149888
Administrative Services. Any state agency, board, or commission 149889
may use DAS Information Services by paying for the services 149890
rendered. 149891

The Department of Administrative Services shall establish 149892
user charges for all information systems and services that are 149893
allowable in the statewide indirect cost allocation plan submitted 149894
annually to the United States Department of Health and Human 149895
Services. These charges shall comply with federal regulations and 149896
shall be deposited to the credit of the DAS Information Services 149897
Fund (Fund 4P30). 149898

Section 207.150. CASH TRANSFER FROM THE MARCS ADMINISTRATION 149899
FUND TO GRF 149900

Upon the request of the Director of Administrative Services, 149901
the Director of Budget and Management may transfer unobligated 149902
cash in the MARCS Administration Fund (Fund 5C20) to the General 149903
Revenue Fund to reimburse the General Revenue Fund for lease 149904
rental payments made on behalf of the MARCS upgrade. 149905

Section 207.160. PROFESSIONS LICENSING SYSTEM 149906

There is hereby created in the state treasury the Professions 149907
Licensing System Fund (Fund 5JQ0). Appropriation item 100658, Ohio 149908
Professionals Licensing System, shall be used to make payments 149909
from the fund. The fund shall be used to purchase the equipment, 149910
products, and services necessary to develop and maintain a 149911
replacement automated licensing system for the professional 149912
licensing boards. The Director of Budget and Management may 149913
transfer up to a total of \$990,000 in cash from the Occupational 149914
Licensing and Regulatory Fund (4K90), the State Medical Board 149915
Operating Fund (Fund 5C60), and the Casino Control Commission - 149916
Operating Fund (Fund 5HS0) to the Professions Licensing System 149917
Fund during the FY 2014 - FY 2015 biennium. These transfers shall 149918
be in proportion to the number of current licensees issued by the 149919
professional licensing boards and current and anticipated licenses 149920
in the case of the Casino Control Commission. The purpose of these 149921
cash transfers is to fund the initial acquisition and development 149922
of the system. Any cash balances not expended in fiscal year 2014 149923
are hereby reappropriated in fiscal year 2015. 149924

Effective with the implementation of the replacement 149925
licensing system, the Department of Administrative Services shall 149926
establish charges for recovering the costs of ongoing maintenance 149927
of the system. The charges shall be billed to the professional 149928
licensing boards and the Casino Control Commission, and deposited 149929
via intrastate transfer vouchers to the credit of the Professions 149930
Licensing System Fund. 149931

Section 207.170. BUILDING IMPROVEMENT FUND 149932

The foregoing appropriation item 100659, Building 149933
Improvement, shall be used to make payments from the Building 149934
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 149935
required in the James A. Rhodes State Office Tower, the Vern Riffe 149936
Center for Government and the Arts, the Frank J. Lausche State 149937
Office Building, the Michael V. DiSalle Government Center, and the 149938
Oliver R. Ocasek Government Office. The Department of 149939
Administrative Services shall conduct or contract for regular 149940
assessments of these buildings and shall maintain a cash balance 149941
in the Building Improvement Fund equal to the cost of the repairs 149942
and improvements that are recommended to occur within the next 149943
five years, with the following exception described below. 149944

Upon request of the Director of Administrative Services, the 149945
Director of Budget and Management may permit a cash transfer from 149946
the Building Improvement Fund (Fund 5KZ0) to the Building 149947
Operating Fund (Fund 5LA0) to pay costs of operating and 149948
maintaining the James A. Rhodes State Office Tower, the Vern Riffe 149949
Center for Government and the Arts, the Frank J. Lausche State 149950
Office Building, the Michael V. DiSalle Government Center, and the 149951
Oliver R. Ocasek Government Office that are not charged to tenants 149952
during the same fiscal year. 149953

Should the cash balance in the Building Operating Fund (Fund 149954
5LA0) be determined to be sufficient, the Director of 149955
Administrative Services may request that the Director of Budget 149956
and Management transfer cash from the Building Operating Fund 149957
(Fund 5LA0) to the Building Improvement Fund (Fund 5KZ0) in an 149958
amount equal to the initial cash transfer made under this section 149959
plus applicable interest. 149960

Section 207.180. PROFESSIONAL DEVELOPMENT FUND 149961

The foregoing appropriation item 100610, Professional Development, shall be used to make payments from the Professional Development Fund (Fund 5L70) under section 124.182 of the Revised Code. If it is determined by the Director of Administrative Services that additional amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management approve additional amounts. Such approved additional amounts are hereby appropriated.

Section 207.190. BUILDING OPERATING FUND

The foregoing appropriation item 100660, Building Operation, shall be used to make payments from the Building Operating Fund (Fund 5LA0) to pay costs of operating and maintaining the James A. Rhodes State Office Tower, the Vern Riffe Center for Government and the Arts, the Frank J. Lausche State Office Building, the Michael V. DiSalle Government Center, and the Oliver R. Ocasek Government Office.

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges to be reimbursed for the cost of operating these buildings. These charges shall include the cost of applicable depreciation on the buildings and the resulting revenue shall be deposited in the Building Operating Fund (Fund 5LA0). The Director of Budget and Management shall transfer the portion of these charges attributed to depreciation from the Building Operating Fund (Fund 5LA0) to the Building Improvement Fund (Fund 5KZ0) or to the General Revenue Fund, as applicable.

Section 207.200. INFORMATION TECHNOLOGY DEVELOPMENT

The foregoing appropriation item 100661, IT Development, shall be used by the Department of Administrative Services to pay the costs of modernizing the state's information technology

management and investment practices away from a limited, 149992
agency-specific focus in favor of a statewide methodology 149993
supporting development of enterprise solutions. 149994

The Department of Administrative Services, with the approval 149995
of the Director of Budget and Management, may charge state 149996
agencies an information technology development assessment based on 149997
state agencies' information technology expenditures or other 149998
methodology. The revenue from this assessment shall be deposited 149999
in the Information Technology Development Fund (Fund 5LJ0), which 150000
is hereby created. 150001

Section 207.210. EMPLOYEE EDUCATIONAL DEVELOPMENT 150002

The foregoing appropriation item 100619, Employee Educational 150003
Development, shall be used to make payments from the Employee 150004
Educational Development Fund (Fund 5V60) under section 124.86 of 150005
the Revised Code. The fund shall be used to pay the costs of 150006
administering educational programs under existing collective 150007
bargaining agreements with District 1199, the Health Care and 150008
Social Service Union; State Council of Professional Educators; 150009
Ohio Education Association and National Education Association; the 150010
Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio 150011
State Troopers Association, Units 1 and 15. 150012

If it is determined by the Director of Administrative 150013
Services that additional amounts are necessary, the Director of 150014
Administrative Services may request that the Director of Budget 150015
and Management approve additional amounts. Such approved 150016
additional amounts are hereby appropriated. 150017

Section 207.220. CASH TRANSFERS TO THE MAJOR IT PURCHASES 150018
FUND 150019

Upon request of the Director of Administrative Services, the 150020
Director of Budget and Management may transfer up to \$4,000,000 150021

from the OAKS Support Organization Fund (Fund 5EB0) to the Major 150022
IT Purchases Fund (Fund 4N60). This amount represents cash 150023
transferred from Fund 4N60 during fiscal year 2010 pursuant to 150024
Section 207.30.80 of Am. Sub. H.B. 1 of the 128th General 150025
Assembly. Any portion of appropriation item 100617, Major IT 150026
Purchases, that is unencumbered and unexpended at the end of 150027
fiscal year 2014 is hereby reappropriated for fiscal year 2015. 150028

Section 207.230. MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT 150029
SERVICE PAYMENTS 150030

The Director of Administrative Services, in consultation with 150031
the Multi-Agency Radio Communication System (MARCS) Steering 150032
Committee and the Director of Budget and Management, shall 150033
determine the share of debt service payments attributable to 150034
spending for MARCS components that are not specific to any one 150035
agency and that shall be charged to agencies supported by the 150036
motor fuel tax. Such share of debt service payments shall be 150037
calculated for MARCS capital disbursements made beginning July 1, 150038
1997. Within thirty days of any payment made from appropriation 150039
item 100447, Administrative Building Lease Payments, the Director 150040
of Administrative Services shall certify to the Director of Budget 150041
and Management the amount of this share. The Director of Budget 150042
and Management shall transfer such amounts to the General Revenue 150043
Fund from the State Highway Safety Fund (Fund 7036) established in 150044
section 4501.06 of the Revised Code. 150045

The Director of Administrative Services shall consider 150046
renting or leasing existing tower sites at reasonable or current 150047
market rates, so long as these existing sites are equipped with 150048
the technical capabilities to support the MARCS project. 150049

Section 207.240. ENTERPRISE IT STRATEGY IMPLEMENTATION 150050

The Director of Administrative Services shall determine and 150051

implement strategies that benefit the enterprise by improving 150052
efficiency, reducing costs or enhancing capacity of information 150053
technology (IT) services. Such improvements and efficiencies may 150054
result in the consolidation and transfer of such services. As 150055
determined to be necessary for successful implementation of this 150056
section and notwithstanding any provision of law to the contrary, 150057
the Director of Administrative Services may request the Director 150058
of Budget and Management to consolidate or transfer IT-specific 150059
budget authority between agencies as necessary to implement 150060
enterprise IT cost containment strategies and related 150061
efficiencies. Once the Director of Budget and Management is 150062
satisfied that the proposed initiative is cost advantageous to the 150063
enterprise, the Director of Budget and Management may transfer 150064
appropriations, funds and cash as needed to implement the proposed 150065
initiative. The establishment of any new fund or total increased 150066
appropriation as a result of this section will be subject to 150067
approval by the Controlling Board. 150068

The Director of Budget and Management and the Director of 150069
Administrative Services may transfer any employees, assets, and 150070
liabilities, including, but not limited to, records, contracts, 150071
and agreements in order to facilitate the improvements determined 150072
in accordance with this section. 150073

Section 207.250. 911 PROGRAM 150074

The foregoing appropriation item 100663, 911 Program, shall 150075
be used by the Department of Administrative Services to pay the 150076
administrative costs of the Statewide Emergency Services Internet 150077
Protocol Network Steering Committee. 150078

Section 209.10. AGE DEPARTMENT OF AGING 150079

General Revenue Fund 150080

GRF 490321 Operating Expenses \$ 1,487,418 \$ 1,487,418 150081

GRF	490410	Long-Term Care Ombudsman	\$	477,448	\$	477,448	150082
GRF	490411	Senior Community Services	\$	7,060,844	\$	7,060,844	150083
GRF	490414	Alzheimer's Respite	\$	1,995,245	\$	1,995,245	150084
GRF	490506	National Senior Service Corps	\$	241,413	\$	241,413	150085
GRF	656423	Long-Term Care Program Support - State	\$	3,385,057	\$	3,385,057	150086
TOTAL GRF	General Revenue Fund		\$	14,647,425	\$	14,647,425	150087
General Services Fund Group							150088
4800	490606	Senior Community Outreach and Education	\$	372,523	\$	372,523	150089
TOTAL GSF	General Services Fund Group		\$	372,523	\$	372,523	150091
Federal Special Revenue Fund Group							150092
3220	490618	Federal Aging Grants	\$	12,000,000	\$	12,000,000	150093
3C40	656623	Long-Term Care Program Support - Federal	\$	3,385,057	\$	3,385,057	150094
3M40	490612	Federal Independence Services	\$	58,655,080	\$	58,655,080	150095
TOTAL FED	Federal Special Revenue Fund Group		\$	74,040,137	\$	74,040,137	150097
State Special Revenue Fund Group							150098
4C40	490609	Regional Long-Term Care Ombudsman Program	\$	935,000	\$	935,000	150099
5BA0	490620	Ombudsman Support	\$	550,000	\$	550,000	150100
5K90	490613	Long-Term Care	\$	1,059,400	\$	1,059,400	150101

	Consumers Guide			
5W10 490616	Resident Services	\$ 344,700	\$ 344,700	150102
	Coordinator Program			
TOTAL SSR State Special Revenue				150103
Fund Group		\$ 2,889,100	\$ 2,889,100	150104
TOTAL ALL BUDGET FUND GROUPS		\$ 91,949,185	\$ 91,949,185	150105

Section 209.20. LONG-TERM CARE 150107

Pursuant to an interagency agreement, the Department of 150108
 Medicaid may designate the Department of Aging to perform 150109
 assessments under section 5165.04 of the Revised Code. The 150110
 Department of Aging shall provide long-term care consultations 150111
 under section 173.42 of the Revised Code to assist individuals in 150112
 planning for their long-term health care needs. 150113

The Department of Aging shall administer the Medicaid 150114
 waiver-funded PASSPORT Home Care Program, the Choices Program, the 150115
 Assisted Living Program, and PACE as delegated by the Department 150116
 of Medicaid in an interagency agreement. The foregoing 150117
 appropriation items 656423, Long-Term Care Program Support - 150118
 State, and 656623, Long-Term Care Program Support - Federal, may 150119
 be used to support the Department of Aging's administrative costs 150120
 associated with operating the PASSPORT, Choices, Assisted Living, 150121
 and PACE programs. 150122

PERFORMANCE-BASED REIMBURSEMENT 150123

The Department of Aging may design and utilize a payment 150124
 method for PASSPORT administrative agency operations that includes 150125
 a pay-for-performance incentive component that is earned by a 150126
 PASSPORT administrative agency when defined consumer and policy 150127
 outcomes are achieved. 150128

Section 209.30. LONG-TERM CARE OMBUDSMAN 150129

The foregoing appropriation item 490410, Long-Term Care 150130

Ombudsman, shall be used to fund ombudsman program activities as 150131
authorized in sections 173.14 to 173.27 and section 173.99 of the 150132
Revised Code. 150133

The State Ombudsman may explore the design of a payment 150134
method for the Ombudsman Program that includes a 150135
pay-for-performance incentive component that is earned by 150136
designated regional long-term care ombudsman programs. 150137

SENIOR COMMUNITY SERVICES 150138

The foregoing appropriation item 490411, Senior Community 150139
Services, shall be used for services designated by the Department 150140
of Aging, including, but not limited to, home-delivered and 150141
congregate meals, transportation services, personal care services, 150142
respite services, adult day services, home repair, care 150143
coordination, prevention and disease self-management, and decision 150144
support systems. Service priority shall be given to low income, 150145
frail, and cognitively impaired persons 60 years of age and over. 150146
The department shall promote cost sharing by service recipients 150147
for those services funded with senior community services funds, 150148
including, when possible, sliding-fee scale payment systems based 150149
on the income of service recipients. 150150

ALZHEIMER'S RESPITE 150151

The foregoing appropriation item 490414, Alzheimer's Respite, 150152
shall be used to fund only Alzheimer's disease services under 150153
section 173.04 of the Revised Code. 150154

NATIONAL SENIOR SERVICE CORPS 150155

The foregoing appropriation item 490506, National Senior 150156
Service Corps, shall be used by the Department of Aging to fund 150157
grants for three Corporation for National and Community 150158
Service/Senior Corps programs: the Foster Grandparents Program, 150159
the Senior Companion Program, and the Retired Senior Volunteer 150160
Program. A recipient of these grant funds shall use the funds to 150161

support priorities established by the Department and the Ohio 150162
State Office of the Corporation for National and Community 150163
Service. The expenditure of these funds by any grant recipient 150164
shall be in accordance with Senior Corps policies and procedures, 150165
as stated in the Domestic Volunteer Service Act of 1973, as 150166
amended. Neither the Department nor any area agencies on aging 150167
that are involved in the distribution of these funds to 150168
lower-tiered grant recipients may use any portion of these funds 150169
to cover administrative costs. 150170

SENIOR COMMUNITY OUTREACH AND EDUCATION 150171

The foregoing appropriation item 490606, Senior Community 150172
Outreach and Education, may be used to provide training to workers 150173
in the field of aging pursuant to division (G) of section 173.02 150174
of the Revised Code. 150175

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 150176
AND FEDERAL AGING GRANTS 150177

At the request of the Director of Aging, the Director of 150178
Budget and Management may transfer appropriation between 150179
appropriation items 490612, Federal Independence Services, and 150180
490618, Federal Aging Grants. The amounts transferred shall not 150181
exceed 30 per cent of the appropriation from which the transfer is 150182
made. Any transfers shall be reported by the Department of Aging 150183
to the Controlling Board at the next scheduled meeting of the 150184
board. 150185

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 150186

The foregoing appropriation item 490609, Regional Long-Term 150187
Care Ombudsman Program, shall be used to pay the costs of 150188
operating the regional long-term care ombudsman programs 150189
designated by the State Long-Term Care Ombudsman. 150190

TRANSFER OF RESIDENT PROTECTION FUNDS 150191

In each fiscal year, the Director of Budget and Management 150192
may transfer up to \$550,000 cash from the Resident Protection Fund 150193
(Fund 4E30), which is used by the Department of Medicaid, to the 150194
Ombudsman Support Fund (Fund 5BA0), which is used by the 150195
Department of Aging. 150196

LONG-TERM CARE CONSUMERS GUIDE 150197

The foregoing appropriation item 490613, Long-Term Care 150198
Consumers Guide, shall be used to conduct annual consumer 150199
satisfaction surveys and to pay for other administrative expenses 150200
related to the publication of the Ohio Long-Term Care Consumer 150201
Guide. 150202

Section 209.40. DEPARTMENT OF AGING'S APPROPRIATION ITEM 150203
STRUCTURE 150204

Upon request from the Director of Aging, the Director of 150205
Budget and Management may establish new funds, new appropriation 150206
items, and appropriations in order to support the transition to a 150207
new appropriation item structure in the Department of Aging's 150208
budget. Also, upon request of the Director of Aging, the Director 150209
of Budget and Management may transfer appropriations between GRF 150210
appropriation items, transfer cash between any funds used by the 150211
Department of Aging, abolish existing funds used by the Department 150212
of Aging, and cancel and reestablish encumbrances. Any 150213
establishment of new funds or appropriation items, any transfers 150214
of appropriations or cash, and any increases in appropriation 150215
under this section are subject to Controlling Board approval. 150216

Section 209.50. UPDATING AUTHORIZING STATUTE CITATIONS 150217

As used in this section, "authorizing statute" means a 150218
Revised Code section or provision of a Revised Code section that 150219
is cited in the Ohio Administrative Code as the statute that 150220
authorizes the adoption of a rule. 150221

The Director of Aging is not required to amend any rule for 150222
the sole purpose of updating the citation in the Ohio 150223
Administrative Code to the rule's authorizing statute to reflect 150224
that this act renumbers the authorizing statute or relocates it to 150225
another Revised Code section. Such citations shall be updated as 150226
the Director amends the rules for other purposes. 150227

Section 211.10. AGR DEPARTMENT OF AGRICULTURE 150228

General Revenue Fund 150229

GRF 700401 Animal Disease Control \$ 3,936,687 \$ 3,936,687 150230

GRF 700403 Dairy Division \$ 1,088,115 \$ 1,088,115 150231

GRF 700404 Ohio Proud \$ 50,000 \$ 50,000 150232

GRF 700406 Consumer Analytical \$ 1,287,556 \$ 1,287,556 150233

Lab

GRF 700407 Food Safety \$ 848,792 \$ 848,792 150234

GRF 700409 Farmland Preservation \$ 72,750 \$ 72,750 150235

GRF 700412 Weights and Measures \$ 600,000 \$ 600,000 150236

GRF 700415 Poultry Inspection \$ 592,978 \$ 592,978 150237

GRF 700418 Livestock Regulation \$ 1,108,071 \$ 1,108,071 150238

Program

GRF 700424 Livestock Testing and \$ 102,770 \$ 102,770 150239

Inspections

GRF 700426 Dangerous and \$ 800,000 \$ 800,000 150240

Restricted Animals

GRF 700427 High Volume Breeder \$ 400,000 \$ 200,000 150241

Kennel Control

GRF 700499 Meat Inspection \$ 4,175,097 \$ 4,175,097 150242

Program - State Share

GRF 700501 County Agricultural \$ 391,415 \$ 391,415 150243

Societies

TOTAL GRF General Revenue Fund \$ 15,454,231 \$ 15,254,231 150244

General Services Fund Group 150245

5DA0	700644	Laboratory Administration Support	\$	1,115,000	\$	1,115,000	150246
5GH0	700655	Central Support Indirect Cost	\$	4,368,013	\$	4,404,073	150247
TOTAL GSF Group		General Services Fund	\$	5,483,013	\$	5,519,073	150248
Federal Special Revenue Fund Group							150249
3260	700618	Meat Inspection Program - Federal Share	\$	4,450,000	\$	4,450,000	150250
3360	700617	Ohio Farm Loan Revolving Fund	\$	150,000	\$	150,000	150251
3820	700601	Cooperative Contracts	\$	4,500,000	\$	4,500,000	150252
3AB0	700641	Agricultural Easement	\$	1,000,000	\$	1,000,000	150253
3J40	700607	Indirect Cost	\$	1,100,000	\$	1,100,000	150254
3R20	700614	Federal Plant Industry	\$	1,606,000	\$	1,606,000	150255
TOTAL FED Fund Group		Federal Special Revenue	\$	12,806,000	\$	12,806,000	150256
State Special Revenue Fund Group							150258
4900	700651	License Plates - Sustainable Agriculture	\$	10,000	\$	10,000	150259
4940	700612	Agricultural Commodity Marketing Program	\$	218,000	\$	213,000	150260
4960	700626	Ohio Grape Industries	\$	970,000	\$	970,000	150261
4970	700627	Commodity Handlers Regulatory Program	\$	482,672	\$	482,672	150262
4C90	700605	Commercial Feed and Seed	\$	1,760,000	\$	1,760,000	150263

4D20	700609	Auction Education	\$	35,000	\$	35,000	150264
4E40	700606	Utility Radiological Safety	\$	130,000	\$	130,000	150265
4P70	700610	Food Safety Inspection	\$	1,017,328	\$	1,017,328	150266
4R00	700636	Ohio Proud Marketing	\$	45,500	\$	45,500	150267
4R20	700637	Dairy Industry Inspection	\$	1,738,247	\$	1,738,247	150268
4T60	700611	Poultry and Meat Inspection	\$	120,000	\$	120,000	150269
5780	700620	Ride Inspection Fees	\$	1,175,142	\$	1,175,142	150270
5880	700633	Brand Registration	\$	5,000	\$	5,000	150271
5B80	700629	Auctioneers	\$	340,000	\$	340,000	150272
5CP0	700652	License Plate Scholarships	\$	10,000	\$	10,000	150273
5FC0	700648	Plant Pest Program	\$	1,190,000	\$	1,190,000	150274
5H20	700608	Metrology Lab and Scale Certification	\$	552,000	\$	552,000	150275
5L80	700604	Livestock Management Program	\$	145,000	\$	145,000	150276
5MA0	700657	Dangerous and Restricted Animals	\$	195,000	\$	195,000	150277
6520	700634	Animal and Consumer Analytical Laboratory	\$	4,966,383	\$	4,966,383	150278
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	3,418,041	\$	3,418,041	150279
TOTAL SSR		State Special Revenue					150280
Fund Group			\$	18,523,313	\$	18,518,313	150281
Clean Ohio Conservation Fund Group							150282
7057	700632	Clean Ohio Agricultural Easement	\$	310,000	\$	310,000	150283
TOTAL CLF		Clean Ohio Conservation	\$	310,000	\$	310,000	150284

Fund Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 52,576,557	\$ 52,407,617	150285
DANGEROUS AND RESTRICTED WILD ANIMALS				150286
The foregoing GRF appropriation item 700426, Dangerous and				150287
Restricted Animals, shall be used to administer the Dangerous and				150288
Restricted Wild Animal Permitting Program.				150289
COUNTY AGRICULTURAL SOCIETIES				150290
The foregoing appropriation item 700501, County Agricultural				150291
Societies, shall be used to reimburse county and independent				150292
agricultural societies for expenses related to Junior Fair				150293
activities.				150294
CLEAN OHIO AGRICULTURAL EASEMENT				150295
The foregoing appropriation item 700632, Clean Ohio				150296
Agricultural Easement, shall be used by the Department of				150297
Agriculture in administering Ohio Agricultural Easement Fund (Fund				150298
7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to				150299
5301.70 of the Revised Code.				150300
Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY				150301
General Services Fund Group				150302
5EG0 898608	Energy Strategy	\$ 240,681	\$ 240,681	150303
Development				
TOTAL GSF General Services Fund		\$ 240,681	\$ 240,681	150304
State Special Revenue Fund Group				150305
4Z90 898602	Small Business	\$ 288,232	\$ 288,232	150306
Ombudsman				
5700 898601	Operating Expenses	\$ 323,980	\$ 323,980	150307
5A00 898603	Small Business	\$ 900,000	\$ 1,125,000	150308
Assistance				
TOTAL SSR State Special Revenue		\$ 1,512,212	\$ 1,737,212	150309
Fund Group				

	Services	Services Agency			
2190	Central Support	Environmental	\$27,405	\$27,439	150339
	Indirect Cost	Protection Agency			
1570	Central Support	Department of	\$27,405	\$27,439	150340
	Indirect	Natural Resources			
	Chargeback				
7002	Highway Operating	Department of	\$39,150	\$39,199	150341
		Transportation			

Section 213.30. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 150342
AUTHORITY TRUST ACCOUNT 150343

Notwithstanding any other provision of law to the contrary, 150344
the Air Quality Development Authority may reimburse the Air 150345
Quality Development Authority trust account established under 150346
section 3706.10 of the Revised Code from all operating funds of 150347
the agency for expenses pertaining to the administration and 150348
shared costs incurred by the Air Quality Development Authority in 150349
the execution of responsibilities as prescribed in Chapter 3706. 150350
of the Revised Code. Reimbursement shall be made by voucher and 150351
completed in accordance with the administrative indirect costs 150352
allocation plan approved by the Office of Budget and Management. 150353

Section 215.10. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS 150354
General Services Fund Group 150355
4K90 891609 Operating \$ 481,379 \$ 485,954 150356
TOTAL GSF General Services Fund 150357
Group \$ 481,379 \$ 485,954 150358
TOTAL ALL BUDGET FUND GROUPS \$ 481,379 \$ 485,954 150359

Section 217.10. ART OHIO ARTS COUNCIL 150361
General Revenue Fund 150362
GRF 370321 Operating Expenses \$ 1,649,204 \$ 1,649,204 150363

GRF 370502	State Program	\$	9,700,000	\$	9,700,000	150364
	Subsidies					
TOTAL GRF	General Revenue Fund	\$	11,349,204	\$	11,349,204	150365
	General Services Fund Group					150366
4600 370602	Management Expenses	\$	247,000	\$	247,000	150367
	and Donations					
4B70 370603	Percent for Art	\$	247,000	\$	247,000	150368
	Acquisitions					
TOTAL GSF	General Services Fund	\$	494,000	\$	494,000	150369
	Group					
	Federal Special Revenue Fund Group					150370
3140 370601	Federal Support	\$	1,000,000	\$	1,000,000	150371
TOTAL FED	Federal Special Revenue	\$	1,000,000	\$	1,000,000	150372
	Fund Group					
TOTAL ALL BUDGET FUND GROUPS		\$	12,843,204	\$	12,843,204	150373
	OPERATING EXPENSES					150374
	Of the foregoing appropriation item 370321, Operating					150375
	Expenses, up to \$50,000 shall be used in each fiscal year for					150376
	technology upgrades and improvements.					150377
	FEDERAL SUPPORT					150378
	Notwithstanding any provision of law to the contrary, the					150379
	foregoing appropriation item 370601, Federal Support, shall be					150380
	used by the Ohio Arts Council for subsidies only, and not for its					150381
	administrative costs, unless the Council is required to use a					150382
	portion of the funds for administrative costs under conditions of					150383
	the federal grant.					150384
	Section 219.10. ATH ATHLETIC COMMISSION					150385
	General Services Fund Group					150386
4K90 175609	Operating Expenses	\$	312,000	\$	320,000	150387
TOTAL GSF	General Services Fund	\$	312,000	\$	320,000	150388

Group

TOTAL ALL BUDGET FUND GROUPS \$ 312,000 \$ 320,000 150389

Section 221.10. AGO ATTORNEY GENERAL 150391

General Revenue Fund 150392

GRF 055321 Operating Expenses \$ 42,514,169 \$ 43,114,169 150393

GRF 055405 Law-Related Education \$ 100,000 \$ 100,000 150394

GRF 055407 Tobacco Settlement \$ 1,500,000 \$ 1,500,000 150395

Enforcement

GRF 055411 County Sheriffs' Pay \$ 757,921 \$ 757,921 150396

Supplement

GRF 055415 County Prosecutors' \$ 831,499 \$ 831,499 150397

Pay Supplement

TOTAL GRF General Revenue Fund \$ 45,703,589 \$ 46,303,589 150398

General Services Fund Group 150399

1060 055612 General Reimbursement \$ 54,806,192 \$ 55,820,716 150400

1950 055660 Workers' Compensation \$ 8,415,504 \$ 8,415,504 150401

Section

4180 055615 Charitable \$ 8,286,000 \$ 8,286,000 150402

Foundations

4200 055603 Attorney General \$ 1,839,074 \$ 1,839,074 150403

Antitrust

4210 055617 Police Officers' \$ 500,000 \$ 500,000 150404

Training Academy Fee

4Z20 055609 BCI Asset Forfeiture \$ 1,000,000 \$ 1,000,000 150405

and Cost

Reimbursement

5900 055633 Peace Officer Private \$ 79,438 \$ 95,325 150406

Security Fund

5A90 055618 Telemarketing Fraud \$ 45,000 \$ 10,000 150407

Enforcement

5L50 055619 Law Enforcement \$ 1,226,201 \$ 1,038,573 150408

		Assistance Program					
5LR0	055655	Peace Officer	\$	4,629,409	\$	4,629,409	150409
		Training - Casino					
5MP0	055657	Peace Officer	\$	25,000	\$	25,000	150410
		Training Commission					
6310	055637	Consumer Protection	\$	6,700,000	\$	6,834,000	150411
		Enforcement					
TOTAL GSF		General Services Fund					150412
Group			\$	87,551,818	\$	88,493,601	150413
Federal Special Revenue Fund Group							150414
3060	055620	Medicaid Fraud	\$	4,537,408	\$	4,628,156	150415
		Control					
3810	055611	Civil Rights Legal	\$	75,000	\$	35,574	150416
		Service					
3830	055634	Crime Victims	\$	15,000,000	\$	15,000,000	150417
		Assistance					
3E50	055638	Attorney General	\$	599,999	\$	599,999	150418
		Pass-Through Funds					
3FV0	055656	Crime Victim	\$	7,000,000	\$	7,000,000	150419
		Compensation					
3R60	055613	Attorney General	\$	999,999	\$	999,999	150420
		Federal Funds					
TOTAL FED		Federal Special Revenue					150421
Fund Group			\$	28,212,406	\$	28,263,728	150422
State Special Revenue Fund Group							150423
4020	055616	Victims of Crime	\$	16,456,769	\$	16,456,769	150424
4190	055623	Claims Section	\$	55,920,716	\$	56,937,131	150425
4L60	055606	DARE Programs	\$	3,578,901	\$	3,486,209	150426
4Y70	055608	Title Defect Recision	\$	600,000	\$	600,000	150427
6590	055641	Solid and Hazardous	\$	310,730	\$	310,730	150428
		Waste Background					
		Investigations					

TOTAL SSR State Special Revenue				150429
Fund Group	\$	76,867,116	\$ 77,790,839	150430
Holding Account Redistribution Fund Group				150431
R004 055631 General Holding	\$	1,000,000	\$ 1,000,000	150432
Account				
R005 055632 Antitrust Settlements	\$	1,000	\$ 1,000	150433
R018 055630 Consumer Frauds	\$	750,000	\$ 750,000	150434
R042 055601 Organized Crime	\$	25,025	\$ 25,025	150435
Commission				
Distributions				
R054 055650 Collection Payment	\$	4,500,000	\$ 4,500,000	150436
Redistribution				
TOTAL 090 Holding Account				150437
Redistribution Fund Group	\$	6,276,025	\$ 6,276,025	150438
Tobacco Master Settlement Agreement Fund Group				150439
U087 055402 Tobacco Settlement	\$	500,000	\$ 500,000	150440
Oversight,				
Administration, and				
Enforcement				
TOTAL TSF Tobacco Master Settlement	\$	500,000	\$ 500,000	150441
Agreement Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	245,110,954	\$ 247,627,782	150442
OHIO BCI FORENSIC RESEARCH AND PROFESSIONAL TRAINING CENTER				150443
Of the foregoing appropriation item 055321, Operating				150444
Expenses, \$600,000 in fiscal year 2015 shall be used to create the				150445
Ohio BCI Forensic Research and Professional Training Center at				150446
Bowling Green State University. The purpose of the Center shall be				150447
to foster forensic science research techniques (BCI Eminent				150448
Scholar) and to create professional training opportunities to				150449
students (BCI Scholars) in the forensic science fields.				150450
COUNTY SHERIFFS' PAY SUPPLEMENT				150451

The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

COUNTY PROSECUTORS' PAY SUPPLEMENT

The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code.

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE GENERAL REIMBURSEMENT FUND

Notwithstanding any other provision of law to the contrary, on July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$80,000 cash from the General Revenue Fund to the General Reimbursement Fund (Fund 1060).

WORKERS' COMPENSATION SECTION

The Workers' Compensation Fund (Fund 1950) is entitled to 150482
receive payments from the Bureau of Workers' Compensation and the 150483
Ohio Industrial Commission at the beginning of each quarter of 150484
each fiscal year to fund legal services to be provided to the 150485
Bureau of Workers' Compensation and the Ohio Industrial Commission 150486
during the ensuing quarter. The advance payment shall be subject 150487
to adjustment. 150488

In addition, the Bureau of Workers' Compensation shall 150489
transfer payments at the beginning of each quarter for the support 150490
of the Workers' Compensation Fraud Unit. 150491

All amounts shall be mutually agreed upon by the Attorney 150492
General, the Bureau of Workers' Compensation, and the Ohio 150493
Industrial Commission. 150494

CASH TRANSFERS FROM CRIMINAL JUSTICE SERVICES CASINO TAX 150495
REVENUE FUND TO LAW ENFORCEMENT ASSISTANCE FUND 150496

Notwithstanding division (D)(7) of section 5753.03 of the 150497
Revised Code and any other provision of law to the contrary, the 150498
Director of Budget and Management shall transfer the amounts 150499
deposited into the Criminal Justice Services Casino Tax Revenue 150500
Fund (Fund 5LM0) pursuant to division (D)(7) of section 5753.03 of 150501
the Revised Code during fiscal years 2014 and 2015 to the Law 150502
Enforcement Assistance Fund (Fund 5L50) at the times that such 150503
deposits are made or as soon as practicable thereafter. 150504

ATTORNEY GENERAL PASS-THROUGH FUNDS 150505

The foregoing appropriation item 055638, Attorney General 150506
Pass-Through Funds, shall be used to receive federal grant funds 150507
provided to the Attorney General by other state agencies, 150508
including, but not limited to, the Department of Youth Services 150509
and the Department of Public Safety. 150510

GENERAL HOLDING ACCOUNT 150511

The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of relevant court orders or other settlements received in a variety of cases involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ANTITRUST SETTLEMENTS

The foregoing appropriation item 055632, Antitrust Settlements, shall be used to distribute moneys under the terms of relevant court orders or other out of court settlements in antitrust cases or antitrust matters involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

CONSUMER FRAUDS

The foregoing appropriation item 055630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose,

the amounts are hereby appropriated.				150543
COLLECTION PAYMENT REDISTRIBUTION				150544
The foregoing appropriation item 055650, Collection Payment				150545
Redistribution, shall be used for the purpose of allocating the				150546
revenue where debtors mistakenly paid the client agencies instead				150547
of the Attorney General's Collections Enforcement Section. If it				150548
is determined that additional amounts are necessary for this				150549
purpose, the amounts are hereby appropriated.				150550
Section 223.10. AUD AUDITOR OF STATE				150551
General Revenue Fund				150552
GRF 070321 Operating Expenses	\$	27,434,452	\$ 27,434,452	150553
GRF 070403 Fiscal	\$	800,000	\$ 800,000	150554
Watch/Emergency				
Technical Assistance				
TOTAL GRF General Revenue Fund	\$	28,234,452	\$ 28,234,452	150555
Auditor of State Fund Group				150556
1090 070601 Public Audit Expense	\$	9,069,804	\$ 9,196,081	150557
- Intra-State				
4220 070602 Public Audit Expense	\$	31,052,999	\$ 31,031,044	150558
- Local Government				
5840 070603 Training Program	\$	181,730	\$ 181,250	150559
5JZ0 070606 LEAP Revolving Loans	\$	650,000	\$ 650,000	150560
6750 070605 Uniform Accounting	\$	3,241,533	\$ 3,160,637	150561
Network				
TOTAL AUD Auditor of State Fund				150562
Group	\$	44,196,066	\$ 44,219,012	150563
TOTAL ALL BUDGET FUND GROUPS	\$	72,430,518	\$ 72,453,464	150564
FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE				150565
The foregoing appropriation item 070403, Fiscal				150566
Watch/Emergency Technical Assistance, shall be used for expenses				150567

incurred by the Office of the Auditor of State in its role 150568
relating to fiscal watch or fiscal emergency activities under 150569
Chapters 118. and 3316. of the Revised Code. Expenses include, but 150570
are not limited to, the following: duties related to the 150571
determination or termination of fiscal watch or fiscal emergency 150572
of municipal corporations, counties, townships, or school 150573
districts; development of preliminary accounting reports; 150574
performance of annual forecasts; provision of performance audits; 150575
and supervisory, accounting, or auditing services for the 150576
municipal corporations, counties, townships, or school districts. 150577

Section 225.10. BRB BOARD OF BARBER EXAMINERS 150578

General Services Fund Group 150579
4K90 877609 Operating Expenses \$ 670,882 \$ 674,272 150580
TOTAL GSF General Services Fund 150581
Group \$ 670,882 \$ 674,272 150582
TOTAL ALL BUDGET FUND GROUPS \$ 670,882 \$ 674,272 150583

Section 227.10. OBM OFFICE OF BUDGET AND MANAGEMENT 150585

General Revenue Fund 150586
GRF 042321 Budget Development \$ 2,703,189 \$ 2,697,483 150587
and Implementation
GRF 042409 Commission Closures \$ 304,000 \$ 155,000 150588
GRF 042416 Office of Health \$ 484,486 \$ 498,571 150589
Transformation
GRF 042425 Shared Services \$ 1,250,000 \$ 1,250,000 150590
Development
TOTAL GRF General Revenue Fund \$ 4,741,675 \$ 4,601,054 150591
General Services Fund Group 150592
1050 042603 Financial Management \$ 14,060,275 \$ 14,451,086 150593
1050 042620 Shared Services \$ 8,837,518 \$ 8,924,830 150594
Operating

TOTAL GSF General Services Fund	\$	22,897,793	\$	23,375,916	150595
Group					
Federal Special Revenue Fund Group					150596
3CM0 042606 Office of Health	\$	438,723	\$	438,723	150597
Transformation -					
Federal					
TOTAL FED Federal Special Revenue	\$	438,723	\$	438,723	150598
Fund Group					
Agency Fund Group					150599
5EH0 042604 Forgery Recovery	\$	40,000	\$	40,000	150600
TOTAL AGY Agency Fund Group	\$	40,000	\$	40,000	150601
TOTAL ALL BUDGET FUND GROUPS	\$	28,118,191	\$	28,455,693	150602

COMMISSION CLOSURES 150603

The foregoing appropriation item 042409, Commission Closures, 150604
 may be used to pay obligations associated with the closure of any 150605
 state agency, whether in the executive, legislative, or judicial 150606
 branch of government. Notwithstanding any provision of law to the 150607
 contrary, this appropriation item may also be used to pay final 150608
 payroll expenses occurring after the closure of any state agency, 150609
 whether in the executive, legislative, or judicial branch of 150610
 government in the event that appropriations or cash in the closing 150611
 agency are insufficient to do so. 150612

The Director of Budget and Management may request Controlling 150613
 Board approval for funds to be transferred to appropriation item 150614
 042409, Commission Closures, from appropriation item 911614, CB 150615
 Emergency Purposes, for anticipated expenses associated with 150616
 agency closures. 150617

AUDIT COSTS AND DUES 150618

All centralized audit costs associated with either Single 150619
 Audit Schedules or financial statements prepared in conformance 150620
 with generally accepted accounting principles for the state shall 150621

be paid from the foregoing appropriation item 042603, Financial Management. 150622
150623

Costs associated with the audit of the Auditor of State and national association dues shall be paid from the foregoing appropriation item 042321, Budget Development and Implementation. 150624
150625
150626

SHARED SERVICES CENTER 150627

The foregoing appropriation items 042425, Shared Services Development, and 042620, Shared Services Operating, shall be used by the Director of Budget and Management to support a Shared Services Center within the Office of Budget and Management for the purpose of consolidating statewide business functions and common transactional processes. 150628
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The Director of Budget and Management shall include the recovery of costs to operate the Shared Services Center in the accounting and budgeting services payroll rate and through a direct charges using intrastate transfer vouchers to agencies for services rendered. The Director of Budget and Management shall determine the cost recovery methodology. Such cost recovery revenues shall be deposited to the credit of Fund 1050. 150634
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INTERNAL AUDIT 150641

The Director of Budget and Management shall include the recovery of costs to operate the Internal Audit Program in the accounting and budgeting services payroll rate and through a direct charge using intrastate transfer vouchers to agencies reviewed by the program. The Director of Budget and Management, with advice from the Internal Audit Advisory Council, shall determine the cost recovery methodology. Such cost recovery revenues shall be deposited to the credit of the Accounting and Budgeting Fund (Fund 1050). 150642
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FORGERY RECOVERY 150651

The foregoing appropriation item 042604, Forgery Recovery, 150652
shall be used to reissue warrants that have been certified as 150653
forgeries by the rightful recipient as determined by the Bureau of 150654
Criminal Identification and Investigation and the Treasurer of 150655
State. Upon receipt of funds to cover the reissuance of the 150656
warrant, the Director of Budget and Management shall reissue a 150657
state warrant of the same amount. Any additional amounts needed to 150658
reissue warrants backed by the receipt of funds are hereby 150659
appropriated. 150660

ABOLISHMENT OF FUND 5N40 AND FUND 5Z80 150661

On or before December 31, 2013, the Director of Budget and 150662
Management shall transfer the cash balances of the OAKS Project 150663
Implementation Fund (Fund 5N40) and the Office of Health 150664
Transformation Administration Fund (Fund 5Z80) to the General 150665
Revenue Fund. Upon completion of the transfers, Fund 5N40 and Fund 150666
5Z80 are abolished. 150667

Section 229.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 150668

General Revenue Fund 150669

GRF	874100	Personal Services	\$	2,417,467	\$	2,417,467	150670
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GRF	874320	Maintenance and Equipment	\$	1,161,098	\$	1,161,098	150671
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TOTAL GRF	General Revenue Fund	\$	3,578,565	\$	3,578,565	150672
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General Services Fund Group 150673

4G50	874603	Capitol Square	\$	5,882	\$	5,882	150674
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Education Center and
Arts

4S70	874602	Statehouse Gift	\$	629,409	\$	629,409	150675
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Shop/Events

TOTAL GSF	General Services					150676
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Fund Group	\$	635,291	\$	635,291	150677
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Underground Parking Garage				150678	
2080 874601 Underground Parking	\$	3,049,740	\$	2,996,740	150679
Garage Operations					
TOTAL UPG Underground Parking				150680	
Garage	\$	3,049,740	\$	2,996,740	150681
TOTAL ALL BUDGET FUND GROUPS	\$	7,263,596	\$	7,210,596	150682
WAREHOUSE PAYMENTS				150683	
Of the foregoing appropriation item 874601, Underground				150684	
Parking Garage Operations, \$48,000 in each fiscal year shall be				150685	
used to meet all payments at the times they are required to be				150686	
made during the period from July 1, 2013, through June 30, 2015,				150687	
to the Department of Administrative Services for bond service				150688	
charges relating to the purchase and improvement of a warehouse				150689	
acquired pursuant to section 105.41 of the Revised Code, in which				150690	
to store items of the Capitol Collection Trust and, whenever				150691	
necessary, equipment or other property of the Board.				150692	
UNDERGROUND PARKING GARAGE FUND				150693	
Notwithstanding division (G) of section 105.41 of the Revised				150694	
Code and any other provision to the contrary, moneys in the				150695	
Underground Parking Garage Fund (Fund 2080) may be used for				150696	
personnel and operating costs related to the operations of the				150697	
Statehouse and the Statehouse Underground Parking Garage.				150698	
Of the foregoing appropriation item 874601, Underground				150699	
Parking Garage Operations, up to \$10,000 in fiscal year 2014 shall				150700	
be used to support the 1st Ohio Light Artillery Battery A for the				150701	
150th Anniversary Reenactment of the Battle of Gettysburg, and up				150702	
to \$15,000 in fiscal year 2015 shall be used for preparations in				150703	
anticipation of the Lincoln Funeral Procession Train.				150704	
Section 231.10. SCR STATE BOARD OF CAREER COLLEGES AND				150705	
SCHOOLS				150706	

General Services Fund Group				150707
4K90 233601 Operating Expenses	\$	579,328	\$ 579,328	150708
TOTAL GSF General Services Fund	\$	579,328	\$ 579,328	150709
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	579,328	\$ 579,328	150710

Section 233.10. CAC CASINO CONTROL COMMISSION 150712

State Special Revenue Fund Group				150713
5HS0 955321 Casino Control -	\$	13,121,283	\$ 13,542,674	150714
Operating				
TOTAL SSR State Special Revenue	\$	13,121,283	\$ 13,542,674	150715
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	13,121,283	\$ 13,542,674	150716

Section 235.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 150718

General Services Fund Group				150719
4K90 930609 Operating Expenses	\$	476,642	\$ 469,349	150720
TOTAL GSF General Services Fund	\$	476,642	\$ 469,349	150721
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	476,642	\$ 469,349	150722

Section 237.10. CHR STATE CHIROPRACTIC BOARD 150724

General Services Fund Group				150725
4K90 878609 Operating Expenses	\$	617,829	\$ 630,775	150726
TOTAL GSF General Services Fund	\$	617,829	\$ 630,775	150727
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	617,829	\$ 630,775	150728

Section 239.10. CIV OHIO CIVIL RIGHTS COMMISSION 150730

General Revenue Fund				150731
GRF 876321 Operating Expenses	\$	4,725,784	\$ 4,725,784	150732
TOTAL GRF General Revenue Fund	\$	4,725,784	\$ 4,725,784	150733

General Services Fund Group				150734
2170 876604 Operations Support	\$	4,000	\$ 4,000	150735
TOTAL GSF General Services				150736
Fund Group	\$	4,000	\$ 4,000	150737
Federal Special Revenue Fund Group				150738
3340 876601 Federal Programs	\$	2,820,670	\$ 2,947,983	150739
TOTAL FED Federal Special Revenue				150740
Fund Group	\$	2,820,670	\$ 2,947,983	150741
TOTAL ALL BUDGET FUND GROUPS	\$	7,550,454	\$ 7,677,767	150742
Section 241.10. COM DEPARTMENT OF COMMERCE				150744
General Services Fund Group				150745
1630 800620 Division of	\$	6,200,000	\$ 6,200,000	150746
Administration				
1630 800637 Information Technology	\$	6,011,977	\$ 6,011,977	150747
5430 800602 Unclaimed	\$	7,737,546	\$ 7,737,546	150748
Funds-Operating				
5430 800625 Unclaimed Funds-Claims	\$	64,000,000	\$ 64,000,000	150749
5F10 800635 Small Government Fire	\$	300,000	\$ 300,000	150750
Departments				
TOTAL GSF General Services Fund				150751
Group	\$	84,249,523	\$ 84,249,523	150752
Federal Special Revenue Fund Group				150753
3480 800622 Underground Storage	\$	1,129,518	\$ 1,129,518	150754
Tanks				
3480 800624 Leaking Underground	\$	1,556,211	\$ 1,556,211	150755
Storage Tanks				
TOTAL FED Federal Special Revenue				150756
Fund Group	\$	2,685,729	\$ 2,685,729	150757
State Special Revenue Fund Group				150758
4B20 800631 Real Estate Appraisal	\$	35,000	\$ 35,000	150759

	Recovery				
4H90 800608	Cemeteries	\$	266,688	\$	266,688 150760
4X20 800619	Financial Institutions	\$	1,854,298	\$	1,854,298 150761
5440 800612	Banks	\$	6,836,589	\$	6,836,589 150762
5450 800613	Savings Institutions	\$	2,259,536	\$	2,259,536 150763
5460 800610	Fire Marshal	\$	15,315,738	\$	15,324,574 150764
5460 800639	Fire Department Grants	\$	2,198,802	\$	2,198,802 150765
5470 800603	Real Estate	\$	69,655	\$	69,655 150766
	Education/Research				
5480 800611	Real Estate Recovery	\$	50,000	\$	50,000 150767
5490 800614	Real Estate	\$	3,310,412	\$	3,310,412 150768
5500 800617	Securities	\$	4,238,814	\$	4,238,814 150769
5520 800604	Credit Union	\$	3,297,888	\$	3,297,888 150770
5530 800607	Consumer Finance	\$	3,481,692	\$	3,481,692 150771
5560 800615	Industrial Compliance	\$	26,612,520	\$	27,104,205 150772
5FW0 800616	Financial Literacy	\$	200,000	\$	200,000 150773
	Education				
5GK0 800609	Securities Investor	\$	432,150	\$	432,150 150774
	Education/Enforcement				
5HV0 800641	Cigarette Enforcement	\$	118,800	\$	118,800 150775
5LP0 800646	Liquor Regulatory	\$	7,988,921	\$	7,844,537 150776
	Operating Expenses				
5X60 800623	Video Service	\$	337,224	\$	337,224 150777
6530 800629	UST Registration/Permit	\$	3,831,888	\$	3,612,588 150778
	Fee				
6A40 800630	Real Estate	\$	672,973	\$	672,973 150779
	Appraiser-Operating				
TOTAL SSR State Special Revenue					150780
Fund Group		\$	83,409,588	\$	83,546,425 150781
Liquor Control Fund Group					150782
5LC0 800644	Liquor JobsOhio	\$	557,974	\$	372,661 150783
	Extraordinary				
	Allowance				

5LN0 800645	Liquor Operating	\$	13,949,342	\$	9,316,535	150784
	Services					
TOTAL LCF Liquor Control						150785
Fund Group		\$	14,507,316	\$	9,689,196	150786
TOTAL ALL BUDGET FUND GROUPS		\$	184,852,156	\$	180,170,873	150787
	ADMINISTRATIVE ASSESSMENTS					150788
	Notwithstanding any other provision of law to the contrary,					150789
	the Division of Administration Fund (Fund 1630) is entitled to					150790
	receive assessments from all operating funds of the Department in					150791
	accordance with procedures prescribed by the Director of Commerce					150792
	and approved by the Director of Budget and Management.					150793
	UNCLAIMED FUNDS PAYMENTS					150794
	The foregoing appropriation item 800625, Unclaimed					150795
	Funds-Claims, shall be used to pay claims under section 169.08 of					150796
	the Revised Code. If it is determined that additional amounts are					150797
	necessary, the amounts are appropriated.					150798
	FIRE DEPARTMENT GRANTS					150799
	Of the foregoing appropriation item 800639, Fire Department					150800
	Grants, up to \$2,198,802 in each fiscal year shall be used to make					150801
	annual grants to the following eligible recipients: volunteer fire					150802
	departments, fire departments that serve one or more small					150803
	municipalities or small townships, joint fire districts comprised					150804
	of fire departments that primarily serve small municipalities or					150805
	small townships, local units of government responsible for such					150806
	fire departments, and local units of government responsible for					150807
	the provision of fire protection services for small municipalities					150808
	or small townships. For the purposes of these grants, a private					150809
	fire company, as that phrase is defined in section 9.60 of the					150810
	Revised Code, that is providing fire protection services under a					150811
	contract to a political subdivision of the state, is an additional					150812
	eligible recipient for a training grant.					150813

Eligible recipients that consist of small municipalities or 150814
small townships that all intend to contract with the same fire 150815
department or private fire company for fire protection services 150816
may jointly apply and be considered for a grant. If a joint 150817
applicant is awarded a grant, the State Fire Marshal shall, if 150818
feasible, proportionately award the grant and any equipment 150819
purchased with grant funds to each of the joint applicants based 150820
upon each applicant's contribution to and demonstrated need for 150821
fire protection services. 150822

If the grant awarded to joint applicants is an equipment 150823
grant and the equipment to be purchased cannot be readily 150824
distributed or possessed by multiple recipients, each of the joint 150825
applicants shall be awarded by the State Fire Marshal an ownership 150826
interest in the equipment so purchased in proportion to each 150827
applicant's contribution to and demonstrated need for fire 150828
protection services. The joint applicants shall then mutually 150829
agree on how the equipment is to be maintained, operated, stored, 150830
or disposed of. If, for any reason, the joint applicants cannot 150831
agree as to how jointly owned equipment is to be maintained, 150832
operated, stored, or disposed of or any of the joint applicants no 150833
longer maintain a contract with the same fire protection service 150834
provider as the other applicants, then the joint applicants shall, 150835
with the assistance of the State Fire Marshal, mutually agree as 150836
to how the jointly owned equipment is to be maintained, operated, 150837
stored, disposed of, or owned. If the joint applicants cannot 150838
agree how the grant equipment is to be maintained, operated, 150839
stored, disposed of, or owned, the State Fire Marshal may, in its 150840
discretion, require all of the equipment acquired by the joint 150841
applicants with grant funds to be returned to the State Fire 150842
Marshal. The State Fire Marshal may then award the returned 150843
equipment to any eligible recipients. 150844

Except as otherwise provided in this section, the grants 150845

shall be used by recipients to purchase firefighting or rescue 150846
equipment or gear or similar items, to provide full or partial 150847
reimbursement for the documented costs of firefighter training, 150848
or, at the discretion of the State Fire Marshal, to cover fire 150849
department costs for providing fire protection services in that 150850
grant recipient's jurisdiction. 150851

Of the foregoing appropriation item 800639, up to \$500,000 150852
per fiscal year may be used to pay for the State Fire Marshal's 150853
costs of providing firefighter I certification classes or other 150854
firefighter classes approved by the Department of Public Safety in 150855
accordance with section 4765.55 of the Revised Code at no cost to 150856
selected students attending the Ohio Fire Academy or other class 150857
providers approved by the State Fire Marshal. The State Fire 150858
Marshal may establish the qualifications and selection processes 150859
for students to attend such classes by written policy, and such 150860
students shall be considered eligible recipients of fire 150861
department grants for the purposes of this portion of the grant 150862
program. 150863

Grant awards for firefighting or rescue equipment or gear or 150864
for fire department costs of providing fire protection services 150865
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 150866
fiscal year if an eligible entity serves a jurisdiction in which 150867
the Governor declared a natural disaster during the preceding or 150868
current fiscal year in which the grant was awarded. In addition to 150869
any grant funds awarded for rescue equipment or gear, or for fire 150870
department costs associated with the provision of fire protection 150871
services, an eligible entity may receive a grant for up to \$15,000 150872
per fiscal year for full or partial reimbursement of the 150873
documented costs of firefighter training. For each fiscal year, 150874
the State Fire Marshal shall determine the total amounts to be 150875
allocated for each eligible purpose. 150876

The grant program shall be administered by the State Fire 150877

Marshal in accordance with rules the State Fire Marshal adopts as 150878
part of the state fire code adopted pursuant to section 3737.82 of 150879
the Revised Code that are necessary for the administration and 150880
operation of the grant program. The rules may further define the 150881
entities eligible to receive grants and establish criteria for the 150882
awarding and expenditure of grant funds, including methods the 150883
State Fire Marshal may use to verify the proper use of grant funds 150884
or to obtain reimbursement for or the return of equipment for 150885
improperly used grant funds. Any amounts in appropriation item 150886
800639, Fire Department Grants, in excess of the amount allocated 150887
for these grants may be used for the administration of the grant 150888
program. 150889

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 150890

The Director of Budget and Management, upon the request of 150891
the Director of Commerce, may transfer up to \$500,000 in cash from 150892
the Real Estate Recovery Fund (Fund 5480) and up to \$250,000 in 150893
cash from the Real Estate Appraiser Recovery Fund (Fund 4B20) to 150894
the Division of Real Estate Operating Fund (Fund 5490) during the 150895
biennium ending June 30, 2015. 150896

Section 243.10. OCC OFFICE OF CONSUMERS' COUNSEL 150897

General Services Fund Group 150898

5F50 053601 Operating Expenses \$ 5,641,093 \$ 5,641,093 150899

TOTAL GSF General Services Fund \$ 5,641,093 \$ 5,641,093 150900

Group

TOTAL ALL BUDGET FUND GROUPS \$ 5,641,093 \$ 5,641,093 150901

Section 245.10. CEB CONTROLLING BOARD 150903

General Revenue Fund 150904

GRF 911441 Ballot Advertising \$ 475,000 \$ 475,000 150905

Costs

TOTAL GRF General Revenue Fund \$ 475,000 \$ 475,000 150906

General Services Fund Group				150907	
5KM0 911614 CB Emergency Purposes	\$	10,000,000	\$	10,000,000	150908
TOTAL GSF General Services Fund	\$	10,000,000	\$	10,000,000	150909
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	10,475,000	\$	10,475,000	150910
FEDERAL SHARE					150911
In transferring appropriations to or from appropriation items					150912
that have federal shares identified in this act, the Controlling					150913
Board shall add or subtract corresponding amounts of federal					150914
matching funds at the percentages indicated by the state and					150915
federal division of the appropriations in this act. Such changes					150916
are hereby appropriated.					150917
DISASTER SERVICES					150918
Pursuant to requests submitted by the Department of Public					150919
Safety, the Controlling Board may approve transfers from the					150920
Disaster Services Fund (5E20) to a fund and appropriation item					150921
used by the Department of Public Safety to provide for assistance					150922
to political subdivisions made necessary by natural disasters or					150923
emergencies. These transfers may be requested and approved prior					150924
to the occurrence of any specific natural disasters or emergencies					150925
in order to facilitate the provision of timely assistance. The					150926
Emergency Management Agency of the Department of Public Safety					150927
shall use the funding to fund the State Disaster Relief Program					150928
for disasters that have a written Governor's authorization, and					150929
the State Individual Assistance Program for disasters that have a					150930
written Governor's authorization and is declared by the federal					150931
Small Business Administration. The Ohio Emergency Management					150932
Agency shall publish and make available application packets					150933
outlining procedures for the State Disaster Relief Program and the					150934
State Individual Assistance Program.					150935
Fund 5E20 shall be used by the Controlling Board, pursuant to					150936

requests submitted by state agencies, to transfer cash and 150937
appropriations to any fund and appropriation item for the payment 150938
of state agency disaster relief program expenses for disasters 150939
that have a written Governor's authorization, if the Director of 150940
Budget and Management determines that sufficient funds exist. 150941

Upon the request of the Department of Public Safety, the 150942
Controlling Board may release up to \$3,000,000 for Blanchard River 150943
flood mitigation projects. 150944

BALLOT ADVERTISING COSTS 150945

Pursuant to section 3501.17 of the Revised Code, and upon 150946
requests submitted by the Secretary of State, the Controlling 150947
Board shall approve transfers from the foregoing appropriation 150948
item 911441, Ballot Advertising Costs, to appropriation item 150949
050621, Statewide Ballot Advertising, in order to pay for the cost 150950
of public notices associated with statewide ballot initiatives. 150951

CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS 150952
ELIGIBILITY 150953

A state agency director shall request that the Controlling 150954
Board increase the amount of the agency's capital appropriations 150955
if the director determines such an increase is necessary for the 150956
agency to receive and use funds under the federal American 150957
Recovery and Reinvestment Act of 2009. The Controlling Board may 150958
increase the capital appropriations pursuant to the request up to 150959
the exact amount necessary under the federal act if the Board 150960
determines it is necessary for the agency to receive and use those 150961
federal funds. 150962

Section 247.10. COS STATE BOARD OF COSMETOLOGY 150963

General Services Fund Group 150964
4K90 879609 Operating Expenses \$ 3,474,030 \$ 3,474,030 150965
TOTAL GSF General Services Fund 150966

Group	\$	3,474,030	\$	3,474,030	150967
TOTAL ALL BUDGET FUND GROUPS	\$	3,474,030	\$	3,474,030	150968

Section 249.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 150970
AND FAMILY THERAPIST BOARD 150971

General Services Fund Group					150972
4K90 899609 Operating Expenses	\$	1,265,856	\$	1,281,478	150973
TOTAL GSF General Services Fund					150974
Group	\$	1,265,856	\$	1,281,478	150975
TOTAL ALL BUDGET FUND GROUPS	\$	1,265,856	\$	1,281,478	150976

Section 251.10. CLA COURT OF CLAIMS 150978

General Revenue Fund					150979
GRF 015321 Operating Expenses	\$	2,501,052	\$	2,501,052	150980
TOTAL GRF General Revenue Fund	\$	2,501,052	\$	2,501,052	150981
State Special Revenue Fund Group					150982
5K20 015603 CLA Victims of Crime	\$	415,556	\$	415,953	150983
TOTAL SSR State Special Revenue					150984
Fund Group	\$	415,556	\$	415,953	150985
TOTAL ALL BUDGET FUND GROUPS	\$	2,916,608	\$	2,917,005	150986

Section 251.20. AFC OHIO CULTURAL FACILITIES COMMISSION 150988

General Revenue Fund					150989
GRF 371401 Lease Rental Payments	\$	22,555,872	\$	0	150990
TOTAL GRF General Revenue Fund	\$	22,555,872	\$	0	150991
State Special Revenue Fund Group					150992
4T80 371601 Riffe Theatre	\$	40,446	\$	0	150993
Equipment Maintenance					
4T80 371603 Project	\$	250,000	\$	0	150994
Administration					
Services					
TOTAL SSR State Special Revenue	\$	290,446	\$	0	150995

Group

TOTAL ALL BUDGET FUND GROUPS	\$ 22,846,318 \$	0	150996
LEASE RENTAL PAYMENTS			150997
The foregoing appropriation item 371401, Lease Rental			150998
Payments, shall be used to meet all payments at the times they are			150999
required to be made during the period from July 1, 2013, through			151000
December 31, 2013, from the Ohio Cultural Facilities Commission			151001
under the primary leases and agreements for those arts and sports			151002
facilities made under Chapters 152. and 154. of the Revised Code.			151003
These appropriations are the source of funds pledged for bond			151004
service charges on related obligations issued under Chapters 152.			151005
and 154. of the Revised Code.			151006
PROJECT ADMINISTRATION SERVICES			151007
The foregoing appropriation item 371603, Project			151008
Administration Services, shall be used by the Ohio Cultural			151009
Facilities Commission in administering Cultural and Sports			151010
Facilities Building Fund (Fund 7030) projects pursuant to Chapter			151011
3383. of the Revised Code.			151012
By the tenth day following each calendar quarter in each			151013
fiscal year, or as soon as possible thereafter, the Director of			151014
Budget and Management shall determine the amount of cash from			151015
interest earnings to be transferred from the Cultural and Sports			151016
Facilities Building Fund (Fund 7030) to the Cultural Facilities			151017
Commission Administration Fund (Fund 4T80).			151018
As soon as possible after each bond issuance made on behalf			151019
of the Cultural Facilities Commission, the Director of Budget and			151020
Management shall determine the amount of cash from any premium			151021
paid on each issuance that is available to be transferred, after			151022
all issuance costs have been paid, from the Cultural and Sports			151023
Facilities Building Fund (Fund 7030) to the Cultural Facilities			151024
Commission Administration Fund (Fund 4T80).			151025

CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS	151026
The Executive Director of the Cultural Facilities Commission	151027
shall certify to the Director of Budget and Management the amount	151028
of cash receipts and related investment income, irrevocable	151029
letters of credit from a bank, or certification of the	151030
availability of funds that have been received from a county or a	151031
municipal corporation for deposit into the Capital Donations Fund	151032
(Fund 5A10) and that are related to an anticipated project. These	151033
amounts are hereby appropriated to appropriation item C37146,	151034
Capital Donations. Prior to certifying these amounts to the	151035
Director, the Executive Director shall make a written agreement	151036
with the participating entity on the necessary cash flows required	151037
for the anticipated construction or equipment acquisition project.	151038
Section 253.10. DEN STATE DENTAL BOARD	151039
General Services Fund Group	151040
4K90 880609 Operating Expenses \$ 1,566,484 \$ 1,566,484	151041
TOTAL GSF General Services Fund	151042
Group \$ 1,566,484 \$ 1,566,484	151043
TOTAL ALL BUDGET FUND GROUPS \$ 1,566,484 \$ 1,566,484	151044
Section 255.10. BDP BOARD OF DEPOSIT	151046
General Services Fund Group	151047
4M20 974601 Board of Deposit \$ 1,876,000 \$ 1,876,000	151048
TOTAL GSF General Services Fund	151049
Group \$ 1,876,000 \$ 1,876,000	151050
TOTAL ALL BUDGET FUND GROUPS \$ 1,876,000 \$ 1,876,000	151051
BOARD OF DEPOSIT EXPENSE FUND	151052
Upon receiving certification of expenses from the Treasurer	151053
of State, the Director of Budget and Management shall transfer	151054
cash from the Investment Earnings Redistribution Fund (Fund 6080)	151055
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund	151056

shall be used pursuant to section 135.02 of the Revised Code to 151057
pay for any and all necessary expenses of the Board of Deposit or 151058
for banking charges and fees required for the operation of the 151059
State of Ohio Regular Account. 151060

Section 257.10. DEV DEVELOPMENT SERVICES AGENCY 151061

General Revenue Fund 151062

GRF 195402 Coal Research \$ 261,205 \$ 261,405 151063
Operating

GRF 195405 Minority Business \$ 1,693,691 \$ 1,693,691 151064
Development

GRF 195407 Travel and Tourism \$ 1,300,000 \$ 0 151065

GRF 195415 Business Development \$ 2,413,387 \$ 2,413,387 151066
Services

GRF 195426 Redevelopment \$ 468,365 \$ 468,365 151067
Assistance

GRF 195497 CDBG Operating Match \$ 1,015,000 \$ 1,015,000 151068

GRF 195501 Appalachian Local \$ 440,000 \$ 440,000 151069
Development Districts

GRF 195532 Technology Programs \$ 13,547,341 \$ 13,547,341 151070
and Grants

GRF 195533 Business Assistance \$ 4,205,774 \$ 4,205,774 151071

GRF 195535 Appalachia Assistance \$ 3,846,482 \$ 3,846,482 151072

GRF 195537 Ohio-Israel \$ 150,000 \$ 150,000 151073
Agricultural
Initiative

GRF 195901 Coal Research & \$ 2,858,900 \$ 4,327,200 151074
Development General
Obligation Debt
Service

GRF 195905 Third Frontier \$ 66,511,600 \$ 83,783,000 151075
Research &

		Development General				
		Obligation Debt				
		Service				
GRF	195912	Job Ready Site	\$	15,498,400	\$	19,124,500 151076
		Development General				
		Obligation Debt				
		Service				
TOTAL GRF		General Revenue Fund	\$	114,210,145	\$	135,276,145 151077
		General Services Fund Group				151078
1350	195684	Development Services	\$	10,800,000	\$	10,800,000 151079
		Operations				
4W10	195646	Minority Business	\$	2,500,000	\$	2,500,000 151080
		Enterprise Loan				
5KN0	195640	Local Government	\$	16,130,986	\$	16,000,000 151081
		Innovation				
5MB0	195623	Business Incentive	\$	15,000,000	\$	0 151082
		Grants				
5MK0	195600	Vacant Facilities	\$	1,000,000	\$	1,000,000 151083
		Grant				
5W50	195690	Travel and Tourism	\$	150,000	\$	150,000 151084
		Cooperative Projects				
6850	195636	Development Services	\$	700,000	\$	700,000 151085
		Reimbursable				
		Expenditures				
TOTAL GSF		General Services Fund				151086
Group			\$	46,280,986	\$	31,150,000 151087
		Federal Special Revenue Fund Group				151088
3080	195602	Appalachian Regional	\$	475,000	\$	475,000 151089
		Commission				
3080	195603	Housing Assistance	\$	10,000,000	\$	10,000,000 151090
		Programs				
3080	195609	Small Business	\$	5,271,381	\$	5,271,381 151091

		Administration Grants					
3080	195618	Energy Grants	\$	9,307,779	\$	4,109,193	151092
3080	195670	Home Weatherization Program	\$	17,000,000	\$	17,000,000	151093
3080	195671	Brownfield Redevelopment	\$	5,000,000	\$	5,000,000	151094
3080	195672	Manufacturing Extension Partnership	\$	5,359,305	\$	5,359,305	151095
3080	195675	Procurement Technical Assistance	\$	600,000	\$	600,000	151096
3080	195681	SBDC Disability Consulting	\$	1,300,000	\$	1,300,000	151097
3350	195610	Energy Programs	\$	200,000	\$	200,000	151098
3AE0	195643	Workforce Development Initiatives	\$	1,800,000	\$	1,800,000	151099
3DB0	195642	Federal Stimulus - Energy Efficiency & Conservation Block Grants	\$	38,152	\$	0	151100
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	32,046,846	\$	5,655,326	151101
3FJ0	195661	Technology Targeted Investment Program	\$	12,750,410	\$	2,250,072	151102
3K80	195613	Community Development Block Grant	\$	65,000,000	\$	65,000,000	151103
3K90	195611	Home Energy Assistance Block Grant	\$	172,000,000	\$	172,000,000	151104
3K90	195614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	151105
3L00	195612	Community Services Block Grant	\$	27,240,217	\$	27,240,217	151106

3V10	195601	HOME Program	\$	30,000,000	\$	30,000,000	151107
TOTAL FED		Federal Special Revenue					151108
Fund Group			\$	417,389,090	\$	375,260,494	151109
State Special Revenue Fund Group							151110
4500	195624	Minority Business Bonding Program Administration	\$	74,868	\$	74,905	151111
4510	195649	Business Assistance Programs	\$	6,300,800	\$	6,700,800	151112
4F20	195639	State Special Projects	\$	102,145	\$	102,104	151113
4F20	195699	Utility Community Assistance	\$	500,000	\$	500,000	151114
5CG0	195679	Alternative Fuel Transportation	\$	750,000	\$	750,000	151115
5HR0	195526	Incumbent Workforce Training Vouchers	\$	30,000,000	\$	30,000,000	151116
5HR0	195622	Defense Development Assistance	\$	5,000,000	\$	5,000,000	151117
5JR0	195635	Redevelopment Program Support	\$	100,000	\$	100,000	151118
5KP0	195645	Historic Rehab Operating	\$	650,000	\$	650,000	151119
5LU0	195673	Racetrack Facility Community Economic Redevelopment Fund	\$	12,000,000	\$	0	151120
5M40	195659	Low Income Energy Assistance (USF)	\$	350,000,000	\$	350,000,000	151121
5M50	195660	Advanced Energy Loan Programs	\$	8,000,000	\$	8,000,000	151122
5MH0	195644	SiteOhio Administration	\$	100,000	\$	100,000	151123
5MJ0	195683	TourismOhio Administration	\$	8,000,000	\$	8,000,000	151124

5W60	195691	International Trade Cooperative Projects	\$	18,000	\$	18,000	151125
6170	195654	Volume Cap Administration	\$	32,562	\$	32,562	151126
6460	195638	Low- and Moderate- Income Housing Trust Fund	\$	53,000,000	\$	53,000,000	151127
TOTAL SSR State Special Revenue							151128
Fund Group			\$	474,628,375	\$	463,028,371	151129
Facilities Establishment Fund Group							151130
5S90	195628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	151131
7009	195664	Innovation Ohio	\$	15,000,000	\$	15,000,000	151132
7010	195665	Research and Development	\$	22,000,000	\$	22,000,000	151133
7037	195615	Facilities Establishment	\$	50,000,000	\$	50,000,000	151134
TOTAL 037 Facilities							151135
Establishment Fund Group			\$	90,000,000	\$	90,000,000	151136
Clean Ohio Revitalization Fund							151137
7003	195663	Clean Ohio Program	\$	950,000	\$	950,000	151138
TOTAL 7003 Clean Ohio			\$	950,000	\$	950,000	151139
Revitalization Fund							
Third Frontier Research & Development Fund Group							151140
7011	195686	Third Frontier Operating	\$	1,149,750	\$	1,149,750	151141
7011	195687	Third Frontier Research & Development Projects	\$	90,850,250	\$	90,850,250	151142
7014	195620	Third Frontier Operating - Tax	\$	1,700,000	\$	1,700,000	151143
7014	195692	Research &	\$	38,300,000	\$	38,300,000	151144

Development Taxable			
Bond Projects			
TOTAL 011 Third Frontier Research & Development Fund Group	\$ 132,000,000	\$ 132,000,000	151145
Job Ready Site Development Fund Group			151146
7012 195688 Job Ready Site Development	\$ 800,000	\$ 800,000	151147
TOTAL 012 Job Ready Site Development Fund Group	\$ 800,000	\$ 800,000	151148
Tobacco Master Settlement Agreement Fund Group			151149
M087 195435 Biomedical Research and Technology Transfer	\$ 1,896,595	\$ 1,906,025	151150
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$ 1,896,595	\$ 1,906,025	151151
TOTAL ALL BUDGET FUND GROUPS	\$ 1,278,155,191	\$ 1,230,371,035	151152
Section 257.20. COAL RESEARCH OPERATING			151154
The foregoing appropriation item 195402, Coal Research Operating, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal Development Office.			151155 151156 151157 151158
TRAVEL AND TOURISM			151159
The foregoing appropriation item 195407, Travel and Tourism, shall be used for marketing the state of Ohio as a tourism destination and to support administrative expenses and contracts necessary to market Ohio.			151160 151161 151162 151163
BUSINESS DEVELOPMENT SERVICES			151164
The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Business Services Division and the regional economic development offices			151165 151166 151167

and for grants for cooperative economic development ventures.	151168
REDEVELOPMENT ASSISTANCE	151169
The foregoing appropriation item 195426, Redevelopment	151170
Assistance, shall be used to fund the costs of administering the	151171
Clean Ohio Revitalization program and other urban revitalization	151172
programs that may be implemented by the Development Services	151173
Agency.	151174
CDBG OPERATING MATCH	151175
The foregoing appropriation item 195497, CDBG Operating	151176
Match, shall be used as matching funds for grants from the United	151177
States Department of Housing and Urban Development pursuant to the	151178
Housing and Community Development Act of 1974 and regulations and	151179
policy guidelines for the programs pursuant thereto.	151180
APPALACHIAN LOCAL DEVELOPMENT DISTRICTS	151181
The foregoing appropriation item 195501, Appalachian Local	151182
Development Districts, shall be used to support four local	151183
development districts. Of the foregoing appropriation amount in	151184
each fiscal year, up to \$135,000 shall be allocated to the Ohio	151185
Valley Regional Development Commission, up to \$135,000 shall be	151186
allocated to the Ohio Mid-Eastern Government Association, up to	151187
\$135,000 shall be allocated to the Buckeye Hills-Hocking Valley	151188
Regional Development District, and up to \$35,000 shall be	151189
allocated to the Eastgate Regional Council of Governments. Local	151190
development districts receiving funding under this section shall	151191
use the funds for the implementation and administration of	151192
programs and duties under section 107.21 of the Revised Code.	151193
TECHNOLOGY PROGRAMS AND GRANTS	151194
Of the foregoing appropriation item 195532, Technology	151195
Programs and Grants, up to \$547,341 in each fiscal year shall be	151196
used for operating expenses incurred in administering the Ohio	151197

Third Frontier pursuant to sections 184.10 to 184.20 of the Revised Code; and up to \$13,000,000 in each fiscal year shall be used for the Thomas Edison Program pursuant to sections 122.28 to 122.38 of the Revised Code, of which not less than \$7,650,000 shall be allocated for the Edison Center Network entities defined in division (C) of section 122.33 of the Revised Code, \$2,000,000 of which shall be allocated on a competitive basis among the entities, and not more than ten per cent shall be used for operating expenses incurred in administering the program.

BUSINESS ASSISTANCE

The foregoing appropriation item 195533, Business Assistance, may be used to provide a range of business assistance, including grants to local organizations to support economic development activities that promote minority business development, small business development, entrepreneurship, and exports of Ohio's goods and services. This appropriation item shall also be used as matching funds for grants from the United States Small Business Administration and other federal agencies, pursuant to Public Law No. 96-302 as amended by Public Law No. 98-395, and regulations and policy guidelines for the programs pursuant thereto.

APPALACHIA ASSISTANCE

The foregoing appropriation item 195535, Appalachia Assistance, may be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachia, to provide financial assistance to projects in Ohio's Appalachian counties, and to pay dues for the Appalachian Regional Commission. These funds may be used to match federal funds from the Appalachian Regional Commission.

OHIO-ISRAEL AGRICULTURE INITIATIVE

The foregoing appropriation item 195537, Ohio-Israel Agricultural Initiative, shall be used for the Ohio-Israel

Agricultural Initiative.	151229
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	151230
The foregoing appropriation line item 195901, Coal Research and Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2013, through June 30, 2015 for obligations issued under sections 151.01 and 151.07 of the Revised Code.	151231 151232 151233 151234 151235
THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	151236 151237
The foregoing appropriation item 195905, Third Frontier Research & Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2013, through June 30, 2015, on obligations issued for research and development purposes under sections 151.01 and 151.10 of the Revised Code.	151238 151239 151240 151241 151242 151243
JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	151244
The foregoing appropriation item 195912, Job Ready Site Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2013, through June 30, 2015, on obligations issued for job ready site development purposes under sections 151.01 and 151.11 of the Revised Code.	151245 151246 151247 151248 151249 151250
Section 257.30. DEVELOPMENT SERVICES OPERATIONS	151251
The Director of Development Services may assess offices of the agency for the cost of central service operations. An assessment shall contain the characteristics of administrative ease and uniform application. A division's payments shall be credited to the Supportive Services Fund (Fund 1350) using an intrastate transfer voucher.	151252 151253 151254 151255 151256 151257
LOCAL GOVERNMENT INNOVATION FUND	151258

The foregoing appropriation item 195640, Local Government Innovation, shall be used for the purposes of making loans and grants to political subdivisions under the Local Government Innovation Program in accordance with sections 189.01 to 189.10 of the Revised Code. Of the foregoing appropriation item 195640, Local Government Innovation, up to \$175,000 in each fiscal year shall be used for administrative costs incurred by the Development Services Agency.

TRAVEL AND TOURISM COOPERATIVE PROJECTS 151267

The foregoing appropriation item 195690, Travel and Tourism Cooperative Projects, shall consist solely of leveraged private sector paid advertising dollars received in tourism marketing assistance and co-op programs. These funds are to be used for the marketing and promotion of travel and tourism in Ohio.

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 151273

The foregoing appropriation item 195636, Development Services Reimbursable Expenditures, shall be used for reimbursable costs incurred by the agency. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs.

Section 257.40. WORKFORCE DEVELOPMENT INITIATIVES 151279

Of the foregoing appropriation item 195643, Workforce Development Initiatives, \$500,000 in fiscal year 2014 shall be used to fund the Heavy Machinery Pilot Program at Central Ohio Technical College for tuition support and reimbursement to train approximately 30 students for careers in construction and the oil and gas industries in Eastern Ohio and statewide.

Of the foregoing appropriation item 195643, Workforce Development Initiative, \$500,000 in each fiscal year shall be used for grants to BioOhio to support the Bioscience Workforce

Development Initiative for training incumbent and prospective workers in the bioscience manufacturing industry in partnership with community colleges. BioOhio shall provide an annual report to the Office of the Governor and the General Assembly assessing the progress of the BioScience Workforce Development Initiative, and the report shall include enrollment and placement statistics.

HEAP WEATHERIZATION

Up to twenty-five per cent of the federal funds deposited to the credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) may be expended from appropriation item 195614, HEAP Weatherization, to provide home weatherization services in the state as determined by the Director of Development Services. Any transfers or increases in appropriation for the foregoing appropriation items 195614, HEAP Weatherization, or 195611, Home Energy Assistance Block Grant, shall be subject to approval by the Controlling Board.

Section 257.50. BUSINESS ASSISTANCE PROGRAMS

The foregoing appropriation item 195649, Business Assistance Programs, shall be used for administrative expenses associated with the operation of tax credit programs, loan servicing, the Ohio Film Office, workforce initiatives, and the Office of Strategic Business Investments.

STATE SPECIAL PROJECTS

The State Special Projects Fund (Fund 4F20), may be used for the deposit of private-sector funds from utility companies and for the deposit of other miscellaneous state funds. State moneys so deposited may also be used to match federal housing grants for the homeless.

MINORITY BUSINESS ENTERPRISE LOAN

All repayments from the Minority Development Financing

Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 151319
Program shall be deposited in the State Treasury to the credit of 151320
the Minority Business Enterprise Loan Fund (Fund 4W10). 151321

MINORITY BUSINESS BONDING FUND 151322

Notwithstanding Chapters 122., 169., and 175. of the Revised 151323
Code, the Director of Development Services may, upon the 151324
recommendation of the Minority Development Financing Advisory 151325
Board, pledge up to \$10,000,000 in the fiscal year 2014-fiscal 151326
year 2015 biennium of unclaimed funds administered by the Director 151327
of Commerce and allocated to the Minority Business Bonding Program 151328
under section 169.05 of the Revised Code. 151329

If needed for the payment of losses arising from the Minority 151330
Business Bonding Program, the Director of Budget and Management 151331
may, at the request of the Director of Development Services, 151332
request that the Director of Commerce transfer unclaimed funds 151333
that have been reported by holders of unclaimed funds under 151334
section 169.05 of the Revised Code to the Minority Bonding Fund 151335
(Fund 4490). The transfer of unclaimed funds shall only occur 151336
after proceeds of the initial transfer of \$2,700,000 by the 151337
Controlling Board to the Minority Business Bonding Program have 151338
been used for that purpose. If expenditures are required for 151339
payment of losses arising from the Minority Business Bonding 151340
Program, such expenditures shall be made from appropriation item 151341
195658, Minority Business Bonding Contingency in the Minority 151342
Business Bonding Fund, and such amounts are hereby appropriated. 151343

INCUMBENT WORKFORCE TRAINING VOUCHERS 151344

(A) The Director of Budget and Management may transfer up to 151345
\$30,000,000 cash in each fiscal year from the Economic Development 151346
Programs Fund (Fund 5JC0) used by the Board of Regents to the Ohio 151347
Incumbent Workforce Job Training Fund (Fund 5HR0) used by the 151348
Development Services Agency. 151349

(B) Of the foregoing appropriation item 195526, Incumbent Workforce Training Vouchers, up to \$30,000,000 in each fiscal year shall be used to support the Ohio Incumbent Workforce Training Voucher Program.

(C) The Ohio Incumbent Workforce Training Voucher Program shall conform to guidelines for the operation of the program, including, but not limited to, the following:

(1) A requirement that a training voucher under the program shall not exceed \$6,000 per worker per year;

(2) A provision for an employer of an eligible employee to apply for a voucher on behalf of the eligible employee;

(3) A provision for an eligible employee to apply directly for a training voucher with the pre-approval of the employee's employer; and

(4) A requirement that an employee participating in the program, or the employee's employer, shall pay for not less than thirty-three per cent of the training costs under the program.

On July 1, 2014, or as soon as possible thereafter, the Director of Development Services may request that the Director of Budget and Management reappropriate any unexpended, unencumbered balance of the prior fiscal year's appropriation to the foregoing appropriation item 195526, Incumbent Workforce Training Vouchers, for fiscal year 2015. The Director of Budget and Management may request additional information necessary for evaluating the request, and the Director of Development Services shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development Services, the Director of Budget and Management shall determine the amount to be reappropriated, and those amounts are hereby reappropriated for fiscal year 2015.

DEFENSE DEVELOPMENT ASSISTANCE

The Director of Budget and Management shall transfer up to 151381
\$5,000,000 in cash in each fiscal year from the Economic 151382
Development Programs Fund (Fund 5JC0) used by the Board of Regents 151383
to the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0) used 151384
by the Development Services Agency. The transferred funds shall be 151385
used for appropriation item 195622, Defense Development 151386
Assistance, for economic development programs and the creation of 151387
new jobs to leverage and support mission gains at Department of 151388
Defense facilities in Ohio by working with future base realignment 151389
and closure activities and ongoing Department of Defense 151390
efficiency initiatives, assisting efforts to secure Department of 151391
Defense support contracts for Ohio companies, assessing and 151392
supporting regional job training and workforce development needs 151393
generated by the Department of Defense and the Ohio aerospace 151394
industry, and for expanding job training and economic development 151395
programs in human performance related initiatives. A portion of 151396
these funds shall be matched in the aggregate amount of \$5,000,000 151397
by either public or private industry partners, educational 151398
entities, or federal agencies. 151399

Of the foregoing appropriation item 195622, Defense 151400
Development Assistance, \$3,000,000 shall be used by Applied 151401
Research Corporation to support education or research projects 151402
conducted by public-private partnerships in Ohio that seek to 151403
develop and train the workforce of Ohio in all industries. 151404

On July 1, 2014, or as soon as possible thereafter, the 151405
Director of Development Services may request that the Director of 151406
Budget and Management reappropriate any unexpended, unencumbered 151407
balance of the prior fiscal year's appropriation to the foregoing 151408
appropriation item 195622, Defense Development Assistance, for 151409
fiscal year 2015. The Director of Budget and Management may 151410
request additional information necessary for evaluating the 151411
request, and the Director of Development Services shall provide 151412

the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development Services, the Director of Budget and Management shall determine the amount to be reappropriated, and those amounts are hereby reappropriated for fiscal year 2015.

ADVANCED ENERGY LOAN PROGRAMS

The foregoing appropriation item 195660, Advanced Energy Loan Programs, shall be used to provide financial assistance to customers for eligible advanced energy projects for residential, commercial, and industrial business, local government, educational institution, nonprofit, and agriculture customers, and to pay for the program's administrative costs as provided in sections 4928.61 to 4928.63 of the Revised Code and rules adopted by the Director of Development Services.

TOURISMOHIO ADMINISTRATION

Of the foregoing appropriation item 195683, TourismOhio Administration, \$1,000,000 in fiscal year 2014 shall be used to administer a program established by the Development Services Agency pursuant to section 122.121 of the Revised Code.

VOLUME CAP ADMINISTRATION

The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 6170) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.

Section 257.60. CAPITAL ACCESS LOAN PROGRAM

The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Funds of the Capital Access Loan Program

shall be used to assist participating financial institutions in 151443
making program loans to eligible businesses that face barriers in 151444
accessing working capital and obtaining fixed-asset financing. 151445

INNOVATION OHIO LOAN FUND 151446

The foregoing appropriation item 195664, Innovation Ohio, 151447
shall be used to provide for Innovation Ohio purposes, including 151448
loan guarantees and loans under Chapter 166. and particularly 151449
sections 166.12 to 166.16 of the Revised Code. 151450

RESEARCH AND DEVELOPMENT 151451

The foregoing appropriation item 195665, Research and 151452
Development, shall be used to provide for research and development 151453
purposes, including loans, under Chapter 166. and particularly 151454
sections 166.17 to 166.21 of the Revised Code. 151455

FACILITIES ESTABLISHMENT 151456

The foregoing appropriation item 195615, Facilities 151457
Establishment, shall be used for the purposes of the Facilities 151458
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 151459
Code. 151460

Notwithstanding Chapter 166. of the Revised Code, an amount 151461
not to exceed \$3,000,000 in cash in each fiscal year may be 151462
transferred from the Facilities Establishment Fund (Fund 7037) to 151463
the Business Assistance Fund (Fund 4510). The transfer is subject 151464
to Controlling Board approval under division (B) of section 166.03 151465
of the Revised Code. 151466

Notwithstanding Chapter 166. of the Revised Code, the 151467
Director of Budget and Management may transfer an amount not to 151468
exceed \$1,000,000 in cash in each fiscal year from the Facilities 151469
Establishment Fund (Fund 7037) to the Minority Business Enterprise 151470
Loan Fund (Fund 4W10). 151471

Notwithstanding Chapter 166. of the Revised Code, the 151472

Director of Budget and Management may transfer an amount not to 151473
exceed \$2,000,000 in cash in each fiscal year from the Facilities 151474
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 151475
(Fund 5S90). 151476

Section 257.70. CLEAN OHIO OPERATING EXPENSES 151477

The foregoing appropriation item 195663, Clean Ohio Program, 151478
shall be used by the Development Services Agency in administering 151479
Clean Ohio Revitalization Fund (Fund 7003) projects pursuant to 151480
sections 122.65 to 122.658 of the Revised Code. 151481

Section 257.80. THIRD FRONTIER OPERATING 151482

The foregoing appropriation items 195686, Third Frontier 151483
Operating, and 195620, Third Frontier Operating - Tax, shall be 151484
used for operating expenses incurred by the Development Services 151485
Agency in administering projects pursuant to sections 184.10 to 151486
184.20 of the Revised Code. Operating expenses paid from item 151487
195686 shall be limited to the administration of projects funded 151488
from the Third Frontier Research & Development Fund (Fund 7011) 151489
and operating expenses paid from item 195620 shall be limited to 151490
the administration of projects funded from the Third Frontier 151491
Research & Development Taxable Bond Project Fund (Fund 7014). 151492

THIRD FRONTIER RESEARCH AND DEVELOPMENT PROJECTS AND RESEARCH 151493
AND DEVELOPMENT TAXABLE BOND PROJECTS 151494

The foregoing appropriation items 195687, Third Frontier 151495
Research & Development Projects, 195692, Research & Development 151496
Taxable Bond Projects, and 195620, Third Frontier Operating - Tax, 151497
shall be used by the Development Services Agency to fund selected 151498
projects. Eligible costs are those costs of research and 151499
development projects to which the proceeds of the Third Frontier 151500
Research & Development Fund (Fund 7011) and the Research & 151501
Development Taxable Bond Project Fund (Fund 7014) are to be 151502

applied. 151503

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 151504

The Director of Budget and Management may approve written 151505
requests from the Director of Development Services for the 151506
transfer of appropriations between appropriation items 195687, 151507
Third Frontier Research & Development Projects, and 195692, 151508
Research & Development Taxable Bond Projects, based upon awards 151509
recommended by the Third Frontier Commission. The transfers are 151510
subject to approval by the Controlling Board. 151511

In fiscal year 2015, the Director of Development Services may 151512
request that the Director of Budget and Management reappropriate 151513
any unexpended, unencumbered balances of the prior fiscal year's 151514
appropriation to the foregoing appropriation items 195687, Third 151515
Frontier Research & Development Projects, and 195692, Research & 151516
Development Taxable Bond Projects, for fiscal year 2015. The 151517
Director of Budget and Management may request additional 151518
information necessary for evaluating these requests, and the 151519
Director of Development Services shall provide the requested 151520
information to the Director of Budget and Management. Based on the 151521
information provided by the Director of Development Services, the 151522
Director of Budget and Management shall determine the amounts to 151523
be reappropriated, and those amounts are hereby reappropriated for 151524
fiscal year 2015. 151525

AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS 151526

The Ohio Public Facilities Commission is hereby authorized to 151527
issue and sell, in accordance with Section 2p of Article VIII, 151528
Ohio Constitution, and particularly sections 151.01 and 151.10 of 151529
the Revised Code, original obligations of the State of Ohio in an 151530
aggregate amount not to exceed \$350,000,000 in addition to the 151531
original issuance of obligations authorized by prior acts of the 151532
General Assembly. The authorized obligations shall be issued and 151533

sold from time to time and in amounts necessary to ensure 151534
sufficient moneys to the credit of the Third Frontier Research and 151535
Development Fund (Fund 7011) and the Third Frontier Research and 151536
Development Taxable Bond Fund (Fund 7014) to pay costs of research 151537
and development projects. 151538

Section 257.90. JOB READY SITE PROGRAM 151539

The foregoing appropriation item 195688, Job Ready Site 151540
Development, shall be used for operating expenses incurred by the 151541
Development Services Agency in administering Job Ready Site 151542
Development Fund (Fund 7012) projects pursuant to sections 122.085 151543
to 122.0820 of the Revised Code. Operating expenses include, but 151544
are not limited to, certain qualified expenses of the District 151545
Public Works Integrating Committees, as applicable, engineering 151546
review of submitted applications by the State Architect or a 151547
third-party engineering firm, audit and accountability activities, 151548
and costs associated with formal certifications verifying that 151549
site infrastructure is in place and is functional. 151550

Section 257.110. (A) ASSORTED TRANSFERS FOR RESTRUCTURING 151551

On July 1, 2013, or as soon as possible thereafter, the 151552
Director of Budget and Management may transfer up to the cash 151553
balances in the Tax Incentive Program Operating Fund (Fund 4S00) 151554
and the Tax Credit Operating Fund (Fund 4S10) to the Business 151555
Assistance Fund (Fund 4510). 151556

On July 1, 2013, or as soon as possible thereafter, the 151557
Director of Budget and Management may transfer up to the cash 151558
balances in the Family Farm Loan Fund (Fund 5H10) and the First 151559
Frontier Fund (Fund 4H40) to the Facility Establishment Fund (Fund 151560
7037). 151561

On July 1, 2013, or as soon as possible thereafter, the 151562
Director of Budget and Management may transfer up to the cash 151563

balance in the Brownfield Stormwater Loan Fund (Fund 5KD0) to the 151564
New Markets Tax Credit Program Fund (Fund 5JR0). 151565

On July 1, 2013, or as soon as possible thereafter, the 151566
Director of Budget and Management may transfer up to the cash 151567
balances in the Water and Sewer Fund (Fund 4440) and the Water and 151568
Sewer Administrative Fund (Fund 6110) to the General 151569
Reimbursements Fund (Fund 6850). 151570

On July 1, 2013, or as soon as possible thereafter, the 151571
Director of Budget and Management may transfer up to the cash 151572
balance in the Local Government Services Collaboration Grant Fund 151573
(Fund 7088) to the Local Government Innovation Fund (Fund 5KN0). 151574

(B) ABOLISHMENT OF FUNDS 151575

On July 1, 2013, or as soon as possible thereafter, upon 151576
completion of a transfer of the cash balance in a fund as 151577
described in division (A) of this section by the Director of 151578
Budget and Management, notwithstanding the establishment authority 151579
of the fund, the fund is hereby abolished. 151580

On July 1, 2013, or as soon as possible thereafter, the 151581
Director of Budget and Management shall transfer the cash balance 151582
in the Rapid Outreach Loan Fund (Fund 7022) to the Facilities 151583
Establishment Fund (Fund 7037). After completion of the transfer 151584
and on the effective date of its repeal by this act, Fund 7022 151585
shall be abolished. 151586

The following funds are determined to be dormant and shall be 151587
abolished on the effective date of their repeal by this act: 151588
Diesel Emissions Grant Fund (Fund 3BD0), Shovel Ready Sites Fund 151589
(Fund 5CA0), Energy Projects Fund (Fund 5DU0), Business 151590
Development and Assistance Fund (Fund 5LK0), Clean Ohio 151591
Revitalization Revolving Loan Fund (Fund 7007), and Logistics & 151592
Distribution Infrastructure Taxable Bond Fund (Fund 7048). 151593

(C) ELIMINATION OF DORMANT FUNDS 151594

On July 1, 2013, or as soon as possible thereafter, the 151595
Director of Budget and Management may determine whether the 151596
following funds are dormant. If the Director of Budget and 151597
Management determines a fund to be dormant, notwithstanding the 151598
establishment authority of the fund, the fund is hereby abolished. 151599
The funds are: 151600

Fund Number	Fund Name	
1360	International Trade	151601
3800	Ohio Housing Agency	151602
3BJ0	TANF Heating Assistance	151603
3X30	TANF Housing	151604
4450	OHFA Administration	151605
4480	Ohio Coal Development	151606
4D00	Public & Private Assistance	151607
5CV0	Defense Conversion Assistance	151608
5D10	Port Authority Bond Reserves	151609
5D20	Urban Redevelopment Loan	151610
5F70	Local Government Y2K Loan Program	151611
5X50	Family Homelessness Prevention Pilot	151612
5Y60	Economic Development Contingency	151613
5Z30	Jobs	151614
QA70	Electric Revenue Development	151615

Section 259.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 151617

General Revenue Fund			151618
GRF	320412	Protective Services \$ 1,918,196 \$ 1,918,196	151619
GRF	320415	Lease-Rental Payments \$ 15,843,300 \$ 16,076,700	151620
GRF	322420	Screening and Early Intervention \$ 300,000 \$ 300,000	151621
GRF	322451	Family Support Services \$ 5,932,758 \$ 5,932,758	151622

GRF	322501	County Boards Subsidies	\$	44,449,280	\$	44,449,280	151623
GRF	322503	Tax Equity	\$	14,000,000	\$	14,000,000	151624
GRF	322507	County Board Case Management	\$	2,500,000	\$	2,500,000	151625
GRF	322508	Employment First Pilot Program	\$	3,000,000	\$	3,000,000	151626
GRF	653321	Medicaid Program Support - State	\$	6,186,694	\$	6,186,694	151627
GRF	653407	Medicaid Services	\$	430,056,111	\$	437,574,237	151628
TOTAL GRF		General Revenue Fund	\$	524,186,339	\$	531,937,865	151629
		General Services Fund Group					151630
1520	653609	DC and Residential Operating Services	\$	3,414,317	\$	3,414,317	151631
TOTAL GSF		General Services Fund Group	\$	3,414,317	\$	3,414,317	151632
		Federal Special Revenue Fund Group					151633
3A50	320613	DD Council	\$	3,297,656	\$	3,324,187	151634
3250	322612	Community Social Service Programs	\$	10,604,896	\$	10,604,896	151635
3A40	653604	DC & ICF/IID Program Support	\$	8,013,611	\$	8,013,611	151636
3A40	653605	DC and Residential Services and Support	\$	159,548,565		159,548,565	151637
3A40	653653	ICF/IID	\$	354,712,840	\$	353,895,717	151638
3G60	653639	Medicaid Waiver Services	\$	932,073,249	\$	1,025,921,683	151639
3G60	653640	Medicaid Waiver Program Support	\$	36,934,303	\$	36,170,872	151640
3M70	653650	CAFS Medicaid	\$	3,000,000	\$	3,000,000	151641
TOTAL FED		Federal Special Revenue Fund Group	\$	1,508,185,120	\$	1,600,479,531	151642

State Special Revenue Fund Group					151643	
5GE0 320606	Operating and Services	\$	7,407,297	\$	7,407,297	151644
2210 322620	Supplement Service Trust	\$	150,000	\$	150,000	151645
5DJ0 322625	Targeted Case Management Match	\$	33,750,000	\$	37,260,000	151646
5DK0 322629	Capital Replacement Facilities	\$	750,000	\$	750,000	151647
5H00 322619	Medicaid Repayment	\$	160,000	\$	160,000	151648
5JX0 322651	Interagency Workgroup - Autism	\$	45,000		45,000	151649
4890 653632	DC Direct Care Services	\$	16,497,169	\$	16,497,169	151650
5CT0 653607	Intensive Behavioral Needs	\$	1,000,000	\$	1,000,000	151651
5DJ0 653626	Targeted Case Management Services	\$	91,740,000	\$	100,910,000	151652
5EV0 653627	Medicaid Program Support	\$	685,000	\$	685,000	151653
5GE0 653606	ICF/IID and Waiver Match	\$	40,353,139	\$	39,106,638	151654
5S20 653622	Medicaid Admin and Oversight	\$	17,341,201	\$	19,032,154	151655
5Z10 653624	County Board Waiver Match	\$	284,740,000	\$	336,480,000	151656
TOTAL SSR State Special Revenue Fund Group		\$	494,618,806	\$	559,483,258	151657
TOTAL ALL BUDGET FUND GROUPS		\$	2,530,404,582	\$	2,695,314,971	151658

Section 259.20. LEASE-RENTAL PAYMENTS 151660

The foregoing appropriation item 320415, Lease-Rental 151661
 Payments, shall be used to meet all payments at the times they are 151662

required to be made during the period from July 1, 2013, through 151663
June 30, 2015, by the Department of Developmental Disabilities 151664
under leases and agreements made under section 154.20 of the 151665
Revised Code. These appropriations are the source of funds pledged 151666
for bond service charges on related obligations issued under 151667
Chapter 154. of the Revised Code. 151668

Section 259.30. SCREENING AND EARLY INTERVENTION 151669

The foregoing appropriation item 322420, Screening and Early 151670
Intervention, shall be used for screening and early intervention 151671
programs for children with autism selected by the Director of 151672
Developmental Disabilities. 151673

Section 259.40. FAMILY SUPPORT SERVICES SUBSIDY 151674

The foregoing appropriation item 322451, Family Support 151675
Services, may be used as follows in fiscal year 2014 and fiscal 151676
year 2015: 151677

(A) The appropriation item may be used to provide a subsidy 151678
to county boards of developmental disabilities for family support 151679
services provided under section 5126.11 of the Revised Code. The 151680
subsidy shall be paid in quarterly installments and allocated to 151681
county boards according to a formula the Director of Developmental 151682
Disabilities shall develop in consultation with representatives of 151683
county boards. A county board shall use not more than seven per 151684
cent of its subsidy for administrative costs. 151685

(B) The appropriation item may be used to distribute funds to 151686
county boards for the purpose of addressing economic hardships and 151687
to promote efficiency of operations. In consultation with 151688
representatives of county boards, the Director shall determine the 151689
amount of funds to distribute for these purposes and the criteria 151690
for distributing the funds. 151691

Section 259.50. STATE SUBSIDY TO COUNTY DD BOARDS 151692

(A) Except as provided in the section of this act titled 151693
"NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing 151694
appropriation item 322501, County Boards Subsidies, shall be used 151695
for the following purposes: 151696

(1) To provide a subsidy to county boards of developmental 151697
disabilities in quarterly installments and allocated according to 151698
a formula developed by the Director of Developmental Disabilities 151699
in consultation with representatives of county boards. Except as 151700
provided in section 5126.0511 of the Revised Code or in division 151701
(B) of this section, county boards shall use the subsidy for early 151702
childhood services and adult services provided under section 151703
5126.05 of the Revised Code, service and support administration 151704
provided under section 5126.15 of the Revised Code, or supported 151705
living as defined in section 5126.01 of the Revised Code. 151706

(2) To provide funding, as determined necessary by the 151707
Director, for residential services, including room and board, and 151708
support service programs that enable individuals with 151709
developmental disabilities to live in the community. 151710

(3) To distribute funds to county boards of developmental 151711
disabilities to address economic hardships and promote efficiency 151712
of operations. The Director shall determine, in consultation with 151713
representatives of county boards, the amount of funds to 151714
distribute for these purposes and the criteria for distributing 151715
the funds. 151716

(B) In collaboration with the county's family and children 151717
first council, a county board of developmental disabilities may 151718
transfer portions of funds received under this section, to a 151719
flexible funding pool in accordance with the section of this act 151720
titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 151721

Section 259.60. COUNTY BOARD SHARE OF WAIVER SERVICES 151722

As used in this section, "home and community-based services" 151723
has the same meaning as in section 5123.01 of the Revised Code. 151724

The Director of Developmental Disabilities shall establish a 151725
methodology to be used in fiscal year 2014 and fiscal year 2015 to 151726
estimate the quarterly amount each county board of developmental 151727
disabilities is to pay of the nonfederal share of home and 151728
community-based services that section 5126.0510 of the Revised 151729
Code requires county boards to pay. Each quarter, the Director 151730
shall submit to a county board written notice of the amount the 151731
county board is to pay for that quarter. The notice shall specify 151732
when the payment is due. 151733

Section 259.70. TAX EQUITY 151734

Notwithstanding section 5126.18 of the Revised Code, the 151735
foregoing appropriation item 322503, Tax Equity, may be used to 151736
distribute funds to county boards of developmental disabilities to 151737
address economic hardships and promote efficiency of operations. 151738
The Director of Developmental Disabilities shall determine, in 151739
consultation with representatives of county boards, the amount of 151740
funds to distribute for these purposes and the criteria for 151741
distributing the funds. 151742

Section 259.80. MEDICAID SERVICES 151743

Except as provided in section 5123.0416 of the Revised Code, 151744
the purposes for which the foregoing appropriation item 653407, 151745
Medicaid Services, shall be used include the following: 151746

(A) Home and community-based services, as defined in section 151747
5123.01 of the Revised Code; 151748

(B) Implementation of the requirements of the agreement 151749
settling the consent decree in *Sermak v. Manuel*, Case No. 151750

C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;	151751 151752
(C) Implementation of the requirements of the agreement settling the consent decree in the <i>Martin v. Strickland</i> , Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;	151753 151754 151755 151756
(D) ICF/IID services, as defined in section 5124.01 of the Revised Code;	151757 151758
(E) Other programs as identified by the Director of Developmental Disabilities.	151759 151760
Section 259.90. EMPLOYMENT FIRST PILOT PROGRAM	151761
The foregoing appropriation item 322508, Employment First Pilot Program, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code.	151762 151763 151764 151765 151766
Of the foregoing appropriation item, 322508, Employment First Pilot Program, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Pilot Program. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the pilot program. The Director of Developmental Disabilities and the Executive Director	151767 151768 151769 151770 151771 151772 151773 151774 151775 151776 151777 151778 151779 151780

of the Opportunities for Ohioans with Disabilities Agency shall 151781
enter into an interagency agreement in accordance with section 151782
3304.181 of the Revised Code that will specify the 151783
responsibilities of each agency under the pilot program. Under the 151784
interagency agreement, the Opportunities for Ohioans with 151785
Disabilities Agency shall retain responsibility for eligibility 151786
determination, order of selection, plan approval, plan amendment, 151787
and release of vendor payments. 151788

The remainder of appropriation item 322508, Employment First 151789
Pilot Program, shall be used to develop a long term, sustainable 151790
system that places individuals with developmental disabilities in 151791
community employment, as defined in section 5123.022 of the 151792
Revised Code. 151793

Section 259.100. EMPLOYMENT FIRST TASKFORCE FUND 151794

If an employment first task force is established by the 151795
Director of Developmental Disabilities in accordance with section 151796
5123.023 of the Revised Code, the Director of Budget and 151797
Management shall establish an appropriation item from the 151798
Employment First Taskforce Fund for use by the Department of 151799
Developmental Disabilities to support the work of the task force. 151800
In fiscal year 2014 and fiscal year 2015, if an employment first 151801
task force is established, the Director of Developmental 151802
Disabilities shall certify to the Director of Budget and 151803
Management the appropriation amounts necessary for the Department 151804
of Developmental Disabilities to fulfill its obligation to support 151805
the work of the task force. Once the certification required under 151806
this section has been submitted and approved by the Director of 151807
Budget and Management, the appropriations established under this 151808
section are hereby appropriated in the amounts approved by the 151809
Director of Budget and Management. 151810

Section 259.110. TRANSFER TO OPERATING AND SERVICES FUND 151811

On July 1, 2013, or as soon as possible thereafter, the 151812
Director of Developmental Disabilities shall request the Director 151813
of Budget and Management to transfer the cash balance in the Home 151814
and Community-Based Services Fund (Fund 4K80) to the Operating and 151815
Services Fund (Fund 5GE0). Upon completion of the transfer, Fund 151816
4K80 is hereby abolished. The Director of Budget and Management 151817
shall cancel any existing encumbrances against appropriation item 151818
322604, Medicaid Waiver - State Match, and reestablish them 151819
against appropriation item 653606, ICF/IID and Waiver Match. The 151820
reestablished encumbrance amounts are hereby appropriated. 151821

Section 259.120. OPERATING AND SERVICES 151822

Of the foregoing appropriation item 320606, Operating and 151823
Services, \$100,000 in each fiscal year shall be provided to the 151824
Ohio Center for Autism and Low Incidence to establish a lifespan 151825
autism hub to support families and professionals. 151826

Section 259.130. TARGETED CASE MANAGEMENT SERVICES 151827

County boards of developmental disabilities shall pay the 151828
nonfederal portion of targeted case management costs to the 151829
Department of Developmental Disabilities. 151830

The Director of Developmental Disabilities and the Medicaid 151831
Director may enter into an interagency agreement under which the 151832
Department of Developmental Disabilities shall transfer cash from 151833
the Targeted Case Management Fund (Fund 5DJ0) to the Health 151834
Care/Medicaid Support and Recoveries Fund (Fund 5DL0) used by the 151835
Department of Medicaid in an amount equal to the nonfederal 151836
portion of the cost of targeted case management services paid by 151837
county boards. Under the agreement, the Department of Medicaid 151838
shall pay the total cost of targeted case management claims. The 151839

transfer shall be made using an intrastate transfer voucher. 151840

Section 259.140. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 151841

If a county board of developmental disabilities does not 151842
fully pay any amount owed to the Department of Developmental 151843
Disabilities by the due date established by the Department, the 151844
Director of Developmental Disabilities may withhold the amount the 151845
county board did not pay from any amounts due to the county board. 151846
The Director may use any appropriation item or fund used by the 151847
Department to transfer cash to any other fund used by the 151848
Department in an amount equal to the amount owed the Department 151849
that the county board did not pay. Transfers under this section 151850
shall be made using an intrastate transfer voucher. 151851

Section 259.150. DEVELOPMENTAL CENTER BILLING FOR SERVICES 151852

Developmental centers of the Department of Developmental 151853
Disabilities may provide services to persons with mental 151854
retardation or developmental disabilities living in the community 151855
or to providers of services to these persons. The Department may 151856
develop a method for recovery of all costs associated with the 151857
provision of these services. 151858

Section 259.160. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 151859
PHARMACY PROGRAMS 151860

The Director of Developmental Disabilities shall quarterly 151861
transfer cash from the Medicaid - Medicare Fund (Fund 3A40) to the 151862
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) used 151863
by the Department of Medicaid, in an amount equal to the 151864
nonfederal share of Medicaid prescription drug claim costs for all 151865
developmental centers paid by the Department of Medicaid. The 151866
quarterly transfer shall be made using an intrastate transfer 151867
voucher. 151868

Section 259.170. NONFEDERAL MATCH FOR ACTIVE TREATMENT	151869
SERVICES	151870
Any county funds received by the Department of Developmental	151871
Disabilities from county boards of developmental disabilities for	151872
active treatment shall be deposited in the Developmental	151873
Disabilities Operating Fund (Fund 4890).	151874
Section 259.180. ODODD INNOVATIVE PILOT PROJECTS	151875
(A) In fiscal year 2014 and fiscal year 2015, the Director of	151876
Developmental Disabilities may authorize the continuation or	151877
implementation of one or more innovative pilot projects that, in	151878
the judgment of the Director, are likely to assist in promoting	151879
the objectives of Chapter 5123. or 5126. of the Revised Code.	151880
Subject to division (B) of this section and notwithstanding any	151881
provision of Chapters 5123. and 5126. of the Revised Code and any	151882
rule adopted under either chapter, a pilot project authorized by	151883
the Director may be continued or implemented in a manner	151884
inconsistent with one or more provisions of either chapter or one	151885
or more rules adopted under either chapter. Before authorizing a	151886
pilot program, the Director shall consult with entities interested	151887
in the issue of developmental disabilities, including the Ohio	151888
Provider Resource Association, Ohio Association of County Boards	151889
of Developmental Disabilities, Ohio Health Care Association/Ohio	151890
Centers for Intellectual Disabilities, the Values and Faith	151891
Alliance, and ARC of Ohio.	151892
(B) The Director may not authorize a pilot project to be	151893
implemented in a manner that would cause the state to be out of	151894
compliance with any requirements for a program funded in whole or	151895
in part with federal funds.	151896
Section 259.190. DEPARTMENT OF DEVELOPMENTAL DISABILITIES'	151897
APPROPRIATION ITEM STRUCTURE	151898

Upon request from the Director of Developmental Disabilities, 151899
the Director of Budget and Management may establish new funds, new 151900
appropriation items, and appropriations in order to support the 151901
transition to a new appropriation item structure in the Department 151902
of Developmental Disabilities' budget. Also, upon request of the 151903
Director of Developmental Disabilities, the Director of Budget and 151904
Management may transfer appropriations between GRF appropriation 151905
items, transfer cash between any funds used by the Department of 151906
Developmental Disabilities, abolish existing funds used by the 151907
Department of Developmental Disabilities, and cancel and 151908
reestablish encumbrances. Any establishment of new funds or 151909
appropriation items, any transfers of appropriations or cash, and 151910
any increases in appropriation under this section are subject to 151911
Controlling Board approval. 151912

Section 259.200. FISCAL YEAR 2014 MEDICAID PAYMENT RATES FOR 151913
ICFs/IID 151914

(A) As used in this section: 151915

"Change of operator," "entering operator," "exiting 151916
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "new 151917
ICF/IID," "provider," and "provider agreement" have the same 151918
meanings as in section 5124.01 of the Revised Code. 151919

"Franchise permit fee" means the fee imposed by sections 151920
5168.60 to 5168.71 of the Revised Code. 151921

"Modified per diem rate" means the total per Medicaid day 151922
payment rate calculated for an ICF/IID under division (C) of this 151923
section. 151924

"Unmodified per diem rate" means the total per Medicaid day 151925
payment rate calculated for an ICF/IID under Chapter 5124. of the 151926
Revised Code. In the case of a new ICF/IID, "unmodified per diem 151927
rate" means the initial total per Medicaid day payment rate 151928

calculated for the new ICF/IID under section 5124.151 of the Revised Code.

(B) This section applies to each ICF/IID provider to which any of the following applies:

(1) The provider has a valid Medicaid provider agreement for the ICF/IID on June 30, 2013, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2014.

(2) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2014, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2014.

(3) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2014.

(C)(1) Except as otherwise provided in this section, an ICF/IID provider to which this section applies shall be paid, for ICF/IID services the ICF/IID provides during fiscal year 2014, the total modified per diem rate determined for the ICF/IID under this division.

(2) Except in the case of a new ICF/IID, an ICF/IID's total modified per diem rate for fiscal year 2014 shall be the ICF/IID's total unmodified per diem rate for that fiscal year with the following modifications:

(a) In place of the inflation adjustment otherwise made under section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, actual, allowable, per diem other protected costs, excluding the franchise permit fee, from calendar year 2012 shall be multiplied by 1.014.

(b) In place of the maximum cost per case-mix unit

established for the ICF/IID's peer group under division (C) of 151959
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 151960
per case-mix unit shall be the following: 151961

(i) In the case of an ICF/IID with more than eight beds, 151962
\$123.05; 151963

(ii) In the case of an ICF/IID with eight or fewer beds, 151964
\$117.22. 151965

(c) In place of the inflation adjustment otherwise calculated 151966
under division (D) of section 5124.19 of the Revised Code for the 151967
purpose of division (A)(1)(b) of that section, an inflation 151968
adjustment of 1.014 shall be used. 151969

(d) In place of the maximum rate for indirect care costs 151970
established for the ICF/IID's peer group under division (C) of 151971
section 5124.21 of the Revised Code, the maximum rate for indirect 151972
care costs for the ICF/IID's peer group shall be the following: 151973

(i) In the case of an ICF/IID with more than eight beds, 151974
\$68.98; 151975

(ii) In the case of an ICF/IID with eight or fewer beds, 151976
\$59.60. 151977

(e) In place of the inflation adjustment otherwise calculated 151978
under division (D)(1) of section 5124.21 of the Revised Code for 151979
the purpose of division (B)(1) of that section only, an inflation 151980
adjustment of 1.014 shall be used. 151981

(f) In place of the efficiency incentive otherwise calculated 151982
under division (B)(2) or (3) of section 5124.21 of the Revised 151983
Code, the ICF/IID's efficiency incentive for indirect care costs 151984
shall be the following: 151985

(i) In the case of an ICF/IID with more than eight beds, 151986
\$3.69; 151987

(ii) In the case of an ICF/IID with eight or fewer beds, 151988

\$3.19. 151989

(g) The ICF/IID's efficiency incentive for capital costs, as 151990
determined under division (E) of section 5124.17 of the Revised 151991
Code, shall be reduced by 50%. 151992

(3) In the case of a new ICF/IID, the ICF/IID's initial total 151993
modified per diem rate for fiscal year 2014 shall be the ICF/IID's 151994
total unmodified per diem rate for that fiscal year with the 151995
following modifications: 151996

(a) In place of the amount determined under division 151997
(A)(2)(a) of section 5124.151 of the Revised Code, if there are no 151998
cost or resident assessment data for the new ICF/IID, the new 151999
ICF/IID's initial per Medicaid day rate for direct care costs 152000
shall be determined as follows: 152001

(i) Using the costs per case-mix units determined for 152002
ICFs/IID under division (C)(3)(b) of Section 11 of Sub. H.B. 303 152003
of the 129th General Assembly, as amended by this act, determine 152004
the median of the costs per case-mix units of each peer group; 152005

(ii) Multiply the median determined under division 152006
(C)(3)(a)(i) of this section by the median of the averages 152007
determined under division (C)(3)(a) of Section 11 of Sub. H.B. 303 152008
of the 129th General Assembly, as amended by this act, for the 152009
ICFs/IID in the new ICF/IID's peer group; 152010

(iii) Multiply the product determined under division 152011
(C)(3)(a)(ii) of this section by 1.014. 152012

(b) In place of the amount determined under division (A)(3) 152013
of section 5124.151 of the Revised Code, the new ICF/IID's initial 152014
per Medicaid day rate for indirect care costs shall be the 152015
following: 152016

(i) If the new ICF/IID has more than eight beds, \$68.98; 152017

(ii) If the new ICF/IID has eight or fewer beds, \$59.60. 152018

(c) In place of the amount determined under division (A)(4) 152019
of section 5124.151 of the Revised Code, the new ICF/IID's initial 152020
per Medicaid day rate for other protected costs shall be one 152021
hundred fifteen per cent of the median rate for ICFs/IID 152022
determined under section 5124.23 of the Revised Code with the 152023
modification made under division (C)(2)(a) of this section. 152024

(4) A new ICF/IID's initial total modified per diem rate for 152025
fiscal year 2014 as determined under division (C)(3) of this 152026
section shall be adjusted at the applicable time specified in 152027
division (B) of section 5124.151 of the Revised Code. If the 152028
adjustment affects the ICF/IID's rate for ICF/IID services 152029
provided during fiscal year 2014, the modifications specified in 152030
division (C)(2) of this section apply to the adjustment. 152031

(D) If the mean total per diem rate for all ICFs/IID to which 152032
this section applies, weighted by May 2013 Medicaid days and 152033
determined under division (C) of this section as of July 1, 2013, 152034
is other than \$282.84, the Department of Developmental 152035
Disabilities shall adjust, for fiscal year 2014, the total per 152036
diem rate for each ICF/IID to which this section applies by a 152037
percentage that is equal to the percentage by which the mean total 152038
per diem rate is greater or less than \$282.84. 152039

(E) If the United States Centers for Medicare and Medicaid 152040
Services requires that the franchise permit fee be reduced or 152041
eliminated, the Department of Developmental Disabilities shall 152042
reduce the amount it pays ICF/IID providers under this section as 152043
necessary to reflect the loss to the state of the revenue and 152044
federal financial participation generated from the franchise 152045
permit fee. 152046

(F) The Department of Developmental Disabilities shall follow 152047
this section in determining the rate to be paid ICF/IID providers 152048
subject to this section notwithstanding anything to the contrary 152049
in Chapter 5124. of the Revised Code. 152050

(G) Of the foregoing appropriation items 653407, Medicaid 152051
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 152052
portions shall be used to pay the Medicaid payment rates 152053
determined in accordance with this section for ICF/IID services 152054
provided during fiscal year 2014. 152055

Section 259.210. FISCAL YEAR 2015 MEDICAID PAYMENT RATES FOR 152056
ICFs/IID 152057

(A) As used in this section: 152058

"Change of operator," "entering operator," "exiting 152059
operator," "ICF/IID," "ICF/IID services," "Medicaid days," 152060
"provider," and "provider agreement" have the same meanings as in 152061
section 5124.01 of the Revised Code. 152062

"Franchise permit fee" means the fee imposed by sections 152063
5168.60 to 5168.71 of the Revised Code. 152064

"Modified per diem rate" means the total per Medicaid day 152065
payment rate calculated for an ICF/IID under division (C) of this 152066
section. 152067

"Unmodified per diem rate" means the total per Medicaid day 152068
payment rate calculated for an ICF/IID under Chapter 5124. of the 152069
Revised Code. In the case of a new ICF/IID, "unmodified per diem 152070
rate" means the initial total per Medicaid day payment rate 152071
calculated for the new ICF/IID under section 5124.151 of the 152072
Revised Code. 152073

(B) This section applies to each ICF/IID provider to which 152074
any of the following applies: 152075

(1) The provider has a valid Medicaid provider agreement for 152076
the ICF/IID on June 30, 2014, and a valid Medicaid provider 152077
agreement for the ICF/IID during fiscal year 2015. 152078

(2) The ICF/IID undergoes a change of operator that takes 152079
effect during fiscal year 2015, the exiting operator has a valid 152080

Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2015.

(3) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2015.

(C)(1) Except as otherwise provided in this section, an ICF/IID provider to which this section applies shall be paid, for ICF/IID services the ICF/IID provides during fiscal year 2015, the total modified per diem rate determined for the ICF/IID under this division.

(2) Except in the case of a new ICF/IID, an ICF/IID's total modified per diem rate for fiscal year 2015 shall be the ICF/IID's total unmodified per diem rate for that fiscal year with the following modifications:

(a) In place of the inflation adjustment otherwise made under section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, actual, allowable, per diem other protected costs, excluding the franchise permit fee, from calendar year 2013 shall be multiplied by 1.014.

(b) In place of the maximum cost per case-mix unit established for the ICF/IID's peer group under division (C) of section 5124.19 of the Revised Code, the ICF/IID's maximum costs per case-mix unit shall be the following:

(i) In the case of an ICF/IID with more than eight beds, \$114.37 or the different amount, if any, specified in a future amendment to this section made under division (D)(3) of this section;

(ii) In the case of an ICF/IID with eight or fewer beds, \$109.09 or the different amount, if any, specified in a future amendment to this section made under division (D)(3) of this

section. 152112

(c) In place of the inflation adjustment otherwise calculated 152113
under division (D) of section 5124.19 of the Revised Code for the 152114
purpose of division (A)(1)(b) of that section, an inflation 152115
adjustment of 1.014 shall be used. 152116

(d) In the place of the grouper methodology prescribed, as of 152117
the day immediately before the effective date of this section, in 152118
rules authorized by section 5124.192 of the Revised Code, the new 152119
grouper methodology prescribed in rules authorized by division 152120
(D)(2)(a) of this section shall be used. 152121

(e) In place of the maximum rate for indirect care costs 152122
established for the ICF/IID's peer group under division (C) of 152123
section 5124.21 of the Revised Code, the maximum rate for indirect 152124
care costs for the ICF/IID's peer group shall be the following: 152125

(i) In the case of an ICF/IID with more than eight beds, 152126
\$68.98; 152127

(ii) In the case of an ICF/IID with eight or fewer beds, 152128
\$59.60. 152129

(f) In place of the inflation adjustment otherwise calculated 152130
under divisions (D)(1) and (2) of section 5124.21 of the Revised 152131
Code for the purpose of division (B)(1) of that section only, an 152132
inflation adjustment of 1.014 shall be used. 152133

(g) In place of the efficiency incentive otherwise calculated 152134
under division (B)(2) or (3) of section 5124.21 of the Revised 152135
Code, the ICF/IID's efficiency incentive for indirect care costs 152136
shall be the following: 152137

(i) In the case of an ICF/IID with more than eight beds, 152138
\$3.69; 152139

(ii) In the case of an ICF/IID with eight or fewer beds, 152140
\$3.19. 152141

(h) The ICF/IID's efficiency incentive for capital costs, as 152142
determined under division (E) of section 5124.17 of the Revised 152143
Code, shall be reduced by 50%. 152144

(3) In the case of a new ICF/IID, the ICF/IID's initial total 152145
modified per diem rate for fiscal year 2015 shall be the ICF/IID's 152146
total unmodified per diem rate for that fiscal year with the 152147
following modifications: 152148

(a) In place of the amount determined under division 152149
(A)(2)(a) of section 5124.151 of the Revised Code, if there are no 152150
cost or resident assessment data for the new ICF/IID, the new 152151
ICF/IID's initial per Medicaid day rate for direct care costs 152152
shall be determined as follows: 152153

(i) Using the costs per case-mix units determined for 152154
ICFs/IID under division (C)(3)(b) of Section 11 of Sub. H.B. 303 152155
of the 129th General Assembly, as amended by this act, determine 152156
the median of the costs per case-mix units of each peer group; 152157

(ii) Multiply the median determined under division 152158
(C)(3)(a)(i) of this section by the median annual average case-mix 152159
score for the new ICF/IID's peer group for calendar year 2013; 152160

(iii) Multiply the product determined under division 152161
(C)(3)(a)(ii) of this section by 1.014. 152162

(b) In place of the amount determined under division (A)(3) 152163
of section 5124.151 of the Revised Code, the new ICF/IID's initial 152164
per Medicaid day rate for indirect care costs shall be the 152165
following: 152166

(i) If the new ICF/IID has more than eight beds, \$68.98; 152167

(ii) If the new ICF/IID has eight or fewer beds, \$59.60. 152168

(c) In place of the amount determined under division (A)(4) 152169
of section 5124.151 of the Revised Code, the new ICF/IID's initial 152170
per Medicaid day rate for other protected costs shall be one 152171

hundred fifteen per cent of the median rate for ICFs/IID 152172
determined under section 5124.23 of the Revised Code with the 152173
modification made under division (C)(2)(a) of this section. 152174

(4) A new ICF/IID's initial total modified per diem rate for 152175
fiscal year 2015 as determined under division (C)(3) of this 152176
section shall be adjusted at the applicable time specified in 152177
division (B) of section 5124.151 of the Revised Code. If the 152178
adjustment affects the ICF/IID's rate for ICF/IID services 152179
provided during fiscal year 2015, the modifications specified in 152180
division (C)(2) of this section apply to the adjustment. 152181

(D)(1) In consultation with the Ohio Provider Resource 152182
Association, Values and Faith Alliance, Ohio Association of County 152183
Boards of Developmental Disabilities, and Ohio Health Care 152184
Association/Ohio Centers for Intellectual Disabilities, the 152185
Director of Developmental Disabilities shall study all of the 152186
following: 152187

(a) Establishing a new grouper methodology to be used when 152188
determining ICFs/IID's case-mix scores for fiscal year 2015; 152189

(b) Whether the amounts specified in division (C)(2)(b)(i) 152190
and (ii) of this section are set at levels that will avoid or 152191
minimize rate reductions under division (E) of this section; 152192

(c) For the purposes of sections 5124.153 and 5124.154 of the 152193
Revised Code, specifying additional diagnoses and special care 152194
needs that individuals must have to meet the criteria for 152195
admission to designated outlier ICFs/IID or units; 152196

(d) Sources of funding for, or mechanisms to ensure the 152197
budget neutrality of, the additional diagnoses and special care 152198
needs studied under division (D)(1)(c) of this section. 152199

(2) Not later than March 31, 2014, the Director shall adopt 152200
rules under section 5124.03 of the Revised Code to do both of the 152201
following: 152202

(a) Prescribe the following: 152203

(i) If the Director and the organizations with which the 152204
Director consults under division (D)(1) of this section agree, not 152205
later than December 31, 2013, to the terms of a new grouper 152206
methodology to be used when determining ICFs/IID's case-mix scores 152207
for fiscal year 2015, a new methodology that is consistent with 152208
those terms; 152209

(ii) If division (D)(2)(a)(i) of this section does not apply, 152210
a new grouper methodology that provides for six classes based on 152211
data available to the Director on the day immediately before the 152212
effective date of this section. 152213

(b) Specify additional diagnoses and special care needs that 152214
individuals must have to meet the criteria for admission to 152215
designated outlier ICFs/IID or units for the purposes of Medicaid 152216
payment rates under sections 5124.153 and 5124.154 of the Revised 152217
Code. 152218

(3) If the Director and the organizations with which the 152219
Director consults under divisions (D)(1) of this section agree 152220
that the amounts specified in divisions (C)(2)(b)(i) and (ii) of 152221
this section are not set at levels that will avoid or minimize 152222
rate reductions under division (E) of this section, the Director 152223
and organizations shall recommend, not later than March 31, 2014, 152224
that the General Assembly amend this section to revise the 152225
amounts. It is the General Assembly's intent to amend this section 152226
to revise the amounts specified in divisions (C)(2)(b)(i) and (ii) 152227
of this section if the Director and organizations recommend that 152228
the amounts be revised. 152229

(E) If the mean total per diem rate for all ICFs/IID to which 152230
this section applies, weighted by May 2014 Medicaid days and 152231
determined under division (C) of this section as of July 1, 2014, 152232
is other than \$282.77, the Department of Developmental 152233

Disabilities shall adjust, for fiscal year 2015, the total per 152234
diem rate for each ICF/IID to which this section applies by a 152235
percentage that is equal to the percentage by which the mean total 152236
per diem rate is greater or less than \$282.77. 152237

(F) If the United States Centers for Medicare and Medicaid 152238
Services requires that the franchise permit fee be reduced or 152239
eliminated, the Department of Developmental Disabilities shall 152240
reduce the amount it pays ICF/IID providers under this section as 152241
necessary to reflect the loss to the state of the revenue and 152242
federal financial participation generated from the franchise 152243
permit fee. 152244

(G) The Department of Developmental Disabilities shall follow 152245
this section in determining the rate to be paid ICF/IID providers 152246
subject to this section notwithstanding anything to the contrary 152247
in Chapter 5124. of the Revised Code. 152248

(H) Of the foregoing appropriation items 653407, Medicaid 152249
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 152250
portions shall be used to pay the Medicaid payment rates 152251
determined in accordance with this section for ICF/IID services 152252
provided during fiscal year 2015. 152253

Section 259.220. TRANSFER OF FUNDS FOR OUTLIER SERVICES 152254
PROVIDED TO PEDIATRIC VENTILATOR-DEPENDENT ICF/IID RESIDENTS 152255

As used in this section, "ICF/IID" and "ICF/IID services" 152256
have the same meanings as in section 5124.01 of the Revised Code. 152257

Each quarter during fiscal year 2015, the Director of 152258
Developmental Disabilities shall certify to the Director of Budget 152259
and Management the amount needed to pay the nonfederal share of 152260
the costs of the Medicaid rate add-on paid to ICFs/IID pursuant to 152261
section 5124.25 of the Revised Code for providing outlier ICF/IID 152262
services to residents who qualify for the services and are 152263

transferred to ICFs/IID from hospitals at which they receive 152264
ventilator services at the time of their transfer to the ICFs/IID. 152265

On receipt of a certification, the Director of Budget and 152266
Management shall transfer appropriations equaling the certified 152267
amount from appropriation item 651525, Medicaid/Health Care 152268
Services, to appropriation item 653407, Medicaid Services, and, in 152269
addition, shall reduce the appropriation in 651525, 152270
Medicaid/Health Care Services, by the corresponding federal share. 152271

If receipts credited to the Developmental Center and 152272
Residential Facility Services and Support Fund (Fund 3A40), used 152273
by the Department of Developmental Disabilities, exceed the 152274
amounts appropriated in appropriation item 653653, ICF/IID, the 152275
Director of Developmental Disabilities may request the Director of 152276
Budget and Management to authorize expenditures from the fund in 152277
excess of the amounts appropriated. Upon approval of the Director 152278
of Budget and Management, the additional amounts are hereby 152279
appropriated. 152280

Section 259.230. ICF/IID MEDICAID RATE WORKGROUP 152281

As used in this section, "ICF/IID," "ICF/IID services," and 152282
"Medicaid-certified capacity" have the same meanings as in section 152283
5124.01 of the Revised Code. 152284

For the purpose of assisting the Department of Developmental 152285
Disabilities during fiscal year 2014 and fiscal year 2015 with an 152286
evaluation of revisions to the formula used to determine Medicaid 152287
payment rates for ICF/IID services, the Department shall retain 152288
the workgroup that was created to assist with the study required 152289
by Section 309.30.80 of Am. Sub. H.B. 153 of the 129th General 152290
Assembly. In conducting the evaluation, the Department and 152291
workgroup shall do all of the following: 152292

(A) Focus primarily on the service needs of individuals with 152293

complex challenges that ICFs/IID are able to meet;	152294
(B) Pursue the goal of reducing the Medicaid-certified capacity of individual ICFs/IID and the total number of ICF/IID beds in the state for the purpose of increasing the service choices and community integration of individuals eligible for ICF/IID services;	152295 152296 152297 152298 152299
(C) Consider the impact that exception reviews conducted under section 5124.193 of the Revised Code have on ICFs/IID's case-mix scores.	152300 152301 152302
Section 259.240. NONFEDERAL SHARE OF ICF/IID SERVICES	152303
(A) As used in this section, "ICF/IID," "ICF/IID services," and "Medicaid-certified capacity" have the same meanings as in section 5124.01 of the Revised Code.	152304 152305 152306
(B) The Director of Developmental Disabilities shall pay the nonfederal share of a claim for ICF/IID services using funds specified in division (C) of this section if all of the following apply:	152307 152308 152309 152310
(1) Medicaid covers the ICF/IID services.	152311
(2) The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply:	152312 152313
(a) The Medicaid recipient is eligible for the ICF/IID services;	152314 152315
(b) The Medicaid recipient does not occupy a bed in the ICF/IID that used to be included in the Medicaid-certified capacity of another ICF/IID certified by the Director of Health before June 1, 2003.	152316 152317 152318 152319
(3) The ICF/IID services are provided by an ICF/IID whose Medicaid certification by the Director of Health was initiated or supported by a county board of developmental disabilities.	152320 152321 152322

(4) The provider of the ICF/IID services has a valid Medicaid provider agreement for the services for the time that the services are provided.

(C) When required by division (B) of this section to pay the nonfederal share of a claim, the Director of Developmental Disabilities shall use the following funds to pay the claim:

(1) Funds available from appropriation item 322501, County Boards Subsidies, that the Director allocates to the county board that initiated or supported the Medicaid certification of the ICF/IID that provided the ICF/IID services for which the claim is made;

(2) If the amount of funds used pursuant to division (C)(1) of this section is insufficient to pay the claim in full, an amount of funds that are needed to make up the difference and available from amounts the Director allocates to other county boards from appropriation item 322501, County Boards Subsidies.

Section 259.250. FY 2014 AND FY 2015 RATES FOR CERTAIN
HOMEMAKER/PERSONAL CARE SERVICES UNDER IO WAIVER

(A) As used in this section:

"Converted facility" means an ICF/IID, or former ICF/IID, that converted some or all of its beds to providing home and community-based services under the IO Waiver pursuant to section 5124.60 of the Revised Code.

"Developmental center" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code.

"H.B. 153 increased Medicaid payment rate" means the total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services that was set by Section 263.20.70 of Am. Sub. H.B. 153 of the 129th General Assembly, as amended by Am. Sub. H.B. 487 of the 129th General Assembly.

"IO Waiver" means the Medicaid waiver component, as defined 152353
in section 5166.01 of the Revised Code, known as Individual 152354
Options. 152355

"Public hospital" has the same meaning as in section 5122.01 152356
of the Revised Code. 152357

"Regular Medicaid payment rate" means the total Medicaid 152358
payment rate for each fifteen minutes of routine 152359
homemaker/personal care services that are available under the IO 152360
Waiver and to which this section does not apply. 152361

(B) This section applies to routine homemaker/personal care 152362
services to which both of the following apply: 152363

(1) The services are provided to an IO Waiver enrollee to 152364
whom all of the following apply: 152365

(a) The enrollee began to receive the services from the 152366
provider on or after July 1, 2011. 152367

(b) The enrollee resided in a developmental center, converted 152368
facility, or public hospital immediately before enrolling in the 152369
IO Wavier. 152370

(c) The Director of Developmental Disabilities has determined 152371
that the enrollee's special circumstances (including the 152372
enrollee's diagnosis, service needs, or length of stay at the 152373
developmental center, converted facility, or public hospital) 152374
warrants paying the Medicaid payment rate authorized by this 152375
section. 152376

(2) The provider of the services has a valid Medicaid 152377
provider agreement for the services for the period during which 152378
the enrollee receives the services from the provider. 152379

(C) The total Medicaid payment rate for each fifteen minutes 152380
of routine homemaker/personal care services to which this section 152381
applies and that are provided during the period beginning July 1, 152382

2013, and ending June 30, 2015, shall be the greater of the 152383
following: 152384

(1) The H.B. 153 increased Medicaid payment rate; 152385

(2) The regular Medicaid payment rate in effect at the time 152386
the services are provided. 152387

(D) Of the foregoing appropriation items 653407, Medicaid 152388
Services, and 653639, Medicaid Waiver Services, portions shall be 152389
used to pay the Medicaid payment rates determined in accordance 152390
with this section for certain homemaker/personal care services 152391
under the IO Waiver. 152392

Section 259.260. UPDATING AUTHORIZING STATUTE CITATIONS 152393

As used in this section, "authorizing statute" means a 152394
Revised Code section or provision of a Revised Code section that 152395
is cited in the Ohio Administrative Code as the statute that 152396
authorizes the adoption of a rule. 152397

The Director of Developmental Disabilities is not required to 152398
amend any rule for the sole purpose of updating the citation in 152399
the Ohio Administrative Code to the rule's authorizing statute to 152400
reflect that this act renumbers the authorizing statute or 152401
relocates it to another Revised Code section. Such citations shall 152402
be updated as the Director amends the rules for other purposes. 152403

Section 259.270. REASON FOR THE REPEAL OF R.C. 5111.236 152404

This act repeals section 5111.236 of the Revised Code to 152405
carry out the intent of the Governor as indicated in the veto 152406
message regarding Am. Sub. H.B. 1 of the 128th General Assembly 152407
transmitted to the Clerk of the House of Representatives on July 152408
17, 2009. The actual veto removed the section from the title and 152409
enacting clause of H.B. 1 and an earmark related to the section. 152410
However, the actual veto inadvertently showed only division (C) of 152411

the section, rather than the entire section, as being vetoed. 152412

Section 261.10. OBD OHIO BOARD OF DIETETICS 152413

General Services Fund Group 152414

4K90 860609 Operating Expenses \$ 330,592 \$ 342,592 152415

TOTAL GSF General Services Fund 152416

Group \$ 330,592 \$ 342,592 152417

TOTAL ALL BUDGET FUND GROUPS \$ 330,592 \$ 342,592 152418

Section 263.10. EDU DEPARTMENT OF EDUCATION 152420

General Revenue Fund 152421

GRF 200321 Operating Expenses \$ 13,142,780 \$ 13,142,780 152422

GRF 200408 Early Childhood \$ 33,318,341 \$ 45,318,341 152423

Education

GRF 200420 Information Technology \$ 4,241,296 \$ 4,241,296 152424

Development and

Support

GRF 200421 Alternative Education \$ 7,403,998 \$ 7,403,998 152425

Programs

GRF 200422 School Management \$ 3,000,000 \$ 3,000,000 152426

Assistance

GRF 200424 Policy Analysis \$ 328,558 \$ 328,558 152427

GRF 200425 Tech Prep Consortia \$ 260,542 \$ 260,542 152428

Support

GRF 200426 Ohio Educational \$ 29,625,569 \$ 19,625,569 152429

Computer Network

GRF 200427 Academic Standards \$ 3,800,000 \$ 3,800,000 152430

GRF 200437 Student Assessment \$ 55,895,000 \$ 75,895,000 152431

GRF 200439 Accountability/Report \$ 3,500,000 \$ 3,750,000 152432

Cards

GRF 200442 Child Care Licensing \$ 827,140 \$ 827,140 152433

GRF 200446 Education Management \$ 6,833,070 \$ 6,833,070 152434

		Information System				
GRF	200447	GED Testing	\$	879,551	\$	879,551 152435
GRF	200448	Educator Preparation	\$	1,136,737	\$	1,564,237 152436
GRF	200455	Community Schools and Choice Programs	\$	2,438,685	\$	2,491,395 152437
GRF	200464	General Technology Operations	\$	192,097	\$	192,097 152438
GRF	200465	Technology Integration and Professional Development	\$	1,778,879	\$	1,778,879 152439
GRF	200502	Pupil Transportation	\$	505,013,527	\$	521,013,527 152440
GRF	200505	School Lunch Match	\$	9,100,000	\$	9,100,000 152441
GRF	200511	Auxiliary Services	\$	130,499,457	\$	138,214,374 152442
GRF	200532	Nonpublic Administrative Cost Reimbursement	\$	58,951,750	\$	62,436,882 152443
GRF	200540	Special Education Enhancements	\$	156,871,292	\$	157,871,292 152444
GRF	200545	Career-Technical Education Enhancements	\$	9,372,999	\$	9,372,999 152445
GRF	200550	Foundation Funding	\$	5,808,098,389	\$	6,151,463,768 152446
GRF	200566	Literacy Improvement	\$	150,000	\$	150,000 152447
GRF	200901	Property Tax Allocation - Education	\$	1,138,800,000	\$	1,184,352,000 152448
TOTAL GRF		General Revenue Fund	\$	7,985,459,657	\$	8,425,307,295 152449
		General Services Fund Group				152450
1380	200606	Information Technology Development and Support	\$	6,850,090	\$	6,850,090 152451
4520	200638	Fees and Refunds	\$	500,000	\$	500,000 152452
4L20	200681	Teacher Certification and Licensure	\$	8,313,762	\$	13,658,274 152453

5960	200656	Ohio Career Information System	\$	529,761	\$	529,761	152454
5H30	200687	School District Solvency Assistance	\$	25,000,000	\$	25,000,000	152455
5KX0	200691	Ohio School Sponsorship Program	\$	487,419	\$	487,419	152456
5KY0	200693	Community Schools Temporary Sponsorship	\$	83,000	\$	83,000	152457
TOTAL GSF General Services							152458
Fund Group			\$	41,764,032	\$	47,108,544	152459
Federal Special Revenue Fund Group							152460
3090	200601	Neglected and Delinquent Education	\$	2,168,642	\$	2,168,642	152461
3670	200607	School Food Services	\$	8,200,664	\$	8,700,149	152462
3700	200624	Education of Exceptional Children	\$	1,530,000	\$	1,530,000	152463
3AF0	200603	Schools Medicaid Administrative Claims	\$	750,000	\$	750,000	152464
3AN0	200671	School Improvement Grants	\$	20,400,000	\$	20,400,000	152465
3BK0	200628	Longitudinal Data Systems	\$	1,250,000	\$	0	152466
3C50	200661	Early Childhood Education	\$	14,554,749	\$	14,554,749	152467
3CG0	200646	Teacher Incentive	\$	15,125,588	\$	15,183,285	152468
3D20	200667	Math Science Partnerships	\$	6,000,000	\$	6,000,000	152469
3EC0	200653	Teacher Incentive - Federal Stimulus	\$	1,300,000	\$	0	152470
3EH0	200620	Migrant Education	\$	2,900,000	\$	2,900,000	152471
3EJ0	200622	Homeless Children Education	\$	2,600,000	\$	2,600,000	152472
3EK0	200637	Advanced Placement	\$	450,000	\$	450,000	152473

3EN0	200655	State Data Systems - Federal Stimulus	\$	1,250,000	\$	0	152474
3FD0	200665	Race to the Top	\$	136,000,000	\$	58,074,046	152475
3FN0	200672	Early Learning Challenge - Race to the Top	\$	7,040,000	\$	7,040,000	152476
3GE0	200674	Summer Food Service Program	\$	13,596,000	\$	14,003,800	152477
3GF0	200675	Miscellaneous Nutrition Grants	\$	700,000	\$	700,000	152478
3GG0	200676	Fresh Fruit and Vegetable Program	\$	4,738,000	\$	4,880,140	152479
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000	152480
3L60	200617	Federal School Lunch	\$	350,608,075	\$	361,126,273	152481
3L70	200618	Federal School Breakfast	\$	108,480,590	\$	112,819,813	152482
3L80	200619	Child/Adult Food Programs	\$	106,992,650	\$	110,202,428	152483
3L90	200621	Career-Technical Education Basic Grant	\$	44,663,900	\$	44,663,900	152484
3M00	200623	ESEA Title 1A	\$	560,000,000	\$	560,000,000	152485
3M20	200680	Individuals with Disabilities Education Act	\$	443,170,050	\$	443,170,050	152486
3T40	200613	Public Charter Schools	\$	500,000	\$	0	152487
3Y20	200688	21st Century Community Learning Centers	\$	48,201,810	\$	50,611,900	152488
3Y60	200635	Improving Teacher Quality	\$	101,900,000	\$	101,900,000	152489
3Y70	200689	English Language	\$	9,700,000	\$	9,700,000	152490

		Acquisition				
3Y80	200639	Rural and Low Income	\$	3,300,000	\$	3,300,000 152491
		Technical Assistance				
3Z20	200690	State Assessments	\$	11,800,000	\$	11,800,000 152492
3Z30	200645	Consolidated Federal	\$	7,949,280	\$	7,949,280 152493
		Grant Administration				
TOTAL FED		Federal Special				152494
Revenue Fund Group			\$	2,038,044,998	\$	1,977,403,455 152495
State Special Revenue Fund Group						152496
4540	200610	GED Testing	\$	1,050,000	\$	250,000 152497
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000 152498
4R70	200695	Indirect Operational	\$	6,600,000	\$	6,600,000 152499
		Support				
4V70	200633	Interagency Program	\$	717,725	\$	717,725 152500
		Support				
5980	200659	Auxiliary Services	\$	1,328,910	\$	1,328,910 152501
		Reimbursement				
5BJ0	200626	Half-Mill Maintenance	\$	19,000,000	\$	20,000,000 152502
		Equalization				
5MM0	200677	Child Nutrition	\$	500,000	\$	500,000 152503
		Refunds				
5T30	200668	Gates Foundation	\$	200,000	\$	153,000 152504
		Grants				
5U20	200685	National Education	\$	300,000	\$	300,000 152505
		Statistics				
6200	200615	Educational	\$	300,000	\$	300,000 152506
		Improvement Grants				
TOTAL SSR		State Special Revenue				152507
Fund Group			\$	53,996,635	\$	54,149,635 152508
Lottery Profits Education Fund Group						152509
7017	200612	Foundation Funding	\$	775,000,000	\$	850,000,000 152510
7017	200648	Straight A Fund	\$	100,000,000	\$	150,000,000 152511

7017	200666	EdChoice Expansion	\$	8,500,000	\$	17,000,000	152512
7017	200684	Community School	\$	7,500,000	\$	7,500,000	152513
		Facilities					
		TOTAL LPE Lottery Profits					152514
		Education Fund Group	\$	891,000,000	\$	1,024,500,000	152515
		Revenue Distribution Fund Group					152516
7047	200909	School District	\$	482,000,000	\$	482,000,000	152517
		Property Tax					
		Replacement-Business					
7053	200900	School District	\$	28,000,000	\$	28,000,000	152518
		Property Tax					
		Replacement-Utility					
		TOTAL RDF Revenue Distribution					152519
		Fund Group	\$	510,000,000	\$	510,000,000	152520
		TOTAL ALL BUDGET FUND GROUPS	\$	11,520,265,322	\$	12,038,468,929	152521

Section 263.20. OPERATING EXPENSES 152523

A portion of the foregoing appropriation item 200321, 152524
Operating Expenses, shall be used by the Department of Education 152525
to provide matching funds under 20 U.S.C. 2321. 152526

EARLY CHILDHOOD EDUCATION 152527

Of the foregoing appropriation item 200408, Early Childhood 152528
Education, up to \$50,000 in each fiscal year shall be used to 152529
support the operations of the "Ready, Set, Go...to Kindergarten" 152530
Program at the Horizon Education Center in Lorain County. The 152531
effectiveness of the program shall be evaluated and reported to 152532
the Department of Education in a study that includes statistics on 152533
program participants' scores for the "Get It, Got It, Go!" 152534
assessment and the kindergarten readiness assessment. 152535

The Department of Education shall distribute the remainder of 152536
the foregoing appropriation item 200408, Early Childhood 152537
Education, to pay the costs of early childhood education programs. 152538

The Department shall distribute such funds directly to qualifying providers. 152539
152540

(A) As used in this section: 152541

(1) "Provider" means a city, local, exempted village, or joint vocational school district; an educational service center; a community school; a chartered nonpublic school; an early childhood education child care provider licensed under Chapter 5104. of the Revised Code that participates in and meets at least the third highest tier of the tiered quality rating and improvement system described in section 5104.30 of the Revised Code; or a combination of entities described in this paragraph. 152542
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(2) In the case of a city, local, or exempted village school district or early childhood education child care provider licensed under Chapter 5104. of the Revised Code, "new eligible provider" means a provider that did not receive state funding for Early Childhood Education in the previous fiscal year or demonstrates a need for early childhood programs as defined in division (D) of this section. 152550
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(3) "Eligible child" means a child who is at least three years of age as of the district entry date for kindergarten, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their third birthday. 152557
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(4) "Early learning program standards" means early learning program standards for school readiness developed by the Department to assess the operation of early learning programs. 152565
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(B) In each fiscal year, up to two per cent of the total appropriation may be used by the Department for program support 152568
152569

and technical assistance. The Department shall distribute the 152570
remainder of the appropriation in each fiscal year to serve 152571
eligible children. 152572

(C) The Department shall provide an annual report to the 152573
Governor, the Speaker of the House of Representatives, and the 152574
President of the Senate and post the report to the Department's 152575
web site, regarding early childhood education programs operated 152576
under this section and the early learning program standards. 152577

(D) After setting aside the amounts to make payments due from 152578
the previous fiscal year, in fiscal year 2014, the Department 152579
shall distribute funds first to recipients of funds for early 152580
childhood education programs under Section 267.10.10 of Am. Sub. 152581
H.B. 153 of the 129th General Assembly, as amended by Am. Sub. 152582
H.B. 487 of the 129th General Assembly, in the previous fiscal 152583
year and the balance to new eligible providers of early childhood 152584
education programs under this section or to existing providers to 152585
serve more eligible children or for purposes of program expansion, 152586
improvement, or special projects to promote quality and 152587
innovation. 152588

After setting aside the amounts to make payments due from the 152589
previous fiscal year, in fiscal year 2015, the Department shall 152590
distribute funds first to providers of early childhood education 152591
programs under this section in the previous fiscal year and the 152592
balance to new eligible providers or to existing providers to 152593
serve more eligible children as outlined under division (E) of 152594
this section or for purposes of program expansion, improvement, or 152595
special projects to promote quality and innovation. 152596

(E) The Department shall distribute any new or remaining 152597
funding to existing providers of early childhood education 152598
programs or any new eligible providers in an effort to invest in 152599
high quality early childhood programs where there is a need as 152600
determined by the Department. The Department shall distribute the 152601

new or remaining funds to existing providers of early childhood 152602
education programs or any new eligible providers to serve 152603
additional eligible children based on community economic 152604
disadvantage, limited access to high quality preschool or 152605
childcare services, and demonstration of high quality preschool 152606
services as determined by the Department using new metrics 152607
developed pursuant to Ohio's Race to the Top—Early Learning 152608
Challenge Grant, awarded to the Department in December 2011. 152609

Awards under divisions (D) and (E) of this section shall be 152610
distributed on a per-pupil basis, and in accordance with division 152611
(I) of this section. The Department may adjust the per-pupil 152612
amount so that the per-pupil amount multiplied by the number of 152613
eligible children enrolled and receiving services on the first day 152614
of December or the business day closest to that date equals the 152615
amount allocated under this section. 152616

(F) Costs for developing and administering an early childhood 152617
education program may not exceed fifteen per cent of the total 152618
approved costs of the program. 152619

All providers shall maintain such fiscal control and 152620
accounting procedures as may be necessary to ensure the 152621
disbursement of, and accounting for, these funds. The control of 152622
funds provided in this program, and title to property obtained, 152623
shall be under the authority of the approved provider for purposes 152624
provided in the program unless, as described in division (K) of 152625
this section, the program waives its right for funding or a 152626
program's funding is eliminated or reduced due to its inability to 152627
meet financial or early learning program standards. The approved 152628
provider shall administer and use such property and funds for the 152629
purposes specified. 152630

(G) The Department may examine a provider's financial and 152631
program records. If the financial practices of the program are not 152632
in accordance with standard accounting principles or do not meet 152633

financial standards outlined under division (F) of this section, 152634
or if the program fails to substantially meet the early learning 152635
program standards, meet a quality rating level in the tiered 152636
quality rating and improvement system developed under section 152637
5104.30 of the Revised Code as prescribed by the Department, or 152638
exhibits below average performance as measured against the 152639
standards, the early childhood education program shall propose and 152640
implement a corrective action plan that has been approved by the 152641
Department. The approved corrective action plan shall be signed by 152642
the chief executive officer and the executive of the official 152643
governing body of the provider. The corrective action plan shall 152644
include a schedule for monitoring by the Department. Such 152645
monitoring may include monthly reports, inspections, a timeline 152646
for correction of deficiencies, and technical assistance to be 152647
provided by the Department or obtained by the early childhood 152648
education program. The Department may withhold funding pending 152649
corrective action. If an early childhood education program fails 152650
to satisfactorily complete a corrective action plan, the 152651
Department may deny expansion funding to the program or withdraw 152652
all or part of the funding to the program and establish a new 152653
eligible provider through a selection process established by the 152654
Department. 152655

(H)(1) If the early childhood education program is licensed 152656
by the Department of Education and is not highly rated, as 152657
determined by the Director of Job and Family Services, under the 152658
tiered quality rating and improvement system described in section 152659
5104.30 of the Revised Code, the program shall do all of the 152660
following: 152661

(a) Meet teacher qualification requirements prescribed by 152662
section 3301.311 of the Revised Code; 152663

(b) Align curriculum to the early learning content standards 152664
developed by the Department; 152665

(c) Meet any child or program assessment requirements 152666
prescribed by the Department; 152667

(d) Require teachers, except teachers enrolled and working to 152668
obtain a degree pursuant to section 3301.311 of the Revised Code, 152669
to attend a minimum of twenty hours every two years of 152670
professional development as prescribed by the Department; 152671

(e) Document and report child progress as prescribed by the 152672
Department; 152673

(f) Meet and report compliance with the early learning 152674
program standards as prescribed by the Department; 152675

(g) Participate in the tiered quality rating and improvement 152676
system developed under section 5104.30 of the Revised Code. 152677
Effective July 1, 2016, all programs shall be rated through the 152678
system. 152679

(2) If the program is highly rated, as determined by the 152680
Director of Job and Family Services, under the tiered quality 152681
rating and improvement system developed under section 5104.30 of 152682
the Revised Code, the program shall comply with the requirements 152683
of that system. 152684

(I) Per-pupil funding for programs subject to this section 152685
shall be sufficient to provide eligible children with services for 152686
a standard early childhood schedule which shall be defined in this 152687
section as a minimum of twelve and one-half hours per school week 152688
as defined in section 3313.62 of the Revised Code for the minimum 152689
school year as defined in sections 3313.48, 3313.481, and 3313.482 152690
of the Revised Code. Nothing in this section shall be construed to 152691
prohibit program providers from utilizing other funds to serve 152692
eligible children in programs that exceed the twelve and one-half 152693
hours per week or that exceed the minimum school year. For any 152694
provider for which a standard early childhood education schedule 152695
creates a hardship or for which the provider shows evidence that 152696

the provider is working in collaboration with a preschool special 152697
education program, the provider may submit a waiver to the 152698
Department requesting an alternate schedule. If the Department 152699
approves a waiver for an alternate schedule that provides services 152700
for less time than the standard early childhood education 152701
schedule, the Department may reduce the provider's annual 152702
allocation proportionately. Under no circumstances shall an annual 152703
allocation be increased because of the approval of an alternate 152704
schedule. 152705

(J) Each provider shall develop a sliding fee scale based on 152706
family incomes and shall charge families who earn more than two 152707
hundred per cent of the federal poverty guidelines, as defined in 152708
division (A)(3) of section 5101.46 of the Revised Code, for the 152709
early childhood education program. 152710

The Department shall conduct an annual survey of each 152711
provider to determine whether the provider charges families 152712
tuition or fees, the amount families are charged relative to 152713
family income levels, and the number of families and students 152714
charged tuition and fees for the early childhood program. 152715

(K) If an early childhood education program voluntarily 152716
waives its right for funding, or has its funding eliminated for 152717
not meeting financial standards or the early learning program 152718
standards, the provider shall transfer control of title to 152719
property, equipment, and remaining supplies obtained through the 152720
program to providers designated by the Department and return any 152721
unexpended funds to the Department along with any reports 152722
prescribed by the Department. The funding made available from a 152723
program that waives its right for funding or has its funding 152724
eliminated or reduced may be used by the Department for new grant 152725
awards or expansion grants. The Department may award new grants or 152726
expansion grants to eligible providers who apply. The eligible 152727
providers who apply must do so in accordance with the selection 152728

process established by the Department. 152729

(L) Eligible expenditures for the Early Childhood Education 152730
Program shall be claimed each fiscal year to help meet the state's 152731
TANF maintenance of effort requirement. The Superintendent of 152732
Public Instruction and the Director of Job and Family Services 152733
shall enter into an interagency agreement to carry out the 152734
requirements under this division, which shall include developing 152735
reporting guidelines for these expenditures. 152736

(M) The Early Childhood Advisory Council established under 152737
section 3301.90 of the Revised Code shall provide, by October 1, 152738
2013, recommendations including, but not limited to, the 152739
administration, implementation, and distribution of funding for an 152740
early childhood voucher program, to the Superintendent of Public 152741
Instruction, the Governor's Office of 21st Century Education, the 152742
Speaker of the House of Representatives, the President of the 152743
Senate, and the chairpersons of the standing committees of the 152744
House of Representatives and the Senate that deal primarily with 152745
issues of education. 152746

Section 263.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 152747
SUPPORT 152748

The foregoing appropriation item 200420, Information 152749
Technology Development and Support, shall be used to support the 152750
development and implementation of information technology solutions 152751
designed to improve the performance and services of the Department 152752
of Education. Funds may be used for personnel, maintenance, and 152753
equipment costs related to the development and implementation of 152754
these technical system projects. Implementation of these systems 152755
shall allow the Department to provide greater levels of assistance 152756
to school districts and to provide more timely information to the 152757
public, including school districts, administrators, and 152758
legislators. Funds may also be used to support data-driven 152759

decision-making and differentiated instruction, as well as to 152760
communicate academic content standards and curriculum models to 152761
schools through web-based applications. 152762

Section 263.40. ALTERNATIVE EDUCATION PROGRAMS 152763

The foregoing appropriation item 200421, Alternative 152764
Education Programs, shall be used for the renewal of successful 152765
implementation grants and for competitive matching grants to 152766
school districts for alternative educational programs for existing 152767
and new at-risk and delinquent youth. Programs shall be focused on 152768
youth in one or more of the following categories: those who have 152769
been expelled or suspended, those who have dropped out of school 152770
or who are at risk of dropping out of school, those who are 152771
habitually truant or disruptive, or those on probation or on 152772
parole from a Department of Youth Services facility. Grants shall 152773
be awarded only to programs in which the grant will not serve as 152774
the program's primary source of funding. These grants shall be 152775
administered by the Department of Education. 152776

The Department of Education may waive compliance with any 152777
minimum education standard established under section 3301.07 of 152778
the Revised Code for any alternative school that receives a grant 152779
under this section on the grounds that the waiver will enable the 152780
program to more effectively educate students enrolled in the 152781
alternative school. 152782

Of the foregoing appropriation item 200421, Alternative 152783
Education Programs, a portion may be used for program 152784
administration, monitoring, technical assistance, support, 152785
research, and evaluation. 152786

Section 263.50. SCHOOL MANAGEMENT ASSISTANCE 152787

Of the foregoing appropriation item 200422, School Management 152788
Assistance, \$1,000,000 in each fiscal year shall be used by the 152789

Auditor of State in consultation with the Department of Education 152790
for expenses incurred in the Auditor of State's role relating to 152791
fiscal caution, fiscal watch, and fiscal emergency activities as 152792
defined in Chapter 3316. of the Revised Code, unless an amount 152793
less than \$1,000,000 is needed and mutually agreed to by the 152794
Department and the Auditor of State. This set-aside may also be 152795
used by the Auditor of State to conduct performance audits of 152796
other school districts with priority given to districts in fiscal 152797
distress. Districts in fiscal distress shall be determined by the 152798
Auditor of State and shall include districts that the Auditor of 152799
State, in consultation with the Department of Education, 152800
determines are employing fiscal practices or experiencing 152801
budgetary conditions that could produce a state of fiscal watch or 152802
fiscal emergency. 152803

The remainder of appropriation item 200422, School Management 152804
Assistance, shall be used by the Department of Education to 152805
provide fiscal technical assistance and inservice education for 152806
school district management personnel and to administer, monitor, 152807
and implement the fiscal caution, fiscal watch, and fiscal 152808
emergency provisions under Chapter 3316. of the Revised Code. 152809

Section 263.60. POLICY ANALYSIS 152810

The foregoing appropriation item 200424, Policy Analysis, 152811
shall be used by the Department of Education to support a system 152812
of administrative, statistical, and legislative education 152813
information to be used for policy analysis. Staff supported by 152814
this appropriation shall administer the development of reports, 152815
analyses, and briefings to inform education policymakers of 152816
current trends in education practice, efficient and effective use 152817
of resources, and evaluation of programs to improve education 152818
results. The database shall be kept current at all times. These 152819
research efforts shall be used to supply information and analysis 152820

of data to the General Assembly and other state policymakers, 152821
including the Office of Budget and Management, the Governor's 152822
Office of 21st Century Education, and the Legislative Service 152823
Commission. 152824

The Department of Education may use funding from this 152825
appropriation item to purchase or contract for the development of 152826
software systems or contract for policy studies that will assist 152827
in the provision and analysis of policy-related information. 152828
Funding from this appropriation item also may be used to monitor 152829
and enhance quality assurance for research-based policy analysis 152830
and program evaluation to enhance the effective use of education 152831
information to inform education policymakers. 152832

TECH PREP CONSORTIA SUPPORT 152833

The foregoing appropriation item 200425, Tech Prep Consortia 152834
Support, shall be used by the Department of Education to support 152835
state-level activities designed to support, promote, and expand 152836
tech prep programs. Use of these funds shall include, but not be 152837
limited to, administration of grants, program evaluation, 152838
professional development, curriculum development, assessment 152839
development, program promotion, communications, and statewide 152840
coordination of tech prep consortia. 152841

Section 263.70. OHIO EDUCATIONAL COMPUTER NETWORK 152842

The foregoing appropriation item 200426, Ohio Educational 152843
Computer Network, shall be used by the Department of Education to 152844
maintain a system of information technology throughout Ohio and to 152845
provide technical assistance for such a system in support of the 152846
P-16 State Education Technology Plan developed under section 152847
3353.09 of the Revised Code. 152848

Of the foregoing appropriation item 200426, Ohio Educational 152849
Computer Network, up to \$10,705,569 in each fiscal year shall be 152850

used by the Department of Education to support connection of all 152851
public school buildings and participating chartered nonpublic 152852
schools to the state's education network, to each other, and to 152853
the Internet. In each fiscal year the Department of Education 152854
shall use these funds to assist information technology centers or 152855
school districts with the operational costs associated with this 152856
connectivity. The Department of Education shall develop a formula 152857
and guidelines for the distribution of these funds to information 152858
technology centers or individual school districts. As used in this 152859
section, "public school building" means a school building of any 152860
city, local, exempted village, or joint vocational school 152861
district, any community school established under Chapter 3314. of 152862
the Revised Code, any college preparatory boarding school 152863
established under Chapter 3328. of the Revised Code, any STEM 152864
school established under Chapter 3326. of the Revised Code, any 152865
educational service center building used for instructional 152866
purposes, the Ohio School for the Deaf and the Ohio School for the 152867
Blind, high schools chartered by the Ohio Department of Youth 152868
Services, or high schools operated by Ohio Department of 152869
Rehabilitation and Corrections' Ohio Central School System. 152870

Of the foregoing appropriation item 200426, Ohio Educational 152871
Computer Network, up to \$2,500,000 in each fiscal year shall be 152872
used for the Union Catalog and InfOhio Network and to support the 152873
provision of electronic resources with priority given to resources 152874
that support the teaching of state academic content standards in 152875
all public schools. Consideration shall be given by the Department 152876
of Education to coordinating the allocation of these moneys with 152877
the efforts of Libraries Connect Ohio, whose members include 152878
OhioLINK, the Ohio Public Information Network, and the State 152879
Library of Ohio. 152880

Of the foregoing appropriation item 200426, Ohio Educational 152881
Computer Network, up to \$5,220,000 in each fiscal year shall be 152882

used, through a formula and guidelines devised by the Department, 152883
to subsidize the activities of designated information technology 152884
centers, as defined by State Board of Education rules, to provide 152885
school districts and chartered nonpublic schools with 152886
computer-based student and teacher instructional and 152887
administrative information services, including approved 152888
computerized financial accounting, and to ensure the effective 152889
operation of local automated administrative and instructional 152890
systems. 152891

Of the foregoing appropriation item 200426, Ohio Educational 152892
Computer Network, up to \$10,000,000 in fiscal year 2014 shall be 152893
used for middle mile connections for the information technology 152894
centers established under section 3301.075 of the Revised Code and 152895
select large urban districts to connect to the state broadband 152896
backbone managed by the Ohio Technology Consortium and for other 152897
connectivity upgrades necessary for K-12 school buildings with 152898
severely restricted broadband connections. The Department of 152899
Education shall develop an expenditure plan to facilitate 152900
instructional technology/blended learning initiatives. The State 152901
Chief Information Officer and the Education Technology Division of 152902
the Ohio Board of Regents shall review the plan to ensure it 152903
coincides with State of Ohio and higher education network 152904
strategies and shall either approve or reject the plan. If the 152905
plan is rejected, the State Chief Information Officer and the 152906
Education Technology Division of the Ohio Board of Regents shall 152907
identify deficiencies in the plan and work with the Department to 152908
complete an acceptable plan. "Select large urban districts" are 152909
those districts that connect to the state broadband backbone 152910
directly rather than through an information technology center. At 152911
the request of the Superintendent of Public Instruction, the 152912
Director of Budget and Management may authorize the expenditure in 152913
fiscal year 2015 of any unexpended and unencumbered portion of 152914
this set-aside at the end of fiscal year 2014. The authorized 152915

expenditure is hereby reappropriated to the Department for the 152916
same purpose for fiscal year 2015. 152917

The remainder of appropriation item 200426, Ohio Educational 152918
Computer Network, shall be used to support the work of the 152919
development, maintenance, and operation of a network of uniform 152920
and compatible computer-based information and instructional 152921
systems as well as the teacher student linkage/roster verification 152922
process and the eTranscript/student records exchange initiative. 152923
This technical assistance shall include, but not be restricted to, 152924
development and maintenance of adequate computer software systems 152925
to support network activities. In order to improve the efficiency 152926
of network activities, the Department and information technology 152927
centers may jointly purchase equipment, materials, and services 152928
from funds provided under this appropriation for use by the 152929
network and, when considered practical by the Department, may 152930
utilize the services of appropriate state purchasing agencies. 152931

Section 263.80. ACADEMIC STANDARDS 152932

The foregoing appropriation item 200427, Academic Standards, 152933
shall be used by the Department of Education to develop, revise, 152934
and communicate to school districts academic content standards and 152935
curriculum models and to develop professional development programs 152936
and other tools on the new content standards and model curriculum. 152937

Section 263.90. STUDENT ASSESSMENT 152938

Of the foregoing appropriation item 200437, Student 152939
Assessment, up to \$95,000 in each fiscal year may be used to 152940
support the assessments required under section 3301.0715 of the 152941
Revised Code. 152942

The remainder of appropriation item 200437, Student 152943
Assessment, shall be used to develop, field test, print, 152944
distribute, score, report results, and support other associated 152945

costs for the tests required under sections 3301.0710, 3301.0711, 152946
and 3301.0712 of the Revised Code and for similar purposes as 152947
required by section 3301.27 of the Revised Code. The funds may 152948
also be used to update and develop diagnostic assessments required 152949
under sections 3301.079, 3301.0715, and 3313.608 of the Revised 152950
Code. 152951

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 152952
ASSESSMENT 152953

In fiscal year 2014 and fiscal year 2015, if the 152954
Superintendent of Public Instruction determines that additional 152955
funds are needed to fully fund the requirements of sections 152956
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 152957
and this act for assessments of student performance, the 152958
Superintendent of Public Instruction may recommend the 152959
reallocation of unexpended and unencumbered General Revenue Fund 152960
appropriations within the Department of Education to appropriation 152961
item 200437, Student Assessment, to the Director of Budget and 152962
Management. If the Director of Budget and Management determines 152963
that such a reallocation is required, the Director of Budget and 152964
Management may transfer unexpended and unencumbered appropriations 152965
within the Department of Education as necessary to appropriation 152966
item 200437, Student Assessment. If these transferred 152967
appropriations are not sufficient to fully fund the assessment 152968
requirements in fiscal year 2014 or fiscal year 2015, the 152969
Superintendent of Public Instruction may request that the 152970
Controlling Board transfer up to \$9,000,000 cash from the Lottery 152971
Profits Education Reserve Fund (Fund 7018) to the General Revenue 152972
Fund. Upon approval of the Controlling Board, the Director of 152973
Budget and Management shall transfer the cash. These transferred 152974
funds are hereby appropriated for the same purpose as 152975
appropriation item 200437, Student Assessment. 152976

Section 263.100. Notwithstanding anything to the contrary in 152977
sections 3301.0710 and 3301.0711 of the Revised Code, in the 152978
2013-2014 school year, the Department of Education shall not 152979
furnish, and school districts and schools shall not administer, 152980
the elementary writing and social studies achievement assessments 152981
prescribed by section 3301.0710 of the Revised Code, unless the 152982
Superintendent of Public Instruction determines the Department has 152983
sufficient funds to pay the costs of furnishing and scoring those 152984
assessments. 152985

Section 263.110. ACCOUNTABILITY/REPORT CARDS 152986

Of the foregoing appropriation item 200439, 152987
Accountability/Report Cards, a portion in each fiscal year may be 152988
used to train district and regional specialists and district 152989
educators in the use of the value-added progress dimension and in 152990
the use of data as it relates to improving student achievement. 152991
This training may include teacher and administrator professional 152992
development in the use of data to improve instruction and student 152993
learning, and teacher and administrator training in understanding 152994
teacher value-added reports and how they can be used as a 152995
component in measuring teacher and administrator effectiveness. A 152996
portion of this funding may be provided to a credible nonprofit 152997
organization with expertise in value-added progress dimensions. 152998

The remainder of appropriation item 200439, 152999
Accountability/Report Cards, shall be used by the Department to 153000
incorporate a statewide value-added progress dimension into 153001
performance ratings for school districts and for the development 153002
of an accountability system that includes the preparation and 153003
distribution of school report cards, funding and expenditure 153004
accountability reports under sections 3302.03 and 3302.031 of the 153005
Revised Code, and the development and maintenance of teacher 153006
value-added reports. 153007

CHILD CARE LICENSING 153008

The foregoing appropriation item 200442, Child Care 153009
Licensing, shall be used by the Department of Education to license 153010
and to inspect preschool and school-age child care programs under 153011
sections 3301.52 to 3301.59 of the Revised Code. 153012

Section 263.120. EDUCATION MANAGEMENT INFORMATION SYSTEM 153013

The foregoing appropriation item 200446, Education Management 153014
Information System, shall be used by the Department of Education 153015
to improve the Education Management Information System (EMIS). 153016

Of the foregoing appropriation item 200446, Education 153017
Management Information System, up to \$729,000 in each fiscal year 153018
shall be distributed to designated information technology centers 153019
for costs relating to processing, storing, and transferring data 153020
for the effective operation of the EMIS. These costs may include, 153021
but are not limited to, personnel, hardware, software development, 153022
communications connectivity, professional development, and support 153023
services, and to provide services to participate in the State 153024
Education Technology Plan developed under section 3353.09 of the 153025
Revised Code. 153026

The remainder of appropriation item 200446, Education 153027
Management Information System, shall be used to develop and 153028
support a common core of data definitions and standards as adopted 153029
by the Education Management Information System Advisory Board, 153030
including the ongoing development and maintenance of the data 153031
dictionary and data warehouse. In addition, such funds shall be 153032
used to support the development and implementation of data 153033
standards; the design, development, and implementation of a new 153034
data exchange system; and responsibilities related to the school 153035
report cards prescribed by section 3302.03 of the Revised Code and 153036
value-added progress dimension calculations. 153037

Any provider of software meeting the standards approved by 153038
the Education Management Information System Advisory Board shall 153039
be designated as an approved vendor and may enter into contracts 153040
with local school districts, community schools, STEMS schools, 153041
information technology centers, or other educational entities for 153042
the purpose of collecting and managing data required under Ohio's 153043
education management information system (EMIS) laws. On an annual 153044
basis, the Department of Education shall convene an advisory group 153045
of school districts, community schools, and other 153046
education-related entities to review the Education Management 153047
Information System data definitions and data format standards. The 153048
advisory group shall recommend changes and enhancements based upon 153049
surveys of its members, education agencies in other states, and 153050
current industry practices, to reflect best practices, align with 153051
federal initiatives, and meet the needs of school districts. 153052

School districts, STEM schools, and community schools not 153053
implementing a common and uniform set of data definitions and data 153054
format standards for Education Management Information System 153055
purposes shall have all EMIS funding withheld until they are in 153056
compliance. 153057

Section 263.130. GED TESTING 153058

The foregoing appropriation item 200447, GED Testing, shall 153059
be used to provide General Educational Development (GED) testing 153060
under rules adopted by the State Board of Education. 153061

Section 263.140. EDUCATOR PREPARATION 153062

Of the foregoing appropriation item 200448, Educator 153063
Preparation, up to \$500,000 in each fiscal year may be used by the 153064
Department of Education to monitor and support Ohio's State System 153065
of Support in accordance with the "No Child Left Behind Act of 153066
2011," 20 U.S.C. 6317, as administered pursuant to the Elementary 153067

and Secondary Education Act flexibility waivers approved for Ohio 153068
by the United States Department of Education. 153069

Of the foregoing appropriation item 200448, Educator 153070
Preparation, up to \$100,000 in each fiscal year may be used by the 153071
Department to support the Educator Standards Board under section 153072
3319.61 of the Revised Code and reforms under sections 3302.042, 153073
3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 153074
3319.58 of the Revised Code. 153075

The remainder of the foregoing appropriation item 200448, 153076
Educator Preparation, in fiscal year 2015 may be used for 153077
implementation of teacher and principal evaluation systems, 153078
including incorporation of student growth as a metric in those 153079
systems, and teacher value-added reports. 153080

Section 263.150. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 153081

The foregoing appropriation item 200455, Community Schools 153082
and Choice Programs, may be used by the Department of Education 153083
for additional services and responsibilities under section 3314.11 153084
of the Revised Code and for operation of the school choice 153085
programs. 153086

Of the foregoing appropriation item 200455, Community Schools 153087
and Choice Programs, a portion in each fiscal year may be used by 153088
the Department of Education for developing and conducting training 153089
sessions for community schools and sponsors and prospective 153090
sponsors of community schools as prescribed in division (A)(1) of 153091
section 3314.015 of the Revised Code, and other schools 153092
participating in school choice programs. 153093

**Section 263.160. TECHNOLOGY INTEGRATION AND PROFESSIONAL 153094
DEVELOPMENT** 153095

The foregoing appropriation item 200465, Technology 153096
Integration and Professional Development, shall be used by the 153097

Department of Education to contract with educational television 153098
stations and education technology centers to provide Ohio public 153099
schools with instructional resources and services, with priority 153100
given to resources and services aligned with state academic 153101
content standards. Such resources and services shall be based upon 153102
the advice and approval of the Department, based on a formula used 153103
by the former eTech Ohio Commission unless and until a substitute 153104
formula is developed in consultation with the Ohio Board of 153105
Regents. 153106

Section 263.170. PUPIL TRANSPORTATION 153107

Of the foregoing appropriation item 200502, Pupil 153108
Transportation, up to \$838,930 in each fiscal year may be used by 153109
the Department of Education for training prospective and 153110
experienced school bus drivers in accordance with training 153111
programs prescribed by the Department. Up to \$60,469,220 in each 153112
fiscal year may be used by the Department of Education for special 153113
education transportation reimbursements to school districts and 153114
county DD boards for transportation operating costs as provided in 153115
divisions (C) and (F) of section 3317.024 of the Revised Code. Up 153116
to \$5,000,000 in fiscal year 2014 and up to \$2,500,000 in fiscal 153117
year 2015 may be used by the Department of Education to reimburse 153118
school districts that make payments to parents in lieu of 153119
transportation under section 3327.02 of the Revised Code and whose 153120
transportation is not funded under division (C) of section 153121
3317.024 of the Revised Code. 153122

Of the foregoing appropriation item 200502, Pupil 153123
Transportation, up to \$25,300,000 in fiscal year 2014 and up to 153124
\$23,100,000 in fiscal year 2015 shall be used for additional 153125
transportation aid for school districts as provided by division 153126
(G)(2) of section 3317.0212 of the Revised Code, as amended by 153127
this act. The Department shall pay each school district a pro rata 153128

portion of the amounts calculated so that the amount appropriated 153129
is not exceeded. 153130

Of the foregoing appropriation item 200502, Pupil 153131
Transportation, \$413,385,915 in fiscal year 2014 and \$434,055,210 153132
in fiscal year 2015 shall be used to distribute the amounts 153133
calculated for transportation aid under division (G)(1) of section 153134
3317.0212 of the Revised Code, as amended by this act. 153135

Section 263.180. SCHOOL LUNCH MATCH 153136

The foregoing appropriation item 200505, School Lunch Match, 153137
shall be used to provide matching funds to obtain federal funds 153138
for the school lunch program. 153139

Any remaining appropriation after providing matching funds 153140
for the school lunch program may be used to partially reimburse 153141
school buildings within school districts that are required to have 153142
a school breakfast program under section 3313.813 of the Revised 153143
Code, at a rate decided by the Department. 153144

Section 263.190. AUXILIARY SERVICES 153145

The foregoing appropriation item 200511, Auxiliary Services, 153146
shall be used by the Department of Education for the purpose of 153147
implementing section 3317.06 of the Revised Code. Of the 153148
appropriation, up to \$1,888,106 in fiscal year 2014 and up to 153149
\$1,944,949 in fiscal year 2015 may be used for payment of the 153150
Post-Secondary Enrollment Program for nonpublic students, except 153151
that in fiscal year 2014 the Department may spend above the 153152
set-aside to pay for outstanding obligations for the 153153
Post-Secondary Enrollment Options Program in fiscal year 2013. 153154

Section 263.200. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 153155

The foregoing appropriation item 200532, Nonpublic 153156
Administrative Cost Reimbursement, shall be used by the Department 153157

of Education for the purpose of implementing section 3317.063 of 153158
the Revised Code. 153159

Section 263.210. SPECIAL EDUCATION ENHANCEMENTS 153160

Of the foregoing appropriation item 200540, Special Education 153161
Enhancements, up to \$50,000,000 in each fiscal year shall be used 153162
to fund special education and related services at county boards of 153163
developmental disabilities for eligible students under section 153164
3317.20 of the Revised Code and at institutions for eligible 153165
students under section 3317.201 of the Revised Code. If necessary, 153166
the Department shall proportionately reduce the amount calculated 153167
for each county board of developmental disabilities and 153168
institution so as not to exceed the amount appropriated in each 153169
fiscal year. 153170

Of the foregoing appropriation item 200540, Special Education 153171
Enhancements, up to \$1,333,468 in each fiscal year shall be used 153172
for parent mentoring programs. 153173

Of the foregoing appropriation item 200540, Special Education 153174
Enhancements, up to \$2,537,824 in each fiscal year may be used for 153175
school psychology interns. 153176

The remainder of appropriation item 200540, Special Education 153177
Enhancements, shall be distributed by the Department of Education 153178
to school districts and institutions, as defined in section 153179
3323.091 of the Revised Code, for preschool special education 153180
funding under section 3317.0213 of the Revised Code. If necessary, 153181
the Department shall proportionately reduce the amount calculated 153182
for each school district and institution so as not to exceed the 153183
amount appropriated in each fiscal year. 153184

The Department may reimburse school districts and 153185
institutions for services provided by instructional assistants, 153186
related services as defined in rule 3301-51-11 of the 153187

Administrative Code, physical therapy services provided by a 153188
licensed physical therapist or physical therapist assistant under 153189
the supervision of a licensed physical therapist as required under 153190
Chapter 4755. of the Revised Code and Chapter 4755-27 of the 153191
Administrative Code and occupational therapy services provided by 153192
a licensed occupational therapist or occupational therapy 153193
assistant under the supervision of a licensed occupational 153194
therapist as required under Chapter 4755. of the Revised Code and 153195
Chapter 4755-7 of the Administrative Code. Nothing in this section 153196
authorizes occupational therapy assistants or physical therapist 153197
assistants to generate or manage their own caseloads. 153198

The Department of Education shall require school districts, 153199
educational service centers, county DD boards, and institutions 153200
serving preschool children with disabilities to adhere to Ohio's 153201
early learning program standards, participate in the tiered 153202
quality rating and improvement system developed under section 153203
5104.30 of the Revised Code, and document child progress using 153204
research-based indicators prescribed by the Department and report 153205
results annually. The reporting dates and method shall be 153206
determined by the Department. Effective July 1, 2018, all programs 153207
shall be rated through the tiered quality rating and improvement 153208
system. 153209

Section 263.220. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 153210

Of the foregoing appropriation item 200545, Career-Technical 153211
Education Enhancements, up to \$2,563,568 in each fiscal year shall 153212
be used to fund secondary career-technical education at 153213
institutions using a grant-based methodology, notwithstanding 153214
section 3317.05 of the Revised Code. 153215

Of the foregoing appropriation item 200545, Career-Technical 153216
Education Enhancements, up to \$2,838,281 in each fiscal year shall 153217
be used by the Department of Education to fund competitive grants 153218

to tech prep consortia that expand the number of students enrolled 153219
in tech prep programs. These grant funds shall be used to directly 153220
support expanded tech prep programs provided to students enrolled 153221
in school districts, including joint vocational school districts, 153222
and affiliated higher education institutions. This support may 153223
include the purchase of equipment. 153224

Of the foregoing appropriation item 200545, Career-Technical 153225
Education Enhancements, up to \$3,100,850 in each fiscal year shall 153226
be used by the Department of Education to support existing High 153227
Schools That Work (HSTW) sites, develop and support new sites, 153228
fund technical assistance, and support regional centers and middle 153229
school programs. The purpose of HSTW is to combine challenging 153230
academic courses and modern career-technical studies to raise the 153231
academic achievement of students. HSTW provides intensive 153232
technical assistance, focused staff development, targeted 153233
assessment services, and ongoing communications and networking 153234
opportunities. 153235

Of the foregoing appropriation item 200545, Career-Technical 153236
Education Enhancements, up to \$600,000 in each fiscal year shall 153237
be used by the Department of Education to enable students in 153238
agricultural programs to enroll in a fifth quarter of instruction 153239
based on the agricultural education model of delivering work-based 153240
learning through supervised agricultural experience. The 153241
Department of Education shall determine eligibility criteria and 153242
the reporting process for the Agriculture 5th Quarter Project and 153243
shall fund as many programs as possible given the set aside. The 153244
eligibility criteria developed by the Department shall allow these 153245
funds to support supervised agricultural experience that occurs 153246
anytime outside of the regular school day. 153247

Of the foregoing appropriation item, 200545, Career-Technical 153248
Education Enhancements, up to \$162,200 in each fiscal year shall 153249
be distributed to the Cleveland Municipal School District and the 153250

Cincinnati City School District to be used for a VoAg Program in 153251
one at-risk nonvocational school in each district. The amount 153252
distributed to the Cleveland Municipal School District shall be 153253
equal to \$78,600 minus the funding allocated to the district under 153254
division (A)(8) of section 3317.022 of the Revised Code for the 153255
students participating in the program. The amount distributed to 153256
the Cincinnati City School District shall be equal to \$83,600 153257
minus the funding allocated to the district under section 3317.162 153258
of the Revised Code for the students participating in the program. 153259

Of the foregoing appropriation item 200545, Career-Technical 153260
Education Enhancements, \$108,100 in each fiscal year shall be used 153261
to prepare students for careers in culinary arts and restaurant 153262
management under the Ohio ProStart school restaurant program. 153263

Section 263.230. FOUNDATION FUNDING 153264

Of the foregoing appropriation item 200550, Foundation 153265
Funding, up to \$675,000 in each fiscal year shall be used to 153266
support the work of the College of Education and Human Ecology at 153267
the Ohio State University in reviewing and assessing the alignment 153268
of courses offered through the distance learning clearinghouse 153269
established in sections 3333.81 to 3333.88 of the Revised Code 153270
with the academic content standards adopted under division (A) of 153271
section 3301.079 of the Revised Code. 153272

Of the foregoing appropriation item 200550, Foundation 153273
Funding, up to \$40,000,000 in each fiscal year shall be used to 153274
provide additional state aid to school districts, joint vocational 153275
school districts, community schools, and STEM schools for special 153276
education students under division (C)(3) of section 3314.08, 153277
section 3317.0214, division (B) of section 3317.16, and section 153278
3326.34 of the Revised Code, except that the Controlling Board may 153279
increase these amounts if presented with such a request from the 153280
Department of Education at the final meeting of the fiscal year. 153281

Of the foregoing appropriation item 200550, Foundation 153282
Funding, up to \$2,000,000 in each fiscal year shall be reserved 153283
for Youth Services tuition payments under section 3317.024 of the 153284
Revised Code. 153285

Of the foregoing appropriation item 200550, Foundation 153286
Funding, up to \$3,800,000 in each fiscal year shall be used to 153287
fund gifted education at educational service centers. The 153288
Department shall distribute the funding through the unit-based 153289
funding methodology in place under division (L) of section 153290
3317.024, division (E) of section 3317.05, and divisions (A), (B), 153291
and (C) of section 3317.053 of the Revised Code as they existed 153292
prior to fiscal year 2010. 153293

Of the foregoing appropriation item 200550, Foundation 153294
Funding, up to \$43,500,000 in fiscal year 2014 and up to 153295
\$40,000,000 in fiscal year 2015 shall be reserved to fund the 153296
state reimbursement of educational service centers under the 153297
section of this act entitled "EDUCATIONAL SERVICE CENTERS 153298
FUNDING"; and up to \$3,500,000 in each fiscal year shall be 153299
distributed to educational service centers for School Improvement 153300
Initiatives and, in consultation with the Governor's Director of 153301
21st Century Education, for the provision of technical assistance 153302
as required by the Elementary and Secondary Education Act 153303
Flexibility waivers approved for Ohio by the United States 153304
Department of Education. Educational service centers shall be 153305
required to support districts in the development and 153306
implementation of their continuous improvement plans as required 153307
in section 3302.04 of the Revised Code and to provide technical 153308
assistance and support in accordance with Title I of the "No Child 153309
Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317, as 153310
administered pursuant to the Elementary and Secondary Education 153311
Act Flexibility waivers approved for Ohio by the United States 153312
Department of Education. 153313

Of the foregoing appropriation item 200550, Foundation 153314
Funding, up to \$20,000,000 in each fiscal year shall be reserved 153315
for payments under sections 3317.026, 3317.027, and 3317.028 of 153316
the Revised Code. If this amount is not sufficient, the Department 153317
of Education shall prorate the payment amounts so that the 153318
aggregate amount allocated in this paragraph is not exceeded. 153319

Of the foregoing appropriation item 200550, Foundation 153320
Funding, up to \$2,000,000 in each fiscal year shall be used to pay 153321
career-technical planning districts for the amounts reimbursed to 153322
students, as prescribed in this paragraph. Each career-technical 153323
planning district shall reimburse individuals taking the online 153324
General Educational Development (GED) test for the first time for 153325
application/test fees in excess of \$40. Each career-technical 153326
planning district shall designate a site or sites where 153327
individuals may register and take the exam. For each individual 153328
that registers for the exam, the career-technical planning 153329
district shall make available and offer career counseling 153330
services, including information on adult education programs that 153331
are available. 153332

Of the foregoing appropriation item 200550, Foundation 153333
Funding, up to \$410,000 in each fiscal year shall be used to pay 153334
career-technical planning districts \$500 for each student that 153335
receives a journeyman certification, as recognized by the United 153336
States Department of Labor. 153337

Of the foregoing appropriation item 200550, Foundation 153338
Funding, up to \$18,713,327 in each fiscal year shall be used to 153339
support school choice programs. 153340

Of the portion of the funds distributed to the Cleveland 153341
Municipal School District under this section, up to \$11,901,887 in 153342
each fiscal year shall be used to operate the school choice 153343
program in the Cleveland Municipal School District under sections 153344
3313.974 to 3313.979 of the Revised Code. Notwithstanding 153345

divisions (B) and (C) of section 3313.978 and division (C) of 153346
section 3313.979 of the Revised Code, up to \$1,000,000 in each 153347
fiscal year of this amount shall be used by the Cleveland 153348
Municipal School District to provide tutorial assistance as 153349
provided in division (H) of section 3313.974 of the Revised Code. 153350
The Cleveland Municipal School District shall report the use of 153351
these funds in the district's three-year continuous improvement 153352
plan as described in section 3302.04 of the Revised Code in a 153353
manner approved by the Department of Education. 153354

Of the foregoing appropriation item 200550, Foundation 153355
Funding, up to \$2,000,000 in fiscal year 2015 shall be used to pay 153356
college-preparatory boarding schools the per pupil boarding amount 153357
pursuant to section 3328.34 of the Revised Code. 153358

Of the foregoing appropriation item 200550, Foundation 153359
Funding, up to \$500,000 in each fiscal year shall be used to 153360
support Jobs for Ohio's Graduates. 153361

Of the foregoing appropriation item 200550, Foundation 153362
Funding, up to \$250,000 in fiscal year 2015 may be used for 153363
payment of the Post-Secondary Enrollment Options Program for 153364
students instructed at home pursuant to section 3321.04 of the 153365
Revised Code. 153366

Of the foregoing appropriation item 200550, Foundation 153367
Funding, up to \$5,000,000 in fiscal year 2014 shall be used to 153368
reimburse school districts for the full amount deducted in that 153369
year under section 3310.55 of the Revised Code for Jon Peterson 153370
Scholarships awarded under sections 3310.51 to 3310.64 of the 153371
Revised Code to students who did not attend a public school in 153372
their resident district in the previous school year. If this 153373
amount is not sufficient, the Department of Education shall 153374
prorate the payment amounts so that the aggregate amount 153375
appropriated in this paragraph is not exceeded. 153376

Of the foregoing appropriation item 200550, Foundation 153377
Funding, an amount shall be available in each fiscal year to be 153378
paid to joint vocational school districts in accordance with 153379
division (A) of section 3317.16 of the Revised Code and the 153380
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT 153381
VOCATIONAL SCHOOL DISTRICTS." 153382

Of the foregoing appropriation item 200550, Foundation 153383
Funding, up to \$700,000 in each fiscal year shall be used by the 153384
Department of Education for a program to pay for educational 153385
services for youth who have been assigned by a juvenile court or 153386
other authorized agency to any of the facilities described in 153387
division (A) of the section of this act entitled "PRIVATE 153388
TREATMENT FACILITY PROJECT." 153389

Of the foregoing appropriation item 200550, Foundation 153390
Funding, an amount shall be available in each fiscal year to pay 153391
eligible community schools the amounts required to comply with 153392
divisions (B) and (C) of the section of this act entitled 153393
"GUARANTEE FOR HIGH PERFORMING COMMUNITY SCHOOLS." 153394

The remainder of appropriation item 200550, Foundation 153395
Funding, shall be used to distribute the amounts calculated for 153396
formula aid under section 3317.022 of the Revised Code and the 153397
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, 153398
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 153399

Appropriation items 200502, Pupil Transportation, 200540, 153400
Special Education Enhancements, and 200550, Foundation Funding, 153401
other than specific set-asides, are collectively used in each 153402
fiscal year to pay state formula aid obligations for school 153403
districts, community schools, STEM schools, college preparatory 153404
boarding schools, and joint vocational school districts under this 153405
act. The first priority of these appropriation items, with the 153406
exception of specific set-asides, is to fund state formula aid 153407
obligations. It may be necessary to reallocate funds among these 153408

appropriation items or use excess funds from other general revenue 153409
fund appropriation items in the Department of Education's budget 153410
in each fiscal year, in order to meet state formula aid 153411
obligations. If it is determined that it is necessary to transfer 153412
funds among these appropriation items or to transfer funds from 153413
other General Revenue Fund appropriations in the Department of 153414
Education's budget to meet state formula aid obligations, the 153415
Department of Education shall seek approval from the Controlling 153416
Board to transfer funds as needed. 153417

The Superintendent of Public Instruction shall make payments, 153418
transfers, and deductions, as authorized by Title XXXIII of the 153419
Revised Code and Sections 267.30.50, 267.30.53, 267.30.56, and 153420
267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, in 153421
amounts substantially equal to those made in the prior year, or 153422
otherwise, at the discretion of the Superintendent, until at least 153423
the effective date of the amendments and enactments made to Title 153424
XXXIII by this act. If a new school district, community school, or 153425
STEM school opens prior to the effective date of this act, the 153426
Department of Education shall pay to the district or school an 153427
amount of \$5,000 per pupil, based upon the estimated number of 153428
students that the district or school is expected to serve. Any 153429
funds paid to districts or schools under this section shall be 153430
credited toward the annual funds calculated for the district or 153431
school after the changes made to Title XXXIII in this act are 153432
effective. Upon the effective date of changes made to Title XXXIII 153433
in this act, funds shall be calculated as an annual amount. 153434

**Section 263.240. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 153435
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 153436**

The Department of Education shall distribute funds within 153437
appropriation item 200550, Foundation Funding, for temporary 153438
transitional aid in each fiscal year to each qualifying city, 153439

local, and exempted village school district. 153440

(A) For fiscal years 2014 and 2015, the Department shall pay 153441
temporary transitional aid to each city, local, or exempted 153442
village school district that experiences any decrease in its state 153443
foundation funding for the current fiscal year from its 153444
transitional aid guarantee base. The amount of the temporary 153445
transitional aid payment shall equal the difference between its 153446
foundation funding for the current fiscal year and its 153447
transitional aid guarantee base. If the computation made under 153448
this division results in a negative number, the district's funding 153449
under this division shall be zero. 153450

(1) As used in this section, foundation funding for each 153451
city, local, and exempted village school district for a given 153452
fiscal year equals the sum of the amount calculated for the 153453
district under section 3317.022 of the Revised Code, as re-enacted 153454
by this act, and the amounts calculated for the district under 153455
divisions (G)(1) and (2) of section 3317.0212 of the Revised Code, 153456
as amended by this act, for that fiscal year. 153457

(2) The transitional aid guarantee base for each city, local, 153458
and exempted village school district equals the sum of the amounts 153459
computed for the district for fiscal year 2013, under Sections 153460
267.30.50, 267.30.53, and 267.30.56 of Am. Sub. H.B. 153 of the 153461
129th General Assembly. The Department of Education shall adjust, 153462
as necessary, the transitional aid guarantee base of any local 153463
school district that participates in the establishment of a joint 153464
vocational school district that begins receiving payments under 153465
section 3317.16 of the Revised Code, as re-enacted by this act, 153466
for fiscal year 2014, but does not receive payments under Section 153467
267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, for 153468
fiscal year 2013. The Department shall adjust any such local 153469
school district's guarantee base according to the amounts received 153470
by the district in fiscal year 2013 for career-technical education 153471

students who attend the newly established joint vocational school 153472
district in fiscal year 2014. 153473

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 153474
as re-enacted by this act, in fiscal year 2014, no city, local, or 153475
exempted village school district shall be allocated foundation 153476
funding that is greater than 1.0625 times the district's 153477
transitional aid guarantee base. 153478

(2) Notwithstanding section 3317.022 of the Revised Code, as 153479
re-enacted by this act, in fiscal year 2015, no city, local, or 153480
exempted village school district shall be allocated foundation 153481
funding that is greater than 1.105 times the amount computed for 153482
foundation funding for the district for fiscal year 2014 plus any 153483
amount calculated for temporary transitional aid for fiscal year 153484
2014 under division (A) of this section and after any reductions 153485
made for fiscal year 2014 under division (B)(1) of this section. 153486

(3) The Department shall reduce a district's payments under 153487
divisions (A)(1), (2), (4), (5), (6), and (7) of section 3317.022 153488
of the Revised Code, as re-enacted by this act, and divisions 153489
(G)(1) and (2) of section 3317.0212 of the Revised Code, as 153490
amended by this act, proportionately as necessary in order to 153491
comply with this division. If those amounts are insufficient, the 153492
Department shall proportionately reduce a district's payments 153493
under divisions (A)(3), (8), and (9) of section 3317.022 of the 153494
Revised Code, as re-enacted by this act. 153495

Section 263.250. TEMPORARY TRANSITIONAL AID FOR JOINT 153496
VOCATIONAL SCHOOL DISTRICTS 153497

The Department of Education shall distribute funds within 153498
appropriation item 200550, Foundation Funding, for temporary 153499
transitional aid in each fiscal year to each qualifying joint 153500
vocational school district. 153501

(A) For fiscal years 2014 and 2015, the Department shall pay 153502
temporary transitional aid to each joint vocational school 153503
district that experiences any decrease in its state core 153504
foundation funding under division (A) of section 3317.16 of the 153505
Revised Code, as re-enacted by this act, for the current fiscal 153506
year from its transitional aid guarantee base. The amount of the 153507
temporary transitional aid payment shall equal the difference 153508
between the district's funding under division (A) of section 153509
3317.16 of the Revised Code for the current fiscal year and its 153510
transitional aid guarantee base. If the computation made under 153511
this division results in a negative number, the district's funding 153512
under this division shall be zero. 153513

The transitional aid guarantee base for each joint vocational 153514
school district equals the amount computed for the district for 153515
fiscal year 2013, under Section 267.30.60 of Am. Sub. H.B. 153 of 153516
the 129th General Assembly. The Department of Education shall 153517
establish, as necessary, the transitional aid guarantee base of 153518
any joint vocational school district that begins receiving 153519
payments under section 3317.16 of the Revised Code, as re-enacted 153520
by this act, for fiscal year 2014, but does not receive payments 153521
under Section 267.30.60 of Am. Sub. H.B. 153 of the 129th General 153522
Assembly, for fiscal year 2013. The Department shall establish any 153523
such joint vocational school district's guarantee base as an 153524
amount equal to the absolute value of the sum of the associated 153525
adjustments of any local school districts' guarantee bases under 153526
Section 263.240 of this act. 153527

(B)(1) Notwithstanding division (A) of section 3317.16 of the 153528
Revised Code, as re-enacted by this act, in fiscal year 2014, no 153529
joint vocational school district shall be allocated state core 153530
foundation funding, as computed under division (A) of section 153531
3317.16 of the Revised Code, as re-enacted by this act, that is 153532
greater than 1.0625 times the district's transitional aid 153533

guarantee base. 153534

(2) Notwithstanding division (A) of section 3317.16 of the Revised Code, as re-enacted by this act, in fiscal year 2015, no joint vocational school district shall be allocated state core foundation funding, under division (A) of section 3317.16 of the Revised Code, as re-enacted by this act, that is greater than 1.105 times the amount computed for state core foundation funding for the district for fiscal year 2014 under division (A) of section 3317.16 of the Revised Code, as re-enacted by this act, plus any amount calculated for temporary transitional aid for fiscal year 2014 under division (A) of this section and after any reductions made for fiscal year 2014 under division (B)(1) of this section. 153535
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(3) The Department shall reduce a district's payments under divisions (A)(1), (3), and (4) of section 3317.16 of the Revised Code, as re-enacted by this act, proportionately as necessary in order to comply with this division. If those amounts are insufficient, the Department shall proportionately reduce a district's payments under divisions (A)(2), (5), and (6) of section 3317.16 of the Revised Code, as re-enacted by this act. 153547
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Section 263.253. GUARANTEE FOR HIGH PERFORMING COMMUNITY SCHOOLS 153554
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(A) As used in this section, "eligible community school" means a community school established under Chapter 3314. of the Revised Code that, for the 2009-2010, 2010-2011, and 2011-2012 school years, was declared to be excellent or higher under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013. 153556
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(B) Notwithstanding section 3314.08 of the Revised Code, as amended by this act, in fiscal year 2014, no eligible community school shall receive payments under divisions (C)(1) and (2) of 153562
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section 3314.08 of the Revised Code, as amended by this act, and 153565
division (D) of section 3314.091 of the Revised Code, as amended 153566
by this act, in an aggregate amount that is less than the 153567
community school's payments for fiscal year 2013 under divisions 153568
(D)(1), (2), and (4) to (10) of section 3314.08 of the Revised 153569
Code, as that section existed prior to the effective date of the 153570
amendments to that section by this act, division (D) of section 153571
3314.091 of the Revised Code, as that section existed prior to the 153572
effective date of the amendments to that section by this act, and 153573
Section 267.30.56 of Am. Sub. H.B. 153 of the 129th General 153574
Assembly. 153575

(C) Notwithstanding section 3314.08 of the Revised Code, as 153576
amended by this act, in fiscal year 2015, no eligible community 153577
school shall receive payments under divisions (C)(1) and (2) of 153578
section 3314.08 of the Revised Code, as amended by this act, and 153579
division (D) of section 3314.091 of the Revised Code, as amended 153580
by this act, in an aggregate amount that is less than the 153581
community school's payments for fiscal year 2013 under divisions 153582
(D)(1), (2), and (4) to (10) of section 3314.08 of the Revised 153583
Code, as that section existed prior to the effective date of the 153584
amendments to that section by this act, and division (D) of 153585
section 3314.091 of the Revised Code, as that section existed 153586
prior to the effective date of the amendments to that section by 153587
this act, and Section 267.30.56 of Am. Sub. H.B. 153 of the 129th 153588
General Assembly. 153589

Section 263.255. LITERACY IMPROVEMENT 153590

The foregoing appropriation item 200566, Literacy 153591
Improvement, shall be used for Read Baby Read. 153592

Section 263.260. PROPERTY TAX ALLOCATION - EDUCATION 153593

The Superintendent of Public Instruction shall not request, 153594

and the Controlling Board shall not approve, the transfer of 153595
appropriation from appropriation item 200901, Property Tax 153596
Allocation - Education, to any other appropriation item. 153597

The appropriation item 200901, Property Tax Allocation - 153598
Education, is appropriated to pay for the state's costs incurred 153599
because of the homestead exemption, the property tax rollback, and 153600
payments required under division (C) of section 5705.2110 of the 153601
Revised Code. In cooperation with the Department of Taxation, the 153602
Department of Education shall distribute these funds directly to 153603
the appropriate school districts of the state, notwithstanding 153604
sections 321.24 and 323.156 of the Revised Code, which provide for 153605
payment of the homestead exemption and property tax rollback by 153606
the Tax Commissioner to the appropriate county treasurer and the 153607
subsequent redistribution of these funds to the appropriate local 153608
taxing districts by the county auditor. 153609

Upon receipt of these amounts, each school district shall 153610
distribute the amount among the proper funds as if it had been 153611
paid as real or tangible personal property taxes. Payments for the 153612
costs of administration shall continue to be paid to the county 153613
treasurer and county auditor as provided for in sections 319.54, 153614
321.26, and 323.156 of the Revised Code. 153615

Any sums, in addition to the amount specifically appropriated 153616
in appropriation items 200901, Property Tax Allocation - 153617
Education, for the homestead exemption and the property tax 153618
rollback payments, and payments required under division (C) of 153619
section 5705.2110 of the Revised Code, which are determined to be 153620
necessary for these purposes, are hereby appropriated. 153621

Section 263.270. TEACHER CERTIFICATION AND LICENSURE 153622

The foregoing appropriation item 200681, Teacher 153623
Certification and Licensure, shall be used by the Department of 153624
Education in each year of the biennium to administer and support 153625

teacher certification and licensure activities. 153626

SCHOOL DISTRICT SOLVENCY ASSISTANCE 153627

(A) Of the foregoing appropriation item 200687, School 153628
District Solvency Assistance, \$20,000,000 in each fiscal year 153629
shall be allocated to the School District Shared Resource Account 153630
and \$5,000,000 in each fiscal year shall be allocated to the 153631
Catastrophic Expenditures Account. These funds shall be used to 153632
provide assistance and grants to school districts to enable them 153633
to remain solvent under section 3316.20 of the Revised Code. 153634
Assistance and grants shall be subject to approval by the 153635
Controlling Board. Except as provided under division (C) of this 153636
section, any required reimbursements from school districts for 153637
solvency assistance shall be made to the appropriate account in 153638
the School District Solvency Assistance Fund (Fund 5H30). 153639

(B) Notwithstanding any provision of law to the contrary, 153640
upon the request of the Superintendent of Public Instruction, the 153641
Director of Budget and Management may make transfers to the School 153642
District Solvency Assistance Fund (Fund 5H30) from any fund used 153643
by the Department of Education or the General Revenue Fund to 153644
maintain sufficient cash balances in Fund 5H30 in fiscal years 153645
2014 and 2015. Any cash transferred is hereby appropriated. The 153646
transferred cash may be used by the Department of Education to 153647
provide assistance and grants to school districts to enable them 153648
to remain solvent and to pay unforeseeable expenses of a temporary 153649
or emergency nature that the school district is unable to pay from 153650
existing resources. The Director of Budget and Management shall 153651
notify the members of the Controlling Board of any such transfers. 153652

(C) If the cash balance of the School District Solvency 153653
Assistance Fund (Fund 5H30) is insufficient to pay solvency 153654
assistance in fiscal years 2014 and 2015, at the request of the 153655
Superintendent of Public Instruction, and with the approval of the 153656
Controlling Board, the Director of Budget and Management may 153657

transfer cash from the Lottery Profits Education Reserve Fund 153658
(Fund 7018) to Fund 5H30 to provide assistance and grants to 153659
school districts to enable them to remain solvent and to pay 153660
unforeseeable expenses of a temporary nature that they are unable 153661
to pay from existing resources under section 3316.20 of the 153662
Revised Code. Such transfers are hereby appropriated to 153663
appropriation item 200670, School District Solvency Assistance - 153664
Lottery. Any required reimbursements from school districts for 153665
solvency assistance granted from appropriation item 200670, School 153666
District Solvency Assistance - Lottery, shall be made to Fund 153667
7018. 153668

Section 263.280. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS 153669

Upon the request of the Superintendent of Public Instruction, 153670
the Director of Budget and Management may transfer up to \$750,000 153671
cash in each fiscal year from the General Revenue Fund to the 153672
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The 153673
transferred cash is to be used by the Department of Education to 153674
pay the expenses the Department incurs in administering the 153675
Medicaid School Component of the Medicaid program established 153676
under sections 5162.36 to 5162.364 of the Revised Code. On June 1 153677
of each fiscal year, or as soon as possible thereafter, the 153678
Director of Budget and Management shall transfer cash from Fund 153679
3AF0 back to the General Revenue Fund in an amount equal to the 153680
total amount transferred to Fund 3AF0 in that fiscal year. 153681

The money deposited into Fund 3AF0 under division (B) of 153682
section 5162.64 of the Revised Code is hereby appropriated for 153683
fiscal years 2014 and 2015 and shall be used in accordance with 153684
division (C) of section 5162.64 of the Revised Code. 153685

Section 263.290. HALF-MILL MAINTENANCE EQUALIZATION 153686

The foregoing appropriation item 200626, Half-Mill 153687

Maintenance Equalization, shall be used to make payments pursuant 153688
to section 3318.18 of the Revised Code. 153689

Section 263.300. GATES FOUNDATION GRANTS 153690

The foregoing appropriation item 200668, Gates Foundation 153691
Grants, shall be used by the Department of Education to provide 153692
professional development to school district principals, 153693
superintendents, and other administrative staff on the use of 153694
education technology. 153695

Section 263.310. AUXILIARY SERVICES REIMBURSEMENT 153696

Notwithstanding section 3317.064 of the Revised Code, if the 153697
unexpended, unencumbered cash balance is sufficient, the Treasurer 153698
of State shall transfer \$1,500,000 in fiscal year 2014 within 153699
thirty days after the effective date of this section, and 153700
\$1,500,000 in fiscal year 2015 by August 1, 2014, from the 153701
Auxiliary Services Personnel Unemployment Compensation Fund to the 153702
Auxiliary Services Reimbursement Fund (Fund 5980) used by the 153703
Department of Education. 153704

Section 263.320. LOTTERY PROFITS EDUCATION FUND 153705

Appropriation item 200612, Foundation Funding (Fund 7017), 153706
shall be used in conjunction with appropriation item 200550, 153707
Foundation Funding (GRF), to provide state foundation payments to 153708
school districts. 153709

The Department of Education, with the approval of the 153710
Director of Budget and Management, shall determine the monthly 153711
distribution schedules of appropriation item 200550, Foundation 153712
Funding (GRF), and appropriation item 200612, Foundation Funding 153713
(Fund 7017). If adjustments to the monthly distribution schedule 153714
are necessary, the Department of Education shall make such 153715
adjustments with the approval of the Director of Budget and 153716

Management. 153717

STRAIGHT A FUND 153718

Of the foregoing appropriation item, 200648, Straight A Fund, 153719
up to \$375,000 in each fiscal year shall be used to provide 153720
scholarships to parents of high needs children enrolled in the Get 153721
Ready for Kindergarten pilot program. These scholarships shall be 153722
administered as provided under the section of this act entitled 153723
"GET READY FOR KINDERGARTEN." 153724

Of the foregoing appropriation item 200648, Straight A Fund, 153725
up to \$500,000 in fiscal year 2014 and up to \$3,000,000 in fiscal 153726
year 2015 shall be used for the New Leaders for Ohio Schools Pilot 153727
Project in accordance with Section 733.40 of this act. 153728

Of the foregoing appropriation item 200648, Straight A Fund, 153729
up to \$70,000 in each fiscal year shall be used by Kids Unlimited 153730
of Toledo for quality after-school tutoring and mentoring programs 153731
in two elementary school buildings in Lucas County. The school 153732
buildings may include any community school, chartered nonpublic 153733
school, or building that is part of a city, local, or exempted 153734
village school district. Kids Unlimited of Toledo shall provide 153735
local matching funds equal to the set-aside. 153736

Of the foregoing appropriation item 200648, Straight A Fund, 153737
up to \$5,000,000 in fiscal year 2015 shall be used to support the 153738
implementation of the College Credit Plus Program established 153739
under Chapter 3365. of the Revised Code. 153740

Of the foregoing appropriation item 200648, Straight A Fund, 153741
up to \$250,000 in each fiscal year may be used to make competitive 153742
grants in accordance with Section 263.324 of this act. 153743

The remainder of appropriation item 200648, Straight A Fund, 153744
shall be used to make competitive grants in accordance with 153745
Section 263.325 of this act. 153746

EDCHOICE EXPANSION 153747

The foregoing appropriation item 200666, EdChoice Expansion, 153748
shall be used as follows: 153749

(A) In fiscal year 2014, notwithstanding section 3310.032 of 153750
the Revised Code, the Department of Education shall administer an 153751
expansion of the Educational Choice Scholarship program as 153752
follows: 153753

(1) A student is an "eligible student" for purposes of the 153754
expansion of the Educational Choice Scholarship Pilot Program 153755
under division (A) of this section if the student's resident 153756
district is not a school district in which the pilot project 153757
scholarship program is operating under sections 3313.974 to 153758
3313.979 of the Revised Code and the student's family income is at 153759
or below two hundred per cent of the federal poverty guidelines, 153760
as defined in section 5101.46 of the Revised Code. 153761

(2) The Department shall pay scholarships to attend chartered 153762
nonpublic schools in accordance with section 3310.08 of the 153763
Revised Code. The number of scholarships awarded under division 153764
(A) of this section shall not exceed the number that can be funded 153765
with appropriations made by the general assembly for this purpose. 153766

(3) Scholarships under division (A) of this section shall be 153767
awarded for the 2013-2014 school year, to eligible students who 153768
are entering kindergarten in that school year for the first time. 153769

(4) If the number of eligible students who apply for a 153770
scholarship exceeds the scholarships available based on the 153771
appropriation for division (A) of this section, the department 153772
shall award scholarships in the following order of priority: 153773

(a) First, to eligible students with family incomes at or 153774
below one hundred per cent of the federal poverty guidelines. 153775

(b) Second, to other eligible students who qualify under 153776

division (A) of this section. If the number of students described 153777
in division (A)(4)(b) of this section exceeds the number of 153778
available scholarships after awards are made under division 153779
(A)(4)(a) of this section, the department shall select students 153780
described in division (A)(4)(b) of this section by lot to receive 153781
any remaining scholarships. 153782

(5) A student who receives a scholarship under division (A) 153783
of this section remains an eligible student and may continue to 153784
receive scholarships under section 3310.032 of the Revised Code in 153785
subsequent school years until the student completes grade twelve, 153786
so long as the student satisfies the conditions specified in 153787
divisions (E)(2) and (3) of section 3310.03 of the Revised Code. 153788

Once a scholarship is awarded under this section, the student 153789
shall remain eligible for that scholarship for the current and 153790
subsequent school years, even if the student's family income rises 153791
above the amount specified in division (A) of section 3310.032 of 153792
the Revised Code, provided the student remains enrolled in a 153793
chartered nonpublic school. 153794

(B) In fiscal year 2015, to provide for the scholarships 153795
awarded under the expansion of the educational choice program 153796
established under section 3310.032 of the Revised Code. The number 153797
of scholarships awarded under the expansion of the educational 153798
choice program shall not exceed the number that can be funded with 153799
the appropriations made by the General Assembly for this purpose. 153800

COMMUNITY SCHOOL FACILITIES 153801

The foregoing appropriation item 200684, Community School 153802
Facilities, shall be used to pay each community school established 153803
under Chapter 3314. of the Revised Code that is not an internet- 153804
or computer-based community school and each STEM school 153805
established under Chapter 3326. of the Revised Code an amount 153806
equal to \$100 for each full-time equivalent pupil for assistance 153807

with the cost associated with facilities. If the amount 153808
appropriated is not sufficient, the Department of Education shall 153809
prorate the amounts so that the aggregate amount appropriated is 153810
not exceeded. 153811

Section 263.323. GET READY FOR KINDERGARTEN 153812

(A) A preschool is an "eligible preschool" for the purposes 153813
of this section if the preschool has a quality rating in the top 153814
two tiers of the tiered rating improvement system developed under 153815
division (C)(3)(d) of section 5104.30 of the Revised Code. 153816

(B) The Department of Education shall provide scholarships to 153817
parents of high needs children to enroll in eligible preschools as 153818
defined in division (A) of this section. 153819

(C) Scholarships under this section shall be awarded to 153820
students who are at least age three but are not of compulsory 153821
school age, as defined in section 3321.01 of the Revised Code, and 153822
who are not currently enrolled in kindergarten. Students who 153823
receive scholarships under this section shall enroll in eligible 153824
preschools between July 1, 2013, and December 31, 2013. 153825

Section 263.324. (A) A program that has applied for or 153826
received a Promise Neighborhood Implementation Grant from the 153827
United States Department of Education that is located in a city 153828
school district may apply to the Ohio Department of Education for 153829
a grant under this section. 153830

(B) To be eligible to receive a grant, a program shall meet 153831
either of the following criteria: 153832

(1) The program was awarded a Promise Neighborhood 153833
Implementation Grant in the year for which a grant is sought from 153834
the Ohio Department of Education. 153835

(2) The program applied to the United States Department of 153836

Education for a Promise Neighborhood Implementation Grant in 153837
either the year for which the state grant is sought or in the year 153838
prior to which the state grant is sought. 153839

(C) A program that receives a grant from the Ohio Department 153840
of Education under this section shall use the funds for 153841
administrative costs associated with the Promise Neighborhood 153842
Program. 153843

(D) Any program that receives a grant from the Ohio 153844
Department of Education under this section shall contribute local 153845
matching funds that are equal to the amount of the grant received 153846
by the Department. 153847

Section 263.325. (A) The Straight A Program is hereby created 153848
for fiscal years 2014 and 2015 to provide grants to city, local, 153849
exempted village, and joint vocational school districts, 153850
educational service centers, community schools established under 153851
Chapter 3314., STEM schools established under Chapter 3326., 153852
college-preparatory boarding schools established under Chapter 153853
3328. of the Revised Code, individual school buildings, education 153854
consortia (which may represent a partnership among school 153855
districts, school buildings, community schools, or STEM schools), 153856
institutions of higher education, and private entities partnering 153857
with one or more of the educational entities identified in this 153858
division for projects that aim to achieve significant advancement 153859
in one or more of the following goals: 153860

(1) Student achievement; 153861

(2) Spending reduction in the five-year fiscal forecast 153862
required under section 5705.391 of the Revised Code; 153863

(3) Utilization of a greater share of resources in the 153864
classroom. 153865

(B)(1) Grants shall be awarded by a nine-member governing 153866

board consisting of the Superintendent of Public Instruction, or 153867
the Superintendent's designee, four members appointed by the 153868
Governor, two members appointed by the Speaker of the House of 153869
Representatives, and two members appointed by the President of the 153870
Senate. The Department of Education shall provide administrative 153871
support to the board. No member shall be compensated for the 153872
member's service on the board. 153873

(2) The board may establish an advisory council consisting of 153874
grant advisors with fiscal expertise and education expertise. 153875
These advisors shall evaluate proposals from grant applicants, 153876
consult with the governing board regarding strategic planning, and 153877
advise the staff administering the program. No advisor shall be 153878
compensated for this service. 153879

(3) The board shall issue an annual report to the Governor, 153880
the Speaker of the House of Representatives, the President of the 153881
Senate, and the chairpersons of the House and Senate committees 153882
that primarily deal with education regarding the types of grants 153883
awarded, the grant recipients, and the effectiveness of the grant 153884
program. 153885

(4) The board shall create a grant application and publish on 153886
the Department's web site the application and timeline for the 153887
submission, review, notification, and awarding of grant proposals. 153888

(5) With the approval of the board, the Department shall 153889
establish a system for evaluating and scoring the grant 153890
applications received under this section. 153891

(C) Each grant applicant shall submit a proposal that 153892
includes all of the following: 153893

(1) A description of the project for which the applicant is 153894
seeking a grant, including a description of how the project will 153895
have substantial value and lasting impact; 153896

(2) An explanation of how the project will be 153897

self-sustaining. If the project will result in increased ongoing 153898
spending, the applicant shall show how the spending will be offset 153899
by verifiable, credible, permanent spending reductions. 153900

(3) A description of quantifiable results of the project that 153901
can be benchmarked. 153902

If an education consortia described in division (A) of this 153903
section applies for a grant, the lead applicant shall be the 153904
school district, school building, community school, or STEM school 153905
that is a member of the consortia and shall so indicate on the 153906
grant application. 153907

(D)(1) Within seventy-five days after receiving a grant 153908
application, the board shall issue a decision on the application 153909
of "yes," "no," "hold," or "edit." In making its decision, the 153910
board shall consider whether the project has the capability of 153911
being replicated in other school districts and schools or creates 153912
something that can be used in other districts and schools. 153913

(2) If the board issues a "hold" or "edit" decision for an 153914
application, it shall, upon returning the application to the 153915
applicant, specify the process for reconsideration of the 153916
application. An applicant may work with the grant advisors and 153917
staff to modify or improve a grant application. 153918

(E) Upon deciding to award a grant to an applicant, the board 153919
shall enter into a grant agreement with the applicant that 153920
includes all of the following: 153921

(1) The content of the applicant's proposal as outlined under 153922
division (C) of this section; 153923

(2) The project's deliverables and a timetable for their 153924
completion; 153925

(3) Conditions for receiving grant funding; 153926

(4) Conditions for receiving funding in future years if the 153927

contract is a multi-year contract; 153928

(5) A provision specifying that funding will be returned to 153929
the board if the applicant fails to implement the agreement, as 153930
determined by the Auditor of State. 153931

(6) A provision specifying that the agreement may be amended 153932
by mutual agreement between the board and the applicant. 153933

(F) Each grant awarded under this section shall be subject to 153934
approval by the Controlling Board prior to execution of the grant 153935
agreement. 153936

Section 263.330. LOTTERY PROFITS EDUCATION RESERVE FUND 153937

(A) There is hereby created the Lottery Profits Education 153938
Reserve Fund (Fund 7018) in the State Treasury. Investment 153939
earnings of the Lottery Profits Education Reserve Fund shall be 153940
credited to the fund. 153941

(B) Notwithstanding any other provision of law to the 153942
contrary, the Director of Budget and Management may transfer cash 153943
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 153944
in fiscal year 2014 and fiscal year 2015. 153945

(C) On July 15, 2013, or as soon as possible thereafter, the 153946
Director of the Ohio Lottery Commission shall certify to the 153947
Director of Budget and Management the amount by which lottery 153948
profit transfers received by Fund 7017 exceeded \$680,500,000 in 153949
fiscal year 2013. 153950

(D) On July 15, 2014, or as soon as possible thereafter, the 153951
Director of the Ohio Lottery Commission shall certify to the 153952
Director of Budget and Management the amount by which lottery 153953
profit transfers received by Fund 7017 exceeded \$841,000,000 in 153954
fiscal year 2014. 153955

(E) Notwithstanding any provision of law to the contrary, in 153956
fiscal year 2014 and fiscal year 2015, the Director of Budget and 153957

Management may transfer cash in excess of the amounts necessary to 153958
support appropriations in Fund 7017 from that fund to Fund 7018. 153959

Section 263.340. GENERAL REVENUE FUND TRANSFERS TO SCHOOL 153960
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 7047) 153961

Notwithstanding any provision of law to the contrary, in 153962
fiscal year 2014 and fiscal year 2015 the Director of Budget and 153963
Management may make temporary transfers between the General 153964
Revenue Fund and the School District Property Tax Replacement - 153965
Business Fund (Fund 7047), used by the Department of Education, to 153966
ensure sufficient balances in Fund 7047 and to replenish the 153967
General Revenue Fund for such transfers. 153968

Section 263.350. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 153969
BUSINESS 153970

The foregoing appropriation item 200909, School District 153971
Property Tax Replacement - Business, shall be used by the 153972
Department of Education, in consultation with the Department of 153973
Taxation, to make payments to school districts and joint 153974
vocational school districts under section 5751.21 of the Revised 153975
Code. If it is determined by the Director of Budget and Management 153976
that additional appropriations are necessary for this purpose, 153977
such amounts are hereby appropriated. 153978

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 153979

The foregoing appropriation item 200900, School District 153980
Property Tax Replacement-Utility, shall be used by the Department 153981
of Education, in consultation with the Department of Taxation, to 153982
make payments to school districts and joint vocational school 153983
districts under section 5727.85 of the Revised Code. If it is 153984
determined by the Director of Budget and Management that 153985
additional appropriations are necessary for this purpose, such 153986
amounts are hereby appropriated. 153987

DISTRIBUTION FORMULAS	153988
The Department of Education shall report the following to the	153989
Director of Budget and Management and the Legislative Service	153990
Commission:	153991
(A) Changes in formulas for distributing state	153992
appropriations, including administratively defined formula	153993
factors;	153994
(B) Discretionary changes in formulas for distributing	153995
federal appropriations;	153996
(C) Federally mandated changes in formulas for distributing	153997
federal appropriations.	153998
Any such changes shall be reported two weeks prior to the	153999
effective date of the change.	154000
Section 263.360. EDUCATIONAL SERVICE CENTERS FUNDING	154001
In fiscal year 2014, the Department of Education shall pay	154002
the governing board of each primary educational service center	154003
state funds equal to thirty-seven dollars times its student count,	154004
as calculated under division (G)(1) of section 3313.843 of the	154005
Revised Code.	154006
In fiscal year 2015, the Department of Education shall pay	154007
the governing board of each primary educational service center	154008
state funds equal to thirty-five dollars times its student count,	154009
as calculated under division (G)(1) of section 3313.843 of the	154010
Revised Code.	154011
If the amount earmarked for the state reimbursement of	154012
educational service centers in appropriation item 200550,	154013
Foundation Funding, is not sufficient, the Department of Education	154014
shall prorate the payment amounts so that the appropriation is not	154015
exceeded.	154016

Notwithstanding any provision of law to the contrary, the Department of Education shall modify the payments under this section as follows:

(A) If an educational service center ceases operation, the Department shall redistribute that center's funding, as calculated under this section, to the remaining centers in proportion to each center's service center ADM as defined in former section 3317.11 of the Revised Code, as that section existed prior to the date of its repeal.

(B) If two or more educational service centers merge operations to create a single service center, the Department shall distribute the sum of the original service centers' funding, as calculated under this section, to the new service center.

Section 263.370. SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATION PROGRESS

The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the administration of the National Assessment of Education Progress in accordance with section 3301.27 of the Revised Code. Each school and school district selected for participation by the Superintendent of Public Instruction shall participate.

Section 263.373. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH STUDENTS

(A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(2) "SBH student" means a student receiving special education and related services for severe behavior disabilities pursuant to an IEP.

(B) This section applies only to a community school 154046
established under Chapter 3314. of the Revised Code that in each 154047
of fiscal years 2014 and 2015 enrolls a number of SBH students 154048
equal to at least fifty per cent of the total number of students 154049
enrolled in the school in the applicable fiscal year. 154050

(C) In addition to any state foundation payments made, in 154051
each of fiscal years 2014 and 2015, the Department of Education 154052
shall pay to a community school to which this section applies a 154053
subsidy equal to the difference between the aggregate amount 154054
calculated and paid in that fiscal year to the community school 154055
for special education and related services additional weighted 154056
costs for the SBH students enrolled in the school and the 154057
aggregate amount that would have been calculated for the school 154058
for special education and related services additional weighted 154059
costs for those same students in fiscal year 2001. If the 154060
difference is a negative number, the amount of the subsidy shall 154061
be zero. 154062

(D) The amount of any subsidy paid to a community school 154063
under this section shall not be deducted from the school district 154064
in which any of the students enrolled in the community school are 154065
entitled to attend school under section 3313.64 or 3313.65 of the 154066
Revised Code. The amount of any subsidy paid to a community school 154067
under this section shall be paid from funds appropriated to the 154068
Department of Education in appropriation item 200550, Foundation 154069
Funding. 154070

Section 263.380. EARMARK ACCOUNTABILITY 154071

At the request of the Superintendent of Public Instruction, 154072
any entity that receives a budget earmark under the Department of 154073
Education shall submit annually to the chairpersons of the 154074
committees of the House of Representatives and the Senate 154075
primarily concerned with education and to the Department of 154076

Education a report that includes a description of the services 154077
supported by the funds, a description of the results achieved by 154078
those services, an analysis of the effectiveness of the program, 154079
and an opinion as to the program's applicability to other school 154080
districts. For an earmarked entity that received state funds from 154081
an earmark in the prior fiscal year, no funds shall be provided by 154082
the Department of Education to an earmarked entity for a fiscal 154083
year until its report for the prior fiscal year has been 154084
submitted. 154085

Section 263.390. COMMUNITY SCHOOL OPERATING FROM HOME 154086

A community school established under Chapter 3314. of the 154087
Revised Code that was open for operation as a community school as 154088
of May 1, 2005, may operate from or in any home, as defined in 154089
section 3313.64 of the Revised Code, located in the state, 154090
regardless of when the community school's operations from or in a 154091
particular home began. 154092

Section 263.400. USE OF VOLUNTEERS 154093

The Department of Education may utilize the services of 154094
volunteers to accomplish any of the purposes of the Department. 154095
The Superintendent of Public Instruction shall approve for what 154096
purposes volunteers may be used and for these purposes may 154097
recruit, train, and oversee the services of volunteers. The 154098
Superintendent may reimburse volunteers for necessary and 154099
appropriate expenses in accordance with state guidelines and may 154100
designate volunteers as state employees for the purpose of motor 154101
vehicle accident liability insurance under section 9.83 of the 154102
Revised Code, for immunity under section 9.86 of the Revised Code, 154103
and for indemnification from liability incurred in the performance 154104
of their duties under section 9.87 of the Revised Code. 154105

Section 263.410. RESTRICTION OF LIABILITY FOR CERTAIN 154106

REIMBURSEMENTS	154107
(A) Except as expressly required under a court judgment not subject to further appeals, or a settlement agreement with a school district executed on or before June 1, 2009, in the case of a school district for which the formula ADM for fiscal year 2005, as reported for that fiscal year under division (A) of section 3317.03 of the Revised Code, was reduced based on enrollment reports for community schools, made under section 3314.08 of the Revised Code, regarding students entitled to attend school in the district, which reduction of formula ADM resulted in a reduction of foundation funding or transitional aid funding for fiscal year 2005, 2006, or 2007, no school district, except a district named in the court's judgment or the settlement agreement, shall have a legal claim for reimbursement of the amount of such reduction in foundation funding or transitional aid funding, and the state shall not have liability for reimbursement of the amount of such reduction in foundation funding or transitional aid funding.	154108 154109 154110 154111 154112 154113 154114 154115 154116 154117 154118 154119 154120 154121 154122 154123
(B) As used in this section:	154124
(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.	154125 154126
(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.	154127 154128 154129
(3) "Foundation funding" means payments calculated for the respective fiscal year under Chapter 3317. of the Revised Code.	154130 154131
(4) "Transitional aid funding" means payments calculated for the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended; Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119	154132 154133 154134 154135 154136

of the 127th General Assembly. 154137

Section 263.420. UNAUDITABLE COMMUNITY SCHOOL 154138

(A) If the Auditor of State or a public accountant, pursuant 154139
to section 117.41 of the Revised Code, declares a community school 154140
established under Chapter 3314. of the Revised Code to be 154141
unauditable, the Auditor of State shall provide written 154142
notification of that declaration to the school, the school's 154143
sponsor, and the Department of Education. The Auditor of State 154144
also shall post the notification on the Auditor of State's web 154145
site. 154146

(B) Notwithstanding any provision to the contrary in Chapter 154147
3314. of the Revised Code or any other provision of law, a sponsor 154148
of a community school that is notified by the Auditor of State 154149
under division (A) of this section that a community school it 154150
sponsors is unauditabile shall not enter into contracts with any 154151
additional community schools under section 3314.03 of the Revised 154152
Code until the Auditor of State or a public accountant has 154153
completed a financial audit of that school. 154154

(C) Not later than forty-five days after receiving 154155
notification by the Auditor of State under division (A) of this 154156
section that a community school is unauditabile, the sponsor of the 154157
school shall provide a written response to the Auditor of State. 154158
The response shall include the following: 154159

(1) An overview of the process the sponsor will use to review 154160
and understand the circumstances that led to the community school 154161
becoming unauditabile; 154162

(2) A plan for providing the Auditor of State with the 154163
documentation necessary to complete an audit of the community 154164
school and for ensuring that all financial documents are available 154165
in the future; 154166

(3) The actions the sponsor will take to ensure that the plan 154167
described in division (C)(2) of this section is implemented. 154168

(D) If a community school fails to make reasonable efforts 154169
and continuing progress to bring its accounts, records, files, or 154170
reports into an auditable condition within ninety days after being 154171
declared unauditabile, the Auditor of State, in addition to 154172
requesting legal action under sections 117.41 and 117.42 of the 154173
Revised Code, shall notify the Department of the school's failure. 154174
If the Auditor of State or a public accountant subsequently is 154175
able to complete a financial audit of the school, the Auditor of 154176
State shall notify the Department that the audit has been 154177
completed. 154178

(E) Notwithstanding any provision to the contrary in Chapter 154179
3314. of the Revised Code or any other provision of law, upon 154180
notification by the Auditor of State under division (D) of this 154181
section that a community school has failed to make reasonable 154182
efforts and continuing progress to bring its accounts, records, 154183
files, or reports into an auditable condition following a 154184
declaration that the school is unauditabile, the Department shall 154185
immediately cease all payments to the school under Chapter 3314. 154186
of the Revised Code and any other provision of law. Upon 154187
subsequent notification from the Auditor of State under that 154188
division that the Auditor of State or a public accountant was able 154189
to complete a financial audit of the community school, the 154190
Department shall release all funds withheld from the school under 154191
this section. 154192

Section 263.430. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 154193

In collaboration with the County Family and Children First 154194
Council, a city, local, or exempted village school district, 154195
community school, STEM school, joint vocational school district, 154196
educational service center, or county board of developmental 154197

disabilities that receives allocations from the Department of 154198
Education from appropriation item 200550, Foundation Funding, or 154199
appropriation item 200540, Special Education Enhancements, may 154200
transfer portions of those allocations to a flexible funding pool 154201
authorized by the Section of this act entitled "FAMILY AND 154202
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 154203
maintenance of effort or for federal or state funding matching 154204
requirements shall not be transferred unless the allocation may 154205
still be used to meet such requirements. 154206

Section 263.440. The Department of Education shall conduct a 154207
formative evaluation of the Jon Peterson Special Needs Scholarship 154208
Program established under sections 3310.51 to 3310.64 of the 154209
Revised Code and shall report its findings to the General 154210
Assembly, in accordance with section 101.68 of the Revised Code, 154211
not later than December 31, 2014. 154212

In conducting the evaluation, the Department shall to the 154213
extent possible gather comments from parents who have been awarded 154214
scholarships under the program, school district officials, 154215
representatives of registered private providers, educators, and 154216
representatives of educational organizations for inclusion in the 154217
report required under this section. 154218

The Department may contract with one or more qualified 154219
researchers who have previous experience evaluating school choice 154220
programs to conduct this study. The Department may accept grants 154221
to assist in funding this study. 154222

Section 263.443. Notwithstanding anything to the contrary in 154223
section 3310.52 of the Revised Code, during the fall 2013 154224
application period for the Jon Peterson Special Needs Scholarship 154225
Program established under sections 3310.51 to 3310.64 of the 154226
Revised Code, the Department of Education shall not accept any 154227

applications from students who have not received a scholarship 154228
from the program in the previous or current school year. 154229

Section 263.450. (A) The Ohio Open Enrollment Task Force is 154230
hereby established to review and make recommendations on open 154231
enrollment. The Superintendent of Public Instruction shall consult 154232
with the Governor's Office of 21st Century Education to convene a 154233
taskforce that consists of representatives from school districts 154234
that represent all sectors of Ohio's educational community. 154235

(B) The Superintendent shall designate the chairperson of the 154236
Task Force. All meetings of the Task Force shall be held at the 154237
call of the chairperson. 154238

(C) The Task Force shall review and make recommendations 154239
regarding the process by which students may enroll in other school 154240
districts under open enrollment and the funding mechanisms 154241
associated with open enrollment deductions and credits. 154242

(D) Not later than December 31, 2013, the Task Force shall 154243
issue a report of its findings and recommendations to the 154244
Governor, the President of the Senate, and the Speaker of the 154245
House of Representatives. Upon issuance of the report, the Task 154246
Force shall cease to exist. 154247

Section 263.470. (A) On July 1, 2013, or as soon as possible 154248
thereafter, notwithstanding any provision of law to the contrary, 154249
and if requested by the Department of Education, the Director of 154250
Budget and Management shall make budget changes made necessary by 154251
the transfer of the operations and related management functions of 154252
the eTech Ohio Commission to the Department of Education, if any, 154253
including administrative organization, program transfers, the 154254
creation of new funds, the transfer of state funds, and the 154255
consolidation of funds, as authorized by this section. The 154256
Director of Budget and Management may, if necessary, establish 154257

encumbrances or parts of encumbrances in the fiscal year 2014-2015 154258
biennium in the appropriate fund and appropriation item for the 154259
same purpose and for payment to the same vendor. The established 154260
encumbrances plus any additional amounts determined to be 154261
necessary for the Ohio Department of Education to perform the 154262
operations and related management functions of the eTech Ohio 154263
Commission are hereby appropriated. 154264

(B) Effective July 1, 2013, the Director of Budget and 154265
Management shall cancel any existing encumbrances against 154266
appropriation item 935607, Gates Foundation Grants, and 154267
re-establish them against appropriation item 200668, Gates 154268
Foundation Grants. The re-established encumbrance amounts are 154269
hereby appropriated. Any business commenced but not completed 154270
under appropriation item 935607 by July 1, 2013, shall be 154271
completed under appropriation item 200668 in the same manner and 154272
with the same effect as if it were completed with regard to 154273
appropriation item 935607. 154274

(C) Effective July 1, 2013, the Director of Budget and 154275
Management shall cancel existing encumbrances against 154276
appropriation item 935408, General Operations, and re-establish 154277
them, as determined to be appropriate by the Director of Budget 154278
and Management, against appropriation item 200464, General 154279
Technology Operations. The re-established encumbrance amounts are 154280
hereby appropriated. Any business commenced but not completed 154281
under appropriation item 935408 by July 1, 2013, shall be 154282
completed, as determined to be appropriate by the Director of 154283
Budget and Management, under appropriation item 200464 in the same 154284
manner and with the same effect as if it were completed with 154285
regard to appropriation item 935408. 154286

(D) Effective July 1, 2013, the Director of Budget and 154287
Management shall cancel existing encumbrances against 154288

appropriation item 935411, Technology Integration and Professional 154289
Development, and re-establish them, as determined to be 154290
appropriate by the Director of Budget and Management, against 154291
appropriation item 200465, Technology Integration and Professional 154292
Development. The re-established encumbrance amounts are hereby 154293
appropriated. Any business commenced but not completed under 154294
appropriation item 935411 by July 1, 2013, shall be completed, as 154295
determined to be appropriate by the Director of Budget and 154296
Management, under appropriation item 200465 in the same manner and 154297
with the same effect as if it were completed with regard to 154298
appropriation item 935411. 154299

(E) There is hereby created the Educational Technology 154300
Practice Office as a cross-functional office comprised of 154301
employees of the Ohio Board of Regents and the Department of 154302
Education, including former employees of the eTech Ohio Commission 154303
transferred to the Ohio Board of Regents and the Department of 154304
Education. The Office shall work with educational service centers 154305
and information technology centers to develop digital learning, 154306
blended learning, and professional development materials using 154307
shared infrastructure. The Office shall also evaluate new 154308
educational technology and methodologies of teaching and learning 154309
and work with educators to increase awareness of such new 154310
technology and methodologies shown to be helpful to Ohio students. 154311

Section 263.473. Notwithstanding section 3321.01 of the 154312
Revised Code, no student who has been admitted to and has 154313
successfully completed kindergarten in the 2012-2013 school year 154314
shall be required to repeat kindergarten based solely on the age 154315
of the student. 154316

Section 263.480. PRIVATE TREATMENT FACILITY PROJECT 154317

(A) As used in this section: 154318

(1) The following are "participating residential treatment centers":	154319 154320
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2014 or fiscal year 2015 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;	154321 154322 154323 154324 154325 154326
(b) Abraxas, in Shelby;	154327
(c) Paint Creek, in Bainbridge;	154328
(d) F.I.R.S.T., in Mansfield.	154329
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	154330 154331 154332
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	154333 154334
(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.	154335 154336 154337 154338 154339
(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.	154340 154341 154342
(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria	154343 154344 154345 154346 154347 154348

established for such programs by the Department of Education. The 154349
educational program shall be provided by a school district or 154350
educational service center, or by the residential facility itself. 154351
Maximum flexibility shall be given to the residential treatment 154352
facility to determine the provider. In the event that a voluntary 154353
agreement cannot be reached and the residential facility does not 154354
choose to provide the educational program, the educational service 154355
center in the county in which the facility is located shall 154356
provide the educational program at the treatment center to 154357
children under twenty-two years of age residing in the treatment 154358
center. 154359

(C) Any school district responsible for tuition for a 154360
residential child shall, notwithstanding any conflicting provision 154361
of the Revised Code regarding tuition payment, pay tuition for the 154362
child for fiscal year 2014 and fiscal year 2015 to the education 154363
program provider and in the amount specified in this division. If 154364
there is no school district responsible for tuition for a 154365
residential child and if the participating residential treatment 154366
center to which the child is assigned is located in the city, 154367
exempted village, or local school district that, if the child were 154368
not a resident of that treatment center, would be the school 154369
district where the child is entitled to attend school under 154370
sections 3313.64 and 3313.65 of the Revised Code, that school 154371
district, notwithstanding any conflicting provision of the Revised 154372
Code, shall pay tuition for the child for fiscal year 2014 and 154373
fiscal year 2015 under this division unless that school district 154374
is providing the educational program to the child under division 154375
(B) of this section. 154376

A tuition payment under this division shall be made to the 154377
school district, educational service center, or residential 154378
treatment facility providing the educational program to the child. 154379

The amount of tuition paid shall be: 154380

(1) The amount of tuition determined for the district under 154381
division (A) of section 3317.08 of the Revised Code; 154382

(2) In addition, for any student receiving special education 154383
pursuant to an individualized education program as defined in 154384
section 3323.01 of the Revised Code, a payment for excess costs. 154385
This payment shall equal the actual cost to the school district, 154386
educational service center, or residential treatment facility of 154387
providing special education and related services to the student 154388
pursuant to the student's individualized education program, minus 154389
the tuition paid for the child under division (C)(1) of this 154390
section. 154391

A school district paying tuition under this division shall 154392
not include the child for whom tuition is paid in the district's 154393
average daily membership certified under division (A) of section 154394
3317.03 of the Revised Code. 154395

(D) In each of fiscal years 2014 and 2015, the Department of 154396
Education shall reimburse, from appropriations made for the 154397
purpose, a school district, educational service center, or 154398
residential treatment facility, whichever is providing the 154399
service, that has demonstrated that it is in compliance with the 154400
funding criteria for each served child for whom a school district 154401
must pay tuition under division (C) of this section. The amount of 154402
the reimbursement shall be the amount appropriated for this 154403
purpose divided by the full-time equivalent number of children for 154404
whom reimbursement is to be made. 154405

(E) Funds provided to a school district, educational service 154406
center, or residential treatment facility under this section shall 154407
be used to supplement, not supplant, funds from other public 154408
sources for which the school district, service center, or 154409
residential treatment facility is entitled or eligible. 154410

(F) The Department of Education shall track the utilization 154411

of funds provided to school districts, educational service 154412
centers, and residential treatment facilities under this section 154413
and monitor the effect of the funding on the educational programs 154414
they provide in participating residential treatment facilities. 154415
The Department shall monitor the programs for educational 154416
accountability. 154417

Section 265.10. ELC OHIO ELECTIONS COMMISSION 154418

General Revenue Fund 154419
GRF 051321 Operating Expenses \$ 333,117 \$ 333,117 154420
TOTAL GRF General Revenue Fund \$ 333,117 \$ 333,117 154421
General Services Fund Group 154422
4P20 051601 Ohio Elections \$ 225,000 \$ 225,000 154423
Commission Fund
TOTAL GSF General Services Fund \$ 225,000 \$ 225,000 154424
Group
TOTAL ALL BUDGET FUND GROUPS \$ 558,117 \$ 558,117 154425

Section 267.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 154427

DIRECTORS 154428
General Services Fund Group 154429
4K90 881609 Operating Expenses \$ 737,000 \$ 741,000 154430
TOTAL GSF General Services 154431
Fund Group \$ 737,000 \$ 741,000 154432
TOTAL ALL BUDGET FUND GROUPS \$ 737,000 \$ 741,000 154433

Section 269.10. PAY EMPLOYEE BENEFITS FUNDS 154435

Accrued Leave Liability Fund Group 154436
8060 995666 Accrued Leave Fund \$ 73,494,242 \$ 74,964,127 154437
8070 995667 Disability Fund \$ 26,593,747 \$ 27,345,147 154438
TOTAL ALF Accrued Leave Liability 154439
Fund Group \$ 100,087,989 \$ 102,309,274 154440

Agency Fund Group					154441
1240 995673	Payroll Deductions	\$ 775,712,468	\$ 814,498,091		154442
8080 995668	State Employee Health	\$ 689,654,314	\$ 758,608,963		154443
	Benefit Fund				
8090 995669	Dependent Care	\$ 2,967,711	\$ 3,116,097		154444
	Spending Account				
8100 995670	Life Insurance	\$ 2,143,053	\$ 2,143,053		154445
	Investment Fund				
8110 995671	Parental Leave	\$ 3,668,471	\$ 3,741,840		154446
	Benefit Fund				
8130 995672	Health Care Spending	\$ 8,033,020	\$ 8,434,671		154447
	Account				
TOTAL AGY Agency Fund Group		\$ 1,482,179,037	\$ 1,590,542,715		154448
					154449
TOTAL ALL BUDGET FUND GROUPS		\$ 1,582,267,026	\$ 1,692,851,989		154450

ACCRUED LEAVE LIABILITY FUND 154451

The foregoing appropriation item 995666, Accrued Leave Fund, 154452
shall be used to make payments from the Accrued Leave Liability 154453
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 154454
If it is determined by the Director of Budget and Management that 154455
additional amounts are necessary, the amounts are hereby 154456
appropriated. 154457

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 154458

The foregoing appropriation item 995667, Disability Fund, 154459
shall be used to make payments from the State Employee Disability 154460
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 154461
Revised Code. If it is determined by the Director of Budget and 154462
Management that additional amounts are necessary, the amounts are 154463
hereby appropriated. 154464

PAYROLL DEDUCTION FUND 154465

The foregoing appropriation item 995673, Payroll Deductions, 154466

shall be used to make payments from the Payroll Deduction Fund 154467
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 154468
is determined by the Director of Budget and Management that 154469
additional appropriation amounts are necessary, the amounts are 154470
hereby appropriated. 154471

STATE EMPLOYEE HEALTH BENEFIT FUND 154472

The foregoing appropriation item 995668, State Employee 154473
Health Benefit Fund, shall be used to make payments from the State 154474
Employee Health Benefit Fund (Fund 8080) pursuant to section 154475
124.87 of the Revised Code. If it is determined by the Director of 154476
Budget and Management that additional amounts are necessary, the 154477
amounts are hereby appropriated. 154478

DEPENDENT CARE SPENDING FUND 154479

The foregoing appropriation item 995669, Dependent Care 154480
Spending Account, shall be used to make payments from the 154481
Dependent Care Spending Fund (Fund 8090) to employees eligible for 154482
dependent care expenses pursuant to section 124.822 of the Revised 154483
Code. If it is determined by the Director of Budget and Management 154484
that additional amounts are necessary, the amounts are hereby 154485
appropriated. 154486

LIFE INSURANCE INVESTMENT FUND 154487

The foregoing appropriation item 995670, Life Insurance 154488
Investment Fund, shall be used to make payments from the Life 154489
Insurance Investment Fund (Fund 8100) for the costs and expenses 154490
of the state's life insurance benefit program pursuant to section 154491
125.212 of the Revised Code. If it is determined by the Director 154492
of Budget and Management that additional amounts are necessary, 154493
the amounts are hereby appropriated. 154494

PARENTAL LEAVE BENEFIT FUND 154495

The foregoing appropriation item 995671, Parental Leave 154496

Benefit Fund, shall be used to make payments from the Parental 154497
Leave Benefit Fund (Fund 8110) to employees eligible for parental 154498
leave benefits pursuant to section 124.137 of the Revised Code. If 154499
it is determined by the Director of Budget and Management that 154500
additional amounts are necessary, the amounts are hereby 154501
appropriated. 154502

HEALTH CARE SPENDING ACCOUNT FUND 154503

The foregoing appropriation item 995672, Health Care Spending 154504
Account, shall be used to make payments from the Health Care 154505
Spending Account Fund (Fund 8130) for payments pursuant to state 154506
employees' participation in a flexible spending account for 154507
non-reimbursed health care expenses and section 124.821 of the 154508
Revised Code. If it is determined by the Director of 154509
Administrative Services that additional appropriation amounts are 154510
necessary, the Director of Administrative Services may request 154511
that the Director of Budget and Management increase such amounts. 154512
Such amounts are hereby appropriated. 154513

Section 269.20. CASH TRANSFERS FROM THE COST SAVINGS FUND 154514

On July 1, 2013, or as soon as possible thereafter, the 154515
Director of Budget and Management shall transfer \$735,000 cash 154516
from the Cost Savings Fund (Fund 8140) to the Investment Recovery 154517
Fund (Fund 4270) used by the Department of Administrative 154518
Services, and up to \$5,200,000 cash from the Cost Savings Fund 154519
(Fund 8140) to the Accrued Leave Fund (Fund 8060) in order to 154520
support accrued leave payouts to state employees who are 154521
participating in an annual leave conversion or who are separating 154522
from state service. 154523

Section 271.10. ERB STATE EMPLOYMENT RELATIONS BOARD 154524

General Revenue Fund 154525

GRF 125321 Operating Expenses \$ 3,761,457 \$ 3,761,457 154526

TOTAL GRF General Revenue Fund	\$	3,761,457	\$	3,761,457	154527
General Services Fund Group					154528
5720 125603 Training and Publications	\$	85,000	\$	85,000	154529
TOTAL GSF General Services					154530
Fund Group	\$	85,000	\$	85,000	154531
TOTAL ALL BUDGET FUND GROUPS	\$	3,846,457	\$	3,846,457	154532
 Section 273.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS					154534
General Services Fund Group					154535
4K90 892609 Operating	\$	996,938	\$	993,889	154536
TOTAL GSF General Services					154537
Fund Group	\$	996,938	\$	993,889	154538
TOTAL ALL BUDGET FUND GROUPS	\$	996,938	\$	993,889	154539
 Section 275.10. EPA ENVIRONMENTAL PROTECTION AGENCY					154541
General Revenue Fund					154542
GRF 715502 Auto Emissions e-Check Program	\$	10,923,093	\$	10,923,093	154543
TOTAL GRF General Revenue Fund	\$	10,923,093	\$	10,923,093	154544
General Services Fund Group					154545
1990 715602 Laboratory Services	\$	252,153	\$	326,029	154546
2190 715604 Central Support Indirect	\$	10,255,680	\$	10,255,680	154547
4A10 715640 Operating Expenses	\$	2,600,000	\$	2,602,000	154548
4D50 715618 Recycled State Materials	\$	50,000	\$	50,000	154549
TOTAL GSF General Services					154550
Fund Group	\$	13,157,833	\$	13,233,709	154551
Federal Special Revenue Fund Group					154552
3530 715612 Public Water Supply	\$	2,562,578	\$	2,474,605	154553
3540 715614 Hazardous Waste	\$	4,088,383	\$	4,088,383	154554

		Management - Federal				
3570	715619	Air Pollution Control	\$	6,310,203	\$	6,310,203 154555
		- Federal				
3620	715605	Underground Injection	\$	111,874	\$	111,874 154556
		Control - Federal				
3BU0	715684	Water Quality	\$	16,205,000	\$	15,280,000 154557
		Protection				
3CS0	715688	Federal NRD	\$	200,000	\$	200,000 154558
		Settlements				
3F20	715630	Revolving Loan Fund -	\$	832,543	\$	1,114,543 154559
		Operating				
3F30	715632	Federally Supported	\$	3,012,021	\$	3,012,991 154560
		Cleanup and Response				
3FH0	715693	Diesel Emission	\$	10,000,000	\$	10,000,000 154561
		Reduction Grants				
3T30	715669	Drinking Water State	\$	2,609,198	\$	2,824,076 154562
		Revolving Fund				
3V70	715606	Agencywide Grants	\$	600,000	\$	600,000 154563
TOTAL FED		Federal Special Revenue				154564
Fund Group			\$	46,531,800	\$	46,016,675 154565
State Special Revenue		Fund Group				154566
4J00	715638	Underground Injection	\$	389,126	\$	402,697 154567
		Control				
4K20	715648	Clean Air - Non Title	\$	3,165,400	\$	3,237,450 154568
		V				
4K30	715649	Solid Waste	\$	15,685,342	\$	16,330,873 154569
4K40	715650	Surface Water	\$	6,993,800	\$	7,688,800 154570
		Protection				
4K40	715686	Environmental	\$	2,096,007	\$	2,096,007 154571
		Laboratory Services				
4K50	715651	Drinking Water	\$	6,316,772	\$	6,476,011 154572
		Protection				
4P50	715654	Cozart Landfill	\$	100,000	\$	100,000 154573

4R50	715656	Scrap Tire Management	\$	1,059,378	\$	1,070,532	154574
4R90	715658	Voluntary Action Program	\$	916,690	\$	945,195	154575
4T30	715659	Clean Air - Title V Permit Program	\$	14,528,885	\$	15,080,366	154576
4U70	715660	Construction and Demolition Debris	\$	335,000	\$	335,000	154577
5000	715608	Immediate Removal Special Account	\$	660,033	\$	660,293	154578
5030	715621	Hazardous Waste Facility Management	\$	7,615,403	\$	8,224,041	154579
5050	715623	Hazardous Waste Cleanup	\$	14,528,609	\$	14,933,345	154580
5050	715674	Clean Ohio Environmental Review	\$	108,104	\$	108,104	154581
5320	715646	Recycling and Litter Control	\$	4,514,500	\$	4,535,500	154582
5410	715670	Site Specific Cleanup	\$	1,548,101	\$	1,548,101	154583
5420	715671	Risk Management Reporting	\$	208,936	\$	214,826	154584
5860	715637	Scrap Tire Market Development	\$	1,497,645	\$	1,497,645	154585
5BC0	715617	Clean Ohio	\$	611,455	\$	611,455	154586
5BC0	715622	Local Air Pollution Control	\$	2,297,980	\$	2,297,980	154587
5BC0	715624	Surface Water	\$	9,614,974	\$	9,614,974	154588
5BC0	715672	Air Pollution Control	\$	5,684,758	\$	5,684,758	154589
5BC0	715673	Drinking and Ground Water	\$	4,863,521	\$	4,863,521	154590
5BC0	715676	Assistance and Prevention	\$	695,069	\$	695,069	154591
5BC0	715677	Laboratory	\$	1,358,586	\$	1,558,586	154592
5BC0	715678	Corrective Actions	\$	705,423	\$	705,423	154593

5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	154594
5BC0	715692	Administration	\$	10,582,627	\$	10,582,627	154595
5BC0	715694	Environmental Resource Coordination	\$	170,000	\$	170,000	154596
5BT0	715679	C&DD Groundwater Monitoring	\$	203,800	\$	203,800	154597
5CD0	715682	Clean Diesel School Buses	\$	475,000	\$	475,000	154598
5H40	715664	Groundwater Support	\$	128,212	\$	223,212	154599
5Y30	715685	Surface Water Improvement	\$	1,800,000	\$	1,800,000	154600
6440	715631	Emergency Response Radiological Safety	\$	284,266	\$	290,674	154601
6600	715629	Infectious Waste Management	\$	88,764	\$	88,764	154602
6760	715642	Water Pollution Control Loan Administration	\$	3,921,605	\$	3,921,605	154603
6780	715635	Air Toxic Release	\$	133,636	\$	133,636	154604
6790	715636	Emergency Planning	\$	2,623,252	\$	2,623,252	154605
6960	715643	Air Pollution Control Administration	\$	1,100,000	\$	1,125,000	154606
6990	715644	Water Pollution Control Administration	\$	345,000	\$	345,000	154607
6A10	715645	Environmental Education	\$	1,350,000	\$	1,350,000	154608
TOTAL SSR		State Special Revenue	\$	131,755,659	\$	135,299,122	154609
Fund Group							
Clean Ohio Conservation Fund Group							154610
5S10	715607	Clean Ohio - Operating	\$	284,124	\$	284,124	154611
TOTAL CLF		Clean Ohio Conservation	\$	284,124	\$	284,124	154612

Section 278.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION				154643
General Revenue Fund				154644
GRF	935401	Statehouse News	\$ 215,561 \$ 215,561	154645
Bureau				
GRF	935402	Ohio Government	\$ 1,252,089 \$ 1,252,089	154646
Telecommunications				
Services				
GRF	935408	General Operations	\$ 495,000 \$ 495,000	154647
GRF	935409	Technology Operations	\$ 2,743,962 \$ 2,743,962	154648
GRF	935410	Content Development,	\$ 2,607,094 \$ 2,607,094	154649
Acquisition, and				
Distribution				
GRF	935412	Information	\$ 500,000 \$ 500,000	154650
Technology				
TOTAL GRF	General Revenue Fund		\$ 7,813,706 \$ 7,813,706	154651
General Services Fund Group				154652
4F30	935603	Affiliate Services	\$ 50,000 \$ 50,000	154653
4T20	935605	Government	\$ 25,000 \$ 25,000	154654
Television/Telecommunications				
Operating				
TOTAL GSF	General Services Fund		\$ 75,000 \$ 75,000	154655
Group				
State Special Revenue Fund Group				154656
5FK0	935608	Media Services	\$ 491,373 \$ 491,373	154657
TOTAL SSR	State Special Revenue		\$ 491,373 \$ 491,373	154658
Fund Group				
TOTAL ALL BUDGET FUND GROUPS			\$ 8,380,079 \$ 8,380,079	154659
 Section 278.20. STATEHOUSE NEWS BUREAU				154661
The foregoing appropriation item 935401, Statehouse News				154662
Bureau, shall be used solely to support the operations of the Ohio				154663

Statehouse News Bureau.	154664
OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES	154665
The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions.	154666 154667 154668 154669 154670 154671 154672
TECHNOLOGY OPERATIONS	154673
The foregoing appropriation item 935409, Technology Operations, shall be used by the Broadcast Educational Media Commission to pay expenses of the network infrastructure, which includes the television and radio transmission infrastructure and infrastructure that shall link all public K-12 classrooms to each other and to the Internet, and provide access to voice, video, other communication services, and data educational resources for students and teachers.	154674 154675 154676 154677 154678 154679 154680 154681
CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION	154682
The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online.	154683 154684 154685 154686 154687
Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$658,099 in each fiscal year shall be allocated equally among the Ohio educational television stations. Funds shall be used for the production of interactive instructional programming series with priority given to resources aligned with state academic content standards. The programming shall be targeted to the needs of the poorest two	154688 154689 154690 154691 154692 154693 154694

hundred school districts as determined by the district's adjusted 154695
valuation per pupil as defined in former section 3317.0213 of the 154696
Revised Code as that section existed prior to June 30, 2005. 154697

Of the foregoing appropriation item 935410, Content 154698
Development, Acquisition, and Distribution, up to \$1,749,283 in 154699
each fiscal year shall be distributed by the Broadcast Educational 154700
Media Commission to Ohio's qualified public educational television 154701
stations and educational radio stations to support their 154702
operations. The funds shall be distributed pursuant to an 154703
allocation formula used by the Ohio Educational Telecommunications 154704
Network Commission unless a substitute formula is developed by the 154705
Broadcast Educational Media Commission in consultation with Ohio's 154706
qualified public educational television stations and educational 154707
radio stations. 154708

Of the foregoing appropriation item 935410, Content 154709
Development, Acquisition, and Distribution, up to \$199,712 in each 154710
fiscal year shall be distributed by the Broadcast Educational 154711
Media Commission to Ohio's qualified radio reading services to 154712
support their operations. The funds shall be distributed pursuant 154713
to an allocation formula used by the Ohio Educational 154714
Telecommunications Network Commission unless a substitute formula 154715
is developed by the Broadcast Educational Media Commission in 154716
consultation with Ohio's qualified radio reading services. 154717

Section 279.10. ETH OHIO ETHICS COMMISSION 154718

General Revenue Fund 154719

GRF 146321 Operating Expenses \$ 1,409,751 \$ 1,381,556 154720

TOTAL GRF General Revenue Fund \$ 1,409,751 \$ 1,381,556 154721

General Services Fund Group 154722

4M60 146601 Operating Expenses \$ 636,388 \$ 641,000 154723

TOTAL GSF General Services 154724

Fund Group	\$	636,388	\$	641,000	154725
TOTAL ALL BUDGET FUND GROUPS	\$	2,046,139	\$	2,022,556	154726

Section 281.10. EXP OHIO EXPOSITIONS COMMISSION 154728

General Revenue Fund 154729

GRF 723403 Junior Fair Subsidy	\$	250,000	\$	250,000	154730
GRF 723501 Construction Planning	\$	670,000	\$	0	154731
TOTAL GRF General Revenue Fund	\$	920,000	\$	250,000	154732

State Special Revenue Fund Group 154733

4N20 723602 Ohio State Fair \$ 235,000 \$ 235,000 154734

Harness Racing

5060 723601 Operating Expenses \$ 12,894,000 \$ 12,894,000 154735

TOTAL SSR State Special Revenue 154736

Fund Group \$ 13,129,000 \$ 13,129,000 154737

TOTAL ALL BUDGET FUND GROUPS \$ 14,049,000 \$ 13,379,000 154738

CONSTRUCTION PLANNING 154739

The foregoing appropriation item 723501, Construction 154740
 Planning, shall be used for acquiring purchased services for new 154741
 and renovated facility planning, including, but not limited to, 154742
 necessary architectural engineering, land or facility use 154743
 consulting services, and facility construction. An amount equal to 154744
 the unexpended, unencumbered portion of the foregoing 154745
 appropriation item 723501, Construction Planning, is hereby 154746
 reappropriated for the same purpose in FY 2015. 154747

STATE FAIR RESERVE 154748

The General Manager of the Expositions Commission, in 154749
 consultation with the Director of Budget and Management, may 154750
 submit a request to the Controlling Board to use available amounts 154751
 in the State Fair Reserve Fund (Fund 6400) if revenues for the 154752
 Ohio State Fair for the 2013 or 2014 Ohio State Fair are 154753
 unexpectedly low. 154754

Section 282.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION				154755
General Revenue Fund				154756
GRF	230401	Lease Rental Payments	\$ 10,550,568 \$ 29,854,500	154757
- Cultural Facilities				
GRF	230458	State Construction	\$ 2,495,751 \$ 2,245,751	154758
Management Services				
GRF	230908	Common Schools	\$ 351,806,100 \$ 377,364,700	154759
General Obligation				
Debt Service				
TOTAL GRF General Revenue Fund			\$ 364,852,419 \$ 409,464,951	154760
General Services Fund Group				154761
1310	230639	State Construction	\$ 9,463,342 \$ 9,463,342	154762
Management Operations				
TOTAL GSF General Services Fund			\$ 9,463,342 \$ 9,463,342	154763
Group				
State Special Revenue Fund Group				154764
4T80	230603	Community Project	\$ 150,000 \$ 200,000	154765
Administration				
5E30	230644	Operating Expenses	\$ 8,550,000 \$ 8,550,000	154766
TOTAL SSR State Special Revenue				154767
Fund Group			\$ 8,700,000 \$ 8,750,000	154768
TOTAL ALL BUDGET FUND GROUPS			\$ 383,015,761 \$ 427,678,293	154769

Section 282.20. LEASE RENTAL PAYMENTS 154771

The foregoing appropriation item 230401, Lease Rental 154772
 Payments - Cultural Facilities, shall be used to meet all payments 154773
 at the times they are required to be made during the period from 154774
 January 1, 2014, through June 30, 2015, from the Ohio Facilities 154775
 Construction Commission under the primary leases and agreements 154776
 for those arts and sports facilities made under Chapters 152. and 154777
 154. of the Revised Code. These appropriations are the source of 154778

funds pledged for bond service charges on related obligations 154779
issued under Chapters 152. and 154. of the Revised Code. 154780

COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE 154781

The foregoing appropriation item 230908, Common Schools 154782
General Obligation Debt Service, shall be used to pay all debt 154783
service and related financing costs at the times they are required 154784
to be made during the period from July 1, 2013, through June 30, 154785
2015, for obligations issued under sections 151.01 and 151.03 of 154786
the Revised Code. 154787

Section 282.30. COMMUNITY PROJECT ADMINISTRATION 154788

The foregoing appropriation item 230603, Community Project 154789
Administration, shall be used by the Ohio Facilities Construction 154790
Commission in administering Cultural and Sports Facilities 154791
Building Fund (Fund 7030) projects pursuant to section 123.201 of 154792
the Revised Code. 154793

Section 282.40. OPERATING EXPENSES 154794

The foregoing appropriation item 230644, Operating Expenses, 154795
shall be used by the Ohio School Facilities Commission to carry 154796
out its responsibilities under this section and Chapter 3318. of 154797
the Revised Code. 154798

In both fiscal years 2014 and 2015, the Executive Director of 154799
the Ohio School Facilities Commission shall certify on a quarterly 154800
basis to the Director of Budget and Management the amount of cash 154801
from interest earnings to be transferred from the School Building 154802
Assistance Fund (Fund 7032), the Public School Building Fund (Fund 154803
7021), and the Educational Facilities Trust Fund (Fund N087) to 154804
the Ohio School Facilities Commission Fund (Fund 5E30). The amount 154805
transferred from the School Building Assistance Fund (Fund 7032) 154806
may not exceed investment earnings credited to the fund, less any 154807
amount required to be paid for federal arbitrage rebate purposes. 154808

If the Executive Director of the Ohio Facilities Construction Commission determines that transferring cash from interest earnings is insufficient to support operations and carry out its responsibilities under this section and Chapter 3318. of the Revised Code, the Commission may, with the approval of the Controlling Board, transfer cash not generated from interest from the Public School Building Fund (Fund 7021) and the Educational Trust Fund (Fund N087) to the Ohio School Facilities Commission Fund (Fund 5E30).

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 154818

At the request of the Executive Director of the Ohio School Facilities Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within thirteen months of receiving Controlling Board approval under section 3318.05 or 3318.41 of the Revised Code. The Executive Director of the Ohio School Facilities Commission shall certify the amounts of the canceled encumbrances to the Director of Budget and Management on a quarterly basis. The amounts of the canceled encumbrances are hereby appropriated.

Section 282.50. CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS 154829
154830

On January 1, 2014, or as soon as possible thereafter, the Executive Director of the Facilities Construction Commission shall certify to the Director of Budget and Management the amount of cash receipts and related investment income, irrevocable letters of credit from a bank, or certification of the availability of funds that have been received from a county or a municipal corporation for deposit into the Capital Donations Fund (Fund 5A10) and that are related to an anticipated project. These amounts are hereby appropriated to appropriation item C37146,

Capital Donations. Prior to certifying these amounts to the 154840
Director, the Executive Director shall make a written agreement 154841
with the participating entity on the necessary cash flows required 154842
for the anticipated construction or equipment acquisition project. 154843

Section 282.60. AMENDMENT TO PROJECT AGREEMENT FOR 154844
MAINTENANCE LEVY 154845

The Ohio School Facilities Commission shall amend the project 154846
agreement between the Commission and a school district that is 154847
participating in the Accelerated Urban School Building Assistance 154848
Program on the effective date of this section, if the Commission 154849
determines that it is necessary to do so in order to comply with 154850
division (B)(3)(c) of section 3318.38 of the Revised Code. 154851

Section 282.70. Notwithstanding any other provision of law to 154852
the contrary, the Ohio School Facilities Commission may determine 154853
the amount of funding available for disbursement in a given fiscal 154854
year for any project approved under sections 3318.01 to 3318.20 of 154855
the Revised Code in order to keep aggregate state capital spending 154856
within approved limits and may take actions including, but not 154857
limited to, determining the schedule for design or bidding of 154858
approved projects, to ensure appropriate and supportable cash 154859
flow. 154860

Section 282.80. Notwithstanding division (B) of section 154861
3318.40 of the Revised Code, the Ohio School Facilities Commission 154862
may provide assistance to at least one joint vocational school 154863
district each fiscal year for the acquisition of classroom 154864
facilities in accordance with sections 3318.40 to 3318.45 of the 154865
Revised Code. 154866

Section 282.90. Effective January 1, 2014, the Ohio Cultural 154867
Facilities Commission is abolished. Except as otherwise provided 154868

in this section, all obligations of the Ohio Cultural Facilities Commission under agreements to which the Ohio Cultural Facilities Commission is a party, and all records and assets of the Ohio Cultural Facilities Commission, including, without limitation, equipment, inventory, contract rights, accounts, and general intangibles, are transferred to the Ohio Facilities Construction Commission. 154869
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The Ohio Facilities Construction Commission shall designate the positions, if any, to be transferred to the Ohio Facilities Construction Commission, along with any equipment assigned to those positions. Any employee transferred to the Ohio Facilities Construction Commission retains the employee's respective classification, but the Ohio Facilities Construction Commission may reassign and reclassify the employee's position and compensation as the Ohio Facilities Construction Commission determines to be in the best interest of office administration. 154876
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The Ohio Facilities Construction Commission shall complete any activities related to the design, planning, construction, and related management functions commenced but not completed by the Ohio Cultural Facilities Commission in the same manner and with the same effect as if the Ohio Cultural Facilities Commission had completed them. The consolidation of the commissions shall not cause the loss or impairment of any validation, cure, right, privilege, remedy, obligation, or liability, which the Ohio Facilities Construction Commission shall administer. 154885
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All rules, orders, and determinations related to the design, planning, and construction and related management functions of the Ohio Cultural Facilities Commission continue in effect as rules, orders, and determinations of the Ohio Facilities Construction Commission until the Ohio Facilities Construction Commission modifies or rescinds them. The Director of the Legislative Service 154894
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Commission shall renumber the rules of the Ohio Cultural 154900
Facilities Commission related to that commission's design, 154901
planning, and construction and related management functions to 154902
reflect their transfer to the Ohio Facilities Construction 154903
Commission. 154904

The transfer of functions from the Ohio Cultural Facilities 154905
Commission to the Ohio Facilities Construction Commission does not 154906
affect any pending judicial or administrative action or proceeding 154907
to which the Ohio Cultural Facilities Commission is a party and 154908
that is related to that commission's design, planning, 154909
construction, capital funding, or related management functions. 154910
Any such action or proceeding shall be prosecuted or defended in 154911
the name of the Ohio Facilities Construction Commission. On 154912
application to the court or agency, the Ohio Facilities 154913
Construction Commission shall be substituted for the Ohio Cultural 154914
Facilities Commission as a party to the action or proceeding. 154915

Effective January 1, 2014, the Director of Budget and 154916
Management shall cancel any existing encumbrances against 154917
appropriation item 371603, Project Administration, and 154918
re-establish them against appropriation item 230603, Community 154919
Project Administration. The re-established encumbrance amounts are 154920
hereby appropriated. Any business commenced but not completed 154921
under appropriation item 371603 by January 1, 2014, shall be 154922
completed under appropriation item 230603 in the same manner and 154923
with the same effect as if it were completed with regard to 154924
appropriation item 371603. 154925

Funds collected as part of a management contract for the 154926
Riffe Theatres, which previously were deposited in the Ohio 154927
Cultural Facilities Commission Administration Fund (Fund 4T80), 154928
shall be credited to the Theater Equipment Maintenance Fund (Fund 154929
5MV0), which is hereby created in the State Treasury. The Director 154930
of Budget and Management shall transfer from the Ohio Cultural 154931

Facilities Commission Administration Fund to the Theater Equipment 154932
Maintenance Fund any remaining cash balances from funds collected 154933
as part of a management contract for the Riffe Theatres. In order 154934
to facilitate this transfer, the Executive Director of the Ohio 154935
Facilities Construction Commission, by January 1, 2014, or as soon 154936
as possible thereafter, shall certify to the Director of Budget 154937
and Management an estimate of the amount to be transferred. The 154938
Department of Administrative Services shall use appropriation item 154939
100662, Theater Equipment Maintenance, to spend cash in the 154940
Theater Equipment Maintenance Fund (Fund 5MV0). 154941

The Ohio Facilities Construction Commission may enter into an 154942
interagency agreement with the Department of Administrative 154943
Services for the Department to perform any of the functions 154944
transferred to the Ohio Facilities Construction Commission under 154945
this section. 154946

Any reference to the Ohio Cultural Facilities Commission in 154947
any statute, rule, contract, grant, or other document is deemed to 154948
refer to the Ohio Facilities Construction Commission. 154949

The Ohio Facilities Construction Commission, the Ohio Public 154950
Facilities Commission, and the issuing authority of any 154951
obligations issued for the financing of capital facilities for 154952
Ohio cultural facilities and Ohio sports facilities may execute 154953
instruments, documents, and agreements and may take necessary or 154954
appropriate actions to effect the orderly transfer of those 154955
obligations from the Ohio Cultural Facilities Commission to the 154956
Ohio Facilities Construction Commission. 154957

This section takes effect January 1, 2014. 154958

Section 283.10. GOV OFFICE OF THE GOVERNOR 154959

General Revenue Fund 154960

GRF 040321 Operating Expenses \$ 2,851,552 \$ 2,851,552 154961

TOTAL GRF General Revenue Fund	\$	2,851,552	\$	2,851,552	154962
General Services Fund Group					154963
5AK0 040607 Government Relations	\$	365,149	\$	365,149	154964
TOTAL GSF General Services Fund	\$	365,149	\$	365,149	154965
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	3,216,701	\$	3,216,701	154966
GOVERNMENT RELATIONS					154967
A portion of the foregoing appropriation item 040607,					154968
Government Relations, may be used to support Ohio's membership in					154969
national or regional associations.					154970
The Office of the Governor may charge any state agency of the					154971
executive branch using an intrastate transfer voucher such amounts					154972
necessary to defray the costs incurred for the conduct of					154973
governmental relations associated with issues that can be					154974
attributed to the agency. Amounts collected shall be deposited in					154975
the Government Relations Fund (Fund 5AK0).					154976
Section 285.10. DOH DEPARTMENT OF HEALTH					154977
General Revenue Fund					154978
GRF 440412 Cancer Incidence	\$	600,000	\$	600,000	154979
Surveillance System					
GRF 440413 Local Health	\$	823,061	\$	823,061	154980
Departments					
GRF 440416 Mothers and Children	\$	4,428,015	\$	4,428,015	154981
Safety Net Services					
GRF 440418 Immunizations	\$	8,825,829	\$	8,825,829	154982
GRF 440431 Free Clinics Safety	\$	437,326	\$	437,326	154983
Net Services					
GRF 440438 Breast and Cervical	\$	823,217	\$	823,217	154984
Cancer Screening					
GRF 440444 AIDS Prevention and	\$	5,842,315	\$	5,842,315	154985

	Treatment				
GRF 440451	Public Health	\$	3,655,449	\$	3,655,449 154986
	Laboratory				
GRF 440452	Child and Family	\$	630,444	\$	630,444 154987
	Health Services Match				
GRF 440453	Health Care Quality	\$	4,874,361	\$	4,874,361 154988
	Assurance				
GRF 440454	Environmental Health	\$	1,194,634	\$	1,194,634 154989
GRF 440459	Help Me Grow	\$	33,673,987	\$	33,673,987 154990
GRF 440465	Federally Qualified	\$	2,686,688	\$	2,686,688 154991
	Health Centers				
GRF 440467	Access to Dental Care	\$	540,484	\$	540,484 154992
GRF 440468	Chronic Disease and	\$	2,447,251	\$	2,447,251 154993
	Injury Prevention				
GRF 440472	Alcohol Testing	\$	1,100,000	\$	1,100,000 154994
GRF 440473	Tobacco Prevention and	\$	1,050,000	\$	1,050,000 154995
	Cessation				
GRF 440474	Infant Vitality	\$	3,116,688	\$	3,116,688 154996
GRF 440505	Medically Handicapped	\$	7,512,451	\$	7,512,451 154997
	Children				
GRF 440507	Targeted Health Care	\$	1,045,414	\$	1,045,414 154998
	Services Over 21				
GRF 654453	Medicaid - Health Care	\$	3,300,000	\$	3,300,000 154999
	Quality Assurance				
TOTAL GRF	General Revenue Fund	\$	88,607,614	\$	88,607,614 155000
	State Highway Safety Fund Group				155001
4T40 440603	Child Highway Safety	\$	233,894	\$	233,894 155002
TOTAL HSF	State Highway Safety				155003
Fund Group		\$	233,894	\$	233,894 155004
	General Services Fund Group				155005
1420 440646	Agency Health	\$	820,998	\$	820,998 155006
	Services				

2110	440613	Central Support	\$	30,615,591	\$	31,052,469	155007
		Indirect Costs					
4730	440622	Lab Operating	\$	5,000,000	\$	5,000,000	155008
		Expenses					
6980	440634	Nurse Aide Training	\$	99,265	\$	99,265	155009
TOTAL GSF General Services							155010
Fund Group			\$	36,535,854	\$	36,972,732	155011
Federal Special Revenue Fund Group							155012
3200	440601	Maternal Child Health	\$	23,889,057	\$	23,889,057	155013
		Block Grant					
3870	440602	Preventive Health	\$	6,000,000	\$	6,000,000	155014
		Block Grant					
3890	440604	Women, Infants, and	\$	250,000,000	\$	250,000,000	155015
		Children					
3910	440606	Medicare Survey and	\$	19,449,282	\$	19,961,405	155016
		Certification					
3920	440618	Federal Public Health	\$	134,546,304	\$	135,140,586	155017
		Programs					
3GD0	654601	Medicaid Program	\$	21,126,014	\$	22,392,094	155018
		Support					
TOTAL FED Federal Special Revenue							155019
Fund Group			\$	455,010,657	\$	457,383,142	155020
State Special Revenue Fund Group							155021
4700	440647	Fee Supported	\$	25,905,250	\$	26,213,586	155022
		Programs					
4710	440619	Certificate of Need	\$	878,433	\$	878,433	155023
4770	440627	Medically Handicapped	\$	3,692,703	\$	3,692,703	155024
		Children Audit					
4D60	440608	Genetics Services	\$	3,311,039	\$	3,311,039	155025
4F90	440610	Sickle Cell Disease	\$	1,032,824	\$	1,032,824	155026
		Control					
4G00	440636	Heirloom Birth	\$	5,000	\$	5,000	155027

		Certificate					
4G00	440637	Birth Certificate	\$	5,000	\$	5,000	155028
		Surcharge					
4L30	440609	HIV Care and	\$	8,333,164	\$	8,333,164	155029
		Miscellaneous					
		Expenses					
4P40	440628	Ohio Physician Loan	\$	476,870	\$	476,870	155030
		Repayment					
4V60	440641	Save Our Sight	\$	2,255,789	\$	2,255,789	155031
5B50	440616	Quality, Monitoring,	\$	878,997	\$	878,997	155032
		and Inspection					
5CN0	440645	Choose Life	\$	75,000	\$	75,000	155033
5D60	440620	Second Chance Trust	\$	1,151,902	\$	1,151,902	155034
5ED0	440651	Smoke Free Indoor Air	\$	250,000	\$	250,000	155035
5G40	440639	Adoption Services	\$	20,000	\$	20,000	155036
5L10	440623	Nursing Facility	\$	700,000	\$	700,000	155037
		Technical Assistance					
		Program					
5Z70	440624	Ohio Dentist Loan	\$	140,000	\$	140,000	155038
		Repayment					
6100	440626	Radiation Emergency	\$	1,049,954	\$	1,086,098	155039
		Response					
6660	440607	Medically Handicapped	\$	19,739,617	\$	19,739,617	155040
		Children - County					
		Assessments					
TOTAL SSR		State Special Revenue					155041
Fund Group			\$	69,901,542	\$	70,246,022	155042
Holding Account		Redistribution Fund Group					155043
R014	440631	Vital Statistics	\$	44,986	\$	44,986	155044
R048	440625	Refunds, Grants	\$	20,000	\$	20,000	155045
		Reconciliation, and					
		Audit Settlements					
TOTAL 090		Holding Account					155046

Redistribution Fund Group	\$	64,986	\$	64,986	155047
Tobacco Master Settlement Agreement Fund Group					155048
5BX0 440656 Tobacco Use	\$	1,450,000	\$	1,450,000	155049
Prevention					
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$	1,450,000	\$	1,450,000	155050
TOTAL ALL BUDGET FUND GROUPS	\$	651,804,547	\$	654,958,390	155051

Section 285.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 155053

Of the foregoing appropriation item 440416, Mothers and 155054
Children Safety Net Services, \$200,000 in each fiscal year shall 155055
be used to assist families with hearing impaired children under 155056
twenty-one years of age in purchasing hearing aids. The Director 155057
of Health shall adopt rules governing the distribution of these 155058
funds, including rules that do both of the following: (1) 155059
establish eligibility criteria to include families with incomes at 155060
or below four hundred per cent of the federal poverty guidelines 155061
as defined in section 5101.46 of the Revised Code, and (2) develop 155062
a sliding scale of disbursements under this section based on 155063
family income. The Director may adopt other rules as necessary to 155064
implement this section. Rules adopted under this section shall be 155065
adopted in accordance with Chapter 119. of the Revised Code. 155066

The Department shall disburse all of the funds appropriated 155067
under this section. 155068

HIV/AIDS PREVENTION/TREATMENT 155069

The foregoing appropriation item 440444, AIDS Prevention and 155070
Treatment, shall be used to assist persons with HIV/AIDS in 155071
acquiring HIV-related medications and to administer educational 155072
prevention initiatives. 155073

PUBLIC HEALTH LABORATORY 155074

A portion of the foregoing appropriation item 440451, Public 155075

Health Laboratory, shall be used for coordination and management 155076
of prevention program operations and the purchase of drugs for 155077
sexually transmitted diseases. 155078

HELP ME GROW 155079

The foregoing appropriation item 440459, Help Me Grow, shall 155080
be used by the Department of Health to implement the Help Me Grow 155081
Program. Funds shall be distributed to counties through 155082
agreements, contracts, grants, or subsidies in accordance with 155083
section 3701.61 of the Revised Code. Appropriation item 440459, 155084
Help Me Grow, may be used in conjunction with other early 155085
childhood funds and services to promote the optimal development of 155086
young children and family-centered programs and services that 155087
acknowledge and support the social, emotional, cognitive, 155088
intellectual, and physical development of children and the vital 155089
role of families in ensuring the well-being and success of 155090
children. The Department of Health shall enter into interagency 155091
agreements with the Department of Education, Department of 155092
Developmental Disabilities, Department of Job and Family Services, 155093
and Department of Mental Health and Addiction Services to ensure 155094
that all early childhood programs and initiatives are coordinated 155095
and school linked. 155096

The foregoing appropriation item 440459, Help Me Grow, may 155097
also be used for the Developmental Autism and Screening Program. 155098

INFANT VITALITY 155099

The foregoing appropriation item 440474, Infant Vitality, 155100
shall be used to fund the following projects, which are hereby 155101
created: 155102

(A) The Infant Safe Sleep Campaign to educate parents and 155103
caregivers with a uniform message regarding safe sleep 155104
environments; 155105

(B) The Progesterone Prematurity Prevention Project to enable 155106

prenatal care providers to identify, screen, treat, and track	155107
outcomes for women eligible for progesterone supplementation; and	155108
(C) The Prenatal Smoking Cessation Project to enable prenatal	155109
care providers who work with women of reproductive age, including	155110
pregnant women, to have the tools, training, and technical	155111
assistance needed to treat smokers effectively.	155112
 TARGETED HEALTH CARE SERVICES OVER 21	 155113
The foregoing appropriation item 440507, Targeted Health Care	155114
Services Over 21, shall be used to administer the Cystic Fibrosis	155115
Program and to implement the Hemophilia Insurance Premium Payment	155116
Program.	155117
The foregoing appropriation item 440507, Targeted Health Care	155118
Services Over 21, shall also be used to provide essential	155119
medications and to pay the copayments for drugs approved by the	155120
Department of Health and covered by Medicare Part D that are	155121
dispensed to Bureau for Children with Medical Handicaps (BCMh)	155122
participants for the Cystic Fibrosis Program.	155123
The Department shall expend all of these funds.	155124
 GENETICS SERVICES	 155125
The foregoing appropriation item 440608, Genetics Services	155126
(Fund 4D60), shall be used by the Department of Health to	155127
administer programs authorized by sections 3701.501 and 3701.502	155128
of the Revised Code. None of these funds shall be used to counsel	155129
or refer for abortion, except in the case of a medical emergency.	155130
 MEDICALLY HANDICAPPED CHILDREN AUDIT	 155131
The Medically Handicapped Children Audit Fund (Fund 4770)	155132
shall receive revenue from audits of hospitals and recoveries from	155133
third-party payers. Moneys may be expended for payment of audit	155134
settlements and for costs directly related to obtaining recoveries	155135
from third-party payers and for encouraging Medically Handicapped	155136

Children's Program recipients to apply for third-party benefits. 155137
Moneys also may be expended for payments for diagnostic and 155138
treatment services on behalf of medically handicapped children, as 155139
defined in division (A) of section 3701.022 of the Revised Code, 155140
and Ohio residents who are twenty-one or more years of age and who 155141
are suffering from cystic fibrosis or hemophilia. Moneys may also 155142
be expended for administrative expenses incurred in operating the 155143
Medically Handicapped Children's Program. 155144

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 155145

The foregoing appropriation item 440607, Medically 155146
Handicapped Children - County Assessments (Fund 6660), shall be 155147
used to make payments under division (E) of section 3701.023 of 155148
the Revised Code. 155149

NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM 155150

On July 1 of each fiscal year, or as soon as possible 155151
thereafter, the Director of Budget and Management may transfer 155152
\$700,000 cash from the Resident Protection Fund (Fund 4E30), which 155153
is used by the Department of Medicaid, to the Nursing Facility 155154
Technical Assistance Program Fund (Fund 5L10), which is used by 155155
the Department of Health. 155156

CASH TRANSFER FROM THE PUBLIC HEALTH PRIORITIES TRUST FUND TO 155157
THE TOBACCO USE PREVENTION FUND 155158

On July 1, 2013, or as soon as possible thereafter, the 155159
Director of Budget and Management shall transfer \$2,439,230 cash 155160
from the Public Health Priorities Trust Fund (Fund L087) to the 155161
Tobacco Use Prevention Fund (Fund 5BX0) to meet the operating 155162
needs of the Department of Health's tobacco enforcement and 155163
cessation efforts. 155164

Section 285.30. DEPARTMENT OF HEALTH'S APPROPRIATION ITEM 155165
STRUCTURE 155166

Upon request from the Director of Health, the Director of 155167
 Budget and Management may establish new funds, new appropriation 155168
 items, and appropriations in order to support the transition to a 155169
 new appropriation item structure in the Department of Health's 155170
 budget. Also, upon request of the Director of Health, the Director 155171
 of Budget and Management may transfer appropriations between GRF 155172
 appropriation items, transfer cash between any funds used by the 155173
 Department of Health, abolish existing funds used by the 155174
 Department of Health, and cancel and reestablish encumbrances. Any 155175
 establishment of new funds or appropriation items, any transfers 155176
 of appropriations or cash, and any increases in appropriation 155177
 under this section are subject to Controlling Board approval. 155178

Section 287.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 155179

Agency Fund Group 155180
 4610 372601 Operating Expenses \$ 12,500 \$ 12,500 155181
 TOTAL AGY Agency Fund Group \$ 12,500 \$ 12,500 155182
 TOTAL ALL BUDGET FUND GROUPS \$ 12,500 \$ 12,500 155183

Section 289.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 155185

General Revenue Fund 155186
 GRF 148100 Personal Services \$ 333,037 \$ 347,852 155187
 GRF 148402 Community Programs \$ 44,924 \$ 44,924 155188
 TOTAL GRF General Revenue Fund \$ 377,961 \$ 392,776 155189
 General Services Fund Group 155190
 6010 148602 Special Initiatives \$ 24,558 \$ 24,558 155191
 TOTAL GSF General Services 155192
 Fund Group \$ 24,558 \$ 24,558 155193
 TOTAL ALL BUDGET FUND GROUPS \$ 402,519 \$ 417,334 155194

Section 291.10. OHS OHIO HISTORICAL SOCIETY 155196

General Revenue Fund 155197

GRF	360501	Education and Collections	\$	3,618,997	\$	3,618,997	155198
GRF	360502	Site and Museum Operations	\$	4,426,288	\$	4,926,288	155199
GRF	360504	Ohio Preservation Office	\$	290,000	\$	290,000	155200
GRF	360505	National Afro-American Museum	\$	414,798	\$	414,798	155201
GRF	360506	Hayes Presidential Center	\$	309,147	\$	309,147	155202
GRF	360508	State Historical Grants	\$	1,000,000	\$	900,000	155203
GRF	360509	Outreach and Partnership	\$	90,395	\$	90,395	155204
TOTAL GRF	General Revenue Fund		\$	10,149,625	\$	10,549,625	155205
	Agency Fund Group						155206
5KL0	360602	Ohio History Tax Check-off	\$	250,000	\$	250,000	155207
TOTAL AGY	Agency Fund Group		\$	250,000	\$	250,000	155208
TOTAL ALL BUDGET FUND GROUPS			\$	10,399,625	\$	10,799,625	155209

SUBSIDY APPROPRIATION

155210

Upon approval by the Director of Budget and Management, the 155211
foregoing appropriation items shall be released to the Ohio 155212
Historical Society in quarterly amounts that in total do not 155213
exceed the annual appropriations. The funds and fiscal records of 155214
the society for fiscal year 2014 and fiscal year 2015 shall be 155215
examined by independent certified public accountants approved by 155216
the Auditor of State, and a copy of the audited financial 155217
statements shall be filed with the Office of Budget and 155218
Management. The society shall prepare and submit to the Office of 155219
Budget and Management the following: 155220

(A) An estimated operating budget for each fiscal year of the 155221

biennium. The operating budget shall be submitted at or near the beginning of each calendar year.

(B) Financial reports, indicating actual receipts and expenditures for the fiscal year to date. These reports shall be filed at least semiannually during the fiscal biennium.

The foregoing appropriations shall be considered to be the contractual consideration provided by the state to support the state's offer to contract with the Ohio Historical Society under section 149.30 of the Revised Code.

STATE HISTORICAL GRANTS

Of the foregoing appropriation item 360508, State Historical Grants, \$200,000 in each fiscal year shall be used for the Cincinnati Museum Center, \$200,000 in each fiscal year shall be used for the Western Reserve Historical Society, and \$100,000 in fiscal year 2014 shall be used to complete renovations and additional construction work on the Chardon Heritage House.

Section 293.10. REP OHIO HOUSE OF REPRESENTATIVES

General Revenue Fund

GRF 025321	Operating Expenses	\$	21,031,091	\$	21,031,091
TOTAL GRF	General Revenue Fund	\$	21,031,091	\$	21,031,091

General Services Fund Group

1030 025601	House Reimbursement	\$	1,433,664	\$	1,433,664
4A40 025602	Miscellaneous Sales	\$	37,849	\$	37,849

TOTAL GSF General Services

Fund Group

TOTAL ALL BUDGET FUND GROUPS		\$	22,502,604	\$	22,502,604
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OPERATING EXPENSES

On July 1, 2013, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management the amount of the

unexpended, unencumbered balance of the foregoing appropriation 155252
item 025321, Operating Expenses, at the end of fiscal year 2013 to 155253
be reappropriated to fiscal year 2014. The amount certified is 155254
hereby reappropriated to the same appropriation item for fiscal 155255
year 2014. 155256

On July 1, 2014, or as soon as possible thereafter, the Chief 155257
Administrative Officer of the House of Representatives may certify 155258
to the Director of Budget and Management the amount of the 155259
unexpended, unencumbered balance of the foregoing appropriation 155260
item 025321, Operating Expenses, at the end of fiscal year 2014 to 155261
be reappropriated to fiscal year 2015. The amount certified is 155262
hereby reappropriated to the same appropriation item for fiscal 155263
year 2015. 155264

HOUSE REIMBURSEMENT 155265

If it is determined by the Chief Administrative Officer of 155266
the House of Representatives that additional appropriations are 155267
necessary for the foregoing appropriation item 025601, House 155268
Reimbursement, the amounts are hereby appropriated. 155269

Section 295.10. HFA OHIO HOUSING FINANCE AGENCY 155270

State Special Revenue Fund Group 155271

5AZ0 997601 Housing Finance Agency \$ 12,526,713 \$ 12,850,014 155272

Personal Services

TOTAL SSR State Special Revenue \$ 12,526,713 \$ 12,850,014 155273

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,526,713 \$ 12,850,014 155274

Section 297.10. IGO OFFICE OF THE INSPECTOR GENERAL 155276

General Revenue Fund 155277

GRF 965321 Operating Expenses \$ 1,175,598 \$ 1,175,598 155278

GRF 965404 Deputy Inspector \$ 475,000 \$ 350,000 155279

General for ARRA			
TOTAL GRF General Revenue Fund	\$	1,650,598	\$ 1,525,598 155280
General Services Fund Group			155281
5FA0 965603 Deputy Inspector	\$	400,000	\$ 400,000 155282
General for ODOT			
5FT0 965604 Deputy Inspector	\$	425,000	\$ 425,000 155283
General for BWC/OIC			
5GI0 965605 Deputy Inspector	\$	25,000	\$ 0 155284
General for ARRA			
TOTAL GSF General Services Fund	\$	850,000	\$ 825,000 155285
Group			
TOTAL ALL BUDGET FUND GROUPS	\$	2,500,598	\$ 2,350,598 155286

Section 299.10. INS DEPARTMENT OF INSURANCE 155288

Federal Special Revenue Fund Group			155289
3EV0 820610 Health Insurance	\$	1,300,000	\$ 1,300,000 155290
Premium Review			
3U50 820602 OSHIIP Operating	\$	1,970,725	\$ 1,970,725 155291
Grant			
TOTAL FED Federal Special			155292
Revenue Fund Group	\$	3,270,725	\$ 3,270,725 155293
State Special Revenue Fund Group			155294
5540 820601 Operating Expenses -	\$	180,000	\$ 180,000 155295
OSHIIP			
5540 820606 Operating Expenses	\$	27,570,433	\$ 24,910,367 155296
5550 820605 Examination	\$	8,184,065	\$ 8,184,065 155297
TOTAL SSR State Special Revenue			155298
Fund Group	\$	35,934,498	\$ 33,274,432 155299
TOTAL ALL BUDGET FUND GROUPS	\$	39,205,223	\$ 36,545,157 155300

MARKET CONDUCT EXAMINATION 155301

When conducting a market conduct examination of any insurer 155302
doing business in this state, the Superintendent of Insurance may 155303

assess the costs of the examination against the insurer. The 155304
superintendent may enter into consent agreements to impose 155305
administrative assessments or fines for conduct discovered that 155306
may be violations of statutes or rules administered by the 155307
Superintendent. All costs, assessments, or fines collected shall 155308
be deposited to the credit of the Department of Insurance 155309
Operating Fund (Fund 5540). 155310

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 155311

The Director of Budget and Management, at the request of the 155312
Superintendent of Insurance, may transfer funds from the 155313
Department of Insurance Operating Fund (Fund 5540), established by 155314
section 3901.021 of the Revised Code, to the Superintendent's 155315
Examination Fund (Fund 5550), established by section 3901.071 of 155316
the Revised Code, only for expenses incurred in examining domestic 155317
fraternal benefit societies as required by section 3921.28 of the 155318
Revised Code. 155319

TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND 155320

Not later than the thirty-first day of July each fiscal year, 155321
the Director of Budget and Management shall transfer \$5,000,000 155322
from the Department of Insurance Operating Fund (Fund 5540) to the 155323
General Revenue Fund. 155324

Section 301.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 155325

General Revenue Fund 155326

GRF 600321 Program Support \$ 31,320,964 \$ 31,109,751 155327

GRF 600410 TANF State/Maintenance \$ 152,386,934 \$ 152,386,934 155328
of Effort

GRF 600413 Child Care \$ 84,732,730 \$ 84,732,730 155329
State/Maintenance of
Effort

GRF 600416 Information Technology \$ 54,223,871 \$ 54,184,700 155330

	Projects				
GRF 600420	Child Support Programs	\$	6,498,667	\$	6,591,048 155331
GRF 600421	Family Assistance	\$	3,161,930	\$	3,161,930 155332
	Programs				
GRF 600423	Families and Children	\$	6,384,514	\$	6,542,517 155333
	Programs				
GRF 600502	Child Support - Local	\$	23,814,103	\$	23,814,103 155334
GRF 600511	Disability Financial	\$	22,000,000	\$	22,000,000 155335
	Assistance				
GRF 600521	Family Assistance -	\$	41,132,751	\$	41,132,751 155336
	Local				
GRF 600523	Family and Children	\$	54,255,323	\$	54,255,323 155337
	Services				
GRF 600528	Adoption Services				155338
	State	\$	28,623,389	\$	28,623,389 155339
	Federal	\$	38,202,557	\$	38,202,557 155340
	Adoption Services Total	\$	66,825,946	\$	66,825,946 155341
GRF 600533	Child, Family, and	\$	13,500,000	\$	13,500,000 155342
	Adult Community &				
	Protective Services				
GRF 600534	Adult Protective	\$	500,000	\$	500,000 155343
	Services				
GRF 600535	Early Care and	\$	123,596,474	\$	123,596,474 155344
	Education				
GRF 600540	Food Banks	\$	6,000,000	\$	6,000,000 155345
GRF 600541	Kinship Permanency	\$	3,500,000	\$	3,500,000 155346
	Incentive Program				
GRF 655522	Medicaid Program	\$	31,067,970	\$	31,067,970 155347
	Support - Local				
GRF 655523	Medicaid Program	\$	30,680,495	\$	30,680,495 155348
	Support - Local				
	Transportation				
TOTAL GRF	General Revenue Fund				155349

	State		\$	717,380,115	\$	717,380,115	155350
	Federal		\$	38,202,557	\$	38,202,557	155351
	GRF Total		\$	755,582,672	\$	755,582,672	155352
General Services Fund Group							155353
4A80	600658	Public Assistance	\$	34,000,000	\$	34,000,000	155354
		Activities					
5DM0	600633	Administration &	\$	19,660,339	\$	19,660,339	155355
		Operating					
5HC0	600695	Unemployment	\$	60,000,000	\$	60,000,000	155356
		Compensation Interest					
5HL0	600602	State and County	\$	3,020,000	\$	3,020,000	155357
		Shared Services					
6130	600645	Training Activities	\$	100,000	\$	92,989	155358
TOTAL GSF General Services							155359
Fund Group							\$ 116,780,339 \$ 116,773,328 155360
Federal Special Revenue Fund Group							155361
3270	600606	Child Welfare	\$	29,769,866	\$	29,769,866	155362
3310	600615	Veterans Programs	\$	8,000,000	\$	8,000,000	155363
3310	600624	Employment Services	\$	26,000,000	\$	26,000,000	155364
		Programs					
3310	600686	Workforce Programs	\$	6,260,000	\$	6,260,000	155365
3840	600610	Food Assistance	\$	209,333,246	\$	180,381,394	155366
		Programs					
3850	600614	Refugee Services	\$	12,564,952	\$	12,564,952	155367
3950	600616	Federal Discretionary	\$	2,259,264	\$	2,259,264	155368
		Grants					
3960	600620	Social Services Block	\$	47,000,000	\$	47,000,000	155369
		Grant					
3970	600626	Child Support -	\$	235,000,000	\$	235,000,000	155370
		Federal					
3980	600627	Adoption Program -	\$	174,178,779	\$	174,178,779	155371
		Federal					

3A20	600641	Emergency Food Distribution	\$	5,000,000	\$	5,000,000	155372
3D30	600648	Children's Trust Fund Federal	\$	3,477,699	\$	3,477,699	155373
3F01	655624	Medicaid Program Support	\$	110,680,495	\$	110,680,495	155374
3H70	600617	Child Care Federal	\$	241,987,805	\$	222,212,089	155375
3N00	600628	Foster Care Program - Federal	\$	311,968,616	\$	311,968,616	155376
3S50	600622	Child Support Projects	\$	534,050	\$	534,050	155377
3V00	600688	Workforce Investment Act Programs	\$	136,000,000	\$	136,000,000	155378
3V40	600678	Federal Unemployment Programs	\$	182,814,212	\$	182,814,212	155379
3V40	600679	UC Review Commission - Federal	\$	6,185,788	\$	6,185,788	155380
3V60	600689	TANF Block Grant	\$	777,957,809	\$	790,304,845	155381
TOTAL FED Federal Special Revenue							155382
Fund Group			\$	2,526,972,581	\$	2,490,592,049	155383
State Special Revenue Fund Group							155384
1980	600647	Children's Trust Fund	\$	5,873,848	\$	5,873,848	155385
4A90	600607	Unemployment Compensation Administration Fund	\$	9,006,000	\$	9,006,000	155386
4E70	600604	Family and Children Services Collections	\$	400,000	\$	400,000	155387
4F10	600609	Family and Children Activities	\$	683,549	\$	683,549	155388
5DB0	600637	Military Injury Relief Subsidies	\$	2,000,000	\$	2,000,000	155389
5DP0	600634	Adoption Assistance Loan	\$	500,000	\$	500,000	155390
5ES0	600630	Food Bank Assistance	\$	500,000	\$	500,000	155391

5KU0 600611	Unemployment	\$	2,000,000	\$	2,000,000	155392
	Compensation Support -					
	Other Sources					
5NG0 600660	Victims of Human	\$	100,000	\$	100,000	155393
	Trafficking					
5U60 600663	Family and Children	\$	4,000,000	\$	4,000,000	155394
	Support					
TOTAL SSR State Special Revenue						155395
Fund Group		\$	25,063,397	\$	25,063,397	155396
Agency Fund Group						155397
1920 600646	Child Support	\$	129,250,000	\$	129,250,000	155398
	Intercept - Federal					
5830 600642	Child Support	\$	14,000,000	\$	14,000,000	155399
	Intercept - State					
5B60 600601	Food Assistance	\$	1,000,000	\$	1,000,000	155400
	Intercept					
TOTAL AGY Agency Fund Group		\$	144,250,000	\$	144,250,000	155401
Holding Account Redistribution Fund Group						155402
R012 600643	Refunds and Audit	\$	2,200,000	\$	2,200,000	155403
	Settlements					
R013 600644	Forgery Collections	\$	10,000	\$	10,000	155404
TOTAL 090 Holding Account		\$	2,210,000	\$	2,210,000	155405
Redistribution Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	3,570,858,989	\$	3,534,471,446	155406
Section 301.20.	TRANSFER TO STATE AND COUNTY SHARED SERVICES					155408
FUND						155409
Within thirty days of the effective date of this act, or as						155410
soon as possible thereafter, the Director of Budget and Management						155411
shall transfer the cash balance in the County Technologies Fund						155412
(Fund 5N10) to the State and County Shared Services Fund (Fund						155413
5HL0).						155414

Section 301.30. AGENCY AND HOLDING ACCOUNT REDISTRIBUTION 155415
FUND GROUPS 155416

The Agency Fund Group and Holding Account Redistribution Fund 155417
Group shall be used to hold revenues until the appropriate fund is 155418
determined or until the revenues are directed to the appropriate 155419
governmental agency other than the Department of Job and Family 155420
Services. If receipts credited to the Support Intercept - Federal 155421
Fund (Fund 1920), the Support Intercept - State Fund (Fund 5830), 155422
the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit 155423
Settlements Fund (Fund R012), or the Forgery Collections Fund 155424
(Fund R013) exceed the amounts appropriated from the fund, the 155425
Director of Job and Family Services may request the Director of 155426
Budget and Management to authorize expenditures from the fund in 155427
excess of the amounts appropriated. Upon the approval of the 155428
Director of Budget and Management, the additional amounts are 155429
hereby appropriated. 155430

Section 301.33. BIG BROTHERS BIG SISTERS 155431

Of the foregoing appropriation item 600410, TANF 155432
State/Maintenance of Effort, \$1,000,000 in each fiscal year shall 155433
be provided, in accordance with sections 5101.80 and 5101.801 of 155434
the Revised Code, to Big Brothers Big Sisters of Central Ohio to 155435
provide mentoring services to children of incarcerated parents 155436
throughout the state. 155437

Section 301.40. COUNTY ADMINISTRATIVE FUNDS 155438

(A) The foregoing appropriation item 600521, Family 155439
Assistance - Local, may be provided to county departments of job 155440
and family services to administer food assistance and disability 155441
assistance programs. 155442

(B) The foregoing appropriation item 655522, Medicaid Program 155443

Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 155444
155445
155446

(C) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local, in order to ensure county administrative funds are expended from the proper appropriation item. 155447
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Section 301.50. FOOD STAMPS TRANSFER 155453

On July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$1,000,000 cash from the Supplemental Nutrition Assistance Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0). 155454
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155457

Section 301.60. NAME OF FOOD STAMP PROGRAM 155458

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program or the Food Assistance Program in rules and documents of the Department of Job and Family Services. 155459
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Section 301.70. OHIO ASSOCIATION OF FOOD BANKS 155465

The foregoing appropriation item 600540, Food Banks, shall be used to provide funds to the Ohio Association of Food Banks to purchase and distribute food products. 155466
155467
155468

Notwithstanding section 5101.46 of the Revised Code and any other provision in this bill, in addition to funds designated for the Ohio Association of Food Banks in this section, in fiscal year 2014 and fiscal year 2015, the Director of Job and Family Services 155469
155470
155471
155472

shall provide assistance from eligible funds to the Ohio Association of Food Banks in an amount up to or equal to the assistance provided in state fiscal year 2013 from all funds used by the Department, except the General Revenue Fund.

Eligible nonfederal expenditures made by member food banks of the Association shall be counted by the Department of Job and Family Services toward the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). The Director of Job and Family Services shall enter into an agreement with the Ohio Association of Food Banks, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to carry out the requirements under this section.

Section 301.80. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE

The foregoing appropriation item 600658, Public Assistance Activities, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities.

Section 301.90. GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES

Of the foregoing appropriation item 600689, TANF Block Grant, up to \$6,540,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to provide support to programs or organizations that provide services that align with the mission and goals of the Governor's Office of Faith-Based and Community Initiatives, as outlined in section 107.12 of the Revised Code, and that further at least one of the four purposes of the TANF program, as specified in 42 U.S.C. 601.

Section 301.100. INDEPENDENT LIVING INITIATIVE 155503

Of the foregoing appropriation item 600689, TANF Block Grant, 155504
up to \$2,000,000 in each fiscal year shall be used, in accordance 155505
with sections 5101.80 and 5101.801 of the Revised Code, to support 155506
the Independent Living Initiative, including life skills training 155507
and work supports for older children in foster care and those who 155508
have recently aged out of foster care. 155509

Section 301.110. KINSHIP PERMANENCY INCENTIVE PROGRAM 155510

Of the foregoing appropriation item 600689, TANF Block Grant, 155511
\$1,750,000 in each fiscal year shall be used to support the 155512
activities of the Kinship Permanency Incentive Program established 155513
in section 5101.802 of the Revised Code. 155514

Section 301.120. OHIO COMMISSION ON FATHERHOOD 155515

Of the foregoing appropriation item 600689, TANF Block Grant, 155516
\$1,000,000 in each fiscal year shall be provided to the Ohio 155517
Commission on Fatherhood. 155518

Section 301.123. OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 155519

Of the foregoing appropriation item 600689, TANF Block Grant, 155520
\$500,000 in each fiscal year shall be provided, in accordance with 155521
sections 5101.80 and 5101.801 of the Revised Code, to the Ohio 155522
Alliance of Boys and Girls Clubs to provide after-school programs 155523
that protect at-risk children and enable youth to become 155524
responsible adults. 155525

Section 301.130. DIFFERENTIAL RESPONSE 155526

In accordance with an independent evaluation of the Ohio 155527
Alternative Response Pilot Program that recommended statewide 155528
implementation, the Department of Job and Family Services shall 155529

plan the statewide expansion of the Ohio Alternative Response 155530
Pilot Program on a county by county basis, through a schedule 155531
determined by the Department. The program shall be known as the 155532
"differential response" approach as defined in section 2151.011 of 155533
the Revised Code. Notwithstanding provisions of Chapter 2151. of 155534
the Revised Code that refer to "differential response," 155535
"traditional response," and "alternative response," those 155536
provisions shall become effective on the scheduled date of 155537
expansion of the differential response approach to that county. 155538
Prior to statewide implementation, the Department may adopt rules 155539
in accordance with Chapter 119. of the Revised Code as necessary 155540
to carry out the purposes of this section. 155541

Section 301.140. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 155542

In collaboration with the county family and children first 155543
council, a county department of job and family services or public 155544
children services agency that receives an allocation from the 155545
Department of Job and Family Services from the foregoing 155546
appropriation item 600523, Family and Children Services, or 155547
600533, Child, Family, and Adult Community & Protective Services, 155548
may transfer a portion of either or both allocations to a flexible 155549
funding pool as authorized by the section of this act titled 155550
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 155551

Section 301.143. CHILDREN'S CRISIS CARE FACILITIES 155552

Of the foregoing appropriation item 600523, Family and 155553
Children Services, \$150,000 in each fiscal year shall be provided 155554
to children's crisis care facilities, as defined in section 155555
5103.13 of the Revised Code. The Director of Job and Family 155556
Services shall allocate funds based on the number of children at 155557
each facility. A children's crisis care facility may decline to 155558
receive funds provided for under this section. A children's crisis 155559

care facility that accepts funds provided under this section shall 155560
use the funds in accordance with section 5103.13 of the Revised 155561
Code and rules in section 5101:2-9-36 of the Administrative Code. 155562

Section 301.150. CHILD, FAMILY, AND ADULT COMMUNITY AND 155563
PROTECTIVE SERVICES 155564

(A) The foregoing appropriation item 600533, Child, Family, 155565
and Adult Community & Protective Services, shall be distributed to 155566
each county department of job and family services using the 155567
formula the Department of Job and Family Services uses when 155568
distributing Title XX funds to county departments of job and 155569
family services under section 5101.46 of the Revised Code. County 155570
departments shall use the funds distributed to them under this 155571
section as follows, in accordance with the written plan of 155572
cooperation entered into under section 307.983 of the Revised 155573
Code: 155574

(1) To assist individuals achieve or maintain 155575
self-sufficiency, including by reducing or preventing dependency 155576
among individuals with family income not exceeding two hundred per 155577
cent of the federal poverty guidelines; 155578

(2) Subject to division (B) of this section, to respond to 155579
reports of abuse, neglect, or exploitation of children and adults, 155580
including through the differential response approach program 155581
developed under Section 309.50.10 of this act; 155582

(3) To provide outreach and referral services regarding home 155583
and community-based services to individuals at risk of placement 155584
in a group home or institution, regardless of the individuals' 155585
family income and without need for a written application; 155586

(4) To provide outreach, referral, application assistance, 155587
and other services to assist individuals receive assistance, 155588
benefits, or services under Medicaid; Title IV-A programs, as 155589

defined in section 5101.80 of the Revised Code; the Supplemental Nutrition Assistance Program; and other public assistance programs.

(B) Protective services may be provided to a child or adult as part of a response, under division (A)(2) of this section, to a report of abuse, neglect, or exploitation without regard to a child or adult's family income and without need for a written application. The protective services may be provided if the case record documents circumstances of actual or potential abuse, neglect, or exploitation.

Section 301.160. CHILDREN AND FAMILY SERVICES ACTIVITIES

The foregoing appropriation item 600609, Children and Family Services Activities, shall be used to expend miscellaneous foundation funds and grants to support children and family services activities.

Section 301.170. ADOPTION ASSISTANCE LOAN

Of the foregoing appropriation item 600634, Adoption Assistance Loan, the Department of Job and Family Services may use up to ten per cent for administration of adoption assistance loans pursuant to section 3107.018 of the Revised Code.

Section 301.173. VICTIMS OF HUMAN TRAFFICKING

The foregoing appropriation item 600660, Victims of Human Trafficking, shall be used to provide treatment, care, rehabilitation, education, housing, and assistance for victims of trafficking in persons as specified in section 5101.87 of the Revised Code. If receipts credited to the Victims of Human Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from

the fund in excess of the amounts appropriated. Upon the approval 155619
of the Director of Budget and Management, the additional amounts 155620
are hereby appropriated. 155621

Section 301.180. FEDERAL UNEMPLOYMENT PROGRAMS 155622

All unexpended funds remaining at the end of fiscal year 2013 155623
that were appropriated and made available to the state under 155624
section 903(d) of the Social Security Act, as amended, in the 155625
foregoing appropriation item 600678, Federal Unemployment Programs 155626
(Fund 3V40), are hereby appropriated to the Department of Job and 155627
Family Services. Upon the request of the Director of Job and 155628
Family Services, the Director of Budget and Management may 155629
increase the appropriation for fiscal year 2014 by the amount 155630
remaining unspent from the fiscal year 2013 appropriation and may 155631
increase the appropriation for fiscal year 2015 by the amount 155632
remaining unspent from the fiscal year 2014 appropriation. The 155633
appropriation shall be used under the direction of the Department 155634
of Job and Family Services to pay for administrative activities 155635
for the Unemployment Insurance Program, employment services, and 155636
other allowable expenditures under section 903(d) of the Social 155637
Security Act, as amended. 155638

The amounts obligated pursuant to this section shall not 155639
exceed at any time the amount by which the aggregate of the 155640
amounts transferred to the account of the state under section 155641
903(d) of the Social Security Act, as amended, exceeds the 155642
aggregate of the amounts obligated for administration and paid out 155643
for benefits and required by law to be charged against the amounts 155644
transferred to the account of the state. 155645

Section 301.190. UNEMPLOYMENT COMPENSATION INTEREST 155646

The foregoing appropriation item 600695, Unemployment 155647
Compensation Interest, shall be used for payment of interest costs 155648

paid to the United States Secretary of the Treasury for the 155649
repayment of accrued interest related to federal unemployment 155650
account borrowing. 155651

Section 303.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 155652

General Revenue Fund 155653

GRF 029321 Operating Expenses \$ 455,858 \$ 456,376 155654

TOTAL GRF General Revenue Fund \$ 455,858 \$ 456,376 155655

TOTAL ALL BUDGET FUND GROUPS \$ 455,858 \$ 456,376 155656

OPERATING GUIDANCE 155657

The Chief Administrative Officer of the House of 155658
Representatives and the Clerk of the Senate shall determine, by 155659
mutual agreement, which of them shall act as fiscal agent for the 155660
Joint Committee on Agency Rule Review. Members of the Committee 155661
shall be paid in accordance with section 101.35 of the Revised 155662
Code. 155663

OPERATING EXPENSES 155664

On July 1, 2013, or as soon as possible thereafter, the 155665
Executive Director of the Joint Committee on Agency Rule Review 155666
may certify to the Director of Budget and Management the amount of 155667
the unexpended, unencumbered balance of the foregoing 155668
appropriation item 029321, Operating Expenses, at the end of 155669
fiscal year 2013 to be reappropriated to fiscal year 2014. The 155670
amount certified is hereby reappropriated to the same 155671
appropriation item for fiscal year 2014. 155672

On July 1, 2014, or as soon as possible thereafter, the 155673
Executive Director of the Joint Committee on Agency Rule Review 155674
may certify to the Director of Budget and Management the amount of 155675
the unexpended, unencumbered balance of the foregoing 155676
appropriation item 029321, Operating Expenses, at the end of 155677
fiscal year 2014 to be reappropriated to fiscal year 2015. The 155678

amount certified is hereby reappropriated to the same 155679
appropriation item for fiscal year 2015. 155680

Section 305.10. JCO JUDICIAL CONFERENCE OF OHIO 155681

General Revenue Fund 155682

GRF 018321 Operating Expenses \$ 824,900 \$ 847,200 155683

TOTAL GRF General Revenue Fund \$ 824,900 \$ 847,200 155684

General Services Fund Group 155685

4030 018601 Ohio Jury \$ 385,000 \$ 385,000 155686

Instructions

TOTAL GSF General Services Fund \$ 385,000 \$ 385,000 155687

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,209,900 \$ 1,232,200 155688

STATE COUNCIL OF UNIFORM STATE LAWS 155689

Notwithstanding section 105.26 of the Revised Code, of the 155690
foregoing appropriation item 018321, Operating Expenses, up to 155691
\$84,900 in fiscal year 2014 and up to \$88,300 in fiscal year 2015 155692
shall be used to pay the expenses of the State Council of Uniform 155693
State Laws, including membership dues to the National Conference 155694
of Commissioners on Uniform State Laws. 155695

OHIO JURY INSTRUCTIONS FUND 155696

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 155697
grants, royalties, dues, conference fees, bequests, devises, and 155698
other gifts received for the purpose of supporting costs incurred 155699
by the Judicial Conference of Ohio in its activities as a part of 155700
the judicial system of the state as determined by the Judicial 155701
Conference Executive Committee. Fund 4030 shall be used by the 155702
Judicial Conference of Ohio to pay expenses incurred in its 155703
activities as a part of the judicial system of the state as 155704
determined by the Judicial Conference Executive Committee. All 155705
moneys accruing to Fund 4030 in excess of \$385,000 in fiscal year 155706

2014 and in excess of \$385,000 in fiscal year 2015 are hereby 155707
appropriated for the purposes authorized. 155708

No money in Fund 4030 shall be transferred to any other fund 155709
by the Director of Budget and Management or the Controlling Board. 155710

Section 307.10. JSC THE JUDICIARY/SUPREME COURT 155711

General Revenue Fund 155712

GRF 005321 Operating Expenses - \$ 143,016,534 \$ 140,232,737 155713
Judiciary/Supreme
Court

GRF 005406 Law-Related Education \$ 236,172 \$ 236,172 155714

GRF 005409 Ohio Courts \$ 3,350,000 \$ 3,350,000 155715
Technology Initiative

TOTAL GRF General Revenue Fund \$ 146,602,706 \$ 143,818,909 155716

General Services Fund Group 155717

6720 005601 Continuing Judicial \$ 101,392 \$ 93,563 155718
Education

TOTAL GSF General Services Fund \$ 101,392 \$ 93,563 155719

Group

Federal Special Revenue Fund Group 155720

3J00 005603 Federal Grants \$ 1,235,900 \$ 1,252,600 155721

TOTAL FED Federal Special Revenue \$ 1,235,900 \$ 1,252,600 155722

Fund Group

State Special Revenue Fund Group 155723

4C80 005605 Attorney Services \$ 3,923,101 \$ 3,915,721 155724

5HT0 005617 Court Interpreter \$ 23,000 \$ 23,000 155725
Certification

5JY0 005620 County Law Library \$ 258,000 \$ 258,000 155726
Resources Boards

5T80 005609 Grants and Awards \$ 25,000 \$ 25,000 155727

6A80 005606 Supreme Court \$ 1,283,751 \$ 1,308,025 155728

Admissions

TOTAL SSR State Special Revenue	\$	5,512,852	\$	5,529,746	155729
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	153,452,850	\$	150,694,818	155730
OPERATING EXPENSES - JUDICIARY/SUPREME COURT					155731
Of the foregoing appropriation item 005321, Operating					155732
Expenses - Judiciary/Supreme Court, up to \$206,770 in each fiscal					155733
year may be used to support the functions of the State Criminal					155734
Sentencing Council, and \$5,000,000 in fiscal year 2014 shall be					155735
used to support the pilot program established under the section of					155736
this act entitled "ADDICTION TREATMENT PILOT PROGRAM." Of the					155737
\$5,000,000 allocated for the pilot program, the Supreme Court					155738
shall receive an amount of not more than five per cent for an					155739
administrative fee.					155740
LAW-RELATED EDUCATION					155741
The foregoing appropriation item 005406, Law-Related					155742
Education, shall be distributed directly to the Ohio Center for					155743
Law-Related Education for the purposes of providing continuing					155744
citizenship education activities to primary and secondary					155745
students, expanding delinquency prevention programs, increasing					155746
activities for at-risk youth, and accessing additional public and					155747
private money for new programs.					155748
OHIO COURTS TECHNOLOGY INITIATIVE					155749
The foregoing appropriation item 005409, Ohio Courts					155750
Technology Initiative, shall be used to fund an initiative by the					155751
Supreme Court to facilitate the exchange of information and					155752
warehousing of data by and between Ohio courts and other justice					155753
system partners through the creation of an Ohio Courts Network,					155754
the delivery of technology services to courts throughout the					155755
state, including the provision of hardware, software, and the					155756
development and implementation of educational and training					155757

programs for judges and court personnel, and operation of the 155758
Commission on Technology and the Courts by the Supreme Court for 155759
the promulgation of statewide rules, policies, and uniform 155760
standards, and to aid in the orderly adoption and comprehensive 155761
use of technology in Ohio courts. 155762

CONTINUING JUDICIAL EDUCATION 155763

The Continuing Judicial Education Fund (Fund 6720) shall 155764
consist of fees paid by judges and court personnel for attending 155765
continuing education courses and other gifts and grants received 155766
for the purpose of continuing judicial education. The foregoing 155767
appropriation item 005601, Continuing Judicial Education, shall be 155768
used to pay expenses for continuing education courses for judges 155769
and court personnel. If it is determined by the Administrative 155770
Director of the Supreme Court that additional appropriations are 155771
necessary, the amounts are hereby appropriated. 155772

No money in Fund 6720 shall be transferred to any other fund 155773
by the Director of Budget and Management or the Controlling Board. 155774
Interest earned on money in Fund 6720 shall be credited to the 155775
fund. 155776

FEDERAL GRANTS 155777

The Federal Grants Fund (Fund 3J00) shall consist of grants 155778
and other moneys awarded to the Supreme Court (The Judiciary) by 155779
the United States Government or other entities that receive the 155780
moneys directly from the United States Government and distribute 155781
those moneys to the Supreme Court (The Judiciary). The foregoing 155782
appropriation item 005603, Federal Grants, shall be used in a 155783
manner consistent with the purpose of the grant or award. If it is 155784
determined by the Administrative Director of the Supreme Court 155785
that additional appropriations are necessary, the amounts are 155786
hereby appropriated. 155787

No money in Fund 3J00 shall be transferred to any other fund 155788

by the Director of Budget and Management or the Controlling Board. 155789
However, interest earned on money in Fund 3J00 shall be credited 155790
or transferred to the General Revenue Fund. 155791

ATTORNEY SERVICES 155792

The Attorney Services Fund (Fund 4C80), formerly known as the 155793
Attorney Registration Fund, shall consist of money received by the 155794
Supreme Court (The Judiciary) pursuant to the Rules for the 155795
Government of the Bar of Ohio. In addition to funding other 155796
activities considered appropriate by the Supreme Court, the 155797
foregoing appropriation item 005605, Attorney Services, may be 155798
used to compensate employees and to fund appropriate activities of 155799
the following offices established by the Supreme Court: the Office 155800
of Disciplinary Counsel, the Board of Commissioners on Grievances 155801
and Discipline, the Clients' Security Fund, and the Attorney 155802
Services Division. If it is determined by the Administrative 155803
Director of the Supreme Court that additional appropriations are 155804
necessary, the amounts are hereby appropriated. 155805

No money in Fund 4C80 shall be transferred to any other fund 155806
by the Director of Budget and Management or the Controlling Board. 155807
Interest earned on money in Fund 4C80 shall be credited to the 155808
fund. 155809

COURT INTERPRETER CERTIFICATION 155810

The Court Interpreter Certification Fund (Fund 5HT0) shall 155811
consist of money received by the Supreme Court (The Judiciary) 155812
pursuant to Rules 80 through 87 of the Rules of Superintendence 155813
for the Courts of Ohio. The foregoing appropriation item 005617, 155814
Court Interpreter Certification, shall be used to provide 155815
training, to provide the written examination, and to pay language 155816
experts to rate, or grade, the oral examinations of those applying 155817
to become certified court interpreters. If it is determined by the 155818
Administrative Director that additional appropriations are 155819

necessary, the amounts are hereby appropriated. 155820

No money in Fund 5HT0 shall be transferred to any other fund 155821
by the Director of Budget and Management or the Controlling Board. 155822
Interest earned on money in Fund 5HT0 shall be credited to the 155823
fund. 155824

COUNTY LAW LIBRARY RESOURCES BOARD 155825

The Statewide Consortium of County Law Library Resources 155826
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 155827
to section 307.515 of the Revised Code into a county's law library 155828
resources fund and forwarded by that county's treasurer for 155829
deposit in the state treasury pursuant to division (E)(1) of 155830
section 3375.481 of the Revised Code. The foregoing appropriation 155831
item 005620, County Law Library Resources Board, shall be used for 155832
the operation of the Statewide Consortium of County Law Library 155833
Resources Boards. If it is determined by the Administrative 155834
Director of the Supreme Court that additional appropriations are 155835
necessary, the amounts are hereby appropriated. 155836

No money in Fund 5JY0 shall be transferred to any other fund 155837
by the Director of Budget and Management or the Controlling Board. 155838
Interest earned on money in Fund 5JY0 shall be credited to the 155839
fund. 155840

GRANTS AND AWARDS 155841

The Grants and Awards Fund (Fund 5T80) shall consist of 155842
grants and other money awarded to the Supreme Court (The 155843
Judiciary) by the State Justice Institute, the Division of 155844
Criminal Justice Services, or other entities. The foregoing 155845
appropriation item 005609, Grants and Awards, shall be used in a 155846
manner consistent with the purpose of the grant or award. If it is 155847
determined by the Administrative Director of the Supreme Court 155848
that additional appropriations are necessary, the amounts are 155849
hereby appropriated. 155850

No money in Fund 5T80 shall be transferred to any other fund 155851
by the Director of Budget and Management or the Controlling Board. 155852
However, interest earned on money in Fund 5T80 shall be credited 155853
or transferred to the General Revenue Fund. 155854

SUPREME COURT ADMISSIONS 155855

The foregoing appropriation item 005606, Supreme Court 155856
Admissions, shall be used to compensate Supreme Court employees 155857
who are primarily responsible for administering the attorney 155858
admissions program under the Rules for the Government of the Bar 155859
of Ohio, and to fund any other activities considered appropriate 155860
by the court. Moneys shall be deposited into the Supreme Court 155861
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 155862
Government of the Bar of Ohio. If it is determined by the 155863
Administrative Director of the Supreme Court that additional 155864
appropriations are necessary, the amounts are hereby appropriated. 155865

No money in Fund 6A80 shall be transferred to any other fund 155866
by the Director of Budget and Management or the Controlling Board. 155867
Interest earned on money in Fund 6A80 shall be credited to the 155868
fund. 155869

Section 307.20. ADDICTION TREATMENT PILOT PROGRAM 155870

(A) As used in this section: 155871

(1) "Certified drug court program" means a session of any of 155872
the following that holds initial or final certification from the 155873
Supreme Court of Ohio as a specialized docket program for drugs: a 155874
common pleas court, municipal court, or county court or a division 155875
of any of those courts. 155876

(2) "Prescriber" has the same meaning as in section 4729.01 155877
of the Revised Code. 155878

(B)(1) The Supreme Court of Ohio shall conduct a pilot 155879
program to provide addiction treatment, including 155880

medication-assisted treatment, to persons who are offenders within 155881
the criminal justice system, eligible to participate in a 155882
certified drug court program, and selected under this section to 155883
be participants in the pilot program because of their dependence 155884
on opioids, alcohol, or both. 155885

(2) The Supreme Court shall conduct the pilot program in the 155886
courts of Crawford, Franklin, Hardin, Mercer, and Scioto counties 155887
that are conducting certified drug court programs. If in any these 155888
counties there is no court conducting a certified drug court 155889
program, the Supreme Court shall conduct the pilot program in a 155890
court that is conducting a certified drug court program in another 155891
county. 155892

(3) In addition to courts of the counties listed in division 155893
(B)(2) of this section, the Supreme Court may conduct the pilot 155894
program in any court that is conducting a certified drug court 155895
program. 155896

(C) In conducting the pilot program, the Supreme Court shall 155897
collaborate with the Department of Mental Health and Addiction 155898
Services, Department of Rehabilitation and Correction, and any 155899
other state agency that it determines may be of assistance in 155900
accomplishing the objectives of the pilot program. In addition, 155901
the Supreme Court may collaborate with the boards of alcohol, drug 155902
addiction, and mental health services that serve the counties in 155903
which the courts participating in the pilot program are located. 155904

(D) Not later than sixty days after the effective date of 155905
this section, the Supreme Court shall select a nationally 155906
recognized criminal justice research institute with extensive 155907
experience in the evaluation of criminal justice and substance 155908
abuse projects to develop an evaluation plan for the pilot 155909
program. The evaluation plan shall include performance measures 155910
that reflect the purpose of the pilot program, which is to assist 155911
participants in addressing their dependence on opioids, alcohol, 155912

or both, by maintaining abstinence from the use of those 155913
substances and reducing recidivism. 155914

(E) Before any person may be enrolled as a participant in the 155915
pilot program, the evaluation plan developed by the research 155916
institute shall be put into place with each of the certified drug 155917
court programs included in the pilot program and the addiction 155918
services providers that will provide treatment to the 155919
participants. 155920

Once the evaluation plan has been put into place, the 155921
certified drug court programs shall select persons who are 155922
offenders within the criminal justice system to be participants in 155923
the pilot program. To be selected, a person must meet the legal 155924
and clinical eligibility criteria for the certified drug court 155925
program and be an active participant in the program. The total 155926
number of persons participating in the pilot program at any one 155927
time shall not exceed five hundred, except that the Supreme Court 155928
may authorize the maximum number to be exceeded in circumstances 155929
that the Court considers appropriate. 155930

After being enrolled in the pilot program, a participant 155931
shall comply with all requirements of the certified drug court 155932
program. 155933

(F) Treatment may be provided under the pilot program only by 155934
a community addiction services provider that is certified under 155935
section 5119.36 of the Revised Code. In serving as a treatment 155936
provider, a community addiction services provider shall do all of 155937
the following: 155938

(1) Provide treatment based on an integrated service delivery 155939
model that consists of the coordination of care between a 155940
prescriber and the addiction services provider; 155941

(2) Conduct professional, comprehensive substance abuse and 155942
mental health diagnostic assessments of persons under 155943

consideration for selection as pilot program participants to 155944
determine whether they would benefit from substance abuse 155945
treatment and monitoring; 155946

(3) Determine, based on the assessments described in division 155947
(F)(2) of this section, the treatment needs of the participants 155948
served by the treatment provider; 155949

(4) Develop, for the participants served by the treatment 155950
provider, individualized goals and objectives; 155951

(5) Provide access to the long-acting antagonist therapies, 155952
partial agonist therapies, or both that are included in the pilot 155953
program's medication-assisted treatment; 155954

(6) Provide other types of therapies, including psychosocial 155955
therapies, for both substance abuse and any disorders that are 155956
considered by the treatment provider to be co-occurring disorders; 155957

(7) Monitor pilot program compliance through the use of 155958
regular drug testing, including urinalysis, of the participants 155959
being served by the treatment provider. 155960

(G) In the case of the medication-assisted treatment provided 155961
under the pilot program, all of the following conditions apply: 155962

(1) A drug may be used only if it has been approved by the 155963
United States Food and Drug Administration for use in treating 155964
dependence on opioids, alcohol, or both or for preventing relapse 155965
into the use of opioids, alcohol, or both. 155966

(2) One or more drugs may be used, but each drug that is used 155967
must constitute long-acting antagonist therapy or partial agonist 155968
therapy. 155969

(3) If a drug constituting partial agonist therapy is used, 155970
the pilot program shall provide safeguards to minimize abuse and 155971
diversion of the drug, including such safeguards as routine drug 155972
testing of the pilot program participants. 155973

(H) The research institute selected by the Supreme Court 155974
under division (D) of this section shall prepare a report of the 155975
findings obtained from the pilot program. The report shall include 155976
data derived from the drug testing and performance measures used 155977
in the pilot program. In preparing the report, the research 155978
institute shall obtain assistance from the Supreme Court. 155979

Not later than six months after the conclusion of the pilot 155980
program, the research institute shall complete its report. On 155981
completion, the research institute shall submit the report to the 155982
Governor; Chief Justice of the Supreme Court; President of the 155983
Senate; Speaker of the House of Representatives; Department of 155984
Mental Health and Addiction Services and Department of 155985
Rehabilitation and Correction; and any other state agency the 155986
Supreme Court collaborates with in conducting the pilot program. 155987

Section 309.10. LEC LAKE ERIE COMMISSION 155988

Federal Special Revenue Fund Group 155989

3EP0 780603	Lake Erie Federal	\$	25,000	\$	0	155990
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Grants

TOTAL FED	Federal Special Revenue	\$	25,000	\$	0	155991
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Fund Group

State Special Revenue Fund Group 155992

4C00 780601	Lake Erie Protection	\$	200,000	\$	200,000	155993
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Fund

5D80 780602	Lake Erie Resources	\$	298,942	\$	339,637	155994
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Fund

TOTAL SSR State Special Revenue 155995

Fund Group		\$	498,942	\$	539,637	155996
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TOTAL ALL BUDGET FUND GROUPS		\$	523,942	\$	539,637	155997
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CASH TRANSFERS TO THE LAKE ERIE RESOURCES FUND 155998

On July 1 of each fiscal year, or as soon as possible 155999

thereafter, the Director of Budget and Management may transfer 156000
cash from the funds specified below, up to the amounts specified 156001
below, to the Lake Erie Resources Fund (Fund 5D80). Fund 5D80 may 156002
accept contributions and transfers made to the fund. 156003

Fund	Fund Name	User	FY 2014	FY 2015	
5BC0	Environmental Protection	Environmental Protection Agency	\$23,500	\$53,500	156004
6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$23,500	\$53,500	156005
4700	General Operations	Department of Health	\$23,500	\$53,500	156006
1570	Central Support Indirect	Department of Natural Resources	\$23,500	\$53,500	156007

On July 1, 2013, or as soon as possible thereafter, the 156009
Director of Budget and Management may transfer \$23,500 cash from a 156010
fund used by the Development Services Agency, as specified by the 156011
Director of Development Services, to Fund 5D80. 156012

On July 1, 2014, or as soon as possible thereafter, the 156013
Director of Budget and Management may transfer \$53,500 cash from a 156014
fund used by the Development Services Agency, as specified by the 156015
Director of Development Services, to Fund 5D80. 156016

Section 311.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE

General Revenue Fund					156017
GRF 028321	Legislative Ethics Committee	\$	550,000	\$ 550,000	156018
TOTAL GRF	General Revenue Fund	\$	550,000	\$ 550,000	156019
General Services Fund Group					156020
4G70 028601	Joint Legislative Ethics Committee	\$	150,000	\$ 150,000	156021
TOTAL GSF	General Services Fund	\$	150,000	\$ 150,000	156022

Group

TOTAL ALL BUDGET FUND GROUPS \$ 700,000 \$ 700,000 156024

LEGISLATIVE ETHICS COMMITTEE 156025

On July 1, 2013, or as soon as possible thereafter, the 156026
Legislative Inspector General of the Joint Legislative Ethics 156027
Committee may certify to the Director of Budget and Management the 156028
amount of the unexpended, unencumbered balance of the foregoing 156029
appropriation item 028321, Legislative Ethics Committee, at the 156030
end of fiscal year 2013 to be reappropriated to fiscal year 2014. 156031
The amount certified is hereby reappropriated to the same 156032
appropriation item for fiscal year 2014. 156033

On July 1, 2014, or as soon as possible thereafter, the 156034
Legislative Inspector General of the Joint Legislative Ethics 156035
Committee may certify to the Director of Budget and Management the 156036
amount of the unexpended, unencumbered balance of the foregoing 156037
appropriation item 028321, Legislative Ethics Committee, at the 156038
end of fiscal year 2014 to be reappropriated to fiscal year 2015. 156039
The amount certified is hereby reappropriated to the same 156040
appropriation item for fiscal year 2015. 156041

Section 313.10. LSC LEGISLATIVE SERVICE COMMISSION 156042

General Revenue Fund 156043

GRF 035321 Operating Expenses \$ 15,117,700 \$ 15,117,700 156044

GRF 035402 Legislative Fellows \$ 1,022,120 \$ 1,022,120 156045

GRF 035405 Correctional \$ 460,845 \$ 460,845 156046

Institution Inspection
Committee

GRF 035407 Legislative Task Force \$ 320,000 \$ 400,000 156047
on Redistricting

GRF 035409 National Associations \$ 460,560 \$ 460,560 156048

GRF 035410 Legislative \$ 3,861,250 \$ 3,861,250 156049
Information Systems

GRF 035411	Ohio Constitutional	\$	300,000	\$	300,000	156050
	Modernization					
	Commission					
TOTAL GRF	General Revenue Fund	\$	21,542,475	\$	21,622,475	156051
	General Services Fund Group					156052
4100 035601	Sale of Publications	\$	10,000	\$	10,000	156053
4F60 035603	Legislative Budget	\$	200,000	\$	200,000	156054
	Services					
5EF0 035607	Legislative Agency	\$	30,000	\$	30,000	156055
	Telephone Usage					
TOTAL GSF	General Services					156056
Fund Group		\$	240,000	\$	240,000	156057
TOTAL ALL BUDGET FUND GROUPS		\$	21,782,475	\$	21,862,475	156058

OPERATING EXPENSES 156059

On July 1, 2013, or as soon as possible thereafter, the 156060
 Director of the Legislative Service Commission may certify to the 156061
 Director of Budget and Management the amount of the unexpended, 156062
 unencumbered balance of the foregoing appropriation item 035321, 156063
 Operating Expenses, at the end of fiscal year 2013 to be 156064
 reappropriated to fiscal year 2014. The amount certified is hereby 156065
 reappropriated to the same appropriation item for fiscal year 156066
 2014. 156067

On July 1, 2014, or as soon as possible thereafter, the 156068
 Director of the Legislative Service Commission may certify to the 156069
 Director of Budget and Management the amount of the unexpended, 156070
 unencumbered balance of the foregoing appropriation item 035321, 156071
 Operating Expenses, at the end of fiscal year 2014 to be 156072
 reappropriated to fiscal year 2015. The amount certified is hereby 156073
 reappropriated to the same appropriation item for fiscal year 156074
 2015. 156075

LEGISLATIVE TASK FORCE ON REDISTRICTING 156076

An amount equal to the unexpended, unencumbered portion of 156077
the foregoing appropriation item 035407, Legislative Task Force on 156078
Redistricting, at the end of fiscal year 2013 is hereby 156079
reappropriated to the Legislative Service Commission for the same 156080
purpose for fiscal year 2014. 156081

An amount equal to the unexpended, unencumbered portion of 156082
the foregoing appropriation item 035407, Legislative Task Force on 156083
Redistricting, at the end of fiscal year 2014 is hereby 156084
reappropriated to the Legislative Service Commission for the same 156085
purpose for fiscal year 2015. 156086

LEGISLATIVE INFORMATION SYSTEMS 156087

On July 1, 2013, or as soon as possible thereafter, the 156088
Director of the Legislative Service Commission may certify to the 156089
Director of Budget and Management the amount of the unexpended, 156090
unencumbered balance of the foregoing appropriation item 035410, 156091
Legislative Information Systems, at the end of fiscal year 2013 to 156092
be reappropriated to fiscal year 2014. The amount certified is 156093
hereby reappropriated to the same appropriation item for fiscal 156094
year 2014. 156095

On July 1, 2014, or as soon as possible thereafter, the 156096
Director of the Legislative Service Commission may certify to the 156097
Director of Budget and Management the amount of the unexpended, 156098
unencumbered balance of the foregoing appropriation item 035410, 156099
Legislative Information Systems, at the end of fiscal year 2014 to 156100
be reappropriated to fiscal year 2015. The amount certified is 156101
hereby reappropriated to the same appropriation item for fiscal 156102
year 2015. 156103

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION 156104

The foregoing appropriation item 035411, Ohio Constitutional 156105
Modernization Commission, shall be used to support the operation 156106
and expenses of the Ohio Constitutional Modernization Commission 156107

under sections 103.61 to 103.67 of the Revised Code.					156108
An amount equal to the unexpended, unencumbered portion of					156109
the foregoing appropriation item 035411, Ohio Constitutional					156110
Modernization Commission, at the end of fiscal year 2013 is hereby					156111
reappropriated to the Legislative Service Commission for the same					156112
purpose for fiscal year 2014.					156113
An amount equal to the unexpended, unencumbered portion of					156114
the foregoing appropriation item 035411, Ohio Constitutional					156115
Modernization Commission, at the end of fiscal year 2014 is hereby					156116
reappropriated to the Legislative Service Commission for the same					156117
purpose for fiscal year 2015.					156118
Section 315.10. LIB STATE LIBRARY BOARD					156119
General Revenue Fund					156120
GRF 350321 Operating Expenses	\$	5,057,364	\$	5,057,364	156121
GRF 350401 Ohioana Rental	\$	120,114	\$	120,114	156122
Payments					
GRF 350502 Regional Library	\$	582,469	\$	582,469	156123
Systems					
TOTAL GRF General Revenue Fund	\$	5,759,947	\$	5,759,947	156124
General Services Fund Group					156125
1390 350602 Intra-Agency Service	\$	8,000	\$	8,000	156126
Charges					
4590 350603 Library Service	\$	3,237,430	\$	3,526,368	156127
Charges					
4S40 350604 Ohio Public Library	\$	5,689,788	\$	5,689,788	156128
Information Network					
5GB0 350605 Library for the Blind	\$	1,274,194	\$	1,274,194	156129
TOTAL GSF General Services					156130
Fund Group	\$	10,209,412	\$	10,498,350	156131
Federal Special Revenue Fund Group					156132

3130 350601 LSTA Federal	\$	5,303,693	\$	5,120,439	156133
TOTAL FED Federal Special Revenue					156134
Fund Group	\$	5,303,693	\$	5,120,439	156135
TOTAL ALL BUDGET FUND GROUPS	\$	21,273,052	\$	21,378,736	156136

OHIOANA RENTAL PAYMENTS 156137

The foregoing appropriation item 350401, Ohioana Rental 156138
Payments, shall be used to pay the rental expenses of the Martha 156139
Kinney Cooper Ohioana Library Association under section 3375.61 of 156140
the Revised Code. 156141

REGIONAL LIBRARY SYSTEMS 156142

The foregoing appropriation item 350502, Regional Library 156143
Systems, shall be used to support regional library systems 156144
eligible for funding under sections 3375.83 and 3375.90 of the 156145
Revised Code. 156146

OHIO PUBLIC LIBRARY INFORMATION NETWORK 156147

(A) The foregoing appropriation item 350604, Ohio Public 156148
Library Information Network, shall be used for an information 156149
telecommunications network linking public libraries in the state 156150
and such others as may participate in the Ohio Public Library 156151
Information Network (OPLIN). 156152

The Ohio Public Library Information Network Board of Trustees 156153
created under section 3375.65 of the Revised Code may make 156154
decisions regarding use of the foregoing appropriation item 156155
350604, Ohio Public Library Information Network. 156156

(B) The OPLIN Board shall research and assist or advise local 156157
libraries with regard to emerging technologies and methods that 156158
may be effective means to control access to obscene and illegal 156159
materials. The OPLIN Director shall provide written reports upon 156160
request within ten days to the Governor, the Speaker and Minority 156161
Leader of the House of Representatives, and the President and 156162
Minority Leader of the Senate on any steps being taken by OPLIN 156163

and public libraries in the state to limit and control such 156164
improper usage as well as information on technological, legal, and 156165
law enforcement trends nationally and internationally affecting 156166
this area of public access and service. 156167

(C) The Ohio Public Library Information Network, INFOhio, and 156168
OhioLINK shall, to the extent feasible, coordinate and cooperate 156169
in their purchase or other acquisition of the use of electronic 156170
databases for their respective users and shall contribute funds in 156171
an equitable manner to such effort. 156172

LIBRARY FOR THE BLIND 156173

The foregoing appropriation item 350605, Library for the 156174
Blind, shall be used for the statewide Talking Book Program to 156175
assist the blind and disabled. 156176

TRANSFER TO OPLIN TECHNOLOGY FUND 156177

Notwithstanding sections 5747.03 and 5747.47 of the Revised 156178
Code and any other provision of law to the contrary, in accordance 156179
with a schedule established by the Director of Budget and 156180
Management, the Director of Budget and Management shall transfer 156181
\$3,689,788 cash in each fiscal year from the Public Library Fund 156182
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 156183

TRANSFER TO LIBRARY FOR THE BLIND FUND 156184

Notwithstanding sections 5747.03 and 5747.47 of the Revised 156185
Code and any other provision of law to the contrary, in accordance 156186
with a schedule established by the Director of Budget and 156187
Management, the Director of Budget and Management shall transfer 156188
\$1,274,194 cash in each fiscal year from the Public Library Fund 156189
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 156190

Section 317.10. LCO LIQUOR CONTROL COMMISSION 156191

State Special Revenue Fund Group 156192

5LP0 970601	Commission Operating	\$	784,376	\$	796,368	156193
	Expenses					
TOTAL SSR State Special Revenue		\$	784,376	\$	796,368	156194
Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	784,376	\$	796,368	156195

Section 319.10. LOT STATE LOTTERY COMMISSION 156197

State Lottery Fund Group						156198
2310 950604	Charitable Gaming	\$	1,946,000	\$	1,946,000	156199
	Oversight					
7044 950321	Operating Expenses	\$	49,778,677	\$	51,173,293	156200
7044 950402	Advertising Contracts	\$	23,024,080	\$	23,024,080	156201
7044 950403	Gaming Contracts	\$	63,405,851	\$	59,356,988	156202
7044 950601	Direct Prize Payments	\$	116,281,000	\$	114,779,000	156203
7044 950605	Problem Gambling	\$	2,000,000	\$	3,000,000	156204
8710 950602	Annuity Prizes	\$	79,039,985	\$	80,299,167	156205
TOTAL SLF State Lottery Fund						156206
Group		\$	335,475,593	\$	333,578,528	156207
TOTAL ALL BUDGET FUND GROUPS		\$	335,475,593	\$	333,578,528	156208

OPERATING EXPENSES 156209

Notwithstanding sections 127.14 and 131.35 of the Revised 156210
Code, the Controlling Board may, at the request of the State 156211
Lottery Commission, authorize expenditures from the State Lottery 156212
Fund in excess of the amounts appropriated, up to a maximum of 10 156213
per cent of anticipated total revenue accruing from the sale of 156214
lottery products. Upon the approval of the Controlling Board, the 156215
additional amounts are hereby appropriated. 156216

DIRECT PRIZE PAYMENTS 156217

Any amounts, in addition to the amounts appropriated in 156218
appropriation item 950601, Direct Prize Payments, that the 156219
Director of the State Lottery Commission determines to be 156220
necessary to fund prizes are hereby appropriated. 156221

ANNUITY PRIZES	156222
Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.	156223 156224 156225 156226 156227 156228 156229
Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest earnings are hereby appropriated.	156230 156231 156232 156233
TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND	156234
Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be \$841,000,000 in fiscal year 2014 and \$974,500,000 in fiscal year 2015. The Director of Budget and Management shall transfer such amounts contingent upon the availability of resources. Transfers from the State Lottery Fund to the Lottery Profits Education Fund shall represent the estimated net income from operations for the Commission in fiscal year 2014 and fiscal year 2015. Transfers by the Director of Budget and Management to the Lottery Profits Education Fund shall be administered as the statutes direct.	156235 156236 156237 156238 156239 156240 156241 156242 156243 156244
Section 321.10. MHC MANUFACTURED HOMES COMMISSION	156245
General Services Fund Group	156246
4K90 996609 Operating Expenses \$ 459,134 \$ 459,134	156247
TOTAL GSF General Services Fund Group \$ 459,134 \$ 459,134	156248 156249
State Special Revenue Fund Group	156250
5MC0 996610 Manufactured Homes \$ 747,825 \$ 747,825	156251

Regulation			
TOTAL SSR State Special Revenue	\$	747,825	\$ 747,825 156252
Fund Group			
TOTAL ALL BUDGET FUND GROUPS	\$	1,206,959	\$ 1,206,959 156253
Section 323.10. MCD DEPARTMENT OF MEDICAID			156255
General Revenue Fund			156256
GRF 651425 Medicaid Program	\$	150,382,299	\$ 156,964,636 156257
Support - State			
GRF 651525 Medicaid/Health Care			156258
Services			
State	\$	4,747,521,777	\$ 4,991,552,135 156259
Federal	\$	9,000,192,337	\$ 9,314,662,342 156260
Medicaid/Health Care	\$	13,747,714,114	\$14,306,214,477 156261
Services Total			
GRF 651526 Medicare Part D	\$	308,749,142	\$ 324,920,518 156262
TOTAL GRF General Revenue Fund			156263
State	\$	5,206,653,218	\$ 5,473,437,289 156264
Federal	\$	9,000,192,337	\$ 9,314,662,342 156265
GRF Total	\$	14,206,845,555	\$14,788,099,631 156266
General Services Fund Group			156267
5DL0 651639 Medicaid Services -	\$	462,900,000	\$ 514,700,000 156268
Recoveries			
5FX0 561638 Medicaid Services -	\$	6,000,000	\$ 6,000,000 156269
Payment Withholding			
TOTAL GSF General Services Fund	\$	468,900,000	\$ 520,700,000 156270
Group			
Federal Special Revenue Fund Group			156271
3ER0 651603 Medicaid Health	\$	123,074,778	\$ 123,089,606 156272
Information			
Technology			
3F00 651623 Medicaid Services -	\$	2,977,109,943	\$ 3,214,589,109 156273

		Federal				
3F00	651624	Medicaid Program	\$	409,896,401	\$	410,223,399 156274
		Support - Federal				
3FA0	651680	Health Care Grants -	\$	20,000,000	\$	20,000,000 156275
		Federal				
3G50	651655	Medicaid Interagency	\$	1,712,881,658	\$	1,895,403,348 156276
		Pass-Through				
TOTAL FED		Federal Special Revenue	\$	5,242,962,780	\$	5,663,305,462 156277
		Fund Group				
		State Special Revenue Fund Group				156278
4E30	651605	Resident Protection	\$	2,878,319	\$	2,878,319 156279
		Fund				
5AJ0	651631	Money Follows the	\$	5,555,000	\$	4,517,500 156280
		Person				
5GF0	651656	Medicaid Services -	\$	531,273,601	\$	531,273,601 156281
		Hospitals/UPL				
5KC0	651682	Health Care Grants -	\$	10,000,000	\$	10,000,000 156282
		State				
5R20	651608	Medicaid Services -	\$	402,000,000	\$	402,000,000 156283
		Long Term Care				
5U30	651654	Medicaid Program	\$	36,205,843	\$	35,403,126 156284
		Support				
6510	651649	Medicaid Services -	\$	215,527,947	\$	215,314,482 156285
		HCAP				
TOTAL SSR		State Special Revenue	\$	1,203,440,710	\$	1,201,387,028 156286
		Fund Group				
		Holding Account Redistribution Fund Group				156287
R055	651644	Refunds and	\$	1,000,000	\$	1,000,000 156288
		Reconciliations				
TOTAL 090		Holding Account	\$	1,000,000	\$	1,000,000 156289
		Redistribution Fund Group				
TOTAL ALL BUDGET FUND GROUPS			\$	21,123,149,045	\$	22,174,492,121 156290

Section 323.10.10. CREATION OF THE DEPARTMENT OF MEDICAID	156292
(A) As used in this section, "medical assistance program" means all of the following:	156293 156294
(1) The Medicaid program established by Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq.	156295 156296
(2) The Children's Health Insurance Program authorized by Title XXI of the "Social Security Act," 42 U.S.C. 1397aa et seq.	156297 156298
(3) The Refugee Medical Assistance program authorized by the "Immigration and Nationality Act," section 412(e), 42 U.S.C. 1522(e).	156299 156300 156301
(B) On July 1, 2013, all of the following apply:	156302
(1) The Department of Medicaid is created.	156303
(2) The Department of Medicaid is to be administered by the Medicaid Director who is to be appointed by the Governor with the advice and consent of the Senate.	156304 156305 156306
(3) The Medicaid Director is to hold the Director's office during the term of the appointing Governor and is subject to removal at the pleasure of the Governor.	156307 156308 156309
(4) The Medicaid Director is the executive head of the Department of Medicaid and all duties conferred on the Department by law or order of the Director are under the Director's control and shall be performed in accordance with rules the Director adopts.	156310 156311 156312 156313 156314
(5) The Medicaid Director may appoint such employees as are necessary for the efficient operation of the Department of Medicaid and may prescribe the title and duties of the employees.	156315 156316 156317
(6) The Office of Medical Assistance shall cease to exist.	156318
(7) Each reference to the Department or Director of Public Welfare, Department or Director of Human Services, Department or	156319 156320

Director of Job and Family Services, Office of Medical Assistance, 156321
or Medical Assistance Director in any statute, rule, contract, 156322
grant, or other document is deemed to refer to the Department of 156323
Medicaid or Medicaid Director, as the case may be, to the extent 156324
the reference is about a duty or authority of the Department of 156325
Medicaid or Medicaid Director regarding a medical assistance 156326
program. 156327

(8) Employees of the Office of Medical Assistance are hereby 156328
transferred to the Department of Medicaid. The vehicles and 156329
equipment assigned to the Office's employees are transferred to 156330
the Department. 156331

(9) The assets, liabilities, other equipment not provided 156332
for, and records, irrespective of form or medium, of the Office of 156333
Medical Assistance are transferred to the Department of Medicaid. 156334
The Department is the successor to, assumes the obligations of, 156335
and otherwise constitutes the continuation of, the Office. 156336

(10) Business commenced but not completed on July 1, 2013, by 156337
the Medical Assistance Director, the Office of Medical Assistance, 156338
Director of Job and Family Services, or Department of Job and 156339
Family Services regarding a medical assistance program shall be 156340
completed by the Medicaid Director or Department of Medicaid in 156341
the same manner, and with the same effect, as if completed by the 156342
Medical Assistance Director, Office of Medical Assistance, 156343
Director of Job and Family Services, or Department of Job and 156344
Family Services. No validation, cure, right, privilege, remedy, 156345
obligation, or liability is lost or impaired by reason of the 156346
transfer required by this section but shall be administered by the 156347
Medicaid Director or Department of Medicaid. 156348

(11) For the purpose of the "Social Security Act," section 156349
1902(a)(5), 42 U.S.C. 1396a(a)(5), the Department of Medicaid 156350
shall act as the single state agency to supervise the 156351
administration of the Medicaid program. As the single state 156352

agency, the Department shall comply with 42 C.F.R. 431.10(e) and 156353
all other federal requirements applicable to the single state 156354
agency. 156355

(D) The rules, orders, and determinations pertaining to the 156356
Office of Medical Assistance and Department of Job and Family 156357
Services regarding medical assistance programs continue in effect 156358
as rules, orders, and determinations of the Department of Medicaid 156359
until modified or rescinded by the Department of Medicaid. 156360

(E) No judicial or administrative action or proceeding 156361
pending on July 1, 2013, is affected by the transfer of functions 156362
from the Medical Assistance Director, Office of Medical 156363
Assistance, Director of Job and Family Services, or Department of 156364
Job and Family Services to the Medicaid Director or Department of 156365
Medicaid and shall be prosecuted or defended in the name of the 156366
Medicaid Director or Department of Medicaid. On application to the 156367
court or other tribunal, the Medicaid Director or Department of 156368
Medicaid shall be substituted as a party in such actions and 156369
proceedings. 156370

(F) When the Department of Medicaid created in section 121.02 156371
of the Revised Code comes into effect, it is a continuation of the 156372
Department of Medicaid created in this section. 156373

(G) A portion of the foregoing appropriation items 651425, 156374
Medicaid Program Support - State, 651525, Medicaid/Health Care 156375
Services, 651526, Medicare Part D, 651639, Medicaid Services - 156376
Recoveries, 651638, Medicaid Services - Payment Withholding, 156377
651603, Medicaid Health Information Technology, 651623, Medicaid 156378
Services - Federal, 651624, Medicaid Program Support - Federal, 156379
651680 Health Care Grants - Federal, 651655, Medicaid Interagency 156380
Pass-Through, 651605, Resident Protection Fund, 651631, Money 156381
Follows the Person, 651656, Medicaid Services - Hospitals/UPL, 156382
651682, Health Care Grants - State, 651608, Medicaid Services - 156383
Long Term Care, 651654, Medicaid Program Support, 651649, Medicaid 156384

Services - HCAP, 651644, Refunds and Reconciliations, and 651612, 156385
Managed Care Performance Payments, may be used to pay for Medicaid 156386
services and costs associated with the administration of the 156387
Medicaid program. 156388

Section 323.10.20. TRANSFER OF ENCUMBRANCES AND RECEIVABLES 156389

On July 1, 2013, or as soon as possible thereafter, the 156390
Medicaid Director shall certify to the Director of Budget and 156391
Management all medical assistance-related encumbrances held by the 156392
Department of Job and Family Services, and specify which of those 156393
encumbrances are requested to be transferred to the Department of 156394
Medicaid. The Director of Budget and Management may cancel any 156395
existing encumbrances, as certified by the Medicaid Director, and 156396
reestablish them in the Department of Medicaid. The reestablished 156397
encumbrance amounts are hereby appropriated. Any business 156398
commenced, but not completed, with regard to the encumbrances 156399
certified shall be completed by the Department of Medicaid in the 156400
same manner and with the same effect as if it were completed by 156401
the Department of Job and Family Services. 156402

On July 1, 2013, or as soon as possible thereafter, the 156403
Medicaid Director shall certify to the Director of Budget and 156404
Management all medical assistance-related receivables held by the 156405
Department of Job and Family Services, and specify which of those 156406
receivables are requested to be transferred to the Department of 156407
Medicaid. The Director of Budget and Management may cancel any 156408
existing receivables as certified by the Medicaid Director and 156409
reestablish them in the Department of Medicaid. 156410

A portion of the foregoing appropriation items 651425, 156411
Medicaid Program Support - State, 651525, Medicaid/Health Care 156412
Services, 651639, Medicaid Services - Recoveries, 651638, Medicaid 156413
Services-Payment Withholding, 651624, Medicaid Program Support - 156414
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 156415

Interagency Pass-Through, 651605, Resident Protection Fund, 156416
651631, Money Follows the Person, 651656, Medicaid Services - 156417
Hospitals/UPL, 651682, Health Care Grants - State, 651608, 156418
Medicaid Services - Long Term Care, 651654, Medicaid Program 156419
Support, and 651649, Medicaid Services - HCAP, may be used to pay 156420
for medical assistance services and costs associated with the 156421
administration of the Medicaid program. 156422

Section 323.10.30. TEMPORARY AUTHORITY REGARDING EMPLOYEES 156423

(A) As used in this section, "medical assistance program" has 156424
the same meaning as in the section of this act titled "CREATION OF 156425
THE DEPARTMENT OF MEDICAID." 156426

(B) During the period beginning July 1, 2013, and ending June 156427
30, 2015, all of the following apply: 156428

(1) The Medicaid Director has the authority to establish, 156429
change, and abolish positions for the Department of Medicaid, and 156430
to assign, reassign, classify, reclassify, transfer, reduce, 156431
promote, or demote all employees of the Department of Medicaid who 156432
are not subject to Chapter 4117. of the Revised Code. 156433

(2) As part of the transfer of medical assistance programs to 156434
the Department of Medicaid, the Director of Job and Family 156435
Services has the authority to establish, change, and abolish 156436
positions for the Department of Job and Family Services, and to 156437
assign, reassign, classify, reclassify, transfer, reduce, promote, 156438
or demote all employees of the Department of Job and Family 156439
Services who are not subject to Chapter 4117. of the Revised Code. 156440

(C) The authority granted under division (B) of this section 156441
includes assigning or reassigning an exempt employee, as defined 156442
in section 124.152 of the Revised Code, to a bargaining unit 156443
classification if the Medicaid Director or Director of Job and 156444
Family Services determines that the bargaining unit classification 156445

is the proper classification for that employee. The actions of the Medicaid Director or Director of Job and Family Services shall be consistent with the requirements of 5 C.F.R. 900.603 for those employees subject to such requirements. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in this section, the Medicaid Director or Director of Job and Family Services, or in the case of a transfer outside the Department of Medicaid or Department of Job and Family Services, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(D) Actions taken by the Medicaid Director, Director of Job and Family Services, and Director of Administrative Services pursuant to this section are not subject to appeal to the State Personnel Board of Review.

(E) A portion of the foregoing appropriation items 651425, Medicaid Program Support - State, 651603, Medicaid Health Information Technology, 651624, Medicaid Program Support - Federal, 651680, Health Care Grants - Federal, 651655, Medicaid Interagency Pass-Through, 651605, Resident Protection Fund, 651631, Money Follows the Person, 651682, Health Care Grants - State, and 651654, Medicaid Program Support, may be used to pay for costs associated with the administration of the Medicaid program, including the assignment, reassignment, classification, reclassification, transfer, reduction, promotion, or demotion of employees authorized by this section.

Section 323.10.40. STAFF TRAINING REGARDING TRANSFERS

As used in this section, "medical assistance program" has the same meaning as in the section of this act titled "CREATION OF THE DEPARTMENT OF MEDICAID."

The Medicaid Director and Director of Job and Family Services may jointly or separately enter into one or more contracts with public or private entities for staff training and development to facilitate the transfer of the staff and duties regarding medical assistance programs to the Department of Medicaid. Division (B) of section 127.16 of the Revised Code does not apply to contracts entered into under this section.

A portion of the foregoing appropriation items 651425, Medicaid Program Support - State, 651624, Medicaid Program Support - Federal, 651680, Health Care Grants - Federal, 651605, Resident Protection Fund, 651631, Money Follows the Person, and 651654, Medicaid Program Support, may be used to pay for costs associated with the administration of the Medicaid program, including staff training authorized under this section.

Section 323.10.50. CREATION OF THE DEPARTMENT OF MEDICAID NOT A COLLECTIVE BARGAINING SUBJECT

As used in this section, "medical assistance program" has the same meaning as in the section of this act titled "CREATION OF THE DEPARTMENT OF MEDICAID."

Notwithstanding sections 4117.08 and 4117.10 of the Revised Code, this act's creation of the Department of Medicaid and reassignment of the functions and duties of the Office of Medical Assistance regarding medical assistance programs are not appropriate subjects for collective bargaining under Chapter 4117. of the Revised Code.

A portion of the foregoing appropriation items 651425, Medicaid Program Support - State, 651624, Medicaid Program Support

- Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 156507
Interagency Pass-Through, 651605, Resident Protection Fund, 156508
651631, Money Follows the Person, 651682, Health Care Grants - 156509
State, and 651654, Medicaid Program Support, may be used to pay 156510
for costs associated with the administration of the Medicaid 156511
program, including the reassignment of functions and duties 156512
related to the transition of the Office of Medical Assistance into 156513
the Department of Medicaid. 156514

Section 323.10.60. NEW AND AMENDED GRANT AGREEMENTS 156515

(A) As used in this section: 156516

(1) "Grant agreement" has the same meaning as in section 156517
5101.21 of the Revised Code. 156518

(2) "Medical assistance program" has the same meaning as in 156519
the section of this act titled "CREATION OF THE DEPARTMENT OF 156520
MEDICAID." 156521

(B) The Director of Job and Family Services and boards of 156522
county commissioners may enter into negotiations to amend an 156523
existing grant agreement or to enter into a new grant agreement 156524
regarding the transfer of medical assistance programs to the 156525
Department of Medicaid. Any such amended or new grant agreement 156526
shall be drafted in the name of the Department of Job and Family 156527
Services. The amended or new grant agreement may be executed 156528
before July 1, 2013, if the amendment or agreement does not become 156529
effective sooner than that date. 156530

(C) A portion of the foregoing appropriation items 651525, 156531
Health Care/Medicaid Services, 651603, Medicaid Health Information 156532
Technology, 651623, Medicaid Services - Federal, 651624, Medicaid 156533
Program Support - Federal, 651680, Health Care Grants - Federal, 156534
and 651682, Health Care Grants - State, may be used to pay for 156535
Medicaid services and costs associated with the administration of 156536

the Medicaid program. 156537

Section 323.10.63. EXCHANGE OF CERTAIN INFORMATION BETWEEN 156538
SPECIFIED STATE AGENCIES; HEALTH TRANSFORMATION INITIATIVES 156539

Until the amendments to sections 191.01, 191.02, 191.04, and 156540
191.06 of the Revised Code made by this act take effect in 156541
accordance with section 101.01 of this act, all of the following 156542
shall be the case: 156543

(A) The definition of "state agency" in section 191.01 of the 156544
Revised Code includes the Department of Administrative Services 156545
and the Department of Medicaid in addition to the other agencies 156546
specified in divisions (I)(1) to (13) of that section. 156547

(B) For the purpose of fulfilling the requirement in section 156548
191.02 of the Revised Code, the Executive Director of the Office 156549
of Health Transformation may consult with the Director of 156550
Administrative Services and the Medicaid Director in addition to 156551
the other individuals specified in divisions (A) to (O) of that 156552
section. 156553

(C) Notwithstanding any provision of the Revised Code to the 156554
contrary, the provisions in sections 191.04 and 191.06 of the 156555
Revised Code apply only for fiscal years 2013, 2014, and 2015. 156556

(D) A portion of the foregoing appropriation items 651425, 156557
Medicaid Program Support-State, 651525, Medicaid/Health Care 156558
Services, 651639, Medicaid Services-Recoveries, 651638, Medicaid 156559
Services-Payment Withholding, 651624, Medicaid Program 156560
Support-Federal, 651680, Health Care Grants-Federal, 651655, 156561
Medicaid Interagency Pass-Through, 651605, Resident Protection 156562
Fund, 651631, Money Follows the Person, 651656, Medicaid 156563
Services-Hospitals/UPL, 651682, Health Care Grants-State, 651608, 156564
Medicaid Services-Long Term Care, 651654, Medicaid Program 156565
Support, and 651649, Medicaid Services-HCAP, may be used to pay 156566

for services and costs associated with operating protocols adopted 156567
under section 191.06 of the Revised Code and this section. 156568

Section 323.10.70. LSC TO RENUMBER ADMINISTRATIVE RULES 156569

On and after October 1, 2013, if necessary to ensure the 156570
integrity of the numbering of the Administrative Code, the 156571
Director of the Legislative Service Commission shall renumber the 156572
rules of the Office of Medical Assistance within the Department of 156573
Job and Family Services to reflect its transfer to the Department 156574
of Medicaid. 156575

Section 323.20. MEDICAID/HEALTH CARE SERVICES 156576

The foregoing appropriation item 651525, Medicaid/Health Care 156577
Services, shall not be limited by section 131.33 of the Revised 156578
Code. 156579

Section 323.30. QUALITY INCENTIVE PROGRAM TO REDUCE AVOIDABLE 156580
ADMISSIONS 156581

(A) The Department of Medicaid may implement, for fiscal year 156582
2014 and fiscal year 2015, a quality incentive program to do both 156583
of the following: 156584

(1) Reduce the number of times that the following persons are 156585
admitted to hospitals and nursing facilities or utilize emergency 156586
department services when the admissions or utilizations are 156587
avoidable: 156588

(a) Medicaid recipients enrolled in a home and 156589
community-based services Medicaid waiver component administered by 156590
the Office; 156591

(b) Medicaid recipients receiving nursing services available 156592
under the home health services benefit pursuant to 42 C.F.R. 156593
440.70(b)(1); 156594

(c) Medicaid recipients receiving home health aide services 156595
available under the home health services benefit pursuant to 42 156596
C.F.R. 440.70(b)(2); 156597

(d) Medicaid recipients receiving private duty nursing 156598
services as defined in 42 C.F.R. 440.80. 156599

(2) Reduce the number of times that Medicaid recipients 156600
receiving nursing facility services are admitted to hospitals or 156601
utilize emergency department services when the admissions or 156602
utilizations are avoidable. 156603

(B) If the quality incentive program is implemented, the 156604
Department shall include in the program methods by which the 156605
Department will determine the program's actual savings to the 156606
Medicaid program and shall distribute not more than fifty per cent 156607
of the savings to participating Medicaid providers. 156608

Section 323.40. CHILDREN'S HOSPITALS QUALITY OUTCOMES PROGRAM 156609
156610

(A) As used in this section, "children's hospital" means a 156611
hospital, as defined in section 3727.01 of the Revised Code, that 156612
is located in this state, primarily serves patients eighteen years 156613
of age and younger, is subject to the Medicaid prospective payment 156614
system for hospitals established in rules adopted under section 156615
5164.02 of the Revised Code, and is excluded from Medicare 156616
prospective payments in accordance with 42 C.F.R. 412.23(d). 156617

(B) The Medicaid Director may implement, during fiscal year 156618
2014 and fiscal year 2015, a children's hospitals quality outcomes 156619
program that encourages children's hospitals to develop the 156620
following: 156621

(1) Infrastructures that are needed to care for patients in 156622
the least restrictive setting and promote the care of patients and 156623
their families; 156624

(2) Programs designed to improve birth outcomes and measurably reduce neonatal intensive care admissions;	156625 156626
(3) Patient-centered methods to measurably reduce utilization of emergency department services for primary care needs and nonemergency health conditions;	156627 156628 156629
(4) Other quality-focused reforms the Director identifies.	156630
(C) Up to \$6,000,000 state share plus the corresponding federal share in each fiscal year shall be used to support payments made to children's hospitals for developing programs that achieve the outcomes specified under division (B) of this section and any other measures the Medicaid Director deems appropriate.	156631 156632 156633 156634 156635
Section 323.50. UNIFIED LONG TERM CARE	156636
The foregoing appropriation item 651425, Medicaid Program Support - State, may be used to provide the preadmission screening and resident review (PASRR), which includes screening, assessments, and determinations made under sections 5119.061 (renumbered section 5119.40 of the Revised Code in this act), 5123.021, and 5165.04 of the Revised Code.	156637 156638 156639 156640 156641 156642
The foregoing appropriation item 651425, Medicaid Program Support - State, may be used to assess and provide long-term care consultations under section 173.42 of the Revised Code to clients regardless of Medicaid eligibility.	156643 156644 156645 156646
The foregoing appropriation item 651525, Medicaid/Health Care Services, may be used to provide nonwaiver funded PASSPORT and assisted living services to persons who the state department has determined to be eligible to participate in the nonwaiver funded PASSPORT and assisted living programs, who applied for but have not yet been determined to be financially eligible to participate in the Medicaid waiver component of the PASSPORT Home Care Program or the Assisted Living Program by a county department of job and	156647 156648 156649 156650 156651 156652 156653 156654

family services, and to persons who are not eligible for Medicaid 156655
but were enrolled in the PASSPORT Program prior to July 1, 1990. 156656

The foregoing appropriation item 651425, Medicaid Program 156657
Support - State, shall be used to provide the required state match 156658
for federal Medicaid funds supporting the Medicaid waiver-funded 156659
PASSPORT Home Care Program, the Choices Program, the Assisted 156660
Living Program, and the PACE Program. 156661

The foregoing appropriation item 651525, Medicaid/Health Care 156662
Services, shall be used to provide the federal matching share of 156663
program costs determined by the Department of Medicaid to be 156664
eligible for Medicaid reimbursement for the Medicaid waiver-funded 156665
PASSPORT Home Care Program, the Choices Program, the Assisted 156666
Living Program, and the PACE Program. 156667

Section 323.53. PASSPORT ADMINISTRATIVE AGENCY SITE 156668
OPERATIONS 156669

For fiscal year 2014 and fiscal year 2015, spending for 156670
PASSPORT administrative agencies' site operating functions 156671
relating to screening, assessments, general administrative 156672
functions, and provider relations for the Medicaid waiver-funded 156673
PASSPORT Home Care Program, Choices Program, Assisted Living 156674
Program, and PACE Program shall be at one hundred five per cent of 156675
the level provided in fiscal year 2013. 156676

Section 323.60. MANAGED CARE PERFORMANCE PAYMENT PROGRAM 156677

At the beginning of each quarter, or as soon as possible 156678
thereafter, the Medicaid Director shall certify to the Director of 156679
Budget and Management the amount withheld in accordance with 156680
section 5167.30 of the Revised Code for purposes of the Managed 156681
Care Performance Payment Program. Upon receiving certification, 156682
the Director of Budget and Management shall transfer cash in the 156683
amount certified from the General Revenue Fund to the Managed Care 156684

Performance Payment Fund. Appropriation item 651525, 156685
Medicaid/Health Care Services, is hereby reduced by the amount of 156686
the transfer. Upon request of the Medicaid Director and approval 156687
of the Director of Budget and Management, appropriation up to the 156688
cash balance in the Managed Care Performance Payment Fund is 156689
hereby appropriated. 156690

In addition to any other purpose authorized by law, the 156691
Department of Medicaid may use money in the Managed Care 156692
Performance Payment Fund for the following purposes for fiscal 156693
year 2014 and fiscal year 2015: 156694

(A) To meet obligations specified in provider agreements with 156695
Medicaid managed care organizations; 156696

(B) To pay for Medicaid services provided by a Medicaid 156697
managed care organization; 156698

(C) To reimburse a Medicaid managed care organization that 156699
has paid a fine for failure to meet performance standards or other 156700
requirements specified in provider agreements or rules adopted 156701
under section 5167.02 of the Revised Code if the organization 156702
comes into compliance with the standards or requirements. 156703

Section 323.70. MEDICAID MANAGED CARE EXEMPTIONS 156704

(A) Except as provided in division (B) of this section, the 156705
Department of Medicaid shall not include in the care management 156706
system established under section 5167.03 of the Revised Code any 156707
individual receiving services through the program for medically 156708
handicapped children established under section 3701.023 of the 156709
Revised Code who has one or more of the following conditions: 156710

(1) Cystic fibrosis; 156711

(2) Hemophilia; 156712

(3) Cancer. 156713

(B) An individual described in division (A) of this section 156714
may be designated for participation in the care management system 156715
if the individual was receiving services through the system 156716
immediately before April 1, 2013. 156717

(C) This section applies until July 1, 2014, notwithstanding 156718
any provision of section 5167.03 of the Revised Code that 156719
otherwise authorizes or requires the designation of individuals 156720
for participation in the care management system. 156721

Section 323.80. PRIOR AUTHORIZATION FOR COMMUNITY MENTAL 156722
HEALTH SERVICES 156723

(A) As used in this section, "community mental health 156724
services" means mental health services included in the state 156725
Medicaid plan pursuant to section 5164.15 of the Revised Code. 156726

(B) For fiscal year 2014 and fiscal year 2015, a Medicaid 156727
recipient who is under twenty-one years of age automatically 156728
satisfies all requirements for any prior authorization process for 156729
community mental health services provided under a component of the 156730
Medicaid program administered by the Department of Mental Health 156731
and Addiction Services pursuant to an interagency agreement 156732
authorized by section 5162.35 of the Revised Code if any of the 156733
following apply to the recipient: 156734

(1) The recipient is in the temporary custody or permanent 156735
custody of a public children services agency or private child 156736
placing agency or is in a planned permanent living arrangement. 156737

(2) The recipient has been placed in protective supervision 156738
by a juvenile court. 156739

(3) The recipient has been committed to the Department of 156740
Youth Services. 156741

(4) The recipient is an alleged or adjudicated delinquent or 156742
unruly child receiving services under the Felony Delinquent Care 156743

and Custody Program operated under section 5139.43 of the Revised Code. 156744
156745

Section 323.90. JOINT LEGISLATIVE COMMITTEE FOR UNIFIED LONG-TERM SERVICES AND SUPPORTS 156746
156747

(A) The Joint Legislative Committee for Unified Long-Term Services and Supports created under section 309.30.73 of Am. Sub. H.B. 153 of the 129th General Assembly, as subsequently amended, shall continue to exist during fiscal year 2014 and fiscal year 2015. The Committee shall consist of the following members: 156748
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(1) Two members of the House of Representatives from the majority party, appointed by the Speaker of the House of Representatives; 156753
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(2) One member of the House of Representatives from the minority party, appointed by the Speaker of the House of Representatives; 156756
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(3) Two members of the Senate from the majority party, appointed by the President of the Senate; 156759
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(4) One member of the Senate from the minority party, appointed by the President of the Senate. 156761
156762

(B) The Speaker of the House of Representatives shall designate one of the members of the Committee appointed under division (A)(1) of this section to serve as co-chairperson of the Committee. The President of the Senate shall designate one of the members of the Committee appointed under division (A)(3) of this section to serve as the other co-chairperson of the Committee. The Committee shall meet at the call of the co-chairpersons. The co-chairpersons may request assistance for the Committee from the Legislative Service Commission. 156763
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(C) The Committee may examine the following issues: 156772

(1) The implementation of the dual eligible integrated care 156773

demonstration project authorized by section 5164.91 of the Revised Code;	156774 156775
(2) The implementation of a unified long-term services and support Medicaid waiver component under section 5166.14 of the Revised Code;	156776 156777 156778
(3) Providing consumers choices regarding a continuum of services that meet their health-care needs, promote autonomy and independence, and improve quality of life;	156779 156780 156781
(4) Ensuring that long-term care services and supports are delivered in a cost-effective and quality manner;	156782 156783
(5) Subjecting county homes, county nursing homes, and district homes operated pursuant to Chapter 5155. of the Revised Code to the franchise permit fee under sections 5168.40 to 5168.56 of the Revised Code;	156784 156785 156786 156787
(6) Other issues of interest to the committee.	156788
(D) The co-chairpersons of the Committee shall provide for the Medicaid Director to testify before the Committee at least quarterly regarding the issues that the Committee examines.	156789 156790 156791
Section 323.100. HOSPITAL INPATIENT AND OUTPATIENT SUPPLEMENTAL UPPER PAYMENT LIMIT PROGRAM; MEDICAID MANAGED CARE HOSPITAL INCENTIVE PAYMENT PROGRAM	156792 156793 156794
(A) As used in this section:	156795
(1) "Hospital" has the same meaning as in section 5168.20 of the Revised Code.	156796 156797
(2) "Hospital Assessment Fund" means the fund created under section 5168.25 of the Revised Code.	156798 156799
(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	156800 156801
(B) The Department of Medicaid shall do both of the	156802

following: 156803

(1) Continue the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program that was established pursuant to Section 309.30.17 of Am. Sub. H.B. 1 of the 128th General Assembly, with any modifications necessary to implement the program as described under division (D) of this section; 156804
156805
156806
156807
156808

(2) Continue the Medicaid Managed Care Hospital Incentive Payment Program, as described under division (E) of this section. 156809
156810

(C) The Department shall use amounts deposited into the Hospital Assessment Fund in fiscal year 2014 and fiscal year 2015 for the following purposes in each fiscal year: 156811
156812
156813

(1) To pay for costs associated with all of the following: 156814

(a) The Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program; 156815
156816

(b) The Medicaid Managed Care Hospital Incentive Payment Program; 156817
156818

(c) The Medicaid payment rates for hospital inpatient and outpatient services required by the section of this act entitled "CONTINUATION OF MEDICAID RATES FOR HOSPITAL INPATIENT SERVICES." 156819
156820
156821

(2) To reduce spending in appropriation item 651525, Medicaid/Health Care Services. 156822
156823

(D)(1) Under the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program, subject to division (D)(2) of this section, supplemental Medicaid payments shall be made to hospitals for Medicaid-covered inpatient and outpatient services. The Department shall make the payments through amounts available for the Program pursuant to division (C) of this section and any federal financial participation available for the Program. 156824
156825
156826
156827
156828
156829
156830

(2) The Department shall take all actions necessary to cease implementation of the Program if the United States Secretary 156831
156832

determines that the assessment imposed under section 5168.21 of 156833
the Revised Code is an impermissible health care-related tax under 156834
the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w). 156835

(E)(1) The purpose of the Medicaid Managed Care Hospital 156836
Incentive Payment Program is to increase access to hospital 156837
services for Medicaid recipients who are enrolled in Medicaid 156838
managed care organizations. 156839

Under the Program, subject to division (E)(2) of this 156840
section, funds shall be provided to Medicaid managed care 156841
organizations, which shall use the funds to increase payments to 156842
hospitals for providing services to Medicaid recipients who are 156843
enrolled in the organizations. The Department shall provide the 156844
funds through amounts available for the Program pursuant to 156845
division (C) of this section and any federal financial 156846
participation available for the Program. 156847

(2)(a) The Department shall not provide funds to Medicaid 156848
managed care organizations under the Program unless an actuary 156849
selected by the Department certifies that the Program would not 156850
violate the actuarial soundness of the capitation rates paid to 156851
Medicaid managed care organizations. 156852

(b) The Department shall not implement the Program in a 156853
manner that causes a hospital to receive less money from the 156854
Hospital Assessment Fund than the hospital would have received if 156855
the Program were not implemented. 156856

(c) The Department shall not implement the Program in a 156857
manner that causes a Medicaid managed care organization to receive 156858
a lower capitation payment rate solely because funds are made 156859
available to the organization under the Program. 156860

(d) The Department shall take all necessary actions to cease 156861
implementation of the Program if the United States Secretary 156862
determines that the assessment imposed under section 5168.21 of 156863

the Revised Code is an impermissible health care-related tax under 156864
the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w). 156865

(F) The Director of Budget and Management may authorize 156866
additional expenditures from appropriation item 651623, Medicaid 156867
Services - Federal, appropriation item 651525, Medicaid/Health 156868
Care Services, and appropriation item 651656, Medicaid Services - 156869
Hospital/UPL, in order to implement the programs authorized by 156870
this section. Any amounts authorized are hereby appropriated. 156871

(G) The Medicaid Director shall adopt rules as necessary to 156872
implement this section. The rules shall provide for the applicable 156873
assessment percentage that is used for the purpose of section 156874
5168.21 of the Revised Code to be an amount that raises, from the 156875
assessments imposed on hospitals under that section, an amount the 156876
Director determines is appropriate to fund the purposes specified 156877
in division (C) of this section. 156878

Section 323.103. CONTINUATION OF MEDICAID RATES FOR HOSPITAL 156879
INPATIENT SERVICES 156880

(A) The Medicaid payment rates for Medicaid-covered hospital 156881
inpatient services shall be the same as the Medicaid payment rates 156882
for the services in effect on June 30, 2013, until the effective 156883
date of the first of any rules adopted under section 5164.02 of 156884
the Revised Code establishing new diagnosis-related groups for the 156885
services. 156886

(B) The Director of Budget and Management may authorize 156887
additional expenditures from appropriation item 651623, Medicaid 156888
Services - Federal, appropriation item 651525, Medicaid/Health 156889
Care Services, and appropriation item 651656, Medicaid Services - 156890
Hospital/UPL, in order to implement this section. Any amounts 156891
authorized are hereby appropriated. 156892

Section 323.105. MEDICAID RATES FOR CERTAIN HOSPITAL 156893

OUTPATIENT AND LABORATORY SERVICES	156894
(A) As used in this section:	156895
(1) "Applicable hospital outpatient and laboratory services"	156896
means the following Medicaid-covered services:	156897
(a) Hospital outpatient services paid at hospital-specific	156898
costs;	156899
(b) Hospital laboratory procedures paid in excess of Medicare	156900
rates for the procedures.	156901
(2) "Hospital outpatient savings" means the amount, if any,	156902
by which the actual amount expended and encumbered under the	156903
Medicaid program for hospital outpatient services for a fiscal	156904
year is less than the amount the Medicaid Director, before the	156905
beginning of that fiscal year, projected would be expended and	156906
encumbered under the Medicaid program for hospital outpatient	156907
services for that fiscal year.	156908
(B) On July 1, 2013, or as soon as possible thereafter, the	156909
Medicaid Director shall determine whether the amount of hospital	156910
outpatient savings for fiscal year 2013 is greater than zero. If	156911
the Director determines that the amount of hospital outpatient	156912
savings for fiscal year 2013 is greater than zero, the Director	156913
shall increase the Medicaid payment rates for applicable hospital	156914
outpatient and laboratory services provided during fiscal year	156915
2014. Subject to division (D) of this section, the rates shall be	156916
increased to the highest amount that it is possible to raise the	156917
rates using the amount of hospital outpatient savings for fiscal	156918
year 2013.	156919
(C) On July 1, 2014, or as soon as possible thereafter, the	156920
Medicaid Director shall determine whether the amount of hospital	156921
outpatient savings for fiscal year 2014 is greater than zero. If	156922
the Director determines that the amount of hospital outpatient	156923

savings for fiscal year 2014 is greater than zero, the Director 156924
shall increase the Medicaid payment rates for applicable hospital 156925
outpatient and laboratory services provided during fiscal year 156926
2015. Subject to division (D) of this section, the rates shall be 156927
increased to the highest amount that it is possible to raise the 156928
rates using the amount of hospital outpatient savings for fiscal 156929
year 2014. 156930

(D) The Medicaid payment rates for applicable hospital 156931
outpatient and laboratory services provided during the period 156932
beginning July 1, 2013, and ending June 30, 2015, shall not be 156933
greater than the Medicaid payment rates for the services in effect 156934
on June 30, 2013. 156935

Section 323.110. ADMINISTRATIVE ISSUES RELATED TO TERMINATION 156936
OF MEDICAID WAIVER PROGRAMS 156937

(A) As used in this section, "MCD or ODA Medicaid waiver 156938
component" means the following: 156939

(1) The Medicaid waiver component of the PASSPORT program 156940
created under section 173.52 of the Revised Code; 156941

(2) The Choices program created under section 173.53 of the 156942
Revised Code; 156943

(3) The Medicaid waiver component of the Assisted Living 156944
program created under section 173.54 of the Revised Code. 156945

(4) The Ohio Home Care Waiver program as defined in section 156946
5166.01 of the Revised Code; 156947

(5) The Ohio Transitions II Aging Carve-Out program as 156948
defined in section 5166.01 of the Revised Code; 156949

(B) If an MCD or ODA Medicaid waiver component is terminated 156950
under section 173.52, 173.53, 173.54, 5166.12, or 5166.13 of the 156951
Revised Code, all of the following apply: 156952

(1) All applicable statutes, and all applicable rules, 156953
standards, guidelines, or orders issued by the Medicaid Director 156954
or Department of Medicaid or Director or Department of Aging 156955
before the component is terminated, shall remain in full force and 156956
effect on and after that date, but solely for purposes of 156957
concluding the component's operations, including fulfilling the 156958
Departments' legal obligations for claims arising from the 156959
component relating to eligibility determinations, covered medical 156960
assistance provided to eligible persons, and recovering erroneous 156961
overpayments. 156962

(2) Notwithstanding the termination of the component, the 156963
right of subrogation for the cost of medical assistance given 156964
under section 5160.37 of the Revised Code to the Department of 156965
Medicaid and an assignment of the right to medical assistance 156966
given under section 5160.38 of the Revised Code to the Department 156967
continue to apply with respect to the component and remain in 156968
force to the full extent provided under those sections. 156969

(3) The Department of Medicaid and Department of Aging may 156970
use appropriated funds to satisfy any claims or contingent claims 156971
for medical assistance provided under the component before the 156972
component's termination. 156973

(4) Neither the Department of Medicaid nor the Department of 156974
Aging has liability under the component to reimburse any provider 156975
or other person for claims for medical assistance rendered under 156976
the component after it is terminated. 156977

(C) The Medicaid Director and Director of Aging may adopt 156978
rules in accordance with Chapter 119. of the Revised Code to 156979
implement this section. 156980

Section 323.130. DISPENSING FEE FOR NONCOMPOUNDED DRUGS 156981

The Medicaid dispensing fee for each noncompounded drug 156982

covered by the Medicaid program shall be \$1.80 for the period 156983
beginning July 1, 2013, and ending on the effective date of a rule 156984
changing the amount of the fee that the Medicaid Director adopts 156985
under section 5164.02 of the Revised Code. 156986

Section 323.140. MONEY FOLLOWS THE PERSON ENHANCED 156987
REIMBURSEMENT FUND 156988

The federal payments made to the state under subsection (e) 156989
of section 6071 of the "Deficit Reduction Act of 2005," Pub. L. 156990
No. 109-171, as amended, shall be deposited into the Money Follows 156991
the Person Enhanced Reimbursement Fund. The Department of Medicaid 156992
shall continue to use money deposited into the fund for system 156993
reform activities related to the Money Follows the Person 156994
demonstration project. 156995

Section 323.150. MEDICARE PART D 156996

The foregoing appropriation item 651526, Medicare Part D, may 156997
be used by the Department of Medicaid for the implementation and 156998
operation of the Medicare Part D requirements contained in the 156999
"Medicare Prescription Drug, Improvement, and Modernization Act of 157000
2003," Pub. L. No. 108-173, as amended. Upon the request of the 157001
Department of Medicaid, the Director of Budget and Management may 157002
transfer the state share of appropriations between appropriation 157003
item 651525, Medicaid/Health Care Services, or appropriation item 157004
651526, Medicare Part D. If the state share of appropriation item 157005
651525, Medicaid/Health Care Services, is adjusted, the Director 157006
of Budget and Management shall adjust the federal share 157007
accordingly. The Department of Medicaid shall provide notification 157008
to the Controlling Board of any transfers at the next scheduled 157009
Controlling Board meeting. 157010

Section 323.160. REBALANCING LONG-TERM CARE 157011

(A) As used in this section: 157012

"Balancing Incentive Payments Program" means the program 157013
established under section 10202 of the Patient Protection and 157014
Affordable Care Act. 157015

"Long-term services and supports" has the same meaning as in 157016
section 10202(f)(1) of the Patient Protection and Affordable Care 157017
Act. 157018

"Non-institutionally-based long-term services and supports" 157019
has the same meaning as in section 10202(f)(1)(B) of the Patient 157020
Protection and Affordable Care Act. 157021

"Patient Protection and Affordable Care Act" means Public Law 157022
111-148. 157023

(B) The Departments of Aging, Developmental Disabilities, and 157024
Medicaid shall continue efforts to achieve a sustainable and 157025
balanced delivery system for long-term services and supports. In 157026
so doing, the Departments shall strive to realize the following 157027
goals by June 30, 2015: 157028

(1) Having at least fifty per cent of Medicaid recipients who 157029
are sixty years of age or older and need long-term services and 157030
supports utilize non-institutionally-based long-term services and 157031
supports; 157032

(2) Having at least sixty per cent of Medicaid recipients who 157033
are less than sixty years of age and have cognitive or physical 157034
disabilities for which long-term services and supports are needed 157035
utilize non-institutionally-based long-term services and supports. 157036

(C) If the Department of Medicaid determines that 157037
participating in the Balancing Incentive Payments Program will 157038
assist in achieving the goals specified in division (B) of this 157039
section, the Department may apply to the United States Secretary 157040
of Health and Human Services to participate in the program. 157041

Section 323.170. OHIO ACCESS SUCCESS PROJECT 157042

Of the foregoing appropriation item, 651525, Medicaid/Health 157043
Care Services, up to \$450,000 in each fiscal year may be used to 157044
provide one-time transitional benefits under the Ohio Access 157045
Success Project that the Medicaid Director may establish under 157046
section 5166.35 of the Revised Code. 157047

Section 323.180. PROVIDER FRANCHISE FEE OFFSETS 157048

(A) At least quarterly, the Medicaid Director shall certify 157049
to the Director of Budget and Management the amount of offsets 157050
withheld under section 5168.52 of the Revised Code from payments 157051
made from the General Revenue Fund. 157052

(B) The Director of Budget and Management may transfer cash 157053
from the General Revenue Fund to the Nursing Home Franchise Permit 157054
Fee Fund (Fund 5R20), in accordance with section 5168.54 of the 157055
Revised Code. 157056

(C) Amounts transferred pursuant to this section are hereby 157057
appropriated. 157058

Section 323.190. HOSPITAL CARE ASSURANCE MATCH 157059

The foregoing appropriation item 651623, Medicaid Services - 157060
Federal, shall be used by the Department of Medicaid for 157061
distributing the federal share of Medicaid services required under 157062
the section of this act entitled "CREATION OF THE DEPARTMENT OF 157063
MEDICAID," including the federal share of all hospital care 157064
assurance program funds to hospitals under section 5168.09 of the 157065
Revised Code. 157066

If receipts credited to the Health Care Federal Fund (Fund 157067
3F00) exceed the amounts appropriated from the fund for making the 157068
hospital care assurance program distribution, the Medicaid 157069
Director may request the Director of Budget and Management to 157070

authorize expenditures from the fund in excess of the amounts 157071
appropriated. Upon the approval of the Director of Budget and 157072
Management, the additional amounts are hereby appropriated. 157073

The foregoing appropriation item 651649, Medicaid Services - 157074
HCAP, shall be used by the Department of Medicaid for distributing 157075
the state share of all hospital care assurance program funds to 157076
hospitals under section 5168.09 of the Revised Code. If receipts 157077
credited to the Hospital Care Assurance Program Fund (Fund 6510) 157078
exceed the amounts appropriated from the fund for making the 157079
hospital care assurance program distribution, the Medicaid 157080
Director may request the Director of Budget and Management to 157081
authorize expenditures from the fund in excess of the amounts 157082
appropriated. Upon the approval of the Director of Budget and 157083
Management, the additional amounts are hereby appropriated. 157084

Section 323.200. HEALTH CARE SERVICES ADMINISTRATION FUND 157085

Of the amount received by the Department of Medicaid during 157086
fiscal year 2014 and fiscal year 2015 from the first installment 157087
of assessments paid under section 5168.06 of the Revised Code and 157088
intergovernmental transfers made under section 5168.07 of the 157089
Revised Code, the Medicaid Director shall deposit \$350,000 in each 157090
fiscal year into the state treasury to the credit of the Health 157091
Care Services Administration Fund (Fund 5U30). 157092

Section 323.210. TRANSFERS OF OFFSETS TO THE HEALTH CARE 157093
SERVICES ADMINISTRATION FUND 157094

(A) As used in this section: 157095

"Hospital offset" means an offset from a hospital's Medicaid 157096
payment authorized by section 5168.991 of the Revised Code. 157097

"Vendor offset" means a reduction of a Medicaid payment to a 157098
Medicaid provider to correct a previous, incorrect Medicaid 157099
payment. 157100

(B) During fiscal year 2014 and fiscal year 2015, at intervals selected by the Medicaid Director, the Director shall certify to the Director of Budget and Management the amount of hospital offsets and vendor offsets for the period covered by the certification and the particular funds that would have been used to make Medicaid payments to providers if not for the offsets. Each certification shall specify the amount that would have been taken from each of the funds if not for the hospital offsets and vendor offsets.

(C) On receipt of a certification under division (B) of this section, the Director of Budget and Management shall transfer cash from the funds identified in the certification to the Health Care Services Administration Fund (Fund 5U30). The amount transferred from a fund shall equal the amount that would have been taken from the fund if not for the hospital offsets and vendor offsets as specified in the certification. The transferred cash is hereby appropriated.

Section 323.220. MEDICAID INTERAGENCY PASS-THROUGH

The Medicaid Director may request the Director of Budget and Management to increase appropriation item 651655, Medicaid Interagency Pass-Through. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 323.230. MEDICAID PAYMENTS FOR NONINSTITUTIONAL SERVICES PROVIDED TO DUAL ELIGIBLE INDIVIDUALS

(A) As used in this section:

"Dual eligible individual" has the same meaning as in the "Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 1396n(h)(2)(B).

"Medicare Part B" means the Supplementary Medical Insurance

Program for the Aged and Disabled component of the Medicare 157131
program established by Part B of Title XVIII of the "Social 157132
Security Act," 42 U.S.C. 1395j et seq. 157133

"Noninstitutional services" means any services other than 157134
hospital services, nursing facility services, and intermediate 157135
care facilities for individuals with intellectual disabilities. 157136

(B) Notwithstanding any conflicting state statute, a Medicaid 157137
payment for noninstitutional services, excluding physician 157138
services and including freestanding dialysis center services, 157139
provided during the period beginning January 1, 2014, and ending 157140
July 1, 2015, to a Medicaid recipient who is a dual eligible 157141
individual enrolled for benefits under Medicare Part B shall equal 157142
the lesser of the following: 157143

(1) The sum of the Medicare Part B deductible, coinsurance, 157144
and copayment for the services that are applicable to the 157145
individual; 157146

(2) The greater of the following: 157147

(a) The maximum allowable Medicaid payment for the services 157148
when the services are provided to other Medicaid recipients, less 157149
the total Medicaid payment (if any) most recently paid on the 157150
Medicaid recipient's behalf for such services; 157151

(b) Zero. 157152

Section 323.233. MEDICAID PAYMENTS FOR HOME HEALTH SERVICES 157153
AND PRIVATE DUTY NURSING 157154

(A) As used in this section, "responsible adult" means the 157155
spouse of a Medicaid recipient or, in the case of a Medicaid 157156
recipient who is a minor, the minor's parent, foster caregiver, 157157
stepparent, guardian, legal custodian, or any other person who 157158
stands in loco parentis for the minor. 157159

(B) Except as provided in division (C) of this section, for 157160

fiscal year 2014 and fiscal year 2015, Medicaid payments shall not
be made for any of the following services that are provided to a
Medicaid recipient by an individual who is a responsible adult for
that recipient:

(1) Nursing services available under the home health services
benefit pursuant to 42 C.F.R. 440.70(b)(1);

(2) Home health aide services available under the home health
services benefit pursuant to 42 C.F.R. 440.70(b)(2);

(3) Private duty nursing services, as defined in 42 C.F.R.
440.80.

(C) For fiscal year 2014 and fiscal year 2015, the Medicaid
Director shall establish the conditions under which Medicaid
payments may be made for any of the services described in division
(B) of this section that are provided to a Medicaid recipient by
an individual who is a responsible adult for that recipient.

(D) The Director shall adopt rules in accordance with Chapter
119. of the Revised Code necessary to implement this section. The
Director shall consult provider representatives, consumer
representatives, and other stakeholders in developing the rules,
which may include the following:

(1) Qualification and training requirements necessary for
responsible adults to receive Medicaid payments under division (C)
of this section;

(2) Oversight requirements necessary for responsible adults
to receive Medicaid payments under division (C) of this section;

(3) Procedures designed to protect against fraud, waste, and
abuse that may occur as a result of payments made under division
(C) of this section;

(4) Any other procedures, standards, or requirements the
Director considers appropriate.

Section 323.234. DIRECT CARE WORKER ADVISORY WORKGROUP	157191
(A) As used in this section:	157192
(1) "Core competencies" means the minimum standards a direct care worker must meet when providing direct care services and engaging in any one or more of the following activities associated with care for a medicaid recipient: maintaining a clean and safe environment, ensuring recipient-centered care, promoting the recipient's development, assisting the recipient with activities of daily living, communicating with the recipient, completing administrative tasks, and participating in professional development activities.	157193 157194 157195 157196 157197 157198 157199 157200 157201
(2) "Direct care services" means health care services, ancillary services, or services related to or in support of the provision of health care or ancillary services.	157202 157203 157204
(3) "Direct care worker" means an individual who, for direct or indirect payment, provides direct care services to a medicaid recipient in the recipient's home or other place of residence.	157205 157206 157207
(4) "Direct payment" means a Medicaid payment made directly to a direct care worker for the worker's provision of direct care services to a Medicaid recipient.	157208 157209 157210
(5) "Indirect payment" means a Medicaid payment made to a third party who pays a direct care worker for the worker's provision of direct care services to a Medicaid recipient.	157211 157212 157213
(B) There is hereby created the Direct Care Worker Advisory Workgroup. The Workgroup shall consist of the following members:	157214 157215
(1) The Director of Aging or the Director's designee;	157216
(2) The Director of Developmental Disabilities or the Director's designee;	157217 157218
(3) The Director of Health or the Director's designee;	157219

(4) The Medicaid Director or the Director's designee;	157220
(5) The Executive Director of the Office of Health Transformation or the Executive Director's designee;	157221 157222
(6) Two representatives from each of the following organizations, appointed by the organization's chief executive officer or the individual serving in an equivalent capacity for the organization:	157223 157224 157225 157226
(a) The Ohio Council for Home Care and Hospice;	157227
(b) The Ohio Health Care Association;	157228
(c) The Ohio Provider Resource Association;	157229
(d) The Ohio Nurses Association;	157230
(e) The Midwest Care Alliance;	157231
(f) The Ohio Assisted Living Association;	157232
(g) LeadingAge Ohio.	157233
(7) Two members of the House of Representatives, one from the majority party and the other from the minority party, appointed by the Speaker of the House of Representatives;	157234 157235 157236
(8) Two members of the Senate, one from the majority party and the other from the minority party, appointed by the President of the Senate.	157237 157238 157239
(C) Members of the Workgroup shall be appointed not later than fifteen days after the effective date of this section. Vacancies shall be filled in the same manner as the original appointments. Each member shall serve without compensation or reimbursement for expenses incurred while serving on the Workgroup, except to the extent that serving on the Workgroup is considered to be among the member's employment duties.	157240 157241 157242 157243 157244 157245 157246
(D) The Executive Director of the Office of Health Transformation or the Executive Director's designee shall serve as	157247 157248

chairperson of the Workgroup. The Departments of Health and Medicaid shall provide staff and other support services for the Workgroup.

(E) The Workgroup shall do all of the following:

(1) Determine core competencies;

(2) Designate which direct care workers should meet core competencies;

(3) Determine whether existing regulatory requirements are equivalent or similar to core competencies;

(4) Identify funding sources that could be used to assist direct care workers in meeting core competencies;

(5) Recommend policies that may be incorporated in legislation the General Assembly intends to consider, as described in division (G) of this section.

(F) Not later than December 31, 2013, the Workgroup shall submit a report to the General Assembly describing its findings and recommendations. The report shall be submitted in accordance with section 101.68 of the Revised Code. On submission of the report, the Workgroup shall cease to exist.

(G) It is the intent of the General Assembly to enact legislation in the future, taking into account the recommendations of the Workgroup, regarding certification of direct care workers and Medicaid payments for direct care services provided by those workers. The legislation is intended to do both of the following:

(1) Require the Director of Health to establish, not later than October 1, 2014, a direct care worker certification program that applies to the workers designated by the Workgroup;

(2) Prohibit the Department of Medicaid, beginning October 1, 2015, from allowing a direct or indirect payment to be made for direct care services provided by a direct care worker to whom the

certification program applies unless the worker is appropriately certified under that program.

Section 323.236. PURCHASING STRATEGIES FOR CERTAIN SERVICES

As used in this section, "custom wheelchair" has the same meaning as in section 5165.01 of the Revised Code.

For the period beginning January 1, 2014, and ending June 30, 2015, the Medicaid Director shall implement strategies for purchasing oxygen (other than emergency oxygen), resident transportation services, and custom wheelchairs for Medicaid recipients residing in nursing facilities. In implementing the purchasing strategies, the Director shall seek to achieve a more efficient allocation of resources and price and quality competition among providers of the goods and services. The Director shall consider one or more of the following when determining the purchasing strategies to implement:

(A) Establishing competitive bidding;

(B) Establishing manufacturers rebate programs;

(C) Another purchasing strategy that saves the Medicaid program an amount equivalent to the savings that would be realized from the purchasing strategies specified in division (A) or (B), or both, of this section.

Section 323.250. REDUCED RATE FOR REPEAT RADIOLOGICAL SERVICES

(A) The Medicaid Director shall reduce the Medicaid payment rate for radiological services to which both of the following apply:

(1) They are provided in a physician's office or an independent diagnostic testing facility;

(2) They are provided more than once by the same provider for

the same Medicaid recipient during the same session. 157308

(B) The Director shall adopt rules under section 5164.02 of 157309
the Revised Code to implement the rate reduction required by this 157310
section. The rules shall not take effect before January 1, 2014. 157311

Section 323.260. VARYING MEDICAID PAYMENT RATES FOR PHYSICIAN 157312
SERVICES DEPENDING ON LOCATION OF SERVICE 157313

(A) The Medicaid Director shall do both of the following: 157314

(1) Identify physician services for which Medicaid payment 157315
rates should vary depending on where the services are provided; 157316

(2) Adopt rules under section 5164.02 of the Revised Code to 157317
establish the varying Medicaid payment rates. 157318

(B) The rules required by division (A)(2) of this section 157319
shall not take effect before January 1, 2014. 157320

Section 323.263. PAYMENT RATES FOR PASSPORT SERVICES 157321

The Medicaid payment rates for services provided under the 157322
PASSPORT program, other than adult day-care services, during the 157323
period beginning July 1, 2013, and ending June 30, 2015, shall be 157324
not less than ninety-eight and five-tenths per cent of the 157325
Medicaid payment rates for the services in effect on June 30, 157326
2011. The Medicaid payment rates for adult day-care services 157327
provided under the PASSPORT program during the period beginning 157328
July 1, 2013, and ending June 30, 2015, shall be twenty per cent 157329
higher than the amount of the Medicaid payment rates for the 157330
services in effect on June 30, 2013. 157331

Section 323.270. MEDICAID PAYMENT METHODOLOGIES ALIGNED WITH 157332
MEDICARE PAYMENT METHODOLOGIES 157333

(A) The Medicaid Director shall do both of the following: 157334

(1) Identify Medicaid services for which the Medicaid payment 157335

methodologies should be aligned, to the extent the Director 157336
considers appropriate, with Medicare payment methodologies for the 157337
services; 157338

(2) Adopt rules under section 5164.02 of the Revised Code to 157339
so align the payment methodologies for the services. 157340

(B) The rules required by division (A)(2) of this section 157341
shall not take effect before January 1, 2014. 157342

Section 323.280. ALTERNATIVE PURCHASING MODEL FOR NURSING 157343
FACILITY SERVICES 157344

As used in this section, "Medicaid waiver component" has the 157345
same meaning as in section 5166.01 of the Revised Code. 157346

The Medicaid Director may establish, as a Medicaid waiver 157347
component, an alternative purchasing model for nursing facility 157348
services provided, during the period beginning July 1, 2013, and 157349
ending July 1, 2015, to Medicaid recipients with specialized 157350
health care needs, including recipients dependent on ventilators, 157351
recipients who have severe traumatic brain injury, and recipients 157352
who would be admitted to long-term acute care hospitals or 157353
rehabilitation hospitals if they did not receive nursing facility 157354
services. If established, the alternative purchasing model shall 157355
do all of the following: 157356

(A) Recognize a connection between enhanced Medicaid payment 157357
rates and improved health outcomes capable of being measured; 157358

(B) Include criteria for identifying Medicaid recipients with 157359
specialized health care needs; 157360

(C) Include procedures for ensuring that Medicaid recipients 157361
identified pursuant to division (B) of this section receive 157362
nursing facility services under the alternative purchasing model. 157363

The total per Medicaid day payment rate for nursing facility 157364
services provided under the alternative purchasing model may 157365

differ from the rate that would otherwise be paid pursuant to 157366
Chapter 5165. of the Revised Code. 157367

Section 323.290. REVIEW OF LONG-TERM SERVICES TO IMPROVE 157368
EFFICIENCY AND INDIVIDUAL CARE 157369

(A) The Department of Medicaid may review the following 157370
services covered by the Medicaid program to identify opportunities 157371
to improve the efficiency of, and individual care provided by, 157372
long-term care services and supports: 157373

(1) Nursing services available under the home health services 157374
benefit pursuant to 42 C.F.R. 440.70(b)(1); 157375

(2) Home health aide services available under the home health 157376
services benefit pursuant to 42 C.F.R. 440.70(b)(2); 157377

(3) Private duty nursing services as defined in 42 C.F.R. 157378
440.80. 157379

(B) The Department, in its review authorized by division (A) 157380
of this section, may consider establishing the following: 157381

(1) New methods for authorizing and coordinating long-term 157382
care services and supports, including such services and supports 157383
covered by the Medicaid state plan, using case managers or care 157384
coordinators; 157385

(2) Competency and training requirements for the case 157386
managers or care coordinators; 157387

(3) Other mechanisms for improving efficiency and individual 157388
care in the delivery of long-term care services and supports. 157389

Section 323.300. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED 157390
CARE 157391

(A) As used in this section: 157392

(1) "Dual eligible individual" has the same meaning as in 157393

section 1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315, 157394
42 U.S.C. 1396n(h)(2)(B). 157395

(2) "Dual eligible integrated care demonstration project" 157396
means the demonstration project authorized by section 5164.91 of 157397
the Revised Code. 157398

(3) "Medicaid managed care organization" has the same meaning 157399
as in section 5167.01 of the Revised Code. 157400

(4) "Participant" means an individual participating in the 157401
dual eligible integrated care demonstration project. 157402

(B) For fiscal year 2014 and fiscal year 2015, the Department 157403
of Medicaid shall provide performance payments as provided under 157404
this section to Medicaid managed care organizations providing care 157405
under the Dual Eligible Integrated Care Demonstration Project. 157406

(C) If the Department implements the Dual Eligible Integrated 157407
Care Demonstration Project, and if participants receive care 157408
through Medicaid managed care organizations under the project, the 157409
Department shall, in consultation with the United States Centers 157410
for Medicare and Medicaid Services, do both of the following: 157411

(1) Develop quality measures designed specifically to 157412
determine the effectiveness of the health care and other services 157413
provided to participants by Medicaid managed care organizations; 157414

(2) Determine an amount to be withheld from the Medicaid 157415
premium payments paid to Medicaid managed care organizations for 157416
participants. 157417

(D)(1) For the purposes of division (C)(2) of this section, 157418
the Department shall establish an amount that is to be withheld 157419
each time a premium payment is made to a Medicaid managed care 157420
organization for a participant. The amount shall be established as 157421
a percentage of each premium payment. The percentage shall be the 157422
same for all Medicaid managed care organizations providing care to 157423

participants. 157424

(2) Each Medicaid managed care organization shall agree to 157425
the withholding as a condition of receiving or maintaining its 157426
Medicaid provider agreement with the Department. 157427

(3) When the amount is established and each time the amount 157428
is modified thereafter, the Department shall certify the amount to 157429
the Director of Budget and Management and begin withholding the 157430
amount from each premium the Department pays to a Medicaid managed 157431
care organization for a participant. 157432

(E) The Director of Budget and Management shall transfer the 157433
amounts certified in accordance with division (D) of this section 157434
into the Managed Care Performance Payment Fund created under 157435
section 5162.60 of the Revised Code. The amounts transferred may 157436
be used to make performance payments to Medicaid managed care 157437
organizations providing care to participants in accordance with 157438
rules that may be adopted by the Medicaid Director under Chapter 157439
119. of the Revised Code. 157440

(F) A Medicaid managed care organization subject to this 157441
section is not subject to section 5167.30 of the Revised Code for 157442
premium payments attributed to participants during fiscal year 157443
2014 and fiscal year 2015. 157444

Section 323.310. INTEGRATED CARE DELIVERY SYSTEM PERFORMANCE 157445
PAYMENT PROGRAM 157446

At the beginning of each quarter, or as soon as possible 157447
thereafter, the Medicaid Director may certify to the Director of 157448
Budget and Management the amount withheld in accordance with the 157449
section in this act titled "PERFORMANCE PAYMENTS FOR MEDICAID 157450
MANAGED CARE." On receipt of certification, the Director of Budget 157451
and Management shall transfer cash in the amount certified from 157452
the General Revenue Fund to the Managed Care Performance Payment 157453

Fund (Fund 5KW0). The transferred cash is hereby appropriated. 157454
Appropriation item 651525, Medicaid/Health Care Services, is 157455
hereby reduced by the amount of the transfer. 157456

Section 323.320. VENDOR COLLECTION OF PATIENT LIABILITY 157457

(A) As used in this section: 157458

"Medicaid waiver component" has the same meaning as in 157459
section 5166.01 of the Revised Code. 157460

"Patient liability" means the amount that 42 C.F.R. 435.735 157461
requires be reduced from a Medicaid payment for home and 157462
community-based services available under a Medicaid waiver 157463
component. 157464

(B) The Medicaid Director may contract with a person or 157465
government entity to collect patient liabilities for fiscal year 157466
2014 and fiscal year 2015. The Director may adopt rules under 157467
section 5166.02 of the Revised Code as necessary to implement this 157468
section. 157469

Section 323.330. STATE PLAN HOME AND COMMUNITY-BASED SERVICES 157470

(A) As used in this section: 157471

"Federal poverty line" means the official poverty line 157472
defined by the United States Office of Management and Budget based 157473
on the most recent data available from the United States Bureau of 157474
the Census and revised by the United States Secretary of Health 157475
and Human Services pursuant to the "Omnibus Budget Reconciliation 157476
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 157477

"State plan home and community-based services" means home and 157478
community-based services that may be included in the Medicaid 157479
state plan pursuant to the "Social Security Act," section 1915(i), 157480
42 U.S.C. 1396n(i). 157481

(B) During fiscal year 2014 and fiscal year 2015, the 157482

Medicaid program may cover state plan home and community-based 157483
services for Medicaid recipients of any age who have behavioral 157484
health issues and countable incomes not exceeding one hundred 157485
fifty per cent of the federal poverty line. A Medicaid recipient 157486
is not required to undergo a level of care determination to be 157487
eligible for the state plan home and community-based services. 157488

The Medicaid Director may adopt rules under section 5164.02 157489
of the Revised Code as necessary to implement this section. 157490

Section 323.340. INPATIENT PSYCHIATRIC HOSPITAL SERVICES FOR 157491
INDIVIDUALS UNDER AGE 21 157492

(A) As used in this section: 157493

"Inpatient psychiatric hospital services for individuals 157494
under age 21" has the same meaning as in the "Social Security 157495
Act," section 1905(h), 42 U.S.C. 1396d(h). 157496

"Psychiatric residential treatment facility" has the same 157497
meaning as in 42 C.F.R. 483.352. 157498

(B) During fiscal year 2014 and fiscal year 2015, the 157499
Medicaid program may cover inpatient psychiatric hospital services 157500
for individuals under age 21 that are provided by psychiatric 157501
residential treatment facilities to Medicaid recipients to whom 157502
both of the following apply: 157503

(1) They are in the custody of the Department of Youth 157504
Services. 157505

(2) They have been identified as meeting a clinical criterion 157506
of serious emotional disturbance specified pursuant to division 157507
(C) of this section. 157508

(C) The Department of Youth Services, in collaboration with 157509
the Department of Medicaid and Department of Mental Health and 157510
Addiction Services, shall specify the clinical criterion of 157511
serious emotional disturbance to be used for the purpose of 157512

division (B)(2) of this section. 157513

Section 323.350. MCD COLLABORATION WITH DVS 157514

The Department of Medicaid may collaborate with the 157515
Department of Veterans Services to determine ways to improve the 157516
coordination of the services that the Departments make available 157517
to veterans in a manner that enhances veterans' receipt of the 157518
services. The Departments may implement, during fiscal year 2014 157519
and fiscal year 2015, initiatives that they determine during the 157520
collaboration will maximize the efficiency of the services and 157521
ensure that veterans' needs are met. 157522

Section 323.360. IMPROVED BIRTH OUTCOMES INITIATIVES 157523

(A) The Medicaid Director may develop and implement, during 157524
fiscal year 2014 and fiscal year 2015, initiatives designed to 157525
improve birth outcomes for Medicaid recipients, including 157526
improvements designed to do the following: 157527

(1) Reduce the number of preterm births; 157528

(2) Reduce Medicaid costs; 157529

(3) Improve the quality of Medicaid services. 157530

(B) In developing the initiatives, the Director may consult 157531
with experts in practice improvement, Medicaid managed care 157532
organizations, hospitals, and other types of Medicaid providers. 157533
The Director, Medicaid managed care organizations, and other types 157534
of Medicaid providers involved in the initiatives shall make 157535
information about the initiatives available on their web sites. 157536

Section 323.370. ABOLISHMENT OF THE PRESCRIPTION DRUG REBATES 157537
FUND 157538

On July 1, 2013, or as soon as possible thereafter, the 157539
Director of Budget and Management shall transfer the cash balance 157540

in the Prescription Drug Rebates Fund (Fund 5P50) to the Health 157541
Care/Medicaid Support and Recoveries Fund (Fund 5DL0). Upon 157542
completion of the transfer, Fund 5P50 is abolished. The Director 157543
shall cancel any existing encumbrances against appropriation item 157544
600692, Health Care/Medicaid Support - Drug Rebates, and 157545
reestablish them against appropriation item 651639, Medicaid 157546
Services - Recoveries. The re-established encumbrance amounts are 157547
hereby appropriated. 157548

All money that would have been deposited into the 157549
Prescription Drug Rebates Fund shall be deposited into the Health 157550
Care/Medicaid Support and Recoveries Fund during fiscal year 2014 157551
and fiscal year 2015. 157552

Section 323.380. ABOLISHMENT OF THE HEALTHCARE COMPLIANCE 157553
FUND 157554

On July 1, 2013, or as soon as possible thereafter, the 157555
Medicaid Director shall certify to the Director of Budget and 157556
Management, the cash balance related to managed care obligations 157557
in the Healthcare Compliance Fund (Fund 4Z10). The Director of 157558
Budget and Management shall transfer the amount certified from 157559
Fund 4Z10 to the Managed Care Performance Payment Fund (Fund 157560
5KW0). The Director shall cancel any existing encumbrances related 157561
to managed care obligations against appropriation item 600625, 157562
Healthcare Compliance, and re-establish them against appropriation 157563
item 651612, Managed Care Performance Payment. The re-established 157564
encumbrance amounts are hereby appropriated. 157565

After the cash relating to managed care obligations has been 157566
transferred, the Director of Budget and Management shall transfer 157567
the remaining cash balance in the Healthcare Compliance Fund (Fund 157568
4Z10) to the Health Care Services Administration Fund (Fund 5U30). 157569
Upon completion of the transfer, Fund 4Z10 is abolished. The 157570
Director shall cancel any remaining encumbrances against 157571

appropriation item 600625, Healthcare Compliance, and re-establish 157572
them against appropriation item 651654, Medicaid Program Support. 157573
The re-established encumbrance amounts are hereby appropriated. 157574

All money that would have been deposited into the Health Care 157575
Compliance Fund pursuant to division (B)(2) of former section 157576
5111.946 of the Revised Code shall be deposited into the Health 157577
Care Services Administration Fund during fiscal year 2014 and 157578
fiscal year 2015. 157579

Section 323.390. ABOLISHMENT OF THE ODJFS ADMINISTRATION AND 157580
OVERSIGHT FUND 157581

On July 1, 2013, or as soon as possible thereafter, the 157582
Director of Budget and Management shall transfer the cash balance 157583
in the ODJFS Administration and Oversight Fund (Fund 5S30) to the 157584
Health Care Services Administration Fund (Fund 5U30). Upon 157585
completion of the transfer, Fund 5S30 is abolished. The Director 157586
shall cancel any existing encumbrances against appropriation item 157587
600629, Healthcare Program and DDD Support, and re-establish them 157588
against appropriation item 651654, Medicaid Program Support. The 157589
re-established encumbrance amounts are hereby appropriated. 157590

Section 323.400. REFUNDS AND RECONCILIATION FUND 157591

The Refunds and Reconciliation Fund (Fund R055) shall be used 157592
to hold refund and reconciliation revenues until the appropriate 157593
fund is determined or until the revenues are directed to the 157594
appropriate governmental agency other than the Department of 157595
Medicaid. Any Medicaid refunds or reconciliations received or held 157596
by the Department of Job and Family Services shall be transferred 157597
or credited to this fund. If receipts credited to the Refunds and 157598
Reconciliation Fund exceed the amounts appropriated from the fund, 157599
the Medicaid Director may request the Director of Budget and 157600
Management to authorize expenditures from the fund in excess of 157601

the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

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Section 323.460. NO LOSS OF MEDICAID ELIGIBILITY BEFORE JANUARY 1, 2014

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Notwithstanding the amendments by this act to sections 5101.18, 5111.01 (as renumbered as section 5162.03), and 5111.011 (as renumbered as section 5163.02) and the repeal by this act of sections 5111.014, 5111.015, 5111.0110, 5111.0111, 5111.0113, 5111.0115, 5111.0120, 5111.0121, 5111.0122, 5111.0123, 5111.0124, and 5111.0125 of the Revised Code, no individual eligible for Medicaid pursuant to those sections shall lose Medicaid eligibility before January 1, 2014, because of the amendments to, or repeal of, those sections. This section does not preclude an individual from losing Medicaid eligibility before January 1, 2014, if the individual would cease to be Medicaid eligible before that date for reasons unrelated to the amendments to, or repeal of, those sections. Unrelated reasons include acquiring income or assets exceeding eligibility limits and failure to comply with eligibility requirements.

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Section 323.470. ALTERATIONS TO AND ELIMINATION OF OPTIONAL MEDICAID ELIGIBILITY GROUPS

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The Medicaid Director may initiate, before January 1, 2014, the rule-making process to alter the eligibility requirements for, or to eliminate, one or more Medicaid optional eligibility groups or subgroups pursuant to section 5163.06 of the Revised Code. However, none of the rules may go into effect before that date.

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Section 323.480. UPDATING AUTHORIZING STATUTE CITATIONS

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As used in this section, "authorizing statute" means a Revised Code section or provision of a Revised Code section that

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is cited in the Ohio Administrative Code as the statute that 157631
 authorizes the adoption of a rule. 157632

The Medicaid Director is not required to amend any rule for 157633
 the sole purpose of updating the citation in the Ohio 157634
 Administrative Code to the rule's authorizing statute to reflect 157635
 that this act renumbers the authorizing statute or relocates it to 157636
 another Revised Code section. Such citations shall be updated as 157637
 the Director amends the rules for other purposes. 157638

Section 325.10. MED STATE MEDICAL BOARD 157639

General Services Fund Group 157640
 5C60 883609 Operating Expenses \$ 9,172,062 \$ 9,172,062 157641
 TOTAL GSF General Services 157642
 Fund Group \$ 9,172,062 \$ 9,172,062 157643
 TOTAL ALL BUDGET FUND GROUPS \$ 9,172,062 \$ 9,172,062 157644

Section 327.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 157646
SERVICES 157647

General Revenue Fund 157648
 GRF 333321 Central \$ 13,495,337 \$ 13,486,290 157649
 Administration
 GRF 333402 Resident Trainees \$ 450,000 \$ 450,000 157650
 GRF 333415 Lease-Rental Payments \$ 15,843,300 \$ 16,076,700 157651
 GRF 333416 Research Program \$ 321,998 \$ 321,998 157652
 Evaluation
 GRF 334412 Hospital Services \$ 190,514,437 \$ 190,514,437 157653
 GRF 334506 Court Costs \$ 784,210 \$ 784,210 157654
 GRF 335405 Family & Children \$ 1,386,000 \$ 1,386,000 157655
 First
 GRF 335406 Prevention and \$ 868,659 \$ 868,659 157656
 Wellness
 GRF 335421 Continuum of Care \$ 77,318,546 \$ 77,718,546 157657

		Services				
GRF	335422	Criminal Justice	\$	4,917,898	\$	4,917,898 157658
		Services				
GRF	335504	Community Innovations	\$	1,500,000	\$	1,500,000 157659
GRF	335506	Residential State	\$	7,502,875	\$	7,502,875 157660
		Supplement				
GRF	335507	Community Behavioral	\$	47,500,000	\$	47,500,000 157661
		Health				
GRF	652507	Medicaid Support	\$	1,727,553	\$	1,736,600 157662
TOTAL GRF		General Revenue Fund	\$	364,130,813	\$	364,764,213 157663
		General Services Fund Group				157664
1490	333609	Central Office	\$	1,343,190	\$	1,343,190 157665
		Operating				
5T90	333641	Problem Gambling	\$	60,000	\$	60,000 157666
		Services -				
		Administration				
1490	334609	Hospital - Operating	\$	28,190,000	\$	28,190,000 157667
		Expenses				
1500	334620	Special Education	\$	150,000	\$	150,000 157668
4P90	335604	Community Mental	\$	250,000	\$	250,000 157669
		Health Projects				
5T90	335641	Problem Gambling	\$	275,000	\$	275,000 157670
		Services				
1510	336601	Office of Support	\$	115,000,000	\$	115,000,000 157671
		Services				
TOTAL GSF		General Services Fund	\$	145,268,190	\$	145,268,190 157672
		Group				
		Federal Special Revenue Fund Group				157673
3240	333605	Medicaid/Medicare -	\$	154,500	\$	154,500 157674
		Refunds				
3A60	333608	Federal Miscellaneous	\$	140,000	\$	140,000 157675
		- Administration				

3A70	333612	Social Services Block Grant - Administration	\$	50,000	\$	50,000	157676
3A80	333613	Federal Grants - Administration	\$	4,717,000	\$	4,717,000	157677
3A90	333614	Mental Health Block Grant - Administration	\$	748,470	\$	748,470	157678
3G40	333618	Substance Abuse Block Grant- Administration	\$	3,307,789	\$	3,307,789	157679
3H80	333606	Demonstration Grants - Administration	\$	3,237,574	\$	3,237,574	157680
3N80	333639	Administrative Reimbursement	\$	300,000	\$	300,000	157681
3240	334605	Medicaid/Medicare - Hospitals	\$	28,200,000	\$	28,200,000	157682
3A60	334608	Federal Miscellaneous - Hospitals	\$	200,000	\$	200,000	157683
3A80	334613	Federal Letter of Credit	\$	200,000	\$	200,000	157684
3A60	335608	Federal Miscellaneous	\$	2,170,000	\$	2,170,000	157685
3A70	335612	Social Services Block Grant	\$	8,400,000	\$	8,400,000	157686
3A80	335613	Federal Grant - Community Mental Health Board Subsidy	\$	2,500,000	\$	2,500,000	157687
3A90	335614	Mental Health Block Grant	\$	14,200,000	\$	14,200,000	157688
3FR0	335638	Race to the Top - Early Learning Challenge Grant	\$	1,164,000	\$	1,164,000	157689
3G40	335618	Substance Abuse Block Grant	\$	62,542,003	\$	62,557,967	157690

3H80	335606	Demonstration Grants	\$	5,428,006	\$	5,428,006	157691
3B10	652635	Community Medicaid Legacy Costs	\$	5,000,000	\$	0	157692
3B10	652636	Community Medicaid Legacy Support	\$	7,000,000	\$	7,000,000	157693
3J80	652609	Medicaid Legacy Costs Support	\$	3,000,000	\$	0	157694
TOTAL FED	Federal Special Revenue		\$	152,659,342	\$	144,675,306	157695
Fund Group							
State Special Revenue Fund Group							157696
2320	333621	Family and Children First Administration	\$	400,000	\$	400,000	157697
4750	333623	Statewide Treatment and Prevention - Administration	\$	5,490,667	\$	5,490,667	157698
4850	333632	Mental Health Operating - Refunds	\$	134,233	\$	134,233	157699
5JL0	333629	Problem Gambling and Casino Addictions - Administration	\$	1,361,592	\$	1,361,592	157700
5V20	333611	Non-Federal Miscellaneous	\$	100,000	\$	100,000	157701
6890	333640	Education and Conferences	\$	150,000	\$	150,000	157702
4850	334632	Mental Health Operating - Hospitals	\$	2,477,500	\$	2,477,500	157703
4750	335623	Statewide Treatment and Prevention	\$	10,059,333	\$	10,059,333	157704
5AU0	335615	Behavioral Health Care	\$	6,690,000	\$	6,690,000	157705
5JL0	335629	Problem Gambling and Casino Addictions	\$	4,084,772		4,084,772	157706
6320	335616	Community Capital Replacement	\$	350,000	\$	350,000	157707

TOTAL SSR State Special Revenue	\$	31,298,097	\$	31,298,097	157708
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	693,356,442	\$	686,005,806	157709

Section 327.20. TRANSITION RELATING TO CONSOLIDATION OF DEPARTMENTS 157711
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Notwithstanding Chapters 340., 3793., 5119., and 5122. of the Revised Code, and any other provision of law to the contrary, on July 1, 2013, there is hereby created the Department of Mental Health and Addiction Services, which shall be administered by the Director of Mental Health and Addiction Services. The Director of Mental Health and Addiction Services shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold office during the term of the appointing Governor, and is subject to removal at the pleasure of the Governor. The Director of Mental Health and Addiction Services is the executive head of the Department of Mental Health and Addiction Services. The Department of Alcohol and Drug Addiction Services and the Department of Mental Health shall be consolidated into the single Department of Mental Health and Addiction Services. All of the authority, functions, and assets and liabilities of the Department of Mental Health and the Department of Alcohol and Drug Addiction Services are transferred to the Department of Mental Health and Addiction Services. The Department of Mental Health and Addiction Services is thereupon and thereafter successor to, assumes the obligations of, and otherwise constitutes the continuation of the Department of Alcohol and Drug Addiction Services and the Department of Mental Health. The Director of Mental Health and Addiction Services assumes all of the duties, authorities, and responsibilities of the Director of Alcohol and Drug Addiction Services and the Director of Mental Health. Any action, license, or certification that was undertaken or issued by the Director of Alcohol and Drug Addiction Services or the Director of Mental

Health that is current and valid on the effective date of the 157740
consolidation is deemed to be an action, license, or certification 157741
undertaken or issued by the Department of Mental Health and 157742
Addiction Services under the statute creating that Department. 157743

Any business commenced but not completed by July 1, 2013, by 157744
the Department of Mental Health or the Department of Alcohol and 157745
Drug Addiction Services shall be completed by the Department of 157746
Mental Health and Addiction Services. The business shall be 157747
completed in the same manner, and with the same effect, as if 157748
completed by the Department of Mental Health or by the Department 157749
of Alcohol and Drug Addiction Services prior to July 1, 2013. 157750

No validation, cure, right, privilege, remedy, obligation, or 157751
liability is lost or impaired by reason of this act's transfer of 157752
responsibility from the Department of Mental Health and the 157753
Department of Alcohol and Drug Addiction Services to the 157754
Department of Mental Health and Addiction Services. Each such 157755
validation, cure, right, remedy, obligation, or liability shall be 157756
administered by the Department of Mental Health and Addiction 157757
Services pursuant to the statute creating that department. 157758

All rules, orders, and determinations made or undertaken 157759
pursuant to the authority and responsibilities of the Department 157760
of Mental Health and the Department of Alcohol and Drug Addiction 157761
Services prior to July 1, 2013, shall continue in effect as rules, 157762
orders, and determinations of the Department of Mental Health and 157763
Addiction Services until modified or rescinded by the Department 157764
of Mental Health and Addiction Services. If necessary to ensure 157765
the integrity of the numbering system of the Administrative Code, 157766
the Director of the Legislative Service Commission shall renumber 157767
the rules to reflect the transfer of authority and responsibility 157768
to the Department of Mental Health and Addiction Services. 157769

Any action or proceeding that is related to the functions or 157770
duties of the Department of Mental Health or the Department of 157771

Alcohol and Drug Addiction Services pending on July 1, 2013, is 157772
not affected by the transfer of responsibility to the Department 157773
of Mental Health and Addiction Services and shall be prosecuted or 157774
defended in the name of the Department of Mental Health and 157775
Addiction Services. In all such actions and proceedings, the 157776
Department of Mental Health and Addiction Services, on application 157777
to the court, shall be substituted as a party. 157778

It is the intention of the Department of Mental Health and 157779
Addiction Services that community subsidies allocated or 157780
distributed by the department will be used to fund mental health 157781
and addiction services in largely the same proportion that such 157782
services were funded when allocated or distributed as separate 157783
funding streams through the separate Department of Mental Health 157784
or Department of Alcohol and Drug Addiction Services. 157785

All employees of the Department of Mental Health and the 157786
Department of Alcohol and Drug Addiction Services shall be 157787
employees of the Department of Mental Health and Addiction 157788
Services and shall serve in the positions previously held within 157789
their respective agencies unless the Department of Mental Health 157790
and Addiction Services determines otherwise. The merger of 157791
Department of Mental Health and Department of Alcohol and Drug 157792
Addiction Services shall not be deemed a transfer of employees 157793
pursuant to division (D)(3)(b) of section 124.11 of the Revised 157794
Code. Any unclassified employee of the Department of Mental Health 157795
and Addiction Services who held a right to resume a position 157796
within the classified service of his or her previous respective 157797
agency of the Department of Mental Health or the Department of 157798
Alcohol and Drug Addiction Services shall retain such a right 157799
subject to section 5119.18 of the Revised Code as may be amended. 157800

On July 1, 2013, or as soon as possible thereafter, 157801
notwithstanding any provision of law to the contrary, and if 157802
requested by the Department of Mental Health and Addiction 157803

Services, the Director of Budget and Management shall make budget 157804
changes made necessary by the consolidation, if any, including 157805
administrative organization, program transfers, the creation of 157806
new funds, the transfer of state funds, and the consolidation of 157807
funds, as authorized by this section. The Director of Budget and 157808
Management may make any transfer of cash balances between funds. 157809

On July 1, 2013, or as soon as possible thereafter, the 157810
Director of Mental Health and Addiction Services shall certify to 157811
the Director of Budget and Management all encumbrances held by the 157812
Department of Mental Health and the Department of Alcohol and Drug 157813
Addiction Services, and specify which of those encumbrances are 157814
requested to be transferred to the Department of Mental Health and 157815
Addiction Services. The Director of Budget and Management may 157816
cancel any existing encumbrances as certified by the Director of 157817
Mental Health and Addiction Services and re-establish them in the 157818
new agency. The re-established encumbrance amounts are hereby 157819
appropriated. Any business commenced but not completed with regard 157820
to the encumbrances certified shall be completed by the Department 157821
of Mental Health and Addiction Services in the same manner and 157822
with the same effect as if it were completed by the Department of 157823
Mental Health or the Department of Alcohol and Drug Addiction 157824
Services. 157825

Not later than 30 days after the transfer and consolidation 157826
of the operations and related management functions of the 157827
Department of Mental Health and the Department of Alcohol and Drug 157828
Addiction Services to the Department of Mental Health and 157829
Addiction Services, an authorized officer of the former Department 157830
of Mental Health and the former Department of Alcohol and Drug 157831
Addiction Services shall certify to the Director of Mental Health 157832
and Addiction Services the unexpended balance and location of any 157833
funds and accounts designated for building and facility operation 157834
and management functions, and the custody of such funds and 157835

accounts shall be transferred to the Department of Mental Health 157836
and Addiction Services. 157837

Effective July 1, 2013, the Director of Budget and Management 157838
shall cancel any existing encumbrances against appropriation item 157839
038616, Problem Gambling Services, and re-establish them against 157840
appropriation items 333641, Problem Gambling Services - 157841
Administration, and 335641, Problem Gambling Services. The 157842
re-established encumbrance amounts are hereby appropriated. Any 157843
business commenced but not completed under appropriation item 157844
038616 by July 1, 2013, shall be completed under appropriation 157845
items 333641 and 335641 in the same manner and with the same 157846
effect as if it were completed with regard to appropriation item 157847
038616. 157848

Effective July 1, 2013, the Director of Budget and Management 157849
shall cancel any existing encumbrances against appropriation item 157850
038614, Substance Abuse Block Grant, and re-establish them against 157851
appropriation items 333618, Substance Abuse Block Grant - 157852
Administration, and 335618, Substance Abuse Block Grant. The 157853
re-established encumbrance amounts are hereby appropriated. Any 157854
business commenced but not completed under appropriation item 157855
038614 by July 1, 2013, shall be completed under appropriation 157856
items 333618 and 335618 in the same manner and with the same 157857
effect as if it were completed with regard to appropriation item 157858
038614. 157859

Effective July 1, 2013, the Director of Budget and Management 157860
shall cancel any existing encumbrances against appropriation item 157861
038609, Demonstration Grants, and re-establish them against 157862
appropriation items 333606, Demonstration Grants - Administration, 157863
and 335606, Demonstration Grants. The re-established encumbrance 157864
amounts are hereby appropriated. Any business commenced but not 157865
completed under appropriation item 038609 by July 1, 2013, shall 157866
be completed under appropriation items 333606 and 335606 in the 157867

same manner and with the same effect as if it were completed with 157868
regard to appropriation item 038609. 157869

Effective July 1, 2013, the Director of Budget and Management 157870
shall cancel any existing encumbrances against appropriation item 157871
038621, Statewide Treatment and Prevention, and re-establish them 157872
against appropriation items 333623, Statewide Treatment and 157873
Prevention - Administration, and 335623, Statewide Treatment and 157874
Prevention. The re-established encumbrance amounts are hereby 157875
appropriated. Any business commenced but not completed under 157876
appropriation item 038621 by July 1, 2013, shall be completed 157877
under appropriation items 333623 and 335623 in the same manner and 157878
with the same effect as if it were completed with regard to 157879
appropriation item 038621. 157880

Effective July 1, 2013, the Director of Budget and Management 157881
shall cancel any existing encumbrances against appropriation item 157882
038629, Problem Gambling and Casino Addictions, and re-establish 157883
them against appropriation items 333629, Problem Gambling and 157884
Casino Addictions - Administration, and 335629, Problem Gambling 157885
and Casino Addictions. The re-established encumbrance amounts are 157886
hereby appropriated. Any business commenced but not completed 157887
under appropriation item 038629 by July 1, 2013, shall be 157888
completed under appropriation items 333629 and 335629 in the same 157889
manner and with the same effect as if it were completed with 157890
regard to appropriation item 038629. 157891

Effective July 1, 2013, the Director of Budget and Management 157892
shall cancel any existing encumbrances against appropriation item 157893
038611, Administrative Reimbursement, and re-establish them 157894
against appropriation item 333639, Administrative Reimbursement. 157895
The re-established encumbrance amounts are hereby appropriated. 157896
Any business commenced but not completed under appropriation item 157897
038611 by July 1, 2013, shall be completed under appropriation 157898
item 333639 in the same manner and with the same effect as if it 157899

were completed with regard to appropriation item 038611. 157900

Effective July 1, 2013, the Director of Budget and Management 157901
shall cancel any existing encumbrances against appropriation item 157902
335635, Community Medicaid Expansion, and re-establish them 157903
against appropriation item 652635, Community Medicaid Legacy 157904
Costs. The re-established encumbrance amounts are hereby 157905
appropriated. Any business commenced but not completed under 157906
appropriation item 335635 by July 1, 2013, shall be completed 157907
under appropriation item 652635 in the same manner and with the 157908
same effect as if it were completed with regard to appropriation 157909
item 335635. 157910

Effective July 1, 2013, the Director of Budget and Management 157911
shall cancel any existing encumbrances against appropriation item 157912
333635, Community Medicaid Expansion, and re-establish them 157913
against appropriation item 652636, Community Medicaid Legacy 157914
Support. The re-established encumbrance amounts are hereby 157915
appropriated. Any business commenced but not completed under 157916
appropriation item 333635 by July 1, 2013, shall be completed 157917
under appropriation item 652636 in the same manner and with the 157918
same effect as if it were completed with regard to appropriation 157919
item 333635. 157920

Effective July 1, 2013, the Director of Budget and Management 157921
shall cancel any existing encumbrances against appropriation item 157922
038610, Medicaid, and re-establish them against appropriation item 157923
652609, Medicaid Legacy Costs Support. The re-established 157924
encumbrance amounts are hereby appropriated. Any business 157925
commenced but not completed under appropriation item 038610 by 157926
July 1, 2013, shall be completed under appropriation item 652609 157927
in the same manner and with the same effect as if it were 157928
completed with regard to appropriation item 038610. 157929

Effective July 1, 2013, the Director of Budget and Management 157930
shall cancel any existing encumbrances against appropriation item 157931

038604, Education and Conferences, and re-establish them against 157932
appropriation item 333640, Education and Conferences. The 157933
re-established encumbrance amounts are hereby appropriated. Any 157934
business commenced but not completed under appropriation item 157935
038604 by July 1, 2013, shall be completed under appropriation 157936
item 333640 in the same manner and with the same effect as if it 157937
were completed with regard to appropriation item 038604. 157938

Effective July 1, 2013, the Director of Budget and Management 157939
shall cancel any existing encumbrances against appropriation item 157940
038401, Treatment Services, and re-establish them against 157941
appropriation items 335421, Continuum of Care Services, 335422, 157942
Criminal Justice Services, and 335406, Prevention and Wellness. 157943
The re-established encumbrance amounts are hereby appropriated. 157944
Any business commenced but not completed under appropriation item 157945
038401 by July 1, 2013, shall be completed under appropriation 157946
items 335421, 335422, and 335406 in the same manner and with the 157947
same effect as if it were completed with regard to appropriation 157948
item 038401. 157949

Effective July 1, 2013, the Director of Budget and Management 157950
shall cancel any existing encumbrances against appropriation item 157951
335419, Community Medication Subsidy, and re-establish them 157952
against appropriation item 335421, Continuum of Care Services. The 157953
re-established encumbrance amounts are hereby appropriated. Any 157954
business commenced but not completed under appropriation item 157955
335419 by July 1, 2013, shall be completed under appropriation 157956
item 335421 in the same manner and with the same effect as if it 157957
were completed with regard to appropriation item 335419. 157958

Effective July 1, 2013, the Director of Budget and Management 157959
shall cancel any existing encumbrances against appropriation item 157960
335505, Local Mental Health Systems of Care, and re-establish them 157961
against appropriation item 335421, Continuum of Care Services. The 157962
re-established encumbrance amounts are hereby appropriated. Any 157963

business commenced but not completed under appropriation item 157964
335505 by July 1, 2013, shall be completed under appropriation 157965
item 335421 in the same manner and with the same effect as if it 157966
were completed with regard to appropriation item 335505. 157967

Effective July 1, 2013, the Director of Budget and Management 157968
shall cancel any existing encumbrances against appropriation item 157969
332401, Forensic Services, and re-establish them against 157970
appropriation item 335422, Criminal Justice Services. The 157971
re-established encumbrance amounts are hereby appropriated. Any 157972
business commenced but not completed under appropriation item 157973
332401 by July 1, 2013, shall be completed under appropriation 157974
item 335422 in the same manner and with the same effect as if it 157975
were completed with regard to appropriation item 332401. 157976

Effective July 1, 2013, the Director of Budget and Management 157977
shall cancel any existing encumbrances against appropriation item 157978
333403, Pre-Admission Screening Expenses, and re-establish them 157979
against appropriation item 652507, Medicaid Support. The 157980
re-established encumbrance amounts are hereby appropriated. Any 157981
business commenced but not completed under appropriation item 157982
333403 by July 1, 2013, shall be completed under appropriation 157983
item 652507 in the same manner and with the same effect as if it 157984
were completed with regard to appropriation item 333403. 157985

Effective July 1, 2013, the Director of Budget and Management 157986
shall cancel any existing encumbrances against appropriation item 157987
038900, Indigent Drivers Alcohol Treatment, and re-establish them 157988
against appropriation item 335900, Indigent Drivers Alcohol 157989
Treatment. The re-established encumbrance amounts are hereby 157990
appropriated. Any business commenced but not completed under 157991
appropriation item 038900 by July 1, 2013, shall be completed 157992
under appropriation item 335900 in the same manner and with the 157993
same effect as if it were completed with regard to appropriation 157994
item 038900. 157995

Effective July 1, 2013, the Director of Budget and Management 157996
shall cancel any existing encumbrances against appropriation item 157997
038404, Prevention Services, and re-establish them against 157998
appropriation item 335406, Prevention and Wellness. The 157999
re-established encumbrance amounts are hereby appropriated. Any 158000
business commenced but not completed under appropriation item 158001
038404 by July 1, 2013, shall be completed under appropriation 158002
item 335406 in the same manner and with the same effect as if it 158003
were completed with regard to appropriation item 038404. 158004

Section 327.20.10. Effective July 1, 2013, the Director of 158005
Mental Health and Addiction Services, with respect to all mental 158006
health and addiction facilities and services established and 158007
operated or provided under Chapter 340. of the Revised Code shall 158008
do all of the following: 158009

(A) To the extent the Director determines necessary, and 158010
after consultation with the boards of alcohol, drug addiction, and 158011
mental health services, develop and operate, or contract for the 158012
operation of, a community behavioral health information system or 158013
systems, and shall specify the information that must be provided 158014
by boards of alcohol, drug addiction, and mental health services 158015
for inclusion in the system or systems, which may include 158016
information on services provided in whole or in part under 158017
contract with a board, financial information regarding 158018
expenditures of federal, state, or local funds by boards, and 158019
information about persons served under contract with a board. 158020

(B)(1) Receive and review each board's community mental 158021
health and addiction services plan, budget, and statement of 158022
services to be made available, and approve or disapprove the plan, 158023
budget, and statement of services in whole or in part. 158024

(2) The Department may withhold all or part of the funds 158025
allocated to a board if it disapproves all or part of a plan, 158026

budget, or statement of service. 158027

(3) Prior to a final decision to disapprove a plan, budget, 158028
or statement of services, or to withhold funds from a board, a 158029
representative of the Director shall meet with the board to 158030
discuss the reasons for the action and any corrective action that 158031
should be taken to make the plan, budget, or statement of services 158032
acceptable, and give the board a reasonable time in which to 158033
revise the plan, budget, or statement of services. 158034

(C) Establish procedures for the review of plans, budgets, 158035
and statements of services, and a timetable for submission and 158036
review. Boards of alcohol, drug addiction, and mental health 158037
services shall submit to the Department of Mental Health and 158038
Addiction Services the information, plans, budgets, and statements 158039
of services described above in accordance with the guidance or 158040
directives of the Department or Director. After notifying and 158041
consulting with relevant constituents, the Department of Mental 158042
Health and Addiction Services shall establish a methodology for 158043
allocating to boards of alcohol, drug addiction, and mental health 158044
services the funds appropriated by the General Assembly to the 158045
Department for the purpose of local mental health and addiction 158046
services continuums of care. Subject to existing provisions of law 158047
that permit the Director to withhold funds from boards of alcohol, 158048
drug addiction, and mental health services for failure to comply 158049
with applicable sections of law, or for discriminating in making 158050
services available, and subject to a board's submission and 158051
approval of the required plan, budget, and statement of services 158052
described above, the Department shall allocate the funds to the 158053
boards in a manner consistent with the methodology and state and 158054
federal laws, rules, and regulations. 158055

Portions of appropriation items 333609, Central Office 158056
Operating, 333606, Demonstration Grants - Administration, 333612, 158057
Social Services Block Grant - Administration, 333613, Federal 158058

Grants - Administration, 333614, Mental Health Block Grant - 158059
Administration, 333618, Substance Abuse Block Grant - 158060
Administration, 333623, Statewide Treatment and Prevention - 158061
Administration, 333629, Problem Gambling and Casino Addictions - 158062
Administration, 333608, Federal Miscellaneous - Administration, 158063
333641, Problem Gambling Services - Administration, 335406, 158064
Prevention and Wellness, 335421, Continuum of Care Services, 158065
335422, Criminal Justice Services, 335604, Community Mental Health 158066
Projects, 335606, Demonstration Grants, 335612, Social Services 158067
Block Grant, 335613, Federal Grant - Community Mental Health 158068
Subsidy, 335614, Mental Health Block Grant, 335615, Behavioral 158069
Health Care, 335618, Substance Abuse Block Grant, 335623, 158070
Statewide Treatment and Prevention, 335629, Problem Gambling and 158071
Casino Addictions, 335638, Race to the Top - Early Learning 158072
Challenge Grant, and 335900, Indigent Drivers Alcohol Treatment, 158073
may be used to pay for the Department and board functions 158074
enumerated above. 158075

Section 327.20.20. (A) Effective July 1, 2013, all records 158076
and reports, other than court journal entries or court docket 158077
entries, identifying a person and pertaining to the person's 158078
mental health condition, assessment, provision of care or 158079
treatment, or payment for assessment, care, or treatment that are 158080
maintained in connection with any services certified by the 158081
Department of Mental Health and Addiction Services, or any 158082
hospitals or facilities licensed or operated by the Department, 158083
shall be kept confidential and shall not be disclosed by any 158084
person, with the following exceptions: 158085

(1) If the person identified, or the person's legal guardian, 158086
if any, or if the person is a minor, the person's parent or legal 158087
guardian, consents. 158088

(2) When disclosure is provided for in Chapters 340., 5119., 158089

or 5122., or in Title 47 of the Revised Code. 158090

(3) Hospitals, boards of alcohol, drug addiction, and mental 158091
health services, licensed facilities, and community mental health 158092
services providers may release necessary information to insurers 158093
and other third-party payers, including government entities 158094
responsible for processing and authorizing payment, to obtain 158095
payment for goods and services furnished to the person. 158096

(4) Pursuant to a court order signed by a judge; 158097

(5) A person shall be granted access to the person's own 158098
psychiatric and medical records unless access specifically is 158099
restricted in a person's treatment plan for clear treatment 158100
reasons. 158101

(6) The Department of Mental Health and Addiction Services 158102
may exchange psychiatric records and other pertinent information 158103
with community mental health services providers and boards of 158104
alcohol, drug addiction, and mental health services relating to 158105
the person's care or services. Records and information that may be 158106
exchanged pursuant to this division shall be limited to medication 158107
history, physical health status and history, financial status, 158108
summary of course of treatment, summary of treatment needs, and a 158109
discharge summary, if any. 158110

(7) The Department of Mental Health and Addiction Services, 158111
hospitals, and community providers operated by the Department, 158112
hospitals licensed by the Department under section 5119.20 158113
(5119.33) of the Revised Code and community mental health services 158114
providers may exchange psychiatric records and other pertinent 158115
information with payers and other providers of treatment and 158116
health services if the purpose of the exchange is to facilitate 158117
continuity of care for the person or for the emergency treatment 158118
of the person. 158119

(8) The Department of Mental Health and Addiction Services 158120

and community mental health services providers may exchange 158121
psychiatric records and other pertinent information with boards of 158122
alcohol, drug addiction, and mental health services for purposes 158123
of any board function set forth in Chapter 340. of the Revised 158124
Code. Boards of alcohol, drug addiction, and mental health 158125
services shall not access or use any personal information from the 158126
Department or providers except as required or permitted by this 158127
section, or Chapters 340. and 5122. of the Revised Code for 158128
purposes related to payment, care coordination, health care 158129
operations, program and service evaluation, reporting activities, 158130
research, system administration, oversight, or other authorized 158131
purposes. 158132

(9) A person's family member who is involved in the 158133
provision, planning, and monitoring of services to the person may 158134
receive medication information, a summary of the person's 158135
diagnosis and prognosis, and a list of the services and personnel 158136
available to assist the person and the person's family, if the 158137
person's treatment provider determines that the disclosure would 158138
be in the best interests of the person. No such disclosure shall 158139
be made unless the person is notified first and receives the 158140
information and does not object to the disclosure. 158141

(10) Community mental health services providers may exchange 158142
psychiatric records and certain other information with the board 158143
of alcohol, drug addiction, and mental health services and other 158144
providers in order to provide services to a person involuntarily 158145
committed to a board. Release of records under this division shall 158146
be limited to medication history, physical health status and 158147
history, financial status, summary of course of treatment, summary 158148
of treatment needs, and discharge summary, if any. 158149

(11) Information may be disclosed to the executor or the 158150
administrator of an estate of a deceased person when the 158151
information is necessary to administer the estate. 158152

(12) Information may be disclosed to staff members of the 158153
appropriate board or to staff members designated by the Director 158154
of Mental Health and Addiction Services for the purpose of 158155
evaluating the quality, effectiveness, and efficiency of services 158156
and determining if the services meet minimum standards. 158157
Information obtained during such evaluations shall not be retained 158158
with the name of any person. 158159

(13) Records pertaining to the person's diagnosis, course of 158160
treatment, treatment needs, and prognosis shall be disclosed and 158161
released to the appropriate prosecuting attorney if the person was 158162
committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, 158163
or 2945.402 of the Revised Code, or to the attorney designated by 158164
the board for proceedings pursuant to involuntary commitment under 158165
Chapter 5122. of the Revised Code. 158166

(14) The Department of Mental Health and Addiction Services 158167
may exchange psychiatric hospitalization records, other mental 158168
health treatment records, and other pertinent information with the 158169
Department of Rehabilitation and Correction and with the 158170
Department of Youth Services to ensure continuity of care for 158171
inmates and offenders who are receiving mental health services in 158172
an institution of the Department of Rehabilitation and Correction 158173
or the Department of Youth Services and may exchange psychiatric 158174
hospitalization records, other mental health treatment records, 158175
and other pertinent information with boards of alcohol, drug 158176
addiction, and mental health services and community mental health 158177
services providers to ensure continuity of care for inmates or 158178
offenders who are receiving mental health services in an 158179
institution and are scheduled for release within six months. The 158180
release of records under this division is limited to records 158181
regarding an inmate's or offender's medication history, physical 158182
health status and history, summary of course of treatment, summary 158183
of treatment needs, and a discharge summary, if any. 158184

(15) A community mental health services provider that ceases 158185
to operate may transfer to either a community mental health 158186
services provider that assumes its caseload or to the board of 158187
alcohol, drug addiction, and mental health services of the service 158188
district in which the person resided at the time services were 158189
most recently provided any treatment records that have not been 158190
transferred elsewhere at the person's request. 158191

(B) Before records are disclosed pursuant to divisions 158192
(A)(3), (6), or (10) of this section, the custodian of the records 158193
shall attempt to obtain the consent of the person in question for 158194
the disclosure. 158195

(C) No person shall reveal the content of a medical record of 158196
a person except as authorized by the law. 158197

(D) Portions of appropriation items 333321, Central 158198
Administration, 333416, Research Program Evaluation, 333605, 158199
Medicaid/Medicare - Refunds, 333606, Demonstration Grants - 158200
Administration, 333608, Federal Miscellaneous - Administration, 158201
333609, Central Office Opening, 333611, Non-Federal Miscellaneous, 158202
333612, Social Services Block Grant - Administration, 333613, 158203
Federal Grants - Administration, 333614, Mental Health Block Grant 158204
- Administration, 333618, Substance Abuse Block Grant - 158205
Administration, 333621, Family and Children First Administration, 158206
333623, Statewide Treatment and Prevention - Administration, 158207
333629, Problem Gambling and Casino Addictions - Administration, 158208
333632, Mental Health Operating - Refunds, 333608, Federal 158209
Miscellaneous - Administration, 333640, Education and Conferences, 158210
333641, Problem Gambling Services - Administration, 333639, 158211
Administrative Reimbursement, 334605, Medicaid/Medicare - 158212
Hospitals, 334608, Federal Miscellaneous - Hospitals, 334609, 158213
Hospital - Operating Expenses, 334613, Federal Letter of Credit, 158214
334620, Special Education, 334632, Mental Health Operating - 158215
Hospitals, 335405, Family and Children First, 335406, Prevention 158216

and Wellness, 335421, Continuum of Care Services, 335422, Criminal 158217
Justice Services, 335604, Community Mental Health Projects, 158218
335506, Residential State Supplement, 335608, Federal 158219
Miscellaneous, 335606, Demonstration Grants, 335612, Social 158220
Services Block Grant, 335613, Federal Grant - Community Mental 158221
Health Subsidy, 335614, Mental Health Block Grant, 335615, 158222
Behavioral Health Care, 335618, Substance Abuse Block Grant, 158223
335623, Statewide Treatment and Prevention, 335629, Problem 158224
Gambling and Casino Addictions, 335638, Race to the Top - Early 158225
Learning Challenge Grant, 335900, Indigent Drivers Alcohol 158226
Treatment, 336601, Office of Support Services, 652609, Medicaid 158227
Legacy Costs Support, 652635, Community Medicaid Legacy Costs, and 158228
652636, Community Medicaid Legacy Support, may be used to pay for 158229
the Department and community mental health system functions that 158230
operate under the confidentiality provisions enumerated above. 158231

Section 327.20.30. Effective July 1, 2013, the Director of 158232
Mental Health and Addiction Services may adopt rules pursuant to 158233
Chapter 119. of the Revised Code governing licensure and operation 158234
of residential facilities, that include procedures for conducting 158235
criminal records checks for operators, employees, and volunteers 158236
who have direct access to facility residents. 158237

Portions of appropriation items 334506, Court Costs, 335406, 158238
Prevention and Wellness, 335421, Continuum of Care Services, 158239
335614, Mental Health Block Grant, 335506, Residential State 158240
Supplement, 335615, Behavioral Health Care, 335618, Substance 158241
Abuse Block Grant, 335623, Statewide Treatment and Prevention, and 158242
335900, Indigent Drivers Alcohol Treatment, may be used to pay for 158243
these regulated activities. 158244

Section 327.20.40. Effective July 1, 2013, to the extent 158245
funds are available and on application of boards of alcohol, drug 158246
addiction, and mental health services, the Director of Mental 158247

Health and Addiction Services may approve state reimbursement of, 158248
or state grants for, community construction programs, including 158249
residential housing for severely mentally disabled persons and 158250
persons with substance use disorders. The Director may also 158251
approve an application for reimbursement or a grant for such 158252
programs submitted by other governmental entities or by private, 158253
nonprofit organizations after the board of alcohol, drug 158254
addiction, and mental health services has reviewed and approved 158255
the application and the application is consistent with the plan, 158256
budget, and statement of services submitted to and approved by the 158257
Department. The Director shall adopt rules in accordance with 158258
Chapter 119. of the Revised Code that specify procedures for 158259
applying for state reimbursement and for state grants for 158260
community construction programs, including residential housing for 158261
severely mentally disabled persons and persons with substance use 158262
disorders. 158263

Portions of appropriation item 335616, Community Capital 158264
Replacement, may be used to pay for the Department functions 158265
enumerated above. 158266

Section 327.20.50. Effective July 1, 2013, the Department of 158267
Mental Health and Addiction Services shall collect information 158268
about services delivered and persons served as required for 158269
reporting and evaluation relating to state and federal funds 158270
expended for such purposes. No alcohol, drug addiction, or mental 158271
health program, agency, or services provider shall fail to supply 158272
statistics or other information within its knowledge and with 158273
respect to its programs or services upon the request of the 158274
department. 158275

Portions of appropriation items 333321, Central 158276
Administration, 333609 Central Office Operating, 333606, 158277
Demonstration Grants - Administration, 333612, Social Services 158278

Block Grant - Administration, 333613, Federal Grants - 158279
Administration, 333614, Mental Health Block Grant - 158280
Administration, 333618, Substance Abuse Block Grant - 158281
Administration, 333623, Statewide Treatment and Prevention - 158282
Administration, 333629, Problem Gambling and Casino Addictions - 158283
Administration, 333608, Federal Miscellaneous - Administration, 158284
333641, Problem Gambling Services - Administration, 335406, 158285
Prevention and Wellness, 335421, Continuum of Care Services, 158286
335422, Criminal Justice Services, 335604, Community Mental Health 158287
Projects, 335606, Demonstration Grants, 335612, Social Services 158288
Block Grant, 335613, Federal Grant - Community Mental Health 158289
Subsidy, 335614, Mental Health Block Grant, 335615, Behavioral 158290
Health Care, 335618, Substance Abuse Block Grant, 335623, 158291
Statewide Treatment and Prevention, 335629, Problem Gambling and 158292
Casino Addictions, 335638, Race to the Top - Early Learning 158293
Challenge Grant, and 335900, Indigent Drivers Alcohol Treatment, 158294
652609, Medicaid Legacy Costs Support, and 652636, Community 158295
Medicaid Legacy Support, may be used to pay for the Department 158296
information collection and reporting functions enumerated above. 158297

Section 327.20.60. The Department of Mental Health and 158298
Addiction Services shall administer specified Medicaid services as 158299
delegated by the State's single agency responsible for the 158300
Medicaid program. Effective July 1, 2013, the Department shall use 158301
appropriation item 652507, Medicaid Support, to fund the 158302
Medicaid-related services and supports performed by the 158303
Department. 158304

Section 327.30. RESIDENT TRAINEES 158305

The foregoing appropriation item 333402, Resident Trainees, 158306
shall be used to fund training agreements entered into by the 158307
Director of Mental Health and Addiction Services for the 158308
development of curricula and the provision of training programs to 158309

support public mental health services. 158310

Section 327.40. LEASE-RENTAL PAYMENTS 158311

The foregoing appropriation item 333415, Lease-Rental 158312
Payments, shall be used to meet all payments at the times they are 158313
required to be made during the period from July 1, 2013, through 158314
June 30, 2015, by the Department of Mental Health and Addiction 158315
Services under leases and agreements made under section 154.20 of 158316
the Revised Code. These appropriations are the source of funds 158317
pledged for bond service charges on obligations issued pursuant to 158318
Chapter 154. of the Revised Code. 158319

Section 327.50. HOSPITAL SERVICES 158320

The foregoing appropriation item 334412, Hospital Services, 158321
shall be used for the operation of the State Regional Psychiatric 158322
Hospitals, including, but not limited to, all aspects involving 158323
civil and forensic commitment, treatment, and discharge as 158324
determined by the Director of Mental Health and Addiction 158325
Services. A portion of this appropriation may be used by the 158326
Department of Mental Health and Addiction Services to create, 158327
purchase, or contract for the custody, supervision, control, and 158328
treatment of persons committed to the Department of Mental Health 158329
and Addiction Services in other clinically appropriate 158330
environments, consistent with public safety. 158331

Section 327.60. CONTINUUM OF CARE SERVICES 158332

The foregoing appropriation item 335421, Continuum of Care 158333
Services, shall be used as follows: 158334

(A) A portion of this appropriation shall be allocated to 158335
community alcohol, drug addiction, and mental health services 158336
boards in accordance with a distribution methodology determined by 158337
the Director of Mental Health and Addiction Services: 158338

(1) For the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code;	158339 158340
(2) To provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and	158341 158342 158343
(3) To provide subsidized support for medication assisted treatment costs.	158344 158345
(B) A portion of this appropriation may be distributed to community alcohol, drug addiction, and mental health services boards, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of mental health and addiction services initiatives.	158346 158347 158348 158349 158350 158351
(C) In fiscal year 2014 \$250,000 and in fiscal year 2015 \$750,000 shall be allocated to the Human Trafficking Center at The Ohio State University. The Center shall use the funds to investigate all aspects of human trafficking, including research, training, and direct services for victims. The Center shall do all of the following:	158352 158353 158354 158355 158356 158357
(1) Provide research opportunities in areas affecting human trafficking, including topics such as socioeconomic, political, and cultural factors involved in human trafficking;	158358 158359 158360
(2) Develop assessments and other tools to help human trafficking victims or service providers, including online training courses for law enforcement and social and medical service personnel on how best to identify and treat victims of human trafficking;	158361 158362 158363 158364 158365
(3) Offer internships, clinical hours, and other training opportunities for undergraduate and graduate students;	158366 158367
(4) Provide direct services and care for victims of human	158368

trafficking; and 158369

(5) Collaborate with community affiliates and other 158370
institutions of higher education engaged in human trafficking 158371
research, training, and direct victim services. 158372

(D) \$669,446 in fiscal year 2014 and \$569,446 in fiscal year 158373
2015 shall be allocated to the Geauga County Board of Mental 158374
Health and Recovery Services to support the Chardon Pilot Program. 158375
The Chardon Pilot Program shall support the behavioral health 158376
needs of the Chardon community. The board shall distribute 158377
\$469,446 of these funds in fiscal year 2014 and \$369,446 of these 158378
funds in fiscal year 2015 to the Chardon school district to be 158379
used for program-related activities. The Department of Mental 158380
Health and Addiction Services shall submit a report to the General 158381
Assembly in accordance with section 101.68 of the Revised Code 158382
regarding the performance of the program by September 30, 2015. 158383

Section 327.70. CRIMINAL JUSTICE SERVICES 158384

The foregoing appropriation item 335422, Criminal Justice 158385
Services, shall be used to provide forensic psychiatric 158386
evaluations to courts of common pleas and to conduct evaluations 158387
of patients of forensic status in facilities operated or 158388
designated by the Department of Mental Health and Addiction 158389
Services prior to conditional release to the community. A portion 158390
of this appropriation may be allocated through community alcohol, 158391
drug addiction, and mental health services boards to community 158392
addiction and/or mental health services providers in accordance 158393
with a distribution methodology as determined by the Director of 158394
Mental Health and Addiction Services. 158395

Appropriation item 335422, Criminal Justice Services, may 158396
also be used to: 158397

(A) Provide forensic monitoring and tracking of individuals 158398

on conditional release;	158399
(B) Provide forensic training;	158400
(C) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders;	158401 158402 158403
(D) Provide specialized re-entry services to offenders leaving prisons and jails;	158404 158405
(E) Provide specific grants in support of addiction services alternatives to incarceration;	158406 158407
(F) Support specialty dockets; and	158408
(G) Support therapeutic communities.	158409
 Section 327.80. COMMUNITY INNOVATIONS	 158410
The foregoing appropriation item 335504, Community Innovations, may be used by the Department of Mental Health and Addiction Services to make targeted investments in programs, projects, or systems operated by or under the authority of other state agencies, governmental entities, or private not-for-profit agencies that impact, or are impacted by, the operations and functions of the Department, with the goal of achieving a net reduction in expenditure of state general revenue funds and/or improved outcomes for Ohio citizens without a net increase in state general revenue fund spending.	158411 158412 158413 158414 158415 158416 158417 158418 158419 158420
The Director shall identify and evaluate programs, projects, or systems proposed or operated, in whole or in part, outside of the authority of the Department, where targeted investment of these funds in the program, project, or system is expected to decrease demand for the Department or other resources funded with state general revenue funds, and/or to measurably improve outcomes for Ohio citizens with mental illness or with alcohol, drug, or gambling addictions. The Director shall have discretion to	158421 158422 158423 158424 158425 158426 158427 158428

transfer money from the appropriation item to other state 158429
agencies, governmental entities, or private not-for-profit 158430
agencies in amounts, and subject to conditions, that the Director 158431
determines most likely to achieve state savings and/or improved 158432
outcomes. Distribution of moneys from this appropriation item 158433
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 158434
the Revised Code. 158435

The Department shall enter into an agreement with each 158436
recipient of community innovation funds, identifying: allowable 158437
expenditure of the funds; other commitment of funds or other 158438
resources to the program, project, or system; expected state 158439
savings and/or improved outcomes and proposed mechanisms for 158440
measurement of such savings or outcomes; and required reporting 158441
regarding expenditure of funds and savings or outcomes achieved. 158442

The foregoing appropriation item 335504, Community 158443
Innovations, may also be used by the Department to make payments 158444
to the Opportunities for Ohioans with Disabilities Agency for 158445
vocational rehabilitation services to individuals receiving mental 158446
health or addiction services paid for with public dollars. 158447

Section 327.83. COMMUNITY BEHAVIORAL HEALTH 158448

Of the foregoing appropriation item 335507, Community 158449
Behavioral Health, \$30,000,000 in each fiscal year shall be 158450
allocated to community alcohol, drug addiction, and mental health 158451
services boards to provide mental health services. 158452

Of the foregoing appropriation item 335507, Community 158453
Behavioral Health, \$17,500,000 in each fiscal year shall be 158454
allocated to community alcohol, drug addiction, and mental health 158455
services boards to be used for addiction services including 158456
medication, treatment programs, and counseling. 158457

Section 327.90. COMMUNITY OPERATING/PLANNING 158458

Appropriation item 335609, Community Operating/Planning, may 158459
be used by the Department of Mental Health and Addiction Services 158460
to make payments to the Opportunities for Ohioans with 158461
Disabilities Agency for vocational rehabilitation services to 158462
individuals receiving mental health or addiction services paid for 158463
with public dollars. 158464

In addition, appropriation item 335609, Community 158465
Operating/Planning, may be used by the Department to make 158466
incentive payments to operators of residential facilities that are 158467
licensed by the Department of Mental Health and Addiction Services 158468
and provide accommodations and personal care services for one or 158469
two unrelated adults or accommodations, supervision, and personal 158470
care services for three to sixteen unrelated adults. The incentive 158471
payments shall be granted based upon operators demonstrating 158472
linkage between their facilities' residents and community 158473
resources, based on the residents' needs including, but not 158474
limited to, aged, mental health, and physical health issues. The 158475
financial incentive shall be used to support community living for 158476
individuals with a disability or who are aged, and to assist with 158477
costs arising from facility operations. 158478

Appropriation item 335609, Community Operating/Planning, may 158479
also be used by the Department to support non-Medicaid program 158480
costs for individuals moving into community settings. 158481

Section 327.93. PROBLEM GAMBLING AND CASINO ADDICTIONS 158482

A portion of appropriation item 335629, Problem Gambling and 158483
Casino Addictions, shall be allocated to boards of alcohol, drug 158484
addiction, and mental health services in accordance with a 158485
distribution methodology determined by the Director of Mental 158486
Health and Addiction Services. 158487

Section 327.100. RESIDENTIAL STATE SUPPLEMENT 158488

(A) As used in this section:	158489
(1) "Residential facility" means a facility licensed by the Department of Mental Health and Addiction Services under section 5119.34 of the Revised Code.	158490 158491 158492
(2) "Residential care facility" means a facility licensed by the Director of Health under Chapter 3721. of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code.	158493 158494 158495 158496
(B) The foregoing appropriation item 335506, Residential State Supplement, may be used by the Department of Mental Health and Addiction Services to provide training for residential facilities providing accommodations, supervision, and personal care services to three to sixteen unrelated adults with mental illness, to transfer cash to the Nursing Home Franchise Permit Fee Fund (Fund 5R20) used by the Department of Job and Family Services, and to make benefit payments to residential state supplement recipients.	158497 158498 158499 158500 158501 158502 158503 158504 158505
(C) Under the Residential State Supplement Program, the amount used to determine whether a resident is eligible for payment, and for determining the amount per month the eligible resident will receive, shall be as follows:	158506 158507 158508 158509
(1) \$927 for a residential care facility;	158510
(2) \$927 for a residential facility that provides accommodations, supervision, and personal care services for six to sixteen unrelated adults as described in section 5119.34 of the Revised Code;	158511 158512 158513 158514
(3) \$824 for a residential facility that provides accommodations, supervision, and personal care services for one or two unrelated adults as described in division (A)(9)(b)(ii) of section 5119.34 of the Revised Code;	158515 158516 158517 158518

(4) \$824 for a residential facility providing accommodations, supervision, and personal care services to three to five unrelated adults, as described in section 5119.34 of the Revised Code;

(5) \$824 for a residential facility that provides accommodations, supervision, and personal care services for one or two unrelated persons with mental illness or persons with severe mental disabilities who are referred by or are receiving mental health services from a community mental health services provider or a hospital, as described in division (A)(9)(b)(i) of section 5119.34 of the Revised Code;

(6) \$618 for community mental health housing services, as described in division (D)(1)(c) of section 5119.41 of the Revised Code.

The Department of Mental Health and Addiction Services shall reflect these amounts in any applicable rules the Department adopts under section 5119.41 of the Revised Code.

(D) The Department of Mental Health and Addiction Services shall, with the input of stakeholders and impacted state agencies, conduct a review of the state and federal rules and statutes governing the Residential State Supplement Program and report on potential improvements to be made in governing the program not later than January 1, 2014.

Section 327.110. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL

A county family and children first council may establish and operate a flexible funding pool in order to assure access to needed services by families, children, and older adults in need of protective services. The operation of the flexible funding pools shall be subject to the following restrictions:

(A) The county council shall establish and operate the

flexible funding pool in accordance with formal guidance issued by 158549
the Family and Children First Cabinet Council; 158550

(B) The county council shall produce an annual report on its 158551
use of the pooled funds. The annual report shall conform to a 158552
format prescribed in the formal guidance issued by the Family and 158553
Children First Cabinet Council; 158554

(C) Unless otherwise restricted, funds transferred to the 158555
flexible funding pool may include state general revenues allocated 158556
to local entities to support the provision of services to families 158557
and children; 158558

(D) The amounts transferred to the flexible funding pool 158559
shall be limited to amounts that can be redirected without 158560
impairing the achievement of the objectives for which the initial 158561
allocation is designated; and 158562

(E) Each amount transferred to the flexible funding pool from 158563
a specific allocation shall be approved for transfer by the 158564
director of the local agency that was the original recipient of 158565
the allocation. 158566

Section 329.10. MIH COMMISSION ON MINORITY HEALTH 158567

General Revenue Fund 158568

GRF 149321	Operating Expenses	\$	581,490	\$	591,615	158569
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GRF 149501	Minority Health	\$	889,100	\$	878,975	158570
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Grants

GRF 149502	Lupus Program	\$	110,047	\$	110,047	158571
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TOTAL GRF	General Revenue Fund	\$	1,580,637	\$	1,580,637	158572
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Federal Special Revenue Fund Group 158573

3J90 149602	Federal Grants	\$	140,000	\$	140,000	158574
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TOTAL FED	Federal Special Revenue					158575
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Fund Group		\$	140,000	\$	140,000	158576
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State Special Revenue Fund Group 158577

4C20 149601	Minority Health	\$	25,000	\$	25,000	158578
	Conference					
TOTAL SSR State Special Revenue						158579
Fund Group		\$	25,000	\$	25,000	158580
TOTAL ALL BUDGET FUND GROUPS						158581
Section 331.10. CRB MOTOR VEHICLE REPAIR BOARD						158583
General Services Fund Group						158584
4K90 865601	Operating Expenses	\$	487,592	\$	484,292	158585
TOTAL GSF General Services						158586
Fund Group		\$	487,592	\$	484,292	158587
TOTAL ALL BUDGET FUND GROUPS						158588
Section 333.10. DNR DEPARTMENT OF NATURAL RESOURCES						158590
General Revenue Fund						158591
GRF 725401	Wildlife-GRF Central	\$	1,800,000	\$	1,800,000	158592
	Support					
GRF 725413	Lease Rental Payments	\$	21,622,900	\$	23,943,400	158593
GRF 725456	Canal Lands	\$	135,000	\$	135,000	158594
GRF 725502	Soil and Water	\$	2,900,000	\$	2,900,000	158595
	Districts					
GRF 725505	Healthy Lake Erie Fund	\$	650,000	\$	500,000	158596
GRF 725507	Coal and Mine Safety	\$	2,500,000	\$	2,500,000	158597
	Program					
GRF 725903	Natural Resources	\$	24,325,400	\$	25,443,000	158598
	General Obligation					
	Debt Service					
GRF 727321	Division of Forestry	\$	4,392,002	\$	4,392,001	158599
GRF 728321	Division of Geological	\$	800,000	\$	800,000	158600
	Survey					
GRF 729321	Office of Information	\$	177,405	\$	177,405	158601
	Technology					

GRF	730321	Division of Parks and Recreation	\$	30,000,000	\$	30,000,000	158602
GRF	736321	Division of Engineering	\$	2,279,115	\$	2,324,736	158603
GRF	737321	Division of Soil and Water Resources	\$	4,782,704	\$	4,782,652	158604
GRF	738321	Division of Real Estate and Land Management	\$	715,963	\$	670,342	158605
GRF	741321	Division of Natural Areas and Preserves	\$	1,200,000	\$	1,200,000	158606
TOTAL GRF	General Revenue Fund		\$	98,280,489	\$	101,568,536	158607
General Services Fund Group							158608
1550	725601	Departmental Projects	\$	2,109,968	\$	1,839,204	158609
1570	725651	Central Support Indirect	\$	4,609,154	\$	4,671,566	158610
2040	725687	Information Services	\$	5,179,097	\$	5,288,168	158611
2050	725696	Human Resource Direct Service	\$	2,474,345	\$	2,526,662	158612
2070	725690	Real Estate Services	\$	50,000	\$	50,000	158613
2230	725665	Law Enforcement Administration	\$	2,126,432	\$	2,126,432	158614
2270	725406	Parks Projects Personnel	\$	436,500	\$	436,500	158615
4300	725671	Canal Lands	\$	883,879	\$	883,879	158616
4S90	725622	NatureWorks Personnel	\$	404,657	\$	412,570	158617
4X80	725662	Water Resources Council	\$	138,005	\$	138,005	158618
5100	725631	Maintenance - State-owned Residences	\$	303,611	\$	303,611	158619
5160	725620	Water Management	\$	2,559,292	\$	2,559,292	158620
6350	725664	Fountain Square	\$	3,329,935	\$	3,346,259	158621

		Facilities Management				
6970	725670	Submerged Lands	\$	852,982	\$	869,145 158622
TOTAL GSF General Services						158623
Fund Group			\$	25,457,857	\$	25,451,293 158624
Federal Special Revenue Fund Group						158625
3320	725669	Federal Mine Safety	\$	265,000	\$	265,000 158626
		Grant				
3B30	725640	Federal Forest	\$	500,000	\$	500,000 158627
		Pass-Thru				
3B40	725641	Federal Flood	\$	500,000	\$	500,000 158628
		Pass-Thru				
3B50	725645	Federal Abandoned	\$	11,851,759	\$	11,851,759 158629
		Mine Lands				
3B60	725653	Federal Land and	\$	950,000	\$	950,000 158630
		Water Conservation				
		Grants				
3B70	725654	Reclamation -	\$	3,200,000	\$	3,200,000 158631
		Regulatory				
3P10	725632	Geological Survey -	\$	933,448	\$	557,146 158632
		Federal				
3P20	725642	Oil and Gas - Federal	\$	234,509	\$	234,509 158633
3P30	725650	Coastal Management -	\$	2,790,633	\$	2,790,633 158634
		Federal				
3P40	725660	Federal - Soil and	\$	969,190	\$	1,006,874 158635
		Water Resources				
3R50	725673	Acid Mine Drainage	\$	4,342,280	\$	4,342,280 158636
		Abatement/Treatment				
3Z50	725657	Federal Recreation	\$	1,850,000	\$	1,850,000 158637
		and Trails				
TOTAL FED Federal Special Revenue						158638
Fund Group			\$	28,386,819	\$	28,048,201 158639
State Special Revenue Fund Group						158640

4J20	725628	Injection Well Review	\$	128,466	\$	128,466	158641
4M70	725686	Wildfire Suppression	\$	100,000	\$	100,000	158642
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	158643
5090	725602	State Forest	\$	6,873,330	\$	6,880,158	158644
5110	725646	Ohio Geological Mapping	\$	1,220,690	\$	1,993,519	158645
5120	725605	State Parks Operations	\$	29,654,880	\$	29,671,044	158646
5140	725606	Lake Erie Shoreline	\$	1,559,583	\$	1,559,583	158647
5180	725643	Oil and Gas Permit Fees	\$	12,812,311	\$	13,140,201	158648
5180	725677	Oil and Gas Well Plugging	\$	1,500,000	\$	1,500,000	158649
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	158650
5220	725656	Natural Areas and Preserves	\$	546,639	\$	546,639	158651
5260	725610	Strip Mining Administration Fee	\$	1,800,000	\$	1,800,000	158652
5270	725637	Surface Mining Administration	\$	1,941,532	\$	1,941,532	158653
5290	725639	Unreclaimed Land Fund	\$	1,804,180	\$	1,804,180	158654
5310	725648	Reclamation Forfeiture	\$	500,000	\$	500,000	158655
5B30	725674	Mining Regulation	\$	28,135	\$	28,135	158656
5BV0	725658	Heidelberg Water Quality Lab	\$	250,000	\$	250,000	158657
5BV0	725683	Soil and Water Districts	\$	8,000,000	\$	8,000,000	158658
5EJ0	725608	Forestry Law Enforcement	\$	1,000	\$	1,000	158659
5EK0	725611	Natural Areas & Preserves Law Enforcement	\$	1,000	\$	1,000	158660

5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	158661
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	158662
5EN0	725614	Watercraft Law Enforcement	\$	2,500	\$	2,500	158663
5HK0	725625	Ohio Nature Preserves	\$	1,000	\$	1,000	158664
5MF0	725635	Ohio Geology License Plate	\$	7,500	\$	7,500	158665
5MW0	725604	Natural Resources Special Purposes	\$	9,000,000	\$	6,000,000	158666
6150	725661	Dam Safety	\$	943,517	\$	943,517	158667
TOTAL SSR State Special Revenue							158668
Fund Group			\$	78,965,753	\$	77,089,464	158669
Clean Ohio Conservation Fund Group							158670
7061	725405	Clean Ohio Operating	\$	300,775	\$	300,775	158671
TOTAL CLF Clean Ohio Conservation							158672
Fund Group			\$	300,775	\$	300,775	158672
Wildlife Fund Group							158673
5P20	725634	Wildlife Boater Angler Administration	\$	3,000,000	\$	3,000,000	158674
7015	740401	Division of Wildlife Conservation	\$	56,466,564	\$	57,075,976	158675
8150	725636	Cooperative Management Projects	\$	120,449	\$	120,449	158676
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	158677
8170	725655	Wildlife Conservation Checkoff Fund	\$	2,000,000	\$	2,000,000	158678
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	158679
8190	725685	Ohio River Management	\$	203,584	\$	203,584	158680
81B0	725688	Wildlife Habitat Fund	\$	1,200,000	\$	1,200,000	158681
TOTAL WLF Wildlife Fund Group							158682
			\$	65,457,482	\$	66,066,894	158682

Waterways Safety Fund Group					158683	
7086 725414	Waterways Improvement	\$	5,693,671	\$	5,693,671	158684
7086 725418	Buoy Placement	\$	52,182	\$	52,182	158685
7086 725501	Waterway Safety	\$	120,000	\$	120,000	158686
	Grants					
7086 725506	Watercraft Marine	\$	576,153	\$	576,153	158687
	Patrol					
7086 725513	Watercraft	\$	366,643	\$	366,643	158688
	Educational Grants					
7086 739401	Division of	\$	19,467,370	\$	19,297,370	158689
	Watercraft					
TOTAL WSF	Waterways Safety Fund					158690
Group		\$	26,276,019	\$	26,106,019	158691
Accrued Leave Liability Fund Group						158692
4M80 725675	FOP Contract	\$	20,219	\$	20,219	158693
TOTAL ALF	Accrued Leave					158694
Liability Fund Group		\$	20,219	\$	20,219	158695
Holding Account Redistribution Fund Group						158696
R017 725659	Performance Cash Bond	\$	496,263	\$	496,263	158697
	Refunds					
R043 725624	Forestry	\$	2,100,000	\$	2,100,000	158698
TOTAL 090	Holding Account					158699
Redistribution Fund Group		\$	2,596,263	\$	2,596,263	158700
TOTAL ALL BUDGET FUND GROUPS		\$	325,741,676	\$	327,247,664	158701

Section 333.20. CENTRAL SUPPORT INDIRECT 158703

With the exception of the Division of Wildlife, whose direct 158704
and indirect central support charges shall be paid out of the 158705
General Revenue Fund from the foregoing appropriation item 725401, 158706
Wildlife-GRF Central Support, the Department of Natural Resources, 158707
with approval of the Director of Budget and Management, shall 158708
utilize a methodology for determining each division's payments 158709

into the Central Support Indirect Fund (Fund 1570). The 158710
methodology used shall contain the characteristics of 158711
administrative ease and uniform application in compliance with 158712
federal grant requirements. It may include direct cost charges for 158713
specific services provided. Payments to Fund 1570 shall be made 158714
using an intrastate transfer voucher. 158715

Section 333.30. LEASE RENTAL PAYMENTS 158716

The foregoing appropriation item 725413, Lease Rental 158717
Payments, shall be used to meet all payments at the times they are 158718
required to be made during the period from July 1, 2013, through 158719
June 30, 2015, by the Department of Natural Resources pursuant to 158720
leases and agreements made under section 154.22 of the Revised 158721
Code. These appropriations are the source of funds pledged for 158722
bond service charges on related obligations issued under Chapter 158723
154. of the Revised Code. 158724

CANAL LANDS 158725

The foregoing appropriation item 725456, Canal Lands, shall 158726
be used to provide operating expenses for the State Canal Lands 158727
Program. 158728

HEALTHY LAKE ERIE FUND 158729

The foregoing appropriation item 725505, Healthy Lake Erie 158730
Fund, shall be used by the Director of Natural Resources, in 158731
consultation with the Director of Agriculture and the Director of 158732
Environmental Protection, to implement nonstatutory 158733
recommendations of the Agriculture Nutrients and Water Quality 158734
Working Group. The Director shall give priority to recommendations 158735
that encourage farmers to adopt agricultural production guidelines 158736
commonly known as 4R nutrient stewardship practices. Funds may 158737
also be used for enhanced soil testing in the Western Lake Erie 158738
Basin, monitoring the quality of Lake Erie and its tributaries, 158739

and conducting research and establishing pilot projects that have	158740
the goal of reducing algae blooms in Lake Erie.	158741
COAL AND MINE SAFETY PROGRAM	158742
The foregoing appropriation item 725507, Coal and Mine Safety	158743
Program, shall be used for the administration of the Mine Safety	158744
Program and the Coal Regulation Program.	158745
NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE	158746
The foregoing appropriation item 725903, Natural Resources	158747
General Obligation Debt Service, shall be used to pay all debt	158748
service and related financing costs during the period July 1,	158749
2013, through June 30, 2015, on obligations issued under sections	158750
151.01 and 151.05 of the Revised Code.	158751
Section 333.40. WELL LOG FILING FEES	158752
The Chief of the Division of Soil and Water Resources shall	158753
deposit fees forwarded to the Division pursuant to section 1521.05	158754
of the Revised Code into the Departmental Services - Intrastate	158755
Fund (Fund 1550) for the purposes described in that section.	158756
CRANBERRY BOG PRESERVATION	158757
Of the foregoing appropriation item 725601, Departmental	158758
Projects, \$12,450 in fiscal year 2014 shall be used for the	158759
Greater Buckeye Lake Historical Society to preserve the Cranberry	158760
Bog.	158761
Section 333.50. HUMAN RESOURCES DIRECT SERVICE	158762
The foregoing appropriation item 725696, Human Resources	158763
Direct Service, shall be used to cover the cost of support,	158764
coordination, and oversight of the Department of Natural	158765
Resources' human resources functions. The Human Resources	158766
Chargeback Fund (Fund 2050) shall consist of cash transferred to	158767
it via intrastate transfer voucher from other funds as determined	158768

by the Director of Natural Resources and the Director of Budget 158769
and Management. 158770

Section 333.60. LAW ENFORCEMENT ADMINISTRATION 158771

The foregoing appropriation item 725665, Law Enforcement 158772
Administration, shall be used to cover the cost of support, 158773
coordination, and oversight of the Department of Natural 158774
Resources' law enforcement functions. The Law Enforcement 158775
Administration Fund (Fund 2230) shall consist of cash transferred 158776
to it via intrastate transfer voucher from other funds as 158777
determined by the Director of Natural Resources and the Director 158778
of Budget and Management. 158779

**Section 333.70. FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO 158780
EXPO CENTER** 158781

The foregoing appropriation item 725664, Fountain Square 158782
Facilities Management, shall be used for payment of repairs, 158783
renovation, utilities, property management, and building 158784
maintenance expenses for the Fountain Square complex and the 158785
Department of Natural Resources grounds at the Ohio Expo Center. 158786
Cash transferred by intrastate transfer vouchers from various 158787
department funds and rental income received by the Department of 158788
Natural Resources shall be deposited into the Fountain Square 158789
Facilities Management Fund (Fund 6350). 158790

Section 333.80. SOIL AND WATER DISTRICTS 158791

In addition to state payments to soil and water conservation 158792
districts authorized by section 1515.10 of the Revised Code, the 158793
Department of Natural Resources may use appropriation item 725683, 158794
Soil and Water Districts, to pay any soil and water conservation 158795
district an annual amount not to exceed \$40,000, upon receipt of a 158796
request and justification from the district and approval by the 158797

Ohio Soil and Water Conservation Commission. The county auditor 158798
shall credit the payments to the special fund established under 158799
section 1515.10 of the Revised Code for the local soil and water 158800
conservation district. Moneys received by each district shall be 158801
expended for the purposes of the district. 158802

OIL AND GAS WELL PLUGGING 158803

The foregoing appropriation item 725677, Oil and Gas Well 158804
Plugging, shall be used exclusively for the purposes of plugging 158805
wells and to properly restore the land surface of idle and orphan 158806
oil and gas wells pursuant to section 1509.071 of the Revised 158807
Code. No funds from the appropriation item shall be used for 158808
salaries, maintenance, equipment, or other administrative 158809
purposes, except for those costs directly attributed to the 158810
plugging of an idle or orphan well. This appropriation item shall 158811
not be used to transfer cash to any other fund or appropriation 158812
item. 158813

TRANSFER OF FUNDS FOR OIL AND GAS DIVISION OPERATIONS 158814

During fiscal years 2014 and 2015, the Director of Budget and 158815
Management may, in consultation with the Director of Natural 158816
Resources, transfer such cash as necessary from the General 158817
Revenue Fund to the Oil and Gas Well Fund (Fund 5180) for handling 158818
the increased regulatory work related to the expansion of the oil 158819
and gas program that will occur before receipts from this activity 158820
are deposited into Fund 5180. Once funds from severance taxes, 158821
application and permitting fees, and other sources have accrued to 158822
Fund 5180 in such amounts as are considered sufficient to sustain 158823
expanded operations, the Director of Budget and Management, in 158824
consultation with the Director of Natural Resources, shall 158825
establish a schedule for repaying the transferred funds from Fund 158826
5180 to the General Revenue Fund. 158827

NATURAL RESOURCES SPECIAL PURPOSES 158828

On July 1, 2013, or as soon as possible thereafter, the 158829
Director of Budget and Management shall transfer \$3,000,000 cash 158830
from the General Revenue Fund to the Natural Resources Special 158831
Purposes Fund (Fund 5MW0). Of the amount transferred, \$2,100,000 158832
in fiscal year 2014 shall be used for the construction or 158833
acquisition of a treatment train process at an Ohio inland lake, 158834
and \$900,000 in fiscal year 2014 shall be used for the purchase of 158835
a sweeper dredge for use at Ohio inland lakes. 158836

Section 333.90. CLEAN OHIO OPERATING EXPENSES 158837

The foregoing appropriation item 725405, Clean Ohio 158838
Operating, shall be used by the Department of Natural Resources in 158839
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 158840
to section 1519.05 of the Revised Code. 158841

Section 333.100. WATERCRAFT MARINE PATROL 158842

Of the foregoing appropriation item 739401, Division of 158843
Watercraft, up to \$200,000 in each fiscal year shall be expended 158844
for the purchase of equipment for marine patrols qualifying for 158845
funding from the Department of Natural Resources pursuant to 158846
section 1547.67 of the Revised Code. Proposals for equipment shall 158847
accompany the submission of documentation for receipt of a marine 158848
patrol subsidy pursuant to section 1547.67 of the Revised Code and 158849
shall be loaned to eligible marine patrols pursuant to a 158850
cooperative agreement between the Department of Natural Resources 158851
and the eligible marine patrol. 158852

Section 333.110. PARKS CAPITAL EXPENSES FUND 158853

The Director of Natural Resources shall submit to the 158854
Director of Budget and Management the estimated design, 158855
engineering, and planning costs of capital-related work to be done 158856
by Department of Natural Resources staff for parks projects within 158857

the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 158858
Director of Budget and Management approves the estimated costs, 158859
the Director may release appropriations from appropriation item 158860
C725E6, Project Planning, Fund 7035, for those purposes. Upon 158861
release of the appropriations, the Department of Natural Resources 158862
shall pay for these expenses from the Parks Capital Expenses Fund 158863
(Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by 158864
Fund 7035 using an intrastate transfer voucher. 158865

NATUREWORKS CAPITAL EXPENSES FUND 158866

The Department of Natural Resources shall periodically 158867
prepare and submit to the Director of Budget and Management the 158868
estimated design, planning, and engineering costs of 158869
capital-related work to be done by Department of Natural Resources 158870
staff for each capital improvement project within the Ohio Parks 158871
and Natural Resources Fund (Fund 7031). If the Director of Budget 158872
and Management approves the estimated costs, the Director may 158873
release appropriations from appropriation item C725E5, Project 158874
Planning, in Fund 7031, for those purposes. Upon release of the 158875
appropriations, the Department of Natural Resources shall pay for 158876
these expenses from the Capital Expenses Fund (Fund 4S90). 158877
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 by 158878
using an intrastate transfer voucher. 158879

Section 333.120. ELIMINATION OF DORMANT FUNDS 158880

The following funds are hereby abolished and the fund names 158881
and fund numbers shall be stricken from the list of funds falling 158882
within the jurisdiction of the Department of Natural Resources: 158883

Fund Number	Fund Name	
1580	Reprint and Replacement - Intrastate	158885
1610	Parks and Recreation Depreciation Reserve	158886
1620	Civilian Conservation Corps Earned Revenues	158887
2060	General Services	158888

5080	Natural Resources Publications and Promotions	158889
5190	Burr Oak Water Plant	158890
5250	Reclamation Forfeiture	158891
5300	Surface Mining Reclamation	158892
8800	Cooperative Boat Harbor Project	158893
4B80	Forestry Development	158894
5F90	Flood Reimbursement	158895
81A0	Wildlife Education	158896
R029	Reclamation Fee	158897
R030	Surface Mining Reclamation Fee	158898
R040	Wildlife Refunds	158899
3280	Federal Special Revenue	158900
3P00	Natural Areas and Preserves - Federal	158901
5K10	Urban Forestry Grant	158902
5150	Conservancy District Organization	158903
6300	Wild Animal	158904
3CH0	Mined Land Set Aside	158905
	TRANSFER OF ELIMINATED DORMANT FUNDS	158906
	The Watercraft Revolving Loan Fund (Fund 5AW0) is hereby	158907
	abolished. Any balance remaining in the fund as of July 1, 2013,	158908
	shall be transferred into the Waterways Safety Fund (Fund 7086)	158909
	and appropriated to appropriation item 739401, Division of	158910
	Watercraft.	158911
	The Division of Forestry Law Enforcement Fund (Fund 5EJ0) and	158912
	the Division of Natural Areas and Preserves Law Enforcement Fund	158913
	(Fund 5EK0) are hereby abolished. Any balance remaining in these	158914
	funds as of July 1, 2013, shall be transferred into the Park Law	158915
	Enforcement Fund (Fund 5EM0) and appropriated to appropriation	158916
	item 725613, Park Law Enforcement.	158917
	Section 335.10. NUR STATE BOARD OF NURSING	158918
	General Services Fund Group	158919

4K90	884609	Operating Expenses	\$	7,181,743	\$	7,273,978	158920
5AC0	884602	Nurse Education Grant	\$	1,373,506	\$	1,373,506	158921
		Program					
5P80	884601	Nursing Special	\$	2,000	\$	2,000	158922
		Issues					
TOTAL GSF General Services							158923
Fund Group			\$	8,557,249	\$	8,649,484	158924
TOTAL ALL BUDGET FUND GROUPS			\$	8,557,249	\$	8,649,484	158925

Section 337.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 158927
AND ATHLETIC TRAINERS BOARD 158928

General Services Fund Group							158929
4K90	890609	Operating Expenses	\$	866,169	\$	925,897	158930
TOTAL GSF General Services Fund			\$	866,169	\$	925,897	158931
Group							
TOTAL ALL BUDGET FUND GROUPS			\$	866,169	\$	925,897	158932

Section 339.10. OLA OHIOANA LIBRARY ASSOCIATION 158934

General Revenue Fund							158935
GRF	355501	Library Subsidy	\$	135,000	\$	140,000	158936
TOTAL GRF General Revenue Fund			\$	135,000	\$	140,000	158937
TOTAL ALL BUDGET FUND GROUPS			\$	135,000	\$	140,000	158938

Section 340.10. OOD OPPORTUNITIES FOR OHIOANS WITH 158940
DISABILITIES AGENCY 158941

General Revenue Fund							158942
GRF	415402	Independent Living	\$	252,000	\$	252,000	158943
		Council					
GRF	415406	Assistive Technology	\$	26,618	\$	26,618	158944
GRF	415431	Office for People	\$	126,567	\$	126,567	158945
		with Brain Injury					
GRF	415506	Services for People	\$	15,277,885	\$	15,277,885	158946

		with Disabilities				
GRF	415508	Services for the Deaf	\$	28,000	\$	28,000 158947
TOTAL GRF		General Revenue Fund	\$	15,711,070	\$	15,711,070 158948
		General Services Fund Group				158949
4670	415609	Business Enterprise	\$	962,538	\$	965,481 158950
		Operating Expenses				
TOTAL GSF		General Services				158951
Fund Group			\$	962,538	\$	965,481 158952
		Federal Special Revenue Fund Group				158953
3170	415620	Disability	\$	83,332,186	\$	84,641,911 158954
		Determination				
3790	415616	Federal - Vocational	\$	117,431,895	\$	113,610,728 158955
		Rehabilitation				
3L10	415601	Social Security	\$	2,748,451	\$	2,752,396 158956
		Personal Care				
		Assistance				
3L10	415605	Social Security	\$	772,000	\$	772,000 158957
		Community Centers for				
		the Deaf				
3L10	415608	Social Security	\$	445,258	\$	498,269 158958
		Special				
		Programs/Assistance				
3L40	415612	Federal Independent	\$	638,431	\$	638,431 158959
		Living Centers or				
		Services				
3L40	415615	Federal - Supported	\$	916,727	\$	916,727 158960
		Employment				
3L40	415617	Independent	\$	1,548,658	\$	1,348,658 158961
		Living/Vocational				
		Rehabilitation				
		Programs				
TOTAL FED		Federal Special				158962

Revenue Fund Group		\$	207,833,606	\$	205,179,120	158963
State Special Revenue Fund Group						158964
4680 415618	Third Party Funding	\$	11,000,000	\$	11,000,000	158965
4L10 415619	Services for Rehabilitation	\$	3,502,168	\$	3,502,168	158966
4W50 415606	Program Management Expenses	\$	12,369,751	\$	12,594,758	158967
TOTAL SSR State Special						158968
Revenue Fund Group		\$	26,871,919	\$	27,096,926	158969
TOTAL ALL BUDGET FUND GROUPS		\$	251,379,133	\$	248,952,597	158970
INDEPENDENT LIVING COUNCIL						158971
The foregoing appropriation item 415402, Independent Living						158972
Council, shall be used to fund the operations of the State						158973
Independent Living Council and to support state independent living						158974
centers and independent living services under Title VII of the						158975
Independent Living Services and Centers for Independent Living of						158976
the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29						158977
U.S.C. 796d.						158978
Of the foregoing appropriation item 415402, Independent						158979
Living Council, \$67,662 in each fiscal year shall be used as state						158980
matching funds for vocational rehabilitation innovation and						158981
expansion activities.						158982
ASSISTIVE TECHNOLOGY						158983
The total amount of the foregoing appropriation item 415406,						158984
Assistive Technology, shall be provided to Assistive Technology of						158985
Ohio to provide grants and assistive technology services for						158986
people with disabilities in the State of Ohio.						158987
OFFICE FOR PEOPLE WITH BRAIN INJURY						158988
The foregoing appropriation item 415431, Office for People						158989
with Brain Injury, shall be provided to The Ohio State University						158990
College of Medicine to support the Brain Injury Program						158991

established under section 3304.23 of the Revised Code.	158992
VOCATIONAL REHABILITATION SERVICES	158993
The foregoing appropriation item 415506, Services for People with Disabilities, shall be used as state matching funds to provide vocational rehabilitation services to eligible consumers.	158994 158995 158996
SERVICES FOR THE DEAF	158997
The foregoing appropriation item 415508, Services for the Deaf, shall be used to provide grants to community centers for the deaf.	158998 158999 159000
INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS	159001
The foregoing appropriation item 415617, Independent Living/Vocational Rehabilitation Programs, shall be used to support vocational rehabilitation programs.	159002 159003 159004
SOCIAL SECURITY REIMBURSEMENT FUNDS	159005
Reimbursement funds received from the Social Security Administration, United States Department of Health and Human Services, for the costs of providing services and training to return disability recipients to gainful employment shall be expended from the Social Security Reimbursement Fund (Fund 3L10), to the extent funds are available, as follows:	159006 159007 159008 159009 159010 159011
(A) Appropriation item 415601, Social Security Personal Care Assistance, to provide personal care services in accordance with section 3304.41 of the Revised Code;	159012 159013 159014
(B) Appropriation item 415605, Social Security Community Centers for the Deaf, to provide grants to community centers for the deaf in Ohio for services to individuals with hearing impairments; and	159015 159016 159017 159018
(C) Appropriation item 415608, Social Security Special Programs/Assistance, to provide vocational rehabilitation services to individuals with severe disabilities who are Social Security	159019 159020 159021

beneficiaries, to enable them to achieve competitive employment. 159022
 This appropriation item shall also be used to pay a portion of 159023
 indirect costs of the Personal Care Assistance Program and the 159024
 Independent Living Programs as mandated by federal OMB Circular 159025
 A-87. 159026

PROGRAM MANAGEMENT EXPENSES 159027

The foregoing appropriation item 415606, Program Management 159028
 Expenses, shall be used to support the administrative functions of 159029
 the commission related to the provision of vocational 159030
 rehabilitation, disability determination services, and ancillary 159031
 programs. 159032

Section 341.10. ODB OHIO OPTICAL DISPENSERS BOARD 159033

General Services Fund Group 159034
 4K90 894609 Operating Expenses \$ 366,000 \$ 365,000 159035
 TOTAL GSF General Services 159036
 Fund Group \$ 366,000 \$ 365,000 159037
 TOTAL ALL BUDGET FUND GROUPS \$ 366,000 \$ 365,000 159038

Section 343.10. OPT STATE BOARD OF OPTOMETRY 159040

General Services Fund Group 159041
 4K90 885609 Operating Expenses \$ 347,278 \$ 347,278 159042
 TOTAL GSF General Services 159043
 Fund Group \$ 347,278 \$ 347,278 159044
 TOTAL ALL BUDGET FUND GROUPS \$ 347,278 \$ 347,278 159045

Section 345.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, 159047
 AND PEDORTHICS 159048

General Services Fund Group 159049
 4K90 973609 Operating Expenses \$ 151,417 \$ 159,982 159050
 TOTAL GSF General Services 159051

Fund Group	\$	151,417	\$	159,982	159052
TOTAL ALL BUDGET FUND GROUPS	\$	151,417	\$	159,982	159053

Section 347.10. UST PETROLEUM UNDERGROUND STORAGE TANK 159054
RELEASE COMPENSATION BOARD 159055

State Special Revenue Fund Group					159056
6910 810632 PUSTRCB Staff	\$	1,233,249	\$	1,252,202	159057
TOTAL SSR State Special Revenue					159058
Fund Group	\$	1,233,249	\$	1,252,202	159059
TOTAL ALL BUDGET FUND GROUPS	\$	1,233,249	\$	1,252,202	159060

Section 349.10. PRX STATE BOARD OF PHARMACY 159062

General Services Fund Group					159063
4A50 887605 Drug Law Enforcement	\$	150,000	\$	150,000	159064
4K90 887609 Operating Expenses	\$	6,701,285	\$	6,701,285	159065
TOTAL GSF General Services Fund	\$	6,851,285	\$	6,851,285	159066

Group

Federal Special Revenue Fund Group					159067
3BC0 887604 Dangerous Drugs	\$	390,869	\$	0	159068
Database					
3CT0 887606 2008	\$	224,691	\$	112,346	159069
Developing/Enhancing					
PMP					
3DV0 887607 Enhancing Ohio's PMP	\$	2,000	\$	2,000	159070
3EY0 887603 Administration of	\$	66,335	\$	0	159071
PMIX Hub					
TOTAL FED Federal Special Revenue	\$	683,895	\$	114,346	159072
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	7,535,180	\$	6,965,631	159073

Section 351.10. PSY STATE BOARD OF PSYCHOLOGY 159075

General Services Fund Group					159076
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4K90 882609	Operating Expenses	\$	548,000	\$	571,000	159077
TOTAL GSF General Services						159078
Fund Group		\$	548,000	\$	571,000	159079
TOTAL ALL BUDGET FUND GROUPS						159080
 Section 353.10. PUB OHIO PUBLIC DEFENDER COMMISSION						159082
General Revenue Fund						159083
GRF 019401	State Legal Defense	\$	3,020,855	\$	3,020,855	159084
	Services					
GRF 019403	Multi-County: State	\$	1,237,318	\$	1,250,824	159085
	Share					
GRF 019404	Trumbull County -	\$	354,743	\$	359,631	159086
	State Share					
GRF 019405	Training Account	\$	50,000	\$	50,000	159087
GRF 019501	County Reimbursement	\$	9,768,050	\$	9,885,175	159088
TOTAL GRF General Revenue Fund						159089
General Services Fund Group						159090
4070 019604	County Representation	\$	351,149	\$	354,248	159091
4080 019605	Client Payments	\$	725,144	\$	722,931	159092
5CX0 019617	Civil Case Filing Fee	\$	532,136	\$	528,476	159093
TOTAL GSF General Services						159094
Fund Group		\$	1,608,429	\$	1,605,655	159095
Federal Special Revenue Fund Group						159096
3FX0 019621	Wrongful Conviction	\$	103,950	\$	103,950	159097
	Program					
3S80 019608	Federal	\$	204,706	\$	202,942	159098
	Representation					
TOTAL FED Federal Special Revenue						159099
Fund Group		\$	308,656	\$	306,892	159100
State Special Revenue Fund Group						159101
4C70 019601	Multi-County: County	\$	2,297,876	\$	2,322,959	159102
	Share					

4X70 019610	Trumbull County -	\$	658,809	\$	667,887	159103
	County Share					
5740 019606	Civil Legal Aid	\$	20,000,000	\$	20,000,000	159104
5DY0 019618	Indigent Defense	\$	40,320,991	\$	41,191,285	159105
	Support - County					
	Share					
5DY0 019619	Indigent Defense	\$	5,186,329	\$	5,612,719	159106
	Support Fund - State					
	Office					
TOTAL SSR State Special Revenue						159107
Fund Group		\$	68,464,005	\$	69,794,850	159108
TOTAL ALL BUDGET FUND GROUPS		\$	84,812,056	\$	86,273,882	159109
INDIGENT DEFENSE OFFICE						159110
The foregoing appropriation items 019404, Trumbull County -						159111
State Share, and 019610, Trumbull County - County Share, shall be						159112
used to support an indigent defense office for Trumbull County.						159113
MULTI-COUNTY OFFICE						159114
The foregoing appropriation items 019403, Multi-County: State						159115
Share, and 019601, Multi-County: County Share, shall be used to						159116
support the Office of the Ohio Public Defender's Multi-County						159117
Branch Office Program.						159118
TRAINING ACCOUNT						159119
The foregoing appropriation item 019405, Training Account,						159120
shall be used by the Ohio Public Defender to provide legal						159121
training programs at no cost for private appointed counsel who						159122
represent at least one indigent defendant at no cost and for state						159123
and county public defenders and attorneys who contract with the						159124
Ohio Public Defender to provide indigent defense services.						159125
FEDERAL REPRESENTATION						159126
The foregoing appropriation item 019608, Federal						159127
Representation, shall be used to receive reimbursements from the						159128

federal courts when the Ohio Public Defender provides 159129
representation in federal court cases and to support 159130
representation in such cases. 159131

Section 355.10. DPS DEPARTMENT OF PUBLIC SAFETY 159132

General Revenue Fund 159133

GRF 767420 Investigative Unit - \$ 10,500,000 \$ 10,500,000 159134
Operating

TOTAL GRF General Revenue Fund \$ 10,500,000 \$ 10,500,000 159135

TOTAL ALL BUDGET FUND GROUPS \$ 10,500,000 \$ 10,500,000 159136

Section 357.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO 159138

General Services Fund Group 159139

5BP0 870623 Wireless 9-1-1 \$ 18,035,000 \$ 0 159140
Administration

5F60 870622 Utility and Railroad \$ 30,619,708 \$ 30,619,708 159141
Regulation

5F60 870624 NARUC/NRRI Subsidy \$ 85,000 \$ 85,000 159142

5Q50 870626 Telecommunications \$ 5,000,000 \$ 5,000,000 159143
Relay Service

TOTAL GSF General Services 159144

Fund Group \$ 53,739,708 \$ 35,704,708 159145

Federal Special Revenue Fund Group 159146

3330 870601 Gas Pipeline Safety \$ 597,959 \$ 597,959 159147

3500 870608 Motor Carrier Safety \$ 7,351,660 \$ 7,351,660 159148

3EA0 870630 Energy Assurance \$ 192,001 \$ 0 159149
Planning

3ED0 870631 State Regulators \$ 115,912 \$ 0 159150
Assistance

3V30 870604 Commercial Vehicle \$ 100,000 \$ 100,000 159151
Information
Systems/Networks

TOTAL FED Federal Special Revenue				159152
Fund Group	\$	8,357,532	\$ 8,049,619	159153
State Special Revenue Fund Group				159154
4A30 870614 Grade Crossing	\$	1,347,357	\$ 1,347,357	159155
Protection				
Devices-State				
4L80 870617 Pipeline Safety-State	\$	331,992	\$ 331,992	159156
5610 870606 Power Siting Board	\$	581,618	\$ 581,618	159157
5LT0 870640 Intrastate	\$	180,000	\$ 180,000	159158
Registration				
5LT0 870641 Unified Carrier	\$	420,000	\$ 420,000	159159
Registration				
5LT0 870642 Hazardous Materials	\$	743,346	\$ 753,346	159160
Registration				
5LT0 870643 Nonhazardous Materials	\$	277,496	\$ 277,496	159161
Civil Forfeiture				
5LT0 870644 Hazardous Materials	\$	898,800	\$ 898,800	159162
Civil Forfeiture				
5LT0 870645 Motor Carrier	\$	4,768,453	\$ 4,709,592	159163
Enforcement				
TOTAL SSR State Special Revenue				159164
Fund Group	\$	9,549,062	\$ 9,500,201	159165
TOTAL ALL BUDGET FUND GROUPS	\$	71,646,302	\$ 53,254,528	159166

TELECOMMUNICATIONS TRANSITION PLANNING 159167

The foregoing appropriation item 870622, Utility and Railroad 159168
Regulation, shall be used in part to plan for the transition, 159169
consistent with the directives and policies of the federal 159170
communications commission, from the current public switched 159171
telephone network to an internet-protocol network that will 159172
stimulate investment in the internet-protocol network in Ohio and 159173
that will expand the availability of advanced telecommunications 159174
services to all Ohioans. The transition plan shall include a 159175

review of statutes or rules that may prevent or delay an 159176
appropriate transition. The transition plan shall address consumer 159177
protection issues, including the availability and reliability of 159178
alternatives to basic local exchange service. The commission shall 159179
report to the General Assembly by December 31, 2013, on any 159180
further action required to be taken by the General Assembly to 159181
insure a successful and timely transition. 159182

Section 359.10. PWC PUBLIC WORKS COMMISSION 159183

General Revenue Fund 159184

GRF 150904 Conservation General \$ 33,376,600 \$ 34,447,700 159185
Obligation Debt
Service

GRF 150907 State Capital \$ 227,810,300 \$ 228,948,900 159186
Improvements General
Obligation Debt
Service

TOTAL GRF General Revenue Fund \$ 261,186,900 \$ 263,396,600 159187

Clean Ohio Conservation Fund Group 159188

7056 150403 Clean Ohio Operating \$ 288,980 \$ 288,980 159189
Expenses

TOTAL 056 Clean Ohio Conservation \$ 288,980 \$ 288,980 159190

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 261,475,880 \$ 263,685,580 159191

CONSERVATION GENERAL OBLIGATION DEBT SERVICE 159192

The foregoing appropriation item 150904, Conservation General 159193
Obligation Debt Service, shall be used to pay all debt service and 159194
related financing costs during the period from July 1, 2013, 159195
through June 30, 2015, at the times they are required to be made 159196
for obligations issued under sections 151.01 and 151.09 of the 159197
Revised Code. 159198

STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE					159199
The foregoing appropriation item 150907, State Capital					159200
Improvements General Obligation Debt Service, shall be used to pay					159201
all debt service and related financing costs during the period					159202
from July 1, 2013, through June 30, 2015, at the times they are					159203
required to be made for obligations issued under sections 151.01					159204
and 151.08 of the Revised Code.					159205
CLEAN OHIO OPERATING EXPENSES					159206
The foregoing appropriation item 150403, Clean Ohio Operating					159207
Expenses, shall be used by the Ohio Public Works Commission in					159208
administering Clean Ohio Conservation Fund (Fund 7056) projects					159209
pursuant to sections 164.20 to 164.27 of the Revised Code.					159210
Section 361.10. RAC STATE RACING COMMISSION					159211
State Special Revenue Fund Group					159212
5620 875601 Thoroughbred Race	\$	1,696,456	\$	1,696,456	159213
Fund					
5630 875602 Standardbred	\$	1,697,452	\$	1,697,452	159214
Development Fund					
5640 875603 Quarter Horse	\$	1,000	\$	1,000	159215
Development Fund					
5650 875604 Racing Commission	\$	2,934,178	\$	2,934,178	159216
Operating					
5C40 875607 Simulcast Horse	\$	12,000,000	\$	12,000,000	159217
Racing Purse					
5JK0 875610 Racing Commission	\$	10,000,000	\$	10,000,000	159218
Fund					
TOTAL SSR State Special Revenue					159219
Fund Group	\$	28,329,086	\$	28,329,086	159220
Holding Account Redistribution Fund Group					159221
R021 875605 Bond Reimbursements	\$	100,000	\$	100,000	159222

TOTAL 090 Holding Account				159223
Redistribution				
Fund Group	\$	100,000	\$ 100,000	159224
TOTAL ALL BUDGET FUND GROUPS	\$	28,429,086	\$ 28,429,086	159225

Section 363.10. BOR BOARD OF REGENTS 159227

General Revenue Fund				159228	
GRF 235321	Operating Expenses	\$	2,850,357	\$ 2,850,357	159229
GRF 235401	Lease Rental Payments	\$	5,805,300	\$ 0	159230
GRF 235402	Sea Grants	\$	285,000	\$ 285,000	159231
GRF 235406	Articulation and Transfer	\$	2,000,000	\$ 2,000,000	159232
GRF 235408	Midwest Higher Education Compact	\$	95,000	\$ 95,000	159233
GRF 235409	HEI Information System	\$	1,505,683	\$ 1,505,683	159234
GRF 235414	State Grants and Scholarship Administration	\$	830,180	\$ 830,180	159235
GRF 235417	eStudent Services	\$	2,532,688	\$ 2,532,688	159236
GRF 235428	Appalachian New Economy Partnership	\$	737,366	\$ 737,366	159237
GRF 235433	Economic Growth Challenge	\$	521,153	\$ 521,153	159238
GRF 235434	College Readiness and Access	\$	1,200,000	\$ 1,200,000	159239
GRF 235438	Choose Ohio First Scholarship	\$	16,665,114	\$ 16,665,114	159240
GRF 235443	Adult Basic and Literacy Education - State	\$	7,302,416	\$ 7,302,416	159241
GRF 235444	Post-Secondary Adult Career-Technical Education	\$	15,817,547	\$ 15,817,547	159242

GRF 235474	Area Health Education Centers Program Support	\$	900,000	\$	900,000	159243
GRF 235480	General Technology Operations	\$	500,000	\$	500,000	159244
GRF 235483	Technology Integration and Professional Development	\$	2,378,598	\$	2,378,598	159245
GRF 235501	State Share of Instruction	\$	1,792,320,502	\$	1,818,225,497	159246
GRF 235502	Student Support Services	\$	632,974	\$	632,974	159247
GRF 235504	War Orphans Scholarships	\$	5,500,000	\$	5,500,000	159248
GRF 235507	OhioLINK	\$	6,211,012	\$	6,211,012	159249
GRF 235508	Air Force Institute of Technology	\$	1,740,803	\$	1,740,803	159250
GRF 235510	Ohio Supercomputer Center	\$	3,747,418	\$	3,747,418	159251
GRF 235511	Cooperative Extension Service	\$	23,086,658	\$	23,056,658	159252
GRF 235512	OSU Agricultural Technical Institute Supplement	\$	0	\$	503,870	159253
GRF 235514	Central State Supplement	\$	11,063,468	\$	11,063,468	159254
GRF 235515	Case Western Reserve University School of Medicine	\$	2,146,253	\$	2,146,253	159255
GRF 235516	Wright State Lake Campus Agricultural Program	\$	200,000	\$	0	159256
GRF 235519	Family Practice	\$	3,166,185	\$	3,166,185	159257

GRF 235520	Shawnee State Supplement	\$	2,326,097	\$	2,326,097	159258
GRF 235523	Youth STEM Commercialization and Entrepreneurship Program	\$	2,000,000	\$	3,000,000	159259
GRF 235524	Police and Fire Protection	\$	107,814	\$	107,814	159260
GRF 235525	Geriatric Medicine	\$	522,151	\$	522,151	159261
GRF 235526	Primary Care Residencies	\$	1,500,000	\$	1,500,000	159262
GRF 235535	Ohio Agricultural Research and Development Center	\$	34,126,100	\$	34,126,100	159263
GRF 235536	The Ohio State University Clinical Teaching	\$	9,668,941	\$	9,668,941	159264
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,952,573	\$	7,952,573	159265
GRF 235538	University of Toledo Clinical Teaching	\$	6,198,600	\$	6,198,600	159266
GRF 235539	Wright State University Clinical Teaching	\$	3,011,400	\$	3,011,400	159267
GRF 235540	Ohio University Clinical Teaching	\$	2,911,212	\$	2,911,212	159268
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,994,178	\$	2,994,178	159269
GRF 235552	Capital Component	\$	13,628,639	\$	10,280,387	159270
GRF 235555	Library Depositories	\$	1,440,342	\$	1,440,342	159271
GRF 235556	Ohio Academic	\$	3,172,519	\$	3,172,519	159272

		Resources Network				
GRF 235558		Long-term Care	\$	325,300	\$	325,300 159273
		Research				
GRF 235563		Ohio College	\$	90,284,264	\$	90,284,264 159274
		Opportunity Grant				
GRF 235572		The Ohio State	\$	766,533	\$	766,533 159275
		University Clinic				
		Support				
GRF 235599		National Guard	\$	16,711,514	\$	17,384,511 159276
		Scholarship Program				
GRF 235909		Higher Education	\$	221,168,700	\$	248,822,000 159277
		General Obligation				
		Debt Service				
TOTAL GRF		General Revenue Fund	\$	2,332,558,552	\$	2,378,910,162 159278
		General Services Fund Group				159279
2200 235614		Program Approval and	\$	903,595	\$	903,595 159280
		Reauthorization				
4560 235603		Sales and Services	\$	199,250	\$	199,250 159281
5JC0 235649		Co-op Internship	\$	8,000,000	\$	8,000,000 159282
		Program				
5JC0 235668		Defense/Aerospace	\$	4,000,000	\$	4,000,000 159283
		Workforce Development				
		Initiative				
5JC0 235685		Manufacturing	\$	2,000,000	\$	0 159284
		Workforce Development				
		Initiative				
TOTAL GSF		General Services				159285
Fund Group			\$	15,102,845	\$	13,102,845 159286
		Federal Special Revenue Fund Group				159287
3120 235612		Carl D. Perkins	\$	1,350,000	\$	1,350,000 159288
		Grant/Plan				
		Administration				

3120	235617	Improving Teacher Quality Grant	\$	3,200,000	\$	3,200,000	159289
3120	235641	Adult Basic and Literacy Education - Federal	\$	14,835,671	\$	14,835,671	159290
3120	235672	H-1B Tech Skills Training	\$	1,100,000	\$	1,100,000	159291
3BW0	235630	Indirect Cost Recovery - Federal	\$	50,000	\$	50,000	159292
3H20	235608	Human Services Project	\$	1,000,000	\$	1,000,000	159293
TOTAL FED Federal Special Revenue							159294
Fund Group			\$	21,535,671	\$	21,535,671	159295
State Special Revenue Fund Group							159296
4E80	235602	Higher Educational Facility Commission Administration	\$	29,100	\$	29,100	159297
4X10	235674	Telecommunity and Distance Learning	\$	49,150	\$	49,150	159298
5D40	235675	Conferences/Special Purposes	\$	1,884,095	\$	1,884,095	159299
5FR0	235643	Making Opportunity Affordable	\$	230,000	\$	230,000	159300
5P30	235663	Variable Savings Plan	\$	8,066,920	\$	8,104,370	159301
6450	235664	Guaranteed Savings Plan	\$	1,290,718	\$	1,303,129	159302
6820	235606	Nursing Loan Program	\$	891,320	\$	891,320	159303
TOTAL SSR State Special Revenue							159304
Fund Group			\$	12,441,303	\$	12,491,164	159305
Third Frontier Research & Development Fund Group							159306
7011	235634	Research Incentive Third Frontier Fund	\$	8,000,000	\$	8,000,000	159307

TOTAL 011 Third Frontier Research & \$ 8,000,000 \$ 8,000,000 159308
Development Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 2,389,638,371 \$ 2,434,039,842 159309

Section 363.20. LEASE RENTAL PAYMENTS 159311

The foregoing appropriation item 235401, Lease Rental 159312
Payments, shall be used to meet all payments at the times they are 159313
required to be made during the period from July 1, 2013, through 159314
June 30, 2015, by the Chancellor of the Board of Regents under 159315
leases and agreements made under section 154.21 of the Revised 159316
Code. These appropriations are the source of funds pledged for 159317
bond service charges on related obligations issued under Chapter 159318
154. of the Revised Code. 159319

Section 363.23. SEA GRANTS 159320

The foregoing appropriation item 235402, Sea Grants, shall be 159321
used to match federal dollars and leverage additional support by 159322
The Ohio State University's Sea Grant program, including Stone 159323
Laboratory, for research, education, and outreach to enhance the 159324
economic value, public utilization, and responsible management of 159325
Lake Erie and Ohio's coastal resources. 159326

Section 363.30. ARTICULATION AND TRANSFER 159327

The foregoing appropriation item 235406, Articulation and 159328
Transfer, shall be used by the Chancellor of the Board of Regents 159329
to maintain and expand the work of the Articulation and Transfer 159330
Council to develop a system of transfer policies to ensure that 159331
students at state institutions of higher education can transfer 159332
and have coursework apply to their majors and degrees at any other 159333
state institution of higher education without unnecessary 159334
duplication or institutional barriers under sections 3333.16, 159335
3333.161, and 3333.162 of the Revised Code. 159336

Section 363.40. MIDWEST HIGHER EDUCATION COMPACT 159337

The foregoing appropriation item 235408, Midwest Higher 159338
Education Compact, shall be distributed by the Chancellor of the 159339
Board of Regents under section 3333.40 of the Revised Code. 159340

Section 363.50. HEI INFORMATION SYSTEM 159341

The foregoing appropriation item 235409, HEI Information 159342
System, shall be used by the Chancellor of the Board of Regents to 159343
support the development and implementation of information 159344
technology solutions designed to improve the performance and 159345
services of the Chancellor of the Board of Regents and the 159346
University System of Ohio. Information technology solutions may be 159347
provided by the Ohio Academic Research Network (OARnet). 159348

Section 363.60. STATE GRANTS AND SCHOLARSHIP ADMINISTRATION 159349

The foregoing appropriation item 235414, State Grants and 159350
Scholarship Administration, shall be used by the Chancellor of the 159351
Board of Regents to administer the following student financial aid 159352
programs: Ohio College Opportunity Grant, Ohio War Orphans' 159353
Scholarship, Nurse Education Assistance Loan Program, Ohio Safety 159354
Officers College Memorial Fund, and any other student financial 159355
aid programs created by the General Assembly. The appropriation 159356
item also shall be used to support all state financial aid audits 159357
and student financial aid programs created by Congress, and to 159358
provide fiscal services for the Ohio National Guard Scholarship 159359
Program. 159360

Section 363.70. ESTUDENT SERVICES 159361

The foregoing appropriation item 235417, eStudent Services, 159362
shall be used by the Chancellor of the Board of Regents to support 159363
the continued implementation of eStudent Services, a consortium 159364

organized under division (T) of section 3333.04 of the Revised Code to expand access to dual enrollment opportunities for high school students, as well as adult and higher education opportunities through technology. The funds shall be used by eStudent Services to develop and promote learning and assessment through the use of technology, to test and provide advice on emerging learning-directed technologies, to support the distance learning clearinghouse and platform created under section 3333.82 of the Revised Code, and to facilitate cost-effectiveness through shared educational technology investments.

Section 363.80. APPALACHIAN NEW ECONOMY PARTNERSHIP 159375

The foregoing appropriation item 235428, Appalachian New Economy Partnership, shall be distributed to Ohio University to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology.

Section 363.90. ECONOMIC GROWTH CHALLENGE 159383

The foregoing appropriation item 235433, Economic Growth Challenge, shall be used for administrative expenses of the Research Incentive Program and other economic advancement initiatives undertaken by the Chancellor of the Board of Regents.

The Chancellor of the Board of Regents shall use any appropriation transfer to the foregoing appropriation item 235433, Economic Growth Challenge, to enhance the basic research and commercialization capabilities of public colleges and universities and accredited Ohio institutions of higher education holding certificates of authorization issued under section 1713.02 of the Revised Code, in order to strengthen academic research and

commercialization for pursuing Ohio's economic development goals. 159395

Section 363.93. COLLEGE READINESS AND ACCESS 159396

The foregoing appropriation item 235434, College Readiness 159397
and Access, shall be used by the Chancellor of the Board of 159398
Regents to support early college high school initiatives. The 159399
Chancellor shall distribute grants equal to \$2,000 per enrolled 159400
early college high school student to institutions of higher 159401
education supporting an early college high school. If the 159402
Chancellor determines that the amounts appropriated are inadequate 159403
to provide full grant awards to all eligible institutions, the 159404
Chancellor may decrease the per student grant amount. 159405

Section 363.100. CHOOSE OHIO FIRST SCHOLARSHIP 159406

The foregoing appropriation item 235438, Choose Ohio First 159407
Scholarship, shall be used to operate the program prescribed in 159408
sections 3333.60 to 3333.70 of the Revised Code. 159409

Section 363.110. ADULT BASIC AND LITERACY EDUCATION 159410

The foregoing appropriation item 235443, Adult Basic and 159411
Literacy Education - State, shall be used to support the adult 159412
basic and literacy education instructional grant program and state 159413
leadership program. The supported programs shall satisfy the state 159414
match and maintenance of effort requirements for the 159415
state-administered grant program. 159416

Section 363.120. POST-SECONDARY ADULT CAREER-TECHNICAL 159417
EDUCATION 159418

The foregoing appropriation item 235444, Post-Secondary Adult 159419
Career-Technical Education, shall be used by the Chancellor of the 159420
Board of Regents, in consultation with the Superintendent of 159421
Public Instruction and the Governor's Office of Workforce 159422

Transformation, to support post-secondary adult career-technical 159423
education. The Chancellor of the Board of Regents, the 159424
Superintendent of Public Instruction, and the Governor's Office of 159425
Workforce Transformation, or their designees, shall hold a series 159426
of consultations with the Ohio Technical Centers during fiscal 159427
year 2014 to develop an appropriate funding formula to distribute 159428
these funds based on student outcomes, beginning in fiscal year 159429
2015. 159430

Not later than June 30, 2014, the Chancellor of the Board of 159431
Regents shall establish a One-Year Option credit articulation 159432
system in which graduates of Ohio Technical Centers who complete a 159433
900-hour program of study and obtain an industry-recognized 159434
credential approved by the Chancellor shall receive 30 college 159435
technical credit hours toward a technical degree upon enrollment 159436
in an institution of higher education. 159437

By June 30, 2014, the Chancellor also shall submit a report 159438
to the General Assembly, in accordance with section 101.68 of the 159439
Revised Code, that recommends a process to award proportional 159440
credit toward a technical degree for students who complete a 159441
program of study between 600 and 899 hours and obtain an 159442
industry-recognized credential approved by the Chancellor. 159443

As used in this section, "institution of higher education" 159444
has the same meaning as in section 3345.12 of the Revised Code. 159445

Section 363.130. AREA HEALTH EDUCATION CENTERS 159446

The foregoing appropriation item 235474, Area Health 159447
Education Centers Program Support, shall be used by the Chancellor 159448
of the Board of Regents to support the medical school regional 159449
area health education centers' educational programs for the 159450
continued support of medical and other health professions 159451
education and for support of the Area Health Education Center 159452
Program. 159453

Effective July 1, 2013, the Director of Budget and Management 159454
shall cancel any existing encumbrances against appropriation item 159455
935408, General Operations, and re-establish them, as determined 159456
to be appropriate by the Director of Budget and Management, 159457
against appropriation item 235480, General Technology Operations. 159458
The re-established encumbrance amounts are hereby appropriated. 159459
Any business commenced but not completed under appropriation item 159460
935408, General Operations, by July 1, 2013, shall be completed, 159461
as determined to be appropriate by the Director of Budget and 159462
Management, under appropriation item 235480, General Technology 159463
Operations, in the same manner and with the same effect as if it 159464
were completed with regard to appropriation item 935408, General 159465
Operations. 159466

Section 363.180. TECHNOLOGY INTEGRATION AND PROFESSIONAL 159467
DEVELOPMENT 159468

Of the foregoing appropriation item 235483, Technology 159469
Integration and Professional Development, up to \$2,000,000 in each 159470
fiscal year shall be used to provide grants on a competitive basis 159471
to public and chartered nonpublic schools for their participation 159472
in the electronic textbook pilot project. These grants shall be 159473
administered as provided under the section of this act entitled 159474
ELECTRONIC TEXTBOOK PILOT PROJECT. On July 1, 2014, or as soon as 159475
possible thereafter, the Chancellor of the Board of Regents may 159476
certify to the Director of Budget and Management the amount of the 159477
unexpended, unencumbered balance of this set aside at the end of 159478
fiscal year 2014 to be appropriated to fiscal year 2015. The 159479
amount certified is hereby reappropriated for the same purpose for 159480
fiscal year 2015. 159481

The remainder of the foregoing appropriation item 235483, 159482
Technology Integration and Professional Development, shall be used 159483
by the Ohio Department of Education and the Chancellor of the 159484

Board of Regents for the provision of staff development, hardware, 159485
software, telecommunications services, and information resources 159486
to support educational uses of technology in the classroom and at 159487
a distance and for professional development for teachers, 159488
administrators, and technology staff on the use of educational 159489
technology in qualifying public schools, including the State 159490
School for the Blind, the School for the Deaf, and the Department 159491
of Youth Services. 159492

Section 363.190. STATE SHARE OF INSTRUCTION FORMULAS 159493

The Chancellor of the Board of Regents shall establish 159494
procedures to allocate the foregoing appropriation item 235501, 159495
State Share of Instruction, based on the formulas detailed in this 159496
section that utilize the enrollment, course completion, degree 159497
attainment, and student achievement factors reported annually by 159498
each state institution of higher education participating in the 159499
Higher Education Information (HEI) system. 159500

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 159501
COMPLETIONS 159502

(1) As soon as possible during each fiscal year of the 159503
biennium ending June 30, 2015, in accordance with instructions of 159504
the Board of Regents, each state institution of higher education 159505
shall report its actual data, consistent with the definitions in 159506
the Higher Education Information (HEI) system's enrollment files, 159507
to the Chancellor of the Board of Regents. 159508

(2) In defining the number of full-time equivalent students 159509
for state subsidy instructional cost purposes, the Chancellor of 159510
the Board of Regents shall exclude all undergraduate students who 159511
are not residents of Ohio, except those charged in-state fees in 159512
accordance with reciprocity agreements made under section 3333.17 159513
of the Revised Code or employer contracts entered into under 159514
section 3333.32 of the Revised Code. 159515

(3) In calculating the core subsidy entitlements for university branch and main campuses, the Chancellor of the Board of Regents shall use the following count of FTE students:

(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file;

(b) Those undergraduate FTE students with successful course completions, identified in division (A)(3)(a) of this section, that had an expected family contribution less than 2190 or were determined to have been in need of remedial education shall be defined as at-risk students and shall have their eligible completions weighted by the following:

(i) Campus-specific course completion indexes, where the indexes are calculated based upon the number of at-risk students enrolled during the 2010-2012 academic years; and

(ii) A statewide average at-risk course completion weight determined for each subsidy model. The statewide average at-risk course completion weight shall be determined by calculating the difference between the percentage of traditional students who complete a course and the percentage of at-risk students who complete the same course.

(4) In calculating the core subsidy entitlements for Medical II models only, students repeating terms may be no more than five per cent of current year enrollment.

(5) In calculating the core subsidy entitlements for students enrolled in state-supported law schools, subsidy eligible FTE completions shall be limited to students identified as residents of Ohio.

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT

For purposes of calculating state share of instruction			159546
allocations, the total instructional costs per full-time			159547
equivalent student shall be:			159548
Model	Fiscal	Fiscal	159549
	Year 2014	Year 2015	
ARTS AND HUMANITIES 1	\$7,803	\$7,940	159550
ARTS AND HUMANITIES 2	\$10,828	\$11,018	159551
ARTS AND HUMANITIES 3	\$13,988	\$14,234	159552
ARTS AND HUMANITIES 4	\$20,242	\$20,598	159553
ARTS AND HUMANITIES 5	\$33,969	\$34,567	159554
ARTS AND HUMANITIES 6	\$38,280	\$38,954	159555
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$7,109	\$7,235	159556
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$8,106	\$8,249	159557
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$10,640	\$10,827	159558
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$12,647	\$12,869	159559
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$19,657	\$20,003	159560
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$22,006	\$22,393	159561
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$30,558	\$31,096	159562
MEDICAL 1	\$53,424	\$54,365	159563
MEDICAL 2	\$45,873	\$46,681	159564
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$7,190	\$7,317	159565
MEDICINE 1			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$10,091	\$10,268	159566
MEDICINE 2			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$11,928	\$12,138	159567
MEDICINE 3			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$15,186	\$15,454	159568
MEDICINE 4			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$20,043	\$20,396	159569
MEDICINE 5			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$21,633	\$22,013	159570
MEDICINE 6			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$26,471	\$26,937	159571

MEDICINE 7			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$36,766	\$37,413	159572
MEDICINE 8			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$52,170	\$53,088	159573
MEDICINE 9			
Doctoral I and Doctoral II models shall be allocated in			159574
accordance with division (D)(3) of this section.			159575
(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL,			159576
AND GRADUATE WEIGHTS			159577
For the purpose of implementing the recommendations of the			159578
2006 State Share of Instruction Consultation and the Higher			159579
Education Funding Study Council that priority be given to			159580
maintaining state support for science, technology, engineering,			159581
mathematics, medicine, and graduate programs, the costs in			159582
division (B) of this section shall be weighted by the amounts			159583
provided below:			159584
Model	Fiscal	Fiscal	159585
	Year 2014	Year 2015	
ARTS AND HUMANITIES 1	1.0000	1.0000	159586
ARTS AND HUMANITIES 2	1.0000	1.0000	159587
ARTS AND HUMANITIES 3	1.0000	1.0000	159588
ARTS AND HUMANITIES 4	1.0000	1.0000	159589
ARTS AND HUMANITIES 5	1.0425	1.0425	159590
ARTS AND HUMANITIES 6	1.0425	1.0425	159591
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	159592
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	159593
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	159594
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	159595
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	159596
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	159597
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	159598
MEDICAL 1	1.6456	1.6456	159599

MEDICAL 2	1.7462	1.7462	159600
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	159601
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	159602
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	159603
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	159604
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	159605
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	159606
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380	159607
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675	159608
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361	159609
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			159610
ENTITLEMENTS AND ADJUSTMENTS			159611
(1) Of the foregoing appropriation item 235501, State Share			159612
of Instruction, 25 per cent of the fiscal year 2014 appropriation			159613
for state-supported community colleges, state community colleges,			159614
and technical colleges shall be allocated to colleges in			159615
proportion to their share of college student success factors as			159616
adopted by the Chancellor of the Board of Regents in formal			159617
communication to the Controlling Board on August 30, 2010.			159618
(2) Of the foregoing appropriation item 235501, State Share			159619
of Instruction, 25 per cent of the fiscal year 2014 appropriation			159620
for state-supported community colleges, state community colleges,			159621
and technical colleges shall be reserved for course completion			159622

FTEs as aggregated by the subsidy models defined in division (B) 159623
of this section. 159624

The course completion funding shall be allocated to colleges 159625
in proportion to each campuses' share of the total sector's course 159626
completions, weighted by the instructional cost of the subsidy 159627
models. 159628

To calculate the subsidy entitlements for course completions 159629
at community colleges, state community colleges, and technical 159630
colleges, the Chancellor of the Board of Regents shall use the 159631
following calculations: 159632

(a) In calculating each campus's count of FTE course 159633
completions, the Chancellor of the Board of Regents shall use the 159634
three-year average course completions for the three-year period 159635
ending in the prior year. 159636

(b) The model costs as used in the calculation shall be 159637
augmented by the model weights for science, technology, 159638
engineering, mathematics, and medicine models as established in 159639
division (C) of this section. 159640

(3) Of the foregoing appropriation item 235501, State Share 159641
of Instruction, up to 11.78 per cent of the appropriation for 159642
universities, as established in division (A)(2) of the section of 159643
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 159644
2014 and 2015," in each fiscal year shall be reserved for support 159645
of doctoral programs to implement the funding recommendations made 159646
by representatives of the universities. The amount so reserved 159647
shall be referred to as the doctoral set-aside. 159648

The doctoral set-aside shall be allocated to universities as 159649
follows: 159650

(a) 62.50 per cent of the doctoral set-aside in fiscal year 159651
2014 and 55 per cent of the doctoral set-aside in fiscal year 2015 159652
shall be allocated to universities in proportion to their share of 159653

the statewide total of each state institution's three-year average 159654
Doctoral I equivalent FTEs as calculated on an institutional basis 159655
using historical FTEs for the period fiscal year 1994 through 159656
fiscal year 1998 with annualized FTEs for fiscal years 1994 159657
through 1997 and all-term FTEs for fiscal year 1998 as adjusted to 159658
reflect the effects of doctoral review and subsequent changes in 159659
Doctoral I equivalent enrollments. For the purposes of this 159660
calculation, Doctoral I equivalent FTEs shall equal the sum of 159661
Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs. 159662

(b) 25 per cent of the doctoral set-aside in fiscal year 2014 159663
and 30 per cent of the doctoral set-aside in fiscal year 2015 159664
shall be allocated to universities in proportion to each campus's 159665
share of the total statewide doctoral degrees, weighted by the 159666
cost of the doctoral discipline. In calculating each campus's 159667
doctoral degrees the Chancellor of the Board of Regents shall use 159668
the three-year average doctoral degrees awarded for the three-year 159669
period ending in the prior year. 159670

(c) 12.5 per cent of the doctoral set-aside in fiscal year 159671
2014 and 15 per cent of the doctoral set-aside in fiscal year 2015 159672
shall be allocated to universities in proportion to their share of 159673
research grant activity, using a data collection method that is 159674
reviewed and approved by the presidents of Ohio's doctoral degree 159675
granting universities. In the event that the data collection 159676
method is not available, funding for this component shall be 159677
allocated to universities in proportion to their share of research 159678
grant activity published by the National Science Foundation. Grant 159679
awards from the Department of Health and Human Services shall be 159680
weighted at 50 per cent. 159681

(4) Of the foregoing appropriation item 235501, State Share 159682
of Instruction, 6.41 per cent of the appropriation for 159683
universities, as established in division (A)(2) of the section of 159684
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 159685

2014 AND 2015," in each fiscal year shall be reserved for support 159686
of Medical II FTEs. The amount so reserved shall be referred to as 159687
the medical II set-aside. 159688

The medical II set-aside shall be allocated to universities 159689
in proportion to their share of the statewide total of each state 159690
institution's three-year average Medical II FTEs as calculated in 159691
division (A) of this section, weighted by model cost. 159692

(5) Of the foregoing appropriation item 235501, State Share 159693
of Instruction, 1.48 per cent of the appropriation for 159694
universities, as established in division (A)(2) of the section of 159695
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 159696
2014 AND 2015," in each fiscal year shall be reserved for support 159697
of Medical I FTEs. The amount so reserved shall be referred to as 159698
the medical I set-aside. 159699

The medical I set-aside shall be allocated to universities in 159700
proportion to their share of the statewide total of each state 159701
institution's three-year average Medical I FTEs as calculated in 159702
division (A) of this section. 159703

(6) Of the foregoing appropriation item 235501, State Share 159704
of Instruction, 50 per cent of the appropriation in each fiscal 159705
year for universities, net any earmarked funding for university 159706
regional campuses as detailed in division (B)(1) of the section of 159707
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 159708
2014 AND 2015," shall be reserved for support of associate, 159709
baccalaureate, master's, and professional level degree attainment. 159710

The degree attainment funding shall be allocated to 159711
universities in proportion to each campus's share of the total 159712
statewide degrees granted, weighted by the cost of the degree 159713
programs. The degree cost calculations shall include the model 159714
cost weights for the science, technology, engineering, 159715
mathematics, and medicine models as established in division (C) of 159716

this section. 159717

For degrees including credits earned at multiple 159718
institutions, in fiscal year 2015, degree attainment funding shall 159719
be allocated to universities and branch campuses in proportion to 159720
each campus's share of the cost of earned credits for the degree. 159721
Each institution shall receive its prorated share of degree 159722
funding for credits earned at that institution. Cost of credits 159723
not earned at a university main or regional campus shall be 159724
credited to the degree-granting institution. 159725

In calculating the subsidy entitlements for degree attainment 159726
at university main and regional campuses, the Chancellor of the 159727
Board of Regents shall use the following count of degrees and 159728
degree costs: 159729

(a) The subsidy eligible undergraduate degrees shall be 159730
defined as follows: 159731

(i) The subsidy eligible degrees conferred to students 159732
identified as residents of the state of Ohio in any term of their 159733
studies, as reported through the Higher Education Information 159734
(HEI) system student enrollment file, shall be weighted by a 159735
factor of 1. 159736

(ii) The subsidy eligible degrees conferred to students 159737
identified as out-of-state residents during all terms of their 159738
studies, as reported through the Higher Education Information 159739
(HEI) system student enrollment file, who remain in the state of 159740
Ohio at least one year after graduation, as calculated based on 159741
the three-year average in-state residency rate for out-of-state 159742
students at each institution, shall be weighted by a factor of 50 159743
per cent. For fiscal year 2014, subsidy eligible degrees conferred 159744
to all out-of-state students shall be weighted by a factor of 25 159745
per cent. 159746

(b) In fiscal year 2014, for those associate degrees awarded 159747

by a state-supported university, the subsidy eligible degrees 159748
granted are defined as only those earned by students attending a 159749
university that received funding under GRF appropriation item 159750
235418, Access Challenge, in fiscal year 2009. In fiscal year 159751
2015, subsidy eligible associate degrees are defined as those 159752
earned by students attending any state-supported university main 159753
or regional campus. 159754

(c) In calculating each campus's count of degrees, the 159755
Chancellor of the Board of Regents shall use the three-year 159756
average associate, baccalaureate, master's, and professional 159757
degrees awarded for the three-year period ending in the prior 159758
year. In fiscal year 2014, university regional campuses are not 159759
eligible for degree completion funding. In fiscal year 2015, all 159760
university campuses are eligible for degree completion funding. 159761

(d) For fiscal year 2014, eligible associate degrees defined 159762
in division (D)(6)(b) of this section and all bachelor's degrees 159763
earned by a student that either had an expected family 159764
contribution less than 2190, was determined to have been in need 159765
of remedial education, is Native American, African American, or 159766
Hispanic, or is at least age 26 at the time of graduation, shall 159767
be defined as degrees earned by an at-risk student and shall be 159768
weighted by the following: 159769

(i) A campus-specific at-risk index, where the index is 159770
calculated based on the proportion of at-risk students enrolled 159771
during a four-year cohort beginning in fiscal year 2001, 2002, 159772
2003, or 2004; and 159773

(ii) A statewide average at-risk degree completion weight 159774
determined by calculating the difference between the percentage of 159775
non-at-risk students who earned a degree and the percentage of 159776
at-risk students who earned a degree in eight years or less. 159777

(e) For fiscal year 2015, eligible associate degrees defined 159778

in division (D)(6)(b) of this section and all bachelor's degrees 159779
earned by a student that either had an expected family 159780
contribution less than 2190, was determined to be in need of 159781
remedial education, is Native American, African American, or 159782
Hispanic, or is at least 26 years of age at the time of 159783
graduation, shall be defined as degrees earned by an at-risk 159784
student and shall be weighted by the following: 159785

A student-specific degree completion weight, where the weight 159786
is calculated based on the at risk factors of the individual 159787
student, determined by calculating the difference between the 159788
percentage of students with each risk factor who earned a degree 159789
and the percentage of non-at-risk students who earned a degree. 159790

(7) State share of instruction base formula earnings shall be 159791
determined as follows: 159792

(a) The instructional costs shall be determined by 159793
multiplying the amounts listed above in divisions (B) and (C) of 159794
this section by the average subsidy-eligible FTEs for the 159795
three-year period ending in the prior year for all models except 159796
Doctoral I and Doctoral II. 159797

(b) The Chancellor of the Board of Regents shall compute a 159798
uniform state share of instructional costs for each sector. 159799

(i) For the state-supported community colleges, state 159800
community colleges, and technical colleges, in fiscal year 2014 159801
the Chancellor of the Board of Regents shall compute the uniform 159802
state share of instructional costs for enrollment by dividing the 159803
sector level appropriation total as determined by the Chancellor 159804
in division (A)(1) of the section of this act entitled "STATE 159805
SHARE OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 159806
pursuant to divisions (B) and (C) of that section, less the 159807
student college success allocation as described in division (D)(1) 159808
of this section and less the course completion allocation as 159809

detailed in division (D)(2) of this section, by the sum of all 159810
eligible campuses' instructional costs as calculated in division 159811
(D)(7)(b) of this section. 159812

(ii) For the state-supported university regional campuses, in 159813
fiscal year 2014 the Chancellor of the Board of Regents shall 159814
compute the uniform state share of instructional costs by dividing 159815
the sector level appropriation, as determined by the Chancellor in 159816
division (A)(2) of the section of this act entitled "STATE SHARE 159817
OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 159818
pursuant to division (B) of that section by the sum of all 159819
campuses' instructional costs as calculated in division (D)(7)(b) 159820
of this section. 159821

(iii) For the state-supported university main campuses, in 159822
fiscal year 2014 the Chancellor of the Board of Regents shall 159823
compute the uniform state share of instructional costs by dividing 159824
the sector level appropriation, as determined by the Chancellor in 159825
division (A)(3) of the section of this act entitled "STATE SHARE 159826
OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 159827
pursuant to division (B) of that section, less the degree 159828
attainment funding as calculated in divisions (D)(3) to (6) of 159829
this section, less the doctoral set-aside, less the medical I 159830
set-aside, and less the medical II set-aside, by the sum of all 159831
campuses' instructional costs as calculated in division (D)(7)(b) 159832
of this section. 159833

(iv) For the state university regional and main campuses, in 159834
fiscal year 2015 the Chancellor of the Board of Regents shall 159835
compute the uniform state share of instructional costs by dividing 159836
the university appropriation, as determined by the Chancellor in 159837
division (A)(3) of the section of this act entitled "STATE SHARE 159838
OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 159839
pursuant to division (B) of that section, less the degree 159840
attainment funding as calculated in divisions (D)(3) to (6) of 159841

this section, less the doctoral set-aside, less the medical I 159842
set-aside, and less the medical II set-aside, by the sum of all 159843
campuses' instructional costs as calculated in division (D)(7)(b) 159844
of this section. 159845

(c) The formula entitlement shall be determined by 159846
multiplying the uniform state share of instructional costs 159847
calculated in division (D)(7)(c) of this section by the 159848
instructional cost determined in division (D)(7)(b) of this 159849
section. 159850

(8) In addition to the student success allocation, doctoral 159851
set-aside, medical I set-aside, medical II set-aside, and the 159852
degree attainment allocation determined in divisions (D)(1) to (6) 159853
of this section and the formula entitlement determined in division 159854
(D)(7) of this section, an allocation based on facility-based 159855
plant operations and maintenance (POM) subsidy shall be made. For 159856
each eligible university main campus, the amount of the POM 159857
allocation in each fiscal year shall be distributed based on what 159858
each campus received in the fiscal year 2009 POM allocation. 159859

Any POM allocations required by this division shall be funded 159860
by proportionately reducing formula entitlement earnings, 159861
including the POM allocations, for all campuses in that sector. 159862

(9) STABILITY IN STATE SHARE OF INSTRUCTION FUNDING FOR 159863
COMMUNITY, STATE COMMUNITY, AND TECHNICAL COLLEGES 159864

In addition to and after the adjustments noted above, in 159865
fiscal year 2014, no community college, state community college, 159866
or technical college shall receive a state share of instruction 159867
allocation that is less than 97 per cent of the prior year's state 159868
share of instruction earnings. Funds shall be made available to 159869
support this allocation by proportionately reducing formula 159870
entitlement earnings from those campuses, within the community, 159871
state community, and technical college sector, that are not 159872

receiving stability funding. 159873

(10) CAPITAL COMPONENT DEDUCTION 159874

After all other adjustments have been made, state share of 159875
instruction earnings shall be reduced for each campus by the 159876
amount, if any, by which debt service charged in Am. H.B. 748 of 159877
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 159878
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 159879
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 159880
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 159881
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 159882
562 of the 127th General Assembly for that campus exceeds that 159883
campus's capital component earnings. The sum of the amounts 159884
deducted shall be transferred to appropriation item 235552, 159885
Capital Component, in each fiscal year. 159886

(E) EXCEPTIONAL CIRCUMSTANCES 159887

Adjustments may be made to the state share of instruction 159888
payments and other subsidies distributed by the Chancellor of the 159889
Board of Regents to state colleges and universities for 159890
exceptional circumstances. No adjustments for exceptional 159891
circumstances may be made without the recommendation of the 159892
Chancellor and the approval of the Controlling Board. 159893

(F) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 159894
INSTRUCTION 159895

The standard provisions of the state share of instruction 159896
calculation as described in the preceding sections of temporary 159897
law shall apply to any reductions made to appropriation item 159898
235501, State Share of Instruction, before the Chancellor of the 159899
Board of Regents has formally approved the final allocation of the 159900
state share of instruction funds for any fiscal year. 159901

Any reductions made to appropriation item 235501, State Share 159902
of Instruction, after the Chancellor of the Board of Regents has 159903

formally approved the final allocation of the state share of 159904
instruction funds for any fiscal year, shall be uniformly applied 159905
to each campus in proportion to its share of the final allocation. 159906

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 159907

The state share of instruction payments to the institutions 159908
shall be in substantially equal monthly amounts during the fiscal 159909
year, unless otherwise determined by the Director of Budget and 159910
Management pursuant to section 126.09 of the Revised Code. 159911
Payments during the first six months of the fiscal year shall be 159912
based upon the state share of instruction appropriation estimates 159913
made for the various institutions of higher education according to 159914
the Chancellor of the Board of Regents enrollment, completion, and 159915
performance estimates. Payments during the last six months of the 159916
fiscal year shall be distributed after approval of the Controlling 159917
Board upon the request of the Chancellor. 159918

(H) STUDIES TO DETERMINE IMPROVEMENTS TO THE FISCAL YEAR 2015 159919
STATE SHARE OF INSTRUCTION FORMULAS 159920

(1) STUDY ON IDENTIFYING "AT-RISK" STUDENTS FOR COMMUNITY 159921
COLLEGES 159922

Community college presidents, or their designees, in 159923
consultation with the Chancellor of the Board of Regents, shall 159924
study the most appropriate formula weights for students who come 159925
from "at-risk" populations and recommend how they may be used to 159926
determine allocations of appropriations to community colleges from 159927
appropriation item 235501, State Share of Instruction, in fiscal 159928
year 2015. The study shall identify the socio-economic, 159929
demographic, academic, personal, and other factors that identify a 159930
student as being "at-risk" of academic failure, and recommend how 159931
these factors may be used to determine allocations of the State 159932
Share of Instruction for community colleges in fiscal year 2015. 159933
The study shall be completed by December 31, 2013. Notwithstanding 159934

any provision of law to the contrary, community college 159935
presidents, or their designees, in consultation with the 159936
Chancellor of the Board of Regents, shall use the results of the 159937
study to recommend changes in the determination of the 159938
distribution of the community college allocations beginning in 159939
fiscal year 2015 and shall report any such formula change 159940
recommendations to the Governor, the General Assembly, and the 159941
Office of Budget and Management not later than February 15, 2014. 159942

(2) STUDY ON THE USE OF SUCCESS POINTS AND COMPLETION 159943
MEASURES FOR COMMUNITY COLLEGES 159944

Community college presidents, or their designees, in 159945
consultation with the Chancellor of the Board of Regents, shall 159946
study the most appropriate formula weights for the "success 159947
points" and completion performance measures used in the allocation 159948
of appropriations to community colleges from appropriation item 159949
235501, State Share of Instruction, in fiscal year 2015. The study 159950
shall research the most appropriate success points and completion 159951
measures that occur during the academic career of community 159952
college students and recommend revisions to the current State 159953
Share of Instruction model to fund achievement of the success 159954
points beginning in fiscal year 2015. In addition, community 159955
college presidents, or their designees, in consultation with the 159956
Chancellor of the Board of Regents, shall determine how the 159957
community college's fiscal year 2015 share of State Share of 159958
Instruction funding shall be distributed among its success points, 159959
completion measures and course completion funding, or other 159960
performance and access measures. The study shall be completed by 159961
December 31, 2013. Notwithstanding any provision of law to the 159962
contrary, community college presidents, or their designees, in 159963
consultation with the Chancellor of the Board of Regents, shall 159964
use the results of the study to recommend changes in the 159965
determination of the distribution of the community college 159966

allocations beginning in fiscal year 2015 and shall report any 159967
such formula change recommendations to the Governor, the General 159968
Assembly, and the Office of Budget and Management not later than 159969
February 15, 2014. 159970

Section 363.200. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 159971
2014 AND 2015 159972

(A) The foregoing appropriation item 235501, State Share of 159973
Instruction, shall be distributed according to the section of this 159974
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 159975

(1) Of the foregoing appropriation item 235501, State Share 159976
of Instruction, \$411,257,477 in fiscal year 2014 and \$419,101,428 159977
in fiscal year 2015 shall be distributed to state-supported 159978
community colleges, state community colleges, and technical 159979
colleges. 159980

(2) Of the foregoing appropriation item 235501, State Share 159981
of Instruction, \$1,372,968,020 in fiscal year 2014 and 159982
\$1,399,124,069 in fiscal year 2015 shall be distributed to 159983
state-supported university main and regional campuses. 159984

(B) Of the amounts earmarked in division (A)(2) of this 159985
section: 159986

(1) \$116,181,104 in fiscal year 2014 shall be distributed to 159987
state university regional campuses. 159988

(2) \$3,923,764 in each fiscal year shall be distributed to 159989
university main campuses based on each campus's share of the 159990
appropriation item 235418, Access Challenge, in fiscal year 2009. 159991

(C) Of the foregoing appropriation item 235501, State Share 159992
of Instruction, \$8,095,005 in fiscal year 2014 shall be used by 159993
the Chancellor to provide supplemental subsidy payments to each 159994
campus receiving a State Share of Instruction allocation, as 159995
determined according to the section of this act entitled "STATE 159996

SHARE OF INSTRUCTION FORMULAS" and divisions (A) and (B) of this 159997
section, in fiscal year 2014 that is lower than that campus's 159998
State Share of Instruction allocation in fiscal year 2013. If the 159999
Chancellor determines that the amounts earmarked for these 160000
supplemental subsidies are inadequate to provide full payments to 160001
all eligible campuses, the Chancellor shall proportionally reduce 160002
payment amounts. 160003

(D) The POM adjustment in division (D)(7) of the section of 160004
this act entitled "STATE SHARE OF INSTRUCTION FORMULAS" and the 160005
Access Challenge earmark in division (B) of this section shall 160006
expire on June 30, 2015. 160007

(E) The state share of instruction payments to the 160008
institutions shall be in substantially equal monthly amounts 160009
during the fiscal year, unless otherwise determined by the 160010
Director of Budget and Management pursuant to section 126.09 of 160011
the Revised Code. Payments during the last six months of the 160012
fiscal year shall be distributed after approval of the Controlling 160013
Board upon the request of the Chancellor of the Board of Regents. 160014

**Section 363.210. TRANSFER OF INSTRUCTIONAL SUBSIDIES BETWEEN 160015
UNIVERSITIES 160016**

Notwithstanding any provision of law to the contrary, in 160017
consultation with the Chancellor of the Board of Regents, a 160018
state-supported university may request to transfer its fiscal year 160019
2014 state share of instruction subsidy allocations of the 160020
foregoing appropriation item 235501, State Share of Instruction, 160021
between a university main campus and any university branch campus 160022
for which the university main campus is affiliated to best 160023
accomplish institutional goals and objectives. At the request of 160024
the Chancellor of the Board of Regents, the Director of Budget and 160025
Management may transfer the requested amounts of state share of 160026
instruction appropriation allocations between affiliated 160027

university branch campuses and university main campuses. 160028

Section 363.220. RESTRICTION ON FEE INCREASES 160029

The boards of trustees of state institutions of higher 160030
education shall restrain increases in in-state undergraduate 160031
instructional and general fees. Each state university and the 160032
Northeast Ohio Medical University shall not increase its in-state 160033
undergraduate instructional and general fees by more than 2.0 per 160034
cent or \$188, whichever is higher, over what the institution 160035
charged for the preceding academic year. 160036

Each university regional campus shall not increase its 160037
in-state undergraduate instructional and general fees by more than 160038
2.0 per cent or \$114, whichever is higher, over what the 160039
institution charged for the preceding academic year. 160040

Each community college, state community college, and 160041
technical college shall not increase its in-state undergraduate 160042
instructional and general fees by more than \$100 over what the 160043
institution charged for the preceding academic year. 160044

These limitations shall not apply to increases required to 160045
comply with institutional covenants related to their obligations 160046
or to meet unfunded legal mandates or legally binding obligations 160047
incurred or commitments made prior to the effective date of this 160048
section with respect to which the institution had identified such 160049
fee increases as the source of funds. Any increase required by 160050
such covenants and any such mandates, obligations, or commitments 160051
shall be reported by the Chancellor of the Board of Regents to the 160052
Controlling Board. These limitations may also be modified by the 160053
Chancellor of the Board of Regents, with the approval of the 160054
Controlling Board, to respond to exceptional circumstances as 160055
identified by the Chancellor of the Board of Regents. 160056

These limitations shall not apply to institutions 160057

participating in an undergraduate tuition guarantee program 160058
pursuant to section 3345.48 of the Revised Code. 160059

Section 363.230. HIGHER EDUCATION - BOARD OF TRUSTEES 160060

(A) Funds appropriated for instructional subsidies at 160061
colleges and universities may be used to provide such branch or 160062
other off-campus undergraduate courses of study and such master's 160063
degree courses of study as may be approved by the Chancellor of 160064
the Board of Regents. 160065

(B) In providing instructional and other services to 160066
students, boards of trustees of state institutions of higher 160067
education shall supplement state subsidies with income from 160068
charges to students. Except as otherwise provided in this act, 160069
each board shall establish the fees to be charged to all students, 160070
including an instructional fee for educational and associated 160071
operational support of the institution and a general fee for 160072
noninstructional services, including locally financed student 160073
services facilities used for the benefit of enrolled students. The 160074
instructional fee and the general fee shall encompass all charges 160075
for services assessed uniformly to all enrolled students. Each 160076
board may also establish special purpose fees, service charges, 160077
and fines as required; such special purpose fees and service 160078
charges shall be for services or benefits furnished individual 160079
students or specific categories of students and shall not be 160080
applied uniformly to all enrolled students. A tuition surcharge 160081
shall be paid by all students who are not residents of Ohio. 160082

The board of trustees of a state institution of higher 160083
education shall not authorize a waiver or nonpayment of 160084
instructional fees or general fees for any particular student or 160085
any class of students other than waivers specifically authorized 160086
by law or approved by the Chancellor. This prohibition is not 160087
intended to limit the authority of boards of trustees to provide 160088

for payments to students for services rendered the institution, 160089
nor to prohibit the budgeting of income for staff benefits or for 160090
student assistance in the form of payment of such instructional 160091
and general fees. 160092

Each state institution of higher education in its statement 160093
of charges to students shall separately identify the instructional 160094
fee, the general fee, the tuition charge, and the tuition 160095
surcharge. Fee charges to students for instruction shall not be 160096
considered to be a price of service but shall be considered to be 160097
an integral part of the state government financing program in 160098
support of higher educational opportunity for students. 160099

(C) The boards of trustees of state institutions of higher 160100
education shall ensure that faculty members devote a proper and 160101
judicious part of their work week to the actual instruction of 160102
students. Total class credit hours of production per academic term 160103
per full-time faculty member is expected to meet the standards set 160104
forth in the budget data submitted by the Chancellor of the Board 160105
of Regents. 160106

(D) The authority of government vested by law in the boards 160107
of trustees of state institutions of higher education shall in 160108
fact be exercised by those boards. Boards of trustees may consult 160109
extensively with appropriate student and faculty groups. 160110
Administrative decisions about the utilization of available 160111
resources, about organizational structure, about disciplinary 160112
procedure, about the operation and staffing of all auxiliary 160113
facilities, and about administrative personnel shall be the 160114
exclusive prerogative of boards of trustees. Any delegation of 160115
authority by a board of trustees in other areas of responsibility 160116
shall be accompanied by appropriate standards of guidance 160117
concerning expected objectives in the exercise of such delegated 160118
authority and shall be accompanied by periodic review of the 160119
exercise of this delegated authority to the end that the public 160120

interest, in contrast to any institutional or special interest, 160121
shall be served. 160122

Section 363.240. STUDENT SUPPORT SERVICES 160123

The foregoing appropriation item 235502, Student Support 160124
Services, shall be distributed by the Chancellor of the Board of 160125
Regents to Ohio's state colleges and universities that incur 160126
disproportionate costs in the provision of support services to 160127
disabled students. 160128

Section 363.250. WAR ORPHANS SCHOLARSHIPS 160129

The foregoing appropriation item 235504, War Orphans 160130
Scholarships, shall be used to reimburse state institutions of 160131
higher education for waivers of instructional fees and general 160132
fees provided by them, to provide grants to institutions that have 160133
received a certificate of authorization from the Chancellor of the 160134
Board of Regents under Chapter 1713. of the Revised Code, in 160135
accordance with the provisions of section 5910.04 of the Revised 160136
Code, and to fund additional scholarship benefits provided by 160137
section 5910.032 of the Revised Code. 160138

Section 363.260. OHIOLINK 160139

The foregoing appropriation item 235507, OhioLINK, shall be 160140
used by the Chancellor of the Board of Regents to support 160141
OhioLINK, a consortium organized under division (T) of section 160142
3333.04 of the Revised Code to serve as the state's electronic 160143
library information and retrieval system, which provides access 160144
statewide to an extensive set of electronic databases and 160145
resources, the library holdings of Ohio's public and participating 160146
private nonprofit colleges and universities, and the State Library 160147
of Ohio. 160148

Section 363.270. AIR FORCE INSTITUTE OF TECHNOLOGY 160149

The foregoing appropriation item 235508, Air Force Institute of Technology, shall be used to: (A) strengthen the research and educational linkages between the Wright Patterson Air Force Base and institutions of higher education in Ohio; and (B) support the Dayton Area Graduate Studies Institute, an engineering graduate consortium of Wright State University, the University of Dayton, and the Air Force Institute of Technology, with the participation of the University of Cincinnati and The Ohio State University.

Section 363.280. OHIO SUPERCOMPUTER CENTER 160158

The foregoing appropriation item 235510, Ohio Supercomputer Center, shall be used by the Chancellor of the Board of Regents to support the operation of the Ohio Supercomputer Center, a consortium organized under division (T) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate.

Funds shall be used, in part, to support the Ohio Supercomputer Center's Computational Science Initiative, which includes its industrial outreach program, Blue Collar Computing, and its School of Computational Science. These collaborations between the Ohio Supercomputer Center and Ohio's colleges and universities shall be aimed at making Ohio a leader in using computer modeling to promote economic development.

Section 363.290. COOPERATIVE EXTENSION SERVICE 160175

The foregoing appropriation item 235511, Cooperative Extension Service, shall be disbursed through the Chancellor of

the Board of Regents to The Ohio State University in monthly 160178
payments, unless otherwise determined by the Director of Budget 160179
and Management under section 126.09 of the Revised Code. 160180

Of the foregoing appropriation item 235511, Cooperative 160181
Extension Service, up to \$30,000 in fiscal year 2014 shall be used 160182
to develop an in-school agriculturally based curriculum for 160183
inclusion within the regular classroom curriculum of an elementary 160184
school in the Cleveland Municipal School District and the 160185
Cincinnati City School District. 160186

Of the foregoing appropriation item 235511, Cooperative 160187
Extension Service, up to \$73,450 in each fiscal year shall be used 160188
to support a City of Cleveland Program Manager tasked with 160189
preparing regular classroom teachers in one elementary school to 160190
recruit and train volunteers for an after-school 4-H Club. 160191

Of the foregoing appropriation item 235511, Cooperative 160192
Extension Service, \$73,450 in each fiscal year shall be used to 160193
support a City of Cincinnati Program Manager tasked with preparing 160194
regular classroom teachers in one elementary school to recruit and 160195
train volunteers for an after-school 4-H Club. 160196

Section 363.293. OSU AGRICULTURAL TECHNICAL INSTITUTE 160197
SUPPLEMENT 160198

The foregoing appropriation item 235512, OSU Agricultural 160199
Technical Institute Supplement, shall be used to support The Ohio 160200
State University Agricultural Technical Institute Campus. 160201

Section 363.300. CENTRAL STATE SUPPLEMENT 160202

The foregoing appropriation item 235514, Central State 160203
Supplement, shall be disbursed by the Chancellor of the Board of 160204
Regents to Central State University in accordance with the plan 160205
developed by the Chancellor and submitted to the Governor and the 160206
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 160207

General Assembly. Funds shall be used in a manner consistent with 160208
the goals of increasing enrollment, improving course completion, 160209
and increasing the number of degrees conferred. 160210

The Chancellor shall monitor the implementation of the plan 160211
and the use of funds. Central State University shall provide any 160212
information requested by the Chancellor related to the 160213
implementation of the plan. If the Chancellor determines that 160214
Central State University's use of supplemental funds is not in 160215
accordance with the plan or if the plan is not having the desired 160216
effect, the Chancellor may notify Central State University that 160217
the plan is suspended. Upon receiving such notice, Central State 160218
University shall avoid all unnecessary expenditures under the 160219
plan. The Chancellor shall notify the Controlling Board of the 160220
suspension of the plan and within sixty days prepare a new plan 160221
for the use of any remaining funds. 160222

Section 363.310. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 160223
MEDICINE 160224

The foregoing appropriation item 235515, Case Western Reserve 160225
University School of Medicine, shall be disbursed to Case Western 160226
Reserve University through the Chancellor of the Board of Regents 160227
in accordance with agreements entered into under section 3333.10 160228
of the Revised Code, provided that the state support per full-time 160229
medical student shall not exceed that provided to full-time 160230
medical students at state universities. 160231

Section 363.313. WRIGHT STATE LAKE CAMPUS AGRICULTURAL 160232
PROGRAM 160233

The foregoing appropriation item 235516, Wright State Lake 160234
Campus Agricultural Program, shall be used to support the 160235
agricultural program at Wright State University's Lake Campus. 160236

Section 363.320. FAMILY PRACTICE 160237

The Chancellor of the Ohio Board of Regents shall develop 160238
plans consistent with existing criteria and guidelines as may be 160239
required for the distribution of appropriation item 235519, Family 160240
Practice. 160241

Section 363.330. SHAWNEE STATE SUPPLEMENT 160242

The foregoing appropriation item 235520, Shawnee State 160243
Supplement, shall be disbursed by the Chancellor of the Board of 160244
Regents to Shawnee State University in accordance with the plan 160245
developed by the Chancellor and submitted to the Governor and the 160246
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 160247
General Assembly. Funds shall be used in a manner consistent with 160248
the goals of improving course completion, increasing the number of 160249
degrees conferred, and furthering the university's mission of 160250
service to the Appalachian region. 160251

The Chancellor shall monitor the implementation of the plan 160252
and the use of funds. Shawnee State University shall provide any 160253
information requested by the Chancellor related to the 160254
implementation of the plan. If the Chancellor determines that 160255
Shawnee State University's use of supplemental funds is not in 160256
accordance with the plan or if the plan is not having the desired 160257
effect, the Chancellor may notify Shawnee State University that 160258
the plan is suspended. Upon receiving such notice, Shawnee State 160259
University shall avoid all unnecessary expenditures under the 160260
plan. The Chancellor shall notify the Controlling Board of the 160261
suspension of the plan and within sixty days prepare a new plan 160262
for the use of any remaining funds. 160263

Section 363.333. YOUTH STEM COMMERCIALIZATION AND 160264
ENTREPRENEURSHIP PROGRAM 160265

The foregoing appropriation item 235523, Youth STEM Commercialization and Entrepreneurship Program, shall be used by the Chancellor of the Ohio Board of Regents to support the Youth STEM Commercialization and Entrepreneurship Program. The purpose of this program is to grow Ohio's next generation of entrepreneurs, to create jobs in Ohio by focusing on the practical application of science, technology, engineering, and mathematics (STEM), including medicine and health fields, and to innovate new products and services. The Youth STEM Commercialization and Entrepreneurship Program shall (1) conduct regional STEM forums for students and educators; (2) develop regional online high school and collegiate STEM commercialization and entrepreneurship content and courses; (3) create a statewide STEM commercialization and entrepreneurship mentoring network available to high school students anywhere in Ohio; and (4) conduct a statewide STEM Commercialization and Entrepreneurship Plan competition that includes incentive awards and scholarships for students and professional development and incentives for teacher participation. The competition and all aspects of the program shall be open to any Ohio high school student and shall include initiatives to engage minority, rural, and economically disadvantaged students anywhere in Ohio. The Youth STEM Commercialization and Entrepreneurship Program shall collaborate with Ohio's colleges and universities, existing STEM and entrepreneurship programs, and Ohio's STEM professional and trade associations to implement these provisions and to create the new products or services of the future, advance job creation in Ohio, and encourage enrollment at Ohio institutions of higher education.

Section 363.340. POLICE AND FIRE PROTECTION

The foregoing appropriation item 235524, Police and Fire Protection, shall be used for police and fire services in the municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green,

Portsmouth, Xenia Township (Greene County), Rootstown Township, 160298
and the City of Nelsonville that may be used to assist these local 160299
governments in providing police and fire protection for the 160300
central campus of the state-affiliated university located therein. 160301

Section 363.350. GERIATRIC MEDICINE 160302

The Chancellor of the Board of Regents shall develop plans 160303
consistent with existing criteria and guidelines as may be 160304
required for the distribution of appropriation item 235525, 160305
Geriatric Medicine. 160306

Section 363.360. PRIMARY CARE RESIDENCIES 160307

The Chancellor of the Board of Regents shall develop plans 160308
consistent with existing criteria and guidelines as may be 160309
required for the distribution of appropriation item 235526, 160310
Primary Care Residencies. 160311

The foregoing appropriation item 235526, Primary Care 160312
Residencies, shall be distributed in each fiscal year of the 160313
biennium, based on whether or not the institution has submitted 160314
and gained approval for a plan. If the institution does not have 160315
an approved plan, it shall receive five per cent less funding per 160316
student than it would have received from its annual allocation. 160317
The remaining funding shall be distributed among those 160318
institutions that meet or exceed their targets. 160319

Section 363.370. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 160320
CENTER 160321

The foregoing appropriation item 235535, Ohio Agricultural 160322
Research and Development Center, shall be disbursed through the 160323
Chancellor of the Board of Regents to The Ohio State University in 160324
monthly payments, unless otherwise determined by the Director of 160325
Budget and Management under section 126.09 of the Revised Code. 160326

The Ohio Agricultural Research and Development Center shall not be required to remit payment to The Ohio State University during the biennium ending June 30, 2015, for cost reallocation assessments. The cost reallocation assessments include, but are not limited to, any assessment on state appropriations to the Center.

The Ohio Agricultural Research and Development Center, an entity of the College of Food, Agricultural, and Environmental Sciences of The Ohio State University, shall further its mission of enhancing Ohio's economic development and job creation by continuing to internally allocate on a competitive basis appropriated funding of programs based on demonstrated performance. Academic units, faculty, and faculty-driven programs shall be evaluated and rewarded consistent with agreed-upon performance expectations as called for in the College's Expectations and Criteria for Performance Assessment.

Section 363.380. STATE UNIVERSITY CLINICAL TEACHING

The foregoing appropriation items 235536, The Ohio State University Clinical Teaching; 235537, University of Cincinnati Clinical Teaching; 235538, University of Toledo Clinical Teaching; 235539, Wright State University Clinical Teaching; 235540, Ohio University Clinical Teaching; and 235541, Northeast Ohio Medical University Clinical Teaching, shall be distributed through the Chancellor of the Board of Regents.

Section 363.390. CAPITAL COMPONENT

The foregoing appropriation item 235552, Capital Component, shall be used by the Chancellor of the Board of Regents to provide funding for prior commitments made pursuant to the state's former capital funding policy for state colleges and universities that was originally established in Am. H.B. 748 of the 121st General Assembly. Appropriations from this item shall be distributed to

all campuses for which the estimated campus debt service 160357
attributable to qualifying capital projects was less than the 160358
campus's formula-determined capital component allocation. Campus 160359
allocations shall be determined by subtracting the estimated 160360
campus debt service attributable to qualifying capital projects 160361
from the campus's formula-determined capital component allocation. 160362
Moneys distributed from this appropriation item shall be 160363
restricted to capital-related purposes. 160364

Any campus for which the estimated campus debt service 160365
attributable to qualifying capital projects is greater than the 160366
campus's formula-determined capital component allocation shall 160367
have the difference subtracted from its State Share of Instruction 160368
allocation in each fiscal year. Appropriation equal to the sum of 160369
all such amounts except that of the Ohio Agricultural Research and 160370
Development Center shall be transferred from appropriation item 160371
235501, State Share of Instruction, to appropriation item 235552, 160372
Capital Component. Appropriation equal to any estimated Ohio 160373
Agricultural Research and Development Center debt service 160374
attributable to qualifying capital projects that is greater than 160375
the Center's formula-determined capital component allocation shall 160376
be transferred from appropriation item 235535, Ohio Agricultural 160377
Research and Development Center, to appropriation item 235552, 160378
Capital Component. 160379

Section 363.400. LIBRARY DEPOSITORIES 160380

The foregoing appropriation item, 235555, Library 160381
Depositories, shall be distributed to the state's five regional 160382
depository libraries for the cost-effective storage of and access 160383
to lesser-used materials in university library collections. The 160384
depositories shall be administrated by the Chancellor of the Board 160385
of Regents, or by OhioLINK at the discretion of the Chancellor. 160386

Section 363.410. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 160387

The foregoing appropriation item 235556, Ohio Academic 160388
Resources Network, shall be used by the Chancellor of the Board of 160389
Regents to support the operations of the Ohio Academic Resources 160390
Network, a consortium organized under division (T) of section 160391
3333.04 of the Revised Code, which shall include support for 160392
Ohio's colleges and universities in maintaining and enhancing 160393
network connections, using new network technologies to improve 160394
research, education, and economic development programs, and 160395
sharing information technology services. To the extent network 160396
capacity is available, OARnet shall support allocating bandwidth 160397
to eligible programs directly supporting Ohio's economic 160398
development. 160399

Section 363.420. LONG-TERM CARE RESEARCH 160400

The foregoing appropriation item 235558, Long-term Care 160401
Research, shall be disbursed to Miami University for long-term 160402
care research. 160403

Section 363.430. OHIO COLLEGE OPPORTUNITY GRANT 160404

(A) Except as provided in division (C) of this section: 160405

Of the foregoing appropriation item 235563, Ohio College 160406
Opportunity Grant, \$41,000,000 in each fiscal year shall be used 160407
by the Chancellor of the Board of Regents to award need-based 160408
financial aid to students enrolled in eligible four-year public 160409
institutions of higher education, excluding early college high 160410
school and post-secondary enrollment option participants. 160411

Of the foregoing appropriation item 235563, Ohio College 160412
Opportunity Grant, \$41,000,000 in each fiscal year shall be used 160413
by the Chancellor of the Board of Regents to award need-based 160414
financial aid to students enrolled in eligible private nonprofit 160415

institutions of higher education, excluding early college high school and post-secondary enrollment option participants. 160416
160417

The remainder of the foregoing appropriation item 235563, 160418
Ohio College Opportunity Grant, shall be used by the Chancellor of 160419
the Board of Regents to award needs-based financial aid to 160420
students enrolled in eligible private for-profit career colleges 160421
and schools. 160422

(B)(1) As used in this section: 160423

(a) "Eligible institution" means any institution described in 160424
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 160425
Code. 160426

(b) The three "sectors" of institutions of higher education 160427
consist of the following: 160428

(i) State colleges and universities, community colleges, 160429
state community colleges, university branches, and technical 160430
colleges; 160431

(ii) Eligible private nonprofit institutions of higher 160432
education; 160433

(iii) Eligible private for-profit career colleges and 160434
schools. 160435

(2) If the Chancellor determines that the amounts 160436
appropriated for support of the Ohio College Opportunity Grant 160437
program are inadequate to provide grants to all eligible students 160438
as calculated under division (D) of section 3333.122 of the 160439
Revised Code, the Chancellor may create a distribution formula for 160440
fiscal year 2014 and fiscal year 2015 based on the formula used in 160441
fiscal year 2013, or may follow methods established in division 160442
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. The 160443
Chancellor shall notify the Controlling Board of the distribution 160444
method. Any formula calculated under this division shall be 160445

complete and established to coincide with the start of the 160446
2013-2014 academic year. 160447

(C) Prior to determining the amount of funds available to 160448
award under this section and section 3333.122 of the Revised Code, 160449
the Chancellor shall use the foregoing appropriation item 235563, 160450
Ohio College Opportunity Grant, to pay for renewals or partial 160451
renewals of scholarships students receive under the Ohio Academic 160452
Scholarship Program under sections 3333.21 and 3333.22 of the 160453
Revised Code. In paying for scholarships under this division, the 160454
Chancellor shall deduct funds from the allocations made under 160455
division (A) of this section. Deductions shall be proportionate to 160456
the amounts allocated to each sector from the total amounts 160457
appropriated for each sector under the foregoing appropriation 160458
item 235563, Ohio College Opportunity Grant. 160459

In each fiscal year, with the exception of sections 3333.121 160460
and 3333.124 of the Revised Code and Section 363.530 of this act, 160461
the Chancellor shall not distribute or obligate or commit to be 160462
distributed an amount greater than what is appropriated under the 160463
foregoing appropriation item 235563, Ohio College Opportunity 160464
Grant. 160465

(D) The Chancellor shall establish, and post on the Ohio 160466
Board of Regents' web site, award tables based on any formulas 160467
created under division (B) of this section. The Chancellor shall 160468
notify students and institutions of any reductions in awards under 160469
this section. 160470

On or before August 31, 2013, the Chancellor of the Board of 160471
Regents shall submit award tables to the Controlling Board for the 160472
2013-2014 academic year and allocations of Ohio College 160473
Opportunity Grant awards not already specified in section 3333.122 160474
of the Revised Code. 160475

(E) Notwithstanding section 3333.122 of the Revised Code, no 160476

student shall be eligible to receive an Ohio College Opportunity Grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years, less the number of semesters or quarters in which the student received an Ohio Instructional Grant.

Section 363.440. THE OHIO STATE UNIVERSITY CLINIC SUPPORT

The foregoing appropriation item 235572, The Ohio State University Clinic Support, shall be distributed through the Chancellor of the Board of Regents to The Ohio State University for support of dental and veterinary medicine clinics.

Section 363.450. NATIONAL GUARD SCHOLARSHIP PROGRAM

The Chancellor of the Board of Regents shall disburse funds from appropriation item 235599, National Guard Scholarship Program. During each fiscal year, the Chancellor of the Board of Regents, within ten days of cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235599, National Guard Scholarship Program. Upon receipt of the certification, the Director of Budget and Management may transfer cash in an amount up to the amount certified from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BM0). The Chancellor of the Board of Regents shall seek Controlling Board approval to authorize additional expenditures for appropriation item 235623, National Guard Scholarship Reserve Fund. Upon approval of the Controlling Board, the additional amounts are hereby appropriated. The Chancellor of the Board of Regents shall disburse funds from appropriation item 235623, National Guard Scholarship Reserve Fund.

Section 363.460. PLEDGE OF FEES

Any new pledge of fees, or new agreement for adjustment of 160506
fees, made in the biennium ending June 30, 2015, to secure bonds 160507
or notes of a state institution of higher education for a project 160508
for which bonds or notes were not outstanding on the effective 160509
date of this section shall be effective only after approval by the 160510
Chancellor of the Board of Regents, unless approved in a previous 160511
biennium. 160512

Section 363.470. HIGHER EDUCATION GENERAL OBLIGATION DEBT 160513
SERVICE 160514

The foregoing appropriation item 235909, Higher Education 160515
General Obligation Debt Service, shall be used to pay all debt 160516
service and related financing costs at the times they are required 160517
to be made during the period from July 1, 2013, through June 30, 160518
2015, for obligations issued under sections 151.01 and 151.04 of 160519
the Revised Code. 160520

Section 363.480. SALES AND SERVICES 160521

The Chancellor of the Board of Regents is authorized to 160522
charge and accept payment for the provision of goods and services. 160523
Such charges shall be reasonably related to the cost of producing 160524
the goods and services. Except as otherwise provided by law, no 160525
charges may be levied for goods or services that are produced as 160526
part of the routine responsibilities or duties of the Chancellor. 160527
All revenues received by the Chancellor of the Board of Regents 160528
shall be deposited into Fund 4560, and may be used by the 160529
Chancellor of the Board of Regents to pay for the costs of 160530
producing the goods and services. 160531

Section 363.483. CO-OP INTERNSHIP PROGRAM 160532

Of the foregoing appropriation item 235649, Co-op Internship 160533
Program, \$200,000 in each fiscal year shall be used to support the 160534

Museum of Contemporary Art Cleveland fellowship program in 160535
collaboration with Cleveland State University. 160536

Of the foregoing appropriation item 235649, Co-op Internship 160537
Program, \$75,000 in each fiscal year shall be used by the 160538
Chancellor of the Board of Regents to support the operations of 160539
Ohio University's Voinovich School. 160540

Of the foregoing appropriation item 235649, Co-op Internship 160541
Program, \$75,000 in each fiscal year, shall be used by the 160542
Chancellor of the Board of Regents to support the operations of 160543
The Ohio State University's John Glenn School of Public Affairs. 160544

Of the foregoing appropriation item 235649, Co-op Internship 160545
Program, \$75,000 in each fiscal year shall be used to support the 160546
Bliss Institute of Applied Politics at the University of Akron. 160547

Of the foregoing appropriation item 235649, Co-op Internship 160548
Program, \$75,000 in each fiscal year shall be used to support the 160549
Center for Public Management and Regional Affairs at Miami 160550
University. 160551

Of the foregoing appropriation item 235649, Co-op Internship 160552
Program, \$150,000 in each fiscal year shall be used to support the 160553
Washington Center Internship Program. 160554

Of the foregoing appropriation item 235649, Co-op Internship 160555
Program, \$150,000 in each fiscal year shall be used to support the 160556
Ohio Center for the Advancement of Women in Public Service at the 160557
Maxine Goodman Levin College of Urban Affairs at Cleveland State 160558
University. 160559

Of the foregoing appropriation item 235649, Co-op Internship 160560
Program, \$75,000 in each fiscal year shall be used to support the 160561
University of Cincinnati Internship Program. 160562

Of the foregoing appropriation item 235649, Co-op Internship 160563
Program, \$75,000 in each fiscal year shall be used by the 160564

Chancellor of the Board of Regents to support the operations of 160565
the Center for Regional Development at Bowling Green State 160566
University. 160567

Of the foregoing appropriation item 235649, Co-op Internship 160568
Program, \$75,000 in each fiscal year shall be used by the 160569
Chancellor of the Board of Regents to support the operations of 160570
the Institute for Defense Studies at Wright State University. 160571

Of the foregoing appropriation item 235649, Co-op Internship 160572
Program, \$75,000 in each fiscal year shall be used to support the 160573
Kent State University Columbus Program. 160574

Of the foregoing appropriation item 235649, Co-op Internship 160575
Program, \$75,000 in each fiscal year shall be used to support the 160576
University of Toledo Urban Affairs Center. 160577

Of the foregoing appropriation item 235649, Co-op Internship 160578
Program, \$10,000 in each fiscal year shall be provided to the Ohio 160579
College Access Network to support the Ohio Student Education 160580
Policy Institute. 160581

Of the foregoing appropriation item 235649, Co-op Internship 160582
Program, \$75,000 in each fiscal year shall be used to support the 160583
Center for Urban and Regional Studies at Youngstown State 160584
University. 160585

Section 363.485. DEFENSE/AEROSPACE WORKFORCE DEVELOPMENT 160586
INITIATIVE 160587

The foregoing appropriation item 235668, Defense/Aerospace 160588
Workforce Development Initiative, shall be used by the 160589
Defense/Aerospace Graduate Studies Institute, to collaborate with 160590
the aviation, aerospace, and defense industries, to strengthen job 160591
training programs, equip Ohio's workforce with needed skills, and 160592
strengthen and grow research and educational linkages among Ohio's 160593
defense and aerospace aviation industry, federal agencies, and the 160594

University System of Ohio. A portion of the foregoing 160595
appropriation item 235668, Defense/Aerospace Workforce Development 160596
Initiative, shall be allocated to develop a strategic plan to 160597
align the University System of Ohio's research and workforce 160598
development assets with the workforce needs of public and private 160599
sector employers. A portion of these funds shall be used to 160600
support the Aerospace Professional Development Center to establish 160601
processes necessary to link underemployed or unemployed persons to 160602
job openings in these industries. The funds appropriated in this 160603
appropriation item shall be matched by private industry or 160604
educational partners or federal agencies in the aggregate amount 160605
of \$4,000,000 over the FY 2014-FY 2015 biennium. 160606

Section 363.487. MANUFACTURING WORKFORCE DEVELOPMENT 160607
INITIATIVE 160608

Of the foregoing appropriation item 235685, Manufacturing 160609
Workforce Development Initiative, \$1,000,000 in fiscal year 2014 160610
shall be used for a demonstration project to purchase portable 160611
welding stations made from large shipping containers and high 160612
level advanced training equipment for use by Lorain County 160613
Community College. 160614

Of the foregoing appropriation item 235685, Manufacturing 160615
Workforce Development Initiative, \$1,000,000 in fiscal year 2014 160616
shall be used for a demonstration project to purchase portable 160617
welding stations made from large shipping containers and high 160618
level advanced training equipment for use at the Point Industrial 160619
Park in South Point. 160620

Section 363.490. HIGHER EDUCATIONAL FACILITY COMMISSION 160621
ADMINISTRATION 160622

The foregoing appropriation item 235602, Higher Educational 160623
Facility Commission Administration, shall be used by the 160624

Chancellor of the Board of Regents for operating expenses related 160625
to the Chancellor of the Board of Regents' support of the 160626
activities of the Ohio Higher Educational Facility Commission. 160627
Upon the request of the Chancellor, the Director of Budget and 160628
Management may transfer up to \$29,100 cash in each fiscal year 160629
from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC 160630
Administration Fund (Fund 4E80). 160631

Section 363.500. NURSING LOAN PROGRAM 160632

The foregoing appropriation item 235606, Nursing Loan 160633
Program, shall be used to administer the nurse education 160634
assistance program. Up to \$50,000 in each fiscal year may be used 160635
for operating expenses associated with the program. Any additional 160636
funds needed for the administration of the program are subject to 160637
Controlling Board approval. 160638

Section 363.510. TELECOMMUNITY AND DISTANCE LEARNING 160639

Of the foregoing appropriation item 235674, Telecommunity and 160640
Distance Learning, up to \$25,000 in each fiscal year shall be 160641
distributed by the Chancellor of the Board of Regents on a grant 160642
basis to eligible school districts to establish "distance 160643
learning" through interactive video technologies in the school 160644
district. Per agreements with eight Ohio local telephone 160645
companies, ALLTEL Ohio, CENTURY Telephone of Ohio, Chillicothe 160646
Telephone Company, Cincinnati Bell Telephone Company, Orwell 160647
Telephone Company, Sprint North Central Telephone, VERIZON, and 160648
Western Reserve Telephone Company, school districts are eligible 160649
for funds if they are within one of the listed telephone company 160650
service areas. Funds to administer the program shall be expended 160651
by the Chancellor of the Board of Regents up to the amount 160652
specified in the agreements with the listed telephone companies. 160653

Within thirty days after the effective date of this section, 160654

the Director of Budget and Management shall transfer to Fund 4X10 160655
in the State Special Revenue Fund Group any investment earnings 160656
from moneys paid by any telephone company as part of any 160657
settlement agreement between the listed companies and the Public 160658
Utilities Commission in fiscal years 1996 and beyond. 160659

Of the foregoing appropriation item 235674, Telecommunity and 160660
Distance Learning, up to \$24,150 in each fiscal year shall be 160661
distributed by the Chancellor of the Board of Regents on a grant 160662
basis to eligible school districts to establish "distance 160663
learning" in the school district. Per an agreement with Ameritech, 160664
school districts are eligible for funds if they are within an 160665
Ameritech service area. Funds to administer the program shall be 160666
expended by the Chancellor of the Board of Regents up to the 160667
amount specified in the agreement with Ameritech. 160668

Within thirty days after the effective date of this section, 160669
the Director of Budget and Management shall transfer to Fund 4X10 160670
in the State Special Revenue Fund Group any investment earnings 160671
from moneys paid by any telephone company as part of a settlement 160672
agreement between the company and the Public Utilities Commission 160673
in fiscal year 1995. 160674

Section 363.520. VETERANS PREFERENCES 160675

The Chancellor of the Board of Regents shall work with the 160676
Department of Veterans Services to develop specific veterans 160677
preference guidelines for higher education institutions. These 160678
guidelines shall ensure that the institutions' hiring practices 160679
are in accordance with the intent of Ohio's veterans preference 160680
laws. 160681

Section 363.530. STATE NEED-BASED FINANCIAL AID 160682
RECONCILIATION 160683

By the first day of August in each fiscal year, or as soon as 160684

possible thereafter, the Chancellor of the Board of Regents shall 160685
certify to the Director of Budget and Management the amount 160686
necessary to pay any outstanding prior year obligations to higher 160687
education institutions for the state's need-based financial aid 160688
programs. The amounts certified are hereby appropriated to 160689
appropriation item 235618, State Need-based Financial Aid 160690
Reconciliation, from revenues received in the State Need-based 160691
Financial Aid Reconciliation Fund (Fund 5Y50). 160692

Section 363.540. (A) As used in this section: 160693

(1) "Board of trustees" includes the managing authority of a 160694
university branch district. 160695

(2) "State institution of higher education" has the same 160696
meaning as in section 3345.011 of the Revised Code. 160697

(B) The board of trustees of any state institution of higher 160698
education, notwithstanding any rule of the institution to the 160699
contrary, may adopt a policy providing for mandatory furloughs of 160700
employees, including faculty, to achieve spending reductions 160701
necessitated by institutional budget deficits. 160702

Section 363.550. EFFICIENCY ADVISORY COMMITTEE 160703

The Chancellor of the Board of Regents shall establish an 160704
efficiency advisory committee for the purpose of generating 160705
optimal efficiency plans for campuses, identifying shared services 160706
opportunities, and sharing best practices. The efficiency advisory 160707
committee shall also explore methods for reducing the costs for 160708
students for textbooks and other education resource materials. The 160709
committee shall meet at the call of the Chancellor or the 160710
Chancellor's designee, but at least quarterly. Each state 160711
institution of higher education shall designate an employee to 160712
serve as its efficiency officer responsible for the evaluation and 160713
improvement of operational efficiencies on campus. Each efficiency 160714

officer shall serve on the efficiency advisory committee. 160715

By December 31 of each year, the Efficiency Advisory 160716
Committee shall provide a report to the Office of Budget and 160717
Management, the Governor, and the General Assembly compiling the 160718
operational efficiency plans for all institutions of higher 160719
education and benchmarking efficiency gains realized over the 160720
preceding year and progress in implementing the prior year's 160721
efficiency plan. The report shall also be made available to the 160722
public on the Ohio Board of Regents web site. 160723

Section 363.570. (A) FUND ABOLITION 160724

On July 1, 2013, or as soon as possible thereafter, the 160725
Director of Budget and Management shall transfer the cash balance 160726
in the eTech Ohio Telecommunity Education Fund (Fund 4W90) to the 160727
Distance Learning Fund (Fund 4X10). Upon completion of the 160728
transfer, the eTech Ohio Telecommunity Education Fund (Fund 160729
4W90) is hereby abolished. 160730

**(B) ETECH OHIO COMMISSION ABOLISHMENT AND APPROPRIATION LINE 160731
ITEM TRANSFER** 160732

Effective July 1, 2013, the Director of Budget and Management 160733
shall cancel any existing encumbrances against appropriation item 160734
935411, Technology Integration and Professional Development, and 160735
re-establish them, as determined to be appropriate by the Director 160736
of Budget and Management, against appropriation item 235483, 160737
Technology Integration and Professional Development. The 160738
re-established encumbrance amounts are hereby appropriated. Any 160739
business commenced but not completed under appropriation item 160740
935411, Technology Integration and Professional Development, by 160741
July 1, 2013, shall be completed, as determined to be appropriate 160742
by the Director of Budget and Management, under appropriation item 160743
235483, Technology Integration and Professional Development, in 160744
the same manner and with the same effect as if it were completed 160745

with regard to appropriation item 935411, Technology Integration 160746
and Professional Development. 160747

Effective July 1, 2013, the Director of Budget and Management 160748
shall cancel any existing encumbrances against appropriation item 160749
935640, Conference/Special Purposes, and re-establish them against 160750
appropriation item 235675, Conference/Special Purposes. The 160751
re-established encumbrance amounts are hereby appropriated. Any 160752
business commenced but not completed under appropriation item 160753
935640, Conference/Special Purposes, by July 1, 2013, shall be 160754
completed under appropriation item 235675, Conference/Special 160755
Purposes, in the same manner and with the same effect as if it 160756
were completed with regard to appropriation item 935640, 160757
Conference/Special Purposes. 160758

Effective July 1, 2013, the Director of Budget and Management 160759
shall cancel any existing encumbrances against appropriation item 160760
935630, Telecommunity, and cancel any existing encumbrances 160761
against appropriation item 935634, Distance Learning, and 160762
re-establish them against appropriation item 235674, Telecommunity 160763
and Distance Learning. The re-established encumbrance amounts are 160764
hereby appropriated. Any business commenced but not completed 160765
under appropriation items 935630, Telecommunity, and 935634, 160766
Distance Learning, by July 1, 2013, shall be completed under 160767
appropriation item 235674, Telecommunity and Distance Learning, in 160768
the same manner and with the same effect as if it were completed 160769
with regard to appropriation items 935630, Telecommunity, and 160770
935634, Distance Learning. 160771

On July 1, 2013, or as soon as possible thereafter, the 160772
Director of Budget and Management shall cancel any existing 160773
capital appropriations and capital encumbrances of the former 160774
eTech Ohio Commission in the Higher Education Improvement Fund 160775
(Fund 7034), and re-establish them with the Chancellor of the 160776
Board of Regents in the Higher Education Improvement Fund (Fund 160777

7034). The re-established amounts are hereby appropriated. 160778

Effective July 1, 2013, notwithstanding any provision of the 160779
law to the contrary, the Director of Budget and Management may 160780
make budget changes made necessary by the transfer of the former 160781
eTech Ohio Commission to the Chancellor of the Board of Regents, 160782
if any, including administrative organization, program transfers, 160783
the creation of new funds, the transfer of state funds, the 160784
consolidation of funds, and the transfer of capital 160785
appropriations, as authorized by this section. The Director of 160786
Budget and Management may, if necessary, establish prior year 160787
encumbrances or parts of prior year encumbrances of the former 160788
eTech Ohio Commission with the Chancellor of the Board of Regents 160789
in the appropriate fund and appropriation item for the same 160790
purpose and for payment to the same vendor in fiscal year 2014 or 160791
fiscal year 2015. The established encumbrances plus any additional 160792
amounts determined to be necessary for the Chancellor of the Board 160793
of Regents to perform the operations and related management 160794
functions of the former eTech Ohio Commission are hereby 160795
appropriated. 160796

(C) CONFERENCE OPERATION OFFICE 160797

Beginning in fiscal year 2014, the annual eTech Ohio 160798
Conference will be overseen by a Conference Operation Office 160799
comprised of employees of the Chancellor of the Board of Regents 160800
and Department of Education, including former employees of the 160801
eTech Ohio Commission transferred to the Chancellor of the Board 160802
of Regents and the Department of Education. The Office shall be 160803
responsible for conferences that focus on professional development 160804
in the education field, educational technology, distance learning, 160805
and other education topics pertinent to the State of Ohio. 160806

(D) TRANSFER OF CAPITAL DUTIES 160807

As of July 1, 2013, the Chancellor of the Board of Regents 160808

shall succeed to and have and perform all fiduciary duties and 160809
responsibilities previously held by the Director of eTech Ohio for 160810
all outstanding capital appropriations designated for use by eTech 160811
Ohio. 160812

Section 363.580. ELECTRONIC TEXTBOOK PILOT PROJECT 160813

(A) The Electronic Textbook Pilot Project is hereby 160814
established to provide grants on a competitive basis to public and 160815
chartered nonpublic schools to purchase electronic textbooks, 160816
electronic educational content, and professional development and 160817
training resources through the learning clearinghouse established 160818
in section 3333.81 to 3333.88. The Electronic Textbook Pilot 160819
Project shall be administered by the Chancellor of the Board of 160820
Regents. 160821

(B) The Chancellor shall have the authority to set the grant 160822
criteria and to select grant recipients. In awarding grants under 160823
this section, the Chancellor shall establish the criteria for 160824
determining which applicants will be considered a priority for 160825
receiving grant funds. 160826

(C) Not later than January 31, 2014, the Chancellor shall 160827
issue a request for proposals from eligible schools. 160828

(D) Not later than May 31, 2014, the Chancellor shall award 160829
grants for use during the 2014-2015 school year. 160830

(E) The Chancellor and Superintendent of Public Instruction 160831
jointly shall notify schools of and promote participation in the 160832
pilot project. 160833

(F) Not later than December 31, 2015, the Chancellor shall 160834
submit to the Governor and the General Assembly, in accordance 160835
with section 101.68 of the Revised Code, a formative evaluation of 160836
the implementation and results of the pilot project and 160837
legislative recommendations for any changes in the pilot project. 160838

(G) The number of grants awarded under this section shall not exceed the number that can be funded with appropriations made by the General Assembly for this purpose.

Section 363.590. COLLEGE CREDIT PLUS PROGRAM

The Chancellor shall make recommendations to the General Assembly to establish the College Credit Plus program, whereby high school students may earn credits through Ohio institutions of higher education. The Chancellor shall consult with the Inter-University Council of Ohio, the Association of Independent Colleges and Universities of Ohio, the Ohio Association of Community Colleges, and the Superintendent of Public Instruction in developing the recommendations. The Chancellor shall provide a report of the recommendation to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2013, for implementation in the 2014-2015 academic year.

Section 365.10. DRC DEPARTMENT OF REHABILITATION AND CORRECTION

General Revenue Fund

GRF 501321	Institutional Operations	\$ 883,768,015	\$ 873,724,802	160858
GRF 501403	Prisoner Compensation	\$ 6,000,000	\$ 6,000,000	160859
GRF 501405	Halfway House	\$ 45,049,356	\$ 46,024,108	160860
GRF 501406	Lease Rental Payments	\$ 104,099,500	\$ 99,534,800	160861
GRF 501407	Community Nonresidential Programs	\$ 34,187,858	\$ 34,314,390	160862
GRF 501408	Community Misdemeanor Programs	\$ 12,856,800	\$ 12,856,800	160863
GRF 501501	Community Residential	\$ 63,345,972	\$ 66,150,781	160864

		Programs - CBCF				
GRF	503321	Parole and Community Operations	\$	64,480,938	\$	65,029,680 160865
GRF	504321	Administrative Operations	\$	20,659,664	\$	20,907,476 160866
GRF	505321	Institution Medical Services	\$	243,289,774	\$	254,139,452 160867
GRF	506321	Institution Education Services	\$	19,102,051	\$	19,112,418 160868
TOTAL GRF		General Revenue Fund	\$	1,496,839,928	\$	1,497,794,707 160869
		General Services Fund Group				160870
1480	501602	Institutional Services	\$	3,139,577	\$	3,139,577 160871
2000	501607	Ohio Penal Industries	\$	41,393,226	\$	40,609,872 160872
4830	501605	Property Receipts	\$	582,086	\$	582,086 160873
4B00	501601	Sewer Treatment Services	\$	2,023,671	\$	2,067,214 160874
4D40	501603	Prisoner Programs	\$	17,499,255	\$	17,499,255 160875
4L40	501604	Transitional Control	\$	1,113,120	\$	1,113,120 160876
4S50	501608	Education Services	\$	4,114,782	\$	4,114,782 160877
5710	501606	Training Academy Receipts	\$	125,000	\$	125,000 160878
5930	501618	Laboratory Services	\$	3,750,000	\$	0 160879
5AF0	501609	State and Non-Federal Awards	\$	1,440,000	\$	1,440,000 160880
5H80	501617	Offender Financial Responsibility	\$	2,000,000	\$	2,000,000 160881
5L60	501611	Information Technology Services	\$	250,000	\$	250,000 160882
TOTAL GSF		General Services Fund Group	\$	77,430,717	\$	72,940,906 160883
		Federal Special Revenue Fund Group				160884

3230 501619	Federal Grants	\$	7,132,943	\$	7,132,943	160885
TOTAL FED	Federal Special Revenue					160886
Fund Group		\$	7,132,943	\$	7,132,943	160887
TOTAL ALL BUDGET FUND GROUPS		\$	1,581,403,588	\$	1,577,868,556	160888

TRANSFER OF OPERATING APPROPRIATIONS TO IMPLEMENT CRIMINAL 160889
SENTENCING REFORMS 160890

For the purposes of implementing criminal sentencing reforms, 160891
and notwithstanding any other provision of law to the contrary, 160892
the Director of Budget and Management, at the request of the 160893
Director of Rehabilitation and Correction, may transfer up to 160894
\$14,000,000 in appropriations, in each of fiscal years 2014 and 160895
2015, from appropriation item 501321, Institutional Operations, to 160896
any combination of appropriation items 501405, Halfway House; 160897
501407, Community Residential Programs; 501408, Community 160898
Misdemeanor Programs; and 501501, Community Residential Programs - 160899
CBCF. 160900

LEASE RENTAL PAYMENTS 160901

The foregoing appropriation item 501406, Lease Rental 160902
Payments, shall be used to meet all payments at the times they are 160903
required to be made during the period from July 1, 2013, through 160904
June 30, 2015, by the Department of Rehabilitation and Correction 160905
under the primary leases and agreements for those buildings made 160906
under Chapters 152. and 154. of the Revised Code. These 160907
appropriations are the source of funds pledged for bond service 160908
charges on related obligations issued under Chapters 152. and 154. 160909
of the Revised Code. 160910

OSU MEDICAL CHARGES 160911

Notwithstanding section 341.192 of the Revised Code, at the 160912
request of the Department of Rehabilitation and Correction, The 160913
Ohio State University Medical Center, including the Arthur G. 160914
James Cancer Hospital and Richard J. Solove Research Institute and 160915

the Richard M. Ross Heart Hospital, shall provide necessary care 160916
to persons who are confined in state adult correctional 160917
facilities. The provision of necessary care shall be billed to the 160918
Department at a rate not to exceed the authorized reimbursement 160919
rate for the same service established by the Department of 160920
Medicaid under the Medicaid Program. 160921

CORRECTIVE CASH TRANSFER 160922

At the request of the Director of Rehabilitation and 160923
Correction, the Director of Budget and Management may transfer an 160924
amount not to exceed \$2,391 in cash that was mistakenly deposited 160925
in the Federal Grants Fund (Fund 3230) to the General Revenue 160926
Fund. 160927

Section 369.10. RCB RESPIRATORY CARE BOARD 160928

General Services Fund Group 160929
4K90 872609 Operating Expenses \$ 552,876 \$ 545,246 160930
TOTAL GSF General Services 160931
Fund Group \$ 552,876 \$ 545,246 160932
TOTAL ALL BUDGET FUND GROUPS \$ 552,876 \$ 545,246 160933

Section 371.10. RDF REVENUE DISTRIBUTION FUNDS 160935

Special State Revenue Fund Group 160936
5JG0 110633 Gross Casino Revenue \$ 158,005,325 \$ 168,977,942 160937
County Fund
TOTAL SSR State Special Revenue \$ 158,005,325 \$ 168,977,942 160938
Fund Group
Volunteer Firefighters' Dependents Fund 160939
7085 800985 Volunteer Firemen's \$ 300,000 \$ 300,000 160940
Dependents Fund
TOTAL 085 Volunteer Firefighters' 160941
Dependents Fund \$ 300,000 \$ 300,000 160942

Agency Fund Group					160943	
4P80 001698	Cash Management	\$	3,100,000	\$	3,100,000	160944
	Improvement Fund					
5JH0 110634	Gross Casino Revenue	\$	105,336,883	\$	112,651,961	160945
	County Student Fund					
5JJ0 110636	Gross Casino Revenue	\$	15,490,718	\$	16,566,465	160946
	Host City Fund					
6080 001699	Investment Earnings	\$	30,000,000	\$	30,000,000	160947
7062 110962	Resort Area Excise	\$	1,000,000	\$	1,000,000	160948
	Tax					
7063 110963	Permissive Tax	\$	2,066,331,400	\$	2,151,135,100	160949
	Distribution					
7067 110967	School District	\$	346,669,300	\$	365,277,800	160950
	Income Tax					
7099 762902	Permissive Tax	\$	184,000,000	\$	184,000,000	160951
	Distribution - Auto					
	Registration					
TOTAL AGY	Agency Fund Group	\$	2,751,928,301	\$	2,863,731,326	160952
	Holding Account Redistribution					160953
R045 110617	International Fuel	\$	40,000,000	\$	40,000,000	160954
	Tax Distribution					
TOTAL 090	Holding Account	\$	40,000,000	\$	40,000,000	160955
	Redistribution Fund					
	Revenue Distribution Fund Group					160956
7049 335900	Indigent Drivers	\$	2,250,000	\$	2,250,000	160957
	Alcohol Treatment					
7050 762900	International	\$	30,000,000	\$	30,000,000	160958
	Registration Plan					
	Distribution					
7051 762901	Auto Registration	\$	360,000,000	\$	360,000,000	160959
	Distribution					
7054 110954	Local Government	\$	5,649,000	\$	5,649,000	160960

		Property Tax				
		Replacement - Utility				
7060	110960	Gasoline Excise Tax	\$ 395,000,000	\$ 395,000,000		160961
		Fund				
7065	110965	Public Library Fund	\$ 359,300,000	\$ 369,000,000		160962
7066	800966	Undivided Liquor	\$ 14,100,000	\$ 14,100,000		160963
		Permits				
7068	110968	State and Local	\$ 196,000,000	\$ 196,000,000		160964
		Government Highway				
		Distribution				
7069	110969	Local Government Fund	\$ 363,600,000	\$ 376,400,000		160965
7081	110981	Local Government	\$ 146,500,000	\$ 107,900,000		160966
		Property Tax				
		Replacement-Business				
7082	110982	Horse Racing Tax	\$ 100,000	\$ 100,000		160967
7083	700900	Ohio Fairs Fund	\$ 1,400,000	\$ 1,400,000		160968
TOTAL RDF Revenue Distribution						160969
Fund Group			\$ 1,873,899,000	\$ 1,857,799,000		160970
TOTAL ALL BUDGET FUND GROUPS			\$ 4,824,132,626	\$ 4,930,808,268		160971

ADDITIONAL APPROPRIATIONS 160972

Appropriation items in this section shall be used for the 160973
purpose of administering and distributing the designated revenue 160974
distribution funds according to the Revised Code. If it is 160975
determined that additional appropriations are necessary for this 160976
purpose, such amounts are hereby appropriated. 160977

GENERAL REVENUE FUND TRANSFERS 160978

Notwithstanding any provision of law to the contrary, in 160979
fiscal year 2014 and fiscal year 2015, the Director of Budget and 160980
Management may transfer from the General Revenue Fund to the Local 160981
Government Tangible Property Tax Replacement Fund (Fund 7081) in 160982
the Revenue Distribution Fund Group, those amounts necessary to 160983
reimburse local taxing units under section 5751.22 of the Revised 160984

Code. Also, in fiscal year 2014 and fiscal year 2015, the Director 160985
of Budget and Management may make temporary transfers from the 160986
General Revenue Fund to ensure sufficient balances in the Local 160987
Government Tangible Property Tax Replacement Fund (Fund 7081) and 160988
to replenish the General Revenue Fund for such transfers. 160989

Section 373.10. SAN BOARD OF SANITARIAN REGISTRATION 160990

General Services Fund Group 160991
4K90 893609 Operating Expenses \$ 137,850 \$ 129,850 160992
TOTAL GSF General Services 160993
Fund Group \$ 137,850 \$ 129,850 160994
TOTAL ALL BUDGET FUND GROUPS \$ 137,850 \$ 129,850 160995

Section 375.10. OSB OHIO STATE SCHOOL FOR THE BLIND 160997

General Revenue Fund 160998
GRF 226321 Operations \$ 7,278,579 \$ 7,278,579 160999
TOTAL GRF General Revenue Fund \$ 7,278,579 \$ 7,278,579 161000
General Services Fund Group 161001
4H80 226602 Education Reform \$ 27,000 \$ 27,000 161002
Grants
5NJ0 226622 Food Service Program \$ 9,000 \$ 9,000 161003
TOTAL GSF General Services 161004
Fund Group \$ 36,000 \$ 36,000 161005
Federal Special Revenue Fund Group 161006
3100 226626 Coordinating Unit \$ 2,527,104 \$ 2,527,104 161007
3DT0 226621 Ohio Transition \$ 650,000 \$ 650,000 161008
Collaborative
3P50 226643 Medicaid Professional \$ 50,000 \$ 50,000 161009
Services
Reimbursement
TOTAL FED Federal Special 161010
Revenue Fund Group \$ 3,227,104 \$ 3,227,104 161011

State Special Revenue Fund Group				161012
4M50 226601 Work Study and	\$	461,521	\$ 461,521	161013
Technology Investment				
TOTAL SSR State Special Revenue				161014
Fund Group	\$	461,521	\$ 461,521	161015
TOTAL ALL BUDGET FUND GROUPS	\$	11,003,204	\$ 11,003,204	161016
Section 377.10. OSD OHIO SCHOOL FOR THE DEAF				161018
General Revenue Fund				161019
GRF 221321 Operations	\$	8,727,657	\$ 8,727,657	161020
TOTAL GRF General Revenue Fund	\$	8,727,657	\$ 8,727,657	161021
General Services Fund Group				161022
4M10 221602 Education Reform	\$	35,000	\$ 35,000	161023
Grants				
5NK0 221610 Food Service Program	\$	9,000	\$ 9,000	161024
TOTAL GSF General Services				161025
Fund Group	\$	44,000	\$ 44,000	161026
Federal Special Revenue Fund Group				161027
3110 221625 Coordinating Unit	\$	2,153,245	\$ 2,153,245	161028
3R00 221684 Medicaid Professional	\$	35,000	\$ 35,000	161029
Services				
Reimbursement				
TOTAL FED Federal Special				161030
Revenue Fund Group	\$	2,188,245	\$ 2,188,245	161031
State Special Revenue Fund Group				161032
4M00 221601 Educational Program	\$	95,000	\$ 95,000	161033
Expenses				
5H60 221609 Even Start Fees and	\$	35,000	\$ 35,000	161034
Gifts				
TOTAL SSR State Special Revenue				161035
Fund Group	\$	130,000	\$ 130,000	161036

TOTAL ALL BUDGET FUND GROUPS	\$	11,089,902	\$	11,089,902	161037
Section 381.10. SOS SECRETARY OF STATE					161039
General Revenue Fund					161040
GRF 050321 Operating Expenses	\$	2,144,030	\$	2,144,030	161041
GRF 050407 Pollworkers Training	\$	234,196	\$	234,196	161042
TOTAL GRF General Revenue Fund	\$	2,378,226	\$	2,378,226	161043
General Services Fund Group					161044
4120 050609 Notary Commission	\$	475,000	\$	475,000	161045
4130 050601 Information Systems	\$	49,000	\$	49,000	161046
4S80 050610 Board of Voting Machine Examiners	\$	7,200	\$	7,200	161047
5FG0 050620 BOE Reimbursement and Education	\$	80,000	\$	80,000	161048
TOTAL General Services Fund Group	\$	611,200	\$	611,200	161049
Federal Special Revenue Fund Group					161050
3AH0 050614 Election Reform/Health and Human Services	\$	300,000	\$	300,000	161051
3AS0 050616 Help America Vote Act (HAVA)	\$	1,710,000	\$	1,710,000	161052
TOTAL FED Federal Special Revenue Fund Group	\$	2,010,000	\$	2,010,000	161053 161054
State Special Revenue Fund Group					161055
5990 050603 Business Services Operating Expenses	\$	14,385,400	\$	14,385,400	161056
TOTAL SSR State Special Revenue Fund Group	\$	14,385,400	\$	14,385,400	161057 161058
Holding Account Redistribution Fund Group					161059
R001 050605 Uniform Commercial Code Refunds	\$	30,000	\$	30,000	161060

R002 050606 Corporate/Business	\$	85,000	\$	85,000	161061
Filing Refunds					
TOTAL 090 Holding Account					161062
Redistribution Fund Group	\$	115,000	\$	115,000	161063
TOTAL ALL BUDGET FUND GROUPS	\$	19,499,826	\$	19,499,826	161064

POLLWORKER TRAINING 161065

The foregoing appropriation item 050407, Pollworkers 161066
 Training, shall be used to reimburse county boards of elections 161067
 for pollworker training pursuant to section 3501.27 of the Revised 161068
 Code. At the end of fiscal year 2014, an amount equal to the 161069
 unexpended, unencumbered portion of appropriation item 050407, 161070
 Pollworkers Training, is hereby reappropriated in fiscal year 2015 161071
 for the same purpose. 161072

BOARD OF VOTING MACHINE EXAMINERS 161073

The foregoing appropriation item 050610, Board of Voting 161074
 Machine Examiners, shall be used to pay for the services and 161075
 expenses of the members of the Board of Voting Machine Examiners, 161076
 and for other expenses that are authorized to be paid from the 161077
 Board of Voting Machine Examiners Fund, which is created in 161078
 section 3506.05 of the Revised Code. Moneys not used shall be 161079
 returned to the person or entity submitting equipment for 161080
 examination. If it is determined that additional appropriations 161081
 are necessary, such amounts are hereby appropriated. 161082

HAVA FUNDS 161083

An amount equal to the unexpended, unencumbered portion of 161084
 appropriation item 050614, Election Reform/Health and Human 161085
 Services, at the end of fiscal year 2014 is reappropriated for the 161086
 same purpose in fiscal year 2015. 161087

An amount equal to the unexpended, unencumbered portion of 161088
 appropriation item 050616, Help America Vote Act (HAVA), at the 161089
 end of fiscal year 2014 is reappropriated for the same purpose in 161090

fiscal year 2015.				161091	
The Director of Budget and Management shall credit the				161092	
ongoing interest earnings from the Election Reform/Health and				161093	
Human Services Fund (Fund 3AH0) and the Help America Vote Act				161094	
(HAVA) (Fund 3AS0) to the respective funds and distribute these				161095	
earnings in accordance with the terms of the grant under which the				161096	
money is received.				161097	
MISCELLANEOUS FEDERAL GRANTS				161098	
On July 1, 2013, or as soon as possible thereafter, the				161099	
Director of Budget and Management shall transfer from the General				161100	
Revenue Fund (GRF) all investment earnings and amounts equal to				161101	
the interest earnings that were attributable to the Miscellaneous				161102	
Federal Grants Fund (Fund 3FM0) in each quarter of fiscal year				161103	
2013. The Director of Budget and Management shall credit the				161104	
ongoing interest earnings from Fund 3FM0 to that fund and				161105	
distribute these earnings in accordance with the terms of the				161106	
grant under which the money was received.				161107	
HOLDING ACCOUNT REDISTRIBUTION GROUP				161108	
The foregoing appropriation items 050605, Uniform Commercial				161109	
Code Refunds, and 050606, Corporate/Business Filing Refunds, shall				161110	
be used to hold revenues until they are directed to the				161111	
appropriate accounts or until they are refunded. If it is				161112	
determined that additional appropriations are necessary, such				161113	
amounts are hereby appropriated.				161114	
Section 383.10. SEN THE OHIO SENATE				161115	
General Revenue Fund				161116	
GRF 020321 Operating Expenses	\$	11,947,822	\$	11,947,822	161117
TOTAL GRF General Revenue Fund	\$	11,947,822	\$	11,947,822	161118
General Services Fund Group				161119	
1020 020602 Senate Reimbursement	\$	852,001	\$	852,001	161120

4090 020601	Miscellaneous Sales	\$	34,497	\$	34,497	161121
TOTAL GSF General Services						161122
Fund Group		\$	886,498	\$	886,498	161123
TOTAL ALL BUDGET FUND GROUPS						161124

OPERATING EXPENSES 161125

On July 1, 2013, or as soon as possible thereafter, the Clerk 161126
of the Senate may certify to the Director of Budget and Management 161127
the amount of the unexpended, unencumbered balance of the 161128
foregoing appropriation item 020321, Operating Expenses, at the 161129
end of fiscal year 2013 to be reappropriated to fiscal year 2014. 161130
The amount certified is hereby reappropriated to the same 161131
appropriation item for fiscal year 2014. 161132

On July 1, 2014, or as soon as possible thereafter, the Clerk 161133
of the Senate may certify to the Director of Budget and Management 161134
the amount of the unexpended, unencumbered balance of the 161135
foregoing appropriation item 020321, Operating Expenses, at the 161136
end of fiscal year 2014 to be reappropriated to fiscal year 2015. 161137
The amount certified is hereby reappropriated to the same 161138
appropriation item for fiscal year 2015. 161139

Section 385.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 161140

General Revenue Fund						161141
GRF 866321	CSV Operations	\$	286,661	\$	294,072	161142
TOTAL GRF General Revenue Fund						161143
General Services Fund						161144
5GN0 866605	Serve Ohio Support	\$	30,000	\$	30,000	161145
TOTAL GSF General Services Fund						161146
Federal Special Revenue Fund Group						161147
3R70 866617	AmeriCorps Programs	\$	7,447,000	\$	7,447,000	161148
TOTAL FED Federal Special Revenue						161149
Fund Group		\$	7,447,000	\$	7,447,000	161150

TOTAL ALL BUDGET FUND GROUPS		\$	7,763,661	\$	7,771,072	161151
Section 387.10. CSF COMMISSIONERS OF THE SINKING FUND						161153
Debt Service Fund Group						161154
7070	155905	Third Frontier	\$	66,511,600	\$	83,783,000
		Research and				
		Development Bond				
		Retirement Fund				
7072	155902	Highway Capital	\$	132,647,900	\$	127,171,800
		Improvement Bond				
		Retirement Fund				
7073	155903	Natural Resources Bond	\$	24,325,400	\$	25,443,000
		Retirement Fund				
7074	155904	Conservation Projects	\$	33,376,600	\$	34,447,700
		Bond Retirement Fund				
7076	155906	Coal Research and	\$	2,858,900	\$	4,327,200
		Development Bond				
		Retirement Fund				
7077	155907	State Capital	\$	227,810,300	\$	228,948,900
		Improvement Bond				
		Retirement Fund				
7078	155908	Common Schools Bond	\$	351,806,100	\$	377,364,700
		Retirement Fund				
7079	155909	Higher Education Bond	\$	221,168,700	\$	248,822,000
		Retirement Fund				
7080	155901	Persian Gulf,	\$	7,542,600	\$	9,914,800
		Afghanistan, and Iraq				
		Conflicts Bond				
		Retirement Fund				
7090	155912	Job Ready Site	\$	15,498,400	\$	19,124,500
		Development Bond				
		Retirement Fund				
TOTAL DSF Debt Service Fund Group			\$	1,083,546,500	\$	1,159,347,600

TOTAL ALL BUDGET FUND GROUPS	\$ 1,083,546,500	\$ 1,159,347,600	161166
ADDITIONAL APPROPRIATIONS			161167
Appropriation items in this section are for the purpose of			161168
paying debt service and financing costs on bonds or notes of the			161169
state issued under the Ohio Constitution and acts of the General			161170
Assembly. If it is determined that additional amounts are			161171
necessary for this purpose, such amounts are hereby appropriated.			161172
Section 389.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY			161173
DEVELOPMENT FOUNDATION			161174
Tobacco Master Settlement Agreement Fund Group			161175
5M90 945601 Operating Expenses	\$ 426,800	\$ 426,800	161176
TOTAL TMF Tobacco Master Settlement	\$ 426,800	\$ 426,800	161177
Agreement Fund Group			
TOTAL ALL BUDGET FUND GROUPS	\$ 426,800	\$ 426,800	161178
Section 391.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &			161180
AUDIOLOGY			161181
General Services Fund Group			161182
4K90 886609 Operating Expenses	\$ 472,260	\$ 508,660	161183
TOTAL GSF General Services			161184
Fund Group	\$ 472,260	\$ 508,660	161185
TOTAL ALL BUDGET FUND GROUPS	\$ 427,260	\$ 508,660	161186
Section 393.10. BTA BOARD OF TAX APPEALS			161188
General Revenue Fund			161189
GRF 116321 Operating Expenses	\$ 1,700,000	\$ 1,700,000	161190
TOTAL GRF General Revenue Fund	\$ 1,700,000	\$ 1,700,000	161191
TOTAL ALL BUDGET FUND GROUPS	\$ 1,700,000	\$ 1,700,000	161192
Section 395.10. TAX DEPARTMENT OF TAXATION			161194
General Revenue Fund			161195

GRF 110321	Operating Expenses	\$	72,568,330	\$	67,968,332	161196
GRF 110404	Tobacco Settlement	\$	178,200	\$	178,200	161197
	Enforcement					
GRF 110901	Property Tax	\$	666,640,000	\$	693,305,600	161198
	Allocation - Taxation					
TOTAL GRF	General Revenue Fund	\$	739,386,530	\$	761,452,132	161199
	General Services Fund Group					161200
2280 110628	Revenue Enhancement	\$	15,500,000	\$	17,500,000	161201
4330 110602	Tape File Account	\$	175,000	\$	175,000	161202
5BP0 110639	Wireless 9-1-1	\$	290,000	\$	290,000	161203
	Administration					
5CZ0 110631	Vendor's License	\$	250,000	\$	250,000	161204
	Application					
5MN0 110638	STARS Development and	\$	5,000,000	\$	3,000,000	161205
	Implementation					
5N50 110605	Municipal Income Tax	\$	150,000	\$	150,000	161206
	Administration					
5N60 110618	Kilowatt Hour Tax	\$	100,000	\$	100,000	161207
	Administration					
5V80 110623	Property Tax	\$	11,978,310	\$	11,978,310	161208
	Administration					
5W70 110627	Exempt Facility	\$	49,500	\$	49,500	161209
	Administration					
TOTAL GSF	General Services					161210
Fund Group		\$	33,492,810	\$	33,492,810	161211
	State Special Revenue Fund Group					161212
4350 110607	Local Tax	\$	20,000,000	\$	20,700,000	161213
	Administration					
4360 110608	Motor Vehicle Audit	\$	1,459,609	\$	1,459,609	161214
4370 110606	Income Tax	\$	38,800	\$	38,800	161215
	Contribution					
4380 110609	School District Income	\$	5,802,044	\$	5,802,044	161216

		Tax				
4C60	110616	International	\$	682,415	\$	682,415 161217
		Registration Plan				
4R60	110610	Tire Tax	\$	244,193	\$	244,193 161218
		Administration				
5V70	110622	Motor Fuel Tax	\$	5,035,374	\$	5,035,374 161219
		Administration				
6390	110614	Cigarette Tax	\$	1,750,000	\$	1,750,000 161220
		Enforcement				
6420	110613	Ohio Political Party	\$	500,000	\$	500,000 161221
		Distributions				
6880	110615	Local Excise Tax	\$	775,015	\$	775,015 161222
		Administration				
TOTAL SSR		State Special Revenue				161223
Fund Group			\$	36,287,450	\$	36,987,450 161224
Agency Fund Group						161225
4250	110635	Tax Refunds	\$	1,546,800,000	\$	1,546,800,000 161226
7095	110995	Municipal Income Tax	\$	21,000,000	\$	21,000,000 161227
TOTAL AGY		Agency Fund Group	\$	1,567,800,000	\$	1,567,800,000 161228
Holding Account		Redistribution Fund Group				161229
R010	110611	Tax Distributions	\$	50,000	\$	50,000 161230
R011	110612	Miscellaneous Income	\$	50,000	\$	50,000 161231
		Tax Receipts				
TOTAL 090		Holding Account				161232
Redistribution Fund Group			\$	100,000	\$	100,000 161233
TOTAL ALL BUDGET FUND GROUPS			\$	2,377,066,790	\$	2,399,832,392 161234
		HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK				161235
		The foregoing appropriation item 110901, Property Tax				161236
		Allocation - Taxation, is hereby appropriated to pay for the				161237
		state's costs incurred due to the Homestead Exemption, the				161238
		Manufactured Home Property Tax Rollback, and the Property Tax				161239
		Rollback. The Tax Commissioner shall distribute these funds				161240

directly to the appropriate local taxing districts, except for 161241
school districts, notwithstanding the provisions in sections 161242
321.24 and 323.156 of the Revised Code, which provide for payment 161243
of the Homestead Exemption, the Manufactured Home Property Tax 161244
Rollback, and Property Tax Rollback by the Tax Commissioner to the 161245
appropriate county treasurer and the subsequent redistribution of 161246
these funds to the appropriate local taxing districts by the 161247
county auditor. 161248

Upon receipt of these amounts, each local taxing district 161249
shall distribute the amount among the proper funds as if it had 161250
been paid as real property taxes. Payments for the costs of 161251
administration shall continue to be paid to the county treasurer 161252
and county auditor as provided for in sections 319.54, 321.26, and 161253
323.156 of the Revised Code. 161254

Any sums, in addition to the amounts specifically 161255
appropriated in appropriation item 110901, Property Tax Allocation 161256
- Taxation, for the Homestead Exemption, the Manufactured Home 161257
Property Tax Rollback, and the Property Tax Rollback payments, 161258
which are determined to be necessary for these purposes, are 161259
hereby appropriated. 161260

MUNICIPAL INCOME TAX 161261

The foregoing appropriation item 110995, Municipal Income 161262
Tax, shall be used to make payments to municipal corporations 161263
under section 5745.05 of the Revised Code. If it is determined 161264
that additional appropriations are necessary to make such 161265
payments, such amounts are hereby appropriated. 161266

TAX REFUNDS 161267

The foregoing appropriation item 110635, Tax Refunds, shall 161268
be used to pay refunds under section 5703.052 of the Revised Code. 161269
If it is determined that additional appropriations are necessary 161270
for this purpose, such amounts are hereby appropriated. 161271

INTERNATIONAL REGISTRATION PLAN AUDIT	161272
The foregoing appropriation item 110616, International Registration Plan, shall be used under section 5703.12 of the Revised Code for audits of persons with vehicles registered under the International Registration Plan.	161273 161274 161275 161276
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	161277
Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.	161278 161279 161280 161281 161282 161283 161284
TOBACCO SETTLEMENT ENFORCEMENT	161285
The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.	161286 161287 161288 161289
STARS DEVELOPMENT AND IMPLEMENTATION FUND	161290
The foregoing appropriation item 110638, STARS Development and Implementation Fund, shall be used to pay costs incurred in the development and implementation of the department's State Tax Accounting and Revenue System. The Director of Budget and Management, under a plan submitted by the Tax Commissioner, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the Tax Reform System Implementation Fund, Local Tax Administration Fund, School District Income Tax Fund, Discovery Project Fund, and the Motor Fuel Tax Administration Fund to the credit of the STARS Development and Implementation Fund (Fund 5MN0). The transfers of cash shall not exceed \$8,000,000 in the biennium.	161291 161292 161293 161294 161295 161296 161297 161298 161299 161300 161301 161302

Section 397.10.				DOT DEPARTMENT OF TRANSPORTATION	161303	
General Revenue Fund					161304	
GRF	775451	Public Transportation	\$	7,300,000	\$ 7,300,000	161305
		- State				
GRF	776465	Ohio Rail Development	\$	2,000,000	\$ 2,000,000	161306
		Commission				
GRF	777471	Airport Improvements	\$	750,000	\$ 750,000	161307
		- State				
TOTAL GRF General Revenue Fund			\$	10,050,000	\$ 10,050,000	161308
TOTAL ALL BUDGET FUND GROUPS			\$	10,050,000	\$ 10,050,000	161309
Section 399.10.				TOS TREASURER OF STATE	161311	
General Revenue Fund					161312	
GRF	090321	Operating Expenses	\$	7,743,553	\$ 7,743,553	161313
GRF	090401	Office of the Sinking	\$	502,304	\$ 502,304	161314
		Fund				
GRF	090402	Continuing Education	\$	377,702	\$ 377,702	161315
GRF	090524	Police and Fire	\$	6,000	\$ 6,000	161316
		Disability Pension				
		Fund				
GRF	090534	Police and Fire Ad Hoc	\$	70,000	\$ 70,000	161317
		Cost of Living				
GRF	090554	Police and Fire	\$	507,000	\$ 507,000	161318
		Survivor Benefits				
GRF	090575	Police and Fire Death	\$	20,000,000	\$ 20,000,000	161319
		Benefits				
TOTAL GRF General Revenue Fund			\$	29,206,559	\$ 29,206,559	161320
General Services Fund Group					161321	
4E90	090603	Securities Lending	\$	3,765,000	\$ 3,765,000	161322
		Income				
5770	090605	Investment Pool	\$	850,000	\$ 850,000	161323

		Reimbursement				
5C50	090602	County Treasurer	\$	170,057	\$	170,057 161324
		Education				
6050	090609	Treasurer of State	\$	835,000	\$	835,000 161325
		Administrative Fund				
TOTAL	GSF	General Services				161326
Fund Group			\$	5,620,057	\$	5,620,057 161327
Agency Fund Group						161328
4250	090635	Tax Refunds	\$	6,000,000	\$	6,000,000 161329
TOTAL	Agency Fund Group		\$	6,000,000	\$	6,000,000 161330
TOTAL ALL BUDGET FUND GROUPS			\$	40,826,616	\$	40,826,616 161331

Section 399.20. OFFICE OF THE SINKING FUND 161333

The foregoing appropriation item 090401, Office of the 161334
Sinking Fund, shall be used for costs incurred by or on behalf of 161335
the Commissioners of the Sinking Fund and the Ohio Public 161336
Facilities Commission with respect to State of Ohio general 161337
obligation bonds or notes, and the Treasurer of State with respect 161338
to State of Ohio general obligation and special obligation bonds 161339
or notes, including, but not limited to, printing, advertising, 161340
delivery, rating fees and the procurement of ratings, professional 161341
publications, membership in professional organizations, and other 161342
services referred to in division (D) of section 151.01 of the 161343
Revised Code. The General Revenue Fund shall be reimbursed for 161344
such costs relating to the issuance and administration of Highway 161345
Capital Improvement bonds or notes authorized under Ohio 161346
Constitution, Article VIII, Section 2m and Chapter 151. of the 161347
Revised Code. That reimbursement shall be made from appropriation 161348
item 155902, Highway Capital Improvement Bond Retirement Fund, by 161349
intrastate transfer voucher pursuant to a certification by the 161350
Office of the Sinking Fund of the actual amounts used. The amounts 161351
necessary to make such a reimbursement are hereby appropriated 161352
from the Highway Capital Improvement Bond Retirement Fund created 161353

in section 151.06 of the Revised Code.	161354
POLICE AND FIRE DEATH BENEFIT FUND	161355
The foregoing appropriation item 090575, Police and Fire Death Benefits, shall be disbursed quarterly by the Treasurer of State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund. The Treasurer of State shall certify such amounts quarterly to the Director of Budget and Management. By the twentieth day of June of each fiscal year, the Board of Trustees of the Ohio Police and Fire Pension Fund shall certify to the Treasurer of State the amount disbursed in the current fiscal year to make the payments required by section 742.63 of the Revised Code and shall return to the Treasurer of State moneys received from this appropriation item but not disbursed.	161356 161357 161358 161359 161360 161361 161362 161363 161364 161365 161366 161367
TAX REFUNDS	161368
The foregoing appropriation item 090635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If the Director of Budget and Management determines that additional amounts are necessary for this purpose, such amounts are hereby appropriated.	161369 161370 161371 161372 161373
Section 401.10. VTO VETERANS' ORGANIZATIONS	161374
General Revenue Fund	161375
VAP AMERICAN EX-PRISONERS OF WAR	161376
GRF 743501 State Support \$ 28,910 \$ 28,910	161377
VAN ARMY AND NAVY UNION, USA, INC.	161378
GRF 746501 State Support \$ 63,539 \$ 63,539	161379
VKW KOREAN WAR VETERANS	161380
GRF 747501 State Support \$ 57,118 \$ 57,118	161381
VJW JEWISH WAR VETERANS	161382
GRF 748501 State Support \$ 34,321 \$ 34,321	161383

		VCW CATHOLIC WAR VETERANS				161384
GRF	749501	State Support	\$	66,978	\$	66,978 161385
		VPH MILITARY ORDER OF THE PURPLE HEART				161386
GRF	750501	State Support	\$	65,116	\$	65,116 161387
		VVV VIETNAM VETERANS OF AMERICA				161388
GRF	751501	State Support	\$	214,776	\$	214,776 161389
		VAL AMERICAN LEGION OF OHIO				161390
GRF	752501	State Support	\$	349,189	\$	349,189 161391
		VII AMVETS				161392
GRF	753501	State Support	\$	332,547	\$	332,547 161393
		VAV DISABLED AMERICAN VETERANS				161394
GRF	754501	State Support	\$	249,836	\$	249,836 161395
		VMC MARINE CORPS LEAGUE				161396
GRF	756501	State Support	\$	133,947	\$	133,947 161397
		V37 37TH DIVISION VETERANS' ASSOCIATION				161398
GRF	757501	State Support	\$	6,868	\$	6,868 161399
		VFW VETERANS OF FOREIGN WARS				161400
GRF	758501	State Support	\$	284,841	\$	284,841 161401
TOTAL GRF		General Revenue Fund	\$	1,887,986	\$	1,887,986 161402
TOTAL ALL BUDGET FUND GROUPS			\$	1,887,986	\$	1,887,986 161403
		RELEASE OF FUNDS				161404
		The Director of Budget and Management may release the				161405
		foregoing appropriation items 743501, 746501, 747501, 748501,				161406
		749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,				161407
		and 758501, State Support.				161408
		Section 403.10. DVS DEPARTMENT OF VETERANS SERVICES				161409
		General Revenue Fund				161410
GRF	900321	Veterans' Homes	\$	27,369,946	\$	27,369,946 161411
GRF	900402	Hall of Fame	\$	107,075	\$	107,075 161412
GRF	900408	Department of	\$	2,001,823	\$	2,001,823 161413
		Veterans Services				

GRF 900901	Persian Gulf, Afghanistan, and Iraq Compensation Debt Service	\$ 7,542,600	\$ 9,914,800	161414
TOTAL GRF General Revenue Fund		\$ 37,021,444	\$ 39,393,644	161415
General Services Fund Group				161416
4840 900603	Veterans' Homes Services	\$ 1,596,894	\$ 1,596,894	161417
TOTAL GSF General Services Fund Group		\$ 1,596,894	\$ 1,596,894	161418
Federal Special Revenue Fund Group				161419
3680 900614	Veterans Training	\$ 684,017	\$ 697,682	161420
3740 900606	Troops to Teachers	\$ 111,822	\$ 111,879	161421
3BX0 900609	Medicare Services	\$ 2,250,000	\$ 2,250,000	161422
3L20 900601	Veterans' Homes Operations - Federal	\$ 24,887,790	\$ 25,634,423	161423
TOTAL FED Federal Special Revenue Fund Group		\$ 27,933,629	\$ 28,693,984	161424 161425
State Special Revenue Fund Group				161426
4E20 900602	Veterans' Homes Operating	\$ 10,614,652	\$ 10,837,435	161427
6040 900604	Veterans' Homes Improvement	\$ 403,663	\$ 459,359	161428
TOTAL SSR State Special Revenue Fund Group		\$ 11,018,315	\$ 11,296,794	161429 161430
Persian Gulf, Afghanistan, and Iraq Compensation Fund Group				161431
7041 900615	Veteran Bonus Program - Administration	\$ 738,703	\$ 629,709	161432
7041 900641	Persian Gulf, Afghanistan, and Iraq Compensation	\$ 14,500,000	\$ 9,400,000	161433
TOTAL 041 Persian Gulf,				161434

Afghanistan, and Iraq				161435
Compensation Fund Group	\$	15,238,703	\$ 10,029,709	161436
TOTAL ALL BUDGET FUND GROUPS	\$	92,808,985	\$ 91,011,025	161437

PERSIAN GULF, AFGHANISTAN AND IRAQ COMPENSATION GENERAL				161438
OBLIGATION DEBT SERVICE				161439

The foregoing appropriation item 900901, Persian Gulf, 161440
 Afghanistan and Iraq Compensation Debt Service, shall be used to 161441
 pay all debt service and related financing costs during the period 161442
 from July 1, 2013, through June 30, 2015, on obligations issued 161443
 for Persian Gulf, Afghanistan and Iraq Conflicts Compensation 161444
 purposes under sections 151.01 and 151.12 of the Revised Code. 161445

Section 405.10. DVM STATE VETERINARY MEDICAL BOARD				161446
General Services Fund Group				161447
4K90 888609 Operating Expenses	\$	337,432	\$ 331,695	161448
5BU0 888602 Veterinary Student	\$	30,000	\$ 30,000	161449
Loan Program				
TOTAL GSF General Services				161450
Fund Group	\$	367,432	\$ 361,695	161451
TOTAL ALL BUDGET FUND GROUPS	\$	367,432	\$ 361,695	161452

Section 407.10. DYS DEPARTMENT OF YOUTH SERVICES				161454
General Revenue Fund				161455
GRF 470401 RECLAIM Ohio	\$	166,862,228	\$ 166,862,228	161456
GRF 470412 Lease Rental Payments	\$	26,044,800	\$ 27,819,700	161457
GRF 470510 Youth Services	\$	16,702,728	\$ 16,702,728	161458
GRF 472321 Parole Operations	\$	10,583,118	\$ 10,583,118	161459
GRF 477321 Administrative	\$	11,355,389	\$ 11,355,389	161460
Operations				
TOTAL GRF General Revenue Fund	\$	231,548,263	\$ 233,323,163	161461
General Services Fund Group				161462
1750 470613 Education	\$	3,950,000	\$ 3,600,000	161463

		Reimbursement				
4790	470609	Employee Food Service	\$	125,000	\$	125,000 161464
4A20	470602	Child Support	\$	250,000	\$	250,000 161465
4G60	470605	General Operational	\$	115,000	\$	115,000 161466
		Funds				
5BN0	470629	E-Rate Program	\$	525,000	\$	525,000 161467
TOTAL	GSF	General Services				161468
Fund Group			\$	4,965,000	\$	4,615,000 161469
Federal Special Revenue Fund Group						161470
3210	470601	Education	\$	1,480,740	\$	1,203,272 161471
3210	470603	Juvenile Justice	\$	300,000	\$	300,000 161472
		Prevention				
3210	470606	Nutrition	\$	1,033,947	\$	1,033,947 161473
3210	470614	Title IV-E	\$	5,755,620	\$	3,714,548 161474
		Reimbursements				
3CP0	470638	Federal Juvenile	\$	20,000	\$	5,000 161475
		Programs FFY 09				
3CR0	470639	Federal Juvenile	\$	479,900	\$	126,000 161476
		Programs FFY 10				
3FB0	470641	Federal Juvenile	\$	500,000	\$	105,000 161477
		Programs FFY 11				
3FC0	470642	Federal Juvenile	\$	600,000	\$	50,000 161478
		Programs FFY 12				
3GB0	470643	Federal Juvenile	\$	135,000	\$	600,000 161479
		Programs FFY 13				
3GC0	470644	Federal Juvenile	\$	0	\$	135,000 161480
		Programs FFY 14				
3V50	470604	Juvenile	\$	1,300,000	\$	1,000,000 161481
		Justice/Delinquency				
		Prevention				
TOTAL	FED	Federal Special Revenue				161482
Fund Group			\$	11,605,207	\$	8,272,767 161483
State Special Revenue Fund Group						161484

1470 470612 Vocational Education	\$	1,795,000	\$	1,795,000	161485
TOTAL SSR State Special Revenue					161486
Fund Group	\$	1,795,000	\$	1,795,000	161487
TOTAL ALL BUDGET FUND GROUPS	\$	249,913,470	\$	248,005,930	161488

COMMUNITY PROGRAMS 161489

For purposes of improving community programs, and 161490
notwithstanding any provision of law to the contrary, of the 161491
foregoing appropriation item 470401, RECLAIM Ohio, the Department 161492
of Youth Services shall use \$8,813,811 in each fiscal year to 161493
expand Targeted RECLAIM, the Behavioral Health Juvenile Justice 161494
Initiative, and other evidence-based community programs. 161495

For purposes of implementing juvenile sentencing reforms, and 161496
notwithstanding any provision of law to the contrary, the 161497
Department of Youth Services may use up to forty-five per cent of 161498
the unexpended, unencumbered balance of the portion of 161499
appropriation item 470401, RECLAIM Ohio, that is allocated to 161500
juvenile correctional facilities in each fiscal year to expand 161501
Targeted RECLAIM, the Behavioral Health Juvenile Justice 161502
Initiative, and other evidence-based community programs. 161503

LEASE RENTAL PAYMENTS 161504

The foregoing appropriation item 470412, Lease Rental 161505
Payments, shall be used to meet all payments at the times they are 161506
required to be made for the period from July 1, 2013, through June 161507
30, 2015, by the Department of Youth Services under the leases and 161508
agreements for facilities made under Chapters 152. and 154. of the 161509
Revised Code. This appropriation is the source of funds pledged 161510
for bond service charges on related obligations issued under 161511
Chapters 152. and 154. of the Revised Code. 161512

EDUCATION REIMBURSEMENT 161513

The foregoing appropriation item 470613, Education 161514
Reimbursement, shall be used to fund the operating expenses of 161515

providing educational services to youth supervised by the 161516
Department of Youth Services. Operating expenses include, but are 161517
not limited to, teachers' salaries, maintenance costs, and 161518
educational equipment. This appropriation item may be used for 161519
capital expenses related to the education program. 161520

EMPLOYEE FOOD SERVICE AND EQUIPMENT 161521

Notwithstanding section 125.14 of the Revised Code, the 161522
foregoing appropriation item 470609, Employee Food Service, may be 161523
used to purchase any food operational items with funds received 161524
into the fund from reimbursements for state surplus property. 161525

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 161526

In collaboration with the county family and children first 161527
council, the juvenile court of that county that receives 161528
allocations from one or both of the foregoing appropriation items 161529
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 161530
portions of those allocations to a flexible funding pool as 161531
authorized by the section of Am. Sub. H.B. 153 of the 129th 161532
General Assembly titled "FAMILY AND CHILDREN FIRST FLEXIBLE 161533
FUNDING POOL." 161534

Section 501.10. SCREENING TOOL FOR HIGH-RISK YOUTH TEAM 161535
EVALUATION 161536

The Office of Health Transformation shall convene a team 161537
comprised of the Department of Youth Services, the Department of 161538
Medicaid, the Department of Job and Family Services, the 161539
Department of Health, and the Department of Mental Health and 161540
Addiction Services. The team shall evaluate the feasibility of 161541
implementing a trauma screening tool for high-risk youth and 161542
create a report with the following information: (A) the 161543
recommended trauma screening tool to be used to evaluate high-risk 161544
youth; (B) training in the administration of the recommended tool; 161545

(C) screening protocols; (D) the persons to whom the recommended tool should apply; and (E) the implications for treatment. The report shall be completed by December 1, 2013, and shall be distributed to the Governor. The Department of Youth Services may receive funds for piloting the recommended tool in detention centers.

Section 501.20. All items set forth in sections 501.20 and 501.30 of this act are hereby appropriated for the biennium ending on June 30, 2015, out of any moneys in the state treasury to the credit of the Administrative Building Fund (Fund 7026) that are not otherwise appropriated.

Appropriations

CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD			161557
C87412 Capitol Square Security	\$	1,200,000	161558
TOTAL Capitol Square Review and Advisory Board	\$	1,200,000	161559

Appropriations

Section 501.30. TOS TREASURER OF STATE			161561
C09001 Treasury Management System	\$	10,000,000	161562
TOTAL Treasurer of State	\$	10,000,000	161563
TOTAL Administrative Building Fund	\$	11,200,000	161564

The foregoing appropriation item C09001, Treasury Management System, shall be used to pay costs incurred in the acquisition and implementation of the Treasury Management System.

The Treasurer of State may acquire and implement a Treasury Management System, including, but not limited to, the application hardware and software and the installation and implementation thereof, for the use of the Treasurer of State. The Treasury Management System is an integrated treasury technology infrastructure system that will replace the Treasurer of State's

existing separate cash, custody, investment, and accounting 161574
software and administration systems for the various treasury 161575
functions performed by the state. 161576

The Treasurer of State is hereby authorized to issue and 161577
sell, in accordance with Section 2i of Article VIII, Ohio 161578
Constitution, and Chapter 154. of the Revised Code, particularly 161579
section 154.24 of the Revised Code, original obligations in an 161580
aggregate principal amount not to exceed \$11,200,000, in addition 161581
to the original issuance of obligations heretofore authorized by 161582
prior acts of the General Assembly. These authorized obligations 161583
shall be issued, subject to applicable constitutional and 161584
statutory limitations, to pay costs associated with previously 161585
authorized capital facilities and the capital facilities referred 161586
to in this section of the act. 161587

Section 503.10. PERSONAL SERVICE EXPENSES 161588

Unless otherwise prohibited by law, any appropriation from 161589
which personal service expenses are paid shall bear the employer's 161590
share of public employees' retirement, workers' compensation, 161591
disabled workers' relief, and insurance programs; and the costs of 161592
centralized financial services, centralized payroll processing, 161593
and related reports and services; centralized human resources 161594
services, including affirmative action and equal employment 161595
opportunity programs; the Office of Collective Bargaining; the 161596
Employee Assistance Program; centralized information technology 161597
management services; administering the enterprise resource 161598
planning system; and administering the state employee merit system 161599
as required by section 124.07 of the Revised Code. These costs 161600
shall be determined in conformity with the appropriate sections of 161601
law and paid in accordance with procedures specified by the Office 161602
of Budget and Management. Expenditures from appropriation item 161603
070601, Public Audit Expense - Intra-State, may be exempted from 161604

the requirements of this section. 161605

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 161606
AGAINST THE STATE 161607

Except as otherwise provided in this section, an 161608
appropriation in this act or any other act may be used for the 161609
purpose of satisfying judgments, settlements, or administrative 161610
awards ordered or approved by the Court of Claims or by any other 161611
court of competent jurisdiction in connection with civil actions 161612
against the state. This authorization does not apply to 161613
appropriations to be applied to or used for payment of guarantees 161614
by or on behalf of the state, or for payments under lease 161615
agreements relating to, or debt service on, bonds, notes, or other 161616
obligations of the state. Notwithstanding any other statute to the 161617
contrary, this authorization includes appropriations from funds 161618
into which proceeds of direct obligations of the state are 161619
deposited only to the extent that the judgment, settlement, or 161620
administrative award is for, or represents, capital costs for 161621
which the appropriation may otherwise be used and is consistent 161622
with the purpose for which any related obligations were issued or 161623
entered into. Nothing contained in this section is intended to 161624
subject the state to suit in any forum in which it is not 161625
otherwise subject to suit, and is not intended to waive or 161626
compromise any defense or right available to the state in any suit 161627
against it. 161628

Section 503.30. CAPITAL PROJECT SETTLEMENTS 161629

This section specifies an additional and supplemental 161630
procedure to provide for payments of judgments and settlements if 161631
the Director of Budget and Management determines, pursuant to 161632
division (C)(4) of section 2743.19 of the Revised Code, that 161633
sufficient unencumbered moneys do not exist in the fund to support 161634

a particular appropriation to pay the amount of a final judgment 161635
rendered against the state or a state agency, including the 161636
settlement of a claim approved by a court, in an action upon and 161637
arising out of a contractual obligation for the construction or 161638
improvement of a capital facility if the costs under the contract 161639
were payable in whole or in part from a state capital projects 161640
appropriation. In such a case, the Director may either proceed 161641
pursuant to division (C)(4) of section 2743.19 of the Revised Code 161642
or apply to the Controlling Board to increase an appropriation or 161643
create an appropriation out of any unencumbered moneys in the 161644
state treasury to the credit of the capital projects fund from 161645
which the initial state appropriation was made. The amount of an 161646
increase in appropriation or new appropriation approved by the 161647
Controlling Board is hereby appropriated from the applicable 161648
capital projects fund and made available for the payment of the 161649
judgment or settlement. 161650

If the Director does not make the application authorized by 161651
this section or the Controlling Board disapproves the application, 161652
and the Director does not make application under division (C)(4) 161653
of section 2743.19 of the Revised Code, the Director shall for the 161654
purpose of making that payment make a request to the General 161655
Assembly as provided for in division (C)(5) of that section. 161656

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 161657

In order to provide funds for the reissuance of voided 161658
warrants under section 126.37 of the Revised Code, there is hereby 161659
appropriated, out of moneys in the state treasury from the fund 161660
credited as provided in section 126.37 of the Revised Code, that 161661
amount sufficient to pay such warrants when approved by the Office 161662
of Budget and Management. 161663

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 161664

BALANCES OF OPERATING APPROPRIATIONS	161665
(A) An unexpended balance of an operating appropriation or reappropriation that a state agency lawfully encumbered prior to the close of a fiscal year is hereby reappropriated on the first day of July of the following fiscal year from the fund from which it was originally appropriated or reappropriated for the following period and shall remain available only for the purpose of discharging the encumbrance:	161666 161667 161668 161669 161670 161671 161672
(1) For an encumbrance for personal services, maintenance, equipment, or items for resale, other than an encumbrance for an item of special order manufacture not available on term contract or in the open market or for reclamation of land or oil and gas wells, for a period of not more than five months from the end of the fiscal year;	161673 161674 161675 161676 161677 161678
(2) For an encumbrance for an item of special order manufacture not available on term contract or in the open market, for a period of not more than five months from the end of the fiscal year or, with the written approval of the Director of Budget and Management, for a period of not more than twelve months from the end of the fiscal year;	161679 161680 161681 161682 161683 161684
(3) For an encumbrance for reclamation of land or oil and gas wells, for a period ending when the encumbered appropriation is expended or for a period of two years, whichever is less;	161685 161686 161687
(4) For an encumbrance for any other expense, for such period as the Director approves, provided such period does not exceed two years.	161688 161689 161690
(B) Any operating appropriations for which unexpended balances are reappropriated beyond a five-month period from the end of the fiscal year by division (A)(2) of this section shall be reported to the Controlling Board by the Director of Budget and Management by the thirty-first day of December of each year. The	161691 161692 161693 161694 161695

report on each such item shall include the item, the cost of the 161696
item, and the name of the vendor. The report shall be updated on a 161697
quarterly basis for encumbrances remaining open. 161698

(C) Upon the expiration of the reappropriation period set out 161699
in division (A) of this section, a reappropriation made by this 161700
section lapses, and the Director of Budget and Management shall 161701
cancel the encumbrance of the unexpended reappropriation not later 161702
than the end of the weekend following the expiration of the 161703
reappropriation period. 161704

(D) Notwithstanding division (C) of this section, with the 161705
approval of the Director of Budget and Management, an unexpended 161706
balance of an encumbrance that was reappropriated on the first day 161707
of July by this section for a period specified in division (A)(3) 161708
or (4) of this section and that remains encumbered at the close of 161709
the fiscal biennium is hereby reappropriated on the first day of 161710
July of the following fiscal biennium from the fund from which it 161711
was originally appropriated or reappropriated for the applicable 161712
period specified in division (A)(3) or (4) of this section and 161713
shall remain available only for the purpose of discharging the 161714
encumbrance. 161715

(E) The Director of Budget and Management may correct 161716
accounting errors committed by the staff of the Office of Budget 161717
and Management, such as reestablishing encumbrances or 161718
appropriations cancelled in error, during the cancellation of 161719
operating encumbrances in November and of nonoperating 161720
encumbrances in December. 161721

(F) The Director of Budget and Management may at any time 161722
correct accounting errors committed by the staff of a state agency 161723
or state institution of higher education, as defined in section 161724
3345.011 of the Revised Code, such as reestablishing prior year 161725
nonoperating encumbrances canceled or modified in error. The 161726
reestablished encumbrance amounts are hereby appropriated. 161727

(G) If the Controlling Board approved a purchase, that 161728
approval remains in effect so long as the appropriation used to 161729
make that purchase remains encumbered. 161730

Section 503.60. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 161731
RE-ESTABLISHMENT OF ENCUMBRANCES 161732

Any cash transferred by the Director of Budget and Management 161733
under section 126.15 of the Revised Code is hereby appropriated. 161734
Any amounts necessary to re-establish appropriations or 161735
encumbrances under section 126.15 of the Revised Code are hereby 161736
appropriated. 161737

Section 503.70. INCOME TAX DISTRIBUTION TO COUNTIES 161738

There are hereby appropriated out of any moneys in the state 161739
treasury to the credit of the General Revenue Fund, which are not 161740
otherwise appropriated, funds sufficient to make any payment 161741
required by division (B)(2) of section 5747.03 of the Revised 161742
Code. 161743

Section 503.80. EXPENDITURES AND APPROPRIATION INCREASES 161744
APPROVED BY THE CONTROLLING BOARD 161745

Any money that the Controlling Board approves for expenditure 161746
or any increase in appropriation that the Controlling Board 161747
approves under sections 127.14, 131.35, and 131.39 of the Revised 161748
Code or any other provision of law is hereby appropriated for the 161749
period ending June 30, 2015. 161750

Section 503.90. FUNDS RECEIVED FOR USE OF GOVERNOR'S 161751
RESIDENCE 161752

If the Governor's Residence Fund (Fund 4H20) receives payment 161753
for use of the residence pursuant to section 107.40 of the Revised 161754
Code, the amounts so received are hereby appropriated to 161755

appropriation item 100604, Governor's Residence Gift. 161756

Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 161757

Unless the agency and nuclear electric utility mutually agree 161758
to a higher amount by contract, the maximum amounts that may be 161759
assessed against nuclear electric utilities under division (B)(2) 161760
of section 4937.05 of the Revised Code and deposited into the 161761
specified funds are as follows: 161762

<u>Fund</u>	<u>User</u>	<u>FY 2014</u>	<u>FY 2015</u>	
Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$ 130,000	\$ 130,000	161763 161764
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$ 1,049,954	\$ 1,086,098	161765
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 284,266	\$ 290,674	161766
Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$ 1,415,945	\$ 1,415,945	161767

Section 512.10. TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED 161768
161769

Notwithstanding any provision of law to the contrary, the 161770
Director of Budget and Management, through June 30, 2015, may 161771
transfer interest earned by any state fund to the General Revenue 161772
Fund. This section does not apply to funds whose source of revenue 161773
is restricted or protected by the Ohio Constitution, federal tax 161774
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 161775
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 161776

Section 512.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND FROM NON-GRF FUNDS 161777
161778

Notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer up to \$60,000,000 in each fiscal year in cash from non-General Revenue Funds that are not constitutionally restricted to the General Revenue Fund in order to ensure that available General Revenue Fund receipts and balances are sufficient to support General Revenue Fund appropriations in each fiscal year.

Section 512.30. FISCAL YEAR 2013 GENERAL REVENUE FUND ENDING BALANCE

Notwithstanding divisions (B) and (C) of section 131.44 of the Revised Code, the Director of Budget and Management shall determine the surplus General Revenue Fund revenue that existed on June 30, 2013, in excess of the amount required under division (A)(3) of section 131.44 of the Revised Code, and transfer from the General Revenue Fund, to the extent of the amount so determined, the following:

(A) To the Disaster Services Fund (Fund 5E20), a cash amount of up to \$15,000,000;

(B) To the Controlling Board Emergency Purposes Fund (Fund 5KM0), a cash amount of up to \$20,000,000;

(C) To the Natural Resources Special Purposes Fund (Fund 5MW0), which is hereby created in the state treasury, a cash amount of up to \$12,000,000;

(D) To the Unemployment Compensation Interest Contingency Fund (Fund 5HC0), a cash amount of up to \$120,000,000 for payment to the United States Secretary of the Treasury of accrued interest costs related to federal unemployment account borrowing.

Section 512.40. ACCESS SUCCESS II PROGRAM

To the extent cash is available, the Director of Budget and

Management may transfer cash from the Money Follows the Person 161808
Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of 161809
Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used 161810
by the Department of Mental Health and Addiction Services. The 161811
transferred cash is hereby appropriated. 161812

The Department of Mental Health and Addiction Services shall 161813
use the transferred funds to administer the Access Success II 161814
Program to help non-Medicaid patients in any hospital established, 161815
controlled, or supervised by the Department under Chapter 5119. of 161816
the Revised Code to transition from inpatient status to a 161817
community setting. 161818

Section 512.50. Not later than the first day of September 161819
2013, the Director of Mental Health and the Director of Alcohol 161820
and Drug Addiction Services shall certify to the Director of 161821
Budget and Management the amount of all of the unexpended, 161822
unencumbered balances of general revenue fund appropriations made 161823
to the Department of Mental Health and to the Department of 161824
Alcohol and Drug Addiction Services for FY 2012, excluding funds 161825
appropriated for rental payments to the Ohio Public Facilities 161826
Commission. On receipt of the certification, the Director of 161827
Budget and Management shall transfer cash to the Department of 161828
Mental Health and Addiction Services Trust Fund created in section 161829
5119.46 of the Revised Code (renumbered section 5119.60 of the 161830
Revised Code in this act) in an amount up to, but not exceeding, 161831
the total amounts certified by the Director of Mental Health and 161832
the Director of Alcohol and Drug Addiction Services. 161833

Section 512.70. PROHIBITION ON TRANSFERS 161834

Notwithstanding section 131.44 of the Revised Code, cash 161835
shall not be transferred to the Income Tax Reduction Fund prior to 161836
July 1, 2015. 161837

Section 512.80. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 161838

There is hereby established in the Highway Operating Fund 161839
(Fund 7002), used by the Department of Transportation, a Diesel 161840
Emissions Reduction Grant Program. The Director of Environmental 161841
Protection shall administer the program and shall solicit, 161842
evaluate, score, and select projects submitted by public and 161843
private entities that are eligible for the federal Congestion 161844
Mitigation and Air Quality (CMAQ) Program. The Director of 161845
Transportation shall process Federal Highway 161846
Administration-approved projects as recommended by the Director of 161847
Environmental Protection. 161848

In addition to the allowable expenditures set forth in 161849
section 122.861 of the Revised Code, Diesel Emissions Reduction 161850
Grant Program funds also may be used to fund projects involving 161851
the purchase or use of hybrid and alternative fuel vehicles that 161852
are allowed under guidance developed by the Federal Highway 161853
Administration for the CMAQ Program. 161854

Public entities eligible to receive funds under section 161855
122.861 of the Revised Code and CMAQ shall be reimbursed from 161856
moneys in the Highway Operating Fund (Fund 7002) designated for 161857
the Department of Transportation's Diesel Emissions Reduction 161858
Grant Program. 161859

Private entities eligible to receive funds under section 161860
122.861 of the Revised Code and CMAQ shall be reimbursed through 161861
transfers of cash from moneys in the Highway Operating Fund (Fund 161862
7002) designated for the Department of Transportation's Diesel 161863
Emissions Reduction Grant Program to the Diesel Emissions 161864
Reduction Fund (Fund 3FH0), used by the Environmental Protection 161865
Agency. Total expenditures between both the Environmental 161866
Protection Agency and the Department of Transportation shall not 161867
exceed the amounts appropriated in this act for appropriation item 161868

715693, Diesel Emissions Reduction Grants. 161869

On or before June 30, 2014, the Director of Environmental 161870
Protection may certify to the Director of Budget and Management 161871
the amount of any unencumbered balance of the foregoing 161872
appropriation item 715693, Diesel Emissions Reduction Grants, for 161873
fiscal year 2014 to be used for the same purpose in fiscal year 161874
2015. Once the certification permitted under this section has been 161875
submitted and approved by the Director of Budget and Management, 161876
the amount approved is hereby appropriated for fiscal year 2015. 161877

Any cash transfers or allocations under this section 161878
represent CMAQ program moneys within the Department of 161879
Transportation for use by the Diesel Emissions Reduction Grant 161880
Program by the Environmental Protection Agency. These allocations 161881
shall not reduce the amount of such moneys designated for 161882
metropolitan planning organizations. 161883

The Director of Environmental Protection, in consultation 161884
with the directors of Development Services and Transportation, 161885
shall develop guidance for the distribution of funds and for the 161886
administration of the Diesel Emissions Reduction Grant Program. 161887
The guidance shall include a method of prioritization for 161888
projects, acceptable technologies, and procedures for awarding 161889
grants. 161890

Section 515.30. On the effective date of this section, the 161891
Rehabilitation Services Commission is renamed the Opportunities 161892
for Ohioans with Disabilities Agency. The Rehabilitation Services 161893
Commission's functions, and its assets and liabilities, are 161894
transferred to the Opportunities for Ohioans with Disabilities 161895
Agency. The Opportunities for Ohioans with Disabilities Agency is 161896
successor to, assumes the obligations and authority of, and 161897
otherwise continues the Rehabilitation Services Commission. No 161898
right, privilege, or remedy, and no duty, liability, or 161899

obligation, accrued under the Rehabilitation Services Commission 161900
is impaired or lost by reason of the renaming and shall be 161901
recognized, administered, performed, or enforced by the 161902
Opportunities for Ohioans with Disabilities Agency. 161903

Business commenced but not completed by the Rehabilitation 161904
Services Commission or by the Administrator of the Rehabilitation 161905
Services Commission shall be completed by the Opportunities for 161906
Ohioans with Disabilities Agency or the Executive Director of the 161907
Opportunities for Ohioans with Disabilities Agency in the same 161908
manner, and with the same effect, as if completed by the 161909
Rehabilitation Services Commission or the Administrator of the 161910
Rehabilitation Services Commission. 161911

All of the Rehabilitation Services Commission's rules, 161912
orders, and determinations continue in effect as rules, orders, 161913
and determinations of the Opportunities for Ohioans with 161914
Disabilities Agency until modified or rescinded by the 161915
Opportunities for Ohioans with Disabilities Agency. 161916

Subject to the layoff provisions of sections 124.321 to 161917
124.382 of the Revised Code, all employees of the Rehabilitation 161918
Services Commission continue with the Opportunities for Ohioans 161919
with Disabilities Agency and retain their positions and all 161920
benefits accruing thereto. 161921

The Director of Budget and Management shall determine the 161922
amount of unexpended balances in the appropriation accounts that 161923
pertain to the Rehabilitation Services Commission and shall 161924
recommend to the Controlling Board their transfer to the 161925
appropriation accounts that pertain to the Opportunities for 161926
Ohioans with Disabilities Agency. The Administrator of the 161927
Rehabilitation Services Commission shall provide full and timely 161928
information to the Controlling Board to facilitate the transfer. 161929

Whenever the Rehabilitation Services Commission or the 161930

Administrator of the Rehabilitation Services Commission is 161931
referred to in a statute, contract, or other instrument, the 161932
reference is deemed to refer to the Opportunities for Ohioans with 161933
Disabilities Agency or to the Executive Director of the 161934
Opportunities for Ohioans with Disabilities Agency, whichever is 161935
appropriate in context. 161936

No pending action or proceeding being prosecuted or defended 161937
in court or before an agency by the Rehabilitation Services 161938
Commission or the Administrator of the Rehabilitation Services 161939
Commission is affected by the renaming and shall be prosecuted or 161940
defended in the name of the Opportunities for Ohioans with 161941
Disabilities Agency or the Executive Director of the Opportunities 161942
for Ohioans with Disabilities Agency, whichever is appropriate. 161943
Upon application to the court or agency, the Opportunities for 161944
Ohioans with Disabilities Agency or the Executive Director of the 161945
Opportunities for Ohioans with Disabilities Agency shall be 161946
substituted. 161947

Section 515.40. On the effective date of this section, the 161948
Board of Examiners of Nursing Home Administrators is renamed the 161949
Board of Executives of Long-Term Services and Supports. The Board 161950
of Examiners of Nursing Home Administrators' functions and its 161951
assets and liabilities, are transferred to the Board of Executives 161952
of Long-Term Services and Supports. The Board of Executives of 161953
Long-Term Services and Supports is successor to, assumes the 161954
obligations and authority of, and otherwise continues the Board of 161955
Examiners of Nursing Home Administrators. No right, privilege, or 161956
remedy, and no duty, liability, or obligation, accrued under the 161957
Board of Examiners of Nursing Home Administrators is impaired or 161958
lost by reason of the renaming and shall be recognized, 161959
administered, performed, or enforced by the Board of Executives of 161960
Long-Term Services and Supports. 161961

Business commenced but not completed by the Board of 161962
Examiners of Nursing Home Administrators or by the Secretary of 161963
the Board of Examiners of Nursing Home Administrators shall be 161964
completed by the Board of Executives of Long-Term Services and 161965
Supports or the Secretary of the Board of Executives of Long-Term 161966
Services and Supports in the same manner, and with the same 161967
effect, as if completed by the Board of Examiners of Nursing Home 161968
Administrators or by the Secretary of the Board of Examiners of 161969
Nursing Home Administrators. 161970

All of the Board of Examiners of Nursing Home Administrators' 161971
rules, orders, and determinations continue in effect as rules, 161972
orders, and determinations of the Board of Executives of Long-Term 161973
Services and Supports. 161974

Subject to the layoff provisions of sections 124.321 to 161975
124.328 of the Revised Code, all employees of the Board of 161976
Examiners of Nursing Home Administrators who provide 161977
administrative, technical, or other services to the Board of 161978
Examiners of Nursing Home Administrators on a full-time, permanent 161979
basis shall continue with the Board of Executives of Long-Term 161980
Services and Supports and retain their positions and benefits 161981
accruing thereto, except that those employees in the classified 161982
service shall be reclassified into the unclassified service and 161983
shall serve at the pleasure of the Board. 161984

Notwithstanding section 4751.03 of the Revised Code, as 161985
amended by this act, those board members currently serving as 161986
members of the Board of Examiners of Nursing Home Administrators 161987
on the effective date of this act shall continue to serve as 161988
members of the Board of Executives of Long-Term Services and 161989
Supports for the remainder of their appointment period, at which 161990
time new members shall be appointed in a manner consistent with 161991
section 4751.03 of the Revised Code, as amended by this act. 161992

Within ninety days after the effective date of this act, the 161993

Governor shall appoint to the Board of Executives of Long-Term Services and Supports those new members who are required to be appointed under divisions (A)(3) and (6) of section 4751.03 of the Revised Code, as amended by this act, for terms ending on May 27, 2014. Thereafter, appointment for those members shall be as provided in section 4751.03 of the Revised Code, as amended by this act.

Whenever the Board of Examiners of Nursing Home Administrators is referred to in statute, contract, or other instrument, the reference is deemed to refer to the Board of Executives of Long-Term Services and Supports.

No pending action or proceeding being prosecuted or defended in court or before an agency by the Board of Examiners of Nursing Home Administrators or the Secretary of the Board of Examiners of Nursing Home Administrators is affected by the renaming and shall be prosecuted or defended in the name of the Board of Executives of Long-Term Services and Supports or the Secretary of the Board of Executives of Long-Term Services and Supports. Upon application to the court or agency, the Board of Executives of Long-Term Services and Supports or the Secretary of the Board of Executives of Long-Term Services and Supports shall be substituted.

Section 515.50. (A) On July 1, 2013, the eTech Ohio Commission is renamed and reconstituted as the Broadcast Educational Media Commission, as described in section 3353.02 of the Revised Code as amended by this act. The Broadcast Educational Media Commission is thereupon and thereafter successor to, assumes the obligations of, and otherwise constitutes the continuation of the eTech Ohio Commission, for all obligations related to the state's educational broadcasting services, including educational television, radio, and radio reading services.

(B) Any business related to the state's educational

television, radio, or radio reading services commenced but not 162025
completed by the eTech Ohio Commission shall be completed by the 162026
Broadcast Educational Media Commission in the same manner, and 162027
with the same effect, as if completed by the eTech Ohio 162028
Commission. No validation, cure, right, privilege, remedy, 162029
obligation, or liability is lost or impaired by reason of the 162030
renaming, and shall be recognized, administered, performed, or 162031
enforced by the Broadcast Educational Media Commission. 162032

(C) All of the rules of the eTech Ohio Commission related to 162033
the state's educational broadcasting services, including 162034
educational television, radio, or radio reading services, continue 162035
in effect as rules of the Broadcast Educational Media Commission, 162036
until amended or rescinded by the Broadcast Educational Media 162037
Commission. 162038

(D) No judicial or administrative action or proceeding 162039
related to the state's educational broadcasting services, 162040
including educational television, radio, or radio reading 162041
services, in which the eTech Ohio Commission is a party, that is 162042
pending on the effective date of this section is affected by the 162043
renaming. Such action or proceeding shall be prosecuted or 162044
defended in the name of the Broadcast Educational Media 162045
Commission. On application to the court or other tribunal, the 162046
Broadcast Educational Media Commission shall be substituted for 162047
the eTech Ohio Commission as a party to such action or proceeding. 162048

(E) Subject to the layoff provisions of sections 124.321 to 162049
124.328 and division (D) of section 3353.03 of the Revised Code, 162050
as amended by this act, all employees of the former eTech Ohio 162051
Commission assigned to activities related to the state's 162052
educational broadcasting services, including educational 162053
television, radio, or radio reading services, continue with the 162054
Broadcast Educational Media Commission and retain their positions 162055
and all benefits accruing thereto. 162056

(F) All books, records, documents, files, transcripts, 162057
equipment, furniture, supplies, and other materials related to the 162058
state's educational broadcasting services, including educational 162059
television, radio, or radio reading services, assigned to or in 162060
the possession of the former eTech Ohio Commission shall be 162061
transferred to the Broadcast Educational Media Commission. 162062

(G) Each current member of the eTech Ohio Commission shall 162063
serve until June 30, 2013. On July 1, 2013, or as soon after July 162064
1, 2013, as possible, each member shall either be reappointed or 162065
replaced by another member to serve on the Broadcast Educational 162066
Media Commission pursuant to section 3353.02 of the Revised Code, 162067
as amended by this act. 162068

Section 515.51. (A) On July 1, 2013, all responsibilities 162069
related to the administration of the Telecommunity Fund and the 162070
Distance Learning Fund, as well as for technology-related teacher 162071
professional development programs, are transferred from the former 162072
eTech Ohio Commission to the Chancellor of the Board of Regents as 162073
described in sections 3319.235, 3317.50, and 3317.51 of the 162074
Revised Code, as amended by this act. The Chancellor is thereupon 162075
and thereafter successor to, assumes the obligations of, and 162076
otherwise constitutes the continuation of the eTech Ohio 162077
Commission relating to the functions, assets, records, and 162078
obligations relating to these responsibilities. 162079

(B) Any business related to these responsibilities commenced 162080
but not completed by the former eTech Ohio Commission shall be 162081
completed by the Chancellor in the same manner, and with the same 162082
effect, as if completed by the eTech Ohio Commission. No 162083
validation, cure, right, privilege, remedy, obligation, or 162084
liability is lost or impaired by reason of the transfer, and shall 162085
be recognized, administered, performed, or enforced by the 162086
Chancellor. 162087

(C) All of the rules of the former eTech Ohio Commission 162088
related to these responsibilities continue in effect as rules of 162089
the Chancellor, until amended or rescinded by the Chancellor. 162090

(D) Any judicial or administrative action or proceeding 162091
related to these responsibilities, in which the eTech Ohio 162092
Commission is a party, that is pending on the effective date of 162093
this section is affected by the transfer. Such action or 162094
proceeding shall be prosecuted or defended in the name of the 162095
Chancellor. On application to the court or other tribunal, the 162096
Chancellor of the Board of Regents shall be substituted for the 162097
eTech Ohio Commission as a party to such action or proceeding. 162098

(E) Subject to the layoff provisions of sections 124.321 to 162099
124.328 and division (D) of section 3353.03 of the Revised Code, 162100
as amended by this act, all employees of the former eTech Ohio 162101
Commission assigned to these responsibilities continue with the 162102
Chancellor and retain their positions and all benefits accruing 162103
thereto. 162104

(F) All books, records, documents, files, transcripts, 162105
equipment, furniture, supplies, and other materials related to 162106
these responsibilities assigned to or in the possession of the 162107
former eTech Ohio Commission shall be transferred to the 162108
Chancellor. 162109

(G) All employees of the former eTech Ohio Commission who 162110
transferred to the Chancellor of the Board of Regents upon the 162111
reconstitution of the Commission as prescribed by Section 515.50 162112
of H.B. 59 of the 130th General Assembly and who when employed by 162113
that Commission or a predecessor agency were included in a 162114
bargaining unit established under Chapter 4117. of the Revised 162115
Code, shall continue to be included in that bargaining unit, are 162116
public employees as defined in section 4117.01 of the Revised 162117
Code, and may collectively bargain with the Chancellor in 162118
accordance with that chapter. Otherwise, any employee hired by the 162119

Chancellor after the reconstitution of the Commission, either to 162120
fill vacancies or to fill new positions related to the transferred 162121
employees' duties, shall be exempt from Chapter 4117. of the 162122
Revised Code and shall not be public employees as defined in 162123
section 4117.01 of the Revised Code. 162124

Section 515.52. (A) On July 1, 2013, all responsibilities of 162125
the former eTech Ohio Commission related to the purchase of 162126
software services and supplies, the redistribution of hardware and 162127
software from closed community schools, and technology-related 162128
teacher professional development programs are transferred from the 162129
former eTech Ohio Commission to the Department of Education as 162130
described in sections 125.05, 3314.074, and 3319.235 of the 162131
Revised Code, as amended by this act. The Department is thereupon 162132
and thereafter successor to, assumes the obligations of, and 162133
otherwise constitutes the continuation of the eTech Ohio 162134
Commission relating to these responsibilities. 162135

(B) Any business related to these responsibilities commenced 162136
but not completed by the former eTech Ohio Commission shall be 162137
completed by the Department in the same manner, and with the same 162138
effect, as if completed by the eTech Ohio Commission. No 162139
validation, cure, right, privilege, remedy, obligation, or 162140
liability is lost or impaired by reason of the transfer, and shall 162141
be recognized, administered, performed, or enforced by the 162142
Department. 162143

(C) All of the rules of the eTech Ohio Commission related to 162144
these responsibilities continue in effect as rules of the 162145
Department, until amended or rescinded by the Department. 162146

(D) Any judicial or administrative action or proceeding 162147
related to these responsibilities, in which the eTech Ohio 162148
Commission is a party, that is pending on the effective date of 162149
this section is affected by the transfer. Such action or 162150

proceeding shall be prosecuted or defended in the name of the 162151
Department. On application to the court or other tribunal, the 162152
Department of Education shall be substituted for the eTech Ohio 162153
Commission as a party to such action or proceeding. 162154

(E) Subject to the layoff provisions of sections 124.321 to 162155
124.328 and division (D) of section 3353.03 of the Revised Code, 162156
as amended by this act, all employees of the former eTech Ohio 162157
Commission assigned to these responsibilities continue with the 162158
Department and retain their positions and all benefits accruing 162159
thereto. 162160

(F) All books, records, documents, files, transcripts, 162161
equipment, furniture, supplies, and other materials related to 162162
these responsibilities assigned to or in the possession of the 162163
former eTech Ohio Commission shall be transferred to the 162164
Department. 162165

(G) All employees of the former eTech Ohio Commission who 162166
transferred to the Department of Education upon the reconstitution 162167
of the Commission as prescribed by Section 515.50 of H.B. 59 of 162168
the 130th General Assembly and who when employed by that 162169
Commission or a predecessor agency were included in a bargaining 162170
unit established under Chapter 4117. of the Revised Code, shall 162171
continue to be included in that bargaining unit, are public 162172
employees as defined in section 4117.01 of the Revised Code, and 162173
may collectively bargain with the state Board of Education in 162174
accordance with that chapter. Otherwise, any employee hired by the 162175
Department after the reconstitution of the Commission, either to 162176
fill vacancies or to fill new positions related to the transferred 162177
employees' duties, shall be exempt from Chapter 4117. of the 162178
Revised Code and shall not be public employees as defined in 162179
section 4117.01 of the Revised Code. 162180

Section 515.53. Any duties and responsibilities of the former 162181

eTech Ohio Commission not transferred in accordance with Sections 162182
515.50, 515.51, and 515.52 of this act are eliminated on July 1, 162183
2013. 162184

Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 162185

Certain appropriations are in this act for the purpose of 162186
paying debt service and financing costs on general obligation 162187
bonds or notes of the state issued pursuant to the Ohio 162188
Constitution and acts of the General Assembly. If it is determined 162189
that additional appropriations are necessary for this purpose, 162190
such amounts are hereby appropriated. 162191

Section 518.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 162192

Certain appropriations are in this act for the purpose of 162193
making lease rental payments pursuant to leases and agreements 162194
relating to bonds or notes issued by the Treasurer of State, or 162195
previously by the Ohio Public Facilities Commission or the Ohio 162196
Building Authority, pursuant to the Ohio Constitution and acts of 162197
the General Assembly. If it is determined that additional 162198
appropriations are necessary for this purpose, such amounts are 162199
hereby appropriated. 162200

Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 162201
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 162202

The Office of Budget and Management shall process payments 162203
from general obligation and lease rental payment appropriation 162204
items during the period from July 1, 2013, through June 30, 2015, 162205
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 162206
2n, 2o, 2p, 2q, 2r, and 15 of Article VIII, Ohio Constitution, and 162207
Chapters 151., 152., and 154. of the Revised Code. Payments shall 162208
be made upon certification by the Treasurer of State of the dates 162209
and the amounts due on those dates. 162210

Section 521.11. STATE AND LOCAL REBATE AUTHORIZATION 162211

There is hereby appropriated, from those funds designated by 162212
or pursuant to the applicable proceedings authorizing the issuance 162213
of state obligations, amounts computed at the time to represent 162214
the portion of investment income to be rebated or amounts in lieu 162215
of or in addition to any rebate amount to be paid to the federal 162216
government in order to maintain the exclusion from gross income 162217
for federal income tax purposes of interest on those state 162218
obligations under section 148(f) of the Internal Revenue Code. 162219

Rebate payments shall be approved and vouchered by the Office 162220
of Budget and Management. 162221

Section 521.20. STATEWIDE INDIRECT COST RECOVERY 162222

Whenever the Director of Budget and Management determines 162223
that an appropriation made to a state agency from a fund of the 162224
state is insufficient to provide for the recovery of statewide 162225
indirect costs under section 126.12 of the Revised Code, the 162226
amount required for such purpose is hereby appropriated from the 162227
available receipts of such fund. 162228

Section 521.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 162229
COST ALLOCATION PLAN 162230

The total transfers made from the General Revenue Fund by the 162231
Director of Budget and Management under this section shall not 162232
exceed the amounts transferred into the General Revenue Fund under 162233
section 126.12 of the Revised Code. 162234

The director of an agency may certify to the Director of 162235
Budget and Management the amount of expenses not allowed to be 162236
included in the Statewide Indirect Cost Allocation Plan under 162237
federal regulations, from any fund included in the Statewide 162238
Indirect Cost Allocation Plan, prepared as required by section 162239

126.12 of the Revised Code. 162240

Upon determining that no alternative source of funding is 162241
available to pay for such expenses, the Director of Budget and 162242
Management may transfer cash from the General Revenue Fund into 162243
the fund for which the certification is made, up to the amount of 162244
the certification. The director of the agency receiving such funds 162245
shall include, as part of the next budget submission prepared 162246
under section 126.02 of the Revised Code, a request for funding 162247
for such activities from an alternative source such that further 162248
federal disallowances would not be required. 162249

The director of an agency may certify to the Director of 162250
Budget and Management the amount of expenses paid in error from a 162251
fund included in the Statewide Indirect Cost Allocation Plan. The 162252
Director of Budget and Management may transfer cash from the fund 162253
from which the expenditure should have been made into the fund 162254
from which the expenses were erroneously paid, up to the amount of 162255
the certification. 162256

The director of an agency may certify to the Director of 162257
Budget and Management the amount of expenses or revenues not 162258
allowed to be included in the Statewide Indirect Cost Allocation 162259
Plan under federal regulations, for any fund included in the 162260
Statewide Indirect Cost Allocation Plan, for which the federal 162261
government requires payment. If the Director of Budget and 162262
Management determines that an appropriation made to a state agency 162263
from a fund of the state is insufficient to pay the amount 162264
required by the federal government, the amount required for such 162265
purpose is hereby appropriated from the available receipts of such 162266
fund, up to the amount of the certification. 162267

Section 521.35. CASH TRANSFERS TO TOBACCO OVERSIGHT 162268
ADMINISTRATION AND ENFORCEMENT FUND 162269

On July 1, 2013, or as soon as possible thereafter, the 162270

Director of Budget and Management shall transfer the cash balance 162271
in the Tobacco Settlement Enforcement Fund (Fund T087) and the 162272
Education Technology Trust Fund (Fund S087) to the Tobacco 162273
Oversight Administration and Enforcement Fund (Fund U087). Upon 162274
completion of the transfer, Fund T087 and Fund S087 are abolished. 162275
The Director shall cancel any existing encumbrances against 162276
appropriation items 110402, Tobacco Settlement Enforcement, and 162277
935602, Education Technology Trust. 162278

On July 1, 2014, or as soon as possible thereafter, the 162279
Director of Budget and Management shall transfer the cash balance 162280
in the Law Enforcement Improvement Trust Fund (Fund J087) to the 162281
Tobacco Oversight Administration and Enforcement Fund (Fund U087). 162282
Upon completion of the transfer, Fund J087 is abolished. The 162283
Director shall cancel any existing encumbrances against 162284
appropriation item 055635, Law Enforcement Technology, Training, 162285
and Facility Enhancements. 162286

Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 162287

Notwithstanding any provision of law to the contrary, on or 162288
before the first day of September of each fiscal year, the 162289
Director of Budget and Management, in order to reduce the payment 162290
of adjustments to the federal government, as determined by the 162291
plan prepared under division (A) of section 126.12 of the Revised 162292
Code, may designate such funds as the Director considers necessary 162293
to retain their own interest earnings. 162294

Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 162295

Pursuant to the plan for compliance with the Federal Cash 162296
Management Improvement Act required by section 131.36 of the 162297
Revised Code, the Director of Budget and Management may cancel and 162298
re-establish all or part of encumbrances in like amounts within 162299
the funds identified by the plan. The amounts necessary to 162300

re-establish all or part of encumbrances are hereby appropriated. 162301

Section 521.60. FISCAL STABILIZATION AND RECOVERY 162302

To ensure the level of accountability and transparency 162303
required by federal law, the Director of Budget and Management may 162304
issue guidelines to any agency applying for federal money made 162305
available to this state for fiscal stabilization and recovery 162306
purposes, and may prescribe the process by which agencies are to 162307
comply with any reporting requirements established by the federal 162308
government. 162309

Section 605.03. That Section 1 of Sub. H.B. 34 of the 130th 162310
General Assembly be amended to read as follows: 162311

Sec. 1. All items in this section are hereby appropriated out 162312
of any moneys in the state treasury to the credit of the 162313
designated fund. For all appropriations made in this act, those in 162314
the first column are for fiscal year 2014, and those in the second 162315
column are for fiscal year 2015. 162316

FND AI	AI TITLE	Appropriations		
	BWC BUREAU OF WORKERS' COMPENSATION			162318
	Workers' Compensation Fund Group			162319
7023 855401	William Green Lease	\$ 16,026,100	\$ 0	162320
	Payments to OBA			
7023 855407	Claims, Risk and	\$ 118,338,586	\$ 118,338,586	162321
	Medical Management			
7023 855408	Fraud Prevention	\$ 12,114,226	\$ 12,114,226	162322
7023 855409	Administrative	\$ 105,857,276	\$ 105,357,276	162323
	Services			
7023 855410	Attorney General	\$ 4,621,850	\$ 4,621,850	162324
	Payments			
8220 855606	Coal Workers' Fund	\$ 147,666	\$ 147,666	162325

8230	855608	Marine Industry	\$	75,527	\$	75,527	162326
8250	855605	Disabled Workers	\$	319,718	\$	319,718	162327
		Relief Fund					
8260	855609	Safety and Hygiene	\$	19,161,132	\$	19,161,132	162328
		Operating		<u>21,661,132</u>		<u>21,661,132</u>	
8260	855610	Gear Program <u>Safety</u>	\$	5,000,000	\$	5,000,000	162329
		<u>Grants</u>		<u>15,000,000</u>		<u>15,000,000</u>	
8290	855604	Long Term Care Loan	\$	100,000	\$	100,000	162330
		Program					
TOTAL WCF Workers' Compensation							162331
Fund Group			\$	281,762,081	\$	265,235,981	162332
				<u>294,262,081</u>		<u>277,735,981</u>	
Federal Special Revenue Fund Group							162333
3490	855601	OSHA Enforcement	\$	1,731,000	\$	1,731,000	162334
3FW0	855614	BLS SOII Grant	\$	116,919	\$	116,919	162335
TOTAL FED Federal Special Revenue			\$	1,847,919	\$	1,847,919	162336
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	283,610,000	\$	267,083,900	162337
				<u>296,110,000</u>		<u>279,583,900</u>	

WILLIAM GREEN LEASE PAYMENTS 162338

Of the foregoing appropriation item 855401, William Green 162339
 Lease Payments, up to \$16,026,100 shall be used to make lease 162340
 payments to the Treasurer of State at the times they are required 162341
 to be made during the period from July 1, 2013 to June 30, 2015, 162342
 pursuant to leases and agreements made under section 154.24 of the 162343
 Revised Code. If it is determined that additional appropriations 162344
 are necessary for such purpose, such amounts are hereby 162345
 appropriated. 162346

WORKERS' COMPENSATION FRAUD UNIT 162347

Of the foregoing appropriation item 855410, Attorney General 162348
 Payments, \$828,200 in each fiscal year shall be used to fund the 162349
 expenses of the Workers' Compensation Fraud Unit within the 162350

Attorney General's Office. These payments shall be processed at 162351
the beginning of each quarter of each fiscal year and deposited 162352
into the Workers' Compensation Section Fund (Fund 1950) used by 162353
the Attorney General. 162354

SAFETY AND HYGIENE 162355

Notwithstanding section 4121.37 of the Revised Code, the 162356
Treasurer of State shall transfer ~~\$19,161,132~~ \$21,661,132 cash in 162357
fiscal year 2014 and ~~\$19,161,132~~ \$21,661,132 cash in fiscal year 162358
2015 from the State Insurance Fund to the Safety and Hygiene Fund 162359
(Fund 8260). 162360

OSHA ON-SITE CONSULTATION PROGRAM 162361

The Bureau of Workers' Compensation may designate a portion 162362
of appropriation item 855609, Safety and Hygiene Operating, to be 162363
used to match federal funding for the federal Occupational Safety 162364
and Health Administration's (OSHA) on-site consultation program. 162365

VOCATIONAL REHABILITATION 162366

The Bureau of Workers' Compensation and the ~~Rehabilitation~~ 162367
~~Services Commission~~ Opportunities for Ohioans with Disabilities 162368
Agency shall enter into an interagency agreement for the provision 162369
of vocational rehabilitation services and staff to mutually 162370
eligible clients. The bureau may provide not more than \$605,407 in 162371
fiscal year 2014 and not more than \$605,407 in fiscal year 2015 162372
from the State Insurance Fund to fund vocational rehabilitation 162373
services and staff in accordance with the interagency agreement. 162374

FUND BALANCE 162375

Any unencumbered cash balance in excess of \$45,000,000 in the 162376
Workers' Compensation Fund (Fund 7023) on the thirtieth day of 162377
June of each fiscal year shall be used to reduce the 162378
administrative cost rate charged to employers to cover 162379
appropriations for Bureau of Workers' Compensation operations. 162380

Section 605.04. That existing Section 1 of Sub. H.B. 34 of the 130th General Assembly is hereby repealed.

162381
162382

Section 605.10. That Sections 205.10, 506.10, and 755.30 of Am. Sub. H.B. 51 of the 130th General Assembly be amended to read as follows:

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162384
162385

Sec. 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 162386

State Highway Safety Fund Group 162387

4W40 762321 Operating Expense - \$ 130,559,268 \$ 130,418,957 162388
BMV

5V10 762682 License Plate \$ 2,100,000 \$ 2,100,000 162389
Contribution

7036 761321 Operating Expense - \$ 7,055,066 \$ 6,999,331 162390
Information and
Education

7036 761401 Lease Rental Payments \$ 2,472,300 \$ 2,473,100 162391

7036 764033 Minor Capital Projects \$ 1,250,000 \$ 1,250,000 162392

7036 764321 Operating Expense - \$ ~~268,232,602~~ \$ 270,232,602 162393
Highway Patrol 268,743,502

7036 764605 Motor Carrier \$ 2,860,000 \$ 2,860,000 162394
Enforcement Expenses

8300 761603 Salvage and Exchange - \$ 20,053 \$ 20,053 162395
Administration

8310 761610 Information and \$ 300,000 \$ 300,000 162396
Education - Federal

8310 764608 FARS Grant Federal \$ 175,000 \$ 175,000 162397

8310 764610 Patrol - Federal \$ 2,250,000 \$ 2,250,000 162398

8310 764659 Transportation \$ 5,200,000 \$ 5,200,000 162399
Enforcement - Federal

8310 765610 EMS - Federal \$ 225,000 \$ 225,000 162400

8310 769610 Investigative Unit \$ 1,400,000 \$ 1,400,000 162401

		Federal Reimbursement					
8310	769631	Homeland Security -	\$	750,000	\$	400,000	162402
		Federal					
8320	761612	Traffic Safety -	\$	22,000,000	\$	22,000,000	162403
		Federal					
8350	762616	Financial	\$	5,274,068	\$	5,274,068	162404
		Responsibility					
		Compliance					
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959	162405
83C0	764630	Contraband,	\$	622,894	\$	622,894	162406
		Forfeiture, Other					
83F0	764657	Law Enforcement	\$	8,500,000	\$	8,500,000	162407
		Automated Data System					
83G0	764633	OMVI	\$	641,927	\$	641,927	162408
		Enforcement/Education					
83J0	764693	Highway Patrol Justice	\$	2,100,000	\$	2,100,000	162409
		Contraband					
83M0	765624	Operating - EMS	\$	3,056,069	\$	3,056,069	162410
83M0	765640	EMS - Grants	\$	3,300,000	\$	3,300,000	162411
83R0	762639	Local Immobilization	\$	450,000	\$	450,000	162412
		Reimbursement					
83T0	764694	Highway Patrol	\$	21,000	\$	21,000	162413
		Treasury Contraband					
8400	764607	State Fair Security	\$	1,294,354	\$	1,294,354	162414
8400	764617	Security and	\$	8,793,865	\$	9,514,236	162415
		Investigations					
8400	764626	State Fairgrounds	\$	1,047,560	\$	1,084,559	162416
		Police Force					
8400	769632	Homeland Security -	\$	650,000	\$	630,000	162417
		Operating					
8410	764603	Salvage and Exchange -	\$	1,339,399	\$	1,339,399	162418
		Highway Patrol					
8460	761625	Motorcycle Safety	\$	3,280,563	\$	3,280,563	162419

		Education				
8490	762627	Automated Title	\$	16,675,513	\$	16,467,293 162420
		Processing Board				
TOTAL HSF State Highway Safety Fund Group			\$	515,450,460	\$	517,434,364 162421
				<u>515,961,360</u>		
General Services Fund Group						162422
4P60	768601	Justice Program	\$	900,000	\$	875,000 162423
		Services				
5ET0	768625	Drug Law Enforcement	\$	4,250,000	\$	4,250,000 162424
5LM0	768698	Criminal Justice	\$	850,946	\$	850,946 162425
		Services Law				
		Enforcement Support				
TOTAL GSF General Services Fund Group			\$	6,290,946	\$	6,265,946 162426
				<u>5,150,000</u>		<u>5,125,000</u>
Federal Special Revenue Fund Group						162427
3290	763645	Federal Mitigation	\$	10,413,642	\$	10,413,642 162428
		Program				
3370	763609	Federal Disaster	\$	27,707,636	\$	27,707,636 162429
		Relief				
3390	763647	Emergency Management	\$	70,934,765	\$	70,934,765 162430
		Assistance and				
		Training				
3CE0	768611	Justice Assistance	\$	400,000	\$	100,000 162431
		Grants - FFY09				
3DE0	768612	Federal Stimulus -	\$	1,000,000	\$	300,000 162432
		Justice Assistance				
		Grants				
3DU0	762628	BMV Grants	\$	1,350,000	\$	1,325,000 162433
3EU0	768614	Justice Assistance	\$	830,000	\$	500,000 162434
		Grants - FFY10				
3FK0	768615	Justice Assistance	\$	900,000	\$	900,000 162435
		Grants - FFY11				

3FP0	767620	Ohio Investigative Unit Justice Contraband	\$	55,000	\$	55,000	162436
3FY0	768616	Justice Assistance Grants - FFY12	\$	2,200,000	\$	1,500,000	162437
3FZ0	768617	Justice Assistance Grants - FFY13	\$	7,000,000	\$	2,000,000	162438
3GA0	768618	Justice Assistance Grants - FFY14	\$	0	\$	7,500,000	162439
3L50	768604	Justice Program	\$	10,500,000	\$	10,500,000	162440
3N50	763644	U.S. Department of Energy Agreement	\$	31,672	\$	31,672	162441
TOTAL FED	Federal Special Revenue		\$	133,322,715	\$	133,767,715	162442
Fund Group							
State Special Revenue Fund Group							162443
4V30	763662	Storms/NOAA Maintenance	\$	4,950,000	\$	4,950,000	162444
5390	762614	Motor Vehicle Dealers Board	\$	150,000	\$	140,000	162445
5B90	766632	Private Investigator and Security Guard Provider	\$	1,400,000	\$	1,400,000	162446
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000	162447
5BK0	768689	Family Violence Shelter Programs	\$	750,000	\$	750,000	162448
5CM0	767691	Equitable Share Account	\$	300,000	\$	300,000	162449
5DS0	769630	Homeland Security	\$	1,414,384	\$	1,414,384	162450
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	162451
5FL0	769634	Investigations	\$	899,300	\$	899,300	162452

5ML0 769635	Infrastructure	\$	400,000	\$	400,000	162453
	Protection					
5BP0 764609	DPS Wireless 911	\$	290,000	\$	290,000	162454
	Administration					
6220 767615	Investigative	\$	325,000	\$	325,000	162455
	Contraband and					
	Forfeiture					
6570 763652	Utility Radiological	\$	1,415,945	\$	1,415,945	162456
	Safety					
6810 763653	SARA Title III HAZMAT	\$	262,438	\$	262,438	162457
	Planning					
8500 767628	Investigative Unit	\$	92,700	\$	92,700	162458
	Salvage					
TOTAL SSR State Special Revenue		\$	15,049,767	\$	15,039,767	162459
Fund Group			<u>14,759,767</u>		<u>14,749,767</u>	
Agency Fund Group						162460
5J90 761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	162461
TOTAL AGY Agency Fund Group		\$	1,500,000	\$	1,500,000	162462
Holding Account Redistribution Fund Group						162463
R024 762619	Unidentified Motor	\$	1,885,000	\$	1,885,000	162464
	Vehicle Receipts					
R052 762623	Security Deposits	\$	350,000	\$	350,000	162465
TOTAL 090 Holding Account		\$	2,235,000	\$	2,235,000	162466
Redistribution Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	673,558,888	\$	675,952,792	162467
			<u>672,928,842</u>		<u>674,811,846</u>	

MOTOR VEHICLE REGISTRATION 162468

The Registrar of Motor Vehicles may deposit revenues to meet 162469
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 162470
4W40) established in section 4501.25 of the Revised Code, obtained 162471
under sections 4503.02 and 4504.02 of the Revised Code, less all 162472
other available cash. Revenue deposited pursuant to this paragraph 162473

shall support, in part, appropriations for operating expenses and 162474
defray the cost of manufacturing and distributing license plates 162475
and license plate stickers and enforcing the law relative to the 162476
operation and registration of motor vehicles. Notwithstanding 162477
section 4501.03 of the Revised Code, the revenues shall be paid 162478
into Fund 4W40 before any revenues obtained pursuant to sections 162479
4503.02 and 4504.02 of the Revised Code are paid into any other 162480
fund. The deposit of revenues to meet the aforementioned cash 162481
needs shall be in approximately equal amounts on a monthly basis 162482
or as otherwise determined by the Director of Budget and 162483
Management pursuant to a plan submitted by the Registrar of Motor 162484
Vehicles. 162485

OPERATING EXPENSE - BMV 162486

Of the foregoing appropriation item 762321, Operating Expense 162487
- BMV, up to \$50,000 in fiscal year 2014 shall be used to pay for 162488
costs associated with improvements to the program to accept 162489
applications for registration transactions of apportionable 162490
vehicles electronically over the internet. 162491

OPERATING EXPENSE - INFORMATION AND EDUCATION 162492

Of the foregoing appropriation item 761321, Operating Expense 162493
- Information and Education, up to \$250,000 in each fiscal year 162494
may be used to fund state employees to staff travel information 162495
centers on the border of the state. 162496

The Department of Public Safety shall conduct a study for 162497
partnering with local travel and tourism centers, as well as a 162498
study for the creation of the Ohio Ambassadors Volunteer Program 162499
at rest stops. 162500

LEASE RENTAL PAYMENTS 162501

The foregoing appropriation item 761401, Lease Rental 162502
Payments, shall be used for payments to the Treasurer of State for 162503
the period July 1, 2013, through June 30, 2015, under the primary 162504

leases and agreements for public safety related buildings. The 162505
appropriations are the source of funds pledged for bond service 162506
charges on obligations pursuant to Chapters 152. and 154. of the 162507
Revised Code. 162508

OPERATING EXPENSE - HIGHWAY PATROL 162509

On July 1, 2013, or as soon as possible thereafter, the 162510
Director of Budget and Management shall transfer \$510,900 cash 162511
from the GRF to the State Highway Safety Fund (Fund 7036). The 162512
transferred cash shall be used by the State Highway Patrol for the 162513
purchase of specialized equipment for examining commercial truck 162514
cargo. 162515

CASH TRANSFERS BETWEEN FUNDS 162516

Notwithstanding any provision of law to the contrary, the 162517
Director of Budget and Management, upon the written request of the 162518
Director of Public Safety, may transfer cash between the following 162519
six funds: the Trauma and Emergency Medical Services Fund (Fund 162520
83M0), the Homeland Security Fund (Fund 5DS0), the Investigations 162521
Fund (Fund 5FL0), the Emergency Management Agency Service and 162522
Reimbursement Fund (Fund 4V30), the Justice Program Services Fund 162523
(Fund 4P60), and the State Bureau of Motor Vehicles Fund (Fund 162524
4W40). 162525

CASH TRANSFER FROM TEEN DRIVER EDUCATION FUND TO LICENSE 162526
PLATE CONTRIBUTION FUND 162527

On July 1, 2013, or as soon as possible thereafter, the 162528
Director of Budget and Management may transfer the cash balance in 162529
the Teen Driver Education Fund (Fund 5JS0) to the License Plate 162530
Contribution Fund (Fund 5V10). Upon completion of the transfer, 162531
Fund 5JS0 is hereby abolished. 162532

CASH TRANSFER FROM HILLTOP UTILITY REIMBURSEMENT FUND TO 162533
STATE HIGHWAY SAFETY FUND 162534

Not later than January 1, 2014, the Director of Budget and Management may transfer the cash balance in the Hilltop Utility Reimbursement Fund (Fund 4S30) to the State Highway Safety Fund (Fund 7036). Upon completion of the transfer, Fund 4S30 is hereby abolished. The Director shall cancel any existing encumbrances against appropriation item 766661, Hilltop Utility Reimbursement, and reestablish them against appropriation item 761321, Operating Expense - Information and Education. The reestablished encumbrance amounts are hereby appropriated.

CASH TRANSFER FROM REGISTRAR RENTAL FUND TO STATE HIGHWAY SAFETY FUND

On July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Registrar Rental Fund (Fund 8380) to the State Bureau of Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer, Fund 8380 is abolished.

STATE DISASTER RELIEF

The State Disaster Relief Fund (Fund 5330) may accept transfers of cash and appropriations from Controlling Board appropriation items for Ohio Emergency Management Agency disaster response costs and disaster program management costs, and may also be used for the following purposes:

(A) To accept transfers of cash and appropriations from Controlling Board appropriation items for Ohio Emergency Management Agency public assistance and mitigation program match costs to reimburse eligible local governments and private nonprofit organizations for costs related to disasters;

(B) To accept and transfer cash to reimburse the costs associated with Emergency Management Assistance Compact (EMAC) deployments;

(C) To accept disaster related reimbursement from federal,

state, and local governments. The Director of Budget and Management may transfer cash from reimbursements received by this fund to other funds of the state from which transfers were originally approved by the Controlling Board.

(D) To accept transfers of cash and appropriations from Controlling Board appropriation items to fund the State Disaster Relief Program, for disasters that qualify for the program by written authorization of the Governor, and the State Individual Assistance Program for disasters that have been declared by the federal Small Business Administration and that qualify for the program by written authorization of the Governor. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

JUSTICE ASSISTANCE GRANT FUND

The federal payments made to the state for the Byrne Justice Assistance Grants Program under Title II of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Justice Assistance Grant Fund (Fund 3DE0), which is hereby created in the state treasury. All investment earnings of the fund shall be credited to the fund.

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$200,000 cash from the State Fire Marshal Fund (Fund 5460) to the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30) to be distributed to the Ohio Task Force One - Urban Search and Rescue Unit, other similar urban search and rescue units around the state, and for the maintenance of the statewide fire emergency response plan by an entity recognized by the Ohio

Emergency Management Agency. 162597

FAMILY VIOLENCE PREVENTION FUND 162598

Notwithstanding any provision of law to the contrary, in each 162599
of fiscal years 2014 and 2015, the first \$750,000 received to the 162600
credit of the Family Violence Prevention Fund (Fund 5BK0) is 162601
appropriated to appropriation item 768689, Family Violence Shelter 162602
Programs, and the next \$400,000 received to the credit of Fund 162603
5BK0 in each of those fiscal years is appropriated to 162604
appropriation item 768687, Criminal Justice Services - Operating. 162605
Any moneys received to the credit of Fund 5BK0 in excess of the 162606
aforementioned appropriated amounts in each fiscal year shall, 162607
upon the approval of the Controlling Board, be used to provide 162608
grants to family violence shelters in Ohio. 162609

SARA TITLE III HAZMAT PLANNING 162610

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 162611
entitled to receive grant funds from the Emergency Response 162612
Commission to implement the Emergency Management Agency's 162613
responsibilities under Chapter 3750. of the Revised Code. 162614

COLLECTIVE BARGAINING INCREASES 162615

Notwithstanding division (D) of section 127.14 and division 162616
(B) of section 131.35 of the Revised Code, except for the General 162617
Revenue Fund, the Controlling Board may, upon the request of 162618
either the Director of Budget and Management, or the Department of 162619
Public Safety with the approval of the Director of Budget and 162620
Management, authorize expenditures in excess of appropriations and 162621
transfer appropriations, as necessary, for any fund used by the 162622
Department of Public Safety, to assist in paying the costs of 162623
increases in employee compensation that have occurred pursuant to 162624
collective bargaining agreements under Chapter 4117. of the 162625
Revised Code and, for exempt employees, under section 124.152 of 162626
the Revised Code. Any money approved for expenditure under this 162627

paragraph is hereby appropriated. 162628

CASH BALANCE FUND REVIEW 162629

Not later than the first day of April in each fiscal year of 162630
the biennium, the Director of Budget and Management shall review 162631
the cash balances for each fund, except the State Highway Safety 162632
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 162633
4W40), in the State Highway Safety Fund Group, and shall recommend 162634
to the Controlling Board an amount to be transferred to the credit 162635
of Fund 7036 or Fund 4W40, as appropriate. 162636

AUTO REGISTRATION DISTRIBUTION FUND 162637

Notwithstanding the amendment by this act to section 4501.03 162638
of the Revised Code and the enactment by this act of section 162639
4501.031 of the Revised Code, any license tax assessed under 162640
Chapters 4503. or 4504. of the Revised Code, and derived from 162641
registrations processed on business days prior to July 1, 2013, 162642
shall be deposited to the state treasury to the credit of the Auto 162643
Registration Distribution Fund (Fund 7051) created by section 162644
4501.03 of the Revised Code, even if such deposit does not occur 162645
until on or after July 1, 2013. All license tax assessed on 162646
registrations under Chapters 4503. or 4504. of the Revised Code 162647
prior to July 1, 2013, shall be deposited, and distributed, in 162648
accordance with sections 4501.03, 4501.04, 4501.041, 4501.042, and 162649
4501.043 of the Revised Code as they existed prior to the 162650
amendments to those sections by this act. 162651

Sec. 506.10. Notwithstanding division (A)(3) of section 162652
4501.044 and division (A)(1) of section 4501.045 of the Revised 162653
Code, commencing July 1, 2013, and extending through June 30, 162654
2014, the Director of Public Safety shall deposit the money 162655
otherwise deposited and distributed in accordance with those 162656
divisions into the State Highway Safety Fund (Fund 7036) created 162657
by section 4501.06 of the Revised Code until such time as the 162658

deposits equal a cumulative total of ~~\$35,000,000~~ \$29,000,000. At 162659
that point, the Director shall cease depositing any such money 162660
into Fund 7036 and shall deposit and distribute that money as 162661
prescribed in division (A)(3) of section 4501.044 and division 162662
(A)(1) of section 4501.045 of the Revised Code. 162663

Notwithstanding division (A)(3) of section 4501.044 and 162664
division (A)(1) of section 4501.045 of the Revised Code, 162665
commencing July 1, 2014, and extending through June 30, 2015, the 162666
Director of Public Safety shall deposit the money otherwise 162667
deposited and distributed in accordance with those divisions into 162668
the State Highway Safety Fund (Fund 7036) created by section 162669
4501.06 of the Revised Code until such time as the deposits equal 162670
a cumulative total of \$35,000,000. At that point, the Director 162671
shall cease depositing any such money into Fund 7036 and shall 162672
deposit and distribute that money as prescribed in division (A)(3) 162673
of section 4501.044 and division (A)(1) of section 4501.045 of the 162674
Revised Code. 162675

Sec. 755.30. ~~On July 1~~ Beginning on July 31, 2013, and on the 162676
~~first last~~ last day of the month for each month thereafter, ~~the~~ 162677
~~Treasurer of State~~, before making any of the distributions 162678
specified in sections 5735.23, 5735.26, 5735.291, and 5735.30 of 162679
the Revised Code but after any transfers to the tax refund fund as 162680
required by those sections and section 5703.052 of the Revised 162681
Code, the Treasurer of State shall deposit the first two per cent 162682
of the amount of motor fuel tax received for the preceding 162683
calendar month to the credit of the Highway Operating Fund (Fund 162684
7002). 162685

Section 605.11. That existing Sections 205.10, 506.10, and 162686
755.30 of Am. Sub. H.B. 51 of the 130th General Assembly are 162687
hereby repealed. 162688

Section 605.20. That Section 753.30 of Am. Sub. H.B. 153 of the 129th General Assembly be amended to read as follows:

Sec. 753.30. (A) The Governor is authorized to execute a deed in the name of the state conveying to a buyer or buyers to be determined in the manner provided in division (B) of this section all of the state's right, title, and interest in the real property of any facility under the management and control of the Department of Youth Services following the closure of that facility that the Director of Administrative Services determines is no longer required for state purposes. This section applies only to facilities that are closed before January 1, 2012.

(B)(1) The Director of Administrative Services shall offer the real estate, improvements and chattels of a facility sold pursuant to division (A) of this section for sale "as is" in its present condition according to the following process:

The real estate of the facility shall be sold as an entire parcel and not subdivided.

The Director of Administrative Services shall conduct a sealed bid sale and the real property of the facility shall be sold to the highest bidder at a price acceptable to both the Director of Administrative Services and the Director of Youth Services.

(2) The contract for sale of a facility pursuant to this section shall include a condition that requires the purchaser to provide preferential hiring treatment to employees or former employees of the Department of Youth Services in order to retain or rehire staff displaced as a result of the closure of the facility located on the property, to the extent the purchaser's use of the facility requires employees in the same or similar positions as those displaced as a result of the closure.

The contract for sale also shall include a binding commitment 162719
that irrevocably grants to the state a right, upon the occurrence 162720
of any triggering event described in division (B)(2)(a) or (b) of 162721
this section and in accordance with the particular division, to 162722
repurchase the facility and the real property on which it is 162723
situated, any surrounding land that is to be transferred under the 162724
contract, or both the facility and real property on which it is 162725
situated plus the surrounding land that is to be transferred under 162726
the contract. The triggering events and the procedures for a 162727
repurchase under the irrevocable grant described in this division 162728
are as follows: 162729

(a) Before the purchaser, or the purchaser's successor in 162730
title, may resell or otherwise transfer the facility and the real 162731
property on which it is situated, any surrounding land that is to 162732
be transferred under the contract, or both the facility and real 162733
property on which it is situated plus the surrounding land that is 162734
to be transferred under the contract, the purchaser or successor 162735
first must offer the state the opportunity to repurchase the 162736
facility, real property, and surrounding land that is to be resold 162737
or transferred for a price not greater than the purchase price 162738
paid to the state for that facility, real property, or surrounding 162739
land, less depreciation from the time of the conveyance of that 162740
facility, real property, or surrounding land to the purchaser, 162741
plus the depreciated value of any capital improvements to that 162742
facility, real property, or surrounding land that were made to it 162743
and funded by anyone other than the state subsequent to the 162744
conveyance to the purchaser. The repurchase opportunity described 162745
in this division must be offered to the state at least one hundred 162746
twenty days before the purchaser intends to resell or otherwise 162747
transfer the facility, real property, or surrounding land that is 162748
to be resold or transferred. After being offered the repurchase 162749
opportunity, the state has the right to repurchase the facility, 162750
real property, and surrounding land that is to be resold or 162751

otherwise transferred for the price described in this division. 162752

(b) Upon the purchaser's default of any financial agreement 162753
for the purchase of the facility and the real property on which it 162754
is situated, any surrounding land that is to be transferred under 162755
the contract, or both the facility and real property on which it 162756
is situated plus the surrounding land that is to be transferred 162757
under the contract, upon the purchaser's default of any other term 162758
in the contract, or upon the purchaser's financial insolvency or 162759
inability to meet its contractual obligations, the state has the 162760
right to repurchase the facility and real property, the 162761
surrounding land, or both the facility and real property and the 162762
surrounding land, for a price not greater than the purchase price 162763
paid to the state for that facility, real property, or surrounding 162764
land, less depreciation from the time of the conveyance of that 162765
facility, real property, or surrounding land to the purchaser, 162766
plus the depreciated value of any capital improvements to that 162767
facility, real property, or surrounding land that were made to it 162768
and funded by anyone other than the state subsequent to the 162769
conveyance to the purchaser. 162770

(3) The Director of Administrative Services shall advertise 162771
the sealed bid sale in a newspaper of general circulation within 162772
Scioto County once a week for three consecutive weeks prior to the 162773
date of the sealed bid sale. The Director of Administrative 162774
Services may reject any and all bids from the sealed bid sale. The 162775
terms of sale shall be ten per cent of the purchase price in cash, 162776
bank draft, or certified check payable within five business days 162777
following written notification of the acceptance of the bid by the 162778
Director of Administrative Services, with the balance payable 162779
within sixty days after the date of the written notification of 162780
the acceptance of the bid by the Director of Administrative 162781
Services. A purchaser who does not complete the conditions of the 162782
sale as prescribed in this division shall forfeit the ten per cent 162783

of the purchase price paid to the state as liquidated damages. 162784
Should a purchaser not complete the conditions of sale as 162785
described in this division, the Director of Administrative 162786
Services is authorized to accept the next highest bid by 162787
collecting ten per cent of the revised purchase price from that 162788
bidder and to proceed to close the sale, provided that the 162789
secondary bid meets all other criteria provided for in this 162790
section. If the Director of Administrative Services rejects all 162791
bids from the sealed bid sale, the Director may repeat the sealed 162792
bid process described in this section or may use an alternate sale 162793
process acceptable to the Director of Youth Services. 162794

Advertising costs and any other costs incident to the sale of 162795
a facility pursuant to this section shall be paid by the 162796
Department of Youth Services. 162797

Upon notice from the Director of Administrative Services, the 162798
Auditor of State, with the assistance of the Attorney General, 162799
shall prepare a deed to the facility to the purchaser identified 162800
by the Director of Administrative Services. The deed shall be 162801
executed by the Governor, countersigned by the Secretary of State, 162802
presented in the Office of the Auditor of State for recording, and 162803
delivered to the grantee at closing and upon the grantee's payment 162804
of the balance of the purchase price. The grantee shall present 162805
the deed for recording in the office of the recorder of the county 162806
in which the facility is located. 162807

The grantee shall pay all costs associated with the purchase 162808
and conveyance of the facility, including the costs of recording 162809
the deed. 162810

The net proceeds of the conveyance of the facility shall be 162811
deposited into the State Treasury to the credit of the Adult and 162812
Juvenile Correctional Facilities Bond Retirement Fund and shall be 162813
used to offset bond indebtedness on state bonds issued for the 162814
facility that has been sold. The Director of Budget and Management 162815

may direct that any moneys remaining in the fund after the 162816
redemption or defeasance of the bonds issued for that facility be 162817
transferred to the General Revenue Fund. 162818

(C) This section expires two years after its effective date 162819
or on November 1, 2015, whichever is later. 162820

Section 605.21. That existing Section 753.30 of Am. Sub. H.B. 162821
153 of the 129th General Assembly is hereby repealed. 162822

Section 605.23. That Section 4 of Am. Sub. H.B. 279 of the 162823
129th General Assembly be amended to read as follows: 162824

Sec. 4. Notwithstanding any provision of the Revised Code to 162825
the contrary, individuals that provide services to a child under 162826
the autism scholarship program shall not be required to comply 162827
with the requirements of section 3310.43 of the Revised Code as 162828
enacted by this act until ~~twelve months after the effective date~~ 162829
~~of this section~~ December 20, 2014. 162830

Section 605.24. That existing Section 4 of Am. Sub. H.B. 279 162831
of the 129th General Assembly is hereby repealed. 162832

Section 605.30. That Section 11 of Sub. H.B. 303 of the 129th 162833
General Assembly be amended to read as follows: 162834

Sec. 11. (A) As used in this section, "intermediate care 162835
facility for individuals with intellectual disabilities" and 162836
"ICF/IID" mean an intermediate care facility for the mentally 162837
retarded as defined in the "Social Security Act," section 1905(d), 162838
42 U.S.C. 1396d(d). 162839

(B) The Department of Developmental Disabilities may conduct 162840
or contract with another entity to conduct, for the first quarter 162841
of calendar year 2013, assessments of all residents of each 162842

ICF/IID, regardless of payment source, who are in the ICF/IID, or 162843
on hospital or therapeutic leave from the ICF/IID, on the day or 162844
days that the assessments are conducted at the ICF/IID. 162845

(C) If assessments are conducted under division (B) of this 162846
section, the Department shall do all of the following: 162847

(1) In conducting the assessments, provide for both of the 162848
following: 162849

(a) The resident assessment instrument prescribed in rules 162850
authorized by ~~division (B) of section 5111.232~~ 5124.191 of the 162851
Revised Code to be used in accordance with an inter-rater reliable 162852
process; 162853

(b) The assessments to be performed by individuals who meet 162854
the requirements to be qualified intellectual disability 162855
professionals, as specified in 42 C.F.R. 483.430(a). 162856

(2) Use the data obtained from the assessments to determine 162857
each ICF/IID's case-mix score for the first quarter of calendar 162858
year 2013; 162859

(3) ~~For the purpose of determining each ICF/IID's fiscal year~~ 162860
~~2014 Medicaid rates for direct care costs and subject~~ Subject to 162861
divisions (C)~~(8)~~(7), (D), and ~~(E)~~(F) of this section, ~~do both of~~ 162862
~~the following~~ determine the fiscal year 2014 Medicaid payment rate 162863
for the direct care costs of each ICF/IID as follows: 162864

(a) Determine the average of the following: 162865

(i) The ICF/IID's case-mix score determined or assigned under 162866
section 5124.192 of the Revised Code for the last quarter of 162867
calendar year 2012; 162868

(ii) The ICF/IID's case-mix score determined under section 162869
5124.192 of the Revised Code for the first quarter of calendar 162870
year 2013; 162871

(iii) The ICF/IID's case-mix score determined under division 162872

(C)(2) of this section for the first quarter of calendar year 162873
2013. 162874

(b) In determining costs per case-mix units and maximum costs 162875
per case-mix units for the purpose of ~~division~~ divisions (B) and 162876
(C) of section ~~5111.23~~ 5124.19 of the Revised Code, use ~~each~~ 162877
~~ICF/IID's case-mix score~~ the average determined under division 162878
~~(C)(2)(3)(a)~~ of this section in place of the ICF/IID's average 162879
case-mix score for calendar year 2012; 162880

~~(b)~~ Instead of determining quarterly Medicaid rates for the 162881
~~direct care costs of each ICF/IID pursuant to division (D) of~~ 162882
~~section 5111.23 of the Revised Code, determine, as follows, one~~ 162883
~~Medicaid rate for the direct care costs of each ICF/IID to be paid~~ 162884
~~for all of fiscal year 2014.~~ 162885

~~(i)(c)~~ Multiply the ~~ICF/IID's case-mix score~~ average 162886
determined under division ~~(C)(2)(3)(a)~~ of this section by the 162887
lesser of the cost per case-mix unit determined for the ICF/IID 162888
pursuant to division ~~(C)(3)(a)(b)~~ of this section or the maximum 162889
cost per case-mix unit determined for the ICF/IID's peer group 162890
pursuant to division ~~(C)(3)(a)(b)~~ of this section; 162891

~~(ii)(d)~~ Adjust the product determined under division 162892
~~(C)(3)(b)(i)(c)~~ of this section by the inflation rate estimated in 162893
accordance with division ~~(B)(3)(D)~~ of section ~~5111.23~~ 5124.19 of 162894
the Revised Code. 162895

(4) For the purpose of determining each ICF/IID's fiscal year 162896
2015 Medicaid rates for direct care costs and subject to division 162897
~~(C)(8)(7)~~ of this section, use the ~~following when determining,~~ 162898
~~pursuant to the second paragraph of division (C) of section~~ 162899
~~5111.232 of the Revised Code, each ICF/IID's annual average~~ 162900
case-mix score determined under division (C)(2) of this section 162901
for the first quarter of calendar year 2013. 162902

~~(a)~~ For the first quarter of calendar year 2013, the 162903

~~ICF/IID's case mix score determined under division (C)(2) of this section;~~ 162904
162905

~~(b) For the last three quarters of calendar year 2013 and except as provided in division (D) of section 5111.232 of the Revised Code, the ICF/IID's case mix scores determined by using the data the ICF/IID provider compiles in accordance with the first paragraph of division (C) of section 5111.232 of the Revised Code. if the ICF/IID provider does not submit resident assessment data for that quarter pursuant to section 5124.191 of the Revised Code;~~ 162906
162907
162908
162909
162910
162911
162912
162913

~~(5) Notify each ICF/IID provider that the provider is permitted but not required to compile assessment data for the first quarter of calendar year 2013 pursuant to the first paragraph of division (C) of section 5111.232 of the Revised Code;~~ 162914
162915
162916
162917

~~(6)~~ After the assessments of all of an ICF/IID's residents are completed but not later than April 30, 2013, provide, or have the entity (if any) with which the Department contracts pursuant to division (B) of this section provide, the results of the assessments to the ICF/IID provider; 162918
162919
162920
162921
162922

~~(7)~~(6) Conduct, in accordance with division (C)~~(8)~~(7) of this section, a reconsideration for any ICF/IID provider who does both of the following: 162923
162924
162925

(a) Submits a written request for the reconsideration to the Department not later than fifteen days after the provider receives the assessments' results pursuant to division (C)~~(6)~~(5) of this section; 162926
162927
162928
162929

(b) Includes in the request all of the following: 162930

(i) A detailed explanation of the items in the assessments' results that the provider disputes; 162931
162932

(ii) Copies of relevant supporting documentation from 162933

specific resident records; 162934

(iii) The provider's proposed resolution of the disputes. 162935

~~(8)~~(7) When conducting a reconsideration required by division 162936
(C)~~(7)~~(6) of this section, do both of the following: 162937

(a) Consider all of the following: 162938

(i) The historic results of the resident assessments 162939
performed pursuant to section 5124.191 of the Revised Code 162940
(formerly the first paragraph of division (C) of section 5111.232 162941
5124.19 of the Revised Code as that section existed on the day 162942
immediately before the effective date of the amendments to that 162943
section by Sub. H.B. 59 of the 130th general assembly) by the 162944
ICF/IID provider who requested the reconsideration; 162945

(ii) All of the materials the provider includes in the 162946
reconsideration request; 162947

(iii) All other matters the Department determines necessary 162948
for consideration. 162949

(b) Issue a written decision regarding the reconsideration 162950
not later than the sooner of the following: 162951

(i) Thirty days after the Department receives the 162952
reconsideration request; 162953

(ii) June 1, 2013. 162954

(D) If an ICF/IID provider does not submit resident 162955
assessment data to the department pursuant to section 5124.191 of 162956
the Revised Code for the first quarter of calendar year 2013, the 162957
Department shall use the case-mix scores specified in divisions 162958
(C)(3)(a)(i) and (iii) of this section when determining the 162959
average under division (C)(3)(a) of this section. 162960

(E) The Department's decision regarding a reconsideration 162961
required by division (C)~~(7)~~(6) of this section is final and not 162962
subject to further appeal. 162963

~~(E)~~(F) Regardless of what an ICF/IID's case-mix score is 162964
determined to be under division (C)(2) of this section or pursuant 162965
to a reconsideration required by division (C)~~(7)~~(6) of this 162966
section, no such case-mix score shall cause an ICF/IID's fiscal 162967
year 2014 Medicaid payment rate for direct care costs to be less 162968
than ninety per cent of its June 30, 2013, Medicaid rate for 162969
direct care costs. 162970

~~(F)~~(G) No ICF/IID provider shall be treated as having failed, 162971
for the first quarter of calendar year 2013, to timely submit data 162972
necessary to determine the ICF/IID's case-mix score for that 162973
quarter if the assessment is to be conducted under division (B) of 162974
this section. 162975

~~(G)~~(H) The Department may provide for assessments to be 162976
conducted under division (B) of this section and, if it so 162977
provides, shall comply with the other divisions of this section 162978
notwithstanding anything to the contrary in sections ~~5111.20~~ 162979
5124.01, ~~5111.23~~ 5124.19, 5124.191, and ~~5111.232~~ 5124.192 of the 162980
Revised Code. 162981

Section 605.31. That existing Section 11 of Sub. H.B. 303 of 162982
the 129th General Assembly is hereby repealed. 162983

Section 605.40. That Section 4 of Am. Sub. H.B. 472 of the 162984
129th General Assembly be amended to read as follows: 162985

Sec. 4. That ~~sections 5507.40 and~~ section 5507.53 of the 162986
Revised Code ~~are~~ is hereby repealed. 162987

Section 605.41. That existing Section 4 of Am. Sub. H.B. 472 162988
of the 129th General Assembly is hereby repealed. 162989

Section 610.10. That Sections 201.80, 205.83, and 509.40 of 162990
Sub. H.B. 482 of the 129th General Assembly be amended to read as 162991

follows: 162992

Sec. 201.80. All items set forth in this section are hereby 162993
appropriated out of any moneys in the state treasury to the credit 162994
of the School Building Program Assistance Fund (Fund 7032), that 162995
are not otherwise appropriated. 162996

Appropriations

	SFC SCHOOL FACILITIES COMMISSION		162997
C23002	School Building Program Assistance	\$ 425,000,000	162998
		<u>413,000,000</u>	
<u>C23020</u>	<u>School Security Grant Program</u>	\$ <u>12,000,000</u>	162999
Total	School Facilities Commission	\$ 425,000,000	163000
TOTAL	School Building Program Assistance Fund	\$ 425,000,000	163001

SCHOOL BUILDING PROGRAM ASSISTANCE 163002

The foregoing appropriation item C23002, School Building 163003
Program Assistance, shall be used by the School Facilities 163004
Commission to provide funding to school districts that receive 163005
conditional approval from the Commission pursuant to Chapter 3318. 163006
of the Revised Code. 163007

SCHOOL SECURITY GRANT PROGRAM 163008

The foregoing appropriation item C23020, School Security 163009
Grant Program, shall be used by the School Facilities Commission 163010
to provide funding to all public schools for the purchase and 163011
installation of one Multi-Agency Radio Communications System unit 163012
per school building and one school entrance security system, per 163013
school building. The school entrance security system may include 163014
improvements to access control, intrusion detection, or video 163015
surveillance. A school may apply to the School Facilities 163016
Commission for reimbursement up to \$2,000 for one Multi-Agency 163017
Radio Communications System Unit per school building and up to 163018
\$5,000 for costs incurred with the purchase of a school entrance 163019

security system installed on or after January 1, 2013. 163020

Sec. 205.83. The Ohio Public Facilities Commission is hereby 163021
authorized to issue and sell, in accordance with Section 2o and 2q 163022
of Article VIII, Ohio Constitution, and pursuant to sections 163023
151.01 and 151.09 of the Revised Code, original obligations of the 163024
state in an aggregate principal amount not to exceed ~~\$6,000,000~~ 163025
12,500,000 in addition to the original issuance of obligations 163026
heretofore authorized by prior acts of the General Assembly. These 163027
authorized obligations shall be issued and sold from time to time, 163028
subject to applicable constitutional and statutory limitations, as 163029
needed to ensure sufficient moneys to the credit of the Clean Ohio 163030
Trail Fund (Fund 7061) to pay costs of conservation projects. 163031

Sec. 509.40. AGENCY ADMINISTRATION OF CAPITAL FACILITIES 163032
PROJECTS 163033

Notwithstanding ~~sections 123.01 and 123.15~~ section 123.21 of 163034
the Revised Code, the Executive Director of ~~Administrative~~ 163035
~~Services~~ the Ohio Facilities Construction Commission may authorize 163036
the Departments of Mental Health, Developmental Disabilities, 163037
Agriculture, Job and Family Services, Rehabilitation and 163038
Correction, Youth Services, Public Safety, Transportation, ~~and~~ 163039
Veterans Services, and the Bureau of Workers' Compensation to 163040
administer any capital facilities projects, the estimated cost of 163041
which, including design fees, construction, equipment, and 163042
contingency amounts, is less than \$1,500,000. Requests for 163043
authorization to administer capital facilities projects shall be 163044
made ~~in writing to the Director of Administrative Services~~ through 163045
the OAKS-CI application by the applicable state agency ~~within~~ 163046
~~sixty days after the effective date of the section of law in which~~ 163047
~~the General Assembly initially makes an appropriation for the~~ 163048
~~project.~~ Upon the release of funds for the projects by the 163049
Controlling Board or the Director of Budget and Management, the 163050

agency may administer the capital project or projects for which 163051
agency administration has been authorized without the supervision, 163052
control, or approval of the Executive Director of ~~Administrative~~ 163053
~~Services~~ the Ohio Facilities Construction Commission. 163054

A state agency authorized by the Executive Director of 163055
~~Administrative Services~~ the Ohio Facilities Construction 163056
Commission to administer capital facilities projects pursuant to 163057
this section shall comply with the applicable procedures and 163058
guidelines established in Chapter 153. of the Revised Code and 163059
shall track all project information in OAKS-CI pursuant to Ohio 163060
Facilities Construction Commission guidelines. 163061

Section 610.11. That existing Sections 201.80, 205.83, and 163062
509.40 of Sub. H.B. 482 of the 129th General Assembly are hereby 163063
repealed. 163064

Section 610.14. That Sections 301.11, 301.12, and 301.13 of 163065
Am. Sub. H.B. 487 of the 129th General Assembly be amended to read 163066
as follows: 163067

Sec. 301.11. The items set forth in this section are hereby 163068
appropriated out of any moneys in the state treasury to the credit 163069
of the Clean Ohio Conservation Fund (Fund 7056) that are not 163070
otherwise appropriated. 163071

Appropriations

	PWC PUBLIC WORKS COMMISSION		163072
C15060	Clean Ohio Conservation	\$ 36,000,000	163073
		<u>75,000,000</u>	
Total Public Works Commission		\$ 36,000,000	163074
		<u>75,000,000</u>	
TOTAL Clean Ohio Conservation Fund		\$ 36,000,000	163075
		<u>75,000,000</u>	

The foregoing appropriation item C15060, Clean Ohio 163076

Conservation, shall be used in accordance with sections 164.20 to 163077
164.27 of the Revised Code. If the Public Works Commission 163078
receives refunds due to project overpayments that are discovered 163079
during the post-project audit, the Director of the Public Works 163080
Commission may certify to the Director of Budget and Management 163081
that refunds have been received. If the Director of Budget and 163082
Management determines that the project refunds are available to 163083
support additional appropriations, such amounts are hereby 163084
appropriated. 163085

Sec. 301.12. The items set forth in this section are hereby 163086
appropriated out of any moneys in the state treasury to the credit 163087
of the Clean Ohio Agricultural Easement Fund (Fund 7057) that are 163088
not otherwise appropriated. 163089

Appropriations

AGR DEPARTMENT OF AGRICULTURE			163090
C70009	Clean Ohio Agricultural Easements	\$ 6,000,000	163091
		<u>12,500,000</u>	
Total	Department of Agriculture	\$ 6,000,000	163092
		<u>12,500,000</u>	
TOTAL	Clean Ohio Agricultural Easement Fund	\$ 6,000,000	163093
		<u>12,500,000</u>	

Sec. 301.13. (A) The Ohio Public Facilities Commission is 163095
hereby authorized to issue and sell, in accordance with Section 2o 163096
and 2q of Article VIII, Ohio Constitution, and pursuant to 163097
sections 151.01 and 151.09 of the Revised Code, original 163098
obligations of the state in an aggregate principal amount not to 163099
exceed ~~\$36,000,000~~ 75,000,000 in addition to the original issuance 163100
of obligations heretofore authorized by prior acts of the General 163101
Assembly. These authorized obligations shall be issued and sold 163102
from time to time, subject to applicable constitutional and 163103
statutory limitations, as needed to ensure sufficient moneys to 163104

the credit of the Clean Ohio Conservation Fund (Fund 7056) to pay 163105
costs of conservation projects. 163106

(B) The Ohio Public Facilities Commission is hereby 163107
authorized to issue and sell, in accordance with Section 2o and 2q 163108
of Article VIII, Ohio Constitution, and pursuant to sections 163109
151.01 and 151.09 of the Revised Code, original obligations of the 163110
state in an aggregate principal amount not to exceed ~~\$6,000,000~~ 163111
12,500,000 in addition to the original issuance of obligations 163112
heretofore authorized by prior acts of the General Assembly. These 163113
authorized obligations shall be issued and sold from time to time, 163114
subject to applicable constitutional and statutory limitations, as 163115
needed to ensure sufficient moneys to the credit of the Clean Ohio 163116
Agricultural Easement Fund (Fund 7057) to pay costs of 163117
conservation projects. 163118

Section 610.15. That existing Sections 301.11, 301.12, and 163119
301.13 of Am. Sub. H.B. 487 of the 129th General Assembly are 163120
hereby repealed. 163121

Section 610.16. That Section 205.80 of Sub. H.B. 482 of the 163122
129th General Assembly, as amended by Am. Sub. H.B. 487 of the 163123
129th General Assembly, be amended to read as follows: 163124

Sec. 205.80. The items set forth in this section are hereby 163125
appropriated out of any moneys in the state treasury to the credit 163126
of the Clean Ohio Trail Fund (Fund 7061) that are not otherwise 163127
appropriated. 163128

DNR DEPARTMENT OF NATURAL RESOURCES 163129

		Appropriations	
C72514	Clean Ohio Local Grants	\$ 6,000,000	163130
		<u>12,500,000</u>	
Total Department of Natural Resources		\$ 6,000,000	163131

	<u>12,500,000</u>	
TOTAL Clean Ohio Trail Fund	\$ 6,000,000	163132
	<u>12,500,000</u>	

Section 610.17. That existing Section 205.80 of Sub. H.B. 482 of the 129th General Assembly, as amended by Am. Sub. H.B. 487 of the 129th General Assembly, is hereby repealed.

Section 610.20. That Section 4 of Sub. S.B. 171 of the 129th General Assembly, as amended by Am. Sub. H.B. 487 of the 129th General Assembly, be amended to read as follows:

Sec. 4. The following agencies are retained under division (D) of section 101.83 of the Revised Code and expire on December 31, 2016:

AGENCY NAME	REVISED CODE OR UNCODIFIED SECTION	
Academic Distress Commission	3302.10	163144
Advisory Board of Governor's Office of Faith-Based and Community Initiatives	107.12	163145
Advisory Board to Assist and Advise in the Operation of the Ohio Center for Autism and Low Incidence	3323.33, 3323.34	163146
Advisory Council on Amusement Ride Safety	1711.51, 1711.52	163147
Advisory Council of Directors for Prison Labor	5145.162	163148
<u>Office of Enterprise Development Advisory Board</u>		
Advisory Council for Wild, Scenic, or Recreational River Area(s)	1547.84	163149
Advisory Committee on Livestock Exhibitions	901.71	163150
Agricultural Commodity Marketing Programs Operating Committees	924.07	163151
Agricultural Commodity Marketing Programs	924.14	163152

Coordinating Committee		
Alternative Energy Advisory Committee	4928.64(D)	163153
AMBER Alert Advisory Committee	5502.521	163154
Apprenticeship Council	Chapter 4139.	163155
Armory Board of Control	5911.09, 5911.12	163156
Automated Title Processing Board	4505.09(C)(1)	163157
Backflow Advisory Board	3703.21	163158
Banking Commission	1123.01	163159
Board of Directors of the Great Lakes Protection Fund	1506.22 (6161.04)	163160
Board of Directors of the Medical Liability Underwriting Association Stabilization Fund	3929.631	163161
Board of Directors of the Ohio Appalachian Center for Higher Education	3333.58	163162
Board of Directors of the Ohio Health Reinsurance Program	3924.08 - 3924.11	163163
Board of Governors of the Commercial Insurance Joint Underwriting Association	3930.03	163164
Board of Governors of the Medical Liability Underwriting Association	3929.64	163165
Board of Voting Machines Examiners	3506.05	163166
Budget Planning and Management Commission	Section 509.10, H.B. 1, 128th G.A.	163167
Brain Injury Advisory Committee	3304.231	163168
Bureau of Workers' Compensation Board of Directors	4121.12	163169
Capitol Square Review and Advisory Board	105.41	163170
Child Care Advisory Council	5104.08	163171
Child Support Guideline Advisory Council	3119.024	163172
Children's Trust Fund Board	3109.15 - 3109.17	163173
Citizen's Advisory Council	5123.092,	163174

	5123.093	
Clean Ohio Trail Advisory Board	1519.06	163175
Coastal Resources Advisory Council	1506.12	163176
Commission on African-American Males	4112.12, 4112.13	163177
Commission on Hispanic-Latino Affairs	121.31	163178
Commission on Minority Health	3701.78	163179
Committee on Prescriptive Governance	4723.49 - 4723.492	163180
Commodity Advisory Commission	926.32	163181
Consumer Advisory Committee to the Opportunities for Ohioans with Disabilities Commission	3304.16 (3304.14), Section 803.40	163182
Continuing Education Committee	109.80(B)	163183
Council on Alcohol and Drug Addiction Services	3793.09	163184
Council on Unreclaimed Strip Mined Lands	1513.29	163185
County Sheriff's Standard Car Marking and Uniform Commission	311.25 - 311.27	163186
Credential Review Board	3319.65	163187
Credit Union Council	1733.329	163188
Criminal Sentencing Advisory Committee	181.22	163189
Data Collection and Analysis Group	3727.32	163190
Dentist Loan Repayment Advisory Board	3702.92	163191
Department Advisory Council(s)	107.18, 121.13	163192
Development Financing Advisory Council	122.40, 122.41	163193
Early Childhood Advisory Council	3301.90	163194
Education Commission of the States (Interstate Compact for Education)	3301.48, 3301.49	163195
Education Management Information System Advisory Board	3301.0713	163196
Educator Standards Board	3319.60	163197
Electrical Safety Inspector Advisory Committee	3783.08	163198
Emergency Response Commission	3750.02	163199
Engineering Experiment Station Advisory Committee	3335.27	163200

Environmental Education Council	3745.21	163201
Environmental Protection Agency Advisory Board(s)	121.13, 3704.03,	163202
	3745.01	
eTech-Ohio <u>Broadcast Educational Media</u> Commission	3353.02 -	163203
	3353.04	
Ex-Offender Reentry Coalition	5120.07	163204
Farmland Preservation Advisory Board	901.23	163205
Financial Planning and Supervision Commission(s)	118.05	163206
for Municipal Corporation, County, or Township		
Financial Planning and Supervision Commission for	3316.05	163207
a school district		
Forestry Advisory Council	1503.40	163208
Governance Authority for a State University or	3345.75	163209
College		
Governor's Council on People with Disabilities	3303.41	163210
Governor's Policy Information Working Group	Section 313,	163211
	H.B. 420, 127th	
	G.A.	
Governor's Residence Advisory Commission	107.40	163212
Grain Marketing Program Operating Committee	924.20 - 924.30	163213
Great Lakes Commission (Great Lakes Basin	6161.01	163214
Compact)		
Gubernatorial Transition Committee	107.29, 126.26	163215
Help Me Grow Advisory Council	3701.611	163216
Hemophilia Advisory Subcommittee of the Medically	3701.0210	163217
Handicapped Children's Medical Advisory Council		
Homeland Security Advisory Council	5502.011(E)	163218
Hospital Measures Advisory Council	3727.31	163219
Housing Trust Fund Advisory Committee	174.06	163220
Industrial Commission Nominating Council	4121.04	163221
Industrial Technology and Enterprise Advisory	122.29, 122.30	163222
Council		
Infant Hearing Screening Subcommittee	3701.507	163223

Infection Control Group	3727.312(D)	163224
Insurance Agent Education Advisory Council	3905.483	163225
Interstate Rail Passenger Advisory Council	4981.35	163226
Joint Select Committee on Volume Cap	133.021	163227
Labor-Management Government Advisory Council	4121.70	163228
Legislative Programming Committee of the Ohio Government Telecommunications Service	3353.07	163229
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	163230
Maternity and Newborn Advisory Council	3711.20, 3711.21	163231
Medically Handicapped Children's Medical Advisory Council	3701.025	163232
Midwest Interstate Passenger Rail Compact Commission	4981.361	163233
Milk Sanitation Board	917.03 - 917.032	163234
Mine Subsidence Insurance Governing Board	3929.51	163235
Minority Development Financing Advisory Board	122.72, 122.73	163236
Multi-Agency Radio Communications System (MARCS) Steering Committee	Section 15.02, H.B. 640, 123rd G.A.	163237
National Museum of Afro-American History and Culture Planning Committee	149.303	163238
New African Immigrants Commission	4112.31, 4112.32	163239
Ohio Accountability Task Force	3302.021(E)	163240
Ohio Advisory Council for the Aging	173.03	163241
Ohio Agriculture License Plate Scholarship Fund Board	901.90	163242
Ohio Arts Council	Chapter 3379.	163243
Ohio Business Gateway Steering Committee	5703.57	163244
Ohio Cemetery Dispute Resolution Commission	4767.05, 4767.06	163245
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)(4)	163246
Ohio Commercial Market Assistance Plan Executive	3930.02	163247

Committee		
Ohio Commission on Dispute Resolution and Conflict Management	179.02 - 179.04	163248
Ohio Commission on Fatherhood	5101.34	163249
Ohio Community Service Council	121.40 - 121.404	163250
Ohio Council for Interstate Adult Offender Supervision	5149.22	163251
Ohio Cultural Facilities Commission	Chapter 3383.	163252
Ohio Cystic Fibrosis Legislative Task Force	101.38	163253
Ohio Developmental Disabilities Council	5123.35	163254
Ohio Expositions Commission	991.02	163255
Ohio Family and Children First Cabinet Council	121.37	163256
Ohio Geographically Referenced Information Program Council	125.901, 125.902	163257
Ohio Geology Advisory Council	1501.11	163258
Ohio Grape Industries Committee	924.51 - 924.55	163259
Ohio Historic Site Preservation Advisory Board	149.301	163260
Ohio Historical Society Board of Trustees	149.30	163261
Ohio Judicial Conference	105.91 - 105.97	163262
Ohio Lake Erie Commission	1506.21	163263
Ohio Legislative Commission on the Education and Preservation of State History	Section 701.05, H.B. 1, 128th G.A.	163264
Ohio Medical Quality Foundation	3701.89	163265
Ohio Parks and Recreation Council	1541.40	163266
Ohio Peace Officer Training Commission	109.71, 109.72	163267
Ohio Private Investigation and Security Services Commission	4749.021, 4743.01	163268
Ohio Public Defender Commission	120.01 - 120.03	163269
Ohio Public Library Information Network Board of Trustees	3375.65, 3375.66	163270
Ohio Quarter Horse Development Commission	3769.086	163271
Ohio Small Government Capital Improvements	164.02(C)(D)	163272

Commission		
Ohio Soil and Water Conservation Commission	1515.02	163273
Ohio Standardbred Development Commission	3769.085	163274
Ohio Subrogation Rights Commission	2323.44	163275
Ohio Thoroughbred Racing Advisory Committee	3769.084	163276
Ohio Transportation Finance Commission	5531.12(B) to (D)	163277
Ohio Tuition Trust Authority	3334.03, 3334.08	163278
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10, 3337.11	163279
Ohio Vendors Representative Committee	3304.34, 20 USC 107	163280
Ohio War Orphans Scholarship Board	5910.02 - 5910.06	163281
Ohio Water Advisory Council	1521.031	163282
Ohio Water Resources Council Advisory Group	1521.19	163283
Ohio Water Resources Council	1521.19	163284
Oil and Gas Commission	1509.35	163285
Operating Committee of the Oil and Gas Marketing Program	1510.06, 1510.11	163286
Organized Crime Investigations Commission	177.01	163287
Pharmacy and Therapeutics Committee of the Department of Job and Family Services <u>Medicaid</u>	5111.084 <u>5164.7510</u>	163288
Physician Assistant Policy Committee of the State Medical Board	4730.05, 4730.06	163289
Physician Loan Repayment Advisory Board	3702.81	163290
Power Siting Board	4906.02	163291
Prequalification Review Board	5525.07	163292
Private Water Systems Advisory Council	3701.346	163293
Public Utilities Commission Nominating Council	4901.021	163294
Public Utility Property Tax Study Committee	5727.85(K)	163295
Radiation Advisory Council	3748.20	163296
Reclamation Commission	1513.05	163297

Reclamation Forfeiture Fund Advisory Board	1513.182	163298
Recreation and Resources Commission	1501.04	163299
Recycling and Litter Prevention Advisory Council	1502.04	163300
School and Ministerial Lands Divestiture Committee	501.041	163301
Savings and Loan Associations and Savings Banks Board	1181.16	163302
Second Chance Trust Fund Advisory Committee	2108.35	163303
Service Coordination Workgroup	Section 751.20, H.B. 1, 128th G.A.	163304
Ski Tramway Board	4169.02	163305
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	163306
Solid Waste Management Advisory Council	3734.51	163307
Special Commission to Consider the Suspension of Local Government Officials	3.16	163308
Speed to Scale Task Force	Section 375.60.80, H.B. 119, 128th G.A.	163309
State Agency Coordinating Group	1521.19	163310
State Audit Committee	126.46	163311
State Council of Uniform State Laws	105.21 - 105.27	163312
State Criminal Sentencing Commission	181.22 - 181.26	163313
State Fire Council	3737.81	163314
State Library Board	3375.01	163315
State Victims Assistance Advisory Council	109.91(B) and (C)	163316
Statewide Consortium of County Law Library Resource Boards	3375.481	163317
STEM Committee	3326.02	163318
Student Tuition Recovery Authority	3332.081	163319
Sunset Review Committee	101.84 - 101.87	163320

Tax Credit Authority	122.17(M)	163321
Technical Advisory Committee to Assist Director of the Ohio Coal Development Office	1551.35	163322
Technical Advisory Council on Oil and Gas	1509.38	163323
Transportation Review Advisory Council	5512.07 - 5512.09	163324
Unemployment Compensation Advisory Council	4141.08	163325
Unemployment Compensation Review Commission	4141.06	163326
Veterans Advisory Committee	5902.02(K)	163327
Volunteer Fire Fighters' Dependents Fund Boards (private volunteer)	146.02 - 146.06	163328
Volunteer Fire Fighters' Dependents Fund Boards (public)	146.02 - 146.06	163329
Water and Sewer Commission	1525.11(C)	163330
Waterways Safety Council	1547.73	163331
Wildlife Council	1531.03 - 1531.05	163332
Workers' Compensation Board of Directors Nominating Committee	4121.123	163333

Section 610.21. That existing Section 4 of Sub. S.B. 171 of the 129th General Assembly, as amended by Am. Sub. H.B. 487 of the 129th General Assembly, is hereby repealed.

Section 620.10. That Section 105.05 of Am. Sub. H.B. 2 of the 128th General Assembly be amended to read as follows:

Sec. 105.05. Section 121.53 of the Revised Code is hereby repealed, effective ~~September~~ June 30, 2013 2014.

Section 620.11. That existing Section 105.05 of Am. Sub. H.B. 2 of the 128th General Assembly is hereby repealed.

Section 630.10. All items set forth in this section are

hereby appropriated out of any moneys in the state treasury to the 163344
credit of the Administrative Building Fund (Fund 7026) that are 163345
not otherwise appropriated for the biennium ending June 30, 2014: 163346

Appropriations

DEV DEVELOPMENT SERVICES AGENCY 163347
C19506 Children's Home \$ 100,000 163348
Total Development Services Agency \$ 100,000 163349

CHILDREN'S HOME 163350

The foregoing appropriation item C19506, Children's Home, 163351
shall be used for the Children's Home of Cincinnati. 163352

Section 630.10.10. All items set forth in this section are 163353
hereby appropriated out of any moneys in the state treasury to the 163354
credit of the Parks and Recreation Improvement Fund (Fund 7035) 163355
that are not otherwise appropriated for the biennium ending June 163356
30, 2014: 163357

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 163358
C725S6 Cleveland Zoological Society \$ 150,000 163359
TOTAL Department of Natural Resources \$ 150,000 163360

CLEVELAND ZOOLOGICAL SOCIETY 163361

Of the foregoing appropriation item C725S6, Cleveland 163362
Zoological Society, shall be used for the Cleveland Zoological 163363
Society. 163364

Section 630.11. That Sections 203.30.40, 203.30.70, 163365
203.30.80, 203.90.10, 203.90.20, 205.10.20, 205.30.90, 205.50.70, 163366
and 207.10.10 of Sub. S.B. 312 of the 129th General Assembly be 163367
amended to read as follows: 163368

Reappropriations

Sec. 203.30.40. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 163369

C87405	Capitol Rotunda Renovations	\$	37,363	163370
C87406	Statehouse Grounds Repair/Improvements	\$	34,663	163371
C87407	Sound System Upgrades	\$	30,654	163372
C87409	Cupola Gutters and Ancillary Roof	\$	5,577	163373
C87411	ADA Specific Sidewalk Ramp Replacement	\$	7,564	163374
C87412	Capitol Square Security	\$	121,316	163375
C87413	CSRAB Visitors' Center	\$	48,576	163376
Total Capitol Square Review and Advisory Board		\$	285,713	163377

On July 1, 2013, or as soon as possible thereafter, the 163378
Director of Budget and Management shall transfer any unexpended 163379
appropriations in appropriation item C87405, Capitol Rotunda 163380
Renovations, and appropriation item C87413, CSRAB Visitors' 163381
Center, to appropriation item C87412, Capitol Square Security. The 163382
appropriations transferred under this section are hereby 163383
appropriated. 163384

Reappropriations

Sec. 203.30.70. OSB SCHOOL FOR THE BLIND 163385

C22607	Renovation of Science Laboratory	\$	26,473	163386
	Greenhouse			
C22614	New School Lighting	\$	32,775	163387
C22616	Renovation and Repairs	\$	779,478	163388
C22617	Elevator Replacement	\$	104,500	163389
C22619	Public Address System Replacement	\$	73,150	163390
C22622	Track Shelter	\$	42,750	163391
C22624	Natatorium Renovations	\$	2,483	163392
C22700	Infrastructure Improvements	\$	1,640,652	163393
			<u>1,657,435</u>	
Total Ohio School for the Blind		\$	2,702,261	163394
			<u>2,719,044</u>	

PUBLIC ADDRESS SYSTEM REPLACEMENT 163395

The amount reappropriated for the foregoing appropriation 163396

item C22619, Public Address System Replacement, is the 163397
unencumbered and unallotted balance as of June 30, 2012, in 163398
appropriation item C22619, Public Address System Replacement, 163399
minus \$77,000. 163400

TRACK SHELTER 163401

The amount reappropriated for the foregoing appropriation 163402
item C22622, Track Shelter, is the unencumbered and unallotted 163403
balance as of June 30, 2012, in appropriation item C22622, Track 163404
Shelter, plus \$77,000. 163405

INFRASTRUCTURE IMPROVEMENTS 163406

The amount reappropriated for the foregoing appropriation 163407
item C22700, Infrastructure Improvements, is the unencumbered and 163408
unallotted balance as of June 30, 2013, in appropriation item 163409
C22700, Infrastructure Improvements, plus \$16,783. 163410

Reappropriations

Sec. 203.30.80.	OSD SCHOOL FOR THE DEAF			163411
C22104	Boilers, Blowers, and Controls for the	\$	44,992	163412
	School Complex			
C22107	Renovation and Repairs	\$	950,000	163413
C22108	High School Window Replacement	\$	20,041	163414
C22109	High School HVAC	\$	19,182	163415
C22111	Staff Building Windows and Repair	\$	15,983	163416
C22112	Alumni Park Preservation	\$	59,375	163417
C22800	Infrastructure Improvements	\$	905,833	163418
			<u>922,616</u>	
Total Ohio School for the Deaf		\$	2,015,406	163419
			<u>2,032,189</u>	
TOTAL Administrative Building Fund		\$	29,689,586	163420
			<u>29,723,152</u>	

Reappropriations

Sec. 203.90.10. DMH DEPARTMENT OF MENTAL HEALTH			163422
C58000	Hazardous Materials Abatement	\$ 118,750	163423
C58001	Community Assistance Projects	\$ 332,500	163424
		<u>232,500</u>	
C58002	Campus Consolidation - Automation	\$ 95,000	163425
C58004	Demolition	\$ 142,500	163426
C58005	Life Safety/Critical Plant Renovations	\$ 23,750	163427
C58006	Patient Care/Environment Improvement	\$ 285,000	163428
C58007	Infrastructure Renovations	\$ 475,000	163429
C58008	Emergency Improvements	\$ 285,000	163430
C58009	Patient Environment Improvement	\$ 1,000	163431
	Consolidation		
C58010	Campus Consolidation	\$ 23,750,000	163432
C58020	Mandel Jewish Community Center	\$ 199,500	163433
Total Department of Mental Health		\$ 25,708,000	163434
		<u>25,608,000</u>	

COMMUNITY ASSISTANCE PROJECTS 163435

Of the foregoing appropriation item C58001, Community Assistance Projects, ~~\$100,000 shall be used for the Children's Home of Cincinnati,~~ \$100,000 shall be used for the Shaw JCC, and \$300,000 shall be used for the Berea Children's Home. 163436
163437
163438
163439

The amount reappropriated for the foregoing appropriation item C58001, Community Assistance Projects, is the unencumbered unallotted balance, as of June 30, 2012, in appropriation item C58001, Community Assistance Projects, plus \$1,096,159.42. Prior to the expenditure of this reappropriation, the Director of Mental Health shall certify to the Director of Budget and Management canceled encumbrances in the amount of at least \$1,096,159.42. 163440
163441
163442
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163446

INFRASTRUCTURE RENOVATIONS 163447

The amount reappropriated for the foregoing appropriation item C58007, Infrastructure Renovations, is the unencumbered and 163448
163449

unallotted balance as of June 30, 2012, in appropriation item 163450
C58007, Infrastructure Renovations, plus \$2,995,450.24. Prior to 163451
the expenditure of this reappropriation, the Director of Mental 163452
Health shall certify to the Director of Budget and Management 163453
canceled encumbrances in the amount of at least \$2,995,450.24. 163454

Reappropriations

Sec. 203.90.20. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 163455
C59004 Community Assistance Projects \$ 13,913,599 163456
C59029 Emergency Generator Replacement \$ 460,362 163457
C59034 Statewide Developmental Centers \$ 1,407,067 163458
C59050 Emergency Improvements \$ 484,984 163459
C59051 Energy Conservation \$ 430,500 163460
C59055 Camp McKinley Improvements \$ 30,000 163461
C59056 The Hope Learning Center \$ 250,000 163462
TOTAL Department of Developmental Disabilities \$ 16,976,512 163463
TOTAL Mental Health Facilities Improvement Fund \$ ~~42,684,512~~ 163464
42,584,512

COMMUNITY ASSISTANCE PROJECTS 163465

The foregoing appropriation item C59004, Community Assistance 163466
Projects, may be used to provide community assistance funds for 163467
the construction or renovation of facilities for day programs or 163468
residential programs that provide services to persons eligible for 163469
services from the Department of Developmental Disabilities or 163470
county boards of developmental disabilities. 163471

The amount reappropriated for the foregoing appropriation 163472
item C59004, Community Assistance Projects, is the unencumbered, 163473
unallotted balance as of June 30, 2012, in appropriation item 163474
C59004, Community Assistance Projects, plus \$8,326,255. Prior to 163475
the expenditure of this reappropriation, the Director of 163476
Developmental Disabilities shall certify to the Director of Budget 163477
and Management canceled encumbrances in the Mental Health 163478

Facilities Improvement Fund (Fund 7033) in the amount of at least	163479
\$8,326,255.	163480
STATEWIDE DEVELOPMENTAL CENTERS	163481
The amount reappropriated for the foregoing appropriation	163482
item C59034, Statewide Developmental Centers, is the unencumbered,	163483
unallotted balance as of June 30, 2012, in appropriation item	163484
C59034, Statewide Developmental Centers, plus \$167,912. Prior to	163485
the expenditure of this reappropriation, the Director of	163486
Developmental Disabilities shall certify to the Director of Budget	163487
and Management canceled encumbrances in the Mental Health	163488
Facilities Improvement Fund (Fund 7033) in the amount of at least	163489
\$167,912.	163490

Reappropriations

Sec. 205.10.20. BOR BOARD OF REGENTS	163491
C23506 Third Frontier Project	\$ 15,689,958 163492
C23519 315 Research and Technology Corridor	\$ 2,090,000 163493
C23525 CWRU Mt. Sinai Skills and Simulation	\$ 500,000 163494
Center	
C23528 Clintonville Fiber Project	\$ 100,000 163495
C23529 Non-credit Job Training Facilities	\$ 2,011,227 163496
C23535 CWRU Energy Center <u>Cleveland Center for</u>	\$ 333,333 163497
<u>Membrane and Structural Biology</u>	
Total Board of Regents	\$ 20,724,518 163498

SUPPLEMENTAL RENOVATIONS LIBRARY DEPOSITORIES 163499

The amount reappropriated for appropriation item C23524,	163500
Supplemental Renovations Library Depositories, is the unencumbered	163501
and unallotted balance in appropriation item C23524, Supplemental	163502
Renovations Library Depositories, minus \$95,695.	163503

NON-CREDIT JOB TRAINING FACILITIES 163504

The amount reappropriated for the foregoing appropriation	163505
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item C23529, Non-credit Job Training Facilities, is the 163506
unencumbered and unallotted balance in appropriation item C23529, 163507
Non-credit Job Training Facilities, as of June 30, 2012, plus 163508
\$866,811. 163509

Reappropriations

Sec. 205.30.90. CCC CUYAHOGA COMMUNITY COLLEGE 163510

C37800	Basic Renovations	\$	617,662	163511
C37803	Technology Learning Center - Western	\$	40,941	163512
C37812	Building A Expansion Module - Western	\$	118,115	163513
C37816	College-Wide Wayfinding Signage System	\$	118,825	163514
C37817	College-Wide Asset Protection & Building	\$	599,645	163515
C37818	Healthcare Technology Building - Eastern	\$	1,343,897	163516
C37821	Hospitality Management Program	\$	37,203	163517
C37822	Theater Renovations	\$	948,231	163518
C37824	Rock and Roll Hall of Fame Archive	\$	3,000	163519
C37826	CW Roof Replacement	\$	181,197	163520
C37831	Visiting Nurse Association	\$	142,500	163521
C37833	Cleveland Zoological Society	\$	142,500	163522
C37834	Museum of Contemporary Art Cleveland	\$	427,500	163523
C37835	Western Reserve Historical Society	\$	2,660,000	163524
Total Cuyahoga Community College		\$	7,381,216	163525
			<u>7,238,716</u>	

BASIC RENOVATIONS 163526

The amount reappropriated for the foregoing appropriation 163527
item C37800, Basic Renovations, is the unencumbered and unallotted 163528
balance as of June 30, 2012, in appropriation item C37800, Basic 163529
Renovations, plus \$1,033,551. 163530

NON-CREDIT JOB TRAINING 163531

The amount reappropriated for appropriation item C37805, 163532
Non-credit Job Training, is the unencumbered and unallotted 163533
balance in appropriation item C37805, Non-credit Job Training, as 163534

of June 30, 2012, minus \$38,676. 163535

BUILDING A EXPANSION MODULE - WESTERN 163536

The amount reappropriated for the foregoing appropriation 163537
item C37812, Building A Expansion Module - Western, is the 163538
unencumbered and unallotted balance as of June 30, 2012, in 163539
appropriation item C37812, Building A Expansion Module - Western, 163540
minus \$82,761. 163541

THEATER RENOVATIONS 163542

The amount reappropriated for the foregoing appropriation 163543
item C37822, Theater Renovations, is the unencumbered and 163544
unallotted balance as of June 30, 2012, in appropriation item 163545
C37822, Theater Renovations, minus \$950,790. 163546

CCC AUTO LAB IMPROVEMENTS 163547

The amount reappropriated for appropriation item C37830, CCC 163548
Auto Lab Improvements, is the unencumbered and unallotted balance 163549
in appropriation item C37830, CCC Auto Lab Improvements, as of 163550
June 30, 2012, minus \$239. 163551

Reappropriations

Sec. 205.50.70. STC STARK TECHNICAL COLLEGE 163552

C38900 Basic Renovations \$ 4,775 163553

C38917 Wind Energy Research and Development \$ 1,166,996 163554

Center

Total Stark Technical College \$ 1,171,771 163555

TOTAL Higher Education Improvement Fund \$ ~~226,722,333~~ 163556

226,579,833

Sec. 207.10.10. LOCAL PARKS PROJECTS 163558

Of the foregoing appropriation item C725E2, Local Parks 163559
Projects, \$50,000 plus an amount equal to two per cent of the 163560
projects listed may be used by the Ohio Department of Natural 163561

Resources for the administration of local projects; \$1,586,570 163562
shall be used for Grand Lake St. Mary's Improvements; \$400,000 163563
shall be used for the Austin Pike Project - Land Acquisition; 163564
\$191,000 shall be used for Deerfield Township Simpson Creek 163565
Erosion Mitigation and Bank Control; \$121,700 shall be used for 163566
the Salt Fork State Park Concession Stand; \$100,000 shall be used 163567
for the Crown Point Conservation Easement; \$100,000 shall be used 163568
for the Euclid Beach Pier; \$100,000 shall be used for the Liberty 163569
Park Expansion - Twinsburg; \$100,000 shall be used for the Lucas 163570
County Marina; \$100,000 shall be used for the Midtown Cleveland 163571
Mountain Bike Park; \$100,000 shall be used for the Mudbrook Trail 163572
and Greenway Project; \$69,000 shall be used for Miami and Erie 163573
Canal Repairs in Spencerville; \$60,000 shall be used for the 163574
Marseilles Reservoir Bulkhead Project; \$50,000 shall be used for 163575
Dillon State Park Upgrades; \$25,000 shall be used for the 163576
Marblehead Lighthouse State Park Life Boat Station; \$24,165 shall 163577
be used for Tar Hollow State Park Improvements; \$20,200 shall be 163578
used for Van Buren State Park Campground Electric and Restroom 163579
Facility Improvements; and \$10,000 shall be used for Village of 163580
Albany Bike Paths. 163581

FINDLEY STATE PARK 163582

The amount reappropriated for the foregoing appropriation 163583
item C72511, Findley State Park, is the unencumbered and 163584
unallotted balance as of June 30, 2012, in appropriation item 163585
C72511, Findley State Park, minus \$22,856. 163586

LAKE HOPE STATE PARK 163587

The amount reappropriated for the foregoing appropriation 163588
item C72522, Lake Hope State Park, is the unencumbered and 163589
unallotted balance as of June 30, 2012, in appropriation item 163590
C72522, Lake Hope State Park, minus \$7,276. 163591

HOCKING HILLS STATE PARK 163592

The amount reappropriated for the foregoing appropriation 163593
item C72559, Hocking Hills State Park, is the unencumbered and 163594
unallotted balance as of June 30, 2012, in appropriation item 163595
C72559, Hocking Hills State Park, minus \$3,025. 163596

PORTAGE LAKES STATE PARK 163597

The amount reappropriated for the foregoing appropriation 163598
item C72576, Portage Lakes State Park, is the unencumbered and 163599
unallotted balance as of June 30, 2012, in appropriation item 163600
C72576, Portage Lakes State Park, minus \$2,040. 163601

DEER CREEK STATE PARK 163602

The amount reappropriated for the foregoing appropriation 163603
item C72594, Deer Creek State Park, is the unencumbered and 163604
unallotted balance as of June 30, 2012, in appropriation item 163605
C72594, Deer Creek State Park, minus \$19,392. 163606

RIVERFRONT IMPROVEMENTS 163607

The amount reappropriated for the foregoing appropriation 163608
item C725D0, Riverfront Improvements, is the unencumbered and 163609
unallotted balance as of June 30, 2012, in appropriation item 163610
C725D0, Riverfront Improvements, minus \$5,000. 163611

MOHICAN STATE PARK 163612

The amount reappropriated for the foregoing appropriation 163613
item C725M9, Mohican State Park, is the unencumbered and 163614
unallotted balance as of June 30, 2012, in appropriation item 163615
C725M9, Mohican State Park, minus \$72,469. 163616

WASTEWATER AND WATER SYSTEMS UPGRADE 163617

The amount reappropriated for the foregoing appropriation 163618
item C725N6, Wastewater and Water Systems Upgrade, is the 163619
unencumbered and unallotted balance as of June 30, 2012, in 163620
appropriation item C725N6, Wastewater and Water Systems Upgrade, 163621
plus \$162,050. 163622

SOUTH BASS ISLAND STATE PARK 163623

The amount reappropriated for the foregoing appropriation 163624
item C725R0, South Bass Island State Park, is the unencumbered and 163625
unallotted balance as of June 30, 2012, in appropriation item 163626
C725R0, South Bass Island State Park, minus \$29,992. 163627

KAMP DOVETAIL PROJECT 163628

The amount reappropriated for the foregoing appropriation 163629
item C725S5, Kamp Dovetail Project, used by the Department of 163630
Natural Resources, is the unencumbered and unallotted balance 163631
remaining as of June 30, 2013, in appropriation item C59020, Kamp 163632
Dovetail Project, used by the Department of Developmental 163633
Disabilities. 163634

FEDERAL REIMBURSEMENT 163635

All reimbursements received from the federal government for 163636
any expenditures made pursuant to sections of this act numbered 163637
with the prefix "207.10" shall be deposited in the state treasury 163638
to the credit of the Parks and Recreation Improvement Fund. 163639

Section 630.12. That existing Sections 203.30.40, 203.30.70, 163640
203.30.80, 203.90.10, 203.90.20, 205.10.20, 205.30.90, 205.50.70, 163641
and 207.10.10 of Sub. S.B. 312 of the 129th General Assembly are 163642
hereby repealed. 163643

Section 701.10. EXEMPT EMPLOYEE CONSENT TO CERTAIN DUTIES 163644

As used in this section, "appointing authority" has the same 163645
meaning as in section 124.01 of the Revised Code, and "exempt 163646
employee" has the same meaning as in section 124.01 of the Revised 163647
Code. 163648

Notwithstanding section 124.181 of the Revised Code, in cases 163649
where no vacancy exists, an appointing authority may, with the 163650
written consent of an exempt employee, assign duties of a higher 163651

classification to that exempt employee for a period of time not to 163652
exceed two years, and that exempt employee shall receive 163653
compensation at a rate commensurate with the duties of the higher 163654
classification. 163655

Section 701.30. As used in this section, "public record" has 163656
the meaning defined in section 149.43 of the Revised Code, and 163657
"public office" has the meaning defined in section 149.011 of the 163658
Revised Code. 163659

Not later than December 31, 2013, the Director of 163660
Administrative Services shall deliver a report to the Governor, 163661
the Speaker and Minority Leader of the House of Representatives, 163662
and the President and Minority Leader of the Senate that proposes 163663
uniform standards that should apply to a public office that 163664
chooses to post public records on an internet web site maintained 163665
by the public office. In developing the standards, the Director 163666
shall consider, at a minimum, the following factors: any 163667
recommended technology and/or software to use; the projected costs 163668
of implementing and maintaining such technology and software; and 163669
how a public office is to post a public record on its web site, or 163670
on a public web site maintained by the state, so that the public 163671
record, or the data contained in the public record, is capable of 163672
being searched and downloaded by the public in a uniform manner. 163673

Section 715.10. Two years after the amendments to section 163674
1501.011 of the Revised Code by this act take effect, the Ohio 163675
Facilities Construction Commission and the Department of Natural 163676
Resources shall review division (C) of that section. 163677

Section 733.10. Notwithstanding section 3317.01 of the 163678
Revised Code, as amended by this act, to determine whether a 163679
school district satisfied the minimum school year in the 2013-2014 163680
school year in order to qualify for state funding under Chapter 163681

3317. of the Revised Code for fiscal year 2015, the Department of 163682
Education shall apply the criteria prescribed in the version of 163683
division (B) of section 3317.01 of the Revised Code in effect 163684
prior to July 1, 2014. 163685

Section 733.20. The General Assembly hereby declares its 163686
intent, in enacting section 3319.031 of the Revised Code, to 163687
supersede any effect of the decision of the Court of Appeals of 163688
the Eighth Appellate District in *OAPSE/AFSCME Local 4 v. Berdine*, 163689
174 Ohio App.3d 46 (Cuyahoga County, 2007) to the extent the 163690
decision conflicts with the principle that boards of education may 163691
appoint a licensed business manager, but also may determine 163692
instead to assign the roles and functions of a business manager to 163693
one or more employees or officers of the board, including the 163694
treasurer, in the board's sole discretion. 163695

Section 733.40. (A) The Superintendent of Public Instruction 163696
shall appoint three incorporators who are knowledgeable about the 163697
administration of public schools and about the operation of 163698
nonprofit corporations in Ohio. 163699

(B) The incorporators shall do whatever is necessary and 163700
proper to set up a nonprofit corporation under Chapter 1702. of 163701
the Revised Code. The articles of incorporation, in addition to 163702
meeting the requirements of section 1702.04 of the Revised Code, 163703
shall set forth the following provisions: 163704

(1) That the nonprofit corporation is to create and implement 163705
a pilot program that provides an alternative path for individuals 163706
to receive training and development in the administration of 163707
primary and secondary education and leadership, that will enable 163708
these individuals to earn a degree in public school 163709
administration, that will enable these individuals to obtain 163710
licenses in public school administration, and that promotes the 163711

placement of these individuals in public schools that have a 163712
poverty percentage greater than fifty per cent. 163713

(2) That the Board of Directors are to establish criteria for 163714
program costs, participant selection, and continued participation, 163715
and metrics to document and measure pilot program activities. 163716

(3) That the name of the nonprofit corporation is "New 163717
Leaders for Ohio Schools." 163718

(4) That the Board of Directors is to consist of the 163719
following nine directors: 163720

(a) The Governor or the Governor's designee; 163721

(b) The Superintendent of Public Instruction, or the 163722
Superintendent's designee; 163723

(c) The Chancellor of the Ohio Board of Regents, or the 163724
Chancellor's designee; 163725

(d) Two individuals to represent major business enterprises 163726
in Ohio; 163727

(e) Two individuals appointed by the Speaker of the House of 163728
Representatives, one of whom shall be an active duty or retired 163729
military officer; 163730

(f) Two individuals appointed by the President of the Senate, 163731
one of whom shall be a current or retired teacher or principal. 163732

The Dean of The Ohio State University Fisher College of 163733
Business and the Dean of The Ohio State University College of 163734
Education and Human Ecology are to serve as ex-officio nonvoting 163735
members of the Board. 163736

The individuals on the Board who represent major business 163737
enterprises in Ohio are to be appointed by a statewide 163738
organization selected by the Governor. The organization is to be 163739
nonpartisan and consist of chief executive officers of major 163740
corporations organized in Ohio. 163741

(5) That the Board is to elect a chairperson from among its members, and is to appoint a President of the corporation.

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(6) That the President of the Corporation, subject to the approval of the Board, is to enter into a contract with The Ohio State University Fisher College of Business. Under the contract, the College is to provide oversight to the corporation, is to serve as fiscal agent for the corporation, and is to provide the corporation with office space, and with office furniture and equipment, as is necessary for the corporation successfully to fulfill its duties.

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(7) That the overhead expenses of the corporation are not to exceed fifteen per cent of the annual budget of the corporation.

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(8) That the President is to apply for, and is to receive and accept, grants, gifts, bequests, and contributions from private sources.

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(9) That the corporation is to submit an annual report to the General Assembly and Governor beginning December 31, 2013.

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(10) That state financial support for the corporation shall cease on the date that is five years after the effective date of this section.

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Section 733.50. (A) The State Board of Education shall issue an alternative principal or administrator license in accordance with rules adopted under this section to an individual who successfully completes the New Leaders for Ohio Schools pilot program under Section 733.40 of this act.

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(B) The State Board, in consultation with the Board of Directors of New Leaders for Ohio Schools, shall adopt rules that prescribe the requirements for an alternative principal or administrator license specifically for an individual who successfully completes the New Leaders for Ohio Schools pilot

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program. The State Board shall use the rules for alternative 163772
principal and administrator licenses previously adopted under 163773
section 3319.27 of the Revised Code as a guideline for development 163774
of the rules adopted under this section. 163775

Section 737.20. TELEMEDICINE POLICY WORKGROUP 163776

The Executive Director of the Governor's Office of Health 163777
Transformation may convene a workgroup of state agency directors 163778
to study policy matters regarding the potential benefits of using 163779
telemedicine as a means of increasing the quality and availability 163780
of health care services within this state. If established, the 163781
workgroup shall include the Medicaid Director, Superintendent of 163782
Insurance, and any other state agency director the Executive 163783
Director considers appropriate. Additional individuals may be 163784
included at the discretion of the Executive Director. 163785

A study conducted by a workgroup established under this 163786
section shall focus on developing a comprehensive statewide policy 163787
that encourages the use of telemedicine as an integral component 163788
of the state's health care system. In doing so, the workgroup 163789
shall consider not only the practice of telemedicine and the 163790
technology used to provide telemedicine services, but also matters 163791
pertaining to the implementation of telemedicine systems and the 163792
reimbursement of health care professionals, health care 163793
facilities, and other providers of telemedicine services, 163794
including coverage provided by health care insurers and the 163795
Medicaid program. 163796

Section 747.10. (A) The Ohio Cemetery Law Task Force shall 163797
develop recommendations on modifications of the laws of this state 163798
relating to cemeteries. 163799

(B) The Ohio Cemetery Law Task Force is established. The Task 163800
Force shall consist of the following eleven members: a 163801

representative of local government, other than townships, 163802
appointed by the President of the Senate; a representative of the 163803
Ohio Township Association appointed by the President of the 163804
Senate; a representative of Native Americans appointed by the 163805
President of the Senate; a representative of private cemeteries 163806
appointed by the Speaker of the House of Representatives; a 163807
representative of the Ohio Historical Society appointed by the 163808
Speaker of the House of Representatives; a representative of 163809
archeologists appointed by the Speaker of the House of 163810
Representatives; a representative of the Ohio Genealogical Society 163811
appointed by the Governor; a representative of the Ohio Cemetery 163812
Dispute Resolution Commission appointed by the Governor; a 163813
representative of the Division of Real Estate and Professional 163814
Licensing in the Department of Commerce appointed by the Governor; 163815
a representative of the Department of Transportation appointed by 163816
the Governor; and a representative of the Department of Natural 163817
Resources appointed by the Governor. 163818

The initial appointments shall be made not later than thirty 163819
days after the effective date of this section. Vacancies shall be 163820
filled in the manner provided for original appointments. 163821

The Task Force shall elect two of its members to serve as 163822
co-chairpersons of the Task Force. 163823

The Task Force shall meet as often as necessary to carry out 163824
its duties and responsibilities. Members of the Task Force shall 163825
serve without compensation. 163826

(C) The Task Force shall issue a report of its 163827
recommendations to the President of the Senate, the Speaker of the 163828
House of Representatives, and the Governor not later than one year 163829
after the effective date of this section. The Task Force ceases to 163830
exist upon submitting its report. 163831

Section 747.20. The county recorder shall continue to keep 163832

six separate sets of records of all agreements for the 163833
registration of lands as archaeological or historic landmarks 163834
recorded before the effective date of this section. 163835

Section 747.30. Notwithstanding section 4783.04 of the 163836
Revised Code, as enacted by this act, if an individual certified 163837
as a board certified behavior analyst by the Behavior Analyst 163838
Certification Board or its successor organization can demonstrate 163839
active practice in a manner prescribed in rules adopted by the 163840
State Board of Psychology within one year after the effective date 163841
of those rules, the individual may apply for immediate 163842
certification as a certified Ohio behavior analyst without paying 163843
a fee or satisfying other requirements specified in section 163844
4783.04 of the Revised Code or requirements prescribed by the 163845
State Board of Psychology. 163846

The State Board of Psychology shall provide internet access 163847
to the study guide produced by the State Board of Psychology that 163848
summarizes the applicable laws and rules. An individual issued a 163849
certificate pursuant to this section is responsible for knowledge 163850
of Ohio law based on self-study of these documents. 163851

Following initial certification under this section, a 163852
certified Ohio behavior analyst shall comply with section 4783.05 163853
of the Revised Code with respect to biennial registration, payment 163854
of fees, and continuing education requirements. 163855

Section 751.10. RECOVERY REQUIRES A COMMUNITY PROGRAM 163856

The Department of Mental Health and Addiction Services, in 163857
consultation with the Department of Medicaid, shall administer the 163858
Recovery Requires a Community Program to identify individuals 163859
residing in nursing facilities who can be successfully moved into 163860
a community setting with the aid of community non-Medicaid 163861
services. 163862

The Director of Mental Health and Addiction Services and the Medicaid Director shall agree upon an amount representing the savings realized from decreased nursing facility utilization to be transferred within the biennium from the Department of Medicaid to the Department of Mental Health and Addiction Services to support non-Medicaid program costs for individuals moving into community settings.

Of the foregoing appropriation item 651525, Medicaid/Health Care Services, the Medicaid Director shall transfer the amount agreed upon representing the savings from the General Revenue Fund to the Sale of Goods and Services Fund (Fund 1490). The transfer shall be made using an intrastate transfer voucher. The transferred cash is hereby appropriated to appropriation item 335609, Community Operating/Planning.

Section 753.20. (A) The Director of Administrative Services, on behalf of the Department of Rehabilitation and Correction, is authorized to sell by bid, auction, real estate sale agreement, or through any other available legal means, all of the state's right, title, and interest in any or all of the real property described below, that the Director of Administrative Services and the Director of Rehabilitation and Correction determine should be sold in the best interest of, and as surplus to, the needs of the state.

(B) The Governor is authorized to execute one or more deeds in the name of the state, conveying to one or more purchasers, their heirs and assigns or successors and assigns, all of the state's right, title, and interest in one or more of the real properties and improvements described below:

101 Oval Drive Lima 45801

102 Oval Drive Lima 45801

1757 South Avon Belden Road Grafton 44044	163893
2069 South Avon Belden Road Grafton 44044	163894
900 East Capel Road Grafton 44044	163895
1088 North Main Street Mansfield 44903	163896
1659 Scioto Village Drive Marion 43302	163897
1674 Scioto Village Drive Marion 43302	163898
1686 Scioto Village Drive Marion 43302	163899
1693 Scioto Village Drive Marion 43302	163900
1705 Scioto Village Drive Marion 43302	163901
1710 Scioto Village Drive Marion 43302	163902
1717 Scioto Village Drive Marion 43302	163903
745 Likens Road Marion 43302	163904
813 Likens Road Marion 43302	163905
PCI Unit 4 - 11781 State Route 762 Orient 43146	163906
103 Reservation Circle Chillicothe 45601	163907
123 Reservation Circle Chillicothe 45601	163908
124 Reservation Circle Chillicothe 45601	163909
14166 Pleasant Valley Road Chillicothe 45601	163910
1187 Cook Road Lucasville 45648	163911
(C) The Director of Administrative Services shall convey the real estate, its improvements and chattels, "as-is," in its present condition.	163912 163913 163914
(D) Consideration for conveyance of the real estate shall be determined by bid, auction, or negotiated purchase agreement, at the discretion of the Director of Administrative Services and the Director of Rehabilitation and Correction.	163915 163916 163917 163918
(E) The real property shall be conveyed subject to all	163919

easements, covenants, conditions, and restrictions of record; all 163920
legal highways; zoning, building, and other laws, ordinances, 163921
restrictions, and regulations; and real estate taxes and 163922
assessments not yet due and payable. 163923

(F)(1) The deed or deeds to the real estate may contain any 163924
terms and conditions the Director of Administrative Services and 163925
the Director of Rehabilitation and Correction determine to be in 163926
the best interest of the state. The deed or deeds may contain 163927
restrictions that the Directors determine are reasonably necessary 163928
to protect the interest of the state in neighboring state-owned 163929
land. 163930

(2) The deed or deeds shall contain restrictions prohibiting 163931
the purchaser from occupying, using, developing, or selling the 163932
real estate, such as will interfere with quiet enjoyment of the 163933
neighboring state-owned land. 163934

(G) The method of sale and disposition of the real estate 163935
shall be determined by the Director of Administrative Services and 163936
the Director of Rehabilitation and Correction. 163937

(H) The real estate may be sold as an entire tract, as 163938
multiple tracts, or in parcels. 163939

(I) The purchaser or purchasers shall pay all costs 163940
associated with the purchase and conveyance of the real estate, 163941
including, but not limited to, title evidence, title insurance, 163942
transfer costs and fees, recording costs of the deed, taxes, and 163943
any other fees and costs that may be imposed. 163944

(J) Surveys and legal descriptions as are required for the 163945
conveyance of the real estate shall be prepared at the purchaser's 163946
expense. 163947

(K) The net proceeds of the sale of the real estate shall be 163948
deposited into the state treasury to the credit of the Property 163949
Receipts Fund created by section 5120.22 of the Revised Code. 163950

(L) Upon payment of the purchase price for all or any of the real estate, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed or deeds for the real estate. A deed shall state the consideration, and any terms or conditions and the restrictions. A deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the purchaser. The purchaser shall present the deed for recording in the office of the appropriate County Recorder.

(M) This section expires two years after its effective date.

Section 753.30. (A) There is the State Facility Utilization and Consolidation Task Force. The Task Force shall create an inventory of state-owned real property and of assets related to the real property, study the current utilization of the real property and related assets, determine which real properties and related assets are not being productively used, determine which real properties and related assets that are not being productively used could be productively used, and determine which real properties and related assets that are not being productively used could be productively used if consolidated. The Task Force, based on its study, shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives, not later than one year after the effective date of this section, a report expressing Task Force's recommendations for the sale, productive use, or consolidation of state-owned real property and assets. Upon completing delivery of its report, the Task Force ceases to exist.

(B) The Task Force consists of the following members: Two members of the House of Representatives, appointed by the Speaker of the House of Representatives; two members of the Senate

appointed by the President of the Senate; one individual appointed 163982
by the Governor; the Director of Administrative Services or the 163983
Director's designee; and the Director of Budget and Management or 163984
the Director's designee. Vacancies on the Task Force shall be 163985
filled by the appointing authority. 163986

The Task Force shall select a chairperson and 163987
vice-chairperson from among its members. 163988

Members of the Task Force are not entitled to compensation 163989
for serving on the Task Force. Members of the Task Force may 163990
continue to receive the compensation and benefits accruing from 163991
their regular offices or employments. A member of the Task Force 163992
is entitled to reimbursement of actual and necessary expenses 163993
incurred because of service on the Task Force. 163994

The Task Force first shall meet within one month after the 163995
effective date of this section at the call of the Governor. 163996
Thereafter, the Task Force shall meet at the call of its 163997
chairperson as necessary to carry out its duties. 163998

The Director of Administrative Services shall provide the 163999
Task Force with meeting space and with professional, technical, 164000
and clerical staff as is necessary for the Task Force successfully 164001
and efficiently to fulfill its duties. 164002

Section 755.10. Not later than ninety days after the 164003
effective date of this section, the Director of Transportation 164004
shall establish a county bridge program to assist counties with 164005
the maintenance of bridges. The program may provide monetary and 164006
other resources, and shall address infrastructure needs related to 164007
county-maintained bridges, including bridge embankments, drainage 164008
bridge repair, and other related conditions. 164009

The Director may consult with affected political subdivisions 164010
in assessing needs and in developing the program. Upon 164011

establishing the program, the Director shall notify affected 164012
political subdivisions in an appropriate manner of the 164013
availability of the program. 164014

Section 757.10. MINIMUM DISTRIBUTION OF LOCAL GOVERNMENT FUND 164015
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Notwithstanding any provision of section 131.51 of the 164017
Revised Code to the contrary, from revenue arising from the 164018
personal income tax levied under Chapter 5747. of the Revised 164019
Code, an amount equal to one hundred per cent of the amount 164020
credited to the Local Government Fund in July 2012 shall be 164021
credited to such fund in July 2013. In July 2013 each county 164022
undivided local government fund shall receive the same amount it 164023
received in July 2012. In July 2013 each municipal corporation 164024
shall receive the same amount it directly received from the Local 164025
Government Fund in July 2012. 164026

Section 757.30. (A) There is hereby created the Commercial 164027
Activity Tax Review Committee to review and make recommendations 164028
for reforming and improving the tax levied under Chapter 5751. of 164029
the Revised Code. The committee shall be composed of the following 164030
members: 164031

(1) The chair of the standing committee of the House of 164032
Representatives that deals primarily with issues of taxation; 164033

(2) The chair of the standing committee of the Senate that 164034
deals primarily with issues of taxation; 164035

(3) Three members of the House of Representatives appointed 164036
by the Speaker of the House of Representatives, two of whom shall 164037
be members of the minority party; 164038

(4) Three members of the Senate appointed by the President of 164039
the Senate, two of whom shall be members of the minority party; 164040

(5) The Tax Commissioner or the Commissioner's designee; and 164041

(6) The Director of Budget and Management or the Director's 164042
designee. 164043

(B) The Commercial Activity Tax Review Committee shall be 164044
jointly chaired by the members described in divisions (A)(1) and 164045
(2) of this section. The committee shall meet monthly, beginning 164046
in July 2013, at the call of the chairs and may accept testimony. 164047
The committee is a public body for the purposes of section 121.22 164048
of the Revised Code. 164049

The committee shall, on or before October 31, 2013, submit a 164050
report with the committee's recommendations to the Governor, the 164051
Speaker and Minority Leader of the House of Representatives, and 164052
the President and Minority Leader of the Senate. 164053

(C) The Commercial Activity Tax Review Committee shall cease 164054
to exist after October 31, 2013. 164055

Section 757.50. The amendment by this act of divisions (Q), 164056
(R), and (S) of section 5741.01 and section 5741.03 of the Revised 164057
Code and the enactment of section 5741.032 of the Revised Code are 164058
hereby effectuated with the intent that if the United States 164059
Congress enacts the Marketplace Fairness Act of 2013, or other 164060
similar legislation authorizing states to require sellers that 164061
lack a substantial nexus with the state to pay, collect, or remit 164062
sales or use tax, the General Assembly shall adopt, before the 164063
effective date of such federal legislation, any conforming 164064
amendments required by such federal legislation and requiring the 164065
Tax Commissioner to adopt rules necessary to effectively 164066
administer such taxes with respect to remote sellers, as defined 164067
in division (R) of section 5741.01 of the Revised Code. 164068

This section is not intended to create a nexus between this 164069
state and remote sellers for any tax other than those imposed 164070

under Chapters 5739. and 5741. of the Revised Code. 164071

Section 757.60. The purpose of section 3735.661 of the 164072
Revised Code is to clarify the intent of the General Assembly that 164073
"first two amendments," as used in division (B) of Section 3 of 164074
Am. Sub. S.B. 19 of the 120th General Assembly, has, on and after 164075
July 22, 1994, referred and continues to refer to only a 164076
substantive amendment to a community reinvestment area ordinance 164077
or resolution that extends, expands, increases, or otherwise 164078
broadens the availability of tax exemptions provided under the 164079
ordinance or resolution and does not refer to an amendment that 164080
decreases or otherwise limits the availability of tax exemptions 164081
under the ordinance or resolution or that are procedural or 164082
administrative. Therefore, section 3735.661 of the Revised Code 164083
applies retroactively to ordinances and resolutions adopted under 164084
section 3735.66 of the Revised Code before and after the effective 164085
date of section 3735.661 of the Revised Code. 164086

Section 803.10. An investor who is issued a tax credit 164087
certificate under section 122.152 of the Revised Code prior to 164088
that section's repeal by this act may continue to claim that 164089
credit in the manner provided for in that section. 164090

Section 803.20. The member of the Farmland Preservation 164091
Advisory Board appointed under division (A)(4) of section 901.23 164092
of the Revised Code, as that section existed prior to its 164093
amendment by this act, who is serving on the effective date of 164094
this act shall continue to serve until the expiration of the term 164095
for which the member was appointed. At the end of that term, a 164096
member shall be appointed in accordance with division (A)(4) of 164097
that section as amended by this act. 164098

Section 803.30. A member of the technical advisory committee 164099

created in section 1551.35 of the Revised Code, as amended by this 164100
act, who was appointed by the Director of the Ohio Coal 164101
Development Office and who is serving on the committee immediately 164102
prior to the effective date of the amendments to that section 164103
shall continue in office until the expiration of the member's 164104
term. Thereafter, the appointment of a member for that position on 164105
the committee shall be made in accordance with the amendments to 164106
that section by this act. 164107

Section 803.41. (A) A member serving on the Rehabilitation 164108
Services Commission immediately prior to the effective date of 164109
this section who was appointed under section 3304.12 of the 164110
Revised Code as that section existed prior to its amendment by 164111
this act shall continue serving on the Opportunities for Ohioans 164112
with Disabilities Commission established by the amendments to that 164113
section by this act until the end of the term for which the member 164114
was appointed. 164115

(B) The consumer advisory committee that is required to be 164116
appointed by the Opportunities for Ohioans with Disabilities 164117
Commission by section 3304.16 (3304.14) of the Revised Code, as 164118
amended and renumbered by this act, is a continuation of the 164119
consumer advisory committee that was required to be appointed by 164120
the Rehabilitation Services Commission by section 3304.24 of the 164121
Revised Code prior to the repeal of that section by this act. 164122

Section 803.50. The amendments to sections 3313.48, 3313.533, 164123
3313.62, 3317.01, and 3321.05; the repeal and reenactment of 164124
section 3313.481; and the repeal of section 3313.482 of the 164125
Revised Code made by this act do not apply to any collective 164126
bargaining agreement executed under Chapter 4117. of the Revised 164127
Code prior to July 1, 2014. Any collective bargaining agreement or 164128
renewal executed after that date shall comply with the changes 164129

provided for in this act. 164130

Section 803.60. (A) As used in this section: 164131

(1) "State institution of higher education" has the same 164132
meaning as in section 3345.011 of the Revised Code. 164133

(2) "Career-technical planning district" has the same meaning 164134
as in section 3302.033 of the Revised Code. 164135

(B) Nothing in Chapter 3365. of the Revised Code or the 164136
amendment of sections in that chapter by this act shall be 164137
construed to infringe upon or require the alteration of any 164138
existing or future articulation agreement for technical coursework 164139
offered through state-approved career-technical programs of study 164140
or any corresponding payment structure between any state 164141
institution of higher education and a career-technical planning 164142
district. 164143

The Department of Education and the Board of Regents shall 164144
study the implications of applying the changes in Chapter 3365. of 164145
the Revised Code to articulation agreements for technical 164146
coursework offered through state-approved career-technical 164147
programs of study. The Department and the Board also shall make 164148
recommendations on how such career-technical programs of study 164149
might be included under Chapter 3365. of the Revised Code and the 164150
implications of including them. These recommendations shall be 164151
submitted to the Governor's Office of 21st Century Education and 164152
the General Assembly in accordance with section 101.68 of the 164153
Revised Code, not later than July 1, 2014. 164154

Section 803.80. (A) The amendment by this act of section 164155
5747.01 of the Revised Code, amending or enacting divisions 164156
(A)(26) and (GG) of that section, applies to taxable years ending 164157
on or after the effective date of this section. 164158

(B) The amendment by this act of section 5747.022 and 164159

division (A) of section 5747.025 of the Revised Code applies to 164160
taxable years beginning on or after January 1, 2014. 164161

(C) The amendment by this act of division (A)(32) of section 164162
5747.01, division (C) of section 5747.025, and of sections 164163
5747.02, 5747.08, 5747.21, 5747.22, and 5748.01 and the repeal of 164164
section 5747.211 of the Revised Code apply to taxable years 164165
beginning on or after January 1, 2013. 164166

Section 803.90. (A) Except as provided in division (B) of 164167
this section, the amendment by this act of section 5751.01 of the 164168
Revised Code applies to tax periods ending on or after the 164169
effective date of that amendment. 164170

(B) The amendment by this act of section 5751.02, section 164171
5751.051, divisions (B)(1), (B)(2), and (J) of section 5751.20, 164172
and all divisions of section 5751.01 of the Revised Code except 164173
divisions (F)(2)(z) and (jj) of that section shall take effect 164174
July 1, 2014. 164175

(C) The amendment by this act of divisions (F)(2)(z) and (jj) 164176
of section 5751.01 of the Revised Code applies to original returns 164177
filed on or after January 1, 2014. 164178

Section 803.120. (A) The amendment by this act of section 164179
1509.50, division (C)(12) of section 5703.21, section 5749.02, 164180
divisions (D), (F), (H), and (I) of section 5749.06, and section 164181
5749.17 of the Revised Code applies to calendar quarters beginning 164182
on or after October 1, 2013. 164183

(B) The amendment by this act of division (G) of section 164184
5749.06 of the Revised Code applies to the severance of natural 164185
resources occurring in calendar quarters beginning on or after 164186
January 1, 2014. 164187

Section 803.160. (A) References to the Ohio Cooperative 164188

Extension Service, or use of a similar term, in any contracts, 164189
agreements, or other instruments that were entered into or 164190
executed prior to the effective date of this section pursuant to 164191
state statutes are deemed to be references to OSU Extension as 164192
defined in section 1.611 of the Revised Code as enacted by this 164193
act. 164194

(B) References to the Ohio Cooperative Extension Service, or 164195
use of a similar term, in rules adopted prior to the effective 164196
date of this section pursuant to state statutes are deemed to be 164197
references to OSU Extension. 164198

Section 803.170. The amendment by this act of section 5709.17 164199
of the Revised Code applies to tax year 2013 and every tax year 164200
thereafter. 164201

Section 803.180. The amendment or enactment by this act of 164202
sections 5735.012 and 5735.013 applies on and after January 1, 164203
2014. 164204

Section 803.190. (A) The amendment or enactment by this act 164205
of division (I), except for divisions (I)(2)(g) and (I)(4), of 164206
section 5741.01 of the Revised Code applies to the storage, use, 164207
or other consumption of tangible personal property or services 164208
occurring on and after the first month beginning after the 164209
effective date of that division and section. 164210

(B) The amendment by this act of divisions (I)(2)(g) and 164211
(I)(4) of section 5741.01 and section 5741.17 of the Revised Code 164212
applies to the storage, use, or other consumption of tangible 164213
personal property or services occurring on and after October 1, 164214
2013, regardless of the date a seller and a resident entered into 164215
an agreement described in division (I)(2)(g) of section 5741.01 of 164216
the Revised Code. On that date, as used in divisions (I)(2)(g) and 164217
(I)(4) of section 5741.01 of the Revised Code, "preceding twelve 164218

months" means the twelve months beginning October 1, 2012, and 164219
ending September 30, 2013. 164220

(C) The amendment by this act of section 5739.02 of the 164221
Revised Code, adding division (B)(49)(b), applies to retail sales 164222
occurring on or after the first day of the first month beginning 164223
after the effective date of that section. 164224

Section 803.210. Section 4503.192 of the Revised Code, which 164225
under Am. Sub. H.B. 51 of the 130th General Assembly is scheduled 164226
to take effect on July 1, 2013, rather takes effect on January 1, 164227
2014. 164228

Section 803.220. The new filing requirements applicable to 164229
persons who are elected or appointed to, or who are candidates 164230
for, an office of a township with a population of five thousand or 164231
more under section 102.02 of the Revised Code, as amended by this 164232
act, first apply to 2013 statements required to be filed by 164233
persons who are candidates for or serving in a township office in 164234
calendar year 2014, which shall be filed not later than ninety 164235
days after the effective date of this section. 164236

Section 803.230. The amendment by this act of section 5739.02 164237
of the Revised Code, adding division (B)(52), applies to the sale 164238
or storage, use, or other consumption of tangible personal 164239
property or services occurring before, on, or after the effective 164240
date of this section. 164241

Section 803.240. The amendments by this act to section 164242
5735.27 of the Revised Code apply to any proceedings commenced 164243
after their effective date, and, so far as their provisions 164244
support the actions taken, also apply to any proceedings that on 164245
their effective date are pending, in progress, or completed and 164246
that are supplemented to provide or confirm compliance with or 164247

support by the provisions of those amendments as if they had been 164248
in effect at the time of those proceedings, and also apply to any 164249
public obligations authorized, issued, or incurred pursuant to 164250
those proceedings, notwithstanding any law, resolution, ordinance, 164251
order, advertisement, notice, or other proceeding in effect before 164252
their effective date. Any proceedings pending or in progress on 164253
the effective date of the amendments, or any public obligations 164254
authorized, sold, issued, incurred, delivered, or validated 164255
pursuant to those proceedings, shall be deemed to have been taken, 164256
authorized, sold, issued, incurred, delivered, or validated in 164257
conformity with the amendments so far as their provisions support 164258
the actions taken. 164259

The amendments by this act to section 5735.27 of the Revised 164260
Code provide additional and supplemental provisions for subject 164261
matter that may also be the subject of other laws, and are 164262
intended to be supplemental to, and not in derogation of, any 164263
similar authority provided by, derived from, or implied by, the 164264
Constitution of Ohio, or any other law, including laws amended by 164265
this act, or any charter, order, resolution, or ordinance; and 164266
those amendments to section 5735.27 of the Revised Code shall not 164267
be interpreted to negate the authority provided by, derived from, 164268
or implied by the Constitution of Ohio, laws, charters, orders, 164269
resolutions, or ordinances. 164270

Section 803.250. The amendment by this act of section 323.158 164271
of the Revised Code applies to tax year 2013 and every tax year 164272
thereafter, and the amendment of section 4503.0610 of the Revised 164273
Code applies to tax year 2014 and every tax year thereafter. 164274
164275

Section 803.260. The amendment by this act of section 5729.04 164276
of the Revised Code applies to calendar years ending on or after 164277

December 31, 2013. 164278

Section 803.270. The amendment by this act of section 164279
5735.142 of the Revised Code applies to motor fuel purchased on or 164280
after the effective date of this section. 164281

Section 806.10. The items of law contained in this act, and 164282
their applications, are severable. If any item of law contained in 164283
this act, or if any application of any item of law contained in 164284
this act, is held invalid, the invalidity does not affect other 164285
items of law contained in this act and their applications that can 164286
be given effect without the invalid item of law or application. 164287

Section 809.10. An item of law, other than an amending, 164288
enacting, or repealing clause, that composes the whole or part of 164289
an uncodified section contained in this act has no effect after 164290
June 30, 2015, unless its context clearly indicates otherwise. 164291

Section 812.10. Except as otherwise provided in this act, the 164292
amendment, enactment, or repeal by this act of a section is 164293
subject to the referendum under Ohio Constitution, Article II, 164294
Section 1c and therefore takes effect on the ninety-first day 164295
after this act is filed with the Secretary of State or, if a later 164296
effective date is specified below, on that date. 164297

The amendment, enactment, or repeal of sections 123.19, 164298
123.201, 123.21, 123.27, 154.01, 154.23, 307.674, 3383.01 164299
(123.28), 3383.02, 3383.03, 3383.04, 3383.05, 3383.06, 3383.07 164300
(123.281), 3383.08, 3383.09, and 5162.12 of the Revised Code takes 164301
effect January 1, 2014. 164302

The amendment, enactment, or repeal of sections 3313.48, 164303
3313.533, 3313.62, 3314.092, 3321.05, 3326.11, and 3327.02 of the 164304
Revised Code takes effect July 1, 2014. 164305

The repeal and reenactment of section 3313.481 of the Revised Code takes effect July 1, 2014.	164306 164307
The enactment of section 3327.07 of the Revised Code takes effect on July 1, 2014.	164308 164309
Division (A) of section 4783.02 of the Revised Code takes effect one year after the effective date of that section.	164310 164311
Sections 323.70, 323.110, 323.120, and 323.480 of this act take effect at the earliest time permitted by law but not earlier than September 30, 2013.	164312 164313 164314
Section 282.90 of this act takes effect on January 1, 2014.	164315
Section 812.20. The amendment, enactment, or repeal by this act of the sections listed below is exempt from the referendum under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code and therefore takes effect immediately when this act becomes law or, if a later effective date is specified below, on that date.	164316 164317 164318 164319 164320 164321
Sections 131.51, 731.091, 3314.05, 3734.57, 3734.901, 4301.43, 5727.84, 5747.501, and 5753.03 of the Revised Code.	164322 164323
Sections of this act prefixed with section numbers in the 200's, 300's, 400's, and 500's except for sections 282.90, 323.10.70, 323.70, 323.110, 323.120, 323.480, 363.230, 363.520, 363.540, and 363.550 of this act.	164324 164325 164326 164327
Sections 605.30 and 605.31 of this act.	164328
Section 803.210 of this act.	164329
Sections 812.10, 812.20, and 812.30 of this act.	164330
The amendment, enactment, or repeal of sections 125.05, 152.09, 154.25, 3313.603, 3314.074, 3317.06, 3317.50, 3317.51, 3319.22, 3319.235, 3345.12, 3353.01, 3353.02, 3353.04, 3353.06, 3353.07, 3353.08, 3353.09, 3353.15, and 3353.20 takes effect July	164331 164332 164333 164334

1, 2013.			164335
The enactment of section 5168.41 of the Revised Code takes effect July 1, 2013.			164336 164337
The amendment of sections 120.06 and 5139.04 of the Revised Code takes effect July 1, 2013.			164338 164339
Section 812.30. The sections that are listed in the left-hand column of the following table combine amendments by this act that are and that are not exempt from the referendum under Ohio Constitution, Article II, sections 1c and 1d and section 1.471 of the Revised Code.			164340 164341 164342 164343 164344
The middle column identifies the amendments to the listed sections that are subject to the referendum under Ohio Constitution, Article II, Section 1c and therefore take effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified, on that date.			164345 164346 164347 164348 164349
The right-hand column identifies the amendments to the listed sections that are exempt from the referendum under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code and therefore take effect immediately when this act becomes law or, if a later effective date is specified, on that date.			164350 164351 164352 164353 164354 164355
Section of law	Amendments subject to referendum	Amendments exempt from referendum	164356
3745.11	Amendments to division (M)(5)	All amendments except as described in the middle column	164357
3721.50 (5168.40)	All amendments except as described in the right-hand column	Amendments to division (F)	164358
5112.30	All amendments except as	Amendments to division	164359

(5168.60) described in the (A) take effect July 1,
right-hand column 2013
6109.21 The stricken sentence in All amendments except as 164360
division (E) described in the middle
column

Section 812.40. The amendments to sections 3317.01, 3317.03, 164361
5101.573 (5160.40), 5101.58 (5160.37), 5111.07 (5164.752), 164362
5111.071 (5164.753), 5111.083 (5164.757), 5111.17 (5167.10), and 164363
5111.19 (5164.74) of the Revised Code are subject to the 164364
referendum under Ohio Constitution, Article II, Section 1c and 164365
section 1.471 of the Revised Code, and therefore take effect on 164366
the ninety-first day after this act is filed with the Secretary of 164367
State. However: 164368

(A) In section 3317.01 of the Revised Code, the amendments to 164369
division (B) take effect July 1, 2014. 164370

(B) In section 3317.03 of the Revised Code, the following 164371
amendments in divisions (A) and (D) take effect July 1, 2014: 164372

(1) The strike through of "the first paragraph of"; 164373

(2) The strike through of "(B)" and insertion of "(A)(1)"; 164374

(3) The strike through of "3317.01" and insertion of 164375
"3313.482". 164376

(C) In section 5101.573 (5160.40) of the Revised Code, the 164377
new matter inserted into division (C) takes effect January 1, 164378
2014. 164379

(D) In section 5101.58 (5160.37) of the Revised Code, the 164380
insertion of division (K) takes effect January 1, 2014. 164381

(E)(1) In section 5111.07 (5164.752) of the Revised Code, all 164382
of the amendments take effect July 1, 2014, except for the 164383
following amendments: 164384

(a) The renumbering of the section; 164385

(b) The strike through of "job and family services" and 164386
insertion of "medicaid" in the first sentence as the section 164387
appears on the day immediately preceding the effective date of 164388
this section. 164389

(2) The reference to "director of job and family services" in 164390
the last sentence shall be read as if it reads the "director of 164391
medicaid" while the last sentence remains in effect. 164392

(F) In section 5111.071 (5164.753) of the Revised Code, the 164393
insertion in the last sentence of "and the extent to which each 164394
terminal distributor participates in the medicaid program as a 164395
provider of drugs" takes effect July 1, 2014. 164396

(G) In section 5111.083 (5164.757) of the Revised Code, all 164397
of the amendments take effect January 1, 2014, except for the 164398
following amendments: 164399

(1) The renumbering of the section; 164400

(2) The insertion of "medicaid" before "director" in the 164401
first sentence of division (B); 164402

(3) The strike through of "of job and family services". 164403

(H) In section 5111.17 (5167.10) of the Revised Code, the 164404
amendments to division (B)(2) take effect January 1, 2014. 164405

(I) In section 5111.19 (5164.74) of the Revised Code, the 164406
following amendments take effect January 1, 2014: 164407

(1) The insertion of ", and the allocation of payments for," 164408
in the first paragraph; 164409

(2) The strike through of the second paragraph and divisions 164410
(A), (B), and (C). 164411

Section 815.10. The General Assembly, applying the principle 164412
stated in division (B) of section 1.52 of the Revised Code that 164413
amendments are to be harmonized if reasonably capable of 164414

simultaneous operation, finds that the following sections, 164415
presented in this act as composites of the sections as amended by 164416
the acts indicated, are the resulting versions of the sections in 164417
effect prior to the effective date of the sections as presented in 164418
this act: 164419

Section 9.90 of the Revised Code as amended by both Am. Sub. 164420
H.B. 153 and Sub. S.B. 171 of the 129th General Assembly. 164421

Section 109.572 of the Revised Code as amended by both Am. 164422
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly. 164423

Section 122.17 of the Revised Code as amended by Sub. H.B. 164424
327, Am. Sub. H.B. 510, and Am. Sub. S.B. 314, all of the 129th 164425
General Assembly. 164426

Section 122.171 of the Revised Code as amended by both Am. 164427
Sub. S.B. 314 and Am. Sub. H.B. 510 of the 129th General Assembly. 164428

Section 122.33 of the Revised Code as amended by both Am. 164429
Sub. H.B. 117 and Am. Sub. H.B. 356 of the 121st General Assembly. 164430

Section 124.381 of the Revised Code as amended by both Am. 164431
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. 164432

Section 149.311 of the Revised Code as amended by both Am. 164433
Sub. H.B. 510 and Am. Sub. S.B. 314 of the 129th General Assembly. 164434

Section 149.43 of the Revised Code as amended by both Am. 164435
Sub. H.B. 487 and Am. Sub. S.B. 314 of the 129th General Assembly. 164436

Section 329.06 of the Revised Code as amended by both Am. 164437
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. 164438

Section 955.201 of the Revised Code as amended by both Am. 164439
Sub. H.B. 1 and Am. Sub. H.B. 2 of the 128th General Assembly. 164440

Section 2901.30 of the Revised Code as amended by both Am. 164441
H.B. 181 and Sub. S.B. 87 of the 127th General Assembly. 164442

Section 2921.13 of the Revised Code as amended by both Am. 164443

Sub. H.B. 495 and Sub. S.B. 343 of the 129th General Assembly.	164444
Section 2923.126 of the Revised Code as amended by both Am.	164445
Sub. H.B. 495 and Am. Sub. S.B. 316 of the 129th General Assembly,	164446
that is scheduled to take effect January 1, 2014.	164447
Section 3304.231 of the Revised Code as amended by both Am.	164448
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	164449
Section 3313.978 of the Revised Code as amended by both Am.	164450
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	164451
Section 3701.78 of the Revised Code as amended by both Am.	164452
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	164453
Section 3734.01 of the Revised Code as amended by both Am.	164454
Sub. H.B. 487 and Sub. S.B. 294 of the 129th General Assembly.	164455
Section 3745.11 of the Revised Code as amended by both Am.	164456
Sub. H.B. 487 and Sub. S.B. 294 of the 129th General Assembly.	164457
Section 4141.29 of the Revised Code as amended by both Sub.	164458
H.B. 525 and Am. Sub. S.B. 316 of the 129th General Assembly.	164459
Section 5104.012 of the Revised Code as amended by both Am.	164460
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly,	164461
that is scheduled to take effect January 1, 2014.	164462
Section 5104.013 of the Revised Code as amended by both Am.	164463
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly,	164464
that is scheduled to take effect January 1, 2014.	164465
Section 5111.032 of the Revised Code as amended by both Am.	164466
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.	164467
Section 5111.033 of the Revised Code as amended by both Am.	164468
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.	164469
Section 5111.034 of the Revised Code as amended by both Am.	164470
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.	164471
Section 5111.172 of the Revised Code as amended by both Am.	164472

Sub. H.B. 93 and Am. Sub. H.B. 153 of the 129th General Assembly.	164473
Section 5119.16 of the Revised Code as amended by both Am.	164474
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	164475
Section 5701.13 of the Revised Code as amended by both Sub.	164476
H.B. 267 and Am. Sub. H.B. 487 of the 129th General Assembly.	164477
Section 5705.21 of the Revised Code as amended by both Sub.	164478
H.B. 525 and Am. S.B. 321 of the 129th General Assembly.	164479
Section 5705.25 of the Revised Code as amended by both Am.	164480
Sub. H.B. 487 and Am. S.B. 321 of the 129th General Assembly.	164481
Section 5731.39 of the Revised Code as amended by both Am.	164482
Sub. H.B. 487 and Am. Sub. H.B. 508 of the 129th General Assembly.	164483
Section 5735.142 of the Revised Code as amended by both Am.	164484
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	164485
Section 5739.01 of the Revised Code as amended by Am. Sub.	164486
H.B. 487 and Am. Sub. H.B. 508 of the 129th General Assembly.	164487
Section 5739.02 of the Revised Code as amended by Am. Sub.	164488
H.B. 487 and Am. Sub. H.B. 508 of the 129th General Assembly.	164489
Section 5747.01 of the Revised Code as amended by Am. H.B.	164490
167, Sub. H.B. 365, and Am. Sub. H.B. 510, all of the 129th	164491
General Assembly.	164492
Section 5747.98 of the Revised Code as amended by both Am.	164493
Sub. H.B. 386 and Am. Sub. H.B. 510 of the 129th General Assembly.	164494
Section 5749.02 of the Revised Code as amended by both Am.	164495
Sub. H.B. 1 and S.B. 73 of the 128th General Assembly.	164496
Section 5751.01 of the Revised Code as amended by both Am.	164497
Sub. H.B. 51 and Am. S.B. 28 of the 130th General Assembly.	164498
Section 5753.03 of the Revised Code as amended by both Am.	164499
Sub. H.B. 487 and Am. Sub. H.B. 386 of the 129th General Assembly.	164500
Section 815.20. The amendment of sections 5104.11 and 5120.07	164501

of the Revised Code by this act is not intended to supersede the 164502
earlier repeal, with delayed effective date, of those sections. 164503

The amendment of section 5507.53 (128.53) of the Revised Code 164504
by this act is not intended to supersede the earlier repeal, with 164505
delayed effective date, of that section. The amendment of section 164506
5507.40 (128.40) of the Revised Code of this act is intended to 164507
supersede the earlier repeal, with delayed effective date, of that 164508
section. 164509